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PROCEEDINGS AND DEBATES

OF THE

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Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS FIRST SESSION

SENATE

WEDNESDAY, *March 14, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Eternal God, who alone makest men to be of one mind in a house, enrich and purify our lives and make us humble, brave, and loving, that through us, by the power of Thy spirit, Thou mayest show forth Thyself to other men. Deliver us, we pray Thee, from lack of reverence for truth and beauty, from artificiality of life, from all that is unreal and insincere, and especially from cynicism toward our brethren, made in the image of God, that with love recovered in her midst America may teach all men to love one another and all nations to dwell together in happiness and friendship, to Thy honor and glory. Through Jesus Christ, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, March 6, 1928, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. A. E. B. STEPHENS, late a Representative from the State of Ohio.

The message also announced that the House insisted upon its amendments to the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927 disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITE of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, and Mr. BLAND were appointed managers on the part of the House at the conference.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Sheppard
Barkley	Fess	La Follette	Shipstead
Bayard	Fletcher	McKellar	Shortridge
Bingham	Frazier	McLean	Simmons
Black	George	McMaster	Smith
Blease	Gerry	McNary	Smoot
Borah	Glass	Mayfield	Steck
Bratton	Gooding	Metcalf	Steiwer
Brookhart	Greene	Norbeck	Stephens
Broussard	Hale	Norris	Swanson
Bruce	Harris	Nye	Thomas
Capper	Harrison	Oddie	Tydings
Caraway	Hayden	Overman	Tyson
Copeland	Heflin	Phipps	Wagner
Couzens	Howell	Ransdell	Walsh, Mass.
Curtis	Johnson	Reed, Pa.	Walsh, Mont.
Cutting	Jones	Robinson, Ark.	Warren
Deneen	Kendrick	Sackett	Waterman
Dill	Keyes	Schall	Willis

Mr. JONES. I was requested to announce that the Senator from Vermont [Mr. DALE] is detained in committee.

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

SUNNY BROOK DISTILLERY CO.

Mr. BARKLEY. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 1763) for the relief of the Sunny Brook Distillery Co.

Mr. CURTIS. Mr. President, will it lead to debate?

Mr. BARKLEY. No; I think not.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, on page 1, line 7, to strike out "$1.65" and insert in lieu thereof "$2.20," so as to make the bill read:

Be it enacted, etc., That the Commissioner of Internal Revenue may, pursuant to the provisions of section 3220, Revised Statutes, as amended, allow the claim of the Sunny Brook Distillery Co., of Louisville, Ky., for the refund of taxes paid in excess of $2.20 per proof-gallon on the distilled spirits not exceeding 7,635 gallons produced by the Associated Distilleries of Kentucky, a corporation now dissolved, which was a subsidiary of and entirely owned and controlled by said Sunny Brook Distillery Co., which spirits were removed to the plant of the Sunny Brook Distillery Co. and are now owned by it and contained in its concentration warehouse; but no refund shall be allowed unless such spirits are contained in regularly stamped bottles and cases in which they were placed when bottled in bond: *Provided*, That the Commissioner of Internal Revenue may direct that any spirits on which refund of tax is paid under this act shall be removed to and stored in a warehouse designated by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORT OF THE NEAR EAST RELIEF (S. DOC. NO. 70)

The VICE PRESIDENT laid before the Senate a communication from the general secretary of the Near East Relief (Inc.), submitting, pursuant to law, the report of the corporation for the year ended December 31, 1927.

Mr. CAPPER. In accordance with the usual practice, I ask that the report be printed with an illustration as a Senate document.

The VICE PRESIDENT. Without objection, that order will be made.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts. I present a telegram in the nature of a petition from John H. Wallace, commander Department of Massachusetts, Veterans of Foreign Wars, relative to the unfinished business of the Senate, being the bill (S. 777) for the retirement of emergency Army officers of the World War, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the telegram was ordered to lie on the table and be printed in the RECORD, as follows:

BOSTON, MASS., *March 13, 1928.*

DAVID I. WALSH,
Washington, D. C.:

The Department of Massachusetts, Veterans of Foreign Wars, request you to please use your influence in procuring passage of emergency officers' retirement bill now before Senate.

JOHN H. WALLACE, *Commander.*

Mr. WALSH of Massachusetts. I present a communication from the Swedish Charitable Society of Greater Boston, Mass., which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the communication was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

To Massachusetts Representatives in the Senate, Senate of the United States, Washington, D. C.:

The officers of the Swedish Charitable Society of Greater Boston, representing over 25,000 Swedish Americans, a large number of your constituents, have been delegated to advise you of their attitude toward the proposed reduction in immigration quotas whereby Sweden's quota will be reduced from 9,561 to 3,399. The matter was placed before

the various delegates who were present at the annual meeting of this society.

Although we understand that these new figures are not based on the merits or demerits of any particular nationality, we wish to express our sincere disappointment in the unjust reduction of over 60 per cent of Sweden's annual quota.

The Swedes who have migrated to the United States have proven themselves worthy Americans and we hope, most sincerely, that some other more fair computation may be applied to settle America's immigration problem.

Respectfully,

THE SWEDISH CHARITABLE SOCIETY OF GREATER BOSTON,
G. ADOLF E. WESSMAN, *President.*
ERIC NORLING, *Secretary.*

MARCH 8, 1928.

Mr. CURTIS presented a communication in the nature of a petition from sundry citizens of Minneapolis, Kans., indorsing "the principles advocated by 'Henderson,'" of radio-broadcasting station KWKH, at Shreveport, La., and stating "we beg of you not to let them steal the air from the people; equal rights for the States and a square deal we demand," which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Lawrence and Latham, in the State of Kansas, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. BARKLEY presented petitions of sundry citizens of Jessamine, Quincy, and Perry Counties, all in the State of Kentucky, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. DILL presented a petition of sundry citizens of Yakima County, Wash., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FESS presented petitions of sundry citizens of Middleport, Miller City, and Cleves, all in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. SHEPPARD presented a petition of sundry citizens of Gordon, Tex., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented petitions of sundry citizens of Dayton and Cambridge, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. CAPPER presented a petition of sundry citizens of Stockton, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DENEEN presented seven petitions numerously signed by sundry citizens of the State of Illinois, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the Norwegian National League of Chicago, protesting against the putting into effect subdivisions B, C, D, and E of section 11 of the immigration act of 1924, and favoring the retention of the quota distribution based on the census of 1890, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Rockford, Ill., praying for the repeal of the national-origins quota provision of the existing immigration law and favoring a quota distribution based on the census of 1890, which was referred to the Committee on Immigration.

Mr. ASHURST presented a resolution adopted by the convention of the Arizona Cattle Growers' Association, favoring a revision of the existing tariff law, affording due protection to the grower of cattle hides, which was referred to the Committee on Finance.

He also presented a resolution adopted by the convention of the Arizona Cattle Growers' Association, protesting against the passage of the so-called Box bill relative to the quota restriction of immigrants entering the United States from countries in the Western Hemisphere, or any similar legislation, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the convention of the Arizona Cattle Growers' Association, favoring the making of increased appropriations for improvements in the national forests such as eradication of poisonous weeds, reseeding of grasses, development of water, building of fences and trails, and other developments necessary to the handling of cattle on the forest-reserve ranges, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the convention of the Arizona Cattle Growers' Association, favoring an increased appropriation for the Bureau of Biological Survey, Department of Agriculture, for the control of predatory animals and forest-destroying rodents on the ranges of the West, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the convention of the Arizona Cattle Growers' Association, protesting against the passage of the bill (S. 2506) to amend the packers and stockyards act, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the convention of the Arizona Cattle Growers' Association, indorsing the so-called Capper-Ketcham bill, providing for the further development of agricultural extension work, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the convention of the Arizona Cattle Growers' Association, favoring the passage of legislation amending the public land laws so as to permit the purchase of areas up to 640 acres or more of grazing land as isolated tracts, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the convention of the Arizona Cattle Growers' Association, favoring the passage of legislation providing for the leasing of the remaining unappropriated public domain by proper Federal agency, which was referred to the Committee on Public Lands and Surveys.

REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 362) to provide for the advancement on the retired list of the Navy of Lloyd Lafot (Rept. No. 539);

A bill (S. 1848) for the relief of Frank Dixon (Rept. No. 540); and

A bill (S. 2008) for the relief of the parents of Wyman Henry Beckstead (Rept. No. 541).

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (S. 2905) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, reported it without amendment and submitted a report (No. 542) thereon.

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (S. 1297) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore, reported it without amendment and submitted a report (No. 543) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1796) for the creation of a national monument in Montana, to be known as Battle of the Bear's Paw, reported it without amendment and submitted a report (No. 544) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 3500) for the relief of the city of Philadelphia, reported it without amendment and submitted a report (No. 545) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3506) for the relief of the owners of the British steamship *Larchgrove* (Rept. No. 546); and

A bill (S. 3507) for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.) (Rept. No. 547).

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2369) to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes (Rept. No. 548); and

A bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska (Rept. No. 549).

LULU CHAPLIN

Mr. STEPHENS. From the Committee on Claims I report back favorably, with an amendment, the bill (S. 374) for the relief of Lulu Chaplin, and I submit a report (No. 538) thereon.

Mr. BLEASE. Mr. President, I ask unanimous consent for the immediate consideration of the bill. It is a private bill and it comes before us on a unanimous report from the Committee on Claims.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. Let it go to the calendar.

Mr. BLEASE. Mr. President, I hope the Senator from Utah will not object. A young man was killed by a soldier on guard at Columbia, S. C., and the soldier was convicted by a military court-martial and sentenced to three years in the penitentiary. The mother of the dead boy is an aged woman and is in need. This is merely one of the many formal bills which we pass here and it will give this old lady something in her old age for the death of her boy. The military court-martial convicted the man of the offense.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Claims was, on page 1, line 6, to strike out "$25,000" and insert in lieu thereof "$7,500," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500 to Lulu Chaplin, in full for all claims she may have against the Government on account of the death of William S. Chaplin, deceased, son of said Lulu Chaplin, who was wrongfully shot and killed by a soldier of the United States Army, on the 19th day of January, 1920, in Richland County, S. C., the said soldier of the United States Army being then and there engaged in the performance of his official duties, and the said William S. Chaplin not being then and there resisting the enforcement of any law, nor engaged in the perpetration of any unlawful act, nor violating any rules or regulations or orders or discipline of any military authority, he being a civilian and in the peaceful pursuit of his personal affairs when killed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 3621) granting an increase of pension to Annie F. Desmond; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3622) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma; to the Committee on Appropriations.

By Mr. PHIPPS:

A bill (S. 3623) to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920; to the Committee on Interstate Commerce.

By Mr. WALSH of Montana:

A bill (S. 3624) to establish a fish-cultural station in the State of Montana as an auxiliary to the Bozeman, Mont., fisheries station; to the Committee on Commerce.

A bill (S. 3625) to extend to the Northern Cheyenne Indians of Montana the same rights and benefits extended to other Indians under certain treaties (with accompanying papers); to the Committee on Indian Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3626) granting an increase of pension to Henry F. Tower; to the Committee on Pensions.

A bill (S. 3627) authorizing Robert H. Vorfeld to accept the decoration of Al Merito, Primera Clase, tendered to him by the Republic of Ecuador; to the Committee on Foreign Relations.

By Mr. DENEEN:

A bill (S. 3628) granting an increase of pension to Roy H. Fisher; to the Committee on Pensions.

By Mr. HALE (for Mr. GOULD):

A bill (S. 3629) to amend the tariff act of 1922; to the Committee on Finance.

By Mr. WHEELER:

A bill (S. 3630) to legalize the entry of certain aliens into the United States, and for other purposes; to the Committee on Immigration.

By Mr. JOHNSON:

A bill (S. 3631) for the relief of Walter E. Baird; to the Committee on Military Affairs.

By Mr. TYDINGS:

A bill (S. 3632) for the relief of Commodore J. M. Moore, United States Coast Guard, retired; to the Committee on Naval Affairs.

By Mr. NORBECK:

A bill (S. 3633) for the relief of H. C. Lafferty; to the Committee on Claims.

By Mr. DALE:

A bill (S. 3634) granting an increase of pension to Ida E. Newton; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3635) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. JONES:

A bill (S. 3636) to amend section 24 of the immigration act of October 7, 1917, being section 24 of the act of February 5, 1917; to the Committee on Immigration.

By Mr. JOHNSON:

A joint resolution (S. J. Res. 113) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924 as amended; to the Committee on Immigration.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. WILLIS submitted an amendment intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 19, line 11, strike out all of the proviso and insert in lieu thereof the following:

"*Provided further*, That out of the money hereby or heretofore appropriated no payment for any animal condemned for slaughter shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned, nor shall any payment be made therefrom for any animal so condemned if the value of such animal is fixed by any arbitrary maximum, or is not arrived at by some well recognized and equitable method of appraisal, and which method shall provide that in making such appraisal the fact that the animal has been condemned for disease shall not be considered. No payment shall be made unless the owner has complied with all lawful quarantine regulations."

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. Mr. President, I ask unanimous consent to take up at this time for disposition the motion of the junior Senator from Alabama [Mr. BLACK] for a reconsideration of the vote by which the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

The VICE PRESIDENT. Is there objection? The Chair hears none. The question is on agreeing to the motion of the Senator from Alabama.

Mr. BLACK. Mr. President, if the Senator from Wyoming wishes to proceed now, I will wait until he has finished.

Mr. WARREN. Mr. President, the Senator from Alabama has moved to reconsider the vote by which the conference report was agreed to, and that question is now before the Senate. I shall ask the Senate not to vote to reconsider. The independent offices appropriation bill itself was duly considered, finally acted upon by the Senate, and then sent to conference. The conferees had several meetings in order to reach, if possible, a complete agreement. It will be remembered that certain amendments were offered by the distinguished Senator from Alabama [Mr. BLACK] which had not been introduced in order, which had not been sent to a committee, which had not been reported from any committee, and therefore the conferees on the part of the Senate were not in a position to insist on those amendments to the extent of further blocking a final agreement with the House after several joint meetings with the House conferees. One of the amendments submitted by the Senator from Alabama was prac-

tically agreed to by the conferees, while the other two were disagreed to.

There are certain well-known principles governing conference committees. I do not wish to repeat them, but perhaps there may be some in the Senate who do not understand them. First, although an amendment may have to do with a matter never considered by the House, never before the House for consideration, and never before a Senate committee, yet, if it is offered on the floor and is attached to the bill, when it goes to conference the Senate conferees are true to that amendment, whether it was or was not in order, if it had been ruled in order, or the chairman of the committee had consented, that the amendment might go on the bill to be considered in conference. The conferees on the part of the Senate take the same ground in defending such an amendment—and if they should not do so, they would be unworthy to be conferees—that they would take if the amendment had been advocated and proposed by them or by the committee, because the Senate has instructed them to stand by the conclusions reached by the Senate. However. there comes a time, if we are to have legislation, particularly with reference to appropriation bills, when there must be an agreement between the two Houses.

The rule, which is as old as this Capitol Building, is that if an amendment is not really in order in the House where it was attached to the bill and the other House has had no notice of it, the body incorporating it in the bill must in the long run, in the face of opposition on the part of the other body, give way, or we shall have no legislation. It is a matter of compromise.

In this instance the conferees insisted again and again, but, in what I think was the third meeting, after a couple of weeks, we were compelled to yield in the manner that we have reported. Thereupon, the conference report was presented to the Senate, its adoption was moved, and that motion was carried. Unfortunately, the Senator from Alabama was not present and very properly, no doubt, has asked for reconsideration. I do not believe that reconsideration will enable us to get what he desires. The amendments I believe are not of such a character. being more or less personal and not of a general nature, that the Senate conferees could indefinitely insist upon them. Therefore, I hope the Senate will vote "no" upon the motion to reconsider.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I yield.

Mr. FESS. I should like to ask the Senator a question in the nature of a parliamentary inquiry with reference to the procedure. I understand that when the report of a conference committee is brought back and finally acted upon, the conferees, so far as the particular measure is concerned, are dismissed. Now, suppose we reconsider the vote by which the conference report on this appropriation bill was agreed to, is it contemplated that it be sent back to conference?

Mr. WARREN. Mr. President, the inquiry of the Senator is entirely pertinent. If the vote upon the pending motion shall be in the negative, that will settle the matter; but if the motion to reconsider should be agreed to, then a new conference may be asked for and conferees appointed by the Senate.

Mr. FESS. Do I understand that the point of difference is an amendment that, if offered in the House, would have been subject to a point of order?

Mr. WARREN. The amendments which were adopted in the Senate were not presented nor considered in the House at all; they were never printed, so far as I know, and were never considered by the Senate committee.

Mr. FESS. The House conferees can not agree to those amendments unless they shall be taken back to the House and voted upon by that body?

Mr. WARREN. The House conferees were not willing to take them to the House.

Mr. FESS. Is there any power in the Senate to compel the conferees on the part of the House to take a disputed amendment back to the House for a vote?

Mr. WARREN. There is not, unfortunately.

Mr. FESS. That is the situation I am asking about. It seems to me that we are in a quagmire.

Mr. WARREN. Of course, the conferees on the part of the House may agree as a matter of their own choosing.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama to reconsider the vote by which the conference report was agreed to.

Mr. BLACK. Mr. President, the Senate by an overwhelming vote attached two amendments to the independent offices appropriation bill. One of those amendments provided that no lawyer for the Shipping Board should receive a greater compensation than $10,000 a year. The other amendment cut the appropriation for the employment of lawyers down to approximately $115,000. The facts were represented to the Senate from a report made by the Shipping Board itself as to the amount of business that had been transacted and the number of lawyers who had been employed to perform the work. Both of those amendments were adopted by the Senate. When the bill went to conference a concession was made which, according to my judgment, struck out every provision of those amendments. A reported agreement with reference to one of those amendments indicates upon its face that something was conceded, when, as a matter of fact, from the information obtained by me from the Shipping Board, nothing whatever was conceded.

Mr. WARREN. Mr. President, the Senator is misinformed as to that. The Senator will remember that one of the amendments provided that no attorney for the Shipping Board should receive more than $10,000 a year. Our information was that none of the lawyers of the Shipping Board, except one, receives over $10,000 a year.

Mr. SMOOT. The advantage of the amendment to which the Senate agreed and to which the Senator refers is this: The bill as it passed the House provided for three officers of the Shipping Board at not to exceed $15,000 each. The Senate struck out "three" and inserted "two" who should receive not more than $15,000 each, and one who should receive not more than $12,000. As it passed the Senate the salaries of two attorneys could have been up to $15,000. The Senator from Wyoming is perfectly right in saying that two are not being paid that much now, but under the bill as reported to the Senate two could have been paid at that rate, while under the amendment adopted by the conferees only one of the attorneys can receive in excess of $10,000. That is the change that has been made.

Mr. BLACK. That is a change without a difference in effect for this reason.

Mr. SMOOT. It will have immediate effect, I will say to the Senator.

Mr. BLACK. It is a change, as I think I can show, without any possible effect at any time for this reason: The provision to which I refer is that not more than three employees shall receive in excess of $10,000 a year.

Two of those employees who receive more than $10,000 a year are not lawyers. One of them is an engineer, and the other, as I understand, is in charge of the operation of boats. One of the employees is a lawyer. So the great concession which was made by the House is this, according to the report, that there is not now more than one lawyer to whom there is paid a salary of more than $10,000 a year; and now the concession is that hereafter there shall be only one lawyer who may be paid more than $10,000 a year. If there is any concession in that, I fail to see any possibility of it. It is a change of words which might mislead if one did not look into the facts, but is not a change of legal effect in any way whatever. So this purported concession is a concession on paper, but not a concession in fact.

The other proposition was that the Shipping Board should be limited to $115,000 for the payment of lawyers. I pointed out to the Senate when this body overwhelmingly voted that the lawyers were getting too much, that, according to the report of the Shipping Board, they had approximately 47 lawyers drawing something like $300,000 a year, to do practically no work, or work which one firm of lawyers could well handle, according to the information given to me by persons high in the Department of Justice.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield.

Mr. ROBINSON of Arkansas. The debate on the amendments indicated that during the last year a very few lawsuits were tried, the greater number of those that were tried were dismissed, and a comparatively small number were compromised. Unquestionably this appropriation is being used as a means to provide comfortable and profitable places for partisan attorneys, who render very little service to the Shipping Board or to the Government.

With the indulgence of the Senator from Alabama [Mr. BLACK], I desire to say that the Senator from Ohio [Mr. FESS] seems to thinks that he had precluded the entire question of reconsideration by the declaration that there is no way by which the Senate can force the House conferees to take this question to the House. It is well known by some of us that many Members of the body at the other end of the Capitol and many members of a great committee in that body desire the opportunity to have a vote on these amendments.

Mr. BLACK. That is correct.

Mr. ROBINSON of Arkansas. In response to the suggestion of the Senator from Ohio that it is not possible for the Senate to force the House conferees to agree to anything, let me say that they represent the body at the other end of the Capitol; they are entirely free agents, so far as the Senate is concerned; and there is just as much reason in support of the statement of the Senator from Ohio that there is no way to force the House conferees to take this question back to the House as there would be in support of the statement that there is no way to force the House conferees to agree to anything that the Senate desires.

Mr. President, there is an element of sound justice involved in the proposition raised by the Senator from Alabama. Ordinarily, after the Senate has agreed to a conference report I should be very reluctant to vote or speak to upset that agreement. The time to determine the question logically is on the motion to agree to the conference report, and in very rare instances do I believe the Senate would be justified in reversing its action after having agreed to a conference report; but here is a case which, it seems to me, is worthy of serious consideration.

No man in either body can complain of an issue designed to give the body of which he is a Member the opportunity to express itself on an amendment involved in a conference; for, after all, a conferee is nothing if he does not represent the body to which he belongs. That applies as much to a Senate conferee as it does to a House conferee; and the only way in which fat jobs at public expense can be provided for in appropriation bills is for appropriation measures to take the course that this measure has taken, namely, to deny the body in disagreement with an amendment the opportunity to express itself respecting that amendment.

Without regard to the merits of this particular case, it is a good precedent, in my judgment, tending toward sane and honest legislation, to insist in cases of this character that the House in disagreement to an amendment shall have the opportunity to express itself on that amendment if it appears that substantial sentiment in that House is in favor of the amendment.

Mr. SWANSON. Mr. President, will the Senator permit me?

Mr. ROBINSON of Arkansas. I have not the floor. The Senator from Alabama has the floor.

Mr. BLACK. I yield to the Senator from Virginia.

Mr. SWANSON. I have the same difficulty in a conference in connection with a measure dealing with the *S–4* disaster. It has been in conference nearly a month. I told the House conferees they could eliminate section 3, which provides for the appointment of a special commission to investigate the *S–4* disaster, or they could adopt the House amendment, or they could report a disagreement. They will not do either. They refuse to let the House take a vote on the Senate amendment.

I, for one, am tired of being told by House conferees, "You have got to do so-and-so or the matter will fail entirely." If the Senate is to be an equal body it must have an equality in legislation that is being considered in the two bodies. In the case to which I refer the House conferees will not report a disagreement, they will not amend the measure so as to leave out section 3, and they will not take a vote in the House on the Senate amendment.

As far as I am concerned, I shall never agree to anything except one of those three propositions. They may take their choice. We are told that "the legislation will fail unless you do so-and-so," and they refuse to send it back to the House and report a disagreement. I think the time has come for the Senate to assert its rights as a coequal body with the House.

Mr. BORAH. Mr. President, I desire to inquire of the status of the matter. As I understand, the specific question involved is the amendment which the Senator from Alabama [Mr. BLACK] succeeded in placing on the appropriation bill with reference to attorney fees?

Mr. BLACK. Yes, sir. I will state the situation at this time as I see it.

I admit, of course, that I have not had the legislative experience of the very able and distinguished Senator from Wyoming—a man who, I believe, is credited with more years of service in this body than any other Member who sits here. I disagree with reluctance to any suggestion which the careful and painstaking chairman of the Appropriations Committee makes; but, with all due deference to the views of those who have served longer, it appears to me that if the Senate, after full debate, adopts an amendment, and that amendment is sent to a conference committee, certainly if this body has any dignity, if the Senate has any rights, if the Senate is bigger than its conferees and the conferees of the House, no person who is a Member of this body can object to sending the matter back to the House for a vote by them in order to determine whether or not they agree upon the amendment suggested here.

Mr. FESS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. FESS. My difficulty is the matter of procedure. How will we do it? Suppose we reconsider the conference report and get it back before this body. The purpose of the Senator from Alabama is to get the amendments over to the House to be voted on. Will the Senator tell me how it can be done?

Mr. BLACK. I shall be glad to do that. I insist, sir, that there is or should be no influence of any kind by people who are holding fat jobs at exorbitant salaries, or their friends, which is sufficient to justify the conferees of either House in declining to take a matter upon the floor and let the Members of that House pass upon it.

Mr. FESS. How is the Senator going to compel another House to do it if it does not want to?

Mr. BLACK. They will do it when you and your conferees let them know it has to be done. They are not going to take the responsibility of blocking legislation for the erection of important buildings. They will not take the responsibility, upon the unstable ground which they here occupy, of saying to the Senate, "No; we are two or three Members of the House. What is this Senate, that it dares to place upon a bill an amendment, and then ask that we present it to the House? We do not want the House to vote upon it. We do not want the facts to come out before the House."

Mr. SWANSON. Mr. President, will the Senator yield for a minute?

Mr. BLACK. I yield.

Mr. SWANSON. In reply to the Senator from Ohio, I will say that the House has a rule that Senate amendments of a certain character can not be accepted by its conferees until the House votes on them.

Mr. SMOOT. That is only in case of new legislation.

Mr. SWANSON. I do not care what the case is; if this amendment had been of that character, they could not vote on it unless it was submitted; yet they come here and say, "You must kick out a Senate amendment, and we refuse ever to let the House vote on it."

Mr. SMOOT. Mr. President, I think this discussion has gone far afield. I want to call the Senator's attention to the fact that out of all the amendments that the Senate put on the bill the House yielded on nearly every one.

Mr. BLACK. I shall be glad to point out what the House yielded on, according to the report that was given me.

Mr. SMOOT. I have the report here just as it was, taking up each amendment.

Mr. BLACK. The report is—

> That the Senate recede from its amendments Nos. 3, 5, 7, 11, 12, 13, and 14.
>
> That the House recede from its disagreement to the amendment of the Senate No. 2.

That is the report that has been given me; and on looking at amendment numbered 2——

Mr. SMOOT. The Senator has not referred to the place where the House recedes with amendments, and most of them were disposed of in that way. That is only a part of the report. It shows in the report where they receded with amendments.

Mr. SWANSON. I am not going into the merits or demerits of this proposition. What I object to is the House conferees saying, "You shall not have a vote of the House on this matter. You shall not be permitted to get the judgment of the House on this amendment."

Mr. SMOOT. Mr. President, I suppose what the Senate really wants to learn is the facts in the case. The explanation will be given the Senate, and I hope the Senator will listen to what I have to say when we reach that point. I do not want to interrupt the Senator from Alabama. I want him to have his say to the Senate, and then I wish to take a short time myself in answer to what the Senator has said.

Mr. BLACK. So far as going into the merits of this case is concerned, if Senators desire to go into the merits I suggested originally that if they would recommit this bill to the committee, we could have a fair hearing on it. They had plenty of time. It has been now more than a month—I believe about a month and a half—something like that. They did not do that, however. If there is any new evidence in the hands of the Senator from Utah, it was not obtained at a committee hearing, nor was it obtained from those who believe in the adoption of these amendments.

I do not know where the conferees received any information that they now have. I do know, however, that the Senate has adopted these amendments, and that the conferees—against whose motives, of course, I cast no insinuation; I do not want

to be understood as doing that—have yielded without permitting a vote in the House.

I went to the conferees and told them that the request had been made of me by Members of the House that our committee stand on its amendments, so that they could get a chance to vote upon the matter. I had that request made by one of the ablest Members of the House, a man who has served there for many years, and who is familiar to a large extent with the situation here involved.

Mr. SMOOT. I will say to the Senator that that is the first time I have heard any such proposition.

Mr. BLACK. I went to the chairman of the committee, the Senator from Wyoming, in the beginning and told him that I wanted them to insist upon letting the House vote on the matter, and that if there was any question raised or any new facts wanted I should be glad to present them to the conference committee; and I was informed by him then that the conference committee did not take up the duty of investigating the facts in the situation.

Mr. WARREN. Oh, I beg the Senator's pardon. I have not stated to the Senator from Alabama nor to anybody else that conference committees never seek the facts in framing a report. We seek, of course, to find the facts from those who have them. So far as amounts paid to attorneys and things of that kind are concerned, we considered the books of the Shipping Board more reliable than even the Senator, who we so much admire and who is so ably putting his case before the Senate.

Mr. BLACK. Of course, if the conferees who voted against my amendment in the first place relied upon the books of the Shipping Board, and therefore receded from the amendments on the ground that the books of the Shipping Board showed that the Shipping Board was doing right, then I say that it is all the more reason why this matter should be referred back to the House for them to debate it, so that the facts can come out in open session from all sides of this controversy.

My attention was called by a distinguished Member of the House, after the report, to the fact that the books of the Shipping Board and the report which I have on my desk concerning the amount of business which they had disposed of credited the Shipping Board with disposing of business or having business to dispose of to the extent of $273,651,000, when the Shipping Board does not dispose of the business; but, according to the statement of Mr. Galloway, of the Department of Justice, it is handled by Mr. Galloway and his assistants, 31 in number.

They handled that business, amounting to $273,651.95, which the Shipping Board on its books, as shown here, give themselves credit for handling in the legal department. That statement can be proven by calling Mr. Galloway before the Senate committee or before the conference committee or before a committee of the House.

Not only that, but my attention was also called to the fact that Mr. Galloway's department had to transact last year business amounting to $1,838,945. For that they used 31 lawyers, at a total expense of $149,420. To handle one-fifth of that amount, practically, the Shipping Board had about 47 lawyers at an expense of somewhere near $300,000.

Mr. OVERMAN. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. OVERMAN. There might be some question, and I do not think the Senator intended to reflect on the conferees.

Mr. BLACK. Not in any way.

Mr. OVERMAN. I want to say that the Senate conferees stood fast time and time again, and we had different meetings. The junior Senator from Virginia [Mr. GLASS], who is a Democrat, asked that the Senator's amendment be taken back to the House to be voted upon. The House conferees refused to do that, and I want to say for the Senate conferees that they did everything possible to reach an agreement until the very last moment, and, as I have said, the Senator from Virginia asked that the amendment be sent back to the House.

Mr. BLACK. I am glad the Senator has made that statement; but the fact remains that the House conferees declined to let the House vote on the amendment. Of course, the Senate conferees did stick out for weeks; there is no question about that.

Mr. SWANSON. Mr. President, what is the object of a conference? It is to get a concurrence between the House of Representatives and the Senate, an agreement on legislation, not that there shall be an agreement among the conferees. Conferees have no power to legislate. The House of Representatives certainly has a right to express its sentiment in regard to a measure. The conferees are merely agents, whose business it is to try to get the two Houses together, and that the House conferees should refuse to allow the House to vote is not right.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield.

Mr. ROBINSON of Arkansas. If the Senate yields its right to have the body at the other end of the Capitol express its views on a Senate amendment through the mere insistence of the House conferees, if we concede that principle, then the Senate can never have a vote by the body at the other end of the Capitol on a Senate amendment, if the House conferees happen to be opposed to the Senate amendment and are unwilling to permit their body to vote on it. In other words, the House conferees can defeat the express will of the Senate, even though that will is concurred in unanimously, by refusing to permit the House to vote on a Senate amendment.

Mr. SWANSON. It is getting to be the case that the Senate can not obtain a vote in the House on a Senate amendment, so as to see whether the judgment of the Senate and the judgment of the House concur. As I said, the only object of a conference is to get a concurrence of the minds of the two Houses, not of the conferees. It is the business of the conferees to try to get the Houses together. Yet the House conferees refuse to have a vote in the House on the Senate amendment to see whether the House will concur in it or not. We are having the same trouble now in a conference of which I am a member.

Mr. BLACK. I understand from the Senator from North Carolina that the Democratic Senators on the conference insisted to the end on the amendment going back to the House. Is that correct?

Mr. OVERMAN. Yes.

Mr. BLACK. Of course, the Democrats are not given much credit for believing in the program of economy.

Mr. GLASS. Mr. President, if I may interrupt the Senator, I do not think it was a question of politics at all. I do not think there is any significance in the fact that two of the conferees who happened to be Democrats were reluctant to take the action which was finally taken by the conference. While I fully realize the impropriety of revealing on the floor of the Senate what takes place in a conference committee, I think I may say, without any breach of the general rule, that I at least was estopped from a more strenuous objection to the action taken by a statement made in the conference committee, the effect of which was to impeach the motives of those who were interested in the subject matter of this amendment, and that I find upon subsequent inquiry that apparently the charge made was utterly without basis, and should not have been made. In view of that fact, I shall feel at liberty, notwithstanding I signed the conference report, to vote to send the bill and amendments back to conference.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a further statement?

Mr. BLACK. I yield.

Mr. ROBINSON of Arkansas. The statement just made by the Senator from Virginia is illuminating. It is an emphatic and conclusive reason why the Senate ought to reverse its attitude in agreeing to the conference report, and vote to send this matter back to conference.

It appears that there happened in conference an incident which influenced, not to say controlled, the action of the conferees, and that the incident was based on erroneous statements of fact. The conference was prompted to take its action and yield its attitude on the representation that there was an offensive motive prompting those who advanced and supported the amendment. Any conferee, under the influence of that statement, would be quicker to yield than under other circumstances. But if the Senate is to maintain its right to amend bills which come here from the body at the other end of the Capitol, under the circumstances now shown to exist there ought not to be any objection to sending this bill back to conference.

If it does go back to conference, the amendment will be voted on in the House or the bill will fail; and who will have the responsibility for its failure? They who apparently have practiced a fraud on the Senate of the United States by misrepresenting pertinent facts in the conference committee. There are no two sides to this issue now. If the Senate has respect for itself and for its conferees, it will take the action proposed by the Senator from Alabama.

Mr. WARREN. Mr. President, will the Senator from Alabama yield?

Mr. BLACK. I yield.

Mr. WARREN. The Senator has alluded to the Democrats on the committee. I ask him to remember this, that so far as the two political parties are concerned—and I seldom allude to them in anything I have to say—the responsibility of the Ship-

ping Board is with the Democrats entirely. It is of their own creation, and perhaps it now finds as little favor with them as it does with me and others. However, we may hate a kicking horse, but if it is hitched to a wagon and we are behind it, we will probably stand the kicking for a while and whip the horse and get along.

So far as I am concerned, in my service in the Senate as a conferee, though I regret the necessity that led to the creation of the Shipping Board, I am willing to forget that; it was done during the war; but that is no reason why we should vote otherwise than what I believe is right, under our rules and orders.

So far as conferees are concerned, Senators seem to regard it a duty, certainly it is a pleasure, to abuse conferees. I do not care anything about that. I always accept it. The more they say the better, so far as that is concerned. We know very well that when a man is a little excited and is criticizing the conferees, he is not sticking to the facts, and he knows it, and we know it. So that settles that.

I do not propose to give further time to the matter of those attorneys and their salaries. I have other things to do. But here is the question: What is a conferee? He is one who goes on the conference committee; does his duty because he is asked to be a conferee. Is he supposed to know what the body he represents wants him to do? I imagine so, and I think he usually does it. We have evidence of that in the senior Senator from Virginia [Mr. SWANSON], who is going to break one of the great bills here, and he would break this if he was on the conference committee if he did not have his way. I admire his spunk. I hope he will get what he wants.

Under our rules—not, of course, under the Constitution—appropriation bills originate in the House. The House takes the Budget estimates which comprise the wishes and the statements and the desires of all the departments of the Government. The House undertakes to frame the bill in full. When they send it over to us it is a complete document. They put in everything they believe ought to go into the bill. We understand that. Therefore we are the aggressors from the time we get the bill in the Senate. So far as the Senate Committee on Appropriations is concerned, every one of the items in the bill is ferreted out, information is obtained about it, trial books are made so that the subcommittees can look through the items, and, finally, so that the committee can handle them. Then, after the bill is passed, we go hat in hand to do the best we can as conferees.

It is perfectly right, when we come back to the Senate, for the Senate to refuse to accept our report and to send it back if it desires to do so; and in that case it is, of course, our duty to go back to conference with it. There is no doubt about that.

It is true, as the Senator from Ohio has said, that we can not tell the House that they shall take this and the other item back to the House. But so far as I know we have never been refused when it came to asking a return conference, and, therefore, in this case I think that if the Senate is not satisfied and it wants to go about the matter, we should go at it according to the rules.

Under our rules we have a conference report presented, and it must first be voted down before other proceedings can be had.

Mr. HEFLIN. If my colleague will permit me, I would like to ask the Senator from Wyoming a question. Will not the Senator now, because of the fact that the House has not had a chance to vote on this amendment, ask that this conference report be referred back?

Mr. WARREN. The Senate has a right to order that.

Mr. GLASS. Mr. President, will the Senator from Alabama yield?

Mr. BLACK. I yield.

Mr. GLASS. I regret very much that the chairman of the Committee on Appropriations should have suggested that I have any particular interest in this item. I have not at all.

Mr. WARREN. Mr. President, I had not the Senator in mind at all, and let me say now, while I have the opportunity, that if there is a man in the world who is more conscientious, and who better discharges his duty as a conferee, than the Senator from Virginia, I do not know where he is; I never saw him.

Mr. GLASS. I have nothing further to say. [Laughter.]

Mr. SMOOT. Mr. President, I was a conferee on the bill, and I thought because of the information of every respect which we received that was the basis of our agreement that the House ought to yield. Since the Senator from Virginia has made the statement that he has, I am going to ask the chairman of the conferees, the Senator from Wyoming [Mr. WARREN]——

Mr. BLACK. I would like to get through, if the Senator will allow me.

Mr. SMOOT. I was going to ask the Senator from Wyoming, since the statement has been made by the Senator from Virginia, that we allow the matter to go back to conference and let the question come up in the House as to the subject referred to by the Senator from Virginia, and let it be debated there, and not here.

Mr. WARREN. Very well.

Mr. SMOOT. I hope the Senator from Alabama will yield, so that the matter may go back to conference in that way.

Mr. McKELLAR. Mr. President, in order that that may be done, I ask unanimous consent that the report be returned to conference.

Mr. ROBINSON of Arkansas. We must first reconsider the vote by which the conference report was agreed to.

The VICE PRESIDENT. The question is on agreeing to the motion to reconsider the action of the Senate in agreeing to the conference report.

The motion to reconsider was agreed to.

Mr. WARREN. It may not be necessary to reconsider the conference report, but merely to ask for a further conference.

The VICE PRESIDENT. The question is upon agreeing to the conference report. [Putting the question.] The conference report is not agreed to.

Mr. WARREN. I move that the Senate still further insist upon its amendments and ask for a further conference, and that the conferees on the part of the Senate be named by the Presiding Officer.

The motion was agreed to; and the Vice President appointed as conferees on the part of the Senate at the further conference Mr. WARREN, Mr. SMOOT, Mr. JONES, Mr. OVERMAN, and Mr. GLASS.

COMMENTS ON TEAPOT DOME INVESTIGATION

Mr. CARAWAY. Mr. President, in 1923 or 1924, I believe in the latter year, on the floor of the Senate I called the country's attention that former Secretary of the Interior Albert B. Fall was guilty of treason. I said he was a greater traitor than Benedict Arnold, because Arnold tried only to sell a little fortress on the Hudson River, while Fall was selling all the oil reserves after our ships had been converted into oil burners.

Fall immediately attacked the correctness of the statement and charged that he had been slandered. Since then investigations have disclosed that he was even more guilty than the information then apparently revealed. It now appears he was not acting alone, because no one who has read the recent investigation has any doubt that Will H. Hays had full knowledge of the things that Fall was doing and had done. No one can believe that he did not know that the bonds he was handling were a part of the price of Teapot Dome.

Mr. President, these investigations have disclosed that at least four members of the Harding Cabinet had the bonds or some part of them in their possession. No one who believes that men of intelligence do not act without information has any doubt but what they knew where the bonds came from and what the purpose of Mr. Hays was in handing them around. The most that can be said for Mr. Hays is to say that he was a fence; that he knew that certain goods were stolen goods and he was trying to help the thief find a market for them; that the Secretary of the Treasury, although he declined to aid in the marketing of the goods, after he had knowledge of what they were, refused to disclose this information, but handed them back so that the fence could find somebody else who would act for him.

The man who has information of a crime and conceals it can never go before the American public and say he is innocent. Why, Mr. President, if three American soldiers on the 30th day of September, 1780, had had no greater sense of duty than these men have manifested, Major Andre would have gone on his way down to New York and reported to General Howe, and Arnold would have delivered West Point to the British and might have sealed the fate of our Colonies. When Paulding and Williams and Van Wart arrested a horseman who was on his way down the Hudson River and he told them he was an American, first having said he was a British soldier, before learning that he was mistaken about their identity, if they had manifested no more curiosity and no more patriotism than Mr. Butler and Mr. Mellon and others who handled these bonds, they would have released Andre instead of looking into his shoes and finding evidence of his transaction with Arnold. And Arnold would have delivered West Point and many an American soldier would have died to correct that error. But those men, whose names have been preserved to posterity only because of the one fact, unlettered American soldiers, wearing only the uniform of privates, refused to release Andre, but disclosed his treason with Arnold, for which crime Andre was hanged, and every honest man throughout the ages has hated Arnold.

A Philadelphia paper said Mr. Mellon was thanked for his patriotic duty, or some words of that kind. But the very fact that Mr. Mellon kept those bonds, knew where they came from, declined to handle them, makes you know and me know that he knew they were tainted. He knew that two courts in the District of Columbia had been trying Albert B. Fall and Harry F. Sinclair and Edward L. Doheny, and had tried to trace the bonds that were a necessary link in the evidence that would warrant—nay, compel—a jury to convict those men. But he concealed the facts. He knew the Senate was trying to trace those bonds. He actually loaned investigators to the committee, but concealed the fact that he himself had had in his possession $50,000 of those bonds, and knew who had handled them, which he recognized were tainted and refused to handle, but refused to sell for the fence who was trying to get him to do so. He never disclosed the facts.

Mr. President, I am sorry to say that I do not agree with the Senator from Idaho [Mr. BORAH]. Restitution will do nothing to right those wrongs. Suppose some innocent person shall contribute money and hand it back to Will Hays to restore that which he got from Sinclair, that would not right the wrong. The offices bought with this corrupt money, the men who have gone unwhipped of justice because these Cabinet officers would not disclose these facts, are not righted because some person now, under the whip of party shame, shall restore the money. It is not the money that constitutes the infamy of this incident. It is the transaction itself. Therefore, there is no way this side of the mercy of heaven to make restitution in this infamous crime.

NORTH AMERICAN CO.

Mr. WALSH of Montana. Mr. President, in the course of the debate some two weeks ago on Senate Resolution 83, referring to the financing of public utilities, I referred to the advance in the price of the stocks of some of the leading holding companies, including the North American Co., and in that connection stated that its stocks had advanced from 46 to something equivalent to 600.

My information in relation to that matter came from an article published in the New Republic, in which appeared a schedule of advances of that character. I used the figures in an address which I delivered in the Senate something like a year ago, saying at the time that I had been unable to confirm the figures, but no exception having been taken to the figures so far as I was advised, I assumed they were correct and in the course of my remarks alluded to the circumstance to which I have just referred.

Mr. President, I have a letter from the president of the North American Co. relating the circumstances attending the changes in the par value of the stock of the North American Co., from which it would appear that my statement was erroneous. Not desiring to do this company or any other company any wrong by any statement made by me on the floor of the Senate, I ask that the letter be incorporated in the RECORD.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The letter is as follows:

THE NORTH AMERICAN CO.,
New York, March 3, 1928.

Mr. H. P. WILSON,
Investment Building, Washington, D. C.

DEAR MR. WILSON: I have noticed, on page 3037 of the CONGRESSIONAL RECORD, a statement regarding our stock which is in error. These figures seem to have been used very generally in the press. The facts are these:

There was originally a $100 par value stock of the North American Co. listed on the New York Stock Exchange in August, 1890.

This stock was reduced on January 21, 1901, one share of new $100 par value stock being issued for three of the original $100 shares.

On August 26, 1921, the shares of $100 par value were divided each into one share of $50 par value of preferred stock and one share of $50 par value of common stock.

On March 21, 1925, shares of $50 par value common were divided into five shares of $10 par value each. It was this last stock that was quoted at 46 in 1921.

Against the original listed stock of $300 par value there is now outstanding one share of $50 par value and five shares of common stock which is selling at around 60. In other words, against the original stock of the par value of $300 the market value of its equivalent is now around $360.

Very truly yours,

F. L. DAME, *President.*

Mr. BRUCE. Mr. President, I want to ask the Senator from Montana whether it is true, as I have seen stated, that immediately after the Senator from Montana so successfully championed the claims of the Montana Power Co. with reference to the Flathead Reservation, the stock of the Montana Power Co. went up, as I recollect, from 105 to 168.

Mr. WALSH of Montana. Mr. President, I am unable to advise the Senator with respect to the matter to which he alludes. I am able, however, to advise him that for some time prior to the time when I so successfully championed the cause of the Montana Power Co., as related by the Senator, the stock of the Montana Power Co. had been going up, and it had reached rather unusual proportions. That rise, so far as my information goes, antedated by some months the discussion to which the Senator refers. But I might also add that the explanation is quite easy, because since that time it is reported that a combination and consolidation between the Montana Power Co. and the Washington Power Co. have been accomplished, and it is now popularly believed that the rise in the price of the stock of the Montana Power Co. was occasioned by the prospect of that consolidation.

Mr. BRUCE. Perhaps, however, the previous rise in the value of its stock was due to the anticipation of the Senator's success with reference to the Flathead Reservation.

Mr. WALSH of Montana. The Senator from Maryland is, of course, entitled to indulge in any assumption with respect to that matter that he cares, but I am unable to speculate upon the subject.

CONSIDERATION OF THE CALENDAR

Mr. JONES. Mr. President, on behalf of the Senator from Kansas [Mr. CURTIS], I ask unanimous consent that the Senate proceed with the consideration of bills on the calendar until 2 o'clock, when the unfinished business will come up, and that we consider only unobjected bills.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The clerk will state the first bill on the calendar.

NAMING OF HIGHWAYS

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as first in order.

Mr. LA FOLLETTE. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

CHAPLAIN HORACE A. CHOUMARD

The bill (S. 511) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property, was considered as in Committee of the Whole. It proposes to pay to Horace A. Choumard, chaplain in Twenty-third Infantry, or his duly authorized representative, $1,500, being in full for and discharge of his claim for reimbursement for certain personal property lost in the flood and storm at Texas City, Tex., on the 16th and 17th days of August, 1915, without fault or neglect on his part and while in the military service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL EXTENSION WORK

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, which had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, on page 3, section 1, line 4, after the number "(1)," to strike out "at least 80 per cent of all appropriations under this act shall be utilized for the payment of salaries of extension agents in counties to further develop the cooperative extension system in agriculture and home economics, including the work with boys and girls, and (2)" and to insert:

At least 80 per cent of all appropriations under this act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls.

(2) Funds available to the several States under the terms of this act shall be so expended that the extension agents appointed under its provisions shall be men and women in fair and just proportions.

Mr. BAYARD. Mr. President, I desire to move to strike out the committee amendment on page 3, section 2, beginning in line 4, and to reinstate in the bill the portion proposed to be stricken out by the committee, so that the bill will read in its original terms as introduced in both the Senate and the House.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Delaware that a negative vote on the Senate committee amendment will have the same effect. The question is on agreeing to the committee amendment.

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that this is an unexpected procedure and many Senators are in their offices and did not anticipate that the calendar would be considered, I raise the point of order that there is no quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Shipstead
Barkley	Fess	La Follette	Shortridge
Bayard	Fletcher	McKellar	Simmons
Bingham	Frazier	McMaster	Smith
Black	George	McNary	Smoot
Blease	Gerry	Mayfield	Steck
Borah	Glass	Metcalf	Steiwer
Bratton	Gooding	Neely	Stephens
Brookhart	Hale	Norris	Swanson
Broussard	Harris	Nye	Thomas
Bruce	Harrison	Oddie	Tydings
Capper	Hawes	Overman	Tyson
Caraway	Hayden	Phipps	Wagner
Copeland	Heflin	Ransdell	Walsh, Mass.
Couzens	Howell	Reed, Pa.	Walsh, Mont.
Curtis	Johnson	Robinson, Ark.	Warren
Cutting	Jones	Sackett	Waterman
Deneen	Kendrick	Schall	Wheeler
Dill	Keyes	Sheppard	Willis

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

Mr. BAYARD. Mr. President, while the roll was being called I had a conversation with the junior Senator from Kansas [Mr. CAPPER], who informs me that a bill similar to the Senate bill has been passed by the House and is now before his committee. In view of that fact and of the further fact that there may be hearings upon the House bill, I ask that Senate bill 1285 go over.

The PRESIDING OFFICER. At the request of the Senator from Delaware the bill will be passed over.

FALSE INFORMATION REGARDING CRIMES IN THE DISTRICT

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I shall ask that that bill go over. I wish to say, however, that while no doubt the purpose of the bill is wholesome, yet it has possibilities for harm far greater than any good that can come from it. I do not intend that at this time the bill shall be considered by unanimous consent.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Arkansas whether that bill has reference to the citizens' association of prohibition snoopers and spies formed some time ago in the city of Washington?

Mr. ROBINSON of Arkansas. I do not know where the bill originated. I have no objection to the consideration of measures that are calculated to promote the wholesome enforcement of prohibition; I favor them; but this bill makes it possible for one who intends to perform his duty to experience persecution. I do not think this bill can be considered by unanimous consent.

Mr. BRUCE. I will ask the Senator to answer the question whether the bill does or does not relate to prohibition.

Mr. ROBINSON of Arkansas. I do not know whether it does or not. I do not think it has any more relation to crimes against the prohibition law than it has to any other crimes.

Mr. BRUCE. If the Senator does not know, that is the information I wanted to elicit.

Mr. ROBINSON of Arkansas. My judgment is that it does not relate specifically or directly to the enforcement of prohibition. It relates to false information regarding the commission of any crime.

Mr. BRUCE. But if the Senator will pardon me for a moment——

Mr. HEFLIN. Regular order!

Mr. BRUCE. We all know that after that citizens' snooper association was formed it was accused of furnishing false information. I think that is the origin of the bill.

Mr. LA FOLLETTE. Regular order!

The PRESIDING OFFICER. The regular order is called for. The bill will be passed over. The clerk will state the next bill on the calendar.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. JONES. Mr. President, the Senator from New Mexico [Mr. BRATTON] is necessarily absent. He asked me to request for him that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PORTER BROS. & BIFFLE

The bill (S. 1476) for the relief of Porter Bros. & Biffle, and certain other citizens, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Mr. President, will the Senator from Oklahoma [Mr. THOMAS], who introduced the bill, give us a brief explanation of it?

Mr. THOMAS. Mr. President, this bill has for its purpose the relief of some farmers and cattlemen in Oklahoma, who claim to have suffered damages by reason of the dipping of cattle by Government agents. The bill, if enacted, will confer jurisdiction on the district court of the eastern district of Oklahoma to hear, try, and determine whether or not these cattlemen suffered damages, and, if so, how much. It seeks to give the district court of the United States jurisdiction in place of settling the matter here in the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object.

Mr. KING. Mr. President, there is a bill, as I understand, before one of the committees of the Senate dealing with the question of the liability of the Government for the torts of its agents. I think, instead of passing spasmodic, isolated bills, we had better have general legislation on the subject.

The PRESIDING OFFICER. The bill will go over, under objection.

JOSEPHINE DOXEY

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. EDGE. Mr. President, does not the Senator from Utah feel in a sufficiently generous mood this morning to allow this poor old lady to obtain her $50 a month? A bill similar to this has passed the Senate heretofore, and I really think she is entitled to the amount.

Mr. KING. I ask that the bill go over.

Mr. EDGE. I can not move the Senator.

The PRESIDING OFFICER. The bill goes over, under objection.

BILLS PASSED OVER

The bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, in the absence of the Senator from South Dakota [Mr. NORBECK] I think that bill had better go over; indeed, it is now on the program of the steering committee for consideration.

The PRESIDING OFFICER. The bill will be passed over.

CITY OF NEW YORK

The bill (S. 459) for the relief of the city of New York was announced as next in order.

Mr. COPELAND. Mr. President, I have held this bill over at the request of the Senator from Utah [Mr. SMOOT]. I think he is prepared now to pass his opinion upon it.

Mr. SMOOT. I will say to the Senator that I have a complete report on the bill from the Comptroller General. If we are confined to five minutes, I should have to let the bill go over temporarily, because I could not get through in five minutes.

Mr. COPELAND. I will ask that it go over without prejudice, then.

Mr. SMOOT. Yes; let it go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the

United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War was announced as next in order.

The PRESIDING OFFICER. This bill is the unfinished business and will be passed over.

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S–4* was announced as next in order.

Mr. JONES. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. BRUCE. I ask to have that bill go over in the absence of the Senator from Indiana [Mr. ROBINSON]. That is my reason for making the request.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Maria Brim, widow of George W. Brim, late of Company I, Fourteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie A. Himes, widow of Franklin A. Himes, late of Company A, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Samantha J. Stewart, widow of Charles W. Stewart, late of Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosella A. Lawton, widow of Benjamin W. Lawton, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Query, former widow of Jesse W. Mullenix, late of Company A, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Saylor, widow of John Saylor, late of Company E, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Isabel Smith, widow of Francis E. Smith, late of Company H, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Emma Elderkin Billings, widow of Henry M. Billings, late of Company F, Fortieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Augusta Ziesenis, invalid daughter of August Ziesenis, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Isabel Herne, widow of George Herne, late of Company G, Sixty-fifth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah M. Powell, widow of Argile Powell, late of Company A, Eighth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catherine Roby, widow of James H. Roby, late of Battery H, West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rufus Cooper, late of Raleigh County Scouts, Western Virginia State Troops, and pay him a pension at the rate of $50 per month.

The name of Martha E. Crites, widow of George L. Crites, late of Companies G and A, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of John R. Moore, late of Capt. Samuel Young's company, West Virginia State troops, and later of Capt. Isaac W. Allen's company, West Virginia State Guards, and pay him a pension at the rate of $50 per month.

The name of John B. Turner, late of Capt. William Turner's company, West Virginia State Guards, and pay him a pension at the rate of $50 per month.

The name of Olive J. Chidester, remarried widow of William H. Morris, late of Company E, First Regiment West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Conley, widow of Jeremiah C. Conley, late of Battery E, West Virginia Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Crane, widow of John B. Crane, late quartermaster sergeant, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosetta V. Miller, widow of Nelson B. Miller, late of Company D, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura D. Johnson, widow of Ira I. Johnson, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elmer G. Goodell, helpless child of William J. Goodell, late of Company I, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Edna M. Dudley, widow of Orin P. Dudley, late of Company F, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lisy Flynn, widow of James Flynn, late of Companies H and C, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine Rickey, widow of Alfred Rickey, late of Company B, One hundred and fifteenth Regiment, and Company B, Forty-seventh Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catherine O'Brien, widow of Thomas O'Brien, late of Company D, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sophia D. Smith, widow of John Gregory Smith, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Sheridan, widow of John P. Sheridan, late of Company A, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Serena A. Martell, widow of Frank E. Martell, late of Company H, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Griffiths, widow of John W. Griffiths, alias John Williams, late of the U. S. S. *Pawnee*, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Zoa L. Waid Hughes, widow of Charles Hughes, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarepta A. Guyette, widow of Cyril A. Guyette, late of Company , Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dora J. Felt, widow of George M. Felt, late of Company I, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth S. Curreen, widow of George H. Curreen, late of Company C, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Estelle C. Kent, widow of Sanford H. Kent, late of Company C, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Virginia Tysoe, widow of William Tysoe, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria J. Reynolds, widow of George D. Reynolds, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Mary E. Griffeth, widow of Theodore Griffeth, late of Company E, One hundred and sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Katie J. Hill, widow of Charles P. Hill, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay her a

pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth E. Martin, widow of John Henry Martin, late of Company F, Second Regiment Nebraska Volunteer Cavalry, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hester Ann Heck, widow of John H. Heck, late of Company G, Sixteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nettie Morgan, widow of Edward W. Morgan, late of Company M, Eleventh Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emeline Harriet Howe, widow of Wesley C. Howe, late of Company A, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amy E. Clark, widow of Abraham Clark, late of Company E, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha E. Haskins, widow of Clarence L. Haskins, late of Company H, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Risser, widow of Theodore D. Risser, late of Company H, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cora L. Brown, widow of Reuben Brown, late of Company C, Sixteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Christiann O'Banion, widow of Benjamin O'Banion, late of Company B, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret J. Lofton, widow of Thomas W. Lofton, late of Compnay F, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Adams, widow of John Q. Adams, late of Companies E and K, Seventy-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza B. Neal, widow of John H. Neal, late of Company I, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha C. Taylor, widow of George R. Taylor, late of Company I, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hampton H. Stratin, late of Cochran's company, Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of George H. Stevens, late of John R. Cochran's company, Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Phebe M. Bird, widow of William D. Bird, late of Company F, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna L. Churns, widow of Joseph W. Churns, late of Company K, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Selena E. Smith, widow of Thomas W. Smith, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Carver, widow of Henry Carver, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of John Woldridge, late of Company F, Thirtieth Regiment Missouri Enrolled Militia, and pay him a pension at the rate of $50 per month.

The name of Mary E. Spann, widow of William M. Spann, late of Company B, Fifty-second Regiment Kentucky Mounted Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah L. Raymond, widow of Alfred E. Raymond, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Julia Lamb, daughter of John Lamb, late of Company F, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Emily P. Harty, widow of W. C. Harty, late of Company A, Second Regiment Missouri S. M. Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice G. Hamilton, daughter of Benjamin F. Hamilton, late of Company G, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Vandalia Young, widow of Gideon A. Young, late of Company H, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Marietta T. Kelley, widow of James W. Kelley, late of the U. S. S. *Murcury*, United States Navy, Civil War, and pay her a pension at the rate of $30 per month.

The name of Martha J. Annas, widow of John H. Annas, Company F, Sixth Maine Infantry, transferred to Second Battalion, Seventieth Regiment Volunteer Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Lizzie A. Wayland, widow of Clark Wayland, late of Company C, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma A. Giles, widow of George W. Giles, late of Company I, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily E. Patterson, widow of John A. Patterson, late of Company H, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ada Nay, invalid daughter of Adrian E. Nay, late of Company E, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Maria A. Sexton, widow of Dewitt B. Sexton, late of Company I, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie A. Moore, widow of Justus G. Moore, late of Company K, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Monica Buckley, widow of John T. Buckley, alias Newton J. Pitcher, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah M. Shaw, widow of Joseph H. Shaw, late of Company Saddler, Twelfth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Margaret Devoe, widow of Henry Devoe, late of Company B, Fourteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Myra O. A. Potter, widow of Orange A. Potter, late of Company D, Eighty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rosalie Dodge, widow of Obed Dodge, late of Company A, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ann E. Bean, widow of E. H. Bean, late of Company C, One hundred and forty-first Regiment Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna B. Welker, widow of Andrew J. Welker, late of Company H, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Skeffington, widow of Peter Skeffington, late of Company A, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Betsey E. Ash, widow of the late Edward Ash, late of Company D, Second Battalion, Eleventh Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Armstrong, widow of George Armstrong, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria L. Bethel, widow of Richard Bethel, late of Company I, Fourth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Bliven, widow of John H. Bliven, late of Company C, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza B. Brown, widow of William T. Brown, late of Company F, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Chapman, widow of Cornelius Chapman, late of Battery H, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie R. Cox, widow of Elias E. Cox, late of Company D, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catharine Dunham, widow of Stephen A. Dunham, late of Company H, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Eddy, widow of Amasa Fiske Eddy, late commissary sergeant, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Ford, widow of George W. Ford, late of Company D, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara E. Foye, widow of Samuel S. Foye, late of Company H, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Gage, widow of Isaac Newton Gage, late of Battery F, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah M. Haskins, widow of John B. G. Haskins, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lena Hook, widow of William Hook, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Johnson, widow of Welcome A. Johnson, late of Company C, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella E. Kenney, widow of Gilbert Allen Kenney, late of Company K, Tenth Regiment Rhode Island Volunteer Infantry, and Company C, Second Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Lenau, widow of Gustave Lenau, late of Company A, First Regiment New Jersey Volunteer Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Caroline M. Lindsey, widow of Henry Lindsey, late of Unattached Fifteenth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret McKenzie, widow of Daniel McKenzie, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary B. Matteson, dependent daughter of Oliver S. Matteson, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Matteson, dependent son of Oliver S. Matteson, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Caroline A. Molten, widow of Theodor Molten, late of Third Company, Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Quebec, widow of Joseph Quebec, late of Company K, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie Sheldon, widow of George H. Sheldon, late of Company F, First Regiment Rhode Island Volunteer Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary I. Staples, widow of Joseph H. Staples, late of Company C, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine Taylor, widow of Isaac Y. Taylor, late of Company H, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie H. Thayer, widow of James M. Thayer, late of Company D, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ellen Van Amringe, dependent daughter of James S. Van Amringe, late of First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Kinney, widow of William S. Kinney, late of Company G, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida Clement, helpless child of Florian Clement, late of Company D, Ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Jennie H. Cunningham, widow of Micheal A. Cunningham, late of Company C, Fourth Regiment Vermont Volunteer Infantry, and Company G, Twelfth Veterans' Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan B. Hancock, widow of Samuel H. Hancock, late of Company B, Third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Flora A. Hubbard, widow of Lucius M. Hubbard, late of Company C, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary L. Petigrew, blind daughter of James M. Petigrew, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, Civil War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frances E. Rice, widow of Walter Bays, late of Company F, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan C. Crary, widow of Arthur B. Crary, late of Company E, One hundred and thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $62 per month in lieu of that she is now receiving, the additional $12 to include her son, Arthur B. Crary, while living and helpless: *Provided*, That in case of the death of said Arthur B. Crary the additional pension herein granted shall cease and determine, and in the event of the death of Susan C. Crary the name of said Arthur B. Crary shall be placed on the pension roll at the rate of $12 per month, this amended award to be made retroactive to date from April 4, 1927, when the additional pension of $12 per month ceased with the enactment of special act, as of March 4, 1927.

The name of Julia H. Hart, widow of Goldman E. Hart, late of Company H, Fifth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the of $50 per month in lieu of that she is now receiving.

The name of Anna Kline, widow of Christopher Kline, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura A. Hinkle, widow of Michael Hinkle, late of Company K, One hundred and forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margret Hines, widow of John Hines, late of Company H, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phebe M. Jones, widow of David Jones, late of Company I, Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma B. Menear, widow of Benjamin F. Menear, late of Company A, Sixth Regiment West Virginia Volunteer Infantry; also, Company C, Third Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie Lowman, widow of Daniel Lowman, late of Sixteenth Battery, Ohio Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Park, widow of Robert Park, late of Company C, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Nicodemus, widow of Winfield S. Nicodemus, late of Company G, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minerva Mills, widow of James Mills, late of Company F, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta Lime, widow of John W. Lime, late of Company D, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie S. Weaver, widow of Richard D. Springer, late of Company D, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Joanna Belt, widow of Alexander Belt, late of Company G, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emily Frances Capen, widow of George W. Capen, late of Eleventh Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary B. Brownlee, widow of Horace Brownlee, late of Company C, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carmelia T. Brandon, widow of Esley R. Brandon, late of Company B, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan A. Brady, widow of James K. Polk Brady, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma J. Kinsey, widow of Jesse T. Kinsey, late of Company H, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Ferguson, widow of Nathan N. Ferguson, late of Company F, Forty-fourth Regiment Ohio Volunteer Infantry, and Company F, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Catharine H. Gaunt, widow of John Gaunt, late of Company G, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Harroun, widow of Franklin Harroun, late of Company T, Forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Heckendorn, widow of George Heckendorn, late of Company F, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and Company F, Second Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jerusha Hemphill, widow of John Hemphill, late of Company D, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Mikesell, widow of Martin L. Mikesell, late of Company H, Eleventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Kelly, widow of Daniel L. Kelly, late of Company C, Second Regiment Ohio Volunteer Heavy Artillery, and Company D, Twenty-third Veterans' Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth C. Wilhelm, widow of Seth Chandler Wilhelm, late of Company C, One hundred and fifty-ninth Regiment, and Company E, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Victoria Fields, widow of William Fields, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah C. Allgower, widow of Charles F. Allgower, late of Company E, Fifth United States Colored Infantry, and Company C, Sixth Regiment New York Volunteer Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mahala J. Stoner, widow of Joseph Stoner, late of Company H, Third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Costello, widow of Joseph Costello, late of Company G, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah Frances Bagley, widow of Andrew Bagley, late of Company C, Thirty-ninth Regiment Ohio Volunteer Infantry, and also Third Battery, Michigan Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Virginia Strohm, widow of John H. Strohm, late of Company E, One hundred and forty-fifth Regiment Ohio National Guard, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna L. Barnard, dependent daughter of Emery Barnard, late of Company F, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Selina Blyth, widow of Robert Blyth, late of Company B, First Battalion, Eleventh Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah M. Beekman, widow of William F. Beekman, late of Company K, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan Barnum, widow of Timothy Barnum, late of Company D, Fifth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minerva Rigby, widow of Major Rigby, late of Company A, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eva Ross, widow of John W. Ross, late of Company F, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah E. Boler, widow of John Boler, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Green, widow of Samuel O. Green, Civil War veteran, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria C. Brown, widow of William Brown, late of Company H, First New Mexico Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Georgia Ann Fussell, widow of John W. Fussell, late of Captain Bradley's independent company, Florida Volunteers, Indian war, and pay her a pension at the rate of $20 per month.

The name of Emeline A. Buck, widow of Squire F. Buck, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adeline Thompson, widow of Elihu A. Thompson, late of the United States Navy, and pay her a pension at the rate of $50 per month.

The name of Emily C. Bufter, widow of Edward W. Bufter, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie E. Porter, widow of Robert W. Porter, late of Company D, First Regiment E. S. Maryland Volunteer Infantry, and Company E, Eleventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amelia Walter, widow of James E. Walter, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline G. Yockel, widow of George Yockel, late of Company F, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret E. Caples, widow of George W. Caples, late of Company H, Third Regiment Potomac Home Brigade, Maryland Volunteers, and pay her a pension at the rate of $30 per month.

The name of Ella B. Lockwood, widow of Richard T. Lockwood, late of Company H, Seventh Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rosine Bigger, widow of David P. Bigger, assistant surgeon, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan M. Benton, widow of Orsmer H. Benton, late paymaster clerk, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura E. Bolton, widow of Elbridge G. Bolton, late of Company A, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Davis, widow of Benjamin F. Davis, late of Company E, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Stella Clark, widow of Alonzo K. Clark, late of Company B, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna C. Gooder, widow of Nimrod Gooder, late of Company E, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah T. Bradley, widow of Henry C. Bradley, late of Company E, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rhoda A. Nelson, widow of Rezen Nelson, late of Company A, Thirty-second Regiment Wisconsin Volunteers, and later of Company E, First Regiment Minnesota Volunteers, and pay her a

pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Draper, widow of Robert S. Draper, late of Company H, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara Lewis, widow of Lester A. Lewis, late of Company B, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Roy Baird, son of John A. Baird, late of U. S. S. *Juliet*, United States Navy, and pay him a pension at the rate of $12 per month.

The name of Eliza Mick, widow of William E. Mick, late of Company M, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Virginia Hughes, widow of Henry F. Hughes, late of Company A, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine E. Hastings, widow of John R. Hastings, late of Company H, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice A. Kanmacher, widow of Henry G. Kanmacher, late of Company F, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Barnes, widow of James M. Barnes, late of Company F, Fourth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mattie B. Wintrode, widow of Jeheil T. Wintrode, late of Company G, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rhoda V. Moore, widow of John Scott Moore, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louisa Leppla, widow of Peter Leppla, late of Company K, One hundred and seventy-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of James Hixson, late of Company C, First Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Laura B. Clifton, widow of Silas Clifton, late of Company A, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah M. Cutbirth, widow of Joseph L. Cutbirth, late of Company G, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lemuel Abbott, late of Company G, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Rhoda E. Baker, widow of Solomon S. Baker, late of Company G, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia M. Butler, widow of Charles Butler, late of Company C, Ninth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elner J. Blake, widow of William Blake, late of Company E, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ida Ellen Demo, widow of Delbert Demo, late of Company F, Second Regiment Missouri State Militia, and Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah Higgins, widow of Thomas Higgins, late of Companies L and H, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane Holding, widow of Leroy Holding, late of Company F, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. McIlvain, widow of John W. McIlvain, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amelia Milligan, widow of Theophilus W. Milligan, late of Companies A and B, Tenth Indiana Infantry, and Company G, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Noble, widow of John Noble, late of Company I, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ernestine Raub, widow of Abram A. Raub, late of Company D, First Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Stebbins, widow of Jasper M. Stebbins, late of Company D, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Taylor, widow of William Taylor, late of Company H, Forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lorena M. Trump, helpless and idiotic daughter of Thomas Trump, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary A. Webb, widow of John H. Webb, late of Company H, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Belle Bush, remarried widow of Sullivan E. Felch, late of Company F, Eighty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet A. Pelton, widow of Asa Lysander Pelton, late of Company C, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ina Sturdevant, widow of Hamilton R. Sturdevant, late first lieutenant, Company D, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah M. Fisher, widow of Rowland Fisher, alias Thomas Smith, late of Company C, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Tibbitts, widow of Nathaniel Tibbitts, late of Company F, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Lamoureux, widow of Ellsworth E. Lamoureux, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Priscilla R. Wyman, former widow of Moses C. Bacon, late of Company G, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Grace A. Elliott, widow of Frank Elliott, late of Company A, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Florence Johnson, widow of Henry L. Johnson, late of Company H, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia A. Edgerly, widow of Horace Edgerly, late of Company B, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah N. Batchelder, widow of Samuel Batchelder, late of Company D, Fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ruth B. Ryder, widow of Albert S. Ryder, late of Company C, Tenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Leila A. Steele, widow of James Steele, late of Company F, First New Hampshire Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Victoria Smart, widow of Henry P. LaValley, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie M. Emmott, widow of Thomas Emmott, late of Seventh Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ellen Gott, widow of John Gott, late of Company H, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah M. Underhill, widow of William H. Underhill, late of Company H, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane Richards, widow of Edward S. Richards, late of Company E, Nineteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Higby, widow of Charles Davis Higby, late of Company F, Fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline M. Bolton, widow of John W. Bolton, late of Company C, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katherine H. Califf, widow of Joseph M. Califf, late lieutenant Company A and Company F, Seventh Regiment United States Colored Infantry, and brigadier general, United States Army, and pay her a pension at the rate of $50 per month.

The name of Nola B. Hinton, widow of Emery Hinton, late of Company A, Fifty-second Regiment Kentucky Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Amanda F. Akin, widow of Joseph M. Akin, late of Company A, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda F. Thompson, widow of John W. Thompson, late of Company F, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah T. Wright, widow of John H. Wright, late of Company D, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Esther J. Ramey, widow of Thomas B. Ramey, late of Company D, Seventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lorina Hamons, widow of Andrew K. Hamons, late of Company C, Thirty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda C. Muncey, widow of Reuben Muncey, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catherine Fist, widow of Philip Fist, late of Company D, Second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Wells, former widow of Silas B. Nunnally, late of Company E, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura D. Wilson, widow of Charles L. Wilson, late assistant surgeon, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth J. Moorehouse, former widow of James D. Doolien, late of Company L, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Diantha E. Nihart, widow of David Nihart, late of Company G, Ninth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Bell Bass, widow of Robert Bass, late of Company B, Twenty-eighth Regiment United States Colored Infantry, Civil War, and pay her a pension at the rate of $30 per month.

The name of Clara J. Wait, widow of John W. Wait, late of Company G, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Gray, widow of Hiram Gray, late of Company G, One hundred and seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susannah Read, widow of John M. Read, late of Company C, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella G. Williams, widow of Theodore S. Williams, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura M. Bosley, widow of LeRoy E. Bosley, late of Company B, Forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary J. Gille, widow of Lewis A. Gille, late of Company G, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Orndorff, widow of John Orndorff, late of Company E, One hundred and sixtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Marie A. Stoner, widow of the late George B. Stoner, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna F. Whitney, widow of Oliver Whitney, late of Company A, Eleventh Regiment, and Company I, Second Regiment, Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie Lambert, widow of Victor Lambert, late of Company D, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Paulina Beckman, widow of Charles J. Beckman, late of Company K, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Adelaide H. Hadley, widow of Henry M. Hadley, late of Company E, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Gillespey, widow of James M. Gillespey, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Morgan, widow of John Morgan, late of Company D, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura A. Douglass, widow of James H. Douglass, military telegrapher from October 21, 1861, to February 14, 1863, and pay her a pension at the rate of $30 per month.

The name of Emily Tillison, widow of Joseph W. Tillison, late of Company K, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances Lydia Hanna, widow of James J. Hanna, late captain Company K, Sixty-ninth Regiment Ohio Volunteer Infantry, and major, Sixty-ninth Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adella Wilcox, widow of Edward Wilcox, late of Company B, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine Travis, widow of John Travis, late of Company G, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sophia Cline, widow of James Cline, late of Company F, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Christina Oney, widow of Hiram Oney, late of Company C, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Augusta C. Harris, widow of William H. Harris, late of Company H, Fifth Regiment Pennsylvania Volunteer Infantry, and Eighth Regiment United States Volunteer Cavalry, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Rock, widow of Ruben Rock, late of Company E, Eighth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice M. Weeks, widow of Charles H. Weeks, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edward Bowden, late of Company C, Seventeenth Regiment Kentucky Volunteer Cavalry, and Company F, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary E. Thompson, former widow of George Thompson, late of Company E, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie Underwood, widow of Joseph F. Underwood, late of Company M, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth R. Melrose, widow of William H. Melrose, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Healy, widow of Michael Healy, late of Company C, Eighth Regiment New Hampshire Volunteer Infantry, and pay

her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary P. Spofford, widow of Edwin I. Spofford, late of Company H, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ettie Mae Fletcher, widow of Eben L. Fletcher, late of Company G, Twenty-fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara A. Wellman, widow of Emulus A. Wellman, late of Company A, Maine Volunteer Coast Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen S. Scribner, widow of Herbert T. Scribner, late of Company E, Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sadie C. Peters, former widow of Thomas Peters, late of Company H, Second Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sallie T. Freeman, dependent daughter of James W. Hudson, late of Company D, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Diantha M. Jarvis, widow of George J. Jarvis, late of Third Battery Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda D. Holcomb, widow of Mahlon D. Holcomb, late of Company B, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Oral E. Osbon, widow of Oscar M. Osbon, late of Battery A, Second Regiment Illinois Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amelia Brownfield, widow of John A. Brownfield, late of Company D, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha R. Pack, widow of John Pack, late of Company K, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen Snow, widow of Frank Snow, late of Company D, One hundred and seventh Regiment Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lavina Craig, widow of James L. Craig, late of Company C, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay per a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Zorada Finch, widow of William Finch, late of Company C, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ellen Cunningham, widow of Jacob N. Cunningham, late of Company D, Nineteenth Regiment Maine Volunteer Infantry, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of David E. Moody, helpless child of David E. Moody, sr., late of Company I, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Rebecca Latta, widow of John M. Latta, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma E. Shorey, widow of George W. Shorey, late of Company I, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma E. Lingo, widow of Joseph B. Lingo, late of Company A, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia A. Poinsett, widow of Charles W. Poinsett, late of Company C, Seventh Regiment Delaware Volunteer Infantry, and Crossley's half company, Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Welch, widow of John N. Welch, late of Company H, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie Lowe, widow of John E. Lowe, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Frillman, widow of Henry W. Frillman, late of Company H, Sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna A. Wells, widow of Aaron D. Wells, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Merritt F. Robinson, late of the Military Telegraph Corps, United States Army, Civil War, and pay him a pension at the rate of $50 per month.

The name of Hattie L. Parks, widow of Benjamin F. Parks, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily J. Clapp, widow of Elijah S. Clapp, late of Company K, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Hurt, widow of Alford Hurt, late of Company H, One hundred and seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mariam Norris, widow of John C. Norris, late of Company I, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie F. Farrell, widow of Thomas T. Farrell, late of Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caledonia E. Abernathe, widow of George W. Abernathe, late of Company D, Thirteenth Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Johnson, widow of Theodore Johnson, late of Company A, Forty-first Regiment, and Company K, Seventh Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mattie J. Mains, widow of John F. Mains, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susie Fast-Walker, widow of Fast-Walker, late scout under the command of Maj. John Pattee, campaign of 1862–63, and pay her a pension at the rate of $20 per month.

The name of Catherine L. Ferree, widow of Theophilus L. Ferree, late of Company H, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret C. Kelley, widow of Eleazer J. Kelley, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Delphene Trude, widow of Charles H. Ellsworth, late of Company D, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary M. Brown, widow of William N. Brown, late of Company B, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Johannah Stone, widow of Gardner Stone, late of Troop D, Fifth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lona S. Burnett, widow of Abram Burnett, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Gates, widow of James N. Gates, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eleanor Morrow, widow of Alexander Morrow, late of Company G, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Virginia Serig, widow of Albert Serig, late of Company F, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah M. Thomas, widow of Roswell Thomas, late of Company G, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ervilla J. Payne, widow of Billings H. Payne, late of Company F, Twenty-first Regiment Connecticut Volunteer Infantry, and

pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha R. Shepard, widow of Sears J. Shepard, late of Company G, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet A. Folger, widow of James Folger, late of United States Marine Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cora J. Valentine, widow of Rolla H. Valentine, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eleanor P. Matthias, widow of Albert C. Matthias, late of Company K, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Conner, widow of William A. Conner, late of Company G, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy E. Waltermire, widow of Thomas A. Waltermire, late of Company I, Eighty-second Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan Vining, widow of Benjamin Vining, late of Company H, One hundred and forty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phoebe J. Moore, former widow of David Good, late of Company F, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth R. Richwine, widow of James L. Richwine, late of Company D, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth E. Sample, widow of John C. Sample, late of Company G, One hundred and sixty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Abigail J. Walbert, widow of Benevele Walbert, late of Company F, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Stone, widow of James L. Stone, late of Company A, Eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hattie Carver, daughter of Henry Carver, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Maggie Fitzmaurice, widow of Francis Fitzmaurice, late of Company A, One hundred and seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie M. Hyde, former widow of Charles H. Penney, late of Company B, Twenty-first Regiment, and Company I, Thirty-first Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Narcissa E. Harrold, widow of Epharim Harrold, late of Company D, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Lloyd, widow of Jeremiah Lloyd, late of Company C, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. McBride, widow of James McBride, late of Company C, Ninety-sixth Regiment Illinois Volunteer Infantry, and Company B, Twenty-third Officers Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lilly Ann Newberry, widow of Albert Newberry, late of Company F, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet D. Rake, widow of George W. Rake, late of Companies M and B, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hester Small, widow of John W. Small, late of Company D, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie B. Straight, widow of Martin A. Straight, late of Company F, Thirty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Barbara E. Sharp, widow of Robert Sharp, late of Independent Battery, United States Colored Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Catherine Dailey, widow of Patrick Daily, late of Company K, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Imogene Ellsworth, widow of Theodore Ellsworth, late of Company G, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Mary E. Truesdale, widow of Joseph A. Truesdale, late of Company E, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Mary E. Thurston, widow of Stephen Thurston, late of Company G, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of August Rieke, late of Company C, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary Longstreth, widow of Thomas B. Longstreth, late of Company I, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Jane Corsen, widow of Jonah Corsen, late of Company C, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Charles W. Pearson, late of Telegrapher Corps, Civil War, and pay him a pension at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely. Without objection, it will be indefinitely postponed.

Mr. SHEPPARD. Mr. President, I am under the impression that the Senator from California [Mr. SHORTRIDGE] desires to be heard on this measure. I ask that it may go over without prejudice until he can be here.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2053) to establish a military record for Daniel P. Tafe was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely and will be passed over.

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

The PRESIDING OFFICER. The amendments of the committee have been heretofore agreed to.

Mr. KING. Mr. President, I should like some explanation of that bill.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington object to the consideration of the bill?

Mr. JONES. No; I simply ask for a brief explanation of the bill. If no one is prepared to explain it, I will ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 141) for the relief of Felix Medler was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely and will be passed over.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AGRICULTURAL EXPERIMENT STATIONS IN HAWAII

The bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii was considered as in Committee of the Whole.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Connecticut [Mr. BINGHAM] to make a brief explanation of this bill.

Mr. BINGHAM. Mr. President, the Senator will remember that the last time that bill came up there was an objection by the junior Senator from Utah [Mr. KING], who has now withdrawn his objection.

The bill provides that the Territory of Hawaii, which heretofore has not shared equally with the States and Territories in the benefits conferred by the several acts passed by Congress for the advancement of agriculture in the States and Territories, shall now receive those benefits. The last time the bill was considered by the Senate, February 23, 1928, an amendment was agreed to putting the bill in the form of which the Secretary of Agriculture approved, and as it was drawn in the Department of Agriculture. That amendment, which may be found on page 3543 of the RECORD, was agreed to at that time.

Mr. LA FOLLETTE. With that explanation, I have no objection.

Mr. SMOOT. Mr. President, I desire to ask the Senator a question. On page 2, lines 4 and 5, after the numerals "1914," these words appear:

upon the same terms and conditions and to the same extent as the several States.

Mr. BINGHAM. The Senator is reading from the original bill. The amendment has changed that. May I read the amendment?

Mr. SMOOT. That is the only bill I have in my calendar.

Mr. BINGHAM. The amendment as adopted on February 23 includes section 3, as follows:

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act, but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.

Mr. SMOOT. That was not what I had reference to. I had reference to lines 4 and 5 in section 1.

Mr. BINGHAM. That is entirely changed.

Mr. SMOOT. Will the Senator read it as changed? It seems to me the construction of this language would be that if they were to receive benefits to the same extent as the several States, that might go back for years and years.

Mr. BINGHAM. I will say to the Senator that the amendment provided for certain specific amounts. Would the Senator like to have the amendment read?

Mr. SMOOT. Yes; I should like to have the Senator read the amendment.

The PRESIDING OFFICER. The Chair will state to the Senator from Utah that this bill has been amended by striking out all after the enacting clause and substituting a House bill; and the stage of amendment has been passed unless the Senate reconsiders its action on the substitute.

Mr. BINGHAM. May I read the amendment for the benefit of the Senator from Utah?

Mr. SMOOT. I should like to know what the amendment is. All I have in my calendar is the original bill as reported to the Senate.

The PRESIDING OFFICER. The clerk will read the substitute, which is the amendment.

The Chief Clerk read as follows:

That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: $15,000 for the fiscal year ending June 30, 1929; $20,000 for the fiscal year ending June 30, 1930; $22,000 for the fiscal year ending June 30, 1931; $24,000 for the fiscal year ending June 30, 1932; $26,000 for the fiscal year ending June 30, 1933; $28,000 for the fiscal year ending June 30, 1934; $30,000 for the fiscal year ending June 30, 1935; $50,000 for the fiscal year ending June 30, 1936; $60,000 for the fiscal year ending June 30, 1937; $70,000 for the fiscal year ending June 30, 1938; $80,000 for the fiscal year ending June 30, 1939; and $90,000 for the fiscal year ending June 30, 1940, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.

Mr. SMOOT. Mr. President, I see that the substitute leaves out the objectionable words as found in the original bill. So far as that part of it is concerned, I have no objection to it.

Mr. KING. Mr. President, I objected to the consideration of this bill the other day because I thought it was projecting legislation into the future for an indefinite period of time. I ask the Senator now, if this bill is to be limited and circumscribed by the acts of Congress applying to other States, if it is proper to fix the amount to be appropriated each year. In other words, if there is a general act that is applicable, it seems to me that it would be improper to single out any State or any Territory and to fix in the act respecting that State or Territory the amount which should be appropriated each year.

Mr. BINGHAM. No, Mr. President; it does not do that. The reason why these specific amounts are mentioned in the bill as prepared by the Department of Agriculture was that the department felt that it was not quite fair that the Territory of Hawaii should suddenly become possessed of the full amount in proportion to what the States receive, because the States themselves have come to that amount gradually. Therefore this is graded. It does not look forward to the future at all, but merely refers to acts which have been passed, and not to those which may be passed.

Mr. KING. As I recall the reading by the clerk of the substitute, it carries appropriations up to the year 1940.

Mr. BINGHAM. That is to carry into effect the provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts, in the order and amount designated.

Mr. KING. Would supplementary acts give to Hawaii $80,000 in the year 1940?

Mr. BINGHAM. In 1940 the amount authorized to be appropriated would be $90,000; and may I say to the Senator that if the Territory of Hawaii were to receive to-day that which personally I believe she is entitled to under the laws as passed which provided for the benefit of these acts to go to States and Territories, she would receive that amount.

Mr. KING. What amount would the State of Arizona or Louisiana or Texas receive in 1940?

Mr. BINGHAM. I am sorry I have not at hand the figures for the different States; but that is the information I received from the department.

Mr. KING. My recollection is that there was some period reached when the amount became fixed and was not progressive, and that that static period was reached before 1940.

Mr. BINGHAM. No, Mr. President; it says up to 1940, "and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887." In other words, they do not get the full sharing in this agricultural legislation until 1940.

Mr. KING. Mr. President, let me ask the Senator for information, Does the State of Texas, for instance, or the State of New York, get no more than the Territory of Hawaii would get in 1940 and in years thereafter, regardless of population or area?

Mr. BINGHAM. I regret that I have not that information at hand, Mr. President.

Mr. KING. It seems to me it would not be a discrimination to give a large State like Texas or Pennsylvania or New York—large in area and large in population—a greater amount than a small State or Territory.

Mr. BINGHAM. The Senator will realize that the Territory of Hawaii pays in income taxes into the Treasury of the United States an amount equivalent to the total amount received from more than 12 States.

Mr. KING. Oh, I appreciate the importance of Hawaii in many, many ways, and I am very much in sympathy with whatever Hawaii demands. I am for the Hawaiians, for the people of the islands; but I was just wondering if any distinction is made between a small State like Rhode Island, for instance, and New York.

Mr. BINGHAM. I am informed by the Senator's colleague that the amount is the same in connection with all States with regard to these particular, specific appropriations.

Mr. SMOOT. Yes; the appropriations are all the same.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 2711) for the relief of Walter W. Johnston was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

The PRESIDING OFFICER. This joint resolution is reported adversely.

Mr. REED of Pennsylvania. Let it go over.

Mr. BRUCE. Mr. President, as this joint resolution is reported adversely, I should like to have it indefinitely postponed.

Mr. LA FOLLETTE. I hope the Senator from Maryland will not make that motion in the absence of the Senator from North Dakota.

Mr. BRUCE. I will not, Mr. President.

The PRESIDING OFFICER. The joint resolution goes over upon objection.

PARK POLICE IN THE DISTRICT

The bill (S. 1628) relating to the Office of Public Buildings and Public Parks of the National Capital was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 5 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police, and the fire department of the District of Columbia," approved May 27, 1924 (U. S. Stat. L., vol. 43, p. 175), is hereby amended by striking out said section and substituting therefor the following: "Hereafter the salaries of members of the United States park police force shall be the same as the salaries of the officers and members of the Metropolitan police force of the District of Columbia in similar or corresponding grades."

Mr. SMOOT. Mr. President, I wish the Senator reporting the bill would make an explanation of it.

Mr. CAPPER. The Senator who reported the bill is not present, but I can make an explanation of it. I introduced the bill. It simply puts the park police on the same basis as the Metropolitan police so far as salaries are concerned. For many years there was a difference of $100 in the matter of uniforms.

Mr. SMOOT. I am aware of that.

Mr. CAPPER. This bill puts the park police on the same basis, so that they will get the same salary as members of the other police force.

Mr. SMOOT. That is all there is in the bill.

Mr. LA FOLLETTE. It is not to consolidate the two forces?

Mr. CAPPER. Not at all.

Mr. SMOOT. It is simply to increase the salaries of the park police.

Mr. CAPPER. To make an increase of $100. There are approximately 70 park policemen and officers. The total increase would be $6,400 a year.

Mr. McKELLAR. What difference does it make in the salaries?

Mr. CAPPER. It increases those of the park policemen.

Mr. McKELLAR. How much?

Mr. CAPPER. One hundred dollars a year, in lieu of the uniform which had before been given to the Metropolitan police. It requires the parity of the park police and the Metropolitan police, because of the fact that a couple of years ago Congress allowed the Metropolitan police an increase of $100.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 133) for the relief of Kenneth B. Turner was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

OKFUSKEE COUNTY JUDICIAL DISTRICT

The bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State was announced as next in order.

Mr. WILLIS. Mr. President, I have received a number of letters from persons living in the State of Oklahoma complaining about this bill. I note that the senior Sentaor from that State [Mr. PINE] is not present.

Mr. THOMAS. Mr. President, I shall be glad to answer any questions the Senator may wish to propound.

Mr. WILLIS. I am not advised about the details of the bill, but I have received a number of letters from persons complaining about the bill. I am not able to state what the ground of the complaint is. I would be willing to hear any statement the Senator might make.

Mr. THOMAS. The bill is purely a local measure. It has for its purpose the transfer of one county from the northern judicial district of Oklahoma and attaching that county to the eastern district.

Mr. WILLIS. What is the object of such transfer?

Mr. THOMAS. The railroad facilities are much better to Muskogee than to Tulsa, and the citizens of Okfuskee County prefer to have their business transacted in the city of Muskogee rather than in the city of Tulsa.

Mr. McKELLAR. The bill appears to be approved by the Department of Justice.

Mr. THOMAS. Yes.

Mr. REED of Pennsylvania. Mr. President, I have a letter from a firm of attorneys in Oklahoma City, in which it is stated that the real purpose of the bill is political, and its sponsors hope through its passage to deprive some 1,500 or 2,000 negro citizens of Okfuskee County of the right of franchise under the constitution and laws of the State of Oklahoma. The letter states:

> This right is about to be secured for these negro citizens through litigation now pending in the United States court for the northern district, and it is the hope of the authors of the bill that the transfer of the county to another district may work to the disadvantage of these citizens in this litigation.

Can the Senator enlighten us about that?

Mr. THOMAS. I do not know who wrote the letter, Mr. President, but if the bill should pass, it would not change the jurisdiction of the litigation now pending. Any case now pending in a court would still be tried in the court where it is pending. The measure would affect only future litigation.

Mr. WILLIS. In order that we may have an opportunity to look into this matter, especially, as far as I am concerned, in order that I may have a chance to examine the correspondence, I wish the Senator would permit the bill to go over.

The PRESIDING OFFICER. The bill will go over.

STANDARD HAMPERS AND BASKETS

The bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The amendment offered by the Senator from Delaware [Mr. BAYARD] is pending.

Mr. McNARY. Mr. President, a few days ago I submitted to the Department of Agriculture for its consideration the amendment offered by the Senator from Delaware, the object of which was to include a five-eighths-bushel hamper. I received from the Department of Agriculture a statement concerning the reason for the elimination of that sized hamper. A copy of that letter I sent to the Senator from New Jersey, the Senator from Delaware, and the Senator from Maryland, for their consideration. Personally, having the bill in charge, I am not inclined at all to force the elimination of this hamper, and if these Senators from the respective States where this hamper is used believe that it should remain a recognized measure, I am inclined to accept the amendment and insert it in the bill, irrespective of the attitude of the Department of Agriculture.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. EDGE. I hesitate very much to ask the Senator to delay the consideration of the bill longer, as he has been very courteous, but only yesterday or the day before I sent a copy of his letter to those people in New Jersey who had expressed an

interest in the matter, and I would like to have their reply before we act on the matter.

Mr. McNARY. Very well. That the Senator may have an opportunity further to hear from his constituents, I ask that the bill go over for the day.

The PRESIDING OFFICER. The bill will be passed over.

CROP INSURANCE

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

Mr. McNARY. Mr. President, this is a very large and important measure. I stated a few days ago that it is so important that I am preparing a speech on the subject, and not having had time to conclude that work, I shall ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

HORTICULTURAL EXPERIMENT WORK IN GREAT PLAINS AREA

The bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DECORATIONS BY FOREIGN GOVERNMENTS

The bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. BLEASE. Mr. President, I want to state, in reference to this bill, that I have been trying to receive some information from the War Department which I have been unable up to this time to get. Just as soon as I receive that information I will have the amendment ready I wish to offer and will not ask for any further delay on the bill.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

BILL PASSED OVER

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

TRANSACTIONS IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. DENEEN. Let that go over.

Mr. MAYFIELD. Mr. President, will the Senator withhold his objection for a moment?

Mr. DENEEN. I shall have to object to this bill. I received a letter this morning relating to the bill, and I have had no opportunity to look into it.

Mr. MAYFIELD. May I make a statement regarding the measure?

The PRESIDING OFFICER. Does the Senator from Illinois withhold his objection?

Mr. DENEEN. I withhold the objection.

Mr. MAYFIELD. I will make a statement with reference to this bill, and then Senators who object to its consideration will understand what they are objecting to.

This bill will not affect the New York or the Chicago Cotton Exchanges. It will, however, affect the New York Produce Exchange. The cottonseed-oil interests of the South think that the contract of the New York Produce Exchange is unfair.

When the cottonseed-oil manufacturers of the South took this matter up with me last year, I wrote the president of the New York Produce Exchange and suggested that we have Secretary Hoover pass upon its contract, and if he said that the contract affecting cottonseed oil was a fair contract, no legislation would be proposed dealing with this subject. The suggestion was not accepted, and therefore this legislation.

This measure simply places under the jurisdiction of the Secretary of Agriculture those exchanges dealing in cottonseed-oil option contracts. The Capper-Tincher law places under the jurisdiction of the Secretary of Agriculture all grain exchanges dealing in grain-future contracts. The Smith-Lever Act places under the jurisdiction of the Secretary of Agriculture cotton-future exchanges that have cotton-option contracts. Then what objection can be offered to this bill, which would only place under the jurisdiction of the Secretary of Agriculture those exchanges dealing in cottonseed-oil contracts?

Mr. CARAWAY. Mr. President, every cottonseed grower wants the legislation.

Mr. MAYFIELD. That is true.

Mr. CARAWAY. There is not one of them objecting to it.

Mr. MAYFIELD. We had extensive hearings on this measure. Telegrams, petitions, and letters came to me from practically every cottonseed-oil manufacturer in the South indorsing this bill, and every Senator from cotton-producing States indorses this legislation.

Under the contract of the New York Produce Exchange, the producers of cottonseed and the cotton oil millmen who manufacture cottonseed oil are at a great disadvantage. I certainly hope that there will be no objection to the consideration of the proposed legislation.

Mr. DENEEN. Mr. President, objection is made to one section. I am not familiar with the bill. I have written for information, and I will have to object.

The PRESIDING OFFICER. The bill will go over.

Mr. MAYFIELD. This is the third time the bill has been passed for the purpose of giving Senators an opportunity to study it. I hope those Senators present at least will read the bill, and that there will be no further objection to its consideration.

Mr. McNARY. Mr. President, I would like to have the privilege of making an inquiry of the Senator from Texas. I think the Senator in discussing the bill said that there had been extensive hearings.

Mr. MAYFIELD. Yes.

Mr. McNARY. Not this year.

Mr. MAYFIELD. We had no hearings on the bill this year, but last year we had extensive hearings, and those hearings were printed and placed on the desks of Senators.

Mr. McNARY. I was sure of that, but with the statement of the Senator in it the RECORD would indicate that we had had hearings this year.

Mr. MAYFIELD. We had no hearings on the bill this year.

Mr. McNARY. Only yesterday I had protests from a committee representing the Produce Exchange of New York, who were complaining because we did not have hearings this year. I said that the Committee on Agriculture had had no notification of a desire for a hearing.

It seems they had written to the former chairman of the committee. Hence they did not have an opportunity to be heard. The RECORD now shows clearly that we did not have hearings this year.

Mr. MAYFIELD. At the hearings held last year on this same bill the representatives of the New York Exchange appeared and were given full opportunity to present their views on the proposed legislation.

Mr. McNARY. That is true. It was only for the accuracy of the RECORD that I spoke.

Mr. SACKETT. Mr. President, if there are people who want to be heard on the bill, a committee from a great exchange like that, it seems to me the proper course would be to refer the bill back to the committee and hold hearings.

Mr. MAYFIELD. These people have already had a hearing on this bill. Why should the Senate have its time consumed on further hearings when we have so many important measures before us?

Mr. SACKETT. There may be other reasons why they should be heard. If people ask for a hearing, I do not see why they should not be given an opportunity to be heard.

Mr. COPELAND. Mr. President, the people representing the New York Produce Exchange did ask for a hearing, but they were unaware of the fact that the chairmanship had been changed, and their letter was addressed to the senior Senator from Nebraska [Mr. NORRIS] and held by him. So they have been denied the privilege of a hearing before the Committee on Agriculture, and in my judgment they should be heard.

Mr. CARAWAY. Mr. President, they had a full opportunity to be heard. They have a contract under which they have an unconscionable advantage that no honest man ought to want to keep, and they want the hearings, and everybody knows the kind of hearings they want is the kind that would prevent action. Every man who produces this product knows the contract is unfair, and the exchange are as conscious of it as the other people, and they want merely no action at all. That is the fact of the matter.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

BILLS PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming, was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RETIREMENT OF DISABLED EMERGENCY OFFICERS

The PRESIDING OFFICER (Mr. FESS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 777.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. TYSON obtained the floor.

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Shipstead
Barkley	Edwards	La Follette	Shortridge
Bayard	Fess	McKellar	Simmons
Bingham	Fletcher	McMaster	Smith
Black	Frazier	McNary	Smoot
Blease	George	Mayfield	Steck
Borah	Gerry	Metcalf	Steiwer
Bratton	Glass	Neely	Stephens
Brookhart	Gooding	Norris	Swanson
Broussard	Hale	Nye	Thomas
Bruce	Harris	Oddie	Tydings
Capper	Hawes	Overman	Tyson
Caraway	Hayden	Phipps	Wagner
Copeland	Heflin	Ransdell	Walsh, Mass.
Couzens	Howell	Reed, Pa.	Walsh, Mont.
Curtis	Johnson	Robinson, Ark.	Warren
Cutting	Jones	Sackett	Waterman
Deneen	Kendrick	Schall	Wheeler
Dill	Keyes	Sheppard	Willis

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present. The Senator from Tennessee [Mr. TYSON] is entitled to the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Tennessee yield to me for a moment?

Mr. TYSON. I yield.

Mr. REED of Pennsylvania. I desire to call up a matter not related to the unfinished business. I ask unanimous consent for the present consideration of the bill (H. R. 4203) for the relief of A. S. Guffey.

The PRESIDING OFFICER. Is there objection?

Mr. CARAWAY. I object.

The PRESIDING OFFICER. Objection is made. The Senator from Tennessee has the floor.

Mr. TYSON. Mr. President, the bill now before the Senate, known as the emergency officers' retirement bill, has been before the Senate for a number of years. It has twice been passed by the Senate, the first time by a vote of 50 in favor and 14 against, and the second time by a vote of 63 in favor and 14 against.

The bill provides for the retirement of emergency officers who were in the World War and who were disabled in that service, and puts them upon the same basis for retirement as to pay, allowances, and so forth, as that which governs the Regular Army of the United States when officers from the Regular Army are retired. It provides that they shall be paid three-fourths of the pay which they were drawing at the time they were discharged from the Army. The whole administration of the bill is to be under the United States Veterans' Bureau. An officer is to be retired who has not less than 30 per cent of permanent disability according to the ratings of the United States Veterans' Bureau. Officers who are found to be below 30 per cent are not retired under the provisions of the bill.

It is provided in the bill, furthermore, that all officers who may be retired shall be put upon a separate list known as the emergency officers' retired list. This list is to be made out each year by the United States Veterans' Bureau and furnished to The Adjutant General of the Army, and is then to be published with the regular retired list of the Regular Army. All of those officers who are found to be less than 30 per cent permanently disabled are to be put upon a retired list also as a matter of honor and consideration for their services, although they are not to be paid more than they are being paid now. That is also to be considered as a part of the emergency officers' retired list.

The Senator from Maine [Mr. HALE] has an amendment which he will offer and which will include also all of the emergency officers of the Navy and Marine Corps who have not yet been retired. That amendment I have stated I would accept as an amendment to the bill when the Senator from Maine shall offer it at the proper time. It would include officers of the Navy and of the Marine Corps who are disabled in the same proportion and under the same conditions of service that are provided for the Regular Army retired officers and emergency officers.

Mr. President, there were nine classes of officers in the World War. There were the regular officers of the Regular Army, the emergency officers of the Regular Army, and the provisional officers of the Regular Army. Then there were the regular officers of the Navy, the emergency officers of the Navy, and the provisional officers of the Navy. Then there were the regular officers of the Marine Corps, the emergency officers of the Marine Corps, and the provisional officers of the Marine Corps.

Congress has passed a bill giving retirement to the emergency officers of the other services except of the Army. There are eight classes of officers who have already been retired and are now on the retired list under the same conditions that officers of the Regular Army are allowed to be retired, and are drawing three-quarters of the pay which they had at the time they were discharged from the service of the United States.

Mr. President, our idea is to put the emergency officers of our Army upon an equality with those who have been retired from the Navy and the Marine Corps. We feel that this is only an act of justice and is carrying out the traditions of the United States in retiring its officers in the past, from Revolutionary War days to this good hour, except that instead of the word "retirement" they have used the word "pension" in the bills which have given a pension instead of retirement. The word "pension" has been held to mean practically the same as the word "retirement."

Mr. President, I am not going into detail about the provisions of the bill. I feel that the Senate is fully informed about it, that it knows the details of the bill and that it is unnecessary for me to go further, unless there are some questions which I can answer that any Senator may desire to propound.

Mr. McKELLAR. Mr. President, will my colleague tell us about how many officers will receive retirement pay under the terms of the bill?

Mr. TYSON. I will state for the information of the Senate that a list of those who will be retired under the terms of the bill has been prepared by the United States Veterans' Bureau. Including all the officers of the Army and of the Navy and of the Marine Corps who have now been found to be 30 per cent permanently disabled there will be 3,251, and the actual expense to the Government, if the bill is enacted into law, will be $4,985,100 annually. We are now paying out in annual compensation to these officers $2,841,960. Deducting that from the total under the bill would leave $2,143,140 annual increased cost of retirement.

Mr. McKELLAR. It is an increase in general terms of about 100 per cent?

Mr. TYSON. Not quite 100 per cent, but about 90 per cent.

Mr. McKELLAR. I wish to say to my colleague that I am very heartily in favor of the bill and I hope the Senate will pass it by the same large majority it has already passed it twice before.

Mr. KING. Mr. President, will the Senator yield?

Mr. TYSON. Certainly.

Mr. KING. May I say to the Senator that there are more than 10,000 officers on the active list who are drawing compensation. They are to be added to the percentage of those having above 30 per cent disability. The Senator has said that the number is about 3,000, but when we take into consideration the probable increase in the list we must realize that the number will soon be 10,000.

May I say that the number of officers who have made application to the bureau for compensation exceeds 40,000, and that does not include, by the way, officers of the Navy and officers of the Marine Corps? There were only 200,000 officers and more than 40,000 have sought compensation; 40,000 will soon be upon the retired list if this bill shall go through; then there will be 10,000 more and 10,000 more; no man can tell their number. When the Senator indicates such a small number, I am fraid he misconceives the situation.

Mr. Greenbaum stated a few years ago that if retirement, with the small compensation then proposed to be paid was given to officers of the Civil War—and it is proposed in this bill to discriminate against them—it would cost more than $25,000,000 a year.

Mr. TYSON. I do not think that the Senator from Utah understands that all such officers have to make application within two years from the time of the passage of this bill or else they are barred.

Mr. KING. Mr. President, will the Senator from Tennessee further yield to me?

Mr. TYSON. I yield.

Mr. KING. The Senator from Tennessee knows that if we shall establish this precedent it will be the entering wedge. The two years' limit will be abolished; and all these officers will come under the law. Then will come privates, for hundreds of privates have come to me and said, "If Congress is going to give retirement privileges to my brothers, to my relatives who did not see as much service as I did, I want retirement privileges, and I want the same compensation that they get." So that we shall have to expend from $50,000,000 to $100,000,000 annually within a short time if this bill shall be passed.

Mr. TYSON. That will depend entirely upon Congress; of course, we may pass as many pension bills as we please; but there is nothing in the pending bill that would permit such a thing as the Senator from Utah suggests. There are only 3,251 officers who have been found to have 30 per cent permanent disability; and, in addition, any officer who does not make his application within two years after the passage of the bill will be barred. It is shown that what the Senator from Utah suggests can not happen, for the reason that already there have been 296 naval and marine officers retired by law. After two years, if they failed to apply, they were barred, and there have been no retirements of emergency officers of the Navy and Marine Corps for the last five or six years except by the passage by Congress of special bills. There have been about seven special bills which have been passed by the Congress retiring such officers, showing that there would be no extraordinary effort on their part to secure retirement by special bill, and it is entirely within the discretion of Congress as to whether it will pass any further legislation along this line.

Mr. WALSH of Massachusetts. Mr. President, have any such special bills been enacted into law?

Mr. TYSON. Seven special bills have been enacted for naval and marine officers, but since the World War not one emergency Army officer has been retired and given the same privileges as naval and Marine Corps officers have.

Mr. WALSH of Massachusetts. Has that been due to the policy of the Naval Affairs Committee as contrasted with the policy of the Committee on Military Affairs?

Mr. TYSON. It has been due to the fact that the Navy Department has approved of this legislation and that the Secretary of the Navy himself wrote a letter approving the bill which was introduced for the Navy, but the War Department has repeatedly refused to approve such legislation until lately.

Mr. WALSH of Massachusetts. Have special bills been introduced for the emergency officers who served in the Army?

Mr. TYSON. No such bill has been introduced. With the exception of the general bill, no effort, so far as I know, has been made by any one single individual in the Army to get a bill passed for himself.

Mr. McKELLAR. The junior Senator from Tennessee is mistaken in that, for I have introduced several such bills and have been turned down by the Committee on Military Affairs in each instance. That committee has a policy different from that which the Naval Affairs Committee has pursued, but it is a fact, nevertheless, that I have introduced such bills, and I think other Senators have introduced some, all of which have been turned down.

Mr. WALSH of Massachusetts. There has been a difference in policy as between the Navy and the Army?

Mr. McKELLAR. Yes.

Mr. WALSH of Massachusetts. Or rather between the committees having jurisdiction of those services?

Mr. McKELLAR. Yes; with the committees.

Mr. TYSON. The General Staff of the Army has until recently been opposed to this bill, but, as I understand, they are now making no further objection to it.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Tennessee yield to me?

Mr. TYSON. I yield.

Mr. REED of Pennsylvania. I notice that the committee's report on the bill, which is now before the Senate, states that the War Department approves the bill, but I can not find such a statement in any place in the letter from the Secretary of War which is printed as a part of the report which was submitted by the Senator.

Mr. TYSON. Mr. President, I will state for the information of the Senate that, of course, I did not intend to put anything in the report that was not justified. The department stated that it was up to Congress to determine what policy it should pursue, and the only criticism it made of the bill was the fact that it thought that, perhaps, there might be some change or clarification of the meaning as to the benefits and privileges which officers on the retired list would receive.

Mr. REED of Pennsylvania. The only expression of opinion that I find in the War Department's report on the bill is the statement that the bill is in conflict with the President's financial program.

Mr. TYSON. That is true; it is stated that it is in conflict with the President's financial program; but I do not find any opposition to the bill in the letter from the War Department. I will read the letter if it is desired.

Mr. KING. Mr. President, will the Senator from Tennessee permit an interruption?

Mr. TYSON. Yes.

Mr. KING. First, I desire to make an observation in connection with the statement made by the Senator from Massachusetts [Mr. WALSH].

Mr. President, there was a bill introduced in the Senate and referred to the Naval Affairs Committee which, without due consideration, without understanding the implications, went through; but, as soon as Congress saw what it meant, it promptly repealed it. So all the emergency naval officers are not being retired; but before this bill shall be passed here the Senator from Maine will be heard asking that it be amended to include naval officers and Marine Corps officers.

Mr. TYSON. I have already said that we have accepted the amendment of the Senator from Maine. That will add only a few more officers.

Mr. KING. It will add many more.

Mr. TYSON. The number is set forth in the statement.

Mr. WALSH of Massachusetts. Is it not a fact that in the cases to which the Senator refers the Navy Department approved the retirement?

Mr. KING. I do not think so; I am not sure whether they did or not.

Mr. TYSON. I will ask the Senator from Maine [Mr. HALE], who is chairman of the Committee on Naval Affairs, what is the attitude of the Navy Department in regard to the retirement of naval and Marine Corps officers who served during the World War?

Mr. HALE. In the past the Navy Department has repeatedly recommended that general legislation be enacted to take care of them. There have been a number of private bills enacted by Congress to take care of individuals, but the Navy Department has taken the ground that it should be done by general legislation.

Mr. KING. They have not recommended such legislation.

Mr. HALE. It is fair to say, however, that they took the matter up with the Budget Bureau, and the answer was made that the Senator has already given, that such legislation would not be in accordance with the President's financial program.

Mr. REED of Pennsylvania. Mr. President, is it not true that the Navy Department has uniformly opposed giving the retirement privilege to emergency naval officers unless their retirement pay came out of the appropriations for the Veterans' Bureau and not out of the appropriations for retired pay of the Navy?

Mr. TYSON. That may be true, but we are providing that the pay for the retired emergency officers shall come out of the funds of the United States Veterans' Bureau. It will not come out of the appropriation for the Navy Department under the terms of this bill, but out of the appropriation made for the United States Veterans' Bureau.

Mr. KING. Will the Senator yield?

Mr. TYSON. I yield.

Mr. KING. I understood the Senator to say the War Department had not opposed this proposed legislation.

Mr. TYSON. I beg the Senator's pardon; I said that it had opposed it until recently, as I understand.

Mr. KING. I was going to say that Secretary Baker opposed it and wrote a very strong letter in opposition; that Secretary Weeks wrote a number of letters in opposition to it; that Secretary Stimson opposed it; and that every Secretary of War, so far as I know, who has expressed himself upon the subject has opposed this proposed legislation because it would upset the policy of the Government and would be unjust and discriminatory.

Mr. TYSON. I deny that it is contrary to the policy of the Government from the Revolutionary War down to this time.

Mr. McKELLAR. However that may be, may I suggest to the Senator that very clearly the Secretary of War in his letter of January 21, 1928, by inference, at all events, favors the proposed legislation.

Mr. TYSON. I so understand. He does not oppose it, and there is nothing in his letter to indicate that he opposes it. I have spoken to high ranking members of the General Staff of the Army, and they say that this is a just bill and ought to be passed. They have begun to realize that emergency officers under like conditions ought to have the same pay as Regular Army officers.

I should like to read a portion of the letter of the Secretary of War, in view of the fact that the Senator from Pennsylvania seems to feel that the Secretary of War is opposed to this bill:

> Under existing law the regular officer is granted the rights of retirement on account of physical disabilities incurred in line of duty, whereas the emergency officer must look, if so disabled, to the relief afforded by the war risk insurance act as amended.
>
> * * * * * * *
>
> While I feel that it would be better administration to have the Veterans' Bureau charged with all administrative acts, the War Department would be glad to do this, if Congress so desires. In case it should be deemed best that the War Department publish the list, I would suggest that the bill specifically provide that the Veterans' Bureau be charged with the responsibility for preparation and maintenance of the list and submission of the same annually to the War Department for publication.

I will now read the portion of the letter which I think refers to the attitude of the War Department concerning this bill. The Secretary of War says:

> In general, any such relief measure should conform to our traditional policies. Its administration should be in accord with sound business principles and the benefits conferred should be equitable. The determination of whether these policies are followed, and the cost, the extent to which and the manner in which relief or benefits to which they may be entitled are granted to disabled emergency officers or enlisted men, is a matter to be determined by the Congress.
>
> If any additional information from the War Department is desired, I shall be pleased to furnish it.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. TYSON. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. As I understand the Senator's position, he is of the opinion that both the War Department and the Navy Department approve this proposed legislation, but that the Budget Bureau does not approve of it because it conflicts with the financial program of the administration.

Mr. TYSON. The War and Navy Departments, so far as I know, have not absolutely approved it in so many words, but they certainly have not disapproved it.

Mr. WALSH of Massachusetts. They have based whatever objection they have made upon a conflict with the financial program of the administration.

Mr. TYSON. Apparently so. That is the only objection, so far as any disapproval is concerned, that is set out in any letter which I have received or any report which I have read, and I have, I think, read all that have come from both the House and Senate committees.

Mr. President, there is no great amount of money involved in this bill to be expended for these officers who went to the front, shed their blood, came back wounded and disabled, and whose capacity to make a living has been very greatly impaired and in many instances absolutely obliterated.

It is not necessary for me to go into details concerning this measure and I am not going to undertake to do so. I believe Senators are fully informed about the bill. They realize the justice of the position of these officers; they have repeatedly voted on this question and, therefore, what I want is to have the bill brought to a vote, for I believe if it can be brought to a vote the Senate will take the same stand that it has heretofore taken and pass this just measure.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. TYSON. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I think the Senator is quite right in not prolonging the debate, in view of the previous debates and the well-known sentiment of the Senate favoring this measure, but I should like to ask him, before he concludes, what do the records show as to the percentage of emergency officers who were killed or wounded in the World War in comparison with the number of officers of the Regular Army who were killed or wounded?

Mr. TYSON. There were 2,191 battle casualties; that is to say deaths, of officers in the World War, and of that number 93 per cent, or about 2,040, were emergency officers, and 151, or 7 per cent, were Regular Army officers.

Mr. WALSH of Massachusetts. What is the explanation of that? Why should the percentage of emergency officers who were wounded or killed be so exceedingly great in comparison with the number of Regular Army officers?

Mr. TYSON. I assume that it was due to the fact that the officers of the Regular Army, as a rule, had higher rank and were not exposed so much as were the emergency officers. I doubt if we have ever been in a war where the company officers were more courageous and owing to the many engines of destruction exposed themselves more than they did in the World War.

I want to say, Mr. President, that in all past wars, so far as I know, there has been a greater percentage of private soldiers or enlisted men killed than of officers; but in this war the most extraordinary thing happened, when more of emergency officers were killed in proportion than of private soldiers or enlisted men.

Mr. CARAWAY. Mr. President, the Senator does not mean that there were 55 per cent more officers who actually died of wounds than private soldiers?

Mr. TYSON. No. I said the percentage is higher considering the number of men and officers engaged.

Mr. CARAWAY. I hope the Senator does not feel called upon to impugn the courage of officers who served in wars heretofore.

Mr. TYSON. Not at all, Mr. President.

Mr. CARAWAY. If the Senator were to refresh his memory of the Civil War, he would find that until at least two years had passed the company officers had to take their positions in front of their enlisted men, while in the recent war the officers from colonel up saw but comparatively little service. Even in the Civil War, at the Battle of Gettysburg, General Anderson put his cap on his sword and rode into the enemy's battle line and died under their guns.

While I am for the Senator's bill, I hope he does not feel compelled to reflect on the courage of the officers who served in previous wars.

Mr. TYSON. I do not understand the Senator. I should like to have the Senator explain what he means.

Mr. CARAWAY. If it requires any explanation, I am not going to sit here and have the Senator say that heretofore officers did not display courage.

Mr. TYSON. I beg the Senator's pardon; I have not said anything of that kind.

Mr. CARAWAY. Well, read the remarks.

Mr. TYSON. If I said so, then I made a mistake. I did not intend to say so.

Mr. CARAWAY. Then I beg the Senator's pardon.

Mr. TYSON. What I intended to say was that in the World War, out of every 1,000 officers who served in the Infantry, 80 were killed, and out of every 1,000 enlisted men, 51 were killed. That was what I intended to say; in other words, that there was a greater percentage of officers killed than of enlisted men—not, of course, that there were as many in actual numbers, but a greater percentage. I was trying to show the courage of the officers of this war and how they went forward and took the risks, and how they were killed and wounded and disabled by virtue of the fact that they went forward and did their duty fully, and exposed themselves as much as did the private soldiers of the war.

Mr. McKELLAR. Mr. President, as I understood the Senator, he said that some 2,100 officers were killed, and that 93 per cent of the 2,100 were emergency officers and 7 per cent were officers of the Regular Army.

Mr. TYSON. That is the information we get from Leonard P. Ayres, of the General Staff.

Mr. McKELLAR. The question I want to ask is this: Has the Senator any figures showing the relative percentage of those that were wounded in the war—what percentage of Army officers wounded were emergency officers, and what percentage were regular officers?

Mr. TYSON. I have not that information. I will state for the information of the Senate and the Senator that Ayres's book shows, according to the report I have, that 8,122 officers were wounded in action.

Mr. WALSH of Massachusetts. All together?

Mr. TYSON. Of these, 3,195 are listed as severely wounded. As only 3,030—this is what we had here before when the matter was brought up—of the emergency Army officers are now rated at more than 30 per cent disabled, it will be seen that many of the severely wounded officers have died or are now so recovered, nearly 10 years after the fighting, that their disabilities are rated at less than 30 per cent permanent. This legislation cares for the severely disabled officers. "Severely wounded" usually means one whose survival is uncertain.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. TYSON. I shall be glad to.

Mr. KING. The Senator has been eulogizing—and in that I agree with him—the bravery of our officers on the battle front. Will he be willing to limit the operation of this bill to those who were upon the battle front, those who saw service; or does the bill include the clerks—and there were thousands of them here—who were lieutenants and captains and majors in the United States, and the thousands who had good jobs here, who never were within a thousand miles of a rifle shot?

Mr. TYSON. I will state for the information of the Senator that the bill provides that all persons who served as officers of the Army of the United States during the World War, and who during such service incurred physical disability in line of duty——

Mr. KING. I know what the bill provides; but the Senator has been paying a very deserved tribute to the bravery of our officers in France who were upon the fighting line. Is he willing to limit the retirement privilege to those who really did fight, or does he want to give the privilege to those who were in clerical positions here, and who never did any military service in the sense of being upon the firing line or taking any part in military maneuvers or taking part in military units?

Mr. TYSON. Mr. President, I am willing to give the emergency officer exactly what the regular officer gets.

Mr. KING. Then the Senator is unwilling to limit the bill to those who did the fighting?

Mr. TYSON. I am unwilling to do anything beyond what is done in this bill, namely, to give a man who went into the World War a fair deal and the same consideration as if he had been in the Regular Army.

I wish to state for the informaiton of the Senator that the emergency officers were older men, as a rule. Men who were under 27 years of age were put in the Regular Army as provisional officers. Those men get the same privileges to-day that the Regular Army officer does; and 58 of those young men under 27 years of age who were disabled in battle have been retired. Why should you not give the same benefit to an emergency officer that you give to a man who went out and trained alongside of a man who might happen to be two or three years older than he was, and yet who suffered disability under the same conditions? Yet your idea is to give it to the Regular Army emergency officer or provisional officer, and not give it to the emergency officer who is no longer in the Army. I do not see any justice in that.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. WALSH of Massachusetts. I have some figures here from a publication issued by the War Department which show that 2,040, or 93 per cent, of the officers who were killed in action came from the class of emergency officers who are denied retirement, while 7 per cent, or 151, came from the class known as Regular and provisional Army officers, which class already have retirement rights.

Mr. TYSON. Exactly.

I want to give a little more information about the regular retirement of officers. I do not want to be misunderstood. You can not have a Regular Army worth anything in this country, or anywhere else for that matter, unless you have a retired list, unless the officers who are in the Regular Army realize and know that they are going to be retired when they are disabled, from whatever cause. At the beginning of the war there were only 6,000 Regular officers in the Regular Army. I do not know how many went in and out during the whole of the war, because, of course, there were more than that number in the Regular Army during the World War. Many of them were killed, disabled, or resigned, or went out from some other cause, but that was the number at the beginning of the war. Since the beginning of the World War and up to 1926, 1,109 Regular Army officers have been retired for disability. This statement does not say "from wounds." It says "from disability."

Mr. WALSH of Massachusetts. How many, please?

Mr. TYSON. One thousand one hundred and nine have been retired for disability and 645 Regular Army officers have been retired for reasons other than disability, a total of 1,754 Regular Army officers retired since the beginning of the war. In other words, assuming that there were seven or eight thousand Regular officers during the whole of the World War, almost one-fourth of all that number have been retired for one reason or another; and in addition to that I have these figures as to the amount of money which was expended in the retirement of officers:

In 1917 only $2,700,000 was appropriated for pay of retired officers of the Army,

For 1927 a total of $7,364,000 was appropriated for this purpose, being an increase of $4,664,000.

Mr. President, I think that is all right. I have no objection to it. I am making no criticism whatever of it. It simply shows, however, that in the Regular Army we have had more than one-half as many men retired since the beginning of the World War as are proposed to be retired under this bill out of 200,000 emergency officers who were in the World War. So it seems to me that this is a very small number, and that this is a very reasonable proceeding, and that 30 per cent disability is a very high percentage to require a man to have before he can get retirement.

Mr. WALSH of Massachusetts. Mr. President, I suppose some of those retirements were due to age.

Mr. TYSON. They were due to age, and for all reasons—disability, and one thing and another—and, of course, very properly so. I am not making any criticism. On the contrary, I think it was absolutely necessary and proper and right, in the interest of the efficiency of the Army.

So, Mr. President, I think if there are more officers retired after this bill is passed than should be retired it is the Congress that is at fault, and not this bill. This bill provides that after two years no officer shall or can be retired, because the time limit will have expired.

Mr. WALSH of Massachusetts. Mr. President, can the Senator state the approximate cost to the Government of this bill?

Mr. TYSON. It will cost, for the whole number, $4,985,100 annually.

Mr. KING. Mr. President, the Senator does not mean the full implication of that statement, does he?

Mr. TYSON. I mean that that is what it will cost to retire all of the officers provided for in this bill who are now 30 per cent or more disabled under the ratings of the United States Veterans' Bureau. Yes; I mean to say that.

Mr. KING. Does not the Senator know that more than 40,000 Reserve Army officers out of the 200,000 have made application for compensation; that more than 10,000 are now upon the active list, which is constantly being added to; that every week the Veterans' Bureau is rerating and reclassifying, as a result of which many who are under 30 per cent disability are advanced to 30 per cent and above, so that progressively the list will increase? Will not this occur that within a few years, if this bill becomes a law, there will be 50,000 officers upon the retired list?

Mr. TYSON. Mr. President, I am not a prophet, but I can not see why that would be done unless the Congress wants to do it.

Mr. KING. Oh, well, the Senator knows that Congress will yield to appeals that will be made. Any bill that touches the question of the Army or the Navy secures the approval of Congress. This bill has been lobbied for for years, and its supporters are now in the gallery watching us.

Mr. TYSON. Mr. President, I feel that Congress ought to respond whenever a thing is right and just, and only then; and if they are not men enough to refuse to respond when it is not right, then it is for them to say.

Mr. REED of Pennsylvania obtained the floor.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Fletcher	McKellar	Simmons
Black	Frazier	McNary	Smith
Blease	George	Mayfield	Smoot
Bratton	Gerry	Metcalf	Steck
Brookhart	Glass	Neely	Steiwer
Broussard	Hale	Norris	Swanson
Bruce	Harris	Oddie	Thomas
Capper	Harrison	Overman	Tydings
Caraway	Hawes	Phipps	Tyson
Copeland	Hayden	Ransdell	Wagner
Curtis	Heflin	Reed, Pa.	Walsh, Mass.
Cutting	Johnson	Robinson, Ark.	Walsh, Mont.
Deneen	Jones	Sackett	Waterman
Dill	Kendrick	Schall	Willis
Edge	Keyes	Sheppard	
Edwards	King	Shipstead	
Fess	La Follette	Shortridge	

Mr. JONES. I desire to announce that the senior Senator from South Dakota [Mr. NORBECK] is necessarily absent on official business.

Mr. FRAZIER. I wish to announce that my colleague [Mr. NYE] is unavoidably absent on business of the Senate.

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, there is a quorum present.

Mr. REED of Pennsylvania. Mr. President, I do not mean to speak more than 20 minutes; I certainly shall try to make my remarks brief.

I am opposed to this bill because, in the first place, it seems to me to be a cruel and indefensible discrimination against the enlisted men of the Army, and against the junior officers, particularly the second lieutenants.

I am opposed to the bill next because it gives compensation not according to the severity of the injury of which the soldier suffered but according to the temporary rank he enjoyed while he was in the Army.

I am opposed to it in the third place because it is an indefensible discrimination between those officers who were injured more than 30 per cent and those who were injured less.

I ask the Senate to bear with me for a moment while I illustrate those discriminations. I realize full well that this bill has been urged upon the Senate by many veterans' organizations, but I say with full confidence that hardly one veteran in one hundred knows what is in this bill, and that any veteran who did know what was in it would oppose it.

I have put that belief to the test at many veterans' meetings, and when I have explained to the veterans gathered what this bill really meant, in the way of discrimination against the enlisted man, I have yet to find a single meeting that was willing to voice any approval of the Tyson-Fitzgerald bill.

Let me illustrate. On the 1st day of last July the United States was paying compensation to 243,611 disabled veterans. The bill will favor 3,030. The other 240,000 veterans get no relief under it whatsoever. This establishes a preferred class among the 243,000 veterans and singles them out for special and specially generous relief, not because they are the worst injured but because of their war-time rank.

At present the United States is spending $405,000,000 for veterans' relief. The bill will increase that expenditure less than one-half of 1 per cent. The total increase in cost due to the bill as it has been introduced and reported would be $2,060,000. It is not because I am trying to keep that $2,060,000 from disabled veterans that I am opposing the bill. I would gladly vote for a bill that would grant that increase in relief if it did it impartially to all the men affected or if it gave it to those who were severely injured. The money cost is slight compared with the vast sums that a grateful Nation is pouring out to the disabled veterans.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. REED of Pennsylvania. I yield.

Mr. KING. I apologize for interrupting the Senator. I do not think the Senator wants to leave the impression that the amount which he has stated as additional cost if the bill passes will be the aggregate amount annually that will in the very near future constitute a charge upon the Treasury.

Mr. REED of Pennsylvania. I agree with the Senator that the probability is the amount will be considerably increased, but in order that I might not be accused of any guesswork I am simply giving the figure that we know will be the immediate increase in cost as certified by the Veterans' Bureau.

Mr. KING. The Senator knows there are now more than 10,000 reserve officers on the active list of officers who have applied for compensation——

Mr. REED of Pennsylvania. That is correct.

Mr. KING. And that a large number of them claim more than 30 per cent disability, and that reratings are being made which transfer from a lower percentage of disability to a higher percentage of disability, a considerable number. I am advised that more than 42,000 have applied for compensation, and, of course, a large per cent of that number will come within the 30 per cent provision. Additional officers will apply for disability compensation, and if they reach the 30 per cent limitation they will be transferred to the higher grade and become beneficiaries under the bill. It is, therefore, impossible to predict what in 10 or 15 years from now the additional cost will be to the Government. It may be tens of millions of dollars annually.

Mr. REED of Pennsylvania. That, I believe, is all true, but even that would not stop me if the relief, even in the tens of millions, were going to the men who had given the most for their country during the war. But that is not what the bill does. Will the Senate bear with me while I illustrate those three discriminations?

I said first that the bill discriminates between officers and enlisted men, and that it also discriminates against second lieutenants. It happened that during the war I was a major of Field Artillery. Had I lost two fingers of my right hand, under the provisions of the bill, my compensation would be $2,250 a year. Had a first sergeant of one of my batteries, who had to be every bit as good a man as I, lost the same two fingers, assuming that he had the same occupation as myself, he would get $396 a year. I would get nearly six times as much as he; not because I am a better man, not because I served any better, but simply and only because I was in the Army with a paper which they called a commission, while he was in it with a paper which they called an enlistment contract—and yet this is called a democratic country.

Mr. LA FOLLETTE. Mr. President, will the Senator explain what the compensation would be to a Regular officer of the same rank as his own had he lost the same fingers of the right hand?

Mr. REED of Pennsylvania. The probability is he would not have been retired at all, because it would be held that that was not a substantial impairment of his military efficiency. But if he had any injury that retired him, or if he got to be 64 years of age, or if he served 32 years and made application for retirement, then he would get three-quarters of his base pay, whatever that was, and it would depend on the number of years he had been in the Army how much that base pay would be.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. BINGHAM. There is this interesting difference, if the Senator will permit me: The Senator has said he was a major in the Army. Will the Senator tell us how long he served before he became a major?

Mr. REED of Pennsylvania. Everything included, all sorts of preparation together, about three years.

Mr. BINGHAM. He was in the Army for three years before he became a major?

Mr. REED of Pennsylvania. In one form or another.

Mr. BINGHAM. The major in the regular service who becomes disabled enough to be retired, and is retired, has had to have how much service? Can the Senator tell me how many years?

Mr. REED of Pennsylvania. At present he must have been in service 12 years. In peace times he would probably have to be in the service over 20 years.

Mr. BINGHAM. Or even longer, as we know. If that officer to whom we are referring in the Regular Army had had a temporary commission as major at the front and had been wounded, as the Senator has said, and lost two fingers and had been retired for that injury, he would not be retired with the proportionate pay of a major, because that was only his temporary grade. Majors in the Regular Army at the front nearly all were of the permanent grade of second lieutenant or first lieutenant at the most, as the Senator knows. Their retirement is on the permanent grade which they get for years of service, whereas in this case it is a temporary grade obtained after a few months of service. That is where the great unfairness comes in, in that man to get to be a major or lieutenant colonel in the Regular Army must serve for many years and then be retired and get out, whereas under the provisions of the bill only a few months of service are necessary.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. It has been represented to me that these men are the only survivors of the World War who have not been taken care of by Congress in the matter of compensation legislation.

Mr. REED of Pennsylvania. The naval officers were taken care of by a rider that went into one of the naval appropriation bills, which nobody knew was there. It was repealed the following year. While it was in effect about half the disabled naval officers learned about it and took advantage of it.

Mr. HALE. Mr. President, it was repealed to the extent that a time limit was fixed under which application could be made for retirement, and the time was fixed so it gave everyone who was injured at that time a chance to take advantage of its provisions.

Mr. KING. Mr. President——

Mr. REED of Pennsylvania. Just a moment, if the Senator please.

Mr. KING. I think the question propounded by the Senator from Minnesota was not quite fully apprehended by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I understand it, but I do not want to get drawn off my trail. I want to put this matter as vividly as I can, and then I shall be glad to go into the details.

Mr. KING. But the Senator's question implied that those who would be the beneficiaries under the pending bill do not receive any compensation, whereas they are now receiving compensation as provided under existing law.

Mr. REED of Pennsylvania. Absolutely. They are getting the same compensation now that enlisted men are getting and are graded according to the severity of the injury and the occupation they have. Under the present law, which I think is highly fair, the occupation is taken into account. If a violinist lost a finger on his left hand, his occupation would be gone, but if he were a lawyer, as I, for instance, if I lost that finger,

I would have just one less finger to gesture with. That is the only difference.

Let me call the attention of the Senate to more contrasts that the bill affects. If a lieutenant colonel, we will say, loses one finger, and if his occupation is that of a musician, he is retired at $2,625 a year. But if his brother happens to be an enlisted man, just as good a musician with just as good a show in civil life, and loses the same finger, he gets something like $390 a year as opposed to $2,625. Two men with the same injury in the same occupation who have served with equal bravery are thus discriminated against.

Mr. TYSON. Mr. President——

Mr. REED of Pennsylvania. I beg the Senator to let me go on for about five minutes, and then I will yield indefinitely.

If the same major I spoke of a while ago loses two fingers, he gets $2,250 a year, but if his brother, an enlisted man or a second lieutenant, if you please, loses both his legs or has a bullet through his spine that paralyzes him, he gets just one-half as much as the major who loses the two fingers. How can anyone justify that in a country that said it had a democratic Army in a war that was fought for democracy? Then we come back and set up a caste system in the giving of relief. Two fingers, $2,250 a year, and yet a broken back gets $1,200, just because the man who had the broken back was a second lieutenant or a sergeant or a corporal or an enlisted man.

Mr. EDGE. Mr. President, will the Senator yield at that point?

Mr. REED of Pennsylvania. Very well.

Mr. EDGE. Does not the same condition exist in the Regular Army, where there is a distinction between the enlisted man and the officer?

Mr. REED of Pennsylvania. Mr. President, I have, in the years we have debated this bill for retirement pay, explained over and over again that the retirement pay of a Regular Army officer is deferred pay, saved up year by year, because that officer has given up all other employment and all other ways of laying up for his old age, and he gets it whether he is injured or whether he is 64 years of age or whether he retires voluntarily after a certain service.

Let me give another illustration of the way the pending bill would work out. Out in my town of Pittsburgh lives one of the bravest men I know, who was a second lieutenant during the war, a physician at home, but he went into the fighting forces. He had both of his legs blown off by a shell. At the present time, because of his helplessness, he gets $100 a month for complete disability and he is allowed $50 a month for the employment of an attendant. Under the pending bill, if it were applied to him—and, of course, he would not ask to have it apply to him—he would only get $125 a month, or an actual reduction.

But in my same home town lives another officer who no doubt is a good man. He was a doctor, too. He has diabetes. He never saw the front. He never even saw the ocean. He served here in Washington for about three months. The bill would raise his pay from $100 to $150 a month. That is the way the bill would work.

I have just been working over the rating schedule of the Veterans' Bureau. Let me give another illustration. Two officers, we will say, are majors. They are both scientists. One of them devotes his life to bacteriology and the other one devotes his life to chemistry.

So strange and wonderful are the results of this bill that the major who is a bacteriologist would if he lost his leg at the knee receive $348 a year, while the major who is a chemist, if he lost his leg at the knee, would get $2,250 a year. Justify that to me if you can.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. REED of Pennsylvania. I yield.

Mr. BROOKHART. Supposing we concede that to be a case of injustice, is it not perfectly easy for Congress to correct that injustice in the future and make provision so that full justice will be done to everybody?

Mr. REED of Pennsylvania. If Congress will correct it now I shall be glad to vote and work for the bill; but what I object to is the creation of these injustices according to a man's rank.

Mr. BROOKHART. I was not aware that the Senator brought before the committee a bill that would correct the injustices.

Mr. REED of Pennsylvania. I had the honor of writing the World War veterans' act.

Mr. BROOKHART. Yes; that is all right; that was to pay them part of the damages they suffered by reason of injuries, just as the railroads pay damages for injuries and things of that sort; but that did not relieve this situation and put the emergency officers on an equality with the regular officers who served during the war.

Mr. REED of Pennsylvania. I should like to know, when this bill passes and when the enlisted men of the World War find out what has been done in it, how we are ever going to explain to them the things we have done under the guise of retirement. There was not any essential superiority in the officers who served in the World War that led them to be given commissions. The rank that was given them was for the convenience of command; in order to allow the despot who heads every army to transmit his orders down to every man in the army. That is why rank was given. It was not because there was some social superiority in the officer.

Back in the old days in England men were chosen to be officers of the nation's armed forces by downright purchase, becauses their fathers had the money with which to buy commissions in the army or navy. That was probably the very worst way ever devised for officering an army or a navy. We got away from that, and in our Civil War both Armies officered their troops by appointment of the governors of the States.

Political influence played a considerable part, and the ability to outfit a company or a regiment played a still greater part, as it had done in the War of the Revolution. Men were officers not because they bought their commissions directly but because they contributed for the arms and the accouterments of the troops they commanded. In the Spanish-American War we made a little further improvement, but it was not until the World War that we got down to a proper democratic basis of making officers. In that war commissions were obtained not because of the wealth of a man or because he had bought a commission from somebody else or because he had bought the outfit for a troop or a company or a battery, but because he seemed to have the qualities or the knack that enabled him to function effectively. If he was an accomplished typewriter expert, he might have been put in the Quartermaster Department buying typewriters; but that did not mean that he was any better than the enlisted man at the front. If he happened to be able to do trigonometry in his head easily, he probably became an officer of the Field Artillery; but that did not make him any better man than the enlisted man who served under him. All through the war we prided ourselves on the democracy of this army. It was the first time we had had a truly democratic army.

When the war was over and we began to take steps for the relief of those who were maimed in it, it was a matter of pride for those of us who had to do with the veterans' relief legislation that temporary rank was not considered at all. The men were considered as equals. Any private was the equal of his general when it came to the reception of the gratitude of his Nation for the suffering that he had undergone. That is what this bill discards. The objection to it is not the $2,000,000 that it will cost; the serious thing is the loss of respect that it costs.

How dare we in America set up an aristocracy like this? How dare we pick 3,000 men out of the 243,000 and give them special benefits, as if they were somehow the social superiors of the enlisted men whom we disdain? I can not believe any veterans' organization, knowing what is in the bill, could ever sponsor it for one minute. I can not believe that any enlisted men, knowing that they are ignored while others are given these astounding benefits for trivial injuries, could ever approve the passage of the bill.

An enlisted man with both eyes out will receive only half as much as will be given under this bill to an officer for the loss of two fingers.

What are we going to say to that blind enlisted man? How are we going to explain to him that his two eyes are only worth half as much as an officer's two fingers? How are we going to explain it to the second lieutenant who led his men at the front and is given a maximum of only $100 a month for the paralysis that followed the bullet through his spine, when some officer in the Quartermaster Department or in the Judge Advocate General's Department who served, perhaps, a month here in Washington and ran the risk of no greater danger than that of indigestion, but who five years afterwards may have developed insanity or tuberculosis, which the law provides conclusively shall be considered due to his war service, because of the constructive disability or insanity subsequently accruing is given twice what is allowed to the paralyzed man who served at the front? How can you do it, Senators? How can you justify it? How can you say that America has no classes when you differentiate amongst men not according to what the war has done to them, not according to the degree to which their bodies have been wrecked by their war-time experiences, but according to whether the particular commission they held was

that of second lieutenant or colonel? It seems to me that this is the worst departure from that democracy on which we prided ourselves that has ever been suggested to the Congress since the war ended.

Mr. GLASS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Virginia?

Mr. REED of Pennsylvania. I am glad to yield.

Mr. GLASS. I should be interested to know whether the striking inequalities suggested by the Senator are exceptional, or will they manifest themselves in great numbers?

Mr. REED of Pennsylvania. Oh, Mr. President, I could go on, if the Senate would bear with me, and I could give hundreds and hundreds of such illustrations. I have purposely not given too many, but this book of occupational ratings, containing thousands of ratings, points out many discriminations. If the Senator would like—this bill will probably come up for consideration again to-morrow—I will give a collection of them. What I have given are merely illustrative cases.

I have in my mind a list of officers from Pennsylvania who would be benefited by this bill. If it will not delay the Senate too long, I should like to give just a few illustrations culled from this list. I do not want to give the names because I do not believe that it is justifiable to advertise by name the particular injuries of certain men, because it might prejudice them in their communities. I can give all the other information that is necessary.

Mr. GLASS. I will not ask the Senator to do that. The illustrations which he gave were of such a striking nature that I wondered whether there were a great many of them.

Mr. REED of Pennsylvania. Yes, Mr. President, I can truthfully say there are thousands and tens of thousands of them.

Mr. EDGE and Mr. TYSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I think the Senator from New Jersey first asked me to yield.

Mr. EDGE. Mr. President, my question is a very short one. As I followed the Senator's argument and reasoning, he was pointing out the very decided discrepancies that would exist—and they are decided; there is no question about that—under the terms of this bill. It is reasonable to assume that the Senator would like to see those discrepancies eliminated by including noncommissioned officers and enlisted men in the benefits of this measure?

Mr. REED of Pennsylvania. We could not include them within the benefits of the proposed act by basing their compensation on the pay they received in the Army. If we should give them three-fourths of their pay, it would not amount to anything substantial, because their pay in money was very low. Their compensation included their keep in every way; it included all sorts of things that the officer did not get; so that the sergeant actually received a larger pay in many cases than did the second lieutenant. So we could not base the compensation of the noncommissioned officers and enlisted men on their pay and do justice.

Mr. EDGE. Their compensation could be based perhaps on some method that could be arrived at, disregarding the extra allowances to which the Senator refers.

Mr. REED of Pennsylvania. It ought to be based on the man's injury and on the occupation which that injury affects, just as the present veteran's law does. If we are going to be generous to men who have lost both eyes, for example, let us be equally generous to all of them whether they held commissions or not. The determining question should be how badly they were injured.

Mr. TYSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Tennessee.

Mr. REED of Pennsylvania. I yield.

Mr. TYSON. I should like to ask the Senator if he is in favor of retirement for the Regular Army?

Mr. REED of Pennsylvania. I am.

Mr. TYSON. And is the Senator in favor of pensions for enlisted men in the Regular Army?

Mr. REED of Pennsylvania. I am.

Mr. TYSON. Why does the Senator not take the same attitude in the case of the Regular Army that he takes in the case of the emergency officers and men of the Army that went through the World War? Why is it not just as proper and right if we are proceeding on the democratic principles of which the Senator has spoken to have the private soldier in the Regular Army receive the same retired pay, under like conditions, that the Regular Army officer receives when he is retired?

Mr. REED of Pennsylvania. If it comes to a pension, I think he ought to get the same.

Mr. TYSON. That is not the question. The Senator has said that officers and enlisted men of the emergency army for like disabilities should receive the same compensation. What is the difference between the Regular Army officer and the enlisted man of the Regular Army? They are both human beings. Why should the Regular Army officer be paid so much more than the enlisted man of the Regular Army is paid for like disabilities?

Mr. REED of Pennsylvania. If the Senator is talking about pensions, I fully agree that there ought to be no difference. If the Senator is talking about the compensation for injuries, I agree there ought to be no difference; absolutely none.

Mr. TYSON. The Senator knows that the Regular Army officer does not have to have any particular injury. So long as he is so far disabled that he can not perform the duties of his office, he is retired.

Mr. REED of Pennsylvania. Yes; or if he is 64 years old he is retired.

Mr. TYSON. I should like to ask the Senator another question. He was speaking about the long period that Regular Army officers have to serve before they may retire and receive retired pay. A graduate of West Point is given his diploma to-day and breaks his leg going down to the dock to get on a boat to come to Washington. What is done to him?

Mr. REED of Pennsylvania. He is taken to a hospital and kept in the service.

Mr. TYSON. But if he is unable to perform active duty after a time he is placed on the retired list and receives retired pay as a second lieutenant just the same as any officer who has served long years. How does the Senator account for that?

Mr. REED of Pennsylvania. The Senator is a distinguished soldier. He knows the reasons for retired pay.

Mr. TYSON. I know that it is just and right that it should be done. It is the public policy of this country; and you can not have an army unless you do have a policy of that kind. My idea about it is that unless we have a policy of that kind we never will have a good army ready to go into any other war, just as we have never had an Army ready to go into any war that this country has ever had to wage.

Mr. REED of Pennsylvania. And the Senator thinks it is justice to pay the major who is a chemist $2,250 a year, and the major who is a bacteriologist $348 a year, when each of them has lost a leg at the knee?

Mr. TYSON. If they come within the provisions of this bill I think each of them ought to have the pay that this bill would give to him.

Mr. REED of Pennsylvania. Exactly. I am just showing what this bill does do to him. The bacteriologist with his leg off gets $29 a month.

Mr. TYSON. If he has the service and if he has the disability and if he has the rank and was injured in the World War, I would pay him just what this bill provides for paying him.

Mr. REED of Pennsylvania. That is all I care to say to-day, Mr. President; but between now and to-morrow I will make a collection of some of these typical injustices.

Mr. NORRIS. Mr. President, I should like to ask the Senator a question.

Mr. REED of Pennsylvania. I am glad to yield to the Senator.

Mr. NORRIS. I was thinking along the same lines, evidently, that the Senator from Virginia [Mr. GLASS] was thinking when he asked his question. I am not quite satisfied with the Senator's answer to it. The question arose in my mind whether these discrepancies necessarily followed in all cases, and, if not, in what proportion of them. I have gotten the idea now from the Senator's statement and his address that there is a discrepancy in every case. Are these illustrations fair samples?

Mr. REED of Pennsylvania. I think they are fair samples.

Mr. NORRIS. Could there be a case under the bill now, if it became a law, where there would not be a discrepancy?

Mr. REED of Pennsylvania. Oh, there will be some cases where we will be glad to see the compensation paid, because some majors were severely injured.

Mr. NORRIS. Oh, yes. I do not know, however, that the Senator understands my point. I do not know that I have made myself clear. That does not answer the question that I am trying to propound.

I want to know whether this bill always makes a discrimination in favor of an emergency officer who is injured the same as a private soldier or a noncommissioned officer.

Mr. REED of Pennsylvania. In every case except the second lieutenants. The second lieutenant gets no benefit under this

bill unless he is lightly injured. A seriously injured second lieutenant gets less under this bill than he would get under the present law. In every other case the discrimination exists.

Mr. CARAWAY. Mr. President, may I ask the Senator a question? I am frank to say that I came in just when he was making his statement about one major getting $300 and another getting $2,900. In what way did that difference arise?

Mr. REED of Pennsylvania. The difference arose in this way: The bill extends the retirement privilege only to officers who are injured 30 per cent or more. If they are injured only 29 per cent, under these rating schedules they do not get any benefit under the bill. Under the rating schedules a bacteriologist—to continue that illustration; I could give hundreds of others—a bacteriologist who loses his leg at the knee is held to be 29 per cent disabled. Therefore he gets only $29 per month—29 per cent of the $100 which goes for complete disability—while if a chemist loses his leg at the knee he is held to be 34 per cent disabled, and so he gets $2,250 a year.

Mr. CARAWAY. Who made this rating?

Mr. REED of Pennsylvania. The rating schedule is made by the Veterans' Bureau in compliance with the law of Congress.

Mr. CARAWAY. Does not the Veterans' Bureau need to be seen by a bacteriologist to make it see how unreasonable that sort of a rating is?

Mr. REED of Pennsylvania. I think, on the whole, the rating schedule is very satisfactory.

Mr. CARAWAY. Why does it not injure a bacteriologist as much as a chemist to lose his leg at the knee?

Mr. REED of Pennsylvania. I presume that one sits down and the other stands up. I do not know the reason.

Mr. CARAWAY. I believe that the Senator is not, either, because I rather think he would find out that they perform their occupations in somewhat the same way.

Mr. REED of Pennsylvania. It occurred to me that they did, and that is why I took them for an illustration.

Mr. CARAWAY. I rather think that is the fault of the Veterans' Bureau and not of the legislation of Congress.

Mr. GLASS. Mr. President, do the same striking inequalities prevail in the Regular Army?

Mr. REED of Pennsylvania. No; Mr. President. In the Regular Army we have the enlisted retired list and the commissioned retired list; and that is based on length of service, not on degree of injury or anything of the sort, in both cases.

Mr. GLASS. Not on rank?

Mr. REED of Pennsylvania. It is based on rank and length of service and the pay period in which each individual is at the time of his retirement. He may be retired for age; he may be retired on his voluntary application; he may be retired for disability. There is no resemblance between that system, which applies in peace time as well as war time, and the system here, which is distinctly war-time relief for injury.

Between now and to-morrow morning I will try to collect a large number of these illustrative contrasts. As I say, there would be no trouble, except for the time, in giving a thousand of them.

Mr. CARAWAY. Mr. President, may I ask the Senator a question? I know that he has given very great study to this measure.

Mr. REED of Pennsylvania. I am glad to have the Senator do so.

Mr. CARAWAY. Why could not these inequalities be corrected in the very language of the bill, so that the retirement would be made as just to the emergency officer as to the Regular Army officer?

Mr. REED of Pennsylvania. Because the two are based on wholly different principles.

Mr. CARAWAY. I know; but that is the thing I have in my mind. Why can we not provide that if an emergency officer is disabled he shall receive compensation just as if he had been in the Regular Establishment?

Mr. REED of Pennsylvania. We could say that. That is what this bill does.

Mr. CARAWAY. But under its administration, as the Senator apprehends that it will be administered, the very glaring inequalities that have been mentioned creep out. Why can not the language be changed so that Congress will do just what it intends to do—give the emergency officer exactly the same advantages under the retirement provisions of this bill that the Regular Army officer gets under the law that governs the retirement of those in the Regular Establishment?

Mr. REED of Pennsylvania. To the extent that the officer is 30 per cent disabled, the bill does do that; but that is what creates the inequalities that I have been trying to point out.

Mr. TYSON. Mr. President, will the Senator permit me to answer the question of the Senator from Arkansas?

Mr. REED of Pennsylvania. Certainly.

Mr. TYSON. I will state that the Senator will remember that that was what was desired and what we made an effort to do in the first instance. We tried to get this bill so fixed that they should have the same privileges and be retired under the same conditions as officers of the Regular Army. That was opposed by the War Department.

Mr. CARAWAY. We are not particularly concerned with that. I have never been tremendously impressed by what the departments wanted, because I have not found in the heads of departments any superior intelligence as compared with other intelligent people. If the Senator can make his language do that particular thing, why does not the Senator do it? It would not cost the bill a vote in the Senate, because the people who are going to vote for this bill are going to do it without very much concern about what the head of the War Department wants.

In fact, I am frank to say that I have never been quite able to comprehend why the Regular Establishment are so jealously and zealously for the retirement rights and seniority rights given them, and yet are so unalterably opposed to having other men enjoy the same benefits who have faced the same dangers and incurred the same injuries. If the Senator can make his bill prevent the inequalities that are here pointed out, why not do that?

Mr. TYSON. Mr. President, I wish to state that this is a bill that was in the Senate before, and I have introduced it here just as it was introduced before. I have not made any changes, because I thought this was a bill that was satisfactory to the Senate, and it seemed that it was a fair bill under all the circumstances.

Mr. CARAWAY. Mr. President, pardon me just one second. If we are legislating to do for the emergency officer exactly what the law does for the officers of the Regular Establishment, then I would make the bill do it without any reference to whether it met or did not meet the approval of whoever might now be the Secretary of War. I have high personal regard for the present Secretary, but I would not be willing to surrender my judgment on a question of right or wrong to the judgment of anybody else, whether he be the Secretary of War or the Chief of Staff.

Mr. KING. Mr. President, may I suggest to the Senator from Arkansas—probably this is not an answer to his question at all—that following the Civil War, and from time to time, many able men attempted to place the volunteer officers on the same plane as the regular officers; and it was opposed, and is opposed to this day. A large number of the surviving officers of the Civil War have not had the retirement privilege; and, though bills for the purpose have been brought up from time to time from 1866 down to 1912 or 1914, so far as I can recall every Secretary of War has opposed them, and most of the volunteer officers themselves have opposed them. They felt that it was unjust to the Regular Army officer who gave up his life to the Army service not to give him some advantages that were denied to those who had just gone in temporarily and had gone back again to the civil activities of life.

Mr. CARAWAY. Mr. President, may I just say this: I can not be thought to be hostile to the Regular service. I have two boys in West Point. I necessarily entertain no prejudice against the Regular Establishment; but when a boy gets an education that costs the Government about twenty or twenty-five thousand dollars, I am at a loss to know why he has been very seriously disadvantaged in the race of life because he has gone through West Point. When some man who has had to fight his way for his education gives up his place in society, whatever it may be, high or low, lays down all the opportunities of civil life, goes into the Army, carries himself with courage and patriotism through the struggle, and is disabled, I think he is just as patriotic and just as much entitled to consideration as if he has worn the uniform all his life.

I do not think it is a disadvantage to a man to have been an Army officer. I think that in this bill we treat them very well indeed. I do not know any of them that do not find it a very pleasant calling. I do not think the Regular Army officer is at a disadvantage, and I do not think he is entitled to any consideration to which the emergency officer is not entitled.

That is the way it seems to me; and I hope the law will be amended. The fact that justice has not been done to the Civil War emergency officers, if that is the case, has no weight at all in this matter.

Mr. BINGHAM. Mr. President, the fact is that emergency officers would not be satisfied if they were treated exactly as regular officers were treated who were injured during the World War; for a regular officer during the World War who was badly injured and retired receives the retired pay not of the rank that he had when he was wounded but the retired pay

of the permanent rank which he had earned by many years in the Army.

As a matter of fact, if this bill shall pass, it will do a great injustice to the regular officer, for a lieutenant colonel of the Regular Army serving alongside of a lieutenant colonel of the emergency forces, and wounded the same way and retired does not receive the retired pay of a lieutenant colonel of the Regular Army, but only the retired pay of his rank, which probably was that of captain at the time.

Mr. CARAWAY. That is based upon the theory that a number of officers were serving with temporary commissions in grades above their regular grades. That does not comprise a very large class of officers up to the company rank, at least. That would only become a condition that might prevail when they come to the regimental officers.

Mr. BINGHAM. There were very few regular officers of company grade during the war. Nearly all the regular officers were of field grade or higher.

Mr. CARAWAY. Yes.

Mr. BINGHAM. Some recent graduates of West Point were serving as majors in France.

Mr. NORRIS. Suppose they had been injured.

Mr. BINGHAM. They would have been retired as second lieutenants. The Regular Army does not retire an officer at the temporary grade he was holding at the time he was wounded. Consequently if you were to treat the emergency officers in the same way as Regular Army officers, and retire them at their permanent grades, they would not have any standing at all.

Mr. CARAWAY. Many of the regular officers, however, even when they were retired, were advanced a grade or two or three grades.

Mr. BINGHAM. In the Regular Army?

Mr. CARAWAY. Yes; frequently we would promote a man to a certain grade and retire him the next day in that grade.

Mr. REED of Pennsylvania. That would have no effect on his pay.

Mr. CARAWAY. He is paid according to his grade when he is retired.

Mr. REED of Pennsylvania. Yes; but my impression is that the pay of a retired major general, for instance, is the same as that of a lieutenant colonel, given the same period of service.

Mr. CARAWAY. I am frank to say that I am not familiar with the pay of the various officers in the Regular Army. I do know that in the committee from which this bill comes there are Senators who oppose it, and they can write into this language a provision that will do exact justice.

Mr. BINGHAM. No, Mr. President; that is not possible, because if you agree that when a great war comes and we have a great Army, consisting of volunteer enlisted men and volunteer officers, the difference between the officer and the enlisted man is only a temporary difference. It is not a life difference.

Mr. CARAWAY. I do not agree on this question of difference.

Mr. BINGHAM. The officer or enlisted man ought to be compensated in accordance with the injury he receives and its effect on his earning power.

Mr. CARAWAY. Then why should there be any retired pay for an officer in the Regular Establishment, except based upon his disability?

Mr. BINGHAM. There is none except based upon his disability or his age.

Mr. CARAWAY. Upon age and disability. But he is certain of his retirement pay when he goes out of the service if it is for an injury, or if it is on account of age he goes out with the certainty of his retirement. If we come down to that, what difference does it make whether he had been working for the Government all his life or whether he had been earning his living as a private citizen?

I do not think there is any aristocracy in this country, and that because a man is a member of the Army or the Navy he is any better than a man who is a seller of dry goods or who follows the plow; the Government does not owe him any more.

It took no more patriotism upon his part to follow his occupation than it did for the other man to follow his. I take it for granted that either one of those men is perfectly willing to expose himself in defense of his country. I do not think anybody ever saw any difference between an emergency officer and a regular officer in courage, in desire to do his duty, in his willingness to lay down his life, or to be injured in defense of his country. That is common. The enlisted man carried on with as much apparent desire to do his duty as did the highest officer in the Army.

Mr. BINGHAM. There is no question about that; but I should like to call the Senator's attention to certain definite facts based on figures furnished by the Veterans' Bureau.

It seems to me that we have in this country established a system of compensation that is better than that established in any other country. I will say to the Senator that Canada has adopted a system which is what the Senator from Tennessee [Mr. TYSON] wants us to adopt. The Canadians pay a man who was injured in accordance with his rank. If he was a corporal, he gets so much for an injury; if he was a sergeant, he gets a little more; if he was a second lieutenant, he gets a little more, and so on up to major general.

With us we have handled the matter in an entirely different way. We compensate a man, not in accordance with the rank he might have achieved in the Army, either in the noncommissioned force or in the commissioned force; but we compensate him in proportion to his injury, and how it affects his ability to earn in his old trade or occupation.

For instance, there are many different classifications according to occupation. I have before me only the figures for a half dozen of those—such as lawyer, farmer, bookkeeper, mason, physician, salesman, cashier.

If a veteran has lost the lower two-thirds of one leg, those who have studied this matter and have established rules in the Veterans' Bureau say that that affects him according to his occupation. If he were a lawyer, the rating is 29 per cent In other words, he is considered 29 per cent disabled, and under our present law he receives $29 a month compensation for his disability.

If, on the other hand, it was a farmer who was injured, the Senator can readily understand that to lose the lower two-thirds of one leg would affect him far more than it would if he were a lawyer. His rating is 55 per cent, and he gets for the rest of his life $55 a month.

Suppose this lawyer had been fortunate enough to secure a commission as major and this bill passes. He is still a lawyer. According to the best judgment in the matter, he is injured only 29 per cent, and if he had been an enlisted man or an officer he would get only $29 a month. But if he had been a farmer he would get $187.50 a month.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. McKELLAR. The question I would like to have the Senator answer is this: Here is a man who is an Army officer. The Government has paid him a salary for a number of years before a war comes on. As the Senator knows, the United States pay very excellent salaries, better salaries than any other government in the world, to our Army officers. This man is wounded, and after the war is over he is given retirement pay automatically.

Here is another man who is in civil life, and who trains himself; the Government does not train him, but he trains himself in such a way as to fit him to become an officer; a war comes on, and he goes into the Army as an officer, just as a Regular Army officer does. He is wounded. The war is over, and this man gets such pay as the Senator suggests, vastly less than the Regular Army officer.

Why should our Government make a distinction between these two classes of officers? Both having done their duty, both having gone into the Army, both having risked their lives and suffered wounds, why should the Government give to one perhaps twice as much as to the other? I can not understand it. It seems to me that we ought to treat the emergency officer in exactly the same fair, just way that we treat the regular officer.

Mr. BINGHAM. But this bill does not propose to do that.

Mr. McKELLAR. This bill does propose to do that. It puts them on exactly the same retirement pay.

Mr. BINGHAM. Oh, no, Mr. President, it does not do so. I knew a case in the Regular Army of a man whose regular commission was that of first lieutenant, but he was promoted to a colonel, went to France, and served as colonel in the Regular Army. Had he been wounded seriously and retired, he would not get the retired pay of a colonel but of a first lieutenant. This bill would give to the emergency officer who was wounded as a colonel the retired pay of a colonel. The Senator can not tell me that that is the same treatment.

Mr. McKELLAR. It is substantially the same.

Mr. BINGHAM. No, indeed; not at all. The difference between the pay of a first lieutenant and that of a colonel is quite considerable. The difference is 100 per cent. The retired pay of a first lieutenant is $125 per month; that of a colonel is 100 per cent more, or $250 per month. Furthermore, the retired pay of a seriously wounded first lieutenant is very little different from that which he would receive under the regular compensation now arranged; only $25 more per month.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. BROOKHART. Referring to the discrimination which the Senator just mentioned, should we deny justice to the emergency officer altogether when we could easily correct that very discrimination, and give to the Regular Army officer, wounded in war, the same rating we give to the civilian officer? That is not an objection to the bill. These discriminations are coming up before the Military Affairs Committee all the time. We are working out new amendments to the law constantly to remove those discriminations, and the same would be done under this bill if these things develop.

Mr. BINGHAM. I have no doubt that if this bill shall pass there will be many amendments to it, and many more thousands of officers will come under it than would at present come under it. As a matter of fact, when this bill was first considered in the House in its present form, the testimony, in February, 1922, before the committee of the House was that it would affect only 895 officers, and probably not as many as that, because it was said that some of them had died since December, 1921, when the figures were obtained.

Two years later, in December, 1923, when the bill came up, it was found that the number had increased to 1,018, and the argument was advanced that it was for only 1,000 officers, so why not let them have it. Two years later, in 1925, when it came up again, the number had nearly doubled, being 1,986. Two years later, in December, 1927, when the bill came up again, the number had increased to 3,050. In other words, in the six years since December, 1921, the number has increased from 895 to 3,050, and, of course, it will go on increasing. In justice to the disabled officers concerned, it will certainly seem as though it will be the only fair thing to do. Although the public through the newspapers has been given the impression that this bill is intended to do justice to all the disabled emergency officers, I would like to call the Senator's attention to the tables printed in the RECORD for March 10, on pages 4451 and 4452, which show that the measure provides for only a small number of the disabled officers, less than one-third, and that there are 7,000 disabled emergency officers who will not be benefited in the least by this bill.

The Senator from Virginia [Mr. GLASS], if I may have his attention for a moment, asked some time ago whether there were a large number of cases where the difference would be striking. It occurs to me to call his attention to the fact that of enlisted men who are rated as totally disabled permanently, and who therefore receive $100 a month, there are 31,784. There are 31,784 totally disabled who get only $100 a month, but this bill proposes to give far more than that, sometimes twice as much, to hundreds of officers who are far from totally disabled.

For instance, may I call the Senator's attention to some Government employees who are on the emergency officers' list and are disabled. I have been unable to get the figures from some of the Government departments, but succeeded in getting them from the Veterans' Bureau. I should like to put this table in the RECORD, for I believe it will interest Senators to see how it works out in practice. For instance, here is a former captain who receives a salary from the Government of $6,200. His disability amounts to 33 per cent, so that at present, in addition to his salary of $6,200 a year, he gets $396 a year to compensate him for his disability. The bill would increase that to $1,800, increasing his monthly allowance from $33 to $150 or about 400 per cent.

Mr. KING. And he would still get his salary.

Mr. BINGHAM. And he would still be able to earn his salary of $6,200.

I ask permission to insert in the RECORD at this point the table to which I referred.

The PRESIDING OFFICER (Mr. RANSDELL in the chair). Without objection, it is so ordered.

The table is as follows:

Number	Name and address	Rank	Salary	Extent of disability (partial permanent)	Amount of monthly compensation	Amount of monthly compensation if Tyson-Fitzgerald bill becomes law
				Per cent		
165794	Ale, John H., U. S. Veterans' Bureau, regional office, Indianapolis, Ind	First lieutenant.	$4,200.00	85	$85.00	$125.00
1099817	Aten, Everett Maxwell, Hospital No. 103, Aspinwall, Pa	Captain	2,500.00	40	40.00	150.00
1264597	Barnes, Geo., Hospital No. 102, Livermore, Calif	Second lieutenant.	1,680.00	35	35.00	93.75
293958	Bittner, Earl Robt., U. S. Veterans' Bureau, regional office, Baltimore, Md	do	2,200.00	35	35.00	93.75
317876	Blackburn, John D., U. S. Veterans' Bureau regional office, Atlanta, Ga	First lieutenant.	3,142.00	50	50.00	125.00
1271880	Borden, Archibald D., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	Major	3,800.00	55	55.00	187.50
411008	Boyd, Benj. D., Hospital No. 91, Tuskegee, Ala	First lieutenant.	3,500.00	40	40.00	125.00
685146	Burstein, Louis L., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	3,800.00	63	63.00	125.00
1321023	Campbell, Novel W., U. S. Veterans' Bureau, regional office, San Francisco, Calif	Captain	3,800.00	40	40.00	150.00
479058	Carling, John Dr., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	5,307.00	36	50.00	150.00
470804	Coumbe, Arthur G., Hospital No. 55, Fort Bayard, N. Mex	Major	3,900.00	64	64.00	187.50
487651	Diodati, Vincent M., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Captain	4,200.00	30	30.00	150.00
113746	Duncan, Miles J., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	5,007.00	75	75.00	150.00
1123681	Durham, R. B., U. S. Veterans' Bureau, regional office, Columbia, S. C	do	4,200.00	32	50.00	150.00
1275983	Earnest, F. James Mahon, Portland, Oreg	Major	4,200.00	50	50.00	187.50
327132	Ellis, Luther E., U. S. Veterans' Bureau, regional office, Detroit, Mich	Captain	4,200.00	[1]	100.00	150.00
319963	Essenson, Oscar S., U. S. Veterans' Bureau, regional office, Los Angeles, Calif	do	4,000.00	45	50.00	150.00
380828	Eyerle, Sema Le Clere, U. S. Veterans' Bureau, regional office, Denver, Colo	Lieutenant, U. S. N. R. F.	3,900.00	30	50.00	150.00
369813	Feltham, Percy M., Central Office, Washington, D. C	Captain	4,200.00	67	67.00	150.00
452345	Ferguson, Jo. Marvin, Hospital No. 74, Gulfport, Miss	do	6,200.00	33	33.00	150.00
567006	Fitzgerald, Wm. Thos., U. S. Veterans' Bureau, regional office, New York, N. Y	Second lieutenant.	3,900.00	71	71.00	93.75
1360619	Given, Ellis E. W., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Lieutenant colonel.	3,000.00	68	68.00	218.75
583944	Grant, Harold R., U. S. Veterans' Bureau, regional office, Detroit, Mich	First lieutenant.	2,700.00	74	74.00	125.00
416834	Greene, Fred B., U. S. Veterans' Bureau, regional office, Portland, Oreg	Captain	2,000.00	40	40.00	150.00
609646	Harrison, Edmund L., U. S. Veterans' Bureau, regional office, Charleston, W. Va	First lieutenant.	$3,300.00	55	$55.00	$125.00
328104	Hindman, Samuel, U. S. Veterans' Bureau, regional office, Cleveland, Ohio	Captain	4,000.00	59	59.00	150.00
603154	Howard, John F., U. S. Veterans' Bureau regional office, Denver, Colo	do	4,200.00	55	55.00	150.00
1094334	Johnson, Edwin M., U. S. Veterans' Bureau regional office, Washington, D. C	do	4,400.00	44	44.00	150.00
309568	Johnson, Erik St. John, U. S. Veterans' Bureau regional office, Boston, Mass	do	4,200.00	44	44.00	150.00
528515	Keeler, Claude C., Hospital No. 106, Fort Snelling, Minn	do	5,000.00	88	88.00	150.00
617221	Kendall, William Eugene, U. S. Veterans' Bureau regional office, Chicago, Ill	Major	5,200.00	60	40.00	187.50
1090136	Lazenby, Earl K., U. S. Veterans' Bureau regional office, Charlotte, N. C	Captain	3,918.00	40	67.00	150.00
318761	Loewy, Ignatz D., U. S. Veterans' Bureau regional office, Phoenix, Ariz	Major	5,800.00	[1]	100.00	187.50
1230898	Maher, Harry E., U. S. Veterans' Bureau regional office, Fargo, N. Dak	First lieutenant.	2,900.00	50	50.00	125.00
860177	Malone, Will H., jr., U. S. Veterans' Bureau regional office, Atlanta, Ga	do	4,200.00	61	61.00	125.00
472152	McCulloch, David Coyle, U. S. Veterans' Bureau regional office, Los Angeles, Calif	Captain	4,000.00	30	50.00	150.00
445400	McKnight, James L., Hospital No. 51, Tucson, Ariz	First lieutenant.	4,200.00	50	50.00	125.00
1242952	Mollison, Wm. T., U. S. Veterans' Bureau, regional office, Minneapolis, Minn	Colonel	3,000.00	31	31.00	250.00
364656	Newquist, Daniel C., U. S. Veterans' Bureau, regional office, Des Moines, Iowa	Captain	2,740.00	79	79.00	150.00
403973	Partington, Cyrus B., U. S. Veterans' Bureau, regional office, Denver, Colo	First lieutenant.	4,500.00	37	50.00	125.00
1405707	Patton, John R., U. S. Veterans' Bureau, regional office, Boston, Mass	Captain	3,900.00	65	65.00	150.00
313793	Penrose, Thos. Wm., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Major	3,600.00	47	47.00	187.50

[1] Permanent total.

Number	Name and address	Rank	Salary	Extent of disability (partial permanent)	Amount of monthly compensation	Amount of monthly compensation if Tyson-Fitzgerald bill becomes law
				Per cent		
296969	Richeson, Austin B., U. S. Veterans' Bureau, regional office, Portland, Oreg	Major	$2,700.00	51	$51.00	$187.50
436813	Ruth, Lloyd A., U. S. Veterans' Bureau, regional office, Minneapolis, Minn	Second lieutenant.	2,750.00	70	70.00	93.75
1231432	Sansing, Campbell, U. S. Veterans' Bureau, regional office, Dallas, Tex	First lieutenant.	3,900.00	36	36.00	125.00
338718	Schwarz, Theodore E., Hospital No. 103, Aspinwall, Pa	Major	4,000.00	44	44.00	187.50
365002	Seibert, David A., U. S. Veterans' Bureau, regional office, Seattle, Wash	First lieutenant.	3,600.00	68	68.00	125.00
528920	Sherry, Cameron B., U. S. Veterans' Bureau, regional office, San Antonio, Tex	Second lieutenant.	3,000.00	54	54.00	93.75
467751	Small, John Jos., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	Captain	3,600.00	70	70.00	150.00
223707	Smith, Dallas B., Central Office Insurance Division	Lieutenant colonel.	6,000.00	56	56.00	218.75
313817	Steindler, Leo F., U. S. Veterans' Bureau, regional office, Baltimore, Md	Captain	3,800.00	77	77.00	150.00
1124621	Sullivan, Claude H., U. S. Veterans' Bureau, regional office, Charlotte, N. C	First lieutenant.	4,000.00	48	48.00	125.00
1339479	Von Dahn, Howard C., Hospital No. 63, Lake City, Fla	Captain	6,200.00	35	35.00	150.00
283048	Wakefield, John D., U. S. Veterans' Bureau, regional office, Cincinnati, Ohio	do	3,900.00	35	35.00	150.00
274034	Weltner, Fred P., U. S. Veterans' Bureau, regional office, Charleston, W. Va	Major	2,400.00	42	42.00	187.50
322616	Wheeler, William D., U. S. Veterans' Bureau, regional office, Newark, N. J	Captain	2,600.00	61	61.00	150.00
405430	Whitledge, Herbert E., Hospital No. 79, Outwood, Ky	do	6,278.00	63	63.00	150.00
1069534	Woods, Phillip H., U. S. Veterans' Bureau, regional office, Philadelphia, Pa	do	4,200.00	35	35.00	150.00
349167	Wyatt, Frederick L., U. S. Veterans' Bureau, regional office, Birmingham, Ala. (mobile station)	do	3,200.00	60	60.00	150.00

Mr. TYSON and Mr. GLASS addressed the Chair.

Mr. BINGHAM. Just a moment, please. I would like to give three of these instances before I am interrupted.

Here is a major who is able to earn from the Government $5,200 a year. His disability is rated at 40 per cent. He has a mild case of heart trouble. He receives to-day $40 a month, but under the bill he would receive, in addition to his salary of $5,200 a year, $2,270, an increase in his compensation from $40 a month to $187.50 a month.

Here is a colonel whose disability amounts to 31 per cent. He is earning in the Veterans' Bureau a salary of $3,000. He is receiving compensation of $372 a year. Under the terms of the pending bill that would be increased to $3,000 a year. In other words, it would double his salary.

I have before me the record of a captain in the emergency list who is serving his Government at a salary of $10,000 a year. He has a gunshot wound and his disability rating is 30 per cent. He gets now $30 a month in addition to his $10,000 salary. The bill would give him $187.50 a month, or $2,250 per year. There is another one here in the list who is getting a $10,000 a year salary and who now receives, under a rating of 39 per cent, $39 a month. Under the terms of the pending bill he would receive $125 per month.

Mr. REED of Pennsylvania. How much would the enlisted man get if he had both eyes shot out?

Mr. BINGHAM. Only $100 a month.

Mr. TYSON. Is it not $200 a month?

Mr. GLASS. Mr. President, will the Senator from Connecticut yield to me now?

Mr. BINGHAM. I am glad to yield to the Senator from Virginia.

Mr. GLASS. I seem to recall that repeatedly efforts were made after the Civil War to provide that a man should not have a pension who in civil life was receiving as much as $5,000 or $10,000 a year. But that was never done, as they regarded the compensation from the Government as a badge of honor. I do not think a man who is receiving a salary from his Government of $10,000 ought to accept compensation. I think the badge of honor would be on the other end of the proposition.

Mr. REED of Pennsylvania. Will the Senator tell us in what branch of the Government those men are employed?

Mr. BINGHAM. The first cases I gave were in the Veterans' Bureau. The other cases are Members of Congress.

Mr. GLASS. I have made some inquiry to-day because I occupy the distressing position of the man referred to in Scripture, who is sworn to his own hurt and changes not. In other words, upon the face of the case the appeal to a Senator of giving the same fair treatment to the emergency officer who risked his life for his country as is given to an officer in the Regular Army seems pretty just. Upon that repeated appeal to me from various posts I have agreed to vote for the bill. Yet I am very much disturbed by some of the arguments presented against the bill. I particularly wanted to know whether the striking inequalities presented by the Senator from Pennsylvania were exceptional or whether they were general or whether they might not be cured by an amendment of some sort to the bill.

Mr. BINGHAM. As one goes over the list of emergency officers who are 30 per cent or more disabled, one finds a considerable number of cases of very mild disability, yet where the increase in pay is considerable. For instance, here is a man suffering from hernia. His disability is rated at 34 per cent. As an enlisted man he would get $34 a month the rest of his life or until the doctors changed the rating either by reducing it, eliminating it if he got entirely well, or by increasing it if necessary. Under this bill his compensation is increased to $125 a month permanently for the rest of his life, even though he gets well.

So one might go on indefinitely. I have several thousands of cases before me, but I shall not now take the time of the Senate to go over them. I do want to go back for a moment to the different ratings and show the Senate how fairly the ratings are now administered.

Mr. TYSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BINGHAM. I yield.

Mr. TYSON. The Senator was speaking just a moment ago about officers ending up in being on the retired list. Is not that just as true in the Regular Army to-day as it is among the emergency officers?

Mr. BINGHAM. Mr. President, I do not know how many times one has to state what appear to be the simple facts, that retired pay in the Regular Army for an officer is a part of the contract which the Government enters into with him when he is originally commissioned, and that retired pay for a regular officer does not depend on the rank he has in battle when he gets his wound nor on the nature of his wound. It depends on the number of years he has served. It depends on the length of time he has been a faithful officer. If he has served 30 years and has become a colonel, he has accumulated a large amount of equity in retirement pay and he gets a large retirement pay—$250 per month. If he has served only four or five years as a second lieutenant and is wounded in battle, even though he may have been temporarily promoted in rank to a colonelcy, he gets the retirement pay of a second lieutenant, or $93.75 per month. But under the terms of the bill, even though a man may have served here in Washington but a week before the armistice and acquired tuberculosis since then and gets a 30 per cent rating of disability, as many of us easily could, if he had had luck enough to get a commission as lieutenant colonel he would get for the rest of his life $225 a month instead of $30 a month.

I know how many of these commissions were given. I had the honor of serving during the entire war. A part of the time I was in the personnel department of the Air Service. I do not want to tell unpleasant stories. I know that thousands of officers earned their commissions right down to the last inch and deserved far higher commissions than they got. That was

particularly true in the Air Service. Officers who came into the Air Service in the latter part of the war as flyers got commissions only as second lieutenants.

It was almost impossible to get any promotion for those men in France, no matter what they did. I know, because in 1918 I was over there in the personnel office. It was almost impossible to get any flyers promoted. Many of those boys were seriously wounded and are now receiving the compensation which the Government thinks is right, bearing in mind what their previous occupation was. Not one of those seriously wounded cases among the Air Corps second lieutenants will be benefited under the terms of the pending bill. They will have to proceed without the privilege of going on the retired list, or else take the $6.25 less which retirement under this bill gives them.

Mr. REED of Pennsylvania. Mr. President, is it not true there were several branches of the service in which there were no officers commissioned as second lieutenants, but they started either as first lieutenants or captains?

Mr. BINGHAM. That is true, and there were many officers in the latter part of the war who were lucky enough to come here to Washington and get commissions as majors when, if they had been a little more ambitious and had gone in during the first days of the war, they would only have gotten commissions as first or second lieutenants. I know a doctor who was very patriotic, saw the war coming on, and got a commission at the very beginning of the war. He was a very able physician. He was commissioned as a first lieutenant and was finally promoted toward the end of the war to a captaincy. I know another doctor who served alongside of him in the same town who was a little slower coming in. He finally went in as a major.

The same thing happened in the Air Service. There were men who came in at the beginning of the war, like Victor Pagé, one of the ablest aeronautical engineers of the country, who were willing to come in at the beginning. In accordance with the rules then, he received only a first lieutenant's commission. Finally he was promoted twice, until he became a major. We became more liberal later and other engineers coming in toward the end of the war were given commissions as majors. There was so much luck about it that it seems perfectly outrageous to compensate a man's disabilities in accordance with his temporary rank, rather than according to what he suffered and the way it affects his earning ability, as we do to-day under the very able bill fathered by the Senator from Pennsylvania [Mr. REED].

Mr. TYSON. Mr. President, I want to ask the Senator how he accounts for this fact. The selective service act of May 17, 1917, provided in section 10 that—

> All officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects upon the same footing as to pay, allowances, and pension as officers and enlisted men of corresponding grades and length of service in the Regular Army.

Mr. BINGHAM. Yes, Mr. President; I have heard that before. I will say to the Senator that if we were to carry out that provision not one of these emergency officers would get on the retired list, because none of them had a permanent grade. The Senator knows just as well as I do that the officers who were retired from the Regular Army after the World War were retired as of their permanent grade and not of the grade in which they served. If then they are to be "in all respects upon the same footing * * * as officers * * * in the Regular Army" they would not be retired as of the grade in which they served in the World War, because Regular officers were not so retired.

Mr. CURTIS. Mr. President, I understand the Senator from Connecticut does not wish to proceed further this afternoon. So I am going to ask for an executive session at this time, and the Senator can continue his speech to-morrow if he desires.

Mr. BINGHAM. That will be satisfactory to me.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Thursday, March 15, 1928, at 12 o'clock meridian.

EXTRADITION WITH HONDURAS

In executive session this day the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

THE WHITE HOUSE,
December 8, 1927.

To the Senate:

I transmit, with a view to receiving the advice and consent of the Senate to ratification, a supplementary extradition convention between the United States and Honduras, signed at Tegucigalpa on February 21, 1927.

CALVIN COOLIDGE.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, to receive the advice and consent of that body to ratification, a supplementary extradition convention between the United States and Honduras, signed at Tegucigalpa on February 21, 1927.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 7, 1927.

SUPPLEMENTARY EXTRADITION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HONDURAS

The United States of America and the Republic of Honduras, being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to criminal acts committed in the United States of America or in the Republic of Honduras under the Convention concluded between them for the extradition of fugitives from justice, signed on January 15, 1909, have resolved to conclude the present Additional Convention and have appointed for this purpose as their respective plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Mister George T. Summerlin, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Honduras;

THE PRESIDENT OF THE REPUBLIC OF HONDURAS:

Doctor Fausto Davila, Minister for Foreign Affairs;

Who, having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

The following punishable acts are hereby added to the list of crimes numbered 1 to 21 in Article II of the Convention of January 15, 1909, that is to say:

21. Crimes against the laws for the suppression of the traffic in narcotic products.

22. Infractions of the customs laws or odinances which may constitute crimes.

ARTICLE II

The present Convention shall be considered as an integral part of the aforementioned Extradition Convention signed January 15, 1909, and it is agreed that the offense of participation as an accessory before or after the fact, numbered 21 in the Convention of 1909, shall now be numbered twenty-three (23), and the offenses set forth in Article I hereof shall be numbered 21 and 22 respectively. The paragraph relating to participation "as an accessory before or after the fact," now renumbered 23, shall be applicable under appropriate circumstances to all the crimes and offenses now numbered 1 to 22 inclusive.

ARTICLE III

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Government of the Republic of Honduras; and the ratifications shall be exchanged at Tegucigalpa as soon as possible.

This Convention shall take effect from the day of the exchange of the ratifications thereof; but either Contracting Party may at any time terminate the same on giving to the other six months notice of its intention to do so.

In witness whereof, the respective plenipotentiaries have signed the present Convention in duplicate in the English and Spanish languages and have thereunto affixed their seals.

Done at Tegucigalpa this 21st day of February in the year one thousand nine hundred and twenty-seven.

[SEAL] GEORGE F. SUMMERLIN
[SEAL] F. DAVILA

CONFIRMATIONS

Executive nominations confirmed by the Senate March 14, 1928

ASSAYER OF THE MINT

Elbert T. Clyde to be assayer, Carson City, Nev.

POSTMASTERS

CALIFORNIA

John W. Calvert, jr., Azusa.
Purley O. Van Deren, Broderick.
Floyd F. Howard, Courtland.
Anthon G. Heerman, Dinuba.
Nelson S. Dilworth, Hemet.
Frances E. Bennett, Mills College.
Albert K. Small, Murrieta.
Winfield S. Buchner, Oildale.
Manuel S. Trigueiro, San Miguel.
M. Elizabeth Woods, Wilmington.

INDIANA

McKinley Elliott, Middlebury.

MINNESOTA

Abraham L. Ober, Palisade.

NEBRASKA

Byron I. Demaray, Alexandria.
Hans G. Lehn, Elba.

NEW YORK

Harold L. Payne, Bainbridge.
Edmund B. Windsor, Castile.
Robert L. McBrien, Huntington.
Charles Blackburn, Southampton.
Harry B. McHugh, Wallkill.

PENNSYLVANIA

John T. Painter, Greensburg.

TENNESSEE

Hilary R. Vaughn, Hendersonville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 14, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, a thousand years in Thy sight are as yesterday when they are past! Persuade us that we must lay out our life plan on the scale of the infinite. May we lean on faith, for Thou art our eternal refuge. We are silent and bewildered in the presence of this fresh disaster which has befallen that fragrant land beneath our western skies. O help us to believe that God reigns; and though clouds and darkness are about Him, yet righteousness and truth are the habitations of His throne. Thou who didst weep beside the grave and whose tears fell at the sight of the burdened crowd, have mercy and give pity; do not leave the strickened ones comfortless. Take them in the ample folds of Thy love. Grant strength and courage to the living, peace to the dying, and eternal life to the departed. O Father of mercy, revive the fainting hearts, give vigor to the falling hands, and heavenly hope to the worn step and the wearied workers' stroke. In the name of our blessed Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 46. Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. J. Res. 46. Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes; to the Committee on Military Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammell, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 6073. An act authorizing E. M. Elliott, of Chicago, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ravenswood, W. Va.;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.; and

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

PHILIPPINE SUGAR

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Colorado asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. TIMBERLAKE. Mr. Speaker, on February 23 I introduced a joint resolution providing for the restoration of a limit on the importation into this country of free sugar from the Philippine Islands and limiting the amount to 500,000 long tons annually. At some future time I desire to discuss that resolution and the necessity for its adoption. At the present time, however, I desire to read an editorial from the Washington Post of Sunday, March 11, 1928, which very clearly and convincingly sets forth the importance and necessity for the action proposed. I read:

[Editorial from the Washington Post, Sunday, March 11, 1928]

WAR, AND NO SUGAR

Governor General Stimson, upon his arrival at Manila, has stated that he is "opposed to anything which could possibly restrict the agricultural development of the Philippines. He had reference to the proposal to restrict to 500,000 tons annually the free importation of Philippine sugar into the United States. But he added that "the islands are capable of producing many farm products now unknown here, and I intend to encourage diversified farming and give the people the varied interests which I believe will result in enhanced prosperity, eventually making possible industrialization."

The enormous profit in sugar making, made possible by free entry of the product into the American market, has a tendency to confine the Philippines to a single product. This is not a healthy tendency, either for the Philippines or for the United States. At the rate of increased production of sugar it will not be many years before the United States will be dependent upon Philippine sugar. It is driving out its competitors, including domestic beet sugar, Hawaiian cane sugar, and Cuban cane sugar. Thus, unless the tendency to overproduce this single crop in the Philippines is checked, the United States will find itself compelled in case of war to guard a 7,000-mile avenue through which to procure a necessity of life.

The authorities charged with the duty of planning for the defense of the United States are doing their utmost to make this country self-sustaining. They are laying out methods for developing chemicals, metals, minerals, woods, and other raw materials so that when war comes the United States will not be cut off from its necessary supplies. In the meantime, through a mistaken policy of excessive generosity toward the Philippines, Congress is destroying the domestic and near-by sources of sugar, which is as indispensable as any war matériel.

Congress should make a liberal allowance for the production of Philippine sugar by permitting its importation free of duty, but beyond a certain point a duty should be imposed. The limit commonly deemed to be just to all concerned is 500,000 tons a year. The islands are not exporting that quantity to the United States at present, but they are rapidly increasing their output, at the expense of producers in the United States, Hawaii, and Cuba. Governor Stimson's plans for diversification of production in the islands will fail so long as sugar is admitted free into the United States in unlimited quantities. A large quota of the Navy will be needed to protect this commerce in time of war, whether the United States be a neutral or a belligerent.

It is not prudent to create such a state of affairs, as a matter of self-defense, and it is not conducive of prosperity in the Philippines to make the people dependent upon a single crop. Congress should impose a reasonable limitation upon the free entry of Philippine sugar.

[Applause.]

PERSONAL EXPLANATION—LOBBYISTS

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, some time ago I introduced a resolution calculated to discourage the practice of ex-Members of Congress representing any interest for pay in the capacity of lobbyists on the floor of either House or in the Capitol Building. I had no particular gentleman in mind when I introduced that resolution. I had read daily reports in the newspapers about the successful lobbying practices of those gentlemen who were opposing a certain senatorial investigation, but I want you to believe that I had no particular person in mind when I introduced the resolution.

However, a gentleman by the name of Lenroot, who formerly sat in this House, and afterwards sat for a term in the Senate, and was retired for good and sufficient reasons, appears to have absorbed the notion that my resolution was directed specifically toward him. He submits to a long interview in the Baltimore Sun, and in that interview he describes himself as a rather corpulent, blond-haired gentleman, and insists that it is very unhappy for him to vision that blond-haired gentleman in the attitude of buttonholing Members of either body on the floor and drawing them into a corner to whisper to them something in behalf of or in opposition to legislation favored or opposed by certain big business interests.

Now, Mr. Speaker, I rise only for the purpose of asking you and my colleagues to believe that I did not introduce that resolution with special reference to Lenroot. I can illustrate his attitude by recalling an experience of my own in boyhood. I had been permitted to have a new shotgun, and I got up very early one morning and hastened out with it, because I had been told by some other boys that very early in the morning I might get a shot at some wild ducks on a little pond near the village. I arrived at the pond before daylight and waited patiently for the coming of the ducks. Just as day was breaking a couple of wild ducks circled over me and lighted on the pond. I could not see distinctly from my hiding place, but I sneaked around to a point where I came into good shooting distance. I had seen only two ducks, but now I saw three of them on the pond, so I just blazed away at the flock, first with one barrel and then with the other. I killed every duck on the pond. I ran down to the water to pick up my prize, and there I found three dead ducks, two of them dark colored wild ducks, and one of them was a large blond-colored duck. A few days later one of our neighbors brought suit against my father for the value of the blond tame duck which I had killed. Father was neither a lawyer nor a lobbyist, but he pleaded with the judge that it was not my fault that the large blond tame duck had been killed, because I did not know the blond tame duck was on the pond, my only desire being to shoot wild ducks. My father further argued to the court that it was not my fault that the large blond tame duck was killed, for, indeed, no large blond tame duck had any business sporting with wild ducks. The learned judge was profound in the law and in knowledge of ducks, and promptly he decided that I might go hence without day.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce and the Committee on Agriculture may exchange places so far as to-day's business is concerned; in other words, allow the Committee on Agriculture to use to-day, which belongs to the Committee on Interstate and Foreign Commerce, and then allow the Committee on Interstate and Foreign Commerce to use one day that will belong to the Committee on Agriculture.

Mr. GARRETT of Tennessee. Was not that within the agreement made last week?

Mr. TILSON. No. The agreement made last week was simply to allow the Committee on Agriculture to use a part of that one day belonging to the Committee on Interstate and Foreign Commerce.

Mr. SNELL. Without reference to future days?

Mr. TILSON. Yes.

Mr. GARRETT of Tennessee. I had gotten the impression that it was a part of the agreement then made that the program the gentleman now suggests be carried out.

Mr. TILSON. We had that in mind, but it has not been approved by the House.

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to know whether there is any danger of the appointment of a new Secretary of Agriculture as the result of this exchange of places?

Mr. CLARKE. Not since the firebrand was plucked.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to-day to give way to the Committee on Agriculture without losing any of its rights. Is there objection?

Mr. TILSON. And also to take one day of the time allotted to the Committee on Agriculture.

Mr. ASWELL. I wish to suggest to the gentleman that it is likely the Committee on Agriculture will not have sufficient business to occupy the day. In that event, what will happen? I think what we have should be operated on in a few minutes.

Mr. TILSON. Well, if that is the case, then we will proceed to something else. To-day will count as one of the days of the Committee on Agriculture.

Mr. ASWELL. This will count as one full day for the Committee on Agriculture?

Mr. TILSON. Yes; it will count as a full day.

Mr. GARRETT of Tennessee. Would it be agreeable to the Committee on Interstate and Foreign Commerce to go on after the Committee on Agriculture has completed its business?

Mr. PARKER. We can not do that.

Mr. ASWELL. We have a number of bills that do not amount to much.

Mr. TILSON. Sometimes bills that do not amount to much take a good deal of time.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. BLACK of New York. Mr. Speaker, reserving the right to object, is it the intention to have the Committee on Foreign Affairs proceed after the Committee on Agriculture completes its work?

Mr. TILSON. No. That committee will be reached in its turn.

Mr. BLACK of New York. I understand that after the Committee on Interstate and Foreign Commerce, it is the turn of the Committee on Foreign Affairs?

Mr. TILSON. No; I think that is not correct.

The SPEAKER. The Chair's understanding is that the Committee on Interstate and Foreign Commerce will have the call next Wednesday.

Mr. TILSON. That is the understanding.

The SPEAKER. Is there objection?

Mr. BLACK of New York. I would like my question disposed of one way or the other.

Mr. TILSON. What is the gentleman's question?

Mr. BLACK of New York. If the Committee on Agriculture does not take the entire day, will the Committee on Foreign Affairs have the remainder of the day?

Mr. TILSON. No; the Committee on Foreign Affairs will not be reached to-day.

The SPEAKER. Is there objection?

There was no objection.

ADDRESS OF HON. GEORGE C. PEERY

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD an address delivered by my colleague from Virginia [Mr. PEERY] at Bristol, Va., on February 21.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by printing an address recently delivered by his colleague [Mr. PEERY]. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert the following address made by Hon. GEORGE C. PEERY as temporary chairman at the Democratic convention of the ninth district of Virginia, held in Bristol, Va., on February 21, 1928:

Mr. PEERY. May I first express my gratitude to the district committee for conferring upon me the honor of presiding as temporary chairman over this great convention? I see gathered here many loyal and familiar faces—men and women who represent the finest types of the splendid citizenship that make up the people of the ninth district of Virginia. This honor did not come to me because there are not many others who could discharge it better than I, but I fancy that your committee reasoned that it would, in the limited time of this busy day, afford me the opportunity and privilege of expressing again my gratitude to the Democracy of this district for the signal honors that I have received at your hands in the past.

Six years ago this spring in this city, without solicitation on my part, you placed the banner of Democracy in my hands and bade me carry on to victory—or rather let me more accurately say: You placed the standard in my hands and said: "We will with you carry it to victory." And that vow you kept with fidelity and in splendid fashion.

With fine resolution and spirit and courage the men and women of the Democratic Party in every county in the district rallied to our support and brought victory to our cause. There was joy on that occasion over the fact that a majority of the voters of this great district had registered their approval of the cause of Democracy. The district which had been wandering in the wilderness of Republicanism for 20 years had again returned to the Democratic fold. That victory, so gloriously achieved by you, brought to me the signal honor of becoming your Representative in the lower House of Congress.

Two years later you renewed my commission with an increased majority.

And then, after another two years of service, you again nominated me in this city by acclamation. Thereupon the gloomy prophets of Republicanism said that never in all the history of this great district had a Democrat been elected to Congress for three terms in succession, and that we were, therefore, foredoomed to defeat. But with the same splendid courage and work you smashed that precedent and again brought victory—more decisive than either of the two former ones—to the cause of Democracy. It was your fight, as well as mine, and it was likewise your victory as well as mine. For the honor which you gave me I am profoundly grateful and for the confidence which you continued to repose in me for three successive elections with increased majorities I am doubly thankful.

March next year will mark the close of six years of service as your Representative in Congress. How well I may have served I leave to the record and to you to judge. I have taken a pride in the service, because no other Member of the Congress represents a better district or a finer people.

You have been apprised of my purpose to be relieved from the responsibility of further service at the end of my present term. I do not ask, neither do I expect, to retire from the battle line of Democracy. I only ask that you name another as your standard bearer and allow me to step back into the ranks with you—and continue there to do my part. And from this good day on the one consuming desire of my heart will be to keep the fighting ninth steadfastly in the Democratic column. And to this end will I devote my energy and effort.

And so we meet to-day to declare anew our political faith; and to nominate a candidate to lead us to victory in the approaching campaign.

The need for the application of the principles of Democracy to the affairs of our National Government was never greater than it is to-day. The conflict between the Hamiltonian theory and the Jeffersonian principle of government is still on. The fight for popular government was won by Jefferson in his time, but the fight did not end there. A little later on, and even in Jefferson's own lifetime, Andrew Jackson, termed "the crusader and sword" of Democracy, was called to renew the fight to restore popular government to the people. The issue then was: Should a banking monopoly be allowed to perpetuate itself for the benefit of the favored few at the expense of the many? On this issue "Old Hickory" sounded the call to arms, rallied the legions to his cause, and won a glorious victory. But the minions of special privilege, though once or often defeated, "neither slumber nor sleep," and in their demands for governmental favor are as insistent to-day as they were in Jackson's time. And the call to do battle for the cause of the people is as urgent to-day as it was then.

Political parties are necessary agencies in popular government. But they are to be judged, not by their promises but by the record of achievement. May we take stock of our present national situation by a brief comparison of the more recent record of the two major political parties?

In 1912 the people of this country placed the Democratic Party in control of the Government and under the leadership and splendid statesmanship of that great American, Woodrow Wilson, it entered upon a record of constructive achievement extending over a period of eight years that has never been excelled in any similar period in all of our history.

The business men of our country had suffered from time to time from financial panic and stringency due to the inelastic and antiquated monetary system that had prevailed throughout the years of Republican rule. Complaint from time to time had been made and relief had been demanded, but the Republican Party failed to bring the much-needed relief. The need for such relief was accentuated by the panic of 1907 under the Taft administration, which was aptly characterized as a bankers' panic.

We recall the unpleasant memory of that unfortunate time when many of the banks told us that however much money we might have to our credit we could only draw $25 thereof per day. This problem was met and solved under the leadership of a great Virginian, now a United States Senator and one time Secretary of the Treasury, and the Federal reserve system became the law. It has been pronounced by many as one of the greatest pieces of legislation ever enacted into law. It stood the stress of war and there has been no bankers' panic since that time. This law was given to the American business men and to the public generally by the Democratic Party, and it came in the face of bitter opposition at the hands of the moneyed interests of the country.

The farmer had justly complained that the Government had not placed him upon a plane of equality with the average business man, in that he could not borrow money upon the security of his land alone, the best and most stable security of all. He too, had complained at this discrimination, but the Republican Party had brought no relief. The Democratic Party met this problem, too, and solved it, and the Federal farm loan act was enacted into law. Under it the farmers of our country may borrow from the Government money at a fair interest rate and upon long time on the security of their lands alone. This law, given to the farmers by the Democratic Party, helped to relieve them from the oppressions of the usurer, tending to place them more nearly on an equality with the average business man in the matter of making loans necessary for the conduct of their business.

The laboring man had not received the recognition that he deserved. The Democratic Party offered to him the recognition that was his due. The position of Secretary of Labor was created and a representative of the laboring men of the country was appointed to a seat in the President's Cabinet.

Many other constructive measures were given to the American people during this period by the Democratic Party which proved to be for the good of the country and for the betterment of our people. And throughout this period of splendid achievement prosperity smiled upon us and included within its beneficent folds all classes of our people. It came to the business man, to the farmer, to the laborer, and to all classes of our people.

And during this period a great war came in which America was compelled to take a part in order to help save the civilization of the world. The power and force of American arms were quickly felt. They proved to be the most potent factor in turning the tide in favor of the Allies and in bringing glorious victory to the allied cause.

Marked by brilliant and mighty achievement throughout it all there was no graft or corruption or scandal on the part of any responsible public official. The whole record withstood the white light of investigation at the hands of some 52 investigating committees appointed at the instance of a later Republican administration, and stood forth as a record of unimpeachable honesty and integrity.

And it remained for a great Republican who served overseas, who was called as a witness, by his manly utterances to shame the so-called investigators into silence. That man has since become the Vice President of the United States.

During the war period of great stress, emergency, and sorrow the great Wilson led our people in a spirit of unselfishness, self-sacrifice, and splendid idealism. We fought without thought or hope of added territory or material reward. At its close the people, forgetful of the great achievements that had been wrought and of the fine idealism that prevailed, in a spirit of captious criticism that so often follows any great emergency, decreed that there should be a change in the administration of the affairs of government, and the Republican Party resumed control in 1920.

And how great the change that then occurred! A spirit of materialism and selfishness asserted itself. The privileged few sought special favor. Efficiency gave way to inefficiency.

Honesty was supplanted by corruption and graft in official life and the period that followed is the most sordid page in the official history of this great country of ours. It was not merely inefficiency, graft, and corruption on the part of subordinate employees or officials of the Government, but it was graft, corruption, and inefficiency on the part of some members of the official family of the President of the Nation.

A Republican Secretary of the Interior charged with the administration and preservation of the oil reserves of our Government, kept by former Presidents as inviolate for the safety and future defense of our country, were bartered away for a money bribe. When suspicion arose there was no prompt and vigorous action on the part of the administration to ascertain the truth, and it remained for a great Democratic Senator from the West, in the face of bitter administration opposition, to develop the truth and uncover the infamy. His work and service have been gloriously vindicated by a unanimous decision of the United States Supreme Court declaring that the leasing of these oil lands was founded in fraud and corruption, and by a decree unanimously entered the fraudulent transactions were set aside and the property of the Government was restored.

A Republican Attorney General, against whose appointment the patriotic press of the country directed a well-founded criticism but for whom a Republican President vouched his personal assurance of responsibility and efficiency, brought the administration of his department into utter shame and disrepute. Under his connivance the administration of justice and law was polluted by the slimy hand of the grafter and persons of the underworld. An investigation was forced at the hands of another great Democratic Senator who sought to uncover the truth, and in retaliation this Attorney General perverted the agencies of his department to assassinate and blackmail the character of the very Senator who forced the investigation; but he, too, was vindicated in a court of law and the unfaithful Cabinet official was driven from office in shame and disgrace.

A Republican Secretary of the Navy who allowed the oil reserves to be bartered away, even though he was not a party to the crime himself, was found guilty of such inefficiency in office as to demand his removal at the hands of an outraged public opinion and he, too, was dismissed from office.

A Republican Director of the Veterans' Bureau, charged with the sacred trust of managing the funds which a grateful Nation had set aside for the care and comfort of wounded and disabled ex-service men and their dependents, was found guilty in a court of law of embezzling and misappropriating these funds.

Amid this saturnalia of graft and corruption we wonder if any mortgages were negotiated on the Capitol or whether there are any unrecorded deeds for the White House.

In the early part of the Harding administration the country was shocked by the disclosure that about $195,000 was spent in a Republican primary on behalf of one Truman H. Newberry in the State of Michigan.

More recent disclosures, under the Coolidge administration, in connection with the Republican primaries held in the States of Pennsylvania and Illinois make Newberry a mere piker and the amount expended in the Newberry campaign fades into insignificance when compared with the millions that were expended in the later Republican primaries in Pennsylvania and Illinois.

In the Pennsylvania primary it was shown that the brother of the Secretary of the Treasury was one of the moving spirits and one of the largest contributors. They said that the sky was the limit in Republican primaries in Pennsylvania and the Secretary of the Treasury himself said to the country with much reassurance that contributing to such a cause was "just like giving money to a church." In the Senate investigation of these primaries the fact was developed that one of the largest contributors in the Pennsylvania primary was the head of the Manufacturers' Association. His contribution was $300,000.

In the Illinois primary the fact was developed in the investigation that the head of the greatest power trust in the United States gave at least $125,000 to the slush fund, and his contribution was made to the campaign of a man running for the United States Senate who was then chairman of the public utilities commission of the State of Illinois, charged with the duty of fixing utility rates.

These things, ladies and gentlemen, are facts of ominous import. Contributions of this character are not made in a spirit of philanthropy or from a sense of public duty. They are made to gain an underhold on the man charged with the enactment of laws vitally affecting the interests of those from whom these huge contributions come.

And so shocking were the disclosures to the public conscience and sense of propriety and decency that the Senate of the United States refused to allow VARE and Smith to be sworn in and take their seats of office.

And in our own good State of Virginia the fact was developed that under Republican rule the appointments of postmasters and rural free-delivery carriers were not made on the basis of merit but rather upon the amount of money that the applicant would contribute to the campaign chest. Of course they had to be "very careful about it," else "they might fall into disrepute," and requests were made that letters touching the matter be burned.

And yet we are told that there are no outstanding issues in the coming campaign. What greater issue, more fundamental and basic in its character, can we have than that there should be honesty and integrity in official life?

During the present administration more and greater consolidations of wealth have taken place than in any other like period in the history of our country. Big business is in the saddle demanding and receiving special privilege and protection. And in their zeal many of them have no regard for public opinion and openly flaunt the agencies of government that have been set up for the protection of the public.

Only a few days ago the Walsh Senate committee developed the fact that bonds amounting to some $230,000 were delivered by Harry F. Sinclair and associates to Albert B. Fall in connection with the leasing of Teapot Dome. It was further developed that this amount was a portion of a larger amount of $3,000,000 realized by Sinclair and associates from the fraudulent oil deal engineered through a corporation organized in Canada for their purposes. The committee sought to ascertain from Mr. Stewart, the president of one of the oil companies involved, as to what became of the remainder of the $3,000,000, but he refused to answer and to tell the whole truth. And then the country witnessed the humiliating spectacle of representatives of big business throughout the country flooding this man with telegrams commending him in his refusal to state the facts and tell the truth. The committee has since developed the further startling fact that a substantial portion of the $3,000,000 found its way into the treasury of the Republican National Committee.

The Democratic Party makes no war on big business honestly conducted, but the Democratic Party demands that big business and all other business be conducted with business integrity, so that the truth may at all times be known to the public.

We condemn the activities of high officials connected with the present administration for their efforts in seeking to pack the Interstate Commerce Commission and bring about a monopoly of the Lake Cargo coal trade on behalf of the coal operators of Pennsylvania and in utter disregard of the rights of the coal producers of Virginia and her sister States. For any governmental agency by discriminatory and prohibitive freight rates to give to one industry or section a monopoly in business or trade and destroy the business or trade which another section has won in a fair field and open competition is subversive of the very fundamental principles of right and justice. If the governmental commission, instead of regulating transportation, is to be allowed to take unto itself the tremendous power of regulating industry, it will then become a mere political agency to be controlled by the majority in power. The suspension of the rates in the Lake Cargo case is a direct blow at the coal producers and the miners and the people of Virginia and her sister States.

We condemn this administration for its action in devitalizing the Federal Trade Commission and converting it from an agency for the public good into a subservient instrumentality of the protected interests.

The Republican Party in its last two national platforms has recognized that agriculture has not received equitable treatment in her economic and governmental structure, and it declared for and promised relief. But eight years have passed under Republican rule. Republican promises have not been redeemed. Republican statesmanship has not given to agriculture the relief it promised. And the farmer is still in the ditch.

In our foreign relations we witnessed the spectacle of our Government sending representatives to a peace conference at Habana to talk and promote peace, while just across the sea in Nacaragua we see a large force of United States marines making war on Nicaragua without any authority or consent from Congress and for the purpose of safeguarding the interests of bondholders in Wall Street, who loaned their money with eyes open.

But they tell us that whatever fault we may find or whatever criticisms we may have to offer, this administration has brought to the country a wonderful prosperity, and that this should cover a multitude of sins. I have heard it from Republican spokesmen on the floor of Congress at every session. They have cried "Prosperity! Prosperity!" But of late years the cry has grown fainter and weaker.

What are the facts to-day? One million men out of employment and 3,000,000 working only part time in this country. So alarming has become the situation that the Governor of New York and the Governor of Illinois have directed that the situation be looked into in order that some relief may be provided. The same situation prevails throughout the country.

Thousands of farmers throughout the country have seen their homes and farms sold under mortgage or in foreclosure proceedings. Thousands of others have abandoned their farms because they could not make a comfortable living upon them for their families.

In the last six years there were 2,944 bank failures as against 746 during the eight years of a Democratic administration.

There have been 17,333 commercial failures in the first nine months of 1927, representing an increase of $100,000,000 in liabilities over the same period of the year in 1926.

What is the answer of the coal producers and miners in the ninth district of Virginia to this Republican cry of prosperity? What is the answer of the merchant and the average business man? Are the laboring men in this district making greater wages and enjoying more comforts of life than they enjoyed under the Wilson administration?

We need not answer the questions. The facts speak for themselves. If there be prosperity in the land to-day it is a prosperity limited to the protected interests and to a favored few. It is not a prosperity that extends to the general run of our people.

What is our situation with regard to economy and tax reduction? Everybody apparently favors economy. Both parties declare for tax reduction. The rub comes when you go to readjust and reduce the schedules and determine who, or what class, is to get the greater benefits from the tax reduction.

In this connection let us not forget that the Democratic Party was the author of the graduated income tax law. Under it the man of large income is required to pay a higher rate of income tax than the man of small income. Does any one now doubt the justice and wisdom of that law?

Before the present Congress convened the Secretary of the Treasury told the country that the Treasury would show a large surplus at the end of the present fiscal year and that we could have further tax reduction. The Democratic Party heartily united in the movement for tax reduction. The Ways and Means Committee met in advance of the opening of Congress and held hearings—and a bill was brought in and introduced near the opening of the session. The Democrats in Congress generally supported the bill, but they went further and with the aid of certain progressive Republicans they added three important amendments:

One providing a lower and graduated scale of income tax on small corporations with incomes up to $18,000.

Another abolishing affiliated returns, making each corporation stand upon its own bottom and without allowing one to credit back against

its income any loss which another affiliated corporation may have suffered.

And another abolishing the war tax on automobiles.

In the outset the Republican program was to give the American people tax reduction promptly; but now a change has come upon them, and for some strange reason the tax reduction bill is being held up in the Senate by administration leaders; and it now seems doubtful if the administration experts will let this bill become a law.

Incidentally, it is estimated that the Secretary of the Treasury and the corporations controlled by him will have to pay about $1,000,000 per year more in taxes if the Democratic amendment abolishing affiliated returns becomes a law.

Amid all the issues so vitally affecting the American people, the time is ripe for the restoration of the Democratic Party to power and the practical application of the fundamental principle for which it has always stood—equal rights to all and special privileges to none. We need honesty, efficiency, and economy in public life. We need men and women to legislate and administer the laws who are in sympathy with the needs of the unorganized masses rather than those whose legislative and administrative vision are limited to the horizon of special interest and monopolistic power.

The duty before you to-day is to nominate a candidate of this type—one with such vision, inspired by these principles and with the purpose to achieve these ends. And this you will do. When this is done, the fight is just begun!

With the nomination of your candidate there rests upon each of you and upon every loyal Democrat in the district the solemn obligation to use every honorable means from now to election day to bring about his election. I ask of you, and of every Democrat in the district, that you give him the same loyal support and do the same splendid work in his behalf that you have done for me in all of my campaigns.

The story is told that after Andrew Jackson was called to his reward two of his faithful servants were discussing the question as to where he had gone. One expressed the belief that he had gone to heaven; the other said that he didn't know, but that if General Jackson made up his mind to go to heaven, all hell couldn't stop him.

If the Democratic men and women of this district here and now resolve that they will elect the candidate of their choice here to-day, and they follow up that resolution with steady, united, and effective work from now to election day, all the hosts and minions of Republicanism can not stop them.

And victory will be ours again in November.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees. When the Committee on Agriculture was reached—

Mr. HAUGEN. Mr. Speaker, I call up H. R. 8968, a bill to allow credit in the accounts of William A. Schoenfeld.

The SPEAKER. The gentleman from Iowa calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Chair is informed that this bill is on the Private Calendar, and therefore not in order on Calendar Wednesday.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, I call up Senate bill 1181, authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

The SPEAKER. The gentleman from Iowa calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. TILSON. Let its consideration proceed under the rules. The House automatically resolves itself into the Committee of the Whole.

Mr. ASWELL. Mr. Speaker, would it be in order to ask unanimous consent to consider this bill in the House as in Committee of the Whole?

The SPEAKER. It would.

Mr. ASWELL. Mr. Speaker, I make that request.

Mr. TILSON. Mr. Speaker, it seems to me that this bill ought to be explained more than can be done under the five-minute rule if the bill be considered in the House as in Committee of the Whole. It need not take any more time than is necessary for the explanation of the bill, but it seems to me we should go into the Committee of the Whole, so that a full explanation of the bill may be made to the House.

Mr. ASWELL. Can not that be done under this request?

Mr. TILSON. Only by unanimous consent. It seems best that it should be considered under the rules. Four million dollars is the sum involved, and it seems to me the bill should not be disposed of in any other way.

Mr. ASWELL. Very well.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1181, with Mr. HOCH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, to be expended under the provisions of section 7 of the act of June 7, 1924 (Public, 270), available upon the passage and approval of this bill, $1,000,000; available July 1, 1928, $2,000,000; available July 1, 1929, $3,000,000; available July 1, 1930, $4,000,000; available July 1, 1931, $4,000,000; available July 1, 1932, $5,000,000; available July 1, 1933, $5,000,000; available July 1, 1934, $5,000,000; available July 1, 1935, $5,000,000; available July 1, 1936, $6,000,000; in all for this period, $40,000,000, to be available until expended: *Provided*, That, except for the protection of the headwaters of navigable streams or the control and reduction of floods therein, no lands shall be purchased under the appropriations herein authorized in excess of 1,000,000 acres in any one State.

With the following committee amendment:

On page 2, beginning in line 4, after the parenthesis, strike out the remainder of line 4 and all of lines 5, 6, 7, 8, 9, 10, 11, and 12, and insert "available July 1, 1928, $2,000,000; available July 1, 1929, $2,000,000; in all for this period, $4,000,000."

HON. GEORGE S. GRAHAM

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, ever since the beginning of the present session, Members of the House have known that one of our most honored and distinguished Members has been very ill; in fact, there has been considerable uneasiness in regard to his condition. As I look through the door of the lobby now I see the distinguished gentleman to whom I refer. He has now come into the Hall and I wish to express to him, on behalf of the entire House, I believe, the sentiment that we are delighted to see return to the floor of the House in his usual good health our good friend the distinguished chairman of the Committee on the Judiciary, Mr. GRAHAM, of Pennsylvania. [Applause, the Members rising.]

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Michigan [Mr. WOODRUFF] whatever time the gentleman may desire—one hour.

Mr. WOODRUFF. I will be very glad to yield to the gentleman from Pennsylvania for any statement he cares to make.

Mr. GRAHAM. I want to express my appreciation of this welcome back to the House. I have recovered and I believe will be in good health. I am glad to resume the discharge of my duties here. I traveled down through the valley of the shadow, but the Lord has brought me back. My work was not completed, for every man is immortal until his work is done. Mine evidently was not done.

It is a source of great pleasure and gratification to me to see you all again. [Applause.]

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. WOODRUFF. Mr. Chairman and gentlemen of the committee, the bill under consideration to-day is what is known as the McNary-Woodruff bill. It is the result of the experience of our great Forest Service and has been introduced in the Senate and in the House for the purpose of authorizing appropriations to carry out the provisions of the Weeks law, which was enacted in 1911, and the McNary-Clarke law, enacted in 1924.

The experience the Forest Service has had in seeking to secure land, under the provisions of the bills I have mentioned, has been such that the officials have come to the conclusion that the only way in which this work can be done efficiently and economically is to have a purchasing program over a period of years which would enable them to get together an organization which could do this work in the efficient way it should be done.

The bill under consideration is not the House bill. Some time ago the Senate passed the bill introduced by Senator MCNARY, of Oregon, and in order to save time, in order to make it possible for the two Houses to get together in conference, I have asked the House Committee on Agriculture to take up and to consider the Senate bill instead of the House bill.

The Senate bill provided for a 10-year program authorizing the expenditure of $40,000,000 over this period of time. It

seemed to the men who had this work in charge that a program of that length was necessary to give them the opportunities to do the work in the efficient way that it should be done. The Bureau of the Budget has recommended and approved only a two-year program involving $2,000,000 per year for the two years.

I was disappointed, of course, in the action of the Committee on Agriculture of the House. The members, perhaps, felt that a two-year program was as far as they should go in view of the recommendation and approval of the Bureau of the Budget, but it seems to me that whatever differences there are between the two Houses can be ironed out by the conferees on the part of the House and the Senate.

Mr. GARNER of Texas. Will the gentleman yield for a question?

Mr. WOODRUFF. Yes.

Mr. GARNER of Texas. What reason did the Bureau of the Budget give for turning down your suggested program?

Mr. WOODRUFF. I do not know what reason the Bureau of the Budget gave the Committee on Agriculture. I do know the reason the Director of the Bureau of the Budget gave me. He said that the administration——

Mr. GARNER of Texas. What was the reason?

Mr. WOODRUFF. If the gentleman will permit, I will answer his question. The Director of the Budget informed me that the administration did not care to enter into any program looking further than two years in advance on a matter of this kind.

Mr. GARNER of Texas. Is that a very good reason?

Mr. WOODRUFF. I think not.

Mr. GARNER of Texas. I still ask for the reason.

Mr. WOODRUFF. I will say I think that is not a reason at all.

Mr. GARNER of Texas. That is what I wanted the gentleman to say.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. McLAUGHLIN. I notice this authorizes an appropriation to be available July 1, 1928.

Mr. WOODRUFF. Yes.

Mr. McLAUGHLIN. My impression is that the appropriation bill passed some days ago for the Department of Agriculture carried some money for that year for the purchase of forest lands. Was it $1,000,000? It was quite a large amount I know.

Mr. WOODRUFF. I do not remember that the Department of Agriculture appropriation bill carried an appropriation in that amount for this year. I am informed, however, that the Director of the Bureau of the Budget either has sent up or will send up an authorization for $1,000,000 for that purpose this year.

Mr. McLAUGHLIN. My impression is the Department of Agriculture appropriation bill carried an appropriation for the next fiscal year—that is, beginning the 1st of July of this year.

I am heartily in favor of the bill. I was a member of the Committee on Agriculture when the Weeks bill was brought out. I have always thought it a piece of good legislation, and I wish to see appropriations made to continue it in operation.

Mr. SNELL. Will the gentleman yield?

Mr. WOODRUFF. I will.

Mr. SNELL. I notice on page 2 of the report it names different States where they can buy land. Is it limited to those States now?

Mr. WOODRUFF. Not at all. Under the provisions of the bill they can buy land in any State in the United States.

Mr. SNELL. This simply makes more money available? It does not change the policy?

Mr. WOODRUFF. It modifies the existing law in the proviso starting in line 12, page 2, of the bill where it limits the purchase of land to 1,000,000 acres of land in any State, which we think is a wise provision.

Mr. McLAUGHLIN. This provides money for use otherwise than carrying out the Weeks Act, which expressly limits the purchase of land only for the protection of the sources of navigable streams. At the time the bill was before the House the question of its constitutionality was discussed. The question was raised as to the right of the Federal Government to acquire land indiscriminately anywhere for any purpose—that is, for all purposes. So, the Congress having authority over navigable streams, the purchase of land was limited to the protection of the sources of those streams. Does the bill of the gentleman from Michigan and others of which you are speaking go to the extent of authorizing the purchase of land anywhere?

Mr. WOODRUFF. This bill has nothing to do with the functioning of the law. The purpose of this bill is to authorize the appropriations to be expended under the provisions of the Weeks law and the McNary-Clarke law.

Mr. McLAUGHLIN. Am I right in saying that the Weeks law provided only for the acquisition of land at the source of navigable streams?

Mr. WOODRUFF. I think so; but that law has been liberalized by the Clarke-McNary Act of 1924.

Mr. SNELL. Will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. SNELL. The report says that the 19 purchase areas hitherto established under the Weeks law are situated in different States, naming the States. Has the number of States been extended in the Clarke-McNary law?

Mr. WOODRUFF. Yes. As I understand, land can now be purchased in any State where the commission sees fit to purchase land, but this bill has nothing to do with that. The gentleman is reading from the report and not from the bill.

Mr. SNELL. With reference to the bill, what I want to know is if this authorization is carried out can they buy land in any State they please?

Mr. WOODRUFF. They can.

Mr. SNELL. Where has it been liberalized? It says in the original law they can only buy it in certain States.

Mr. WOODRUFF. I will yield to the gentleman from New York [Mr. CLARKE] to explain the provisions of that law.

Mr. SNELL. Then I will ask the gentleman from New York can the Federal Government buy land in any State? On page 2 of the report it says:

> The 19 purchase areas hitherto established under the Weeks law are situated in Alabama, Arkansas, Georgia, Maine, New Hampshire, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Can they buy land in any other State than those mentioned?

Mr. CLARKE. They can.

Mr. SNELL. When was it liberalized?

Mr. CLARKE. Under the Clarke-McNary Act we widened the scope in the purchase of land.

Mr. SNELL. So now it applies to practically every State in the Union?

Mr. CLARKE. Yes; but it is limited to 1,000,000 acres in any one State in this bill. This bill continues the fiscal policy for 2 years where we hoped to have it for 10 years.

Mr. SNELL. This bill makes available a certain amount of money with a limitation of 1,000,000 acres in any one State?

Mr. CLARKE. Absolutely.

Mr. WOODRUFF. Mr. Chairman, I think every member of the committee now understands the purpose of this act. I think every man in the House realizes the importance of reforestation.

Nearly every one of us has seen the time when forests were everywhere in the country. We realize that nearly all of those forests have gone. I remember the day in Michigan when, if it were suggested that the time would ever come when the great forests of Michigan would be cut down and used up, one would have been laughed to scorn. To-day we have few forests in Michigan

The products of the forests to-day are being used five times as fast as they are being grown in this country, and there can be only one answer to that. It seems to me that the country has been negligent and that the Congress has been negligent in the past in not providing money for the purpose of reforesting. Certainly the trees that are planted to-day will not reach maturity before most of our great forests have gone. This work should have been started years ago, and now that the Congress has an opportunity to help the thing along, we ought not to hesitate. This same bill passed this House a year ago with, I think, something like 13 dissenting votes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. BLANTON. The gentleman is to be commended for getting his bill up at this time, but the Committee on Agriculture, out of its regular order, has been given this Calendar Wednesday day in order to bring up bills to benefit agriculture. The bill of the distinguished gentleman now under consideration is a reforesting bill. I am wondering if the great Committee on Agriculture, with the Congress having been in session since the first part of last December, now having the floor to bring up anything it wants to bring up in behalf of the farmer, has not anything to bring up in behalf of the farmers of this country. I hope that in his own time the distinguished chairman of the committee, the gentleman from Iowa [Mr. HAUGEN] will answer my inquiry.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. WILLIAMSON. The gentleman from Michigan has made a study of reforestation. I am wondering what is being done by the department in the matter of actually planting trees.

Mr. WOODRUFF. They have been planting trees to the extent of the appropriations that they have been able to get from Congress each year for a number of years.

Mr. WILLIAMSON. In other words, they actually are putting trees in the ground?

Mr. WOODRUFF. Yes. We have at this time in the lower peninsula of Michigan a national forest where trees are being planted and grown more cheaply than anywhere else in the world. At the Beal Nursery in East Tawas, Mich., they are gathering the seeds and planting them and growing little trees and planting them in the forests for something like $3.50 an acre, and they are planting 800 trees to the acre.

Mr. BRIGHAM. Can the gentleman tell us about what price the Government is paying for this land for purposes of reforestation?

Mr. WOODRUFF. I do not know. I know that they have bought thousands of acres of land for as low as a dollar an acre, and they are being planted as rapidly as funds are available.

Mr. BRIGHAM. What is the gentleman's opinion as to the financial outcome of this policy? Does he think the Government will realize a good financial return on its investment?

Mr. WOODRUFF. I think there is no question about that. That is a question which has been very fully covered by the representatives of the forestry department before the several committees. They can point out clearly where this, as a financial investment, is one of the finest things the United States could enter into. Of course, the purpose of the Federal Government is not to plant all the trees that must be grown if we are to have forests in the future. The purpose of establishing Federal forests in Michigan and other States is to point out to the States and to private individuals how they, with their lands, can plant trees and eventually reap a very fine return on the investment.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. KETCHAM. Will the gentleman relate some of the work being done in a cooperative way by our own extension service in Michigan?

Mr. WOODRUFF. I will be glad to yield to the gentleman to give that information to the House.

Mr. KETCHAM. I can only say this, that in our own State, and I am sure in other States of the Union, the value of this whole program of reforestation is highly appreciated. Not only is it highly appreciated, but active cooperation is being carried on by various extension agencies. I happen to know that on the west side of Michigan a number of counties have put on campaigns in which they have had the cooperation of the chambers of commerce, the local service, and luncheon clubs, and various other public agencies in planting very considerable and definite areas with these trees, which will certainly reforest that land which has a greater value for that purpose than for any other. I am sure that this program that is being carried out in our State is likewise being carried out in other States, and it seems to me it is worthy of emphasis in this connection.

Mr. CLARKE. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. CLARKE. I can supplement the statement of the distinguished gentleman from Michigan [Mr. KETCHAM] with the statement that in New York State to-day our Junior Project Workers, among the youngsters, are planting at least 2,000,000 trees in individual projects. They are projects where fathers have given to the children an acre or two acres in their own right to plant and take care of. Our school districts carried on a campaign last year in connection with the Junior Project Workers, cooperating with the State of New York. The school districts had lands given to them in which to set out trees.

Now, then, answering the gentleman from Vermont, I will say this, that so far as the returns go, individual experience has demonstrated that this in the long run would have a good effect, that the forest will return $5 an acre per year to any community or any individual that is willing to devote some little attention to the care and protection of the trees. But a bigger thing than that is the fact that all over the country to-day we find people concentrating their efforts on construction instead of destruction. Among the most profitable things in the world are the by-products of reforestation in the United States. [Applause.]

Mr. WOODRUFF. I agree with the gentleman; and I may add, for the information of the Members present, that there are a number of cities in Europe that have their own private or municipal forests. They harvest the forest every year, taking such trees as are matured and ready for cutting, and the revenues proceeding from it pay the complete and entire running expenses of those municipalities.

Mr. BRIGHAM. Mr. Chairman, I want to say to the gentleman from Michigan that we have a law in Vermont authorizing municipal forests, and several of our communities have availed themselves of that law. Some of them have planted out large forests to protect the sources of their municipal water supplies. Particularly is this true of the city of Rutland in my district. This thriving city now owns about 3,800 acres of land on the watershed of its water supply. On this land over 500,000 trees have been planted during the past 10 years. The trees first planted have now made a very impressive growth, and not only afford a splendid protection to the water supply of this city, insuring its purity and its continuity, but the plantation gives promise of yielding a good financial profit in years to come.

Mr. MICHENER. Are these municipal forests exempt from local taxation?

Mr. BRIGHAM. As I remember the Vermont law, individual forests are taxed in this way: Lands may be classified as forest lands and are subject to the local rate of taxation annually upon the valuation of the land alone, which valuation may not be increased for a long period of years. When the trees are cut for commercial purposes a tax must be paid by the owner based on the market value of the timber. In regard to municipal forests, if such forests are located within the territorial limits of the municipality, they are not taxed. However, if they are located within the territorial limits of another municipality, they are subject to the same tax that would be levied if they were owned by individuals. Even our State-owned forests are subjected to the same rate of local taxation as individually owned forests. This is a protection of our local municipalities against depletion of their taxable property.

Mr. MICHENER. Has the gentleman information along that line as to whether or not, where individuals plant forests, the land or the trees are taxed, or whether the land continues to be taxed at the same rate as it was taxed before the increased value was added by the reforestation?

Mr. WOODRUFF. I can not answer the gentleman's question, but I will say this, that I think the time is coming in every State of the Union where laws will have to be passed by the legislatures so that the land in reforestation will be free of taxation.

Mr. MICHENER. Yes. Until that time we shall have much difficulty in reforesting our lands.

Mr. CLARKE. I think I can shed some light on that point. In New York State we had a law which permitted the exemption from taxation of these lands that were set out in trees. Two years ago we found that in some of our remote country school districts, if the lands were set out in trees and this land taken away for taxation purposes for the upkeep of those schools it was necessary for them to have something to tax, so that it was provided under the Fisher law that during the time the trees were growing on the land the assessed valuation would not be increased over comparable land in those sections. But when you cut the trees a revenue tax must be paid into the school district, town, and county on a part of the proceeds. You go back into the country district where they need a little tax to keep up their country schools, and if you deny them this tax you are going to cripple the schools.

Mr. MICHENER. You can not induce capital to invest until you guarantee that you will not take it all out in taxes. In that respect you follow the German system?

Mr. CLARKE. Yes.

Mr. LEAVITT. In the last agricultural appropriation bill that passed the House a few days ago there is an item to carry on a broad, comprehensive study of taxation of timber lands. It is fully understood that a permanent timber policy, a conservation policy for the country requires that this tax problem be constructively worked out. We carry and have been carrying heretofore an item in the agricultural appropriation bill to enable the Forest Service, through its experts, to consider the entire problem throughout the Nation, in order to bring about some satisfactory solution of the problem. In order to have a general policy worked out it is required that the Federal Government spend some time and money in studying it from a national viewpoint to give the States the benefit of the study they make in order that the States may profit by acting along the same lines.

Mr. ADKINS. Speaking of exemption from taxes, the objection we ran up against in our State was the large number of big estates whose owners insisted that that land should be

allowed to get by without taxation. Thus far we have never been able to get a law on that.

Mr. WOODRUFF. I think, Mr. Chairman, I have nothing further to present. I think the bill is fully understood, and I hope it will be approved without further discussion.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the United States Treasury not otherwise appropriated, to be expended under the provisions of section 7 of the act of March 1, 1911 (36 Stat. 961), as amended by the acts of March 4, 1913 (37 Stat. 828), June 30, 1914 (38 Stat. 441), and the act of June 7, 1924 (Public, 270), available upon the passage and approval of this bill, $1,000,000; available July 1, 1928, $2,000,000; available July 1, 1929, $3,000,000; available July 1, 1930, $4,000,000; available July 1, 1931, $4,000,000; available July 1, 1932, $5,000,000; available July 1, 1933, $5,000,000; available July 1, 1934, $5,000,000; available July 1, 1935, $5,000,000; available July 1, 1936, $6,000,000; in all for this period, $40,000,000, to be available until expended: *Provided*, That except for the protection of the headwaters of navigable streams or the control and reduction of floods therein, no lands shall be purchased under the appropriations herein authorized in excess of 1,000,000 acres in any one State.

With the following committee amendment:

On page 2, beginning in line 4, after the parenthesis, strike out the remainder of line 4, all of lines 5, 6, 7, 8, 9, 10, 11, and 12, and insert "available July 1, 1928, $2,000,000; available July 1, 1929, $2,000,000; in all for this period, $4,000,000."

The committee amendment was agreed to.

Mr. ASWELL. Mr. Chairman, I would like to have five minutes on this bill.

The CHAIRMAN. The gentleman from Louisiana is recognized for five minutes.

Mr. ASWELL. Mr. Chairman, I merely rise to emphasize the importance of the passage of this bill at this time. In the State of Louisiana we have some 17,000,000 acres of cut-over lands and the owners of large tracts of land are clamoring constantly for more and more authority for reforesting them and utilizing them for other purposes. The corporations in my State which own millions of acres of these cut-over lands are asking now under the Clarke-McNary bill for more authority to cooperate with the Federal Government in the use of these cut-over lands. In my opinion there is no measure before the Congress that will do more permanent good in the future than the expansion of this law and its associate law.

I merely want to emphasize the wisdom, the economy, and the patriotic devotion to our country's interest in the passage of this bill. [Applause.]

Mr. FULMER. Mr. Chairman, I would like to use two or three minutes in connection with this bill.

The CHAIRMAN. The gentleman from South Carolina is recognized for three minutes.

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I would like to say that this bill, H. R. 10374, known as the Woodruff bill, to my mind is a very important piece of legisiation. Speaking for my State, I will say that we of South Carolina are very much interested in the line of work proposed under this bill.

We have thousands of waste and denuded lands as well as rich lands on the coast that should be used for the purposes intended in this legislation. I have received quite a number of letters from my constituents regarding this type of legislation, and in every instance they are for this line of work. The State for the last few years has become intensely interested, and I am sure will cooperate to the fullest extent with the Federal Government in carrying on this work.

I intended some time ago to introduce a bill along this line, having in mind my State more especially, and went so far as to hold one or two conferences with representatives of the Interior Department. The reason that I did not introduce my bill was because I found that by cooperating in the passage of this bill, or the McSweeney bill, I could accomplish the same thing that I had in mind.

My friends, I can remember in my boyhood days how farmers used to clear their lands and roll together in large piles the finest kind of long-leaf timber and burn same so as to clear the land for the purpose of cultivating.

We of the South have had in the past wonderful resources in all kinds of timber, but to-day and for the past few years, especially the last seven years, because of the serious condition of agriculture timber is being cut at a rate that within a few years we will have destroyed these resources unless this line of work is carried on on a large scale.

We passed in the Sixty-eighth Congress a bill introduced by my colleague, Mr. CLARKE, of New York, a member of the Agricultural Committee, which had to do with a plan for the purpose of protecting forest areas. The Federal Government could enter into cooperative arrangements with the State for protecting forest lands. It was under this bill, section 9, that I succeeded in having the President of the United States, Mr. Coolidge, pass the Camp Jackson lands under this law, which became the Camp Jackson National Forest. At the time of the passage of the Clarke bill, the Federal Government was cooperating with 26 States, and these States were receiving an appropriation of $400,000 annually. Along with this amount, the States were contributing about $1,900,000 and private individuals $1,000,000.

I received a letter from Hon. James H. Hammond, State senator of Richland County, my district, on the 31st of August, 1927, supporting this type of legislation. He stated that it appears to be one of our greatest needs at that time, and trusted that I would look into it and do what I could to get the legislation passed. He also stated that he expected to familiarize himself with this legislation and have the bill indorsed by a resolution in the general assembly next spring.

I received a letter from Dr. E. W. Sykes, president of Clemson College, South Carolina, requesting me to give my support to this legislation, as it would assist them in that line of work in South Carolina.

I clipped from the Columbia State paper some time ago a very interesting article written by James Henry Rice, jr., on this subject. I am going to insert same in the RECORD because I think it timely and contains some good information:

AGAIN THE SLASH PINE

To the EDITOR OF THE STATE:

Afforestation of the State's idle acres seems to have struck deeper into the minds of citizens than any of us imagined. Since The State published my article on the slash pine inquiries have come in at once. It is noteworthy that many of these have come from the upcountry. All desire information as to whether slash pine is suitable for reforesting upper counties. Some of the inquiries I have already answered, but in the general interest one answer through The State may suffice for all.

There is no reason why the slash pine would not grow and flourish in the upcountry on suitable soils—and almost all soils are suitable, except those with shallow hardpan. Mr. Mattoon has told us that on such soils slash pines are stunted, perhaps because of the enormous length of their tap roots. We have found them here more than 20 feet long. This fact explains to some extent the vigor and rapidity of the tree's growth.

Around Athens, Ga., just over Savannah River from Abbeville County, with soil and climate similar to those in upper South Carolina, slash pines are being grown successfully on a large scale and by many people. Mr. Mattoon was impressed by their success. East of a line from Anderson across the State to York there ought to be little trouble with slash pines. Probably small stands will be found at some points there now. There was formerly a superb lot of long-leaf pines around Kirksey, 10 miles south of Ninety Six, now a part of Greenwood County. Slash pines would grow there beyond a doubt.

It takes only a short while to determine, for after three years the question will have enough light shed on it. Should the pines be found growing vigorously then, it means they will keep on growing, for the slash pine sends down a tap root almost like it was boring into the earth.

Tree planting has burst forth into life in many parts of the State.

While it remains to be determined to what extent afforestation with the slash pine can be carried on in the upcountry, there is no question in the remaining two-thirds of the State. Plant the seed or set out plants, keep off fire, and the rest will take care of itself.

The most significant feature of the forestry movement is what goes on in Georgia, where farmers by the thousands are setting out plants.

Georgia is a practical State, and while Georgians love politics almost as much as we do, they knock off when it comes down to business. Many of them have planted slash pines long enough to realize that there is good safe money in it, for they begin tapping trees for turpentine long before they cut them, and the slash pine is the only pine that tapping does not hurt, provided the cutting is done with reason.

With the bulk of our idle lands grown up in slash pines, South Carolina would be a mine of wealth. The time will never come when there is lack of demand. It is a money crop just as much as cotton and much safer, being less subject to drought and other injuries, besides bringing in money the year round.

It will take a few years before returns come in; but how much are these idle lands bringing in now? How much are they likely to bring in? They draw taxes all right.

All lands being afforested should be exempt from anything but a severance tax, so as to encourage tree planting.

The whole thing is nothing but ordinary common sense, and from all I hear the citizens of the State, left to their own devices, are taking the matter in their own hands.

A story from A. B. Bryan, of Clemson College, as to what is actually being accomplished through the farm extension work will surprise people. I would like to see it myself, for my information comes in snatches. Most interesting and valuable work is being done at Drainland, the beginning of which I saw. Let Mr. Bryan tell the story in his own bright and newsy style.

JAMES HENRY RICE, Jr.,
Brick House Plantation, Chee-Ha River (Wiggins).

ACREAGE OF LAND

Our total acreage of land in the United States is 1,903,000,000 acres, so I am informed. Our total crop acreage in 1920 (I have not the figures for a later date at this time) was 365,000,000, with an estimated potential tillable acreage of 973,000,000. These were the figures stated by Mr. Wallace, Secretary of Agriculture, when he came before our committee in 1924. Mr. Wallace stated that these large estimated figures included all the land which might be brought under cultivation by irrigation, included the vast areas which could not possibly be brought in for many generations, and included lands which might be brought in by drainage.

RECLAMATION IN THE SOUTH

Quite a lot has been said recently in the South about draining lands, thereby bringing them into cultivation. This would have been wonderful work 25 years ago when our people had to struggle along as best they could to bring in thousands of acres of uncultivated lands, especially in the coastal regions. To-day, it is not more farm lands that we need in the South, but less farm acreage with better fertilization and more intensive cultivation. The balance of the worn-out acreage, along with thousands of acres of denuded lands should be replanted in trees for the future. I have in my district within about 5 miles of my home town, a drainage project known as the Bowman (S. C.) drainage district, where our people have voted bonds and cut canals, some of the finest soil to be found in any agricultural section. To-day, because of the inequality of agriculture as compared with other lines of industry, and because of the very heavy State and county taxes, interest on bonds, as well as the boll weevil to contend with, thousands of our farmers are losing their lands and homes.

I have been trying to get the ears of the Interior Department with the hope that I might get their support to take care of a situation like this, but they seem to be bent on spending millions to clean up and drain other lands which, in my mind, will just add to the already too many acres of tillable lands.

One of the great troubles with our southern farmers is that they want to spread just a little fertilizer all over what land they have and can rent, and spread what labor they have over these large farms, which brings about underproduction per acre, thereby making the cost of production unreasonable.

ORIGINAL FORESTED AREA

The original forested area of the United States is estimated to have been 822,000,000 acres. This area has been reduced to 463,000,000 acres. A considerable part of this remaining acreage has been culled of its best timber.

The original saw-timber stand of the United States has been estimated at not less than four thousand two hundred billion board feet. This has been reduced to about two thousand billion board feet.

About three-fourths of the total present stand of timber, including the best and most accessible, is in private ownership. Less than one-fourth is included in the national forests. The remainder, about 3 per cent, is owned by States and municipalities.

The average consumption of saw timber in the United States is approximately forty billion board feet. If this rate continues, our present stand will be exhausted in about 50 years.

The people of the United States are using their timber four times as fast as growth replaces it. European countries cut no more each year than they grow. In the United States there is an ample area of land good for nothing except to grow trees, to produce all the timber we need for all purposes for all time. The unproductive part of this area should be put to work and kept at work growing trees.

NATIONAL FOREST POLICY

Since last year's report the condition of the country in the matter of its forests has become still clearer. A new study of the whole situation made by the Forest Service revealed more definitely how the public policy should be shaped. Two national problems are involved—land use and timber supply. Down to about 1880 land clearing for agriculture more than kept pace with lumbering, but since that time virgin forests have been cut off under the tremendous demand of a vigorous, growing, and increasingly industrialized Nation much faster than the advance of farming could convert the stump lands into cultivated fields. Except in the South and West, in the last census decade the area of improved farm land was either practically stationary or decreasing. Lumbering adds to the cut-over area at the rate of about 10,000,000 acres a year, but what of this goes into farms is almost offset by abandonment of cultivation elsewhere. Eighty million acres of idle land not in demand for agriculture have become a dead weight on the regions in which they have accumulated.

On the other hand, the eastern and most populous part of the country has already begun to suffer the pinch of timber scarcity and high lumber prices in consequence of forest depletion. The remaining virgin timber in the South and far West still enables us to meet our needs for high-grade lumber, but at a steadily rising cost. Second-growth eastern forests eke out the supply, but we are draining our forests, East and West, of a total of 25,000,000,000 cubic feet of wood annually, while growth replaces only 6,000,000,000. Our future needs must be met from our own forests, and substitutes and economies in utilization will only partially offset the normal increase in demand as population increases. We should, if possible, produce permanently as much wood as we now require.

The present annual growth could be increased to about 14,000,000,000 feet, or a little over half our present requirements, if all our forests were given adequate protection against fire and elementary practices of forestry were introduced. By intensive forest management, comparable to the best European practice, our total area of forest land could be made to grow 27,000,000,000 cubic feet annually, or enough to take care of our present consumption and afford a little surplus.

The agricultural needs of the country will not make necessary the decrease of our present forest-land area of 470,000,000 acres in order to produce food. This land should be brought under management and, where necessary, reclaimed through reforestation as quickly as possible, since at best the country must pass through a considerable period of timber scarcity before new stands of merchantable size can be grown on the cut-over lands.

Recent developments in Canada raise the problem of timber supplies from another angle. In June, 1923, the Canadian Parliament amended the export act to authorize the governor in council to place an embargo upon the export of pulpwood from privately owned lands in the Dominion. This authorization, if carried out, would extend to all privately owned lands the embargo now in effect upon the Crown lands of several of the Canadian Provinces most important to the United States from the standpoint of pulpwood supply.

Imports of pulpwood from Canada for a number of years have normally exceeded 1,000,000 cords out of an average annual consumption in the United States of 5,400,000 cords during the past five years. An embargo upon Canadian pulpwood would be serious, because the paper-mill capacity in the Northeast and the Lake States exceeds the existing supply of domestic timber. The action taken by Canada is simply another indication of the growing stringency of timber supply in North America.

As a result of the threatened embargo, the pulp and paper industry has requested the Forest Service to make a survey of the raw materials available for the paper industry in the United States. An important feature of this survey is to determine our resources for growing pulpwood, with a view to creating a perpetual source of raw material on American soil.

With only about 21 per cent of the country's forest lands in public ownership, a number of the States, as well as the Federal Government, are moving for the extension of publicly owned forests. Already 200 municipalities, including cities, towns, and counties, own approximately 450,000 acres of forest land, held primarily for water supply and to a limited extent for timber growing and recreational purposes. Nineteen States have established State forests, totaling about 5,500,000 acres, of which New York has nearly 2,000,000 and Pennsylvania slightly over 1,000,000 acres. For the purchase of State forests, New York in 1916 authorized a bond issue of $7,500,000, and in Pennsylvania a bond issue of $25,000,000 for the same purpose is proposed.

SOUTH CAROLINA PROJECTS

I am glad to say that the Interior Department has already passed on two projects in South Carolina; one in Georgetown County to contain 75,000 acres, and one in Charleston and Berkley Counties to contain 50,000 acres. They hope to take on two more projects which will contain about the same number of acres, all of which will come under this bill.

A STATION FOR SOUTH CAROLINA

It is my hope to secure a station located in South Carolina very soon. I am going to insert at this point copy of letter

to Mr. W. B. Greeley, and his reply thereto, which states that he is very much in sympathy with my plans of locating a station in my State:

JANUARY 17, 1928.

Mr. W. B. GREELEY,
Chief Forest Service, Department of Agriculture,
Washington, D. C.

MY DEAR MR. GREELEY: I am very much interested in the establishing of a Forest Service station in South Carolina. The people in my State and adjoining States are very much interested in reforestation and if it would be possible to establish a station at Columbia, S. C., it would not only serve the State of South Carolina, but adjoining States as well. I am sure that the colleges, especially the Agricultural College of South Carolina, would be glad to cooperate. For the past seven years, because of the depressed condition in agriculture, farmers have had to cut and sell their timber to carry on. I know of no better time to start this kind of work than now, so that the recut-over land may be replanted and a general forestry work carried on. I hope that you will give this very serious and favorable consideration because of the serious condition of agriculture in the South and because of the splendid opportunity of helping out these conditions by establishing reforestation in South Carolina and adjoining States.

With very best wishes and many, many thanks for all past favors, I am,

Yours very truly, H. P. FULMER, M. C.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, January 26, 1928.

Hon. H. P. FULMER,
House of Representatives.

MY DEAR MR. FULMER: In reply to your letter of January 17:

I am pleased to note the growing interest being taken in the reforestation problem in South Carolina and to know of your own interest in research. As Mr. Kneipp told you, we have divided the country into 12 geographic regions, where the forest problems are more or less comparable. This has permitted us to study these problems in the large, and thus to obtain results which can be applied in principle over extended areas, leaving to local agencies—such as the State foresters, forest schools, and privately employed foresters—the application of these results to local situations.

While we have every sympathy with your desire to have a separate station for South Carolina, my judgment is that for the present at least it would be better to continue to concentrate our present resources of men and money at the established stations. This belief is based upon the large regions upon which general forestry information is badly needed and upon the tremendous scope of the problems involved. As the work develops and the more urgent problems have been solved, the further division of the various regions may well be considered, though the smaller the units the greater will be the cost and difficulty of administration.

In the first division of the country into regions, South Carolina was placed in that served by the southern forest experiment station, whose headquarters are in New Orleans. Unfortunately distance and other matters have prevented doing much beyond a small amount of work near Lane. Because of this and because also the Appalachian Forest experiment station has now been able to enlarge its activities, South Carolina has recently been added to the region served by Asheville, as shown on the inclosed map. This should permit more work in South Carolina, since the problems of much of your State are very similar to those of North Carolina, and because South Carolina can be so readily reached from Asheville.

Under the present arrangement, as you perhaps know, the headquarters of the forest experiment stations are merely the offices where the records are maintained and where the personnel have their residence. Field work is done at a series of branch stations, each located at a place from which several distinct forest types or a number of different forest conditions may be reached. The number of such branches, as well as the problems attacked, depend in a measure upon the available resources. That we have not been able so far to do much in South Carolina is indicative of the handicaps under which we are working. A bill by Mr. MCSWEENEY (H. R. 6091) is now before Congress. If enacted this bill would permit an orderly growth and enable the experiment station to undertake much-needed work of the kind you have in mind. Such a measure appeals to me more just now than a separate station in your State, and I hope it also does to you.

Very sincerely yours,

W. B. GREELEY, *Forester.*

AN URGENT NATIONAL NEED

There is no more important lesson for the American people to learn than the need of growing and conserving forests and trees. Our future development as a Nation will largely hinge upon the success with which we can spread this gospel.

JOHN J. TIGERT,
United States Commissioner of Education.

TREES AND THE NEXT GENERATION

There can be no more important educational work than turning the attention of the new generations to the importance of trees. On every hand we will see this importance if we will but look. The thing is to get us to look.

Mrs. MARY KING SHERMAN,
President General Federation of Women's Clubs.

TO THE TEACHERS OF FUTURE CITIZENS

Our civilization is so dependent upon forest products that we can not do without them. Teachers must do their part in establishing firmly in the minds of the school children the accepted policies of modern forestry.

Prof. E. LAURENCE PALMER,
Cornell University,
Director Nature Education Section of Nature Magazine.

Mr. STEVENSON. Mr. Chairman, I am very much interested in this legislation. I can not hope to add very much to the information of the House, but practically I have been engaged, as the owner of land, in this kind of thing for the last 25 years.

The statement made a while ago, that the value of the timber increases about $5 a year refers, I take it, to the most favorable condition and the most favorable cultivation. I have a rather large tract off of which I sold the timber in 1902. They completed the cutting in 1904 and then I took care of it; I did not allow fire to get into it and it was rich land, largely swamp land. In 1917 I sold the timber off of it again and received a good deal more than I received for the timber in 1902. It averaged an increase of about $1 per acre a year. This is timberland to which you do not give any extra attention except to protect it from fire. That is about what you can expect from it in the southern country, where there is plenty of rain and if the land is rich.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. WILLIAMSON. You say the increase in the value of the timber was only $1 an acre?

Mr. STEVENSON. That was the increase in value per acre. In other words, what grew from 1905 to 1917 I sold for just about an increase of $1 an acre a year; in other words, I received about $12 an acre for what grew on 800 acres in that length of time, and now the timber is growing again.

Mr. BRIGHAM. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. BRIGHAM. What kind of timber was that?

Mr. STEVENSON. Almost every kind. What is known as lob-lolly pine, gum, oak, and hickory.

Mr. BRIGHAM. Was it sold for firewood?

Mr. STEVENSON. It is good for firewood, but it goes into lumber of the very finest kind, and is very much sought after. In addition to that, it is good for crossties, and whenever it gets big enough you have to watch the railroad company from getting in there for the purpose of cutting it for crossties.

That is one situation. Now, the other one to which I want to call your attention is this: You have another Government instrumentality that is tending to run counter to this. As I said a while ago, the lands that are subject to overflow and the lands that need drainage are the rich lands in the South that grow timber and grow it rapidly; but we have a drive on in my country, and my friend who just spoke has received, as I have received, a lot of propaganda for reclamation; that is, for the drainage of those very lands. Now, those lands in the South are the source of its supply of timber. The timber grows faster there than anywhere else and the land is worth more for the growing of timber than it is for anything else. Those lands are worth more with timber on them than they would be worth if you drained them and attempted to grow something on them, for after drainage the boll weevil would get into your cotton, because it is on such land that the boll weevil flourishes.

Mr. FULMER. The gentleman contends it could be used to a much better advantage along this line rather than to drain the land and bring it under cultivation?

Mr. STEVENSON. Yes; very much better. Of course, the land is rich, but with boll-weevil conditions it is much better. When I finished cutting off the timber on this tract I refer to I was confronted with the question of clearing the land and putting it in cotton. If it were not for the boll weevil I could make a bale of cotton to the acre on the greater part of the land, but with the uncertainties that have been brought about in the South by the boll weevil it is bad policy to drain and clear up these lands when you can grow timber on them that will be worth more, and the taxes on them are practically nothing, so far as our country is concerned. I think when it comes to valuing this land they almost forget about it. Of course,

I pay some taxes on the land, whatever they assess, but they have sense enough not to assess it to an extent that will kill.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 1181, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that there may be printed as a House document the speech made by the President of the United States last February when the Houses were in joint session in celebration of the birthday of George Washington, and that the speech be printed in 10-point type. I understand it is standing in 10-point type at the Printing Office now.

The SPEAKER. The gentleman from Oregon asks unanimous consent to print in 10-point type the address delivered by the President of the United States before a joint session of both Houses at the celebration of the birthday of George Washington. Is there objection?

There was no objection.

JUSTICE TO THE EMERGENCY OFFICERS

Mr. WURZBACH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 10436, introduced by myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WURZBACH. Mr. Speaker, supplemental legislation is greatly needed to correct the excessive disparities between the pay of those former emergency officers, originally appointed lieutenant colonels, majors, and captains under section 24 of the act of June 4, 1920, and officers of the pre-war Regular Army now in those grades. I feel sure these inequalities and unfair, unjust discriminations against the emergency officers were never intended by Congress, would never have occurred had Congress been properly and fully advised in the matter at the time of the passage of the pay readjustment act in 1922, and will quickly be wiped out when Congress realizes the situation.

This pay act was a measure intended to equalize conditions, to partially recompense the emergency officers in pay for what they had lost or been deprived of by various unjust and discriminatory measures, rulings, constructions, and acts. Briefly stated, the following are some of the ways in which the emergency officers did not receive a square deal:

The Army reorganization act of June 4, 1920, provided that "not less than one-half" of the vacancies caused by the act "shall be filled by the appointment" of emergency officers, "a suitable number in each of the grades," but no provision was made to appoint any emergency officers as generals. So of the generals now in the Army none are emergency officers and notwithstanding the provisions of the law of the 532 colonels in the Army only 4 are emergency officers, and of the 656 lieutenant colonels, 2,174 majors, and 4,054 captains in the Army the letter from F. Trubee Davison, Assistant Secretary of War, to Hon. JOHN H. MORIN, chairman Committee on Military Affairs, dated March 5, 1928, states there are actually only 16 emergency officers in the grade of lieutenant colonel, 263 in the grade of major, and 952 in the grade of captain, who will be benefited by this bill.

Next, the act of June 4, 1920, placed certain limitations and restrictions upon the emergency officers, none of which were imposed on the pre-war regulars, another discrimination and hardship. To be appointed a colonel, an emergency officer must have been past 48 years of age, to be a lieutenant colonel, past 45 years of age, to be a major, past 36 years of age, and all must pass certain examinations, both as to physical and mental qualifications. Whilst for the pre-war regular, on the contrary, there were no restrictions or requirements as to age or mental examinations. So at the time of appointment we find all emergency colonels past 48, all emergency lieutenant colonels past 45, the average age of the emergency majors around 43, whilst the pre-war regulars made colonels, lieutenant colonels, and majors were many years younger than the required age for emergency officers; in fact, many pre-war regulars were created majors at the tender ages of 27 or 28, with considerably less than 10 years of any kind of service.

When the single promotion list was prepared the emergency officers again suffered and lost. The act provides in substance that the emergency lieutenant colonels and majors may be assigned positions on the list higher up, but not above any pre-war officer of the Regular Army of greater age. And the study on the questions of promotion and retirement sent out by the War Department in 1927, following the request of Congress, states in several places that the intention was, and that it was so done, that these emergency officers were in every case placed up the list as far as possible and until they were blocked by a former Regular officer of greater age. But an inspection of the original promotion list shows this was not actually done; in almost every case the emergency lieutenant colonels and majors were blocked on the promotion list by a former Regular officer of lesser age or by officers of the Philippine Scouts. These were not considered Regular Army officers, and, moreover, at about that time both the Judge Advocate General and the Attorney General had held against promoting Philippine Scout officers to majors and placing them as such on the promotion list. (See opinion Attorney General (manuscript) March 28, 1922, quoted in Digest of Opinions of Judge Advocate General, 1922, pp. 84–85.)

Then in the arranging of the captains and lieutenants on the promotion list they were all jumbled and scrambled together in one lot, with the result that emergency officers appointed captains are now ranked and passed by over 1,000 former provisional officers of the Regular Army who were lieutenants on the day these emergency officers were appointed captains.

Another injustice and discrimination against the emergency officers was that those appointed when over 45 years of age, if retired for physical disability, would only receive retired pay at the rate of 4 per cent for each year of service, and not the full 75 per cent the pre-war Regular would receive. But Congress has already fairly and justly removed this last discrimination. It can now partially offset the others by making the pay act say what they intended it should in the beginning.

Briefly speaking, the bill under discussion (H. R. 10436; S. 3569) merely provides that the lieutenant colonels, majors, and captains should retain the respective 20, 14, and 7 years' service for pay purposes allowed them by the pay act to put them in the fifth, fourth, and third pay periods. This was clearly the intention of Congress. The pay act provides that the sixth period embraces regular colonels with over 26 years' service and the emergency officers appointed colonels, so it gives these emergency officers 26 years for pay purposes. It also provides that when an emergency officer is promoted to colonel he goes into the sixth pay period, irrespective of his length of service; but a regular officer promoted to colonel must have 26 years' service to go into the sixth pay period, which he would have in practically every case. So the emergency officer here has service given him for pay purposes. The fifth period embraces regular lieutenant colonels with over 20 years and less than 30 years' service and the emergency officers appointed lieutenant colonels, so it gives those emergency officers 20 years for pay purposes. It also provides that when an emergency officer is promoted to lieutenant colonel he goes into the fifth pay period, irrespective of his length of service; but a regular officer promoted to lieutenant colonel must have 20 years' service to go into the fifth pay period, which he would have in practically every case. So the emergency officer here has service given him for pay purposes. The fourth period embraces regular majors with over 14 and less than 23 years' service and the emergency officers appointed majors, so it gives these emergency officers 14 years for pay purposes. It also provides that when an emergency officer is promoted to major he goes into the fourth pay period, irrespective of his length of service; but a regular officer promoted to major must have 14 years' service to go into the fourth pay period, which he would have in practically every case. So the emergency officer here has service given him for pay purposes.

The third pay period embraces regular captains with over 7 and less than 17 years' service and the emergency officers appointed captains, so it gives these emergency officers 7 years for pay purposes.

Thus we see the emergency officers appointed lieutenant colonels, majors, and captains are given, respectively, 20, 14, and 7 years of service for pay purposes to start, and also service when promoted. But the emergency officers who are not pro-

moted are not now authorized to keep the 20, 14, or 7 years given them to enable them to advance to higher pay periods. This Congress intended should be done, for the spirit and principle of the pay act is to allow those men to advance in pay periods who are not promoted.

Now, those not promoted are further discriminated against; are the ones not allowed to keep the service originally granted to them.

When the pay readjustment act of June 10, 1922, was enacted it was clearly intended by Congress that the officers from civil life appointed during and immediately after the World War in the grades of lieutenant colonel, major, and captain should, by reason of their age, education, experience, and World War service, be given a credit equivalent to actual service in the Army of 20, 14, and 7 years, respectively. That this is true and that these credits were actually so given is demonstrated by the following table, showing pay periods and rates of pay of all groups of these three grades, which appears at the back of each annual edition of the official Army Register published since the enactment of the law. I have inserted before each of the five groups under the head of "Lieutenant colonel," "Major," and "Captain," the letters in parentheses (a), (b), (c), (d), and (e):

	Pay period	Annual base pay
Lieutenant colonel:		
(a) Over 30 years' service	6	$4,000
(b) Over 20, less than 30	5	3,500
(c) First appointment above captain	5	3,500
(d) Appointed under sec. 24, June 4, 1920	5	3,500
(e) Less than 20 years' service	4	3,000
Major:		
(a) Over 23 years' service	5	3,500
(b) Over 14, less than 23 years	4	3,000
(c) First appointment above second lieutenant	4	3,000
(d) Appointed under sec. 24, act of June 4, 1920	4	3,000
(e) Less than 14 years' service	3	2,400
Captain:		
(a) Over 17 years' service	4	3,000
(b) Over 7, less than 17 years	3	2,400
(c) First appointment above second lieutenant	3	2,400
(d) Present rank July 1, 1920, or earlier	3	2,400
(e) Less than 7 years' service	2	2,000

The pay periods and rates of pay of lieutenant colonels, majors, and captains of groups (a), (b), and (e) apply to prewar officers of the Regular Army, and the pay periods and rates of pay of officers of groups (c) and (d) apply to officers from civil life coming into the Regular Army. Officers from civil life appointed colonels, four only left, were placed in sixth pay period. Officers from civil life appointed lieutenant colonels, only 16 in number, were placed in fifth pay period, with base pay of $3,500 per annum. Officers from civil life appointed majors were placed in fourth pay period with base pay of $3,000 per annum. Officers from civil life appointed captains were placed in third pay period with base pay of $2,400 per annum. The table clearly shows that all officers from civil life appointed in the grade of lieutenant colonel in the Regular Army were credited with the equivalent of 20 years' actual service for the purpose of fixing their pay periods and rate of annual base pay; all appointed in the grade of major were credited with the equivalent of 14 years' actual service, and all appointed in the grade of captain with the equivalent of 7 years' actual service. This is doubly demonstrated by the pay periods and rates of pay provided by the pay act for lieutenant colonels, majors, and captains of group (e). Lieutenant colonels of less than 20 years' service, majors of less than 14 years' actual service, and captains of less than 7 years' actual service, all of whom were prewar officers, were given a lower pay period with lower rates of pay than were given to officers from civil life who were appointed lieutenant colonels, majors, and captains. Now let us see how the pay act has actually operated. Take the case of the major appointed from civil life, for example: The average age was around 43 years, and although he was given the credit and equivalent of 14 years' actual service at the time of his original appointment, the effect of this credit for service stopped then and there unless he should be promoted. With some exceptions, those who are retired at the age of 64 will never advance to the fifth pay period, as, under the operation of the pay act, a major must have 23 years of actual commissioned service before he can advance to the fifth pay period by years of service. He will go out by way of retirement in the grade of major at 64 years of age before he can count 23 years of service. The same is true of the lieutenant colonel as to years of service. They must be promoted to advance a period. I think it can be truthfully said such was not the intention or the expectation of the committee of Congress which framed the pay act of June 10, 1922. There is no sort of reason why these lieutenant colonels, majors, and captains appointed from civil life and who were given the respective credits of 20, 14, and 7 years' service should not get the benefit of this credit for advancing to a higher pay period when not promoted.

H. R. 10436 accomplishes this simple act of justice and nothing more. It has nothing to do with the promotion or retirement questions, does not alter the promotion list, or lineal list, does not change the rates of pay or allowances, and does not allow these granted years to count for longevity pay.

The emergency lieutenant colonel, major, and captain who, called by his country's needs, came into the Army from civil life, on account of this unjust effect of the pay act receives less by $50 to $100 per month than the pre-war officer (except those in group (e)) of the same rank. The emergency officer is from 15 to 20 years older on the average than the pre-war officers of group (e), has greater demands upon him, and therefore should have more pay. Some pre-war majors are actually receiving more pay than some emergency colonels and lieutenant colonels. It is evident that these officers coming in from civil life and now in the grades of lieutenant colonel, major, and captain must have some relief. There are 1,231 of them, including officers of the Medical Corps, veterinarians, and chaplains.

There are many Members of the present Congress, both in the Senate and in the House, who were officers in the World War, as well as several high officials of the War Department. It may be that they have not realized how they would have fared in the matter of pay and promotion, if they had sought and obtained a commission in the Army after the World War, how they would feel if thus treated.

I do not believe that any just cause of dissatisfaction can possibly arise among the other officers in various pay periods who are not included in the provisions of H. R. 10436. The colonels are not included, because all of them are now in the highest-pay period; nothing more can be given them under the pay act; there are only four of them. The lieutenants are not included, because all emergency officers appointed to these grades have already been promoted one or two grades, or advanced one or two pay periods, and are in the third or captain's pay period already.

The youngest pre-war lieutenant colonels all have now more than 20 years of actual service and have been advanced to the fifth pay period. The last officer on the list of majors, recently commissioned, has had more than 13 years of actual service; he is in group (e) of foregoing table, and is only 36 years of age. The pre-war officers of this group are on an average nearly 20 years younger than the officers from civil life of the same rank, and have fewer demands upon their pay. All of the captains, both pre-war and from civil life, have had more than 10 years of actual service. There can, of course, be no ground of complaint from the second lieutenants.

H. R. 10436 benefits those who should be benefited, need it most, and discriminates against no one. It does not entirely equalize the pay of all officers in the three grades, as the prewar officer still has the advantage in increased pay for length of actual service. It does not give "constructive service," or anything new, but simply gives to the emergency officer from civil life the right to add to the equivalent credit already given, the length of time of his actual service, and thereby advance to the next higher pay period.

The additional annual cost should not stand in the way of this act of immediate justice nor prevent giving to these officers from civil life what Congress intended that they should have. This additional annual cost will decrease yearly, the increase brought by this bill will decrease, as some emergency officers advance by years or die. Nobody is hurt by this bill, 1,231 officers are benefited, the morale of the Army will be greatly improved, it will do much to allay the present agitation, dissatisfaction, and discontent. By all means it should pass; opposition to it appears small and narrow.

Mr. CLARKE. Mr. Speaker, I ask permission to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARKE. Mr. Speaker, first I wish to compliment the gentleman from Michigan [Mr. WOODRUFF] for the fine work he has done and the persistency shown in getting the McNary-Woodruff bill before the House of Representatives, as I compliment another distinguished son of Michigan, Mr. KETCHAM, for his work, always with an appreciation of agriculture and the many problems of the farmers.

The McNary-Woodruff bill enlarges the scope of the Weeks Act and the Clarke-McNary bill, as well as it establishes the national fiscal program in the reforestation movement.

On March 1, I addressed the House of Representatives setting forth the accomplishments under the Clarke-McNary law for reforestation. To-day I shall speak of one of the by-products of that reforestation movement. Its general subject will be "Bending twigs and inclining trees."

Conservation, stripped of details, as I view it, means the outlining of a policy and the enactment of that policy into law that seeks to save God Almighty's endowments from unwise utilization from the profiteering of the plunderbund; the wastefulness of the wanton, selfish, or ignorant, and the utilization of these endowments so that we, the trustees of the to-morrows, shall not seem to have forgotten the children of the to-morrows.

Reforestation is a big part of that conservation program.

The Weeks Act and the Clarke-McNary law establish our national reforestation policy.

I will not touch on the big picture with 81,000,000 idle acres in the United States crying for reforestation—an area as large as the States of New York, Pennsylvania, New Jersey, and Delaware—nor will I touch upon my own State of New York, with almost 5,000,000 idle acres, and the call of duty to every one of us to take at least 1 acre and make it ours and our children's, dedicated to service by growing trees.

The United States, with one-twelfth of the population of the world, consumes one-half of the world's supply of lumber.

Neither is it my purpose to paint you the picture of the tragedy of our denuded hills, beauty gone, serviceability dissipated, floods abounding, soil disappearing, and gullies slowly being evolved into great ravines.

Nor is it my purpose to remind you of the death, disease, and destruction that followed the Mississippi flood, as well as that of Vermont, nor do I need to tell you that somewhere in the plan of flood prevention is reforestation.

Great volunteer organizations are carrying on their work, the President of the United States and the Governor General of Canada have again joined in a proclamation for American forest week, April 22–28, inclusive, and pioneer organizations are taking their part unselfishly in this constructive Christian effort.

It is my purpose, however, to point you to the work and the interest of the children in reforestation, and how you and I can build our immortal monuments if we want to "bend twigs and incline trees."

This is my introduction to a book the American Tree Association is distributing free; that is my text:

HOW ABOUT YOU, DADDY?

Every regular dad should want his boy to know trees; in order to help the boy, dad must know the different varieties of trees; any book, conference, or association that will help dad to this information should reflect itself in the boy if dad is, as he should be, a chum and companion to the boy.

Regular dads teach their boys, through long walks in God's great out-of-doors laboratory, many of nature's mysteries.

Trees, as forest cover for wild life; trees, as protectors of our hillsides from erosion; trees, as retarders of the run-off from the rains; trees, as helpers in keeping our streams more even in their flow, therefore better swimming holes, better skating, better fishing, better boys.

Let's be regular dads and each year go in partnership with sonny and sister in planting trees on some idle acre.

To the to-morrows made better for the children of the to-morrows by idle acres set to work growing trees for sonny and sister is a part of my mission, for I want to be a regular dad.

How about you, Daddy?

My theory is that one-half the criticism of our young people and their habits, of their disregard of customs and disobedience, is due to parents failing to meet their obligation as parents by not more fully entering into the life and play of their young people. One way daddies, in particular, can help in "bending twigs" is becoming partners with sonny or sister in planting trees.

We are our brothers' keepers whether we will it or not. How much more are we the keepers of our very own? Parents can help bend their twigs and thus incline their trees, but it takes time, thought, sometimes sacrifice, and always effort; if there be parents who are unwilling to do these things they are not fit to be parents. Elbert Hubbard once said: "We are all children in God's great kindergarten." Let us live that philosophy and make our beginning outside of our homes by entering into a closer fellowship with our children on some idle acre growing trees in God's great laboratory. Willingness is the key word; terms of intimacy and good fellowship with our children and God's universe the spirit.

Who has seen any canvas touched by a Corot or Innes that equals in beauty the autumn tints of sumac or soft maple dressed in matchless reds, or the green tints of the sugar maple and oak, or the golden yellows of shellbark hickory or fast-disappearing chestnut, with here and there some lonesome pine or hemlock, that make our hills the Master's masterpiece in colors?

(a) In God's great out of doors "the old order changeth"; there are left the rude scars on Mother Nature's face to tell their tragic story, if we know Mother Nature well enough to interpret her signs. Some poet had the spirit of the scene in mind when he wrote:

So he wandered away and away
With nature the good, old nurse
Who sang to him day by day
The songs of the universe;
And whenever the way seemed long
Or his heart began to fail,
She sang a more wonderful song
Or told a more marvelous tale.

An Agassiz studies our rocks and earth's structure to give us his legacy in "bending twigs" in the fundamentals of geology, and Lowell says of him:

The beauty of his better self lives on
In minds he touches with fire, in many an eye
He trained to truth's exact severity;
He was a teacher; why be grieved for him
Whose living word still stimulates the air?
In endless file shall loving scholars come
The glow of his transmitted touch to share.

A Humboldt turns his God-given talents to the study of mother nature, and the fundamentals of physical geography become the inheritance of our twigs. So daddies of to-day and granddaddies of to-morrow can help incline their twigs if they are willing to make the effort.

It is not some one particular tree that stands out in my mind, wonderful and lovely as most trees are, but it is dad and mother's partnership with sonny or sister planting trees on idle acres, developing real acquaintance, creating better understanding, promoting camaraderie, generating confidence, building character and the service-rendering spirit in children until there dawns again the picture Bryant saw when he wrote:

Before these fields were shorn and tilled
Full to the brims our rivers flowed,
The melody of waters filled
The fresh and boundless wood,
And torrents dashed and rivulets played
And fountains spouted in the shade.

The mission of man is constructive service. The first test is within our own homes, with our own, and we are measured primarily by the sincere efforts we make in bending our own twigs, being real partners with sonny and sister in character-building, appealing enterprises, with service as the watchword and daddy planting trees with sonny and sister in such an enterprise.

Let me cite you an example or two of what is doing in New York State that but supplements the efforts of Michigan, for instance, in the cooperative extension work for the boys and girls. John Lennox, of my own county, has been getting marvelous results with our boys and girls. At North Franklin the Ouleout Valley 4-H Club had a meeting last fall and 60 boys and girls sat down to a bountiful Thanksgiving dinner; there was community singing and Paul D. Kelleter, of New York State College of Forestry, spoke to the boys and girls and their parents, and then Will Miller, of the local Rod and Gun Club praised them for the good they have done in their planting projects in the Ouleout Valley. Then came the outstanding Superintendent of Schools W. C. King, with the awarding of prizes. Thirty-nine reforestation plots judged by the Rod and Gun Club members were scored on preparation and adaption 15 per cent; appearance, 50 per cent; protection, 15 per cent; interest and record, 20 per cent.

John Lennox, for Delaware County, reports of the 4-H club an increase in members of 81 per cent to complete the project work of last year. "Bending twigs and inclining trees" is a big job, but I want you here in Congress to know that we are trying to do our part. All we ask of you is to give us the national leadership and we will cooperate.

Here is another example: John and Mac Hall decide to dedicate grandmother's farm to growing trees as the best investment

they can make of their savings. John is age 11 and Mac 13, so by doing errands and chores they accumulate $30 and invest $20 in buying five thousand 3-year-old white-pine transplants. Grandmother's farm was given to the boys for this purpose. They then fenced off these trees to keep them from the cattle and the neighbors are planning a field day to assist the boys in their work. "Bending twigs and inclining trees," Lord bless you, we all ought to be working on that job.

Another example: Prof. Sheldon Brink told me of some boys in the Walton school who were willing to plant trees if they could get them, so I bought for each boy 1,000 trees, and received last fall the following letter:

DEAR SIR: We wish to express our appreciation of your recent efforts in procuring from the conservation commission 8,700 trees, which we have planted on our farm at home.

It is our purpose to guard carefully these trees from fire and animals, to take an honest interest and sincere pride in their future growth and development, and to always recall with gratitude the person who was instrumental in securing them for us.

LEIGH H. SEELY.	STURGIS B. GOODRICH.
LEROY ROBINSON.	RAYMOND BENEDICT.
HARLAND FRANCISCO.	ROBERT F. LOHER.
WILFORD J. DOICE.	GLENN C. MILLER.
WINFIELD R. BAXTER.	

So I want to appeal to all of you as parents, as trustees for all the youngsters, your own, everybody's, as good citizens, interested in your schools and communities, to take some little idle, neglected acre or tract and join with the youngsters in planting trees and watch the youthful developments in worthwhile traits—ideals of service.

If you want to be hard-boiled, hard-hearted bargainers, I can still commend the enterprise on lands more suitable for growing trees than for other agricultural purposes. It will return more in dollars and cents with but little care and protection—a slow but certain income that has been the experience of hundreds of years in Europe, but in other ways it will pay back, as a recreation center, as a sanctuary for wild life, in the constructive tendencies also it will build in youth. The cost of an acre of such land is not as much as the cost of a Ford tire, nor will the cost in purchasing and planting trees thereon be as much as the replacement of almost any part of that Ford; and so the story goes of the possibilities of youngsters, with dad's encouragement and help, being inclined in nature's laboratory.

Nature's God invites you and yours to learn its lesson, and may you hear "the still small voice" of the Master as you study His works.

THE FOOD AND DRUGS ACT

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 487) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is amended:

(a) By striking out the period at the end of paragraph "Second," in the case of food, and inserting in lieu thereof a semicolon and adding thereafter the following clause: "or if it be in a container made, formed, or shaped so as to deceive or mislead the purchaser as to the quantity, quality, size, kind, or origin of the food contained therein"; and

(b) By adding at the end thereof a new paragraph to read as follows:

"Fifth. If in the package form, and irrespective of whether or not the quantity of the contents be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, as provided in paragraph 'Third,' the package be less than filled with the food it purports to contain in such a manner as to deceive or mislead purchasers. In construing and applying this provision reasonable variations shall be permitted and also due allowance shall be made for the subsequent shrinkage or expansion of the food which results from a natural or other cause beyond reasonable control."

SEC. 2. Such act of June 30, 1906, as amended, is amended by adding to the end thereof a new section to read as follows:

"SEC. 14. That this act may be cited as the 'food and drugs act.'"

SEC. 3. No fine, imprisonment confiscation, refusal of admission or delivery, or other penalty shall be enforced for any violation of this amendatory act occurring within six months after its passage.

Mr. HAUGEN. Mr. Speaker, I offer an amendment. In line 3, page 3, strike out the word "six" and insert in lieu thereof the word "twelve."

The SPEAKER. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 3, line 3, at the end of the line, strike out the word "six" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HORTICULTURAL EXPERIMENT WORK IN SOUTHERN GREAT PLAINS AREA

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 405) providing for horticultural experiment and demonstration work in the southern Great Plains area.

The SPEAKER. The gentleman from Iowa calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to cause such shade, ornamental, fruit, and shelter belt trees, shrubs, and vines as are adapted to the conditions and needs of the southern Great Plains area, comprised of those parts of the States of Colorado, Nebraska, Kansas, Texas, Oklahoma, and New Mexico lying west of the ninety-eighth meridian and east of the 5,000-foot contour line, to be propagated at one of the existing field stations of the Department of Agriculture in such area, and seedlings and cuttings and seeds of such trees, shrubs, and vines to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within such area.

SEC. 2. That for carrying out the purposes of this act, including purchase of land and erection of buildings, there is hereby authorized to be appropriated the sum of $50,000, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the Secretary of Agriculture.

The following committee amendments were read:

Page 2, line 8, strike out "$50,000" and insert "$35,000."

Page 2, after line 11, add a new section, as follows:

"SEC. 3. That there is hereby authorized to be appropriated each fiscal year thereafter necessary appropriations to enable the Secretary of Agriculture to carry on the experiments contemplated by this act."

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. BLANTON. Mr. Speaker, I would like to ask the gentleman from Iowa a question. Does the gentleman think that the Secretary of Agriculture would know better how to distribute these plants in his district than he himself would know? Why is it left to the Secretary of Agriculture to do it?

Mr. HAUGEN. This bill is to encourage plant distribution.

Mr. BLANTON. I know; but would the Secretary of Agriculture know better than the Representatives of the several States where to distribute the plants?

Mr. HAUGEN. The gentleman means to let the Members have the distribution?

Mr. BLANTON. Yes. Take the district of the gentleman from Iowa; would not he know better where to distribute these plants than the Secretary of Agriculture? We had a bill pending here for a long time presented by the former distinguished chairman of the Military Affairs Committee—Mr. Kahn—which was a good bill. It left the distribution of captured German cannon to the membership of Congress, but instead of doing that in the bill we finally passed we put it in the hands of the Government. I have had complaint after complaint from my part of the country that they could not get proper recognition, and we are blamed for it. When there is a distribution of State matters let the governor distribute them. When it is a distribution of Federal matters—I do not care what it is—let the Congressmen do it. If it is a distribution of Federal patronage, let Congressmen distribute it, and not let some governor in some States take it over. That is my position.

Mr. HAUGEN. There is a difference of opinion as to that. We are following the policy that has heretofore been laid down.

Mr. BLANTON. I think I would know better where to put them in my district—and my State is mentioned—than the Secretary of Agriculture, for I know more about it.

Mr. CLARKE. Is that because the gentleman is a candidate for the Senate?

Mr. BLANTON. That makes no difference. I knew that when I was not a candidate.

Mr. GARBER. In reply to the inquiry by the gentleman from Texas, this distribution by the department would only be made as the type is developed by direct contact with the Department of Agriculture in the form of an agreement as to soil, cultivation, care of the trees, submitting to seasonable inspection by the department, and so forth.

Mr. BLANTON. The point I was inveighing against was this: I wish every Member of Congress could read over every year—just as they read the speech of Champ Clark before the Press Club about keeping Congressmen here a long time—I wish they could read the speech of my colleague, Mr. LANHAM, on having "a Federal agent in every home." That is what I want to get away from. We are getting them all over our district—Federal agents representing the Agricultural Department. There are entirely too many Federal agents throughout the States.

Mr. GARBER. The gentleman will admit that the farm agents are important and a necessary factor in the encouragement of agriculture.

The SPEAKER. The time of the gentleman has expired. The question is on the amendment.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FOR THE PROMOTION OF AGRICULTURE

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes.

The SPEAKER. This bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall—

(a) Acquire information regarding world competition and demand for agricultural products and the production, marketing, and distributing of said products in foreign countries and disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

(b) Investigate abroad farm management and any other economic phases of the agricultural industry and, in so far as is necessary to carry out the purposes of this act, conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other American agricultural products, in which the Department of Agriculture is now authorized or in the future may be authorized to engage. Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority for thus conducting it may exist.

SEC. 2. (a) The present representatives of the Bureau of Agricultural Economics of the Department of Agriculture now stationed abroad shall be officers of the foreign agricultural service of the United States, and the Secretary of Agriculture may appoint other officers in said service from time to time in accordance with civil-service procedure. All such officers shall constitute the foreign agricultural service of the United States, and shall be known as agricultural attachés, assistant agricultural attachés, or by such other titles as may be deemed appropriate by the Secretary of Agriculture. Any officer in said service, when designated by the Secretary of Agriculture, shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed, or to the consulate of the United States, as the Secretary of Agriculture shall designate. If any such officer is to be stationed in a country where there is no diplomatic mission or consulate of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if, in his judgment, the attachment of such officer to the diplomatic mission or consulate at the post designated would be prejudicial to the public policy of the United States.

(b) The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

(c) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service, officers of the foreign agricultural service, but in so doing the Secretary shall take into consideration records of efficiency.

(d) No officer of the foreign agricultural service shall be considered as having the character of a public minister.

(e) Any officer of the foreign agricultural service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct.

(f) The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the foreign agricultural service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, whenever he deems it in the public interest, to order to the United States on his official leave of absence any foreign agricultural service officer who has performed three years or more of continuous service abroad: *Provided,* That the expenses of transportation and subsistence of such officers and their immediate families in traveling to their homes in the United States and return shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of Agriculture when not on leave: *Provided further,* That while in the United States the services of such officers shall be available for such duties in the Department of Agriculture and elsewhere in the United States as the Secretary of Agriculture may prescribe. Any officer in the foreign agricultural service, in the discretion of the Secretary of Agriculture, may be given leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years, under such rules and regulations as the Secretary of Agriculture shall prescribe.

SEC. 3. (a) Subject to the requirements of the civil service laws, and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign agricultural service as he may deem necessary.

(b) When authorized by the Secretary of Agriculture, officers of the foreign agricultural service may employ, regardless of their citizenship, in a foreign country from time to time, fix the compensation of, and separate from the service such clerical and other assistants as may be necessary.

SEC. 4. (a) Any officer, assistant, clerk, or employee of the Department of Agriculture, while on duty outside of the continental limits of the United States and away from the post to which he is assigned, shall be entitled to receive his necessary traveling expenses and his actual expenses for subsistence, or a per diem in lieu of subsistence, equal to that paid to other officers of the Government when engaged in analogous foreign service.

(b) The Secretary of Agriculture may authorize any officer of the foreign agricultural service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or other assistant employed by such officer under subdivision (b) of section 3 when such clerical or other assistant is engaged in travel outside the continental limits of the United States and away from the post to which he is assigned.

(c) Any officer, assistant, clerk, or employee of the foreign agricultural service, while on duty within the continental limits of the United States, shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law.

SEC. 5. The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, State, Territory, District, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, for printing, telegrams, telephones, law books, books of reference, maps, publications, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the act in the District of Columbia and elsewhere. With the approval of the Secretary of Agri-

culture, an officer of the foreign agricultural service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties, in advance in any foreign country where custom or practice requires payment in advance.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. KETCHAM. Mr. Speaker, I did not wish to take the time of the House in discussing the merits of H. R. 11074, a bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, but do feel that the importance of the work authorized by this bill requires a short statement concerning the measure.

The bill, in substantially the same form, was introduced in the Sixty-ninth Congress and was passed by the House of Representatives on April 7, 1926, as H. R. 10129. Additions of essential administrative features were made in the present bill to make the foreign agricultural service of the Department of Agriculture uniform with the Foreign Service of the Department of State and the foreign service of the Department of Commerce in order to avoid all duplication of effort so far as possible. This bill is in conformity with the spirit and letter of the organic act creating the Department of Agriculture and puts into permanent legislative form authority now carried in the annual appropriation bill.

Secretary W. M. Jardine, of the Department of Agriculture, and Secretary Herbert Hoover, of the Department of Commerce, sent a joint letter to Hon. GILBERT N. HAUGEN, chairman Committee on Agriculture, under date of March 10, 1926, voicing approval of H. R. 10129, then pending before the committee. In addition, under date of February 1, 1928, Secretary Hoover addressed a letter to Hon. W. M. Jardine, Secretary of Agriculture, from which I quote:

> The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

In the Sixty-eighth Congress a statement indorsing the Ketcham bill was signed by 19 representative leaders of American agriculture. Among the organizations represented in this signed statement were:

> The National Grange, Farmers' Educational and Cooperative Union of America, National Wool Growers' Association, American Dairy Federation, National Dairy Union, American Wheat Growers' Association, National Cooperative Milk Producers' Federation, National Board of Farm Organizations, and other National and State organizations.

American agriculture requires a unified world service. It can not render an adequate service to the agricultural producers of the United States without extending its activities into foreign fields. Foreign competition and demand directly affect about 90 per cent of American agricultural products entering into market channels.

Using wheat as an example we find that the size of the foreign wheat crop and the foreign demand added to similar information as to the prospects for production and consumption of wheat in the United States is required to give a complete picture of the wheat situation.

The Department of Agriculture collects the necessary information concerning the United States and must have similar information concerning foreign countries in order to render an adequate service to American producers. To understand competition to be met from foreign wheats it is necessary to have information concerning the character of wheats produced and the uses of wheat or wheat flour in foreign countries. Marketing may be said properly to begin with production. Knowledge of the character and qualities of the wheat produced in competing countries is necessary to producers of the United States in determining what kind of wheat they shall produce. Production and marketing are so tied together that it would be impracticable to separate the administration of services relating to production and marketing, and certainly impracticable to separate the economic service relating to foreign competition and demand from that relating to production and marketing in the United States. Situations arise on foreign markets when quick advice will turn loss into profit.

The Department of Agriculture utilizes to the fullest extent the agencies of other departments of the Government operating abroad. All information of value to agriculture in the reports of the Consular and Commercial Services is assembled, interpreted for the American farmer, and made available by the Department of Agriculture to agricultural interests in the United States at the earliest possible moment after its receipt.

Through arrangements with the State Department, the Bureau of Agricultural Economics is now coordinating the reporting on agricultural subjects by the more than 400 American consuls distributed throughout the world. Over 600 consular reports on agricultural subjects are being received monthly. So the Department of Agriculture is in a position to organize and direct the activities of a foreign service for agriculture and to utilize this service in promoting the welfare of American agriculture. It has a large corps of scientific men to advise and assist foreign agricultural service officers in their work and to make full use of the results of this work. It has organized machinery, such as widely distributed branch offices, leased-wire systems, and radio, for rapidly conveying information to the producers. A beginning has been made, channels established.

This bill will make permanent and more effective this service to the American farmer. Utilizing all of the existing facilities of the Department of Agriculture, the foreign agricultural service will thus be in contact with every agricultural cooperative association and private marketing organization in this country; the Department of Agriculture will disseminate through them information and data concerning foreign production and market consumption made available by the extended service provided in H. R. 11074.

SPREAD OF EUROPEAN CORN BORER

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 484) to amend section 10 of the plant quarantine act approved August 20, 1912.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of the plant quarantine act, approved August 20, 1912 (37 Stat. L. 315), as amended by the act of March 4, 1917 (39 Stat. L. 1165), be, and the same is hereby, amended by adding at the end thereof the following:

"That any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provisions of this act and furnished with and wearing a suitable badge for identification, who has probable cause to believe that any person coming into the United States, or any vehicle, receptacle, boat, ship, or vessel coming from any country or countries or moving interstate, possesses, carries, or contains any nursery stock, plants, plant products, or other articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the provisions of this act, or by any quarantine or order of the Secretary of Agriculture issued or promulgated pursuant thereto, shall have power to stop and, without warrant, to inspect, search, and examine such person, vehicle, receptacle, boat, ship, or vessel, and to seize, destroy, or otherwise dispose of, such nursery stock, plants, plant products, or other articles found to be moving or to have been moved in interstate commerce or to have been brought into the United States in violation of this act or of such quarantine or order."

Mr. PURNELL. Mr. Speaker, the purpose of this bill is to amend section 10 of the plant quarantine act, approved August 20, 1912. No authority is now given in the act to stop in transportation quarantined articles which are pest carriers. Such movement in violation of plant quarantine is usually in ignorance of the restrictions but involves the greatest danger in long-distance spread of the pests concerned. The act now provides merely for punishment of violators. Such punishment is of little value in preventing spread when as indicated the contraband articles can not be seized or safeguarded either in movement or at destination. What is wanted is to stop the movement of dangerous articles before it is completed. That is the purpose of this bill. It provides that any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provisions of this act and furnished with and wearing a suitable badge for identification, who has probable cause to believe that any person coming into the United States or any vehicle, receptacle, boat, ship, or vessel coming

from any country or countries or moving interstate possesses, carries, or contains any nursery stock, plants, plant products, or other articles the entry or movement of which in interstate or foreign commerce is prohibited by this act shall have power to stop and without warrant to inspect, search, and examine such person, vehicle, or vessel and to seize, destroy, or otherwise dispose of such articles found to be moving in violation of the plant quarantine act. The urgent need for this amendment is for the prevention of the spread of the European corn borer. Up to this time the department has been attempting to exercise such control by common consent, but there is a growing percentage of motorists and others who refuse to submit to inspection. Such refusals totaled last year upward of 500 motorists from the corn-borer area alone. Last season there were seized in such movement from the corn-borer area some 125,000 ears of corn, the greater part of which was infested by the European corn borer. In many instances this corn was to have been transported interstate and in three instances as far west as Iowa. Unless such movement can be more adequately controlled it may well nullify the large expenditures the Government and States are making to prevent spread of this pest.

The bill not only has the approval of the Secretary of Agriculture but is introduced at the request of the department.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HORTICULTURAL EXPERIMENT IN DRY-LAND REGIONS

Mr. HAUGEN. Mr. Speaker, I call up the bill (S. 2569) providing for horticultural experiments and demonstration work in the semiarid or dry-land regions of the United States.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause such shade, ornamental, fruit, and shelter-belt trees, shrubs, vines, and vegetables as are adapted to the conditions and needs of the semiarid or dry-land regions of the United States, to be propagated at an experiment station of the Department of Agriculture to be established at or near Cheyenne, Wyo., and seedlings and cuttings and seeds of such trees, shrubs, vines, and vegetables to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within the semiarid or dry-land regions of the United States.

SEC. 2. That for carrying out the purposes of this act, including the erection of buildings, there is hereby authorized to be appropriated the sum of $100,000, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the Secretary of Agriculture.

SEC. 3. That there is hereby authorized to be appropriated each fiscal year thereafter necessary appropriations to enable the Secretary of Agriculture to carry on the experiments contemplated by this act.

Mr. WINTER. Mr. Speaker, I desire to say just a few words in respect to this bill. This bill is one establishing a station similar to others that have been instituted in various parts of the country, following out the general policy of developing shade, ornamental, fruit, and shelter trees, shrubs, vines, and vegetables and growths of like character. This work is very necessary in arid and semiarid regions, particularly on the high plateaus east of the Rocky Mountains. There is one such station which has been in existence for some time at Mandan, N. Dak., very far to the north of Cheyenne, where this station is to be located. I believe there is a bill for the establishment of a similar one far to the south, perhaps in Oklahoma. This particular station will find a long-felt want in the high semiarid country of the Central West, and is so situated with reference to highway transportation and the transcontinental railroad lines that it would serve a very large area. I may add that the present facilities for this character of work in this portion of the West are limited to the output of the Mandan station, which is utterly inadequate to supply the demand. When I speak of the demand I do not mean that these stations are furnishing great quantities of trees and shrubbery, vines, and vegetables. They are not in competition with private business. These stations are for the purpose of improving the quality and ascertaining and developing growths of this kind which are delivered on request in small quantities to settlers and residents, who are thus enabled to develop the larger fields of growth. It is a very beneficial bill and will fill a great need in the semiarid plateaus of the central western country. No part of the work of the Department of Agriculture is more important or directly beneficial than that of these experimental stations, and this one will be of special value to a great area and a great number of people not now served and who can not be sufficiently served by the existing stations and facilities.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BEAL NURSERY, EAST TAWAS, MICH.

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery, at East Tawas, Mich.

The Clerk reported the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized to use so much of the funds now or hereafter appropriated for tree planting on the national forests or of the funds now or hereafter appropriated to carry out the provisions of section 4 of the act of June 7, 1924 (34 Stat. L. 653), as amended by the acts of March 3, 1925 (43 Stat. L. 1127), and April 13, 1926 (Public, No. 102, 69th Cong.), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor, as may be necessary to acquire by purchase, condemnation, or otherwise, all or any lots of block 16 in Newman's addition to the city of East Tawas, Mich., as an addition to the Beal Nursery in East Tawas, Mich.

With the following committee amendment:

Page 1, line 3, strike out the words "so much" and insert "not to exceed $2,500."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

ALLOWANCE IN THE ACCOUNTS OF A DISBURSING OFFICER

Mr. HAUGEN. Mr. Speaker, I ask that it shall be in order to consider the bill H. R. 8968. It carries an authorization of an allowance of $80 in the accounts of a disbursing agent of the Department of Agriculture. It is recommended by the department.

The SPEAKER. The Chair does not think it proper to take up private bills on Calendar Wednesday.

ORDER OF BUSINESS

Mr. KNUTSON. Mr. Speaker, I would like to ask the majority leader if it is contemplated to take up the Private Calendar to-day?

Mr. TILSON. Before we decide what calendar we shall take up I think the membership of the House should be more generally represented than it is at the present time. I therefore move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will summon the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 49]

Anthony	Britten	Celler	Davey
Bankhead	Browne	Christopherson	Dempsey
Beck, Pa.	Buckbee	Combs	De Rouen
Begg	Burtness	Connally, Tex.	Dickstein
Boies	Busby	Connery	Dowell
Boylan	Campbell	Connolly, Pa.	Drane
Brand, Ga.	Carley	Crowther	England
Brand, Ohio	Casey	Curry	Estep

Fitzgerald, W. T.	Johnson, Wash.	Moore, N. J.	Stedman
Foss	Kendall	Morgan	Stobbs
Frear	Kiess	Morrow	Strother
Frothingham	Kindred	Nelson, Mo.	Sullivan
Golder	Kunz	Norton, N. J.	Sweet
Graham	LaGuardia	O'Connor, N. Y.	Taylor, Tenn.
Green, Iowa	Lampert	Porter	Thurston
Hall, Ill.	Larsen	Prall	Tillman
Hammer	Leatherwood	Quayle	Tinkham
Harrison	Lindsay	Rainey	Treadway
Hastings	Linthicum	Rathbone	Wainwright
Houston	Lyon	Reed, N. Y.	Wason
Hull, Wm. E.	Manlove	Sabath	Woodrum
Igoe	Mead	Sanders, N. Y.	Yates
Jacobstein	Menges	Sirovich	
Jenkins	Michaelson	Spearing	
Johnson, S. Dak.	Montague	Steagall	

The SPEAKER. Three hundred and thirty-six Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER. The gentleman from Connecticut moves that further proceedings under the call be suspended. The question is on agreeing to that motion.

The motion was agreed to.

Mr. TILSON. Mr. Speaker, the Committee on Agriculture has completed its business under the Calendar Wednesday rule much sooner than was anticipated by that committee or by any of us. In view of this fact, I moved to call the House together in order to submit a unanimous request concerning the order of business. I ask unanimous consent that during the remainder of to-day the Consent Calendar may be called.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that during the remainder of the day the Consent Calendar be called. Is there objection?

Mr. BLANTON. I reserve the right to object.

Mr. TILSON. My reason for making this request is that the Consent Calendar is quite long; so long, indeed, that it could not be completed in one day if proper consideration were given to the bills on it, and especially if suspensions were granted; so that the remaining bills would have to wait two weeks longer. I think, therefore, that the remainder of the time to-day could not be better utilized than by calling the Consent Calendar.

Mr. BLANTON. This can be done only by unanimous consent?

Mr. TILSON. Yes. That is the reason why I am making this request for unanimous consent, and that is the reason why I desired that a full membership of the House should be here.

Mr. BLANTON. Does the gentleman think it is fair to the few men who study these bills to call up that Consent Calendar without their knowledge? Some of them are absent. I have in mind a man who does hard work on these bills. He is not here and knows nothing about the calling up of that calendar to-day. Where it takes three objections to stop these bills by those who study them, probably you could not find those three this afternoon.

Mr. TILSON. On an occasion of this sort, where there is an objection, the bills should go over without prejudice.

Mr. BLANTON. Will the gentleman include in his unanimous-consent request the proviso that on a single objection they will be passed over? A few of us study these bills. I have my notes on these bills in my office. I must go over and get them before I can conscientiously pass upon a single bill that comes up.

Mr. SCHAFER. The gentleman does not mean to intimate that the Members of the House generally do not study these bills?

Mr. BLANTON. The gentleman knows that only a comparatively few Members have the time to study these bills.

Mr. SCHAFER. I challenge the gentleman's statement that he is the only man on the floor of the House who studies these bills.

Mr. BLANTON. I did not say that. I said that there are but a few Members who study these bills, and the gentleman knows that that is true.

Mr. TILSON. Bills called up on a day of this kind should not be passed if any one Member objects, because of the fact that any Member has the right at this stage to object to their being considered at all.

Mr. BLANTON. And I do not want to object if it can be avoided.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that whenever one objection is made to-day the bill shall go over.

Mr. BLANTON. With that amendment I shall not object.

Mr. TILSON. That is, when an objection is made to a bill the bill will be passed over without prejudice and retain its place on the calendar.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I am not going to leave the statement just made by the gentleman from Texas [Mr. BLANTON] go unchallenged and thus send notice to the country that the gentleman from Texas and perhaps only one or two other Members of the House watch these bills. It is not a fact.

Mr. BLANTON. How many will the gentleman say watch them?

Mr. SCHAFER. I will say that nearly every Member of this House watches these bills. [Applause.]

Mr. BLANTON. And studies the bills?

Mr. SCHAFER. Yes. I do not intend to leave the gentleman from Texas give the impression that he and three or four other Members are the only ones who watch and study these bills. [Applause.]

Mr. BLANTON. After they study them, do they object?

Mr. SCHAFER. There are many who object to bills, but as a rule a majority of the Members of the House do not enter frivolous objections, as the gentleman from Texas sometimes does.

Mr. BLANTON. Mr. Speaker, after the cyclone from Wisconsin [Mr. SCHAFER] has exploded let the Speaker put the question.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. TEMPLE. Mr. Speaker, reserving the right to object, would not the situation be met if it were agreed now that bills on the calendar which have been objected to on a previous day shall not be called at all?

Mr. TILSON. I think the request should stand as I have made it, that where there is one objection then the bill may go over, unless the Member wishes to have it go off the calendar.

Mr. TEMPLE. The Member who objected before may not be present to-day at all.

The SPEAKER. The Chair will again put the request of the gentleman from Connecticut, that during the remainder of the day it shall be in order to call up bills on the Consent Calendar and that when any one objection is made to any bill it go over without prejudice. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, my distinguished young friend from Wisconsin [Mr. SCHAFER] said a while ago that sometimes I made frivolous objections to bills. I do not make objections that are frivolous. I study carefully every bill that is reported from a committee, and I make it a rule never to object to any bill unless I have good, conscientious reasons for doing so.

It is a well-known fact that only a very few Members make a close study of the bills that are on the Private and Consent Calendars. And only a few Members here assume the responsibility of objecting to them. I commend my friend from Wisconsin for the good work he has been doing, and I intended in no way to minimize the importance of same. The Members of the House of Representatives know who look after these Private and Consent Calendars and make the objections. And they know that I was well within my rights in insisting that for this afternoon one objection should be sufficient to stop a bill and keep it from passing.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and disposition of business on the Speaker's table, the gentleman from Texas [Mr. BUCHANAN] may address the House for 20 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, his colleague, the gentleman from Texas [Mr. BUCHANAN] may be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I now desire to ask unanimous consent that following the address of Mr. BUCHANAN the gentleman from Texas [Mr. HUDSPETH] may address the House for 10 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that following the address of the gentleman from Texas [Mr. BUCHANAN] the gentleman from Texas [Mr. HUDSPETH] may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand that this will not interfere materially with the conduct of business, general debate on the naval bill being in order to-morrow.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, it is understood that there will be no suspensions this afternoon?

The SPEAKER. Suspensions would not be in order in any case to-day.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

ADDITIONAL JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

The first business on the Consent Calendar was the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. CAREW. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. One objection forces that action.

Mr. CAREW. Then it will require three objections the next time; and it was agreed that when one objection was made to a bill it would be passed over without prejudice?

The SPEAKER. No; it will require three objections next time.

Mr. CAREW. But, Mr. Speaker, we do not want to get into that position.

Mr. BLANTON. Mr. Speaker, to please the gentleman from New York, if he will ask that it go over without prejudice I will withdraw my objection.

Mr. CAREW. It has been passed over without prejudice.

The SPEAKER. It will be precisely in the same situation the next time it is called that it is now.

Mr. TILSON. Just as if it had not been called at all.

The SPEAKER. Exactly.

ADDITIONAL JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 5774) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, I object.

Mr. CAREW. Mr. Speaker, I ask that this bill may remain on the calendar without prejudice.

The SPEAKER. That is the effect of one objection.

Mr. CAREW. When it has not been objected to heretofore and is not objected to here to-day? We simply ask that it be passed over without prejudice.

The SPEAKER. That is precisely the effect of one objection, under the request of the gentleman from Connecticut. The bill is passed over without prejudice and retains its place on the calendar.

BRIDGE AND ROAD ON THE HOOPA VALLEY RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 441) to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I had promised to make some study of this situation. This study I have not had a chance to complete, because I had not expected the calendar to be called to-day. I ask, therefore, that this bill may be passed over without prejudice.

The SPEAKER. The bill will be passed over without prejudice.

ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The next business on the Consent Calendar was the bill (H. R. 8731) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, for the same reason I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The bill will be passed over without prejudice, and retain its place on the calendar.

HAWAII NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 10483) to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The bill will be passed over without prejudice.

ASSIGNMENT OF OFFICERS OF THE UNITED STATES NAVY

The next business on the Consent Calendar was the bill (H. R. 5531) to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DREWRY. Mr. Speaker, I had an understanding with the gentleman from New York [Mr. LAGUARDIA] that there would be an amendment to this bill. The gentleman is not here, so I will have to ask that the bill be passed over without prejudice.

The SPEAKER. The bill will be passed over without prejudice.

APPRAISAL OF CERTAIN GOVERNMENT PROPERTY

The next business on the Consent Calendar was the bill (H. R. 5746) to authorize the appraisal of certain Government property, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to cause the property of the Government used under the contract of October 16, 1924, and renewals thereof, for the furnishing of electric current to the naval ordnance plant at South Charleston, W. Va., to be appraised, as provided for in said contract, by three persons as a preliminary to the purchase of said property by the contractor, the three appraisers to consist of one person selected by the Secretary of the Navy, one by the contractor, and the third by the two first so selected, as stipulated in the contract. The person selected and detailed by the Secretary of the Navy for said purpose, who shall be an officer of the Navy, and such persons as may be detailed by the Secretary to assist him, shall serve without additional compensation, except travel and subsistence in accordance with law. One-half of the fee and expenses of the third appraiser, not in excess of $10,000, as the Secretary may approve, shall be payable from the appropriation "Ordnance and ordnance stores," under the Navy Department, which is hereby made available for the purpose.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REGULATION OF THE LEVEL OF LAKE OF THE WOODS

The next business on the Consent Calendar was the bill (H. R. 10884) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926.

The Clerk read the title of the bill.

Mr. SCHAFER. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER. The bill will be passed over without prejudice.

COMMISSION FOR ENLARGING CAPITOL GROUNDS

The next business on the Consent Calendar was the bill (S. 2301) to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I have been requested to offer certain amendments, which I would like to call to the attention of the House.

Mr. BLANTON. I would like to ask the gentleman from Indiana [Mr. ELLIOTT] what is the necessity of the bill?

Mr. HOOPER. The gentleman from Indiana is not present just now.

Mr. BLANTON. Not being able to get the information I desire, I object.

AMENDING SECTION 8 OF THE ACT TO INCORPORATE HOWARD UNIVERSITY

The next business on the Consent Calendar was the bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LOWREY. I object.

DONATING BRONZE CANNON TO CHARLESTON, S. C.

The next business on the Consent Calendar was the bill (H. R. 6492) to authorize the Secretary of War to donate to the city of Charleston, S. C., a certain bronze cannon.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, I want to ask the gentleman why this city can not get the cannon under the act donating cannon from the Government?

Mr. McMILLAN. Because this cannon is a Confederate trophy.

Mr. BLANTON. I have no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to donate, without expense to the United States, to the city of Charleston, S. C., a smoothbore, muzzle-loading, bronze field gun, No. 124, captured from the Confederate forces, and now in the Watervliet Arsenal, Watervliet, N. Y.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CONSTRUCTION OF RECREATION PIER, SAN FRANCISCO, CALIF.

The next business on the Consent Calendar was the bill (S. 1665) to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, this bill gives certain property in San Francisco of the United States to the city conditioned on a site being furnished by the city to take the place of the present site now used by the Transport Service. The record of the city of San Francisco for keeping its agreements with the United States is such that I would not feel safe in granting that permit unless the new site is first provided by San Francisco. I have this amendment to offer: Page 2, line 5, after the word "service," insert "and prior to the use of the recreation pier by the city of San Francisco." The bill seems to contemplate that that is to be done, but I want to make it certain. If that amendment is agreeable to those in charge of the bill, I have no objection.

Mr. WELCH of California. Mr. Speaker, this bill is in charge of my colleague, Mrs. KAHN, of the fourth congressional district. We have no objection to the amendment.

Mr. CHINDBLOM. Will the gentleman from Michigan yield?

Mr. CRAMTON. I yield.

Mr. CHINDBLOM. The quartermaster's headquarters will have to be moved?

Mr. CRAMTON. This pier is used by the Transport Service, and section 2 provides that the permit shall be conditioned upon the relocation.

Mr. CHINDBLOM. The pier is right below the office of the quartermaster in charge of transportation. You will separate the office from the pier from which the ships leave.

Mr. WELCH of California. If there be no objection, may I insert this letter in the RECORD?

WAR DEPARTMENT,
Washington, D. C., January 6, 1928.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR REED: Referring to S. 1665, a bill to authorize the construction of a recreation pier at the edge of Fort Mason, Calif., I take pleasure in informing you that the War Department will interpose no objection to the enactment of this measure.

The city of San Francisco, Calif., desires to construct a pier as an essential feature of an aquatic park, and the necessity for this legislation is due to the fact that this pier is planned to encroach slightly on the eastern edge of the Fort Mason Military Reservation. The construction of this pier will also require the removal of a Government pier. The land on which the pier stands is owned by the city, but in view of the easement held by the Government the city is willing to build a new pier in another location. In view of the meritorious nature of the project, the fact that the encroachment is slight and the advantage to the War Department of securing a new pier, I recommend the passage of the bill.

That is signed by the Secretary of War.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. CRAMTON. I understand then that my amendment is agreeable to the gentleman; I will not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to grant a permit to the board of park commissioners of the city and county of San Francisco, Calif., to construct, maintain, and use a recreation pier in connection with the establishment of an aquatic park at the foot of Van Ness Avenue, San Francisco, Calif., and for such purpose to encroach upon the lands belonging to the United States and comprising a part of the Fort Mason Military Reservation.

SEC. 2. The permit shall be conditioned upon the relocation on a suitable site of the present wharf of the Army Transport Service, in such manner as may be determined by the Secretary of War, and without inconvenience or delay to the Army Transport Service, and shall be subject to such other terms and conditions as may be prescribed by the Secretary of War for the protection of the Fort Mason Military Reservation. The terms and conditions of such permit shall be performed without expense to the United States.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 5, after the word "service," insert "and prior to the use of the recreation pier by the city of San Francisco."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEVEL OF LAKE OF THE WOODS

Mr. MAAS. Mr. Speaker, I ask unanimous consent to return to Calendar 338, H. R. 10884.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to return to Calendar No. 338. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10884) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, was this bill objected to?

The SPEAKER. It was passed over without prejudice, and the gentleman from Minnesota now asks unanimous consent to return to it. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 1 of the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926, is amended to read as follows:

"That the Secretary of War be, and he is hereby, authorized and directed to acquire, as soon as practicable after the enactment of this act, by purchase or by condemnation, in accordance with the provisions of the act entitled 'An act to authorize condemnation of land for sites for public buildings, and for other purposes,' approved August 1, 1888, and in accordance with the constitutional provisions of the State of Minnesota which provide that private property shall not be taken, destroyed, or damaged for public use without just compensation therefor first paid or secured, the flowage easements up to elevation 1,064 sea-level datum upon all lands in such State bordering on the Lake of the Woods, Warroad River, and Rainy River, and such lands or interests therein as are necessary to provide for the protective works and measures in such State along the shores of the Lake of the Woods and the banks of the Warroad River and the Rainy River as specified in article 8 of the convention signed at Washington on the 24th day of February, 1925, between the Governments of the United States and Great Britain providing for the regulation of the level of the Lake of the Woods."

SEC. 2. Section 1 of such act approved May 22, 1926, is amended by adding at the end thereof a new sentence to read as follows:

"In such condemnation proceedings fees and mileage of witnesses shall be assessed against the United States to the same extent in any given case as if the proceeding had been initiated by a private corporation."

SEC. 3. Section 3 of such act approved May 22, 1926, is amended to read as follows:

"SEC. 3. The Secretary of War is hereby authorized and directed to cause to be investigated, as soon as practicable, all claims for damages caused, prior to the acquisition of flowage easements under this act, to the inhabitants of the United States by fluctuation of the water levels of the Lake of the Woods due to artificial obstructions in outlets of said lake, and after due notice and opportunity for hearing, shall ascertain and determine the loss or injury, if any, that may have been sustained by the respective claimants and to report to Congress for its consideration the amount or amounts he may find to be equitably due such claimants, together with a statement in each case of the substantial facts upon which the conclusion is based: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the expiration of 30 days from the date of the passage of this amendatory act shall not be considered by him and shall be forever barred."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISPOSITION OF ASPHALT, GILSONITE, ETC.

The next business on the Consent Calendar was the bill (H. R. 68) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

GORGAS MEMORIAL LABORATORY

The next business on the Consent Calendar was the bill (H. R. 8128) to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I should like an opportunity to read the hearings on this before the bill is taken up for consideration. While the purpose of the bill is very desirable, the form of the bill impressed me as extremely ragged, and I ask that the bill be passed over without prejudice.

Mr. THATCHER. I would like very much to have the bill passed.

Mr. CRAMTON. No one can tell from the bill itself what money is coming out of the Treasury, and under what terms it is coming out, or what is going to be done with it, or what safeguards are placed about it. I would like a chance to read up on the matter and find out. I have not yet been able to find out.

Mr. THATCHER. The United States Government has representation on the board which controls the laboratory work.

Mr. CRAMTON. I am not sure that that is correct under the bill. I am not sure that the bill accomplishes what your report says.

Mr. THATCHER. It has been on the calendar three times now.

Mr. CRAMTON. I shall either make an objection or ask that it go over.

Mr. THATCHER. If the gentleman is going to insist, of course I want it to go over without prejudice.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. That will be done anyway.

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

The next business on the Consent Calendar was House joint resolution (H. J. Res. 107) to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

SECOND PAN AMERICAN CONFERENCE ON HIGHWAYS

The next business on the Consent Calendar was the House joint resolution (H. J. Res. 108) to provide for the expenses of participation by the United States in the second Pan American Conference on Highways at Rio de Janeiro.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, I object.

UNIFORM RETIREMENT DATE, FEDERAL PERSONNEL

The next business on the Consent Calendar was the bill (H. R. 10288) to provide for a uniform retirement date for authorized retirements of Federal personnel.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The bill will be passed over without prejudice.

DISPOSITION OF CERTAIN CLAIMS AGAINST THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 9583) authorizing the reporting to the Congress of certain claims and demands asserted against the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That when there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Comptroller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by a special report containing the material facts and his recommendation thereon.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF RETURNS OFFICE, INTERIOR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWARD of Oklahoma. Mr. Speaker, reserving the right to object, I have not been able to see the report on this measure, and I ask that it go over.

The SPEAKER. The bill will go over without prejudice.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes"; that the Senate further insists upon its amendments to said bill and requests a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. WARREN, Mr. SMOOT, Mr. JONES, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate.

THE CONSENT CALENDAR

MONUMENT TO WILLIAM RUFUS KING

The next business on the Consent Calendar was the bill (H. R. 7903) to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to erect a monument in commemoration of William Rufus King, former Vice President of the United States, at the place of his birth, Clinton, Sampson County, N. C., on ground furnished by such town, after the plans and specifications for such monument have been submitted to and approved by the Commission of Fine Arts.

SEC. 2. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, or so much thereof as may be necessary, to carry out the provisions of this act.

With committee amendments, as follows:

Page 1, line 4, strike out the word "monument" and insert in lieu thereof the words "tablet or marker," and in line 8, strike out the word "monument" and insert in lieu thereof the words "tablet or marker," and on line 3 of page 2, strike out $10,000" and insert "$2,500," and amend the title so as to read: "A bill to authorize the erection at Clinton, Sampson County, N. C., of a tablet or marker in commemoration of William Rufus King, former Vice President of the United States."

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. HILL of Alabama. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I want to congratulate the able and distinguished gentleman from North Carolina [Mr. ABERNETHY] on the passage of the pending bill, which authorizes the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States. I rejoice with the gentleman that through his efforts a tablet to cost some $2,500 is to be erected by the Federal Government at the birthplace of the former Vice President to commemorate his long and great career of public service. I am always happy to see the Government take recognition of the services of one of her distinguished statesmen, but I am particularly happy to see this recognition by the Government of the services of Mr. King because it was as a citizen of Alabama, the State which I have the honor to represent, that Mr. King did his greatest and most notable work. Born in Sampson County, N. C., on April 7, 1786, Mr. King was chosen in 1810 at the early age of 24 years as a Member of the United States Congress from North Carolina. He served in this capacity for six years, during the administration of President Madison, when he accepted the position of secretary of legation to the American Embassy at St. Petersburg. After remaining abroad for two years, Mr. King returned to this country and decided to locate in the Territory of Alabama. He went to Alabama and took up his residence on a plantation in Dallas County. In 1819 he was elected as a delegate from that county to the convention which drafted the first constitution of the State, he being a member of the subcommittee which did the actual work of the drafting of the instrument. When the first general assembly of the State met, he was elected to the United States Senate, where he served from December 14, 1819, to April 15, 1844—a period of a quarter of a century. In 1844 he accepted the position of minister to France, a position of extraordinary importance at the time due to the very sensitive condition existing between this country and France on account of the proposed annexation of Texas. Having served with rare distinction for two years in France, Mr. King returned to the United States and was appointed by Governor Chapman to the seat in the United States Senate made vacant by the resignation of Hon. Arthur P. Bagby.

He was reelected to the Senate, serving from July 1, 1848, to January, 1853, when he resigned. The Senate reposed so much confidence in his judgment and ability as a presiding officer that he was elected several times as the President pro tempore of that body. In 1852 Mr. King was nominated for Vice President on the ticket with Franklin Pierce and was elected by a large majority. While serving in the Senate he contracted tuberculosis, and spent the winter of 1853 in Cuba in an effort to regain his health. By a special act of Congress he took the oath of office as Vice President of the United States in Habana, Cuba, on March 4, 1853. As there was no improvement in his health, he returned to Alabama, and died on the day after arriving at his home in Cahaba. During the long years that Mr. King served in the Congress he knew well and came in intimate contact with the other great giants of his day, notably, John C. Calhoun, Henry Clay, Daniel Webster, Stephen A. Douglas, Thomas H. Benton, Lewis Cass, and Edward Everett. At the time of his death memorial exercises were held in both Houses of Congress, and many just and eloquent tributes were paid him. Of him, Mr. Cass, of Michigan, said:

His career was eminently useful and fortunate; and in the whole range of American statesmen there are few, indeed, to whom our youth can better look, when seeking models of imitation and encouragement, than to William R. King.

Firm but courteous, frank and fearless, of high honor and irreproachable morals, he brought a vigorous intellect and varied and extensive information to the public councils, and the ripe fruit of his experience, joined to these endowments, gave conviction to his opinion and authority to his example. We always heard him with attention, for he elucidated every subject he investigated and brought to our discussions the stores of his knowledge and experience with a manner as unassuming as it was captivating. While loving the State in which he so long resided, and which had given him so many proofs of confidence and affection, he loved also our common country, and at home and abroad proved himself the true patriot, the able and faithful citizen. In all the relations of private life he was loved and honored, as well from the amenity of his manner as from the kindness of his heart, and in the social circle he was the very model of the accomplished gentleman. For almost half a century he was in the public service, and was intimately connected with many of the great events which marked that long and stirring period, and he proved himself equal to all the circumstances in which he was placed, sustaining himself with signal ability among men whose renown is written in imperishable characters upon the history of our country.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

SALARY OF THE PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

The next business on the Consent Calendar was the bill (H. R. 6669) fixing the salary of the Public Printer and the Deputy Public Printer.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER. The bill is passed over without prejudice. The Clerk will report the next one.

RELIEF OF THE STATE OF SOUTH CAROLINA

The next business on the Consent Calendar was the bill (H. R. 9710) for the relief of the State of South Carolina.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHINDBLOM. Mr. Speaker, may we have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the disbursing clerk of the Department of Agriculture is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check No. 1369652, drawn May 10, 1927, in favor of "State treasurer of South Carolina, Columbia, S. C.," for $2,152.07 and lost, stolen, or miscarried in the mails.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

BATTLE FIELD OF KINGS MOUNTAIN, S. C.

The next business on the Consent Calendar was the bill (H. R. 11140 to provide for the inspection of the battle field of Kings Mountain, S. C.

The title of the bill was read.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I think the bill ought to go over to-day. I think that before the House acts on that it ought to have a better idea as to how much of a proposition this may be. How many thousand acres of land may we have to buy?

Mr. BULWINKLE. I can give that information now. It would not be over 80 or 100 acres, if that many. This is not for the purpose of buying land.

Mr. CRAMTON. I know. I was judging by this little starter that has now come in here of $3,000 to authorize three men, who are residents, to make a survey of 80 acres. I would rather spend the $3,000 on the 80 acres.

Mr. BULWINKLE. If the gentleman objects to the amount, we can reduce that to $1,000.

Mr. CRAMTON. With the understanding that this is probably more than you will need?

Mr. BULWINKLE. I do not object to that.

Mr. CRAMTON. Is there any movement to donate this land?

Mr. BULWINKLE. I am going to try to find out.

Mr. CRAMTON. Then the passage of this bill would not be construed as committing Congress to buy that land?

Mr. BULWINKLE. No. I want to state that this bill passed in the Sixty-ninth Congress. You can make it $1,500 if that is what you want to do.

Mr. CRAMTON. I think $1,000 would be more than enough.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War: (1) A commissioned officer of the Corps of Engineers, United States Army; (2) a citizen and resident of York County, State of South Carolina; (3) a citizen and resident of Cleveland County, State of North Carolina.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Kings Mountain, S. C., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Kings Mountain, S. C., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings and an itemized statement of its expenses to the Secretary of War not later than December 1, 1928.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or such part thereof as may be necessary, in order to carry out the provisions of this act.

Mr. STEVENSON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: On page 1, line 8, at the end of the line, strike out the period and insert the following: "(4) And a citizen of Cherokee County, S. C."

The amendment was agreed to.

Mr. STEVENSON. Mr. Speaker, carrying out the agreement made with the gentleman from Michigan [Mr. CRAMTON], I move to strike out the figures "$3,000" in line 14, on page 2, and insert the figures "$1,000."

The SPEAKER pro tempore. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Page 2, line 14, strike out the figures "$3,000" and insert the figures "$1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

VALIDATING APPLICATIONS FOR ENTRIES OF PUBLIC LANDS

The next business on the Consent Calendar was the bill (H. R. 11020) validating certain applications for and entries of public lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. SINNOTT. Mr. Speaker, I hope the gentleman will reserve his objection. This is a departmental bill. It has been the practice of the Interior Department for a number of years to incorporate into one bill a number of very meritorious cases that have been passed upon by the board of review in the Interior Department, cases that can not technically come within the precise provisions of the law. So they are sent up to the House and Senate committees and embodied in a bill.

Mr. SCHAFER. I will say to the gentleman that I do not think a bill of this nature, a validating bill, should be considered on the Consent Calendar.

Mr. SINNOTT. Such bills have always been considered on the Consent Calendar ever since I have been in Congress. I hope the gentleman will withdraw his objection.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I shall have to object until I have an opportunity to look over the committee report.

The SPEAKER pro tempore. Objection is heard, and the bill will be passed over without prejudice.

COL. CHARLES A. LINDBERGH

The next business on the Consent Calendar was the bill (H. R. 11078) to provide for the coinage of medals in commemoration of the achievements of Col. Charles A. Lindbergh, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KVALE. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

CITY OF PENSACOLA, FLA.

The next business on the Consent Calendar was the bill (S. 2021) extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925, be, and the same are hereby, extended and continued to January 12, 1930.

With the following committee amendment:

In line 8, page 1, after the figures "1930" insert a colon and the following: "*Provided*, That there be paid to the register of the district land office a fee of $5 for each lot described in an application for a deed of quitclaim under the said act, which fee shall be considered earned irrespective of the action taken on the application."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENT OF TAXES TO OKANOGAN COUNTY, STATE OF WASHINGTON

The next business on the Consent Calendar was the bill (H. R. 431) to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object—and I am not intending to object—I think this bill should be passed over without prejudice until the next regular consent day, and I therefore ask that it be so passed over.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FLAGSTAFF AT FORT SUMTER, CHARLESTON, S. C.

The next business on the Consent Calendar was House joint resolution (H. J. Res. 177) authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War is authorized and directed to select a suitable site and to permit the executors of the estate of Eliza Mackintosh Clinch Anderson Lawton to erect on public grounds of the United States at Fort Sumter, Charleston, S. C., a flagstaff, with appropriate landscape and architectural setting, and to place in connection therewith a memorial commemorating the defense of the fort by Gen. Robert Anderson. The design and materials of the flagstaff and memorial shall be subject to the approval of the Secretary of War, with the advice of the Commission of Fine Arts. The United States shall be put to no expense in or by the erection of such flagstaff and memorial. Upon completion thereof the Secretary of War is authorized and directed to accept, on behalf of the United States, the flagstaff and

memorial, in lieu of the legacy in the will of Eliza Mackintosh Clinch Anderson Lawson, providing for the erection of a statue of Gen. Robert Anderson at Fort Sumter.

Mr. McMILLAN. Mr. Speaker, on page 2, line 8, of the resotion there is a typographical error. The name "Lawson" should be "Lawton."

The SPEAKER pro tempore. Without objection, the Clerk will make the correction.

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

NATIONAL GUARD OF HAWAII

The next business on the Consent Calendar was the bill (H. R. 5805) authorizing the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent to substitute Senate bill 2007, which is a companion bill and passed the Senate on February 24.

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to cause to be paid, from the whole sum appropriated for the support of the National Guard for the fiscal year 1928, a sum not to exceed $4,000, to pay officers of the Hawaiian National Guard and Filipinos who were formerly duly enlisted as members of the Hawaiian National Guard, for field and armory training during the years 1924 and 1925, and for which training they have not been paid because the enlisted Filipinos were not citizens of the United States, as required by sections 57 and 58 of the national defense act, as amended. All such payments heretofore made to officers and enlisted men of the Hawaiian National Guard are hereby validated.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to strike out certain language.

I may say the purpose of this amendment is simply to strike out the language which says this is to be paid out of a certain appropriation heretofore made. This constitutes an appropriation and puts a new burden upon the fund. I do not believe this is a good practice to follow. With this language eliminated, the payment is authorized and the question can be determined later as to the source of the payment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Beginning in line 3, page 1, after the word "to," strike out the remainder of line 3 and all of lines 4, 5, and 6, up to and including the word "to," so that the bill will read:

"That the Secretary of War is hereby authorized to pay officers of the Hawaiian National Guard and Filipinos who were formerly duly enlisted as members of the Hawaiian National Guard," etc.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

STEAMSHIP "MADELEINE"

The next business on the Consent Calendar was the bill (H. R. 9043) to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON and Mr. SCHAFER objected.

DIVISION OF SAFETY IN THE BUREAU OF LABOR STATISTICS

The next business on the Consent Calendar was the bill (H. R. 6848) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Reserving the right to object, is the author of the bill here, the gentleman from New York [Mr. JACOBSTEIN]?

Mr. DYER. No; the gentleman is not here.

Mr. HUDSON. Then I object to its consideration at this time.

CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 10360) to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in case No. H-76 heretofore filed in the Court of Claims under and in pursuance of an act of Congress entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926 (44 Stat. L. 555), wherein the Chippewa Indians of Minnesota are parties plaintiff and the United States is party defendant, if the Court of Claims shall determine that the said Chippewa Indians are entitled to recover upon the cause of action therein set forth, the said court shall further determine whether the amount to which the said Chippewa Indians are entitled, or any part thereof, shall be paid out of funds of the United States or out of funds or other property held by the United States in trust for the Red Lake Band of Chippewa Indians of Minnesota; and the said Red Lake Band of Chippewa Indians is hereby authorized, on the approval of this act, to appear in said suit by their attorneys employed in accordance with the provisions of existing law, and defend their rights in the matter.

Mr. LEAVITT. Mr. Speaker, I offer a committee amendment.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT as a committee amendment: On page 2, in line 2, after the word "recover," insert "a judgment against the United States"; and in line 3, after the word "whether," strike out the word "the," and all of line 4; and in line 5, before the word "or," insert "such judgments"; and in line 5, after the word "paid," insert "by the United States"; and after the word "funds," in line 5, strike out the words "of the United States or out of funds."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELECTORS OF PRESIDENT AND VICE PRESIDENT

The next business on the Consent Calendar was the bill (H. R. 7373) providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SUMNERS of Texas. I ask unanimous consent that the bill go over without prejudice.

There was no objection.

DISPOSITION OF CERTAIN CLAIMS AGAINST THE UNITED STATES

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that the proceedings on Calendar No. 350 (H. R. 9583) be vacated in order that I may make a study of the bill to see whether or not it is in conflict with pending legislation.

Mr. WILLIAMSON. Mr. Speaker, that is a bill of which I have charge, and I have no objection to that being done.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts that the proceedings by which the bill, Calendar No. 350, H. R. 9583, was passed be vacated.

There was no objection.

Mr. UNDERHILL. Mr. Speaker, I ask that it go over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

BRIDGE ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (H. R. 9018) granting the consent of Congress to E. M. Elliott and associates, incorporated, his successors and assigns, to con-

struct, maintain, and operate a bridge across the Missouri River.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN of Missouri. I object.

AMENDING SECTION 80 OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (S. 2752) to amend section 80 of the Judicial Code to create a new judicial district in Indiana, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, this will in no way cause the appointment of an additional judge?

Mr. DYER. No; we have two judges in that district now. This is to divide the State of Indiana into two districts.

Mr. CRAMTON. It does not involve the appointment of a new judge, but it does a new district attorney and a new marshal.

Mr. BLANTON. If that is the case, I will object.

Mr. DYER. I hope the gentleman will not object.

Mr. BLANTON. I am saving the gentleman from Michigan the trouble.

Mr. CRAMTON. I will take care of my own troubles.

Mr. BLANTON. The gentleman from Michigan furnished me with the information, and I object.

Mr. DYER. This only provides that the State of Indiana, which is now one district, shall be divided into two districts. It has two judges. It is for the convenience of the people who have business in court and the one district attorney can not attend to the whole State.

Mr. BLANTON. We will have another call of the Consent Calendar before long.

Mr. HICKEY. Let me say that there are seven divisions in the State of Indiana with one district attorney and two judges. In the administration of justice the courts have found that it would be far better to have two districts.

Mr. BLANTON. The district attorney has an assistant in each division.

Mr. HICKEY. Yes; but there is important litigation coming up, and the defense are usually extremely well represented.

Mr. BLANTON. The two judges do not hold criminal business all the time. Much of their time is taken up in civil business.

Mr. HICKEY. There are seven divisions and only one district attorney, and he can not be in attendance at all of the courts.

Mr. BLANTON. I want to look into it further, and for the present I object.

ADDITIONAL CIRCUIT JUDGE OF SECOND JUDICIAL CIRCUIT

The next business on the Consent Calendar was the bill (H. R. 11139) for the appointment of an additional circuit judge of the second judicial circuit.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. I ask that this bill go over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT CARONDELET, ST. LOUIS COUNTY, MO.

The next business on the Consent Calendar was the bill (H. R. 10145) authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, St. Louis County, Mo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN of Missouri. I object.

NAVAL ORDNANCE PLANT, SOUTH CHARLESTON, W. VA.

The next business on the Consent Calendar was the joint resolution (H. J. Res. 160) requesting certain information relative to the United States naval ordnance plant, South Charleston, W. Va.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Navy be, and he is hereby, required to furnish to the Congress of the United States as soon as practicable the following information relative to the United States naval ordnance plant located at South Charleston, W. Va.:

First. The actual cost of the plant;

Second. The annual cost of maintenance, including number of officers and men employed;

Third. The amount and cost of armor plate purchased annually by the Government, and whether or not same can be purchased in open market cheaper than manufactured at said plant;

Fourth. The advisability of opening and operating said plant within the near future; or, the selling or leasing thereof to some manufacturing concern so that a fair return may be realized on the investment;

Fifth. Any other information that would tend to shed light on the operation, sale, or leasing of said plant.

With the following amendment:

Page 2, line 10, strike out the word "plant" and the period and insert the word "plant" and a semicolon, and add the following:

"Sixth. Information relating to the advisability of selling, leasing, or operating the projectile plant located at South Charleston, W. Va."

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to ask some one interested in this bill a question. How does it happen to be a joint resolution?

Mr. ENGLAND. I figured that it had to be passed by both branches of Congress.

Mr. GARRETT of Tennessee. This merely asks for a report from the Secretary of the Navy.

Mr. ENGLAND. That is true.

Mr. GARRETT of Tennessee. It is very unusual for an inquiry to be made by way of a joint resolution. A joint resolution has to be signed by the President of the United States. The usual form is a simple resolution by one body or the other making the request.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. I think the gentleman is correct, because we do not have to get permission from the Senate to get facts from any department.

Mr. GARRETT of Tennessee. And in this case it goes still further. It will have to be signed by the President of the United States.

Mr. ENGLAND. I would have no objection to an amendment changing the joint resolution to a House resolution.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that this House Joint Resolution 160 be changed to a simple House resolution and given its appropriate number by the Journal clerk.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the resolution.

The resolution was agreed to.

Mr. ENGLAND. And, Mr. Speaker, where it requires in the joint resolution that the information be furnished Congress, I ask that it be so changed that the information will be furnished the House of Representatives.

The SPEAKER pro tempore. Without objection, it will be so amended.

There was no objection.

PROMOTING EXPORT TRADE

The next business on the Consent Calendar was the bill (H. R. 8927) to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918.

The Clerk read the title of the bill.

Mr. DYER. Mr. Speaker, I ask that this bill go over without prejudice.

The SPEAKER pro tempore. The bill will go over without prejudice.

ADDITIONAL JUDGE, SOUTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 8551) to create an additional judge in the district of South Dakota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. DYER. Mr. Speaker, will the gentleman withhold this for a moment?

Mr. BLANTON. Yes; but I intend to object.

Mr. DYER. This does not create an additional judge. There is one judge in this district. He is incapacitated and will be eligible for retirement within a few months.

Mr. BLANTON. And as soon as he is retired the President of the United States will appoint some one to succeed him.

Mr. DYER. He can not under this bill.

Mr. BLANTON. I mean without this bill.

Mr. DYER. Yes.

Mr. BLANTON. So that after we pass this bill and this distinguished judge retires and the President appoints a successor, we will have two judges instead of one.

Mr. DYER. This bill provides that no successor shall be appointed. This creates only one judge. It is to relieve a situation for a few months only. The present incumbent can not retire because he has yet a few months to serve.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. The bill will be passed over without prejudice.

ADDITIONAL JUDGE, NINTH CIRCUIT

The next business on the Consent Calendar was the bill (H. R. 8295) for the appointment of an additional circuit judge for the ninth judicial district.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. LEAVITT. Mr. Speaker, will the gentleman from Texas withhold his objection?

Mr. BLANTON. Yes. I intend ultimately to object. But if the gentleman wants to make a statement, I will withhold.

Mr. LEAVITT. Possibly the gentleman, in objecting, thinks this is to create a new position. That is not the case. This is simply to authorize the appointment of a judge in lieu of the judge already retired. It adds nothing to the expense and carries forward the business. This is practically coextensive with the largest zone we talked about the other day in the discussion of the radio bill.

Mr. BLANTON. This is a circuit judge?

Mr. LEAVITT. Only two judges serve there. One is 65 and one is 81 years old.

Mr. BLANTON. Well, we have just had the Senate confirm one of our colleagues, one of the most active men in this House, and he is about 70. I shall object for the present.

Mr. DYER. Mr. Speaker, will the gentleman withhold for a moment?

Mr. BLANTON. Yes.

Mr. DYER. As I understand the situation, Judge Hunt, who is retired, was to be the judge of the commerce court, which has been legislated out of existence by the Congress, and he has been transferred to this circuit. No successor is to be appointed to succeed him. It is a very large circuit, having an immense amount of work. There are only two judges. They need this judge very badly. I trust the gentleman will not object.

Mr. BLANTON. For the present I object.

The SPEAKER pro tempore. Objection is heard. The bill will be passed over without prejudice. The Clerk will report the next bill.

LASSEN VOLCANIC NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 11023) to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the lands hereafter described, to wit: The southwest quarter of the northwest quarter, section 25, and the southeast quarter of the northeast quarter, section 26, township 29 north, range 3 east, Mount Diablo meridian, in the State of California, are hereby added to and made a part of the Lassen Volcanic National Park for use as an administrative headquarters site.

SEC. 2. That the provisions of the act of August 9, 1916, entitled "An act to establish the Lassen Volcanic National Park in the Sierra Nevada Mountains in the State of California, and for other purposes," the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the rivers and harbors appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

DISBURSEMENT OF FEDERAL FUNDS

The next business on the Consent Calendar was the bill (H. R. 5772) to regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, levee, dam, excavation, dredging, drainage, or other construction project, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

FILING BONDS, TERRITORY OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 328) to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in all actions or proceedings in any court in which the Territory of Alaska is a party, or in which it is interested, it shall not be required to furnish any bond or undertaking upon appeal or otherwise in any such action or proceeding.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

INTERNATIONAL EMIGRATION AND IMMIGRATION CONFERENCE

The next business on the Consent Calendar was the bill (H. R. 10167) to authorize the President to accept the invitation of the Cuban Government to appoint delegates to the Second International Emigration and Immigration Conference to be held at Habana, commencing March 31, 1928.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, this resolution authorizes the President to accept an invitation and appoint delegates to some sort of an international conference to discuss the question of immigration. The question of immigration is one that we have always treated as a domestic question. I object.

The SPEAKER pro tempore. Objection is made. The bill will be passed over without prejudice.

DOUBLE PENSIONS IN CASES OF AIRCRAFT ACCIDENT

The next business on the Consent Calendar was the bill (H. R. 10479) granting double pensions to dependents under existing pension laws in all cases where an officer, warrant officer, or enlisted man or student flyer of the United States Army dies or is disabled due to aircraft accident.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Reserving the right to object, Mr. Speaker, this seems to be special legislation. I would like to know how a man would be any more dead if he were kicked by a mule or fell out of an airplane. As I understand, those engaged in the aviation service are already on additional pay, and if the pension to our enlisted men in the Army is not sufficient, I believe that ought to be raised. We ought not to take three or four or five bites to the cherry and make a special class from time to time.

Mr. WELSH of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WELSH of Pennsylvania. Is not the chance of being dead in aviation double the chance in any other branch of the service?

Mr. UNDERHILL. It does not make any difference. They are all in the same service. It makes no difference whether a man dies from the kick of a mule or the crash of an airplane or by collision with a seaplane or a submarine.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. I understand that the gentleman from Massachusetts wants to treat all widows on the same plane? He wants to treat them all alike?

Mr. UNDERHILL. Why, certainly.

Mr. BLANTON. A dead husband is worth just as much to his widow as any other dead husband is to his widow.

Mr. UNDERHILL. Certainly. Mr. Speaker, I object.

CLAIMS OF POSTMASTERS

The next business on the Consent Calendar was the bill (H. R. 325) repealing existing law requiring the Postmaster General to report action taken on claims of postmasters.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I have objected to this bill heretofore; but our distinguished friend from Illinois [Mr. SPROUL] is very insistent on passing this bill, and he thinks it is not too great a departure from our present laws to let this act be repealed. He thinks it will not be hurtful; I bow to his judgment, and I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the "act to amend the act approved May 9, 1888, as amended by the act of June 11, 1896," approved January 21, 1914, which requires the Postmaster General to make an annual report to Congress of his action on claims of postmasters for loss by burglary, fire, or other unavoidable casualty, is hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RESERVE SUPPLIES HELD BY THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 7752) to limit the issue of reserve supplies or equipment held by the War Department.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object for the purpose of asking the gentleman a question. He not being present, I object.

The SPEAKER pro tempore. The bill will be passed over without prejudice.

PHILIPPINE ISLANDS

The next business on the Consent Calendar was the bill (H. R. 8567) to amend section 29 of the act of March 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," and for the insertion of a new section in said act between sections 29 and 30 of said act, to be designated as "Section 29½" of said act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GILBERT. Mr. Speaker, reserving the right to object, there is not a more controversial measure before Congress. After much controversy in the committee, the committee finally voted it out by 8 to 7. I reserved the right to object merely to congratulate the chairman upon his wonderful optimism in putting it on this calendar. I object.

INTERNATIONAL EXPOSITION AT SEVILLE, SPAIN

The next business on the Consent Calendar was House joint resolution (H. J. Res. 211) to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, I object.

Mr. MOORE of Virginia. Will the gentleman reserve his objection?

Mr. BLANTON. Yes; but I intend to object.

Mr. MOORE of Virginia. I will say to the gentleman that the bill does not involve an additional cent of expenditure. It is very necessary to carry on the construction of the building that is in process of construction at Seville under appropriations heretofore made if it is to be ready for the exposition in October. The bill is only intended to allow the Secretary of State to certify the vouchers and the estimates for expenditure instead of requiring the architect to do it at Seville, Spain, the architect finding it impossible to remain there all the time.

Mr. BLANTON. I have a report on this bill that is not exactly in accord with the gentleman's idea of it.

Mr. MOORE of Virginia. Has the gentleman read the report of the hearings?

Mr. BLANTON. I say, I have a special report on it.

Mr. BURTON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BURTON. I would like to know from what source that report comes. I think it is very important that this bill pass.

Mr. BLANTON. The report I have is that it will cost the Government some money and that there will be some one sent there.

Mr. BURTON. Not necessarily.

Mr. BLANTON. Not necessarily, but we may expect it.

Mr. BURTON. No.

Mr. MOORE of Virginia. As a matter of fact, the assistant architect is on the ground, but it is impossible for the architect to remain there all the time.

Mr. BLANTON. This meeting to-day came up prematurely. We did not know it was coming up, and I want a chance to look over the report I have in my office.

Mr. BURTON. I hope the gentleman will examine that report speedily.

Mr. BLANTON. I will by the time of the next meeting and, of course, if I find that my friend from Virginia, who is usually correct on his facts, is correct in this instance and that the information I have is not correct, then I shall not interpose an objection. However, if my report is correct, it does involve an expenditure for sending a man over there to Spain on a junket trip.

Mr. BURTON. No; the gentleman is entirely mistaken.

Mr. BLANTON. Mr. Speaker, for the present, I object.

BRIDGE ACROSS THE DELAWARE RIVER

The next business on the Consent Calendar was the bill (S. 2800) authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to obtain some information as to whether or not the municipal governments can not construct this bridge?

Mr. WATSON. Mr. Speaker, I live in the district in which the approach of one end of the bridge will be constructed. I introduced a bill at the commencement of the session authorizing a bridge to be built from Burlington to Bristol.

This bill passed the Senate and has been signed by the President. There was a gentleman's agreement that I would not object to this bill, provided there would be no objections to the bridge bill I introduced. It has been the policy of the Interstate and Foreign Commerce Committee to grant two or more bridges at the same locality, perhaps within a mile or so of each other, therefore the Interstate and Foreign Commerce Committee granted its consent to this bridge. Both bridges have had the approval of the War Department, and I hope in accordance with my statement the gentleman will not object.

Mr. SCHAFER. Mr. Speaker, I shall not object to the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Delaware River, at a point suitable to the interests of navigation, at or near Burlington, N. J., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navi-

gable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of New Jersey, the State of Pennsylvania, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of New Jersey and Pennsylvania a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, strike out the words "successors and assigns or his or their"; and in line 6, strike out the parenthesis after the word "assigns"; page 2, line 7, strike out the words "successors and assigns or his or their"; page 2, line 8, after the word "assigns," strike out the parenthesis; page 2, line 20, strike out the words "successors and assigns or his or their"; and in line 22, page 2, after the word "assigns," strike out the parenthesis; page 4, line 1, after the word "shall," insert the words "at any time"; page 4, line 11, strike out the word "thirty" and insert in lieu thereof the word "twenty"; page 4, line 24, strike out the words "successors and assigns or his or their"; and in line 25, after the word "assigns," strike out the parenthesis; page 5, line 16, strike out the word "successors and assigns or his or their"; and on page 5, line 17, strike out the parenthesis after the word "assigns"; page 5, line 17, strike out the word "its" and insert the word "his" in lieu thereof; page 6, line 1, strike out the words "successors and assigns or his or their"; page 6, line 2, after the word "assigns," strike out the parenthesis.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

HOSPITAL AT MUSKOGEE, OKLA.

The next business on the Consent Calendar was the bill (H. R. 4964) to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90 at Muskogee, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Muskogee, Okla., through its authorized representatives be, and it is hereby, authorized to remove from the Municipal Hospital Building, recently sold by said city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla., and retain title to the boilers in said Municipal Hospital Building, having been reserved when the sale of said hospital building was consummated, but which reservation was erroneously omitted from the deed conveying said Municipal Hospital Building from said city to the United States Veterans' Hospital No. 90.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

OHIO & ERIE CANAL

The next business on the Consent Calendar was the bill (H. R. 11200) donating to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I am wondering how the Federal Government happens to have title to these dedication stones. Did the Federal Government construct this canal?

Mr. LUCE. Just how they came into the ownership of the Government I do not know.

Mr. GARRETT of Tennessee. The canal is not now of use?

Mr. LUCE. No.

Mr. GARRETT of Tennessee. These stones are of no value.

Mr. LUCE. They are of no value to anyone at all. They would have to be broken up and used for walls or something of that sort.

Mr. GARRETT of Tennessee. I was just wondering, if they are of no value, why Ohio wanted them. Usually Ohio wants something of value. [Laughter.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Senate bill (S. 3292) will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and directed to turn over to the Ohio State Archæological and Historical Society for preservation in the museum of said society the two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal, and now located on the reservation of the United States Industrial Reformatory at Chillicothe, Ohio.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ZACHARY TAYLOR NATIONAL CEMETERY

The next business on the Consent Calendar was the bill (H. R. 11482) to amend section 2 of an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and the memorial shaft erected to his memory, and for other purposes," approved February 24, 1925.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 11482) to amend section 2 of an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and the memorial shaft erected to his memory, and for other purposes," approved February 24, 1925

Be it enacted, etc., That section 2 of an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and the memorial shaft erected to his memory, and for other purposes," approved February 24, 1925, is hereby amended to read as follows:

"SEC. 2. That the Secretary of War be, and he is hereby, authorized to accept, free of cost to the United States, from the State of Kentucky, and from any others having authority to donate the same, the land comprising the aforesaid burial grounds, and such other and additional land contiguous or adjacent thereto as in his judgment may be deemed advisable; and upon the conveyance to the United States of a valid, fee-simple title to said land or lands the Secretary of War is authorized and directed to establish thereon a national cemetery, to be known as the Zachary Taylor National Cemetery."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOUISVILLE BRIDGE BILL

Mr. THATCHER. I also ask unanimous consent to extend my remarks on H. R. 9660, to construct a bridge across the Ohio River.

The SPEAKER pro tempore. Without objection, consent is granted.

There was no objection.

Mr. THATCHER. Mr. Speaker, there has been enacted into law at this session of Congress the bill H. R. 9660, which I had the honor to introduce and press for enactment. It authorizes the city of Louisville, Ky., to construct, maintain, and operate a highway bridge across the Ohio River at or near that city. The act is in the newer form being used by Congress in bridge bills, subject to certain modifications suited to the local situation involved. The act was approved February 25, 1928 (Public, No. 73, 70th Cong.), and is as follows:

[Public No. 73, Seventieth Congress]

An act (H. R. 9660) authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes the city of Louisville, Ky., or any board or commission of said city which may be duly created or established for the purpose, be, and is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, extending from some point in the city of Louisville, Ky., across said river to a point opposite on the Indiana shore, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said city of Louisville, or such board or commission and the successors thereof, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge puposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said city of Louisville, or such board or commission and the successors thereof, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interests and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, February 25, 1928.

The history of the legislation in regard to this projected bridge is very interesting. In the first session of the Sixty-ninth Congress, at the instance of the city of Louisville, I introduced a bill (H. R. 9599) granting the consent of Congress to the city of Louisville, or to any duly created board or commission to construct, maintain, and operate a highway or combined highway and railroad bridge across the Ohio River at Louisville. This measure passed the two Houses and was approved April 2, 1926 (Public, No. 88, 69th Cong.). It authorized the imposition of tolls for a period not to exceed 30 years in order to defray the—

cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the investment, and to provide a sinking fund sufficient to amortize the cost of the bridge and approaches within a period of not to exceed 30 years from the completion thereof.

It further provided that after a sinking fund sufficient to pay the cost of construction should be provided, the bridge should be maintained and operated free of tolls, or that the rates of toll should be so adjusted as to provide a fund not exceeding the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. About the time of the enactment of this last-named measure the General Assembly of Kentucky passed an act enabling the city through itself, or a commission, or board to do the things necessary under State authority in and about the construction, operation, and maintenance of the proposed bridge.

At the regular November election of 1926 there was formally submitted to a vote of the citizens of Louisville a proposal for a city bond issue of $5,000,000 for the purpose of constructing this bridge, the bridge to be operated free of tolls. The proposal failed, as it did not receive the necessary two-thirds of those voting, as required by the Kentucky constitution.

Since, under the act of March 23, 1906—the basic act of Congress relating to the construction and operating of bridges—it is necessary to begin the construction of a bridge within one year from the date of approval of the enabling act involved; and since the city of Louisville was without the needed funds for this enterprise, no construction was undertaken before April 2, 1927, the date on which the original 1-year period expired. The city, however, desiring to submit to the voters at the November election, 1927, the proposal for a $5,000,000 bond issue based upon the collection of tolls for the payment of construction costs, there was secured during the second session of the Sixty-ninth Congress, the enactment of a bill (H. R. 5083), approved March 3, 1927 (Public Law, No. 745, 69th Cong. 2d sess.). This act authorized the extension of the date of beginning construction of the bridge one year from the original date April 2, 1926; that is to say, until April 2, 1927; and it also authorized

the extension of the date of the completion of the bridge three years; that is to say, until April 2, 1930. Thereupon, at the November election, 1927, the citizens of Louisville voted a second time on the proposed $5,000,000 bond issue, the bond proposal at that election, however, being based on a proposed collection of tolls sufficient to pay the cost of construction of the bridge during the period, not to exceed 30 years, as named in the original act. This bond issue proposal also failed because it did not receive the necessary two-thirds vote of those voting on the question.

Under the constitution and laws of Kentucky the city of Louisville, being a city of the first class, can not issue bonds based upon the faith and credit of the city unless such issuance is authorized by the vote of the people in the manner already indicated. After the failure of this last bond issue proposal the mayor of Louisville and a bridge committee, appointed by him, entered into negotiations with various banking institutions with the view of arranging for the construction of the proposed bridge, under the city's supervision, through funds derived from loans to be secured by the tolls of the bridge, when constructed until the loans were repaid; the bonds of the city to be issued in favor of such loaning institution with the tolls thus pledged for the payment of such bonds, but without the other resources or the credit of the city pledged therefor.

This arrangement protected by another enabling act of the Kentucky legislature, 1928 session, has been made without the necessity of a bond-issue approval by the voters of the city, since the city's general credit and resources are not involved.

These negotiations have been consummated, and a banking firm has entered into a contract with the city of Louisville to furnish the necessary funds for the construction of the proposed bridge, and will accept as security for the loan, bonds issued in the indicated manner. Plans have been completed for the construction of the bridge which is to extend from Second Street, on the Louisville shore, to Jeffersonville, on the Indiana shore. These plans have been approved by the Secretary of War, and it is expected that the work will shortly begin.

The act approved February 25, 1928, already quoted, was enacted in order to confer upon the city anew the right to construct, maintain, and operate this bridge and in order, also, to permit the financing of such construction in the manner already indicated.

Mr. T. H. MacDonald, chief of the Bureau of Public Roads, Department of Agriculture, states that this last named bill is the most important measure dealing with the question of toll bridge construction enacted at this session of Congress. This is for the reason that under its provisions financing of bridge enterprises may be arranged for by cities and municipalities through the pledge of operating tolls within the time limit fixed by Congress, and subject to the regulatory power over tolls conferred on the Secretary of War by the Federal bridge act of 1906. This Louisville bridge act, therefore, may be considered as constituting pioneer legislation on the subject; and it is believed that its effect will be most far-reaching. The present policy of Congress undoubtedly favors, wherever possible, the construction and operation of highway bridges by States and municipalities, and their agencies, with the idea that they shall ultimately become free of tolls; or, at least, restricted to such tolls as may be necessary to maintain and operate any such bridge after the cost of construction is met. The act under discussion makes provision for these features.

Louisville is the metropolis, not only of Kentucky, but also of a considerable region beyond State lines as, for instance, the southern portion of Indiana. This bridge will constitute a link in a great highway system north and south, and will promote and facilitate interstate commerce in a most effective way. The Louisville Hydroelectric Co. has recently constructed a great power plant at Louisville and is now utilizing the water power of the Ohio River Falls there for hydroelectric purposes. This plant is one of the largest of the kind in the entire country, and its operation, because of the cheapness of power which will result therefrom, will undoubtedly attract to Louisville, as well as to the other falls cities of New Albany and Jeffersonville, Ind., on the north shore of the Ohio River, opposite Louisville, factories, and business enterprises of all descriptions. The new bridge will fit into the scheme of development going on in these cities, and it is believed that under the act of authorization the cost of the construction of the bridge will be met through reasonable tolls charged well within the time limit of 20 years named in the act, and thereupon the bridge will be operated free of all tolls except such as may be necessary for operation and maintenance purposes.

PACIFIC SOUTHWEST EXPOSITION

The next business on the Consent Calendar was the joint resolution (H. J. Res. 126) providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. CHINDBLOM. Will the gentleman reserve his objection?

Mr. BLANTON. I will.

Mr. CHINDBLOM. I will say that this bill imposes no expense whatever on the Government. It is in the usual form and in a complete committee amendment for the original bill provides, first, that articles brought in from a foreign country for the sole purpose of exhibition may be admitted free of duty, but if sold duty shall be paid; secondly, that the departments of the Government may be permitted to send exhibits on request, without any expense to the Government.

Mr. BLANTON. Does the gentleman know that there have been articles brought into the United States for exhibition reputed to be of tremendous value, but because proof could not be had that they had not been sold, no duty was paid on them?

Mr. CHINDBLOM. That would have nothing to do with this, because these goods are to be brought in under the supervision of the Treasury Department, the Customs Bureau.

Mr. BLANTON. For the present I am going to object.

ABOLISHING DISBURSING OFFICER, LIBRARY OF CONGRESS

The next business on the Consent Calendar was the bill (H. R. 10544) to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the office of administrative assistant and disbursing officer of the Library of Congress, created by act of Congress approved June 29, 1922, is abolished on and after this date. Thereafter the duties required to be performed by the administrative assistant and disbursing officer shall be performed, under the direction of the Librarian of Congress, by such persons as the Librarian may appoint for those purposes: *Provided,* That the person who shall disburse the appropriations for the Library of Congress and the Botanic Garden shall give bond payable to the United States in the sum of $30,000, with sureties approved by the Secretary of the Treasury for the faithful discharge of his duties.

With the following committee amendments, which were read:

After the enacting clause insert the following: "From and after June 10, 1928."

Strike out the word "that" in line 1, and in line 5 the words "on" and "after this date."

Line 6, strike out "Thereafter" and insert "thereafter."

Mr. LUCE. Mr. Speaker, in the report accompanying this bill there is an error that I wish to correct, that it may do no harm to the present incumbent of the position. The report says that she requests involuntary retirement. It should read that she expects involuntary retirement. If left to read as it is, it might interfere with her retirement.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL PAY FOR PERSONNEL ON SUBMARINE VESSELS AND DIVING DUTY

The next business on the Consent Calendar was the bill (H. R. 9289) to provide additional pay for the personnel of the United States Navy assigned to duty on submarine vessels and diving duty.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DYER. Mr. Speaker, I ask unanimous consent that that be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. TILSON. Mr. Speaker, I am informed that some of the gentlemen who study and follow these bills most closely are not prepared to-day to go much farther on this calendar, and

would be more or less in the dark if we proceeded further. Therefore I suggest that we stop here.

Mr. BLANTON. Why not move that we adjourn?

Mr. TILSON. As soon as we clear up the business now pending.

Mr. BLANTON. We have finished what we started on. We have finished the bill.

Mr. VESTAL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. VESTAL. To speak about this Consent Calendar. There are probably a few bills yet undisposed of to which there would be no objection. I have a very important bill that ought to be disposed of as soon as possible.

Mr. TILSON. What is the nature of it?

Mr. VESTAL. It is a bill to permit the officers in the Army and Navy and Government departments to make applications for patents without any cost to them where the head of the department makes a certificate that the patent will be used by the Government, and that it is for the use of the Government.

Mr. BLANTON. That bill would probably be objected to if it were reached.

Mr. VESTAL. I can not see why that sort of a bill should be objectionable.

Mr. BLANTON. They ought to have no more privilege than any other citizen of the United States.

Mr. VESTAL. They are not getting more privileges than other citizens.

Mr. BLANTON. They are to get their patents without cost?

Mr. VESTAL. That is because they are to be used by the Government and they will get no royalty.

Mr. TILSON. I am informed that this bill has not been on the calendar long enough to be reached on the call to-day.

Mr. HOOPER. And we will go on with this calendar next Monday?

Mr. TILSON. Oh, certainly. The calendar will be called from the beginning next Monday. It was the hope that we might go far enough to-day, so that we might be able to complete the calendar next Monday.

VALIDATING CERTAIN ENTRIES OF PUBLIC LANDS

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 11020) validating certain applications for and entries of public lands, and to consider the same at this time. The gentleman who objected to the bill before is ready now to withdraw his objection.

Mr. SCHAFER. Mr. Speaker, I objected to the bill. Since that time I have carefully studied the report, and I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Speaker, this is a long bill, and I ask unanimous consent that the reading of it be omitted.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof of compliance with law has been filed, upon the payment of all moneys due thereon:

Mineral entry, Carson City, Nev., No. 014935, made by the Pacific Portland Cement Co., Consolidated, on August 13, 1925, for the Empire mill site, situate in the southwest quarter section 31, unsurveyed, township 31 north, range 24 east, Mount Diablo meridian, containing an area of 4.099 acres.

Desert-land entry, Pueblo, Colo., No. 048139, made by Clara Gruver on April 20, 1918, for the northwest quarter section 24, township 39 north, range 9 east, New Mexico principal meridian.

Additional homestead entry, Sacramento, Calif., No. 011835, made by Charles H. Elster on October 18, 1920, for the south half of the northwest quarter, south half of the northeast quarter, and the southwest quarter, section 32, township 15 north, range 8 east, Mount Diablo meridian.

Homestead entry, Phoenix, Ariz., No. 051810, made by Reginald E. Margesson on September 13, 1921, for section 20, township 16 north, range 25 east, Gila and Salt River meridian, upon payment of the sum of $200 within six months after the approval of this act.

Homestead entries, Buffalo, Wyo., Nos. 023864 and 025036, made by Wald White, for lots 3 and 4, southeast quarter of the northwest quarter, southwest quarter of the northeast quarter, and west half of the southeast quarter, section 4; northeast quarter of the northwest quarter and northwest quarter of the northeast quarter section 9; and lot 2, section 4, township 44 north, range 63 west, sixth principal meridian.

Homestead entry, Lander, Wyo., No. 012440, made by Seth L. Hams on March 11, 1921, for the northwest quarter of the southeast quarter, east half of the southwest quarter, and lot 4, section 19, and north half of the southeast quarter, south half of the northeast quarter, northwest quarter of the northeast quarter, and northeast quarter of the northwest quarter, section 30, township 34 north, range 93 west, sixth principal meridian.

Homestead entry, Bismarck, N. Dak., No. 020151, made by Elizabeth Anne McCay (now Elizabeth Anne Lund) on April 17, 1920, for the northeast quarter, and south half of the northwest quarter, section 34, township 130 north, range 81 west, fifth principal meridian.

Homestead entry, Montrose, Colo., No. 015557 (now Denver 036575), made by Matie Brooks (now Matie Brooks Newell) on September 8, 1921, for the east half of the southwest quarter, section 16, township 46 north, range 13 west, New Mexico principal meridian.

Homestead entires, Glenwood Springs, Colo., Nos. 021332 and 022581, made by Ione Pry (now Ione Anderson) for lots 7 and 10, section 5, township 9 north, and lot 5 of section 31, township 10 north, range 90 west, sixth principal meridian.

Homestead entry, Blackfoot, Idaho, No. 038383, made by Harold C. Cheline on July 16, 1919, under section 1 of the stockraising homestead act for the south half of the northwest quarter, north half of the southwest quarter, southwest quarter of the southwest quarter, section 27, and south half of the northeast quarter, southeast quarter, southeast quarter of the northwest quarter, east half of the southwest quarter, section 28, and northwest quarter of the northeast quarter, and northeast quarter of the northwest quarter, section 33, township 1 north, range 10 east, Boise meridian.

Additional homestead entry, Pueblo, Colo., No. 048971, made by Frank U. McNary for lots 1 and 2, southeast quarter of the northeast quarter, east half of the southeast quarter and southwest quarter of the southeast quarter, section 15, township 20 south, range 55 west, sixth principal meridian.

Homestead entry, Santa Fe, N. Mex., No. 032530, made by Andrew J. Tays on October 11, 1920, for all of section 8, township 4 north, range 2 west, New Mexico principal meridian.

SEC. 2. That the entries hereinafter named be, and the same are hereby, validated, and the Secretary of the Interior authorized to issue patents thereon upon submission of satisfactory proof of compliance with the law under which such entries were allowed:

Homestead entry, Salt Lake City, Utah, No. 032805, made by Hans Maurice Naegle on April 3, 1925, for the southwest quarter of the southwest quarter section 20, northwest quarter section 29, north half of the northeast quarter and lots 1, 2, 3, 4, 5, 8, 9, 10, and 11, section 30, and lots 3 and 4, section 31, township 39 south, range 12 west, Salt Lake meridian.

Homestead entry, Blackfoot, Idaho, No. 040646, made by Fred Morrison on June 1, 1926, for the north half of the northwest quarter, north half of the south half of the northwest quarter, west half of the southwest quarter of the northeast quarter, and the west half of the northwest quarter of the southeast quarter section 15, township 14 south, range 17 east, Boise meridian.

Homestead entry, Pierre, S. Dak., No. 024918, made by Oscar T. Locken on April 7, 1926, for the south half of the northwest quarter, northeast quarter of the northwest quarter and east half of the northwest quarter of the northwest quarter section 26, township 2 north, range 19 east, Black Hills meridian.

SEC. 3. That homestead entry, Las Cruces, N. Mex., No. 025151, made by David Alvillar on July 30, 1924, for lots 5 and 6, section 16, township 26 south, range 3 east, New Mexico principal meridian, be, and the same is hereby, validated; and that the State of New Mexico, through its proper officers, be, and it is hereby, authorized to select an equal area of surveyed, nonmineral, unappropriated, and unreserved public land in lieu of the above-described tract.

SEC. 4. That homestead entries, Las Cruces, N. Mex., Nos. 025786 and 025787, made by Jony Jones on March 13, 1917, consolidated and reduced to the east half and the southwest quarter of section 26, township 25 south, range 35 east, New Mexico principal meridian, be, and the same are hereby, validated.

SEC. 5. That mineral entry, Fairbanks, Alaska, No. 01199, made by the Pioneer Gold Dredging Co. on August 24, 1925, for the Ouellet Fraction Placer on Cleary Creek survey No. 1733, containing an area of 4.686 acres, be, and the same is hereby, validated.

SEC. 6. That the Secretary of the Interior be, and he is hereby, authorized to issue to the Columbia Oil Shale & Refining Co. a patent for the east half of the southwest quarter of section 4, township 5 south, range 95 west, sixth principal meridian, upon payment therefor at the rate of $1.25 per acre: *Provided*, That there be reserved to the United States all oil, coal, or other minerals in the land and the right to prospect for, mine, and remove the same.

SEC. 7. That the Secretary of the Interior be, and he is hereby, authorized to patent to Matthew D. Carothers, of Labonte, Wyo., lots 23, 39, 40, 41, 44, and 45, section 31, township 31 north, range 72 west, and lots 3, 4, and 5 of section 1, township 30 north, range 72½ west, sixth principal meridian, Wyoming, upon payment therefor at the rate of $1.25 per acre.

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized to allow homestead application, Glenwood Springs, Colo., No. 030128, filed by Clinton H. Richards on July 19, 1926, for lots 7, 8, 9, and 10, section 19, township 8 north, range 89 west, sixth principal meridian.

SEC. 9. That the Commissioner of the General Land Office be, and he is hereby, authorized to quitclaim to the Standard Investment Co., of Oakland, Calif., lots 7 and 15, section 15, township 28 north, range 14 west, Willamette meridian, Washington; also lots 3, 4, 5, southeast quarter of the northwest quarter, section 6, township 9 north, range 26 west, south half of the northeast quarter and south half of the northwest quarter, section 1, township 9 north, range 27 west, and all of section 36, township 10 north, range 27 west, San Bernardino meridian, California.

SEC. 10. That there is hereby granted to the State of New Mexico the tract in block 95 of the town site of Hot Springs, N. Mex., marked "Reserve" on the plat approved October 31, 1919: *Provided*, That the grant hereby made is subject to forfeiture by the Secretary of the Interior upon the determination by him that the tract hereby granted has been used for purposes other than the erection and maintenance of bathhouses, hotels, or other improvements for the accommodation of the public.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Thursday, March 15, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 15, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

Authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California (H. R. 491).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

COMMITTEE ON THE JUDICIARY

(10.30 a. m.)

Proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia (H. J. Res. 18).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To safeguard national defense; to authorize, in the aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms (H. R. 10028).

EXECUTIVE COMMUNICATIONS, ETC.

408. Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce, transmitting description of papers on file in various bureaus of the Department of Commerce which are not needed or useful in the transaction of current business having no permanent value or historical interest, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MORROW: Committee on the Public Lands. H. R. 9207. A bill granting to the State of New Mexico certain lands, for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe, for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes; without amendment (Rept. No. 899). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 9860. A bill to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."; with amendment (Rept. No. 900). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 10563. A bill extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon; without amendment (Rept. No. 901). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 11723. A bill to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee & Gordon's mill, near Chickamauga and Chattanooga National Military Park and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park; with amendment (Rept. No. 905). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 5590. A bill to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.; with amendment (Rept. No. 906). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky: Committee on Roads. H. R. 10565. A bill to authorize an appropriation for the relief of the State of Kentucky on account of roads and bridges damaged or destroyed by the recent floods; with amendment (Rept. No. 907). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. H. R. 9827. A bill for the relief of George Pettit; without amendment (Rept. No. 902). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 11216. A bill to correct the military record of James Scott; with amendment (Rept. No. 903). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 9995. A bill for the relief of Lucius K. Osterhout; with amendment (Rept. No. 904). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2244) granting a pension to James V. Boyd; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2245) granting a pension to James M. Waide, jr.; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 12064) to discontinue certain reports now required by law to be made annually to Congress; to the Committee on Expenditures in the Executive Departments.

By Mr. GARRETT of Tennessee: A bill (H. R. 12065) to create an executive department of the Government to be known as the department of conservation; to the Committee on Expenditures in the Executive Departments.

By Mr. KADING: A bill (H. R. 12066) to establish and maintain a fish-hatching and fish-culture station at Lake Mills, Jefferson County, Wis.; to the Committee on the Merchant Marine and Fisheries.

By Mr. KNUTSON: A bill (H. R. 12067) to set aside certain lands for the Chippewa Indians in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. DE ROUEN: A bill (H. R. 12068) for the erection or enlargement of a Federal building at Opelousas, La.; to the Committee on Public Buildings and Grounds.

By Mr. FULBRIGHT: A bill (H. R. 12069) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12070) providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Indiana, memorializing Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public-utility and rate cases to the consideration after, not before, the courts of various States have considered the issues involved; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 12071) granting an increase of pension to Eleanor I. Jordan; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 12072) granting a pension to Alice M. Muller; to the Committee on Pensions.

By Mr. BRIGHAM: A bill (H. R. 12073) granting an increase of pension to Mary E. Fisher; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 12074) granting an increase of pension to Catherine Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12075) granting an increase of pension to Mary J. Brown; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 12076) granting an increase of pension to Barbara Ann Cordell; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12077) granting an increase of pension to Matilda A. Millard; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 12078) granting a pension to Elinor A. Taylor; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12079) for the relief of W. A. Blankenship; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 12080) granting an increase of pension to Lizzie M. Bowersox; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 12081) granting an increase of pension to Elizabeth Nall; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12082) granting an increase of pension to Dury M. Craft; to the Committee on Pensions.

Also, a bill (H. R. 12083) granting an increase of pension to Galen Back; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 12084) granting a pension to Robert Hackett; to the Committee on Pensions.

By Mr. McMILLAN: A bill (H. R. 12085) granting a pension to George W. H. McDonald; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 12086) for the relief of Charles Hellyer; to the Committee on Claims.

By Mr. MORROW: A bill (H. R. 12087) granting an increase of pension to Leandra Montoya de Pfeiffer; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 12088) granting an increase of pension to Adeline C. Keenan; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 12089) granting a pension to Lucy M. Ford; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12090) granting an increase of pension to Rebecca A. Brown; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 12091) granting a pension to Hazel Neal, helpless daughter of the late John L. Neal; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 12092) granting an increase of pension to Callie Jones; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 12093) granting a pension to Clarence H. Hayes; to the Committee on Pensions.

By Mr. SWICK: A bill (H. R. 12094) granting an increase of pension to Harriet Wiles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12095) granting an increase of pension to Catherine C. Montgomery; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 12096) granting an increase of pension to Margaret Holcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12097) granting a pension to Catherine Knoch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12098) granting a pension to Hannah Childers; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 12099) granting an increase of pension to Milton T. Benham; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5362. By Mr. ALDRICH: Resolution adopted by the General Assembly of the State of Rhode Island, recommending the passage of House bill 500, relating to the retirement of certain World War officers; to the Committee on World War Veterans' Legislation.

5363. By Mr. BACHMANN: Petition of Margery Guy and numerous other citizens of Wheeling, W. Va., urging the passage of a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5364. By Mr. DALLINGER: Petition of certain citizens of Massachusetts, opposing the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

5365. By Mr. DRANE: Petition against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

5366. Also, petition against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

5367. By Mr. FOSS: Resolution of Worcester County Beekeepers' Society, Chamber of Commerce, Worcester, Mass., opposing passage of Senate bill 2806 and House bill 10022, bills to legalize the use of corn sugar; to the Committee on Agriculture.

5368. By Mr. HOOPER: Petition of William N. Fox and five other residents of Kalamazoo, Mich., in favor of the maintenance of the national-origins system of determining immigration quota; to the Committee on Immigration and Naturalization.

5369. By Mr. JOHNSON of Texas: Petition of John E. Cooke, of Rockdale, Tex., favoring legislation to regulate the manufacture and sale of stamped envelopes, and indorsing Senate bill 1752; to the Committee on the Post Office and Post Roads.

5370. Also, petition of E. S. Morgan, vice president of Texas Portland Cement Co., Dallas, Tex., indorsing House bill 8219; to the Committee on Flood Control.

5371. By Mr. JOHNSON of Washington: Petition of citizens of Aberdeen, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5372. Also, petition of citizens of Tacoma, Wash., urging passage of the Curtis-Reed education bill; to the Committee on Education.

5373. By Mr. KVALE: Petition of the Norwegian National League of Chicago, Ill., protesting against the putting into effect of subdivisions B, C, D, and E of section 11 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

5374. Also, petition of Minnesota Tax Conference, Red Wing, Minn., to amend section 5219 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

5375. Also, petition of executive committee, Minnesota Home Economics Association, urging passage of the Menges bill; to the Committee on Education.

5376. Also, petition of Lutherman's Society of the Swedish Lutheran Church of Grove City, Minn., urging passage of the Shipstead-Kvale immigration bill; to the Committee on Immigration and Naturalization.

5377. By Mr. MURPHY: Petition of Clark J. Halverstadt, chairman committee, stating that Midway Grange, No. 1482, Leetonia, Ohio, has indorsed the Ketcham bill (H. R. 10568) for farm relief; to the Committee on Agriculture.

5378. Also, petition of A. L. Roof, Sherrodsville, Ohio, stating that Atwood Grange, No. 1706, has passed a resolution indorsing the "export debenture" plan of farm relief; to the Committee on Agriculture.

5379. Also, petition of Emma Cope, president; Mrs. J. L. Rogers, corresponding secretary; and Mrs. P. O. Raley, treasurer, stating that the Woman's Christian Temperance Union of Rogers, Ohio, has unanimously indorsed the Stalker bill (prohibition enforcement); to the Committee on the Judiciary.

5380. Also, petition of Price Cope, secretary Salem Grange, No. 1261, Salem, Ohio, unanimously indorsing the Ketcham bill (H. R. 10568) for farm relief; to the Committee on Agriculture.

5381. By Mrs. NORTON of New Jersey: Petition of John H. Bell and others, protesting against the proposed Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

5382. By Mr. O'BRIEN: Resolution of the Buckhannon Chamber of Commerce, recommending the passage of House bill 10142; to the Committee on Roads.

5383. By Mr. O'CONNELL: Petition of the Merchants' Association of New York, favoring the passage of House bill 9195; to the Committee on Ways and Means.

5384. Also, petition of R. H. Hooper & Co., New York City, N. Y., with reference to legislation now pending in the Congress which would practically put all American cotton exchanges out of business; to the Committee on Agriculture.

5385. Also, petition of the National Foreign Trade Council of New York, favoring the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

5386. Also, petition of the American Irish Historical Society of New York City, favoring the elimination of the national-origins clauses from the immigration act; to the Committee on Immigration and Naturalization.

5387. By Mr. SEGER: Petition of Maxwell P. Steiker and 32 residents of Paterson, Little Falls, and vicinity, against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

5388. By Mr. SWICK: Petition of Louis G. Genkinger and nine other residents of New Castle, Lawrence County, Pa., opposing the passage of the Lankford bill, or any similar measure proposing the compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

5389. By Mr. UNDERWOOD: Petition of Rev. L. C. Cooper et al., of Fairfield County, Ohio, favoring legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5390. By Mr. WINTER: Petition against compulsory Sunday observance by citizens of Casper, Wyo.; to the Committee on the District of Columbia.

5391. Also, petition against Sunday legislation, by citizens of Wyoming; to the Committee on the District of Columbia.

5392. Also, petition against compulsory Sunday observance, signed by citizens of Casper, Wyo.; to the Committee on the District of Columbia.

5393. By Mr. WYANT: Petition of 260 citizens of Westmoreland County, Pa., favoring passage of Lankford Sunday rest bill; to the Committee on the District of Columbia.

SENATE

THURSDAY, *March 15, 1928*

(Legislative day of Wednesday, March 14, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States; and

S. 3292. An act providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1181. An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended;

S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.;

S. 2007. An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made; and

S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925.

The message further announced that the House had passed the bill (S. 2800) authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 325. An act repealing existing law requiring the Postmaster General to report action taken on claims of postmasters;

H. R. 328. An act to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested;

H. R. 405. An act providing for horticultural experiment and demonstration work in the southern Great Plains area;

H. R. 484. An act to amend section 10 of the plant quarantine act approved August 20, 1912;

H. R. 487. An act to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 4964. An act to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.;

H. R. 5746. An act to authorize the appraisal of certain Government property, and for other purposes;

H. R. 6492. An act to authorize the Secretary of War to donate to the city of Charleston, S. C., a certain bronze cannon;

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States;

H. R. 9710. An act for the relief of the State of South Carolina;

H. R. 10360. An act to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926;

H. R. 10374. An act for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.;

H. R. 10544. An act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof;

H. R. 10884. An act to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods, concluded on the 24th day of February, 1925," approved May 22, 1926;

H. R. 11020. An act validating certain applications for and entries of public lands;

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California;

H. R. 11074. An act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in ac-

quiring and diffusing useful information regarding agriculture, and for other purposes;

H. R. 11140. An act to provide for the inspection of the battle field of Kings Mountain, S. C.;

H. R. 11482. An act to amend section 2 of an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and the memorial shaft erected to his memory, and for other purposes," approved February 24, 1925; and

H. J. Res. 177. Joint resolution authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Glass	Moses	Steiwer
Bratton	Gooding	Neely	Stephens
Brookhart	Greene	Oddie	Swanson
Broussard	Hale	Overman	Thomas
Bruce	Harris	Phipps	Tydings
Capper	Harrison	Pittman	Tyson
Caraway	Hayden	Ransdell	Wagner
Copeland	Heflin	Reed, Mo.	Walsh, Mass.
Couzens	Howell	Reed, Pa.	Walsh, Mont.
Curtis	Johnson	Robinson, Ark.	Warren
Cutting	Jones	Robinson, Ind.	Waterman
Deneen	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Willis
Edge	King	Sheppard	
Edwards	La Follette	Shipstead	

Mr. JONES. I wish to announce that the senior Senator from Nebraska [Mr. NORRIS] is detained from the Senate on official business.

Mr. MCMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent on the business of the Senate. I will let this announcement stand for the day.

Mr. FRAZIER. I wish to state that my colleague the junior Senator from North Dakota [Mr. NYE] is absent on official business of the Senate. I wish to let this announcement stand for the day.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

APPROPRIATIONS FOR AGRICULTURAL DEPARTMENT VEHICLES (S. DOC. NO. 71)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a proposed amendment of the Budget for the fiscal year 1929, which would increase, from $165,000 to $190,000, the authorization to use the lump-sum appropriations of the Department of Agriculture for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn vehicles outside of the District of Columbia, which, with the accompanying letter from the Director of the Bureau of the Budget, was referred to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a list of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JONES and Mr. FLETCHER members of the committee on the part of the Senate.

RESIGNATION OF TARIFF COMMISSIONER COSTIGAN

Mr. ROBINSON of Arkansas. Mr. President, I have received a letter from Mr. Edward P. Costigan, who for many years has served as a member of the United States Tariff Commission. He has announced his retirement from the commission, and in the letter to which I refer has given his reasons for resigning and has discussed the work and proceedings of the commission, some proposals for reform, and the work of the tariff investigating committee of which the senior Senator from Arkansas is chairman. I ask unanimous consent to have the letter printed in the RECORD and referred to the Select Committee on Investigation of the Tariff Commission.

There being no objection, the letter was referred to the Select Committee on Investigation of the Tariff Commission and ordered to be printed in the RECORD, as follows:

RESIGNATION FROM THE TARIFF COMMISSION

(Letter to Senator JOSEPH T. ROBINSON of Arkansas, chairman of the Senate investigating committee, from Edward P. Costigan, member of the United States Tariff Commission)

DEAR SENATOR ROBINSON: As chairman of the Senate committee which was appointed two years ago this week to investigate the Tariff Commission, it is doubtless suitable that I send you a final letter on certain developments closely related to the underlying causes of that investigation. After more than 10 years of official service—exceeding by 4 years the membership of the nearest in time of my associates—I am about to transmit to the President of the United States my immediately effective, long-considered, and voluntary resignation as tariff commissioner. Listed for the most part in the order in which they have materialized, the chief reasons for my action are the following:

A SCIENTIFIC COMMISSION FOR IMPARTIAL TARIFF INVESTIGATIONS

The Tariff Commission—of whose originally appointed members I am and have long been the only official survivor—was designed to be, and for the first five years of its existence was, a scientific, nonpolitical, and impartial investigational agency of the Government. The law creating it planned a commission judicially independent of both the President and Congress, and free alike from official and private pressure in the discharge of its duties. The evidence is conclusive that the leading business interests of the United States, and public opinion generally, fully indorsed the original purposes of the statute.

FLEXIBLE TARIFF POWERS AND PLEDGES

The importance of a scientific commission was given added signal emphasis by the new powers conferred in the flexible provisions of the tariff act of 1922. Under section 315 of that act the commission is authorized to recommend for presidential proclamation, as the facts warrant, decreases or increases, in existing tariff rates, to equalize, within defined limits, differences in costs of production and other competitive conditions here and abroad. Pending the adoption of that section of the Fordney-McCumber tariff law, authorized spokesmen for the administration assured the public that, because of conditions following the World War, the tariff rates enacted by Congress in 1922, and thus declared subject to change down or up, had been purposely placed by Congress sufficiently high to permit in most cases tariff reductions in accordance with the standard laid down by Congress in the flexible provisions. For example, many more reductions than increases in tariff rates under the flexible provisions were publicly predicted by Senator SMOOT; and Senator McCumber confidently stated that the startlingly high ad valorem rates made possible by substituting American for foreign valuation—which the law permitted under certain circumstances—would probably never be employed by the President, except in a few cases like chemicals and toys. To crown those prophecies, President Harding in 1922 used the then existing prestige of the Tariff Commission to strengthen his assurance that there would be "a scientific and wholly just administration of the law." And President Coolidge in 1924 publicly pledged himself to administer the same law "not politically, but judicially."

UNIMPORTANT DECREASES, IMPORTANT INCREASES, AND NONACTION BY THE PRESIDENT

How have these rate-changing promises been fulfilled? At the end of five years, and at the cost of approximately $3,000,000, the Tariff Commission has made 32 reports to the President under the flexible tariff provisions. Those reports have grown out of investigations, not freely chosen by the commission, but instead requested by the President or the Senate, or, under a practice settled by President Harding, urged by private interests. The reports have resulted in 23 presidential proclamations, changing tariff rates. In 5 cases of little tariff importance—mill feed, bob-white quail, paintbrush handles, phenol, and cresylic acid—previous tariff rates have been reduced. In 18 cases, some of which related to articles of much tariff significance, the President has proclaimed substantial or maximum increases; and various other important cases are pending in which demands for maximum increases are being pressed by strongly intrenched industrial groups. In 2 dubious instances—taximeters and "hit-and-miss" rag rugs—by resorting to American valuation, President Coolidge has increased the former tariff rates of $3 plus 45 per cent per meter, and 35 per cent, respectively, on their foreign value, to rates, when the changes were made, approximating 100 per cent or more of such foreign value—such new rates being destined to go still higher when American selling prices advance.

NONACTION BY PRESIDENT—SUGAR, LINSEED OIL, AND HALIBUT

Even more significant for the consuming public are some of the cases in which the President has declined to act on decisive evidence that the rates should be substantially lowered—sugar, linseed oil, and halibut—

to which, if Chairman Marvin and two other members of the commission have their way, will now be added the five-year-old investigation of logs of fir, spruce, cedar, and western hemlock.

The sugar report of 1924 recommended to the President considerably less than a 50 per cent decrease in the sugar tariff. In amount, the reduction thus held warranted under the law was about half a cent per pound; namely, an effective tariff on sugar of 1.23 cents per pound instead of the present duty of 1.76 cents per pound. That reduction, if then made, would have saved tax-paying consumers of the United States some $40,000,000 or more a year, while protecting the American sugar industry under the statutory rule indorsed by a Republican Congress and by President Harding.

The linseed oil report was sent to the President on March 3, 1925, more than three years ago. The result was a request from the President on February 6, 1926, for a fuller investigation. Yet the records in that investigation were so unescapable that even the usually immovable protectionist members of the commission, in the only important instance in the commission's experience, admitted the necessity under the law for a definite reduction in the duty. In that case the prices paid flax growers in this country were fully protected in the commission's recommendations through a proper allowance to crushers of linseed oil of full compensation for the tariff on flaxseed. In addition, the commission's recommendations paved the way to properly lowered prices on paints, especially important to American farmers, by reducing the excessive subsidies then and continuously since enjoyed under the tariff by linseed oil crushers.

CHANGES IN COMMISSION UNDER PRESIDENT HARDING

To understand such results certain factors in the situation must be recalled. Unfortunately the tariff revision out of which the flexible provisions grew, and the early exercise of the commission's new powers under those provisions, were accompanied by substantial changes, alike in presidential policy and in the standards and quality of the commission's membership. Such changes began under President Harding and, with two exceptions, have continued under President Coolidge. That they finally destroyed the commission's reputation for impartiality no candid and informed person will deny.

President Harding's contributions to the commission's membership by appointment were: First, Commissioner Marvin, former secretary of the Home Market Club of Boston, a tireless and fanatical protectionist, known in Washington as a tariff lobbyist for New England protected interests; second, former Commissioner Burgess, long similarly known in Congress for tariff-lobbying activities, especially on behalf of the domestic pottery industry; and, third, former Commissioner Glassie, a member of the bar of the District of Columbia, chosen as a Democrat, but extraordinarily fertile in advancing fallacious excuses for exceedingly high protective tariff rates, whose appointment was hailed as acceptable to the sugar interests of Louisiana. These three appointees of President Harding, and three of the commission's original members—Commissioners Lewis, Culbertson, and myself, selected as Democrat, Republican, and Progressive, respectively—made up the full membership of the commission when the administration of the flexible tariff began in the early months of 1923.

OFFICIAL AND UNOFFICIAL PRESSURE IN THE SUGAR INVESTIGATION

The consequences of the specified changes in personnel speedily became evident. Both from within and without pressure was brought on members of the commission, directed toward the destruction of the commission's impartiality. The indefensible methods employed are well illustrated by the course of the commission's sugar investigation, which was instituted in 1923 and completed in 1924. The sworn evidence taken by the Senate investigating committee records, in part, the following events in the progress of that investigation:

(1) President Harding's three appointees—Commissioners Marvin, Burgess, and Glassie, with Commissioner Glassie voting on the question—insisted on Commissioner Glassie's right to take part in the sugar investigation, in the outcome of which it was disclosed Commissioner Glassie's immediate family had a special, direct, substantial, and financial interest.

(2) In December, 1923, President Coolidge, who was empowered by the flexible provisions, was officially requested by me on legal and moral grounds to check Commissioner Glassie's asserted right to take part and vote in the sugar investigation. Instead, President Coolidge supported Commissioner Glassie's position with the weight of his powerful office, and Commissioner Glassie, though in January, 1924, his participation was publicly challenged by me, with the concurrence of Commissioners Lewis and Culbertson, continued to act in that investigation until Congress, in the spring of that year, by a special enactment, effectively rebuked him and his commission supporters—Commissioners Marvin and Burgess—and terminated the practice.

(3) While this significant issue over Commissioner Glassie hung in the balance, before it became public and prior to the action of Congress, Commissioner Culbertson reported that he had been offered and had refused membership in the Federal Trade Commission. Had Commissioner Culbertson been shifted to the Federal Trade Commission at that time, a majority of the remaining Tariff Commission would have supported Commissioner Glassie's breach of the requirements of impartiality and would have dictated the subsequent course of the sugar investigation.

(4) Following two public hearings, oral arguments, and the filing of briefs in the sugar investigation by attorneys for the domestic and Cuban interests, and after the case had been taken under advisement by the commission for the preparation of our official report to the President, Senator SMOOT—a recognized spokesman in Congress both for the administration and the domestic sugar interests—privately invited Commissioner Culbertson to a one-sided conference in the Senate Office Building, attended by representatives of the domestic sugar interests, including attorneys who had appeared before the commission. At that conference, without opportunity given other interested parties to be present, efforts were made to impress Commissioner Culbertson with the soundness of the arguments which the domestic sugar interests had advanced in the sugar investigation then being considered for decision by all members of the commission.

(5) When it became apparent, notwithstanding these incidents and the dilatory tactics of Commissioners Marvin and Burgess (Commissioner Glassie no longer being free to participate), that the sugar report was to be given precedence for the President's consideration, a request was received by the Tariff Commission from the President to the effect that the commission suspend all other work, take up the butter investigation, and proceed with that until its completion.

(6) About the same time a disappointed tariff applicant lodged an attack with President Coolidge on Commissioner Culbertson's right to continue as a member of the Tariff Commission. The charge was that Commissioner Culbertson had violated the law creating the Tariff Commission by delivering paid lectures at Georgetown University in Washington and at Williamstown, Mass., since the law provides that no tariff commissioner shall engage in any other activity or employment. The President, in effect, requested the Attorney General to advise him whether, as urged, Commissioner Culbertson had been guilty of malfeasance in office, making him subject to removal by the President, for delivering such lectures.

(7) During the very days when these grave charges were being considered by the Attorney General, Commissioner Culbertson—who has since been appointed by President Coolidge and now is United States minister to Rumania—reported that assurances were being given him at the White House by the President's Secretary that Commissioner Culbertson was being considered for various conspicuous positions in the United States Diplomatic Service. Shortly after, and just before the commission planned to send its final recommendations in the sugar case to the President, Commissioner Culbertson further reported that President Coolidge had conferred with him about an opinion from the Attorney General upholding the President's right to remove Commissioner Culbertson from office on the basis of the specified charges. Commissioner Culbertson added that in that conference President Coolidge, with the unfavorable opinion of the Attorney General before him, requested Commissioner Culbertson to delay sending the sugar report to the President.

(8) In spite of these and other obstacles, on July 31, 1924, the commission's sugar report was sent to the White House. Some five weeks later, on September 8, President Coolidge had before him the question whether he would reappoint Commissioner Lewis, who had joined in the preparation of the majority opinion. Earlier in the year word was sent Commissioner Lewis from the White House that, with the expiration of Commissioner Lewis's term on September 8, the President expected to reappoint him, in keeping with the nonpolitical character of the commission. As the date, however, of possible reappointment approached, contrary rumors were circulated. A so-called National Tariff Council, with headquarters in Denver, circularized about 100 leading business men, requesting contributions of $100 each—a total of $10,000—in part for the declared purpose of securing the appointment of "a protectionist Democrat" as the successor of Commissioner Lewis. A few days before Commissioner Lewis's term expired the letter thus sent out received unexpected publicity.

(9) On September 8, 1924, in the midst of President Coolidge's campaign for election, Commissioner Lewis was asked to call at the White House with reference to his reappointment. With the invitation came the statement that, if reappointed, Commissioner Lewis was expected by President Coolidge to leave at the White House a blanket letter of resignation from the commission for use at any time by the President. In fact, Commissioner Lewis was handed the form of resignation President Coolidge himself was said to have dictated for Commisisoner Lewis's signature.

Commissioner Lewis's sworn and uncontradicted testimony is that, during his visit that afternoon with President Coolidge, the President asked whether Commissioner Lewis had brought his resignation. Commissioner Lewis, whose official attitude was always unflinchingly frank and disinterested, replied in the negative. He further told the Presi-

dent, in substance, that the latter was free to destroy the appointment credentials he had started to sign. The President, however, insisted on delivering to Commissioner Lewis a temporary appointment, good only until March 4, 1925, the end of the approaching session of Congress. When so doing the President advised Commissioner Lewis that the latter would hold office in any event only at his (the President's) pleasure.

It may be added (though not in the published testimony) that on leaving the White House on September 8, 1924, Commissioner Lewis said to a friend: "I have been in public life 25 years. Once only in that time have I been approached with a view to my weakness, and that was by a President of the United States."

(10) On March 4, 1925, President Coolidge allowed Commissioner Lewis's temporary appointment to expire without reappointment or further notice. Thereafter Commissioner Dennis, a protectionist Democrat and long-time acquaintance and friend of the President, was named to succeed Commissioner Lewis. Some two months later, on May 17, President Coolidge appointed Commissioner Culbertson United States minister to Rumania. Thus two of the commissioners who had scientifically discharged their duties in the sugar investigation were eliminated—Commissioner Culbertson by promotion; Commissioner Lewis—a faithful and incorruptible official who merited reappointment—by demotion.

(11) On June 15, 1925, a little more than a month after Commissioner Culbertson's retirement, and after having held the Tariff Commission's sugar report for many months, President Coolidge announced his refusal to make any change in the tariff on sugar under the flexible provisions. Thus a major report of the commission was ignored and a commission investigation of the first order, which had engaged the services of an expert staff for nearly two years and cost the Government many thousands of dollars, was thrown overboard, following an unprecedented series of lobbying drives and political maneuvers, in some of which the White House actively shared.

LATER TARIFF COMMISSION CONTROVERSIES

Without attempting to present in similar detail the commission's history since the summer of 1925, I may state that during these later days the obstacles thus early erected against a scientific application of the flexible tariff provisions have never been removed. From 1925 on, as in the two preceding years, and due to the same contrasted official standards, sharply different interpretations of facts and law have featured the commission's reports to the President. Those reports must largely be left to speak for themselves. It may, however, be said in regard to transportation—the subject of farthest-reaching consequences and most persistent commission division—that the members of the commission who have insisted on judicial standards have been upheld in their constructions of the law in an opinion of the Attorney General. That case involved the question, on which the commission divided for two years, whether under the law transportation should be added to production costs to enable domestic and foreign goods to meet on even terms in the principal competing market of the United States. The declared object of the flexible tariff is equalized competition in the United States. This can be attained only by including transportation expenses, and the answer of the Attorney General was in the affirmative. Yet to-day, after another two years, the Marvin group are strenuously engaged in nullifying the ruling of the Attorney General by substituting transportation charges based on imaginary movements of articles for the actual charges incurred under the actual competitive conditions investigated by the commission.

COMMISSIONER DENNIS'S EXPERIENCE

Oddly enough, testimony of an exceptional sort as to the right and wrong of such commission issues will be found in the official record of Commissioner Dennis. When he displaced Commissioner Lewis, the background of his appointment apparently boded ill for the commission. His known friendship for President Coolidge disposed him to look, and apparently when appointed he did look, with disapproval on the independent course followed in the sugar investigation by those members of the commission who declined to be swayed by the wishes of President Coolidge. Commissioner Dennis, accordingly, began his official service with every evidence of his intention and desire to cooperate with the Marvin group. His entry on the commission's work placed me in an apparently hopeless minority; the commission was divided 5 to 1. Apart from his uniform courtesy, and outside of the transportation problem, on which he agreed with my long-maintained construction of the law, Commissioner Dennis for months, with unimportant exceptions, threw his vote and influence with the Marvin group. In the halibut case he even signed his name to a report which he privately denounced, and recently he has openly and frankly expressed his regret that he did not, as I did, strongly dissent from, instead of signing, the commission's majority findings in that case. More and more, indeed, with the passing months, Commissioner Dennis, for good reasons and in the name of official self-respect, has found the harmony he originally sought impossible, and has withdrawn from that earlier association. His testimony before the Senate investigating committee is therefore highly significant. Nor is that the end of the story. Without authority to speak for him, I can say in my official capacity that never more vehemently than in recent weeks has Commissioner Dennis expressed his indignation against the methods and prejudgments of the Marvin group, of which Commissioners Brossard and Lowell are now part.

Similarly, the commission's most recent member, Commissioner Dixon, a trained lawyer and experienced in handling tariff questions as a former member of the Ways and Means Committee of the House of Representatives, has been unable to agree with the Marvin group in several of the commission's recent reports, including the log case, which is the most important and the clearest lower-duty case considered by the Tariff Commission since halibut, which followed sugar and linseed oil. It thus appears that, while the Senate investigating committee still hesitates over its report, the old divisions and underlying causes persist. In fact, the commission stands to-day as irreconcilably divided because of the different official standards of its members as in the darkest days of the sugar investigation.

COMMISSIONER DIXON

Can there be any longer the slightest reason to doubt the true explanation? With all his applied political power President Coolidge has failed to annihilate all of the commission's former impartiality, though his course has effectively helped to wreck the commission's usefulness. When Commissioner Glassie's term of office and subsequent recess appointment by the President expired, the opposition Commissioner Glassie had aroused in Congress, by insisting on judging the sugar case, prevented his permanent reappointment. Conditions in 1927 thus unexpectedly paved the way for a successful demand by the minority in Congress for the selection as the successor of Commissioner Glassie of Commissioner Dixon, a high-minded public servant. This selection was made during the Senate committee's investigation of the commission.

COMMISSIONERS MARVIN, BROSSARD, AND LOWELL

The public was much less fortunate, however, in regard to other appointments. Preceding the Senate committee's investigation, when vacancies were created by Commissioner Culbertson's and later by Commissioner Burgess's resignations, Commissioners Brossard and Baldwin were named. After a limited service, during which, to be entirely candid, he was little better than a rubber stamp in the hands of the Marvin group, Commissioner Baldwin resigned, in part, it was said, for reasons of health. He has since been succeeded by Commissioner Lowell.

Commissioners Marvin, Brossard, and Lowell stand to-day a united tariff band, steadily pressing for higher tariff rates and against important reductions, reckless on occasions in their treatment of facts and the law. Commissioner Marvin has been mentioned. I must add my confirmed judgment, which the Senate investigating committee has had ample opportunity to verify, that his membership seriously impairs the usefulness of the commission, which will not have proper credit or respect either at home or abroad among scientists, economists, and disinterested persons, particularly so long as he remains its chairman. Without a background of public service justifying his selection, his position as commissioner and as chairman has exalted a tariff lobbyist at the public's expense. Incomparable opportunities for a former lobbyist have now for years been thrust into his hands through his repeated annual designations for that strategic post by Presidents Harding and Coolidge. No exposures, however discrediting, of bias, partisanship, and the distrust of his associates, have sufficed to break this New England slate. Strangest of all, the stranglehold on the commission is continued by hidden influences. It is well known in Washington that President Coolidge has long ceased personally to consult or place confidence in his own designated Tariff Commission chairman.

Commissioner Brossard has long been known in Washington as a political protégé of Senator Smoot. He was on the staff of the commission before he became a member, and in both relations created an impression of a biased, as distinguished from a scientific or judicial, mind. Members of the Senate investigating committee are aware that while testifying under oath he appeared at times to be cautiously hiding material information within his knowledge which was sought by such members. As a witness he strengthened the view that he is a partisan who wishes to favor certain tariff-protected interests. The record discloses that his appointment was characterized in writing in 1925 by his predecessor, Commissioner Culbertson, President Coolidge's United States minister to Rumania, as follows:

"* * * It's not much of a compliment to me that Brossard is selected to fill my place. If this appointment is to be regarded as a revelation of the President's policy I feel fully justified in leaving the commission. They were certain to put you and me into a minority, and I would have been driven by the force of circumstances to break with my party without saving the commission. * * * I didn't suppose that Coolidge would do the thing so rawly, if he did it at all. Evidently our suspicions were correct and Brossard has been playing with the sugar lobby, and now he has his reward! I can imagine the

effect on the staff—upon men like Comer, Clark, De Long, Simpson, Wallace, etc. They must feel that honesty is not the best policy." * * *

Of Commissioner Lowell, the most recent member of the Marvin group, it must be said that he lacks equipment or special qualifications for the duties of the Tariff Commission. In so far as he acts independently he appears to vote prejudices rather than facts. He even seems to take pride in parading his misconception of his official responsibilities. To illustrate: In the Cherry investigation, during the preparation of the final report to the President, a section was inserted purporting to state the separate views of Commissioners Marvin, Brossard, and Lowell. Commissioner Lowell subsequently affirmed that he had not read that section, although he admitted that he knew that it had been offered as the expression of the views of himself and his two associates. On various other occasions he has stated at commission meetings that he is opposed to dissenting statements in commission reports to the President; that he is not "the kind of a man" to dissent and never will dissent, but, instead, "will keep still," no matter how much he may disagree with the contents of such reports.

NECESSITY FOR PERSONAL REFERENCES REGRETTED

It must be evident that these personal references are not recorded without regret. Commissioners Marvin, Brossard, and Lowell have been my official associates for a considerable time. Our official relations have been frank, but, also, with few exceptions, courteous. These commissioners share the pleasant personal traits which lighten our everyday human experience. It is therefore unthinkable that such critical estimates would be offered except for reasons of public necessity. The statements are personal because facts of public consequence are personal. The tragedy of the Tariff Commission is directly traceable to certain tariff commissioners and certain Presidents. And Congress will never correct the disease unless it legislates with eyes and mind open to these essential truths.

OTHER FAILURES OF THE COMMISSION, PARTICULARLY WITH REFERENCE TO LABOR AND AGRICULTURE

This picture of the Tariff Commission would not be complete without brief reference to one or two other of many fateful consequences of the manipulation of that body. The commission has not only failed to meet its impartial duties in regard to changes in tariff rates; other possibilities of far-reaching public service have similarly suffered.

For instance, among the statutory duties imposed on the commission is one calling for reports on the effect of our tariffs "upon the industries and labor of the country." Beneficiaries of excessive tariff rates often prefer imaginative fiction to tariff realities. This statutory duty of the commission awakens little enthusiasm among those who prefer embargoes and monopolies to the restraints of competition.

An open-minded performance of this task by the commission would have disclosed the use of various tariff fallacies to mislead farmers and industrial workers in the United States. If the commission had been properly constituted, long before now it would have clearly pointed out the limited benefits derived by farmers from many agricultural tariff rates. For example, the commission would have convincingly dealt with the unimportance of the tariff for most wheat growers in the United States. It might at this hour be reporting on the question, What does the 42 cents per bushel tariff on wheat, which was lifted to that level because of Canadian competition, have to do with the fact that the American hard spring wheat of the Northwest has lately been selling at prices about 10 cents less per bushel than Canadian hard spring wheat? And the public would already be advised that an increased tariff on corn, for which appeals have been pouring into Washington, offers little hope for the distressed farmers of the Corn Belt, who justly seek to escape from their tragic burdens, even if nothing is offered but an unlikely miracle. Indeed, one can but wonder is these days of easy faith why the growers of the South have not been similarly hypnotized by the assurance that their prosperity can only be guaranteed by a highly protective tariff duty on cotton.

So in the field of the "industrial effects of the customs laws * * * upon the * * * labor of the country," the commission has been under obligations which it has not discharged, and which, constituted as it now is, it can not satisfactorily perform. At the present time, after years spent in assembling information, its membership is such that no report emerges showing that American wages, though relatively higher than foreign, are not in the main the consequence of protective tariffs, but rather of the remarkable skill with which human and other power has been applied to the enormously rich, natural resources of the United States. Some highly protected industries pay wretched wages; and constantly before the commission are such familiar facts as the higher wages paid in the boot and shoe industry, which enjoys no tariff subsidy, than in the highly protected woolen and worsted industries. Similarly, it is common information, the significance of which is, however, often forgotten, that the automobile industry, which recently asked that the tariff be completely removed from motor cars, since the industry fears no world competition whatever, pays much higher wages than highly protected United States industries such as pottery and meat packing. In fact, novelty no longer attaches to the story of efficient mass production. Relatively high wages can be and are paid in our automobile factories, yet the American labor cost of any single automobile is low, and this product of American factories can usually be sold cheaper than the comparable product of foreign countries, in spite of the lower wages paid in such foreign countries. Nor does this experience differ widely from cases of mass production in other domestic industries in which the output is aided by especially valuable natural resources. Indeed, our natural advantages for production have wrought such comparative results through all our history, even in colonial times, as shown by higher wages in many enterprises here than abroad, with or without tariffs, and with low tariffs as well as high.

It is unnecessary to add that a scientific Tariff Commission would not hesitate to show, to the extent statistically determinable, that, while excessive tariffs at times enrich private interests, other tariffs are deceptively meaningless; that, as a rule, tariff duties are more advantageous to most branches of manufacture than to most branches of agriculture; that tariff duties are not likely to bestow equal benefits on both; and that, so far as the articles produced by the great majority of our farmers are concerned, prices are usually determined by market, especially world market, conditions rather than by tariff barriers. This country has nothing to fear through discovering that her rank among industrial nations tends to be advanced rather than retarded under tariff policies of greater liberality than those now in force, permitting, within the limits of fair practices, the reasonable operation of fundamental economic laws.

CONCLUSION

In the face of such continuing offenses, both of omission and commission, I have decided to end my official experience. Until recently I assumed that with two years' knowledge Congress would not fail at this session to grapple with corrective remedies. The appointment of the Senate investigating committee made that expectation reasonable. To be sure, the Senate's confirmation of Commissioners Brossard and Lowell, in the midst of that investigation, pointed the other way. The former was open to challenge as disqualified; the latter in part, because without real understanding of his task. Yet my personal confidence in the final outcome has persisted until now. It is extinguished at last. And I am unwilling to devote to a vanished hope the unexpired two and a half years of my present term of office.

With but three months probably left of the present session of Congress, in a presidential year, the Senate investigating committee is silent. The issue would not be hopeless if a genuine program for a reorganized commission had been set in motion. Instead, Congress has once more voted the commission's annual appropriation. Agriculture is making proper demands for national relief, and it is easier to use the commission to convert farmers to a mistaken belief in tariff salvation than to apply real and permanent agricultural remedies. Under such circumstances, my further official partnership is useless.

Three other reasons strengthen this conviction. The first is that I have done everything possible to aid the investigating committee and the public through various constructive legislative suggestions. The second, that no recess appointment of my successor is probable if I withdraw now. And the third, that sufficient of the congressional session remains to permit insistence on the appointment of an able and upright successor, and to prevent the confirmation of an unfit nominee.

In conclusion may I say that I do not exaggerate the present issue? I fully realize that the manipulation of the Tariff Commission since 1922 is but part of the total picture of present-day Washington. In an era which history may yet summarize as the age of Daugherty, Fall, and Sinclair—in which another governmental body, the Federal Trade Commission, is widely looked upon as the legitimate prey of those who deal in the unfair practices that commission was created to destroy—in which even the national Senate is not immune against the trespass and dictates of powerful lobbies—the fate and fortunes of the Tariff Commission may be thought unimportant. Yet no part of the public edifice can be undermined without danger to the whole structure. Public service still demands public fidelity. And the ancient right of remonstrance remains. An official witness of law violations, I have successively appealed to the President and to Congress. One further dissent is in order. I am, therefore, returning my official commission to the Government.

Very truly,

EDWARD P. COSTIGAN.

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.

PETITIONS AND MEMORIALS

Mr. WATSON presented the following joint resolution of the Legislature of the State of Indiana, which was referred to the Committee on the Judiciary:

UNITED STATES OF AMERICA,
OFFICE OF THE SECRETARY OF STATE, STATE OF INDIANA.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the following and hereto attached is a full, true, and complete copy of enrolled Senate Joint Resolution 5, chapter 269, acts of seventy-fifth regular session of the General Assembly of the State of Indiana.

A joint resolution requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of various States have considered the issues involved

Whereas Congress in 1816 created Indiana a sovereign and independent State, with full right to control its local affairs and the corporations it created, and these would include especially utility corporations furnishing water, light, gas, phone service, and other necessities; and

Whereas the growth and development of the State of Indiana and its public utilities reached such proportions in 1913 that it became necessary that careful and proper consideration of the rights of the public and the adequate protection of the public welfare made it necessary for the General Assembly of the State of Indiana to create a public service commission; and

Whereas certain utilities of this State, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co. of Indianapolis, and the Central States Gas Co., of Vincennes, and the Greensburg Water Co., of Greensburg, petitioned the public service commission of the State of Indiana for increased rates for service to the public; and

Whereas such petitions were heard and valuations thereof determined and rates fixed by the Indiana Public Service Commission which were, in the judgment of the commission, fair, reasonable, and just; and

Whereas said utilities, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co., the Central States Gas Co., of Vincennes, and the Greensburg Water Co., did immediately in each case invoke the jurisdiction of the Federal court of the State of Indiana instead of taking their cases to our State courts, alleging that the valuation determined and rates fixed by the public service commission were confiscatory; and

Whereas the laws of the State of Indiana governing the public service commission provide for and authorize any utility or person interested in any rate order to appeal to the circuit or superior court of any county in this State from any order of the commission fixing such rate or rates or valuation; and

Whereas such utilities did in each instance invoke the jurisdiction of the Federal court without first having pursued the remedy provided by the laws of the State of Indiana, giving the right to appeal to the State courts; and

Whereas in each instance the Federal court has fixed a higher valuation and a higher rate than that fixed by the public service commission; and

Whereas the right of the State of Indiana to control its local affairs with reference to such utilities was defeated and prevented; and

Whereas the public service commission of Indiana fixed the valuation of the Indianapolis Water Co. at $16,455,000, the Indiana Bell Telephone Co. at $32,000,000, the Citizens Gas Co. at $12,000,000, the Central States Gas Co. of Vincennes at $482,845, and the Greensburg Water Co. at $225,000; and

Whereas thereafter at hearings in the Federal Court of the District of Indiana the valuations of these public utilities were fixed at the following figures, to wit: The Indianapolis Water Co. at $19,000,000, resulting in increase of rates; Indiana Bell Telephone Co. at $36,000,000, resulting in increase of rates; Citizens Gas Co. at $16,000,000, increasing the rate for gas from 90 cents to $1.20; Central States Gas Co. of Vincennse at $739,572; and the Greensburg Water Co. at $340,000, resulting in increase of rates: Therefore be it

Resolved by the Seventy-fifth General Assembly of the State of Indiana, That the United States Senators and Members of Congress representing the State of Indiana be, and they are hereby, respectfully petitioned to prepare, support, and their associates enact legislation limiting the jurisdiction of the courts of the United States in all cases that may be filed therein by public utilities seeking relief from orders issued by public service commissions to such utilities as have first exhausted all legal remedies given by the courts of the respective States; be it further

Resolved, That copies of this resolution be transmitted by the governor and the secretary of state to the Senators and Members of Congress representing the State of Indiana and the Senators and Congressmen of the other States of the United States.

F. HAROLD VAN ORMAN,
President of the Senate.
HARRY G. LESLIE,
Speaker of the House of Representatives.

Filed March 11, 1927—12.02 p. m.

F. E. SCHORTEMEIER,
Secretary of State.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office in the city of Indianapolis this 12th day of March, A. D. 1928.

F. E. SCHORTEMEIER,
Secretary of State.

Mr. FESS presented petitions of sundry citizens of Cleveland and vicinity, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. BROOKHART presented petitions of sundry citizens of Corning, Oxford, Iowa City, Fairfield, Sioux City, Lake Mills, Missouri Valley, and Guthrie County, all in the State of Iowa, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Marshall County, Iowa, praying for the passage of legislation providing for equal distribution of wave lengths and power among radio broadcasting stations in the United States in accordance with area and population, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Atlantic, Iowa, remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented a petition of sundry citizens of Spokane and Cheney, in the State of Washington, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a petition of members of the Arlington Parent-Teachers' Association, of Tacoma, Wash., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Hoquiam, Wash., praying for the repeal of the national-origins quota provision of the existing immigration law and for retention of quota distribution based on the census of 1890, which was referred to the Committee on Immigration.

Mr. WALSH of Massachusetts presented several telegrams in the nature of petitions—in addition to many heretofore received—from sundry employees of the Boston Navy Yard calling attention to the necessity of relieving the present unemployment situation there, which one of the telegrams states "is working severe hardships on many employees and their families," and praying for the passage of pending legislation providing appropriations for reconditioning and modernizing the U. S. S. *Arizona* and *Pennsylvania*, and also the *Mount Vernon* and *Monticello*, ships of the United States Shipping Board, which were referred to the Committee on Appropriations.

REPORTS OF COMMITTEES

Mr. RANSDELL, from the Committee on Agriculture and Forestry, submitted the views of the minority on the bill (S. 1093) to prevent the sale of cotton and grain in future markets (Rept. No. 497, pt. 2).

Mr. JOHNSON, from the Committee on Immigration, to which was referred the joint resolution (S. J. Res. 113) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, reported it without amendment.

Mr. BINGHAM, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 755) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands, reported it without amendment and submitted a report (No. 550) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 3117) for the relief of the State of Connecticut, reported it without amendment and submitted a report (No. 551) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 3637) to provide Federal cooperation with the States in devising means to protect valuable shore lands from damaging erosions, and for other purposes; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 3638) for the relief of the estate of Milo Bond, deceased; to the Committee on Finance.

By Mr. WALSH of Massachusetts:

A bill (S. 3639) providing for the advancement of Arthur D. Edmunds on the retired list of the Army; to the Committee on Military Affairs.

By Mr. GERRY:

A bill (S. 3640) authorizing acceptance from Peter G. Gerry of the gift of the law library of the late Elbridge T. Gerry; to the Committee on the Judiciary.

By Mr. THOMAS:

A bill (S. 3641) authorizing an appropriation for the construction of a hard-surfaced road across Fort Reno (Okla.) Military Reservation; to the Committee on Military Affairs.

By Mr. REED of Missouri:

A bill (S. 3642) authorizing the acceptance from the Kingdom of the Serbs, Croats, and Slovenes of the Order of the White Eagle, fifth class, conferred on Walter M. Mann, United States Army (with accompanying papers); to the Committee on Foreign Relations.

A bill (S. 3643) granting an increase of compensation to William H. Ohnsorg and Ida May Ohnsorg (with accompanying papers); and

A bill (S. 3644) granting compensation to Bertha Belle Lasley, Ruth Norine Lasley, Wanda Evelyn Lasley, Josephine Lois Lasley, and Wilma Henriette Lasley (with accompanying papers); to the Committee on Finance.

A bill (S. 3645) granting a pension to James F. Archer (with accompanying papers);

A bill (S. 3646) granting an increase of pension to Minnie Berry (with accompanying papers);

A bill (S. 3647) granting an increase of pension to Caldonia D. Compton (with accompanying papers);

A bill (S. 3648) granting an increase of pension to Marie Cottrill (with accompanying papers);

A bill (S. 3649) granting a pension to William Huckshorn (with accompanying papers);

A bill (S. 3650) granting an increase of pension to James D. McFadden (with accompanying papers);

A bill (S. 3651) granting an increase of pension to Eveleen G. Rutherford (with accompanying papers);

A bill (S. 3652) granting an increase of pension to Annie Seckel (with accompanying papers); and

A bill (S. 3653) granting an increase of pension to Mary J. Sargent (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 3654) for the relief of Eugene J. Spencer; to the Committee on Military Affairs.

By Mr. CARAWAY:

A joint resolution (S. J. Res. 114) authorizing assessments by levee, drainage, and road districts upon unreserved public lands in the St. Francis Levee district, State of Arkansas; to the Committee on Agriculture and Forestry.

By Mr. HEFLIN:

A joint resolution (S. J. Res. 115) to amend section 191 of title 24 of the Code of Laws of the United States; to the Committee on Military Affairs.

AMENDMENT TO FLOOD CONTROL BILL

Mr. ROBINSON of Arkansas submitted an amendment intended to be proposed by him to Senate bill 3434, the flood control bill, which was ordered to lie on the table and to be printed.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. FRAZIER submitted amendments intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

Under the item for "Inspection and quarantine," on page 17, line 17, strike out the figures "$712,300" and insert in lieu thereof "$714,600."

Under the item for "Tuberculosis eradication" on page 18, line 4, strike out the figures "$5,718,310" and insert in lieu thereof "$5,726,710."

Under the same item on page 18, line 6, strike out the figures "$1,115,180" and insert in lieu thereof "$1,123,580."

Under the item for "Tick eradication" on page 19, line 24, strike out the figures "$709,300" and insert in lieu thereof "$710,500."

Under the item for "Hog-cholera control" on page 21, line 19, strike out the figures "$441,070" and insert in lieu thereof "$442,670."

Under the proviso for "Virus-serum control," page 21, line 22, strike out the figures "$256,310" and insert in lieu thereof "$257,310."

Under the item for "Meat inspection" on page 23, line 12, strike out the figures "$2,176,400" and insert in lieu thereof "$2,202,660."

PROTECTION OF AMERICAN RIGHTS IN CUBA

Mr. SHIPSTEAD submitted the following resolution (S. Res. 168), which was referred to the Committee on Foreign Relations:

Whereas the Congress of the United States by an amendment (known as the Platt amendment) to the Army appropriation act, approved March 2, 1901, defined the conditions under which the Executive could turn over to the people of Cuba the government of that island; and

Whereas one of such conditions was that certain parts of the said amendment should be included in the constitution of the Cuban government, and also included in a permanent treaty with the United States; and

Whereas the specified provisions of such amendment were made a part of the constitution of the Republic of Cuba, and also embodied in a treaty signed May 22, 1903; and

Whereas certain of the provisions of said amendment so made a part of the constitution of Cuba, and so embodied in the permanent treaty with Cuba, were designed and intended to afford protection to the property and persons of citizens of the United States resident in such island; and

Whereas many citizens of the United States resident in Cuba claim to have been denied the protection provided and guaranteed in said treaty and constitutional amendment: Now therefore be it

Resolved, That the Committee on Foreign Relations is hereby directed to cause an investigation to be made for the purpose of ascertaining whether said claims so made by American citizens are true, and, if found to be true, to recommend such procedure and measures as will secure to said citizens of the United States the protection of life and property, as provided in said treaty and constitutional amendment.

SALES OF FOREIGN MANUFACTURED LEATHER

Mr. REED of Pennsylvania. I send a resolution to the desk which I ask to have read and lie over under the rule.

The resolution (S. Res. 169) was read, as follows:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign manufactured leather from goat skins and kid skins in the United States since January 1, 1925, and the rates of wages paid workers in the tanning of black and colored kid in the United States and competing countries.

Mr. ROBINSON of Arkansas. I do not understand that the Senator from Pennsylvania is asking for the present consideration of the resolution, but that it may lie over under the rule.

Mr. REED of Pennsylvania. That it may lie over.

The VICE PRESIDENT. The resolution will lie over under the rule.

MANUFACTURE AND SALE OF STAMPED ENVELOPES

Mr. McKELLAR submitted the following resolution (S. Res. 170), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post Offices and Post Roads, or any duly authorized subcommittee thereof, hereby is authorized and directed to investigate the merits of Senate bill No. 1752, Seventieth Congress, first session, a bill to regulate the manufacture and sale of stamped envelopes.

For the purposes of this resolution such committee or subcommittee is authorized to hold such hearings, to sit at such times and places, to employ such stenographic assistants to report such hearings, at a cost not to exceed 25 cents per hundred words, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and take such testimony as it deems advisable.

The expenses of such investigation, which shall not exceed the sum of $1,000, shall be paid from the contingent fund of the Senate.

Such committee or subcommittee shall report to the Senate at the earliest practicable date, with such recommendations as it considers proper.

DELAWARE RIVER BRIDGE

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2800) authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J., which were, on page 1, line 5, to strike out "successors and assigns (or his or their"; on page 1, line 6, to strike out ")"; on page 2, line 7, to strike out "successors and assigns (or his or their"; on page 2, line 8, to strike out ")"; on page 2, lines 20 and 21, to strike out "successors and assigns (or his or their"; on page 2, line 22, to strike out ")"; on page 4, line 1, after the word "shall,"

to insert "at any time"; on page 4, line 11, to strike out "thirty" and insert "twenty"; on page 4, lines 24 and 25, to strike out "successors and assigns (or his or their"; on page 4, line 25, to strike out ")"; on page 5, line 16, to strike out "successors and assigns (or his or their"; on page 5, line 17, to strike out ")"; on page 5, line 18, to strike out the word "its" and insert "his"; on page 6, lines 1 and 2, to strike out "successors and assigns (or his or their"; on page 6, line 2, to strike out ")"; and to amend the title so as to read: "An act authorizing E. K. Morse, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J."

Mr. REED of Pennsylvania. I move that the Senate concur in the amendments of the House.

Mr. ROBINSON of Arkansas. Will the Senator explain briefly the effect of his motion?

Mr. REED of Pennsylvania. It is a bridge bill in the usual form except that it is made to an individual, as many of them are, and contains the words "successors and assigns," which, of course, are inappropriate in a case of an individual. The House struck out those words quite properly. That is all that is done.

Mr. ROBINSON of Arkansas. I think there can be no objection to the motion.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R 325. An act repealing existing law requiring the Postmaster General to report action taken on claims of postmasters; to the Committee on Post Offices and Post Roads.

H. R. 328. An act to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested; to the Committee on the Judiciary.

H. R. 5746. An act to authorize the appraisal of certain Government property, and for other purposes; to the Committee on Naval Affairs.

H. R. 9710. An act for the relief of the State of South Carolina; to the Committee on Claims.

H. R. 10360. An act to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926; to the Committee on Indian Affairs.

H. R. 10884. An act to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; to the Committee on Foreign Relations.

H. R. 11020. An act validating certain applications for and entries of public lands; and

H. R. 11023. An act to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California; to the Committee on Public Lands and Surveys.

H. R. 7903. An act to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States;

H. R. 10544. An act to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof; and

H. R. 11482. An act to amend section 2 of an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and the memorial shaft erected to his memory, and for other purposes," approved February 24, 1925; to the Committee on the Library.

H. R. 405. An act providing for horticultural experiment and demonstration work in the southern Great Plains area;

H. R. 484. An act to amend section 10 of the plant quarantine act, approved August 20, 1912;

H. R. 487. An act to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 10374. An act for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.; and

H. R. 11074. An act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 6492. An act to authorize the Secretary of War to donate to the city of Charleston, S. C., a certain bronze cannon;

H. R. 11140. An act to provide for the inspection of the battle field of Kings Mountain, S. C.; and

H. J. Res. 177. Joint resolution authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes; to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Hess, one of his secretaries, announced that the President had approved and signed the following acts:

On March 12, 1928:

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps. and the Coast Guard, fixed under the terms of the Panama Canal act, as amended; and

S. 2902. An act authorizing the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.

On March 13, 1928:

S. 700. An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes; and

S. 1531. An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia.

PROTECTION OF WATERSHEDS

The PRESIDING OFFICER (Mr. JONES in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, which was, on page 2, to strike out all after "270)," in line 3, down to and including the word "expended" in line 11, and insert "available July 1, 1928, $2,000,000; available July 1, 1929, $2,000,000; in all for this period, $4,000,000."

Mr. MCNARY. I move that the Senate disagree to the amendment of the House, request a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MCNARY, Mr. KEYES, and Mr. RANSDELL conferees on the part of the Senate.

RETIREMENT OF DISABLED EMERGENCY OFFICERS

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, Senate bill 777.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. FLETCHER. Mr. President, I hope the bill will pass. A similar bill was first introduced in 1921 and passed by the Senate in 1922, and again in 1925. The officers covered by the bill are the only officers for whom no retirement has been provided by previous legislation. I think it is fair and just to these emergency officers that they should be given the privileges set out in the bill. An emergency officer who has suffered 30 per cent disability in line of duty is entitled to this consideration.

I shall not take the time of the Senate to discuss the matter in detail, but I hope an early vote may be had.

Mr. WILLIS. Mr. President, I desire to ask the Senator from Florida a question. I understood him to say that the pending bill is identical with the bill which we passed on previous occasions. Did I correctly understand the Senator?

Mr. FLETCHER. I do not mean to say that it is identical. I am not sure about that, but in substance it is the same measure.

Mr. WILLIS. I have not yet had an opportunity to give a careful study to the bill, but I have been told——

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will permit me, as a matter of fact I think the bill is identical with the bill which has heretofore passed the Senate on two different occasions.

Mr. WILLIS. I recall that we passed a similar bill and I supported it, but I have been told that there have been some changes in the pending bill. However, the Senator advises me now that it is substantially the same bill.

Mr. FLETCHER. It is substantially the same bill that was passed in 1922 and again in 1925.

Mr. WILLIS. Is that the understanding of the Senator from Pennsylvania?

Mr. REED of Pennsylvania. Yes; it is practically the same bill that has passed before in the Senate.

Mr. WILLIS. I thank the Senator.

Mr. REED of Pennsylvania. Mr. President, there are a number of Senators here this morning who were not present yesterday afternoon, and while I do not intend to repeat all that I said then, I want to say now for the benefit of Senators who were not here that the bill is opposed for three reasons, most of which are not known to the individuals in the veterans' organizations who have advocated the bill. I believe that when the enlisted men of the World War Army learn what is in the bill they will be almost unanimous in their denunciation of us for having passed it, if we do pass it.

The bill carries an increased expense for officers now rated at 30 per cent or more disabled of only $2,060,000. That amount doubtless will be increased by the addition of other officers to the eligible class. The total amount being spent by the Veterans' Bureau is $405,000,000 a year—at least that much was spent last year—so that the additional cost, while it is a large amount, is not important compared with the aggregate.

But here is a point that Senators ought to bear in mind: The bill creates the most cruel and inexcusable discrimination in favor of commissioned officers and against the enlisted men of the Army. The bill will affect practically 3,000 officers out of a total of 243,000 veterans who are now receiving compensation for disability. The other 240,000 get absolutely nothing out of the provisions of this bill. The bill does not graduate the amount of compensation that is paid according to the degree of the disability—not at all. It does not graduate it according to the occupation of the injured veteran or the degree to which his efficiency in that occupation has been reduced. Here is the way it works: If a major is classed as 30 per cent or more disabled he gets a retirement pay of $2,250 a year. The result is that while for comparatively trivial injuries a major gets that $2,250 a year, the severely crippled enlisted veteran, one whose condition is most pitiable, can not get more than $1,200 a year.

Now, what are the enlisted men of the World War Army going to say to Senators who voted for this bill when they discover that a major who is a clerk and has lost two fingers gets nearly twice as much as does the enlisted man of any occupation whose back is broken or who has lost two legs, and who gets only $1,200 a year? We shall never be able to explain why we have discriminated against the enlisted man in favor of the officer, and not in favor of all officers, mind you. The second lieutenant gets nothing from this bill. The second lieutenant who has lost both legs will get $1,200 a year, and no more, just the same as the enlisted man, while the higher-ranking officers with comparatively slight disabilities will get twice and more than twice as much as the junior officers and the enlisted men.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator from Pennsylvania, my recollection of the hearings is that it developed that the enlisted men would fare better under the compensation adjustment provided under the Veterans' Bureau act than they would if they were provided for in the pending bill.

Mr. REED of Pennsylvania. Of course, if they were included in the bill on the basis of their salary while in the Army, they would not get as much as they are now getting; but why discriminate between injured men according to the pay they then received? Why not grade them according to their civilian occupations and the extent of their injuries? These men are all civilians; they were only temporarily in the Army; the Army pay was but a brief incident in their lives.

This bill proposes to compensate injured officers according to the pay they received during their temporary service, giving them three-fourths of that amount for life. It pays no attention to the degree of their injuries further than to provide that the disability must be 30 per cent or more. It also discriminates between officers in a perfectly cruel and inexcusable way. If we take the regular schedules of the Veterans' Bureau and see how this measure will work out, we must discover such inexcusable contrasts as those pointed out yesterday between the chemist and the bacteriologist, each of whom may have lost a leg at the knee.

Mr. BINGHAM. Mr. President, will the Senator from Pennsylvania tell us what these men would get under the bill?

Mr. CUTTING. Mr. President, may I ask the Senator from Pennsylvania a question?

Mr. REED of Pennsylvania. I shall be glad to yield to the Senator from New Mexico for that purpose, and then I will answer the question of the Senator from Connecticut.

Mr. CUTTING. Does not that discrimination exist between the bacteriologist and the chemist under the present arrangement; that is, under the law and regulations of the Veterans' Bureau?

Mr. REED of Pennsylvania. The present discrimination amounts to about $4 a month, while this bill will make it amount to over $200 a month.

Mr. CUTTING. But the fact that such discrimination exists will not be due to the passage of this proposed legislation?

Mr. REED of Pennsylvania. The fact that the discrimination will be multiplied many fold will be due to the passage of this measure. The Veterans' Bureau has constructed a rating schedule under which, merely for the purpose of illustration, I pointed out that the bacteriologist who loses his leg at the knee is rated 29 per cent disabled, while the chemist who loses his leg at the knee is rated 33 per cent disabled.

Mr. CUTTING. Could not that particular discrimination be corrected by legislation directed toward the Veterans' Bureau rating system rather than bringing it up in connection with this particular measure?

Mr. REED of Pennsylvania. Of course it could; but the rating schedule contains thousands and thousands of items; it is carefully made up, and it has met the general approval of the Veterans' Bureau and of all who have had to do with it. We may eliminate this, if we will, and yet 10,000 other similar inconsistencies will still remain.

Mr. BINGHAM. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator from Connecticut.

Mr. BINGHAM. The Senator from New Mexico [Mr. CUTTING] will realize that in making the discrimination between the bacteriologist and the chemist the Veterans' Bureau has obviously considered the fact that the chemist while at work must walk rapidly back and forth at his table when he is carrying on his experiments, while the bacteriologist is chiefly engaged in sitting at a table with a microscope. Therefore, although both may be similarly disabled, the degree of disability incurred by a former bacteriologist while rated at 29 per cent is not quite so great as the degree of disability incurred by a former chemist who is rated 33 per cent disabled. To-day there is no injustice even if the Senator from New Mexico, as I can see by the expression of his face, thinks that both the bacteriologist and the chemist are equally affected and both should have received ratings of 29 per cent or both should have received ratings of 33 per cent; but the present rating making a difference of only $4 a month does not matter very much. The board which has these ratings to make is able to do so without any great amount of pressure being brought; but if this bill should go into effect, when the former bacteriologist finds that he continues to receive only $29 a month while the former chemist receives over $200 a month, then the pressure will be tremendous to increase the rating of the bacteriologist from 29 per cent to 30 per cent; and it is almost safe to say that no doctor will successfully resist an appeal to go contrary to what he believes is the actual rating in order to give the bacteriologist 1 per cent more so that he may get $200 a month more.

Mr. REED of Pennsylvania. Mr. President, understand, if you please, that the bacteriologist and the chemist are merely illustrative cases taken from the occupations listed in the rating schedules and with thousands of varieties of injuries to apply them to. It is easy to go right down this 30 per cent line as to all occupations and all injuries and find similar contrasts that will horrify Senators, as I hope the illustration that I have given horrifies them.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I should like to finish, if the Senator will permit me.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Yes; for a question.

Mr. LA FOLLETTE. Would not the same discrepancy which exists in the Senator's hypothetical case of these two scientists also exist as between an enlisted man and a Regular officer who has been retired?

Mr. REED of Pennsylvania. As I think was said at least fifty times yesterday, if it is desired to compare Regular officers and their system of retirement pay that has existed for generations, and to ignore all the reasons for the existence of that system, the contrast can be found; yes.

Mr. LA FOLLETTE. Certainly. Mr. President, as I understand, the premises upon which this proposed legislation is based is that it is the intent to place the emergency officers of the Army upon the same retirement basis as the Regular officers and as the emergency officers of the Marine Corps and Navy have already been placed by action of Congress.

Mr. REED of Pennsylvania. This bill does not propose to place them on the same basis as the Regular officers by any means. It requires that emergency officers be 30 per cent disabled in order to obtain retirement pay, whereas it is not necessary for a Regular officer to be disabled at all in order to get it. If he is marked class B, after a certain number of years of service, he gets limited retirement pay; if he has served for 32 years and asks for retirement, although he is perfectly fit, he is retired on retirement pay; if he reaches 64 years of age, and is still perfectly fit, he is retired on retirement pay, and there is no 30 per cent degree of disability line applicable to him. This bill is merely a step in that direction, taken for the purpose of benefiting a comparatively few of the injured emergency officers of the World War. There were about 12,000 of them disabled to some extent during the war, and this bill picks out 3,000 of them for exceptionally favored treatment. I say that it is an absolutely indefensible distinction to draw.

Mr. LA FOLLETTE. Has not Congress already drawn that distinction in so far as the emergency officers in the Marine Corps and the Navy are concerned?

Mr. REED of Pennsylvania. A small number of officers of the Navy and Marine Corps received the benefit of a retirement measure, which lasted for one year and which was attached to an appropriation bill back in 1920. A still larger number of naval and Marine Corps officers did not take advantage of it.

Mr. LA FOLLETTE. I will ask the Senator from Maine if that is the correct statement of the history of the legislation?

Mr. HALE. Mr. President, a larger number of officers were affected by that legislation than would come in under this bill.

Mr. REED of Pennsylvania. On the present ratings, yes; but a very large number of Navy and Marine Corps officers are urging the amendment which the Senator from Maine has offered so as to bring them in, because at present they do not get the benefit of that old provision.

Mr. HALE. Not a large number; I think there are 202 in all.

Mr. REED of Pennsylvania. The Veterans' Bureau showed something less than 200 in the report made last January, which is a pretty considerable number.

Now, let me point out one more distinction, and I have finished. An enlisted man who was a noncommissioned officer of a line regiment, particularly one who was first sergeant in a company or a battery of a line regiment is one of the finest types of Americans that I know anything about. In passing this bill we say to that man, even if a machine-gun bullet went through his spine and left his legs paralyzed, even if his two arms were blown off, even if his legs were blown off, he is only fit to get one-half as much as is given to a major or a lieutenant colonel whose injury, in all moral certainty, had nothing whatever to do with the war.

Take just such cases as this: I had a friend who came to Washington on November 6, 1918, a civilian, with no military training whatsoever. He was given a commission as a lieutenant colonel in the Judge Advocate General's Department of the Army, and he was a member of the World War Army for exactly six days, because he was discharged the day after the armistice. Under the present legislation, which is intentionally liberal so as to make it easy for soldiers who suffer constitutional diseases traceable back to war time to connect their injury with their service, it is provided that insanity or tuberculosis occurring prior to January 1, 1925, is conclusively presumed to be due to one's war service. Apply that to this lieutenant colonel who served six days in uniform in Washington. If that man were to have gone crazy prior to the 1st of January, 1925, he would now go on retirement pay at $2,625 a year. How can you explain that to the enlisted man who was cruelly wounded in action?

Mr. LA FOLLETTE. Mr. President, may I ask the Senator if this friend of his has gone crazy?

Mr. REED of Pennsylvania. He has not.

Mr. LA FOLLETTE. The Senator from Pennsylvania keeps reciting these hypothetical cases. Does the Senator know of any actual cases?

Mr. REED of Pennsylvania. Oh, I know of actual cases. I have thousands of them here, if the Senator from Connecticut will allow me to show them.

Mr. LA FOLLETTE. I much prefer to have the Senator discuss actual cases than to have him discuss hypothetical cases.

Mr. REED of Pennsylvania. All right; I will give the Senator some actual cases from my own State.

Mr. GLASS. Mr. President, what I should prefer even more is that the Senator suggest some modifications, some amendments to this bill, that might avert these inequalities.

Mr. REED of Pennsylvania. How can we do it?

Mr. GLASS. That is what I want to know.

Mr. REED of Pennsylvania. How can you start with a false premise that men are entitled to more because they had a commission than because they had an enlistment contract? How can you base compensation on that, disregarding entirely the degree of their injury, or the kind of occupation that they are solely fitted to follow, and the effect of that injury on that occupation? It disregards the two essential elements in the measurement of disability, and sets up a wholly false standard. You can not amend it, I am afraid, to make it any less unjust than it now is.

Let me give the Senator from Wisconsin an illustration that comes within my own acquaintance.

Here is Mr. William John McGregor, of Wilkinsburg, Pa.

Mr. LA FOLLETTE. Mr. President, I do not ask the Senator to give the names.

Mr. REED of Pennsylvania. I am glad to do so.

Mr. LA FOLLETTE. The Senator stated yesterday that he preferred not to give them; and I should not like to be responsible for their names being given if the Senator thinks there is any reason why they should not be.

Mr. REED of Pennsylvania. In this case there is no reason. This man is a distinguished citizen of Allegheny County, western Pennsylvania. He was a first lieutenant of Infantry in the World War. He was struck by a shell, and both of his legs were blown off. He had previously served gallantly in several actions. He was a physician; that was his occupation; but he wanted the front-line service, and he got it. He is classed as permanently totally disabled. He receives from the Veterans' Bureau $100 per month, plus a $50 allowance to enable him to have an attendant, because he is so completely crippled. He gets $150 a month under the present law. This law would cut him down to $125 per month.

Mr. LA FOLLETTE. Mr. President, he does not have to take advantage of it if he does not want to.

Mr. REED of Pennsylvania. No; of course not, and he will not.

Mr. LA FOLLETTE. If he prefers to stay under the bureau rating, he has the option of doing so.

Mr. REED of Pennsylvania. Absolutely; he has the option; but I am trying to show you what this law does not do for deserving cases and what it does do for undeserving cases.

Now I want to call your attention to another case in Pennsylvania, which we will leave nameless for obvious reasons—another physician. He lives down near Philadelphia. He is now 54 years old. He never got anywhere near the front. He never left the United States. He is classed permanently totally disabled because he has diabetes; and the bets are a hundred to one that if he had never seen the Army, and if there had never been any war, he would have had the same case of diabetes that he has to-day. This bill advances that gentleman—and I am not making fun of him at all—from $100 to $150.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. FRAZIER. If this man is given total disability for diabetes, it must be because the examining physicians decided that it was caused by his service in the Army.

Mr. REED of Pennsylvania. It is because the first symptoms of diabetes occurred while he was holding his commission. It was an injury incurred in line of duty, therefore, or a disease contracted within the meaning of the law; and he gets the compensation, although the Senator knows, as I do, that the chances are a hundred to one that he would have had the same diabetes if there never had been any war at all.

Now, let me go on and give you some more cases.

Mr. FRAZIER. It seems to me that is quite a criticism on the physicians who pass on these cases, if the Senator is going to make a statement of that kind.

Mr. REED of Pennsylvania. No; I do not think it is a criticism on anybody.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. KING. I ask the Senator from North Dakota—I think he is on the Pensions Committee; I was on it for a number of years—if it is not a fact that thousands of persons draw pensions awarded to them many, many years—30 or 40 years after the close of the Civil War—upon the hypothesis that the injuries now existing are traceable back to their service in the war?

Mr. FRAZIER. I would not say there are thousands of such cases. Undoubtedly there are some, though. There may be thousands, as far as that goes; but even if there are, I do not know that there is anything so very wrong about it.

Mr. KING. Oh, I am not making any criticism. I am merely asking if it is not a fact that that is the case.

Mr. FRAZIER. There are a great many; I do not know how many.

Mr. KING. And may I say to the Senator there are more than 42,000 applications now filed with the Veterans' Bureau by the reserve officers—and there were less than 200,000 of them—more than one-fifth of them having already filed applications claiming disabilities resulting from the war, and, of course, if they establish them they will immediately go on the list.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, if the last doctor he mentioned, who is rated as totally disabled, is actually totally disabled, may I ask the Senator whether he feels that $150 a month is too much for him to receive?

Mr. REED of Pennsylvania. I do not begrudge him the $150 a month in the least; but I say if you are going to give it to him you ought to give it to the veteran who is worse disabled from service that undoubtedly caused his injury.

Mr. LA FOLLETTE. If a man is totally disabled, it seems to me that it is not a question of the degree of his disability, because that has already been fixed as being total.

Mr. REED of Pennsylvania. Yes; and therefore if two veterans are completely and totally disabled, and one of them, furthermore, is not able to get around because his legs were shot off, I say it is a hideous discrimination to treat the one who still has his legs and can get around and do something better than you treat the man who can not get around at all.

Mr. LA FOLLETTE. Of course, I do not know anything about this diabetic doctor's condition, but he may be as completely disabled as the man who has lost both limbs.

Mr. REED of Pennsylvania. All right. Let me give the Senator some more instances.

Here is another physician who lives in eastern Pennsylvania who is classed as permanently totally disabled from epilepsy. The disease began to show itself during the war service. Now, we know as surely as we know anything in medicine that epilepsy is very largely hereditary. The chances are that that man's epilepsy goes back for its cause to the Napoleonic wars instead of the World War, or a century or more before that; and yet, because his disease came in his war service, and because it disables him completely, he is entitled to the $100 for permanent disability. This bill would raise him to $187.50 a month.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Let me finish the contrast, and then I will yield.

Right next to that is a second lieutenant whose right wrist was fractured, who had a machine-gun bullet through his right leg, who suffers to-day from general paralysis; and this bill, if he elected to go in under it, would cut him down from $100 to $93.75 a month.

Mr. CUTTING. Mr. President, he does not have to be cut down, does he, unless he elects to do so?

Mr. REED of Pennsylvania. I am talking about the terms of the legislation that the Senator seems to be about to sponsor, and I am trying to tell him now some of the questions that he is going to have to answer when totally disabled enlisted men come to see him after this bill has become a law. To that extent I think I am doing him a good service.

Mr. CUTTING. May I say that I have been answering those questions for nine years to the complete satisfaction of the totally disabled enlisted men I have talked to on the subject.

Mr. REED of Pennsylvania. Here is another one that the Senator might perhaps be asked to answer——

Mr. TYSON. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. TYSON. I wish to ask the Senator if these things would not have happened just the same, would they not have been retired just the same, if they had been Regular Army officers?

Mr. REED of Pennsylvania. Yes; I grant that.

Mr. TYSON. The whole theory of this bill is that it is trying to put the emergency officers on an equal basis with the Regular Army officers. I should be glad if the Senator would answer why an emergency officer who goes into the war and suffers the same injury under the same conditions should not be retired under the same conditions as a Regular Army officer is going to be retired under like conditions. That is the point he has never answered, and can not answer, as I understand.

Mr. REED of Pennsylvania. If we are going to discuss the matter from that standpoint, perhaps the Senator will explain to me why he limits the benefits of his bill to officers who are 30 per cent or more disabled. The regular retirement is not limited in that way.

Mr. TYSON. It is because of the fact that that is supposed to be about as fair a way as we can limit the thing.

Mr. REED of Pennsylvania. Why limit it at all? The regulars are not limited.

Mr. TYSON. It is a question of opinion, after all is said and done. It may be very hard to draw the line. At least, we can not tell exactly whether a man ought to be retired or not. You know very well that it has to be, after all, the judgment of the doctors who examine a man; and this 30 per cent has been considered about as fair a proposition as we can give to the Senate and to the country, and one that will come as near doing justice to all officers concerned as any that we can find.

Mr. REED of Pennsylvania. Why does the Senator put in the 30 per cent at all? The regular is not confronted with any 30 per cent.

Mr. TYSON. The Legion wanted to put in 20 per cent in 1923; and the Military Affairs Committee would not permit 20 per cent to be put in, but insisted upon putting in 30 per cent. That is the reason why it is not lower than it is.

Mr. REED of Pennsylvania. But the regular officer is not confronted with any per cent. He goes before a retiring board, and they say whether in fact he is disabled.

Mr. TYSON. That is very true; but this is the best we could do with it. If we can not give exact justice, we want to give all the justice we can.

Mr. REED of Pennsylvania. The Senator would know how to frame the bill so as to provide that the emergency officer should go before a retiring board, too; would he not? If you want to prevent any contrast between regular and temporary officers, why do you not give the temporary officer the privilege of going before a retiring board?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. McKELLAR. Will the Senator vote for the bill if it is amended so as to carry out the views of the Senator in that regard?

Mr. REED of Pennsylvania. I most certainly will not. Furthermore, you say you are trying to avoid any contrast between the two classes of officers. The regular has the privilege of retirement for age. Why do you not give that privilege to the emergency officer, and give every one of them who is 64 years old a service pension?

Mr. TYSON. We are undertaking only to retire officers who are disabled. The officers of age are not asking for this retirement, and they are satisfied to have it based on 30 per cent.

Mr. REED of Pennsylvania. The trouble with this bill is, Mr. President, that it is based on a false premise, and it can not be amended so as to do justice. It starts out by forgetting all about the enlisted man, and it undertakes to correct a supposed injustice by comparing regular officers and temporary officers, although their two cases are not comparable. Basing a bill on that contrast, and ignoring all of the second lieutenants and enlisted men of the Army, is going to create a much greater discrimination than there possibly could be said to exist to-day, and is going to be bitterly resented by the people against whom you are discriminating.

Mr. TYSON. Mr. President, I want to say to the Senator that every organization of veterans in this country has indorsed this bill. If there were any organization one might think would be opposed to this bill, it would be the organization of disabled veterans of the World War, enlisted men. I have here a long resolution of the Disabled American Veterans of the World War passed in Cincinnati, Ohio. I do not wish to take up the time to read it, but it indorses this bill in unmeasured terms.

I will say, furthermore, that every reputable organization in this country that has considered this matter has already indorsed this bill. It has been before the public for nine years, and to say that the enlisted men who take any interest in this matter are not informed as to the bill, it seems to me is making a misstatement of fact. I can not imagine how people could be more thoroughly informed as to any bill than they are about this bill. I have had more correspondence, and I dare say every other Senator, and every Member of the House, for that matter, has had more correspondence and more indorsement of this bill perhaps than of any other bill that has been before Congress in the last 10 years. It seems to me people are fully informed of it. They indorse it in the highest terms.

In reference to the statement that it has not been fully discussed before the American Legion conventions, Mr. President, I want to call attention to the fact that at the Omaha convention, some few years ago, the matter was brought to the floor of the convention, and a legionnaire who had formerly favored this measure, but who now, as a Member of Congress, is opposing it, took the floor of the convention and appealed to the legionnaires to prevent discrimination against the enlisted men, and to vote against a continued advocacy of this measure. That Congressman spoke upon the subject twice, in an appealing and persuasive manner, but his appeals to the veterans to desert the disabled officers failed in its purpose, and the convention voted overwhelmingly to continue this fight for justice. Since that time no one has spoken against the measure on the floor of a Legion convention.

It seems to me that that is sufficient to indicate that the measure has been fully discussed before the conventions which have been held during the last nine years, and I believe that the enlisted men, and every one concerned in this matter, is fully informed of the situation. If there is anybody who does not indorse it, I am not aware of it.

It appears to me that we have had time enough to find out whether or not the disabled veterans of the World War, the enlisted men, and officers indorse it or not. We have had nothing else but indorsements from every sort and kind of organization from all over this country and the press of the country. I have failed to note a single editorial or statement made in any paper that failed to indorse this legislation.

Mr. BINGHAM. Mr. President, may I say to the Senator from Tennessee that I think one of the reasons why the press of the country have indorsed this legislation, and why repeated conventions of the American Legion and other veterans' organizations have indorsed it, is a failure on their part to understand the technical term, "retirement" in the Army? These indorsements are due to the constant repetition of the statement that we have heard on the floor here, not only within the last two days, but within the last five or six years, since the debate first began, that this is a measure to put emergency officers of the World War on the same basis as Regular officers in case of retirement when they are disabled, when that is not true. The reason why people do not know it is not true is because they are not familiar with retirement in the Regular Army. The proponents of this bill are asking for the emergency officers a kind of retirement privilege and payment due to injuries received during the war which the officers of the Regular Army do not receive.

As I stated yesterday—and it seems as though it ought not to be necessary to state it again to-day, but it is difficult for some persons to believe it—a Regular officer retired for injuries received during the World War is not retired at the rank he held during the war, but at his permanent rank. The Senator from Tennessee himself has advocated legislation before the Military Affairs Committee to give certain friends of his in the Regular Army the titles they held during the war. He has said that it would not increase their pay; he merely wants certain officers who were retired with the regular rank of colonel to receive the retired rank of General, because they held the rank of brigadier or major general during the World War.

We had two or three brilliant lieutenant generals during the World War in the Regular Army. They were not retired with the rank of lieutenant general, or with 75 per cent of the pay of that rank. The officers retired in the Regular Army after the World War were retired with the pay of their regular rank, which was part of their contract, part of the equity which they had earned through years of service. If an officer in the Regular Army during the World War, a recent graduate of West Point and having a commission as a second lieutenant in the Regular Army, had gone to France in charge of a battalion, as some of them did, he would have had the temporary grade of major, as many of them did. Had he then been injured and retired, he would not have retired with the grade of major, or with a major's pay as the Senator from Tennessee knows perfectly well.

If a civilian, like myself, coming into the Army, fortunately receiving a field officer's commission, without previous service in the Army, or very little of it, and having a major's commission, was injured or disabled so as to receive benefits under this bill, he will not receive the benefits of a second lieutenant, he will receive the benefits of a major. He is not to be treated like a Regular officer.

The truth is that this bill does for the emergency officer what we do not do for the regular officer, and the country does not know it; the veterans do not know it. There are very few people in the country, very few men in Congress, even, who understand all the provisions of retirement in the Regular Army. That is one of the reasons why there has been so much sympathy for this bill, because it was supposed that it gave to the emergency officers the privileges which they would have had had they been retired from the Regular Army; and that is not true.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. CUTTING. I would like to ask the Senator from Connecticut whether it is not true that all Regular Army officers had their retirement pay increased in the pay act of 1922, and whether that does not more or less equalize the situation as between the Regular Army officers and the temporary officers who served during the war?

Mr. BINGHAM. No, Mr. President, because by that act, my recollection is, we increased the pay all through the Army. We increased the pay of all classes of officers. We increased the pay so that it would depend on length of service, which is the proper way for it to be done; and in order to create no injustices with the regular officers retiring after that date, as compared with those retired previously, we raised the rates of officers who had previously retired, so that they would receive the amount which they would have gotten had they been retired after that date.

Mr. CUTTING. Perhaps I did not make myself very clear. My understanding was that the Regular officer who was raised a couple of grades during his temporary service in the war had about the proportionate amount of extra retirement pay given him through the pay act of 1922. This measure, as I understand it, bases the pay of the emergency retired officers on the pay that they would have received at the time of the war. Does not that equalize the two?

Mr. BINGHAM. Oh, no, Mr. President; the differences are great.

Everyone in the Senate has the highest regard for the former Senator from New York, Mr. Wadsworth, who made a very careful study of all Army matters, who was the author of most of the bills in connection with the national defense, so far as the Army was concerned, during the many years of his services here. I should like to have the Secretary read a copy of a letter which Senator Wadsworth sent out to those who criticized him for his attitude on this bill, which explains, in the language of an expert on these matters, exactly why he was opposed to this legislation, which, on the face of it, appears to so many people to be fair and just, but which actually is unjust, unfair, and un-American.

The PRESIDENT pro tempore. The clerk will read.

The legislative clerk read as follows:

COPY OF LETTER BY SENATOR WADSWORTH REGARDING RETIREMENT OF DISABLED EMERGENCY OFFICERS

I have your letter of March 20 in which you ask me a number of questions concerning the emergency officers' retirement bill. To tell the honest truth, it was a matter of considerable surprise to the Congress to find that in the hurry of war-time legislation a provision had been inserted in one of the naval appropriation bills providing for the retirement, at three-fourths pay, of Naval Reserve officers and Marine Reserve officers. No such suggestion was made to the Congress relating to the National Army or National Guard serving in the war. For some time after the cessation of hostilities the provision of the naval appropriation bill referred to above remained upon the statute books. But finally the number of Naval Reserve officers applying for retirement under its provisions became so great that the Congress, acting upon a very clear intimation from President Harding, decided that these provisions should terminate. According to my best recollection, the Congress fixed October 1, 1921, as the upset date for the operation of this retirement machinery. I remember very well the character of the discussion indulged in at the time. There was a strong feeling among many Members of the Congress that a mistake had been made in the war-time legislation. Of course, men differed in their views upon this matter at that time as they do now. I am merely giving you a little sketch of what occurred.

Let me answer your questions in a general way. The fault I find in this kind of legislation is just this: Instead of disability being compensated by the Government in accordance with its severity it is to be compensated in accordance with rank. If a first sergeant loses his right arm he receives from the Government something like $70 or $80 a month under the World War veterans' act. If the emergency officers' retirement bill goes through, a captain who has lost his right arm will receive from the Government three-fourths of his active-duty pay, an amount something like three times as much as that received by the sergeant. If this proposed law goes through a major will get at least twice as much compensation for his injuries as will a second lieutenant suffering exactly the same injuries. In other words, by using the retirement-pay schedules as a basis for compensation for injuries we are injecting into our pension system a series of class distinctions. Many men who served in the ranks, well-educated young men with good prospects, made just as great a sacrifice proportionately when they went into the service as did a number of those who were commissioned as officers. I do not see how we are going to defend a system which extends to the injured officers such tremendously greater compensation than is extended to the men.

It is all very well to say that the enlisted men have no objection to it at this time, but the time is bound to come when they will protest against it before some future Congress and demand that they receive as much compensation as the officers for similar injuries. For many years our compensation or pension policy, as applied to our emergency armies, has operated to treat all men alike, regardless of rank or grade. This bill may pass—it has passed the Senate upon two former occasions—but I venture the prophesy that should it become law it will come back to plague the Congresses of the future.

One other feature in the situation should be noted. The World War veterans' act carries very wise provisions for financial aid to the widow and minor children of a disabled man after his death. If the provisions of the World War veterans' act relating to compensation and financial aid to the widows and children are no longer to apply to the disabled emergency officers, and if those officers are to get their compensation in the future in the form of retired pay, then their widows and minor children will have no protection. It must be remembered that according to the retired-pay provisions of the law the family of a retired officer gets nothing after his death. I doubt if all the disabled emergency officers have thought of this.

One more observation. A good deal of confusion exists in the minds of many people in relation to the retirement system in the Regular Army, and as a result of this confusion a contention is made that the emergency officers should have the same retirement privilege. There is really no analogy between the two. The retirement system in the Regular Army and Navy has been in existence for a good many years. It was found wise to establish such a system in order to persuade young men to give up their prospects for making money and to go into the regular military service as a life career. The pay of Regular officers is notoriously low. The law provides that they may be retired in their old age or in the event they are injured to such an extent that they can not perform active field duty. This assurance of protection for them in their old age or in the event they are incapacitated is, in a very true sense, a deferred payment. It should not be regarded purely as a pension. Rather, it is an element of their contract with the Government in which they agree to serve for a certain amount of pay, present and deferred, and, logically, that pay must be computed in accordance with a combination of two elements, rank and length of service. Sometimes it happens that a young officer in the Regular Army is seriously incapacitated very shortly after his entrance into the service, and cases of that kind—there are only a few—are cited as arguments to persuade us that young emergency officers who have served in the emergency army should receive exactly the same treatment. This argument is appealing until we realize the significance and intent of the retirement system for the regular services. These cases are exceptions which, in my judgment, go to prove the soundness of the rule.

You ask me why I am concerned at the prospect of granting retirement privileges and pay to reserve and National Guard officers who may be injured while on active duty in time of peace. In these cases I think the considerations mentioned above would apply. The National Guard is full of young enlisted men of fine education and good prospects. Generally speaking, they sacrifice about as much as their officers. I think we can not give a pension to the officer injured in time of peace four or five times greater than we would give to the enlisted man similarly injured. The system would break down under the strain incident to such a discrimination.

Mr. EDGE. Mr. President, will the Senator yield for an observation?

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Connecticut yield to the Senator from New Jersey?

Mr. BINGHAM. I yield.

Mr. EDGE. I would like to have the Senator comment, if he will, upon a situation which appeals to me very strongly in connection with the proposed legislation. In a book by Leonard P. Ayres, of the General Staff, which is published by the Government Printing Office, I find that he states in effect that 2,191 Army officers were killed in action or died of wounds received in action during the war. There were three classes of officers in the Army. A further analysis of the list shows that 2,040, or 93 per cent, of those officers who were killed in action came from one class—that is, the emergency class—not now provided for, the other two classes having been provided for. The remainder of the officers wounded were Army officers, 151 in number, or 7 per cent.

It is reasonable to assume, if 93 per cent of the officers killed in action were from the emergency army, that a similar proportion of officers actually wounded, not staff officers in Washington but actually wounded in action, came from the emergency army. The unfairness or inconsistency of the situation appeals to me very strongly that we are taking care of 7 per cent, leaving aside all the desk officers who may have contracted some disease that could be chargeable to the war, and considering alone the combat officers. Assuming that 93 per cent is a proper proportion, we are taking care of 7 per cent and absolutely leaving to the general act the great bulk of officers wounded, which we assume is in the neighborhood of 93 per cent.

What is the Senator's comment as to the consistency or justness of that view of the problem?

Mr. BINGHAM. Mr. President, it does seem on the face of it to be a very great injustice. As the Senator well knows, nearly all the company officers in our great Army were emergency officers. Practically all the regular officers became general officers or field officers. Consequently the great brunt of the front-line fighting fell upon emergency officers. I confess that if the bill were in line with one introduced some years ago in the House, which gave benefits of retirement to officers seriously wounded in battle, I should regard it very differently.

I have before me a bill which was introduced some years ago for the officers of the Civil War, providing that those who had lost an eye or leg or arm or had been otherwise seriously disabled should be retired. It is significant that not one of the volunteer veteran officers of the Civil War who served in Congress ever asked for the privilege of retirement, like the regular officers, as is being asked to-day by the volunteer officers or the emergency officers of the World War.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. BINGHAM. Certainly.

Mr. KING. The Senator will recall that occasionally from 1866 down to 1914 efforts were made by some of the members of the Grand Army of the Republic to secure retirement privileges for volunteer officers of the same character as those which were subsequently given to the Regular Army officers, but Congress always uniformly turned a deaf ear to those provisions and stated that that was against the theory of retirement; that retirement was not a pension; that it was a provision by which to secure efficient men for the Regular Army, and that retirement privileges were in the nature of deferred payments. Senator Edmunds and other leading Senators who had been in the Army as officers and who were in the House and Senate, uniformly turned down those propositions, so that reserve or volunteer officers of the Civil War never had those privileges.

If we are going to pass this bill I shall insist that we take care of the officers of the Civil War who are still living. Why not give them retirement privilege? Why not give the same privileges to the officers of the Spanish-American War? Why discriminate?

It seems to me we are now asked to embark upon a policy which has been frowned upon from the beginning and has received no support from Congress; a policy which to me is very unwise and will result quite disastrously, in my opinion, to our military system and will impose upon the country burdens that we do not quite appreciate, because just as sure as the sun shines the thousands and thousands of brave boys who fought in the trenches—and I have had letters from scores and scores of them—will insist that if their brothers, many of whom were no better than they intellectually and otherwise, but who happened to get commissions, are to get the advantages of retirement, then the boys who fought in the trenches and were wounded and suffered disabilities should receive the same sort of treatment, and we will have demands made upon Congress for the purpose of removing those discriminations.

So far as I am concerned, I can see no reason why the boy who enlisted and fought bravely and was wounded upon the battle field should not receive the same treatment as his brother who happened to be fortunate enough to get a captain's or major's commission.

Mr. EDGE. Is the Senator quite right in using the word "retirement"? Does not the bill refer alone to wounds contracted or other disability?

Mr. KING. Oh, no. I have knowledge of a very large number of those officers who are beneficiaries who never fought in France.

Mr. EDGE. It is not a retirement bill. It is a payment bill for wounds or disease contracted in the Army. It is in the same category, but does not provide retirement for age.

Mr. KING. Surely it is retirement. It is to place the reserve officers theoretically upon the same basis as the Regular officers and, as has been shown, those who are to get the benefit of the provisions of this bill are placed in a far superior position to many of the Regular officers.

Mr. EDGE. It is predicated, as I understand the bill, upon wounds and disease contracted in the service and not upon time of enlistment, as a retirement bill is always predicated.

Mr. KING. What I am contending for is that the boys who did suffer disability, whether upon the battle field or whether they were clerks, if they see that officers who were clerks or who were stationed here in Washington in the various departments and contracted some disease, or at least it is alleged they contracted some ailment, are retired upon three-quarters pay for life; the boy who fought upon the battle field and in the trenches will insist that he be given the same amount of compensation as such officer.

Mr. EDGE. I will admit I see some justice in that position. I have always felt that the provisions of the bill should go beyond the commissioned officers. I see equity in that proposition.

Mr. KING. Mr. President, will the Senator from Connecticut suffer a further interruption?

Mr. BINGHAM. I yield to the Senator from Utah.

Mr. KING. I had brought to my attention two or three years ago the case of two brothers. One, as soon as the war came along, enlisted and was among the first to get overseas, fought at Argonne and in some of the most bloody conflicts during the war, and was wounded. He has, as I recall, a 60 per cent rated disability. His brother waited and, through the interposition of friends, got a commission. Concededly he was no better than the boy who went to the front. The boy who went to the front was a university boy and would soon have had his A. B. The boy who got the commission never was at the front. He was engaged in clerical activities as a captain. When the flu epidemic was on, he had it, and it left him with a disability rated at 30 per cent. He would get $218.50 per month under this bill, while his brother, who was wounded on the field of battle, would get $50 or $60 per month.

Mr. EDGE. Would the Senator support an amendment to the bill that would include in proper proportion the noncommissioned officers and the enlisted men?

Mr. KING. We would have to redraft the bill entirely and find out what is the basis of the compensation.

Mr. BINGHAM. Mr. President, may I say to the Senator with regard to that matter that if he should offer an amendment regarding noncommissioned officers and enlisted men, it would be of no benefit to them whatsoever. They do not want it because they get more to-day than they would get under this plan, just as second lieutenants in the Air Service, who were badly smashed up in airplane accidents at the front and who are permanently totally disabled to-day, get more to-day under the present law than they would get under the bill now before us.

Mr. EDGE. Yes; I understand that, but in my suggestion I naturally assumed that any amendment would take all that into consideration and to some extent increase the remuneration; and, of course, there could be absolutely no objection to any such an amendment.

Mr. KING. May I answer the question that the Senator submitted to me a moment ago?

Mr. BINGHAM. I yield.

Mr. KING. I will say to the Senator that I will support any bill that equalizes the benefits of pensions to be derived from injuries or disabilities incurred in the line of duty.

I will vote for any bill that will give to the boy who was wounded upon the battle field the same compensation and no more for the disabilities which he sustained as would be paid to his brother who happened to be a commissioned officer and who sustained like disabilities. I would not discriminate between the two. I would give the boy who fought in the trenches and was wounded just the same compensation as I would give the captain or the lieutenant or the major who was back of the line or, perhaps, here in Washington doing clerical work, or who was fighting on the battle front.

I am not in favor of any discrimination. It was a democratic war, and the boys who fought in the trenches are entitled to the same compensation as are the officers, many of whom were, of course, upon the battle front; but many of whom never saw the battle front.

Mr. TYSON. Mr. President, will the Senator from Utah yield to me?

Mr. BINGHAM. I yield to the Senator from Tennessee.

Mr. TYSON. I wish to say to the Senator, who was speaking about the second lieutenants of the Air Corps not being benefited by this bill, that under the terms of the bill, unless application shall be made within two years, an officer can not be retired; and therefore if an Air Corps lieutenant is receiving more under the terms of the present law than he would under this bill, he does not have to make application, and therefore would continue to get what he is now receiving.

Mr. BINGHAM. That just emphasizes the unfairness of the whole measure. A flier in the Army permanently totally disabled, with the rank that most fliers had in the Army—and practically all who were commissioned after September 1, 1917, had the rank of second lieutenant—will get no benefit whatsoever from the bill and must not even have the privilege of having his name go on the retired list which it creates, because if he did his compensation would be reduced from $100 or from $150, if to-day it is a case requiring a nurse, to only $93.75.

Mr. President, those who will be benefited by this bill are really very few in number. There are a number of field officers who will be substantially benefited by it and a number of company officers not seriously disabled who will gain very substantial amounts. It is always difficult to speak in the abstract, but when we have concrete cases before us it is easier. Whenever we pass bills granting claims of any amount whatsoever to different persons or when we pass an omnibus pension bill we give to the country the names of the beneficiaries, in order that the people, whose taxes we are expending, may know exactly who is benefited by the legislation. I have before me, Mr. President, the names of all those officers who were rated as permanently disabled at 30 per cent or more, together with the amount they are now receiving, their percentage of disability, and the amount which they would receive under the bill. I should like to have this list printed in the RECORD, without any reference to the nature of their disability, because I esteem their disability a private and personal matter, in which the public is not or ought not to be interested. I ask unanimous consent to have the list printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The list is as follows:

ALABAMA

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Bates, Cecil F	310 Van Antwerp Building, Mobile, Ala	Lawyer	1893	Permanent partial, 35 per cent	$35.00	$125.00
Bond, Farrar W	630 Park Ave., Anniston, Ala	Salesman, insurance	1894	Permanent partial, 30 per cent	30.00	93.75
Boyd, Austin F	Emele, Sumter County, Ala	Physician	1887	Permanent total	100.00	150.00
Boyd, Benj. Day	U. S. veterans' hospital, Tuskegee, Ala	Dentist	1881	Permanent partial, 40 per cent	40.00	125.00
Brown, Chas. H	930 First National Bank, Birmingham, Ala	Lawyer	1885	Permanent partial, 65 per cent	65.00	150.00
Brown, Henry Ben	Identification officer, convict department, Kelly Prison.	Detective	1888	Permanent partial, 50 per cent	50.00	125.00
Carroll, John W	Ozark, Ala	Merchant, store manager	1879	Permanent partial, 35 per cent	35.00	187.50
Chaffin, Wm. H	Troy, Ala	Salesman, outside	1884	Permanent partial, 50 per cent	50.00	150.00
Clark, Oscar	Dothan, Ala	No pre-war occupation	1878	Permanent partial, 30 per cent	30.00	150.00
Coker, Lorenzo D	Sylacauga, Ala	Engineer	1875	Permanent partial, 96 per cent	96.00	150.00
Coleman, John C	Albertville, Ala	Broker	1878	Permanent partial, 50 per cent	50.00	150.00
Dabney, Malcolm G	R. F. D. No. 2, Bessemer, Ala	Dentist	1886	Permanent partial, 56 per cent	56.00	125.00

ALABAMA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Dixon, Frank Murray	1117 Teff Co. Bank Building, Birmingham, Ala.	Lawyer	1892	Permanent total	$100.00	$93.75
Ellis, Jno. Thomas	P. O. Box 103, Dothan, Ala	Physician	1894	Permanent partial, 40 per cent	40.00	125.00
Eplert, John M	1175 11th Ave. South, Birmingham, Ala	do	1872	Permanent partial, 66 per cent	66.00	125.00
Flowers, Abner	Ozark, Ala	Receiving clerk	1891	Permanent partial, 37 per cent	37.00	187.50
Glenn, George A	1700 11th Ave. South, Birmingham, Ala	Lawyer	1888	Permanent partial, 79 per cent	79.00	187.50
Green, Wm. Marion	P. O. Box 105, Headland, Ala	Carpenter	1874	Permanent partial, 34 per cent	34.00	125.00
Henley, Courtney Scott	901 South 18th St., Birmingham, Ala	Real estate salesman	1889	Permanent partial, 82 per cent	82.00	150.00
Hubbard, Graph J	128 College St., Troy, Ala	Lawyer	1871	Permanent partial, 79 per cent	79.00	187.50
Ingrain, Thos. H	501 North Walnut St., Florence, Ala	Not given	1882	Permanent total	100.00	150.00
James, Hudnall	8th Terrace West, Birmingham, Ala	Lawyer	1890	Permanent partial, 37 per cent	50.00	93.75
Jeffers, Lamar	Anniston, Ala	Salesman, outside	1888	Permanent partial, 30 per cent	30.00	187.50
Jeffers, Wm. Harry	426 South Lawrence St., Montgomery, Ala	None	1894	Permanent total	100.00	93.75
Johnston, Ira Leonidas	Samson, Ala	Physician	1877	Permanent partial, 30 per cent	30.00	125.00
Jordan, Headley E	1418 Ardsley Pl., Grove Park, Birmingham, Ala.	Sales clerk, H. C	1891	Permanent total	100.00	125.00
Kelly, Richard Bussey	Sylacauga, Ala	Lawyer	1891	Permanent partial, 56 per cent	56.00	150.00
Langley, Orlando V	Camp Hill, Ala	Physician	1871	Permanent partial, 50 per cent	50.00	125.00
Legare, Julien	Roanoke, Ala	do	1864	Permanent partial, 35 per cent	35.00	150.00
Leopold, Elmer E	2620 18th Ave. North, Birmingham, Ala	Salesman, outside	1891	do	35.00	93.75
McLeod, Robt. L	764 Marine St., Mobile, Ala	Not given	1881	Permanent total	200.00	187.50
Messer, Glenn E	1338 15th St., Birmingham, Ala	Motor mechanic	1894	Permanent partial 45 per cent	33.75	125.00
Moore, Ernest H	Coatapa, Ala	Not given	1881	Permanent total	100.00	150.00
Munford, Louis S	Uniontown, Ala	do	1870	do	100.00	150.00
Newsome, John P	601 South 21st St., Birmingham, Ala	Salesman	1893	Permanent partial, 50 per cent	50.00	150.00
Oakley, James G	Ashby, Ala	Sheriff	1872	Permanent partial, 40 per cent	40.00	150.00
Patterson, Albert	Rockford, Ala	General farmer	1894	Permanent partial, 54 per cent	54.00	125.00
Peabody, Frank	116 High St., Montgomery, Ala	Cotton classer	1873	Permanent partial, 58 per cent	58.00	187.50
Perry, Clarence T	409½ Madison Ave., Montgomery, Ala	Postal clerk	1892	Permanent total	100.00	125.00
Phillips, Geo. W	Care of State highway department, Thomasville, Ala.	Sales clerk	1895	Permanent partial, 41 per cent	41.00	93.75
Rademacher, Fred	Spring Hill, Ala	None	1877	Permanent partial, 75 per cent	75.00	150.00
Ranken, Howard Payne	Brewton, Ala	Physician	1881	Permanent partial, 38 per cent	38.00	150.00
Robbins, Wm. J	Florence, Ala	do	1889	Permanent partial, 40 per cent	40.00	125.00
Ross, Cecil	213 South Calthem St., Mobile, Ala	do	1892	Permanent partial, 35 per cent	35.00	187.50
Rowell, James Thomas	Selma, Ala	Stenographer	1895	Permanent partial, 42 per cent	42.00	125.00
Sanders, John G	15 McPhillips Ave., Mobile, Ala	Physician	1891	Permanent partial, 30 per cent	30.00	150.00
Seales, Jno. Perkins	Livingston, Ala	do	1871	Permanent partial, 44 per cent	44.00	125.00
Sesson, Chas. N	1700 Clarendon Ave., Bessemer, Ala	Student	1891	Permanent partial, 35 per cent	35.00	150.00
Smith, Emmett Preston	P. O. Box 453, Auburn, Ala	Clergyman	1877	Permanent partial, 40 per cent	40.00	150.00
Staggers, Wm. L	926 Woodward Building, Birmingham, Ala	Physician	1890	Permanent partial, 44 per cent	44.00	125.00
Sutcliffe, Chas. Wm	Care of Habbie Motor Co., Montgomery, Ala.	City fireman	1877	Permanent partial, 40 per cent	40.00	125.00
Thompson, Herman	589 Monroe St., Alexandria, Ala	Not given	1880	Permanent total	150.00	150.00
Walthall, Junus L	P O. Box 2112, Birmingham, Ala	do	1888	do	100.00	187.50
Weatherford, Zadoc	Red Bay, Ala	Physician	1888	Permanent partial, 52 per cent	52.00	125.00
Williams, Jno. Henry	Box 305, Ashland, Ala	Minister	1879	Permanent partial, 66 per cent	66.00	125.00
Woodruff, Leroy Hammond	Box 421, Tuscaloosa, Ala	Physician	1886	Permanent total	150.00	150.00
Worthington, James Levi	Box 124, Hamilton, Ala	do	1879	Permanent partial, 44 per cent	44.00	125.00
Wyatt, Fredk. Leroy	Care of U. S. Veterans' Bureau, Mobile, Ala.	Printer	1886	Permanent partial, 60 per cent	60.00	150.00

ARIZONA

Alden, Melvin A	U. S. veterans' hospital, Whipple, Ariz	Secretary-manager	1892	Permanent total	$100.00	$93.75
Allderdice, Lawrence	826 North 7th Ave., Tucson, Ariz	Not given	1896	do	100.00	93.75
Alvin, Underhill	U. S. Veterans' Hospital No. 50, Whipple Barracks, Ariz.	Typographer	1892	do	50.00	93.75
Bell, Thomas Cleland	1026 East 4th St., Tucson, Ariz	Physician	1887	do	150.00	125.00
Boston, John R	R. H. S. Hospital, Tucson, Ariz	Not given	1888	do	100.00	93.75
Bowman, Charles Stewart	U. S. veterans' hospital, Whipple, Ariz	Physician	1886	do	100.00	125.00
Brackett, William Windom	1403 North Central, Phoenix, Ariz	No occupation	1878	do	100.00	150.00
Burleigh, Adelbert L	32 East 1st St., Tucson, Ariz	Salesman, heavy samples	1890	do	150.00	150.00
Clark, Samuel Gilbert	U. S. Veterans' Hospital No. 50, Whipple Barracks, Ariz.	Not given	1896	do	100.00	93.75
Clobessy, Timothy Theodore	225 Supra Building, Phoenix, Ariz	Physician	1872	Permanent partial, 58 per cent	58.00	125.00
Cook, Charles Francis	General delivery, Prescott, Ariz	Not given	1896	Permanent total	100.00	93.75
Davidson, Henry Clay	1550 West Jackson St., Phoenix, Ariz	Sailor	1891	do	100.00	93.75
Davis, John Paul	Hereford, Ariz	Salesman, heavy samples	1890	Permanent partial, 64 per cent	64.00	93.75
Dawson, John Stanley	Box 1215, Tucson, Ariz	Civil engineer	1888	Permanent total	150.00	93.75
Dittmar, Charles F	U. S. veterans' hospital, Whipple, Ariz	Not given	1889	do	100.00	150.00
Dolman, Carroll George	Kingman, Ariz	School-teacher	1875	Permanent partial 86 per cent	86.00	150.00
Duffey, Louis Nelson	Box 1542, Tucson, Ariz	Not given	1887	Permanent total	100.00	150.00
Dussere, Louis	U. S. veterans' hospital, Tucson, Ariz	do	1895	do	100.00	93.75
Erickson, Edward T	312 Orme Ave., Box 342, Phoenix, Ariz	Soldier	1883	Permanent partial, 90 per cent	90.00	150.00
Evans, John Benjamin	Box 1135, Clarkdale, Ariz	Sailor	1878	Permanent partial, 40 per cent	40.00	150.00
Fairgrieve, Russell B	1005 East Speedway, Tucson, Ariz	Student	1893	Permanent total	100.00	150.00
Flint, Dewitt C	R. R. No. 2, 424 B., Tucson, Ariz	Engineer	1884	do	100.00	150.00
Frank, George A	1524 East Helen St., Tucson, Ariz	Manager	1888	do	100.00	93.75
Frederick, Charles H	Temple, Ariz	Engineer (stationary)	1894	Permanent partial, 30 per cent	50.00	125.00
Gibson, Richard	U. S. veterans' hospital, Whipple Barracks, Ariz.	No occupation	1890	Permanent total	100.00	125.00
Green, Belville Foble	Box 1256, Tucson, Ariz	Salesman	1891	Permanent partial, 70 per cent	49.00	125.00
Hardy, Ernest M	90 First National Bank, Yuma, Ariz	No occupation	1881	Permanent total	100.00	125.00
Harring, Neil H	U. S. veterans' hospital, Tucson, Ariz	Telegraph operator	1887	do	100.00	150.00
Hayden, John Ellsworth	Box 501, Tucson, Ariz	Student	1897	Permanent partial, 40 per cent	40.00	93.75
Hennessy, Mortimer Jos	Willard Hotel, Tucson, Ariz	Superintendent of wares, docks, etc.	1889	Permanent total	100.00	125.00
Howard, Harry Irving	804 North 3d Ave., Phoenix, Ariz	No occupation	1894	do	100.00	93.75
Hunt, Wm. Calhoun	P. O. Box No. 6, Phoenix, Ariz	Not given	1893	do	100.00	93.75
Hunter, Gilbert M	Ashfork, Ariz	Teacher, physical culture	1892	Permanent partial, 32 per cent	32.00	125.00
Jaccard, Louis H	516 East Adams St., Box 1077, Tucson, Ariz	Manager, production and industrial.	1885	Permanent total	100.00	93.75
Kehn, Marvin A	U. S. veterans' hospital, Whipple, Ariz	Student	1895	do	100.00	125.00
King, Winfield Scott	Box 1047, Tucson, Ariz	Engineer	1862	Permanent partial, 50 per cent	50.00	150.00
Kleinmid, James A	209 Goodrich Building, Phoenix, Ariz	Physician	1877	Permanent partial, 59 per cent	59.00	150.00
Kryss, Edmund Andreas	U. S. Veterans' Hospital No. 50, Whipple, Ariz.	Not given	1888	Permanent total	100.00	150.00

ARIZONA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Lieberman, Joseph	Winslow, Ariz	Not given	1883	Permanent total	$100.00	$150.00
Loewy, Ignatz D	U. S. Veterans' Hospital No. 50, Whipple Barracks, Ariz.	Physician and surgeon	1880	do	100.00	187.50
McKnight, James L	Hospital No. 51, Tucson, Ariz	Not given	1870	Permanent partial, 50 per cent	50.00	125.00
Mahoney, Dan	82 East Broadway, Tucson, Ariz	Physician	1887	Permanent total	100.00	125.00
Mahoney, George B	1220 West First Ave., Tucson, Ariz	Paper-box manufacturer	1892	do	150.00	93.75
Maloney, Clarence B	2033 East 3d St., Tucson, Ariz	Not given	1889	do	150.00	125.00
Metcalf, Ben Hicks	553 West Willetta St., Phoenix, Ariz	do	1871	do	100.00	218.75
Miller, John H	726 East McKinley St., Phoenix, Ariz	Student	1893	do	100.00	150.00
Mock, Robt. Leroy	Wild's Land, 514 West 9th St., Phoenix, Ariz.	Office executive	1880	do	100.00	150.00
Monical, Grant S	Ellis Building, Phoenix, Ariz	Physician	1863	Permanent partial, 44 per cent	44.00	150.00
Moore, Claude M	302 Goodrich Building, Phoenix, Ariz	Not given	1887	Permanent total	100.00	150.00
Moreno, Joaquin F	General delivery, Prescott, Ariz	do	1875	do	100.00	125.00
Moses, Robert Lewis	Box 315, University Station, Tucson, Ariz	Not given	1895	do	80.00	125.00
Nelson, Frank Justin	1033 East Speedway, Tucson, Ariz	Draftsman	1892	do	100.00	93.75
Pederson, Inar A	1721 West Van Buren St., Phoenix, Ariz	Accountant	1879	do	100.00	150.00
Phillips, Chas. Lawrence	1030 East 7th St., Tucson, Ariz	No occupation	1896	do	100.00	93.75
Riculfi, Robert Marion	84 West Penningston St., Tucson, Ariz	do	1891	do	100.00	93.75
Riley, Eugene	General delivery, Whipple, Ariz	Laborer, outside	1878	do	100.00	150.00
Rogers, Richard L	726 North Jacobus Ave., Tucson, Ariz	No occupation	1893	do	100.00	93.75
Sanford, William J	Clark's Rest Home, 1614 East 1st St., Tucson, Ariz.	Salesman, outside; no samples.	1889	do	100.00	93.75
Sligh, Sidney B	P. O. Box 921, Phoenix, Ariz	Traveling salesman	1873	do	100.00	93.75
Smith, Charles S	Box 364, University Station, Tucson, Ariz	Physician	1892	do	100.00	125.00
Smith, Walter Clarence	Box 706, Casa Grande, Ariz	Not given	1877	do	100.00	125.00
Sprietsma, Wm. M	Rt. No. 5, Phoenix, Ariz	Fruit packer	1893	Permanent partial, 50 per cent	50.00	93.75
Thompson, George	504 Speedway, Tuscon, Ariz	Not given	1892	Permanent total	100.00	93.75
Thompson, Thos. R	Whipple Barracks, Ariz	Clerk, office	1898	do	100.00	93.75
Twitchell, Frederick	Rt. No. 1, Glendale, Ariz	School-teacher	1894	Permanent partial, 36 per cent	36.00	93.75
Tyson, Alfred	Box 335, Prescott, Ariz	Not given	1891	Permanent total	100.00	125.00
Walker, John C	407 East 4th St., Tuscon, Ariz	do	1893	do	100.00	93.75
Ward, E. Alson	2109 West Jefferson St., Phoenix, Ariz	Student	1895	Permanent partial, 61 per cent	61.00	125.00
Warren, Harry Pratt	Care of Dr. F. D. Rockefeller, Tucson, Ariz	Salesman	1879	Permanent partial, 79 per cent	79.00	150.00
Weatherford, Thos. L	Balke Building, Phoenix, Ariz	Construction foreman	1888	Permanent partial, 49 per cent	49.00	125.00
Wild, Carl	711 Forest Ave., Tempe, Ariz	Clergyman	1877	Permanent partial, 32 per cent	50.00	125.00
Wolf, Bernard J	Bryan Sanitarium, 131 East McKinley St., Phoenix, Ariz.	Salesman, outside; heavy samples.	1887	Permanent total	100.00	125.00
Wray, Garrett James	130 South Mount Vernon Ave., Prescott, Ariz.	Not given	1895	Permanent partial, 75 per cent	75.00	93.75
Wright, Harold Hannon	701 East 3d St., Tucson, Ariz	Student	1895	Permanent total	100.00	93.75
Yellot, Richard Emory	Box 184, Benson, Ariz	Not given	1875	do	100.00	150.00

ARKANSAS

Abington, Wm	Beebe, Ark	Physician	1871	Permanent partial, 63 per cent	$63.00	$187.50
Anderson, Geo. Ray	P. O. Box 76, Eldorado, Ark	Cotton buyer and broker	1874	Permanent total	100.00	150.00
Applegate, Timothy	128 West 8th St., Bentonville, Ark	Auto salesman	1894	do	100.00	93.75
Ball, Wm. Franklin	U. S. veterans' hospital, Little Rock, Ark	Physician	1874	do	100.00	125.00
Ballard, Geo. Clinton	515 Louisiana St., Little Rock, Ark	do	1870	Permanent partial, 75 per cent	75.00	150.00
Boyce, Saml. Geo	Enterprise Building, Little Rock, Ark	Physician and surgeon	1887	Permanent partial, 94 per cent	94.00	125.00
Carson, David J	430 Orange St., Hot Springs, Ark	No pre-war occupation	1866	Permanent total	100.00	150.00
Cloud, Leroy E	712 South Oak St., Little Rock, Ark	Auto mechanic	1887	do	100.00	125.00
Elton, Albert M	312½ Front St., Newport, Ark	Physician	1881	Permanent partial, 44 per cent	44.00	150.00
Farthing, Welbourne O	U. S. Veterans' Hospital No. 78, North Little Rock, Ark.	No occupation	1896	Permanent total	20.00	93.75
Fraser, Robt. Lee	McCrory, Ark	Physician	1884	Permanent partial, 50 per cent	50.00	125.00
Garrison, David M	2103 Center St., Little Rock, Ark	Real-estate and oil-field operator.	1878	Permanent partial, 36 per cent	36.00	125.00
Goldman, Jay Maurice	U. S. Veterans' Hospital No. 18, Little Rock, Ark.	Chemist	1887	Permanent total	20.00	125.00
Haden, John B	U. S. Veterans' Hospital No. 78, Little Rock, Ark.	Physician	1871	do	20.00	150.00
Haney, Arthur C	Russellville, Ark	Physician and surgeon	1889	Permanent partial, 50 per cent	50.00	150.00
Hodges, Guy	Rogers, Ark	do	1888	Permanent partial, 63 per cent	63.00	125.00
Humble, Terry A	Mount Ida, Ark	Teacher, school	1882	Permanent partial, 33 per cent	33.00	187.50
Jeffett, Wm. F	Solomon Building, Helena, Ark	Dentist	1887	Permanent partial, 35 per cent	35.00	150.00
Jenkins, Elihu Edwards	U. S. Veterans' Hospital No. 78, North Little Rock, Ark.	Lawyer	1888	Permanent total	20.00	93.75
Jenkins, Jno. Short	1103 West Barraque St., Pine Bluff, Ark	Physician	1874	Permanent partial, 45 per cent	45.00	150.00
Jones, Isaac J	2116 Chester St., Little Rock, Ark	do	1864	Permanent total	100.00	150.00
Jones, Wm. Enoch	808 Donaghey Building, Little Rock, Ark	No occupation	1869	do	100.00	125.00
Judd, Roland D	1114 South 3d St., Rogers, Ark	Railroad freight claims clerk.	1895	do	100.00	125.00
Kelly, Thad Robertson	903 College St., Helena, Ark	No pre-war occupation	1888	Permanent partial, 44 per cent	40.00	93.75
Lassiter, Wm. Dee	General delivery, Hot Springs, Ark	Physician	1867	Permanent total	100.00	125.00
Mitchel, Wm	Bebe, Ark	No occupation given	1887	do	100.00	93.75
Peel, David Walker	Bentonville, Ark	Lawyer	1891	Permanent partial, 56 per cent	56.00	125.00
Pritchard, Allen Courtland	110 Hobson Ave., Hot Springs, Ark	Physician and surgeon	1882	Permanent partial, 51 per cent	51.00	125.00
Reavis, Paul E	U. S. veterans' hospital, Little Rock, Ark		1893	Permanent total	100.00	93.75
Ritter, Clair A	110 North Donaghy St., Conway, Ark	Newspaper reporter	1891	do	100.00	93.75
Roberts, David C	426½ West Dickson St., Fayetteville, Ark	Physician and surgeon	1880	Permanent partial, 40 per cent	40.00	125.00
Rohrer, Samuel Jesse	Gentry, Ark	No occupation given	1877	Permanent total	100.00	125.00
Rust, Ben Wood	602 Scott St., Little Rock, Ark	Lumber grader inspector	1888	Permanent partial, 46 per cent	50.00	93.75
Rye, Albert Webster	604 West Main St., Russellville, Ark	No occupation	1871	Permanent total	100.00	125.00
Sanborn, Richard F	Arkansas Trust Co., Hot Springs, Ark	None given	1895	do	100.00	93.75
Scott, Sanford H	U. S. Veterans' Hospital No. 78, North Little Rock, Ark.	Student	1896	do	20.00	125.00
Snodgrass, Wm. A	304 Donaghy Building, Little Rock, Ark	None given	1874	do	100.00	187.50
Steele, Harry S	Box 177, Ashdown, Ark	Auto salesman	1888	Permanent partial, 40 per cent	40.00	125.00
Steele, John D	1516 East 4th St., Little Rock, Ark	Soldier	1891	Permanent partial, 81 per cent	81.00	125.00
Swope, John Douglas	U. S. Veterans' Hospital No. 78, North Little Rock, Ark.	Postal employee	1892	Permanent total	100.00	93.75
Thiolliere, Anthony C	Gould, Ark	Physician and surgeon	1872	Permanent partial, 44 per cent	44.00	150.00
Thorpe, Samuel B	Rt. No. 2, Fayetteville, Ark	Soldier	1881	Permanent partial, 45 per cent	45.00	125.00
Winn, Walter Edw	222 Rosetta St., Little Rock, Ark	No occupation	1871	Permanent total	100.00	218.75

CALIFORNIA

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Abrams, Benj. T	47 Eastwood Drive, San Francisco, Calif	Law student	1893	Permanent partial, 45 per cent	$45.00	$93.75
Ackley, George C	3361 Granda Ave., San Diego, Calif	Not given	1887	Permanent total	100.00	125.00
Adamson, Dava	125 No. 2d Ter., Montebello, Calif	Assistant manager production.	1892	Permanent partial, 53 per cent	53.00	125.00
Alberty, Ernest H	117 Del Mar Ave., San Gabriel, Calif	Soldier	1884	Permanent partial, 63 per cent	63.00	150.00
Allen, Frank E	11 West Bellevue Ave., San Mateo City, Calif.	Student	1892	Permanent partial, 33 per cent	33.00	93.75
Allen, Richard E	207 Lighthouse Ave., Monterey, Calif	Soldier	1882	Permanent partial, 43 per cent	43.00	93.75
Armstrong, Charles	Box 98, Merlo Park, Calif	Not given	1871	Permanent total	100.00	187.50
Ary, Charles F	705 Winthrop Drive, Alhambra, Calif	Clerk	1885	Permanent partial, 40 per cent	40.00	125.00
Askey, Harrisch L	U. S. veterans' hospital, San Fernando, Calif.	Not given	1893	Permanent total	100.00	93.75
Avey, John L	112 Cajon, Redlands, Calif	Physician	1865	do	100.00	150.00
Bailey, Samuel T	1526 Atchison St., Pasadena, Calif	Athlete	1894	Partial temporary, 31 per cent	31.00	125.00
Baker, David A	1360 Justin Ave., Glendale, Calif	Physician and surgeon	1881	Permanent partial, 30 per cent	50.00	150.00
Baker, Ernest	155 North 35th St., San Jose, Calif	Soldier	1892	Permanent partial, 44 per cent	44.00	93.75
Baker, George Wash	210 Crocker St., Piedmont, Calif	Construction foreman	1893	Permanent partial, 41 per cent	41.00	125.00
Baker, John S	Care of Volney P. Mooney, 818 Chester Williams Building, 5th and Broadway, Los Angeles, Calif.	Not given	1879	Permanent total	100.00	150.00
Bales, Ernest N	1786 Union St., San Francisco, Calif	do	1879	do	80.00	125.00
Ballentine, William E	265 Valli Vista Ave., Monrovia, Calif	Manager lineman, telephone.	1887	do	100.00	125.00
Balsley, Horace C	6625 Moore Drive, Los Angeles, Calif	Baker	1893	Permanent partial, 73 per cent	73.00	150.00
Banks, jr., Strother J	U. S. veterans' hospital, San Fernando, Calif.	Broker	1888	Permanent total	100.00	125.00
Barker, Clarence N	232 Marifrose St., Sierra Madre, Calif	Dentist	1876	do	100.00	150.00
Barnes, George	2705 Viola St., Oakland, Calif	Farmer	1883	Permanent partial, 35 per cent	35.00	93.75
Barnett, Arthur	6124 Glen Towers, Hollywood, Calif	Service salesman	1886	Permanent partial, 44 per cent	44.00	93.75
Baromides, Royal R	1503 De Young Building, San Francisco, Calif.	Physician	1890	Permanent total	150.00	125.00
Barton, Charles	10321 South Compton Ave., Watts, Calif	do	1881	Permanent partial, 35 per cent	35.00	187.50
Barton, Edward W	Rt. Box 596, San Gabriel, Calif	Physician-surgeon	1874	Permanent total	100.00	150.00
Bartow, Harvey R	U. S. veterans' hospital, San Fernando, Calif.	Student	1895	do	100.00	93.75
Bash, Henry E	511 North Oxford Ave., Los Angeles, Calif	Not given	1890	Permanent partial, 35 per cent	35.00	125.00
Bayless, Claud C	3277 Primero Ave., Hollywood, Calif	Manager production, industrial.	1886	Permanent partial, 50 per cent	50.00	150.00
Beal, David Cannon	1409½ Magnolia Ave., Long Beach, Calif	Not given	1896	Permanent total	100.00	93.75
Belyea, James A	Parcel Post Box 567, Glendale, Calif	Physician	1881	do	100.00	150.00
Bent, Curtis H	5th and N Sts., Livermore, Calif	Bookkeeper	1890	do	100.00	93.75
Biermann, Carl F	249 Pike St., Long Beach, Calif	Farmer, general	1881	Permanent partial, 50 per cent	50.00	125.00
Binnie, John Q	Cofo Southern Trust Co., San Diego, Calif	Not given	1863	Permanent total	100.00	218.75
Black, Grover C	Peoples Bank, Sacramento, Calif	do	1888	Partial temporary, 79 per cent	79.00	93.75
Blanchard, Lawrence C	615 East 6th St., National City, Calif	Electrical contractor	1888	Permanent total	100.00	125.00
Blodgett, Frederick C	Rt. Box 276, National City, Calif	Railroad roadmaster	1880	do	100.00	150.00
Bloonquist, Wallace	2732 Los Flores Station, East Los Angeles, Calif.	Soliciting freight agent	1891	Permanent partial, 58 per cent	58.00	125.00
Blum, Edward	1911 West 9th St., Los Angeles, Calif	Salesman	1879	Permanent partial, 50 per cent	50.00	125.00
Blyth, Godfrey W	3130 Sylvan Ave., Oakland, Calif	Soldier	1895	Permanent partial, 95 per cent	95.00	93.75
Bond, Ernest J	4644 Terrace Drive, San Diego, Calif	Salesman, outside	1883	Permanent total	100.00	125.00
Borden, Archibald	103 West Earle St., Long Beach, Calif	Lumber inspector and salesman.	1880	Permanent partial, 55 per cent	55.00	187.50
Borst, Fenton F	355 South Rampart Building, Los Angeles, Calif.	Surveyor	1890	Permanent partial, 74 per cent	74.00	125.00
Bouldin, Charles F	3036 5th Ave., Los Angeles, Calif	Not given	1891	Permanent total	100.00	150.00
Bowen, Fred P	124 West 4th St., Los Angeles, Calif	Physician	1880	Permanent partial, 30 per cent	30.00	150.00
Boyd, Leonard	7019 Haas Ave., Los Angeles, Calif	Not given	1891	Permanent total	100.00	125.00
Brandon, Herbert A	Oval Crest Rest House, Santa Rosa, Calif	do	1866	do	100.00	100.00
Brindley, Reginald W	3264 Polk Ave., East San Diego, Calif	No pre-war occupation	1873	do	100.00	93.75
Brophy, John W	2626 68th Ave., Oakland, Calif	Newspaper reporter	1896	do	100.00	93.75
Brown, Arthur L	614 14th St., Riverside, Calif	Physician	1872	Permanent partial, 71 per cent	71.00	150.00
Brown, Lawrence	P. O. box 486, Hollywood, Calif	Miner (minerals)	1887	Permanent partial, 33 per cent	33.00	150.00
Brown, Wallace A	R-722, 564 Market St., San Francisco, Calif	Bookkeeper	1883	Permanent total	100.00	93.75
Brya, Francis E	U. S. veterans' hospital, San Fernando, Calif.	Student	1897	do	100.00	93.75
Buell, Ernest E	2201 Lake St., San Francisco, Calif	Dentist	1874	Permanent partial, 75 per cent	75.00	187.50
Burstein, Louis G	1524 Idlewood Road, Glendale, Calif	Physician	1886	Permanent partial, 63 per cent	63.00	125.00
Bushey, Franklin P	614 Palo Alto, Calif	No pre-war occupation	1876	Permanent partial, 30 per cent	30.00	125.00
Butler, Lawrence D	P. O. Box 642, Redwood City, Calif	Soldier		Permanent partial, 32 per cent	32.00	93.75
Butler, Victor William	Care of James Butler, 4252 35th St., San Diego, Calif.	No occupation	1897	Permanent total	100.00	93.75
Butt, Kirk	1717 South Flower St., Los Angeles, Calif	Salesman	1891	Permanent partial, 70 per cent	70.00	93.75
Byers, James Elliott	Care of Alliedy Arctsaasn, 420 South Spring St., Los Angeles, Calif.	Surveyor	1893	Permanent partial, 80 per cent	80.00	125.00
Byrnes, Ralph L	1501 South Figueroa St., Los Angeles, Calif	Physician	1878	Permanent partial, 30 per cent	30.00	187.50
Campbell, Novel W	San Francisco, Calif., Room 602, New Bulletin Building.	do	1872	Permanent partial, 40 per cent	40.00	150.00
Campbell, Roscoe	627 Bonnie Beach, Los Angeles, Calif	do	1880	Permanent partial, 85 per cent	85.00	125.00
Capron, Albert J	Hotel Songerton, San Francisco, Calif	Sales manager	1859	Permanent partial, 45 per cent	45.00	150.00
Carling, John B. E	2406 Budlong Ave., Los Angeles, Calif	Physician	1867	Permanent partial, 36 per cent	50.00	150.00
Carlisle, John G	Box 804, Hollywood, Calif	Corporation manager	1888	Permanent partial, 37 per cent	37.00	125.00
Cartwright, James L	560 North Kingsley Drive, Los Angeles, Calif	Common outside laborer	1889	Permanent total	100.00	93.75
Casby, Frederick N	Care of Morgouge Stanley & O'Brien, Security Building, Los Angeles, Calif.	Mining engineer	1872	do	100.00	187.50
Cawthorne, Carleton	Soldiers' Home, Calif	Retail grocer	1887	do	99.50	125.00
Chambers, William James	Palms, Calif	Physician and surgeon	1867	do	100.00	187.50
Chapman, Harry	314 Van Mays Building, Los Angeles, Calif	Sales clerk, inside, light commodities.	1891	Permanent partial, 36 per cent	36.00	93.75
Chenoweth, Charles E	328 West Lexington Drive, Glendale, Calif	Not given	1880	Permanent total	100.00	150.00
Christie, Ralph C	1464 Gaviota St., Long Beach, Calif	Physician	1882	Permanent partial, 44 per cent	44.00	150.00
Church, Percy C	4152 Pratt Ave., Fresno, Calif	Inspector material and equipment.	1876	Permanent partial, 36 per cent	36.00	150.00
Chute, Palmer W	1304 Beechwood Drive, Los Angeles, Calif	Battery repairman	1884	Permanent partial, 50 per cent	50.00	150.00
Cichy, Martin J	1611½ North El Centro Ave., Hollywood, Calif	Policeman, manager police	1892	Permanent partial, 55 per cent	55.00	125.00
Clark, Howard	1406 Bellvue Ave., Burlingame, Calif	Not given	1877	Permanent total	100.00	150.00
Clark, Robert B	3121 Hamilton Way, Los Angeles, Calif	Railroad inspector, auditary traveling.	1885	do	100.00	93.75
Claussen, Thomas H	Rt. No. 1, box 459, Sacramento, Calif	Civil engineer	1892	do	150.00	93.75
Clements, Alan A	Care of Hammond Lumber Co., Van Nuys, Calif.	Law student	1887	Permanent partial, 46 per cent	46.00	150.00

CALIFORNIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Cluen, Raymond J	1220 Pevalta Ave., Berkeley, Calif	Physician	1880	Permanent total	$100.00	$125.00
Cole, Okey Venneth	712 Lillian Way, Los Angeles, Calif	Bank teller	1891	Permanent partial, 60 per cent	60.00	93.75
Cole, Judson	121 East Alberta St., Anaheim, Calif	Physician and surgeon	1865	Permanent partial, 70 per cent	70.00	150.00
Collier, Lewis B	409 South Hidalgo Ave., Alhambra, Calif	Physician	1863	Permanent total	100.00	150.00
Collings, Edward	2140 Mayview Drive, Los Angeles, Calif	Civil engineer	1885	Permanent partial, 87 per cent	87.00	150.00
Collins, Erwin	100 10th St., Sacramento, Calif	Soldier	1889	Permanent partial, 39 per cent	39.00	93.75
Colman, Nicholas I	5151 Poplar Ave., Alhambra, Calif	Mechanical engineer	1886	Permanent partial, 55 per cent	55.00	93.75
Commins, Charles M	P. O. Box 567, Monrovia, Calif	General farmer	1891	Permanent partial, 58 per cent	58.00	93.75
Cornstock, Earl	The Miramar Hotel, Santa Barbara, Calif	Farmer	1870	Permanent total	100.00	150.00
Conaty, Charles C	4954 Santa Monica Boulevard, Los Angeles, Calif.	Clergyman	1890	Permanent partial, 56 per cent	56.00	125.00
Conley, William	1319 West 49th St., Los Angeles, Calif	Not given	1881	Permanent total	100.00	93.75
Conroy, Thomas P	602 North Juanita Ave., Los Angeles, Calif	Attorney at law	1892	do	100.00	93.75
Cook, Martin	P. O. Box 591, San Luis Obispo, Calif	Salesman, no samples	1894	Permanent partial, 63 per cent	63.00	125.00
Cooper, Frederick H	Highway Highlands, Monterey, Calif	No pre-war occupation	1889	Permanent total	100.00	125.00
Cox, Fred H	Rt. No. 3, Box 586, San Diego, Calif	No occupation	1888	do	100.00	93.75
Crane, Bruce Alexander	4204 Piedmont Ave., Oakland, Calif	Soldier	1893	Permanent partial, 33⅓ per cent	50.00	93.75
Creighton, Christopher	U. S. Hospital 102, Livermore, Calif	No occupation	1886	Permanent total	100.00	125.00
Crossman, England	Rt. No. 1, Box 878, Bentwood Heights, Los Angeles, Calif.	Author	1881	Permanent partial, 69 per cent	69.00	150.00
Dailey, Gardner A	425 Mason St., San Francisco, Calif	Civil engineer	1895	Permanent partial, 35 per cent	35.00	93.75
Dale, George Lawrence	1417 South Adams St., Glendale, Calif	Not given	1870	Permanent total	100.00	187.50
Darrell, H. Richardson	Banning, Calif	Student	1895	do	100.00	93.75
Davis, Brett	240 Bella Vista Ave., Los Gastos, Calif	Physician	1884	do	150.00	125.00
Davis, Joseph Allen	Care of U. S. Veterans' Bureau, Los Angeles, Calif.	General farmer	1894	Permanent partial, 35 per cent	35.00	93.75
Davisson, William H	Care of 300 South San Gabriel Blvd., San Gabriel, Calif.	Pharmacist	1891	Permanent partial, 50 per cent	50.00	93.75
Deering, Prentise C	58 Sutter St., San Francisco, Calif	Agent for insurance	1894	Permanent partial, 40 per cent	40.00	125.00
DeMuth, John G	713 Flower St., Venice, Calif	Soldier	1880	Permanent partial, 44 per cent	44.00	150.00
DeRose, Ralph M	4911 Diaz Ave., Van Muyo, Calif	Student	1895	Permanent partial, 36 per cent	36.00	125.00
Desmond, Michael A	P. O. Box 1094, Santa Monica, Calif	No occupation	1882	Permanent total	150.00	125.00
Dietrich, Edward	1827 West 22d St., Los Angeles, Calif	Lawyer	1879	do	150.00	125.00
Donnell, George Wm	P. O. Box 456, Hollywood, Los Angeles, Calif.	Sales clerk, H. C	1894	Permanent partial, 30 per cent	30.00	93.75
Donnell, James B	Carlsbad, Calif	Not given	1875	Permanent total	100.00	125.00
Dow, Julian Neal	5026 Ambrose Ave., Hollywood, Calif	do	1893	do	100.00	150.00
Drugg, Walter C	Elks Club, San Francisco, Calif	Carpenter	1892	Permanent partial, 77 per cent	77.00	93.75
Duddleson, Wm. J	404 Main St., Monterey, Calif	Student	1892	Permanent partial, 56 per cent	56.00	125.00
Duncan, Miles J	455 West Broadway, Long Beach, Calif	Physician-surgeon	1872	Permanent partial, 75 per cent	75.00	150.00
Dustin, Cornelius J	587 North Windsor Blvd., Los Angeles, Calif.	Stenographer	1892	Permanent partial, 36 per cent	36.00	93.75
Dyson, Henry B	2366 Cedar St., Berkeley, Calif	Civil engineer	1893	Permanent partial, 50 per cent	50.00	125.00
Eardley, Philip C	4651 Iowa St., San Diego, Calif	Trainman, railroad brakeman.	1881	Permanent partial, 39 per cent	39.00	93.75
Earle, Edward Henry	U. S. Veterans' Hospital No. 24, Palo Alto, Calif.	Clergyman	1874	Permanent total	20.00	125.00
Easton, Wilbur W	P. O. Box 24, Sta. A, San Diego, Calif	Inspector electrical construction, surveyor.	1886	Permanent partial, 36 per cent	36.00	93.75
Edwards, Thomas H	657 South Catalena Ave., Pasadena, Calif	Soldier	1880	Permanent partial, 43 per cent	43.00	150.00
Elliott, Norman A	The Colony Colfax, California	Student	1891	Permanent total	100.00	125.00
Ericsson, Ralph B	R. F. D. No. 1, Arcadia, Calif	Pharmacist	1888	Permanent partial, 42 per cent	42.00	125.00
Essenson, Oscar S	U. S. Veterans' Bureau, 420 South San Pedro St., Los Angeles, Calif.	Physician and surgeon	1878	Permanent partial, 45 per cent	50.00	150.00
Evans, Daird Wm	140 New Montgomery St., San Francisco, Calif.	Chief clerk, auditor	1888	Permanent partial, 50 per cent	50.00	125.00
Everett, Edwd. A	U. S. veterans' hospital, Palo Alto, Calif	No occupation	1873	Permanent total	70.00	125.00
Everson, Osmund	1373 Masonic Ave., San Francisco, Calif	Mariner	1878	do	100.00	125.00
Falkedahl, Joseph B	337 Citizens National Bank Building, 453 South Spring St., Los Angeles, Calif.	Soldier	1898	Permanent partial, 71 per cent	71.00	93.75
Faugsted, George E	2531 19th Ave., Oakland, Calif	Store manager, jewelry	1887	Permanent total	100.00	150.00
Faulk, Robert L	330 West Park Ave., Glendale, Calif	Newspaper, circulation manager.	1893	do	100.00	125.00
Feichter, Walter	1038 Elden Ave., Los Angeles, Calif	Machinist	1892	Permanent partial, 50 per cent	50.00	125.00
Felton, Gay. W	759 North Sycamore Ave., Los Angeles, Calif	Teacher	1873	Permanent partial, 39 per cent	39.00	150.00
Fensek, Francis	1355 Willshire Blvd., Los Angeles, Calif	Accountant	1894	Permanent partial, 41 per cent	41.00	125.00
Fergus, Miles	4419 Hamilton St., San Diego, Calif	Real-estate salesman	1885	Permanent partial, 30 per cent	30.00	93.75
Ferguson, Wm. Hastings	U. S. Veterans' Hospital No. 102, Livermore, Calif.	Mining engineer	1871	Permanent total	100.00	187.50
Fitts, Buron R	531 South Catalena St., Los Angeles, Calif	Student	1895	Permanent partial, 60 per cent	60.00	93.75
Fitzpatrick, Chas. B	Soldiers' Home, California	Physician	1869	Permanent partial, 45 per cent	45.00	150.00
Flamm, Roy H	607 42d Ave., San Francisco, Calif	Engineer, highway	1890	Permanent total	100.00	93.75
Flanagan, Clarence	1015 5th Ave., Corning, Calif	Dentist	1891	do	100.00	150.00
Flaud, John Wm	260 3d Ave., San Francisco, Calif	Marine engineer	1862	Permanent partial, 30 per cent	30.00	150.00
Flynn, Bernard A	Care of Standard Oil Co., Patterson, Calif	Student	1894	Permanent partial, 34 per cent	34.00	125.00
Folte, Arno G	1063-67 Flood Building, San Francisco, Calif	Physician	1891	Permanent partial, 67 per cent	67.00	125.00
Frary, Alliston F., M. D	127 Wilder Ave., Los Gatos, Calif	do	1865	Permanent total	100.00	125.00
Fredericks, Geo	1001 Pearl St., Alamedo, Calif	Chief engineer-machinist	1875	Permanent partial, 52 per cent	52.00	125.00
Friar, Floyd M	4365 Kansas St., San Diego, Calif	No occupation	1896	Permanent total	100.00	125.00
Frost, Charles M	3761 3d St., San Diego, Calif	Civil engineer	1873	Permanent partial, 49 per cent	49.00	187.50
Fowler, Frank H	869 Rimpan Boulevard, Los Angeles, Calif	School superintendent	1861	Permanent partial, 45 per cent	45.00	218.75
Fox, Emory Ellsworth	505 Bryson Building, Los Angeles, Calif		1878	Permanent total	100.00	150.00
Fox, Robert M	2244 West 25th St., Los Angeles, Calif	Structure engineering architect.	1876	Permanent partial, 32 per cent	32.00	150.00
Gain, Flint Bon	340 Eddy St., San Francisco, Calif	Not given	1878	Permanent total	100.00	150.00
Gallagher, George D	714 North Central Ave., Glendale, Calif	do	1885	do	100.00	125.00
Gardner, Robt. R	Tahoe Pines, Lake Tahoe, Calif	do	1893	do	100.00	93.75
Gardner, Wm. Edwin	608 Washington Building, care of E. W. Bothwick, Los Angeles, Calif.	do	1889	do	100.00	125.00
Garoutte, Earl P	4300 Mariposa Ave., Sacramento, Calif	do	1894	do	100.00	93.75
Gerstenkorn, Roy	Suite 421, Bank of Italy, 7th and Olive Sts., Los Angeles, Calif.	Physician	1886	Permanent partial, 35 per cent	35.00	125.00
Gillen, Harry S	729 East 4th St., Long Beach, Calif	Not given	1895	Permanent partial, 45 per cent	45.00	93.75
Gilliland, Eugene W	415 East Stockes St., Glendale, Calif	Railway traffic clerk	1890	Permanent partial, 30 per cent	30.00	125.00
Gilmour, Frederick	Box 1157, care of Mrs. Emma Spur, Los Angeles, Calif.	Not given	1888	do	30.00	93.75
Godshall, Franklin M	1104 Ohio St., Redlands, Calif	Soldier	1894	Permanent partial, 35 per cent	35.00	93.75
Goetz, Herbert	675 Kenmore Ave., Los Angeles, Calif	Not given	1888	Permanent total	100.00	125.00
Goldman, Abraham	1170 Sacramento St., San Francisco, Calif	do	1895	Permanent partial, 31 per cent	31.00	93.75
Goodspeed, Earl L	433 Security Building, Los Angeles, Calif	Fire protection engineer	1889	Permanent partial, 37 per cent	37.00	125.00

CALIFORNIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Grant, Louis T	146 McAllister St., San Francisco, Calif	Civil engineer	1865	Permanent total	$100.00	$187.50
Grant, William L	5656 Berkshire Dr., Los Angeles, Calif	Physician	1867	Permanent partial, 75 per cent	75.00	187.50
Gray, Geo. Edw	Care of Shell Oil Co., 200 Buist St., San Francisco, Calif.	Mechanical engineer	1882	Permanent partial, 50 per cent	50.00	150.00
Greening, Earl McK	617 Oak Knoll Grove, Pasadena, Calif	Soldier	1893	Permanent partial, 31 per cent	31.00	125.00
Griffin, Charles F	1102 Flood Building, San Francisco, Calif	Physician	1869	Permanent partial, 40 per cent	40.00	150.00
Guilfoil, James A	611 Medical Building, Bush and Hyde St. San Francisco, Calif.	do	1887	Permanent partial, 42 per cent	42.00	125.00
Guthrie, Arthur S	671 F St., San Bernardino, Calif	Not given	1870	Permanent total	100.00	187.50
Habegger, Jacob	U. S. veterans' hospital, Palo Alto, Calif	do	1870	do	100.00	187.50
Hair, Arthur	736 Jones St., San Francisco, Calif	Student	1895	Permanent partial, 45 per cent	45.00	125.00
Hales, Barksdale	1132 South Spence St., Los Angeles, Calif	Civil engineer	1888	Permanent partial, 30 per cent	50.00	93.75
Hall, Nicholas C	1340 1st St., San Diego, Calif	Baker	1874	Permanent total	100.00	125.00
Hall, Warren F	U. S. Veterans' Hospital No. 24, Palo Alto, Calif.	Photographer	1879	do	100.00	93.75
Harmon, Grove B	General delivery, Verdugo City, Calif	Plumber	1892	do	100.00	125.00
Hammett, B	Pottengers, San Monrova, Calif	No occupation	1895	do	150.00	125.00
Hanbery, James W	Hotel Alexander, Long Beach, Calif	Teacher, school	1890	Permanent partial, 36 per cent	36.00	125.00
Harrington, Chas. W	Clipper Gap, Calif	Retail dealer, automobile	1884	Permanent total	100.00	93.75
Harrington, Jerome	P. O. Box 34, Santa Monica, Calif	Banker	1877	do	100.00	150.00
Hart, Trusten	520 West 7th St., Los Angeles, Calif	Physician	1880	Permanent partial, 36 per cent	36.00	125.00
Hayes, Claude F	3933 East Walnut Ave., Lynwood, Calif	Physician and surgeon	1873	Permanent total	100.00	125.00
Haysel, Arthur R	751 Formosa, Los Angeles, Calif	Adjutant general and bond salesman.	1887	Permanent partial, 48 per cent	48.00	150.00
Heffelfinger, Miles A	1203 Hass Building, Los Angeles, Calif	Physician	1880	Permanent partial, 44 per cent	44.00	150.00
Heller, Richard I	251 South New Hampshire St., Los Angeles, Calif.	Electrical engineer	1892	Permanent partial, 45 per cent	45.00	93.75
Hendricks, Hyda H	3520 Arnold Ave., San Diego, Calif	Not given	1890	Permanent total	100.00	125.00
Hershfield, Benj. C	2446 Graciosa Drive, Hollywood, Calif	Salesman (no samples)	1888	Permanent partial, 40 per cent	40.00	125.00
Hess, Seymour I	2000 Miramar St., Los Angeles, Calif	Mechanical engineer	1891	Permanent partial, 34 per cent	34.00	150.00
Herzog, George K	146 20th Ave., San Francisco, Calif	Physician	1879	Permanent partial, 74 per cent	74.00	187.50
Hicker, Harry D	1128 Sun Finance Building, Los Angeles Calif.	Lawyer	1884	Permanent partial, 40 per cent	40.00	125.00
Hill, John E	357 East Foothill Boulevard, Azusa, Calif	Physician and surgeon	1871	Permanent total	100.00	150.00
Hill, John Y	877 Stanford Ave., Oakland, Calif	Superintendent foreman of construction.	1883	Permanent partial, 45 per cent	45.00	125.00
Hiner, Bert C	8813 Cedar St., Los Angeles, Calif	Not given	1879	Permanent total	100.00	150.00
Hoag, Obe H	3307 Mission St., San Francisco, Calif	Physician	1870	Permanent partial, 53 per cent	53.00	150.00
Halfeditz, William	411 Griswold St., Glendale, Calif	Civil engineer	1882	Permanent partial, 65 per cent	65.00	150.00
Holmes, Aubrey F	3015 Millsbrae Ave., Oakland, Calif	Student	1896	Permanent partial, 60 per cent	60.00	93.75
Hopkins, Richard	105 Pennsylvania Ave., Los Angeles, Calif	Not given	1893	Permanent total	100.00	93.75
Howard, Hamilton	942 East Central Ave., Redlands, Calif	Lawyer	1884	do	150.00	125.00
Howell, William J	2306 Eagle Ave., Alameda, Calif	Marine engineer		Permanent partial, 86 per cent	86.00	150.00
Hudson, William J	Whitewater, Calif	Not given	1893	Permanent total	100.00	125.00
Huff, Thomas Sterling	1690 Filbert St., Apartment 12, San Francisco, Calif.	Railroad brakeman	1887	Permanent partial, 55 per cent	55.00	150.00
Hughes, Donald D	P. O. Box 454, Paso Robles, Calif	Wharfman	1893	do	55.00	125.00
Hughes, Lotus G	3339 North Marengo Ave., Altadena, Calif	Clerk, recording	1891	Permanent total	100.00	93.75
Hull, Ward Wesley	4630 34th St., San Diego, Calif	Clergyman	1874	do	100.00	150.00
Hultren, Thomas S	1717 Winowa Boulevard, Hollywood, Calif	Contractor foreman, construction.	1884	Permanent partial, 60 per cent	60.00	125.00
Hurrle, Charles C	1328 South Santa Fe Ave., Los Angeles, Calif.	Sales clerk, heavy	1889	Permanent partial, 50 per cent	50.00	93.75
Hurst, George W	628 West 27th St., Los Angeles, Calif	Sheriff	1871	Permanent partial, 33 per cent	33.00	187.50
Hurst, Gordon H	Lemon Grove, Calif	Not given	1892	Permanent partial, 50 per cent	50.00	93.75
Hutson, Edgar S	15407 Wadean Pl., Oakland, Calif	Soldier	1890	Permanent partial, 40 per cent	40.00	125.00
Jessup, Carl J	Care of U. S. Veterans' Hospital No. 24, Palo Alto, Calif.	Not given	1890	Permanent total	100.00	93.75
Jewell, Howard William	3443 8th Ave., Los Angeles, Calif	Construction engineer, roads.	1896	Permanent partial, 40 per cent	40.00	93.75
Johnson, Hinsley	4444 East 5th St., Long Beach, Calif	Bridge builder	1881	Permanent partial, 34 per cent	34.00	125.00
Johnson, Howard H	210 San Landis Way, San Francisco, Calif	Physician	1878	Permanent partial, 35 per cent	35.00	187.50
Johnson, Lester A	156 South Garfield St., Alhambra, Calif	Train dispatcher	1884	Permanent partial, 74 per cent	74.00	125.00
Johnson, William E	241 7th St., Richmond, Calif	Soldier	1891	Permanent partial, 39 per cent	39.00	150.00
Jones, Ames R	Room 230, Hall of Justice, Los Angeles, Calif	Student	1886	Permanent partial, 40 per cent	40.00	125.00
Jones, Robert R	4707 South College Vine St., Los Angeles, Calif.	Real estate agent	1880	Permanent partial, 60 per cent	60.00	150.00
Kamm, Philip S	2158 Vista Del Mar Ave., Hollywood, Calif	Not given	1892	Permanent total	100.00	93.75
Kierulff, Harry N	2628 Shattuck Ave., Berkeley, Calif	do	1867	do	100.00	150.00
Kellar, Andrew C	4960 Melrose Ave., Los Angeles, Calif	do	1874	do	100.00	125.00
Kellar, Charles H	P. O. Box 8, Tujunga, Calif	Policeman	1887	do	100.00	93.75
Kellar, Frank	217 East 96th St., Los Angeles, Calif	Farmer	1893	Permanent partial, 50 per cent	50.00	93.75
Kelley, Frederick O	U. S. veterans' hospital, San Diego, Calif	No occupation	1876	Permanent total	100.00	125.00
Kendall, Herbert R	711 Jean St., Oakland, Calif	Student	1895	Permanent partial, 68 per cent	68.00	93.75
Kerfoot, Ethelbert G	2714 Webster St., San Francisco, Calif	Not given	1877	Permanent total	100.00	150.00
Keyes, Henry S	832 Highland Ave., Los Angeles, Calif	Surgeon		Permanent partial, 85 per cent	85.00	187.50
King, Paul A	517 South Electric Ave., Alhambra, Calif	Auto mechanic	1894	Permanent partial, 83 per cent	83.00	93.75
Kinley, Clarence E	Box 170, Costa Mesa, Calif	No occupation	1878	Temporary total	150.00	150.00
Kleinman, Erwin	4867 Carnegie St., Los Angeles, Calif	do	1874	Permanent total	100.00	150.00
Knupp, Glenn H	314 North Commercial St., Whittier, Calif	No occupation given	1896	do	100.00	93.75
Koerner, George H	314 Moraga St., San Francisco, Calif	Marine engineer	1879	Permanent partial, 33 per cent	33.00	125.00
Koffard, Edward	410 East Fairview Blvd., Inglewood, Calif	Soldier	1888	Permanent partial, 42 per cent	42.00	125.00
Koughan, John Jas	1057 Cragmont Ave., Berkeley, Calif	Shipmaster	1860	Permanent total	100.00	250.00
Krone, George M	Rt. 1, Box 388-A, Tujunga, Calif	Manager, produce and industrial lumber business.	1886	do	100.00	150.00
Kukuck, Frederick C	318 Kearny St., San Francisco, Calif	Silk salesman	1895	Permanent partial, 79 per cent	79.00	93.75
Kurschinski, Albert	590 39th Ave., San Francisco, Calif	Machinist	1891	Permanent partial, 45 per cent	45.00	93.75
Kutch, Melcherd H	Box 342, Barstow, Calif	Physician	1874	Permanent total	100.00	150.00
Kutz, Forrest E	Dunaway Blvd., El Centro, Calif	Dentist	1890	Permanent partial, 39 per cent	30.00	125.00
Lamb, Edward	Bank of Italy, Powell and Market Sts	City fireman	1877	Permanent partial, 35 per cent	35.00	125.00
Lang, Louis M	609 North Gower St., Los Angeles, Calif	Superintendent of instruction.	1870	Permanent partial, 40 per cent	40.00	187.50
La Place, Louis	2574 31st Ave., San Francisco, Calif	Draftsman	1879	Permanent partial, 33 per cent	33.00	150.00
Langter, Leon F	Apartment 12, Bertota Apartments, 6768 Lexington Ave., Hollywood Drive, Los Angeles, Calif.	Purchasing agent and auditor.	1866	Permanent total	100.00	150.00
Lawrence, James J	215 Valencia St., Apartment 2, San Francisco, Calif.	No occupation	1891	Permanent partial, 30 per cent	30.00	125.00
Laxdal, Fred E	130 North Market St., Inglewood, Calif	Student	1896	Permanent partial, 50 per cent	50.00	93.75

CALIFORNIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Lee, Ambrose	U. S. Veterans' Hospital No. 24, Palo Alto, Calif.	Not given	1887	Permanent total	$20.00	$125.00
Levy, Reuben M	La Mesa, Calif	Baseball player	1889	Permanent partial, 33⅓ per cent	50.00	93.75
Lewis, Victor C	10525 Ayres Ave., Palm Station, Los Angeles, Calif.	Salesman, insurance	1869	Permanent partial, 30 per cent	30.00	150.00
Libby, Fred'k	313 South Sycamore St., Los Angeles, Calif.	Not given	1891	Permanent total	100.00	150.00
Liggett, Harry B	4084 Figueroa St., Los Angeles, Calif	Sales clerk, H. C	1896	Permanent partial, 42 per cent	42.00	93.75
Lindberg, Albert W	1426 South Main St., Los Angeles, Calif	Physician	1880	Permanent partial, 31 per cent	31.00	150.00
Lindley, Wm. P	R. F. D. 72, Box 399-A, Los Altos, Calif	Marine engineer	1855	Permanent partial, 70 per cent	70.00	187.50
Little, Frederick E	Star Rt. Box 38, Modesto, Calif	Rodman	1892	Permanent partial, 34 per cent	34.00	93.75
Little, Harold O	541 West Rustic Rd., Santa Monica, Calif	Clerk, railroad	1889	Permanent partial, 40 per cent	40.00	93.75
Long, David G	1205 5th Ave., San Mateo, Calif	Soldier	1891	Permanent partial, 45 per cent	45.00	93.75
Lotz, Truman L	920 West 28th St., Los Angeles, Calif	Student	1894	Permanent partial, 30 per cent	30.00	93.75
Love, John R	Pottenger Sanitarium, Monrovia, Calif	Farmer	1890	Permanent total	100.00	93.75
Low, Robeson L	564 Santa Anita Rd., Pasadena, Calif	Student	1871	do	100.00	187.50
Lucas, Wm. C	402 Pacific National Bank, Los Angeles, Calif.	Physician	1886	Permanent partial, 33 per cent	50.00	150.00
Luck, Everett J	496 4th St., San Bernardino, Calif	Auto retail dealer		Permanent partial, 45 per cent	22.50	125.00
Luttrell, James C	594 19th St., Oakland, Calif	Not given	1881	Permanent total	100.00	125.00
Lutz, Milton C	226 North Cornstock Ave., Whittier, Calif	Clergyman	1884	Permanent partial, 59 per cent	59.00	125.00
McCarthy, Wm. Ellis	411 Carilla St., Santa Rosa, Calif	Mechanical engineer	1884	Permanent total	100.00	150.00
McClure, jr., Samuel	2060 Santa Anita Ave., Altadena, Calif	do	1879	do	150.00	150.00
McCulloch, David	727 Los Palmas Ave., Los Angeles, Calif	Physician	1864	Permanent partial, 30 per cent	50.00	150.00
McDonald, Harry L	71 North Lima St., Sierra Madre, Calif	Civil engineer	1879	Permanent total	100.00	150.00
McDowell, John	564 Boulevard Way, Oakland, Calif	do	1891	Permanent partial, 50 per cent	50.00	125.00
McGrath, Ellert L	1613 Grove St., Berkeley, Calif	Not given	1894	Permanent total	100.00	93.75
McGrath, James G	567 Forest St., Palo Alto, Calif	No pre-war occupation	1870	Permanent partial, 75 per cent	75.00	150.00
McKinnan, Harold	301 Addison Ave., Palo Alto, Calif	do	1894	Permanent total	100.00	125.00
Macklin, Robert	919 North Madison St., Pasadena, Calif	Physician-surgeon	1885	Permanent partial, 31 per cent	31.00	125.00
MacNab, Clayton L	Rt. No. 1, Box 226, Congton, Calif	Not given	1889	Permanent total	150.00	150.00
Mann, Charles	Care of Supply Department, Fort Mason, Calif.	Superintendent docks	1870	Permanent partial, 66 per cent	66.00	187.50
Manington, Joseph A	1342 Detroit St., Los Angeles, Calif	Engineer	1877	Permanent total	100.00	187.50
Mansfield, Charles	771 Tyrle St., San Francisco, Calif	Marine engineer, locomotive engineer.	1865	Permanent partial, 48 per cent	48.00	93.75
March, Roy F	23 Brooks Ave., Venice, Calif	No pre-war occupation	1893	Permanent total	150.00	125.00
Marshall, Henry F	Mill Valley, Calif	Lawyer	1868	do	150.00	125.00
Martin, Robert G	480 South Euclid Ave., Pasadena, Calif	Teacher	1882	do	100.00	150.00
Mastin, Wm. A	252 North 1st St., Fresno, Calif	Soldier	1893	Permanent partial, 66 per cent	66.00	93.75
Mattair, Lewis H	115 North Valero St., Santa Barbara, Calif	Student	1895	Permanent total	100.00	125.00
Maul, Thomas	Box 37, Placerville, Calif	Sales clerk, H. C	1885	Permanent partial, 40 per cent	40.00	93.75
Mayes, William M	Krotona Ojai, Calif	Not given	1883	Permanent total	100.00	93.75
Meloy, Lawrence V	327 Flower St., Huntington Park, Calif	Retail dealer, automobiles	1895	Permanent partial, 30 per cent	30.00	93.75
Metcalfe, Geo. T	278 Post St., San Francisco, Calif	Shipping and receiving clerk.	1892	Permanent partial, 91 per cent	91.00	93.75
Mill, Marion M	1855 Hill Drive, Eagle Rock City, Calif	Physician-surgeon	1871	Permanent partial, 40 per cent	40.00	187.50
Miller, Earl G	1045 Monterey Rd., Los Angeles, Calif	Truck driver	1888	Permanent partial, 71 per cent	71.00	150.00
Miller, Frank L	U. S. veterans' hospital, San Fernando, Calif.	No occupation	1891	Permanent total	100.00	187.50
Miller, Jesse C	Kelsey, El Dorado County, Calif	Carpenter contractor	1883	Permanent partial, 66 per cent	66.00	93.75
Miller, William H	Care of Strand Hotel, 729 Union St., Los Angeles, Calif.	Purchasing agent	1893	Permanent partial, 60 per cent	60.00	125.00
Mingins, Royall W	Care of Department 12, Hall of Justice, San Francisco, Calif.	Occupation not given	1891	Permanent partial, 80 per cent	80.00	93.75
Moon, Elmer L	111 South Benton Way, Los Angeles, Calif	No occupation	1895	Permanent total	100.00	93.75
Moore, Clarence C	R. F. D. No. 1, Box 448, Hayward, Calif	Captain, master, mate, or pilot.	1873	do	100.00	150.00
Moore, James W	Willits, Calif	Flotation operator	1889	do	100.00	125.00
Moore, Monta J	139 Broadway, Walnut Park, Calif	General farmer	1888	Permanent partial, 40 per cent	40.00	125.00
Morgan, Robert R	P. O. Box 207, Mayfield, Calif	Salesman	1885	Permanent partial, 51 per cent	51.00	187.50
Morgan, William J	908 Ventura Ave., Berkeley, Calif	Not given	1857	Permanent total	100.00	125.00
Morganstern, Arthur	219 West Irving Boulevard, Los Angeles, Calif.	Salesman, light samples	1891	Permanent partial, 30 per cent	30.00	125.00
Morrin, Hugh B	4065 39th St., San Diego, Calif	Student	1899	Permanent total	150.00	93.75
Morris, Edwin V	1326 Shattuck Ave., Berkeley, Calif	No occupation	1891	do	100.00	150.00
Mosby, Ellsworth Charles	433 32d St., Sacramento, Calif	Newspaper reporter	1894	Permanent partial, 76 per cent	76.00	125.00
Moyer, B. H	U. S. veterans' hospital 102, Livermore, Calif.	Student	1896	Permanent total	100.00	125.00
Mueller, Carl S	Sutter, Calif	Clerk, postal, not railroad	1892	do	100.00	93.75
Mulholland, Emmett	718 Pacific Southwest Building, Long Beach, Calif.	Lawyer	1895	Permanent partial, 32 per cent	32.00	93.75
Murphy, Jesse J	R. F. D. No. 3, Box 565, Oakland, Calif	Brakeman, railroad	1883	Permanent partial, 50 per cent	50.00	93.75
Murphy, Linn J	U. S. naval hospital, San Diego, Calif	Physical instructor	1894	Permanent total	100.00	125.00
Murphy, Michael B	Glen Ranch, Calif	Not given	1886	do	100.00	93.75
Myers, Thomas	U. S. veterans' hospital, San Fernando, Calif.	Clerk, office supervisory	1886	do	100.00	150.00
Nevins, John W	471 West Ave. 51, Los Angeles, Calif	Physician	1879	Permanent partial, 44 per cent	44.00	125.00
Newlon, John W	5107 Hollywood Blvd., Los Angeles, Calif	Physician and surgeon	1879	Permanent partial, 32 per cent	50.00	125.00
Nickerson, George	Hospital 24, Palo Alto, Calif	Medical officer	1890	Permanent total	100.00	187.50
Nick, John J	General delivery, section N, Los Angeles, Calif.	Student	1888	do	100.00	93.75
Norman, Ransom L	3143 Collier Ave., San Diego, Calif	Life-insurance salesman	1888	do	150.00	125.00
Nugent, William A	3021 Wash St., San Francisco, Calif	Not given	1870	do	100.00	93.75
Oesch, Edward D	1115 12th Ave., Oakland, Calif	Engineer, locomotive	1879	do	100.00	125.00
Olson, Berto A	4014½ Moneta Ave., Los Angeles, Calif	General farmer	1891	Permanent partial, 30 per cent	30.00	150.00
Orr, Charles L	1038 South Alvarado St., Los Angeles, Calif.	No pre-war occupation	1870	Permanent partial, 50 per cent	50.00	125.00
Parish, Henry L	Peratta Apartments, 13th and Jackson Sts., Oakland, Calif.	Physician	1865	Permanent total	100.00	150.00
Parkin, Walter F	1425 West 56th St., Los Angeles, Calif	No occupation	1895	do	100.00	125.00
Parrish, Earl T	1101 Calif. Comm. Union Building, San Francisco, Calif.	Sample man, grain business.	1893	Permanent partial, 45 per cent	45.00	125.00
Payne, Charles W	U. S. Veterans' Hospital No. 24, Palo Alto, Calif.	Student	1890	Parmanent total	100.00	93.75
Pelton, Harold P	R. F. D. No. 1, Box 37, Palo Alto, Calif	Chauffeur	1895	Permanent partial, 45 per cent	45.00	150.00
Peterson, Howard P	115 Spark St., Burbank, Calif	Foreman factory	1891	Parmanent total	100.00	125.00
Phillips, John J	1315 Harrison St., San Francisco, Calif	Manager grain company	1887	do	100.00	187.50
Pope, Langdon A	384 South Reno St., Los Angeles, Calif	Stenographer	1896	do	100.00	93.75
Portman, Andrew	1129 Warren St., San Fernando, Calif	Salesman, securities	1890	do	100.00	93.75
Potts, Albert R	4424 Mont Eagle Pl., Los Angeles, Calif	Lineman, telegraph and telephone.	1897	Permanent partial, 58 per cent	58.00	125.00
Powell, Ashby H	Chaffee Court, 11th St., Ontario, Calif	Telephone repairman	1888	Permanent total	100.00	93.75
Prideaux, William D	780 Euclid St., Berkeley, Calif	Master, steamship	1874	Permanent partial, 65 per cent	65.00	250.00
Prior, Roger W	10529 Tennessee Ave., Sawtelle, Calif	Assistant teller, bank	1893	Permanent partial, 84 per cent	84.00	93.75

CALIFORNIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly paye under Tyson-Fitzgerald bill
Quinlivan, Frank B	Box 324, Riverside, Calif	Not given	1894	Permanent partial, 60 per cent	$60.00	$93.75
Randle, George N	1019 Harvard Rd., Oakland, Calif	do	1871	Permanent total	100.00	187.50
Reagan, Aloysius H	Lock Box 593, Monrovia, Calif	Lawyer	1886	do	100.00	125.00
Reeder, Harry C	1401 Beverly Drive, Beverly Hills, Calif	Civil engineer	1884	do	100.00	125.00
Rhodes, Frank G	Corner 6th and Florer Sts., Courtland Hotel, Los Angeles, Calif.		1873	do	100.00	150.00
Riccsacde, Attilia	Care of C. M. Waters, Box 638, Santa Monica Calif.	Not given	1895	do	100.00	93.75
Rice, Harold E	618 Alto Vista Ave., Oakland, Calif	do	1896	Permanent partial, 40 per cent	40.00	93.75
Rinearson, Meldrum	1024 Coronada Ter., Los Angeles, Calif	Mining engineer	1896	Permanent partial, 79 per cent	79.00	125.00
Roberts, Jay G	Box 67, Pomona, Calif	Physician	1874	Permanent partial, 58 per cent	58.00	150.00
Robey, David N	Room 501, St. Clair Building, San Jose, Calif	Physician, surgeon	1884	Permanent partial, 61 per cent	61.00	150.00
Robinson, Charles S	Elks Club, San Francisco, Calif	Advertising manager	1890	Permanent total	150.00	150.00
Robinson, Stanley T	1150 Oak Knoll Ave., Pasadena, Calif	Salesman	1890	Permanent partial, 35 per cent	50.00	125.00
Rosenfield, Milton	121 Castilleja Ave., Palo Alto, Calif	Lawyer	1892	Permanent total	100.00	93.75
Ruoff, William	3204 Dale St., San Diego, Calif	Physician	1868	do	100.00	150.00
Ryan, Joseph	1121 Cordova St., Glendale, Calif	Sales clerk, heavy	1892	Parmanent partial, 30 per cent	30.00	125.00
Sampson, George H	6819 Makee Ave., Los Angeles, Calif	Soldier	1887	Permanent partial, 85 per cent	51.00	93.75
Sanchez, Gilbert J	1406½ North Van Nes St., Hollywood, Calif	Student	1893	Permanent total	100.00	93.75
Sanford, James R	1152 Medocino St., Altadena, Calif	Physician	1890	Permanent partial, 33 per cent	50.00	125.00
Saunders, Clark E	Santa Claire Building, San Jose, Calif	do	1880	Permanent partial, 44 per cent	44.00	150.00
Saunders, Wendell	625 South Western Ave., Los Angeles, Calif	Not given	1895	Permanent total	100.00	93.75
Schenk, Laurence	1237 Ogden Drive Ave., Hollywood, Calif	Sales manager	1887	Permanent partial, 67 per cent	67.00	125.00
Schmid, John	5919 Keith Ave., Oakland, Calif	Inspector material equipment.	1861	Permanent partial, 60 per cent	60.00	150.00
Schwartz, Bret A	160 North May Ave., Monrovia, Calif	Physician	1890	Permanent total	150.00	125.00
Scott, James R	Chula Vista, Calif	do	1874	Permanent partial, 32 per cent	32.00	218.75
Scott, William R	Care of U. S. Immigration Service, San Ysidro, Calif.	No occupation	1874	Permanent partial, 40 per cent	40.00	150.00
Sebree, Guy Ollis	860 Pacific Building, San Francisco, Calif	Advertiser, artist	1889	Permanent partial, 50 per cent	50.00	93.75
Shaler, Elmer M	1227 West 78th St., Los Angeles, Calif	No pre-war occupation	1886	Permanent total	100.00	93.75
Sheean, Jos. R	2047 Hayes St., San Francisco, Calif	Knocker, packing house	1892	Permanent partial, 30 per cent	30.00	125.00
Short, Charles A	324 South 11th St., San Jose, Calif	Physician	1890	Permanent total	150.00	150.00
Shumaker, Ray	U. S. Veterans' Hospital No. 102, Livermore, Calif.	No occupation	1895	do	100.00	93.75
Shupe, Morris J	P. O. Box 524, Pasadena, Calif	Lawyer	1870	Permanent partial, 51 per cent	51.00	187.50
Silliman, Wm. C	U. S. Veterans' Hospital No. 104, San Fernando, Calif.	Soldier	1893	Permanent total	100.00	93.75
Sipelle, Chester D	Wapa State Hospital, Wapa, Calif	Machinist	1882	do	100.00	150.00
Six, Clarence L	352 Santa Barbara, Calif	Physician	1876	do	150.00	150.00
Slater, Francis C	335 South Glassel St., Orange, Calif	No occupation	1892	Permanent partial, 65 per cent	65.00	93.75
Smart, Robert	2531 2d St., San Diego, Calif	Not given	1872	Permanent total	100.00	218.75
Smith, Bashford	2454 Regal Road, Berkeley, Calif	do	1876	Permanent partial, 45 per cent	45.00	125.00
Smith, Charles L	P. O. Box 791, Redondo Beach, Calif	Foreman, factory	1887	Permanent total	100.00	93.75
Smith, Edgar W	218 South Standford Ave., Pasadena, Calif	Mining engineer	1882	Permanent partial, 33 per cent	33.00	125.00
Smith, Edson S	3226 Lucenda St., San Diego, Calif	Superintendent, copper plant.	1884	Permanent total	100.00	93.75
Smith, James William	124 Lyon St., San Francisco, Calif	Not given	1891	do	150.00	125.00
Smith, Joseph S	279 Jersey St., San Francisco, Calif	Civil engineer	1886	do	100.00	93.75
Smith, Robert L	65 North Madison Ave., Pasadena, Calif	Physician		Permanent partial, 31 per cent	31.00	187.50
Spicer, Morgan V	2333 Stewart St., Berkeley, Calif	Student		Permanent partial, 41 per cent	41.00	125.00
Stavrum, Edwin	Blair & Co., Van Ness Building, Los Angeles, Calif.	Store manager	1892	Permanent partial, 35 per cent	35.00	125.00
Steffy, John L	3642 Dunne Drive, Palm's Station, Los Angeles, Calif.	Physician	1889	Permanent partial, 40 per cent	40.00	125.00
Stephen, M. Lee	1029 A Third St., Santa Monica, Calif	Clerk, record and computing.	1891	Permanent total	100.00	93.75
Stewart, Luther P	326 Bandine Ave., Riverside, Calif	Soldier	1879	Permanent partial, 50 per cent	50.00	187.50
Stewart, Ferman	1041 Mendocino St., Alladenal, Calif	Not given	1895	Permanent total	100.00	93.75
Strong, Frank	620 Southwest Morland Ave., Los Angeles, Calif.	Surveyor	1879	Permanent partial, 49 per cent	49.00	125.00
Struder, Otto S	384 South Reno St., Los Angeles, Calif	Building inspector	1887	Permanent partial, 70 per cent	70.00	125.00
Strum, Elmer A	3914 Mountain View Ave., San Bernardino, Calif.	Clerk, postal railroad	1889	Permanent total	100.00	93.75
Sullivan, Frank J	1074 Florida St., San Francisco, Calif	Bookkeeper	1880	Permanent partial, 56 per cent	56.00	187.50
Sullivan, Walter	209 Security Bank Building, Hollywood, Calif.	Physician	1891	Permanent partial, 35 per cent	35.00	150.00
Sutliff, Howard D	202 Church St., Chula Vista, Calif	Draftsman, surveyor	1891	Permanent partial, 50 per cent	50.00	93.75
Sweet, Edward	3640 Atlantic Ave., Long Beach, Calif	Physician	1878	Permanent total	100.00	150.00
Symes, Clarence D	1515 West 70th St., Los Angeles, Calif	Railway signal engineer	1884	do	100.00	150.00
Tormohlen, Albert A	378 Cumberland St., San Francisco, Calif	Sales clerk, heavy commercial.	1892	Permanent partial, 55 per cent	55.00	93.75
Taylor, Ben Bradley	322 West 53d St., Los Angeles, Calif	Marble setter, tile setter	1893	Permanent partial, 80 per cent	100.00	93.75
Terry, Vinal S	Hemet, Calif	Marine sailor	1877	Permanent partial, 70 per cent	70.00	150.00
Thayer, Wayne	1287 South Plymouth St., Los Angeles, Calif	Office manager	1888	Permanent partial, 61 per cent	61.00	125.00
Thomas, William S	Agnews State Hospital, Agnews, Calif	No occupation	1874	Permanent total	100.00	150.00
Tighe, Franklin R	471 Riverdale Drive, Glendale, Calif	Not given	1890	do	100.00	93.75
Tillson, Frank A	205 West San Fran Boulevard, Burbank, Calif.	Student		Permanent partial, 34 per cent	34.00	93.75
Topping, Moses H	4027 West 28th St., Los Angeles, Calif	Not given	1874	Permanent total	100.00	125.00
Towles, Joseph	101 Dudley Ave., Venice Calif	Student	1896	Permanent partial, 40 per cent	40.00	93.75
Turner, Kenneth B	1136 Arapahal St., Los Angeles, Calif	Physician, surgeon	1874	Permanent total	100.00	187.50
Tysh, Kenneth H	Rt. No. 3, Box 311, Pasadena, Calif	Salesman, heavy samples	1897	Permanent partial, 35 per cent	24.50	93.75
Upton, Ford Jewett	379 Patterson St., Glendale, Calif	Outside salesman, light samples.	1892	do	35.00	125.00
Uznay, Charles H	1126 Broadway, Alameda, Calif	Marine engineer, locomotive engineer.	1887	Permanent partial, 33 per cent	33.00	93.75
Vanderlin, John H	120 Independence Ave., Southgate, Calif	Car builder, car repairman.		Permanent total	100.00	125.00
Van Gent, Conrad E	Coachella, Calif	Not given	1889	do	100.00	125.00
Van Gilder, Frank R	1905 North Bronson Ave., Los Angeles, Calif	Salesman, no samples	1892	Permanent partial, 33 per cent	33.00	125.00
Vincent, James A	539 Edgewood Rd., San Mateo, Calif	File clerk	1892	Permanent partial, 68 per cent	68.00	150.00
Virgil V. Whaley	7474 Hillside Ave., Los Angeles, Calif	No occupation	1893	Permanent total	100.00	93.75
Vollenweider, William F	Cloverdale, Calif	Carpenter	1896	Permanent partial, 58 per cent	58.00	93.75
Waidelich, Arthur	634 Kenwood St., Glendale, Calif	Teacher, physical culture	1891	Permanent partial, 35 per cent	35.00	125.00
Wall, Charles	3046 College Ave., Berkeley, Calif	Not given	1871	Permanent total	100.00	187.50
Washburne, Ajay	Fair Oaks, Calif., Box 103, Rt. A	do	1868	do	150.00	150.00
Watson, Joseph M	824 La Jolla Ave., Los Angeles, Calif	Lawyer	1875	Permanent partial, 70 per cent	70.00	150.00
Weeks, George Waldo	315 10th St., Richmond, Calif	Not given	1891	Permanent total	100.00	125.00

CALIFORNIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Weirick, Arthur M	Suite 832, 1. N. Van Nays Building, Los Angeles, Calif.	Bank clerk, R. and C	1893	Permanent partial, 31 per cent	$31.00	$125.00
Welch, Robert J	715 Glenridge Ave., Los Gatos, Calif.	Not given	1896	Permanent total	150.00	93.75
Welsh, Rex Earl	3223 Halm Ave., Culver City, Calif.	General farmer	1890	Permanent partial, 32 per cent	32.00	93.75
West, John A	1027 North Sycamore St., Los Angeles, Calif.	Student	1896	Permanent partial, 34 per cent	34.00	125.00
Wheeler, Harry L	357 Calaveras St., Altadena, Calif.	Bank cashier	1891	Permanent total	100.00	125.00
Whiffen, Roscoe A	607 Garden City Bank Building, San Jose, Calif.	Physician	1872	Permanent partial, 30 per cent	30.00	150.00
White, Charles F	17 Bonita Ave., Long Beach, Calif.	Not given	1897	do	30.00	125.00
White, John W	Hospital, Palo Alto, Calif.	do	1887	Permanent total	20.00	125.00
White, Leslie G	634 Cotton Exchange Building, Los Angeles, Calif.	Cotton clerk, office	1892	Permanent partial, 35 per cent	35.00	125.00
Whitehead, Joseph L	726½ Gramercy Pl., Hollywood, Calif.	Teacher	1897	do	35.00	93.75
Whiteside, Robert B	2015 Wilmot St., Los Angeles, Calif.	Not given	1896	Permanent total	100.00	93.75
Whitmore, Frank B	1822 North Fair Oaks Ave., Pasadena, Calif.	Physician	1873	do	100.00	150.00
Wicaff, Wier W	418 Pershing Square Building, care of Orange County Investment Corporation, Los Angeles, Calif.	Agricultural director as field instructor.	1889	Permanent partial, 75 per cent	52.50	150.00
Wideman, Jesse E	253 North Hope St., Los Angeles, Calif.	No occupation given	1883	Permanent total	100.00	125.00
Williams, Eldridge T	732 Georgia St., Vallejo, Calif.	Not given	1885	do	100.00	93.75
Williams, Kenneth A	2643 Piedmont Ave., Berkeley, Calif.	No occupation given	1897	do	100.00	93.75
Williams, Ray Terry	Belle St., Corona, Calif.	General farmer	1888	Permanent partial, 41 per cent	41.00	125.00
Williams, Walter A	1151 North Wilcox Ave., Hollywood, Calif.	School teacher	1893	Permanent partial, 83 per cent	83.00	125.00
Wilson, James N	402 Strand, Hermosa Beach, Calif.	No occupation given	1881	Permanent total	100.00	150.00
Wincher, Ellsworth M	128 Sunnyside Ave., Redlands, Calif.	Hotel clerk	1894	do	150.00	125.00
Winston, James W	Care of Agnew's State Hospital, Agnew, Calif.	Student	1895	Permanent total	100.00	93.75
Wirths, Carl William	7980 West 75th St., Los Angeles, Calif.	Copper and sheet-metal worker.	1888	Permanent partial, 50 per cent	50.00	125.00
Wiser, Frank C	161 South Norman Ave., Los Angeles, Calif.	Physician	1870	Permanent partial, 31 per cent	31.00	218.75
Wishard, Harry A	3135 Kerchoff Ave., Fresno, Calif.	Lawyer	1887	Permanent total	100.00	125.00
Wolcott, Lester O	332 Forger Ave., Fresno, Calif.	Civil engineer	1888	Permanent partial, 40 per cent	40.00	125.00
Woodward, Frank A	2300 West 10th St., Los Angeles, Calif.	Physician	1884	Permanent partial, 64 per cent	64.00	125.00
Wooldridge, Jesse W	Hernosi Apartments, 1416 11th St., Sacramento, Calif.	Salesman, service	1880	Permanent partial, 43 per cent	43.00	187.50
Wright, Linn C	121 South Mount Trail Ave., Sierra Madre, Calif.		1886	Permanent total	125.00	125.00
Wright, Marcus J	207 West Hawthorne St., Glendale, Calif.	Telegraph operator	1862	do	100.00	93.75
Wright, William Abel	Care of U. S. veterans' hospital, San Fernando, Calif.	Bank teller	1892	do	100.00	93.75
Wyman, Sprague B	2044 55th Ave., Oakley, Calif.	No pre-war occupation	1894	do	200.00	125.00
Wyman, William McK	1114 La Juna St., Santa Barbara, Calif.	Foreman construction	1886	Permanent partial, 33 per cent	33.00	93.75
Youngeen, John	U. S. Veterans' Hospital 102, Livermore, Calif.	Shipmaster	1868	Permanent total	100.00	125.00

COLORADO

Barton, Charles Harry	815 North Tejon St., Colorado Springs, Colo.	Accountant	1880	Permanent total	$100.00	$150.00
Betts, William Hubert	1236 3d Ave., Longmont, Colo.	Manager	1888	do	100.00	150.00
Black, Robert C	Fitzsimons Hospital, Denver, Colo.	Physician	1888	do	100.00	125.00
Brown, Morrow D	432 Republic Building, Denver, Colo.	do	1878	Permanent partial, 55 per cent	55.00	150.00
Bres, Edward	Fitzsimons General Hospital, Fitzsimons, Colo.	Engineer, mechanic	1892	Permanent total	100.00	125.00
Brown, Thaddeus C	1317 La Porte Ave., Fort Collins, Colo.	Not given	1886	do	100.00	125.00
Bryan, Saml. Smith	211 East Uintah St., Colorado Springs, Colo.	Student	1896	do	100.00	125.00
Buckland, Wm. Eaton	Fitzsimons Hospital, Denver, Colo.	Coal miner	1894	do	100.00	93.75
Bush, Bradford S	2860 Bellaire St., Denver, Colo.	Salesman	1893	do	100.00	93.75
Campbell, Robt. Augustine	U. S. Veterans' Hospital No. 80, Fort Lyon, Colo.	Inspector	1880	do	100.00	125.00
Carpenter, Clark	1809 Ford St., Golden, Colo.	Not given	1888	Permanent partial, 43 per cent	43.00	125.00
Chase, John Samson	Majestic Block, 16th and Broadway, Denver, Colo.	Physician	1890	Permanent partial, 32 per cent	32.00	125.00
Chisholm, Archibald	1485 St. Paul St., Denver, Colo.	do	1878	Permanent total	100.00	150.00
Clark, John Crafton	Fitzsimons General Hospital, Denver, Colo.	Student	1896	do	100.00	93.75
Comer, Roy Francis	General delivery, Denver, Colo.	do	1894	do	100.00	93.75
Conkling, Chas. Edw	4135 Hooper St., Denver, Colo.	Electrical engineer	1874	do	150.00	150.00
Copsey, Foy Marion	Fitzsimons General Hospital, Denver, Colo.	Lumber retail dealer	1894	do	100.00	93.75
Coughlin, John P	1430 Teyden St., Denver, Colo.	Student	1895	do	100.00	93.75
Cox, Casper Waldo	928 Olive St., Denver, Colo.	do	1889	do	100.00	125.00
Craven, Alex R	Fitzsimons General Hospital, Denver, Colo.	Not given	1886	do	100.00	93.75
Denis, Geo. W	Red Top Austin Bluffs, Colorado Springs, Colo.	Student	1889	do	150.00	125.00
Devereux, Louis	Fitzsimons General Hospital, Denver, Colo.	Farmer	1891	do	100.00	125.00
Dickey, Frank G	Boulder, Colo.	Clerk, office	1896	do	100.00	125.00
Dozios, Geo. Amedee	1267 Pearl St., Denver, Colo.	Student	1892	do	100.00	125.00
Driggs, Adrian A	Care of H. M. Beatty, assistant cashier, First National Bank, Denver, Colo.	Not given	1877	do	100.00	125.00
Edwards, Will Elmer	P. O. Box 451, Denver, Colo.	Postal clerk	1892	do	100.00	125.00
Eyerly, Sema Le Clere	3727 Wolff St., Denver, Colo.	Physician	1879	Permanent partial, 30 per cent	50.00	150.00
Finley, Harry McKiver	P. O. Box 225, Aurora, Colo.	Student	1897	Permanent total	100.00	93.75
Fuller, John A	891 South York St., Denver, Colo.	Not given	1893	do	100.00	93.75
Galloway, Albert J	2570 Grape St., Denver, Colo.	do	1890	do	100.00	93.75
Goodman, John Bartlett	1471 Cook St., Denver, Colo.	Soldier	1881	do	100.00	187.50
Goodspeed, Morton	1929 Wood Ave., Colorado Springs, Colo.	Student	1895	do	100.00	125.00
Guthrie, Carl J	U. S. Veterans' Hospital No. 80, Fort Lyon, Colo.	do	1893	do	100.00	125.00
Hall, Robt. Keith	555 Williams St., Denver, Colo.	Broker	1894	Permanent partial, 78 per cent	78.00	93.75
Halle, Simon	Glockner Hospital, Colorado Springs, Colo.	Electrical engineer	1893	Permanent total	100.00	93.75
Hallenbech, Vernon M	Glockner Sanatorium, Colorado Springs, Colo.	Not given	1896	do	100.00	93.75
Harl, Maple T	965 Washington St., Denver, Colo.	do	1893	do	100.00	187.50
Harrington, Michael C	924 East 17th Ave., Denver, Colo.	Banker-cashier	1863	do	100.00	187.50
Hawkins, Leon G	Apartment B, 1007 East 17th Ave., Denver, Colo.	Mechanical engineer	1891	do	100.00	125.00
Hearn, Gulford C	1234 Washington St., Apartment 22, Denver, Colo.	Framer	1895	do	100.00	125.00
Heath, Clifford J	1960 Sherman St., Denver, Colo.	Physician	1883	do	100.00	150.00
Heck, Milton E	Fitzsimons General Hospital, Denver, Colo.	Mechanical engineer	1892	do	100.00	125.00

COLORADO—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Higginbotham, Walter	Pythian Club, Denver, Colo	Student	1892	Permanent total	$100.00	$93.75
Holland, Fred Young	2220 Jasmine St., Denver, Colo	Court reporter	1895	do	100.00	125.00
Holland, Lew Elmore	1201 South University Ave., Denver, Colo	Not given	1887	do	100.00	125.00
Hott, David	Fitzsimons General Hospital, Denver, Colo	Physician	1873	do	100.00	150.00
Howard, John F	838 U. S. National Bank Building, Denver, Colo.	Physician and surgeon	1872	Permanent partial, 55 per cent	55.00	150.00
Irish, Joseph Elder	615 Nevada Ave., Colorado Springs, Colo	Not given	1894	Permanent total	100.00	125.00
Johnson, Allison	Fitzsimons Hospital, Fitzsimons, Colo	Tailor	1893	do	100.00	125.00
Kelsey, Floyd L	1909 North Cascade St., Colorado Springs, Colo.	Store manager	1895	do	100.00	93.75
Laceivell, Alexander	1336 Emporia St., Aurora, Colo	Soldier	1896	Permanent total	100.00	93.75
Lamb, George C	1115 14th Ave., Greeley, Colo	Physician	1868	do	100.00	150.00
Lambertson, Francis W	Rt. 2, Box 615, Edgewater, Colo	Not given	1885	do	100.00	150.00
Lay, Harry T	2049 Ivanhoe St., Denver, Colo	Physician	1879	do	150.00	187.50
Lee, James Agustine	Fitzsimons Hospital, Denver, Colo	Superintendent	1876	do	100.00	150.00
Leslie, Douglas M	1801 Culebra Ave., Colorado Springs, Colo	Office clerk	------	do	150.00	93.75
Lilly, Eugene J	Cragmor Sanatorium, Colorado Springs, Colo.	Student	1896	do	100.00	150.00
Livingston, John L	No. 9 Santa Fe Drive, Denver, Colo	Not given	1883	do	100.00	150.00
Luddy, Jos. Ladmore	933 Madison St., Denver, Colo	Salesman	1898	do	100.00	93.75
McKinley, Leo George	1119 North Cedar St., Colorado Springs, Colo	Lawyer	1889	do	150.00	125.00
Maloney, John Patrick	Hotel Plaza, Denver, Colo	Not given	1896	do	100.00	93.75
Manuel, Jos. C	U. S. Veterans' Hospital No. 80, Fort Lyon, Colo.	Sheriff	1881	do	100.00	125.00
Mann, Earl Washington	2538 Mauon St., Denver, Colo	Auto mechanic	1886	do	100.00	125.00
Mann, Hiram B	1784 Jasamin St., Denver, Colo	Physician	1889	do	100.00	125.00
Mardiman, Cicero C	U. S. Veterans' Hospital No. 80, Fort Lyon, Colo.	Cotton broker	1893	do	100.00	125.00
Marical, James E	1680 Hanover St., Aurora, Colo	Express clerk	1882	do	100.00	125.00
Masserini, Maurice	American Express Co., Denver, Colo	Student	1893	do	100.00	93.75
Maxwell, William H	1383 Jackson St., Denver, Colo	Federal office clerk	1887	do	100.00	150.00
Meadows, Turner F	804 West 5th Ave., Denver, Colo	Soldier	1885	do	100.00	93.75
Miller, David Baker	1336 Gaylord St., Denver, Colo	Banking	1893	Permanent partial, 35 per cent	35.00	125.00
Mix, Walter S	2379 Fairfax, Denver, Colo	Physician	1891	Permanent total	100.00	150.00
Moore, Isaac Edward	738 North Spruce St., Colorado Springs, Colo.	do	1890	do	100.00	125.00
Morehart, Lee R	Glockner Sanatorium, Colorado Springs, Colo.	Sales clerk	1895	do	150.00	93.75
Mulcaley, Raymond G	Craig, Colo	Dentist	1894	do	100.00	150.00
Nelson, John Francis	1222 East 33d Ave., Denver, Colo	Not given	1879	do	100.00	125.00
Newhauser, John Paul	1530 Quince St., Denver, Colo	Store manager	1895	do	100.00	125.00
Nimmo, Wm. Thomas	1357 Clermont St., Denver, Colo	Stock clerk, H. C	1897	do	100.00	93.75
Norton, Dana Oliver	Suite 21, Avery Block, Fort Collins, Colo	Physician	1874	do	100.00	125.00
Oakley, Gurney O	1606 Dallas St., Aurora, Colo	Soldier	1894	do	100.00	150.00
Ohmart, Walter	962 South Vine St., Denver, Colo	Physician	1889	do	100.00	125.00
Owen, Harry	P. O. Box 1713, Denver, Colo	Soldier	1880	do	100.00	125.00
Owens, Robert	1604 Cheyenne St., Colorado Springs, Colo	Not given	1880	do	100.00	150.00
Parks, Ernest	772 Franklin St., Denver, Colo	Store manager	1878	do	100.00	187.50
Parsons, Chas. Lyman	2251 Eudora St., Denver, Colo	Teacher, physical culture	1892	Permanent partial, 35 per cent	35.00	125.00
Partington, Cyrus B	P. O. Box 1405, Denver, Colo	Physician	1889	Permanent partial, 37 per cent	50.00	125.00
Pate, Clarence Lee	1415 LaFayette St., Denver, Colo	Not given	1886	Permanent total	100.00	93.75
Pennington, Elgar John	65 Ash St., Denver, Colo	Student	1891	do	100.00	93.75
Pottic, William Jerome	4341 East Colfax Ave., Denver, Colo	Professor	1890	do	100.00	187.50
Proudfit, Lucas	Fitzsimons Hospital, Fitzsimons, Colo	Clerk, shipping	1895	do	100.00	125.00
Raffety, Chas. E	2038 Fairfax St., Denver, Colo	Not given	1896	Permanent partial, 40 per cent	40.00	93.75
Rearden, Charles	1418 Elizabeth St., Denver, Colo	Accountant	1883	Permanent total	100.00	125.00
Rhea, Robert	1401 North Nevada Ave., Colorado Springs, Colo.	Not given	1887	do	150.00	93.75
Reilly, Joseph John	1923 Eudora St., Denver, Colo	Physician	1885	do	100.00	150.00
Roberts, Thomas K	Cosmopolitan Hotel, Denver, Colo	Not given	------	do	100.00	93.75
Scott, Francis Marion	820 Madison St., Denver, Colo	Student	1895	do	100.00	93.75
Sevier, Charles E	1673 Sherman St., Denver, Colo	Physician	1889	do	100.00	150.00
Shafer, Harry S	315 South Downing St., Denver, Colo	do	1869	do	100.00	125.00
Shankland, Ralph	1211 Race St., Denver, Colo	Civil engineer	1884	do	100.00	125.00
Shay, Raymond A	732 Gelpin St., Denver, Colo	General farmer	1893	do	100.00	93.75
Sheesan, David Jos	Allens Park, Denver, Colo	Salesman	1884	do	100.00	150.00
Shepherd, Garrett A	1291 Fairfax St., Denver, Colo	Sales clerk	1896	do	100.00	125.00
Smith, Harry Wm	Fitzsimons General Hospital, Fitzsimons, Colo.	Credit man	1892	do	100.00	93.75
Stockman, Dryden	1407 Chester St., Aurora, Colo	Not given	1876	do	100.00	150.00
Strickler, Glen Wood	Box 64, Aurora, Colo	Student	1895	do	100.00	93.75
Stroud, Ira Lee	624 South Ogden St., Denver, Colo	Soldier	1884	Permanent partial, 58 per cent	58.00	150.00
Sughena, Thomas J	Kittridge, Colo	Salesman, outside	1888	Permanent total	100.00	93.75
Talcott, Carleton Hart	4566 South Logan St., Rt. 4, box 161 C., Englewood, Colo.	Student	1898	do	150.00	93.75
Thomas, Fred	7125 East Colfax Ave., Denver, Colo	Not given	1890	do	150.00	125.00
Thomas, Fred L	Fitzsimons Hospital, Fitzsimons, Colo	Student	1892	do	100.00	125.00
Thomas, James Rodefer	Wheatridge, Colo	Physician	1868	do	100.00	150.00
Tilly, Cecil Hall	1435 Quince St., Denver, Colo	Farmer, general	1895	do	100.00	125.00
Tooley, Josiah O	1720 Chester St., Aurora, Colo	Athlete	1895	Permanent partial, 30 per cent	50.00	93.75
Wagner, Jno. Albert	Care of Fitzsimons General Hospital, Fitzsimons, Colo.	Hotel clerk	1893	Permanent total	100.00	93.75
Wheeler, Bert Lee	2142 Lowell Building, Denver, Colo	School-teacher	1894	do	100.00	93.75
Whitbeck, Louis Hunt	Fitzsimons General Hospital, Denver, Colo	Not given	1892	do	70.00	125.00
Wilson, Chauncey G	1125 Marion St., Apt. No. 8, Denver, Colo	Student	1896	do	100.00	93.75
Winner, Wm. Lane	741 Penn St., Denver, Colo	Mechanical engineer	1890	Permanent partial, 50 per cent	50.00	93.75
Woody, Russell Charles	8801 East 16th Ave., Denver, Colo	Machinist	1890	Permanent total	100.00	150.00

CONNECTICUT

Bruenn, John Jos	123 Prospect Ave., Meriden, Conn	None given	1890	Permanent total	$100.00	$93.75
Cafferty, Edmond J	Forestville, Conn., P. O. Box 170	Clerk, records and computing.	1893	Permanent partial, 30 per cent	30.00	125.00
Cousins, Jno. Wm	Connecticut State Hospital, Middletown, Conn.	Clr	1889	Permanent total	100.00	150.00
Garlick, Edward Earl	1843 Elm St., Stratford, Conn	Lawyer	1884	Permanent partial, 34 per cent	34.00	125.00
Gettingo, James A	209 Whalley Ave., New Haven, Conn	Physician	1890	Permanent partial, 33 per cent	33.00	150.00
Grant, James Levi	1 Hulbard Pl., Wethersfield, Conn	Clerk, record and computing.	1892	Permanent partial, 50 per cent	50.00	93.75

CONNECTICUT—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Ingersoll, Colin M	67 Glenbrook Rd., Stamford, Conn	None given	1893	Permanent total	$150.00	$125.00
Loader, Victor H	58 Mansfield St., New Haven, Conn	Salesman	1896	do	100.00	93.75
Monaghan, Wm. A	214 High St., Bristol, Conn	Physician	1886	do	150.00	125.00
Morgan, Gerald M	321 Greenwich Ave., Greenwich, Conn	Athlete	1891	Permanent partial, 50 per cent	50.00	150.00
Mulhern, Patrick John	47 Shultas Pl., Hartford, Conn	Paper broker	1880	Permanent total	100.00	125.00
Raymond, Henry J	Litchfield Co., Norfolk, Conn	None given	1881	do	100.00	125.00
Rowland, Maurice T	42 Columbia Boulevard, Waterbury, Conn	do	1889	do	150.00	93.75
Scarborough, Clarence	687 Park Row, West Hartford, Conn	No occupation	1881	Permanent partial, 30 per cent	30.00	125.00
Siegall, Harry Arthur	750 Main St., Hartford, Conn	Physician	1890	Permanent total	100.00	125.00
Smith, Samuel	24 Smith St., Danbury, Conn	None given	1887	do	100.00	125.00
Spencer, Herbert	704 New Britain Ave., Hartford, Conn	Student	1894	Permanent partial, 30 per cent	50.00	125.00
Stevens, Geo. Ralsey, jr	118 Main St., New Canaan, Conn	do	1895	do	30.00	125.00
Stevenson, Maurice S	Indian Fld. Rd. and Cross Lane, Greenwich, Conn.	Teacher, athlete coach	1896	Permanent partial, 60 per cent	60.00	125.00
Sullivan, Jeremiah B	274 Drexel Ave., New Haven, Conn	Physician	1879	Permanent partial, 75 per cent	75.00	150.00
Tarrington, Edw. C	R. F. D., Norfolk, Conn	Salesman	1885	Permanent total	100.00	150.00
Ward, James Jos	19 Sheldon St., Waterbury, Conn	Steam fitter	1892	Permanent partial, 56 per cent	56.00	93.75
Wood, Chas. Clement	The Great Manufacturing Co., New Haven, Conn.	Traveling salesman	1896	Permanent partial, 61 per cent	61.00	93.75

DELAWARE

Bean, Herbert Souder	834 Market St., Wilmington, Del	Engineer	1890	Permanent partial, 35 per cent	$35.00	$93.75
Howell, Harrison W	824 Washington St., Wilmington, Del	Physician	1873	Permanent total	100.00	150.00
McKelvey, Wm. Jno	206 West 21st St., Wilmington, Del	Mechanic	1883	Permanent partial, 75 per cent	75.00	125.00
Porter, Howard E	705½ 6th St., Wilmington, Del	Yardmaster	1892	Permanent total	100.00	125.00

DISTRICT OF COLUMBIA

Adams, Raymond	808 Taylor St. NW., Washington, D. C	Civil engineer	1874	Permanent partial, 39 per cent	$39.00	$150.00
Barr, Albert T	St. Elizabeths Hospital, Washington, D. C.	Not given	1884	Permanent total	20.00	150.00
Bartram, Alfred	1356 Fairmont St., Washington, D. C	do	1887	do	100.00	125.00
Bates, Francis D	St. Elizabeths Hospital, Washington, D. C.	do	1893	do	20.00	93.75
Bischoff, M. T	27 8th St. NE., Washington, D. C	Sales manager	1886	Permanent partial, 86 per cent	86.00	150.00
Boyd, Robt. S	6907 8th St. NW., Washington, D. C	Machinist	1888	Permanent partial, 75 per cent	75.00	125.00
Brooks, John E	Monmouth Apartments, 1819 G St. NW., Washington, D. C.	Not given	1868	Permanent total	100.00	150.00
Brown, Philip	4427 Ord St. NE., Washington, D. C	do	1870	do	100.00	187.50
Browning, John W	2735 Macomb St., Cleveland Park, Washington, D. C.	do	1878	do	100.00	150.00
Cammer, Claude R	545 North Main St., Winchester, Va	No occupation given	1889	do	100.00	125.00
Carroll, Mitchell	2320 20th St. NW., Washington, D. C	Student	1898	Permanent partial, 45 per cent	45.00	125.00
Carson, Lee G	St. Elizabeths Hospital, Washington, D. C.	Not given	1886	Permanent total	40.00	187.50
Cash, David Pintus	1507 Buchanan St. NW., Washington, D. C.	Dentist	1892	do	150.00	125.00
Coe, Robert	1800 K St., NW. Apartment 501, Washington, D. C.	Not given	1868	do	100.00	150.00
Coleman, James J	1330 L St. NW., Washington, D. C	School teacher	1893	Permanent partial, 33 per cent	33.00	93.75
Colley, Thos. M	7129 7th St. NW., Washington, D. C	Not given	1881	Permanent total	100.00	125.00
Cook, George F	1855 Calvert St. NW., Washington, D. C	Clerk, office, Federal	1881	do	100.00	150.00
Craig, Henry H	3718 F St. NW., Washington, D. C	Clerk, office, Records and Computing.	1885	do	100.00	150.00
Crane, Edward F	Care of Mr. Dietz, Takoma Park Bank, Takoma Park, D. C.	Toolmaker	1896	Permanent partial, 72¾ per cent	72.75	93.75
Dewey, James W	Box 114, Pennsylvania Avenue Station, Washington, D. C.	Theatrical manager and officer.	1886	Permanent total	150.00	125.00
Donnell, Wm. H	2834 27th St. NE., Washington, D. C	Not given	1894	do	150.00	93.75
Donnelly, John C	4425 Q St. NW., Foxhall Village, Washington, D. C.	Lawyer	1885	Permanent partial, 35 per cent	35.00	125.00
Faulkner, Ralph H	1616 16th St. NW., Washington, D. C	Timber cruiser	1887	Permanent partial, 72 per cent	72.00	150.00
Feltham, Percy M	Raleigh Hotel, Washington, D. C	Civil engineer	1879	Permanent partial, 67 per cent	67.00	150.00
Foot, Paul	905 Butternut St. NW., Washington, D. C.	Farmer	1893	Permanent partial, 62 per cent	62.00	93.75
Foy, Bernard J	325 Washington St. NW., Washington, D. C.	Garage keeper or manager	1875	Permanent total	57.50	125.00
Fraser, Donald Wm	Room 105, Senate Office Building, Washington, D. C.	Soldier	1889	do	100.00	93.75
Furbershow, Arthur W	4931 7th St., Washington, D. C	Press feeder	1882	Permanent partial, 32 per cent	32.00	125.00
Gilbert, Prentiss B	210 P St. NW., Washington, D. C	Special writer	1883	Permanent partial, 45 per cent	45.00	150.00
Gose, John H	Second floor, 806 17th St., Washington, D. C.	Not given	1896	Permanent total	100.00	125.00
Graupner, Adolphus E	2805 Adams Mill Rd. NW., Washington, D. C.	Lawyer	1875	Permanent partial, 61 per cent	61.00	150.00
Haley, Edward McI	3028 Porter St. NW., Washington, D. C	Physician	1864	Permanent total	100.00	150.00
Hampton, Edward M	St. Elizabeths Hospital, Washington, D. C.	Student	1897	do	20.00	93.75
Hastings, Thos. W	2100 Mass. Ave., Washington, D. C	Not given	1873	do	150.00	187.50
Hill, Edward D	3701 Mass. Ave. NW., Washington, D. C	do	1893	do	100.00	150.00
Horton, Harry M	4437 Klingle St. NW., Wesley Heights, Washington, D. C.	do	1877	do	100.00	150.00
Howley, Wm. T	704 Ingraham St. NW., Washington, D. C	Insp. tel. anal. lineman tel.	1890	Permanent partial, 60 per cent	60.00	93.75
Inman, Edward K	128 B St. NE., Washington, D. C	Not given	1894	Permanent total	100.00	125.00
Jacobs, John M	1464-A Girard St. NW., Washington, D. C.	Bookkeeper	1896	Permanent partial, 54 per cent	54.00	93.75
Jervey, Frank J	Room 3732, Munitions Building, Washington, D. C.	Electrical engineer	1893	Permanent partial, 76 per cent	76.00	150.00
Johnson, Edwin M	1401 21st St. NW., Washington, D. C	Physician	1873	Permanent partial, 44 per cent	44.00	150.00
Jones, Charles L	1712 16th St. NW., Apartment 705	Switchman	1890	Permanent partial, 80 per cent	80.00	93.75
King, Harry C	1422 K St. NW., Washington, D. C	Physician	1885	Permanent partial, 37 per cent	37.00	150.00
King, Sylvan N	3810 Keokuk St., Washington D. C	No occupation given	1893	Permanent partial, 30 per cent	30.00	93.75
Kinney, Alfred E	2627 Adams Mill Rd. NW., Washington, D. C.	Physician	1887	Permanent total	100.00	125.00
Kirk, Grover C	Apartment 234, Phillips Terrace, 1601 Argonne Pl. NW., Washington, D. C.	School-teacher	1886	Permanent partial, 33 per cent	50.00	93.75
Kochli, Fred	3025 15th St. NW., Washington, D. C	Die sinker, metals	1891	Permanent total	100.00	150.00
Kolls, Alfred C	St. Elizabeths Hospital, Washington, D. C.	Physician	1891	do	[1] 40.00	150.00
Lefevre, Geo. R	1410 G St. SE., Washington, D. C	Photographer	1884	do	150.00	125.00
Lewis, Harry T	1764 Church St. NW., Washington, D. C	No pre-war occupation	1888	do	100.00	150.00
Livingston, Stanton K	831 Whittier Pl., Washington, D. C	Student	1897	Permanent partial, 31 per cent	31.00	125.00
Lockwood, Schee M	2825 28th St. NW., Washington, D. C	do	1896	Permanent partial, 35 per cent	35.00	93.75

[1] Approximate.

DISTRICT OF COLUMBIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Long, Henry D. F	2900 Ordway St., Washington, D. C	Sales manager	1874	Permanent partial, 61 per cent	$61.00	$125.00
Mitchell, Ezra G	3613 13th St. NW., Washington, D. C	Civil engineer	1879	Permanent partial, 37 per cent	37.00	150.00
Mudd, Kostka	Apartment 104, 5336 Colorado Ave. NW., Washington, D. C.	Not given	1889	Permanent partial, 32 per cent	32.00	125.00
Murdock, James O	1824 23d St. NW., Washington, D. C	do	1893	Permanent total	100.00	150.00
Murphy, John	Room 509, 1343 H St. NW., Washington, D. C.	do	1876	do	100.00	150.00
Oliver, Fred N	Room 905, Interstate Commerce Commission, Washington, D. C.	Undersheriff, policeman	1888	Permanent partial, 45 per cent	45.00	187.50
Owens, Frank M	1511 22d St. NW., Apartment 204, Washington, D. C.	Salesman, real estate	1892	Permanent partial, 42 per cent	42.00	93.75
Parker, Harry B	Apartment 305, 3500 14th St. NW., Washington, D. C.	Clerk, office, Federal	1880	Permanent total	150.00	150.00
Phillips, Geo. W	610 Longfellow St. NW., Washington, D. C.	Salesman, light samples	1895	do	100.00	93.75
Pickett, George E	204 Ontario Apartment, Washington, D. C.	Manager personal employment.	1893	Permanent partial, 75 per cent	75.00	93.75
Pillow, Noel A	1808 G St. NW., Washington, D. C	Not given	1896	Permanent total	100.00	93.75
Pritchard, Frank A	Apartment 6, The Cedric, Washington, D. C., 14th and Upshur St. NW.	do	1896	do	100.00	93.75
Robbins, Urbin G	1227 Trinidad Ave. NE., Washington, D. C	do		Permanent partial, 30 per cent	30.00	125.00
Robinson, Christopher	817 Longfellow St. NW., Washington, D. C.	Ordnance man analyst to machinist.		Permanent partial, 56 per cent	56.00	93.75
Roddy, Norman	1710 Webster St. NW	Not given	1897	Permanent partial, 30 per cent	30.00	93.75
Rogers, Emmett E	1033 21st St. NW., Washington D. C	Soldier	1897	Permanent partial, 33½ per cent	50.00	93.75
Scott, John Reed	Care of Metropolitan Club, Washington, D. C.	Author (on new evidence)	1869	Permanent partial, 61 per cent	61.00	218.75
Semmes, Harry H	733 Investment Building, Washington, D. C.	Assistant patent lawyer, office patent attorney.	1892	Permanent partial, 40 per cent	40.00	150.00
Sewell, Samuel	1720 13th St. NW., Washington, D. C	Soldier	1877	Permanent partial, 50 per cent	50.00	150.00
Seymer, Ernest P	Fontanet Courts, 14th and Fairmont Sts. NW., Washington, D. C.	Not given	1876	Permanent total	100.00	187.50
Smith, Dallas Burton	Insurance Division, Central Office, Washington, D. C.	Prospector of minerals	1883	Permanent partial, 56 per cent	56.00	218.75
Smith, Frank Calhoun	Care of Mrs. N. Diermier, 2410 20th St. NW., Washington, D. C.	Not given	1873	Permanent total	150.00	125.00
Smith, Taylor B	St. Elizabeths Hospital, Washington, D. C	do	1891	do	20.00	125.00
Stackhouse, John	do	do	1898	do	20.00	93.75
Statler, Ralph Otis	St. Elizabeths Hospital, Washington, D. C.	Undetermined	1884	Permanent total	100.00	187.50
Thralls, Francis	660 Earle Building, Washington D. C	Lawyer	1882	Permanent partial, 45 per cent	45.00	150.00
Tilgman, George	1474 Columbia Rd., Washington, D. C	Sales clerk	1894	Permanent partial, 58 per cent	58.00	125.00
Trammell, Harvey E	Army and Navy Club, Washington, D. C	Auto mechanic	1895	Permanent partial, 91 per cent	91.00	125.00
Van Flecht, Jos. S	1414 Webster St. NW., Washington, D. C	Investigator	1864	Permanent partial, 58 per cent	58.00	150.00
Wall, Benjamin	3024 Porter St. NW., Apartment 201, Washington, D. C.	Electrical engineer	1869	Permanent partial, 33 per cent	33.00	150.00
Walsh, Thomas David	1307 12th St. NW., Apartment 402, Washington, D. C.	Detective	1873	Permanent total	100.00	125.00
Widderburn, Frank	3019 Cambridge Pl., Washington, D. C	Traveling agent	1881	Permanent partial, 70 per cent	70.00	150.00
Whitson, Wm. E	1720 M St. NW., Washington, D. C	Physician	1874	Permanent partial, 40 per cent	40.00	125.00
Williams, Ashby	Rust Building, 15th and K Sts. NW., Washington, D. C.	Lawyer	1879	Permanent partial, 75 per cent	75.00	218.75
Wolf, Lester M	St. Elizabeths Hospital, Washington, D. C	Not given	1896	Permanent total	100.00	93.75
Woomer, Lester E	do	do	1892	do	20.00	125.00
Williams, Nathan	1816 Kaloramo Rd. NW., Washington, D. C.	do	1872	Permanent partial, 49 per cent	49.00	125.00

FLORIDA

Abernathy, Charles V	San Mateo, Fla	None given	1889	Permanent total	$100.00	$93.75
Andrews, Chadbourne	812 Citizens Bank Building, Tampa, Fla	Physician	1884	Permanent partial, 44 per cent	44.00	125.00
Ash, Harry Lee	P. O. Box 1463, Bradenton, Fla	Train master	1880	Permanent partial, 32 per cent	32.00	93.75
Breckinridge, Archie	213 West Powhatan Ave., Tampa, Fla	Student	1893	Permanent partial, 51 per cent	51.00	125.00
Bowen, Fredk. J	433 James Building, Jacksonville, Fla	Physician	1877	Permanent partial, 60 per cent	60.00	150.00
Boykin, Jno. Thos	312 Curry Building, Tampa, Fla	do	1869	do	60.00	125.00
Burns, Jno. Myron	Rt. No. 1, Auburndale, Fla	Engineer, civil	1884	Permanent partial, 75 per cent	75.00	150.00
Cain, William Q	Suite 10–12, Olson Building, South Olive Ave., West Palm Beach, Fla.	Lawyer	1892	Permanent partial, 30 per cent	30.00	93.75
Callahan, Francis X	Homosassa Springs, Fla	Salesman, insurance	1892	Permanent partial, 35 per cent	35.00	125.00
Carmack, John Frank	501 Packwood Ave., Tampa, Fla	Salesman, outside, no samples.	1887	Permanent total	100.00	187.50
Chambers, Jos. R	Coral Gables, Miami, Fla	Clerk, rec. and compt	1893	Permanent partial, 30 per cent	30.00	150.00
Childs, Arthur Scott	Box 224, Lake Worth, Fla	Game warden	1884	Permanent partial, 31 per cent	31.00	125.00
Coker, Jonathan S	Box 351, Arcadia, Fla	Physician	1889	Permanent total	100.00	150.00
Crank, Paul	215 South 8th St., Wauchul, Fla	Soldier	1879	do	100.00	187.50
Crutchfield, Inman Payne	714 Atlantic Bank Building, Jacksonville, Fla.	do	1895	Permanent partial, 81 per cent	81.00	125.00
Davis, John S	Montverde, Fla	Student	1896	Permanent partial, 40 per cent	40.00	93.75
Dobbins, Wm. Everett	Box 267, Frostproof, Fla	None given	1866	Permanent total	100.00	187.50
Echols, Thos. J	Care of J. Echols, P. O. Box No. 7, Sarasota, Fla.	No pre-war occupation	1880	Permanent partial, 30 per cent	30.00	187.50
Edmunds, Henry R	Leesburg, Fla	Construction foreman	1883	Permanent partial, 53 per cent	53.00	93.75
Freeman, Albert H	Holder Block, Ocula Co., Fla	Physician	1866	Permanent partial, 37 per cent	37.00	150.00
Gayle, Noa Spears	Box 782, Panama City, Fla	Accountant	1889	Permanent partial, 35 per cent	35.00	93.75
Gee, Frank Wilson	315 Florida Ave., Jacksonville, Fla	No pre-war occupation	1863	Permanent partial, 30 per cent	30.00	125.00
Gill, Charles Robt	Care of Bradford County Bank Stark, Bradford County, Fla.	Physician	1859	Permanent partial, 60 per cent	60.00	150.00
Goff, Tib Newberry	General delivery, Tampa, Fla	None given	1877	Permanent total	100.00	150.00
Grant, Vincent J	P. O. Box 1982, Miami, Fla	Stock farmer	1894	Permanent partial, 91 per cent	91.00	93.75
Grayson, Laurence	912 Citizens Bank Building, Tampa, Fla	Student	1895	Permanent partial, 41 per cent	41.00	93.75
Green, Geo. B	1501 Peterson St., Pensacola, Fla	do	1895	Permanent partial, 74 per cent	74.00	150.00
Harris, Ernest Dalton	Fort Pierce, Fla	Not given	1870	Permanent total	100.00	93.75
Hatton, Rondo	714 South Edeson Ave., Tampa, Fla	Student	1894	Permanent partial, 79 per cent	79.00	93.75
Heck, Maurice Eby	209 Dreka Building, De Land, Fla	Physician	1886	Permanent partial, 33 per cent	33.00	150.00
Hill, Frank E	P. O. Box 345, Miami, Fla	Express messenger	1896	Permanent total	100.00	93.75
Holland, James Allen	1936 Laura St., Jacksonville, Fla	None given	1878	do	100.00	150.00
Irwin, Frank L	Care of Sherman Williams, Union Terminal Building, Jacksonville, Fla.	Credit manager	1878	Permanent partial, 30 per cent	30.00	187.50
Ives, William Childs	Care of Putnam National Bank, Palatka, Fla.	No occupation	1865	Permanent total	100.00	93.75

FLORIDA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Johnston, Thos. S.	Port Orange, Fla.	Civil engineer	1878	Permanent total	$100.00	$150.00
Kemp, Austin J.	111 Northeast 2d Ave., Miami, Fla.	Physician	1877	Permanent partial, 50 per cent	50.00	125.00
Kennon, Chas. L.	411-412 Huntington Building, Miami, Fla.	do	1891	Permanent partial, 44 per cent	44.00	125.00
Kibbe, Gordon Mirro	Box 577, Melbourne, Fla.	Farmer	1895	Permanent partial, 45 per cent	45.00	125.00
Knibiebly, Allen	U. S. veterans' hospital, Lake City, Fla.	Salesman	1888	Permanent total	100.00	125.00
Leach, John Warren	306 Ferlits Building, Tampa, Fla.	Student	1895	Permanent partial, 67½ per cent	67.50	125.00
Leebler, Alfred V.	Box 662, Lake Worth, Fla.	Physician	1886	Permanent total	100.00	125.00
Leister, Fred Everett	Care of American Legion, 207 Main St., Jacksonville, Fla.	None given	1888	do	100.00	150.00
Lininger, Lester L.	321 42d St. North, St. Petersburg, Fla.	do	1894	do	100.00	93.75
MacMichael, Earle	General delivery, Englewood, Fla.	do	1884	do	150.00	125.00
McCabe, Jno. W.	P. O. Box 1093, Miami, Fla.	do	1895	do	100.00	125.00
Marsh, jr., Thos. Benjamin	Box 2321, West Palm Beach, Fla.	Manager production and industrial.	1893	Permanent partial 35 per cent	50.00	93.75
Martin, Wm. Gaston	Bay Harbor, Fla.	Civil engineer	1886	Permanent partial, 58 per cent	58.00	93.75
Mathis, John David	303 Palmetto St., Jacksonville, Fla.	Foreman, construction	1889	Permanent partial, 35 per cent	35.00	93.75
Noel, Henry L.	Box 454, Lake City, Fla.	Physician	1869	Permanent total	100.00	150.00
Parramore, James B.	32 Memorial Park West Jacksonville, Fla.	do	1886	Permanent partial, 35 per cent	35.00	150.00
Peterson, Walter S.	Box 462, Paisley, Fla.	Auto mechanic	1890	Permanent partial, 34 per cent	34.00	93.75
Powe, Victor Thasley	P. O. Box 1079, Orlando, Fla.	No occupation	1892	Permanent total	100.00	125.00
Powers, Harvey C.	Sulphur Springs, Fla.	Soldier	1886	Permanent partial, 33 per cent	33.00	150.00
Putney, Wesley Reid	Lake City, Fla.	Physician	1888	Permanent total	100.00	125.00
Raifer, Chas. M.	417 Pierce St., Clearwater, Fla.	None given	1891	do	100.00	93.75
Ray, Lecil Stanley	1920 Southwest 3d St., Miami, Fla.	Foreman, factory	1889	Permanent partial, 71 per cent	71.00	93.75
Richards, Walter Alan	Daytona Beach, Fla.	Civil engineer	1891	Permanent partial, 64½ per cent	64.50	125.00
Sanchez, Butler Hull	Box 781, Plant City, Fla.	Physician	1887	Permanent partial, 40 per cent	40.00	125.00
Short, Wm. Griff	1024 South Georgia Ave., Lakeland, Fla.	Policeman	1880	Permanent partial, 30 per cent	30.00	125.00
Simon, Stewart Smith	P. O. Box 678, Wauchula, Fla.	None given	1876	Permanent total	100.00	150.00
Smith, Geo. Wm.	P. O. Box 806, De Land, Fla.	Auto mechanic	1888	Permanent partial, 74 per cent	74.00	125.00
Spencer, Lucien A.	U. S. Indian Service, Fort Myer, Fla.	Soldier	1871	Permanent partial, 82 per cent	82.00	150.00
Tickle, Melvin	Daytona, Fla.	None given	1890	Permanent total	100.00	93.75
Tucker, Allen B.	Box 417, Punta Gorda, Fla.	Civil engineer	1869	do	100.00	150.00
Tuckerman, Harry G.	Sunrise Point, Coral Gables, Fla.	Salesman, real-estate	1864	do	100.00	93.75
Travers, Wm. Alexander	Tampa, Fla.	Foreman, construction	1883	Permanent partial, 64 per cent	64.00	93.75
Vandament, Walter T.	Fort Lauderdale, Fla.	None given	1887	Permanent partial, 92 per cent	92.00	125.00
Vaughn, Richard O.	Sebring, Fla.	Officer, constabulary	1890	Permanent partial, 33⅓ per cent	50.00	93.75
Voges, Jno. Claus	45 Northwest 47 Terrace, Miami, Fla.	Electric furnace man	1895	Permanent partial, 40 per cent	40.00	93.75
Von Dhan, Howard C.	U. S. veterans' hospital, Lake City, Fla.	Physician	1883	Permanent partial, 35 per cent	35.00	150.00
Walton, Wm. N.	Palatka, Fla.	Salesman	1893	Permanent partial, 54 per cent	54.00	93.75
Weldon, Geo. Rainsford	108 Willowbrand Ave., Jacksonville, Fla.	Manager, production and industrial.	1872	Permanent partial, 50 per cent	50.00	150.00
Wentworth, Danl. W.	7620 4th Ave. North, St. Petersburg, Fla.	None given	1870	Permanent total	100.00	150.00
West, Jesse Marshall	General delivery, Little River, Fla.	Soldier	1878	Permanent partial, 47 per cent	47.00	150.00
Wiggins, Wm. F.	1950 Albert St., Jacksonville, Fla.	No pre-war occupation	1884	Permanent total	100.00	125.00
Williams, Jno. R., jr.	P. O. Box 158, Miami, Fla.	Stereotyper	1883	Permanent total	100.00	93.75
Williams, Clarence J.	Port Hyora, Fla.	Physical director	1888	Permanent partial, 30 per cent	50.00	93.75
Wilson, Wm.	1st and Wilson Ave., Nobleton, Fla.	None given	1855	Permanent partial, 60 per cent	60.00	375.00
Wyatt, Thomas Hall	Cocoanut Grove, Fla.	No pre-war occupation	1879	Permanent total	100.00	150.00

GEORGIA

Alexander, Henry Aaron	1210-1214 Fourth National Bank Building, Atlanta, Ga.	Lawyer	1874	Permanent partial, 30 per cent	$30.00	$150.00
Alling, Roger Willis	Box 41, Station C, Atlanta, Ga.	Salesman	1895	Permanent total	100.00	93.75
Allison, James H.	213 Line St., Decatur, Ga.	Consulting engineer	1874	Permanent partial, 51 per cent	51.00	125.00
Anderson, Jesse M.	1410 10th St., Columbus, Ga.	Physician	1875	Permanent total	100.00	150.00
Anderson, Lee Jackson	Ball Ground, Ga.	Forest guard	1889	Permanent partial, 50 per cent	50.00	125.00
Arigier, Clarence, jr.	694 Durant Pl., Atlanta, Ga.	Agent, life insurance	1881	Permanent total	150.00	125.00
Aycock, Thomas Rufus	213 Boulevard, Monroe, Ga.	Physician	1882	Permanent partial, 40 per cent	40.00	150.00
Baker, Hinton James	605 Farmer Building, Augusta, Ga.	do	1882	Permanent partial, 35 per cent	35.00	125.00
Baldwin, John	Hospital No. 62, Augusta, Ga.	No occupation	1885	Permanent total	100.00	150.00
Bartlett, Willie	P. O. Box 341, Macon, Ga.	Broker	1892	Permanent partial, 40 per cent	40.00	93.75
Battey, Hugh Inman	34 14th St. NE., Atlanta, Ga.	Physician	1888	Permanent total	100.00	125.00
Beuchamp, Walter Lee	Williamson, Ga.	None given	1883	do	100.00	125.00
Binion, Richard	310 Green St., Milledgeville, Ga.	Physician	1891	Permanent partial, 35 per cent	35.00	125.00
Blackburn, John Davis	478 Peachtree St. NE., Atlanta, Ga.	do	1890	Permanent partial, 50 per cent	50.00	125.00
Blair, Leslie Lenton	Marietta, Ga.	do	1888	Permanent total	100.00	150.00
Bond, Benj. Franklin	Americus, Ga.	do	1877	Permanent partial, 75 per cent	75.00	125.00
Boone, William Lester	Baxley, Ga.	Clerk-lawyer	1883	Permanent partial, 35 per cent	35.00	93.75
Brawner, Leon E.	157 Forest Ave., Atlanta, Ga.	Physician	1888	Permanent partial, 50 per cent	50.00	125.00
Brewer, Walpole C.	1023 Atlanta National Bank, Atlanta, Ga.	None given	1883	Permanent total	100.00	150.00
Brown, James Everett	U. S. veterans' hospital, Augusta, Ga.	do	1900	do	20.00	93.75
Brush, Carl F.	Room 514, Murrah Building, Columbus, Ga.	Civil engineer	1874	Permanent partial, 40 per cent	40.00	150.00
Burnett, Paul	U. S. Veterans' Hospital No. 62, Augusta, Ga.	None given	1891	Permanent total	20.00	93.75
Byrd, Charles Brown	U. S. Veterans' Bureau Hospital, No. 63, Augusta, Ga.	Medical officer	1896	do	100.00	93.75
Carroll, Edw. Grady	McFarland Ave., Rossville, Ga.	None given	1879	Permanent total	100.00	93.75
Cornog, Dr. Wm. W.	Lavonia, Ga.	Physician	1865	Permanent partial, 89 per cent	89.00	150.00
Corley, Robt. E.	524 Walker St., Augusta, Ga.	None given	1874	Permanent total	100.00	150.00
Creecy, Donald B.	U. S. Veterans' Hospital No. 62, Augusta, Ga.	do	1894	do	100.00	125.00
Crenshaw, Wendel	1333 La France St. NE., Atlanta, Ga.	Drug clerk	1896	do	100.00	125.00
Crowe, Arthur L.	Marietta, Ga.	Manufacturer's agent	1892	Permanent partial, 52 per cent	52.00	150.00
Cunningham, Geo. A.	U. S. Veterans' Hospital No. 62, Augusta, Ga.	None given	1879	Permanent total	100.00	93.75
Dean, Wm. K.	Yosing, Harris, Ga.	Soldier	1895	Permanent partial, 32 per cent	32.00	125.00
De Loach, John K.	Stone Mountain, Ga.	Mechanical engineer	1881	Permanent partial, 61 per cent	61.00	150.00
Dillard, Robt.	64 North Warren St., Atlanta, Ga.	Teacher	1886	Permanent partial, 66 per cent	66.00	150.00
Dorsey, Arthur R.	Decatur, Ga.	Manager, productive and industrial.	1889	Permanent partial, 38 per cent	38.00	93.75
Duggan, James R.	Care of Georgia Tech., Atlanta, Ga.	No pre-war occupation	1896	Permanent partial, 50 per cent	50.00	93.75
Dunagin, Geo. Alexander	743 Piedmont Ave. NE., Atlanta, Ga.	Cotton classer	1892	Permanent partial, 51 per cent	51.00	125.00
Emory, Walter	414 Park Ave., Lagrange, Ga.	Salesman	1875	Permanent total	100.00	125.00
Famming, Odom Olin	Atlanta, Ga.	Physician	1874	Permanent partial, 31 per cent	31.00	150.00
Field, Horace Almeron	Marietta, Ga.	Lumber yard	1861	Permanent total	100.00	150.00
Galt, Wm. Albert	U. S. hospital, Augusta, Ga.	None given	1888	do	20.00	93.75
Gertman, Wm. M.	32 Emery Drive, Atlanta, Ga.	Physician	1884	do	150.00	150.00

GEORGIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Gilchrist, Jno. Porter	717 Wynne Claughton Building, Atlanta, Ga.	Bookkeeper	1893	Permanent partial, 50 per cent	$50.00	$125.00
Green, Henry G	Springfield, Ga	None given	1859	Permanent total	100.00	125.00
Green, Thomas E	Chatsworth, Ga	Physician	1879	do	100.00	93.75
Harris, Ernest Z	Winder, Ga	do	1885	Permanent partial, 50 per cent	50.00	125.00
Harris, Rufus C	Mercer University, Macon, Ga	Student	1896	Permanent partial, 40 per cent	40.00	125.00
Head, Marvin M	Zebulon, Ga	Physician	1880	Permanent partial, 39 per cent	39.00	150.00
Henan, Owen Thomas	114 Peachtree St., Atlanta, Ga	No pre-war occupation	1867	Permanent total	100.00	218.75
Henderson, Jno. C	Americus, Ga., Rt. No. A	None given	1894	do	100.00	93.75
Hendricks, Willie H	Tifton, Ga	No pre-war occupation	1873	Permanent partial, 40 per cent	40.00	150.00
Henry, Thos. Jas	503 West Mitchell St., Atlanta, Ga	Insurance agent	1891	Permanent, 50 per cent	50.00	125.00
Herms, Theron B	1443 Copeland Ave., Atlanta, Ga	Salesman	1887	Permanent, 55 per cent	55.00	125.00
Hinkle, Ferd. Wm	446 Washington St., SW., Atlanta, Ga	Physician	1877	Permanent, 44 per cent	44.00	150.00
Hodges, Chas	1006 Anderson St., Dublin, Ga	do	1886	Permanent, 35 per cent	35.00	150.00
Hook, James Preston	263 Boulevard Dekalp, East Lake Decatur, Ga.	Electrician	1892	Permanent, 51 per cent	51.00	125.00
Horning, Albert W	P. O. Box 829, Savannah, Ga	Railroad detective	1883	Permanent, 34 per cent	34.00	93.75
Howard, Clarence	Rt. No. 1, Box 75, Waycross, Ga	Sailor	1892	Permanent partial, 40 per cent	40.00	150.00
Hull, Richard M	309 East Huntington, St., Savannah, Ga	Clerk, record and computing.	1896	Permanent, 64 per cent	64.00	125.00
Ivey, James Edw	22 Larken St., Atlanta, Ga	Undertaker	1886	Permanent, 30 per cent	30.00	93.75
Jenkins, Wm. Franklin	City Hospital, Columbus, Ga	Physician	1894	Permanent partial, 34 per cent	34.00	125.00
Jowitt, F. C	864 Broad St., Augusta, Ga	Soldier	1890	Permanent partial, 75 per cent	75.00	187.50
Kelly, Alonzo M	Monroe, Ga	Student	1895	Permanent partial, 60 per cent	60.00	93.75
Kennedy, Harvey J	Barnsville, Ga	do	1896	Permanent partial, 50 per cent	50.00	93.75
Lewis, Florence C	Thomaston, Ga	Merchant	1889	Permanent partial, 40 per cent	40.00	125.00
Little, Young Allen	P. O. Box 419, Milledgeville, Ga	Physician	1879	Permanent total	100.00	150.00
Lowe, Fred Alexander	110 Peters St., Atlanta, Ga	None given	1885	do	100.00	125.00
Lynch, Joseph Arthur	524 20th St., Columbus, Ga	Lawyer	1895	Permanent partial, 36 per cent	36.00	125.00
McCarthy, Thomas	U. S. Veterans' Hospital No. 42, Augusta, Ga.	Soldier	1890	Permanent total	20.00	150.00
McCoy, Walter Reynolds	819 Hurt Building, Atlanta, Ga	Physician	1884	Permanent partial, 49 per cent	49.00	150.00
McDonald, Fredk. H	Care of Trust department, Fourth National Bank, Atlanta, Ga.	Mechanical engineer	1892	Permanent partial, 66 per cent	66.00	125.00
McKenzie, Francis	1206 Peachtree St. NE., Atlanta, Ga	No occupation	1894	Permanent partial, 60 per cent	60.00	93.75
Mallory, Wm. R	376 Dearing St., Athens, Ga	No pre-war occupation	1897	Permanent total	150.00	93.75
Malone, W. H	70 East Pine St., Atlanta, Ga	Physician	1890	Permanent partial, 61 per cent	61.00	125.00
Malsby, John DeK	1176 Pershing Apartment, Peachtree St., Atlanta, Ga.	Salesman	1893	Permanent partial, 75 per cent	75.00	125.00
Mitchell, James B	Care of U. S. veterans' hospital, Augusta, Ga.	School-teacher	1881	Permanent total	100.00	125.00
Morris, Mace	122 Dixie Ave., Marietta, Ga	Policeman	1880	Permanent partial, 55 per cent	55.00	93.75
Morrison, Hal Terrell	Care of Georgia Power Co. Electric and Geo. Building, Marietta St., Atlanta, Ga.	No pre-war occupation	1884	Permanent partial, 50 per cent	50.00	150.00
Nash, Homer Erwin	9828 Simpson St., Atlanta, Ga	Physician	1887	do	50.00	125.00
Oden, Thos. E	Blackshear, Ga	do		Permanent partial, 72 per cent	72.00	125.00
O'Neil, Lawrence	Hospital, Augusta, Ga	No occupation	1891	Permanent total	20.00	93.75
Parr, Lemuel W	Milford, Ga	Student		Permanent partial, 56 per cent	56.00	93.75
Phillips, James H	U. S. veterans' hospital, Augusta, Ga	Physician	1873	Permanent total	20.00	125.00
Pitman, James Fling	203 North Chandler St., Decatur, Ga	None given	1890	do	100.00	150.00
Powell, Alfred Turner	667 Peeple St. SW., Atlanta, Ga	do	1885	do	100.00	150.00
Powell, Chas. Glen	Camille, Ga	Steno-typist	1894	Permanent partial, 50 per cent	50.00	93.75
Pumpelly, Wm. C	Wesleyan Drive, Macon, Ga	Physician	1877	Permanent total	100.00	150.00
Purse, Ben Snider	710 Screven Ave., Waycross, Ga	No occupation	1879	do	100.00	125.00
Quenstedt, Henry Emile	1041 Inc. Lynn Ave., Atlanta, Ga	Sailor	1882	do	100.00	187.50
Ray, Ogen	1131 Boulevard Drive, Atlanta, Ga	Teacher	1896	Permanent partial, 50 per cent	50.00	125.00
Redd, Homer Lewis	1854 Bankhead Ave., NW., Atlanta, Ga	Physician	1887	Permanent total	100.00	125.00
Richardson, Marion S	243 East Ave., Cedartown, Ga	None given	1882	do	100.00	125.00
Robinson, George C	Care of J. W. Holley, Albany, Ga	Teacher	1888	do	100.00	125.00
Rose, Frederick P	133 Dixie Ave., Atlanta, Ga	Student	1894	Permanent partial, 40 per cent	40.00	93.75
Sabiston, Harry A	151 Jefferson Pl., Decatur, Ga	Soldier	1889	Permanent partial, 63 per cent	63.00	150.00
Scheur, Leopold M	Hospital, Augusta, Ga	Clerk, railroad	1893	Permanent total	20.00	93.75
Seward, Charles M	P. O. Box 439, Atlanta, Ga	Student	1893	Permanent partial, 37 per cent	37.00	93.75
Sheehan, Daniel J	20 East Bryan St., Savannah, Ga	Clerk, shipping	1893	Permanent partial, 40 per cent	40.00	93.75
Sheep, Harry H	Care of Dougherty McKey Co., Valdosta, Ga.	Manager Baltimore, Md., office salesman.	1891	Permanent partial, 30 per cent	30.00	125.00
Sheridan, Leo D	P. O. Box 203, Macon, Ga	Bill collector	1894	Permanent partial, 50 per cent	50.00	93.75
Sitton, Jos. Benj	982 Myrtle St., NE., Atlanta, Ga	Foreman, construction	1877	Permanent total	100.00	93.75
Smith, Jas. Herbert	Amsterdam, Ga	Physician	1864	do	100.00	150.00
Smith, Jas. Robt	Care of Aragon Hotel, Atlanta, Ga	do	1872	do	100.00	125.00
Stevens, Glenn Ridgeway	801 Hurt Building, Atlanta, Ga	Civil engineer	1894	do	100.00	93.75
Suddath, Leroy Newton	1012 East Henry St., Savannah, Ga	Lineman, telephone	1887	Permanent partial, 60 per cent	60.00	125.00
Thompson, Hugh Smith	23 Walker Terrace, Atlanta, Ga	Electric substation operator.	1893	Permanent partial, 62 per cent	62.00	125.00
Thrasher, Roy	Watkinsville, Ga	None given	1883	Permanent total	100.00	150.00
Tidewell, Frank B	85 Courtland St., Atlanta, Ga	Soldier	1884	Permanent partial, 47 per cent	47.00	125.00
Tisinger, Thomas F	1650 Stewart Ave., SW., Atlanta, Ga	Electrical engineer	1891	Permanent partial, 63 per cent	63.00	125.00
Toole, Green Lee	U. S. Veterans' hospital, Augusta, Ga	Clerk, retail dealer	1896	Permanent total	100.00	93.75
Wade, Bruce	do	Student	1889	do	20.00	93.75
Walker, Geo. V	Hospital, Augusta, Ga	None given	1895	do	100.00	125.00
Walker, Sidney	Dublin, Ga	Physician	1879	Permanent partial, 40 per cent	40.00	187.50
Wall, Christopher C	U. S. Veterans' Hospital No. 62, Augusta, Ga.	Clerk, Rec. and Comp	1895	Permanent total	100.00	93.75
Wallace, Geo. Lamar	87 West North Ave., Atlanta, Ga	None given	1895	do	100.00	125.00
Ward, Wm. T	1402 Fairbanks St., SW. Atlanta, Ga	Teacher	1881	Permanent partial, 66 per cent	66.00	125.00
Weaver, Homer Jesse	U. S. veterans' hospital, Augusta, Ga	Guard, custodian	1874	Permanent total	100.00	150.00
Welborn, James M	Wildwood, Ga	Physician	1868	Permanent partial, 47 per cent	47.00	150.00
West, Edw. S	266 11th St., Atlanta, Ga	Timber cruiser	1887	Permanent partial, 33 per cent	33.00	150.00
Wilson, Wilbe R	531 South Candle St., Decatur, Ga	General farmer	1889	Permanent partial, 79 per cent	79.00	125.00
Wise, Earl	178 Spring St., Atlanta, Ga	Physical director	1893	Permanent partial, 82 per cent	82.00	125.00
Woodruff, Benj. H	U. S. Veterans' Hospital No. 62, Augusta, Ga.	None given	1893	Permanent total	100.00	150.00
Woodruff, Lorenzo F	2052 Peach Tree St., Atlanta, Ga	No occupation	1884	do	100.00	93.75

IDAHO

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Alvert, Lester F	1610 North 17th St., Boise, Idaho	No occupation	1889	Permanent total	$150.00	$125.00
Beck, Edw. V	302 Weis Gerber Rooms, Lewiston, Idaho	Farmer, livestock	1886	Permanent partial, 40 per cent	40.00	125.00
Darrah, Homer C	1102 North 6th St., Boise, Idaho	Dentist	1876	Permanent partial, 83 per cent	83.00	150.00
Dunlap, Harry V	P. O. Box 475, Kellogg, Idaho	No occupation	1880	Permanent total	100.00	93.75
Fitch, Scot Mathers	Rt. No. 1, Fruitland, Idaho	Drayman	1875	Permanent partial, 58 per cent	58.00	125.00
Fete, Jerome V	2602 Regan Ave., Boise, Idaho	Blacksmith	1889	Permanent partial, 52 per cent	52.00	93.75
Harper, Edgar O	Weippe, Idaho	Clerk, railroad	1887	Permanent partial, 32 per cent	32.00	93.75
Lewis, Harry T	Payette, Idaho	General farmer	1872	Permanent partial, 67 per cent		187.50
Moore, Chas. O	Paris, Idaho	Physician-surgeon	1886	Permanent partial, 50 per cent	50.00	187.50
Spillman, Burt B	Warren, Idaho	Soldier	1886	Permanent partial, 31 per cent	31.00	150.00
Winton, David J	Roselake, Idaho	Student	1897	do	31.00	93.75

ILLINOIS

Adams, Frank	3510 Walnut St., Chicago, Ill	Artist	1870	Permanent total	$100.00	$150.00
Allen, James LaVerne	P. O. Box 206, Robinson, Ill	Physician	1887	do	100.00	125.00
Allen, Langhorne	3845 Ellis Ave., Chicago, Ill	Not given	1871	do	100.00	150.00
Amet, Herbert P	1041 Chicago Ave., Chicago, Ill	Civil engineer	1880	Permanent partial, 75 per cent	75.00	125.00
Andrews, Lawrence G	6104 Kenwood Ave., Chicago, Ill	School-teacher	1891	Permanent partial, 40 per cent	40.00	93.75
Anglemire, Raymond Lee	4449 North Racine Ave., Chicago, Ill	Dentist	1876	Permanent total	100.00	150.00
Bailey, Charles	1728 Richmond Ave., Chicago, Ill	Physician	1891	do	100.00	125.00
Barclay, Edw. E	40 South Clark St., Chicago, Ill	Lecturer	1860	do	100.00	187.50
Beery, Otto Russell	188 North Washington St., Downers Grove, Ill.	Shipping clerk	1886	Permanent partial, 30 per cent	30.00	93.75
Benson, Charles	831 Lincoln Ave., Highland Park, Ill	Real-estate salesman	1877	Permanent partial, 35 per cent	35.00	187.50
Betts, George S	R. F. D. No. 5, Canton, Ill	Physician	1869	Permanent partial, 40 per cent	40.00	125.00
Bortz, Jno. Alex	649½ Hampshire St., Quincy, Ill	No occupation	1863	Permanent total	100.00	150.00
Boyd, Theodore	6410 South Rockwell St., Chicago, Ill	School-teacher	1893	Permanent partial, 36 per cent	36.00	93.75
Breckler, Isaac W	913 South Clinton Ave., Oak Park, Ill	No occupation	1866	Permanent total	200.00	187.50
Brenner, Samuel	77 West Wochugton St., Chicago, Ill	Superintendent of foremen and construction.	1885	Permanent partial, 39 per cent	39.00	93.75
Burchfield, David L	Algonquin Hotel, Sheridan Rd. at Wilson, Chicago, Ill.	Not given	1879	Permanent total	100.00	125.00
Burkhardt, Chas	Effingham State Bank, Effingham, Ill	Physician	1868	do	100.00	150.00
Callahan, Edwin B	201 North Elmwood Ave., Oak Park, Ill	Salesman, outside N. S.	1881	Permanent partial, 44 per cent	44.00	150.00
Carfield, Harry E	319 Stewart Building, Rockford, Ill	Physician	1875	Permanent partial, 31 per cent	31.00	125.00
Carter, Justin Edw	5532 LaFayette Ave., Chicago, Ill	Clerk, stock	1881	Permanent partial, 71 per cent	71.00	125.00
Center, Charles D	31 State St., Quincy, Ill	Surgeon	1869	Permanent partial, 31 per cent	31.00	250.00
Chapman, Ralph D	Care of Bond Department, Northern Trust Co., Chicago, Ill.	Bond salesman	1892	Permanent partial, 74 per cent	74.00	125.00
Childs, Augustine B	Keithsbury, Ill	Physician	188[illegible]	Permanent total	150.00	125.00
Cruzen, Roy E	138 North Walnut St., Centralia, Ill	do	1889	do	100.00	150.00
Danewit, Otto G	Printing and supply section, 712 West Monsey St., Chicago, Ill.	Stenographer	1889	Permanent partial, 71 per cent	71.00	93.75
Daniels, Charles Lyle	18 Fox St., Aurora, Ill	Dental surgeon	1876	Permanent partial, 78 per cent	78.00	150.00
Davis, Chas. S	406 Springfield Ave., Champaign, Ill	Not given	1866	Permanent total	100.00	150.00
Donlin, Anthony B	3972 Ellis Ave., Chicago, Ill	Checker, material and equipment.	1893	Permanent partial, 70 per cent	70.00	93.75
Dusenbury, Roy	443 South Harrison Ave., Kankakee, Ill	Brakeman, railroad	1889	Permanent partial, 81 per cent	81.00	125.00
Goldberg, David D	158 South Western Ave., Chicago, Ill	Physician	1872	Permanent partial, 44 per cent	44.00	125.00
Fang, George Maynard	7846 Ridgeland Ave., Chicago, Ill	Not given	1889	Permanent total	100.00	187.50
Flannagan, Arthur J	U. S. veterans' hospital, North Chicago, Ill.	do	1898	do	20.00	93.75
Fitz, Erwin O	U. S. Veterans' Hospital No. 76, Maywood, Ill.	do	1889	do	100.00	125.00
Flynn, John J	1449 West Garfield Boulevard, Chicago, Ill.	Manager garage	1875	Permanent partial, 33 per cent	33.00	150.00
Fox, Charles Moses	5733 West Lake St., Chicago, Ill	Physician	1879	Permanent partial, 41 per cent	41.00	150.00
Fox, Kenneth L	831 Forest Ave., Wilmette, Ill	Not given	1895	Permanent total	100.00	93.75
Franzen, Frank C	1031 South 3d St., Rockford, Ill	Toolmaker	1890	Permanent partial, 38 per cent	38.00	125.00
Fuller, Edward Reino	Tuxor Toiletries, 1355 West 3d St., Chicago, Ill.	Salesman, advertising	1896	Permanent partial, 35 per cent	35.00	93.75
Gardner, J. Francis	Edw. Hines, jr. Hospital, Maywood, Ill	Student	1896	Permanent total	100.00	93.75
Geraghty, John	4404 North Rockville St., Chicago, Ill	Not given	1882	do	100.00	125.00
Gesell, Walter B	5349 Sheridan Rd., Chicago, Ill	Steam engineer, stationary	1892	Permanent partial, 91 per cent	91.00	93.75
Gift, Lyle Henry	506 Dechman Ave., Peoria, Ill	Student	1895	Permanent partial, 72 per cent	72.00	150.00
Greene, Morton Wm	Elgin State Hospital, Elgin, Ill	Salesman, advertising	1891	Permanent total	20.00	93.75
Greer, Mark	Vandalia, Ill	Physician	1889	Permanent partial, 40 per cent	40.00	150.00
Gore, Forest Bird	403 South 5th St., Champaign, Ill	Insurance agent	1888	Permanent partial, 53 per cent	53.00	150.00
Guilfoyle, Thomas	127 North Dearborn St., care of American Bond & Mortgage Co., Chicago, Ill.	Policeman	1888	Permanent partial, 67 per cent	67.00	93.75
Hall, Kenneth Conright	421 Mitchell Ave., Elmhurst, Ill	Student	1896	Permanent partial, 35 per cent	35.00	93.75
Hartwell, Dausa	Marion, Ill	Not given	1878	Permanent total	100.00	150.00
Hildum, LaRue	U. S. veterans' hospital, North Chicago, Ill.	No occupation	1893	do	100.00	125.00
Hoar, Gerald J	115 Van Buren St., Joliet, Ill	Assistant chemist	1897	Permanent partial, 51 per cent	51.00	93.75
Hoggatt, Wm. Wesley	6001 South Mozart St., Chicago, Ill	Physician	1866	Permanent total	100.00	125.00
Holt, Burton P	10841 Indiana Ave., Chicago, Ill	Not given	1886	do	100.00	125.00
Houchin, Ervin W	6744 Cornell Ave., Chicago, Ill	do	1889	Permanent partial, 35 per cent	35.00	93.75
Howard, Wm. H	5709 Maryland Ave., Chicago, Ill	Not given	1886	Permanent partial, 50 per cent	50.00	125.00
Howell, Wm. Albert	McLeansboro, Ill	do	1875	Permanent total	100.00	125.00
Hughes, Charles E	1611 Camp Ave., Rockford, Ill	do	1882	do	100.00	125.00
Ince, Edward G	1400 First National Bank, Chicago, Ill	Outside salesman	1886	Permanent partial, 69 per cent	69.00	150.00
James, Allen M	Evanshire Hotel, Evanston, Ill	Student, agriculture	1896	Permanent partial, 30 per cent	30.00	93.75
Jaycox, Frank	317 South 2d St., Rockford, Ill	Plasterer	1860	Permanent total	100.00	125.00
Jones, Cloyd E	Care of Elsa K. Jones, 120 North Hamburg Ave., Chicago, Ill.	Manufacturer	1883	do	100.00	125.00
Katz, Joseph Maurice	2218 East 68th St., Chicago, Ill	Not given	1888	do	100.00	93.75
Kauffman, Harlan	403 Jackson St., Oregon, Ill	No occupation	1891	do	150.00	125.00
Kelly, Harvey F	Ottawa, Ill	Student	1895	Permanent partial, 56 per cent	56.00	93.75
Kemman, Hugo A	1463 Monadnock, Chicago, Ill	Electrical engineer	1894	Permanent partial, 31 per cent	31.00	93.75
Kendall, Wm. Eugene	228 South Ridgeland Ave., Oak Park, Ill	Physician	1884	Permanent partial, 40 per cent	40.00	187.50
Kern, Kenneth M	840 South Dakota Park, Dakota Park, Ill.	Dentist	1889	Permanent partial, 73 per cent	73.00	125.00
Kerrick, Charles Lafayette	Chrisman, Ill	Physician, surgeon	1868	Permanent partial, 72 per cent	72.00	125.00
Knotts, Howard	1410 South 6th St., Springfield, Ill	No occupation	1895	Permanent total	100.00	93.75
La Bach, Paul M	Illinois Merchant Trust Co., Chicago, Ill	Not given	1872	do	100.00	187.50
Lakin, Ralph Owen	3000 South 28th St., Chicago, Ill	Secretary	1889	Permanent partial, 51 per cent	51.00	125.00
Lane, David Warren	U. S. Veterans' Hospital 105, North Chicago, Ill.	Not given	1891	Permanent total	100.00	93.75
Leendgren, DeWayne	Henderson, Ill	No occupation		do	100.00	93.75
Lehman, Lester Ludger	350 North 76th St., Chicago, Ill	Stenographer	1895	Permanent partial, 58 per cent	58.00	93.75
Leonard, John T	4200 Ellis, St., Chicago, Ill	Lawyer	1889	Permanent partial, 50 per cent	50.00	93.75

ILLINOIS—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Lewis, Charles	58 East Washington St., Chicago, Ill., care of Erwin Wasey & Co.	Editor, publisher Good Year Times.	1885	Permanent partial, 30 per cent	$30.00	$125.00
Lippert, Fredk. J	852 Barry Ave., Chicago, Ill	Electrician	1889	Permanent partial, 50 per cent	50.00	125.00
Logan, Jno. Arthur	5529 University Pl., Chicago, Ill	Salesman	1896	Permanent partial, 33 per cent	33.00	125.00
Longwell, Chester A	7634 St. Lawrence Ave., Chicago, Ill	Linotype operator	1881	Permanent partial, 60 per cent	60.00	125.00
Loudin, Forrest	Carthage, Ill	Not given	1890	Permanent total	100.00	93.75
McDavid, Carroll M	225 North Hamilton St., Hillsboro, Ill	Teacher	1894	do	100.00	125.00
McDermond, Charlie A	307 West Mulberry St., Bloomington, Ill	Doctor of dental surgery	1866	do	150.00	150.00
McKeown, John L	112 West Adams St., Chicago, Ill	Not given	1892	do	100.00	93.75
McNulta, Scott	U. S. naval hospital, Great Lakes, Ill	Student	1895	do	100.00	125.00
McNair, Francis M	do	Physician and surgeon	1867	do	100.00	125.00
Magie, Frank O	Elgin State Hospital, Elgin, Ill	Student	1895	do	100.00	93.75
Malone, Frank J	302 North Pine Ave., Chicago, Ill	Not given	1883	Permanent, partial, 65 per cent	65.00	125.00
Malone, Leo Vincent	846 Leland Ave., Chicago, Ill	Physician	1893	Permanent total	100.00	125.00
Marshall, Thos. H	Albion, Ill	Student	1896	Permanent partial, 68 per cent	68.00	93.75
Mayes, Wm. E	1515 West Governor St., Springfield, Ill	No occupation	1881	Permanent total	100.00	125.00
Meyering, William D	7208 Calumet Ave., Chicago, Ill	Bookkeeper	1892	Permanent partial, 79 per cent	79.00	150.00
Milum, Vern G	110 Vivarium Boulevard, Champaign, Ill	School-teacher	1894	Permanent partial, 54 per cent	54.00	93.75
Montgomery, Albert	122 South Michigan Ave., Chicago, Ill	Physician and surgeon	1882	Permanent partial, 35 per cent	35.00	187.50
Mooney, Raymond	637 Farwell Ave., Chicago, Ill	Draftsman	1895	Permanent partial, 68 per cent	68.00	125.00
Munhall, Maurice H	Rt. No. 5, Decatur, Ill	Press feeder	1890	Permanent partial, 36 per cent	50.00	125.00
Myers, Joseph George	526 West Galena Ave., Freeport, Ill	Laborer, outside	1884	Permanent partial, 30 per cent	30.00	93.75
Naylor, Halbert Leland	St. Charles, Ill	Teacher-physical instructor	1879	Permanent partial, 50 per cent	50.00	93.75
Newton, Roy C	6033 Woodlawn Ave., Chicago, Ill	Dairy farmer	1896	Permanent partial, 72 per cent	72.00	93.75
Paul, Edward	742 North Catherine Ave., La Grange, Ill	Clerk, Sligh's Commission	1893	Permanent partial, 50 per cent	50.00	125.00
Phillips, Francis Ashley	1403 East 2d St., Centralia, Ill	Physician	1889	do	50.00	125.00
Purzynski, Thaddeus L	1724 West 47th St., Chicago, Ill	Physician, surgeon	1891	Permanent partial, 35 per cent	35.00	125.00
Pinkstaff, James T	706 Lexington Ave., Lawrenceville, Ill	Builder and contractor	1877	Permanent partial, 32 per cent	32.00	93.75
Pliska, Jos. Stanley	6524 Emerald Ave., Chicago, Ill	Salesman, outside	1890	Permanent total	150.00	125.00
Ridecut, Geo. R	702 North Haisted St., care of Littlefield Manufacturing Co., Chicago, Ill.	Student	1895	Permanent partial, 46 per cent	46.00	93.75
Rider, Carroll	5344 West Ohio St., Chicago, Ill	Soldier	1896	Permanent partial, 52 per cent	52.00	93.75
Riordan, John W	358 East 70th Pl., Chicago, Ill	Clerk, postal	1872	Permanent total	100.00	93.75
Sanders, James L	Oblong, Ill	Veterinarian	1893	Permanent partial, 36 per cent	36.00	93.75
Scanlon, Walter Raymond	3946 Drexel Boulevard, Chicago, Ill	Dentist	1889	Permanent partial, 35 per cent	35.00	125.00
Schuh, Carl A	Care of Jackson Product Co., Cairo, Ill	Clerk, shipping	1890	Permanent partial, 30 per cent	30.00	125.00
Scott, Byron R	Rt. No. 1, Big Rock, Ill	Farmer	1894	Permanent partial, 34 per cent	34.00	93.75
Shaw, Robert A. J	Elgin State Hospital, Elgin, Ill	Lawyer	1871	Permanent total	100.00	125.00
Sheeran, Jas. J	1218 Albion Ave., Chicago, Ill	Coach, athletic	1891	Permanent partial, 45 per cent	45.00	125.00
Slyh, Donald Macey	532 Hinman Ave., Evanston, Ill	Student	1895	Permanent partial, 31 per cent	31.00	125.00
Smith, Frank P	1004 West California St., Urbana, Ill	Minister, chaplain	1881	Permanent total	100.00	125.00
Smith, Howard G	1553 Railway Exchange Building, Chicago, Ill.	Not given	1894	Permanent partial, 50 per cent	50.00	125.00
Smithy, Albert	577 Oak St., Winnetka, Ill	Teacher, school	1873	Permanent partial, 45 per cent	45.00	218.75
Southard, Earl P	7137 Ridgeland Ave., Chicago, Ill	Not given	1893	Permanent partial, 54 per cent	54.00	125.00
Southe, Levi Edward	4505 Forrestville Ave., Chicago, Ill	Student	1896	Permanent total	100.00	93.75
Southwick, Marshall	U. S. veterans' hospital, Chicago, Ill	No occupation	1888	do	100.00	93.75
Spalding, Oliver	3015 Flournoy St., Chicago, Ill	Physician	1888	do	100.00	125.00
Sprinkel, Roscoe	122 South Lake St., Aurora, Ill	Auto mechanic	1886	Permanent partial, 44 per cent	50.00	93.75
Stanton, Samuel C	1234 Willamette Ave., Willamette, Ill	Physician	1856	Permanent partial, 40 per cent	40.00	187.50
Stelle, John H	McLeansboro, Ill	Lawyer	1889	do	40.00	150.00
Stewart, Edw. Paul	U. S. veterans' hospital, North Chicago, Ill.	Student	1895	Permanent total	20.00	93.75
Suthers, Wm. Glenn	8050 Blackstone Ave., Chicago, Ill	Outside salesman	1893	Permanent partial, 30 per cent	30.00	93.75
Templeton, Charles	944 Leland Ave., Chicago, Ill	Not given	1884	Permanent partial, 63 per cent	63.00	93.75
Trabond, Philip	720 Pasfield Ave., Springfield, Ill	Civil engineer	1884	Permanent partial, 60 per cent	60.00	150.00
Trueblood, Ralph	710 East State St., Lawrenceville, Ill	Physician and surgeon	1874	Permanent partial, 45 per cent	45.00	150.00
Turnquist, Victor A	4624 Sheridan Rd., Chicago, Ill	Sales clerk	1894	Permanent total	100.00	93.75
Vail, Wm. Henry	239 North Walker Ave., Chicago, Ill	Not given	1897	do	100.00	125.00
VanOrder, Paul I	71 East Elm St., Chicago, Ill	Secretary, official corporation.	1879	Permanent partial, 35 per cent	35.00	150.00
Wall, Whitney, jr	2054–208 South LaSalle St., Chicago, Ill	Not given	1894	Permanent partial, 30 per cent	30.00	150.00
Wassom, James Thomas	U. S. naval hospital, Great Lakes, Ill	General farmer	1873	Permanent total	100.00	125.00
Weaver, Harry G	501 Wesley St., Wheatley, Ill	Official, corporation	1887	Permanent partial, 35 per cent	35.00	187.50
Wende, John Anthony	General Delivery, Chicago, Ill	Veterinarian	1889	Permanent total	100.00	125.00
Wheatley, Edward	6021 First National Bank Building, Danville, Ill.	Physician and surgeon	1881	Permanent partial, 51 per cent	51.00	150.00
Whitacre, Benj	Stewardson, Ill	Office clerk	1886	Permanent total	100.00	93.75
Williams, Arthur	3618 Ellis Ave., Chicago, Ill	Foreman, construction	1872	Permanent partial, 63 per cent	63.00	150.00
Williams, Avon	6611 East Marquette Rd., Chicago, Ill	Plumber	1883	Permanent partial, 35 per cent	35.00	93.75
Woodruff, Earnest	1408 Lake St., Evanston, Ill	Civil engineer	1890	Permanent partial, 40 per cent	40.00	125.00

INDIANA

Adam, Wm. K	Crothersville, Ind	Physician	1882	Permanent partial, 55 per cent	$55.00	$125.00
Ale, Jno. H	800 Test Building, 54 Circle Monument Pl., Indianapolis, Ind.	Locomotive fireman	1891	Permanent partial, 85 per cent	85.00	125.00
Austin, Fred N	Birdseye, Ind	Farmer	1892	Permanent partial, 51 per cent	51.00	93.75
Barber, Albert E	1031 Woodward Ave., South Bend, Ind	No occupation	1868	Permanent total	100.00	125.00
Barnes, Clifton Remoick	Care of Dale & Sons, Jewelers, Martinsville, Ind.	Sales clerk	1896	Permanent partial, 75 per cent	75.00	93.75
Beck, Flavius Jasper	1021 Washington St., Columbus, Ind	None given	1863	Permanent total	100.00	150.00
Beem, David J	Spencer, Ind	do	1880	do	100.00	187.50
Belcher, Oliver Lee	P. O. Box 87, Monroe City, Ind	Physician	1884	do	100.00	125.00
Benham, James W	405½ Washington St., Columbus, Ind	do	1868	Permanent partial, 70 per cent	70.00	150.00
Benham, R leigh F	5045 North Capital Ave., Indianapolis, Ind	Dentist	1894	Permanent partial, 47 per cent	50.00	125.00
Bennett E rett N	611 North Union St., Kokomo, Ind	No occupation	1886	Permanent partial, 50 per cent	50.00	125.00
Bingham, Charles	4014 North Pennsylvania St., Indianapolis, Ind.	Student	1895	Permanent total	150.00	93.75
Boner, Geo. Wash	K. and C. Building, Washington, Ind	Occupation not given	1878	Permanent partial, 50 per cent	50.00	150.00
Boyd, Clarence E	West Baden, Ind	Physician	1879	Permanent partial, 47 per cent	50.00	125.00
Branch, Emmett F	Martinsville, Ind	None given	1874	Permanent total	100.00	250.00
Brand, Geo. F	501 South Main St., Elkhart, Ind	do	1880	Permanent partial, 50 per cent	50.00	150.00
Brickley, Harry	112 West Washington St., Bluffton, Ind	Physician, surgeon	1886	do	50.00	125.00
Bridwell, Harry	2904 East Washington St., Indianapolis, Ind	Policeman	1880	Permanent partial, 88 per cent	88.00	93.75
Bergman, Alfred	128 West Main St., Peru, Ind	No occupation	1889	Permanent total	100.00	150.00
Carpenter, Emil C	820 East 21st St., Indianapolis, Ind	Fire builder	1892	Permanent partial, 50 per cent	50.00	125.00
Caswell, Geo. Emery	1275 Myrtle Ave., Whiting, Ind	Manager traffic	1893	Permanent partial, 45 per cent	45.00	93.75
Cope, Harry Hodson	Gert Building, Madison, Ind	Attorney	1897	Permanent partial, 51 per cent	51.00	125.00
Costlow, Glenn Chas	1318 Buckeye, Kokoma, Ind	None given	1890	Permanent partial, 49 per cent	49.00	125.00
Crane, Miellard	Jonesboro, Ind	School-teacher	1876	Permanent partial, 56 per cent	56.00	125.00

INDIANA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Crook, David Henry	Rt. No. 1 Cannelton, Ind	Soldier	1888	Permanent partial, 44 per cent	$44.00	$150.00
Cummings, Lester	National Military Home, Ind	No occupation	1882	Permanent total	100.00	125.00
Doeppers, Wm. A	10 Locke St., Indianapolis City Hospital, Indianapolis, Ind.	Physician	1892	Permanent partial, 75 per cent	75.00	125.00
Driscoll, James E	526 Elliot St., Evansville, Ind	None given	1887	Permanent partial, 50 per cent	50.00	93.75
Emley, Arthur A	Maun National Sanitarium, National Military Home, Ind.	No occupation	1893	Permanent total	20.00	150.00
Frey, Nent	128 North Delaware St., Indianapolis, Ind	Soldier	1894	Permanent partial, 52 per cent	52.00	125.00
Fruth, Virgil J	202 First National Bank Building, Connersville, Ind.	Physician	1890	Permanent partial, 33 per cent	33.00	125.00
Gifford, Hanson S	20 Walnut St., Tipton, Ind	None given	1882	Permanent total	100.00	150.00
Gilpin, Jno. H	238 Utility Building, Ft. Wayne, Ind	Physician	1876	Permanent partial, 40 per cent	40.00	150.00
Good, Dewitt R	New Point, Ind	do	1871	Permanent total	150.00	150.00
Grimes, Ray D	5410 New Jersey St., Indianapolis, Ind	None given	1895	Permanent partial, 35 per cent	35.00	93.75
Heal, Chester A	National Military Home, Ind	do	1891	Permanent total	100.00	93.75
Hendryx, Aylmer E	Rt. No. 1, Box 118, Bargersville, Ind	None given	1874	do	100.00	150.00
Henry, Robert H	Box 41, Michigan City, Ind	Electrical engineer	1892	Permanent partial, 41 per cent	41.00	93.75
Hitt, Joe L	Care of American Express Co., 259 South Meridan St., Indianapolis, Ind.	Auto mechanic	1891	Permanent partial, 72 per cent	72.00	93.75
Huber, Jno. Geo	1609 Fulton Ave., Evansville, Ind	Physician	1875	Permanent partial, 44 per cent	44.00	125.00
Johnson, Edw. N	1203 West Euclid Ave., Indianapolis, Ind	Outside salesman	1884	Permanent total	100.00	125.00
Kepner, Cloyd	National Soldiers' Hospital, Marion, Ind	None given	1885	do	100.00	93.75
Kern, Frank W	331 John St., Seymour, Ind	Physician	1880	Permanent partial, 32 per cent	32.00	125.00
Knapp, Arthur	2111 Mishawaska Ave., South Bend, Ind	do	1878	Permanent partial, 50 per cent	50.00	150.00
Lyons, Thos. Barkley	Perry Point, Ind	Assistant cashier	1889	Permanent total	100.00	125.00
McClelland, Frank A	826 Oak St., Huntington, Ind	No occupation	1885	Permanent partial, 50 per cent	50.00	125.00
McCool, John F	Boonville, Ind	Physician	1881	Permanent total	150.00	125.00
Manson, James B	917 West Pike St., Crawfordsville, Ind	Student	1895	Permanent partial, 30 per cent	50.00	93.75
Millke, Chas. J	4314 Winthrop Ave., Indianapolis, Ind	Soldier	1889	Permanent partial, 35 per cent	35.00	93.75
Miner, Erwin J	National Military Home, Marion, Ind	Civil engineer	1885	Permanent total	20.00	150.00
Morrice, Fredk. William	621 South 5th St., Goshen, Ind	Editor	1879	Permanent partial, 75 per cent	75.00	93.75
O'Neil, John J	514–515 Wysor Block, Muncie, Ind	Lawyer	1889	Permanent partial, 55 per cent	55.00	125.00
Parrish, Henry F	Carthage, Ind	Soldier	1872	Permanent total	150.00	125.00
Pinto, Rene W	358 Valparaiso St., Valparaiso, Ind	Student	1894	Permanent partial, 89 per cent	89.00	93.75
Pinney, Norman William	Care of superintendent National Military Home, Marion, Ind.	None given	1889	Permanent total	100.00	93.75
Power, Herman	R. R. A., Terre Haute, Ind	Soldier	1885	Permanent partial, 79 per cent	79.00	125.00
Raymond, Charles W	Apartment No. 12, The Waldon, Terre Haute, Ind.	Dentist	1879	Permanent partial, 50 per cent	50.00	125.00
Rice, Robert K	National Military Home, Marion, Ind	Clerk, office recorder	1896	Permanent total	20.00	93.75
Ricketts, Jos. W	946 Meridian St., Indianapolis, Ind	Physician	1883	Permanent partial, 65 per cent	65.00	150.00
Robinson, Frank Clyde	Martinsville, Ind	Physician	1877	Permanent partial, 40 per cent	40.00	187.50
Roger, Elmo Ray	North Salem, Ind	No occupation	1875	Permanent partial, 50 per cent	50.00	187.50
Rogers, Robert C	203 South 6th St., Bloomington, Ind	Physician and surgeon	1870	Permanent partial, 40 per cent	40.00	150.00
Ross, Melville	501 South Woodlawn, Bloomington, Ind	Physician	1887	Permanent partial, 37 per cent	37.00	150.00
Rothman, Arthur	867 Calumet Ave., Hammond, Ind	Yardmaster	1867	Permanent partial, 63 per cent	63.00	125.00
Rowe, Maurice E	National Soldiers' Home, Marion, Ind	No occupation	1894	Permanent total	70.00	93.75
Scheffer, Ferdinand Herman	R. F. D. No. 12, Fort Wayne, Ind	Clerk, office record	1890	Permanent partial, 65 per cent	65.00	93.75
Schrieber, Adam Wm	1142 State St., Lafayette, Ind	Physician	1880	Permanent partial, 83 per cent	83.00	150.00
Shaffer, James	2200 3d Ave., Terre Haute, Ind	do	1883	Permanent total	150.00	125.00
Sherk, Wendell	Fletcher American Co., Indianapolis, Ind	Bond salesman, salesman, finance.	1889	Permanent partial, 39 per cent	39.00	125.00
Skinner, Parker R	National Military Home, Marion, Ind	None given	1885	Permanent total	20.00	150.00
Small, Geo. W	National Home, Marion, Ind	Physician	1873	do	100.00	125.00
Smith, San Bluford	217 South 8th St., Terre Haute, Ind	Farming	1874	do	100.00	150.00
Sinder, Geo. F	Brownstown, Ind	Machine operator, mill worker.	1876	Permanent total	100.00	93.75
Stockhouse, Frank	Kingman, Ind	No occupation	1865	Permanent total	150.00	125.00
Strother, Carl Benj	Honey Creek, Ind	Soldier	1890	Permanent partial, 48 per cent	48.00	125.00
Thompson, Walter Scott	1239 Parker Ave., Indianapolis, Ind	do	1893	Permanent partial, 44 per cent	44.00	93.75
Trent, Wm. R	305 East Morgan St., Spencer, Ind	Student	1894	Permanent total	100.00	93.75
Tucker, Carroll J	216 West 31st St., Indianapolis, Ind	Physician	1886	Permanent partial, 57 per cent	57.00	150.00
Underwood, Chas. A	201 West 29th St., Indianapolis, Ind	do	1879	Permanent partial, 38 per cent	38.00	150.00
Vander, Bogart H	Goshen, Ind	None given	1884	Permanent partial, 64 per cent	64.00	125.00
Voll, Bernard J	Care of Sibley Machine Co., South Bend, Ind	do	1895	Permanent partial, 30 per cent	30.00	125.00
Waltermire, Tell C	2234 Central Ave., Indianapolis, Ind	Physician	1881	Permanent partial, 64 per cent	64.00	150.00
Weeks, Geo. E	1827 Nowland Ave., Indianapolis, Ind	Sign painter, outside	1894	Permanent partial, 33 per cent	33.00	93.75
Welsh, Edgar	LaPlante Building, Vincennes, Ind	No occupation	1893	Permanent total	100.00	125.00
White, John A	607 Kahn Building, Indianapolis, Ind	Physician	1889	Permanent partial, 75 per cent	75.00	150.00
Wilmeth, Dalbert	4315 Carrollton Ave., Indianapolis, Ind	Lawyer	1887	Permanent partial, 34 per cent	34.00	150.00
Wise, Dale O	Pleasant Lake, Ind	Fireman, locomotive	1890	Permanent partial, 50 per cent	50.00	187.50
Wright, Walter W	414 South 11th St., New Castle, Ind	Physician	1883	Permanent partial, 51 per cent	51.00	150.00
Young, Edw	540 South Main St., Sherman, Ind	do	1869	Permanent partial, 61 per cent	61.00	150.00

IOWA

Ashe, Roger	U. S. Veterans' Hospital No. 57, Knoxville, Iowa.	Not given	1884	Permanent total	$100.00	$150.00
Bare, Elmer Anderson	Pleasantville, Iowa	Physician	1897	do	100.00	150.00
Brock, Raymond	Winterset, Iowa	Mechanic, auto	1895	Permanent partial, 72 per cent	72.00	93.75
Carson, Dean H	Britt, Iowa	Not given	1895	Permanent partial, 45 per cent	45.00	125.00
Christiansen, James	Sioux City, Iowa	Physician	1871	Permanent partial, 38 per cent	38.00	150.00
Clary, William Henry	Prescott, Iowa	do	1880	Permanent total	150.00	125.00
Carlson, Amel A	437 Hamilton St., Ottumwa, Iowa	Accountant	1894	Permanent partial, 55 per cent	55.00	125.00
Druet, Arthur Lewis	Larchwood, Iowa	Physician	1877	Permanent partial, 50 per cent	50.00	125.00
McEvelith, John	Grand Junction, Iowa	Not given	1884	Permanent total	100.00	218.75
Field, Bradford	U. S. Veterans' Hospital No. 57, Knoxville, Iowa.	do	1899	do	20.00	93.75
Gorman, Ory William	417 Washington Ave., Mason City, Iowa	Pharmacist	1877	Permanent partial, 54 per cent	54.00	187.50
Gertenkorn, Max	U. S. Veterans' Hospital No. 57, Knoxville, Iowa.	No occupation	1887	Permanent total	20.00	93.75
Gilmore, Rex Sheperd	do	Insurance agent	1889	do	100.00	125.00
Glassgow, Charles	1114 East Rusholm St., Davenport, Iowa	Real-estate agent	1895	Permanent partial, 41 per cent	41.00	93.75
Hakes, Ledyard B	Laurens, Iowa	Retail dealer	1894	Permanent partial, 38 per cent	38.00	93.75
Jepson, Wm. R	333 Commerce Building, Sioux City, Iowa	Student	1890	Permanent partial, 42 per cent	42.00	125.00
Leffler, Robert W	Care of Mrs. L. W. Forman, 419 Lynn Ave., Ames, Iowa.	Ice creamery worker	1893	Permanent partial, 63 per cent	63.00	125.00
Linsday, Geo. E	U. S. veterans' hospital, Knoxville, Iowa	Salesman	1894	Permanent total	100.00	93.75

IOWA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Meredith, Edw. R	Care of Iowa State Highway Commission	Railroad official, superintendent.	1883	Permanent partial, 47 per cent	$47.00	$150.00
Newquist, Danl. Conrad	675 West 34th St., Des Moines, Iowa	No pre-war occupation	1876	Permanent partial, 79 per cent	79.00	150.00
Parr, Frdk	U. S. Hospital No. 57, Knoxville, Iowa	None given	1891	Permanent total	20.00	93.75
Peckham, Howard	Villisca, Iowa	Clerk, postal railway	1884	Permanent partial, 56 per cent	56.00	150.00
Rowe, Donald M	Bloomfield, Iowa	Cashier, teller	1894	Permanent partial, 34 per cent	34.00	93.75
Schide, Clarence C	333 58th St., Des Moines, Iowa	Carpenter	1894	Permanent partial, 42 per cent	42.00	93.75
Sweeney, Orland R	538 Haywood St., Ames, Iowa	Professor	1883	Permanent partial, 72 per cent	72.00	187.50
Tribby, Dwight	U. S. Hospital No. 57, Knoxville, Iowa	None given	1896	Permanent total	70.00	93.75
Wells, Harry Lee	421 4th St., Apartment No. 32, Des Moines, Iowa.	do	1868	do	100.00	125.00

KANSAS

Adams, Chas. Saml	Byers, Kans	Physician	1875	Permanent partial, 44 per cent	$44.00	$125.00
Baker, Horace	1029 Osage St., Leavenworth, Kans	Farmer	1890	Permanent partial, 36 per cent	36.00	150.00
Barnes, Walter B	1732 North Adams St., Junction City, Kans.	Soldier	1873	Permanent partial, 75 per cent	75.00	125.00
Bates, Vernon Elwell	617 Houston St., Manhattan, Kans	Sales clerk, light commodities.	1888	Permanent partial, 36 per cent	36.00	125.00
Bermant, Lester C	905-907 North Washington St., Junction City, Kans.	Salesman, insurance	1894	Permanent partial, 50 per cent	50.00	93.75
Brewster, Roger B	1909 West 42d St., Rosedale, Kans	Not given	1875	Permanent total	100.00	150.00
Buckley, Martin B	Care of Capital Gas & Electric Co., Topeka, Kans.	Salesman of service, gas	1886	Permanent partial, 40 per cent	40.00	150.00
Clarke, Cecil Alex	707 North Topeka, Ave., Wichita, Kans	Civil engineer	1893	Permanent partial, 49 per cent	49.00	125.00
Cludas, Arthur Louis	1191 Garfield Ave., Topeka, Kans	Physician	1872	Permanent total	100.00	150.00
Eagan, Robt. Emmett	Spring Hill, Kans	do	1870	Permanent partial, 60 per cent	60.00	125.00
Engels, Roland Theo	939 Nims Ave., Wichita, Kans	School-teacher	1893	Permanent partial, 35 per cent	35.00	125.00
Fitzpatrick, Fred	452 South 8th St., Salina, Kans	Insurance agent	1880	Permanent total	200.00	250.00
Germain, Everett Earl	Bern, Kans	Real estate salesman	1890	Permanent partial, 30 per cent	50.00	93.75
Gray, Louis Wilbur	Care of American Legion, Wichita, Kans	Production manager	1878	Permanent total	100.00	150.00
Haerle, Edw. Jacob	Minneapolis, Kans	Physician	1889	Permanent partial, 48 per cent	48.00	125.00
Hampshire, Claude C	Colony, Kans	Farmer	1894	Permanent partial, 40 per cent	40.00	125.00
Harris, Lawrence	1915 New Hampshire St., Lawrence, Kans	No pre-war occupation	1893	Permanent total	150.00	125.00
Hill, Arthur M	1300 Topeka Boulevard, Topeka, Kans	Dry goods, retail dealer	1867	Permanent partial, 45 per cent	45.00	150.00
Hood, Tarlton Ambrose	West 5th St., Garnett, Kans	Physician	1872	Permanent partial, 56 per cent	56.00	150.00
Humphreys, Geo. F	1130 Manhattan St., Manhattan, Kans	Railroad brakeman	1877	Permanent partial, 63 per cent	63.00	150.00
Kelly, Carroll B	Wakeeney, Kans	Retail dealer, grocer	1883	Permanent partial, 49 per cent	49.00	93.75
Lewis, Benj. J	U. S. Veterans' Bureau, Wichita, Kans	Physician and surgeon	1874	Permanent partial, 41 per cent	41.00	125.00
Love, Ralph Huntington	101 South 6th St., Hiawatha, Kans	Manager, production	1884	Permanent partial, 46 per cent	46.00	150.00
McDonnall, Zara H	Box 847, Wichita, Kans	Not given	1886	Permanent total	100.00	93.75
McKinney, Wm	1228 East 15th St., Baxter Springs, Kans	Sailor	1888	Permanent partial, 30 per cent	50.00	150.00
Miller, James E	321½ North Jefferson St., Iola, Kans	Student	1893	Permanent total	100.00	93.75
Mitchell, Saml. E	820 Ill St., Lawrence, Kans	do	1897	do	100.00	93.75
Morris, Robt. Benj	3329 East Pine St., Wichita, Kans	Physician	1873	Permanent partial, 36 per cent	50.00	150.00
Mundell, Walter Newton	Hutchinson, Kans	Physician and surgeon	1880	Permanent partial, 30 per cent	30.00	150.00
Nease, Stephen Gilbert	3210 East 13th St., Wichita, Kans	Sales manager	1883	Permanent partial, 66 per cent	66.00	125.00
Nienstedt, William Frederick	Hartford, Kans	Physician	1874	Permanent partial, 75 per cent	75.00	150.00
Preston, Richard Otis	1322 West 7th St., Topeka, Kans	do	1885	Permanent partial, 78 per cent	78.00	125.00
Root, Frank Pletcher	901 Bertrand, Manhattan, Kans	School-teacher	1893	Permanent partial, 50 per cent	50.00	150.00
Ross, Richard Still	301 Orchid St., Topeka, Kans	Student	1896	Permanent partial, 36 per cent	36.00	93.75
Schrader, Lewis M	Kinsley, Kans	Physician	1879	Permanent total	100.00	125.00
Toomey, Ernest	513 Olive St., Neodesha, Kans	Restaurant keeper	1889	Permanent partial, 55 per cent	55.00	93.75
Trueheart, Marion	Sterling, Kans	Physician	1881	Permanent partial, 50 per cent	50.00	150.00
Whitson, Clyde F	817 North Main St., Wichita, Kans	Veterinarian	1882	Permanent partial, 60 per cent	60.00	93.75
Withers, Geo. Allan	Clay Center, Kans	Salesman, insurance	1885	Permanent partial, 50 per cent	50.00	187.50
Young, Richard Claude	211 South First St., Arkansas City, Kans	Physician	1875	do	50.00	150.00

KENTUCKY

Akerley, Byron L	Asphalt Edmonston, Ky	Express messenger	1896	Permanent partial, 48 per cent	$48.00	$125.00
Austin, Jas. Allen	Fulton, Ky	Not given	1889	Permanent total	100.00	125.00
Beehler, Frank	Anchorage, Ky	Salesman, insurance	1890	do	100.00	125.00
Berry, Shaler	101 Taylor Ave., Fort Thomas, Ky	Not given	1871	do	100.00	187.50
Bolin, Jas. Achilles	Somerset, Ky	do	1872	do	100.00	150.00
Brock, George S	Loudon, Ky	Physician	1874	Permanent partial, 50 per cent	50.00	150.00
Buckner, John D	Shelbyville, Ky	Salesman, real estate and insurance.	1896	do	50.00	93.75
Bushong, Perry	Main St., Edmonton, Ky	Not given	1865	Permanent total	100.00	125.00
Coleman, Robt	455 West 3d St., Lexington, Ky	do	1878	Permanent partial, 30 per cent	30.00	150.00
Coolidge, Walter L	711 South 3rd St., Louisville, Ky	Physician	1881	Permanent partial, 75 per cent	75.00	150.00
Curd, Joyes	1240 1st., Louisville, Ky	Not given	1886	Permanent total	100.00	125.00
Curtis, Wm. Earl	Box 209, Paris, Ky	Clerk, R. and C	1892	Permanent partial, 50 per cent	50.00	93.75
Dillion, Jas. K	Box 129, London, Ky	Timberman	1880	Permanent partial, 60 per cent	60.00	150.00
Dowdall, Wm. T	1–C Hospital, Paducah, Ky	Physician	1872	Permanent partial, 50 per cent	50.00	150.00
Duncan, Richard F	Louikinsville, Ky	General practitioner	1863	do	50.00	150.00
Eckman, Wm. Guy	18 Pike St., Covington, Ky	Physician	1874	do	50.00	125.00
Galvin, John Wm	1917 South 3d St., Louisville, Ky	Not given	1864	Permanent total	100.00	150.00
Hall, Edmond Parker	803 Crittenden St., Owensboro, Ky	do	1881	do	100.00	93.75
Harned, Pomeroy	121 North Ashland Ave., Lexington, Ky	do	1877	do	100.00	125.00
Hawkins, Chas	P. O. Box 94, Dawson Springs, Ky	Farmer	1894	Permanent partial, 37 per cent	37.00	93.75
Headley, Mervin E	3030 Wilson Ave., Louisville, Ky	Tractor mechanic	1896	Permanent partial, 46 per cent	46.00	93.75
Henry, Jouett	901 South Main St., Hopkinsville, Ky	Not given	1861	Permanent total	100.00	250.00
Jones, Henry B	Beattyville, Ky	General farmer	1880	Permanent partial, 37 per cent	37.00	125.00
Kelly, Jas	Green Mount, Ky	Soldier	1892	Permanent partial, 31 per cent	31.00	93.75
Kessinger, Benj. Lee	141 Upper St., Lexington, Ky	Stenographer	1898	Permanent partial, 51 per cent	51.00	93.75
Liggett, David C	658 South 4th St., Louisville, Ky	Not given	1889	Permanent partial, 50 per cent	50.00	93.75
Lyman, Julius Bigelow	U. S. veterans' hospital, Outwood, Ky	Traveling salesman	1890	Permanent total	100.00	93.75
McGary, Jos. R	522 East 4th St., Owensboro, Ky	Physician	1877	Permanent partial, 51 per cent	51.00	125.00
McGraw, Jos. F	977 Vine St., Louisville, Ky	Not given	1895	Permanent total	100.00	93.75
Murrell, Henry Clay	Cortland Apartments, Louisville, Ky	do	1877	do	100.00	57.50
Page, Marion W	Rt. 1, Sedalia, Ky	Physician	1881	Permanent partial, 66 per cent	66.00	150.00
Piper, Walter C	121 Waller Ave., Lexington, Ky	Student	1896	Permanent total	100.00	93.75
Porter, Robt. Wm	333 McDowell Rd., Lexington, Ky	Physician	1873	Permanent partial, 50 per cent	50.00	150.00
Rahm, Jos. Lee	Shiveley, Ky	Dentist	1894	Permanent partial, 35 per cent	50.00	150.00

KENTUCKY—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Richardson, Jno. B	328 Francis Building, Louisville, Ky	Surgeon	1876	Permanent partial, 30 per cent	$30.00	$150.00
Rivers, Horace Terrell	916 City National Bank Building, Paducah, Ky.	Physician	1869	do	30.00	150.00
Robertson, Jas. A	128 Fort Thomas Ave., Fort Thomas, Ky	Not given	1867	Permanent total	150.00	150.00
Robinson, Wm. A	1407 4th Ave., Louisville, Ky	General insurance salesman.	1885	Permanent partial, 75 per cent	75.00	93.75
Scrivner, Saml. T	365 South Main St., Winchester, Ky	Physician	1885	Permanent total	150.00	125.00
Seale, Charles	Booneville, Ky	Teacher	1884	Permanent partial, 48 per cent	48.00	93.75
Shaunty, John M	Argonne Hotel, Louisville, Ky	Physician	1879	Permanent partial, 75 per cent	75.00	125.00
Smith, John Inman	London, Ky	Not given	1866	Permanent total	100.00	150.00
Stoddard, Jas. Kent	Round Mill Gap, Wooten, Ky	Physician	1891	Permanent partial, 30 per cent	30.00	125.00
Whitledge, Herbert E	Hospital No. 97, Dawson Springs, Ky	do	1875	Permanent partial, 63 per cent	63.00	150.00
Williams, Ralph O'Neal	Corbin, Ky	Railroad switchman	1890	Permanent partial, 46 per cent	46.00	93.75
Woodson, Hylan Hale	Eddyville, Ky	Physician	1889	Permanent partial, 50 per cent	50.00	125.00
Wright, Oscar C	2045 Douglas Blvd., Louisville, Ky	Salesman	1893	Permanent partial, 41 per cent	41.00	93.75

LOUISIANA

Adais, Munsell	Hutchinson Lee Building, Shrevesport, La	Not given	1895	Permanent total	$100.00	$125.00
Black, Bryan	1453 Ardulla St., New Orleans, La	No occupation	1872	Permanent partial, 30 per cent	30.00	218.75
Cook, Claude T	U. S. Veterans' Hospital No. 84, Algiers, La	Not given	1890	Permanent total	100.00	93.75
Cook, Paul D	1204 Jackson Ave., New Orleans, La	Civil engineer	1883	Permanent partial, 50 per cent	50.00	187.50
Corter, Philip J	1010 Pere Marquette Building, New Orleans, La.	Physician, surgeon	1888	do	50.00	125.00
Devron, John A	132 South Solomon St. New Orleans, La	No pre-war occupation given.	1874	Permanent partial, 35 per cent	35.00	187.50
Evans, Miles P	7447 Hampton St., New Orleans, La	No occupation	1893	Permanent partial, 65 per cent	65.00	125.00
Ewing, Joseph L	824 Giddens Lane Building, Shrevesport, La	No occupation given	1886	Permanent partial, 30 per cent	30.00	125.00
Ford, Herbert S	111 West Main St., Homer, La	No pre-war occupation given.	1889	Permanent partial, 50 per cent	50.00	150.00
Foster, Marion H	65 Bolton Ave., Alexandria, La	Surgeon	1886	Permanent partial, 91 per cent	91.00	125.00
Gardner, Neil E., jr	2325 Wirth Pl., New Orleans, La	No occupation	1894	Permanent total	100.00	93.75
Hopfler, William F	Amite, La	Accountant	1897	do	100.00	125.00
Le Sueur, George B	1023 Fern St., New Orleans, La	Physician	1877	do	100.00	150.00
Lyon, George C	308 Compt St., New Orleans, La	Not given	1890	Permanent partial, 30 per cent	30.00	125.00
McCall, George T	712 Masonic Temple Building, New Orleans, La.	No occupation	1893	Permanent partial, 35 per cent	35.00	125.00
Miller, Benj. W	Wash. Bank & Trust Co. Building, Bolalusa, La.	Lawyer	1895	Permanent partial, 73 per cent	73.00	125.00
Sartar, James C	Rayville, La	Physician	1882	Permanent partial, 36 per cent	36.00	150.00
Summers, Edward H	Box 341, Pineville, La	Shoe cutter	1888	Permanent total	100.00	93.75
Thiele, Richard E. A	5932 American St., New Orleans, La	Not given	1873	do	100.00	125.00
Vidine, Grover C	4315 Godrez St., New Orleans, La	No occupation given	1892	Permanent partial, 30 per cent	30.00	93.75
Virgin, Roscoe S	428 Dauphine St., New Orleans, La	Farmer	1880	Permanent partial, 40 per cent	40.00	150.00
Walker, Newton W	517 Carondelet Building, New Orleans, La	Bookkeeper	1888	Permanent partial, 45 per cent	45.00	93.75
Wayman, Herbert Lee	2028 South Saleedo St., New Orleans, La	Not given	1889	Permanent total	100.00	150.00
Wiener, Earl L	728 Christian St., Shreveport, La	do	1894	do	100.00	93.75
Wood, Lewis H	Abbeville, La	Bookkeeper	1889	Permanent partial, 50 per cent	50.00	125.00

MAINE

Cousins, Wm. Lewis	28 Norwood St., Portland, Me	Not given	1870	Permanent total	$100.00	$187.50
Croxby, Clarence H	Dexter, Me	Student	1894	Permanent partial, 70 per cent	70.00	125.00
Garney, John A	North Shapleigh, Me	Police officer	1874	Permanent partial, 75 per cent	75.00	125.00
Gould, Willis Elden	North Leeds, Me	Not given	1870	Permanent total	100.00	125.00
Ham, John C	Belfast, Me., star route to Northport, Me	No pre-war occupation	1869	do	100.00	150.00
Maddocks, Austin	16½ Center St., Waterville, Me	Not given	1896	do	100.00	125.00
Stanwood, Linscott A	Andover, Me	Physician	1857	do	100.00	125.00
Wright, Chas. S	U. S. Marine Hospital 16, Portland, Me	do	1868	Permanent partial, 50 per cent	50.00	150.00

MARYLAND

Adams, John M	536 University Parkway, Baltimore, Md	None given	1870	Permanent total	$100.00	$150.00
Ballard, Eugene Caesar	Light Redwood St., Baltimore, Md	Salesman, insurance, real estate.	1893	Permanent partial, 30 per cent	30.00	125.00
Bard, George P	U. S. veterans' hospital, Perry Point, Md	Veterinary surgeon	1892	Permanent total	20.00	125.00
Bennett, George	331 Oakmont Ave., Baltimore, Md	Merchant marine officer	1877	do	100.00	125.00
Berger, Clyde Dolson	2604 Overland Ave., Montebello Park, Baltimore, Md.	Construction foreman	1891	Permanent partial, 55 per cent	48.12	93.75
Berkley, Percy Cooper	1209 Reistertown Rd., Pikesville, Md	Official, corporation	1887	Permanent total	70.00	93.75
Bittner, Carl Robb	4809 Reistertown Rd., Baltimore, Md	Occupational student	1894	Permanent partial, 35 per cent	35.00	93.75
Boyle, Jas. B	2420 North Calvert St., Baltimore, Md	Insurance salesman	1888	Permanent partial, 36 per cent	36.00	125.00
Brown, Wm. A	University Apartments, K 5, Baltimore, Md.	Student	1895	Permanent partial, 40 per cent	40.00	93.75
Casey, Arthur	Care of Knights of Columbus Home, Madison and Cathedral Sts., Baltimore, Md.	Not given	1878	Permanent total	100.00	187.50
Cawley, Wm. Dennis	Corner North and High Sts., Elkton, Md	Physician and surgeon	1872	do	100.00	150.00
Cochran, Harry B	3 William Lane, Chevy Chase, Md	Technician		do	100.00	150.00
Corcoran, Mathew J	1425 Mount Royal Ave., Baltimore, Md	Not given	1880	do	100.00	125.00
Costinett, Joseph R	Hyattsville, Md	do	1878	do	100.00	125.00
Councill, Wilford	9 East Mount Royal Ave., Baltimore, Md	Physician	1891	do	100.00	125.00
Crawford, Nathan N	3161 Ravenwood Ave., Baltimore, Md	Veterinary surgeon	1887	Permanent partial, 36 per cent	36.00	150.00
Davis, Simmons	U. S. veterans' hospital, Perry Point, Md	Not given	1896	Permanent total	20.00	93.75
Day, Raymond E	1812 Eutaw Pl., Baltimore, Md	Foreman, auto factory	1883	do	200.00	125.00
Evans, Alexander M	1425 Linden Ave., Baltimore, Md	Physician	1885	Permanent partial, 73 per cent	73.00	125.00
Fay, Daniel Edgar	2919 Belmont Ave., Baltimore, Md	do	1895	Permanent total	100.00	150.00
Gaddess, Hary Welfred	321 East 25th St., Baltimore, Md	do	1879	Permanent partial, 50 per cent	50.00	150.00
Gordon, Philip	711 West North Ave., Baltimore, Md	Soldier	1884	Permanent total	100.00	187.50
Grammes, Robt. Asa	1409 Hollins St., Baltimore, Md	Superintendent, steam railroad.	1877	do	100.00	125.00
Gross, Harry	1508 Mount Royal Ave., Baltimore, Md	Not given	1871	do	100.00	187.50
Guistwhite, Bruce H	201 Park St., Cumberland, Md	Physician	1887	Permanent partial, 55 per cent	55.00	125.00
Hall, Elmer G	1631 East North Ave., Baltimore, Md	do	1883	Permanent partial, 38 per cent	38.00	125.00

MARYLAND—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Hatch, Carl Tilden	Cecil Apartments, Baltimore, Md	Accountant	1879	Permanent partial, 45 per cent	$45.00	$93.75
Hoffman, Daniel O. W	Foster Clinic, Catonsville, Md	Not given	1881	Permanent total	100.00	125.00
Hooper, Solon E	208 Oakley Ave., Cambridge, Md	do	1893	do	100.00	93.75
Hoornbeck, Henry G	Tacoma Park, Md	Engineer	1891	do	100.00	150.00
Hooper, Pearl D	Pomonkey, Md	Soldier	1887	Permanent partial, 69 per cent	69.00	125.00
Huebner, Albert F	Perry Point, Md., care of R. A. Grames	Not given	1889	Permanent total	100.00	150.00
Ingram, Sylvanus Littlepage	U. S. veterans' hospital, Perry Point, Md	do	1894	do	20.00	93.75
Kaiss, Edw. W	Odenton, Md	Soldier	1890	Permanent partial, 84 per cent	84.00	93.75
Kennedy, Robt. Eugene	2227 Callow St., Baltimore, Md	Civil engineer	1885	Permanent partial, 40 per cent	40.00	150.00
Knapp, Edwin L	1109 Fidelity Building, Baltimore, Md	Dentist	1884	Permanent partial, 75 per cent	75.00	125.00
Lovett, Wm. Conway	U. S. veterans' hospital, Perry Point, Md	Not given	1871	Permanent total	100.00	93.75
Miles, Louis W	Gilman Country School, Roland Park, Baltimore, Md	Professor of college	1873	Permanent partial, 34 per cent	34.00	150.00
O'Neill, Henry H	Landover, Md	Not given	1891	Permanent total	100.00	125.00
Patterson, Frdk. W	820 Violet Pl., Silver Spring, Md	do	1879	do	100.00	187.50
Randle, Morris D	216 Clarendon Ave., Pikesville, Md., care of W. T. Brooks.	Stock clerk	1896	do	100.00	93.75
Roberts, Ernest	408 Bretton Pl., Guilford, Baltimore, Md	Banker (office corps)	1880	Permanent partial, 85 per cent	85.00	187.50
Sneeringer, Michael	Medford, Md	Not given	1882	Permanent total	100.00	93.75
Starr, Edward J	2403 Chelsea Terrace, Baltimore, Md	do	1870	do	100.00	93.75
Stehman, Cameron	U. S. veterans' hospital, Perry Point, Md	do	1879	do	20.00	125.00
Steindler, Leo Fleischer	4004 Wilson Ave., Baltimore, Md	Physician	1885	Permanent partial, 77 per cent	77.00	150.00
Sterling, Gordon C	Myrtle St., Crisfield, Md	Salesman, outside	1895	Permanent partial, 51 per cent	51.00	93.75
Stow, Jas. Russell	124 West Luzerne St., Baltimore, Md	Soldier	1887	Permanent partial, 31 per cent	31.00	93.75
Tobey, Paul T	Chilham Rd., Mount Washington, Baltimore, Md.	Physical director, teacher	1895	Permanent partial, 52 per cent	52.00	125.00
Truett, John H	2162 Hollins St., Baltimore, Md	Investigator, adjuster insurance or claims.	1881	Permanent partial, 35 per cent	35.00	125.00
Van Hollen, Donald	201 Cedar Craft Rd., Baltimore, Md	Student	1893	Permanent partial, 90 per cent	90.00	93.75
Vey, Edgar Allan	Ewincrest, Annapolis, Md	Not given	1885	Permanent total	100.00	150.00
Walls, Wm. Ralph	Sudlersville, Md	do	1895	do	100.00	93.75
Williams, Frank Edwin	Rising Sun, Md	Dairy farmer	1894	Permanent partial, 66 per cent	66.00	125.00
Wilson, Wm. Valentine	Rockville, Md	Not given	1890	Permanent partial, 46 per cent	46.00	125.00
Yocum, Charles A	Hospital No. 42, Federal Park, Md	do	1863	Permanent total	100.00	125.00

MASSACHUSETTS

Allen, Wiles H	U. S. veterans' hospital, West Roxbury, Mass.	Physician	1891	Permanent total	$100.00	$125.00
Ames, Shirley L	15 Mount Vernon Terrace, Newtonville, Mass.	None given	1883	do	100.00	150.00
Anderson, James W	56 Cypress Rd., Wellesley Hills, Mass	Student	1893	Permanent partial, 30 per cent	30.00	150.00
Bampton, Sidney W	39 Pond St., Natick, Mass	None given	1882	Permanent total	100.00	125.00
Bell, Hollis W	188 Commonwealth Ave., Attleboro Falls, Mass.	Manager, production-industrial.	1891	do	100.00	93.75
Blake, Wm. J	49 Englewood Ave., Brookline, Mass	No occupation	1891	Permanent partial, 30 per cent	30.00	125.00
Breen, Vincent	60 Sawyer St., Dorchester, Mass	Foreman transfer company, teamster.	1889	Permanent partial, 38 per cent	38.00	150.00
Bridges, Thos. A	858 Albany St., Roxbury, Mass	Student	1896	Permanent partial, 35 per cent	35.00	125.00
Burr, Ernest R	125 4th St., Medford, Mass	Mate, merchant marine	1871	Permanent partial, 32 per cent	32.00	93.75
Carlson, Jno. R	21 Huntington Ave., Roslindale, Mass	Mechanical engineer	1892	Permanent partial, 50 per cent	50.00	125.00
Carmerois, Henry D	138 Harvard Ave., Allston, Mass	Warehouse owner	1879	Permanent partial, 47 per cent	47.00	150.00
Comerford, Chas. A	182 Church St., Watertown, Mass	Wool student	1894	Permanent partial, 33 per cent	33.00	93.75
Comerford, John T	103 Francis St., Brookline, Mass	Lawyer	1887	Permanent partial, 43 per cent	43.00	150.00
Connelly, Jno. E	Hotel Coolidge, Brookline, Mass	None given	1881	Permanent total	100.00	125.00
Couper, James H	156 Milk St., Boston, Mass	Salesman, heavy samples auto tires.	1894	Permanent partial, 70 per cent	70.00	125.00
Cummings, Howard J	563 School St., Belmont, Mass	Mail carrier	1888	Permanent partial, 50 per cent	50.00	93.75
Curtis, Lawrence	464 Beacon St., Boston, Mass	Student	1893	Permanent partial, 65 per cent	65.00	93.75
Dodge, Albert	150 Prospect St., Gloucester, Mass	None given	1879	Permanent total	150.00	187.50
Doten, Max V	11 Mason St., Cambridge, Mass	Lawyer	1890	Permanent partial, 56 per cent	56.00	93.75
Dugger, Edw	158 Jerome St., West Medford, Mass	Student	1894	Permanent partial, 40 per cent	40.00	125.00
Dwyer, Wm. Jos	81 Mount Port St., Boston, Mass	Physician	1883	Permanent partial, 50 per cent	50.00	125.00
Edgerly, Geo. W	U. S. Hospital No. 44, West Roxbury, Mass.	Soldier	1880	Permanent total	100.00	150.00
Ewen, Arthur	211 Davis St., East Springfield, Mass	Machinist	1893	Permanent partial, 53 per cent	53.00	93.75
Farrell, Wm. J	435 Wolcott St., Auburndale, Mass	Priest, clergyman	1877	Permanent partial, 50 per cent	50.00	125.00
Ferguson, Geo. O	Boston State Hospital, Dorchester Center, Mass.	None given	1885	Permanent total	100.00	93.75
Fitzgibbon, Edw. J	82 Waldeck St., Dorchester, Mass	Physician	1864	do	100.00	125.00
Flanagan, Jos. M	11 Beach St., Lynn, Mass	Police officer	1876	Permanent partial, 75 per cent	75.00	125.00
Gallagher, Thos. J	3 Green St., Watertown, Mass	Lawyer	1885	Permanent partial, 45 per cent	45.00	125.00
Gillon, Edw. F	32 Clinton St., Lynn, Mass	Dentist	1862	Permanent total	100.00	125.00
Grant, Walter B	8 Eastman St., Dorchester, Mass	Freight brakeman, railroad.	1885	Permanent partial, 38 per cent	38.00	93.75
Green, Jno. F	123 Clement Ave., West Roxbury, Mass	Bank clerk and bookkeeper.	1895	Permanent total	150.00	93.75
Guilfoil, Thos. J	108 High St., Greenfield, Mass	None given	1886	do	100.00	187.50
Harkins, Cornelius P	406 Center St., Jamaica Plains, Mass	Physician	1869	do	100.00	150.00
Harrington, Frederick	643 Atlantic Ave., Boston, Mass	Leather business, cutter on stripping and die out machine.	1897	Permanent partial, 45 per cent	45.00	93.75
Hawes, Albert N	13 Greenhalge Ave., Everett, Mass	None given	1860	Permanent total	150.00	125.00
Heftye, Wm. Mc	401 Eastern Ave., Lynn, Mass	Auto mechanic	1896	do	100.00	125.00
Hickey, Chas. F	13 North Ash St., Brockton, Mass	None given	1893	do	100.00	93.75
Hickox, E. J	Springfield College, Springfield, Mass	Physical director	1878	Permanent partial, 44 per cent	44.00	125.00
Hobbs, Henry Chester	15 Bowers Ave., West Somerville, Mass	Military Institute	1892	Permanent total	100.00	125.00
Hogan, Thos. Jos	556 5th St., South Boston, Mass	Physician and surgeon	1876	Permanent partial, 51 per cent	51.00	187.50
Hood, Paul E	31 Hawthorne St., Haverhill, Mass	Student	1895	Permanent partial, 35 per cent	35.00	93.75
Huntington, Chas. F	U. S. veterans' hospital, West Roxbury, Mass.	Foreman	1878	Permanent total	100.00	93.75
Ireland, Arville F	462 Essex Ave., Gloucester, Mass	Cashier and teller	1895	Permanent partial, 86 per cent	86.00	125.00
Jackson, Howard L	121 Chestnut St., Springfield, Mass	Physician	1891	Permanent partial, 30 per cent	30.00	125.00
Jason, Joseph	Cohasset, Mass	None given	1856	Permanent total	100.00	93.75
Johnson, Erik St. John	32 Chestnut St., Boston, Mass	Physician	1877	Permanent partial, 44 per cent	44.00	150.00
Jones, Robt. L	310 Merrimack St., Lowell, Mass	do	1883	Permanent partial, 45 per cent	45.00	150.00
Jones, Wm. E	9 Dane St., Beverly, Mass	Clergyman	1881	Permanent partial, 50 per cent	50.00	125.00
Keller, Paul	18 Claflin Pl., Newtonville, Mass	Soldier	1884	Permanent partial, 75 per cent	75.00	125.00
Kelley, James R	30 Randolph Rd., Worcester, Mass	Teamster	1890	Permanent partial, 51 per cent	51.00	93.75
Kelly, Eugene E	214 Beech St., Holyoke, Mass	Insurance agent	1893	Permanent partial, 79 per cent	79.00	93.75
Kennedy, Wm. E	90 Amherst St., Springfield, Mass	Engineer, steam, stationary.	1892	Permanent partial, 40 per cent	40.00	93.75

MASSACHUSETTS—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Kennerly, Edgar O	274 Brooklin Ave., Boston, Mass	Clerk, R. and C	1896	Permanent total	$100.00	$125.00
Kivlin, Alfred	43 School St., North Attleboro, Mass	Electrical engineer	1892	Permanent partial, 45 per cent	45.00	93.75
Lally, Michael J	80 Waltham St., West Newton, Mass	Carpenter	1894	Permanent partial, 61 per cent	61.00	93.75
Laux, Thos. C	59 Winthrop St., Framington, Mass	Soldier	1893	Permanent partial, 81 per cent	81.00	93.75
Little, Seth Wm	11 Estes Terrace, Lynn, Mass	Stock clerk	1895	Permanent total	150.00	93.75
Lundgren, Gustaf A	124 Edson St., Brooklyn, Mass	None given	1882	do	100.00	93.75
McAvery, Thos. L	86 Chandler St., Boston, Mass	Marine or mechanical engineer.	1872	Permanent partial, 50 per cent	50.00	187.50
McDonnell, H	259 Willow Ave., Somerville, Mass	None given	1889	Permanent total	100.00	93.75
McGay, Walter H	Rutland, Mass., U. S. Veterans' Hospital No. 89.	do	1892	do	100.00	125.00
McKenney, Harry	39 Chestnut St., Wakefield, Mass	Postal clerk, not railroad	1892	Permanent partial, 40 per cent	40.00	93.75
McLean, Obadiah R	12 South Furnass St., Revere, Mass	Captain tugboat	1868	Permanent total	160.00	125.00
Mack, Chas	9 Helena Rd., Dorchester, Mass	None given	1873	do	160.00	125.00
Mahoney, Augustus F	6 Green St., Merrimac, Mass	do	1893	do	100.00	93.75
Maloney, Arthur M	574 Huntington Ave., Boston, Mass	Postal clerk, railroad	1895	Permanent partial, 63 per cent	63.00	93.75
Meyers, Frank E	U. S. Naval Hospital, Chelsea, Mass	Adjuster and investigator	1884	Permanent total	100.00	125.00
Mix, Donald E	6 Chesterfield Rd., Worcester, Mass	Student	1897	Permanent partial, 60 per cent	60.00	93.75
Mosser, Harris	31 Avalon Rd., Waban, Mass	Salesman, outside, light samples.	1891	Permanent total	100.00	93.75
Murphy, Thos. F	43 School St., Dedham, Mass	Credit manager	1884	Permanent partial, 42 per cent	42.00	187.50
Neville, Maurice P	95 1st St., Medford, Mass	Rubber works, laborer, inside.	1894	Permanent partial, 75 per cent	75.00	93.75
Newhall, Richard A	Williamstown, Mass	Teacher	1888	Permanent partial, 55 per cent	55.00	93.75
Noxon, Jno. F., jr	24 North St., Pittsfield, Mass	Student	1896	Permanent partial, 79 per cent	79.00	93.75
O'Brien, John	427 Saratoga St., East Boston, Mass	Fisherman	1863	Permanent partial, 30 per cent	30.00	150.00
O'Brien, Patrick	102 Glenwood Rd., Somerville, Mass	Fruit salesman, outside	1883	Permanent partial, 58 per cent	58.00	125.00
O'Connell, Fabian V	Hospital, West Roxbury, Mass	Clergyman	1882	Permanent total	70.00	125.00
Paglia, M. D. Jeremiah	Hospital No. 44, West Roxbury, Mass	None given	1888	do	100.00	125.00
Patton, John R	1029 Beacon St., Boston, Mass	Physician	1876	Permanent partial, 65 per cent	65.00	150.00
Pelletier, Joseph John	11 Bridge St., Lewistown, Mass	do	1880	Permanent total	100.00	150.00
Perry, Harold W	U. S. Veterans' Hospital No. 95, Northampton, Mass.	Medical officer	1888	do	20.00	93.75
Phelps, Ernest H	General delivery, Chatham, Mass	Steam railroad conductor	1878	Permanent partial, 63 per cent	63.00	125.00
Phillips, Chas. Elmer	Box 162, Rutland, Mass	Student	1894	Permanent total	100.00	93.75
Pyne, David H	1 Brentham St., North Billerica, Mass	Car repairman	1867	do	100.00	150.00
Ratigan, Wm. A	U. S. Veterans' Hospital No. 44, West Roxbury, Mass.	Sales clerk	1878	do	40.00	150.00
Ranlett, Louis	The Millicent Library, Fairhaven, Mass	Student, assistant librarian.	1896	Permanent partial, 40 per cent	40.00	93.75
Regan, Wm. F	59 Bellingham St., Chelsea, Mass	Physician	1886	Permanent partial, 30 per cent	30.00	93.75
Renison, Wm. J	59 Towandander St., Dorchester, Mass	School-teacher	1885	Permanental total	100.00	93.75
Riley, Henry I	85 South St., Plainville, Mass	No occupation	1894	do	100.00	125.00
Rose, James P	25 Chauncey Pl., Jamaica Plain, Mass	Fireman	1887	do	100.00	125.00
Sanford, Alfred O	15 Clark St., Westfield, Mass	Bank clerk	1892	do	100.00	93.75
Scheller, Louis	370 Main St., Brockton, Mass	Physician and surgeon	1876	Permanent partial, 35 per cent	35.00	125.00
Selden, James K	42 School St., Andover, Mass	Textile engineer	1894	Permanent partial, 30 per cent	30.00	93.75
Shanley, Wm. H	U. S. Veterans' Hopitals No. 95, Northampton, Mass.	Medical officer	1893	Permanent total	20.00	93.75
Simmons, Edw. B	22 Kenilworth Rd., Worcester, Mass	Physician and teacher	1882	do	150.00	187.50
Slack, Edw. M	Hospital, West Roxbury, Mass	None given	1891	do	20.00	150.00
Smith, Chas. W	59 Sargent St., Melrose Highland, Mass	Printing press superintendent.	1881	do	100.00	125.00
Spalding, Geo. E	North Wilbraham, Mass	None given	1886	Permanent partial, 80 per cent	80.00	93.75
Spellman, Martin	21 Mendum St., Roslindale, Mass	Physician	1890	Permanent partial, 70 per cent	70.00	125.00
Sumner, Harry H	U. S. Veterans' Hospital No. 89, Rutland Heights, Mass.	do	1872	Permanent total	100.00	150.00
Swindler, Harold F	41 Pearson Ave., West Somerville, Mass	United States marine	1891	Permanent partial, 31 per cent	31.00	93.75
Tilison, Ray E	1554 Robeson St., Fall River, Mass	None given	1887	Permanent total	20.00	93.75
Waldron, Maurice	112 Highland St., Hyde Park, Mass	Attorney	1889	do	100.00	93.75
Walsh, James F	44 South Pleasant St., South Natick, Mass.	None given	1893	Permanent partial, 37 per cent	37.00	93.75
Walsh, John L	60 Rhodes Ave., East Walpole, Mass	Paper chemist	1895	Permanent partial, 30 per cent	30.00	93.75
Warner, Geo	Williamsburg, Mass	Hardware clerk	1894	Permanent partial, 63 per cent	63.00	93.75
Webster, Edw	U. S. Veterans' Hospital No. 44, West Roxbury, Mass.	None given	1892	Permanent total	100.00	93.75
Weise, Les	44 Woodbine St., Wollaston, Mass	Sign painter	1880	Permanent partial, 30 per cent	30.00	125.00
White, Robt. J	83 Common St., Watertown, Mass	Student	1893	Permanent partial, 50 per cent	50.00	150.00
Winslow, Edmund J	125 Pleasant St., Dorchester, Mass	Electrician	1892	Permanent partial, 41 per 'cent	41.00	93.75

MICHIGAN

Alexander, John	303 North Division St., Ann Arbor, Mich	Not given	1891	Permanent total	$100.00	$125.00
Beard, Fred	305 Phillip Ave., Detroit, Mich	Plumber	1892	Permanent partial, 30 per cent	30.00	150.00
Beuher, Bernard J	12 Main St., Ellsworth, Mich	Physician	1873	Permanent total	100.00	187.50
Bohstedt, Wm	309 Russell St., Saginaw, Mich	Painter, house, outside	1858	Permanent partial, 75 per cent	75.00	125.00
Brown, Howard	27 Auburn Ave. SE., Grand Rapids, Mich	Salesman, real estate	1883	Permanent partial, 50 per cent	50.00	150.00
Bullock, Earl S	62 Adams Ave., care of Dr. Burt R. Shurly, Detroit, Mich.	Not given	1871	Permanent total	100.00	187.50
Collins, Allen H	U. S. Hospital No. 100, Camp Custer, Mich	Printer-compositor	1892	do	20.00	125.00
Crabbe, Geo. Simmons	709 Sheridan Ave., Saginaw, Mich	Electrician	1871	Permanent partial, 45 per cent	45.00	150.00
Dicken, Hugh Wm	East Jordan, Mich	Physician	1876	Permanent partial, 30 per cent	30.00	187.50
Dunham, Wm. H	Shaftsburg, Mich	do	1878	Permanent partial, 58 per cent	58.00	150.00
Ellis, Luther E	318 East Jefferson Ave., Detroit, Mich	Chemist	1890	Permanent total	100.00	150.00
Flick, Fred S	618 Lyon St., Flint, Mich	Student	1890	do	100.00	93.75
Gilbert, Ora B	Markey, Mich	Soldier, sailor, marine	1869	do	100.00	150.00
Goodsell, Ogden M	242 Porter St., Dearborn, Mich	Mechanical engineer	1892	Permanent partial, 34 per cent	34.00	93.75
Grant, Harold R	1366 Washburn Ave., Detroit, Mich	Store manager	1890	Permanent partial, 74 per cent	74.00	125.00
Heller, Daniel C	1240 24th St., Detroit, Mich	Chemist	1887	Permanent total	150.00	93.75
Helmer, Phil Frank	328 West Franklin St., Jackson, Mich	Civil engineer	1891	Permanent partial, 32 per cent	32.00	93.75
Hoagesteger, Marius D	64 Burton St. SW., Grand Rapids, Mich	No occupation	1874	Permanent total	150.00	93.75
Houser, Fredk. Ferris	3444 2d Boulevard, Detroit, Mich	General farmer	1890	Permanent partial, 33 per cent	33.00	93.75
Hume, John Robt	255 Pasadena Apartment, Highland Park, Mich.	Not given	1872	Permanent total	100.00	150.00
Irvin, Harry Clay	572 Pine Ave., Holland, Mich	do	1890	do	100.00	150.00
Knechtel, Edw. A	Hospital No. 100, Camp Custer, Mich	Acct. from history	1886	do	20.00	93.75
Krohn, Albert H	7452 Lenwood Ave., Detroit, Mich	Physician	1893	Permanent partial, 74 per cent	74.00	125.00
Kunze, Lewis Wm	2467 Cass Ave., Detroit, Mich	Not given	1874	Permanent total	100.00	125.00
Lewis, Raymond McK	409 Dennis St., Adrian, Mich	Student	1896	do	100.00	150.00

MICHIGAN—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Loye, Harry August	9440 Dexter Boulevard, Detroit, Mich	Student	1893	Permanent partial, 35 per cent	$35.00	$93.75
Lynch, John Jos	Care of U.S. Hospital No. 100, Camp Custer, Mich.	Not given	1885	Permanent total	100.00	125.00
Lyon-Campbell, Arthur F	655 Hazelwood Ave., Detroit, Mich	Physician	1869	do	100.00	150.00
Lyons, Roy F	805 Congress Ave., Saginaw, Mich	Occupation not given	1896	Permanent partial, 40 per cent	40.00	125.00
McIntyre, Howard H	P. O. Box 1013, Detroit, Mich	Veterinary surgeon	1891	Permanent total	100.00	93.75
Markey, Raymond A	1445 18th St., Detroit, Mich	Land abstractor	1892	do	100.00	125.00
Miller, Edwin Evans	1225 Detroit St., Flint, Mich	Physician	1884	Permanent partial, 40 per cent	40.00	150.00
Miller, Victor Anson	1294 Mount Elliott Ave., Detroit, Mich	Not given	1891	Permanent partial, 54 per cent	54.00	93.75
Murphy, Joseph P	405 Liberty St., Petoskey, Mich	Retail dealer	1887	Permanent partial, 50 per cent	50.00	125.00
O'Brien, James F	2984 Tuxedo Ave., Detroit, Mich	Civil engineer	1891	Permanent partial, 68 per cent	68.00	93.75
O'Neill, John Norman	Hospital No. 100, Camp Custer, Mich	No pre-war occupation	1893	Permanent total	100.00	125.00
Owen, Edward K	37 Summer St., Battle Creek, Mich	Locomotive engineer	1879	do	100.00	125.00
Perry, Donald A	304 East Congress St., Sturgis, Mich	Lab. com	1889	Permanent partial, 50 per cent	50.00	125.00
Phillips, David D	616 Northeast Ave., Jackson, Mich	Superintendent warehouse	1879	Permanent partial, 34 per cent	34.00	150.00
Portmess, R. Chester	6 Brownberg Building, Battle Creek, Mich	Artist and photo retoucher	1892	Permanent partial, 74 per cent	74.00	125.00
Potter, Clark B	1505 South University Ave., Ann Arbor, Mich.	Civil engineer	1891	Permanent partial, 54 per cent	54.00	125.00
Sears, Stephen Godfrey	33 Lafayette Ave. SE., Grand Rapids, Mich	Salesman	1881	Permanent partial, 32 per cent	32.00	93.75
Simmons, Virgil	Care of Mrs. Nohl Simmons, Statler Hotel, Detroit, Mich.	Student	1896	Permanent partial, 60 per cent	60.00	93.75
Solomon, Clair	Hospital No. 100, Camp Custer, Mich	No occupation	1885	Permanent total	100.00	93.75
Spawl, Clarence V	172 East Main St., Benton Harbor, Mich	Physician	1881	Permanent partial, 30 per cent	30.00	125.00
Spinning, George W	Rt. No. 2, Baton Rapids, Mich	School teacher	1895	Permanent total	150.00	93.75
Steinhilber, Cloyd Wilmot	189 La Salle Ave., Royal Oak, Mich	Clerk, recording and computing.	1889	Permanent partial, 60 per cent	60.00	125.00
Stirling, Robert B	42 East Willis Ave., Detroit, Mich	Hotel chief, front management.	1882	Permanent partial, 50 per cent	50.00	93.75
Taft, George C	Reed City, Mich	Newspaper reporter	1891	Permanent partial, 72 per cent	72.00	93.75
Tinder, John William	4282 Monterey St., Detroit, Mich	Physician	1864	Permanent partial, 79 per cent	79.00	150.00
Torrey, William B	209 Pine St., Allegan, Mich	Soldier	1885	Permanent partial, 36 per cent	36.00	150.00
Tuck, Raymond G	Brown City, Mich	Student	1892	Permanent total	100.00	125.00
Ulacker, Benjamin Gottleib	Rt. No. 6, Saginaw, Mich	Farmer, general	1891	Permanent partial, 50 per cent	50.00	93.75
Veit, Conrad	627 Polk Director Building, Detroit, Mich	Salesman	1883	Permanent partial, 38 per cent	38.00	150.00
Webster, Benjamin	134 Boatwick, Grand Rapids, Mich	Physician	1878	Permanent partial, 31 per cent	31.00	187.50
Westrate, William	21 8th St., Holland, Mich	No occupation	1890	Permanent partial, 50 per cent	50.00	125.00
White, Harold K	Care of Owosco Manufacturing Co., Owosco, Mich.	Office clerk, recording	1893	Permanent partial, 60 per cent	60.00	93.75
Whitney, Forest O	American Legion Hospital, Battle Creek, Mich.	Stationary engineer	1887	Permanent total	100.00	93.75
Wilson, Merritt B	124 Roch St., Menominee, Mich	Machinist-blacksmith; drop-forge man.	1885	Permanent partial, 30 per cent	30.00	150.00
Woodworth, Gladwyn	State Sanitarium, Howell, Mich	School teacher	1893	Permanent partial, 63 per cent	63.00	93.75
Sergeant, Floyd A	801 Granger Ave., Ann Arbor, Mich	Pharmacist	1889	Permanent partial, 40 per cent	40.00	93.75

MINNESOTA

Allen, Raymond L	1674 Hennepin Ave., Minneapolis, Minn	Efficiency engineer	1891	Permanent partial, 31 per cent	$50.00	$150.00
Anderson, Edw. T	Excelsior, Minn	Physician and surgeon	1869	Permanent partial, 47 per cent	47.00	150.00
Anderson, Jas. K	Summit Sanatorium, Crookston, Minn	Physician	1891	Permanent partial, 55 per cent	55.00	125.00
Bacon, Knox	455 Lowry Building, St. Paul, Minn	do	1864	Permanent total	100.00	150.00
Ballard, Jas. A	157 Carroll Ave., St. Paul, Minn	do	1882	Permanent partial, 41 per cent	41.00	150.00
Barnett, Jos	4824 Wash Ave., Minneapolis, Minn	Landscape architect, gardener.	1891	Permanent partial, 71 per cent	71.00	150.00
Barton, Edgar R	U. S. Veterans' Hospital No. 101, St. Cloud, Minn.	Physician	1872	Permanent total	100.00	150.00
Bean, Leslie S	Grand Marais, Minn	Clerk, railroad	1894	Permanent partial, 33 per cent	33.00	93.75
Berg, Elmer Wm	State fair grounds, St. Paul, Minn	Veterinary surgeon	1888	Permanent partial, 36 per cent	36.00	125.00
Bjornoby, Peter Cornelius	Bagley, Minn	Physician and surgeon	1870	Permanent partial, 50 per cent	50.00	125.00
Burns, John Leo	1664 Selby Ave., St. Paul, Minn	School teacher	1894	Permanent partial, 35 per cent	35.00	93.75
Bush, Walter L	1006 Marquette Ave., Minneapolis, Minn	Student	1896	Permanent partial, 50 per cent	50.00	125.00
Cook, Scott	Qulin, Mo	Physician	1881	Permanent partial, 40 per cent	40.00	125.00
DeMalegnon, Francis	2444 35th Ave., Minneapolis, Minn	Sales clerk	1887	Permanent total	100.00	93.75
De Saine, Chas	1523 Elliott Ave., Minneapolis, Minn	Accountant	1874	Permanent partial, 31 per cent	31.00	93.75
Doak, John P	4001 43d Ave., Minneapolis, Minn	Not given	1880	Permanent total	100.00	93.75
Dwyer, Wm. Dalton	222 Otis Ave., St. Paul, Minn	Student	1896	do	100.00	93.75
Eckman, Louis L	U. S. veterans' hospital, St. Cloud, Minn	Not given	1876	do	100.00	150.00
Fletcher, Asa	do	Office clerk	1896	do	20.00	93.75
Frary, Lewis	961 18th Ave., SE., Minneapolis, Minn	Civil engineer	1894	Permanent partial, 75 per cent	75.00	93.75
Gibbons, Wm. E	2115 Blaisdell Ave., Minneapolis, Minn	Sailor	1891	Permanent total	100.00	93.75
Gilman, Chas. Lewis	4326 Drew Ave. South, Minneapolis, Minn	Not given	1882	do	100.00	150.00
Hagerman, Wm. F	2203 Doswell Ave., St. Paul, Minn	General farmer (manager)	1885	Permanent partial, 79 per cent	79.00	150.00
Haney, Claude L	2004 West Superior St., Duluth, Minn	Physician	1880	Permanent partial, 35 per cent	35.00	150.00
Hein, Jos. F	U. S. veterans' hospital, St. Cloud, Minn	Not given	1895	Permanent total	100.00	125.00
Hemenway, Wm. P	2006 West 49th St., Minneapolis, Minn	Salesman	1889	Permanent partial, 46 per cent	46.00	150.00
Hill, Ernest Sylvester	5127 27th Ave. South, Minneapolis, Minn	Civil engineer	1886	Permanent partial, 52 per cent	52.00	125.00
Hilla, Frank Jos	1727 La Salle Ave., Minneapolis, Minn	Not given	1884	Permanent total	100.00	150.00
Hinck, Harry J	P. O. box 540, Hopkins, Minn	do	1883	do	100.00	150.00
Hockridge, Richard E	110 East 44th St., Minneapolis, Minn	Electrician	1897	Permanent partial, 57 per cent	57.00	125.00
Kaldunski, Theodore A	287 Edmund St., St. Paul, Minn	Foreman, construction	1888	Permanent total	100.00	93.75
Keeler, Claude Chas	U. S. Veterans' Hospital No. 106, Fort Snelling, Minn.	Physician and surgeon	1883	Permanent partial, 88 per cent	88.00	150.00
Keller, Chas. C	Cloquet, Minn	Student	1894	Permanent partial, 89 per cent	89.00	93.75
Kelly, Giles O'Connell	510 Keith Pl. Building, Minneapolis, Minn	Barber	1895	Permanent partial, 40 per cent	40.00	125.00
Kennedy, Arthur	2714 East 2d St., Duluth, Minn	Not given	1887	Permanent total	150.00	150.00
Kofmehe, Wm. Henry	R. F. D. No. 3, Brainerd, Minn	Miner, metals	1891	Permanent partial, 70 per cent	70.00	125.00
Loughin, Chas. A	2729 Coffax Ave., Minneapolis, Minn	Student	1897	Permanent partial, 30 per cent	30.00	93.75
Love, Wm. John	U. S. veterans' hospital, St. Cloud, Minn	Inst. award officer in charge U. S. veterans' hospital, St. Cloud, Minn.	1889	Permanent total	20.00	125.00
Lund, Eli Reuben	Windom, Minn	Student	1894	Permanent partial, 78 per cent	78.00	125.00
McCrea, Herman	3427 Girard Ave. South, Minneapolis, Minn	Bookkeeper	1891	Permanent partial, 30 per cent	30.00	93.75
McKenzie, Cedric	210 Evanston Building, Minneapolis, Minn	Common outside laborer	1893	Permanent partial, 43 per cent	43.00	125.00
McVely, Edwin Robt	P. O. Box 64, Well View, Minn., care of Ann P. McBetty, guardian.	Salesman, outside	1888	Permanent total	100.00	93.75
Mallon, Geo. H	2713 Plymouth Ave., Minneapolis, Minn	Plumber	1877	Permanent partial, 34 per cent	34.00	150.00

MINNESOTA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Markus, Norbert	Care of Guaranty Co. of New York, Minneapolis, Minn.	Student	1896	Permanent partial, 35 per cent	$35.00	$93.75
Melzroth, Car	519 7th Ave. South, St. Cloud, Minn	Bookkeeper	1895	Permanent partial, 40 per cent	40.00	125.00
Mollison, Wm. Theo	2545 Garfield Ave., Minneapolis, Minn	Retail dealer, drugs and medicines.	1806	Permanent partial, 31 per cent	31.00	250.00
Moynshan, Andrew	Sauk Center, Minn	Physician and surgeon	1873	Permanent partial, 35 per cent	35.00	150.00
Mulcahey, Edw. P	126 4th Ave. NE., Minneapolis, Minn	Auto mechanic	1896	Permanent partial, 50 per cent	50.00	93.75
Neilson, John	4924 38th Ave. South, Minneapolis, Minn	Dentist	1891	Permanent partial, 85 per cent	85.00	125.00
Olson, Van Cleave	U. S. veterans' hospital, St. Cloud, Minn	Mining engineer	1894	Permanent total	20.00	93.75
Pederson, Reuben M	3115 Cedar Lake Rd., Minneapolis, Minn	Physician and surgeon	1880	do	100.00	218.75
Peterson, Elmer Otto	1817 2d Ave., No. 107, Minneapolis, Minn	Sales clerk	1895	Permanent partial, 30 per cent	30.00	125.00
Peterson, H. Nathaniel	U. S. veterans' hospital, St. Cloud, Minn	Civil engineer	1882	Permanent total	20.00	93.75
Peterson, Percy T	2875 Irving Ave., Minneapolis, Minn	Retail clothier salesman	1892	Permanent partial, 30 per cent	30.00	93.75
Pirsch, Gregor Benj	102 East Sanborn, Winona, Minn	Express handler	1896	Permanent partial, 43 per cent	43.00	93.75
Preston, Paul J	404 Yeates Building, Minneapolis, Minn	Physician and surgeon	1889	Permanent partial, 60 per cent	60.00	150.00
Reed, Ray E	702 4th St. SE., Minneapolis, Minn	Clerk, railroad	1885	Permanent partial, 45 per cent	45.00	93.75
Robertson, Jno. B	Cottonwood, Minn	Not given	1866	Permanent total	100.00	150.00
Roming, Alvin N. H	3948 Longfellow Ave., South Minneapolis, Minn	General farmer	1894	Permanent partial, 55 per cent	55.00	93.75
Routhier, Raymond	2913 Bloomington Ave., Minneapolis, Minn	Not given	1886	Permanent total	100.00	93.75
Rundlett, Deane S	U. S. veterans' hospital, Minneapolis, Minn	Student	1894	do	100.00	93.75
Ruth, Lloyd A	208 Evanston Building, Minneapolis, Minn	Salesman, outside	1894	Permanent partial, 70 per cent	70.00	93.75
Safro, Louis	1518 3d Ave. South, Minneapolis, Minn	Athlete	1892	Permanent partial, 40 per cent	40.00	93.75
Saxton, Robt. H	3935 Uplon Ave. South, Minneapolis, Minn	Salesman, outside	1886	Permanent partial, 35 per cent	35.00	125.00
Scott, Wm	1942 Irving Ave. South, Minneapolis, Minn	Locomotive engineer	1886	Permanent partial, 33 per cent	33.00	93.75
Stickley, Warren	101 Clark Ave., White Bear Lake, Minn	Reporter	1873	Permanent partial, 36 per cent	36.00	150.00
Stuart, Edwin M	3430 Stevens Ave., Minneapolis, Minn	Not given	1873	Permanent total	100.00	93.75
Thompson, Chas. E	4729 Ewing Ave., South Minneapolis, Minn	Salesman, outside	1876	Permanent partial, 46 per cent	46.00	187.50
Wheeler, Merritt W	1757 Lincoln Ave., St. Paul, Minn	Physician	1886	Permanent partial, 33 per cent	33.00	150.00
Woodford, Stewart	St. Cloud, Minn. (U. S. veterans' hospital)	Not given	1892	Permanent total	100.00	125.00
Thompson, Richard	1621 West 31st St., Minneapolis, Minn	do	1882	do	100.00	125.00

MISSISSIPPI

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Adams, Winfred	1110 Jackson St., Corinth, Msss	No occupation given	1888	Permanent partial, 35 per cent	$35.00	$150.00
Akin, Laurence R	U. S. veterans' hospital, Gulfport, Miss	Sales clerk, heavy commodities.	1888	Permanent total	100.00	125.00
Austin, Barnett D	400 Elm St., Greenwood, Miss	Physician	1864	do	100.00	150.00
Aycock, Wm. J	Box 5, Derma, Miss	do	1888	Permanent partial, 58 per cent	58.00	125.00
Beams, Douglas E	210 Hunt Ave., Greenville, Miss	Lawyer	1880	Permanent total	100.00	150.00
Bennett, Harvey E	U. S. Veterans' Hospital No. 74, Gulfport, Miss.	Mining engineer	1886	do	100.00	125.00
Blank, Guy B	Red Lick, Miss	Foreman construction	1890	Permanent partial, 45 per cent	45.00	93.75
Brooks, Harden H	Box 711, Meridian, Miss	Lawyer	1877	Permanent total	100.00	187.50
Burns, Joseph S	23 Orange St., Natchez, Miss	Carpenter	1871	do	100.00	125.00
Coker, Perry A	Brookhaven, Miss	Barber	1887	Permanent partial, 35 per cent	35.00	125.00
Crawley, David E	Kosciusko, Miss	Lawyer	1886	Pernament partial, 56 per cent	56.00	150.00
Curtis, Thomas M	600 Walnut St., Hattiesburg, Miss	Salesman	1862	Permanent partial, 65 per cent	65.00	150.00
Ferguson, Jo. Marvin	U. S. veterans' hospital, Gulfport, Miss	Physician	1877	Permanent partial, 33 per cent	33.00	150.00
Gray, Robt. E	Rt. No. 2, Box 46, Gulfport, Miss	do	1880	Permanent total	100.00	125.00
Griffin, Garnett W	1009 33d Ave., Gulfport, Miss	Salesman, light samples	1893	Permanent partial, 56 per cent	56.00	150.00
Hall, Rolland D	181 Glen Mary St., Jackson, Miss	Student	1897	Permanent partial, 50 per cent	50.00	125.00
Hassley, Dennis	1215 Main St., Vicksburg, Miss	No occupation given	1876	Permanent total	150.00	150.00
Henson, Edward N	Philadelphia, Miss	Student	1893	Permanent partial, 79 per cent	79.00	125.00
Houtz, Burmond C	Canton, Miss	Not given	1895	Permanent total	100.00	93.75
Howell, Henry	Hospital No. 74, Gulfport, Miss	No occupation	1889	do	100.00	125.00
Johnson, John H	Brookhaven, Miss	Physician	1866	Permanent partial, 62 per cent	62.00	187.50
Kellis, John H	Shuquabak, Miss	do	1892	Permanent partial, 40 per cent	40.00	125.00
Lofton, Albert C	Lucien, Miss	do	1878	Permanent partial, 42 per cent	42.00	125.00
McHenry, Wiley E	R. F. D. No. 3, Box 74, Soso, Miss	Farmer	1876	Permanent total	100.00	93.75
McKinley, Walter	Columbus, Miss	Physician and surgeon	1872	Permanent total	150.00	150.00
McVey, Eric A	Lambert, Miss	Physician	1889	Permanent partial, 50 per cent	50.00	150.00
Miller, Francis L	Box 192, Hattiesburg, Miss	Student	1895	Permanent partial, 64 per cent	64.00	93.75
Moore, John S	Magnolia, Miss	Physician, surgeon	1879	Permanent partial, 61 per cent	61.00	125.00
Moore, William M	604 Jackson Ave., Yazoo City, Miss	Retail dealer, general stores.	1887	Permanent partial, 75 per cent	75.00	150.00
Murphy, James B	U. S. Veterans' Hospital No. 74, Gulfport, Miss	Not given	1889	Permanent total	60.00	93.75
Onsley, Benjamin L	Tongaloo, Miss	No occupation	1892	do	100.00	93.75
Powell, Henry B	Ocean Springs, Miss	Physician	1865	Permanent partial, 42 per cent	42.00	150.00
Roberts, Curt E	Tutwiler, Miss	Student	1895	Permanent partial, 79 per cent	79.00	93.75
Rolla, Oliver E	214 Morgan Lane, Pascagoia, Miss	Proprietor of barber shop	1892	Permanent partial, 34 per cent	34.00	125.00
Schwam, Walter M	U. S. veterans' hospital, Gulfport, Miss	Stenographer	1898	Permanent total	20.00	93.75
Schwartz, Grover C	Luka, Miss	Clergyman	1886	Permanent partial, 79 per cent	79.00	125.00
Sellers, Wm. LeR	U. S. veterans' hospital, Gulfport, Miss	Student	1892	Permanent total	100.00	125.00
Varnado, Samuel R	do	No occupation	1888	do	100.00	150.00
Wooton, Chancellor	U. S. Veterans' Hospital No. 74, Gulfport, Miss.	Instaward sanitary inspector.	1880	do	100.00	125.00
Worrell, Magners L	Vicksburg, Miss	Civil engineer	1871	do	100.00	150.00
Yates, Riley B	Care of Milsap College, Jackson, Miss	Physician	1888	Permanent partial, 30 per cent	30.00	150.00

MISSOURI

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Allard, Dean C	509 Knickerbocker Pl., Kansas City, Mo	Student	1898	Permanent partial, 41 per cent	$41.00	$93.75
Allen, Chas. B	2702 South 59th St., St. Louis, Mo	Glass blower	1896	Permanent partial, 30 per cent	30.00	93.75
Barngrove, James L	112 North 7th St., St. Louis, Mo	Salesman, real estate	1873	Permanent partial, 80 per cent	80.00	187.50
Brockmeyer, E	4912 Murdock Ave., St. Louis, Mo	Architectural engineer	1891	Permanent partial, 75 per cent	75.00	93.75
Brown, Leonidas	529 Highland, Kansas City, Mo	Physician	1871	Permanent partial, 44 per cent	44.00	150.00
Bruce, John R	407 North Clay St., Marshfield, Mo	do	1883	Permanent total	100.00	125.00
Burton, Wm. G	28 Warner Plaza, Kansas City, Mo	Physician and surgeon	1872	do	100.00	125.00
Champe, Lawrence I	4402 Eaton Ave., Kansas City, Mo	Machinist	1891	do	100.00	125.00
Cook, Isaac Gladstone	4429 Pennsylvania St., St. Louis, Mo	No occupation	1881	do	100.00	125.00
Coroness, Ernest W	4301 Benton Boulevard, Kansas City, Mo	Physician and surgeon	1883	Permanent partial, 75 per cent	75.00	150.00
Crist, Hunter C	726 East Elan St., Springfield, Mo	Mail carrier	1884	Permanent partial, 55 per cent	55.00	150.00
Davis, Chas. L	24 South Gore Ave., Webster Groves, Mo	Physician	1884	Permanent partial, 46 per cent	46.00	150.00

MISSOURI—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Edens, Louis M	Cabool, Mo	Physician	1885	Permanent partial, 30 per cent	$50.00	$125.00
Frame, Geo. D	R. F. D. No. 28, Overland, Mo	None given	1895	Permanent total	100.00	93.75
Gartrell, Chas. B	U. S. Veterans' Hospital No. 99, Excelsior Springs, Mo.	Bookkeeper	1868	do	100.00	187.50
Gilbert, Frank	125 West Hancock Ave., St. Louis, Mo	General farmer	1885	Permanent partial, 34 per cent	34.00	125.00
Glenn, Jos. E	7317 Pershing Ave., St. Louis, Mo	Physician	1888	Permanent partial, 50 per cent	50.00	125.00
Glover, Jno. J	920 Broadway, Kansas City, Mo	Veterinary surgeon	1895	Permanent partial, 38 per cent	38.00	93.75
Goessling, Augustus	725 Clark Ave., Webster Grove, Mo	Sales manager	1879	Permanent partial, 30 per cent	30.00	125.00
Hanm, Geo. W	105 East 40th St., Apartment No. 115, Kansas City, Mo.	Traveling salesman (Goodrich Rubber Co.).	1885	Permanent partial, 58 per cent	58.00	125.00
Henake, Godfrey Wm	1504 St. Louis Ave., St. Louis, Mo	Dentist	1891	Permanent total	100.00	125.00
Henderson, Jas. Alexander	815 Central National Bank Building, 713 25th St., St. Louis, Mo.	Farm laborer	1893	Permanent partial, 86 per cent	86.00	93.75
Hendrick, Thos. F	602 West Marieau St., St. Louis, Mo	Farmer	1876	Permanent total	100.00	150.00
Huple, Edw. Eli	3514 Wyoming St., St. Louis, Mo	Physician	1889	Permanent partial, 34 per cent	34.00	125.00
Heithans, Jos. J	6187 Natural Bridge Rd., St. Louis, Mo	Not given	1895	Permanent partial, 30 per cent	30.00	125.00
Howard, Frank T	State Hospital No. 3, Nevada, Mo	do	1889	Permanent total	100.00	93.75
Johns, Wm. L	Stree Hildreth Sanitarium, Macon, Mo	do	1896	do	100.00	93.75
Jordan, Ira W	4437 Washington Ave., St. Louis, Mo	Student	1895	Permanent partial, 30 per cent	30.00	93.75
Keath, Howard B	5140 Palm St., St. Louis, Mo	Electrical engineer	1896	Permanent partial, 40 per cent	40.00	93.75
Kelly, Jos. Patrick	4023 Cleveland Ave., St. Louis, Mo	Student	1885	Permanent total	100.00	150.00
King, Wm. Gibbon	Callao, Mo	None given	1887	do	100.00	93.75
Kring, Elbert V	3729 Salome Ave., Pine Lawn St., St. Louis, Mo.	do	1885	do	100.00	125.00
Limoine, Albert N	904 East 41st St., Kansas City, Mo	Physician	1884	Permanent partial, 44 per cent	44.00	125.00
Love, Frank W	2413 Flora Ave., Kansas City, Mo	Soldier	1877	Permanent partial, 39 per cent	39.00	150.00
McCarty, Glenn	1111Blendin Pl., St. Louis, Mo	Insurance salesman	1886	Permanent partial, 30 per cent	30.00	150.00
McGuire, Jno. T	5256 Westminister Pl., St. Louis, Mo	No occupation	1891	do	30.00	125.00
McWilliams, Wm. H	4334 Paseo St., Kansas City, Mo	Lawyer	1875	Permanent total	100.00	150.00
Macklin, Lurin P	5455 Delmar Blvd., St. Louis, Mo	None given	1886	do	100.00	125.00
Malley, Jno. A	Monroe City, Mo	Physician	1886	Permanent partial, 40 per cent	40.00	125.00
Meier, Gunther	717 Carpenter Pl., St. Louis, Mo	Traveling salesman	1880	Permanent partial, 35 per cent	35.00	150.00
Meyers, Montague M	620 Chestnut St., St. Louis, Mo	None given	1887	Permanent total	100.00	125.00
Miller, Clarence	3507 Nebraska Ave., St. Louis, Mo	Bond salesman, financial	1893	Permanent partial, 55 per cent	55.00	125.00
Nelson, Wm. L	1483 Union Blvd., St. Louis, Mo	Physician	1879	Permanent partial, 34 per cent	34.00	150.00
Oill, Geo. V	4455 Grace Ave., St. Louis, Mo	do	1872	Permanent total	100.00	150.00
Owens, Roy J	Mill Spring, Mo	do	1889	do	100.00	125.00
Pennybacker, Percy V	3520 Locust St., Kansas City, Mo	No occupation	1895	do	100.00	150.00
Perry, John M	Princeton, Mo	Physician and surgeon	1877	Permanent partial, 61 per cent	61.00	150.00
Petty, Wallace S	Caruthersville, Mo	None given	1887	Permanent total	100.00	150.00
Phillips, Wendell J	Washington University, St. Louis, Mo	do	1896	Permanent partial, 45 per cent	45.00	125.00
Poindexter, Francis	308 West 8th St., Kansas City, Mo	Clerk	1894	Permanent partial, 35 per cent	35.00	93.75
Rallo, Wm	409 West 15th St., Trenton, Mo	Civil engineer	1891	Permanent total	100.00	125.00
Ray, Carl L	2512 East Ave., Springfield, Mo	Teacher, school	1889	do	100.00	150.00
Ready, John F	2708 Penn St., St. Joseph, Mo	Lawyer	1872	do	100.00	187.50
Robinson, Edw. E	Adrian, Mo	Physician and surgeon	1878	Permanent partial, 38 per cent	38.00	125.00
Schumacher, Clark Peter	6110 Pershing Ave., St. Louis, Mo	Compiler for railroad inspector.	1890	Permanent partial, 56 per cent	56.00	125.00
Scrafton, Wallace T	4101 Dewey Ave., St. Louis, Mo	Furrier	1894	Permanent partial, 60 per cent	60.00	125.00
Skinker, Thos. J	6251 San Bonita Ave., St. Louis, Mo	Water filterer	1886	Permanent partial, 75 per cent	75.00	125.00
Slaughter, Stephen O	6616 Pasco, Kansas City, Mo	Awning maker	1886	Permanent partial, 36 per cent	36.00	125.00
Smith, Wm. I	4243 McPherson Ave., St. Louis, Mo	Physician	1885	Permanent total	150.00	150.00
Stansbury, Otis P	Rt. No. 2, Diamond, Mo	Soldier	1892	do	100.00	93.75
Stout, Frances R	5039 Winona Ave., St. Louis, Mo	Athletic teacher	1895	Permanent partial, 35 per cent	35.00	93.75
Stover, Curtis E	118 East 4th St., Joplin, Mo	Student	1896	Permanent partial, 33 per cent	33.00	125.00
Thomas, Walter L	Rt. No. 7, Mount Grove, Mo	None given	1886	Permanent partial, 30 per cent	30.00	150.00
Thompson, Wm. G	Holden, Mo	Physician and surgeon	1870	Permanent partial, 45 per cent	45.00	125.00
Tittman, Eugene C	5284 Westminister Pl., St. Louis, Mo	Lawyer	1886	Permanent total	100.00	125.00
Vogt, Everett C	3335 South Jefferson Ave., St. Louis, Mo	None given	1887	do	200.00	125.00
Narrley, Geo. R	P. O. Box 131, Alexandria, Mo	do	1878	do	100.00	125.00
Williams, Douglas	504 Spring Ave., Fayette, Mo	Veterinary surgeon	1892	Permanent partial, 39 per cent	39.00	93.75
Wilson, Verne R	Care of Adjutant General's Office, Jefferson City, Mo.	Sales clerk	1893	Permanent partial, 80 per cent	80.00	125.00
Wise, Andrew B	1015 East 127th St., Alany Apartment, Kansas City, Mo.	Student	1896	Permanent partial, 50 per cent	50.00	93.75

MONTANA

Akerley, Arthur W. K	Elk State Camp, Somers, Mont	Physician	1868	Permanent total	$100.00	$150.00
Bivins, Horace W	112 South 25th St., Billings, Mont	Soldier	1866	Permanent partial, 50 per cent	50.00	150.00
Britell, Oley Alphonso	Whitefish, Mont	Physician	1878	Permanent partial, 31 per cent	31.00	150.00
Burr, Benjamin E	Box 908, Havre, Mont	Civil engineer	1886	Permanent partial, 40 per cent	40.00	125.00
Carroll, Daniel	Billings, Mont	Surveyor	1887	Permanent partial, 35 per cent	35.00	125.00
Cowley, Stephen J	1325 4th Ave., Great Falls, Mont	Lawyer	1880	Permanent total	100.00	187.50
Flachsenhar, Walter P	Terry, Mont	do	1888	Permanent partial, 52 per cent	52.00	93.75
Horkyn, Wilber J	P. O. Box 1191, Deer Lodge, Mont	Civil engineer	1884	Permanent partial, 30 per cent	30.00	125.00
Johnson, Howard A	Boulder, Mont	Lawyer	1893	Permanent partial, 77 per cent	77.00	93.75
Lamey, Arthur F	Havre, Mont	do	1892	Permanent partial, 58 per cent	58.00	93.75
Little, William S	Kalispell, Mont	Physician and surgeon	1881	Permanent partial, 50 per cent	50.00	150.00
McDaniel, Winifred P	Scobey, Mont	Dentist	1894	Permanent partial, 44 per cent	44.00	150.00
Murphy, James	Care of Bradstreet Co., P. O. Box 1406, Butte, Mont.	Clerk, heavy commodities	1894	Permanent partial, 33 per cent	33.00	93.75
Near, Harold K	Glasgow, Mont	Electrician	1893	Permanent partial, 44 per cent	44.00	93.75
Owen, George B	Polson, Mont	Physician	1876	Permanent total	100.00	187.50
Perry, Owen H	Care of C. L. Perry Co., Helena, Mont	General farmer	1894	Permanent partial, 39 per cent	39.00	125.00
Sacket, Charles T	119 South Yellowstone, Livingston, Mont	No occupation	1883	Permanent total	150.00	187.50
Sheridan, Charles L	Collector of Customs, Great Falls, Mont	City mail carrier	1887	Permanent partial, 41 per cent	41.00	187.50
Sickenger, Clifford C	307 West Park, Livingston, Mont	General farmer	1896	Permanent partial, 34 per cent	34.00	93.75
Smith, Charles J	Chotean, Mont	Auditor	1870	Permanent partial, 50 per cent	50.00	150.00
Smith, Will R	East Helena, Mont	Physician	1868	Permanent partial, 38 per cent	38.00	125.00
Thompson, John B	Squaw, Corner Rogr St., Salesville, Mont	Lumberjack	1894	Permanent partial, 51 per cent	51.00	93.75
Valentine, Charles P	206 Breckinridge, Helena, Mont	Pharmacist	1889	Permanent partial, 50 per cent	50.00	93.75
Wiedeman, George J., jr	Windham, Mont	General farmer	1891	Permanent total	100.00	93.75

NEBRASKA

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Crow, James J	General Delivery, Omaha, Nebr	Optician	1880	Permanent partial, 44 per cent	$44.00	$93.75
Devine, Duke G	Care of State Hospital, Norfolk, Nebr	Physician	1885	Permanent partial, 86 per cent	86.00	125.00
Hlava Asolf, Virgil	Ravenna, Nebr	No pre-war occupation	1892	Permanent total	100.00	93.75
Hopkins, Samuel Rice	401 Aquila Court, Omaha, Nebr	Surgeon	1876	Permanent partial, 30 per cent	30.00	187.50
Hupp, Allen Thurman	4612 Wakely St., Omaha, Nebr	Carpenter	1888	Permanent partial, 40 per cent	40.00	150.00
Jonaitis, Geo. F	Stanton, Nebr	Clergyman; Catholic priest	1880	Permanent partial, 67 per cent	68.00	125.00
Kokjer, Thomas E	Alliance, Nebr	No pre-war occupation	1891	Permanent partial, 50 per cent	50.00	93.75
Munger, Irvia Clarence	2923 South St., Lincoln, Nebr	Physician	1875	Permanent total	100.00	125.00
Vassell, Fred W	3503 Fontinelle Blvd, Omaha, Nebr	Machinist	1893	Permanent partial, 54 per cent	54.00	125.00
Young, Harry R	1709 O St., Auburn, Nebr	General farmer	1894	Permanent partial, 42 per cent	42.00	93.75

NEVADA

Hunter, William Gordon	36 East 2d St., Reno, Nev	Not given	1888	Permanent total	$100.00	$150.00

NEW HAMPSHIRE

Brokenshire, John R	Rt. No. 4, Winchester, N. H	Not given	1894	Permanent total	$100.00	$93.75
Casey, Palk	356 Spruce St., Manchester, N. H	Caretaker	1884	do	100.00	150.00
Denning, Regnald E	12 Cheney St., Newport, N. H	Not given	1886	do	150.00	93.75
Hay, John R	Rt. No. 1, Newport, N. H	do	1888	do	100.00	150.00
McKay, Arthur J	324 Lake St., Nashua, N. H	Student	1895	Permanent partial, 39 per cent	39.00	93.75
Main, Mathew W	640 Pine St., Manchester, N. H	Factory inspector	1882	Permanent total	100.00	125.00
Rollins, Lyman	Enfield, N. H	No occupation given	1881	do	100.00	125.00

NEW JERSEY

Aikens, John Jos	47 Hartford Ave., Fort Lee, N. J	Stevedore	1876	Permanent partial, 45 per cent	$45.00	$150.00
Alberto, Jos	P. O. Box 4, Franklin Park, N. J	Soldier	1883	Permanent partial, 71 per cent	71.00	93.75
Apgar, Geo. L	141 Westerneld Ave., North Plainfield, N. J	Mail carrier	1880	Permanent partial, 54 per cent	54.00	125.00
Baker, Augustine L. L	36 North Bergen St., Dover, N. J	Physician	1885	Permanent partial, 44 per cent	44.00	150.00
Bassin, John N	25 Van Ness Pl., Newark, N. J	do	1876	Permanent partial, 70 per cent	70.00	125.00
Beers, Wm. LeRoy	12 Birchfield Av., Cranford, N. J	Adjuster, insurance	1864	Permanent total	100.00	150.00
Bold, Roy C	5 Linwood Ave., Bogota, N. J	Not given	1893	do	100.00	150.00
Brock, Arthur E	Hackettstown, N. J	Engineer	1879	Permanent partial, 40 per cent	40.00	150.00
Buffington, Malcolm	60 Palisade Rd., Elizabeth, N. J	Chemical engineer	1895	Permanent partial, 60 per cent	60.00	93.75
Cannon, David W	New Jersey State Hospital, Greystone Park, N. J.	Clergyman	1879	Permanent total	100.00	125.00
Carter, John Francis	138 Booraem Ave., Jersey City, N. J	Not given	1874	Permanent partial, 58 per cent	58.00	93.75
Conlin, Alan Bruce	4047 Harrison Ave., Westfield, N. J	Student	1893	Permanent partial, 30 per cent	30.00	93.75
Condon, William Jos	50 Lexington Ave., New Brunswick, N. J	Physician	1879	Permanent partial, 65 per cent	65.00	150.00
Conover, Alfred	36 Atlantic Ave., Keyport, N. J	Not given	1874	Permanent total	100.00	125.00
Coplin, Wm. M	8 North Providence Ave., Atlantic City, N. J	do	1864	do	100.00	218.75
Costello, Michael	120 South Maryland Ave., Atlantic City, N. J.	do	1865	do	100.00	150.00
Crans, Joseph Morris	622 Atlantic Ave., Collingswood, N. J	do	1897	do	100.00	93.75
Crosby, Gaston E	P. O. Box 315, Cranford, N. J	Clerk, recording and computing.	1885	Permanent partial, 35 per cent	35.00	93.75
DeLong, Oscar A., jr	P. O. Box 190, Montclair, N. J	Not given	1879	Permanent total	100.00	150.00
Dempsey, Walter A	248 Hazel Ave., Westfield, N. J	Clerk, supervisory	1865	Permanent partial, 47 per cent	47.00	187.50
Dennett, Harold Odell	198 Graham Ave., Paterson, N. J	Detective, criminal investigation.	1880	Permanent partial, 39 per cent	39.00	125.00
Dooley, Frank M., jr	17 Hancock Ave., Jersey City, N. J	Athlete	1893	Permanent total	100.00	93.75
Eager, Daniel Jos	254 Westwood Ave., Long Branch, N. J	Not given	1893	do	100.00	125.00
Eastman, Gardner Peter	12 Summit St., Summit, N. J	Computing clerk	1893	do	100.00	93.75
Ellis, Albert Harris	308 Mountain Ave., Upper Montclair, N. J	Structural engineer	1865	do	100.00	150.00
Fisher, Adolph K	Beverly, N. J	Accountant	1891	Permanent partial, 55 per cent	55.00	93.75
Fryer, Loren M	404 Garden St., Mt. Holly, N. J	Not given	1881	Permanent total	100.00	150.00
Harley, H. Larson	1714 Pacific Ave., Atlantic City, N. J	Physician	1882	Permanent partial, 30 per cent	30.00	150.00
Haste, Jos. Patrick	228 Webster Ave., Jersey City, N. J	Not given	1885	Permanent partial, 40 per cent	40.00	93.75
Hauser, Simeon F	94 Evergreen Ave., Blanfield, N. J	Electrician	1892	Permanent partial, 79 per cent	79.00	93.75
Kuder, John Andrew	25 Stoneleigh Park, Westfield, N. J	Special writer	1894	Permanent total	100.00	125.00
Laning, Leland	197 Atlantic St., Bridgeton, N. J	Not given	1895	do	100.00	93.75
Lausier, Edwin B	P. O. Box 7, Station W, Jersey City, N. J	do	1871	do	100.00	150.00
Loomis, Stanley Drake	76 Glen Ridge Ave., Glen Ridge, N. J	Student	1894	Permanent partial, 65 per cent	65.00	125.00
Lowe, John E	Oxford St., Vineland, N. J	Not given	1882	Permanent total	100.00	93.75
MacGuffie, Robt. N	125 Prospect St., Passaic, N. J	Physician	1888	Permanent partial, 30 per cent	30.00	125.00
McKelway, Geo. Irvine	543 Hillcrest Ave., Westfield, N. J	Not given	1850	Permanent total	100.00	187.50
McNally, Robt. C	201 Wallace St., Orange, N. J	do	1875	do	100.00	125.00
Mahan, Leonard D	1084 5th Ave., Woodcliff, N. J	do	1883	Permanent partial, 31 per cent	31.00	125.00
Middleton, Ulyses G	129 News St., Bridgeton, N. J	Guardsman	1880	Permanent total	100.00	125.00
Miller, Louis L	Box 136, Oceanport, N. J	Draftsman	1878	Permanent partial, 72 per cent	72.00	125.00
Mitchell, Phil C	323 High St., Millville, N. J	Not given	1887	Permanent total	100.00	150.00
Muehlberg, Clarence	101 Halsted St., East Orange, N. J	do	1895	do	100.00	125.00
Muzzy, Charles	118 Magnolia Ave., Jersey City, N. J	Federal clerk	1875	Permanent partial, 45 per cent	45.00	150.00
Nixon, Warford L	129 Somerset St., Somerville, N. J	Not given	1865	Permanent total	200.00	125.00
O'Toole, Jas. Arthur	2707 Boulevard, Jersey City, N. J	Salesman	1895	Permanent partial, 83 per cent	83.00	93.75
Pannaci, Chas. E	Seabright, N. J	Not given	1877	Permanent total	100.00	150.00
Patetz, Harry J	217-219 4th St., Ridgefield Park, N. J	Civil engineer	1886	Permanent partial, 31 per cent	31.00	125.00
Pattison, Walworth P	Metuchen, N. J	Not given	1895	Permanent total	150.00	125.00
Pierce, Mathew Alexander	27 Hamilton St., Paterson, N. J	Veterinary surgeon	1863	Permanent partial, 43 per cent	43.00	125.00
Ralph, Kedrick Jas	Care Bell Telephone Co., 1060 Broad St., Newark, N. J.	Civil engineer	1895	Permanent partial, 68 per cent	68.00	125.00
Raymond, Landon Thos	117 DeGraw Ave., Bogota, N. J	Clerk, R. and C	1897	Permanent partial, 30 per cent	30.00	125.00
Riecke, Henry August	141 North 32d St., Camden, N. J	Civil engineer	1891	Permanent partial, 40 per cent	40.00	150.00
Schlecht, Wm. Martin	R. F. D., Hackettstown, N. J	Not given	1895	Permanent total	100.00	93.75
Seibert, Raymond	359 Hamilton Ave., Trenton, N. J	Doctor	1883	Permanent partial, 30 per cent	30.00	150.00
Stern, Kenneth Gibson	New Jersey State Hospital, Greystone Park, N. J.	Salesman, outside	1889	Permanent total	20.00	125.00
Street, Harold H	1319 Belleview Ave., Plainfield, N. J	Linotype operator	1890	Permanent partial, 80 per cent	80.00	125.00
Sutphin, Wm. Halsted	Matawan, N. J	Adjuster, claims, mercantile.	1887	Permanent partial, 31 per cent	31.00	150.00
Tillery, Isaac G	New Jersey State Hospital. Trenton. N. J	Clerk, rec. and comp	1893	Permanent total	100.00	93.75

NEW JERSEY—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Van Buren, Henry W	37 Maltbre Ave., Ridgewood, N. J	Mechanical engineer	1889	Permanent total	$100.00	$93.75
Varley, Herbert Paul	87 Heights Rd., Ridgewood, N. J	Adjuster, claims	1892	Permanent partial, 39 per cent	39.00	93.75
Von Schrenk, Arnold	Sparta, N. J	Electrical engineer	1880	Permanent total	100.00	125.00
Watkins, Walter Edw., jr	15 Bond Pl., North Caldwell, N. J	Not given	1892	do	125.00	93.75
Norwal, Wm. A	419 Morris St., Paterson, N. J	Physician	1875	do	100.00	150.00
Wenk, Jno. Frederick	R. F. D. No. 4, Vineland, N. J	Carpenter	1890	Permanent partial, 37 per cent	37.00	93.75
Williams, Chester Arthur	419 Edgewood Pl., Rutherford, N. J	Salesman, outside	1882	Permanent partial, 34 per cent	34.00	150.00
William, Robt	348 Farnsworth Ave., Bordentown, N. J	Clergyman	1891	Permanent partial, 74 per cent	74.00	125.00

NEW MEXICO

Anderson, Ezra	Glenwood, N. Mex	Not given	1895	Permanent total	$100.00	$93.75
Atherton, Alney L	Box 288, Albuquerque, N. Mex	Lineman, telegraph	1890	do	100.00	125.00
Atkins, Clyde	Care of P. L. Atkins, M. D., McGaffey, N. M.	No occupation given	1885	do	100.00	125.00
Barnes, Wm. Wallace	Lordsburg, N. Mex	Not given	1880	do	100.00	93.75
Bennett, Walter F	Box 103, Albuquerque, N. Mex	Proprietor and manager of office.	1887	do	100.00	93.75
Blackser, Lawrence	St. Joseph Sanitarium, Albuquerque, N. Mex.	No occupation given	1896	do	100.00	93.75
Bouldin, John W	Box 42, Carlsbad, N. Mex	No occupation	1891	do	100.00	93.75
Bujac, Etienne P	St. Francis Hospital, Carlsbad, N. Mex	Lawyer	1867	do	100.00	187.50
Bulson, Glenn A	U. S. Veterans' Hospital No. 55, Fort Bayard, N. Mex.	Physician	1883	do	100.00	150.00
Chaves, Jr. Amado	Palace Ave., Sante Fe, N. Mex	Student	1898	do	150.00	93.75
Childers, Robert J	Care of Daniel C. Moore, Box 374, Albuquerque, N. Mex.	Physician and surgeon	1887	do	100.00	150.00
Cohen, Melvin M	512 South High St., Albuquerque, N. Mex	Engineer	1891	do	100.00	93.75
Coumbe, Arthur G	U. S. veterans' hospital, Fort Bayard, N. Mex.	Physician	1871	Permanent partial, 64 per cent	64.00	187.50
Cunningham, Peter R	1505 Central Ave., Albuquerque, N. Mex	Plumber	1896	Permanent partial, 60 per cent	60.00	93.75
Donahue, John Leo	Fort Bayard, N. Mex	Physician	1886	Permanent total	100.00	150.00
Douthit, Crawford H	Clayton, N. Mex	Not given	1886	do	100.00	150.00
Elfe, Harold B	302 West Alameda Ave., Roswell, N. Mex	do	1880	do	100.00	125.00
Eyre, Thomas T	117 Columbia Ave., Albuquerque, N. Mex	School teacher	1883	Permanent partial, 50 per cent	50.00	150.00
Farrar, Russell J	U. S. veterans' hospital, Fort Bayard, N. Mex.	No occupation	1887	Permanent total	100.00	93.75
Flint, Warren A	914 North 7th St., Albuquerque, N. Mex	Salesman, heavy commodities	1891	do	150.00	93.75
Gannon, Fredk. M	Sunmount Sanatorium, Santa Fe, N. Mex	No occupation	1890	do	150.00	125.00
Gatling, Henry G	414 First National Bank, Albuquerque, N. Mex.	Not given	1895	do	100.00	93.75
Herring, Finie A	507 North Lee St., Roswell, N. Mex	do	1898	do	100.00	93.75
Herring, Harry T	Chamberino, N. Mex	Bookkeeper	1880	Permanent partial, 75 per cent	75.00	218.75
Herron, Russell G	Alamogordo, N. Mex	No pre-war occupation	1897	Permanent total	100.00	93.75
Johnston, Lewis S	Columbus, N. Mex	Physician and surgeon	1875	do	100.00	150.00
Kinsinger, John W	Clovis, N. Mex	do	1863	do	100.00	150.00
Lembke, Charles H	1418 West Roma Ave., Albuquerque, N. Mex.	Construction foreman	1889	Permanent partial, 53 per cent	53.00	125.00
Lutz, Charles H	Rosival, N. Mex	Farmer, livestock	1896	Permanent partial, 42 per cent	42.00	93.75
McCullough, Wm. H	Roswell, N. Mex	Lawyer	1885	Permanent partial, 40 per cent	40.00	125.00
Matthews, Wm. C	do	Physician and surgeon	1874	Permanent total	100.00	125.00
Miller, Pierre A	821 Forrester Ave., Albuquerque, N. Mex	Not given	1897	do	100.00	93.75
Patton, Frank H	513 North 14th St., Albuquerque, N. Mex	Sales clerk, light commodities.	1892	Permanent partial, 50 per cent	50.00	125.00
Peck, Franklin J	Monkbridge Sanatorium, Albuquerque, N. Mex.	No occupation	1890	Permanent total	100.00	125.00
Powell, Wm. H., jr	211 Richmond Ave., Albuquerque, N. Mex	do	1890	do	100.00	125.00
Radthe, Leonard B	Indian Reserve, Mescalero, N. Mex	Soldier, sailor, or marine	1886	Permanent partial, 45 per cent	50.00	93.75
Roberts, Maurice McV	Methodist Sanatorium, Albuquerque, N. Mex.	Lawyer	1890	Permanent total	100.00	125.00
Robinson, Louis B	Penos Altos, N. Mex	Physician	1863	do	100.00	125.00
Sanford, John H	Santa Rosa, N. Mex	Physician and surgeon	1890	Permanent partial, 75 per cent	75.00	150.00
Seale, Christopher C	U. S. veterans' hospital, Fort Bayard, N. Mex.	Contractor, foreman of construction.	1893	Permanent total	100.00	125.00
Shelton, Dean O	1405 East Gold Ave., Albuquerque, N. Mex	Not given	1894	do	100.00	125.00
Spotts, Milton A	General delivery, Taos, N. Mex	Clergyman	1884	Permanent partial, 79 per cent	79.00	150.00
Stevens, Robert C	U. S. Veterans' Hospital No. 55, Fort Bayard, N. Mex.	Soldier	1887	Permanent total	100.00	93.75
Sumner, Gordon	1307 East Central Ave., Albuquerque, N. Mex.	Not given	1886	do	100.00	125.00
Tagl, William	721 North 2d St., Raton, N. Mex	do	1894	do	100.00	125.00
Weeks, Harold J	322 North 14th St., Albuquerque, N. Mex	Student	1893	do	200.00	93.75
West, Wm. Edw	Socarro, N. Mex	Metal mining	1892	Permanent partial, 50 per cent	50.00	93.75

NEW YORK

Adee, Chas. Flamen	Lawrence Beach, Lawrence, Long Island, N. Y.	Pilot	1871	Permanent partial, 61 per cent	$61.00	$93.75
Allen, Alfred D	384 Foote Ave., Jamestown, N. Y	Hotel clerk, hotel manager		Permanent partial, 30 per cent	30.00	93.75
Allen, Jay K	Kings Park State Hospital, Kings Park, Long Island, N. Y.	Not given	1893	Permanent total	100.00	150.00
Anderson, Chas. Jas	346 Fulton, St., Brooklyn, N. Y	do	1876	do	100.00	218.75
Andrews, Thomas Carr	U. S. veterans' hospital, Sunmount, Tupper Lake, N. Y.	Accountant	1896	do	100.00	125.00
Andronaco, G	322 East Boston Post Rd., Mamaroneck, N. Y.	Physician	1886	Permanent partial, 31 per cent	31.00	125.00
Ashe, George	374 West 35th St., New York City	Occupation not given	1891	Permanent partial, 45 per cent	45.00	125.00
Augur, Frank Allen	South Bethlehem, N. Y	No pre-war occupation	1864	Permanent total	100.00	125.00
Babcock, Harry Allan	South Dayton, N. Y	Lawyer	1891	Permanent partial, 45 per cent	45.00	93.75
Bailey, Geo. Thos	Apartment 2E, 31 West 124th St., New York City.	File clerk	1888	Permanent partial, 34 per cent	34.00	93.75
Ball, Clarence	17 Randall Pl., Rochester, N. Y	Bookkeeper	1875	Permanent partial, 32 per cent	32.00	125.00
Ballman, Jacob S	18 Bonnell St., Middletown, N. Y	Paper-box maker	1877	Permanent total	100.00	150.00
Barker, James J	4719 Bowne Ave., Flushing, Long Island, N. Y.	Not given	1897	do	100.00	93.75

NEW YORK—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Batten, Jno. Adkins	Utica State Hospital, Utica, N. Y.	Physician	1875	Permanent total	$100.00	$187.50
Bence, Mathew	41 Washington Ave., Kingston, N. Y.	Clerk, State office	1886	Permanent partial, 42 per cent	42.00	93.75
Benson, Chas. O	Care of New York University, Washington Square, N. Y.	Professor psychology	1881	Permanent partial, 50 per cent	50.00	125.00
Bentley, Chas. Raymond	7 Prince St., Rochester, N. Y.	Lawyer	1889	Permanent partial, 90 per cent	90.00	150.00
Bermingham, Franklin A	28 Front St., Saranac Lake, N. Y.	Not given	1895	Permanent total	100.00	93.75
Block, Edgar Norman	171 Bryant St., Buffalo, N. Y.	No occupation	1887	Permanent partial, 32 per cent	32.00	150.00
Bouller, Wm. H	127 Halsey St., Brooklyn, N. Y.	Insurance solicitor	1894	Permanent partial, 56 per cent	56.00	93.75
Brennan, Lennox	522 East 24th St., Brooklyn, N. Y.	Outside salesman	1892	Permanent partial, 33 per cent	33.00	150.00
Brew, Paul	49 East 17th St., Brooklyn, N. Y.	Student	1894	Permanent partial, 35 per cent	35.00	93.75
Brill, Edward	1252 Fulton Ave., New York City	do	1888	Permanent total	100.00	93.75
Brock, Wilbur A	71 West 23d St., Masonic Club, N. Y. City	Accountant	1884	Permanent partial, 31 per cent	31.00	125.00
Broughton, Averell	304 Lewis Ave., Brooklyn, N. Y.	Statistician	1896	Permanent partial, 50 per cent	50.00	125.00
Brown, Edw. Lawrence	24 East 38th St., N. Y. City	Shoe manufacturer	1891	Permanent partial, 63 per cent	63.00	93.75
Browning, Robt. F	Care of Elizabeth B. Browning, West Hurley, N. Y.	Locomotive craneman, engineer.	1893	Permanent partial, 91 per cent	91.00	93.75
Bryant, Emmons	528 North Broadway, Yonkers, N. Y.	Manager and president of paper company.	1872	Permanent partial, 35 per cent	35.00	187.50
Burdick, Earle Leslie	305-307 National Bank Building, Olean, N. Y.	House master	1893	do	35.00	125.00
Burnett, Arthur C	55 Dubois St., Newburgh, N. Y.	Student	1890	do	35.00	125.00
Busck, Gunni J	Westfield, N. Y.	No occupation given	1870	Permanent partial, 40 per cent	40.00	150.00
Byrns, Robt. A	Arrochar, Staten Island, N. Y. City	Salesman, outside	1873	Permanent partial, 72 per cent	72.00	125.00
Cahill, Francis Jos	15 Main St., Hoosick Falls, N. Y.	Physician	1878	Permanent partial, 62 per cent	62.00	150.00
Calligan, Arthur	Lone Pine Farm, Rt. 2, Peekskill, N. Y.	Sales manager	1889	Permanent partial, 34 per cent	34.00	93.75
Carney, James Jos	P. O. Box 92, Buffalo, N. Y.	No pre-war occupation	1894	Permanent total	100.00	93.75
Carroll, Francis H	3651 St. Paul Boulevard, Rochester, N. Y.	Engineer	1887	Permanent partial, 50 per cent	50.00	93.75
Carroll, John	79 West 92d St., New York City	Soldier	1887	Permanent partial, 60 per cent	60.00	125.00
Cary, Harry E	529 Elmwood Ave., care of Marine Transport Co., Buffalo, N. Y.	Not given	1892	Permanent total	100.00	93.75
Case, Edgar R	3210 Perry Ave., Bronx, N. Y.	do	1892	Permanent partial, 50 per cent	50.00	125.00
Cattus, Chas. B	Middletown State Homes Hospital, Middletown, N. Y.	do	1891	Permanent total	100.00	93.75
Chambers, John E	Fayettville, N. Y.	Soldier	1883	do	100.00	93.75
Clifton, Clarence A	1051 East 23d St., Brooklyn, N. Y.	No pre-war occupation	1875	do	100.00	150.00
Coe, Henry Clarke	50 5th Ave., New York City	Physician	1856	do	100.00	250.00
Cone, Herbert A	500 West End Ave., New York City	Salesman, advertising	1893	Permanent partial, 53 per cent	53.00	93.75
Constable, Wm	34 17th St., Buffalo, N. Y.	Stationary engineer	1877	Permanent partial, 50 per cent	50.00	150.00
Cooney, Hubert	Bellmore P. O., Bellmore, Long Island, N. Y.	Inspector, material and equipment.	1886	Permanent total	100.00	125.00
Cooper, Leslie E	Care of Fulton Savings Bank, 375 Fulton St., Brooklyn, N. Y	Press feeder, printing	1896	Permanent partial, 40 per cent	40.00	93.75
Cooper, Norman S	Athens, N. Y.	Physician	1894	Permanent partial, 33 per cent	33.00	150.00
Costigan, Lee H	271 92d St., Brooklyn, N. Y.	do	1880	Permanent partial, 50 per cent	50.00	150.00
Coursey, Thos. J	212 West St., Geneva, N. Y.	No pre-war occupation	1876	Permanent partial, 35 per cent	35.00	125.00
Court, Wm. S	2538 George St., Brooklyn, N. Y.	Lineman, telephone and telegraph.	1890	Permanent partial, 83 per cent	83.00	125.00
Courtney, John	115 Heights Court, Ithaca, N. Y.	Soldier	1880	Permanent partial, 46 per cent	46.00	150.00
Crossman, James E	Canisteo, N. Y.	Physician	1881	Permanent partial, 94 per cent	94.00	150.00
Daily, Daniel Jos	1219 Madison Ave., New York City	No occupation	1879	Permanent partial, 35 per cent	35.00	125.00
Daniel, Richard Curd	30 West 44th St., New York City	Not given	1873	Permanent partial, 63 per cent	63.00	150.00
Davenport, Ralph M	35 5th Ave., New York City	Lumber salesman	1890	Permanent partial, 60 per cent	60.00	150.00
De Birmingham, Ferd. H., jr	1213 President St., Brooklyn, N. Y.	Mechanic, auto	1892	Permanent partial, 39 per cent	39.00	93.75
Des Bien, David Thos	Federal Reserve Bank of N. Y., New York City.	Electrician	1897	Permanent partial, 30 per cent	30.00	93.75
Dix, Sherwood	U. S. veterans' hospital, Bronx, N. Y.	Physician	1875	Permanent partial, 38 per cent	38.00	150.00
Dodds, Hiram Elbert	9th floor Polyclinic Hospital, New York City.	Not given	1897	Permanent total	100.00	93.75
Donnelly, Geo. L	Manhattan State Hospital, Wards Island, New York City.	do	1898	do	100.00	150.00
Donnelly, Joseph E	2790 Marion Ave., Bronx, N. Y.	Physician and surgeon	1882	Permanent partial, 62 per cent	62.00	218.75
Dorn, Ralph W	47 Baker St., Jamestown, N. Y.	Insurance salesman	1877	Permanent partial, 34 per cent	34.00	150.00
Douglas, Richard	5 Mason St., care of Cassatt & Co., New York City.	No pre-war occupation	1889	Permanent partial, 44 per cent	44.00	150.00
Duflocq, John Milton	8945 212th St., Bellaire, Long Island, N. Y.	Clerk, recording and computing.	1894	Permanent partial, 39 per cent	39.00	93.75
Durell, Anthony W., jr	45 Franklin Ave., Saranac Lake, N. Y.	Not given	1895	Permanent total	100.00	93.75
Durgea, Wright	558 Fulton St., Hempstead, Long Island, N. Y.	Salesman of service, financial.	1896	Permanent partial, 64 per cent	64.00	125.00
Eller, Louis H	750 7th St., Buffalo, N. Y.	Not given	1869	Permanent total	150.00	187.50
Estell, Joe G	25 West 43d St., New York City	Student	1894	Permanent partial, 39 per cent	39.00	125.00
Fairchild, Hoxie N	35 Clarement Ave., New York City	do	1894	do	39.00	93.75
Fairfax, Chas. Wash	92 St. Clair St., Geneva, N. Y.	Designer, artist	1871	Permanent partial, 50 per cent	50.00	150.00
Farrell, Vincent L	1535 East 52d St., Brooklyn, N. Y.	Not given	1886	Permanent total	100.00	125.00
Felt, Clement G	122½ North 3d St., Olean, N. Y.	No occupation	1893	Permanent partial, 50 per cent	50.00	93.75
Fiedelbaum, Benj	1237 51st St., Brooklyn, N. Y.	Not given	1895	Permanent total	70.00	150.00
Finn, James G	136 North 44th St., New York City	Lawyer	1879	Permanent partial, 33 per cent	33.00	150.00
Finn, John Jos	Box 82, Fisher Island, N. Y.	Clergyman	1888	Permanent partial, 42 per cent	42.00	125.00
Fisher, Tunis Harold	1814 East 28th St., Brooklyn, N. Y.	Accountant	1894	Permanent partial, 37 per cent	37.00	93.75
Fitts, Robt. H	507 8th Ave., Watervliet, N. Y.	Soldier	1890	Permanent partial, 56 per cent	56.00	93.75
Fitzgerald, Wm. Thos	130 East End Ave., New York City	Drayman	1889	Permanent partial, 71 per cent	71.00	93.75
Flerin, Harry Jos	135 Fairfield Ave., Yonkers, N. Y.	Salesman, light commodities, outside.	1891	Permanent partial, 36 per cent	36.00	93.75
Flood, John Vincent	254 East 60th St., New York City	Lawyer	1892	Permanent partial, 45 per cent	45.00	93.75
Fox, Wm. A	Box 44, Pleasant Valley, Dutchess County, N. Y.	Not given	1895	Permanent total	100.00	125.00
Fraser, Edw. D., jr	U. S. Veterans' Hospital No. 81, Bronx, N. Y.	do	1887	do	100.00	125.00
Garry, James Joseph	9114 216th St., Queens Village, Long Island, N. Y.	Recording clerk	1892	Permanent partial, 40 per cent	40.00	93.75
Gifford, Chas. C	50 Vanderbilt Ave., New York City	Student	1895	Permanent partial, 52 per cent	52.00	93.75
Gildersleeve, Donald M	2518 Webb Ave., Bronx, N. Y.	Physician	1889	Permanent total	100.00	125.00
Gillian, Henry L	50 Church St., New York City	Clerk, office	1898	Permanent partial, 50 per cent	50.00	93.75
Gilligan, Edward	5517 3d Ave., Brooklyn, N. Y.	Stevedore	1862	Permanent partial, 82 per cent	82.00	150.00
Gilmore, Saml. J	358 80th St., Brooklyn, N. Y.	Occupation not given	1887	Permanent partial, 50 per cent	50.00	93.75
Godfrey, Michael F	9 Cleveland St., Addison, N. Y.	Not given	1861	Permanent total	100.00	125.00
Golding, Jos. E	170 Hancock St., Brooklyn, N. Y.	Physician	1878	Permanent partial, 50 per cent	50.00	150.00
Goldstein, Jacob	724 Allen St., Syracuse, N. Y.	Clerk, law (student)	1893	Permanent partial, 45 per cent	45.00	93.75
Gookin, Edw. R	112 Central Park South, New York City	Physician	1882	Permanent partial, 47 per cent	47.00	125.00
Gordon, John H	50 Orange St., Brooklyn, N. Y.	Not given	1892	Permanent total	100.00	125.00
Grabenstein, Joseph	6401 35th Ave., Woodside, Long Island, N. Y.	Physician	1876	Permanent partial, 89 per cent	89.00	125.00
Grenfell, Fredk. A	Pearl River, N. Y.	Veterinary surgeon	1891	Permanent partial, 53 per cent	53.00	125.00
Griffiths, Albert F	2855 Costar Ave., Bayside, Long Island, N. Y.	No pre-war occupation	1877	Permanent total	100.00	150.00

NEW YORK—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Haber, Chas. G	424 West 43d St., New York City	No occupation given	1892	Permanent partial, 50 per cent	$50.00	$93.75
Hahn, Albert G	Trudeau Sanitarium, Trudeau, N. Y	Not given	1892	Permanent total	100.00	150.00
Hall, Geo. McKenzie	33 Allen St., Buffalo, N. Y	Physician	1873	Permanent partial, 44 per cent	44.00	150.00
Hall, Robt. A	225 74th St., Brooklyn, N. Y	Not given	1886	Permanent total	100.00	125.00
Hallahan, Wm. H	Hudson River State Hospital, Poughkeepsie, N. Y.	do	1870	do	100.00	93.75
Halliday, Herbert	Pleasantville, N. Y	do	1897	do	100.00	93.75
Halpin, John Henry	94 Main St., Potsdam, N. Y	School-teacher	1891	do	100.00	93.75
Hardy, Robert S	7 Ashland Ave., Buffalo, N. Y	Electrical engineer	873	do	150.00	187.50
Harrigan, Cornelius	Pine St., Saranac Lake, N. Y	Not given	1887	do	100.00	125.00
Hartig, Frank	337 East Main St., Amsterdam, N. Y	Baseball player	1895	Permanent partial, 38 per cent	38.00	93.75
Hartmann, Chas	Care of E. B. Hopkins, 25 Broadway, New York City.	Civil engineer	1883	Permanent partial, 34 per cent	34.00	125.00
Harvey, Ollin F	Care of American Car Co., 165 Broadway, New York City.	Lawyer	1880	Permanent partial, 68 per cent	68.00	200.00
Hay, Paul Franklin	277 Park Ave., Apartment 603, New York City.	Broker	1888	Permanent partial, 62 per cent	62.00	125.00
Hayes, Russell Milton	353 Hallock St., Jamestown, N. Y	No occupation	1893	Permanent total	100.00	125.00
Hensley, Edwin M	29 East 11th St., New York City	Cashier	1895	Permanent partial, 51 per cent	51.00	93.75
Hepper, Edward W	559 West 190th St., New York City	Engineer, stationary	1868	Permanent partial, 63 per cent	63.00	93.75
Herron, Ashley M	620 Main St., New Rochelle, N. Y	Merchant, treasurer of company.	1870	Permanent total	150.00	150.00
Howard, Lester W	238 West 4th St., New York City	Marine and stationary engineer.	1873	Permanent partial, 50 per cent	50.00	93.75
Hultzen, Lee Sisson	241 Linden Ave., Ithaca, N. Y	Student	1896	Permanent partial, 72 per cent	72.00	125.00
Hunt, Fredk. P	U. S. Veterans' Hospital No. 81, New York City.	Not given	1886	Permanent total	50.00	187.50
Ingalls, Paul Vernon	100 Cheltonham, Buffalo, N. Y	Accountant	1894	Permanent partial, 41 per cent	41.00	93.75
Jenney, Wm. E	Care of Farmer and Mechanic Savings Bank, Lockport, N. Y.	Dentist	1869	Permanent total	100.00	125.00
Jensen, Wm. C	Warren County Sanitarium, Glens Falls, N. Y	Physician	1890	Permanent partial, 30 per cent	50.00	125.00
Johnson, Cortland A	Cedarhurst, Long Island, N. Y	Lawyer	1891	Permanent partial, 80 per cent	80.00	93.75
Jones, Geo. Russell	42 Ten Eyck Ave., Albany, N. Y	Chief clerk, office	1892	Permanent partial, 35 per cent	35.00	150.00
Jones, Rochester B	258 West 12th St., New York City	Insurance salesman	1889	Permanent partial, 66 per cent	66.00	125.00
Judkowitz, Judd Herman	1233 Decatur St., Brooklyn, N. Y	Physician and surgeon	1874	Permanent partial, 75 per cent	75.00	150.00
Kaufman, Frank	U. S. Veterans' Hospital No. 81, Bronx, N. Y	No pre-war occupation	1892	Permanent total	20.00	125.00
Keefe, Robt. E	291 Washington Ave., Kingston, N. Y	Mechanical engineer	1895	Permanent partial, 34 per cent	34.00	93.75
Kelly, Columbia F	St. Joseph's Hospital, East 143d St., New York City.	Not given	1883	Permanent partial, 30 per cent	30.00	125.00
Kent, Geo. A	522 West 134th St., New York City	do	1894	Permanent partial, 35 per cent	35.00	125.00
Kerr, Mathew	354 East Moshulu Parkway, New York City	do	1865	Permanent total	100.00	150.00
Keyes, Jay Gould	56 East Main St., Gawanda, N. Y	Manager, production and industry.	1880	do	200.00	125.00
Kiely, Wm. Francis	Church St., Ronkonkoma, N. Y	Not given	1885	do	100.00	125.00
Kimball, Geo. P	300 Palmer Ave., Syracuse, N. Y	Student	1895	Permanent partial, 35 per cent	35.00	125.00
King, Chester H	206 Dewitt St., Syracuse, N. Y	Not given	1880	Permanent total	100.00	187.50
Kleckner, Ralph	124 East 31st St., New York City	Physician and surgeon	1885	Permanent partial, 38 per cent	38.00	150.00
Klingsmith, Frederick	218 Montgomery St., Brooklyn, N. Y	Salesman, L. C	1888	Permanent partial, 45 per cent	45.00	93.75
Kobbe, Wm. H	122 East 82d St., New York City	Petroleum engineer, mining engineer.	1881	Permanent partial, 70 per cent	70.00	187.50
Konald, Herschell S	Loomis Sanatarium, Loomis, N. Y	Advertising salesman	1891	Permanent total	100.00	150.00
Kraner, Joseph	817 West End Ave., New York City	No occupation given	1885	Permanent partial, 40 per cent	40.00	125.00
Kupfer, Chas	2605 Ditmarr Ave., Astorid, Long Island, N. Y.	Student	1891	Permanent partial, 39 per cent	39.00	125.00
Lamb, Orin R	133 West 72nd St	Dentist	1888	Permanent partial, 85 per cent	85.00	125.00
Lansing, Wm., jr	49 Clairmont Ave., New York City	Civil engineer	1874	Permanent partial, 35 per cent	35.00	150.00
Lashua, Isaac	West Chazy, N. Y	Not given	1885	Permanent total	100.00	93.75
Laudman, Everett Solomon	Butter Hall 88, Morningside Drive West, New York City.	Press feeder	1883	do	150.00	125.00
Laughlin, Douglas E	30 Shepard Ave., Saranac Lake, N. Y	Cost clerk	1896	do	100.00	93.75
Leahy, Sylvester Richard	69 Remsen St., Brooklyn, N. Y	Physician	1882	Permanent partial, 50 per cent	50.00	150.00
Lee, Herbert L	10 West 56th St., New York City	Not given	1893	Permanent total	100.00	150.00
Lee, Thomas H	400 West 60th St., New York City	Lawyer	1891	Permanent partial, 45 per cent	45.00	125.00
Le May, Arthur A	Soldiers' Home, Bath, N. Y	Not given	1886	Permanent total	100.00	125.00
Lent, Chas. V	Hyde Park, N. Y	Office clerk	1894	do	150.00	93.75
Leonhardt, Heinrick C	228 Goundry St., North Tonawanda, N. Y	Physician and surgeon	1864	Permanent partial, 66 per cent	66.00	125.00
Lersch, Jos. F	1221 Mercantile Building, Rochester, N. Y	Railroad brakeman	1895	Permanent partial, 40 per cent	40.00	93.75
Lesser, Leon E	348 Union St., Brooklyn, N. Y	Physician	1889	Permanent partial, 43 per cent	43.00	125.00
Lewis, Ottis N	U. S. veterans' hospital, Bronx, N Y	Not given	1894	Permanent total	20.00	93.75
Lewis, Wm. Geo	Alton, N. Y	Physician	1870	do	100.00	150.00
Lipes, Harry Judson	178 Washington Ave., Albany, N. Y	Surgeon	1871	Permanent total	100.00	187.50
Livingston, Robert	Castle Point, N. Y	Not given	1884	do	20.00	125.00
Lockwood, Willard G	465 William St., Buffalo, N. Y	Factory foreman	1882	Permanent partial, 83 per cent	83.00	125.00
Logue, John	Brooklyn St. Hospital, Brooklyn, N. Y	Not given	1865	Permanent total	100.00	150.00
McAvery, John	159-10 Sanford Ave., Flushing, Long Island, N. Y.	Shipping clerk salesman	1896	Permanent partial, 60 per cent	60.00	93.75
McCrum, Douglas S	174 Park Ave., Saranac Lake, N. Y	Not given	1893	Permanent total	100.00	125.00
McEntyre, Lawrence	106 Highland Ave., Tonawanda, N. Y	do	1891	do	100.00	93.75
McGingan, Lewis G	334 Forest Ave., Staten Island, N. Y., Bugleton Heights, West New Brighton.	do	1871	do	100.00	150.00
McGuirk, Alexander	7 Rosemont Ave., Saranac Lake, N. Y	do	1893	do	100.00	125.00
McIntosh, John F	34 Franklin St., Saranac Lake, N. Y	do	1896	do	100.00	93.75
McKeogh, A. F	184 East 93d St., New York City	Editor	1890	Permanent partial, 35 per cent	35.00	125.00
McLaughlin, Michael	448 West 14th St., New York City	Ship rigger	1867	Permanent total	100.00	125.00
McLean, Guy M	Lake Ronkonkoma, Long Island, N. Y	Not given	1870	do	100.00	150.00
McPhail, Donald	1216 60th St., New York City	Physician	1871	Permanent partial, 75 per cent	75.00	150.00
Mabry, Gregory	30 Pine Grove Ave., Kingston, N. Y	Not given	1890	Permanent total	100.00	150.00
MacDougall, Danl. R	Cobleskill, N. Y	Machinist	1884	Permanent partial, 65 per cent	65.00	93.75
Maegan, Geo. H	138 Vernon Ave., Richville, Ceitle, Long Island, N. Y.	Outside salesman	1888	Permanent partial, 40 per cent	40.00	93.75
Maloney, Herbert W	220 East 4th St., New York, N. Y	Advertising salesman	1895	Permanent partial, 33 per cent	33.00	125.00
Manheimer, Louis	3440 Broadway, New York City	Not given	1885	Permanent total	100.00	150.00
Manners, Cecil Chas	U. S. Veterans' Hospital No. 98, Castle Point, N. Y.	Manager of store	1884	do	100.00	150.00
Marcus, Lawrence	470 West 166th St., New York, N. Y	Statistician	1893	do	150.00	125.00
Marks, Allen David	Room 1003, 50 East 42d St., New York City.	Office clerk	1895	do	100.00	93.75
Martin, Richard	151 West 33d St., care of Phelling Co., New York City.	Student	1895	Permanent partial, 72 per cent	72.00	125.00
Maslin, Henry	942 President St., Brooklyn, N. Y	Not given	1867	Permanent total	100.00	150.00

NEW YORK—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Massey, Albert Wm	R. F. D. South Alfred, N. Y	Electrician	1891	Permanent partial, 57 per cent	$57.00	$93.75
Mathews, Chas. Smith	4200 White Plains Ave., Bronx, N. Y	Salesman, outside	1893	Permanent partial, 50 per cent	50.00	125.00
Maze, Coleman Lloyd	121 Henry St., Brooklyn, N. Y	Not given	1894	Permanent total	150.00	93.75
Meehan, Jas. J	331 West 24th St., New York City	Sailor	1890	Permanent partial, 58 per cent	58.00	93.75
Miller, Chas. Ross	Potts Memorial Hospital, Livingston, N. Y	Not given	1884	Permanent total	100.00	125.00
Miller, Harold A	1081 Anderson Ave., Bronx, New York City	Student	1893	Permanent partial, 55 per cent	55.00	125.00
Milton, Lucid Michael	636 University Building, Syracuse, N. Y	Physician and surgeon	1869	Permanent partial, 40 per cent	40.00	187.50
Moffett, Nelson	Box 5, Pine Bush, N. Y	Veterinary surgeon	1867	Permanent partial, 79 per cent	79.00	125.00
Montgomery, Howard S	332 Insurance Building, Glens Falls, N. Y	Lawyer	1890	Permanent partial, 40 per cent	40.00	125.00
Moon, Basil	58 West 89th St., New York City	Inspector, fire insurance	1883	do	40.00	187.50
Moore, Floyd H	134 North Washington St., Herkimer, N. Y	Physician	1890	Permanent partial, 90 per cent	90.00	125.00
Morse, John D	Thendara, N. Y	Not given	1881	Permanent total	100.00	93.75
Mulrean, Leo J	405 West 50th St., Nye, N. Y	do	1893	Permanent partial, 30 per cent	30.00	93.75
Murphy, Peter J	Caldwell Apartments, State and 2d Sts., Troy, N. Y.	Foreman, construction	1873	Permanent partial, 75 per cent	75.00	93.75
Murtha, Wm. Henry	372 3d St., Niagara Falls, N. Y	Student	1896	Permanent partial, 40 per cent	40.00	93.75
Neary, Edw. Jos	Ditmars Ave., East, Elmhurst, Long Island, N. Y.	Retail dealer, general stores	1892	Permanent partial, 54 per cent	54.00	93.75
Neelands, Ralph	2862 Marion Ave., Bronx, N. Y	Not given	1893	Permanent total	100.00	93.75
Nemsen, Abraham	950 6th Ave., South, Brooklyn, N. Y	Physician	1895	Permanent partial, 50 per cent	50.00	125.00
Neville, Wm. Harry	6 Williams St., Auburn, N. Y	Not given	1876	Permanent total	150.00	150.00
Nial, Thos. Matthew	120 West 42d St., New York City	Student	1894	Permanent partial, 40 per cent	40.00	125.00
Nichols, Geo. Pardee	115 Pearl St., New York City, N. Y	Insurance broker	1881	Permanent partial, 31 per cent	31.00	150.00
Nietz, Adolph H	55 Harding Rd., Rochester, N. Y	Photographer, chemist, printer developer.	1889	Permanent total	100.00	125.00
Norman, Seaton	157 West 47th St., Hotel Manhattan, New York City.	Physician	1861	Permanent partial, 87 per cent	87.00	187.50
O'Connell, Francis	2446 University Ave., New York, N. Y	Not given	1896	Permanent partial, 30 per cent	30.00	93.75
O'Connor, Richard B	302 Marine Ave., Bay Ridge, Brooklyn	Business exporter	1891	Permanent partial, 69 per cent	69.00	125.00
Oring, Nelson M	120 Alsac Ave., Buffalo, N. Y	Mechanical engineer, master mechanic.	1870	Permanent partial, 44 per cent	44.00	187.50
Osborn, Chas. W	Bellport, N. Y	Railroad conductor, road constructor, manager.	1879	Permanent partial, 34 per cent	34.00	125.00
Parker, Partis F	430 Senator St., Brooklyn, N. Y	Not given	1885	Permanent partial, 44 per cent	44.00	150.00
Parks, Paul Blaine	117 West 86th St., New York City	Pianist	1892	Permanent partial, 31 per cent	31.00	93.75
Petross, Robt	765 54th St., Brooklyn, N. Y	Not given	1893	Permanent total	100.00	93.75
Pfohl, Harold	74 Huntington Ave, Buffalo, N. Y	Civil engineer	1891	Permanent partial, 80 per cent	80.00	125.00
Philbin, Jos. A	24 Franklin Ave., Saranac Lake, N. Y	Not given	1894	Permanent total	100.00	125.00
Reese, Ernest E	2241 Pierce Ave., Niagara Falls, N. Y	Surveyor	1886	Permanent partial, 45 per cent	45.00	125.00
Reid, Henry	1219 Main St., Buffalo, N. Y	Not given	1893	Permanent partial, 80 per cent	80.00	93.75
Reynolds, Wm. G	137 Riverside Drive, New York City	Mining engineer	1879	Permanent total	100.00	150.00
Rice, Marcus H	148 Flower Ave. West, Watertown, N. Y	Hardware dealer, retail	1879	do	100.00	150.00
Riordan, John J	89 Gefferts Pl., Brooklyn, N. Y	Clerk, office	1892	Permanent partial, 38 per cent	50.00	125.00
Robinson, Arthur	244 West 11th St., New York City	Newspaper reporter	1894	Permanent partial, 35 per cent	35.00	93.75
Rogers, John P	211 Barrett St., Syracuse, N. Y	Not given	1888	Permanent total	50.00	125.00
Ryan, Benedict M	386 Clay Ave., Rochester, N. Y	Civil engineer	1888	Permanent partial, 48 per cent	50.00	125.00
Schoenberg, Louis	285 Schenectady Ave., Brooklyn, N. Y	Soldier, sailor, marine	1886	Permanent partial, 31 per cent	31.00	93.75
Seymour, Lewis	617 Peoples Trust Co. Building, Binghamton, N. Y.	Lawyer	1863	Permanent partial, 30 per cent	30.00	187.50
Shaughnessy, Paul F	46th and Sackett Sts., Brooklyn, N. Y	Not given	1895	Permanent total	100.00	150.00
Shaw, Wm. H	Rural Delivery, Putnam Station, N. Y	Clergyman	1887	do	100.00	125.00
Sheehan, Walter B	Buffalo Athletic Club, Buffalo, N. Y	Student	1896	Permanent partial, 64 per cent	64.00	125.00
Shelley, Wm. S	Buffalo State Hospital, Buffalo, N. Y	Not given	1888	Permanent total	100.00	125.00
Sheidan, Thos. W	17-Slater Ave., Saranac Lake, N. Y	do	1892	do	100.00	93.75
Smeallie, James D	159 Market St., Amsterdam, N. Y	do	1892	Permanent partial, 35 per cent	35.00	125.00
Smith, Charles	P. O. box 139, Youngstown, N. Y	No pre-war occupation	1874	Permanent total	100.00	125.00
Smith, Lee Roy	R. F. D. No. 3, Hamburg, N. Y	Soldier	1892	Permanent partial, 38 per cent	38.00	93.75
Smith, Russell G	Presbyterian Hospital, 70th and Madison Ave., New York City.	Secretary	1892	Permanent total	150.00	93.75
Smith, Wingate C. E., jr	285 Madison Ave., New York City	Student	1893	Permanent partial, 39 per cent	27.30	93.75
Snook, Theo. P	Waverly, N. Y	Dentist	1875	Permanent partial, 32 per cent	32.00	125.00
Spellman, John J	2640 East 18th St., Brooklyn, N. Y	Not given	1875	Permanent total	150.00	93.75
Spence, Albert Harley	19 1st St., Flushing, N. Y	Civil engineer	1886	Permanent partial, 50 per cent	50.00	125.00
Spencer, Lorillard	383 Madison Ave., New York City	Secretary	1883	Permanent partial, 30 per cent	30.00	187.50
Spitzer, Eugene R	Care of Reynolds, 440 Madison Ave, New York City.	Stenographer	1897	Permanent partial, 31 per cent	31.00	125.00
Spony, Albert	1006 Gates Ave., Brooklyn, N. Y	Railroad clerk	1896	Permanent partial, 58 per cent	58.00	125.00
Stires, Page Van Rensselaer	Hotel Devon, 70 West 55th St., New York City.	Traveling auditor	1872	Permanent partial, 50 per cent	50.00	150.00
Stone, Henry C	266 St. Marks Pl., St. George, Staten Island, N. Y.	Student	1900	Permanent total	100.00	125.00
Stout, Wm	R. F. D. No. 1, Angola, N. Y	Soldier	1889	Permanent partial, 50 per cent	50.00	150.00
Stowbridge, Robt. W., jr	17 East 49th St., Room 802, New York City	Accountant	1891	Permanent partial, 33 per cent	33.00	125.00
Straley, Jno. Alonzo	28 Nassau St., New York City	Salesman of service	1894	Permanent partial, 40 per cent	40.00	93.75
Stratton, John Mc	245 Madison Ave., New York City	Farmer, livestock	1893	Permanent partial, 42 per cent	42.00	125.00
Strong, Saml. M	Care of President Harding Apartment, New York City.	No pre-war occupation	1877	Permanent partial, 30 per cent	30.00	187.50
Sullivan, Jeremiah M	222 East 75th St., New York City	Not given	1873	Permanent total	100.00	93.75
Sullivan, Daniel	115 Robinson St., North Tonawanda, N. Y	Soldier	1884	Permanent partial, 31 per cent	31.00	93.75
Sutton, Sherwood	166 Valley Stream Rd., Larchmont, N. Y	Insurance agent	1892	Permanent partial, 35 per cent	35.00	93.75
Taylor, Geo. T	Box 97, Briarcliff Manor, N. Y	Not given	1875	Permanent total	100.00	150.00
Taylor, Jas. O	U. S. Veterans' Hospital, Castle Point, N. Y.	Salesman	1891	do	100.00	125.00
Teepell Frank A	Russell, N. Y	Not given	1870	Permanent partial, 30 per cent	30.00	150.00
Thompson, Williard C	36 Brinkerhoff St., Plattsburg, N. Y	do	1866	Permanent total	100.00	125.00
Tilghman, Chas	101 Columbia Heights, Brooklyn, N. Y	Shipping clerk	1889	Permanent partial, 60 per cent	60.00	150.00
Tuck, John Bennett	5046 Dell Memorial Building, Syracuse, N. Y.	Lawyer	1868	Permanent partial, 40 per cent	40.00	218.75
Twitchell, Ralph S	353 Clinton Ave., Brooklyn, N. Y	Not given	1890	Permanent total	100.00	125.00
Tymeson, Chas. Prindle	58 East Main St., Johnston, N. Y	Mechanical engineer	1892	do	100.00	125.00
Viesiet, Victor P	Loomis Sanatorium, Loomis, N. Y	Physician	1887	do	70.00	125.00
Vines, Edw. H	60 Maple Ave., Saratoga Springs, N. Y	Not given	1874	do	100.00	187.50
Walcott, Bernard C	62 Murray St., Binghamton, N. Y	Production manager	1895	Permanent partial, 72 per cent	72.00	125.00
Walker, Geo	829 Oneida St., Fulton, N. Y	Rigger foreman, steel	1884	Permanent partial, 42 per cent	42.00	150.00
Warner, Russell A	1155 Avon Rd., Schenectady, N. Y	Electrical engineer	1887	Permanent partial, 52 per cent	52.00	125.00
Warren, Edw. R	286 Rosedale St., Rochester, N. Y	Student	1893	Permanent partial, 64 per cent	64.00	125.00
Watkins, Rex Eugene	Box 81, Salamanca, N. Y	Not given	1894	Permanent total	100.00	93.75
Webber, John Daniel	46 Hamilton Building, Buffalo, N. Y	do	1876	Permanent partial, 70 per cent	70.00	150.00
Wells, LeRoy	Wantagh, Long Island, N. Y	Carpenter	1893	Permanent partial, 68 per cent	68.00	93.75
Wheeler, Wm. D	319 Chanency St., Astoria, Long Island, N. Y.	Salesman, outside	1881	Permanent partial, 61 per cent	61.00	150.00
Whinihan, Sylvester	740 Elmwood Ave., Buffalo, N. Y	Not given	1894	Permanent partial, 35 per cent	35.00	93.75

NEW YORK—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
William, John Marshall	White Falls, N. Y.	Not given	1885	Permanent total	$55.00	$93.75
Williams, Jas. F	382 Vermont St., Buffalo, N. Y.	do	1894	Permanent partial, 80 per cent	80.00	93.75
Williams, Thos. Edw	5 Shephard St., Saranac Lake, N. Y.	do	1896	Permanent total	100.00	93.75
Wittack, Henry	Rt. No. 4, Hemstead Garden, Long Island, N. Y.	Salesman, advertising	1878	Permanent partial, 83 per cent	83.00	93.75
Wolcott, C. C	Masonic Temple, Batavia, N. Y.	Physician	1892	Permanent partial, 65 per cent	65.00	150.00
Wood, Harry G	12 Midland Ave., Bronxville, N. Y.	Electrical engineer	1891	Permanent partial, 40 per cent	40.00	150.00
Woodell, Chas. Edw	Niagara Falls, N. Y.	Mining engineer	1883	Permanent partial, 34 per cent	34.00	150.00
Woodward, Harold C	938 St. Nicholas Ave., New York City	Broker	1880	Permanent partial, 75 per cent	75.00	187.50
Woolford, Austin W	30 Bank St., New York City	Reporter	1894	Permanent partial, 61 per cent	61.00	93.75
Woolsklager, John F	Castorland, N. Y.	Sailor	1886	Permanent partial, 72 per cent	72.00	125.00
Zuckerman, Samuel	1530 Nelson Ave., Bronx, N. Y.	Physician and surgeon	1887	Permanent partial, 42 per cent	42.00	125.00

NORTH CAROLINA

Altman, Berkeley D	Weaverville, N. C.	Solicitor for bank	1890	Permanent total	$150.00	$93.75
Baker, Geo. Lathrop	U. S. Veterans' Hospital, Oteen, N. C.	Stenographer	1890	do	100.00	93.75
Bard, Charles	87 Westwood Pl., West Asheville, N. C.	Not given	1868	do	100.00	150.00
Barrett, Clement J	Asheville, N. C., Rt. No. 1	do	1884	do	130.00	125.00
Beckam, DeWitt	Henderson, N. C.	Salesman	1893	Permanent partial, 37 per cent	37.00	93.75
Blackburn, Thos. E	General delivery, Charlotte, N. C.	Not given	1889	Permanent total	55.00	125.00
Boddie, Saml. Perry	Louisville, N. C.	Pharmacist	1880	Permanent partial, 65 per cent	65.00	187.50
Boyarsky, Jos. C	808 East 3d St., Charlotte, S. C.	Gas and steam fitter	1892	Permanent partial, 39 per cent	39.00	150.00
Brown, Claud Victor	Hendersonville, N. C.	Detective	1885	Permanent partial, 51 per cent	51.00	125.00
Burkhead, Edwd. G	Lafayette Bank & Trust Co., Fayetteville N. C.	Printer	1888	Permanent partial, 74 per cent	74.00	125.00
Byrd, Napoleon Leon	Raleigh, N. C., 109 Idlewild Ave.	Student	1892	Permanent total	150.00	125.00
Caddell, Geo. W	U. S. Veterans' Hospital, Oteen, N. C.	Master mariner	1889	do	100.00	93.75
Caldwell, Joseph H	621 Professional Building, Charlotte, N. C.	No pre-war occupation	1890	do	100.00	125.00
Camp, Earl Franklin	Newland, N. C.	Bookkeeper	1887	Permanent partial, 40 per cent	40.00	93.75
Chaffin, Otto Ray	U. S. Veterans' Hospital, Oteen, N. C.	Musician, clarinet	1891	Permanent total	100.00	93.75
Cheshire, James Webb	802 Hillsboro St., Raleigh, N. C.	Real estate, insurance, and loans.	1890	Permanent partial, 31 per cent	31.00	125.00
Clark, Elliott B	Weldon, N. C.	Lawyer	1889	Permanent partial, 38 per cent	38.00	125.00
Daniels, Thomas Cowper	95 Park St., Newberry, N. C.	Salesman, outdoor	1868	Permanent partial, 85 per cent	85.00	125.00
Dawson, Fred Carhuff	U. S. Veterans' Hospital No. 60, Oteen, N. C.	Salesman, outside	1893	Permanent total	100.00	93.75
Dodge, William Waldo	20 Woodlink Rd., Asheville, N. C.	Not given	1895	do	100.00	93.75
Dunn, William	P. O. Box 15, Rocky Mount, N. C.	Carriage trimmer	1891	Permanent partial, 40 per cent	40.00	125.00
Ensign, Chester O	248 North Center St., Statesville, N. C.	Accountant	1889	Permanent total	100.00	125.00
Fraser, Abner L	Tryon, N. C.	Not given	1858	do	150.00	150.00
George, John Cecil	608 Biltmore Ave., Asheville, N. C.	Physician	1876	Permanent partial, 42 per cent	42.00	187.50
Glickman, David	Forrest City, N. C.	Not given	1895	Permanent partial, 60 per cent	60.00	150.00
Hamilton, Wm. A	Grovement, Swannanoa, N. C.	Sailor	1890	Permanent total	175.00	187.50
Hooks, Thel	Smithfield, N. C.	Physician	1875	Permanent partial, 61 per cent	61.00	150.00
Hudson, Norman E	P. O. Box 471, Goldsboro, N. C.	Cleaner and renovator, clothes.	1894	Permanent partial, 46 per cent	50.00	93.75
Izard, John	Rosebank, Albemarle Park, Asheville, N. C.	Lawyer		Permanent total	100.00	187.50
Jeffords, James	U. S. Veterans' Hospital No. 60, Oteen, N. C.	Civil engineer	1895	do	100.00	93.75
Jervey, Theodore D	Tryon, N. C.	Real estate salesman	1878	do	100.00	150.00
Kaplan, Herman H	619 Merrimac Ave., Rt. 1, Asheville, N. C.	Dentist	1891	do	100.00	125.00
King, Edward	Haywood Building, Asheville, N. C.	Physician	1890	Permanent partial, 65 per cent	65.00	125.00
King, Parks McC	820 Professional Building, Charlotte, N. C.	do	1877	Permanent partial, 74 per cent	74.00	150.00
Lazenby, Earl K	Charlotte, N. C.	do	1886	Permanent partial, 67 per cent	67.00	150.00
Lockhart, James Alexander	Law Building, Charlotte, N. C.	Lawyer	1881	Permanent partial, 66 per cent	66.00	125.00
Luff, Fredk. E	Care of Dr. James J. Dickee, Pine Crest Manor, Southern Pines, N. C.	Not given	1896	Permanent total	100.00	125.00
Lutz, James Augustus	U. S. Veterans' Hospital, Oteen, N. C.	Mechanical engineer	1891	Permanent partial, 35 per cent	35.00	125.00
Macpherson, Geo. S	18 Commodore Apartments, Asheville, N. C.	Physician	1865	Permanent total	100.00	150.00
McAdie, Geo	14 Johnson Boulevard, Asheville, N. C.	Salesman	1884	do	100.00	187.50
McCullen, Alpheus	Rockingham, N. C., P. O. Box 318	Not given	1859	do	100.00	187.50
McIntosh, Donald M	Old Fort, N. C.	No pre-war occupation	1881	do	100.00	150.00
McIntosh, Leland C	Henderson, N. C.	Physician	1878	do	150.00	150.00
Manion, James K	U. S. Veterans' Hospital, Oteen, N. C.	Salesman, outside	1873	do	100.00	125.00
Marshburn, James A	do	Dentist	1893	do	100.00	125.00
Miller, Wm. Mack	Armatine, Washington County, Charlotte, N. C.	Millwright	1898	Permanent partial, 39 per cent	39.00	93.75
Mills, John David	60 Montford, Asheville, N. C.	Not given	1889	Permanent total	100.00	93.75
Montgomery, Chas. G	1809 East 8th St., Charlotte, N. C.	Insurance salesman	1879	Permanent partial, 36 per cent	36.00	150.00
Montgomery, Chas. M	St. Joseph Sanatorium, Asheville, N. C.	Physician	1876	Permanent total	150.00	150.00
Nance, Alexander W	322½ North Fryar St., Charlotte, N. C.	Student	1892	Permanent partial, 40 per cent	40.00	125.00
Peterson, Geo	Clinton, N. C.	Store manager	1877	Permanent total	100.00	187.50
Poate, Ernest M	Southern Pines, N. C.	Physician	1884	do	100.00	125.00
Pratt, Joseph Hyde	Chapel Hill, N. C.	Not given	1870	do	100.00	250.00
Rhodes, Adrian Burbank	115 South 7th St., Wilmington, N. C.	Cashier	1890	Permanent partial, 82 per cent	82.00	125.00
Sefford, Ernest J	Myers Park, Charlotte, N. C.	Mining engineer	1882	Permanent partial, 85 per cent	85.00	150.00
Shepherd, Grant	Linwood, N. C.	do	1875	Permanent partial, 50 per cent	50.00	150.00
Shupp, Roy F	33 National Ave., Newbern, N. C.	Manager, industrial	1887	Permanent partial, 57 per cent	57.00	125.00
Slear, John Klump	509 North Poplar St., Charlotte, N. C.	Engineer	1891	Permanent partial, 55 per cent	55.00	125.00
Smith, Robert Lee	48 Pearl St., Asheville, N. C.	Not given	1889	Permanent partial, 59 per cent	59.00	150.00
Smith, Worflett S	Scotland Neck, N. C.	Salesman, insurance	1882	Permanent partial, 33 per cent	33.00	125.00
Suggett, Orvil Le Grand	128 Woodrow Ave., Asheville, N. C.	Physician	1873	Permanent total	100.00	150.00
Sullivan, Claude H	712 Hawthorne Lane, Charlotte, N. C.	do	1895	Permanent partial, 48 per cent	48.00	125.00
Tharnburg, Zebulon B	South Union St., Concord, N. C.	Retail dealer, grocery	1890	Permanent partial, 62 per cent	62.00	125.00
Tinsley, Thomas C	525 East Nash St., Wilson, N. C.	Physician	1886	Permanent total	150.00	125.00
Van Meter, Benjamin	U. S. Veterans' Hospital No. 60, Oteen, N. C.	Surgeon	1873	do	40.00	187.50
Wallace, John Whitlock	Statesville, N. C.	Student	1896	do	100.00	93.75
Washington, Bushrod	U. S. Veterans' Hospital No. 60, Oteen, N. C.	No occupation given	1865	do	100.00	125.00
Watson, Andrew J. B	do	Not given	1885	do	100.00	125.00
Westhafer, Edison K	U. S. S. Modoc, Wilmington, N. C.	Physician	1878	Permanent partial, 65 per cent	65.00	187.50
Wetzler, Barry	U. S. Veterans' Hospital No. 60, Oteen, N. C.	Clerk, sales, heavy commissions.	1894	Permanent total	100.00	125.00
Whitefield, Fitzhugh Lee	Clinton, N. C.	Lawyer	1887	Permanent partial, 44 per cent	44.00	150.00
Wilson, Harry Hall	Black Mountain, N. C.	Physician	1874	Permanent total	100.00	187.50
Woodley, Saml. S	Tyrrell Co., Columbia, N. C.	Student	1895	Permanent partial, 90 per cent	90.00	93.75
Wright, William F	301 Clement Ave., Charlotte, N. C.	Electrical engineer	1892	Permanent partial, 40 per cent	40.00	125.00
Youngblood, Lewis	16 Grove St., Woodlawn, Charlotte, N. C.	Clerk, office	1894	Permanent total	100.00	125.00

NORTH DAKOTA

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Brolling, Alfred M	1003 9th Ave. South, Fargo, N. Dak	Veterinary surgeon	1892	Permanent partial, 30 per cent	$30.00	$93.75
Flynn, Jas. Jos	119 3d Ave. South, Jamestown, N. Dak	Salesman	1892	Permanent partial, 40 per cent	40.00	93.75
Garfield, Roy Wm	General delivery, Grand Forks, N. Dak	Student	1895	Permanent partial, 30 per cent	30.00	125.00
Maher, Harry Ellsworth	8½ Roberts St., Fargo, N. Dak	Auto mechanic	1888	Permanent partial, 50 per cent	50.00	125.00
Paulsen, Paul M	Care of City Hall, Fargo, N. Dak	Coach, athlete	1883	Permanent partial, 39 per cent	39.00	93.75
Selmes, Henry Frank	215 3d St., Bismark, N. Dak	No occupation	1878	Permanent total	100.00	187.50
Sgutt, Emanuel	Fargo, N. Dak	Sales clerk, staple commodities.	1895	Permanent partial, 71 per cent	71.00	93.75
Stuck, Leon Hubert	Dickinson, N. Dak	Meat cutter	1889	Permanent total	150.00	93.75
Thompson, Chas	P. O. Box 12, Arthur, N. Dak	Football manager, store manager.	1884	Permanent partial, 77 per cent	77.00	125.00
Thompson, Chas. N	P. O. Box 347, Devils Lake, N. Dak	Recording and computing office clerk.	1892	Permanent total	100.00	93.75
Voss, Carl	Hettinger, N. Dak	Physician	1873	Permanent partial, 50 per cent	50.00	125.00
Weeks, Fred. Lewis	1115 8th St., Fargo, N. Dak	Civil engineer	1889	Permanent partial, 54 per cent	54.00	125.00

OHIO

Allis, Wm. D	527 Broadway, Bedford, Ohio	Not given	1889	Permanent total	$120.00	$93.75
Bail, Frank W	2427 Woodmered Drive, Cleveland Heights, Ohio.	Architect	1891	Partial temporary, 85 per cent	85.00	125.00
Barlow, Alfred M	Stop 45, Avon Lake, Lorain, Ohio	General farmer	1890	Permanent partial, 55 per cent	55.00	125.00
Barnard, Benj. C	133 Linden St., Alliance, Ohio	Physician	1877	Partial temporary, 66 per cent	66.00	187.50
Barry, John E	537 Yankee Rd., Middletown, Ohio	Law student, notary public.	1874	Permanent total	100.00	125.00
Barton, Jesse M	423 Elm St., Martens Terry, Ohio	Not given	1888	do	100.00	93.75
Becht, Charles	147 West First Ave., Columbus, Ohio	Clerk, office supervising	1854	Permanent partial, 30 per cent	30.00	150.00
Birnbaum, Alfred Victor	17601 Winslow Rd., Shaker Heights, Ohio	Delivery man	1892	Permanent partial, 73 per cent	73.00	125.00
Blackburn, Herbert M	State Hospital, Dayton, Ohio	Not given	1893	Permanent total	100.00	125.00
Bland, Arthur Vere	1122 Brighton Blvd., Zanesville, Ohio	Manager traffic	1890	Permanent partial, 42 per cent	42.00	125.00
Brown, Arthur	2700 Glemay Price Hill, Cincinnati, Ohio	Not given	1890	Permanent total	100.00	93.75
Brown, Jesse Fred	Avon Lake, Ohio	Carpenter	1878	Permanent partial, 55 per cent	55.00	125.00
Brown, Jos. Reese	Rt. No. 11, Lockland, Ohio	Millwright	1888	Permanent partial, 64 per cent	64.00	125.00
Bunge, Robert C	2529 Bell Pl., Cincinnati, Ohio	Not given	1883	Permanent total	100.00	150.00
Butts, Clarence R	5 McKinley Ave., Athens, Ohio	Salesman	1887	Permanent partial, 79 per cent	79.00	125.00
Cable, Robt. B	222 West 9th St., Cincinnati, Ohio	Not given	1884	Permanent partial, 50 per cent	50.00	125.00
Cahill, Alphonso	128 East 5th St., Chillicothe, Ohio	Sales clerk	1892	Permanent partial, 46 per cent	46.00	125.00
Campbell, Chas	522 North Madriver St., Bellefontaine, Ohio	Auto electrician	1888	Permanent partial, 60 per cent	60.00	125.00
Carr, Raymond M	432 East Columbus Ave., Bellefontaine, Ohio.	General farmer	1887	Permanent partial, 75 per cent	75.00	150.00
Carter, Wm. Corwin	H 97, Chillicothe, Ohio	Not given	1879	Permanent total	100.00	125.00
Christopher, Harry	16 West High St., London, Ohio	Physician and surgeon	1883	Permanent partial, 50 per cent	50.00	140.00
Clark, John Wm	Oak Hill, Ohio	Physician	1871	Permanent total	100.00	125.00
Cornell, Sidney V	New Castle, Ohio	Not given	1882	Permanent total	100.00	150.00
Cotter, John	Company 8, National Military Home, Dayton, Ohio.	Sailor	1874	Permanent partial, 39 per cent	39.00	93.75
Crawford, Lewis C	Shreve, Ohio	Salesman	1891	do	39.00	125.00
Curley, Harry O	213 Maple St., Massillon, Ohio	Contractor, foreman construction.	1881	Permanent partial, 44 per cent	44.00	150.00
Davis, Howard H	1730 West 25th St., Cleveland, Ohio	Physician	1883	Permanent partial, 50 per cent	50.00	150.00
Delatush, Frank A	Lebanon, Ohio	Osteopath, analogous to physician.	1891	Permanent partial, 38 per cent	38.00	150.00
Dix, Charles Carey	2063 East 96th St., Cleveland, Ohio	Physical training teacher	1892	Permanent partial, 30 per cent	30.00	93.75
Dolphin, James B	1490 Union Trust Building, Cleveland, Ohio.	Student	1889	Permanent partial, 60 per cent	60.00	125.00
Edwards, Malcolm W	62 North Main St., Ashtabula, Ohio	Civil engineer	1891	Permanent partial, 55 per cent	55.00	125.00
Ford, William G	Ohio Soldiers and Sailors Home, Erie Co., Ohio.	Not given	1889	Permanent partial, 35 per cent	35.00	93.75
Funk, Perry Jefferson	R. F. D. 3, Box 1, Tiffin, Seneca, Ohio	Tool dresser, oil well	1893	Permanent total	100.00	125.00
Gage, John Gray	191 South Main St., Akron, Ohio	Physician	1892	Permanent total	100.00	125.00
Gaumer, George R	209 Hartman Building, Columbus, Ohio	Soldier	1895	Permanent partial, 44 per cent	44.00	125.00
Gill, William C	Shore Time Stop 130½, Euclid, Ohio	Physician		Permanent partial, 69 per cent	69.00	218.75
Gordon, E. J	394 East Town St., Columbus, Ohio	do	1883	Permanent partial, 75 per cent	75.00	187.50
Griffin, Oliver H	2724 Westerville Rd., Columbus, Ohio	Manager, production	1882	Permanent partial, 50 per cent	50.00	93.75
Grisner, Walter	U. S. veterans' hospital, Chillicothe, Ohio	Student	1895	Permanent total	100.00	93.5
Griswold, Glenn E	1717 East 85th St., suite No. 1, Cleveland, Ohio.	Lawyer	1874	do	100.00	125.00
Haefele, George	1520 Clark St., Cleveland, Ohio	Not given	1863	Permanent partial, 50 per cent	50.00	125.00
Hanabergh, Frank John	2224 Adams Ave., Norwood, Ohio	Salesman, outside	1889	Permanent partial, 30 per cent	30.00	187.50
Hannan, Lawrence John	520 Center St., Ironton, Ohio	Sales clerk	1892	Permanent partial, 35 per cent	35.00	125.00
Hardman, Thos. E	132 East 6th Ave., Columbus, Ohio	Carpenter	1869	Permanent partial, 75 per cent	75.00	125.00
Hardway, Orestes Elma	1774 Summeth Ave., Columbus, Ohio	Farmer, general	1877	Permanent partial, 30 per cent	30.00	187.50
Harwood, Manton	1054 East Heigh, St., Springfield, Ohio	Printer	1895	Permanent partial, 50 per cent	50.00	125.00
Hazlett, George W	410 East Ohio Gas Building, Cleveland, Ohio	Student	1896	Permanent partial, 53 per cent	53.00	93.75
Herbert, Thos. J	2883 Coleridge Rd., Cleveland Heights, Ohio	do	1894	Permanent partial, 56 per cent	56.00	125.00
Herbst, Edward	Bullitt Park Place, Columbus, Ohio	Physician	1864	Permanent partial, 60 per cent	60.00	150.00
Hindman, Sanil	1443 East 82d St., Cleveland, Ohio	do	1879	Permanent partial, 59 per cent	59.00	150.00
Hoover, Emil R	7th St., Sycamore, Ohio	Lineman, telephone and telegraph.	1881	Permanent total	100.00	125.00
Hurd, James Fay	Office of secretary station, Columbus, Ohio	Not given	1895	do	100.00	93.75
Hutchinson, Lester,	16800 St. Clair Ave., Cleveland, Ohio	Electrician	1895	Permanent partial, 61 per cent	61.00	150.00
Iford, Daniel Wm	701 Summit St., Toledo, Ohio	Physician	1871	Permanent partial, 50 per cent	50.00	187.50
Johnson, Burke L	223 North Main St., Kenton, Ohio	do	1874	Permanent total	150.00	150.00
Johnston, Edgar H	Alexandria, Ohio	do	1875	Permanent partial, 52 per cent	52.00	150.00
Johnson, Ervin Rex	159 North 21st St., Columbus, Ohio	Waiter	1876	Permanent partial, 34 per cent	34.00	125.00
Johnston, Geo. E	755 East Market St., Akron, Ohio	Real estate dealer	1893	Permanent total	100.00	125.00
Judkins, Robt. J	2227 Madison Ave., Norwood, Ohio	Physician	1887	Permanent partial, 39 per cent	39.00	150.00
Kaminski, Theophile Charles	P. O. Box 1421, Columbus, Ohio	Pharmacist	1892	Permanent partial, 32 per cent	32.00	93.75
Keiser, Jay Gould	61 South Kensington Rd., Columbus, Ohio	Physician	1884	Permanent total	150.00	150.00
Kennedy, Clifford C	4508 Forest Ave., Norwood, Ohio	No pre-war occupation	1885	Permanent partial, 75 per cent	75.00	125.00
Keyser, Tedrow S	1126 North Fountain Ave., Springfield, Ohio	do	1886	Permanent partial, 35 per cent	35.00	150.00
Kindler, Otto J	113 West Walnut St., Lancaster, Ohio	Not given	1881	Permanent total	100.00	150.00
Klumph, Thorp A	13922 Elm Ave., East Cleveland, Ohio	Foreman, factory	1883	Permanent partial, 35 per cent	35.00	150.00
Koehl, Charles	1102 Oak St., Columbus, Ohio	Baker	1869	Permanent partial, 36 per cent	35.00	93.75
La Page, Percy William	41 Walnut St., Struthers, Ohio	Salesman, outside	1879	Permanent partial, 33 per cent	33.00	93.75
Lefler, Nelson N	1956 East 101st St., Cleveland, Ohio	Veterinary surgeon	1865	Permanent partial, 50 per cent	50.00	125.00
Lehmann, Frank J	3742 Lakewood Ave., Toledo, Ohio	Not given	1879	Permanent total	100.00	125.00
Lewis, David Everett	787 Milwaukee Ave., Columbus, Ohio	Student	1896	do	150.00	93.70
Lewis, Schuyler Colfax	331 East Cherry St., Columbus, Ohio	Not given	1870	do	100.00	125.05

OHIO—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Linn, Wm. Jos	Care of World Products Trading Co., 274 Rockefeller Building, Cleveland, Ohio.	Geologist	1884	Permanent partial, 45 per cent	$45.00	$93.75
Litty, John Charles	94 East Green St., Salem, Ohio	Pottery decorator, dipper, pottery.	1895	Permanent partial, 44 per cent	44.00	93.75
Long, Robert L	245 Earnshaw Ave., Cincinnati, Ohio	Not given	1879	Permanent total	100.00	150.00
McElroy, Jos. E	32 Maysville Ave., Zanesville, Ohio	do	1883	do	100.00	150.00
McKeon, Joseph M	520 Cook Building, East 46th St., Prospect Ave., Cleveland, Ohio.	Draftsman	1894	Permanent partial, 50 per cent	50.00	125.00
McNerney, Jos. Dennis	275 South Grand Ave., Columbia, Ohio	Physician	1893	Permanent partial, 30 per cent	30.00	125.00
McNical, Lester B	P. O. Box 535, East Liverpool, Ohio	Salesman, outside	1893	Permanent partial, 56 per cent	56.00	93.75
McVey, Edward Forest	U. S. veterans' hospital, Chillicothe, Ohio	Physician	1882	Permanent total	83.33	125.00
Majoewsky, Leo R	22 West 7th St., Lancaster Building, Cincinnati, Ohio.	do	1888	Permanent partial, 67 per cent	67.00	125.00
Marcy, Glenn Henry	Citizens Banking & Trust Co., Conneaut, Ohio.	Not given	1891	Permanent total	150.00	93.75
Marquiss, Chas. Rubers	Care of Toledo Edison Co., Toledo, Ohio	Salesman, outside	1886	Permanent partial, 65 per cent	65.00	125.00
Miller, Harry Fred	National Soldiers Home, Dayton, Ohio	Blacksmith, railroad	1880	Permanent partial, 60 per cent	60.00	187.50
Miller, Harry T	229 East High St., Springfield, Ohio	Physician	1866	Permanent partial, 89 per cent	89.00	150.00
Miller, Walter Jno	4 Pearson Court, Troy, Ohio	School teacher	1892	Permanent partial, 42 per cent	42.00	125.00
Moody, Robert R	405 Liberty St., Painesville, Ohio	Draftsman	1886	Permanent partial, 50 per cent	50.00	125.00
Moore, Robert G	8428 Wiswell Ave., Hartwell, Ohio	Machinist	1897	Permanent partial, 56 per cent	56.00	93.75
Mosley, Robert A	National Military Home, Dayton, Ohio	Mechanical engineer	1883	Permanent total	100.00	150.00
Musgrave, Chas. A	515½ 3d St., Defiance, Ohio	Dentist	1877	Permanent partial, 64 per cent	64.00	150.00
Oldham, Ralph Wm	Care of salvage depot, Miller Rubber Co., Akron, Ohio.	Student	1896	Permanent partial, 35 per cent	35.00	93.75
Owens, Otto James	209 East Federal St., Youngstown, Ohio	Physician, surgeon	1873	Permanent partial, 50 per cent	50.00	125.00
Owey, Frank Johnson	2129 Easter Ave., Cincinnati, Ohio	do	1870	Permanent total	100.00	150.00
Oyler, Frank Lee	2494 Steele Ave., Columbus, Ohio	Sawyer, circular	1869	do	100.00	150.00
Peinert, Earl Tray	156 Wilson Ave., Columbus, Ohio	Physician	1891	Permanent partial, 44 per cent	50.00	125.00
Pirrung, Joseph E	1218 Walnut St., Cincinnati, Ohio	do	1883	Permanent partial, 35 per cent	35.00	187.50
Ragor, Charles A	921 Woodlawn Ave., Cincinnati, Ohio	Not given	1888	Permanent total	100.00	93.75
Rank, John Elmer	Rt. No. 9, care of J. C. Rank, Van Wert, Ohio.	do	1891	do	100.00	93.75
Ransbottom, Ivah J	Coldwater, Ohio	Physician	1869	do	150.00	125.00
Replogle, Geo. Brown	3809 Woodbridge Rd., Cleveland Heights, Ohio.	School-teacher	1894	do	100.00	150.00
Roberts, Henry D	812 Westwood Ave., Dayton, Ohio	Boiler maker	1882	do	100.00	125.00
Robins, Julius Chas	1553 Belmer Rd., East Cleveland, Ohio	Student	1898	Permanent partial, 35 per cent	35.00	93.75
Rock, Laylen	328 East Court St., Urbana, Ohio	Soldier	1891	Permanent partial, 50 per cent	50.00	125.00
Roe, Allen Perkins	618 North Wayne St., Pequa, Ohio	Machinist	1892	Permanent partial, 49 per cent	49.00	93.75
Rogers, Geo. B	1475 Lincoln Ave., Lakewood, Ohio	Photographic lens tester, photographer.	1890	Permanent partial, 41 per cent	41.00	125.00
Rondebush, Jas. F	Newtonville, Ohio	Student	1896	Permanent partial, 35 per cent	35.00	93.75
Rowe, Jas. Wm	20 West 9th St., Cincinnati, Ohio	Physician	1869	Permanent partial, 61 per cent	61.00	187.50
Ryan, Frank	10932 Drexel Ave., Cleveland, Ohio	Salesman, outside	1893	Permanent total	100.00	93.75
Rylander, Wilber Edmond	Tevinsburg, Ohio	Farmer, general laborer	1894	Permanent partial, 61 per cent	61.00	93.75
Sattler, Robert Ray	Longview Hospital, Cincinnati, Ohio	Not given	1888	Permanent total	100.00	125.00
Sawyer, Jas. H	McArthur, Ohio	Physician	1867	Permanent partial, 34 per cent	34.00	125.00
Schawweker, Arthur	339 Hudson Ave., Newark, Ohio	Salesman, outside	1889	Permanent partial, 30 per cent	30.00	93.75
Schreck, Harold F	U. S. Veterans' Hospital No. 97, Chillicothe, Ohio.	Not given	1891	Permanent total	20.00	125.00
Scott, Saml. H	2508 Parkwood Ave., Toledo, Ohio	do	1891	do	100.00	125.00
Shadrach, John Wm	1957 Grand Ave., Dayton, Ohio	Bookkeeper	1894	Permanent partial, 60 per cent	60.00	125.00
Shanks, Clifford L	R. R. No. 6, Box 6, Elmwood, Pl., Ohio	Foreman, construction	1895	Permanent partial, 80 per cent	80.00	93.75
Silvers, Otho Lole	3952 Hazel Ave., Norwood, Ohio	Telegraph lineman	1896	Permanent partial, 31 per cent	31.00	93.75
Smith, Claude E	3240 Burnet Ave., Cincinnati, Ohio	Student	1894	Permanent total	100.00	150.00
Smith, Maurice Leigh	609 South Main St., Urbana, Ohio	Not given	1862	do	100.00	125.00
Snider, Van Absalom	243 East 5th Ave., Lancaster, Ohio	do	1869	do	100.00	187.50
Southam, John Ralston	159 Beech St., Berea, Ohio	General contractor	1884	Permanent partial, 80 per cent	80.00	187.50
Spencer, Jas	U. S. veterans' hospital, Chillicothe, Ohio	Not given	1890	Permanent total	20.00	93.75
Sprow, Henry Adam	Bryan, Ohio	Retail dealer, general stores.	1889	Permanent partial, 39 per cent	39.00	150.00
Stephens, Clarence C	1815 Clifton Rd., Cleveland, Ohio	Not given	1889	Permanent total	100.00	125.00
Stewart, Floyd R	12579 Clifton Blvd., Lakewood, Ohio	Mechanical engineer	1885	Permanent partial, 61 per cent	61.00	150.00
Stull, Chas. Moheler	1432 Hunter Ave., Columbus, Ohio	Not given	1867	Permanent total	100.00	150.00
Sutherland, Paul	22 Burns Ave., Wyoming, Ohio	Salesman, outside	1896	Permanent partial, 34 per cent	34.00	93.75
Thomas, Fred	2906 Sackett Ave., Cleveland, Ohio	Derrick builder, oil wells	1895	Permanent partial, 53 per cent	53.00	93.75
Thornberry, Albert E	920 Gomber Ave., Cambridge, Ohio	Dentist	1888	Permanent partial, 40 per cent	40.00	150.00
Tilden, John A	3212 Sycamore Rd., Cleveland Heights, Ohio.	Not given	1891	Permanent partial, 51 per cent	51.00	125.00
Van Mason, Chas	Care of Christ Hospital, Cincinnati, Ohio	Student	1895	Permanent partial, 40 per cent	40.00	93.75
Varney, Jas. D	National Military Home, Dayton, Ohio	Physician	1873	Permanent partial, 44 per cent	44.00	187.50
Verwohtt, Howard	1644 Union Trust Co., Cleveland, Ohio	Engineer, construction	1893	Permanent partial, 82 per cent	82.00	125.00
Wakefield, John Dillon	3436 Edwards Rd., Cincinnati, Ohio	Physician	1869	Permanent partial, 35 per cent	35.00	150.00
Walker, Thos. E	6500 Detroit Ave., Cleveland, Ohio	do	1883	Permanent partial, 31 per cent	31.00	187.50
Wallach, Chas	1866 East 97th St., Cleveland, Ohio	Not given	1893	Permanent total	150.00	125.00
Watson, Hugh	Rt. No. 1, Box 64, Madisonville, Cincinnati, Ohio.	Auto mechanic	1894	Permanent partial, 54 per cent	54.00	93.75
Westfall, Welton Grover	1107 West Park Ave., Piqua, Ohio	do	1885	Permanent partial, 35 per cent	35.00	93.75
Whitwham, Gratian P	Cincinnati Sanatorium, Cincinnati, Ohio	Physician	1880	Permanent total	100.00	125.00

OKLAHOMA

Aitken, Wallace A	1823 West Cherokee St., Enid, Okla	Not given	1877	Permanent total	$100.00	$187.00
Banks, Thomas G	703 East 36th St., Oklahoma City, Okla	Engineer	1887	Permanent partial, 65 per cent	65.00	150.00
Barbee, Wyatt	P. O. Box 1228, Muskogee, Okla	Salesman	1889	Permanent partial, 36 per cent	36.00	93.75
Bell, Alexander D	1133 West 13th St., Oklahoma City, Okla	Mechanical engineer	1885	Permanent partial, 45 per cent	45.00	150.00
Bisbee, Walter G	Bristow, Okla	No occupation	1876	Permanent partial, 40 per cent	40.00	150.00
Brown, Alfred A	Care of Gas & Electric Co., Oklahoma City, Okla.	No pre-war occupation given.	1889	Permanent partial, 75 per cent	75.00	150.00
Browning, Robt. LeR	Hartshorne, Okla	Physician	1883	Permanent partial, 32 per cent	32.00	125.00
Byrd, John H	2540 West 17th St., Oklahoma City, Okla	Cabinetmaker	1891	Permanent partial, 75 per cent	75.00	125.00
Carlson, George N	1310 West 22d St., Oklahoma City, Okla	Student	1895	Permanent partial, 40 per cent	40.00	150.00
Daniel, Sam Hardeman	Jenks, Okla	Soldier	1887	Permanent partial, 52 per cent	52.00	93.75
Davis, Hale V	1833 Linden St., Oklahoma City, Okla	Clergyman	1892	Permanent partial, 39 per cent	39.00	125.00
Deans, Fenwick Pieff	216 Cardin Building, Miami, Okla	Physician and surgeon	1865	Permanent partial, 75 per cent	75.00	125.00
Dial, Henry B	Care of Mr. Kenneth Bliss, 921 Med. Continental Building, Tulsa, Okla.	Farmer	1895	Permanent partial, 30 per cent	50.00	93.75
Emerson, John E	1111 East 25th St., Tulsa, Okla	Student	1896	Permanent partial, 40 per cent	40.00	93.75

OKLAHOMA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Finley, James H	408 F St., Ardmore, Okla	Lawyer	1889	Permanent partial, 70 per cent	$70.00	$150.00
Guthrie, Austin L	731 West 18th St., Oklahoma City, Okla	Physician	1883	Permanent partial, 53 per cent	53.00	150.00
Haggard, John B	Arapaho, Okla	do	1868	Permanent partial, 40 per cent	40.00	125.00
Haigh, Harry	309 North 6th Ave., Durant, Okla	Not given	1879	Permanent total	100.00	125.00
Hoffman, Arthur B	Care of Phillips Petroleum Co., Bartlesville, Okla.	Soldier	1885	Permanent partial, 38 per cent	85.00	125.00
Horton, Earle E	Soldiers T. B. Home, Sulphur, Okla	No occupation	1892	Permanent total	100.00	125.00
Hutchinson, Alva	Box 215, Erick, Okla	Student	1893	Permanent partial, 40 per cent	40.00	93.75
Kellner, Bernard A	312 West Robinson St., Oklahoma City, Okla.	Teacher, school	1892	Permanent partial, 45 per cent	45.00	93.75
Locke, Ben	U. S. veterans' hospital, Muskogee, Okla	Livestock farmer	1883	Permanent total	100.00	150.00
Long, Ross Davis	617 West 14th St., Oklahoma City, Okla	Physician and surgeon	1871	Permanent partial, 44 per cent	44.00	187.50
McFaggart, Ernest D	Box 11, Frederick, Okla	Student	1895	Permanent partial, 56 per cent	56.00	125.00
Morphew, John E	Soldiers T. B. Sanatorium	No occupation	1896	Permanent total	100.00	93.75
Reed, Jesse McC	Fairfax, Okla	Physician	1891	Permanent partial, 53 per cent	53.00	150.00
Sayre, Harace H	323 F St. SW., Ardmore, Okla	Insurance agent	1866	Permanent partial, 35 per cent	35.00	150.00
Suggs, Velie C	621 North Washington St., Ardmore, Okla	No occupation	1886	Permanent total	100.00	125.00
Thomas, John G	1734 West 31st St., Oklahoma City, Okla	Physician and surgeon	1888	do	150.00	125.00
Thomas, Lawrence G	420 Braniff Building, Oklahoma City, Okla	Telephone operator	1889	Permanent partial, 63 per cent	63.00	125.00
Thompson, Robert	General Delivery, Tulsa, Okla	Railroad fireman	1891	Permanent partial, 45 per cent	45.00	125.00
Thompson, Wm. R	Security National Bank, Oklahoma City, Okla.	Student	1896	Permanent partial, 32 per cent	32.00	93.75
Warren, Charles I	509 West Oteo St., Ponca City, Okla	do	1895	Permanent total	100.00	125.00
Whitaker, William	Box 341, Pryor, Okla	Physician and surgeon	1881	Permanent partial, 90 per cent	90.00	125.00

OREGON

Carlson, Enoch B	920 Hood St., Portland, Oreg	Mail carrier	1886	Permanent total	$100.00	$125.00
Coffey, Earl O	407 East 37th St., Portland, Oreg	Captain, master, mate, or pilot.	1887	do	100.00	187.50
Crawford, Harry	Boardman, Oreg	Draftsman	1886	Permanent partial, 60 per cent	60.00	93.75
Crouch, Junious E	1602 Alameda Drive, Portland, Oreg	Physician, surgeon	1869	Permanent partial, 50 per cent	50.00	150.00
Dorris, Benj. F	502 East 9th St., Portland, Oreg	Clerk, office, recording and computing.	1890	Permanent partial, 51 per cent	51.00	125.00
Earnest, F. James M	U. S. veterans hospital, Portland, Oreg	Surgeon	1874	Permanent partial, 50 per cent	50.00	187.50
Feldenbreimer, Roy	702 Main St., Portland, Oreg	Statistician	1889	Permanent partial, 60 per cent	60.00	93.75
Firey, Frankland	304 Columbia Building, Portland, Oreg	No occupation	1885	Permanent partial, 30 per cent	30.00	125.00
Goodwin, Marsh H	222 East 20th St., Portland, Oreg	Insurance salesman	1893	Permanent partial, 40 per cent	40.00	93.75
Greene, Fred Baxter	Arbor Court Apartments, 14th and Columbia Sts.	do	1882	do	40.00	150.00
Griffith, George P	336 Leslie St., Salem, Oreg	Cashier, teller, bank	1879	Permanent total	150.00	125.00
Hogan, Cicero F	629 East 15th St., north, Portland, Oreg	No pre-war occupation	1891	do	100.00	150.00
Hynson, Garrett L	875 Montgomery Drive, Portland, Oreg	Physician	1883	Permanent partial, 60 per cent	48.00	150.00
Johnson, Alexius E	498 Commercial St., Portland, Oreg	Structural steel worker	1883	Permanent total	100.00	125.00
Loof, Ham W	Oakland, Oreg	Forest ranger	1893	Permanent partial, 39 per cent	39.00	125.00
McKay, Mames D	1775 South High St., Salem, Oreg	General farmer	1893	Permanent partial, 66 per cent	66.00	125.00
Mickey, Robert D	Rt. No. 2, Gresham, Oreg	Not given	1890	Permanent total	100.00	93.75
Mills, Vern V	55 Strawberry Lane, Ashland, Oreg	No occupation	1895	do	100.00	93.75
Montag, Benj. B	1228 Mallory Ave., Portland, Oreg	Salesman, O. N. S	1889	Permanent partial, 94 per cent	94.00	150.00
Newmyer, Philip L	Care of T. B. Hospital, Salem, Oreg	Physician	1887	Permanent partial, 66 per cent	66.00	150.00
Phelps, Francis M	1103 East Stark St., Portland, Oreg	Attorney	1886	Permanent partial, 47 per cent	47.00	125.00
Piatt, William P	209 West 2d Ave., North Forest Grove, Oreg	Soldier	1886	Permanent partial, 34 per cent	34.00	150.00
Pineo, Harold D. W	R. F. D No. 2, Hood River, Oreg	Dentist	1880	Permanent total	100.00	125.00
Ranch, Cloyd	660 Klickita St., Portland, Oreg	Court reporter, stenographer.	1885	Permanent partial, 33 per cent	33.00	150.00
Richeson, Austin	U. S. Veterans' Bureau, Portland, Oreg	Soldier	1883	Permanent partial, 51 per cent	51.00	187.50
Runnells, Garland Dee	632 East 14th St. north, Portland, Oreg	Retail dealer general store	1890	Permanent partial, 59 per cent	59.00	125.00
Salade, Louis A	Central Point, Oreg	Not given	1891	Permanent total	100.00	125.00
Smith, Bruce Leo	2611 51st St. southeast, Portland, Oreg	Soldier	1882	Permanent partial, 50 per cent	50.00	150.00
Stearns, Carey D	La Pine, Oreg	Livestock farmer	1894	Permanent partial, 55 per cent	55.00	93.75
Vanderkovi, David	Eugene, Oreg	Soldier	1882	Permanent partial, 89 per cent	89.00	150.00
Webb, James E	Mount Angel, Oreg	Physician	1872	Permanent partial, 75 per cent	75.00	125.00
Whiteside, Edwin E	Rt. 1, Box 395, Portland, Oreg	Not given	1871	Permanent total	100.00	150.00
Williams, David	Suber, Oreg	do	1877	do	100.00	150.00
Zellermayer, Louis	227 Chapman St., Portland, Oreg	Auto mechanic	1887	Permanent partial, 30 per cent	30.00	150.00
Zimmerman, Edward	304 M and W Building, Eugene, Oreg	Physician	1889	Permanent partial, 51 per cent	51.00	125.00

PENNSYLVANIA

Alexander, Ray McKelvey	Robinson, Indiana County, Pa	Physician	1879	Permanent total	$100.00	$150.00
Anderson, Wm	211 Eastern Ave., Pittsburgh, Pa	Physician, surgeon	1872	Permanent partial, 50 per cent	50.00	150.00
Ashton, Wm. E	1530 Locust St., Philadelphia, Pa	Physician	1859	Permanent partial, 75 per cent	75.00	218.75
Aten, Everett M	U. S. Veterans' Hospital No. 103, Aspinwall, Pa.	Clerk supervisor	1873	Permanent partial, 40 per cent	40.00	150.00
Banks, Lloyd Mc	Norristown State Hospital, Norristown, Pa	Not given	1893	Permanent total	100.00	93.75
Bash, James Erwin	1301 Peermont Ave., Dormont, Pittsburgh, Pa.	Inspector, motor electrician.	1889	Permanent partial, 45 per cent	45.00	93.75
Bateman, Sydney Elon	5300 Spruce St., Philadelphia, Pa	Physician	1863	Permanent partial, 89 per cent	89.00	150.00
Beale, Harvey	5026 Green St., Germantown, Philadelphia, Pa.	Clerk, R. and C	1889	Permanent partial, 52 per cent	52.00	125.00
Beck, Theodore	333 Louisa St., Williamsport, Pa	Clergyman	1878	Permanent partial, 72 per cent	72.00	125.00
Bergstein, Alfred M	515 Main St., Gallitzin, Pa	Surgeon	1891	Permanent partial, 50 per cent	50.00	125.00
Billingslea, John S	4010 Honey Ave., Drexel Hill, Pa	Foreman, factory	1892	Permanent total	100.00	93.75
Blain, West Elliott	Concordville, Pa	Pattern maker, wood	1886	Permanent partial, 56 per cent	56.00	150.00
Bogard, Clark Stetson	25 Pine Ave., Kane, Pa	Not given	1891	Permanent total	150.00	125.00
Botger, Henry Geo	Greentown, Pike County, Pa	Teacher, physical culture	1891	Permanent partial, 81 per cent	81.00	125.00
Boyes, Andrew	1131 West Wingohocking St., Philadelphia, Pa.	Toolmaker	1895	Permanent partial, 83 per cent	83.00	125.00
Brety, John Thos	3228 North 2d St., Harrisburg, Pa	Not given	1878	Permanent total	100.00	150.00
Brown, Thomas E	542 East Main St., Carnegie, Pa	Physician	1890	Permanent partial, 55 per cent	55.00	125.00
Brown, Williams E	Box 196, Clearfield, Pa	Lawyer	1893	Permanent partial, 50 per cent	50.00	125.00
Buggy, Frank Raymond	134 North Westdale Rd., Upper Darby, Pa	Street inspector, chauffeur	1891	Permanent partial, 70 per cent	70.00	150.00
Caldwell, Herbert Clyde	P. O. Box 435, Johnstown, Pa	Mining engineer	1892	Permanent partial, 54 per cent	54.00	125.00
Cannon, James T	214 North Jackson St., Media, Pa	Dentist	1890	Permanent partial, 50 per cent	50.00	150.00
Chew, Saml	General delivery, Easton Post Office, Easton, Pa.	Carpenter	1890	do	50.00	125.00

PENNSYLVANIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Clapp, George H	406 Masonic Temple, Erie, Pa	Physician	1883	Permanent partial, 50 per cent	$50.00	$150.00
Clark, Chester Fairchild	509 Sheridan Ave., Pittsburgh, Pa	Not given	1896	Permanent total	100.00	125.00
Clendenning, Robt	53 Long Lane, Upper Darby, Pa	Auto sales manager	1892	Permanent partial, 40 per cent	40.00	150.00
Clush, Wm. Lloyd	1408 North 2d St., Harrisonburg, Pa	Manager, foundry	1892	Permanent partial, 35 per cent	35.00	125.00
Cobb, Murray A	Newton Road, Radnor, Pa	Not given	1878	Permanent total	100.00	150.00
Condit, Geo. L	310 Third Ave., Warren, Pa	Physician	1887	Permanent partial, 75 per cent	75.00	125.00
Connor, Wm. P	Box 132, Wilkinsburg, Pa	Engineer, railway	1877	Permanent partial, 72 per cent	72.00	93.75
Conway, Geo. Raymond	1901 West Southern Ave., Williamsport, Pa	Soldier	1894	Permanent partial, 66 per cent	66.00	93.75
Cooper, Herbert	Drexel Hill, Pa	Physician	1873	Permanent total	100.00	150.00
Coover, Merle Edgar	125 Walnut St., Carlisle, Pa	Athletic, teacher, physical culture.	1894	Permanent partial, 45 per cent	45.00	125.00
Cort, Thomas Laird	21 Eagle St., Mount Pleasant, Pa	Salesman, outside, no samples.	1896	Permanent partial, 56 per cent	56.00	150.00
Cramer, Joseph Wm	515 Wyoming Ave., Scranton, Pa	Not given	1894	Permanent partial, 45 per cent	45.00	93.75
Critchfield, John B	326 West Water St., Lock Haven, Pa	do	1875	Permanent total	100.00	125.00
DaCosta, John Chalmers	2045 Walnut St., Philadelphia, Pa	do	1863	do	150.00	218.75
Dale, Geo. Cooper	Broad St., Grove City, Pa	Dentist	1870	Permanent partial, 50 per cent	50.00	125.00
Devereux, Robt. T	235, Park Ave., Swarthmore, Pa	Physician	1881	do	50.00	187.50
Diamond, Francis	2341 Carpenter St., Philadelphia, Pa	Linotype operator	1890	Permanent total	100.00	93.75
Diller, Warren Levi	P. O. Box 114, Nicholson, Pa	Physician	1876	do	100.00	150.00
Diodati, Vincent	1610 South 12th St., Philadelphia, Pa	do	1889	Permanent partial, 30 per cent	30.00	150.00
Doheny, Frank P	Stewart Ave., Haverford, Pa	Not given	1897	Permanent total	100.00	93.75
Doyle, Edward V	General delivery, Cumbola, Pa	Lawyer	1878	do	100.00	93.75
Drake, Daniel Webster	216 South Fraley St., Kane, Pa	Watch repairman	1894	do	150.00	125.00
Du Barry, Jos. N	2038 Spruce St., Philadelphia, Pa	Correspondent journalist	1893	Permanent partial, 36 per cent	36.00	150.00
Edwards, Harry Daniel	666 Washington Rd., Spring Hill Branch, Pittsburgh, Pa.	Bank cashier-teller	1892	Permanent partial, 76 per cent	76.00	125.00
Eggleton, William	2102 West Chestnut St., Altoona, Pa	Not given	1887	Permanent total	100.00	150.00
Eiles, Valentine Burton	214 North Washington St., Titusville, Pa	Physician	1888	Permanent partial, 31 per cent	31.00	150.00
Eisenstate, Louis	2531 Aliquippa St., Pittsburgh, Pa	Not given	1895	Permanent total	100.00	93.75
Elberson, Alden Durrell	907 Wilde Ave., Upper Darby, Pa	Accountant	1892	Permanent partial, 33 per cent	33.00	125.00
Embry, Talton Henry	Care of Greenberg Lumber Co., Allentown, Pa.	Buyer of livestock	1893	Permanent partial, 75 per cent	75.00	93.75
Ewing, Willard	401 Chestnut St., Philadelphia, Pa	Clerk	1895	Permanent partial, 30 per cent	30.00	93.75
Eves, Paul Wilson	711 South 25th St., Harrisburg, Pa	Dentist	1891	Permanent partial, 51 per cent	51.00	125.00
Fanton, William H	5 Beverly Ave., East Lansdowne, Pa	Letter carrier	1875	Permanent partial, 61 per cent	61.00	150.00
Farrell, Patrick	197 Chapel St., Pittston, Pa	Shipping and receiving clerk.	1895	Permanent total	100.00	93.75
Ferguson, David	3641 Rosemont Ave., Drexel Hill, Pa	Musician	1898	Permanent partial, 60 per cent	60.00	93.75
Fiscus, J. A	227 Center St., Greensburg, Pa	Physician	1835	Permanent partial, 41 per cent	41.00	150.00
Foos, Harry Miller	7014 Oakley St., Philadelphia, Pa	Telephone lineman	1891	Permanent partial, 31 per cent	31.00	125.00
Gamble, Robert Bruce	917 Diamond St., Meadville, Pa	Physician	1871	Permanent partial, 39 per cent	39.00	218.75
Giles, Hugh Burgess	432 Martin St., Roxborough, Philadelphia, Pa.	Not given	1878	Permanent total	100.00	125.00
Given, Ellis E. W	2714 Columbia Ave., Philadelphia, Pa	Physician	1873	Permanent partial, 68 per cent	68.00	218.75
Glenn, W. S	State College, Pa	do	1888	Permanent partial, 66 per cent	66.00	150.00
Glidden, Burt Rufus	60 North Duke St., Lancaster, Pa	File clerk	1891	Permanent partial, 60 per cent	60.00	93.75
Gould, Frank R	704 Main St., Moosic, Pa	Not given	1893	Permanent total	150.00	125.00
Graham, James G	Mercersburg Academy, Mercersburg, Pa	do	1890	do	100.00	125.00
Gray, Joseph Wilson	308 2d St., Titusville, Pa	Traveling agent, oil fields	1889	Permanent partial, 75 per cent	75.00	125.00
Greene, Albert V	235 South Cemac St., Philadelphia, Pa	Commercial artist	1886	Permanent partial, 42 per cent	42.00	93.75
Groff, James H	420 South Walnut St., Chester Heights, Pa	Civil engineer	1887	Permanent total	100.00	150.00
Gruber, Charles	27 Walnut St., Carlisle, Pa	Clergyman	1883	Permanent partial, 71 per cent	71.00	125.00
Gwyer, Charles F	7114 Kelly St., Pittsburgh, Pa	Priest	1884	Permanent partial, 33 per cent	33.00	125.00
Hallahan, Robert Francis	420 Napoleon St., Johnstown, Pa	Student	1890	Permanent total	150.00	150.00
Hammett, John Kelley	Stock Exchange Building, Philadelphia, Pa	Salesman, light samples	1890	Permanent partial, 60 per cent	60.00	93.75
Hebsacker, William Frederick	2151 East Cumberland St., Philadelphia, Pa	Physician	1868	Permanent partial, 50 per cent	50.00	150.00
Hoenstine, Floyd G	R. F. D. No. 1, Box 34, Duncansville, Pa	Draftsman, detailer	1896	Permanent partial, 35 per cent	35.00	93.75
Honhart, Harold E	Rt. No. 4, Warren, Pa	Not given	1889	Permanent total	100.00	125.00
Hooper, Thornton D	830 North 65th St., Philadelphia, Pa	Master ship	1891	Permanent partial, 44 per cent	44.00	125.00
Hoover, Wesley	1227 Bridge St., New Cumberland, Pa	Soldier	1879	Permanent partial, 56 per cent	56.00	150.00
Huey, Robt. S	Lakeview Ave., Drexel Hill, Pa	Sailor	1891	Permanent partial, 30 per cent	50.00	250.00
Hunt, Herbert P	Green St., Shiremanstown, Pa	Claims adjuster	1882	Permanent partial, 58 per cent	58.00	125.00
Hunter, Andrew	708 Peoples Bank Building, McKeesport, Pa	Physician	1869	Permanent partial, 50 per cent	50.00	150.00
Hurlew, Jno. Henry	915 South St., Pottstown, Pa	Boilermaker	1895	Permanent partial, 38 per cent	38.00	93.75
Huston, Dell. C	McClellandtown, Pa	Salesman, outside	1893	Permanent partial, 43 per cent	43.00	125.00
John, Rutherford L	248 South 21st St., Philadelphia, Pa	Not given	1886	Permanent partial, 38 per cent	38.00	187.50
Kent, Samuel Leonard, jr	630 Winford Rd., Bryn Mawr, Pa	Hydraulic engineer	1890	Permanent partial, 88 per cent	88.00	125.00
Kleinstuber, Wm. O	636 East Indiana St., Philadelphia, Pa	Physician	1891	Permanent partial, 50 per cent	50.00	125.00
Kleppinger, Sam'l	102 North 7th St., Allentown, Pa	Clerk	1892	Permanent total	100.00	150.00
Kline, Wade Turney	531 Harrison Ave., Greensburg, Pa	Lawyer	1877	Permanent partial, 35 per cent	35.00	150.00
Knippel, Frederick	508 Cypress St., Johnstown, Pa	Physician	1878	Permanent total	100.00	125.00
Koenig, Carl	1734 Harrison St., Philadelphia, Pa	do	1893	Permanent partial, 38 per cent	38.00	125.00
Krause, Louis B	5244 Ludlow St., Philadelphia, Pa	Not given	1892	Permanent total	100.00	93.75
Krause, Robt. S	2811 Beale Ave., Altoona, Pa	Chemist	1895	Permanent partial, 77 per cent	77.00	125.00
Kriechbaum, Roy Ritner	8 West Washington St., Chambersburg, Pa	Railroad flagman and brakeman.	1882	Permanent partial, 40 per cent	40.00	150.00
Landis, Edw. P., jr	1124 Green St., Allentown, Pa	Clerk	1898	Permanent total	100.00	93.75
Leitzell, Wilbur Forest	124 East College Ave., State College, Pa	Retail dealer, books	1884	Permanent partial, 35 per cent	35.00	187.50
Leonard, Chas. F	2025 South 10th St., Philadelphia, Pa	Physician	1883	Permanent partial, 45 per cent	45.00	125.00
Little, Josiah T	405 West 3d St., Bloomsburg, Pa	Not given	1887	Permanent total	100.00	150.00
Logan, Patton Lyon	1344 Squirrel Hill Ave., Pittsburgh, Pa	do	1874	do	150.00	150.00
Love, Preston	414 West 7th St., Tarentum, Pa	Farmer	1882	Permanent partial, 50 per cent	50.00	125.00
McCullough, Leo Jos	Rt. 3, Pottsville, Pa	Not given	1895	Permanent total	100.00	125.00
McDonnell, Owen Fidelis	906 editorial section, Public Ledger, Philadelphia, Pa.	Newspaper reporter	1895	Permanent partial, 35 per cent	35.00	93.75
McGregor, Wm. John	744 Franklin Ave., Wilkensburg, Pa	Doctor	1884	Permanent total	150.00	125.00
MacGee, Roy J	6038 North Broad St., Philadelphia, Pa	Auto mechanic	1882	Permanent partial, 66 per cent	66.00	125.00
MacKenzie, Arthur	Eddington, Pa	Physician	1880	Permanent partial, 40 per cent	40.00	125.00
MacLeod, Norman M	U. S. Veterans' Hospital No. 49, Philadelphia, Pa.	Not given	1879	Permanent total	20.00	125.00
Malcomsonn, Wm. H	1613 Brown St., Philadelphia, Pa	Professional ball player and draftsman.	1890	Permanent partial, 48 per cent	48.00	93.75
Maxey, David Rexford	Forest City, Pa	Student	1893	Permanent total	100.00	93.75
Meley, Edw. Jewett	600 Penn St., Turtle Creek, Pa	Physician	1881	Permanent partial, 85 per cent	85.00	150.00
Miliovilovich, John	U. S. Veterans' Hospital No. 49, Philadelphia, Pa.	Not given	1884	Permanent total	100.00	93.75
Miller, George H	Box 35, Wyncote, Pa	do	1893	do	100.00	93.75
Miller, Phillepus	St. Davids, Pa	Student	1896	Permanent partial, 40 per cent	40.00	93.75
Mosher, James S	Liberty, Pa	Physician	1867	Permanent partial, 80 per cent	80.00	150.00

PENNSYLVANIA—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Moyer, Wm. W	Mount Alto Sanitarium, South Mountain, Pa.	Dentist	1882	Permanent partial, 51 per cent	$51.00	$150.00
Murphy, George W	508 Keystone St., Hawley, Pa	Office manager	1893	Permanent partial, 46 per cent	50.00	93.75
Murphy, Jos. T	215 Mahanton St., Pottsville, Pa	Physician	1890	Permanent partial, 61 per cent	61.00	150.00
Murrin, Connell Edw	132 Pittston Ave., Scranton, Pa	do	1875	Permanent total	100.00	125.00
Myers, Charles H	Wrightsville, Pa	Iron molder	1893	Permanent partial, 83 per cent	83.00	93.75
Myers, Harry Stephens	102 Harvey Ave., Doylestown, Pa	Mechanic	1878	Permanent total	100.00	125.00
Nelan, Thomas G	205 South Atlantic Ave., Pittsburgh, Pa	Physician	1880	Permanent partial, 50 per cent	50.00	187.50
North, Arthur L	205 Lafayette St., Bristol, Pa	Railroad brakeman	1895	Permanent partial, 79 per cent	79.00	93.75
Moore, William Benj	Geigers Mills, Pa	Lumber grader	1888	Permanent partial, 35 per cent	35.00	93.75
O'Daniel, Andrew A	1616 Locust St., Philadelphia, Pa	Not given	1863	Permanent total	100.00	150.00
O'Donovan, John Harry	1940 West Diamond St., Philadelphia, Pa	Record and computing clerk.	1878	Permanent partial, 86 per cent	86.00	93.75
O'Leary, Jno. Jeremiah	1345 Washington St., Wilkes-Barre, Pa	Not given	1887	Permanent total	100.00	150.00
Osthans, Robert	330 Wheeler Ave., Scranton, Pa	Student	1893	Permanent partial, 40 per cent	40.00	93.75
Owens, Robert J	105 Hastings Ave., South Ardmore, Pa	Superintendent of construction.	1874	Permanent partial, 65 per cent	65.00	150.00
Painter, Jackson M	761 West 3d St., Williamsport, Pa	Bank clerk	1889	Permanent partial, 41 per cent	41.00	150.00
Patten, Morgan H	41 Washington St., Carbondale, Pa	Building construction foreman, and carpenter.	1892	Permanent partial, 66 per cent	66.00	125.00
Penrose, Thos. Wm	5035 North Camac St., Philadelphia, Pa	Physician	1880	Permanent partial, 47 per cent	47.00	187.50
Peters, Jacob Markwood	Rt. No. 1, Camp Hill, Pa	Not given	1862	Permanent total	100.00	187.50
Piper, William Scott	110 2d St., Clearfield, Pa	do	1882	do	100.00	150.00
Polk, Roy J	5818 Race St., Philadelphia, Pa	Barber	1892	Permanent partial, 35 per cent	35.00	93.75
Pollock, Benj. Harrison	Chelton and Elm Aves., Jenkentown, Pa	Foreman, constructor	1888	Permanent partial, 60 per cent	60.00	125.00
Poux, George A	Guys Mills, Rt. No. 2, Pa	Physician	1893	Permanent total	100.00	125.00
Quinn, Thomas J	Main St. and Ridge Ave., Darby, Philadelphia, Pa.	Veterinarian	1889	do	100.00	150.00
Raeder, Wm. John	721 Quincy Ave., Scranton, Pa	Foreman, constructor	1894	Permanent partial, 68 per cent	68.00	125.00
Rauck, Edmund R	625 East King St., Lancaster, Pa	Athlete	1888	Permanent partial, 33 per cent	33.00	150.00
Read, Thomas Preston	410 Penn St., Huntington, Pa	Not given	1888	Permanent total	100.00	93.75
Reber, Alvin David	420 West Hutchinson Ave., Edgewood, Swissvale Station, Pa.	Mechanical engineer	1890	Permanent partial, 30 per cent	30.00	93.75
Rebuck, Walter Edgar	1105 North 16th St., Harrisburg, Pa	Student	1896	Permanent partial, 42 per cent	42.00	93.75
Reed, Joseph M	726 Summerles St., East End, Pittsburgh, Pa	Physician	1877	Permanent partial, 50 per cent	50.00	150.00
Rehfuss, Louis Allgaier	1149 North 65th St., Philadelphia, Pa	Mining engineer	1889	Permanent partial, 40 per cent	40.00	125.00
Rhodl, Solon L	Kutztown, Pa	Physician	1889	Permanent total	100.00	125.00
Rhule, Wilbur, Lee	833 5th Ave., Altoona, Pa	Mining engineer	1884	Permanent partial, 39 per cent	39.00	93.75
Robinson, John Lourie	305 Morgantown St., Uniontown, Pa	Lawyer	1890	Permanent partial, 45 per cent	45.00	125.00
Rodefer, Onward	R. F. D. No. 1, West Brownsville, Pa	School-teacher	1892	Permanent partial, 50 per cent	50.00	93.75
Rogers, John A	823 Summit Grove Ave., Bryn Mawr, Pa	Farm manager	1893	Permanent partial, 34 per cent	34.00	93.75
Rosen, Theodore	122 South 49th St., Philadelphia, Pa	Not given	1895	Permanent total	100.00	125.00
Ross, William Charles	Rockland Ave., Burholme, Pa	Stenographer	1895	Permanent partial, 45 per cent	45.00	93.75
Roy, Wilford Shriner	4926 North 4th St., Philadelphia, Pa	Record and computing clerk.	1895	Permanent total	150.00	150.00
Ruhnka, Roy Arthur	1700 Pine St., Philadelphia, Pa	Not given	1896	do	100.00	150.00
Schoble, Frank, jr	Wyncote, Pa	Factory, manager	1887	do	200.00	93.75
Scholl, Harry A	U. S. veterans' hospital, Philadelphia, Pa	Salesman	1888	do	100.00	125.00
Schug, Carl Adelbert	404 Main St., South Williamsport, Pa	Lawyer	1891	Permanent partial, 33 per cent	33.00	125.00
Schwartz, Max J	U. S. hospital, Philadelphia, Pa	Physician	1893	Permanent total	20.00	125.00
Schwarz, Theodore E	U. S. veterans' hospital, Aspinwall, Pa	Physician and surgeon	1877	Permanent partial, 44 per cent	44.00	187.50
Seixas, William H	136 Termon St., Philadelphia, Pa	Stevedore	1883	Permanent partial, 50 per cent	50.00	93.75
Seligman, Louis	1739 South St., Philadelphia, Pa	Not given	1890	Permanent total	100.00	125.00
Servais, Louis J	33 Myrtle Ave., Morton, Pa	Student	1894	do	100.00	93.75
Shanks, Charles R	U. S. veterans' hospital, Philadelphia, Pa	Soldier	1885	do	100.00	93.75
Shelly, Isaac High	34 West Main St., Norristown, Pa	Physician	1886	do	100.00	187.50
Sheridan, Walter D	864 Park Ave., Williamsport, Pa	Railroad clerk	1891	Permanent partial, 45 per cent	45.00	93.75
Shields, Harry P	R. F. D. No. 1, Arnold, Pa	Civil engineer	1892	Permanent total	100.00	93.75
Shoemaker, George Jos	333 McClay St., Harrisburg, Pa	Policeman	1887	Permanent partial, 48 per cent	48.00	93.75
Shoemaker, P. C	P. O. Box 472, State College, Pa	Student	1897	Permanent partial, 41 per cent	41.00	125.00
Sholes, Eber Corban	P. O. Box 735, Butler, Pa	Inside laborer	1896	Permanent partial, 30 per cent	30.00	93.75
Small, John Jos	5416 Cedar Ave., Philadelphia, Pa	Dentist	1892	Permanent partial, 70 per cent	70.00	150.00
Spackman, Henry S	105 Ardmore Ave., Ardmore, Pa	Not given	1866	Permanent total	150.00	218.75
Sponseller, Harling E	Mont Alto, Pa	do	1892	Permanent partial, 74 per cent	74.00	93.75
Sprankle, Stanley	733 North Penn Ave., Morrisville, Pa	Purchasing agent	1890	Permanent partial, 36 per cent	36.00	93.75
Suqier, Lowell Wash	305 Grayling Ave., Narbeth, Pa	City salesman	1891	Permanent total	100.00	93.75
Steen, Wm. Lewis	124 North Jefferson St., New Castle, Pa	Physician	1871	Permanent partial, 42 per cent	42.00	150.00
Steidle, Edward	5535 Hobart St., Pittsburgh, Pa	Mining engineer	1887	Permanent partial, 72 per cent	72.00	150.00
Stockpole, Edward	2410 North 2d St., Harrisburg, Pa	Reporter	1894	Permanent partial, 38 per cent	38.00	150.00
Storm, Albert James	726 Ash Ave., Collingdale, Pa	Physician	1887	Permanent total	150.00	150.00
Sullivan, John J	1632 Broadway St., Pittsburgh, Pa., post office, South Hills.	Police officer	1873	do	100.00	93.75
Summerton, Ralph N	Titusville, Pa., Rt. 2	Farmer	1888	Permanent partial, 73 per cent	73.00	93.75
Suplee, Irvin S	52 Bridge St., Crafton, Pa	Record clerk	1896	Permanent partial, 61 per cent	61.00	93.75
Taylor Wm. Earl	25 High St.. Bellefonte, Pa	Engineer	1887	Permanent total	150.00	150.00
Thompson, Geo. F	869 North 45th St., Philadelphia, Pa	Mechanical engineer	1889	Permanent partial, 30 per cent	30.00	125.00
Thompson, Jos. H	Patterson Heights, Beaver Falls, Pa	Not given	1871	Permanent total	100.00	250.00
Troxell, Jos. Leo	308 North Main St., Wilkes-Barre, Pa	Sales manager		do	100.00	93.75
Umberger, Paul	746 Walnut St., Columbia, Pa	Typist	1894	Permanent partial, 57 per cent	57.00	150.00
Umsted, Walter R	5251 Spruce St., Philadelphia, Pa	Record and computing clerk.	1892	Permanent total	100.00	93.75
Ventress, Geo. E	421 Denniston Ave., Pittsburgh, Pa	Carpenter	1875	Permanent partial, 34 per cent	34.00	150.00
Walsh, Richard J	27 South 16th St., Philadelphia, Pa	Dentist	1890	Permanent partial, 50 per cent	50.00	150.00
Watson, Ray Cooper	5123 Knox St	Not given	1889	Permanent total	150.00	125.00
Weaver, John R	902 Chamber of Commerce Building, Pittsburgh. Pa.	Soldier	1893	Permanent partial, 66 per cent	66.00	150.00
Westphal, Fredk	121 Milton St., Woodlawn, Pa	Efficiency engineer, mechanical.	1895	Permanent partial, 30 per cent	30.00	93.75
White, John Bernard	St. Joseph Hospital, Carbondale, Pa	Clergyman, priest	1870	Permanent partial, 45 per cent	45.00	125.00
Wheeler, Martin Luther	Moscow, Pa	Railroad clerk, freight	1888	Permanent partial, 38 per cent	38.00	125.00
Wiant, Meade	7225 Kelly St., Pittsburgh, Pa	Physician	1888	Permanent partial, 45 per cent	45.00	125.00
Wickham, Otto W	511 South Marbeth Ave., Marion, Pa	Salesman, samples	1889	Permanent total	100.00	93.75
Wilkinson, David	Lester, Pa	Lumber inspector	1886	Permanent partial, 30 per cent	30.00	125.00
Williams, James E	311 Penn St., Huntingdon, Pa	Veterinary surgeon	1891	Permanent partial, 85 per cent	85.00	150.00
Williams, Ralph Oliver	Masontown, Pa	Not given	1892	Permanent total	100.00	93.75
Woods, Phillip H	720 Linden Ave., Drexel Hill, Philadelphia, Pa.	Dentist	1891	Permanent partial, 35 per cent	35.00	150.00
Woods, Wm. Wilson	Boalsburg, Pa	Physician	1881	Permanent total	100.00	150.00
Wright, Denny D	928 Spruce St., Philadelphia, Pa	Insurance broker	1889	Permanent partial, 35 per cent	35.00	125.00
Wurster, Lloyd E	416 Pine St., Williamsport, Pa	Physician	1887	Permanent partial, 71 per cent	71.00	125.00
Young, Chas. F	1913 Delaware Ave., Swissvale, Pa	Dairy farmer	1892	Permanent partial, 33 per cent	33.00	125.00
Zychowicz, John F	1118 Green Ridge St., Scranton, Pa	Physician	1885	Permanent total	100.00	150.00

RHODE ISLAND

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Drummond, Frank C	323 Morris Ave., Providence, R. I	Salesman, light samples	1893	Permanent partial, 40 per cent	$40.00	$93.70
Norman, Henry A. (Rev.)	155 Academy Ave., Providence, R. I	Clergyman	1884	Permanent total	200.00	125.00
Persky, Myer A	211 Angell St., Providence, R. I	Physician and surgeon	1892	Permanent partial, 50 per cent	50.00	125.00
Quimby, Haines B	26 Marbury Ave., Pawtucket, R. I	Student	1894	Permanent total	100.00	150.00

SOUTH CAROLINA

Anderson, Clifton B	Aikens, S. C	Salesman, life insurance	1889	Permanent partial, 40 per cent	$40.00	$93.75
Blaylock, Chas. D	111 Woodrow St., Greenwood, S. C	Rural mail carrier	1891	Permanent partial, 35 per cent	35.00	93.75
Boulware, John Hugh	Lyman, S. C	Student	1896	Permanent partial, 30 per cent	30.00	125.00
Brown, Wm. Henry	527 West Oakland Ave., Sumter, S. C	Professional soldier	1892	Permanent partial, 31 per cent	31.00	125.00
Campbell, Isaac	Clover, S. C	No occupation	1881	Permanent total	100.00	125.00
Crawford, John Alex	1220 Pickens St., Columbia, S. C	Insurance solicitor, including salesman.	1889	Permanent partial, 50 per cent	50.00	125.00
Deas, Henry	Murray Boulevard, Charleston, S. C	Physician	1892	do	50.00	125.00
Burham, R. B	1322 Taylor St., Columbia, S. C	do	1892	Permanent partial, 32 per cent	50.00	150.00
Eason, Jas. Larrier	114 Beaufain St., Charleston, S. C	Clerk	1889	Permanent total	100.00	93.75
Eaton, Robt. Knight	Clemson College, S. C	Superintendent of cotton mill.		Permanent partial, 33 per cent	33.00	125.00
Giles, Ben Stewart	P. O. Box 231, Columbia, S. C	Salesman, light service outside.	1892	Permanent partial, 40 per cent	40.00	125.00
Greet, Lone	1310 East North St., Greenville, S. C	Foreman, blooming mill; foreman production.	1895	Permanent partial, 82 per cent	82.00	125.00
Hamilton, Reuben F	3304 4th Ave., Columbia, S. C	Not given	1876	Permanent total	100.00	187.50
Harris, Henry Holingwath	1218 Pendleton St., Greenville, S. C	Lawyer	1883	Permanent partial, 50 per cent	50.00	150.00
Hart, Augustus Griffin	Box 586, Greenville, S. C	do	1890	Permanent partial, 82 per cent	82.00	93.75
Hart, Joseph Everett	York, S. C	Cotton buyer	1887	Permanent partial, 50 per cent	50.00	150.00
Holmes, McGowan	Edisto Island, S. C	Farmer	1887	Permanent partial, 75 per cent	75.00	150.00
Hudgens, Robt. Watts	P. O. Box 562, Greenville, S. C	Coach, athletic	1896	Permanent partial, 78 per cent	78.00	150.00
Irby, Pierce Butler	Care of Club House, Lancaster, S. C	Traveling auditor	1888	Permanent total	100.00	93.75
Julien, Carl Thomas	Box 248, Greenwood, S. C	Electrician, substation operator.	1897	Permanent partial, 35 per cent	35.00	93.75
Knox, Julius T	Westminster, S. C	Soldier	1882	Permanent partial, 56 per cent	56.00	150.00
La Fitte, John H	1013 Grigg St., Columbia, S. C	Teacher	1895	Permanent partial, 39 per cent	39.00	150.00
McBride, James Naphier	Florence, S. C	Assistant developing agent	1893	Permanent partial, 50 per cent	50.00	125.00
McDowell, James D	103 Kings St., York, S. C	No pre-war occupation	1874	Permanent total	100.00	187.50
Mahon, Gabriel Heyward, jr	Tindall Ave., Greenville, S. C	Not given	1889	do	100.00	187.50
Marshall, Thos. Booth	R. F. D. 4, Columbia, S. C	Farmer	1892	Permanent partial, 53 per cent	53.00	125.00
Miller, Conner Joshua	Box 75, Inman, S. C	Physician	1889	Permanent partial, 40 per cent	40.00	125.00
Morse, Albert A	96 North Main St., Abbeville, S. C	Bank teller	1890	Permanent partial, 50 per cent	50.00	93.75
Peake, Theodore James	Clinton, S. C	Physician	1881	Permanent partial, 45 per cent	45.00	187.50
Pearcy, Wm. Herman	St. George, S. C	Lawyer	1892	Permanent total	100.00	125.00
Poovey, Geo. W	Lancaster, S. C	Physician	1867	Permanent partial, 50 per cent	50.00	150.00
Pressly, Ebenezer W	Clover, S. C	No occupation	1863	Permanent total	100.00	218.75
Rice, Max	Belton, S. C	Salesman, light service	1890	Permanent partial, 32 per cent	32.00	93.75
Sansbury, Lonnie S	Timmonsville, S. C., R. R. No. 2	No occupation	1896	Permanent total	100.00	93.75
Simmons, Benj. Francis	Rowsville, S. C	Not given	1894	do	100.00	93.75
Sligh, Chas. Eric	Darlington, S. C	do	1892	do	100.00	150.00
Spencer, Clarendon Rivers	Care of guardian, C. R. Spencer, Rion, S. C	do	1894	do	100.00	93.75
Thompson, John H	Herndon Terrace, Union, S. C	Student	1891	Permanent partial, 50 per cent	50.00	125.00
Turner, James Rogers	Bennettsville, S. C	Retail dealer	1892	Permanent partial, 89 per cent	89.00	93.75
White, David Lapily	Box 244, McBee, S. C	Not given	1892	Permanent total	100.00	125.00
White, Richard Green	42 Broad St., Charleston, S. C	Bookkeeper	1885	Permanent partial, 30 per cent	30.00	125.00
Wilson, Rosko J	410 North Coit St., Florence, S. C	Physician	1888	Permanent partial, 50 per cent	50.00	125.00

SOUTH DAKOTA

Haugan, Alfred J	1216 North Lincoln St., Aberdeen S. Dak	Lawyer	1889	Permanent total	$150.00	$125.00
Hozle, Wm. Adam	Box 1035, Aberdeen, S. Dak	do	1875	Permanent partial, 35 per cent	35.00	218.75
Hunt, Wm. M	Murdo, S. Dak	No occupation	1865	Permanent total	100.00	150.00
Kirkpatrick, Lester E	Aberdeen, S. Dak	Watchmaker	1885	Permanent partial, 40 per cent	40.00	125.00
Lowthan, Geo. Henry	Milbank, S. Dak	Physician and surgeon	1870	Permanent partial, 50 per cent	50.00	150.00
Mertens, John Jos	Gettysburg, S. Dak	do	1869	Permanent total	100.00	150.00
Muchow, Arthur H	South Dakota State Penitentiary	Police officer	1886	Permanent partial, 56 per cent	56.00	125.00
Rayburn, Robt. La Verne	Hurley, S. Dak	Farmer	1891	Permanent partial, 30 per cent	30.00	125.00
Strass, Louis	301 Blackstone Court, Sioux Falls, S. Dak	Linotype operator	1893	do	30.00	125.00
Quirk, Patk. J	Kimball, S. Dak	Barber	1880	Permanent total	100.00	150.00
Wright, Oscar R	Hills Block, Huron, S. Dak	Physician and surgeon	1868	Permanent partial, 38 per cent	38.00	150.00

TENNESSEE

Andrews, James L	5th floor, Mutual Tower, Memphis, Tenn	Physician	1875	Permanent total	$100.00	$187.50
Armstrong, Bedford E	1020 Union Ave., Memphis, Tenn	General farmer	1892	Permanent partial, 67 per cent	67.00	125.00
Barber, Oliver A	Box 2321 Desoto Station, Memphis, Tenn	Army officer	1882	Permanent partial, 75 per cent	75.00	150.00
Brumit Philip L	Tennessee National Sanatorium	Mechanic	1876	Permanent partial, 53 per cent	53.00	150.00
Bush, Martin M	General delivery, Memphis, Tenn	Recording clerk	1894	Permanent partial, 83 per cent	83.00	125.00
Carr, Hilton Rice	1025-27 Columbian-Mutual Tower, Memphis, Tenn.	Physician	1886	Permanent partial, 44 per cent	44.00	125.00
Cotten, Leon D	Alexandria, Tenn	do	1874	Permanent partial, 45 per cent	45.00	125.00
Cross, James	Helenwood, Tenn	Miner, coal	1889	Permanent partial, 73 per cent	73.00	93.75
Currin, Jno. A	Signal Mountain, Tenn	Civil engineer, railroad construction.	1894	Permanent total	100.00	93.75
Curtis, Harry W	Fountain City, Tenn	Watchmaker	1880	Permanent partial, 41 per cent	50.00	150.00
Davant, Harry W	Care of Patten Hotel, Chattanooga, Tenn	Broker	1882	Permanent partial, 57 per cent	75.00	150.00
Davis, Thomas L	1110 Volunteer Building, Chattanooga, Tenn.	None given	1879	Permanent total	100.00	187.50
Dyer, Lloyd	Greenville, Tenn	Physician	1887	Permanent partial, 46 per cent	50.00	150.00
Ellis, Geo. M	543 North 7th St., Memphis, Tenn	do	1865	Permanent total	150.00	187.50
Ellis, Nathaniel Watson	Care of First Baptist Church, Madisonville, Tenn.	Lumber inspector	1893	Permanent partial, 69 per cent	69.00	125.00
Galloway, Robert E	P. O. Box 2405, Memphis, Tenn	Clerk, office, recording	1894	Permanent partial, 56 per cent	56.00	93.75
Gilbreth, Florian R	Lawrenceburg, Tenn	Stillman, petroleum	1892	Permanent partial, 30 per cent	30.00	93.75
Griggs, Cadwell W	2800 Willington Ave., Nashville, Tenn	Farmer, livestock	1881	Permanent partial, 45 per cent	45.00	150.00
Hathaway, Caleb R	116 Elm St., Elizabethton, Tenn	Clerk, municipal	1877	Permanent partial, 49 per cent	49.00	187.50
Jackson, David	998 New York St., Memphis, Tenn	Soldier, sailor, or marine	1884	Permanent total	100.00	150.00
Johnson, Joseph E	584 Shrine Building, Memphis, Tenn	Physician	1872	do	100.00	150.00
Kaplan, Max	701 Columbia Mutual Tower, Memphis, Tenn.	do	1888	Permanent partial, 50 per cent	50.00	125.00
King, Samuel Lee	501 Alabama St., Bristol, Tenn	Student salesman, real estate.	1895	Permanent partial, 30 per cent	30.00	125.00
Kuling, James H	518 West Church St., Knoxville, Tenn	Physician	1890	Permanent partial, 49 per cent	49.00	150.00

TENNESSEE—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Lansden, David Snodgrass	State Hospital, Nashville, Tenn	Oil-well driller	1895	Permanent partial, 46 per cent	$46.00	$93.75
Lilliard, Wiley D	Etawah, Tenn	None given	1880	Permanent total	100.00	150.00
McCampbell, Basil D	No. 3, Miller Apts., Johnson City, Tenn	Salesman, outside	1890	Permanent partial, 38 per cent	50.00	93.75
McClaran, James	402 North Cumberland St., Jackson, Tenn	Physician	1888	Permanent partial, 45 per cent	45.00	150.00
McNeal, Archibald W	720 Kent St., Buntyn, Tenn	No pre-war occupation	1874	Permanent total	100.00	125.00
Miller, Thos. P	3217 Linden Ave., Knoxville, Tenn	Physician	1877	do	100.00	150.00
Mininger, Chas. M	225 Capitol Blvd., Nashville, Tenn	No occupation	1879	do	150.00	150.00
Morgan, Jerome L	328 Angelus Pl., Memphis, Tenn	Physician	1885	Permanent partial, 44 per cent	44.00	187.50
Passino, Edw. A	Y. M. C. A., Memphis, Tenn	Real estate broker	1874	Permanent total	100.00	150.00
Peters, Hugh Lawson	101 East 4th Ave., Knoxville, Tenn	Physician	1884	Permanent partial, 59 per cent	59.00	150.00
Pollard, Emmett E	Graysville, Tenn	do	1893	Permanent partial, 44 per cent	44.00	125.00
Quinn, Jim	63 South 3d St., Memphis, Tenn	Cotton buyer, analytical cotton classer.	1890	Permanent partial, 63 per cent	63.00	93.75
Reece, Brazilla Carroll	Butler, Tenn	School-teacher	1899	Permanent partial, 39 per cent	39.00	125.00
Reece, Lemiel L	Lebanon, Tenn	do	1892	do	39.00	125.00
Ryan, Dan'l	Morristown, Tenn	None given	1872	Permanent total	100.00	150.00
Shell, Erly	33 Hattie Ave., Elizabethton, Tenn	Soldier	1890	Permanent partial, 38 per cent	38.00	93.75
Steakley, Louis	Huntland, Tenn	Farmer, general	1892	Permanent partial, 92 per cent	92.00	150.00
Stevens, Leslie Hall	National Sanatorium, Tenn	None given	1892	Permanent total	100.00	93.75
Taylor, Jno. Quill	692 Alston Ave., Memphis, Tenn	do	1884	do	100.00	150.00
Thompson, Wm. G	National Sanatorium, Nashville, Tenn	Office manager	1892	do	100.00	93.75
Weed, Lee Henderson	115 Bellevue Boulevard, Memphis, Tenn	Bank teller	1892	Permanent partial, 35 per cent	35.00	93.75
Welsh, Geo. Pere	U. S. veterans' hospital, Memphis, Tenn	Laborer	1882	Permanent total	100.00	93.75
Wiggins, Milton C	Paris, Henry Co., Tenn	Physician	1890	Permanent total	100.00	125.00
Wilcox, Robert C., jr	Clarksville, Tenn	None given	1891	do	100.00	125.00
Willieu, Wm	National Sanitarium, Tenn	Physician	1874	do	100.00	150.00
Wright, Benj. B	Brighton, Tenn	None given	1890	do	100.00	125.00

TEXAS

Aignier, Roy S	Sulphur Spring, Tex	None given	1888	Permanent total	$100.00	$125.00
Arnold, Geo. L	3031 Louisville St., El Paso, Tex	do	1890	do	100.00	93.75
Arnold, Raymond S	U. S. veterans' hospital, Legion, Tex	Oil-well driller	1897	do	100.00	93.75
Baldwin, Jno. B	Mation Building, Marshall, Tex	Physician	1887	Permanent partial, 46 per cent	46.00	125.00
Barr, Jessie W	P. O. Box 774, Amarillo, Tex	Mechanic	1889	Permanent partial, 67 per cent	67.00	125.00
Benson, Walter D	215 Corona Ave., San Antonio, Tex	Auto salesman, outside	1891	Permanent partial, 46 per cent	46.00	125.00
Bernay, Camp L	712 Ave. D, Brownwood, Tex	None given	1884	Permanent total	100.00	125.00
Bethea, Livingston L	418 French St., San Antonio, Tex	Naval officer, sailor		Permanent partial, 45 per cent	45.00	187.50
Birkman, Fredk	824 American Medical Building, Galveston, Tex.	Student	1896	Permanent partial, 79 per cent	79.00	93.75
Blann, Joe H	5222 Lindsly Ave., Dallas, Tex	None given	1892	Permanent total	100.00	93.75
Bledsoe, Murff F	2100 Lake Shore Drive, Port Arthur, Tex	Physician	1879	do	150.00	150.00
Borden, Joseph L	2411 Monterey St., San Antonio, Tex	None given	1866	do	100.00	125.00
Brasher, Clarence E	Kerrville, Tex	do	1894	do	150.00	93.75
Brotherson, Guy L	918 Congress Ave., Austin, Tex	Soldier	1888	Permanent partial, 38 per cent	38.00	93.75
Bynum, Willis M	Box 622, El Paso, Tex	None given	1895	Permanent total	100.00	93.75
Cameron, Burr S	Linden, Tex	do	1891	Permanent partial, 50 per cent	50.00	125.00
Campbell, Robert K	2701 Vickery St., Fort Worth, Tex	Laborer, lumber yard	1895	Permanent partial, 72 per cent	72.00	125.00
Carpenter, Eugene R	708 Medical Arts Building, Dallas, Tex	Physician	1873	Permanent partial, 65 per cent	65.00	150.00
Carrick, Manton Marble	3027 Bryan St., Dallas, Tex	do	1879	Permanent total	100.00	187.50
Chaffee, Chas. L	First National Bank, care of the Border Mortgage Co., El Paso, Tex.	Student	1895	Permanent partial, 79 per cent	79.00	150.00
Clarke, Everite McKinley	Henderson Sanitarium, El Paso, Tex	do	1896	Permanent total	150.00	93.75
Clower, Clifford	Rt. No. 2, Brownsville, Tex	Clerk, store	1895	Permanent partial, 58 per cent	68.00	125.00
Cooley, Wm. H	1408 3d St., Corpus Christi, Tex	Physician	1876	Permanent partial, 32 per cent	32.00	125.00
Crittenden, Eugene W	1907 Danville Ave., Houston, Tex	Poultry farming	1889	Permanent total	100.00	150.00
Crome, Conrad Fink	1034 West Kings Highway, San Antonio, Tex.	None given	1892	do	100.00	150.00
Crosby, James H	1626 Efferson Building, Houston, Tex	Electrician	1891	Permanent partial, 93 per cent	93.00	125.00
Crow, Floyd A	2201 Morrow St., Waco, Tex	Student	1892	Permanent partial, 35 per cent	35.00	93.75
Cumingham, Wm	1036 West Elsmere Pl., San Antonio, Tex	Cashier and teller, bank	1891	Permanent partial, 47 per cent	47.00	93.75
Dewees, Oscar S	534 West Elsmere Pl., San Antonio, Tex	Salesman, real estate	1877	Permanent total	100.00	150.00
Dickinson, Bertram	319 Carnahan Ave., San Antonio, Tex	None given	1881	do	100.00	187.50
Dobbs, Emmett E	Olton, Tex	Student	1891	do	100.00	93.75
Dotson, Eugene M	1550 West Magnolia St., San Antonio, Tex	do	1894	do	100.00	125.00
Drewery, Walter L	801 North Oregon St., El Paso, Tex	Physician and surgeon	1891	do	150.00	125.00
Elliott, Wellwood C	3312 Altura Blvd., El Paso, Tex	Salesman	1891	Permanent partial, 36 per cent	36.00	125.00
Emerson, Joseph G	207 East Yendell Blvd., El Paso, Tex	Mining engineer	1890	Permanent partial, 39 per cent	39.00	125.00
Ferguson, Guy Hunter	U. S. Veterans' Hospital No. 93, Legion, Tex.	No occupation	1893	Permanent total	100.00	125.00
Fickessen, Wm	1611 West Mistletoe Ave., San Antonio, Tex.	None given	1880	do	100.00	150.00
Fields, Barney W	2904 Blades St., Greenville, Tex	Cotton classer	1875	do	100.00	125.00
Fisher, Harry W	Alpine, Tex	Lawyer	1889	Permanent partial, 35 per cent	35.00	125.00
Fletcher, Robt. S	3606 Douglas St., El Paso, Tex	Engineer	1891	Permanent total	150.00	93.75
Franks, Grover C	Care of H. B. & T. Ry. freight office, Houston, Tex.	Buyer, textiles, raw materials.	1893	Permanent partial, 32 per cent	32.00	93.75
Frost, Marion M	1536 Kings Highway, Dallas, Tex	Student	1895	Permanent partial, 40 per cent	40.00	93.75
Fullerton, Clarence B	501 South Clinton Ave., Dallas, Tex	Salesman, real estate	1880	Permanent partial, 54 per cent	54.00	125.00
Gaston, Alpheus D	803 Littlefield Building, Austin, Tex	General retail dealer, merchant, general merchandise.	1893	Permanent partial, 36 per cent	36.00	125.00
Glick, Edw. F	2852 Pershing Drive, El Paso, Tex	Architect	1871	Permanent total	100.00	150.00
Gore, Vernon	General delivery, El Paso, Tex	None given	1891	do	100.00	93.75
Graham, Clyde B	Margaret, Tex	do	1886	do	100.00	150.00
Graham, Malcolm J	2360 McFadden Ave., Beaumont, Tex	Civil engineer	1869	Permanent partial, 35 per cent	35.00	150.00
Griffin, Alfred T	1512 Wyoming St., El Paso, Tex	None given	1882	Permanent Total	150.00	150.00
Haefer, Oscar	Box 1276, El Paso, Tex	Chief train dispatcher	1891	Permanent partial, 32 per cent	32.00	125.00
Haley, Fletcher E	Box 12, Angleton, Tex	None given	1876	Permanent total	100.00	150.00
Hall, Jno. C	Box 545, Edinburg, Tex	do	1896	Permanent partial, 45 per cent	45.00	93.75
Hanbold, Egon G	902 Montreal Ave., Dallas, Tex	Student	1895	Permanent partial, 57 per cent	57.00	150.00
Heckler, Chas. E	U. S. veterans' hospital, Legion, Tex	Cashier	1894	Permanent total	100.00	93.75
Hennessey, Carleton Thos	325 Elsmire Pl., San Antonio, Tex	None given	1895	do	100.00	93.75
Hill, Willard D	2007 Garfield St., Wichita Falls, Tex	Agricultural extension worker.	1891	Permanent partial, 36 per cent	36.00	125.00
Hills, Delbert D	1821 Washington St., Waco, Tex	None given	1877	Permanent total	100.00	125.00
Hofer, Warren L	1525 Golden Hill Terrace, El Paso, Tex	Manager, productive and industrial newspaper publications.	1886	do	150.00	93.75
Howell, Robert Lee	Box 747, Snyder, Tex	Physician	1866	Permanent partial, 35 per cent	35.00	125.00

TEXAS—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Hyman, Joseph H	535 Bedell Building, San Antonio, Tex	None given	1883	Permanent total	$100.00	$150.00
Imel, Edw. S	3424 Montana St., El Paso, Tex	Physician and surgeon	1862	do	100.00	150.00
Irby, Benjamin E	P. O. Box 353, Beaumont, Tex	Student	1893	Permanent partial, 35 per cent	35.00	93.75
Jackson, Joseph B	208-10 Temple Ellis Building, Lubbock, Tex	Dentist	1884	Permanent partial, 32 per cent	50.00	125.00
Jennings, William A	Chico, Tex	Physician	1874	Permanent total	100.00	125.00
Jones, Joseph C	Aubrey, Tex	do	1892	Permanent partial, 38 per cent	38.00	150.00
Kelsey, Everett Edward	6022 Lewis St., Dallas, Tex	Electrician	1887	Permanent partial, 50 per cent	50.00	125.00
Kesl, Roy William	General delivery, Sutherland Springs, Tex	Private secretary	1881	Permanent total	100.00	125.00
King, William J	U. S. veterans' hospital, Legion, Tex	Physician	1868	do	100.00	150.00
Knight, Samuel R	234 Madison St., San Antonio, Tex	Clerk, office, record and computing.	1886	Permanent partial, 50 per cent	50.00	93.75
Kievlan, George E	1306 Branard St., Houston, Tex	Student	1894	Permanent partial, 37 per cent	37.00	93.75
Ladd, Gussie L	Texas Farm Bureau, Houston, Tex	General farmer	1893	Permanent partial, 30 per cent	30.00	150.00
Lansing, Campbell	U. S. Veterans' Bureau, Dallas, Tex	None given	1872	Permanent partial, 36 per cent	36.00	125.00
Leatherberry, Geo. S	204 A., T. & S. F., Kans. Office, Amarillo, Tex	Railroad freight clerk	1891	Permanent partial, 55 per cent	55.00	93.75
Leftwick, Snowden M	1206 Indenrusty Building, Dallas, Tex	Lawyer	1892	Permanent partial, 76 per cent	76.00	150.00
Leonard, Stark E	304 Bushnell Apartments, San Antonio, Tex	None given	1875	Permanent total	100.00	150.00
Linehan, Wm. J	431 Crosby St., San Antonio, Tex	do	1893	do	100.00	93.75
Loomis, Edgar W	236 West Page Ave., Dallas, Tex	Physician	1886	Permanent partial, 38 per cent	38.00	187.50
McClintock, James	237 Amarillo Building, Amarillo, Tex	Soldier	1890	Permanent partial, 66 per cent	66.00	93.75
McCollough, Irvin	Hillsboro, Tex	Dentist	1893	Permanent partial, 32 per cent	32.00	150.00
McCune, Murray	1526 Emerson Building, Houston, Tex	Stenographer	1895	Permanent partial, 86 per cent	86.00	93.75
McDaniel, Alfred C	132 King William St., San Antonio, Tex	Physician	1866	Permanent partial, 44 per cent	44.00	187.50
McLain, Wm. E	3701 Cambridge St., El Paso, Tex	Physician and surgeon	1877	Permanent total	100.00	187.50
McLean, Jno. T	1317 North Ochea St., El Paso, Tex	None given	1874	do	100.00	150.00
Mann, Berry D	711 Tabor St., Houston, Tex	Screw man, roller mill	1888	Permanent partial, 56 per cent	56.00	150.00
Marshall, Clyde M	Box 1133, Fort Worth, Tex	School-teacher	1893	Permanent partial, 60 per cent	60.00	93.75
Mason, Clinton C	Care of Shreiver Institute, Kerrville, Tex	None given	1894	Permanent total	100.00	150.00
Mayer, Raymond C	General delivery, El Paso, Tex	Sailor	1883	do	100.00	93.75
Mitchell, Leonard G	Catarma, Tex	Dentist	1870	Permanent partial, 55 per cent	55.00	187.50
Monks, Walter C	914 Cameron St., Dallas, Tex	House painter, outside	1893	Permanent partial, 30 per cent	30.00	93.75
Morgan, James Benton	1819 Sayle St., Greenville, Tex	Student	1894	Permanent total	100.00	125.00
Murray, Joseph Jackson	3632 Noble Ave., Dallas, Tex	Clergyman	1890	Permanent partial, 38 per cent	38.00	125.00
Nowlin, Jos. Christian	Care of First National Bank, Houston, Tex	Not given	1891	Permanent partial, 35 per cent	35.00	125.00
Olsson, Sven Ovar	U. S. Veterans' Hospital No. 93, Legion, Tex	No occupation	1889	Permanent total	100.00	125.00
Paige, Wendall Heath	Brownwood, Tex	Physician	1886	Permanent partial, 30 per cent	30.00	125.00
Porter, Irving	Room 310, Post Office Building, Dallas, Tex	Architect	1882	Permanent partial, 32 per cent	32.00	150.00
Price, Edw	307 Neil P. Anderson Building, Fort Worth, Tex.	Civil engineer	1895	Permanent partial, 44 per cent	44.00	125.00
Prothro, Ernest	San Benito, Tex	Not given	1888	Permanent total	100.00	150.00
Pundt, Augustus N	Hendricks Law Sanatorium, Box 562, El Paso, Tex.	Bookkeeper	1892	do	100.00	93.75
Rader, Frank Kearns	3501 Asbury St., Dallas, Tex	Civil engineer	1885	do	100.00	125.00
Rambo, James C	Franklin, Tex	General farmer	1895	do	100.00	93.75
Robinson, Henry M	Care of Galveston Electric Co., Galveston, Tex.	Not given	1896	Permanent partial, 32 per cent	32.00	93.75
Ross, Nealie Edward	1407 South Adams St., Fort Worth, Tex	Dentist	1886	Permanent total	100.00	150.00
Rieck, Hugh William	Roosevelt, Tex	Not given	1889	do	100.00	150.00
Rike, Wm. Finley	801 Rio Grande St., El Paso, Tex	Bookkeeper	1885	Permanent partial, 35 per cent	35.00	187.50
Sanders, Randolph	Care of Sam Dies, P. O. Drawer C, Houston, Tex.	Salesman, real estate	1892	Permanent partial, 30 per cent	30.00	93.75
Sansing, Campbell	U. S. Veterans' Bureau, Dallas, Tex	No occupation	1872	Permanent partial, 36 per cent	36.00	125.00
Scully, Jno. Henry	704 Waverly Ave., San Antonio, Tex	Soldier	1870	Permanent total	100.00	150.00
Seagrove, Charles	Lockport National Bank, Lockport, Tex	do	1887	Permanent partial, 60 per cent	60.00	125.00
Sherry, Cameron B	211 North Alamo St., care of U. S. Veterans' Bureau, San Antonio, Tex.	Athletic coach, student	1892	Permanent partial, 54 per cent	54.00	93.75
Sinclair, Wm. Carl	U. S. Veterans' Hospital No. 93, Legion, Tex.	No occupation	1892	Permanent total	100.00	93.75
Smith, Edw. Coombs, jr	3415 Hood St., Dallas, Tex	Not given	1895	do	100.00	150.00
Smith, Vinny Leander	716 Oak Cliff Boulevard, Dallas, Tex	Surgeon	1884	Permanent partial, 52 per cent	52.00	150.00
Spencer, Edwin	Columbus, Tex	Lawyer	1883	Permanent partial, 60 per cent	60.00	125.00
Spencer, Paul Guy	1817 Austin Ave., Waco, Tex	Dentist	1888	Permanent partial, 45 per cent	45.00	150.00
Stackable, John B	Box 1352, Ranger, Tex	Not given	1869	Permanent total	100.00	150.00
Starnes, Mert H	2020 Broadway, Lubbock, Tex	do	1889	do	100.00	125.00
Stell, Leonard H	Box 7, Swan, Tex	Oil-field laborer	1892	Permanent partial, 50 per cent	50.00	93.75
Stiller, Geo. M	501 Montana St., El Paso, Tex	Cowboy, ranching	1896	Permanent partial, 35 per cent	35.00	93.75
Stohner, Geo. W	2700 Louisville St., El Paso, Tex	Not given	1880	Permanent total	100.00	150.00
Strong, Sneed	2714 Reagan St., Dallas, Tex	Physician	1865	Permanent partial, 47 per cent	47.00	150.00
Suggs, Frank	119 Arlington Court, San Antonio, Tex	do	1875	Permanent partial, 66 per cent	66.00	187.50
Swonger, J. Boyd	2205 Hazel St., Beaumont, Tex	do	1868	Permanent partial, 35 per cent	35.00	150.00
Terrell, Alexander Watkins	901 College Ave., Fort Worth, Tex	Civil engineer	1891	Permanent partial, 68 per cent	68.00	93.75
Thompson, Donald R	3901 McKinley Ave., El Paso, Tex	Telephone traffic manager	1893	Permanent total	100.00	125.00
Toland, Wm. A	214-218 Keystone Building, Houston, Tex	Physician and surgeon	1882	Permanent partial, 30 per cent	16.50	187.50
Tomlin, Morell	7900 Harrisburg Boulevard, Houston, Tex	Electrician	1870	Permanent partial, 34 per cent	34.00	150.00
Tongate, Jas. Monroe	Box 287, Waco, Tex	Soldier	1891	Permanent partial, 43 per cent	43.00	93.75
Venable, Douglas R	2215 Washington St., Fort Worth, Tex	Physician	1892	Permanent partial, 44 per cent	44.00	150.00
Ward, James D	Box 795, South Benito, Tex	Ranchman, farmer	1892	Permanent partial, 66 per cent	66.00	125.00
Whisenant, Herbert W	1111-1113 Mercantile Bank Building, Dallas Tex.	Student	1892	Permanent partial, 47 per cent	47.00	125.00
Whyman, Lawrence O	730 East Cincinnati, San Antonio, Tex	Geological engineer	1893	Permanent total	100.00	93.75
Winter, Geo. W	1401 Blodgett Ave., Houston, Tex	No occupation	1879	do	150.00	150.00
Witherspoon, Louis G	1540 Upson Ave., El Paso, Tex	Physician and surgeon	1873	do	100.00	150.00
Womack, Jesse Lee	Edna, Tex	Physician	1866	do	100.00	150.00
Wood, Conan Tullus	Mission, Tex	No occupation	1896	do	100.00	93.75
Woodall, Howard	302 Melba St., Station A, Dallas, Tex	Post office clerk	1885	Permanent partial, 40 per cent	40.00	150.00
Wright, Wesley E	4102 Pershing Drive, El Paso, Tex	Electrician	1892	Permanent partial, 83 per cent	83.00	150.00
Yarbough, John Welch	Ingram, Tex	Not given	1889	Permanent total	100.00	93.75

UTAH

Clark, Oliver R	Farmington, Utah	No occupation	1891	Permanent total	$100.00	$125.00
Gelleth, Joseph	646 Narajo St., Salt Lake City, Utah	Soldier	1877	do	150.00	125.00
Hewitt, John E	Fort Duchesne, Utah	Not given	1876	Permanent partial, 52 per cent	52.00	150.00
Sharp, John A	Vernon, Utah	No pre-war occupation	1891	Permanent total	150.00	93.75
Snyder, Fred F	Rt. No. 3, Box 10, Provo, Utah	Telephone lineman	1889	Permanent partial, 30 per cent	30.00	93.75

VERMONT

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Bullock, Wm. L	Vermont State Hospital, Waterbury, Vt	Physician	1886	Permanent total	$100.00	$125.00
Clark, Fredk. E	88 College Ave., Burlington, Vt	No pre-war occupation	1869	do	100.00	187.50
Delehaney, Nicholas	69 Church St., Rutland, Vt	Physician	1873	Permanent partial, 35 per cent	35.00	150.00
Jackson, Horatis N	158 North Willard Ave., Burlington, Vt	Surgeon	1872	Permanent partial, 54 per cent	54.00	187.50
Kerrigan, John	West Rutland, Vt	Not given	1892	Permanent total	100.00	150.00
Mack, Edwood L	South Wallingford, Vt., Route No. 1	Secretary	1894	do	100.00	125.00
Martin, Seth H	203 King St., Burlington, Vt	Physician	1882	do	100.00	187.50
Summer, Charles	40 Messenger St., St. Albans, Vt	Foreman, railroad	1890	Permanent partial, 31 per cent	31.00	150.00

VIRGINIA

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Anderson, Geo. J	205 Hurley Ave., Hilton Village, Va., P. O. Box 65.	Mechanical engineer	1881	Permanent partial, 68 per cent	$68.00	$150.00
Arnett, Ulysses G	Point Pleasant, Va	Physician	1867	Permanent partial, 85 per cent	85.00	150.00
Barnes, Clarence	219 West Berkley Ave, Norfolk, Va	Engineer, stationary	1895	Permanent total	100.00	93.75
Bouschall, Thos	1 Rio Vista Lane, Westhampton, Va	Banking bookkeeper	1894	do	100.00	125.00
Brown, Ralph W	1210 Franklin Rd., Roanoke, Va	Physician	1867	Permanent partial, 40 per cent	40.00	150.00
Bunkley, Wm. H	P. O. Box 1009, Norfolk, Va	Stevedore	1893	do	40.00	125.00
Carrington, Geo. C	Amelia, Va	Civil engineer and surveyor.	1884	Permanent partial, 31 per cent	31.00	150.00
Christian, James Ramsey	1328 A St., Portsmouth, Va	Rigger	1872	Permanent total	100.00	125.00
Crosby, Geo. J	Vienna, Va	Soldier	1885	Permanent partial, 38 per cent	38.00	187.50
Culbertson, Wm. R	Norton, Va	Physician	1879	Permanent partial, 50 per cent	50.00	125.00
Dowdy, Samuel	231 West 20th St., Norfolk, Va	Engineer, statonary	1866	Permanent total	100.00	150.00
Elliott, Samuel	Phenin, Va	Physician	1876	Permanent partial, 30 per cent	30.00	150.00
Ewell, Nathaniel McGregor	R. F. D., Burnleys, Va	No pre-war occupation	1889	Permanent total	100.00	150.00
Francis, Wm. J	11½ North 6th St., Richmond, Va	do	1892	do	150.00	93.75
Frazier, Wm	907 East Main St., Richmond, Va	Superintendent, stone quarry	1888	Permanent partial, 52 per cent	52.00	150.00
Gay, Welland	128 Frazier Ave., Aurora Hills, Alexandria, Va.	Student	1896	Permanent total	100.00	93.75
Hamilton, Thos. Marion	521 Duke St., Alexandria, Va	None given	1869	do	100.00	125.00
Harnsburger, Hopkins	Warrenton, Va	Cotton classer	1883	Permanent partial, 60 per cent	60.00	125.00
Heath, Wm. R	819 Westover Ave., Norfolk, Va	None given	1869	Permanent total	100.00	125.00
Herbert, Julius M	Waverly, Va	Planing mill foreman	1895	Permanent partial, 69 per cent	69.00	93.75
Hooten, Claude Gibson	P. O. Box 155, Lynchburg, Va	Physician	1890	Permanent partial, 65 per cent	65.00	125.00
Hughes, Jas. Francis	Catawba, Va	None given	1896	Permanent total	150.00	125.00
Hulvey, Charles N	P. O. Box 402, University, Va	Military instructor, soldier.	1887	do	100.00	187.50
Hundley, Robt. G	Davis Clinic, Marion, Va	Attorney	1893	do	20.00	93.75
Hurt, Joseph Holston	Wytheville, Va	Engineer, locomotive	1886	do	150.00	125.00
Hutton, Alfred Guardner	108 South Main St., Lexington, Va	None given	1892	do	150.00	125.00
Jacob, Clyde H	P. O. Box 246, Norfolk, Va	Lawyer	1895	Permanent partial, 50 per cent	50.00	125.00
Jones, Jno. Page	2 Denver Ave., Lynchburg, Va	School-teacher	1894	Permanent total	100.00	93.75
Kane, Clinton Austin	Care of Murphy Hotel, Richmond, Va	Physician	1880	Permanent partial, 50 per cent	50.00	150.00
Kinsey, Henry Clay, jr	120 South Sycamore St., Petersburg, Va	Lawyer	1886	Permanent total	100.00	93.75
Knight, Lawrence	324 North Union St., Danville, Va	Student	1892	Permanent partial, 79 per cent	79.00	125.00
Knott, Arthur D	3401 Grove Ave., Richmond, Va	Physician	1876	Permanent partial, 61 per cent	61.00	150.00
Lee, Henry D	Ashland, Va	Soldier, boiler maker	1891	Permanent total	100.00	93.75
McKenney, James B	311 West 19th St., Norfolk, Va	Pilot, boatman	1853	do	100.00	93.75
Martin, Edw. W	108 London St., Portsmouth, Va	Engineer, civil	1892	do	100.00	125.00
Meade, Edward K	Boyce, Va	None given	1884	do	100.00	125.00
Meadows, Roscoe McKinley	911 Grace American Building, Richmond, Va.	Clergyman	1891	Permanent partial, 45 per cent	45.00	125.00
Menefee, Marvin J	Luray, Va	None given	1894	Permanent total	100.00	125.00
Montgomery, Auterbright	Markham, Va	do	1897	do	100.00	93.75
Norman, Frank L	Upperville, Va	Civil engineer, surveyor	1877	do	100.00	150.00
O'Brien, Raymond John	Hotel Patrick Henry, Roanoke, Va	Engineer	1888	Permanent partial, 34 per cent	34.00	125.00
Oliver, John V	P. O. Box 455, National Soldiers' Home	Bookkeeper	1876	Permanent partial, 79 per cent	79.00	93.75
Parsons, Geo. L	Mount Regis Sanatorium, Salem, Va	Draftsman	1887	Permanent total	100.00	150.00
Phillips, Charles	National Soldiers' Home, Hampton, Va	Physician	1880	Permanent partial, 63 per cent	63.00	187.50
Potter, Edmund U	U. S. Naval Hospital, Norfolk, Va	Dentist	1874	Permanent total	150.00	150.00
Ramsey, John T	2206 Eustis Ave., Norfolk, Va	Physician	1886	do	100.00	125.00
Repass, Merle M	Ivanhoe, Va	Laborer, inside	1897	Permanent partial, 50 per cent	50.00	93.75
Robeson, Jno. M	701 Clay St., Lynchburg, Va	None given	1877	Permanent total	100.00	187.50
Robinson, Julian McG	753 Main St., Danville, Va	Physician	1875	Permanent partial, 40 per cent	40.00	150.00
Rosenthal, Jacob S	429 Granby St., Norfolk, Va	do	1893	Permanent partial, 34 per cent	34.00	125.00
Ryder, Ollie	115 South Columbus Ave., Alexandria, Va	No occupation	1887	Permanent partial, 30 per cent	30.00	125.00
Sanford, Jos. L	Clifton Station, Va	Physician	1870	Permanent partial, 58 per cent	58.00	187.50
Scott, Wm. Samuel	3208 Ellils St., Fredericksburg, Va	do	1894	Permanent total	100.00	125.00
Sears, Chas. E	128 Union St., Salem, Va	do	1873	do	100.00	150.00
Sumner, Forest T	Snowville, Va	do	1879	Permanent partial, 35 per cent	35.00	125.00
Taulbee, James M	Benavides Tex Home Add., Honaker, Va	None given	1863	Permanent partial, 73 per cent	73.00	125.00
Teare, Chas. Case	1630 Berkeley Ave., Walnut Hill, Petersburg, Va.	do	1857	Permanent total	100.00	218.75
Tinsley, Ashton Maupin	Salem, Va	Manager, product and industrial.	1881	do	100.00	187.50
Tretwell, Geo. B	P. O. Box 299, Staunton, Va	Foreman, construction	1883	Permanent partial, 35 per cent	35.00	125.00
Turner, Robt. M	Braddock Heights, Alexandria, Va	Supervisory office clerk	1879	Permanent partial, 55 per cent	55.00	125.00
Walker, Tom P	Virginia Electric & Power Co., Norfolk, Va.	Engineer stationary engine	1891	Permanent partial, 40 per cent	40.00	125.00
Worrell, Gabriel W	Davis Clinic, Marion, Va	None given	1882	Permanent total	100.00	125.00
Young, Edgar Wm	Dine Building, Petersburg, Va	Physician	1887	Permanent partial, 47 per cent	47.00	150.00

WASHINGTON

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Ambler, Harry Atwood	P. O. Box 296, Concrete, Wash	Student	1895	Permanent partial, 39 per cent	$39.00	$150.00
Angore, Clarence V	1318 Harrison St., Seattle, Wash	Electric substation operator.	1895	Permanent partial, 32 per cent	32.00	93.75
Birchfield, Geo. I	1424 4th Ave., Seattle, Wash	Physician	1882	Permanent partial, 40 per cent	40.00	150.00
Boley, Albert Leroy	Rt. No. 1, Bellevue, Wash	None given	1885	Permanent total	100.00	150.00
Burson, Henry C	6549 Palatine Ave., Seattle, Wash	do	1869	do	100.00	150.00
Chase, Clifford Earl	P. O. Box 1305, Wenatchee, Wash	Civil engineer and surveyor.	1886	Permanent partial, 38 per cent	38.00	187.50
Cheney, Jos. Curtis	Suite No. 3, Miller Bldg., Yakima, Wash	Occ. student	1896	Permanent partial, 37 per cent	37.00	93.75
Cleeve, Fred'k. Wm	Waldorf Hotel, 7th and Pike, Seattle, Wash.	Clerk, R. and C	1876	Permanent total	100.00	93.75
David, Wm. Barr	Rt. No. 1, Tacoma, Wash	No occupation	1895	do	100.00	93.75
Dean, John Ralph	114 North 74th St., Seattle, Wash	None given	1863	do	100.00	150.00
Drew, Charles W	1531 41st North, Seattle, Wash	Draftsman	1896	Permanent partial, 95 per cent	95.00	150.00
Ellis, Russell DePuy	1712 Ravenna Blvd., Seattle, Wash	None given	1889	Permanent partial, 63 per cent	63.00	150.00
Foster, Chas. D	P. O. Box 614, 915 6th St., Port Angeles, Wash.	Laborer; common outside	1895	Permanent total	250.00	93.75

WASHINGTON—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Fotheringham, Stuart Gane	1111 1st Ave., West Seattle, Wash	Student	1895	Permanent total	$100.00	$93.75
Gaston, Geo	Care of McCormick Steamship Co., Pier B, Seattle, Wash.	Salesman	1889	Permanent partial, 50 per cent	50.00	93.75
Gish, Daniel B	5508 22d St. NW., Seattle, Wash	Automobile mechanic	1888	Permanent partial, 40 per cent	40.00	125.00
Grennell, Lloyd	123 West 24th St., Spokane, Wash	Marble setter	1897	Permanent partial, 45 per cent	45.00	93.75
Hamley, Abner James	General Delivery, Olympia, Wash	Marine engineer	1892	Permanent total	100.00	93.75
Harl, Deloss Gobin	U. S. veterans' hospital, American Lake, Wash.	Circular sawyer	1895	do	20.00	93.75
Hiddleson, Roy Dee	1115 4th Ave., Seattle, Wash	None given	1891	do	100.00	93.75
Hoff, Einar	U. S. veterans' hospital, American Lake, Wash.	do	1881	do	100.00	150.00
Horr, Ralph A	2354 43d Ave. North, Seattle, Wash	Lawyer	1884	Permanent partial, 55 per cent	48.12	125.00
Hynds, Arthur August	1323 Bernard St., Spokane, Wash	Brakeman, railroad	1888	Permanent partial, 48 per cent	48.00	93.75
Keeley, Ralph C	U. S. Veterans' Hospital No. 94, American Lake, Wash.	Civil engineer	1889	Permanent total	100.00	93.75
Keyes, Walter	Rt. No. 1, box 203, Port Blakely, Wash	No pre-war occupation	1882	do	100.00	150.00
MacNutt, Cecil Crane	Hotel Stevens, 1st Ave. and Marion St., Seattle, Wash.	Manager, store	1889	Permanent partial, 40 per cent	40.00	93.75
McGirr, Horace Donald	105 Security Building, Seattle, Wash	College student	1895	Permanent total	100.00	93.75
Millard, Alfred	1900 11th Ave., North, Seattle, Wash	Farmer	1893	Permanent partial, 36 per cent	36.00	125.00
Rosmond, Wm. D	Montesano, Wash	Stenographer	1882	Permanent partial, 50 per cent	50.00	93.75
Sayres, Arthur R	Care Insurance Co. of America, Colman Building, Seattle, Wash.	Salesman	1895	Permanent partial, 86 per cent	86.00	125.00
Schumacher, Herman Oscar	1126 West Monroe St., Spokane, Wash	Student	1897	Permanent partial, 35 per cent	35.00	93.75
Seibert, David A	305 Bellevue, North, Apartment No. 300, Seattle, Wash.	Physician	1881	Permanent partial, 68 per cent	68.00	125.00
Smith, Irving D	Lyon Building, 3d and James Sts., Seattle, Wash.	Stenographer	1890	Permanent partial, 96 per cent	96.00	125.00
Strome, Cary L	U. S. Veterans' Hospital No. 85, Walla Walla, Wash.	No occupation	1894	Permanent total	100.00	93.75
Sullivan, Mitchell Sandorn	2333 42d St. SW., Seattle, Wash	Engineer	1893	Permanent partial, 70 per cent	70.00	93.75
Taylor, Verne Lee	U. S. Veterans' Hospital No. 94, American Lake, Wash.	No occupation	1893	Permanent total	100.00	93.75
Tyre, Harrison H	7835 11th Ave., NE., Seattle, Wash	Student	1892	do	100.00	93.75
Vickers, Carroll Bruce	National City Bank, Seattle, Wash	Mechanic	1895	do	200.00	93.75
Wale, Garland Barber	826 East Nova St., Spokane, Wash	Clerk	1890	Permanent partial, 44 per cent	44.00	125.00
Wardell, Henry Richmond	U. S. Veterans' Hospital No. 94, American Lake, Wash.	Soldier	1888	Permanent total	100.00	150.00
Ware, Thomas Grant	430 West 24th St., Spokane, Wash	Clerk	1894	Permanent partial, 82 per cent	82.00	93.75
Wellman, Edwin W	U. S. veterans' hospital, Walla Walla, Wash.	Mail carrier	1889	Permanent total	100.00	93.75
Yeager, Harry Gilmer	Immigration Station, Seattle, Wash	Brakeman	1878	Permanent partial, 75 per cent	75.00	125.00

WEST VIRGINIA

Bates, Charles L	Smithfield, W. Va	Not given	1871	Permanent total	$100.00	$125.00
Berthold, Arthur V	Care of West Virginia Rail Co., Huntington, W. Va.	Steamfitter	1891	Permanent partial, 37 per cent	37.00	125.00
Bowman, Repley	38 Maple Ave., Woodlawn, Wheeling, W. Va.	Sales manager	1892	Permanent partial, 30 per cent	30.00	93.75
Bratt, George G	1591 Quarrie St., Charleston, W. Va	No occupation	1884	Permanent partial, 66 per cent	66.00	150.00
Butler, Stanley C	Point Pleasant, W. Va	Electrician	1895	Permanent partial, 44 per cent	44.00	125.00
Callison, Hayward C	Crawley, W. Va	Not given	1893	Permanent total	100.00	93.75
Friel, William W	615 12th St., Huntington, W. Va	Coach, athletic	1892	Permanent partial, 30 per cent	30.00	125.00
Godbey, Martin Van B	New McKendree Hospital No. 2, New McKendree, W. Va.	Physician	1879	Permanent total	100.00	150.00
Guiher, James M	129 Thompson St., Clarksburg, W. Va	Not given		Permanent partial, 34 per cent	34.00	125.00
Haan, Albert E	Huntington, W. Va	Salesman, no samples	1893	Permanent partial, 44 per cent	44.00	150.00
Halstead, Harry T	Peach Creek, Logan Co., W. Va	Dentist	1876	Permanent total	100.00	125.00
Hamilton, Lewis S	251 Chestnut St., Morgantown, W. Va	Student	1895	Permanent partial, 52 per cent	52.00	125.00
Harrison, Edmund L	U. S. Veterans' Bureau, Charleston, W. Va	Physician	1863	Permanent partial, 55 per cent	55.00	125.00
Jones, Thomas W	Mason City, W. Va	Accountant	1873	Permanent total	100.00	150.00
Judson, Bonsall	509 Milfort St., Clarksburg, W. Va	Student	1895	Permanent partial, 50 per cent	50.00	93.75
Kearns, Frank M	2314 Washington St., Charleston, W. Va	Not given	1869	Permanent total	100.00	150.00
Kincaid, Herbert C	Kain, W. Va	Physician	1883	Permanent partial, 30 per cent	30.00	150.00
Lambert, Asahel	719 Second Ave., South Charleston, W. Va	do	1878	Permanent partial, 72 per cent	72.00	125.00
Lough, Charles M	25 Poplar Ave., Woodlawn, Wheeling, W. Va.	No occupation given	1886	Permanent partial, 30 per cent	30.00	93.75
McCay, Hazel L	815 14th St., Huntington, W. Va	Miner, laborer	1896	Permanent partial, 59 per cent	59.00	93.75
McCue, Earl N	Morgantown, W. Va	Dentist	1890	Permanent partial, 63 per cent	63.00	187.50
Mayberry, Dr. Irvin W	2841 3d Ave., Huntington, W. Va	Physician	1886	Permanent total	100.00	150.00
Mayes, Howard G	St. Albans, W. Va	No occupation	1895	Permanent partial, 40 per cent	40.00	125.00
O'Brien, John	Railroad station, Roanville, Roanoke, W. Va.	Physician	1876	Permanent partial, 64 per cent	64.00	125.00
Park, Clermont E	Cor. 8th and Market Sts., Parkersburg, W. Va.	do	1871	Permanent partial, 30 per cent	30.00	125.00
Peters, Albert Lee, M. D	330 Main St., Fairmont, W. Va	do	1865	Permanent partial, 78 per cent	78.00	150.00
Pyles, Harry H	West Virginia Ave., Parkersburg, W. Va	Pipe fitter, steam	1893	Permanent partial, 36 per cent	36.00	93.75
Randolph, John H	Box 1580, Charleston, W. Va	Salesman, insurance		Permanent partial, 47 per cent	47.00	93.75
Robertson, Wyndham B	Quincy, W. Va	Physician	1874	Permanent partial, 48 per cent	48.00	150.00
Shisler, George	Buffalo St., Mannington, W. Va	Not given	1896	Permanent total	100.00	93.75
Snider, Robert J	56 14th St., Wheeling, W. Va	Physician	1893	Permanent partial, 37 per cent	37.00	125.00
Stasel, Brenace C	Huntington State Hospital, Huntington, W. Va.	State Hospital Superintendent.	1892	Permanent total	100.00	93.75
Stewart, Melville	204 Oney St., Charleston, W. Va	Athletic coach	1894	Permanent partial, 39 per cent	39.00	125.00
Trump, Chas. Saml	Old National Bank Building, Martinsburg, W. Va	Lawyer	1891	Permanent partial, 45 per cent	45.00	93.75
Walters, John C	Box 1502, Williamson, W. Va	Inspector material and equipment.	1892	Permanent partial, 33 per cent	50.00	125.00
Weltner, Fred P	421 Peoples Exchange Bank, Summers and State Sts., Charleston, W. Va.	Physician	1889	Permanent partial, 42 per cent	42.00	187.50
Woods, Peter D	P. O. Box 245, Bluefield, W. Va	Salesman, no samples	1886	Permanent partial, 34 per cent	34.00	125.00
Yost, Guy	942 5th Ave., Huntington, W. Va	Physician	1875	Permanent partial, 38 per cent	38.00	150.00

WISCONSIN

Albert, Paul B	Box 176, Delafield, Wis	Teacher	1880	Permanent partial, 49 per cent	$49.00	$125.00
Bailey, Paul Edw	717 5th St., Menomonie, Wis	School-teacher	1887	Permanent partial, 45 per cent	45.00	93.75
Berkbigler, Robert L	5601 Greenfield, West Allis, Wis	Soldier	1886	Permanent total	100.00	93.75
Flixt, Edward F	Wisconsin Memorial Hospital, Mendota, Wis.	Draftsman	1895	do	100.00	150.00

WISCONSIN—continued

Name	Address	Occupation	Birth year	Extent of disability	Monthly compensation now paid	Proposed monthly pay under Tyson-Fitzgerald bill
Boerke, Edison M	629 Burleigh St., Milwaukee, Wis	School-teacher	1893	Permanent partial, 62 per cent	$62.00	$125.00
Darneider, Frances A	302 37th St., Milwaukee, Wis	Student	1893	Permanent partial, 37 per cent	37.00	93.75
Davis, Dudley H	480 North Baldwin St., Madison, Wis	do	1896	Permanent partial, 75 per cent	75.00	93.75
Dempsey, Gregory	331 East Cook St., Portage, Wis	Blacksmith	1883	Permanent partial, 51 per cent	51.00	150.00
Draper, Stuart L	Hudson Sanitarium, Hudson, Wis	No occupation	1896	Permanent total	100.00	93.75
Eck, Gustave, E	Lake Mills, Wis	Physician	1886	Permanent partial, 67 per cent	67.00	150.00
Everall, Ben C	American Legion Camp, Tomahawk Lake, Wis.	No occupation	1882	Permanent total	100.00	187.50
Fenner, Fred A	2607 North Ave., Milwaukee, Wis	Boiler maker	1891	Permanent partial, 75 per cent	75.00	93.75
Gay, John Briggs	Care of register Democratic Committe, Portage, Wis.	Salesman	1889	Permanent partial, 45 per cent	45.00	125.00
Haight, Walter	1629 Wisconsin St., Racine, Wis	Appraiser, real estate	1884	do	45.00	150.00
Holmes, Benj. Harrison	437 Baker Block, Racine, Wis	Physician and surgeon	1888	Permanent partial, 49 per cent	49.00	150.00
Johannes, Jacob Anton	590 24th St., Milwaukee, Wis	Meat salesman, outside, no samples.	1881	Permanent partial, 50 per cent	50.00	125.00
Kasak, Leo S	777 23d St., Milwaukee, Wis	Linotype operator		Permanent partial, 75 per cent	75.00	150.00
Laing, De Witt	251 24th St., Milwaukee, Wis	Credit manager accountant.	1888	Permanent partial, 48 per cent	48.00	125.00
Linderud, Fritz V	114 Chicago Street, Stoughton, Wis	Soldier	1878	Permanent partial, 60 per cent	60.00	93.75
Markham, Harold	310 East Main St., Sparta, Wis	Linotype operator	1890	Permanent total	150.00	150.00
Marshall, Irving D	Lighthouse Service, Milwaukee, Wis	Electrical engineer	1897	Permanent partial, 45 per cent	45.00	93.75
Nicol, Alex Lee	319 East Main St., Sparta, Wis	Student	1895	Permanent partial, 32 per cent	32.00	125.00
O'Brien, Harold Nelson	Darien, Wis	Not given	1877	Permanent total	100.00	150.00
Pippin, Ivan	Excelsior, Wis	Physician	1891	Permanent partial, 44 per cent	44.00	125.00
Plant, Joseph H	National Home for Disabled Volunteer Soldiers, Milwaukee, Wis.	do	1882	Permanent partial, 30 per cent	30.00	125.00
Pruett, Eugene F	919 9th Ave., West, Ashland, Wis	Farmer	1891	Permanent partial, 67 per cent	67.00	93.75
Robinson, Harry	1337 Liberty St., La Crosse, Wis	Student, law clerk	1894	Permanent total	200.00	125.00
Ryan, James Arthur	1116 Lowe St., Green Bay, Wis	Minister	1887	Permanent partial, 45 per cent	45.00	125.00
Taylor, Bradley	214 Clark St., Rhinelander, Wis	Not given	1895	Permanent total	100.00	93.75
Wegg, Robert T	Care of Nettie B. Wegg, guardian, Wisconsin Rapids, Wis.	Mail clerk	1896	do	100.00	125.00
Woodworth, Leigh J	426 Bostwick Ave., Janesville, Wis	Not given	1890	do	100.00	125.00
Nordquist, Eric	Wisconsin Memorial Hospital, Mendota, Wis.	Farmer	1892	do	100.00	93.75
Yorton, Andrew Henry	1313 61st St., Kenosha, Wis	Barber	1886	Permanent partial, 74 per cent	74.00	125.00
Zink, Philip J	Beaver Dam, Wis	Saloon keeper	1870	Permanent partial, 40 per cent	40.00	218.75

WYOMING

Eshleman, John M	Box 281, Midwest, Wyo	Veterinary surgeon	1865	Permanent partial, 66 per cent	$66.00	$150.00
Gildersleeve, Harry D	U. S. veterans' hospital, Sheridan, Wyo	Student	1894	Permanent total	100.00	93.75
Harrington, Fred. C	Box 114, Cheyenne, Wyo	Civil engineer	1884	do	100.00	150.00
Holland, Josiah H	Evanston, Wyo	Physician	1880	Permanent partial, 40 per cent	40.00	150.00
Hynds, John	Buffalo, Wyo	do	1880	Permanent partial, 30 per cent	30.00	150.00
Janes, Arthur DeW	U. S. veterans' hospital, Sheridan, Wyo	Student	1893	Permanent total	20.00	93.75
Rains, Hugh E	U. S. Veterans' Hospital No. 86, Fort Sheridan, Wyo.	Sales clerk, heavy commodities.	1895	do	20.00	93.75
Riner, Harry Marten	Cheyenne, Wyo	Salesman, insurance	1885	Permanent partial, 52 per cent	52.00	125.00
Rondthaler, Harold	Box 58, Vetenanz, Wyo	Farmer, stock	1891	Permanent partial, 50 per cent	50.00	93.75
Smith, William F	Lander, Wyo	Physician and surgeon	1879	Permanent partial 37 per cent	37.00	187.50
Snyder, Otto K	515 East 18th St., Cheyenne, Wyo	Physician	1874	Permanent total	100.00	150.00

FOREIGN

Bell, James McK	Ilha dos Pombos, Brazil	Civil engineer	1888	Permanent partial, 30 per cent	$30.00	$125.00
Bradford, Leonard Geo	17 Rue Montaigne, Paris VIII, France	Student	1894	Permanent partial, 75 per cent	75.00	93.75
Burgerman, Harry A	Care of Guaranty Trust Co. of N. Y., 1-3 Rue de Italiens, Paris.	Not given	1890	Permanent partial, 50 per cent	50.00	93.75
Corcoran, Wm. W	Care of American Consul, Boulogne Sur Mer, France.	do	1884	Permanent partial, 75 per cent	75.00	125.00
Cruikshank, Marcus	Care of American Express Co., Paris, France	Reporter	1893	Permanent total	100.00	93.75
Daunais, Jos. C. E	Ste. Anne des Plaines, Quebec, Canada	Physician	1867	do	100.00	150.00
Donogh, Robert P	44 Rue de Lisbone, Paris, France	Civil engineer	1890	Permanent partial, 45 per cent	45.00	125.00
Christian, Early	Care of American Consulate, Dublin, Irish Free State.	None given	1895	Permanent partial, 55 per cent	55.00	93.75
Gallord, Wm	Pension Roche Fleurie, Alpes Maritime, France.	Not given	1878	Permanent total	200.00	150.00
Goodrich, Edson E	12 Rue Felix Ziem 18 eme, Paris, France	Surgeon	1877	Permanent partial, 63 per cent	63.00	150.00
Hardy, Hippolyte Leon	5 Rue Renault, Sant Meade Semi-France	Secretary	1856	Permanent total	100.00	187.50
Harris, Robt. F	Care of National City Bank, New York, 41 Boulevard Hausmen, Paris, France.	Not given	1892	do	100.00	93.75
Heinricks, Waldo H	Care of Y. M. C. A., The Mall, Lohore Punjab, North British India.	do	1891	Permanent partial, 85 per cent	85.00	125.00
Kezzelwood, Geo	Care of Cia Minera de Penoles, Mapimi, Durango, Mexico.	Rancher, laborer	1895	Permanent partial, 54 per cent	54.00	93.75
Killikelly, Christopher	Ballyvaughan, County Clare, Ireland	Not given	1885	Permanent total	100.00	150.00
Kuntz, Chas. P	Care of Bankers Trust Co., Place Vendome, Paris, France.	do	1897	Permanent partial, 35 per cent	35.00	93.75
McDermott, Paul E	American Express Co., 11 Rue Scribe, Paris, France.	Student	1894	Permanent total	100.00	93.75
McFarland, Fred'k	41 Jermyne St., Princes Park, Liverpool, England.	Not given	1859	do	100.00	150.00
Mellen, Chase, jr	Care of Bankers Trust Co., 26 Old Broad St., London, E. C., 2.	do	1897	Permanent partial, 60 per cent	60.00	93.75
Pittman, Harold H	Care of American Embassy, 5 Rue de Chaillot, Paris, France.	do	1893	Permanent total	100.00	125.00
Riessmeyer, Herbert	Care of American Express Co., Hamburg, Germany.	do	1896	Permanent partial, 44 per cent	44.00	93.74
Rogers, Alan	149 Drummond St., Province of Quebec, Montreal, Canada.	do	1887	Permanent partial, 30 per cent	30.00	93.75
Slaughter, Edgar	American Express Co., 2 via Tornabuone, Florence, Italy.	do	1894	do	30.00	93.75
Tatelman, Edw. Israil R	Box 1313, Cristobal, Canal Zone	Student	1896	Permanent total	100.00	93.75
Terrier, Wm. H	30 Ellen St., Kitchener, Ontario	Not given	1881	do	100.00	150.00
Winslow, Alan F	Care of American Legation, Berne, Switzerland.	do	1895	Permanent partial, 75 per cent	75.00	93.75
Wythe, Geo	Apartado 2097, Nexico D. F., Mexico	do	1893	Permanent total	100.00	187.50

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Massachusetts?

Mr. BINGHAM. I yield.

Mr. WALSH of Massachusetts. Will the Senator state how many names there are in the list which he has secured permission to print in the RECORD?

Mr. BINGHAM. There are about 3,000 names. It will be seen that in that list of 3,000 names quite a number would get no benefit at all from the bill, and will not be likely to accept the privilege of availing themselves of the act. I see on this list name after name of officers who are now getting $100 or $150 a month. If they were second lieutenants they would not be the gainers by coming in under the bill, and if they were first lieutenants and suffered serious disability, so that to-day they are receiving allowance for a nurse, they would not be the gainers by coming in under the bill. It is, however, chiefly a small number of field officers who will gain by the passage of this proposed legislation. The 31,784 enlisted men who are to-day rated as having total permanent disability and who receive from $100 to $150 a month will not be benefited by the passage of the bill at all; but several hundred officers, whose rating is from 30 to 60 or 70 per cent, are going to have their allowance increased five or six times.

Mr. STECK. Mr. President, will the Senator from Connecticut yield to me?

Mr. BINGHAM. I yield to the Senator.

Mr. STECK. Of course, the Senator from Connecticut is correct when he says that a large number of officers who might be affected by the passage of this bill are in the lower grades of first and second lieutenants, and that those officers will not be helped. It would not be to the interest of the second lieutenants to accept the provisions of this bill, and first lieutenants would be benefited but very little. A very large proportion of the three thousand-odd officers on the list that the Senator has just had printed in the RECORD are of the two lower grades. I suppose the Senator is speaking partly in their behalf, as he has already spoken in behalf of the enlisted men. I should like to ask the Senator if he has ever had any complaint from any of the first or second lieutenants with reference to the provisions of this bill?

Mr. BINGHAM. No, Mr President; I am glad to say that I have not. I think that anyone who would complain against the provisions of the bill because it did not give him as much as it gave somebody else, while it would be very human, would not be doing himself or the country a service.

Mr. STECK. Then, the Senator has taken it upon himself to speak in behalf of these men who do not speak for themselves?

Mr. BINGHAM. We must look at these things not in behalf of any small number of men or number of officers but from the point of view of the Nation at large.

In this list there is one general officer who to-day gets $396 a year, and who by this bill will receive $4,500 a year.

There are 11 colonels in this list who to-day receive an average of $1,052 a year, who under this bill will receive $3,000 a year, or about three times as much as they receive to-day.

There are 29 lieutenant colonels who to-day receive an average of $956 a year, who, if this bill shall be passed, will each receive $2,625, or nearly three times as much.

There are 205 majors who to-day receive an average of $888 a year, who, if this bill passes, will receive $2,250 a year, or two and a half times as much.

In other words, Mr. President, this bill is for the benefit of the favored few. Having myself been one of the favored few, who went into the Army with a commission as a field officer, when I probably did not deserve more than a first lieutenant's commission—in fact, I applied only for a first lieutenant's commission—knowing that I was particularly favored by circumstances, knowing that there were many others who were favored by circumstances, it does not seem to me wise or in accordance with American practice to favor for the rest of their lives those who were temporarily fortunate in their rank during the war.

As a matter of fact, we have drawn up a law for the compensation of disabled veterans which is in effect to-day and which is extremely fair. It is based on the degree of disability which an officer or enlisted man suffered—both are on the same basis—and on the manner in which his wounds or his ailments affect his earning power, according to what he was doing before the war. There are very great differences in this list. A minor difference was brought out a few moments ago in the discussion by the Senator from New Mexico with regard to the difference between a bacteriologist and a chemist both suffering from a similar injury, the one being rated at 29 per cent and the other at 33 per cent.

In order to illustrate these differences and to show how well we do it to-day and how fairly we do it, let me take the ratings for amputation of the lower two-thirds of the leg with regard to different occupations. In the case of an enlisted man or an officer who has lost the lower two-thirds of his leg the rating, if he be a lawyer, is 29 per cent, and under the present law he gets $29 a month. If he be a farmer, it is 55 per cent, or nearly twice as much. If he be a bookkeeper, it is 25 per cent; if he be a mason, it is 55 per cent; if he be a stationary engineer, it is 44 per cent; if his former profession was that of a soldier, his rating is 65 per cent, but if it was that of a physician, it is only 39 per cent. If his occupation was that of a salesman, the rating is 39 per cent; if that of a bellboy, who must use his legs a great deal, it is 55 per cent; if that of a cashier, only 29 per cent.

Mr. President, those ratings have been worked out, after years of study, with great care, so as to do justice to the citizens of the United States who went into the Army and who suffered disability. They have been worked out in the same way in the case of hundreds of occupations and thousands of kinds of disabilities.

This bill introduces an entirely new and un-American theory. The theory of this bill is that an officer should get more because he is an officer, without regard to his previous occupation; without regard, except so far as 30 per cent goes, to the nature of his ailment.

Now, let us consider a case from this particular list which has been so carefully worked out. If a colonel who was wounded had been a lawyer and lost during his service the lower two-thirds of his leg, he would under the bill proposed by the Senator from Tennessee continue to receive $29 a month; but if he were so fortunate as to be a physician he would under the bill of the Senator from Tennessee receive for the rest of his life $250 a month. It seems strange, Mr. President, that any Senator could be willing to vote for a bill whose general principles are such as to make such extraordinarily unfair differences in the compensation. Those who have studied the matter believe that the proper difference between the effect of the disability on a lawyer and on a physician is the difference between 29 and 39, or 10 per cent, but according to the bill of the Senator from Tennessee the difference is that between 29 and 250, or 221 per cent.

It may interest the Senate to have another instance. Let us take the case of a proof reader.

A proof reader who lost his right thumb in the Army gets $21 a month compensation to-day. If he lost his right thumb and index finger he gets $30 a month compensation, or an increase of $9. If that proof reader had been a captain during the war, under this bill, if he had lost his right thumb, he would continue to get $21. If he had lost his right thumb and index finger he would get $125, or an increase of $104 for that additional finger.

The enlisted man gets $9 additional for the loss of that finger if he had been a proof reader. A man who was lucky enough to get to an officers' school and become a captain and lost that additional finger gets a benefit of $104 a month, or $1,248 yearly additional for the rest of his life. A colonel would get $2,652 annually. A corporal would get $108 annually.

Is that the American idea of fair play, Mr. President?

I admit it is the idea in a monarchy. It is the Canadian idea. In Canada disabled veterans are paid exactly in accordance with their rank—a private so much, a corporal a little more, a sergeant a little more, a second lieutenant a little more, a first lieutenant a little more, and so all the way up to major general. In a monarchy there are grades, strata in society and in life; and a man who came into the army as a colonel belonging to a certain grade or stratum in private life, if disabled, receives far more than had he come from that grade of private life which would have let him in as a private and kept him as a private. That, however, is not the American system.

The claim made over and over again on this floor that it is what we do in the Regular Army is not justified at all, because the retired pay of an officer in the Regular Army depends on his length of service and not on the amount of his disability. When he goes into the Army he makes a contract with the Government. His pay increases from year to year as he serves. The amount of his pay depends on the number of years he has been in contractual relations with the Government and on nothing else, and when he is retired his retired pay depends on the number of years he has served his Government, whereas in this bill it does not depend on the length of time served. A man who served only a week is treated the same as the man who had served 2 or 3 or 4 years, or even 30 years. It depends

entirely on the extent of his disability and his good fortune in securing a commission.

At this point, Mr. President, I ask that the clerk at the desk may read the very interesting report made in the House of Representatives when this bill came up in the last session. It was made by four veterans of the World War. It is known as the minority report from the Committee on World War Veterans' Legislation.

The PRESIDING OFFICER. Without objection, the report will be read.

The Chief Clerk read as follows:

MINORITY VIEWS

This is known as the World War emergency officers' retirement bill. If it should become a law it would most unjustly discriminate against all disabled enlisted men and a large part of the disabled emergency officers in favor of a certain class comprising a limited number of disabled emergency officers. It would reward men not according to their disability but according to their rank, thereby violating the very fundamental principles of our American institutions.

For instance, an officer who incurred physical disability in line of duty and has been "or may hereafter be" rated at not less than 30 per cent permanent disability shall be placed upon the retired list at 75 per cent of the salary to which he was entitled at the time of his discharge. What does this mean? It means that an emergency officer with a 30 per cent disability which originated in line of duty shall receive pay for life as follows:

	Per month
Brigadier general	$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First lieutenant	125.00
Second lieutenant	93.75

While the enlisted man with a 30 per cent disability will receive $30 a month.

Yet they tell us that the ex-service men are in favor of this measure. That is not true. If every ex-service man in the United States understood what this bill means, we doubt if it would receive the indorsement of 1 service man out of 10.

It even discriminates against an overwhelming majority of the disabled emergency officers themselves. Those who are rated at less than 30 per cent permanent disabled are excluded from a participation in the financial benefits of this measure. They are to receive the same pay as enlisted men with similar disabilities. If a colonel and his enlisted brother were both 30 per cent permanent disabled, the colonel would receive $250 a month, while the enlisted man would receive only $30 a month. But if they were both 29 per cent permanent disabled they would both receive the same compensation, $29 a month.

Not only that, but it discriminates against the sacred dead, who "gave the last full measure of devotion" upon the field of battle or have died since the war closed. Their loved ones who were dependent upon them for support would not receive one dollar's worth of benefit from this unjust legislation. The widows and children of officers who gave their lives in the conflict or who have died since the war closed would draw compensation on the basis of allowances for the dependents of enlisted men.

The disabled emergency officers are being taken care of now along with the enlisted men. They served together, they fought together, they were frequently members of the same families, and where they suffered the same disabilities they should receive the same treatment.

But the advocates of this bill argue that these disabled emergency officers are discriminated against in the retirement of officers of the Regular Army, and ask Congress to pass this measure to favor 1,848 of these emergency officers and to discriminate against 41,496 enlisted men who are disabled to the same degree and 6,618 disabled emergency officers and 171,580 disabled enlisted men whose disabilities are rated at less than 30 per cent, in order to correct what they contend is a discrimination in favor of the officers of the Regular Army.

We are not responsible for the present law providing for the retirement of officers of the Regular Establishment. But if we were, and were willing to concede that there is an injustice in the present law, we would not be justified in trying to offset it by passing additional unjust legislation.

We must remember that officers of the Regular Establishment go into the Army for life. They make it their life's work; and in order to secure the class of men necessary to maintain the proper officer personnel in times of peace we must make some provision for taking care of them in case they become disabled.

As was said by a former Secretary of War:

"The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The military relation requires the officer to give up ambitions, which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time or has reached a certain age or is disabled by injury or disease incident to the service he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life, he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession but without a competency."

He also calls attention to the fact that—

"Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives. This basic principle of our retirement laws is recognized in an opinion rendered June 10, 1898, by Solicitor General Richards and had the approval of Attorney General Griggs. In discussing the applicability of laws relating to the Regular Army to the then existing volunteer forces, the Solicitor General said:

"'Chapter 2 of Title XIV, providing for the retirement of Army officers, clearly has no application to the Volunteer Army, organized for simply temporary service. This chapter creates two lists of Regular Army officers—the active and the retired list—a distinction which does not obtain in the Volunteer Army. When, therefore, section 1222 places a restriction on every "Army officer on the active list," it plainly refers to Regular Army officers. An Army officer on the active list is one not only active but permanently engaged in the military service of the Government. Having chosen the Army for his career, and being actively engaged therein, the statute properly prohibits him from accepting or exercising the functions of a civil office.

"'While an officer of the Volunteer Army may be said to be actively engaged in the military service, he is not permanently so engaged. He is called out to meet an emergency, and must be discharged when the purpose for which he entered the service has been accomplished. Unlike the Regular Army officer, he has not selected the military service for a profession. He has simply responded to a patriotic call, and expects when the war is over to return to civil life. His term of military service is uncertain and contingent. He may be taken from his civil duties for a few months, for a year, for two years at the most. The Government does not need nor demand a complete and final severance of his relations with civil life. He may be able to make arrangements to bridge over his absence and on his return resume his former work.'"

This is not a new proposition. The Adjutant General stated in a letter to a Member of Congress on February 25, 1926, that—

"Many bills have been introduced in both Houses of Congress at different times authorizing the appointment on the retired list of the Army of those officers who served in the Volunteer Army in the Civil War, but none of them has ever been enacted into law."

Congress refused for 50 years and more to pass a law that would thus discriminate between the officers and enlisted men of the Civil War. On May 9, 1917, Hon. Newton D. Baker, then Secretary of War, in a letter to the chairman of the Military Affairs Committee with reference to such a measure, made the following prophetic statement:

"Furthermore, if the bill under consideration were to be enacted into law for the benefit of men who served as volunteer officers of the Civil War, it is reasonably certain that it would be followed by other measures for the benefit of volunteer officers of the war with Spain, of officers belonging to the National Guard who have rendered or are now rendering active Federal service, and of officers of the present war not belonging to the permanent Military Establishment. It would seem that the precedent established by the enactment of such legislation for the benefit of volunteer officers of one war should, in common fairness, be followed in time by similar legislation for the benefit of volunteer officers of all wars. It can be readily seen that the expense involved in any such legislation would be enormous."

The additional expense of this bill for the first year would be $1,190,052. As time goes on the expense will grow. Men will be asking to have their cases reopened and their disabilities readjudged.

Those whose disabilities shall have increased to 30 per cent will be entitled to be placed on the pension roll along with the others. And we had just as well admit that this is a permanent pension that we are being asked to allow to these disabled emergency officers. The chances are that we will soon be asked to reduce the degree of disability to 20 per cent, then to 10 per cent, and finally to wipe it out altogether, and to ultimately place the ex-officers on a pension status as officers instead of leaving them to be treated in the same manner as enlisted men. The enlisted men outnumber the officers overwhelmingly, and already some

of them are asking that they be given the benefits of this retirement act in case it passes, and that they be retired as second lieutenants. Suppose pressure should be brought to bear upon Congress later to wipe out some of the discriminations of this measure by giving the enlisted men the retirement or pension status of second lieutenant. Ultimately the percentage requirement as to their disabilities would disappear. Who can tell what the ultimate expense to this Government such a pension policy would bring?

This bill is just the opening wedge. It is lifting the latch to the floodgates of expenditure, the consequences of which no one can foretell.

We regret very much that we are unable to agree with the majority of the committee that reported this bill out. But in justice to the enlisted men, who are just as patriotic and just as deserving as the officers; in justice to the many thousands of disabled emergency officers whose disabilities are rated at less than 30 per cent; in justice to the widows and orphans of those who made the supreme sacrifice; in justice to the taxpayers of the United States, on whose shoulders the burden of these expenditures would rest, we respectfully dissent from the views of the majority and submit that this bill ought not to become a law.

J. E. RANKIN,
BIRD J. VINCENT,
J. L. MILLIGAN,
S. J. MONTGOMERY.

Mr. TYSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BINGHAM. I yield.

Mr. TYSON. I ask unanimous consent to have inserted in the RECORD the majority report made just before the minority report the Senator has had read.

Mr. BINGHAM. Would the Senator be willing to have that inserted somewhere else than in the middle of my speech?

Mr. TYSON. Of course, if the Senator objects, I can have it inserted elsewhere. It seems to me that the Senator ought to be willing that both reports should be put in at the same time.

Mr. BINGHAM. If the Senator asks to have it printed as a part of his remarks, when he has the floor, I shall be very glad if he will do so.

Mr. TYSON. If the Senator objects, of course, I can not have it put in.

Mr. BINGHAM. I do not object; I simply do not want it put in the middle of my remarks any more than I would welcome a long speech in the middle of my remarks.

The PRESIDENT pro tempore. The Chair will state that under the rules the document would be printed in the Appendix, unless there were special request made otherwise.

Mr. TYSON. That being the case, the Senator realizes the argument would never be seen; therefore he denies the right and privilege of having the arguments on the other side appear at a time when they can be made useful and effective.

Mr. BINGHAM. No; I do not object to any argument being printed on the other side at all. I merely desire to have inserted in my speech the arguments against the bill. I shall be very glad if the Senator will have that report printed immediately following my speech.

Never having qualified as an authority on retired officers' legislation, and yet having expressed certain opinions with regard to it and what it means, it occurs to me that those who are interested in studying this subject might be glad to have the opinion of a great Secretary of War, who studied this subject very carefully, and who put his opinions in a letter addressed to the chairman of the Committee on World War Veterans' Legislation on March 5, 1924. I shall not ask to have the entire letter read, but only that part which I have marked relating to retired officers.

Mr. EDGE. Would not the Senator prefer to have unanimous consent to have it inserted in his speech without reading?

Mr. BINGHAM. No.

The PRESIDENT pro tempore. The clerk will read.

The Chief Clerk read as follows:

Retired officers of the Regular Army still remain officers. They are a part of the permanent Military Establishment, subject to the Articles of War, and as officers have certain rights, obligations, and privileges. H. R. 6484, although it classes its beneficiaries to be placed upon a retired list, does not purport to make them actual officers of the Government or to revive a status as such from which they have long since been discharged. I believe that this is as it should be. The bill clearly eliminates any suggestions of its beneficiaries being subject to the Articles of War and to the obligations of retired officers. The bill would appear to make its beneficiaries subject to the privileges of retired officers in so far as such privileges can be conferred upon persons who are not officers in fact. Some proponents of H. R. 6484 and some of its beneficiaries may take a contrary view. In order that the Congress, the administering agencies, and the beneficiaries should have a common understanding of the privileges granted, it is believed the privileges to be conferred should be clearly stated in the bill rather than covered, as the bill is now drafted, by language that may be variously interpreted and that may, therefore, lead to dissatisfaction.

The privileges of retired officers of the Regular Army, not dependent solely upon their being officers in fact, are few in number. Those of any consequence are the privilege of wearing the uniform and retaining the title of their rank, the privilege of purchasing supplies at Army sales stores, and the privilege of receiving medical treatment at places where such is available. The first of these privileges is conferred by law and the others by regulation. An enumeration of these privileges in the law, in case you believe they should be conferred, would greatly clarify the matter. Such enumeration would have another decided advantage, i. e., it would avoid linking together, by common privileges, of two distinct classes of individuals. Such a legal alliance of these classes may prove an obstacle to good administration should it be found necessary or desirable at any time to increase or decrease the privileges of either class.

Having covered the two matters in which the War Department is directly concerned in administration, this report might well be closed were it not for the fact that a principle is involved which vitally affects the Military Establishment and the national defense.

In privileges, in compensation, and in their actual status the bill departs from the equality it purports to establish between regular and emergency disabled officers. The difference as to official status has already been pointed out. As an example of the inequality in privileges the emergency officer is to have all the privileges of the regular officer and, in addition, he is to have all the privileges of hospitalization and medical treatment authorized by the Veterans' Bureau. It would appear that medical treatment by the Army would be an unnecessary privilege to extend and might be productive of difficulties that generally ensue from divided responsibility, especially in medical treatment.

In the matter of compensation in general the bill creates a wide discrepancy, which I shall endeavor to explain later. There is also a discrepancy in those cases of helplessness necessitating the constant attendance of a nurse. Under the act of December 18, 1922, the beneficiaries of H. R. 6484 would receive additional compensation not exceeding $5 per month, whereas the retired regular officer receives only his retired pay, no matter what his condition. I do not desire to be understood as opposing any additional privileges and compensation for disabled emergency officers that may be necessary or desirable; but I believe the fact that discriminations are proposed as necessary serve to emphasize the fact that regular and emergency officers are distinct classes, each requiring definite treatment, and that any policy of endeavoring to care for one class by a system designed for another is demonstrated by such discriminatory provisions themselves to be an unwise policy. The disabled emergency officer should have every benefit that the Government can equitably confer, whether this be more or less than the benefits conferred upon retired officers of the Regular Army. Each class should be separately considered upon its merits, taking into account the conditions of service of each. Whatever is necessary should be done in a direct manner and without inviting the consequences of a superficial but not real equality in the relief afforded to each.

The discriminatory treatment of the two classes of personnel becomes more apparent when we turn to the compensatory feature of H. R. 6484. This bill grants retired pay to those beneficiaries between 30 per cent and 100 per cent impaired in earning capacity in their civil occupation. There is no gradation in retired pay between these limits of impairment. Beneficiaries between 10 per cent and 30 per cent impaired are to have all the benefits of the bill except retired pay, and in lieu thereof are to continue to receive compensation graded according to degree of impairment. In contrast with this the compensation and retirement of regular officers as now provided by law is quite different. A Regular Army officer, being committed to a life in the military service and generally having embarked upon such career at an early age, has no civil pursuit or occupation. Recognizing this condition, the Government has made provision for his lifelong continuance in the Military Establishment, passing to an inactive status in his old age or when pronounced no longer capacitated for active service; that is, when found 100 per cent impaired in the active practice of his only profession. A lesser degree of impairment does not, and in my judgment should not, entitle him to be placed upon the inactive (retired) list or to receive retirement pay. Hence we have the discrepancy of a total impairment for further active practice or profession being a requisite for being placed on the inactive list and receiving retirement pay in the regular service, whereas a minimum of 30 per cent impairment is requisite for retired pay and a minimum of only 10 per cent impairment is requisite for being placed upon the retired list in the case of emergency officers. Objection is not made to this discrimination, but it is merely pointed out to illustrate the futility and impracticability of endeavoring to establish an equality that is unattainable due to the inherent conditions which differentiate the two classes of military personnel, permanent and temporary.

Aside from the differing methods by which disability is to be rated, H. R. 6484 would establish another discrimination which may have far-reaching effects. The bill establishes retired pay at the rate of 75 per cent of the active pay received at time of discharge. Such active pay, and therefore retired pay, will, of course, be that of the grade attained under the varying and vagarious incidents of war well known to the members of your committee. Former officers of the same disability, the same length of service, and the same age may receive widely different compensation due solely to difference in their temporary war rank. However, with these differences amoung the beneficiaries themselves I am not concerned except in so far as they arise from the fallacy of attempting to apply a principle applied in the retirement system of the permanent establishment. The general laws provide that a Regular Army officer retired for physical disability receive 75 per cent of the pay of his rank at the time of retirement. But this rank is his permanent rank in the military service attained under the slow process of seniority promotion in peace and war. In decreeing that it should be so Congress has taken cognizance of the rapidity and capriciousness of temporary promotion in war and has eliminated temporary war rank as a basis for both retired rank and pay. To do otherwise would cause retirement pay to be based upon the unavoidable inequalities of opportunity for advancement in war and would depart from a long-standing principle that has been accepted as equitable and just. In effect, retirement pay is now based in reality upon length of service upon which rank depends and which is generally accepted as the only satisfactory standard for all advancement and remuneration in the permanent Military Establishment. Hence H. R. 6484, while purporting to apply the principles of retirement as established for the permanent Military Establishment actually departs from such principles and establishes for one class of personnel a new basis for retired pay. Instead of equality of treatment of regular and temporary disabled officers there will be, under the guise of equality, discriminatory treatment. Certainly such an effect, from a measure which is well known to be based upon a demand for equality of treatment, would be most unfortunate and would fall far short of being a satisfactory and final solution of a difficult problem.

If the compensation of disabled emergency officers is to be a per centum of their active pay, I realize, of course, that it must necessarily be based upon the accidents of rank attained under war conditions—the only rank they have had. But, if this is done, I trust it will be with a clear understanding that it constitutes a departure from a fundamental principle of the retirement system now in effect.

The War Department does not desire to appear to be opposing the granting to disabled emergency officers any relief or benefits to which they are justly entitled. It fully appreciated their desire for both adequate compensation and some form of recognition of their military service as officers. It believes, however, that both the recognition and compensation can be extended without recourse to the retirement system as practiced in the permanent establishment. Some modification of H. R. 6484 clearly stating the privileges to be accorded its beneficiaries and adhering to the present sound principle of compensating disabled personnel according to degree of disability and independently of accidents of war rank appears desirable. In lieu of a percentage of the pay of their rank as proposed in the bill a separate scale of compensation, such as one 40 per cent or more in excess of the present scale for disabled emergency officers would appear to be more sound in theory and practice. As between accidents of rank attained by wartime appointments and promotions on the one hand and degree of disability on the other, the choice of the best basis for compensation appears clear. For the totally disabled a scale as suggested would provide compensation equal to or greater than the retired pay of retired captains and lieutenants of the regular service. But it would confer this compensation without the many disadvantages that I have endeavored to point out arising from an attempt to apply a system that is inapplicable.

H. R. 6484 is drawn to benefit a distinct class. It will, however, establish a practice that may ultimately be applied to the disabled of all wars, past and future. This ultimate extension is a most cogent reason for this first step conforming to a sound policy of general application. It is solely a desire to see action taken in accordance with sound principles, and with no desire to oppose any reasonable relief for our unfortunate disabled officers, that this report has gone to great length in endeavoring to point wherein the principles of retirement as established by law and practiced in the permanent establishment are inapplicable in the relief of temporary personnel.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

Mr. BINGHAM. Mr. President, a few words more and I shall conclude. The Senator from Wisconsin [Mr. LA FOLLETTE] this morning referred to the fact that this is merely to do for the Army emergency officers what has already been done for the Navy and Marine Corps. That is true; but it is only fair to call attention to the fact that the Director of the Veterans' Bureau, in his letter to me of February 26, 1927, which was printed on page 4026 of the CONGRESSIONAL RECORD, points out that as to emergency officers rated on a permanent basis of 30 per cent or more, there are in the Marine Corps 16, in the Navy 185, and in the Army 3,050.

Because of the small numbers involved in the Navy and Marine Corps, as well as because of the way in which the legislation was passed without being fully considered, it does not seem to me that the argument that we should do for 3,050 officers in the Army what we have done for 16 officers in the Marine Corps and 185 officers in the Navy is a very strong argument, although I recognize its force.

Mr. President, in conclusion I would like to say that I am opposed to this legislation, although it affects many of my friends, and I have received a great many letters in its favor from many former fellow soldiers. It is extremely difficult to oppose legislation of this sort. It appeals to one's sympathies. But I am opposed to it because I believe, in the first place, it is extremely unfair to the enlisted men who served the same length of time as the officers and who came from the same walks of life as the officers and who are all compensated at present in accordance with their disability and its effect on their former earning power.

I am opposed to it because it is unfair to the second lieutenants who did their duty just as well as those of higher rank, and especially those who, though totally disabled to-day, would not receive one cent in benefit by accepting the terms of the pending bill, but would, in fact, receive less if they accepted its provisions.

I am opposed to it because it does away with the benefits to the widows of veterans and orphans which they now receive under the Veterans' Bureau act.

I am opposed to it because it is un-American. It is based upon a system drawn from a monarchical country, where gradations in rank and in society are recognized as being permanent, instead of being based, as our present legislation is based, on the amount of disability in connection with the earning capacity of the person affected and the way in which his disability affects his earning power; it is based on temporary rank.

I am opposed to it because I believe it is a bad military policy. One of the attractive features by which we induce men to devote their lives to the Regular Army is to offer them the retirement feature as a part of their contract, the equity in it to increase with years of service. Here we say to them, "It matters not how many years of service you have had, if you are willing to go to the colors in time of war with a few weeks of preparation, and are injured, you will receive just as much and your compensation will be just as great as though you had devoted 20 or 30 years to the Army."

The bill is helpful to relatively few. It is unfair to thousands. It establishes a bad precedent. It is unjust. It is un-American.

Mr. WALSH of Massachusetts. Mr. President, I do not care to delay action on the measure, as I am very anxious to have a vote, but I would like to have printed in the RECORD in connection with the debate certain resolutions adopted by the Department of Massachusetts, American Legion, in our annual convention in August last at Fitchburg, Mass.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions are as follows:

Whereas the American Legion at each of its national conventions has overwhelmingly voted to have enacted into law legislation for the retirement of emergency Army officers permanently disabled in line of duty during the World War so as to place them on the same footing as to retirement as to the other eight classes of disabled officers who are now on the retired lists; and

Whereas the Department of Massachusetts of the American Legion has previously indorsed the principles of this long-pending legislation; and

Whereas measures similar to the Tyson-Fitzgerald bills of the Sixty-ninth Congress, which would have granted this justice, will be introduced in the Seventieth Congress: Now therefore be it

Resolved by the Department of Massachusetts of the American Legion, in convention assembled at the city of Fitchburg, Mass., August 11, 12, and 13, 1927, That we hereby reaffirm our previous action on this legislation and urge its enactment by the Seventieth Congress; and be it further

Resolved, That a copy of this resolution be forwarded to the national convention of the American Legion to be held in Paris, France, September 19, 20, 21, 22, and 23, and that the Massachusetts delegation make every effort to have this resolution adopted by the national convention.

Mr. WALSH of Massachusetts. I would also like to have printed in the RECORD a history of the bill prepared by Hon.

ROY G. FITZGERALD, of Ohio, which strikingly illustrates how, under the rules of the Senate and the House, a handful of Senators and Representatives can delay and postpone for nine years the enactment of legislation which has during that nine years had almost the unanimous support of both the House and the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

HISTORY OF THE LEGISLATION

The nine-year history of this legislation in the Congress is in reality the history of a series of efforts on the part of its opponents to kill the legislation in committee. The Legion, and friendly legislators on their part, have endeavored to overcome this form of strategy through obtaining a vote upon the measure on the floor of the Senate and the House.

The opposition of the War Department, and the influence of this opposition upon the Military Affairs Committees of the Senate and House, have been the chief obstacles to retirement and the determining factors in the amendments which have modified the original form of the legislation and caused the Legion and the other veteran organizations to indorse the present Tyson and Fitzgerald bills.

During this nine-year struggle in committee each side has given ground. The War Department no longer opposes the legislation officially. This is chiefly due to the Legion's acceptance of certain of the War Department's demands for amendment to the original retirement measure.

Now that the legislation is about to be enacted into law and the nine-year fight for the disabled emergency Army officers won, some opponents now say, "You have modified the form of the original measure; therefore I am opposed to the legislation in its present form." We shall see whether this assertion is backed up by sound reasoning, as the measure cares for the officers who have been severely disabled permanently.

SIXTY-SIXTH CONGRESS

Straight retirement for disability, such as has been extended to the other eight classes of officers, was the original purpose of the Legion, and legislation was requested in this form from the Congress in 1919. The War Department thereupon began vigorous opposition to this straight retirement measure. On July 17, 1919, the Secretary of War wrote a letter to the chairman of the Military Affairs Committee of the House, to which the legislation had been referred, expressing the War Department's disapproval of the measure and opposing the retirement under the same conditions as received by officers of the Regular Army. The Military Affairs Committee of the House thereupon refused to report the measure.

The Stevenson bill was then introduced in the House on December 3, 1919. The form of this bill was altered in the hope that it would be referred to a committee other than the House Military Affairs Committee, which was still holding up the original retirement measure.

The Stevenson bill provided compensation for the emergency officers who incurred disabilities that officers of the Regular Army received on being retired for like disabilities. Notwithstanding this change in form, the Stevenson bill was referred to the House Military Affairs Committee.

However, on February 28, 1920, the Military Affairs Committee was discharged on the bill and it was referred to the Interstate and Foreign Commerce Committee of the House; on March 2, 1920, this committee was discharged and the bill referred to the Ways and Means Committee; and on March 11, 1920, this latter committee was discharged and the bill again referred to the Interstate and Foreign Commerce Committee.

The War Department opposition to the legislation continued, notwithstanding the change in the form of the measure. On March 13, 1920, the Secretary of War wrote a letter to the chairman of the Interstate and Foreign Commerce Committee, estimating that 19,910 emergency officers would come under this bill and receive annual payments of $31,099,420. This preposterous estimate, being contained in an official letter, the Interstate and Foreign Commerce Committee hesitated and deferred action on the bill.

NAVY ACTS INDEPENDENTLY

In the meantime the Legion had been in contact with the Navy Department on the question of the retirement of the disabled emergency officers of the Navy and Marine Corps. More progressive than the Army, the Navy realized the justice of the legislation and its value as sound national-defense policy.

Accordingly, in May, 1920, the Secretary of the Navy wrote a letter to Congress requesting the enactment of legislation to retire the disabled emergency officers of the Navy and Marine Corps and submitted a draft of the amendment he proposed. Congress immediately responded to this request and provided retirement for the disabled emergency officers of the Navy and Marine Corps in the act approved June 4, 1920. This act of Congress removed the discrimination against these two classes of officers, leaving the disabled emergency Army officers as the only class discriminated against out of the nine classes of officers who fought in the World War.

In the meantime no action was obtained from the House Military Affairs Committee on the retirement measure or from the Interstate and Foreign Commerce Committee on the Stevenson bill. As a matter of fact, the House Military Affairs Committee did not report its bill and never has to this day reported a bill affecting the disabled emergency officers.

On January 26, 1921, Mr. STEVENSON introduced a bill slightly amending his former measure, which was also referred to the Interstate and Foreign Commerce Committee of the House. The committee reported this bill favorably on February 2, 1921. The session was then drawing to a close. No action was obtained on it on the floor of the House, and the measure died a month later with the expiration of the Sixty-sixth Congress on March 4, 1921.

SIXTY-SEVENTH CONGRESS

The Stevenson bill was again introduced in the House and again referred to the Interstate and Foreign Commerce Committee. No hearings were held, and the committee took no action on the measure.

On April 11, 1921, the Johnson bill was introduced in the House and referred to the House Military Affairs Committee. This bill provided retirement as extended to the other eight classes of officers. No hearings were held by the House Military Affairs Committee on this retirement bill, in spite of repeated requests on the part of the veterans.

The Bursum bill was then introduced on May 4, 1921, in the Senate. Like the Johnson bill, it provided retirement as extended to the eight other classes of officers. War Department opposition to the measure continued. This opposition influenced certain members of the Senate Military Affairs Committee, to which the measure was referred. The friends of the legislation on the Senate committee, in order to obtain a favorable report, amended the measure so as to meet the chief points of opposition raised by the War Department in the two years it had fought the legislation.

THE AMENDED BURSUM BILL

Under the straight retirement measure—accorded the other eight classes of officers—a disabled officer is examined by a board of Regular Army officers, some of whose members must be regular medical officers. If the board finds that the officer's disability has unfitted him for active duty with troops in the field, the board recommends his retirement for life at three-fourths of the pay and allowances he is then receiving, and he is placed on the regular retired list for life.

Under the Bursum bill as reported by the Senate Military Affairs Committee on July 11, 1921, the following amendments were made to meet the War Department's opposition:

First. Examination for retirement would be made by civilian medical officers of the Veterans' Bureau instead of by a Regular Army retiring board.

Second. Eligibility to retirement was increased to 30 per cent permanent disability instead of ability to perform active duty with troops in the field.

Third. The Veterans' Bureau was required to pay the emergency officers retired in this manner instead of the War Department.

BURSUM BILL REPORTED

As amended in this form, the Senate Military Affairs Committee reported the Bursum bill favorably to the Senate on July 11, 1921, the first time a Military Affairs Committee had reported the legislation.

BURSUM BILL PASSES SENATE

In spite of the amendments, opposition from the War Department continued, and friends of the measure were unable to bring it to a vote in the Senate until February 21, 1922, when it passed the upper body 50 to 14 and was forwarded to the House, where it was immediately referred to the House Military Affairs Committee.

HOUSE COMMITTEE STILL WITHHOLDS APPROVAL

Following a long series of efforts on the part of the Legion, the House Military Affairs Committee finally granted hearings on the Bursum bill. At these hearings the case of the disabled officers was presented fully. More than a score of them appeared and exhibited their battle wounds as mute advocates for the legislation. Every recognized veterans' organization appeared in behalf of the measure.

In spite of the efforts of the friends of the bill, War Department influence still prevailed. The House Military Affairs Committee held up the bill for more than a year, declining to report it out. A petition signed by 235 Members of the House—containing more than a majority of each party in the lower body—was finally presented to the House Military Affairs Committee requesting the report of the measure. This the committee declined to do, and the bill died with the expiration of the Sixty-seventh Congress in March, 1923.

CONFERENCE OF VETERANS' ORGANIZATIONS

During the summer recess of 1923 the veterans' organizations were faced with the following problem: The legislation had been actively pushed for four years, but in all that time the Military Affairs Committee of the House had refused to report a bill and the Senate Military Affairs Committee had declined to report any measure which did not conform to the chief War Department objections.

The question to be decided, therefore, was, Shall straight retirement legislation be pushed—which could not be gotten out of the Military Affairs Committees—or legislation conforming to the War Department objections, which could at least be gotten out of the Senate Military Affairs Committee?

Accordingly a conference was called in the city of Washington during the summer of 1923, attended by representatives of all reputable World War veterans' organizations, to consider the form of the legislation to introduce in the coming Congress. This conference was attended by duly accredited representatives of the American Legion, the National Guard Association, the Veterans of Foreign Wars, the Disabled American Veterans, the Disabled Emergency Officers of the World War, and the Military Order of the World War, and a designated representative of the General Staff of the Army.

THE BILL WAS AGREED UPON

Sessions were held for three days. The form of the legislation was discussed at length. The representatives of the veterans' organizations present finally agreed unanimously to push the measure in the form it had passed the Senate in order to meet the major objections of the War Department, for no progress could be made unless the Senate Military Affairs Committee would report the measure.

It was recommended that the permanent disability rating for which retirement should be granted be reduced from 30 per cent to 20 per cent. At the request of the General Staff representative it was further agreed that the retired list should be kept in the Veterans' Bureau, although it should also be published in the Army Register. In other respects the bill agreed upon by the conference was substantially the same as the Bursum bill in the form it had passed the Senate.

PASSES THE SENATE AGAIN

This new bill was prepared and officially indorsed by the veterans' organizations and introduced in the next Congress, where it was again considered by the Senate Military Affairs Committee. That committee reported it favorably, but put back the former permanent disability rating for eligibility to 30 per cent. This provision was retained when the bill passed the Senate February 20, 1925, 63 to 14, and forwarded to the House.

NEW HOUSE COMMITTEE REPORTS BILL

In the meantime, at the request of the Legion, the House had created the House Committee on World War Veterans' Legislation. They asked that the Bursum bill be referred to this committee instead of the unfriendly House Military Affairs Committee, and the House accordingly agreed. This friendly veterans' committee had already favorably reported the Lineberger bill, similar to the Bursum bill, which was being held up in the Rules Committee of the House.

The House Veterans' Committee immediately reported the Bursum bill so that it would displace the Lineberger bill. A hearing was granted by the Rules Committee of the House on the question of granting a rule to allow the House to vote upon the bill which had already passed the Senate. The Rules Committee failed to grant the desired rule.

KILLED BY THE LEADERS

Efforts were made during the last six days of the session to obtain recognition from the Speaker so that the measure might be voted upon in the House under suspension of the rules. The Speaker refused to grant the recognition, and the measure again died, after being passed by the Senate, with the expiration of the Sixty-eighth Congress, March 4, 1925.

FIRST SESSION SIXTY-NINTH CONGRESS

At the close of the first session of the Sixty-ninth Congress the situation on the Tyson and Fitzgerald bills was as follows:

The Fitzgerald bill (H. R. 4548) had been introduced in the House of Representatives December 9, 1925, by ROY G. FITZGERALD, legionnaire, of Dayton, Ohio, Representative from the third congressional district of that State. Hearings were thereupon held by a subcommittee of the World War Veterans' Committee of the House, as follows: Representative FITZGERALD, chairman; Representative THADDEUS C. SWEET, of Phoenix, N. Y.; and Representative LAMAR JEFFERS, legionnaire, of Anniston, Ala. Following a favorable report from the subcommittee to the Veterans' Committee, that committee favorably reported the bill on March 13, 1926 (Rept. No. 536), the measure being immediately placed upon the Union Calendar of the House. A minority report opposing the measure was signed by Representative JOHN E. RANKIN, of Mississippi; Representative BIRD J. VINCENT, of Michigan; Representative JACOB B. MILLIGAN, of Missouri; and Representative J. S. Montgomery, of Oklahoma, all members of the Legion.

On March 29, 1926, Chairman ROYAL C. JOHNSON, legionnaire, of South Dakota, introduced House Resolution 193, to provide a rule for consideration by the House of the Fitzgerald bill under the five-minute rule, the debate to continue for not to exceed five hours. The resolution was referred to the House Rules Committee. Two hearings were held upon House Resolution 193 by the House Rules Committee, May 4, 1926, and June 22, 1926, at the latter hearing ROBERT G. SIMMONS, of Nebraska; BIRD J. VINCENT, of Michigan; JOHN E. RANKIN, of Mississippi; and RALPH E. UPDIKE, of Indiana, all legionnaires, arguing against a report on the measure. The session adjourned July 3, 1926, without action on the part of the Rules Committee, the bill still remaining upon the Union Calendar of the House.

The Tyson bill, S. 3027, similar to the Fitzgerald bill, was introduced in the Senate February 1 by Senator LAWRENCE D. TYSON, legionnaire, of Knoxville, Tenn. The measure was immediately referred to the Senate Committee on Military Affairs, which held hearings upon the measure on March 5, 1926. On March 25 the Tyson bill was favorably reported to the Senate by this committee, Report No. 483, and the bill placed upon the Senate calendar. Although Senator TYSON made repeated efforts, he was unable to obtain Senate consideration of the measure, and the session ended with the Tyson bill being Order No. 486 under Rule VIII of the General Orders of the Senate, standing sixth on the list of orders.

SECOND SESSION SIXTY-NINTH CONGRESS

The problem confronting final enactment of the Tyson-Fitzgerald bill at the short session, Sixty-ninth Congress, was the time element involved, and the ability of opponents to turn this situation to their advantage through blocking its consideration by parliamentary tactics.

The Senate procedure under leadership of Senator TYSON consisted in the straight attack, pushing the measure at all times, and endeavoring to obtain a vote wherever possible.

The House procedure differed in that the consent of the leaders in control of the legislative program there had to be won if a House vote was to be obtained. These steps consisted in the following:

First. Obtaining a rule from the House Rules Committee which would designate the conditions under which a vote would be had.

Second. Favorable action by the House steering committee on this rule, which would recommend preferred status on the measure to the majority leader and the Speaker.

Third. Decision on the part of the majority leader upon a definite time for House consideration of the bill, and lacking this—

Fourth. Consent of the Speaker to recognize the bill's spokesman so that it might be brought up and considered under suspension of the rules.

THE SENATE FIGHT

Senator TYSON began aggressive action as soon as the Congress convened in December, 1926. At that stage of the session the Tyson bill could be reached only on the Unanimous Consent Calendar, although during the morning hour of the Senate, which under the Senate rules follows an adjournment of the upper body, the motion could be made that the bill be considered by the Senate, notwithstanding the lack of unanimous consent. Under these circumstances the Senate would vote on the question of considering the measure during the remainder of the morning hour and debate upon the bill would be had. Under the rules the morning hour of the Senate lasts for two hours, but as the Senate usually recesses instead of adjourning, the morning hour does not occur daily—in fact, occurs only about twice a week and lasts only two hours.

When consideration is obtained on a measure through the method just outlined, a vote upon its passage must be had before the end of the morning hour if final action on the bill is to be obtained. The unfinished business of the Senate automatically comes up for consideration at the expiration of the morning hour, and consideration of the unfinished business can only be laid aside through unanimous consent.

As the short session progressed the Senate situation disclosed that the extended debate upon the measure continually indulged in by opponents was for the purpose of delaying its consideration, and was not an endeavor to bring further and necessary information to light on the merits of the bill. Senator TYSON accordingly decided that he would not speak further upon the measure after his opening statement in its behalf had been completed, and that he would request the Senate friends of the measure to follow a similar procedure. This method left it up to the opponents to consume whatever time existed for the bill's consideration. This they did continually, repeating their timeworn, threadbare arguments against the measure, and when running out of these, with which the Senate had grown familiar during the seven years in which the measure had been considered, resorted to other delaying tactics, such as demanding roll calls, to consume time, and thus block a Senate vote.

An analysis of the Senate record for the session in this connection shows the following:

December 17, 1926: Tyson bill automatically came before the Senate on the Unanimous Consent Calendar. Consideration objected to by Senator REED of Pennsylvania, thus preventing a vote.

January 8, 1927: Consideration under unanimous consent objected to by Senator BINGHAM, of Connecticut, and Senator KING, of Utah. Senator TYSON thereupon moved that, notwithstanding the objection, the bill be considered, the Chair ruling that such a motion was in order. Senator BINGHAM then announced that he would appeal from the ruling of the Chair. After much debate had been consumed upon this latter motion, it was apparent that no further time during the morning hour existed for consideration of the measure, and both motions were thereupon withdrawn.

January 11, 1927: Senator TYSON during the morning hour moved consideration of the Tyson bill, Senator BINGHAM thereupon demanding a quorum call, which consumed considerable time. Senator TYSON then delivered a masterful address in behalf of the measure, opponents consuming time by interruptions and questioning, including another demand for a quorum call by Senator BINGHAM a few minutes before 2 o'clock, at which time the morning hour expired, before a vote could be had upon the measure.

January 17, 1927: Senator TYSON requested unanimous consent for consideration of the bill, to which Senator BINGHAM objected. Senator TYSON then moved that consideration be had, the objection notwithstanding, but after considerable debate this motion was withdrawn when the approaching end of the morning hour made it apparent that a vote could not be had.

January 31, 1927: Senator TYSON requested unanimous consent for the bill's consideration, Senator KING objecting. Senator TYSON then moved that consideration be had notwithstanding. After considerable debate the Vice President ruled that this motion was out of order on Monday.

February 7, 1927: At a special night session of the Senate, held to consider unobjected bills on the Senate calendar, Senator TYSON requested unanimous consent for the bill's consideration, Senator REED of Pennsylvania objecting. Senator TYSON then moved that the bill be considered, the objection notwithstanding. A vote was taken upon this question and the Senate decided 44 to 4 that the bill be immediately considered. Senator Wadsworth then spoke against the measure for considerable time, followed by Senator REED of Pennsylvania, who read into the RECORD a long letter written two years prior—which he had read into the RECORD at that time—from an alleged official of a so-called veterans' organization opposing the measure. It was subsequently shown that the author of this letter had since been sentenced to serve three months in the city jail of Los Angeles after being convicted of having solicited funds from the public for a defunct veterans' aid organization.

This was a remarkable situation. Only one opposing letter could be produced in two years, and that letter from a man sentenced to jail in connection with veterans' affairs! Senators friendly to the measure exerted every effort to obtain a vote at this time, but the opponents continued their delaying tactics and the hour of adjournment was finally reached with the opponents still talking, a vote upon the measure thereby again being prevented.

February 22, 1927: At a special night session held for consideration of the veterans' loan bill, Senator TYSON moved to attach the Tyson bill as an amendment to this measure. Senator REED of Pennsylvania filibustered against this action. Under the unanimous-consent agreement the special night session would adjourn at 11 p. m. At 10.55 p. m. Senator TYSON withdrew his amendment. Senator REED, however, continued his filibuster and prevented a vote upon the veterans' loan bill that night.

February 23, 1927: Unanimous-consent agreement was reached to consider the Tyson bill from 3 to 4 p. m. on February 24. Senator TYSON immediately circulated a cloture petition so as to obtain a vote upon cloture for the bill at the hour set aside for its consideration.

February 24, 1927: Senator TYSON presented his cloture petition. Adoption of this by the Senate required two-thirds vote. Under the rules the vote was to come without further debate upon February 26.

February 26, 1927: Cloture upon the Tyson bill was lost by a vote of 51 to 36. It lacked 7 votes necessary for the number to invoke cloture.

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REASON FOR CLOTURE DEFEAT

The foregoing analysis shows that one of the reasons for the failure to obtain the two-thirds majority necessary for cloture was due to the invariable rule followed by nine Senate friends of the measure, who vote against cloture under all circumstances, regardless of their personal attitudes toward the measures involved. While the favorable votes of these nine friends would have won the victory, the primary cause for defeat was the surprise defection of the 11 Senators who have voted favorably heretofore on the passage of the measure and who in addition were not opposed to the principle of cloture, but have, on the contrary, voted in favor of cloture on other measures during the year.

THE HOUSE FIGHT

As pointed out, a different set of circumstances confronted the Fitzgerald bill in the House. The fight in the Senate had been for the most part in the open. The fight in the House, however, had been conducted under cover. A whispering campaign consisting of cloakroom admonitions and conferences, designed to undermine the bill's strength in the House, was conducted throughout the session with unremitting energy and vigor. The primary object of this campaign was to intimidate the leaders in control of the legislative machinery so that they would decline to allow a vote upon the measure. Failing this, the whisperers hoped to undermine the actual House strength of the bill so that in the event the leaders allowed a vote, which seemed probable, that the actual support of the measure would be weakened.

WHISPERING STRATEGY

The strategy of the whisperers consisted in the threat of proposing double-edged amendments from the floor of a highly confusing character which, if adopted, might thwart the purpose of the legislation. They were primarily designed to place Members of the House in an embarrassing position. It was the intention of the whisperers to place the Congressmen in the predicament where a favorable vote on their amendments would be embarrassing, as well as an unfavorable vote. This strategy was designed to prevent pressure by Congressmen on the House leaders to force a vote on the bill. While the whisperers did not succeed in alienating many votes through this cloakroom attack, it has been claimed that they caused a number of its supposed friends to weaken in their desire for a roll-call vote on the measure.

The chief of the double-edged amendments through which the whisperers hoped to embarrass the Congressmen and confuse the issue before the House was to propose that the bill be amended to grant a disability rating of total permanent to all enlisted veterans how rated as permanently disabled more than 30 per cent. The object of such an amendment is clear. It is a continuation of the effort which certain Congressmen have been exerting to alienate the sympathy of the former enlisted men from the former officers, and to create a feeling among the Congressmen that a vote against such an amendment would immediately bring down the wrath of all former enlisted men, who outnumbered the former officers 20 to 1.

The fact that such a proposal—30 per cent permanent disability to be made the equivalent of 100 per cent permanent disability—has never been proposed by any veterans' organization and has never been considered by any committee of the House or the Senate, so that its cost, its effect, or the necessity for its enactment are absolutely unknown, has not so far deterred the whisperers from their announced intention of forcing a vote upon their proposal.

It is unnecessary to point out that the enactment of such an amendment might overturn the entire structure of our carefully developed Veterans' Bureau laws for the relief of the disabled, and that the Legion itself could not properly take a stand for or against such a proposal without a thorough study concerning its probable necessity, effect, and cost.

SNELL GOOD AS HIS WORD

In spite of this whispering campaign, the Members of the House steering committee and the House Rules Committee finally concluded that the Fitzgerald bill was just in principle, and that the House should not further be denied its right to register its will upon it. Early in the session Chairman SNELL, of the House Rules Committee, stated that his committee would report a rule providing consideration of the measure, following the disposition of the annual appropriation bills. Chairman SNELL was as good as his word. On February 15 the House Rules Committee voted to report the rule on the Fitzgerald bill, and House Resolution 427, in compliance with this, was reported to the House on February 16 from the House Committee on Rules. This resolution provided that general debate confined to the bill should not exceed two hours, to be equally divided and controlled by those favoring and opposing it. That, following this, the bill should be open to amendment under the five-minute rule, and that when the question of amendment had been disposed of, that the previous question should be considered as ordered, and a vote be had upon the passage of the measure.

It should be noted that this was the first time in the nine-year fight for this measure that a rule for its consideration had been granted by the House Rules Committee.

Action on the Fitzgerald bill was then deferred awaiting the Senate action on the Tyson bill, the House leaders having taken the attitude that it would be useless for the House to act upon the Fitzgerald bill unless the Senate passed the Tyson bill, the House leaders assuming that the Fitzgerald bill could be acted upon without notice at any time up until adjournment of the session.

The Senate filibuster against the Tyson bill meanwhile continued. Then two days prior to the date set for adjournment, another Senate filibuster was on in full swing, which continued to adjournment and prevented Senate passage of all additional legislation.

Friends of the measure, nevertheless, desired the House to register its attitude upon the Fitzgerald bill. Representative FITZGERALD conveyed this information to the House leaders, which resulted in the meeting of the House steering committee. This body, after considerable discussion, recommended that the House be allowed to consider the Fitzgerald bill that night, as adjournment was scheduled for noon the next day. Unfortunately, a House filibuster developed at the night session against the immigration bill, then under consideration, and this debate was unduly prolonged. The only hope then remaining was to obtain recognition from Speaker LONGWORTH for House consideration of the measure under suspension of the rules. Mr. LONGWORTH declined to grant this. Representative TILSON, of Connecticut, the majority leader, thereupon asked unanimous consent that the House stand in recess until 9.30 the next morning. Mr. FITZGERALD thereupon objected, his plan being to insist upon the House continuing in session until action on his bill was had. However, at this point, Chairman SNELL, of

the Rules Committee, presented a privileged report from the Rules Committee, House Resolution 455, which provided that immediately upon the adoption of this resolution it should be in order to move that the House stand in recess.

Mr. SNELL moved the previous question on the adoption of the rule, the previous question was ordered and the resolution agreed to, and the House thereupon stood in recess until 9.30 the next morning, to adjourn at noon on that day without transacting further business.

In this manner was the retirement legislation killed during the short session.

THE FIGHT GREW MORE BITTER

Friends of the retirement bill should reflect that the fight for this meritorious measure became more intense as time went on. Its opponents were few in number but great was the power of obstruction. The chief weapon lay in the rules of the Senate and the House, which enabled a vote to be prevented by parliamentary tactics. To this was added the whispering campaign and the threatened amendments designed to confuse the issue and embarrass those who would vote upon them.

JUSTICE WILL BE GRANTED SURVIVING DISABLED OFFICERS

More than 123 of our disabled emergency Army officers have died during the past year, died while their opponents filibustered and whispered against their relief legislation. The united strength of the Legion is back of this measure—a strength which opponents have failed to divide—and justice to the disabled officers will be written into the law of the land.

Mr. BINGHAM. Mr. President, on behalf of the Senator from Tennessee [Mr. TYSON] I ask that there may be printed at this point in the RECORD the majority report of the committee to which he referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The majority report is as follows:

[Senate Report No. 115, Seventieth Congress, first session]

RETIREMENT OF EMERGENCY OFFICERS

Mr. TYSON, from the Committee on Military Affairs, submitted the following report [to accompany S. 777]:

The Committee on Military Affairs, to whom was referred the bill (S. 777) making eligible for retirement under certain conditions officers and former officers of the World War, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The bill has the approval of the War Department, as will appear by the letter attached hereto, which is made a part of this report.

Your committee held extensive hearings upon this measure at previous sessions and has heretofore favorably reported this legislation three times to the Senate. For these reasons your committee considered further hearings unnecessary in favorably reporting the bill for the fourth time. The Senate has twice passed this measure—in 1922 and 1925—and it has been pending before the Senate in its present form since July, 1921.

There were nine classes of officers who fought in the World War. These were the regular, provisional, and emergency officers of the Army, Navy, and Marine Corps. Eight of these nine classes of officers have been retired by the Congress for wounds and disabilities resulting from their World War services.

The only officers for whom the Congress has failed to provide retirement are the disabled emergency Army officers. The enactment of this bill therefore will relieve the discrimination which exists against them.

From the Revolutionary War to 1861—more than one-half the period of our existence as a Nation—there was no retirement, either longevity or disability, for the members of our military forces. During this long period the pension system alone recompensed the disabled officers and enlisted men of our Regular and Volunteer forces.

These disability pensions were graduated according to the rank and pay of the disabled officers and enlisted men. No distinction or discrimination existed between the Regular and Volunteer forces. The disabled captain of the Regular Army received exactly the same pension as the disabled captain of Volunteers. The private of Volunteers the same as the Regular Army private.

Similar disability pension laws—providing payment for rank—are still on the books to-day.

After retirement had been inaugurated for Regular officers in 1861, other enactments were made by the Congress, until eight of the nine classes of the officers of our military and naval forces had been provided for in this manner. The disabled emergency naval and Marine Corps officers were the last to receive the benefits of retirement, it having been granted through the act of June 4, 1920.

Enlisted men of the Regular Army were granted longevity retirement in 1885. They have never been accorded retirement for disability. When disabled, they are still to-day placed upon the pension rolls.

The Congress has continued its established policy of retiring emergency officers of the Navy and Marine Corps by enacting in 1922, 1923, 1924, and 1925, private laws providing retirement for naval and Marine Corps officers who had not availed themselves of the benefits of the act of June 4, 1920.

The congressional policy of retiring our disabled officers is therefore well established. But there are other impelling reasons which should cause the Congress to retire the disabled emergency Army officers.

The selective service act of May, 1917, provided in section 10:

"That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects upon the same footings as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army."

And it has been held (in the case of Yates v. United States, 25 Court of Claims, 296) that:

"They [retired officers] are in the nature of pensioners, the compensation and pay given them constituting a form of pension."

And in the Digest of Opinions of the Judge Advocate General, in the edition of 1901, occurs the following:

"They [retired officers] are in fact pensioners and the compensation and pay given them constitutes a form of pension. They exercise no function and receive no emoluments of office, but are pensioned for past faithful service or disabilities contracted in line of duty."

The selective service act was further amplified by General Orders, No. 75, of the War Department, August 17, 1918, which read in part as follows:

"This country has but one Army, the United States Army. It includes all land forces in the services of the United States. These forces, however raised, lose their identity in that of the United States Army. Distinctive appellations such as Regular Army, Reserve Corps, National Guard, and National Army heretofore employed in the administration and command will be discontinued and the single term 'United States Army' will be exclusively used. Orders having reference to the United States Army as divided into separate and component forces of distinct origin, or assuming or contemplating such a division, are to that extent revoked."

Thus by the terms of the selective service act the contractual rights of the emergency officers were based upon those of the Regular Army officers. This in addition to the fact that the disabled emergency Army officers are entitled to the same consideration—as a matter of right—which the Congress has extended to the emergency officers of the Navy and Marine Corps.

There was no distinction between emergency and Regular Army officers on the battle field. There should be none now.

That the emergency Army officers, who led their men in the most desperate fighting the Nation has ever known, took their leadership seriously, is attested by War Department statistics which show that their battle deaths were 54 per cent greater than those of the men who served under hem. A further analysis of records show that 93 per cent of the Army officers killed in action were emergency Army officers, the remaining 7 per cent having come from the regular forces.

It has been contended by the few opponents of this measure that to retire the emergency officer is a discrimination against the enlisted man. We do not subscribe to that view.

There were more than 600,000 sailors and marines in our World War forces. Their disabled emergency officers have now been retired nearly eight years, yet no protest has been made by these enlisted men against this retirement.

No objection to this legislation emanates from the former enlisted men of the Army, or their organizations. The American Legion with three-quarters of a million members—more than 90 per cent of whom served in the ranks—has ten times gone on record in favor of the principles of this legislation; the Disabled American Veterans, composed exclusively of those disabled in World War service, 90 per cent of whom were enlisted, has seven times done likewise. No reputable veterans' organization has ever opposed this measure, nor do the veterans themselves believe that it discriminates against the disabled enlisted man.

There has never been a disability retirement provision for enlisted men in the regular service. The disabled emergency enlisted man realizes that the compensation now drawn by him is more than he would draw if this act were made applicable to him.

The officers who would be benefited by this legislation are, on the average, 12 to 15 years older than the men who fought under them. They now average about 48 years of age. The emergency officer because of his greater age, had assumed responsibilities prior to his entrance into the service that had not been assumed by the younger enlisted man. These men were, in a majority of cases, of the proven experience in civil life which justified their being commissioned to serve in time of war. The high standard by which they were chosen is revealed in the following extract from War Department memorandum of June 4, 1917, on the selection of candidates for commission:

"Since the special object of these (training) camps is to train a body of men fitted to fill the more responsible positions of command in the new armies, every effort will be made to select men of exceptional character and proved ability in their various occupations. While it is

desired to give full opportunity for all eligible citizens to apply, no man need make application whose record is not in all respects above reproach and who does not possess the fundamental characteristics necessary to inspire respect and confidence."

It should be pointed out, then, that these men did not "happen" to receive commissions but earned them by meeting the rigid requirements of the training camps, or, as in the case of those commissioned from the National Guard, who had through long years of training prepared themselves at their own time and expense and were qualified to serve as officers in a national crisis.

In truth, the majority of Regular Army officers now receiving the benefits of the present retirement law because of battle casualties in the late war, are officers with the same training and identical preparation as the emergency officers, few of them being graduates of the Military Academy. On the contrary, they attended the same training camps from which the emergency officers were commissioned after the same period of training, under the same officers, and in the same subjects.

Under the provisions of the national defense act, any major emergency will be met by the aid of the National Guard and the Reserve Corps, and as a national policy it should be assured to the officers of these components of our Army, that for disabilities incurred by them in their service, they will be accorded the same consideration given provisional and regular officers suffering like disabilities under like circumstances, engaged in meeting the same emergency. Fairness requires it, justice demands it, and the esprit de corps of future armies will be insured by it.

The bill provides retirement pay of 75 per cent of the compensation paid at time of discharge from active service to emergency Army officers who incurred permanent disability of 30 per cent or more as a result of their service during the World War.

It is believed that this degree of disability in the keen competition of civil life, is on the average, the equivalent of the "incapacitated for active service," which is the basis of retiring officers from the Regular Establishment on account of disability.

The bill gives to the disabled emergency Army officers the privileges of those now on the retired list; that is, to use the title of their rank, to wear the uniform, to medical treatment at Army hospitals, to purchase supplies at Army sales stores, etc.

It has been advanced that this legislation fails to provide for the widows and children of emergency officers who gave their lives in conflict or who have died since the war. The existing law which cares for these dependents is in nowise changed by this act. Dependents of emergency officers killed in the war have always received the same compensation as the dependents of officers of the regular forces who were killed in the war.

The number of disabled emergency Army officers to be benefited by this proposed act, together with its costs, are shown in the appended letter and table from the Director of the Veterans' Bureau, dated January 19, 1928, which are made a part of this report.

The bill provides that the act be administered by the Veterans' Bureau, which has the medical records of the beneficiaries. The bureau will likewise be charged with the funds, relieving the War Department in this connection. Application for retirement shall be made within one year from the approval of this act. These provisions remove objections to the legislation, which prior to their inclusion in the measure, the War Department did not favor.

A list will be furnished for and published in the Official Army Register, to which no objection is made.

JANUARY 21, 1928.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR REED: In compliance with your request of January 9, 1928, I am pleased to submit the following report on S. 777.

The subject of the proposed legislation is "A bill making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War."

Under existing law the regular officer is granted the rights of retirement on account of physical disabilities incurred in line of duty, whereas the emergency officer must look, if so disabled, to the relief afforded by the war risk insurance act as amended.

S. 777 is identical in wording with S. 3027 of the Sixty-ninth Congress, on which I made a report to the Committee on Military Affairs, United States Senate, under date of March 4, 1926. The War Department's attitude on this legislation remains as expressed in that letter.

In my letter of March 4, 1926, I pointed out that the principal administrative obections which the War Department has had in the past to similar bills have been remedied in the present bill, and that there were, therefore, apparently only two features of the bill which directly concern the War Department.

These features, as expressed in S. 777, are as follows:

1. On page 2, lines 10, 11, 12, and 13, it is provided that officers carried on the emergency officers' retired list of the Army "shall be entitled to the same privileges as are now or may hereafter be provided for by law or regulations for officers of the Regular Army who have been retired for physical disability incurred in line of duty." The same language occurs on page 3, lines 19, 20, 21, and 22.

I would suggest that the privileges it is proposed to grant be stated more specifically in the bill, in order that there may be no misunderstanding in the future as to the intent of Congress. That such misunderstandings may occur is evidenced by a consideration of the following status of an officer on the Regular Army retired list:

Upon retirement the retired officer merely passes to a new status in the Military Establishment. He passes to an inactive status but continues to hold office and the rank incident thereto. He is subject to such military service as he is capable of, subject to laws limiting the offices he may hold, and continues subject to the Articles of War and regulations governing retired officers. He may engage in civil pursuits, always subject to interruption in time of emergency or in case of an infraction of the regulations to which he is subject. Being an officer of the Army, he continues entitled to medical treatment, if at a place where such treatment is available by the personnel or facilities maintained by appropriations for the Regular Army. He may also continue to make purchases from Government stores maintained for the Regular Army.

2. On page 3, lines 22 and 23, it is provided "that the retired list created by this act shall be published annually in the Army Register."

While I feel that it would be better administration to have the Veterans' Bureau charged with all administrative acts, the War Department would be glad to do this if Congress so desires. In case it should be deemed best that the War Department publish the list, I would suggest that the bill specifically provide that the Veterans' Bureau be charged with the responsibility for preparation and maintenance of the list and submission of the same annually to the War Department for publication.

In general, any such relief measure should conform to our traditional policies; its administration should be in accord with sound business principles and the benefits conferred should be equitable. The determination of whether these policies are followed, and the cost, the extent to which and the manner in which relief or benefits to which they may be entitled are granted to disabled emergency officers or enlisted men, is a matter to be determined by the Congress.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officer is designated to appear before your committee: Lieut. Col. A. J. Booth, The Adjutant General's Department.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

UNITED STATES VETERANS' BUREAU,
Washington, January 19, 1928.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

MY DEAR SENATOR REED: Reference is made to your letter transmitting copy of S. 777, "A bill making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War," and requesting a report as to the merits thereof. This bill is substantially the same as S. 33, Sixty-eighth Congress, first session. In this connection attention is invited to letters to Hon. Holm O. Bursum, United States Senate, on February 20, 1924, and March 19, 1924, in connection with S. 33, and to letter addressed to the chairman Committee on World War Veterans' Legislation, House of Representatives, on March 1, 1924, copies of which are inclosed.

The committee is advised that according to a recent study made in connection with this legislation it is estimated that there are at present 3,030 ex-emergency officers of the World War who are permanently disabled to a degree of 30 per cent or more and who are now receiving compensation totaling $216,436 monthly. The cost of retiring these men at 75 per cent of their pay rate would be $388,137.50 per month, or $4,657,650 annually, the total increased annual cost being $2,060,418. This statement does not include 960 officers who are now drawing compensation of $50 per month under statutory awards for arrested tuberculosis. These cases, if rerated under the schedule of disability ratings and found to be actually disabled to a degree of 30 per cent or more, would increase the cost approximately $118,931.50 per month, or $1,427,178 per annum.

Were the bill amended to provide for the retirement of disabled emergency officers of the Navy and Marine Corps, as well as those of the Army, it is estimated that the total number of officers affected would be raised to 3,223, the monthly payment of compensation for that number now being $231,909, and that the cost of retiring this total number at 75 per cent of their pay rate would be $411,593.75 monthly, or an annual cost of $4,939,125, an increased annual cost of $2,155,137.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

Emergency Army officers rated on a permanent basis at 30 per cent or more, showing amount of compensation and cost of retirement, September 30, 1927

Rank	Permanent partial, 30 per cent or more		Permanent total		Total		Pay rate	75 per cent of pay rate	Cost on 75 per cent of pay rate
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment			
General	1	$60.00			1	$60.00	$500.00	$375.00	$375.00
Colonel	5	205.00	7	$800.00	12	1,005.00	333.33	250.00	3,000.00
Lieutenant colonel	17	578.00	13	1,350.00	30	2,228.00	291.66	218.75	6,562.50
Major	113	5,503.00	91	9,478.00	204	14,981.00	250.00	187.50	38,250.00
Captain	454	23,155.00	339	35,620.00	793	58,775.00	200.00	150.00	118,950.00
First lieutenant	680	34,234.00	422	43,685.00	1,102	77,919.00	166.66	125.00	137,750.00
Second lieutenant	527	25,705.00	361	35,763.00	888	61,468.00	125.00	93.75	83,250.00
Total	1,797	89,740.00	1,233	126,696.00	3,030	216,436.00			388,137.50

$388,137.50×12=$4,657,650: Annual cost of retirement.
$216,436×12=$2,597,232: Annual compensation.
$4,657,650—$2,597,232=$2,060,418: Annual increased cost of retirement.
This statement excludes 960 arrested T. B. cases receiving a statutory $50 award where the tuberculosis has been evaluated according to the rating schedule at less than 30 per cent permanent partial.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted upon its amendments to the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes, disagreed to by the Senate, agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. WASON, and Mr. CULLEN were appointed managers on the part of the House at the further conference.

PROHIBITION ENFORCEMENT

Mr. BRUCE. Mr. President, I ask unanimous consent to have inserted in the RECORD the last annual report of the Moderation League (Inc.).

There being no objection, the report was ordered to be inserted in the RECORD, as follows:

A NATIONAL SURVEY OF CONDITIONS UNDER PROHIBITION

The Moderation League has continued for a third year its national survey of conditions under prohibition.

The police departments of 602 places have supplied their figures of arrests for intoxication for the three years, 1924 to 1926; 534 departments for the seven years, 1920 to 1926; and 403 departments for the 13 years, 1914 to 1926.

The most significant things disclosed by this year's survey are:

1. Drunkenness increased almost as fast in 1926 as it did in 1925, and somewhat faster than it did in 1924. In the 602 places reporting, arrests for drunkenness increased from 650,961 in 1924 to 687,812 in 1925, and 711,889 in 1926.

2. In the 534 places arrests for drunkenness in 1926 increased 136 per cent above 1920, the first year of national prohibition.

3. In the 403 places reporting from 1914 to 1926, arrests for drunkenness in 1926 were higher than in any previous year, save only the war-boom peak of 1916. The 1916 peak was 563,792 arrests for drunkenness, and 1926 almost reached it, being 559,074.

4. Conditions in the former so-called "dry" States are very much worse to-day, compared with 1914, than are conditions in the so-called "wet" States. In the dry States the number of arrests for drunkenness went up rather sharply in 1926 and exceeded any year heretofore, whereas in the former wet States 1926 slightly exceeded the 1914 level, but did not quite reach the 1916–17 peak.

The figures for 1914 to 1926 reward analysis, inasmuch as they show both the preprohibition and postprohibition level. During 1914 and 1915, before the war boom got under way, drunkenness remained practically stationary.

During 1916 and 1917, war-boom years, there was a very perceptible increase, following the known rule that other things being equal, drunkenness increases with good times and decreases with hard times.

In 1918 and 1919 emergency war-time restrictions on alcoholic beverages (far short of bone-dryness, however) were imposed. Drunkenness took an astonishing drop during those years. Near the end of 1919 the Volstead Act went into effect. In 1920, the first year of national constitutional prohibition, there was a further drop which the 1921 rise wiped out. Since then there has been an increase every year, so that by 1926 there were more arrests for drunkenness than in any year except the 1916 war-boom peak.

To be exact, arrests for drunkenness in 1914 in the 403 places were 531,574, reached the war-boom peak of 563,792 in 1916, dropped to 237,101 in 1920, and rose in 1926 to 559,074.

Substantially the same rise occurred in the 534 places—increasing from 281,561 in 1920 to 664,101 in 1926. (No effort has been made to estimate fluctuations in population from year to year in the 602 places covered by this survey. At best such estimates would be speculative and open to suspicion of partisan bias. Only absolute figures, not susceptible of dispute, are here given.)

It is noteworthy that under the semidry war-time restrictions of 1918–19 there was a remarkably precipitate drop in drunkenness, and that under the bone-dry Volstead Act there has been an equally abrupt rise.

One of the interesting things disclosed by the survey is that while the low point of drunkenness in the former "wet" States was reached in 1920, the first year of constitutional prohibition, yet in the former "dry" States—States which had some kind of a state-wide dry law before the eighteenth amendment was ratified—the low point of drunkenness was in 1919 before national prohibition. In other words, in the "dry" States the increase in drunkenness had already begun in the first year of national prohibition.

Another noteworthy feature is that in the former "dry" States, drunkenness has now reached a considerably higher point, with reference to the 1914 level, than it has in the former "wet" States. Relatively, therefore, the "dry" States are now in worse condition, as compared with 1914, than are the "wet" States. President Harding sensed this tendency shortly before his death, when he said in his Denver speech in June, 1923: "It is a significant fact that some States which successfully enforced their own prohibition statutes before the eighteenth amendment was adopted have latterly gone backward in this regard."

Perhaps one reason for this greater increase in drunkenness in the "dry" States is that most of these so-called "dry" States were not really so, but were, in the main, merely restrictive. It is not generally known that bone-dryness is an absolutely new thing in this country. It did not exist at all before 1914, and substantially not at all before 1917, when the Reed amendment (a Federal statute), as a war-time measure, made it unlawful to ship intoxicants into "dry" States. Before the Reed amendment went into effect on July 1, 1917, it was lawful in almost every dry State for residents to have liquor shipped to them from wet States. Many of these dry States also permitted residents to make their own alcoholic beverages. It was, accordingly, the fact that before 1914 all, and before 1917 substantially all, of the dry States were merely partially dry; the idea being to abolish the saloon, not to force total abstinence on everyone. These semidry laws commanded a large public support and respect and accordingly did not cause the resentment which the bone-dry Volstead Act has since aroused. They appear, accordingly, to have worked much better in practice than the more recent bone-dry law.

How conditions have become much worse under the present "bone dry" law than they formerly were under State restrictions or semiprohibition is strikingly illustrated by the case of Atlanta. On January 1, 1908, Georgia got what was then called "state-wide prohibition." In fact the law prohibited manufacture and sale, thus outlawing the saloon, but it did not forbid importation in unlimited amounts for personal use. In 1916, during the war, the amount importable was limited to 2 quarts of spirits, 6 gallons of beer, or 1 gallon of wine within any 30 consecutive days. In 1917 a State "bone dry" law was passed and near the end of 1919 the Volstead Act became effective.

The results of these changes in the Georgia laws are instructive. As soon as the restrictive law went into effect in January, 1908, arrests for drunkenness fell from 6,508 in 1907 to 2,650 in 1909, and maintained that low level of around 3,000 per annum until the "bone dry" law was enacted in 1917. In 1919 drunkenness began to increase and has been increasing almost steadily ever since. In 1926 there were 7,594 arrests for drunkenness, which is much more than twice as high as the level maintained for the years 1908 to 1917, inclusive, during the more moderate State restrictive law.

Commenting on this condition in Atlanta the Bridgeport (Conn.) Post remarks editorially:

"Atlanta went dry by its own consent under State and local option. There was immediately a marked improvement in the situation. Arrests for drunkenness fell to a low level and remained at that level for a period of more than 10 years under a law imposed upon the people of the State entirely by their own consent and enforced with their own legal machinery.

"Then came the passage of the national prohibition act, and instantly the drunkenness rate in Georgia began to rise and has been rising ever since. All the good work of 10 years of temperance under local option has been undone, the city has receded to a condition as bad as that of 20 years ago, and national prohibition stands branded as a complete and abject failure in this test. Why ignore the facts, which are so patent and outstanding that one must put on blinkers of brass to avoid seeing them?"

The history of Birmingham is almost an exact duplicate. Before 1915 Alabama had a county local option law. Commencing in 1915 the State got a state-wide restrictive law prohibiting manufacture and sale of liquor, but permitting the importation of 2 quarts of spirits, 5 gallons of beer, or 2 gallons of wine every 15 days for personal use. The law also expressly permitted homemade wine. This continued to be the State law until it was superseded by the Volstead Act. Arrests for drunkenness fell from 3,481 in 1915 to 907 in 1916, and maintained this low level during the restrictive period, averaging 924 a year from 1916 to 1919. In 1921 arrests for drunkenness started on their astonishing climb upward, so that in 1926 there were 5,886 arrests for drunkenness, a level over six times greater than under the more moderate law.

From the cases of Atlanta, Birmingham, and other cities, which space forbids enumerating here, it appears to have been the experience that moderate restrictive legislation resulted in greater practical temperance, while the present bone dry Volstead Act has been followed by steadily increasing drunkenness.

DRUNKEN CHILDREN

By far the most distressing result of the Volstead Act is the increase in drinking among boys and girls and young people generally. There have been reports to this effect in the press so constantly from all over the United States that the matter has become common knowledge, commented upon in the more serious publications.

The Federal Council of Churches in its investigation of the subject sent questionnaires to 2,700 social workers, and a majority of the replies received stated that they observed more drinking by young people as compared with preprohibition times. (The Prohibition Situation, September, 1925, pp. 14–15.)

We think that if social workers as a class are prejudiced on the prohibition question, that prejudice is in favor of prohibition, and that consequently their testimony, if not absolutely unbiased, may be considered as an admission by friends of the Volstead Act that this unfortunate condition has resulted.

Liberty magazine made a similar inquiry from 90 correspondents throughout the United States, and the replies were almost unanimous that young people are drinking more than ever. ("These reports, coming from 90 centers of population, are strikingly similar in their conclusions. They are practically unanimous in stating that bootlegging is prevalent; that disrespect for the Volstead law has caused disrespect for other laws; that murder has become a common incident in the adventurous game of rum running; that the younger generation is drinking more than ever; that drunkenness is increasing; that prohibition is steadily losing ground." Liberty, January 23, 1926.)

It is rather commonly supposed that violations of the prohibition law are greater in New York City than elsewhere. Quite the contrary is true. The Federal Council of Churches, in its report in 1925, said: "There is no apparent justification for the common assumption that New York is 'wetter' than most other cities. In fact there is a reason to think that the reverse is true."

The above chart of arrests for drunkenness in New York City shows the situation at a glance. The high point in drunkenness was in 1903 when there were 53,396 arrests for intoxication. There was a remarkable and very uniform decline after that, until 1919, when the low point of 6,855 was reached. This low point was hardly more than one-eighth of the level of 1903.

Saloons were open and legal in New York City until July 1, 1919, when they were closed by Federal law. This astonishing decrease in drunkenness took place under the legal saloon.

It is noteworthy that as soon as national prohibition became effective this decline was halted and intoxication began to increase.

The number of arrests for drunkenness per capita in New York City nowadays is very much less than in the other large cities of the Nation.

In Topeka, Kans., the State where public sentiment is admittedly drier than anywhere else in the Union, the chief of police describes conditions as follows: "There is a phase that we have never had to deal with before—the drinking of young girls and boys, and their being brought in frequently for driving automobiles while under the influence of intoxicants. It was something that we never experienced before prohibition. They have just got to think that it is the smart thing to do. They do not think they are 'regular' unless they get half shot. The young girls simply will not go out with the boys who have not got flasks to offer or do not know where they can get intoxicants, and the real popular fellow is the fellow that knows most places where it can be obtained. And these barn dances; they are not what they used to be. They will erect a platform out in the country or in the environs of the city, and the boys and girls gather in droves, and soon out come the bottles and pints and flasks, and they get beer and 'spike' it with their alcohol. There are always dozens of drunks around at these affairs. They used to be more innocent things." (New York Herald-Tribune survey, 1926.)

Idaho has a very drastic State enforcement law, yet drinking among boys and girls there is, if anything, worse than in the Eastern States. The chief of police of Boise City says: "Young girls are going out and getting drunk with young boys in numbers and with a persistence such as we have never seen or heard of before. There have been outbursts of immorality among them that is directly traceable to the consumption of liquor. The excesses that have bobbed up every now and then among our high-school pupils have been one of the most alarming phases of the situation in this city, and I take it in other cities of the State. These young people get their bottles of hootch and rush out to some farm house on the outskirts of the city, and there indulge themselves to their heart's content." (New York Herald-Tribune survey, 1926.)

The sheriff of Ada County, Idaho, bears similar testimony: "I am a prohibitionist. * * * I have never taken a drink in my life, and I shudder to see what is happening under my eyes. * * * Probably the most alarming thing about this whole business is the number of young boys and girls that have been enmeshed in the strains of this traffic. Our docket shows dozens of minors—school boys and girls—who were picked up intoxicated or for reckless driving while under the influence of liquor. The number of these cases is really astounding. Every now and then a scandal breaks out of a serious nature and a dozen or more high-school girls and boys are sent off to some private institution outside the city and every precaution taken to protect the names of the pupils and families." (New York Herald-Tribune survey, 1926.)

The head of the Committee of Five Thousand, a welfare organization of Omaha, remarks: "We know about the drinking by children in school and out of school. We have no illusions about that." (New York Herald-Tribune survey, 1926.)

At Cheyenne, the capital of Wyoming, the chief of police declares: "The kids' drinking is something, I think, that did not happen so much before." (New York Herald-Tribune survey, 1926.)

The chief of police of a town under 10,000 population in Indiana writes: "Boys and girls under the age of 16 years are lectured and sent home, and there are many cases of boys and girls drinking alcohol, mule, Jamaica ginger, or some homemade concoction. Moral conditions are worse than they have been in 35 years."

Describing conditions in a Pennsylvania city of about 100,000 population, the chief of police writes: "There is more drinking of intoxicants by minors to-day than ever before. This drinking by young folks is carried on at private dances and parties, where it is usually brought in hip flasks. I also know of instances of mere schoolboys having been taken from the schoolroom intoxicated."

From a city in the State of Washington another chief writes: "In the last seven or eight years there has been a noticeable increase in drinking among the younger people of the city. Joy riding and petting parties are usually accompanied by liquor and usually result in serious accidents or the intervention of the police in some form."

The Federal prohibition director in North Dakota remarks: "We have drinking by high-school students. I would say that we have more drinking to-day by these youths than we did 10 years ago, before prohibition." (New York Herald-Tribune survey, 1926.)

In South Dakota the attorney general says: "There is a strange psychology about this liquor problem that makes it doubly significant. It is beginning to affect a different type of person than it did before. Now it is the youngster of the family of means who is toting the bottle. They think it smart to have a bottle on the hip and the girls encourage the boys to do it. And they rush about in cars. It is one of the most menacing phases of the whole situation." (New York Herald-Tribune survey, 1926.)

While there is a paucity of authoritative statistics on the subject of drunkenness among the young, apparently the largest increase has taken place among those from 15 to 25 years of age. Juvenile court records are of little value because they deal only with the very young

who have not yet come into much spending money and who have not developed enough initiative to forage for liquor. The police department of Washington, D. C., however, has classified its arrests for drunkenness by ages, and its figures are illuminating. Saloons were officially closed in Washington as a war measure near the end of 1917. Arrests of minors (under 21) for drunkenness averaged 46.7 a year for the eight saloon years 1910–1917. The number was 36 in 1917. In 1918 and 1919 there was a considerable rise, followed in 1920, the first year of constitutional prohibition, by a drop, presumably due to a temporary scarcity of alcoholic beverages.

In 1921, however, there was a big rise which wiped out the 1920 drop. The increase since then has been almost constant, with the result that by 1926 the number of minors arrested for drunkenness had reached 340. This is an increase of 627 per cent above the saloon level of 1910–1917. Arrests of persons of all ages for drunkenness rose in 1926 not nearly so high above the preprohibition level, thus demonstrating that, relatively as well as absolutely, drunkenness among minors in Washington increased enormously.

These official figures for Washington completely confirm the other evidence on the subject as to the Nation as a whole, and seem to leave not the slightest doubt but that there has been a very considerable increase in drunkenness among the young. This can only mean that each year we are raising a new crop of drunkards which is much larger than the annual crops we used to raise, even under the saloon. Such a condition does not augur well for the success of the Volstead Act in the long run.

CONCLUSION

When we consider that drunkenness generally has already increased to the preprohibition level, and that drunken children have increased far above anything ever known before in this country, we can not escape the conclusion that the Volstead Act has failed utterly to do what it was intended to do, namely, promote temperance and sobriety. Moreover, since conditions have become worse, not better, each year, and with the "next generation" drinking as never before, there seems to be no hope that the Volstead Act, in its present drastic form, can ever accomplish its purpose.

From the experience, before national prohibition, of the States which had restrictive laws, from the experience of the whole country during the restrictive years 1918–19, and from the experience of the Canadian Provinces and the Scandinavian countries, we believe that a greater degree of temperance can be attained by a wise restrictive law than by a bone dry law which does not command the respect of a large part of the people.

We are also of the firm conviction that such a policy of wise restriction would have the incidental advantage of eliminating almost entirely, the scandalous corruption and bribery of public officials, would stop the growth of the bootlegging industry, would check disrespect for law, and would in addition produce a handsome national revenue.

SCHEDULE A.—*Summary of arrests for intoxication*

(Figures from police departments)

	403 places	"Wet" States, 280 places	"Dry" States, 123 places	534 places	602 places
1914	531,574	425,781	105,793	----------	----------
1915	528,426	413,059	115,367	----------	----------
1916	563,792	452,029	111,763	----------	----------
1917	546,351	445,467	100,884	----------	----------
1918	428,725	358,635	70,090	----------	----------
1919	312,136	252,301	59,835	----------	----------
1920	237,101	175,326	61,775	281,561	----------
1921	321,195	244,656	76,539	376,794	----------
1922	429,886	329,215	100,671	510,150	----------
1923	506,104	393,350	112,754	597,201	----------
1924	521,474	408,034	113,440	612,389	650,961
1925	540,151	423,927	116,224	642,957	687,812
1926	559,074	434,444	124,630	664,101	711,889

INTERSTATE COMMERCE COMMISSIONER ESCH

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to Mr. T. W. Bennett, general manager of the South Carolina Produce Association, by Karl Knox Gartner, relative to Interstate Commerce Commissioner Esch.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Karl Knox Gartner, Allen G. Gartner, Smith Building, 815 Fifteenth Street]

WASHINGTON, D. C., *March 9, 1928.*

Mr. T. W. BENNETT,
General Manager South Carolina Produce Association,
Meggett, S. C.

DEAR MR. BENNETT: A situation has developed here in the Senate in connection with the confirmation of Commissioner Esch's reappointment that may have very far-reaching effect and may serve to influence adversely the decision in our vegetable case.

The argument in the vegetable case, by the way, had to be postponed to March 29 in order to remove a conflict with a hearing that I have set out West for March 22.

The opposition to Mr. Esch's confirmation is based upon the fact that he changed his vote on rehearing in the Lake Cargo Coal case. The principle involved is the change of mind by a commissioner on rehearing. If the Senate refuses to confirm Mr. Esch on this ground, it is going to have a great influence indirectly on every other commissioner in connection with every case on rehearing. Because of this principle that is involved, it seems to me that the people of the country ought to stand for the reappointment of Mr. Esch, because the commission certainly should be free to correct any errors which it believes it has made in the original decision of the cases.

An even greater principle is involved in this matter, and that is that the commission should be free from political influence in the decision of its cases. A great political influence is being brought to bear to defeat Mr. Esch's appointment because he voted against certain powerful coal interests in Virginia, West Virginia, Tennessee, and Kentucky, and they are trying to demonstrate their political power not only to Commissioner Esch but to the rest of the commissioners. It is a most deplorable situation.

My purpose in bringing this matter to your attention is that you have mentioned several times that your association had some considerable influence with the Senators from South Carolina, and if you agree with me that is a bad thing to create the situation pointed out in this letter, which I am sure will only serve to weaken the commission and effect disadvantageously the outcome in our vegetable case, then I would suggest that you immediately upon receipt of this letter send a wire to Senators SMITH and BLEASE asking them to vote for the confirmation of Commissioner Esch's reappointment. This matter is very urgent, and if you are inclined to follow the suggestion here made, you will have to do so immediately as this matter will undoubtedly come up in the Senate the first of next week.

With kindest regards, I beg to remain,

Cordially yours,

KARL KNOX GARTNER.

PAY OF FILIPINOS, NATIONAL GUARD OF HAWAII

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2007) to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made, which was, on page 1, line 3, to strike out all after the word "authorized" down to and including the amount "$4,000," in line 6, same page.

Mr. BINGHAM. I move that the Senate concur in the House amendment.

Mr. LA FOLLETTE. I should like to ask the Senator from Connecticut to make a very brief explanation of what the House amendment accomplishes.

Mr. BINGHAM. I shall be glad to do so. Mr. CRAMTON in the House, who proposed the amendment, said in regard to it:

The purpose of this amendment is simply to strike out the language which says this is to be paid out of a certain appropriation heretofore made. This constitutes an appropriation and puts a new burden upon the fund. I do not believe this is a good practice to follow. With this language eliminated the payment is authorized and the question can be determined later as to the source of the payment.

Does that answer the question of the Senator?

Mr. LA FOLLETTE. It does.

Mr. ROBINSON of Arkansas. The Senator's motion is to concur in the House amendment?

Mr. BINGHAM. It is.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state what is the question before the Senate?

Mr. BINGHAM. It is my motion that the Senate concur in the amendment of the House to a bill permitting the Secretary of War to pay certain Filipinos in the Hawaiian National Guard the money which they earned, but could not receive, because it was found later that they were not citizens of the United States.

Mr. ROBINSON of Arkansas. I understand there is only about $4,000 involved?

Mr. BINGHAM. That is all that is involved.

The PRESIDENT pro tempore. The question is on the motion to agree to the amendment of the House of Representatives.

The motion was agreed to.

LOTS IN PENSACOLA, FLA.

The PRESIDING OFFICER (Mr. NEELY in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2021) extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of

the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925, which was, on page 1, line 8, after the figures "1930," to insert:

Provided, That there be paid to the register of the district land office a fee of $5 for each lot described in an application for a deed of quitclaim under the said act, which fee shall be considered earned irrespective of the action taken on the application.

Mr. FLETCHER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

FEDERAL AID TO GOOD ROADS

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD a short article on the subject of Federal aid to good roads, prepared by Mr. T. J. Davis, chairman good roads committee, Tennessee Rural Carriers' Association, of Edison, Tenn.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Ten reasons why Senate bill 1945 (McKellar road bill) should be passed by the Seventieth Congress, first session:

First. Federal appropriations under the Bankhead bill and subsequent bills, having all been expended on the 7 per cent or primary system, but few rural people are receiving any benefits from these appropriations.

Second. Seventy-five per cent of the farms of the United States (agricultural census 1925) are on dirt roads and a very large per cent of them are 10, 15, 20, 25, and 30 miles from their places of markets. They must have some highway relief.

Third. The scarcity of rural physicians is a serious proposition. It is claimed that approximately 1,000,000 mothers in our country are without medical attention at childbirth annually (Collier's Weekly). With a good system of roads we would have enough physicians to care for all the people.

Fourth. Estimating the saving in gasoline and other expenses by either $70 annual loss per motor vehicle on account of unimproved or low-type roads, or by the saving of one-third in gasoline by higher type roads, the annual saving to the whole country by a system of good roads throughout the country would reach from $400,000,000 to $500,000,000 (counting one-fourth of the gasoline consumption on the roads not in the 48 State highway systems). By a system of good roads throughout the country we do not mean that all roads should be paved or even surfaced. We mean a system of roads maintained so as to adequately meet the economic traffic demands of the different localities.

The answers to one question of a questionnaire are sent to each of the 48 State highway departments convinces me that the passage of the McKellar road bill means that practically all rural routes would soon become year-round automobile roads.

Fifth. If all rural routes could be served the year round in motor vehicles, the personnel of the rural carrier force could be cut from 45,000 to at least 18,000, and probably 15,000, at an annual saving in salaries of $35,000,000 to $40,000,000. The mileage would be reduced considerably by eliminating duplication of service and retracing. The three rural routes here with 75 miles could be served by one carrier with a route of 64 miles at an annual saving of about $2,700. This same rate would perhaps hold true in most localities, but density of population and amount of mail would be factors in governing the length of routes as well as road conditions.

Retirements on age and bad health, deaths, transfers to other branches of the post-office service, would take care of the rural carriers whose routes would be consolidated.

Sixth. In many sections of the country rural routes can be served only on horseback and in horse-drawn vehicles. Even on thousands of routes that can be served in motor vehicles during the summer months, horses are used during the winter and spring months. The heavy loads of parcel post make it impossible to render good, regular, and prompt service. We have seen carriers forced to hire additional help in serving their routes, due to road conditions.

Seventh. Federal aid so far has been used only in building the trunk-line highways and is only a very small part of the total amount spent annually on public roads.

In 1926, the Federal-aid appropriation was only 12⅛ per cent of the total amount spent by State highway departments and only 6 per cent of total amount spent on State, county, and local roads. We could well afford to double our Federal-aid appropriations for post roads.

Eighth. In 1926 the Federal-aid money, $75,000,000 was spent in constructing 26,652 miles of road. The States, counties, and local governments spent $1,288,939,707 on 3,006,083 miles of rural road. The Federal Government is doing very little when we consider the total mileage of rural roads and the total annual expenditures on these roads.

Ninth. Most States are using all, or practically all, of the money collected for road purposes on the State highway systems. But few counties and local governments, except those with cities, could raise sufficient money to adequately maintain their roads without taxing the farmers beyond the point of endurance. Many counties would be compelled to double their present tax rate to do so.

Tenth. The rural population is rapidly decreasing as a result of bad roads. The net decrease in 1926 was 1,365,000. This does not tell the whole story. The decrease is on the unimproved roads. In fact, the population is increasing along the surfaced highways at the expense of the sections of unimproved highways. The schools and churches along the unimproved highways are going down and the farms are being abandoned. It is a rare thing to see a new home constructed along the unimproved highways. On the improved highways new homes are being constructed at a rapid rate. There are very few empty houses on the improved highways. On the unimproved the empty houses are numerous, and many are being torn down. This is true in each of the 48 States of the Union.

T. J. DAVIS,
Chairman Good Roads Committee,
Tennessee Rural Carriers Association.

EIDSON, TENN., *March 9, 1928.*

RELOCATION OF FARMERS' MARKET IN THE DISTRICT

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a brief on the subject of the relocation of the farmers' market in the District of Columbia.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

BRIEF PREPARED FOR SUBMISSION TO THE SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA, RELATING TO THE RELOCATION OF THE FARMERS' MARKET IN WASHINGTON, D. C., BY THE FARMERS AND ALLIED INTERESTS

(See list of organizations at end of brief)

Reports of the United States Department of Agriculture and the Commissioners of the District of Columbia show that over 50 per cent of the fresh fruits and vegetables supplied to the people of Washington comes through the present farmers' market. Congress, in 1870, provided a means whereby farmers in the immediate vicinity of Washington could centralize their selling, thereby enabling consumers to secure such food products at the lowest cost of distribution by affording them an opportunity to purchase direct from the producer. This market has steadily grown in favor with the consumers as is evidenced by the fact that during the last fiscal year 63,000 truck loads of produce were brought to this center and sold to the people either direct or through distributors for approximately $2,500,000.

The Commissioners of the District of Columbia state (Doc. No. 119, 70th Cong., 1st sess.): "It is generally agreed that it is desirable to all concerned to encourage the retail feature of the farmers' market. This was brought out very strongly in conference with the officials of the Department of Agriculture." A fair estimate has been made by all authorities that at least 20 per cent of the products distributed through the farmers' market are sold retail. Thus, the consumers of Washington are purchasing, direct from the farmers, food products aggregating $600,000 per year. The balance of the produce is sold wholesale to stores, boarding houses, restaurants, hotels, and other buyers, including commission merchants. The business conducted by the farmers' market is, therefore, both retail and wholesale, and as such it is obvious that the proper selection of a future site is vital not only to the farmers but also to the consumers of Washington.

The population of the city of Washington is to-day approximately 540,000 persons. Of this number four-fifths, or 432,000, live north of Pennsylvania Avenue. Of the 133 hotels and boarding houses in Washington 130 are located north of Pennsylvania Avenue. Of the 690 restaurants and lunch rooms, 616 are north of Pennsylvania Avenue. There are 1,764 chain stores, of which 1,361 are located north of Pennsylvania Avenue. Thus, the great preponderance of the food-consuming public patronizing the farmers' market is in the area north of Pennsylvania Avenue.

WHY THE FARMERS' MARKET SHOULD BE LOCATED NORTH OF PENNSYLVANIA AVENUE

CONSUMERS' VIEWPOINT

First. Over 90 per cent of the citizens' associations of the District of Columbia, including the Citizens' Advisory Council, the Federation of Women's Clubs, with a membership of over 15,000; the Women's City Club, and virtually every civic organization have gone on record as approving a site north of Pennsylvania Avenue.

LIVING COSTS

Second. Retail trade on the farmers' market, enabling the consumer to buy direct from the producer, is a price-stabilizing factor. To serve adequately the consumer and to be a factor in reducing the cost of living, the farmers' market must be located where it can be conveniently patronized by the public. Bill H. R. 8298 providing for the relocation of the farmers' market in southwest Washington, at the extreme edge of the city and District, approachable from two sides

only, specifically provides that the market be strictly wholesale, thus depriving the small consumer of the benefit of dealing direct with the producer.

FARMERS' VIEWPOINT

Third. What group of people aside from the consumers is mostly interested in a farmers' produce market? It is the farmers bringing produce to Washington who make this market possible. It is these farmers who supply the city of Washington with over 50 per cent of its perishable farm products. Almost unanimously they oppose the southwest site and favor a location north of Pennsylvania Avenue.

Their objections to the southwest site are:

1. It is far removed from four-fifths of the consuming public.
2. It is difficult for the majority of them to reach.
3. It is inaccessible to their customers, both retail and wholesale.
4. Here they will be deprived of a considerable portion, if not all, of their retail trade.
5. The area is too small to provide even fair accommodation for the present number of farmers, with absolutely no opportunity for future growth.
6. They object to being separated from the leading commission merchants, who have already announced their intention to locate north of Pennsylvania Avenue.
7. They do not want to be compelled to go through dense traffic areas in going to and from their market.
8. Farmers are in sympathy with the beautification program of the city of Washington and feel that heavy truck traffic of the character incident to the operation of a farmers' market is not desirable in the vicinity of the Mall.
9. Finally the farmers on this market do not use and therefore can not profit by cold-storage warehouses, water-transportation facilities, and railroad terminals which have been exploited as the principal advantages of the southwest location. Primarily, the farmers' interest is in securing a location easy of access, large enough to prevent congestion in and surrounding the market, within easy reach of the consuming public, and where they can be closely associated with the main body of commission merchants and other allied business interests. For these reasons the farmers have consistently urged a location north of Pennsylvania Avenue.

ALLIED BUSINESS

Fourth. It has been recommended by the Commissioners of the District of Columbia, the National Capital Park and Planning Commission, and the United States Bureau of Efficiency that the farmers' produce market be located in close proximity to the commission merchants. Commission merchants handling 5,500 of the estimated 7,000 car lots of fruits and vegetables shipped to Washington annually, or 85 per cent of the total shipments, have purchased a new location for their business north of Pennsylvania Avenue.

RAILROAD FACILITIES

Fifth. The Commissioners of the District of Columbia have recommended to Congress that from an economic standpoint a centralized perishable food-market area must be located at a railroad terminal where receivers can deliver direct from the cars, thereby reducing the present high cost of drayage. Freight deliveries are made to the southwest site by one railroad only. The most adequate railroad facilities and the only express depot handling perishable commodities are located north of Pennsylvania Avenue. This area is served by two main trunk-line systems, whose connecting lines reach all parts of the United States. Freight rates and refrigerating charges are the same to this area as they are to southwest Washington. Unlike southwest Washington, there is ample area north of Pennsylvania Avenue to develop additional freight terminal facilities to economically take care of the future growth and development of the city.

SIZE

Sixth. The size of the proposed southwest site for the farmers' market is too small to accommodate the 601 farmers using the present market. Provision is made for only 401 and there is not room for further expansion.

SUITABILITY OF SITE

Seventh. The southwest site, because of its topography, will not lend itself to the construction of a serviceable farmers' market. Even to make it usable would cost $110,000 over and above the purchase price and not including the cost of shelters or buildings. On none of the proposed sites north of Pennsylvania Avenue will this difficulty be encountered.

COST OF SITE

Eighth. The southwest site is unnecessarily expensive. Several desirable sites north of Pennsylvania Avenue are available at a much lower cost per foot and which do not require the building of retaining walls or expensive stepping to make them usable.

ACCESSIBILITY

Ninth. Transportation to the proposed southwest site either by street car or automobile is restricted. Only one street car line passes this site and the traffic lanes from the main residential sections of the city are few in number and pass through heavily congested traffic zones. Far better street-car facilities and unlimited automobiles thoroughfares are to be found north of Pennsylvania Avenue.

TRAFFIC PROBLEMS

Tenth. Locating the farmers' market in southwest Washington would continue the necessity of passing automobile and truck traffic totaling 60,000 loads of farm produce per year through the densest traffic area of the city, to be unloaded at an inaccessible point and redistributed in smaller volume by many more vehicles through the same congested area in order to reach the consuming sections of the city. Further traffic congestion will be encountered in the southwest because of Government buildings located north and south of the Mall. This condition will not improve when additional buildings now under construction are completed and when still other contemplated buildings are erected north of the Mall. The only north and south highways running through the Mall that could serve the market at this site are Sixth Street, Seventh Street, Twelfth Street, and Fourteenth Street, and upon completion of the public building program this number will be further restricted. Public buildings now occupying the Mall preclude the possibility of extending other streets through this section. No such difficulties are presented north of Pennsylvania Avenue.

PARKING FACILITIES

Eleventh. The southwest with its narrow streets provides most inadequate parking facilities, while the wider streets north of Pennsylvania Avenue will not easily be congested by the parking necessity in the vicinity of a properly located farmers' market.

BUILDING PROGRAM

Twelfth. The location of the farmers' market north of Pennsylvania Avenue will be in accord with the recommendations of the National Capital Park and Planning Commission and other governmental agencies looking toward the future development and beautification of the Nation's Capital.

OTHER OBJECTIONS

Thirteenth. A serious objection to the location of a farmers' produce market on squares 354 and 355 in southwest Washington is that the Fairbrother School is located directly across the street from square 354. The health and lives of the 169 children attending this school would be jeopardized due to the great danger of accident on account of the amount of increased traffic. The five-year school building program calls for the building of a 12-room addition to this school. Suitable locations for the farmers' produce market are available north of Pennsylvania Avenue where the lives of children will not thus be jeopardized.

We, the undersigned, representing the expressed wishes of 90 per cent of the organized citizenship of Washington, 90 per cent of the farmers actually using the market, and 85 per cent of the business of the commission merchants, respectfully petition your honorable committee to remember that it is a farmers' market which is under consideration; that its proper location is of tremendous concern not only to the producers but also the consumers who can make direct purchases thereon. It is our hope that your committee will place this market where the majority of the citizens want it; where the farmers can reach it; near consuming centers; near the large commission merchants; where the National Capital Park and Planning Commission, the Department of Agriculture, and the Bureau of Efficiency believe it should be, which is north of Pennsylvania Avenue.

James G. Yaden, chairman Citizens' Advisory Council; Mrs. Virginia White Speel, president District Federation of Women's Clubs; A. J. Driscoll, president Mid-City Citizens' Association; H. A. Friday, representing 400 farmers attending the market; Alex. Gude, representing Prince Georges County Pomona Grange; Stanley Lowe, representing Prince Georges County Pomona Grange; J. W. Jones, representing Montgomery County Farm Bureau; Herbert Thompson, representing farmers of Montgomery County, Md.; J. O. Harrison, representing commission merchants; H. J. Klein, representing commission merchants; F. J. Ward, representing commission merchants; S. B. Shaw, representing Maryland State Department of Markets; T. B. Symons, chairman Prince Georges County Pomona Grange committee for relocation of farmers' produce market.

RETIREMENT OF DISABLED EMERGENCY OFFICERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. HALE. Mr. President, I offer the amendment which I send to the desk, which has been printed and is now lying on the table. The effect of the amendment is to bring the officers of the Navy and Marine Corps under the provisions of the bill.

I understand that the Senator in charge of the bill has no objection to the amendment and I hope that it will be adopted.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, after the word "Army," insert a comma and the words "Navy or Marine Corps."

On page 1, line 5, following the comma after the word "Army," insert the words "Navy or Marine Corps."

On page 2, line 1, following the comma after the word "Bureau," insert the words "for disability resulting directly from such war service."

On page 2, line 4, strike out the article "a"; change the word "list" to "lists"; and strike out the article "a" before the word "part."

On page 2, line 5, after the word "Army," insert a comma and the words "Navy and Marine Corps."

On page 2, line 6, after the word "Army," insert a comma and the words "Navy or Marine Corps."

On page 2, line 7, following the comma after the word "States," insert the word "respectively."

On page 2, line 10, after the word "Army," insert a comma and the words "Navy or Marine Corps."

On page 3, line 3, after the word "Army," insert a comma and the words "Navy or Marine Corps."

On page 3, line 4, following the comma after the word "Army," insert the words "Navy or Marine Corps."

On page 3, line 8, following the comma after the word "Bureau," insert the words "for disability resulting directly from such war service."

On page 3, line 11, after the word "the," insert the word "appropriate."

On page 3, line 19, after the word "Army," insert a comma and the words "Navy or Marine Corps."

On page 3, line 21, after the word "act," insert the words "of officers of the Army."

On page 3, line 22, change the period to a comma and add the words "and said retired lists of officers of the Navy and Marine Corps, respectively, shall be published annually in the Navy Register."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE].

The amendment was agreed to.

Mr. TYSON. Mr. President, in line 7, page 1, I move to strike out the words "two years" and insert in lieu thereof the words "one year."

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 7, strike out the words "two years" and insert in lieu thereof the words "one year," so as to make the clause read:

> That all persons who have served as officers of the Army of the United States during the World War, other than as officers of the Regular Army, who during such service have incurred physical disability in line of duty, and who have been, or may hereafter, within one year, be, rated in accordance with the law at not less than 30 per cent permanent disability—

And so forth.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. TYSON].

Mr. BINGHAM. I have no objection to its adoption.

The amendment was agreed to.

Mr. TYSON. Also, in section 2, on page 4, line 1, I move to strike out the words "twenty-four" and insert in lieu thereof the word "twelve."

Mr. KING. What is the purpose of the amendment?

Mr. TYSON. With the idea of limiting the time to one year instead of two years.

The PRESIDING OFFICER (Mr. NEELY in the chair). The clerk will state the amendment.

The CHIEF CLERK. On page 4, line 1, strike out the words "twenty-four" and insert in lieu thereof the word "twelve," so as to make the clause read:

> No person shall be entitled to benefits under the provisions of this act except he make application as hereinbefore provided and his application is received in the United States Veterans' Bureau within 12 months after the passage of this act—

And so forth.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to further amendment.

Mr. KING. Mr. President, may I ask the Senator from Iowa [Mr. BROOKHART] if he desires to speak on the bill at this time?

Mr. BROOKHART. I had thought to speak briefly, but I am not particular whether I do so at this time or later.

Mr. KING. I shall be glad to have the Senator proceed at this time.

Mr. BROOKHART. Mr. President, the argument against the bill seems to be based mainly upon the proposition that it fails to do justice to somebody else. That argument would have some weight if the bill was a foreclosure of the entire situation. But the bill only purports to do justice to about 3,000 officers and, so far as the enlisted men are concerned, it is no interference with or foreclosure whatever of their rights or their claims to justice in the future.

Therefore, it seems to me, the argument as to the inequality between the officers and the enlisted men entirely falls down. I can see no occasion for making that claim, and I doubt if any of those who oppose the bill would favor it if the enlisted men were included; in fact, I think they would be more strongly opposed to the bill than they now are, because they contend that the bill is based on the principle of an autocracy or an aristocracy; and yet it is mainly aristocrats who are opposing the bill. I think it is because of those who will have to pay the expense rather than because of the autocratic idea.

So far as armies are concerned, they are always autocratic institutions. Militarism is always a species of autocracy. I do not believe in militarism; nobody in the United States believes in it; but in so far as we must have an Army for the national defense, in order to be efficient, it will continue to be an autocracy. The system of rank and of higher pay for officers is thoroughly grounded in the military system. If we are going to have a military organization, there is no way under our civilization to escape from that situation.

The same arguments against the method of remuneration under this bill apply as against the Army itself. The system in the Army may be just; but, so far as I am concerned, I am willing right now to do a great deal toward equalizing the pay of enlisted men and the officers of the Army. I do not care if it shall cost more, so far as that is concerned. So long as we allow war profiteering, I will not vote against increasing the pay of either the enlisted men or the officers; so long as we indulge in that inequality, I stand for more favorable treatment of the officers and of the men. The bill we are now considering will apply to only about 3,000 officers who suffered as a result of the World War.

Mr. KING. Mr. President, will the Senator from Iowa yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the junior Senator from Utah?

Mr. BROOKHART. I yield.

Mr. KING. I should be glad to be advised by the able Senator from Iowa on what he bases his statement that the bill will affect only about 3,000 officers. May I say to the Senator that already applications for compensation have been filed by reserve officers to the number of more than 41,000? There are more than 10,142 already on the compensation list, with the number being increased weekly. There is no limitation in this bill as to the number of officers who will receive the benefits of retirement; and the Senator from Iowa must know that if we restrict the applications to one year, later, if officers desire to make application, Congress will respond. So I ask the Senator if, in his further consideration of the subject, he does not agree with me that the number who will be beneficiaries under this bill can not be determined, but it may reach twenty-five, thirty, or forty thousand, or a still greater number than that?

Mr. BROOKHART. I will say to the Senator that if it shall turn out in that way, I shall be all the prouder that I voted for the bill. The more it may benefit the more satisfactory it will be to me.

Mr. KING. Then the Senator, of course, does not claim that the application of the bill is limited to 3,000 men?

Mr. BROOKHART. The number of 3,000 I got from other Senators who have spoken, and I think that is the number which is carried on the Veterans' Bureau records at the present time, if I understand the matter correctly.

Mr. KING. The Senator will recall that when the so-called Bursum bill was under consideration only a short time ago—and the bill now before us is the Bursum bill under a new name; it is now called the Tyson bill—it was alleged that there were but 1,875 who would be the beneficiaries. It is now conceded that the number who are listed as having a disability rating above 30 per cent—though I have the figures somewhere, I do not have them at hand at the moment—is possibly about 4,000, somewhere in the neighborhood of 3,400.

Mr. FLETCHER. Mr. President, in order that we may keep the RECORD straight in regard to the pending measure as to the number of officers who will be benefited by it, I wish to call

attention to the letter from the Director of the Veterans' Bureau, found in the report of the committee, in which he says:

Were the bill amended to provide for retirement of disabled ex-emergency officers of the Navy and Marine Corps—

And that is just what we have done—

as well as those of the Army, it is estimated that the total number of officers affected will be raised to 3,223.

Mr. BROOKHART. Mr. President, in accordance with my former answer to the Senator from Utah [Mr. KING], I will say that the bill is getting better, so far as my view of it is concerned. I think there was a very grave injustice done to the soldiers of the World War. We drafted those men at $30 a month, and the officers at comparatively small compensation; then we allowed capital to profiteer, to make millionaires in every direction out of the profits of the war—the blood money of the war. When we come to compensate any one of those classes who served in the Army during the World War, I will not, as a matter of principle, fight any of them. I shall be found favoring the officers when their case shall be brought up. I have already introduced at this session, and I mean to press for a hearing, a pension bill for all the soldiers of the World War, placing them on the same status as veterans of the Spanish war. I shall not hesitate to vote for any measure which will bring about an equality between the men who served in the World War and the capital that was employed during that war. We shall never reach such an equality. All the pensions, all the compensation, and all the other favors we may grant to the soldiers of the World War will continue to be very slight, indeed, in comparison with the benefits obtained by the profiteers during that war.

I think it is a false theory of patriotism that the soldier shall give his life and his time in the service of his country without compensation and that capital shall be allowed to take an exorbitant compensation. I understand that a tentative arrangement has already been made for the next war, whereby we are to guarantee 6 per cent profit to the capital of the country during the war, and at the same time to have a universal draft of men at, perhaps, one-third of the compensation they would receive in civil life. If the profit to capital were reduced to one-third, it would amount to less than 2 per cent, instead of 6 per cent, because all capital, taking it the country over, only earns 5½ per cent.

So, Mr. President, I favor this bill. I do not believe that the dire prognostications which have been advanced by the Senator from Connecticut will come to be realized. I do not believe this bill will upset our Military Establishment, but, on the contrary, I believe it will benefit it, because in all our wars it has been the citizen army that has defended the country. It is the citizen army on which we must rely. The Senator from New Jersey put interesting figures in the RECORD, showing that of all the officers killed in the World War only 7 per cent of them belonged to the Regular Army. I wish to put in, from the same authority, Col. Leonard P. Ayres, a statement that out of the 17 divisions which were organized by the National Guard during the World War all 17 of them went across to France; 11 of them fought as units, and the others as replacements. Of the 20 National Army divisions, made up of the citizens of the country, all 20 went across the sea, and all of them made good records, from a military standpoint, in France during the World War. Of the 20 Regular divisions, which were organized, only 8 of them went across. The other 12 were on this side until after the war was over, when some of them were sent to Germany during the period of occupation.

It has been said that they were on this side training the civilian soldiers, but the civilian soldiers were all on the other side. I remember that I, myself, was ordered to train the Nineteenth Regular Division in markmanship about the 1st of October, 1918. I was with them up to a few days before the armistice, and I was training them; they were not training me. That division contained two of the oldest Regular regiments, the Second and the Fourteenth, and, of course, they did not go across the ocean and see service during the war.

We have done a great injustice at all times in the way of compensation and in the way of honors and in every other direction to the citizen soldiers of this country. That was especially true during the World War, when they were held down to lower ranks and put into the fighting, although many of them were competent to serve in higher positions. I know of one division which was held on this side, on the Mexican border, overtrained, trained stale, in tactics which might be of use at that place, but which could not be used in the World War, waiting all the time to find a regular officer to command it. In that division I know of at least one National Guard officer who was better able to command it than any regular who ever did command it, and he was made a colonel in the Regular Army after the war was over.

Mr. President, here is a bill proposing to give a small measure of equality to the citizen soldiers of this country. It proposes to give it only to a limited extent; it is only a start; but I do not think it would be right to turn around and use the argument that because it does not reach out and do justice to every man who served in the Army during the World War, therefore we will refuse to do justice to the officers who will be the beneficiaries of the bill.

Mr. KING addressed the Senate. After having spoken for some time—

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Utah suspend for a few moments?

Mr. KING. I yield.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Schall
Bayard	Fletcher	McKellar	Sheppard
Bingham	Frazier	McMaster	Shortridge
Black	George	McNary	Simmons
Bratton	Gerry	Mayfield	Smith
Brookhart	Glass	Metcalf	Steck
Broussard	Greene	Moses	Steiwer
Bruce	Hale	Neely	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Oddie	Thomas
Copeland	Hawes	Overman	Tydings
Couzens	Hayden	Phipps	Tyson
Curtis	Heflin	Pittman	Wagner
Cutting	Johnson	Ransdell	Walsh, Mass.
Deneen	Jones	Reed, Pa.	Walsh, Mont.
Dill	Kendrick	Robinson, Ark.	Waterman
Edge	Keyes	Robinson, Ind.	Watson
Edwards	King	Sackett	Willis

The VICE PRESIDENT. Seventy-two Senators having answered to their names, there is a quorum present.

COL. CHARLES A. LINDBERGH'S INVITATION

Mr. CURTIS. Mr. President, I ask unanimous consent that the Vice President be permitted, out of order, to lay before the Senate the invitation received from Colonel Lindbergh.

The VICE PRESIDENT. The President of the Senate has received the following letter:

MY DEAR MR. VICE PRESIDENT: My present plans call for making a number of flights at Bolling Field, D. C., on the afternoon of March 20 and 21 and the entire day of March 22.

It would give me great pleasure to carry any of the Members of the Senate who would care to make a flight at this time.

It will be possible for me to take from 8 to 10 passengers at a time in the equipment which the Army and Navy have kindly made available.

Very sincerely yours,

CHARLES A. LINDBERGH.

The Chair would suggest that those desiring to avail themselves of this invitation leave their names with the Secretary of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, I ask the privilege of saying that I am sure every Senator appreciates the great courtesy which Colonel Lindbergh has shown Senators in this invitation, and I know that many Senators will be delighted to avail themselves of the opportunity to take a flight with the renowned aviator. Furthermore, such Senators as fail to accept the invitation will not imply the slightest lack of appreciation of the very great courtesy extended us by Colonel Lindbergh.

Mr. JONES. Mr. President, I wish merely to say that a week or two ago two or three Senators had the pleasure of going up with Colonel Lindbergh. It is perfectly safe; the airplane is very pleasant, furnished with comfortable wicker chairs, it seats eight aside from the man at the controls, who, I think, will take splendid care of any Senators who may desire to take a flight with him.

CONTRIBUTIONS TO DEMOCRATIC NATIONAL COMMITTEE

Mr. MAYFIELD. Mr. President, I send to the desk correspondence between Hon. Clem Shaver, chairman of the Democratic National Committee, and Hon. Jesse H. Jones, of Houston, Tex., director of finance, together with an editorial from the Times-Dispatch, of Richmond, Va., which I ask that the clerk may read.

Mr. CURTIS. Would not the Senator be willing to have the matter printed in the RECORD without having it read?

Mr. MAYFIELD. The correspondence contains such valuable information that I would like to have the Senate hear it read.

Mr. CURTIS (to Mr. MAYFIELD). Go ahead.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

ALL NATIONAL COMMITTEE INDEBTEDNESS PAID OR UNDERWRITTEN

The following correspondence between Clem Shaver, chairman of the Democratic National Committee, and Jesse H. Jones, director of finance, showing that the party's debts have now all been paid or underwritten and a surplus accumulated with which to begin the 1928 campaign, was given out to-day by Mr. Shaver at National Committee headquarters:

FEBRUARY 29, 1928.

Hon. C. L. SHAVER AND MEMBERS OF THE
DEMOCRATIC NATIONAL COMMITTEE.

LADIES AND GENTLEMEN: I am glad to be able to report to you that the entire indebtedness of the national committee has been paid or underwritten. As director of finance of your committee, I have received the following pledges and contributions:

John S. Cohen, Atlanta, Ga	$250
Senator Lawrence D. Tyson, Knoxville, Tenn	250
Gilbert M. Hitchcock, Omaha, Nebr	500
Senator John B. Kendrick, Sheridan, Wyo	500
John J. Cornwell, Romney, W. Va	500
Andrew C. Gray, Wilmington, Del	500
E. E. Brown, Chicago, Ill	500
James Byrne, New York City	500
Patrick J. Quealy, Kemmerer, Wyo	1,000
R. A. Long, Kansas City, Mo	1,000
Melvin A. Traylor, Chicago, Ill	1,000
Harry C. Wiess, Houston, Tex	1,000
Silas H. Strawn, Chicago, Ill	1,000
Norman E. Mack, Buffalo, N. Y	1,000
Nathan Straus, jr., New York City	1,000
Robert N. Harper, Washington, D. C	1,500
Kenneth W. O'Brien, New York City	1,500
C. W. Osenton, Fayetteville, W. Va	2,000
Edward N. Hurley, Chicago, Ill	2,000
Owen D. Young, New York City	2,000
Henry Morgenthau, New York City	2,000
Clem L. Shaver, Fairmont, W. Va. (for West Virginia)	2,500
Cyrus H. McCormick, Chicago, Ill	2,500
Joseph M. Hartfield, New York City	2,500
James W. Gerard, New York City	2,500
Vincent Miles, Fort Smith, Ark	3,000
Ralph Feagan, New York City	3,000
W. T. Kemper, Kansas City, Mo. (for Missouri)	5,000
Scott Ferris and George D. Key (for Oklahoma)	5,000
Charles A. Greathouse, Indianapolis, Ind. (for Indiana)	5,000
William A. Comstock, Detroit, Mich. (for Michigan)	5,000
Jesse Isidore Straus, New York City	5,000
Percy S. Straus, New York City	5,000
Walter Moore, Birmingham, Ala. (for Alabama)	6,000
Howard Bruce, Baltimore, Md. (for Maryland)	10,000
Rogers Caldwell, Nashville, Tenn. (for Tennessee)	10,000
Sam W. Fordyce, St. Louis, Mo. (for Missouri)	10,000
William A. Julian, Cincinnati, Ohio	10,000
John W. Davis, New York City	10,000
Herbert H. Lehman, New York City	10,000
Frank L. Polk, New York City	10,000
John Henry Kirby, Houston, Tex	15,000
C. W. Watson, Fairmont, W. Va	25,000
William F. Kenny, New York City	25,000
Thomas F. Ryan, New York City	50,000
Jesse H. Jones, Houston, Tex	50,000
Houston convention fund, by Jesse H. Jones	200,000
Total	508,500

Of this amount I hold, as chairman and treasurer of your committee on arrangements, $200,000, contributed by citizens of Houston for the convention fund. Contributions in cash since Treasurer Gerard's last report total $141,250. When the other pledges are paid your committee will be entirely out of debt and have probably $250,000 with which to start the next campaign. In addition to the above, several members of the committee have indicated their willingness to raise a fair quota for their several localities.

I want to take this opportunity of expressing on your behalf and on behalf of the Democrats of the country due appreciation to these contributors and those heretofore reported for the very generous way they have met the necessities of your committee since the campaign of 1924, which campaign left us considerably in debt. It seemed inadvisable immediately to undertake to raise the money with which to pay the committee's indebtedness from that campaign, and it has not appeared advisable to make a canvass for funds since that time even to pay the running expenses of the committee. Therefore we have borrowed for that purpose and have asked the indulgence of some of our creditors, who have been extremely generous in awaiting our convenience. I also wish to say that no contribution has been solicited or made upon any condition except that enough money be raised to pay the committee entirely out of debt. This condition has now been met, and I am therefore able to so report.

For a party out of power to be able to get contributions in such substantial amounts from all parts of the country is an indication of party loyalty and party hope, and of the everlasting belief by these contributors in the principles for which the Democratic Party stands.

Yours very truly,

JESSE H. JONES,
Director of Finance, Democratic National Committee.

MARCH 7, 1928.

HON. JESSE H. JONES,
Director of Finance, Democratic National Committee,
Houston, Tex.

MY DEAR MR. JONES: Your letter of February 29 received, for which, on behalf of the Democratic National Committee, I thank you.

It is a great source of gratification that you and other party friends throughout the country have, through your generosity, made this possible.

It is a satisfaction to myself to know that we are going to be able to report a substantial surplus with which to start the coming campaign.

I am to-day transmitting your statement to the Hon. James W. Gerard, treasurer of the Democratic National Committee, to be embodied in his report.

Very sincerely yours,

CLEM SHAVER,
Chairman Democratic National Committee.

[From the Times-Dispatch, Richmond, Va.]

GENIUS JONES

Jesse Jones came out of Texas some weeks ago and, armed with naught save his fountain pen, captured the Democratic National Convention for Houston. By the simple gesture of a blank check given a Democracy chronically without any of the bonds of which Republicans seem to have plenty, Jesse became almost a legendary figure.

Just a short time ago, when Mr. Jones had momentarily left the front pages, news came that he had collected together enough money to pay off the entire debt owed by his party.

The man is remarkable. He might do anything. It is even possible to hope that at Houston this summer Jesse will see that a candidate with a chance to win is nominated and that deadlocks and accompanying sweating and clowning is reduced to a sensible basis.

Perhaps some day Jesse Jones will be called "the greatest Secretary since the-greatest-Secretary-since-Hamilton."

RADIO BROADCASTING IN THE SOUTH

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. Caldwell, a member of the Radio Commission, in which he expresses great interest in radio broadcasting in the South. He said, among other things:

Every fair-minded student of radio recognizes that the South is entitled to more radio stations. I am, therefore, in fullest sympathy with the intent of the present radio legislation before Congress.

Further he said:

It is my feeling, as you know, that each radio commissioner must think nationally, and in weaving the complicated radio fabric across our continent I am with you in demanding for the South its full share of radio facilities.

I ask that the entire letter may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

FEDERAL RADIO COMMISSION,
Washington, March 15, 1928.

Hon. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.

DEAR SENATOR RANSDELL: It was indeed kind of you to write me under date of March 13 acknowledging the efforts which I have made as a member of the Federal Radio Commission to secure adequate broadcasting power for southern radio stations.

Certainly Judge Sykes, acting chairman and commissioner from the southern zone, will bear me out in the statement that every recommendation of his for more radio facilities for the South which has been put before the commission has immediately had my vote of approval. When delays have occurred, these have been necessitated by difficulties in immediately finding places for the increases.

Every fair-minded student of radio recognizes that the South is entitled to more radio stations. I am therefore in thorough sympathy with the intent of the present radio legislation before Congress.

It is my belief that as rapidly as the South applies for stations which will be operated by people able to provide good programs such licenses should be granted, at the expense of the gradual reduction of the powers in other parts of the country.

You, and other members of the southern delegation, will be interested in learning that a number of further power increases and licenses for southern stations, which Judge Sykes has requested, were tentatively approved by the commission some weeks ago, and will be announced and made effective just as soon as the legal status of the commission's right to make these increases is confirmed.

My own southern birthright, and inheritance of a long southern ancestry, coupled with many years of personal associations in Kentucky, Alabama, Texas, Louisiana, the Carolinas, and Virginia, have

enabled me to know first-hand the specially useful service which radio can render to the great and growing southern region.

It is my feeling, as you know, that each radio commissioner must think nationally, and in weaving the complicated radio fabric across our continent I am with you in demanding for the South its full share of radio facilities.

Cordially yours,

O. H. CALDWELL, *Commissioner.*

CANAL FROM GREAT LAKES TO THE SEA

Mr. BAYARD. Mr. President, I ask unanimous consent to have printed in the RECORD an address by the senior Senator from New York [Mr. COPELAND], delivered before the Detroit Bankers' Association recently, on the subject of a canal from the Great Lakes to the sea.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

A CANAL TO THE SEA

From the earliest days of our history it is apparent that an interest has been taken in the waterways and the possibilities of navigable canals between the Great Lakes and the sea. During the past few years, particularly since the economic troubles of the wheat farmers of the West became so pronounced, there has been renewed discussion of this idea. There is much talk of building such a waterway in order that the Great Lakes may become a second Mediterranean. There are dreams that many ocean-going vessels may proceed westward to tie up at docks in Detroit, Buffalo, Cleveland, Toledo, Chicago, and Duluth.

Regarding this project there are two schools of thought. The St. Lawrence route is held in high favor in the West. But many thinking Americans feel that if the money of the Nation is to be expended in canal building it should be spent wholly within the borders of our country. These are they who advocate what is known as the all-American route, a canal connecting the eastern end of Lake Ontario with the headwaters of the Hudson River.

The latter project would involve an initial expenditure of more money, but it would be hundreds of miles shorter, open for a slightly longer season, and, for the purposes of the national defense, would be of greater service to the Nation. The all-American route coincides with the present lines of railroad travel and leads to the same terminals on the seacoast. Such a canal development, it is thought, would be less disturbing to commerce and trade during the third of the year when either water route would be closed by ice.

A great many surveys have been made by the Federal Government, the New York State authorities, the Canadian Government, and recently by an international joint commission. The result of these surveys is that we have at our command a mass of scientific and statistical material. With this before him, it is possible for any citizen to master the problems involved and to form for himself a conclusion as to which route is preferable. Both are considered feasible from an engineering standpoint. Each has its particular advantages. Each has its engineering and scientific backers. It may be said in all truth that a given citizen may form his own conclusion and, no matter what it may be, find himself in company with thousands of distinguished citizens who take a like view. Unfortunately, he will find himself in opposition to other thousands of distinguished citizens who are equally insistent that the other route is preferable.

It is my purpose to bring together in the briefest possible way the arguments, pro and con. I shall attempt to marshal the facts, and frankly admitting the greater popularity of the St. Lawrence waterway, attempt to prove that the all-American canal is the one which should command the indorsement and financial support of the taxpayers of the country.

Even though these views are contrary to the conviction already formed, I hope the advocates of the St. Lawrence route will give renewed study to the problem, in order that they may make sure their conclusion is well founded. I pledge myself to listen with respect to any arguments which may be brought forward to overthrow the conviction I have that for the sake of the commercial supremacy of the United States and its national defense, the all-American route should be accepted.

Unfortunately, whichever way is determined upon, the most we can expect of such a canal is that it shall be serviceable for not to exceed eight months of the year. In 50 years the latest the St. Lawrence was open for navigation was the 14th of December. Three times only was it open past the 8th of December. Usually it closes about the 20th of November.

During the same period, the earliest date it ever opened was the 29th of March. One year it opened on the 3rd of April. Usually it opens about the 20th of April and occasionally as late as the 1st of May. One year it was the 7th of May. As a matter of fact, then, the St. Lawrence can be depended on for only a little more than seven months of the year.

It is not alone, however, the absence of ice in the river that insures safety of navigation between the Great Lakes and the sea. I speak from actual observation, having crossed the ocean twice between Montreal and Liverpool. I well recall a certain Sunday morning in July, 1896. The ship I was upon was the first one that season to attempt the passage of the Strait of Belleisle. In spite of the fact that navigation opened on the 24th of April, there was so much ice and so much fog in the Gulf of St. Lawrence and off the Strait of Belleisle that it had not been deemed safe to take the northern route until we attempted the passage.

I well recall that on the morning in question my steward called me at daybreak. He said there was an iceberg in sight and that I had better get up and see it because another one might not be sighted on the trip. As a matter of fact, we saw 75 icebergs during that day and the next. The temperature of the water was being taken continually in order that we might not run into one of these great mountains of ice, feeling our way as we were through the fog.

No candid person conversant with the physical conditions of the lower St. Lawrence and of that route to the sea can fail to acknowledge that through a majority of the months of the year there is not uninterrupted passage between Montreal and the open ocean. I speak of this in no spirit of disparagement, but simply to bring into mind the embarrassments and dangers of this particular route, as compared with another one equally available, which is not burdened by these objections.

COMPARATIVE DISTANCES AND SAILING TIMES BY THE TWO ROUTES

At this point I wish to bring out the marked difference in distance between Lake Ontario and the ocean by the two routes. By the St. Lawrence it is 166 miles to Cornwall where the river leaves our boundary, 66 miles from there to Montreal, 1,003 miles to the ocean, a total of 1,185 miles. From Lake Ontario to Albany is 164 miles and from Albany by the Hudson River to the ocean 150 miles, a total of 314 miles. From Lake Ontario to New York City by the St. Lawrence route is 1,500 miles. By the all-American route it is a trifle over 300 miles. Whether the cargo is to be taken to Portland, Boston, New York, Philadelphia, or Baltimore, of course, the distance is many hundreds of miles greater by way of the St. Lawrence.

The advocates of the Canadian route place great emphasis upon the fact that it is much nearer by way of the St. Lawrence from the Great Lakes to Liverpool, where the wheat would go, than it is by the all-American canal. It is stated, for instance, that the distance between Montreal and Liverpool is 2,760 miles. But this is through the Strait of Belleisle which, as I have already indicated, can not be used during a considerable portion of the season. The distance from Montreal to Liverpool when the route taken is to the south of Newfoundland is 3,007 miles, practically the same as the distance between New York and Liverpool, a distance of 3,166 miles. To put it in a word—it is 159 miles shorter than by the all-American route. That is all.

Where the St. Lawrence route reaches the ocean is at a point more than 1,000 miles east and 700 miles north of the confluence of Lake Ontario with the river. The Strait of Belleisle is far removed from the United States and all our ports. There is no port and nothing to appeal to American commerce all the way from Lake Ontario to the shores of Europe.

I desire to be eminently fair in making any statement relating to a waterway to the ocean. To this end I must state that, while the difference in mileage between the St. Lawrence route and the all-American route is trifling, the advantage of speed through a shorter canalized portion of the St. Lawrence route would give it an advantage over the all-American route. The board of engineers of the War Department estimate the time actually consumed by the New York route as likely to be about three days' greater to Liverpool than by the St. Lawrence route. They estimate that a ship sailing between Duluth and Liverpool by the St. Lawrence route would consume 17 days in the passage, while over the all-American the passage between Duluth and Liverpool would consume 20 days. The delay in the all-American is accounted for by the slower speed necessitated by passing through a longer stretch of restricted waterway.

Let me call attention to the fact, however, that the time consumed between Duluth and New York City by the St. Lawrence route would be 12 days, as contrasted with 7½ days over the all-American route. It would take 4 days longer to go to the Panama Canal, 4 days longer to Seattle, and practically the same time to Gibraltar.

EXPORT TRADE

The chief advocates of the St. Lawrence route are the grain producers and flour millers of the great Northwest. If the proposed canal were to be used exclusively for the exportation of wheat and flour, I should frankly admit that the St. Lawrence route is superior to the all-American.

If the waterway from the Great Lakes to the sea were to be used exclusively for the carriage to Liverpool in cargo lots of automobiles, furniture, or stoves from Detroit or other western ports, I should say that the St. Lawrence route is preferable. For any cargo that is to be taken in bulk from any one port on the Great Lakes direct to Liverpool, I should admit at once that the St. Lawrence route should be selected.

If there could be profitable operation of a one-way service between the Great Lakes and Liverpool, the St. Lawrence would hold first place. Unfortunately for the advocates of the St. Lawrence route, water traffic

can not succeed on a one-way basis. Unfortunately for the St. Lawrence route, water traffic to and from the Great Lakes is not confined to bulk cargoes or to export trade. A very large percentage, probably in excess of 75 per cent, of the traffic between the Great Lakes and tidewater is sure to be of package freight for domestic distribution.

WHEAT EXPORTATION

A discussion of a waterway to the sea would amount to nothing unless its possible relationship to wheat exportation is given particular attention. This I shall attempt to show.

The American wheat farmer is confident that the St. Lawrence canal will benefit him materially. He has dreams of cheap freight rates and higher home prices in consequence.

It must be admitted that every dollar saved on freight charges is a dollar made for the farmer. He will benefit directly by economies of this sort. This is true of export trade as it is of domestic.

The exigencies of the World War created an unheard-of demand for American wheat. For the four or five years before the war the exports from the United States averaged about 100,000,000 annually. In 1915 there was a jump to 332,000,000.

The war interfered with European—particularly Russian—production, a condition continuing till the end of 1923. Since that time there has been gradual improvement in foreign wheat crops. In consequence, last year, 1926, our exports fell to 106,000,000 bushels, including flour converted into terms of bushels of wheat.

But this does not tell the whole story. A study of Canadian wheat prospects is most illuminating.

In 1910 Canada planted 8,000,000 acres to wheat and exported 56,000,000 bushels. Last year she planted 25,000,000 acres and exported 324,000,000 bushels. The Dominion has 80,000,000 of the best wheat land on earth ready for wheat when there is a demand for it.

Contrast these figures with conditions in the United States. In 1910 we had 45,000,000 acres in wheat, jumped to 75,000,000 in the one year, 1919, and have settled back year by year until in 1926 we had but 50,000,000 in wheat acreage.

In short, our increase in wheat production is practically nil, while Canada has trebled her acreage and products in less than 20 years.

To me the logic of the situation is irresistible. Within a very short time the United States will disappear as a wheat exporter. Great Britain will prefer to import Canadian wheat, and the Liverpool market will be lost to us.

This situation can not be laid at the door of transportation differences. Comparisons of the freight rates and facilities of the two countries prove this.

COMPARATIVE FREIGHT RATES ON WHEAT

Duluth, in our country, and Fort William, in Canada, are the extreme western lake ports through which wheat is shipped for domestic consumption in the home country or for export to Europe. The freight rates from these two cities to the Atlantic seaboard are approximately the same.

Whether a canal is built or not, then, Americans and Canadians are on the same basis so far as water transportation is concerned. But they are not on the same competitive basis when we consider the rail rate from points of production to the lake head.

There is little difference between the rates from the Dakotas to Duluth, but Montana and other points farther west are at a considerable disadvantage. For instance, the rate from Butte, Mont., is 44½ cents per hundred, while it is only 26 cents from Alberta and Saskatchewan points. This gives the Canadian shipper an advantage of about 18 cents a bushel.

What do these figures prove? They show conclusively that the St. Lawrence waterway will not better the prospects of the American wheat farmer. He will continue to be on the present basis of competition with his neighbors across the line. As they increase their acreage the cheaper rail rates in Canada, to a considerable extent, and the sentimental tie between England and her colony, to a greater extent, will cause Canadian exports of wheat to increase while ours decline.

There is no hope, as I see it, that the digging of a canal to the sea will help the American farmer to dispose of his wheat. There is one advantage, however, although it must be shared with the Canadian wheat exporter. I refer to the possibility of loading a ship at the lake head and sending it directly to Liverpool. This will save the "fobbing" charges (elevator service, storage, brokerage, insurance, etc.) at Buffalo and New York, or in Montreal, as the case may be. Undoubtedly, a few cents a bushel might be saved in this way. This amount, added to the saving by water transportation over all rail or part rail to New York, might amount to 7 or 8 cents a bushel.

Such a saving as this is worth while, of course, but it is a saving which would follow the building of the all-American canal just as surely as it would the construction of the St. Lawrence waterway. As I see it, there is nothing in the economic aspects of the all-Canadian route to justify enthusiasm for the project above the shorter American route to the sea.

In calling attention to the better freight rates over the Canadian national railways, which are operated by the Government, it is proper to refer to the losses incurred in the operation of these lines. In 1925 this deficit amounted to $63,630,127. Were the proper proportion of this loss added to the rates on wheat there would be less advantage to the Canadian shipper.

But, no matter how it is figured, the fact remains that no waterway to the sea can possibly overcome the growing menace of Canadian competition in wheat exportation. As it is to assist the marketing of this commodity, particularly, that we have an interest in the waterway, we should face the facts as they are. To do so now will save heartburnings in the future.

THE ST. LAWRENCE A ONE-WAY ROUTE

I view the St. Lawrence route as one bound to be limited in its uses almost exclusively to eastbound traffic. Its value to Americans is confined to the advantage it offers in the exportation of bulk cargoes from the Great Lakes. If there is enough wheat to fill a ship, or if one port should have enough automobiles or any other product, to complete a cargo for Liverpool, it would go somewhat quicker, if no more cheaply, than by the American route. But that is all that can be said for the St. Lawrence waterway. For the shipping of domestic freight from the west, it has almost no value to America.

One has but to study the Montreal traffic situation to see how valueless the St. Lawrence is to the American merchant receiving goods from the east. In 1925, of the lake carriers arriving in Montreal with grain, coal, and flour, no less than 2,670 returned without cargoes. There was absolutely nothing for them to take west. These are the official figures obtained from the Lachine Canal office, Montreal, April, 1926. There need be no expectation of better conditions as a result of deepening and widening canals already in existence.

To my mind, it is absurd to think the St. Lawrence route would profit the Great Lakes ports, or the great western population of our country. A one-way water system could never pay, and this route could never be anything but a one-way system. What is produced in Europe that the mid-West wants in ship-cargo lots? Regardless of the doubtful advantages to the decreasing exportation of wheat, what else is there to expect from a through line to Europe, entering the sea a thousand miles from our own eastern and southern Atlantic seaboard?

The American railways carrying freight to and from tidewater are handling goods for domestic consumption. If I am correctly advised, 85 per cent of all the traffic is of this type.

If this is true, the only kind of a waterway which will benefit the great masses of American shippers is one which will cheapen or facilitate the carriage of freight for domestic consumption. There is but one route to serve this purpose. It is the one which coincides with present-day railway development.

There are several reasons for this statement. In the first place, any waterway from the Great Lakes to the sea will be open at best but eight months in the year. During the other four months, and usually nearly five months, the railways must be depended on as they are at present.

This being true, is it not wise to parallel the railway lines as nearly as possible? Then the same terminals at tidewater, the same brokers, the same bankers, the same offices can be used the year around. There can be no doubt, it seems to me, that satisfactory trade arrangements can be made best by such a plan.

As a Nation we have determined upon the Illinois-Ohio-Missouri-Mississippi waterway. With a policy of internal canals already established, it is illogical to go beyond our borders with another route to the sea.

MONTREAL THE BENEFICIARY OF THE ST. LAWRENCE ROUTE

There is another thing which must not be overlooked: Why take a chance on building up in a foreign country the chief North American seaport?

Montreal has grown and prospered until it has become the second port on this continent in point of freight tonnage. As I have suggested, it is the principal grain port of the world. If the St. Lawrence waterway is developed, Montreal must rush forward by leaps and bounds. It will become the chief transshipment port in North America, if the rosy prophecies of the St. Lawrence's advocates are realized.

If the Great Lakes are to become a second Mediterranean there will be mixed cargoes, in which package freight will predominate. These cargoes must be broken up and transshipped. Unless steamship lines to all parts of the world begin or end in each of the large lake ports, there will be assembled on each ship sailing from the Great Lakes to Liverpool packages which must be sent by other carriers to their respective destinations. Not every cargo can be bulk cargo. Unless confined to grain, automobiles, or some one commodity shipped in quantities large enough to fill a ship, most of them will be mixed cargoes.

This means that somewhere on the route, or in Liverpool, there must be rearrangement of the cargoes. If the freight is intended for an American port or for South America, of course the transshipment would be made before crossing the ocean.

Such transshipments would naturally be effected at tidewater, and the first such port, to which and from which sail vessels to all ports of the world, is Montreal. In this port, then, would be the breaking of cargoes, with the consequent commercial development of a great

center outside the boundaries of the United States. Our national prosperity would suffer in consequence.

Canada has achieved political independence. With her new-found political and diplomatic freedom will come dreams of commercial development. Already she has perfected arrangements for a powerful steamship line to the West Indies. Mail subventions are in her hands to use and she has started on her way as a worthy competitor to the United States. For us to make possible the building of the St. Lawrence canal would be to play into her hands and to assist her proper ambitions.

Just now we are striving to build up an effective and permanent American merchant marine. Why should we lay plans to hamper it by this blow against our own shipping interests? Why build up Canada's chief city at the expense of American ports?

To give Montreal commercial supremacy on the Great-Lakes-to-the-ocean waterway would result in what? It would encourage Canadian and British steamship lines to continue their routes into the Great Lakes with a view to picking up more and more of our shipments. Inevitably American interests would suffer seriously from this invasion of our natural and national rights.

The waterway to the sea should be built where it will guarantee the use of American carriers and American ports. Otherwise, our own country will be the loser. To build the St. Lawrence canal is the first step toward the destruction of our merchant marine. It will defeat every effort to gain American supremacy on the Atlantic. As I see it, no American patriot, aware of the possibilities, could think of such a thing as the promotion of the St. Lawrence canal.

THE ST. LAWRENCE PROJECT A WATER-POWER SCHEME

There are powerful interests back of the St. Lawrence development. It is not alone the farmers of the West who are enthusiastic for the waterway because they honestly believe it will act in some mysterious way as a remedy for their economic ills. But there are other and secret influences at work to realize this project. These interests are selfish interests, interests devoted to the accretion of private wealth. They are not like the western advocates, striving for self-preservation. On the contrary, they are men who seek to corral the water-power resources of the country. They are determined that cheap electricity shall not compete with their wealth-producing properties and lessen their inflated dividends.

Frankly, I regard the St. Lawrence waterway project as a water-power scheme. The navigation feature is merely incidental to hydro-electric development.

In a speech at New Haven on March 12, Mr. Herbert Hoover, Secretary of Commerce, made an urgent appeal for the construction of this route to the sea. "While the works to convert the St. Lawrence to a shipway must be on a stupendous scale—the greatest engineering project of modern history," said Mr. Hoover; and again, "but its enormous cost seemed to overwhelm its economic values." He spoke of the perfection of electric transmission, declaring that this "has made possible a large recovery of the cost of these works through the sale of 5,000,000 of horsepower which will fall over these dams."

Leaving for a moment any discussion of the significance of this statement, let me recite what Secretary Hoover said about the magnitude of this water-power resource: "It comprises the largest single source of power and one of the most economical developments on the continent."

"The development of power is a fortunate and valuable by-product," Mo. Hoover continued. "By-product" indeed! As I see it, if anything in that project is a by-product, it is the limited American navigation of the proposed waterway. See if I am not right; Mr. Hoover proved it for me when he said, "While the total cost of the works on the St. Lawrence will amount to about $600,000,000, our engineers estimate that after we deduct that portion of the works which will be taken over by the power development we are left on various estimates with a cost to the Government of from $100,000,000 to $200,000,000, which itself may some day be recovered from power."

If I am not a poor mathematician, that gives what the Secretary calls the "by-product" an investment of $400,000,000 or $500,000,000 against $100,000,000 or $200,000,000 for navigation. It looks to me like a 4 to 2, or even a 5 to 1 power project. And, in my opinion, the St. Lawrence waterway scheme is five parts hydroelectric power and one part east-bound transportation.

THE FUTURE OF THE ST. LAWRENCE WATER POWER

Nobody doubts that the great water-power resources of the St. Lawrence will be developed. Everybody knows that private commercial interests are keen to get possession of these power rights so that they can be used for the accretion of private wealth. To turn over to private parties the right to use these vast resources on long-term leases is almost as bad as giving them away outright. Unless provision is made for unfailing control over the rate making, inordinate private fortunes will result from the sale of power which belongs to the people.

What else would be done with the power feature of this development if we undertake it? Our experiences at Muscle Shoals and Boulder Dam demonstrate that any other plan than farming out the power to private parties is doomed to defeat. Undoubtedly, if the Federal Government or the joint governmental body proposed by Mr. Hoover were permitted to go forward with this project, a licensee or licensees would be given the rights to operate and distribute the power. In consequence, the public would not have the benefits of markedly lower electric rates.

But by what right does Mr. Hoover expect the Federal Government or the joint American-Canadian board to take possession of power rights which belong to the State of New York and the Province of Ontario? When he proposes to pay for the St. Lawrence waterway by the sale of power, it strikes me Mr. Hoover is mighty generous with other people's money.

The power is in the St. Lawrence. It should and will be developed, but this must be done by its rightful owners. In the international portion of the stream the State of New York and the Province of Ontario, the local authorities, will do this job when the time is ripe. Our great governor has outlined the way to finance the project, and, in due time, the vast hydroelectric possibilities of the St. Lawrence will be made available to the people of the two countries. So far as my State is concerned the majority of us believe that Governor Smith's program will prevail. What this is, the ringing words of the preamble to his proposed law clearly indicate. I quote:

"It is hereby declared to be the public policy of the State of New York to preserve inalienable and in perpetuity for the use and benefit of the people the natural water-power resources of the State."

To barter away our natural resources is little short of a crime against posterity. They should be held in trust for the people and developed for the people.

In disposing of the power of the St. Lawrence and of any other natural water power, it should go first to the State and municipalities; then to farm organizations and other quasi public institutions. Private investment may provide the transmission lines, perhaps, but, from start to finish there must be such certainty of public control as to guarantee against exorbitant rates. With such a program we may be confident the humblest American home will have its electric current and can afford to use it.

Opposed as I am to the Government operation of railways, shipping, and every other business founded on inventive or commercial genius, I can not believe that the natural resources should be used for the accumulation of private wealth. There is a vast difference between the telephone, for instance, with a proper monetary return to its owners, and electric energy developed by harnessing the power of a dashing stream of water. As I see it, it would be just as proper to meter the sunlight and air as to corral the streams of the earth for the creation of private wealth.

INTERNATIONAL DIFFICULTIES

To develop the St. Lawrence involves the settlement of international questions, with constant opportunity for clashes and discord. It raises the question as to whether or not the United States can legally spend money in peace times beyond its own borders.

Canada has the Province of Quebec and the city of Montreal to satisfy. In this section is found an energetic opposition to the St. Lawrence development. The all-Canadian Georgian Bay canal has many advocates. They contend that the shorter route and national ownership are advantageous and preferable to the St. Lawrence waterway. This goes to the Georgian Bay by the Ottawa River, Lake Nipissing, and the St. Francis River, and is two or three hundred miles less distant to the Great Lakes.

Beyond this there is marked opposition to the development of hydro-electric power for export from Canada. Especially in Quebec is there a determined stand against it. Canada saw her timber cut and the lumber manufactured in the United States, particularly in Michigan. She does not intend to have great and numerous manufacturing establishments developed in America by the use of her water power. Who can blame her?

The situation is pictured by the statement of one of Canada's great economists: "The Dominion should not commit itself to an expenditure, large or small, on the St. Lawrence, whether for canals or waterways, or both, at this time." The same authority says, too, "An agreement between Canadian, American, and/or Provincial and State authorities which will avoid any future clash in their respective interests ought to be realized before a grandiose St. Lawrence power-development scheme be embarked upon."

THE ALL-AMERICAN CANAL PREFERABLE

The St. Lawrence waterway is out of the question, as I see it. It does not compare in value to the United States with the so-called all-American canal. The latter is capable of accomplishing for the Great Lakes and the West all that the St. Lawrence can give. With the one exception of three days saved on export wheat to Liverpool, the American route is superior to the Canadian.

It will run to an American port, carry domestic freight to and from the Atlantic seaboard, give the manufacturers and farmers of the West access to Central and South America, the Panama Canal, the West Coast of Africa, and the entrance to the Mediterranean. It has no dangerous fogs and deadly icebergs to contend with and is open a few more days in every year.

The all-American canal makes use of American bankers, brokers, insurance facilities, and terminals. It provides for transshipments in

American ports. It leaves the money of our citizens in the pockets of Americans. It helps to develop our own United States.

There is no doubt the American canal will cost more in the beginning than the Canadian waterway. But the money for it will be spent in our own country and its control will be forever in our own hands.

As a member of the Commerce Committee of the United States Senate I have listened to the pros and cons of the argument. Many references to the lack of popularity of the New York Barge Canal were made by witnesses unfriendly to the all-American route. All the serious criticisms of the New York waterway relate to the bridges over it and their effect upon traffic. In this connection I quote ex-Gov. W. L. Harding, of Iowa, chairman of the Great Lakes-Tidewater Association. He is the chief official advocate of the St. Lawrence waterway.

On page 40 of the House rivers and harbors hearings, April 3, 1926, Governor Harding is reported to have said:

"The fact of the matter is the bridges and locks in the New York Canal are the things that keep traffic off. There is plenty of traffic there. There is no question about that, but these locks and these bridges keep ships from coming, and when you build across New York State, remember this."

Mr. Harding is right. The New York Barge Canal is so hampered by low bridges that ships capable of plying the Great Lakes and the sea can not use it. But, of course, the all-American canal we contemplate will escape this handicap. The Army engineers, and other engineers whom I have consulted, say it is only a matter of spending enough money and every obstacle can be overcome.

Here is the latest report on the subject, submitted to Congress by the Chief of the Army Engineers. On December 6, 1926, General Jadwin said:

"The route from the Great Lakes to the Hudson River is feasible, from an engineering point of view, and its construction by the United States Government would probably be justified in the near future, if the plans for the improvement of the St. Lawrence do not meet the joint approval of the legislative branches and executive heads of the two Governments."

The Army engineers in their report point out "the need for an outlet for deep-draft vessels from the Great Lakes to the sea." Apparently they fear what I have heretofore suggested, that a non-American route might result in "possible changes in centers of production and trade trends and such indirect benefits as development in manufacture and taxable property." These, they say, "might later justify the construction of this waterway across the State of New York." It is the question of money that determines their recommendation in favor of the St. Lawrence, and, as in Mr. Hoover's speech, they include in the economics of the Great Lakes to the sea project the importance of hydroelectric development.

As I have pointed out, the water-power resources must not be considered in any study of a waterway to the sea. They are not Federal property; but those who want power need not worry, because they will be developed by their rightful owners. In the last analysis, the decision of our people must be based upon the comparative merits of the two propositions as navigation projects pure and simple.

The questions before us are these:

Shall we construct a deep-water outlet to the ocean through the territory of another nation, at this time—and we hope for always—a friendly nation? Or shall we construct it through our own territory, where it will remain forever under our domination and national control?

For myself, there is but one answer. I would dig the canal from Lake Ontario to the headwaters of the Hudson. In selecting a route I should not be governed by any preconceived idea as to exactly what that route should be. But, whatever course is chosen, it will open a shipway to the Hudson. Then, I would make the Hudson River as freely open to foreign ships as is every part of the ocean. Our Canadian neighbors would be welcomed to equal privileges upon our waterway from the Lakes to the sea.

In my opinion, the American people will decide wisely if they select the all-American canal. For the sake of our economic development and for the national defense, this is the acceptable route.

RETIREMENT OF DISABLED EMERGENCY OFFICERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

Mr. CURTIS. Mr. President, I desire to know who has the floor.

The VICE PRESIDENT. The junior Senator from Utah [Mr. KING].

Mr. CURTIS. I ask the Senator if he will not continue and conclude his remarks? We would like to have the bill acted on to-night so that to-morrow we may carry out our agreement to go into executive session to consider the Esch case. If that case is disposed of to-morrow, I shall ask the Senate to adjourn over until Monday; otherwise we shall be in session to-morrow and Saturday, too.

Mr. HEFLIN. Mr. President, I suggest that we stay here to-night until we get through with the pending bill.

Mr. KING. I shall conclude in a very short time, I assure the Senator.

Mr. KING resumed and concluded his speech, which is as follows:

Mr. President, I appreciate the futility of any opposition to the pending bill. There has been a nation-wide propaganda for years for a measure of this character and a large number of persons have given their support to it without appreciating its effects or understanding its consequences. It changes the entire policy which has prevailed during the life of this Republic in dealing with the questions of pensions and retirement and gives advantages to officers, not of the Regular Army, never enjoyed by volunteer or reserve officers who served valiantly in the various wars of this Republic. It discriminates against the volunteer officers of the Civil War and the Spanish-American War, and also against the ex-service men who served their country with fidelity and courage during the recent World War. It was said by one of the proponents of the bill, ex-Senator Bursum, when a similar measure was under consideration in the Senate on the 19th of January, 1925, that legislation of this character would affect only 1,000 officers, and that the total cost to the Government would be but $618,030. It is now conceded that it deals with thousands of officers, and no one can approximate the number who will be included in its provisions, or the ultimate cost to the Government. In my opinion, it will affect tens of thousands of persons and cost the Government hundreds of millions of dollars.

I may say in passing that bills carrying appropriations meet with little objection in this body, and hundreds of millions of dollars are appropriated with but slight consideration.

The Senator from Iowa [Mr. BROOKHART] has just given his approval to this bill and indicates his regret that it does not include a larger number of beneficiaries in order that the appropriations called for might be greater. His position, as I understand him, is that the principles of "equality and democracy" require that all ex-service men should receive the same compensation by way of retirement as is received by officers. The application of that doctrine would call for stupendous sums. Two hundred thousand officers served in the Army during the World War, and the total war strength of the Army, Navy, and Marine Corps, as reported by the General Staff of the Army, was 4,800,000 men. There was 1 commissioned officer for every 20 enlisted men in all branches of the service. If each person who served in the war was to receive the retirement privileges granted by this bill to the person receiving the lowest compensation, it would cost the Government approximately $5,000,000,000 annually. I am mentioning this, Mr. President, not for the purpose of contending that those who served in the war should not be adequately compensated for the injuries and disabilities suffered by them as a result of their service. I have supported every measure providing for those who were wounded or who suffered disabilities during their service and those measures providing compensation for those who were dependent upon them. I have been unwilling to support this measure because of its manifest injustice to those who are within its terms, as well as to those who were not officers, but who served their country with equal fidelity and patriotism during the World War.

I am in favor of liberal provisions for the wounded and disabled and to support measures for the relief of the widows, orphans, and dependents of those who lost their lives in the great conflict.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. KING. I yield.

Mr. BROOKHART. Is the Senator able to state the number of billions of war profits that were gathered in as the result of the war?

Mr. KING. Mr. President, the question of profits made by the people of the United States during the war is not germane to the bill under consideration. However, I am willing to admit that during the World War there were large profits made by various individuals and corporations throughout the United States. Unfortunately, war, whether in our country or in other countries, affords opportunities for persons to profit at the expense of their country. During the Civil War millionaires were created. President Lincoln called attention to the war profiteers, and following the Civil War there was bitter criticism of those who had coined money out of the blood of those who died fighting for the flag. I do not justify the conduct of those who made enormous profits in their dealings with the Government in the

recent war. However, there were profits made in many branches of trade and industry.

Real estate, as we know, advanced in value, and many lines of industry reaped enormous profits, although the persons and corporations engaged in such industries had no direct dealings with the Government. Prices were inflated, values went up beyond reasonable limits, and many manufacturers and middlemen made very large profits. Senators will remember that Congress laid heavy taxes upon the people, and derived billions of dollars of revenue from taxes upon incomes and excess profits. Many speculators were compelled to contribute large sums in the shape of taxes which aided the Government in its war activities.

There was a considerable advance in the prices of agricultural lands, and undoubtedly some farmers, as well as business men, derived profits during the war.

Mr. BROOKHART. Mr. President——

Mr. KING. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator has referred to the advance in agricultural lands. The Agriculture Department shows that Iowa land went to 213 index at the high peak. That was a little over double the pre-war value. At the same time, the index of all products of the United States was 241. So that the value of Iowa land, even in the speculation, never reached anything like the general level of prices through the country. Then the deflation came along, and now it is away below the pre-war level in value. Not only that, but these billions of war profits that went into other lines are still held, and are still charging Iowa prices for profits and return upon their investment.

Now, the Senator says——

Mr. KING. If the Senator wants to ask me a question, I will yield; but I do not want him to make a speech in my time.

Mr. BROOKHART. No; I shall not do that. The Senator raised the question on me that this war-profits matter was not germane. I say it is material, and I am ready to find out how much they were; and as long as any of them are left in the hands of the men who took them I am ready to tax them and take them back to do justice to the soldiers who served in the war for the preservation of their country.

Mr. KING. The Senator is in error in assuming that I took the position that the question of war profits is not a subject of importance or a material question. However, that question is not involved in the consideration of the present bill. When we are discussing taxation and revenue legislation the question of profits received by persons and corporations becomes highly important. Nothing that I have said would indicate that it is not important to consider the service rendered to our country by those who fought for it upon battle fields. I agree with the Senator that there were many profiteers. I regret that many persons took advantage of the war to increase prices and to swell the profits of their business enterprises far beyond legitimate bounds. I appreciate that fact, and during the war and thereafter, gladly supported revenue measures that imposed heavy tax burdens upon those who were deriving large profits from their business, and whose incomes were considerable. My recollection is that I voted for an excess-profits tax which in the higher brackets was more than 80 per cent.

Mr. BROOKHART. Did the Senator in the last revenue bill vote to reduce the estate tax?

Mr. KING. No; I made the minority report against its repeal and against reduction.

Mr. BROOKHART. I am glad to know it.

Mr. KING. I believed during the war that there should be an estate tax levied, and I have taken the position since the war that under conditions existing, the estate tax should not be repealed. I believe that a large part of our revenue should be derived from income taxes and corporate taxes; and that for the time being the estates of decedents, allowing reasonable exemptions, should be taxed to meet the war burdens and the current expenses of the Government.

Mr. President, I repeat when I say that I have favored and shall continue to favor generous appropriations in behalf of those who served their country and received wounds and injuries and disabilities. I shall vote for generous pensions for their widows and dependents. I look with favor upon the provisions of the existing law which provides compensation for reserve officers and enlisted men who sustained injuries and disabilities while in the service of their country. The bill before us, however, seeks to repeal in part existing law and to give to those who served as emergency officers greater advantages and benefits than are granted to their brothers in arms who did not happen to have commissions. It has repeatedly been shown when this bill and others of similar character were under discussion that the private soldier was to be discriminated against in favor of those who held temporary commissions. Former Senator Wadsworth, of New York, one of the best friends the ex-service men have, opposed this bill and similar measures. As chairman of the Military Affairs Committee he voted against bills providing retirement privileges for the reserve officers of the Civil War. He showed in a number of speeches the injustices of such measures and the discriminations in the bill as between the beneficiaries thereunder.

The Senator from Pennsylvania [Mr. REED] in discussing this bill has pointed out its injustices, and the Senator from Connecticut [Mr. BINGHAM] has called attention to the inequalities which will result as between those who come within its provisions. He has pointed out that the bill is for the benefit of the favored few among the officers who will have the retirement privileges, but it gives but little relief to those officers in lower grades and no relief to those who held commissions as second lieutenants. The Senator gave instances showing these discriminations. As an illustration, he calls attention to the reserve officer who was a colonel and who was wounded, losing two-thirds of his leg. If a lawyer, he would receive under the bill now under consideration $29 per month, but if a physician he would receive $250 a month.

Mr. President, I desire to have inserted in the RECORD at this point excerpts from an address of the Senator from Pennsylvania [Mr. REED], delivered in the Senate on January 19, 1925. I also ask leave to have inserted in the RECORD, without reading, excerpts from the CONGRESSIONAL RECORD of January 19, 1925, containing remarks by Senator Wadsworth and other Senators upon a bill containing substantially the same provisions as the one now before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. REED of Pennsylvania. The reason why the bill is essentially wrong is that it discriminates betwen enlisted men and officers, and in my judgment there is no reason in a democratic country like ours for drawing any line of distinction in compensation after the war between the enlisted man and the officer. The officer was not made an officer because he was of superior clay. He was made an officer because it was necessary in the despotism that every army is to have graded command, not because he was inherently better than the enlisted man.

Mr. BURSUM. Is it not true that he was an officer because he was found efficient at the training camp?

Mr. REED of Pensylvania. He was made an officer because he was thought to fit in the particular step in the scale of command that was needed to be filled. As for relative fitness, it takes ten times the man to be the first sergeant of a company or battery or a line regiment than it does to be a second lieutenant in the Quartermaster Corps and fill an armchair here in Washington, and yet by this bill we would give a peculiar kind of nobility, if you please, to the second lieutenant of the Quartermaster Corps in Washington and say to the first sergeant, who was in the line in France, "You are not as good as that lieutenant. You can not be compensated on the same aristocratic basis." It is all wrong. It is a slap at the enlisted man to give any such preference as this to officers.

Mr. GEORGE. Mr. President, I would like to suggest to the Senator that it seems to me to be basically wrong for this reason: The retired pay of a regular officer of the Army is necessarily a part of his compensation, a compensation from the time that he enters into the Army. He is foregoing something that he might otherwise demand, but by remaining in the Army and working for the pay fixed for his respective grades he is laying up this retired pay, so to speak. Basically, there is no foundation for giving to the emergency officer, who is brought out of civil life, where he has earned to the utmost of his capacity and up to his full merits, the same retired pay that is given to the officer of the Regular Army. That is in addition to the injustice which the Senator from Pennsylvania has pointed out.

Mr. REED of Pennsylvania. The Senator has mentioned a point to which I was coming in a moment. To summarize, first, I say that it is indefensible discrimination against the enlisted man of the Army. Next I say that the principle of the bill is all wrong, because it scales the compensation according to rank and not according to disability. It is answered that every workman's compensation law takes into account the earnings of the workmen and uses that in scaling the damage that is payable for an injury, but it also takes into account the degree of the injury. I say, my fellow Senators, that it is all wrong to give a slightly disabled major three times as much as we give a second lieutenant who has a bullet through his spine and is half paralyzed for the rest of his life. It is not just to grant compensation according to rank. It ought to be graded according to disability.

Mr. BURSUM. The Senator refers to a slight disability. I call the attention of the Senator that 30 per cent is the minimum, and 30 per cent certainly is no slight disability.

Mr. REED of Pennsylvania. Relatively slight disability I should have said. Of course, a man 30 per cent disabled deserves sympathy, even

if he is a major; but he does not deserve as much sympathy as the 100 per cent disabled second lieutenant of the line who got his disability in combat. I say, it is all wrong to give three times as much or twice as much to that major as would be given to that lieutenant.

One thing more about the number of officers affected by the bill. The Veterans' Bureau have told us the number that are disabled by wounds in combat, but they have not told us the number of officers who would be held to be constructively disabled by the section of the Veterans' Bureau act that we passed last June, giving constructive disability to those men who, up to the first of this year, developed any of those various diseases. That number would have to be very much larger, in my judgment, than the 1,085, or whatever the number is, the Veterans' Bureau has reported.

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Mr. WADSWORTH. Mr. President, I regret to say that I have not been present during the discussion which has taken place this morning on the bill, and so I am not familiar with the observations thus far expressed, either in support or in opposition to it, save those observations which I have just heard expressed by the Senator from Pennsylvania [Mr. REED]. May I say at the outset that I feel very much as he does concerning the measure. I want to make it clear that upon two occasions the Committee on Military Affairs has reported this measure to the Senate, and that upon both occasions in the committee—I think I am violating no confidence—I opposed the measure for reasons which I shall endeavor to develop in a very few moments.

Before discussing some of the details of the problem I might make this observation: A good deal of the support enjoyed by this measure when it was first introduced, I think, came from the fact that a number of young men, upon graduating from officers' training camps in the first three or four months of our participation in the war, were given commissions in the Regular Army as contrasted with commissions in the National Army. They were young men whose superiors wanted included in the regular service and it was their idea, I have no doubt, that they would remain in the regular service through and beyond the war. Some of those young men, after securing commissions as second lieutenants in the Regular Army, were thereafter wounded, and in accordance with the statute at that time—and that statute is still upon the books—they were retired. Their number is comparatively small. But the treatment which they received under the statute turned out in a financial sense to be more generous than the treatment accorded to young emergency officers of practically the same age who served in one of the National Army or National Guard divisions, if you please.

The contrast in the treatment of those two groups, one a very large group, the emergency-officer group, and one a very small group, the young recently commisisoned regular-officer group, I think has had something to do, indeed a great deal to do, with the introduction and pressing toward passage of the bill. The argument has been made that two young men who went to an officers' training camp at the outbreak of the war should, no matter what the style of their commission be later on, receive the same treatment financially when they have become the victims of injury incurred in line of duty. There is something to be said, I will admit, upon that score, and yet when one views the situation in a broader sense I think one is impelled to the conclusion that the incident to which I have just referred is of comparative unimportance.

The bill, as I look upon it, revolutionizes our whole theory of compensation for injuries suffered in war. It reverses in very large measure the whole policy of the Government.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I yield.

Mr. BURSUM. Is it not true that the emergency officers of the Navy and the marines and the provisional officers were given the benefits of retirement pay for a period of something over a year?

Mr. WADSWORTH. That is true and has often been adverted to.

Mr. BURSUM. Just one further word—and that this bill will grant no benefits except application shall be filed and received within one year, so that the proposition can not revolutionize anything any more than Congress has already revolutionized in the granting heretofore of retirement pay to the emergency officers of the Navy, marine, and provisional officers.

Mr. WADSWORTH. With that I do not agree. It is true that there was attached to a naval appropriation bill, as I recollect it, a provision extending the retirement privilege to reserve officers of the Navy and Marine Corps and that that retirement privilege was exercised by them, under regulations, during and immediately following the war.

It is also true that the Senate, at least, did not debate that question and had little conception, if any at all, of its significance, but that as soon as it was ascertained what that section of the statute applicable to the Navy and marine officers meant——

Mr. BURSUM. Mr. President——

Mr. WADSWORTH. May I finish, please? As soon as the meaning and significance of that section of the statute were ascertained by the Congress, in a provision of a statute which took effect two or three years after the war, they promptly stopped it by fixing an upset date beyond which no naval reserve or marine officer could be retired. * * *

* * * * * * *

I know the subject attracted a great deal of attention among Senators and at the White House. President Harding became very much concerned over the precedent set in that legislation as affecting Navy and Marine Corps reserve officers, for the papers calling for the retirement of Naval Reserve and Marine Corps reserve officers began piling up on his desk in an alarming fashion. I think President Harding was concerned about it; the Navy Department itself began to feel concerned about it; and many Members of the Senate did, with the result that, with scarcely any opposition at all, the law was repealed.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I yield.

Mr. BURSUM. I desire to call the attention of the Senator from New York to the fact that the former retirement bill provided for general retirement on the same basis as is given to the officers of the Regular Army, while this bill, as a matter of fact, is not strictly a retirement measure except as to the compensation which is to be paid. There is quite a difference between the two propositions. The retirement given to emergency officers of the Navy and the Marine Corps, provisional officers, did not require 30 per cent permanent disability but mere unfitness for service. They received the identical treatment that is accorded to the officers of the Regular Army or the Navy. There is some difference between the two propositions.

Mr. WADSWORTH. When one considers the financial side of this matter the difference is so slight that it is hard to identify. It is more in terms than in results.

Now, Mr. President, supplementing the remarks of the Senator from Pennsylvania [Mr. REED], I wish to call the attention of the Senate as succinctly as possible to the actual results which will follow the enactment of legislation such as this. This bill provides that every emergency officer who has incurred injuries rated in excess of 30 per cent shall receive the retired pay of the grade which he held when he was discharged from the service. For example, the pay of a first lieutenant on the retired list is $1,500 per year. An emergency first lieutenant who has been injured to the extent of 30 per cent disability would under this bill, should it be enacted into law, receive for the remainder of his life $1,500 per year. If he has suffered an injury which has been rated as 20 per cent disability, he will draw compensation under existing compensation laws at the rate of about $20 per month. It is to be remembered, and if I am wrong——

Mr. REED of Pennsylvania. The amount is $16 a month.

Mr. WADSWORTH. I am corrected by the Senator from Pennsylvania, who has studied this matter of compensation of war-time injuries. The officer in question would receive $16 a month if he were 20 per cent disabled.

Mr. FLETCHER. And more than 10 per cent disabled. I think the provision is not less than 20 per cent but more than 10 per cent.

Mr. WADSWORTH. I thank the Senator. His total compensation, then, would be $192 a year. Now, here are two first lieutenants, one injured to the extent of 20 per cent, who will draw $192 a year, while the other one, injured to the extent of 30 per cent—and the difference is not great—will draw $1,500 a year. Can that be defended?

How can any such discrimination as that be defended? One will draw almost eight times as much as the other, although they are men of the same age, the same rank, and the same service. How long will it take the 20 per cent man who is drawing $192 to complain against that discrimination and demand that this law, if it shall become a law, shall be amended so that the 30 per cent disability feature shall be reduced to 20 per cent and include him? It is inevitable that such a demand will arise.

Now, I have given an illustration as to men of the same rank, both first lieutenants. Let us compare men of different ranks and see how they will fare under this bill should it become law. A second lieutenant's retired pay is $1,275 per year; a major's retired pay is $2,250 per year. Let us assume that two young men, working in the same business at the outbreak of the war, go into the service. They are both sent to officers' training camps, being men of good education and being regarded as good prospects, as it were, from the military standpoint. They both graduate as second lieutenants from the same military training camp, and they may have been members of the same training company in the camp. Both see active service. Everyone knows that in war time opportunities for promotion as the result of distinguished service or excellent service come to some men that do not come to others. These two young men are commissioned as second lieutenants, but they join different outfits. One outfit may see a great deal of fighting while the other outfit may see but little fighting. The chances for promotion for those officers who are not fortunate enough, if I may use that expression in this connection, to serve in an outfit that sees service and hard fighting are greater than the chances for promotion for those officers who serve in an outfit which sees comparatively little fighting. These men have started together; they have each given up the same prospects in business life; they have made the same sacrifice; but one of them, through the fortunes of war, may be promoted rapidly

while the other one may not be promoted. Both of them serve in battle, each loses an arm, but one loses it as a major while the other loses it as a second lieutenant. The major for the remainder of his life, under this bill, will draw a thousand dollars a year more than will the second lieutenant.

Mr. KING. Mr. President, what would be paid to the brother of the major or the brother of the second lieutenant who was just as brave, but who fought as a private.

Mr. WADSWORTH. He would receive $100 a month if totally disabled.

Mr. KING. Why the discrimination?

Mr. WADSWORTH. I am not competent to rate disabilities as suggested to me. Perhaps the Senator from Pennsylvania may remind us approximately at what the loss of an arm is rated?

Mr. REED of Pennsylvania. I do not remember exactly.

Mr. GEORGE. Mr. President, I think it is rated at about 40 per cent under the present law. I do not think it is rated as total disability.

Mr. KING. That is immaterial to the point which I desire to bring out, namely, the great disparity between the amount which the private who fought gallantly and heroically and was wounded will receive in comparison to his brother or neighbor who happened to be an officer. I wanted to show the disparity between what the private would get and what his brother who happened to be a major or a second lieutenant or a captain would get.

Mr. WADSWORTH. Of course, the disparity is much greater as between officers and enlisted men. Thus far I have confined my discussion to the disparity between the officers.

I assume that, generally speaking, these men all made the same sacrifice when they went into the Army. They were an exceedingly intelligent, upstanding lot of young men who went into our officers' training camps during the war and who secured emergency commissions or National Army commissions. This bill sets up a system of compensation for injuries based, as the Senator from Pennsylvania has stated, upon rank, and the disparity between officers, if we are considering officers alone, is tremendous.

To be perfectly frank, Mr. President, I have received a good many letters asking my support of this measure from former officers who have much sympathy with their fellows who were severely injured. I am frank to say that when the disparity of treatment is displayed before them, at least they have hesitated in carrying on their aggressive support in favor of this measure. Some, of course, insist that it shall go through, that the disparity shall be maintained, and that the disparity is right. I can not see it in that way.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. REED of Pennsylvania. The Senator from New York did not bring out the disparity between the payments to officers and enlisted men. He mentioned it, but did not give the same kind of illustration as he gave relative to officers. Carrying the illustration further, suppose a private or first sergeant, any enlisted man, to have lost an arm he would get about $480 a year against a major getting over $2,200 a year for precisely the same injury. Is not that true?

Mr. WADSWORTH. Exactly; that is true; and those two men very conceivably—and, indeed, the statement I am about to make is generally true—those two men upon entering the service made the same sacrifice; their business prospects, their social prospects, their professional prospects were, in large measure alike, because, as the Senator from Pennsylvania has said, the man who rose to the rank of first sergeant of a company of Infantry or battery of Field Artillery was, to use a colloquialism, "some man."

* * * * * * *

Mr. President, this measure represents an attempt to use the retired-pay system of the regular services, which has been in operation for at least three generations, for the increase of pensions. That is what it is for; at least, that is its principal object.

Leaving aside for the moment any discussion of the merits of increasing the pension or compensation of those who have been injured—I do not intend to discuss that—I do, however, want to point out that this is the first time within my knowledge when it has been seriously proposed to use the sliding scale of retired pay as a vehicle for increasing war-time pensions; and when you use a sliding scale of compensation which is based upon rank, and rank alone—there is no other consideration in it—you are indeed revolutionizing our whole pension theory and practice.

It may be of interest to the Senate that I should read a very, very brief table showing the retired pay of officers of the several grades.

The brigadier general's retired pay is $4,500 per year.

The colonel's retired pay is $3,000 per year.

The lieutenant colonel's retired pay is $2,625 per year.

The major's retired pay is $2,250 per year.

The captain's retired pay is $1,800 per year.

The first lieutenant's retired pay is $1,500 per year.

The second lieutenant's retired pay is $1,275 per year.

These amounts represent the retired pay of officers of the Regular Army who have served less than five years. Regular Army active pay and retired pay is based upon a combination of rank and length of service. As all the emergency officers served less than five years, they would receive in the matter of retired pay the retiring pay of their respective grade given to officers of less than five years' service.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I yield.

Mr. BURSUM. Of course, an officer of the Regular Army who was wounded in the service in line of duty would be retired with three-fourths pay.

Mr. WADSWORTH. Certainly.

Mr. BURSUM. The officers under this bill would receive no greater benefit than that?

Mr. WADSWORTH. I have not said they would.

Mr. BURSUM. I understood the Senator to say that there was a difference.

Mr. WADSWORTH. Oh, no; oh, no—not in that direction; none at all.

Mr. BURSUM. What is the purpose of the statement just made by the Senator?

Mr. WADSWORTH. I have just read to the Senate for its information the salary schedule; that is all. I imagined that some Senators might like to know the figures.

Mr. BURSUM. What bearing has it on this bill?

Mr. WADSWORTH. Why, a most distinct bearing when we consider this bill in the broad view. We are treating with an immense emergency army made up of officers and men, and you are discriminating in favor of the officer.

Mr. BURSUM. Do you not do the same thing in the Regular Army? Do you not discriminate in favor of the officer?

Mr. WADSWORTH. The retired pay of a Regular Army officer is not in the nature of a pension or a disability compensation; it is deferred salary.

Mr. BURSUM. How can it be if he is wounded in the service, and perhaps has only been in the Army a year or a day, and he goes into battle and gets wounded?

Mr. WADSWORTH. The Senator is picking out the extreme case which I myself referred to in my opening remarks.

Mr. BURSUM. Such cases occur during war times.

Mr. WADSWORTH. Yes; there we are; just so, and I mentioned that very thing.

Mr. BURSUM. That is what this covers—war-time service; nothing else.

Mr. WADSWORTH. No, Mr. President; this goes far beyond that in its implications and its precedent.

The retired pay given to a regular officer of the Army or Navy is not a pension. It is a deferred salary, given to him to encourage him to stay in the service at low pay all through his active years. It is given to keep the good men in the service in peace and war. The Government says to the officer: "If you will come in as a second lieutenant, we can only give you $1,700 a year. That is mighty low pay for a man who can graduate from West Point with a mental equipment of that kind. As a first lieutenant we can not give you much more than $2,000 a year. As a captain you can not get much more than $2,500 a year, and you will have to stay in the service 10 years before you can become a captain. When you get to be a major we can give you about $3,500, including your allowances, but you will have to stay at least 14 years in the service to get that far"; and many an officer has stayed in the service more than 14 years before he has reached field rank. The Government says: "Please stay in. We want you to stay in. We must have trained officers; and if you do stay in until you break down physically, either as the result of a wound or illness, in war or peace, or until you have reached the age of 64, then, when we have used you up, when you no longer can go out and earn a living because you have spent your life or sacrificed your health, in view of all these years you have served at a mere pittance, we will give you three-fourths pay as retired pay."

That is all there is to it. It is not a pension. It is deferred salary to encourage the man to stay in, whether he is hurt or not.

Mr. President, I thought that if the Senate had not already the figures it would be interested in knowing the approximate number of former emergency officers who are now receiving compensation under a rating of 30 per cent or more permanent disability. There is 1 general officer, there are 5 colonels, 12 lieutenant colonels, 71 majors, 273 captains, 374 first lieutenants, and 282 second lieutenants, the total being 1,018 officers. If those 1,018 officers received the retirement pay of their respective grades in accordance with the figures of the little table I read a moment ago, the total of such retired pay would be $1,622,700. It is to be remembered, however, that these officers are now receiving compensation under the provisions of existing law, which foots up in their cases, in the aggregate, $1,026,480. Subtracting that sum from the former sum which would be involved by the passage of this bill it will be seen that this bill will increase the annual expense of the Government in this regard by the sum of $596,220, in round figures $600,000.

Mr. KING. That is, assuming there are no additions to the roster of disabled officers.

Mr. WADSWORTH. Yes. In order that we may have a true picture of it, or as complete a picture as possible, let me remind Senators that in the sentence which refers to these officers who are to be its beneficiaries, the bill reads in this fashion—

"who during such service have incurred physical disability in line of duty and who have been, or may hereafter be, rated in accordance with law at not less than 30 per cent permanent disability."

Of course, as the years come along, the number of those rated in excess of 30 per cent will increase. The passage of any such bill as this would be an immense incentive for such an increase, because, as the disability incurred by a man during the war begins to weigh upon him more as he grows older—and that is inevitable—that very disability will be rerated, upon his request.

That is perfectly natural and entirely proper. So that the man who to-day is rated at 25 per cent permanent disability will, it is safe to say, be rated in excess of 30 per cent in a very short time, and he will have an immense incentive to secure that increase in his rated disability. The difference to him in dollars and cents will be all the way from a few hundred dollars per year to a thousand or twelve hundred dollars per year, if this bill should become a law.

* * * * * * *

Mr. President, whatever the construction may be, whether the Senator from New Mexico is right or the Senator from Pennsylvania is right, it is perfectly obvious that during the 12 months following the passage of any such bill as this there would be a scramble on the part of every officer rated below 30 per cent to get a rerating which would put him above 30 per cent, because it would mean literally thousands and thousands of dollars to him during the rest of his life.

Mr. BURSUM. Mr. President, I take the records of the Veterans' Bureau, which says that 1,018 officers will be affected by this act. That office is in possession of the records, and can obtain a correct survey.

Mr. WADSWORTH. I have already read the figures to the Senate. That is the number of officers now rated over 30 per cent.

Mr. BURSUM. Not quite that. I do not know that that is exactly correct. I think that they estimate that there may be that number.

Mr. WADSWORTH. It says, "permanent disability rated at 30 per cent or more." I have the table in my hand, furnished to me as being official, and the number in each grade is given.

My observation is this: That the 1,018 would be greatly increased within the 12 months following the passage of any such bill as this. As I said before, there would be a scramble to get into this preferred class.

Mr. BURSUM. The director of the bureau did not seem to believe that.

Mr. WADSWORTH. Then he has not an accurate knowledge of human nature.

Mr. BURSUM. He has, however, a record of the physical condition of these officers.

Mr. WADSWORTH. Certainly.

Mr. BURSUM. That, of course, is the index of the extent of their disabilities.

Mr. WADSWORTH. Mr. President, I have endeavored to set forth my principal objections to this legislation. I have been familiar with it for three years. We discussed it at great length in the Committee on Military Affairs, at least in connection with two bills, this being the second bill. Upon each occasion, as I said at the outset, the majority of the committee has thought it wise and proper to report the bill favorably, and upon one previous occasion it passed the Senate, but never emerged from the House Committee on Military Affairs.

Frankly, I believe that a bad error is involved in this legislation, which would come back to plague us if we ever put it upon the statute books. When the enlisted men, who served through the last war, who are suffering disabilities in excess of 30 per cent—and they are numbered by the scores of thousands—realize that the officer of approximately their own age, and with equal prospects with them when they went into the war together, is getting two or three times as much in money from the Government for the same injury as the enlisted men they will be storming at the doors of Congress for equal treatment, and in my humble judgment, no Congress will be able to resist them.

Mr. SMOOT. Why should they resist them?

Mr. WADSWORTH. Yes; why should they resist them?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. REED of Pennsylvania. As chairman of the Committee on Military Affairs, has the Senator received much solicitation from enlisted men for the enactment of this bill?

Mr. WADSWORTH. I do not recollect any.

Mr. REED of Pennsylvania. Has the Senator had any evidence that the enlisted men of the last war as a whole know that any such suggestion is pending here? I ask that because I myself have not. I have been repeatedly solicited by the officers who would be beneficiaries of the bill, but never by an enlisted man.

Mr. WADSWORTH. I will say this in all frankness, that the legislative agent or the representative here in Washington of the American Legion has upon more than one occasion urged the passage of this bill. Whether the six or eight hundred thousand members of the Legion know about the bill, and what it would do, I question.

Mr. KING. Mr. President——

Mr. WADSWORTH. I yield.

Mr. KING. I have received many communications from privates registering their opposition to this bill, and the president of an organization of privates in the World War, which organization, I recall, he stated consisted of several hundred thousand members, has seen me upon a number of occasions and expressed his disapproval of the bill. He states that so far as he is advised none of those who were privates in the war favor this bill except a few who think that if the bill gets through, then they can knock at the doors of Congress and Congress will be compelled to give the privates the same relief accorded the emergency officers.

Mr. KING. Mr. President, the statements of Senator REED and Senator Wadsworth point out some of the fundamental objections to the pending bill. At various times during the past suggestions have been made that the volunteer and reserve officers who served during the conflicts in which our country has engaged should receive the same advantages and privileges which were accorded to regular officers of the Army and the Navy. To all these proposals the country and Congress have turned deaf ears. The distinction between those men who entered the military service of their country as young boys and dedicated their lives to such service, and those who served temporarily as reserve or volunteer officers is obvious, and it seems to me shows the unwisdom of the pending measure. The Government maintains military and naval academies for the purpose of training young men for military service. They enter these institutions as boys. The doors of opportunity in civil life are closed to them. They give their lives and all that they have to their country. The compensation given is not great, but the Government states that as deferred payment, after serving many years, they may retire upon three-fourths' pay. But after retirement they are still in the Army and subject to the call of their country.

To place them in the same category with emergency officers or volunteer officers who give but a limited period to military service and who upon leaving such service take up their former occupations or return to their pursuits in civil life, it seems manifestly unjust. Senators will remember that both in the House and Senate there have been many who served as volunteer officers in the Civil War. A considerable number of them served upon the Military and Naval Affairs Committees of the Senate and House and gave consideration to legislation dealing with the officers and ex-service men of the Civil War.

Many bills were passed in behalf of the Grand Army of the Republic. Pension measures were enacted, but at no time was there a serious demand that volunteer officers should be placed in the same situation as regular officers of the Army and Navy and receive retirement privileges provided for the latter. I repeat that if the bill before us is to be enacted into law, provisions should be made to grant to the very few volunteer officers of the Civil War who now survive, and to those who served as volunteer officers in the Spanish-American War, the same privileges and benefits that are to be given to the reserve officers who served in the World War. There must be no discrimination.

But the reserve officers of the Civil War and the Spanish-American War, so far as I know, have not believed that legislation placing them in the same category as the regular officers of the Army and Navy was justified. Senators will recall that General Grant, General Logan, Presidents Garfield and McKinley rendered service as volunteer officers in the Civil War. They did not seek retirement privileges, nor did others who served with them in that great conflict to preserve the Union.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. TYSON. I just want to ask the Senator if any of the gentlemen of whom he has spoken were disabled?

Mr. KING. Not those whose names I have just mentioned; but many were disabled as the Senator knows.

Mr. TYSON. I know that; but the point I am making is that these men were not entitled to retirement, because they were not disabled.

Mr. KING. The Senator knows that there were tens of thousands of volunteer officers in the Civil War, many of whom were killed and thousands of whom were disabled. Many of them sustained serious injuries. There have been Members of the Senate and House of Representatives who suffered serious disabilities during their service as volunteer officers. I know of some who lost an arm and others who lost a leg, and others who lost the sight of one eye, and many others whose

disabilities were of a most serious character. None of these gallant officers received retirement privileges, nor did they seek legislation such as that being urged by the Senator from Tennessee.

Mr. TYSON. Not retirement, perhaps; but they got pensions very much higher than those the enlisted men got. Four times as much.

Mr. KING. Mr. President, the pension system was adopted at an early day in this Republic to provide for officers and men who received injuries or suffered disabilities while engaged in military service. I believe that it is true that the officers received, as a rule, higher pensions than did the privates. As I have stated, I am in favor of granting pensions or compensation, if that term is preferred, to those who were wounded during the World War. I shall show later that Congress has dealt quite generously with those who suffered disabilities while serving their country during the World War. If the compensation which is now paid is inadequate, I shall be glad to consider the wisdom and justice of increasing the amount paid to those who were wounded and suffered disabilities in the line of duty. I am not opposing compensation to those who were injured, both officers and men. I am opposing the inequalities of the present bill, the injustices which will result and the inequalities among the officers who will be the beneficiaries under the bill, and discriminations between them and those who valiantly served as soldiers upon the battle fields.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. TYSON. The pensions given officers after the Civil War were very much larger for officers than for the private soldiers, and if we were to increase the amount given to officers of the World War in proportion over what the enlisted men in the World War got it would be a great deal more than any officer would get under this bill.

Mr. KING. Mr. President, I can not agree with the conclusions stated by the Senator. The Senator is attempting by this bill to rivet upon the country a system which has never been adopted by this Republic. That some officers have received larger pensions than privates, I think, is true. It may be that that can not be justified. However, the Government never adopted the policy of giving to volunteer or reserve officers the retirement privileges accorded to regular officers; but it adopted what is known as the pension system, under which officers and men receive compensation or pensions based upon the injuries received or disabilities suffered by reason of their military service. The pension system was expanded so as to provide pensions regardless of injuries or disabilities after a certain age had been reached for those who had served in the armies of their country. Upon a number of occasions following the Civil War measures were introduced in Congress which sought to give to the volunteer officers a different status and permit them to have some of the advantages provided for the regular officers in our Military Establishment. But all efforts to place the volunteer officers in the same class with the regular officers with respect to retirement failed. When an attempt was made in behalf of volunteer officers who had served in the Civil War the proposition was attacked upon the ground of discrimination, favoritism, and so forth.

Senator Grimes stated that the country was willing to pay the officers pensions and he supposed "that Congress was disposed to increase the pensions if they are not able to support themselves upon what we already give them." Senator Harris stated:

> If I understand it the effect of the provision will be simply to select a number of officers of the Veteran Reserve Corps who may immediately and probably will be very soon placed upon the retired list and place a number of wounded officers now out of the service upon the retired list to receive pay as officers of the Army.

As I have indicated, this proposition was defeated as were others of a similar character. I recall the pathetic case of Capt. Charles P. Johnson of the Iowa Volunteers. He was shot through the hips and internally injured in such manner as to keep him lying prone on his face continually thereafter. A bill was offered in 1868 to grant him a pension but there was no thought of placing him upon the retired list.

When an effort was made to place General Shields who had been a brigadier general during the Mexican War and during the Civil War, upon the retired list, it was opposed. Senator Oglesby, himself a veteran of both wars, stated that there were thousands who had rendered efficient and patriotic service who were disabled. He was unwilling to place General Shields, worthy and patriotic as he was, upon the retired list. His position was, in effect, opposition to the application of the retirement system to the volunteer officers.

Senator Edmunds, after briefly stating the existing retirement law, expounded the theory of retirement as follows:

> What is the principle upon which that statute is founded, which has established this retired branch of the Army of the United States and into which it is proposed to put * * * soldiers * * * who do not now belong to the Army? That principle plainly is * * * that when a citizen of the United States devotes his life to the business of the military service of his country and has spent 30 or 40 years of service to it, having no other occupation, having given up his whole career to that one service, when old age comes upon him shall not be dismissed from the service but may be placed upon this retired list and relieved from active duty; or when, having devoted his life to the regular military service of his country, he has become incapacitated * * * he may be retired. * * * We have provided for the volunteer soldiers of the United States, when they have been disabled in the service of their country, pensions, liberal pensions, * * * not too liberal for their deserts in some respects; probably not liberal enough in respect to some classes of persons whose capacity to do anything had been entirely destroyed by wounds received in the service. * * * General Shields has a pension, * * * and yet you propose to foist him into a branch of the public service with which he has no connection, and which is founded upon a principle that does not apply to him at all.

The subject of retirement for volunteer officers was considered by Secretary of War Lindley M. Garrison. In 1914 he opposed the application of the principles of the retirement bill to volunteer officers and gave some of the reasons justifying the conclusion which he reached. He stated that the privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to military service. He states that the military relations requires the officer to give up ambition which is the rightful portion of every man in the world, "and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands." His position was that the measure then being considered, if enacted, would constitute a direct step toward "grafting upon our military policy the principle of retirement rather than pensions for our volunteer forces, both officers and enlisted men, the result of which would be an almost insupportable burden on our people."

Mr. President, the letter of Secretary Garrison presents the arguments against a measure of the character under discussion in so clear a manner that I ask that it be inserted in the RECORD without reading, as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

APRIL 20, 1914.

DEAR MR. HAY: The accompanying bill, H. R. 1851, Sixty-third Congress, first session, referred to the Secretary of War for further information and remark, is herewith returned. This bill was previously referred to the War Department, and on that reference the information desired was as to the probable number of beneficiaries of this proposed legislation and the annual cost of paying the same. It was returned by letter of the Acting Secretary of War, dated March 26, 1914, inclosing a memorandum prepared by The Adjutant General of the Army giving the information required by the reference as accurately as could be furnished.

The beneficiaries of the bill are the surviving commissioned officers of the volunteer forces of the Civil War period. I desire to preface my remarks on this bill with the statement that they are not to be construed as in any sense antagonistic to any proposition to bestow adequate rewards upon this class. They rendered their service in a trying period of our history, and pursuant to the dictates of patriotism—services which can not be measured in terms of financial reward. My objection to the bill goes not to the amount of the reward but to its character, and I shall make my objection clearer by a brief reference to which I conceive to be the purpose for which a retired list for the Regular Army is provided.

The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The military relation requires the officer to give up ambitions which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time, or has reached a certain age, or is disabled by injury or disease incident to the service, he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life, he finds himself at the end of his service, certainly

in the vast majority of cases, not only without a profession but without a competency.

Prior to 1861 we had no retired list for the Regular Army. In that year Congress, in recognition of the conditions above described, established such a retired list. It was in no proper sense a pension list. The officer by his retirement was withdrawn from active service, but was still retained as a part of the Army, subject to its laws and to trial by military courts, and to be called upon to perform such duties as were within his ability. His obligation to render such service is expressed in the concluding provision of the act creating a retired list in the following terms:

"SEC. 25. And be it further enacted, That retired officers of the Army * * * may be assigned to such duties as the President may deem them capable of performing, and such as the exigencies of the public service may require." (12 Stat. 287.)

It has been the effect of subsequent amendatory legislation to require the consent of the retired officer in his detail to active duty, except in case of war. In the excepted case it is provided:

"That in time of war retired officers of the Army may, in the discretion of the President, be employed on active duty, other than in the command of troops, and when so employed they shall receive the full pay and allowances of their grades." (30 Stat. 979.)

Under existing law many retired officers are detailed to active duty; some as instructors at military schools, others on militia duty, recruiting duty, as attachés, or on staff duty not involving service with troops. A large number of retired officers will undoubtedly be called into service, with or without their consent, in the event of war.

Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment—that is, to those only who have consecrated their lives to the military service. This is true not alone of the officer, but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives and, when they have performed what is deemed a life service, shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives. This basic principle of our retirement laws is recognized in an opinion rendered June 10, 1898, by the Solicitor General, Richards, with the approval of Attorney General Griggs. In discussing the applicability of laws relating to the Regular Army to the then existing volunteer forces, the Solicitor General said:

"Chapter 2 of Title XIV, providing for the retirement of Army officers, clearly has no application to the Volunteer Army, organized for simply temporary service. This chapter creates two lists of Regular Army officers—the active and the retired list—a distinction which does not obtain in the Volunteer Army. When, therefore, section 1222 places a restriction on every 'Army officer on the active list,' it plainly refers to Regular Army officers. An Army officer on the active list is one not only actively but permanently engaged in the military service of the Government. Having chosen the Army for his career, and being actively engaged therein, the statute properly prohibits him from accepting or exercising the functions of a civil office.

"While an officer in the Volunteer Army may be said to be actively engaged in the military service, he is not permanently so engaged. He is called out to meet an emergency and must be discharged when the purpose for which he entered the service has been accomplished. Unlike the Regular Army officer, he has not selected the military service for a profession. He has simply responded to a patriotic call, and expects when the war is over to return to civil life. His term of military service is uncertain and contingent. He may be taken from his civil duties for a few months, for a year, for two years at the most. The Government does not need nor demand a complete and final severance of his relations with civil life. He may be able to make arrangements to bridge over his absence and on his return resume his former work."

It is to be noted further, as justifying this special provision for members of the permanent establishment, that they not only remain liable to call for active service, but suffer a certain impairment of citizenship rights which is incident to their military relations.

From what has been said above it will be apparent, I think, to your committee that the object sought to be attained by this bill and the object for which the retired list of the Regular Army is maintained are widely different. The object of this bill is to reward men who have rendered military service for a specific period and for a specific purpose, but who have no subjection to military law, no obligation to render military service, and who are under no impairment of citizenship rights; while the object of the Regular Army retired list is to reward men who have consecrated their lives to that service and under military jurisdiction, and who do suffer a degree of impairment of citizenship rights incident to the military relation they retain after retirement. The retirement privileges of the regular officer and soldier constitute an inducement held out by the Government to men to adopt the profession of arms as a life career.

The proposed bill violates, as I see it, this basic principle of our retirement laws. I deprecate any departure whatever from that principle, even to the extent proposed in the pending bill. The retired volunteer list proposed to be created by it would inevitably become confused in the public mind with the retired list of the Regular Army. If enacted it will constitute a direct step toward engrafting upon our military policy the principle of retirement rather than pension for our volunteer forces, both officers and enlisted men, the result of which would be an almost insupportable burden to our people.

In conclusion I invite your attention to the letters of my predecessor, Secretary Stimson, of April 26 and August 8, 1912 (copies of which are inclosed herewith), expressing his disapproval of a similar bill at that time pending before Congress.

Very respectfully,

LINDLEY M. GARRISON, *Secretary.*

HON. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. KING. Mr. President, during the Sixty-ninth Congress a measure was introduced which sought to give retirement privileges to volunteer officers who had served in the Civil War. The matter was investigated by Newton D. Baker, Secretary of War, and in a report submitted by him on the 9th day of May, 1917, to the chairman of the Committee on Military Affairs of the House, he stated his objections to the bill. Among other objections he said that if the bill were enacted into law it "was reasonably certain that measures would be demanded for the benefit of the volunteer officers of the war with Spain and those belonging to the National Guard who had rendered or were then rendering Federal service, as well as officers of the present Military Establishment, but who were not permanent officers."

I ask that excerpts from his report be inserted in the RECORD at this point without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Upon investigation of the matter I have ascertained that several measures of practically the same import as the one under consideration have been introduced in Congress during recent years and that such of those measures as have been referred to this department for its views with regard to the proposed legislation have been acted upon adversely by my predecessors in office.

Without going into any analysis of the bill now under consideration with a view to the consideration of its probable effect, cost, etc., I wish to state that I concur in the adverse view of my predecessors concerning any legislation such as that proposed. Perhaps there is no one who appreciates more fully than I do the great service rendered our country by the men who served as officers in the Civil War or one who is more in favor of granting them all the rewards, financial and otherwise, which the valiant service they rendered merits. But I do object most emphatically to the use of the retired list of the Army or any similar device, be it designated a "Civil War volunteer officers' retired list" or otherwise, as a means of rewarding officers who have had volunteer service only.

Any such plan as that proposed in the present bill would, if adopted, engraft upon our military policy the principle of retirement rather than that of pension for volunteer officers. Furthermore it would very greatly increase the financial cost of our Military Establishment and for a purpose which, in my opinion, should not be chargeable to the Military Establishment at all. The real effect of the proposed measure, if it were to be enacted into law, and practically the only effect, would be to increase the pensions now allowed by law to volunteer officers of the Civil War period. If the pensions which are now allowed such officers under the terms of existing law are deemed by Congress to be inadequate it would seem that no effort to bring about an increase thereof should be sought by the indirect method of establishing the "list" authorized by the proposed measure, but that legislation with that end in view should be embodied in a pension measure, pure and simple, without any such objectionable feature as that pointed out hereinbefore.

Furthermore, if the bill under consideration were to be enacted into law for the benefit of men who served as volunteer officers in the Civil War, it is reasonably certain that it would be followed by other measures for the benefit of volunteer officers of the war with Spain, of officers belonging to the National Guard who have rendered or are now rendering active Federal service, and of officers of the present war not belonging to the permanent Military Establishment. It would seem that the precedent established by the enactment of such legislation for the benefit of volunteer officers of one war should, in common fairness, be followed in time by similar legislation for the benefit of volunteer officers of all wars. It can be readily seen that the expense involved in any such legislation would be enormous.

But the greatest objection to the proposed measure, so far as the War Department is concerned, is that it proposes in the guise of a retired list bill to bestow rewards for military service upon volunteer officers. As already suggested, if it be the intention of Congress to bestow such rewards it would seem that they should be granted directly by pension or similar legislation instead of indirectly by the very objectionable plan embodied in the pending bill which, in my opinion, should not be enacted into law.

Mr. KING. Mr. President, this subject was considered by John W. Weeks when Secretary of War. He made a number of reports upon measures similar to the bill now before us and consistently opposed their enactment. He marshaled the reasons against such measures, and it seems to me his position has never been successfully challenged.

In a letter which he wrote to Capt. Victor Heintz, of the Republican National Committee, May 4, 1921, he directs attention to one feature of this matter that is highly important. He states that the law relating to compensation of emergency personnel, which was enacted before the emergency officers accepted their commissions, makes no distinction between commissioned officers and enlisted men of the emergency forces as to disability compensation. He states that the commissioned officers understood these conditions when they accepted their commissions and as a matter of fact were glad to accept them under these conditions. Senators will see the pertinency of this statement made by Secretary Weeks. During the debate the point has been emphasized that the reserve officers and enlisted men come from the people. Those who were privileged to become officers were subject to the draft the same as privates, and it was the view throughout the Nation that it was to be a democratic army, with no privileges or advantages to be secured by the emergency officers over their brothers and friends who came from the same walks of life and who were to fight for their country with no less zeal and patriotism than those who happened to obtain commissions.

Mr. President, Senators know that in many cases two brothers volunteered for the war, one being fortunate enough to be sent to the officers' training camp or get a commission, the other serving in the ranks. The cases are numerous where the brother serving in the ranks was wounded or was killed on the battle front. The brother who held a commission, perhaps, did not leave American soil. Perhaps he served in a clerical capacity or performed duties far removed from the field of danger. He may, like many others, both within the Army and in private life, have suffered from the influenza or some other ailment which resulted in some disability. The brother upon the battle front may have received a serious wound, resulting in a 60 per cent disability. Because he was a private he receives compensation allowed by law, but his brother suffering a 30 per cent disability and who held a commission as a captain or a major would receive, for life, if this bill becomes law, three or four times as much as by way of compensation as the wounded brother.

If this bill should become law, it will provoke resentments that can not be allayed or extirpated. It will lead to demands by the ex-service men who did not receive commissions that they receive the same benefits, rewards, and privileges as their brothers and friends who happened to obtain commissions.

Mr. President, I ask permission to have inserted in the RECORD as a part of my remarks the letter from Secretary Weeks, to which I have just referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

WAR DEPARTMENT,
Washington, May 4, 1921.

Capt. VICTOR HEINTZ,
Republican National Committee,
Munsey Building, Washington, D. C.

MY DEAR CAPTAIN: I have before me your letter, dated April 20, 1921, concerning the proposal to obtain retirement privileges for disabled emergency officers who served during the World War. Before proceeding with the reply thereto I desire to tell you that I am sorry I did not see you when you called, and assure you that I hope to be less pressed for time at the next opportunity you may have to come to my office.

In connection with your letter I wish to assure you that I have made a careful study of the contents thereof and the problem involved, which required a thorough investigation as to the viewpoint of the War Department pertaining to the proposed legislation to which you refer. As a result of my perusal of this subject, I am convinced that the remedy to be sought in this matter does not properly pertain to a question of retirement, but it does fall under one of adequate compensation. I am not prepared to admit that the war risk insurance act does not provide adequate compensation to all disabled officers and enlisted men who come within its provisions, but I feel that if the war risk insurance act and subsequent acts amendatory thereto do not provide adequate compensation our efforts should be devoted to securing a further amendment to that act, as it is the law which was designed to meet the needs of all who served in the Army or Navy during the World War, as well as the temporary officers to whom you refer. On the other hand, the laws pertaining to retirement are separate acts necessary and essential to the War Department if it is to secure suitable types of officers for the Regular Army and induce them to continue permanently in the profession of arms by providing an inducement that it will care for them should misfortune overtake them and will assure adequate protection during their old age.

It is the opinion of the War Department, with which I concur, that the cost of a measure such as has been proposed and is now under consideration would be far in excess of the figures that you conclude to be maximum. In this connection it must be borne in mind that the available field from which it is possible such retirement might be drawn is about 200,000 officers alone, and if such legislation pertaining to officers is enacted it is apparent to me that the enactment of such legislation would with equity eventually necessitate the enactment of further legislation providing for a like increased compensation for all enlisted men who served during the World War, as otherwise undoubtedly there would exist unjust discrimination against such enlisted men and in favor of the emergency officer. In fact, many enlisted men apparently feel themselves entitled to retirement and retired pay as officers. In some cases the War Department has been urged to give noncommissioned officers appointments as officers and to place them on the retired list as such. The basis of such claims is, in general, that due to casualties the noncommissioned officer was thrown into the position and command of an officer and, while so serving, incurred wounds or disability. Such occurrences are common in active operations; in fact, many cases have been presented in which privates have assumed command of platoons and companies. The claims of such men, or the expense incident to them, can not be overlooked if a principle is to be adopted of basing retirement and retired pay on the rank or office held in the Army. Equity in this matter would also eventually necessitate the enactment of some legislation such as is contemplated in Senate bill 991, Sixty-seventh Congress, which has for its objects the appointment and retirement of those persons who served in the Volunteer Armies of the United States in the Civil War, the war with Spain, and the Philippine insurrection in the ranks held by them during such service.

In connection with this question due consideration should be given to the unsuitability of the retirement laws for the purpose. For reasons which you can easily appreciate the retirement law applicable to the professional soldier of the Regular Army causes his retired rank, and consequently his pay, to be proportional to his length of service. It takes no account of the degree or nature of his disability. Essentially, and in theory, the existing scheme of retired pay for officers of the Regular Army constitutes, in effect, a system of deferred payments for and in consideration of a lifetime of military service under a life contract between the officer and the Government, payable after inception of the statute—fixed period of unfitness for military duty, and in the relatively small number of cases of premature disability retirement, payable in equitable specific performance by the Government of its monetary obligation in consideration of the aforesaid life contract of officer, in the performance whereof the disability occurred.

It is not believed that the retirement proposed would be a fair system of compensation for persons who were in the military service but temporarily during the war. All such persons come into the military service practically on an equality. The remuneration which they should receive for disability should be in accord with the degree of their disability and the extent to which it impairs their earning power, rather than to be based upon accidents of the service. The proposed Johnson bill would not only create an unjustifiable discrimination between officers and enlisted men who served during the war, as I have pointed out in the foregoing, but would also discriminate among the officers themselves. These officers were given varying ranks when they came into the Army and such rank was subject to change due to accidents of promotion. It does not appear, for example, just that two officers of the same length of service and suffering from equal disability, one of whom happened to be a major and another who happened to be a first lieutenant, should receive different compensations for their disabilities.

It should be well understood in this matter that the War Department is in no way opposed to proper and adequate compensation to persons who served during the war. It is merely opposed to the manner in which it is proposed to grant such compensation, this matter placing a burden of expense upon the Army which does not belong there, in addition to making unjust discriminations among the persons who came in for temporary service during the war. The War Department realizes the necessity for economy in making appropriations, and it also realizes that appropriations for the pay of retired officers will always be considered a charge against the Army. It is the duty of the War Department to take all possible and reasonable steps to bring about a reasonable degree of preparedness for the Nation. This preparedness

necessarily involves the expenditure of funds. A charge against the Army for the compensation of persons who have served in past wars would undoubtedly tend to give a false idea of the cost of the Military Establishment and would tend to discourage the appropriation of funds that are needed to bring about the degree of national defense for which the War Department feels it will be held responsible.

Concerning the law which provided for the retirement of officers of the Naval Reserve Force and the temporary officers of the Navy, to which you refer, I see, of course, the point you make, but in this connection the number of officers retired under the provisions of that law is by comparison so small in connection with the number that would ultimately become eligible to retire under the provisions of the Johnson bill or similar bills that the War Department, in view of this fact, and the other important considerations which I have touched upon, is firmly of the conviction that legislation such as that herein discussed is not legislation which will be for the best interests of the Government should it be enacted.

It should be remembered when comparison is made between the emergency officer and the regular officer during this war that practically all of the junior officers of the Regular Army were commissioned in advanced grades as temporary officers during the war. In fact, some first lieutenants held the temporary grades of colonel; yet, under the existing law for the Regular Army, when such officer was disabled he is retired not as a colonel but as a first lieutenant.

It should also be remembered that the law relating to compensation for emergency personnel, which was enacted before the emergency officers accepted their commissions, makes no distinction between commissioned officers and enlisted men of the emergency forces as to disability compensation. The commissioned officers understood these conditions when they accepted their commissions, and as a matter of fact they were apparently glad to accept them under these conditions. Most of them, especially the junior officers, were subject to the draft, and many of them would have been drafted as enlisted men had they not volunteered and qualified as commissioned officers. It is, then, a question about which I have in my mind a great deal of doubt as to whether any distinction should be made in regard to benefits that should be given to the temporary commissioned officers from that which is given to the temporary enlisted men. Certainly, it was perfectly clear in the minds of Congress when it enacted the laws that there should be no distinction.

My view of the matter is that the Government has entered into contracts with the personnel of the Regular Army as well as with the officers to whom you refer, and that these contracts vary in character, but that under them the Government has performed its full duty with respect to the personnel of both classes when it has fulfilled these contracts. I believe that the Government can afford to be generous toward any special cases concerning which it is shown that the rights accruing under such contracts have not been fulfilled, and as I have herein indicated the War Department will look with favor upon any reasonable and necessary modifications of the war risk insurance act as amended, if the law established thereby does not provide the generous compensation I have mentioned.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

Mr. KING. Secretary Weeks, in the report which he submitted to the chairman of the Committee on Military Affairs of the Senate on May 9, 1921, opposes the retirement bill which was submitted and which was substantially the same as the bill now before us. He states that he concurs in the adverse views of his predecessors concerning legislation of the character proposed. While expressing his appreciation of the service rendered by the men who served in the military forces of the United States in time of war, he emphatically objected to the "use of the retired list of the Army as a means of rewarding officers who have had volunteer service only." Continuing he says:

Any such plan as that proposed in the bill under consideration would, if adopted, engraft upon our military policy the privilege of retirement rather than that of pension for volunteer officers. Furthermore, it would very greatly increase the financial cost of our Military Establishment and for a purpose which, in my opinion, should not be chargeable to the Military Establishment at all. The real effect of the proposed measure, if it were to be enacted into law, and practically the only effect, would be to increase the pensions now allowed by law to volunteer officers of the Civil War, Spanish-American War, and the Philippine insurrection period. If the pensions which are now allowed such officers under the terms of existing law are deemed by Congress to be inadequate, it would seem that the proper way to bring about an increase thereof should not be sought by the indirect method authorized by the proposed measure but that it should be obtained by legislative action on pension measures, pure and simple, without any such objectionable feature as that pointed out hereinbefore.

Another objection to the proposed measure is that it proposes, in the guise of a retirement bill, to bestow rewards for military service upon volunteer officers. The retired list exists for the sole purpose of enhancing the efficiency of the Regular Army by providing for the retirement of its officers. It is not intended, and should not be used, as a means of pensioning persons who have served the Government at some time in either a military or civil capacity.

Elihu Root, when Secretary of War, had occasion to examine this subject, and when opposing a bill to place a volunteer officer who had served in the Civil War upon the retired list, stated that by so doing it would "reverse the previous policy of Congress in these matters and establish a very bad precedent." He further stated in his report to the chairman of the Committee on Military Affairs of the House, March 21, 1902, that the effect of the passage of this bill would simply be to give the persons named special pensions grossly disproportionate to their deserts. Under the pension rates now in force for disabilities incurred in the military service, a lieutenant colonel, colonel, or general officer can receive but $30 per month for total disability, a captain but $20, a first lieutenant but $17, and a second lieutenant but $15. A veteran officer who had lost both hands or both feet or both eyes in battle can receive but $72 per month. The effect of passing this bill would be to give to the persons named therein, who have no such disability, who have not the shadow of a claim to stand upon, a footing superior to such disabled veterans as recipients of their country's bounty, pensions for the remainder of their lives, ranging from $103.12 to $218.75 per month, aggregating for the 24 persons named, $3,320.60 per month.

Both upon its specific demerits and as a matter of general policy, the bill is highly objectionable.

Adjt. Gen. H. C. Corbin on March 19, 1902, in a report to the Secretary of War expressed his disapproval of a bill referred to the War Department, which authorized the President to place upon the retired list of the Army a number of ex-volunteers who had served in the Army during the Civil War and the War with Spain. He stated that the retired list of the Army was created for regular officers of the Army disabled by wounds or sickness incident to their service therein or required to be retired by length of service or by reason of age. He further stated that it would be—

Very unwise and detrimental to the best interest of the Army to change the nature of the retired list so that it shall become a special pension list for either regular or volunteer officers who have been legally discharged or separated from the service.

His report further proceeds:

A very large number of volunteer officers were, as is well known, completely disabled by wounds or sickness during the Civil War, many of whom have since died and very many of whom are still living. These have been provided for, to the extent which Congress deemed advisable, by the pension laws. If the conditions are such that ex-volunteer officers seeking relief are entitled to relief beyond that given by the pension laws, there can be no objection on the part of the War Department to legislation granting them liberal pensions. To appoint and place them on the retired list of the Army would be precisely equivalent in cost to the Government to granting them pensions equal to the retired pay they would receive on being so appointed, as no duty whatever is exacted of retired officers. Congress has repeatedly and uniformly declined to pass special laws to place on the retired list of the Army ex-volunteer officers who never held commissions in the Regular Army, and in the few cases in which special laws have been passed to reappoint and place on the retired list officers who had rendered service both in the Regular Army and Volunteers, the uniform principle applied in considering such bills was to give no higher rank on the retired list than the officer formerly held in the Regular Army.

Mr. H. L. Stimson, when Secretary of War, in a communication addressed to Representative Dudley M. Hughes, concerning H. R. 7028, Sixty-second Congress, first session, stated that the retired list—

was established and maintained for the benefit of the officers of the Regular Army who have spent the best part of their lives in the service of the Government, or been disabled in the line of duty, and who are thereby prevented from engaging in civil pursuits with a view to providing for themselves and families during their declining years.

Mr. Stimson further proceeds:

A retired list for officers and men of the Regular Army, as provided under existing law, is necessary for the maintenance of the Army, and its continuance should be safeguarded by limiting admission to it to those who are embraced by the provisions of existing laws governing retirements. A departure from this general principle will tend to establish a precedent which may eventually endanger the continuance of the retired list.

Mr. President, I have received a number of letters from ex-service men who were not officers, protesting against measures similar to the one before us. When the Bursum bill was under consideration—and it provisions were substantially the

same as the bill now being considered—I received a letter from an organization of ex-service men. I ask permission that the letter be inserted in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

NATIONAL HEADQUARTERS PRIVATE SOLDIERS AND SAILORS' LEGION OF THE UNITED STATES OF AMERICA,
OFFICE OF THE NATIONAL PRESIDENT,
Washington, D. C., February 2, 1925.

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The Private Soldiers and Sailors' Legion most earnestly protests against the adoption of a bill now before the Senate (S. 33) providing for the retirement of disabled emergency officers on terms identical with those which accompany the retirement of officers of the Regular Army.

This proposed measure is grossly discriminatory against the enlisted men. It is only in rare and most unusual circumstances that Regular Army officers are retired until they have served extended terms.

It should be further pointed out that this assurance of retirement and protection for officers who become incapacitated in the service of their Government is absolutely essential to the maintenance of a high efficiency among the Regular Army officer personnel. When men enter the profession of arms to make it their life work, they must have reasonable assurance that when they are no longer fit for that service or any other the Government will stand between them and financial want.

For emergency officers, some of whom served but brief terms with the colors, to ask for treatment on a parity with that of officers of the Regular Army seems to this organization of enlisted men to be highly inappropriate to say the least.

Were the bill now before your honorable body to become a law, an emergency officer with the rank of captain who is 30 per cent disabled would receive from the Government for the remainder of his life a fixed income of $200 per month.

As the law now stands all disabled veterans of the World War other than officers of the Regular Army are entitled to compensation on an equal basis, without discrimination as to rank. A former captain 30 per cent permanently disabled and a former private 30 per cent permanently disabled are each entitled to compensation from the Veterans' Bureau at the same rate—$24 a month—subject always to revision by the Veterans' Bureau, but the former captain, suffering no greater disability, would become entitled to three-fourths of a captain's pay and allowance for life, amounting to something over $200 a month, and not subject to any revision if this bill should become a law.

On the other hand, the emergency officer has something for which he has not paid and to which he is not entitled.

It may be pointed out in this connection that when they entered the war the status of the officer and enlisted man may not have been markedly different. It may even be that the officer suffering 30 per cent disability may be in every respect better able to care for himself than the enlisted man.

The bill does not provide that those who served bravely and well, or that those who made sacrifices or suffered unusual hardships shall be correspondingly rewarded. It provides that those who were officers shall be rewarded because and only because they were officers. We served under these officers and we know that their service as such compared to the services of the enlisted men do not entitle them to any special preferment.

Why, then, should the Government, through any mistaken idea of its duty to its emergency, discriminate against them in a manner that would be discriminatory against the millions of enlisted men who had hoped that classes that were necessary during the warfare would disappear when peace was restored?

We further direct your attention to the recent action of your honorable body on the so-called "bonus" bill with the object of pointing out to you that in preparing this measure there was no thought of discriminating between officers and enlisted men.

Indeed, it has been urged throughout the long-continued discussion of the bonus subject that officers, for reasons that seemed obvious, should not be included in legislation that ostensibly sought only to measurably compensate the soldiers for economic losses sustained during—and not after—the war.

May we say that to the enlisted man the loss of an arm, leg, eye, or some other vital member is just as vital, just as disabling as would be the loss of a similar member by an emergency officer.

This bill, S. 33, if enacted into law will eventually cost the Nation millions of dollars and add to the already overburdened taxpayer.

The war is over, and men are to-day rated neither as officers or enlisted men. Those who were disabled are simply citizens, entitled to the most generous consideration that the Nation can give them.

But this consideration, when bestowed, should be upon a basis of absolute equality. The distinction they obtained during the war disappeared when the emergency army was demobilized.

We assert that there is warrant neither in justice nor fairness for the discrimination that is proposed by a bill that establishes a difference in the dispensation of governmental relief to those who served it to their best ability and at their serious physical sacrifice.

The adoption of this bill is being urged by the controlling officials of the American Legion and the Veterans of Foreign Wars, all former officers, but the opinion of the enlisted personnel of these organizations, as far as this bill is concerned, has never been sought. On the contrary, the men assuming to voice the opinion of the enlisted membership of the American Legion and the Veterans of Foreign Wars have never dared inform their members of the purpose of this bill or of their activities in support of it. We know enough of the attitude of former enlisted men to justify us in stating that the enlisted membership of both the American Legion and the Veterans of Foreign Wars is practically unanimously opposed to the adoption of this bill. Our membership is a unit in opposing it.

The Private Soldiers and Sailors' Legion earnestly appeals to your honorable body not to give its approval to a measure that would be provocative of widespread dissatisfaction and discontent and which would be a complete and emphatic denial of that equality which is the cornerstone of our Republic.

Respectfully submitted.

MARVIN GATES SPERRY,
National President.

Mr. KING. Among the letters which I received protesting against the bill is one from which I desire to read a few paragraphs:

Under this bill these temporary officers are to receive:

* * * all hospitalization privileges and medical treatment as are now or may hereafter be authorized by the United States Veterans' Bureau * * * (everything the other beneficiaries receive) and, in addition, instead of compensation based upon degree of disability, whenever they have a rating of 30 per cent permanent disability, they shall receive:

"* * * retired pay at the rate of 75 per cent of the pay to which they were entitled at the time of their discharge from the commissioned service * * *."

And this preferred treatment, as a practical matter, is to be at the expense of the other beneficiaries of the World War veterans' act, for it is provided:

"That all pay and allowances to which such persons or officers may be entitled under the provisions of this law shall be paid solely out of the military and naval compensation appropriation fund of the United States Veterans' Bureau * * *."

For a 30 per cent permanent disability, for which the private and first sergeant or sergeant major receive each $30 a month, it is proposed to give these second lieutenants a minimum of about $125 per month for life, and higher commissioned officers higher pay in proportion, whether they need it or not. It is contended that this preferred treatment is necessary as a matter of justice. What do they mean by justice?

When war was declared men came forth from all walks of life to answer to the Nation's call. Each sacrificed his calling in private life and responded to the call—each served to the best of his ability. For example: In a certain small town with which the writer is familiar its two brightest young men, college graduates, served as privates. They are to-day college professors. It so happened that its sole officer was one of the town's distinctly poorer specimens. But these things are immaterial. It was a common cause in which each gave of the best he had, and freely. The degree of the sacrifice that each made was not determined by the rank he held. Both officers and men suffered alike the hazards of war, and Congress wisely and in all fairness said that the only just and equitable way of treating the disabled men was to grant to each, without preference or prejudice, compensation in accordance with the degree of the disability he had suffered. There was no distinction or difference in sacrifice, and there should be none in treatment.

When the war was over these officers and men alike, wherever necessary and practicable, were granted courses of vocational rehabilitation to prepare them again to earn a living in civil life. They were trained in the professions, the trades, and in business, and are now receiving, besides, compensation based on the degree of their disability.

Take this for an example of what can be duplicated in practically any community: When war was declared two young men were clerking in a drug store side by side and at the same pay. They both enlisted. One became a sergeant major; the other a second lieutenant. Both suffered a 30 per cent permanent disability in line of duty. Both were given medical courses at the same medical college. Both are to-day practicing physicians with offices together. And both are receiving $30 a month compensation. It is the contention of the advocates of this Bursum bill that this equality in treatment is rank injustice. The doctor who was formerly a second lieutenant, and received more money while so serving than he had ever received before in his life, should receive about $125 per month for life for his disability—he should be granted preferred treatment at all times, and be taken out of the class

with his fellow physician, who should continue to receive the $30 per month. Is that justice? Then deliver us from it.

One of the arguments for asking for this preferred treatment is that the disabled officers of the Regular Army are retired on three-fourths pay. (But with no vocational training.)

There is good sound reason for providing for the retirement of officers of the Regular Army at three-fourths of their regular pay in case of disability. These men enter a profession for life in which the remuneration will be far less than they could earn in civil life, and which does not fit them for immediate transition to civil life. They are often called upon in time of peace as well as in time of war to engage in hazardous ventures in furtherance of their duties. If they were continually confronted with the problem of what would happen to them and their families in case they should become incapacitated physically to serve in the Regular Army their efficiency would be dealt a severe blow. Many of the best minds would leave the Army and enter business where they would have better opportunity to save up money for the rainy day. It is necessary that all anxiety in regard to such matters be removed from the minds of the officers of the Regular Army so that they may be free to devote their entire time and thoughts to the efficiency of that Army. This is a policy that must be kept in force at all times.

No such reason whatever applies in the case of the temporary officers of the World War. They were not military specialists. They came from the ranks of the general citizenry of the Nation, from the walks of the everyday business life of the Nation, just the same as the men who served as privates and noncommissioned officers. The one gave up no more than the other. The one is entitled to no preference over the other. These men all came from civil life to serve only for the period of the war, and Congress has provided for their return to civil life, and for the furnishing of training or vocational rehabilitation wherever necessary in order that they might all be returned to productive civil life, with the payment of compensation based on the degree of disability in addition. Such treatment is fair and reasonable.

What will happen if this Bursum bill is passed and becomes law? It is but an entering wedge. It will only be a short time until the temporary officers who have disabilities of less than 30 per cent will be agitating also to be retired on the same basis as the others. Their first attempt was to have retirement granted for a 20 per cent disability. The agitation will be started for separate and better hospital facilities for these temporary officers than are provided for the other ex-service men. Rumblings to that effect are already heard. What next we do not know. Once preference has been granted there is no telling where it will end.

Do the Members of Congress suppose the intelligent and well-educated men who served in the ranks, and who came from just as good homes and positions as these officers, would long tolerate such discrimination? The man who imagines they would has a very poor understanding of them.

Mr. President, at the last session of Congress the bill now before us was considered by the Committee on World War Veterans' Legislation. A minority report was submitted which presents in a striking way some of the arguments against the bill before us. My understanding is that those signing this report served in the World War and were emergency officers. I ask that it may be inserted at this point in my remarks, without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority views are as follows:

MINORITY VIEWS

This is known as the World War emergency officers' retirement bill. If it should become a law it would most unjustly discriminate against all disabled enlisted men and a large part of the disabled emergency officers in favor of a certain class comprising a limited number of disabled emergency officers. It would reward men not according to their disability but according to their rank, thereby violating the very fundamental principles of our American institutions.

For instance, an officer who incurred physical disability in line of duty and has been "or may hereafter be" rated at not less than 30 per cent permanent disability shall be placed upon the retired list at 75 per cent of the salary to which he was entitled at the time of his discharge. What does this mean? It means that an emergency officer with a 30 per cent disability which originated in line of duty shall receive pay for life as follows:

	Per month
Brigadier general	$375.00
Colonel	250.00
Lieutenant colonel	218.75
Major	187.50
Captain	150.00
First lieutenant	125.00
Second lieutenant	93.75

While the enlisted man with a 30 per cent disability will receive $30 a month.

Yet they tell us that the ex-service men are in favor of this measure. That is not true. If every ex-service man in the United States understood what this bill means, we doubt if it would receive the indorsement of 1 service man out of 10.

It even discriminates against an overwhelming majority of the disabled emergency officers themselves. Those who are rated at less than 30 per cent permanent disabled are excluded from a participation in the financial benefits of this measure. They are to receive the same pay as enlisted men with similar disabilities. If a colonel and his enlisted brother were both 30 per cent permanent disabled, the colonel would receive $250 a month while the enlisted man would receive only $30 a month. But if they were both 29 per cent permanent disabled they would both receive the same compensation, $29 a month.

Not only that, but it discriminates against the sacred dead, who "gave the last full measure of devotion" upon the field of battle or have died since the war closed. Their loved ones who were dependent upon them for support would not receive one dollar's worth of benefit from this unjust legislation. The widows and children of officers who gave their lives in the conflict, or who have died since the war closed, would draw compensation on the basis of allowances for the dependents of enlisted men.

The disabled emergency officers are being taken care of now along with the enlisted men. They served together, they fought together, they were frequently members of the same families, and where they suffered the same disabilities they should receive the same treatment.

But the advocates of this bill argue that these disabled emergency officers are discriminated against in the retirement of officers of the Regular Army, and ask Congress to pass this measure to favor 1,848 of these emergency officers and to discriminate against 41,496 enlisted men who are disabled to the same degree and 6,618 disabled emergency officers and 171,580 disabled enlisted men whose disabilities are rated at less than 30 per cent, in order to correct what they contend is a discrimination in favor of the officers of the Regular Army.

We are not responsible for the present law providing for the retirement of officers of the Regular Establishment. But if we were, and were willing to concede that there is an injustice in the present law, we would not be justified in trying to offset it by passing additional unjust legislation.

We must remember that officers of the Regular Establishment go into the Army for life. They make it their life's work; and in order to secure the class of men necessary to maintain the proper officer personnel in times of peace we must make some provision for taking care of them in case they become disabled.

As was said by a former Secretary of War:

"The privileges of the retired list of the Regular Army constitute a consideration granted by the Government for the consecration of lives to its military service and the volunteering for life for such service in any exigencies that may arise, whether in peace or war. The military relation requires the officer to give up ambitions which are the rightful portion of every man in the great world outside, and for a measure of compensation which does not exceed what is barely sufficient to maintain himself and family in the status which the military service demands; and the law has said that when he serves a prescribed period of time, or has reached a certain age, or is disabled by injury or disease incident to the service, he must withdraw from active service and give way to a younger man better fitted for the rigors of military life. As the officer has not been trained for a business career or for any career in civil life he finds himself at the end of his service, certainly in the vast majority of cases, not only without a profession, but without a competency."

He also calls attention to the fact that—

"Congress has thus far restricted the privilege of retirement to members of the permanent Military Establishment; that is, to those only who have consecrated their lives to the military service. This is true not alone of the officers but of the enlisted man, who may retire only when he has served a sufficient time to indicate that he has adopted the military service as a life career. To those who have thus pledged their services for life to the Nation, in peace or in war, Congress, as a matter of keeping faith with them, has provided by law that they shall be secure in their calling throughout their lives, and when they have performed what is deemed a life service, shall be relieved of some of the active duties of service and be permitted a living pay for the remainder of their lives. This basic principle of our retirement laws is recognized in an opinion rendered June 10, 1898, by Solicitor General Richards and had the approval of Attorney General Griggs. In discussing the applicability of laws relating to the Regular Army to the then existing volunteer forces, the Solicitor General said:

"'Chapter 2 of Title XIV, providing for the retirement of Army officers, clearly has no application to the Volunteer Army, organized for simply temporary service. This chapter creates two lists of Regular Army officers—the active and the retired list—a distinction which does not obtain in the Volunteer Army. When, therefore, section 1222 places a restriction on every "Army officer on the active list," it plainly refers to Regular Army officers. An Army officer of the active list is one not only active but permanently engaged in the military service of the Government. Having chosen the Army for his career, and being actively engaged therein, the statute properly prohibits him from accepting or exercising the functions of a civil office.

"'While an officer of the Volunteer Army may be said to be actively engaged in the military service, he is not permanently so engaged. He is called out to meet an emergency, and must be discharged when the purpose for which he entered the service has been accomplished. Unlike the Regular Army officer, he has not selected the military service for a profession. He has simply responded to a patriotic call, and expects when the war is over to return to civil life. His term of military service is uncertain and contingent. He may be taken from his civil duties for a few months, for a year, for two years at the most. The Government does not need nor demand a complete and final severance of his relations with civil life. He may be able to make arrangements to bridge over his absence, and on his return resume his former work.'"

This is not a new proposition. The Adjutant General stated in a letter to a Member of Congress on February 25, 1926, that—

"Many bills have been introduced in both Houses of Congress at different times authorizing the appointment of the retired list of the Army of those officers who served in the Volunteer Army in the Civil War, but none of them has ever been enacted into law."

Congress refused for 50 years and more to pass a law that would thus discriminate between the officers and enlisted men of the Civil War. On May 9, 1917, Hon. Newton D. Baker, then Secretary of War, in a letter to the chairman of the Military Affairs Committee with reference to such a measure, made the following prophetic statement:

"Furthermore, if the bill under consideration were to be enacted into law for the benefit of men who served as volunteer officers of the Civil War, it is reasonably certain that it would be followed by other measures for the benefit of volunteer officers of the war with Spain, of officers belonging to the National Guard who have rendered or are now rendering active Federal service, and of officers of the present war not belonging to the permanent Military Establishment. It would seem that the precedent established by the enactment of such legislation for the benefit of volunteer officers of one war should, in common fairness, be followed in time by similar legislation for the benefit of volunteer officers of all wars. It can be readily seen that the expense involved in any such legislation would be enormous."

The additional expense of this bill for the first year would be $1,190,052. As time goes on the expense will grow. Men will be asking to have their cases reopened and their disabilities readjudged. Those whose disabilities shall have increased to 30 per cent will be entitled to be placed on the pension roll along with the others. And we had just as well admit that this is a permanent pension that we are being asked to allow to these disabled emergency officers. The chances are that we will soon be asked to reduce the degree of disability to 20 per cent, then to 10 per cent, and finally to wipe it out altogether, and to ultimately place the ex-officers on a pension status as officers instead of leaving them to be treated in the same manner as enlisted men. The enlisted men outnumber the officers overwhelmingly, and already some of them are asking that they be given the benefits of this retirement act in case it passes, and that they be retired as second lieutenants. Suppose pressure should be brought to bear upon Congress later to wipe out some of the discriminations of this measure by giving the enlisted men the retirement or pension status of second lieutenant. Ultimately the percentage requirement as to their disabilities would disappear. Who can tell what the ultimate expense to this Government such a pension policy would bring?

This bill is just the opening wedge. It is lifting the latch to the floodgates of expenditure, the consequences of which no one can foretell.

We regret very much that we are unable to agree with the majority of the committee that reported this bill out. But in justice to the enlisted men, who are just as patriotic and just as deserving as the officers; in justice to the many thousands of disabled emergency officers, whose disabilities are rated at less than 30 per cent; in justice to the widows and orphans of those who made the supreme sacrifice; in justice to the taxpayers of the United States on whose shoulders the burden of these expenditures would rest, we respectfully dissent from the views of the majority, and submit that this bill ought not to become a law.

J. E. RANKIN,
BIRD J. VINCENT,
J. L. MILLIGAN,
S. J. MONTGOMERY.

Mr. KING. Mr. President, I ask to have incorporated in the RECORD, without reading, a letter appearing in the Evening Star of March 12, 1928.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

WORLD WAR ENLISTED MEN ENTITLED TO CONSIDERATION

To the EDITOR OF THE STAR:

A bill now pending in Congress to give emergency World War officers the same monetary retirement pay now paid Regular Army officers isn't what it appears to be on its face. It discriminates against that personnel that won the war—the enlisted man. During the war the emergency officer got the pay of the officer in the Regular Army—the enlisted man got $30. For every officer that manned the trenches, 100 enlisted men did likewise. Heroism and service were no more the part of the officer than of the soldier. Both received the same fire, the same wounds, and the same percentage of disability—except that the ratio of wounded enlisted men was a thousandfold greater than of officers. Under existing law Congress has been equitable and just in the same proportions to both. This proposed law will wipe out that equity and equality by materially increasing the disability pension of the emergency officer over that paid the enlisted man. Now, I ask you, why should that be? If the officer is to get it, why not the boys that need it more, the enlisted men? Their induction into the service was the same, their service to the country identical—their disabilities no different.

Comparing Regular Army officers with emergency officers, as is being done, is camouflage, and aside from the real principle involved in the proposed passage of this bill. Let us have equality before the court in adjudging benefits to the deserving.

CHARLES B. COSTELLO.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. McKELLAR. I want to ask the Senator if he believes in our system of retirement for injuries incurred during service in the Regular Army. I do not know whether the Senator believes in that system or not. Does the Senator believe in that system of retirement?

Mr. KING. Mr. President, I have referred to the statements made by various Secretaries of War and others in which they point out with great clearness the reason for extending retirement benefits to officers of the regular Military Establishments of the United States. I accept those views and believe the reasons assigned for retirement privileges for the regular officers are sound. Officers of the Regular Army, as stated, give their lives to military service. They cut themselves off from other avenues of employment and activity. The compensation paid them for their military service is scarcely sufficient for their subsistence, and to meet imperative demands made in their military activities. They are promised when entering the service as boys, that after many years of service they will be given retirement privileges. As has been stated these privileges are in the nature of deferred payments for services rendered. It is quite certain that many young men would not enter the Army giving their lives to military service if they were not promised that when they become old or are disabled as a result of their service they would be granted retirement privileges. These deferred payments in the shape of retirement privileges are essential to maintain the necessary strength of the Army and of the Navy. This must not be forgotten that even after retirement those men upon the retired list are subject to military service and are frequently called back into active duty.

The Senator from Tennessee [Mr. TYSON], who has seen military service, declares that as a result of his experience there must be retirement privileges given to the officers of the Army and the Navy. He states, in substance, that by entering the military branch of the Government they close the door of opportunity which is open to all young men of our country and they enter upon a path of duty and service which denies to them the advantages which come to others who enter the various fields of private endeavor which are open to the young men of America. These young men who enter the military service make a sacrifice and they are induced in part at least to make this sacrifice by the promise made in the law that they will receive in the nature of deferred payments the retirement privileges provided in the statute. There is, as has been pointed out so clearly, a marked difference between the regular officers of the Army and Navy and those who serve as officers in a temporary way.

The present occupant of the chair [Mr. NEELY] served in the Spanish-American War. He was not a West Point graduate. He had not dedicated his life to military service, but patriotically entered the Army to serve for a limited period. Upon the termination of that war he returned to private life, and has earned high honors in the legal profession, and now serves with ability his State in this legislative branch of the Government. To insist that those who served as did the distinguished Senator and others, who temporarily came into the Army during the World War, should be placed in the same category as the Regular Army and Navy officers is to deny, as I view the case, facts which clearly differentiate the two classes of officers, and to inaugurate a policy which does not rest upon just or substantial grounds.

Moreover, as was indicated by the Senator from Iowa, if the emergency officers are to be given greater compensation than they now receive, and also retirement privileges, then their

brothers in arms drawn from the same democratic ranks should receive the same privileges and benefits. The letters which I have received from ex-service men who did not receive commissions clearly indicate that they feel that it would be discrimination to grant retirement privileges to their brothers and associates who happened to receive commissions and then deny the same privileges to them. One of the ex-service men wrote me that his brother happened to receive a commission because he was a bookkeeper. He was commissioned a captain and served as an accountant for a number of months. He was ill from the influenza and suffered some disabilities. The writer volunteered and served in France where he received injuries of a permanent character, injuries far more serious than the disabilities suffered by his brother who was in the accounting service of the Army. Under this bill the bookkeeper would receive several hundred dollars a month retirement privileges; and the brother who fought as a private and was wounded would receive $60 per month. He contended that this was discrimination that could not be justified.

I have here a list of some of the persons employed in the Veterans' Bureau who are receiving disability compensation and at the same time are getting rather large salaries from the Government. For like disabilities their brothers in arms who happened to be privates would be discriminated against. If the bill before us becomes a law these individuals would continue to receive their salaries and at the same time retirement privileges greatly in excess of the amounts now being received by them by way of compensation, and, of course, in excess of payments made to ex-service men who were not commissioned and whose disabilities are of like character. I ask that this list be inserted in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Employed in Veterans' Bureau

C. number	Name	Address	Rank	Salary	Extent of disability	Amount of compensation	Amount of pay if Tyson-Fitzgerald bill becomes a law
					Per cent		
165794	Ale, John H	United States Veterans' Bureau, regional office, Indianapolis, Ind.	First lieutenant	$4,200.00	P. P. 85	$85.00	$125.00
1099817	Aten, Everett Maxwell	Hospital No. 103, Aspinwall, Pa.	Captain	2,500.00	P. P. 40	40.00	150.00
1264597	Barnes, Geo	Hospital No. 102, Livermore, Calif.	Second lieutenant	1,680.00	P. P. 35	35.00	93.75
293958	Bittner, Earl Robert	United States Veterans' Bureau regional office, Baltimore, Md.	Second lieutenant	2,200.00	P. P. 35	35.00	93.75
317876	Blackburn, John D	United States Veterans' Bureau regional office, Atlanta, Ga.	First lieutenant	3,142.00	P. P. 50	50.00	125.00
1271889	Borden, Archibald D	United States Veterans' Bureau regional office, Los Angeles, Calif.	Major	3,800.00	P. P. 55	55.00	187.50
411008	Boyd, Banj. D	Hospital No. 91, Tuskegee, Ala.	First lieutenant	3,500.00	P. P. 40	40.00	125.00
685146	Burstein, Louis L	United States Veterans' Bureau regional office, Los Angeles, Calif.	do	3,800.00	P. P. 63	63.00	125.00
1321023	Campbell, Novel W	United States Veterans' Bureau regional office, San Francisco, Calif.	Captain	3,800.00	P. P. 40	40.00	150.00
479058	Carling, John Dr	United States Veterans' Bureau regional office, Los Angeles, Calif.	do	5,307.90	P. P. 36	50.00	150.00
470804	Coumbe, Arthur G	Hospital No. 55, Fort Bayard, N. Mex.	Major	3,900.90	P. P. 64	64.00	187.50
487651	Diodati, Vincent M	United States Veterans' Bureau regional office, Philadelphia, Pa.	Captain	4,200.00	P. P. 30	30.00	150.00
113746	Duncan, Miles J	United States Veterans' Bureau regional office, Los Angeles, Calif.	Captain	5,007.60	P. P. 75	75.00	150.00
1123681	Durham, R. B	United States Veterans' Bureau regional office, Columbia, S. C.	do	4,200.00	P. P. 32	50.00	150.00
1275983	Earnest, F. James Mahon	Portland, Oreg.	Major	4,200.00	P. P. 50	50.00	187.50
327132	Ellis, Luther E	United States Veterans' Bureau regional office, Detroit, Mich.	Captain	4,200.00	P. T.	100.00	150.00
319963	Essenson, Oscar S	United States Veterans' Bureau regional office, Los Angeles, Calif.	do	4,000.00	P. P. 45	50.00	150.00
380828	Eyerle, Sema Le Clere	United States Veterans' Bureau regional office, Denver, Colo.	Lieutenant	3,900.00	P. P. 30	50.00	150.00
369813	Feltham Percy M	Central Office, Washington, D. C.	Captain	4,200.00	P. P. 67	67.00	150.00
452345	Ferguson, Jo. Marvin	Hospital No. 74, Gulfport, Miss.	do	6,200.00	P. P. 33	33.00	150.00
567006	Fitzgerald, Wm. Thos	United States Veterans' Bureau regional office, New York, N. Y.	Second lieutenant	3,900.00	P. P. 71	71.00	93.75
1360619	Given, Ellis E. W	United States Veterans' Bureau regional office, Philadelphia, Pa.	Lieutenant colonel	3,000.00	P. P. 68	68.00	218.75
583944	Grant, Harold R	United States Veterans' Bureau regional office, Detroit, Mich.	First lieutenant	2,700.00	P. P. 74	74.00	125.00
418634	Green, Fred B	United States Veterans' Bureau regional office, Portland, Oreg.	Captain	2,000.00	P. P. 40	40.00	150.00
609646	Harrison, Edmund L	United States Veterans' Bureau regional office, Charleston, W. Va.	First lieutenant	3,300.00	P. P. 55	55.00	125.00
328104	Hindman, Samuel	United States Veterans' Bureau regional office, Cleveland, Ohio.	Captain	4,000.00	P. P. 59	59.00	150.00
603154	Howard, John F	United States Veterans' Bureau regional office, Denver, Colo.	do	4,200.00	P. P. 55	55.00	150.00
1094334	Johnson, Edwin M	United States Veterans' Bureau regional office, Washington, D. C.	do	4,400.00	P. P. 44	44.00	150.00
309568	Johnson, Erik St. John	United States Veterans' Bureau regional office, Boston, Mass.	do	4,200.00	P. P. 44	44.00	150.00
528515	Keeler, Claude C	Hospital No. 106, Fort Snelling, Minn.	do	5,000.00	P. P. 88	88.00	150.00
617221	Kendall, Wm. Eugene	United States Veterans' Bureau regional office, Chicago, Ill.	Major	5,200.00	P. P. 40	40.00	187.50
1090136	Lazenby, Earl K	United States Veterans' Bureau regional office, Charlotte, N. C.	Captain	3,918.00	P. P. 67	67.00	150.00
318761	Loewy, Ignatz D	United States Veterans' Bureau regional office, Phoenix, Ariz.	Major	5,800.00	P. T.	100.00	187.50
1230898	Maher, Harry E	United States Veterans' Bureau regional office, Fargo, N. Dak.	First lieutenant	2,900.00	P. P. 50	50.00	125.00
860177	Malone, Will H., jr	United States Veterans' Bureau regional office, Atlanta, Ga.	do	4,200.00	P. P. 61	61.00	125.00
472152	McCulloch, David Coyle	United States Veterans' Bureau regional office, Los Angeles, Calif.	Captain	4,000.00	P. P. 30	50.00	150.00
445400	McKnight, James L	Hospital No. 51, Tucson, Ariz.	First lieutenant	4,200.00	P. P. 50	50.00	125.00
1242952	Mollison, Wm. T	United States Veterans' Bureau regional office, Minneapolis, Minn.	Colonel	3,000.00	P. P. 31	31.00	250.00
364656	Newquist, Daniel C	United States Veterans' Bureau regional office, Des Moines, Iowa.	Captain	2,740.00	P. P. 79	79.00	150.00
403973	Partington, Cyrus B	United States Veterans' Bureau regional office, Denver, Colo.	First lieutenant	4,500.00	P. P. 37	50.00	125.00
1405707	Patton, John R	United States Veterans' Bureau regional office, Boston, Mass.	Captain	3,900.00	P. P. 65	65.00	150.00
313793	Penrose, Thos. Wm	United States Veterans' Bureau regional office, Philadelphia, Pa.	Major	3,600.00	P. P. 47	47.00	187.50
296969	Richeson, Austin B	United States Veterans' Bureau regional office, Portland, Oreg.	do	2,700.00	P. P. 51	51.00	187.50
436813	Ruth, Lloyd A	United States Veterans' Bureau regional office, Minneapolis, Minn.	Second lieutenant	2,750.00	P. P. 70	70.00	93.75

Employed in Veterans' Bureau—Continued

C. Number	Name	Address	Rank	Salary	Extent of disability	Amount of compensation	Amount of pay if Tyson-Fitzgerald bill becomes a law
					Per cent		
1231432	Sansing, Campbell	United States Veterans' Bureau regional office, Dallas, Tex.	First lieutenant	$3,900.00	P. P. 36	$36.00	$125.00
338718	Schwarz, Theodore E	Hospital No. 103, Aspinwall, Pa	Major	4,000.00	P. P. 44	44.00	187.50
365002	Seibert, David A	United States Veterans' Bureau regional office, Seattle, Wash.	First lieutenant	3,600.00	P. P. 68	68.00	125.00
528920	Sherry, Cameron B	United States Veterans' Bureau regional office, San Antonio, Tex.	Second lieutenant	3,000.00	P. P. 54	54.00	93.75
467751	Small, John Jos	United States Veterans' Bureau regional office, Philadelphia, Pa.	Captain	3,600.00	P. P. 70	70.00	150.00
223707	Smith, Dallas B	Central Office, Insurance Division	Lieutenant colonel	6,000.00	P. P. 56	56.00	218.75
313817	Steindler, Leo F	United States Veterans' Bureau regional office, Baltimore, Md.	Captain	3,800.00	P. P. 77	77.00	150.00
1124621	Sullivan, Claude H	United States Veterans' Bureau regional office, Charlotte, N. C.	First lieutenant	4,000.00	P. P. 48	48.00	125.00
1339479	Von Dahn, Howard C	Hospital No. 63, Lake City, Fla	Captain	6,200.00	P. P. 35	35.00	150.00
283048	Wakefield, John D	United States Veterans' Bureau regional office, Cincinnati, Ohio.	do	3,900.00	P. P. 35	35.00	150.00
274034	Weltner, Fred P	United States Veterans' Bureau regional office, Charleston, W. Va.	Major	2,400.00	P. P. 42	42.00	187.50
322616	Wheeler, William D	United States Veterans' Bureau regional office, Newark, N. J.	Captain	2,600.00	P. P. 61	61.00	150.00
405430	Whitledge, Herbert E	Hospital No. 79, Outwood, Ky	do	6,278.00	P. P. 63	63.00	150.00
1069534	Woods, Phillip H	United States Veterans' Bureau regional office, Philadelphia, Pa.	do	4,200.00	P. P. 35	35.00	150.00
349167	Wyatt, Frederick L	United States Veterans' Bureau regional office, Birmingham, Ala. (mobile station).	do	3,200.00	P. P. 60	60.00	150.00

Mr. KING. It will be observed from the foregoing list that there are emergency officers who are receiving compensation for disabilities of as much as $150 per month and at the same time some of them are receiving $6,200 a year salary from the Veterans' Bureau. If this bill becomes law their compensation of course will be greatly increased. For instance, Captain Duncan will receive $150 per month as retirement pay and he is also receiving $5,007 salary. Captain Hindman will receive $150 per month as retirement pay. He is receiving $4,000 per annum as salary. Captain Johnson's salary is $4,400, and under the bill he will receive $1,800 additional as compensation. Major Kendell is receiving $5,200 salary and yet his disabilities will give him under the pending bill $187.50 per month additional. Major Leewy is receiving $5,800 salary and is also receiving compensation in the amount of $1,200 a year which if the present bill passes will be increased to $2,487.50.

Colonel Smith is receiving $6,000 salary and if the present bill becomes a law he will have added to that amount $2,625. Captain Whitledge is receiving a salary of $6,278 and compensation for disabilities of $63 per month. If the pending bill becomes law he will receive as retirement pay $1,800 which, of course, will be in addition to his salary. It will be observed that the disabilities suffered by the persons whose names appear in the above list do not prevent them from receiving large salaries. Undoubtedly, there are thousands of emergency officers receiving compensation, who, if this bill becomes law, will receive larger amounts under the retirement provisions, and who are also receiving important salaries and will continue in the future to receive the same.

My information is that there are a considerable number of emergency officers who are rated as having disabilities who fill important positions in various departments of the Government with salaries larger than they were receiving before entering the war, and I am also told that many emergency officers, both of the Army and the Navy, are filling important positions in business enterprises who are receiving compensation for disabilities attributable to their military service. They will be beneficiaries under this act and have all of the retirement privileges provided, notwithstanding the salaries and emoluments received by them from the work which they are performing in the various activities of life.

I have heretofore stated that if emergency and volunteer officers are to be given retirement privileges it will be a departure from a long-established policy which was adopted after mature consideration by the great men of our country, including those who held important military positions in the various wars through which our country has passed. The pension system was adopted and has been followed in dealing with those who performed military service in behalf of their country.

I now call attention to the provisions of the law under which pensions are being paid to veterans of the Civil War, and I shall later show that Congress has made liberal provisions for veterans of the World War who suffered disabilities.

For disabilities incurred in the service, for disabilities incurred out of the service, for service alone, the existing pension laws apply with equality to all persons who have had honorable war service. Out of the plentitude of experience which has run through the whole course of the Government since the act of August 26, 1776, the policy of the Government has finally become settled, in laws which provide pensions for disability incurred in the service to be paid from the date of disability; to pensions for disability without regard to service origin, which pensions are to be paid commencing with a period after the close of hostilities and to be paid for service alone without regard to disability to such veterans as shall attain the age of 62 years. The war against Germany was comparable only to the Civil War. Both wars were fought by great civilian armies in which both the officers and men came from civil life and upon the conclusion of hostilities returned to civil life. Neither of these wars was fought or won by the regular or professional military organization.

The movement to give officers taken from civil life and who were discharged at the conclusion of the war the status of retired officers of the Regular Establishment, whose retirement has nothing to do with war service and whose widows are not pensionable, except the widows of officers who have had war service, is contrary to the settled pension policy of the Government and presents a disturbing factor in the permanence and consistency of our pension policy. The program proposed was rejected many years ago because it was regarded as inconsistent with the ideals and principles of a great democratic country in which all citizens are required to respond as of duty in time of war and where the Government recognizes an obligation to care for the wounded and disabled without regard to station or rank and likewise to care for the aged veterans without distinction and upon a basis of entire equality.

It has been more than 60 years since the close of the Civil War. There were on July 1, 1927, 90,000 veterans of the Civil War on the pension rolls. There were 212,642 widows of Civil War veterans and 49 Civil War nurses on the pension roll. These veterans are all of more than 80 years of age. They are regarded as being totally disabled as far as the capacity to perform remunerative labor is concerned. Of these veterans 37,700 were receiving pensions of $65 per month; 44,084 were receiving pensions of $72 per month; and 7,477 were receiving pensions of $90 per month.

The widows who were the wives of veterans during their Civil War service received pensions of $50 per month and the other widows pensionable under the law received pensions of $30 per month. The basis for these pensions is 90 days of honorable service in the Civil War. No distinction is made between officers and men.

It is 30 years since the Spanish-American War. There were on July 1, 1927, 138,812 veterans of the Spanish-American War on the pension rolls drawing disability pensions. There were 23,547 widows of the Spanish-American War veterans and 279 nurses on the pension roll. Of these veterans of the Spanish-American War, 44,831 were receiving pensions at $20 per month; 34,526 were receiving pensions at $25 per month; 27,663 were receiving pensions of $30 per month; 16,228 were receiving

pensions of $40 per month; 12,971 were receiving pensions of $50 per month; and 846 were receiving pensions of $72 per month. These were disability pensions. The $50 rate is awarded for total disability and the $72 rate is awarded for total disability accompanied by such condition of helplessness as requires the aid and attendance of another person. The other rates of $20, $25, $30, and $40 are awarded for partial disability and in such degree as the rate bears to $50, the rate for total disability. Widows of Spanish-American War veterans are pensioned at $30 a month with $6 additional for each child under 16 years of age.

I now direct attention to what is being done for those who suffered disabilities in the World War. I submit that Congress has made liberal provision for compensation in behalf of those who served in the World War and received injuries and suffered disabilities. Congress made no distinction between officers and enlisted men. It treated all as valiant soldiers in a great democratic army. At the present time there are more than 10,000 emergency officers receiving disability compensation.

On September 30, 1927, 8,096 officers had been given a disability rating of less than 30 per cent and were drawing compensation at the average rate of $31 per month; 1,865 of these officers who had been rated for partial disability equal to or in excess of 30 per cent are drawing compensation at the average rate of $50 per month; 1,358 of these officers who have been rated for total disability equal to or in excess of 30 per cent, are drawing compensation at the average rate of $102 per month. The rate for total disability provided for veterans of the Spanish-American War is $50 per month. The rate provided for veterans of the Civil War in their advanced age and enfeebled condition is $65 per month, with a special rate of $72 for Civil War veterans who require the care and attention of another person, and a special rate of $90 per month for Civil War veterans who are entirely helpless. As against these total disability rates for the veterans of the Spanish-American War and the Civil War, the officers of the World War who have a rating of total disability are drawing average compensation of $102 per month, and officers of the World War who have been rated for partial disability equal to or exceeding 30 per cent are drawing compensation at the average rate of $50 per month, which is equal to the rate provided for total disability for the veterans of the Spanish-American War.

Congress, accordingly, has awarded more liberal disability compensation to officers of the World War than has been provided for officers of the Spanish-American War or the Civil War. In fact, the total disability rate for the officer of the World War is more than double the rate provided for total disability in the case of an officer of the Spanish-American War and is more than 50 per cent in excess of the pensions provided for the disabled, aged, and helpless veterans of the Civil War.

Mr. President, I am not criticizing the apparent discrimination in favor of the officers of the World War who suffered disabilities. I voted for these measures and for the appropriations under which payments are made to those suffering disabilities. I am, however, opposing the policy which overthrows an established one, and discriminates against the officers themselves as well as against the volunteer officers of the Civil and Spanish-American wars and against the ex-service men who fought and served their country but did not obtain commissions.

I have noted above that the average compensation for total disability that is being paid to officers of the World War is $102. The average compensation that is being paid to officers of the Army who have been given a rating of total disability is $127 per month, with $50 per month as the average compensation for partial disability exceeding 30 per cent. For the Navy the average compensation for total disability is $100 a month and for partial disability exceeding 30 per cent $50 per month, and for the Marine Corps the average compensation for total disability is $95 per month and for partial disability exceeding 30 per cent $47 per month.

The pending bill provides that the officers of the Army who served in the World War and who retired to civil life after the armistice, and who have been rated by the Veterans' Bureau for disability in excess of 30 per cent, shall be placed upon a special retired list in the Veterans' Bureau and in lieu of the compensation they are presently receiving, shall be paid three-fourths of the monthly pay of their rank as of the date when discharged from the service after the war.

It has been pointed out by the Senator from Pennsylvania [Mr. REED] and the Senator from Connecticut [Mr. BINGHAM] that the officers who will receive the benefit of this bill, if it becomes law, will have an advantage over officers of the Regular Army, because the latter would not get the three-fourths retirement pay as of the rank which they held at the period of their discharge, but they would be relegated to a lower rank as the basis for their retirement privileges.

The pending bill provides that the emergency officers who secure a rating for disability are to have their names published annually in the Army register, whereas the other officers of the World War who have not been rated for disability are not to have their names published in the Army register. There may be a reason for such legislation, but I can not understand what it is. Two men are officers—one a captain, the other a major. The captain receives a rating of 30 per cent disability and his name is placed in the Army register. It may be the captain was not upon the battle field at all but was serving in the United States in some clerical position; but the major fought gallantly upon the battle field, and because he did not incur a disability his name is not to be placed in the register. It would seem that the honor of having their names in the Army register is quite as much the right of officers who served with honor during the World War, but who were not disabled in the service, as it is the right of those who were overtaken by disability in the service.

This view has been expressed to me by some officers who have suffered disabilities but who will not claim benefits under this bill. Some of them, though their disabilities are rather serious, are earning a considerable amount monthly and do not feel like submitting claims for disabilities. These officers will not have their names placed upon this roll of honor.

Mr. TYSON. Mr. President, they may have their names put upon the roll of honor and not draw the pay, unless they want to do so. They do not have to draw the pay. The reason they are put upon the roll of honor is because they have more than 10 per cent disability.

Mr. KING. There are many officers who will not claim disability even for the purpose of having their names upon the roll.

Mr. TYSON. That being the case, that is their own fault. If they do not want to do it, that is up to them. We are not responsible for anybody who is not willing to take advantage of an opportunity which is given him.

Mr. KING. It appears then that an inducement is offered to officers to get their names upon the roll of honor, the inducement being that they submit claims for disability ratings.

Mr. TYSON. Does not the Senator realize that there are a great many men who were disabled in the World War but who are less than 10 per cent disabled? They get no consideration whatever.

Mr. KING. I understand that. That is purely arbitrary, however.

Mr. TYSON. Nevertheless, that is done; it is done by the law; and I take it the Senator helped to pass that law.

Mr. KING. I do not recall the provision of which the Senator is speaking.

Mr. TYSON. The Senator, however, does know that no man who was disabled less than 10 per cent gets any compensation?

Mr. KING. I comprehend that. But this bill as presented contained another discrimination. It includes only the disabled officers of the Army and not those of the Navy, the Marine Corps, and the Coast Guard.

Mr. TYSON. I beg the Senator's pardon.

Mr. KING. An amendment covering emergency Navy and Marine Corps officers has been offered, but when the bill was originally projected, and under the Bursum bill when it was offered by the Senator a year ago, and again submitted at the beginning of this session, there was no provision for the Navy and the Marine Corps.

Mr. TYSON. It was understood, however, that an amendment would be offered to cover emergency naval and Marine Corps officers.

Mr. KING. Of course, I can not say as to that; I was not in the confidence of the Senator, but I know that such an amendment has now been offered. However, may I say to the Senator that there is no provision in the bill for reserve officers of the National Guard and militia? They may claim the same privileges as are granted by this bill; they constituted a part of our military forces. Why should not officers of the National Guard, with the same disabilities, be accorded the same treatment as is given to emergency officers under this bill?

Mr. TYSON. I agree with the Senator; and I suggest that he introduce a bill at the proper time to have that injustice corrected.

Mr. KING. If I introduce a bill, it will be a bill that will provide that enlisted men who fought in the ranks and served in the trenches shall receive the same compensation for similar injuries as is paid to men who happened temporarily to have commissions.

The beneficiaries of the bill, as of date September 30, 1927, include 3,030 emergency Army officers of the World War, who are divided into two distinct classes. In one class there are 1,233 officers who are on the books of the Veterans' Bureau as being totally disabled who are drawing average compensation in the

sum of $102 per month and in the other class are 797 officers who are on the books of the Veterans' Bureau as having partial disabilities in excess of 30 per cent who are drawing average compensation in the sum of $50 per month. The present average compensation of the officers in the second class is about two-fifths or 40 per cent of the average compensation of the officers in the first class. This bill puts both groups of officers in the same classification as far as future compensation is concerned and makes provision that they shall be paid three-fourths of the regular pay of their rank for life. In September, 1927, there were 176 officers of the Navy, including the Coast Guard, and 17 officers of the Marine Corps who will come within the operation of the act if the bill be so amended as to include disabled officers of the Navy, the Marine Corps, and the Coast Guard.

I have referred to the fact that a number of officers who will obtain retirement privileges if this bill becomes a law will be greatly in excess of the number claimed by the proponents of this bill. When the bill was first considered it was insisted that not more than 1,000 persons would obtain retirement privileges. It is now conceded that there are several thousand who at the present time come within the terms of the bill. There have been claims for compensation filed by emergency Army officers up to December 31 of last year of the number of 41,532. The annual report of the Secretary of the Navy for the fiscal year ending June 30, 1919, states that—

> There were half a million enlisted men and more than 32,500 officers in the Navy and Naval Reserve Force when hostilities ended in November, 1918.

The report of the major general commanding the United States Marine Corps for the year ending June 1, 1918, states that there were 2,418 officers in the Marine Corps. The total number of officers in the Army, Navy, and Marine Corps, accordingly, were therefore 234,918. I have stated that of this number 188,559 were emergency Army officers, and that 41,532 of this number have claimed compensation.

There are now 10,142 of this number receiving compensation and a large number of applications are pending before the Veterans' Bureau. The list is daily growing so that it is impossible to determine the number that will finally be added to the list. Of this number 3,390 are rated less than 30 per cent, but as being permanently disabled. The number rated at less than 30 per cent who have temporary disabilities is given as 1,015. However, reratings are constantly taking place and officers are being transferred from lower to higher grades—that is, from ratings less than 30 per cent to ratings in excess of 30 per cent. Moreover, some who are rated as temporarily disabled may be transferred to-morrow to the permanently disabled list. The Veterans' Bureau notified me at noon to-day that there are 10,142 emergency officers in the Army who are on the active list. To-morrow there may be more, as the ratings are being constantly changed. Some who are less than 30 per cent may, to-morrow or the succeeding day, be placed in the categories of disabilities in excess of 30 per cent. Nor is it possible to determine how many emergency officers will apply for compensation and for retirement within a year after the passage of this bill, if it should pass. It is impossible to determine how many of the 188,559 officers will ultimately be placed upon the retired list under the provisions of this bill and the amendment withdrawing the time limitation.

Mr. TYSON. Mr. President, what does the Senator mean by the "amendment withdrawing the time limitation"?

Mr. KING. It is an amendment which extends the time to file applications and, of course, with pressure which will be brought, Congress will remove the time limitation as the years go by and ultimately every officer proving the required disability will be placed upon the retired list. The Senator knows that although we fix 30 per cent as the datum line for the purpose of obtaining retirement privileges, that line will be removed and sooner or later those claiming disabilities of 10 per cent or more will be given the retirement privileges.

When legislation of this character first came before Congress after the World War, the limit was fixed at 10 per cent. Propaganda in favor of that limitation was as great as the pressure exercised in behalf of this bill which fixes disability at 30 per cent as the standard for retirement privileges. As I have shown, 42,000 of the emergency officers in the Army were physicians and 2,000 chaplains. Some of the physicians suffered disabilities and, of course, should be given the same benefits granted to other emergency officers of the same grade. As a matter of fact, many of the emergency officers were not in France, and a great majority were never upon the battle fields. Many thousand officers served in clerical capacities and in administrative duties in the United States. Many were engaged in business activities for the Government and incurred no greater risks or hazards than did private citizens of the United States. It has been suggested upon various occasions that if retirement privileges are to be granted they should be extended only to those who did the fighting and not to those who incurred no more risks or hazards than those in civil life. It has also been suggested that retirement privileges should not be granted to emergency officers whose earnings are as great as or greater than were received by them prior to the war. Another suggestion has been made that if the disability does not materially interfere with the earning capacity of an officer he should be denied the retirement privileges.

Amendments of this character, no matter their merit, will receive but scant support in this body. The propaganda in favor of the bill as it is before us has been so great and the pressure so powerful that there is no chance of writing into the bill any important amendment or any provision that might interfere with its passage regardless of its virtues.

Mr. President, there are now many active claims for compensation of emergency officers who served in the Navy and in the Marine Corps. The number, therefore, of active claims which I gave a few moments ago does not give the aggregate and should be increased by the list of officers from the Navy and from the Marine Corps. I am calling attention, Mr. President, to these matters for the purpose of demonstrating that some Senators have not understood the full implications of this bill and the thousands of persons who will be beneficiaries thereunder.

Mr. President, this bill will afford no benefits to second lieutenants who have been rated for total disability. Their monthly compensation will be reduced from $99 to $93.75.

The increase accorded first lieutenants and captains who have been rated for total disability and of whom there were from the Army on September 30, 1927, 761, does not warrant the pressure that is being expended to force this bill through Congress.

No one begrudges these officers who have been rated for total disability a just compensation or pension. In September last 1,865 officers of the Army, Navy, and Marine Corps, including the Coast Guard, were rated for partial disability only, and who are now drawing compensation at the average rate of $50 per month; they will have their pay increased to $125 per month for first lieutenants and to $150 per month for captains, which for 450 Army captains will mean a trebling of their pay and which for 113 Army majors will mean an increase of their monthly pay to 375 per cent of the compensation awarded them by the Veterans' Bureau, and which for 17 lieutenant colonels of the Army will mean an increase of their monthly pay 437½ per cent of the compensation awarded them by the Veterans' Bureau, and which for 5 colonels will means an increase in their monthly pay to over 500 per cent of the compensation awarded them by the Veterans' Bureau, and which for 1 general of the Army will mean an increase of his monthly pay to 625 per cent of the compensation awarded him by the Veterans' Bureau. As against these unwarranted magnifications of compensation for partial disability we have an actual reduction of the compensation of second lieutenants for total disability, and an increase of less than 25 per cent for totally disabled first lieutenants, and less than 50 per cent for totally disabled captains. If there ever was a case of flagrantly partial legislation the pending bill is an example of it.

The bill is not only unfair to the more than 30,000 veterans of the war who have been rated for permanent total disability and the 100,000 veterans of the war who are rated for permanent partial disability, but is grossly unfair and unequal as between the officers who are the ostensible beneficiaries of the proposed legislation. During the fiscal year 1927 there was an average number of 237,076 veterans who were drawing compensation in one form or the other for whom the average rates was $50.66 per month.

The bill unfairly selects 78 out of each 10,000 veterans who are rated for disability and all of whom are receiving an average of $50 per month and gives them special benefits by which their monthly compensation is raised from 300 to 625 per cent. It means everything to the only partially disabled officers who make up a very clear preponderance of the total number of officers who are the ostensible beneficiaries of the bill. Many who become officers of the Army were not manual laborers and their economic and earning capacity is not seriously affected by such minor physical defects or damages as would accord them a rating of 30 per cent disability made from the standpoint of their capacity to perform crude manual labor. There have been Senators of the United States who for blindness would be rated as 200 per cent disabled by the Veterans' Bureau, yet they have drawn $10,000 a year in salaries from the Government.

A man whose record is for 30 per cent disability is expected to be able to carry on his business and to be engaged in gainful occupations. It is difficult to see how a 30 per cent disability ascribable to physical defects can be regarded as affect-

ing the earning capacity of a man who carries on an intellectual occupation, who employs his own mind in the business, and who directs the work of others who perform manual labor.

A considerable number of the officers who are rated for 30 per cent partial disability reside in the District of Columbia and its environs. Why did not the committee call these men before it, ascertain the nature of the physical defects for which they are drawing $50 or more per month, and ascertain whether or not their earning power has been actually decreased and whether or not in any case they are drawing less than the standard and customary pay for the business or service which they are following?

I am adverse to that. In the great majority of cases they are drawing large salaries and that the increase carried by this bill of from 300 to 625 per cent per month is not warranted out of any consideration of poverty or financial distress. It is believed that thousands of disabled veterans who were not in the class of these officers, have much higher claims to increased compensation on the ground of poverty or of lack of economic independence.

Mr. President, from the letters which I have received I infer that there is a feeling in some parts of the country that emergency officers who are suffering from disabilities are receiving no compensation whatever from the Government. Of course the fact is quite the reverse. They are receiving compensation to the same extent as are all ex-service men who have been wounded or have suffered disabilities by reason of their military service. I have shown that many emergency officers in addition to compensation of from $100 to $150 per month, are employed by the Government, and some are receiving salaries of from $5,000 to $6,200 per annum. It is often stated that the Government has been illiberal in appropriating for the ex-service men. I desire to present a few figures indicating what the facts are in respect to this matter. In the fiscal year 1927 there were 25,567 veterans in Government hospitals under the charge of the Veterans' Bureau. During the same year the Government paid out $36,154,237 for medical and hospital services and facilities, which is an average of over $1,400 per capita for the veterans who had the benefit of this hospital and medical service. Men who were in the hospitals received total disability pay during the time of their hospitalization.

These figures show the solicitude of the Government for disabled veterans. I am glad to learn of the efforts of the Government to care for disabled veterans and for veterans whether reserve officers or privates and to grant to them just, fair, and generous treatment.

The figures just referred to demonstrate that the Government in 1927 paid out considerably more than $2,000 per capita for the veterans who were in the hospitals, among whom were some of the officers who are drawing disability compensation from the Veterans' Bureau under the present law. The expenditures for salaries and expenses of the Veterans' Bureau for the fiscal year 1927 amounted to $36,354,328.90, a sum which is equal to the amount laid out for hospital and medical services and facilities. This large overhead cost is to be referred in large measure to the administration of the hospital service and facilities.

The average number of active compensation awards from the Veterans' Bureau in the fiscal year 1927 was 237,076. This means that the Veterans' Bureau was distributing monthly compensation to 237,076 veterans rated for disability. At the close of the fiscal year 1927 the Pension Bureau was distributing pensions to 489,942 pensioners, at an administrative overhead cost of $1,327,252. To bring this matter into clear relief, the Pension Bureau in the fiscal year 1927 distributed $230,152,712.17 to 489,942 pensioners, at an overhead cost of $1,327,252.47, whereas the Veterans' Bureau in the fiscal year 1927 distributed $173,476,965.39 compensation to 237,076 veterans of the World War, at an overhead cost of $36,354,328.

The total expenditures of the Veterans' Bureau in the fiscal year 1927 were $405,348,447.70. The question has been suggested as to whether this large sum would not be of more benefit to the veterans if distributed to the beneficiaries direct, as are pensions, instead of being charged with overhead costs and special services to the extent of many millions annually.

In further support of the statement that Congress has been liberal in appropriating for veterans of the World War I call attention to the fact that in 1917 the appropriations were $50,250,000; in 1918, $181,297,800; in 1919, $141,918,833; in 1920, $252,291,769; in 1921, $316,359,672; in 1922, $406,770,342; in 1923, $425,462,323; in 1924, $436,514,053; in 1925, $481,957,898; in 1926, $521,950,000; and in 1927, $462,965,000.

A letter from Director Hines, dated February 28, 1928, states that the disbursements made by the Government for vocational training totaled $644,937,396.28; for term insurance, $960,942,334.57; for United States Government life insurance, $61,660,216.76; for compensation, $1,173,515,358.71; for allotments, $300,852,071.66; for allowances, $282,087,704.94; for marine and seamen's insurance, $35,074,818.69; for medical and hospital services, $309,459,156.37; for hospital facilities and services, $29,348,345.57; for soldiers' and sailors' civil relief claims, $19,383.65; administrative, $281,678,615.53; adjusted service certificate fund, $63,454,105.15; adjusted service and dependent pay, $26,403,402.72; miscellaneous, $47,164.38; or a total of $4,169,480,074.98.

In the light of these figures, there is no warrant for the statement so often heard that Congress had dealt with the ex-service men in a niggardly way. Let me present a few figures by way of comparison between the Civil War and the World War and the treatment accorded to veterans of each contest. The Civil War lasted four years. The World War lasted 1 year 7 months and 5 days. The number of men in the Union Armies was 2,400,000 and in the World War more than four and a half million. In the World War the battle casualties were 50,000 killed and 23,500 wounded.

Deaths from disease were 56,991. Out of every hundred soldiers and sailors 2 were killed or died of disease. In the Civil War out of every hundred soldiers and sailors 10 were killed or died of disease. The number of casualties in the Civil War were 110,070 killed and died of wounds, 224,586 died of disease, and deaths from other causes totaled 24,872. The total number of deaths were 359,528 and the number of wounded who survived August 1, 1866 were 208,040.

In the first 11 years following the close of the Civil War—that is, from 1866 to 1876, inclusive—the disbursements for pensions amounted to $298,267,071.17. For the 11 years from 1917 to 1927, inclusive, the appropriations for the benefit of veterans of the World War were $3,677,737,691.

If we distribute the pension appropriations of 1876 among the 232,137 beneficiaries we produce a distribution of $124.70 per capita. A distribution of the Veterans' Bureau appropriations for 1927 among the 232,077 beneficiaries produces a distribution of $1,994.77 per capita. In other words the per capita distribution of 1927 is seventeen times the per capita distribution for 1876. There are doubtless elements in this comparison which upon critical analysis might be denominated invidious, but after making all allowances possible the figures submitted establish the fact that the Government has dealt generously with the veterans of the World War. I am glad such is the case. It would be a matter of sincere regret to me if our Government should fail to discharge its duty toward those who constituted our military forces upon land and upon sea in the World War, the greatest war that has befallen humanity.

As stated, Mr. President, I have submitted these figures because of criticisms indulged in so often throughout the country that Congress has neglected to meet the legitimate requirements of the ex-service men.

Returning to the bill before us it will not be inappropriate to repeat that this measure is not for the benefit of the veterans who on September 30, 1927, were rated for total disability by the Veterans' Bureau and who are in a great majority of the cases drawing approximately as much, and in a great many cases larger, compensation from the Government than will be afforded by this bill. It is apparent that this measure is of special advantage to the approximately 2,000 veterans who on that date were rated for partial disability only, and who are drawing an average of $50 per month, and are in less need of increased compensation than thousands of veterans now receiving disability compensation under existing law, but who are in no wise beneficiaries of this bill. The director of the bureau stated before the Committee on Military Affairs of the Senate on March 5, 1926, that—

> It is the business of the Veterans' Bureau, as you gentlemen know, to deal with all ex-service men regardless of rank held in the service. In other words, we deal with them based on their disabilities and their industrial handicaps now, and we make no distinction in their care or treatment in any way.

But this bill creates a separate class of beneficiaries who are entitled to special consideration from the fact or the accident of the military rank which they may have held during their temporary period of military service. The bill gives special status to those officers of the Army who were appointed to serve during the emergency created by the World War. It was understood that their services would be temporary or for the duration of the war, and these men had a right to anticipate benefits in the way of disability pensions or compensation of the same general character which were given to disabled veterans of the Civil War and of the war with Spain. Those benefits have been accorded them. Every one of the beneficaries of the special

legislation incorporated in the pending bill are the present beneficiaries of the liberal compensation for disability provided by the World War veterans' act of 1924.

The bill before us provides that these officers in lieu of the compensation provided in the World War veterans' act shall be put on a special retired list as though they were permanent officers of the Army and draw pay at 75 per cent of the pay provided for active service to officers of the same rank.

These temporary officers are to be made regular officers for the purpose of drawing permanent pay. We may well hesitate before committing the Government to this policy. We should consider well the ultimate end to which it obviously will lead us. The pending bill applies to those officers who have suffered disability which has been given a rating of 30 per cent by the Veterans' Bureau or who may within one year be given a rating of 30 per cent by the Veterans' Bureau. This means that the door is wide open for applications to increase disability now rated at less than 30 per cent to 30 per cent or more in order to draw permanent pay equivalent to 75 per cent of the pay of the rank for active service.

This means that the compensation paid lieutenants who have disability ratings will be practically double the compensation paid the ordinary veteran for the same disability. About two-thirds of the disabled officers are lieutenants. About one-quarter of them are captains. Less than 10 per cent of the disabled officers have rank above that of a captain. There are very few of the disabled officers of the World War who had rank during the service indicating real responsibility for the command of units in general military operations. There are, in fact, only 12 temporary colonels and 21 temporary lieutenant colonels who had disability presently rated at 30 per cent. No officers above the rank of colonel have been rated for disability at 30 per cent. There may be some distinction in education between the ordinary veteran and the lieutenant, but there is little distinction in age or experience. There is no distinction in patriotism. The lieutenants served with their men, took the same hazards, and suffered the same disabilities, or suffered disabilities under identical circumstances. To distinguish between them the compensation awarded for identical disabilities suffered in identical services and under the same circumstances and operating for a common objective can not be supported on any consideration of sound policy. It brings in class distinction where none should exist. These men are all veterans. They should be received and treated as such. They should be regarded as equals in the law as they are regarded as equals by the people.

This distinction is all the less unwarranted, because the pending bill does not propose to retire these officers as a part of the personnel of the permanent establishment in which the officers are commissioned for life and are retired for age. The pending bill proposes to create a distinct and separate category in the Veterans' Bureau for these officers who have been out of the service for 10 years and have the Veterans' Bureau give them compensation in the form of retirement pay as distinguished from compensation in the ordinary form. What the bill calls an "emergency officers' retired list" is to be a mere form in the records of the Veterans' Bureau. It will have nothing to do with the Army Establishment as such or with the retired list of the Regular Establishment. These officers will be under none of the duties to which an officer of the Regular Establishment must be subjected or the commands to which he must respond. The retired list of the Army is a regulation which applies in peace as well as war. Retirements are for such disability or age as disqualifies the permanent Army officer from active service. It is not a casualty list. It is a list of those permanent officers who for one reason or another become incapacitated for service, and inasmuch as their appointments are for life it would be improper for the Government to summarily discharge them, and hence the law provides that they shall be continued on part pay for the duration of their lives.

In enacting the so-called bonus legislation Congress allowed all the veterans, including captains, first lieutenants, and lieutenants, an additional $1.25 per day for the time served in France and $1 a day for time served in the United States, and taking this extra or additional compensation for days served as and for a premium, each of the veterans of the war, including captains, first lieutenants, and second lieutenants, was given a paid-up policy of insurance, adjusted to their separate premiums and ages in each individual case. In this bonus legislation and insurance legislation Congress dealt with captains, first lieutenants, and second lieutenants upon an entire equality with the other 4,500,000 veterans of the war.

No distinctions were made. Congress gave these captains and lieutenants the same advantage of the adjusted compensation and insurance which it gave to the war veterans generally. And now we are asked to make of them a separate class. It can not be contended that this legislation will benefit in any way, present or prospectively, the Regular Military Establishment. It is not designed for the promotion of the military interest of the United States. There are no sound reasons to support the pending bill. There are the soundest reasons why it should be rejected. It is impolitic in its conception, and it will be impolitic in its result if it becomes the law of the land. It is contrary to the established military policy of Congress in dealing with this subject of compensation and pensions. The wise and reasonable thing to do is for Congress to be consistent and to see to it that the laws affecting this subject are consistent within themselves, and in relation to each other. We can not have equality upon any other principle, and legislation which is not equal in its operation on persons who are entitled to equal consideration of the Government does not comport with the fundamental principles which should govern the relation of Congress to the people under the Constitution of the United States and those republican principles of Government which are embodied in it and which should be the guiding principles of our legislation.

Mr. CUTTING. Mr. President, I believe there is no Member of the Senate who is more anxious to come to a vote speedily on the pending bill than I am. For nine years I have been working for this bill and for other legislation fostered by the ex-service men's organizations. I have listened for about six hours to the debate on this subject and I think I can get through with my remarks in six minutes.

With regard to the historic question brought up by the Senator from Utah [Mr. KING], I should like to have printed in the RECORD without reading a statement of the disability pension rates for officers and enlisted men from the Revolutionary War to the present day, which I think will show that this is no new policy which is being adopted, but a policy which has been consistently followed by the Government of the United States since Revolutionary times.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The statement referred to is as follows:

DISABILITY PENSION RATES FOR OFFICERS AND ENLISTED MEN

(Page numbers given refer to "Laws of the United States governing the granting of Army and Navy pensions," in effect March 5, 1925, published by the Government Printing Office and compiled under the direction of the Commissioner of Pensions and published in accordance with the provisions of section 4748, Revised Statutes.)

REVOLUTIONARY WAR

Page 9. Rate of pensions for known wounds incurred during the Revolutionary War are as follows under the act of April 10, 1806:

Commissioned officers: One-half of the monthly pay legally allowed at the time of incurring said disability, but no pension shall be calculated at a higher rate than one-half pay of a lieutenant colonel.

Enlisted men: Five dollars a month.

CAMPAIGN ON WABASH

Page 10, act of April 10, 1812: The same provisions as the foregoing Revolutionary pensions are made applicable to the campaign on the Wabash.

WAR OF 1812

Page 10. Act of April 24, 1816: The persons on the pension rolls on April 24, 1816, had their pensions increased for all ranks of first lieutenant and under, as follows:

First lieutenant	$17
Second lieutenant	15
Third lieutenant	14
Ensign	13
Noncommissioned officers, musicians, and privates	8

This act of April 24, 1816, further provides that all laws and regulations relating to pensions of officers and soldiers of the Regular Army shall relate equally to the officers and soldiers of the militia while in the service of the United States.

BLACK HAWK WAR

Page 10. Act of June 15, 1832: Officers, noncommissioned officers, and privates raised for the protection of the frontier, in case of disability by wounds or otherwise incurred in the service, shall be entitled to like compensation as allowed to officers, noncommissioned officers, and privates in the Military Establishment of the United States.

INDIAN DEPREDATIONS IN FLORIDA

Page 11. Act of March 19, 1836: That the Volunteers or militia shall be entitled to all the benefits conferred on persons wounded or otherwise disabled in the service of the United States.

CREEK WAR

Page 11. Act of May 23, 1836: The Volunteers shall be entitled to all the benefits which may be conferred on persons wounded in the service of the United States.

MEXICAN WAR

Page 12. Section 4730, Revised Statutes: Officers and enlisted men, whether of the Regular Army or Volunteers, for total disability by reason of injury received or disease contracted while in line of duty, in service in the war with Mexico shall receive half of the pay of their rank at the date on which the wound was received or the disease contracted, not exceeding half of the pay of a lieutenant colonel.

CIVIL WAR

Page 30: The act of July 14, 1862, states that the beneficiaries for disability shall be officers of the Army, including Regulars, Volunteers, and militia, marine and enlisted men, however employed in the military or naval service (in the Civil War).

Page 31, section 4695, gives the rate of pensions for total disability for the persons mentioned in the preceding paragraph:

	Per month
Lieutenant colonel and officers of higher rank	$30
Major	25
Captain	20
First lieutenant	17
Second lieutenant	15
Certain other officers and warrant officers	10
All enlisted men	8

Page 175. Subsequent enactments as given below increased the pay of the disabled enlisted men through the medium of general service pensions, but these enactments did not reduce the pay of the disabled officers, and the rate of pay of the disabled officers was not reached by the enlisted men through the enactment of service pensions until the act of May 11, 1912, which gave a general service pension of $30 a month to all officers and enlisted men of the Civil War who had reached the age of 75 years and served two years or more.

SPANISH-AMERICAN WAR

The officers and enlisted men who incurred disability in the Spanish-American War, whether volunteer or regular, received pensions under the general pension law of July 14, 1862, which set the maximum for an officer at $30 a month and the enlisted personnel at $8 a month for total disability.

The disabled emergency officer of the Spanish-American War continued to receive more than the disabled emergency enlisted men of this war until the act of June 5, 1920, when the enlisted men were granted a service pension with maximum payments of $30 a month, a sum equal to the pay being received by the disabled officers with the rank of lieutenant colonel and above.

Mr. CUTTING. It is very remarkable to me, Mr. President, that the opposition to this bill has come from so many different angles and has been supported by so many different arguments. We have heard the Senator from Utah [Mr. KING] argue that, while on the face of the figures furnished by the Veterans' Bureau there are only 3,000 men who will benefit by this proposed act, in the course of the next 2 years or 5 years or 10 years there may be as many as 50,000 men who will receive the benefit of its provisions. On the other hand, we have heard the Senator from Pennsylvania [Mr. REED] and the Senator from Connecticut [Mr. BINGHAM] arguing that only a very small proportion of the emergency officers would be benefited by this bill. The Senator from Connecticut went so far as to say that many of the 3,000 now on the list will not be able to accept the benefits of the measure or will not be willing to accept them.

My opinion of that matter, Mr. President, is that the Senator from Pennsylvania and the Senator from Connecticut are very much closer to the facts than is my friend from Utah. My experience with the Veterans' Bureau leads me to the conclusion that when this bill becomes a law the Veterans' Bureau will be more inclined to lower the rating of officers who have applied for compensation than they will to raise it. I do not believe there will be any great increase beyond the 3,000 who apparently will be the principal beneficiaries of the bill.

But, Mr. President, I do not believe it makes any difference whether the number of 3,000 is going to be increased or decreased. The point is whether or not the United States owes this debt to the emergency officers who served it in time of war. It is not a question of how many there are or how few, or how much money it is going to cost the Treasury. If we owe this debt, we ought to pay it.

The very able Senator from Pennsylvania—who, I believe, has studied all these matters as thoroughly as anyone in this Chamber—has based his opposition to this bill on the question of discrimination; first, the discrimination between officers and enlisted men; second, the discrimination between emergency officers themselves.

Mr. President, if a discrimination exists between officers and enlisted men, it is no new discrimination. It is one that has existed at all times. This bill does not purport to do away with any such discrimination. If it is the opinion of the Senate that such a discrimination should be done away with, let them do away with it with regard to the Regular Army and with regard to the emergency officers. This legislation does not go into that at all. We are dealing with one particular problem. We are doing away with one particular discrimination—namely, the discrimination which exists at present between officers in the Regular service and the emergency officers who served with them, and endured the same risks and hardships and dangers and disabilities that the officers in the Regular service did.

But the Senator from Pennsylvania brought up another argument with which, to a certain extent, I am in sympathy. When you set an arbitrary line at 30 per cent, it is natural that you are going to have cases where hardship has been inflicted on one side or the other of the line.

We have heard at great length about the major who was a bacteriologist, and heard him compared with a major who was a chemist; and it was very clearly shown that they were not being treated fairly according to the present regulations of the Veterans' Bureau, and that that unfairness would be increased fivefold by this bill. That is true, Mr. President. Personally I should favor the bill as it was originally indorsed by the American Legion, not going into technicalities of percentage disability but giving the emergency officers exactly the same privilege which is enjoyed by the Regular officers.

We have not that bill before us, however. We have a bill drawing the line at 30 per cent; and the discriminations at 30 per cent are not materially more unfair than they would be if you drew any other particular line of cleavage. If you reduce the retirement rate to 29 per cent, or 28 per cent, or 27 per cent, you are still going to have individual cases of hardship as between men who come on one or the other side of that particular line.

The Senator from Pennsylvania said that he wanted to explain not only what the bill did do, but what it did not do. Mr. President, I am for this bill on account of what it does do, and I am not going to oppose it on account of what it does not do and does not pretend to do, and what no ex-service man that I know of thinks that it is meant to do.

This bill deals with a very small part of the problem of the ex-service man. It deals with 3,000 emergency officers, and it tries to do away with the discrimination between them and the Regular officers who had the same experiences and the same hardships in the war. It does not go any further.

A number of Senators have said that the enlisted men are opposed to the bill. That has not been my experience. I had the honor of attending the first caucus of the American Legion at St. Louis in May, 1919; and I think this bill was sponsored in the first place by an enlisted man in the New Mexico delegation to that convention. Since then it has been up in the Senate and up in the House of Representatives a good many times. The enlisted men all over the country have had a chance to become acquainted with the bill. I think my colleague here knows, as I do, that out of the 18,000 ex-service men in New Mexico there are not more than between 25 and 30 who would benefit by this particular bill; but I have found that all the rest are thoroughly in favor of it, that they understand it, and that they want it brought to a vote. They know that it is not going to benefit the enlisted man. If there is some other bill which will benefit the enlisted men, both in the Regular service and in the temporary service, I believe that I will go as far in supporting it as any Senator in this Chamber; but this bill deals with a particular problem. I am going to vote for this bill, and I hope other Senators will vote for it, because as far as it goes it is right in principle, even though it may not go as far as some of us would like.

I hope this bill will pass by the same overwhelming majority by which it was passed in previous sessions of Congress.

Mr. FRAZIER. Mr. President, I am heartily in favor of this retirement bill for emergency officers. I believe that it will bring about long-delayed justice. Army officers of practically every other branch of the service have been taken care of by legislative enactment; and I think it is time that the emergency officers should be taken care of, too, in the way of a retirement measure.

There is no question but that these emergency officers rendered good service during the war; that they were called from their business, whatever it was, and went into the service the same as others did; and I believe they are entitled to recognition.

I want to read just a brief extract from a letter I have received from a constituent of mine, which is a sample of a number of other letters I have received. It is from a young man who was a civil engineer, and after taking a course in an officers' training camp went into the Government service and served throughout the war. He says:

On September 2, 1920, I was discharged from the Army on a surgeon's certificate of disability marked 30 per cent disabled. I could not

return to the practice of my profession of engineering, but instead had to move out to New Mexico, upon the advice of physicians, in order to be enabled to live. I spent two years in New Mexico and then took up the work of teaching, which I have been following since.

In October, 1924, the United States Veterans' Bureau at Washington, D. C., awarded me a permanent disability rating of 50 per cent, and I have been receiving compensation for that rating since that time.

Had I been in the Regular Army I would have been retired as a disabled officer and would have received retirement pay for my rank beginning with the date of my discharge from the Army hospital in September, 1920.

I was commissioned from civil life into the Corps of Engineers of the Army which is ample proof that I had the necessary technical qualifications in addition to the other qualifications of an Engineer officer. That I was in actual and responsible charge of the military mapping of the southern department, United States Army, for some 20 months—work of a very confidential as well as a highly technical nature—would indicate that I carried on quite capably in every way. During that period I proudly and gladly performed every duty and arduous task and accepted every risk and responsibility shoulder to shoulder with the commissioned officers of the Regular Army. Wherever and whenever there was work to do, I was spared in no way.

My case is typical of those of many other emergency officers of the World War. So long as the war was in progress, nothing was too good for them; but as soon as the war was over and their services were no longer needed to help, guide, and direct the Army, they were discharged on a basis that denied them all of the rights, benefits, and privileges that go with the position of a commissioned officer in the Regular Army.

Mr. President, I believe this bill should be passed, and I trust that it will be.

The PRESIDING OFFICER (Mr. BROOKHART in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HALE, the title was amended so as to read: "A bill making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War."

TRIBUTE TO THE LATE JUDGE RHYDON MAYS CALL

Mr. FLETCHER. Mr. President, in memory of Rhydon Mays Call, late judge of the United States District Court of the Southern District of Florida, a special service was held at 10 o'clock Saturday, January 14, 1928, in the Federal court room in the city of Jacksonville. Hon. Lake Jones, judge of the United States District Court of the Southern District of Florida, presided, and on the bench with him were Hon. George Couper Gibbs, Hon. Daniel A. Simmons, and Hon. DeWitt T. Gray, judges of the circuit court for the fourth judicial circuit of the State of Florida.

Members of the bar from every part of the State were present, as were other friends of the late Judge Call. Proceedings were reported by Raleigh C. Dowling, Ralph W. Pattison, and Earnest L. Bryant. The court having been convened by the United States deputy marshal, Judge John L. Doggett delivered the following just and impressive tribute to the memory of that eminent judge, patriotic citizen, and much-loved man, whose life was rich in public service, which I ask to have printed in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

Judge DOGGETT. If your honors please, my brother lawyers, ladies, and gentlemen, the letter from the joint committees of the bar requested me on this occasion to pay a fitting tribute to Judge Call's memory, and voice the respect in which he was held, and the grief occasioned by his loss.

I wish that I could adequately and appropriately put the words into sentences that would make you feel that I had accomplished such a mission. Oh, how I yearn for the power at this moment to express the tribute and voice the respect and grief that this occasion demands. If I fail, I believe he at least would believe if he were here that only my limitations of mind were the obstacles that prevented such performance, for at no moment throughout my life could my heart have been more attuned and in harmony with my effort than it is at this moment.

People are born, live their whole life out, and die, and when the then living contemplate and look back over those careers generally it is that all seem about the same, and are, at best, but commonplace.

Occasionally, however, it appears that a man is sent into the world with a particular work to perform. To my mind Rhydon M. Call had a mission of that kind—the accomplishment of justice.

There is an old maxim that I believe is attributed to Mahomet, which says that "one hour in the execution of justice is worth 70 years of prayer."

If such be the case, what a wealth of example did we enjoy as lawyers throughout his long judicial career, and what a loss did we sustain in Rhydon Call's death. No man can perform justice without an understanding of what justice is, and no man can understand justice to its fullest extent unless he has learned to drink uncomplainingly the bitter draughts of deep sorrow, producing an aloneness in the world, resulting in the deepest of meditation, and an unselfish and impartial accounting to and of one's self and of his fellowmen and of their affairs.

Out of such despairing experience and disasters did Rhydon M. Call, the judge, emerge, but without a complaint, and with only silent, grim determination written on his face and engraved within his heart, to live on and on to the end—alone. Oh, so alone, but calmly, most efficiently and wonderfully, making his judicial life his whole life, since he felt and was so alone.

If I went into details, whether in chambers or on the bench, of his daily routine, we would see that familiar figure sitting there, somewhat hunched over in his chair, with eyes cast down, calmly whittling his favorite piece of wood—red cedar—listening intently and patiently, and completely absorbed with what he was hearing. Never was he known to make a memorandum. He had acquired the habit of concentration to such a marked degree that he needed no reminder as to argument or incident. Seldom it was that he ever asked a question and still more seldom did he ever of his own volition interrupt counsel. He would rule but once in the trial of a case on a question of evidence, and that would remain the guide on that proposition throughout the trial. We who practiced before him knew this only too well, and we would never attempt the same question in another form even without an explanation to the court. Argument with him as to his ruling spelled instant reprimand, generally only by the raising of his eyes, which at such a moment it would seem that he was looking both through and into each and all of the internals of one's body and saying to those internals, "I've ruled; that ends the matter. You have your exception."

His insight and memory at times seemed almost uncanny, and his wisdom, fortified by his knowledge, frequently muttered in a low tone, was at times so disconcerting that it spelled instant disaster to an unrighteous cause. His place of worship was the shrine of justice, and justice was always his client, not the sentimental blubbering kind, not the kind that rode on the top of a hurrahing temporary wave of public approval, not the kind which is illustrated by the following incident—I feel sure you will all understand. A young judge was sitting in a case in a rural community where lawyers of note were trying a case of moment and one involving questions that would affect a policy of the State. One of these lawyers offered an objection and the judge promptly ruled with him. This lawyer was so elated that he offered another objection and was promptly ruled against, and upon his showing an inclination to argue with the court, the judge said, "Why, I have just ruled with you once. I must rule with the other fellow this time."

Justice from the bench is not such an evening-up process with the Judge Call kind of nisi prius judge.

When properly applied, it purposes an unbroken and even career, guided by a dignity of ethical and moral feeling, founded upon logical thinking, tempered with the human element, embellished with scholarly attainment, nourished with an unwavering determination to follow the law as it is revealed and finally pronounced by a he-man. Such was the rugged justice that was administered throughout the long and remarkable career of Rhydon M. Call. Such could properly be a summary of the Rhydon Call type of justice.

People individually, be they lawyer or client, meant nothing in his judicial career, subject matter alone determined his judgment. His life was one of constant, never-ceasing contact with the human being and his cause of action; and out of his abundant experience with the strength and weaknesses of causes, the motives and the desires thereof, the hopes and passions therein, with an unerring eye always upon the straight course of the law, he would emerge from his deliberations with a decision that always brought with it the respect of lawyer and client, and most frequently such a conviction of its righteousness and legality that the litigation would end with his decision. Such was the judicial force of Rhydon M. Call.

We who practiced constantly before him know that it can not be exaggeration when we say that he contributed more to the bringing about of respect for the judiciary in this State than did any other man who ever lived.

I mean that respect and confidence under our form of government that lawyers at least realize is fundamental to the perpetuation of our whole judicial scheme.

So thoroughly have I believe this that I have frequently stated that if we had a Rhydon M. Call on every State and Federal bench throughout this Nation that socialism would die aborning or perish in a desert of disappointment and bolshevism would growl itself into perpetual oblivion, gnawing a bone of decreasing dissatisfaction upon the trash heap of discarded governmental notions.

He eschewed always the half-baked and far-fetched theories and kept his eye always steadfast upon the rock-ribbed principles of the Constitution as interpreted by the fathers.

No fine-spinning theorists in constitutional law, no smartish mental quick-change arguing artists, no specious reasoner in legal trash could ever shake him on his firm foundation nor reap any greater harvest than a dignified and respectful hearing.

People generally felt that he was their Rock of Gibraltar and sole security and harbor of safety in time of trouble. May I ask how deeply also must they feel his loss?

No greater responsibility ever rested upon a President so far as its effect on the people of one State is concerned than filling the position left vacant by the death of Rhydon M. Call. Our President may not know it and appreciate it, but we who have lived our lives in this State, particularly in the law, know it and know it only too well.

I shall touch but gently the personal life of the man for that was personal to him and to him alone does it belong. I can not refrain from noting, however, one characteristic that was never discovered except by a few of his closest and most intimate personal associates.

You who knew him only as an apparently immobile, silent, patient, stern, restrained, almost granitelike, dignified judge will doubtless be surprised to know that in an appropriate atmosphere and at a time when only a few persons he was fond of were around him, and particularly during the moments of enjoyment of the great outdoors, both waterways and woods, he would unbend the exhibit of a boyish ruggedness that made him a most attractive and fun-making companion.

At such times he would scuffle and wrestle with the nearest at hand, roll upon the floor or ground with them, laughing in his quiet way, and run away from them and back again just as a boy of 15 might do.

These outbursts were seldom, yet they were only measured by the appropriateness of the occasion and by the people who were with him.

He was at all times a most entertaining talker when he would talk, and particularly did his extensive literary reading afford him a vast store of information to draw upon as topics of conversation.

About his principal philosophy in life, which he ever followed and practiced, is best found in the well-known stanza from James Whitcomb Riley—

It hain't no use to grumble and complain,
It's jest as cheap and easy to rejoice.
When God sorts out the weather and sends rain
Why, rain's my choice.

But he, this nisi prius genius, is now gathered to his fathers and lives only to the bench and the bar in its grateful remembrance and his own bright example.

While living a life of study meekness and despite his constant modesty and self-nullification he built a lasting monument to himself in the minds of those who survive him; but may I suggest that we perpetuate for posterity in enduring bronze to be erected, perhaps in this court room or in some park of the city, some appropriate memento of his most remarkable judicial career.

Nations, States, and even communities do these things to commemorate the lives of their most distinguished and exceptional citizens. Can we, as lawyers, think of a life more worthy of such commemoration? I commend this to your earnest consideration, to the end that a committee be appointed with plenary powers to fittingly round out the expression of the bar in great respect for and appreciation of the judicial labor and life of Rhydon M. Call, the judge.

And now, may I heartily and without reservation say in closing that whoever may be chosen as his successor I can conceive of no greater boon that could come to him and to the people of Florida than that, if it be possible for the souls of those who depart to return and exercise a beneficient influence, that I pray that the gates to the place of abode of souls of righteous judges shall always remain open so that the judicial spirit of Rhydon M. Call may at all times be able to wing its flight back and ever hover around his successor, giving to him at all times the same pure, sane, wise, unbiased, and unprejudiced judicial judgment that in his lifetime Judge Rhydon M. Call invariably pronounced from this bench.

BOILERS FROM MUNICIPAL HOSPITAL, MUSKOGEE, OKLA.

Mr. THOMAS. Mr. President, there is on the Vice President's desk H. R. 4964, to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla. A similar bill is on the Senate calendar, reported by the Committee on Finance. The bill is an emergency measure. The Senate bill has an amendment which I desire to have attached to the House bill. I therefore ask unanimous consent for the immediate consideration of House bill 4964.

Mr. CURTIS. I understand that the amendment desired is one that was suggested by the Committee on Finance.

Mr. THOMAS. That is correct.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 4964) to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla., was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the city of Muskogee, Okla., through its authorized representatives, be, and it is hereby, authorized to remove from the Municipal Hospital Building, recently sold by said city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla., and retain title to the boilers in said Municipal Hospital Building, having been reserved when the sale of said hospital building was consummated, but which reservation was erroneously omitted from the deed conveying said Municipal Hospital Building from said city to the United States Veterans' Hospital No. 90.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. THOMAS. Mr. President, I suggest that the amendment which I send to the clerk's desk be attached at the end of the bill.

The PRESIDING OFFICER. The Senator from Oklahoma offers an amendment, which will be stated.

The CHIEF CLERK. It is proposed to insert, at the proper place in the bill, the following:

That such removal shall be at the expense of the city, and shall not be undertaken until other arrangements for heating this hospital have been made by the United States Veterans' Bureau.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1768 will be indefinitely postponed.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 16, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 15, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed, blessed Father in Heaven, Thou dost put Thy shoulder under our burdens and givest help and support to every seeking heart. In our meditations, in our prayers, and in our labors may we turn to Thee with true discernment and with a living faith. We give Thee thanks and praise for Thy guiding hand along the pathway of life's pilgrimage. Impress us with the truth—ever old and ever new—of Thy goodness, the restful joys of repentence, and the wonderful rewards of obedience to Thy law, and the sweet satisfaction that blesses the life whose companionship is with Thee. Be our pillar of cloud by day and our pillar of fire by night, that we may wage successful warfare against the invasions of lust, self-indulgence and lawlessness, and every fearful wrong which disfigures humanity and robs God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 374. An act for the relief of Lulu Chaplin;

S. 511. An act to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property;

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii;

S. 1628. An act relating to the office of Public Buildings and Public Parks of the National Capital;

S. 1763. An act for the relief of the Sunny Brook Distillery Co.; and

S. 2900. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the independent offices appropriation bill be taken from the Speaker's table, the Senate amendments disagreed to, the further conference asked for by the Senate agreed to, and the conferees appointed.

The SPEAKER. The gentleman from Indiana moves that the bill H. R. 9481, the independent offices appropriation bill, with Senate amendments, be taken from the Speaker's table, the Senate amendments disagreed to, and the further conference asked for by the Senate agreed to, and conferees appointed. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9481) making appropriations for the Executive Office and sundry executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

Mr. LAGUARDIA. What is the gentleman's request?

The SPEAKER. The gentleman from Indiana moves to take from the Speaker's table the bill H. R. 9481, with Senate amendments, disagree to the Senate amendments, and agree to the further conference asked for by the Senate.

Mr. LAGUARDIA. Will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. LAGUARDIA. Have the House conferees agreed to the amendment of the Senate as to the Shipping Board's seaman's bureau?

Mr. WOOD. The conference report was agreed upon. The Senate adopted the conference report. It came back here before we had time to agree to the report. The Senate have asked for a further conference.

Mr. LAGUARDIA. Does the gentleman insist on a disagreement?

Mr. MADDEN. I do not think you can ask him that. It is a parliamentary amendment as to procedure.

Mr. LAGUARDIA. Is that the only thing in disagreement?

Mr. MADDEN. There are several other amendments.

Mr. LAGUARDIA. Shall we have an opportunity to vote on them?

Mr. MADDEN. I do not know.

Mr. LAGUARDIA. We hope so.

Mr. MADDEN. We can not promise that.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. WOOD, Mr. WASON, and Mr. CULLEN.

MINORITY VIEWS ON THE BILL H. R. 5773

Mr. LEATHERWOOD. Mr. Speaker, I ask unanimous consent that I may be allowed 10 days in which to prepare and file my minority views upon the bill H. R. 5773, better known as the Boulder Dam bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

Mr. SNELL. Reserving the right to object, Mr. Speaker, has the majority report been filed?

Mr. LEATHERWOOD. It will be filed to-day. I am making this request to-day; otherwise I would lose my right.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGLAS of Arizona. Mr. Speaker, I ask unanimous consent that I also may have 10 legislative days within which I may file my minority views on the bill H. R. 5773.

The SPEAKER. The gentleman from Arizona asks unanimous consent to be allowed 10 legislative days within which to file his minority views on the bill referred to.

Mr. DOUGLAS of Arizona. That is also on the Boulder Dam.

The SPEAKER. Is there objection?

There was no objection.

DEPARTMENT OF AGRICULTURE

Mr. LOWREY. Mr. Speaker, I ask unanimous consent for five minutes to present a resolution of the legislature of my State.

Mr. CHINDBLOM. On what subject?

Mr. LOWREY. Presenting a resolution passed by the legislature of our State.

Mr. CHINDBLOM. We often receive resolutions from our States. That is very common, and yet we do not print them in the RECORD.

Mr. LOWREY. It is in regard to cotton.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker and gentlemen of the House, I read Senate Concurrent Resolution 13, passed by the Legislature of the State of Mississippi, memorializing the Congress of the United States to investigate the Department of Agriculture and to prevent the Department of Agriculture from making unwarranted statements that will affect the price of cotton:

Whereas the Department of Agriculture of our Federal Government had gained the confidence of the farmers and the business men of the South; and

Whereas that confidence was justified so long as that department of the Federal Government restricted its activities to its duties delegated to it by Congress; and

Whereas during the fall of 1927 the Secretary of Agriculture of the United States exceeded his authority by predicting the trend of low prices in the near future for cotton and cotton products and by issuing a statement which appears to have been erroneous concerning cotton consumption that was ill advised and apparently from private or interested sources—all of which were nothing more than guesses; and

Whereas as a result of said statements or guesses of the Secretary of Agriculture as to the trend of prices and consumption of cotton the farmers throughout the South lost millions of dollars; and

Whereas the making of such statements or guesses is improper and is a vital question to the entire South: Therefore be it

Resolved by the Senate of the State of Mississippi (the House of Representatives concurring herein), That it is the sense and the opinion of the Legislature of Mississippi, as the representatives of the people of this State, that the entire people of the State of Mississippi disapprove of said unwarranted activities of the Secretary of the Department of Agriculture in making statements or guesses as aforesaid, and that we respectfully memorialize Congress to condemn such activities and to make an investigation of said department or to take such steps as may appear necessary to prevent a recurrence of such activities on the part of the Department of Agriculture of the United States; be it further

Resolved, That copies of this resolution be sent immediately to the President of the United States, and to the Secretary of Agriculture, and to each of our Senators and Representatives in Congress.

I hereby certify that the above and foregoing resolution is a true and correct copy of Senate Concurrent Resolution 13, passed by the senate on the 23d day of February, 1928, and by the house of representatives on the 9th day of March, 1928.

H. E. KING, *Secretary of Senate.*

Of course, we all understand that the matter referred to in this resolution has been taken care of by an amendment placed in the recent agricultural bill, but I wanted to present this statement showing the feeling of the legislature and the people of Mississippi, and simply to say that the Department of Agriculture has done great things for the farmer, but if it is going to make many breaks like the one referred to in this resolution then it is a luxury that we can ill afford. I believe the sentiments expressed in this resolution are the sentiments of the people of the cotton States generally. [Applause.]

A SCHOOL TO TRAIN SOLDIERS TO BE OFFICERS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD with reference to H. R. 12042, a bill to provide further for the national defense.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, I have sought this opportunity to explain the provisions of H. R. 12042, and in order that the readers of the RECORD may have the bill itself before reading my remarks, I am herewith inserting the bill itself:

H. R. 12042, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,
March 13, 1928.

Mr. McSWAIN introduced the following bill; which was referred to the Committee on Military Affairs and ordered to be printed:

A bill to establish a school for soldiers and to provide further for the national defense

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to establish at Fort D. A. Russell, in the State of Wyoming, a school for the education and training of enlisted men to qualify them for commissions as officers in the United States Army, to be known as the United States Army school for soldiers.

SEC. 2. That no person shall be eligible to be admitted to said school unless he shall have served as an enlisted man at least two years and shall be not less than 20 years old or no more than 25 years old and unmarried; and the course of study shall continue through four years and shall cover such scientific, literary, historical, and philosophical courses as shall be calculated to develop the mind, inspire the heart, and strengthen the character of the student, and to qualify him for leadership in the Army.

SEC. 3. That for the first year, beginning July 1, 1930, the Secretary of War shall direct publication in advance by newspaper, service journals, bulletins, and by oral announcement in all the organizations of the United States Army of the opening of said school and shall require company commanders to report to the various regimental commanders the names of all enlisted men that may apply for admission to such school with their recommendations and ratings as to each soldier; and thereupon the regimental commanders shall conduct examinations according to uniform questions prepared by the War Department for the purpose of ascertaining the educational qualifications of such enlisted men as shall make application for entrance to said school, and the result of said examination, along with a copy of the service record and other information relating to the personal history, ratings, typical make-up, and character of the soldier as may bear relation to his fitness to become an officer in the United States Army, shall be sent to the Secretary of War; and from the total number, the Secretary of War shall select 400 soldiers to be students in said college, if so many be qualified, and order their detail from their organizations as students, and if the periods of their enlistment will expire prior to the end of the four-year course at said school, then, before being admitted to said school, all such soldiers shall first enlist for such additional period as shall end with the expiration of said four-year course.

SEC. 4. If any of such student soldiers shall fail to profit by the course of instruction, or shall so conduct themselves as to be unworthy of the opportunity being afforded them, they shall immediately be detached from said school and returned to their organizations to serve out the unexpired term of enlistment.

SEC. 5. At the beginning of each subsequent scholastic year, to wit, July 1 of each year, the Secretary of War in like manner shall select the names of 200 other soldiers and shall order their detail as students in said school, and thereafter at the beginning of each scholastic year 200 such soldiers shall be detached from their organizations and detailed as students in said school; and so on from year to year, so that the number of students in said school after the same shall have been in operation for a period of five years will be approximately 800.

SEC. 6. All such soldiers as shall graduate at such school shall have the same and equal opportunity to be commissioned as officers in the United States Army as the graduates of the United States Military Academy at West Point, and if there be, from the sources now available and from those that will hereby become available, a larger number of persons applying for commissions than there be vacancies in the United States Army, then the Secretary of War shall select from all of said sources, without respect to the institutions where they may have graduated, those persons that shall show by their service records, personal history, and school ratings, not only in scholarship but in deportment, in character, age, and experience, and in the other elements of leadership, the highest qualifications for exercising the responsibilities of officers in the United States Army.

SEC. 7. The Secretary of War shall detail a general officer of the line to be superintendent of said school for soldiers, and in addition shall detail such other officers and noncommissioned officers and privates of the Regular Army as may be necessary to administer the affairs of said school, and also to assist in the teaching at said school; and the Secretary of War is authorized and empowered to employ not exceeding six civilian professors, who shall be heads of their respective departments and supervise the teaching in the following departments: (1) English literature and general history; (2) chemistry and physics; (3) foreign languages; (4) mathematics and civil engineering; (5) biology, hygiene, and sanitation; (6) constitutional, military, and international law.

Under the direction of the superintendent, officers detailed for that purpose shall give instruction and training in drill, discipline, tactics, and strategy, and in such other related subjects as will tend to qualify the student soldiers to become second lieutenants in the United States Army.

SEC. 8. All soldiers shall, six months after enlistment, be given a full opportunity to file with their respective commanding officers a written notice of their desire to become student soldiers in said school for soldiers, and thereafter all soldiers having given such notice shall be allowed full and free opportunity and afforded all reasonable assistance in order to prepare and qualify themselves for entrance into said school for soldiers.

SEC. 9. The Secretary of War shall annually appoint a board of visitors consisting of nine educators to inspect said school during the month of August, and said board of visitors shall be required to make both oral and written suggestions to the faculty and to the Secretary of War concerning such matter taught and the methods employed in said school for soldiers, and so much of the report of said board of visitors shall be printed as a part of the report of the Secretary of War to Congress; and the members of said board of visitors shall be allowed only their actual traveling and hotel expenses incurred while serving as such.

SEC. 10. All students in said school for soldiers shall be officially known by the War Department as student soldiers, and shall be neatly uniformed and equipped, and furnished with all necessary books, stationery, equipment, apparatus, and material for the proper carrying on of their studies in said school for soldiers, and in addition shall receive in cash the pay that they were receiving when detailed to said school for soldiers. All such student soldiers shall pursue the same four-year course, unless sooner released and returned to their organizations, and shall be given by the military authorities and by the heads of departments ample opportunity to develop personal initiative, self-reliance, and leadership, and the habit of original investigation and thought.

SEC. 11. The superintendent of said school for soldiers shall annually submit through the President to the Bureau of the Budget an estimate of the expenses of said school for the next succeeding year, and the same, with such changes as the Secretary of War may deem necessary, shall, after revision by said Bureau of the Budget, be submitted as a part of the estimate of the War Department expenses.

SEC. 12. The sum of $500,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the purpose of constructing a school building for the teaching of the scientific subjects required to be taught, including laboratories and experimental rooms and apparatus in connection therewith; and the further sum of $100,000 is hereby authorized to be appropriated for the purpose of making such necessary changes in the existing buildings as the same may require, and all other appropriations hereafter found necessary for the improvement, encouragement, expansion, and development of said school for soldiers are hereby authorized to be made.

Mr. Speaker, the purpose of this bill is to increase the efficiency of our national defense forces. It is admitted on every side that there should be an increase in such efficiency. From all groups and sections and parts of the Army come reports that the Army is in a low state of morale. The officers report this, and while the enlisted personnel have not made any report from that quarter, actions speak louder than words.

The attached news item recently appearing in the daily newspapers of Washington and evidently originating from some authority in the War Department, indicates the state of mind of the enlisted men:

DESERTIONS FROM ARMY REPORTED ON INCREASE—8.25 PER CENT RATE EXPECTED IF THE PRESENT TREND IS CONTINUED—MORALE DECLARED HIGH

Quite unexpectedly, and much to chagrin of the military authorities, desertions from the Army have been increasing since the first of this year. The indications are, if they continue in those proportions during the remainder of this fiscal year, the desertion rate for the period January 1 to June 30 will be about 8.25, as compared with the highest rate of 7.39 in recent years.

Apparently, improvement in the Army ration has not been effective in keeping down desertions from the Army. Beginning with this fiscal year, the 50-cent ration went into full effect; and notwithstanding the surprising increase in desertions, it has had a beneficial effect upon the men of the Army. The Secretary of War, the Chief of Staff, and other officers appearing before the House Appropriations Committee in December, wishing to emphasize the good effect of the improved ration, were unanimous in stating that the morale of the Army was very high and that desertions were running very low.

Therefore the increase in the desertion rate since January 1 comes as a distinct surprise, especially in view of the fact that unfavorable labor conditions and less general employment usually reduce desertions and stimulate recruiting.

There is some reason for this state of affairs in the Army. The records for the past five years will show that the average desertions have been about 10 per cent, and as the average enlistments have amounted to about 20 per cent, it means on the average that one-half of all the men that enlist in the Army desert. This not only deserves an explanation, but it deserves a serious effort at correction.

On the other hand, the officers do not desert. On the contrary, there is a very general desire on the part of many officers that served during the World War and also on the part of recent graduates from military schools, to obtain commissions in the Regular Army. In fact, commissions in the Regular Army are much sought after. There are three reasons at least, if not more, for this:

First, economic; second, social; third, proper and praiseworthy ambition.

I believe that by properly using these motives, the enlisted and officer personnel of the Army may be greatly uplifted and improved.

It is a fact that a commission in the Regular Army has very high economic value. Let us consider the facts. There is a

steady and certain income from the day an officer is commissioned second lieutenant until the day of his death, provided he is not dishonorably discharged after a court-martial—a thing that very seldom happens. He is certain to receive an increase in pay and a rise in rank with the passage of years. He has a fair prospect of finally being commissioned a general officer, and certainly will retire at the age of 64 on three-fourths of his pay, which will be ample to provide for every reasonable need. While he is in the service, light, heat, and quarters are provided, or commuted for in cash. Medical services and medicine are provided. Surgeons, hospitals, and nurses are provided in the event of sickness or accident. A funeral in a national cemetery with military honors is provided, with six months' pay to the surviving family. Where else in the business world is such advantage to be found?

If to this should be added the cost and expenses of a four-year course at West Point Military Academy, and of the various service schools after being commissioned, it might be easily ascertained that the economic value of a commission as second lieutenant to a young man 24 years of age is a magnificent estate; it is a fortune of large cash proportions. In fact, in many respects it is better than cash itself. There is great responsibility and much hazard in the handling of an estate. There is much care and annoyance over the selection of safe and profitable investments. Even the wisest heads are deceived and the fortune flies upon the wind. But the Treasury of the United States is an unfailing paymaster. Whether the economic conditions in the country are good or bad, the pay check comes every month. Farmers may be in distress, merchants may be in bankruptcy, banks may be failing, stocks and bonds may go begging for buyers and fall to the bottom of values, but the pay check to the Army officer issues with the regularity of the calendar from the Treasury of the United States.

Up until within a few years ago commissions in the British Army were sold for cash and the money put into the treasury of the Government. Newspaper reports a few months ago were to the effect that baronetcies, knighthoods, and titles of nobility generally were granted by the British crown in recognition of aid to the Government during the World War, and by some coincidence the recipients were always very rich men, and it was ascertained later that a fund of millions of dollars was created by these honored citizens and this fund is retained and employed as operating capital for one of the great British political parties.

Now, commissioned rank in any army is a place of quasi-nobility. In France, where the republican ideas of Rousseau, Voltaire, and Diderot still dominate the political thinking of the people, young men descended from the old Bourbon aristocracy that was crushed by the French Revolution in 1789, seek eagerly commissions in the French Army and receive very low salaries while junior officers. But they are induced to do so on account of the social advantages of commissioned rank in the army. It is the modern substitute in France for the feudal aristocracy. Such state of mind is similar throughout the world.

The profession of arms is ancient and honorable. Its picturesque aspects, its appeal to the heroic, its patriotic setting, and its public character all tend to lift the commissioned personnel of the Army and the Navy above the rank and file of the masses of humanity from which they spring.

In addition, a commission in the Army is a promise of opportunity to gratify a commendable ambition. Every second lieutenant should and does doubtless contemplate the possibility, he hopes the probability, of an opportunity to write his name high on the roll of fame by some daring and noble deed or course of service for his country.

Thus all three motives of financial and monetary advantage, of social elevation and enjoyment, and of worthy desire for fame and glory, combine to create a widespread desire to become an officer in the United States Army. I am not speaking from imagination, but from facts. In the last seven years hundreds of young men, about half of whom had seen World War service and the other half having received military education, have applied to me for information as to how they might receive a commission in the Army. This fact turned me to the study of the reasons and motives back of it all, and I feel quite confident that my conclusions are justified. Other reasons and facts could be mentioned and may be mentioned in the future by me in support of my conclusions.

Hence, I have meditated long upon some plan of how to utilize this great desire to be commissioned as officers in the United States Army for the good of the Army as a whole, and therefore for the good of the country. At the very threshold I was struck by the high percentage of desertions by enlisted men from the Army. I found enlisted men eager to the point of desertion to get out of the Army, and I found hundreds eager to employ any and every means possible to get into the Army as commissioned officers.

Naturally I asked why this strange contrast of feeling. I therefore conceived a plan of employing this very strong desire to become officers in the Army to stabilize the enlisted personnel of the Army, to elevate its educational qualifications, and perhaps other qualifications, and in consequence to reduce materially and perhaps practically wipe out desertions by enlisted men. Then it was a natural course of reasoning for me to ask: Why not require those desiring to be commissioned in the Army to pass through the ranks, and while in the ranks to undergo a sifting and searching process of elimination? Obviously it is impracticable under existing conditions to reorganize the entire framework of the Army and to require that all who may receive commissions should have served previously as enlisted men. But I do conceive that it is practicable and reasonable to require that a portion of those who come up annually for consideration for commissions in the Army shall have passed through the grade of enlisted men.

I am printing the following letter from The Adjutant General as to the sources from which were obtained the 357 persons who were commissioned as second lieutenants in the Regular Army for the fiscal year ending June 30, 1927. Of these it appears that only 40 ever served as enlisted men in the Regular Army, unless perhaps a few of the 203 graduates of the United States Military Academy had been appointed from the Regular Army. Thus it appears that only a little more than 10 per cent of the young men commissioned as second lieutenants last year had served as enlisted men in the Regular Army and therefore understand the point of view of the enlisted men:

FEBRUARY 24, 1928.

Hon. J. J. McSWAIN,
House of Representatives.

MY DEAR MR. McSWAIN: I have your letter of February 20 and have obtained from the records the data which you desire.

During the fiscal year ending June 30, 1927, 357 persons were commissioned as second lieutenants in the Regular Army. Of this number, 203 were graduates of the United States Military Academy; 39 were honor graduates of selected educational institutions maintaining senior units of the Reserve Officers' Training Corps; 24 were graduates of educational institutions maintaining senior units of the Reserve Officers' Training Corps; 29 were enlisted men of the Regular Army with at least two years' service as such; 11 were enlisted men of the Regular Army with less than two years' service as such; 6 were members of the National Guard; and the remaining 45 were civilians of other status.

As compiled from the records of promotions during the past 5 years, the average length of time served by a second lieutenant before reaching the grade of first lieutenant is 4 years and 9 months, and before reaching the grade of captain 10 years.

I am pleased to be of service to you in this matter.

Very respectfully,

LUTZ WAHL,
Major General, The Adjutant General.

What business institution, such as a railroad, bank, factory, or mercantile establishment, would be able to induce educated, ambitious, and honorable young men to enter at the bottom of the ladder and to work upward from the bottom when there faced every such young man that commenced at the bottom the fact that he had a chance of only 1 out of every 10 ever to get to the top? Undoubtedly such fact would be too discouraging. We know that the bank presidents as a class started at the bottom; we know that the railroad presidents started at the bottom; we know that the merchant princes began as sweepers or cash boys; we know that the great captains of industry realized in their hearts while still day laborers in early manhood that by thrift, energy, fidelity, and ability they might climb to the top. Human nature must work in the Army as in every other branch of human existence. Therefore let us open a reasonable and fair and just avenue and means of approach, so that the enlisted man may hope within a reasonable time, if his ability and character justify it, to receive a commission, and then to advance by the steady and certain, though slow, method of seniority.

Consequently I have introduced H. R. 12042, to create a school for enlisted men, and to say to the graduates of high schools throughout the country who desire the Army as a career, and who are unable for many reasons to obtain an appointment to West Point, that if they will come into the Regular Army as enlisted men and serve at least two years, they have a chance to win the respect and confidence of their company and regimental commanders and would be recommended for admission to a nation-wide contest among the enlisted men of the Army and be designated as a "student soldier" in said school for soldiers.

Taking all qualifications as set out in said bill into consideration, if the young man is designated as a student in said school and if he finishes the course of four years he will have an equal chance at a commission in the Army with the graduates of West Point. My plan would contemplate the entry by enlistment into the Army by young men at about the age of 18, of course with the consent of their parents. After six months they would indicate in writing their desire to be candidates for detail as student soldiers. They would be given reasonable opportunity for study and self-improvement and preparation for the examination. If successful, the soldier would be about 20 years of age, perhaps 21 or 22, when detailed to attend the school. Thus the soldier would be about 24, 25, or 26 years old upon graduation. Thus the graduates of the school for soldiers would be slightly older than the graduates of the United States Military Academy. They would have had an equally good college education. They would have had the additional experience as enlisted men. In my judgment, they certainly would make equally as good officers as the graduates of the Military Academy for the same year. If the number of graduates at said school and from the Military Academy and from other sources aggregated more than the total number of vacancies, then the Secretary of War would pick those that seemed to him best qualified from every point of view to become officers and would discharge the others into civilian life. They could not complain of being rejected in the final test. They will have received an education that cost the United States Government many thousands of dollars. They would thus be ahead to that extent of other young men of their own age and station in life. The net result would be that the Army would receive the very choicest of all the young men thus qualified. Thus this competitive race for commissions on the basis of qualifications and character and merit would undoubtedly elevate the average qualifications in these respects of the officer personnel. Since it would surely enlist better-qualified recruits, it would improve the Army from bottom to top.

The bill that I have introduced to establish a great national "school for soldiers," occupying the splendid buildings at Fort D. A. Russell, Wyo., which will probably be vacated for all practical military post purposes within two or three years, is a measure of the highest importance in the interest of national defense. It is solely to promote national defense.

National defense requires the maintenance of a standing Army of about the present size, certainly no greater. The degree of defense obtained depends upon the efficiency of that Army. The efficiency of that Army rests upon the efficiency of its entire personnel, from the lowliest private to the highest ranking general. In fact, the theory of our small standing Army is not that it is large enough to do any independent fighting in the event of war but that it is a training force to assist in organizing and training the great civilian reserves to fight.

Therefore the standing Army ought to be an organization of the highest qualifications; that is, all of the members of that Army, from privates to generals, ought to be men of intelligence and character and leadership. Not only ought the officers to be educated but the privates also ought to be educated, certainly to the extent of a high-school education, which is now within the reach of every ambitious boy in America to-day.

This is said in no spirit of bitter criticism, but as the mere recording of an unfortunate fact, that the desertions from the Regular Army for the last several years constitute a national disgrace. Soldiery is an ancient and honorable profession. When practically 10 per cent of the enlisted strength of an army desert annually in years of peace it is a fact to cause thinking people to stop and inquire what is the cause.

The bill that I have introduced to erect a great "school for soldiers" will be the largest factor in correcting this disease of desertion and will lift the personnel of the Army from the top to the bottom. I have talked with scores of enlisted men that have deserted and have tried to find out just what was the real trouble. There must be some basic general cause. It is not merely an individual problem, because the percentage of desertions is too high. I find that the cause is not inadequate housing facilities. The cause is not inadequate pay. The cause is not the work that the soldier is expected to do and required to do. The general, efficient cause is that the soldier is led to believe that the Army is a great opportunity for self-improvement through travel and study and to learn a trade in shops and by working with machines and firearms. The average American boy of 19 or 20 years of age has a serious conception of his obligation as a man to be self-sustaining and a breadwinner and a home maker for a family. Finding his opportunities and prospects apparently greatly limited at home, and being lured on by attractive pictures and circulars, and by the honeyed words of the recruiting officer, he joins the Army, often without the knowledge or consent of his family and often by misrepresenting his age, and soon finds that the picture was extravagantly overdrawn.

The recruit in the Army soon finds that his prospects for learning through travel are limited. When he travels he may merely peep through a car window or over the side of a boat. "Seeing the world through a porthole" becomes a very monotonous fact.

He finds himself hardly a cog in a wheel; hardly a speck in a mass; hardly a unit in a huge organization. He finds his individuality repressed and suppressed and consequently his mentality becomes depressed. He finds that there is no chance, or practically no chance, for him to ever be anything else but a private soldier. He finds that in the Regular Army a private soldier is about the lowest stratum of American citizenship. He finds that the rights of civilians are respected and their feelings are considered; but he finds that oftentimes his own rights and feelings are subject to the caprice and whim of some young officer but little older, if any, than himself, no better than himself morally, and yet merely more fortunate than himself. Therefore this private soldier becomes desperate. In consequence he deserts. Thereby he is disgraced for life; thereby the Army is disgraced; thereby the Nation is disgraced.

The ideal of American democracy in politics, in business, and in the professions is that the bottom rail shall have a fair chance to get on top. Every American boy knows this to be the fundamental principle of American society generally. From infancy he has heard how the trained brakeman became the railroad president; how the bank collector became the bank president; how the sweeper in the cotton mill became its president; how the poor farm boy worked his way through school and college and became President of the United States, or United States Senator, or Member of Congress, or governor; how the boy worked his way through college and became a college professor and finally president of the college. But he sees no such chance for his advancement in the Army. He finds what appears to be an impassable gulf, a deep chasm existing between enlisted men and commissioned officers. There may trickle to his ears a rumor that a few rare individuals have bridged that chasm and crossed that gulf, but he finds no encouragement, no word of hope from anyone in authority that he himself may ever cross that chasm.

My idea for suggesting this "school for soldiers" is to incorporate into the Army this essential principle of American life; to give every man a fair chance to rise to power; to make the Army reflect the undoubted truth that merit will win. The purpose of the school is to encourage ambitious and enterprising young men about 18, 19, or 20 years of age, having obtained a good high-school education, to enlist in the Army with the reasonable hope and fair prospect of making it a life business. Every man takes a pride in his life work; he will not desert it and will try to elevate his chosen life work.

We can not expect to have an Army with enlisted men of sufficient intelligence to become instructors and trainers for the civilian population under the present conditions of short enlistments with no adequate motive for reenlistment, and thus without any general sentiment among the enlisted men that the Army shall be a life business. But by this proposed school we declare to the best young men of the Nation that if they will come into the Army and conduct themselves well for two years and during their leisure moments continue to improve their minds by study, then they shall have a chance, through competitive examination, to go to this "school for soldiers," and if they have the ability and the character then they have an equal chance with the graduates of West Point to receive commissions in the United States Army. I know that the ratio of applications to appointments to West Point in my district are about 10 to 1. That means that for every young man who has a worthy desire and ambition to go to West Point gratified through a vacancy there are nine other young men disappointed. The other nine might, if given the opportunity, make just as good officers and some of them might make better officers than the fortunate tenth man chosen. My belief is that if there were this alternative door open to a career in the Army many of these disappointed young men would enlist in the Army and though they would be commissioned about two years later than their more fortunate friend who secured the appointment to West Point Military Academy, yet they would be assured of a chance.

The enlistment of thousands of this class of young men in the United States Army every year would enormously elevate the quality of the enlisted personnel of the Army. It certainly will be admitted that from among these thousands 200 very choice and promising young men will be found every year. The

200 thus selected will in my humble judgment prove to be better officer material than any equal 200 young men selected for West Point. Why do I dare advance this proposition? Because the young men selected for West Point are selected either by personal partiality, due to friendship between the Congressman and the family of the young man, or they are selected, as I do, by competitive examination. While the latter method is the better of the two, it must be admitted that even if it does select the young man best qualified mentally, it in no way involves considerations of character, initiative, self-reliance, and leadership, all so essential to successful officers.

But the method of selection proposed by me is far superior to that now prevailing in the selection of candidates for West Point. My proposition is to have thousands of young men under the constant daily observation of the company officers for a period of two years. These company officers at the end of two years will certify which of those in their opinion are best qualified from every point of view to finally become officers. These, then, will all go up into a nation-wide competitive examination. The competition will not merely involve book knowledge, but will involve a rating based upon physique, character, elements of leadership, and education. I would venture to compare the 200 young men thus selected by Army officers themselves with 200 men selected by Congressmen or by the Civil Service Commission under mental examination. My belief is that the 200 young men selected by Army officers from this high-class enlisted material will be obviously and conspicuously equal to the quality of those entering West Point, from the standpoint of military efficiency and officer material, and this consideration is the prime consideration from the point of view of national defense.

Now, what will be the effect of such "school for soldiers"? First of all, it will undoubtedly raise the standard and the quality of the young men applying for enlistment in the Army, on the average. It will give to these young men the prospect of promotion and inspire them with a desire to make the Army a life business. Thus it will almost totally wipe out the present disgraceful desertions. It will furnish a superior group of young men as candidates for commissions in the Army. Thus it will certainly elevate the qualities and efficiency of the officer personnel itself into which these classes of superior young officers will be constantly fed. Thus it will powerfully increase the efficiency of the Army and thus enormously add to the effectiveness of our national defense. National defense is the paramount consideration. Existing customs, institutions, and laws should be subordinated to national defense. Our Army, though good, is surely not perfect. I wish to improve our Army, to make it more efficient, to render it more capable of discharging its prime purpose of teaching and training civilians to fight the Nation's wars of defense.

So, the purpose of the school that I propose is to take men, grown men, knowing their own minds, who are already soldiers by choice, and give them a chance to be officers. On the contrary, the Military Academy takes boys, whose purposes are not yet fixed, who know nothing about the Army and its responsibilities, and undertakes to convert them into both soldiers and officers at the same time and by the same process.

I wish it distinctly understood that I have nothing in my mind and heart in reference to this matter other than the good of the Army, the good of the Nation, and adequate national defense. I have no son, and none of my nephews desires to be an Army officer. Many of my dearest friends are Army officers; some of them graduates of West Point Military Academy, and some of them are emergency officers.

I have purposely suggested that the school be established in the West, far removed from my own section, so as to eliminate any charge of selfish purpose. I believe this is a movement to which many of the best minds in the Army and out of it have been groping, and I believe that it will lead the way to the relief of the distressing conditions of desertions and low morale to which I have referred.

I will not press the bill for action at this session of Congress. I will undertake to lay it upon the minds and hearts of the Members and before the public, and then let it rest until next session. At that time, unless I am sooner convinced that I am on the wrong track, I will press it to hearing and to a vote in the committee. If it obtains a favorable report in the committee, I will press it for a vote in the House. At present I am firmly resolved to make it the major work of my legislative service. It seems that I could not render a better service to my country than to help in this way to rationalize and to stabilize our military service.

Since preparing the above remarks I have been furnished by The Adjutant General of the Army with a list of the names and addresses and previous service of the 40 persons mentioned in the letter of February 24, 1928, from The Adjutant General which is reproduced in full in these remarks. I find from a scrutiny of that list that the 40 men classified as enlisted men were technically and strictly enlisted, but as a matter of fact only 9 of them ever occupied the status of a private soldier, and the others were all flying cadets, who went directly from civil life into the special classification of "flying cadets," with the express purpose and intention, if they passed their training tests, to be commissioned, and if they failed to pass their tests to be discharged into civil life. These flying cadets really know nothing about the true and genuine status of an enlisted man. So the proportions are very different and far less favorable than indicated upon the surface. With only 9 out of 357 of the second lieutenants commissioned in the Army last year having ever had any genuine and substantial service as private soldiers, the case is more conspicuously strong that there is little, if any, hope that the ordinary private soldier may ever be commissioned. His chances, instead of being 1 out of 10, are in fact about 1 out of 40. If we apply the reasoning already made to that state of fact, we see what conclusion the ordinary business man would arrive at.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I desire to prefer a unanimous consent request. The rule under which we are considering the naval construction bill provides for six hours of general debate. There seems to be a desire on the part of the Members for a little more time. I ask unanimous consent that general debate may be extended two hours, one-half to be given to those in opposition and one-half to those in favor of the construction bill as presented.

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, I would like to know who is going to control the two hours?

Mr. SNELL. The gentleman from Oklahoma may have one hour and the gentleman from Pennsylvania one hour.

The SPEAKER. The gentleman from New York asks unanimous consent that the time for general debate on the naval construction bill be extended two hours, one hour to be controlled by those in favor of the bill and one hour by those opposed to the bill. Is there objection?

Mr. BRITTEN. Mr. Speaker, reserving the right to object, my thought is that these two additional hours ought to be divided the same as the original six hours were divided, one-half of the opposing time to be given on the other side.

Mr. SNELL. My request is exactly according to the rule.

Mr. BRITTEN. I understood the chairman of the Committee on Rules to suggest that one hour of the time be controlled by the gentleman from Pennsylvania on this side.

Mr. SNELL. No; by those in favor and by those opposing.

Mr. BRITTEN. Did I not understand the gentleman to say that the time in opposition to the bill would be controlled by the gentleman from Oklahoma? I think that was said.

Mr. GARRETT of Tennessee. Under the rule and the gentleman's agreement the gentleman from Oklahoma [Mr. McCLINTIC] was to yield one-half of the time allotted to him to the gentleman from Georgia. I say that was under the rule and under the gentleman's agreement, and I am sure that gentleman's agreement will apply to the new time.

Mr. SNELL. That was my intention in making the request.

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, I would like to say this: I yielded to the wishes of both sides. Notwithstanding the fact that that was not my understanding of the original agreement, I gave in, and up to the present time I do not know who on that side is going to occupy the time in opposition.

Mr. SNELL. I will assure the gentleman from Oklahoma if he will tell me who should control that time on this side that such gentleman will have the time allotted to him.

Mr. BUTLER. And I assure the gentleman that time will be allotted in that way, because I come from Pennsylvania and we stand by bargains when they are made. [Applause.]

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Texas [Mr. BUCHANAN] for 20 minutes. [Applause.]

THE PINK BOLLWORM OF COTTON

Mr. BUCHANAN. Mr. Speaker and gentlemen of the House: Since I have been a Member of Congress for 15 years I have never felt my responsibility as such, except during the period of the war, as I feel that responsibility now; and feeling that responsibility so deeply, and not seeing my way clear to discharge it in the interest of our common country, I have obtained this allotment of time in order to present to my colleagues of the House the facts which have caused that burden to rest so heavily upon me, that I might have their assistance and their

cooperation in the solution of the present problem and have them share that responsibility with me.

It is a peculiar situation and demands especial attention and, perhaps, the overriding of precedents heretofore set by the House.

The subject of my remarks is the *Pectinophora gossypiella*, a fearfully sounding name, but an insect more fearful in practice than the sound of its name. Just as concisely as possible I am going to give you a little history of the westward march of that insect, leaving enormous loss, woe, misery, and destruction in its wake.

Pectinophora gossypiella is the technical entomological name for what is commonly known as the pink bollworm of cotton. The first definite history of this insect, we find in India in 1842. From that time until 1907 or 1911 we hear but little of its progress or of its destruction except in India.

In 1911 it was discovered in Egypt, where general infestation has ensued. From Egypt it was transported in seed to South America, to the Hawaiian Islands, to Mexico, and it has recently been found, or rather newly infested areas have been found, in the State of Texas.

The countries where it has gained a firm foothold are as follows: East Africa, West Africa, Egypt, Nigeria, the Sudan, Zanzibar, India, Bengal, Syria, Burma, the Straits Settlements, China, the Philippines, Hawaii, Brazil, and Mexico. Throughout all the infestation in these various countries it has never been eradicated or even controlled in a single instance.

It was not until this most destructive of cotton pests invaded Texas and Louisiana in 1918 and 1919 that it found a "foeman worthy of its steel," when the energetic and scientific staff of the Department of Agriculture undertook its eradication, that it has ever been demonstrated that there is a successful way of completely eradicating the pest. It has been demonstrated beyond question that we have a remedy if we will apply it, and if it is not applied promptly and the insect is permitted to gain a firm foothold within the great Cotton Belt of our great country, then it is "good-bye" cotton culture in the United States, because the cotton farmers can not withstand the ravages of the two insects, the Mexican boll weevil and the pink bollworm.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. BUCHANAN. Yes.

Mr. LINTHICUM. Can the gentleman tell us the method of exterminating this bollworm?

Mr. BUCHANAN. Yes; but before I get to that, let me give the membership of the House a little idea of the damage it does. It will only take a moment.

First, let me show the membership of the House two bolls of cotton. The left-hand boll [indicating] is a normal boll normally opened. The right-hand boll is the same character of boll affected or attacked by the pink bollworm. It not only reduces the yield at least 33⅓ per cent but in addition thereto the cotton which escapes it and is gathered, is injured about 2 cents a pound and the contents of the seed for oil, and so forth, is damaged 20 per cent. So that this is one agricultural pest that not only reduces enormously the yield but destroys the quality of that which is produced.

Now, listen to this! Egypt is a cotton-producing country with climatic conditions similar in practically every respect to our own country. An investigator was sent to Egypt to investigate the extent of the damages of this pest, and he reported the damages by months. He reported that the damage to the bolls maturing in July was about 10 per cent; bolls maturing during August from 10 to 25 per cent; bolls maturing during September from 25 to 75 per cent; bolls maturing during October from 75 to 89 per cent.

Bear in mind that of the cotton crop of the United States at least 85 per cent of the bolls mature in August, September, and October, when from 25 to 89 per cent of the bolls are destroyed by this pest.

England has investigated every avenue to find a remedy by poisoning and there is no such remedy known. So far as our department is concerned they have been able to find no parasite that would destroy it or hold it in check.

In 1913 a complete survey was made of Brazil, hunting for it and exhausting every avenue of research to find it, but they could not find it. Again in 1916 they made a survey and found it throughout three States of Brazil. It has now infested six or seven States of Brazil, doing as much as 66⅔ per cent damage in one State and not less than 30 per cent damage to the cotton crop in the other States.

From Egypt again it went to Hawaii, and at the time it arrived there, which was in recent years, cotton production was a promising industry. When the pink bollworm appeared there it destroyed that industry and cotton is no longer cultivated there. So much for the damage.

Mr. MONTAGUE. Will the gentleman permit me to ask a question purely for information?

Mr. BUCHANAN. Yes.

Mr. MONTAGUE. I notice the gentleman employs the terms boll weevil and pink bollworm.

Mr. BUCHANAN. They are as different as day and night.

Mr. MONTAGUE. I understand, but it is the worm and not the weevil that the gentleman is speaking of?

Mr. BUCHANAN. This is the worm, and for the information of my colleagues I will state that the pink boll weevil attacks the square, the bud, out of which comes the cotton bloom. It lays an egg in that square and the square dries up and drops off. The pink bollworm attacks the bolls that have escaped the weevil, and it has been said:

That the pink boll weevil destroys the square,
The pink bollworm destroys the boll,
And they both together will pull up the stalk and cover up the hole.

Mr. LINTHICUM. Did I understand the gentleman to say that they have found no remedy or way of exterminating the pink bollworm?

Mr. BUCHANAN. No poison; but an effective remedy through the establishment of noncotton zones.

It broke out here in 1918 and 1919, and there were about seven infestations in the United States, several in Texas, and one in Louisiana, and our department undertook its eradication. The States of Texas and Louisiana whole-heartedly cooperated, enacting drastic statutes to compel the establishment of cotton-free zones or noncotton zones; in other words, finding out the places of infestation and surveying them, including a safety area around them, and then declared by law that the owners of the land within the zone should not plant cotton, and prescribing punishment for so doing; in other words, prescribing condemnation proceedings in the establishment of cotton-free zones prohibiting the planting of cotton.

Then the Department of Agriculture went into this area, cleaned up all the stalks and trash, and even sprayed the ground with kerosene oil and burnt it over. No cotton was allowed to be planted in these areas. They kept it in this condition for two years and completely eradicated the pink bollworm, and our Government is the only Government out of 14 nations that has ever succeeded in a successful fight for the eradication of the pink boll-worm. It has not appeared in these areas since.

Last December seven counties in western Texas were found infested with this pest. These seven counties are on the western edge of the main cotton belt of Texas. Here they are on this map. The pink bollworm since 1918 has infested the cotton along the Rio Grande border on both sides of the Rio Grande, but between these infestations and the main cotton belt of Texas there is a 25 or 30 mile strip of semiarid land in which no cotton has been planted. It was thought that this territory between the border and the main cotton belt would prevent its spread to the main cotton-producing areas of Texas and the South. This was a mistaken idea, as the new infestation is 150 miles eastward and in the western boundary of the main cotton-producing area of my State, from which there is continuous, consecutive cotton production up the Atlantic seaboard, including the entire cotton area of our country with the exception of California and Oregon.

That is the situation, and unless prompt and drastic and effective action is taken to stamp out this new infested area it will only be a few years—it may be one, it may be two, may be a half dozen—until it will spread eastward and destroy the cotton-producing industry of our Nation.

Now, I come down to the problem in which I want you gentlemen to share the responsibility and aid me in finding a remedy. I have my own idea and have introduced a resolution, but whether or not it will pass the House depends on how you regard the problem and whether you believe it is for the welfare of our common country.

In the agricultural bill passed by the House this Congress just appropriated, all told, $687,000 to eradicate or pay the expenses of eradication of this pest in Texas, New Mexico, and Arizona. There is some infestation in the lower part of the States of New Mexico and Arizona that is not connected up with the main cotton-producing areas in that State.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. JOHNSON of Texas. How many counties are infested?

Mr. BUCHANAN. There are 14 counties in Texas; 7 bordering on the Rio Grande are infested. The other 7 counties are in western Texas on the western edge of the real Cotton Belt.

Mr. EVANS of California. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. EVANS of California. The gentleman says the pest has not gone further west than he pointed out on the map?

Mr. BUCHANAN. It has not gone further east. It is in New Mexico and Arizona and along the border.

Mr. MOREHEAD. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. MOREHEAD. Has the gentleman information as to when the pest made its first appearance in Europe and the United States?

Mr. BUCHANAN. Yes.

Mr. MOREHEAD. The reason I ask is that a great many of these pests have certain periods of time to run and then disappear. For instance, at a certain period we have in our section of the country chinch bugs, a very destructive pest to wheat, and we also have the Hessian fly. I have personally observed for 50 years that they come and after a period disappear. I was wondering if this pest would not have its time and then disappear.

Mr. BUCHANAN. The records show that this pest has been in India since 1842, leaving an annual toll of damage to the cotton products of that country. The records show that the pest broke out in Egypt in 1911, and that ever since then it has levied an increased toll annually on the cotton production of that country. In the history of no country where it has appeared has it been periodical, but has increased in number and gradually spread throughout the cotton-producing areas or such country with the regularity and certainty of the seasons.

Mr. MOREHEAD. I am very much interested, and I always am, for a remedy if we can get it, regardless of cost.

Mr. BUCHANAN. I thank the gentleman, but I want to assure him that I am glad to have any Member ask any question, because I want to furnish the information. I am asking for assistance, cooperation, and advice, and in asking for that I must give all information requested of me.

Mr. CARSS. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. CARSS. The gentleman spoke of segregating certain districts from growing cotton in order to stamp out the pest. If you proceed to do that, is there any liability of the pest coming from other infested districts?

Mr. BUCHANAN. My proposition is to segregate all infested districts and stop planting cotton therein. My proposition is not only to stamp out the infested areas in the United States, but goes further and contemplates that our Government, through the State Department, shall take up the question with the Government of Mexico, and, through a mixed commission, a treaty or other cooperative agreement with Mexico, stamp out the pink bollworm and so save this the greatest of American agricultural industries.

Mr. JOHNSON of Texas. Some people have the idea that the pink bollworm and the pink boll weevil are the same.

Mr. BUCHANAN. No; they are entirely distinct.

Mr. CARSS. Are the eggs of this pest laid by a fly?

Mr. BUCHANAN. It is laid by the moth. It can fly a considerable distance, though it does not generally do it.

Mr. CARSS. If that is true, the eggs could be laid back in this district where the pest has been eradicated.

Mr. BUCHANAN. If the planting of cotton had been recommended, yes; but it is laid only on the cotton.

The SPEAKER pro tempore (Mrs. KAHN). The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Madam Speaker, I ask unanimous consent that the gentleman's time be extended for 15 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BUCHANAN. I appreciate the courtesy very much, gentlemen of the House.

Mr. MAJOR of Illinois. Has the gentleman yet discussed the remedy?

Mr. BUCHANAN. No; I have not come to that. I come now to the real problem that has caused me to shudder under the responsibility that I bear as a Member of this House, as a Representative from the greatest cotton-producing State of the Union. As I stated, in the agricultural appropriation bill we incorporated an appropriation of $687,000 for eradication purposes alone; that is, to pay the expenses of burning over the ground and eradicating the pest in cotton-free zones. At that time I expected the State of Texas through its State authority to establish these zones. A few days ago I received word—in fact, I have the report of the pink bollworm commission, organized under the law of Texas, on this desk—that they had not established cotton-free zones in this newly infested area, but had placed it under what is called regulated zones, which means nothing except to fumigate all of the cottonseed and the cotton going out of the district to any other place and regulate its destination. It leaves the infested area as a breeding ground, where millions of the eggs of these insects will be laid on the cotton bolls and the seed infected, which will enable them to multiply and increase tremendously. Here is the danger: This county in west Texas, this newly infested area, is a broad, level plain with no hills. For hundreds of miles you can scarcely see an undulation in the surface of the soil. A little wind from the west, or a little wind from the northwest, or a little wind from the southwest at the proper time while the moths are flying will carry those moths for hundreds of miles into the interior of Texas, Oklahoma, and perhaps Louisiana.

Mr. VESTAL. Madam Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. VESTAL. Do I understand the gentleman to say that the cottonseed will be infected, so that if the seed is taken somewhere else and planted it will also infect that area as well as the moths?

Mr. BUCHANAN. Yes. The statement is better understood when I say that the egg is laid in the seed, and that egg or larva will live in that seed for two years. This longevity of life of the larva makes it one of the most dangerous pests that could possibly attack the cotton-producing areas of the world. It is spread by the moth, it is spread by the larva or egg in the seeds, it is spread by the cotton lint in the bale of cotton. One infestation in Texas came from the fact that Mexican cotton was shipped to Galveston, a storm came which washed the bales out and broke them open, and the larva escaped and infected the cotton in Louisiana and parts of Texas.

Let me now get to the solution. The pink bollworm commission adopted the regulated zones, which is nothing but a cradle to nurse the infant worms in, instead of a noncotton zone. I wired the governor and received replies from him as to the reason why that was done. I read the report of the pink bollworm commission, which gives the reason why that was done. Both state that the reason is that they had no State money, they had no Federal money with which to compensate the farmers for the condemned lands, and under the law of the land you can not condemn private property for a public purpose without compensation. Neither can you condemn private property without compensation being ready to pay whatever damage is caused by that public condemnation. Then I asked, Is there any reason why Texas can not appropriate the money? And the reply came that there is no money in the public revenues that could be appropriated; that the tax rate was fixed last July. The appropriations were made in pursuance of that tax levy to balance the revenues coming in. Therefore the money could not be provided by Texas, because the tax rate was fixed and the taxes were assessed and collected for this year, and if the legislature should meet they would have to raise the taxation rate and make it retroactive, which probably is unconstitutional after the citizen has paid his taxes for the year. That is the condition that confronts us. Texas is helpless to make any appropriation and the Federal Government has not made any appropriation, so that nothing but a regulated zone could follow, and that menaces the cotton culture of the United States. I am asking you to override the precedents heretofore established. The question is this: Is this great Government going to permit one of the greatest gifts that God ever bestowed upon our Nation, a monopoly in the cotton production, to be destroyed for the sake of four or five million dollars?

Mr. BUTLER. Of course not. We can not let this go.

Mr. BUCHANAN. I introduced a resolution authorizing an appropriation of $5,000,000 to compensate the farmers for their damages sustained by reason of the establishment of cotton-free zones. That resolution is now in the Agricultural Committee and has been referred to the Secretary of Agriculture.

I do not think I am abusing any confidence when I say to you that the Department of Agriculture thinks that is the only remedy for the situation.

Mr. CARSS. Madam Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. CARSS. Is not this a matter of greater damage to agriculture than the corn borer?

Mr. BUCHANAN. We have not sufficient facts to determine the extent of damage that may be inflicted by corn borer to draw a comparison.

Mr. CARSS. We appropriated $10,000,000 for the corn borer.

Mr. BUCHANAN. Oh, no. We appropriated $10,000,000 to investigate and see if we could find a remedy to eradicate the corn borer. In this pink bollworm case we have found the remedy, and all that we need is to find the money with which to eradicate the pest.

Mr. BUTLER. I hope my friend does not for a moment believe that the people of America propose to have this industry wiped out. In my judgment Congress will be glad to make this appropriation. We can not go unclothed.

Mr. BUCHANAN. I appreciate the statement of my good friend. I expected a statement like that coming from him. He looks to the interests of our common country, and it matters not to him what section is to be benefited. He realizes that the progress and greatness of one section adds to the progress and greatness and grandeur of our common country. [Applause.] I wish every Member of Congress, east and west and north and south, would rise to that status of American manhood and womanhood. [Applause.]

Now, in northern Mexico there are only three primary infestations. The area is comparatively small, and I believe that the administration when it takes up the matter through the State Department with a similar department of the Mexican Government we can enter into a treaty that will result in the eradication of the pink bollworm in northern Mexico and the United States, and that achievement will be a blessing to unborn generations. [Applause.]

Mr. BLACK of Texas. Madam Speaker, will my colleague yield?

Mr. BUCHANAN. Yes.

Mr. BLACK of Texas. Can the gentleman give us any information as to when the Committee on Agriculture will favor us with a hearing on this resolution? We are anxious to assist you in securing a favorable report.

Mr. BUCHANAN. No. It was referred to the committee when introduced, and yesterday it was referred by the committee to the Department of Agriculture for a report. That will be referred first by the Department of Agriculture to the Bureau of the Budget, and then the Bureau of the Budget will refer it back to the department, and the department will report to the Committee on Agriculture.

I have no means, of course, of knowing the disposition of the Bureau of the Budget, but I believe it is sufficiently broad-minded and the President has the interests of the Nation sufficiently at heart to report favorably on the resolution.

Mr. BLACK of Texas. I know the Bureau of the Budget did report favorably upon the corn-borer proposition. I assume that it will report favorably on this resolution.

Mr. BUCHANAN. Yes; and we carried about $3,000,000 in the agricultural appropriation bill for the corn borer this session. I do not regret it. Since I have been a member of the Committee on Appropriations and on the subcommittee on the agricultural bill I have not voted against any amount of appropriations having in view such a purpose. Long ago, when Sidney Anderson was the chairman of that subcommittee, I advocated an increase of the appropriation to stamp out the spring rust of wheat by digging up and destroying the barberry bushes. When the corn-borer proposition came up I advocated an appropriation to find the remedy. When you find the remedy the Government should appropriate all necessary funds for eradication, stamp out the pest, and stop the appropriation no longer necessary. If we permit such pest to spread beyond the possibility of eradication, then we annually, year after year and forever, make large appropriations to retard its spread, control its movements through quarantine, and lessen the damage.

Mr. HARE. Madam Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. HARE. Have you any idea as to the number of acres in the infested area?

Mr. BUCHANAN. There are 360,000 acres in this new infested area.

Mr. HARE. Will the appropriations cover anything outside of this infested area?

Mr. BUCHANAN. Yes. All infestations in Texas, Arizona, and New Mexico.

Mr. CLARKE. Madam Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. CLARKE. Will the gentleman state the amount carried in his resolution?

Mr. BUCHANAN. Six hundred and eighty-seven thousand dollars to pay the expenses of eradication alone carried in the agricultural appropriation bill heretofore passed, and this $5,000,000 that I am pleading for is to pay the farmers for the condemnation of their right to plant cotton.

Mr. ROMJUE. Madam Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. ROMJUE. I was wondering if the gentleman had conferred with the Department of Agriculture about this matter.

Mr. BUCHANAN. I have conferred with the department dozens of times.

Mr. ROMJUE. What is the attitude of the department?

Mr. BUCHANAN. Their attitude is that a $5,000,000 appropriation is the only remedy to meet the situation.

Mr. JOHNSON of Texas. If the Budget Bureau was as well informed as the membership of the House concerning the thoroughness with which the gentleman from Texas undertakes any project that he starts about, there would not be any doubt about what would be the report of the Bureau of the Budget on this project.

Mr. BUCHANAN. No; there should not be any doubt.

Now, gentlemen, let me make one statement to you as to what I think the policy of Congress should be on all questions like this. I care not whether it is the spring rust of wheat, the Japanese beetle, the gypsy moth, the pine beetle, the Mexican bean beetle, the foot-and-mouth disease, the Mexican fruit fly, or any other insect or contagious disease that threatens the agricultural interests of our country. When such an insect or disease threatens that industry, I say to you Congress ought not to lay down any hard and fast rule as to how much the State shall contribute and how much the Federal Government shall contribute. Each case should be diagnosed separately, and our course should be guided by that specific diagnosis. For instance, in Nevada the foot-and-mouth disease might break out. It is the most contagious disease known to the livestock industry. Suppose there should be a general outbreak in Nevada and all the stock interests were threatened, should that little State of Nevada pay half the value of the killed and destroyed cattle and bankrupt itself for the benefit of the balance of the Nation? It is a national problem with which the National Government should deal. If they can get assistance from the State, get it; but if they can not get it, stamp it out, anyway, because that is our duty to our country.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Madam Speaker, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BUCHANAN. Gentlemen, in conclusion, I think that when God Almighty created this world and when He created the United States He was in a good humor and smiled. He gave us a salubrious climate; He gave us fertile soil; He implanted within the bowels of the earth every mineral that is useful to mankind; He abundantly fructified it with teeming water, so that the sun, in its majestic course, does not look down upon a fairer land or one more capable of administering to wants and gratifying the luxuries of man. When He created it He gave us cotton. He gave us a climate and a soil which gave us a monopoly in the production of cotton, that fair, white staple intended by God Almighty to clothe a naked world. Ah, it is fairer, better, and more serviceable than the fleece which Jason sought. Now, after being blessed with this great gift, are we going to sit by and permit an insignificant bug from India to rob us of God's priceless gift? I thank you. [Applause.]

The SPEAKER pro tempore (Mrs. KAHN). Under the special order of the House, the gentleman from Texas [Mr. HUDSPETH] is recognized for 10 minutes.

Mr. HUDSPETH. Madam Speaker and gentlemen of the House, the six counties mentioned by my colleague [Mr. BUCHANAN], where the pink bollworm is said to have been found, happen to be in the district I attempt to represent here, the sixteenth district. This map shows my district marked in red. It has an area of just one-fourth of the area of the great State of Texas. I live in El Paso, where it is said the "sunshine spends the winter," and some wag has been unkind enough to say, "where the moonshine spends the summer and winter, and winter is there all the time." [Laughter.] But we are sober and well-ordered, law-abiding, and good moral people over there, gentlemen of the House. Of course, we do not want to have any menace in my section that would menace the entire cotton-growing section of the South. And if we have such menace we will do our best to eradicate same—but our farmers have to live just like yours, by producing what is most profitable to them.

Now, from where I live to Andrews County, in my district, is about 350 miles. I know these people. I have had occasion to know them for a long time—as I feel honored to represent them in this Congress—also the splendid people of the other five counties mentioned.

The proposition is this, gentlemen: In these six counties, where they claim the pink bollworm has been found in recent months, there are people who come from every section of the United States. There is only one county where in recent months they claim the pink bollworm has been found that is not in my district and that is in Dawson County, in the district so ably represented by my friend, Mr. JONES. [Applause.]

Now, along the Rio Grande, in my district, in Brewster County, they claim the pink bollworm is right there [indicating on map]. They have also found it over in Presidio County, near Presidio, so the State commissioner states. From Brewster County it is a distance of about 250 miles to Andrews County,

Midland County, Glasscock County, and Ector County; and about 300 miles to Dawson County.

Mr. HOCH. Will the gentleman yield?

Mr. HUDSPETH. In just a second, I will be pleased to yield to my friend from Kansas.

Mr. Marlatt, the chairman of the Federal Horticultural Board of the Department of Agriculture, tells me that in all probability, on account of the fact that we have some pretty strong winds that blow from the south during the spring and the summer and early fall, it is probable that this moth, as described by the gentleman from Texas [Mr. BUCHANAN], has blown from down on the Rio Grande in Brewster and Presidio [indicating on map] across the plains to the counties indicated by Mr. BUCHANAN. If this is true—and Mr. Marlatt says it is probable; I do not know, I confess—then it could, of course, blow east from the west winds into the districts of other gentlemen from Texas and into the great States of Arkansas and Louisiana.

If these gentlemen are correct—and they are the men who have made these examinations and investigations—why, of course, it is a serious menace, and it is a menace that should be controlled; and my farmers want it controlled and eradicated. However, Mr. Marlatt, who has been out there, states to me that with many, many experts going through hundreds of fields, as yet no live bollworm has been found.

Gentlemen of the House, I have always been a State rights man, and I am a State rights man to-day. I have never felt the Federal Government should dictate to my State as to what our people should do when they have laws governing matters as they have in the pink bollworm in Texas.

I want to yield now to my friend the gentleman from Kansas before proceeding further.

Mr. HOCH. The gentleman has already answered the question I was going to ask.

Mr. HERSEY. What has the boll weevil to do with State rights? The boll weevil does not recognize them.

Mr. HUDSPETH. This, my friend, is the pink bollworm, which is said to be more destructive than the boll weevil.

Mr. HERSEY. What is the gentleman's remedy?

Mr. HUDSPETH. I do not know except what has been said by experts, both from the State and Federal Governments. Some say that the pink bollworm commission should create a regulated zone—that is, the State commission—I will say to my friend, while others say they should create a noncotton zone.

Mr. CARSS. Will the gentleman yield?

Mr. HUDSPETH. I yield to my friend from Minnesota.

Mr. CARSS. According to the testimony of experts, it is now impossible to do anything with the boll weevil——

Mr. HUDSPETH. Does the gentleman mean the boll weevil or the bollworm?

Mr. CARSS. I mean the boll weevil. If the boll weevil, however, had been taken in time, they claim it could have been successfully combated, but that time has now gone by. I want to know if we are attacking this problem soon enough, so that we can stamp out the bollworm before it becomes too late to eliminate it.

Mr. HUDSPETH. I certainly trust we are attacking it in time, I will say to my friend, because it is a very serious menace to the cotton industry no doubt. We should, of course, attack it at the earliest possible moment.

Mr. CARSS. The point I am making is that we should have attacked the boll weevil in time; but, of course, that is water that has now gone under the bridge; but we want to attack this pest before it becomes firmly established in this country.

Mr. HUDSPETH. This situation has been described by the gentleman from Texas [Mr. BUCHANAN]. Anything that affects one part of this great Republic, of course, indirectly affects it all.

We are a united country now and have been for over 60 years, and will always be until the end of time. Anything that affects any part of the country affects me and my people in Texas. The corn borer in Iowa, my friend COLE's State, seriously affected me and my people in Texas. Why? Because we want your corn to feed our cattle down there, to fatten them and our sheep and hogs. The Japanese beetle up in Maine, the State of my friends HERSEY and BEEDY, affected us because we buy your Irish potatoes; and anything that affects you and your farming industry or affects you industrially affects the great State that I come from and the district I come from.

Mr. COLE of Iowa. May I ask the gentleman a question there?

Mr. HUDSPETH. Certainly.

Mr. COLE of Iowa. Is not this really an international question?

Mr. HUDSPETH. The fact that it is said to have come from Mexico into Texas would probably make it so. If the Federal Government is instrumental in causing our State commission to create a noncotton zone, then the Federal Government should pay all at once.

Mr. COLE of Iowa. Because you have to fight this pest in Mexico or you will not be able to get anywhere.

Mr. HUDSPETH. That is true, Mr. COLE. We have a proposition of that sort made by the pink bollworm commission to our governor to create a commission jointly with Mexico. We have a courageous governor down there now and an honest one. He is a young man, but he is a courageous and honest gentleman beyond any question. [Applause.] I did not vote for him in the first primary; I voted for Governor Davidson; but in the second primary I did vote for him and made speeches for him.

Now, this is what Governor Moody proposes.

Mr. VESTAL. If he is as good a man as you are, CLAUDE, we are for him.

Mr. HUDSPETH. He is a better one and a very courageous young man. Here is what he says. He proposes that a high commission of the two countries, Mexico and the United States, be appointed—because we get this pink bollworm from Mexico, so all State and Federal authorities claim—and then he suggests that we ask our neighbor Republic to the south to appropriate money to eradicate it in that country. It is from that country, beyond any question, that it has come into the State of Texas and, I take it also, into the great States of New Mexico and Arizona. Mr. Moody says that we should appoint a joint commission. He calls it a high joint commission, with commissioners from the United States, and then he suggests that the President of Mexico or the Governors of the States of Coahuila and Chihuahua—I believe they are the two States just south of the border there—appoint commissioners to meet with our commissioners, and if Mexico will eradicate the pink bollworm there we will eradicate it in the United States and in my district and State, but it should be done without loss to the farmer. That is the situation.

Mr. BUCHANAN. Will my colleague yield?

Mr. HUDSPETH. Yes.

Mr. BUCHANAN. Does not the gentleman think we would be amply justified in furnishing some of the money and also experts to assist in eradicating this pest in Mexico?

Mr. HUDSPETH. It would be the part of economy and good business judgment beyond any question, I will state to the gentleman, because we all know that when we deal with Mexico they sometimes deal in the manana, which is to-morrow, and they probably have not sufficient money to commence the fight on the pink bollworm. I do not know but the fight should be commenced in Mexico to stamp it out at once.

Mr. CLARKE. Will the gentleman yield?

Mr. HUDSPETH. Certainly.

Mr. CLARKE. Have you had any assurances of cooperation?

Mr. HUDSPETH. I do not know that it has been taken up with them yet, I will state to my friend. It was just proposed in the last week or so, as I saw by the press, by the governor of our State and the State commission. Probably some department of our Government has taken it up with Mexico.

Mr. BUCHANAN. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. BUCHANAN. I will state that the Department of Agriculture has had it up with the governors of those States and with Mexico, and the most friendly spirit has been demonstrated by them toward complete eradication.

Mr. HUDSPETH. I am glad to hear that statement, because there is the crux of the whole matter. When we get Mexico interested and eradicate the bollworm there we will keep it out of the United States.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. I ask unanimous consent, Madam Speaker, to proceed for five minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HERSEY. Will the gentleman yield?

Mr. HUDSPETH. I will.

Mr. HERSEY. I am interested to know about the remedy. I hope we are not drifting into the Senate idea for a remedy of all evils in this country—an investigation. Is that what the gentleman is after?

Mr. HUDSPETH. The resolution proposed by the gentleman from Texas [Mr. BUCHANAN] appropriates $5,000,000 to pay losses of the farmers if noncotton zones are created by the pink bollworm commission of Texas. I do not know how we should proceed. I do know that the people of this section—namely, the six counties on the Texas Pacific and two counties on the

Rio Grande—are small farmers; a great many, if not all of them, poor men, comparatively, from the States of Iowa, Kansas, Missouri, Illinois, Mississippi, Louisiana, Tennessee, and many other States, who all came in here to buy these cheap lands where they can raise a bale of cotton an acre in some years, but not every year. They are poor people. They come, as I say, from every part of the United States.

I know them; they are all law-abiding people. Of course, if they are convinced—and they had a meeting at Sweet Water or Big Springs—3,000 farmers attended—I understand they are as good citizens as we have in the United States—and, if they are convinced that this is the thing to do, they will assent, but they have bought up 40 or 60 acres in many instances and if a noncotton zone is created you will have to provide for these poor people so that they can subsist and pay them their losses now; I mean the loss they will sustain by being prohibited from planting cotton if their State should prohibit them from so doing at a suggestion from the Federal Government.

As stated by my colleague [Mr. BUCHANAN] the Legislature of Texas will not convene in regular session until next January. They have no money in my State now, he says. What I want to impress on you gentlemen is that if you do pass this resolution and appropriate this money for the eradication of the pink bollworm that these people should be paid all loss sustained and the money made available before the zone is created and losses fixed if same can be done. In other words, they should be paid the difference between the value of what they are permitted to plant and what they could secure if they planted a full crop of cotton. And these six counties are largely cotton-growing counties, and the two on the Rio Grande—viz, Brewster and Presidio—are largely so where farming can be done with any profit at all.

Most of these counties have given up stock raising for raising cotton largely. Why? Because it was not profitable to raise cattle on land worth $15 or $20 per acre and even more value. In other words, they could produce more cotton than they could get out of livestock, value for value.

Now, as I say, these people are law-abiding. Some people said that they would resist the law by armed force, but they will not do that. They are good, average, law-abiding citizens. They may not obey the Biblical injunction to turn the other cheek when they know their rights are in this way trampled upon, but they will resist with legal means only; but if they believe that their Government and their State are standing behind them as they should they will obey the law.

Now, this is a very important matter; there is no question about it. It is certainly important to the splendid patriotic farmers and good Americans in my district and it is important to this Congress. I want to cooperate with you and help protect your farmers, but still I insist on you gentlemen helping me protect mine.

Mr. VESTAL. The gentleman's purpose is eradication and not investigation?

Mr. HUDSPETH. Yes. I will say to my friend from Indiana I certainly want this pest eradicated. But if they create a noncotton zone, you will have to make provision for taking care of the farmers out there by paying losses at once—these good people who will suffer by not being able to plant cotton. And, in fact, many of them have already planted cotton in these said to be infested counties; it is their best paying crop. [Applause.]

I shall notify them of this resolution. It is now before the Agricultural Committee. I know the farmers in my district will cooperate in every way to eradicate this menace; but remember, gentlemen, they have rights that I will do my best to preserve, and this House, I believe, will aid me. [Applause.]

The SPEAKER pro tempore (Mrs. KAHN). The time of the gentleman from Texas has again expired.

Mr. SUMNERS of Texas. Madam Speaker, I ask unanimous consent to proceed for four minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Madam Speaker and gentlemen of the House, just one additional thought which I want to emphasize. I am very glad indeed that it has been made clear to the House in the course of the discussion that if the pink bollworm is to be eradicated some agreement or arrangement must be made between this country and Mexico. In connection with that proposition I desire to make this suggestion: In the first place, when the States came into the Union, they not only surrendered essential elements of sovereignty, but by reason of the fact that they did surrender, what is ordinarily known among nations as border police, custom guards, and so forth, are not maintained by the States. For instance, if Texas were an independent nation, Texas would have at the various ports of entry its own police, its own guard, who could turn back foreign peoples and their products. That is one proposition. The other proposition is that the Constitution prohibits the State of Texas from entering into a treaty with Mexico for the eradication of this thing which is a menace at its door, and as has been well stated by other gentlemen, a menace to the whole country.

As a matter of fact, the boll weevil has been to the advantage of the South, strange as it may seem. It reduced production in the South to a point where you people who purchase cotton pay a higher total price for the South's production than otherwise. The boll weevil is to the detriment of the buyer of the cotton and not to the detriment of the producer of cotton under the uneconomic methods and conditions under which cotton is sold. This pink bollworm may turn out to be the same thing. Texas can not enter into an agreement with Mexico, and, therefore, the obligation rests directly upon the Federal Government to do three things—one to guard this border line, two to stamp out this enemy which has gotten by the Federal Government border protection, and the other to extend across quickly into Mexico, under treaty, and, if possible, eradicate this thing at its source in so far as we are concerned, which is starting well on its march across the continent. The experts say that in their judgment it will be a greater menace than the cotton boll weevil.

I thank you gentlemen very much for having permitted me to speak out of order. I apologize to the majority leader who did me the personal compliment to withhold his objection to the granting of my request.

CONSTRUCTION OF CERTAIN NAVAL VESSELS

Mr. BUTLER. Madam Speaker, I acknowledge the very great pleasure it gives me to address our esteemed Congresswoman now occupying the chair. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11526, to authorize the construction of certain naval vessels, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval construction bill, with Mr. BACON in the chair.

The Clerk reported the title of the bill.

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. MILLER], who helped to make this bill. [Applause.]

Mr. MILLER. Mr. Chairman, the Navy Department with the approval of the Bureau of the Budget submitted a building program to consist of 25 light cruisers, 32 submarines, 5 airplane carriers, and 9 torpedo leaders, costing in round numbers $740,000,000. This program is needed by the Navy, but after long and careful consideration the Committee on Naval Affairs came to the unanimous conclusion that the country could not embark upon this full program at this time. The financial condition of the country could not withstand it without a severe strain. The demands upon the Government Treasury are so extraordinarily heavy at this session that the committee wisely reduced the program to 15 cruisers and 1 airplane carrier. These, to cost in round numbers $274,000,000, are all to be laid down during the fiscal years 1929–30 and 1931, or, in other words, five each year and all to be completed in six years. The airplane carrier is to be laid down during the fiscal year 1930.

SIZE, PURPOSE, AND COST

These 15 vessels are of the type called "light cruisers," of 10,000 tons displacement each, of high speed and enormous steaming radius. They will have no armor. The purpose which these vessels will serve is twofold:

First. For scouting and screening duties with the battleship fleets; to locate the whereabouts and movements of the enemy fleet, to the end that contact with the enemy may be had under the most advantageous circumstances.

Second. To disperse cruiser raids of the enemy; to protect our ports; guard the approaches to the Panama Canal, the Hawaiian and Philippine Islands, and other important points; to protect merchant vessels by keeping the trade routes open; to convoy and transport men and munitions; and generally to keep the sea open and controlled.

The main battery of each of these vessels will be eight 8-inch guns, with secondary and special batteries of the latest and most effective types. The speed under forced draft will be somewhere between 33 and 36 knots, while the steaming radius will vary under different speeds and sea conditions, but will be sufficient to cross either or any ocean and return probably without refueling. Each vessel will have a complement of airplanes and air equipment. The cost is estimated at $17,000,000 each, with all arms, munitions, and stores aboard ready for sea. These vessels will be as formidable as any of

their class in the world, and probably more formidable from the fact of their excessively high speed. The airplane carrier will be of about 13,800 tons normal displacement, capable of carrying 72 planes. The speed of this vessel will probably be between 29 and 32 knots, with cost estimated at $19,000,000.

THE CRUISER SITUATION

This country now has 10 light cruisers of the first line, each 7,500 tons normal displacement, with speed from 33.7 to 38.48 knots per hour. Each has a main battery of twelve 6-inch, 53-caliber guns, with secondary batteries of antiaircraft and deck protection. These vessels were all launched since May, 1921, and all have been in commission since February, 1924. They are all good vessels. Their names are the *Cincinnati, Concord, Detroit, Marblehead, Memphis, Milwaukee, Omaha, Raleigh, Richmond,* and *Trenton.*

Then we have 11 vessels termed light cruisers of the second line—the *Albany, Birmingham, Chattanooga, Chester, Cleveland, Denver, Des Moines, Galveston, New Orleans, Olympia,* and *Salem.* These vessels vary from 3,200 to 5,500 tons normal displacement, and in speed from 16.41 to 26 knots per hour, with batteries of from four to ten 5-inch guns. All these vessels are old, launched between November, 1892, and July, 1907, and some of them in commission since 1895. The latest is the *Salem,* going into commission in July, 1908. All of these vessels except the *Cleveland, Denver,* and *Galveston* are now out of commission, obsolete, and of no military value. It is difficult to justify their continuation on the Navy's list of active ships.

The strangest fiction of all our so-called cruisers is that class known upon the Navy Department's records as "second-line cruisers." There are 11 of these, all old-time battleships, and are as follows: The *Charlotte,* formerly the *North Carolina; Frederick,* formerly the *Maryland; Huntington,* formerly the *West Virginia; Huron,* formerly the *South Dakota; Missoula,* formerly the *Montana; Pittsburgh,* formerly the *Pennsylvania; Pueblo,* formerly the *Colorado; Rochester,* formerly the *Saratoga,* but originally the *New York;* and *Seattle,* formerly the *Washington.* All these vessels are old, all launched between 1901 and 1906, and all in commission for over 20 years. All are now out of commission, old, obsolete, and of no military value. The speed of these ships, even if it were possible to put them in a seaworthy condition, is about 22 knots and their normal displacements from 10,000 to 15,000 tons. The only purpose in the world, if such can be called a purpose, is to pad up our list of ships—paper ships.

We are now building eight 10,000-ton cruisers; 2 at the Brown-Boverie Electric Co., at Camden, N. J.; 2 at the Newport News Dry Dock & Shipbuilding Co., at Newport News, Va.; 1 at the Bethlehem Shipbuilding Co., at Quincy, Mass.; 1 at each of the United States navy yards at New York, Mare Island, and Puget Sound. Two of these vessels are well under way, and the entire eight will be in commission within three years. These will be splendid ships, speedy with great steaming radius, 8-inch guns, and airplane complements. It is this class of vessels that the present program of 15 will increase.

To sum up our program we have but 10 light cruisers now in commission; that is, all except three at the greatest of our second-line light cruisers, all others are obsolete, out of condition, and possess no naval value. It is really a shame that we have permitted this indispensable class of vessels to fall so low. This program will in some degree rehabilitate it. Should this present program of 15 be adopted we will have in 1935, with its completion and the completion of the 8 authorized in 1924, 23 light cruisers, each of 10,000 tons, and in addition thereto the 10 light cruisers of the 7,500 class, or 33 in all.

ALL NAVIES ARE RELATIVE IN STRENGTH

The Washington Conference on Naval Armaments of 1921–22 related only to capital ships and airplane carriers. Vessels of 10,000 tons and below carrying armaments of 8-inch guns and under are not included within its terms. Any nation can build as many as it desires. The ratio of 5–5–3 was agreed upon, so far as capital ships between, respectively, United States, Great Britain, and Japan, but unrestricted construction of the light-cruiser type was permitted and open to all nations. Immediately after the Washington conference Great Britain inaugurated a heavy construction program of this type of vessel. Great Britain will, in 1935, have 63 of this type as against our 33; and Japan will have 33 as against our 33. So it is easy to see we have not sustained anywhere near the 5–5–3 ratio on this class of vessels. There is no element of competition or competitive construction in this program. It is simply designed to meet to a reasonable degree our national requirements. The adoption of the 5–5–3 ratio of itself inherently established the relative strength of the three principal naval powers and therefore all construction is, to a certain degree, in comparison with that of other powers. It is so in the very nature of things.

REPLACEMENT PROGRAM

This program is purely a replacement. New vessels are to be constructed to take the place of those old and worthless. There is no thought of our country attempting to outstrip others and thereby to launch a world-wide competition. We are simply replacing our discarded vessels with modern construction and thereby attempting in a modest, economical way to meet the Nation's requirements.

Of course, the ever-present pacificist and those of the pacificist turn of mind have heralded this as a preparation program for war! These idealists by some distortion of reasoning appear to think that by rendering ourselves helpless war will be averted. There can be no greater fallacy than by following such a line of thought. To those of us upon whom the duty rests to provide for the national defense, we must perform that duty irrespective of the exaggerated and sometimes positively untruthful statements of those who would have no Army and no Navy, nor other means of protecting our people and preserving our national self-respect. We are simply doing what a sensible people ought to do for their own protection. [Applause.]

Mr. BUTLER. Mr. Chairman, with great pleasure I now yield 15 minutes to the gentleman from New Hampshire [Mr. HALE]. Mr. HALE contributed very largely to the preparation of this bill.

Mr. HALE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HALE. Mr. Chairman, if the time allotted to me were so limited that I would be permitted to speak but a single sentence, in that sentence I could not fail to acknowledge the pleasure and inspiration which has been afforded me in the opportunity to work this year with and under the leadership of the well and worthily beloved gentleman from Pennsylvania [Mr. BUTLER]. [Applause.]

Our problems with regard to naval construction fall generally into two classifications:

The first classification is that of capital ships or battleships, which, notwithstanding the position taken by the distinguished gentleman from Oklahoma [Mr. MCCLINTIC], are well designated by the best military advice in this country as the backbone of the naval fleet. With those, however, we have no immediate concern, because, under the terms of the Washington treaty, replacements are not permitted until 1931. The second classification is that of auxiliary ships, which afford protection for and extension of the operations of the capital ships. The most important auxiliaries are cruisers, destroyers, submarines, aircraft carriers, and converted merchant ships. With these latter also, the merchant ships, we have no immediate concern here, but later in this session I trust the importance of the problem of convertible merchant ships will be impressed with great force upon the membership of this Congress.

It may be profitable, in order to solve our problem to the best advantage, for us to review briefly the situation which has existed with regard to naval establishments during the last decade. At the close of the World War we had a program which we were in the process of constructing which would have given us, beyond dispute, the superiority of the seas over that of any other nation. But we called the Washington conference, made our sacrifice, and relinquished our opportunity for superiority, which we did not desire then, and which we do not desire now. It was established at that conference by agreement that the naval power of Great Britain should be equal to ours, that the naval power of Japan should be in the ratio of 3 to 5 with ours, and that the naval power of France and Italy should be in the ratio of 1.67 to 5 with ours.

At the Washington conference we made an effort to reach an agreement not only on capital ships, which was reached, but also an agreement on auxiliary ships, which would have been reached in all human probability had it not been for the fact that France and the smaller nations would not agree to the abolition or limitation of the submarine. Inasmuch as the submarine is the enemy of the destroyer, the cruiser, the battleship, and the merchant ship, and inasmuch as the destroyer is the enemy of the submarine, the cruiser the enemy of the destroyer and of the enemy cruisers, and also the aid and protection of the battleship, the conference failed to reach an agreement on auxiliary vessels. But we hoped that an agreement might be brought about. So we delayed the construction of our auxiliary vessels while the other nations went forward with that construction, and we called the Geneva

conference to complete the work which we had undertaken at Washington. The Geneva conference failed. There, at first, the ratios established at the Washington conference were accepted in principle by the other nations for auxiliary ships, but when it came to writing an agreement, the ratios established at Washington were denied in fact for cruisers by Great Britain.

It should not be necessary to argue our right to equality with Great Britain or our right to the ratio of 5 to 3 with Japan and 5 to 1.67 with Italy and France. But if it is necessary, although those ratios were accepted by those powers at Washington, and in principle at Geneva, we need only examine the facts to reach the conclusion that they are justified. Here in America we have a population of 120,000,000 people; a vast territory; resources the extent of which is yet unknown; a water-borne commerce equal to that of any other nation in the world; imports which must be carried overseas which are vitally necessary to our welfare in time of peace or in time of war, such as manganese and at least eight other metals, camphor, iodine, and other important medicines, jute, silk, wool, and other textiles, hides and rubber, coffee and sugar, nitrates and mica; we have possessions in both great oceans, the protection of the Panama Canal, and a self-assumed obligation under the Monroe doctrine to maintain peace on the Western Continent. I wish I might have the time—which I have not—to read to you the statement of Admiral Hilary Jones, American delegate at Geneva, who with tact, poise, knowledge, and soundness of judgment, without a trace of militarism, proved himself to me—one who has frequented courts and hearings for 20 years or more—to be, without exception, the finest and most helpful witness I have ever seen. [Applause.] He gave us in the hearings a justification for our adherence to the right of parity with any other power, whether we choose to exercise the right or not, which to me is unanswerable. I commend to you the statement of Admiral Hilary Jones on page 1198 of the hearings.

There has been talk, too much of it, of conflict between Great Britain and the United States. We, representatives of the American people, know that America nourishes no desire for and harbors no thought of such an emergency. But both of these great nations must consider, in preparing for national defense, (1) the possibility of conflict with combinations of other powers; (2) the preservation of their rights as neutral nations in the midst of conflicts in which neither of them is a belligerent. We have only to revert to 1914 to know that out of an almost cloudless sky the devastating storm of war may break. We insist that we have a right as a neutral nation to continue our trade upon the seas in time of war, not only with other neutral nations but with any and all of the belligerent nations. Experience has demonstrated that all belligerents—nations fighting for existence—have no respect for the rights of neutrals unless such rights are maintained by a force sufficient to command respect. Hence it is because of these two possible contingencies, and not because of any prospect of conflict with Great Britain, and because, too, of the fact that a navy can not be built in a day nor in a month nor in a year, but in not less than from three to five years, and because of the facts heretofore related involving our interests for which protection is necessary, that our indisputable right to a navy equal to that of any other power in the world can not be denied.

We have a constitutional duty to maintain a navy. That is our responsibility and ours alone. But we have, too, a constitutional duty to represent the American people. In the solution of this problem, we need to direct our attention to that phase of our constitutional obligation, because, by design, the Constitution of the United States provides that the civil authority shall be supreme over the military authority. There is no better exemplification of that proposition than the fact that it is the Congress of the people which has the right to declare war, and not the War Department. And it is our duty under the Constitution, too, having determined the military view of our necessity, to determine the civil viewpoint, and if there is any conflict between the two, to adjust and reconcile them as best we may and harmonize the one with the other.

The new bill which we offer represents our effort to harmonize the military viewpoint with the civil viewpoint. The original program which was presented to us closely approached parity with Great Britain. It did not quite reach parity so far as combatant ships alone are concerned, and we must remember that if we possessed battleship for battleship, cruiser for cruiser, destroyer for destroyer, aircraft carrier for aircraft carrier, and submarine for submarine with Great Britain, even then we would be in no wise on a parity with her because of the great outstanding fact that she possesses a convertible merchant marine power in the ratio of four or five to one with that of the United States of America.

Discussing the bill as we have presented it, let me say briefly just wherein it differs from the original program. The original bill provided for 25 cruisers; the new bill provides for 15; the original bill provided for 9 destroyer leaders; the new bill provides for none; the original bill provided for 5 aircraft carriers; the new bill provides for 1; the original bill provided for 32 submarines; the new bill provides for none; the original bill involved an expenditure of $740,000,000; the new bill involves an expenditure of $274,000,000; the original bill provided no definite time in which the ships provided for should be laid down; the new bill provides that 5 cruisers shall be laid down in 1929, 5 in 1930, and 5 in 1931. The new bill, in addition provides for the construction of 2 salvage ships. The original bill provided that the President should have authority to suspend the construction authorized if an international conference for the limitation of armament should be called. The new bill provides that such authority shall exist only if such a conference is called and acts by agreement for further limitation of naval armament, and that the United States must be a party to and bound by such agreement before suspension of construction can be had.

We have attempted, in the performance of our duty, to determine what the informed American public opinion is in order to reconcile it with the military demand. We have concluded that the American people under no circumstances desire to abandon their legal and moral right to equality in naval power with any other nation in the world, but that whether we choose to exercise the right or not is a matter of our own concern. We have felt—and I think I speak the sense of the Naval Affairs Committee—that, so far as the exercise of our right to-day is concerned, the American people see no real pressing necessity for us to achieve exact mathematical parity with Great Britain or parity on the ratio of 5 to 3 with Japan or on the ratio of 5 to 1⅔ with Italy and France. They do desire: First, a reasonable degree of security; second, that security be achieved without extravagance and with reasonable economy; third, that our naval construction avoid, so far as possible, the element of competition with other powers in naval armament; and, fourth, that if it may become possible a further limitation of naval armament may be effected. Without abandoning our right to the ratio parity established by the Washington conference, should we desire to exercise it, we believe that this bill reconciles the military need, which was admirably presented to us by the Navy Department, with the desire of the informed civil authority. I may add that, from the military point of view, and from the viewpoint of the right to parity, the original program presented to us was thoroughly justified.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. BUTLER. Mr. Chairman, I feel we ought to yield five minutes more to this gentleman.

The CHAIRMAN. The gentleman from New Hampshire is recognized for five additional minutes.

Mr. HALE. I thank the gentleman.

The reasons for the modification of the original program with regard to destroyers, submarines, and aircraft carriers have been set forth adequately by the speakers who have preceded me. The important problem we have to consider is that of cruisers. We believe that this bill does provide (1) security in that it gives us 15 modern cruisers to replace 22 obsolete cruisers; that it gives us 150,000 tons of modern cruisers to replace 179,000 tons of obsolete cruisers; that it gives the type of cruisers we need. We lack naval bases, and by the Washington treaty we agreed neither to multiply nor to strengthen those we have in the Pacific west of Hawaii. Great Britain possesses naval bases to the extent of 30 or more, scattered all over the world, and which result in her need, not for large cruisers, but for a great number of small cruisers, which can receive their replenishing supply of fuel and material from point to point as they sail the seas. We must build the largest cruisers that the Washington treaty permits, 10,000 tons, because they must carry with them the supplies and fuel necessary to traverse the great distances which exist between our few and widely separated bases of supply. The cruisers we build must carry 8-inch guns, the largest permitted under the Washington treaty, because that is the type of armament best suited to the size of the cruisers we build, and because, too, the cruisers which other nations have built of the size we propose to build carry that same armament. (2) It gives us economy, because it reduces the program from $740,000,000 to $274,000,000. If we were to replace our whole Navy over a period of 20 years, assuming that to be the average life of a ship, it would cost us in the total $1,250,000,000 and more. One-twentieth of that value replaced each year would mean at least $60,000,000 a year. This program calls for $45,000,000 a year for six years. By provision for a

definite time of construction, instead of an indefinite time, as provided in the original bill, we will be enabled to save $15,000,000, based upon the testimony of prospective bidders for this construction. (3) It avoids competition because it gives to America, with what we have built and building, 33 modern cruisers, while Japan will possess an equal number and Great Britain twice as many. It will leave us with a cruiser tonnage of 100,000 tons less than parity with Great Britain and 50,000 tons less than the established ratio with Japan. (4) It aids disarmament because it reaches only that strength which we proposed as a basis of agreement at the Washington conference and at the Geneva conference—300,000 tons of modern cruisers. Furthermore, the Washington conference reconvenes in 1931. This bill provides for the commencement of construction up to 1931 and not thereafter. If we are to witness further limitation of naval armament, in all probability, we will accomplish it then or not at all.

The bill harmonizes the military viewpoint with the civil viewpoint. It speaks of power and yet of peace. It speaks of security and yet of sacrifice. It involves no extravagance, but effects reasonable economy. It provides for no competition, but for reasonable competency. It possesses a modicum of the milk of human kindness in its direction for plans of salvage ships for the saving rather than for the destruction of human life. It is a program not of jingoism, but of justice to ourselves and to those with whom we have endeavored to treat. It builds ships not of paper, but of steel; not for defiance, but for defense. [Applause.] It suggests no aggression nor any aggravation to aggression. It does not reach parity, but it greatly reduces disparity. It violates neither the spirit nor the letter of any treaty which we have made nor of any which we have proposed. It expresses a desire for the realization of the hope of further disarmament, lately deferred but not yet defeated. So far as it is humanly possible, I believe this effort of the Naval Affairs Committee represents the conscience of America, speaking with a voice insistent upon the security of our traditions and treasure, yet the conscience of a nation fostering always, both by precept and by example, the cause of peace throughout the world. [Applause.]

Mr. SPEAKS. Will the gentleman yield for a question?

Mr. HALE. If I have the time.

Mr. SPEAKS. The gentleman has made a splendid presentation of this bill. I want to know whether in the gentleman's opinion, if enacted into law, it would meet the demands for a reasonably adequate Navy, which the country seems to desire.

Mr. HALE. At present. And the virtue of the bill, I will say to the gentleman from Ohio, is this: Following the Washington conference, if we succeed in a further limitation of armament, it is all we need; but, at the same time, if through failure of future agreement the need develops in 1931 for 10 additional cruisers the original program need not be interrupted, and it will be a simple matter to authorize and construct them.

Mr. SPEAKS. I have not quite completed my question. Go a little further: Can the gentleman justify the original proposal involving an expenditure of $750,000,000? In view of present world conditions and the desire for peace among the nations, with Christian people in all lands striving for the elimination of war, does not this action on the part of the United States, indicating a movement toward competition for naval supremacy, seem ill-timed and out of harmony with the ideas of our people in general and contrary to the spirit of our appeals for disarmament?

Mr. HALE. It is thoroughly justified from the viewpoint of our military needs; it is thoroughly justified from the viewpoint of parity agreed upon at Washington; but we have modified it here because of our hope with respect to 1931, when, in my opinion, there will be the last opportunity this generation will ever see for further disarmament. The further we become removed from the agony of the Great War the less likely we are to disarm; but we see then an opportunity to reach the agreement which we have sought for eight long years. [Applause.]

Mr. McCLINTIC and Mr. BUTLER rose.

Mr. McCLINTIC. Mr. Chairman, it was my understanding the minority would use some time. Up to the present time I do not think they have used any.

Mr. BUTLER. Mr. Chairman, I want to say to my friend that I propose now to ask my esteemed colleague, the gentleman from Illinois [Mr. BRITTEN], how many gentlemen have applied to him for time in opposition to the bill.

Mr. BRITTEN. Mr. Chairman, up to the present time the gentleman from New York [Mr. LAGUARDIA] has 30 minutes, and he will proceed now. Another gentleman, the gentleman from Wisconsin [Mr. BERGER], has 15 minutes, and the third gentleman is the gentleman from Minnesota [Mr. KVALE]. They are the only three gentlemen on this side up to the present moment who desire time in opposition to the bill.

Mr. BUTLER. I yield to the gentleman from New York [Mr. LAGUARDIA] 30 minutes, understanding, of course, that the other two gentlemen will have their time, too.

Mr. LAGUARDIA. Mr. Chairman, I am opposed to the bill; but I come here to-day not to sink the Navy but to praise it. I think the gentleman from New Hampshire [Mr. HALE] stated the situation correctly when he said that it is the function of the Navy to represent the military viewpoint, while it is our function to reconcile that viewpoint with the needs of the country; and I want to concede right now that the Navy has made a better job of their task than we have of ours.

I do not agree with the gentleman from New Hampshire and with other speakers who state that our right to arm is here involved. That right is not questioned by anyone. I do not question it, and no one questions our right to build the ships provided in this bill, or even more ships. If war were imminent, there would be no question of the necessity of approving not only this bill but the recommendations originally made by the President for 71 vessels. If war were remotely possible, there would be justification for the approval of this bill.

Mr. SWING. Will the gentleman yield?

Mr. LAGUARDIA. Not now, please.

Mr. SWING. I wanted to ask the gentleman how long it would take to build the ships after war became imminent?

Mr. LAGUARDIA. I state that there is not the slightest danger of war within the lifetime of any of the ships authorized in this bill.

Mr. SWING. That is what we thought before 1914.

Mr. LAGUARDIA. I will come to that in a moment, if you will give me a chance and do not get excited because we are considering a Navy bill.

Oh, there are a lot of gentlemen ready to declare war to-morrow. I am not. The situation in 1928 is not comparable with what the world situation was in 1914 or in 1917. There was a time, gentlemen, when it was necessary for the United States to build and maintain a large Navy, and at that time this country did build and maintain a Navy; but look back, if you will, and compare conditions of the world at the time we built the Navy with world conditions to-day. This does not require a great student of history. Conditions have changed. The map of the world has changed. The viewpoint of the people of the world has changed. The great nations have been through a World War. Aggressiveness and aquisition were the acknowledged attitude of most nations. Peace and tranquility to-day are the dominant thought of the people of all nations.

After the Spanish War this country found itself for the first time in history classed as a first-class Nation. We had become a "first-class Nation" in the military sense of that classification. We had taken on new responsibilities. We had taken possession of the Philippines. We had taken possession of Cuba and Porto Rico. Immediately upon the signing of the peace treaty with Spain we became a world power; and what was the condition of the world then?

Look at the map of Europe as it existed in 1898, 1899, and 1900. There was your great, powerful, strong Germany military machine; there was France arming to the teeth; England, then fearful of the German military machine, was commencing to build the most powerful navy in the world, equal to the combined navy of any two nations.

Russia was a powerful naval and military nation. The mighty Austro-Hungarian Empire had an army second to Germany and a navy equal to France. Shortly after this, in the early nineteen hundreds, is when the competitive armament race started its spurt which ended in 1917. As Germany increased her army Austria-Hungary kept pace; Russia increased hers, and France never fell behind, and England kept doubling her navy. As these powers of Europe increased their armies England kept increasing her navy, and then the "Dreadnought" era commenced. It was at that time that the United States, as a matter of self-preservation, had to start the building of a navy to meet any emergency. President Roosevelt had just about taken office when the Dreadnought-building race between Germany and England started.

As I said, aggressiveness and conquest were the watchwords of the day. Every nation was anxious to acquire world supremacy, and every nation felt that the destruction and domination of a neighboring nation was necessary for that supremacy. The thought of the abolition of war at that time was limited, indeed. Peace and abolition of war were only academic discussions. It is true that the Czar of Russia sought to bring about a world conference and a system of arbitration to take the place of war, but in those days any such suggestion was received with a great deal of suspicion. No one trusted anyone. The Hague Court idea was in its infancy and had received in some instances the color of official recognition, but

never the confidence of all the great nations of the time. Greatness of nations were then measured by the number of divisions of standing conscript armies and the thickness of armor plate and tonnage of navies. The race kept on. It never ceased until the terrible conflict of 1917. On two or three occasions in the intervening 20 years it looked as if a world war would break out. England never dared stop her 2 to 1 naval program. While engaged in the Boer War, England kept her islands protected as if in a state of war with European nations. That was the state of mind of the world when this country built a large navy. It was necessary then to build many powerful battleships and to keep the United States Navy up to the last word in fighting machines. It was not only necessary to have the Navy but in those days to let the whole world know that we had this Navy.

During President Roosevelt's second administration the Battle Fleet was sent around the world. The mighty fleet created a profound impression on the war lords of the world. That was the condition of the world when we started to build this mighty Navy. We knew that sooner or later we would have a world war. Any student of history in this age knew that a conflict in Europe was inevitable and that a general European war in 1906 was avoided by a mere miracle. In 1906 England reversed her diplomatic policy and entered into an alliance with France, with the understanding that England would support the campaign of France in Morocco and that France would desist her propaganda in Egypt and would change her policy toward England's occupation of Egypt. That left Germany all by herself, with an ambitious colonization plan of her own.

Then this is what happened: Germany in retaliation on this understanding between France and England recognized the sovereignty of the Sultan of Morocco and challenged France's encroachment in Morocco. Russia seized this opportunity to cast greedy eyes toward the Balkans. Italy thought of her old troubles with Turkey and Austria-Hungary ready to take another slice from the map of Italy.

What a nice, friendly European family. It was then that the Sultan of Morocco, at the suggestion of the Emperor of Germany, asked for a world conference. The nations responded and a conference was held at Algeciras, and every nation, with one or two exceptions, sent representatives there. The United States was represented by Henry White and Samuel R. Gummerè. It was the conference at Algeciras in 1906 that prevented a world war.

Then what happened? Any student of history knew that Germany was so arming, that France was so arming, that England was so arming, and Austria-Hungary so militarized that the World War was inevitable. It did not require a student of history—even a Chicago politician would know that a world war was imminent in those days.

Mr. MADDEN. What is the difference between New York City and Podunk? [Laughter.]

Mr. LAGUARDIA. Well, New York City is not declaring war on England every day. [Laughter.] There are only two men in this country who believe war with England is possible, the mayor of Chicago and the gentleman from Illinois [Mr. BRITTEN], and neither of them would fight if we did go to war with England. Now, in 1914 the Archduke of Austria, Franz Ferdinand, was assassinated at Sarajevo, Serbia. Then followed a series of ultimatums from one nation to another and mobilization of armies and fleets. Serbia was invaded, and the World War was here. If there is one man in the world who lived through all of this and knows the cause and effect of excessive armament it is Viscount Grey, of England, who for 25 years was connected with the Ministry of Foreign Affairs of his country. During the World War, before and after he was in the service of his country and in a position to know better than any man of his time of conditions which culminated in the World War, Viscount Grey in his book, Twenty-five Years, reviews the history of Europe, and the big climax of his book is where he states that armaments produced fear and not security. This is what he says:

> At this point, if thought is to progress, we must not let it stop at the determination of war guilt in 1914; we must enlarge it to consider the condition to which Europe had then been brought.
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> Every country had been piling up armaments and perfecting preparations for war. The object in each case had been security. The effect had been precisely the contrary of what was intended and desired. Instead of a sense of security there had been produced a sense of fear, which was yearly increasing. Europe was afraid of the German Army. Germans encouraged in themselves and in others the belief that the German Army was invincible; but even they were becoming apprehensive that in a few years, when the armaments of their neighbors were perfected, even Germany might be afraid. Britain was not afraid of the German Army, because she believed herself to be an island that was out of the reach of any continental army; but the great increase of the German fleet made her watchful and she no longer felt at rest; indeed, she felt decided uneasiness at the thought of isolation.
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> Such was the general condition of Europe; preparations for war had produced fear, and fear predisposed to violence and catastrophe.
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> People in allied countries may say with truth that Germany, by forcing the pace in military and naval armaments, was more than anyone else responsible for this evil state of affairs. It was her policy of exclusive alliances and armaments after 1870 that produced this result. The truer this comment is, the more force does it give to the conclusion that follows from it. If the Allies, victors in the last war, pursue the same policy that Germany pursued after 1870, precisely the same untoward consequences will follow. Allied exclusive alliances and armaments will produce countercombinations and armaments—a German-Russian alliance this time, instead of a Franco-Russian. The notion that Germany can be kept permanently disarmed by temporary expedients such as foreign missions of control is an illusion.
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> Time is going on; several years have passed since the armistice; human affairs do not stand still; people should be asking earnestly on what course is Europe moving? Is it on the old lines again, or is it on new lines that may lead to new security and not to the old fear? (Grey of Fallodon Twenty-five Years, p. 279.)

That is from a man who lived through the craze of competitive armament. That is from a man who during the period of competitive armament was compelled to see his nation build a navy equal to the combined strength of the navies of any two powers. In his book he analyzes the history of Europe and submits the definite conclusion that the building of enormous armies and tremendous navies did not avoid war but precipitated it. The big navy men and the big army men of Europe had their day. They had the fullest opportunity of demonstrating the soundness of their philosophy. Big armies, big navies are no longer a moot question. The world has had the bloody experiment. The German Emperor, who dreamed of a supreme empire ruling the world, controlling the highways of commerce from Berlin to Baghdad, lives to-day in exile and seclusion with all of his theories and principles entirely discredited. The French leaders who hoped for the day of entirely crushing their traditional enemy and assuming once more the might of their Napoleonic days see their country instead impoverished, the flower of the youth of the present generation dead or maimed, and their fair land in such financial destitution that it will take a century to recover. The Hapsburg dynasty who reigned by engendering the hatreds of different nationalities within the empire, whose only purpose was a selfish desire for might, pomp, and power, and whose covert ambitions were to extend their unhappy reign all through the Balkans, has been entirely annihilated. There is no Hapsburg dynasty to-day. The Czar of all the Russias, the most cruel, despotic Government in the history of the whole world, has been entirely eliminated in the course of his own evil works. Can it be said that the sponsors and believers of armaments, of big armies and big navies for defense only, if you please, have not had their day and opportunity of putting their theories into actual practice? The World War was the result of this school of thought. The disastrous World War was the outcome of all these years of military preparation. Surely civilization can at least learn something from the most costly, terrible, cruel war of all ages. The World War was the result of this school of excessive armament for "defense purposes."

We would have been involved had the conflict occurred in 1906. We were brought into it in 1917. Conditions to-day are different.

Now, what is the condition of Europe to-day? The mighty Austro-Hungarian Empire is wiped out, entirely dismembered. In its place there is the Republic of Austria and the small State of Hungary. From the once-military Austrian Empire several small independent nations were formed—Czechoslovakia and part of the Republic of Poland. Croatia, Slavonia, Bosnia, Dalmatia, and Herzegovina were joined with Serbia and now are part of that Kingdom. Transylvania and a portion of southern Hungary were joined with Rumania.

Austria as a mighty military power and troublemaker is no more. None of the new governments I have mentioned are a menace or threat to the safety of our country.

What is left of the Russian Empire? What has become of the Russian Navy? Russia now is no longer a great military power. From its former dominion the present Soviet Russian Republic emerged. The Republics of Estonia, Latvia, Lithuania, and Ukrania were all carved out of the former Russian Empire. Finland was taken from the Empire and is now a republic, and part of the present Republic of Poland was taken from Russian territory. All these small countries have their own domestic problems, and while they may have their border and neighbor troubles they are of no menace or threat to the

safety of our great Republic. I am sure the gentleman from Illinois [Mr. BRITTEN] or the gentleman from Pennsylvania [Mr. BUTLER] do not fear an attack by the Swiss, Estonian, or the Latvian navies.

Mr. BUTLER. We do not fear anybody.

Mr. BRITTEN. I would like to tell the gentleman of whom we are afraid.

Mr. LAGUARDIA. I am coming to that.

Mr. BRITTEN. It is the wave of communism—the socialists. What the gentleman from New York represents is what we fear. We fear people who talk just as the gentleman does.

Mr. LAGUARDIA. All right; let me show you how the gentleman from Illinois talked when this country was in real danger, when our safety was actually threatened. At that time the gentleman from Illinois said:

> The wrongs of Germany, England, and all of the other belligerents which have been heaped upon us would not justify the loss of American lives.

Mr. Chairman, the gentleman from Illinois had the floor here when he uttered that statement.

Mr. BRITTEN rose.

Mr. LAGUARDIA. I refuse to yield.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. LAGUARDIA. The gentleman from Illinois took this floor and cringed when this country was confronted with a real danger, and let me say to the gentleman from Illinois that if he says I represent a danger to this country I was a student of history and world conditions when all that the gentleman from Illinois had ever read were the rules of the Marquis of Queensberry.

Mr. BRITTEN. Yes; the gentleman was a student, but a very poor one. It takes some men longer to learn things than others.

Mr. LAGUARDIA. I have not yielded. And I say to the gentleman that when the call of my country comes I will respond every time, and my record will bear me out. [Applause.]

Mr. Chairman, when I was rudely interrupted because I referred to the Marquis of Queensberry rules I was stating the condition of Europe to-day.

Powerful military Germany, one of the threats of the safety of the world, exists no longer. Alsace-Lorraine, with its plentiful coal and iron resources, part of the once German military machine, has been restored to France. Danzig, a strategic naval point of the north, has been declared an independent, free city. Posen has been joined to the Republic of Poland. Germany to-day, like Russia, has no navy. France, as I have already stated, although she may have been unwisely keeping up an unduly large army, is in such financial straits that she is in no position to engage in a war with a strong nation. Surely the splendid traditions of the past friendship, or better, let me say, the sisterhood between the Republics of France and of the United States, is such that we need not fear an armed conflict with that country, and surely the present splendid relations existing does not justify any fear at this time or for many years to come. Now, what does that leave us in Europe? Surely there is no immediate or remote danger of an armed conflict with the Scandinavian countries. One of these countries has even had the good sense to entirely disband her army. So that leaves only England, and I repeat that war between England and the United States is impossible. When I speak of England I have not in mind only Bond Street, London. I think of Great Britain as a great union composed of liberty-loving people, friends of the people of the United States. I think of the liberty-loving people who fought for the liberty now composing the Union of South Africa, Transvaal, and the Orange Free State.

I think of the democratic people of Australia and our neighbors and cousins of Canada. I am sure that, regardless of the greed of bankers or of commercial jealousies, regardless of the blunders of diplomacy, these people of Great Britain and the people of the United States will never permit war between the two nations. [Applause.] If we ever have another world war, and if Great Britain should be pitted against us, if we should permit that to happen, it will mean the destruction of thousands of years of civilization; we would not only have to rebuild the progress of the past but we will have to revise the Old Testament and rewrite the Gospels, and your new gospels would then be dictated by a philosophy of hatred and would not have been inspired by the Prince of Peace. [Applause.] And when I talk of war conditions of the future I know what I am talking about.

Constant comparison has been made as to the parity between our naval strength and that of Great Britain. Let me read to you what was said by the best friend the United States Navy ever had. Referring to the possibility of a naval building race with England, this great American said:

> Over here the representatives of the administration are demanding a navy bigger than that of Great Britain. The only possible interpretation of these facts is that the administration proposes to threaten Great Britain with having to get in a neck-and-neck competition with America to build the greatest navy in the world, and to do this as a bluff so as to make for Great Britain's adherence to Mr. Wilson's exceedingly nebulous ideas.
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> Under these conditions the American people should, with common sense, look at what their own needs are and at what the needs of their allies are. Sooner or later any program will have to be tested by its results, and even if the United States started to emulate Great Britain's Navy the enthusiasm to do so would vanish when it appeared that there was no earthly interest of ours to be served by the action.
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> Great Britain is an island, separated from the huge military commonwealths of Europe by very narrow seas, and separated from her own greatest colonies by all the greatest oceans. To her, supremacy in the navy is a matter of life and death. America ought to have a first-class navy, but if she did not have a ship she might yet secure herself from any invasion. But Great Britain's Empire would not last one week, and she could not make herself safe at home one week if her navy lost its supremacy. Incidentally to saving herself, the British Navy has rendered incalculable service to us during the last four and one-half years, and for the last 30 years has been a shield to the United States. Great Britain is not a military power in the sense that any of the nations of continental Europe, or indeed, of Asia, are military powers. She had almost as much difficulty in developing her army in this war as we had in developing our army. Her army is no more of a threat to other peoples than ours. Therefore, we Americans find ourselves, as regards the British Navy, in this position, that it is of vital consequence to Great Britain to have the greatest navy in the world; it is emphatically not of any consequence to us to have as big a navy as Great Britain, for we are not in the slightest danger from Great Britain, and under all ordinary circumstances the British Navy can be counted upon as a help to the United States and never as a menace.

And now get this prophetic statement by the great American, answering, or rather anticipating, the hope suggesting that a large building program could be of great strategic value in the event of another disarmament conference, he says:

> Under such circumstances, to get ourselves to work to build a navy in rivalry to Great Britain, and above all to do this as a political bluff is more than silly.

I read not from a pacifist but from an editorial in the Kansas City Star of December 7, 1918, written by Theodore Roosevelt. [Applause.] Let us pause a moment to see what we are doing here.

Mr. UPDIKE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment. There have been several comparative tables of the strength of England, the United States, and Japan put into the RECORD. I have here the latest tables compiled by the Navy Department, dated October 1, 1927.

I will submit to any gentleman or the chairman of the Committee on Naval Affairs the question as regards capital ships; we are not behind, are we?

Mr. BUTLER. Does the gentleman ask me the question?

Mr. LAGUARDIA. Yes.

Mr. BUTLER. We are not up unless we can recondition five of our ships. I dislike to make the answer public, but you have asked the question. I do not evade your question. The committee ought to know it.

Mr. LAGUARDIA. Yes; but the gentleman will concede that the other nations have to repair their ships also.

Mr. BUTLER. They are making the repairs.

Mr. LAGUARDIA. We have appropriated here for all the repairs that have been asked for, and there is no opposition here to repairs. So that of capital ships we have 18 of 525,850 tons and Japan 10 of 301,320 and England 20 of 558,000 tonnage. Surely no cause for alarm in this class of ships.

Now, gentlemen, besides this bill, we have already appropriated and under construction $71,650,000 for new ships; 8 cruisers, amounting to $39,650,000; 3 submarines, amounting to $17,900,000; and 4 gunboats, amounting to $4,000,000. These ships and others under construction now total $71,650,000.

Mr. VINSON of Georgia. What the gentleman means is that the existing program now is carried by $72,000,000.

Mr. LAGUARDIA. No. That $72,000,000 has already been appropriated by the Congress.

Mr. VINSON of Georgia. The bill this year carries $72,000,000.

Mr. LAGUARDIA. I said $71,650,000.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WINGO. The gentleman is giving comparative figures of the capital ships. Has the gentleman the figures in comparison of the cruisers built by Great Britain and Japan and the United States? Has the gentleman, roughly, the tonnage?

Mr. LAGUARDIA. Yes; cruisers not affected by the treaty; Great Britain has 56 of 354,000 tons and the United States 18 such cruisers of 155,000 tons.

Mr. WINGO. You mean the United States has 155,000?

Mr. LAGUARDIA. Yes.

Mr. BUTLER. We have eight authorized.

Mr. WINGO. I am talking about cruisers that are already built or under construction by the United States and Japan and England.

Mr. LAGUARDIA. One hundred and fifty-five thousand tons built and under construction in the United States, 354,000 by Great Britain, and 196,205 by Japan.

Mr. WINGO. As I understand, that is the pending bill's major proposition of first-line cruisers. If we are in the third place now, why does the gentleman oppose the construction of all cruisers?

Mr. LAGUARDIA. You can not take but one ship alone; you must take your entire fleet. And in the next place, you have got to take also into account the potential strength besides the actual strength of a fleet and the resources of the country. You have to take the mission a fleet would be called to perform. And when you consider all of these factors, you will see that there is no necessity at the present time, and that we are really not third or even second. It is not necessary to suggest that we are in a better financial position than any other country in the world. Granting, but not conceding, that another nation has a stronger navy, what nation is there to-day that has the resources, natural or financial, to use a navy effectively in a war against the United States? When we engage upon this program it may not be entering upon a competitive naval building race, but we are still certainly establishing a "keeping up with the Jones's" policy; and as we pass this naval bill, England, of course, will respond by adding to few more, and Japan will respond by adding a few more, with the result that a race will be started, whether we intended to or not, and God knows where it will end. That is my objection. I hope the gentleman will bear with me when I quote some papers on the reaction in other countries on this program. This program will certainly have a very detrimental effect on our leadership for the peace of the world.

Mr. BRITTEN. May I correct the gentleman's figures?

Mr. LAGUARDIA. The gentleman can do it in his own time.

Mr. WINGO. I was trying to get information from the gentleman a while ago——

Mr. LAGUARDIA. And the gentleman from Georgia [Mr. VINSON] tried to give it to the gentleman.

Mr. WINGO. No. He was trying to get me off on something else that was controversial. I am trying to get information from the gentleman.

Mr. LAGUARDIA. I will say that the best proof that there is no proof of immediate danger of war is the fact that the Department of the Navy is not insisting for any submarines. If there were the slightest danger of war in the next five years, the Navy Department would have insisted on the construction of more submarines, would they not?

Mr. WINGO. Why, of course. But we have already authorized submarines.

Mr. UPDIKE. Will the gentleman yield?

Mr. LAGUARDIA. Not just now.

Mr. UPDIKE. I desire the gentleman to be correct.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. LAGUARDIA. We have appropriated for three submarines and they are being built. There are three more submarines authorized, and a great deal is made now of the fact that the committee has not asked for any destroyer leaders. This as an indication that the original building program has been materially reduced. No such thing. Congress has already authorized 12 destroyer leaders. Under the act of 1916 the authorization is sufficiently broad to include destroyer leaders, so that in addition to the authorization in this bill you have your act of 1916, which provides for 12 destroyer leaders.

Now, we are not being asked to appropriate for the ships heretofore authorized, but we are asked to increase the authorizations already made for 12 destroyer leaders, 8 cruisers, and 3 large submarines by adding 15 cruisers. You must also bear in mind that this bill not only authorizes but provides for 5 cruisers to be built in each of the years 1929, 1930, and 1931, and it provides that each one shall cost $17,000,000.

Mr. BUTLER. Not exceeding $17,000,000.

Mr. LAGUARDIA. Yes; not exceeding $17,000,000. The gentleman will remember that he informed this House one time, in his typically frank and honest manner, that not since he has been in this House for over 20 years has the cost of a ship gone under the estimated price.

Mr. BUTLER. I think that is right, and I want to say to my friend that I do not expect they will be built for any less than $17,000,000. But we put a time lock on so that this House can keep control of its own affairs.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BUTLER. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. LAGUARDIA. These ships are not to cost more than $17,000,000, but judging from past performances they will cost more than that.

Mr. BUTLER. If you build them in navy yards they will cost 30 per cent more.

Mr. LAGUARDIA. The Government navy yards bid $3,000,000 less on each of three ships than private shipyards, yet the private yards received the contracts. While we are on that point, let me answer the argument that has been presented, to the effect that it is prudent to keep the shipyards busy. All right. If you want to keep the shipyards busy, I will vote for an appropriation of $270,000,000, but let us give the shipyards work in building mercantile ships. [Applause.]

Let us reinforce our poor, feeble, tottering, anemic, weak, and inadequate merchant marine. You gentlemen talk about the necessity of protecting trade. Well, you better have a merchant marine first to protect. I will vote for an appropriation to build these merchant ships in the shipyards. Then put some of your naval men on these ships to navigate them. There is no objection to that, and carry the blessings of American commerce to all parts of the world. It has been stated on the floor of the House that we have to protect our trade. I will tell you that no trade was ever acquired from the muzzle of a 16-inch gun. The only way we can have trade is by having the good will of other countries. Naturally we can not monopolize the trade of the world. We can not monopolize all of the trade of the world, because if we did all of the selling the nations of the world would have no buying power. That is elementary. We must have good will to maintain and protect our foreign trade. If we are to protect our merchant marine, let us at least first build a real merchant marine to protect. There will be no objection, I am sure, to the building of 40 or 50 first-class merchantmen, and that would keep our shipyards busy for some time.

I think it is the paramount duty of this country at this time to maintain our leadership for world peace, but this ambitious program impairs that leadership. Let me read just a few of the comments to which I referred before showing the reaction our naval program produced in England and in Japan. It is anything but wholesome.

The authoritative London Times says this, and I read from an extract contained in the Literary Digest of January 14, 1928:

> The outside world, which can detect in the present condition of the world no possible menace to the security or the prosperity of a great continental power, far removed by ocean distances from any conceivable attacking force, simply can not understand for the moment the object of this new and astonishing American naval effort. Here in this country we are acutely sensitive to the opportunities and dangers of the sea. As an island power, the center of an empire scattered amid the oceans, we are perpetually aware of our own naval needs, which have now been restricted, as far as may be, on a very careful calculation of the possibilities and probabilities of the near future. We have faithfully carried out the terms of the Washington agreement. The extent to which we have scrapped warships since the war is hardly realized even in our country. We were prepared to delay even a minimum replacement. To demonstrate our unwillingness to engage in any kind of naval competition with America or Japan, the two powers who might conceivably be our rivals at sea, the Government declared on November 17 that the construction of two of the cruisers provided for in the estimates for next year would be postponed. On the other hand, the Government of the United States, in spite of Mr. Coolidge's depreciatory reference to the "Old World competition in armaments," is now defi-

nitely embarked on an armaments program that is in fact competitive, is by implication provocative, and—to judge by a number of hints, pointers, and allusions—is at least designed partly with the object of making a strong impression on British opinion.

London Times proceeds further:

For the present, so far as our own country is concerned, it is necessary to make one point clear. A clause in the naval bill declares that "in the event of an international conference for the limitation of naval armament, the President is hereby empowered in his discretion to suspend in whole or in part any construction authorized by this act." It is suggested that this clause implies that the bill does not really mean what it says, and that its present purpose is to use indirect pressure to bring about another conference. If there is any basis at all for the suggestion—and it is difficult to attribute such motives to the authors of a bill which we are asked to take seriously—then it must be said at once that it is not by means of this kind that Great Britain will be induced to take a hand. The suggestion is wholly irrelevant. It implies, if it exists at all, that an entirely false interpretation of the British attitude at Geneva has gained currency in America and has even received official sanction. Our delegation and our Government had no ulterior purpose in that conference; its sole aim was the reduction of the burden of armaments. There was an initial error; sufficient pains were not taken by diplomatic means to elucidate all the implications of the American attitude. That error must not be repeated. But, for the moment, all that is necessary is to study carefully and quietly the diplomatic and political consequences of the new program of naval expansion. There can be no question of accepting any underlying challenge either to a new conference or to a fresh spurt in buildings.

The London Star thinks that the new American naval program may seem to come rather ungraciously on top of the British decision to lay down only one cruiser instead of the three contemplated for next year, but—

We hope it will not be made an excuse for carrying out the full program here. The British Admiralty has allowed itself to be led up a blind alley in regard to American competition in armament. Every authority entitled to speak has told us that in the pre-war years America was placed outside the calculations on which our own standards of armament were based, yet it is American standards which seem to have become the measure of our own. This country has now a chance to get back on a surer basis, and make it clear that it refuses to enter into an armament race with the States.

The London Daily News frankly states that such a program is anything but helpful to the cause of disarmament.

There is nothing to stop America from building as many ships as she likes—

Rather quaintly remarks the London Daily News—

except the common sense of the American taxpayer, who has been rather rigorous in his scrutiny of this sort of expenditure in the past and is not likely to be less so in the future.

We are reminded then that—

It has generally proved a popular and easy thing to launch a big-navy program in the States and a much less popular and easy thing to pass the bill to pay for it. So far as this country is concerned, the number of ships which America chooses to build is no concern of ours. Beyond a vague promise of continued cooperation with the league in its investigations, the President's message contains nothing helpful to the cause of disarmament. Here again the arguments advanced are the old arguments that have been used to defend militarism from the earliest days.

The London Evening Standard has this to say:

There can be no ground in this case for the kind of race which proceeded between Great Britain and Germany after the launch of the first Dreadnought up to the verge of the Great War. That should be clear to the common sense of both nations. Our Admiralty and our Government will have to consider what provision must be prudently made for the general security of the Empire and the special needs of our overseas trade. But it would be equally absurd and dangerous to enter on a program of construction which could by any possibility be interpreted as a challenge or the acceptance of a challenge.

Security is, after all, a relative term, and "reeking tube and iron shard" are not the sole elements of national safety. Others as important are the spirit and enterprise of the nation, its financial resiliency, and the extent of the margin between actual and potential power.

Now, let me read an Associated Press dispatch printed in the Washington Post of Monday, January 16, 1928, which indicates the reaction in Japan when the original naval building program was first announced:

TOKYO, January 15.—The vernacular newspapers are generally adopting a hostile attitude toward the recently announced American naval program. Asahi sarcastically remarks:

"America recommends to France an extension of the treaty outlawing war, yet she recommends for herself an expansion of naval building."

The United States is warned by Hochi that she is antagonizing the whole world in carrying out a huge naval expansion program to satisfy her vanity, while Jiji, after lauding the spirit prompting America's reply to France, asks:

"But does not the proposal to carry out the naval expansion disclose the game America has played at the expense of the world?"

Oh, yes; I can hear the murmur "What do we care what others say," and "It is nobody's business what we do or what we build," but, gentlemen, permit me to state that the very consideration of appropriations for Army and Navy carries with it a consideration of our foreign relations. We do not build a Navy for recreation. We do not build a Navy to look at. A Navy is built for one purpose only, and that is to attack the ships of other countries or to defend against an attack of ships of other countries. So it is natural therefore and proper to consider our relations at this time with the countries of the world in deciding whether or not the safety of the country requires this enormous expenditure. It is also proper and, in fact, our duty to consider what effect such a naval program may have on our present existing friendly relations with other countries. Surely if the engaging in a vast naval building plan is going to disturb the friendly feelings now existing between nations of the world that is something to be considered. That is why I read these comments from foreign newspapers, because they surely reflect the views of the people of those countries. As I have already stated, arguments used on the floor of this House, expressions of imminent conflict, presumed dangers, the necessity of being prepared in the near future will all be used in the parliaments of other countries as a justification for more appropriations, for more warships, and for larger armies. That is the very thing that many of us are seeking to avoid. With the present condition of the Navy—and here let me state that in destroyers, submarines, and mine layers we are way ahead of both England and Japan. Taking the Navy as a whole it compares more than favorable with the navies of either of these two countries. So if the justification for this enormous increase together with what Congress has already provided for is based on fear of a possible conflict or on the inferiority of our Navy, I say that it is not justified on either of these grounds.

I am not going to be swept off my feet by charges that I am a pacifist. To say that a larger Navy is necessary to combat communism or socialism, as the gentlemen from Illinois suggests, is silly. That is one of the silliest arguments that was ever made. The only way to combat radicalism and bolshevism is by making the conditions in this country such that the people can live in happiness and in peace. [Applause.] Look at the former strength of Russia, with all of her tremendous military power, with all of her oppression and her haughty aristocracy and special privileges, and you have a living lesson of what creates extreme radical conditions. Look at Germany and its tremendous military power and see how an idea destroyed all of that. It is not an argument worth answering to say that you need a fleet to combat ideas. You can only combat ideas and ideals with better ideas and better ideals.

A program of 71 ships was originally the demand. The reaction from this entire country was against that program. I received letters from all parts of the country protesting against the original program; so did the President of the United States; and so did every Member of Congress, I dare say. Now, you come in with a bill and word is sent out to the country that we are building only 15 cruisers, while, as a matter of fact, we have already authorized 12 destroyer leaders, 8 cruisers, and 6 submarines.

Now that the distinguished Secretary of the Navy is on the floor I want to call his attention to something. I intended writing him yesterday. I believe that the facts concerning the relative strength of the Navy ought to come from Washington. I think that part of it ought to be left to the chosen representatives of the people. I have here, if I have not mislaid it, a statement sent to the press by the naval recruiting office in Brooklyn, which would indicate that the United States is hopelessly behind other nations in tonnage, number of ships, and in naval strength, and creating such a sense of fear and insecurity that it is necessary to increase the Navy at once.

It seems to me the recruiting officers, who are subordinate officers of the Navy, should not be made press agents. There is great danger of a lot of misinformation being sent out. I have misplaced it now, but I have it among my papers and I will bring it to the Secretary's attention officially, that it does not behoove the Navy to instruct its subordinate officers stationed in various cities to send out statements to the press to the effect that this country is in great danger unless we approve this bill.

I will not quarrel with the Navy as to the recommendations it has made. That is the Navy's job. I say that every time we send the Navy on a mission it performs its services well. My complaint is that we should not have sent the Navy on a great many of the missions we have sent it upon, because that is not its function. [Applause.] I say that one of the blackest blots on our history is our conduct down in Haiti. That was not a proper mission to assign to the Navy; but it was not the fault of the Navy; it was the fault of whatever administration sent it down there.

Gentlemen, I am not afraid to take a stand on this bill, as I will take a stand on every matter that comes before the House. I am absolutely sincere in my belief that this country has a great mission to perform in assuming leadership in the world for peace. I believe we are so fortunately situated, that our resources are so tremendous, that our strength, military and otherwise, is so great that we are not in danger of attack from any source in the world. I am not afraid of Japan. We can take care of that situation. Japan has no desire to enter into war with the United States unless we instigate it and test the patience of that country. They have their own problems to solve. They have many problems to solve. So there is no danger of an attack from that sourec.

The resources of Japan are such that it can not engage in a war with the United States. Gentlemen, just stop to consider the distance, the tremendous line of communication that Japan would have to establish and maintain in order to wage war against this country, and you will see that with the present known weapons of warfare and under the existing conditions, both here and in Japan, there is no reason for anticipating trouble with that country.

Yes; I suppose some one is ready to ask me about the Philippines. The solution to that is simple. The time has arrived for the United States to keep its promise to the people of the Philippines and to grant them their independence. Independent Philippines is of far greater value to the United States than the territory of the Philippines. The splendid loyalty of the Filipinos and their devotion to the United States and sincere appreciation for all that the United States has done for them is the guarantee and the absolute assurance that the Filipinos as an independent nation will always be the best friend of the United States in the Far East. Japan is not looking for trouble with the United States. Naturally Japan has her jingoists just as we have our jingoists in this country, but the people of Japan and the people of the United States have grown to know and learn that the jingoists who declare war with their mouths in time of peace are not the men who do the fighting in time of war. The relations between Japan and the United States were never better. Fears and misunderstandings of the past do not exist to-day.

Our Navy to-day is quite ample to protect our coasts. A proper, well-equipped aviation service, which we can create and put into operation in a short time, can amply and thoroughly protect our coasts in the event of any danger or even remote threat of danger.

War between Great Britain and the United States is simply unbelievable, and taking any combination of other countries of the world, we are in no danger of being attacked. That is why I have taken this position. That is why I say there is no immediate necessity for this bill at this time.

We have authorized sufficient ships and we are now appropriating enough to build new ships to bring our Navy up to the requirements of any immediate purpose. We have other things to do. I am not ashamed to say that we could use this $200,000,000 for a much better purpose. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BUTLER and Mr. McCLINTIC rose.

Mr. McCLINTIC. Mr. Chairman, how does the time stand?

Mr. BUTLER. I yield 20 minutes to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] has 54 minutes in favor of the bill and 1 hour and 20 minutes in opposition to the bill; and the gentleman from Oklahoma has 1 hour and 27 minutes left at his disposal, and the gentleman from Georgia [Mr. VINSON] has 1 hour and 15 minutes at his disposal.

Mr. McCLINTIC. Mr. Chairman, I have asked one of my colleagues to speak at this time, and I would like to have him recognized for 10 minutes—the gentleman from Oklahoma [Mr. McKEOWN].

Mr. BRITTEN. The Chair evidently did not hear the gentleman controlling the time on this side. The gentleman has just yielded me 20 minutes, and I would like to proceed now with the time that has just been allotted to me.

The CHAIRMAN. If that is satisfactory to the gentleman from Oklahoma, who has more time left?

Mr. BUTLER. I think, in view of the personal attack that has been made upon the gentleman, he should have the opportunity of replying. That is always fair play among American people.

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. BRITTEN. Mr. Chairman, first of all let me say that anything I may have said that even hinted at being unkind to my young friend from New York, I will take out of the RECORD, and when he referred to his own future retirement from the House I should have said I hoped it would not be soon. Because opposition of this kind in any community is interesting; it may even prove instructive. It did evidence one fact to-day—his complete lack of knowledge of the bill before the House. When asked by the gentleman from Arkansas [Mr. WINGO] the simplest question about the number of cruisers, he blandly raised his chin in the air and said, "We are appropriating for 22." When the truth of the matter is we are now appropriating for 8. His entire statement was equally inaccurate.

The gentleman opened his remarks by saying "if war were imminent" this bill would pass the House immediately. My friends, it will take six years to complete the building program in this bill, and if war were imminent I am sure we would not be giving consideration to this kind of a bill—we would be voting on something entirely different.

Mr. UPDIKE. Will the gentleman yield?

Mr. BRITTEN. I would rather not for the time being. I will yield later.

The gentleman suggested that New York is not declaring war on England every day like Chicago. The gentleman did not tell you that on the 4th of February, 1928, President Coolidge made a speech, more or less in executive session, at the Press Club here, in which he said:

> Whenever any of the press of our country undertake to exert their influence in behalf of foreign interests, the candor of the situation would be greatly increased if their foreign connections were publicly disclosed.

The President evidently had in mind two great newspapers in New York. The gentleman from New York knows the newspapers I have in mind and so does almost everybody else on the floor of the House.

That is one of the reasons there is no clamor against England in New York, as the gentleman says.

Mr. BLACK of New York. Will the gentleman yield?

Mr. BRITTEN. Not now. I will get the gentleman some time.

The gentleman [Mr. LAGUARDIA] of course knows that New York is completely tied up to England, financially, commercially, and socially; that its principal press is subsidized in favor of Great Britain.

Why should the New York Times editorially be against this bill? Why should the New York World editorially be against the bill? The managing editor of the New York Times for 30 years has been a British subject, refusing to become an American citizen. If he is now an American citizen it is a very recent action.

The man who writes the Army and Navy editorials for the New York Times is a cousin of the British consul general in New York City. Do you wonder why we read those editorials in disgust?

The Baltimore Sun, a pro-British sheet, is another one that the President doubtless had in mind and by whom you gentlemen are likely to be criticized if you vote for this bill. The vote is going to be light, for with the exception of the Socialist Party there is no request for time except from the gentleman from Minnesota [Mr. KVALE].

Gentlemen, run down the newspapers who oppose this legislation. Look into their editorial departments and you will find Rhodes scholarship men, British subjects, propagandists, and pacifists controlling them. You will find British connections. I agree with my young pacifist friend [Mr. LAGUARDIA] that there is no immediate likelihood of a war with England or with Japan. It is not imminent; but when he suggests that England is an island with far-flung commerce and ought to have a larger navy than ours, he is forgetting that last year $21,000,000,000 worth of deep-sea business went from the ports of this Nation to every port in the world. Will not the gentleman agree with me that our $21,000,000,000 worth of manufactured and raw products are entitled to the same protection on the seas that other great countries cherish for their industries? Why, of course.

Mr. BERGER. Will the gentleman yield?

Mr. BRITTEN. No; I know that the gentleman from Wisconsin desires to assist me.

Mr. BERGER. Then why do you not let me? [Laughter.]

Mr. BRITTEN. This bill is like fire insurance. I used to represent the twenty-third ward in Chicago. It was stated that there was not a pauper or a millionaire in the entire ward. There were many fine citizens of foreign extraction in that ward. When an agent called upon a German owner of a frame building and asked him to take fire insurance on his little home he would say, "Why should I take a fire-insurance policy? I have lived here 21 years, raised a family, and we have never had a fire." He stays at home on Fourth of July and watches his little house. The old twenty-third ward did not need a fire department nor a police department, and yet the most of them carried fire insurance. A protection for an emergency.

It is hard to answer many ideal socialistic questions. One gentleman came before the committee, and he wanted to know who we were going to fight, where are we going to fight them, and why should we fight them?

Just like the little German in my district who says, "Why should I have a fire-insurance policy; why should I take out an accident policy?" It is almost impossible to answer those questions. Good business justifies building a Navy. There is no question about that. In every walk of life—I will put it this way—there is no walk of life on this earth where weakness is declared a strength except by such gentlemen as I am following, the pacifist, the idealist, the communist who says you must weaken yourselves to show your leadership and strength.

A professor of Swarthmore University came before the committee and offered his advice. He said we ought to have a Navy composed of small gunboats such as we have on the Great Lakes, and when they become obsolete we should not replace them. When asked about heavy guns, he said, "Why should we fight; why should we think of fighting?" I remarked that President Coolidge said that "war was accidental." Well, war is accidental.

The gentleman from New York [Mr. LAGUARDIA] also said in one of his intelligent moments on the floor that the naval experts did not request any submarines. The truth of the matter is the President's bill that came here with the recommendation of the Secretary of the Navy requested 35 submarines.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. I will yield to the gentleman, although he would not yield to me.

Mr. LAGUARDIA. I know that the original program included 35 submarines, but the committee did not recommend any.

Mr. BRITTEN. No; the committee did not for this reason: We have 93,000 tons of submarines now, much more tonnage than any other nation. We also still have three authorized for which no appropriations have ever been asked. They were authorized 12 years ago.

With that in mind, why authorize 35 additional? Let us clean up those already authorized. It was treated as a business proposition. Of the 21 members of this Committee on Naval Affairs, all but 1 were unanimous for this bill. We sat for weeks taking testimony of all sorts of individuals, experts, pacifists, and near communists. One of our witnesses was referred to in the New York Herald-Tribune editorially as a nationally known international anarchist. But we heard them all. Then we sat down in executive session, and this bill is the result. I really think the bill is a better bill for the national defense than the bill that was sent to the Congress by the President of the United States, which provided for 74 ships as against these 16. This provides for a time limit on them, of course. I am not going into the figures, because they have been ably presented to you already, but there was a lot of opposition to any great expansion of the Navy. That opposition came from a number of so-called peace societies, pacifists, and communist societies. The larger of the group were the Church Peace Union and the World's Alliance for International Friendship. Those two organizations are very big ones and do business under the Carnegie Foundation fund. They were represented by four of their executive trustees. Of the four, three of them were for a navy. The other one was the gentleman I just referred to a little while ago as being referred to as an international anarchist. The spokesman for these two great church organizations said that they represent between 30,000,000 and 50,000,000 Christian churchgoers, and he wound up his testimony by saying that pending an international conference agreement for the reduction or limitation of armament:

> We are for the spirit of the Washington conference, the 5–5–3 ratio.

That expression comes from these great church organizations, and this bill before you to-day does not begin to reach the 5–5–3 ratio. On the contrary, I wanted to give the gentleman from New York [Mr. LAGUARDIA] some figures which were desired by the gentleman from Arkansas [Mr. WINGO]. He wanted to know the comparative status of our cruisers to-day. To-day we have built and building 18 cruisers, while Great Britain has 63—and I am talking now about cruisers less than 20 years of age—and Japan 33. In tonnage our tonnage is as of 146,000, and Great Britain's 386,000, as against Japan's 206,000. In ratio we are 1.9, Japan 2.7, and Great Britain 5.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. LAGUARDIA. The gentleman's figures do not agree with the figures that I have.

Mr. BRITTEN. I am trying to show that the gentleman's figures are not correct.

Mr. LAGUARDIA. I got these from the Appropriations Committee.

Mr. BRITTEN. Oh, no; they could not have told the gentleman they were appropriating for 24 cruisers. I do not know where the gentleman got his figures, but they are all wrong. Now, let us presume for the purpose of figuring that all of the 15 ships in this bill will be completed in six years. Let us assume, which is a rather violent presumption, that England will not build another ship in the next six years, nor will Japan. At the end of those six years the ratios in tonnage will show Japan to be 2.7, and we will be 3.8, while England will be 5. In other words, just about 35 per cent stronger than we are in cruiser strength. Mark you, I am not talking about battleships now, nor of comparative naval strength.

It is well known that England is stronger than we are in battleships. Every person who came before the committee, including these church organizations, realized that England is stronger than we are in battleship strength. One of those who represented the church organizations was Doctor Gordon, a dignified and learned man, who went to the Geneva conference as a listener-in. He told the committee that in his opinion we were weaker than England in battleship strength, and that is quite correct.

Mr. KVALE. Do not the figures stated by the gentleman prove that the Washington disarmament conference was a complete fiasco?

Mr. BRITTEN. It all depends upon the point of view. I think we made a great mistake in scrapping our modern ships. The only thing that caused the failure of the Geneva conference was the refusal of Great Britain to scrap her modern ships. Let me go a little further on this matter of tonnage. This bill is not in conflict with the Washington conference, nor is it in conflict with the proposals of our delegates to the Geneva conference. We offered to meet with England at 300,000 tons cruiser strength. England came down to 590,000 tons, and finally was willing to come down to about 400,000 tons under certain conditions. So that no portion of this program when completed will ever be scrapped. It is inconceivable to presume that the British or the Japanese will ever scrap down to meet these figures, we are so far below them.

Mr. Chairman, a very estimable Member of the House called on me a little while ago and wanted some time in opposition to the bill. I told him that he could have some, after I had had consultation with the gentleman from Pennsylvania [Mr. BUTLER]. He said that he was inclined to look with favor on the minority report. I asked him whether he had read it, and he said that he had.

Mr. Chairman, the minority report is so fantastic, so impossible, that Grimm's Fairy Tales never had anything more pleasant to read than this minority report by one man.

Mr. McCLINTIC rose.

Mr. BRITTEN. I shall yield in a moment to the gentleman. This minority report provides in one case, for instance, for changing battleships of 40,000 tons into aircraft carriers by putting a deck over the top of the turrets. The deck, according to the best expert figures, will be about 320 feet long, so that it will go beyond the bow of the battleship and over the guns. When the big guns are to shoot, the flying deck will be raised like a jackknife bridge; and as it is only a little more than half as high as the Washington Monument, it will not weigh over a thousand tons.

Mr. BUTLER. No trouble at all to get out in the water and raise it!

Mr. BRITTEN. When you raise it up the captain on the bridge will not be able to see through it, and the men in the fire-control mast will not be able to see over it, so that in all probability the minority report will have to be modified so as to provide that this deck shall be made of glass. Wired glass so it will not splinter when hit. When the wind hits this thing standing up in the air, of course, the battleship will overturn. But they will probably amend the minority report again

and provide that when the ship overturns it will be a submarine. [Laughter.]

We talked with the experts in the committee about this wonderful fairy tale and got a good laugh. The minority report says further that it will give our battleships not the range of 18 miles, but the range of 200 miles, because they will have a lot of bombers aboard to destroy any enemy. If they ever shoot a gun off on one of those battleships, they will never get back, because the gunfire will tear the platform all to pieces.

Mr. McCLINTIC. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. McCLINTIC. I have learned from our experts that that can be done.

Mr. BRITTEN. The gentleman said his views are approved by certain officers and experts, not in this country, but in England. Lieutenant Commander Kenworthy, in England, and some British admiral were referred to. They are in favor of it, of course.

Mr. BUTLER. Kenworthy came and talked to me about it. They do not want us to build these cruisers.

Mr. BRITTEN. Every officer in the British Navy would be in favor of the minority. Its adoption would be a great day for England.

Mr. McCLINTIC. No one in the British Navy has been conferred with on the subject that I was referring to, but officers of the American Navy.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. May I have 10 minutes more?

Mr. BUTLER. I yield to the gentleman from Illinois 10 minutes more. And the gentleman from Wisconsin [Mr. BERGER] will have his 18 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 additional minutes.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. I will yield to the gentleman for a question. Yes.

Mr. SPEAKS. Do you mean to say that a majority of the Christian people you refer to favor a naval program of the character presented in this bill, which is, of course, in addition to the regular naval appropriation of approximately $300,000,000?

Mr. BRITTEN. I do not pretend to represent the Christian people at all. I was telling of what Dr. Linley V. Gordon said to the committee. I was precise in my remarks when I said that pending an international agreement for the limitation of armaments Doctor Gordon said his association was in favor of the spirit of the Washington conference, the 5-5-3 ratio for the Naval Establishment.

Mr. SPEAKS. But the Washington conference simply places limitations on the maximum strength of our Navy. There are no conditions warranting such a program as you are advocating in this bill and the people are not approving it.

Mr. BRITTEN. What does it require?

Mr. SPEAKS. Nothing except that we keep within the limitations. I hope the gentleman will yield to a few questions which will assist in establishing the attitude of the so-called Christian people on this important subject.

Mr. BRITTEN. No. The gentleman from Pennsylvania [Mr. BUTLER] will give you time sometime later. Do not consume my time, if you please. The gentleman's version of an adequate Navy is so different from mine that the two can not fit in with each other. The gentleman can say what he wants to, in his own time.

Now, with reference to these other pacifist organizations that have bombarded Congress, there are two others of communistic tendency. One of them is represented by a gentleman who is in the gallery right now. He is usually referred to either as a pacifist or a pacifist-communist or a patron of that kind, because of his preaching around the country. He is the principal payroller on the National Council for the Prevention of War—a very high-sounding name—and his name is Frederick J. Libby.

Now, Frederick J. Libby is not permitted to address the school children of the District of Columbia at any time, because of his attempted destruction of famous and heroic characters, the men who made this country what it is. The Board of Education of the District of Columbia unanimously refused him permission even to address the school children at any time.

He, representing this organization of the high-sounding name, the National Council for the Prevention of War, is the principal payroller of the establishment, and he goes all over the country making speeches against the naval establishment, the Army, preparedness, and the national defense; almost the same type of argument as is used by the leader of the Socialist Party, Mr. LAGUARDIA, or as was used by him a few moments ago. That man, with his associations and connections, some of them communistic, some of them labor, some of them socialistic, some of them pacifists, and some of them connected with church organizations, sends out letters indiscriminately, suggesting to the recipients—

> Write your Members of Congress; have your friends write to their Members of Congress against all this terrible expansion of the Navy that will drive us to war; it means war.

That man is responsible for the fact that you gentlemen and I myself are getting hundreds of letters from people who, to say the least, are misguided.

Mr. Libby was quoted before the committee as having said that he—

> did all he could to defeat the carrying out of the national defense act—

and that when the draft act became a law—

> he [Libby] joined the Quakers.

After the testimony of Mr. E. B. Johns, of Washington, D. C., I received the following letter from Mrs. Laura Puffer Morgan, who appears to be the active mind of the National Council for the Prevention of War:

NATIONAL COUNCIL FOR PREVENTION OF WAR,
Washington, D. C., March 2, 1928.

DEAR MR. BRITTEN: On consulting the transcript of the stenographer's notes of the hearing of Friday, February 17, before the House Naval Affairs Committee, when you were acting chairman, I was surprised to find that through omissions the record is incomplete, and by being so manipulated is not only inaccurate but completely misleading. The permission that you gave me to file a document for insertion in the record was omitted, as well as the document itself. I was further surprised to find that at the very end of the hearing there was recorded an objection by Mr. WOLVERTON, a member of the committee, to the insertion of the document I presented. This objection, if it was raised before adjournment, was made in the confusion permitted to prevail just as the committee was breaking up, so that many present, with whom I have talked, as well as I, myself, did not hear it.

Whatever may be your explanation, these facts remain. You were acting chairman of the House Naval Affairs Committee on February 17. You directed the proceedings of the committee. You and members of your committee encouraged statements from witnesses unfriendly to the National Council for Prevention of War and its executive secretary. These statements became so glaring in their incorrectness that I arose and volunteered to give correct information. Upon your refusal to hear me, for the enlightenment of the committee and to answer these false statements which the committee had elicited I filed a document, this being a letter addressed to the Daughters of the American Revolution of New Windsor, Conn., by Daniel Howard, superintendent of schools.

This document was delivered to your committee upon your statement that it would be received. It was delivered to the committee for insertion in the record. It gave the correct information regarding Mr. Frederick J. Libby, executive secretary of the National Council for Prevention of War, who was being unfairly attacked and slandered. The exclusion of this document which I filed, after it had been formally accepted, without my knowledge and consent, and the retention of other testimony of complete inaccuracy does not fall short of falsifying the record. I have the names of a number of people who were present at the hearing, who can confirm these statements and are willing to have their confirmation made a part of the record of your committee.

I am well aware that you are protected in this matter by the rules of your committee. I am authoritatively informed that it has a ruling which will exclude from the record any matter to which there is objection by a Member. That permits your committee to make propaganda of its records by keeping out anything whatever, regardless of its importance and value, which will be unfriendly to the majority opinion of the committee. I also understand perfectly that the objection raised by Mr. WOLVERTON was made as a last desperate effort to bolster up the position of the committee. Mr. WOLVERTON gives as his reason for excluding Mr. Howard's letter that it "contains many statements that are disputed." This reason would apply equally well to the remarks of other witnesses with reference to Mr. Libby, since they are emphatically disputed and denied in Mr. Howard's letter.

In order that you may understand just what the committee, by acquiescing in this action, has made itself a party to, let me be more specific. Mr. E. B. Johns, one of the witnesses, in the course of his testimony quoted from what he said was the report adopted by the Board of Education in excluding Mr. Libby from the public schools of Washington. The fact is that not one sentence of what he quoted appears in this report, a copy of which I inclose. This can easily be verified by application to the secretary of the Board of Education. Other statements made by this and other witnesses are equally false.

Can the House Naval Affairs Committee—and in particular the man who was at the time responsible for its actions—afford to accept such false statements, unsupported by evidence, about a third person, much less encourage them, without giving that person an opportunity to reply?

We all appreciate the importance to a public servant of keeping his record honest, fair, and creditable. Action so flagrantly unscrupulous as this of the House Naval Affairs Committee may accomplish its immediate purpose but in the long run can only give rise to public censure and create public distrust.

For these reasons I must request that you either insert in the record the letter of Daniel Howard or expunge from it the statements defamatory to Mr. Libby.

Yours very sincerely,

LAURA PUFFER MORGAN,
Associate Secretary.

Hon. FRED A. BRITTEN,
United States House of Representatives,
Washington, D. C.

Mr. Chairman, I immediately replied to the above letter as follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., March 5, 1928.

Mrs. LAURA PUFFER MORGAN,
National Council for Prevention of War,
532 Seventeenth Street NW., Washington, D. C.

DEAR MRS. MORGAN: Replying to your letter of March 2, which was accompanied by a copy of a report adopted by the District of Columbia Board of Education, January 21, 1925, I would respectfully remind you of the fact that when the committee hearing adjourned on Friday, February 17, 1928, there was considerable confusion in the committee room because several ladies were clamoring for recognition at the same time and the chairman had some trouble in maintaining order and quiet. The stenographer's report of the meeting speaks for itself.

I do not know the contents of the letter written by the superintendent of the public schools of Windsor, Conn. (favoring Mr. Libby), which you sought to have made a part of the committee record, but I do know that it was kept out of the record by motion of Mr. WOLVERTON when he said, "I do not feel that either of the persons (the school superintendent or Mr. Libby) should be given the benefit of the statements contained in this letter, without their personal appearance before the committee for such examination as the committee may desire to make," and the letter in question can only be inserted in the record by action of the committee itself.

The second subject matter of your letter refers to the testimony of Mr. E. B. Johns before the committee. You say that he has misquoted the report adopted by the Board of Education of the District of Columbia, a copy of which is forwarded with your letter.

I do not have the testimony of Mr. Jones before me, but the report which was adopted by the District of Columbia Board of Education (unanimously) includes the following findings, viz:

"It was evident that there was considerable opposition from citizens and bodies of citizens to Mr. Libby's request for permission to speak in the schools."

"In the hearing Mr. Libby stated that his views in regard to war and national preparedness are based upon his religious convictions.

"Our school histories recite the deeds of these renowned Americans, so that we are not surprised that in the hearts of our boys and girls they stand out as national heroes, and rightly so. Every American boy and girl should be permitted to cherish the memory of these heroes. Whatever may be the horrors of war, and however we may be opinioned in regard to war or the means for its prevention, we can not permit the heroic sacrifice of the men who gave their lives for their country to be minimized. Your committee is convinced that the patriotic sentiments of the average American boy or girl should not be confused by any teaching that the ancestors may not have been prompted by the highest motives in the prosecution of war or that the war in which they fought was a great national blunder.

"We are convinced that the American people by and large have 'highly resolved that these dead shall not have died in vain.'

"Your committee holds that Mr. Frederick J. Libby entertains extreme views on the public questions that he has discussed in regard to war and preparedness, and therefore recommends that his request to speak in the schools be denied."

Notwithstanding your statement to the contrary, I can not understand how anything could be more damaging to the career and character of Mr. Libby than the unanimous finding of the District of Columbia Board of Education as represented in the report which you have forwarded to me. If Mr. Johns goes further, he certainly is an exaggerist.

Have you forwarded the printed findings of the District of Columbia Board of Education also for insertion in the record or merely for comparison with the testimony of Mr. Johns?

I am truly disappointed that Mr. Libby could not have appeared before the Committee on Naval Affairs, as there are many more or less important and probably misleading attachments to the National Council for Prevention of War as well as to himself which might be cleared by his presence before the committee.

If not inconsistent with the workings of your council, will you be good enough to send me copies of the resignations or the correspondence which has led up to the resignation from the National Council for Prevention of War of the following institutions, viz:

National Kindergarten Association, General Federation of Women's Clubs, Girls Friendly Society, National Catholic Welfare Council, National Grange, National Congress of Mothers, Parent-Teachers Association, Veterans of Foreign Wars.

I could probably get this information from each of these societies above mentioned, but I am sure that it can be done much quicker through your council.

If you have a copy of the remarks of Mr. Libby at Wellesley Hills Congregational Church in Boston, on or about February 26, 1924, wherein he said that "he would not fight for the flag," I would very much appreciate having an extract of same.

I note that the executive board of the National Council for Prevention of War contains the name of the Rev. Joseph R. Sizoo, of the New York Avenue Presbyterian Church. Is Doctor Sizoo really a member of the executive board or has his name been taken from it; and if so, for what reason? I am told that it is carried on your stationery against his expressed wishes.

I am told that Mr. Libby's News Bulletin of December 24, 1921, states that "Poland should feed its own children," but on February 11, 1922, the Bulletin makes an appeal "to America for the relief of starving Russia." (In the News Bulletin of February 11, 1922, Mr. Libby accepts sole responsibility for everything which appears in the Bulletin, and in the issue of that date he is an advocate of Soviet Russia.)

If you have any stationery showing the different names of your council or organization, I will very much appreciate having a sample of each. In other words, was your council once named the National Council for Limitation of Armament? Was it subsequently changed to National Council for Reduction of Armament? When and why was it changed to its present name?

In Mr. Libby's book What Price Peace he says there is no peace, and in his summary of argument in this book he states: "Potential causes of war confront us on every hand. Peace has not come." I am wondering if you have any printed data aimed to justify his present contention that we should be a nation unable to defend ourselves against the aforesaid "potential causes of war which confront us on every hand."

Have you any record of the refusal of the San Diego (Calif.) Board of Education to permit Mr. Libby to speak before the school children of San Diego, and if so, will you be good enough to forward copy of same for my files? Was he at that time (1925) prevented from distributing great quantities of printed pamphlets, which said that the United States was deliberately trying to start war with Japan by fortifying the Hawaiian Islands and by sending ships on the Australian friendship cruise?

Please be assured, Mrs. Morgan, that as one member of the Committee on Naval Affairs it is my desire to give Mr. Libby every consideration possible.

Yours very sincerely,

FRED A. BRITTEN, M. C.

P. S.—Will you be good enough to forward for my files copies of the above-dated News Bulletins?

F. A. B.

Mr. Chairman, on March 7, 1928, Mrs. Morgan answered this letter by saying that she considered it "to be irrelevant to the subject under discussion" and, of course, refrained from answering any of my questions about Mr. Libby.

Mr. Johns said that the Washington Post of January 23, 1925, gave Libby's record as a superpacifist, and he quoted a report from the District of Columbia Board of Education which placed Libby as one of the recognized leaders in the movement originated with the avowed enemies of this country.

Like the other pacifist organizations with high-sounding names, the stationery of the Council for the Prevention of War shows dozens of participating and cooperating organizations with equally high-sounding names, but a number of them are distinctly communistic in their attitude toward the National Government.

The council turns out much literature of extreme views suggesting to whoever may read it that he "write your Member of Congress and your Senators and get your friends to do likewise."

Is it any wonder that Members of the House were besieged with letters from misguided persons, principally women and girls, to prevent this horrible warlike gesture on the part of Uncle Sam? This gesture which would make England get mad and France cross and Japan peeved.

I know of no other walk in life where the theory that "weakness is an evidence of strength" is seriously presented to intelligent men and women.

The pacifist would have us lay down our arms completely, do away entirely with an Army and a Navy, make yourself just as weak as the most humble caterpillar and then cry out to the world to make itself equally weak. That is the strength of character that should be shown by America, the America that these professional pacifists desire. God forbid that they shall ever succeed.

I am quite satisfied that the America of to-day will not permit pacifism or foreign propaganda to take it off the seas.

While the American pacifists are doing the work of foreign interests in trying to paralyze the Navy, the foreigners themselves execute shrewd moves calculated to show that other powers are not only not increasing their naval strength but are actually trying to bring about limitation of armaments. I refer to the gesture of Great Britain to France for a naval conference looking toward the reduction in size of capital ships. It would not surprise me if France were asked to call the conference as she has few, if any, first-class ships. Great Britain would like another scaling down of battleship sizes and perhaps a little more scrapping now that she has the two greatest battleships in the world, the *Rodney* and the *Nelson*, just completed.

With thirteen 10,000-ton cruisers laid down since the Washington conference, Great Britain is in a fine position to trade the other nations off the boards, but the United States will be slow to act in the future, for we have learned our lesson at Washington and at Geneva.

Mr. Chairman, there is another dangerous organization in this city run by Miss Dorothy Detzer. It is the Women's International League, a socialistic, communistic organization which has sent out much trash against preparedness and which has even gone so far as to prepare the kind of letter that should be sent to Members of Congress by the recipient and her friends. This organization, with its questionable affiliations, is a real menace to the Government.

Mr. Chairman, it is sometimes very hard to discriminate between the foreign propagandist who assumes the rôle of pacifist in order to further the interests of his own country or fatherland to the detriment of the United States and the other well-meaning pacifist who becomes the unwitting tool of the foreign propagandist and who is used as a cat's-paw in furthering the interests of foreign governments.

It does not seem possible that the opinions or advice of such persons should receive serious consideration in opposition to the sound judgment of those who have studied the subject matter before the committee and who have had opportunity to observe the activities of nations from both commercial and military standpoints; and yet that is exactly what does and has happened.

The Committee on Naval Affairs, after going on record practically unanimously for one kind of a naval construction program, after listening for days to the desires of professional propagandists, completely reversed itself and almost unanimously declared for a very much smaller building program.

The committee listened attentively to four trustees of the Church Peace Union, founded by Andrew Carnegie. They were Dr. Linley V. Gordon, Rev. Arthur Judson Brown, Rev. John A. Ryan, and Prof. William I. Hull.

The Church Peace Union trustees are also the trustees for the World Alliance for International Friendship and a number of other organizations with interlocking directorates, and it is pretty hard to tell just how they fit in with each other, but it was evident that most of them were more or less subsidized under the Carnegie fund.

Doctor Brown made a very favorable presentation to the committee; said he was not a pacifist, but generally deplored heavy naval expansion.

Doctor Gordon was opposed to a large naval expansion program and said that his combined organizations would continue to work whole-heartedly for an international agreement for the limitation of naval armaments, but that pending that time he and a great majority of his various associations would continue to favor the spirit of the Washington conference ratio of 5-5-3 in naval armaments for the United States.

Father Ryan was for a Navy adequate for the national defense, but had some trouble defining the word "adequate," as we all do. Father Ryan was, however, for replacing those ships of the Navy that become obsolete.

The fourth trustee of the Church Peace Union to come before the committee was Dr. William I. Hull, professor of history and international relations at Swarthmore College, Swarthmore, Pa., and it was not long before he had taxed the patience of every member of the committee with his evasive answers, his angel voice, his monumental conceit, and a complete satisfaction with himself. His failure to answer or comprehend the most simple questions discouraged every member of the committee to a point where the chairman, Mr. BUTLER, from whose district Professor Hull comes, gasped in sheer desperation—

Doctor Hull, won't you please try to answer the questions?

Mr. Chairman, although Professor Hull has been teaching students at Swarthmore College for some 31 years, he is such an adamant pacifist that with him the wisdom of the colonists in revolting in 1776 "was a debatable question," while his reference to a well-known expression of Gen. George Washington as "a long-exploded fallacy" brought groans from committee members.

Professor Hull said that the American Navy should be composed of small, inoffensive gunboats like those used on the Great Lakes and that he would not replace those ships as they became obsolete.

And this same Professor Hull has been teaching the youth of this country for 31 years. What a shining advertisement he is for Swarthmore College, an institution of high repute.

Is it any wonder that the New York Herald-Tribune editorially said of him that "his attitdue toward American self-defense is consistent with his general position as a confirmed international anarchist." He would not even admit that the American Revolution was justified. Doctor Hull and his kind do not care how strong other nations are in comparison with ours. Their first concern is to destroy our own naval and military defense. Why should the House committee or any other group of real Americans pay the slightest attention to the clamor of this fantastic and unworthy source against providing the United States with an adequate Navy?

They say, "Do away with your Navy; sink all ships," and then, with outstretched arms to England say, "Now, see what we have done. It is true we have $20,000,000,000 worth of commerce on the high seas, but we are now weak; won't you disarm with us and destroy your navy, too?" In weakness there is strength; that is their cry.

Mr. BLACK of New York. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLACK of New York. I wonder whether these associations had any effect on the committee when it discarded the President's program for a weaker program.

Mr. BRITTEN. The gentleman came to me the other day in the lobby. I had been told by a very good friend of his and mine—and this is said in all good humor—that he was preparing a speech directed at me as a big-Navy leader and yet having voted for this insignificant bill. When I told him that this bill was a better bill for the national defense than the President's bill he said, "I did not understand it that way; I am glad you told me." I am told he made up his mind not to make the speech.

Mr. BLACK of New York. Will the gentleman yield further?

Mr. BRITTEN. Yes.

Mr. BLACK of New York. Oh, no; I did not understand the gentleman's alibi until I heard it. That is what I meant, and that is all. You have no real bill here at all, but you have an alibi to present to the American people. You have a weaker bill.

Mr. BUTLER. Mr. Chairman, I wonder whether the country is interested in a conversation which occurred in the lobby between these two gentlemen. [Laughter.]

Mr. BRITTEN. I would like to answer just one statement in connection with the gentleman's [Mr. LAGUARDIA] reference to my vote on the night that war was declared. I stood on this floor and voted against the declaration of war, and under the same circumstances I would vote the same way again. I apologize to no one for that vote. About a year and a half ago I was suggesting that we follow the President on some proposition, when I was interrupted by the gentleman from Arkansas [Mr. WINGO], and he said:

I remember the time when the gentleman did not stand by the President.

He was referring to my war vote. Instantly the little gentleman from New York, who is always ready to fight——

Mr. LAGUARDIA (interposing). I was a Member of the House at that time.

Mr. BRITTEN. I know you were. The gentleman was here.

Mr. LAGUARDIA. And I supported the President.

Mr. BRITTEN. I am referring to the colloquy with Mr. WINGO.

Mr. LAGUARDIA. I was not ashamed and I am not ashamed of what I did after that. [Applause.]

Mr. BRITTEN. Nor am I ashamed of what I did before, during, or after the World War. When I had answered the

suggestion made by the gentleman from Arkansas and had sat down, the gentleman from New York [Mr. LAGUARDIA] got the CONGRESSIONAL RECORD and turned instantly to the speech I had made at the time war was declared and he said to me, "I have just read your speech made at that time," and he said, "You were entirely right; you were right in your premise." What I did say at that time was not only the line or two read from my speech by the gentleman from New York, but I stated clearly and conclusively at that time that we were unprepared for war. I said our training stations had no boys in them and that many of our ships had skeleton crews on them; that some of them were tied to the docks at Philadelphia because of lack of personnel, and two or three of them had only skeleton crews on them. I said that was no time to declare war; and the results speak for themselves—the terrible sacrifices we made after the declaration of war, but not in money. I do not care about the money end of it. I would not have cared if it had cost us ten thousand billions of dollars; the life of the Nation is priceless. But I was thinking of the boys, the ships not properly manned, and in no shape to go to war. But many pacifists—many of them like the gentleman from New York himself—were willing to declare war and go to war under those awful circumstances. That class of people is made up of men like this man Libby, who goes around the country talking about his country and his flag—the flag for which he refuses to fight. They are the people who keep this country unprepared. They are the great danger to-day, and not the man who wants to build battleships. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McCLINTIC. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, ladies and gentlemen of the committee, the gentleman from Illinois [Mr. BRITTEN], my colleague on the committee, who just preceded me, has had quite a good deal of sport, apparently, out of what he terms the minority report. I have found in my experience in the House that every time there is a question which relates to statistics it always can be counted on that several different kinds of results can be offered. In other words, it is always the ox that has been gored which indicates the viewpoint. Those who follow the Secretary of the Navy and the administration naturally will bring their figures here to prove their viewpoint, and we who try to visualize the condition that exists throughout the world naturally try to present the kind of figures that represent what we believe to be the facts.

Now, I ask the membership of this House what type of ship in the last war was found to be the most disastrous when it came to the destruction of ships. Is there anybody here who is going to say it was other than the submarine? No; because if you did you would not make a statement that could be proven by the record.

The following table shows the amount of world merchant tonnage losses due to German submarines during the World War; also the number of submarines and their displacement tonnage used in this connection.

The greater part of the information that is available was complied by the British, particularly that part relating to the tonnage destroyed before the United States entered the war. From these British sources, from our own, and from whatever other sources available, the following has been compiled by this office. And while it may not be—and perhaps is not—strictly accurate to the last ton, it is the best that we have and is probably a very close approximation.

World merchant tonnage losses due to submarines, by months

	Tonnage
1914	
October	866
November	2,084
1915	
January	17,126
February	22,784
March	72,602
April	40,345
May	107,934
June	117,484
July	98,693
August	169,222
September	121,240
October	63,004
November	138,196
December	99,761
1916	
January	28,363
February	36,286
March	145,976
April	161,103
May	103,602
June	89,573
July	102,298
August	154,524
September	205,928
October	311,919
November	235,904
December	269,470
1917	
January	298,188
February	467,751
March	501,725
April	846,871
May	554,881
June	628,274
July	502,928
August	488,071
September	323,146
October	431,517
November	256,300
December	354,374
1918	
January	300,283
February	309,924
March	326,263
April	265,764
May	266,112
June	241,385
July	241,938
August	280,758
September	177,374
October	109,876
November	10,195

In regard to the number of German submarines engaged in active service, the most reliable information that is available in this office is that given by Vice Admiral Andreas Michelson, retired, formerly commander German submarine force, in his book The Submarine Warfare, 1914-1918. Admiral Michelson states that Germany entered the war with 20 boats, that the unrestricted campaign was started with 111 boats, and that the greatest number of boats ever available at the front was 140, in October, 1917.

The following table (Michelson) shows the—

Number of submarines in active service on the 10th of each month during the war

	Number
1914	
August	20
September	24
October	27
November	28
December	28
1915	
January	27
February	27
March	27
April	26
May	35
June	40
July	44
August	45
September	46
October	44
November	42
December	44
1916	
January	41
February	41
March	47
April	52
May	58
June	65
July	72
August	74
September	80
October	87
November	93
December	97
1917	
January	103
February	111
March	128
April	127
May	130
June	132
July	130
August	128
September	139
October	140
November	137
December	134
1918	
January	132
February	129
March	127
April	125
May	125
June	112
July	121
August	124
September	128
October	121

The following table gives the dates of commissioning and the tonnage (submerged) of the German submarines placed in commission between May, 1909, and October, 1918:

Submarine No.	Commissioned date	Displacement (submerged)
		Tons
3–4	May and July, 1909	510
5–12	July, 1910; August, 1911	620
13–16	December, 1911; April, 1912	635
17–18	November, 1912	690
19–22	July, 1913; November, 1913	840
23–26	September, 1913; May, 1914	860
27–30	May, 1914; August, 1914	870
31–41	September, 1914; February, 1915	870
43–50	April, 1915; July, 1916	940
51–56	February, 1916; June, 1916	902
57–62	July, 1916; December, 1916	950
63–65	March, 1916; May, 1916	930
66–70	July, 1915; September, 1915	930
71–80	October, 1915; June, 1916	930
81–86	August, 1916; December, 1916	950
87–92	February, 1917; October, 1917	1,000
93–98	February, 1917; May, 1917	1,000
99–104	March, 1917; August, 1917	950
105–114	July, 1917; June, 1918	1,000
117–121	March, 1918; August, 1918	1,510
122–126	May, 1918; October, 1918	1,470
135–138	June, 1918; August, 1918	1,530
139–141	March, 1918; June, 1918	2,480
151–157	May, 1917; February, 1918	1,870
160–172	5 boats, May, 1918; October, 1918	1,000
B–1–17	January, 1915; May, 1915	142
B–12	March, 1915	161
B–18–47	July, 1915; November, 1915	290
B–48–71	June, 1917; November, 1917	650
B–72–87	September, 1917; December, 1917	650
B–88–132	December, 1917; July, 1918	640
C–1–15	April, 1915; July, 1915	183
C–16–33	June, 1916; September, 1916	490
C–34–48	September, 1916; November, 1916	500
C–49–79	November, 1916; June, 1917, 16 boats	500
C–80–118	July, 1918; October, 1918	560

So I want to say to you here that the combined tonnage of the fleet of this Nation is only 2,000,000 tons plus, and the German submarines in three months during the World War sunk a tonnage of ships equal to the combined tonnage of this Nation. In addition, the German submarines sunk, if I am informed correctly, a tonnage that equalled every single navy in the world during the war with Germany.

Submarines are undersea craft, the only kind that can navigate the ocean alone. The type of ship that can operate closest to the harbors of the world. The ships that have proven the greatest menace to commerce. The type that destroyed in 1917, 5,000,000 tons of allied commerce and struck terror to the hearts of the civilized world.

France has authorized 27 of the newest type and has 20 underway; Italy has authorized 20 of the newest type and has 12 underway; Japan has authorized 24 of the newest type and has 14 underway; England has authorized 24 of the newest type and 6 underway; the United States has 6 authorized of the newest type with only 3 completed.

Thus, it can be said, if the members of the Naval Affairs Committee are charged with the responsibility of keeping this Nation properly prepared for any kind of an emergency and war should suddenly come upon us, this Nation would not have the proper equipment to prevent our commerce from being paralyzed, and it would be necessary immediately to authorize an emergency submarine building program which could not be completed until frightful damage had been inflicted by the enemy.

So I am not far wrong in suggesting that what we need in this Nation at this time is not cruisers, but the kind of ship that we will have to have if we should ever be confronted in the future with such a disastrous condition.

Now, getting back to the subject of cruisers, I find upon an investigation of this subject that we have found that destroyers, which are nothing but small cruisers, are the best ships that could be utilized in time of war in order to combat the menace of the submarines, and we built up to 282 of this type of ship. Why? It is faster in the water, it is better from the standpoint of maneuverability and mobility, and it is the kind of ship we had to have to convoy our fleets and to convoy them in such a manner as to keep the submarines from sinking them on the ocean; and we did this during the last war. Therefore, if my statement is correct, then the destroyer is nothing but a small cruiser, and I have figured all of these types of ships, classifying them in groups of from 1,000 to 5,000 tons, 5,000 to 15,000 tons, and so on, measuring, if you please, the tonnage of our ships with the ships of the other nations of the world, and I make the statement, without fear of contradiction, that should this Nation be so unfortunate as to become engaged in a war to-morrow, we would have to have submarines and submarines of the newest type.

Some have said we are going to abandon this type of ship. I wish it could be abandoned. If there is any kind of ship on earth that is detestable in the eyes of humanity, it is the submarine, but just as long as the other nations of the world build and maintain submarines, poison gas, and the other death-dealing devices, this country will have to maintain the same kind of defense and offence. This is the reason I have suggested that submarines of the larger type, having in mind the adopting of safety devices, should be substituted for cruisers.

Whose program is this? Some say it is the President's program. Why did not the President of the United States ask for this program last year? Is it the President's program?

It was very amusing to me when the figures prepared by the Navy called for 71 ships was first presented to the Naval Affairs Committee. Accompanying the same was a statement which said it did not conflict with the President's policy, thereby leaving the impression that the administration was indorsing the same. A little later in a statement quoting Congressman BRITTEN, the ranking member of this committee, the Associated Press said:

> The President said that the program was not a large one and that he hoped it would be accepted by Congress without substantial amendments.

Under date of February 10, the United Press carried a statement to the effect that the Coolidge Navy program, which, according to the figures presented by the Naval Affairs Committee, called for expenditures of more than $4,000,000,000 in nine years, thus leaving the impression that President Coolidge was standing behind this program. Under date of February 29, the Associated Press carried another statement headed, "Coolidge says no jingoism in new Navy plan," and making the specific statement that the President took pains to point out the fact that the 74 ships suggested were a Navy, rather than a White House proposal. Then again under date of March 7, an article referring to Mr. Wilbur's speech at Bay City, Mich., said:

> Mr. Wilbur declared his proposal for construction of 71 war vessels was presented to Congress with the consent of Coolidge.

I hold in my hand these prominently featured write-ups. This program was first attributed to the administration, but the President himself denied the authenticity of the legislation, saying it is not his, but it belongs to the Navy. Therefore this child comes in here without the proper parents. The commanding chief, the leader of the Nation, the superior officer of the country, disowns the same; it is illegitimate, and the legislation should not be passed in its present form.

I want this Nation to have the very best equipment that is possible. I want this Congress to appropriate the necessary amount of money to give this Nation everything that is needed.

Now, what about the cruiser strength of Great Britain? Out of the 47 cruisers of Great Britain, 36 of them, I believe, are less than 5,000 tons and 10 of them are less than 4,000 tons. In other words, they are little, tiny ships that can be called destroyers. They are in the same class, only a little larger, than our 282 destroyers; and when you make a proper compilation, figuring on the basis of speed, you will find we do not have a less amount of tonnage in this class of ships than Great Britain. And what if we did? It would not make any difference.

Great Britain does not depend upon cruisers for a certain type of defense; and yesterday I made certain statements along this line, and I read excerpts from statements of the British Admiralty and of certain British officers which showed they would not care if we had 100 cruisers or more; but I want to say to this House and to this Congress that if we should start in to build 50 or 60 submarines, it would be the subject of a colloquy immediately, and in my opinion it would bring about those things which would make it necessary to have a disarmament conference.

Mr. ABERNETHY. Will the gentleman yield?

Mr. MCCLINTIC. In just a moment.

In respect of the statement made about battleships, everybody knows that a battleship can be destroyed by one bomb, because they have been so destroyed. Everybody knows that a battleship is too slow, it is too vulnerable to attack, and as they stand they are not suitable in any modern war. In the last war most of our battleships were parked up one of our rivers until after the war was over. We have seven hundred and twenty-odd million dollars invested in these battleships. I say we ought to protect this investment, and the only way I can figure to protect the investment is to spend an additional $1,000,000 on each for the construction of a platform sufficiently large to take care of big bombing planes.

Bombing planes are not carried on any type of ship at the present time except airplane carriers, and by the construction of a platform up above the turrets it would be possible for these large planes to be launched with catapults into the air, thereby enabling them to fight at a distance of approximately 200 miles, and if successful they would sink the enemy before they could reach the battleship with gunfire.

In other words, I say, after making the investigation of this subject, after having figured for hours with certain persons I consider well qualified and who agree with me that it can be done, and I would rather take their advice than the advice of any gentleman on the committee.

Mr. BRITTEN. Will the gentleman give the names of the naval officers in the Navy that say it can be done?

Mr. McCLINTIC. I will give the names to the gentleman privately but not on the floor.

Mr. BUTLER. Were they naval constructors?

Mr. McCLINTIC. It was an officer who knows more about aircraft than the gentleman or I do.

Mr. BUTLER. He would not have to know much to know more than I do.

Mr. McCLINTIC. I am informed that it can be done, and I am advised that we can do it without violating any treaty agreement, and I am informed that it will enable us to carry 10 or 12 big bombing planes, thereby making the battleship a valuable part of the Navy, when otherwise it must go into the obsolete class. [Applause.]

Mr. BUTLER. That sounds to me like the flapping of a window blind.

Mr. ABERNETHY. Mr. Chairman, I would like to make an inquiry of some one. We Members who are not on the committee would like some information, and when gentlemen on the committee are asked to yield they refuse.

Mr. McCLINTIC. Mr. Chairman, I will yield a half minute to the gentleman from North Carolina to ask a question.

Mr. ABERNETHY. I will say to the gentleman that this is a very serious matter; a very serious controversy is going on in the country at large. I understand the gentleman is in opposition to the majority of the Committee on Naval Affairs?

Mr. McCLINTIC. The gentleman is correct.

Mr. ABERNETHY. The original program was for $720,000,000 at first?

Mr. McCLINTIC. Seven hundred and forty million dollars.

Mr. ABERNETHY. And now it is reduced to $274,000,000?

Mr. McCLINTIC. It was put as high as possible at first in order to get what they really wanted.

Mr. ABERNETHY. The reduction of the program is in response to the great agitation in the country and the feeling that we ought not to go so strong?

Mr. McCLINTIC. Yes.

Mr. ABERNETHY. Is the gentleman in favor of it?

Mr. McCLINTIC. I am offering a proposition to reduce the appropriation to $100,000,000, which will give us five times the efficiency proposed by this program.

Mr. ABERNETHY. Is the gentleman in favor of this if he can not get the one he proposes?

Mr. McCLINTIC. No. This program is not needed.

Mr. ABERNETHY. How much does the gentleman think is needed?

Mr. McCLINTIC. One hundred million dollars; and that will give us more protection—give us 18 aircraft carriers and enable us to stand off every other nation of the world.

Mr. ABERNETHY. Then the gentleman is in favor of a building program, but not as much as is proposed here?

Mr. McCLINTIC. The gentleman is correct.

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. SANDERS].

Mr. SANDERS of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SANDERS of Texas. Mr. Chairman, there has been so much heat generated here that I think we ought to drop the naval bill and take up the Army bill. My time is so short that I ask not to be interrupted.

For the purpose of a starter I am going to classify the citizens of the United States into three groups. One is very small in numbers, who believe that this country is in danger of imminent war and who would have Congress appropriate more money for the defense of the country than has been proposed in the original bill. I do not agree with that class of people. On the other hand, there is a class of people in this country who do not want to appropriate any money whatever for the protection of our country, a group of people who believe, and they are honest in their intentions, that we have reached that delightful time in the history of this country when, in the language of Holy Writ, we can beat our swords into ploughshares and the nations shall learn war no more, that we have come to that time—

When navies are forgotten,
  And fleets are useless things,
When the dove shall warm her bosom
  Underneath the eagle's wings;
When the memory of battles
  Is at last strange and old,
When nations have found one banner
  And creeds have found one fold;
When the Hand that sprinkles midnight
  With its powdered drifts of suns
Has hushed this tiny tumult
  Of swords and sects and guns;
When hate's last note of discord
  In all this world shall cease,
In the conquest which is service,
  In the victory which is peace.

I do not agree with them. I think we have people in all walks of life, in all communities in the United States, who are quite well intentioned, but who are so much on one extreme of the other that they are never known to occupy a safe, sane, conservative course, unless they meet themselves at right angles while they are going from one extreme to another. But there is a third group, to which I belong.

I believe that this group makes up the great bulk of the American people, who believe that it is the duty of this Government, recognizing the history of this Nation, how it was purchased and how this Government was set up and how our liberties which we are enjoying to-day have been transmitted to us, to carry out the mandates of the Constitution and to maintain a Navy and to insure the peace and the protection of this great Republic of ours, the greatest that ever gleamed like a priceless jewel upon the skeleton hands of time, the greatest Nation that ever rose to bless the hopes or animate the aspirations of mankind.

I think these first two classes that I have mentioned got in their work when the Naval Affairs Committee first met to consider the naval program. It was amusing to me when this Congress convened and when the program came from the President of the United States and the Navy Department, which was formulated by the General Board asking the Naval Affairs Committee to consider a bill to authorize the construction of 25 cruisers, 9 destroyer leaders, 5 aircraft carriers, and 32 submarines, to see one of these elements get into action. Some of the newspapers of the country were flooded with editorials, one after another, stating that it was a great building program, the greatest in the world, and that the United States Government was going to enter into a competition in the building of naval armament.

I am not going to discuss that original program because it is not before this House, and it will not be before this House at this session of Congress; but I do say, in passing, that inasmuch as that program did not exceed the limits as adopted and agreed upon by the Washington conference, I fail to catch the logic of anyone who says that even if they had engaged on that building program it would have been a race for a competitive armament. The newspapers talked on that side, and when the Naval Affairs Committee brought in the bill that we are now considering for the construction of 15 cruisers and 1 aircraft carrier the other element that I mentioned said that the committee and the Congress had surrendered to the pacificists of this country. I have a clipping here that I shall not take the time to read, by Mr. Frederic William Wile. I think his name is quite correct, because if he is not wild in his statements he is wild in his conclusions. I am reminded of a story they tell in Texas of a white man who was driving along with a yoke of oxen. A negro boy was sitting on the wagon beside him. It was very hot, and finally one of the oxen laid down. The white man told the colored boy to get out and twist the oxen's tail. The boy got down and commenced to twist the ox's tail. It was very hot. The sun was streaming down out of a cloudless sky, and the perspiration was running down the boy's face. He kept twisting and twisting. Finally he looked up at the white man and said, "Boss, this steer's tail has been twisted so much that it does not inconvenience him a damn bit." [Laughter.] And so it is in public life, my friends. A man has got to take the gaff, and in public or private life the best rule for any man to follow is to use his own judgment and let his conscience be his guide and let people say what they please. [Applause.]

I have listened attentively to the debate on this bill. There is nothing complex or intricate about it. It was thoroughly

discussed by three or four Members here on Tuesday last, when the bill was first taken up for consideration.

Their speeches are printed in the RECORD. If there is anybody who is honestly seeking light about this building program, he can get it from those printed speeches and from the minority and the majority reports. I sometimes think that a lot of people who seem to be seeking information do not want it. They seem to be like the swamp owl, the more light you turn on them the blinder they get. My friend Mr. McCLINTIC—and I want to say in referring to him that he is my friend, and that I have the highest regard for him, and I believe he is honorable and patriotic—is trying to accomplish just what the majority of the Committee on Naval Affairs is trying to accomplish. We all want such a Navy as will insure the peace and protection of this country. The trouble about it is that he is looking at it one way and we are looking at it in another. Truth is a many-faced diamond, and no man can get all the rays that come from it. All of the rays that we can get are those which come within our range. You remember the story of the three blind men who were asked to describe the elephant, and this applies to men who are normal as we are. They examined the elephant, and one of them got hold of his tail. He said the elephant is like a rope. Another blind man happened to run up against the side of the elephant. He said that the elephant is like a house. The third man got hold of the elephant's ear, and he said that the elephant is like a water lily. You see, therefore, that it all depends upon the viewpoint and the information that we get and our reasoning about matters. I am not going into details concerning a comparison with other nations. Other men have done that. There are two or three things I want to notice. First, my good friend McCLINTIC made the statement the other day—and he makes it in this minority report—that farm relief and flood control legislation ought to be considered before this bill. I agree with that statement, but I have been a Member of Congress long enough to know that one man here can not have his own way and that one man can not control the situation.

Farm-relief and flood-control legislation are two of the most important matters demanding the attention of this Congress and demanding solution, and for one I will never vote to adjourn this session of Congress until both of those subjects have been dealt with, and I hope both of them will be enacted into law. I say this because they are important and I would like to see them considered first.

Yet this is an important bill, because the Constitution of the United States places upon us the duty and responsibility of maintaining a Navy. My good friend from Oklahoma [Mr. McCLINTIC] made a further statement. I agree with him on these statements more than I controvert him, but not on this proposition. He said in his speech here that if some stranger were to listen to some of the arguments proposed here he would think we were at war with Great Britain at this time and that the British were approaching here as they did in the War of 1812.

I have heard no such inflammatory statement. In fact, I have not heard anyone express the view that we are facing any trouble with Great Britain. I did hear one gentleman say in his speech here on Tuesday that war with Great Britain is unthinkable.

However, I am glad that the gentleman from Oklahoma mentioned the War of 1812, because that ought to make every man a supporter of an adequate Navy.

Prior to the War of 1812, if the Congress of the United States had been true to the trust reposed in it and had made proper provision for our Navy, that part of our history would not have been written. In 1824 President James Monroe in speaking of the War of 1812 said:

> In the late war our whole coast was either invaded or menaced with invasion. There was scarcely a harbor or city on any of our great inlets which could be considered secure. In whatever direction the enemy chose to move with their squadrons and to land their troops our fortifications, where any existed, presented but little obstacle to them.

Now I want you to listen to this, because I believe in my heart that it is the correct doctrine. President Monroe further stated:

> Two great objects are therefore to be regarded in the establishment of an adequate naval force: The first to prevent war, so far as may be practicable; the second to diminish its calamities whenever it may be inevitable. No government will be disposed to violate our rights if it knows we have the means to defend them.

That is just as true now, to-day, as it was then. President Roosevelt in a message said of the Navy:

> So far from being in any way a provocation of war, an adequate and highly trained navy is the best guaranty against war, the cheapest and most effective peace insurance. Probably no other great nation in the world is so anxious for peace as we are. There is not a civilized power which has anything whatever to fear from aggression on our part.

That statement is as true now as it was when President Roosevelt uttered it. The nations of this earth know that there is not now any intention of aggressiveness on our part.

In 1914 President Wilson said:

> We shall take leave to be strong upon the seas, in the future as in the past; and there will be no thought of offense or of provocation on our part.

While he was President Mr. Harding made this statement:

> We owe it to ourselves to understand that the Navy is rather more than a mere instrumentality of warfare. It is the right arm of the Department of State, seeing to the enforcement of its righteous pronouncements.

On the 23d of December, 1923, President Coolidge said:

> For several years we have been decreasing the personnel of the Army and Navy and reducing their power to the danger point. The Army is a guaranty of the security of our citizens at home; the Navy is a guaranty of the citizens abroad. Both of these services should be strengthened rather than weakened.

In other words, President Coolidge wanted a Navy that "would not choose to run." He wanted a Navy that was strong. That has been the attitude of every President of the United States.

My friends, we have been caught napping a time or two, and if this country should suddenly be thrown into a war of any kind we would be in the position here that was occupied by the Army of the Potomac during the Civil War. During the war, as you know, the mail facilities were not what they are at the present time and frequently it would be weeks or months before the people would get the newspapers. On one occasion an old postmaster in a village post office was reading to the assembled patrons of the office from a stale newspaper, and finally he read, "The Army of the Potomac stands in statu quo." A boy in the rear on the outskirts of the crowd rose up and said, "Mr. Postmaster, what does that mean—'stands in statu quo'?" Of course he did not know, but he replied, "My young friend, it has been a long time since I studied Latin, but as near as I make this out it simply means "that the Army of the Potomac is in a hell of a fix." [Laughter.] That is the position this country would be in.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield five additional minutes to the gentleman.

The CHAIRMAN. The gentleman from Texas is recognized for five additional minutes.

Mr. SANDERS of Texas. I want to call your attention to another thing. I have already mentioned our condition in the War of 1812. We were not in a condition of preparedness when the World War came on. I have the figures here to show that. Let me give you the figures briefly:

> At the outbreak of the World War, as at all other times, the adequacy or otherwise of the United States Navy had to be determined by its relative strength, having in view the tasks which it might be called upon to perform.
>
> At the beginning of the World War no one could predict what action would be required on the part of the Navy of the United States. We might ultimately find ourselves at war, requiring independent action or action in support of other powers. Diplomatic questions arose during the first two years of the World War involving decisions as to serious interference with our commerce on the high seas, interference in a manner not previously contemplated by the practice of belligerents.
>
> The following is a statement of the naval strength in types, already built, of the three principal naval powers of the world at that time:

	Battleships (dreadnought type)	Battleships (predreadnought type)	Battle cruisers	Armored cruisers	Cruisers	Destroyers	Submarines
Great Britain	423,450	589,385	188,200	406,800	382,815	125,850	33,062
Germany	285,770	242,800	110,177	94,245	150,747	67,094	14,140
United States	180,650	309,282	0	140,080	75,625	35,068	9,220

There were building on July 1, 1914, the following vessels:

	Battleships (dreadnought type)	Battleships (predreadnought type)	Battle cruisers	Armored cruisers	Cruisers	Destroyers	Submarines
Great Britain	421,000		28,500		67,000	21,770	17,236
Germany	187,052		110,175		26,900	14,400	14,400
United States	117,800		0		75,625	11,926	10,139

Summarizing all of the above figures and including with them other minor classes of ships, the following were the naval tonnages of the several powers built and building on July 1, 1914:

Great Britain	2,713,756
Germany	1,304,640
United States	914,218

It will be noted from the above that at the outbreak of the World War the United States was a poor third in naval strength; that her total tonnage built and building was only one-third that of Great Britain and only a little over two-thirds that of Germany. This marked inadequacy of the American Navy led to building programs during the next few years on the part of the United States Navy as follows:

Battleships	10
Battle cruisers	6
Destroyers	248
Submarines	94
Eagle boats	60
Submarine chasers	441

And a considerable number of naval auxiliary vessels. The larger part of all of the above program was to supply deficiencies in the Navy required to make it adequate to meet the then world situation.

The smaller classes of vessels were specifically appropriated for to meet the needs of the United States Navy in a war to which it became party, and is in itself an indication of the degree to which the Navy of the United States was not adequate at the outbreak of the World War.

The number of American ships used for transportation of troops, and number of troops transported on American ships during the World War, and information regarding British or other allied ships used for transportation of Army troops to Europe were as follows:

The number of American troops transported in American vessels to Europe during the World War	898,449
The number of American troops transported to Europe in foreign vessels was	1,157,673
The number of sailings of American ships used for transportation of troops to Europe during the World War in 1917 and 1918 was	388
Sailings of British ships	546
Sailings of other foreign ships	82

If we are to draw any lesson now from the past, as Patrick Henry said, that is the safest way by which our feet can be guided; I say, my friends, we should always keep ourselves adequately and reasonably prepared to protect our own interests.

Instead of authorizing 25 cruisers, as we were requested, we authorized 15 to be laid down in three equal groups during the fiscal years ending June 30, 1929, 1930, and 1931. Instead of 5 aircraft carriers as requested we provide for 1. We did not authorize the 32 submarines nor the 9 destroyer leaders which were requested. Instead of presenting you with a program of $740,000,000, we submit a program which calls for $274,000,000, to be spent during the six-year period, and if the testimony which has been produced before our committee is to be believed this is essential to meet the urgent demands of our fleet.

The life of a cruiser is 15 years average and of a submarine is 13 years.

Of our present cruisers, there are 22 with an age of 24 years or greater still retained in service. Not a single cruiser was built between 1908 and 1922 by the United States, but in those years Great Britain built 44 cruisers, to which have been added in 1924 to 1927, inclusive, 5 more, making a total of 49 cruisers, with a tonnage of 246,776 tons, while in the years 1923 to 1925 we built 10 cruisers, with a total of 66,000 tonnage—our present total cruiser Navy not obsolete.

Now, we have in blue prints plans for 8 cruisers, authorized, with 80,000 tonnage; 2 were laid down by the United States in 1926, and are perhaps one-third advanced in construction, for it takes three to four years to build either a cruiser, a submarine, or a destroyer. None have been begun by us since 1926, while Great Britain has laid down 14 cruisers since 1924.

Japan, whose naval force was to be three-fifths of that of the United States or Great Britain, has built, since 1910, 25 cruisers with an aggregate tonnage of 126,415, and has now laid down 8 more with a tonnage of 80,000. Of these, 21 date since 1919 and 14 date since the Washington disarmament conference.

The agreement at the Washington disarmament conference omitted cruiser limits—against the American protest—but the spirit of the limitation was to keep cruisers down to normal proportions of capital ships which were specifically limited to a 5–5–3 ratio for the three nations.

These statistics are vital to an understanding of the showing that it is not America which is leading any competitive race in strong navies, for we are trailing away behind both Great Britain and Japan. All of our 24 to 20 year old cruisers are obsolete and should be scrapped; they include three which antedate the Spanish war. The total tonnage of our nonobsolete cruisers is only 66,000.

Modern cruisers have a speed of 34 knots; our obsolete vessels, all built before 1909, range in speed from 16 to 22 knots, except four, which are rated less than 26 knots. None of these could come within many miles of an enemy cruiser, while all the British cruisers exceed 25 knots, and most of them are from 29 knots up to 33 or faster. Great Britain has no obsolete vessels, according to British authority, but has a cruiser force four times as strong as that of the United States, and Japan's cruiser force is nearly double that of America. Admiral Hughes testified before the Naval Affairs Committee that we ought to have 28 cruisers, 15 of which to be used in such work as guarding the Atlantic and Pacific coasts, the naval base at Hawaii, the Panama Canal, and for guarding our commerce. If this be true, as contended by experts, that 5 cruisers are required for every 3 capital ships, then we should have more cruisers than called for in this bill, as we have 18 battleships in our fleet, which would require 30 cruisers, and this would leave us 3 short of Japan, which has 33.

Any naval policy which we adopt should be with a view of the national security of the United States. We boast of the United States being independent, and yet in the book Dependent America, written by ex-Secretary of Commerce Redfield, is listed more than 24 different kinds of materials essential for a "defensive" warfare that must come from other countries than the United States. This means, then, that it is essential to keep open our sea lanes, for the Army could not always defend the country if the Navy should fail. In 1926 the food imports into the United States, according to the Department of Commerce, reached $1,160,000,000. Our exports of food during that period of time amounted to $894,000,000, and this showed a shortage against us of $266,000,000. This but emphasizes the fact that the agricultural legislation which I have always advocated should be given to this country.

For more than 100 years our country has maintained our right as a nation to trade with any nation of earth, regardless of whether that nation is at war or not. If it is to be the purpose of this Government to continue that policy, then it is impossible, in view of the chaotic conditions of other countries, for us to tell when we may be drawn into a war. We were drawn in by Germany unexpectedly and against our will. My belief is that if we had been equipped with an adequate Navy at that time that we would not have had to participate in that war. I fail to find in the history of our glorious Republic where we have ever become involved in a war on account of our having an adequate Navy or on account of naval aggression on our part. But we have suffered more than one time for the want of a Navy.

The United States has proven that it wants no naval race. When the Washington conference was called in 1922 the people applauded the motive, but now almost universally regret that the United States sent approximately $300,000,000 to the bottom of the sea in scrapped ships. When the Geneva conference was on last year, Great Britain laid her cards on the table and stated the number and kind of ships she required, regardless of other nations. As much as I would like to see a limitation of naval armaments by the nations of the earth, I concede Great Britain's right to take such action. I do not blame any nation from taking such steps as it may deem necessary for its own necessities, and I think our Government should do likewise. Many reasons have been assigned for the failure of the Geneva conference. Each person has the right to draw his own conclusions, but A. G. Gardiner, an Englishman, writing for an English paper [John Bull], says that that conference broke down for three reasons: First, the hostility of the Admiralty to disarmament; second, the failure of the British Government to support him; and, third, the declaration of Mr. Churchill that he would not commit himself to a policy of naval equality with America. If that is true, the blame can not be laid at the door of our Government. And since that conference has failed, it seems to me that we would be recreant to our duty if we do not now authorize the construction of such ships as we urgently need. And in this program which we are now submitting to

Congress we are keeping faith with the contention of our representatives at the Geneva conference.

Our needs do not depend upon the needs of other nations. We have a long coast line, the Panama Canal, and our island possessions. If war was on now, the protection of our shipping would be sadly insufficient. We would be at the mercy of the enemy. If the 15 cruisers called for in this bill are built, we will then be short of a parity with Great Britain by 89,000 tons, which is the equivalent to about 9 cruisers. If these 15 cruisers are built, the United States will have, when they are completed, only 33 modern cruisers. This is 10 less than stated as the minimum by the Naval General Board. Our fleet should be sufficient to act as our first line of defense. The welfare of nations, as of individuals, requires definite planning.

This is a modest program that has been sifted down by the Naval Affairs Committee. It seems to me anybody could support this program because, as I stated a few minutes ago, I believe it represents the heart and wish of the great bulk of the great American people who believe this country ought to be protected, and that it is the duty of Congress to measure up to its constitutional requirements and give them ample protection, and we must have a definite plan.

As you know, the record shows it takes from three to four years to build a cruiser, and it is our duty to commence it now. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, will the Chair advise me how much time I have remaining.

The CHAIRMAN. The gentleman from Georgia has 57 minutes remaining.

Mr. McCLINTIC. Mr. Chairman, I yield 10 minutes to my colleague from Oklahoma [Mr. McKEOWN]. [Applause.]

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, there has been a wonderful turnover here lately about this naval business. At the last session of Congress we had a drag-down and pull-out fight here to support the President on the proposition of not building some cruisers, and I followed the President. This year we are asked to appropriate $274,000,000 for a big naval program.

I would like to say in parenthesis to what I have to say that I can not understand why there are so many belligerent people in the House over an imaginary fight and there are so many pacifists here when it comes to dealing with a real matter—the Mississippi River and its tributaries. [Applause.]

Let us see what the public abroad thinks about it. The gentleman has referred to the editor of the New York Times. I do not know whether he is an Englishman or not, but he is talking some real sense to the American people even though he were born in England. I will say that for him. The Baltimore Sun does not need any defense at my hands. Everybody knows it is one of the high-class papers of the country, and its politics is right as well. [Laughter and applause.]

Now, gentlemen, let us see about this matter. Here is what a member of Parliament said in the House of Commons:

> You can not expect these naval experts, whether they are of high rank or of more modest rank, to do otherwise than use every effort they can to obtain more ships, more money, more dock yards, more seamen, bigger guns, larger equipment, and they would not be really worthy of their position unless they did.
>
> The cruisers are practically useless against submarines. You can build as many 10,000-ton cruisers as you like, costing from $10,000,000 to $12,500,000 each, and they will be useless against submarines. We can not afford, and we will not be able to afford in the lifetime of any of us, a navy that can make us absolutely secure at sea.
>
> We ought to meet the Americans half way—in this matter. The Americans are demanding that when they are neutral they shall be able to trade with any nation, whether that nation is at war or peace. That is a doctrine which the Americans have maintained for 100 years, namely, that a neutral flag should cover neutral goods. That matter should be fully explored in a serious way.
>
> Did the First Lord ever ask the American representatives at Geneva if they were prepared, on the condition that we cut down our cruiser program, to guarantee our commerce from unprovoked attack at sea? I suggest that course as the most fruitful line of approach to a difficult problem.
>
> I think that another conference must be called. The lines of disagreement were so finely drawn last autumn at Geneva that there is no excuse for not calling another conference and the initiative should come from our good friends, the Japanese.
>
> I frankly admit that I have been converted to the idea of the outlawry of war. All warfare must be outlawed, and I believe it can be done if we come to an agreement with the American people. I am certain that an agreement can be come to in spite of the die-hards on both sides of the Atlantic.

Mr. BRITTEN. Will the gentleman yield?

Mr. McKEOWN. I would like to yield if I could get more time. I am sorry, but I can not. The gentleman from Illinois says that everybody who is opposed to a big naval program is a pacifist. Well, do you know what a pacifist is in this country? He is the fellow who has to do the fighting after the swashbucklers get us into war. That is what a pacifist is. [Applause.]

The gentleman from Texas spoke about the Capitol being burned during the War of 1812. If the gentleman had read his history a little further, he would have found how it came to be burned. There were here many of these fellows who wanted us to enter the war, those who were always fighting in the papers and writing about it. They were all around Washington, and then when the British landed they had to go and fight, they hurried out to Bladensburg and met the redcoats, but they could not stand the gaff. They ran away and let the so-called pacifists do the fighting at the Thames and New Orleans. [Applause.]

Our good friend says the Christian people oppose this program, and he says his side could not find many who wanted to talk against this naval bill. But let me tell the gentleman that if you vote for this big naval program you will not have anybody here asking for time in the next Congress. I will tell you that.

Mr. ABERNETHY. Will the gentleman yield for a brief question?

Mr. McKEOWN. My time is limited, and I hope the gentleman will excuse me.

Let me tell you something. I am serious about this matter. We are asked to vote for $274,000,000 to build a big Navy. For what? Well, we want to keep up the style. That is all. Do you know what a disarmament conference is? Well, it is a conference of nations where is set the armament style. They all want to sit in at the setting of the style, and who is it that sits in? Why, Mr. Armor-plate Manufacturer sits in. Do not doubt that he does not sit in. He is interested and he is around there, and he is not going to let them set a style that will put the armor-plate manufacturers out of business.

I will show you how they worked the Washington conference. What did they agree to sink? They agreed to sink our good, fine new ships, because they knew that if they let them stay in they would not have a chance to build any more ships for a long time. They agreed to sink all of our fine ships, and the roar of the water is hardly quiet since the great $30,000,000 battleship went to the bottom of the sea before they are here again asking $274,000,000 with which to build more ships.

Gentlemen, the American people may be in favor of this, but I do not believe they are. When we talk about the honest, God-fearing people of this country, we are talking about the salt of the earth, and they are for peace. The gentleman mentions the women of this country. Why should not the women of this country have something to say about the policy of this Government on the question of war? They bear the men who bear the arms to defend this country, and of all the people of this country they have the greatest right to say whether or not we are going to have war.

What is there to all this talk of war? Every time they want a lot of money for the Navy they come up here and scare us almost to death about something going to happen. There is always something going to happen somewhere in the future.

I will tell you about something that did happen in this country, and that is the worst flood ever recorded in the history of this country. Floods have occurred in this region ever since the earliest days of which we have any historical record. Fifteen hundred and forty-six was the year of the first great flood we have any record of in the Mississippi Valley, and now they ask us to come in here and appropriate $274,000,000 for increasing the Navy, and they bring it in here ahead of a bill to fight a real enemy, and you men who live out on the Mississippi River or on its tributaries, who have seen its destruction, how are you going to answer your people when you go back home and say, "I voted for the naval program; I voted for defense against something, but I do not know whether it is going to happen or not, but the gentleman from Illinois said it was going to happen and therefore I voted for it before I had a chance to vote for flood control." These gentlemen will doubtless refuse to vote to protect the lives and the property of your own people. Down in the great valley of the Mississippi River there is a menace and there is a danger. Oh, they talk about defense. Of course we are for defense. Then why not start at home and defend the lives and the property of our people here and then it would be time to talk about the proposition of a naval program.

Gentlemen, I want to tell you something. The world is tired of war, and I would have no apology to make to any man for

taking such a position in this intelligent day and intelligent time. I have contended at all times that when men have reached the highest state of civilization, it is absolutely senseless to say they can not settle their disputes except by fighting. Personally, it has been a hard matter for me to keep myself under control. I come from a race of people that have not only fought for themselves and fought themselves but have fought for everybody else in the world. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McCLINTIC. Mr. Chairman, I yield the gentleman two more minutes.

Mr. McKEOWN. Now, gentlemen, what is this naval program for? To defend our country? They are going to defend our country, and I am not here believing we ought to leave ourselves entirely defenseless. I take it the Navy is the first arm of defense in great stress and during great emergency, and it has got to be adequate and sufficient to meet the needs; but when the world is looking to America to set the pace for peace, why should America, with its great wealth and its great resources, when the other nations are looking to us for peace, set up a program of going forward and building great armaments in preparation for war?

Mr. BLACK of New York. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLACK of New York. Does the gentleman think the other nations were showing any indication of standing for peace when they started their program after the disarmament conference, when Japan started building 116 warships and Great Britain 57?

Mr. McKEOWN. Let me tell the gentleman something. The gentleman said the right thing a while ago when he suggested we ought to have a merchant marine. We can take $85,000,000 of this money and by lending it to a shipbuilding concern we can build six ships that will go from wharf to wharf between New York and London in four days and carry in case of the emergency of war 100 airplanes on the deck and be subject to use by the Government in time of emergency. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. McCLINTIC. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, the House is greatly favored to-day. The consideration of this bill proceeds under circumstances which, so far as my experience in the House goes, is unprecedented.

It seems certain that to-day must be a holiday of the Navy Department. We are honored to have sitting among the Members on the front bench in the House the Secretary of the Navy, Mr. Wilbur, who is availing himself of the privilege which is accorded by our rules to Cabinet members. In the gallery we have the Assistant Secretary of the Navy, Mr. Robinson. We also have the Judge Advocate and numerous other officers of the Navy looking down upon us—of course, I use that expression only in the literal sense. [Laughter.]

I have been a Member of the House for nearly 14 years, and during that time many measures of importance have been discussed here. In many of these measures Cabinet members have been greatly interested. But this is the first occasion within my knowledge when a member of Cabinet who was greatly interested in the bill, who, indeed, is the father of the bill so far as it has any legitimate paternity, and who is pushing the bill in every way—this is the first occasion when a member of the Cabinet has sat in the House while such a bill was being actually debated.

There are those who for good reasons advocate the British system, under which members of the government sit alongside of members of the House of Commons, they being themselves required to be members, and are interrogated and are expected to give the House of Commons the benefit of their knowledge of the subject under discussion. We have those who favor that system for the United States. Possibly it may be a good system. Possibly what we are experiencing here to-day is the forerunner of that time when not only will members of Cabinet and their assistants and officers of the departments be permitted, by personal contacts on the floor, to use their influence in behalf of measures which they are trying to push through Congress, but will also be expected to contribute something of wisdom as well as of pulchritude.

May I say that if we are to adopt the British system we would have the privilege of interrogation, that would, at least, be some offset to the influence that the presence of an important officer of the Government exerts when he is here with us.

But to be perfectly frank, I feel that the House of Representatives is capable of dealing with questions before it without the assistance on such occasions of department officials. [Applause.] The Secretary of the Navy is establishing a precedent. May I say to him he is doing so over my protest and in what in my opinion is exceedingly poor taste? [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, in answer to the last gentleman who just spoke, the rules of this House provide specifically that any Cabinet officer has the privileges of the floor. Now, I am not a special admirer of the Secretary of the Navy, but I think it comes with poor taste from a Member of Congress in criticizing a Cabinet officer when he comes on the floor of the House. I do not know of anybody else who is more interested in this matter than the Secretary of the Navy. [Applause.]

The last time we had this matter before the House I followed the distinguished gentleman from Ohio, Senator BURTON, and followed the President against the building program for the Navy. I did it because I had supposed we could do something at Geneva. I want to say in this connection that North Carolina, which I have the honor in part to represent, is very proud of the fact that the President of the United States selected that great Admiral Long as a member of the Geneva conference.

Now, I for one do not think that we should go into an extensive building program here to the exclusion of flood control or agricultural relief. I was with Mr. McKEOWN in the fight when we originally made it, but the situation is now changed. Countries like Great Britain and Japan and other countries are going ahead with a large building program. We find there can not be any agreement at Geneva, and I for one as a red-blooded American citizen am willing to say to the balance of the world if you will not agree we can build as big a Navy as you. [Applause.] We might as well have an understanding as to that with the balance of the world. I do not understand that we have to build $274,000,000 worth of ships—the President of the United States at any moment can stop the building of the ships.

Mr. HUDSON. Oh, no; he can not stop it except by a national agreement.

Mr. ABERNETHY. We have a six-year program, but we might as well let foreign countries understand that if they will not agree to stop war we intend to have as big a navy as they have. I am in favor of peace, I am against war. I sympathize with the agitation going over the country, and the various Members of Congress have been flooded with propaganda, and it is proper propaganda that has been felt here and my old friend from Philadelphia, the Quaker, who does not believe in war unless it is necessary——

Mr. BUTLER. I do not live in Philadelphia, and I am not a Quaker. [Laughter.]

Mr. ABERNETHY. I beg the gentleman's pardon.

Mr. BUTLER. But I esteem the gentleman from North Carolina highly. [Applause.]

Mr. ABERNETHY. I will have to admit my mistake. I had always supposed that the gentleman from Pennsylvania was a Quaker, although I could not understand how he could be the head of the Naval Affairs Committee and be a Quaker.

Mr. BUTLER. My family belongs to the Society of Friends, and if it saw fit, I am told, could put up six gold stars, and they are not ashamed of the record.

Mr. ABERNETHY. At least the gentleman comes from a Quaker settlement?

Mr. BUTLER. I do.

Mr. ABERNETHY. I think we can give the committee credit when the Secretary of the Navy Department, whether he had the full sanction of the President or not, asked Congress to vote nearly $800,000,000, the committee in response to the public feeling have cut it down to $274,000,000.

I think the House can well follow the committee and say to the balance of the world, If you are not willing to enter into an agreement to outlaw war, if you are not willing to enter into the agreement at Geneva, we are willing to arm this country with sufficient power in the Navy and in arms to defend itself properly.

I want to say to the gentleman from Oklahoma that I am for adequate flood control, 100 per cent paid by the Government. I am for a large merchant marine not only to build up our commerce but as an auxiliary to the Navy.

But until we can get an agreement with foreign countries it is necessary to empower the executive branch of our Government with sufficient national defense adequately to protect our country.

Now, I would like to see the Naval Affairs Committee or the Military Affairs Committee recommend to Congress authorizations for sufficient aircraft. I think adequate aircraft

is very necessary. [Applause.] Of course, you know the gentleman from Oklahoma lives rather far from the ocean. I think they should have some airplanes to look out for Oklahoma.

But we folks on the seacoast are within reach of some of these long-range guns, and we do not want to be absolutely defenseless.

Mr. McCLINTIC. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. McCLINTIC. I am glad the gentleman made that statement. I am proposing a plan whereby we can keep the enemy 200 miles away, by increasing our aircraft.

Mr. ABERNETHY. I agree with you about that, and until the failure of this Geneva conference I was with Mr. McKEOWN and other Members of Congress here in the idea that we should not build ships for the purpose of going out into the ocean and sinking them, and I for one, as an humble Member of Congress here, desire to serve notice on you, Mr. Secretary, that if you go out and sink any of these ships that we authorize you to build now you need not expect me to vote to build you any more.

I yield back the remainder of my time.

Mr. BUTLER. Mr. Chairman, I yield three minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I rise because I do not wish to let go unchallenged the remarks of the gentleman from Alabama [Mr. HUDDLESTON]. Our rules provide that members of the Cabinet shall have the privilege of the floor, and these rules are a standing invitation for them to come here. Personally I think it is a great pity that they do not avail themselves of the invitation and come here more often. [Applause.]

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Not now. They are public officials just the same as we are and they are interested in the public welfare just as much as we are. If it were a case where they come here to urge something of their own, something in which they are financially or selfishly interested, that would be an entirely different matter; but such is not the case in this instance.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield now?

Mr. TILSON. Yes.

Mr. HUDDLESTON. Has the gentleman ever known of an instance such as we are having here to-day?

Mr. TILSON. I do not at the moment recall whether I have seen Cabinet officers on the floor when bills affecting their departments are being considered, but that makes no difference whatever. I hope that members of the Cabinet may feel that at any time they are welcome on this floor, and when more fittingly than when matters concerning which they are charged with grave responsibility for the public interests are being discussed? I think that they might often hear things for their benefit and for the benefit of the public service if they were present frequently. Who is there more deeply or patriotically interested in the bill now being considered than the Secretary of the Navy? We often have the galleries filled with people who are here in their own selfish interests at times when bills in which they are financially or otherwise beneficially interested are being considered.

Mr. BUTLER. Yes; farmers and everybody else.

Mr. TILSON. And nothing is said about them from the floor; but because certain officials of the Navy Department are in the galleries to-day to hear this debate, then, forsooth, the gentleman from Alabama feels it to be incumbent upon him to criticize them from this floor! After all, what is the difference between hearing the debate from the gallery and reading it in the CONGRESSIONAL RECORD to-morrow morning?

Mr. HUDSON. Does not the gentleman remember that Secretary Taft very often was on the floor of this House?

Mr. BUTLER. And Secretary Daniels.

Mr. TILSON. I was not a Member when Mr. Taft was Secretary of War; but I am quite sure that ample precedent will be found, and, at any rate, our rules provide that Cabinet officers shall have the privilege of the floor; so I am glad that one Secretary at least has seen fit to come on the floor of the House during a discussion. [Applause.]

Mr. BRITTEN. Oh, the gentleman knows that in his time and mine Secretary Josephus Daniels was on this floor a number of times, and Secretary Davis was on the floor a number of times.

Mr. BUTLER. And they were welcome here.

Mr. TILSON. I am glad they were here. They are public officials and are interested in these matters as public officials just the same as we are interested.

Mr. BUTLER. I have walked in here with Secretary Daniels many times.

Mr. TILSON. I can not see any impropriety in it whatsoever. Of course, if it were a matter relating to their own private interests and they should avail themselves of the privilege in order to advance a private interest, it would be different; but this is not such a case. It is a public matter, and who is more properly interested in it as a public matter than the Secretary of the Navy?

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HUDDLESTON. Against the gentleman's judgment that there is no impropriety in it, may I set up the unbroken custom of preceding secretaries of the departments who have refrained from coming here when bills in which they were interested in were under consideration, because they felt it was indelicate to appear to be trying to influence Congress.

Mr. TILSON. But the gentleman is mistaken, if the word of our much-beloved friend from Pennsylvania [Mr. BUTLER] and others is to be taken. The Secretary of the Navy in no way breaks a precedent in coming here, for we have just been told that one of his distinguished predecessors as Secretary of the Navy, Mr. Josephus Daniels, came on the floor many times.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. RAMSEYER. Is it not a fact that the rules permit Cabinet officers to come on the floor, and is not that just the same as if an invitation were extended to them?

Mr. TILSON. I so stated in my remarks at the beginning. It is an invitation to them to come here, and they are most welcome. As to the other officials of the Navy Department who see fit to come here and sit in the galleries in order to listen to the debate, they have just as much right there as any other person, and surely they are just as much interested in what takes place here relative to the Navy and other public activities as any other citizen; so why should they be criticized from the floor where we are protected in what we say by reason of the privileges of this House?

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. UPDIKE].

Mr. McCLINTIC. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Pennsylvania has 21 minutes remaining for the bill, and there is 1 hour and 20 minutes remaining against the bill. The gentleman from Oklahoma has 55 minutes remaining and the gentleman from Georgia 47 minutes.

Mr. McCLINTIC. I want to use five minutes time now.

Mr. BRITTEN. But the gentleman from Pennsylvania has yielded 10 minutes to the gentleman from Indiana.

Mr. McCLINTIC. But I control the time.

The CHAIRMAN. The Chair thinks it is fair to recognize the gentleman from Oklahoma because the opponents of the bill have not used up as much time as have the proponents of the bill. The Chair, therefore, recognizes the gentleman from Oklahoma for five minutes.

Mr. McCLINTIC. Mr. Chairman, inasmuch as our minority leader is not on the floor, I want to say a few words with respect to the colloquy that has just taken place. I regret exceedingly that any Cabinet member would ever take a seat on this floor during the discussion of a bill in which his department is interested. I feel that by so doing Cabinet officers seek to influence or bring a certain amount of influence to bear on the Congress in favor of the bill which they want to see enacted into law.

I take the same position that I would take if there were a bill under consideration here affecting an individual Member. I think that a Member ought to withdraw either from the committee or from the floor if the measure related to something in which he is vitally interested. So I respectfully disagree with the majority leader in the statement he has made, and I say to you that this conduct on the part of the Secretary of the Navy is a bad precedent, that it is bad form, and I do not think it ought to be done again during the discussion of any piece of legislation where the Cabinet member is head of the department affected by the bill. Of course, the rule allows Cabinet members to come on the floor, and ought to allow it, but a Cabinet officer ought to have sufficient judgment and common sense not to appear in such a discussion as this. It ought not to be done, and I hope it will not be done again. [Applause.]

Mr. BUTLER. Mr. Chairman, the gentleman from New York [Mr. LAGUARDIA] has given me credit for 20 minutes. Please put that down on my side. Before I am through I may need it. Now I am going to yield 10 minutes to my colleague on the committee, the gentleman from Indiana [Mr. UPDIKE].

The CHAIRMAN. The Chair does not think that the gentleman from New York [Mr. LAGUARDIA] has any control of the time. The rule provides that one half the time is to be controlled by the gentleman from Pennsylvania and the other half by the gentleman from Oklahoma; the one in favor of and the other against the bill.

Mr. BUTLER. Mr. Chairman, the gentleman from New York yielded that time back to me.

The CHAIRMAN. The rule provides that one-half the time shall be used by those favoring the bill and one-half by those against it.

Mr. LAGUARDIA. The truth is that the gentleman from Pennsylvania and the gentleman from Oklahoma were to use the time with the understanding that one-half of it was to be allotted to those opposed to the bill and one-half to those who favored it. I told the gentleman from Pennsylvania that he could use 20 minutes of the time remaining at my disposal.

Mr. BUTLER. I hope the Chair will not take that time away from me. I may need it badly.

Mr. VINSON of Georgia. If it is permissible under the rule for me to yield to the gentleman from Indiana, I will gladly yield to him 10 minutes.

Mr. BUTLER. That is very good.

The CHAIRMAN. The gentleman from Indiana is recognized for 20 minutes.

Mr. UPDIKE. Mr. Chairman and gentlemen of the House, there seems to have been a great deal of discussion with reference to the Secretary of the Navy being on the floor of the House during the consideration of this bill. Personally, I think it is a very fine thing that the Secretary is here at the discussion of this bill. He knows he has an interest in and heavy responsibility for this bill as Secretary of the Navy! I am also glad to see the Assistant Secretary of the Navy here. I do not think it is any worse for the Assistant Secretary of the Navy or the Secretary of the Navy to be here on the floor of the House than for the head of a pacific organization to be sitting there in the gallery. A man who has been disbarred from all the public schools in the District of Columbia. It seems to me that there is a great deal of misrepresentation going on through this Congress which is prejudicing the minds of the people with reference to our national defense. This misrepresentation is directly charged to the heads of these pacifist organizations. I want to quote some statements that are being sent out by them. This man in the gallery said that "The time to stop war between England and Japan and the United States is within the next three weeks," realizing then that no war was in sight or even contemplated.

That is the kind of trash that has gone out to the people of this country and has prejudiced the minds of some good people against this bill, and providing an adequate national defense for this country of ours. I went to war once—unprepared—and I have two boys that I do not want to send forward into the front-line trenches unprepared.

What else do these people send out? Here is a declaration which they send out in which they say:

> I declare it to be my intention never to aid in or sanction war, offensive or defensive.

Why, gentlemen of this House, any man who is not willing to defend his country is not a good American citizen. [Applause.] Of course, we all want to prevent war, but there are times when it is necessary to defend this country of ours, and I say to you, that any man who is not willing to defend it is not a good American citizen. [Applause.]

We had a man who appeared before our committee, a Doctor Gordon, protesting against this naval program. He told us, in answer to a question, that he had been in this country for 23 years. We asked him then when he took out his first citizenship papers, and he said, "Two years ago." He was a British subject. Imagine a man being in this country for 23 years and failing to become an American citizen for 21 years of that time, and then coming in and telling us what size of a Navy to build in this country!

Mr. BRITTEN. Mr. Chairman, will the gentleman yield there?

Mr. UPDIKE. Certainly.

Mr. BRITTEN. I would like to recall to the gentleman's memory the fact that while the gentleman he has just referred to was a British subject in this country for that number of years, in the latter two years he has been associated with these people who are obstructing the efforts of patriotic Americans to secure national preparedness.

Mr. UPDIKE. That is exactly right. We also had another gentleman before the committee, Dr. William I. Hull, professor of international relations and history at Swarthmore College. He is teaching the young manhood of this country, and in answer to a question propounded to him as to whether or not he thought the war of 1776 with Great Britain was justified he said, "That is a debatable question." When pressed further as to what would have happened if we had not gone to war with Great Britain in 1776 he said, "Probably they would have moved over here to the mainland." Then we asked him whether he thought that was right or not, and he still said, "That is a debatable question." That same gentleman a few days ago said I was un-American. The Philadelphia newspapers called me and asked me what I had to say about it. I said, "I served my country in the front-line trenches and was wounded five times on the battle field," and I asked where he was during that time. [Applause.]

It is time that the patriotic citizens of this country stamped out this misrepresentation. I do not maintain on the floor of this House this afternoon that everybody who is opposed to this program is not conscientious, but I do say that they are being misled by the trash that is being sent throughout the length and breadth of this country under the leadership of these organizations.

Now, what have we done with reference to this $274,000,000 program which we have brought in? We said at the Geneva conference that we needed 15 cruisers to round out our fleet; that regardless of what any other nation in the world needed we needed 15 cruisers to round out our own fleet. And that is exactly what we have brought before you to-day. We compare favorably with other nations with reference to submarines, and so the committee said, "We will disregard the submarine program at this time, because in case of a national emergency we can build a submarine within six or eight months."

Then we got down to airplane carriers. They wanted five airplane carriers, and we said that with the experience we had with reference to the *Saratoga* and *Lexington*, both of which had proved a little too large, that we would not build any more large airplane carriers. They asked for smaller ones, and we said, "We will build one smaller airplane carrier and we would see whether it is suitable or not. If it is satisfactory, then we will build more later." That is good, common sense, is it not? As far as the destroyer leaders are concerned, we have already authorized 12 destroyer leaders which can be built, and, therefore, it was useless for us to consider adding any more to this program at the present time.

This entire program, as it has been brought forth by the committee, is perfectly justified. Japan, since the Washington conference in 1921, has built 107 or 108 ships. England has built up into the sixties; and I want to say to you that we have built only 4 or 5 in the United States. Talk about our setting a precedent! Talk about our leading the way for peace! If the United States Government has not acted in good faith, what in the name of God can we do?

We proposed a treaty in 1921, and we scrapped a lot of our capital ships. We have made two efforts since that time to have a limitation of armaments, but we have been unsuccessful. I have no doubt in my mind but that if there was any possibility at all for a further limitation of armaments in the future the United States Government would be well in the lead and be ready and willing to do everything within its power for a further limitation of armaments. But, gentlemen, when the other nations refuse to agree upon a program, and when they say they will not agree to scrap any of their cruisers without considering the competitive proposition, we must take into consideration the relativity of those other nations. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BUTLER. Mr. Chairman, I think that in a fair distribution of the wisdom we are having this afternoon we ought to hear from our friend from Wisconsin [Mr. BERGER]. How much time does the gentleman want?

Mr. BERGER. Thirty minutes.

Mr. BUTLER. And then the gentleman will vote for the bill?

Mr. BERGER. I will answer that later.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 30 minutes.

Mr. BERGER. Mr. Chairman and gentlemen of the committee, it is very hard for a Socialist to get over his point of view to an assemblage like this. You have a different psychology. I understand you very well, because I had it once upon a time, but you do not understand me. You still linger to-day where I was yesterday.

THE "PACIFIST" SCARES EVERY MILITARIST

Moreover, the average man, especially the average Congressman from Chicago, does not know the difference between

socialism, anarchism, nihilism, communism, and rheumatism. [Laughter.] They are all fearful and wicked "isms" to him.

Anything he does not like is Bolshevism or communism. Or when he is very angry he may even call it socialism. But the greatest epithet in his little mind is to call a man a "pacifist."

To be a pacifist is the acme of depravity and high treason to the "paytriot" afflicted with the 100 per cent "kill 'em dead" militarism, a disease very common in our country since we went into the World War to avenge the "little baby fingers of Belgium," "make the world safe for democracy," "and abolish war forever."

OUR COUNTRY INVADED ONLY ONCE IN HISTORY

At that, gentlemen, I want you to understand that the socialist movement, as such, was not and is not a pacifist movement. The socialists, however, did not and do not believe in commercial, dynastic, imperialistic, or nationalistic wars.

The socialists always did and still do believe that wars sometimes can not be avoided, if we want to emancipate or free a nation or a class from oppression or exploitation or slavery. And, furthermore, I want it understood that we will always fight to defend our country in a case of actual invasion by hostile forces. Such a case happened to us only once in the history of our country—in the war with England (1812–1815) and will probably never happen again. Our Nation was very young and weak when the British came up the Potomac, sacked Washington, and burned the Capitol. The British would be rather ill advised if they tried such a mean trick now.

"DEFENSIVE" WARS USUALLY A SMOKE SCREEN OF DIPLOMATS

Now, as to fighting, my friend, the gentleman from New York [Mr. LAGUARDIA] is only half a socialist, and often the wrong half at that. But he is a good fighter. For his splendid fighting qualities I like him, even when I do not agree with him. Socialists, if they want to be good socialists, must be good fighters. And they must have moral and physical courage.

Nevertheless, since the World War, it is true that the socialist parties of the world have become more pacifist than ever. They now positively reject the so-called "defensive" war, because it is hard to define, as the World War has clearly proven, and is usually only a smoke screen of the diplomats. [Applause.]

ALAS! GERMANS DID NOT READ THE WASHINGTON POST AND WALL STREET JOURNAL

One of our colleagues asked me if it be a fact that socialists would fight only in wars for liberty, how was it that the socialists of Germany in the last war fought against the French and their allies?

My answer is that the socialists of Germany read only German papers. There they were told that the Russians and the French and the English were envious of the growth of Germany in trade, culture, and power, and wanted to destroy the Reich.

Then these German socialists were also told, and it was proven to their satisfaction, that the Czar's Cossacks had crossed the Niemen and were murdering men and violating women and laying waste to the country. These socialists then naturally believed that their country was invaded and that they had to defend their homes.

You see, these German socialists did not read the Washington Post or the Wall Street Journal. And in their blighted ignorance they did not know that this was "a war to make the world safe for democracy," to "abolish militarism," and to "end all wars forever." And they really never found it out, either. Had they read the Washington Post, the Wall Street Journal, and similar papers they would have been enlightened upon that subject. [Laughter.]

"DEVIL DOGS" BECOME TENTACLES OF "DEVIL FISH"

Socialist parties the world over have always opposed large standing armies. These are invariably class armies. And socialists are especially opposed to hired armies, because such troops naturally become the willing tool of the class or of the government that hires and pays them.

And socialists are also opposed to large navies, since their chief function is to protect foreign investments. Thus the navy becomes the strong right arm of imperialism—and the marines become real "devil dogs" and tentacles of the "devil fish," of the octopus of capitalism.

MODERN IMPERIALISM NATIONAL OUTCOME OF MODERN CAPITALISM

And this offers an opportunity to explain the meaning of the term "imperialism." The word "imperialism" did not originate with the German Empire, as many Americans, and particularly many American newspaper editors, imagined during the World War. It came from the word "imperium" and harks back to the days of world rule by the Romans. Many nations held the "imperium." For a while during the sixteenth and seventeenth centuries it seemed that Spain would rule the world. After the decline of Spain little Holland and Sweden held the "imperium" for a short period, but only England could lay claim to be a world power during the last 150 years, especially after the downfall of Napoleon I.

The term "imperialism" as it has been used during the last two generations is only very loosely connected with "imperialism" in a political sense. Modern imperialism as understood is based on modern economics and is deeply rooted in the very nature of capitalist economy.

WHY WE HAVE A SURPLUS OF COMMODITIES

Under the present wage system, also called the profit system, the wages received by the workers of any industrialized nation are insufficient to enable them to buy back with their wages everything that they have produced, because as a class the workmen can not receive the full value of their labor. The employing class makes a profit on their labor, and must make a profit in order to carry on business.

And since the workers of a nation have not received the full value of their production, they naturally can not buy back that production with their wages. That also holds good for the farmer who gets skinned by the capitalist system in various ways. And, after all, the workmen and farmers form the great bulk of the Nation.

Thus a surplus of products accumulates.

WE PRODUCE ONLY FOR THOSE WHO CAN BUY, NOT FOR THOSE WHO NEED THINGS

The capitalist class, being small in number, can not consume all the surplus. The surplus must be exported to foreign markets. All the western nations, where capitalism has developed, are compelled, therefore, to look for foreign markets, for the world market, to dispose of that surplus.

Moreover, in every industrialized nation—which to-day means every western civilized nation—it becomes increasingly difficult for the capitalists to invest their accumulated profits to advantage in their own country. These capitalists are constantly forced to look for foreign fields.

Every civilized country, or at least every country that is highly developed industrially, is in exactly the same position in that respect; and of late Japan, since Japan has accepted our capitalist civilization, has joined this struggle and strife for the world market.

And, remember, this surplus production is growing very rapidly with the improved machinery. Naturally, therefore, as machinery improves it is getting increasingly harder to get markets. But markets every industrial nation must have, because we are not producing for use—we are producing to sell. We are not producing for those who need the products; we are producing only for those who can buy them, whether they need them or not. If those who need the goods have no money, then they can not get them; that is all.

Understand me right. There can be no doubt that the workmen and farmers of a nation could use up all the surplus goods, or most of them, if they had the means with which to get them. Under our present system, however, our workmen and farmers as a class can never get these means.

CONTINUOUSLY LOOKING FOR FOREIGN MARKETS

All civilized nations, as I said, are in the same fix; all produce more with their improved machinery than any of them can sell in their own country, and all the owners of that production must look for foreign markets.

To a certain extent, of course, the various countries can exchange their products, and they do so.

But there is another difficulty. Every business man must be selfish if he wants to succeed, and voluntarily "business" will never give up any of its home markets. Most modern nations, including our own, put up a high tariff. They want to export, not to import. They want no foreign goods to come into their own country, because they might sell still less and have a still larger surplus. At least that is what they fear.

Except of certain products of which this or the other country may have a monopoly for some reason or other, as, for instance, rubber, coffee, potassium, and so forth, the surplus production therefore must be thrown into the world market, where they all compete with each other.

All civilized nations, therefore, are continuously on the lookout for new markets. They look for them in Asia, Africa, South America, and wherever there are backward peoples who can not produce these things themselves.

USE EVEN RELIGION AS A VEHICLE

According to official figures the United States exported in 1927 products to the amount of $4,968,485,000. In 1926 Great Britain exported products to the amount of approximately $3,260,000,000, while Germany, in the same year, exported products to the amount of almost $2,000,000,000; France about $2,362,000,000; Belgium, about one-third of that of France; and Japan, about $1,000,000,000.

In order to stimulate a demand for their products modern nations even use religion as a vehicle. They send our missionaries to make Christians out of African savages in order to make them ashamed of going without trousers or shoes or hats or other things of which civilized nations have a surplus.

THE OPIUM WAR

During the last 100 years England even had two wars with China—one in 1839 to 1842 and another in 1863—because the Chinese Government refused to permit the smuggling of opium from India to the Chinese Empire. The English won the wars.

The drug—although considered poison—was poured into China at the rate of 1 ton per hour for 12 hours every day for some 60 years until the Chinese revolution in 1911 brought the traffic to an end.

This is one aspect of economic imperialism.

WHERE "OIL" BLESSINGS FLOW!

The other and even more important side of economic imperialism is the search for raw material—oil, metals, rubber, lumber, and so forth.

Some of the savage, barbaric, or backward peoples are in possession of very valuable lands—excellent for agriculture, or covered with wonderful forests, or containing valuable land minerals, and above all, containing oil—oil which has become one of the greatest economic assets of the present day.

Capitalist nations will stop at nothing to get hold of such lands.

SPREAD CIVILIZATION AND MAKE MONEY

I have spoken before of capitalists looking around for chances to invest their capital profitably. And that is also natural enough, because capital, which is not profitably invested, very soon ceases to be capital.

Thus, these capitalists, especially English, French, German, and American capitalists, cast their eagle eye upon the undeveloped areas of backward nations. They are eager to develop them—to spread civilization and to make money.

That is usually done first by "concessions." They get the right or the privilege to build railroads, to start big ranges, to plant fruit trees, banana, coffee, sugar cane, or pineapple, according to the nature of the country.

Here we have the two main sources of imperialism.

One is the continued profitable disposal of the huge output of surplus commodities of all industrially developed nations. The other is the necessity of commanding the sources of supply for raw materials for these industries, and to invest money in profitable undertakings.

But there is also a third root of economic imperialism, and that is the financial.

FINANCIAL IMPERIALISM

When capital has accumulated in large fortunes—when the rate of interest is beginning to fall at home—then our capitalists discover that there are many uncivilized races, or even races who have a very old civilization, that are weak and can not defend themselves, but all of whom can be more easily exploited than the dear, fellow citizens at home. Then the export of capital to such countries becomes more attractive to the profit-making capitalists—than its use for the extension of manufacturing facilities at home.

Now remember, gentlemen—especially you pacifists who are not socialists—if the story is true that trade follows the flag, then the flag must also follow the investor or the money lender and protect him.

WE ARE WILLING TO MAKE THESE BACKWARD NATIONS HONEST

There is also this to be considered: These backward peoples have a moral code of their own. And they do not willingly enter into lasting business relations with civilized men. Those backward folks do business in their own way and according to their own notions. They often lie and cheat and are hard to do business with. [Laughter.]

Our civilized business men will then tell you that it is therefore necessary for the purposes of trade and civilization that these backward nations—or ancient nations—be compelled to be "honest"; that they be compelled to live up to such rules of conduct as will make trade possible and lucrative for civilized Americans, Englishmen, Germans, or other "Nordics" who have invested their money. [Laughter and applause.]

A warlike front therefore becomes necessary all the time, and armaments and warlike demonstrations have become a part of the regular apparatus of business, so far as business is concerned with the world market.

POINT OF VIEW CHANGES WITH INCREASING COMPETITION

True, these business men and investors originally do not dream of making any conquests. They do not think of war. They are at first indifferent as to the territorial growth of their country. All they want is to do business, but that point of view changes the moment their investments are in danger.

Thus, for instance, as long as Great Britain had a natural monopoly of the raw materials and the markets of the world British manufacturers and merchants were rather indifferent as to the growth of the British Empire. There were even some British economists and politicians who did not care for the colonies and considered them as rather useless encumbrances, involving an expense to the British taxpayer.

Exactly the same thing happens in America to-day; some of our American economists and politicians do not think of navies, armies, and war in connection with the world market.

But with the increasing competition—and with the entry of the manufacturers and merchants of the United States and of Germany, and even of Japan, into the world markets—the British point of view changed.

JOHN BRIGHT, JOSEPH CHAMBERLAIN, AND LORD MILNER

Thus, for instance, John Bright, a cotton manufacturer in Manchester in the middle of the nineteenth century—a period when British cotton goods had the undisputed control of the markets both in England and abroad—was a pacifist. John Bright was also a convinced free trader, an antimilitarist, and a radical leader.

But Joseph Chamberlain, of Birmingham, his successor in the leadership of the English radicals, 15 years later, was just as convinced that pacifism was a fallacy. He was even willing to consider a high tariff for Great Britain. He said in 1897:

> The empire is commerce. For these reasons, among others, I would never loosen the hold which we now have on our great Indian dependency. For the same reason I approve the continued occupation of Egypt. And lastly, it is for the same reasons I hold that our navy should be strengthened until its supremacy is so assured that we can not be shaken in any of the possessions we hold or shall ever hold hereafter.

And still later, Lord Milner said in an address to the Manchester Conservative Club in 1906:

> You can not have prosperity without power. This country must remain a great power or it will become a poor country. But greatness is relative. We can not retain by ourselves the same relative importance among the vast empires of the modern world which we held in the days of the smaller States, which England held before the growth of Russia and the United States, which England held before united Germany made those giant strides in prosperity and commerce, which have been the direct result of the development of military and naval strength.

So much for the relation of the Navy to the world markets.

I KNOW BETTER

And now as to the American foreign investments. We are told that——

Mr. EVANS of California. Will the gentleman yield?

Mr. BERGER. Not now. Afterwards I will. If I were a believer or adherent of the present system, I would be a Republican of the blackest kind. [Laughter and applause.]

Mr. BUTLER. Does the gentleman want more time?

Mr. BERGER. I am not a believer of the present system, however; I know better.

Mr. BUTLER. Then I decline to yield the gentleman more time. [Laughter.]

PACIFISTS WHO REJECT SOCIALISM ARE INCONSISTENT

Mr. BERGER. Now, the fact is this: Anybody who believes that this capitalist system is to last forever, or for a very long time to come, and who desires the greatest possible development of our strength in the world market, must also stand ready to defend this trade and these investments to the fullest extent.

He must also be willing to have a strong armed force, especially a big Navy. He must favor an air fleet, numerous enough not only to overawe the so-called backward nations and to compel them to live up to any obligations that they have undertaken, or into which they were cajoled—but especially also capable of defending American trade and American investments in case of any complications with any great competitor and first-class power, as, for instance, Great Britain.

There is nothing cheaper—and more silly and childish—than a pacifists who is not a socialist—who is wealthy and in favor of the capitalist system and willing to enjoy all its benefits and yet is unwilling to grant this capitalist system that makes his privileges possible the absolutely necessary means for its further development and security. I have in mind some of our wealthy pacifists who reject the Socialist Party and the Socialist propaganda—the only effective means of combating imperialism—but who continuously yelp against the Army and Navy.

SOCIALISTS ALONE ARE LOGICAL IN THEIR STAND FOR WORLD PEACE

Of course, if we had socialistic governments, even while capitalist system still exists in England, France, Germany, Italy, the United States, and Russia, it would be an easy matter to do away with the armies and navies. All we would need is to have an international force to guarantee security and good order on the high seas, and wherever necessary. But with governments that exist solely as the political arm of modern business, with its continuous and unabating strife and struggle for the world market, disarmament must remain a Utopian dream.

Of all political creeds and organizations only the socialists can with good conscience and good logic agitate and vote for disarmament and world peace.

MAY HAVE SOME INTERESTING EXPERIENCES

Under the present system, however, I am not in a position to decide whether 15 cruisers or 75 cruisers are sufficient to secure our position in the world market and defend our investments. If we should get into trouble with any first-class power or with any combination of powers, as, for instance, Great Britain and Japan—or Great Britain and some European allies—we would undoubtedly have some interesting experiences.

I do not say this is going to happen in the near future, since Europe is financially busted and the horrors of the World War are still fresh in mind; but if this system is to last, and we continue to grow in the world market—such a combination some day is not only probable but almost certain. Anybody who knows history and has studied political economy will agree with me.

Of course, some men, though not students, instinctively fear that this will happen—although for the sake of policy they do not express this fear.

AMERICA SIMPLY ACCEPTS THE SUPERIORITY OF GREAT BRITAIN

The proposition of building only fifteen 10,000-ton cruisers, contained in the majority report, is the result of that policy.

These gentlemen say the program of 25 cruisers to be built at the rate of 5 a year for five years would have been interpreted as an aggressive program by Great Britain. With 25 cruisers of the 10,000-ton class the American Navy could attack and imperil British commerce in the event of war, and a successful attack of that type would mean the end of Great Britain's rule over the seven seas.

But with only 15 cruisers of that class America can not do very much. We surely could not dispute the British control of the high seas and can not do much damage to the British trade. [Applause.]

It is a halfway measure only—neither big enough to do any harm—nor small enough to do any real good. And it officially accepts the inferiority of America to Great Britain, for the time being.

NAVY NOW LARGELY A MATTER OF WINDOW DRESSING

But since I, as a socialist, am not particularly concerned with the inferiority of our Navy, especially since I have serious doubts whether it would be very effective in defending the country in these days of submarines and airplanes—I am not interested in the size of the naval program, and will therefore vote against it.

A war in which we can use that Navy against a first-class power for anything except for the purpose of destroying commerce, is now almost impossible. The Navy now is very largely a matter of window dressing, and it is only very handy against second-rate or backward nations.

WHY HELL BROKE LOOSE IN 1914

Now to sum up this side of the picture, remember:

Capitalism inevitably leads to imperialism. The slogan of our business men will inevitably be "Civis Americanus sum," I am a citizen of America and have to be backed up by the Army and Navy.

And sooner or later this brings about war—war not only to subjugate backward nations but also to destroy competitors.

When, in the first six months of 1914, the German world trade became as large as the British—the World War did not delay.

WHO WILL BE NEXT?

True, Germany is crushed. But Germany's place in world politics and also in the world markets is rapidly being taken by the United States of America. We are now Great Britain's most powerful competitor.

The statistics issued by the Department of Commerce tell a vivid story.

And anybody who reads the English papers and periodicals with an open eye can already feel the deep resentment.

Great Britain is determined to uphold its "imperium" and its rule of the seven seas.

Great Britain has so far been very successful in destroying its competitors for the world market. Great Britain has annihilated the sea power of Spain, France, Holland, and Germany.

Whom will Great Britain try to annihilate next? [Applause.]

82 PER CENT FOR PAST AND FUTURE WARS

I do not want to answer the question. I leave it to some of you gentlemen to speculate about. I hope that by the time this question has to be answered we shall have socialist governments in all the great civilized countries—socialist governments (or at least socialistic governments) that will know how to avoid war.

And that is the only hope. Remember—the Hon. Andrew W. Mellon, Secretary of the Treasury for the fiscal year ending June 30, 1927—attributed 82 per cent of the Federal expenditures for 1927 to past and future wars. The following words of our Secretary of the Treasury, taken from his most recent report to Congress, are well worth considering:

> When the average citizen grumbles over the size of his income-tax payment he often visualizes his hard-earned money being spent by the Government to compile reports on business or agricultural conditions, or to erect public buildings, send diplomats abroad, carry on scientific investigations, or make and enforce laws. As a matter of fact, a small part of the taxpayer's dollar goes into work of this sort, only about one-sixth being used for all the multitudinous types of ordinary civil functions added together. One-half of each tax dollar is used for the service of the public debt. * * * The remaining one-third of the taxpayer's dollar is spent on military expenditures for national defense or payments to military veterans.
>
> * * *. In modern times the Federal tax burden of one generation is largely determined by the military activities of the preceding one. In the fiscal year 1927 expenditures for interest on the public debt exceeded by over $140,000,000 the aggregate amount of ordinary civil expenditures and exceeded the amount of all retirements of the public debt by nearly $70,000,000.

Even militarists admit that preparedness for war only leads to war.

WHAT THE CHIEF OF THE BRITISH GENERAL STAFF SAYS ABOUT PREPAREDNESS

Field Marshal Sir William Robertson, one of England's distinguished soldiers, who served from 1915 as chief of the imperial general staff of the British Army, made the following statement in a recent address:

> We no longer agree, without qualification, that the best way of preventing war is to prepare for it. Instead of preventing war, we know that preparations are apt to precipitate it. Never in history were preparations so complete or so widespread as during the 50 or 60 years previous to 1914, and yet never were wars so frequent as in that period.
>
> I suggest that every man and woman should energetically support all efforts made for devising some more sensible and humane way of composing international differences than the destructive and futile methods upon which reliance has hitherto been unsuccessfully placed. This suggestion happens to represent the only conclusion I can reach after a military career covering a period of exactly 50 years—a period during which I was for some 20 years closely connected with the highest councils of state in which, in some form or other, international questions of armaments and war were daily under consideration.

This is one of the hopeful signs of change of general sentiment; but, of course, it will not do away with the cause of wars.

AMERICA WOULD NEVER HAVE GOTTEN INTO THE WORLD WAR

A more hopeful sign is that the resolution of our distinguished colleague, Senator THEODORE E. BURTON, prohibiting the export of war materials to an "aggressor" nation, has been changed by a unanimous vote in the House Committee on Foreign Affairs to place an embargo on the shipment of such materials "to any nation which is engaged in war with another."

This is a most excellent modification, because it touches business—war profits. And because it places our power directly against war. If such a law would have prevailed in 1914, the war would not have lasted over six months, peace would have been concluded shortly after the Marne, and America would never have gotten into the bloody business. Our profiteers kept up the World War when it was about ready to collapse—as all well-informed men are now aware.

I can appreciate the change of sentiment among our leading men.

WHEN THE POWDER TRUST HAD ITS LITTLE JOKE

I remember that at the convention of the League to Enforce Peace, held in Philadelphia in 1915, when I put in a resolution to place an embargo on ammunition—not even on food, mind you, only an embargo on ammunition—to both sides of the com-

bat, this was ruled out of order with the characteristic remark that such a resolution was "more German than germane."

The witty and "humane" remark was made by Justice Gray, the attorney of the du Pont Powder Trust. [Laughter.]

The Powder Trust, of course, showed a profit of as much as $560,000,000 in one single year of the war—and the trust had many reasons to oppose my resolution. That murderous interest was not German and not American, but it was "germane."

MYTHS—GUILTY NATION AND INNOCENT NATION

And another most hopeful sign of our times is found in the current discussion—of not of who won the World War, but who was most guilty in bringing on the war.

The question of relative war guilt has been hotly debated of late—the opposing sides mostly resting their case on official documents.

The simple fact, however, is this:

"The myth of the guilty nation" is always accompanied by "the myth of the innocent nation."

Through a reckless and lying propaganda each nation soon became obsessed with the glory of victory and with the illusion of the depravity of the opposing peoples. In each country, also, for the time being, as Romain Rolland observed, "The people hated worst of all those who refused to hate."

DEGENERATING EFFECT OF WARS

There is one phase which is generally ignored, but is most important when we consider the subject of international war, and that is the inevitable decadence in the effectiveness and virility of warlike nations. Thus the warlike German tribes of the early Middle Ages have all disappeared entirely.

I just mention the Goths, the Vandals, the Longobards, and others.

It was proven that owing to the Napoleonic wars the average size of the French people was diminished by more than 1 inch. This thesis was stated best by Charles Darwin, when he said:

> In every country in which a standing army is kept up the fairest young men are taken to the conscription camp or are enlisted. They are thus exposed to early death during war or are often tempted into vice and are prevented from marrying during the prime of life. On the other hand, the shorter and feebler men, with poor constitutions, are left at home and consequently have a much better chance of marrying and propagating their kind.

In the World War the manhood of our race was wasted as never before in history.

ALL LESS FREE, LESS WISE, AND FEEBLER IN BODY AND SPIRIT

Every nation concerned is exhausted and humiliated, not only in our own generation but will be for generations to come.

The future of our Nation, however, rests with the men who are left, and there can be no question that all the white peoples must be less courageous, less wise, less free, and feebler in body and spirit than before this terrible and senseless sacrifice. And what did America get out of this war except cripples, millionaires, debts, high taxes, the "flu," and prohibition?

WANT TO GO ON RECORD AGAINST CAPITALISM AND IMPERIALISM

Mr. Chairman and gentlemen, if I were not a socialist I might vote for the minority report, for the proposition submitted by Mr. McCLINTIC, which I believe provides sufficient and adequate defense for America while Europe is exhausted and still remembers the World War.

Since I am a socialist, however, and do not believe in having an Army and a Navy just for the purpose of supporting the imperialistic growth of our capitalist class, which as a matter of business will sooner or later bring about a coalition of the European nations and possibly Japan against us—similar to the one with which Germany had to contend—I shall vote against both the majority and minority reports. I simply want to go on record against capitalism and imperialism.

PREPARE FOR PEACE AND YOU MAY GET PEACE

Mr. SCHAFER. Will the gentleman yield?

Mr. BERGER. No; I can not. I will only repeat that capitalism, wherever successful and full grown, necessarily leads to imperialism, and imperialism inevitably leads to war. If we want to abolish war we must abolish the causes of war and the reasons for war. Building war vessels, making poison gas and armored tanks will not abolish war. Neither will pious resolutions and peace tracts. Modern wars have economic causes.

As for preparedness, I agree with the English general whom I have just quoted, that if you prepare for war you will surely get war. And I will add, if you prepare for peace you may have peace. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. McCLINTIC. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and members of the committee, the hour is late and I will not long abuse your patience. I claim no technical or expert knowledge in reference to naval affairs. In a general way I have studied the history of the development of the United States Navy, and I have some knowledge of the naval history of the nations of ancient and modern times.

Several members who have spoken in support of this extravagant Navy construction program have deliberately sought to create the impression that those who oppose this measure are pacifists and deficient in patriotism. This insinuation is so utterly ridiculous that its refutation is obviously an act of supererogation. I wonder if these supercilious gentlemen are as brave as they are blustering. Since when did these self-appointed judges of human motives and guardians of the Nation's destiny obtain a monopoly on intelligence and patriotism? These gentlemen have traveled far afield from the facts and, intoxicated by the rhythm of their inane and innocuous sentences, are taking themselves too seriously, and, like the fly riding on the spoke of the chariot wheel, they, in self-adulation and supreme conceit, say "What a dust I am kicking up!" These gentlemen who are snapping at their colleagues and barking "Pacifists! Pacifists!" doubtless imagine that they are the Pleiades who fly before Orion in the legislative heavens. I am no pacifist, and I yield to no one in my loyalty and devotion to my country and her institutions, and I am opposed to all wars of aggression. I oppose all wars except such as may be necessary to repel invasion, protect our national honor, defend our just national interests, and preserve our free institutions. I would not have my country sacrifice its dignity, honor, or substantial interests, but I am convinced all these could be preserved by sane diplomatic negotiations. I would not be parsimonious in voting funds reasonably necessary to maintain an adequate Navy.

On the other hand, I am not a militarist, and I decline to take orders from the manufacturers of munitions, armament, and armor plate in the United States without whose propaganda, and without the propaganda of their interallied organizations, this Congress would not to-day be facing this proposal.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. LOZIER. No.

Mr. VINSON of Georgia. I was going to ask the gentleman it he would furnish the House with the basis——

Mr. LOZIER. I decline to yield, Mr. Chairman. I want to be courteous, but I have only a little time and the hour is late. I certainly have a right to make a connected speech without Members of the Naval Committee, who control the time, injecting their ideas continually into my remarks and into the remarks of everyone opposed to this bill; and I say this with all due respect to the gentleman from Georgia, whom I esteem as an upstanding, forward-looking man and as a very helpful legislator. But I must decline to accept his views or the views of anyone else backing this measure. I repeat, the shipyards, munition makers, builders of armor plate and armament, aided by other organizations, including the Navy League and certain naval and ex-naval officers, have for years flooded the country with propaganda and misleading information in reference to the naval situation at home and abroad. These pestiferous groups have boldly prophesied another war and sought to create the impression that our national existence would be seriously menaced unless we build a great Navy. These outside efforts have been aided by well-meaning men in Congress who, deluded by the sophistry of swivel-chair naval experts and the constant hammering of a few frenzied newspapers, have reached the point where they, like the pockmarked Mirabeau, are ever dreaming of storms and wars in times of peace.

Now, gentlemen, this is supposed to be a proposition involving the expenditure of $274,000,000. I assert that much more is involved in this legislative proposal. I hold in my hand a bill (H. R. 7359) introduced December 14, 1927, five days after Congress convened, by the gentleman from Pennsylvania [Mr. BUTLER], chairman of the Committee on Naval Affairs, which called for the construction of 71 vessels and involved an expenditure of approximately $740,000,000.

It is generally understood that this bill at that time represented the views of the administration in reference to the building of battleships. I do not think that anyone will deny that this bill (H. R. 7359) was introduced as an administration measure, and if the country had not risen in revolt we would now be considering this $740,000,000 battleship-building program instead of the $274,000,000 program embodied in H. R. 11526.

Later on the Navy Department furnished the members of the Committee on Naval Affairs a table showing in detail the proposed battleship-building program, the ultimate cost of which was more than $4,000,000,000 to be expended in a period of nine

years. So I am justified in saying that there is more involved in this proposition than the expenditure of $274,000,000.

The proposal in the pending bill to expend $274,000,000 in the next three years is only a part of the predetermined program. This initial expenditure of $274,000,000 is just the beginning of the big naval building program that before its completion will dig billions of dollars out of the pockets of the American people.

It is understood that Secretary Wilbur and President Coolidge at the time Congress convened were in favor of building an enormous Navy and had so expressed themselves, and it can not be denied that H. R. 7359, introduced by the chairman of the committee, represented the views of Secretary Wilbur and the views of the President. Taking into consideration the addresses which were made by the President and by Secretary Wilbur, we are justified in concluding that this first bill, introduced by Chairman BUTLER, embodies the purposes and plans of the administration, and that the Navy Department would have this Nation enter upon a naval building program which would call ultimately not for the expenditure of $274,000,000 only, but for the expenditure of $740,000,000, and which according to later tables furnished by the Navy Department would call for the expenditure in the next nine years of more than $4,000,000,000. I therefore assert this bill represents the beginning of a plan and program which has for its ultimate purpose the construction of a mighty battleship fleet at a cost between two and four billion dollars.

It seems to me there is no occasion for war and no probability of any war within the life of any person now living in the United States. I decline to be stampeded by propaganda about the probability of another war. This story that we might become involved in war with Great Britain and Japan is simply preposterous. There will never be a war between the two great English-speaking nations. England has too much involved to provoke a quarrel or a military contest with the United States. In the event of a war between Great Britain and the United States, England knows the first thing we would do would be to take Canada, her choicest colonial possession. England, by reason of her far-flung empire, must necessarily have a larger navy than any other nation, because England is mistress of the sea. When Lord Nelson destroyed the French fleet at Aboukir, Napoleon Bonaparte said: "Wherever wood can swim, there I am sure to find this flag of England." And on another occasion he said: "To France the fates have decreed the empire of the land, to England that of the sea."

Moreover, the greatness of England's maritime power was not built on great battleships, but her great naval power is due to the fact that she nurtured and developed the greatest merchant marine the world has ever known. In 1586 a Portuguese ship was captured by Sir Francis Drake and brought into an English port. It was a vessel the like of which no English shipowner had ever seen. The vessel was laden with silks, spices, and gold from India. In 1593 one of Sir Walter Raleigh's ships under the command of Sir John Burroughs captured a Portuguese ship of 1,600 tons burden and carrying 700 men and 36 brass cannon. This vessel was brought into the port of Dartmouth and its size greatly exceeded any English ship. Its cargo consisted of gold, silk, porcelain, pearls, drugs, ivory, calico, and spices. This greatly excited the interest of the English people, who began to plan to get a part of the East Indian trade. The English shipowners got an inspiration from these wonderful vessels and they immediately set out to develop a great merchant marine. The British naval power came as a result of the development of her merchant marine.

Since the curtain went up on human history, there have been innumerable instances where nations with great navies have been destroyed by nations having smaller navies, and also where mighty nations with great armies and seemingly irresistible military power and equipment have been defeated and destroyed by nations having but little military equipment and power.

No nation has ever been able to permanently perpetuate itself by maintaining a large military and naval establishment. Every great nation that has relied on military or naval power has ultimately met defeat and disaster. Call the roll from the dawn of history to the present, and you will find the track of the centuries cluttered with the shattered fragments of nations that relied on their armies and navies. If we are depending on military and naval prowess, we are building our national edifice on shifting sands.

Take the Punic wars between Rome and Carthage. Before the first of these wars Carthage had a strong navy and was mistress of the seas, while Rome had no navy. Rome was a great military power on land. Mr. Gibbon, in his Decline and Fall of the Roman Empire, said in reference to the naval activities of Rome:

> The ambition of the Romans was confined to the land; nor was that warlike people ever actuated by the enterprising spirit which had prompted the navigators of Tyre, of Carthage, and even of Marseille, to enlarge the bounds of the world and to explore the most remote coasts of the ocean. To the Romans the ocean remained an object of terror rather than of curiosity.

When the Roman commonwealth determined to destroy its rival, Carthage, it encountered what seemed to be an insurmountable obstacle, because at that time Rome had no fleet, or at least none that justified that title, while the Carthaginians had control of the sea and completely dominated all the maritime Roman cities. We are told that a Carthaginian vessel was driven onto the Italian coast in a storm and the Romans used this wrecked vessel as a model for their ships, and this marked the beginning of the Roman navy, which they hoped would materially aid them in destroying Carthage. With a fleet built without shipwrights and unmanned by experienced seamen, the Consul Duilius was the first who ventured to sea with this crude Roman armament. Duilius met the Carthaginian fleet near the Lipari Islands, north of Sicily. Though his own force was far inferior to that of the enemy, he gained for Rome her first naval triumph, capturing 50 Carthaginian ships and transferring the sovereignty of the sea from Carthage to Rome. When the news of this naval victory reached Rome, medals were issued and a column erected in honor of this history-making event. This column was called the Columna Rostrata because it was adorned with the beaks of the ships which had been captured from the enemy. This monument was struck down by lightning between the Second and the Third Punic Wars, but a new column was erected during the reign of Emperor Claudius, and a historian writing in 1866 stated that the column "still exists in a state of partial preservation."

Later on, during the First Punic War, the Romans, with a fleet of 300 sail, under the command of Regulus and Manlius, to invade Carthaginian territory in Africa. History tells us that up to that time this was the greatest fleet that had ever left an Italian port, carrying 140,000 men. The Carthaginian fleet was equally powerful and manned by better seamen. The two fleets soon came to grips, and while fighting at a distance the Carthaginians had the advantage, to overcome which the Romans employed their grappling irons to bind the enemy's ships to their own, and in a hand-to-hand battle between the seamen the Carthaginians were defeated, their fleet dispersed, and 54 of their vessels captured by the Romans. Following this victory, the Roman Army had no difficulty in landing, but were defeated in a land battle and Regulus taken prisoner. Later the Romans lost their fleet in a storm. They built a new fleet, and because the Roman mariners were unacquainted with the Mediterranean shores, this new fleet drove upon quicksands and most of it was destroyed by storm. The lofty patriotism and tragic death of Regulus is known to every student of history. In all, four Roman fleets, one after another, were destroyed during the First Punic War.

Before the end of the First Punic War, Fabius Buteo won another naval victory by defeating a large squadron of the enemy's ships; and in a subsequent engagement Lutatius Catulus won another naval victory, capturing 120 Carthaginian ships and completely destroying for years the sea power of Carthage. Though decisively defeated on land, and starting without any worth-while fleet, the Romans built navy after navy and finally drove the Carthaginian galleys from the sea, and after 24 years' conflict brought the First Punic War to a victorious end.

Admiral Mahan, in his valuable work on the Influence of Sea Power on History, in discussing the Second Punic War and the part that naval fleets played therein, said:

> At a very conspicuous and momentous period of the world's history sea power had a strategic bearing and weight which have received scant recognition. There can not now be had the full knowledge necessary for tracing in detail its influence upon the issues of the Second Punic War, but the indications which remain are sufficient to warrant the assertion that it was the determining factor.

He further states that while the Romans by their fleets had control of the sea, yet the Carthaginian admiral in the fourth year of the Second Punic War, after the disastrous defeat at Cannæ, landed 4,000 men and a body of elephants in south Italy, and in the seventh year of that war he appeared at Tarentum to give succor to Hannibal, then in control of that city; and later Hannibal was able to transport his wasted army in a Carthaginian fleet to Carthage. Mommsen, the historian, says that at the beginning of the Second Punic War Rome controlled the sea, and to whatever cause or combination of

causes it be attributed, this essentially nonmaritime state had in the First Punic War established over its seafaring rival a naval supremacy which still lasted.

In the Second Punic War there were no naval battles of importance, which Mahan considers a circumstance which in itself, and still more in connection with other well-ascertained facts, indicates a superiority analogous to that which at other epochs has been marked by the same feature.

In the Second Punic War, Hannibal crossed the Alps because his fleet was not strong enough to enable him to land his army on the Italian coast, and if he could with safety have gone by sea, he would have saved 33,000 of his veteran troops that perished in his march from Spain over the Pyrenees, Gaul, the Rhone, the Dura, and the majestic, awe-inspiring Alps, wrapped in perpetual snow, and which he crossed in midwinter in 15 days. And while Hannibal was crossing Gaul and the Alps to descend on Italy the two elder Scipios, with two divisions of the Roman fleet, were carrying one Roman army to Spain and another to Sicily to ravage Carthaginian territory. These two fleets numbered 220 ships, and each met and defeated a Carthaginian fleet.

The Third Punic War was unprovoked, and undertaken by the Romans for the unconcealed purpose of destroying Carthage, root and branch. Carthage, which at one time controlled more than 300 cities in Africa and many far-flung colonial possessions, and which was renowned for its arts, opulence, commerce, and extent of dominion, had been reduced to such extremities by its inveterate rival, Rome, that it was now in no condition to resist and, in the year 146 B. C., this flourishing city, founded 137 years before the foundation of Rome, was ruthlessly reduced to ashes.

I have the conflict between Rome and Carthage to show how easily a nation with a weak navy may sometimes defeat and destroy a nation with a strong navy. After all, the destinies of nations are not determined by armies and navies, but by higher, stronger, and nobler forces.

Talk about preparedness! Talk about having the greatest navy in the world! Have you forgotten that under the reign of Philip II of Spain, in 1588, the Spanish Armada, consisting of 131 vessels, at a time when Spain was mistress of the sea, set out to conquer England and how under Lord Howard and his little, contemptible English Navy, that splendid armada, which was the last word in navy building at that time, was destroyed, and how more than 10,000 of the sailors and soldiers on the armada were lost, and that less than 50 of the 131 vessels ever again entered a Spanish port? It was said that in every family of distinction in Spain there was mourning, because every family had lost at least one sailor or soldier on the ill-fated armada.

But some one may say that the ocean tempests had much to do with the destruction of the armada, and that is true; but the English Navy had to contend with the same storms; and, after all, the real lesson learned from this conflict is that the result of a naval battle does not depend nearly so much on the size of the respective fleets, but rather on the spirit, seamanship, initiative, courage, and resourcefulness of the men who man the ships.

Now, let us consider these modern battleships. You can take one of these battleships which costs $17,000,000, and with a bombing airplane which can be built for some $50,000 to $80,000 you can destroy the $17,000,000 battleship. It seems to me that no one who has even superficially studied naval history can contend that our national defense depends upon these ponderous battleships, because they are so easily destroyed by submarines and airplanes.

The bill under consideration (H. R. 11526) commits our Government to a three-year naval building program. It authorizes the construction of 15 cruisers at a cost not to exceed $255,000,000 and 1 aircraft carrier at a cost not to exceed $19,000,000. In the aggregate it authorizes the expenditure of $274,000,000 in the next three years. No one familiar with naval-building history expects these vessels to be built within the cost limit mentioned in the bill. Even the most unsophisticated student of public events knows that the cost of these battleships will largely exceed the estimates, and this additional cost will be met by new demands on the Public Treasury.

But if we concede for the sake of argument that these cruisers and this aircraft carrier can be built for $274,000,000, it does not follow that this bill should pass. Indeed, there is more than $274,000,000 involved in this proposal. It is my mature judgment that the passage of this bill will definitely commit our Government to a big Navy building program that will in the next few years cost the American people between one and two—yes, probably four—billion dollars.

In violation of every principle of economy, President Coolidge and Secretary Wilbur requested an authorization for 25 cruisers, 9 destroyers, 32 submarines, and 5 aircraft carriers, all to be built in the next five years, the total cost of which building program would have been $740,000,000. Later, under the nursing of Secretary Wilbur, this big Navy program grew until the expenditure of $2,000,000,000 was contemplated. Think of it, the so-called economical administration of President Coolidge, not only tolerating but actually sponsoring a battleship-building program that would burden the American people with a tax of from $740,000,000 to $2,000,000,000. I am not overstating the demands of the Navy Department, because the table prepared by that department and submitted to the Committee on Naval Affairs shows a contemplated expenditure of over $4,000,000,000 if Congress had approved the first plan of the administration.

But it is argued, by those who favor this bill, that it embodies the same naval building program proposed by the representatives of the United States at the Geneva conference, and if the Geneva conference had reached an agreement it would have authorized the building of the vessels provided for in the pending measure, and in that event all opposition to the proposal embodied in this bill would disappear. This is a specious argument and begs the question. In reply, I assert that if the Geneva conference had reached an agreement and authorized this increase in our squadron of cruisers, then there might be some justification for building these ships, because it would have marked the end of our battleship building for many years. But in the absence of an international agreement limiting naval armament, the pending bill marks not the end but the beginning of a competitive naval building program that will ultimately cost the American taxpayers not merely millions but billions of dollars.

And this enormous expenditure of public funds was requested when approximately 4,000,000 men and women are out of work in the United States, either all or part time; when industrial depression is impending and about to fall; when agriculture is suffering the most acute economic distress; when farms are being sold under the hammer in foreclosure proceedings; when men who till the soil are unable to balance their budgets or sell their commodities for the cost of production; when millions of men, women, and children, unable to earn a livelihood on the farms, are flocking to the cities and great industrial centers, thereby increasing the oversupply of labor and reducing the earnings of those who toil in mills and factories; when the great basic industry of agriculture is rapidly drifting to disaster and about to be broken on the rock of insolvency; when the purchasing power of the farmer has been reduced one-half and the agrarian classes are bled white and reduced to economic vassalage; when a great vocational group is desperately struggling to escape economic ruin, the administration purposes to increase the burden under which the American people now stagger, by entering on a battleship-building program that will cost the American taxpayers at least $274,000,000 in the next three years, and what is worse, will definitely commit the Nation to a big Navy and big Army policy that will ultimately cost between one and four billion dollars.

I am not a pacifist as that term is generally understood. I would not willingly withhold one dollar that is really needed to maintain a Navy sufficient for all our national needs, but I will not allow the makers of munitions and armament to determine what is and what is not necessary for adequate preparedness.

I refuse to be stampeded by swivel-chair naval experts and those who will profit mightily by the adoption of this big Navy building program. I do not see the necessity for maintaining a large and ever-increasing Naval and Military Establishment. Such a program will not insure peace and it is more apt to provoke war. I do not make an extravagant statement when I say that in my opinion, if it were not for the activity, propaganda, and lobbying of the manufacturers of munitions, armor plate, and armament and their interlocking and affiliated interests, Congress and the American people would not now be confronted by this extravagant and unwise proposal.

Without intending to reflect in the slightest manner on my colleagues who are sponsoring this measure, I am nevertheless constrained to say that those who are behind this big Navy program are exceedingly lopsided. They can see nothing but battleships, cruisers, submarines, and aircraft carriers. They are afflicted with an aggravated case of legislative astigmatism. They are not concerned about anything except battleships, guns, and a big Naval and Military Establishment. They speak but one language, and their motto is, "Battleships and more battleships." They are not interested in the solution of the agricultural problem. They are unconcerned when grave domestic

and internal conditions are being considered. Seemingly, the country can go to the "demnition bowwows" so far as they care, so long as they are permitted to put over this big Navy program. Their battle cry is, "Billions for battleships, but not one line of legislation for farm relief."

It is significant that many of the chief advocates of the big Navy building program in this House have by their votes in the past shown their unrelenting hostility to farm relief legislation. A majority of the champions of this billion-dollar battleship program are men who are the implacable enemies of all legislation designed to place agriculture on an equality with other industries. And these members will put over their battleship program even if economic justice is denied to 30,000,000 American people who directly or indirectly depend on agriculture for a livelihood.

Congress has enacted laws to stabilize the manufacturing, business, financial, and transportation interests and artificially to stimulate their profits and prosperity, but when the American farmers ask a hearing the door of the White House and the doors of Congress are slammed in their faces. From all indications the administration and Republican leaders in Congress do not intend to permit the enactment of any real, worth-while legislation in the interest of agriculture at this session, and at no future session if they can prevent it. The industrial East is in the saddle, booted and spurred, riding the agricultural West to irretrievable disaster.

I wonder how long the millions of Democratic and Republican farmers in the West will tamely submit to the arrogant dictation of the beneficiaries of special privilege in the industrial East. I wonder how long the toiling millions of common people in this Nation will supinely submit to the New England school of political thought that builds up one section at the expense of another section; that enriches one class of people at the expense of other classes; that levies a tribute and tax on the farmer for the benefit of the manufacturer and denies to the agricultural classes a fair chance and equal opportunity in the race for gain.

Gentlemen, Congress has been in session since the 5th of December, and the Republican leaders who control Congress have not done a thing to solve the agricultural problem or improve the condition of the American farmers. No constructive legislation for the benefit of agriculture has been reported out by any committee, and you have given us no opportunity to discuss and vote for legislation that will help lift unjust economic and legislative handicaps from the backs of the American farmer. It seems that it is the plan of the party in power to vote billions for naval and military purposes but deny to the agricultural classes the economic equality and legislative favor and consideration so unstintingly granted to other vocational groups.

I am, therefore, opposed to the pending bill for the reasons stated and for the following additional reasons:

(a) Surface warships are rapidly becoming obsolete. The rapid development of aircraft and submarines will soon render these ponderous warships useless. These massive battleships can not escape the swiftly moving airplane and the stealthy submarine. Suddenly out of the clouds dashes a bombing airplane, and in a few minutes the big battleship is disabled or sunk. Traveling beneath the surface of the ocean, moving silently and unobserved, the crafty submarine creeps up on a bulky battleship and launches a torpedo that rips through the guts of the armored leviathan and sends it to the bottom of the sea. If this Nation should ever be cursed with another war, the big battleships will not play an important part in the conflict, because surface battleships will be as helpless and as much at the mercy of airplanes and submarines as the short-legged, slow-moving hippopotamus would be at the mercy of a swordfish, shark, or a Spanish matador. A battleship costing $19,000,000 can easily be put out of commission by a little submarine costing only a fraction of this sum, or a bombing airplane that costs $50,000 or less. It is supreme folly for us to build our national defense around surface battleships.

(b) The times are not propitious for us to initiate a big battleship building program. Economic conditions throughout the United States persuasively suggest that we defer and avoid this enormous tax burden, at least until business conditions improve and until the buying power of our 30,000,000 agricultural population is brought to more normal levels. Until there is a rehabilitation of agriculture, the largest single group of our population, this extravagant Navy building program may well be deferred, if not permanently abandoned. Our international relations are not complicated and there is not even the remotest possibility of a war with any nation, except the little private war that President Coolidge is conducting in Nicaragua without having consulted the American people about it.

(c) I am also opposed to this bill because it is not a well-balanced, well-considered legislative proposal. Its adoption will invite—yes, compel—other nations to engage in similar big battleship building programs and we will be drawn into a race to see which nation can spend the most money for battleships, and the American taxpayer will foot the bill. This bill will give the munition makers, armament makers, and industrial interests just what they want and when they want it, while on the other hand those who are in control of Congress and the White House have so far denied to the agricultural classes the poor privilege of having their claims considered, much less acted upon.

(b) Before the proponents of a big Navy can hope to have the sympathetic consideration of the Members of Congress from the great agricultural sections, they must give the West a square deal. Agriculture must be placed on an equality with other industries to the end that the American farmer may escape peasantry and to an equitable extent share in the new wealth that annually accrues to the American people. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BUTLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11526 and had come to no resolution thereon.

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. I just want to point out that up to the present time in the debate on the naval bill there has been not one man who has been permitted to speak to advocate the President's program.

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. Are we to understand that the representative of Al Smith is behind the President's program?

Mr. BLACK of New York. I have to plead guilty to being the only one to defend him.

EXTRACTS OF SPEECHES

Mr. JONES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. Mr. Speaker, pursuant to consent granted, I am herewith reprinting extracts from speeches delivered by me at different times in the House of Representatives, together with record showing action taken on certain legislation.

* * * * * * *

NEED OF ECONOMY

During the war great expenditures were absolutely necessary, but in the future I expect to vote to reduce the expenses of government in every way possible. In many instances appropriations can be reduced, and in some cases entirely eliminated. Since the signing of the armistice I have voted against a great many of the appropriation items simply because I recognize the necessity of rigid economy. The people have a right to expect these appropriations to be "cut to the limit," and I for one expect to continue to vote with this end in view. Such a policy will lighten the burdens which this as well as every other nation which engaged in the war must carry. (CONGRESSIONAL RECORD, June 24, 1919, p. 1710.)

* * * * * * *

COUNCIL OF NATIONAL DEFENSE

Amendment offered by Mr. JONES to abolish the Council of National Defense

Mr. JONES. Mr. Chairman, I think this is an absolutely useless appropriation.

What is the purpose of the Council of National Defense? All of the essentials of its contemplated work for the future can be done by other departments of this Government. Why perpetuate a duplication of activities?

Mr. BUTLER. Do the hearings disclose what service has been performed by the Council of National Defense?

Mr. JONES. The hearings disclose that the Council of National Defense during the war aided materially in getting information and in helping to put the country in a proper condition for national defense. But the Secretary of War says now that he wants to continue the work along different lines. He says that great lessons should be learned from the war, and that we should have somebody to brood over these things with an imaginative mind. This Congress should get down to brass

tacks and appropriate only for those things in the maintenance of the Government that are absolutely necessary and do away with useless extravagance of every kind and character. There is no reason at all for maintaining a separate lot of clerks in Washington under a man with an imaginative mind who can draw some lessons from our experience in the late war. Somehow, somewhere, we must cut down appropriations. Economy must be the motto from this hour. This bureau should wind up its work. The American people are capable of drawing their own lessons from the war. They can do it with a good deal less brooding than the proposed director would do. [Applause.]

The amendment was agreed to, and the bureau was abolished. (CONGRESSIONAL RECORD, January 3, 1921, p. 898.)

DEPORTATION OF UNDESIRABLE ALIENS

On the proposal to raise a $6,000,000 fund to erect a monument to Theodore Roosevelt

Mr. JONES. I desire to submit that inasmuch as ex-President Roosevelt typified virile American citizenship and preached the doctrine of red-blooded Americanism, it would be better to use the proposed fund in stamping out Bolshevism and in deporting those foreign believers in and followers of the red flag. [Applause.] This would be a finer monument to the man who has been termed the "typical American" than any monument of stone or structure that might be erected, no matter how beautiful its form or how polished its surface.

I believe in freedom of speech and freedom of thought. But when a man comes to this country from some other land, and finding that he can not convince by persuasive methods the people of the United States that his doctrines are true, takes a bomb or some other sort of missile and tries to force an unwilling people to accept his doctrine, he is unpatriotic, un-American, and undesirable. [Applause.] He should be deported, along with all the others of his class, and given a chance on some island or somewhere else, where such characters can live together and try out their absurd doctrines on each other, and not be left in a country that has grown great and powerful in recognition of law and constitutional rights.

There has never been a time in the history of this Government when so many radical and revolutionary doctrines were being taught as now. These are being taught by men who believe in no flag except the red flag.

It is all right for any man to give his views so long as he depends upon reason and persuasion, but when he wants to get a hand ax and a torch and pillage and destroy he becomes a most dangerous character in a free Republic. [Applause.] (CONGRESSIONAL RECORD, October 27, 1919, pp. 7587–7588.)

IMMIGRATION

* * * I am in favor of a law which will keep out the flood tide of bolshevists, anarchists, and bomb throwers, who are anxious to spread their poisonous doctrines throughout this country. If a bill is not passed millions of immigrants will sweep over this land and our institutions as well as form of Government will be in danger * * *. (CONGRESSIONAL RECORD, December 11, 1920, p. 229.)

Just now, when the Old World is in turmoil, debt burdened, and in some instances despairing, we can not take on an unlimited load of foreign immigration. This bill is already liberal enough without leaving a loophole that would admit any cunning schemer who may have caused political unrest in his own country. (CONGRESSIONAL RECORD, April 22, 1921, p. 588.)

Pending amendment to discontinue efforts of department to find a substitute for leather

Mr. Chairman, I represent a district that has a great many cattle, and last year thousands of carcasses went unskinned simply because the carcasses were not worth the skinning; these hides would not bring enough to justify the skinning of the carcass. It seems to me that it would not be worth while for the Government to spend money trying to develop the making of leather from some other sources. Why spend money to make leather from shark hides when cow hides are going to waste? Why spend Government funds to develop a substitute for a raw material that is already selling for a song? This is a good place to practice economy by eliminating waste.

The amendment was adopted. (CONGRESSIONAL RECORD, January 6, 1921, p. 1066.)

MINORS IN THE NAVY

The next business was the bill (H. R. 8183 by Mr. JONES) to authorize the discharge of any person under 21 years of age enlisting in the naval service or Marine Corps without the written consent of the parent or guardian.

The title of the bill was read.

Mr. JONES. In civilian life the boy is under control of his parents until he is 21 years of age. The business concerns of this, the greatest Nation in the world, have adjusted themselves to this fact. That much has been conceded to the home training which every boy should have. Surely the great American Navy should not find it necessary to enter the home before the boy becomes of age.

The proposition is that you cause discontent when people think you have wronged them. When a boy is enlisted under 21 years of age, without consulting his parents or without the written consent of his parents or guardian, and the Navy turns down a request for his discharge, that parent is dissatisfied because he thinks he has been wronged. His neighbors also become dissatisfied, and it all tends to create a prejudice against the Navy and tends to destroy efficiency. The interests of the Navy itself will be best served in the long run by a recognition of this just principle. (CONGRESSIONAL RECORD, February 15, 1926, pp. 4007–8.)

Passed the House. (P. 6525.)

THE PRODUCER

There are those who balk when it comes to enacting legislation that has for its primary purpose the furtherance of the interest of agriculture. There are those who smile knowingly and even cynically when anyone assumes to speak in behalf of the producers of the basic wealth of the Nation. But I want to say to you that all the boasted industrial wealth of the United States, all the wheeling spindles of the factories that sing by the streams of this broad, big country, all the skyscrapers that mark the prosperity of the Nation are alike dependent upon the ultimate success of the producer. If he fails, all must suffer. If he goes down, your industrial smokestacks will rust in idleness, the bats will occupy your factories, and gloom will settle over the commerce of the Nation. The prosperity of the farmers and the manufacturers are inextricably interwoven with the success of the Nation. If the producer prospers, the entire country will ultimately flourish and success will crown the efforts of those who are industrious. [Applause.] (CONGRESSIONAL RECORD, October 25, 1921.)

LIMITATION ON NEW TAX LEVIES

If we allow three years for the Government officials to review the taxpayer's return and let him know if there is to be an additional levy and how much he will probably have to pay, we are allowing them long enough. I do not see any reason why it should be necessary for the Government to wait four or five years to review the income-tax report of an individual after he has allowed his figures to get away, after some of his books are lost or destroyed, after his memory of things has faded to some degree. I do not see why it should be easier or better or cheaper for the employees of the Income Tax Bureau to review it several years later. It ought to require the same length of time to review it at one time as another. Every year additional reports must be filed. They, too, must be reviewed. So why can they not keep up as they go along? This would be far simpler and make it easier on both the Government and the taxpayer. (CONGRESSIONAL RECORD, December 15, 1925, p. 895.)

RURAL ROUTES

I live in a district that has 53 counties and which has nearly doubled in population in the last three years. Great ranches are being cut up and sold to actual settlers. Last fall on the South Plains I met many farmers who wanted an extension of rural routes. I would write the department, and the invariable reply was that, while the proposal met all the requirements, the department was out of funds—that the funds had been exhausted. Some men living 15 or 25 miles from the post office need their mail just as much as people who live in the city. [Applause.] This year there are men who live on the South Plains—farmers who will not use the rural route because the service is only twice a week, and they prefer to go to town and get their mail. It seems to me that this is a condition that should not be allowed to prevail.

I want to make one plea for the man in the far-away sections of the country, who asks little of his Government and who is always loyal to its interests. He toils away in comparative silence, but contributes to the wealth of this great Nation—yes, he in large measure supports it. The amount that is asked is small, and yet the service rendered is a very valuable contribution to good citizenship. (CONGRESSIONAL RECORD, December 22, 1925, p. 1378.)

DEALING IN FUTURES

I have never thought that pure gambling where no delivery is contemplated, is necessary to a market for agricultural products. * * * These men gamble on the bread supply of the Nation. They do not produce wheat. They do not buy actual wheat, and they do not sell actual wheat. The same is true of cotton.

There were sold on the market in Chicago annually during the five years from 1914 to 1918 about 18,000,000,000 bushels of grain. There were delivered on that market about 325,000,000 bushels. In other words, there was sold on that market fifty-one times the amount of actual grain that was delivered. There was sold annually on that market during that period about three times as much grain as was grown in the world. I do not believe it is necessary in the economy of this country to have a lot of men supported—and the country must, after all, support them—who stand in the wheat pit and who stand in the exchange and engage in purely gambling transactions. (CONGRESSIONAL RECORD, May 11, 1921, p. 1317.)

THE RADIO BILL

Amendment offered by Mr. JONES of Texas, authorizing the Secretary of Commerce to cancel the license of any person or corporation monopolizing or seeking to monopolize radio communication through the control of the manufacture or sale of radio apparatus, or by other means.

Mr. JONES. Mr. Chairman and gentlemen of the House, I think the committee should accept this amendment. I am seeking to give the Secretary the right to cancel the license issued to a company or corporation in the event of an effort to secure a monopoly. It is just as natural for a man to look after his own interests and for a corporation to look after its own interests as it is for sparks to fly upward. If given the opportunity companies will seek to secure a monopoly, and a monopoly in this growing line of endeavor would have tremendous power. It would have an unfair power and be able to put independent competitors out of business.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. JONES. Yes.

Mr. WHITE of Maine. Unless somebody desires to discuss the amendment further, I think I am authorized to say the committee will agree to it.

The question being taken, the amendment was agreed to. (CONGRESSIONAL RECORD, January 31, 1923, p. 2783.)

RELIEF FUND

The House had under consideration a bill providing that the United States should furnish grain and other foodstuffs for the relief of the distressed and starving women and children of Germany. Mr. JONES of Texas offered the following amendment:

"*Provided further*, That in purchasing such grain and other foodstuffs as are herein provided for preference shall be given wherever practicable to purchase from farmers and cooperative organizations of the farmers."

Mr. JONES. I regret that I can not support the bill. I believe we are trustees for other people's money and that we have not the right to vote funds out of the Treasury for other than governmental purposes.

However, the temper of the House indicates a determination to pass the measure, and if it is to be passed I do not see why anyone should object to giving preference to cooperative organizations in making purchases. There are many cooperative organizations which have millions of bushels of wheat. They are struggling to better the condition of the farmers. There is other wheat in the hands of speculators, and it seems to me that while it is being done these organizations and the farmers themselves should be favored in every possible way.

There is a surplus of wheat in this country. There always is a surplus of wheat. Somebody must ship that wheat away. The United States Government is going to do that if this resolution should pass. Do you gentlemen prefer that the Government should buy from speculators or from the farmers? Do you object to the Government buying from cooperative organizations? We have wheat growers' associations all over the United States. There is the Northwestern Wheat Growers Association, there is the Texas Wheat Growers Association, and a number of others that have wheat that they must dispose of somewhere, and, while doing this, why not give them the benefit of it?

Why should the Government go out and buy from some speculator when there are cooperative associations all over the country which have surplus products in their hands? Why not give them relief?

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 165, noes 68. So the amendment was agreed to. (CONGRESSIONAL RECORD, March 24, 1924, p. 4860.)

COTTON GRADES

A bill (H. R. 15539) by Mr. JONES to provide for a report on the grades and quality of cotton in the carry-over

Mr. JONES. The measure provides for a report on the grades and staple of cotton on hand and known as the carry-over. During the last few years a considerable amount of nonmerchantable cotton has accumulated. Naturally when all of this nonusable cotton is bulked together with the good cotton in the department's estimate of the carry-over it tends to depress the market. To correct this damage that has heretofore been done is the third purpose of the bill.

The measure passed the House of Representatives January 17, 1927. (CONGRESSIONAL RECORD, p. 1786.) It was later merged with Senate bill 4746 and the joint measure became a law March 3, 1927.

TAKING THE PROFITS OUT OF WAR

Many millionaires were made by the World War. Many others were made rich. The morning after the war was declared the munitions makers and those engaged in making the essentials of war were much better off financially than they were the night before.

When the Government wanted men for the military and naval service it simply listed the young manhood of the Nation and called it into service on its own terms.

Why should not the same method have been used with reference to the property and plants of those engaged in the manufacture of all of the supplies essential to the waging of that war? [Applause.]

A law should be enacted now, to be made automatically operative upon the declaration of war, whereby, when young men are drafted, the essential industries, munitions, plants, and all factories engaged in manufacturing the supplies of war, shall also be subject to draft on the Nation's own terms just like the manhood of the country. [Applause.]

Much has been said in recent years about various plans to promote world peace. Numerous plans have been suggested, nearly all of them having something of merit and all of them evidencing a desire to lessen the chance of war. But do you know what I think would do more than any or all of these plans? Simply take the profits out of war. (CONGRESSIONAL RECORD, December 10, 1924.)

The House had under consideration an amendment offered by Mr. JONES forbidding the Department of Agriculture to issue forecasts of future cotton prices

Mr. JONES. Mr. Chairman, I think the committee should accept this amendment. It means much to the people of the South. Last fall cotton was on the upward trend. Here is a report in the Dallas Morning News of September 15, 1927, giving the market: "Cotton soars $3 per bale. Late dealings bring gain of $6.50 over Tuesday's low mark." A forecast of lower prices was then given out by the department. What was the result?

The Dallas News of September 16, 1927, giving an account of the market the day after this price forecast was issued, contains the following statement: "Market disrupted. Decline. In other words, the market tumbled several dollars per bale, causing great losses to cotton growers of $7.50 per bale in New York as New Orleans protested." * * * I think the issuing of a forecast at that time was a great blunder. The department can and should give to the public all the facts—the production, the weather conditions, the acreage, and all other facts—but it should not give conclusions or guesses as to prices or the price trend.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas.

The question was taken; and there were—ayes 62, noes 48. So the amendment was agreed to. (CONGRESSIONAL RECORD, March 2, 1928, p. 4106.)

A bill (H. R. 11579, by Mr. JONES) relating to investigation of new uses for cotton

Mr. JONES. Mr. Speaker, a measure which I introduced last year, containing substantially the provisions of this bill, passed the House during the last session, but died on the Senate Calendar. While the measure last year was pending provision was made in the appropriation bill for the beginning of the work.

Under this provision much valuable work has already been done. Experiments are being conducted in the making of brattice cloth for use instead of jute, in the use of cotton materials in conduit installation, in the better finishing of fabrics so as to make them more suitable for use, in the use of bagging for cotton, the making of sugar sacks and other wrappings, and the blending of cotton with other materials in the making of many useful articles. Surely the House does not want this work discontinued.

During recent years most of the attention has been paid to the problems of production. Too little attention has been paid to the problems of distribution. Just now the problem of distribution is a far more vital one. Every thinking man must admit this. The work contemplated by this measure applies to this phase of the problem.

In other words, it furthers the effort toward stimulating the consumption of cotton and its by-products. Anything that will do this will help to solve its marketing and disposition, and would, of course, be reflected in a better price for producers of the commodity.

I don't think this Congress could do a finer thing for this great industry. The work costs but little and means much to the cotton producers of the South.

The bill was engrossed, read a third time, and passed. (CONGRESSIONAL RECORD, March 7, 1928, p. 4379.)

DEATH OF THE LATE REPRESENTATIVE WILLIAM KENT

Mr. LEA. Mr. Speaker, I regret to announce the death of my predecessor in Congress, the Hon. William Kent. At this time I do not desire to take up the time of the House, but I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEA. Mr. Speaker, I desire to announce to the House the death of Hon. William Kent, my predecessor in Congress. He served here in the Sixty-second, Sixty-third, and Sixty-fourth Congresses, when he voluntarily retired to private life.

Mr. Kent had three outstanding qualities that particularly distinguished his career as a man and as a public servant. The first of these qualities was benevolence. His personal fortune freed him from any harassing concern so far as the financial needs of himself and his family were involved. Yet, never was

he indifferent to or unmindful of the problems of poverty and misfortune that beset so many of his fellow men. His private life was full of concern and acts of kindness and charity for the misfortunes of others. All his benevolent efforts were accompanied by a becoming modesty, frequently approaching concealment.

He gave Muir Woods, a large attractive recreation area, conveniently accessible to San Francisco, for the use of the public forever. Countless thousands enjoy this gift annually. He refused to permit his name to be identified with the name of this park. At great expense he acquired an area of magnificent redwoods in Humboldt County, Calif., to be preserved forever for the inspiration and enjoyment of the public. The area given is not associated with his name, except by a small bronze tablet on the face of a native bowlder, screened by the undergrowth, shades, and foliage of a primeval forest.

The other two outstanding qualities of Mr. Kent distinguished his public service. The first of these qualities was his independence. He never sought the easy way of public promotion by subordinating his own convictions and purposes to organization programs and policies. He was a free thinker and a free actor. He carried to the public service his own untrammelled brain and heart to a remarkable degree. He was an original thinker and strong in his own convictions. The mere suggestion of surrendering his own convictions to conform to organization or party purposes was repellant to him. That was a form of mental and moral servitude to which he instinctively rebelled. He was neither qualified by experience, disposition, nor conviction for team work with political organizations or parties. His loyalty was to causes and not to instrumentalities.

The other distinguishing quality of Mr. Kent, so far as his public service was concerned, was his fidelity to the public interests as he viewed them. He had private financial interests ordinarily sufficient to consciously or unconsciously dominate the viewpoint of men. His freedom from such domination and his public efforts against his own personal interests were pretty generally conceded as typical of his career.

Men are attracted to the public service from different motives. To some, it may selfishly appeal only as a means of self-promotion and a way to honor, prestige, and power—a way to gratify the vanity of a selfish, designing man. The public service may appeal to the idealist as a place of self-sacrifice, an opportunity of service to others, a means of doing good to one's fellowman and to his country. Without something of that idealism, it is unfortunate that any man should be promoted to high public place. It is too much to expect that our public men shall be inspired by this high idealism alone. Between these extreme viewpoints there is a practical field in which, perhaps, most public officers are found. Public life appeals as a worthy field for advancement and happiness and also, I am convinced, to a great degree, as an opportunity of usefulness and service to our fellows and our country. Mr. Kent had the idealism of public loyalty to an unusual degree.

The strong convictions of Mr. Kent and the vigor with which he espoused them aroused positive likes and dislikes. Frequently the wisdom of his proposals was assailed, but, whether agreeing or disagreeing with him, those who knew him have conceded to him the three great qualities I have assigned him to-day.

CONFEDERATE STONE MOUNTAIN MONUMENT

Mr. SNELL. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Concurrent Resolution 12, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate Concurrent Resolution 12

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a committee of Congress consisting of five Senators, to be appointed by the President of the Senate, and 10 Members of the House of Representatives, to be appointed by the Speaker of the House, to attend, as representing the Congress of the United States, the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of a portion of the Stone Mountain Monument erected by the Confederate Stone Mountain Association.

The SPEAKER. Is there objection to the present consideration of the Senate concurrent resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

AIR FLIGHTS AT BOLLING FIELD, MARCH 20, 21, AND 22

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will read.

The Clerk read as follows:

ASSISTANT SECRETARY OF COMMERCE FOR AERONAUTICS,
Washington, March 15, 1928.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: My present plans call for making a number of flights at Bolling Field, D. C., on the afternoon of March 20 and 21 and the entire day of March 22.

It would give me great pleasure to carry any of the Members of the House of Representatives who would care to make a flight at this time.

It will be possible for me to take from 8 to 10 passengers at a time in the equipment which the Army and Navy have kindly made available.

Very sincerely yours,

CHARLES A. LINDBERGH.

The SPEAKER. A similar communication has been addressed to the Senate. The Chair would suggest that gentlemen desiring to avail themselves of this information will leave word at the office of the Speaker so that proper arrangement can be made.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2007) entitled "An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during the years 1924 and 1925, and to validate payments for such training heretofore made."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2021) entitled "An act extending and continuing to January 12, 1930, the provisions of 'An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.,' approved January 12, 1925."

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the bill (S. 1181) entitled "An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCNARY, Mr. KEYES, and Mr. RANSDELL to be the conferees on the part of the Senate.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States; and

S. 3292. An act providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio and Erie Canal.

LEAVE OF ABSENCE

Mr. MEAD, by unanimous consent, was granted leave of absence for an indefinite period on account of illness in his family.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Friday, March 16, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 16, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

To require registration of lobbyists (S. 1095).
To define and regulate lobbying (H. R. 423).

To disclose interest of and to regulate lobbyists who attempt to procure the passage or defeat of any measure before the Congress of the United States (H. R. 6098).

To prohibit lobbying (H. R. 7202).

COMMITTEE ON PATENTS

(10 a. m.)

Amending the statutes of the United States with reference to copyright registration of designs (H. R. 9358).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WHITE of Colorado: Committee on the Public Lands. H. R. 6854. A bill to add certain lands to the Montezuma National Forest, Colo., and for other purposes; without amendment (Rept. No. 908). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Colorado: Committee on the Public Lands. H. R. 7223. A bill to add certain lands to the Gunnison National Forest, Colo.; without amendment (Rept. No. 909). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 10540. A bill to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; without amendment (Rept. No. 910). Referred to the Committee of the Whole House on the state of the Union.

Mr ELLIOTT: Committee on Public Buildings and Grounds. H. R. 10799. A bill for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes; without amendment (Rept. No. 911). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 11022. A bill to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard; without amendment (Rept. No. 912). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11989. A bill providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance; without amendment (Rept. No. 913). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on Irrigation and Reclamation. H. R. 5773. A bill to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes; with amendment (Rept. No. 918). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 9485. A bill granting the consent of Congress to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River; with amendment (Rept. No. 919). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 10643. A bill authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.; with amendment (Rept. No. 920). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 11138. A bill authorizing Point Pleasant Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.; with amendment (Rept. No. 921). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 11203. A bill granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River between a point at or near lands owned by Duncan McLean in Coffee County and a point at or near the northern terminus of the present Jacksonville Ferry in Telfair County, said bridge to be at or near said ferry on a public road to be constructed from McRae in Telfair County to Broxton and Douglas in Coffee County; with amendment (Rept. No. 922). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 11212. A bill authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.; with amendment (Rept. No. 923). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 11265. A bill authorizing the Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va.; with amendment (Rept. No. 924). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 11267. A bill authorizing the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west; with amendment (Rept. No. 925). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 11266. A bill authorizing the Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.; with amendment (Rept. No. 926). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 11356. A bill authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind.; with amendment (Rept. No. 927). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 11357. A bill authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.; with amendment (Rept. No. 928). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 11473. A bill granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North at Fargo, N. Dak.; without amendment (Rept. No. 929). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 11578. A bill authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.; with amendment (Rept. No. 930). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 11583. A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at Cotter, Ark.; with amendment (Rept. No. 931). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 11625. A bill to amend the act of February 16, 1928, entitled "An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont."; with amendment (Rept. No. 932). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; with amendment (Rept. No. 933). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.; with amendment (Rept. No. 934). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.; with amendment (Rept. No. 935). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. R. 5495. A bill to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians; without amendment (Rept. No. 936). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 8546. A bill authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz; with amendment (Rept. No. 937). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 9355. A bill to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes; with amendment (Rept. No. 938). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 10545. A bill to create an establishment to be known as the national archives, and for other purposes; with amendment (Rept. No. 939). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 6862. A bill authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States; without amendment (Rept. No. 940). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 8742. A bill to authorize the Secretary of War to grant and convey to the city of Baton Rouge, La., a perpetual easement for public-street purposes over and upon a portion of that part of the United States National Cemetery at Baton Rouge, La., lying outside the cemetery wall; with amendment (Rept. No. 941). Referred to the Committee of the Whole House on the state of the Union.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 9047. A bill to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif; without amendment (Rept. No. 942). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11475. A bill to revise and codify the laws of the Canal Zone; with amendment (Rept. No. 943). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11724. A bill to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park; with amendment (Rept. No. 944). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. H. R. 11479. A bill to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians; without amendment (Rept. No. 945). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 5527. A bill to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; with amendment (Rept. No. 947). Referred to the House Calendar.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 7463. A bill amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims"; with amendment (Rept. No. 948). Referred to the House Calendar.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 11465. A bill to authorize the Secretary of War to lend War Department equipment for use at the tenth national convention of the American Legion; without amendment (Rept. No. 949). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11478. A bill to amend an act to allot lands to children on the Crow Reservation, Mont.; without amendment (Rept. No. 950). Referred to the House Calendar.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 491. A bill authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California; with amendment (Rept. No. 951). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky: Committee on Roads. H. R. 9767. A bill to authorize an appropriation for the relief of the State of Vermont on account of roads and bridges damaged or destroyed by the recent flood; without amendment (Rept. No. 952). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 10760. A bill to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918; without amendment (Rept. No. 953). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11359. A bill for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; with amendment (Rept. No. 954). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11582. A bill to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians; without amendment (Rept. No. 955). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11629. A bill to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; with amendment (Rept. No. 956). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WARE: Committee on Claims. H. R. 4357. A bill for the relief of William Childers; with amendment (Rept. No. 914). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. H. R. 9612. A bill authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry, Gainesville, 021032; without amendment (Rept. No. 915). Referred to the Committee of the Whole House.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11951. A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926; without amendment (Rept. No. 916). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 11960. A bill for the relief of D. George Shorten; with amendment (Rept. No. 917). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 5223. A bill for the relief of Michael Marley; with amendment (Rept. No. 946). Referred to the Committee of the Whole House.

Mr. EVANS of Montana: Committee on Indian Affairs. H. R. 10042. A bill to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes; without amendment (Rept. No. 957). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARNER of Texas: A bill (H. R. 12100) to amend the act entitled "An act granting the consent of Congress to the Gateway Bridge Co. for construction of a bridge across the Rio Grande between Brownsville, Tex., and Matamoros, Mexico," approved February 26, 1926; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Nebraska: A bill (H. R. 12101) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Miami Indians of Indiana have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALMON: A bill (H. R. 12102) to extend hospitalization and certain other benefits under the World War veterans' act, 1924, as amended, to certain individuals who have performed Mexican border duty; to the Committee on World War Veterans' Legislation.

By Mr. FAUST (by request): A bill (H. R. 12103) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. KENDALL: A bill (H. R. 12104) to regulate guide service on the national military parks, memorial battle fields, and national monuments, under the administration of the Secretary of War; to the Committee on Military Affairs.

By Mr. ENGLAND: A bill (H. R. 12105) to promote consolidation and cooperation in the mining and marketing of bituminous coal; to the Committee on the Judiciary.

By Mr. STEVENSON: A bill (H. R. 12106) to create a national military park at Cowpens battle ground; to the Committee on Military Affairs.

By Mr. BOWLING: A bill (H. R. 12107) granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Mitchell Dam on the Verbena-Rockford highway between Chilton and Coosa Counties, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Indiana: A bill (H. R. 12108) to amend the interstate commerce act affecting electric railways; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 12109) to authorize the expenditure of $391,000 to enlarge and buy equipment for the Kiowa Indian School and the Fort Sill Indian School, located at the Fort Sill School Reservation in Comanche County, Okla.; to the Committee on Indian Affairs.

By Mr. QUIN: A bill (H. R. 12110) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended; to the committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 12111) to amend section 205 of an act entitled, "World War veteran act, 1924," approved June 7, 1924; to the Committee on World War Veterans' Legislation.

By Mr. VESTAL: A bill (H. R. 12112) amending the statutes of the United States with respect to reissue of defective patents; to the Committee on Patents.

By Mr. MORROW: A bill (H. R. 12113) providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State; to the Committee on the Public Lands.

By Mr. BULWINKLE: Joint resolution (H. J. Res. 239) authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg; to the Committee on the Library.

By Mr. GOLDER: Joint resolution (H. J. Res. 240) proposing an amendment to the Constitution abolishing the immunity of Members of Congress for speeches and debates in either House; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 12114) granting an increase of pension to Martha J. Burchfield; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 12115) for the relief of Purcell Borum; to the Committee on Claims.

By Mr. CLANCY: A bill (H. R. 12116) for the relief of the Imperial Shipbuilding Corporation; to the Committee on Claims.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 12117) for the relief of Samuel F. Tait; to the Committee on Claims.

By Mr. DALLINGER: A bill (H. R. 12118) granting a pension to Hattie A. Caldwell; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 12119) granting an increase of pension to Martha Ann Campbell; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 12120) granting an increase of pension to Mary M. Headley; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 12121) granting a pension to Mary L. Riggs; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 12122) granting an increase of pension to Naomi S. Brinegar; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 12123) granting an increase of pension to Martha A. Wykle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12124) granting an increase of pension to Martha Grubb; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12125) to provide for examination and survey of the Columbia River at Vancouver, Wash.; to the Committee on Rivers and Harbors.

By Mr. NORTON of Nebraska: A bill (H. R. 12126) granting an increase of pension to Nellie Jorgenson; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 12127) granting an increase of pension to Emma C. Pardee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12128) granting an increase of pension to Marion F. Wilber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12129) granting an increase of pension to Fanny A. Frank; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 12130) granting an increase of pension to Emily Andrews; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 12131) granting a pension to Mary E. Taylor; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 12132) granting an increase of pension to Celinda E. Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12133) granting an increase of pension to Emma H. Krum; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12134) granting a pension to Benjamin P. Edwards; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5394. Petition of citizens of the District of Columbia, urging the passage of the Dyer resolution to submit to the States a constitutional amendment giving local representation in Congress; to the Committee on the Judiciary.

5395. By Mr. BOIES: Petitions signed by citizens of Sioux City, Woodbury County, Iowa, favoring the enactment of the Welch salary bill (H. R. 6518); to the Committee on the Civil Service.

5396. Also, petitions signed by citizens of Sioux City, Woodbury County, Iowa, favoring the enactment of the Lehlbach bill (H. R. 492); to the Committee on the Civil Service.

5397. By Mr. BURTON: Joint resolution of the Seventy-fifth General Assembly of the State of Indiana, requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of the various States have considered the issues involved; to the Committee on the Judiciary.

5398. Also, resolution of the Lutheran Benefit Society of Cleveland, comprising 2,000 members, indorsing the Shipstead bill (S. 1481) to repeal the national-origins provision of the 1924 immigration law, and opposing the Watson bill (S. 3019) to change the basis of the quotas; to the Committee on Immigration and Naturalization.

5399. Also, petition of 11 citizens of Maple Heights, Ohio, urging repeal of national-origins clause of immigration act; to the Committee on Immigration and Naturalization.

5400. Also, resolution of the board of directors of the Cleveland Association of Credit Men, February 21, 1928, opposing House bill 9949, to repeal the national bankruptcy act; to the Committee on the Judiciary.

5401. By Mr. CLAGUE: Petition of Rev. C. W. Reed, Lamberton, Minn., and 50 others, opposing House bill 9588, Stalker bill; to the Committee on the Judiciary.

5402. Also, petition of E. A. Ludtke & Son, Fairmont, Minn., and 15 others, opposing House bill 6465, immigration bill; to the Committee on Immigration and Naturalization.

5403. Also, petition of Gustaf Widell Mankato, Minn., and 40 others, opposing House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

5404. By Mr. CRAIL: Petition of Henry Z. Osborne Unit, No. 103, United Veterans of the Republic, of California, indorsing proposed amendment of section 4766, title 57, Revised Statutes of the United States, approved March 3, 1899; to the Committee on Invalid Pensions.

5405. Also, petition of sundry citizens of Los Angeles County, Calif., protesting against the invasion of the United States by aliens, and for placing Mexicans and Latin-Americans on a quota-restriction basis; to the Committee on Immigration and Naturalization.

5406. Also, petition of Southern California State Dental Association, supporting the passage of House bill 5766; to the Committee on Interstate and Foreign Commerce.

5407. By Mr. DICKINSON of Missouri: Petition by certain citizens of St. Clair County, Mo., protesting against the passage of any legislation in behalf of compulsory Sunday observance, particularly House bill 78; to the Committee on the District of Columbia.

5408. By Mr. GARBER: Letters from certain residents of Enid, Cherokee, Dover, and Kingfisher, Okla., protesting against the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5409. By Mr. HADLEY. Petition of residents of Ferndale, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

5410. Also, petition of residents of Everett, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

5411. By Mr. WILLIAM E. HULL: Petition of Anna L. McCann, of Peoria, Ill., and 17 others, protesting the passage of the Lankford Sunday bill; to the Committee on the District of Columbia.

5412. By Mr. KORELL: Petition of citizens of Portland, Oreg., opposing the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

5413. Also, petition of citizens of Portland, Oreg., in favor of the maintenance of the national-origins system of determining immigration quota; to the Committee on Immigration and Naturalization.

5414. By Mr. KVALE: Petition of the board of directors of the Central Cooperative Association, expressing appreciation of the crop reporting service of the United States Department of Agriculture and urging the continuation of this service; to the Committee on Agriculture.

5415. Also, petition of the Building Trades Council of St. Paul, Minn., urging legislation covering wage rates in construction under Federal contracts; to the Committee on Labor.

5416. Also, petition of 395 members of City Firefighters Union, No. 21, St. Paul, Minn., urging passage of the Cooper-Hawes bill (H. R. 7729); to the Committee on Labor.

5417. Also, petition of Mrs. Thomas Bailey, secretary, and 31 members of the Woman's Christian Temperance Union, Browns Valley, Minn., urging prompt enactment of the Stalker bill (H. R. 9588) to amend the national prohibition act; to the Committee on the Judiciary.

5418. By Mr. LINDSAY: Petition of Central Trades and Labor Council, New York City, urging support of amendments to naval construction bill, inasmuch as such action will tend to alleviate future and further unemployment; to the Committee on Naval Affairs.

5419. Also, petition of Electrical Union No. 664, Brooklyn, N. Y., urging support of the Dallinger amendment to the naval construction bill; to the Committee on Naval Affairs.

5420. Also, petition of National Lodge, No. 556, International Association of Machinists, Brooklyn, N. Y., urging support of the Dallinger amendment to section 1 of the naval bill, as being of vital importance to said organization; to the Committee on Naval Affairs.

5421. Also, petition of Metal Trades Council, Brooklyn, N. Y., in behalf of the Dallinger amendment to the naval construction bill, on the ground that it will mean work for the New York Navy Yard, where a large number of men are employed; to the Committee on Naval Affairs.

5422. Also, petition of Herbert S. Foreman, Brooklyn, N. Y., urging support of the Fitzgerald bill (H. R. 500) providing for the retirement of disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

5423. Also, petition of Hoboken Chamber of Commerce, Hoboken, N. J., giving general information on the Hoboken Pier situation, with reference to House bill 11362; to the Committee on the Merchant Marine and Fisheries.

5424. Also, petition of Navy League of the United States, Washington, D. C., showing that public opinion favors the program to authorize 15 cruisers and 1 aircraft carrier; to the Committee on Appropriations.

5425. Also, petition of Illinois Chamber of Commerce, Chicago, Ill., protesting against insertion of a section in the revenue bill which will provide an entering wedge for new type of retroactive legislation by removing the bar of the statute of limitations after the effective date of that bar; to the Committee on Ways and Means.

5426. Also, petition of Ralph Collier Wright, Colorado Springs, Colo., that he be given an opportunity to demonstrate a method of treatment affording a genuine cure for internal cancer and kindred ailments; to the Committee on Interstate and Foreign Commerce.

5427. Also, petition of General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars, Los Angeles, Calif., urging support of the Tyson-Wurzbach bill and answering the objections of the Secretary of War to its passage; to the Committee on Military Affairs.

5428. Also, petition of National Organization of Masters, Mates, and Pilots of America, Local No. 40, San Francisco, Calif., protesting against the passage of House bill 11137, on the ground that the present law is adequate to permit any master or mate to secure a pilot's license; to the Committee on the Merchant Marine and Fisheries.

5429. Also, petition of International Association of Machinists, Washington, D. C., favoring the Dallinger amendment to section 1 of the naval bill, requiring that 8 of the 15 cruisers, together with their main engines, armor, and armament shall be constructed or manufactured in the Government navy yards or arsenals; to the Committee on Naval Affairs.

5430. Also, petition of the Merchants' Association of New York, New York City, urging favorable passage of House bill 9195, known as the Cuban parcel post bill, and setting forth reasons therefor; to the Committee on Ways and Means.

5431. Also, petition of National Foreign Trade Council, New York City, showing why contentions of cigar manufacturers who oppose Cuban parcel post bill are without foundation; to the Committee on Ways and Means.

5432. Also, petition of department of the State of New York, Veterans of Foreign Wars of the United States, urging support of the Wainwright bill (H. R. 5724) providing for the prevention of United States flag and insignia desecration; to the Committee on the Judiciary.

5433. By Mr. LINTHICUM: Petition of the Williams & Wilkins Co. of Baltimore, indorsing House bill 6040, to authorize the collecting and editing of official papers of the Territories of the United States now in the national archives; to the Committee on Printing.

5434. By Mr. MEAD: Petition of several residents of Buffalo, N. Y., in favor of increased pensions for Civil War widows; to the Committee on Invalid Pensions.

5435. By Mr. MORIN: Petition of the Laurel Crown Sisterhood, No. 18, Dames of Malta, Sharpsburg, Pa., urging passage of House bill 10078, a bill to provide for deportation of aliens, with appropriation sufficient for proper enforcement; to the Committee on Immigration and Naturalization.

5436. By Mr. NELSON of Wisconsin: Petition signed by O. O. Holmes, and others, of Madison, Wis., opposing the enactment of Sunday observance legislation; to the Committee on the District of Columbia.

5437. Also, petition signed by Mary Brown and others, of Madison, Wis., opposing the enactment of any Sunday observance legislation; to the Committee on the District of Columbia.

5438. By Mr. NEWTON: Petition sent in by C. E. Powers, Minneapolis, and signed by citizens of Minneapolis, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

5439. By Mr. NIEDRINGHAUS: Petition of Julius S. Hoffman and 219 other citizens of St. Louis, Mo., favoring the passage of House bills 492 and 6518; to the Committee on the Civil Service.

5440. By Mr. O'BRIEN: Petition of the voters of Braxton and other counties of the third district of West Virginia, favoring the Civil War pension bill carrying the rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

5441. By Mr. O'CONNELL: Petition of Ralph Collier Wright, Colorado Springs, Colo., favoring the appointment of a commission vested with authority to investigate new health ideas; to the Committee on Agriculture.

5442. Also, petition of the General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars of the United States, favoring the Tyson bill (S. 1896) to increase the allowances to retired enlisted men; to the Committee on Military Affairs.

5443. Also, petition of the Americanization committee, Department of New York, Veterans of Foreign Wars of the United States, favoring the passage of House bill 5724; to the Committee on the Judiciary.

5444. Also, petition of the Illinois Chamber of Commerce, Chicago, Ill., concerning section 611 of House bill 1, the proposed new Federal reserve act, now before the United States Senate Finance Committee; to the Committee on Ways and Means.

5445. Also, petition of the Chamber of Commerce of the United States, favoring the passage of the White bill (H. R. 10765), with exception of Title V, as noted; to the Committee on the Merchant Marine and Fisheries.

5446. By Mr. ROWBOTTOM: Petition requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of various States have considered the issues involved; to the Committee on the Judiciary.

5447. By Mr. STALKER: Petition of Ellehu Ferris, of Willseyville, N. Y., and other citizens of that vicinity, protesting

against the enactment of House bill 78; to the Committee on the District of Columbia.

5448. By Mr. TEMPLE: Petition of California Chamber of Commerce, California, Pa., protesting against the enactment of Senate bill 1752 or any other measure which would prohibit the printing and selling of stamped envelopes by the Government; to the Committee on the Post Office and Post Roads.

5449. Also, petition of Fredericktown Coal & Coke Co., Fredericktown, Pa., protesting against the enactment of Senate bill 1752, which would prohibit the printing and selling of stamped envelopes by the Government; to the Committee on the Post Office and Post Roads.

5450. By Mr. WEAVER: Petition from citizens of Buncombe County, N. C., in regard to the Civil War pension bill; to the Committee on Invalid Pensions.

5451. By Mr. WOODRUM: Memorial of Patriotic Sons of America of Montgomery County, Va., in behalf of legislation for restricted immigration; to the Committee on Immigration and Naturalization.

SENATE

FRIDAY, *March 16, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal God, who hast committed to us the swift and solemn trust of life, since we know not what a day may bring forth, but only that the hour for serving Thee is always present, may we wake to the instant claims of Thy holy will, not waiting for to-morrow, but yielding ourselves to-day. Consecrate with Thy presence the way our feet may go, and the humblest work will shine and the roughest place be made plain. Let Thy fatherly goodness be upon all Thy children; and do Thou remember in loving pity all who are destitute and homeless, whose burdens Thou hast called on us to share. Though they be troubled and distressed on every side, save them from the anguish of despair and suffer them not to fall from Thee. Grant this, O Lord, through Him whom Thou hast sent to bear our griefs and carry our sorrows, Jesus Christ, Thy Son, our Lord.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had concurred in the concurrent resolution (S. Con. Res. 12) appointing a committee to represent Congress at the exercises at Atlanta, Ga., incident to the unveiling of a portion of the Stone Mountain monument.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States; and

S. 3292. An act providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal.

PRESIDENT'S LETTER TO GOVERNOR OF PORTO RICO

Mr. EDGE. Mr. President, I ask unanimous consent to have printed in the RECORD the letter appearing in the morning papers from the President to the Governor of Porto Rico.

The VICE PRESIDENT. Without objection, it is so ordered.

The text of President Coolidge's letter to the Governor of Porto Rico was as follows:

[From the New York Times, Friday, March 16, 1928]

Hon. HORACE M. TOWNER,
Governor of Porto Rico, San Juan, P. R.

DEAR GOVERNOR: I desire to acknowledge the concurrent resolution of the Legislature of Porto Rico committed to Colonel Lindbergh on his visit to San Juan, and also a cablegram, dated January 19, signed by Messrs. Barcelo and Tous Soto, the president of the Senate and speaker of the House of Representatives of Porto Rico, respectively.

The cablegram and resolution seem to be based largely on a complete misunderstanding of concrete facts. It would not be difficult to show that the present status of Porto Rico is far more liberal than any status of its entire history; that its people have greater control of their own affairs with less interference from without; that its people enjoy liberty and the protection of law, and that its people and its Government are receiving material assistance through its association with the continental United States. The treaty of Paris, of course, contains no promise to the people of Porto Rico. No phrase of that treaty contemplated the extension to Porto Rico of a more liberal régime than existed. The United States has made no promise to the people of Porto Rico that has not been fulfilled, nor has any representative or spokesman for the United States made such a promise.

OUR OWN STATES NOT SO FREE

The Porto Rican government at present exercises a greater degree of sovereignty over its own internal affairs than does the government of any State or Territory of the United States. Without admitting the existence of "a grave economical situation" in the finances of the government of Porto Rico, the present difficulty, which it is hoped is but temporary, is exclusively the result of the exercise by the elected representatives of the people of Porto Rico of an authority granted by the present very liberal organic law. The responsibility of the United States, as distinguished from that of Porto Rico, is, at most, that officers appointed by the President into Porto Rico may not have exercised power legally placed in their hands to veto or make ineffective acts of the Porto Rican Legislature.

The cablegram complains that—

"Ours is the only Spanish-American country whose voice has not been heard at Habana during the Pan-American Conference, for it was not represented there."

This is a most serious error and is based on a fundamental misunderstanding of the relation of Porto Rico to the United States. No State or Territory of the Union was represented as such at Habana, but the representation of the United States in Habana represents Porto Rico as truly as it represents any part of the territory of the United States.

PEOPLE HAVE FULL CITIZENSHIP

The request is made that Porto Rico be constituted as a "free State," and not "a mere subjected colony." Certainly giving Porto Rico greater liberty than it has ever enjoyed and powers of government for the exercise of which its people are barely prepared can not, with propriety, be said to be establishing therein "a mere subjected colony." The people of Porto Rico are citizens of the United States, with all the rights and privileges of other citizens of the United States, and these privileges are those which we invoked "when declaring for independence at the memorable convention at Philadelphia."

In answering the cablegram it might be well to consider briefly the conditions and tendencies we found in Porto Rico and what the situation in Porto Rico is to-day as well as the steps we are responsible for in Porto Rico to better conditions as we found them and as they exist to-day.

There is no conflict of opinion as to the condition in which we found Porto Rico. Perhaps the best authority on local conditions was Dr. Cayetano Coll y Teste, who, in an article published in Porto Rico in 1897, after describing the progress in Porto Rico for 100 years ending with that year, thus describes the great body of the population of Porto Rico:

"Only the laborer, the son of our fields, one of the most unfortunate beings in the world, with a pale face, bare feet, lean body, ragged clothing, and feverish look, walks indifferently, with the shadows of ignorance in his eyes, dreaming of the cockfights, the shuffle of the cards, or the prize in the provincial lottery. No, it is not possible that the tropical zone produces such organic anemia; this lethargy of body and soul is the offspring of moral and physical vices that drag down the spirit and lead our peasants to such a state of social degradation. In the miserable cabin, hung on a peak like a swallow's nest, this unhappy little creature comes into the world; when it opens its eyes to the light of reason it does not hear the village bell reminding him to lift his soul to the Divine One and render homage to the Creator of Worlds; he hears only the hoarse cry of the cock crowing in the early morning, and then he longs for the coming of Sunday to witness the strife and knavery of the cockfights. When a man, he takes up with the first woman to be found in the neighborhood and makes her his mistress to gratify his amorous lusts. In the wretched tavern the food he finds is only the putrid salt meat, codfish filled with rotten red spots, and India rice, and the man who harvests the best coffee in the world, who helps to gather into the troughs the sweetest grains of nature, and takes to pasture in the fields and meadows the beautiful calves, can not raise to his lips the bit of meat, because the municipal tax places it out of his reach and almost duplicates the price of the tainted codfish; coffee becomes to him an article of luxury through its high price, and of sugar he can only taste that filled with molasses and impurities. * * * This eternal groan of the Porto Rican laborers is an infirmity of our present-day society and consequently it is necessary to study it and remedy it."

That the accuracy of this description was appreciated in Porto Rico was evidenced by the fact that it was awarded a prize from the Economic Society of Friends of the Country.

Other contemporary testimony of prominent Porto Ricans to the same general effect is not lacking, but space forbids its inclusion.

CONDITION OF LONG STANDING

Were this pitiable economic condition the result of a passing depression the situation would have been less hopeless, but the evidence is clear that the condition was one of long standing and that the tendency was to get worse rather than to improve. One would look in vain for a single ray of hope if Porto Rico were to continue its normal course as we found it. Health and sanitation, education and public works, were such as naturally accompanied the situation of the people pictured.

Prior to the American occupation the Porto Rican people had received practically no training in self-government or the free exercise of the franchise. While there existed a body of educated, intelligent men, the great mass of the people were without experience or training in self-government, and only a small percentage could qualify as voters under very broad electoral qualifications.

The military government in its brief existence of 18 months accomplished the following:

1. Order was reestablished and an insular police force organized.

2. The more obvious burdens of taxation as they fell on the very poor people were abolished, and a careful study made by an expert preparatory to the adoption of a proper revenue system for the island.

3. Such changes in the judicial system were made as were necessary to bring that system more in accordance with American procedure and with the American view of individual rights and liberty.

4. A department of education was established; boards of health were organized; the public works were reorganized and progress in road building was greater than in all the previous history of Porto Rico.

And finally the government was reorganized in accordance with the act passed by Congress to establish a civil government in order that there might be a minimum of friction in changing from the military to the civil government.

Experience has shown that this organic act, though intended to be temporary, was quite up to the standard of such acts, and that it gave to the people of Porto Rico a liberal form of government under which they could acquire experience in democratic government honestly administered and could enjoy all of the rights and privileges to which we are accustomed. Under it the possibility of development was great, and this possibility was realized.

THE PRESENT STATUS OF PORTO RICO

Congress, recognizing the progress in Porto Rico, enacted in 1917 the present organic law. Under this law the Porto Rican people were made citizens of the United States. All of the guarantees of the Constitution are extended to Porto Rico, or the Legislature of Porto Rico is granted authority to make effective those guarantees not specifically extended.

The great satisfaction in Porto Rico at the passage of this act is the best evidence of its liberality.

The principal difference between the government of Porto Rico and that of the organized and incorporated Territories of the United States is the greater power of the legislature and the fiscal provisions governing Porto Rico, which are far more liberal than those of any of our States or Territories.

GOVERNMENT FINANCES

Through the urging of the War Department, the United States income tax of 1913 was extended to Porto Rico, with a provision authorizing the modification of the law by the local legislature and directing that the income from this source go into the insular treasury.

In the revision of the organic act of Porto Rico in 1917, the War Department, with the assistance of the governor, was enabled to secure a provision similar to the one in effect in the Philippine Islands; that is, that the internal revenue collected in the United States on Porto Rican products should be turned in to the treasury of Porto Rico. These two taxes are now carried in the returns of the revenues of Porto Rico as "United States internal revenues" and "income taxes," and together they constitute a good part of the revenues of the government.

The treasury of Porto Rico receives the customs duties collected in Porto Rico, less the cost of collection. It receives the internal-revenue taxes which are laid by its own legislature and collected in Porto Rico. It receives the income taxes which are laid by its own legislature. It receives the internal-revenue taxes collected in the United States on Porto Rican products consumed in the United States.

I have set down a few scattered facts, which, however, sufficiently show the consequences of Porto Rico's union with the United States. We found the people of Porto Rico poor and distressed, without hope for the future, ignorant, poverty-stricken, and diseased, not knowing what constituted a free and democratic government and without the experience of having participated in any government. We have progressed in the relief of poverty and distress, in the eradication of disease, and have attempted, with some success, to inculcate in the inhabitants the basic ideas of a free, democratic government. We have now in Porto Rico a government in which the participation by Americans from the United States is indeed small. We have given to the Porto Rican practically every right and privilege which we permitted ourselves to exercise. We have now progressed to the point where discouragement is replaced by hope, and while only 30 years ago one was indeed an optimist to see anything promising in Porto Rico, to-day one is indeed a pessimist who can see any reasonable human ambition beyond the horizon of its people.

PORTO RICANS AID IN PROGRESS

It is not desired to leave the impression that all progress in Porto Rico was due to continental Americans. Without the cooperation and assistance of Porto Ricans progress would indeed have been negligible, but the cooperation is largely due to the encouragement of American assistance, American methods, and an increase in the reward of efforts made.

There has been a natural hesitation to recall and dwell upon the unfortunate condition of Porto Rico in the past. There is a feeling, however, that the United States is entitled to a good name in its dealing with Porto Rico and to protect itself from any reflection on its good name. Perhaps no territory in the world has received such considerate treatment in the past 30 years as has Porto Rico, and perhaps nowhere else has progress been so marked and so apparent as in Porto Rico. We are certainly entitled to a large part of the credit for this situation.

There exists to-day in Porto Rico a department of health in all respects modern and including in its activities all branches of modern public-health work. Not of least importance as showing the marked progress in health matters in Porto Rico in recent years is the fact that it is completely manned by Porto Ricans. The improvement in the health conditions of Porto Rico is not fully indicated by the reduction in death rate alone, though this rate had been almost divided by two since the early days of American sovereignty of the island. The practical eradication of smallpox, which had existed continuously in the island for more than 40 years and which had resulted in more than 600 deaths annually for the last 10 years prior to American sovereignty; the diagnosis of the so-called tropical "anemia" which affected the great bulk of the population of Porto Rico; the discoveries in Cuba in the method of propagating yellow fever, were concrete benefits to the health situation in Porto Rico and have been of continuous benefit.

EDUCATION AND HEALTH

The history of education in Porto Rico prior to its occupation by the United States is very largely the history of individual effort. Individuals of character and determination would establish and conduct a school, and it would generally disappear with the persons establishing it. Governmental efforts likewise lacked continuity. About the year 1860 a more determined governmental effort was made, and in 1898 the maximum enrollment in the public schools and private schools was 29,182, which has increased to 213,321. The per capita expenditure for public education in Porto Rico has increased during the period of American sovereignty from 30 cents per annum to approximately $4 per annum. The number of government-owned public-school buildings has increased from none to 991. The Department of Health and the Department of Education of Porto Rico are combining to make of the Porto Ricans of the future a different type physically and mentally from those we found in Porto Rico.

Not because they are entitled to first consideration, but because they are so readily measured and would be of fundamental importance in any change of status, it may be well briefly to recall some of the direct financial advantages to Porto Rico accruing from its relation to the United States.

Porto Rico pays no tax to the United States Treasury. The Federal services in Porto Rico are supported from the United States Treasury.

The services which benefit directly and financially the people of Porto Rico are the Lighthouse Service, the agricultural experiment station, and financial assistance to the College of Agriculture, the maintenance of the Porto Rico Regiment of the Army, the activities of the Veterans' Bureau, and Federal participation in harbor improvements. In a more general way, Porto Rico receives the protection of the Army and Navy and the service of the Department of State and its diplomatic and consular service.

$5,000,000 EXPENDED ANNUALLY

The expenditure from the United States accruing directly to the people of Porto Rico is not less than $5,000,000 per annum.

In the fiscal year 1927 the total operating revenue of Porto Rico was $11,191,893.11. Of this total the following, in our States and Territories, would not accrue to the local treasury:

Customs	$1,806,567.91
Income taxes	1,565,745.98
United States internal revenue	440,660.71
Total	3,812,964.60
Excise taxes (which would in great part not accrue to local treasury)	5,701,502.33
Total	9,514,466.93

It will be observed, therefore, that had we not given special and very considerate attention to its needs, but had treated Porto Rico as we have treated the incorporated Territory of the United States, of the more than $11,000,000 subject to appropriation by the elected Legislature of Porto Rico there would have been not to exceed $2,000,000 available.

The United States tariff extends to Porto Rico, and no part—certainly no agricultural part—of our territory is so favored by its tariff. And the striking development of Porto Rico under American sovereignty as shown by the growth of imports and exports is, in a material part, due to this favorable tariff treatment of its products.

INCREASED EXPORTS

The total exports from Porto Rico in the last complete years of Spanish sovereignty were $11,555,962. In the fiscal year 1927 this total was $108,067,434. The total imports in the last Spanish year were $10,725,563, and in 1927 were $98,810,750.

Comparing this with one of the most prosperous, wholly independent neighbors of Porto Rico, we find that in the period in which the exterior trade of Porto Rico has been multiplied by nine that of its neighbor has been multiplied by less than seven.

The total value of Porto Rican products shipped to the United States in the fiscal year was $97,823,523, and of this total $97,000,000 was highly protected in the American market. The total purchase by Porto Rico in the markets of the United States in the same calendar year was $87,046,319. For a number of years Cuba has been the largest purchaser of Porto Rican coffee, which is given a 20 per cent reduction of the Cuban tariff as an American product, not because Cuba sells to Porto Rico but because Cuba sells to the United States.

The advantage of the United States market to Porto Rico can the better be appreciated when it is noted that of the $97,000,000 of Porto Rican products sold in the last calendar year into the United States there would have been imposed, had these products come from countries not enjoying free admission into the United States, a duty of approximately $57,000,000.

On the products from the continental United States entering Porto Rico during the same period the duty imposed, had they come from a foreign country, would have been less than one-third of this amount. Certainly Porto Rico would not desire reciprocity to be more favorable to it.

The bonded indebtedness of Porto Rico is $25,555,000, and that of the municipalities of Porto Rico $18,772,000. These bonds are practically all held in the United States. Due to the fact that these bonds are tax exempt by a United States statute, Porto Rico pays in annual interest at least 2 per cent less than would otherwise be paid—a saving of approximately $886,540 annually.

GREATER AUTONOMY OF NO USE

In what way, by a greater grant of autonomy, could Porto Rico so look after the market for its products or the market for its bonds, or in what way could it improve the economic position of its government or its people?

In studying the effect of granting to Porto Rico what was requested in the cablegram sent to me, one must naturally begin with the assumption that the products of Porto Rico would be for some time approximately what they now are. The change would be in disposing of them. In the year 1926 Porto Rico sold in the United States market 1,157,000,000 pounds of sugar and received therefor $48,200,000. A near neighbor sold an equal quantity of sugar for $22,800,000. Porto Rico sold in the United States in the same year 20,500,000 pounds of leaf tobacco for $13,000,000. Its neighbor sold an equal quantity of leaf tobacco for $1,192,000. In the sale of tobacco the element of quality enters, but these numbers sufficiently show the effect of the free entry to the United States market on the two principal products of the island, and show the extent to which the funds now used to make its purchases abroad and to meet its indebtedness abroad would shrink if the privilege were withdrawn. This shrinkage must be followed by a corresponding shrinkage in the revenues that go to support the activities in Porto Rico which mean progress for the future.

There is no disposition in America, and certainly not on my part, to discourage any reasonable aspiration of the people of Porto Rico. The island has so improved and its people have so progressed in the last generation as to justify high hopes for the future; but it certainly is not unreasonable to ask that those who speak for Porto Rico limit their petition to those things which may be granted without a denial of such hope. Nor is it unreasonable to suggest that the people of Porto Rico, who are a part of the people of the United States, will progress with the people of the United States rather than isolated from the source from which they have received practically their only hope of progress.

Sincerely yours,

CALVIN COOLIDGE.

FEBRUARY 28, 1928.

MUSCLE SHOALS

Mr. NORRIS. Mr. President, I realize that without unanimous consent during the morning hour I would not be allowed to speak. I would like to proceed for a few moments. I am not going to talk more than five or six minutes, I think, and I would like to do so at this time.

The VICE PRESIDENT. Without objection, the Senator from Nebraska will proceed.

Mr. NORRIS. During the debate on the Muscle Shoals proposition I called attention at one time to a telegram which I had received from Athens, Ala., stating that if the joint resolution which was then pending were passed and became a law, Athens would build a transmission line to Muscle Shoals. My attention has been called to the fact by a citizen of Athens that there is now pending before the people of Athens a proposition to sell their municipal plant to the Alabama Power Co., and this citizen of Athens, Miss Susan Lawrence Davis, a voter there and a resident of Athens, who has lived there for a great many years, sends to me a letter, which I hold in my hand, written to her by the attorney of the Alabama Power Co.

It is a very fine letter; but I submitted it this morning to an expert, and he tells me it is a mimeographed letter, that the only thing in the letter written directly by the typewriter is her name and address. It is signed with pen and ink by W. T. Saunders, a member of the law firm of Saunders & Woodruff, of Athens, Ala. So I assume that this letter has been sent to all the citizens and voters of Athens. I want to read a little of it, in which the attorney for the company sets out so patriotically his interest in Athens and how that is subservient and secondary to his duty as an attorney for the Alabama Power Co. He said:

DEAR MISS DAVIS: On Monday, March 26, the qualified voters of Athens will be asked to express with their ballot a choice between retaining the lighting plant and distribution system or disposing of them to the Alabama Power Co. for a consideration of $113,000. (The water system is not included.)

First, I want to make clear my position in the matter. I am the regularly retained legal counsel for the power company, but in selling my legal services I did not relinquish any of my citizenship ties. I am now as much interested in the welfare and progress of the community I love and in which I first saw the light of day as I was before becoming connected with those who would purchase the property. Too, my personal holdings and those of my family are at stake, and as self-preservation is the first law of nature I naturally would not advocate the sale of the power plant if I honestly believed that to do so would in any way work a hardship on my community and jeopardize the enhancement in value of my family's interests. My interest and my family's interest in Athens are far more important to my future happiness and welfare than my professional connection with any single client, and I say this without the slightest attempt to belittle or in any degree reflect upon those I serve in a legal capacity.

Having thus established his patriotism and his interest, which are above everything else, in the beautiful city of Athens, he then proceeds for about four or five pages of typewritten matter to make an argument in favor of his client, the Alabama Power Co., trying to induce the recipients of the letter to cast their votes in favor of the Alabama Power Co.

Mr. President, I wonder if intelligent citizens and voters of that beautiful city in northern Alabama will be fooled by any bunk of this kind. The question as to whether they should sell or not sell their lighting plant and distribution system is one that I do not presume to decide or even to express an opinion upon. It is for them to determine. I have no knowledge of the local conditions and have no advice to give. But this attempt of the Alabama Power Co. to get the property is only a sample of what is going on all over the Nation. An attorney is employed. Perhaps this attorney may be employed for other reasons; I am not saying that; but an attorney influential in political matters, in financial matters, in social matters, is employed for his legal ability and for his abilty to persuade people in political matters. Here is a lawyer devoting his time to sending out a letter of this kind, I presume to every citizen and voter of that city, which must cost quite a sum of money, who first tells the voters that he is not moved by his legal employment but that he is moved entirely by his hope and his wish for the welfare of the people in that community, whom he so dearly loves according to the dollars and cents that he as an attorney at law gets from the Alabama Power Co.

Mr. President, I have no criticism to offer against the attorney who accepts as a client any corporation, none whatever against anyone who sells his legal services to the Alabama Power Co. or any other power company or any other corporation. But the attorney who, under the pretense of selling his legal services, accepts the fee and the pay to advance the political interests of his client and to control the politics of his community is selling his birthright for a mess of pottage.

We have a good deal to say against the man who sells his vote. It is a despicable thing. Such a man ought to be deprived of the right ever to cast a ballot. But we do not hear much said against the influential lawyer, the influential attor-

ney, who, under the guise of selling his legal services, sells his duty as a citizen and tries to control through that method the rights and the duties of his fellow men.

Mr. President, right along the same line I received another letter from the superintendent of the municipal water works at Springfield, Ill. I want to read a paragraph from that letter and then a paragraph or two from a copy of a letter which he incloses. I had quoted in the debate here on Muscle Shoals something from the report of the municipal waterworks in Springfield, Ill. I stated then that the report from which I quoted was nearly a year old, but that I had seen a later report which was practically, or, I think, exactly the same. The superintendent of the waterworks in this letter calls my attention to what might be a criticism of what I have said, and I want to read that. He writes:

As to the comparisons of rates shown in our report and used by you, it is possible that some one will take issue with you and say they are not true. As a matter of fact, the Illinois Power & Light Corporation, one of the Insull group of utilities, has recently made a reduction in rates in the city of Decatur, and possibly in some other towns, on account of the example being set in Springfield. In Decatur a movement is now under way to establish a municipal plant, and about the middle of last summer this new rate was promulgated; however, I wish to say that we checked the rates in the cities used for comparison just before the report went to press. We will do likewise before our next report goes to press, which will be in about three months.

Among other things, the writer of this letter inclosed a copy of the letter which he has written to a friend of his about the newspaper situation, in which he said:

A newspaper adjunct to the electric light and power monopoly has been rapidly developing during the past two months and has, so far, reached some fifteen to twenty million dollars in magnitude. The movement is headed by Ira C. Copley, who testified before the Reed committee on campaign expenditures Wednesday, August 4, 1926, at Chicago. His testimony will be found at page 1805 in part 2 of "Senatorial campaign expenditures," pursuant to Senate Resolution 195, Sixty-ninth Congress, first session. Copley was the owner of 77 per cent of the stock of the Western United Gas & Electric Co., a utility corporation the principal service of which being electric light and power and gas, and its territory being principally in McHenry and Will Counties in northern Illinois, where about 15 cities and towns were supplied.

In addition to these utilities, Copley owned three leading newspapers circulating in the same territory, namely, the Aurora Beacon News, the Elgin Courier News, and the Joliet Herald News. These papers were used to nurse along the people and keep them contented while Copley became immensely wealthy by collecting exorbitant rates for utility service.

Further on he says:

He still owns the newspapers and has acquired some 10 or 15 others, usually paying handsome prices. His utility properties, however, have all been transferred to the Samuel Insull group.

It seems from this letter that this man is engaged in the newspaper business about as the Water Power Trust and the Electric Light Trust are engaged in buying up, wherever they can get possession and control, local companies which are owned by the municipalities supplying electricity to citizens. Further on he says:

Some two months ago he closed a deal for the Illinois State Journal of this city—

That is, Springfield, Ill.—

at a price of $900,000, which is fully $300,000 more than the property is commercially worth. A week or two later he acquired the Union and the Tribune of San Diego, owned by the Spreckels family, for which it is reported, he paid three million. He also purchased the Independent, a radical paper, which he suppressed entirely, having dismantled the plant. A few days after this he purchased a number of newspapers known as the Fred Kellogg chain—some 12 or 15 in number—and, I am informed, negotiations were under way for the purchase of the Express, one of the large papers of Los Angeles. It is rumored that this chain is to be extended up the coast, including the cities of Oakland, San Francisco, Seattle, and Tacoma. Bear in mind that this is the area in which the utility fight is the keenest! Observers in southern California are convinced that this is merely a defense measure on the part of the utility interests who are providing the funds for these purchases and thereby occupying the newspaper field to shut out possible newspaper support from the public side.

Copley is trying to make it appear that he is out of the utility business, which is absolutely untrue. You will see by reading his testimony, beginning at page 1805, that he admitted to the Reed committee that, for the most part, he received in exchange for his utility property shares in the Insull properties, and, incidentally, he confessed to having contributed $25,000 to the Smith campaign fund. When he came to Springfield I was introduced to him as being at the head of the municipal utilities of this city. I shook hands with him, saying, "And you also are in the utility business." He promptly replied, "No; I sold out." "But," said I, "you are still interested in utilities." "Well, yes," he said, "I took securities in payment for my property." Yet, a few days later, when he purchased the San Diego Union and the Tribune, he states over his own signature as follows: "These papers will not be the personal organs of myself or anyone else. I have no political ambitions. I have no connections with any public utility anywhere and no connections with any other business than the newspaper business anywhere." Yet at this very time he was still carrying the title of president in the reorganized Western United Gas & Electric Co., which, I understand, has become a Samuel Insull subsidiary.

How far this newspaper monopoly will go nobody knows; but it is, indeed, a menace, and an investigation which would show the actual financial support behind this venture would undoubtedly reveal a direct utility connection, and would be a splendid and far-reaching contribution toward the protection of the public.

I respectfully refer these particular matters to which I have referred, as to Alabama, as to Illinois and California, and as to Copley, to the Federal Trade Commission for proper investigation under the resolution which some time ago was adopted by the Senate.

ED LOCKE, NIGHT WATCHMAN

Mr. HEFLIN. Mr. President, if I may have just a moment, I desire to say that a day or two ago, on March 14, in fact, Robert Quillen, on the editorial page of the Washington Post, had this to say:

Brains alone deserve respect now—whether in an old head or a young one.

In sharp contrast with that strange and wicked philosophy I wish to read from the Washington News of the same day, March 14, a dispatch from Los Angeles, Calif.:

Ed Locke, night watchman at a switching station at the South California Edison Co., 8 miles from Saugus, hung valiantly to a telephone shouting a warning to those in the valley below. Hours later his body was found. He had stood by his post.

In this day of materialism, of corruption in politics, selfishness, and cowardice on the part of many public men it is refreshing to have brought to our attention the deed of a heroic spirit like this young man Locke. I do not know how brainy he was, but he had a principle and a love of humanity in his heart worth more than gold. He gave his life to save the lives of others. But Mr. Quillen says that "Brains only deserve respect now." I should like to suggest to this gentleman, whose writings consist of plagiarisms from Emerson, Macaulay, Carlyle, and Fields Scrap Book, the thought that there is something worth more than brilliant brains. It is well to have good sense. Mr. Lincoln said the reason God made so many of the plain people with good sound, common sense was that he loved them most. Hickman, the human fiend, had an extraordinary brain. The teachers of his early youth refer to his remarkable intellect, but he is a moral pervert and a criminal, and must go to his death for crimes against God and man before he reaches manhood's estate. Quillen and such writers of the modern day who peddle out such false philosophy ought to be condemned by all respectable people.

Mr. President, it is a noble thing to pay tribute to a man or woman of extraordinary brain power, but I submit that there are human virtues that tower in their worth to mankind above brilliance of intellect. Bacon was referred to as the "wisest, brightest, and meanest of mankind." The late Senator Hoar, of Massachusetts, once delivered an able and eloquent address to a graduating class of young men in which he said to them, "In all your struggles of life, in storing your mind with valuable information, in training your intellect, remember in it all and through it all that mankind is the bottom fact."

Another has said, "The man who loves his fireside best is the nation's best patriot." It is not necessary that he be a man of tremendous brain power, but the man who loves his fireside best loves those dependent upon him; is a blessing to his country and a blessing to humanity.

So we find that the deed of Ed Locke in the estimation of some, if not in the estimation of Robert Quillen, is highly prized by those who love and honor him for the noble and admirable virtues displayed by him in giving his life to save the lives of others.

Again the Bible tells us that "A good name is rather to be chosen than great riches, and loving favor rather than silver and gold." So the man who strives to have a good name is entitled to "respect."

Again, Alexander Pope has said, "An honest man's the noblest work of God." Then, certainly, an honest man is en-

titled to "respect." And the Scripture says: "What shall it profit a man if he gain the whole world and lose his own soul?"

So, Mr. President, it is not only necessary to study and cultivate the intellect and make it as capable as it is possible to make it, but it is absolutely essential to possess noble heart qualities and be grounded in right principles. These make up the strength and lasting qualities of the Nation. An unscrupulous and unprincipled smart man is an undesirable and dangerous citizen.

So brains, unless they are backed by a love of right principles and an innate desire and purpose to be fair and just in all the relations of life, are not entitled to very much "respect." The point I want to make, Mr. President, is that this young man, Locke, who sat at that telephone in California, with the water roaring down the valley behind him, when he knew certain death was coming to him, was as great a hero as ever died on the battle field. No higher example of devotion to duty and superb valor and heroism has come to my notice. This young man possessed the highest of human qualities. He gave his life to save the lives of others. He died nobly and heroically serving his fellow man.

Mr. President, if the writers in the periodicals of our day would do more to foster and exalt human virtue rather than to praise brilliant intellects that use their power to spread evil doctrines and wrong principles, the country would be better off.

Mr. CURTIS. Mr. President, I ask for the regular order.

The VICE PRESIDENT. Petitions and memorials are in order. First, the Chair lays before the Senate an Executive communication.

WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA (S. DOC. NO. 72)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation affecting estimates of appropriations, fiscal year 1929, for the workhouse and reformatory, District of Columbia, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from the secretary of the Senate of the State of Iowa, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

[Telegram]

DES MOINES, IOWA, *March 15, 1928.*

Hon. CHARLES G. DAWES,
Vice President of the United States, Washington, D. C.:

"Senate Concurrent Resolution 9

"Be it resolved by the General Assembly of the State of Iowa—

"SECTION 1. That the Senate of the Forty-second General Assembly of Iowa, convened in extra session (the house concurring), hereby memorialize the Congress of the United States to pass at this session effective agricultural surplus control legislation as embodied in the McNary bill in the Senate and the Haugen bill in the House, each containing the equalization fee.

"SEC. 2. That a copy of this resolution shall be transmitted by wire to the President of the United States Senate and to the Speaker of the House of Representatives of the United States and to the chairman of the Agricultural Committee of each House of Congress."

Foregoing resolution adopted by the General Assembly of Iowa in special session March 14, 1928.

WALTER H. BEAM, *Secretary of Senate.*

The VICE PRESIDENT also laid before the Senate a telegram from the secretary of the Senate of the State of Iowa, which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

[Telegram]

DES MOINES, IOWA, *March 15, 1928.*

Hon. CHARLES G. DAWES,
Vice President of the United States, Washington, D. C.:

"Senate Concurrent Resolution 10

"Be it resolved by the General Assembly of the State of Iowa—

"SECTION 1. That the Senate of the Forty-second General Assembly of Iowa, convened in extra session (the house concurring), hereby memorialize the Congress of the United States to pass such legislation and make such appropriation as is necessary to continue to carry on most efficiently and effectively the work of the combatting of the European corn borer, and preventing and checking its spread throughout the agricultural areas of the United States. It is particularly urged that the appropriation for that purpose be not decreased so as to retard the fight upon this bill.

"SEC. 2. That a copy of this resolution shall be transmitted by wire to the President of the United States Senate and to the Speaker of the House of Representatives of the United States and to the chairman of the Agricultural Committees of each House of Congress."

Foregoing resolution adopted by the General Assembly of Iowa in special session March 14, 1928.

WALTER H. BEAM, *Secretary of Senate.*

Mr. CAPPER presented a petition of sundry citizens of Sylvan Grove, Kans., praying for the passage of the so-called McNary-Haugen farm relief bill, which was ordered to lie on the table.

Mr. WATERMAN presented a petition of sundry citizens of the State of Colorado, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of Utica and Brockport, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WALSH of Massachusetts presented letters in the nature of memorials from the Hampshire, Hampden, Franklin Beekeepers' Association; the Eastern Massachusetts Society of Beekeepers; the Worcester County Beekeepers' Society; the Department of Entomology, Massachusetts Agricultural College; Lou Lombard, resident supervisor vocational department, State Normal School; and sundry citizens, all in the State of Massachusetts, remonstrating against the passage of legislation permitting the use of corn sugar in foods without statement of contents on the labels, which were referred to the Committee on Agriculture and Forestry.

He also presented numerous letters in the nature of memorials from sundry firms and citizens in the State of Massachusetts, remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented numerous letters in the nature of petitions from sundry firms and citizens in the State of Massachusetts, praying for the passage of the bill (H. R. 9195) to amend sections 2804 and 3402 of the Revised Statutes, relative to the importation of cigars, cheroots, and cigarettes by parcel post, which were referred to the Committee on Finance.

He also presented a letter in the nature of a memorial from William Smith, first vice president of the Cigar Makers' International Union of America, remonstrating against the passage of the bill (H. R. 9195) to amend sections 2804 and 3402 of the Revised Statutes, relative to the importation of cigars, cheroots, and cigarettes by parcel post, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 8126) to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park in the Territory of Alaska," approved February 26, 1917, reported it with an amendment and submitted a report (No. 552) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the joint resolution (S. J. Res. 51) tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy, reported it without amendment and submitted a report (No. 553) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day the committee presented to the President of the United States the following enrolled bills:

S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States; and

S. 3292. An act providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal.

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 3655) for the relief of Horatio S. Hubbell; to the Committee on Claims.

By Mr. GOODING:

A bill (S. 3656) for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, D. R. Johnson, and H. N. Smith; to the Committee on Irrigation and Reclamation.

By Mr. WATSON:

A bill (S. 3658) granting an increase of pension to Robert O. Graves; and

A bill (S. 3659) granting an increase of pension to Lucy A. Van Deman; to the Committee on Pensions.

ADMISSION OF CERTAIN ALIENS

Mr. WALSH of Massachusetts. Mr. President, I introduce a bill proposing an amendment to the immigration law, together with a brief explanation of the purpose of the amendment, and ask that it may be printed in the RECORD and referred to the Committee on Immigration.

The bill (S. 3657) to amend the immigration act of 1924, as amended, in respect of nonquota immigrants, was read twice by its title, referred to the Committee on Immigration, and, with the accompanying statement, ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That subdivision (a) of section 4 of the immigration act of 1924, as amended, is amended to read as follows:

"(a) An immigrant who is the unmarried child under 18 years of age, the father, the mother, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9."

Mr. WALSH of Massachusetts. This is an amendment to the immigration act of 1924, which proposes to admit in excess of the quota the parents of American citizens.

As the law now reads, parents of American citizens are given only a preference within the quota, which in most countries has been exhausted for many years to come. This amendment would give to parents of American citizens nonquota status and allow them to enter the country without years of waiting. It is purely a humane measure.

AMENDMENTS TO FLOOD CONTROL BILL

Mr. McKELLAR submitted two amendments intended to be proposed by him to Senate bill 3434, the flood control bill, which were ordered to lie on the table and to be printed.

AMENDMENTS TO MIGRATORY BIRD BILL

Mr. DILL submitted five amendments intended to be proposed by him to Senate bill 1271, the so-called migratory bird bill, which were ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—HANNAH NELSON LUNDGREEN

On motion of Mr. SMOOT, it was—

Ordered, That the papers filed in support of S. 1091, Sixty-seventh Congress, for the relief of Hannah Nelson Lundgreen, be withdrawn from the files of the Senate, no adverse report having been made thereon.

SALES OF FOREIGN MANUFACTURED LEATHER

The VICE PRESIDENT. The Chair lays before the Senate, under the heading of resolutions coming over from the preceding day, Senate Resolution 169, submitted by the Senator from Pennsylvania [Mr. REED] on March 15.

Mr. CURTIS. The Senator from Pennsylvania is not present at the moment, and I ask that the resolution may go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice.

EXECUTIVE SESSION

The VICE PRESIDENT. Morning business is closed. Under an order heretofore agreed to, the Senate will proceed to the consideration of executive business.

Thereupon the Senate proceeded to the consideration of executive business. After five hours spent in executive session the doors were reopened.

ADJOURNMENT UNTIL MONDAY

Mr. CURTIS. I move that the Senate adjourn until noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, March 19, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 16, 1928

SECRETARY IN THE DIPLOMATIC SERVICE

Archer Woodford, of Kentucky, to be a secretary in the Diplomatic Service of the United States of America.

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be major general

Brig. Gen. Briant Harris Wells, from April 19, 1928, vice Maj. Gen. Ernest Hinds, to be retired from active service April 18, 1928.

To be brigadier general

Col. Peter Edward Traub, Cavalry, vice Brig. Gen. Briant H. Wells, nominated for appointment as major general.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 16, 1928

COLLECTOR OF CUSTOMS

Andrew Wiedenmann to be collector of customs district No. 8, Rochester, N. Y.

POSTMASTERS

ARIZONA

Clarence J. Wilson, Casa Grande.

COLORADO

Roy McWilliams, Ault.

CONNECTICUT

Herbert E. Erwin, New Britain.

INDIANA

Foster V. Annis, Bremen.
William G. McNeelan, Holton.
John T. Stevenson, Kirklin.

KANSAS

James B. Pratt, Syracuse.

MAINE

Harry J. White, Jonesport.

NEBRASKA

Charles W. Fritts, Crawford.

NORTH CAROLINA

McForrest Cheek, Franklinville.
Jesse W. Wood, Littleton.

PENNSYLVANIA

William A. Leroy, Canonsburg.
Edgar M. Chelgren, Grampian.
Thomas J. Kennedy, Renfrew.

TENNESSEE

Christine M. Meister, Loretto.
Joe N. Wood, Ridgely.

WASHINGTON

Mabel G. Lamm, Burlington.

WEST VIRGINIA

Edwin B. Hutchinson, Monaville.

WYOMING

John A. Stafford, Rock Springs.

REJECTION

Executive nomination rejected by the Senate March 16, 1928

INTERSTATE COMMERCE COMMISSION COMMISSIONER

John Jacob Esch to be a member of the Interstate Commerce Commission.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 16, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Jehovah Father, Thou art wisdom, Thou art love! Remember us, O Mighty One. Our hearts tremble at this petition. We would hide our souls from the dread vision of Thy holiness. Have mercy upon us; remove our transgressions from us as far as the east is from the west. With every rising sun enable us to cancel the regrets of our yesterdays and concern ourselves with our to-days, and go forward to attain. Our deepest desire is that our thoughts, words, and deeds may stand the scrutiny of the broad day and sound true in every test. Holy Spirit, be with us and guide us, that our lives may be as honest in the dark as they are in the light; as good in obscurity as they are in publicity; as faithful when alone as when all the world is looking on. May we set our affections upon the dateless and the spaceless things of Thy kingdom. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the bill (S. 777)

making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with an amendment a bill of the following title, in which the concurrence of the House was requested:

H. R. 4964. An act to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau No. 90, at Muskogee, Okla.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2800) entitled "An act authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J."

The message also announced that the Vice President had appointed Mr. JONES and Mr. FLETCHER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

MUNICIPAL HOSPITAL, MUSKOGEE, OKLA.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4964) to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla., with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill H. R. 4964 and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

The Senate amendment was agreed to.

EXTENSION OF REMARKS—THE VERMONT FLOOD

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks of my own in regard to the Vermont flood.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD in regard to the Vermont flood. Is there objection?

There was no objection.

Mr. BRIGHAM. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIBSON. Mr. Speaker, we have heard on this floor more than one vivid portrayal of the Mississippi flood. These have aroused the interest and excited the sympathy of the entire Nation. I will tell you in brief the story of our disastrous flood of 1927. You will see that lives were lost, suffering was endured that left a record quite as grim as that in the valley of the great river that draws its waters from so many of our States.

Vermont is a comparatively small State. Its area is only 9,564 square miles. The last census recorded a population of 352,428 people scattered along the valleys and on the rugged hills that overlook them. Our property listed for taxation in 1926 was $317,000,000, while the total estimated wealth stated in the last census report was $842,040,000.

The autumn of 1927 was one of marvelous beauty. The weather was perfect and the verdure fresh beyond the normal period. Crops came into complete maturity. Barns and granaries were full and Vermonters looked ahead to the rigors of coming winter months with a sense of security and contentment.

Over our roads, winding here and there among the hills, passed thousands of tourists contemplating with amazement scenes of rare beauty in this Switzerland of America. Henry Ford, in referring to Vermont, recently said:

> Tell we where, in this great country, is there a spot so beautiful as Vermont. The summer can not be duplicated in the world. Show me the tourist that visits the Green Mountain State, and I will show you the tourist who will continue to go to Vermont always.

In addition to the hundreds of miles of gravel-surfaced roads we had entered upon an ambitious project of building hard-surfaced roads. Nearly 50 miles were completed last year. We have already expended nearly $8,000,000 of Federal and State money on this program, building 65.1 miles of concrete, 51.4 miles of bituminous macadam, 109 miles of gravel, and 54 bridges of over 20-foot span. We have been building for what seemed to be a bright and prosperous future.

During the evening of November 2 a warm rain commenced that soon extended itself into a downpour. Lawns, gardens, and fields soon became water-soaked; pools formed in all hollows; hour after hour the rain came until in some sections 40 hours passed before there was any let-up, with a precipitation of over 8 inches of water. Small brooks became raging torrents, reaching out and sweeping everything within reach of the waters. The main streams became full, overflowed, came into the streets of prosperous valley towns, up to the front steps of the homes and business places, then into them, driving occupants out or into the second stories; the mad waters pounded down their courses against dams and narrow passes like demons bent on destruction of everything within reach. Bridges were carried away, 1,258 of them; trees torn up by their roots; houses demolished; whole sections of villages disappearing; acres of land washed away and farms ruined; herds of valuable cattle drowned; houses, with all occupants, swallowed up. House after house, with all equipment—stoves, furnaces, furniture—go down White River in a wild, raging torrent that rises, at Gaysville, not 10 or 20 feet but a hundred feet, and not a brick or a splinter has ever been found. Great gullies suddenly appeared, in some cases a hundred feet deep, even where there had been no stream. Railroads that carried over 65 per cent of the milk supply for the city of Boston were put out of commission overnight and left twisted masses of iron and wood, with no semblance of roadbeds. As a result, the Central Vermont Railway, which traverses the State, is in the hands of a receiver. Normal traffic conditions can not be resumed for months. About 60 people were drowned, including Hon. S. Hollister Jackson, lieutenant governor, as fine a type of citizen and public official as ever served a State.

A vivid pen picture of the rushing, rising flood of waters and the heroic endeavors of the people to battle them is drawn by the Hon. Luther B. Johnson, editor of the Randolph (Vt.) Herald, in the following words:

> In the face of the overpowering waters, beating ceaselessly for passage, and constantly rising, inch by inch, a foot or more an hour, before one's eyes, man's puny opposition was futile. Yet how men strove to save and protect! With shovels, axes, trees, timbers, loads of stone, sandbags, and everything that would serve as an impediment, they fought the streams—fought hard and long, long into the blackness of night, but seldom with avail. The watery monster was for once their master.
>
> What happened during that horrorful night the succeeding pages tell only in part. Mostly it went on unseen. The ravaging flood here and there claimed its single victim or its entire family without the then knowledge of others. Here and there isolated groups or individuals were taken from their fated homes at imminent peril in Stygian darkness or by the fitful gleam of lantern or flash light. During that night prodigies of valor were performed. Sometimes these deeds saved those beleaguered; sometimes, though just as valorous, they failed.
>
> Unchecked longer by human effort, the flood itself ran its course, seemingly swollen by pride in its achievements, and roaring loudly to proclaim its triumph. Instead of small driftwood, it now bore at racing speed dwellings, barns, sometimes shattered, sometimes whole, with lights still burning, and in them hastening to death were occasionally fathers, mothers, children, horses, cattle, livestock of all kinds. It bore also bridges, huge and small, torn from their foundations; dams wrenched from their firm beds; even immense rocks and heavy machinery rolled and tumbled along. It invaded whole towns and cities, filling shops and stores, driving people to second floors and attics. It ruined hopelessly large stocks of merchandise and the treasured, hard-earned furnishings of homes, both rich and humble. It carried out scores of railroad bridges built of iron, cement, and stone; washed down great embankments and left the tracks suspended for long distances in air, sometimes on edge, sometimes turned over. In a few places new chasms yawned during that night and engulfed almost entire villages.
>
> With dawn on Friday, November 4, the drenching rain continuing, but somewhat abated in violence, came a scene never to be forgotten and to be recalled with a shudder. All that the imagination of the awful night had pictured was more than realized. A single 12 hours had completely changed the landscape, and in many places the geography, of practically all the river and brook courses of Vermont. Streams ran where they had never run before since the coming of the white man. Their old beds lay stone strewn and hollow. Whole meadows of fine land were gone, acres of rich soil eaten away in the night, and the still hungry waters crumbling them back further, foot by foot. Habitations and buildings and living beings were gone. Bridge abutments stood mutely mourning their uselessness. All the

destruction of the night and previous afternoon was revealed with the coming of another day. Yet not all—more was to be revealed when the waters subsided.

The experience of Montpelier, the State capital, is typical. After hours of downpour, water began to come into the streets about 5 o'clock in the afternoon. Four hours later it had become a raging flood 10 to 12 feet deep, running with such force that an automobile, caught in its course and striking a tree, would be wrapped about it like a piece of paper. Every window in the business houses on the street levels was broken, whole stocks of goods and fixtures were swept out and lost, with the result that every business place where merchandise was sold was compelled to close. Then the waters rushed on down the Winooski spreading ruin, death, and destruction everywhere within the confines of the valley. In many places landscapes were completely changed; what were once villages with houses and streets became areas of barren, jagged rocks or yawning chasms.

What of the damage? A survey was made under the direction of the governor. A survey was made by the Bureau of Public Roads under the direction of the Secretary of Agriculture. Secretary Herbert Hoover, of the Department of Commerce, visited the stricken area by direction of the President and estimated the loss. Out of these examinations we have been able to arrive at a fairly accurate estimate of the losses sustained.

ROAD AND BRIDGE DAMAGE

The State highway department has estimated the road and bridge damage as follows:

Federal-aid system	$2,653,733
State-aid system	2,954,052
Unselected highways	1,866,012
Total	7,062,998

The Bureau of Public Roads after a careful survey estimated the road and bridge damages as follows:

Federal-aid system	$2,502,133
State-aid system	3,105,652
Unselected highways	1,769,684
Total	7,377,469

It will be seen by these estimates that the Bureau of Public Roads places the total damage $314,471 more than the estimate made by the State officials.

The State road mileage is divided as follows:

	Miles
Federal-aid roads	1,043
State aid other than Federal aid	3,322
Unselected highways	10,705
Total	15,070

We have 1 mile of highway to every 23 of our population. The damages to highways and bridges alone is equal to a per capita assessment of $21 on every person in the State.

Summary of returns of estimated property losses and damages to February 6, 1928

AGRICULTURAL DIVISION

Number	Losses and damages	Total
690 farms	$1,350,156	$1,350,156
HIGHWAY AND BRIDGE DIVISION		
Highways	2,483,916	
1,258 bridges	4,579,082	
		7,062,998
INDUSTRIAL DIVISION		
264 establishments	5,558,900	5,558,900
CITIES AND VILLAGES DIVISION		
137 cities and villages	6,403,651	
Vermont State Hospital at Waterbury	400,000	
12 railroads and electric railways	7,019,200	
New England Telegraph & Telephone Co	250,000	
Western Union Telegraph Co	65,000	
3 gas companies	30,400	
2 independent telephone companies	4,050	
		14,172,301
ADDITIONAL ESTIMATES		
Difference between actual reports received and estimated losses:		
Agriculture	849,844	
Industries	1,441,100	
		2,290,944
Grand total		30,435,299

CASUALTIES

Lives lost	62

The total loss is equal to a per capita loss of $86 for every man, woman, and child in the State. It is equal to one-tenth of all the property in the State assessed for taxation. On the basis of wealth, the Vermont flood disaster would be comparable to a disaster overtaking the District of Columbia and causing a damage of $60,000,000; to a disaster in North Carolina causing a damage of $150,000,000; a disaster in Arkansas causing a damage of $90,000,000; in Massachusetts, causing a damage of $480,000,000; in California, causing a damage of $570,000,000.

The damage to Federal-aided and State-aided highways and bridges in Vermont is nearly twice the amount of damage caused by the recent floods in the whole Mississippi Valley for similar classes of roads.

I have called your attention only to actual damages. When we consider that the indirect business losses will amount to more than $100,000,000 in addition to the direct losses, you get some conception of our great disaster. Where does the history of our Nation record a greater one?

Vermonters find themselves in a novel situation. We do not easily adjust ourselves to it. During an existence of 136 years as a State we have never come to the Federal Government and asked for help. We have given cheerfully of our money and manhood to the service of the Union, that it might be great and strong. Our proud, self-reliant people are loath to ask for assistance now. We are believers in State independence. If all the States would care for losses from disasters, we would bear our burden without complaint. But the present policy of the Federal Government is to step forth and lend a helping hand to any single member of the sisterhood that suffers from a great disaster.

I have introduced a bill (H. R. 9767) which authorizes an appropriation of $2,654,000 for the relief in the matter of roads and bridges damaged, to be expended in accordance with the provisions of the Federal highway act, except that the provision limiting Federal payments to not exceeding $15,000 per mile and the provision restricting expenditure of Federal funds upon roads within municipalities having a population of 2,500 or more shall not apply. The amount named is practically the amount of damage to Federal roads and bridges. The State of Vermont under this act must match the money appropriated by the Federal Government, dollar for dollar. The bill has the approval of the Bureau of Public Roads, the Department of Agriculture, and the Bureau of the Budget.

The bill was submitted to the Secretary of Agriculture for recommendation and report. Under date of March 16, Acting Secretary R. W. Dunlap replied in writing. After reviewing the provisions of the bill, the essential portion of his recommendation is as follows:

> The investigations made by the Bureau of Public Roads in cooperation with the highway department of Vermont as to the damages to roads and bridges in the State occasioned by the recent flood convinces this department that legislation of the kind proposed is very meritorious. The department, therefore, would like to see favorable action on the bill.

The department's letter was submitted to the Bureau of the Budget for its recommendation and bears the following notation of that bureau:

> Submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to the Department of Agriculture under date of March 16 with the advice that the legislation proposed in H. R. 9767 would not be in conflict with the financial program of the President.

It is fortunate that the Bureau of Public Roads in cooperation with the Vermont Highway Department conducted a survey during the summer of 1927 of the transportation on the highways of the State. While most of the work went for naught owing to destruction by the November flood, the report of the survey, but recently printed, afforded valuable information as to the use of Vermont's Federal-aid and State roads by motor vehicles of other States. It appears from this report that 35 per cent of the travel over these roads is by motor vehicles from without the State. The report furnished the Bureau of Public Roads information upon which it could base its recommendations as to what is a reasonable amount for the Federal Government to contribute toward the rehabilitation of Federal-aid roads in Vermont. If 35 per cent of the traffic on our roads is from without the State—the report furnished the Bureau of Public Roads information upon which it could base its recommendations as to what is a reasonable amount for the Federal Government to contribute toward the rehabilitation of Federal-aid roads in Vermont—if 35 per cent of the traffic on our roads is from without the State, the Federal Government has a great interest in their reconstruction.

A hearing has been held by the Committee on Roads of the House. The bill has been reported favorably by a unanimous vote. Owing to the early approach of spring, when work on the roads can be resumed, and the necessity of letting contracts at an early date, it is hoped that early action may be had on the part of the House.

Suffering from one of the greatest calamities that ever befell the people of a State in the history of the Nation, we are undertaking the problem of rehabilitation with courage. We are not faltering. Filled with the same spirit that actuated our forebears when they entered a trackless wilderness and with resolution and courage carved out a State and maintained its independence for years, and we are coming back.

Give us encouragement by granting the help asked for in our great emergency, and in a short time we will welcome you to old Vermont, the first to cast her lot with the original thirteen, welcome you with genuine hospitality to a land of beauty, with winding roads over hills and through valleys, to a State of as brave men as ever answered the call of service and of as fair women as ever graced the family fireside.

Mr. BRIGHAM. Mr. Speaker, H. R. 9767, introduced by my colleague, Mr. GIBSON, and reported favorably by the Committee on Roads, authorizes an appropriation of $2,654,000 for the relief of Vermont in the matter of highways damaged by flood. It is my purpose to outline briefly the reasons why representatives of Vermont are asking for this appropriation.

The newspapers have carried such a complete story of the flood which descended upon Vermont in November, 1927, that you are probably already somewhat familiar with the destruction of property which it caused and the toll of human life which it levied. The people of Vermont are now face to face with the difficult problem of rehabilitation.

The legislative reference service of the Library of Congress has compiled a list of the acts passed by the Congress for the relief of those who have suffered from calamities of various kinds. These acts go back to 1803 and revised to date would include the following item in the deficiency bill passed in the opening days of this session of Congress:

Emergency flood control, Mississippi River: For reimbursement of the appropriation for "flood control, Mississippi River," and the appropriation for "Maintenance and improvement of existing river and harbor works," for amounts expended therefrom for emergency work on the lower Mississippi River on account of the flood of 1927, $7,000,000.

It would also include the following item in the War Department appropriation bill recently passed:

FLOOD RELIEF

Flood relief, Mississippi River: For the reimbursement of funds contributed by local interests to the Mississippi River Commission, and used for emergency levee construction and repair work on the lower Mississippi River on account of the flood of 1927, $1,500,000, to be immediately available and to be expended by the Mississippi River Commission: *Provided*, That the provisions of the flood control act approved March 1, 1917, in so far as they forbid expenditures by the Mississippi River Commission for levee work unless local interests contribute one-third the cost thereof, shall not apply to emergency levee work done, or to be done, on account of the flood of 1927.

If you will go through this list of acts, going back a century and a quarter, you will find none for the relief of the State of Vermont or of any political subdivision thereof. I believe that this is the first time that representatives of Vermont in the 136 years of its membership in the Union have appeared before a committee of Congress asking for relief. Such calamities as we have had heretofore have been within the capacity of our self-reliant people to meet. I assure you that we appear here now only because a disaster has befallen our State so overwhelming that it is without parallel in her history.

We are accustomed these days to think of things in terms of size. Because of this the attention of the Nation is, and has been for months, centered upon the flood disaster in the valley of the Mississippi. I wish in no way to minimize the terrible disaster which has overtaken our people in the Mississippi Valley. Figures as well as pictures tell a story of appalling destruction there. Nor do I question their dire need of assistance nor the wisdom of an emergency measure which carried with it the expenditure of $7,000,000 in their behalf, but it does give me confidence to bring our needs to your attention, and it does give me the hope that in proportion as our needs equal theirs we may look for like assistance. Let us, then, in order to grasp the extent of the Vermont flood disaster, compare for a moment the damage done to our little State with the damage done to the several States which suffered from the Mississippi flood. This comparison should, I think, be made in terms of relative population and wealth, so the problems presented to the people and the government of each of the several afflicted States may by comparison be made more clear.

In making this comparison for the States of Illinois, Missouri, Kentucky, Tennessee, Mississippi, and Louisiana, which suffered from the Mississippi flood I have used the estimates of the damage done as given in a pamphlet entitled, "Losses and Damages Resulting from the Flood of 1927," published by the Mississippi River Flood Association. For damage done by the flood in Vermont I have used the latest revised estimates furnished by the Governor of Vermont. It is only fair to the State of Kentucky for me to say that that State suffered damages from another flood occurring at a later time, which does not appear in this record.

The following table shows the relative population, area, and total flood damage done to the Mississippi Valley States and to Vermont and translates these losses in terms of their meaning to the persons involved and their ability to meet them:

State	Population, 1920	Area in square miles	Flood damage, 1927	Wealth in thousands, 1922	Per capita flood damage	Flood damage per million dollars of State wealth
Arkansas	1,752,204	53,335	$37,948,919	$2,599,617	$21.66	$14,600
Illinois	6,485,280	56,665	16,765,465	22,232,794	2.59	750
Kentucky	2,416,630	40,598	3,295,750	3,582,391	1.37	674
Louisiana	1,798,509	48,506	38,389,814	3,416,860	21.35	11,240
Mississippi	1,790,618	46,865	45,931,294	2,177,690	25.65	21,090
Missouri	3,404,055	69,420	7,691,265	9,981,409	2.26	770
Tennessee	2,416,630	42,022	5,958,950	4,228,251	2.47	1,410
Vermont	352,428	9,564	30,435,299	842,040	86.35	36,146

You will see from this comparison that only the three lower Mississippi Valley States of Arkansas, Mississippi, and Louisiana suffered a total flood damage exceeding that of Vermont. You will see also that the damage per person in Vermont was more than three times the damage per person in the average of the Mississippi States worst afflicted, and the damage per million dollars of State wealth, which means capacity to meet loss, in Vermont is more than twice that suffered by Arkansas, more than three times that suffered by Louisiana, and is more than one-half greater than that suffered by the State of Mississippi—the three States sustaining the greatest flood damage in the Mississippi Valley.

This, I think, will make clear to the membership of the House what a flood loss of $30,435,299, visited upon a small rural State with a small population, means to the people of that State, and will explain why we, as representatives of that State, are here asking you to pass a bill which will grant help from the Federal Government to our people in meeting a difficult problem.

RELIEF LIMITED TO PUBLIC WORKS

Our request for relief is limited to the rehabilitation of public works—namely, roads. Our losses to private property have borne heavily upon farmers, business men, and corporations. One of our main railroad lines is in the hands of a receiver and will probably not resume normal operations for months to come. Other lines have spent millions to repair damages. Many farmers and business men have lost their savings of a lifetime and are being assisted to carry on by the Red Cross, by private gifts, by loans from the Vermont flood corporation, from banks, and from various other sources. We are asking for no appropriation to help our people meet losses of this kind. You can readily see, however, that the tax-paying ability of our people is greatly impaired, and it is extremely difficult for a small State to meet the tremendous burden imposed and, for years to come, next to impossible for it unassisted to carry on its normal activities.

Vermont is, as you know, a mountainous State. Its river valleys as they cut across or run parallel to the mountain ranges

are for the most part narrow and hemmed in by hills on either side. The main roads are located in these valleys and received the full force of the rushing water, which could be likened in its fury but to a storm at sea. When the flood waters receded Vermont found herself practically without a road system in large areas of the State. Roads and bridges which it had taken a century to construct were destroyed in one short day. Photographs well illustrate this.

As soon as the extent of the damage was known the State highway department laid plans for making temporary repairs in order to make it possible to deliver the mails and to transport food and supplies to the towns and cities which were cut off from rail transportation. The cooperation of local town officials in this work was splendid. I heard an Army engineer pay tribute to the resourcefulness of Vermont town officials who in a remarkably short space of time threw temporary bridges of logs and plank across rivers and smaller streams and filled great gullies in roads so that traffic could get through. I am informed that the temporary road repairs alone will cost nearly $1,000,000.

Then came the problem of permanent reconstruction. The Federal Bureau of Public Roads very generously came to our assistance and detailed a force of engineers to make estimates of the cost of reconstruction. Our roads in Vermont are divided into three classes—Federal-aid, State-aid, and town roads. The Bureau of Public Roads has made the following report as to the damage done by the flood to roads and bridges in Vermont. I have inserted the mileage of roads of each class:

	Miles	Damages from flood		Total
		Roads	Bridges	
Federal-aid system	1,043	$983,213	$1,670,520	$2,653,733
State-aid system	3,419	690,930	2,263,122	2,954,052
Town roads	10,408	399,288	1,370,396	1,769,684
Total	14,870	2,073,431	5,304,038	7,377,469

The State has always cooperated with the towns on the Federal-aid and State-aid systems, but only in a very minor way on the town roads. The burden thrown upon many of the river towns, however, would have bankrupted these towns had they been obliged to bear the burden of restoring the road system. Therefore the governor called the legislature into special session, and an act was passed to authorize the State to assume the burden of restoring the highways by a bond issue for this purpose.

Now, I can perhaps illustrate to the committee the extent of the burden which has been placed upon the State of Vermont to meet this task of restoring its highway system by again making a comparison with the Mississippi Valley States. The following table will show the relative total damage to highways and bridges, the highway damage per person, per mile of road, and the total per capita tax as prepared by the Census Bureau for 1922:

State	Flood damages to highways and bridges, 1927	Flood damages to highways and bridges per person, 1927	Damages to highways and bridges per mile of road	Total per capita tax (State)
Arkansas	$1,268,715	$0.72	$17.64	$13.87
Illinois	38,000	.006	.39	40.76
Kentucky	5,000	.002	.09	19.40
Louisiana	550,000	.306	13.75	29.20
Mississippi	400,000	.223	7.55	20.99
Missouri	376,407	.111	3.38	29.01
Tennessee	100,000	.04	1.53	18.46
Vermont	7,377,469	20.93	495.14	34.29

The highway losses for the Mississippi Valley States are taken from the estimates of the Mississippi River Flood Control Association and for Vermont from the estimates of the Federal Bureau of Public Roads. The highway losses from the June flood in Kentucky are not included.

You will see that in highway losses suffered from the flood Vermont stands in a class by herself. You will see also from the rate of taxation already paid how difficult it will be for Vermont to repair the damage caused by the flood and at the same time keep up the new construction which the demands of increasing traffic made upon our highway system.

VERMONT'S HIGHWAY PROBLEM

The highway problem in Vermont has been the subject of a recent cooperative study by the United States Bureau of Public Roads and the Vermont Highway Department. This bureau in conjunction with the State highway department made a survey of traffic on the Vermont highways in 1926. Upon this survey and upon predictions as to future needs, recommendations were made in a report recently released as to what Vermont should do in the way of future road construction. Up to 1923 roads constructed in Vermont were principally of gravel surfaces. They were not in all cases the best roads but they were such as we could pay for. It became apparent, however, that on our main routes, including the Federal-aid designated system and some of the State roads a surface superior to gravel was necessary because traffic had increased to the point where the cost of maintenance of gravel surfaces made the construction of a surface superior to gravel necessary. The report recommends a construction program for the years 1927–1931 of 275 miles of surface superior to gravel on the principal routes, which are Federal-aid routes, at an estimated cost of $12,000,000. Then in continuation of this program it recommends for the years 1931–1936 the construction of 278 miles additional, all except 80 miles on the Federal-aid routes, with a probable cost of another $12,000,000. The regular annual Federal-aid allotment for Vermont is $365,000. This 10-year program would cost a total of $24,000,000. This program of construction was entered upon by the Vermont Legislature of 1927, and during the last year 47.2 miles of hard-surface roads have been constructed at a cost of $1,877,247.

Now, this survey also shows that Vermont roads—and I presume this is true of the roads of all the States—have taken on an interstate and international character. It showed that on our Federal-aid routes and on nearly 1,000 miles of our State-aid system about 35.6 per cent of total passenger-car traffic and 9.6 per cent of the truck traffic was foreign traffic. For instance, the survey showed that of the total traffic on United States numbered route 7, which runs along the western border of Vermont from Massachusetts to Canada, 43.3 per cent was foreign passenger-car traffic. On United States route 5, on the eastern border of Vermont, 46.7 per cent was foreign traffic. The international character of these highways is shown by the fact that of the 815,370 cars which reported in the Vermont customs district in 1927, only 377,892 were Vermont cars. United States routes No. 2 and No. 4 are main through routes between New York and New Hampshire, and their traffic is made up of 34.3 per cent and 37 per cent, respectively, of foreign traffic.

The burden thrown upon Vermont roads by this foreign traffic is indicated by this paragraph from the report:

> The large volume of foreign traffic on Vermont highways adds considerable to the cost of providing highway service on the main routes of travel. This volume of foreign traffic, in addition to local Vermont traffic, results in increased maintenance costs on present improvements, which are loaded beyond their economic capacity, and makes necessary earlier improvement or reconstruction of these routes by the construction of surfaces superior to gravel. The present contribution of foreign traffic to Vermont highways revenue is limited very largely to that derived from the taxation of gasoline sold to operators of foreign cars, and it is doubtful if this revenue is at all commensurate with the increased cost of providing highway service caused by foreign traffic.

Now, Vermont wants to keep her place with her sister States in the line of progress. She wants to provide roads for foreign traffic as well as for her own people, and her policies were being formulated to that end before the recent disaster overtook her.

Vermont is a dairy State, marketing her products in the form of milk and cream. According to a recent survey, made by the United States Department of Agriculture, Boston depends upon Vermont for 62 per cent of her milk and 50 per cent of her cream supply. Other New England cities and New York also obtain from our dairies substantial quantities. These products are perishable and must move from farm to market every day. Unless our roads are restored these cities will obtain with difficulty an essential food supply and the main business of our State will be disrupted.

From the figures presented as to cost of rehabilitating our highway system, you will see that the State of Vermont will have to pay more than seven and three-fourths millions of dollars for permanent reconstruction, in addition to nearly a million dollars already spent for temporary construction. This is more than a small State like ours can bear and expect to do anything in the way of new construction. Therefore we are asking the Federal Government in this bill to assume the cost of reconstructing that part of our highways known as the Federal-aid system.

PERMISSION TO ADDRESS THE HOUSE

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho, BURTON L. FRENCH, chairman of the subcommittee on the naval affairs appropriation bill, may ad-

dress the House for 20 minutes immediately after the reading of the Journal and disposition of business on the Speaker's table.

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, I want to say to the chairman of the Appropriations Committee that we had reached an agreement with those on that side that the gentleman from Idaho was to have 20 minutes of the time that is allotted to the Members against the bill on that side.

Mr. MADDEN. But he is not against the bill.

Mr. LAGUARDIA. The minority against the bill wants information which the gentleman from Idaho can give us.

Mr. MADDEN. Mr. Speaker, I withdraw my request.

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman in charge of the bill if it is fair to yield the time that is allotted to those against the bill to the gentleman from Idaho [Mr. FRENCH], when he knows that our friend from Idaho is for the bill? There ought to be an equal division of time on such an important measure as this $274,000,000 bill.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. The gentleman knows I am opposed to the bill.

Mr. BLANTON. But there is no agreement in the House that that can be done. I understand there is no request approved by the House that that be done.

Mr. LAGUARDIA. Will the gentleman yield further?

Mr. BLANTON. I will.

Mr. LAGUARDIA. It is important to have information not only as to the cost of building these ships but also as to the cost of maintaining them, and as part of the opposition I am very anxious that the House should have that information.

Mr. BLANTON. But there is a question of policy that is more important even than the $274,000,000 cost of these ships. It is the question of the policy of the Government as to whether it is going to be peaceful or militaristic. But there has been no such request such as that proposed made to the House, so, of course, there is nothing before the House.

EXTENDING TIME OF GENERAL DEBATE ON BILL FOR NAVAL CONSTRUCTION

Mr. BUTLER. Mr. Speaker, I ask permission to speak for a minute or two.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. BUTLER. I do not know what gentlemen will say except one gentleman whom I esteem, and who has 15 minutes accorded him. He is opposed to this bill on principle. I do not know the views of other gentlemen who wish to speak; but how in the world we are to accommodate the Members of this House who desire to speak on this great public measure I do not know.

I want to say this: I introduced the rule fixing the time at not less than 10 hours. In my absence at home trying to get rid of a physical ailment that bothered me a lot my committee saw fit to reduce it to six hours, and here I am with this long list of Members of this House who are entitled to be heard on this public measure and who wish to be heard.

Mr. McCLINTIC. Will the gentleman yield to me for a suggestion?

Mr. BUTLER. Yes.

Mr. McCLINTIC. Why does not the gentleman ask unanimous consent that the time be extended four additional hours?

Mr. BUTLER. The gentleman was present when the time in the rule which I introduced was reduced, so I suggest that he fix it right. I am not responsible.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. CHINDBLOM. The gentleman knows that two hours have been added to the time, making eight hours altogether.

Mr. BUTLER. I talked with almost 100 Members of the House before I asked for 10 hours originally and, therefore, I was supposed to know something about it. Here are gentlemen in front of me now who desire to say something concerning this bill. I do not know what the gentlemen will say, but they are Members of the House and are entitled to be heard. It is getting to be commonly understood that public debate in this House is no longer tolerated. When I introduced this rule, I did it for the purpose of affording all gentlemen an opportunity to express themselves upon this bill, one way or the other, and I repeat that during my absence the committee to which I belong and whose membership I greatly care for saw fit to reduce the time to six hours. Now, they can fix it up the best way they know how.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. VINSON of Georgia. I will state to the gentleman that when we appeared before the Rules Committee we thought that probably six hours would be enough. Yesterday two additional hours were given. As the chairman has requests for speeches to be made both for and against the bill, I might suggest that under the five-minute rule there will be ample opportunity accorded every Member of the House who desires to discuss the bill pro or con. Why does the gentleman care to prolong general debate when ample opportunity will be given under the five-minute rule to debate the bill?

Mr. BUTLER. My friend, this is the last time I shall ever endeavor to divide two hours' time among 40 or 50 speech makers. My friend may do it the next time.

Mr. VINSON of Georgia. I am simply making this suggestion to the gentleman.

Mr. BUTLER. The gentleman is able to do many things, and the gentleman may be able to make this division of time to the satisfaction of these gentlemen.

Mr. LAGUARDIA. Why does not the gentleman ask for two more hours of general debate?

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that time for general debate on this bill may be extended one hour, with the express purpose of accommodating the gentlemen who desire to speak upon this measure, this time to be divided according to the way the time has already been divided.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that general debate upon the naval bill be extended one hour, one-half to be used by those in favor and one-half by those opposed to the bill. Is there objection?

Mr. BUTLER. Mr. Speaker, I would like to proceed for just 10 seconds. Some gentlemen say this will carry us into to-morrow. We are paid to be here to-morrow and it is a working day. Other gentlemen complained to me they were kept here all yesterday afternoon waiting to speak; they were paid to be here. Some complain because the Secretary of the Navy occupied a seat, when we, all of us who were here, know he could have had 250 seats in this Chamber if he had desired them.

Mr. BLANTON. I doubt that, unless the people had said so. The people fill these seats here.

Mr. BUTLER. And I remember the time when the gentleman's party was in control of the House here and members of the Cabinet occupied seats on the floor and we welcomed them here.

Mr. BLANTON. But they did not come here and interfere with a bill in which they themselves were interested.

Mr. BUTLER. And there was no such interference here yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

STONE MOUNTAIN MONUMENT

The SPEAKER. By authority of Senate Concurrent Resolution 12, which passed the House yesterday afternoon, the Chair desires to announce the appointment of the following committee:

Mr. THOMAS M. BELL, Georgia; Mr. JOHN Q. TILSON, Connecticut; Mr. LOUIS T. MCFADDEN, Pennsylvania; Mr. C. WILLIAM RAMSEYER, Iowa; Mr. JOHN M. ROBSION, Kentucky; Mr. CHARLES L. FAUST, Missouri; Mr. ANDREW J. MONTAGUE, Virginia; Mr. CLARENCE F. LEA, California; Mr. JOHN J. O'CONNOR, New York; and Mr. WILLIAM W. ARNOLD, Illinois.

CONSTRUCTION OF CERTAIN NAVAL VESSELS

Mr. TILSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. BUTLER. Mr. Speaker, I supplement that motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval construction bill, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. McCLINTIC. Mr. Chairman, will the Chair kindly inform me of the amount of time I have remaining?

The CHAIRMAN. The Chair is informed that the gentleman from Oklahoma has 58 minutes remaining; the gentleman from Georgia has 53 minutes remaining; the gentleman from Pennsylvania has 60 minutes remaining against the bill and 56 minutes remaining in favor of the bill.

Mr. BUTLER. Does that include the extra hour?

The CHAIRMAN. That includes the additional hour.

Mr. BUTLER. Mr. Chairman, of that one hour I desire to yield 10 minutes of the time to the gentleman from Idaho [Mr. FRENCH], and I understand the gentleman from Georgia [Mr.

VINSON] will also yield to the gentleman 10 minutes, so that the gentleman may have 20 minutes' time.

Mr. VINSON of Georgia. Mr. Chairman, I yield the gentleman from Idaho 10 minutes.

Mr. BLANTON. Mr. Chairman, a point of order. The agreement was that the time allotted to the gentleman from Oklahoma [Mr. MCCLINTIC] was to be used by those against this bill. The gentleman is not able to grant those of us who are against the bill the full time we would like to have, and it is well known that the gentleman from Idaho [Mr. FRENCH] is for the bill.

Mr. VINSON of Georgia. I am yielding the 10 minutes, I will say to the gentleman from Texas.

Mr. CHINDBLOM. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] is recognized for 20 minutes.

Mr. FRENCH. Mr. Chairman and gentlemen of the House, in considering a bill of the magnitude of the shipbuilding authorization bill now pending (H. R. 11526), there is one most important factor that ought to be in the minds of all Members, because it is a factor that will continue to carry on throughout the years following the enactment of whatever measure may be adopted providing for the increase of the Navy.

I refer to the element of cost. In this connection the Congress and the country should have in mind the true perspective that can be had only by fitting the proposed program into the existing Naval Establishment and considering beyond this, as best we may, additional building programs that the near future will demand and the cost of maintaining such programs. When I speak of the cost of maintaining such programs I do not have in mind alone the cost of building of ships. I have in mind the cost of shore stations, the cost of upkeep, the cost of officers and men, the cost, in fact, that the Naval Establishment as such must be to our Nation throughout the years to come.

At this point I shall insert in my remarks the table that is before you showing in an approximate way the Navy of the United States translated into dollars and extending over the period of years over which construction will progress under the pending bill:

	1929	1930	1931	1932	1933	1934	1935
A							
Maintenance of Navy on basis of 1929	$287,404,470	$287,404,470	$287,404,470	$287,404,470	$287,404,470	$287,404,470	$287,404,470
Existing program, 8 cruisers, 2 submarines	72,240,000	[2] 60,696,250	31,348,100	19,244,300	17,144,300	15,444,300	15,444,300
Additional aircraft [1]	635,000	3,453,750	3,791,900	1,755,700	1,755,700	1,755,700	1,755,700
Total	360,279,470	351,554,470	322,544,470	308,404,470	306,304,470	304,604,470	304,604,470
B							
Naval bill (H. R. 11526):							
15 cruisers	10,000,000	37,000,000	65,000,000	75,000,000	48,000,000	20,000,000	
1 carrier	3,000,000	6,000,000	6,000,000	4,000,000			
Aircraft for new vessel [1]		193,500	2,629,350	7,602,075	3,320,700	2,795,250	2,795,250
Modernizing Pennsylvania and Arizona [1]		7,400,000	7,400,000				
Total	13,000,000	50,593,500	81,029,350	86,602,075	51,320,700	22,795,250	2,795,250
Grand total, A and B	373,279,470	[3] [4] 402,147,970	[4] 403,573,820	[4] 395,006,545	[4] 357,625,170	[4] 327,399,720	[3] [4] 307,399,720

[1] Not authorized.
[2] $2,900,000 not authorized but necessary for submarine increase in cost.
[3] Unknown possible future building costs.
[4] Unknown possible future operating costs.

Total appropriations, 1928, $338,806,477.90.

In interpreting the table bear in mind the following features:

Section A refers to the Naval Establishment as it is to-day, together with existing programs authorized by law or apparently necessary to round out that which now rests upon law.

The item "Maintenance," as carried through from 1929 to 1935, rests upon the maintenance cost for 1929 alone, and must probably be regarded as the minimum maintenance cost for succeeding years for an equivalent establishment, and to which will need to be added additional maintenance costs that new programs will entail.

Section B refers to the pending bill and the allocation of cost of construction as indicated by the committee report upon the bill plus aircraft that will apparently be necessary for the 15 cruisers and the 1 aircraft carrier and plus the amounts necessary for the modernization of the *Pennsylvania* and the *Arizona*, for which legislation is pending.

The totals are suggestive of sections A and B and do not include the two great factors on the table, unknown possible future building costs, and unknown possible future operating costs.

At this point may I say that in general the bill will have my support. I am not in accord with every feature included within its bounds; but on the other hand, it represents so generally the policy it seems this country must follow now, that I doubt if any number of men equal to the number of men who shaped the bill could be assembled from the membership of this body who could shape a measure that would better represent the cross section of sentiment on a naval construction program.

As to fixing a limit of time within which the ships may be laid down, I would strike it out were it in my power. Certainly, I would not require that these ships be laid down within the next three years. I believe a wiser and more economical program, if any time limit must be fixed, would be attained were we to say that three ships would be laid down in each of the five succeeding years. Better, still, it would be if we left out the time element entirely and let that question be determined by the administration and by Congress from year to year.

However, on that question I am not going to oppose the committee program which has been adopted after mature deliberation.

In another paragraph, section 2, it is provided that—

the Secretary of the Navy is directed to submit annually through the Bureau of the Budget estimates for the construction of the foregoing vessels.

The word "through" ought to be "to," and I understand that an amendment will come from the Committee on Naval Affairs making the change.

Mr. BRITTEN. That is the agreement between myself and the chairman of the Committee on Appropriations [Mr. MADDEN], who made the suggestion. We think it is a good suggestion.

Mr. FRENCH. That is very fine. There is one other thought I ought to submit at this time, and that has relation to the time limit. Notwithstanding the fact that Congress may say that future Congresses shall appropriate for laying down five cruisers a year, we must remember that what we may do upon that point is rather by way of suggestion of a policy, and that it is in no way binding upon future Congresses. It may be that another Congress would feel that we should speed up the program of building. If so, it would be well within its jurisdiction to provide the money for speeding up. It may be that a future Congress would feel that conditions did not warrant so rapid progress of development of program; and if so, it would be for that Congress to exercise its judgment untrammeled and unhampered by what we may do.

Now, notice the table. For 1929 this Congress in a bill that we shall report next week will carry for maintenance approximately $287,404,470. To that must be added the construction costs for new building on programs already under way, cruisers, submarines, and necessary aircraft. The total for 1929 for the existing establishment thus becomes $360,279,470. To that, should the plans of the proponents of the pending measure be carried out, must be added another $13,000,000 for commencement of work on five new cruisers and the aircraft carrier that are proposed. I have then carried the program forward by costs from year to year, adding certain modernization of battleship costs and adding costs of prospective aircraft that will be necessary.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. The gentleman has twice referred to aircraft in connection with his recent figures. Is he not really talking about the existing construction program and not aircraft?

Mr. FRENCH. I shall refer to that. I have included in the existing program that which is building in ships and aircraft, and when I refer to the existing building program, I refer, of course, to the 8 cruisers and the 2 fleet submarines which are now building. The $2,900,000 refers to the proposed in-

crease in limit of cost for the two fleet submarines. Under the heading "Additional aircraft," I refer to the aircraft that doubtless will be necessary for the cruisers and to certain reserve aircraft that is part of the program the present Congress has been asked to consider.

Within the existing program I include the two dirigibles that will cost $8,000,000, and I include the replacement cost of planes throughout, and from 1932 throughout the following years the replacement cost of the additional aircraft needed.

Mr. CHINDBLOM. And what is that for 1935?

Mr. FRENCH. For 1935, for the 8 cruisers now building, it would be $1,755,700; for the 15 cruisers and airplane carrier it would be $2,795,250; and for the five-year program that we are now carrying forward it will be $15,444,300.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield there?

Mr. FRENCH. I prefer to go on and make my statement.

Mr. MADDEN. If the gentleman will yield him more time, I think the gentleman from Idaho will answer all of the questions that may be in the mind of the gentleman from Georgia.

Mr. VINSON of Georgia. I shall be very glad to yield him a minute right now.

Mr. FRENCH. May I continue? I think it would be better if I may do so. Then later I shall be glad to yield.

FUTURE BUILDING COSTS

I approach now another part of the story that is even more startling when you think of the years beyond 1931. The chart might seem to indicate that we have a diminishing program, but that is not the case. We must now take into account two unknown factors. The unknown factors are the possible future building costs and the possible future operating costs. What are they? First, the limitation of armament treaty provides for four additional airplane carriers. The one you have reported will cost $19,000,000. Four more must probably be added to this column.

Under the treaty, in 1931 we may begin a replacement program on capital ships. Under that program, unless it shall be changed, we would be called upon to lay down in 1931, 3 capital ships; in 1932, 3; in 1933, 2; in 1934, 2; and in 1935, 1—11 capital ships if we shall replace at present tonnage per ship. If we shall increase that tonnage to 35,000 tons we may lay down 8. What will these ships cost? Will it be $40,000,000 each? Will it be $50,000,000?

Mr. BUTLER. We estimate $40,000,000.

Mr. FRENCH. At $40,000,000, as the gentleman from Pennsylvania estimates, you would need to add from $320,000,000 to $440,000,000, if you figure replacement cost to the time of completion. Modernization of capital ships after 1931 is a possible alternative program that might do for a while.

To-day we are modernizing two capital ships, the *Oklahoma* and the *Nevada*. Next year you propose as possible the *Pennsylvania* and the *Arizona*. I understand that the department is advocating the modernization of three others of our capital ships, and that will cost probably another $20,000,000 or $21,000,000.

Again, the bill which you have reported proposes the construction of a salvage ship. What will it cost? Possibly four or five million dollars. According to the report of the committee, it is indicated that the existing law provides for 12 destroyer leaders. How many we shall build I do not know; but in view of the fact that request was made for destroyer leaders of the Naval Affairs Committee before the committee determined that the existing law provided for authorization from which 12 could be built, it is apparent that the Navy Department wants a certain number of destroyer leaders.

What will that cost? It is in that indefinite block of plans. Then, as to fleet submarines, the department asks for further legislative authority. Your committee found that under the program of 1916 there seems to be authority for three fleet submarines in addition to those already begun. What will they cost? Possibly another $20,000,000 or more.

Shore stations: We are told by the officers as they come before the committee that, although not authorized, the program ahead calls for $13,000,000 to be expended upon the shore stations in the interest of the Naval Establishment.

We are told that if the dirigible that you have already authorized shall be completed, it will mean an additional hangar. What is the cost of an additional hangar? The one at Lakehurst cost $2,632,247 as originally planned, to which was added $635,000, or a total of $3,267,247.

Probably a new hangar would cost more.

You will be asked for high-explosive depots, to cost additional millions.

FUTURE POSSIBLE OPERATING COSTS

We then go to operations. What are you going to do with the ships after you will have completed them? Will they be merely to stand by? Will they be put into service? Are they to be replacement ships? We have not worked out that part of the program.

As to the maintenance and operation of one of the new cruisers that you have provided in this bill, the department estimates it will cost $1,247,500. Multiply this cost by 15. The carrier you are providing will probably cost, to operate, $3,179,000. There is pressure now for increasing the number of midshipmen to the Naval Academy. If we increase it to four, it will add more than a half million of dollars, and if we increase it by two, it will add over a million dollars. I mention this so that you will have in your mind the whole picture as you think of the program that is before the country and is wrapped up in the broad phrase "the naval program."

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield to the gentleman one more minute. I desire to ask him a question.

The CHAIRMAN. The gentleman from Idaho is recognized for one minute more.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I will be glad to yield.

Mr. VINSON of Georgia. The question I would like to ask the gentleman is this, Is the gentleman trying to give this whole legislation the Job stab? The gentleman said he was in favor of the bill.

Mr. FRENCH. I am in favor of the bill.

Mr. VINSON of Georgia. In view of what you have stated I would like you to show on what ground you are in favor of it.

Mr. FRENCH. You have limited me to one minute, and you control the time. I would gladly answer if I had the time.

Mr. LAGUARDIA. I will ask the gentleman from Pennsylvania to give the gentleman from Idaho 10 minutes of the time allotted to the opposition.

Mr. FRENCH. You must not do that.

Mr. VINSON of Georgia. Is it not a fact that including the existing building program, which includes 18 cruisers, 2 submarines, and the 88 program down to the year 1932, which is already on the statute books, the total cost to complete that down to 1932 will be over $270,000,000?

Mr. FRENCH. The gentleman is probably correct in the figures, but I have not added them up.

Mr. VINSON of Georgia. The items on the statute books to-day, including the obligations referred to, foot up the amount I have just stated, and the fiscal obligation is set forth in this bill amounting to $272,000,000, which will be spread out over four years. This bill only deals with construction, and not maintenance. That is the reason why I stated what the construction program is.

Mr. LAGUARDIA. The gentleman from Pennsylvania [Mr. BUTLER] is going to allot five minutes more to the gentleman from Idaho from the time allotted in the check up for the opposition. Will the gentleman indicate if his cost of maintenance is based upon the passage of the bill now before the House? Can he give the figures showing how much it will cost if this bill were not approved?

Mr. FRENCH. I will say that the cost of maintenance is based upon the estimates of the Naval Establishment for 1929, and, as I suggested, this is taken as a minimum amount throughout the succeeding years.

Mr. LAGUARDIA. So that when these 15 ships get into commission we must bring in the cost of operating those ships?

Mr. FRENCH. Yes. The gentleman from Georgia [Mr. VINSON] wanted to know, I think, why I am in favor of the bill.

Mr. LAGUARDIA. No; I think that is all right.

Mr. BLACK of New York. The Naval Affairs Committee has suggested the supplementing of the present program with the old authorization. Does your committee propose to do anything on the additional destroyers and submarines up to this time? The gentleman has told us what is to be in the coming bill.

I would like to know, if the gentleman would care to tell the House, whether he is appropriating for the existing authorizations as to submarines and destroyer leaders.

Mr. FRENCH. Oh, no; not at all.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. FRENCH. Yes.

Mr. BLANTON. The facts which the gentleman has given the House and the country are the facts just as the gentleman finds them?

Mr. FRENCH. I hope they are. I have tried to present facts.

Mr. BLANTON. And his vote for the bill is an entirely different matter. It is a question of loyalty to the gentleman's chief?

Mr. FRENCH. No. The gentleman's suggestion brings me to the point which I wanted to take up when the gentleman from Georgia asked me whether, in view of the statements I have made, I would support the pending bill. In a word, although I had not planned to discuss that feature of the question, I will tell the gentleman in the first place that I think on the carrier question we can afford to build one carrier of the type proposed. We are way below the ratio in airplane carriers.

The *Langley* was an experimental ship; the *Lexington* and the *Saratoga* are so outrageously expensive and large that I doubt if we will ever consider such a type again. [Applause.] I think we ought to build the ship that is proposed to be authorized in the bill. Now, when it comes to the 15 cruisers my thought is this: We have to-day 10 cruisers that are first class; we have 8 that are building, and we have a larger number of cruisers that are obsolete. They ought to go out of service, and I want these 15 cruisers to replace the cruisers that are now in existence, and 6 of which are in service but which ought to be replaced by new ships. In short, then, in order to bring our Navy up to date, with ships that are new, that can render more efficient service than the old ones and that can better make a comparison with the cruisers of other nations, I am in favor of the pending bill.

Mr. BUTLER. Will the gentleman yield to me for a question?

Mr. FRENCH. Yes.

Mr. BUTLER. Is it not a fact that you and I have talked about this measure upon more than one occasion, and that we have consulted with each other not only upon the figures which my friend has presented here but also upon the desirability of increasing this carrier service?

Mr. FRENCH. What the gentleman says is absolutely correct, and he is the kindest gentleman in the world in consulting and trying to do teamwork on the program we are considering to-day.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LaGUARDIA. In the existing program, for which we are appropriating this year $72,240,000, to complete that program will involve the total cost of the additions of these figures, which amount to $201,561,450, if my additions are correct.

Mr. FRENCH. That is probably correct.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COOPER of Wisconsin. I am sorry not to have been here when the gentleman began his remarks. Has he supplied this information: Granting that this new program——

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BUTLER. Mr. Chairman, I yield the gentleman from Idaho two additional minutes.

Mr. COOPER of Wisconsin. The information I would like to obtain would be in response to this question: Granted that this new program is completed, what would be the annual maintenance increased cost on the Treasury?

Mr. FRENCH. That, I would say to my friend, would depend on several factors. Would you use these new ships as replacements? If so, I could fairly answer the question.

Mr. COOPER of Wisconsin. Well, approximate it either way.

Mr. FRENCH. Well, as I said, on each cruiser it would be approximately $1,247,500 for operation and maintenance, and on the airplane carrier probably $3,179,000. These are just estimates.

Mr. COOPER of Wisconsin. What is the total?

Mr. FRENCH. Well, on that program it would run close to $22,000,000.

Mr. COOPER of Wisconsin. Of increase?

Mr. FRENCH. Yes.

Mr. SPEAKS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. SPEAKS. The gentleman is so familiar with this whole question that he should for the benefit of the Members who do not follow it so closely offer a word of explanation and apology for the unwarranted proposal originally made involving an expenditure of some $750,000,000.

Mr. FRENCH. No. I am opposed to that program. I was opposed to it, and repeatedly said so in talking it over with the chairman of the Naval Affairs Committee, whose attitude was the same as mine.

Mr. SPEAKS. Does the gentleman know how did it originate and why it was abandoned?

Mr. FRENCH. I do not know; but I am not responsible. Mr. Chairman, I want to thank the members of the committee for their fine courtesy to me to-day. [Applause.]

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection.

There was no objection.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BULWINKLE]. [Applause.]

Mr. BULWINKLE. Mr. Speaker. I shall support H. R. 11526, authorizing the construction of 15 cruisers and 1 aircraft carrier, but I wish to say that I would not have supported the $750,000,000 building program recommended by the President and the Secretary of the Navy. The program they apparently favored was entirely too large for the present time, and I think the Committee on Naval Affairs should be congratulated for its action in reporting the present bill. Should the naval building program we have under consideration be authorized, I sincerely trust that there will be no destruction of the ships while they are in process of construction, or after they are constructed, as occurred after the Washington Limitation of Armaments Conference. At that time we scrapped 30 battleships and battle cruisers, with a total displacement of 755,380 tons.

Every normal-minded man who served in the military forces of the United States in the World War loathes and detests war, but being a normal-minded American citizen he realizes the necessity of being adequately prepared to defend and protect his country's long coast line and its vast commerce with the other nations of the world.

May I not remind some of my friends, especially those on the Democratic side, that President Wilson, in one of his public addresses declared—

> It is the arm of force which must lie back of every sovereignty in the world, and the Navy of the United States must now be as rapidly as possible brought to a state of efficiency and of numerical strength which will make it practically impregnable to the navies of the world.

And I believe that the adoption of the naval building program proposed in the bill we have before us will bring our naval strength, both in numbers and tonnage, nearer to the ratio adopted by the Washington conference. At the present time the numbers and tonnage of modern cruisers built, building, and appropriated for, in the case of these countries, stand as follows:

Country	Number	Tonnage
United States	18	146,000
British Empire	63	386,636
Japan	33	206,415

In numbers of these modern cruisers, ranked in order of importance, the ratio stands to-day as follows:

British Empire	5.0
Japan	2.6
United States	1.4

In the total of their tonnage, ranked in order of importance, the following is the ratio:

British Empire	5.0
Japan	2.7
United States	1.9

If the 15 cruisers of 10,000 tons each to be authorized in this bill were constructed, even assuming that the British and Japanese were to abandon all present projects of further building, the situation would stand as follows:

	Number	Ratio	Tonnage	Ratio
United States	33	2.6	296,000	3.8
British Empire	63	5.0	386,636	5.0
Japan	33	2.6	206,415	2.7

These tables apply to cruisers. The construction of one aircraft carrier, as provided in the bill, will give us 78,700 tons, as against Great Britain's 107,550 and Japan's 63,300. In addition to this, Great Britain has one carrier more on her announced construction program, to be laid down in 1929. The aircraft carrier tonnage allowed each nation under the terms of the agreement reached at the Washington conference was United States 135,000, Great Britain 135,000, and Japan 81,000. So it is easily seen that the pending bill is not a competitive program. It only brings us up, if it does even that, to our quota

allowance. It is what we sought at the Geneva conference last summer.

To those who are against this bill, to those who want peace and who make the assertion that an authorization of this character will increase the likelihood of war, I wish to say that lack of adequate power for national defense will produce war and cause unnecessary sacrifice of the lives of thousands of men and needless expenditure of enormous sums of money.

We had at one time the opportunity to join in the League of Nations, but we preferred isolation and reliance on our own resources and ability to prevent war. Then there was the Association of Nations, which came to naught. Then came the Washington Limitation of Arms Conference which, as is so well stated in the Naval Affairs Committee's report, resulted in our sacrificing 30 battleships and battle cruisers. Another limitation of arms conference was held in Geneva last summer, but our proposals were rejected by the other nations participating in the conference. And speaking of the League of Nations, while it is not germane to the bill under discussion, I would like to call your attention to the opinion of Emil Ludwig, the eminent German writer, of the League and Woodrow Wilson. In his book Genius and Character he said:

Without your three years of proclamations and your brave six months of struggle, a League of Nations would never have been established. And even though it is still frail and has not admitted the important enemies of the Allies, it will soon exert a decisive influence upon its members, and within 10 years will be strong enough to delay overhasty actions like those of August 1 until an angry world has grown calm and amenable to reason. You have set up a new code—you alone in this era. You have formulated a secular goal, an aim which is at once practical and ideal, a beacon toward which the best minds and the youth of this continent may turn. And in the future, when the United States of Europe becomes a reality, people will call Woodrow Wilson its founder. For you were the first to convert the dream of poets and philosophers into a political program and to defend it with physical force.

It is to be hoped that the time will come when nations will cease to war, when war will be abolished by agreement among nations, but until that time does come it behooves us as lawmakers to provide that security and that defense to which this country is justly entitled. We owe it to our people. We owe it to the men and women of future generations. We do not intend to and shall not make of America a militaristic nation, nor do we intend to enter into a competitive building program with any other nation, but we do intend to provide that defense so necessary for the safety and security of the American people. [Applause.]

Mr. BUTLER. Mr. Chairman, I would like to have the privilege of now yielding to my friend from Ohio one minute. This is all the time the gentleman has asked for.

Mr. BURTON. Mr. Chairman, I am gravely disturbed by this ambitious program [applause], especially in view of the possible increases which may come in the future. But I have not had the opportunity to give that critical examination of the plan which would justify me in speaking at any length upon it.

I desire, however, at this time, unanimous consent to have inserted with my remarks a statement prepared by the Foreign Policy Association of the relative strength of the United States Navy and other navies, which it is maintained is brought down to date, and more carefully prepared than any statement that has yet been presented to the House.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD and to include therein a statement made by the Foreign Policy Association, showing the relative strength of certain navies. Is there objection?

There was no objection.

The matter referred to follows:

RELATIVE STRENGTH OF THE UNITED STATES NAVY AND OTHER NAVIES

(Memorandum prepared by the Foreign Policy Association, 1226 National Press Building, Washington, D. C.)

The following tables have been prepared to bring out certain factors not contained in the condensed figures submitted in the report of the Committee on Naval Affairs (No. 834), but which are essential to an accurate comparison of the strength of the three principal navies.

As Admiral Hughes stated in testifying before the Naval Affairs Committee of the House, the age, size, speed, and armament of ships are equally as important as numbers and total tonnage. If a fair basis of comparison is to be arrived at, therefore, these factors must be given due consideration.

The tables appended to this memorandum are based exclusively on the data furnished by the Office of Naval Intelligence, United States Navy Department, and published as Document No. 183 of the House Naval Affairs Committee.

RELATIVE STRENGTH OF THE UNITED STATES NAVY AND OTHER NAVIES BASED ON DATA FURNISHED BY THE OFFICE OF NAVAL INTELLIGENCE, NAVY DEPARTMENT—INFORMATION AS OF OCTOBER 1, 1927

(House Naval Affairs Committee Document No. 183)

TABLE I.—*C. L. light cruisers, first line (3,000 to 10,000 tons, 27 knots plus)*[1]

Country	Built		Building		Authorized		Total	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons
United States	10	75,000	2	20,000	6	60,000	18	155,000
British Empire	39	190,000	14	138,000	3	26,000	56	354,810
Japan	21	116,000	6	60,000	2	20,000	29	196,295

[1] The figures in this table differ somewhat from those presented in the report of the Committee on Naval Affairs No. 834, presented Mar. 3, 1928, particularly as regards the number and tonnage of British and Japanese cruisers. The above report has apparently included in its table on page 3 several second-line cruisers for both the British Empire and Japan. These cruisers are comparable to the second-line cruisers of the United States, which are now obsolete, and should not be included in a comparison of first-line cruisers. They are not included in the Navy Department tables for October, 1927.

OTHER FACTORS AFFECTING COMPARATIVE STRENGTH OF NAVIES

The comparative strength of modern navies can not be based on numbers and total tonnage alone. Such factors as age, size, armaments, and speed are equally important, as indicated by the testimony of Admiral Hughes before the House Naval Affairs Committee, in arriving at a sound basis of comparison. The following tables and summaries provide additional data relating to these important factors.

TABLE II.—*Age of first-line cruisers*

Country	Number of ships	Year of completion	Present age
United States:			
Class—			*Years*
Omaha	6	1923	5
Do	3	1924	4
Do	1	1925	3
Pensacola	1	[1]1926	----------
Salt Lake City	1	[1]1927	----------
(Contracts for 6 more ships of the Pensacola class have been let and material assembled; keels have not been laid.)			
British Empire:			
Class—			
Comus	7	1915	13
Do	5	1916	12
Caradoc	6	1917	11
Coventry	7	1918	10
Hawkins	6	1919	9
Durban	1	1921	7
Despatch	3	1922	6
Frobisher	1	1924	4
Effingham	1	1925	3
Emerald	2	1926	2
(5 ships, Kent class, were laid down in 1924; 2 in 1925; 2 in 1926; and 5 in 1927.)			
Japan	2	1919	9
Do	1	1920	8
Do	4	1921	7
Do	3	1922	6
Do	3	1923	5
Do	1	1924	4
Do	3	1925	3
Do	2	1926	2
Do	2	1927	1
(2 ships were laid down in 1924; 2 in 1925; and 2 in 1927.)			

[1] Laid down.

TABLE III.—*Comparative age of first-line cruisers*

(The above figures may be grouped for convenience in the following form:)

Country	Building or contract let	Age (years)												
		1	2	3	4	5	6	7	8	9	10	11	12	13
United States	8	----	----	1	3	6	----	----	----	----	----	----	----	----
British Empire	14	----	2	1	1	----	3	1	----	6	7	6	5	7
Japan	6	2	2	3	1	3	3	4	1	2	----	----	----	----

Thus, by the year 1931, when the conference for the limitation of naval armament convenes the oldest first-line cruisers of the United States Navy will be the 10 ships of the *Omaha* class, which will be 8 years old; the British Empire will have seven cruisers of the *Comus* class approaching obsolescence (16 years old), five 15 years old, and six 14 years old. Japan will have two cruisers over 14 years old and five which are more than 10 years old.

TABLE IV.—*Size, speed, and armament of first-line cruisers*
(No country has yet completed any modern 10,000-ton cruisers)

Country	Number	Armament	Speed
10,000-ton cruisers building and authorized			
United States	8	10 8-inch guns	32.5 to 32.7 knots.
British Empire	[1]14	8 8-inch guns	31.5 to 33 knots.
Japan	8	do	33.5 knots.
9,750-ton cruisers, built			
British Empire	4	6 or 7 7.5-inch guns.	30.5 knots.
6,500 to 8,000 ton cruisers			
United States	10	12 6-inch guns	33.5 to 34.9 knots.
British Empire	5	No specifications	
Japan	4	6 8-inch guns	33 knots.
5,000 to 6,500 ton cruisers			
Japan	14	7 5.5-inch guns	33 knots.
4,000 to 5,000 ton cruisers			
British Empire	21	5 or 6 6-inch guns	29 to 30 knots.
3,500 to 4,000 ton cruisers			
British Empire	12	3 or 4 6-inch guns	29 knots.
Japan	2	4 5.5-inch guns	31 knots.

[1] Great Britain has announced that one 10,000-ton cruiser will not be laid down for the present.

The foregoing tables show that the strength of the United States Navy in modern cruisers of 6,500 tons to 10,000 tons, built since the war, is only slightly inferior to the strength of the British Navy in the same classes of ships, and is considerably stronger than the Japanese Navy. The figures may be compared as follows:

Modern cruisers, 6,500 to 10,000 tons, built, building, and authorized

Country	Number	Tons
United States	18	155,000
British Empire	23	218,100
Japan	12	108,000

TABLE V.—*Comparative strength in modern cruisers 6,500 tons to 10,000 tons in 1931 if the 15 United States cruisers requested in H. R. 11526 are authorized and appropriated for*

Country	Number	Tons
United States	33	305,000
British Empire	23	218,100
Japan	12	108,000

TABLE VI.—*Comparative strength in cruisers, first line, of all types, if the 15 United States cruisers requested in H. R. 11526 are authorized and appropriated for*

Country	Number	Tons
United States	33	305,000
British Empire	56	354,000
Japan	29	196,000

It will be remembered that 12 of the small British cruisers will be obsolete within three years after the conference to be held in 1931.

Mr. VINSON of Georgia. Mr. Chairman, I desire to yield five minutes to the lady from Massachusetts [Mrs. ROGERS]. [Applause.]

Mrs. ROGERS. Mr. Chairman, it is because I desire peace so much for our own country and for all the world that I want an adequate Navy as a part of our national defense in order to help make world peace.

I have stated before that I believe much of the hysteria against the naval preparedness program is due to a lack of understanding of what an adequate Navy really is. Perhaps the time will come when the world will be so well behaved that we shall need no policemen, but we shall have them to keep law and order until that time. If a policeman at the present time is too old or is disabled, he is replaced by an able-bodied man. This naval police program in large measure is one of replacements.

Have faith in the United States of America. I believe that our Americans will not want to fight other nations just because we have a few ships. I can not understand why some of the people in this country have so little trust in their own countrymen. We have never fought for any cause but a just one. We do not think in terms of war, but always in terms of peace.

As yet not much has been said about the policing of the Panama Canal and of the importance of an adequate naval force for the protection of the Panama Canal.

It is agreed by the best naval opinion in the country that if and when we ever become engaged in the emergency of war the great naval engagement of such a conflict will almost inevitably occur in the neighborhood of the Panama Canal.

The vital importance of protecting the Panama Canal at all times should be apparent to everyone. Aside from the strategical necessity during war of keeping the canal open in order to concentrate our fleet in the war area and to furnish necessary supplies to the fleet via the canal, the tremendous commerce that now passes through the canal to the benefit of the world is steadily increasing, and should not be stopped or hindered through any cause. During the year 1915, 1,075 ships passed through the canal, with a total cargo of 4,888,454 tons, while during the year 1927, 5,475 ships passed through the canal, with a total cargo of 27,748,215 tons, of which 15,242,156 tons of cargo were carried by 2,685 ships under the American flag. From 1914 to 1927 the net revenue surplus for all operations was $79,953,875.53.

The following examples show at a glance the distance saved by vessels using the Panama Canal and the consequent tremendous saving in time, fuel, and money:

	Nautical miles—	
	Via Panama Canal	Route
		Via Strait of Magellan
(a) New York to—		
Acapulco, Mexico	3,443	11,524
Callao, Peru	3,363	9,613
Honolulu	6,702	13,312
San Francisco	5,262	13,135
Sitka, Alaska	6,564	14,437
		Via Suez Canal
Yokohama	9,699	13,056
		Via Strait of Magellan
(b) Liverpool to—		
Acapulco, Mexico	6,017	11,891
Callao, Peru	5,937	9,989
Honolulu	9,276	13,679
San Francisco	7,836	13,502
Sitka, Alaska	9,138	14,804

Comparison of expenses, revenues, and surplus to date

CANAL TRANSIT OPERATIONS

	Tolls	Taxes, fees, postal receipts, etc.	Total transit revenues	Net canal transit expenses	Net revenues (surplus)
1914	$14,618.68		$14,618.68	$166,030.91	[1] $151,412.23
1915	4,343,383.69		4,343,383.69	4,123,128.09	220,255.60
1916	2,399,830.42	$158,711.96	2,558,542.38	6,999,750.15	[1] 4,441,207.77
1917	5,631,781.66	176,617.04	5,808,398.70	6,788,047.60	[1] 979,648.90
1918	6,264,765.71	147,077.57	6,411,843.28	5,920,342.94	491,500.34
1919	6,156,118.95	197,898.03	6,354,016.98	6,112,194.77	241,822.21
1920	8,493,082.56	442,789.01	8,935,871.57	6,548,272.43	2,387,599.14
1921	11,261,919.31	778,197.39	12,040,116.70	9,328,300.14	2,711,816.56
Total	44,565,500.98	1,901,291.00	46,466,791.98	45,986,067.03	480,724.95
To business surplus		480,724.95	480,724.95		480,724.95
	44,565,500.98	1,420,566.05	45,986,067.03	45,986,067.03	
1922	11,193,383.47	192,208.85	11,385,592.32	7,919,017.63	3,466,574.69
1923	17,507,630.52	184,213.54	17,691,844.06	7,690,777.56	10,001,066.50
1924	24,289,603.16	392,250.73	24,681,853.89	8,373,905.39	16,307,948.50
1925	21,374,664.12	207,954.04	21,582,618.16	8,116,693.44	13,465,924.72
1926	22,927,456.03	217,680.50	23,145,136.53	7,993,468.47	15,151,668.06
1927	24,217,185.32	391,623.50	24,608,808.82	8,997,715.02	15,611,093.80
Total	166,075,423.60	3,006,497.21	169,081,920.81	95,077,644.54	74,004,276.27

CANAL BUSINESS OPERATIONS

	Business revenues	Business expenses	Net revenues (surplus)
1914	$690,298.32	$695,720.71	[1] $5,422.39
1915	2,135,074.92	2,191,475.70	[1] 56,400.78
1916	6,488,521.61	6,476,623.17	11,898.44
1917	7,579,588.44	7,540,160.78	39,427.66
1918	10,324,071.91	10,317,912.35	6,159.56
1919	13,684,881.18	13,623,853.92	61,027.26
1920	14,705,371.82	14,465,685.69	239,686.13
1921	15,232,317.08	14,668,105.88	564,211.20
Total	70,840,125.28	69,979,538.20	860,587.08

[1] Indicates deficit.

Comparison of expenses, revenues, and surplus to date—Continued

CANAL BUSINESS OPERATIONS—continued

	Business revenues	Business expenses	Net revenues (surplus)
Expense carried in transit operation above		$379,862.13	[1] $379,862.13
Net revenues carried to surplus	$70,840,125.28	70,359,400.33	480,724.95
Interest on public works, Panama and Colon, etc., not included in net revenues in prior years	619,584.59		619,584.59
Adjustment status June 30, 1921	71,459,709.87	70,359,400.33	1,100,309.54
1922	7,747,227.57	7,423,968.41	323,259.16
1923	10,872,843.36	9,732,200.86	1,140,642.50
1924	12,968,777.29	12,067,153.17	901,624.12
1925	14,564,114.93	13,798,198.08	765,916.85
1926	15,874,478.01	15,033,167.72	841,310.29
1927	15,878,654.57	15,002,117.77	876,536.80
Total	149,365,805.60	143,416,206.34	5,949,599.26

COMBINED OPERATIONS

	Revenues	Expenses	Surplus
Canal transit operations	$169,081,920.81	$95,077,644.54	$74,004,276.27
Canal business operations	149,365,805.60	143,416,206.34	5,949,599.26
Total	318,447,726.41	238,493,850.88	79,953,875.53

[1] Indicates deficit.

The following extracts are from treaties entered into by the United States with Great Britain and Panama regarding the obligation of the United States to maintain the neutrality of the Panama Canal.

Hay-Pauncefote treaty between the United States and Great Britain proclaimed February 22, 1902:

The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality.

The canal shall never be blockaded; nor shall any right of war be exercised nor any act of hostility be committed within it.

The plant, establishments, buildings, and all work necessary to the construction, maintenance, and operation of the canal shall be deemed to be a part thereof, for the purpose of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by the belligerents, and from acts calculated to impair their usefulness as part of the canal.

Again, the Hay-Bunau Varilla convention proclaimed February 26, 1904, provides:

The United States guarantees and will maintain the independence of the Republic of Panama.

The canal when constructed, and the entrances thereto, shall be neutral in perpetuity.

The above-mentioned treaties impose on the United States the moral obligation to defend the canal from all attacks in order to keep it open for the commerce of the world. No nations other than the United States, Great Britain, and Panama are parties to these treaties, and having no obligation regarding the neutrality of the canal would naturally be governed as the exigencies of war dictated. It is therefore essential that the United States have a strong naval force to insure that the neutrality of the canal be preserved. This is a definite obligation which the United States can not shirk. There is no possible excuse for us to shirk it.

In order to fulfill our solemn treaty obligation to maintain the integrity of the Panama Canal, adequate naval strength is necessary, and this was one of the impelling motives for recommending the Navy building program.

(A) NAVAL FORCES NOW BASED ON THE CANAL DURING PEACE

The United States naval forces now based on the canal are submarine divisions 8 and 18, consisting of nine submarines with one tug, and the Special Service Squadron, consisting of five old cruisers.

Submarine divisions 8 and 18 form an integral part of the control force which operates normally in the Atlantic Ocean and in the Caribbean Sea. However, these submarines base on the Atlantic Ocean and in the Caribbean Sea. However, these submarines base on the Atlantic side of the canal for training purposes and join up with the control force during the concentration exercises which are held every other year, but are not to be considered as primarily for the defense of the canal.

The Special Service Squadron is based on the canal on account of its proximity to probable revolutionary centers, and the ability of those ships to reach disturbed areas quickly in either ocean by transmitting the canal.

(B) WAR BETWEEN TWO OR MORE FIRST-CLASS NAVAL POWERS, THE UNITED STATES BEING NEUTRAL

Assuming a probability that some nation contemplated a violation of the neutrality of the canal, the whole strength of the United States fleet could be quickly concentrated—so long as the canal is intact—and this concentrated fleet ready to operate in the zone of hostile operations would insure protection to the canal in direct proportion to the strength of this concentrated fleet.

A nation would find it profitable to violate the neutrality of the canal only when the advantages to be gained would outweigh the disadvantages of adding the strength of the United States to that of their enemy.

During the World War the Germans decided to wage unrestricted submarine warfare, only after they had carefully considered and discounted the effort that the United States would put forth. The fact that their estimate was in error caused them to lose the war.

The strength of the fleet considered now by the Navy Department as necessary to preserve our own neutrality and maintain the neutrality of our possessions is that proposed in the building program recently submitted.

It is considered that the local defense of the canal would in time of war be able to repel a small enemy naval force but not an army of invasion after it had landed in the vicinity of the canal. However, in any war in the Pacific with a first-class naval power the defense of the canal would best be assured by concentrating our naval forces in a strategic area at a distance from the canal in order to defeat his naval forces and drive back or sink his army transports long before they could reach our shores or the canal. The same strategy would undoubtedly be followed in any war in the Atlantic.

The President made the following statement in a speech delivered before the United Press at the Biltmore Hotel on April 25, 1927:

Toward the governments of countries which we have recognized this side of the Panama Canal we feel a moral responsibility that does not attach to other nations. We wish them to feel that our recognition is of real value to them and that they can count on such support as we can lawfully give when they are beset with difficulties. We have undertaken to discourage revolutions within the peaceful method of elections. This policy is bound to meet with some discouragements, but it is our hope and belief that ultimately it will prevail. This territory is rich in natural resources, and under orderly governments is capable of a development that will give to its inhabitants all the advantages of modern civilization. It is a curious circumstance that some of those who have been willing to have us take mandates over far-off countries in Asia, where we have no interest that does not attach to all humanity, are most critical when we are attempting to encourage the maintenance of order, the continuity of duly established government, and the protection of lives and property of our own citizens under a general reign of law in these countries that are near at hand and where we have large and peculiar interests.

The President in his annual message to the Seventieth Congress stated:

We have a foreign commerce and ocean lines of trade unsurpassed by any other country. We have outlying territory in the two great oceans and long stretches of seacoast studded with the richest cities in the world. We are responsible for the protection of a large population and the greatest treasure ever bestowed upon any people. We are charged with an international duty of defending the Panama Canal. To meet these responsibilities we need a very substantial sea armament.

Also, in his annual message to the Sixty-ninth Congress, he stated:

No self-respecting nation would neglect to provide an army and navy proportionate to its population, the extent of its territory, and the dignity of the place which it occupies in the world.

While we are doing our best to eliminate all resort to war for the purpose of settling disputes, we can not but remember that the peace we now enjoy had to be won by the sword and that if the rights of our country are to be defended we can not rely for that purpose upon anyone but ourselves.

The Navy Department has done its duty in recommending the naval building program, and to Congress is left the duty imposed upon that body by the Constitution of the United States and by the people of the United States. America must keep the faith and guard the Panama Canal with an adequate Navy. History will show if Congress has been found wanting. [Applause.]

Mr. MOREHEAD. Mr. Chairman and gentlemen, I want to go on record as opposed to large armies and large navies. I am

positive in my own mind they are the forerunners of complications and wars.

I think we are dealing at this time with one of the most important divisions of our Government. The proponents of this bill under consideration have not given up their program as originally planned to spend billions for an immense Navy, but the protests of the great plain people to such a program have changed the plans of the large Navy proponents to adopt more diplomatic methods. Hence the present bill to spend $274,000,000 means only a beginning, to be added to at each session of Congress, as they believe the people will submit without protest.

When the present bill was under consideration on the floor of the House in the Committee of the Whole, the session had the appearance of a convention of the Army, Navy, and shipyard agents. Their principal argument in favor of the bill was that those who opposed it were pacifists. During the Spanish-American War and the World War those who were most accustomed to using the word "pacifists" when trouble started retired with all their blooded relations to a safe distance to keep themselves from becoming involved in any war measures, to reappear again when the fighting was over with the slogan "they had destroyed the enemy." Those same Americans were very vindictive against the administration for consenting to an armistice and the ending of the war, as they claimed, before the enemy was entirely annihilated. We who had our sons in the Army and who had contributed of our time and means were still branded "pacifists" when we sang and praised God that the war was over.

I have been a great admirer of the gentleman from Ohio, Senator BURTON, and I wished this morning that I had the power to yield to him my time. He has contributed a great deal in trying to find some way to adjust differences between nations without resorting to brute force. Mr. FRENCH, of Idaho, is also greatly admired by me, and I have followed him closely in the naval appropriation bills. I was pleased this morning with his arguments, but not altogether pleased with his findings.

Germany believed in preparedness and had the greatest army in the world. An ex-President, reviewing that army, said to the Kaiser, "With that army you could conquer the world." Germany tried it, but only met with defeat, because her preparedness was centered in her army.

I am for preparedness, but not along the lines of the proponents of the present Navy bill. My thought is to use the $274,000,000 and, as fast as the revenue of the Government will justify, pay off the indebtedness, reduce the burdens of taxation, and adopt every method to have a prosperous, happy people instead of having our pledges discredited the world over. Make good the promises we have made and give the Filipinos their independence and let them work out their own salvation.

As has been stated, the present administration has been on all sides of the question at issue, and I can give no other reason, if it has been correctly stated, that the administration has folded its tent and silently stolen away, unless the money to be expended for this shipbuilding régime directly affects the immediate locality where their interests lie. The revenue bill passed during the session is held up on account, as stated by the powers to be, and the reason given that a reduction of $66,000,000 of taxes on small business scattered all over the United States and who are financially embarrassed was too great a burden on the Treasury of the United States. To me such officials are not acting in good faith when they let the present Navy bill be passed without protest and turn down a small tax reduction on the small business.

Both sides of my family were pioneers to America, and some member of the family has participated in all the wars, including the War for Independence, and if I had the time and inclination to give the war record I probably would be arrested for carrying concealed weapons. [Laughter.]

America furnished for the World War as capable, courageous a lot of soldiers as ever faced an enemy, but it was not the soldiers alone that won the war, but America's credit, backed by the Treasury, that made it possible for the Allies to win. When America entered the war the credit of the leading nations then at war was exhausted and it was American soldiers and American credit that saved them. With all the cruisers we can build and with the prospect and outlook for the future in aircraft it will mean very little if the $274,000,000 provided for in this bill is used in the extravagant expenditure for war vessels.

It will only be a few years until the boys who fought in Flanders Field will be controlling the destiny of this country, and I hope they will realize that the 150 years of peace that America, with few exceptions, has enjoyed was not perpetuated by large armies and navies but by attending to our own affairs and treating other nations as we would have them treat us. [Applause.]

Mr. BUTLER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Chairman, as a Member of Congress coming from a great seaport town, a great industrial community, and from a district adjoining that of the chairman of the great Committee on Naval Affairs, I want to say a word of appreciation of the work of that committee on this bill. I wonder if the country at large realizes what constructive work that committee has done, and what a responsibility was imposed upon that committee in the preparation of this bill. This is the first time since the ending of the great World War that this, the richest and most powerful country in the world, has had an opportunity to face squarely the responsibility confronting it in the future and deciding on a policy as to how we are going to exercise the great power and the great wealth at our command.

We are to-day, for the first time since 1918, taking stock of the present and considering the future—deciding what shall be the policy of this great Republic in the future affairs of the world. This committee had the responsibility, first of all, of guarding and protecting American interests at home and abroad. They had then the even greater responsibility of protecting and cherishing the American ideals that have meant so much to the world in the past and which will mean so much to Christianity and humanity in the future.

As a Member of this Congress I am glad to know that the Naval Affairs Committee listened to all groups interested in this controversy. Also, I am glad to know that so patient and so fair were they that they have brought out a bill which, if submitted to the rank and file of our citizenship, I believe would meet with the honest indorsement of 8 men and women out of every 10 in the country. The only people who would be against this bill after learning all the facts would be the extremists on both sides, and this country can not be run successfully by extremists of any kind. [Applause.]

I consider that the Naval Affairs Committee have marked an epoch in the fixing of our national policy, and that they have done so after a sincere and honest effort to be guided by divine wisdom. I also want to pay a personal tribute to the chairman of that committee.

Mr. BUTLER. No; do not do it.

Mr. WELSH of Pennsylvania. Yes; I must do that, because I consider it my duty to do so. We have a committee here that is not a one-man committee. I know to my personal knowledge that the chairman of that committee has gone around to the various representative groups in the House by the score and has asked their opinion on this measure. When this measure was originally brought before the House, calling for an expenditure of nearly a billion dollars and 72 vessels of war, it shocked the entire civilized world. The country was brought face to face with a grave responsibility. We were asked to say to the world, in effect, that the great wealth and power of this country would be used for aggrandizement and commercial supremacy.

But, what has this committee done? It has protected every ideal of America, and we are now saying to the world, "While America will protect itself and all those things it holds dear, yet it seeks peace and not conquest or commercial supremacy at the cannon's mouth." We are saying to the world that while it is our duty to protect those things which we are called upon by God to cherish and to further—ideals of liberty, freedom, and equality—yet beyond this we will not go, and Christianity, not force, is the guiding star of the real soul of the American people.

I want to pay my respects to the chairman of this committee, as an individual. I think this is the greatest work that he has done up to this time. I speak as a man who loves peace rather than war. My people stand for peace and not war. We want peace, but we want it with sufficient protection to guard and shield those ideals for which that flag stands and for which the country stands.

If we were actuated by any motive of conquest or militarism a great naval expansion policy would have been agreed upon, which would have embarked this country upon a course which would have served notice on the nations of the world that power, not justice, wealth, nor principle, was to guide our actions in the future.

I want to thank every member of the committee for what they have done and to say that in my opinion this bill meets the approval of the fair-thinking people of our country, and I hope it will be adopted. [Applause.]

Mr. McCLINTIC. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, with its corners lopped off, this bill after all is the Navy Department's bill. It carries a new shipbuilding program of $274,000,000. That is additional to the $164,000,000 already authorized by Congress. Our distinguished friend from Pennsylvania [Mr. BUTLER], whom we all love, consistent with the demands of his administration, to which he is loyal, has done the best he could, surrounded as he was by his committee of "big-navy" members. But if he could give the whole people of the United States a fair chance at this bill, and let them vote their sentiments, they would strike out its enacting clause and put an end to it.

I challenge the statement that was made here yesterday by our leader from Connecticut [Mr. TILSON] when, in defending Secretary Wilbur's presence on the House floor, he said that Secretary Daniels had appeared on this floor when Navy bills were up for passage.

Mr. TILSON. The gentleman is not quoting me. I said nothing about Secretary Daniels except upon information.

Mr. BLANTON. It was intimated here by our friends.

Mr. TILSON. The gentleman is mistaken. I did not say anything about him except as to what I was informed.

Mr. BLANTON. Our friend from Pennsylvania simply was mistaken. If Secretary Daniels appeared on this floor when Navy bills were under consideration, he did it before the war Congress, because I have been here constantly ever since March 6, 1917, when war was declared, and never at any time since I have been here did he ever appear on this floor when a Navy bill was under consideration. Oh, he has been here at the Capitol from time to time, as every other Cabinet officer has, but he has had the decency to stay off this floor when we have had his bills up for argument and discussion.

I am surprised at my distinguished friend from Illinois, Mr. BRITTEN, who usually is a fair, square shooter. I am surprised, because he does not usually hit below the belt. Every stroke that he strikes is usually a fair one, but I was ashamed of him yesterday when during the honest, conscientious argument against this bill of our friend from New York [Mr. LAGUARDIA] he said that what he was afraid of and what the country was afraid of was what Mr. LAGUARDIA represented—communism and radicalism.

I have served with the gentleman from New York since the war started. I have never seen anything about him that was communistic or radical in the sense of disloyalty to our flag and Nation. No man has been more loyal. No man has been more patriotic. I do not agree with the gentleman from New York [Mr. LAGUARDIA] on many subjects, and I hate communism as much as anyone does, but no one may accuse the gentleman from New York of being a communist.

I saw him here vote for the draft act. I saw him stand here on this floor and without hesitation vote for the war-risk insurance act. I saw him vote for every necessary bill that placed in the hands of the President all of the resources of this Nation to win the war. And I saw him leave his seat in this House and don the uniform of his country in August, 1917 [applause], and while he was on the Italian front he faced death there from day to day, from week to week, and from month to month. I was ashamed when our friend from Illinois cast an aspersion upon him simply because conscientiously he saw fit to oppose this big naval program.

That is what comes from having Secretaries sit in our midst. That follows as a natural result.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry I can not. I have but a few minutes. That follows from having a Secretary of the Navy sit within a few feet of the Speaker's stand.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McCLINTIC. Mr. Chairman, I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Texas is recognized for five additional minutes.

Mr. BLANTON. With a Secretary of the Navy seated here on a front seat, in front of the Speaker's stand, for two hours, and with an Assistant Secretary of the Navy seated in the gallery, and with admirals of high office seated there, watching the proceedings, would not you expect our friend from Illinois to cast some thrusts at men who opposed his bill?

I want to say this to those of you who approve Secretary Wilbur's presence on this floor: What are you going to do with the Caraway bill, which has been passed by the Senate and is now before this House of Representatives for consideration? That bill makes lobbyists register; it compels them to tell who they are, to tell what their connections and interests are, and what remuneration they receive for coming here and trying to induce Members of Congress, the representatives of the people, to pass pernicious legislation. That bill makes it an offense for a lobbyist who does not register to say one word to you about pending legislation. Personal presence sometimes is more influential than words. What are you going to do with a bill like that, you who are in favor of a Secretary sitting here and by his presence helping to force down our throats legislation which the people of the United States do not want? Oh, you will have to throw that Caraway bill in the wastebasket. I challenge any Member of this Congress to show where that has ever occurred in the history of this Nation before.

I am glad that the distinguished gentleman from Alabama [Mr. HUDDLESTON] had the good judgment to get up here and lodge his protest against that. He is a most valuable Member of this House. He stands for the people of this country. He knows that that practice is against good legislation in the interest of the people. I am glad, I say, that he had the good judgment to protest, and his protest had effect. There was a Cabinet meeting this morning, and your Mr. Secretary Wilbur was at that Cabinet meeting; and when those Cabinet officers got through and adjourned he decided not to come back here to-day, and he is not here now. If it was decent for him to be here yesterday, why is it not just as decent for him to be here to-day?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Well, I am bound to yield to the gentleman. I have to yield.

Mr. SCHAFER. The gentleman from Texas can not be here every day. The Secretary of the Navy may be like the gentleman from Texas. He may be making some investigations. [Laughter.]

Mr. BLANTON. Oh, I do not yield for that. I want to say that until the last few days—my colleagues will bear me out in that statement—until the last few days, when I had important business elsewhere conducting important official investigations, I have been on this floor constantly for the past 11 years. I have been seated there in that seat constantly, day in and day out, and I will leave it to my good friend from Pennsylvania [Mr. BUTLER] to say if there is a man who has sat here more constantly. Is there?

Mr. BUTLER. No; and there have been times when I wished you were not here. [Laughter.]

Mr. BLANTON. I know that, because I have felt constrained to oppose many of my friend's pet naval bills.

If the distinguished gentleman from Alabama [Mr. HUDDLESTON] does not do anything else for the country beyond what he did yesterday to prevent a Cabinet officer coming here and thrusting his $274,000,000 legislation down our throats, his service will be sufficiently valuable to justify the people of Alabama keeping him here until he has grandchildren, and they have grandchildren. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. WOLVERTON]. He helped to write this bill, and he did a good many hours' work on it.

The CHAIRMAN. The gentleman from New Jersey is recognized for 10 minutes.

Mr. WOLVERTON. Mr. Chairman and members of the committee, on this my first occasion to address this body since becoming a member thereof, I assure you it is with a feeling of real satisfaction that I rise to speak in support of a bill that does not contain any issue of a political character or any element of partisanship.

In the consideration of such a measure as this, the only purpose of which is to make proper provision for our national security and defense, there is no division among us along party lines. National defense and security do not admit of the usual party division based upon political considerations. In matters of this kind, party affiliations cease to exist as we each become members of one party—the American party—with no other object than to make certain and secure our national peace and tranquillity; and it is indeed gratifying to realize that this center aisle, which on so many occasions is a line of division between us, separating us in thought and action, becomes invisible.

What higher testimonial or what more convincing proof could there be of the common endeavor of the Members of this House to provide adequately for our common defense, or what could more clearly indicate the patriotic spirit of this House than the fact that every member of the Naval Affairs Committee—Republicans and Democrats alike, except one—has signed the committee report recommending favorable action by this House? And he who has not done so does not differ with his colleagues

in the desire to provide adequate security, but merely entertains a different opinion as to the kind and character of craft that should be built.

OUR NAVY AN INFLUENCE FOR PEACE

America is a peace-loving Nation and the Navy is its most potent and influential factor in promoting and maintaining peace and insuring its blessings to ourselves and those of the weaker nations of the earth who look to us for protection and security.

The primary purpose of the Navy is to maintain peace. It never declares war. That can be done only by the representatives of the people in Congress assembled; and, when war has been declared, the power of the Navy is used to reestablish peace at the earliest possible moment. Thus the Navy may properly be acknowledged as our country's greatest agent of peace.

Never in all the history of our Nation can it be said that the Navy has provoked war; but, on the contrary, time and again, its strength and influence have prevented war; and so long as the desire for peace is the aspiration of our people, that long will the Navy be an instrument of peace and not of war; and to give it additional strength will make more certain and secure our own peace and the peace of the world.

OUR NATIONAL AIM IS TO PROMOTE PEACE NOT WAR

It is difficult indeed to understand or explain upon any patriotic basis the attitude and activity of those individuals and agencies in our midst that are constantly endeavoring to create a spirit of distrust and suspicion toward the aims and purposes for which our country seeks to maintain its naval strength. These same individuals, however, have no difficulty whatsoever in understanding and even justifying the viewpoint of foreign nations and their right to build and maintain large and expensive navies; but when their own country seeks to provide the same means of protection and defense as already adopted by foreign nations, then it is interpreted by them as an unmistakable evidence of a spirit and desire upon the part of our Nation to provoke war. For instance the executive secretary of the National Council for Prevention of War, on January 25, 1928, sent broadcast throughout the Nation a letter seeking to create opposition to the naval program, and in which he used these words:

The issue is peace or war. This Navy program is a war program.

What could be further from the true purpose and desire of America? Individuals such as these either purposely refuse, because of ulterior motives, to understand the real spirit of America, or are unconsciously and inexcusably ignorant of the same. The most casual reading of our national history can not help but reveal to an honest and intelligent mind that this Nation has always been an advocate of peace and good will among the nations, and has constantly sought to avoid war and its distressing consequences. By precept and example abundant evidence of this fact has been given and so plain is our national desire in this respect that none should doubt.

If specific proof should be desired of our national desire to avoid war and remain at peace, what could be more convincing than our continued refusal for nearly three years to enter the great world conflict? We endured insult after insult. We saw American citizens, including innocent women and children, lose their lives by practices that would be hard to believe possible to exist or be permitted in this advanced age of civilization. We had rights challenged and denied, which had previously existed and been acknowledged by all nations. We had been treated as if we were a warring rather than a neutral Nation. To all of this we remained apparently insensible, refusing to become a party notwithstanding the severe criticism and firm conviction of many that we were thereby sacrificing our national honor. And, when at last circumstances beyond our control required our entrance into the war, we did so not merely to punish for wrongs done to us, justifiable though it would have been, but based our entrance upon the highest plane or ideal that ever in all the history of the world characterized the entrance of any nation into war, namely, "the peace of the world and the liberation of its people."

Notwithstanding the peaceful aims and ambitions of our Nation throughout the entire period of its existence, there are those in our midst many of whom are misguided by untrue and unpatriotic propaganda to which they have given full faith and credit who fear that should this naval bill be passed then it would be interpreted throughout the world as an intention upon the part of the United States to enter upon an aggressive policy, and that there could be no other result except to provoke a spirit of war. To sustain this view, they point to the World War as an example of the absolute certainty of war being a direct result of a Nation entering upon a naval building program and creating a military war machine as did Germany prior to the war. They lose sight, however, of the spirit and the purpose that prompted the building.

We are told that for years the German militarists had drunk to the toast "Der Tag." Every act of preparation had the ultimate end in mind—Der Tag. Is it possible that anyone within the boundaries of this country, and especially those who claim citizenship herein, could be so unappreciative of the true spirit of America as to believe that any such warlike spirit dominates their fellow countrymen when their representatives in Congress merely seek to provide for our national security?

Nowhere in all the world is there a more pronounced and outstanding desire for universal peace than in America. Nowhere has there been a more ready and willing response to every effort that has been made to substitute peaceful means for the settlement of international differences rather than resort to military force. As a people we are justifiably proud of the fact that our Nation, above all others, has led in every movement to establish principles upon which international peace might be promoted. The peace of the world, made permanent and secure, is the sincerest desire of our people—an aspiration of the very heart and soul of America. It was for this that America shed her blood in 1917–18. What finer or more sacred contribution to the cause of peace could there be?

OUR EFFORTS TO ADVANCE PEACE SINCE THE WORLD WAR—VERSAILLES-WASHINGTON CONFERENCE—GENEVA

Never in the history of the world has there been a finer example of true, genuine idealism upon the part of any nation than that shown by the United States as it sat at the peace table of Versailles. Notwithstanding the fact that our resources of men and wealth had been the determining factor that finally brought success to the Allies, yet we neither asked nor received anything in return for our sacrifices of treasure and blood. As other nations strained and contested, openly and in secret, one with the other to gain advantage of territory or other worthwhile considerations, America stood aloof from the struggle and refused all material gain; but, with a quiet dignity and majestic spirit, sought only to advance the principles of liberty, true democracy, and justice as would most surely tend to the future peace of the world that those who died should not have died in vain.

WASHINGTON LIMITATION OF ARMAMENT CONFERENCE, 1921–22

In 1921 the strength of the United States naval forces—built, building, and authorized—had gained for our Nation the foremost position among the navies of the world. The great wealth of our Nation and its enormous resources were abundantly sufficient to enable us to easily maintain our position of superiority. Notwithstanding this, President Harding, through his Secretary of State, invited the Governments of Great Britain, France, Italy, and Japan to participate in a conference upon the limitation of armaments to be held in Washington on November 11, 1921. The invitation was accepted, and the conference was accordingly convened with general expressions of good will and friendship and apparent willingness upon the part of each nation to enter into the spirit of the occasion.

The deliberations of the conference, however, when stripped of all diplomatic verbiage, reveal the fact that the United States was the only nation that was willing to make any real sacrifice of existing naval strength. Our Nation, as an evidence of its sincere desire to promote world peace by the limitation of world armament, and in an effort to lead the way, agreed to a basis of maximum tonnage that necessitated the destruction upon our part of 30 battleships, having an approximate tonnage of 800,000 tons and an aggregate value of more than $400,000,000. This act upon our part gave unmistakably evidence of the entire absence of any spirit of aggression or desire upon our part to be a dominating factor in world affairs or with ulterior motives to serve. No other nation taking a part in the Washington conference was called upon to make any such substantial sacrifice as that voluntarily offered by our Nation in its effort to promote peace. This contribution upon the part of the United States was made with the understanding that a ratio of naval strength should exist between the United States, Great Britain, and Japan on the basis of 5–5–3. This term arose by reason of each of these nations agreeing to limit the maximum tonnage of capital ships to approximately 500,000 tons each for the United States and Great Britain and 300,000 tons for Japan.

Notwithstanding, however, the apparent willingness of each of the nations signatory to the Washington conference to accept the basis of 5–5–3 as a proper ratio of naval strength, yet, unfortunately, it was not made a part of the agreement with respect to auxiliary craft, and consequently there was no definite agreement limiting any nation from building as many cruisers and other auxiliaries as it might choose. Yet when

Mr. Hughes presented the treaty to the last session of the conference, he said, in expressing the purpose and intent of those who were parties thereto: "This treaty ends, absolutely ends, the race in competitive naval armaments."

Since the Washington conference the United States has faithfully maintained the spirit of that conference, both with respect to battleships and every other type of war vessel. But, unfortunately, the other nations have not shown the same spirit to respect the purpose and intent of the treaty. In the six years that have intervened since the signing of the treaty Great Britain, Japan, France, and Italy have built war craft at a rate and to an extent that has been astounding to those who had supposed they were in full accord with the spirit of the Washington treaty. Since the signing of the Washington treaty in 1922, vessels laid down, appropriated for, built, and building, as of March 31, 1927, as compared with the United States, are as follows:

Country	Number of vessels	Displacement tons
United States	19	150,909
British Empire	37	285,795
Italy	46	102,207
France	96	221,828
Japan	116	339,201
Total	299	1,099,940

Shipbuilding of the maritime nations from 1922 to 1927:

Country	Number of ships	Gross tons
United States	18	195,191
Japan	75	333,327
Italy	87	711,499
France	104	630,613
Germany	192	1,118,635
Great Britain	882	4,905,853
Total	1,298	7,895,118

So that within six years after the signing of the Washington treaty the Japanese had a greater tonnage of modern cruisers built and building than had the United States, and the British had about three times as great. The extensive building program of each of the nations, as shown, would indicate that each of the nations parties to the Washington treaty, with the exception of the United States, has put into cruiser and other auxiliary construction the moneys Mr. Hughes's naval treaty had saved them from having to spend in building capital ships.

GENEVA CONFERENCE FOR FURTHER LIMITATION OF NAVAL ARMAMENT

In the early part of 1927 President Coolidge communicated with the Governments of Great Britain, Japan, France, and Italy regarding the further limitation of naval armaments. The President, in his message to Congress on February 10, 1927, with relation to his desire to promote such conference, said in part:

It has been the hope of the American Government, constantly expressed by the Congress since the Washington conference, that a favorable opportunity might present itself to complete the work begun here by the conclusion of further agreements covering cruisers, destroyers, and submarines. * * *

The American Government earnestly hopes that the institution of such negotiations at Geneva may be agreeable to the Governments of the British Empire, France, Italy, and Japan, and that comprehensive limitation of all types of naval armament may be brought into effect among the principal naval powers without delay.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BUTLER. Mr. Chairman, I am weak when it comes to the gentleman from New Jersey, who has worked so hard on this bill. I am going to take the chance of offending some one else by giving him five additional minutes.

Mr. WOLVERTON. The invitation extended by President Coolidge for further conference on limitation of armaments was entered into by Great Britain and Japan but was rejected by France and Italy. It convened at Geneva in June of 1927, and finally adjourned without agreement the following August of that year. The purpose and intent of the United States in seeking by further conference an extension of the Washington treaty to include cruisers and other auxiliary craft and the mutual responsibility of each of the nations participating in the conference were very plainly set forth in the opening statement made by the Hon. Hugh Gibson, chairman of the United States delegation. He said:

Representing as we do the powers which now lead in naval armaments, it is appropriate that we should assume the responsibility for initiating further naval limitations. If we were not prepared to limit, we could not expect others to do so. * * *

Further, we can start with assured agreement on the following points:

1. That in the interest of international understanding there should be no competition between the three powers in the building of naval armaments.

2. That our respective navies should be maintained at the lowest level compatible with national security and should never be of a size or character to warrant the suspicion of aggressive intent.

3. That a wise economy in government dictates that future naval construction should be kept to a minimum.

4. That the methods and principles of limitation set forth in the Washington treaty are both practical and effective and should be extended to all categories of combatant vessels of the three powers.

Mr. Gibson, in the same statement, very clearly and definitely set forth the policy of the United States with respect to naval armament in these words:

Our policy with respect to naval armaments is guided solely by the desire for adequate defense. We have no intention of maintaining a naval force which could be regarded as a threat to any power. Neither have we any desire to initiate a competitive building program in any class of vessel which might influence others to lay down more vessels than they would otherwise consider necessary.

Pursuant to this policy, the United States is prepared to accept a general program providing for as low a total tonnage in each class of auxiliary vessels on the basis of the Washington treaty ratio as will be acceptable to the other powers here represented.

In an effort to definitely fix a maximum limitation in the cruiser and auxiliary class, in accordance with the principle adopted at the Washington conference in 1921, the United States proposed as a basis of discussion the following tonnage allocations:

Cruiser class:	Total tonnage limits
For the United States	250,000–300,000
For the British Empire	250,000–300,000
For Japan	150,000–180,000

At the present time the numbers and tonnage of modern cruisers built, building, and appropriated for in the case of these countries stand as follows:

	Number	Tonnage
United States	18	146,000
British Empire	63	386,636
Japan	33	206,415

There was, however, an absolute refusal upon the part of the British delegates to limit the cruiser class to a maximum of 300,000 tons, as requested by the United States, and the insistence upon their right to have a maximum of 600,000. Consequently, through no fault of our own Nation, the conference failed to carry out the object for which it had been convened; and this failure was the direct result of the refusal of Great Britain to accept the principle of parity which had been adopted at the Washington conference in 1921.

It is regrettable indeed that notwithstanding the sincere effort that has been made by the United States since 1922 to bring about a general limitation of naval armament among the leading nations of the world, such has not been possible of consummation owing to the opposition and unwillingness of other nations that must and should be a party to such agreements. It is impossible for the United States, however, acting alone and unsupported, to bring about either world disarmament or limitation of armament. Such object can never be attained until each of the nations of the world shall feel an equal responsibility and a corresponding willingness to act in conjunction one with the other.

CONCLUSION

Realizing full well the supreme desire of our citizenship to promote peace and harmony among the nations of the world, I can nevertheless without hesitancy, whole-heartedly and unreservedly, support this legislation now under consideration; for I am conscious to the fact that in no way does it violate, either directly or indirectly, the peaceful traditions of our Nation. As the American Navy in the past has never been other than an instrument in the hands of our people to foster and maintain peace, so with confidence I have faith in its future usefulness because I continue to have faith in the peaceful purposes of America. [Prolonged applause.]

Mr. BUTLER. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, the Member from Massachusetts who took her seat a few minutes ago referred in rather caustic vein to the hysteria of the propaganda against this bill. I do not think she is justified in so referring to and so describing the work that some of us in this House and throughout the Nation are trying to do in opposition to the enactment of this bill into law.

If this work can be designated as hysteria, then there are no words and there are no terms in the English language with which I have any acquaintance that can adequately describe, I will not say the hysteria, I would rather be inclined to say the madness and the insanity that has characterized the propaganda in favor of this large Navy bill.

I have not a set speech and I did not rise because I think I can be instrumental in changing many votes in this House. I have no such illusion. I did not rise because I think I can add a great deal of information to the discussion, for I am not an expert along Navy lines. I rise mainly to put into the RECORD my opposition to this program, and I do so for fear I might have the same experience I did in the debate on the radio bill, when I asked for time during general debate and tried repeatedly to obtain recognition from the Chair under the five-minute rule and was successful in neither because of the large number of Members demanding recognition. In that case it did not matter much, because we were given an opportunity to register our votes on a record vote, but here I am very fearful that the votes in opposition to this bill will be so few we shall not even be able to have a record vote. For that reason I want to record myself in opposition to this naval program.

I am very sorry that this debate in many instances has been so acrimonious and intemperate. I know that there is sometimes occasion for being excited, and sometimes I become excited during debate. I do not so much object to the terms used in describing those opposed to the bill, but I do protest against the implications that have characterized the remarks of certain Members that we who can not go along on a large Navy program are less patriotic than those who favor it.

The gentleman from Texas has come to the defense of my good friend from New York [Mr. LAGUARDIA]. I shall not repeat what he said, but I want to emphasize this fact: From my intimate acquaintance with the gentleman from New York for five years, I can truthfully say that he is as little infected with the virus of communism and bolshevism as is the gentleman from Illinois [Mr. BRITTEN], and I esteem them both. I say, the more names you call Mr. LAGUARDIA the more I love and admire him. [Applause.]

I know that we are called pacifists, but that does not worry me at all. I also know from history that the very term "Christian" was a term of opprobrium and shame for 300 years. And 50 years from now it may be that the term "pacifism" and all that it implies to-day may mean something widely different from what it does now.

I am not defending anything in Russia. The gentleman from Illinois knows, if he knows anything about me, that because of my adherence to the tenets of the Christian religion I can not possibly be in favor of the things that are being done over there.

I am opposed to war if in any human way it can be averted, and therefore I am opposed to the enactment of a bill which I think is provocative of war.

The gentleman from Indiana [Mr. UPDIKE] said that we were being misled by the trash and propaganda that is being broadcast over the country.

Mr. UPDIKE. Will the gentleman yield?

Mr. KVALE. Yes; I yield.

Mr. UPDIKE. Is it not true that they have been sending out literature, and are now doing so at this time?

Mr. KVALE. That may be; but I throw that stuff in the wastebasket.

Mr. UPDIKE. Does not the gentleman think that the people are being misled by it?

Mr. KVALE. Does the gentleman think that because some one is sending out that literature that anybody is being misled by such trash?

Mr. UPDIKE. I did not say that the gentleman was being misled, but the people generally.

Mr. KVALE. The gentleman used the argument against us and the implication was that we were being misled. If I am misled, it is not by this propaganda. I am a little older than the gentleman from Indiana, and those things do not affect me. If I have been misled, it is because I have read the New Testament, because I believe in the principles of the Nazarene, and I am not very apt to be misled if I follow Him. If Jesus of Nazareth was here to-day, how does the gentleman think He would vote? Would He be for or against this bill? I will yield to the gentleman to answer my question.

Mr. UPDIKE. He would be for the bill, because He would be for the defense of the country.

Mr. KVALE. Then I ask the gentleman to read the story of Jesus of Nazareth once more.

Mr. UPDIKE. I think I have read it perhaps as many times as the gentleman.

Mr. KVALE. That may be true; but it might interest the gentleman to know that I was ordained to the ministry about the time he was born.

You may call me a pacifist, but I am for an adequate Navy, a Navy for defensive purposes. I am for the retention of the Navy in its present strength. I think it is still too large; but if those who govern think it is necessary I would favor it until we can reach an agreement with other nations as to disarmament. But, I say, when in the name of reason do you expect to reach such an agreement with other nations if we adopt this program and continue to increase the present Army and Navy? Do not tell me that the people of the United States are back of this program. The metropolitan newspapers are back of it, but the people are not; and least of all the Christian people of the Nation. The gentleman speaks of a cross section being represented by the majority on the committee. I differ with the gentleman. The cross section of my country is against the program that we have before us here.

Why do we have to have such a large Navy of cruisers and battleships and what not? I tell you it is to protect foreign investments. That is what our Navy is being largely used for. We have now in foreign investments $14,000,000,000, and the investments are increasing at an alarming rate. That necessarily means that we must increase the strength of our Navy to protect all these investments in every corner of the earth.

Mr. BRITTEN. Will the gentleman yield?

Mr. KVALE. Yes; I yield to the gentleman.

Mr. BRITTEN. Is my friend opposed to the protection of American money invested abroad?

Mr. KVALE. I am not opposed to the protection of legitimate investments.

But here is the point. A great deal of this so-called property in foreign lands owned by citizens of the United States has been acquired by fraud and corruption, and the gentleman knows it.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. KVALE. Yes.

Mr. BRITTEN. The gentleman, of course, is casting a very serious slur on American business. American business does not usually grow that way.

Mr. KVALE. I did not say all the investments, but I say a great deal of the property; and if the gentleman will investigate he will find out that is so. It was brought out in a debate which I attended at one of the universities in this city the other night. The reason I went in particular was because the question to be discussed was—

Resolved, That the United States should not protect by armed force capital invested in foreign lands, except after formal declaration of war.

And for the further reason that the affirmative was maintained by Carleton College in my own State. The three debaters were Heman Johnson, Rolf Lium, and Ben Duniway. The Members will recognize the second name as the name of the young pastor who served the President during his sojourn in the West on his summer vacation. I was wishing that the President had been there, because when this young man got up to speak—and they were three fine young men and excellent debaters—he did not criticize the President, and he so stated in so many words. Then the young man proceeded to rip wide open and tear to shreds and smash to smithereens the President's present program in Nicaragua. The gentlemen from Carleton especially emphasized the fact that much of the protection we are to-day giving to foreign investments is in reality protecting fraud and corruption.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. KVALE. Yes; gladly.

Mr. LAGUARDIA. Has it not been the declared policy of this country for over 130 years that when an American citizen invested money and went into business in a foreign country, he naturally had to submit himself to the laws of that country, just as any foreign capital invested in the United States must submit itself to the laws of this country?

Mr. KVALE. Certainly; and he has had the protection of the laws of that country.

There are several factors that enter into this program. They have been spoken of as the admiralty and the shipbuilders of the United States. The United States Steel Corporation is back of this program and Morgan & Co. are back of this program. I am not so sure but that it might be found on investigation that the United States Steel Corporation had something

to do with the fiasco at Geneva. They say that it is a replacement program. Then, how do you explain the fact that President Coolidge a little over a year ago had this to say:

No navy in the world, with one exception, approaches ours, and none surpasses it.

And in one year we have seen such deterioration that we now have a Navy, in some respects, about one-third as large as that of Great Britain, we are told. In the hearings—and I have read these hearings until 1 o'clock in the morning—on page 1681, I find the following:

The CHAIRMAN. I have not been able on account of physical reasons to sit during all of these hearings, but until yesterday I never heard a statement made that this proposed construction of 25 cruisers would replace or take the place of cruisers that we now have in service.

He repeated that and said:

I did not know that these ships would be for the purpose of replacement.

Mr. BUTLER. I stand by that.

Mr. KVALE. That ought to open the eyes of some people. We now hear about replacement. It is now replacement pure and simple, yet during all of this hysteria, this madness, this propaganda in favor of a large Navy, we have not heard about replacement until very lately.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KVALE. Yes; if the gentleman will give me five minutes more time.

Mr. BUTLER. Yes; of your own time.

I simply would not think of replacement with the miserable old tubs that the American Government now maintains and calls ships. I want good ships. I did say that I never called it replacement, I would not think of keeping such ships, I would not endanger human life by asking people to be on them.

Mr. KVALE. Then, according to the chairman, this is not a replacement program.

Mr. BUTLER. I do not know what it is.

Mr. KVALE. I am glad to have that information. Several others do not know what it is, but I know what it is. It is a program for war.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. KVALE. Will the gentleman give me five minutes more time?

Mr. BUTLER. Yes; he is entitled to it, if they have the time. But I say to the gentleman, he must not charge me with ever thinking that these ships hung up here last year are fit to have in the Government service or to think of putting human beings on—without smokestacks, some of them, and some of them without rudders.

The CHAIRMAN. Does the gentleman from Pennsylvania grant the gentleman five additional minutes?

Mr. BUTLER. I do.

Mr. WOODRUFF. Does the gentleman believe that any ships sailing the seas ever become obsolete?

Mr. KVALE. Certainly they do. That is one reason why I am opposed to this program, because before there is any possibility of any war they will all be obsolete and it will be money wasted.

Mr. WOODRUFF. That is ridiculous, and the gentleman knows it. Further than that—and the gentleman has made some extravagant statements—if he will inform himself, he will realize, if he believes that obsolete vessels should be replaced, that this is a replacement program and nothing else.

Mr. KVALE. I am glad that the gentleman, who is so well informed, tells us that. The chairman of the committee himself admits that he does not know what it is.

Mr. WOODRUFF. He will see that it is a replacement program, and not anything else.

Mr. BUTLER. If you give us new ships, why I would throw away these old ones.

Mr. WOODRUFF. Certainly, throw away the old ones.

Mr. KVALE. I beg of the gentlemen to let me have the floor.

Again, this is spoken of as being a preparedness program. I can not, with the best of intentions, understand how any intelligent human being can find it in himself to speak in favor of preparedness as a way to avoid war, after what he has seen of history throughout the ages, and after what he saw in 1914. That is to me a psychological problem. It seems to me that for all time, at least in our lifetime, we should be disillusioned in that respect and know that what Senator Sumner said is true. He said:

History teaches that the nations possessing the greatest armaments have always been the most belligerent; while the feebler powers have enjoyed, for a larger period of time, the blessing of peace.

Of course Senator Sumner was right, and, of course, this will tend to inveigle us into war. Germany and 1914 is the answer to that specious argument. And when they say we must be prepared, I ask, "What about our attitude toward Canada? How have we been prepared against a possible war with Canada, with 3,000 miles of border and only a few policemen there?"

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. KVALE. Yes.

Mr. WOODRUFF. I think the gentleman might state, while speaking of the situation that has prevailed on the Canadian border for many years, that that position is the result of a definite agreement between us and Great Britain.

Mr. KVALE. Oh, very well. Then let us have the same kind of an agreement with the other nations. If we can have it with one nation, we can have it with other nations. [Applause.]

I ask, Whom they would expect to go to war with? With England? That is impossible. With France and Germany? They have not much of a navy. With Italy? Of course not. Our settlement with her proves that she is almost bankrupt. With Japan? She has not anywhere near the resources necessary for a war with the United States. One might be pardoned for waxing a little sarcastic and suggesting that some of our people must be expecting us to go to war with Switzerland, with its large navy! [Laughter.]

I make this appeal to you, my friends: Stop and think before you cast a vote for a bill of this kind. It is uncalled for. It is unnecessary. It is a waste of hundreds of millions of the taxpayers' money that might better be used for education, for roads, for farm relief, for flood relief, and a hundred other necessary things. And worse than all, it will be misunderstood and misinterpreted by our sister nations and tend to bring on war, that curse of civilization.

We already have an adequate Navy now for the protection of our interests in foreign lands, for the protection of such interests as warrant legitimate protection. We have an adequate Navy for defense purposes. If it shall be found necessary for national defense, bring in a program for air carriers and airplanes, and if that program is within reason I shall vote for it with enthusiasm, because everyone knows that if there is to be a future war it will be fought in the air and with airplanes, not with battleships and cruisers which are obsolete. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BUTLER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HUDSON].

The CHAIRMAN. The gentleman from Michigan is recognized for 10 minutes.

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, I am a little loath to ask time to-day to speak on this program, for I am on record in my district and in my State as opposing the original program that was submitted by the Secretary of the Navy. I am going to make just these few remarks here, and insert in the RECORD, without taking the time of the committee, the reasons why I reached that conclusion, and why I think the country has reached the same conclusion.

However, to-day we are not confronted with the program that was laid out at the beginning of this Congress for an expenditure of $740,000,000, with a program for 71 ships, and with the further consideration that did not apepar on the program as launched, that it meant the expenditure of a billion dollars in the completion of that program. I am here to add my word of commendation, as that of a man who is looking toward amity between the nations of the earth—my commendation of the committee that has brought this present bill before us for our consideration. [Applause.]

I want to say to you that with the bill laid before them by the naval management of the Nation for that large expenditure, and seemingly upon grounds that were justifiable, this committee, after weeks of hearings and patient consideration of the needs of national defense, and also the needs of the taxpayers of the country and the needs of international relationship, has rendered a distinct service in bringing forward this program to-day; and I do not think there is a single person in the House who is not a fanatic but can vote for it.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. No; I regret I can not yield. I am discouraged sometimes at what occurs on the floor in debate. There is nothing gained for national defense by calling any body of citizens in this country "pacifists." There is nothing gained on any hand by a group of Members attacking the Secretary of the Navy because he happens to take a seat on the floor of this House.

Mr. BLANTON. Mr. Chairman, will the gentleman yield? I would like to ask the gentleman a question.

Mr. HUDSON. Not at this time. I have only 5 minutes, and the gentleman from Texas had 15. If the gentleman gets me more time, I will yield.

I want this House, when it comes to a debate like this on a great question, to forget personalities and confine the discussion to the issue before it. It seems to me it is beneath the dignity of such a legislative body as ours. I am in friendship with my distinguished friend from Alabama [Mr. HUDDLESTON] and my distinguished friend from Texas [Mr. BLANTON] when I say to you that it lowers the dignity of this House when you attack the Secretary of the Navy when he sits on the floor, where he has the right to be.

What is the program before us? After weeks of consideration by the Committee on Naval Affairs, it is a program that can be called a program of compromise. And again I compliment the splendid senior Member of this House, the gentleman from Pennsylvania [Mr. BUTLER], for the weeks he has put upon this bill. I also compliment his associates. And I want especially to commend the member of that committee from New Hampshire [Mr. HALE] for the plea he made the other day. It was a plea for amity between the nations and a plea for peace. But it was also a plea that the defense of this country might be adequate for its people and its property. I am not afraid of this country going into war, but I do say that wherever the Stars and Stripes float the American citizen shall be protected in his life and property with every dollar that this Nation possesses. [Applause.]

Now, what is this program before us?

It is a program which provides for an annual expenditure for the maintenance of an adequate Navy over a period of six years. It breathes in no way of bombast or false superiority. It can not be taken as an offense against the amity of the nations. It can safely be called a program of a peace-loving and peace-seeking nation in maintaining her line of just defense. It provides what? It provides an authorization for the construction of 15 light cruisers with 8-inch guns and 1 aircraft carrier, a total of 16 vessels, at an outlay of $274,000,000. Contrast that program before us as a Committee of the Whole with the program that seemed to confront us in the beginning of this Congress. It is an authorization for the construction of 16 vessels instead of 71 vessels. That goes a long way in giving in to the demands of this country for peace and for amity among the nations.

Mr. KVALE. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. KVALE. Does the gentleman think that they ever expected to get the 71?

Mr. BUTLER. Yes; they did and more, too. I can answer the gentleman.

Mr. BLANTON. Will the gentleman yield to me?

Mr. HUDSON. Let me answer one at a time. I would suppose they expected to get that as much as they would expect to get any bill that they proposed to this House; in fact, from the nature of the naval set-up they had a right to demand 71 vessels, and I would suppose they could use them. However, I do not think the temper of the country woud have allowed that construction, and this committee yielded to the temper of the country by bringing in a sane and wise program.

Mr. BLANTON. Will the gentleman now yield?

Mr. HUDSON. Yes.

Mr. BLANTON. I want to ask my friend if the people of Lansing and the State of Michigan do not expect the Secretary of the Navy to run the Navy, and if they do not expect my friend from Michigan and his 434 other colleagues to run this House of Representatives without Secretary Wilbur's interference?

Mr. HUDSON. No; I would not say they would expect that.

Mr. SCHAFER. Will the gentleman yield to me so I may clear up this matter?

Mr. BLANTON. Then the gentleman ought to remain in Lansing and let the Secretary of the Navy vote his vote.

Mr. HUDSON. Let me answer the gentleman. The people of my home city, sir, would expect that every Cabinet officer shall have the rights and privileges of this floor at any time and at all times.

Mr. BLANTON. Socially, yes.

Mr. SCHAFER. Will the gentleman yield to me now?

Mr. HUDSON. I am not so sure but what it was a wise thing.

Mr. BLANTON. Socially, yes.

Mr. HUDSON. I am not so sure but what it was a wise thing for the Secretary to come here and find how Congress feels about the matters which they control, and in that way they can probably find out something to their advantage.

Mr. BLANTON. We are learning how they in the Navy feel slowly but definitely.

Mr. SCHAFER. Will the gentleman yield to me so that I may clear this up?

Mr. HUDSON. Does the gentleman from Wisconsin want to answer the gentleman from Texas?

Mr. SCHAFER. Yes.

Mr. HUDSON. Then I yield to the gentleman.

Mr. SCHAFER. I would suggest that you answer the gentleman from Texas by telling him that the Members of Congress should run the Congress and not try to run the police department of the District of Columbia. [Laughter and applause.]

Mr. BLANTON. The Constitution requires us to do that. I have not taken any of the gentleman's perquisites away from him.

Mr. HUDSON. Gentlemen, I have a prepared address here which I would have liked to have gotten out of my system, but this is not the kind of a day to do it. However, I want to call your attention, and the attention of those who seem to be opposed to this bill, to section 4, which is placed in the bill in direct consideration of the gentlemen that my friend from Minnesota and I are joined with.

When you speak of pacifists I imagine they put me on the same ground, for I try to follow the teachings that you, sir, were saying you were following. But we must remember, sir, that while the Master sent His disciples out once two by two, without scrip or wallet, the next time He sent them out He told them to be prepared.

Mr. KVALE. With guns?

Mr. HUDSON. So there is in the teachings of that Man, after whom I want to shape and fashion my life, the teaching that we render unto Cæsar the things that belong unto Cæsar, and there is, of course, the necessity of a nation having its adequate and its natural defenses. But in this section the committee has yielded to the demand over the world for peace.

If we read the morning papers, we saw what the Secretary of State at a meeting last night in New York City said. Does that look as though we were headed toward war? Does that look as though we were headed toward international strife?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BUTLER. Mr. Chairman, I yield to the gentleman one minute more.

Mr. HUDSON. I want you to take into consideration section 4, which says that in the event of an international agreement for further limitation of naval armament the President is authorized and empowered to suspend in whole or in part this entire program. We are not raising something here that can stop peace between the nations of the earth. We are for world peace. We want world peace, and the committee has brought before us in this provision the grounds upon which we can continue our counsels for world peace, and we are going to do it. [Applause.]

There is no reason to-day why we should not vote for this bill in the way the committee has brought the bill before us.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. HUDSON. Mr. Chairman, the failure of the Geneva three-power naval conference of the summer of 1927 to agree on the ratio of naval vessels outside of the limitation of the Washington Disarmament Conference, led immediately to the launching of a propaganda throughout the country for a great naval-building program. The word was sent forth by our Navy Establishment and various auxiliary organizations that England was building a huge navy and therefore we must immediately launch a similar program.

If this was not done, we would find ourselves with a very inferior fleet and personnel in 1936.

The proponents of this program said the Nation was rich; that it was the world power to-day, and that our dignity and ability demanded the greatest Navy of any power anywhere in the world.

This discussion and propaganda, fed by the Navy League, the admirals, and other organizations, made a setting for the bill introduced in the House on December 14, 1927, as submitted by the Secretary of the Navy.

This bill called for the construction of the following naval vessels: 25 cruisers, 9 destroyer leaders, 32 submarines, 5 aircraft carriers, a total of 71 vessels, estimated to cost $740,000,000, but which would have reached into $1,000,000,000. While the bill did not call for a definite period of years in which the program was to be completed, the press of the country carried the impression to our citizenry that it was a program to be completed within five or six years.

Secretary Wilbur stated before the committee that the General Board, in the preparation of the program submitted primarily was considering the needs of the national defense, but added:

It is true in determining this need the General Board has at all times taken into consideration other nations and their construction program.

In other words, in the language of the Secretary, expressing the views of the General Board, the matter of a competitive building program for the Navy was one of the objects to be accomplished by the bill introduced.

Now, let us see what effect this would have upon the public in general, who had been led, by the President's message to Congress in their opening sessions of 1926 and 1927, to believe that the defenses of this Nation were in fair order. I want to quote you first in substantiation of that statement from the President's message to the two Houses of Congress at the beginning of the second session of the Sixty-ninth Congress, delivered in December, 1926. Under the subhead of national defense I quote:

Our policy of national defense is not one of making war, but of insuring peace. The land and sea force of America, both in its domestic and foreign implications, is distinctly a peace force. It is an arm of the police power to guarantee order and the execution of the law at home and security to our citizens abroad. No self-respecting nation would neglect to provide an army and navy proportionate to its population, the extent of its territory, and the dignity of the place which it occupies in the world. When it is considered that no navy in the world, with one exception, approaches ours and none surpasses it, that our Regular Army of about 115,000 men is the equal of any other like number of troops, that our entire permanent and reserve land and sea force trained and training consists of a personnel of about 610,000, and that our annual appropriations are about $680,000,000 a year, expended under the direction of an exceedingly competent staff, it can not be said that our country is neglecting its national defense. It is true that a cult of disparagement exists, but that candid examination made by the Congress through its various committees has always reassured the country and demonstrated that it is maintaining the most adequate defensive forces in these present years that it has ever supported in time of peace. Particular points may need strengthening, but as a whole our military power is sufficient.

The one weak place in the whole line is our still stupendous war debt. In any modern campaign the dollars are the shock troops. With a depleted treasury in the rear, no army can maintain itself in the field. A country loaded with debt is a country devoid of the first line of defense. Economy is the handmaid of preparedness. If we wish to be able to defend ourselves to the full extent of our power in the future, we shall discharge as soon as possible the financial burden of the last war. Otherwise we would face a crisis with a part of our capital resources already expended.

While our policy of national defense will proceed in order that we may be independent and self-sufficient, I am opposed to engaging in any attempt at competitive armaments. No matter how much or how little some other country may feel constrained to provide, we can well afford to set the example, not of being dictated to by others, but of adopting our own standards. We are strong enough to pursue that method, which will be a most wholesome model for the rest of the world.

The foreign policy of this Government is well known. It is one of peace based on that mutual respect that arises from mutual regard for international rights and the discharge of international obligations. It is our purpose to promote understanding and good will between ourselves and all other people. The American people are altogether lacking in an appreciation of the tremendous good fortune that surrounds their international position. We have no traditional enemies. We are not embarrassed over any disputed territory. We have no possessions that are coveted by others; they have none that are coveted by us. Our borders are unfortified. We fear no one; no one fears us. All the world knows that the whole extent of our influence is against war and in favor of peace, against the use of force and in favor of negotiation, arbitration, and adjudication as a method of adjusting international differences.

Here you have a Nation whose Executive, Commander in Chief of its Navy, had said within the 12 months previous that "No navy in the world, with one exception, approaches ours and none surpasses it," confronted with a building program of 71 vessels of defense costing $1,000,000,000.

What was the average citizen and taxpayer to think?

These average citizens were further told by their President at the beginning of 1927 in a special message to Congress:

The American Government and people are convinced that competitive armament constitutes one of the most dangerous contributing causes of international suspicion and discord and are calculated to eventually lead to war.

Could anyone expect anything else than that the average citizen and taxpayer, after those words by his President, should be alarmed and incensed at the program thrust before us at the opening of Congress.

And would that sentiment not be further increased by the very words used in the President's message sent to the two Houses of Congress at the beginning of the first session of this Congress.

In that message of last December, under the title of national defense, the President addressed Congress as follows:

Being a Nation relying not on force but on fair dealing and good will to maintain peace with others, we have provided a moderate military force in a form adopted solely to defense.

Continuing he said, speaking of the Navy now:

We can plan for the future and begin a moderate building program.

Could the people understand that 71 vessels and seven hundred and forty millions of expenditures was a moderate building program when it was understood especially that this expenditure should be within a five or six year period?

I quote again from the same message on the same subject:

The failure to agree—

Referring to the Geneva conference—

should not cause us to build either more or less than we otherwise should. Any future treaty of limitation will call on us for more ships. We should enter on no competition.

Again he says:

It should especially be demonstrated that propaganda will not cause us to change our course. Where there is no treaty limitation, the size of the Navy which America is to have will be solely for America to determine. No outside influence should enlarge it or diminish it.

The duty of this Congress is to provide for the increase of the Navy up to the point where it may be kept intact in its present strength. Beyond that we have no right to go, either in the expenditure of money or in inciting other nations to rush into lavish constructive programs. We are convinced, in spite of lurid statements by certain organizations and men, that the American people are opposed to naval expansion merely for the purpose of competing with other nations.

While we were discussing the pending bill on the floor yesterday, Secretary of State Kellogg was speaking to the Foreign Relations Council in New York, in the course of which he said:

The United States has been a party to conciliation treaties for 15 years, and while there has never yet been an occasion for invoking them, I know of no reason why this country should object to an inquiry by a commission of conciliation if war is threatened. It is claimed in some quarters that purely domestic questions might be inquired into by these commissions of conciliation. While I can not conceive that any government would feel justified in demanding an inquiry by the commission into a matter solely within the domestic jurisdiction of another government, I do not feel that the point is material. The object which is sought to be attained by conciliation treaties is the prevention of war, and in my opinion any government can well afford to submit to inquiry any question which may threaten to involve it in the horrors of war, particularly when as in the Bryan and other treaties I have just mentioned, the findings of the commission have no binding force and to be effective must be voluntarily accepted.

The world is more and more alive to the necessity of preventing war, and I think it is significant that the Sixth International Conference of American States which recently concluded its labors at Habana adopted two antiwar resolutions, one of which contains the unqualified statement that "the American Republics desire to express that they condemn war as an instrument of national policy in their mutual relations.

We could not very well approve of the original Navy program with those words in our ears.

Now, after many weeks of hearings in consideration by the committee they have laid before us their reaction in the form of the present bill.

We desire at this point to commend the honored chairman, Mr. BUTLER, of Pennsylvania, and members of the committee for the moderation and saneness which they have revealed in submitting for our consideration the present bill and the report accompanying it.

The program is one which can safely be called a program of moderation, a program of meeting the actual needs for the maintaining of an adequate Navy. It breathes in no way of bombast or false superiority. It can not be taken as an offense against the amity of the nations.

It can safely be called a program of a peace-loving and peace-seeking nation in maintaining their line of just defense.

It gives authorization for its construction program of 15 light cruisers of 8-inch guns, 1 aircraft carrier, a total of 16 vessels, at an outlay of $274,000,000.

So our program that is to be considered is not one of 71 vessels and $740,000,000, but one of 16 vessels and $274,000,000.

A program not of excessive expenditure or a race in tonnage with other nations, but it is a program of replacement and stabilization.

I want you to take into consideration section 4, which says that in the event of an international agreement for further limitation of naval armament the President is authorized and empowered to suspend in whole or in part this entire program. We are not raising something here that can stop peace between the nations of the earth. We are for world peace. We want world peace, and the committee has brought before us in this provision the grounds upon which we can continue our counsels for world peace, and we are going to do it.

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman, ladies and gentlemen of the committee, it is all right for a gentleman [Mr. KVALE], who lives about 1,500 miles from the seaboard and who has a cyclone cellar to enter in case of an emergency, to get up here on the floor and say that we should keep our Navy only up to the standard that is necessary for defense. The gentleman says he is in favor of Navy for defense only. Where are you going to draw the line of demarcation between defense and offense? I am sure it would be very difficult for one to draw that line.

And, again, about replacements; the gentleman, I believe, is a crackajack farmer. I think he yields to no one in this House as a farmer, and yet if he had a tumble-down barn he would not replace it with another tumble-down barn, would he? Why, certainly not. He would want a barn that had every modern equipment and was right up to the minute.

On the same theory we should replace old, worn-out ships with new, modern ones.

I am with our respected and beloved colleague, the former Senator from Ohio [Mr. BURTON], in a desire for universal peace. I would say God speed the day when the nations of the earth agree upon universal peace; but, gentlemen, that hour has not yet arrived and we must use the means at our command to carry on.

There is only one objection I have to the bill before us, and that is it does not go far enough, because, after this program is completed, what will be our position at that time? I will just read the conclusion of the committee in their report:

> The foregoing program is intended to so round out our naval forces as to make them reasonably competent to support our policies and safeguard our interests throughout the world. Its purpose is to insure that these policies and interests will be respected and peace maintained. It is in no sense a competitive program, since the essence of competition is the effort to excel or outdistance another. The program when completed will still leave our Navy in a secondary position.

I know we did a very foolish thing after the Washington conference. We scrapped splendid war vessels that were ready for service and were worth while, whereas the other parties to the contract scrapped beautiful sets of blue prints. Now, surely the gentlemen do not want to have that same thing repeated at this time. It is little enough for us to have a building program that will bring us up to the 5–5–3 ratio. This bill does not even do that.

We have had gentlemen here in this House—and I do not know whether they are licensed or not—yet they posed here as crystal gazers and as psychics. Under the regulations of the District I understand that crystal gazers and psychics must take out a license in order to practice, and yet men have deliberately within the last two days stood on the floor of this House and used the prerogatives of these crystal gazers and psychics by telling us that it will be impossible for us ever to have war with England, Japan, France, or Italy. I purpose, gentlemen, to offer a motion or resolution in the House that no Member be permitted to exercise the business of forecasting or foretelling events unless he is properly and duly accredited on the license books of the District of Columbia. [Laughter.]

Mr. KVALE. Will the gentleman yield?

Mr. BOYLAN. Yes, sir.

Mr. KVALE. Then what about the gentlemen who are continually forecasting war?

Mr. BOYLAN. That is what I am saying. I say I am opposed to any forecasters holding forth here without a license, either predicting war or saying it is impossible to have war. [Laughter.]

Mr. KVALE. I understood that applied only to those who said it was impossible to have war.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. BOYLAN. What we ought to do is to keep our Navy right up to the minute, and keep it up not beyond the ratio that has been established, but keep it up to that ratio.

I am sure even the gentlemen who are opposed to this bill would regret very, very much if one of our seacoast towns, either on the Atlantic or the Pacific, were bombarded by an enemy. They would say then, if they could, they would be willing to use every resource and every help in their power in order to help their brethren.

One of the gentlemen says, "Oh, I am for airplanes and I am for all sorts of air machines rather than for new ships."

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. BOYLAN. Yes.

Mr. McKEOWN. The gentleman would not believe in applying the principle of a 20 per cent contribution for the defense of cities on the coast, as is proposed in defending us against the floods of the Mississippi River.

Mr. BOYLAN. Well, that is a different proposition. I would be pleased to give you all the help you need. I am willing to go the whole way with you and without asking for a 20 per cent contribution from you.

But speaking about airplanes, one of the gentlemen states that he is in favor of airplanes. That is all right, but they have not reached the stage of development yet where they can take off of themselves. They need mother ships, they need protecting cruisers, and we have to have these aids for them in order that they be of any service at all.

Gentlemen, we ought to keep our fighting forces right up to the minute. We should not only adopt a building program, a well-balanced one, but we should also keep all our navy yards fully manned and equipped to carry on at a moment's notice should necessity demand it.

If we do this, our Navy will not be a menace to the world; it will be a most effective agency for the preservation of peace. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, while it may be that I can not add anything either to the facts or arguments which have already been presented in support of this measure, I feel it my duty to voice my views on the subject in the hope that it may serve to emphasize what has already been said.

In determining whether or not Congress should authorize this building program, it is important at the very outset to ascertain what is the mission of the American Navy.

The primary duty imposed upon it is to afford protection and defense to the United States—the home land—from invasion or conquest.

In addition to that important duty, it must at all times be ready to defend our far-flung insular possessions; to maintain for American commerce the freedom of the seas; to afford and guarantee adequate defense to the greatest engineering enterprise and commerce carrier of the century, the Panama Canal; to maintain our policies in the Orient; to enforce our policies of noninterference by monarchial governments in Central and South American Republics; and to defend our national honor and protect and redress American citizens whenever wronged.

We are the richest nation on earth; we are the greatest export nation on the globe; our trade routes extend to every ocean; our coast line does not only embrace the coast line of the United States but under our Monroe doctrine the coast line of every country of Central and South America becomes our coast line.

As long as we are dependent upon the Chilean nitrate fields for nitrates from which explosives are manufactured, that route of trade must ever remain impregnable; our communications with our insular possessions, with the Hawaiian Islands, the Philippine Islands, and Porto Rico, thousands upon thousands of miles from the home land, must be uninterrupted.

Therefore such a naval mission as I have briefly outlined requires that this Government at all times maintain a Navy in the highest state of efficiency, and that it be so balanced—consisting of different types of ships—that it will be able at any moment to meet any emergency that might confront the Government.

If there is one policy firmly fixed in the minds of the people of this country, it is that they are opposed in times of peace to a large standing army. But knowing that the Navy is the first line of our national defense the American people have always stood for a program—of whatever character it may be—for a Navy of sufficient strength and so balanced and proportioned that it will be in readiness at any and all times to meet any and all national emergencies.

Mr. CONNERY. Will the gentleman yield?

Mr. VINSON of Georgia. I will.

Mr. CONNERY. If the gentleman and members of the committee feel that way, why did not the committee give us what President Coolidge asked for—a real Navy?

Mr. VINSON of Georgia. Because in our judgment we are giving you all the naval mission required. In our judgment the naval mission did not require what the President recommended. If it did require it I would be standing here and advocating it. After examining the naval needs of the country we concluded that the program that we present here meets the naval needs at this time. [Applause.]

It is absolutely essential that our Navy be in condition and prepared at all time. It must ever remain in a state of readiness, for in the event of national emergency it can not wait to be prepared, but must be prepared at the time to cope with the emergency.

The naval mission to which I have referred requires that this Government maintain a strong Navy. The primary duty of government is self-preservation, and no sophistry of logic can justify it in stripping itself of its means of defense and relying for its preservation upon the mercy, the pity, or the love of other nations.

Mr. Chairman, at the Washington conference it was proposed by this Government that the same ratio applicable to battleships be extended to include cruisers, destroyers, and submarines.

That proposal submitted by our Government was not accepted by the other powers, who propose to retain unlimited discretion in the building of this type of vessels.

Since the Washington conference it has at all times been the hope of this Government that an agreement could be reached with the other maritime nations with reference to a limitation on cruisers, destroyers, and submarines.

Therefore, as you will all remember, the President requested the five nations signatory to the Washington treaty to meet at Geneva for the purpose of seeing if limitation could not be secured. England and Japan accepted the invitation.

In his opening statement to the conference Mr. Gibson, the American representative, stated:

> Our respective navies should be maintained at the lowest level compatable with national security and should never be of a size or character to warrant the suspicion of aggressive intent.

For the purpose of bringing about a genuine limitation of naval armament he proposed to the conference that the total tonnage limitation for cruisers for the United States should be 250,000 to 300,000 tons, and the same for the British Empire, and 150,000 to 180,000 tons for Japan.

It is to be deeply regretted that the other nations at the conference could not agree to the American proposal.

Mr. WOODRUFF. Will the gentleman yield?

Mr. VINSON of Georgia. I will.

Mr. WOODRUFF. As a matter of fact, the amount of tonnage we will have as a result of the building program is the amount of the tonnage stated by Mr. Gibson at Geneva as the basis of the discussion.

Mr. VINSON of Georgia. Of course. If this program goes through, we have to-day 144,000 tons of cruisers, and adding the 150,000 proposed at Geneva makes 294,000 tons of cruisers, which was the proposal at Geneva at that time to meet our mission in the event of a compromise with 300,000 tons.

The building program now before you for consideration is the same proposal that was submitted at Geneva by this Government. If that proposal had been agreed to as submitted, we would have been authorized to build 15 additional cruisers of 10,000 tons each, or an additional tonnage of 150,000 tons.

We now have built, building, and authorized 18 cruisers of a total tonnage of 144,000 tons. Add to this tonnage the 150,000 tons proposed at Geneva, and provided for in this bill, and it will give us a total tonnage of 294,000 tons.

Surely if the proposed agreement had been reached no one would object to the Government building the tonnage agreed upon. Having failed to reach an agreement, we are not asking that any more tonnage in cruisers be authorized at this time than was proposed at the conference.

This building program is nothing more or nothing less than the straight proposal submitted at Geneva.

This Nation has never engaged in competitive building and does not intend to do so. The program we are presenting is in no sense competitive, but is based entirely upon the needs of our Navy to enable it to meet, in case of a national emergency, the mission for which it is built and maintained.

We are not asking this House to build the 15 additional cruisers for the reason that Great Britain has 63 cruisers and Japan 33. We are asking the approval of this measure because the mission of the Navy to which I have referred demands these additional ships, and it more nearly affords the Nation the security to which it is entitled.

Inquiry concerning the strength of other naval powers is always germane to the question, so let us see what is the cruiser strength of other nations. In modern cruisers of all caliber, Great Britain has built and building 63 cruisers, of a total tonnage of 385,076 tons; Japan has 33 cruisers, of a total tonnage of 206,415 tons; and the United States has 18 cruisers, of a total tonnage of 146,000 tons. While I am crediting the United States with 18 cruisers, she has only 10 cruisers of the modern class, is building 2, and has authorized and appropriated for 6, but they have not been laid down nor the contract let for their construction.

So you can readily see that the great maritime nations recognize that cruisers have an important mission to perform in the defense of a nation.

Let me call your attention to the fact that during the six years since the Washington conference England has laid down and appropriated for 57 ships of war, Japan 127, France 101, Italy 71, and the United States 19. Therefore during the six years since the Washington conference England has built warships at the rate of 9 a year, Japan at the rate of 21 a year, France at the rate of 16 a year, Italy at the rate of 11 a year, and the United States at the rate of 3 a year.

Of the 57 warships built and authorized by Great Britain since the Washington conference, 17 are cruisers; and of the 127 warships constructed by Japan, 16 are cruisers; and of the 101 ships constructed by France, 7 are cruisers; and of the 71 ships built by Italy, 6 are cruisers; and of the 19 ships of war built and authorized since the Washington conference by the United States, 8 are cruisers.

Mr. Chairman, this measure provided for the construction of the ships within a definite period of time; that is, the laying down of these ships within three years, five cruisers a year, and the completing of them within six years.

Our responsibility is to provide for the national defense of the country, and I am opposed to delegating that authority to some bureau. If there is no time limit within which these ships are to be constructed, Congress and the country would have no assurance when they would be built. I am opposed to a paper navy. The naval mission of this country requires ships of steel, and for one I want Congress to say when ships for the defense of the country shall be built and not leave that important question to the Budget or any other department of the Government.

Authorizing that these ships be built within six years is in the interest of economy. They can be built within that time, and to string out the building to a longer period of time entails additional expense.

If this program is adopted and these ships are constructed within the six years, we will then have a cruiser strength in 1934 of 33 modern cruisers, of which 23 will be 10,000-ton cruisers carrying 8-inch guns and 10 of 6,600 tons each with 6-inch guns. We will then have the same number of cruisers that Japan has to-day, and 30 less than Great Britain has at this time. Then our fleet will be far better rounded out and properly proportioned than it is to-day.

The cost of this program will be $274,000,000, which will be spread over a period of six years and as this program must be commenced during the fiscal year 1929 to be completed within the time limit prescribed in the bill, an appropriation for the commencing of the work on five cruisers must be carried in the present appropration bill. It is estimated that $5,000,000 will be sufficient for this year.

The present appropriation bill will carry $72,760,000 for the existing program heretofore authorized. Therefore we are safe to assume that the total appropriation for building for the year 1929, including this program, will not exceed $77,760,000 and in 1930 the existing program heretofore adopted will call for an expenditure of $52,703,600 and this program will call for an expenditure of $47,916,666 making for 1930 a total building program of $100,620,266, and the total building program for 1931, including the present existing program and this proposed one, will be $114,061,816, and for 1932 the existing program and the proposed one will be $75,716,668.

In 1932 we will complete the existing program heretofore authorized. In 1933 this program will entail an expenditure of $47,250,000; in 1934, $26,000,000. This, therefore, is an average yearly expenditure for six years, from 1929 to 1934, of new construction of every character for the Navy of $73,568,125.

After a most exhaustive hearing, your committee concluded to authorize but one airplane carrier. By our failure to authorize the five carriers recommended by the Navy Department, let no one conclude that the members of the committee are not fully

cognizant of the great value and absolute necessity of aviation in the Navy. It is the eyes of the fleet and in future naval engagements will play a most important part.

I yield to no one in enthusiastic support of aviation and the important function it has. The facts are these:

Under the Washington treaty we have still available 69,000 tons that can be used in constructing airplane carriers. We have now the *Saratoga*, the *Lexington*, and the *Langley*.

In view of the fact that an airplane carrier of 13,800 tons as proposed in this bill is somewhat experimental in nature, and it has not yet been proven as to whether or not a ship of that tonnage has the stability of deck required for the taking on and taking off of airplanes, to use all the tonnage until it had been definitely established would, in our opinion, be unwise.

As soon as the Navy Department concludes the exact tonnage that they desire the airplane carrier to be, then I know that I voice the sentiment of an overwhelming majority of the committee when I say that they will ask Congress to provide them.

Mr. Chairman, the nations signatory to the Washington treaty under its terms meet again in 1931. This Nation has always taken, and will continue to take, a leading part in seeking to bring about further limitation of Navy auxiliary vessels, and our committee did not desire to lay down a program beyond the date at which the Washington conference would convene in the hope that at that conference an agreement can be reached limiting the tonnage of cruisers, submarines, and destroyers. It is devoutly to be hoped that the day is not far distant when the great maritime nations of the earth will reach an agreement. To do so will be a step in the interest of the peace of the world, and America must take and will take a leading part in bringing this about.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. BUTLER. What was the lowest intimation that England made to America at Geneva on cruisers? Was it not over 400,000 tons?

Mr. VINSON of Georgia. Six hundred thousand tons; and if America had gone to England's proposal, instead of its being a limitation of armament conference it would have been a building program. Our delegates did not do so, and rightly they did not do so, and we are not asking you to build any more ships than Mr. Gibson submitted at the Geneva proposal.

Mr. McCLINTIC. Was it not said that they could have agreed if they had put 6-inch guns on cruisers?

Mr. VINSON of Georgia. A great debate took place, but the result was that England said that on account of her position in the world she needed a larger cruiser fleet than we thought her position demands. Therefore we were unable to reach an agreement. If Mr. Gibson's proposal had been brought home and the sentiment of America ratified it, there is not a man here who would not have readily voted to let America's ships be brought up to her treaty strength. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The Chair will state that the gentleman from Pennsylvania [Mr. BUTLER] has remaining 15 minutes in favor of the bill and 32 minutes against the bill. The gentleman from Georgia [Mr. VINSON] has consumed all of his time and the gentleman from Oklahoma [Mr. McCLINTIC] has 38 minutes left.

Mr. McCLINTIC. I think it is fair to yield to the opposition some time.

Mr. LaGUARDIA. I would like to yield some of my 38 minutes to myself. I yield now five minutes to the lady from California [Mrs. KAHN].

The CHAIRMAN. The lady from California is recognized for five minutes.

Mrs. KAHN. Mr. Chairman and gentlemen of the House, I certainly appreciate the courtesy of the gentleman from New York [Mr. LaGUARDIA], because he knows I am going to speak in favor of the bill.

I have a habit of drifting in to all sorts of gatherings just to hear what the other fellow has to say, and just before the recent upset in China I happened upon a pacifist meeting.

As I came in the brilliant Chinese editor of a daily paper in San Francisco was speaking. He was picturing China as the realization of the pacifists' dream. In effect he said: "Here is a country absolutely nonmilitaristic, hardly a trained soldier, not a semblance of an army worthy of the name, no navy, not even a merchant marine."

A country such as you would have this country become. And with flashing eye and fiery voice he turned on them and said, "And what has this made of China? A pie counter for almost every nation on earth." [Applause.] Every predatory nation has rushed and grabbed a piece, and China has had to stand tamely by for they feared her not. She dared not protest for she had nothing with which to back up her protest. Would England, France, Germany, Russia, or Japan have refrained from taking her fairest possessions because, forsooth, she said, "I am helpless; rob me not." And to-day what is the condition of China? No stabilized government, overrun with bands of bandits, fighting with each other, and preying upon the innocent multitudes.

We are not entering upon a competitive program, we have no ulterior motive, no dream of imperialism, no nightmare of world domination, no desire to camouflage a navy of offense as one of defense. Simply a Navy sufficient to keep open the lanes of commerce in case of necessity.

Aside from the international obligation to keep open the canal, so ably presented by my colleague from Massachusetts [Mrs. ROGERS], we have a moral as well as a legal obligation toward our island possessions, their welfare, and their commerce.

We carried the spirit of altruism to the *n*th degree in living up to the spirit as well as the letter of the Washington conference, otherwise we would not be in the position we are in to-day, far below our agreed quota.

That is all that need to be said to the people of the country that we are below not beyond the 5-5-3 agreement; that we are not entering upon an orgy of building, so quiet the epidemic of hysteria, in spite of the objection of the Member from Minnesota, spread through the land by an unfortunate presentation of the program, on the one hand, and by deliberate misinterpretations and false statements, on the other, which are being kept alive by continued propaganda. As soon as I realized what the propagandists were doing I issued a statement to the newspapers in my district explaining the program, and the flood of protests almost ceased. Many in audiences before whom I have spoken came to me and said, "Oh, is that what it is; why, of course, that is all right. I am so glad you explained. I thought it was a competitive program with billions to be spent at once."

The CHAIRMAN. The time of the lady from California has expired.

Mrs. KAHN. May I have one more minute, Mr. LaGUARDIA?

Mr. BUTLER. Yes. Mr. LaGUARDIA will yield. [Laughter.]

Mrs. KAHN. I thank you.

We who dwell on the Pacific have a keen appreciation of the Navy and know what it means and for what it stands. We know the Pacific will be the great commercial highway of the future and the part the Navy will play in the building up of its trade, and I wonder how many of you have seen as I have the fleet steaming in majesty through the Golden Gate, felt the thrill of pride as you realize here is something that will maintain the inviolacy of our flag; that will command respect abroad; that will guard our citizens and enforce our rights on the high seas and on foreign shores, the symbol of our Government—power, peace, protection. [Prolonged applause.]

Mr. BUTLER. Mr. Chairman, may I ask the Chair how much time I have?

The CHAIRMAN. The gentleman from Pennsylvania has 15 minutes for the bill and 26 minutes against the bill.

Mr. BUTLER. I would like very much, indeed, to yield to a member of my committee one-half of the time I have, and then I am going to beg the House give the gentleman from New York [Mr. BLACK] 10 minutes outside of the arrangement. I now yield seven and one-half minutes to the gentleman from California [Mr. EVANS]. That is half of my time.

The CHAIRMAN. The gentleman from California is recognized for seven and a half minutes.

Mr. EVANS of California. Mr. Chairman and members of the committee, along with my friend the gentleman from New Jersey [Mr WOLVERTON], who preceded me this afternoon in this debate, I want to say that I am proud of the privilege, the first time I appear on the floor of this House, to speak in defense of my country and in behalf of national defense. I believe that that is a rather wholesome and deserving cause on which to embark, and I trust that when my service here is completed, whether it be short or otherwise, I can still look on this privilege in the same light. [Applause.]

The bill before the committee at this time is one of the most important with which the present Congress will have to deal. It involves the matter of our national defense, and it will doubtless be conceded that no problem with which the country is confronted is of more vital importance. Everyone recognizes the desirability and urgency of internal improvements, such as flood control, development of our waterways and harbors, and other improvements of similar nature, but we believe that it will be conceded that no basis of comparison lies in the need for internal improvements with the imperative need of maintaining our national defense. In other words, if we need pro-

tection in any degree we need it above all other things. Our policy of adequate national defense is traditional and coextensive with our national life and the history of our country. But the proposed legislation can not be held as being in the way of or to the exclusion of adequate legislation for flood relief. This bill calls for only the sum of $45,000,000 annually for six years, and no one will seriously claim that this amount would create a very heavy obligation for our Government to assume.

Our country has for more than 30 years advocated the principle of settling international disputes by arbitration and agreement. Every President, including and since the time of the Cleveland administration, has stood aggressively for this great reform. The people of our country have unitedly supported our leaders and statesmen in their efforts in that direction. Our Government has taken the leadership and responsibility of calling and causing to be held two international conferences for that purpose. The willingness of our Government and of the people of the United States to make any reasonable contribution to the principle of outlawing war and conflict by friendly negotiations and arbitration can not be discounted. While it is true that the results accomplished so far in this behalf are not all that were hoped for, it can nevertheless be said that they were not altogether disappointing, and it is hoped that further efforts may be crowned with a greater degree of success.

In the absence of such international agreement we have left only the one course to pursue, and that is to continue to maintain our Army and our Navy, not for the purpose of intimidation of or threat to any other nation, but for the perfectly legitimate and reasonable purpose of upholding national integrity and the protection of our people, their lives and property, both at home and abroad. For this purpose our Navy is the most potent factor, and the question that irresistibly forces itself upon us is that if we are to have a navy what sort of navy shall it be? Are we to be content with a mere makeshift, or shall we insist on a navy in keeping with our place and standing among the nations and one reasonably adequate for our national defense? We believe that we are safe in acting on the assumption that the people of our country will not be satisfied with anything less than a navy worthy of the name and, as well, the purposes for which it is maintained. If we are to have a navy of this kind, it is imperative that we build new ships from time to time as the old ones go out of commission and become useless.

Mr. O'CONNELL. If we go along with the program of the committee we shall still be behind the provisions of the 5-5-3 ratio, shall we not?

Mr. EVANS of California. Yes. Regardless of what may be said to the contrary, every Member of this body knows that the question of maintaining a navy for adequate defense depends on the size of other naval powers. In other words, it is impossible to deal with this question without taking into consideration the relative strength of other navies. Ambassador Gibson, before the Geneva conference last June, said in his opening statement:

> Before suggesting tonnage allocations in the various classes, I desire to state that we frankly recognize that naval requirements are relative, that building programs on the part of one power may well require expanding programs on the part of others, that if these limits are adjusted they should be adjusted for all.

At this point I wish to divert for a word. I concur with our beloved chairman, Mr. BUTLER, in every word he has said in commendation of Admiral Hilary P. Jones, who was one of our representatives at the Geneva conference. In my opinion too much praise can not be given Admiral Jones for his work and effort in advocating the truly American principles for which he stood at that meeting. I want to extend these same words of praise to our ambassador, the Hon. Hugh Gibson, the chairman of that conference. I have read his speeches and have been impressed with the true American manner in which he presented the cause of this Government and the high ideals of our people. He is a man of whom all America is justly proud. I feel it a distinct honor to be able to say that Ambassador Gibson, together with his much loved and highly respected and talented mother, are residents of the district and of the city which I have the honor to represent in part, and I deem it a privilege as well as an honor to be able to say of Ambassador Gibson and of his dear mother that no finer type of American citizens can be found in this country.

Going back to the subject of comparative armaments among the nations, it can be well said that if no other nation had a navy our country would correspondingly have no use for one.

Your committee has conducted hearings over a period of two months, meeting almost daily and remaining in session from two to three hours each meeting, at which hearings every possible effort was made to gain information with reference to the true and actual conditions of our own Navy and its needs, and further endeavored to gain information from which reliable comparisons could be made of our naval armament with that of other world powers. Before authorizing the construction of additional naval armament the members of this committee and this body are entitled to know, and should know, just what we have in the way of naval strength so as to be able to pass some judgment on whether or not it is reasonably adequate for the purposes for which it is maintained and how it compares with the same sort of defense maintained by other powers. The information set forth in the report which accompanies this bill is a concise statement of the deductions made by 20 of the 21 members of the committee. I know that every member whose name is attached to the report will concur with me in saying that due to the capable efforts of the gentleman from Massachusetts [Mr. ANDREW] the facts set forth in this report are correct and that they may be relied upon by the Members of this body.

Some of the salient features are as follows:

As to capital ships, we have under the Washington conference a parity on a 5-5-3 basis with Great Britain and Japan.

At the present time the number of modern cruisers built, building, and appropriated for in these three countries stand as follows:

> The United States has 18, with a total tonnage of 146,000.
> Great Britain has 63, with a total tonnage of 386,000.
> Japan has 33, with a total tonnage of 206,000.

In numbers these cruisers rank in order of importance as follows:

United States	1.4
Great Britain	5.0
Japan	2.6

In tonnage they rank as follows:

United States	1.9
Great Britain	5.0
Japan	2.7

It has already been emphasized by other speakers on this bill that the United States has in the service now 22 cruisers of the average age of 24 years. These are in addition to those included in the ratios just above mentioned. The standard life of a cruiser is 20 years. Every one of these old cruisers is over 20 years of age except 5, and those 5 will be over 20 years of age in less than one year from this time. Every one of these cruisers is perfectly worthless for offensive and defensive use in case of conflict. Therefore the only cruisers we now have in the service of modern and useful type are ten 6,000-ton ships mounted with only 6-inch guns. When the eight new cruisers heretofore authorized, two of which are now under construction, are completed this will give us 146,000 tons, as set forth in the report.

If the 15 ships called for by this bill are authorized and built, we will then have a total cruiser tonnage of 296,000 and will yet be approximately 100,000 tons below Great Britain in cruiser strength. These figures should prove to be reassuring to those who warn us against any sort of a constructive program that tends toward competitive building. We would have to add to this program another 100,000 tons before we could be said to be in the competing class.

At this point I wish to refer to what seems to be an overdeveloped antipathy on the part of some of our countrymen to any move on the part of our Nation to bring our naval strength up to that of Great Britain. It is urged by this line of thought that if the lanes of the sea were closed to the British Isles suffering would result in a short time. It has been claimed that Great Britain more than the United States is in need of types of ships, such as cruisers, that are swift and of widest range of action; and to stop the lanes of trade of Great Britain suffering would be brought to the people within a few weeks, while, on the contrary, our country could be cut off from the rest of the world and there would be food for the people. The same thought was injected into this discussion by a question addressed to the gentleman from Massachusetts while he was on the floor making the opening statement on this bill. Some of us can not fully subscribe to this line of thought. Followed to its final analysis it amounts to substantially saying that our world trade is not a necessary factor in our economic life, and in case it became necessary for the purpose of avoiding conflict with other nations it would be better to yield our rightful place on the sea and among the commerce of the world than to go to the expense of maintaining a Navy on a parity with the other large navies of the world. If we concede the right of any other nation to maintain a navy far superior to our own in the light of our own needs, we acknowledge a willingness to assume a place of inferiority in naval power. If this is our attitude, we were not justified in standing out for a

parity on the 5–5–3 basis at Washington in 1921, nor were we justified in asking for the same ratio at Geneva.

Our commerce is equal to and greater than the commerce of any other nation and is deserving of as high a degree of protection as that of any other nation or country in the world. It will be remembered that we were closed to the sea in 1914. We were not then in war, nor were we in war for nearly three years thereafter. At that time we had on the seas approximately $16,000,000,000 worth of American goods. Production was going on throughout our land. All at once our commerce ceased to move. What happened? The Southern States of our Union were the first to suffer. There was found baled and piled up in the towns of the South more than $500,000,000 worth of cotton which the producers were anxious to turn into cash with which to pay the costs of production and other pressing obligations, but the market was closed because American commerce, that of a neutral nation, had been driven from the seas.

Suppose the seas were closed to our commerce to-morrow by reason of a conflict between two or more other nations over which we had no control or with which we had no direct concern. We would be caught with over $20,000,000,000 worth of American goods on the seas bound for all ports of the world. Is it not inevitable that there would be suffering as a result of this condition? It is a mistaken idea to say we are sufficient unto ourselves in the matter of food supplies as well as in other commodities. In 1926 we purchased and imported into the United States $266,000,000 more in food supplies than we exported. It has already been pointed out by the gentleman from Michigan [Mr. WOODRUFF] how we are absolutely dependent on foreign markets for practically all the manganese and rubber used in this country. Admiral Hughes testified before our committee that if we were deprived of importing manganese for a short time our iron and steel industries would disappear. We could build no railroads, bridges, or other improvements employing these products. He also said that our large automobile industry in this country is wholly dependent on the foreign supply for rubber.

As proud as we are of our great resources, both developed and undeveloped, we think it is altogether proper that we occasionally take stock and ascertain whether we are, after all, a really self-contained nation. I, for one, believe that it is just as important that we keep our lanes of commerce open to all the ports of the world as it is for Great Britain or any other country to keep her trade lanes open. Freedom of the seas is a tradition with America and has been since the birth of our Nation, and, in so far as I am concerned, and in so far as my vote is concerned as a Member of this body, until some better plan can be agreed upon through the means of disarmament or otherwise, our Navy will continue her rightful place on the seas with a standard of equipment and efficiency for which this country will have to make no apology. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BUTLER. Mr. Chairman, I yield seven and one-half minutes to the gentleman from New York [Mr. WAINWRIGHT]. My friend on the other side has given him five minutes. That will close me out for the debate.

The CHAIRMAN. The gentleman from New York is recognized for 12½ minutes.

Mr. WAINWRIGHT. Mr. Chairman, I ask that I be not interrupted until I have concluded my remarks.

Gentlemen, I rise to support this bill. I approach the matter under consideration from the standpoint of one who believes that this country should lend itself in every way, by every means at its disposal, and exert its influence to secure a reduction of naval armaments. I believe we should do everything we can to reach an agreement with the other great powers of the world to relieve the people of our country and the people of other countries of the burden of naval armaments. But until that day arrives, and until we can reach such an agreement, I believe that we should have a Navy as large as the navy of any other country in the world.

I was glad to hear the gentleman from Minnesota [Mr. KVALE] say that he believed in an adequate Navy. Gentlemen, that is the whole question before us. What is an adequate Navy for the United States under the present situation and in the absence of such an international agreement?

This bill involves our highest responsibility under the Constitution, namely, the assurance of the national defense. Others may recommend, but the ultimate responsibility is ours. It has aroused much discussion and caused much agitation both at home and abroad. Well-meaning people have sought to influence our action and divert us from our responsibility, but that responsibility is such that it can not be shared with others. It is inspiring to contemplate that our Committee on Naval Affairs have so splendidly arisen to their responsibility and declined to be diverted from their duty by pressure the other way from well-meaning but misguided sources. The action of that committee representing all sections of the country, the interior as well as the seaboard, reflecting various shades of public opinion, should foreshadow the action of this House, of which they are so worthy a part. In matters involving the national security we are not justified in relying merely on fortunate chance and providing for the national security upon the assumption that we shall never, never be called upon again to resort to force either to repel aggression or to protect our just rights or interests.

I feel quite sure, in fact it has been indicated in this debate, where the opposition to this bill has been really perfunctory, that the action of the House will ratify, and ratify in a most impressive manner, the recommendations of our Committee on Naval Affairs.

The charge at home here is that this measure is unnecessary; that it involves competitive naval building, the very thing which we should seek to avoid. It comes principally from those who would be quite content, I am sure, that we should indulge in no naval building at this time or at any time, who feel that because no war clouds darken the sky that we may well let the Navy remain as it is, and they urge us to pass no such bill as this.

And as to the criticism from abroad, may I recall to your minds the recent words of our President—

> where there is no treaty limitation, the size of the Navy which America is to have will be solely for America to determine.

And the fact that there is no treaty limitation, notwithstanding our efforts to secure one, is precisely the reason why it is incumbent on us now to regulate and provide for the size of our Navy in relation to our own security and possible needs.

But they say this program of naval construction will involve us in competition in naval building with England. Not at all. As the committee so clearly shows, even with the ships here provided for, we shall still be far behind Great Britain in cruiser strength, and certainly it is furthest from our thought or intention at this time, or at any time, I hope, to engage in a course in anything that will involve us in difficulty or misunderstanding with the British Empire. God grant the day never comes again when there will be serious controversy between the United States and the mother country of so many of us of English origin. We have tried to agree with her on the number of cruisers and other craft apart from battleships that each of us shall have and failed. What then? Are we to refrain entirely from building? Are we to engage in merely sporadic or desultory building, leaving construction to the chance whim of each session of Congress? Or are we to adopt some program or standard of strength and provide for a well-rounded Navy adapted to our possible needs, with the various elements bearing some logical and definite relation to each other?

Clearly prudence and our duty as representatives of the American people require the latter. Cruisers, aircraft carriers, and submarines are as vitally necessary as battleships, yet shall we provide no adequate cruisers for our Battle Fleet, or so few as to leave the fleet impotent in that vital element? Imagine either of the grand fleets having entered the battle of Jutland, without cruisers and cruiser screens. Shall we also make no provision to replace our obsolete cruisers? No provision for the protection of our trade routes, for the full protection of the Panama Canal, or our island possessions. If we are to maintain our battleships at the 5–5–3 ratio, are we to give no concern as to the necessary auxiliaries for those battleships? These are questions that must be answered. At the time of the Washington conference we had a program adopted way back in 1916, the completion of which would have given us naval superiority or supremacy. That we cheerfully renounced and destroyed 30 battleships, 15 of which were afloat and 15 approaching completion, with a total displacement of at least 800,000 tons, on which we had spent at least $300,000,000. Then at the conference we offered to conform our cruiser strength and the other elements to the capital-ship ratio to be agreed upon. But that was refused by the other conferees, and all were left free to develop and increase those other elements as they chose or saw fit, and the others have built far more than we have, until, as Admiral Hilary Jones puts it, "We are too far behind the procession." The 5–5–3 ratio for battleships was solemnly agreed upon; the treaty ratified by our Senate. Is it to be ignored? Will anyone say that it is not the duty of those responsible for the public welfare to provide for our adherence to that ratio in capital ships? And, if that be so, can we neglect the other necessary components?

The Secretary of the Navy, with the approval of the President, brought in a much more extensive program, looking much further into the future. It was tenable and sustainable in that it would have tended to bring us up to the 5–5–3 ratio in the

auxiliary components. But the committee brings in this much more moderate program carrying us only to 1934. To-day the ratio in cruisers of the 5-5-3 countries is Great Britain, 5; Japan, 2.6; the United States, 1.9. If this program is authorized and appropriated for, and the ships completed, we shall still be in a position of inferiority, with Great Britain with 63 cruisers with 386,636 tonnage and a ratio of 5 both in numbers and tonnage, with the United States with but 33 cruisers of 296,000 tonnage with a ratio of 2.6 in numbers and 3.8 in tonnage, with Japan with 33 cruisers of 206,415 tonnage with ratio of 2.6 in numbers and 2.7 in tonnage. And this on the assumption that the other countries indulge in no further building in the meanwhile.

Gentlemen, the question presented to us here and now is, Shall we reduce our present inferiority in naval strength or shall we permit it to increase and our ratio of naval strength to go down and down until we are less than third rate among the naval powers? For one I am not satisfied to lend myself, by failure to support this bill, to any such contingency, and I am confident that the overwhelming majority of our countrymen and countrywomen, too, are of the same mind and that the taxpayers will cheerfully contemplate the moderate burden of only about $45,000,000 a year involved in view of the vastly important object in view.

Of course, the whole weight of this country should always be exerted to preserve harmony among the nations. Of course, no one need have any fear that we ourselves shall give just cause for offense to any other nation. We must, and we certainly shall, lend ourselves in every way to the perpetuation of peace in the world. Heaven knows we in common with others have recently had the bitter experience of war, and now know how liable we are to be drawn into the maelstrom in case of another world conflict. But in the light of history, in the light of our recent experience, would it not be folly, worse than folly, for us to regulate our affairs upon the assumption of the existence of a condition in the world which does not exist? Certainly we should strive to be leaders and moulders of that world spirit and sentiment without which there can never be any assurance of lasting peace. But, until conditions in this world change very much, no serious statesman will feel that this country can afford to neglect considerations affecting the security of his own country. And the standard of the measures for our security must be not probable conflict, but possible conflict. In conclusion, may I say, Mr. Chairman, that I for one am in favor of taking no chances, but of making the most complete provision for our national security on the seaside until and unless we can arrive at some definite agreement for further reduction which at the moment unfortunately seems impracticable. [Applause.]

The CHAIRMAN. All time in favor of the bill has now expired.

Mr. BRITTEN. Mr. Chairman, I desire to make a unanimous-consent request. Because of my remarks on yesterday, directed toward the National Council for the Prevention of War and really against Mr. Frederick J. Libby, its president or operating chief, who is in the gallery again to-day, I have been requested to insert at this place in the RECORD the action of the Board of Education in the District of Columbia on January 21, 1925, in which, by unanimous agreement, they refused Mr. Libby permission to address the school children at any time. This request comes from the gentleman in the gallery through the gentleman from Ohio [Mr. SPEAKS]. In fairness I think it ought to go in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. CROSSER. Mr. Chairman, reserving the right to object, what has that to do with approving or disapproving the merits of this bill?

Mr. BRITTEN. Nothing, except that this organization has sent out, I suppose, tons of literature in opposition not only to this bill, but to everything else connected with national preparedness. On yesterday I called the attention of the House to this Board of Education report, and I think in fairness to the gentleman this complete report of the board of the District of Columbia ought to go in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. McCLINTIC. Mr. Chairman, reserving the right to object, I want to say that the Boston Daughters of the American Revolution has had quite a revolt against the action of the lady who appeared here in behalf of this bill, and inasmuch as their protest has been given wide publicity, I think permission ought to be given for their statement to go in at the same time.

Mr. BRITTEN. Mr. Chairman, the gentleman has a newspaper clipping in his hand. It is different from the official action of the Board of Education of the District of Columbia.

Mr. SHALLENBERGER. Mr. Chairman, I object to both of them.

The CHAIRMAN. Objection is heard.

Mr. SPEAKS. Will the gentleman from Oklahoma yield?

The CHAIRMAN. The gentleman from Oklahoma has not the floor. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, I yield myself 16 minutes.

Mr. SPEAKS. Will the gentleman from New York yield for a half minute?

Mr. LAGUARDIA. For a half minute; yes. I will yield to the gentleman for the purpose of making a unanimous-consent request, but it must not be taken out of my time.

The CHAIRMAN. The gentleman from New York is recognized for 16 minutes.

Mr. SPEAKS. Mr. Chairman, in a spirit of fairness and after investigating the situation, I ask unanimous consent that this official report——

The CHAIRMAN. The gentleman from New York has the floor.

Mr. SPEAKS. I am preferring a unanimous-consent request.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. LAGUARDIA. For the purpose of preferring a unanimous-consent request, but not to be taken out of my time.

Mr. SPEAKS. My request is simply that the complete report of the District of Columbia Board of Education, from which a quotation was made yesterday, be permitted to go into the RECORD.

Mr. ABERNETHY. Mr. Chairman, I am going to object to the request of the gentleman from Oklahoma.

Mr. McCLINTIC. I shall not object to the request of the gentleman from Illinois if you play fair with all parties.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. ABERNETHY. I shall object to the request of the gentleman from Oklahoma, because that is an aspersion upon a very patriotic organization.

Mr. SPEAKS. What I am asking is that the official report of the Board of Education of the District of Columbia, over the signature of the secretary, be inserted in the RECORD.

Mr. HUDDLESTON. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded. The gentleman from New York has the floor.

Mr. SPEAKS. Mr. Chairman, was my request granted?

The CHAIRMAN. Objection has been heard.

Mr. SPEAKS. Where did it come from? I did not so understand it.

Mr. McCLINTIC. Unless you allow all of these articles to go in, I shall have to object. If they will permit this to go in, I will have no objection to the other.

The CHAIRMAN. The Chair suggests that these unanimous-consent requests should be made in the House and not in the Committee of the Whole. The gentleman from New York is recognized for 16 minutes.

Mr. LAGUARDIA. Mr. Chairman, yesterday the gentleman from Illinois [Mr. BRITTEN] made some reference to this matter, and to-day the gentleman from Ohio [Mr. SPEAKS] asked to put the complete letter and report in the RECORD. I ask unanimous consent at this point, Mr. Chairman, to revise and extend my remarks in the RECORD by putting in the RECORD the complete report.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated.

Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I desire to read a document with respect to the Board of Education of the District of Columbia:

REPORT OF COMMITTEE ON THE LIBBY CASE

BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA,
Washington, D. C., January 21, 1925.

To the Members of the Board of Education, Washington, D. C.:

LADIES AND GENTLEMEN: Your committee appointed in accordance with the action of the Board of Education at its meeting of December 3, 1924, with instructions to investigate the views and affiliations of Mr. Frederick J. Libby in order that the board might determine whether Mr. Libby should be permitted to speak in the schools has the honor to submit its report.

On the evening of December 18, 1924, your committee conducted a hearing at the Franklin School, at which time a large number of friends and opponents of Mr. Libby were present and asked the privilege of being heard. Some of the speakers appeared before the committee to

present their individual views. Others spoke as representatives of organizations. It was evident that there was considerable opposition from citizens and bodies of citizens to Mr. Libby's request for permission to speak in the schools. All persons who participated at the hearing were requested to submit briefs to the committee setting forth in writing their reasons for or against Mr. Libby being granted the privilege to speak in the schools. The request was freely complied with and a great quantity of printed circulars, typed memoranda, and briefs was submitted. Your committee has reviewed the evidence presented at the hearing and, after giving consideration to the statements submitted for the information of the committee, desires to present to the Board of Education the following conclusions and recommendations:

(1) The discussion of the issues underlying the questions before the committee became more or less acrimonious as the opposing views were presented by the contending parties. It became evident as the hearing progressed that extreme views were being expressed on both sides. Your committee was impressed with the fact that important national and international political issues were being debated; that far-reaching principles of political economy involving the friendly relations of world powers were under consideration; perplexing questions of such magnitude and complexity that even statesmen of international repute were in doubt as to their best solution. The committee is of the opinion that the discussion of such important political issues in assemblies of high-school pupils, made up mainly of boys and girls only 14 or 15 years of age, must undoubtedly be confusing to young minds. When they acquire more mature judgment our young people have a better basis in thinking for themselves and thus to arrive at opinions on vital public questions. Political science, however, is a subject for the university more than for the high school. The average boy or girl of high-school age has difficulty in exercising sound judgment on the merits of a discussion that presents an extreme view on the national defense act, the inefficacy of national preparedness, or a partisan view of the League of Nations.

(2) Not only should it be deemed unwise to permit the expounding of big national political issues from a partisan point of view in our high-school assemblies, but it would be contrary to the rules and practice of the public schools of the District of Columbia to allow such discussion from a religious point of view. This is in conflict with certain principles underlying the operation of our American public schools. Although the rules of the Board of Education require the reading of the Bible in the opening exercises daily, teachers and others are not permitted to comment on or to discuss the Scriptures and their meanings. In the hearing Mr. Libby stated that his views in regard to war and national preparedness are based upon his religious convictions.

3. The American people as a Nation expect that patriotism and love of country shall be taught in the public schools of the land. Much of the inspiration giving rise to feelings of patriotism in our boys and girls grow out of the achievements of our American ancestors. Our history is rich in the noble deeds of illustrious Americans, deeds that stand for achievements by explorers, inventors, pioneers, statesmen, soldiers, captains of industry, poets, scholars, and men of science. Our school histories recite the deeds of these renowned Americans so that we are not surprised that in the hearts of our boys and girls they stand out as national heroes and rightly so. Every American boy and girl should be permitted to cherish the memory of these heroes. Whatever may be the horrors of war, and however we may be opinioned in regard to war or the means for its prevention, we can not permit the heroic sacrifice of the men who gave their lives for their country to be minimized. In practically every household the memory of one or more loved ones who paid the supreme price is held sacred. Your committee is convinced that the patriotic sentiments of the average American boy or girl should not be confused by any teaching that the ancestors may not have been prompted by the highest motives in the prosecution of war or that the war in which they fought was a great national blunder. We are convinced that the American people by and large have "highly resolved that these dead shall not have died in vain."

For the several reasons set forth in this report your committee recommends that the discussion of far-reaching, controversial political issues in our high-school assemblies should not be permitted by any person or persons whose presentation of such questions is from the point of view of an extreme partisan. Nor should persons be permitted to speak in our schools to whom there is opposition to an unusual degree by large numbers of citizens and organizations of citizens. Your committee holds that Mr. Frederick J. Libby entertains extreme views on the public questions that he has discussed in regard to war and preparedness, and therefore, recommends that his request to speak in the schools be denied.

E. C. GRAHAM,
Chairman,
ERNEST GREENWOOD,
LILLIAN Y. HERRON,
F. I. A. BENNETT,
Committee, Board of Education.

A true copy.

HARRY O. HINE,
Secretary Board of Education, District of Columbia.

Mr. LAGUARDIA. Mr. Chairman, the gentleman from Georgia [Mr. VINSON] without doubt has made the best argument in favor of the bill. The gentleman made a most forceful argument for his side of the question.

Yesterday I endeavored to make what I will call a spiritual appeal, an appeal based upon what I considered would be the best policy for this Government to follow. All the Navy experts, I am sure, will agree that not only the present naval power of a nation must be taken into consideration, but its potential power, and as to potential power, resources, finances, geographical situation, and home industries we are so far ahead that I repeat I see no danger of this country's safety being impaired in the next generation.

I will not attempt to continue on the spiritual side of the opposition. Let me to-day set forth the material side of this question. I want to make clear for the RECORD that the country should understand that besides the additional cruisers and the plane carrier in the present bill calling for an appropriation of $274,000,000, we have now authorized and appropriated for a program for which we carry in the naval appropriation bill for the next fiscal year, which will be before us in a few days, over $72,000,000, and which carried to its conclusion will cost the people of this country $201,561,450, in accordance with the figures presented by the gentleman from Idaho [Mr. FRENCH] to the House this morning.

And let me say, in referring to the figures of the gentleman from Idaho, there is not a better-informed man on the Navy in this House or in this country than the gentleman from Idaho [Mr. FRENCH]. [Applause.]

Mr. SHALLENBERGER and Mr. VINSON of Georgia rose.

Mr. SHALLENBERGER. Will the gentleman permit me to add another figure which I have just taken from the figures the gentleman from Idaho [Mr. FRENCH] gave us? In addition to the figure of $201,000,000 which the gentleman speaks of, there is the maintenance program of $2,255,000,000.

Mr. LAGUARDIA. That is in a certain period of time.

Mr. SHALLENBERGER. Yes.

Mr. LAGUARDIA. There is a slight discrepancy of $40,000,000 between the figures I cited and the figures of the gentleman from Georgia.

Mr. VINSON of Georgia. I will help the gentleman to correct his figures if he will permit.

Mr. LAGUARDIA. Yes.

Mr. VINSON of Georgia. The existing program now in the 1929 appropriation bill will call for an expenditure of $72,760,000. Assuming this bill becomes a law and assuming the ships must be built within the time prescribed, it is necessary for the program this year to carry at least $5,000,000 to authorize the commencement of five ships. This will mean, therefore, this year an expenditure for new building, including what is already upon the books, of $77,760,000.

Mr. LAGUARDIA. Five million dollars more. That is the way it goes—continually piling up.

Mr. VINSON of Georgia. In 1930 this program and the one already adopted will cost $100,620,000. In 1931 this program and the one already upon the books will cost $141,000,000. In 1932 it begins to decrease because the program upon the books has been finished, and the cost will be $75,000,000, and in 1933 the cost will be $47,000,000, and in 1934 it will cost $26,000,000. By 1934 we will have finished the 15 ships, the airplane carrier, and everything that we have on the books to-day, including the five-year aviation program and including the two dirigibles, which will be at the rate of $73,000,000 a year for the next six years.

Mr. LAGUARDIA. Exactly. I make it $475,561.450, and the gentleman is slightly below that, but what is a difference of a million or two million dollars in the consideration of a program of this kind?

Besides this I want to emphasize the point made by the gentleman from Idaho [Mr. FRENCH] that to operate each one of these additional cruisers will cost us about $1,247,500 a year, and to operate an airplane carrier will cost us $1,400,000 a year. So as soon as the ships are completed the operating and maintenance cost of the Navy will increase permanently several million dollars a year.

And let me add right here that the figures stated by the gentleman from Georgia do not include the building of the 12 destroyer leaders authorized by the act of 1916. That will be over a hundred million dollars.

Mr. VINSON of Georgia. Of course not, because the Navy Department has not asked for them to be built.

Mr. LAGUARDIA. But they will before we are out of here very long, and also for the three additional submarines.

Now, as to the relative strength of our Navy. May I point out that comparisons of all classes of ships have not been made? I want to show here, for instance, that on submarines

of the first line we have 50, with a tonnage of 43,822 tons, to England's 29, with a tonnage of 24,150, and Japan's 45, with a tonnage of 36,497.

As to submarines of the second line, for coast defense, we have 65, with a tonnage of 31,282; England has 23, with a tonnage of 9,928; and Japan has 10, with a tonnage of 3,259.

Surely these figures, which are official and which I obtained from the Navy Department, indicate that our Navy is well ahead in these classes of ships.

It has been said by the experts that the destroyers are what we need to protect the merchant marine, which, by the way, we have not got. When we come to the destroyers, we have 262, with a tonnage of 312,479. England has 164, with a tonnage of 187,150. Japan has 83, with a tonnage of 193,470.

Mr. O'CONNELL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNELL. What is the gentleman quoting from?

Mr. LAGUARDIA. From the Navy Department. We also have 25 destroyers of the second line, assigned to the Coast Guard.

I want to emphasize these figures for the purpose of showing that we are not as weak as some gentlemen desire in emphasizing their arguments as to the needs of the Navy.

Mr. CONNERY. Will the gentleman yield? I have been trying to get time, and I wish the gentleman would allow me to make a short statement.

Mr. LAGUARDIA. I yield.

Mr. CONNERY. I have been listening all afternoon to gentlemen of Congress defending the right of the United States even to create any Navy at all. I do not see them standing up here as a patriotic proposition and saying that we should have a navy as large as England. They say we should not have the temerity to create cruisers and battleships and aircraft carriers, because England might not like it.

I do not like that kind of talk coming from Members of Congress of the United States, especially on the eve of St. Patrick's Day. [Laughter and applause.] St. Patrick's Day brings back memories of fighting Jack Barry, the father of the American Navy, with Irish blood in his veins, who never kowtowed to England and never asked England's permission about building ships, but went out and fought the British Navy to save this country. This same Jack Barry, who, when Lord Howe offered him $300,000 in gold and the command of the best frigate in the English Navy, replied, "Not for the value of the English Navy and the command of it all could I be seduced from the cause of my country."

I am sick and tired of these pacifists throughout the United States who are saying that this bill is aimed primarily at the mother country. The only mother country I recognize is the United States of America. [Applause.]

Gentlemen of the House, I stood in France in the front-line trenches, and I saw my buddies die because the United States was not prepared in 1917 and 1918; they did not have an opportunity to teach these boys how to handle the rifle. I saw them die, and realizing our unpreparedness I do not want to see the same thing happen because the Navy is unprepared. I would like to speak at length on this bill, but have not had the opportunity, so I would like my colleagues to know that I will vote for this bill, but would much rather vote for the program set out by President Coolidge, which would give us an adequate Navy, which this bill does not give us. I thank the gentleman from New York for his courtesy. He has always been my friend; I have always admired his courage and ability, and I thank him again. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, that is a very powerful interruption to make in a speech when I am opposing the bill. [Laughter.] But I love my friend CONNERY and am always glad to hear him. But let me say to my colleague that I, too, saw these boys die; but I also saw the boys of Germany, who had the most perfect training and were part of the greatest military machine, beaten by those boys who, he says, had no training at all. [Laughter and applause.] You can not get away from that.

No; I do not agree with the gentleman from Massachusetts. I still believe, gentlemen—of course, the bill will pass—I still believe we have a great opportunity at this time. As well off as we are domestically and financially and in every other way, we have the opportunity to show the world that we have learned a great lesson from the World War. We can inspire the people of all nations and make the hope for peace something real.

It is going to be extremely difficult for other nations to understand why at this time we are adopting this naval program. I will concede that it is not a competitive program, but I say it is "keeping up with the Jones's" policy.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SHALLENBERGER. Is not this the largest program we have ever offered in a time of peace?

Mr. LAGUARDIA. With what we have already authorized and appropriated for, it is one of the largest naval bills; yes.

Mr. SHALLENBERGER. And larger than that of any other nation?

Mr. LAGUARDIA. Yes; I do not see the necessity of it at this time.

Now, you gentlemen of the Mississippi Valley, we have a greater war on our hands—the war against the elements. We have to regulate the whole Mississippi Valley. That is a war for humanity. I will vote for three or four hundred million dollars for a humane purpose of that kind. [Applause.]

Now, let me say to you from the farming districts that when the farmer asks for relief you will have to tell him that you can not give it because we are building a navy to protect the ships which we have not got—that carry the wheat we do not export. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman, I announced at the outset of this debate that I intended to support the President's program, and it is a pity that I have to obtain time from the gentleman who is opposing the naval program generally. Many times I have been humiliated in the course of this debate. I hardly wanted to speak at all at this time, when this American Congress is about to haul down the American flag on the high seas for the cheapest kind of politics I have seen since I have been in Congress. The logic has been a little diverting at times. The whole debate on both sides should be summed up in a jingle:

There ain't going to be no war,
There ain't going to be no war,
But how in hell can the people tell
There ain't going to be no war?

The Republican convention at Cleveland promised this country a Navy living up to the 5–5–3 ratio. They promised this country a regular party government and they promised this country a cooperation between the President and the Congress. They promised this country that they would live up to their constitutional obligations, and the Constitution calls upon us to provide for the national defense. The country is committed to a 5–5–3 ratio and the Republican Party is committed to it, and yet this committee has come in with a bill, and they confess that it does not live up to the 5–5–3 ratio. They come in with a bill that is a compromise between those who want no Navy and those who want to go to the country and say, "We are trying to do something about the American Navy." I have been disgusted during this debate to hear men get on this floor and quote from British experts, British admirals, and British statesmen. I was going to use some quotations from Commodore Barry, but I would be ashamed to quote from Barry on the day before St. Patrick's Day when we are doing this disgraceful thing to the American Navy that is proposed in this bill. Every man on this committee knows that this thing that they are presenting here does not provide us with an adequate Navy. And the gentleman from Idaho [Mr. FRENCH] in an honest fashion exposed them this morning. They said that the reason they did not go down the line with the President is because there is already existing authority in law for destroyer leaders and for submarines. I asked the gentleman from Idaho on the floor this morning if the Appropriations Committee intended to appropriate this year for submarines and destroyer leaders, and his honest answer was "no." So from the beginning that statement, in which they predicated their desertion of the President on existing authority, has been without foundation in fact, and it is the cheapest kind of political bunk.

We are doing more to-day than providing for a Navy. Great Britain knows what we are doing to-day. Great Britain knows that this policy of a naval parity means the end of Great Britain as the economic leader of the world. Great Britain is not being fooled about this situation. I shall quote some British experts too, if it will be of any consolation to the committee. First, I quote from Hector Bywater, who says that this is a fine bill and that the President's bill was all wrong. Then, Admiral Bridgeman said yesterday in Parliament that this naval bill is not offensive to Great Britain. Of course it is not! The only naval bill that could possibly hurt her feelings is the bill that would give us parity on the high seas. In view of our economic leadership we are entitled to supremacy on the high seas, and when we create a parity with Great Britain we make concessions to her, and however you look at it, you gentlemen on the Republican side of the House are false to your

Constitution, are false to your President, and are false to your Republican Party platform.

The CHAIRMAN. The time of the gentleman from New York has expired.

The CHAIRMAN. All time has expired except that in the control of the gentleman from Oklahoma [Mr. McCLINTIC], who is recognized for 38 minutes.

Mr. McCLINTIC. Mr. Chairman, ladies and gentlemen of the House, I may not use all of the time that remains. I am very much pleased that it is my privilege to close the debate of what has been a most interesting discussion. I regret exceedingly, as I said before, to differ in opinion with many Members of the House and of the committee. However, I think every person who has followed my course will admit that my difference of opinion has been an honest one. Since I have been a member of the Committee on Naval Affairs I have conscientiously tried to do that which, I think, is best for our Nation, and in presenting my side of this question I hope to give you some figures to show that the statements that I make are warranted. I look at every public question in this manner. If I am right in my viewpoint, eventually I shall win, and if I am wrong, then, I deserve to lose. I took that position about 10 years ago on the subject of aircraft. At that time I was practically alone on the committee, and notwithstanding the fact that at different times it was somewhat humiliating to be defeated by votes of those with whom I was associated, yet I persevered and continued my activity as best I knew how, and I am glad to say that 90 per cent of the American people to-day realize that aircraft is the most important factor when it comes to dealing with the subject of national defense. So I say that while the membership of my committee does not agree with me with respect to the necessity for submarines, yet if the other nations of the world continue to build this kind of ship in large numbers, and there should come to us an unfortunate conflict, this country would be in an embarrassing situation because we would be unprepared to that extent, and our commerce will have to pay the penalty.

I am presenting a plan as a substitute for that of the majority of the committee which would cause 15 of the larger types of submarines having the latest safety devices to be built in place of the cruisers. Feeling and believing that the record of the last war and the record that relates to the destruction of merchant tonnage fully support my position, I make the statement that the most disastrous type of ship ever invented in peace or in war time is the submarine.

There are those here who would like to see some submarines added to this bill, and they will vote for the amendment that I intend to offer. I would be much pleased, notwithstanding the fact that I wish it were possible for the nations of the world to abandon this type of destructive ship, to see this country be able to cope with any kind of a situation that might arise.

Now, much has been said concerning the subject of cruisers. Some of the members of the committee have made statements in their speeches which I consider rather unfortunate, for the reason that if these statements are printed in the CONGRESSIONAL RECORD and the same should be sent to some of the foreign nations they are bound to come to this conclusion, that America, the United States, is trying to build up a Navy having in mind making preparation for war against some particular country.

Now, I would rather take the position that the five major nations of the world are sick of war. I would rather take the position that the amount of their public indebtedness at this time is so enormous as to practically stagger the imagination of the ordinary mind. What is the public debt of the five major nations at the present time?

A little more than $75,000,000,000; $75,000,000,000! And what is the population of the world at the present time? A little more than 1,800,000,000. In other words, the five major nations of the world owe more than $40 for every man, woman, and child all over the world. And why has this great debt been created? To pay the enormous losses occasioned by war.

So there is a justification for those of us who would like to economize and expend our money for the development of those enterprises which are closer to our homes. We want to expend our money for the improvement of economic, agricultural, and other conditions that need so much improvement at the present time, particularly agricultural and flood relief. So I have joined with those who have spoken on this floor in saying that we should first take care of the conditions that vitally affect our own people.

Everyone who has ever testified before the great Military Committees of Congress has said—and I think it can be said without fear of contradiction—that as long as we maintain in this country an adequate aircraft defense or force no nation on earth can encroach upon our shores.

So if that is true, why is it not safe to first take care of those things that are urgent, such as the great Mississippi flood, the Mississippi disaster, and other economic and industrial conditions that exist in the land?

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. O'CONNELL. I am one of those in the House who have to differ from the gentleman from Oklahoma in regard to this matter. But does not the gentleman think the United States ought to be on a parity with the other nations with which we have this agreement?

Mr. McCLINTIC. I thank the gentleman for the interruption. That brings me to a statement that I desire to make at this point; a statement which will probably be interesting, or should be interesting, to the Members of the House. Nearly all of the comparisons that have been made with respect to this legislation referred to England and the number of cruisers that England has in comparison with those of the United States. Now, I want to tell you something, and I hope you will take out your pencils and figure a little with me, and if I make a wrong statement you will correct me. England has 49 cruisers, with a tonnage of 246,776. Of this number, 42 have a tonnage of less than 5,200, with a maximum speed of 29 knots; a total tonnage of 186,410, leaving a balance of only 7 cruisers, with an aggregate tonnage of 60,366 tons.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. O'CONNELL. Where is the gentleman getting those figures?

Mr. McCLINTIC. From the Navy League, the organization that always asks for an adequate Navy. Referring to the seven cruisers, there is the *Vindictive*, with a tonnage of 9,996; the *Hawkins*, with a tonnage of 9,820; the *Frobisher*, with a tonnage of 9,860; the *Eppingham*, with a tonnage of 9,770; the *Emerald* and the *Enterprise*, each with a tonnage of 7,100; and the *Adventurer*, with a tonnage of 6,740; making a total of seven cruisers, and all of them but two having a speed of less than 33 knots per hour.

On the other hand, the United States has 10 of the Omaha type, cruisers of 6,600 tons, with a speed of 34 knots, as against an average of 29 knots to those belonging to England, and twelve 6-inch guns in comparison with seven 6-inch guns on the English cruisers. You are bound to admit this fact, that if the United States has cruisers which have on them twice as many guns of the same caliber that they exceed in efficiency the ships which belong to England, and if the United States has 10 cruisers that have a speed of 34 knots as against 7 cruisers that have a speed of less than 29 knots, and with double the efficiency when you consider the number of guns, then we must admit that we excel England on that basis.

It is true England has laid down 14 cruisers, but I have here a statement, which I will read into the RECORD, from an English official who ranks sufficiently high that no one can impugn his motives or deny the authenticity of his statement, and he is Mr. Churchill. He says:

> The decision of the Government to postpone the laying down of the three cruisers included in the program for this year is an earnest, and a most striking one, that they regard the work of the Geneva conference as by no means abandoned. We congratulate and thank them. Nothing is more valuable just now than a plain sign flashed through a night of misunderstanding that Great Britain wants peace and means to have it. The larger cruiser is one of the two that are dropped. The Government have given just such a proof as we desired to the United States that we do not intend to invite her to a competition in cruisers.

Mr. WOODRUFF. Will the gentleman yield for a suggestion?

Mr. McCLINTIC. Yes.

Mr. WOODRUFF. I suggest to the gentleman that he disclose to the House the type of cruisers that England has laid down since 1924.

Mr. McCLINTIC. I am glad the gentleman asked that question. I want to say that according to that statement England has abandoned the program of building any more until the United States acts. The United States is now confronted with this situation: We have a bill here which authorizes the construction of 15 cruisers, which means this is a competitive proposition. You can not call it anything else, and if we continue the construction of 15 cruisers, of course England will have to go ahead and lay down and complete the 14 that she has on her program.

Mr. WOODRUFF. Will the gentleman yield further?

Mr. McCLINTIC. I prefer not to yield.

Mr. WOODRUFF. I asked the gentleman to inform the committee as to the type of cruisers already laid down by Great Britain since 1924. The gentleman did not answer that or give the committee the information.

Mr. McCLINTIC. I have just made the statement that England has practically abandoned that particular program.

Mr. WOODRUFF. I am speaking of ships already laid down since 1924.

Mr. McCLINTIC. And that is what I have been talking about.

Mr. WOODRUFF. They have not been abandoned.

Mr. McCLINTIC. I say they have, or Mr. Churchill has deliberately falsified.

Mr. WOODRUFF. Wait a minute.

Mr. McCLINTIC. I do not care to yield further.

Mr. WOODRUFF. I do not blame the gentleman. If I were in the gentleman's place, I would not yield either.

Mr. McCLINTIC. I have quoted from the records of the Navy League.

Mr. WOODRUFF. And I am speaking from the same record, which I hold in my hand.

Mr. McCLINTIC. You had an opportunity to talk about this, and I hope I may proceed without being interrupted.

The CHAIRMAN. The gentleman declines to yield further.

Mr. McCLINTIC. I want to state to this House that when you talk about a parity on cruisers you ought to give all the facts and not one or two facts. Every single, solitary destroyer we have in our Navy to-day has an excess of speed over 42 of the 49 cruisers belonging to England. In other words, all of our destroyers can exceed them in speed, and can move away from them or move up on them, so long as they have these little tiny ships called cruisers—I have classed them as cruisers because they are in what I term the destroyer class. So much for the cruisers.

Mr. BRITTEN. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. BRITTEN. My impression is that there is some confusion about the remarks you read as made by Lord Churchill.

Mr. McCLINTIC. I will put them in the RECORD, and that will be sufficient.

Mr. BRITTEN. I know, but all the ships the gentleman has referred to as not being laid down and as having been abandoned are now under construction. They are not being abandoned, and I want the gentleman to be set right.

Mr. McCLINTIC. For the benefit of the House and the gallery, I will say I will put the statement in the RECORD. I will put in the names of these little, tiny ships that this Nation uses in comparison, calling them cruisers, because they average less than 5,000 tons. When you make a comparison with the seven cruisers that England has remaining, which are a part of these cruisers built, every one of them is far less superior when a comparison is made of their strength from the standpoint of guns and speed.

England's 42 cruisers (destroyer type) of less than an average of 5,000 tons

Date built	Name	Commission expires	Tonnage	Speed	Guns
1911 [1]	Weymouth	1931	4,860	25	8 6-inch.
1911 [1]	Dartmouth	1931	4,860	25	Do.
1912 [1]	Yarmouth	1932	4,860	25	Do.
1913 [1]	Melbourne (A)	1933	5,120	25	Do.
1913 [1]	Sydney (A)	1933	5,120	25	Do.
1914 [1]	Birmingham	1934	5,120	25	9 6-inch.
1914 [1]	Lowestoft	1934	5,120	25	Do.
1915 [1]	Calliope	1935	3,920	29	4 6-inch.
1915 [1]	Castor	1935	3,920	29	Do.
1915 [1]	Champion	1935	3,920	29	Do.
1915 [1]	Carysfort	1935	3,895	29	Do.
1915 [1]	Cleopatria	1935	3,895	29	Do.
1915 [1]	Comus	1935	3,895	29	Do.
1915 [1]	Conquest	1935	3,895	29	3 6-inch.
1916 [1]	Brisbane (A)	1936	5,120	25	8 6-inch.
1916 [1]	Cambrian	1936	3,920	29	4 6-inch.
1916 [1]	Canterbury	1936	3,920	29	Do.
1916 [1]	Constance	1936	3,920	29	Do.
1916 [1]	Centour	1936	4,120	29	Do.
1916 [1]	Concord	1936	4,120	29	5 6-inch.
1917	Caledon	1937	4,180	29	Do.
1917	Calypso	1937	4,180	29	Do.
1917	Caradoc	1937	4,180	29	Do.
1917	Cardiff	1937	4,290	29	Do.
1917	Ceres	1937	4,290	29	Do.
1917	Curlew	1937	4,290	29	Do.
1918	Coventry	1938	4,290	29	Do.
1918	Curaçao	1938	4,290	29	Do.
1918	Carlisle	1938	4,200	29	Do.
1918	Dauntless	1938	4,850	29	6 6-inch.
1918	Danae	1938	4,850	29	Do.
1918	Dragon	1938	4,850	29	Do.
1919	Cairo	1939	4,200	29	5 6-inch.
1919	Calcutta	1939	4,200	29	Do.
1919	Colombo	1939	4,200	29	Do.

[1] Will become obsolete before 1937.

England's 42 cruisers (destroyer type) of less than an average of 5,000 tons—Continued

Date built	Name	Commission expires	Tonnage	Speed	Guns
1919	Dunedin (New Zealand)	1939	4,850	29	6 6-inch.
1919	Delhi	1939	4,850	29	Do.
1921	Durban	1941	4,850	29	Do.
1922	Capetown	1942	4,200	29	5 6-inch.
1922	Despatch	1942	4,850	29	6 6-inch.
1922	Diomede (New Zealand)	1942	4,850	29	Do.
1922	Adelaide	1942	5,100	25	9 6-inch.

Mr. BRITTEN. Will the gentleman please yield there?

Mr. McCLINTIC. Mr. Chairman, I would rather not yield any further.

The CHAIRMAN. The gentleman declines to yield.

Mr. BRITTEN. I am trying to help the gentleman and not trying at all to confuse him.

The CHAIRMAN. The gentleman declines to yield.

Mr. McCLINTIC. Mr. Chairman, I have been interested in what is termed the majority report. The majority report bears the name of one of the highest class members of our committee, Mr. ANDREW, of Boston, Mass. Mr. ANDREW has let it be known to this House on different occasions that he wanted the indebtedness of France reduced, and there are many of the citizens of the Nation who feel that he would like to remit all of the debt that France owes this country. I was interested in the statement made a few minutes ago by the gentleman from Georgia, in which he called attention to the number of ships that have been built by France, by Italy, and by the other nations with whom we had proposed settlement. In other words, it showed that notwithstanding the fact that we had settled with Italy, that Italy was using what might be termed this reduction or this saving on her war debt, for the purpose of building competitive armament.

Italy's debt, including interest, was reduced approximately two-thirds, and it is proposed to reduce the debt of France one-half. Thus it can be seen no real good can be accomplished by cancelling the debts of any nation, when it will allow the money saved to be used in war preparations.

I take the position France ought to pay her debts like any other nation, and I can not understand why the Member who wrote the report for this committee should want to saddle on the people of the United States an enormous building program and then turn right around and give France a debt that amounts to over $4,000,000,000. It seems to me this is inconsistent. I take the position that every nation in the world ought to pay its debts, and I do not think any situation could ever arise where this country would be warranted in remitting the honest obligations due it. So I am going to suggest to my friend from Massachusetts if he will read the history that relates to France and her treatment of the United States when Talleyrand acted in the position which corresponds with our Secretary of State, when Chief Justice John Marshall was over there trying to get that nation to deal fairly with the United States, and then go on and read about the administration of "Old Hickory" Andrew Jackson in dealing with France, he will get some information that will show that this country has dealt fairly with France or has dealt more fairly with that country than she has dealt with us. So I was somewhat amazed to find this gentleman the author of the report on the bill in view of this situation.

Now, Mr. Chairman, going back to the legislation, this morning in the papers there is a statement by the Associated Press which reads as follows:

LONDON, March 15.—The correspondent is able to state definitely that the British Cabinet has secretly considered Secretary of State Frank B. Kellogg's proposal for outlawing war and decided it must accept. The Government now is busy seeking a formula which will permit frank, unreserved acceptance without infringing on existing liabilities such as the League of Nations. The Dominions, especially Canada, are also being consulted.

In addition to this, the morning papers carry another statement which is headed:

Arbitration treaty offered to Japan.

I am only calling the attention of the committee to this kind of statement published to-day to show that there is no war cloud on the horizon; that there is not a single reason that could be based upon fear for this Nation to engage in a building policy that will immediately excite the animosity of some of the major nations.

I take the position that the United States ought to be prepared to face any kind of situation. I say to you that I would be the last one to ever oppose a program that was needed to defend our country; but when one takes into consideration the

results of the World War and compares them with the conditions that exist to-day, he is bound to admit that it was the newer and modern appliances that finally brought victory to the Allies.

What about the Battle of Jutland? Did England win it? No. Germany would have been given credit for winning the Battle of Jutland had it not been for other situations and conditions existing at that time.

In the Battle of Jutland, if I understand it correctly, there were no airplanes that carried big bombs. Such bombs had not been invented up to that period of time. Since that date a new era has developed in this respect, and to-day we are able to load in aircraft enormous bombs and fly out a distance of 200 miles and with one bomb sink or destroy the usefulness of any kind of craft afloat.

We have 18 battleships from which could be launched aircraft suitable to carry these bombs, and these 18 battleships represent an investment of $720,000,000. In view of this situation how can anyone say it is wrong for us to spend about $1,000,000 in order to make it possible to carry this larger type of bombing plane, thereby enabling our battleships to be their own aircraft carriers, and have a fighting range of approximately 200 miles?

This is the kind of preparedness we want this Nation to have. This is the kind of amendment I shall offer to this bill. I want this Nation to have the best offense and defense possible, but I do not want to build a lot of cruisers just for the purpose of allowing a large number of officers, who are now stationed in this city or in other ports, to have a nice, comfortable berth in peace times.

Mr. SHALLENBERGER. Will the gentleman yield there?

Mr. McCLINTIC. I will be glad to yield.

Mr. SHALLENBERGER. I have been seeking during this debate to get information such as the gentleman is now giving us, and I gather from what the gentleman has stated that it is his judgment the United States is superior to Great Britain in submarines. Does the gentleman also state we are the equal of Great Britain in cruiser strength in battle if we were to go to war with that country to-morrow; and I would like to also ask the gentleman how we stand on battleships with respect to that country?

Mr. McCLINTIC. I am very glad the governor has asked that question.

Mr. SHALLENBERGER. I would like to summarize the statement about the strength of the two navies. All we hear here reads very much as though we are going to fight Great Britain, and if we are going to fight Great Britain I want to know how we will stand. I have not heard anything but that during this debate, and I want to know how we stand with regard to Great Britain.

Mr. McCLINTIC. I regret the fact that the debate as it will be printed in the CONGRESSIONAL RECORD will leave the impression with the British people that the United States is secretly preparing for war. This is not the fact, and I have read at least a half dozen statements from the highest authorities in Great Britain showing they have a most friendly disposition toward this country.

Now, as to submarines, the United States have a great many submarines of the smaller type that are out of commission. Here I have only made a comparison of the newest type, the V type. I have put in the RECORD the information that France had authorized the construction of 27 of the newest type and has 20 now being built. Italy has authorized 20 of the newest type and has 12 under way. Japan has authorized 24 of the newest type and has 14 under way. England has authorized 24 and has 6 under way. The United States has authorized 6 and has only 3 building.

These are the latest figures given to me in respect to submarines. In addition, I have a statement from the Wall Street Journal that calls attention to the Electric Boat Co. making the statement that it has a contract involving the sum of $50,000,000 for submarines for one of the major nations. In other words, the major nations of the world, or some of them, are asking the shipbuilding concerns of the United States to build for them submarines.

I was informed to-day that this contract for $50,000,000 of submarines was ready for signature and that work is to begin within the near future. I do not want to put a statement into the RECORD as to what country this refers to, but if any gentleman wants to know I will show him this record.

I want to say further that it seems to me that if representatives of this Nation on this floor were confronted with the fact that the four major nations of the world exceed us by a ratio of more than 5 to 1 in the type of ship that sunk 11,000,000 tons of ships during the World War, the type of ship that the highest authority admits is the most disastrous to commerce, surely we would resolve ourselves into a mental condition whereby we would listen to arguments along this line.

I say to you that if war should come upon us to-morrow we would be in a very embarrassing condition if 20 or 30 of these newest types of raiders should go out on the sea and attack our commerce.

I say that if your house is on fire and burning down and you are not willing to put water on it, something is radically wrong with the individual who takes this position. Submarines ought to be banned, and every other death-dealing instrument ought to be banned, poisoned gas ought to be banned, and every other death-dealing instrument ought to be banned. But when other nations use them we have to use them to protect ourselves. That is the situation with respect to the submarines.

Now, Mr. Chairman, when this bill was under consideration by the Naval Affairs Committee many distinguished citizens came before the committee and offered their testimony. One of these distinguished citizens was the chairman of the American Legion, Mr. Stafford. I do not know why he came before the committee; I suppose he was invited to come. The American Legion is one of the highest-grade organizations we have. I would be the last person on earth to say a word against the American Legion; but when an officer, be it the president or anybody else, comes before our committee and makes certain statements which are not carried out, I then wonder what is wrong.

When Mr. Stafford came before the committee with a great deal of pomp and ceremony he announced that as an individual he stood for this policy. His language was:

> I have followed the discussion here, and I am of the opinion that we better strengthen the hands of the committee in every way possible. Therefore I shall send out to the different branches of the American Legion a statement of the facts and they will send back letters or telegrams to Members of Congress, who will have to answer therefor.

I made a careful canvass and can not find a single American Legion organization that sent an indorsement in reply to Mr. Stafford. So I came to the conclusion that he was giving us a lot of hot air or he has been repudiated by his own organization. If the organization was for this bill and he called upon them to indorse it, certainly somebody would have received an indorsement before this time.

Mr. CONNERY. Let me say that from the Legion post in Lynn, Mass., I have received a resolution saying that they favor President Coolidge's proposition.

Mr. HALE. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. HALE. Will the gentleman read from the RECORD the resolution passed by the Legion at the national convention at Paris indorsing the naval construction program which would keep the United States in the ratio adopted by the Washington conference?

Mr. McCLINTIC. When that convention was held this child had not been born. The authenticity of its parentage is denied. The President has said that it is not his bill, and the Secretary has said that it is the President's bill. The American Legion does not claim to be its parent, and so I have about concluded that the statement made by the gentleman from Georgia [Mr. VINSON] is correct, that it is the child of the Committee on Naval Affairs. And I say further that every single Member who has spoken for the bill has either a lake or an ocean in his back yard. [Laughter.]

Mr. VINSON of Georgia. Except me.

Mr. McCLINTIC. Oh, the gentleman has one that is about 400 miles long. So it only goes to show you that these Members here wanted to defeat flood control and agricultural legislation, and I make the prediction now that if this bill becomes a law and the sum of $274,000,000 is appropriated, we will not get a dime for the Mississippi River Valley flood control or for agricultural relief.

Mr. UPDIKE. Surely the gentleman would not say that I have a lake or an ocean in my back yard?

Mr. McCLINTIC. Indiana borders on the Great Lakes.

Mr. UPDIKE. Borders on the Great Lakes, but they are not in my district.

Mr. McCLINTIC. I know that, and I still stand on the statement that I made.

Mr. EDWARDS. Does the gentleman wish to leave the inference that he is against this proposition because he has neither a lake nor an ocean in his back yard?

Mr. McCLINTIC. No; I do not leave any inferences at all. I make the statement that this bill has not any place here at all until we take care of the Mississippi River flood situation and agricultural legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to undertake prior to July 1, 1931, the construction of 15 light cruisers and 1 aircraft carrier according to the following program:

(a) Five light cruisers during each of the fiscal years ending June 30, 1929, 1930, and 1931, to cost, including armor and armament, not to exceed $17,000,000 each.

(b) One aircraft carrier prior to June 30, 1930, to cost, including armor and armament, not to exceed $19,000,000: *Provided*, That if the construction of any vessel herein authorized to be undertaken in the fiscal year ending June 30, 1929, or 1930, is not undertaken in that fiscal year, such construction may be undertaken in the next succeeding fiscal year.

Mr. McCLINTIC. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Strike out, on page 1, after line 4, balance of the paragraph and insert in lieu thereof the following: "15 modern submarines of a tonnage not less than 2,000 displacement when submerged, and the construction of an extra deck or platform suitable for the launching of aircraft on each of 18 battleships, according to the following program:

"(a) Five submarines during each of the fiscal years ending June 30, 1929, 1930, and 1931, to cost not to exceed $5,000,000 each;

"(b) One aircraft launching platform on one battleship during the fiscal year ending June 30, 1929;

"(c) One aircraft launching platform on two battleships during the fiscal year ending June 30, 1930;

"(d) One aircraft launching platform on three battleships during the fiscal year ending June 30, 1931; and

"(e) One aircraft launching platform on each of four battleships during each of the fiscal years ending June 30, 1932, 1933, and 1934, respectively, the cost not to exceed $1,000,000 each: *Provided*, That the Secretary of the Navy in letting contracts for such construction shall give a reasonable preference to bids made by the Government navy yards: *And provided further*, That no funds shall be expended for any other kind of reconditioning for such ships until plans and specifications shall have been approved covering the proposed aircraft additions."

Mr. BRITTEN. Mr. Chairman, I make the point of order that the amendment is distinctly out of order. It provides for a character of ship which has never yet been built. It provides for modernizing battleships, when there is no indication in the bill under consideration by the House that modernization or repairs are intended. The bill provides for a number of new ships, and I contend that the amendment is out of order. I make the point of order that it is not germane to the bill.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard?

Mr. McCLINTIC. Mr. Chairman, all I have to say is that this is a bill to increase the efficiency of the Navy. As I view it, it would not make any difference whether it is a destroyer, a cruiser, or an aircraft carrier, or whatnot. A battleship, as I look upon it, at the present time is an obsolete instrument of war. Battleships in the last war were not utilized. I do not think a Member can show that a single shot was fired by an American battleship in the last war. I do not believe that anybody can say that there were a dozen shots fired by American cruisers. If we are considering a bill to increase the efficiency of the American Navy, it ought to be germane to offer any kind of addition that will make a ship more efficient.

The CHAIRMAN. Is the Chair to understand that these aircraft launching platforms are to be put on existing battleships?

Mr. McCLINTIC. Yes.

The CHAIRMAN. The Chair is ready to rule. This bill distinctly provides for the construction of new naval vessels. Nowhere in the bill is there provision for the improvement or alteration of existing battleships.

Mr. McKEOWN. Mr. Chairman, I would like to be heard on the point of order. [Cries of "Rule!"]

Mr. GARRETT of Tennessee. Mr. Chairman, if there is any question in the Chair's mind about this amendment being in order, I should like to be heard upon it for a moment.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Without reference to the merits of the amendment, it seems to me it would be a dangerous precedent to hold that the proposal offered by the gentleman from Oklahoma is not in order. This is a matter of construction of the Navy. It was held long years ago in a decision which used to be cited every time we had the naval appropriation bill under consideration, before the adoption of the Budget system, that an amendment to an appropriation bill providing for an entirely new vessel was in order, because the Navy was a continuing work. To say that in a bill providing for the establishment or the continuation of navy structure one must be limited to the program laid down by the Committee on Naval Affairs—and that would be what a decision sustaining this point of order would amount to—would be to deprive the House of an opportunity to pass upon the kind of vessels that it thought ought to be constructed in connection with the Navy, and, in my opinion, would be a most dangerous precedent.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LaGUARDIA. And did not the vote on an appeal from the decision of the Chair the other day emphasize the necessity for a greater latitude on the question of germaneness? I refer to the ruling of the Chair when the radio bill was under consideration, and the decision of the committee on appeal from the ruling of the Chair.

Mr. GARRETT of Tennessee. Yes; I think so, but even that is not necessary to be cited for maintaining my position upon the matter immediately before us. I do not think there can be any question about this matter of germaneness in this instance. I believe the Chair on the day referred to by the gentleman from New York quoted from a decision which I had the honor to make once when I was in the chair, when I said that the fundamental purpose of an amendment must be germane to the fundamental purpose of the bill. If that is admitted as good law—and I think it is, and I thought it was at the time—undoubtedly the fundamental purpose of the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC] is germane to the fundamental purpose of this bill, which is to increase the efficiency of the Navy.

Mr. VINSON of Georgia. Mr. Chairman, I would like to ask the gentleman from Illinois if he will not withdraw his point of order so that the House can have an opportunity to vote upon this amendment? I think we could have passed upon it by this time if the point of order had not been made.

Mr. BRITTEN. Mr. Chairman, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The gentleman from Oklahoma [Mr. McCLINTIC] is recognized for five minutes.

Mr. McCLINTIC. Mr. Chairman, I want to say just a word. This is your Navy just as much as it is mine. As I view it, the efficiency of the Navy can be increased five times by an expenditure of not to exceed $100,000,000. If we adopt this amendment we will have just that much more to take care of our internal conditions, and at the same time we will make our Navy very much more efficient than it is at present.

I have discussed this subject with officers of the Navy. I am convinced that it can be done. I know that there is not a single ship in the Navy to-day that carries a bombing plane other than an aircraft carrier, and by the adoption of this amendment it will not bring about a situation which is prohibited by any treaty that we have made with other nations of the world, for the reason that if you can carry observation and spotting planes on battleships now, we would also have the right to carry bombing planes. So let us strengthen our Navy so that each one of these battleships can maintain a fighting radius covering a distance of 200 miles, instead of depending on guns that shoot approximately 24 miles. [Applause.]

Mr. BUTLER. Mr. Chairman, for nine long hours have we discussed this matter, and I hope the House will vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. McCLINTIC. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 22, noes 129.

So the amendment was rejected.

Mr. McCLINTIC. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: In line 5, page 1, strike out the words "15 light cruisers" and insert in lieu thereof "15 modern submarines of a tonnage of not less than 2,000 tons displacement when submerged"; and in line 7 strike out the words "light cruisers" and insert in lieu thereof "modern submarines with a tonnage of not less than 2,000 tons displacement when submerged"; and in line 9 strike out the figures "$17,000,000" and insert in lieu thereof the figures "$5,000,000."

Mr. SCHAFER. Mr. Chairman, I rise in opposition to the amendment, and ask unanimous consent to speak out of order for 15 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to speak out of order for 15 minutes. Is there objection?

Mr. VINSON of Georgia. Reserving the right to object, Mr. Chairman, I trust the committee will permit the gentleman to speak for 15 minutes. In that case I think, after he has used his 15 minutes, we shall be able to have a vote on the bill this afternoon.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. Mr. Chairman and ladies and gentlemen of the House, I endeavored to obtain some time to speak in favor of this bill under general debate but I could not do so. I thank the membership of the House for giving me this opportunity to speak.

At the time of our entrance into the World War and during the war the slogan was that it was a war to do away with wars. inhuman methods of warfare, and large Military and Naval Establishments. However, we find that the nations of the world are now expending more than double the amount for Military and Naval Establishments which they expended before the war. Our country has taken the lead in endeavoring to reach agreements with other nations for the reduction of Military and Naval Establishments and has not been very successful. The recent conference at Geneva clearly showed that some other method must be used than that of reducing our armament and endeavoring to have other nations do likewise. I have always been in favor of curtailing expenditures for our Military and Naval Establishments, preventing their rapid increase, and saving the taxpayers from excessive burdens. But since the recent conference at Geneva was not fruitful of results, and since the attitude taken by the other nations indicates that they desire to increase and not reduce, I now believe it is absolutely necessary, in order to bring the other nations to their senses, to create an American Army, Navy, and air force inferior to none. It is not outside the bounds of possibility for this Nation to build the greatest war machine in the world. If this Nation were earnestly to begin such a building program, the other nations would soon realize they could not compete and would be forced to agree to a reduction program.

Some of our debtor nations have been welching on payment of their war loans, holding that they are not financially able to make payments. And yet these very nations have found sufficient finances to greatly increase their military and air forces. The French debt settlement was ratified by Congress, but rejected by the French Parliament. The loans of the French debt were financed by Liberty bonds, sold to the people of America, on which our Government paid 4¼ per cent interest. Under the agreement of the Debt Funding Commission, which was ratified by Congress, the United States would receive in principal and interest $6,847,674,104.17. The total amount we would receive in principal and interest on a 4¼ per cent basis would be $11,474,900,000. Therefore, the agreement ratified by Congress, and refused by France, would relieve the French taxpayer and burden the American taxpayers to the amount of $4,627,225,895.83. Unrefuted testimony before the House of Representatives showed France as industrially more prosperous than before the war. It showed that she is rich in valuable territory acquired as a result of the war; that she has seen fit to maintain and augment a large war machine which has been used to carry on oppressive, unjustifiable wars against the Riffs and Syrians; and that at the time of the agreement France had a military force of over 686,000 men. Further, France had sufficient funds to make extraordinary provisions for her navy and air forces, and when the committees of Congress asked the House to increase America's appropriations for the air forces, it was stated that this increase was necessary in order to bring our air force equal to the strength of the French.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield there?

Mr. SCHAFER. Not now.

I shall vote for this bill.

There are some in the great State of Wisconsin who could consistently vote against this legislation. They could with equal consistency vote for a bill to abolish the entire air force, Navy, and Army of America.

I hold in my hand La Follette's Magazine of August, 1926. On the first page of this magazine it is stated:

> Ye shall know the truth, and the truth shall make you free.

This magazine is edited by ROBERT M. LA FOLLETTE, Jr. In 1926 I took a stand for adequate appropriations for our Army and Navy and on certain other fundamental questions. This La Follette Magazine of August, 1926, contains an editorial written by ROBERT M. LA FOLLETTE, Jr., the editor, in which he states:

> In common with all sincere progressives, I greatly regret that in this critical campaign Representative JOHN C. SCHAFER, of the fourth district, has of late denounced some of the major planks of the progressive platform and has repudiated sound progressive principles long advocated as an essential part of the Wisconsin progressive program under the leadership of Robert M. La Follette.

I denounced the following plank then, and I do now, and I challenge any Member of this House to stand up and say they believe in it. [Applause.]

Listen to this. I now read a plank from the platform in question as it appears in La Follette's Magazine:

> Congress has a constitutional right to an authoritative voice in foreign affairs. We favor its exercising that right to—
>
> Promote firm treaty agreements with all countries to outlaw war, abolish conscription, and provide for a referendum on questions of peace and war.

Is there any Member of this House who favors legislation which provides that before a shot or shell could be fired to repel an invader we must put the ponderous referendum machinery into operation and have a vote of the people on the question of peace and war? If there is I ask him to stand up. [Applause.] I see no one rises.

Mr. BOYLAN. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BOYLAN. I want to ask the gentleman whether he has been read out of the party?

Mr. SCHAFER. I am talking about our national defense. This is the principle that the late Senator La Follette set up, and I quote from page 114 of the La Follette-Wheeler textbook used in the 1924 presidential campaign, wherein plank No. 11 states:

> We favor such amendments to the Federal Constitution as may be necessary to provide for the direct nomination and election of the President, to extend the initiative and referendum to the Federal Government, and to insure a popular referendum for or against war except in cases of actual invasion.

To-day we find in the State of Wisconsin presidential delegate candidates running on a platform supported by Editor ROBERT M. LA FOLLETTE, Jr., containing the very principle of the 1926 platform which, if carried into effect, would not permit our Army, our Navy, or our air force to fire a shot or shell to repel a foreign invader until we had submitted the matter to a referendum of the people. I say again that anyone who believes in this principle supported by Editor ROBERT M. LA FOLLETTE, Jr., as contained in the 1926 platform and in his present delegate candidate platform, can consistently vote against the pending bill and with equal consistency can vote to abolish every piece of our Army, Navy, and air force. [Applause.]

The people of Wisconsin do not want written into the law of America legislation which will permit an invading foreign government to lay waste the great State of Wisconsin and destroy the lives and homes of our people and overcome the Nation while waiting on the ponderous referendum machinery. Foreign policy and navies are closely associated, so I would like to call attention to another plank of Editor ROBERT M. LA FOLLETTE, Jr.'s platform of 1926, which appears in his magazine. Listen to this:

> FOREIGN POLICY
>
> We are unalterably opposed to the entrance of the United States into the League of Nations and we denounce the administration and the Members of the Senate who voted to put this country into the League of Nations' World Court as a betrayal of a sacred public trust. We favor a resolution by Congress withdrawing America's adherence to the World Court.

I denounced that plank at that time. I voted against the World Court resolution in the House, as the CONGRESSIONAL RECORD will indicate. And I now pause and ask if any Member of Congress from any part of the country, particularly Wisconsin, favors that plank. I see no one rises.

Four Members of Congress from Wisconsin voted for the World Court resolution in the House. Seventy-six Senators voted for our entrance into the World Court, including the man who ran for the Vice Presidency on the ticket with the late Senator Robert M. La Follette in 1924, and the man whom Editor ROBERT M. LA FOLLETTE, Jr., is now supporting as a presidential candidate. Did Editor ROBERT M. LA FOLLETTE, Jr., think for one moment that I would join him in denouncing those mentioned above as betrayers of a sacred public trust?

When I would not stand for a referendum before a war of invasion could be repelled, and when I would not stand for a

condemnation of the late Senator La Follette's running mate in the last presidential election and four Members of Congress from Wisconsin because they supported the World Court as betrayers of a sacred public trust, Editor ROBERT M. LA FOLLETTE, Jr., sent out letters into my district saying what a great repudiator I was and asking for my defeat, and pledging that if I was not defeated in that election of 1926 he would see that I was defeated the next time.

I was opposed to our entrance into the World War, and if I had been in Congress at that time I would have voted against entering that war; but after war was declared it was our war, and I did my little bit. [Applause.] I do not tremble and crawl on my knees when Editor ROBERT M. LA FOLLETTE, Jr., falsely, maliciously, willfully, and ridiculously attacks me as one who is repudiating progressive principles. [Applause.] If I run for reelection to Congress, I will be glad to meet the gentleman in any part of my district; and if I run for any office in the gift of a greater part of the voters of Wisconsin, I will be glad to meet him face to face and discuss the issues.

I think this bill is a good bill, and I shall support it. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. McCLINTIC. Mr. Chairman, having listened to the testimonial of the prodigal son, I ask that my amendment may be read again for information.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC].

The amendment was rejected.

Mr. McCLINTIC. Mr. Chairman, I have another amendment.

Mr. BLANTON. Mr. Chairman, I offer a privileged motion. I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Texas moves to strike out the enacting clause of the bill and is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, I know at this late hour, and in the present temper of this House and of the Members, it would be impossible to pass this motion, but we are entitled to have a vote on it. We are entitled to know how many men there are in the Congress, and especially in the House, which ought to be more representative of the wishes of the people than the other end of the Capitol, who stand for this big Navy plan. Two hundred and seventy-four million dollars are involved in this bill besides the one hundred and sixty-four millions we have already authorized, and it does constitute a "big Navy program." I am not a pacifist and I never have been one in my life, but I am not in favor of letting these admirals put everything over on us they want to put over, just like the big generals in the Army put things over on us.

I have been getting this propaganda that you have been getting from the Navy League, which is made up of admirals and other naval officers. I have been getting their propaganda the same as you have, and I have been watching their Army and Navy Register and their other Army and Navy publications that are published for their Army and Navy Club here in Washington, and I know that any man who does not go with them is denounced by them every week, but I am willing to take their denunciation.

I want to see just how many men there are on this floor who are willing to stand up here and say they are against spending this $274,000,000. I am one of them, and I am going to vote against the bill and in favor of striking out its enacting clause. I do not care if I am the only one here who does so vote. It is time for the people to find out who is responsible for all of the "big Army" and "big Navy" plans.

I have voted against the encroachment of the Army and the Navy upon the rights of the people ever since I have been here, and I am not a pacifist. I voted for the war. I voted for the draft act. I voted for every bill that gave the President, as the Commander in Chief of the Army and the Navy, the resources and power to win the last war. But we have had enough of war.

Mr. CONNERY. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CONNERY. The gentleman says he has been getting propaganda from the admirals. I will say to the gentleman from Texas I have not had a single letter from anybody in my district or in the country asking for a large Navy, but I have had hundreds of letters from ministers of churches asking me not to vote for the naval bill.

Mr. BLANTON. Did not the gentleman get a communication from the Navy League yesterday?

Mr. CONNERY. No; I did not.

Mr. BLANTON. My friend the gentleman from New York got it.

Mr. BLACK of New York. Yes. I was very glad to get it. It was very informing. [Laughter.]

Mr. BLANTON. I know the gentleman was very glad to get it. The gentleman is one of those who does not agree with me on this question.

Mr. WOODRUFF. The gentleman is proud of the fact that he voted for the war and voted for war measures during the war?

Mr. BLANTON. Yes. They were absolutely necessary then.

Mr. WOODRUFF. Is it not the gentleman's opinion that if he had voted the other way with others we might have saved hundreds of millions of dollars and thousands of human lives?

Mr. BLANTON. No; for we might have been in wars 20 years earlier. When you are highly prepared for war, you will have to fight sooner or later; when you have plenty of admirals and a bunch of generals prepared to fight and trained to fight and who want to fight and who know how to help get us into war, when it might be avoided. When one of them commits an act of war in a foreign country and our flag is insulted, then we are all forced into war. We demonstrated in the last war that we can prepare adequately in a short time, and the whole world then found it out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 14 ayes and 105 noes.

So the motion to strike out the enacting clause was rejected.

Mr. McCLINTIC. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, strike out lines 7, 8, and 9 and insert: "(a) two light cruisers during each of the fiscal years ending June 30, 1929, 1930, 1931, 1932, and 1933, each when completed to be designated as a leader for units composed of 25 destroyers and to cost, including armor and armament, not to exceed $17,000,000 each."

Mr. McCLINTIC. Mr. Chairman, I have offered this amendment not for the purpose of retarding the bill, but to take care of the needs in the Navy, as has been recommended by the Secretary of the Navy, who claimed that the President approved a bill that had in it a recommendation for destroyer leaders.

When this came before the committee I said this Nation could use destroyer leaders, but they would have to be sufficiently large to be able to carry aboard an observation and scout plane. In other words, if destroyers are to be maintained as separate units, that unit must have eyes.

A destroyer leader as stressed in the legislation would not have been an efficient ship because it is too small to be utilized for carrying any kind of aircraft. Therefore if this kind of ship was proved during the World War to be the most efficient of any in the fleet, then destroyers should be placed in the unit with a leader; a ship sufficiently large so that they can take the lead in action where destroyers alone are used.

Therefore in the interest of efficiency I want to say that destroyers should be given the kind of a leader which will make it possible for a nation to send out 25 under the leadership of a destroyer leader, and this should be a cruiser, so that such a fleet can operate independently. Such a leader must carry aircraft so that it can send planes out a hundred miles if necessary and report back what is necessary to take care of the situation. Therefore the 10 cruisers, if authorized, should be assigned as destroyer leaders, each one taking care of 25 destroyers in their separate units.

Mr. BUTLER. I do not wish to detain the committee, but is not there authority in the act of 1916 to build these?

Mr. McCLINTIC. No, sir; this provides for the allocation of cruisers after they are constructed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. McCLINTIC. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 1, strike out lines 7, 8, and 9 and insert "three light cruisers during each of the fiscal years ending June 30, 1929, 1930, 1931, 1932, and 1933, to cost, including armor and armaments, not to exceed $17,000,000 each."

Mr. McCLINTIC. Mr. Chairman, I have offered this amendment so that the period for the laying down of the cruisers can be extended five years, having in mind that we have representatives at the present time at Geneva for the purpose of seeing whether or not they can arrange another disarmament confer-

ence. Also it will be remembered that in 1931, three years hence, we are to have the disarmament conference here in Washington. This is mandatory. Therefore if we lay down in three years the 15 cruisers as proposed in this bill, and it could be shown by the other nations, as I state it can be shown, that they do not have an excessive tonnage of cruisers, then the United States will not be confronted with the situation again whereby we will have to scrap a lot of ships, thereby penalizing the taxpayers of the country several hundred million dollars, as they were penalized in 1922.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: Page 2, line 5, after the word "year," add the following: "*And provided further*, That the first and each successive alternate cruiser upon which work is undertaken, together with the main engine, armor, and armament for such eight cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill. The bill is to construct cruisers. The Government has the right to construct them anywhere its officials may desire. It has the right on behalf of the people and the taxpayers to use judgment and discretion to save money. This amendment would limit the discretion of the officials of this Government and confine them to certain places only, with certain equipment only, and would mean an added expense of from $5,000,000 to $15,000,000. It is not germane to the purpose of the bill.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that this amendment is clearly germane. The bill provides for the authorization of certain cruisers and vessels for the Navy, and the Chair thinks it is germane that certain details of their construction shall be provided. The Chair overrules the point of order.

Mr. DALLINGER. Mr. Chairman, during the greater part of our history the construction and equipment of naval vessels was considered to be exclusively a Government function, and navy yards were established at convenient points along the Atlantic and Pacific coasts on which many millions of dollars of the people's money have been expended.

Of late years, however, the policy of the Navy Department has been to have most of the new vessels built in private shipyards, while the navy yards have been used to only a small fraction of their capacity.

Believing that in the interest of economy existing Government facilities should be utilized and that the manufacture of armaments on a large scale by private corporations organized for profit has been in the past one of the chief incentives to war among nations, Congress incorporated in the act approved December 18, 1924, authorizing the construction of 8 cruisers, 6 river gunboats, and the modernization of 6 capital ships, the following language:

Vessels to be constructed or reconditioned by this act shall be constructed or reconditioned in the Government navy yards of the United States, when time and facilities permit, and when in the judgment of the Secretary of the Navy such construction or reconditioning would not involve an appreciable increase in the cost to the Government.

Congress has also, for a number of years, incorporated a similar provision in the annual Army and Navy appropriation bills.

Due to the manner in which this elastic language has been interpreted, however, these enactments of Congress have not had the effect which we believe Congress intended, and therefore I have offered this amendment.

For instance, when the construction of the cruisers *Pensacola* and *Salt Lake City*, authorized by the act, December 18, 1924, was contemplated in March, 1925, the New York Navy Yard's estimate, including the main engines, was $7,799,449, and the bid of the Cramp Ship Building Co. for one cruiser, including the main engines, was $8,673,833. The New York Navy Yard was awarded only the construction of one vessel, while the Cramp Ship Building Co. was awarded the other vessel and both sets of engines for the two cruisers. The New York Navy Yard has one of the best engine-building plants in the country, and in order to keep its industrial organization intact one of these sets of engines should logically have been awarded to the New York Navy Yard. This act on the part of the department placed the New York Navy Yard at a disadvantage in securing work of this character on a competitive basis with private shipyards.

On April 5, 1927, bids were opened by the Navy Department for the construction of the remaining six cruisers authorized by the act of December 18, 1924. The Mare Island Navy Yard's carefully revised estimate for two cruisers, including main engines, was $7,539,815 each. The Puget Sound Navy Yard's estimate for two cruisers, including the main engines, was $8,045,000 each. The other navy yards did not estimate on these vessels, but the presumption is that such navy yards as the New York, Boston, Philadelphia, and Norfolk, which are equipped to do this work, could perform it at about the same cost as Mare Island and Puget Sound. This assumption is reasonable because the estimate of the New York Navy Yard on the *Pensacola* was about the same in March, 1925, as was the western coast yards estimate two years later.

Notwithstanding the low and carefully prepared estimates of the Mare Island and Puget Sound Navy Yards, they secured only one vessel each, while the remaining four cruisers were awarded to eastern private shipyards. The contract prices were as follows: The American Brown-Boveri Corporation was awarded one vessel at $10,815,000, the Bethlehem Ship Building Corporation was awarded one vessel at $10,675,000, and the Newport News Ship Building Co. was awarded two vessels at $10,567,000 each. The estimates submitted by the Mare Island and Puget Sound Navy Yards and the bids submitted by the three private shipyards above mentioned are for exactly the same type of vessel according to the Bureau of Construction and Repair of the Navy Department and therefore all the figures are directly comparable.

The average of the estimates submitted by the Mare Island and Puget Sound Navy Yards was $7,792,407.50. The average bid of the three eastern private shipyards above mentioned was $10,656,000. This is a difference favoring the navy yards of $2,863,592.50 per vessel, and shows that our Government could have saved $10,656,000 if all of these vessels had been built in the navy yards. It is therefore difficult to determine how that section of the act of December 18, 1924, was interpreted which provides, in effect, that this work must be done in the Government navy yards when it would not involve an appreciable increase in the cost to the Government. Certainly when these navy yards have been operating at less than 50 per cent capacity no legitimate claim could be made that time and facilities would not permit of the work being performed in the navy yards. The Mare Island and Puget Sound Navy Yards claimed that they were equipped to construct two vessels. The New York Navy Yard had a building slip that was not being used alongside the one upon which the *Pensacola* is being constructed, and a machine shop well equipped for building the engines, due to the fact that they did not secure the engines of the *Pensacola*. The Boston Navy Yard had a building slip which by an expenditure of $90,000 for modifications, could accommodate one of these vessels.

Furthermore the navy yards' estimate was based upon each yard carrying along its work independently. Savings could be effected by coordinating the facilities and work of the several yards, and therefore any increase in the cost above that estimated would be improbable. On the contrary, coordinated efforts would doubtless have resulted in materially reducing the estimated cost.

Hundreds of millions of dollars of the people's money are invested in our Government navy yards and arsenals. They are operated at present only from about 10 per cent to 50 per cent of their capacity. If more work is provided for these establishments the overhead will be reduced and greater and greater economies effected as the work proceeds. Navy yards and arsenals have the best facilities for doing this work existing in the United States, because that is the purpose for which they were established. They have a trained civilian personnel and a trained and experienced set of officers and supervisors. They have made good on this kind of work in the past; and we feel confident that they will make good in the future if given the opportunity by Congress.

My amendment, if adopted, will provide ample competition among the several navy yards and arsenals for this work to insure economy of construction and manufacture; and I am confident that millions of dollars will be saved the American people as a result.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. MADDEN. Will the gentleman tell the House how much an estimate from a navy yard means? It does not mean anything.

Mr. DALLINGER. It does mean everything. I was informed by the gentleman from New Jersey [Mr. WOLVERTON] that he

was going to speak against this amendment because he had some figures from the navy yard. I tell the Members of this House that I know how the commandants of these navy yards and arsenals feel. They are not allowed to come to Washington and tell the truth. They are instructed to add to these estimates a whole lot of overhead expenses which the taxpayers of the country are paying anyway in the Regular Army and Navy appropriation bills. It stands to reason that where a private corporation organized for profit bids on a ship of this kind, it has to get interest on the immense amount of money invested in their plant, in their building, in their machinery, and in their overhead. In the case of the Government navy yard that is all borne in the regular appropriation bills, and if the true facts should be obtained from the Navy Department, it would show that every one of these cruisers can be built in these navy yards and arsenals where the people of this country have hundreds of millions of dollars invested in these plants, for $3,000,000 less per vessel. But the facts are suppressed, because it is in the interest apparently of certain people to give these contracts to private corporations so that they can make big profits from them. I trust the amendment will prevail.

Memorandum regarding proposed Dallinger amendment to naval construction bill (H. R. 11526)

First. The amendment reads as follows:

Provided further, That the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such eight cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States.

Second. If the four cruisers awarded in 1927 to the American Brown-Boveri Corporation, the Bethlehem Ship Building Corporation, and the Newport News Ship Building Co. had been awarded to navy yards the amount saved the United States Government would have been $11,454,370, according to estimates prepared by the Mare Island and Puget Sound Navy Yards.

Third. The reliability of the present system of preparing navy-yard estimates is indicated by the fact that in the reconditioning of the battleships *Florida*, *Arkansas*, *Texas*, *Utah*, *Wyoming*, and *New York*, which according to the authorizing act of December 18, 1924, was to cost not exceeding $18,360,000, the Boston, Philadelphia, and Norfolk Navy Yards, which did this work, did not exceed their estimates in a single instance.

Fourth. The navy yards and arsenals are adequately equipped for constructing the eight cruisers, their main engines, armor, and armament within the time limit provided in H. R. 11526, now under consideration, as will readily be seen by the partial outline of facilities available in the following:

(a) The Mare Island and Puget Sound Navy Yards each submitted estimates in 1927 upon two cruisers, including the main engines. Each of these yards secured only one vessel, therefore they are each equipped for taking on one additional cruiser.

The Puget Sound yard, according to the Bureau of Yards and Docks, has a shipbuilding dock capable of accommodating two cruisers.

The fact that the Puget Sound yard submitted estimates on four sets of engines in 1927 indicates they have ample machine-shop facilities for building four sets of engines.

The Mare Island yard is likewise qualified.

(b) The Boston Navy Yard has at present a vacant building slip which can accommodate one cruiser, by an expenditure of about $90,000 for repairs and modification.

When navy yards submit estimates, a portion of the estimate contemplates certain necessary work on the building slips to place them in condition.

(c) The New York Navy Yard has two splendid building slips alongside of each other with traveling cranes between them. Only one is occupied in the building of the cruiser *Pensacola* at present. Another cruiser could be built on the building slip alongside of it.

The New York yard possesses one of the best engine-building plants in the country. They did not obtain the engines for the cruiser now being built; and that yard, therefore, possesses ample machine-shop facilities for building two sets of engines.

(d) The Philadelphia Navy Yard has at present two vacant building slips capable of accommodating cruisers. The cost necessary to repair these building slips will be a small item compared to the difference between the last navy-yard estimates and the private shipbuilders' bids, which amounted to nearly $3,000,000 per vessel. The Philadelphia Navy Yard also has ample machine-shop facilities for building the engines for two cruisers.

(e) The Norfolk Navy Yard has one building slip, upon which it is necessary to expend about $125,000 for repairs. This would be a small item to expend in order to save from two and one-half to three million dollars on the cost of a vessel. The Norfolk yard also has ample machine-shop facilities for building the engines.

(f) The Naval Gun Factory at Washington, D. C., has ample facilities for manufacturing the ordnance for these vessels. That establishment is not operating more than 50 per cent of capacity at present.

(g) The Watertown Arsenal is equipped for turning out large quantities of heavy ordnance and is operating only at a small fraction of its capacity.

(h) The Watervliet Arsenal has in the past served as an auxiliary to the Washington Navy Yard for the production of heavy ordnance. That establishment is operating only at a fraction of its capacity.

(i) The Rock Island Arsenal is well equipped for producing the smaller types of ordnance and a large variety of equipment. It is operating at present with a force of less than 500 employees, whereas during the war 15,000 were employed.

(j) The naval ordnance plant at Charlestown, W. Va., is the best equipped plant in the country for manufacturing armor and forgings for heavy guns. It is being maintained at present in condition for operation on short notice. Practically no work is performed there at present, but the plant is kept in readiness so that when work develops it can be handled efficiently on short notice.

Fifth. As industrial managers know, when a small quantity of work is performed in a large plant the overhead becomes excessive. If the Government's industrial plants above enumerated were operated at greater capacity, millions of dollars additional could be saved in the construction and manufacture of these vessels and their equipment, due to the fact that the recent estimates were based upon a relatively small amount of work compared to their respective capacities.

Sixth. All of these plants above enumerated are located in large industrial centers, and therefore have excellent labor markets.

Seventh. All of these governmental facilities, costing hundreds of millions of dollars of the people's money, provide the best equipment in the United States for doing this work and they should be used. There is no more reason for closing down these plants in order to favor private shipyards than there is for closing down all of our post offices and having the Post Office Department move into private buildings in the interest of realty companies.

Eighth. The Dallinger amendment provides that eight of the cruisers shall be assigned to the navy yards without competition with private shipyards. This is justified by the fact that even though the navy yards' estimates are materially less, contracts may nevertheless be awarded to private shipyards, as heretofore.

The navy yards and arsenals compete among themselves for work, each one desiring as large a proportion of it as possible. This furnishes far more competition than exists among the private shipyards, inasmuch as the number of navy yards and arsenals exceed the number of well-equipped and well-financed private shipyards. This competitive feature among the navy yards and arsenals for the work will insure to the Government not only economy in production and manufacture but will improve the quality of the product as well. Furthermore, no navy yard or arsenal will have any incentive for running up the costs by reason of any desire to enhance profits. Any one of them would attempt to produce the work as economically as possible even without competition. Competition among the navy yards, however, doubtless would stimulate the ingenuity of the respective managements in turning out the work economically, on time, and in producing first-class workmanship.

Ninth. Considering the availability of all this Government equipment, the highly skilled and trained naval and Army officers, the highly skilled corps of civilian mechanics, and with ample appropriations available, there appears no good reason why these agencies of our Government should not be amply qualified to perform this work at a tremendous saving to the taxpayers.

Tenth. The Cramp Shipbuilding Co. during a long term of years turned out over 100 naval vessels. Notwithstanding the fact that in 1926 they secured the building of a cruiser and two sets of engines, they went out of business by selling their shipbuilding property to the Reading Railroad Co. This action was taken in the face of a prospective large naval building program, in which they doubtless would have participated as builders if they had stayed in the business. The closing up of the

Cramp Shipbuilding Co. is regarded by the Navy Department as a serious loss to that department.

If, instead of having all of these vessels built in a private shipyard, some of them had been built in the navy yards, the experience thus acquired would still have been the property of the Navy Department, and there would be no danger to the department of losing these Navy facilities due to the vicissitudes or financial considerations of an individual private business. It is better for the United States Government to retain control of its industrial naval and military experience and facilities than it is to rely upon the contingency of private individuals remaining in business.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MADDEN. Mr. Chairman, I rise in opposition to the amendment. I want merely to say that every ship you build in a navy yard will cost a million dollars more than if you built it outside.

Mr. BUTLER. Here are the figures: One ship built in a navy yard cost $7,000,000 more than when built in a private yard. Place the discretion where it has been, so that we can get these ships for a decent sum of money. I am not for this bill if the money is to be wasted in construction.

Mr. DALLINGER. Is it not a fact that Japan and the other countries use their navy yards to the limit of their capacity?

Mr. BUTLER. Well, I know the gentleman has a navy yard in his district, and I have one in mine. But that should make no difference.

Mr. BLACK of New York. Mr. Chairman, I want to challenge the statement made by the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], and the statement of the gentleman from Pennsylvania, the chairman of the Committee on Naval Affairs [Mr. BUTLER], as to the excessive cost of building ships at Government navy yards over the cost of building them at private yards. The history of the matter is entirely different. In the building of the last cruisers the eastern navy yards were not allowed to bid.

Again, on the hearings of this bill the private contractors came before the committee and stated they required $17,000,000 for the building of each cruiser, and the western navy yards estimated the cost at about $10,000,000 last year, a difference of $7,000,000 in favor of the navy yards. The Navy Department did not allow the New York Navy Yard to bid on the last cruisers. They are supposed to maintain the yards to build these ships in the cause of national defense. If they do not want to build all the ships in Government navy yards, they should at least have used the Government navy yards as a check on private contractors.

Mr. LAGUARDIA. Does not the evidence show that, after all, the underlying purpose is to give business to the private shipyards?

Mr. BLACK of New York. It does not show any such thing. It shows that there is a school in the department in favor of private yards. I am in favor of utilizing the public yards. The *America* was reconditioned at the New York Navy Yard. In that transaction the navy yard exceeded its figures. Why? Because when they tore up the deck they found additional things that had to be done. Of course the navy yard had to expend a little more money on it in view of the new developments. New items were added by the Shipping Board.

Gentlemen should remember that the Government navy yards are part of our system of national defense, and you gentlemen are to-day doing nothing to help in that direction. You are hurting the national defense when you adopt the policy of stifling the navy yards. I say maintain the navy yards and thus strengthen the national defense. You are not doing very much, anyhow, for the Navy. [Applause.]

Mr. LETTS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. LETTS. Mr. Chairman and gentlemen of the committee, I realize the sentiment here is to vote this thing down hurriedly. I am conscious, too, that a great deal of truth exists in the suggestion that was made a moment ago by the gentleman from New York [Mr. LAGUARDIA]. There is an uneasy feeling in the country, a belief, that this program has been evolved to give work to the private shipyards of this country.

Now, for my part, I am in favor of reasonable preparedness. I favor some kind of declared policy in a building program which will enable us to protect our interests here and abroad, to police our shores, and to discharge our full duty to our South and Central American neighbors and to fulfill all obligations incident to our insular possessions. I am sorry we have not considered the needs of a merchant marine first and the needs of our Navy second. Our Navy should be adequate for peacetime purposes, but not a threat to any nation.

We ought to do what is here contemplated in a fair spirit. It is just as important an element of preparedness that our navy yards and arsenals should be efficient as it is that we should have vessels and that we should have guns and ammunition. Our arsenals throughout the country are lying idle. Our navy yards are abandoned in great part.

It is important and necessary to keep a personnel of skilled men in these arsenals and navy yards in order that we may quickly expand in time of necessity, sending out to the private manufacturing concerns of this country men who are capable of assuming leadership, to become foremen and directors of important industrial movements, men who are acquainted with the purposes of the departments and who can go ahead with the work. May I also say we ought to be fair to those who are employed in our navy yards and in our arsenals and should give them a reasonable amount of work. It does not show good business or good judgment to allow our arsenals and navy yards to remain idle and to destroy the organizations that exist there. The overhead costs go on whether our Government plants are in use or rust in idleness.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield there?

Mr. LETTS. Yes; I yield to the gentleman.

Mr. O'CONNELL. Have not the navy yards the equipment and the men to do the work just as well as the private yards?

Mr. LETTS. Exactly so. The gentleman from Illinois [Mr. MADDEN] a moment ago made the suggestion that the navy yards could not produce any of these ships within a million dollars of the cost of producing them in private yards.

Mr. MADDEN. I said they would not. They might be able to do so, but they would not.

Mr. LETTS. I know that out at the Rock Island Arsenal, which adjoins my district, estimates have been made and contracts have gone to private manufacturers on bids which exceeded the estimates of the Rock Island Arsenal. This has been done on the ground or claim that all the Government arsenal can do is to make an estimate, and that while the estimate may be satisfactory, it is deemed to be better to pay a larger figure which is a binding bid than to accept the estimate of the arsenal, which is regarded as uncertain.

It would be better, I think, to permit our arsenals and navy yards to make binding bids on work offered by departments of the Government other than the War and Navy Departments. In this way they would be able in reality to compete with private manufacturing plants and private shipyards, all to the great advantage of the Government and the people, who foot the bills. The amendment offered by the gentleman from Massachusetts [Mr. DALLINGER] is just and equitable and should pass.

An investigation was made at the Rock Island Arsenal last fall at my request which revealed that over a considerable period of time the arsenal had, in the aggregate of its contract costs, been under the aggregate of the estimates and that only in one or two cases in all of those years did the cost actually exceed the estimate.

It seems a necessary conclusion that this policy, by which departments of Government refuse the estimates of our arsenals and of our navy yards because they are estimates and not binding bids, is only a method of explanation which permits a great amount of work to be taken from them and given to private builders and individual concerns.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LETTS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and that in the extension of such remarks I may be permitted to include a radio address which I made on the subject of "Roosevelt and the Navy" on Navy Day, which was the last anniversary of the birth of that great American—Theodore Roosevelt.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The address referred to follows:

Friends of the radio audience, my fellow citizens, this program is in celebration of Navy Day. To-morrow is the birthday of Theodore Roosevelt. To know the great interest which Roosevelt had in the American Navy is convincing that Navy Day is not celebrated on Roosevelt's birthday by accident nor as a coincidence but by design.

The observance of Navy Day carries a message to the American people concerning the importance of sea power and commerce. The business man and the farmer should know how it affects his welfare. His interest in ships should be stimulated, and the matter of building up an American merchant marine should be of general concern.

Theodore Roosevelt was the champion of the American Navy. He was inspired with a great zeal for preparedness. His career was one of great activity along diversified lines. He typified the strenuous life. A devotee of outdoor sports, he was a great hunter and the enemy of nature fakers.

As a statesman he was resourceful and bold in making needed reforms and a leader whom his people delighted to follow. All his life he gave to his country his time, his thought, and, in the highest sense, himself.

As an orator, fluent and convincing, he was the coiner of catch phrases and forceful expressions. As a moralist he stood for the square deal. He was an enemy of crooked business and the opponent of race suicide. His life was the expression of idealism in action. Above all he was an enthusiast, an American. Gentle in disposition and refined in character, he was the wielder of the big stick.

Roosevelt dedicated himself to the service of America. He announced the policy that the American Navy should be large enough to enable this country to display its flag in all seas for the protection of its citizens and its extending commerce. He recognized that as a world power our Government had corresponding international rights and duties. He said that the Navy will not provoke war, but that an adequate and trained Navy is the best guaranty against war and the cheapest and most effective peace insurance. It was his conviction that the American people must either build and maintain an adequate Navy or accept a secondary position in international, political, and commercial affairs. A sure way, he said, to invite national disaster is to be opulent, aggressive, and unarmed.

International agreements have done much to curb the size and power of the United States Navy. The number and tonnage of capital ships and cruisers, the caliber of guns, and their elevation have all been at issue. Existing agreements are concerned with sizes, numbers, and quantities. Upon quality no limitation is placed. Respecting such matters as are untouched by these international conventions we should, in the exercise of ordinary prudence and good sense and in accord with national needs, go a very long way in providing ship for ship, gun for gun, and man for man. The fewer ships we have the better they should be, and as for man power, skill, knowledge, and manhood must be par excellent.

Our Navy should be a symbol of our Nation's strength. Our flag in foreign ports a gesture of good will, a display of strength, and the guaranty of our security. It should inspire Americans, at home or abroad, with a great pride of country.

The Navy supplements and supports the labors of diplomacy. It aids peaceful adjustment of international dispute. It is an instrument of wholesome pressure. It sustains peace and promotes prosperity and happiness, which is the true object of government.

The Navy is an index of the character of a nation's commerce. International trade is a mixed matter, involving the question of equipment and of its protection. We can not make a start in international commerce with any amount of equipment without the promise of protection upon the seas and in foreign waters. An adequate Navy alone can guarantee freedom from interruption and molestation.

The Navy was the pioneer in the development of the radio and continues to be an active agent in its progress.

There are three outstanding reasons why we must support an American merchant marine: First, for national defense; second, for the expansion of our foreign trade; and third, to have a voice in the control of ocean freight rates.

Our annual foreign trade amounts to $10,000,000,000, and the freight bills for transporting it total $600,000,000. At least one-half of this sum should be turned back for circulation among the people of America. Our prosperity depends on the continued expansion of our industries and our ability to dispose of our surpluses in the markets of the world. Expanding our foreign trade expands our industries, and the greater this expansion the greater our prosperity.

Here in the agricultural region of the country it is our business to plow the soil and reap the crops which are produced by adding mental and physical labor to the resources of nature. It is doubtful whether we fully appreciate how much the prices received for our commodities are influenced by ocean shipping. More than one-sixth of the total products raised on American farms is sold in foreign markets.

For the last several years there has been annually available for export more than 250,000,000 bushels of wheat. Our prosperity rests in a large measure upon the satisfactory disposal of this exportable surplus. The amount of ocean freight which must be paid on this surplus is a controlling thing in the degree of success, which American agriculture can enjoy. As a matter of economic law, the price of the surplus in the world market determines the price in the domestic market. It must be the business of the Government to see that ocean freight rates are reasonable. This can be accomplished only through an adequate and well-conducted merchant marine. It must be protected, and such can only result from the cooperation of a well-trained Navy.

The ships that carry the trade control it. The nation that owns the ships is the master of the markets which it supplies.

During war times American agriculture was greatly expanded because we found it necessary to feed a large part of the world. This increased production is continuing. New and larger markets must be found for the products of American farms. Such markets can be held and controlled only if America provides ocean-going freighters, rendering service at reasonable rates.

It is well known that there is a difficult farm problem, and there is distress here in the Middle West because of it. But, aside from that condition, ours is the most prosperous of all the nations of the world. Fortunately for us, we are the creditor nation of the world. Our foreign trade equals that of Great Britain and surpasses that of any other nation.

The growth of America and her expanding interests have been attended with increasing obligations. Long ago we adopted a policy known as the Monroe doctrine. By it we assumed a new national duty, which must never fail of performance. South, beyond the waters of the Caribbean Sea, is the Panama Canal. There lie the South American countries. They place full reliance upon our political doctrines.

We do not favor imperialism, but we have, in a most satisfactory and orderly way, acquired important insular possessions, not through the desire for acquisition, but in aid of humane policies. Porto Rico, the Philippine Islands, and Hawaii all rely upon us for that protection which we may not in honor withhold.

There should be a greater pride in our Navy. Our writers of novels and short stories, our poets and our composers of song might well think of America's host of ambitious youngsters and provide them with choice yarns of adventure and sing of our old sea heroes and of our gallant ships of war. The youth of the land should know the Navy as an essential element of our national life, to be loved for what it is. Such attitude would do as much for the Navy as large appropriations by Congress. By literature and art we can sell the Navy to those who have paid for it, but do not yet know what they have got.

No navy can be better than the men who man its ships. There was a time when the Navy offered young men adventure and prize money. To-day it offers them a profession of the most exacting type. It offers opportunities for a career. In manhood, as in materials, the Navy requires the best the Nation affords.

It is fitting, in the discussion of our Nation's armed forces, the development of a national spirit, and the matter of our Nation's material progress, to invite attention to the important influence of naval training and the physical and moral well-being of the young men of America who are connected with the regular service and of the reserve.

The regular Navy takes annually into the active service from 15,000 to 25,000 young men at the formative stage of life. Habits of obedience, cleanliness, and good order are molded into character and ambition. Any young man who has had the privilege of this training is fitted for any struggle for preferment in civil life.

The influence of the Navy on the young manhood of the Nation is augmented by its contact with civil life through Naval Reserve activities. The Naval Reserves have the same relation to the Navy that the National Guard units throughout the country have to the Army. It is the American system, and is contrary to the system of compulsory military service, which is the policy of many continental nations. The American system more nearly meets the ideals of democracy. It avoids the appearance of militarism and yet it makes provision for the security of the Nation in time of emergency.

There are obligations of citizenship as well as its benefits. I am happy to say that the Naval Reserve unit, which sponsors this program to-night, is composed of young men of this community who are rendering to the Nation a service of far-reaching benefit. The service of these young men is the contribution of this community to our Nation's well-being, and evidences a generous and friendly attitude on the part of our people to the great purposes of the American Navy.

There is in the Congress of the United States a big Navy group and a little Navy group. There may be a like division of opinion in the press of the country and in the minds of the general public. It is practical to build an army of volunteers and by conscription. Not so the Navy. Roosevelt understood this and expressed it well when he said, "You can not send volunteers to sea unless you want to send them to the bottom."

May the Navy of the United States exemplify the life and the works of Theodore Roosevelt by always fighting on the side of right.

Mr. BLAND. Mr. Chairman——

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. VINSON of Georgia. Mr. Chairman, I make the point of order that all debate has been exhausted.

Mr. BLAND. Mr. Chairman, I reply to that by saying that the gentleman from Iowa was recognized on a motion to strike out the last word and I am rising in opposition to his motion to strike out the last word.

The CHAIRMAN. The gentleman from Virginia is recognized in opposition to the pro forma amendment.

Mr. BLAND. Mr. Chairman and gentlemen of the committee, I shall not take more than five minutes of your time because I know you are impatient. I meet the issue that has been made by the gentleman from Iowa, that this is a question of prepared-

ness. I want to call to your attention the fact that the private yards of this country are trembling on the border of absolute dissolution and starvation. Do you know that within the last year a private yard of this country that has been in the business for the last 100 years—Cramps—has gone out of business because it did not have work?

Now, gentlemen, you know that when this great World War came on the private yards of this country constituted Government yards; and it was by reason of the operation of those private yards that you were able to build the bridge of boats that carried your boys and your munitions across the seas and put them in a position to carry on that war.

The question is not whether you shall give this work to a private yard or to a navy yard, but whether you shall leave this discretion in the Navy Department, a discretion that will possibly permit the existence of private yards that otherwise might go out of business.

Another thing I desire to bring to the attention of this committee is the consideration of the absolute necessity of the situation. The gentleman from Illinois has said that an estimate amounts to nothing. I agree with him as to that. There is another consideration, and that is that you have private citizens who have invested their money in organizations built up for the purpose of carrying on the work of this country, of building up your merchant marine, and of helping to build up the Navy. Now, the Government, according to this amendment, would attempt to bring those organizations into such competition as might break them down.

If the officials of the Navy find upon an investigation that the work can be done more cheaply in the navy yard than in the private yards, if they find that the purposes of government can be better subserved by construction in the navy yard than in the private yards, if they find that it is to the interests of the great Government of the United States and of all of its people to construct in the navy yard rather than in the private yards, they have that option, they have that right, they have that discretion. Is it not a reasonable discretion to leave in their hands, allowing them to consider the situation as it exists when the question arises, and thus to work out the problem in such a way as will permit the existence of the private yards of this country and at the same time permit the existence of the navy yards. If your private yards go down, this Congress can not restore them. This Congress has it in its power to preserve the navy yards and to keep them as an organization, and thus it may also preserve and keep in existence the private yards.

The question before you, gentlemen, is a question of preparedness. It is the question of retaining those institutions and those organizations that shall help this country in time of need and stress to meet the dangers of any situation that may arise or confront it. I beg you to vote down the amendment.

Mr. BUTLER. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

The motion was agreed to.

Mr. BLACK of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACK of New York. I have an amendment pending and I just want to know whether the motion just adopted will shut off debate on that amendment.

The CHAIRMAN. It will. The question is on the amendment offered by the gentleman from Massachusetts [Mr. DALLINGER].

The question was taken; and on a division (demanded by Mr. MCMILLAN) there were—ayes 92, noes 78.

Mr. BLANTON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers the gentleman from Illinois, Mr. BRITTEN, and the gentleman from Massachusetts, Mr. DALLINGER.

The committee again divided; and the tellers reported that there were—ayes 102, noes 78.

So the amendment was agreed to.

Mr. BUTLER. Mr. Chairman, if I could understand the wishes of the members of the committee I would be very pleased to express them to the Chair. It seems to be the desire of the committee to read the bill through. I would much prefer to move to rise, but I am not going to go contrary to the wishes of the membership of the committee. To-morrow we can have the roll calls in the House.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BUTLER. I will be delighted to yield.

Mr. GARRETT of Tennessee. I should like to ask the gentleman from Connecticut, if this bill were finished this afternoon, could the House probably adjourn over to-morrow?

Mr. TILSON. I do not think so, Mr. Chairman.

Mr. BUTLER. Let us read the bill.

The CHAIRMAN. The gentleman from New York [Mr. BLACK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: On page 1, strike out lines 5 and 6 and insert in lieu thereof the following: "Twenty-five light cruisers to cost, including armor and armament, not to exceed $17,000,000 each; 9 destroyer leaders to cost, including armor and armament, not to exceed $5,000,000 each; 32 submarines to cost, including armor and armament, not to exceed $5,000,000 each; and 5 aircraft carriers to cost, including armor and armament, not to exceed $19,000,000 each."

Line 7, after the word "five," insert the word "such"; line 10, after the word "one," add the word "such."

Mr. BLACK of New York. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. BLACK of New York. Mr. Chairman, I rise to a question of personal privilege.

Mr. RAMSEYER. Mr. Chairman, I make the point of order that a question of personal privilege can not be raised in committee. [Cries of "Vote!" "Vote!"]

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to speak for five minutes in behalf of the President's program.

Mr. ROWBOTTOM. Mr. Chairman, I object.

Mr. BLACK of New York. Mr. Chairman, I demand a division. There is gag rule here and the machine is operating too quickly. I want to see how many Republicans will rise in support of the President's program. I want to see how many of the leaders will vote for it. There is not a one of them.

The CHAIRMAN. The gentleman is out of order.

Mr. BLACK of New York. I know it.

The question was taken; and on a division (demanded by Mr. BLACK of New York) there were 8 ayes and 105 noes.

So the amendment was rejected.

Mr. CONNERY. Was that the plan proposed by President Coolidge?

Mr. BLACK of New York. It was.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. The Secretary of the Navy is directed to submit annually through the Bureau of the Budget estimates for the construction of the foregoing vessels.

Mr. BRITTEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 7, after the word "annually," strike out the word "through" and insert the word "to."

Mr. BRITTEN. Mr. Chairman, this amendment is offered at the instance of the committee, and at the suggestion of the chairman of the Committee on Appropriations. The word "through" would make it in violation of the Budget law, so the report is to be made to the Budget instead of through the Budget.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. In the event of an international agreement for the further limitation of naval armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend in whole or in part any of the naval construction authorized under this act.

Mr. SPROUL of Kansas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 14, after the word "agreement," insert a comma and the following words: "The President is hereby directed to encourage."

Mr. TILSON. Mr. Chairman, that is not the proper language. It should read "The President is requested to encourage."

Mr. SPROUL of Kansas. I will modify my amendment to that effect.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment by Mr. SPROUL of Kansas: Page 2, line 14, after the word "agreement," insert a comma and the following words, "The President is requested to encourage."

Mr. BUTLER. We accept that.

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. MCCLINTIC. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 22, strike out the words "ship disasters" and insert in lieu thereof "submarine disasters."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Under the rule the committee will now rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. Is there a separate vote demanded on any amendment?

Mr. BLANTON. I demand a separate vote on the Dallinger amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 2, line 5, after the word "year," add the following: *"And provided further,* That the first and each successive alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such eight cruisers the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. DALLINGER) there were 115 ayes and 102 noes.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The question was taken; and four Members rising, not a sufficient number, the yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. Evidently that can not be done.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that to-morrow, after the completion of the bill now under consideration and a bill from the Ways and Means Committee which is privileged, the House proceed to the consideration in the House as in Committee of the Whole of bills on the Private Calendar unobjected to.

Mr. MOORE of Virginia. What is the bill from the Committee on Ways and Means?

Mr. GREEN of Iowa. It is a bill with reference to the admission of certain cattle. It will not take more than five minutes, I think.

Mr. BLANTON. Mr. Speaker, I object to the request of the gentleman from Connecticut.

SPANISH WAR VETERANS

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a resolution which I introduced to-day, and also resolutions adopted by the Worth Bagley Camp, No. 10, Department of Georgia, United Spanish War Veterans.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following resolutions:

[House Joint Resolution 242, Seventieth Congress, first session]

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 16, 1928.

Mr. EDWARDS introduced the following joint resolution, which was read twice and referred to the Committee on Military Affairs:

Joint resolution authorizing and directing the Secretary of War to furnish transportation to certain veterans attending the thirtieth annual encampment of the United Spanish War Veterans to be held at Habana, Cuba, October 7 to 12, inclusive, 1928, at the invitation of the Government of the Republic of Cuba.

Resolved, etc., That the Secretary of War is authorized and directed to provide not less than four Army transports of sufficient capacity, and as many more as may be necessary, with ample furnishings and provisions, to convey from the ports of Savannah, New York, New Orleans, and San Diego to Habana, Cuba, and return such veterans of the Army, Navy, and Marine Corps and auxiliary service in the war with Spain and the Porto Rican and Philippine campaigns with proper service credentials as apply for such transportation in order to attend the thirtieth anniversary of the liberation of Cuba, on invitation by the Government of the Republic of Cuba, where the thirtieth annual encampment of United Spanish War Veterans will be held. Such transportation and subsistence shall be free of charge.

Resolutions adopted by Worth Bagley Camp, No. 10, Department of Georgia, United Spanish War Veterans

Whereas the thirtieth annual encampment of the United Spanish War Veterans is to be held at Habana, Cuba, October 7–12, 1928, at the invitation of the Government of Cuba; and

Whereas it is necessary that the veterans and their families who attend this encampment travel by steamer; and

Whereas the port of Savannah, Ga., has splendid railroad connections and other terminal facilities; and

Whereas Savannah has one of the largest camps of the Spanish War Veterans in the South; and

Whereas Savannah was one of the principal ports of embarkation in 1898 and 1899 and the Seventh Army Corps having encamped here for several months make it highly desirable for those comrades to again visit Savannah and view old scenes and renew old acquaintances; and

Whereas the residence of our senior vice commander in chief, William L. Grayson, is located at Savannah, Ga., and the designation of Savannah, Ga., as the port of embarkation would be a compliment to Vice Commander Grayson: Therefore be it

Resolved, That we respectfully petition the committee of arrangements to designate the port of Savannah, Ga., as one of the ports of embarkation for Habana, and we urge the Senators of Georgia and the Congressman from our district, Hon. C. G. EDWARDS, to support the joint resolution offered by Senator GEORGE to furnish governmental water transportation on this occasion, and further that they also use their influence in having Savannah named as one of the ports of embarkation; and be it further

Resolved, That a copy of these resolutions be forwarded to the chairman of the water transportation committee, William Jones, of New York, and a copy be furnished the two Senators of Georgia and the Congressman from this congressional district.

VICTOR DESBOUILLONS,
Adjutant Worth Bagley Camp, U. S. W. V.

SAVANNAH, GA., *March 9, 1928.*

ADDRESS OF HON. FINIS J. GARRETT

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by the gentleman from Tennessee [Mr. GARRETT] before the Real Estate Board of New York City at the Hotel Commodore, New York City, February 4, 1928.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, under the permission granted me to extend my remarks I submit the following speech:

OUR GOVERNMENT

Mr. Toastmaster, ladies, and gentlemen, visible and invisible, you will not be surprised, I am sure, when I tell you that as I look upon this audience and as I look upon the list of speakers with whom temporarily I am thrown that I feel somewhat tremulous and abashed. As I look over the hall, possibly the suggestion comes by reason of the name of the city, possibly it comes by reason of the placards upon which these numbers appear, but somehow there is something reminiscent of the year I spent at the Democratic convention here in 1924. [Applause.]

Now, of course, I know very well that you did not invite me here to talk about real estate. Some years ago I had an invitation to deliver an address in a New England city to the annual meeting of the Iron and Hardware Association, and the gentleman who invited me said, "There are two conditions that we impose upon the speakers whom we invite. One is that they shall not talk partisan politics, because it is not appropriate to the occasion, and the other is that they shall not mention iron or hardware, because if we want a talk about that we will send for somebody who knows something about it. [Laughter.] I obeyed his instructions. I am sure that they must have felt that I gave all that was in me to the occasion, because they have never invited me there any more. [Laughter.]

To be sure, coming from Washington and being a Member of the House, you might expect that I would tell you something of what Congress is doing, and I would except for one thing, and that is that Congress is not doing anything. [Applause.]

I might take you into my confidence—and I know that you and the outside radio listeners will all treat it confidentially—and tell you, since the toastmaster has referred to the work done by a committee of your organization relative to tax reduction, and since, perhaps, some of you have been alarmed about that, I will console you by informing

you that all the indications are that there will be no tax reduction by law at this session of the Congress. The House has done its part. The Committee on Ways and Means brought in a bill and we Democrats took it and made a pretty respectable bill of it in the House, and now they will not report it in the Senate. [Laughter.]

The rumor hath it in Washington that Captain SMOOT is unwilling to try and steer the vessel between Scylla ROBINSON of Arkansas and Charybdis NORRIS, of Nebraska. [Laughter.] And so, since I can not talk about Congress and can not talk about real estate, the question is, What shall I talk about? I suppose I will simply have to be like Plug Jenkins said his cow was. A gentleman down in my county became very much interested in a good breed of milch cattle, and he collected quite a stock. Plug Jenkins had a milch cow and he wanted to sell it, and he went to this gentleman who was building up this herd of Jerseys and told him that he had a good milch cow that he wanted to sell him, and he said, "I am interested in good stock; what have you, a Jersey?" He said, "No; it is not a Jersey, I don't think." He said, "Is it a Guernsey?" "I don't know; I don't really know what breed that cow is." "Well," he said, "Why do you say she is a good milch cow; does she give lots of milk?" "Well," Plug said, "I want to be honest with you, Tom; I won't say that she gives lots of milk, but she is a good kind of cow and gives all the milk she can." [Laughter.]

With your permission I shall venture to talk to you a few moments about some historical fundamentals of government.

One of the States of our Union has in its constitution the declaration:

"A frequent recurrence to fundamental principles is essential to the preservation of individual liberty."

That is a very fine sentence and it is a fine sentiment. I think that sometimes in the hurly-burly of our busy lives we fail to recall as often as we might the fundamental things upon which our Government rests. Less than 200 years ago, strange as it may seem, when we consider all the developments of all the centuries, the art and the literature, the poetry and the romance in history; these things developed to the most exquisite refinement, yet less than 200 years ago nowhere in the world was there a government of any substantial importance predicated upon the principle of self-government. Upon the contrary through the thread of every governmental institution of importance in all the world there ran the line of the divine right of kings and of class control, the conception that by reason of birth certain individuals held the exclusive right to exercise the executive and the legislative functions in behalf of all mankind.

The striking things of the Declaration of Independence were not those referring to taxation without representation. Struggles over taxation sprinkle all the pages of history. There was nothing new about that. The new thing was that there was for the first time in the history of man formally inserted by a body having the power and the authority to assert it the doctrine that all governments derive their just powers from the consent of the governed. [Applause.] The sword of Washington made that good. The American Revolutionary War was fought under what was probably the weakest form of civil government ever instituted among men. It had no executive head. It had no judicial branch, and the legislative powers which it assumed to exert were so compassed about with limitations and restrictions as to render the old confederacy practically impotent. It had not the power to levy a single dollar for its own support, nor had it the power to send a single man to arms. As we look back upon it now and observe the tenuousness of its lines, see its weaknesses, the wonder is that under it liberty could have been achieved. But somehow, some way it was done. So weak was this Government that when the treaty of peace was written it was not therein recognized as a sovereign power. But each of the thirteen original States were specifically mentioned by name, and each stood forth among the nations of the earth clad with all the sovereign authority which any nation can possess. Following this Revolution and through the years there sprang up three conditions which necessitated a closer union and a greater central power. Two of these conditions were of a business nature; the third was political. That third we shall mention first. That was the political necessity of forming a Government which was able to protect all of its ports against outside aggression. The two business elements which created the necessity for the formulation of this National Government were: The difficulties growing out of the commerce between States; and, second, the fact that certain of the States, exercising their sovereign power to issue money, had deliberately debased their currency to the point where it had brought universal distress and widespread desolation.

Those three things occasioned the call for the Constitutional Convention issued finally by the Continental Congress, and in May 1787, 55 men, composed of much of the intellectual, moral, and financial aristocracy of America, assembled themselves together in Philadelphia and labored for a period of nearly four months. There was nothing new, my friends, about the idea of a confederacy. All history is filled with tales of leagues and alliances and confederations between sovereign powers, and all history is cluttered with their wrecks. Through the dim and misty corridors of the ages there stroll and swarm the ghosts of innumerable dead confederacies, "the hollow wraiths of broken fame." The weakness of these confederacies of the past lay in the fact that the governments formed under or by them were not coalitions of their peoples, but combinations of their States. That was the weakness of the very confederacy under which these men were laboring, and because they knew both history and the current law they proceeded to do a new thing in the world.

They proceeded to bring forth a Government which is at once a confederacy and a Nation. It draws its power and holds it authority, not from the States as States but from the people of the States. Its perpetuity, so far as the Constitution is concerned, does not depend upon the whim or caprice or even the intelligent will of the States as States, but upon the wish and the wisdom of the peoples of the States. It exerts its authority, it enforces its decrees not only upon the States as States but upon the people of the States. [Applause.]

And so, for the first time in the history of man, they created a condition under which those then living and those who were to come after were to exist under two distinct forms of government, each sovereign within its sphere. That was the uniqueness of the instrument called the Constitution of the United States. Its greatness lay in two things: First, the nicety with which they divided the powers between the three great bodies, the executive, the legislative, and the judicial; and, second, in the nicety with which they divided powers between the Nation itself and between the States, the people of which composed that Nation. [Applause.] That was the system which these men dreamed and which they put forth, which has come down to us for 140 years. Those men from the wilderness carved out this new thing in the world of men. They, for the first time, gave to democracy, through the means of a Republic, which is the only method by which democracy can be made practical, "a local habitation and a name."

I have sometimes wondered what would happen if overnight these governments of ours could be destroyed, and not only destroyed but all the law books and all the histories that bear account of them wiped from the shelves, and we were suddenly called upon in the morning to bring forth a new form of government. What sort of States, what sort of a nation would we build? It is an interesting speculation, but we do not have to speculate about it. If those men who wrote that Constitution could come here to-night and walk down a single block of this great city, how many things would they see about them concerning which they would have to obtain information from a 10-year-old child? You could hear Washington or Hamilton or Madison or Franklin, the greatest scientist in his day, inquiring, "What is that? What is that I see going by?" Why, that is the automobile. "And what is that I hear?" That is a human voice coming over thousands of miles through what we call the radio. "And what is that I see in the air?" That is the airplane with which man is challenging the eagles for mastery of the empyrean.

Oh, how many things those men would see that would be mysterious and strange to them. But, thank God, they did know how to build States and lay them as the beams of the chamber of a nation. [Applause.] And we have their handiwork as our heritage.

We do not have to speculate about what we would do—we have it. Men coming up out of the wilderness building a nation for 3,000,000 people which has met all the exigencies and the requirements of social evolution and political development until it covers 8 and 40 sovereign States with 120,000,000 of people. We do not have to speculate; all we have to do is to preserve. I think we ought to preserve.

It is as important now to keep separate the legislative and the executive and the judicial branches as it was 140 years ago. [Applause.]

It is as important now as it was in the beginning to maintain with scrupulous fidelity the respective powers and duties of the State and the Nation. [Applause.]

It is trite to say, but it should be said often, nevertheless, that there is too much of bureaucracy. Government by bureaucracy is worse than monarchy. In a monarchy you can at least know who to hang or shoot, but in a bureaucracy, with their divided powers, you can not find the individual upon whom to place responsibility for abuses to freedom and wrongs to liberty.

I do not wish to think of the Republic as a painting upon canvas, the color of which will fade in the sunlight or the fiber of which will rot in the rain. I wish rather to think of it as a great mosaic composed of 8 and 40 imperishable gems, each lustrous with its own local beauty and color, so cemented together with love and law and human reason as to be itself indestructible, however violently human passions may beat against it. [Applause.]

HYDROELECTRIC DEVELOPMENT, SOUTH CAROLINA

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the hydroelectric development in South Carolina.

The SPEAKER. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker, under the leave to extend my remarks on the hydroelectric development in South Carolina I want to call to the attention of the Members of the House and to the citizens of this great Republic the wonderful strides

South Carolina, the State I have the honor to represent in this great lawmaking body, is making.

On January 1, 1927, according to a statement issued by the Federal Power Commission, it was shown that South Carolina had advanced from eighth to fifth place among the States in hydroelectric development.

You remember in a previous Congress I called your attention to the proposal of the building of a very large electric-power plant in Lexington, S. C., my district. I am glad to say to you that this project is a reality now, and when it is completed bids fair of putting South Carolina right around the top as an electric-power State.

South Carolina to-day leads all other States in the manufacturing of cotton. Since the commencement of the building of this tremendous power plant manufacturing concerns of every type are moving into our State.

Why not? If you and your friends want to locate in a section where the climate is ideal the year around, where labor is cheap because of its efficiency, where strikes are unknown, where the taxing powers have given recession to manufacturing interests that want to locate their plants, come to South Carolina.

The following article, written by George Garner, in the Manufacturers Record will be very interesting in connection with the building of this great power project. It deals with the wonderful strides along the above lines in and by the State of South Carolina:

SOUTH CAROLINA'S $20,000,000 HYDROELECTRIC DEVELOPMENT UNDER WAY—A GREAT ENTERPRISE INDICATIVE OF THE SOUTH'S EXPANSION OF POWER FACILITIES TO SUPPLY ITS GROWING INDUSTRIAL NEEDS

Two thousand men, toiling day and night, except Sunday, week after week, without intermission, are working to complete by 1930 a hydroelectric project on the Saluda River near Columbia and Lexington, S. C., which will cost $20,000,000, and will constitute one of the greatest waterpower enterprises in the United States and also will embrace some of the largest features in their way of all such construction in all the world. The project is owned by the Lexington Power Co., a subsidiary of the General Gas & Electric Corporation, New York City, of which W. S. Barstow is president, and associated with which are T. C. Williams, of Columbia, originator of the project, and the firm of Murray & Flood, engineers, New York.

No more convincing illustration of the industrial development of the South in the last few years can be found than in this prodigious enterprise. First visioned in 1903 by G. A. Guignard, of Columbia, it remained a fascinating, but only an idle, dream for years, because the South in general and that section in particular provided no adequate industrial market for consumption of the power. Now, so great is the market that not only were contracts signed for sale of the power even before this work was started, but also another project is in prospect in South Carolina which will exceed this in magnitude.

So it is that 2,000 men now are working to complete a project which the designers claim is to become the base-load plant for the superpower system of the Southeast—a plant not only to supply the power needs of its area, but also to reinforce, when needed, the power systems of North Carolina, Tennessee, Virginia, Alabama, and Georgia.

As this is written the Saluda River at Dreher Shoals, where the monster plant is to be established, is an unobtrusive stream meandering southeastward through the center of the State, through an area of mixed woodland and farms. On completion of the work it will be the feeder for a lake, of its own creation, 33½ miles in length, 14 miles wide at the broadest point, and twice as large in area as Lake George, in New York State. And in this lake will be impounded 100,000,000,000 cubic feet of water—sufficient to provide a discharge of 5,000 cubic feet a second for half a year even without a drop of inflow. Incidently, the lake formed by the great Roosevelt Dam in Arizona is 25 miles long and from 1 to 2 miles in width.

For the creation of this lake, an earth dam will be constructed, 206 feet in height and 7,989 feet long, or 1.5 miles. Eleven million cubic yards of earth fill will give it the largest cubical content of any dam in this country, and it is described as the largest earth dam in the world. To build such a dam of concrete, it is explained, would be an economic mistake, as the returns would not nearly measure up to necessary dividends on the investment; so an earth dam will arise, reinforced with an impervious dirt core, fully as substantial, say engineers, as the strongest concrete dam ever constructed. Upstream the slope will be 3 to 1, with a face of riprap, while downstream the slope will be 2½ to 1, with a riprap toe. The maximum head will be 180 feet and the minimum 118 feet, with an average head due to operating schedule of 165 feet.

As construction of the power plant is regarded as a comparatively easy work, that will be held in abeyance until probably the last step in the project. Plans provide for initial installation of four units of 43,500 horsepower each, with an ultimate installation of six units and an aggregate of 261,000 horsepower.

"In effect, 2,600,000 willing, obedient slaves will be put to work, without necessity for feeding them," said Mr. Williams.

And what will be the contribution of this huge plant to the industrial development of the South? It will furnish power for the Broad River Power Co. system, from Union in the north to Denmark in the south, with ramifications through a great territory. It will add thousands of kilowatt-hours of service to the great system of the Southern Power Co., which covers northwest South Carolina and the western half of North Carolina. It will reinforce the power product of the Carolina Power & Light Co., whose system extends from the southeast corner of South Carolina up through the eastern half of North Carolina, and terminates at Danville, Va. Among these three systems will be distributed millions of kilowatt-hours a year from the Saluda River plant, with the Broad River Co. entitled to first call on the supply.

In this great territory already scores of flourishing cities and towns are served, with literally hundreds of plants turning out many varieties of products, and to these will be added scores of other towns and cities to which industrial enterprises will be attracted by abundance of cheap power, abundance of contented and efficient labor, raw materials of many kinds, and ample transportation facilities.

Further than this, it is expected by the promoters of the project that Lake Murray, as the great lake will be known, in time will be bordered with summer resorts and homes, golf courses, and clubhouses. Already reports on investigations by Federal and State health authorities describe the area as extremely healthful, free from fevers, and from disease-breeding mosquitoes. Also, a town is arising near the site and engaging homes for officials of the company already form an attractive nucleus, and, incidentally, it may be said that a church was one of the first structures erected.

In general charge of this great work are the W. S. Barstow Management Association, New York, and Murray & Flood, with A. S. Crane, of the J. G. White Management Corporation, New York, as consulting engineer. Reeves Bros., of Birmingham, Ala., are building the four great pipe lines which first will divert the river from its present course while the dam is constructed and later will connect with the generators, and G. H. Newton, vice president of the concern, has been in personal charge. The contract for excavating for the pipes and incasing them in concrete and for the construction of the dam was awarded to the Arundel Corporation, Baltimore, and the steam shovels and similar machinery are provided by the Anderson Construction Co., Asheville, N. C. Arthur R. Wellwood, of New York, represents Murray & Flood, although W. S. Murray and Henry Flood, jr., of that firm, are constantly on the spot, and Theodore C. Hamby, of Columbia, is chief assistant to Mr. Wellwood. And of real interest and significance is the fact that in the small regiment composing the engineering force a majority are graduates of southern schools and colleges, such as the University of South Carolina, Clemson University, and the Citadel, Mr. Wellwood having endeavored to utilize South Carolina's young talent wherever possible.

For the construction of this great project it was found necessary first to divert the course of the Saluda River, so that the dam might be thrown up and a core trench be excavated in bedrock for its entire length. Lines were laid for four monster steel pipe lines, each 986 feet long, 16 feet in diameter, and on this part of the work the contractors are busy as this article is written. The soundness of the entire work is well illustrated in this particular feature. In excavations blasted well into bedrock cradles are laid, and on these are placed the lower half circumference of the pipes in 8-foot section lengths. The upper halves then are set and the two are riveted together, with strips riveted to cover the longitudinal seams. Two hundred and twenty-four thousand rivets are needed in this work. On completion the pipe lines, which will be used as penstocks upon completion of the project, will be entirely incased in concrete. At the same time a concrete arch is being constructed parallel with the pipes, 47 feet 7 inches wide and 22 feet 4½ inches high, to supply the two generators which in time will supplement the original four which the pipes will feed. The Arundel Corporation early in February had approximately 500 men on its share of the work, in addition to 2,000 other workers.

At present the work is largely confined to the laying of the pipes and construction of the concrete arch and clearing the lands for construction of the great dam. In obtaining an adequate area for the project, Mr. Williams, for the constructors, was obliged to purchase 122 square miles, including over 600 farms and millions of feet of timber, yet in not one transaction were condemnation proceedings required, "and the sellers still are our friends," said Mr. Williams.

On completion of the pipes and the concrete arch and the diversion of the river's course work will be started on the dam, for which surveys already have been made. For the full length of the dam a trench will be excavated in bedrock and will be filled with fine earth as a base core to prevent seepage. Huge piles of earth then will be thrown up for the dam, and these will be washed down and the fine earth will build up as a core, through which the water will not be able to percolate. The maximum width of the dam at the base will be about a quarter of a mile, and the crown will carry a concrete road over 30 feet wide. The dam will contribute $7,000,000 to the total cost of $20,000,000 for the project.

The spillway will be of the gravity section type, with three gates, each 50 by 25 feet, and the head on the crest will be 25 feet.

"This is not a selfish proposition," said Mr. Williams, "for the benefit only of the companies now interested, but is designed, through interconnections, to be of help to others if an emergency should arise."

As an instance of the unexpected mishaps which may occur at any moment, Mr. Williams cited a case in which a heron, flying low, had touched a set of wires with one wing and another set with the tip of the other wing, thus causing a short circuit and cutting light and power from a large industrial community many miles from the power house.

"And so, in event of trouble from low water power or shortage of coal or other plant trouble for any company, the hook-ups can be opened and service be maintained by other systems," Mr. Williams added.

Fully as interesting as observations of the work at present is the background of the project, in which one sees a practical "dreamer" looking forward through the years for conditions to develop which would justify the construction of such a plant. First struck by the possibilities in 1903, Mr. Guignard kept acquiring property at the site till his holdings ran to high figures, and this land he carried for 23 years, with its burden of taxes and loss of interest. So in 1926 he approached Mr. Williams and said he would like to sell the land, and Mr. Williams at once started surveys himself and made borings and soundings and river-flow calculations. Convinced of the value of the proposed project, Mr. Williams laid it before Mr. Murray, whose engineers, after thorough examination of Mr. Williams's figures, reported them accurate and sound, and this report was verified by Mr. Williams himself after long and careful investigation.

Meanwhile, about 1910, Mr. Barstow's interests had acquired a water-power site near at hand, though with much lower head than that acquired from Guignard by Mr. Williams and Mr. Murray. So in this knowledge Mr. Williams and Mr. Murray went to Mr. Barstow to talk business.

"You have one site and we another," said his visitors, in effect; "now, either we will sell ours to you or we will buy yours or we will join forces with you in establishing a great plant."

Mr. Barstow was interested, and after investigation elected to join with Mr. Williams and Mr. Murray in one great enterprise. Great banking concerns, asked to finance the project, sent an expert to look over the ground and on his report undertook the task.

Thus the great enterprise rests on three foundation stones: The vision of Mr. Guignard, the engineering knowledge and business acumen of Mr. Williams, and the faith and enterprise of Mr. Murray and Mr. Barstow.

And even before this project is completed, in 1930, it is expected that an even greater project of the same kind will be well under way in South Carolina, thus further raising the State in horsepower standing among the States of the Union. According to the Federal Water Power Commission, California led all the States in water-power development on January 1, 1927, with New York second, Alabama third, Washington fourth, South Carolina fifth, and North Carolina sixth. South Carolina advanced to its present place from eighth in 1910, and now is said to be supplying about 5 per cent of the total water power of the United States.

THE DALLINGER AMENDMENT TO THE NAVAL CONSTRUCTION BILL

Mr. DOUGLASS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Dallinger amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, during the debate on the Dallinger amendment to the naval construction bill I tried several times to obtain the floor to indicate why I regarded the enactment of the amendment of my distinguished colleague and esteemed friend, who represents a district adjacent to mine, a most desirable thing, and worthy of the support of every Member of the House, regardless of whether they are in agreement or not with the major feature of the bill itself.

I regard it of supreme importance that we provide for the maintenance and upkeep of our Naval Establishment by keeping as nearly as practicable a completely organized, experienced, and specialized force of tradesmen at the various navy yards at all times. The Government can not expect to obtain the best obtainable staffs of ship fitters, boilermakers, machinists, electricians, coppersmiths, molders, pipe fitters, welders, plumbers, and other mechanical service help in its hour of need at a moment's notice. It requires considerable time, and it is imperative that when a capable and efficient staff of naval vessel workmen are assembled that that organization be kept intact. At present the Navy Department finds it necessary to discharge a large group of navy-yard employees at the completion of every substantial piece of building or repair work, with the result very detrimental to the morale and efficiency of the thousands of tradesmen upon whom the Navy depends to do its ship construction and repairing.

For many years our Naval Establishment did practically all of their own building and overhaul work, but of recent years but little of the actual ship constructing is being done at other than private yards. It has been stated that this change is in the interest of economy. I challenge the soundness of this contention. To the contrary, I find that the change largely has been in the interest of private shipbuilding corporations.

Navy yards, while allowed to bid on ship-construction jobs, are not permitted to submit bids at the actual minimum dollar estimated to do the work, but rather are required to add to their estimates a certain percentage for overhead and depreciation of the yard, dock, and other facilities used in the work.

There is no good reason for the addition of this latter, since the Government is forced to stand the cost of replacement made necessary by deterioration whether the yard facilities and docks are used or not.

It is woeful waste rather than economy to continue the policy of handing out handsome naval-construction plums to private interests when expert, highly specialized staffs of workmen, plus the facilities to do the work, are available at navy yards. I am not an advocate of putting the Government in business as a general scheme, but I do feel that millions of the people's money, necessarily tied up in navy yards, could be saved by putting these facilities to fullest use, rather than allow their deterioration and depreciation while idle.

The Boston Navy Yard, located in my district, was established at a first cost of $35,600,000, and to realize that only about 25 per cent of this huge investment is being capitalized at the present time is something that should cause everyone with the best interests of the country at heart to think, and to devise means of curtailing this tremendous wasteful expenditure of the public funds. I utterly fail to perceive how anyone can rationally argue that there is economy in turning over to private concerns work that can be done as satisfactorily at our navy yards.

The constructive economical remedy is the providing for, as the Dallinger amendment does, that Congress insist on a fair share of our naval-construction work being allotted to the navy yards. This does not eliminate competitive bidding, which is essential to the proper and legalized awarding of contracts, since all of the navy yards are required to bid against each other for each job. The standard of workmanship, detail, economy in production, and time required for the proper completion of work at the various yards is kept strictly checked by the Navy Department, and in the assignment of jobs the more efficient yards, as they should, are awarded the bigger proportion of the proposed outlay of work.

I am for, and believe every logical, thinking, peace-loving, true American wants, a first-class Army and a first-class Navy, knowing that our continued happiness and security depend on the psychological effect upon the nations of the world of our having an adequate national defense. The Dallinger amendment not alone is helpful in assuring that the Government will have available at all times the most efficient ship-construction personnel, and thus assure our ships being built as skillfully as any that may be built anywhere, but it at the same time is a piece of constructive economy for Uncle Sam.

Incidentally navy-yard employees who have given the best years and efforts of their lives in the Government service should not be subjected to temporary lay offs and oftentimes outright discharges because of the irregularity in assigning work to the navy yards. If all possible work germane to the maintenance and replacement of our Naval Establishment was being done at navy yards, the present serious unemployment situation among the navy-yard workers would not be manifest. We owe it to those faithful and efficient employees who serve in the country's time of need to provide them with stable employment and not merely at intervals when the private shipyards are not able to handle certain of the Government's naval construction work.

FARM RELIEF

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent to extend my remarks on the agricultural situation.

The SPEAKER. Is there objection?

There was no objection.

Mr. RATHBONE. Mr. Speaker, we have reached a crisis for American agriculture. That means a crisis in the life of the Nation, for the prosperity of the American people must ultimately in large measure rest on the prosperity of the American farmers.

It will not do to blind ourselves to the truth. Never for many years past has there been such deep-seated unrest as exists at the present time. The distress of the farmers of our State and Nation is real, widespread, and far-reaching in its consequences. Already the depression of agriculture has seriously affected the

prosperity of the city and of the entire country. President Green, of the American Federation of Labor, estimated the other day that 5,000,000 men were unemployed. The complaints of business men are heard on all hands.

This is an inevitable outcome of the bad conditions continuing for a period of years among the farmers, who constitute approximately one-third of the population of our country.

The purchasing power of those who till the soil has been so greatly reduced that the market for the products of American industry has been disastrously crippled and curtailed.

Moreover, the influx of population from the country to the city has been steadily going on. This means increased competition among those seeking employment in the cities, resulting in large unemployment. If these conditions are permitted to continue, they can not help but affect most seriously the progress and prosperity of our entire people.

Those who live in the cities, as well as those who dwell on the farm, should realize the great truth that the American eagle can only soar on two wings—industry and agriculture. If our noble national bird is wounded or crippled in one of those wings, it must go fluttering helplessly to the ground. The prosperity of industry and the prosperity of agriculture are one and inseparable.

The Middle West, that great interior section of our country stretching from the Allegheny-Appalachian Mountains on the east to the Rocky Mountains on the west, and from the Gulf of Mexico on the south to our northern boundary, is the center of our agricultural interests and the bread basket of the Nation. In it are produced from 60 to 90 per cent of most of the basic products required for the sustenance of our own people and many millions across the seas. This section, so dependent upon the welfare of agriculture for its development and prosperity, has been an especial sufferer through the distress of agriculture. In population and wealth, outside of a few great cities, this section of our country, in its natural resources the richest of all parts of the United States, has not been keeping pace with the Atlantic and Pacific coasts.

A reapportionment of Congress is certainly not far distant. When this comes it will inevitably result in a relative loss in representation, and therefore in political influence, in Congress and elsewhere of the Middle West.

It is therefore of the utmost importance that some constructive and adequate measure be passed at once and before it is too late the purpose and effect of which will be to place the American farmer on a plane of equal opportunity and prosperity with other classes of our people.

I urge my colleagues to give the utmost consideration to the problem of agriculture, which I believe to be the most momentous that confronts our country to-day. I call upon Congress to rise to meet the situation and to do its utmost to restore the American farmers to the position which they have heretofore so honorably filled in the life and prosperity of this Nation.

THE CONSTRUCTION OF CERTAIN NAVAL VESSELS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the pending bill and to incorporate also a short letter published in the Washington Post on the Bacon antipilotage bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I desire to extend my remarks on this bill for the reason that I will not be able to vote upon it to-morrow—Saturday—as a matter of great importance will call me away from Washington. The engagement was made several days ago, and it is utterly impossible for me to break it at this time. Of course, nine out of ten Members of the House believed that we would pass this bill as amended before we adjourned this—Friday—evening.

I am glad to say that I voted for the Dallinger amendment, which is a part of the bill, and can not be eliminated therefrom, as on the separate vote taken in the House before adjournment that amendment was adhered to by the majority of the House.

I have always believed in our country having an adequate Army and an adequate Navy. To be without either from a standpoint of national defense is about as foolish as it would be for a great city like New York to be without a police department or a fire establishment. Elaboration in this case would only be the work of superrogation. I feel though that proper naval survey should be made of the whole naval situation and a thoroughly scientific system, both with respect to the character of the naval equipment we should have and the location of the shore stations, so that they might be able to render the greatest possible service when on some tremendous day the country will have to call all of them into action. The country is at a loss right now, or rather in a mental fog, as to whether it is advisable to continue building battleships, cruisers, and destroyers or to give thought and effort and action to the building of submarines and airplanes. Most men who have given the matter any thought whatsoever believe that the navy yards and arsenals and other shore establishments are not so geographically situated so as to make for a real service in case of a naval engagement with any trans-Atlantic power. As a matter of fact, the logic of the statement made by Mr. MADDEN, chairman of the Committee on Appropriations, and the statement made by Mr. BUTLER, chairman of the Naval Affairs Committee, with respect to the Dallinger amendment lead unerringly to the conclusion that the navy yards in Boston, Brooklyn, and Philadelphia, which are the major ones, ought to be abandoned.

Both these gentlemen substantially stated that it would cost, if the Dallinger amendment were adopted, a million dollars each more per vessel than if they were built in private shipyards. If the building of ships is more costly in the navy yards than in private yards, then the repair of ships is more costly in navy yards than in private yards. That conclusion follows as the night does the day. But with all due deference to these two well-informed gentlemen who are the chairmen of two of the most important and powerful committees of the House, I feel that they are probably mistaken as to the facts upon which they have founded such a judgment.

I believe in a first-class navy, and feel that the American people want one. What is a first-class navy should not be so hard to determine. I am reminded in this connection of an expression used by a well-known Member of the House some years ago who stated that a second-class navy was like a second-class poker hand. They both would lead to the destruction of their possessor. This statement I need not elaborate either as the truth of it is obvious.

Inasmuch as ocean and river pilotage are absolutely essential to the safety to naval and commercial vessels, I feel that, as a matter of information, it is my duty to incorporate and make a part of these remarks a letter which appeared in the Washington Post under date of March 14, 1928. The judgment of the writer of that letter is so fundamentally sound and his views so clearly and convincingly expressed that I feel I can without hesitation commend them to the thoughtful consideration of those who will do me the honor to read these remarks:

[From the Washington Post, March 14, 1928]

THE BACON ANTIPILOTAGE BILL

To the EDITOR OF THE POST:

SIR: With reference to the above subject, permit me to suggest that this is a matter which should be considered thoroughly from more angles than one.

Owners of vessels and cargoes can be compensated for their loss in dollars and cents by the insurance companies who carry their risks, but human life can not be restored nor justly compensated for through lack of a pilot who is a specialist in preventing disasters to shipping, and to cargoes and passengers who happen to be on board the vessel.

Maryland has on its statute books a law exempting American vessels from the services of a pilot, but it is as dead as old King Tut, and why? Because the first and only vessel that took advantage of this law was lost with its entire cargo in Chesapeake Bay. The facts are, the bark *Pettingill* was towed from Baltimore, Md., without employing a pilot and was anchored by the tugboat on the north side of the Horse Shoe to await favorable conditions for proceeding to sea. A terrific northeast storm arose and swept the *Pettingill* onto the Horse Shoe, and in going across this shoal the heavily laden vessel foundered and became a total wreck—not a trace ever being found of her crew of 14 men, who were, of course, drowned like rats.

If the *Pettingill* had been under the skillful guidance of a pilot, she would have been anchored on the south side of the Horse Shoe, where the bottom is better holding ground, and she would have undoubtedly ridden safely through the gale, but the lives of these 14 seamen were ruthlessly sacrificed to ignorance and greed.

If the Bacon bill is passed, it will most certainly invite retaliation by the countries among the "favored nations," and American shipowners laboring under handicaps and discrimination at foreign ports may naturally expect to encounter still more.

Pilotage is a part of the police powers of the State and has frequently been dealt with by many high judicial bodies both in this and foreign countries, Judge Curtis having said:

"It is local and not national, and it is likely to be best provided for not by one system or plan of regulation but by as many as the legislative discretion of the several States deem applicable to the local peculiarities of the ports within their limits."

It is therefore plainly a matter for State and not National legislation, and I may add that it is looking for a little too much of the American master when we expect him to have an intimate knowledge of the dangerous currents and shoals of every port he has to enter.

I therefore trust that Congress will consider human life of more moment than the dollar and leave the regulation of pilots to the State, where it rightfully belongs.

ALBERT S. J. JAKEMAN.

RICHMOND, VA., *March 10.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. GALLIVAN, for five days, on account of official business in connection with the celebration of the evacuation of Boston by the British in 1776.

Mr. BULWINKLE, for 10 days, on account of personal and private business.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 374. An act for the relief of Lulu Chaplin; to the Committee on War Claims.

S. 511. An act to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property; to the Committee on Claims.

S. 757. An act to extend the benefits of certain acts of Congress to the Territory of Hawaii; to the Committee on Agriculture.

S. 777. An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War; to the Committee on World War Veterans' Legislation.

S. 1628. An act relating to the office of Public Buildings and Public Parks of the National Capital; to the Committee on the District of Columbia.

S. 1763. An act for the relief of the Sunny Brook Distillery Co.; to the Committee on Ways and Means.

S. 2900. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Saturday, March 17, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 17, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Authorizing additional employees for the Federal Power Commission (H. R. 8141).

COMMITTEE ON MILITARY AFFAIRS

(1.30 p. m.)

To safeguard national defense; to authorize, in the aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms (H. R. 10028).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

EXECUTIVE COMMUNICATIONS, ETC.

409. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Danvers River, Mass., was taken from the Speaker's table and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 5574. A bill authorizing the Lower Spokane and the Lower Pend d'Reille or Lower Calispell Tribes or Bands of Indians of the State of Washington, or any of them, to present their claims to the Court of Claims; without amendment (Rept. No. 958). Referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. R. 7191. A bill to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions; without amendment (Rept. No. 959). Referred to the House Calendar.

Mr. WINTER: Committee on Mines and Mining. H. R. 11411. A bill to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended; with amendment (Rept. No. 961). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 7475. A bill to provide for the removal of the Confederate monument and tablets from Greenlawn Cemetery to Garfield Park; without amendment (Rept. No. 965). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 9782. A bill to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths; without amendment (Rept. No. 967). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street; without amendment (Rept. No. 968). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. H. R. 9789. A bill for the relief of Sallie E. McQueen and Janie McQueen Parker; with amendment (Rept. No. 960). Referred to the Committee of the Whole House.

Mr. HUGHES: Committee on Military Affairs. H. R. 9721. A bill for the relief of Willie G. Chapman; without amendment (Rept. No. 962). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 10472. A bill to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army; without amendment (Rept. No. 963). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. H. R. 10067. A bill for the relief of Marion Banta; without amendment (Rept. No. 964). Referred to the Committee of the Whole House.

Mr. McLEOD: Committee on the District of Columbia. H. R. 7722. A bill authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards; without amendment (Rept. No. 966). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOUSTON of Hawaii: A bill (H. R. 12135) authorizing an appropriation to continue the proceedings for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii; to the Committee on the Territories.

Also, a bill (H. R. 12136) authorizing the Secretary of War to pay officers and men of Company G, Third Infantry, Hawaii National Guard, for armory drill during the period of January 1, 1917, to June 30, 1917; to the Committee on the Territories.

By Mr. ZIHLMAN: A bill (H. R. 12137) to provide a temporary location for a farmers' market site in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SUTHERLAND: A bill (H. R. 12138) granting abandoned public building and grounds at Sitka, Alaska, to the Ter-

ritory of Alaska, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12139) making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War; to the Committee on World War Veterans' Legislation.

By Mr. ZIHLMAN: A bill (H. R. 12140) to aid the University of Maryland in the instruction of students of the District of Columbia; to the Committee on Education.

By Mr. EDWARDS: Joint resolution (H. J. Res. 242) authorizing and directing the Secretary of War to furnish transportation to certain veterans attending the thirtieth annual encampment of the United Spanish War Veterans to be held at Habana, Cuba, October 7 to 12, inclusive, 1928, at the invitation of the Government of the Republic of Cuba; to the Committee on Military Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Iowa, memorializing the Congress of the United States to pass at this session effective agricultural surplus control legislation as embodied in the McNary bill in the Senate and the Haugen bill in the House, each containing the equalization fee; to the Committee on Agriculture.

Also memorial of the Legislature of the State of Iowa, memorializing the Congress to pass such legislation and make such appropriation as is necessary to continue to carry on most efficiently and effectively the work of the combating of the European corn borer and preventing its spread throughout the United States; to the Committee on Agriculture.

By Mr. GARBER: Memorial of the Legislature of the State of Indiana, requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of various States have considered the issue involved; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 12141) granting a pension to Lucy M. Mayett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12142) granting a pension to Ellen T. Richey; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 12143) granting an increase of pension to Celia A. Hackett; to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 12144) for the relief of Sam Perkins; to the Committee on Claims.

By Mr. CHASE: A bill (H. R. 12145) for the relief of Second Cook Victor Gray, United States Navy; to the Committee on Claims.

By Mr. COHEN: A bill (H. R. 12146) to reinstate Winston W. Ehrgott in the United States Military Academy; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 12147) granting a pension to Emma L. Coon; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12148) granting an increase of pension to Cornelia C. Hammond; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 12149) granting a pension to William T. Hancock; to the Committee on Pensions.

Also, a bill (H. R. 12150) granting a pension to J. T. Wood; to the Committee on Pensions.

Also, a bill (H. R. 12151) granting a pension to Elisha Wilson; to the Committee on Pensions.

Also, a bill (H. R. 12152) granting a pension to Benjamin M. Stradley; to the Committee on Pensions.

By Mr. HUGHES: A bill (H. R. 12153) granting a pension to John Henry Blackburn; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 12154) granting an increase of pension to Anna Kistler; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 12155) granting a pension to Thomas A. Heard; to the Committee on Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 12156) granting an increase of pension to Margaret N. Gordon; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12157) granting a pension to Claud L. Chappelle; to the Committee on Pensions.

By Mr. QUAYLE: A bill (H. R. 12158) for the relief of Annie O'Neill; to the Committee on Claims.

By Mr. REID of Illinois: A bill (H. R. 12159) granting a pension to Frances E. Covel; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 12160) granting an increase of pension to Josiah L. Albritton; to the Committee on Pensions.

By Mr. SCHNEIDER: A bill (H. R. 12161) granting an increase of pension to Ira D. Bryant; to the Committee on Pensions.

By Mr. SWICK: A bill (H. R. 12162) granting an increase of pension to Martha A. Richey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12163) granting an increase of pension to Jane Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12164) granting an increase of pension to Elizabeth G. Garvin; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 12165) granting an increase of pension to Catherine J. Jones; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 12166) granting an increase of pension to Mary J. Watson; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12167) granting an increase of pension to Sarah Smith; to the Committee on Invalid Pensions.

By Mr. GRAHAM: Joint resolution (H. J. Res. 241) authorizing the award of a medal of honor to Dr. William E. Ashton; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5452. Resolution of the Bar Association of the District of Columbia, March 13, 1928, recording itself as having full and complete confidence in the integrity and efficiency of Edwin B. Hesse, major and superintendent of police of the District of Columbia; to the Committee on the District of Columbia.

5453. By Mr. BLOOM: Petition of Bronx Chamber of Commerce, for world's fair to be held in New York in celebration of George Washington's two hundredth birthday anniversary; to the Committee on Foreign Affairs.

5454. Also, petition of Mrs. L. E. Speer, of 242 DeKalb Avenue, Brooklyn, N. Y., and petitions of 1,702 other citizens of New York, protesting against House bill 78, for Sunday observance; to the Committee on the District of Columbia.

5455. By Mr. CRAMTON: Petition signed by Charles C. Chamberlin and nine other residents of Romeo, Mich., expressing opposition to House bill 10022 and Senate bill 2806, the so-called corn sugar bills; to the Committee on Agriculture.

5456. By Mr. DAVENPORT: Petition of Emerson G. Biel and other citizens of New York State, protesting against the enactment into law of House bill 78; to the Committee on the District of Columbia.

5457. By Mr. GALLIVAN: Petition of P. B. Heintz, president National Casket Co., 60 Massachusetts Avenue, Boston, Mass., recommending favorable consideration of the bill introduced by Congressman NEWTON, of Minnesota, declaring the right of the American consumer to combine in the purchase of commodities, such as rubber, potash, etc.; to the Committee on the Judiciary.

5458. By Mr. GARBER: Letter of Mrs. M. Helema, 1224 West Oklahoma, Enid, Okla., in protest to the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5459. Also, letter of Gertrude Toepfer, of Kingfisher, Okla., in protest to the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5460. Also, letter of Highway Association No. 77, by Roy M. Johnson, chairman, and Blanche Mason, secretary, of Gainesville, Tex., in support of House bill 10142; to the Committee on Roads.

5461. Also, letter of F. H. Fowler, civil engineer of San Francisco, Calif., in support of House bill 8111, providing for an inventory of the water resources of the United States; to the Committee on Interstate and Foreign Commerce.

5462. Also, petition of residents of Alva, Okla., in support of legislation for Civil War veterans and widows; to the Committee on Invalid Pensions.

5463. Also, petition of residents of Garfield County, in protest to the enactment of House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

5464. By Mr. HALL of North Dakota: Petition of Community Club of Valley City, N. Dak., against the enactment of

the Oddie bill, having to do with the Government furnishing stamped envelopes; to the Committee on the Post Office and Post Roads.

5465. Also, petition of eight citizens living in LaMoure County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5466. Also, petition of nine citizens living in La Moure County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5467. By Mr. HAUGEN: Petition of 30 members of Oelwein Women's Civic Club, Oelwein, Iowa, against the further postponement, amendment, or repeal of the national-origins provision of the restrictive immigration act of 1924; to the Committee on Immigration and Naturalization.

5468. Also, petition of 29 members of Elkader Women's Club, Elkader, Iowa, against the further postponement, amendment, or repeal of the national-origins provision of the restrictive immigration act of 1924; to the Committee on Immigration and Naturalization.

5469. By Mr. HAWLEY: Petition of residents of Millwood, Oreg., favoring passage of legislation to increase the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5470. Also, petition of residents of Bandon, Oreg., and Washington County, Oreg., opposing the passage of House bill 78; to the Committee on the District of Columbia.

5471. By Mr. HOOPER: Petition of George W. Lindref and 46 other residents of Eaton Rapids, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

5472. By Mr. HUDSPETH: Petition of residents of El Paso, Tex., against the Sunday observance bill; to the Committee on the District of Columbia.

5473. By Mrs. KAHN: Petition of numerous citizens of California, protesting against the Brookhart motion picture bill; to the Committee on Interstate and Foreign Commerce.

5474. Also, petition of members of Federal Employees' Union, No. 1, San Francisco, Calif., urging action on House bills 25, 492, and 6518; to the Committee on the Civil Service.

5475. By Mr. JOHNSON of Washington: Petition of Grays Harbor County, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5476. By Mr. LINDSAY: Petition of American Library Association, Chicago, Ill., urging favorable action on House bill 8304 and the reduction of postal rates on books; to the Committee on the Post Office and Post Roads.

5477. By Mr. MILLER: Petition of citizens of Bremerton, Wash., protesting passage of House bill 78, District of Columbia Sunday closing bill; to the Committee on the District of Columbia.

5478. By Mr. O'BRIEN: Petition of citizens of Harrison and Taylor Counties, W. Va., opposing the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

5479. By Mr. O'CONNELL: Petition of George Mead, recording secretary of machinists, National Lodge, No. 556, International Association of Machinists, Brooklyn, N. Y., favoring the Dallinger amendment to the naval authorization bill; to the Committee on Naval Affairs.

5480. Also, petition of Joseph N. Ward, secretary Electrical Union, Brooklyn, N. Y., favoring the Dallinger amendment to the naval authorization bill; to the Committee on Naval Affairs.

5481. Also, petition of the American Library Association, Chicago, Ill., favoring the passage of the Luce bill (H. R. 8304) and Copeland bill (S. 2040); also favoring the incorporation of the provisions of the two bills in the general postal rate bill (H. R. 9296), which is now under consideration; to the Committee on the Post Office and Post Roads.

5482. Also, petition of John McMurray, secretary Metal Trades Council, of Brooklyn, N. Y., favoring Dallinger amendment to the naval authorization bill; to the Committee on Naval Affairs.

5483. Also, petition of James C. Quinn, secretary Central Trades and Labor Council, New York City, favoring the Dallinger amendment to the naval authorization bill; to the Committee on Naval Affairs.

5484. Also, petition of International Association of Machinists, Washington, D. C., favoring the Dallinger amendment to the naval authorization bill; to the Committee on Naval Affairs.

5485. By Mr. QUAYLE: Petition of the Merchants' Association of New York, favoring the passage of House bill 9195; to the Committee on Ways and Means.

5486. Also, petition of R. H. Hooper & Co., New York City, with reference to legislation now pending in Congress which would practically put all American cotton exchanges out of business; to the Committee on Agriculture.

5487. Also, position of the National Foreign Trade Council, favoring the passage of House bill 9195; to the Committee on Ways and Means.

5488. By Mr. ROMJUE: Petition of Ervin Reese, R. E. Hoffman, et al., of Novinger, Mo., for passage of Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5489. By Mr. SINNOTT: Petition of a large number of citizens of Klamath County, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5490. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5491. By Mr. THURSTON: Petition of 15 citizens of Sharpsburg, Iowa, and vicinity, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 17, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We are deeply grateful, our Father of mercies, for the witnesses and leaders of Thy holy truth, who have recovered the broken purposes of men and their faltering faith and led them forth into the promised land of a blessed assurance. They have lighted the higher ideals on the altars of their souls. They flung aside as unworthy of reckoning the trials of earth and brought release, convoy, and guidance homeward. We praise Thee for the chivalry of soul and boundless faith of Ireland's patron saint. His mission and message, his character and life have become the inspiration of countless numbers who are now walking in the pathway of the Master. Inspire our humble lives with the same immovable conviction, fortitude, and sacrifice, that we, too, may hold aloft the threefold torchlight of faith, hope, and love. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 10286. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2007. An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made;

S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925; and

S. 2800. An act authorizing E. K. Morse, his heirs and legal representatives, and assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I have a resolution to present from the Committee on Rules.

Mr. VINSON of Georgia. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count.

Mr. TILSON. Mr. Speaker, in order that the order of business of the day may be known as early as possible, I now renew my request of yesterday, that upon the completion of the bill from the Committee on Ways and Means, which is privileged, and after the consideration of a little resolution from the Committee on Rules, the House as in Committee of the Whole

may proceed to the consideration of bills on the Private Calendar that are unobjected to, beginning at the star.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the special order has been completed and bills considered from the Committee on Ways and Means, and a resolution from the Committee on Rules, it shall be in order to take up bills on the Private Calendar that are unobjected to. Is there objection?

Mr. BLANTON. Up to what time?

Mr. TILSON. We can determine that at the time. We shall not work too late.

Mr. BLANTON. Does not the gentleman think he ought to give us a little time at the end of the week to catch up with our mail and our office business after we have done so much work as we have done this week?

Mr. TILSON. I should have been willing to adjourn over to-day if we had finished the Navy bill yesterday. However, there has been a great deal of pressure for the Private Calendar to be considered. Members who have bills on that calendar are anxious that the calendar be taken up.

Mr. CHINDBLOM. We could have finished the naval construction bill last evening if the gentleman from Texas had not demanded the reading of the engrossed copy.

Mr. BLANTON. I demanded the reading of the engrossed copy so as to prevent the bill from passing last night, and thus give the administration a chance to move to reconsider the Dallinger amendment, which will cost us $10,000,000 or more.

Mr. TILSON. The floor leader voted against the amendment, and so might not be permitted to make that motion.

Mr. BLANTON. The gentleman should find some Republican loyal enough to his administration who will move to reconsider.

Mr. TILSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

NO QUORUM—CALL OF THE HOUSE

Mr. VINSON of Georgia. Mr. Speaker, I renew my point of order that there is no quorum present, and I move a call of the House.

The SPEAKER (after counting). One hundred and sixty Members are present, not a quorum.

Mr. VINSON of Georgia. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 50]

Allen	Darrow	Igoe	Montague
Anthony	Deal	Jacobstein	Nelson, Mo.
Bacon	Dickstein	Jenkins	O'Connor, La.
Bankhead	Doughton	Johnson, Ind.	O'Connor, N. Y.
Begg	Douglas, Ariz.	Kelly	Prall
Bell	Doutrich	Kent	Quayle
Boies	Dowell	Kiess	Sabath
Bowles	Doyle	Kindred	Sirovich
Bulwinkle	Frear	King	Somers, N. Y.
Bushong	Furlow	Kunz	Spearing
Carew	Gallivan	Kurtz	Sproul, Kans.
Cartwright	Golder	Larsen	Steagall
Casey	Goldsborough	Lea	Strong, Pa.
Celler	Graham	Leatherwood	Strother
Combs	Green, Iowa	McSwain	Sullivan
Connally, Tex.	Greenwood	McSweeney	Taylor, Tenn.
Connolly, Pa.	Harrison	Magrady	Weller
Cox	Holaday	Mead	Welsh, Pa.
Cramton	Hull, Tenn.	Michaelson	Wood

The SPEAKER. Three hundred and fifty-seven Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

CONSTRUCTION OF CERTAIN NAVAL VESSELS

The bill (H. R. 11526) was read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BUTLER, Mr. VINSON of Georgia, Mr. LAGUARDIA, and Mr. BLANTON) there were—ayes 287, noes 58.

Mr. LAGUARDIA and Mr. BLANTON demanded the yeas and nays.

The SPEAKER. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-four Members have risen, not a sufficient number.

The yeas and nays were refused.

So the bill was passed.

On motion of Mr. BUTLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. TILSON. Mr. Speaker, there is a special order for to-day, and I now ask unanimous consent that immediately following the special order the gentleman from Idaho [Mr. FRENCH] be allowed to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut that following the special order the gentleman from Idaho [Mr. FRENCH] may be permitted to address the House for 10 minutes?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, I would like to couple with that a request for about four minutes to talk on the *S–4*, which sank just three months ago to-day, and to read a short poem.

Mr. TILSON. I shall not object, but I ask that my request be put to the House.

Mr. BLACK of New York. Mr. Speaker, reserving the right to object, I would like to know on what subject the gentleman from Idaho intends to address the House?

Mr. TILSON. As I understand, it is in regard to the naval bill.

Mr. LAGUARDIA. The gentleman from Idaho is always instructive and knows his subject.

Mr. BLACK of New York. Mr. Speaker, I would like to have coupled with that request that I be allowed five minutes after the gentleman from Idaho concludes.

Mr. TILSON. Mr. Speaker, I am making my request and I ask that it be submitted. Other gentlemen may make their requests.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that following the address of the gentleman from Kansas [Mr. STRONG], under the special order of the House, the gentleman from Idaho [Mr. FRENCH] may be permitted to proceed for 10 minutes. Is there objection?

Mr. BLACK of New York. Mr. Speaker, I object.

CONCURRENT RESOLUTION OF THE MISSISSIPPI LEGISLATURE

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to extend in the RECORD Senate Concurrent Resolution 13, memorializing the Congress of the United States to investigate the Department of Agriculture, and to prevent the Department of Agriculture from making unwarranted statements that will affect the price of cotton. This resolution was passed by the Legislature of the State of Mississippi.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks by printing a resolution of the Senate of the State of Mississippi with reference to the agricultural situation. Is there objection?

There was no objection.

Mr. COLLIER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following Senate Concurrent Resolution 13, of the Legislature of the State of Mississippi, memorializing the Congress of the United States to investigate the Department of Agriculture:

Senate Concurrent Resolution 13, memorializing the Congress of the United States to investigate the Department of Agriculture and to prevent Department of Agriculture from making unwarranted statements that will affect the price of cotton

Whereas the Department of Agriculture of our Federal Government had gained the confidence of the farmers and the business men of the South; and

Whereas that confidence was justified so long as that department of the Federal Government restricted its activities to its duties delegated to it by Congress; and

Whereas during the fall of 1927 the Secretary of Agriculture of the United States exceeded his authority by predicting the trend of low prices in the near future for cotton and cotton products and by issuing a statement which appears to have been erroneous concerning cotton consumption that was ill advised and apparently from private or interested sources, all of which were nothing more than guesses; and

Whereas as a result of said statements or guesses of the Secretary of Agriculture as to the trend of prices and consumption of cotton the farmers throughout the South lost millions of dollars; and

Whereas the making of such statements or guesses is improper and is a vital question to the entire South: Therefore be it

Resolved by the Senate of the State of Mississippi (the House of Representatives concurring herein), That it is the sense and the opinion of the Legislature of Mississippi, as the representatives of the people of this State, that the entire people of the State of Mississippi disapprove of said unwarranted activities of the Secretary of the Department of Agriculture in making statements or guesses as aforesaid, and that we respectfully memorialize Congress to condemn such activities and to make an investigation of said department or to take such steps as may

appear necessary to prevent a recurrence of such activities on the part of the Department of Agriculture of the United States; be it further

Resolved, That copies of this resolution be sent immediately to the President of the United States and to the Secretary of Agriculture and to each of our Senators and Representatives in Congress.

I hereby certify that the above and foregoing resolution is a true and correct copy of Senate Concurrent Resolution 13, passed by the senate on the 23d day of February, 1928, and by the house of representatives on the 9th day of March, 1928.

H. E. KING,
Secretary of the Senate.

THE PRESENCE OF SECRETARY WILBUR ON FLOOR OF THE HOUSE

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent that I may proceed for one minute.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. McKEOWN. Mr. Speaker and gentlemen of the House, in order that no issue may be raised with my colleague from Oklahoma [Mr. MCCLINTIC] I beg to say that I never made any statement to the Associated Press concerning Secretary Wilbur's appearance on the floor. What I did do was this: I went to the Secretary of the Navy and told him personally that while I was against his bill, and I had spoken against his bill, I had no objection to his coming here to the House to hear what I had to say or anybody else had to say. I made no statement to the Associated Press for the purpose of raising any issue with my colleague.

Mr. MCCLINTIC. I made the statement to the Members of the House of Representatives that I was glad to see any Cabinet member come to the House, but I did not think he was using good judgment to come here for the purpose of helping to enact legislation. Does the gentleman from Oklahoma differ with me in that statement?

Mr. McKEOWN. I think this about it: I think if the Secretary comes here for the purpose of trying to force legislation through, it would be highly improper, but if he comes here for the purpose of getting information it would be all right. That is my proposition exactly. [Applause.]

STABILIZATION OF THE PURCHASING POWER OF MONEY THROUGH THE FEDERAL RESERVE SYSTEM

The SPEAKER. Under special order of the House, the Chair recognizes the gentleman from Kansas [Mr. STRONG] for 20 minutes.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and at the close thereof to have printed in the RECORD a statement by the Federation of British Industries with regard to the ability of the Federal Reserve Board to regulate the value of gold; and a statement by Prof. Bertil Ohlin, published in June, 1927, in regard to the control and development of the world price level by the Federal Reserve Board; and a statement by Professor Kemmerer, of Princeton University, who, with the approval of the Department of State and the Federal Reserve Board, has been assisting several foreign nations to establish a gold exchange standard.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD and to print therewith the three documents he has specifically mentioned. Is there objection?

Mr. WINGO. Reserving the right to object, I would like to ask the gentleman whether the gentleman discusses in his speech these different articles?

Mr. STRONG of Kansas. I mention them in my address and I want to have them printed at length, so the Members of the House may have the opportunity of reading the entire text of the articles from which I will quote. They are not very long.

Mr. WINGO. Of course, if the gentleman says it is necessary, for a proper understanding of what he has to say, they ought to go in, and I shall not object.

Mr. STRONG of Kansas. That is the purpose.

The SPEAKER. Is there objection?

There was no objection.

Mr. STRONG of Kansas. Mr. Speaker and Members of the House, my purpose in addressing you at this time is to call to the attention of the Members of Congress and the country the importance of enacting legislation having for its purpose the stabilization of the purchasing power of our dollar, which I believe to be the most important legislation with which I have become associated during the nine years of my service in Congress as a member of the House Banking and Currency Committee. Unless the purchasing power of the dollar is stabilized no investment is safe; the borrower and the lender, the employer and the employee, the business man, the professional man, the farmer, and the laboring man must all run the risk of the loss and ruin that come from the use of a circulating medium of fluctuating value.

Prior to the adoption of the Constitution we had as a medium of exchange. money or credit, authorized by the various States which brought such chaos that when the Constitution was written it directed Congress "to coin money and regulate the value thereof."

Congress only in part has carried out this mandate. It directed the coinage of money and has provided that the unit of value shall be the dollar composed of 25.8 grains of gold, nine-tenths fine, but it has taken no steps to regulate the value of gold, so we have been left in the same position in regard to a regulation of the value of money as we would be with reference to regulating the length of a yard if, when declaring that 36 inches shall constitute a yard in measure, we had failed to define the length of an inch.

The value of our dollar as now based on 25.8 grains of gold, nine-tenths fine, must be determined by its purchasing power; that is, by the amount it will purchase of those commodities that people generally must exchange for it.

Until the establishment of the Federal reserve system we had no means of stabilizing or regulating the purchasing power of our money or of gold upon which our money is based, but with the establishment of that system we made possible the regulation or stabilization of such purchasing power.

We gave to the Federal reserve system the right through what is called its "open market operations" to buy and sell Government securities. If they buy Government securities they add to the member bank reserves that much money, upon which the banks may increase the circulating medium ten times as much, and if they sell the same they decrease the circulating medium by ten times the reduced reserves of member banks.

They have the power to regulate the "rate of discount" that shall be charged by the Federal reserve banks to the member banks for money so advanced or loaned, which regulates largely the cost of money. They have the greater power through the influence exerted upon the policies and affairs of the member banks and of their customers by means of direct representations, publicity or otherwise, to control to a great extent the expansion or contraction of credits.

Thus, they have the power to regulate the volume of money in circulation, the cost of money, and the contraction and expansion of credits. I maintain that no greater powers were ever given by any government, save perhaps the power of life and death and of personal liberty. These great powers were in the original act given without direction as to the purpose for which they should be used except that it was provided that rates of discount "shall be fixed with a view to accommodating business and commerce," which if interpreted literally might mean that as long as eligible paper should be offered for rediscount, that unlimited funds might be advanced thereon, which would mean continued inflation and finally deflation and chaos. I believe that such great powers should be used for the stabilization of the purchasing power of our money.

These great powers have not always in the past been so used. In 1919, after the war, when we should have endeavored to establish stability, such course was not followed. Through expanding the volume of money, lowering rediscount rates, and permitting the extension of credits, the purchasing power of the dollar was allowed to decline, because the prices of what the dollar would purchase rose to the highest level in our history. Then an attempt was made to increase the purchasing power of the dollar by deflating the prices of the commodities it would buy and a deflation followed that caused a greater loss to the people of this country than the entire cost of the war. Dr. Wilford King, economist of the National Bureau of Economic Research, the recognized authority on the wealth of the Nation and national income, has said that this change in the purchasing power of the dollar, bringing inflation and deflation, amounted to a loss to the Nation of not less than $40,000,000,000. We all know that thousands of bankers and business houses failed, labor was without employment, and a million farmers lost their farms.

Mr. COOPER of Wisconsin. Mr. Speaker, some of the Members are talking, and I ask for better order. The gentleman from Kansas is making a very fine speech upon one of the most important subjects that will come before this Congress; it goes into the very fundamentals of economics and is of great importance to all the people of this country, and I wish to hear what he has to say.

Mr. STRONG of Kansas. I do not charge that the great powers given the Federal reserve system were used intentionally to inflate or deflate the purchasing power of money or, what is the same thing, the prices of commodities in general that the

dollar would buy. I believe that those in control of the system did not at that time realize to what extent the great powers that had been placed in their hands could be used toward stabilization, but they have rapidly acquired such knowledge.

On January 18, 1926, I introduced H. R. 7895, directing that—

all the powers of the Federal reserve system shall be used for promoting stability in the price level—

meaning the price level of the average prices of commodities in general that the dollar would buy, and on February 20, 1926, I addressed the House, explaining the purposes of the bill, accompanied by a chart showing the depreciation of the purchasing power of the dollar through the rise in prices which began in 1915 at a point set at 100, rose to the time of the armistice in November, 1918, to 208, then went on up until May, 1920, when it reached the peak of 251; then followed an increased purchasing power of the dollar, through a falling level of prices, to January, 1922, when it reached a low level of 141, then rose to 164 in March, 1923, fell to 147 in June, 1924, and then rose to 166 in March, 1925. I advised the House of the hearings that were soon to be held by the Committee on Banking and Currency on the measure and expressed the hope that the members of the House would not hesitate to present any objections to such legislation, as I had been for seven years a member of the Banking and Currency Committee trying to build up and strengthen our financial system, had faith in the Federal reserve system and would not want to do anything to weaken or impair it. At the hearings which began on March 24, 1926, I explained to the committee that the purpose of the bill was an effort to carry out the direction of the Constitution, wherein Congress was directed "to coin money and regulate the value thereof," meaning its purchasing power as determined by the amount it would purchase of those commodities that people generally must exchange for it. I expressly stated that I anticipated that an attempt would be made to prejudice the country to believe that the purpose of the bill was to fix prices, but that nothing of the kind was contemplated, and stated that I expected as a result of the hearings it would be desirable to change the phraseology of the bill to better carry out the purpose intended. The hearings continued through March, April, May, and until Congress adjourned in June, 1926, were reopened in February, 1927, and at their close I presented various revisions of the bill that had been suggested as a result of the hearings and the response to form letters that I had sent out to large groups of economists, financiers, bankers, and the members of the Federal reserve system, stating that it was my intention during the vacation of Congress to make a further study of the suggestions received and of the hearings and at the Seventieth Congress to introduce a completed bill; and to such purpose I asked the suggestions and cooperation of all those who should also study the legislation proposed.

In spite of this repeatedly expressed purpose of the bill and the intention to perfect it, its purpose has been variedly misrepresented by those who did not study its purpose or did not wish to do so, but the best financiers and economists of the Nation, within and without the Federal reserve system, were before the committee, with the result that the hearings, now bound in two volumes, are said to be the best textbook on the Federal reserve system yet published, and have been translated in three foreign languages.

Since the last session of Congress the cooperation I requested of those interested in and who have made a deep study of our financial system has met with a generous response, and I wish I was at liberty to give credit to those students of finance and economics who have given me so generously of the results of their years of study. I wish, however, particularly to make acknowledgment to the services that have been rendered to me by Dr. J. R. Commons, professor of economics in the University of Wisconsin, who has employed his six months' leave of absence to come to Washington and assist me in the study and preparation of the bill I introduced on the 6th of this month, being H. R. 11806, and to which I most earnestly invite the serious consideration of my colleagues in Congress and the great people whose interests they serve.

To those who may still continue to doubt that the powers of the Federal reserve system can be used to stabilize the purchasing power of the dollar, to the end that inflation and deflation may be minimized, I first call attention to the fact that for the last three or four years the powers of the Federal reserve system have been used with fair success toward stabilization as set forth in the hearings referred to.

I also direct their attention and that of the Members of Congress and the country to a statement prepared and published by the Federation of British Industries in July, 1924, in which they maintained that at that time the purchasing power of the pound must be either increased 10 per cent in order that the British price level might be forced down to the American price level or that the value of the purchasing power of the American dollar must be decreased by 10 per cent in order that the American price level should be raised to equal that of the British price level. They discussed the serious damage to the business of that country resulting from deflation, and pointed out that by whatever means the gold standard was to be regained, the stability of this standard must be in constant jeopardy unless some agreement was reached with the Federal Reserve Board for regulating the value of gold until such time as it again came into international use, and in conclusion, emphasized that the most pressing need of industry was for stability, which could not in their opinion be achieved by any one country acting alone, but only by a general return of the principal trading nations of the world to a common monetary standard.

To the fact that the Federal reserve system has not only been successful in stabilizing the purchasing power of our dollar at home, but has met the suggestion of Europe that it had the power to regulate the value of gold and is using its powers to bring stability to other nations, I refer to the address of the Right Hon. R. McKenna, formerly Chancellor of the Exchequer of Great Britain and now chairman of the board of directors of the Midland Bank (Ltd.), of London, the largest privately owned bank in the world, made before the general meeting of the stockholders of that bank on January 24 last, and which with the consent of the House I caused to be printed in the CONGRESSIONAL RECORD of February 24, 1928, beginning on page 3565, in which he took the position that through the powers given the Federal reserve system America is able to control the price level and stabilize the purchasing power of her dollar, I quote:

The American price level is not affected by gold movements, but is controlled by the policy of the reserve banks in expanding or contracting credit. It follows, therefore, that it is not the value of gold in America which determines the value of the dollar, but the value of the dollar which determines the value of gold. The conclusion therefore is forced upon us that in a very real sense the world is on a dollar standard.

Let me also quote from Prof. Bertil Ohlin, one of the great economists of Europe, in an article on "The future of the world price level," copied from a Swedish journal and printed in the Index, of London, in June, 1927, in which he said:

The influx and efflux of gold in the United States has thus lost all influence upon the monetary purchasing power and the price level of that country. The question of granting credit is instead determined by what the Federal Reserve Board considers suitable from an economic point of view. This implies nothing less than a revolution in the monetary system not only of the United States, but of all countries with a gold standard. The control and the development of the world price level has passed entirely into the hands of the Federal Reserve Board and governors.

In the bill I have now introduced and upon which hearings will start before the Banking and Currency Committee on Monday next, I have sought to impose no direction to do the impossible or that will mislead anyone as to the extent of their powers. I have simply laid down the direction that—

the Federal reserve system shall use all the powers and authority now or hereafter possessed by it to maintain a stable gold standard, to promote the stability of commerce, industry, agriculture, and employment, and a more stable purchasing power of the dollar, so far as such purposes may be accomplished by monetary and credit policies.

It is then added—

relations and transactions with foreign banks shall not be inconsistent with the purposes expressed in this amendment.

I have no objection to the Federal reserve system making possible our increased trade relations with other countries by assisting them to return to the gold standard, but there are many kinds of gold standards, and I am asking for a stable gold standard, which is important to our proper trade relations and to the fact that we have become the creditor nation of the world. But I insist on the policy of "America first," to the end that the powers we have conferred upon the Federal reserve system shall be used toward the purpose of stabilizing our own dollar. This policy will turn out to the advantage of foreign countries as fast as they are able to return to the gold standard.

It is next provided in the bill that—

whenever any decision as to policies is made or whenever any action is taken by the Federal reserve system tending to affect the purposes of stabilization that such decision or action and the reason therefor shall thereafter be published by the governor of the Federal Reserve Board at such time and place and in such detail as may be deemed by him to be most effective in furthering such purposes and at least once each year in the annual report of the Federal Reserve Board to Congress.

This question of publicity has had much study by those in and out of the Federal reserve system who have cooperated with me in the preparation of the bill. Some want no publicity, while others want immediate and unrestricted publicity of every act of the Federal Reserve Board. Personally, I believe that those who are performing a public service for the people will be met with the best cooperation and secure the best results through publicity of the use of the powers given them by the people, but information as to the details concerning decisions and steps taken in the carrying on of a great monetary system might often be untimely and bring disastrous results. So, after a close study and comparison of the arguments presented by those taking different views of this question, I have decided that until we have proceeded further in working out and establishing settled problems and policies of the use of the great powers of the Federal reserve system, that the publication of decisions, acts, and reasons of changes in policies by the Federal reserve system shall be made by the governor of the Federal Reserve Board at such time, place, and in such detail as he may decide.

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman from Kansas has expired.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BURTNESS. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. BURTNESS. As I understand it, the general purpose of the gentleman is that of stabilizing the buying power of money?

Mr. STRONG of Kansas. Absolutely, as far as that can be done by monetary and credit means.

Mr. BURTNESS. And to maintain stable price levels?

Mr. STRONG of Kansas. Yes; as far as possible.

Mr. BURTNESS. And, if I understand the purpose of the gentleman correctly, he is approaching that question in so far as the actions of the Federal Reserve Board may affect the problem and trying to direct the Federal Reserve Board toward the obligation of keeping in mind the importance of maintaining a stable price level.

Mr. STRONG of Kansas. Yes.

Mr. BURTNESS. The gentleman's proposal now, however, does not intend to cover the entire field, but only in so far as it is affected by the activities of the Federal Reserve Board?

Mr. STRONG of Kansas. That is all I hope to accomplish at this time.

Mr. BURTNESS. And I take it the gentleman is also interested in maintaining a stable price level by other means; for instance, the one proposed by the bill which I am sponsoring as well as the one proposed by the bill sponsored by the gentleman from Maryland [Mr. GOLDSBOROUGH] and others?

Mr. STRONG of Kansas. Yes; I am interested, but neither proposition is a part of my proposed bill.

Mr. WINGO. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. WINGO. There was some confusion and I do not know whether I correctly understood the gentleman. Did I understand the gentleman in response to the question of the gentleman from North Dakota to say that his bill embodied a provision to have a fluctuating quantity of gold in our gold dollar or this "monkey on a grapevine dollar"?

Mr. STRONG of Kansas. I hope you certainly did not. The gentleman from North Dakota was calling attention to the fact that these various bills sought to reach the purpose that I am seeking in bringing stability to the purchasing power of money. However, they are certainly seeking to procure that result by a different plan.

Mr. WINGO. With respect to the publicity proposition, does the gentleman's bill propose that the Federal Reserve Board or each Federal reserve bank shall call in the newspaper reporters each morning and tell them how they are running the business of the member banks?

Mr. STRONG of Kansas. No; the bill expressly provides that the governor of the Federal reserve system shall publish what they do and the reason for doing it at such time and place as he may think best.

Mr. WINGO. The gentleman is going to leave it to the governor or to the board?

Mr. STRONG of Kansas. Of course, I leave it to the governor, but he will naturally do as he does with respect to everything else, first consult with the board.

Mr. WINGO. I will ask the gentleman if it is not true and if it has not come within his observation that we have had three different theories in the board as to what they were doing at one time. Has not this happened within the last three years?

Mr. STRONG of Kansas. Well, I do not want to pretend to say what the board has said or published.

Mr. WINGO. Was it not disclosed in the hearings upon the gentleman's bill in the last Congress that we had three different members of the board that thought they had done three different things and the board could not agree on what they had done or the reasons for it?

Mr. STRONG of Kansas. I will say in answer to my friend that I do not think the Federal Reserve Board in the past has always agreed as to what powers they had or the end to which those powers could be used. I think this has very often been true, but I am hoping and believing, as they proceed to study the great powers that have been given them by Congress, they will finally reach a time when they can agree on what ought to be done and how the stability of the purchasing power of our money can be accomplished by these great powers.

Mr. WINGO. The gentleman is a lawyer, is he not?

Mr. STRONG of Kansas. Yes; and I claim to have made a living practicing law.

Mr. WINGO. I want to ask the gentleman this question: The presumption is, when you come to interpret your act or any other act, that Congress intended to do something, that it intended to make some change in existing law. Is not that the presumption?

Mr. STRONG of Kansas. Yes. In some cases.

Mr. WINGO. Now, there is a further presumption, whenever you authorize a board or an administration official to accomplish certain purposes, that that carries with it the implied power to do everything that is necessary or incidental to bringing about the accomplishment of that purpose; is not that true?

Mr. STRONG of Kansas. Yes. I think that is correct.

Mr. WINGO. If you authorize in the broad language of your bill the Federal Reserve Board to do what you seek to have done, do you not repeal many restrictions of existing law and say to the Federal Reserve Board, "We will make you the dictators of credit in this country; you may do anything under the sun you want to do, just so you think it is necessary to stabilize the price level." Is not that what you do?

Mr. STRONG of Kansas. No; I do not. I do not give them, and do not seek to give them, a particle of power in addition to what they have. I only want them to use the great powers we have given them to the purpose of stabilizing the purchasing power of the dollar, as far as the same may be accomplished by monetary and credit policies.

The SPEAKER pro tempore. The time of the gentleman from Kansas has again expired.

Mr. STRONG of Kansas. Mr. Chairman, I have lost so much time in answering questions I ask the House for five additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. WINGO. There is the very point involved here. The gentleman says he does not give them any additional power, but tells them to use the power they already have to bring about a certain result. Now, I appeal to the gentleman's legal knowledge and his information as to the rule of interpretation of courts, if you do not change that power, but yet direct them to use that power to bring about certain results, then you do give them implied authority to use all the power they have now to bring about that result, regardless of present limitations.

Mr. STRONG of Kansas. I want them to use all the powers they now have to continue to do one of the things that I think the Federal reserve system was created for—to bring about stability in business, stability in industry, labor, agriculture, and all things affected by changes in the purchasing power of money.

Mr. WINGO. If it becomes necessary in order to carry out this direction, if it becomes necessary to violate the present restrictions, would your bill give them that power?

Mr. STRONG of Kansas. No, sir.

Mr. WINGO. What becomes of the rule of interpretation that where you direct an administrative officer to do a certain thing it carries with it the power to do it?

Mr. STRONG of Kansas. It only directs them to use the powers they now have to promote the stability of the purchasing power of our money, as far as such purposes may be accomplished by monetary and credit policy.

Mr. WINGO. If they have the power and you do not remove the restrictions, what more do you do than to centralize the power in the Federal Reserve Board?

Mr. STRONG of Kansas. I do not increase or take away from them their powers. I simply direct that they shall use the powers they now have toward a policy of stabilization of the purchasing power of our money.

Mr. STEVENSON. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. STEVENSON. As I understand, you state that we have not fixed the value of the 25.8 grains of gold in the dollar. Is it not a fact that the intrinsic value of the 25.8 grains of gold is determined by the average cost of production?

Mr. STRONG of Kansas. Yes; but its real value as money is its purchasing power.

Mr. STEVENSON. It is a question of the value of credit and not the definition of credit that you want to deal with?

Mr. STRONG of Kansas. I want to stabilize the purchasing power of money, of which credit is a part, and I have cited to you the great economists who say that we have that power. [Applause.]

It is further provided in the bill I have introduced that in order that the utmost development of the use of the powers of the Federal reserve system toward stabilization of the purchasing power of our dollar may be maintained, and that every caution and safeguard may continue to protect our monetary policies as now controlled by the Federal reserve system, the Federal Reserve Board and the Federal reserve banks are authorized and directed to make and to continue investigations and study for the guidance of the system's policies and to report to Congress from time to time, and at least annually, the methods pursued and the conclusions reached resulting from such investigations, with any legislation which will in their judgment best promote the purposes of the act. There are set up in detail various propositions toward which their investigations and study are to be directed. One of these propositions is the means of measurement of the purchasing power of the dollar. Various price indexes have been worked out as a means to this end, each of which have its adherents. Personally, I favor a wholesale commodity price level, and I believe the index number of prices prepared and published by the Department of Labor would best serve in the measurement of the purchasing power of our dollar. But because of the difference in opinion among eminent economists and financiers, both within and without the Federal reserve system, I thought best to name no price index in the proposed legislation that should be used as a measurement or standard of value of the purchasing power of the dollar, but have left that question as one to be studied and investigated as provided in the bill, as well as various other questions affecting the purchasing power of money and the ability of the Federal reserve system to control the same, including the influence exerted by changes in the supply and demand for gold, either actual or prospective, the existing and proposed means, both national and international, having for their aim the stabilization of agriculture, commerce, industry, employment, and the purchasing power of money.

In fact, while laying down as a basic policy that the great powers of the Federal reserve system shall be directed toward stabilization of the purchasing power of the dollar, the bill directs that study and investigation which will the greater develop the extent to which such powers can be used, keeping in mind always the policy that the interests of our own Nation shall be first in point of consideration, and it directs that the result of such investigation shall be reported to Congress, that the people may be advised of the degree of compliance with the purposes of the bill, to the end that the instability of the purchasing power of that which they exchange in daily intercourse with each other for those things which sustain life and give comfort and enjoyment shall not bring disaster through inflation or deflation. [Applause.]

Mr. Speaker, under the permission granted me to extend my remarks I submit the following statement by the Federation of British Industries, made in July, 1924, with regard to the ability of the Federal Reserve Board to regulate the value of gold; the statement of Prof. Bertil Ohlin, published in June, 1927, in regard to the control of the development of the world-price level by the Federal Reserve Board and governors; the statement of Professor Kemmerer, of Princeton University, who, with the approval of the Department of State and the Federal Reserve Board, has been assisting several foreign nations to establish a gold exchange standard:

FEDERATION OF BRITISH INDUSTRIES,
July, 1924.

STATEMENT

The Federation of British Industries understand that the discount rate of the Bank of England is normally varied for reasons connected purely with the ordinary functions of the bank as the central banking institution of this country, and the federation would regard any attempt to question the full discretion of the governors and court of the bank in the exercise of these functions as highly improper and undesirable.

It has, however, recently been proposed in prominent financial quarters that the bank should employ the bank rate, not to exercise a normal and legitimate control over the flow of money, but for the purpose of an arbitrary restriction of credit, in the hope that this action might lead to the rapid restoration of the pound sterling to parity with the American dollar.

The federation believe that proposals for such an extranormal employment of the bank rate are a reasonable subject for comment by the representatives of those whose interests may be seriously affected.

As the principal organization of British manufacturers, it has been their custom to lay the view of industry before His Majesty's ministers when action affecting industry is under contemplation, and His Majesty's successive governments have invariably been ready to receive their views.

In a similar manner, the federation feel bound when proposals gravely affecting the welfare of industry may possibly be under the consideration of the governor and court of the Bank of England to lay the views of manufacturers before them in order that they may be given due weight in conjunction with those of other interests.

They, therefore, have the honor to submit the following brief statement of views on the present position:

In the first place, the Federation of British Industries desire to state clearly that in their opinion, since Great Britain is the principal international clearing house both for money and goods, a general return to the gold standard by the principal industrial countries would be greatly to our benefit. It would not only insure stability to the more important exchanges but would go a long way toward restoring the pre-war mobility of international trade and a reasonable elasticity to the internal currency system of this country. In the present condition of the world, however, it does not appear likely that a general return to a gold standard and a free gold market can be anticipated in the immediate future. The question, therefore, must be approached on the assumption that this country will be the first to return to a gold standard and to abolish restrictions on the movement of gold. In this case a return of the pound sterling to parity with the dollar would be involved as a preliminary step.

Since the position of the exchange between two countries ultimately depends on the relative level of prices in the two countries, and since British prices are at the present moment about 10 per cent above American prices, a return to parity with the dollar would seem to imply either—

(1) That the British price level must be forced down to the American; i. e., that this country must increase the value of the pound by 10 per cent; or

(2) That the American price level must rise to the British; i. e., that the value of the dollar must be decreased by 10 per cent.

(1) THE RESULT OF AN ATTEMPT TO INCREASE ARBITRARILY THE VALUE OF THE POUND STERLING

It appears to the federation that any attempt to raise the real value of the pound sterling by 10 per cent by a process of arbitrary credit restriction would, in the present state of credit and in view of the present trend of trade and prices in this country, involve the most serious consequence to industry.

The immediate consequences of an increase in the value of a monetary unit, produced not by an increase in the efficiency of production but by a manipulation of credit, are well known and generally admitted. They include, among others—

1. Serious temporary dislocation of trade and an increase in unemployment due to the effect upon producers, traders, and buyers of the certainty that the general level of prices will fall.

2. Severe industrial friction and dislocation, brought about by the fact that in order that goods may be produced at the new lower level all the items entering into the cost of production, including wages and salaries, must be adjusted to this level.

3. Severe loss to all holders of existing stocks of commodities and to all who trade on borrowed money; i. e., virtually the whole trading and manufacturing community.

4. The strong probability of a severe check to export trade, since the improvement in the exchange value of sterling would be likely to precede and to move faster than the adjustment of internal prices.

(2) POSSIBILITY OF A RISE IN AMERICAN PRICES

Although, as in all matters dependent on conscious human action, it is impossible to make any certain prediction that America will be unable to prevent a rise in her general price level, it appears to the federation improbable that she will be able to do so indefinitely when account is taken of the extremely strong influence which her recent accumulations of gold must be exerting. The Federal Reserve Board has already admitted in a recent report that special steps had to be taken last year to prevent this happening, and as these measures involved, amongst others, the selling of the great bulk of the open-

market securities of the Federal reserve banks and the substitution of a substantial amount of gold certificates for ordinary bank notes, they can hardly be repeated on a large scale.

SUMMARY AND CONCLUSION

There appear, therefore, to be two alternative methods whereby a return to the gold standard by this country might be secured. One to take immediate steps to force up the value of the pound sterling, the other to wait in the hope that forces already known to exist will bring down the value of the dollar. The first, since it would necessitate a degree of interference with the normal operations of trade and finance that would admittedly throw a serious strain upon industry, at least for a time, does not readily commend itself to manufacturers, whereas the second, which would involve no interference with monetary conditions beyond that to which industry has been accustomed in the past, has a much greater attraction.

The federation realize that while a waiting policy is to the more immediate interest of those engaged in industry, it may be urged that other needs make it inexpedient that we should wait indefinitely for an upward movement in the American price level. They would point out, however, that by whatever means a gold standard is regained the stability of this standard must be in constant jeopardy unless some agreement has been reached with the Federal Reserve Board for regulating the value of gold until such time as it again comes into general international use. In the interests of trade stability it is preferable that such an agreement should precede rather than follow any return to a gold standard by this country.

In conclusion, the federation desire to emphasize that the most pressing need of industry is for stability, and that this can not, in their opinion, be achieved either by an expansion or by a contraction of credit by any one country acting alone, but only by a general return of the principal trading countries of the world to a common monetary standard.

[Extract from "The future of the world price level," printed in Index, English ed., June, 1927, pp. 7–9]

By Prof. Bertil Ohlin

Of far greater importance to the monetary system than the change that may already have taken place in this respect is, however, the redistribution of the world's gold stocks. The United States have become the possessors of a quantity of gold—in fact, considerably more than half of the gold stocks in the world—by no means proportionate to what is required to cover their circulating medium. Simultaneously with this accumulation of gold a significant reform has taken place in America's monetary policy. In order to prevent this vast influx of gold from causing a corresponding expansion of credit, which would necessarily involve a violent inflation, the Federal Reserve Board has been compelled entirely to disregard the size of the gold reserves in determining the question of credit.

The influx and efflux of gold in the United States has thus lost all influence upon the monetary purchasing power and the price level in that country. The question of granting credit is instead determined by what the Federal Reserve Board considers suitable from an economic point of view.

This implies nothing less than a revolution in the monetary system not only of the United States but of all countries with a gold standard. The control of the development of the world price level has passed entirely into the hands of the Federal Reserve Board and governors.

Should that board deem it advisable to pursue a liberal credit policy, resulting in the raising of the American price level, the consequence would be that a portion of the superfluous gold would flow to other countries. There it would cause an expansion of credit and gradually a raising of the price level all along the line.

If, on the other hand, it is considered in the United States that a reduction in prices would be advisable, then other countries are compelled to follow suit. Otherwise their price level would eventually be too high, their balance of payment would become "adverse," and their gold would begin flowing into the vaults of the Federal reserve banks. This the European central banks can not, in view of their note cover, permit, but are forced to carry out a restrictive credit policy that rapidly reduces the price level in Europe as well.

Other countries are thus compelled to let their price level vary on about the same lines as the American. If the Federal Reserve Board resolves upon raising the value of gold, i. e., upon deflation, then its reserves increase, while, vice versa, a lowering of the gold value in the United States can be forced upon the whole world in connection with a reduction in the excessive gold reserves of the Federal reserve system.

The Federal reserve system has effected a "valorization" of gold comparable to the Brazilian coffee valorization. By releasing a portion of the surplus reserves it causes a drop in the gold value throughout the world, i. e., a rise in the world price level. By increasing the reserves it brings about an increase in the scarcity of gold and a fall in the world price level.

It should, however, be observed that the primary change is always a variation in the American price level. The resultant increase or reduction in gold stocks is something secondary, something that is permitted to take place in order that the national monetary policy may not be disturbed by the movements of gold which under present circumstances are of no very great concern to the United States.

We find a recent example of this in the last two years' fall in prices, both in America and Europe. During this period the United States, after some exportation of gold in 1925, have been importing gold in quite considerable quantities. No greater mistake could be made than to regard this general deflation of prices as a result of a reawakened desire for gold on the part of America. What possible reason would the Federal Reserve Board have for increasing their already inconveniently large gold stocks? The real reason, on the contrary, is that the price level in the United States has been dropping—partly, no doubt owing to an insufficiently liberal credit policy, and partly owing to heavy crops and increased industrial productivity—and that other countries have reluctantly followed suit in this fall in prices, their central banks being forced by the threatening efflux of gold to adopt a restrictive credit policy.

The result of the present inquiry is, primarily, this: (1) The pre-war gold standard was in reality an example of "managed currency," in which the control acquired a semiautomatic character because the central banks were all actuated by practically similar traditional principles of credit policy, gold cover, etc., and because the public habits of payment underwent no violent changes; (2) the post-war gold standard is an entirely different kind of "managed currency" in which the control is exercised by the Federal Reserve Board and the boards of the leading Federal reserve banks on the basis of considerations which have nothing to do with either gold cover or gold movement, but are chiefly dictated by the possibilities of keeping production going at full pressure.

One can hardly avoid a third conclusion—that no inquiries into the probable extent of the gold production and demand are of much use for determining the course of prices during the next 10 years. Variations in these factors are not likely to induce the Federal Reserve Board to abandon its present policy, but will only lead to either an increase or a reduction in the quantity of gold stagnating in the vaults. As regards the course of prices later on, it is possible that the Federal reserve system's reserves will not prove sufficient to cope with the forces emanating from fluctuations in the gold production and demand. To estimate the strength of these forces after 10 years or so is, however, at present only possible with such wide margins of uncertainty that the conclusions can hardly as yet evoke much interest.

The development of the world price level during the next decade is a question of American monetary policy. The decision regarding its stabilization lies in the hands of the leaders of that policy. It is a tremendous responsibility. A real deflation would render Europe's economic recovery, if anything, still more difficult. It may well be asked whether the Federal Reserve Board is not partly responsible for the tardy improvement of the past few years. This question—to what extent the fall in prices during 1926 and 1927 can be regarded as a deflation likely to result in economic depression—must, however, be made the subject of a separate analysis.

STATEMENT OF PROFESSOR KEMMERER, OF PRINCETON UNIVERSITY

For present-day conditions, the gold standard is probably the best monetary standard that has yet been devised; and I believe strongly that countries that have not yet returned to the gold standard should do so at the earliest possible moment. The gold standard is a long step forward from any kind of fiduciary money standard with which the world up to the present time has had any experience; and yet the gold standard itself is far from perfect and the world sooner or later must either learn how to stabilize the gold standard or devise some other monetary standard to take its place.

There is probably no defect in the world's economic organization to-day more serious than the fact that we use as our unit of value, not a thing with a fixed value but a fixed weight of gold with a widely varying value. In a little less than a half century here in the United States we have seen our yardstick of value, namely, the gold dollar, exhibit the following gyrations: From 1877 to 1896 it rose 23 per cent; from 1896 to 1920 it fell 70 per cent; from 1920 to September, 1927, it rose 56 per cent. If, figuratively speaking, we say that the yardstick of value was 36 inches long in 1879, when the United States returned to the gold standard, then it was 45 inches long in 1896, 13½ inches long in 1920, and is 21 inches long to-day.

Under present-day conditions, currency instability is a gigantic engine of wealth redistribution, an engine that works night and day, and works blindly. It seizes wealth here and gives it out there. It takes property from one class, without any rhyme or reason, and gives it to another class; and then, in a short time, it takes it from the second class and gives it to a third. At one time, through inflation, it despoils the creditor, the laborer, the endowed educational and benevolent institution, the widow and the orphan, and enriches the debtor, the business man, and the speculator; at another time, through deflation, it enriches the creditor, the endowed institution, and the laborer, and robs the active business man and the debtor, including all of those who

are trying to pay off mortgages on their homes and their farms. Whether inflating or deflating, this great engine of wealth redistribution is always pouring forth the poisonous gas of social and political discontent. Dr. Willford I. King recently estimated that in the United States alone, within a period of a few years, the unstable dollar thus blindly robbed some and enriched others to the amount of something like $40,000,000,000—certainly a conservative estimate when one considers the volume of credit operations now taking place in this country.

JAMES M. BECK

Mr. VINCENT of Michigan. Mr. Speaker, I present a report from the Committee on Elections, No. 2, as to the right of JAMES M. BECK to a seat in this House. The gentleman from Tennessee [Mr. BROWNING] has minority views that he wishes to file on the bill. I think he is not on the floor at the present moment.

Mr. GARNER of Texas. I was unable to hear what the gentleman was saying. Does the gentleman say that the gentleman from Tennessee desires to file minority views?

Mr. VINCENT of Michigan. Yes.

Mr. GARNER of Texas. And the gentleman from Michigan intends to give the minority an opportunity to file those views?

Mr. VINCENT of Michigan. Yes. I understand he is ready to file them immediately.

Mr. GARNER of Texas. And the gentleman from Michigan will consult the gentleman from Tennessee?

Mr. VINCENT of Michigan. Yes; I already have consulted him.

The SPEAKER pro tempore. The resolution is referred to the calendar and ordered printed.

Mr. VINCENT of Michigan. Mr. Speaker, I ask unanimous consent that during the afternoon the gentleman from Tennessee [Mr. BROWNING] may have the right to file minority views.

Mr. GARNER of Texas. Make it until 12 o'clock midnight.

Mr. VINCENT of Michigan. I will accept that.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the gentleman from Tennessee [Mr. BROWNING] may have until 12 o'clock midnight to file minority views. Is there objection?

There was no objection.

AMENDING PARAGRAPH 34, RULE 11

Mr. SNELL. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The Clerk read as follows:

House Resolution 107

Resolved, That paragraph 34 of Rule XI of the Rules of the House of Representatives be amended by inserting after the word "departments," in the second line, a comma and the words "independent establishments and special commissions."

Mr. SNELL. Mr. Speaker, at the beginning of this session in the revision of the rules the House made certain changes and set up certain committees and defined their rights and jurisdiction. We created the Committee on Expenditures in the Executive Departments, which took the place of several committees that existed in the previous Congress. In defining the jurisdiction of this committee we used the language of the jurisdiction of the several committees in the previous Congress. Later the chairman of this committee, Mr. WILLIAMSON, of South Dakota, called attention to the fact that his committee did not have jurisdiction over expenditures of the independent offices and commissions. Of course, it was intended at the time the committee was set up that it would have that jurisdiction, and the Committee on Rules have unanimously voted out this resolution. It simply amends and gives to that committee this additional jurisdiction over independent offices and commissions.

Mr. LANHAM. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LANHAM. I notice that it says "jurisdiction of independent offices and special commissions."

Mr. SNELL. I am going to offer an amendment with reference to that. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "and" where it is used the second time, strike out the word "special," so that it will read "independent establishments and commissions."

The Clerk read as follows:

Amendment by Mr. SNELL: In line 4, after the word "and" where it appears the second time, strike out the word "special."

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. McKEOWN. The gentleman was of opinion, as we all were, that the language carried before was sufficient to give this jurisdiction at the time.

Mr. SNELL. I think that is true. Mr. Speaker, I move the previous question on the adoption of the resolution and amendments to final passage.

The SPEAKER pro tempore. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to, and the resolution as amended was agreed to.

REMISSION OF DUTIES ON CERTAIN CATTLE

Mr. GREEN of Iowa. Mr. Speaker, I call up House Joint Resolution 217, providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries, which I send to the desk and ask to have read. I ask unanimous consent that we consider the joint resolution in the House as in Committee of the Whole.

The SPEAKER pro tempore. This resolution is on the Union Calendar, and the gentleman from Iowa asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Joint Resolution 217

Resolved, etc., That, under regulations to be prescribed by the Secretary of the Treasury, the duties are hereby remitted on (1) cattle which strayed across the boundary line into any foreign country, or were driven across such boundary line for pasturage purposes only, and which were admitted to the United States under bond at any time between June 9, 1927, and the date of the enactment of this joint resolution, and (2) their offspring and increase so admitted during such period; and the Secretary of the Treasury is authorized to cancel any such bond.

Mr. GREEN of Iowa. Mr. Speaker, this resolution is of minor importance except to the owners of a certain number of cattle. The House is familiar with the law which authorizes cattle to be driven across the border into Mexico for the purpose of pasturage, to be returned in eight months. The disturbed conditions in Mexico, as reported by Secretary of the Treasury—and the Secretary approves this bill—prevented this regulation being strictly complied with. The cattle were admitted under bond. The Secretary of the Treasury recommends the adoption of the resolution, and as far as I know there is no objection to it. It is unanimously reported by the committee.

Mr. MacGREGOR. Is the delegation from Texas agreed on this?

Mr. GREEN of Iowa. They are.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

THE PRIVATE CALENDAR

The SPEAKER pro tempore. Under the special order of the House, the Clerk will call the Private Calendar, beginning with the star number, No. 204.

ED. SNYDER, WILLIAM PADDOCK, ED. STRIKE, AND A. S. HEYDECK

The first business on the Private Calendar was the bill (H. R. 2137) for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, I reserve the right to object, in order to ask the gentleman from Massachusetts [Mr. UNDERHILL] what the circumstances were, so far as the gentleman knows, surrounding the death of McCarthy. Was he killed the same day the bond was given? What were the circumstances?

Mr. UNDERHILL. Mr. Speaker, on the day this McCarthy was to be delivered to the court he made threats that he never would be tried. He went off into the bush a mile or a mile and a half in the wastes of Alaska and put a bullet through his head. His corpse was not discovered until a year and a half afterwards.

Mr. HOOPER. And in the meantime the bond had been forfeited and the Government had taken the money?

Mr. UNDERHILL. In the meantime the money had been turned into the Treasury of the United States and it is only by special act that it can be recovered.

Mr. HOOPER. And, of course, the money was paid upon the theory that he was still living, because of his unexplained absence?

Mr. UNDERHILL. Yes.

Mr. LAGUARDIA. Reserving the right to object, what identity was there of the body?

Mr. UNDERHILL. They found certain portions of his clothing, which were identified, and his watch was identified, and also an automatic revolver which was known to belong to him.

Mr. LAGUARDIA. And his bondsmen were private individuals?

Mr. UNDERHILL. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Ed. Snyder, $300; to William Paddock, $400; to Ed. Strike $50; and to A. S. Heydeck, $50, in the remission of a bond which was forfeited by the failure of John McCarthy, of Tenakee, Alaska, to appear before the district court at Juneau, Alaska, on October 6, 1922, the said John McCarthy being deceased on the date he was cited to appear.

With the following committee amendments:

Page 1, line 6, strike out the figures "$300" and insert "$285.92"; line 7, strike out "$400" and insert "$381.23," and, in the same line, strike out "$50" and insert "$47.65"; and, in line 8, strike out "$50" and insert "$47.65."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARY NEAF

The next business on the Private Calendar was the bill (H. R. 3194) for the relief of Mary Neaf.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, I reserve the right to object in order to get some information and refresh my recollection. This Private Calendar is called up to-day rather unexpectedly. What effort was made to ascertain the identity of this Richard Neaf?

Mr. COCHRAN of Missouri. Every effort was made by the War Department. A statement was filed with the committee in the form of letters from the chiefs of police of various cities.

Mr. HOOPER. And the gentleman is satisfied that all due efforts were made?

Mr. COCHRAN of Missouri. Yes. He had run away from home without the consent of his parents, and he did not want them to know where he was.

Mr. HOOPER. Mr. Speaker, I have no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Mary Neaf, mother of Richard Neaf, who served under the name of John Ryan as a private in the One hundred and sixty-seventh Company, Coast Artillery Corps, shall be considered as the duly designated beneficiary of the late Richard Neaf, alias John Ryan, under the act approved May 11, 1908, as amended by the act approved March 3, 1903.

With a committee amendment, as follows:

On line 8, strike out the figures "1903" and insert "1909 (35 Stat. L. 108, 735)."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM THURMAN ENOCH

The next business on the Private Calendar was the bill (H. R. 4993) for the relief of William Thurman Enoch.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Reserving the right to object, Mr. Speaker—and I do not intend to object—I want to refresh my recollection about the matter. Will the gentleman from Texas say that this was purely accidental, and that the injury to Enoch was incurred without any negligence or fault on his part?

Mr. HUDSPETH. He was not killed; he was wounded. He was a watchman or toll keeper at the bridge, and there was an immigration official in charge of a Mexican prisoner, so the record discloses, and it was about 6.45 o'clock in the evening, when the traffic was congested, so the record also discloses. The prisoner tried to escape and the immigration official fired at him and by accident shot the inspector. The report on this bill was prepared by the gentleman from Wisconsin [Mr. BECK], but the evidence shows that this man was wounded. The statement is here that shows clearly that he was wounded, due to no negligence on his part. He was there collecting the toll for the El Paso Electric Co. I know nothing of the facts personally. What information I have has been sent me, or from the department here.

Mr. HOOPER. Are not the damages here larger than are usually allowed except in cases of death?

Mr. HUDSPETH. I do not know. I have not been on the committee very long; but I believe the policy of the committee has been in the past to recommend $5,000 for death claims.

Mr. UNDERHILL. The amount of damages is largely based on the average compensation. The average compensation was allowed in this instance, and the maximum settlement would amount to $5,000, so the commission states.

Mr. HOOPER. The gentleman's committee has these claims under its jurisdiction, and the gentleman understands the subject very well. Does the gentleman not think that the amount ought to be reduced?

Mr. UNDERHILL. This is the report of the committee, and I could not divulge anything that occurred in the committee.

Mr. HOOPER. I do not want the gentleman to go into that.

Mr. UNDERHILL. He recovered sufficiently, so that he is still doing his regular work. But he had a permanent injury.

Mr. HUDSPETH. The report I have here as a part of the bill states his injury is 75 per cent.

Mr. HOOPER. I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Thurman Enoch, of El Paso, Tex., the sum of $5,000, on account of permanent injury sustained by him through the negligence of Frederick W. Warner, an employee of the United States.

With a committee amendment, as follows:

On line 5, after the word "appropriated," insert "and in full settlement against the Government."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HOLGER M. TRANDUM

The next business on the Private Calendar was the bill (H. R. 4125) for the relief of Holger M. Trandum.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Holger M. Trandum is hereby allowed three years from the date of the passage of this act within which to submit proof upon homestead entry 051441, Miles City series, embracing the north half section 24, township 9 north, range 58 east, principal meridian.

With a committee amendment, as follows:

On line 7, after the word "meridian," insert "Montana, which entry is hereby reinstated for the purposes of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ALFRED W. MATHEWS

The next business on the Private Calendar was the bill (H. R. 6440) for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Reserving the right to object, is the gentleman in charge of this bill here? I would like to ask him a question for information. I see in the notes that I have here it is stated that from the records of the Navy Department Mathews now is entitled to relief under the Veterans' Bureau, and the department is not in favor of the bill. I am not in favor of the bill, but in the absence of the gentleman from Maine [Mr. WHITE] I ask, Mr. Speaker, that the matter be passed over for the time being, until I can confer with the gentleman from Maine.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The bill will be passed over without prejudice.

JOSEPH W. JONES

The next business on the Private Calendar was the bill (H. R. 8443) for the relief of Joseph W. Jones.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Joseph W. Jones, who was a private in Company K, First Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 16th day of August, 1864: *Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLIFFORD J. TURNER

The next business on the Private Calendar was the bill (H. R. 1997) for the relief of Clifford J. Turner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I will say that I do not intend to object to this bill, but I would like the gentleman from Minnesota to refresh our recollection about it and briefly state the reasons for this legislation.

Mr. SELVIG. Mr. Speaker, this bill is to validate the homestead entry of Clifford J. Turner. He was allowed to make an entry erroneously, according to the records of the land office, and upon the payment of the value of the timber on the land this bill will validate his entry. There is no objection by the Land Office.

Mr. HOOPER. Mr. Speaker, I am satisfied with the gentleman's explanation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the homestead entry, Crookston No. 018072, now Cass Lake No. 013632, made by Clifford J. Turner on August 31, 1923, for the south half of the northeast quarter, northeast quarter of the southeast quarter of section 32, township 144 north, range 37 west, fifth principal meridian, on which patent erroneously issued December 1, 1925, be, and the same is hereby, validated, upon payment by said entryman of the appraised price of the timber thereon as provided by the act of January 14, 1889 (25 Stat. L. 642), as amended by the act of June 27, 1902 (36 Stat. L. 400).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ENGLEHARD SPERSTAD

The next business on the Private Calendar was the bill (H. R. 332) validating homestead entry of Englehard Sperstad for certain public land in Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, this bill involves a rather disputed question, and as I do not see present the Delegate from Alaska, I ask unanimous consent that the bill go over for the day.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

JOE D. DONISI

The next business on the Private Calendar was the bill (H. R. 924) for the relief of Joe D. Donisi.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like in this instance to call upon the chairman of the Committee on Claims to explain briefly this proposed legislation. There are some questions about it which I might want to ask him as he makes his explanation.

Mr. UNDERHILL. Mr. Speaker, this matter is of such importance that the gentleman is justified in making inquiries in reference to the same. This is a radical and new departure from the policy of the committee and it is in direct conflict with the recommendations of the former Secretary of War. It is to pay a boy a certain sum for damages sustained by having his hand blown off by a dud which had been left on the grounds of the citizens' training camp in the State of Ohio.

We are beginning to have in the Committee on Claims a number of such cases. They do not all involve the explosion of a shell, but it may be the kick of a mule, being run over by a truck, or something of that sort.

The committee has taken this position, and I think it is a very sound and wise one: The Government invites the youth of the country to enter these citizens' training camps in order to fit them for future service in time of emergency, and the training they receive at these training camps undoubtedly makes them better citizens and they are better equipped for the battle of life.

In spite of all the safeguards with which the Government can surround them there are bound to be accidents in these large camps, with 2,000, 3,000, or 4,000 boys attending them, full of the hot blood of youth, skylarking in their leisure moments, and earnestly working in the working hours to perfect themselves along the line of military activities.

Now, if the Government invites these boys and the boys give up their vacations and play period, they are surely doing their share, and the Government ought to guarantee to the parents and to the boys that if by any accident whatever, whether it is the fault in part of the boy himself or whether it is the fault of some officer, or whether it is just simply an unavoidable accident, a boy is injured that he should not be compelled to go through life entirely handicapped, but that the Government should, so far as it is within its power, help him along by taking care of him as it would take care under similar circumstances of any employee of the Government. So the committee has come to the conclusion that it is only just, equitable, fair, and for the best interests of the country that we take this step in advance and establish this policy on the part of Congress until the Army is ready to write into the law the same provision which the Navy has written into the law placing their Naval Reserves under the provision of the Federal compensation act. We do not feel it is at all fair to discriminate between the two branches of service, and until the Army is ready to act and grant this equity the committee is going to stand back of its recommendations to Congress that they establish some medium of relief.

Mr. MOORE of Virginia. I did not catch any statement as to what is the basis of compensation.

Mr. UNDERHILL. The basis is the Federal Employees' Compensation Commission's table of rates.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Joe D. Donisi, who sustained injuries while on duty at Camp Knox, Ky.

With the following committee amendment:

In line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GUNNISON-MAYFIELD LAND & GRAZING CO.

The next business on the Private Calendar was the bill (S. 1856) for the relief of the Gunnison-Mayfield Land & Grazing Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized in his discretion to accept title to the following-described lands, either in whole or in part, upon ascertainment that said lands are equal in value to the lands to be given in exchange therefor: The south half of sections 1 and 2, township 20 south, range 2 east of the Salt Lake guide meridian, and to issue to the Gunnison-Mayfield Land & Grazing Co., a corporation, in lieu thereof patents to the following-described areas or to such part thereof as is approximately equal in value to the lands conveyed: The southwest quarter of the northwest quarter of section 22, the southeast quarter of the northeast quarter, the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 21 and the north half of the northwest quarter of section 33, township 19 south, range 2 east, and lot 4 and the north half of the southwest quarter of section 3, the northeast quarter, the southeast quarter and the southwest quarter of section 4, the southeast quarter of the southeast quarter of section 5, the east half of the northeast quarter and the east half of the southeast quarter, the northwest quarter of the northeast quarter and the southwest quarter of the southeast quarter of section 8, township 20 south, range 2 east, Salt Lake guide meridian: *Provided,* That the lands conveyed to the Government shall thereupon become parts of the Manti National Forest and subject to all laws and regulations applicable thereto: *Provided further,* That patents be issued only on the surface rights of any of said lands which are included in coal-land withdrawal.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. COL. WILLIAM J. SPERRY

The next business on the Private Calendar was the joint resolution (H. J. Res. 118) authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. HUDSON. Mr. Speaker, reserving the right to object, does not the gentleman think the resolution ought to be amended by striking out the whereas? I have no objection to it otherwise.

Mr. GIBSON. I have no objection to that if it accomplishes the same purpose.

Mr. HUDSON. If the gentleman is willing that the whereas clause be stricken from the bill, I am willing to let the bill pass.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas the widow of Lieut. Col. William J. Sperry lost her house and all personal belongings in the recent flood in Vermont: Therefore be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue a duplicate Congressional Medal of Honor to William J. Sperry, late lieutenant colonel, Sixth Vermont Infantry, Civil War, who was awarded a Congressional Medal of Honor for most distinguished gallantry at Petersburg, Va., April 2, 1865; and that the duplicate medal be presented to the widow of the above-mentioned officer.

Mr. HUDSON. Mr. Speaker, I offer an amendment to strike out the preamble.

The Clerk read as follows:

Amendment offered by Mr. HUDSON: Strike out the preamble.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FANNIE M. HOLLINGSWORTH

The next business on the Private Calendar was the bill (S. 1795) for the relief of Fannie M. Hollingsworth.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to grant permission to Fannie M. Hollingsworth to divert, through a 1-inch pipe, for use for domestic purposes and fire protection on the property hereinafter described, water from a spring in a westerly direction from the said property approximately 450 yards, the said spring being the only one within such distance of the house on the said property, which is described as follows: Lot 4 of section 15 in township 33 north of range 18 west of the Montana principal meridian, in Flathead County, State of Montana, containing approximately 11 acres, according to the Government survey thereof, subject to such conditions as the Secretary of the Interior may prescribe and subject further to the right of said Secretary to terminate any permit granted hereunder when, in his judgment, the particular water shall be needed by the Government in the administration and protection of Glacier National Park.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD GIBBS

The next business on the Private Calendar was the bill (H. R. 2174) for the relief of Edward Gibbs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like to say that this is one of a class of bills we are constantly getting, and, of course, getting from the Committee on Military Affairs, for the correction of the records of soldiers. It seems to have been the policy of the House of Representatives for some time past at least to permit this to be done in the case of Civil War veterans. While I do not intend to object to this bill, at the same time I think the House ought seriously to consider the policy of extending this sort of clemency to soldiers of a war so recent as this one. I have already had some occasion to speak about this matter in the House and probably will have to again, because these bills are constantly coming up on this calendar. I think, as far as possible, there should be protection thrown about bills of this kind. I do not know whether the gentleman from Ohio [Mr. THOMPSON] is present or not, but I am going to offer an amendment which I think will help to clarify the situation.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward Gibbs, late of Company F, One hundred and sixty-sixth Regiment United States Volunteer Infantry, serial No. 93993, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 21st day of August, 1918: *Provided,* That no pay, allowances, or benefits shall be held as accrued prior to the passage of this act.

Mr. HOOPER. Mr. Speaker, I wish to apologize to the gentleman from Ohio [Mr. THOMPSON]. I did not see the gentleman when I looked around. I would like to ask the gentleman if he has any objection to the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. HOOPER: On page 1, in line 11, after the word "held," strike out the word "as" and insert "to have"; strike out the words "prior to" and insert "because of."

Mr. HOOPER. That will make the bill read:

Provided, That no pay, allowances, or benefits shall be held to have accrued because of the passage of this act.

Mr. THOMPSON. I object to the amendment.
Mr. HOOPER. Then I object to the bill.
Mr. SMITH. Mr. Chairman, I am of the opinion that the gentleman from Ohio must have misunderstood the effect of the amendment. It only relates to back pension.
Mr. THOMPSON. I have no objection to that.
The amendment was agreed to.
The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

FRANK A. GRAB

The next business on the Private Calendar was the bill (H. R. 1951) granting six months' pay to Frank A. Grab.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of current appropriations, Pay of the Navy, 1927, to Frank A. Grab, father of Alfred Newton Grab, deceased seaman, United States Navy, who was killed in line of duty on February 7, 1922, at Guantanamo Bay, Cuba, an amount equal to six months' pay at the rate said Alfred Newton Grab was receiving at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

WILLIAM C. GRAY

The next business on the Private Calendar was the bill (H. R. 5872) for the relief of William C. Gray.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint Chief Machinist William C. Gray, United States Navy, a lieutenant on the active list of the Navy to date from August 3, 1920, and to take rank next after Lieut. James Madison Ober, United States Navy: *Provided*, That he shall be considered as having been appointed in the grade of lieutenant in accordance with the provisions of section 4 of the act of Congress approved June 4, 1920 (U. S. Stat. L., vol. 41, ch. 228, p. 835): *Provided further*, That the said Chief Machinist William C. Gray shall not be entitled to any increase in pay or emoluments prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

JESSE W. BOISSEAU

The next business on the Private Calendar was the bill (H. R. 5930) for the relief of Jesse W. Boisseau.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse W. Boisseau the sum of $177.58, being the amount due him for travel allowance and five days' salary as ensign, United States Navy.

With the following committee amendment:

Line 6, strike out the figures $177.58 and insert $164.81.

The amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

FIDELITY & DEPOSIT CO. OF MARYLAND

The next business on the Private Calendar was the bill (H. R. 2488) for the relief of the Fidelity & Deposit Co. of Maryland.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
Mr. HUDSON. Reserving the right to object, I would like to ask the chairman of the Committee on Claims a question. The report indicates that the right of the company to receive these certificates has not been established.
Mr. UNDERHILL. The Secretary of the Treasury acted on the amended bill. We have stricken out all on pages 1 and 2 and the Secretary's office has drawn the bill as amended on page 3. No evidence was presented to the committee that the company was not entitled to collect, and the bill is in the form of all bills of that kind.
Mr. HUDSON. I call the gentleman's attention to the language of the report, that the right of the company to receive it was not established.
Mr. LAGUARDIA. It says more than that. It says that Congress can ascertain the fact, and if they are entitled to it the department will not object to the bill. The department puts the burden on Congress. In other words, the approval of the bill is conditioned on the committee or Congress satisfying itself that the company is entitled to the proceeds of the bonds. There is no proof of ownership, and the report of the department can not be construed as an approval of the bill.
Mr. HUDSON. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?
There was no objection.

FIRST NATIONAL BANK OF MOUNTAIN HOME, IDAHO

The next business on the Private Calendar was the bill (H. R. 3032) for the relief of First National Bank of Mountain Home, Idaho.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
Mr. HOOPER. Reserving the right to object, do I understand that if relief is afforded the bank it will not give full relief to them?
Mr. SMITH. No; because the land can not be sold for enough to cover the loan.
Mr. HOOPER. I have no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Harold C. Cheline for the south half of the northwest quarter, the north half of the southwest quarter, the southwest quarter of the southwest quarter of section 27, the southeast quarter, the east half of the southwest quarter, and the southeast quarter of the northwest quarter, the south half of the northeast quarter of section 28; the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter of section 33, all in township 1, north of range 10 east, Boise meridian, Idaho, upon payment of the usual fees and commissions payable under existing laws.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

MYRA MADRY

The next business on the Private Calendar was the bill (H. R. 3844) for the relief of Myra Madry.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Myra Madry, of Florence, Ala., the sum of $1,000 for injuries received, caused by the stamp window of the Federal building in the city of Florence, Ala., falling upon her finger through no fault or negligence of her own.

With the following committee amendment:

Strike out lines 3, 4, and 5, and insert:
"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $500, to compensate Myra Madry, of Florence, Ala., for injuries received and caused."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. HOOPER. Mr. Speaker, a parliamentary inquiry. Would it be in order, under the order of business to-day, to return to bills on the calendar prior to No. 204, where the star is?
The SPEAKER pro tempore. The Chair thinks the unanimous consent was granted to start with the star number. The Chair would not consider such a request at this present time.

GEORGE HEITKAMP

The next business on the Private Calendar was the bill (H. R. 5399) for the relief of George Heitkamp.
The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of George Heitkamp, a civilian employee of the War Department, who was injured at Fort Sam Houston, Tex., on or about September 11, 1921, and his case is hereby authorized to be considered and acted upon under the remaining provisions of such act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES C. FRITZEN

The next business on the Private Calendar was the bill (H. R. 6271) for the relief of James C. Fritzen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of James C. Fritzen, postmaster at Neenah, Wis., in the sum of $250.75, on account of loss of 25 coils of 2-cent postage stamps.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DR. JOHN MACK

The next business on the Private Calendar was the bill (H. R. 6367) authorizing the redemption by the United States Treasury of 20 war savings stamps (series 1918) now held by Dr. John Mack, of Omaha, Nebr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Nebraska [Mr. SEARS] a question. The note from the Treasury Department furnished us states that the possession of the certificate was for collateral purposes only, and that there was no intention to transfer, had transfer been possible under the law. What does the gentleman know about that?

Mr. SEARS of Nebraska. Mr. Speaker, Doctor Mack is as reputable a dentist as we have in the city of Omaha. This man, Nick Boten, had $100 worth of stamps, which were registered, and he sold them for $100 worth of dental work. He then disappeared and he can not be found. Doctor Mack would very gladly put up a bond to secure the Treasury Department.

Mr. HOOPER. Personally, I am not going to object to it.

Mr. BLANTON. Mr. Speaker, reserving the right to object, while this is a small matter before the House, the gentleman from Nebraska says that this man will put up a bond. The bill does not require a bond.

Mr. SEARS of Nebraska. I think it does. I know the one last year did.

Mr. BLANTON. No; it does not.

Mr. SEARS of Nebraska. We will be very glad to accept an amendment to that effect.

Mr. BLANTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 2, line 3, after the word "value," insert the following: "*Provided,* That the Secretary of the Treasury shall require of the claimant a good and sufficient bond to protect the Government from loss."

Mr. UNDERHILL. Mr. Chairman, would the gentleman be willing to accept the usual phraseology to this effect?—

Provided further, That Doctor Mack shall first file in the Treasury Department a bond in a penal sum double the amount of the principal.

Mr. BLANTON. I would rather leave this to the Secretary of the Treasury to require a good and sufficient bond.

Mr. UNDERHILL. This is the usual phraseology.

Mr. BLANTON. Oh, it is done invariably.

Mr. HUDSON. If there is a usual form of language, would it not be better to use that?

Mr. BLANTON. I have used one form which has been used many times.

Mr. HUDSON. Has it been done by the Treasury Department?

Mr. BLANTON. It has been used with respect to all of the departments. In other words, this leaves it to the Secretary to frame the bond.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to redeem 20 war-savings stamps (series of 1918), office No. 25100, registration No. 2584, originally issued to Nick Boten, 414 North Fourteenth Street, Omaha, Nebr., and now owned and in the possession of Dr. John Mack, of Omaha, Nebr.; that the Secretary of the United States Treasury be, and he is hereby, authorized to pay, out of funds of the United States Treasury not otherwise appropriated, an adequate sum for the redemption of said war-savings stamps at their legal value.

Mr. BLANTON. Mr. Speaker, I now offer my amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN L. NIGHTINGALE

The next business on the Private Calendar was the bill (H. R. 8810) for the relief of John L. Nightingale.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I want to ask the gentleman a question. This bill involves $34,934.90. Does the gentleman from Massachusetts believe that all the safeguards usually required with respect to the passage of bills of this kind appear in the record?

Mr. UNDERHILL. All the safeguards that could possibly surround the property of the Government were provided in this case.

Mr. BLANTON. The gentleman does not believe there could be any question of fraud?

Mr. UNDERHILL. No.

Mr. BLANTON. I shall not object, but this is a rather large bill to come up at this time.

Mr. HOOPER. This amount is simply charged against him on the books of the department.

Mr. UNDERHILL. Yes; it is charged against him on the books of the department, and if he lived as long as Methuselah it would never be before us. But it would still hang over him.

Mr. BLANTON. If he were not at fault—and no one is at fault, and the bond protects the Government—it ought to be charged off. But if some one under him is at fault and there is a bond, it should be charged to the bond. When you charge this $34,934.90 off the books it is that much loss to the taxpayers of the country.

Mr. HUDSON. The people of the United States need protection, and there must be care exercised in the post offices.

Mr. BLANTON. Yes; there are losses everywhere from carelessness, and complaints come from all parts of the country on account of losses from carelessness, indifference, and in many cases from fraud.

Mr. UNDERHILL. If somebody came up to him in his office where his safe was and put a revolver of .45 caliber up against his kidneys, what was he to do?

Mr. BLANTON. Sometimes there is connivance in these cases, and if a man wants to keep money in his safe and there is no adequate way of protecting the Government, the Government ought to put somebody else there, and then he will not be guilty of negligence.

Mr. UNDERHILL. I do not wish to argue with the gentleman from Texas, but the employees of the Government are men who are really ordinarily certified by the Civil Service Commission.

Mr. BLANTON. Oh, I know; but my friend from Massachusetts knows that there are entirely too many losses occurring in the post offices, and the postmasters ought to be given to understand that the Government expects them to be more careful of the people's funds.

Mr. UNDERHILL. Will the gentleman back me up and help me to secure legislation that will make it a capital crime?

Mr. BLANTON. Yes. But you can not get such a law passed here.

Mr. HUDSON. May I ask has this bill been recommended by the Budget?

Mr. BLANTON. No; this is one that has not been.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of John L. Nightingale, postmaster at Fort Collins, Colo., in the sum of $34,934.90, the value of funds and stamps lost in the burglary of the post office at Fort Collins, Colo., July 24, 1927.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANK E. SHULTS

The next business on the Private Calendar was the bill (H. R. 9380) for the relief of Frank E. Shults.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, this is another bill under which the taxpayers of the United States are going to have to pay $28,170.37 and mark it off its accounts as a loss to the Government.

Mr. SCHAFER. This is a very good bill.

Mr. BLANTON. Yes; and the post office is located in Wisconsin, and the gentleman, who is from Wisconsin, wants the taxpayers of the country to pay the bill.

Mr. SCHAFER. This is not in my district, but it is a meritorious claim.

Mr. BLANTON. Yes. It is from a very good, meritorious State, and the gentleman asks that this money be paid out of the people's funds. We should expect postmasters to watch out and give proper care to the Government funds in their custody.

Mr. SCHAFER. Do you think that a postmaster ought to sleep in the post office and guard the funds there with an armed guard?

Mr. BLANTON. No. Our Sergeant at Arms here, for instance, is not careless about the funds intrusted to him. It is because he surrounds himself with proper safeguards to protect the public funds.

Mr. SCHAFER. The report says this post office was surrounded with proper safeguards.

Mr. BLANTON. No. I am not impressed with all the testimony.

Mr. ROY G. FITZGERALD. I wonder if the gentleman from Texas could help us out of this post-office problem in some practical way. These postmasters are placed under heavy bond, but they are not allowed to say a word about who they shall have under them.

Mr. BLANTON. Yes. They ought to be placed under bond, and they ought to have some say as to whom they shall employ under them, and then if they get some unworthy clerk or employee they ought to be allowed to kick him out.

Mr. ROY G. FITZGERALD. I know of a case of a robbery in a post office. The inspectors were not able to find out who did it, but the local police found out the facts.

Mr. BLANTON. I think the gentleman is doing good work in his attempt to frame legislation to remedy the situation.

Mr. ROY G. FITZGERALD. I think this House ought to understand that our postmasters are put under a great and oppressive bond, and they have nothing to say as to their subordinates, and then these losses occur. There should be somebody guarding the funds in the post offices all day and all night.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, the bill under consideration——

Mr. BLANTON. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Frank E. Shults, postmaster at Baraboo, Wis., in the sum of $28,170.37 due to the United States on account of loss sustained in the burglary of the post office at Baraboo, Wis., on June 30, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALFRED W. MATHEWS

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to return to H. R. 6440, a bill for the relief of Alfred W. Mathews, a former ensign, United States Naval Reserve Force, which was passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent to return to H. R. 6440, No. 211 on the calendar, which was passed over without prejudice. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the calendar number?

The SPEAKER pro tempore. Two hundred and eleven.

Mr. SCHAFER. I shall not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine? [After a pause.] The Chair hears none. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Alfred W. Mathews, formerly an ensign in the United States Naval Reserve Force, an ensign in the Naval Reserve and place him upon the retired list of the Navy with the retired pay and allowances of that grade: *Provided,* That a duly constituted naval retiring board finds that the said Alfred W. Mathews incurred physical disability incident to the service in time of war: *Provided further,* That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. F. GALLAGHER

The next business on the Private Calendar was the bill (H. R. 10014) for the relief of A. F. Gallagher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to A. F. Gallagher, out of any money in the Treasury not otherwise appropriated, the sum of $190.40, in full satisfaction of all claims against the United States on account of stenographic services rendered in reporting certain hearings held in the Bureau of Internal Revenue on November 23, 1925, and January 15, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KATE MATHEWS

The next business on the Private Calendar was the bill (S. 3) for the relief of Kate Mathews.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, there seems to be a good deal of mystery about this bill; that is, as to whether the lieutenant was really negligent or not.

Mr. UNDERHILL. There was no question on the part of the committee that the lieutenant was responsible for the accident which resulted in the injury of Miss Mathews.

Mr. HUDSON. This bill calls for a settlement of $5,000. For what? For permanent injuries?

Mr. UNDERHILL. For partial permanent disability, based upon the table of rates of the compensation board. Every report that is made by the Committee on Claims carrying any amount is first referred to the compensation board.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. BLANTON. This claim was first for $10,000, but upon investigation it was reduced to $5,000.

Mr. HUDSON (interposing). On what table of rates was the first bill based?

Mr. UNDERHILL. None.

Mr. BLANTON. They understood they could not pass it by the gentleman from Massachusetts [Mr. UNDERHILL] until they reduced the amount?

Mr. HUDSON. Was the amount reduced just as a matter of compromise?

Mr. BLANTON. As a matter of getting it passed, because they understood our chairman would not let it go through that way.

Mr. UNDERHILL. As a matter of policy on the part of the committee.

Mr. BLANTON. As a matter of good judgment.

Mr. SCHAFER. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Mathews, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 as compensation for injuries received and expenses incurred by reason of having been struck by a United States Army automobile in San Antonio, Tex., on the 30th day of September, 1920, the automobile being driven at the time she was struck by First Lieut. Roscoe S. O'Hara, Air Service, United States Army.

With the following committee amendments:

Page 1, line 6, after the word "appropriated," insert the words "and in full settlement against the Government."

Page 2, line 2, after the word "Army," insert: "*Provided*, That the United States be subrogated to the amount hereby appropriated to any claim said Kate Mathews has against said Roscoe S. O'Hara as a result of a judgment she may have obtained against said Roscoe S. O'Hara in the District Court of the United States for the Northern District of Ohio, Western Division."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN F. AND MARY L. WHITE

The next business on the Private Calendar was the bill (S. 1133) for the relief of John F. White and Mary L. White.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts, the chairman of the Committee on Claims, if this is going to set a precedent whereby any injury received in any of our national parks through the carelessness of the driver of an automobile shall become a charge against the Government.

Mr. UNDERHILL. I do not think this establishes a precedent. If any precedent has been established, it was established long ago. The public parks are open to the public, and the public is invited to come there; and if the employees fail to safeguard the lives and property of those who enter the parks, it seems to me the Federal Government must be held responsible for such injuries as occur.

In this case there was a washout; it had occurred some time previously, and the park authorities said that at one time or other they did put up a notice; they also said that somebody outside of the park engaged in oil operations stole, hypothecated, or whatever you want to call it, some of the timber which had been used to guard this road. They paid no attention to it, and this automobile came along at night, drove into this 8-foot washout, and these people were very badly injured.

No precedent will be established by this case, because we have had a score of others of like nature which the committee and the House in turn have approved.

Mr. HUDSON. I will say to the gentleman from Massachusetts that there must have been considerable investigation of this case, as I see the bill is very short, but the report contains 24 pages. So I take it the committee did very thoroughly investigate this case.

Mr. UNDERHILL. Not only at this session but at two previous sessions.

Mr. HUDSON. I would like to ask just this further question: The chairman of the committee said the washout which was responsible for the accident had occurred several weeks preceding the accident.

Mr. UNDERHILL. I did not say for weeks, but for some time.

Mr. HUDSON. Were not the attendants in the park somewhat guilty of negligence in looking after these things?

Mr. UNDERHILL. Oh, yes; otherwise we would not have found damages.

Mr. HUDSON. Has the Government any recourse on account of their laxity?

Mr. UNDERHILL. They can kick them out if they want to do it.

Mr. BLANTON. Will the gentleman from Michigan yield?

Mr. HUDSON. Certainly.

Mr. BLANTON. The gentleman spoke of this requiring a 24-page report to justify a 10-line bill; our friend from Massachusetts was just squaring the matter with his conscience and he had to write a report of 24 pages on this 10-line bill to square it.

Mr. HUDSON. I think the conscience of the gentleman from Massachusetts is pretty healthy.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to ascertain and determine the claims of John F. White and Mary L. White, of Riverton, Wyo., for compensation for alleged damages and injuries to the property and persons of said claimants and their children sustained in an automobile accident on August 7, 1918, in the Shoshone and Arapahoe Indian Reservation, Wyo., and to certify to Congress the amounts so determined, if any, as just claims.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

G. W. ROGERS

The next business on the Private Calendar was the bill (S. 2365) for the relief of G. W. Rogers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, and I shall not object, I want to put in the RECORD this statement. I find here a committee reporting out these claims because of carelessness or inefficiency of officers. The bills are being considered and passed, and yet another committee of this House refuses to report out bills when their failure to report them out works a great hardship upon such claimants who have claims because of inefficiency in other branches of the service. I can call to mind now one case where a young soldier had become distinguished in one branch of the service and at the close of the World War entered the Air Service. He was a distinguished flyer and was asked by the officers in charge to resign and enter a different part of the Air Service. During all these months of service there had been deducted from his pay the monthly deduction for his insurance. In resigning one day and starting his flying career under a new component of the service the next day, there was not any lapse of time nor his flying, and yet the flunky that registered his resignation and then entered his new enlistment forgot to transfer his war-risk insurance. In less than 30 days he fell and now lies buried—a life given for our Air Service—and yet his mother, aged and needy, to-day—at that time he had a mother and father named as beneficiaries—can not collect his war-risk insurance. I say there ought to be equity in the reports of the committees upon such claims.

Mr. UNDERHILL. Mr. Speaker, had such a case come before the Committee on Claims there is no doubt in my mind what the reaction and the report from the committee would have been. In every instance where an officer has been charged with a deficit in his accounts, when it has been shown that through lack of assistance, through the worry and the terrible effects of war, the man himself could not possibly have been other than honest, the Committee on Claims has invariably reported favorably in all such cases. The conditions then were not normal, they were abnormal to an extreme degree, and while I do not wish to appear as a critic, it does seem to me that some of the other officials of the Government could be a little more liberal in their interpretation of the law and not continually disallow these claims and oblige Congress to take its time in adjudicating them.

Mr. HUDSON. In other words, the gentleman from Massachusetts is in favor of justice even though it does cut some red tape?

Mr. UNDERHILL. I am not only in favor of justice, I am in favor of equity, and that goes further.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. W. Rogers, former captain, Quartermaster Corps, United States Army, the sum of $400, representing the amount of deduc-

tions, during the months of May, June, July, and August, 1919, from his pay as captain, Quartermaster Corps, toward the settlement of a shortage in his accounts as disbursing officer in France during the period from December 23, 1918, to April 26, 1919, such shortage having been subsequently credited in his accounts by certifiate of settlement No. M-19682-W.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HENRY A. BELLOWS

The next business on the Private Calendar was the joint resolution (S. J. Res. 55) for the relief of Henry A. Bellows.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

Mr. NEWTON. Will the gentleman reserve his objection?

Mr. BLANTON. Yes; I reserve it.

Mr. NEWTON. In this particular instance Colonel Bellows was appointed a member of the Radio Commission. He served faithfully and well for eight months. He was an expert. The radio bill passed February 23, a year ago, and on March 1, just about a week after the bill had become a law, the President submitted the names of the commission to the Senate. They did not confirm but one of the four members.

Mr. BLANTON. He is an Army man—Colonel Bellows?

Mr. NEWTON. No; he is a volunteer. That is a National Guard title, I will say to the gentleman.

Mr. BLANTON. He is not a retired Army officer?

Mr. NEWTON. Oh, no; he was a National Guardsman.

Mr. BLANTON. What kept him from getting his salary by law?

Mr. NEWTON. I will say to the gentleman that section 1761 of the Revised Statutes provides that—

no money shall be paid from the Treasury as salary to any person appointed during the recess of the Senate to fill a vacancy in any existing office if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate until such appointee has been confirmed.

Mr. BLANTON. And the Senate did not confirm him?

Mr. NEWTON. They did not take any action one way or the other.

Mr. BLANTON. The Senate did not confirm him?

Mr. NEWTON. I have tried to answer the gentleman.

Mr. BLANTON. I say, they did not confirm him.

Mr. NEWTON. No; they took no action.

Mr. BLANTON. Then the President appointed Admiral Bullard on the Radio Commission?

Mr. NEWTON. Yes.

Mr. BLANTON. And it developed that he was drawing the salary of an admiral as retired pay and at the same time was on the pay roll of the Radio Corporation of America.

Mr. NEWTON. But unfortunately, my friend, Colonel Bellows, had no admiral's salary or any other kind of salary. He came down here to serve at the request of the President and served without pay.

Mr. BLANTON. General Harbord, who is drawing a general's salary for life as a retired officer, is also drawing $50,000 per year from the Radio Corporation of America. Surely the President can find some one else who is not drawing all of these salaries qualified to fill these positions.

Mr. NEWTON. This man was forced to resign his position in November. I know the gentleman from Texas wants to be fair.

Mr. BLANTON. Why did he not hold his position until the Senate acted?

Mr. NEWTON. He could not afford to.

Mr. BLANTON. He could have taken his chances and found out whether the Senate would back it up.

Mr. NEWTON. The Senate has passed this bill, so that apparently the Senate feels that he ought to have the pay.

Mr. BLANTON. Well, I shall not stand in the way of his getting his pay.

The Clerk read the bill, as follows:

Resolved, etc., That notwithstanding the provisions of section 1761 of the Revised Statutes, Henry A. Bellows shall be paid compensation at the rate of $10,000 per annum for the period during which he served as a member of the Federal Radio Commission.

SEC. 2. The moneys made available for the fiscal year 1927 by the act of February 23, 1927, and those appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOSEPH ROSEN

The next business on the Private Calendar was the bill (H. R. 8957) to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be paid to Joseph Rosen, formerly fireman, third class, United States Navy, from the current appropriation "Pay of the Navy," the sum of $84.10, to reimburse him for the loss of his personal effects at Pelham Bay Park Training Station, New York, June 4, 1918, which loss occurred without fault or negligence on the part of said Rosen and while he was carrying out his duties under orders of his superior officers.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RANDOLPH-MACON ACADEMY

The next business on the Private Calendar was the bill (H. R. 4963) for the relief of Randolph-Macon Academy, Front Royal, Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDSON. Reserving the right to object, would the gentleman from Virginia object to an amendment in line 8 of the bill, striking out the word "authorized" and make it "requested," or something of that sort, rather than authorization? It seems to me it ought to be "directed."

Mr. MOORE of Virginia. I think the word "directed" alone is sufficient.

Mr. HUDSON. Then, Mr. Speaker, I move to strike out the words "authorized and."

The Clerk read the bill, as follows:

Be it enacted, etc., That the Randolph-Macon Academy, Front Royal, Va., be, and it is hereby, relieved from all responsibility and accountability for certain ordnance property, to the value of $5,605.30, the property of the War Department, which was destroyed by fire while in the possession of the academy for training purposes, and the Secretary of War is authorized and directed to terminate all further accountability for said property.

Mr. HUDSON. In line 8, page 1, I move to strike out the words "authorized and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN HERVEY

The next business on the Private Calendar was the bill (H. R. 7268) for the relief of John Hervey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Hervey, late of Company A, Eighth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 23d day of May, 1864: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

With the following committee amendment:

Line 5, strike out "Company A," and insert in lieu thereof "Company D."

Line 10, strike out the words "accrue by virtue of," and insert the words "be held to have accrued prior to."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHARLES EBIN CAMPBELL

The next business on the Private Calendar was the bill (H. R. 1023) to correct the military record of Charles Ebin Campbell, alias Ebin Campbell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles Ebin Campbell, alias Ebin Campbell, who was a member of Company P, Seventy-second Regiment Pennsylvania Volunteer Infantry, and who was transferred while absent as a prisoner of war to Company D, Seventy-second Regiment Pennsylvania Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on August 24, 1864, the date on which said organization demobilized; that said Campbell, who later was a member of Company I, One hundred and second Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on September 20, 1864; also that said Campbell, who still later was a member of Company B, Twenty-fifth Regiment New York Volunteer Cavalry, shall be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on June 27, 1865, the date on which said organization demobilized.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALONZO NORTHRUP

The next business on the Private Calendar was the bill (H. R. 2098) for the relief of Alonzo Northrup.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I call attention to the following in the report from the War Department:

Upon this presentation of the case the application for the desired relief was denied, and now stands denied, on the ground that the soldier did not complete his term of enlistment, and that it appears from his own statement that he was not prevented from completing it by reason of physical disability incurred in the line of duty, and because his case does not come within any of the provisions of the act of Congress approved March 2, 1889 (25 Stat. L. 869), which is the only law in force governing the subject of removal of charges of desertion and the issue of discharge certificates to soldiers charged with desertion during the period of the Civil War.

Respectfully submitted.

LUTZ WAHL,
Major General, The Adjutant General.

WAR DEPARTMENT,
The Adjutant General's Office,
January 9, 1928.

I am not going to object to this bill. If the steering committee of the administration wants to let bills such as this go through, with adverse reports, then let them do it.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HOOPER. I think the gentleman and I are quite agreed upon the matter that all of these bills are to a certain degree objectionable, but this bill does not differ in policy from the other bills which it has been the custom of the House to let go through.

Mr. BLANTON. I wanted to let the country know what the administration is presenting here to-day.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TILSON. Is not this the fact? If these cases could be reached under the law as it stands they would not be brought here. These are cases where the law will not reach them and where mitigating circumstances are found by the committee. The committee believes that under all circumstances this soldier should be excused from the full penalty of the law.

Mr. BLANTON. And that is the reason why our annual appropriations are running up not to a billion or two billion dollars, but three or four billion dollars per annum.

Mr. TILSON. I understand that no relief is granted in matters of this kind unless the soldier has had honorable service, and I think that giving relief to a few of these old soldiers will not make a very heavy drain on the Treasury.

Mr. HUDSON. And there are extenuating circumstances attending each case.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, Alonzo Northrup, who served in Company K, First Regiment Michigan Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization: *Provided,* That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MICHAEL ILITZ

The next business on the Private Calendar was the bill (H. R. 6908) for the relief of Michael Ilitz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Michael Ilitz, sergeant, first class, United States Army, retired, be, and he is hereby, placed in the first grade.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE M. BROWDER AND F. N. BROWDER

The next business on the Private Calendar was the bill (H. R. 3372) for the relief of George M. Browder and F. N. Browder.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I notice that this bill carries an appropriation of $7,500. Is there anyone here who can give me some information about the bill?

Mr. HOOPER. Mr. Speaker, if the gentleman will yield, the gentleman from Alabama [Mr. HILL], who introduced the bill, is in a very important meeting of the Committee on Military Affairs in respect to Muscle Shoals and unable to be present in the Chamber. He said that if there was any objection to this on the part of anyone, he wanted the bill to be passed over without prejudice. I ask that it be passed over without prejudice.

The SPEAKER pro tempore. The bills are passed over without prejudice anyway.

JESSE LEE HOME

The next business on the Private Calendar was the bill (H. R. 333) authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the following-described lands to the Woman's Home Missionary Society of the Methodist Episcopal Church for use in connection with the Jesse Lee Home, a home for orphan children: Approximately the west 21.86 chains of United States survey No. 242, Alaska: *Provided,* That the lands shall be identified on the ground by survey before patent issues, and that patent shall issue in accordance with such survey: *Provided further,* That there shall be reserved to the United States all oil, coal, or other minerals in the land and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior shall prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD CAMP

The next business on the Private Calendar was the bill (H. R. 1531) for the relief of Edward Camp.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Edward Camp, alias Benja Camp, shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Company C, One hundredth Regiment New York Volunteer Infantry, as of the 2d day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 4, strike out "Benja" and insert "Bennager"; line 6, strike out "C" and insert "I"; line 8, strike out "That no pension shall accrue prior to the passage of this act" and insert "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN LANDS IN FLORIDA

The next business on the Private Calendar was the bill (H. R. 4378) to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, the gentleman from Florida [Mr. YON] suggested an amendment which will provide a more speedy appraisal, and I propose to offer such an amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to convey by patent to Alma Laird 127.11 acres, said land being part of lots Nos. 1, 2, and 3, section 32, west half northwest quarter, and lot No. 1, section 33, and lot No. 1 in section 31, all being in township 2 south, range 17 west of the Tallahassee meridian, according to Government survey of 1847, upon payment by said Alma Laird to the United States of the sum of $1.25.

With committee amendments, as follows:

Page 2, line 2, strike out the words "the sum of $1.25" and insert in lieu thereof the words "a reasonable appraised value within six months after said appraisal."

Mr. HOOPER. Mr. Speaker, I understand the gentleman from Florida [Mr. YON] is familiar with the bill and can explain its provisions.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment prepared by the gentleman from Michigan [Mr. HOOPER].

The Clerk read as follows:

Amendment offered by Mr. HOOPER: Line 3, after the words "said appraisal", insert the words "passage of this act."

Mr. TILSON. Mr. Speaker, will the gentleman from Florida [Mr. YON] give us a brief explanation of why this bill should be passed?

Mr. YON. Mr. Speaker, the bill is a bill permitting the sale of lands in the State of Florida. In the year 1846 there were certain meandering lines where the coast line was supposed to be situated. The survey of 1924 showed that a different situation existed. This particular case is a case where one Alma Laird and others bought certain lands, and the lands were improved. A hotel was built upon the land. In the year 1924, in June, the meandering lines showed that the property which these people thought they owned was really in the hands of the Government; but, nevertheless, they improved it.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. YON. Yes.

Mr. BLANTON. How does the gentleman stand as to the inheritance tax?

Mr. YON. I am against the 80 per cent inheritance tax of 1926.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

A. N. ROSS

The next business on the Private Calendar was the bill (H. R. 8890) for the relief of A. N. Ross.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, the record shows that this officer paid out without authority of law 17 different vouchers, aggregating this amount, $1,936. He ought to have known the law and he ought to have known that he did not have the authority. The Comptroller General holds that he ought to have known the law and should not have paid out this sum.

Mr. UNDERHILL. He was transferred two years prior to this time on Government work, and during his transfer these vouchers were presented.

Mr. BLANTON. Does not the gentleman from Massachusetts think it is good policy to hold these Federal officers to account when they violate the law?

Mr. UNDERHILL. The gentleman from Massachusetts believes in the observance of the law, but there are occasions when, unwittingly and unknowingly, with no harm whatever to the Government or any individual, the letter of the law is ignored and the seemingly proper thing is done. In this instance the Government receives full value for the various sums. There is no question as to the right amount or as to the work having been performed. It is simply a matter of bookkeeping and technicalities, which the gentleman from Massachusetts has criticized, either justly or unjustly, at various times heretofore.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office of the Treasury Department is hereby authorized and directed to credit in the accounts of A. N. Ross, disbursing clerk of the Federal Trade Commission, located at Washington, D. C., the amount of $1,936, representing an amount paid by him and which was disallowed by the General Accounting Office as having been paid in contravention of the act of April 6, 1914 (38 Stat. 312, 318), or the rulings of the General Accounting Office.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

VANRENSLEAR VANDERCOOK, ALIAS WILLIAM SNYDER

The next business on the Private Calendar was the bill (H. R. 1631) for the relief of Vanrenslear VanderCook, alias William Snyder.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Vanrenslear VanderCook, alias William Snyder, who was a private in Company A, First Regiment Michigan Volunteer Infantry, Civil War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on July 10, 1863.

With a committee amendment, as follows:

At the end of the bill insert "*Provided*, That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF JOHN M. BROWN

The next business on the Private Calendar was the bill (H. R. 7708) for the relief of John M. Brown.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, benefits, and privileges upon honorably discharged soldiers John M. Brown, who was a private in Company C, Third Regiment Georgia Volunteer Infantry, during the Spanish-American War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment: *Provided*, That no pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With a committee amendment, as follows:

On line 10, after the word "regiment," insert the words "on the 20th day of September, 1898."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JENNIE WYANT

The next business on the Private Calendar was the bill (H. R. 4229) for the relief of Jennie Wyant and others.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Claims regarding this bill. It seems to carry large recompenses for hospital services. Is there anything which will grow out of this? Is there any claim for personal injury?

Mr. UNDERHILL. I know nothing about it, as it comes from the Committee on War Claims.

Mr. LOWREY. Mr. Speaker, I did not know the chairman had left the Chamber. He asked me to give a little attention to these bills, and I hope the gentleman from Michigan will permit the gentleman from West Virginia [Mr. O'BRIEN] to make a statement with reference to the bill.

Mr. HUDSON. Can any claim be made under this legislation for either the partial or permanent injury of this claimant?

Mr. O'BRIEN. None whatever. This covers all the claims.

Mr. HUDSON. This covers nothing but hospital bills.

Mr. O'BRIEN. It goes a little further than hospital bills, as the gentleman will notice.

Mr. BLANTON. I think the gentleman from Michigan is perfectly right in raising the question, and I think there ought to be an amendment to the bill providing that this sum shall be accepted in full settlement of all claims against the Government.

Mr. HUDSON. I felt that way about it.

Mr. O'BRIEN. I am perfectly willing that such an amendment should be adopted.

Mr. PEAVEY. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Wisconsin rise?

Mr. PEAVEY. As chairman of the subcommittee, I rise for the purpose of answering the question asked by the gentleman from Michigan. I will say to the gentleman that the subcommittee considered this claim very carefully, and it was understood by our subcommittee that the claim, when allowed in this amount, should be considered paid in full.

Mr. BLANTON. That ought to be stated in the bill, because some other Congress, after we are dead, might allow something else.

Mr. O'BRIEN. There is no question at all about that, and I am perfectly willing to accept such an amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following parties the sums herein stated, which shall be in full satisfaction of all claims of said parties against the United States as a result of a personal injury received by Jennie Wyant on account of a rocket which was discharged by soldiers in the military service of the United States who were engaged in giving an exhibition at the Lewis County fair in Lewis County, State of West Virginia, September 29, 1920:

(1) Jennie Wyant, of Weston, W. Va., the sum of $546.

(2) General Hospital of Weston, Weston, W. Va., the sum of $569.50.

(3) Frances V. Dodge, of Weston, W. Va., the sum of $384.50.

Mr. BLANTON. Mr. Speaker, that language already appears in the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISBURSING ACCOUNTS OF CERTAIN OFFICERS OF THE ARMY OF THE UNITED STATES

The next business on the Private Calendar was the bill (H. R. 4258) to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

Mr. HOOPER. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. Yes.

Mr. HOOPER. The chairman of the Committee on War Claims [Mr. STRONG] asked me in his absence, when bills were objected to, to ask unanimous consent that they be passed over without prejudice, if possible.

Mr. BLANTON. An objection has that effect.

ERNEST J. HISCOCK

The next business on the Private Calendar was the bill (H. R. 4267) for the relief of Ernest J. Hiscock.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and certify to Congress the claim of Ernest J. Hiscock, care of British Embassy, Washington, D. C., of $32.24, or so much thereof as may be required to purchase exchange not to exceed the amount of 6 pounds, 12 shillings, 6 pence sterling, in full settlement of all claims of said Ernest J. Hiscock growing out of the loss by the War Department of blue prints and descriptive data of "Hiscock recoil operative 303 machine gun for observers' use."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES CAUDWELL

The next business on the Private Calendar was the bill (H. R. 4268) for the relief of Charles Caudwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, we want an explanation about this bill. Is there anyone here who can explain it? The author of the bill is not here, so I object.

FRANK W. TUCKER

The next business on the Private Calendar was the bill (H. R. 5225) for the relief of Frank W. Tucker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the Treasury of the United States, from any money not otherwise appropriated, to Frank W. Tucker, the sum of $95.36, being compensation for loss on May 31, 1902, of his personal effects, baggage, and clothing while en route from Mulanay to Bondoc, Philippine Islands, under military orders, as a corporal in Company K, Second Regiment United States Infantry.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ACQUISITION OF CANADIAN PROPERTIES BY THE WAR DEPARTMENT

The next business on the Private Calendar was the bill (H. R. 4257) for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill embraces one sum to be paid of $207,000; another one of $14,000; another one of $65,000; another one of $14,000; and another one of $13,960, and it ought not to pass without due consideration, and I object.

MAJESTIC HOTEL, LAKE CHARLES, LA.

The next business on the Private Calendar was the bill (H. R. 4068) for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow from the appropriation for general expenses of the Bureau of Agricultural Economics, Department of Agriculture, for the fiscal year 1925, the sum of $226.55, amount due the Majestic Hotel, Lake Charles, La., for lodging and subsistence of Lieut. R. T. Cronau and Staff Sergt. W. O. Womack, United States Army, during their assignment in September and October, 1924, to make aerial photographs of areas of rice fields in connection with crop estimates by the Bureau of Agricultural Economics of the Department of Agriculture; and to allow from said appropriation to Lieut. R. T. Cronau reimbursement of amounts expended by him for subsistence and travel of himself and Staff Sergt. W. O. Womack in proceeding by air in connection with said assignment to and from Kelly Field, Tex., to Lake Charles, La.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM A. SCHOENFELD

The next business on the Private Calendar was the bill (H. R. 8968) to allow credit in the accounts of William A. Schoenfeld.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed in the settlement of the accounts of William A. Schoenfeld, a special temporary disbursing agent of the Department of Agriculture, to allow the sum of $80, now standing as a disallowance in the accounts of said William A. Schoenfeld, being the difference between $110 each paid for two typewriting machines purchased in Vienna, Austria, and the limiting price for such machines, $70 each, fixed by act of April 4, 1924 (43 Stat. 67).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

L. GORDON LEECH

The next business on the Private Calendar was the bill (H. R. 9385) for the relief of the estate of L. Gordon Leech, bankrupt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Grant F. Chase, trustee in bankruptcy of L. Gordon Leech, of Washington, D. C., the sum of $6,002.95, with interest, for damages sustained in connection with the termination of the tidal bathing beach and other facilities in Potomac Park, Washington, D. C.

With the following committee amendments:

In line 5, after the word "appropriated," insert "and in full settlement against the Government."

In line 8, strike out "$6,002.95, with interest," and insert "$5,931.32."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUGUST WOLTERS

The next business on the Private Calendar was the bill (H. R. 1598) to provide for the retirement of August Wolters as a first sergeant in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to place August Wolters, formerly sergeant, United States Army, on the retired list of the Army, with the rank of first sergeant, and pay him the retired pay and allowances of that grade from July 1, 1922.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHARLES F. REILLY

The next business on the Private Calendar was the bill (H. R. 3681) for the relief of Charles F. Reilly.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Charles F. Reilly, late of Company D, Ninth Regiment United States Infantry, and Army Service Detachment, West Point, N. Y., shall hereafter be held to have been honorably discharged from service in the military forces of the United States on December 18, 1902, and July 27, 1917, respectively, but no pension, bounty, pay, or other emolument shall accrue prior to the enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN SHANNON

The next business on the Private Calendar was the bill (H. R. 6377) for the relief of John Shannon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Shannon, who was a member of Company D, Thirteenth Regiment Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of February, 1874: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

LOUIS H. HARMON

The next business on the Private Calendar was the bill (H. R. 1588) for the relief of Louis H. Harmon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis H. Harmon, Grand Rapids, Mich., the sum of $500, representing the amount paid by him as surety on the estreated bond of Charles Corey, who failed to appear for trial in the Federal court of that city and who was subsequently returned to the custody of the United States marshal at Grand Rapids, Mich., through the efforts of Louis H. Harmon.

With the following committee amendment:

In line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CARL C. BACK

The next business on the Private Calendar was the bill (H. R. 1616) for the relief of Carl C. Back.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,522 to Carl C. Back, as the father and legal guardian of Gunther Carl Back, for expenses incurred on account of injuries to Gunther Carl Back as the result of being run down by an Army truck at Stratford, Conn., on April 1, 1918.

With the following committee amendment:

In line 5, after the word "appropriated," insert "and in full settlement against the Government"; and in line 6, strike out "Carl C. Back, as the father and legal guardian of"; and in line 8, strike out the words "to Gunther Carl Back" and insert the word "sustained."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

W. J. BRYSON

The next business on the Private Calendar was the bill (H. R. 5075) for the relief of W. J. Bryson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to W. J. Bryson the sum of $500 to reimburse him for the amount paid on the bond of one John Searight, defendant in the case of the United States against John Searight, in the District Court of the United States for the Southern District of Iowa, the said John Searight having been subsequently returned to the custody of the United States marshal through the efforts and at the expense of said Bryson.

With the following committee amendment:

Strike out all of lines 4 and 5 and insert "authorized and directed to pay out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $500, to reimburse W. J. Bryson."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOSEPH F. FRIEND

The next business on the Private Calendar was the bill (H. R. 6842) for the relief of Joseph F. Friend.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

GEORGE W. BURGESS

The next business on the Private Calendar was the bill (H. R. 8809) for the relief of George W. Burgess.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, this bill involves the sum of $255,231.86, and it is a bill that ought not to pass here under unanimous consent in half a minute, and I therefore object.

ARTHUR C. LUEDER

The next business on the Private Calendar was the bill (H. R. 8499) for the relief of Arthur C. Lueder.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, this bill involves a large sum of money and ought not to pass under such circumstances, and I object.

Mr. SPROUL of Illinois. Will the gentleman reserve his objection? I hope the gentleman will withdraw his objection. If there was ever a bill that was just, it is this. The post office in Chicago took in $21,000 worth of war savings stamps that were forgeries. The Treasury of the United States took in $36,000 of the same forged stamps before they discovered that they were forgeries. This bill is absolutely fair and just.

Mr. BLANTON. Mr. Speaker, there is no one in the House for whom I have a higher regard than the gentleman from Illinois. He is my close personal friend, but this office in Chicago ought to have been big enough to detect the forgery without paying out this large amount of money.

Mr. SPROUL of Illinois. Is the Chicago post office bigger than the Treasury of the United States, which is supposed to look after forgeries and counterfeits, and yet they paid out $36,000 before they discovered it was a forgery. It was only discovered that they were forgeries by experts. The gentleman would not hold the postmaster responsible for that.

Mr. BLANTON. It was not the postmaster; it was the subordinates that paid it out. He ought to have been more careful, and ought to have had men that were better skilled.

Mr. SPROUL of Illinois. If he had had men that were skilled enough to discover that, they would not be serving as clerks in a post office.

Mr. BLANTON. We have bank clerks and cashiers drawing $200 a month who detect forgeries every day.

Mr. UNDERHILL. I hope the gentleman will withdraw his objection.

Mr. BLANTON. Oh, I know the gentleman from Massachusetts is going to make it appear that it ought to be paid right off in cash.

Mr. UNDERHILL. I think the gentleman from Texas wants to be fair; I think his enthusiasm for his work is well grounded, but I do not think he or any Member of the House has any moral right—he may have a legal right under the rules—to hold up a bill unless he knows positively or has some reason to suspect that there is fraud or collusion with reference to the bill.

Mr. BLANTON. There is no fraud or collusion here; it is simply carelessness of a servant.

Mr. UNDERHILL. The bill is perfectly sound. If the gentleman from Texas had examined this thoroughly he would be advocating the passage of it rather than objecting to it. Banks and post offices all over the country were fooled by this counterfeit issue.

Mr. BLANTON. Mr. Speaker, if I am to be browbeat and intimidated in this way I am going to withdraw my objection. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Arthur C. Lueder, postmaster at Chicago, Ill., in the sum of $20,474.92, and to certify such credit to the General Accounting Office, as follows: $19,468.50, being an amount charged in the postal account due to the cashing of war savings stamps in the year 1924 which were found by the Treasury Department to be counterfeit and charged back to the postmaster's account; $100, being an amount charged in the money-order account due to the cashing by the postmaster of money order in favor of J. H. Allred for which a duplicate order had been issued and paid; $52.50, being an amount charged in the money-order account due to the cashing of a check of the Veterans' Bureau in favor of Nannie Thornton Worthy with money-order funds, which the General Accounting Office held was wrongfully issued and which the Treasury Department charged back to the postmaster's account; $853.92, being an amount charged in the postal savings account due to the misappropriation of funds in such post office; for which amounts the postmaster was in no way responsible, and which occurred without fault or negligence on his part.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE SIMPSON AND R. C. DUNBAR

The next business on the Private Calendar was the bill (H. R. 10417) for the relief of George Simpson and R. C. Dunbar.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Simpson and R. C. Dunbar, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $449 for the cost of transcripts of evidence before the Quebec Bridge Commission and set of drawings in connection therewith, furnished in 1907 and 1908 to Leon S. Moisseiff of the department of bridges, New York City, who was commissioned to obtain the data for use of the Department of Interior by R. L. Humphrey, an engineer then in the employ of the United States Geological Survey, investigating and testing structural materials.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CLAUDE S. BETTS

The next business on the Private Calendar was the bill (H. R. 4608) for the relief of Claude S. Betts.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Claude S. Betts, late ensign (pilot) Naval Air Service, be made an ensign on the retired list of the United States Navy: *Provided*, That no back pay, pension, or allowance shall be held accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

A motion to reconsider was laid on the table.

MATTERS AFFECTING THE NAVAL SERVICE

The next business on the Private Calendar was the bill (H. R. 10276) providing for sundry matters affecting the naval service.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. VESTAL. Will the gentleman withhold his objection?

Mr. BLANTON. I have a good reason for wanting this bill to go over, and we are going to have another consent day soon. This is a special day. I object.

JOHN ANDERSON

The next business on the Private Calendar was the bill (H. R. 1182) for the relief of John Anderson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Anderson, who was a member of Batteries D and E, Third Regiment New York Volunteer Light Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the — day of ———: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 9, after the word "the," insert "13th"; and in line 10, at the beginning of the line, insert the words and figures "August, 1864."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS CONLON

The next business on the Private Calendar was the bill (H. R. 1183) for the relief of Thomas Conlon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Conlon, who was a member of Company L, First Regiment New York Light Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 6th day of January, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES M. PIERCE

The next business on the Private Calendar was the bill (H. R. 2009) for the relief of James M. Pierce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James M. Pierce, who was a member of Troop B, Third Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 28th day of May, 1866: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM C. BRAASCH

The next business on the Private Calendar was the bill (H. R. 9118) for the relief of William C. Braasch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to credit $400 purchase money paid the United States for coal entry Bismarck No. 021776, on amount due the United States by William C. Braasch, for royalty on coal mined prior to award of lease for the same land, now embraced in his coal lease Bismarck No. 021851, and the amount credited shall be subject to the provisions of section 35 of the mineral leasing act of February 25, 1920 (41 Stat. 450).

With the following committee amendment:

After the figures "021851" in line 8 strike out the comma and the words "and the amount credited shall be subject to the provisions of section 35 of the mineral leasing act of February 25, 1920 (41 Stat. 450)."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTANCE D. LATHROP

The next business on the Private Calendar was the bill (H. R. 6195) granting six months' pay to Constance D. Lathrop.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, I wish the gentleman from Virginia would explain the bill.

Mr. DREWRY. Mr. Speaker, prior to 1917 the widow of any officer who died as the result of wounds or disease contracted in the service was entitled to six months' pay. The comptroller held, without anybody intending it, that the war risk insurance act nullified that provision of the law. Congress, however, reaffirmed it by passing an act in 1920. In between 1917 and 1920 this officer died at Rio de Janeiro. This is a bill to put the widow on the same status as every other widow has been up to the time of 1917 and since 1920.

Mr. HUDSON. Mr. Speaker, I hope the gentleman will not be displeased, but I would like to have the bill go over without prejudice.

Mr. DREWRY. I wish the gentleman would withdraw his objection.

Mr. HUDSON. I am perfectly willing to withhold my objection, but I shall ask that it go over finally.

Mr. DREWRY. Numbers of these bills have gone by. This bill passed the Congress last session and went over to the Senate and was left there.

Mr. HUDSON. I shall have to ask the gentleman to let the bill go over.

Mr. DREWRY. Of course, I can do nothing else.

GARRETT M. MARTIN

The next business on the Private Calendar was the bill (H. R. 936) for the relief of Garrett M. Martin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Garrett M. Martin shall hereafter be held and considered to have been honorably discharged from the military service of the United States

in Company I, Eighty-third Regiment Ohio Volunteer Infantry: *Provided,* That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 5, after the word "discharged," insert "on October 10, 1864"; and in line 7 strike out the words "that no pension shall accrue prior to the passage of this act" and insert "that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MICHAEL J. FRAHER

The next business on the Private Calendar was the bill (H. R. 940) for the relief of Michael J. Fraher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Michael J. Fraher, who was a member of Company H, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 8, after the word "honorably," insert "on November 4, 1899."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS CARROLL

The next business on the Private Calendar was the bill (H. R. 943) for the relief of Thomas Carroll.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Thomas Carroll shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Company M, Forty-seventh United States Volunteer Infantry: *Provided,* That no pension shall accrue prior to passage of this act.

With the following committee amendments:

Line 5, after the word "discharged" insert "on July 1, 1901"; and in line 7 strike out "that no pension shall accrue prior to passage of this act" and insert "that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN G. DE CAMP

The next business on the Private Calendar was the bill (H. R. 3268) for the relief of John G. DeCamp.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I want to call the attention of the Committee on Military Affairs to the fact that this is one among about a dozen of its bills that we have passed to-day without a report from the War Department being given in the committee report. The committee ought to give the report of the War Department, and we ought to have the right to see what they say about it. I am not objecting to these bills, but hereafter if the Committee on Military Affairs does not incorporate a report from the War Department, I am going to object to every one of them.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That John G. De Camp shall hereafter be held and considered to have been honorably discharged on December 22, 1898, instead of on October 25, 1898, from Company E, First Ohio United States Volunteer Infantry.

With committee amendments, as follows:

Line 3, page 1, after the word "That," insert the words "in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, or dependent relatives"; and on line 9, after the word "Infantry," insert: "*Provided,* That no bounty, back pay, pension, or allowance, except that to which he is entitled under Private Act No. 168, approved June 17, 1926, shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

DOCK LEACH

The next business on the Private Calendar was the bill (H. R. 4865) for the relief of Dock Leach.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Dock Leach shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Company H, Twenty-seventh Regiment United States Colored Troops: *Provided,* That no pension shall accrue prior to the passage of this act.

With committee amendments, as follows:

Line 5, after the word "discharged," insert the words "on September 21, 1865"; and on line 7, after the word "*Provided,*" strike out the words "That no pension shall accrue prior to the passage of this act" and insert in lieu thereof "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

J. W. ZORNES

The next business on the Private Calendar was the bill (H. R. 979) for the relief of J. W. Zornes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. What about Calendar No. 281?

The SPEAKER pro tempore. That is not on the calendar now.

Mr. HUDSON. That bill authorized Charles A. Lindbergh to accept a medal.

Mr. BLANTON. Yes. We passed that the other day.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. W. Zornes, the amount of $686.25 on account of expenses incurred by him for feed of logging teams while claimant's crew was fighting fire on the Kaniksu National Forest during the months of July and August, 1926.

With a committee amendment, as follows:

Line 4, after the word "pay," insert "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANTON ANDERSON

The next business on the Private Calendar was the bill (H. R. 2654) for the relief of Anton Anderson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $170 to Anton Anderson, of Chinook, Wash., said sum being the amount of damage caused April 8, 1920, when the launch *Vigilant,* while operating in fortification-construction work under authority of the Chief of Engineers, United States War Department, collided with and partially demolished fish trap No. 152, then owned and operated by the said Anton Anderson.

With a committee amendment, as follows:

Line 5, page 1, after the word "appropriated," insert "and in full settlement against the Government."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS HUGGINS

The next business on the Private Calendar was the bill (H. R. 2657) for the relief of Thomas Huggins.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas Huggins the sum of $1,500 for damages sustained by him through use and operation of his premises by the Army for the maneuvers at American Lake, Wash., in 1906.

With committee amendments, as follows:

Line 4, after the word "pay," insert "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government"; and on line 7, strike out the figures "$1,500" and insert in lieu thereof the figures "$750."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SMITH TABLET CO.

The next business on the Private Calendar was the bill (H. R. 4303) for the relief of the Smith Tablet Co., of Holyoke, Mass.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $150 to the Smith Tablet Co., of Holyoke, Mass., as reimbursement for the cost of remaking an appraisal and appraisal book necessitated by the loss of the original appraisal book by the Bureau of Internal Revenue, Treasury Department, during the examination of the accounts of the said company for income-tax purposes.

With the following committee amendment:

In line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARY E. O'CONNOR

The next business on the Private Calendar was the bill (H. R. 6436) for the relief of Mary E. O'Connor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to Mary E. O'Connor, of Malden, Mass., on account of the death of her husband, Dennis O'Connor, who died of injuries sustained while employed at the navy yard, Charlestown, Mass.

With the following committee amendment:

In line 6, strike out "$5,000" and insert "$3,572.40."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HIGGINS LUMBER CO.

The next business on the Private Calendar was the bill (H. R. 8031) for the relief of Higgins Lumber Co. (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This bill embraces $15,293.90, and I want to ask the gentleman from Massachusetts if he thinks we ought to proceed here with bills of this importance with about 20 or 25 Members present to pass on them, passing one about every half minute? I think we ought to adjourn. I think we have done a good day's work and I think this is not the time and place, and it is not with the proper temper of the House, for these bills to be passed about one every half minute.

Mr. UNDERHILL. The gentleman from Texas has asked me a question in reference to this bill. This is necessary because the department has declared that it does not come under the provisions of the admiralty act. There was considerable damage done at this same time.

Mr. BLANTON. It ought to go to the Court of Claims or a court of admiralty and be passed upon.

Mr. UNDERHILL. All of these claims have been settled with the exception of this one.

Mr. BLANTON. They ought to be settled by a tribunal that can consider the rules of evidence and see that proper probative effect is given to the evidence.

Mr. UNDERHILL. This is an agreement on the part of two parties and saves all of that court's time and expense.

Mr. BLANTON. And probably is costing the taxpayers $15,000 when they might not be due 1 cent.

Mr. UNDERHILL. I think if the claim had gone to the Court of Claims they would have gotten a larger sum than this.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I shall not object, but such bills ought not to be passed here this afternoon with no consideration whatever, and with but a very few Members on the floor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Higgins Lumber Co. (Inc.), a corporation duly organized by law and having a usual place of business in Provincetown, Mass., the sum of $15,293.90, in full compensation for damage done to property owned by the said corporation at Provincetown, Mass., by the U. S. Coast Guard cutter *Morrill,* on November 16, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN A. FOX

The next business on the Private Calendar was the bill (S. 1325) for the relief of John A. Fox.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John A. Fox, of Springville, Utah, out of any money in the Treasury not otherwise appropriated, the sum of $786.28 in reimbursement of labor and expenditures made by him upon his stock-raising homestead entry No. 019731, Salt Lake City series, embracing the southwest quarter and east half of section 17 in township 8 south, range 5 east, Salt Lake meridian, Utah, the patent for which was annulled by decree of court for the reason that the land was at the date of entry and patent within a national forest and not subject to entry.

With the following committee amendment:

In line 6, on page 1, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM RODERICK DORSEY

The next business on the Private Calendar was the bill (H. R. 9112), for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HAWLEY). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office be, and is hereby, authorized and directed to credit the accounts of William Roderick Dorsey as American consul, formerly at Catania, Italy, with the sum of $316.75, such sum representing the unpaid balance of United States Government funds deposited by him in the Banca Italiana di Sconto, such bank having suspended payments of deposits on December 29, 1921, and having liquidated its claims; and also with the additional sum of $869.10, such sum representing the amount stolen from the safe in the United States consulate at Catania, Italy, on the night of September 18, 1924; to credit the accounts of Hugh S. Gibson as American minister, formerly at Warsaw, Poland, with the sum of $2,133.65, such sum representing the amount stolen from the strong boxes of the United States legation at Warsaw, Poland, on the night of December 13, 1921; to credit the accounts of Charles H. Heisler as American consul, formerly vice consul at Riga, Latvia, with the sum of $3,532.28, such sum representing the amount of Government funds for which Mr. Heisler is personally responsible, stolen from the safe of the American consulate at Riga on the night of November 17, 1923; to credit the accounts of J. Klahr Huddle as American consul formerly at Hamburg, Germany, with the sum of $120.62, such sum representing the amount stolen from the safe of the United States consulate general at Hamburg, Germany, on the night of November 12, 1921; to credit the accounts of John P. Hurley as American consul, formerly at Riga, Latvia, with the sum of $3,497, such sum representing the amount stolen from the safes of the consulate at Riga, Latvia, on the night of November 17, 1923; to credit the accounts of Leo J. Kenna, an American consul, formerly of Warsaw, Poland, with the sum of $3,109.60, such sum representing the amount of Government funds stolen from the safety box of the United States consulate general in Warsaw in December, 1922; to credit the accounts of Frithjof C. Sigmond as American vice consul at Stavanger, Norway, with the sum of $819.87, of which the sum of $572.12 represents the unpaid balance of United States Government funds deposited by him in the Stavanger Handels-of-Industribank, such bank having suspended payment of deposits on March 25, 1923, and having liquidated its claims, and $247.75, of which represents the loss by exchange caused by the enforced delay in forwarding the sum of $4,363.72, which was realized on the bank's liquidation of this depositor's claim; to credit the accounts of John K. Davis, as consul at Nanking, China, with the sum of $46.12, such sum representing the amount of Government funds stolen from the locked steel cabinet during the looting of the consulate at Nanking by Chinese soldiery on March 24, 1927; to credit the accounts of David J. D. Myers as consul at Durango, Mexico, with the sum of $89.25, such sum representing the amount of Government funds lost when the building in which the consulate was housed was destroyed by fire on April 13, 1927.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, directed to pay to Joseph C. Grew, formerly American minister at Copenhagen, Denmark, the sum of $6,150.65, such sum representing the amount embezzled from Government funds in the United States legation at Copenhagen by the cashier of the legation between March 31 and July 1, 1921; to Francis B. Keene, formerly American consul general at Rome, Italy, the sum of $95.21, such sum representing the amount of Government funds stolen from the safe cabinet in the American consulate general at Rome, Italy, on the night of April 28, 1921; to Norton F. Brand, as American consul at Fernie, British Columbia, the sum of $1,397.25, such sum representing the unpaid balance of the United States Government funds deposited by him in the Home Bank of Canada, at Fernie, British Columbia, such bank having suspended payment of deposits on August 16, 1923; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

With the following committee amendment:

Page 4, line 15, after the figures "1923," insert a semicolon and add the following: "to Richard L. Sprague, as American consul at Gibraltar, the sum of £423.15, being reimbursement for moneys actually expended by him in the settlement of a judgment of the Supreme Court of Gibraltar, dated April 17, 1926, in favor of Smith Imossi & Co., covering a claim of that company for the relief of American seamen from the steamer *Kanabec* at Gibraltar in 1920, and the sum of $278.95, being reimbursement for moneys personally advanced by him for the relief of said seamen;"

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LANDON RANDOLPH MASON

The next business on the Private Calendar was the bill (H. R. 4605) authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SIMMONS. Mr. Speaker, reserving the right to object, this is a bill that provides relief for one service man, whereas there is a large number in the United States on exactly the same plane. There is a joint resolution pending before the Military Affairs Committee which would authorize the Secretary of War to do this for all persons similarly situated. It seems to me that if Congress is to adopt this as a policy we ought to do it for everyone instead of picking out some one man. Therefore I object.

WILLIAM PORTER

The next business on the Private Calendar was the bill (H. R. 2527) for the relief of William Porter.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Porter, alias Asbury F. Spicer, who was a member of Company E, First Regiment Pennsylvania Volunteer Rifles, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 13th day of December, 1862: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REZIN FRANKLIN NEVES

The next business on the Private Calendar was the bill (H. R. 2529) for the relief of Rezin Franklin Neves.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I hate to call attention to this, because this is a bill of our new chairman of the Ways and Means Committee [Mr. HAWLEY], but this is what the War Department says about it:

While it is shown that after his desertion from Company D, Twelfth Kentucky Volunteer Cavalry, this soldier reenlisted in the Navy within

four months, it must be presumed from the showing of the records that he enlisted in the Navy for the purpose of obtaining bounty which he would not have received had he remained under his original enlistment, and upon this presentation of the case application for removal of the charge of desertion has heretofore been denied and must still stand denied.

LUTZ WAHL,
The Adjutant General.

Mr. HAWLEY. Mr. Speaker, the gentleman will notice on page 3 that the man himself states——

Mr. BLANTON. I am talking about what your Adjutant General of the United States Army says.

Mr. HAWLEY. He states it is presumed he did this.

Mr. BLANTON. I am not going to object to the gentleman's bill, but we are passing a lot of bad bills here this afternoon.

Mr. HAWLEY. The soldier himself says in answer to the supposition of The Adjutant General that he did not receive bounty.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Rezin Franklin Neves, who was a member of Company D, Twelfth Regiment Kentucky Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 11th day of November, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARION FRANCIS WADE

The next business on the Private Calendar was the bill (H. R. 2531) for the relief of Marion Francis Wade.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Marion Francis Wade, who was a member of Company G, Eighth Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 8, after the word "States," insert "on June 18, 1864."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM MARTIN

The next business on the Private Calendar was the bill (H. R. 4864) for the relief of William Martin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Martin, who was a member of Company F, Sixty-ninth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 8, after the word "States," insert "on December 21, 1862."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS PURDELL

The next business on the Private Calendar was the bill (H. R. 4954) for the relief of Thomas Purdell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas Purdell, late of Company D, First and Second Battalions, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company on the 7th day of January, 1865: *Provided,* That no bounty, pension, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

M. ZINGARELL AND WIFE

The next business on the Private Calendar was the bill (S. 496) for the relief of M. Zingarell and wife, Mary Alice Zingarell.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. Zingarell and his wife, Mary Alice Zingarell, out of any money in the Treasury not otherwise appropriated, the sum of $1,140, to reimburse the said M. Zingarell and wife for the taking by the United States, in September, 1917, of three certain lots, namely, lots 9, 10, 11, in block 502-B on Furnace Hill, Sheffield, Ala., and the loss sustained thereby, said lots being included in the site required in the building of an experimental nitrate plant, and which said three lots were taken without adequate reimbursement to the owners thereof, said M. Zingarell and wife, Mary Alice Zingarell.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN OFFICERS AND FORMER OFFICERS OF THE ARMY OF THE UNITED STATES

The next business on the Private Calendar was the bill (H. R. 4265) for the relief of certain officers and former officers of the Army of the United States, and for other purposes.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, this is a 15-page bill seeking to pay money or allow credits to quite a number of officers of the Army ranging in amount to each from $10,000 down. Every one of them is a case that the Comptroller General, under the law, has turned down, and has held they were not entitled to such payments and credits under the law. This bill ought not to pass here this afternoon, and I object.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. DOUGLASS of Massachusetts, for three days, on account of important business.

Mr. LEA, for three days, on account of sickness.

RELIEF OF CERTAIN OFFICERS AND FORMER OFFICERS OF THE ARMY OF THE UNITED STATES

The next business on the Private Calendar was the bill (H. R. 4266) for the relief of certain officers and former officers of the Army of the United States, and for other purposes.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, this bill is a similar one to the bill just reported, and under the same circumstances I object. And, Mr. Speaker, I believe the gentleman from Connecticut has promised us that if we worked this late he would move to adjourn. For the purpose of getting a new shift, Mr. Speaker, I make the point of no quorum.

Mr. LOWREY. Mr. Speaker, will the gentleman from Texas withhold that just a moment?

Mr. BLANTON. No; because the gentleman from Texas is going to be compelled to work until 12 o'clock to-night to get his mail signed.

Mr. LOWREY. We lack just one bill of finishing the bills from the Committee on War Claims.

Mr. BLANTON. Mr. Speaker, I insist upon my point of order.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, ordinarily I should not yield because the gentleman demands a quorum, but would move a call of the House. I think, however, that we have done fairly well to-day. We have passed more than four pages of bills this afternoon. Under all the circumstances, it being Saturday

afternoon and St. Patrick's Day, I think that we can well afford to stop. I therefore move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned until Monday, March 19, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, March 19, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment, and to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services" (H. R. 6518).

COMMITTEE ON LABOR

(10.30 a. m.)

To require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor (H. R. 11141).

EXECUTIVE COMMUNICATIONS, ETC.

410. Under clause 2 of Rule XXIV, letters from the Secretary of State and the Secretary of Commerce, transmitting copy of the report of the National Sesquicentennial Exhibition Commission on the Government exhibits at the Sesquicentennial International Exposition held in Philadelphia, Pa., June 1 to November 30, 1926; also a supplemental balance sheet as of March 15, 1928, was taken from the Speaker's table and referred to the Committee on the Library.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINCENT of Michigan: Committee on Elections No. 2. A report pursuant to H. Res. 9 on the right of Hon. JAMES M. BECK, first district of Pennsylvania, to his seat in the House of Representatives (Rept. No. 975). Referred to the House Calendar.

Mr. FURLOW: Committee on Military Affairs. S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions; without amendment (Rept. No. 987). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended; without amendment (Rept. No. 988). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men; with amendment (Rept. No. 989). Referred to the House Calendar.

Mr. SPEAKS: Committee on Military Affairs. H. R. 239. A bill to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes; without amendment (Rept. No. 990). Referred to the House Calendar.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 230. A joint resolution to provide for the membership of the United States in the American International Institute for the Protection of Childhood; without amendment (Rept. No. 991). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STEELE: Committee on Claims. H. R. 3936. A bill for the relief of M. M. Edwards; with amendment (Rept. No. 969). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 4396. A bill for the relief of Jesse R. Shivers; with amendment (Rept. No. 970). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 5322. A bill for the relief of John P. Stafford; with an amendment (Rept. No. 971). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8474. A bill for the relief of Elmer J. Nead; without amendment (Rept. No. 972). Referred to the Committee of the Whole House.

Mr. SEARS of Nebraska: Committee on Claims. H. R. 8888. A bill for the relief of Jose Francisco Rivas; with an amendment (Rept. No. 973). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. S. 2126. An act to provide for compensation for Ona Harrington for injuries received in an airplane accident; with amendment (Rept. No. 974). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 3954. A bill to reimburse Dr. Philip Suriani; without amendment (Rept. No. 976). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 4029. A bill for the relief of Maude A. Sanger; without amendment (Rept. No. 977). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 5341. A bill for the relief of the Staunton Brick Co.; without amendment (Rept. No. 978). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 5935. A bill for the relief of the McAteer Shipbuilding Co. (Inc.); without amendment (Rept. No. 979). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 7496. A bill for the relief of Kenneth A. Rotharmel; without amendment (Rept. No. 980). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 7895. A bill for the relief of the Lagrange Grocery Co.; with an amendment (Rept. No. 981). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 7897. A bill to ratify the action of a local board of sales control in respect of contracts between the United States and the West Point Wholesale Grocery Co., of West Point, Ga.; with an amendment (Rept. No. 982). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 7898. A bill to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.; without amendment (Rept. No. 983). Referred to the Committee of the Whole House.

Mr. WHITEHEAD: Committee on War Claims. H. R. 10218. A bill authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality but now a part of the city of Houston, Tex.; without amendment (Rept. No. 984). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation; with amendment (Rept. No. 985). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. S. 2926. An act for the relief of the Old Dominion Land Co.; without amendment (Rept. No. 986). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 12145) for the relief of Victor Gray, second cook, United States Navy, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SNELL: A bill (H. R. 12168) to authorize appropriation for construction at Plattsburg Barracks, Plattsburg, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 12169) authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12170) to change the name of Cove Creek dam site to Coal Creek dam site, and for other purposes; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 12171) granting increase of pensions to certain soldiers of the Civil War; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 12172) authorizing the Commissioners of the District of Columbia to collect and dispose of, and to regulate and control the collection and disposal of, all garbage and miscellaneous refuse in the District of Columbia; and authorizing the construction and equipment within the District of Columbia of an adequate plant for the disposal of garbage by the reduction method so as to recover by-products, and the construction and equipment of an adequate plant or plants of modern incinerator type for the disposal of miscellaneous refuse; to the Committee on the District of Columbia.

By Mr. LAGUARDIA: A bill (H. R. 12173) to provide for the popular election of the Governor of Porto Rico, and for other purposes; to the Committee on Insular Affairs.

By Mr. RANKIN: A bill (H. R. 12174) for the erection of a public building at Amory, Monroe County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. ANDRESEN: A bill (H. R. 12175) to repeal the United States Grain Standards Act of chapter 313, United States Statutes at Large for 1916, approved August 11, 1916; to the Committee on Agriculture.

By Mr. GASQUE: A bill (H. R. 12176) to prohibit intermarriage of certain races in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MERRITT: A bill (H. R. 12177) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: A bill (H. R. 12178) to repeal Revised Statutes 1683 and part of title 22, section 32, of the United States Code; to the Committee on Foreign Affairs.

Also, a bill (H. R. 12179) to provide for the reimbursement of the Government of Great Britain on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920; to the Committee on Foreign Affairs.

By Mr. WILLIAMSON: A bill (H. R. 12180) to require the prompt rendition of accounts, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. PERKINS: Joint resolution (H. J. Res. 243) to provide for the coinage of a medal commemorative of the achievements of Thomas A. Edison in illumining the path of progress through the development and application of inventions that have revolutionized civilization in the last century; to the Committee on Coinage, Weights, and Measures.

By Mr. GRAHAM: Concurrent resolution (H. Con. Res. 27) creating a special joint committee to investigate what further employment is desirable for Federal prisoners in the United States penitentiaries, and for other purposes; to the Committee on Rules.

By Mr. McMILLAN: Resolution (H. Res. 138) providing for the printing of 2,000 copies of the Soil Survey of Charleston County, S. C.; to the Committee on Printing.

By Mr. MICHENER: Resolution (H. Res. 140) for the consideration of H. R. 8927, to amend the act entitled "An act to promote export trade, and for other purposes, approved April 10, 1918"; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BURDICK: Memorial of the Legislature of the State of Rhode Island, recommending to the Congress the passage of legislation relating to the retirement of officers who served in the World War; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 12181) granting an increase of pension to Mary A. Wilson; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 12182) granting an increase of pension to Phoebe Massey; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 12183) granting a pension to Frank C. Tyson; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 12184) granting an increase of pension to Chalmer Rayburn Hiatt; to the Committee on Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 12185) granting a pension to James A. Montgomery; to the Committee on Pensions.

Also, a bill (H. R. 12186) granting a pension to Frederick L. Pistor; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 12187) granting an increase of pension to Hulda V. Anderson; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 12188) granting an increase of pension to Mornelva Wilkinson; to the Committee on Invalid Pensions.

By Mr. PORTER (by request): A bill (H. R. 12189) for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti; to the Committee on Foreign Affairs.

By Mr. RUTHERFORD: A bill (H. R. 12190) for the relief of the Macon, Dublin & Savannah Railroad Co.; to the Committee on Claims.

Also, a bill (H. R. 12191) for the relief of the Macon, Dublin & Savannah Railroad Co.; to the Committee on Claims.

By Mr. SMITH: A bill (H. R. 12192) authorizing the Secretary of the Interior to accept a deed to certain land and issue patent therefor to the city of Buhl, Twin Falls County, Idaho; to the Committee on the Public Lands.

By Mr. SNELL: A bill (H. R. 12193) granting a pension to Moses Dashnaw; to the Committee on Invalid Pensions.

By Mr. TARVER: a bill (H. R. 12194) granting a pension to John A. Johnson; to the Committee on Pensions.

By Mr. THATCHER: A bill (H. R. 12195) granting a pension to Mary Miller; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 12196) granting an increase of pension to Nancy A. Bell; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 12197) granting an increase of pension to Emma P. Ripley; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: Resolution (H. Res. 139) to pay Norman E. Ives $1,200 for extra and expert service to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5492. By Mr. ADKINS: Petition by the voters of Champaign, State of Illinois, indorsing the Civil War pension bill now before Congress; to the Committee on Invalid Pensions.

5493. By Mr. AYRES: Petition of citizens of Wellington, Wichita, and Benton, Kans., in behalf of legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5494. By Mr. BACHMANN: Petition of S. M. Musgrove, secretary Grafton Lodge, No. 15, Ancient Free and Accepted Masons, Grafton, W. Va., and Dessie Gough, secretary Eastern Star, Grafton, W. Va., protesting against the passage of Senate bill 1752, introduced by Senator Oddie; to the Committee on the Post Office and Post Roads.

5495. By Mr. BARBOUR: Petitions of residents of the seventh congressional district, California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

5496. By Mr. BLOOM: Petition of Sidney Elliott, 200 West One hundred and ninth Street, New York City, and other citizens of New York, protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

5497. By Mr. BOYLAN: Resolution passed by New York senate in connection with Federal prisons; to the Committee on Rules.

5498. By Mr. CARTER: Petition of D. Ray Rowe and many others, of Alameda County, Calif., protesting against the pas-

sage of House bill 78; to the Committee on the District of Columbia.

5499. Also, petition of C. H. Hawkins and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5500. Also, petition of William Connolly and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5501. Also, petition of Federal Employees' Union No. 1, of California, urging the passage of House bill 6518; to the Committee on the Civil Service.

5502. Also, petition of C. W. Cramer and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5503. Also, petition of Ralph M. Cutting and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5504. Also, petition of Rosalina Smith and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5505. Also, petition of A. J. Bradley and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5506. Also, petition of I. L. Rickey and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5507. Also, petition of Arthur G. Hynes and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5508. Also, petition of Anne T. McKenna and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5509. Also, petition of M. C. Rebideau and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5510. Also, petition of Bernard Clark and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5511. Also, petition of H. B. Corkin and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5512. Also, petition of Carrie Williams and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5513. Also, petition of J. E. Bussey and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5514. Also, petition of Mrs. G. D. Hepler and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5515. Also, petition of B. A. Pritchard and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5516. Also, petition of Fred L. Marks and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5517. Also, petition of Frank G. Hinds and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5518. Also, petition of Winfield S. Beams and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5519. Also, petition of G. M. Hall and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5520. Also, petition of C. P. Mader, of Oakland, Calif., and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5521. Also, petition of Ira Langlois and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5522. Also, petition of F. B. Whitby and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5523. Also, petition of A. W. Whalin and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5524. Also, petition of Flora Salisbury and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5525. Also, petition of Eda Lovestedt and many others, of Oakland, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

5526. Also, petition of George Pope and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5527. Also, petition of George C. Hartwell and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5528. Also, petition signed by N. P. Nelson and 45 others, of Hayward, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5529. Also, petition of Adolph Rogers, of Oakland, Calif., and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5530. Also, petition of G. C. Nicholson, of Berkeley, Calif., and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5531. Also, petition of F. Williams, of Berkeley, Calif., and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5532. Also, petition of George H. Miller and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5533. Also, petition of J. L. Sherman and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5534. Also, petition of Sam Burnstein and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5535. Also, petition of Ethel E. Skidmore and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5536. Also, petition of Leona Green and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5537. Also, petition of W. H. Nice and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5538. Also, petition of Flora Willeford and 55 others, of San Leandro, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

5539. Also, petition of William McIntosh and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5540. Also, petition of H. W. Ingram and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5541. Also, petition of Mrs. R. D. Bolter and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5542. Also, petition of R. Davidson and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5543. Also, petition of Adelaide W. Grove and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5544. Also, petition of B. M. Gregory and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5545. Also, petition of A. B. Gray, of Berkeley, Calif., and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5546. Also, petition of William Frazier and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5547. Also, petition of Mary Schmitt and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5548. Also, petition of Annie J. Green and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5549. Also, petition of Mrs. C. S. Casey and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5550. Also, petition of Elizabeth Shues and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5551. Also, petition of Frank Peacock and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5552. Also, petition of George Krieger and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5553. Also, petition of W. Morton and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5554. Also, petition of F. L. Newton and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5555. Also, petition of W. Coffin and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5556. Also, petition of R. M. Wilkins and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5557. Also, petition of Anna Gahegan and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5558. Also, petition of Edith L. Wood and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5559. Also, petition of E. J. McClellan and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5560. Also, petition of H. E. Briggs and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5561. Also, petition of J. E. Claypool and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5562. Also, petition of Anna Cook and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5563. Also, petition of R. Grimwood and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5564. Also, petition of Bernath Pearl and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5565. Also, petition of John F. Harrington and many others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5566. Also, petition of M. E. Wright and 950 others, of Alameda County, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5567. Also, petition of Mrs. C. V. Johnson and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5568. By Mr. COCHRAN of Pennsylvania: Petition of 75 residents of Kinzua, Warren County, Pa., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5569. By Mr. CRAIL: Petition of Palma Heights Improvement Association, Los Angeles County, Calif., for the passage of the Harris and Box bills in regard to Mexican immigration; to the Committee on Immigration and Naturalization.

5570. By Mr. CURRY: Petition of citizens of the third California district, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

5571. By Mr. DEMPSEY: Petition of 108 citizens of Lewiston and Niagara Falls, N. Y., favoring the Welch salary bill (H. R. 6518); to the Committee on the Civil Service.

5572. By Mr. FENN: Petition of nine citizens of Hartford County, Conn., favoring increased pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5573. By Mr. FULBRIGHT: Petition asking legislation for the relief of Civil War survivors, by citizens of Parma, Mo.; to the Committee on Invalid Pensions.

5574. Also, petition against compulsory Sunday observance legislation, from citizens of Poplar Bluff, Mo.; to the Committee on the District of Columbia.

5575. Also, petition against compulsory Sunday observance legislation, from citizens of Butler County, Mo.; to the Committee on the District of Columbia.

5576. By Mr. GALLIVAN: Petition of Local No. 106, International Moulders' Union, Daniel S. Callahan, corresponding representative, 321 Tremont Street, Boston, Mass., urging early and favorable consideration of House bill 7729; to the Committee on Labor.

5577. By Mr. HERSEY: Petitions of A. G. Averill and others and Homer M. Orr and others, all of Old Town, urging the passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

5578. By Mr. HAWLEY: Petition of residents of Estacada, Oreg., for the passage of legislation to increase the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5579. Also, petition of residents of the first congressional district, Oregon, protesting the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5580. By Mr. HICKEY: Petition of Minerva J. Haines and other citizens of Marshall County, Ind., urging passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5581. By Mr. IRWIN: Petition of Luretta Thomas et al., of Madison County, Ill., praying for the enactment of legislation in behalf of veterans of the Civil War and widows of Civil War veterans; to the Committee on Invalid Pensions.

5582. By Mr. JOHNSON of Oklahoma: Petition of C. W. Trippy, L. A. Holmes, and six other citizens of Geary, Blaine County, Okla., asking the passage of legislation increasing pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5583. By Mr. KVALE: Petition of Immigration Inspectors' Association, urging enactment into law of Senate bill 2730; to the Committee on Immigration and Naturalization.

5584. Also, petition of Brotherhood of Painters, Decorators, and Paperhangers of America, Local Union No. 61, St. Paul, Minn., urging legislation covering wage rates under Federal construction; to the Committee on Labor.

5585. Also, petition of Washington Club, of Minneapolis, Minn., opposing enactment of legislation providing for proposed naval expansion; to the Committee on Naval Affairs.

5586. Also, petition of Edward J. Lee, chairman, and members of the Saturday Lunch Club, Minneapolis, Minn., protesting against the proposed naval construction program; to the Committee on Naval Affairs.

5587. Also, petition of J. C. Hanson, president, and 250 members of the Minneapolis, Minn., branch of the Railway Mail Association, urging immediate enactment of House bills 25, 88, 89, 9058, and 10375; to the Committee on the Civil Service.

5588. Also, petition of United States Civil Service Association, of St. Paul, Minn., by S. J. Quinn, secretary, urging prompt enactment of House bill 10644, proposing to adjust compensation of certain employees in the customs service; to the Committee on the Civil Service.

5589. Also, petition of L. Rykken, secretary, on behalf of Local No. 1055, Brotherhood of Maintenance of Way Employees, Willmar, Minn., urging prompt enactment of House bill 7729, the so-called Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

5590. Also, petition of Edward J. Lee, chairman, and members of the Saturday Lunch Club, Minneapolis, Minn., deprecating the Executive policy in Latin America and urging immediate assumption by Congress of its constitutional power to declare war; to the Committee on Foreign Affairs.

5591. Also (by request), petition of Carl G. Hurtig, Buffalo Lake, Minn., protesting against enactment of legislation proposing to discontinue governmental printing of return cards on stamped envelopes; to the Committee on the Post Office and Post Roads.

5592. By Mr. LETTS: Petition of H. E. Trachsel and numerous other citizens, of Davenport and Bettendorf, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5593. By Mr. MAJOR of Missouri: Petition of citizens of Howard County, Mo., protesting against the passage of House bill 78 or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

5594. By Mr. MEAD: Petition of residents of East Aurora, N. Y., favoring an increase in pension for widows of Civil War veterans; to the Committee on Invalid Pensions.

5595. By Mr. MURPHY: Petition of C. L. Clowes, legislative agent, Jacobsburg, Belmont County, Ohio, stating that Victory Grange favored the passage of the export debenture plan for farm relief; to the Committee on Agriculture.

5596. Also, petition of Alice D. Robinson, secretary Tent No. 102, Daughters of Union Civil War Veterans, Bridgeport, Ohio, indorsing the passage of Senate bill 3180; to the Committee on Claims.

5597. Also, petition of Alice D. Robinson, secretary Tent No. 102, Daughters of Union Civil War Veterans, Bridgeport, Ohio, indorsing the passage of Senate bill 1939; to the Committee on Invalid Pensions.

5598. Also, petition of Alice D. Robinson, secretary Tent No. 102, Daughters of Union Civil War Veterans, Bridgeport, Ohio, indorsing the passage of House bill 3, amending the immigration law; to the Committee on Immigration and Naturalization.

5599. Also, petition of J. J. Barclay, legislative agent, Salineville, Ohio, stating that Fox Township Grange, No. 2016, has passed a resolution favoring the passage of the export debenture plan for farm relief; to the Committee on Agriculture.

5600. By Mr. O'BRIEN: Petition of citizens of Harrison County, W. Va., urging the passage of the Civil War pension

bill, with rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

5601. By Mr. O'CONNELL: Petition of the Lieut. F. McConnell Post, No. 229, Veterans of Foreign Wars, favoring the passage of House bills 500, 6535, 8228, 9138, 10435, and 10644, and House Joint Resolution 212; to the Committee on World War Veterans' Legislation.

5602. Also, petition of the Illinois Joint Committee, to secure legislation to unite families separated by the restrictive immigration act; to the Committee on Immigration and Naturalization.

5603. Also, petition of the American Legion Auxiliary, Richmond Hill Post, No. 212, Richmond Hill, Long Island, N. Y., favoring an adequate naval defense; to the Committee on Naval Affairs.

5604. By Mr. RATHBONE: Petition by 120 residents of Harrisburg, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

5605. Also, petition by residents of Chicago, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

5606. By Mr. SWING: Petition of citizens of San Diego, Calif., urging support of the Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions.

SENATE

MONDAY, *March 19, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, who hast made of one blood all nations of men to dwell on the face of the whole earth and didst send Thy blessed Son to preach peace to them that are far off and to them that are nigh, grant that all men everywhere may seek after Thee and find Thee and bring the nations into Thy fold. Give us thankful hearts, that we may bless Thee for the beauty and bounty of the world; for day and night, summer and winter, seed time and harvest, and for the varied gifts of loveliness which every season brings; for the comforts and gladness of life and for the love, sympathy, and good will of men. Increase in us the desire and power to help others and enable us to embrace every opportunity of serving our generation according to Thy will. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that pursuant to Senate Concurrent Resolution 12 the Speaker had appointed Mr. BELL, Mr. TILSON, Mr. MCFADDEN, Mr. RAMSEYER, Mr. ROBSION of Kentucky, Mr. FAUST, Mr. MONTAGUE, Mr. LEA, Mr. O'CONNOR of New York, and Mr. ARNOLD members on the part of the House of Representatives of the joint committee to represent the Congress at the unveiling of the Stone Mountain monument at Atlanta, Ga., on April 9, 1928.

The message also announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell;

S. 1133. An act for the relief of John F. White and Mary L. White;

S. 1795. An act for the relief of Fannie M. Hollingsworth;

S. 1856. An act for the relief of the Gunnison-Mayfield Land & Grazing Co.;

S. 2365. An act for the relief of G. W. Rogers; and

S. J. Res. 55. Joint resolution for the relief of Henry A. Bellows.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4964) to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.

The message also announced that the House had passed the bill (S. 1325) for the relief of John A. Fox, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3) for the relief of Kate Mathews, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 936. An act for the relief of Garrett M. Martin;

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 943. An act for the relief of Thomas Carroll;

H. R. 979. An act for the relief of J. W. Zornes;

H. R. 1023. An act to correct the military record of Charles Ebin Campbell, alias Ebin Campbell;

H. R. 1182. An act for the relief of John Anderson;

H. R. 1183. An act for the relief of Thomas Conlon;

H. R. 1531. An act for the relief of Edward Camp;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1598. An act to provide for the retirement of August Wolters as a first sergeant in the United States Army;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 1631. An act for the relief of Vanrenslear VanderCook, alias William Snyder;

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 2009. An act for the relief of James M. Pierce;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2174. An act for the relief of Edward Gibbs;

H. R. 2527. An act for the relief of William Porter;

H. R. 2529. An act for the relief of Rezin Franklin Neves;

H. R. 2531. An act for the relief of Marion Francis Wade;

H. R. 2654. An act for the relief of Anton Anderson;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 3032. An act for the relief of First National Bank of Mountain Home, Idaho;

H. R. 3194. An act for the relief of Mary Neaf;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 3681. An act for the relief of Charles F. Reilly;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 4068. An act for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army;

H. R. 4125. An act for the relief of Holger M. Trandum;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4267. An act for the relief of Ernest J. Hiscock;

H. R. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 4378. An act to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida;

H. R. 4608. An act for the relief of Claude S. Betts;

H. R. 4864. An act for the relief of William Martin;

H. R. 4865. An act for the relief of Dock Leach;

H. R. 4954. An act for the relief of Thomas Purdell;

H. R. 4963. An act for the relief of the Randolph-Macon Academy, Front Royal, Va.;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5075. An act for the relief of W. J. Bryson;

H. R. 5225. An act for the relief of Frank W. Tucker;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 5872. An act for the relief of William C. Gray;

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6271. An act for the relief of James C. Fritzen;

H. R. 6367. An act authorizing the redemption by the United States Treasury of 20 war-savings stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr.;

H. R. 6377. An act for the relief of John Shannon;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 6440. An act for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force;

H. R. 6908. An act for the relief of Michael Ilitz;

H. R. 7268. An act for the relief of John Hervey;

H. R. 7708. An act for the relief of John M. Brown;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8443. An act for the relief of Joseph W. Jones;

H. R. 8499. An act for the relief of Arthur C. Lueder;

H. R. 8810. An act for the relief of John L. Nightingale;
H. R. 8890. An act for the relief of A. N. Ross;
H. R. 8957. An act to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties;
H. R. 8968. An act to allow credit in the accounts of William A. Schoenfeld;
H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;
H. R. 9118. An act for the relief of William C. Braasch;
H. R. 9380. An act for the relief of Frank E. Shults;
H. R. 9385. An act for the relief of the estate of L. Gordon Leech, bankrupt;
H. R. 10014. An act for the relief of A. F. Gallagher;
H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar;
H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes;
H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry; and
H. J. Res. 217. Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:
S. 2007. An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made;
S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925;
S. 2800. An act authorizing E. K. Morse, his heirs and legal representatives, and assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.; and
H. R. 10286. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

PERSONAL EXPLANATION—LOS ANGELES EXPRESS

Mr. NORRIS. Mr. President, I rise to a question of personal privilege.
The VICE PRESIDENT. The Senator will state it.
Mr. NORRIS. Last Friday, in the course of some remarks I made, I read portions of a letter written by Mr. Spaulding, superintendent of the municipal water plant at Springfield, Ill., in which reference was made to several things, and, among others, to negotiations which Mr. Spaulding said he understood had taken place on behalf of Mr. Copley for the purchase of the Los Angeles Express. I have received a telegram from the owners of that paper taking me severely to task for reading that extract, and I want now to read the telegram, first in order to give it the same publicity as was given to the extract from the letter, and also to make some comments upon the telegram.
This telegram is directed to me and is dated Los Angeles, Calif., 12.17 p. m. March 17, 1928, and reads as follows:

Recently you were shocked when you were publicly charged as having received money from Mexican sources for alleged pro-Mexican activities in connection with your official duties as United States Senator. You complained bitterly because no effort had been made to check up as to the truth of the charge and pleaded that a great wrong had been done you. Yesterday you read in the United States Senate a letter in which reference is made to the purchase by Col. Ira C. Copley of certain newspapers in Illinois and California, in which you endeavor to show that an attempt is being made to control public sentiment by the purchase of newspapers because of Colonel Copley's former connection with the public utility corporation. After telling of Copley's purchase of the Springfield (Ill.) Journal, of the San Diego Union and Tribune, and of the Kellogg papers in Los Angeles County, you are quoted as having read into the official RECORD the following statement:

"Negotiations are under way for the purchase of the Los Angeles Express." In your reckless quest for publicity you have involved the good name of the Express in a story that, regardless of its merits, you at least are attempting to place the construction of a power-controlled press, and without checking at all as to the truth of your statement you involve our paper in your charge. The facts are that these last year Colonel Copley negotiated for the purchase of stock in the Los Angeles Evening Express. Nothing developed from the negotiations, and his effort to buy stock in the Evening Express was never consummated. Subsequently, he turned his attention to the San Diego Union and Tribune, which papers he did purchase. He likewise purchased the Kellogg papers in Los Angeles County. The statement that negotiations are now under way to purchase the Express is absolutely false, and you could have ascertained this fact by a simple wire to us. We demand an immediate public retraction from you, and await your reply.

EDWARD A. DICKSON and
GUY C. EARL, Jr.,
Owners and Publishers.

Mr. President, the only reference made by me, or in the letter from which I quoted, to the Los Angeles Express is contained on page 4875 of the CONGRESSIONAL RECORD of March 16, and I shall quote therefrom. I ought to say that this was read from a letter written by Mr. Spaulding, not to me but to a friend of his, and that he had inclosed a copy of that letter in his letter to me. Here is the only reference, either directly or indirectly, to the Los Angeles Express:

I am informed negotiations were under way for the purchase of the Express, one of the large papers of Los Angeles.

That, Mr. President, is the only reference to that paper, either directly or indirectly, contained in the letter from which I quoted, and is the only reference made by me to that paper in the course of my remarks. I call attention to the fact that the charge, if they want to call it a charge, is specifically admitted by their own telegram, so that what was stated there, according to their own telegram signed by them, is literally and absolutely true. Their telegram states:

The facts are that these last year—

I suppose the word "these" is a misprint in the telegram, but I am reading it just as I got it; it probably means "this last year"; but I read it exactly as I got it:

that these last year Colonel Copley negotiated for the purchase of stock in the Los Angeles Evening Express. Nothing developed from the negotiations, and his effort to buy stock in the Evening Express was never consummated.

So, Mr. President, it seems to me that in the telegram in which they are demanding a retraction from me they specifically admit that what I read is absolutely true. Their intention in the telegram to try to show that it was an aspersion, that it was a slander, or that it was a misstatement as to their paper, it seems to me, is absolutely groundless and without any effect. There was no attempt made and there was no thought on my part, and I presume none on the part of Mr. Spaulding when he wrote the letter, of any intention to cast any reflection on the Los Angeles Express. Indeed, Mr. President, it would be a sorry condition if it would be disgraceful to have somebody approach one to buy his paper, if he owned one, or to buy his horse or to buy his farm. This attempt made by the owners and publishers of this paper to try to put me into disrepute, it seems to me, is an illustration of trying to make something out of nothing.
I desire to have printed in the RECORD in parallel columns the charge that they claim I made in the words in which I made it, and in the adjoining column their answer in which they admit the absolute truth of everything that was said.
The VICE PRESIDENT. Without objection, it is so ordered.
Mr. NORRIS. The charge and the answer are as follows:

THE CHARGE—AS READ FROM THE LETTER OF MR. W. J. SPAULDING	THE ANSWER—FROM A TELEGRAM SIGNED BY THE OWNERS AND PUBLISHERS OF THE LOS ANGELES EXPRESS
I am informed negotiations were under way for the purchase of the Express, one of the large papers of Los Angeles.	The facts are that last year Colonel Copley negotiated for the purchase of stock in the Los Angeles Evening Express. Nothing developed from the negotiations, and his effort to buy stock in the Evening Express was never consummated.

Mr. President, it is not my intention, and never has been, and as long as I serve here never will be, to make it a practice to answer the misleading and sometimes slanderous statements which are made sometimes by newspapers and sometimes by individuals. I realize that I can not follow them through. I would not take the time of the Senate this morning if it were not for the fact that in this telegram they are demanding from me a retraction. I wonder if these men really are as sensitive as the telegram would indicate? If so, they are the most sensitive newspaper men I have ever come in contact with. They

ought to be engaged in superintending a Sunday school instead of running a newspaper, it seems to me.

Mr. President, why am I singled out in what I believe to be this baseless attempt to hold me up before the country as one who has intentionally misrepresented the truth, and in this demand on me that a retraction should be made on the floor of the Senate? It is only an illustration of the attacks that may be made on anyone, however weak may be his voice when it is raised in behalf of what he believes to be justice to the people of our country; of how readily those who represent monopoly, who are moved, perhaps honestly moved, by the theory that big business, big corporations and monopolies, and combinations ought to control the country, try to suppress the voice of every man who speaks on the other side of the question.

I have also a telegram from Mr. O'Laughlin, vice president of the Copley Press. I will read it, because I think it is due to Mr. O'Laughlin and Mr. Copley that, in fairness, it should be read. I am not complaining about it.

Mr. CARAWAY. Mr. President, if I may ask the Senator from Nebraska a question, Is the Mr. Copley referred to one of those benevolent gentlemen who attempted to buy a seat for Mr. Frank L. Smith in the Senate?

Mr. NORRIS. Yes.

Mr. CARAWAY. I merely wished to identify him.

Mr. NORRIS. This telegram is very fair, is couched in courteous and respectful language, and is entitled to proper consideration, as are also both Mr. Copley and Mr. O'Laughlin. This telegram is sent from Joliet, Ill., and is directed to me:

The Associated Press announces that you have asked the Federal Trade Commission to investigate the recent purchase of newspapers in Illinois and California by Mr. Ira C. Copley, suggesting a connection between such purchases and the financing of public utility power corporations. Mr. Copley is in Europe, but I know if he were in the United States he would demand that the investigation be pushed to the fullest extent, and would insist that you present all the evidence or information in your possession which might directly or indirectly relate to such alleged connection. As the vice president of the Copley Press (Inc.), I am in charge in Mr. Copley's absence; and I wish to say there is not and never has been any connection, direct or indirect, between Mr. Copley's acquisition of newspapers and the public-utilities industry.

I shall be in Washington on Monday and will be glad to testify before the Federal Trade Commission or a committee of the Senate as to the absolute independence of all of the Copley newspapers of any interest of any kind whatsoever.

JOHN CALLAN O'LAUGHLIN,
Vice President Copley Press (Inc.).

Mr. President, in the letter of Mr. Spaulding, from which I read extracts, there were quite a number of allusions to the purchasing of newspapers by Mr. Copley, and I believe there were statements on the part of Mr. Spaulding, the writer of the letter, that it was the intention of Mr. Copley and his organization, perhaps, to secure as many newspapers, particularly on the Pacific coast, to carry on the fight that he made and that I think is now being waged on behalf of what is known for the want of a better name as the Water Power Trust. I did ask that the matter be investigated by the Federal Trade Commission, on which commission has been imposed by resolution of the Senate the duty of making an investigation on that subject, but, since Mr. O'Laughlin has called my attention to it, I think I ought to put into the RECORD some additional evidence of my own that was not contained in the charges in the letter of Mr. Spaulding.

I hold in my hand, Mr. President, an advertisement which appeared in the Illinois State Journal, which I understand is published in Springfield, Ill., on March 7, 1928. It is headed—

$3,200,000

The Copley Press (Inc.) 5½ per cent serial collateral gold bonds.
Dated February 1, 1928, series A. Due serially 1930 to 1943.
Payment of principal and interest unconditionally guaranteed by Ira C. Copley.

Then follows in the advertisement a description of the amounts and the dates when the various bonds will become due, and then comes this:

First Trust & Savings Bank, Chicago, Ill., trustee.

We summarize as follows from information furnished by Ira C. Copley, president of the company—

And this is the information that Mr. Copley has furnished them:

SECURITY

These bonds are the direct obligation of the Copley Press (Inc.), which owns and operates, through wholly owned subsidiaries, five daily newspapers: Aurora (Ill.) Beacon-News, Joliet (Ill.) Herald-News, Elgin (Ill.) Courier-News, San Diego (Calif.) Union, and the San Diego Tribune. All of the stock of these properties is deposited with the trustee as security for these bonds.

This issue of $3,200,000 constitutes the sole funded indebtedness of the company and its subsidiaries, and the company covenants—

And so forth.

GUARANTY

The payment of principal and interest is unconditionally guaranteed by Ira C. Copley. The guaranty agreement includes a provision that the will of the guarantor shall provide for the deposit with the trustee of marketable securities equal in value to the then outstanding bonds, which deposit shall be applied, as the securities mature or are sold, to the redemption of bonds of this issue.

Then follows a statement of the earnings of the property that is mortgaged to secure these bonds, and a very good showing is made for 1925, 1926, and 1927.

The average of the above three years' earnings is $722,220 or more than 4.10 times the greatest annual interest charge of this issue. The two San Diego papers have been recently acquired, and under the management of the Copley Press are expected to show increased earnings.

PURPOSE OF ISSUE

The major part—

I wish the Senate would note this because I may refer to it later—

The major part of the proceeds of this issue—

That is the issue of $3,200,000—

The major part of the proceeds of this issue is being applied in connection with the acquisition of the two San Diego papers, and the balance for other corporate purpose.

ADDITIONAL BONDS

Additional bonds in the amount of $4,300,000 may be issued for the acquisition of additional newspaper properties, based on 60 per cent of the cost or appraised value of such properties, whichever is lower.

Then follows the maturity dates of these bonds and a statement of the attorneys as to their legality.

The advertisement winds up with this statement:

We recommend these bonds for investment.
Lawrence Stern & Co., W. W. Armstrong Co., Matheny, Dixon & Co.

So far as I have read it is an advertisement recommending the purchase of these bonds, but, as a matter of fact, they did not have a bond to sell; the bonds had all been sold, as shown by the advertisement itself. In fine print appears this language:

Subscriptions from banks and investment dealers have been received in excess of the amount of this issue.

I wish to digress, Mr. President, to ask the Federal Trade Commission, which has charge of the investigation of this subject, carefully to find out who the banks and the investment dealers are. It strikes me there is at least prima facie evidence to show that an attempt is being made—and has been partially consummated—by Mr. Copley to control the press of a large portion of the country. I think it also likewise follows that the activity of these newspapers along some of the lines to which I am going to call attention goes a long way, at least, to bear out the statement of Mr. Spaulding that the object of securing the control of these newspapers, particularly on the Pacific coast, is to control and educate public opinion against public ownership and the public handling of the water power and electric light situation on the Pacific coast. That may not be true; but it seems to me the evidence points very strongly that way; at least it is worthy of investigation, and I should welcome the appearance of Mr. Copley before the Federal Trade Commission, as the telegram says he will appear, to make plain and clear that there is nothing of that kind in it.

I have also before me, Mr. President, a copy of a newspaper published in Los Angeles in which the writer goes more fully into the subject to which Mr. Spaulding referred regarding Mr. Copley's activities. It will be remembered that the letter I read called attention to the fact that Mr. Copley appeared before the Reed investigating committee and admitted there that he had contributed $25,000 to the campaign fund of Mr. Frank L. Smith, who was knocking at the door of the Senate with the Insull money in his pocket, anxious to have a seat in this body. After referring to several other purchases, this writer says:

This man Copley then purchased the Springfield (Ill.) State Journal. * * * Copley is reported to have been a contributor, along with Insull, to the gigantic Smith campaign corruption fund. Since his

purchase of the Illinois State Journal that paper has painted Smith as pure as a lily and is actually supporting him for reelection to the Senate. * * *

The next step by Copley was to purchase the San Diego papers—the Tribune, the Union, and Independent. He is said to have paid $3,000,000 for the first two—

It will be remembered, Mr. President, from the advertisement which I read that the agents of Mr. Copley say the information which was the basis of the advertisement had been received from Mr. Copley himself and it was stated in that advertisement that the proceeds of the bond issue of $3,200,000 were in major part used for the purchase of two of these newspapers—

He is said to have paid $3,000,000 for the first two and $35,000 for the Independent, which later he junked.

It seems to me that it is proper to consider that the one paper there that was taking the opposite side of this question was purchased by Mr. Copley and was junked—dismantled and publication ceased. In other words, the one newspaper in San Diego that was standing for public ownership of electric and water-power utilities on the Pacific coast was purchased by him and junked and its publication ended.

It's a long jump—

Says this writer—

from Illinois to California. Copley's appearance in this section that will be vitally affected by the passage of the Swing-Johnson bill for the development of the Colorado River is also a significant bit of evidence. The fact that he scrapped the Independent, the only morning competitor in San Diego that stood in any way for the principle of public ownership, is more interesting. Copley, upon taking over the San Diego papers, again promised to "take a live interest" in San Diego's affairs. He probably will.

I ought to say here that this article goes into the Evening Express matter much more fully than Mr. Spaulding went.

Mr. SHORTRIDGE. The Los Angeles Express?

Mr. NORRIS. The Los Angeles Express. The writer gives, in some detail here, those negotiations that Mr. Spaulding said he understood had been in progress; but since I did not quote this in regard to the Express I am not going to read it now.

After going into that the writer says:

But what of it all? Why is Copley invading "public ownership" territory in California? Who is this man anyway?

And he says, further down:

I can provide you only with the motives that have been attributed to Copley by men of keen intelligence and close contact with newspaper investments in San Diego, Los Angeles, and San Francisco.

First. That Copley's hope in acquiring a chain of Pacific coast papers is to help halt the encroachment of the public-ownership idea, where it has achieved its greatest success, along the Pacific coast;

Second. To aid any political campaign for the Senatorship this year that will defeat HIRAM W. JOHNSON, cosponsor, with Congressman PHIL D. SWING, San Diego, of the Swing-Johnson bill, soon to come before the Congress;

Third. To assist in the development of sentiment on the Pacific coast that will be adverse to the construction of a Government-owned power plant at the Colorado River; and

Fourth. To use every possible influence to get possession of the great water-power resources of California, Oregon, and Washington for the Hydroelectric Superpower Trust.

The writer makes another statement that I do not read, because it contains rather a serious charge, and I do not care to make it myself. He winds up by saying:

Use your own judgment as to whether you wish to take any part in aiding this sort of a man to pile up more millions for Sam Insull on the Pacific coast by acquiring our California newspapers.

You will remember that on Friday, from Mr. Spaulding's letter, it appeared that Mr. Copley had not only contributed $25,000 to the campaign expenses of Mr. Smith but that he had himself at a prior date been the owner of large public-utility properties over which Mr. Smith, as chairman of the Public Service Commission of Illinois, had general control, and that when he had sold those properties, so Mr. Spaulding said, he took securities from the Insull properties.

It seems to me, Mr. President, that it was only fair that a conclusion should be drawn such as Mr. Spaulding has drawn; and from that advertisement that I read it appeared that $4,200,000 more of bonds are to be issued by the Copley Press for the purpose of buying more newspapers. When we take into consideration the fact that in Springfield, where he recently purchased one of the leading newspapers, it immediately became a sponsor for Smith, painting him, as this article says, as pure as an angel, and when we consider also that he suppressed the progressive paper that he bought in San Diego, and that these other papers are favoring the things that the Water Power Trust and the hydroelectric monopoly want, it is quite clear that it would be fair at least for the Federal Trade Commission to find out who furnished the money, who are the investors, who are the bankers who put up the money to float these bond issues on the part of Mr. Copley.

It is not conclusive, I admit. It never has been offered as conclusive; and the fact that Mr. Copley's agent, the vice president of the company, says he stands ready to go on the witness stand and testify and have it investigated fully is commendable, and I welcome him before the Federal Trade Commission. I hope the Federal Trade Commission, without fear and without favor, will make a fair and an honest but a complete investigation of the whole matter.

Mr. NORRIS subsequently said: Mr. President, earlier in the day I made some remarks and read into the RECORD a telegram from Mr. O'Laughlin, vice president of the Copley Press (Inc.), and made some remarks in regard to the matter. Mr. O'Laughlin was in the gallery, I understand, and heard the remarks I made, and he has written me a letter and delivered it to me. I ask unanimous consent to include it in the CONGRESSIONAL RECORD as part of my remarks, and have it appear in the proper place in the RECORD at the close of the remarks I made earlier in the day.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

COPLEY PRESS (INC.),
Washington, March 19, 1928.

Hon. GEORGE W. NORRIS,
United States Senate, Washington, D. C.

SIR: On behalf of Copley Press (Inc.) I wish to state emphatically that there is no connection of any kind whatsoever between the acquisition of newspapers by Mr. Ira C. Copley and any industry or interest, save that of the public.

The statement you made in the Senate to-day is compounded of an unfounded letter and a rival newspaper attack. You further read extracts from the advertisement published throughout the country offering for sale the bonds of the Copley Press (Inc.) in the sum of $3,200,000.

So far as the letter is concerned, it was written by a man whose hatred of the Illinois State Journal dates back to its opposition to his election to a municipal office in Springfield. This opposition was manifested prior to Mr. Copley's purchase of the paper. The letter makes false and libelous statements throughout, as the slightest investigation would have established. With regard to the San Diego papers acquired by Mr. Copley, their purchase by him divorced them from the interest which also owned public utilities in that part of the country. The Independent, which he also acquired and suppressed, was purchased by him upon the solicitation of its owners, because they felt that with Mr. Copley in southern California the public interests would be fully and amply safeguarded. With regard to the bond issue, Mr. Copley observed the policy which other newspaper proprietors have pursued in connection with newspaper purchases. The bonds were sold in the usual manner, through bankers and investment houses, to investors, and in addition to the large assets and profits of the properties themselves Mr. Copley placed behind them his own name and his own credit. No one else had anything whatsoever else to do with this financing. An inquiry at the First National Bank of Chicago would quickly and easily have verified this fact.

I may add that Mr. Copley has no connection of any kind with the management, direction, or control of any interest or industry save that of his newspapers.

The newspapers comprising Copley Press are inspired by but one policy, the public interest, and one purpose, the promotion of the public interest. As Mr. Copley has stated, neither he nor they have any axes to grind.

It is, therefore, of serious moment, that loose and false statements, inspired by selfish motive contained in the Spaulding letter and the newspaper to which you referred, should serve as the basis for an insinuation which even a cursory investigation would have shown to be utterly without foundation. With the facts before you, I believe you will make the reparation to which we are entitled.

Very truly yours,

JOHN CALLAN O'LAUGHLIN,
Vice President Copley Press (Inc.).

INFECTIOUS DISEASE AMONG CATTLE—ANAPLASMOSIS (S. DOC. NO. 74)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation amounting to $20,000 for the Department of Agriculture, fiscal year 1929, to enable the Secretary of Agriculture to meet an emergency caused by

the outbreak of a highly infectious disease of cattle known as anaplasmosis, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DIVISION OF CHILD WELFARE, DISTRICT OF COLUMBIA (S. DOC. NO. 73)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, amounting to $25,000, fiscal year 1929, for the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place for the reception and detention of children under 17 years of age committed to the care of that board, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

UNVEILING EXERCISES AT STONE MOUNTAIN, GEORGIA

The VICE PRESIDENT. In accordance with Senate Concurrent Resolution 12 the Chair appoints the Senator from Utah, Mr. SMOOT; the Senator from New Hampshire, Mr. KEYES; the Senator from Kentucky, Mr. SACKETT; and the Senators from Georgia, Mr. HARRIS and Mr. GEORGE as members on the part of the Senate of the joint committee to represent the Congress at the unveiling of the Stone Mountain monument at Atlanta, Ga., on April 9, 1928.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 4068. An act for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army; to the Committee on Agriculture and Forestry.

H. R. 8499. An act for the relief of Arthur C. Lueder; to the calendar.

H. R. 1951. An act granting six months' pay to Frank A. Grab;

H. R. 4608. An act for the relief of Claude S. Betts;

H. R. 5872. An act for the relief of William C. Gray;

H. R. 6440. An act for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force; and

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

H. R. 333. An act authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home;

H. R. 1997. An act for the relief of Clifford J. Turner;

H. R. 3032. An act for the relief of First National Bank of Mountain Home, Idaho;

H. R. 4125. An act for the relief of Holger M. Trandum;

H. R. 4378. An act to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida; and

H. R. 9118. An act for the relief of William C. Braasch; to the Committee on Public Lands and Surveys.

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 979. An act for the relief of J. W. Zornes;

H. R. 1588. An act for the relief of Louis H. Harmon;

H. R. 1616. An act for the relief of Carl C. Back;

H. R. 2137. An act for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck;

H. R. 2654. An act for the relief of Anton Anderson;

H. R. 2657. An act for the relief of Thomas Huggins;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 4229. An act for the relief of Jennie Wyant and others;

H. R. 4267. An act for the relief of Ernest J. Hiscock;

H. R. 4303. An act for the relief of the Smith Tablet Co., of Holyoke, Mass.;

H. R. 4993. An act for the relief of William Thurman Enoch;

H. R. 5075. An act for the relief of W. J. Bryson;

H. R. 5225. An act for the relief of Frank W. Tucker;

H. R. 5399. An act for the relief of George Heitkamp;

H. R. 5930. An act for the relief of Jesse W. Boisseau;

H. R. 6271. An act for the relief of James C. Fritzen;

H. R. 6367. An act authorizing the redemption by the United States Treasury of 20 war-saving stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr.;

H. R. 6436. An act for the relief of Mary E. O'Connor;

H. R. 8031. An act for the relief of Higgins Lumber Co. (Inc.);

H. R. 8810. An act for the relief of John L. Nightingale;

H. R. 8890. An act for the relief of A. N. Ross;

H. R. 8957. An act to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties;

H. R. 8968. An act to allow credit in the accounts of William A. Schoenfeld;

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds;

H. R. 9380. An act for the relief of Frank E. Shults;

H. R. 9385. An act for the relief of the estate of L. Gordon Leech, bankrupt;

H. R. 10014. An act for the relief of A. F. Gallagher; and

H. R. 10417. An act for the relief of George Simpson and R. C. Dunbar; to the Committee on Claims.

H. R. 936. An act for the relief of Garrett M. Martin;

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 943. An act for the relief of Thomas Carroll;

H. R. 1023. An act to correct the military record of Charles Ebin Campbell, alias Ebin Campbell;

H. R. 1182. An act for the relief of John Anderson;

H. R. 1183. An act for the relief of Thomas Conlon;

H. R. 1531. An act for the relief of Edward Camp;

H. R. 1598. An act to provide for the retirement of August Wolters as a first sergeant in the United States Army;

H. R. 1631. An act for the relief of Vanrenslear VanderCook, alias William Snyder;

H. R. 2009. An act for the relief of James M. Pierce;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 2174. An act for the relief of Edward Gibbs;

H. R. 2527. An act for the relief of William Porter;

H. R. 2529. An act for the relief of Rezin Franklin Neves;

H. R. 2531. An act for the relief of Marion Francis Wade;

H. R. 3194. An act for the relief of Mary Neaf;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 3681. An act for the relief of Charles F. Reilly;

H. R. 4864. An act for the relief of William Martin;

H. R. 4865. An act for the relief of Dock Leach;

H. R. 4954. An act for the relief of Thomas Purdell;

H. R. 4963. An act for the relief of Randolph-Macon Academy, Front Royal, Va.;

H. R. 6377. An act for the relief of John Shannon;

H. R. 6908. An act for the relief of Michael Ilitz;

H. R. 7268. An act for the relief of John Hervey;

H. R. 7708. An act for the relief of John M. Brown;

H. R. 8443. An act for the relief of Joseph W. Jones; and

H. J. Res. 118. Joint resolution authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry; to the Committee on Military Affairs.

H. J. Res. 217. Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries; to the Committee on Finance.

PETITIONS AND MEMORIALS

Mr. HARRISON presented the following concurrent resolution of the Legislature of the State of Mississippi, which was referred to the Committee on Agriculture and Forestry:

Senate Concurrent Resolution 13, memorializing the Congress of the United States to investigate the Department of Agriculture and to prevent the Department of Agriculture from making unwarranted statements that will affect the price of cotton

Whereas the Department of Agriculture of our Federal Government had gained the confidence of the farmers and the business men of the South; and

Whereas that confidence was justified so long as that department of the Federal Government restricted its activities to its duties delegated to it by Congress; and

Whereas during the fall of 1927 the Secretary of Agriculture of the United States exceeded his authority by predicting the trend of low prices in the near future for cotton and cotton products, and by issuing a statement which appears to have been erroneous concerning cotton consumption that was ill-advised and apparently from private or interested sources, all of which were nothing more than guesses; and

Whereas as a result of said statements or guesses of the Secretary of Agriculture as to the trend of prices and consumption of cotton, the farmers throughout the South lost millions of dollars; and

Whereas the making of such statements or guesses is improper, and is a vital question to the entire South: Therefore, be it

Resolved by the Senate of the State of Mississippi (the House of Representatives concurring herein), That it is the sense and the opinion of the Legislature of Mississippi, as the representatives of the people of this State, that the entire people of the State of Mississippi disapprove of said unwarranted activities of the Secretary of the Department of Agriculture in making statements or guesses as aforesaid, and that we respectfully memorialize Congress to condemn such activities and to make an investigation of said department or to take such steps as may appear necessary to prevent a recurrence of such activities on the part of the Department of Agriculture of the United States; be it further

Resolved, That copies of this resolution be sent immediately to the President of the United States and to the Secretary of Agriculture and to each of our Senators and Representatives in Congress.

I hereby certify that the above and foregoing resolution is a true and correct copy of Senate Concurrent Resolution 13, passed by the senate on the 23d day of February, 1928, and by the house of representatives on the 9th day of March, 1928.

H. E. KING,
Secretary of the Senate.

Mr. CAPPER presented a petition of sundry citizens of Mound City, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. BLAINE presented a memorial signed by 35 citizens of Wonewoc, Wis., remonstrating against the passage of legislation decreasing the pensions of certain widows as proposed in the so-called Fitzgerald bill, H. R. 10159, etc., which was referred to the Committee on Pensions.

He also presented a petition signed by 65 citizens of Two Rivers, Wis., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DENEEN presented petitions numerously signed by sundry citizens of the State of Illinois, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of New York and Brooklyn, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Pennsylvania, Wisconsin, and New Mexico, praying for the passage of legislation requiring that the finger and foot prints of mother and child be taken at birth on joined cards; providing for the identification of persons injured, lost, or otherwise unmarked; and the identification of every alien and traveler by card with his own proper finger prints thereon with the number and location of the Bureau of Registration where first filed and taken, etc., which were referred to the Committee on Education and Labor.

Mr. McLEAN presented memorials of the Everyman's Bible Class of Trinity M. E. Church, of Norwich, and the Everyman's Bible Class of Union Baptist Church, of Mystic, both in the State of Connecticut, remonstrating against adoption of the proposed naval building program without certain amendments, which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented papers in the nature of petitions from the Woman's Christian Temperance Union of Newington, the Girls Friendly Society of Gales Ferry, and the League of Women Voters of Sprague, all in the State of Connecticut, praying for the adoption of the Gillett World Court resolution requesting the President to consider further exchange of views with the signatory nations regarding the United States reservations relative to the Permanent Court of International Justice, etc., which were referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a petition from Frank C. Godfrey Unit, No. 12, American Legion Auxiliary, of South Norwalk, Conn., praying for the passage of the so-called Capper bill, being Senate bill 1289, to provide further for the national security and defense, etc., which was referred to the Committee on Military Affairs.

He also presented a paper in the nature of a memorial from Local Union, No. 42, Cigarmakers International Union of America, of Hartford, Conn., remonstrating against the passage of House bill 9195, providing for parcel-post service to Cuba, etc., which was referred to the Committee on Finance.

He also presented papers in the nature of memorials from the Building & Loan Association of Danbury, the Patriotic Order, Sons of America, of Meriden, and Wigwam of Compounce Tribe, No. 15, Improved Order of Red Men, of Bristol, all in the State of Connecticut, remonstrating against the passage of Senate bill 1752 to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a paper in the nature of a petition from Franz Daniel Pastorius Unit, No. 122, the Steuben Society of America, at New Britain, Conn., praying for the repeal of the national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a paper in the nature of a memorial from the Swedish Congregational Bethany Church of Naugatuck, Conn., remonstrating against the carrying into effect of the national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

CONSTRUCTION OF NAVAL CRUISERS

Mr. EDGE. Mr. President, I send to the desk two telegrams and a letter protesting against the so-called Dallinger amendment to the naval construction bill, which provides, as I recollect, that eight of the contemplated new cruisers shall be built in Government yards. I ask to have the clerk read the first telegram only, and ask unanimous consent that the others be inserted in the RECORD, and that all of them be referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

CAMDEN, N. J., *March 17, 1928.*

WALTER E. EDGE,
Senate Office Building, Washington, D. C.:

On behalf of 5,000 skilled shipbuilders, residents and voters of New Jersey, 3,500 of whom have been out of work since last October, and whose families are in need of help, we ask the exercise of your high office in defeating an amendment to the House naval bill requiring one-half of the ships authorized therein to be built in navy yards. The New York Shipbuilding Co., of Camden, N. J., has the largest private shipbuilding yard in America, if not in the world. We have built a substantial part of the existing Navy fleet and many vessels for the merchant marine. We have just completed the airplane carrier *Saratoga*, one of the finest and fastest vessels in the American fleet. Records of the hearings Magruder's testimony before the House committee shows that it costs less to build capital ships in private yards than in navy yards. Hundreds of our men have devoted their entire lifetime in becoming skilled in the art of building ships. Many of them are now working only half time. Unless we can be reasonably assured as to the future permanency of our work it will be necessary to seek employment elsewhere, the effect of which will be to seriously embarrass an essential national industry in the time of need.

DAVID WILLIAMS,
Chairman Shop Committee, New York Shipbuilding Co.

The VICE PRESIDENT. Without objection, the other telegram and letter will be printed in the RECORD, and all of the communications will be referred to the Committee on Naval Affairs.

The telegram and letter are as follows:

CAMDEN, N. J., *March 17, 1928.*

Hon. WALTER E. EDGE,
Senate Building, Washington, D. C.:

On behalf of 5,000 experienced ship workers and citizens of New Jersey and on behalf of the merchants of Camden and neighboring towns, whose business is seriously hurt of 3,500 of these ship workers being at present unemployed, this organization strongly urges you to defeat an amendment to the House naval bill requiring one-half of the ships authorized therein to be built in navy yards. Camden is the home of the New York Shipbuilding Co., operating the largest private shipbuilding yard in the world and builder of many vessels now the pride of the American Navy and merchant marine, including the *Saratoga*. This yard furnished the nuclei for many emergency shipbuilding organizations during World War. It builds more economically than Government yards. Defeat of this amendment will give work to thousands now in distress, and will encourage one of Nation's vital industries.

FRAIS B. WALLEN,
President Camden Chamber of Commerce, Camden, N. J.

COURIER AND POST,
Camden, N. J., March 17, 1928.

Hon. WALTER E. EDGE,
United States Senate, Washington, D. C.

DEAR SENATOR: I was surprised and chagrined this morning to learn that the House accepted, by a vote of 115 to 102, an amendment to the warship construction bill, introduced by Congressman DALLINGER, of Massachusetts, providing that 8 of the 16 proposed cruisers should be constructed in Government navy yards.

Naturally, Mr. DALLINGER wants to divert as much Government work as possible to his community. But I understood that the navy yards were taken care of by a provision covering repairs and alterations on existing ships, which would insure a continuance of present pay rolls.

No measure of preparedness is more important than maintaining our present private shipbuilding plants. The whole interest of the Nation is gravely concerned. If the Government does not support these private yards with a reasonable amount of naval construction work they will surely disintegrate.

Take the local situation. The New York ship yard (American Brown-Boveri Co.) is at present employing only 1,600 shipyard workers against a normal minimum of 5,000. There are 3,400 experienced men

out of work, and if they can not be put to work very soon, they will drift away into other sections of the country, and other means of livelihood.

Close down the New York shipyard completely, and it would only take a few weeks to have its machinery oiled up and in running order, but it would take a few years to gather together 5,000 experienced hands, and in an emergency these few years might decide the fate of this Nation.

I am bringing this matter to your attention because as the newspaperman closest to it, it is my duty so to do, just as I believe it is your duty to bring it to the attention of the Senate.

Of course, it will be argued that we of Camden have a selfish interest in desiring more work for our shipbuilding plant. But, according to this theory, we would have to discard all warning from local sources regarding any local condition. We would have to discard the warnings of flood-district Senators as to conditions in their States. Thank goodness, Camden has such varied industries that it is not dependent on any one, and shipbuilding represents only a very small part of the industrial strength of this community.

Knowing shipbuilding conditions as I do, I can appreciate the importance of keeping experienced ship workers in this community. I know there are families where two and three generations have been engaged in this line of work. I know that Representative DALLINGER'S thoughtless amendment will destroy shipbuilding in this community and will probably have the same effect on the two or three other private yards that are capable of turning out warships in an emergency.

An editorial along the lines of this letter will appear in the Courier of Monday, March 19, and I will send you a copy of it.

I do hope that you will consider that this matter deserves your urgent attention.

Yours sincerely,

J. DAVID STERN.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 2511) to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831," reported it without amendment and submitted a report (No. 554) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 750) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, reported it with an amendment and submitted a report (No. 557) thereon.

He also, from the same committee, to which was referred the bill (S. 2611) to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation, reported it with amendments and submitted a report (No. 558) thereon.

He also, from the same committee, to which was referred the bill (S. 2256) authorizing the President to order Clifton E. High, late first lieutenant, Medical Corps, United States Army, before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation, reported adversely thereon.

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (S. 140) for the relief of Alpha Newell, reported adversely thereon.

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 366) for the relief of Clyde Leonard, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 6094) to amend section 7 of Public Act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," reported it without amendment and submitted a report (No. 559) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 232) to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto, reported it without amendment and submitted a report (No. 560) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 7932) to authorize appropriations for construction at military posts, and for other purposes, reported it without amendment and submitted a report (No. 562) thereon.

He also, from the Committee on Immigration, to which was referred the bill (S. 716) to exempt American Indians born in Canada and American Indians born in Mexico of tribes formerly settled in the United States from the operation of the immigration act of 1924, reported it with amendments and submitted a report (No. 568) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins, reported it with amendments and submitted a report (No. 564) thereon.

He also, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 5255) for the relief of Jacob F. Webb (Rept. No. 565); and

A bill (H. R. 7944) to authorize appropriations for construction at military posts, and for other purposes (Rept. No. 566).

Mr. BLACK, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (S. 1207) for the relief of Alfred O. Huestis;

A bill (H. R. 3049) for the relief of Alexander Ashbaugh; and

A bill (H. R. 4280) to correct military record of John W. Cleavenger, deceased.

Mr. METCALF, from the Committee on Patents, to which was referred the bill (S. 2823) amending the statutes of the United States, with respect to reissue of defective patents, reported it without amendment and submitted a report (No. 567) thereon.

Mr. KING, from the Committee on the Judiciary, to which was referred the bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired, reported it with an amendment.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them with amendments and submitted reports thereon:

A bill (S. 3462) granting the consent of Congress to the Maysville Ohio River Bridge Co., its successors and assigns, to construct a bridge across the Ohio River at or near Maysville, Ky. (Rept. No. 569);

A bill (S. 3511) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at Cotter, Ark. (Rept. No. 570); and

A bill (H. R. 9365) to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark. (Rept. No. 571).

Mr. DALE also, from the Committee on Commerce, to which was referred the bill (H. R. 5721) authorizing E. M. Elliott and Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky., reported it with an amendment and submitted a report (No. 572) thereon.

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3362) authorizing Henry Thane, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark. (Rept. No. 573);

A bill (H. R. 7927) granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Melville, La. (Rept. No. 574);

A bill (H. R. 8897) to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street, in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924 (Rept. No. 575);

A bill (H. R. 9350) granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River (Rept. No. 576);

A bill (H. R. 9361) granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois (Rept. No. 577);

A bill (H. R. 9761) to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa. (Rept. No. 578);

A bill (H. R. 9773) granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River, in Jackson County, Mo. (Rept. No. 579);

A bill (H. R. 9946) to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill. (Rept. No. 580);

A bill (H. R. 9964) authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala. (Rept. No. 581);

A bill (H. R. 10025) to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa. (Rept. No. 582);

A bill (H. R. 10143) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway (Rept. No. 583);

A bill (H. R. 10144) authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex. (Rept. No. 584);

A bill (H. R. 10424) authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr. (Rept. No. 585);

A bill (H. R. 10566) granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill. (Rept. No. 586);

A bill (H. R. 10658) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr. (Rept. No. 587);

A bill (H. R. 10707) authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa. (Rept. No. 588);

A bill (H. R. 10756) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio (Rept. No. 589); and

A bill (H. R. 10806) authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans. (Rept. No. 590).

BATTLE FIELD OF KINGS MOUNTAIN

Mr. BLEASE. Mr. President, from the Committee on Military Affairs I report back favorably, with an amendment, House bill 11140, to provide for the inspection of the battle field of Kings Mountain, S. C., and I submit a report (No. 555) thereon. I call the attention of the Senator from North Carolina [Mr. OVERMAN] to this bill, and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I should like to ask the Senator if this is a unanimous report from the committee?

Mr. BLEASE. It is a unanimous report; yes. The bill simply provides an additional committee of three men to assist the Secretary of War in making the inspections.

Mr. OVERMAN. It has also passed the House of Representatives.

Mr. BLEASE. The amendment was suggested by the chairman of the committee, the Senator from Pennsylvania [Mr. REED].

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 3, after the word "That," to insert a comma and the words "to assist in the studies and investigations of battle fields in the United States for commemorative purposes authorized by an act approved June 11, 1926 (Public No. 372, 69th Cong.)," so as to make the bill read:

Be it enacted, etc., That, to assist in the studies and investigations of battle fields in the United States for commemorative purposes, authorized by an act approved June 11, 1926 (Public No. 372, 69th Cong.), a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War: (1) A commissioned officer of the Corps of Engineers, United States Army; (2) a citizen and resident of York County, State of South Carolina; (3) a citizen and resident of Cleveland County, State of North Carolina; (4) and a citizen of Cherokee County, S. C.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Kings Mountain, S. C., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Kings Mountain, S. C., in order to ascertain the feasibility of preserving and marking for historical and professional military study such field. The commission shall submit a report of its findings and an itemified statement of its expenses to the Secretary of War not later than December 1, 1928.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, or such part thereof as may be necessary, in order to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BUILDINGS IN TUCSON, ARIZ.

Mr. BLEASE. From the same committee I report back favorably, without amendment, Senate bill 2978 authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz., and I submit a report (No. 556) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to donate to the city of Tucson, State of Arizona, without cost to the said city, for public use, all of buildings Nos. 1, 3, and 4 now located on the old Army aviation field in said city of Tucson, including heating and plumbing fixtures and excluding water heater and hot-water tank, which said buildings are now located on property of the said city of Tucson formerly leased to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED

Mr. BLEASE. I also make an adverse report on House bill 4902, to correct the military record of Charles Robertson, with a recommendation for its indefinite postponement.

The VICE PRESIDENT. Without objection, the bill is indefinitely postponed.

FORTY-FOUR-HOUR WEEK FOR GOVERNMENT EMPLOYEES

Mr. BROOKHART. From the Committee on Civil Service I report back favorably the bill S. 3116, providing for half holidays for certain Government employees. The bill refers to the 44-hour week for Government employees. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CURTIS. Let it go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

CONTROL OF AIRCRAFT FOR SEACOAST DEFENSE

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably without amendment Senate Concurrent Resolution 11, providing for a commission to investigate the problem of the control of aircraft for seacoast defense, and I submit a report (No. 561) thereon. Inasmuch as it concerns the Navy as much as it does the Army, I request that I may now be permitted to report it favorably, and that it be immediately referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, the concurrent resolution will be so referred.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 2007. An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made;

S. 2021. An act extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925; and

S. 2800. An act authorizing E. K. Morse, his heirs and legal representatives, and assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.

OTTO KAHN ON FLORIDA

Mr. FLETCHER. Mr. President, in view of the fact that many people throughout the country are interested in the subject, and many inquiries have been made in regard to it, I ask to have printed in the RECORD a short statement from a disinterested responsible source entitled "Otto Kahn on Florida."

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is here printed, as follows:

OTTO KAHN ON FLORIDA—POSITION AND POTENTIALITIES OF STATE INDICATE ITS PROSPERITY CERTAIN, BANKER DECLARES

(Special to the Wall Street Journal)

MIAMI.—Otto Kahn, the New York banker, sums up his opinion of Florida as follows:

"I am not a prophet, but Florida will more than come back into its rightful prosperity. When you consider the geographical location of Florida in relation to the vast population of the United States; when you consider the color of this country, its climate, the things you can do down here six months in the year without the frozen conditions of the North, the agricultural potentialities of the back country, the strategic relation to the great wealth of South America, you can see that Florida must progress.

"If the people will have patience, will work hard, and above all, will not lose their self-confidence, Florida is bound to take its unique place on the economic map of America. I do not say when that will be—maybe 1 year, maybe 5 or 10—but it will surely come about."

NATIONAL ORIGINS

Mr. JOHNSON. Mr. President, I am compelled to ask, because of the nearness of the date, unanimous consent for the immediate consideration of Senate Joint Resolution 113, to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, which on Friday last was reported from the Committee on Immigration.

Mr. CURTIS. Mr. President, it was my intention to ask unanimous consent, when the routine morning business had been concluded, that we take up the calendar for the consideration of unobjected bills, commencing where we left off at the last call of the calendar.

Mr. JOHNSON. If there is objection to my request, I shall pass it over immediately.

Mr. CURTIS. Let the joint resolution be read.

The joint resolution was read.

Mr. ROBINSON of Arkansas. May I ask the Senator a question?

Mr. JOHNSON. Certainly.

Mr. ROBINSON of Arkansas. It appears that the purpose of the joint resolution is to postpone for another year the taking effect of the so-called national-origins clause or provision with respect to immigration.

Mr. JOHNSON. Yes.

Mr. ROBINSON of Arkansas. What are the reasons for the postponement?

Mr. JOHNSON. The reasons are that the computations which have been made are indefinite and uncertain, and that the very experts who made those computations desire further time. There is a sharp division of opinion in the Immigration Committee upon the general subject. There is no division of opinion in the committee upon the desirability of the postponement for one year, in order that the additional work may be done.

Mr. ROBINSON of Arkansas. The report then is unanimous; it has the support of all members of the committee?

Mr. JOHNSON. Yes.

Mr. DILL. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. DILL. Have the Secretaries been able to arrive at any accurate, reliable method of figuring out the national origins?

Mr. JOHNSON. In my opinion, no; in the opinion of some others, yes.

Mr. DILL. Why should we not repeal the national-origins clause, and not be bothered every year by a postponement?

Mr. JOHNSON. The Senator may be entirely right in that conclusion. That is a conclusion which personally I have reached, but there is a sharp division in the Committee on Immigration upon the subject. Some desire to repeal, some desire to make it effective. All are agreed, however, that the situation is such that it ought not to be put in effect immediately; and in order that time may be given to make these computations, which it is hoped may be accurate in the future, the postponement for one year is desired.

Mr. DILL. I want to say to the Senator that I am in sympathy with his proposal, but I would like to see the proposal made to repeal the national-origins clause of the immigration act. I can not bring myself to think that we ought to cut down the immigration of northern Europeans for others not so desirable.

Mr. HEFLIN. Mr. President, I would rather that the joint resolution should go over for the day. I would like to look into the measure. I object.

The VICE PRESIDENT. There is objection to the consideration of the joint resolution.

FORT DONELSON NATIONAL MILITARY PARK

Mr. TYSON. Mr. President, I report back favorably without amendment from the Committee on Military Affairs the bill (H. R. 5500) to establish a national military park at the battle field of Fort Donelson, Tenn., and I submit a report (No. 563) thereon. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 3660) granting a pension to Minnie Davis; to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 3661) for the relief of the estate of Farnham Z. Tucker, deceased; to the Committee on Claims.

By Mr. EDWARDS:

A bill (S. 3662) granting increased compensation to Anna Davenport; to the Committee on Claims.

A bill (S. 3663) granting a pension to Michael J. Murphy; to the Committee on Pensions.

A bill (S. 3664) to place William H. Crap on the retired list of the United States Navy as a lieutenant; to the Committee on Naval Affairs.

By Mr. TYSON:

A bill (S. 3665) to make more adequate provision for pensions for members of the permanent military or naval service of the United States, their widows, and dependents, and for other purposes; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3666) granting an increase of pension to Manervy Jackson; to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 3667) granting a pension to Mary Eding (with accompanying papers); to the Committee on Pensions.

A bill (S. 3668) for the relief of the Carlisle Commission Co.; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 3669) to provide for the settlement of damage claims arising from the construction of the Petrolia-Fort Worth gas-pipe line (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 3670) granting an increase of pension to Drusilla Hadlock (with accompanying papers); to the Committee on Pensions.

By Mr. CUTTING:

A bill (S. 3671) granting a pension to Ada G. Wilkinson; and

A bill (S. 3672) granting an increase of pension to Joseph H. Toulouse; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3673) granting an increase of pension to Annie Ward (with accompanying papers); to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 3674) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. WAGNER:

A bill (S. 3675) to provide for the free entry of articles imported for exhibition at expositions to be held in New York by

the French Chamber of Commerce of the City of New York; to the Committee on Finance.

By Mr. FRAZIER:

A bill (S. 3676) authorizing the Turtle Mountain Chippewas to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. NYE (by request):

A bill (S. 3377) to withhold timberlands from sale under the timber and stone act; and

A bill (S. 3678) to authorize the leasing of public lands for aviation, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON:

A bill (S. 3679) granting a pension to Phebe S. Saunders; and

A bill (S. 3680) granting an increase of pension to Sarah E. Douglass; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3681) granting an increase of pension to Mary Mahoney (with accompanying papers); and

A bill (S. 3682) granting a pension to Kezia J. Fanning (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3683) granting a pension to Tillie M. Foley; to the Committee on Pensions.

By Mr. STEIWER:

A bill (S. 3684) to amend the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. NORBECK:

A bill (S. 3685) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Banking and Currency.

A bill (S. 3686) granting an increase of pension to Kittie Armstrong (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3687) granting a pension to John G. Hawkins;

A bill (S. 3688) granting an increase of pension to Charles V. Barr (with accompanying papers); and

A bill (S. 3689) granting an increase of pension to Maggie L. Gibson (with accompanying papers); to the Committee on Pensions.

A bill (S. 3690) to correct the military record of Harley O. Hacker (with accompanying papers); and

A bill (S. 3691) to correct the military record of Charles W. Townsend; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3692) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

A bill (S. 3694) regulating juvenile insurance by fraternal beneficial associations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McNARY:

A joint resolution (S. J. Res. 116) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924; to the Committee on Agriculture and Forestry.

MISSOURI RIVER BRIDGE AT OMAHA, NEBR.

Mr. HOWELL. Mr. President, I am introducing, by sending to the desk, a bill authorizing the construction of a free bridge across the Missouri River connecting Omaha with Council Bluffs, Iowa, and am moved to do so by the following considerations:

The prosperity of distribution centers, such as Omaha, my home city, is largely dependent upon the prosperity of their wholesale and jobbing establishments.

In recent years these lines of business, outside of the great primary markets, have suffered: First, through the development of chain stores; second, through the use of motor vehicles for country delivery.

Chain-store organizations tend to remove their distribution facilities to primary markets, like Chicago and St. Louis, while quantities of goods that formerly came to Omaha, for instance, are now forwarded in carload lots direct to minor jobbing houses developed in smaller cities, and from there are distributed to the doors of retailers within a radius of 50 miles or more by motor trucks.

EVOLUTIONARY CHANGES

These changes in business methods are being keenly felt in our large secondary markets. They are evolutionary in character, and hence probably permanent.

But while the motor car tends to decentralize distribution, it has tremendous possibilities for the centralization of retail trade. Under favorable circumstances, buyers can patronize retail centers 100 or even 150 miles away.

Thus, though hurting the wholesaler, the automotive vehicle can compensate a city for that loss by increasing its retail trade, if aided by up-to-date facilities for travel and accommodation.

Recognizing this fact, many cities have turned such losses into good fortune.

They have encouraged good roads, radiating in every direction, to make the visit of the motorist easy and pleasant. This has increased their retail business more than enough to offset the loss of wholesale trade.

Lincoln, the capital of our State, is an example of these enterprising cities, and, as a result, has a greater retail trade in proportion to population than almost any other city of its size in the country. Omaha has not been so successful. There are excellent roads north, west, and south of the city, though in this latter direction Lincoln, 60 miles away, largely cuts off long-distance trade.

OMAHA'S HANDICAP

But Omaha's most serious handicap is the fact that it is separated from the eastern half of its local territory, one of the richest farming regions in the world, by the Missouri River.

The toll bridge over that river ranks as a trade barrier rather than an asset. The tolls are so high that it costs a farmer 40 or 50 cents to enter and leave the city from that direction with his family, and the annoyance and feeling of injustice are almost as serious as the actual cost.

The company which controls the bridge gets back its total capital cost about every two years.

The remedy for this situation is clearly evident, namely, a free bridge. This can be secured either by constructing a new bridge, for instance, at the foot of Farnum Street, or by acquiring the present toll bridge, located one block north at the foot of Douglas Street.

Minneapolis and St. Paul are connected, not by one but by several free bridges. The same is true of Kansas City, Mo., and its neighbors, North Kansas City and Kansas City, Kans.

A bridge spanning the Missouri River is not so expensive a matter as is generally imagined.

WHAT BRIDGES COST

The State of South Dakota has constructed five very substantial and durable bridges across the Missouri. The one at Pierre, the capital, including approaches, cost $435,000; at Mobridge, $328,000; at Chamberlain, $377,000; at Forest City, $329,000; and at Wheeler, $385,000.

Farther down the river, in the State of Missouri, the bridge at Waverly cost $538,000; at Booneville, $525,000; and at Glasgow, $606,000.

The toll bridge at the foot of Douglas Street in Omaha was constructed in 1888 at a cost of $400,000. In 1923 and 1924 it was widened and improved at a cost of something less than $625,000, making the total cost of this structure, chargeable to capital, about $1,025,000.

The bridge commission of Iowa reported to the governor of that State in 1926 that a bridge wide enough to accommodate four lines of traffic, complete with approaches, connecting Omaha and Council Bluffs at the foot of Farnum Street, could be constructed for $1,500,000.

Thus it is evident that this problem of a free bridge between Omaha and the eastern half of its local territory can be settled once and for all by the expenditure of $1,500,000, which is less than one-third of the saving in water rates that the people of Omaha have enjoyed since the water plant became publicly owned.

Water-bill savings now total something more than $5,000,000. Moreover, Omaha under its charter now has authority to build such a bridge.

THE BEST METHOD

The second way to get a free bridge at Omaha is to buy or lease the present toll bridge at the foot of Douglas Street. For several reasons, which I will give later, this appears to be best for both the street-railway company, which controls the toll bridge, and the people of Omaha.

If Omaha constructs a free bridge at the foot of Farnum Street, of course the street-railway company will lose the tolls it now receives from automobiles and trucks. These will probably approximate $600,000 for the year 1928. However, the company will still be obliged to pay taxes upon its bridge and maintain this bridge at its own expense. Moreover, the people of Omaha will have to assume taxes necessary to maintain their free bridge and amortize its cost.

But suppose the city, in lieu of building a free bridge, should buy the present toll bridge for $1,500,000, or about half a million more than its value based on cost, with an agreement that the company could use the bridge for its cars and passengers without charge, except, say, one-third of the cost of maintaining the structure, or about $20,000 a year. In such case the toll bridge of the street-railway company would not be practically confiscated, as the city would pay a handsome price therefor and the company would have the use of the bridge free of taxes.

FREE BRIDGE

Having thus acquired the bridge, the city could operate it as a toll bridge for not to exceed four years and pay the entire cost, including all interest accruing during the payment period.

Clearly, this latter plan is best for the street-railway company and best for the city. The street-railway company will receive pay for its bridge and will be relieved of all taxes thereon and two-thirds of the cost of maintenance; and, on the other hand, the people of Omaha will acquire a free bridge to Council Bluffs and the eastern half of the city's local territory without cost.

It must be evident, however, that the street railway company will never willingly agree to such a plan. It will hold on to its bridge, this barrier to added prosperity that should be Omaha's, and garner the tremendous profits therefrom just as long as the people of Omaha will allow it to do so.

When the company realizes that the people will no longer tolerate this condition and these excessive tolls, and that a free bridge is inevitable, it will cooperate and accept this solution of the free bridge problem, and not until then.

The city of Omaha can bring pressure upon the street railway company in two effective ways. The company's franchise is about to expire and sooner or later it will again ask for another franchise. The city can answer, "We want the privilege of buying the bridge. If you refuse to sell, do not ask for favors. No bridge, no franchise."

It has been urged that the street railway company does not own, but merely leases the Douglas Street Bridge, and, hence, if the people refuse a franchise because of inability to sell, the company might go into the hands of a receiver. However, this is merely a pretext, because if it were true that the company could not arrange a sale of the bridge, yet, it must be evident, that it might readily transfer the bridge to the city by a sublease.

RECEIVERSHIP EASILY AVOIDABLE

At an election held early in 1926 the people of Omaha emphatically refused a franchise to the street railway company. However, it is probable that a franchise would be granted if the company offered either to sell or sublease its bridge. Therefore, if a receivership results, it will be the company's fault. In short, it will prefer a receivership to parting with its highly profitable toll bridge.

The second method of pressure would be to amend the city charter, notwithstanding the city now has authority to build a free bridge, in such a manner that the city can vote $1,500,000 for the construction of a new bridge, with a provision to the effect that the fund can be utilized to purchase a bridge in lieu of installing a new structure.

Once the bonds are voted under a charter amendment, with specific instructions to build a bridge if the privilege of purchase is denied, the street railway company will sell.

MISSOURI'S WAY

There is nothing new about this plan. For instance, in St. Charles, Mo., and in that vicinity, public sentiment developed for a free bridge across the Missouri River at that point. Of course, the bridge company did not want to sell their profitable structure.

However, confronted with an overwhelming public sentiment that might at any time translate itself into action for a new bridge, the bridge company agreed to sell and to take their pay out of the earnings of the bridge.

A letter from Mr. Sam Hodgson, chairman St. Charles free bridge committee, under date of August 9 last, says in part:

> The contract (for the sale of the bridge) provides for the payment out of tolls: First, operating expenses; second, 4½ per cent interest on deferred payments; third, balance applied on liquidation of stocks.
>
> The first 11 months' operation under this contract shows a payment of operating expenses, payment of interest, and $200,000 paid on liquidation of stock.
>
> With the decrease of interest at the end of each six months and the increase of traffic due to the completion of concrete highway across the State of Missouri from St. Louis to Kansas City, the bridge will be free within four years.

The free-bridge question is wholly within the hands of the people of Omaha. They can have one whenever they are determined to get it, the cost entirely paid out of tolls, and the bridge not only free but clear of debt within four years.

There is nothing magical about this proposition. It is merely due to the inherent possibilities of public enterprise, as illustrated in connection with Omaha's ice plants, which, although the charges for ice are the lowest enjoyed anywhere in the country, paid their entire cost of $700,000 within seven years. I move that the bill be referred to the Committee on Commerce.

The bill (S. 3693) authorizing the city of Council Bluffs, Iowa, and the city of Omaha, Nebr., or either of them, to construct, maintain, and operate a free highway bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr., was read twice by its title and referred to the Committee on Commerce.

AMENDMENT TO TAX REDUCTION BILL

Mr. WATSON submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

SOIL SURVEY OF BILOXI AREA, MISSISSIPPI

Mr. HARRISON submitted the following resolution (S. Res. 171), which was referred to the Committee on Printing:

> *Resolved*, That there be printed 2,000 copies of the soil survey of the Biloxi area, Mississippi, for the use of the Document Room of the United States Senate, after such revision as may be deemed necessary by the Bureau of Soils of the Department of Agriculture.

KATE MATHEWS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3) for the relief of Kate Mathews, which were, on page 1, line 6, after the word "appropriated," to insert "and in full settlement against the Government"; and on page 1, line 12, after the word "Army," to insert ": *Provided*, That the United States be subrogated to the amount hereby appropriated to any claim said Kate Mathews has against said Roscoe S. O'Hara as a result of a judgment she may have obtained against said Roscoe S. O'Hara in the District Court of the United States for the Northern District of Ohio, Western Division."

Mr. SHEPPARD. I move that the Senate concur in the House amendments.

The motion was agreed to.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Hess, one of his secretaries, announced that on March 15, 1928, the President approved and signed the act (S. 2342) providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

GREETINGS OF THE SENATE OF HUNGARY—STATUE OF LOUIS KOSSUTH

Mr. CURTIS. Mr. President, I understand that there is in the Vice President's hands a letter from the Hungarian Senate and that the Hungarian minister is here with a delegation. I ask unanimous consent that the letter be read to the Senate.

The VICE PRESIDENT. Without objection, the Vice President will read the letter to the Senate and it will lie on the table. The letter is as follows:

[A Fehöhaz Elnöke]

BUDAPEST, *March 3, 1928.*

The Hon. CHARLES G. DAWES,
Vice President of the United States and
President of the Senate, Washington.

Mr. PRESIDENT: At the unveiling in New York on March 15 of the statue of Louis Kossuth, the great Hungarian patriot and noble representative of the rights of human liberty, the Senate of the Hungarian Parliament is going to be represented by a special delegation. Much to my sorrow, I was prevented by other serious engagements from leading the senate delegation in person.

According to plans, the delegation will also visit Washington. This circumstance is giving me the opportunity of sending the friendliest greetings of the Hungarian Senate to you, Mr. President, and to the Senate of the United States. I have asked Mr. Nicholas Jozan, Unitarian Episcopal vicar and member of the delegation, to present my letter.

The long and historic friendship of the classically free and happy American people was always highly treasured by the Hungarians. Hundreds of thousands of emigrating compatriots of ours found during the decades preceding the World War their living and a second home among your hospitable people. As soon as the storm of blood and passions was over, it was the American people whose noble beneficence

wiped many a tear and hastened to succor our mutilated country lying prostrate under the blows of an unjust peace treaty.

The present ceremony of unveiling is a further proof of this highly esteemed friendship, and I am happy to seize the opportunity of expressing our heartfelt gratitude and most sincere sympathy.

I have the honor to be

Respectfully yours,

Baron JULIUS WLASSICS,
President of the Senate of Hungary.

NATIONAL FOREST RESERVATION COMMISSION

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am transmitting herewith for the consideration of the Congress copy of resolutions adopted by the National Forest Reservation Commission at its meeting held on February 18, 1928, together with a copy of a letter from the Secretary of Agriculture relating to the proposed addition of certain public lands to the Gunnison National Forest, in the State of Colorado, which have been submitted by the President of the National Forest Reservation Commission.

CALVIN COOLIDGE.

The WHITE HOUSE, *March 19, 1928.*

[NOTE.—Resolutions accompanied similar message to the House of Representatives.]

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business the calendar be taken up for the consideration of unobjected bills, commencing where we left off at the last call of the calendar, with Calendar No. 355.

Mr. BRUCE. I object. When we consider the calendar under the regular order, there is an opportunity to make a motion for the consideration of a bill.

Mr. CURTIS. I withdraw the request.

SALES OF FOREIGN MANUFACTURED LEATHER

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the preceding day, Senate Resolution 169, offered by Mr. REED of Pennsylvania, which the clerk will read:

The Chief Clerk read the resolution (S. Res. 169) submitted by Mr. REED of Pennsylvania on the 15th instant, as follows:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign manufactured leather from goat skins and kid skins in the United States since January 1, 1925, and the rates of wages paid workers in the tanning of black and colored kid in the United States and competing countries.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of the purpose of instructing the Tariff Commission to make an investigation of this subject matter.

Mr. REED of Pennsylvania. Mr. President, a few days ago the Senate passed a similar resolution for the investigation of the amount of imports and the wage costs here and abroad in the production of leather made from calfskins. That was under a resolution presented by the Senator from New York [Mr. COPELAND].

It seems to be a most appropriate time, if the commission is going to investigate that subject, to investigate also the conditions in the kid-leather tanneries, and that has been urged by a large number of people in that industry. An investigation of the two subjects can be made most economically at the same time.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. Gladly.

Mr. ROBINSON of Arkansas. Does the resolution look to a reduction in rates or to an increase in rates?

Mr. REED of Pennsylvania. It faces both ways, because, as a matter of fact, at the present time 99 per cent of the goatskins that we use in making kid in the United States come from foreign countries, and they come duty free. There is, I understand, some duty on the skins manufactured abroad. The whole problem of tariff on these skins would be raised by the information that was brought in. Partly it would affect the free list, partly it would affect the protected list. I myself do not know in which direction the information would point.

Mr. ROBINSON of Arkansas. Is it expected that the imports now on the free list shall be placed on the dutiable list?

Mr. REED of Pennsylvania. I should hope not, because there is no American industry to support nor any likelihood of our being able to build up one. These goatskins come from all over the world, and putting a tariff on those skins would simply raise the price of shoes to Americans without any compensating advantage to any local industry.

Mr. ROBINSON of Arkansas. There is no application made under the provisions of the tariff act of 1922, known as the flexible tariff act, for an investigation of the subject?

Mr. REED of Pennsylvania. No, Mr. President.

Mr. KING. Mr. President, I did not hear all that was said, and I would like to ask the Senator from Pennsylvania just exactly what he seeks. If he desires to have an investigation made respecting goatskins, 99 per cent of which are imported, I can see no advantage, unless the Senator hopes to have the tariff increased under the flexible tariff provisions of the act.

Mr. REED of Pennsylvania. Mr. President, that is not the situation. We have a considerable industry in America in the tanning of goatskins which come in from abroad. We do not raise our own goatskins. We have to get our raw materials from abroad. But our American tanneries are in direct competition with the tanneries in other lands.

Mr. FESS. Mr. President, I understand that the flexible provision of the law would not permit placing on the dutiable list a product now on the free list.

Mr. REED of Pennsylvania. Absolutely; I am not talking about that.

Mr. FESS. That was the import of the questions which have been asked.

Mr. REED of Pennsylvania. Two things are involved, the importation of the raw skins and the importation of the tanned or manufactured skins. The inquiry as to wages relates only to the tanning of them, and I have introduced this resolution now because, at the request of the Senator from New York [Mr. COPELAND], a similar resolution was passed, and a similar investigation ordered on the wage costs in the tanning of calfskins here and abroad. The two investigations could be made at the same time at considerably less expense than if they were undertaken separately. That is the whole reason for my introducing the resolution at this time, to get it to the Tariff Commission so as to have the two things handled at the same time.

Mr. COPELAND. Mr. President, I think the resolution of the Senator from Pennsylvania is a very reasonable one. The other day the Senate passed my resolution proposing the same thing in reference to calfskins, and I hope this resolution will be passed.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

THE CALENDAR

The PRESIDENT pro tempore. The calendar, under Rule VIII, is in order.

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as first in order on the calendar.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. CAPPER. Mr. President, a similar bill has been passed by the House and is now before the Senate Committee on Agriculture and Forestry, and it would be well to have the two considered at the same time. Therefore I ask that this bill may be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PRACTICE AND PROCEDURE IN FEDERAL COURTS

The bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. DENEEN. Let the bill go over.

Mr. CARAWAY. If there is to be objection to the bill, I want to move that it be taken up.

Mr. DENEEN. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment of the Committee on the Judiciary was, on page 2, line 4, to strike out the words "on either side."

The amendment was agreed to.

The PRESIDENT pro tempore. The Clerk will state the next amendment.

The CHIEF CLERK. One page 2, line 10, at the end of section 2, insert a colon and the following additional proviso:

Provided further, The instructions may be repeated or amplified by the trial judge at any time before verdict, when he feels the ends of justice will be served thereby.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. Mr. President, there seems to be no interest taken in the bill by many of the Members of the Senate, but those of us who are lawyers ought to realize what it does to the established practice in the Federal courts, particularly in the States which follow the old English practice in the trial of cases.

As I understand the bill, it will compel the judge to submit a charge in writing at the conclusion of the trial, and in that charge he is not free to express any opinion formed as to the credibility of witnesses or the weight of the testimony, no matter how slight may be the testimony on one side or the other. He must submit a written charge shorn of any such expressions of guiding opinion for the assistance of the jury, and having submitted such charge he turns the trial of the case over to the opposing counsel to have the last word. It relegates the judge, in my opinion, to a position subordinate to that of counsel. It takes away from him a large part of that wholesome authority he has over the conduct of the trial. It deprives our courts of the same restraining influence that is used so tellingly in the English courts, and to the end of justice in most cases, I believe.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Gladly.

Mr. BORAH. As I understand the effect of the bill, so far as instructions are concerned, it is to accomplish two things—first, to prevent the judge from passing upon the force and effect of the testimony and, second, to require him to instruct the jury before, and not after, the argument.

Mr. REED of Pennsylvania. That is correct. When the bill was under discussion before, I made the statement that it was opposed by the American Bar Association and that statement was challenged by the Senator from Arkansas [Mr. CARAWAY]. I have a letter from Mr. Strickland, who states:

I notice from the CONGRESSIONAL RECORD of February 23, page 3422, that you successfully objected to S. 1094, known as the Caraway bill, to amend the practice and procedure in Federal courts, and again I write to thank you for your interest in the matter. Senator CARAWAY stated to you that "the executive committee objected to it, but the bar association never had a vote on it. They tried to get one and could not do it." Senator CARAWAY is mistaken. President Strawn, of the American Bar Association, is against the bill and the American Bar Association appointed the committee on jurisprudence and law reform to act for it in such matters as the Caraway bill, and by virtue of the action of that committee the American Bar Association is against the bill and individually about 17 members of the committee on jurisprudence and law reform——

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Gladly.

Mr. CARAWAY. The Senator has seen fit to read that letter. I say the bar association did not act on the matter. Here is what happened, and the gentleman who wrote the letter—the Senator did not give his name—if he is familiar with the facts, is consciously distorting the facts.

Mr. REED of Pennsylvania. I beg the Senator's pardon. I did give the name. His name is Mr. Reeves T. Strickland and his office is 420 Woodward Building in this city.

Mr. CARAWAY. He is either consciously not telling the truth or he does not know. I do not care which end of the statement he sees fit to accept. Here is what happened. The executive committee was divided on the question and the majority opposed it. That was some years ago. It went to the bar association in its general meeting. There was a demand for a vote on it. There was a viva voce vote and the Chair said he was undecided. They tried then to get a yea-and-nay vote, a record vote, but never got it. Therefore anyone who says the association is against it either does not know what he is talking about or is willfully misrepresenting what the facts are. That is the history of the thing.

Mr. REED of Pennsylvania. I have no knowledge, but Mr. Strickland tells me that he is a member of this committee, or at least is familiar with their action.

Mr. CARAWAY. He was not even a member of the committee when the matter came up. Mr. Strickland is like many other folks who are entirely willing to testify without knowing anything about what the facts are.

Mr. REED of Pennsylvania. Then we are thrown back on our own judgment of the bill, since there must be some doubt as to what the American Bar Association thinks about it.

Mr. CARAWAY. I say, there is no question about it. I know what the facts are.

Mr. REED of Pennsylvania. I am a little embarrassed about that. Of course, if the Senator states that of his own knowledge——

Mr. CARAWAY. I state it from absolutely knowing what the facts are and the briefs in the case.

Mr. REED of Pennsylvania. Then the Senator must be correct and Mr. Strickland must be wrong, but he seems to think he was as sure of himself as is now the Senator from Arkansas.

Mr. CARAWAY. Of course, the Senator knows Mr. Strickland is right about it, and so we will let it go.

Mr. REED of Pennsylvania. I do not know anything particularly about it and I do not particularly care, because my own opinion of it is very clear that the bill will seriously impair a most wholesome authority now exercised by the trial judge in jury cases in the Federal courts.

Mr. CARAWAY. Mr. President, will the Senator yield again?

Mr. REED of Pennsylvania. Gladly.

Mr. CARAWAY. In 1924 when the bill was before the Senate the Senator from Pennsylvania offered certain amendments to it, and it was passed with his approval. I call his attention to the RECORD of March 28, 1924.

Mr. REED of Pennsylvania. I shall be glad to look that up. My recollection is that no one else seemed to find the slightest interest in the bill, no one else shared my views about it, and that I tried to make the best of a bad bargain by softening its provisions where I could.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. Gladly.

Mr. ROBINSON of Arkansas. I am particularly interested in the assertion of the Senator from Pennsylvania that the present practice generally prevailing in district courts of the United States, under which the judge discusses the credibility of witnesses and sometimes expresses an opinion as to conclusions of facts, is far superior, in so far as the ends of justice are concerned, to that which makes the jury the exclusive judges of the facts.

Mr. President, there is a very vital and important question involved in the bill. It is a real issue. It can not be determined by merely saying that this lawyer favors it and that lawyer opposes it, or this organization of lawyers supports it and that organization of lawyers opposes it. The bill goes to the question of the right of jury trial uninterfered with, as to questions of fact, by the presiding judge.

I believe that the change proposed by the bill of the junior Senator from Arkansas is wholesome. The provision or one similar is in effect in many of the States. It governs the procedure of the trial court. There the juries are the sole judges of the weight of the evidence and the credibility of the witnesses. No judge, however great his bias or however powerful his prejudice, under the practice in some of the State courts to which I am now referring, is authorized to interfere with the free and untrammeled decision of jurors under the evidence as to all questions of fact submitted to them by the court.

We all know that the judge is very influential in a trial. If he exercises the privilege of expressing his opinion as to whether a witness has sworn truthfully or untruthfully, or if he exercises the right now granted to him to arrive at conclusions of fact from the testimony, unless there is an antag-

onism provoked in some way between the judge and the jury the jury is strongly disposed to come to the conclusion expressed by the judge. If judges were perfect, if they could not be subjected to bias or prejudice, the system would work always to promote the ends of justice. But that is not the case. Judges, like other men, are subject to influences respecting their conclusions of fact as are others. The bill is designed to take away from district judges in the trial of cases the right to argue a case before the jury.

Repeatedly in the trial of cases have I heard a district judge take issue with the position that I have taken, and argue the matter before the jury usually more effectively than I could argue it. It can not be said that under a system of that sort the jury are the sole judges of the facts. If we believe in the jury system of trial, if we stand upon the right of trial by jury, that means that we are willing to have a given number of men, qualified under the law within the jurisdiction where the trial occurs, pass upon the questions of fact at issue. It implies that the judge who presides over the trial shall not employ the functions of his great office to influence or control decisions of jurors with respect to the facts. Lawyers who represent corporations usually prefer the present practice, and lawyers who represent other interests usually prefer the change suggested by the bill. The practical effect of it will be to leave all the issues of fact involved in the case for decision by the jury, uninfluenced by the opinion of the court as to either the credibility of the witnesses or the force which should be ascribed to the evidence. That is the simple issue in the case.

Mr. SWANSON. Mr. President, will the Senator yield to me for a moment?

Mr. ROBINSON of Arkansas. I do not know how I obtained the floor. I think I took it away from the Senator from Pennsylvania, and I apologize to him.

Mr. REED of Pennsylvania. The Senator got the floor and exhausted my time.

Mr. ROBINSON of Arkansas. I realize there was no motion made, but I think I should not claim more time.

Mr. SWANSON. Mr. President, when I practiced law in the State courts in Virginia a judge could not give any instruction to the jury except as to the law; all questions of fact and as to the weight of the testimony were left to the jury, and a fair and honest jury trial was had. The Federal judges, on the other hand, arrogated to themselves the right to instruct the jury as to the facts.

Mr. REED of Pennsylvania. Oh, no, Mr. President; it is reversible error to do that.

Mr. SWANSON. They do not instruct the jury as to the facts, but pass their opinion on the facts. If, under our State practice in Virginia, a jury rendered a verdict which was contrary to the law and to the evidence the verdict could be set aside, but the judge had no right to instruct the jury as to the weight of the evidence or to pass on the credibility of witnesses until the question came up as to whether the verdict should be set aside as being contrary to the law or the evidence.

The Federal courts at that time would really talk to the jury as to the weight of the evidence, and, as a matter of fact, it amounted practically to instruction to find a verdict so and so.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me an interruption there?

Mr. SWANSON. Yes.

Mr. ROBINSON of Arkansas. The best arguments in a case very frequently were made by the judge who presided at the trial.

Mr. SWANSON. It was an outrage and amounted to practically destruction of the right of trial by jury. If a man in Virginia wanted to prevent a case being determined by a jury—which was always his right under Anglo-Saxon law and under the Constitution of the United States—he would resort to every possible scheme to take the case from the State court to the Federal court.

I know when I practiced law and had cases pending in the Federal court, suits for damages and other cases, all kinds of schemes were resorted to to have the cases removed from the State court to the Federal court, hoping practically to prevent a jury trial in the case. That is what it amounted to. I do not think such a practice is right. The people of America were guaranteed under the bill of rights trial by jury. It ought to be an honest trial, uninterfered with by the judge passing upon the credibility of witnesses and making suggestions to the jury as to the witnesses and the testimony.

If this bill prevents such action, it seems to me it is merely carrying into effect the provisions of the Constitution by affording the people an honest trial by jury and allowing the jury to pass upon the facts in the case. It seems to me that this bill ought to conform the practice in the Federal court to the practice in the State courts of Virginia and of the other States. A man ought not to be permitted to remove a cause from a State court to a Federal court in order to get an advantage by having the judge comment upon the testimony and upon the credibility of witnesses.

Mr. BRUCE. Mr. President, when this bill was called I interposed an objection to it. I interposed the objection merely because I mistook the identity of the bill. I supposed it was a bill to confer on the Supreme Court power to adopt rules in relation to common-law actions analogous to those which have been prescribed in relation to equity proceeding. I simply wish to say, speaking from quite an extended experience as a general practitioner, that in all respects I approve of the features of this bill.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is, Shall the bill be reported to the Senate as amended and the amendments be concurred in?

Mr. SIMMONS. Mr. President, it has been more than 20 years since I practiced law. When I did practice law, in both Federal and State courts, I found reason to complain of the attitude of certain of the Federal judges in the trial of causes; and I felt that the practical effect of their interference was to give one party the benefit of a trial by the judge instead of a trial by the jury. At that time, as the Senator from Virginia [Mr. SWANSON] has stated, there was a great disposition on the part of certain litigants to remove their causes to the Federal courts. Wherever there was the slightest pretense of Federal jurisdiction, the action was brought in the Federal court; wherever the defendants in an action could find the slightest pretext for removing it to the Federal court, that recourse was had, largely for the purpose of securing the benefit of a trial substantially by a judge instead of a trial by jury, as provided in the State courts.

However, in recent years, I have been advised by members of the bar of my State that our Federal judges in North Carolina have, as a rule, been conforming to the State practice in this respect, and have not been undertaking, directly or indirectly, to express an opinion with reference to facts or the weight of testimony; and that because of this circumstance, there has been a change in the disposition of litigants of a certain kind who formerly sought the Federal instead of the State court.

I am heartily in favor of this bill, because I think in this country the old system that has obtained in the States from the very beginning, of permitting the judge to determine the law and to give it to the jury, and clothing the jury with the sole and exclusive power of determining the weight of testimony and deciding the case according to the testimony, is a very good rule, a very salutary practice. It is one that protects the rights of the humblest as well as of the most powerful litigants. I, therefore, hope that the bill may be passed and this evil, which has been tolerated for so long a time in many jurisdictions, may be abolished. I am happy to say the evil does not prevail in all jurisdictions even now, for, as I have stated, I am advised that in certain jurisdictions Federal judges have ceased to exercise this prerogative which existing law confers and are of their own motion conforming themselves to the better practice obtaining in the State courts.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LA FOLLETTE. Are we proceeding under Rule VIII?

The PRESIDING OFFICER. The Senate is proceeding under Rule VIII. A Senator may speak but once and for five minutes only.

Mr. LA FOLLETTE. I call attention to the fact that this measure is being discussed despite objection.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the objection was withdrawn.

Mr. LA FOLLETTE. I was not aware of that.

Mr. BORAH. Mr. President, as I favored the pending bill in the committee, I should like to say a word as to the reason for my support of it. The purpose of the bill is, in the first instance, to prevent Federal judges from passing upon the evidence and the effect of testimony, the credibility, as it were, of witnesses; and, in the second place, to require a judge to instruct the jury prior to the argument upon the part of counsel.

The second purpose of the bill—that is, requiring the judge to instruct the jury before the counsel make their argument—seems to me to be the orderly way to present a cause. If the attorneys are to argue the cause intelligently before the jury,

they must know the law to which the facts are to be applied. I presume all attorneys have had the experience of arguing cases at length before a jury and ascertaining, upon hearing what the court's instructions were, that their theory of the law, and, therefore, its application to the facts, was wholly afield from what the court deemed it should be. One thing that this bill seeks to accomplish is to have the law laid down by the court to the jury before the argument of counsel shall take place.

The other proposition is that of requiring the judge not to express an opinion upon the facts. The bill provides:

> That hereafter in any cause pending in any United States court, triable by jury, in which the jury has been impaneled to try the issue of facts, it shall be reversible error for the judge presiding in said court to express his personal opinion as to the credibility of witnesses or the weight of testimony involved in said issue.

I have had the experience, and I doubt not all others who have tried cases in the Federal courts have had similar experience, of having the Federal judge express an opinion upon the credibility of a witness, as to his being unworthy of belief, and as to the effect of the testimony given by a certain line of witnesses, and then, after having expressed his opinion and advised the jury as to his view, in the closing sentence of his instruction, perhaps, say that, "While the judge has expressed the opinion upon this state of facts and upon this witness or that witness, the jury will understand that they are the sole judges of the credibility of witnesses and of the facts," which, of course, does not remedy at all the effect of the judge's previous statement. When a Federal judge presiding says to a jury, "This line of evidence proves so and so," or "fails to prove anything," or "this witness or these witnesses are not credible witnesses," it amounts to nothing in a practical way for him later to say to the jury that they are the judges of the credibility of the witnesses. The effect of the influence and the power of the judge has been exerted and the compliance with the spirit of the Constitution in afterwards instructing the jury that they are the judges of the evidence and the credibility of the witnesses accomplishes very little.

I think, Mr. President, so long as we retain the jury system that the jury should be the sole judges of the facts and that when they come to judge the facts they should have the law from the court and nothing but the law, and that the instruction as to the law should be given in time to enable the counsel who represent clients to argue the facts in the light of the law which the court has announced. I support the bill, Mr. President, because I think it the more orderly way of presenting a cause intelligently to the jury.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania desire to raise a point of order? The Senator has already spoken once upon the bill and, under Rule VIII, it is not in order for him to speak again.

Mr. REED of Pennsylvania. I ask unanimous consent that the restrictions on debate under Rule VIII shall not apply.

The PRESIDING OFFICER. Is there objection?

Mr. CARAWAY. That would mean, Mr. President, that the Senator could take an hour. I am perfectly willing that he should have any reasonable time, and I shall make no objection to his having a reasonable time to discuss the measure, but I do not think the debate should be altogether unlimited.

Mr. REED of Pennsylvania. I am simply pressing my point in a pleasanter way. I also have the option of objecting to the bill and of forcing the Senator to move to take it up, and if he does that, then the restriction on debate will not apply.

Mr. CARAWAY. I shall not object.

Mr. NORBECK. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota will state his parliamentary inquiry.

Mr. NORBECK. Do I understand that the request that the restriction on debate be removed shall merely apply to the Senator from Pennsylvania? If so, I have no objection; but if it is to open the whole question to unlimited debate, I think I shall have to object.

Mr. BORAH. The granting of the request of the Senator from Pennsylvania will not interfere with the bill of which the Senator from North Dakota is in charge at 2 o'clock.

Mr. NORBECK. Very well; I shall make no objection.

The PRESIDING OFFICER. There being no objection, the unanimous-consent request of the Senator from Pennsylvania is granted.

Mr. SWANSON. Mr. President, what was the request?

The PRESIDING OFFICER. That the restrictions on debate provided by Rule VIII shall not apply in the consideration of this bill.

Mr. SWANSON. Did this bill come up by unanimous consent?

The PRESIDING OFFICER. The bill came up under unanimous consent. Objection has been made and withdrawn. Under Rule VIII debate is limited to five minutes, and each Senator can speak but once.

Mr. SWANSON. Under the rule, after it is once taken up by unanimous consent, can one objection make it go over?

The PRESIDING OFFICER. The Chair understands that objection may be made at any time.

Mr. SWANSON. Then the Senator has the power to put the bill over anyway.

Mr. REED of Pennsylvania. Certainly. I am simply trying to do it pleasantly, instead of being forced to object to the bill and having a motion made and coming to the same end in the long run.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. REED of Pennsylvania. Mr. President, I think the Senate ought to remember that this bill applies as well to criminal cases as it does to civil cases. If there is one thing about which every lawyer feels a consciousness of shame, it is the tardy administration of justice in criminal cases in the United States. When we contrast the trial of criminal cases here with those tried in England, when we see how much more rapidly they reach their judgments, when we realize that their decision is just there in quite as large a proportion of the cases as in this country, we are impressed with the necessity of doing all that we can to avoid technicalities and speed up the procedure in the administration of our criminal law.

Now, see the result if we pass this bill.

A defendant may be convicted of a crime on wholly discreditable evidence for the prosecution. Without being tied down as this bill will tie him, the judge may say to the jury in the original trial of the case that in his opinion the testimony of the prosecution does not carry much weight, and that he does not believe that it justifies a conviction. Nevertheless, this bill would force the judge to let the case go on to the jury without that helpful expression of opinion; the verdict would be one of guilty, and then the judge would have to set aside the verdict and let the case go back for a new trial and a repetition of the whole business, because in his opinion the verdict is against the weight of the evidence.

Mr. CURTIS. Mr. President, has the Senator overlooked the proviso in line 8, reading:

> *Provided*, That nothing herein contained shall prevent the court directing a verdict when the same may be required or permitted as a matter of law.

Mr. REED of Pennsylvania. No; I have not forgotten that; but it often happens that the weight of the evidence is all in favor of one side, and yet there is some evidence that requires submission to a jury.

Mr. CURTIS. But, Mr. President, in all the practice in the States and in the United States courts, too, if in the opinion of the court the evidence does not warrant a verdict, the court has the right to instruct the jury to return a verdict of "not guilty."

Mr. REED of Pennsylvania. The phrase "does not warrant a verdict" is a little bit loose. If there is no evidence to sustain a verdict, the court has the right to direct a verdict. If there is some evidence, but if the weight of the evidence is against the verdict, the only thing the court can do is to let the case go to verdict and then order a new trial. I state that with some positiveness because I have had it used against me many times.

Mr. CURTIS. I state the matter with a good deal of confidence because I have tried a large number of cases in the State and the United States courts, and I know what the practice is in our part of the country, not only in the State courts but in the United States courts. I think this bill would be an immense improvement over the practice in the United States courts at this time, because a lawyer can hardly take up a case in some of the United States courts without finding the judge taking his side or the other side soon after the case is begun.

Mr. REED of Pennsylvania. Then perhaps the trouble is with the judges.

Mr. CURTIS. Perhaps.

Mr. REED of Pennsylvania. Perhaps we are more fortunate with our judges in the East, because we do not seem to have that trouble; and this control over the jury by the expression of opinion is found to be most salutary.

For that reason, Mr. President, this seems to me to be a step backward. The tendency of it will be to bring down the standard of judicial practice in the United States.

I am not the sole arbiter of judicial procedure in the Senate. I hope that some of our colleagues who have had the advantage of service on the bench will give us their opinions of the merits of this bill.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. HEFLIN. Let us have the yeas and nays on that.

Mr. CARAWAY. It is a matter of unanimous consent.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

BILL PASSED OVER

The bill (S. 61) granting an increase of pension to Louise A. Woed was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PROTECTION OF MIGRATORY BIRDS

Mr. NORBECK. I move that the Senate proceed to the consideration of Senate bill 1271, being Order of Business 106, the migratory bird bill.

Mr. KING. Mr. President, will the Senator permit me to call for a quorum? There are a number of Senators who want to be here when that bill is taken up.

Mr. CURTIS. The motion would be pending if the Senator called for a quorum.

Mr. KING. Yes.

Mr. NORBECK. Am I to understand that the Senator from Utah objects to taking up the bill?

Mr. KING. No; I say a number of Senators are absent, and I desired to call for a quorum if the Senator was moving to take up the bill.

Mr. TYDINGS. I object to the consideration of the bill, Mr. President.

The PRESIDING OFFICER. The Senator from South Dakota has moved to take up the bill.

Mr. SMOOT. Mr. President, has anyone asked for a quorum?

The PRESIDING OFFICER. No; the request has not been made.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Sackett
Barkley	Edwards	McKellar	Schall
Bayard	Fess	McLean	Sheppard
Bingham	Fletcher	McMaster	Shipstead
Black	Frazier	McNary	Shortridge
Blaine	George	Mayfield	Simmons
Blease	Gerry	Metcalf	Smith
Borah	Glass	Moses	Smoot
Bratton	Gooding	Neely	Steck
Brookhart	Hale	Norbeck	Steiwer
Broussard	Harris	Norris	Stephens
Bruce	Harrison	Nye	Swanson
Capper	Hawes	Oddie	Tydings
Caraway	Hayden	Overman	Tyson
Copeland	Heflin	Phipps	Wagner
Couzens	Howell	Pittman	Walsh, Mont.
Curtis	Johnson	Ransdell	Warren
Cutting	Jones	Reed, Mo.	Waterman
Dale	Kendrick	Reed, Pa.	Watson
Deneen	Keyes	Robinson, Ark.	Wheeler
Dill	King	Robinson, Ind.	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, there is a quorum present. The Senator from South Dakota [Mr. NORBECK] moves that the Senate proceed to the consideration of Senate bill 1271, notwithstanding the objection.

Mr. TYDINGS. Mr. President, are we still acting under the unanimous-consent agreement?

The PRESIDING OFFICER. It is proper for the Senator from South Dakota to move at this time to take up the bill, notwithstanding the objection. Objection was made, and he has the right to move to take it up, and that motion is not debatable until 2 o'clock. The question is upon the motion of the Senator from South Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. NORBECK. Mr. President, I ask that the clerk read the title of the bill.

The bill was read by title, as follows:

A bill to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. NORBECK. Mr. President, this is a modified bill, somewhat similar to bills which have been pending in the Senate for several years covering this same subject. A number of years ago a similar bill passed the Senate but did not pass the House during that Congress. A similar bill passed the House during another Congress and was not taken up in the Senate.

Briefly, it is a migratory bird refuge bill. Some splendid work was done in connection with the treaty with Canada through the agency of Great Britain for the establishment of migratory-bird refuges and the protection of migratory birds both in Canada and in this country.

The Dominion of Canada has provided 40 inviolate bird refuges. The condition in Canada is not so congested as is the condition here in this country; the birds are less disturbed than they are here. The trouble has been due not only to the hunting but to the encroachment of industrial activities, the waste of oil upon our waters, and the drainage of the swamps, which conditions have driven the birds away because they have no place to nest.

I want to emphasize the fact that the main thing provided for in this bill is the acquiring of some refuges. The idea is to stop unnecessary drainage by buying the lands suitable for bird refuges and preserving it. Nothing would be bought except in cooperation with the States, and upon their approval.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from South Dakota yield to the Senator from Washington?

Mr. NORBECK. I yield.

Mr. DILL. The Senator says the main purpose is to buy lands for refuges. So far as the people are concerned, would not the main effect of the bill be to compel everybody who wants to hunt anywhere in the United States to buy a Federal license?

Mr. NORBECK. If the Senator will wait, I will get to that after a little. The money must be raised in some way, and it is a question as to which way the funds shall be raised; that is true.

I ask that at this point the bill be printed in the RECORD.

Mr. GERRY. May we not have the bill read?

Mr. NORBECK. If Senators desire, I shall be glad to change the request and ask that the clerk read the bill.

Mr. GERRY. I would like to have the bill read.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The clerk will read the bill.

The legislative clerk proceeded to read the bill, which is as follows:

Be it enacted, etc., That this act shall be known by the short title of "migratory bird conservation act."

SEC. 2. That a commission to be known as the migratory bird conservation commission, consisting of the Secretary of Agriculture, as chairman; the Secretary of Commerce; the Postmaster General; and two Members of the Senate, to be selected by the President of the Senate; and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. The members of the commission hereby created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as for original appointment: *Provided*, That the ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this act, of areas in his State.

SEC. 3. That the commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year.

SEC. 4. That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this act except such as he shall determine is necessary for the conservation of migratory game birds.

SEC. 5. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or device, for use as migratory-bird reservations, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated by Congress from the migratory-bird conservation fund: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this act.

SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this act; but such rights of way, easements, and reservations retained by the grantor or lessor, from whom the United States receives title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as migratory-bird reservations; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations.

SEC. 7. That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory-bird reservations, except so far as the punishment of offenses against the United States is concerned.

SEC. 9. That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal laws and regulations.

SEC. 10. That no person shall take any bird, or nest, or egg thereof, or knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 11. That the primary purpose of this act is to provide necessary areas for feeding and breeding places for migratory game birds in order that an adequate supply of said birds may be maintained, but when in the judgment of the Secretary of Agriculture a sufficient surplus of said birds exists, so that public hunting of migratory game birds on certain of said areas or parts thereof would not endanger the future supply of said birds, he may by public notice permit such public hunting, under such regulations as he may prescribe, free of charge, except for the regular migratory-bird hunting license provided for in this act and for licenses required under State laws. Whenever the surplus migratory game birds decrease so that further public hunting on any such area, in the judgment of the Secretary of Agriculture, might prove harmful to the future supply of said birds, he shall give public notice and close said area to hunting so long as said conditions prevail.

SEC. 12. That for the purposes of this act migratory game birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916.

SEC. 13. That no person shall take any such migratory game bird or nest, or egg thereof, nor shall any person take for scientific or propagating purposes any migratory bird mentioned in said treaty, or nest, or egg thereof, unless and until he has a license pursuant to this act, and then he may take any such bird, or nest, or egg thereof, respectively, only in accordance with the Federal law and regulations of the Secretary of Agriculture adopted and approved pursuant thereto; such license, however, shall not be required of any person or member of his immediate family resident with him to take in accordance with such law and regulations any such migratory game bird on any land owned or leased by such person and occupied by him as his permanent abode, nor shall such license be required of any employee of the Federal Government or of any State or of any other person authorized by the Secretary of Agriculture to take in accordance with such regulations any migratory birds which have become seriously injurious to agricultural or other interests, nor of any employee of the Federal Government or of any State who is authorized by the Secretary of Agriculture to collect migratory birds and their nests and eggs for official, scientific, or educational purposes, nor of any person to capture migratory birds for banding in cooperation with the United States Department of Agriculture under permit of the Secretary of Agriculture for this purpose, and nothing in this act shall be construed to exempt any person from complying with the laws of the several States relating thereto.

SEC. 14. That each applicant for a license shall pay $1 therefor and shall sign his name in ink on the face thereof, and each license shall be dated the day of issuance and shall expire and be void after the 30th day of June next succeeding its issuance. Every licensee shall have his license on his person at the time of exercising the privileges thereunder and he shall exhibit it for inspection upon request of any person authorized by the laws of the United States or of any State to enforce the provisions of this act.

SEC. 15. That licenses required by this act shall be issued, and the fees therefor collected, by the Post Office Department under regulations prescribed by the Postmaster General, and such licenses shall be available at post offices throughout the United States. The provisions of the act of January 21, 1914 (38 Stat. L. 278), as amended by the act of July 2, 1918 (40 Stat. L. 754), shall apply to such licenses and funds received from sales thereof in possession of postmasters.

SEC. 16. That all moneys received for such licenses shall be reserved and set aside as a special fund in the Treasury to be known as the migratory-bird conservation fund, to be appropriated from time to time by Congress, and when so appropriated shall be available until expended, as follows: Not less than 60 per cent thereof for the acquisition of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, but no part of such 60 per cent shall be used for payment of the salary, compensation, or expenses of any United States game warden, and not more than 40 per cent thereof for enforcing this act, the migratory bird treaty act, section 1 of the act approved May 25, 1900 (31 Stat. L. 187), sections 241, 242, 243, and 244 of the Penal Code, for cooperation with local authorities in wild-life conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of licenses, circulars, posters, and other necessary matter, and for the repayment of the $50,000 as provided for in this act; and the Secretary of Agriculture and the Postmaster General, respectively, are authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects.

SEC. 17. That no person shall alter, change, loan, or transfer to another any license issued to him pursuant to this act, nor shall any person other than the one to whom it is issued use such license.

SEC. 18. That no person shall imitate or counterfeit any license authorized by this act, or any die, plate, or engraving therefor, or make, print, knowingly use, sell, or have in his possession any such counterfeit license, die, plate, or engraving.

SEC. 19. That for the efficient execution of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the migratory bird treaty act upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this act or to any regulation made pursuant thereto, when seized shall be disposed of as provided by section 5 of said migratory bird treaty act.

SEC. 20. That in order to pay initial expenses, including personal services in the District of Columbia and elsewhere, supplies, printing and distributing of licenses, circulars, posters, and other necessary matter, and all other expenses that may be necessary to carry into effect the provisions of this act, the sum of $50,000 is hereby authorized

to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and when so appropriated shall be available until expended, which sum shall be covered into the Treasury by the Secretary of the Treasury in five equal annual payments from the migratory bird conservation fund.

SEC. 21. That any person, association, partnership, or corporation who shall violate any of the provisions of sections 10, 17, or 18 of this act, or who shall violate or fail to comply with any regulation made pursuant to section 10 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both; and any person who shall violate or fail to comply with any other provision of this act or any regulation made pursuant thereto shall be liable to the United States in the sum of $10 for the first violation, $25 for the second violation, and $50 for each subsequent violation, to be collected in a civil action in the name of the United States: *Provided, however,* That any person desiring to relieve himself from such action may pay such sum to the Secretary of Agriculture under such regulations as he may prescribe, and said Secretary is authorized for good cause to mitigate or remit the liability hereby created, and the gun or other firearm carried or used by such person shall be liable for the payment of the aforesaid sum and may be seized by any United States game warden or deputy game warden to be held until said liability is discharged, whereupon it shall be forthwith returned to such person. All sums so received by the Secretary of Agriculture shall be deposited in the Treasury to the credit of miscellaneous receipts.

Any person brought before a United States commissioner of competent jurisdiction for a hearing on a complaint charging a violation of sections 10, 17, or 18 of this act, or any regulation made pursuant to section 10 hereof, or of the migratory bird treaty act, or any regulation made pursuant thereto, or of sections 241, 242, 243, or 244 of the Penal Code, or any amendment thereof, and who at such hearing admits the violation, may within such time as the commissioner may allow, not exceeding 10 days, pay to said commissioner, such sum not exceeding the maximum fines prescribed by said acts and sections, respectively, as may be fixed by said commissioner, and upon payment thereof and of the legal costs such person shall be relieved from prosecution for said violation. Unless the amount so fixed by the commissioner, and the costs, to be paid at the hearing the commissioner shall require the usual bond for the appearance of the accused before the district court. Upon payment of said amount and costs within the time allowed by the commissioner such bond shall become null and void, otherwise to remain in full force and at the expiration of said time shall be transmitted by the commissioner to the district court in the usual course. All moneys received by a United States commissioner pursuant to this section shall be transmitted by him to the clerk of the United States district court for disposition in accordance with the law for the disposition of fines and costs collected in such courts; and each commissioner shall report in duplicate to the Attorney General quarterly, on or before the 15th day of January, April, July, and October of each year, all such proceedings had before him and all amounts of money received by him therein.

SEC. 22. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

SEC. 23. Nothing in this act shall be construed as authorizing or empowering the migratory bird conservation commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this act, except by and with the consent of the legislature of the State wherein such forest or power site is located.

SEC. 24. That the patrol for the protection of migratory birds on Federal migratory bird reservations in any State may be carried on by such State, through its agency or agencies charged with the administration of its game laws, concurrently with the Secretary of Agriculture whenever so authorized by its legislature.

SEC. 25. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $5,000, is hereby authorized to be appropriated out of the migratory bird conservation fund. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

SEC. 26. That if any provision of this act or the application thereof to any person or circumstance is held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 27. That this act shall take effect upon its passage and approval, except the provisions requiring the use of licenses, which shall take effect on the 1st day of July, 1928.

During the reading of the bill—

Mr. FESS. Mr. President, I ask unanimous consent to dispense with the further reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. NORBECK. Mr. President, in view of the fact that the Senator who wanted to have the bill read has not remained in the Chamber while the bill was being read, I suggest that it simply be printed in the RECORD.

Mr. DILL. Mr. President, the Senator made the request that the bill be read, and it should be read.

Mr. NORBECK. The request is now to dispense with the further reading of the bill, but if the Senator objects that will end it.

Mr. DILL. I object. The Senator asked that the bill be read.

Mr. NORBECK. The Senator who asked for the reading of the bill is not in the Chamber.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, a motion is in order to proceed to the consideration of the bill.

Mr. NORBECK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORBECK. Do I understand the Chair holds that it is necessary to make a motion at this time in order to proceed with the consideration of the bill? If so, I move that we proceed to the consideration of the bill, notwithstanding any objection.

Mr. ROBINSON of Arkansas. Mr. President, if there is no unfinished business before the Senate, I do not see the necessity of moving to proceed to the consideration of a bill which is already under consideration. There is no unfinished business. It is an unusual situation in the Senate. Ordinarily at 2 o'clock the Chair would lay before the Senate the unfinished business, that hour now having arrived, but there being no unfinished business I doubt very much the procedure suggested.

Mr. SHEPPARD. Mr. President, I make the point of order that the pending bill, being still before the Senate at 2 o'clock and there being no other unfinished business, becomes the unfinished business.

The PRESIDING OFFICER. The Senate is proceeding under Rule VIII, which provides that—

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock.

The motion to proceed to the consideration of the bill is in order.

Mr. SHEPPARD. Will the Chair rule upon the point of order I raised? I made the point of order that the pending bill, having been before the Senate when the hour of 2 o'clock arrived and there being at that hour no other unfinished business, became the unfinished business.

Mr. CURTIS. Mr. President, I understand it has been so held on two or three different occasions.

Mr. ROBINSON of Arkansas. I think that is the correct solution.

Mr. CURTIS. If it is not, I suggest to the Senator from South Dakota that he submit his motion to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from South Dakota has already made the motion.

Mr. ROBINSON of Arkansas. The motion is debatable and I wish to be heard on it.

Mr. SHEPPARD. Will the Chair rule upon my point of order?

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. ROBINSON of Arkansas. Mr. President, there is pending before this body a bill reported from the Committee on Commerce commonly known as the flood control bill. There is great necessity for the early consideration of that measure because it is one of the big questions before the Congress of the United States. The Committee on Commerce has reported a bill, many of the features of which have challenged criticism and invited amendment.

It was expected when the Congress met that flood-control legislation would be given a priority over measures which were not of an emergency nature. There were difficulties in the problem which are not commonly understood. A long period has elapsed since the Congress met and no action has as yet been taken by either body. Many disputed features of the legislation remain unsettled. During the last few days there have been conferences designed to work out agreements which would facilitate the passage of flood-control legislation.

I want to commend the spirit which has been exemplified by the Senator from Washington [Mr. JONES] in his control, as chairman of the Committee on Commerce, of the measures submitted to the Senate respecting this subject. He has been ready at all times to deliberate upon the questions presented and he has been quick to yield his personal views in order to promote the end which so many Senators desire.

There exists in the two Houses of the Congress diverse viewpoints respecting the legislation. The session is already well advanced. It is entirely possible that such differences may manifest themselves in the progress of the debate respecting flood control, that the session may approach its end with nothing done. To my mind that would be a calamity for which the Members of Congress would not wish to be responsible. Even after the two Houses have passed a flood control bill there will be differences which will prove very difficult to harmonize and reconcile. I state this to show the necessity for early consideration and action concerning the subject of flood control.

Comparing the importance of flood control with the bill which is now brought forward, I think there can be little difference of opinion as to the conclusion that flood-control legislation is of far greater importance. Some time ago the majority steering committee placed on its calendar for consideration the bill which the Senator from North Dakota now moves to be considered.

Mr. NORBECK. Mr. President——

Mr. ROBINSON of Arkansas. I yield.

Mr. NORBECK. Perhaps it is expecting too much that my residence shall not be moved, but I do not want to be moved from State to State. However, that is not what I rose to refer to. I am not from North Dakota nor from North Carolina. [Laughter.]

Mr. ROBINSON of Arkansas. I apologize to the Senator. By a mere inadvertence I said North Dakota when I should have said South Dakota. I apologize to the Senator from South Dakota and to the Senator from North Dakota, if any apology is required. [Laughter.]

Mr. NORBECK. It has been my pleasure to be a member of the so-called steering committee, or, rather, the committee on order of business. The first knowledge I had about the urgency of flood control as coming to that committee was at a meeting about 10 days ago when a joint request came from the Senator from Arkansas [Mr. ROBINSON] and the Senator from Kansas [Mr. CURTIS] that it might be placed on the calendar immediately after the migratory bird bill. I helped to place it there.

Mr. ROBINSON of Arkansas. If the Senator will permit me, I was just about to proceed to make that statement.

I have said that, in my judgment, there is no comparison between the importance of the proposed legislation for flood control and the importance of the bill relating to migratory birds. With amendments which are in contemplation, I expect to support the latter bill. As the Senator from South Dakota knows, I have heretofore taken that attitude. But I realize that there is bitter opposition to the migratory bird bill. It has been brought forward in the Senate repeatedly and in different sessions of the Congress debated week after week. I have never contributed to any degree to that process. I recognize the fact that there are still Senators who are likely to make an effort to prolong debate on the migratory bird bill.

Mr. NORBECK. Mr. President, if the Senator will yield, I should like to make a brief statement in connection with that matter.

Mr. ROBINSON of Arkansas. I am always glad to yield to the Senator from South Dakota.

Mr. NORBECK. A similar bill has once passed this body and at another session of Congress passed the other body. There was considerable opposition to the bill here in the last Congress when we had it up for consideration, especially by one Senator who opposed it very vigorously, and interposed a good many objections to it, with the result that the Senate spent about 13 or 14 hours in consideration of the bill, covering many days, because many other matters were taken up in the meantime. That Senator came to me two weeks ago, when the bill was reached, when there was no other matter of urgency pending, and when everybody was ready to take it up. He said if we would permit it to go back to the committee and have a further hearing there, he would not filibuster against it; but he was still opposed to it, and stated that he would make a speech against it and vote against it, but would not prolong the fight, and would give us a chance to get a vote on it. I wanted to make the matter entirely harmonious, and so I arranged to have the committee hold hearings on the bill. The Senator brought his witnesses here and they were heard, and the bill is reported now back to the Senate. I have done my part and I am ready for him to do his part with reference to the bill.

Mr. DILL. Mr. President, may I say a word?

Mr. ROBINSON of Arkansas. I yield to the Senator from Washington.

Mr. DILL. I think the Senator from South Dakota probably refers to me, although I was not the only one, as I think there were two or three Senators involved. I had an understanding, as I thought, with the chairman of the Committee on Agriculture and Forestry last year that I would have an opportunity to present witnesses and be heard before the bill was reported out of committee. The chairman of that committee stated that he overlooked my request and did not realize that I had asked for such hearings. The bill was reported and was on the calender. When it was brought up in the Senate I objected to the bill being taken up at that time and asked that a hearing might be had before the committee.

I said I would not filibuster, but I do intend to discuss the bill at some length. I do that because I think it is the entering wedge for extending the bureaucratic system of the Department of Agriculture out into the country such as has never been done in the history of the country before. I intend to oppose the bill with all the vigor I possess, and I shall discuss it at some length.

Mr. MAYFIELD. Mr. President, may I inquire if there is not a provision in the bill to bar the country boy with a single-barrel shotgun?

Mr. NORBECK. Not on his own ground.

Mr. DILL. Not on his own ground? If he is anywhere in the United States with a gun he can be charged with attempting to shoot migratory birds and brought into court.

Mr. ROBINSON of Arkansas. Mr. President, I am not now discussing the merits of the bill. I want to state some considerations which I think will prove of importance in the further deliberations of the Senate. It is perfectly apparent, even while I have been trying to go forward with my statement, that there is serious opposition to the bill; that the opposition is not confined to a single Senator; that it may be a long time before the bill shall be disposed of.

What I want to say now, and to make clear, is that while I shall cooperate with the Senator from South Dakota [Mr. NORBECK] to bring the bill before the Senate, I do not commit myself to the policy or to the purpose of maintaining it here to the exclusion or the prevention of legislation of greater importance. I think the duty of the Senate is to deal with the big questions before it as promptly and as effectively as is possible, and I am not willing, once the migratory bird bill is before the Senate, to say that other more important measures shall not be brought forward, if conditions regarding debate may indicate—as I anticipate in all probability they will—that this measure of relative unimportance is obstructing legislation of greater importance.

Mr. EDGE. Mr. President, may I ask the Senator from Arkansas a question?

Mr. ROBINSON of Arkansas. I yield to the Senator from New Jersey.

Mr. EDGE. I am asking the question for information, knowing the Senator's great interest in the subject to which he is referring. Are those who are either proponents or who have acquiesced in some form of flood-control legislation now prepared to open the discussion upon it? So far as I am concerned, if they are, I think the debate should go ahead right away.

Mr. ROBINSON of Arkansas. I was just about to proceed with that phase of the subject. I do not understand that the proponents of flood-control legislation are entirely ready to take up the measure. I recognize the right—or the privilege, if Senators prefer that expression—of the chairman of the Commerce Committee to control, within reasonable limitations, the time when that measure shall be brought before the Senate. I understand that negotiations are still in progress among Members of the Senate with respect to proposed amendments to the flood control bill as it has been reported which may, and in all probability will, result in agreement that will facilitate the passage of the flood control bill.

For that reason I defer to the Senator from Washington [Mr. JONES], and I consent, in so far as I am capable of consenting or am authorized to consent to anything, that the arrangement which was made before the flood control bill was placed upon the calendar for consideration shall go forward.

I anticipate, however, that a condition may arise in the Senate when it will be necessary to take some action looking to bringing the flood control bill forward.

Mr. JONES. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Washington.

Mr. JONES. I think probably that I ought to say here that a meeting of the Commerce Committee has been called for to-morrow morning for the purpose of considering some of the amendments which have been proposed to the bill as reported to the Senate. Some of the amendments are quite strongly urged by members of the committee. After the committee meeting to-morrow morning I shall be ready, so far as I am individually concerned, to take up the bill at any time. I have been ready, so far as that is concerned, I might say, during the last week, but I rather believe that we shall make progress by proceeding in an orderly way. Before the flood control bill was reported the steering committee had recommended the migratory bird bill to come up in the order in which it is now coming up; so I felt that we would really expedite matters by following that course. As I have stated, a meeting of the Commerce Committee has been called for to-morrow morning, and it is hoped that we shall be able to reach an agreement upon some amendments which might otherwise cause considerable debate. I believe we shall be able to make time in the way we are proceeding. After the meeting of the committee to-morrow morning, I shall be ready, whether we reach a special agreement to-morrow morning on those amendments or not, to take up the flood control bill whenever it may be deemed proper to do so.

Mr. ROBINSON of Arkansas. I am in entire accord with the Senator from Washington. I want again to commend the spirit of conciliation, and, I might say, of liberality, which he has displayed since the bill providing for flood control has been reported to the Senate. He is earnestly working, as are a large number of other Senators, to prepare legislation that will be effective in accomplishing the purpose of flood prevention or control within the Mississippi Valley. I wish to take this occasion publicly to acknowledge my recognition of the disposition that he has displayed; and I infer from his closing statement that he is in accord with me in the assertion that a bill which has been before the Senate so long as the migratory bird bill has been, and concerning which no final action has been taken save its passage once through the Senate, ought not to be permitted indefinitely to delay the measure advanced by the Senator from Washington, which is known as the flood control bill.

Mr. DILL. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON of Arkansas. Certainly.

Mr. DILL. I wish to say in that connection that the migratory bird bill which previously passed the Senate did not contain the objectionable provisions which this bill contains. The migratory bird bill that then passed did not propose to employ Federal game wardens and require Federal licenses, as this bill proposes.

Mr. ROBINSON of Arkansas. Mr. President, that raises an element of controversy which may very properly be discussed when the bill shall be before the Senate, if it shall be brought before the Senate.

Mr. JONES. Mr. President——

Mr. ROBINSON of Arkansas. I again yield to the Senator from Washington.

Mr. JONES. I wish to say that I agree with the Senator from Arkansas that it would be a calamity for this session of Congress to adjourn without the passage of flood-control legislation; I think it would be absolutely inexcusable, and, so far as I am concerned, this session of Congress is not going to adjourn until flood-control legislation is enacted if I can prevent it. I shall hasten action just as rapidly as I can in order to accomplish what I consider absolutely essential legislation at this session.

Mr. ROBINSON of Arkansas. Again, Mr. President, the Senator from Washington and I are in complete accord. No effort that I can make will be spared to secure the passage of a reasonable and adequate flood-control measure. I do not want that measure to interfere with the fair consideration of other measures, but if an effort should be made to adjourn this Congress—and Senators may think now that that is a far-fetched fear—if an effort should be made to adjourn this Congress before flood-control legislation has been finally passed there will arise a condition in the Congress of the United States, and particularly in the Senate, to which nothing that has ever happened before can be compared.

The biggest question before the Congress now is flood control. The entire Nation was awakened to its importance by the occurrence of a disaster which human language can not describe. I saw the muddy, murky currents of a thousand, aye ten thousand streams gather their mighty volumes and empty themselves into the Mississippi River. I saw fields desolated, homes destroyed, cities submerged. I saw men quit their homes and go out on the levees and work day and night in an effort to stem an irresistible tide. And I saw women gather themselves where the levees were threatened and give the best service that they could perform in an attempt to prevent the levees from breaking. Thousands were driven from their homes. Refugees gathered on narrow strips of land and saw the yellow waters rise until they were threatened with drowning. Hundreds of thousands saw the accumulations of a lifetime swept away and destroyed. The unconquerable spirit, the matchless energy, the determined purpose disclosed by many agencies is recorded in a chapter that thrills the heart.

While the great calamity which caused so much disaster, the loss of many lives, and the destruction of hundreds of millions of dollars of property was prominently in the minds of Members of Congress and of the public not vitally connected with the problem, there seemed no doubt legislation would be quickly brought forward and enacted to prevent the recurrence of such losses in the future. It is not known, but it is true, that there is real danger that effective legislation on the subject may not be passed at this session of Congress; and what I want to make plain, if I can, is that those who regard flood-control legislation as of paramount importance shall not commit themselves to the policy of postponing action until the passage of an adequate measure may become impracticable if not impossible. Giving to the subject the time to which it is entitled, recognizing for flood-control legislation the priority which its importance demands, we shall encounter grave difficulties before a satisfactory measure can be passed; and I want to say now to the Senator from South Dakota and to all other Senators that I think we should recognize the supreme importance of flood-control legislation. Having done that, I am willing and ready that measures of comparatively small importance may take the place which sound sense ascribes to them.

Mr. CURTIS. Mr. President, I think the Senate agrees with the Senator that flood control is of more importance than this bill; but the Senator should remember that when this program was arranged the flood control bill had not been reported, and the steering committee acted upon the measures that were presented to it.

Mr. ROBINSON of Arkansas. I stated that.

Mr. CURTIS. I happened to be out of the Chamber when the Senator made that statement.

Mr. ROBINSON of Arkansas. Of course, if the proposition were a new one and it were a choice between the migratory bird bill and the flood control bill, to be determined upon their relative importance, there could be no question as to what my attitude would be. I have said that, so far as I am able to consent to anything, I consent to the consideration of this bill; but I do not imply that it shall be kept before the Senate indefinitely.

Mr. CURTIS. I should like to assure the Senator that, so far as this side is concerned, everything will be done that can be done to hasten action upon flood control and also upon the farm relief measure.

Mr. ROBINSON of Arkansas. I am very glad to hear it.

Mr. President, I desire to have printed in the RECORD a press report concerning the resolution or decision of what is known as the Tri-State Committee with respect to the subject matter of flood control legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

VALLEY SUPPORTS JONES FLOOD BILL—TRI-STATE COMMITTEE URGES CONGRESS ADOPT IT BEFORE SESSION ENDS—ASKS FOUR AMENDMENTS—MISSISSIPPI RIVER COMMISSION NOT TO BE INTERFERED WITH IS STIPULATION SUGGESTED

MEMPHIS, March 15.—The Tri-State Flood Control Committee to-day unanimously indorsed the flood control bill of Senator JONES, of Washington, which the Senate Commerce Committee has reported favorably, and called upon Senators and Representatives from the Mississippi Valley to support it.

The committee, which represents Arkansas, Louisiana, and Mississippi, also urged friends of the valley throughout the country to use their influence to secure passage of the bill.

"While we still maintain that flood relief is a national obligation that should be discharged solely at Federal expense," said a statement issued by the committee after an all-day session, "we are prepared to accept the provisions of the Jones bill, notwithstanding its requirement for some local contribution, because of the urgency of our need and the necessity for the speedy passage of some remedial legislation."

FAILURE THREATENS DISASTER

Failure of such legislation, the statement continued, "is fraught with too much woe and disaster to our country for us not to make every

reasonable concession to avoid such failure." The committee urged that the bill be amended substantially as follows:

That it be made clear that it does not curtail the present territorial jurisdiction of the Mississippi River Commission as to the Mississippi River and its tributaries. That it provide that water diverted through any spillway, flood way, or diversion channel constructed under the provisions of the act shall be regulated, confined, and controlled. That section 5 be clarified so as to show specifically that the Government shall make fair compensation for all property taken, damaged, or subjected to flowage rights in carrying out the provisions of the bill, and that the remedy provided can be invoked either by the Government or at the instance of any party aggrieved.

DELAYS BY CONGRESS NOTED

Pointing out that three and a half months have passed since Congress convened and that no flood-relief measure has been enacted, the committee declared it felt that "further delay seriously jeopardizes the passage of any such legislation at this session, and that it is imperative that the friends of the valley concentrate upon some bill which will afford an adequate measure of relief rather than risk the dire possibility of an adjournment of Congress without flood legislation."

MARTINEAU URGES UNITY

"It is now time," said Federal Judge John E. Martineau, of Arkansas, "to determine whether a modification of our wishes must be made in an effort to get what we can in the way of relief before this Congress adjourns.

"We must have unity of action. A delay might be fatal to the Mississippi Valley. The question of flood control has remained a question since the flood subsided. It is flood time again, and, though there is no immediate fear of another inundation, the country is even less prepared for high water than it was last year. In a few places, I understand, all the gaps have not yet been closed.

"We are at the mercy of nature. Not only that, but the fact that the present Congress is moving to a close without definite action thus far is another reason we must consider it as a crisis. Something must be done, and if the valley must compromise and share part of the burden, it must know what it can do, and act in unity. That is the reason for this conference to-day."

Attending the conference were Judge Martineau, who until yesterday was Governor of Arkansas; former Gov. John M. Parker, of Louisiana; James P. Butler, president of the Canal Bank of New Orleans; L. O. Crosby, of Picayune, Miss.; Oscar Johnson, of Memphis, who represents Mississippi as president of the Pinelands interests; Harvey C. Couch, Arkansas power and railroad magnate; Col. John Fordyce, of Hot Springs, Ark.; and R. R. Rice, Little Rock representative from Arkansas and executive secretary of the committee.

Mr. HOWELL. Mr. President, it is evident from the remarks of the distinguished Senator from Arkansas that he regards flood relief as of paramount moment; and I do not minimize its importance. However, we have pending a measure for the relief of agriculture. In my opinion, this bill should have priority so far as legislation now before the Senate is concerned.

COTTON PRICES

Mr. SMITH. Mr. President, will the Senator allow me at this time to offer a resolution that is very necessary? If it calls for any discussion whatever I will not ask that it be pressed at this time, though it is every important. It simply asks for an additional appropriation to prosecute the investigation of the subcommittee of the Agricultural Committee. I ask the Senator to yield for a moment in order that I may ask unanimous consent for its immediate consideration.

Mr. HOWELL. Very well; I yield.

Mr. CURTIS. Mr. President, since this resolution asks for an additional appropriation, must it not go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. SMITH. I see that under the law any additional appropriation has to be acted upon by the Senate. If the Senator will turn to page 136 of the rules he will find that it has to be acted upon by the Senate. That is the reason why I am asking it. I think every member of the subcommittee and everyone who has kept up with the matter will recognize the absolute importance of prosecuting this inquiry.

Mr. President, I ask unanimous consent for the immediate consideration of the resolution, because under the law we must have an authorization.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 172) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the limit of expenditures from the contingent fund of the Senate to be made under authority of Senate Resolution 142, agreed to February 13, 1928, hereby is increased from $5,000 to $30,000.

PROTECTION OF MIGRATORY BIRDS

The Senate resumed the consideration of the motion of Mr. NORBECK that the Senate proceed to the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. HOWELL. Mr. President, in view of the situation and the expressions upon the floor of the Senate, I move as a substitute that the farm relief bill, known as Calendar No. 509, Senate bill 3555, be made the unfinished business.

The PRESIDING OFFICER. The motion is not in order.

Mr. HOWELL. Mr. President, a parliamentary inquiry. There is a motion pending?

The PRESIDING OFFICER. There is. The pending motion is the motion of the Senator from South Dakota [Mr. NORBECK] to take up the migratory bird bill.

Mr. HOWELL. I move, as a substitute for that motion——

Mr. ROBINSON of Arkansas. I make the point of order that a substitute motion is not in order.

The PRESIDING OFFICER. It is not in order.

Mr. HOWELL. Then I offer as an amendment to this motion that we take up as the next Order of Business, Calendar No. 509.

Mr. ROBINSON of Arkansas. I make the point of order that the motion is not in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOWELL. Mr. President, the question is, What are we going to do about farm relief in this session of Congress? We have waited weeks, we have waited months, and now it seems that there are other plans in view. The time to take up agricultural relief is now, and not to defer it and consider such a measure as proposed by the Senator from South Dakota. Neither should flood relief have precedence over farm relief. Therefore, I trust that the Senate will vote down the motion to consider the migratory bird bill at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Edge	King	Robinson, Ind.
Bayard	Edwards	La Follette	Sackett
Bingham	Fess	McKellar	Schall
Black	Fletcher	McMaster	Sheppard
Blaine	Frazier	McNary	Shipstead
Blease	George	Mayfield	Shortridge
Borah	Gerry	Metcalf	Simmons
Bratton	Glass	Moses	Smith
Brookhart	Gooding	Neely	Smoot
Broussard	Hale	Norbeck	Steck
Bruce	Harris	Norris	Steiwer
Capper	Harrison	Nye	Stephens
Caraway	Hawes	Oddie	Swanson
Copeland	Hayden	Overman	Tydings
Couzens	Heflin	Phipps	Tyson
Curtis	Howell	Pittman	Wagner
Cutting	Johnson	Ransdell	Walsh, Mass.
Dale	Jones	Reed, Mo.	Walsh, Mont.
Deneen	Kendrick	Reed, Pa.	Wheeler
Dill	Keyes	Robinson, Ark.	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from South Dakota [Mr. NORBECK].

CONTRIBUTIONS TO REPUBLICAN CAMPAIGN COMMITTEE

Mr. HARRISON. Mr. President, I shall not discuss the pending motion. I take it that the motion will prevail, and I will content myself with the expression of the hope that no filibustering tactics will ensue to prevent the consideration of the bill for a reasonable time, and to take a vote on it. Then, that we take up the flood-control legislation; and following that, farm relief.

I rose to say a few words with reference to a statement published in the morning papers emanating from one of the Senators from North Dakota, the chairman of the Committee on Public Lands and Surveys [Mr. NYE]. Before getting to that, however, let me recall a little past history. In 1919 Chairman Will Hays, of the Republican national campaign committee, in speaking of the committee, employed this language:

I want to see the people get an interest in politics. I want to see them interested in politics as they were in buying Liberty bonds. I want to see them exert a spirit in behalf of their Government in peace time. I want to see more people in politics for what they can give and not for what they can get out of it.

Then on August 20, 1920, Mr. Hays in looking after raising funds to prosecute the campaign of that year, he had a conference with Mr. Penrose. At that time, speaking in Phila-

delphia, where money hung upon trees and Mr. Hays was ready with his basket to catch it as it dropped, he said:

The plan—

Mr. Hays had a new plan at that time—

The plan is an innovation. It has been established in all States and is moving successfully. Its advantages are obvious.

That was the plan of getting $1,000 contributions, and he gave out a statement saying that he would not accept more than $1,000 campaign contributions. He said he desired the party to be a party of the people. He wanted it to be run by the people. Evidently circumstances later caused him to change his mind and plan. While he was on that same trip, and following a conference with Mr. Penrose, I presume, Mr. Hays said, on September 11 of that year:

It is an innovation of merit recognized by all. Because it is the first effort, it may not succeed. However, we have been several months in a campaign of publicity and organization to develop the idea, and we have every reason to believe that it will succeed. It is the purpose to endeavor to develop in Pennsylvania, as in other States, the effort to popularize the giving of money for campaign purposes by getting small contributions from a great many men and women rather than large contributions from a small number, thus forever eliminating any possible opportunity for sinister influences in connection with money.

Those were the views expressed by the distinguished chairman of the Republican national campaign committee in 1920, and it will be recalled with what pressure they put the boys out to work in those days in order to raise the money. Senators will remember in some of those bulletins that were issued from the headquarters presided over by Mr. Hays at that time he called them the "money boys," and told them to "step on the gas" and "give her full speed." I have here some of the expressions used in those days, and, if I recall correctly, my friend the junior Senator from Ohio [Mr. FESS] was the chairman of the House Republican campaign committee. Of course, I do not presume that these bulletins were issued with his collaboration or with his approval.

Mr. Hays said in this bulletin:

Boys, get the money. Harding and Coolidge have the confidence of the people. Buy, boys.

"Buy!" "Buy!"

Get the money. The weather is hot, the men are on vacation, meetings are hard to get; but, boys, get the money.

Here is another bulletin:

There are hills to climb, but if you want to make a hill at the same speed you have been running where the road is level you have got to give it more power. Give her the gas; step on it. Get the money.

Boys, please get the money.

Here is another bulletin:

Chicago's campaigns are to be conducted with four full-time divisions and five reserve divisions, which will swing into action the last three days on the public movement, functioning as a "mop-up" battalion.

At the bottom of these bulletins is this:

Our readers are requested not to make this publication public. It is confidential. It is exclusive. The names and the amounts subscribed by donors should not be made public.

Those are the bulletins issued under the direction of Chairman Hays back in 1920, and the idea became so prevalent that money was being corruptly and unjustly and profusely used at that time that the distinguished standard bearer of the Democratic Party charged the use of money in the amount of seven and a half million dollars. It was afterwards proven that the amount was far too small.

During that time Mr. Hays was calling for contributions limited in amount to a thousand dollars. Shortly afterwards they wanted to wipe out a deficit. The deficit was recognized to be something around a million and a half dollars. The Republicans had elected their President and had elected their Vice President, and the President then called a meeting, it will be remembered, of the big, fat fellows from over the country, who had more money than they knew what to do with. So the managers of the Government thought the time appropriate to part some of it from them. They followed the seductive way. They invited and dined them at the White House. The chairman of the Republican National Campaign Committee was present, and Wrigley and Patterson and the Cabinet members were present. Naturally they talked over party finances. That was the subject of conversation. The operation then followed. The Baltimore Sun, which is before me, in flaming headlines the next morning, said:

The lid is off. Now the contributions may come in to any amount.

Then over in Chicago two days afterwards Mr. Upham, who was then the treasurer of the Republican national campaign committee, had a big meeting. He called in more of the fellows. Some of them who had attended the White House dinner went out to attend Upham's dinner. Four members of the Cabinet went. The President, who was then only a Vice President, went out.

Mr. SWANSON. What was the debt?

Mr. HARRISON. It was given as a million and a half.

Mr. SWANSON. What were the names of the four Cabinet members?

Mr. HARRISON. The four Cabinet members who went at that time were Mr. Weeks, then Secretary of War; Mr. Hays, who was then Postmaster General; the Secretary of Commerce, Mr. Hoover; and either Daugherty or Fall, or both, were present. The papers of the next morning, in speaking of the speeches before this conference, said Vice President Coolidge made a "rip-snorting" speech. I do not know what kind of a speech a "rip-snorting" speech is. I have heard the President make all kinds of speeches, but I do not think I have heard him make a "rip-snorting" speech. The article said that the Secretary of Commerce made a "humdinger" of a speech. It may be that he will show us in his campaigns in Ohio and Indiana just what a "humdinger" speech is. They were all tied together in 1921 trying to raise money to pay off this big debt of the Republican Party. There was the President, Hoover, Fall, Denby, Daugherty, Weeks, Mellon, and Hays.

Shortly after that they did raise it, and how did they raise it? They did not raise it at that meeting, but they concocted a scheme a little later on which has come out from the investigation being carried on by the Committee on Public Lands and Surveys. To whom did they apply to raise the money? Who was the angel of the Republican Party who was to furnish the sinews of war to wipe out this debt contracted under the direction of Will Hays? This debt that was then and had for months been giving these leaders of the party concern?

Mr. CARAWAY. Did the Senator say "war" or "oil"?

Mr. HARRISON. I said "war." It was Mr. Sinclair, who helped to organize the Continental Trading Co. and made money so rapidly that it piled up in its own reserve, and then they went out and bought the Liberty bonds. When Mr. Hays, then, in order to pay off this Republican debt, appealed to Mr. Sinclair, Mr. Sinclair said: "Yes, Bill; I will help to do it. Your crowd down there have been good to me. I am going to help you out in your troubles."

Upham, who was treasurer of the Republican Party, one month after the Teapot Dome lease was made wrote a letter to Republican leaders everywhere, and in that letter he said:

President Harding and his Cabinet have performed mighty satisfactorily.

Yes; they had performed satisfactorily. Thirty days before, as I said, they had leased Elk Hills and the Teapot Dome to Doheny and to Sinclair. So when Mr. Hays appealed to Mr. Sinclair the latter said, "Yes; here are the Government bonds. Take them. Here is $75,000 that I contribute."

Of course, Bill forgot about that $75,000 in bonds when he was testifying before the committee in 1924, I think it was. He said at that time that Mr. Sinclair gave him $75,000 in cash, but in his more recent testimony he said it was $75,000 in bonds that he had given to him. His memory had temporarily failed him. But Bill says now, "Sinclair, we want more than that. We want to pay off the debt. We have some creditors who are right on our heels." So Sinclair said, "Not only take this $75,000, but take $185,000 more."

That much has come out. The Lord knows how much more would come out if the truth were told as to what he had given to the Republican leaders in bonds to wipe out their debt. But he gave them the $185,000 in addition to the $75,000. He gave $50,000 of it, I believe, over to Pratt to pay off some debt, and it developed afterwards that Mr. Pratt returned those bonds to somebody. He sent Mr. Upham $60,000 of the bonds, and he gave to another member of President Harding's Cabinet, John Weeks, $25,000 more of those bonds.

We used to think that there were two Cabinet members of this administration who had been touched by the Teapot Dome scandal, but more recent events show that others were touched by it through these Liberty bonds. Weeks was one of the leaders of the Republican Party. He had been in charge of the western headquarters in 1920, and to him was given $25,000 of those bonds, through Hays, by Sinclair. Not only that. Mr.

Hays was then in the Cabinet. He had not resigned in 1922. Work, who is now the Secretary of the Interior, managing the campaign of Herbert Hoover, it is said, was then Assistant Postmaster General, under Will Hays, and his assistant on his executive committee in the management of the Republican campaign of 1920.

So every day it goes further on with more entanglements, more confusion, more scandal. Mr. Hays got the money. Then he came down to Andy, Handy Andy. He sent him a package of $50,000 in bonds.

"Handy" did not remember how long he kept those bonds, but he kept them a while. He did not return them by the next mail. He received those bonds at a time following the broadcasting everywhere, by the newspapers, of the testimony of Magee and other revelations which had come out before the Committee on Public Lands and Surveys. If Mr. Mellon did not know at that time that Sinclair was involved and that he was being charged everywhere with having corrupted Fall and everybody else that he could in connection with the oil reserves, he was the only man in the United States who was ignorant of it. They had sent for witnesses from New Mexico. Those witnesses came up and had all testified. All this was being published in the papers at the time that Sinclair handed to Hays the $260,000 of Liberty bonds, and while Hays was peddling them out to Republican leaders throughout the country in order to borrow money or to put them up as a pledge, so to speak. The country at the time was on fire over the scandal.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. HARRISON. Certainly.

Mr. CARAWAY. I hope the Senator will not forget to remark, however, that Mr. Mellon was very careful that those bonds should not corrupt other moneys. He took them home and put them under the mattress, I think, and did not mix them up with any other bonds.

Mr. HARRISON. Yes. Handy, whom some of the papers have seen fit to congratulate because he turned back to Hays this filthy lucre, kept it for some time; I do not know how long, and he did not know, and Hays did not know. But he kept it and finally Hays came down to see him when he was getting the bonds back from Pratt. When he saw the exposé about to come and was enlarging at too rapid a gait and was liable to bring everybody and everything connected with the Republican organization into it, then it was that he came down to see Mr. Mellon.

He talked it over with him. Perhaps that took place in the Treasury offices, but I do not know. Why did not you, Mr. Mellon, give to him those Liberty bonds at that time? No; he said they were not convenient at that particular time. They were too good to put into the vaults of the Treasury of the United States. He was unwilling to risk hiding them in his executive offices. So he kept them, as the distinguished Senator from Arkansas [Mr. CARAWAY] has said, in some place where no employee, no matter how confidential he might have been with Mellon, could see them or could touch them or could know anything about them. Several days afterwards he returned them to Mr. Hays, or to somebody.

But Mr. Mellon sent his check, and his check was dated, as I believe, December 6, 1923, for $50,000. He sent that check to Mr. Upham out in Chicago, who was the treasurer of the Republican Party. That is the connection of Mr. Mellon. Why has he kept all this secret? Why has he not given the clue to the committee? He knew there was something wrong or he would have taken them. Still he kept his peace. He revealed nothing.

Mr. President, it seems that Sinclair, by organizing the Continental Oil Co., had evolved a scheme that many believed was conceived and executed in order to finance the Republican Party and pay off its debt and keep it entrenched in power here. He was giving these bonds to the ex-chairman, Mr. Hays, to go out and peddle them so that influences might be at work in behalf of Sinclair. He did not stop anywhere. Doubtless in his dreams and in his mind he thought that even though the Teapot Dome lease may have been fraudulently and corruptly made and that the American people would rise up and demand its cancellation, yet having loaned Liberty bonds to the directing head of the Republican Party and permitted this directing head to loan those bonds and give those bonds out to men in high places in the Republican Party—aye, those directing and controlling its affairs—that they would fly to his defense and would permit no wrong or justice to be perpetrated upon him. He felt secure in his paid-for position. He was then a prominent member of the Gold Guard.

Day by day, with all these matters coming out in the papers, no Republican Senator and no Republican Member of the House rises in his place either to defend Will Hays or "Handy" Mellon or any other member of the Cabinet or any one in the service or control of the Republican Party at that time.

Not only did they do that, but they organized the Mammoth Oil Co., and put the fellows next to what was going to be done with the stock of that company. It was going sky-high. The fellows who were going to be on the inside could buy at a low figure, and in time it would go up and up, and they would reap their millions from Mr. Sinclair's speculations as well as his advice. My friends, there never has been written in all the history of our Government a blacker page and a more corrupt and scandalous attempt to debauch the Government, from the highest officers all the way down, than has been perpetrated in this instance. The Republican leadership fell for it. They have not had the courage to unloose themselves from it.

I congratulate the distinguished senior Senator from Idaho [Mr. BORAH] for the advice he has given to his party and for endeavoring to raise contributions to return the $160,000. Of course, it could not make amends for what has been done, but it can in a small way show that there are some in the Republican Party who condemn the act and repudiate the methods of those who direct their party affairs. I know there are some who say the Senator from Idaho is just playing to the public. Some Senators in public addresses say it is a foolish idea on his part, but I suppose, even though he does not vote with the Republican Party all the time, that he has the interest of his party at heart and he knows that if the corrupting influence which has been at work in the Republican Party, not only through the Republican national organization but in Illinois and Pennsylvania and other places in the country, is permitted to continue, soon there will be nothing left but a mere shadow of the Republican Party.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BROOKHART. The question I am going to ask is not in criticism of anything the Senator has said with reference to the Republican Party or its action, and not in defense of it. But I wonder if anybody in the Democratic Party is going to organize to pay Doheny back his contribution to the Democratic campaign fund?

Mr. HARRISON. The Senator may think that is powerfully funny, and he may excuse his good conscience from still trying to make the people in Iowa believe he is a Republican by making such a suggestion as that. If there were a way to point the finger of corruption at the Democratic Party during the eight years it controlled the Government, the Senator would have pointed that finger long ago. But it could not be done because there was nothing corrupt there to be pointed at, and yet the distinguished Senator from North Dakota [Mr. NYE], who happens to be chairman of the Committee on Public Lands and Surveys, on yesterday, speaking in Baltimore, away from Washington, is quoted as employing this language:

BORAH's oil gift return plan foolish—

NYE says—

Mr. BORAH wants to show that there is decency in the Republican Party—

Said Senator NYE—

His motives are the best, but he is unfair to the people. It is the poor devil who can not afford it who will put in his $1 and $5 and $10 contribution.

Mr. President, I agree with little the Republican Party stands for, but, poor as I am, I will join with my Democratic colleagues here and in the House and with my Democratic friends throughout the country in assisting to raise this money to remove this much of the stain from the escutcheon of the Republican Party.

Yes; the Senator from Idaho is performing a splendid service. While my friend the Senator from North Dakota [Mr. NYE] does not agree with it, I imagine his constituents in North Dakota applaud more the course of the Senator from Idaho than the speech made yesterday in Baltimore by the chairman of the Committee on Public Lands and Surveys. But he did not stop there.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. HARRISON. Certainly.

Mr. ROBINSON of Arkansas. What is the theory upon which Mr. Sinclair is entitled to be reimbursed for this contribution? Upon what theory is it asserted as a great moral reform, after four years have passed, to pay back the $160,000 to Mr. Sinclair? How is it expected to reform the Republican Party, by having those who neither knew anything about the contribution nor approved it, stand the loss? Is it contended that there was a breach of contract and a failure of consideration and that Mr. Sinclair had expected the naval oil reserve oil transaction to be

confirmed and he be given immunity for the transaction and that, failing in that, he should be reimbursed for his contribution? I myself can not see the very great reform in the movement of the Senator from Idaho taking money out of his pocket and asking men associated with him in politics to make a refund to Mr. Sinclair. I have not the slightest doubt that under the circumstances as they now exist Mr. Sinclair will be very glad to receive his money back, and I am morally sure that no wholesome good will result to the public by paying it back to him.

Mr. CARAWAY. Mr. President, may I make a suggestion?

Mr. HARRISON. Certainly.

Mr. CARAWAY. It might be suggested that if Sinclair does not get his money back he will be unwilling to buy favors from the Republican Party in the future. One must get and maintain a market for his goods and wares. I can see no other purpose in it.

Mr. HARRISON. I do not think there was any breach of promise to Sinclair upon the part of the Republican administration, nor was there any failure of consideration. I think it absolutely impossible to reform the Republican Party [laughter], but if the Senator from Idaho wants to do this thing I think it is commendable in him.

Mr. REED of Missouri rose.

Mr. HARRISON. Does the Senator from Missouri want to ask me a question?

Mr. REED of Missouri. I was going ask the Senator if this is to be treated as a conscience fund? If so, it seems to me this is an irregular way to raise a conscience fund. Generally a conscience fund is supposed to be contributed to by the man whose conscience hurts him because he has taken somebody else's money and wants to restore it. In this case it is proposed to take other people's money and restore it to the rogue who improperly employed his money in the first instance.

Mr. HARRISON. Of course, the Senator from Idaho, it may be, has a statute in his State, as there are statutes in certain States, that he who receives stolen goods commits a crime and is subject to the same conviction and the same penalty as is imposed on him who stole the goods; and so he and his colleagues may not want to be found guilty of that particular crime.

Mr. REED of Missouri. Mr. President, without desiring to cavil, the Senator from Idaho did not steal this money nor did he get it corruptly nor did he touch it. As near as I can make out, though, if this deal goes through, Sinclair will be $160,000 better off, and the money is going to be contributed by a lot of good men. If it was going to restore the status quo, I could see a reason for it; but to restore the status quo we would have to go back prior to the election and restore a condition that existed prior to the election. The use of this money enabled a lot of gentlemen or helped to enable a lot of gentlemen to get into office. The only way to restore the status quo would be for those gentlemen all to resign, have a new election, and have it on clean money; but they are not going to do that. Even Mellon is not going to resign, although he ought to be asked to resign.

I did not want to interrupt the Senator's trend of thought, but the curious thing to me about this whole business is why they put these bonds out in large sums in the hands of various prominent Republicans. If the deal was a clean one, if it was an honest one, if the bonds had been contributed by Mr. Sinclair in an honest way, all they had to do was to carry them to any bank and have them instantly cashed or have sold them on the open market. Why is it that they rolled them up in packages and secretly sent them out to gentlemen? When they came in that way and the Secretary of the Treasury received $50,000 worth of them—whether he kept them for one day or kept them for a month is immaterial—a time arrived when he concluded that it was not a straight transaction, and hence he would not have the bonds in his possession. Knowing that, why did not this Cabinet officer advise the committee that was trying to run down this iniquitous piece of business?

Mr. HARRISON. Of course, neither Handy Andy nor former Senator Butler had any idea that it was a clean deal. Both of those gentlemen even returned the bonds, one a little later than the other did, but finally they both returned the bonds. And neither of them, even though on this floor and everywhere opportunity has been accorded them, have ever divulged this queer and suspicious act.

There is just one other suggestion that I wish to make, and then I shall take my seat. The Senator from North Dakota [Mr. NYE] employed this language:

> Besides these objections, Senator NYE said a return of Sinclair's money might open the way for a movement to return every contribution over $25,000, and declared he could see little difference between the two major parties in the matter of campaign contributions.

I think it is unfair for the Senator from North Dakota to make any such statement as that. I think that it is unwarranted upon the part of the chairman of an investigating committee to give to the country any such statement as that. There is not a line of proof in the hearing to show that or to justify it. If the Senator from North Dakota believes, without proof, that the Democratic Party is just as corrupt as is the Republican Party in the matter of campaign contributions, with all this avalanche of evidence, then he has no discriminating mind at all.

He saw the statement of the treasurer of the Democratic Party; he saw before the committee and heard CORDELL HULL, the chairman of the Democratic committee. He knows there is no foundation for the statement; he knows by the facts that his statement last quoted is unwarranted and unfounded. It therefore does seem to me that we would get along better if we would expose the facts and lay no false blame upon some other party which is trying to rid the Government of these corrupt methods and give to the people the truth about this situation.

Mr. NYE. Mr. President, I should like to inquire of the Senator from Mississippi where in the newspaper article from which he has just quoted he finds that I have in any way insinuated or charged that Democrats had received any of the Continental Trading Co. Liberty bonds?

Mr. HARRISON. I will read again what the Washington Post quotes the Senator as saying—and the same quotation was in the Baltimore newspapers:

> Besides these objections, Senator NYE said a return of Sinclair's money might open the way for a movement to return every contribution over $25,000, and declared he could see little difference between the two major parties in the matter of campaign contributions.

Mr. NYE. Just so; but I made no reference to the Continental Trading Co. bonds; and I wish to say, Mr. President——

Mr. HARRISON. The Senator was talking about the Continental Trading Co. bonds.

Mr. NYE. I wish to say, so long as the question has been raised, that it will be a most remarkable thing if when the present investigation shall be concluded it shall not be disclosed that the hand of the Democratic Party was dealt with quite freely as well as was the hand of the Republican Party through these oil funds.

Mr. HARRISON. Mr. President——

Mr. NYE. Just a moment, please. It would be strange, for the good and simple reason that men of the Sinclair type are not confining themselves by any manner of means to one party in this country, but under the order that prevails to-day they are playing both ends against the middle. One party fares about as well as the other one does. The party of the Senator from Mississippi has not fared so well during recent years, for the good and simple reason, perhaps, that no man spends as much money in keeping a spare tire in repair as in keeping in repair tires that are in constant use. I say that without casting any reflections upon the party of the Senator from Mississippi, but that is the case; and my conclusion is this——

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a moment?

Mr. NYE. I yield.

Mr. REED of Pennsylvania. It is customary to put more wind in the spare tire when it gets flat, is it not?

Mr. NYE. The point may be well taken.

Mr. HARRISON. Mr. President, will the Senator from North Dakota yield to me?

Mr. NYE. I yield.

Mr. HARRISON. May I ask the Senator does he now state from the facts before the committee that both major parties are equally to blame in the matter of campaign contributions?

Mr. NYE. No; I would not say that, Mr. President, but I do say that, in so far as those who were involved and who put up the money to influence the campaign and to buy the privileges and the favors which were accorded to the oil interests following the election of 1920 are concerned, they would in all probability have been just as successful had the Democratic Party won that election as they were with the Republican Party.

Mr. HARRISON. The Senator makes that statement, but he has no facts to base it on, has he?

Mr. NYE. I have just this fact: That Mr. Doheny, a Democrat, was as liberal with his contributions to one party as he was with his contributions to the other, and Mr. Doheny's interest was the same as was Mr. Sinclair's interest.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. SWANSON. For eight years they tried to get these oil lands from the Wilson administration, but they were refused and kicked out of the Capitol. Yet, with that knowledge, the Senator makes that charge.

Mr. NYE. Do I understand that Mr. Doheny did not contribute?

Mr. SWANSON. No; but for eight years efforts were made to misappropriate and use the Government's oil lands while the Democratic administration was in power. Secretary Daniels had those oil lands put into a naval reserve in order to protect them; yet the Senator makes that charge with those facts staring him in the face and is supposed to be the chairman of a disinterested committee.

Mr. NYE. Will the Senator from Virginia say that an attempt was not made during that administration to obtain possession of those oil lands?

Mr. SWANSON. Such an effort was made. We had an investigation about it. People had obtained some of the lands under fraudulent leases, which we vacated. I was chairman of the Committee on Naval Affairs which investigated the subject here running over two years. Yet with that knowledge in his possession the Senator, pretending to be the impartial chairman of the committee, makes that charge. It is made merely from impression and from his imagination.

Mr. NYE. Mr. President, I made the charge, and I repeat it, that, had the Democrats been successful in the election of 1920, I believe that Sinclair, Doheny, and the other interested parties would have fared just as well as they did fare with the election going as it did.

Mr. HARRISON. Mr. President, let me ask the Senator does he not know that Doheny quit the Democratic Party because he could not corrupt it, and went into the Republican Party because he knew he could corrupt it? [Laughter.]

Mr. NYE. No; I do not know that to be the case.

Mr. HARRISON. He did do it, did he not?

Mr. NYE. Mr. President, my interest in this matter, I think, is about as impartial as it can be. I do not stand here on the floor at this time to excuse what was done by the Republican administration elected in 1920. I think they are deserving of all condemnation that may be heaped upon them, but I do argue that things not unlike what happened in the matter of the disposal of the naval oil reserves is a thing which has happened before, and which will continue to happen so long as we permit the present order to prevail.

That order is just this, that those who make handsome contributions to the party funds are those who are going to enjoy the great favors at the hands of the Government. I should like to ask those on the other side of the Chamber who are manifesting such an interest as they are at this time how they can excuse, how they can countenance the contribution of last week to help pay the deficit in the campaign fund of the Democratic Party that was made by Thomas F. Ryan. What can be said in excuse for the acceptance of that contribution?

Mr. HARRISON. Does the Senator ask me that question?

Mr. NYE. I will ask the Senator from Mississippi.

Mr. HARRISON. Because Mr. Thomas F. Ryan is a Democrat in principle; he has been all his life and he is now a retired business man. If he has ever asked a favor of any man in public life, I have never heard of it.

Mr. NYE. When did Mr. Ryan wash his face and hands in so far as the Democrats are concerned, in the estimation of the Senator, if ever he did?

Mr. HARRISON. He does not need to wash his face so far as the question of his being a Democrat is concerned.

Mr. NYE. I hold in my hand the proceedings of the national Democratic convention held in Baltimore in June and July of 1912, and I should like to offer at this time and read a short resolution which was offered in that convention by none other than a Democrat who, I believe, occupied, and even to-day occupies in memory, a more commanding place in the estimation of the people of this country than almost any other Democrat of recent years, namely, William Jennings Bryan.

Mr. Bryan offered this resolution:

Resolved, That in this crisis in our party's career and in our country's history this convention sends greeting to the people of the United States, and assures them that the party of Jefferson and of Jackson is still the champion of popular government and equality before the law. As proof of our fidelity to the people we hereby declare ourselves opposed to the nomination of any candidate for President who is the representative of, or under any obligation to J. Pierpont Morgan, Thomas F. Ryan, August Belmont, or any other member of the privilege-hunting and favor-seeking class; be it further

Resolved, That we demand the withdrawal from this convention of any delegate or delegates constituting or representing the above-named interests.

When, I ask, did Mr. Thomas F. Ryan wash his hands and his face?

Mr. WALSH of Montana. Mr. President, for the accuracy of history, I rise simply to take issue with my esteemed colleague, the chairman of the committee, in his statement that the occurrences which have been the subject of investigation by the committee, or occurrences of that character or nature, have occurred before and will occur again.

I want to challenge that statement. Happily for the history of our country, nothing like it is recorded in its annals—nothing approaching it in its magnitude or in its criminality—and I do not like to admit the statement that anything of the kind is likely to happen again.

The staggering corruption of the Grant administration was picayunish in character as compared with the transactions which have been the subject of investigation by this committee. The gravity of the thing can not possibly be overestimated. I am surprised that the chairman of the committee should have made any such statement upon this floor. I should like to ask him now if he can recall any incident in our history at any time that bears any comparison, either in magnitude or in gravity, to these offenses?

Mr. NYE. I am frank to say that I can not and I do not; and I do not think I so implied.

Mr. ROBINSON of Indiana. Mr. President, I should like to ask the Senator from Montana a question. I do not like to bring into this discussion anyone who has passed away, but I am forced to do it in what I think perhaps is the interest of truth.

Is it not a fact that Hon. Franklin K. Lane, Secretary of the Interior in the last Democratic administration, did resign from the Cabinet and enter the employment of the Sinclair Oil Co. or some of its subsidiaries at a salary estimated at $50,000 a year?

Mr. WALSH of Montana. No; the Senator has not it quite right. Upon resigning, Mr. Lane took employment with Mr. Doheny.

Mr. ROBINSON of Indiana. With Doheny? Doheny and Sinclair were very closely connected; and, Mr. President, just another question.

Mr. PITTMAN. Mr. President——

Mr. HARRISON. Mr. President, will not the Senator answer a question from me before he asks another question?

Mr. ROBINSON of Indiana. Just a second and I will.

Mr. WALSH of Montana. However, I do not imagine that the Senator from Indiana would think of comparing that offense, if offense it be, with the transactions that are the subject of investigation by this committee.

Mr. ROBINSON of Indiana. No, Mr. President.

Mr. WALSH of Montana. I thought possibly the Senator from Indiana was referring to that as supporting the statement made by the chairman of the committee.

Mr. ROBINSON of Indiana. No, Mr. President. This is what I had reference to:

I am under the impression—this, of course, was long before I was a Member of this body—that the legislation that made possible the very thing that has happened was enacted during the last Democratic administration.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. ROBINSON of Indiana. In just a second. I am under the impression also that in the debate that ensued—I perhaps shall have something to say about that a little later, when I can be fortified by the facts and by the CONGRESSIONAL RECORD—I am under the impression that the very distinguished Senator from Wisconsin, now gone, the Hon. Robert M. La Follette, sr., did question the able Senator from Montana during the process of this legislation on this very point, and that in the course of his remarks and his interrogation the distinguished Senator from Wisconsin did point out just what might happen. I desire to ask if the Senator from Montana did not defend the legislation at that time and suggest that these things would not take place; and if after that, and not so very long afterwards, the Secretary of the Interior under the Democratic administration, Mr. Lane, did not resign from the Cabinet and accept employment with these interests at $50,000 a year, shortly thereafter followed by many of the executive officials of that same department in the Democratic administration?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me for a moment?

Mr. ROBINSON of Indiana. I have asked a question, but I shall be glad to yield to the Senator.

Mr. REED of Pennsylvania. I desire to ask the Senator whether his question implied any reflection on Mr. Lane.

Mr. GLASS. How could it imply anything else?

Mr. REED of Pennsylvania. Then, if it did, I want to say that I do not believe there is a word in the testimony or in the record of Mr. Lane's administration that would justify any reflection upon his integrity.

Mr. GLASS. Nor is there any act in his public or private life that would countenance any such outrageous suggestion as has been made.

Mr. REED of Pennsylvania. I am glad to accept the Senator's suggestion just as he has made it; and I would say the same thing were Mr. Lane alive and able to defend himself that I say to-day when he is dead and unable to.

Mr. JOHNSON. Mr. President, will the Senator yield to me for an instant?

Mr. WALSH of Montana. The Senator from Indiana has the floor.

Mr. JOHNSON. Will the Senator yield to me?

Mr. ROBINSON of Indiana. Yes.

Mr. JOHNSON. I want no part in this discussion. I have not risen for that purpose at all.

I was at college with Frank Lane. I was a member of the same Greek-letter fraternity with him at that college. I knew him for a lifetime. I do not care whether he took a position with Doheny or any other man at any sum, no matter what it was. Frank Lane was a decent, honorable, able, fine, upstanding American, who always did his duty patriotically and well, honestly and creditably, in every position, official or private, in which he found himself. [Applause.]

Mr. ROBINSON of Indiana. Mr. President, I am not undertaking to reflect on anybody's memory. I am asking a simple question. Is it not a fact that Hon. Franklin K. Lane was Secretary of the Interior, and that shortly after this legislation was enacted he did accept employment of this kind?

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. I yield.

Mr. BRATTON. Let us assume that to be the truth.

Mr. ROBINSON of Indiana. Well, is it the truth? That is what I am asking.

Mr. BRATTON. What comfort does the Senator from Indiana get from that kind of inquiry in connection with the discussion of the recent developments, so gigantic in corruption and in fraud and in repulsiveness to every American citizen that nothing that has ever gone before is comparable to them?

Mr. ROBINSON of Indiana. Mr. President, so far as that is concerned, I do not defend corruption anywhere. I despise it. I always have and always shall, whether it is in the Republican Party or the Democratic Party. I am undertaking to get some answers to these questions, that is all, and then the Senate and the country can draw their own conclusion.

I understand those things to be true. I will ask the Senator another question in that connection.

Mr. WALSH of Montana. No; I would rather answer the question the Senator has asked me first.

Mr. ROBINSON of Indiana. Very well.

Mr. WALSH of Montana. The Senator is quite right that the act under which these leases were made was passed during the Democratic administration, while, however, the Republican Party was in power in both Houses of Congress in the year 1920; but that is no discredit at all to the Republican Party, because the leases, as was determined by the Supreme Court of the United States, were executed in defiance of the statute, and not in pursuance of it.

I have to say also that the Senator is in error about Mr. Lane's resigning after this legislation was enacted. My recollection is that the statute in question bore date June 4, 1920, and my present recollection is that John Barton Payne was Secretary of the Interior at that time. I may be in error about that, but that is my recollection.

The Senator has referred to my own part in the matter. I have no recollection of ever being interrogated by Senator La Follette with respect to this legislation; but, since the Senator has brought it up, I might say that the resolution to investigate the leasing of the reserves was introduced by Senator La Follette after an address made by the Senator from Wyoming [Mr. KENDRICK], within whose State the Teapot Dome is located, and that I took hold of the investigation on the suggestion and at the very earnest solicitation of both Senator La Follette and Senator KENDRICK, and that I was acting in that matter in conjunction with Senator La Follette.

Mr. ROBINSON of Indiana. Mr. President, I should like to ask the Senator another question.

Mr. WALSH of Montana. I shall be glad to answer it.

Mr. ROBINSON of Indiana. I ask it purely for information and for no other reason, and I hope I shall not be accused of attempting to reflect upon anybody's character, living or dead, for that certainly is not my desire.

Does the Senator know whether or not the Secretary of the Interior of that day was requested to resign by the then President of the United States?

Mr. WALSH of Montana. Mr. President, that matter was fully disclosed in our hearings and it is a matter of public record. I have no hesitancy at all in stating what the facts were.

The Honolulu Oil Co. had made application for patents to certain placer-mining claims within naval reserve No. 2. I think it made application for patents to 17 claims. The Commissioner of the General Land Office recommended that it be given patents to 13 of these claims and that its application for 4 more be rejected. His recommendation went before the Secretary of the Interior, and the Secretary of the Interior either confirmed the opinion of the Commissioner of the General Land Office that the Honolulu Oil Co. was entitled to patents to these claims or he was about to do so, and either had done so and a motion for rehearing was pending or he had indicated his purpose to affirm the judgment below. The record discloses that word was sent to him by President Wilson that he desired to have the case reopened, and the case was reopened and further testimony was taken; and it was out of a disagreement between Secretary Lane and President Wilson with respect to that particular matter that Secretary Lane eventually sent in his resignation.

Mr. ROBINSON of Indiana. Do I understand the Senator to say that the President requested his resignation?

Mr. WALSH of Montana. I do not think the record actually discloses whether President Wilson requested his resignation or not. I think it does not.

Mr. ROBINSON of Indiana. Does the Senator know whether it does or not?

Mr. WALSH of Montana. No; I do not.

Mr. ROBINSON of Indiana. I would like to ask one other question of anybody who can answer it.

Mr. WALSH of Montana. So far as that is concerned, nobody doubts, so far as I have ever been able to discover, that Secretary Lane did not arrive at a conclusion in the matter which he thought was wholly justified by the facts and the law. There was a difference of opinion between him and President Wilson with respect to it.

Mr. ROBINSON of Indiana. Mr. President, I would like to ask one other question, either of the Senator from Montana or the Senator from North Dakota. I have been given to understand—I do not know whether it is true or not, but I think it is—that Mr. Harry Sinclair, during 1922, 1923, 1924, and possibly 1925, was a member of the State administration of New York, Governor Smith's administration, as a member of the racing commission there by appointment of Governor Smith. Is that true or not?

Mr. WALSH of Montana. I am unable to advise the Senator with respect to it.

Mr. ROBINSON of Indiana. Is there any evidence on that question?

Mr. NYE. There is no evidence that has come to my attention that Mr. Sinclair was a member of Mr. Smith's administration after 1920. That, however, is a matter with which our committee has had no relationship at all. I do understand that in the campaign of 1920, at which Governor Smith was elected, Mr. Sinclair was a very liberal contributor to his cause; and that following the election he was made a member of the Racing Commission of the State of New York.

Mr. WALSH of Montana. Mr. President, I want to inquire of the Senator from North Dakota, the chairman of the committee, whether he is speaking from information before the committee?

Mr. NYE. I have just made that very clear, and I hope the Senator will get it, that I was not speaking for the committee.

Mr. WALSH of Montana. Does the Senator speak from information——

Mr. NYE. He does.

Mr. WALSH of Montana. Before the committee?

Mr. NYE. Not before the committee.

Mr. ROBINSON of Indiana. I may say to the Senator from Montana that, as I understand the Senator from North Dakota, Harry F. Sinclair was a very liberal contributor to the campaign of Governor Smith, of New York, in 1920—and possibly also in 1922—and that subsequent to that campaign the Governor of New York did appoint Harry F. Sinclair as a member of the New York Racing Commission, and that he continued to hold that position through 1922, 1923, 1924, and probably 1925; that during all these years which this investigation has covered—during that entire period—the relations of Governor Smith and Harry Sinclair were very close and very cordial, because he was a part of the administration; and, Mr. President, I will go further and suggest that under these circumstances the chairman of this committee, which has done such excellent

work, might do well to summon the Governor of New York and let the Governor of New York explain his relations with Harry Sinclair during those five years.

Mr. NYE and Mr. REED of Missouri addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. ROBINSON of Indiana. I yield to the Senator from North Dakota.

Mr. NYE. The Senator makes an unreasonable request, because until it is disclosed that the Governor of New York was in any way involved in this oil scandal, was in any way a recipient of any of these Continental Trading Co. bonds, the Liberty bonds, the bonds which they held, it is not within our province to make any inquiry.

Mr. ROBINSON of Indiana. It may not be within the province of the committee to make an inquiry of that kind, but it seems to me that for the information of the country, as long as it has gone so far, the committee ought to go into every question connected with these bonds and with any contributions made by this man, who is now so much in the limelight.

Mr. NYE and Mr. REED of Missouri addressed the Chair.

The PRESIDENT pro tempore. Does the Senator yield; and if so, to whom?

Mr. ROBINSON of Indiana. I do not yield at just this moment. That in connection with that inquiry, a lot of things will be brought to light that will show that over on the Democratic side, perhaps, there are those now possibly lurking in the dark who may know as much about these Continental bonds as anybody who has thus far testified.

Mr. WALSH of Montana. Mr. President, before the Senator takes his seat, I desire to say that I conceive the question of contributions to State campaigns by Mr. Sinclair would be quite irrelevant, as the chairman has suggested, to the matter under inquiry; but I merely desire to say, because the Senator has interrogated me about it, that neither Mr. Doheny nor Mr. Sinclair was in any wise concerned in the Honolulu Oil Co.

Mr. ROBINSON of Indiana. I do not question that. My point is this: The chairman of this committee, which has been making the investigation, states that, according to information in his possession, Harry Sinclair did contribute liberally—that is, the Sinclair Oil Co., presumably, and its subsidiaries—to the Democratic campaign fund in New York; that subsequent thereto the Governor of New York did appoint Sinclair to a place as a member of his administration; that he continued to hold that position during the years up until 1925, inclusive. During all this time things were going on that the committee now is investigating. Because of these facts, I submit to the Senate, and to the country, for that matter, that the Governor of New York may be able to throw considerable light on what was going on during those years, and may know more about it than others. Therefore I made that suggestion.

Mr. REED of Missouri. Mr. President——

Mr. ROBINSON of Indiana. I yield to the Senator from Missouri.

Mr. REED of Missouri. Surely the Senator does not mean to insinuate that Governor Smith turned any of the public property of the State of New York over to Mr. Sinclair, does he?

Mr. ROBINSON of Indiana. Mr. President, I do not know. That is why I think this committee ought to go into it.

Mr. REED of Missouri. A man might say that he did not know a good many things, but I submit to any Senator, and to the Senate, that when a man gets up and makes a statement that he does not know, and means by that to leave the sting of an insinuation that there is something wrong, and does that in response to a question, it is rather going beyond his right on the floor of the Senate.

I have no reason to interfere in this matter, but I thought the Senator would frankly say that he did not mean to insinuate that the Governor of New York had turned over any of the property of the people of New York to Mr. Sinclair.

Mr. ROBINSON of Indiana. Mr. President, I do mean to say this, that there is much circumstantial evidence here that would indicate that the Governor of New York ought to be called as a witness before this committee and clear up some matters in the Sinclair case.

Mr. BINGHAM. Mr President, I understand that we are discussing the migratory bird bill. I have in my hand an editorial from the Hartford Courant that is about as appropriate to this discussion as it is to the migratory bird bill, and I ask to have the clerk at the desk read it for the benefit of the Senate.

Mr. HEFLIN. Mr. President, I do not think that there is anything wrong in discussing predatory birds for a while. [Laughter.]

The PRESIDENT pro tempore. The clerk will read.

The Chief Clerk read as follows:

[The Hartford Courant, Sunday, March 11, 1928]

WHEREIN WE LET MR. DOOLEY EXPLAIN

To the EDITOR OF THE COURANT:

As a faithful reader of your paper—I even read clear through the statements of the candidates—may I be permitted to ask you a question? Why do the Republican candidates object to virtually nothing that has happened under the present régime and why do the Democratic candidates object to virtually everything? It seems to me that common sense must tell the average voter that all that is polifical is not perfect, nor is it all imperfect. Can you explain the reasons for this phenomenon or do they lie in the realm of metaphysics?

FAITHFUL READER.

HARTFORD, *March 8, 1928.*

We might explain this phenomenon after a fashion, but in all honesty we question whether we could explain it to your satisfaction, "Faithful Reader," or to our own. Certainly we could never explain it as well as it was explained this long time ago by Mr. Dooley:

"Years ago, Hinnissy, manny years ago, they was a race between th' Dimmycrats an' th' Raypublicans f'r to see which shud have a choice iv principles. Th' Dimmycrats lost. I dinnaw why. Mebby they stopped to take a dhrink. Annyhow, they lost. Th' Raypublicans come up an' they choose th' 'we commind' principles, an' they was nawthin' left f'r the Dimmycrats but th' 'we denounce an' deplores.' I dinnaw how it come about, but th' Dimmycrats didn't like th' way th' thing shtud, an' so they fixed it up between them that which iver won at th' iliction shud commind an' congratulate, an' thim that lost shud denounce an' deplore. An' so it's been, on'y the Dimmycrats has had so little chanct f'r to do annything but denounce an' deplore that they've almost lost th' use if th' other wurruds."

There has been no change, "Faithful Reader," since wisdom dropped from the sage lips of Mr. Dooley into the porch of Mr. "Hinnissy's" listening ear. To this very day the haves and the ins invariably "commind an' congratulate"; the have-nots and the outs invariably "denounce an' deplore." It will be so, we fancy, until Gabriel toots his ultimate trumpet and this spinning world slips through the crack of doom.

Mr. STEPHENS. Mr. President, it is not my intention at this time to discuss the question of flood control or the many matters relating to it, but I desire just for a moment to get back to the proposition which was before the Senate prior to the discussion of the oil scandal and corruption in politics.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. STEPHENS. I yield for a question.

Mr. GLASS. I did not desire to ask the Senator a question. I merely felt obliged to make a reference to some things just said in the Senate.

Mr. STEPHENS. I am very glad to yield to the Senator if I do not lose the floor. I have just a few words to say.

Mr. GLASS. Mr. President, I rather feel that as a former associate of Franklin K. Lane in the Cabinet of President Wilson there is some obligation upon me to express, at least, my astonishment, if not my indignation, if I may do so temperately, that any Senator should in his place here and, by implication at least, asperse the character of one of the purest men who ever served his country in a public capacity by assuming to put him in the category of Sinclair and his associated criminals in this oil dénouement. As it seems to me, that was a breach of the proprieties which readily might, if not transcending parliamentary usages in this body, be characterized as something not short of dastardly.

No man ever lived who had a cleaner, purer record than Franklin K. Lane. No man ever lived until now, however widely he might differ from Mr. Lane, who ever dreamed of aspersing his honor or his sincerity in any action that he ever took, public or private. Near the end of a well-spent life, when he was about to lay down his public duties, there could be no better attestation of his probity than a remark he made directed to me as he turned and said: "I shall have to borrow from some friend money enough to pay the transportation charges of my family and myself to my home." Yet here upon the floor of the United States Senate to-day we have the intimation, the insinuation, that Franklin K. Lane was of the type of Harry Sinclair, and the aspersion comes from a Senator who himself comes from a State, one of whose governors has just returned from the penitentiary and another barely escaping the same fate by pleading the statute of limitations.

Mr. BRUCE. Mr. President, the Senator might also mention the convicted mayor of the greatest city in that State.

Mr. GLASS. I resent the imputation upon Mr. Lane.

While I am on my feet I may say further that whatever may be differences among men as to the desirability or the proprieties of campaign contributions, no man can ever say that Thomas F. Ryan ever, on any occasion, at any time, in any behalf, sought any compensation from the Government or from any source for any contribution he ever made to his party. A Democrat from the first moment he possessed the right of suffrage, he took a pride in his party, and while there were times when those who differed with him rejected his proffers of aid, there never was a time when he was not willing to give them aid because of his political conviction and not because of any return of any nature whatsoever that he could ever expect from his party.

Never a candidate for any office, totally devoid of political aspirations as far as he himself was concerned, he stood ready at all times to give liberally and cleanly to his party without any concealment whatsoever. It would have been fairer had the Senator who took care to read the Bryan resolution before the Baltimore convention also have taken care to have said to the Senate that Mr. Bryan himself withdrew that portion of the resolution which undertook to asperse Mr. Ryan.

Mr. Ryan is a native and a citizen of Virginia. I believe I have never seen him half a dozen times in all my life. Neither he nor anybody else ever contributed as much as $1 to any campaign of mine in that State. But he is an honorable man and nobody ever successfully challenged that proposition in court or on forum or elsewhere. Any contribution that he has made or that he may make of a political nature has been and will be open and above board, subject to the investigation of any committee that may want to inquire.

This much, Mr. President, I felt obliged to say, and I apologize to my colleague for interrupting him.

Mr. BORAH. Mr. President, am I to understand that the Senator from Mississippi [Mr. STEPHENS] has the floor?

The PRESIDENT pro tempore. He has.

Mr. NYE. Mr. President, will the Senator from Mississippi yield to me?

Mr. STEPHENS. I am glad to yield to the Senator from North Dakota.

Mr. NYE. Am I to understand that the Senator from Virginia [Mr. GLASS] states that Mr. Bryan finally withdrew his resolution in 1912?

Mr. GLASS. I said that part of it which aspersed Mr. Ryan.

Mr. NYE. According to the record, the permanent chairman finally said:

The PERMANENT CHAIRMAN. The Chair is about to have the resolution, which is before the house, read. The motion is to suspend the rules and pass the resolution.

The secretary read the resolution, as follows:

"*Resolved*, That in the crisis in our party's career and in our country's history this convention sends greeting to the people of the United States, and assures them that the party of Jefferson and of Jackson is still the champion of popular government and equality before the law. As proof of our fidelity to the people we hereby declare ourselves opposed to the nomination of any candidate for President who is the representative of, or under any obligation to, J. Pierpont Morgan, Thomas F. Ryan, August Belmont, or any other member of the privilege-hunting and favor-seeking class."

Mr. JAMES K. VARDAMAN, of Mississippi. Mr. Chairman and gentlemen of the convention, we understand that the question before the house is not the adoption of the resolution, but that it is to suspend the rules for the introduction of the resolution.

The PERMANENT CHAIRMAN. Oh, no; the motion is to suspend the rules and adopt the resolution. On that motion the secretary will call the roll.

Mr. W. W. BRANDON, of Alabama. Mr. Chairman, a point of order.

The PERMANENT CHAIRMAN. The gentleman will state it.

Mr. BRANDON, of Alabama. Is it in order to move to suspend the rules to put the resolution upon its passage?

The PERMANENT CHAIRMAN. We are operating under the rules of the House of Representatives of the Sixty-second Congress. The motion is to suspend the rules and pass the resolution.

Mr. BRANDON, of Alabama. The motion being in that form, what vote of the convention does it take?

The PERMANENT CHAIRMAN. It takes a vote of two-thirds of the convention to agree to the motion. The secretary will call the roll.

The secretary having called the roll, the result was announced—yeas 883, nays 201½, not voting 3½, as follows.

There follows then, according to the record, the roll call by States and I note from that roll call that Mississippi voted 20 votes yea, no nays, and none not voting. Then the record proceeds:

The PERMANENT CHAIRMAN. Upon the motion of the gentleman from Nebraska to suspend the rules and pass the resolution the yeas are 883, the nays 201; two-thirds voting in the affirmative, the rules are suspended and the resolution agreed to.

According to that, Mr. President, the reference to Mr. Ryan was not stricken from the resolution.

Mr. GLASS. It is utterly immaterial whether Mr. Bryan offered such a resolution or did not offer such a resolution, or whether it was voted up or voted down. As a matter of fact, as the resolution passed, any man could have voted for it. Mr. Ryan voted for it himself. If the Senator will examine the roll call he will see that 23½ votes from Virginia were for the resolution.

Mr. NYE. The Senator has quoted the record correctly.

Mr. ROBINSON of Indiana and Mr. BORAH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor. Does he yield; and if so, to whom?

Mr. STEPHENS. Mr. President, while I have been very anxious to discuss the order of business in the Senate and shall do so a little later, I have no desire to contribute to the discussion with reference to the oil scandal and matters of that kind now being discussed before the Senate. Therefore I am glad to yield to the Senator from Idaho at this time.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. BORAH. Mr. President, in discussing the oil scandal and the consequences which flowed from that transaction, I do not care to confound it with the general proposition of contributions to campaign funds. I think it stands upon an entirely different footing. Ordinarily contributions to campaign funds, however large they may be, are made for the success of the party, and, in so far as contributions are concerned, it is difficult to attribute any other purpose or motive to the contributor; but I look upon the contributions of Mr. Sinclair as involving an entirely different proposition. If I read the evidence correctly, and understand the facts correctly, those contributions had for their purpose the accomplishment of an ulterior and sinister object wholly aside from the question of party success. It was an attempt either to make easy the consummation of a transaction or to cover up a transaction which had already been concluded. I view it from that standpoint, and have done so since the evidence was disclosed.

Mr. President, as a Republican, as a Senator, and as an American, I trust, devoted to the principles of our Government, I thank the Senator from Montana [Mr. WALSH] and the Senator from Missouri [Mr. REED], and those whose work has resulted in the revelations with which the country is now familiar. I know that it is better for the Government; I know that it is better for the country; and, in my opinion, ultimately it will be better for the party of which I am a member that those revelations should be made. If that investigation shall result in an advantage to the party of which they are members, as it has resulted in credit and honor to those who have led the investigation, nevertheless I thank them; and every Republican who thinks more of his country than he does of his party will join in those thanks, because this investigation has had to do with the honesty, the decency, the integrity, and the stability of representative government.

It has been said this afternoon that this investigation and the corruption which it has disclosed has no parallel or precedent in our history. I doubt if it has any precedent anywhere; I doubt if anything of the same nature and kind has ever happened in any country. When one takes into consideration the purposes of the transaction, the attack upon the security of the Government itself, the high places in which the transaction occurred, and then the ignoble purpose for which the transaction was carried on, I do not know, Mr. President, of anything like it in the history of this country or of any other country.

I have, as no doubt we all have, looked upon that scene in Rome painted by her greatest literary genius—the scene when Verres came home from Sicily laden with the wealth of a betrayed and plundered people, threatening Senators, bribing judges, and conspiring against the very freedom of the city itself. I have read and reread, as no doubt we all have, the burning words of the most gifted tongue of the most eloquent race in history, Edmund Burke, when he raised Warren Hastings to that eminence of infamy from which he has never descended; for slimy, sordid, drab betrayal of a public trust, relieved of every element of vision or ambition, which sometimes adds fascination to crime, I know of nothing in the history of peculation to be compared in meanness of spirit and vulgarity of purpose with the group of men who met in the "little green house" in the very shadow of the Capitol in 1921 and 1922. There was the beginning of the carrying out of the deals which had been made earlier. Those men were there for the purpose of consummating a transaction which had for its purpose the acquiring of vast interests which belonged to the

people of this country and which could only be acquired in violation of every rule of decency and every principle of governmental integrity.

Mr. President, this is not merely a case in which large contributions were made, but it is an instance of a conspiracy which I believe was formed in the city of Chicago at the convention in 1920 by a few men, unbeknown to the party itself, unbeknown to the rank and file, but by men who, under cover of party protection, were consummating a crime. I repeat, the man or the men who have revealed the facts have rendered a distinct public service to the people of this country, and the Republican Party will not for a moment, either here or elsewhere, undertake to criticize those who have brought about the revelations or undertake to defend or justify any part or parcel of the transaction.

Something has been said this afternoon about the proposed restitution of this money. It is to discuss this briefly that I arose. Let me explain, Mr. President, just how I view that matter. As I said a moment ago, if this were a campaign contribution in the ordinary sense, I should not be interested in it; I should undertake to deal with it under general laws which might be enacted or under policies which hereafter might be pursued; but I consider that we are dealing with a fund which was raised for the purpose of consummating a crime and that that fund was raised under such circumstances and conditions that no one knew anything about it except perhaps a half dozen or a dozen men. To my mind there is no difference between the man who receives stolen property after he discovers it has been stolen and the individual who in the first instance stole it. If it can be shown that the Republican Party had any knowledge of or any reason to believe that this transaction was being carried on and consummated, restitution would be nonsense and a superfluous, hypocritical act upon the part of anyone undertaking it; but it has taken six years to reveal this transaction. It is now disclosed that a very few men knew of it, the voters of the party knew nothing about it and, to my way of looking at it, the Republican Party can not retain this money without approving and ratifying the transaction in its original inception. It now for the first time as a party has the facts; to fail to repudiate as a party is as a party to approve. If the Republican Party refuses to return crooked money, it then approves receiving crooked money in this the first instance.

It has been said in the press and elsewhere that the thing the Republican Party to do is to reform its processes and its methods hereafter. I do not think we would meet with any very great success in advocating a different policy in the coming campaign or hereafter if the property or the tainted money was still in our possession.

I do not know of any way by which the Republican Party as a party can be exempted from all the implications of the transaction except to repudiate it when it becomes known, and to repudiate it by the act of the party in returning the money to the source from which it came. There is no other way in which to deal with it; and I venture to say that no man on this side of the Chamber would for a moment contend that we ought to retain the money which came from Mr. Sinclair. I venture to say that no man on the other side of the Chamber would contend that the Republican Party can retain the money which came from Mr. Sinclair without becoming morally responsible for every dollar and the manner in which it was received from Mr. Sinclair. If Mr. Hays was wrong in receiving the money, if he was guilty of an immoral act in receiving the money, we as a party become guilty of the same immoral act, and the same principles control us the moment we ascertain the manner and the method in which the money was received, and fail to repudiate the transaction and return the fruits of the wrong.

Every dollar of this money went into its treasury in order to satisfy the debt of the Republican Party. If the portion of it which it is proposed to return had gone to Mr. Hays, if it had gone to other individuals, and had been received by individuals, the party, in my judgment, would not be responsible for it; but it went to the Republican Party; it went into the Republican Party treasury; it paid the Republican debt; and, if the Republican Party retains it and refuses to repudiate the transaction, it becomes morally responsible for it from the beginning to the end. There is no escape from this conclusion. We can not remain silent and remain free from guilt.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. Yes.

Mr. LA FOLLETTE. Does not the Senator from Idaho think that it might help the Republican Party in its repudiation if some of the responsible leaders of the party would also condemn these transactions?

Mr. BORAH. Mr. President, I am not interested at this time in any particular leaders of the Republican Party. If those who were in charge of the Republican Party in 1920 and 1924 want to go before the people of this country with their lips sealed, and without any repudiation of this transaction, it might be that that is the best thing that could happen for the country.

Mr. LA FOLLETTE. I should like to call the Senator's attention to facts, which, of course, he already knows, that the Secretary of the Treasury who was tendered some of these tainted bonds and failed to volunteer that information to the investigating committee until his name was accidentally disclosed recently, has not condemned these transactions; that Mr. Hoover, who was appointed to the Cabinet at the time President Harding took office, has not repudiated these transactions or uttered a word of condemnation of them; that Mr. Charles Evans Hughes, who was also in the Cabinet when these transactions were made, has not repudiated them; that President Coolidge, who may be said to have been the chief beneficiary in that the decks were cleared of debt for his 1924 campaign, has remained absolutely silent upon these questions.

Mr. BORAH. That is quite correct. That is entirely correct. If, however, it is foolish to return this money, then it would be perfectly foolish for those men to say anything. If it is wrong to return the money, or if it is unwise to do so, or if it is foolish to do so, there is no occasion for their saying anything. If it is the right thing to do, if it is the moral thing to do—and I think it is, because I think a man who will retain crooked money is just as immoral as the man who first grabs crooked money—then their future is to be taken care of by the people of this country who believe in decent government.

Mr. BRUCE and Mr. LA FOLLETTE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. Just a moment.

Let me say, Mr. President, that I am interested in what I conceive to be the thousands and millions of men and women who make up the intelligence and the moral force of the Republican Party who knew nothing about this transaction and who do not propose to be tainted by it. I am not here defending or at this time condemning individuals. I speak for the party, so far as I am concerned, as a party. The Republican Party is made up, it is true, of a few individuals called for a time leaders, but it is made up in its great strength and moral power of the countless thousands who do its voting, who do its fighting, and who win its victories; and what I want to know is whether or not those people are going to repudiate this deal or whether they are giving, by keeping the money, approval.

If the Republican Party goes to Kansas City and nominates a man whose clothes smell of smut, it will face defeat. If the Republican Party, after the Kansas City convention, returns again in the future, as it has in the past, to the great contributors who have paved their way to favor by contributions, it will face defeat. The people of this country do not believe in corruption—neither the Democratic rank and file nor the Republican rank and file; and this matter having come to the knowledge of those who really constitute the party and its strength, it seems to me that it is nothing less than decency for somebody to give them an opportunity to get rid of it. They want a clean party, and given an opportunity they will make it a clean party.

Mr. BRUCE and Mr. BLAINE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. The Senator from Maryland rose first. I yield first to him.

Mr. BRUCE. Mr. President, to whom does the Senator from Idaho think the money should be returned?

Mr. BORAH. It should be returned to Harry F. Sinclair.

Mr. BRUCE. That is to say, the loot should be returned to the thief?

Mr. BORAH. Mr. President, the Republican party has nothing to do with the distribution of this fund beyond returning it to the source from which it came. If the Republican Party should take this money, as has been suggested, and give it to the Red Cross, or give it to the miners in Pennsylvania, or donate it to this or that cause, the cry would go up, and justly go up, that the Republican Party first sought to utilize it for the purpose of victory in the last campaign, and now it is trying to build up moral prestige and favor with the voters in the next campaign. I believe in returning it to the man from whom it came. I am not thinking to whom it is going but from whom it is going.

Mr. BRUCE. I was going to suggest that of course there are a great many homes for incorrigibles and a great many Magdalen asylums in this country. It seems to me this money might be turned over more advantageously to some institution of that kind than to Sinclair.

Mr. BORAH. I do not regard the Republican Party as the distributor of money which belongs to Sinclair.

Mr. BRUCE. I will ask the Senator just another question: Has he any real hope that this money is going to be raised and returned? It seems to me, to use a skeptical expression very often employed, that this proposition to return the Sinclair contribution to him "is magnificent, but not war."

Mr. BORAH. If the money is not raised and is not returned, I can imagine the kind of speech that the able Senator from Maryland will be making against the Republican Party about the middle of next October—not against some individuals but against the party.

Mr. BRUCE. I was just thinking of a little story bearing upon human reluctance about returning money which was told me some years ago by a very distinguished lawyer in Maryland, the late Severn Teakle Wallis. He said that he contracted to attend to a professional matter for some clients, and his clients paid him his fee; but that after the matter had been attended to they thought that it had not taken a sufficient amount of time to justify such a fee, so they very delicately suggested to him that he might refund a part of it. I recall very distinctly his saying to me after recalling these facts, "You know, BRUCE, the process of regurgitation is never very agreeable, but I refunded a part of it."

Mr. BORAH. As the process of regurgitation has to go on the part of the Republican Party and not the Democratic Party, I am sure the Senator will not shed any tears.

I believe the Senator from Wisconsin [Mr. BLAINE] desired to ask me a question.

Mr. BLAINE. The Senator from Idaho having declined to yield to me, I took my seat; but if he will yield for a brief statement and then for a question, I will be very happy to ask it.

Mr. BORAH. I did not yield because I was addressed from the other side of the Chamber first. I yield now.

Mr. BLAINE. I know the Senator from Idaho has a sincere purpose in asking for the return of this money to Mr. Sinclair, but I think he has conceived a situation to be which does not exist.

It may be all right to pass the hat around and collect the pennies and the nickels and the dimes from innocent parties and pay back money to this gentleman who made a contribution for one single purpose, and that was to corrupt the offices and officers of the United States. I do not believe it was the purpose of the Senator from Idaho that these men and women who contribute their mite should enter into any arrangement to compromise and compound the offense of Mr. Sinclair. Getting to the gist of this thing and the very foundation of all this, it is not so much that individuals are to blame as it is that a system is to blame; and the beneficiaries of that system are the ones to be dealt with in this discussion. As a result of the contributions, as a result of the motives of Mr. Sinclair in making this contribution, and the contributions of others who were seeking favors from the Government, there were certain beneficiaries.

In view of the fact that there were certain men in the Republican Party who became beneficiaries of those criminal acts—for they are nothing short of criminal—we have in the office of President of the United States to-day a President who came to that office by way of Sinclair's contributions. He came to the Presidency of this country on the death of Mr. Harding, he having been elected as Vice President in 1920.

He is a beneficiary of this system; and notwithstanding the fact that he sat in the Cabinet, as was then the practice, with Mr. Daugherty as Attorney General, Mr. Fall as Secretary of the Interior, and Mr. Mellon as Secretary of the Treasury all those years, and then upon his election to the Presidency of the United States he appointed some of these men to be Cabinet officers and sat in consultation with them politically, socially, and officially, up to this moment he has remained silent with respect to this very thing that threatens to undermine this democracy. Other nations, strong as they have been, fell when the slimy serpent of corruption stuck its poisonous fangs into the body politic. He ought to know, though strong and pure at heart as are the American people, if that sort of thing—bribery, corruption, and debauchery—is to sit in high places and control the destiny of America, even this Republic can not long continue.

If we are to purge the Republican Party of this sort of thing, there is just one way to purge that party. That is to drive out of public life, drive out of public office, every bribe taker, every bribe giver, every man in responsibility who has been silent during all these years. Therefore I want to ask the Senator from Idaho if he will join some of us in a contest whereby there may be an opportunity to control the Republican National Convention at Kansas City and make secure this Government by driving those men and that system out of the control of the Republican Party?

Mr. BORAH. Yes, Mr. President; I will join the Senator, but before I start purging I want my party to return this tainted money. Before I start any reform within the party, before I start purging the party, I want to get rid of corrupt funds. We can not keep unclean money and at the same time talk about a clean party.

Mr. BLAINE. I think, Mr. President, if the Senator will yield, that the way to attack this system is to attack those who are the beneficiaries of this bribe taking and bribe giving. I see no other way by which it can be done. You may pay back to Harry Sinclair all the money that he contributed; you may pay back their contributions to those who contributed to the Democratic Party, to all those who wanted to get their grip on the offices of the Government, and you have not changed the system. You have simply compounded unrighteous acts and compromised with evil.

Mr. BORAH. Mr. President, at the close of the campaign the Republican Party, as a party, owed a debt. That debt was owed by the party. Every member of the party in a sense was interested in or responsible for that debt. Some collections had to be taken somewhere to pay this debt. This $160,000 which I propose to return was collected from Harry Sinclair, and went into the coffers of the party, and paid the debt which the members of the Republican Party otherwise would have had to pay in some other way.

If we had taken up a collection, we perhaps would have gone to the man with his dollar, or his five dollars, or his ten dollars, or his hundred dollars, and raised the money to pay off the $160,000, and the other amount, though the $160,000 is the amount involved now. As it was, Mr. Hays went to Mr. Sinclair and got the money and paid off the debt.

That relieved the members of the party from paying the debt. I say that this $160,000 went to the benefit of the members of the Republican Party. Whatever benefit there was from the lease, the courts are dealing with that, but this particular fund went into the Republican treasury, and was for the benefit of the Republican Party as a whole, and that is the portion which I am going to ask the Republicans of this country to return, and I venture the opinion that it will be returned. That is the first step in purgation, that is the beginning of a clean and trustworthy party.

Mr. REED of Missouri. Mr. President, I want to congratulate the Republican Party and the country for having one great Senator who faces facts as they are, who does not try to drag a red herring across the trail of villainy by bringing in outside and extraneous issues, or by impugning the integrity of the dead, whose voiceless lips can not speak in defense of an honorable reputation.

Whatever differences of opinion I have ever had with the Senator from Idaho [Mr. BORAH], I have never ceased to respect his sterling honesty, his great intellect, and his superb courage, and that admiration has been increased to-day. I can, since hearing him, catch his viewpoint when he proposes a return of this money. Loathing, as he does, every contact with corruption, his mind naturally seeks for every avenue leading toward a purging of the ugly situation.

The difficulty is that the remedy the Senator proposes in my judgment does not avoid the evil in any way. The money employed was one of the vehicles which carried certain men into office. The repudiation of the acceptance of that money, however strong it may be, does not put the country in the position in which it might possibly have been had the money not been obtained and used in the election. There is no way to do that. Giving back to Mr. Sinclair this money is a good deal like paying an assassin for the knife that he drove into the back of the man he murdered and left sticking there. It enriches the culprit by that amount. Its effect on Mr. Sinclair is that, having lost his oil reserves through the decisions of the courts, he now gets back the money he expended in carrying out an agreement about which the Senator from Idaho agrees with me, an agreement made in advance that he was to get the oil lands.

That money is to be paid back to him, and he thereby becomes $160,000 the richer, and has lost nothing by his venture. In my judgment, it would be more in the nature of poetic justice if he lost both the oil lands and the money he had expended in order to corrupt men to turn the lands over to him in the first instance. That is the phase of it that I do not like.

The question then arises again, if the national committee received money, which the Senator describes as the same thing as receiving stolen goods, in this instance received it to pay a

debt for which the members of the committee were personally responsible, and nobody else, and that committee were to say, "We have now learned of the corrupt source from which this money came; we propose to return it and we propose then to make up this deficit ourselves," it would be a case of those who received what the Senator described as stolen goods returning the stolen goods. But in this instance it is proposed to take up a general collection and pay that money.

Mr. BORAH. No; not general; among Republicans.

Mr. REED of Missouri. A general collection among Republicans who were perfectly innocent; I mean the rank and file were perfectly innocent. The perfectly innocent rank and file, who did not incur the debts of the committee, who had nothing whatever to do with any corrupt dealings with Mr. Sinclair—I glady state that—are the ones to contribute now to a fund to put back into the hands of Sinclair money he paid for a corrupt purpose.

We can not restore the status quo. We can not take back these offices which were thus in part obtained by the use of this money, and it seems to me more in the nature of poetic justice to let Mr. Sinclair stew in his own juice and pay for the juice. However, that is not a matter about which I have any right to complain, and if it is in accordance with the judgment of the Senator from Idaho to raise the money that way and return it, I have no complaint to make about it. I do say this—and this is the real purpose for which I rose—I agree with the Senator from Idaho that the rank and file of the Republican Party are not to be charged with this wrong until and unless they ratify that wrong in some way by their own act.

Every fair man concedes that the great body of the American people are honest and that they are patriotic. Honesty and patriotism are not the heritage of the members of either political party as distinguished from the other political party. Republicans and Democrats alike serve on the field of battle, they serve in civic affairs of the Nation, are good neighbors, and good friends. I hope they are beginning to feel the same burning indignation that flames in the breast of the Senator from Idaho. I am wondering whether their conscience can be so sharpened that it will result in any change in their votes.

This is the first spectacle the country has ever had presented of this gravity, but it is not the first spectacle of the sale of political favors in advance. Who does not remember that Matt Quay boldly said that he proposed to fry the fat out of the protected industries? That is, to take some part of the money the protected industries had made by and through the operation of a law indorsed by the Republican Party and put upon the books by it compel them to yield a part of their profits and put it into a campaign fund in order to perpetuate in power the party that continued to perpetuate the legalized plundering of the people by virtue of that law and the combinations made back of it.

Which one of us has forgotten that Mr. Dudley, the secretary of the Republican National Committee, sent into the State of Indiana letters saying to vote the floaters in blocks of five and to be sure that they voted right before the money was paid?

Which of us has forgotten that these same protected industries were levied upon by Mr. Mark Hanna and that a fund was raised so large that they could not expend it? Vast sums were sent into various parts of the country that were actually returned, the money having fallen into the hands of honest men who did not put it in their pockets.

Who is there to deny that part of it was used to buy certain colored delegates from the South in order to have their votes to write a platform satisfactory to the bosses of the party?

Where was the moral uprising when the committee entered upon a scheme eight years ago to raise some $13,000,000 to $17,000,000 for a campaign fund—a scheme that was largely broken up by the investigation of the Kenyon committee?

Where is the moral uprising that has occurred up to this date, when the Secretary of the Treasury has declared, and was quoted in the papers, and I have never heard it denied, that money raised in Pennsylvania was as honestly raised and as fairly expended as money raised for a church?

Where is the moral uprising in the Cabinet and in the White House against the action of the Secretary of the Treasury, who, while in the Cabinet, went to Pennsylvania and actively organized and brought together the crowd that raised the $2,000,000, he and his brother and his nephew contributing $75,000 to the fund and supervising and managing the crowd that gathered the $2,000,000 and more to renominate a candidate for the United States Senate? One blushingly and winkingly gazes at the spectacle of men and women standing in line for seven long days, from 35,000 to 50,000 of them in one city, to receive the $10 per head that they got for their work upon election day.

What voice of protest has come from the President who keeps this man still in his Cabinet? What voice of protest have we heard from the managers of the party?

We have heard from the so-called insurgent Republicans many a protest. I have heard the eloquent voices of the Senator from Idaho [Mr. BORAH], the Senator from California [Mr. JOHNSON], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Nebraska [Mr. NORRIS], and others—I shall not undertake to name them all—denouncing such activities, and I have heard their votes cast in this Chamber, always in protest.

But, Mr. President, other scenes rise before my eyes and other voices speak to my ears. I recall when the investigations were first proposed that there was active opposition among the so-called stand-pat Senators, and how, when we passed a resolution asking for the removal of Mr. Dougherty and Mr. Denby, the vote was recorded from the stand-pat element against those resolutions. I recall with humiliation the fact that although the resolutions had been passed, and although they were passed because of the sworn testimony which had been adduced before a committee of the Senate, which abundantly justified the resolution, although that evidence was there, and although the resolution was there, the President of the United States refused to act and treated the resolution and the facts in evidence with contumely and scorn.

I recall, sir, that President Harding officially—I am going back now a little in the chronology—justified the transfer of the oil lands. But to return to the present administration, I recall that when, for an inconsequential reason, the President finally removed Daugherty, removing him only after the flame of public indignation had rolled in from the West and from the East, reaching Washington in the form almost of a conflagration, the President removed Daugherty and gave him a certificate of good character.

I recall when we undertook to investigate the situation in the State of Pennsylvania, while the resolution went through under circumstances where opposition would have been useless, when the entire investigation had been completed and the mass of corruption unfolded and the investigation in Illinois had been made and the iniquity there exposed, again the votes of the stand-pat element on the other side of the Chamber were nearly all in favor of the seating of VARE and of SMITH.

I recall a filibuster upon the floor of the Senate in the closing days of the last session which was conducted for no other purpose on earth than to abort that investigation and render it ineffective. I recall also the fact that it was boasted then that the committee was dead and the investigation dead with it, and that in order to accomplish that object distinguished men on the other side of the Chamber were willing to hold up a great appropriation bill and other necessary legislation. I have listened for a voice of condemnation from the other side of the aisle and I have heard such voices coming from the lips of the insurgent Republicans, and I think I ought to make one or two exceptions of what are called the standpatters. But the inner circle have stood there always in opposition when there was any chance for opposition, always in defense when there was any chance for defense, and when there was none they have had the appearance of the relatives of the accused at the bar, sitting there giving aid and comfort by their symapthetic presence.

But through this all there are two great facts that stand out. One is that the Teapot Dome would have been transferred, the California oil lands would have been transferred and the transfers would have stood, Doheny would have been holding the oil lands of California and Sinclair would have been holding the oil lands known as the Teapot Dome, Fall would still have been in the Cabinet, Denby would still have been at his post, the stocks of those companies which were organized to cover the profits and the corruption would have been mounting higher and great fortunes would have been made, the conduct of the national committee would have stood unchallenged—all of this would have been if it had not happened that the so-called insurgent Republicans joining with the Democrats exposed and laid bare this frightful and intolerable condition.

The other fact is that through it all no voice of protest has been raised by any member of the Cabinet, no word of encouragement has been spoken, no indignant demand has been made for justice; and the President has been as silent, as complacent, and apparently as satisfied as though nothing was wrong. The one solitary thing he did was to suggest the appointment of two civil attorneys to recover the oil lands. That suggestion he concurred in, although I am not sure he made it.

Mr. LA FOLLETTE. Mr. President, that was done by a resolution adopted by the Senate.

Mr. REED of Missouri. Very well; however, he did make the appointments. He went that far. I thank the Senator from Wisconsin.

Mr. LA FOLLETTE. The President complied with the resolution after it was adopted.

Mr. REED of Missouri. Mr. President, there was an ugly scandal in the Grant administration—the whisky ring. It involved the then Vice President of the United States; it also involved the Secretary to the President. When those facts were exposed that old soldier said, "Let no guilty man escape." But what do we hear from the President? He has been known as the silent man, but the record will show that he has talked more than almost any President who has ever held the office, sometimes speaking in his own name and sometimes speaking through the White House "Spokesman," who has been all the time himself; but not once during all these years of time have we heard any clarion call from him for justice, any demand that iniquity shall cease, any protest. And there sits in his Cabinet Mr. Mellon, who went to Pennsylvania and certified that he spoke in the name of the President and then helped gather the election fund and helped to expend it.

Mr. SHIPSTEAD. Mr. President, will the Senator from Missouri yield for a question?

Mr. REED of Missouri. Yes.

Mr. SHIPSTEAD. Does the Senator think that those in Pennsylvania who got $10 apiece ought also to return the money?

Mr. REED of Missouri. That is a little aside from what I am discussing, but the answer is obvious.

It appears, more than that, the Secretary of the Treasury received $50,000 of bonds, and that he knew they came from Harry Sinclair. They were sent to him to cover up the transaction. At the time he received them he was in full possession of all the facts that the country was in possession of. He knew that it was not safe for him to hold them. By returning them he certified to the fact that he knew they were corrupt. He knew a committee of the Senate was seeking to get every ray of light possible with reference to the transaction, and he concealed what he knew. He failed to speak when he should have spoken. So when we talk about putting things back, the only way to put things back is to put these people out; and the only way I know that that can be accomplished is to have a housecleaning, and I suppose we shall not have it until after next November.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. REED of Missouri. I do.

Mr. BRUCE. May I ask the Senator from Missouri a question?

Mr. REED of Missouri. Certainly.

Mr. BRUCE. If this Sinclair fund shall be returned, ought it not to be returned with interest? That reminds me, if the Senator from Missouri will excuse me a moment, of an incident which happened in the course of my professional experience. Two of the most conspicuous merchants of Baltimore had a settlement. After the settlement one of them claimed that he had overpaid the other by mistake. Litigation followed, and the court held that the mistake had not been mutual, and so the plaintiff, of course, lost his case. The case went up to the court of appeals in Maryland, where the action of the court below was affirmed, but, extraordinary as it may seem, subsequently the merchant who won the litigation paid the amount to the merchant who had lost. A good many years afterwards the merchant who lost, having in the meantime become a valued client of mine, was asked by me one day whether it was true that the amount had been refunded. With a very sour face he said, most ungratefully, of course, "Yes; his conscience pricked him enough to pay back the principal, but not enough to pay the interest." So it seems to me that if restitution of the Sinclair money is to be made, and due credit is to be given to the Republican Party for it, interest ought to be paid as well as the principal.

If the Senator from Missouri will pardon me for just one moment more, let me say that, while I am treating this matter jocularly, I wish it to be understood that no Member of this body is more sensible than I am to the noble impulse which has led the Senator from Idaho [Mr. BORAH] to make the suggestion of restitution that he has made. Of course, that suggestion is in accord with the generous, magnanimous character with which we are all so familiar. If all the members of both parties were like the Senator from Idaho there would be no political scandal, there would be no official corruption, there would be no tainted funds to restore.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I yield.

Mr. BORAH. I should like to ask the Senator from Maryland a question. Does he believe that we ought to keep this money?

Mr. BRUCE. No; I have already made a suggestion that it should be given to some reformatory institution, where it could do some real good and not where it could be used again by Sinclair for purposes of bribery and corruption perhaps.

Mr. BORAH. The only difference between the Senator and myself, therefore, is as to whether it should go back to Sinclair or go to some eleemosynary institution.

Mr. BRUCE. As I said, I think it is a fine suggestion that this money should be repaid.

Mr. BORAH. But I want to ask the Senator does he believe that the Republican Party ought to keep this money?

Mr. BRUCE. Indeed I do not; I must say that I am in accord with the Senator from Idaho as to that.

Mr. BORAH. That is what I thought.

Mr. BRUCE. And if the money had passed into the till of the Democratic Party I would feel about it exactly as he feels about it in the case of the Republican Party.

Mr. REED of Missouri. Mr. President, what I have said this afternoon has not been said in any spirit of elation. It is a matter of profound sorrow to me that these conditions existed and, therefore, had to be disclosed. There is nothing so destructive of morals as the spectacle of men in high places betraying their trust. Nearly all the good there is in this world springs from a sense of honor, mingled with pride, and the desire always to live up to certain standards. When those standards are lowered, when they are debased by those who have been charged with a public duty, the effect upon the immature minds of the country is terrific; and the only way we can in any manner hope to restore the proper moral tone is not by speaking in defense, not by making excuses, not by trying to avoid disclosures, but by making an example of those who have done wrong.

Yet here we stand, with no voice from the White House, with no protest from the Cabinet, with no word of encouragement from the administration. So we have stood and so we have fought along different lines for about four years now. The Senator from Montana [Mr. WALSH] and his committee have been like hunters in the wilderness, with no one to beat the bushes for them; they have had no aid from the White House, no aid from the secret service, no aid from grand juries, save as they forced the impaneling of grand juries in specific cases. The great Department of Justice has never moved, except when this committee has drawn out facts and brought them in such shape before grand juries as to force action.

What does the boy think who witnesses this spectacle? When we try to teach the youth of the land the way of rectitude and honor, among other things we point to illustrious example of our great men, to Washington and Lincoln and Jefferson and other men who blazed the way along the path of honor; and we have said to the children of our land, "There is your example."

The thing that sustains our courts and that has kept them pure has been the idea constantly taught that the judge must be just and that the court must be upright and beyond reproach. By maintaining that ideal our courts have for the most part, aye, almost invariably, been the real refuge places for justice. We drag down that ideal; we destroy it by examples such as we have had. So, Mr. President, I gain no satisfaction from these disclosures, and, while I would not like to see this money returned to Sinclair, I should be glad if every child in the land would contribute its penny in some way to manifest its disgust with, and repudiation of, this horrible thing that has happened in our land.

THE CALENDAR

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it adjourn to meet at 12 o'clock to-morrow, and that at the conclusion of the routine morning business the Senate shall proceed to the consideration of unobjected bills on the calendar under Rule VIII, beginning with No. 355, where we left off on the former day when the calendar was considered, and continue such consideration until 2 o'clock.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PROPOSED PAN AMERICAN HIGHWAY

Mr. SMITH. Mr. President, I ask unanimous consent to have printed in the RECORD a letter on the proposed Pan American highway.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is here printed, as follows:

Hon. E. D. SMITH,
Senate, Washington, D. C.

DEAR SIR: In reference to the proposed Pan American highway project now up in the House, by Mr. MCLEOD, I beg to be allowed to take this opportunity to present my views on the subject.

The route through Mexico and Central America is an engineer's problem solely, but after South America is entered the route should be deeply studied. I would suggest that it proceed from the Panama frontier to San Pablo in Venezuela, thence straight to Trinidad; thence on a southerly course through Colombia, Peru, and Brazil to Trinidad, in Argentina; thence to San Francisco and on to Asuncion. From thence, following the contour of the Plate River, standing well out from it, to Buenos Aires, and that is quite far enough down for the present.

From Asuncion to Rio de Janeiro, 900 miles, the local people would no doubt soon bestir themselves and build a connecting link.

This course down from Panama would cover approximately 4,000 miles, divided as follows: Colombia, 800; Venezuela, 300; Peru, 400; Brazil, 450; Bolivia, 900; and Argentina, 1,200.

This route would cross the headwaters of all of those terrible South American rivers, which are so harmless during the dry season but are raging seas during the rainy season, rising 50 feet and covering vast regions of forest.

This route would also escape the west coast mountains, thus making the road more suitable to be traveled by Americans who are unfamiliar with mountain roads. This route would be located in the highlands of the Andes Mountains, where the course is level and the climate is salubrious, never rising above 70°.

The traveler along this proposed route would escape the dust and hot, dry winds of the rainless west coast regions, also the swampy and sickly section of Brazil and its myriad river system, which will ever be impossible for road and bridge building.

So it will never be desirable to foster side roads from the main highway toward the east coast, as the rainy season prevails from March to September, and for the sake of health none should ever mix in with this ferocious phenomena.

If the mountains could be negotiated, roads might eventually be built across to the west coast, as the main highway's course is parallel with the west coast as low down as Santiago, Chile, and at an average distance of no more than 500 miles, but such side roads would cost out of all proportion to their importance.

The distance from Panama's border to Buenos Aires along this route would be around 4,000 miles and would follow the sun more nearly than any other land route on earth.

The most heavenly weather prevails continuously from September to March of each year along the whole route from Panama to Argentina. Of course, it is universally known that down in Argentina they use our wintertime to have their summer, during which the inhabitants entertain themselves by growing crops and grass. This route will go through the interior and is much more preferable, I think, than a west coast route.

If the building of roads is for encouragement and benefit, by all means establish them where they are most needed, and that is in the interior, for the west coast is now handsomely and adequately served by their fine and capable shipping.

W. A. JAMES, *Bishopville, S. C.*

CONFIRMATION OF JUDGE BASCOM S. DEAVER

Mr. STEPHENS. Mr. President, as in open executive session I ask leave to report from the Committee on the Judiciary, favorably, the nomination of Bascom S. Deaver to be district judge for the middle district of Georgia.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report will be received and placed on the Executive Calendar.

Mr. GEORGE. Mr. President, as in open executive session I move the confirmation of the nominee and notification of the President.

The motion was agreed to.

The PRESIDENT pro tempore. The President will be notified.

PRESIDENTIAL MESSAGES

Mr. CURTIS. As in open executive session, I move that the messages of the President received to-day be referred to the appropriate committees.

The motion was agreed to.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 20, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 19, 1928

PUBLIC HEALTH SERVICE

Dr. Ralph Gregg to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Doctor Gregg has passed the examination required by law and the regulations of the service.

APPOINTMENTS IN THE REGULAR ARMY

CHAPLAINS

To be chaplain with the rank of first lieutenant

First Lieut. Joseph Richard Koch, Chaplains' Reserve, of Colorado, with rank from March 10, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

First Lieut. Mark Histand Doty, Infantry, with rank from July 1, 1920.

INFANTRY

Lieut. Col. Edward Himmelwright Tarbutton, Quartermaster Corps, with rank from September 14, 1927.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Edwin Simpson Hartshorn, Infantry, from March 10, 1928.

To be lieutenant colonels

Maj. William Bryden, Field Artillery, from March 10, 1928.

Maj. Donald Cowan McDonald, Field Artillery, from March 11, 1928.

To be majors

Capt. Walter Eyster Buchly, Cavalry, from March 10, 1928.

Capt. Harold Chittenden Mandell, Cavalry, from March 11, 1928.

To be captains

First Lieut. Robb Steere MacKie, Infantry, from March 9, 1928.

First Lieut. Boniface Campbell, Field Artillery, from March 10, 1928.

First Lieut. Lloyd Marlowe Hanna, Field Artillery, from March 11, 1928.

First Lieut. James Willard Walters, Ordnance Department, from March 14, 1928.

To be first lieutenants

Second Lieut. Eugene Ware Ridings, Infantry, from March 9, 1928.

Second Lieut. Charles Woodford Cowles, Field Artillery, from March 10, 1928.

Second Lieut. Kenneth Eugene Webber, Coast Artillery Corps, from March 11, 1928.

Second Lieut. Alexander Davidson Reid, Infantry, from March 14, 1928.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lieut. Col. Robert Y. Rhea to be a colonel in the Marine Corps from the 12th day of March, 1928.

Maj. Joseph A. Rossell to be a lieutenant colonel in the Marine Corps from the 12th day of March, 1928.

Capt. Alphonse DeCarre to be a major in the Marine Corps from the 12th day of March, 1928.

First Lieut. John C. Wemple to be a captain in the Marine Corps from the 2d day of March, 1928.

First Lieut. Curtis W. LeGette to be a captain in the Marine Corps from the 9th day of March, 1928.

First Lieut. Joseph H. Fellows to be a captain in the Marine Corps from the 12th day of March, 1928.

Second Lieut. James G. Hopper to be a first lieutenant in the Marine Corps from the 5th day of July, 1926.

Second Lieut. William R. Hughes to be a first lieutenant in the Marine Corps from the 2d day of February, 1928.

Second Lieut. Lawrence R. Kline to be a first lieutenant in the Marine Corps from the 8th day of February, 1928.

Second Lieut. John G. Walraven to be a first lieutenant in the Marine Corps from the 2d day of March, 1928.

Second Lieut. William W. Paca to be a first lieutenant in the Marine Corps from the 9th day of March, 1928.

Marine Gunner Frank O. Lundt to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 16th day of May, 1927.

Marine Gunner Henry Boschen to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 2d day of October, 1927.

Marine Gunner Robert C. Allen to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 1st day of December, 1927.

POSTMASTERS

ALABAMA

John M. Stallworth to be postmaster at Beatrice, Ala., in place of J. M. Stallworth. Incumbent's commission expires March 21, 1928.

George F. Schad to be postmaster at Brewton, Ala., in place of G. F. Schad. Incumbent's commission expires March 21, 1928.

John T. Mizell to be postmaster at Clio, Ala., in place of J. T. Mizell. Incumbent's commission expires March 21, 1928.

James F. Baker to be postmaster at Columbiana, Ala., in place of J. F. Baker. Incumbent's commission expires March 21, 1928.

Annie K. Fazenbaker to be postmaster at Fulton, Ala., in place of A. K. Fazenbaker. Incumbent's commission expires March 21, 1928.

Blevens S. Perdue to be postmaster at Greenville, Ala., in place of B. S. Perdue. Incumbent's commission expires March 21, 1928.

Robert O. Atkins to be postmaster at Heflin, Ala., in place of R. O. Atkins. Incumbent's commission expires March 21, 1928.

Grover C. Warrick to be postmaster at Millry, Ala., in place of G. C. Warrick. Incumbent's commission expires March 21, 1928.

Samuel B. Wininger to be postmaster at Pisgah, Ala., in place of S. B. Wininger. Incumbent's commission expires March 21, 1928.

Albert H. Quinn to be postmaster at Quinton, Ala., in place of A. H. Quinn. Incumbent's commission expires March 21, 1928.

William A. Armistead to be postmaster at Searles, Ala., in place of W. A. Armistead. Incumbent's commission expires March 21, 1928.

Clyde Oldshue to be postmaster at Sulligent, Ala., in place of Clyde Oldshue. Incumbent's commission expires March 21, 1928.

Lucious E. Osborn to be postmaster at Vina, Ala., in place of L. E. Osborn. Incumbent's commission expires March 21, 1928.

ARKANSAS

Mary E. Catts to be postmaster at Washington, Ark., in place of Rosa Wallace. Incumbent's commission expired December 19, 1927.

CALIFORNIA

Frances L. Musgrove to be postmaster at Arbuckle, Calif., in place of F. L. Musgrove. Incumbent's commission expired June 5, 1926.

Wilford J. Scilacci to be postmaster at Point Reyes Station, Calif., in place of W. J. Scilacci. Incumbent's commission expired January 9, 1928.

COLORADO

Edwin J. Feistel to be postmaster at Fort Lyon, Colo., in place of W. O. Reynolds. Incumbent's commission expired March 3, 1927.

CONNECTICUT

Clarence B. Emery to be postmaster at Terryville, Conn., in place of C. B. Emery. Incumbent's commission expires March 21, 1928.

DELAWARE

William R. Risler to be postmaster at Lincoln, Del., in place of W. R. Risler. Incumbent's commission expires March 22, 1928.

ILLINOIS

John W. Nelson to be postmaster at Donovan, Ill., in place of J. W. Nelson. Incumbent's commission expires March 19, 1928.

Thomas J. Perks to be postmaster at Mound City, Ill., in place of T. J. Perks. Incumbent's commission expires March 19, 1928.

Fred A. Meskimen to be postmaster at Robinson, Ill., in place of F. A. Meskimen. Incumbent's commission expired February 19, 1928.

Joseph R. Atkinson to be postmaster at Sidell, Ill., in place of J. R. Atkinson. Incumbent's commission expired January 7, 1928.

Vern L. Shinneman to be postmaster at Weldon, Ill., in place of C. M. Smith, removed.

INDIANA

Frank R. McCullough to be postmaster at Westport, Ind., in place of F. R. McCullough. Incumbent's commission expired January 3, 1928.

James J. Patchell to be postmaster at Union City, Ind., in place of E. E. Harding, deceased.

IOWA

Charles O. McLean to be postmaster at Ankeny, Iowa, in place of C. O. McLean. Incumbent's commission expires March 22, 1928.

Grace F. Newton to be postmaster at Dickens, Iowa, in place of G. F. Newton. Incumbent's commission expires March 22, 1928.

Edward A. Hansen to be postmaster at Holstein, Iowa, in place of E. A. Hansen. Incumbent's commission expires March 22, 1928.

Marinus Jansma to be postmaster at Hospers, Iowa, in place of Marinus Jansma. Incumbent's commission expires March 22, 1928.

Fred R. Foster to be postmaster at Humeston, Iowa, in place of F. R. Foster. Incumbent's commission expires March 22, 1928.

Ray C. Edmonds to be postmaster at Le Mars, Iowa, in place of R. C. Edmonds. Incumbent's commission expires March 22, 1928.

John E. Klutts to be postmaster at Mondamin, Iowa, in place of J. E. Klutts. Incumbent's commission expires March 22, 1928.

Leon R. Valentine to be postmaster at Murray, Iowa, in place of L. R. Valentine. Incumbent's position expires March 22, 1928.

Perry B. Wilson to be postmaster at Shannon City, Iowa, in place of P. B. Wilson. Incumbent's commission expires March 22, 1928.

Wayne C. Solleder to be postmaster at Thurman, Iowa, in place of W. C. Solleder. Incumbent's commission expires March 22, 1928.

Ora L. Garton to be postmaster at Weldon, Iowa, in place of O. L. Garton. Incumbent's commission expires March 22, 1928.

KANSAS

Ethel White to be postmaster at Merriam, Kans., in place of Ethel White. Incumbent's commission expired March 13, 1928.

James M. Lear to be postmaster at Mound Valley, Kans., in place of J. M. Lear. Incumbent's commission expires March 22, 1928.

MAINE

Bernard V. Thompson to be postmaster at Easton, Me., in place of B. V. Thompson. Incumbent's commission expires March 21, 1928.

Harold C. Gates to be postmaster at Millinocket, Me., in place of H. C. Gates. Incumbent's commission expires March 21, 1928.

MICHIGAN

William E. Smith to be postmaster at Mohawk, Mich., in place of H. G. Smith, resigned.

Christina B. Grozinger to be postmaster at Woodland, Mich., in place of C. F. Grozinger, deceased.

MINNESOTA

Lucien M. Helm to be postmaster at Tower, Minn., in place of L. M. Helm. Incumbent's commission expires March 21, 1928.

MISSISSIPPI

Susan R. T. Perry to be postmaster at Tchula, Miss., in place of S. R. T. Perry. Incumbent's commission expires March 22, 1928.

MISSOURI

John A. Varney to be postmaster at Paris, Mo., in place of B. G. Flanders. Incumbent's commission expired January 14, 1928.

MONTANA

George I. Watters to be postmaster at Victor, Mont., in place of G. I. Watters. Incumbent's commission expires March 21, 1928.

NEBRASKA

Myron A. Gordon to be postmaster at Stratton, Nebr., in place of M. A. Gordon. Incumbent's commission expires March 21, 1928.

NEW JERSEY

Fred F. Dennis to be postmaster at Fair Haven, N. J., in place of F. F. Dennis. Incumbent's commission expires March 22, 1928.

Jacob D. Roe to be postmaster at Newton, N. J., in place of J. D. Roe. Incumbent's commission expired February 19, 1928.

Mabel E. Tomlin to be postmaster at Sewell, N. J., in place of M. E. Tomlin. Incumbent's commission expires March 22, 1928.

James H. Masker to be postmaster at Somerville, N. J., in place of A. A. Reger, deceased.

NEW MEXICO

Aurelia M. Gutierrez to be postmaster at Old Albuquerque, N. Mex., in place of M. L. Albers. Incumbent's commission expired December 21, 1925.

Helen B. Hickman to be postmaster at Hurley, N. Mex., in place of W. W. Dedman, deceased.

NEW YORK

Will J. Davy to be postmaster at Bergen, N. Y., in place of W. J. Davy. Incumbent's commission expires March 22, 1928.

Stephen E. Terwilliger to be postmaster at Candor, N. Y., in place of S. E. Terwilliger. Incumbent's commission expires March 22, 1928.

Henry E. Thompson to be postmaster at Chateaugay, N. Y., in place of H. E. Thompson. Incumbent's commission expires March 22, 1928.

Frank A. Haugh to be postmaster at Clyde, N. Y., in place of F. A. Haugh. Incumbent's commission expires March 22, 1928.

Sidney B. Cloyes to be postmaster at Earlville, N. Y., in place of S. B. Cloyes. Incumbent's commission expires March 22, 1928.

J. Fred Smith to be postmaster at Herkimer, N. Y., in place of N. P. Small. Incumbent's commission expired January 8, 1928.

Julia J. Tyler to be postmaster at Kennedy, N. Y., in place of J. J. Tyler. Incumbent's commission expires March 22, 1928.

Earle U. McCarthy to be postmaster at Mineola, N. Y., in place of E. U. McCarthy. Incumbent's commission expires March 22, 1928.

Frank Dobbin to be postmaster at Shushan, N. Y., in place of Frank Dobbin. Incumbent's commission expires March 22, 1928.

Edith Phelps to be postmaster at Brownville, N. Y., in place of F. G. Seeber, resigned.

Erastus J. Wilkins to be postmaster at Norwood, N. Y., in place of A. R. Collins, removed.

NORTH CAROLINA

B. Ray Cohoon to be postmaster at Columbia, N. C., in place of B. R. Cohoon. Incumbent's commission expires March 19, 1928.

Joseph B. Harrell to be postmaster at Marshville, N. C., in place of J. B. Harrell. Incumbent's commission expires March 19, 1928.

James E. Wallace to be postmaster at Stanley, N. C., in place of J. E. Wallace. Incumbent's commission expires March 19, 1928.

NORTH DAKOTA

Reuben P. Semrau to be postmaster at Balfour, N. Dak., in place of R. P. Semrau. Incumbent's commission expired December 19, 1927.

OHIO

Elizabeth A. Krizer to be postmaster at Bremen, Ohio, in place of E. A. Krizer. Incumbent's commission expired March 1, 1928.

Marion E. Campbell to be postmaster at Sardinia, Ohio, in place of M. E. Campbell. Incumbent's commission expires March 21, 1928.

Asher O. Earley to be postmaster at Woodsfield, Ohio, in place of A. O. Earley. Incumbent's commission expires April 7, 1928.

OKLAHOMA

James W. McKay to be postmaster at Stonewall, Okla., in place of J. W. McKay. Incumbent's commission expires March 22, 1928.

OREGON

William R. Logus to be postmaster at Oregon City, Oreg., in place of W. R. Logus. Incumbent's commission expires March 19, 1928.

George W. Trommlitz to be postmaster at Toledo, Oreg., in place of G. W. Trommlitz. Incumbent's commission expired March 7, 1928.

PENNSYLVANIA

T. Vance Miller to be postmaster at Downingtown, Pa., in place of W. R. Colflesh. Incumbent's commission expired January 8, 1928.

John N. Snyder to be postmaster at Williamstown, Pa., in place of J. N. Snyder. Incumbent's commission expired March 18, 1928.

Arthur Bensley to be postmaster at Dingmans Ferry, Pa., in place of J. A. Magoun, deceased.

Alameda S. Keesy to be postmaster at Schenley, Pa. Office became presidential July 1, 1927.

SOUTH DAKOTA

Frank B. Sherwood to be postmaster at Cottonwood, S. Dak., in place of F. B. Sherwood. Incumbent's commission expired December 18, 1927.

Clyde J. Bowell to be postmaster at Edgemont, S. Dak., in place of C. J. Bowell. Incumbent's commission expired December 18, 1927.

Elmer R. Hill to be postmaster at Newell, S. Dak., in place of E. R. Hill. Incumbent's commission expired February 1, 1928.

Robert G. Andis to be postmaster at Presho, S. Dak., in place of R. G. Andis. Incumbent's commission expired December 18, 1927.

Fred J. Seals to be postmaster at Spearfish, S. Dak., in place of F. J. Seals. Incumbent's commission expired December 18, 1927.

Edward J. Groat to be postmaster at Thunder Hawk, S. Dak., in place of E. J. Groat. Incumbent's commission expired December 18, 1927.

TENNESSEE

Joe Sims to be postmaster at Lawrenceburg, Tenn., in place of Joe Sims. Incumbent's commission expired March 18, 1928.

Onnie M. Hartsell to be postmaster at Limestone, Tenn., in place of O. M. Hartsell. Incumbent's commission expired March 17, 1928.

Everett M. Greer to be postmaster at Newport, Tenn., in place of E. M. Greer. Incumbent's commission expired March 17, 1928.

Wilbur Walker to be postmaster at Tiptonville, Tenn., in place of Wilbur Walker. Incumbent's commission expired December 19, 1927.

TEXAS

Maggie P. Rhew to be postmaster at Anderson, Tex., in place of M. P. Rhew. Incumbent's commission expired February 11, 1928.

Chessell Gra to be postmaster at Brookshire, Tex., in place of Chessell Gra. Incumbent's commission expired March 17, 1928.

William F. Hofmann to be postmaster at Carrollton, Tex., in place of W. F. Hofmann. Incumbent's commission expired February 11, 1928.

Cornelius A. Ogden to be postmaster at Deweyville, Tex., in place of C. A. Ogden. Incumbent's commission expired January 24, 1928.

Corban J. Lewis to be postmaster at Eddy, Tex., in place of C. J. Lewis. Incumbent's commission expired February 11, 1928.

James S. Carter to be postmaster at Grand Saline, Tex., in place of W. E. Shields, resigned.

John V. Lackey to be postmaster at Hico, Tex., in place of A. L. Jackson, resigned.

Wright T. Pridgen to be postmaster at Grapeland, Tex., in place of W. T. Pridgen. Incumbent's commission expires March 19, 1928.

Ira S. Koon to be postmaster at Hallsville, Tex., in place of I. S. Koon. Incumbent's commission expired March 17, 1928.

Effie H. Briscoe to be postmaster at Hebbronville, Tex., in place of E. H. Briscoe. Incumbent's commission expired January 24, 1928.

Eva M. Reed to be postmaster at Hempstead, Tex., in place of E. M. Reed. Incumbent's commission expired January 16, 1928.

Lilburn C. Graham to be postmaster at Lancaster, Tex., in place of L. C. Graham. Incumbent's commission expired March 17, 1928.

Nora C. Brite to be postmaster at Pleasanton, Tex., in place of N. C. Brite. Incumbent's commission expired March 17, 1928.

Henry E. Cannon to be postmaster at Shelbyville, Tex., in place of H. E. Cannon. Incumbent's commission expired January 24, 1928.

VERMONT

James S. Brownell to be postmaster at Woodstock, Vt., in place of J. S. Brownell. Incumbent's commission expires March 22, 1928.

VIRGINIA

Ludema Sayre to be postmaster at Fairfax, Va., in place of Ludema Sayre. Incumbent's commission expired February 8, 1928.

WEST VIRGINIA

James O. Buskirk to be postmaster at Holden, W. Va., in place of J. O. Buskirk. Incumbent's commission expires March 22, 1928.

Guy E. McCutcheon to be postmaster at Reedy, W. Va., in place of G. E. McCutcheon. Incumbent's commission expired March 1, 1928.

WISCONSIN

Charles R. Swanson to be postmaster at Suamico, Wis. Office became presidential July 1, 1927.

CONFIRMATION

Executive nomination confirmed by the Senate March 19, 1928

UNITED STATES DISTRICT JUDGE

Bascom S. Deaver to be United States district judge, middle district of Georgia.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 19, 1928

TRANSFER IN THE REGULAR ARMY

INFANTRY

Lieut. Col. Leo Asa Dewey, Adjutant General's Department, for transfer to the Infantry branch, which was submitted to the Senate March 2, 1928.

[NOTE.—Lieutenant Colonel Dewey does not desire this transfer.]

HOUSE OF REPRESENTATIVES

MONDAY, *March 19, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord God of ages past, be with us yet lest we forget. We turn again to Thee for light and wisdom, that we with the entire body of our fellow citizens may continue to labor toward that destiny which has been given to our Republic. Forbid that the flame of a fervent love for all that is glorious in our institutions should burn low. Arm us with the breastplate of righteousness and the shield of truth, that our priceless heritage may ever be preserved. As we meet the challenge of our day, be with us, that we may keep enthroned within the spirit of humanity, which is the gift of Heaven. O every home needs happiness, every friend needs companionship, and every good cause needs encouragement. Stir the best things within us and around us, for these are dependent on Thee and the inspired teaching of Thy holy word. Amen.

The Journal of the proceedings of Saturday, March 17, 1928, was read and approved.

LAKE DENMARK CLAIMS

Mr. ACKERMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ACKERMAN. I understand there is on the Speaker's desk a report from the Comptroller General in reference to the Lake Denmark claims incident to the explosion in July, 1926. I would like to ask whether the general reference included the printing of the report as a House document.

The SPEAKER. The report has been referred to the Committee on Claims and ordered printed as a public document.

REPORT OF DIVISION OF SIMPLIFICATION

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, I take this occasion to call the attention of the House to a very brief report which has been made by the division of simplification of the joint committee of the House and Senate on taxation which I intend to ask shall be printed in the RECORD for the information of Members.

There has been considerable inquiry as to what the joint committee on taxation was doing and there was printed in the RECORD last week, inserted by Senator SMOOT, a brief report of the division of investigation. This report has been presented to the joint committee by the chief of the bureau of simplification, Charles B. Hamel. Mr. Hamel, as Members will remember, was the first chairman of the Board of Tax Appeals, a position from which he resigned and engaged in private practice. About a year ago he accepted the position of chief of the division of simplification of the joint tax committee, where his services have been very satisfactory, but he now desires to give his attention to his private business. He has consequently sent in his resignation and his place will be filled by his very efficient assistant, E. H. McDermott.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. LINTHICUM. Is the committee as active in its work as it has been? I understand that it has laid off quite a number of men, particularly in the engineer staff.

Mr. GREEN of Iowa. The joint committee is not carrying on as many lines of work as it did when the revenue bill was before the Ways and Means Committee, and some of the men have been dropped from the rolls, not only engineers but others, the thought being that there would not be as much work done during the summer and we ought not to carry as large a force on the pay roll as we had.

Mr. LINTHICUM. But you intend to keep up the activities, or your successor will?

Mr. GREEN of Iowa. Certainly; this report will show that important work is planned, and this is only the report of one division.

Mr. BLANTON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. The gentleman's committee generously and patriotically met several weeks before Congress and prepared a tax bill and passed it immediately. How much longer is the tax bill going to be held up without action?

Mr. GREEN of Iowa. I regret to say that I can not give the gentleman any information.

Mr. BLANTON. It is an administrative holdup, is it not?

Mr. GREEN of Iowa. I do not know what is holding up the bill.

Mr. BLANTON. Can the gentleman give us any idea when we are going to get the benefit of this tax bill, which removed certain tax burdens upon the shoulders of the people, and which was passed here in the House last December?

Mr. GREEN of Iowa. I regret to say that I can give the gentleman no information. I do not know whether it will come over here at all.

Mr. Speaker, I ask unanimous consent that this report of the chief of the division of simplification be printed in the RECORD as an extension of my remarks.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The report is as follows:

(Division of simplification, Charles D. Hamel, chief and counsel; E. H. McDermott, assistant counsel)

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, March 16, 1928.

Hon. WILLIAM R. GREEN,
Chairman Joint Committee on Internal Revenue Taxation,
Washington, D. C.

DEAR SIR: There is submitted herewith a statement relative to the work of the division of simplification from April, 1927, when the division was organized, to March 1, 1928, and the work now in progress.

COMPLETED WORK

On November 15, 1927, a printed report was submitted by the joint committee to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. This report consists of three volumes printed under one cover. It includes the work of both divisions of the joint committee up to that time. In the first volume there is a comprehensive survey of the problems of simplification; a statement of the work necessary to be done in that connection; an estimate of the possibilities of effective simplification, and specific proposals for simplification and improvement of about 12 major provisions of existing law. In addition, there is a proposal for the entire rearrangement of the form of the revenue act; and the act, as thus rearranged, is printed in full as Volume II of the report.

The legislative counsel and the special assistant to the Secretary of the Treasury contributed much toward the form and the substance of this rearrangement.

The third volume is a comprehensive survey of the administration of the income and profits taxes, submitted to the committee by the Treasury Department.

A majority of the suggestions for revision of particular provisions were adopted in framing the pending revenue bill, as was also the suggested rearrangement of the form of the act and a number of suggested typographical improvements.

Both divisions of the committee endeavored to be of assistance to the Committee on Ways and Means during its consideration of the pending bill.

WORK IN PROCESS

A careful examination of the more complicated sections of the law is in progress. The purpose is to determine how much actual simplification of these sections is possible. Among the provisions of existing law which have been criticized, on the ground of complexity, and which therefore are being examined may be mentioned the following:

Section 219. Estates and trusts.

Sections 222 and 238. Credits for taxes.

Sections 217–232. Net income of nonresident aliens and foreign corporations.

Sections 201–204. Corporate distributions and the determination, recognition, and basis for gain or loss.

Section 206. Net losses.

Section 209. Earned income.

Sections 214–234. Deductions to individuals and corporations.

Sections 221–237. Payment of tax at source.

Section 256. Information at the source.

Sections 277–278. Period of limitation on assessment and collection.

Sections 284 and 3220, Revised Statutes. Limitations on credits and refunds.

As stated, the object is to determine whether these and the other complicated provisions in the act can be set forth in simpler language without thereby causing uncertainty, creating ambiguity, or disturbing the settled constructions of the courts and the Board of Tax Appeals. The scope and difficulties of this undertaking are self-evident.

There are a very considerable number of statutory provisions applicable to income taxation which are not to be found in the revenue acts and have never been collected together. It is proposed to assemble these provisions into a compilation or code, suggesting at the same time, where it seems advisable, such changes as may be necessary to adapt these provisions to modern conditions. This will result in what may be called an administrative code, containing all the statute law relating to the administration of internal-revenue taxes. It is believed that the benefits should warrant the time and effort necessary to this task.

Simplified administration seems as essential as simplification of the act. The survey of administration prepared by the Treasury Department for the committee and printed in the report of November 15, above referred to, forms an excellent basis on which to institute studies directed toward simplification of the administration of the law, both in Washington and in the field.

Respectfully submitted.

CHARLES O. HAMEL.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, it was contemplated that on to-morrow the Navy Department appropriation bill would be taken up. On account of the delay in the necessary printing in connection with the consideration of that bill it will not be ready for consideration until Wednesday morning. In view of this situation, I ask unanimous consent that on to-morrow, Tuesday, Calendar Wednesday business may be in order, and that on the following day Calendar Wednesday be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on to-morrow Calendar Wednesday business may be considered and that on Wednesday Calendar Wednesday business be dispensed with. Is there objection?

Mr. LINTHICUM. I object.

Mr. TILSON. There is no reason for anyone objecting. It is not doing away with Calendar Wednesday.

Mr. LINTHICUM. Will the Calendar Wednesday business be ready to-morrow?

Mr. TILSON. It will.

Mr. LINTHICUM. I do not object.

The SPEAKER. Is there objection?

There was no objection.

CALL OF THE HOUSE

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 51]

Allen	Browne	Connally, Tex.	Fitzpatrick
Anthony	Bulwinkle	Cullen	Fort
Arentz	Burdick	Curry	Frear
Auf der Heide	Bushong	Deal	Gallivan
Bankhead	Butler	Dickstein	Glynn
Beck, Pa.	Carew	Doughton	Golder
Beers	Carley	Douglass, Mass.	Goldsborough
Boies	Carss	Doutrich	Graham
Boylan	Chase	Dowell	Harrison
Britten	Combs	Doyle	Hull, Tenn.
Igoe	McSwain	Ransley	Wason
Jacobstein	McSweeney	Robsion, Ky.	Watson
Jenkins	Magrady	Sabath	Welch, Calif.
Johnson, S. Dak.	Mead	Schneider	Weller
Jones	Michaelson	Shreve	White, Me.
Kendall	Mooney	Sirovich	Williams, Ill.
Kerr	Moore, N. J.	Somers, N. Y.	Wilson, Miss.
Kiess	Morgan	Steagall	Winter
Kindred	Nelson, Mo.	Strong, Pa.	Wyant
Kunz	Norton, N. J.	Strother	Yates
Lampert	O'Connor, N. Y.	Sullivan	Zihlman
Larsen	Palmer	Thompson	
Lea	Palmisano	Tillman	
Lindsay	Quayle	Tucker	

The SPEAKER. Three hundred and thirty-seven Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

THE LATE REPRESENTATIVE WALTER W. MAGEE

Mr. PARKER. Mr. Speaker, I ask unanimous consent for the passage of the following order, which I send to the desk and ask to have read.

The Clerk read as follows:

Ordered, That on Sunday, April 15, 1928, the House meet at 12 o'clock m., for the purpose of holding memorial services on the life and character of Hon. WALTER W. MAGEE, late a Representative from the State of New York.

The SPEAKER. Without objection, the order will be agreed to.

There was no objection.

FEDERAL RADIO COMMISSION

Mr. WHITE of Maine, from the Committee on the Merchant Marine and Fisheries, presented a conference report on the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, which was read and ordered printed.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

ADDITIONAL JUDGES OF THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

The first business on the Consent Calendar was the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON and Mr. CELLER objected.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill and the next bill be passed over without prejudice.

Mr. BLANTON. Mr. Speaker, I object. We ought to dispose of them now. That has been done once.

Mr. LAGUARDIA. It has been done twice.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object to the bill.

ADDITIONAL JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF NEW YORK

The next business on the Consent Calendar was the bill (H. R. 5774) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON and Mr. CELLER objected.

HOOPA VALLEY RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 441) to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the matter of building roads across Indian reservations for the benefit of the public out of funds in the Treasury is a matter upon which we should proceed very cautiously, and we should be very careful about establishing undesirable precedents.

I have made a careful study of this particular case. It appears there is some advantage to the Indians from this expenditure, that there is a very great advantage to the general public, and that this desired road is to be a connecting link

between certain improved highways. In cases of that kind in the past there has been sometimes a division of the expense between the Federal Government and the State or county, the Federal Government taking care of such as might be chargeable to the benefit of the Indians and the State or county the rest. This bill on its face purports to do that, but I find that in fact the State contribution will not be what it ought to be.

In Fortieth Statutes, page 570, the Indian appropriation bill for the fiscal year 1919, the road from Hoopa to Weitchpec was authorized, with a limit of cost of $30,400; but, as a matter of fact, appropriations have been made by Congress amounting to $61,763 upon that road from Hoopa to Weitchpec.

A portion of it is completed. This bill proposes to build the rest of it and build a bridge at a cost of about $70,000. If this bill goes through as written, the $35,000 added to the $61,000 heretofore appropriated will amount to $96,000 out of the Treasury as against $35,000 by the State or county, and the use of the road does not justify as heavy a charge as this against the Federal Treasury.

It is true that the $61,000 heretofore appropriated was reimbursable out of funds of the Indians, but that was only a little salve to put the bill through. The Indians have no funds, and never will have any. We have charged that $61,000 on the books, and we will never get it back.

On the basis of the rule that ought to be followed in such cases and the respective use of the road, this Government ought not to contribute over $10,000 for the balance of the road. The gentleman from California [Mr. LEA] I do not see at the moment, but I am making this suggestion in the RECORD: If the gentleman would reduce this to $10,000, with a further amendment that the balance would be taken care of by the State or county, personally I would not object.

Mr. BLANTON. Why does not the gentleman offer such an amendment and let us proceed?

Mr. CRAMTON. I would not feel justified in doing that in the absence of the gentleman whose bill this is.

Mr. BLANTON. I am sure the gentleman from California would prefer to have his bill amended rather than have the gentleman from Michigan kill the bill.

Mr. CRAMTON. I am advised the gentleman from California is ill, and I therefore ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the report of the grand jury of St. Paul, Minn.

Mr. BLANTON. What report is this, Mr. Speaker?

Mr. MAAS. It is a report of the Federal grand jury on a post-office lease investigation at St. Paul.

Mr. BLANTON. In what way is the Congress and the country concerned about it?

Mr. MAAS. This is a Federal lease on a post office made by the Government.

Mr. BLANTON. Does it show dereliction on the part of officials of the Government?

Mr. MAAS. It charges dereliction and graft.

Mr. BLANTON. If the gentleman wants to develop that with respect to his administration, I have no objection.

Mr. CHINDBLOM. Is the report a public document?

Mr. MAAS. In what respect?

Mr. CHINDBLOM. Grand jury reports are not always public documents.

Mr. MAAS. This has been made public.

Mr. CHINDBLOM. Was it made in open court?

Mr. MAAS. Yes.

Mr. SCHAFER. Mr. Speaker, I object; there is no use filling the CONGRESSIONAL RECORD with all these grand jury reports.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

LUMMI INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 8731) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Washington what benefit this road will be to the Indians.

Mr. HADLEY. The road is the principal artery of travel on the reservation. It extends from one end of the reservation to the other, upon the easterly side of the reservation, which is upon the westerly shore of Bellingham Bay, upon which the reservation abuts. It is a very necessary and important artery of travel to the Indians in traveling upon the reservation.

Mr. LAGUARDIA. The gentleman realizes that the only justification for the appropriation is the direct benefit to the Indians?

Mr. HADLEY. I understand that, and I am stating that it is essential, and the committee report, based upon the evidence before the committee, shows that it is a very important and essential artery of travel for the Indians on the reservation.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is similar in type to the one that I referred to a moment ago, but in this case I find the facts somewhat different.

The Indians are to be benefited by the construction of the road and the general public likewise has a benefit; but in this case there has been $35,000 spent by the county on a bridge and the Indian office advises me that one-half of the bridge is on the Indian reservation. Thirty-five thousand dollars has been spent on this bridge by the county and nothing by the Government. In addition, the gentleman from Washington [Mr. HADLEY] advises me that $19,000 has been spent on this road in the reservation by the county authorities. Therefore this $20,000 will be somewhat less than a 50 per cent contribution, will close the matter as far as the Government is concerned, and I withdraw any objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HADLEY. Mr. Speaker, the bill (S. 1478), now on the Speaker's table, is identical with the bill in the form reported by the Committee on Indian Affairs of the House, and I ask unanimous consent that it be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That not to exceed the sum of $20,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the completion and graveling of the road which has been partially constructed by Whatcom County across Lummi Indian Reservation, in the State of Washington, to be expended under such rules and regulations as the Secretary of the Interior may prescribe: *Provided,* That the proper authorities of the State of Washington or the county of Whatcom shall agree to maintain such road free of expense to the United States.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 11, after the word "agree," insert the words "in writing."

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

A similar House bill was laid on the table.

HAWAII NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 10483) to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that we may dispense with the reading of the description of the boundaries.

Mr. SINNOTT. Reserving the right to object, I understand the Delegate from Hawaii [Mr. HOUSTON] has an amendment to be offered which has been agreed upon with the Secretary of the Interior.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the boundary of that portion of the Hawaii National Park on the island of Hawaii firstly described in the act of Congress approved August 1, 1916 (39 Stat. 432), entitled "An act to establish a national park in the Territory of Hawaii," be, and the same is hereby, amended to read as follows:

"All that tract of land comprising portion of the lands of Kapapala and Keauhou, in the District of Kau, and portions of the lands of Keaau, Kahaualea, Panaunui, and Apua in the District of Puna, containing approximately 34,525 acres, bounded as follows:

"Beginning at a point on the west edge of the Keamoku Aa Flow (lava flow of 1823), the coordinates of said point of beginning referred to Government Survey Trigonometry Station 'Uwekahuna,' being 4,706.6 feet south and 17,970.3 feet west, and the true azimuth and distance from said point of beginning to Government Survey Trigonometry Station 'Ohikea,' being one hundred and sixty-six degrees and twenty minutes, six thousand three hundred and fifty feet, and running by true azimuths—

"1. Along the west edge of the Keamoku Aa Flow in a northeasterly and northwesterly direction, the direct azimuth and distance being one hundred and ninety-eight degrees and ten minutes fourteen thousand seven hundred feet;

"2. Two hundred and fifty-six degrees, eleven thousand four hundred feet across the land of Kapapala and Keauhou to a marked point on the Humuula Trail;

"3. Three hundred and twenty-eight degrees and fifteen minutes eight thousand seven hundred and twenty-five feet across the land of Keauhou to the top of the fault north and the Kau Road;

"4. Thence along the fault in a northeasterly direction along the remainder of Keauhou to a pipe, the direct azimuth and distance being two hundred and fifty-one degrees and thirty minutes four thousand three hundred and thirty feet;

"5. Two hundred and eighty-six degrees five hundred and thirty feet along the remainder of Keauhou;

"6. Two hundred and ninety-eight degrees nine hundred and sixty feet along same;

"7. Two hundred and eighty-three degrees and forty-eight minutes one thousand one hundred and forty-six and five-tenths feet along same to a pipe;

"8. Two hundred and sixty-seven degrees and twenty minutes one thousand and twenty-seven and five-tenths feet along same;

"9. Two hundred and ninety-three degrees and ten minutes one thousand and fifty feet along same to a pipe;

"10. Three hundred and twenty-one degrees and forty-six minutes one thousand one hundred and eleven and three-tenths feet along same;

"11. Three hundred and thirty-three degrees and fifty minutes one thousand one hundred feet along same;

"12. Three hundred and twenty-seven degrees and twenty minutes one thousand nine hundred and forty feet along same;

"13. Two hundred and eighty-three degrees and thirty-nine minutes two thousand and fifty-seven and four-tenths feet along same to a pipe;

"14. Three hundred and thirty-three degrees and twenty minutes two hundred and fifty feet along same to a pipe on the north side of Government Main Road at junction with the Keauhou Road, said pipe being by true azimuth and distance two hundred and ninety-five degrees and twelve minutes six thousand one hundred and sixty-seven and one-tenth feet from Government Survey Trigonometry Station 'Volcano House Flag';

"15. Three hundred and thirty-three degrees and twenty minutes three thousand two hundred and eighty-three and two-tenths feet along the remainder of Keauhou to a pipe;

"16. Two hundred and thirty-three degrees and sixteen minutes one thousand six hundred and forty-six and six-tenths feet along the remainder of Keaau to a pipe;

"17. Three hundred and eighteen degrees three hundred feet along same to a pipe;

"18. Forty-eight degrees one thousand one hundred and twenty feet along same to a pipe on the Keaau-Kahaualea boundary;

"19. Forty-eight degrees six hundred and thirty-four feet along the remainder of Kahaualea to a pipe on the Kahaualea-Keauhou boundary;

"20. Three hundred and thirty-two degrees and ten minutes six thousand five hundred and fifty-one and four-tenths feet along the Kahaualea-Keaau boundary to a pipe;

"21. Two hundred and eighty-one degrees thirty thousand three hundred and one and seven-tenths feet along the remainder of Kahaualea to a pipe;

"22. Thirty-one degrees and thirty minutes thirteen thousand and seventy-four and seven-tenths feet along the remainder of Kahaualea and Panaunui to a pipe, passing over a pipe at five thousand nine hundred and twenty-two and two-tenths feet on the Kahaualea-Panaunui boundary;

"23. Eighty-nine degrees and ten minutes thirty-two thousand nine hundred feet along the remainder of Panaunui, across the lands of Apua and Keauhou to 'Palilele-o-Kalihipaa,' at an angle in the Keauhou-Kapapala boundary marked by a pile of stones, passing over pipes at three thousand five hundred and seventy-two and eight-tenths feet on the Panaunui-Apua boundary and eight thousand four hundred and thirty-five and three-tenths feet;

"24. Fifty-one degrees fifty minutes and thirty seconds five thousand four hundred and thirty feet across the land of Kapapala;

"25. One hundred and two degrees and fifty minutes nineteen thousand one hundred and fifty feet across same to a small cone about one thousand five hundred feet southwest of 'Puu Koae';

"26. One hundred and sixty-six degrees and twenty minutes twenty-one thousand feet across the land of Kapapala to the point of beginning"; and all of those lands lying within the boundary above described are hereby included in and made a part of the Hawaii National Park subject to all laws and regulations pertaining to said park.

SEC. 2. That the provisions of the act of February 27, 1920, entitled "An act to authorize the Governor of the Territory of Hawaii to acquire privately owned lands and rights of way within the boundaries of the Hawaii National Park," are hereby extended over and made applicable to the lands added to the park and included within the boundary established by the preceding section of this act.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 6, after the figures "432," insert a semicolon and the following:

"Section 391, title 16, United States Code."

The amendment was agreed to.

Mr. HOUSTON of Hawaii. Mr. Speaker, I offer the following amendments.

The Clerk read as follows:

Amendments by Mr. HOUSTON: On page 2, line 5, strike out the words "twenty-five" and insert "thirty-one."

On page 4, line 19, strike out all down to the bottom of the page and insert the following new paragraphs 16, 17, 18, and 19:

"16. Three hundred and fifty-four degrees and fifty-four minutes sixty feet along the remainder of Keaau;

"17. Two hundred and thirty-one degrees and thirty-one minutes one thousand six hundred and seventy-eight and eight-tenths feet along same;

"18. Three hundred and eighteen degrees eight hundred and sixteen and four-tenths feet along same to the boundary between the lands of Keaau and Kahaualea;

"19. Seventy-two degrees and forty-five minutes one thousand two hundred and thirty-three and three-tenths feet along the land of Kahaualea to a pipe."

On page 5, line 1, strike out the figure "19" and insert "20."
On page 5, line 4, strike out the figure "20" and insert "21."
On page 5, line 7, strike out the figure "21" and insert "22."
On page 5, line 10, strike out the figure "22" and insert "23."
On page 5, line 15, strike out the figure "23" and insert "24."
On page 5, line 23, strike out the figure "24" and insert "25."
On page 6, line 1, strike out the figure "25" and insert "26."
On page 6, line 5, strike out the figure "26" and insert "27."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

RETIREMENT OF DISABLED EMERGENCY OFFICERS

Mr. SIMMONS. Mr. Speaker and gentlemen, I call your attention to two tables appearing in the CONGRESSIONAL RECORD on the Senate side. On March 14, page 4696, is a table showing the employees of the Veterans' Bureau who will be beneficiaries of the emergency officers' bill. On March 15, page 4745, is a table giving by States the names of beneficiaries, their addresses, their occupations, extent of disability, and the amount of increased compensation that will be required by all disabled emergency officers in the event that the bill becomes a law.

It does not show the nature of the disability. I have that data in addition. It was left out of the RECORD for obvious reasons.

Many have asked me who would be beneficiaries of that law, and for that reason I call the attention of the House to the tables.

Mr. BLANTON. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. BLANTON. Is the gentleman for or against the bill?

Mr. SIMMONS. I am against it.

ASSIGNMENT OF CERTAIN NAVAL OFFICERS AS FLEET ENGINEERS

The next business on the Consent Calendar was the bill (H. R. 5531) to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. DREWRY. Mr. Speaker, will the gentleman withhold his objection and let me make an explanation?

Mr. BLANTON. Certainly.

Mr. DREWRY. This bill is for the purpose of utilizing the services of experienced naval engineers so that they may be assigned to duty at sea as well as on land.

Mr. BLANTON. Does the gentleman think that a naval officer ought to be taken off the land and sent to sea?

Mr. DREWRY. In some cases; yes.

Mr. BLANTON. If the gentleman could force all of the naval officers who are now on land to go to sea, I would be willing.

Mr. DREWRY. This is a matter of engineering duty, and naturally they have engineering duty on land as well as at sea.

Mr. BLANTON. We are accumulating a great many of them. The ones who do not want to stay on land want new cruisers and big battleships to govern and to lord it over a big bunch of men.

Mr. DREWRY. This bill permits the assignment of officers on engineering duty to sea service.

Mr. BLANTON. I have a good reason for my objection.

Mr. BLACK of Texas. Mr. Speaker, before the gentleman objects I would like to get certain information into the RECORD. Under the present law the Secretary of the Navy, as I understand it, may assign any commander to sea duty without his consent, which is correct. He ought to have that authority. If this bill should become a law, then hereafter he could only assign a commander to this kind of duty by getting the consent of the commander.

Mr. BLANTON. Certainly. It is ridiculous.

Mr. DREWRY. Oh, the gentleman is mistaken about that. Take the existing law, and the gentleman will see that that is not the case.

Mr. BLACK of Texas. Let me read what the Secretary of the Navy said. I read from the report:

> In the third place, it will authorize assignments of commanders to sea duty as fleet or squadron engineers only upon their own request.

Mr. BLANTON. I object.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was presented to the House of Representatives by Mr. Hess, one of his secretaries, who also announced that on the following dates the President approved and signed joint resolutions and bills of the House of the following titles:

On March 7, 1928:

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein;

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton;

H. R. 9136. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 84. An act to approve act 25 of the session laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the District of Waimea, on the island and in the county of Kauai, Territory of Hawaii;

H. R. 519. An act for the relief of Joseph F. Ritcherdson;

H. R. 4536. An act for the relief of Fred R. Nugent;

H. R. 6989. An act to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923;

H. R. 7195. An act to provide for the purchase of horses and mules for the Military Establishment;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.; and

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.

H. R. 10715. An act to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments.

On March 8, 1928:

H. R. 7030. An act to amend section 5 of the act of March 2, 1895;

H. R. 7213. An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile, and for other purposes;

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields;

H. R. 238. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army;

H. R. 2524. An act for the relief of Mary M. Jones;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes; and

H. R. 6194. An act for the relief of Frank Stinchcomb.

On March 9, 1928:

H. R. 5635. An act to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army;

H. R. 5783. An act to grant extensions of time of oil and gas permits;

H. R. 6491. An act to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

H. R. 6684. An act to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land; and

H. R. 9842. An act to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.

On March 10, 1928:

H. R. 7201. An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian;

H. J. Res. 176. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River near the city of Hood River, Oreg.;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Ten-

nessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7553. An act for the relief of James Neal;

H. R. 7909. An act to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala.;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the Borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8530. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Coosa River near Cedar Bluff in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Coosa River at or near Pell City on the Pell City-Anniston road, between Calhoun and St. Clair Counties, Ala.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.;

H. R. 2809. An act for the relief of the heirs of Jacob Thomas;

H. R. 8293. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes; and

H. R. 9202. An act to authorize construction at the United States Military Academy, West Point, N. Y.

On March 12, 1928:

H. R. 437. An act authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 472. An act authorizing Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9339. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at Warren, Trumbull County, Ohio;

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River at or near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.; and

H. R. 6579. An act for the relief of James W. Kingon.

On March 13, 1928:

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road, in Roane County, Tenn.;

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road, in Hancock County, Tenn.; and

H. R. 9843. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va.

On March 15, 1928:

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.

On March 16, 1928:

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 6073. An act authorizing E. M. Elliott, of Chicago, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at Ravenswood, W. Va.;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.; and

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

THE CONSENT CALENDAR

ENLARGEMENT OF CAPITOL GROUNDS

The next business on the Consent Calendar was the bill (S. 2301) to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I object.

Mr. BLANTON. Mr. Speaker, I rose to say that I withdraw my objection, since the gentleman from Indiana [Mr. ELLIOTT] has explained the situation to me.

Mr. HOOPER. I reserve the right to object.

Mr. BLACK of Texas. Mr. Speaker, I objected to the consideration of the bill, and intend to object.

HOWARD UNIVERSITY

The next business on the Consent Calendar was the bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOWREY. Mr. Speaker, I object.

Mr. HARE. Mr. Speaker, I object.

ASPHALT, GILSONITE, ETC.

The next business on the Consent Calendar was the bill (H. R. 68) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, I object.

GORGAS MEMORIAL LABORATORY

The next business on the Consent Calendar was the bill (H. R. 8128) to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am as ready as anyone to pay tribute to General Gorgas, and I am as interested as anyone in anything that is for the promotion of health. When this bill was called the other day I asked that it might go over in order that I might have an opportunity to study the bill and to read the hearings, stating that the bill was not drawn well, or, in my judgment, safely. The bill went over. A propaganda has been organized in my district. Those who are interested in promoting this bill apparently do not feel safe in leaving the bill to rest upon its merits. They apparently feel that the merits of the bill are not sufficient, and that they must resort to a back fire in my district. I am getting telegrams galore from people who never saw the bill, but who like myself are in sympathy with the promotion of health or who desire to pay honor to the memory of General Gorgas, but who have no information whatever about the terms of the bill.

Now, I resent the attempt to pass a bill through here in that way. If the gentleman is willing to leave this go over until we can study it and see that it does what the gentleman says he thinks it will do, then I shall not object. For instance, the gentleman from Kentucky [Mr. THATCHER] in the hearings said they had an assurance that the Republic of Panama would contribute a site and money for a building on the site to the amount of half a million dollars. The bill is drawn so that they are not obliged to do that. The bill is so drawn as to make it possible to put the Treasury of the United States to that expenditure. There are other places in the bill where you could drive a four-horse team through it without interfering with the provisions of the bill. I ask that the bill be passed over without prejudice.

Mr. THATCHER. Mr. Speaker, will the gentleman yield there?

Mr. CRAMTON. I will first ask the gentleman if he knows who is responsible for trying to build up the back fire in my district after my request for time to study this bill?

Mr. THATCHER. I wish to say——

Mr. CRAMTON. I want to find out who is behind this bill.

Mr. THATCHER. Let me make this statement——

Mr. CRAMTON. I will say to the gentleman that I am not going to let it go through to-day.

Mr. THATCHER. The best medical and sanitary judgment is in favor of this measure. If any of the constituents of the gentleman are telling him what their views may be, that is their concern.

Mr. CRAMTON. It only comes since my action last Wednesday, when I stated that I wanted to study the bill. It is one of these propaganda movements that has been started up that does not quicken my interest in the bill. I ask unanimous consent, Mr. Speaker, that the bill may be passed over to-day without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill may be passed over to-day without prejudice. Is there objection?

There was no objection.

INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

The next business on the Consent Calendar was the resolution (H. J. Res. 107) to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. This requires three objections. I object, for one.

Mr. BLACK of Texas. I object.

Mr. BOX. Mr. Speaker, I object.

The SPEAKER. Three objections have been heard. The Clerk will call the next bill.

PAN AMERICAN CONFERENCE ON HIGHWAYS

The next business on the Consent Calendar was the resolution (H. J. Res. 108) to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, this is exactly the same. It requires three objections. I object, for one.

Mr. BLACK of Texas. I object.

The SPEAKER. Two objections are heard.

Mr. UNDERHILL. I object.

The SPEAKER. Three objections have been heard. The Clerk will call the next bill.

RETIREMENT DATE FOR RETIREMENTS OF FEDERAL PERSONNEL

The next business on the Consent Calendar was the bill (H. R. 10288) to provide for a uniform retirement date for authorized retirements of Federal personnel.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. BLANTON. Yes.

Mr. WILLIAMSON. The only purpose of this bill is to simplify the bookkeeping and save a lot of expense. It does not affect the retirement-date feature.

Mr. BLANTON. But it does interfere with the present mode of retirement, and it does affect in some ways the status of a few employees of the Government. We have been getting along pretty well under the present system.

Mr. WILLIAMSON. If the gentleman thinks it will affect the status of anybody at the present time, I have an amendment to suggest.

Mr. BLANTON. I will look into it a little further and confer with the gentleman.

Mr. LaGUARDIA. Will the gentleman let it be passed over without prejudice?

Mr. BLANTON. Yes. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

REPORTING CERTAIN CLAIMS AGAINST THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 9583) authorizing the reporting to Congress of certain claims and demands asserted against the United States.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That when there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand, in the judgment of the Comptroller General of the United States, contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by a special report containing the material facts and his recommendation thereon.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

TRANSFER OF RETURNS OFFICE, INTERIOR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from South Dakota if it will be agreeable to him to have the bill passed over?

Mr. WILLIAMSON. Let me say that the only amendment suggested by the Secretary of the Interior is that the "contract" should read "contracts." There is an amendment to carry that out.

Mr. CRAMTON. I will ask unanimous consent, Mr. Speaker, to extend and revise my remarks on this bill by inserting a letter from the Secretary of the Interior, and also ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The gentleman also asks unanimous consent to extend his remarks by inserting the letter referred to. Is there objection?

There was no objection.

The letter referred to is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, February 2, 1928.

Hon. WILLIAM WILLIAMSON,
Chairman Committee on Expenditures in the Executive Departments, House of Representatives.

MY DEAR MR. WILLIAMSON: Your letter of January 19, 1928, has been received, inclosing with request for report thereon, H. R. 9570, Seventieth Congress, first session, entitled "A bill to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes." A bill drawn along the lines of this measure has heretofore been the subject of correspondence between myself and the Comptroller General of the United States, and I inclose herewith for your information a copy of a letter from the Comptroller General dated December 20, 1926, on which it will be seen I made an indorsement that I would support such a bill as he suggested. The measure under consideration, if enacted into law, will be in the interest of good administration and has my approval.

I have one amendment to suggest and that is, after the word "contract," in line 4, page 1 of the bill, that the letter "s" be added, so as to read "contracts."

As a matter of information it may be stated that all of the returns of contracts from 1860 to 1925, inclusive, are now stored through the courtesy of the General Accounting Office in the Emory Building, First and B Streets NW.; all returns of contracts for 1926, 1927, and 1928, as well as card indices and record books pertaining to the returns office, are in the Interior Department Building, Eighteenth and F Streets NW. At the present time three permanent clerks—two in grade CAF–3, at $1,560 per annum each, and one in grade CAF–2, at $1,560 per annum, and one temporary clerk in grade CAF–3, at $1,500 per annum—are employed in connection with the operation of the returns office. The cost for cards, folders, typewriting paper, and other stationery and miscellaneous articles required in the operation of the returns office has been approximately $300 per annum.

In this connection, it is proper to add that while this bill does not in express terms repeal the existing law establishing the returns office and providing for the filing therein of copies of contracts by the Secretaries of War, Navy, and Interior, respectively, such a repeal is contained in section 19 of H. R. 5767, Seventieth Congress, first session, entitled "A bill to establish uniform requirements affecting Government contracts, and for other purposes," which is now pending before the Committee on the Judiciary of the House of Representatives. In this bill likewise provision is made under sections 10 and 11 for the filing of contracts in the General Accounting Office and the furnishing of certified copies thereof.

Very truly yours, HUBERT WORK.

PUBLIC PRINTER

The next business on the Consent Calendar was the bill (H. R. 6669) fixing the salary of the Public Printer and the Deputy Public Printer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and not intending to object——

Mr. HASTINGS. Mr. Speaker, I demand the regular order. I take it that no Member can reserve two-thirds of the right to object.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. SCHAFER. Mr. Speaker, I object to that. We can pass this bill to-day, as well as any other day.

Mr. BLANTON. If you pass this bill, increasing this salary to $10,000, you will have a hundred other bureau chiefs coming here demanding that their salaries, too, be raised to $10,000.

Mr. SCHAFER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is: Is there objection?

Mr. CRAMTON. Mr. Speaker, in view of the conditions I object.

Mr. BLANTON. Mr. Speaker, I object.

Mr. HOOPER. Mr. Speaker, I object.

The SPEAKER. Are there three objections?

Mr. BLANTON. Yes; three Members have objected.

The SPEAKER. The gentleman from Michigan reserved the right to object.

Mr. BLANTON. Three of us are on our feet now.

The SPEAKER. Does the gentleman from Michigan object?

Mr. HOOPER. Yes.

The SPEAKER. A sufficient number.

Mr. TILSON. Mr. Speaker, there are three members of the Committee on Printing, the gentleman from South Carolina [Mr. STEVENSON] being one of them. He came to me when the House convened to-day and said that none of the committee could be here to-day, and that they wish to have this bill retain its present status until they could be here. I wish the gentlemen would withdraw their objections so that it may be left as they request.

Mr. HOOPER. Mr. Speaker, I will withdraw my objection.

Mr. CRAMTON. Mr. Speaker, my purpose in objecting was because we were denied the opportunity of getting information. I withdraw my objection.

Mr. HASTINGS. Mr. Speaker, I understand that no one man can stand up here and reserve the right to object when he by his own objection can not stop the consideration of a bill. I demand the regular order.

Mr. BLANTON. Mr. Speaker, I again ask unanimous consent that this bill may be allowed to go over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

COL. CHARLES A. LINDBERGH

The next business on the Consent Calendar was the bill (H. R. 11078) to provide for the coinage of medals in commemoration of the achievements of Col. Charles A. Lindbergh, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KVALE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that this bill be passed over without prejudice. Is there objection.

There was no objection.

PAYMENT OF CERTAIN TAXES TO OKANOGAN COUNTY, IN THE STATE OF WASHINGTON

The next business on the Consent Calendar was the bill (H. R. 431) to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to point out to the gentleman from Washington [Mr. HILL] that the wording found in section 2, line 11, does not carry out that intent. I would suggest an amendment so it will read:

That the payment of such authorized appropriation to the said Okanogan County, in the State of Washington, shall be in full settlement.

Mr. HILL of Washington. That is acceptable.

Mr. LAGUARDIA. Otherwise it would leave the thing open.

Mr. HILL of Washington. That amendment will be acceptable.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Okanogan County, in the State of Washington, as taxes claimed by said county under section 2 of the act of July 1, 1892, relating to the payment of local taxes on allotted Colville Indian lands, the sum of $104,010.76: *Provided*, That there may be deducted from said amount by the Secretary of the Interior such sum or sums as he may find have been paid to said county for Indian tuition; also the excess, if any, where the rate based on the value of Indian allotments may be found to be in excess of the rate on taxable land.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, $104,010.76, or so much thereof as may be necessary, for the payment of said sum to said county, as provided in the foregoing section.

With the following committee amendments:

Page 1, line 8, strike out "$104,010.76" and insert "$77,435.31."

Page 2, line 8, strike out "$104,010.76" and insert "$77,435.31."

Page 2, line 10, insert the following: "*Provided*, That such authorized appropriation shall be in full settlement of all claims arising under and at any time after the passage of the act of July 1, 1892 (27 Stat. 62, 63)."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment: Page 2, line 11, after the word "that," insert the words "the payment of," and after the word "appropriation" insert "to the said Okanogan County, in the State of Washington."

The amendment to the committee amendment was agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INDEMNITY TO THE GOVERNMENT OF FRANCE

The next business on the Consent Calendar was the bill (H. R. 9043) to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. LAGUARDIA. Will the gentleman withhold his objection?

Mr. SCHAFER. Yes.

Mr. LAGUARDIA. This is not money which our Government owes to the Government of France. This money is due as the result of a collision between one of our boats and the little steamship *Madeleine*. The entire damages amount to about £3,000, which is about $15,000. The fault of the steamship *Kerwood* has been established by a regular court of inquiry. These people were damaged as the result of the faulty navigation of the *Kerwood*, and I know the gentleman from Wisconsin would not want to withhold the payment of this just claim.

Mr. SCHAFER. I will state to the gentleman that this damage occurred during the war. American taxpayers, through the Federal Government, have had some financial dealings with the French Government and they have not been paid. Until such time as the French Government shall pay the American Government some of the money they owe us, I am going to object to every bill of this kind.

Mr. LAGUARDIA. I am sure if the gentleman will stop to consider, he will realize that here are people who are entitled to be compensated for damages which occurred from the fault of the management of a United States ship.

Mr. SCHAFER. And the taxpayers of America are entitled to receive compensation from the French Government on the war debt, and I therefore object.

DIVISION OF SAFETY

The next business on the Consent Calendar was the bill (H. R. 6848) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, I object.

Mr. HOOPER. Will the gentleman withhold his objection a moment?

Mr. UNDERHILL. Yes.

Mr. HOOPER. I have been asked to request that this bill be passed over without prejudice.

Mr. BLANTON. I think we are going to let it be passed on now.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I intend to object if the gentleman does not.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ELECTORS OF PRESIDENT AND VICE PRESIDENT

The next business on the Consent Calendar was the bill (H. R. 7373) providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, this is a long bill and I therefore ask unanimous consent that the bill may be printed in the RECORD without reading.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The bill is as follows:

Be it enacted, etc., That the electors of President and Vice President of each State shall meet and give their votes on the second Monday in December next following their appointment at such place in each State as the legislature of such State shall direct.

SEC. 2. That it shall be the duty of the executives of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Secretary of State of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 1 of this act to meet, six duplicates of original of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Secretary of State of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Secretary of State shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Secretary of State of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the State Department.

SEC. 3. That the electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

SEC. 4. That the electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Secretary of State at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Secretary of State for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled.

SEC. 5. That when no certificate of vote and list mentioned in this act from any State shall have been received by the President of the Senate or by the Secretary of State by the fourth Monday in December of the year in which the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Secretary of State shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government.

SEC. 6. That when no certificates of votes from any State shall have been received at the seat of government on the fourth Monday of the month of January, after the meeting of the electors shall have been held, the President of the Senate, or, if he be absent from the seat of government, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government.

With the following committee amendment:

Page 2, line 13, strike out the word "of."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (H. R. 9018) granting the consent of Congress to E. M. Elliott and Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri and Mr. LAGUARDIA objected.

CREATION OF NEW JUDICIAL DISTRICT IN THE STATE OF INDIANA

The next business on the Consent Calendar was the bill (S. 2752) to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to call the gentleman's attention to the editorial that appears in the Indianapolis News with respect to this bill, dated March 16, 1928, which is just last week——

Mr. HICKEY. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded.

Mr. BLANTON. Regular order is that we are going to object. I object, Mr. Speaker.

ADDITIONAL CIRCUIT JUDGE

The next business on the Consent Calendar was the bill (H. R. 11139) for the appointment of an additional circuit judge for the second judicial circuit.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GRIFFIN. I object, Mr. Speaker.

Mr. LAGUARDIA. Will the gentleman permit this bill to be passed over without prejudice until we get this situation in New York cleared up?

Mr. GRIFFIN. I consent to that.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. BLANTON. On that, Mr. Speaker, I ask unanimous consent to proceed for two minutes.

Mr. HICKEY. I object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I ask to have it passed over without prejudice.

Mr. BLANTON. I object.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT CARONDELET, MO.

The next business on the Consent Calendar was the bill (H. R. 10145) authorizing American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, St. Louis County, Mo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, I object.

TO PROMOTE EXPORT TRADE

The next business on the Consent Calendar was the bill (H. R. 8927) to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object.

ADDITIONAL JUDGE FOR DISTRICT OF SOUTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 8551) to create an additional judge in the district of South Dakota.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

ADDITIONAL CIRCUIT JUDGE FOR THE NINTH JUDICIAL CIRCUIT

The next business on the Consent Calendar was the bill (H. R. 8295) for the appointment of an additional circuit judge for the ninth judicial circuit.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

DISBURSEMENT OF FEDERAL FUNDS

The next business on the Consent Calendar was the bill (H. R. 5772) to regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public buildings, highway, levee, dam, excavation, dredging, drainage, or other construction project, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. I object.

SECOND INTERNATIONAL IMMIGRATION CONFERENCE AT HABANA

The next business on the Consent Calendar was the bill (H. R. 10167) to authorize the President to accept the invitation of the Cuban Government to appoint delegates to the Second International Emigration and Immigration Conference to be held at Habana commencing March 21, 1928.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MCREYNOLDS. I object.

DOUBLE PENSIONS FOR DEPENDENTS

The next business on the Consent Calendar was the bill (H. R. 10479) granting double pensions to dependents under existing pension laws in all cases where an officer, warrant officer, or enlisted man or student flyer of the United States Army dies or is disabled due to aircraft accident.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection.

Mr. LAGUARDIA. Reserving the right to object, I would like to ask the gentleman from Minnesota is there any objection, while on the subject, to amending the bill by providing the same double compensation for a man injured in a submarine?

Mr. BLANTON. Reserving the right to object, does the gentleman from New York remember during the war when the committee brought in the war risk insurance bill and proposed to pay the wife of a general $17,500 and the wife of an enlisted man about $2,000? Does the gentleman remember the splendid argument which the gentleman from Texas [Mr. BLACK] made, that when a man dies he gives all he has, and his life is worth just as much to his widow as is the life of any other man to his widow, without reference to the position he held?

Mr. LAGUARDIA. Yes; his life is worth as little to him as that of the other fellow.

Mr. BLANTON. Is the gentleman going to allow the bill to come up? I am going to object.

The SPEAKER pro tempore. Objection is heard.

RESERVE SUPPLIES HELD BY THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 7752) to limit the issue of reserve supplies or equipment held by the War Department.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, this bill is so far-reaching in effect that I want to ask the gentleman from Michigan [Mr. JAMES] if he will accept an amendment which will permit the Government to issue supplies instead of keeping them until after the supplies are about to become deteriorated and useless. I propose to offer an amendment at

the end of the bill excepting supplies or equipment becoming obsolete, deteriorated, or useless. In other words, if we say that the War Department can not issue any supplies from this reserve, they must keep all supplies on hand, regardless of whether the supplies are deteriorating or not. This means that we may be buying supplies for current use while similar supplies may be deteriorating and going to waste. I think before they become uselss or deteriorated we ought to use them. Will the gentleman accept that amendment?

Mr. JAMES. There was a provision to this effect in the appropriation bill of 1923. I think the gentleman's amendment is good, and we will accept it.

Mr. LAGUARDIA. This language is proper on an appropriation bill, because it only applies to one year, but this is a permanent provision, and we do not want to keep supplies until they become deteriorated and useless. With that reservation I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That no issues of reserve supplies or equipment shall be made where such issues would impair the reserves held by the War Department for two field armies or 1,000,000 men.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 1, line 6, after the word "men," strike out the period and insert a comma and add the following: "except supplies or equipment becoming obsolete, deteriorated, or useless."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POLITICAL STATUS OF PHILIPPINE ISLANDS

The next business on the Consent Calendar was the bill (H. R. 8567) to amend section 29 of the act of March 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," and for the insertion of a new section in said act between sections 29 and 30 of said act, to be designated as "section 29½" of said act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KING. Mr. Speaker, I object.

Mr. SCHAFER. Mr. Speaker, I object.

Mr. HOOPER. Mr. Speaker, I object.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the bill be passed over temporarily.

Mr. SCHAFER. Mr. Speaker. I demand the regular order. I object. This bill has no place on the Consent Calendar.

Mr. BEEDY. It was put on the calendar by mistake.

Mr. SPEAKER pro tempore. Objection is heard.

INTERNATIONAL EXPOSITION, SEVILLE, SPAIN

The next business on the Consent Calendar was House joint resolution (H. J. Res. 211) to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, I object.

Mr. BURTON. Mr. Speaker, I hope the gentleman from Texas will withhold his objection for a moment.

Mr. BLANTON. Mr. Speaker, after I objected the other day I got a letter from the department, which sustained my idea of the bill. This bill will have to be passed before the department may now pay out the sum of $200,000. I have a letter from the department, and I would like to submit it to the gentleman from Ohio [Mr. BURTON]. If I am incorrect, I shall gladly withdraw my objection.

Mr. BURTON. This is somewhat urgent.

Mr. BLANTON. I am quite ready to get the letter right away and submit it to the gentleman, and will be back here on the floor within a few minutes, and the gentleman can call it up again if I am mistaken. Mr. Speaker, I ask that the bill be passed to the heel of the calendar.

The SPEAKER pro tempore. Does the gentleman mean that it be passed without prejudice for the present?

Mr. BLANTON. I ask that it be passed without prejudice for the present to the heel of the calendar.

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry. What is the heel of the calendar?

Mr. BLANTON. It is the end of the calendar.

The SPEAKER pro tempore. The Chair suggests that if it is to go to the end of the calendar there will be no chance of reaching it this afternoon.

Mr. BLANTON. Mr. Speaker, I ask that it be passed without prejudice, subject to be called up later by the gentleman from Ohio.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SCHAFER. I object.

Mr. BLANTON. Mr. Speaker, then I object to its consideration.

CALL OF THE HOUSE

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Maryland makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty Members present, not a quorum.

Mr. VESTAL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 52]

Allen	Deal	Johnson, S. Dak.	Quayle
Anthony	De Rouen	Johnson, Wash.	Ransley
Auf der Heide	Dickstein	Jones	Rathbone
Ayres	Doughton	Kerr	Robsion, Ky.
Bankhead	Douglas, Ariz.	Kiess	Sabath
Beers	Douglass, Mass.	Kindred	Sears, Fla.
Black, N. Y.	Doutrich	Korell	Sears, Nebr.
Boies	Dowell	Kunz	Sirovich
Boylan	Doyle	Lampert	Somers, N. Y.
Brand, Ga.	Eaton	Larsen	Steagall
Britten	Fish	Lea	Stevenson
Browne	Fitzpatrick	Leatherwood	Strong, Pa.
Buchanan	Fort	Lindsay	Strother
Bulwinkle	Frear	Lowrey	Sullivan
Bushong	Free	McFadden	Thompson
Butler	Gallivan	McSweeney	Thurston
Carew	Gifford	Magrady	Tillman
Carley	Golder	Mead	Treadway
Cartwright	Goldsborough	Michaelson	Underhill
Casey	Graham	Mooney	Updike
Celler	Greenwood	Moore, N. J.	Wason
Chase	Griffin	Morgan	Watson
Clague	Harrison	Norton, N. J.	Welch, Calif.
Combs	Hughes	O'Connor, N. Y.	Weller
Connally, Tex.	Igoe	Palmer	Welsh, Pa.
Cullen	Jacobstein	Palmisano	Whitehead
Curry	Jenkins	Purnell	Yates

Three hundred and twenty-five Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

SITTING OF MILITARY AFFAIRS COMMITTEE DURING SESSIONS OF THE HOUSE

Mr. MORIN. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may be permitted to sit during the sessions of the House for two weeks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PACIFIC SOUTHWEST EXPOSITION

The next business on the Consent Calendar was House joint resolution (H. J. Res. 126) providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. Mr. Speaker, I object.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. BLANTON. Yes; if the House is willing.

Mr. CHINDBLOM. Mr. Speaker, this matter came up the other day when we had a special call of this calendar. The gentleman from Texas [Mr. BLANTON] then said that he had some matters that he wanted to examine into with reference to the bill. I say to him that this bill is in exactly the form in

which innumerable bills have passed the House with reference to expositions. It provides for no expense whatsoever to the Government.

It has the approval of the Department of State, the Department of the Treasury, and the Department of Commerce, and it has a report from the Director of the Budget to the effect that it is not in conflict with the President's financial policy. It merely permits the entry of goods into the United States for exposition purposes while the exposition is being held.

Mr. BLANTON. If I had the time, I would explain to the gentleman a very good and sufficient reason; but the House is in such a temper to proceed hurriedly that I can not do that.

Mr. CHINDBLOM. I hope the gentleman will take the time. I am satisfied the Members of the House will not object.

Mr. BLANTON. None of us being alike, we must all use our own judgment. Our Creator has so made men that they differ in their physiognomy and in their judgment and otherwise.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

Mr. BLANTON. If I had the chance to answer the gentleman, I would not object; but we want to proceed with the calendar, and I am constrained to object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

ADDITIONAL PAY TO MEN ON SUBMARINE VESSELS AND DIVING DUTY

The next business on the Consent Calendar was the bill (H. R. 9289) to provide additional pay for personnel of the United States Navy assigned to duty on submarine vessels and diving duty.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I desire to call the attention of the gentleman from Massachusetts [Mr. ANDREW] to this provision of the bill, which provides for 25 per cent additional pay for officers, which, I think, is proper, and then limits the additional pay for enlisted men to not to exceed $30 a month; but limits the minimum to not less than $5. The low-pay enlisted men get about $21 a month. On the enlistment basis they would not receive more than $5. The country was quite shocked when it heard that we were proposing to give but $1 additional pay.

Mr. ANDREW. Does the gentleman refer to the divers or to the men on the submarines?

Mr. LAGUARDIA. Submarines. Every time they submerge they now get $1. Would not the gentleman accept an amendment, on line 4, page 2, to read, "not less than $15," instead of "$5"?

Mr. ANDREW. The provision is for a minimum of $5 additional pay per month, a 25 per cent increase. We have a provision also that the submarine personnel may get additional pay as high as $30 a month. The thought was that the minimum might go to men attached to the submarine service at the docks, to new men not yet qualified, and that the Secretary of the Navy might arrange a scale of pay according to the character of the service and according to the experience of the men.

Mr. LAGUARDIA. Do I understand the gentleman's bill gives the Secretary of the Navy sufficient latitude to fix different salaries within the same grade?

Mr. ANDREW. Yes; so far as additional pay is concerned, between $5 a month and $30 a month, according to the character of the work. That is, the Navy could differentiate between men newly assigned to submarines and those fully qualified, or between those cruising with the fleet and those quartered on shore or on shore-based tenders.

Mr. LAGUARDIA. Then, in view of that statement, Mr. Speaker, I ask that the bill be passed over without prejudice until we can confer further. I think that is a very dangerous thing to pass without full understanding and discussion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas that the bill be passed over without prejudice?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

MONUMENT TO SACAJAWEA, OR BIRD WOMAN

The next business on the Consent Calendar was House joint resolution (H. J. Res. 75) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LEAVITT. Reserving the right to object, Mr. Speaker, I have a statement from an official in the State of Montana, correcting the statement as to the burial place of Sacajawea as given in this bill. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

The SPEAKER pro tempore. The bill will be passed over without prejudice. The Clerk will report the next bill.

TABLET OR MARKER AT MEDICINE LODGE, KANS.

The next business on the Consent Calendar was the bill (H. R. 8132) authorizing the appropriation of $2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian Peace Council, at which treaties were made with the Plains Indians in October, 1867.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ENFORCEMENT OF NARCOTIC DRUGS ACTS

The next business on the Consent Calendar was the bill (H. R. 10083) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this proviso was carried on an appropriation bill from time to time, and recently it went out on a point of order. I want to make it certain that the spending of this money contrary to the provisions of section 3648 of the Revised Statutes will be applicable only to the enforcement of the drug acts, and therefore I would suggest that on page 2, line 8, it be amended so as to read:

Such advances in connection with the enforcement of the act hereinbefore stated relating to narcotic drugs—

And so forth. That would make it clear. With that understanding I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Prohibition, with the approval of the Secretary of the Treasury, is authorized to direct the advance of funds by special disbursing agents in connection with the enforcement of the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as "the narcotic drugs import and export act."

Such advances may be made, notwithstanding the provisions of section 3648 of the Revised Statutes of the United States, from the appropriations available for the enforcement of such acts and acts amendatory thereof or supplementary thereto.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 8, after the word "advance," insert "in connection with the enforcement of the acts hereinbefore stated relating to narcotic drugs."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, in line 10, after the word "States," insert:

"Sec. 529, title 31, U. S. C."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SECOND PAN AMERICAN CONFERENCE ON HIGHWAYS AT RIO DE JANEIRO

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 30) to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLANTON. I object.

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 31) to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLANTON. I object.

PUEBLO INDIANS OF NEW MEXICO

The next business on the Consent Calendar was the bill (H. R. 9483) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have an amendment to suggest which I feel sure will be agreeable to the gentleman from New Mexico. The committee amendment strikes out the limitation that no right of way shall be granted within less than 500 yards from the plaza of any existing pueblo. The committee amendment changes that to the Santo Domingo pueblo. As I understand, that is the only case where a question now arises, but I can see it might arise as to some other pueblo. I want to add at the end of the committee amendment, after the words "New Mexico":

nor shall any such right of way be granted any portion of which lies less than 500 yards from the plaza of any other existing pueblo without the approval of the Secretary of the Interior.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. The committee, on the presentation of the matter by the gentleman from New Mexico, took subsequent action. It struck out all of the provision and inserted in its place:

Under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

Mr. CRAMTON. I am not sure, Mr. Speaker, what grant of authority the department would feel that language would give them. It no doubt gives broad enough authority to the department, but I am not sure the department would feel that Congress meant that they could prevent the grant of a right of way within 500 yards of the Santo Domingo pueblo. For instance, they might only construe it to mean that the right of way would be granted, but under such regulations as the department might require, and it might be held that those regulations did not go so far as to prescribe the location of the right of way.

Mr. LEAVITT. The gentleman from New Mexico discussed that with the Commissioner of Indian Affairs, and I would be glad to have him make a statement.

Mr. MORROW. I will say to the gentleman from Michigan that a railroad already exists there, and the right of way has been paid for. An act of Congress was passed, but it did not bring in the Government as a party, and it is necessary now to go back and apply certain laws that apply to Indian reservations in order that this may be carried out. The railroad is already built and runs through this very plaza, and the purpose of our amendment was to leave the matter entirely within the discretion of the Secretary of the Interior. If there is any interference there, the only question raised is the schoolhouse. The schoolhouse happens to be on one side of what is intended shall be the highway, and the railroad people themselves are perfectly willing, as I understand it, to remove the schoolhouse and rebuild it. The purpose is to let alone the railroad that is already constructed.

Mr. CRAMTON. I wonder whether it would be agreeable to the gentleman from New Mexico to let the bill pass over so that we may work out the amendment?

Mr. MORROW. Yes.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

ALABAMA AND COUSHATTA INDIANS

The next business on the Consent Calendar was the bill (H. R. 5479) to provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would be interested in having some statement from the Bureau of Indian Affairs. The report carries none, and therefore I am obliged to object.

Mr. BRIGGS. A report has been filed with the committee on that subject.

Mr. CRAMTON. But it is not in the report. If the gentleman wants it to go over, that will be all right with me; and if I can get a copy of the report I will be glad to study it.

Mr. BRIGGS. I will be glad to furnish the gentleman with a copy, and I can do that right now.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. BRIGGS. I have the report right here, if the gentleman would like to see it.

Mr. CRAMTON. I would like a chance to read the report. The gentleman can not get his money before May or June in any event.

Mr. BRIGGS. That is perfectly true.

FLAG AND INSIGNIA OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 5724) to prevent desecration of the flag and insignia of the United States and to provide punishment therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person or persons, firm or firms, corporation or corporations, or other organization or organizations, who, in any manner, for exhibition or display, place or cause to be placed upon the flag, colors, design, standard, coat of arms, or other insignia of the United States, or upon any intended representation thereof, any inscription, picture, design, device, symbol, name, advertisement, words, marks, notice, or token, or who shall possess, distribute, display, or exhibit, or cause to be distributed, displayed, or exhibited any flag, color, design, standard, coat of arms, or other insignia of the United States, upon which shall in any manner be placed, attached, annexed, affixed, associated, or made a part thereof, any inscription, picture, design, device, symbol, name, advertisements, words, marks, notice, or token whatever, or who willfully and publicly show open or hostile contempt for, trample upon, or otherwise deface or defile any such flag, color, ensign, standard, coat of arms, or other insignia of the United States, shall upon conviction be fined not less than $100, or imprisoned for not more than six months, or both, for each such offense: *Provided,* That flags, colors, ensigns, standards, coats of arms, or other insignia the property of or used in the service of the United States, or any State or Territory, or the District of Columbia, may have placed thereon such inscriptions, names of actions, words, figures, marks, or symbols as are authorized by law or by the rules and regulations of the United States Government or any department or division thereof.

SEC. 2. That the words "flag," "colors," "coat of arms," or "insignia" used herein include also any picture or representation or simulation of the same.

SEC. 3. That this act shall not apply to the use, wholly disconnected from trade advertising, of the flag, colors, coat of arms, or other insignia of the United States on newspapers, books, cards, certificates, commissions, decorations, banners, pictures, stationery for correspondence, or in or on any other article or in any position where its use is purely and obviously for ornamental or patriotic purposes.

SEC. 4. That this act shall go into effect upon its passage and publication, except as to goods which shall have been made and marked and in stock at that time, and as to such goods it shall be in force six months after its passage and publication.

With the following committee amendment:

On page 2, in line 9, strike out the word "for" and insert in lieu thereof the words "to wit"; and in the same line strike out the

words "or otherwise"; and in line 12 strike out the word "less" and insert the word "more"; and on page 3, beginning in line 8, strike out after the word "effect" the remainder of line 8, all of lines 9, 10, and 11, to the word "six"; and after the word "its" strike out the word "passage" and insert in lieu thereof the word "enactment."

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman a question. Is not the indiscriminate use of the flag now prohibited in advertisements?

Mr. WAINWRIGHT. May I say that this bill——

Mr. BLANTON. Would the gentleman mind answering my question, please?

Mr. WAINWRIGHT. I am undertaking to answer it.

Mr. BLANTON. Is not the indiscriminate use of the flag now prohibited in advertisements?

Mr. WAINWRIGHT. This prohibits the indiscriminate use of the flag in advertisements.

Mr. BLANTON. No; I am afraid the gentleman's bill opens up something that is now prohibited by law.

Mr. WAINWRIGHT. Not at all.

Mr. BLANTON. Because you use the language "except for advertisement."

Mr. WAINWRIGHT. Not at all. This bill applies by national law to the desecration of the national flag, substantially if not precisely, the provisions of law that are in force in every State flag desecration act.

Mr. BLANTON. But at the present time, if I understand it correctly, the indiscriminate use of the flag in advertisements is prohibited by law.

Mr. WAINWRIGHT. That is exactly what this is intended to do.

Mr. BLANTON. But this bill, I am afraid, on account of the way in which it is framed, would open that up.

Mr. WAINWRIGHT. Not at all.

Mr. BLANTON. Because it says "except for advertising purposes," and so on.

Mr. WAINWRIGHT. I think the gentleman is indulging in a very unnecessary fear.

Mr. DYER. That is not the effect of it at all.

Mr. BLANTON. If the gentleman is sure his bill does not open that up, I do not object. I did not make an objection to begin with, because I did not think the bill covered that phase of it, but from a reading of the bill itself it would appear that it does.

Mr. WAINWRIGHT. Oh, the bill can not be open to any such objection.

Mr. SUMNERS of Texas. Mr. Speaker, I am opposed to the bill. I realize it will pass, but I want briefly to state the grounds of my opposition.

There is some embarrassment, of course, in opposing this bill, a bill to protect the flag. But why this bill? Since the organization of the Federal Government the flag has been fairly well protected without national legislation on the subject.

To me there is a principle of government involved in this proposed legislation. Gentlemen stand on the floor of this House and decry concentration of power in the Federal Government, and yet every time we are confronted with a proposition to increase power, if there is some sentiment involved, we vote to give a little more power to the Federal Government. Now, I submit this proposition, which is absolutely sound in a system of popular government. I challenge anybody to deny the soundness of the proposition which I am about to state.

This is a government created by the people, for the people. In such a system, a system of popular government, if we are to preserve it as a vital, efficient system of government, we must let the smaller units of government do whatever they will do, because in the smaller units of government there is the larger personal interest and responsibility. It is not the perfection of government that is important in nature; it is the perfection of people.

It is a fact, and it is a great fact, that notwithstanding some things that have taken place in the history of our country, 46 State legislatures have written prohibitions against the desecration of the American flag. Why do we not leave it there? Nobody claims that the flag is not being protected by the States.

Every time the Federal Government comes in to share responsibility with the States, it is a fact that the States are weakened in their interest, weakened in their efforts, weakened in their sense of responsibility; and it is by this process that we are destroying the State, building up here at this seat of government a great, big, top-heavy system. This Government is not made up of capitals, of officials, of laws, or even of written constitutions, or yet of flags. It is of the people. This is their flag. It is better for them if they will, and the record shows they will, protect their own flag in their own local governments through their own elected officers than to have an appointed marshal make the arrest and the trial had before an appointed Federal judge. They are doing that now. Everybody admits it.

Mr. MADDEN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman.

Mr. MADDEN. I simply want to suggest that frequently we find in the research work which we have to do in the Committee on Appropriations that many, many of the local communities, even as large as the States, are willing to surrender power that belongs to them naturally and legally just for the mere bagatelle of a Federal appropriation.

Mr. SUMNERS of Texas. It is a tragedy.

Mr. MADDEN. It is; and we frequently refuse to let them surrender their rights and we then are blamed for not making such an appropriation.

Mr. SUMNERS of Texas. I am sorry to oppose this bill. I have the highest respect for the author of the bill, and I have the highest respect for the motives behind it, but I state to you, gentlemen, with 46 States of the American Union already having written laws that protect this flag against desecration, why do we want the Federal Government sharing that responsibility? I do not believe we ought to vote up this bill.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. SUMNERS of Texas. I yield to my colleague from Oklahoma.

Mr. McKEOWN. If this bill becomes the law, will there be penalties providing for the arrest of men who violate the law?

Mr. SUMNERS of Texas. Yes; but I do not want in my limited time to discuss the details of the legislation. I am discussing the governmental policy that is involved in a situation where we have 46 States that are admittedly taking care of the situation, protecting the flag, and no complaint from any section. In this case I say it is not wise to enact a national law.

Mr. HUDSON. Will the gentleman yield for a question?

Mr. SUMNERS of Texas. I yield to the gentleman.

Mr. HUDSON. What two States have not such a law now?

Mr. SUMNERS of Texas. I understand Virginia is one.

Mr. WAINWRIGHT. And Kentucky.

Mr. DOMINICK. Will the gentleman yield?

Mr. SUMNERS of Texas. And Virginia has now passed such a law.

Mr. DOMINICK. I was just going to suggest that to the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. LINTHICUM. Does not the gentleman think that the National Government has a right to pass a law to prevent the desecration of its own flag?

Mr. SUMNERS of Texas. Of course it has; but this is the flag of the people. Our system of Government is not divided now. This is one Government, one people, and one flag. The people have the governmental responsibility, a part is lodged in the municipality, a part is in the county, and a part in the State, and another part in the Federal Government. If the people of the 46 States, now 47, are taking care of this thing, it is their flag, their States which all together make up their governmental machinery and their Nation. When they are taking care of it, why not let it alone? I make the point that after the formative period of a popular government—and we have long passed that period—all true progress in such a system, by the very nature of the system, must be in that direction which places the power to govern and the necessity to govern closer and closer to the people. State rights is not important. It is not the right of the State to govern which is important, but it is the necessity for them to govern which is important if our system of government is to live.

Mr. LINTHICUM. They will make it a uniform law throughout the whole country.

Mr. SUMNERS of Texas. I suggest that the State laws are practically uniform. But this argument in favor of national legislation because the States have not enacted uniform laws is not sound; it is an argument against national legislation. The people have a right to have their own ideas reflected in legislation. It is the people's Government. I submit it would be a grander, a more assuring spectacle to see some local constable hail a violator of the flag before a local justice of the peace with the people gathered as indignant spectators than to have

an imported Federal marshal carry the offender off to a Federal court for trial. When Uncle Sam steps in the States step out; not always, perhaps, but that is the tendency. There is no complications here, no interstate problems, no feature which is beyond the power or jurisdiction of the States, no lack of State efficiency. It is just one more addition to the great Federal colossus.

Mr. DYER. Mr. Speaker, it is true that most of the States have adopted a law practically the same if not in this exact language. The author of this legislation felt, and the committee felt, that it was proper for the Congress itself to put its approval and seal upon the legislation that affected the flag of the Nation. It does nothing more than that except to authorize and approve of the action of the people of the country throughout the various States. It is most appropriate that Congress should do something with respect to its own flag. It is no reflection on the States; we have enacted many laws that States have enacted, and this one is only for the purpose of putting the approval of Congress on the flag of the Republic. I will yield to the author of the bill.

Mr. WAINWRIGHT. Mr. Speaker, there is no intention and certainly this will not have the effect in any way of interfering with the State laws. It will simply supplement them and add to the prevention of the desecration of our flag the full power of the Federal law. This legislation has been proposed from time to time in past years; indeed, recommended to the Congress by several of our Presidents. The Congress of the United States is the primary authority for a law of this kind. My friend from Texas will agree that the fundamental authority and duty to protect the flag of the United States rests with the Federal Government. That is what was declared, inferentially at least by the Supreme Court of the United States in the memorable decision in Halter *v.* Nebraska (205 U. S. 34), upholding the constitutionality of the Nebraska State law. It should be obvious that it is the right, if not the duty, of the National Government to exert all its authority and power to protect the emblem of its own sovereignty. All this bill will do will be to provide a Federal flag desecration law, as the fundamental law of the land on the subject, and by no means will it conflict with the statutes of any State. In other words, we will have for the protection of the flag and for its preservation inviolate a Federal law, and thus there will be a joint exercise of power by the Federal Government and States to insure the purpose in view. I hope, Mr. Speaker, that no gentleman will hastily or lightly vote against this measure, because it is preeminently our duty to pass it.

Mr. GILBERT. Will the gentleman from Missouri yield?

Mr. DYER. I will yield to the gentleman.

Mr. GILBERT. What two States in the Union have not passed the law?

Mr. DYER. I think there is only one now—I think Virginia passed it the last session. The only one remaining is Kentucky.

Mr. GILBERT. I have no information about it, but if Kentucky is the only State that has not passed such legislation, then this legislation must be passed purely for the benefit of Kentucky?

Mr. DYER. Oh, no; if all the States had passed it, this would be offered in the same way, because it is the flag of the Nation. It is no reflection on any State.

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STOBBS. Mr. Speaker, with all due respect for the argument of my good friend from Texas, it is perfectly true that the people of the United States express themselves through their State legislatures, and they also express themselves through the Congress, here.

This whole legislation is nothing more or less than an expression on the part of the people of the United States through Congress itself of the determination to protect the emblem of our national sovereignty. It is a matter peculiarly within the domain of the National Congress, the legislation in no way reflects upon any one State. Let any one State do whatever it sees fit to do so far as passing laws to protect the flag is concerned. The function of the Congress of the United States more than any State government is to protect the emblem of national sovereignty, and as the situation is at present, if there is any desecration of the flag within any State and the State does not see fit to prevent it or to punish on account of it, or if there is any desecration of the flag in connection with its use or any article shipped in interstate commerce there is no single law on our statute books by which we can protect our Stars and Stripes. I say that it is a part of the function of the Congress of the United States to protect the emblem of its own sovereignty. I hope sincerely that this legislation will be passed.

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GILBERT. Mr. Speaker, it appears from the discussion that Kentucky is the only State that has not already a law identical with the one sought to be enacted. In Kentucky we have no revolutionists, we have no reds. If there ever had been occasion for a law of this kind, Kentucky certainly would have enacted it. If one in Kentucky should purposely and wantonly insult the flag, he probably would never reach the court house. I am not opposed to the legislation. I simply want to inform the House that it has never been necessary and never will be in Kentucky to have a law to protect the national emblem from desecration. [Applause.]

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, it seems to me that the argument of the gentleman from Texas [Mr. SUMNERS] as a State rights speech is as far-fetched as any argument I have heard in this House for quite a while. The idea that this affects State rights is preposterous. If the National Government has a right to do anything, it has a right to protect that emblem which represents it, not only in this country but throughout the world. All of the States have passed laws with the exception of Kentucky, and from what the gentleman from Kentucky says about that State it does not need to pass a law; but all of those laws are different. They intend the same thing, but they are different, and now we have here an opportunity to enact a law for the whole country, uniform, so that a man traveling from one State to another will know what desecration of the flag means.

The provisions of the bill read as follows:

That any person or persons, firm or firms, corporation or corporations, or other organization or organizations, who, in any manner, for exhibition or display, place or cause to be placed upon the flag, colors, design, standard, coat of arms, or other insignia of the United States, or upon any intended representation thereof, any inscription, picture, design, device, symbol, name, advertisement, words, marks, notice, or token, or who shall possess, distribute, display, or exhibit, or cause to be distributed, displayed, or exhibited any flag, color, design, standard, coat of arms, or other insignia of the United States, upon which shall in any manner be placed, attached, annexed, affixed, associated, or made a part thereof, any inscription, picture, design, device, symbol, name, advertisements, words, marks, notice or token whatever or who willfully and publicly show open or hostile contempt, to wit, trample upon, deface, or defile any such flag, color, ensign, standard, coat of arms, or other insignia of the United States, shall upon conviction be fined not more than $100, or imprisoned for not more than six months, or both, for each such offense.

It is provided, however, that coats of arms, flags, insignia, and so forth, used in the United States or any State or Territory or the District of Columbia, may have such names, words, figures, and so forth, authorized by the rules and regulations of the United States Government, and, further, that it shall not apply to the use when wholly disconnected with trade advertisement of the flag, colors, coat of arms, or other insignia on newspapers, books, cards, banners, stationery, and so forth, where the use is purely or obviously for ornamental or patriotic purposes.

I am particularly pleased to see that Congress has at last reached the position of legislating against any degredation of the Stars and Stripes, the oldest national flag now in existence; all those which preceded it have been changed, substituted, or altered. This great flag, like the great country it represents, has grown with the admission of other States into the Union by the addition of stars upon the blue background.

It stands for American life, liberty, and happiness; it represents those democratic principles laid down by the fathers; it is sacred to the heart of every patriotic American and stands for the unlimited power and resources of 115,000,000 citizens.

It is quite befitting at this time that the desecration of the flag shall be prohibited by the National Government; it was only in the last Congress that the National Government took over Fort McHenry as a national reservation and shrine because at that fort the national anthem written by Francis Scott Key was born, and it was this Congress which provided additional funds whereby the old fort may be restored to its pristine glory when the battle was fought; it was at this fort, by the writing of the Star-Spangled Banner, that additional vitality was given to the

flag of which we are speaking. At Fort McHenry will fly this great emblem of freedom and independence.

Fort McHenry will ever serve as a beacon light of our liberty, where loyalty will be intensified as time rolls on, where love of country will be enshrined in the hearts of every son and daughter of the United States of America, and we shall have carried out the prayer of the author of the Star-Spangled Banner—

O thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation!
Blest with vict'ry and peace may the heav'n-rescued land
Praise the power that hath made and preserv'd us a nation!

I sincerely trust that this bill will be passed, and then I want to see another bill passed, and that is one to make Key's Star-Spangled Banner the national anthem by act of Congress. [Applause.]

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INTERNATIONAL EXPOSITION, SEVILLE, SPAIN

Mr. BURTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 401, (H. J. Res. 211) to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain. The gentleman from Texas objected to the consideration of this bill, but he now informs me that he has withdrawn his objection.

Mr. BLANTON. The gentleman has assured me that certain safeguards will be made so that the Government will be protected. I have withdrawn my objection.

Mr. DYER. Mr. Speaker, I shall have to object, not that I am opposed to the joint resolution, but when a bill or resolution is up here and it has been objected to, then Members go away under the impression that it has been settled. Some of them perhaps would object to this now. It is a bad policy to return to these bills.

Mr. JEFFERS. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. JEFFERS. In this case it was stated when the bill was under consideration that the gentleman from Texas was to go to his office and get some information and come back, and then that this request would be made so that every Member was given warning.

Mr. LaGUARDIA. I am sure that nobody will be surprised.

Mr. DYER. With that statement I shall withdraw my objection.

The SPEAKER pro tempore. Is there objection to returning to the joint resolution?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the House joint resolution.

The Clerk read as follows:

Resolved, etc., That appropriations heretofore made or hereafter to be made under the authorization of Public Resolution 65, approved March 3, 1925 (43 Stat. 1256), to enable the Government of the United States to participate in an international exposition at Seville, Spain, may be expended on the certificate of the Secretary of State that the employment of personal services in the District of Columbia or elsewhere and that the materials or services are necessary to enable the Government of the United States to participate in said exposition for the purposes enumerated in that resolution without regard to the provisions of section 3709 of the Revised Statutes, or of any other act regulating or limiting the expenditure of public moneys: *Provided*, That this authority shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BROOKSVILLE PLANT INTRODUCTION GARDEN

The next business on the Consent Calendar was House joint resolution (H. J. Res. 26) authorizing the Secretary of Agriculture to dispose of real property located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. DRANE. Mr. Speaker, I ask that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ENTRIES WITHIN RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 475) to amend certain laws relating to the submission of proof on entries within reclamation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SERVICE MEDALS

The next business on the Consent Calendar was the bill (H. R. 5789) to authorize the award and supply of service medals to individual soldiers as prescribed by Army Regulations for the rendition of certain services.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CONNERY. Mr. Speaker, reserving the right to object, what does the bill do?

Mr. FROTHINGHAM. The object of this bill is to have those in the Army, Navy, and Marine Corps who receive medals for distinguished service get them for nothing instead of having to pay for them as they do now.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will read the committee amendment.

There was no objection, and the Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to procure and issue without expense to persons entitled to them, and to the families of such as may be dead, the following service medals, together with the ribbons, clasps, stars, and similar devices as may be prescribed as a part thereof:

(a) Civil War campaign medal; (b) Indian campaign medal; (c) Spanish campaign medal; (d) Spanish War service medal; (e) Cuban occupation medal; (f) Porto Rico occupation medal; (g) Philippine campaign medal; (h) Philippine congressional medal; (i) China campaign medal; (j) Cuban pacification medal; (k) Mexican service medal; (l) Mexican border service medal; (m) Victory medal and clasps; (n) fourragère as an individual decoration; (o) any service medal or similar device hereafter authorized: *Provided*, That the fact that a person is not in or did not die in the service shall not preclude such gratuitous issue.

SEC. 2. That whenever any article presented under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the owner, such article may, under such regulations as the Secretary of War may prescribe, be replaced at cost price: *Provided*, That to persons in the military service of the United States such article may be replaced free of charge.

SEC. 3. That the Secretary of War be, and he is hereby, authorized to expend from the appropriations for the support of the Army so much as may be necessary to defray the cost of the issues provided by this act.

SEC. 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. LINTHICUM. Mr. Speaker, I want to ask the author of the bill a question. I ask unanimous consent to reconsider the action just taken.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to reconsider the action just taken. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Maryland will be permitted to ask a question.

Mr. LINTHICUM. I want to ask the gentleman why not also insert "the Navy"? You have regulations prescribed by the Army. Why not also have it "Naval regulations"? Why should not the amendment embrace the Navy?

Mr. SCHAFER. And why not insert "the Coast Guard" while we are at it? [Laughter.]

Mr. LINTHICUM. The Coast Guard is entitled to some medals. The Coast Guard became a part of the Navy during the war.

Mr. LaGUARDIA. And at that time it did very useful work.

Mr. BLANTON. Mr. Speaker, why does not the leader of the "wets" [Mr. LINTHICUM] offer an amendment to include the Navy and the Coast Guard?

Mr. FROTHINGHAM. We do not legislate for the Navy. We have no jurisdiction.

Mr. LINTHICUM. Mr. Speaker, I move to amend the bill after the word "Army" by inserting the words "and Navy."

Mr. SCHAFER. Mr. Speaker, I have an amendment I wish to offer.

Mr. LINTHICUM. The gentleman from Wisconsin will wait until my amendment is considered. After the word "Army" insert "Navy."

The SPEAKER pro tempore. The gentleman from Maryland will send up his amendment.

Mr. CRAMTON. Mr. Speaker, if the gentleman from Maryland [Mr. LINTHICUM] will yield, I want to suggest to him that it is hardly practicable to take that up at this time. The whole bill authorizes the Secretary of War to do certain things. Why not let that other matter come up as a separate bill and be passed on by the Navy Department, and make sure that it conforms to their requirements?

Mr. FROTHINGHAM. I suggest that the gentleman from Maryland introduce a bill of that kind and have it referred to the Committee on Naval Affairs.

Mr. LAGUARDIA. The amendment has not been offered yet. I make the point of order against it.

Mr. BLANTON. The point of order of the gentleman from New York comes too late. There has been discussion.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that the bill may go over for a few minutes so that I can prepare a proper amendment.

Mr. LAGUARDIA. You had better amend the rules of the House in the meantime.

Mr. LINTHICUM. I wish they could be amended in some respects.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. CRAMTON. There is a great deal of danger that the gentleman by his amendment may interfere with the passage of this bill. It is a matter that ought to be considered separately. I am sure the Committee on Naval Affairs will give careful attention to any bill that the gentleman from Maryland may introduce.

Mr. LINTHICUM. I think the gentleman should cooperate with me. My amendment is that wherever the words "Army Regulations" appear in the bill we should insert the words "and Navy," and after the word "Secretary" the words "or Secretary of the Navy" should be inserted.

The SPEAKER pro tempore. The gentleman will send up his amendment. The Clerk can not get it that way. If the gentleman wants to offer an amendment, he will have to send it up to the desk. It can not be taken up in this way.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. Without objection, the bill will be engrossed and read a third time.

Mr. LINTHICUM. Mr. Speaker, I made the point of order that there was no quorum present before the Chair put the question as to the engrossment and third reading.

The SPEAKER pro tempore. The gentleman from Maryland makes the point of order that there is no quorum present.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill be passed over for 10 minutes, subject to call.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill be passed over for 10 minutes, subject to call. Is there objection?

There was no objection.

The SPEAKER pro tempore. Meanwhile the Clerk will report the next bill.

VICKSBURG NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 10564) to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park, in the State of Mississippi.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. What bill is it?

The SPEAKER pro tempore. No. 429 on the calender. H. R. 10564. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant and convey to the country of Warren, State of Mississippi, a perpetual easement for the construction and maintenance of a public highway on the Vicksburg National Military Park, Vicksburg, Miss., at such location and under such conditions as may be approved by the Secretary of War: *Provided*, That the county of Warren shall perform at its own cost and expense such work as the Secretary of War may require incident to the construction and maintenance of said highway.

SEC. 2. No part of the property granted and conveyed by the Secretary of War for the purposes aforesaid shall be used for any other than highway purposes, and when said property shall cease to be so used it shall revert to the United States of America.

The SPEAKER pro tempore. Without objection, the spelling of the word "county," in line 4, page 1, will be corrected by the Clerk.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION AT MILITARY ACADEMY, WEST POINT

The next business on the Consent Calendar was the bill (H. R. 11623) to authorize construction at the United States Military Academy, West Point, N. Y.

The title of the bill was read.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, there is no occasion for such a bill as this. All that need be done is to get an estimate from the War Department, have it approved by the Budget, and refer it to the Committee on Appropriations. I protest against getting appropriations for the Army in this way.

The SPEAKER pro tempore. The gentleman from Michigan objects. The Clerk will report the next bill.

MISSOULA NATIONAL FOREST, MONT.

The next business on the Consent Calendar was the bill (H. R. 126) to add certain lands to the Missoula National Forest, Mont.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That, subject to any valid existing claim or entry, all lands of the United States within the areas hereinafter described be, and the same are hereby, added to and made parts of the Missoula National Forest to be hereafter administered under the laws and regulations relating to the national forests; and the provisions of the act approved March 20, 1922 (42 Stat. 465), as amended, are hereby extended and made applicable to all other lands within said described areas——

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to dispense with the reading of the descriptions.

Mr. LAGUARDIA. Mr. Speaker, for strategic purposes I am obliged to object.

The SPEAKER pro tempore. Objection is heard. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

* * * * * * *

East half section 19, township 11 north, range 7 west; sections 2 and 12, township 11 north, range 8 west; west half section 1, sections 2 to 11, inclusive, west half section 12, township 12 north, range 7 west; sections 1 to 17, inclusive, lots 5, 8, 9, 10, 11, 12, 13, 16, and 17, section 18, lots 3, 4, 5, 8, 9, southwest quarter northeast quarter section 20, sections 21 to 28, inclusive, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12, section 33, sections 34, 35, and 36, township 12 north, range 8 west; lots 1, 2, 3, and 7, section 1, north half section 2, section 6, township 12 north, range 9 west; west half section 4, sections 5 and 6, township 13 north, range 6 west; all unsurveyed township 13 north, range 7 west; all township 13 north, range 8 west; west half northeast quarter, northwest quarter, lots 3 and 4, section 6, east half, southwest quarter section 8, south half section 10, north half northeast quarter, southwest quarter northeast quarter, northwest quarter, north half southwest quarter, southeast quarter southeast quarter section 12, sections 13 to 36, inclusive, township 13 north, range 9 west; unsurveyed sections 1 to 5, inclusive, east half unsurveyed section 8, unsurveyed sections 9 to 16, inclusive, north half northeast quarter, southeast quarter southeast quarter unsurveyed section 17, east half northeast quarter, northeast quarter southeast quarter unsurveyed section 20, unsurveyed sections 21 to 28, inclusive, unsurveyed sections 33 to 36, inclusive, township 13 north, range 10 west; lots 4, 5, 6, and 7, sec-

tion 6, west half section 18 township 14 north, range 5 west; sections 1 to 4, inclusive, south half northeast quarter, lots 2, 3, and 4, southeast quarter section 7, south half section 8, southeast quarter northeast quarter, southeast quarter, south half southwest quarter section 9, sections 10 to 13, inclusive, north half southwest quarter, north half southeast quarter, southeast quarter southeast quarter section 14, sections 15 to 21, inclusive, north half southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 22, east half northeast quarter, north half northwest quarter, southwest quarter northwest quarter, southeast quarter southwest quarter, southeast quarter section 23, sections 24, 25, and 26, north half and southwest quarter section 27, sections 28 to 33, inclusive, east half northeast quarter, northwest quarter, north half southwest quarter, lot 1, northeast quarter southeast quarter, lot 4, section 34, all section 35, township 14 north, range 6 west; west half northeast quarter, northwest quarter, east half southwest quarter, south half southeast quarter, northwest quarter southeast quarter section 2, south half southwest quarter section 3, south half northeast quarter, south half section 4, lots 5, 6, 7, and 8, section 7, northeast quarter, southwest quarter, north half southeast quarter, southwest quarter southeast quarter section 8, sections 9 and 10, northeast quarter northeast quarter, west half northwest quarter, southwest quarter, west half southeast quarter, southeast quarter southeast quarter section 11, north half northwest quarter, southwest quarter northwest quarter, east half southwest quarter, southeast quarter section 12, sections 13 to 36, inclusive, township 14 north, range 7 west; lots 1, 2, west half section 4, section 24, south half southwest quarter section 32, township 14 north, range 8 west; unsurveyed sections 5 to 8, inclusive, west half unsurveyed section 17, unsurveyed section 18, north half and southeast quarter, section 20, northeast quarter section 29, township 14 north, range 9 west; section 2, southwest quarter northeast quarter, lot 4, south half northwest quarter, southeast quarter section 4, section 10, north half, north half south half, all section 12, east half, east half west half and southwest quarter southwest quarter section 24, south half south half section 26, southwest quarter northeast quarter and south half section 30, north half and southwest quarter section 32, east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, and south half section 34, township 14 north, range 10 west; southwest quarter northeast quarter, west half, west half southeast quarter section 18, north half, north half southwest quarter section 30, township 15 north, range 5 west; lot 2, west half, west half southeast quarter, southeast quarter southeast quarter section 2, sections 3 to 6, inclusive, northeast quarter, lots 1 and 2, east half southeast quarter section 7, sections 8 to 11, inclusive, west half northeast quarter, west half, southeast quarter section 12, sections 13 to 17, inclusive, east half east half section 18, east half, lots 2, 3, and 4, section 19, sections 20 and 28, inclusive, north half, north half south half section 29, northeast quarter, northeast quarter southeast quarter section 30, sections 33, 34, and 35, township 15 north, range 6 west; lots 1, 2, 7, and 8, section 2, lots 1 to 14, inclusive, east half southwest quarter section 6, township 15 north, range 7 west; southwest quarter, west half southeast quarter section 2, sections 3 to 10, inclusive, southwest quarter northwest quarter and southwest quarter section 12, sections 14 to 22, inclusive, sections 26 to 34, inclusive, township 15 north, range 8 west; all township 15 north, range 9 west; sections 1 to 5, inclusive, northeast quarter, north half southeast quarter, southeast quarter southeast quarter section 6, northeast quarter northeast quarter, south half northeast quarter, northeast quarter southwest quarter, lots 5, 6, and 7, northwest quarter southeast quarter, section 7, lot 4, north half, east half southwest quarter, southeast quarter, section 8, sections 9 to 15, inclusive, east half, southwest quarter section 17, sections 20 to 28, inclusive, north half, northeast quarter southwest quarter, southeast quarter, lots 3 and 5, section 29, east half northeast quarter, southeast quarter southeast quarter section 32, sections 33 to 36, inclusive, township 15 north, range 10 west; east half, east half southwest quarter and lot 3, section 2, west half section 4, west half northeast quarter, northwest quarter, northwest quarter southwest quarter, northwest quarter southeast quarter section 12, township 15 north, range 11 west, all Montana base and meridian.

With the following committee amendments:

Page 2, line 12, strike out the word "unsurveyed."

Page 2, line 13, strike out the word "all" and insert "sections 1 to 5, inclusive, and 7 to 36, inclusive."

Page 2, line 20, strike out the word "unsurveyed."

Page 2, line 21, strike out the word "unsurveyed."

Page 2, line 22, strike out the word "unsurveyed."

Page 2, line 23, strike out the word "unsurveyed."

Page 3, line 1, strike out the word "unsurveyed."

Page 3, line 1, after the figure "20," strike out the word "unsurveyed."

Page 3, line 2, strike out the figure "28" and insert "27."

Page 3, line 2, strike out the word "unsurveyed" and insert "east half and north half northwest quarter section 28."

Page 3, line 3, strike out the word "sections" and insert in lieu thereof the word "section."

Page 3, line 3, strike out the word "to" and insert "north half, north half south half, section 34, section 35, and section."

Page 3, line 5, strike out the word "inclusive."

Page 3, line 7, strike out the figure "4" and insert the figure "3."

Page 3, line 7, insert the words "north half, southeast quarter section 4."

Page 4, line 15, strike out the word "unsurveyed."

Page 4, line 16, strike out the word "unsurveyed," and strike out the words "north half and southeast quarter," and insert "west half northeast quarter, northwest quarter, southeast quarter."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LASSEN VOLCANIC NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 11685) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman of the Public Lands Committee where the committee acquires jurisdiction to provide for a United States commissioner to write a regular judicial code for this park.

Mr. SINNOTT. In the first place, by reference from the Speaker. The bill was referred to my committee. There is a long line of precedents authorizing that to be done by the Speaker. All of these jurisdictional bills have been referred to the Public Lands Committee. Of course, I realize the force of the gentleman's criticism. There is a matter of procedure involved here, but there are other matters which are not matters of procedure. It is just one of those bills where there is an intermingling of procedure and other matters.

Mr. LAGUARDIA. The reason it struck me so forcibly was that recently we had a hearing on a very important bill before the Committee on the Judiciary in which the jurisdiction of these commissioners in the parks was referred to in connection with the bill. I am sure that some of my colleagues on that committee would want to examine this bill, and I would like to have the bill passed over without prejudice.

Mr. CRAMTON. Will the gentleman from New York yield?

Mr. LAGUARDIA. Surely.

Mr. CRAMTON. There have been any number of cessions of jurisdiction, and there have been one or two at this session. They are all along a uniform line, and I am advised that this bill is along the same line as the others. The gentleman will appreciate the desirability of having uniformity along these lines in the different parks. I do not understand that this brings anything new into being.

The State of California has just ceded jurisdiction over this area and the Government has accepted jurisdiction. That is the primary fact in the bill, and hence it goes to the Public Lands Committee. Having accepted that jurisdiction it is necessary to provide for judicial procedure in that area and that follows along as the second fact.

Mr. LAGUARDIA. Suppose the condition were reversed? Suppose a bill called for the creation of commissioners in a certain area and incidental thereto jurisdiction was acquired over a park and such a bill was referred to the Committee on the Judiciary?

Mr. CRAMTON. Well, in this particular case the jurisdiction has been ceded by the State and we want to accept it.

Mr. LAGUARDIA. No harm can come if the bill goes over?

Mr. CRAMTON. No.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

SERVICE MEDALS

The SPEAKER pro tempore. Under the unanimous-consent agreement the House will return to the consideration of H. R. 5789, a bill to authorize the award and supply of service medals to individual soldiers as prescribed by Army regulations for the rendition of certain services, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. LINTHICUM. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Maryland offers an amendment, which the Clerk will report.

Mr. LINTHICUM. Mr. Speaker, I want to say that that amendment will be followed by others to perfect the bill along the line of granting medals and making awards to individuals in the Navy and Coast Guard.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 2, line 21, after the word "War," strike out "be and he is" and insert:

"The Secretary of the Navy and the Secretary of the Treasury be, and they are."

Mr. LAGUARDIA. Mr. Speaker, I make a point of order against the amendment.

The SPEAKER pro tempore. What is the point of order of the gentleman from New York?

Mr. LAGUARDIA. That it is not germane; that the bill under consideration is a bill providing for the furnishing of certain medals and awards granted under authority of acts of Congress. The Navy does not necessarily award its medals under the same acts of Congress, and, therefore, this amendment is not germane to the bill under consideration.

Mr. LINTHICUM. Mr. Speaker, there is no reference in the bill to any law which authorizes the Army to grant these medals.

Mr. LAGUARDIA. But the medals are named there. If the gentleman will read the bill he will see that the medals are specified.

Mr. LINTHICUM. This is to grant medals, ribbons, or other devices to men who have performed duties in certain capacities and in certain wars. What I want to do is to follow this amendment by providing that this shall apply to the Navy granting ribbons or other devices, the same as the Army, and then to do the same thing with respect to the Coast Guard.

Mr. LAGUARDIA. I am in sympathy with what the gentleman is trying to do, but we are not going about it in the right way.

Mr. LINTHICUM. And the gentleman is not expressing his sympathy in the right way. If he is in sympathy with the proposition, he ought not to object.

Mr. McCLINTIC. Will the gentleman permit me to ask the gentleman from New York a question?

Mr. LINTHICUM. Certainly.

Mr. McCLINTIC. If I understand this correctly, this is a bill suggested for the purpose of taking care of those who have lost their medals.

Mr. LAGUARDIA. Yes.

Mr. McCLINTIC. Therefore it has nothing to do with the authority given for bestowing these medals.

Mr. LAGUARDIA. Is the gentleman speaking for his whole committee?

Mr. McCLINTIC. I am just speaking from what I consider a common-sense standpoint.

Mr. FROTHINGHAM. No; not to bestow them originally; it is to give them to them instead of having them pay for them after the award has been made.

Mr. McCLINTIC. In order that we may have a clear understanding, am I correct in the statement that it is only to take care of medals that have been lost?

Mr. FROTHINGHAM. No; it goes further than that, but it does not authorize the granting of any medals.

Mr. McCLINTIC. I assumed that, inasmuch as it did not refer to how these medals were originally given, it did not affect existing law and related to the granting of medals by any branch of the service.

Mr. HUDSON. If the gentleman will permit, it is based altogether on the existing law.

Mr. FROTHINGHAM. It is, and merely provides that they shall get them free instead of having to pay for them.

Mr. McCLINTIC. In other words, the statement is made that existing law requires them to purchase or pay for the medals?

Mr. JAMES. They pay 50 cents and this would give them free the first time.

Mr. CRAMTON. In support of the point of order, let me suggest, Mr. Speaker, the central idea of this bill is not merely the granting of medals. The central idea is how medals shall be granted to one class of persons—those granted under Army regulations. The gentleman from Maryland wants to bring in two other classes of persons. If the bill originally had provided for grants to two classes, to the Army and the Navy, he could bring in perhaps a third class, but inasmuch as the bill only provides as to one class of persons, the gentleman can not bring in two other classes. There is ample justification for the reasonableness of the rule, if you contemplate what would happen to this bill in case the gentleman's amendment should be adopted.

Mr. McCLINTIC. Does the gentleman take the position that to give the Navy and the Coast Guard the same privilege would require a separate bill in each one of the cases?

Mr. CRAMTON. I contend, certainly, that when a bill is before us to prescribe how medals shall be given under Army regulations it is not germane to put in something about how medals shall be given under Navy regulations or under Treasury regulations.

Mr. McCLINTIC. Then the gentleman would be of the opinion that it would require a separate bill affecting the Navy and the Coast Guard?

Mr. CRAMTON. Yes.

The SPEAKER pro tempore (Mr. SNELL). The Chair is ready to rule. We have before us a proposition authorizing the Secretary of War to do certain things. The gentleman from Maryland seeks to amend this proposition by authorizing the Secretary of the Navy and the Secretary of the Treasury to do the same thing; in other words, the gentleman is offering to amend an individual proposition by a general provision so as to include several departments.

There is a long list of precedents which state that one individual proposition may not be amended by another individual proposition even though the two may belong to the same class, such as admitting a Territory, an amendment providing for the admission of another Territory is not in order; to a bill providing pensions for veterans of the Indian wars, an amendment providing for pensions for veterans of the Mexican War is not in order. Also, in section 9809 there is a precedent exactly similar to the one pending, where to a bill for the relief of dependents of men in the Regular Army an amendment proposing to extend the benefits of the act to dependents of men in the National Guard and the Reserve Corps was held not to be germane. This decision was afterwards upheld by Speaker Gillett.

The Chair therefore sustains the point of order.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes."

A motion to reconsider was laid on the table.

BONDS IN CRIMINAL CASES

The next business on the Consent Calendar was the bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this is a bill that is purely judicial in its character and purpose and it is reported from the Committee on the District of Columbia. Would the gentleman have any objection to having the bill passed over without prejudice so we may examine it with that care which I know the gentleman wants us to give it?

Mr. GILBERT. I thoroughly agree with what the gentleman from New York has said about what bills ought to be on this calendar. While this is a very meritorious bill in my opinion, I realize it is subject to discussion and will have no objection whatever to the gentleman's request.

Mr. CRAMTON. Mr. Speaker, I would like to reserve the right to object. This is an important bill. The report does not indicate that it has ever been submitted to any District authority, to the commissioners, to the courts affected, or to anyone else in the District. It seems to me that in respect of a bill of this importance pertaining to the judicial procedure of the District the House ought to have before it some information as to the attitude of the District authorities.

Mr. GILBERT. I will give the gentleman that information. The police judges want the bill. It was prepared at the instance of an ex-police judge. The commissioners reported on it, saying that they thought the reforms should be made but that the bill was not necessary because this could be done without the passage of the bill. With that position the judges take issue.

Mr. CRAMTON. Will the gentleman be kind enough to put in the RECORD in connection with his remarks the report of the commissioners and the report of the judges so we can study them?

Mr. GILBERT. Is not that in the report?

Mr. CRAMTON. No; there is nothing of that kind in the report.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

LOAN OF FIELD GUNS TO DALLAS, TEX.

The next business on the Consent Calendar was the bill (S. 2820) authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to loan without bond, without expense to the United States, to the city of Dallas, Tex., for the purpose of display in the State fair park in that city, two 3-inch field guns, model 1902, serial Nos. 151 and 153, with carriages, which were used by Battery A, Texas National Guard, from 1906 to 1917, until such guns may be needed for national defense.

Mr. SUMNERS of Texas. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the words "directed to," strike out the word "loan" and insert the word "lend."

Mr. SUMNERS of Texas. Mr. Speaker, this bill, S. 2820, is identical with the House bill introduced by myself which would authorize the Secretary of War to lend to the city of Dallas, Tex., two field guns for the purpose of display in the State fair park of that city.

These guns, model 1902, serially numbered 151 and 153, with carriages were used by Battery A, Texas National Guard, from 1906 to 1917.

The original proposition was to authorize the Secretary of War to donate these guns to the city of Dallas, but it was explained by the Secretary of War that these guns are classed as modern guns of the general type used in the World War and all on hand would probably be required in the event of another national emergency, either in their present condition or after relining to use the same ammunition as is used in the present 75-millimeter field gun. For that reason it was suggested by the Secretary of War that the authority should be to the Secretary of War to lend these guns to the city of Dallas, and this bill has been drawn to conform to that suggestion.

Battery A (Dallas Artillery Company) was organized in 1879, and served in the Texas Volunteer Guard and in the Texas National Guard. This organization, designated by the War Department as Battery A, Texas National Guard, was the nucleus around which was constructed the Sixty-first Field Artillery Brigade of the Thirty-sixth Division of the United States Army for service in the World War, and served with distinction in France from August 12, 1918, to March 9, 1919.

Prior to the World War this organization, under the call of the President, served on the Mexican border from May 9, 1916, to March 24, 1917. Many times it was called into service for riot duty and flood duty to assist the civil authorities, and during its existence has won eight first prizes in interstate competition.

Because of its efficiency and its record it was the second National Guard battery in America to be supplied with the long-recoil modern field guns in 1915.

This bill authorizes the Secretary of War to lend two of these guns to the city of Dallas for display in the State fair park, which is a city park. Also there is held annually at this park a fair known as the Texas State Fair, though it does not have any support from the State treasury. This is perhaps the greatest annual fair held in the United States and probably the greatest fair of its kind in the world. During the two weeks which this fair is held each year there is an attendance of approximately a million people.

In a very definite sense the city of Dallas under this bill would become the custodian of these guns, not only for the Government but for those with whose activities these guns have been so closely associated, and for the people at large.

Mr. KETCHAM. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. KETCHAM. Do I understand that this is to be followed by another amendment for another city for another complement of guns along in June? [Laughter.]

Mr. SUMNERS of Texas. This is for the city of Dallas.

Mr. KETCHAM. And Houston is not to be included?

Mr. CRAMTON. There will be fighting enough there without our furnishing any guns. [Laughter.]

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PUBLIC MARKET ON PENNSYLVANIA AVENUE

The next business on the Consent Calendar was the bill (H. J. Res. 204) providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

Mr. CRAMTON. Mr. Speaker, I am with the gentleman from Wisconsin unless this resolution is amended. I understand that the site has not yet been designated for the Department of Justice. There is no reasonable chance of its being needed for building purposes before the 1st of January, 1930.

Mr. SCHAFER. I think it is presumptuous for the committee to bring in a House resolution declaring that it will be needed just because the House of Representatives has passed legislation. The matter is before the Senate. I do not believe in trying to intimidate the Senate. [Laughter.]

Mr. CRAMTON. I think it should appear in the RECORD that it is not expected to use this site for building purposes before January, 1930.

Mr. LAGUARDIA. I think the resolution provides for giving notice to the lessees only.

Mr. SCHAFER. Why should they do it? There has been no law to discontinue the market site. I object.

PERSONAL PHYSICIAN TO THE PRESIDENT

The next business on the Consent Calendar was the bill (S. 3456) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. REECE. Will the gentleman withhold his objection?

Mr. BLANTON. I am going to object anyway. The President receives a salary of $75,000 a year and a certain expense account. Does not the gentleman think he ought to be able to employ his own physician? [Cries of "Regular order!"]

The SPEAKER pro tempore. The bill is objected to.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry. A similar bill is on the calendar objected to and restored and three objections have stricken it from the calendar. What is the rule when a like bill is messaged over from the Senate and goes on this calendar?

Mr. BLANTON. If the point of order is made against it, it ought to go off; the House having rejected such a measure, a similar bill ought to go off the calendar.

Mr. CRAMTON. Before the Speaker rules, let me say that where there are three objections to a bill on the calendar it is not the action of the House, it is the action of three persons who can change their minds. I do not believe that you can hold that the House has acted because there have been three objections to the bill.

Mr. BLANTON. There will always be enough here, we hope, to object to a bill of this kind.

Mr. JAMES. When the gentleman from Texas objected to this bill before it was because he said it put the men on the roll forever.

Mr. BLANTON. That was only one of my many objections. I have a lot in my pocket now I have not pulled out. [Laughter.]

The SPEAKER pro tempore. In answer to the question of the gentleman from New York, the opinion of the present occupant of the Chair is that they are two distinct bills. One has been on the calendar objected to, and when the Senate bill comes over it goes on the calendar; and if it is objected to once, it will take three objections to take it from the calendar the next time.

Mr. BLANTON. We hope to have the three objections here to stop it when it is called again.

UNITED STATES VETERANS' HOSPITAL, PERRY POINT, MD.

The next business on the Consent Calendar was the bill (H. R. 8223) to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, can the gentleman from Maryland [Mr. LINTHICUM] give me some information? Are these buildings desired in order to provide school facilities for children of Government employees in Maryland?

Mr. LINTHICUM. This is not my bill.

Mr. JOHNSON of South Dakota. I am the author of this bill.

Mr. CRAMTON. But the gentleman from Maryland can give me the information, perhaps, that I desire, and that is whether these buildings are desired by the State of Maryland to provide school facilities for children of Government employees at Camp Perry and other points?

Mr. LINTHICUM. I have not looked at the buildings. They might be useful if the Government would appropriate money to us to put them in order, but I presume the gentleman from Michigan might object to that.

Mr. CRAMTON. I would expect the State of Maryland to ask that. The State of Maryland would want the corn shelled.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he hereby is, authorized to sell or otherwise dispose of the following-described buildings now situated on the reservation of the United States Veterans' hospital, Perry Point, Md., which are of wooden construction and are unsuitable for the hospitalization of beneficiaries of the United States Veterans' Bureau: Fifty-seven 2-story frame dwellings, designated as types D–1, D–2, D–5, D–6, D–8, and D–10, and numbered 1001 to 1040, inclusive; 1189 to 1192, inclusive; 1194 to 1203, inclusive; 1205, 1207, and 1208.

SEC. 2. In addition to the foregoing, the director is further authorized to sell or otherwise dispose of seven 2-story frame dormitory buildings and one 2-story frame kitchen and mess building, numbered as follows: 23, 46, 46–A, 46–B, 46–C, 46–D, 46–E, and 47.

SEC. 3. The net proceeds of such sale shall be covered into the Treasury of the United States as miscellaneous receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES VETERANS' HOSPITAL, SUNMOUNT, N. Y.

The next business on the Consent Calendar was the bill (H. R. 9966) to provide for the reimbursement of certain patients at the United States Veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, which I do not intend to do, I do not believe the Committee on World War Veterans' Legislation has jurisdiction of this matter. The bill is not a large one and appears to be a very clear case, but if it does not belong to the Committee on Claims, then it belongs to some committee that has jurisdiction to report an appropriation, because the form of the bill does authorize the payment of this out of an existing appropriation. I shall not object to the bill, but I direct the attention of the committee to that question, because if it should be followed up by a course of such bills I think we would have to raise the question of jurisdiction.

Mr. CRAIL. Mr. Speaker, the general law provides for the payment of claims when the loss is sustained by fire. This is the same kind of a loss, except that the damage was sustained as the result of the breaking of a steam pipe.

Mr. CRAMTON. That is something that goes to the merits of the case. I think the bill is meritorious. I am not going to object, but the fact that the gentleman states does not give his committee jurisdiction of a bill such as this, which authorizes certain things to be paid out of certain appropriations.

Mr. CRAIL. I think it does have jurisdiction, because the only difference is between the breaking of a steam pipe and the fire.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed to reimburse, out of the appropriation for medical and hospital services, those patients at United States Veterans' hospital, Sunmount, N. Y., who suffered loss and damage to their personal effects on May 27, 1927, through the explosion of a rubber gasket in the high-pressure steam line passing through the storage room at that hospital: *Provided*, That the total amount paid hereunder shall not exceed $420.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES VETERANS' HOSPITAL, NORTH LITTLE ROCK, ARK.

The next business on the Consent Calendar was the bill (H. R. 10027) to authorize the transfer of a portion of the Hospital Reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the form of the bill is defective. Section 3 sets up certain conditions to accompany the transfers, but in form it is a separate section of the bill. It sets up the beginning of a sentence without completing it. Section 3 ought to be tied in with the rest of the bill. If the gentlemen will study section 3 they will see that it starts out bravely but never gets anywhere. I ask unanimous consent that the bill be passed over without prejudice so that gentlemen can consider that point.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment I think which would correct that. Let us see if this will cure it. I provide that on page 1, line 6, after the word "convey" that there shall be inserted the words "by deed, containing restrictive covenants to run with the land and reservation to the river front as prescribed and provided for in section 3."

Mr. CRAMTON. Even then you have a section 3 that starts somewhere and does not finish. I think the gentleman from New York and the gentleman in charge of the bill ought to consider it. I think they can improve the form of the bill.

Mr. JOHNSON of South Dakota. Does not the gentleman think that this will accomplish what we desire, which is to stop blasting close to a hospital where there are these sick men?

Mr. CRAMTON. I have no idea what would be the construction of section 3 as it stands in the bill, connected with nothing else in the bill.

Mr. JOHNSON of South Dakota. We have been assured that the deeds will pass between the Government and this company, which will accomplish what we have in mind.

If there is any phraseology which the gentleman thinks will better accomplish this I would be very glad to have him amend the paragraph so that we can pass this bill, the deeds can issue, and we can stop this blasting in close proximity to where these sick men are domiciled. It is not my bill and I have no personal pride in it.

Mr. CRAMTON. And I have no desire to put anything in the way of it, but anyone who will read section 3 will see how it is defective—

Upon condition that the Big Rock Stone & Material Co. will conduct no blasting operations nearer United States Veterans' Hospital No. 78 than the extreme southern point of the 5.06 acre tract to be conveyed under the authority of this act.

And so forth.

You are hung up, because it does not provide that sections 1 and 2 are dependent upon these conditions. If the gentleman from South Dakota feels that time is important in the passage of this bill——

Mr. JOHNSON of South Dakota. I think it is an element.

Mr. CRAMTON. And of course the gentleman wants the bill effective.

Mr. JOHNSON of South Dakota. Yes.

Mr. CRAMTON. It is a House bill. The gentleman from New York has studied the matter and he says he has an amendment which he thinks will cure it.

Mr. JOHNSON of South Dakota. Let us accept his amendment.

Mr. CRAMTON. I am willing to accept it, and then I suggest that whoever is interested in the bill give it some further study before it is finally acted on in the Senate, in order to see that it is in effective form. I withdraw my request.

Mr. RAGON. This is an agreement between the stone company and the Veterans' Bureau.

Mr. LAGUARDIA. My amendment would tie in section 3 with the conveyance of the deed and would make the restriction covenants run with the land, so that a subsequent purchaser without notice could not claim any acquired rights.

Mr. JOHNSON of South Dakota. This bill was drawn in a Government department at the request of the gentleman from Arkansas [Mr. RAGON]. He did not draw the bill.

Mr. CRAMTON. That explains the mystery. I did not understand it before. I could not believe the gentleman from Arkansas would draft so careless a measure.

Mr. RAGON. I suggest to the gentleman that the bill was already prepared and sent up to the committee.

Mr. LaGUARDIA. Yes. With that understanding, Mr. Speaker, I shall not object and will offer an amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed, upon the conveyance to the United States of certain property hereinafter described, to convey to the Big Rock Stone & Material Co., a corporation existing under the laws of the State of Arkansas, part of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., described as follows:

Beginning at a point 529.2 feet east of the northwest corner of section 28, township 2 north, range 12 west, which point is the northeast corner of the 18.09-acre tract of land purchased from the United States by the Big Rock Stone & Construction Co. under authority of an act of Congress approved March 2, 1923; thence south along the east boundary of said 18.09-acre tract, which is also the east boundary of the Big Rock Stone & Material Co.'s property, a distance of 1,927.8 feet; thence south 33 degrees 34 minutes east a distance of 457.7 feet; thence north 6 degrees 10 minutes west a distance of 2,320.8 feet to the point of beginning, comprising a total area of 5.6 acres, more or less.

SEC. 2. The Big Rock Stone & Material Co. shall convey to the United States in exchange for the above-described land the following: A 5-acre tract of land in section 20; also an adjoining 1.82-acre tract in section 21; all in township 2 north, range 12 west, and more specifically bounded as follows: Beginning at a point 529.2 feet east of the northwest corner of section 28, township 2 north, range 12 west, which point of beginning is the northeast corner of the 18.09-acre tract of land purchased from the United States by the Big Rock Stone & Construction Co. under authority of an act of Congress approved March 2, 1923; thence north 60 degrees 27 minutes west a distance of 608.2 feet to a point 300 feet north of aforesaid northwest corner of section 28, township 2 north, range 12 west; thence approximately 810 feet west to the east bank of the Arkansas River; thence in a southerly direction along the east bank of the Arkansas River to a point approximately 670 feet due west of the aforesaid northwest corner of section 28, township 2 north, range 12 west; thence due east through the aforesaid section corner a distance of 1,199.2 feet to the point of beginning, comprising a total area of 6.82 acres, more or less.

SEC. 3. Upon condition that the Big Rock Stone & Material Co. will conduct no blasting operations nearer United States Veterans' Hospital No. 78 than the extreme southern point of the 5.6-acre tract to be conveyed under the authority of this act from the United States to the Big Rock Stone & Material Co., and upon the further condition that the United States shall have the privilege of using the Arkansas River front of the property heretofore conveyed by the United States to the Big Rock Stone & Construction Co. and of the property conveyed under the authority of this act for the construction of any revetments, piers, wharves, or similar structures along the banks of the Arkansas River abutting on the land and the free passage over the land to such revetments, piers, or wharves which may be deemed necessary for the use of the said hospital reservations by the United States Government.

Mr. LaGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 1, line 6, after the word "convey," insert "by deed containing restrictive covenant to run with the land and reservation to river front road, as described and provided for in section 3 of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

SALUTE TO OFFICIAL HUNGARIAN DELEGATION

Mr. TILSON. Mr. Speaker, we are honored to-day in having in the diplomatic gallery at this moment the Hungarian minister to the United States and a delegation from the Hungarian House and Senate, and other officers of the Hungarian Government, who came over for the purpose of unveiling the statue of Kossuth in New York the other day. [Applause, the Members rising.]

ADDRESS OF HON. JAMES O'CONNOR, OF LOUISIANA

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the gentleman from Louisiana [Mr. O'CONNOR] on St. Patrick's Day at a banquet of the Friendly Sons of St. Patrick of New York.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I wish to thank the gentleman, Mr. CONNERY, for the honor he has conferred upon me in requesting the privilege of extending his remarks in the RECORD by printing an address delivered by me on St. Patrick's Day at a banquet of the Friendly Sons of St. Patrick, of New York, on the subject of "Ireland's contribution to America's greatness." It was their one hundred and fortieth anniversary of a day that is celebrated the world over. The observation of it by the Friendly Sons of St. Patrick, of New York, one of the oldest institutions in America, carries with it a mark of historical significance. Among its members are Americans of the fourth, fifth, and sixth generation. In fact, they go back for their American origin to the very earliest days of colonial life. That organization has been addressed annually by the foremost men of our country. I deem it a great privilege and honor to have been accorded the opportunity of being a speaker at this the most recent of their magnificent celebrations. May I not reiterate my pride in the action taken by my distinguished friend, WILLIAM P. CONNERY, Jr., the son of Irish parents, a distinguished soldier of the World War, and one of the finest Americans of the Congress of the United States, in making my address the subject of an extension of his remarks in the CONGRESSIONAL RECORD.

IRELAND'S CONTRIBUTION TO AMERICA'S GREATNESS

Mr. President, invited guests, and friends of the Friendly Sons of St. Patrick, I wish to thank the president of the Friendly Sons of St. Patrick, of New York, for the honor he has conferred upon me in inviting me to address this historic organization and its guests at this their annual banquet.

It is a great occasion, a magnificent function, though it happens annually on the 17th of March. That is a day and night which is honored throughout the world. In Paris, in Berlin, in Moscow, and in Vienna, in London, and Budapest ceremonies as stirring as those which are held in Dublin and Galway mark the 17th of March as a day that has the affection of men and women who have Irish blood in their veins and dwell in these widely separated cities of the British Isles and the Continent. The day is fittingly observed in every city of the Orient. It is observed on the shores of every sea. In Australia and in South America the patron saint of Ireland holds sway over the imaginations of peoples in towns, villages, and hamlets, and though not over as many, exercises the same potent spell that is cast by that wonderful name upon the thoughts of peoples in New Orleans, San Francisco, and New York. The test of an institution's worth and an individual's merit lies in their power to endure and hold a place in the thought of a number of generations. Nothing can withstand the constant and steady stroke of time. Even the pyramids will one day be with the sands of the desert that constantly threaten to engulf them. Kingdoms and dynasties pass away and are forgotten:

"The cloud-capped towers, the gorgeous palaces,
The solemn temples, the great globe itself—
Aye, all which it inherit shall dissolve
And like this insubstantial pageant faded,
Leave not a wrack behind.
We are such stuff as dreams are made of
And our little lives are rounded with a sleep."

But there are some institutions and some men's fame that defy the corroding and devastating influence of the years. As a result of some great virtue, some powerful appeal that lies in them, they seem to possess perennial, immortal youth. St. Patrick's grip upon the hearts and affections of the people not only of the Irish race but of kindred people is apparently as vital now as it was a century ago. His splendid vision, his broad humanity, his liberal and democratic zeal, his unquenchable love of freedom has appealed powerfully and sympathetically to all people. But particularly to the Irish did his viewpoint of human existence commend itself, for every Irishman was potentially a St. Patrick whose hopes he symbolized and whose aspirations he personified.

We of Irish origin are glad to share with our friends who claim descent from other nations of Europe the veneration and the love and

affection which we owe and give the patron saint of Ireland. For after all, Mr. President, we are in a measure divided only as the waves; we are one as the sea. All of us are extensions of European stock, some of our parents stepping off the immigrant ship a day or two ahead or behind the parents of other men and women who have blended, fused, and merged so that the native-born American is or will be a composite in a very large measure of Irish, German, English, Scotch, Spanish, and Italian blood. And to that composition Ireland has contributed wit, courage, loyalty, and patriotism. Irish blood has been spilled on every battle field from Lexington to Chateau-Thierry. Its trail of crimson may be traced from Valley Forge over the Plains of Chalmette below New Orleans and on through Argonne Forest. In Flanders fields are found crosses that bear the simple legend, "Sacred to the memory of 'Patrick Sullivan,' or 'John O'Brien,' an American soldier." Crossing the ocean in the day of sailing ships and barks, millions of Irish boys and girls landed on the Atlantic or the Gulf coast, and there in their humble way started to lay the mudsills and foundations for America's greatness as it is to-day. For we do enjoy the "glory that was Greece and the grandeur that was Rome." They were not marked to stand on the central place of the stage of life. Its dazzling splendor was not for their eyes. But as hewers of wood and drawers of water, as toilers and workers and laborers they cleared the forest, they constructed our transcontinental railroads and those that run north and south from Canada to the Gulf of Mexico, they strung the telegraph wires, they dug out the coal from the mines, they constructed the tunnels and subways, built our bridges and skyscrapers, and as an army of unknown soldiers laid and paved the way for the magnificently dazzling enchantment that the United States of America is to-day. And they left descendants behind them, in other generations, who fought up from the ground on which their ancestors begot them that have ornamented and do ornament the bench, every chair of science, every pulpit, and are among the choice spirits of the world of art and journalism. Their name is legion. They have given to the pages of the history of the North, South, East, and West so many illustrious names that to mention one would only dim the luster of others. Stars of the first magnitude, they gleam and shine with a brighter light as the years roll on. Music makers and dreamers of dreams whose deathless songs and ditties may be compressed into lyrics such as the Land of Ruins, the Bivouac of the Dead, the Conquered Banner, and the Valley of Silence. They have distinguished themselves in the forum of the law and in legislative halls which have rung with their eloquence for liberty and freedom which constantly must be fought for—

"For freedom's battle once begun,
Bequeathed by bleeding sire to son,
Though baffled oft is ever won."

And I glory in their work, that of the Irish immigrant and his descendants. The first man on earth was a workingman, and the last man on this earth will be a workingman. There is a dignity in work, in toil, in labor, and I honor the memories of the Flynns and the Slatterys that rest forever in the graveyards of New York, California, and Louisiana and in the cemeteries that dot the landscape from ocean to ocean. Irish immigrants were real empire builders. They fought the good fight and prepared newer, finer, and more wonderful days for us that followed them. Their youth bore no flowers in its branches. The chaplet of fame was not for their brows. There was no divine poet to sing them into immortality. For them the resounding acclaim of nations were not lifted in chorus. They strove humbly and in lowly station, but they failed not. With bulldog courage they acted a silent and desperate part in forging the chains of our national greatness. They went down unhonored and unsung, but in the fullness of time the men that dug the ditches and drained the swamps, constructed the railroads, and built our cities will be given a chapter in the history of the United States of America which will be written in letters that will never fade. America could not separate her fame from the work of Irishmen upon her shores without diminishing her own glory. Irish blood has become a part of an enriched American blood which means that the Irish spirit is a part of the American spirit. I do not mean that American blood if it had never been mingled with Irish blood would not have flowed on bravely to the sea of a grand destiny, but I hold with all the earnestness of a patriotic conviction that the stream of American life is richer by reason of the Irish blend—rich, warm, and vivid. The love of liberty and freedom characteristic always of all Americans from the very earliest days of colonial life has been strengthened, fortified, glorified, and exalted by the dauntless spirit that sustained the martyrs and heroes of Ireland through almost eight centuries of unparalleled resistance to oppression and tyranny, a resistance that began with the arrival of Strongbow on the shores of Ireland and which continued until almost the present day. It was that heroic spirit which sustained them when the whole heavens were darkened to their suffering eyes, which sent them to the scaffold and gibbet with erect heads, which cheered their lonely hours in prison, and caused their hearts to burst into patriotic song when in exile. They lived, they suffered, and they died for liberty, but they did not die in vain. With Irish blood came a priceless legacy into the life of America, the unconquerable, unfaltering, unsubdueable spirit of martyrs which, like truth though crushed to earth, would rise again. They did not fail.

"For they never fail who die in a great cause;
The block may soak their gore; their heads may sodden in the sun;
Their limbs be stretched to city gates and castle walls,
But still their spirits walk abroad.
Years may elapse and others share as dark a doom;
They but augment the deep and swelling thought that overwhelms all others
And leads the world at last to perfect freedom."

"What were we had Brutus not lived" may well be changed by America to "What were we had not Ireland agonized and suffered a thousand Golgothas." But she has triumphed. Phœnixlike she has repeatedly arisen from the ashes of many a death. And as our blood and our people carried on in the past it is our duty to carry on in the future so that the pillars of freedom will stand and the spirit of liberty hold sway over our minds and our hearts. Dum tacent, clamant—though dead, they still speak to us from their graves. America owes a debt that it gladly acknowledges to the Irish who came here long years ago and now sleep their last sleep in American soil. We, the descendants, full and partial of that blood, Americans in thought and in action, are endeavoring to add to that which was so freely bestowed by the immigrants from Ireland who are dead and gone. They played out their part in the grand drama of life and now are in the bosom of their Father and their God. We of the second, third, fourth, and fifth generations are as fully Americans in our love for the flag of this country and all that it holds as the descendants of any other European stock that may lay the flattering unction to its soul that it has a superior claim.

I am glad as one who was born of Irish parentage next to the Plains of Chalmette, where was fought the Battle of New Orleans, when Jackson and Coffee followed by men of Irish blood and Irish valor, preserved that vast territory west of the Mississippi River as a part of the United States of America, to come to you on a great night like this and say that though ever mindful of the songs and tears of the country that gave our ancestors birth, we are for this our native land first, last, and always, and that inscribed upon our hearts and minds and ever upon our tongues are the words that ought to be upon the walls of every schoolhouse—aye, upon the walls of every church in the Republic:

"Thou, too, sail on, O Ship of State,
Sail on, O Union, strong and great,
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate.
We know what Master laid thy keel,
What workman wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat
In what a forge and what a heat
Where shaped the anchors of thy hope
Fear not each sudden sound or shock,
'Tis of the waves and not the rock;
'Tis but the flapping of the sail
And not a rent made by the gale;
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea,
Our hearts, our hopes are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears
Are all with thee, are all with thee."

Not by accident came our country into existence, but by the Almighty was it designed and set among the nations of the earth to play out a grand part in the destiny of mankind and the rise of humanity to nobler heights.

The SPEAKER. The Clerk will report the next bill.

GENERAL SUPPLY COMMITTEE

The next business on the Consent Calendar was the bill (H. R. 5769) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury through the General Supply Committee, established under the provisions of section

4 of the act approved June 17, 1910, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," is hereby authorized and directed to purchase or procure and distribute supplies to meet the consolidated requirements of the executive departments and independent establishments of the Government in Washington, D. C., and of the field services of any such department or establishment when requested by the head thereof. The supplies to be purchased in this manner shall be designated by the Secretary of the Treasury from those for which he is authorized under existing law to make term contracts or to include in the general schedule of supplies issued annually by the General Supply Committee.

SEC. 2. That each executive department and independent establishment shall furnish from time to time, when called on to do so, estimates of its requirements for inclusion in purchases which it is proposed to have made by the Secretary of the Treasury, and there shall be reserved from proper appropriations sufficient amounts in each case to reimburse the general supply fund hereinafter created. The General Supply Committee shall charge the proportionate cost of supplies, including breakage, shrinkage, and transportation, exclusive of drayage and handling charges in the District of Columbia, and bill the same to each requisitioning department; and each requisitioning department and independent establishment shall reimburse said general supply fund out of its appropriation upon proper vouchers.

SEC. 3. That there is hereby authorized to be set aside as a special fund in the Treasury Department, to be known as the general supply fund, such sum as may be appropriated by Congress for the making of payments for supplies to be purchased under the provisions of this act, including the cost thereof and transportation charges, plus a charge sufficient to cover shrinkage and breakage, to be deducted from the appropriation credited to each requisitioning office, and reimbursement shall be made by each requisitioning office out of any appropriations which may be applicable upon presentation of proper vouchers therefor: *Provided,* That all such reimbursements shall be placed to the credit of the general supply fund, and the same are hereby reappropriated for the same purpose as the original fund: *Provided further,* That payments for such supplies in use and needed by field services may, in the discretion of the head of any department or establishment and with the concurrence of the Secretary of the Treasury, be made direct by the department or establishment.

SEC. 4. That the Secretary of the Treasury is authorized to prescribe suitable regulations to give full force and effect to the purposes of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

SERVICE IN THE PHILIPPINE CONSTABULARY

The next business on the Consent Calendar was the bill (H. R. 9496) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I think this is a good bill for Calendar Wednesday. I object.

The SPEAKER. Objection is heard.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD explaining this bill, so that on the next Calendar Wednesday my friend from Michigan will understand it.

Mr. CRAMTON. Will the gentleman try again to get a favorable report from the War Department? The gentleman ought to wrestle with them, and not with me.

Mr. McSWAIN. No. I think the committee is fair and will consider propositions on their merits, irrespective of the opinion of the War Department.

The SPEAKER. Is there objection?

Mr. CRAMTON. I object.

The SPEAKER. Objection is heard. The Clerk will call the next bill.

LANDS IN BISMARCK, N. DAK.

The next business on the Consent Calendar was the bill S. 2279) authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, can the gentleman from South Dakota give us any information about this land? It occurs to me if it is estimated to be worth $120 an acre we would have rather a high price to pay for it.

Mr. WILLIAMSON. Mr. Speaker, I refer the gentleman to the gentleman from North Dakota [Mr. HALL]. He is more familiar with it than I am.

Mr. HALL of North Dakota. It is on the river bottom, adjoining the city of Bismarck, and it is valuable.

Mr. BLACK of Texas. Is it already under cultivation and improved?

Mr. HALL of North Dakota. Yes.

Mr. BLACK of Texas. Can the gentleman give us an assurance that the price proposed to be paid for the land is a fair price in comparison with other adjacent land values?

Mr. HALL of North Dakota. Yes.

Mr. BLACK of Texas. I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to purchase for the Bismarck (N. Dak.) Indian school, from the Dakota Corporation, Bismarck, N. Dak., or its successors in interest, certain adjoining tracts of land within the limits of the city of Bismarck, Burleigh County, N. Dak., described as follows: The southeast quarter of the southeast quarter, containing 40 acres; part of the southwest quarter of the southeast quarter, containing 23 acres more or less; and part of the northwest quarter of the southeast quarter, containing 30 acres more or less, all in section 5, township 138 north, range 80 west of the fifth principal meridian, containing 93 acres more or less, subject to survey. The purchase price shall not exceed $120 an acre, and the lands shall be warranted free of all encumbrances.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXECUTION OF WARRANTS IN CRIMINAL CASES

The next business on the Consent Calendar was the bill (H. R. 9784) for the issuance and execution of warrants in criminal cases and to authorize bail.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimous consent that this bill may go over without prejudice. Is there objection?

There was no objection.

DESCHUTES PROJECT, IN OREGON

The next business on the Consent Calendar was the bill (S. 1186) to provide for the construction of the Deschutes project, in Oregon, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, there is full authority of law for the Secretary to do everything that this bill proposes, and therefore I object.

Mr. SINNOTT. Will the gentleman withhold his objection?

Mr. CRAMTON. Yes.

Mr. SINNOTT. Of course, there is not the full authority of law, as it is specified in this bill. This is a Senate bill. All it does in the world is to put it up to the Secretary to determine whether there is a unit of this project feasible, and if he finds it feasible it directs him to send in an estimate to your committee, and then it is for your committee to determine whether he shall go ahead or not.

The importance is this: In 1920 Congress made an appropriation for this project, but certain complications arose regarding the water rights; accordingly the farmers were told that they could let that appropriation lapse without prejudice to their rights; the appropriation lapsed and those farmers have been living upon this dry land ever since that time, expecting to get a Government appropriation. Now, this year, at great expense to themselves—they are all poor people—they sent on to Washington a delegation to appear before the House Irrigation Committee to present their project. This bill does not in

any way commit the Federal Government. We can not get this matter before your committee unless we take this procedure.

Mr. CRAMTON. Well, the gentleman is not quite accurate there.

Mr. SINNOTT. I mean as to getting an estimate from the Secretary.

Mr. CRAMTON. The gentleman will agree with me that the Secretary now has full authority to investigate; he has a fund he can use in investigating this project and its feasibility. The Secretary can now, following such an investigation, recommend an estimate, if he can get by the Budget with it, and he probably could in this case. Then it comes to Congress. The Secretary has full authority now to take care of the needs of the gentleman's constituents and this bill gives no added authority. It does, perhaps, put a little urgency behind the request in that it "directs" him to do a certain thing which he is not now directed to do.

Mr. SINNOTT. What the gentleman says is true, except as to the direction of the Secretary to transmit estimates to Congress; but we are confronted with a situation, not a theory. The Secretary tells us he has adopted a tentative 10-year program.

Mr. CRAMTON. But it is not a program that has any permanency. It is entirely personal to the present Secretary of the Interior.

Mr. SINNOTT. Certainly.

Mr. CRAMTON. It has never been approved by Congress, and the Secretary of the Interior can change it to-morrow. A new Secretary could adopt a new tentative program and the one to which the gentleman refers is simply personal to the present Secretary of the Interior and has no legal status.

Mr. SINNOTT. The gentleman is correct, but we are helpless in the face of that attitude on the part of the Secretary. Our only hope is to compel him to do it and to get estimates sent in to your committee, and then your committee will pass upon the ultimate feasibility of the project.

Mr. CRAMTON. Mr. Speaker, I am obliged to object.

REGISTRATION OF MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 11279) authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is there some gentleman here from the Post Office Committee?

Mr. FOSS. I can speak for the committee.

Mr. LAGUARDIA. I want to call the gentleman's attention to section 2, which provides:

That the provision of section 3 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1885, and for other purposes," approved July 5, 1884 (23 Stat. L. 158), with respect to the registration of official matter of the executive departments, is hereby amended to read as follows.

The Twenty-third Statutes at Large, page 158, is now section 231 of title 39 of the United States Code. If the gentleman amends that section to read as follows, he will wipe out all the provisions for the mailing of official mail. What the gentleman wants to do is to amend by adding this new proviso in reference to registered mail. Therefore, I have an amendment which reads as follows:

is hereby amended by adding the following paragraph.

Instead of reading:

is hereby amended to read as follows.

Mr. FOSS. That is perfectly agreeable.

Mr. LAGUARDIA. That will make it clear; otherwise the gentleman is amending provisions in the section which he does not intend to amend.

Mr. FOSS. I will say that this was prepared by the attorney in the Post Office Department, but I am perfectly willing that the language which the gentleman from New York suggests should be incorporated in the bill.

Mr. LAGUARDIA. With that understanding, Mr. Speaker, I shall not object, and then I have a series of amendments to offer with regard to cross references to the code.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3927 of the Revised Statutes of the United States, as amended by section 209 of the act of February 28, 1925 (43 Stat. L. 1058), be, and the same is hereby, amended further to read as follows:

"Mail matter shall be registered on the application of the party posting the same, and the fees chargeable therefor, in addition to the regular postage, shall be, in all cases, prepaid as follows:

"For registry indemnity not exceeding $50, 15 cents.

"For registry indemnity exceeding $50 and not exceeding $100, 20 cents.

"For registry indemnity exceeding $100 and not exceeding $200, 30 cents.

"For registry indemnity exceeding $200 and not exceeding $300, 40 cents.

"For registry indemnity exceeding $300 and not exceeding $400, 50 cents.

"For registry indemnity exceeding $400 and not exceeding $500, 60 cents.

"For registry indemnity exceeding $500 and not exceeding $600, 70 cents.

"For registry indemnity exceeding $600 and not exceeding $700, 80 cents.

"For registry indemnity exceeding $700 and not exceeding $800, 90 cents.

"For registry indemnity exceeding $800 and not exceeding $1,000, $1.

"All such fees shall be accounted for in such manner as the Postmaster General shall direct."

SEC. 2. That the provision of section 3 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1885, and for other purposes," approved July 5, 1884 (23 Stat. L. 158), with respect to the registration of official matter of the executive departments, is hereby amended to read as follows:

"*Provided further,* That any official domestic letter or parcel to be registered by any executive department or bureau thereof, or independent Government institution, located at Washington, D. C., or by the Public Printer, which requires registration may be registered without the payment of any registry fee."

SEC. 3. The act of February 27, 1897 (ch. 340, 29 Stat. L. 599), providing limited indemnity for loss of registered mail matter, and the act of March 3, 1903 (32 Stat. L. 1174), fixing such indemnity as not exceeding $100, and that portion of the act of March 4, 1911 (36 Stat. L. 1337), making appropriations for the service of the Post Office Department and for other purposes and providing indemnity for the loss of third and fourth class domestic registered matter, are amended to read as follows:

"For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the senders or owners of any registered matter shall be indemnified for loss, rifling, or damage thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed $1,000 for any one registered piece, or the actual value thereof when that is less than $1,000, and for which no other compensation or reimbursement to the loser has been made, the amount of such indemnity to be fixed by the Postmaster General."

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment, which I send to the desk.

The SPEAKER. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 1, line 4, after the word "States," insert "(sec. 384, title 39, U. S. C.)"

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I want to say in this connection that Forty-third Statutes at Large, page 1058, does not seem to be the correct reference, and I could not get the cross reference in the code and therefore I do not amend that part of it.

I offer another amendment, Mr. Speaker.

The SPEAKER. The gentleman from New York offers an amendment, which the clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, line 1, strike out the parenthesis after the figure 158 and insert "(sec. 321 of title 39 of the U. S. C.)."

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I have another amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, line 3, after the word "amended," strike out the words "to read" and insert "by adding the following paragraph."

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, before offering the next amendment I want to ask the gentleman if Thirty-sixth Statutes

at Large, page 1337, refers to the present $25 limit on losses at this time.

Mr. FOSS. Fifty dollars.

Mr. LAGUARDIA. Third and fourth class mail?

Mr. FOSS. Yes.

Mr. LAGUARDIA. Then my reference is correct. I offer an amendment, Mr. Speaker.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 3, line 14, after the figure "1174," insert a comma and the following: "Section 381, title 39, United States Code"; and on page 3, line 16, after the figures "1337," insert a comma and "section 383, title 39, United States Code."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SUNDRY CIVIL EXPENSES OF THE GOVERNMENT

The next business on the Consent Calendar was the bill (H. R. 6103) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is not the proviso too broad? Suppose an employee of the Government invents some improvement which is very valuable, is he compelled to give the Government free use of it?

Mr. VESTAL. If he is employed by the Government and the invention is made while working in his capacity as an agent of the Government. If the head of the bureau certifies this invention will be used by the Government, then the Government, of course, gets it without the payment of any royalty.

Mr. LAGUARDIA. The same as a factory rule?

Mr. VESTAL. Yes; but the man who takes out the patent has his commercial rights outside.

Mr. LAGUARDIA Outside of the Government?

Mr. VESTAL. Yes.

Mr. LAGUARDIA. But the custom is, and without this bill, the Government has the right to the use of the improvement without payment if it is invented in Government time and in Government work.

Mr. VESTAL. That is correct; and then on top of that, may I say that a number of instances have occurred where an employee of the Government, instead of taking out a patent had some one else take out the patent and the Government has been involved in a number of suits. There is now $600,000,000 worth of such claims in the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of chapter 143 of the act of Congress approved March 3, 1883 (22 Stat. L. 625), as relates to issue of patents without payment of any fee be, and the same is hereby, amended to read as follows:

"The Commissioner of Patents is authorized to grant, subject to existing law, to any officer, enlisted man, or employee of the Government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section 4886 of the Revised Statutes, without the payment of any fee: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent: *Provided further*, That the head of a department or independent bureau certifies that the invention is used or likely to be used by or for the Government for governmental purposes."

With the following committee amendment:

Page 2, line 3, after the word "fee," strike out the balance of line 3 and all of lines 4, 5, 6, 7, 8, 9, 10, and 11 and insert:

"When the head of the department or independent bureau certifies such invention is used or liable to be used in the public interest: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COLUMBIA BASIN RECLAMATION PROJECT

The next business on the Consent Calendar was the bill (H. R. 7029) for the adoption of the Columbia Basin reclamation project, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, this bill departs from our established reclamation policy and takes the appropriations out of the General Treasury instead of the reclamation fund. It proposes to expend something like $300,000,000. I think it is hardly desirable to consider it on the Consent Calendar, and I object.

CONVEYING A PORTION OF FORT M'ARTHUR TO THE CITY OF LOS ANGELES, CALIF.

The next business on the Consent Calendar was the bill (H. R. 10310) authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, and I will not object if the gentlemen will accept an amendment that no part of the appropriation, if granted, shall be used for any other purpose than street purposes and that if it shall cease to be used it shall revert to the United States.

Mr. CRAIL. We will accept that amendment.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convey to the city of Los Angeles, Calif., by suitable instrument an easement for a right of way over a certain portion of the military reservation at Fort McArthur, Calif., to be designated by the Secretary of War, and subject to such conditions, restrictions, and reservations as the Secretary of War may impose for the protection of the reservation and subject to a perpetual right of way over said land for the uses of any department of the Government of the United States. Said road is described as follows:

Beginning at a point in the southerly line of said lot 13, block 5, distant thereon east 22.04 feet from the southwesterly corner of said lot 13, block 5, said point being also a point in the northerly line of Thirty-sixth Street; thence west along said southerly line of said lot 13, block 5, and along the westerly prolongation thereof, a distance of 78.84 feet to a point; thence northeasterly along a curve concave to the southeast, tangent at its point of beginning to a line bearing north 21° 21′ 30″ east and having a radius of 192.20 feet, a distance of 104.47 feet, measured along the arc of said curve to a point; thence northerly along a curve concave to the west tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 267.87 feet, a distance of 490.90 feet, measured along the arc of said curve to a point; thence northwesterly along a curve concave to the northeast tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 192.20 feet, a distance of 115.10 feet, measured along the arc of said curve to a point in the westerly prolongation of the northerly line of lot 1, block 4, Rena Harbor Heights tract, hereinbefore mentioned, distant thereon west 60.40 feet from the northwesterly corner of said lot 1, block 4; thence east along said last-mentioned westerly prolongation and along said northerly line of lot 1, block 4, said last-mentioned northerly line being also the southerly line of Thirty-fourth Street, a distance of 76.14 feet to a point; thence southeasterly along a curve concave to the northeast, tangent at its point of beginning to a line bearing south 20° 24′ 20″ east and having a radius of 122.20 feet, a distance of 64.88 feet, measured along the arc of said curve to a point; thence southerly along a curve concave to the west tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 300 feet, a distance of 626.51 feet, measured along the arc of said curve to a point; thence southwesterly along a curve concave to the southeast tangent at its point of beginning to said last-mentioned curve at its point of ending and having a radius of 122.20 feet, a distance of 53.07 feet, measured along the arc of said curve to the point of beginning.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 4, after line 4, insert the following:

"SEC. 2. That no part of the appropriation granted and conveyed by the Secretary of War for the purpose aforesaid shall be used

for any other than street purposes, and when said property shall cease to be so used it shall revert to the United States of America."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING JOINT RESOLUTION FOR UTILIZATION OF RESOURCES AND INDUSTRIES OF THE UNITED STATES

The next business on the Consent Calendar was House joint resolution (H. J. Res. 36) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER, Mr. STOBBS, and Mr. PERKINS objected.

FORT WADSWORTH, N. Y.

The next business on the Consent Calendar was the bill (H. R. 11762) to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, I see that the Military Affairs Committee has reported to the House and the House has passed bills authorizing numerous Army construction projects and fixed the limit of cost. Are we to say that the War Department is privileged to exceed the limitation and then come back to Congress to increase the limitation?

Mr. WAINWRIGHT. I am sure my good friend has not read the reason for this. The original estimate of the House project at Fort Wadsworth contemplated an expenditure of $285,000. It was found when they came to investigate the foundation that a considerable sum would be required owing to the nature of the ground for the necessary piling for foundation, and it is for that purpose that the appropriation is deemed necessary by the Military Affairs Committee.

Mr. BLACK of Texas. I am not going to object on this occasion, but what I think the House should emphasize is that when we fix the limitation of cost of a building project the War Department should cut its cloth accordingly and keep within the limit.

Mr. WAINWRIGHT. I think the gentleman will find that there is a very good reason for this extension.

Mr. BLACK of Texas. I withdraw the reservation.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $40,000 to be expended for the construction, installation, and completion at Fort Wadsworth, N. Y., of barracks and such utilities and appurtenances thereto as may be necessary.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PURCHASE OF LAND AT SELFRIDGE FIELD, MICH.

The next business on the Consent Calendar was the bill (H. R. 11808) to authorize an appropriation for the purchase of land at Selfridge Field, Mich.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to acquire approximately 1 acre of land at Selfridge Field, Mich., for a railroad right of way; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $1,750 for that purpose.

With the following committee amendment:

Page 1, line 4, after the word "acquire," insert "by purchase or condemnation."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

PURCHASE OF REAL ESTATE IN HAWAII

The next business on the Consent Calendar was the bill (H. R. 11809) to authorize an appropriation to complete the purchase of real estate in Hawaii.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, the report from the War Department presents an unfortunate situation. I am not sure what rights we have left here. I do know that 8 per cent interest on a judgment is an unreasonable rate of interest to charge to the Government. It may be they can make it stick, but the Supreme Court of the United States in cases arising where we seized land during the war and settled for it afterwards has never allowed over 6 per cent interest. That is what they allowed in the Seaboard Air Line case and in others.

If the gentleman is willing to accept an amendment to make it "not more than" $34,700, which would permit the Committee on Appropriations in considering the appropriation to give some study to the situation as to the 8 per cent interest, I would not object.

Mr. JAMES. I understand the 8 per cent interest was awarded by a jury, but we have no objection to that.

Mr. LAGUARDIA. Mr. Speaker, I had it down to $30,300, but perhaps my arithmetic is as bad as that of the Committee on Military Affairs.

Mr. CRAMTON. I understand it is agreeable to have it amended to "not more than," and that would give the Committee on Appropriations a chance to go into the question of the amount.

Mr. LAGUARDIA. If the gentleman from Michigan is satisfied, I am.

Mr. CRAMTON. I am not satisfied, but I am yielding.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated $34,700 to complete the purchase of a tract of land known as the Kalena tract, which is embraced within the boundaries of the Schofield Barracks Reservation, Territory of Hawaii.

With the following committee amendment:

Line 4, strike out the word "purchase" and insert the word "acquisition."

Mr. CRAMTON. Mr. Speaker, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, at the end of line 3, insert the words "not more than."

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LANDS IN WISCONSIN FOR PARK PURPOSES

The next business on the Consent Calendar was the bill (H. R. 9144) to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed, upon payment of $1.25 per acre, to transfer and convey to the State of Wisconsin the following-described tracts of land, to wit: Fractional section 25, township 28 north, range 25 east of the fourth principal meridian, 55.4 acres; fractional section 26 in said township and range, 578.3 acres; fractional section 36 in said township and range 412.4 acres, all in the State of Wisconsin, the same to be held and made available permanently by said State as a State park under such rules and regulations as may be necessary and proper for use thereof by the public: *Provided,* That the Secretary of War may enter upon and utilize for the purpose of obtaining stone for river and harbor work, and other uses of the department, any area within said park which he may determine to be necessary for such purpose: *Provided further,* That should the State of Wisconsin fail to keep and hold the said land for park purposes or devote it to any use inconsistent with said purposes, then title to said land shall revert to and be reinstated in the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ABSAROKA AND GALLATIN NATIONAL FORESTS

The next business on the Consent Calendar was the bill (H. R. 15) authorizing an appropriation to enable the Secretary of

the Interior to carry out the provisions of the act of May 26, 1926 (44 Stats. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice. I will say to the gentleman from Montana that I desire to study the report of the bill and also the hearings on the bill.

Mr. LEAVITT. There are no hearings on the bill.

Mr. BLACK of Texas. I desire to study the report and perhaps some other features. I ask that the bill go over until the next calendar day without prejudice.

The SPEAKER. Is there objection?

There was no objection.

UNITED STATES COURT OF CUSTOMS APPEALS

The next business on the Consent Calendar was the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, the Clerk will read the committee amendment.

There was no objection and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the title of the United States Court of Customs Appeals, created by the act approved August 5, 1909, is hereby changed to the United States Court of Customs and Patent Appeals.

"SEC. 2. (a) The jurisdiction now vested in the Court of Appeals of the District of Columbia in respect of appeals from the Patent Office in patent and trade-mark cases is vested in the United States Court of Customs and Patent Appeals.

"(b) Sections 4911 (44 Stat. 1336), 4912 (sec. 60, title 35, U. S. C.), and 4915 (sec. 63, title 35, U. S. C.) of the Revised Statutes, as amended, and section 9 of the act entitled 'An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same,' approved February 20, 1905 (U. S. C., title 15, sec. 89), are amended by striking out the words 'Court of Appeals of the District of Columbia' wherever they occur therein and inserting in lieu thereof the words 'United States Court of Customs and Patent Appeals' in each instance.

"(c) Where before the effective date of this act an appeal from the decision of the Patent Office has been filed with the Court of Appeals of the District of Columbia—

"(1) If any hearing before said court has been held in the case, or if the case has been submitted for decision, then further proceedings in respect of the case shall be had in the same manner and with the same effect as if this act had not been enacted.

"(2) If no hearing before said court has been held in the case, and the case has not been submitted for decision, then the appeal, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred to the United States Court of Customs and Patent Appeals, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal had been filed in said court.

"(d) Nothing contained in this act shall be construed as affecting in any way the jurisdiction of the Court of Appeals of the District of Columbia in equity cases.

"SEC. 3. The opinion of the Court of Customs and Patent Appeals in every case on appeal from the decision of the Patent Office shall be rendered in writing, and shall be filed in such case as part of the record thereof, and a certified copy of said opinion shall be sent to the Commissioner of Patents and shall be entered of record in the Patent Office.

"SEC. 4. This act shall take effect 30 days after its enactment."

Mr. GARRETT of Tennessee. Mr. Speaker, does this bill come from the Committee on the Judiciary?

Mr. LAGUARDIA. It does.

Mr. GARRETT of Tennessee. It seems to be making quite a considerable change. How large a volume of patent business will there be that will probably be transferred to this court?

Mr. HICKEY. There were 148 cases last year.

Mr. GARRETT of Tennessee. And there is no question, I suppose, but that the Court of Customs Appeals will have time to give to this work?

Mr. LAGUARDIA. They have plenty of time.

Mr. GARRETT of Tennessee. Were there any hearings on the bill?

Mr. HICKEY. Rather extensive hearings.

Mr. GARRETT of Tennessee. Was anyone there from the Department of Justice?

Mr. HICKEY. No; but the Patent Office representative was there.

Mr. LAGUARDIA. Also representatives of the patent bar, and the judge of the Customs Court, and the judge of the district court. The judges were heard informally.

Mr. GARRETT of Tennessee. And they all favored the bill?

Mr. LAGUARDIA. They all favored the purpose of the bill. These are appeals only from the administrative decisions of the Commissioner of Patents.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GRANT OF CERTAIN LANDS TO NEW MEXICO

Mr. MORROW rose.

The SPEAKER. For what purpose does the gentleman from New Mexico rise?

Mr. MORROW. I ask unanimous consent that the bill (Calendar No. 251, H. R. 9207) granting to the State of New Mexico certain lands, for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe, for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes, be passed over without prejudice.

The SPEAKER. The gentleman from New Mexico asks unanimous consent that the bill referred to be passed over without prejudice. Is there objection?

There was no objection.

PACIFIC SOUTHWEST EXPOSITION

Mr. CHINDBLOM. Mr. Speaker, I move that the rules be suspended and House Joint Resolution 126 be passed in the form I send it to the Clerk's desk, being the amendment of the Committee on Ways and Means, with the title amended as shown on the last page of the printed bill.

The SPEAKER. The gentleman from Illinois moves that the rules be suspended and the House Joint Resolution 126 passed with the amendment. The Clerk will report the amendment.

The Clerk read as follows:

Joint resolution (H. J. Res. 126) to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific southwest and the opening of the Long Beach, Calif., world port, and for other purposes

Resolved, etc., That all articles that shall be imported from foreign countries for the sole purpose of display at the Pacific Southwest Exposition to be held during the year 1928 for the purpose of commemorating the landing of the Spanish padres in the Pacific southwest and the opening of the Long Beach, Calif., world port, upon which there shall be a tariff or customs duty, shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and exposure, the duty, if payable, shall be assessed according to the appraised value at the time of sale or withdrawal, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal of such articles.

SEC. 2. The heads of the various executive departments and independent establishments of the Government are authorized to collect, prepare, and lend, upon request, to the Pacific Southwest Exposition, articles, specimens, and exhibits which, in their judgment, it may be in the interest of the United States to exhibit at such exposition: *Provided*, That the furnishing of such articles, specimens, and exhibits shall be without expense to the United States.

The SPEAKER. Is a second demanded? [After a pause.] The Chair hears no demand for a second. The question is on

the motion of the gentleman from Illinois to suspend the rules and pass the joint resolution as amended.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the joint resolution was passed.

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EVANS of California. Mr. Speaker, Long Beach, through the cooperation of her chamber of commerce and other civic organizations, offers to the world during the months of July and August, 1928, the Pacific Southwest Exposition. This pageant of progress, art, and education is primarily in commemoration of the appearance of the Spanish padres in that community in the latter part of the eighteenth century, and in celebration of the opening of the Long Beach world port.

In connection with the announcement of this great public enterprise, a few facts concerning this proud and prosperous city by the sea might be of interest to the Members of the House and to the public generally. Some 30 years ago, on a spot in southern California, where the placid waters of the great Pacific meet the slopes of the coast range, under the balmy rays of a glorious sunshine, this city was founded. It has proven itself not only the magic city of the great Southwest, but can well justify the claim of being one of the most progressive and rapidly growing cities of the entire United States, if enterprise, energy, increase in population, and general governmental and municipal accomplishments are to be determining factors. Leaping into the forefront among the large cities of the Pacific coast, with a population of approximately 150,000, and increasing 100 per cent in less than a decade, she is recognized as the second city of the great Pacific Southwest. Long Beach is first and above all a city of homes, schools, and churches, where you will find a community of permanent, well-built structures of unusual refinement and charm. The semi-tropical climate permits a type of architecture economic in design, yet peculiarly in keeping with the traditions and history of the country. It will probably be conceded that no city in America of the size of Long Beach has a higher standard of citizenship or a more uniformly law-abiding and peace-loving people. While it can be said that her fine homes, churches, and schools are outstanding in their significance, it can as well be said that Long Beach is a city of industrial, commercial, and financial position among the other metropolitan cities of the country. The income from the rich oil fields, which lie in the background, and famous throughout the world, finds its way into the banks and financial institutions of the city.

The shipping and transport business which centers here from a large radius of prosperous and highly developed country makes the new Long Beach Harbor one of the most important on the Pacific coast. As evidence of this prosperous and wholesome condition found in Long Beach, one is reminded of the great business and office buildings which have sprung up there during the past few years—modern and up to date in every detail. Some of the most elegant and well-appointed banking institutions in America can be found in Long Beach. The new Pacific Coast Club, completed within a year and a half at a cost of several million dollars, is a structure of rare elegance, architectural beauty, and refinement. Recently a Cabinet officer, while a guest of the club, pronounced it the most beautiful and adequately designed of any building of its kind in the United States. These are only a few of the many modern public and private structures that have sprung up in this progressive city during the past few years. There are hundreds of others to which reference could be made with equal propriety, but neither time nor space will permit it here.

In addition to the 150,000 people of Long Beach who will actively participate in the exposition which is to be held, the enterprise will have the active interest and support of the great metropolitan area of Los Angeles and adjacent communities with an estimated population of two and a half million people. Within a radius of 50 miles of the proposed exposition there are located some 70 incorporated cities whose people will join the people of Long Beach in bringing about a successful outcome of this project. The manufacturing, community development, oil, marine, aviation, agricultural, and other interests, are cooperating in the movement. During the exposition the great international rudder trophy race will be run at this place. Entries by five nations have already been made for this international sporting event. Many foreign countries tributary to the Pacific and otherwise have signified their intentions of cooperating by sending exhibits, which are to be admitted free of duty under the provisions of this resolution.

Probably the most interesting feature of this great event to the people of Long Beach is that it marks the opening of the Long Beach world port and harbor. There are those who will be surprised to learn that Long Beach has already expended nearly $7,000,000 in the development of this great harbor, which lies at her front gate, and is now taking immediate steps to expend a further sum of approximately $3,000,000 in building docks, moles, breakwaters, and other improvements, making in all an expenditure of $10,000,000 of her own money, without having received from the Government or any other source one dollar in aid.

This nicely typifies the spirit of the forward-looking progressive men and women of Long Beach who have faith in their city, their country, and above all have the courage to dare and to do. This city is going to open the eyes of the country and show the people who will assemble there from all sections and countries the tremendous possibilities of not only Long Beach but the possibilities and promises of the great Southwest.

There is another feature of this enterprise which we feel is of no less interest, and that is that it will commemorate the entry into that section of the Spanish padres in the latter part of the eighteenth century. Those who have visited southern California and are familiar with its history can readily appreciate and understand how intimately and closely is the history of these early pioneers and crusaders connected with the country itself. All the early romance and tradition of this now coveted section is closely woven around and into the work of these men, led by Father Junipero Serra, the founder of the missions. No part of our American history is more colorful than this early period in which there was first introduced into that country Christian civilization.

The missions were constructed a distance of a day's journey apart on foot. As a part of and around them subsequently grew and sprung up the cities and towns of California. Beginning with Mission San Diego a short distance north of the Mexican boundary, they extended along the valleys and fertile spots northward to above Monterey. These edifices supplied all the requirements of that day and time of home, church, school, and fort for the protection from invasion by hostile natives that inhabited the country generally. It was there that science, education, and art were introduced to the Indians. They were taught to cultivate the soil, plant the fields, and produce crops, as well as the various mechanical arts, and in fact all the things incident to Christian and industrial civilization. So it is not difficult for one to understand the fondness of Californians for this traditional and historical period. It is all beautifully, as well as correctly, symbolized in the great mission play produced by a man who is loved by all Californians and by all who know him, a native son, John Stevens McGroarty, the poet and historian of the Green Verdugo Hills, as he is familiarly known.

These are but few of the many interesting and historical events that will be portrayed at the Long Beach Pacific Southwest Exposition, and I take pleasure in extending to my colleagues, the Members of this body, each a personal invitation to visit Long Beach and southern California and attend the exposition.

FORMER CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (H. R. 9860) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, it is difficult to refuse relief to these settlers. On the other hand, there is a good deal of force in what the department says. It says:

> Under existing law complete payment is required during the year 1928 on all purchases and practically all homestead entries of Cheyenne River and Standing Rock Indian lands. The purchasers will have had 8 years within which to complete payment, while some of the homesteaders will have had 18 years, some less than that, according to the date when their entries were made. During all those years the Indians have been deprived of the use of their money, and the burden of taxation has been borne by those entrymen who complied with the original act making the land subject to entry, paid up promptly, and received patents for their homesteads. The injustice of this is apparent. On the other hand, to compel complete payment on all the entries and purchases during the present year will involve a great deal of money and might prove disastrous to the local banks, not only

through financing loans but also by the withdrawal of individual deposits. This condition might be avoided by requiring only a portion of the entire amount due to be paid at this time.

The passage of the bill in its present form would work an injustice and it is not believed the extensions of time for payment it proposes to grant are warranted by present conditions.

The gentleman's bill proposes an extension to the year 1931. The department approves an extension to 1930. To my mind an extension to 1930, since it carries with it a freedom from taxation, is hardly a fair proposition. The settlers who paid up and got their patents are to have until 1931, under this bill, the burden of paying taxes that ought to be paid by these lands. They all met the same crop conditions. Still some paid up, and some did not. Those who paid up are to be penalized by being obliged to carry a severe burden of taxation which these others ought to share. I realize the necessity somewhat, but I do not believe we ought to give an extension for as long a period as the committee report recommends.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WILLIAMSON. I want to state with reference to the statement made by the Secretary of the Interior that the department is in error in stating that an injustice has been done the Indians by reason of payments for homesteads and land purchases being deferred. Section 6 of the act of May 29, 1908, provides that when the money is paid in it shall be placed in the Treasury to the credit of the Indians in what is known as the 3 per cent fund. At no time since this act was passed has this fund been less than $1,000,000. It has been ample for all purposes. No part of the moneys received in payment can be disbursed directly to the Indians under the act.

Mr. CRAMTON. It bears interest?

Mr. WILLIAMSON. Yes; at 3 per cent.

Mr. CRAMTON. It can not bear interest until it goes into the Treasury.

Mr. WILLIAMSON. The only difference is that the Indians get 5 per cent interest on deferred payments instead of 3 per cent when the money is paid in. They are ahead 2 per cent interest on all deferred payments.

Mr. CRAMTON. That 5 per cent will go to the credit of this Indian fund?

Mr. WILLIAMSON. Yes.

Mr. CRAMTON. I do not bear down on this phase of it so much as on the other phase—the fact that these people, who do not pay not only get an extension of time for payment but will be relieved from taxation, and thereby they will impose an unfair burden on the other settlers who have paid.

Mr. WILLIAMSON. I admit that this point is well taken, and, in fact, in the early part of the session I refused to introduce a bill providing for further extensions, as I desired to fully inquire into the necessity for such a bill. The conditions in that section, however, have been unfavorable since the war, and farmers have found it difficult and in many cases impossible to meet their obligations. A number of their banks have been closed, and credit is not available to many of the settlers. A great many of the settlers who are taxpayers and who themselves are neither homesteaders nor land purchasers under the act have written and petitioned for the extension provided for in this bill. The board of county commissioners of Dewey County, in which many of these lands are located, have passed resolutions asking that this act be passed. I have a petition, signed by over 150 taxpayers, very few of whom will be benefited by this bill should it become law, asking that this bill be enacted into law. I also have a great many letters from people scattered all over Corson, Dewey, and Ziebach Counties requesting a further extension of time within which to make the remaining payments.

Mr. CRAMTON. What would the gentleman say about the feasibility of an amendment which would provide that, notwithstanding this extension of time and the failure to take patents which would result, the land should be subject to taxation?

Mr. WILLIAMSON. Well, I have not given that enough study and thought to be able to express an opinion.

Mr. CRAMTON. Then would it not be well to let the bill go over so the gentleman might make a study of that phase of it?

Mr. WILLIAMSON. The only trouble is that these payments will be due before long, and if we are going to get this bill through we must push it along. I may state in this connection that the Senate committee has made a favorable report on a similar bill, with the exact amendment that the committee attached to my bill. Personally I feel the matter is rather urgent, and I hope no objection will be raised to-day to the passage of the bill in the form that it left the Committee on the Public Lands. I do not believe there is going to be very much objection from the people who pay taxes, because under this bill the delinquents will have to commence making payments this year, and within three years all payments will be cleaned up and patents issued. I think the larger good demands a reasonable further extension.

Mr. CRAMTON. The situation is that the bill as introduced provided for a two-year extension; as approved by the department it provided for a three-year extension, and as reported by the committee it provides for a four-year extension.

Mr. WILLIAMSON. But actually only a three-year extension because they have to make their first payments this year.

Mr. CRAMTON. But the effect of it is four years. I do not feel it ought to go further than the department's recommendation.

Mr. WILLIAMSON. Then we will run counter to the Senate amendment, which is apt to greatly delay the passage of the bill.

Mr. CRAMTON. I have not yet gotten to the point where I will accept a proposition just because the Senate has taken action, for, notwithstanding what has been said to-day about the very careful consideration of the entire membership of the committee, I think that is the exception rather than the rule.

Mr. WILLIAMSON. I want to say to the gentleman before he insists upon that, that I have gone into this with unusual care with the view of getting all the facts. I simply want to say that I believe the amendment proposed by the committee will be reasonably satisfactory to the people in the area affected who pay the taxes. In this connection I may say to the gentleman that two Indians, representatives from the Standing Rock Indian Reservations, were here recently and raised some objection to the bill, but after it was explained to them they went away thoroughly convinced that it would do them no injustice. I will put in the RECORD the two sections of the statutes which cover this matter.

Mr. CRAMTON. The gentleman from South Dakota speaks for the taxpayers there and I will accept his statement, but that is as far as I feel I want to go. If the gentleman could see his way clear to conform to the department's recommendation and strike out three equal annual installments and make it two, and strike out the words "December 1, 1931," I shall not object.

Mr. WILLIAMSON. Then you would substitute the amendment suggested by the department, which reads:

Shall be granted an extension of time for payment on one-third the amount, including principal and interest, due and unpaid on his entry or purchase until the 1st day of December, 1928; the remainder to be paid in two equal annual installments falling due on December 1, 1929, and December 1, 1930; all such amounts to bear interest at the rate of 5 per cent per annum until the payment dates: *Provided*, That upon failure to make complete payment of any installment the entry shall be canceled and the money paid forfeited.

Mr. CRAMTON. That is it exactly.

Mr. WILLIAMSON. Mr. Speaker, in lieu of the amendment offered by the committee, I would offer the amendment suggested by the Secretary of the Interior, which is found at the end of the report made by the Secretary of the Interior.

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Michigan suggested the question of taxes. I take it the gentleman refers to State taxes?

Mr. WILLIAMSON. Yes.

Mr. LAGUARDIA. This land is subject to State taxes at this time?

Mr. WILLIAMSON. No; not the unpatented lands. They will become subject to taxes only after the date of final payment.

Mr. LAGUARDIA. Then they are not taxing this property at a time when these entrymen are in such distress and when they are asking for an extension of time?

Mr. WILLIAMSON. No; taxes will not be levied until final payment, when patents will be issued. At that time the lands involved will become subject to the State tax law.

Mr. LAGUARDIA. When it is patented and fully paid for.

Mr. WILLIAMSON. Yes.

Following are the sections of the statutes to which I made reference sometime ago. Section 6 of the act of May 29, 1908 (3 Kappler's Laws and Treaties, p. 376), with reference to the Cheyenne River Indians, provides that when the money shall be paid in by the homesteaders and land purchasers it shall be deposited in the Treasury to the credit of the Indians in the 3 per cent fund. This section reads as follows:

[Sec. 6, act of May 29, 1908]

That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservations aforesaid in the States of South Dakota and North Dakota the sums to which the respective tribes may be entitled, which shall draw interest at 3 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians, respectively, shall be expended for their benefit under the direction of the Secretary of the Interior. * * * (3 Kappler's Laws and Treaties, p. 376.)

Section 5 of the act of February 14, 1913 (3 Kappler's Laws and Treaties, p. 557), affects the Standing Rock Indians, and provides as follows:

[Last proviso of sec. 5, act of February 14, 1913]

Provided, That from any moneys in the Treasury to the credit of the Standing Rock Indians derived from the proceeds arising from the sale and disposition of their portion of the surplus and unallotted lands disposed of under section 6 of the act approved May 29, 1908, the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to distribute and pay to each of the Indians belonging to said tribe and entitled thereto a sum not exceeding $40 per capita. (Last proviso, No. 5, act of February 14, 1913; 3, Kappler's Laws and Treaties, p. 557.)

Under this provision a $30 per capita payment was made in 1921 and arrangements are now being made to pay the additional $10 per capita, making the total provided for in the provision. There is ample money in the Treasury to the credit of these Indians for the purpose.

The resolution passed by the Board of County Commissioners of Dewey County, to which I made reference, reads as follows:

OFFICE OF AUDITOR OF DEWEY COUNTY,
Timber Lake, S. Dak., January 12, 1928.

Hon. WILLIAM WILLIAMSON,
Washington, D. C.

DEAR SIR: At the regular January, 1928, meeting of the Board of County Commissioners of Dewey County, S. Dak., there was brought to the attention of the board (consisting of five members) the fact that under the present acts of Congress relative to payment for lands disposed of on the Cheyenne River and Standing Rock Indian Reservations in South and North Dakota, final payments must be made therefor, unless Congress enacts further legislation granting extensions of such payments, many good people will have to let their land go as they can not now meet the final payments.

This board believes it would be for the best interests of homesteaders on such lands and purchasers of such lands and for the best interests of the communities within which such lands are situated that Congress pass an act which shall provide for an extension of such payments for a period of at least three years.

We would respectfully ask that you use your influence to have introduced and passed by Congress an act which will provide for a reasonable extension of such payments.

Respectfully yours,

BOARD OF COUNTY COMMISSIONERS,
[SEAL] By CAL. RITCHEY, *Chairman.*
J. F. KNIGHT.
J. E. WIEGAND.
BERT BOWDEN.
J. L. EADS.

The Commercial Club, of Dupree, Ziebach County, S. Dak., also passed the following resolution, which indicates how the business men of that community feel about the proposed extension. This resolution sets out—

DUPREE, S. DAK., *February 17, 1928.*

The Commercial Club, at Dupree, S. Dak., at its regular meeting passed the following resolution:

"Whereas on January 25, 1928, a bill was introduced in the United States Senate, being Senate bill 2828 (being a companion bill to H. R. 9860, introduced January 23, 1928), the bill, if passed without amendment, would extend the payments on land to any homesteader or purchaser of Government land by his making proper showing that he is unable to pay the full amount due on such land within the former Cheyenne River and Standing Rock Indian Reservations in North and South Dakota.

"That said bill provides for the following extension of time: First, extension to the 1929 anniversary of the date of his entry or contract of purchase; and if at the expiration of the extended period the entryman or purchaser is still unable to make the payment, he may upon the same terms and conditions, in the discretion of the Secretary of the Interior, be granted such further extensions of time, not exceeding a period of two years, as the facts warrant; and

"Whereas an amendment to the said bill has been suggested, authorizing the extension for a period of three years, providing that one-third of the remaining debt be paid each year, with interest at 5 per cent, the first of such payments to be made on the 1st day of December 1928, the next due the 1st day of December, 1929, and the last payment due December 1, 1930.

"We, the Dupree Commercial Club of Dupree, S. Dak., with full knowledge of all conditions regarding the aforesaid homestead entries and land purchases and the settlers' ability to pay, do hereby respectfully suggest that the amendment offered be changed to divide up the remaining indebtedness on said lands into five equal payments with interest at 5 per cent, the first of such payments to become due December 1, 1928, the second payment to be due December 1, 1929, the third payment to become due December 1, 1930, the fourth payment to be due December 1, 1931, and the fifth payment to become due December 1, 1932."

That the last suggestion mentioned will be the best solution for all concerned.

DUPREE COMMERCIAL CLUB,
By FRANK E. RILEY, *President.*
By WALTER R. MENZEL,
Secretary.

The petition referred to sets out the matter in the following words:

ISABEL, S. DAK., *January 21, 1928.*

Hon. WILLIAM WILLIAMSON,
Washington, D. C.:

We, the undersigned petitioners, respectfully request that all payments on land of whatsoever nature located on the Standing Rock and Cheyenne River Indian Reservations upon which there are payments yet due be extended for a period of three years. This to include either lands homesteaded or purchased at the various land sales. In submitting this petition we would respectfully advise that, owing to the general financial depression and far-below-normal crop production of the past few years has made it impossible for farmers and others living in territory described to meet their obligations, and if these payments were forced it would cause many to abandon their lands. Can we not have speedy action in connection herewith?

As stated a moment ago, this petition is signed by over 150 residents, covering a large part of the area involved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, North Dakota and South Dakota," approved April 25, 1922, be amended so as to read as follows:

"That any homestead entryman or purchaser of Government lands within the former Cheyenne River and Standing Rock Indian Reservations in North Dakota and South Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension to the 1929 anniversary of the date of his entry or contract of purchase upon payment of interest in advance at the rate of 5 per cent per annum on the amounts due from the maturity thereof to the said anniversary; and if at the expiration of the extended period the entryman or purchaser is still unable to make the payment he may, upon the same terms and conditions, in the discretion of the Secretary of the Interior, be granted such further extensions of time, not exceeding a period of two years, as the facts warrant."

With the following committee amendment:

Beginning in line 10, page 2, strike out the remainder of the bill and insert: "shall be granted an extension of time for payment of one-fourth the amount, including principal and interest, due and unpaid on his entry or purchase until the 1st day of December, 1928; the remainder to be paid in three equal annual installments, falling due on December 1, 1929, December 1, 1930, and December 1, 1931; all such amounts to bear interest at the rate of 5 per cent per annum until the payment dates: *Provided*, That upon failure to make complete payment of any installment, the entry shall be canceled and the money paid forfeited."

Mr. WILLIAMSON. Mr. Speaker, I offer a substitute.

The SPEAKER. The gentleman from South Dakota offers a substitute for the committee amendment, which the Clerk will report.

The Clerk read as follows:

Beginning in line 10, page 2, strike out the remainder of the bill and insert:

"Shall be granted an extension of time for payment on one-third the amount, including principal and interest, due and unpaid on his entry

or purchase until the 1st day of December, 1928; the remainder to be paid in two equal annual installments falling due on December 1, 1929, and December 1, 1930; all such amounts to bear interest at the rate of 5 per cent per annum until the payment dates: *Provided*, That upon failure to make complete payment of any installment the entry shall be canceled and the money paid forfeited."

The substitute was agreed to.

The committee amendment as amended by the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

OREGON AND CALIFORNIA AND COOS BAY GRANT LAND

The next business on the Consent Calendar was the bill (H. R. 10563) extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved June 14, 1926 (44 Stat. L. 741), entitled "An act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes," are hereby extended to former Oregon & California Railroad grant lands revested in the United States under the act of June 9, 1916 (39 Stat. L. 218), and to former Coos Bay Wagon Road grant lands reconveyed to the United States under the act of February 26, 1919 (40 Stat. L. 1179): *Provided*, That any lands leased hereunder shall thereafter be exempt from any further claim by the county wherein such leased lands are located for payment of moneys, the equivalent of taxes, as authorized under the relief act of July 13, 1926 (44 Stat. L. 915): *Provided further*, That only such lands as are within or contiguous to the former limits of said grants may be accepted in an exchange hereunder for such former grant lands and that all lands and timber secured by virtue of any such exchange shall be disposed of in accordance with the terms and provisions of said revestment act of June 9, 1916: *And provided further*, That no sales of lands classified under said act of June 9, 1916, as of class 3, or agricultural lands, shall be made for less than $2.50 per acre, and of lands of class 2, or timberlands, for less than the appraised value of the timber thereon.

SEC. 2. That all moneys received from or on account of any lands leased or sold hereunder shall be applied in the manner prescribed by the aforesaid acts of June 9, 1916, and February 26, 1919.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAVING LA FAYETTE EXTENSION ROAD

The next business on the Consent Calendar was the bill (H. R. 11723) to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee and Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill proposes that we shall spend nearly $200,000 on a road approaching a national military park.

Mr. TARVER. Will the gentleman yield?

Mr. CRAMTON. If the gentleman will first permit me to make this statement, then I will be pleased to have information.

For some time, surrounding our national parks, which are generally situated in States having a small amount of taxable property and a large amount of property that belongs to the Federal Government which is not subject to taxation, there have been demands for the improvement of roads approaching national parks; and almost invariably we have absolutely refused such appropriations. We have held we could not afford to enter on a policy of building roads approaching national parks. In States like Tennessee and Georgia, where there is a great amount of taxable property surrounding these roads and a great deal of commercial use of the highways, I do not believe we ought to be entering on a policy of spending Federal money exclusively for building these roads.

I now yield to the gentleman from Georgia.

Mr. TARVER. The trouble about it is we have already entered upon such a policy. Two weeks ago to-day a bill introduced by the gentleman from Tennessee [Mr. MCREYNOLDS] providing for an appropriation of $20,000 per mile for the paving of a road from St. Elmo, Tenn., to Rossville, Ga., was passed without objection by this House, this amount being a larger appropriation than that authorized under this bill.

Mr. CRAMTON. Will the gentleman yield?

Mr. TARVER. If the gentleman will pardon me, I want to proceed one step further. This is a road owned by the Government of the United States. The Congress on March 3, 1925, or by an act approved on that date, authorized the Secretary of War to return these roads to the States or the subdivisions thereof that might be willing to accept them provided they would agree to maintain them.

Mr. CRAMTON. Let me ask the gentleman——

Mr. TARVER. Pardon me just a moment, I think I can make this clear. Neither the States nor the subdivisions are willing to accept the roads unless the roads are placed in a condition equal to roads forming a part of the same highway lying immediately adjacent to the Government owned and controlled portion. The Secretary of War, in accordance with a policy which, as I understand, is satisfactory to the President and approved by the Bureau of the Budget, desires to return these roads to the State of Georgia or the counties through which the roads run, and to provide this appropriation as a means of inducing the county or the State to accept the return of the roads. It costs, according to a letter which I received this morning, the Government some $6,000 per year to maintain this 12-mile stretch of road, or $500 per mile. It is a part of the Dixie Highway and the expense of maintaining it will be more considerable as the years go by. Therefore, it has been thought by the administration and by the Director of the Budget and by the Secretary of War that this legislation ought to be enacted. I hope the gentleman will not object, in view of the fact he did not object to a similar bill of the gentleman from Tennessee two weeks ago.

Mr. CRAMTON. This shows the bad mistake I made the last time. It is now coming up to haunt me. This also illustrates the undesirability of establishing these bad precedents. They come up afterwards to haunt you. Because we were perhaps a little lenient in one case two weeks ago. in approving an item of $20,000, later on there comes another proposition of $200,000. Let me ask the gentleman where this road is located?

Mr. TARVER. The road is located in the State of Georgia.

Mr. CRAMTON. Is it outside of the military reservation?

Mr. TARVER. Yes; but owned by the Government.

Mr. CRAMTON. It is outside of the military reservation?

Mr. TARVER (continuing). And therefore the Government desires to return it and get rid of it and avoid the expense of maintaining it.

Mr. CRAMTON. In the act that provides for the return of these roads, the Government made no promise that it would put them up to the condition of the Federal-aid roads standard?

Mr. TARVER. In the act providing for the return of these roads the Congress provides that they can not be returned except by the consent of the State or the subdivision thereof, as, of course, they could not even in the absence of such a provision.

Mr. CRAMTON. There are important highways?

Mr. TARVER. Yes.

Mr. CRAMTON. They connect commercial centers and are important tourist lines?

Mr. TARVER. Yes.

Mr. CRAMTON. The communities using them will find it sometime very important to them that these roads be improved?

Mr. TARVER. Yes.

Mr. CRAMTON. If the Federal Government should establish the policy that it ought to establish and draw the line and say these roads are not within the military reservation and we will not any longer maintain them and we will not improve them, it seems to me that sometime the gentleman's constituents will be demanding that these roads be taken over and improved by the State and county.

Mr. TARVER. Let me suggest that the Federal Government accepted by act of Congress the roads in question, and they belong in absolute fee simple to the Government of the United States. The Government of the United States, as was recognized by Congress on March 3, 1925, has not the right to go to the counties in the State and say you must accept the roads unless conditions shall be agreed upon as satisfactory to both parties. The President himself, who has been consulted about the matter, and the Director of the Budget have agreed on this policy.

Mr. CRAMTON. I understand the gentleman from Georgia feels that the State of Georgia will do the Federal Government a great favor if it will accept the road, which is not in Federal territory, is not on a Federal reservation—that the State will accept it if we spend $200,000. Has the gentleman any authority to say to the House that the State of Georgia will not come in and say that $200,000 is not enough and that they must have

$100,000 bonus in order to induce us to accept the road within their own jurisdiction?

Mr. TARVER. The bill provides that the additional amount necessary to construct the road—twice the amount mentioned in the bill—shall be furnished by either the State or subdivision of the State. This must be a concrete highway, and the cost will be $30,000 a mile, and only $15,000 is provided by the appropriation here.

Mr. CRAMTON. How much Federal-owned land is there in the county where this road is situated?

Mr. TARVER. I do not know how much there is in Walker County, but in an adjoining county one-third of the county is owned by the Federal Government, upon which it pays no taxes.

Mr. CRAMTON. The land is not contiguous to this road?

Mr. TARVER. It is contiguous to the road.

Mr. CRAMTON. There are counties in the West where 89 per cent of the area is Federal-owned land and where we have refused to build Federal roads.

Mr. TARVER. That is a different question. This road is owned by the Federal Government and has been accepted by act of Congress.

Mr. CRAMTON. Would the gentleman like to have the bill go over without prejudice?

Mr. TARVER. If the gentleman is going to object to the bill, of course I should prefer to have it go over without prejudice. I think if the gentleman from Michigan [Mr. JAMES] was here in the room he might be able to explain the situation to the satisfaction of his colleague better than I have, he having been charged with the consideration for some time before the committee.

Mr. CRAMTON. Mr. Speaker, I shall be obliged to object.

Mr. TARVER. Then, Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BLANTON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. The Chair thinks there is not a quorum.

Mr. TILSON. Mr. Speaker, in view of the fact that it was my intention to move to adjourn at 5 o'clock anyway, I shall not at this time move a call of the House. Otherwise I should do so.

Mr. BLANTON. I withdraw the point of no quorum.

ADDITION TO GUNNISON NATIONAL FOREST, COLO. (H. DOC. NO. 203)

The SPEAKER laid before the House the following message from the President of the United States which was read and with accompanying papers referred to the Committee on Public Lands and ordered printed:

To the Congress of the United States:

I am transmitting herewith for the consideration of the Congress copy of resolutions adopted by the National Forest Reservation Commission at its meeting held on February 18, 1928, together with a copy of a letter from the Secretary of Agriculture relating to the proposed addition of certain public lands to the Gunnison National Forest, in the State of Colorado, which have been submitted by the president of the National Forest Reservation Commission.

CALVIN COOLIDGE.

THE WHITE HOUSE,
March 19, 1928.

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. STEVENSON, for two weeks, on account of illness in his family.

To Mr. CLARKE, for two days, on account of important business.

To Mr. BANKHEAD (at the request of Mr. MCDUFFIE), for 10 days, on account of illness.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 4964. An act to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.

The SPEAKER announced his signature to bills and a joint resolution of the Senate of the following titles:

S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell;

S. 1133. An act for the relief of John F. White and Mary L. White;

S. 1795. An act for the relief of Fannie M. Hollingsworth;

S. 1856. An act for the relief of the Gunnison-Mayfield Land & Grazing Co.;

S. 2365. An act for the relief of G. W. Rogers; and

S. J. Res. 55. Joint resolution for the relief of Henry A. Bellows.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a bill of the House of the following title:

H. R. 10286. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, March 20, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 20, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment, and to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services" (H. R. 6518).

COMMITTEE ON INDIAN AFFAIRS

(9.30 a. m.)

Relating to the tribal and individual affairs of the Osage Indians of Oklahoma (H. R. 9294).

COMMITTEE ON EDUCATION

(10 a. m.)

To provide for the more complete development of vocational education in the several States (H. R. 9201).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

411. A letter from the Comptroller General of the United States, transmitting pursuant to the act of March 2, 1927 (44 Stat. (pt. 3) 1800), entitled "An act to provide a method for compensation persons who suffered property damage or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926," a report with recommendations thereon of the claims transmitted by the Secretary of the Navy covering property damage, death, or personal injury (H. Doc. No. 202); to the Committee on Claims and ordered to be printed.

412. A communication from the President of the United States, transmitting an amendment to the Budget for the fiscal

year 1929, for the Navy Department so as to authorize the commencement of the construction of two rigid airships instead of one (H. Doc. No. 200); to the Committee on Appropriations and ordered to be printed.

413. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ensuing June 30, 1929, for Navy Department, appropriation title "Construction and repair, Bureau of Construction and Repair," $200,000 (H. Doc. No. 201); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 6049. A bill to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments; with amendment (Rept. No. 993). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 8141. A bill authorizing additional employees for the Federal Power Commission, and for other purposes; with amendment (Rept. No. 994). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11245. A bill to cancel certain notes of the Panama Railroad Co. held by the Treasurer of the United States; without amendment (Rept. No. 995). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEAVER: Committee on the Judiciary. H. R. 8835. A bill to amend section 98 of the Judicial Code, as amended, to provide terms of court at Bryson City, N. C.; with amendment (Rept. No. 996). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOUGLAS of Arizona: A bill (H. R. 12198) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.; to the Committee on Agriculture.

By Mr. FURLOW: A bill (H. R. 12199) to increase the efficiency of the Air Corps; to the Committee on Military Affairs.

By Mr. HOFFMAN: A bill (H. R. 12200) to authorize the appropriation for construction at Fort Monmouth military post; to the Committee on Military Affairs.

By Mr. SWICK: A bill (H. R. 12201) for the purchase of a site and the erection thereon of a public building at Ellwood City, Lawrence County, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. CANNON: A bill (H. R. 12202) providing for the purchase of a site and erection of a public building at Hermann, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM: A bill (H. R. 12203) to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States; to the Committee on the Judiciary.

By Mr. STALKER: A bill (H. R. 12204) to authorize the Director of the United States Veterans' Bureau to accept the title to the State camp for veterans at Bath, N. Y.; to the Committee on World War Veterans' Legislation.

By Mr. BERGER: A bill (H. R. 12205) to authorize the establishment of a bureau of unemployment insurance in the Department of Labor, to provide for the creation of a system of compulsory unemployment insurance for the purpose of insuring wageworkers against the hardships caused by unemployment, and for other purposes; to the Committee on the Judiciary.

By Mr. LINTHICUM: A bill (H. R. 12206) to exempt certain plant foods and the essential ingredients thereof from special dumping duty; to the Committee on Ways and Means.

By Mr. HOUSTON of Hawaii: A bill (H. R. 12207) to amend section 495, chapter 3, title 28, of the Code of Laws of the United States of America; to the Committee on the Territories.

By Mr. WHITE of Maine: A bill (H. R. 12208) relating to the carriage of goods by sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARTER: Joint resolution (H. J. Res. 244) authorizing a modification of the adopted project for Oakland Harbor, Calif.; to the Committee on Rivers and Harbors.

By Mr. CRAMTON: Joint resolution (H. J. Res. 245) to make immediately available the appropriation for a road across the Kaibab Indian Reservation; to the Committee on Appropriations.

By Mr. SCHNEIDER: Joint resolution (H. J. Res. 246) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended; to the Committee on Immigration and Naturalization.

By Mr. KINDRED: Resolution (H. Res. 141) authorizing the Speaker of the House of Representatives to appoint a committee to investigate the causes of all comparatively recent disasters caused by the breaking, or faulty construction, of all dams controlled by the United States Government, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12209) granting a pension to Newton Loyd; to the Committee on Invalid Pensions.

By Mr. BOWLES: A bill (H. R. 12210) granting an increase of pension to Lillie M. Wooster; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12211) for the relief of Ross P. Beckstrom Co.; to the Committee on War Claims.

Also, a bill (H. R. 12212) granting an increase of pension to Mary L. Merchant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12213) for the relief of Charles Samuelson; to the Committee on War Claims.

By Mr. DENISON: A bill (H. R. 12214) granting an increase of pension to Martha Studdard; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 12215) granting a pension to Calista Ferris; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12216) to provide for examination and snrvey of Olympia Harbor, Wash.; to the Committee on Rivers and Harbors.

By Mr. KURTZ: A bill (H. R. 12217) granting an increase of pension to Amanda Koon; to the Committee on Invalid Pensions.

By Mr. LANHAM: A bill (H. R. 12218) granting a pension to Robert C. Wood; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 12219) granting a pension to William Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12220) for the relief of Beryl Elliott; to the Committee on Claims.

By Mr. McLAUGHLIN: A bill (H. R. 12221) granting an increase of pension to Dorothy H. Grover; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 12222) granting a pension to Sarah J. Claypool; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12223) granting a pension to Addie Ray Bostick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12224) granting an increase of pension to Jennie Nash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12225) granting an increase of pension to Elizabeth Plumb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12226) granting an increase of pension to Weltha M. Coss; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 12227) granting an increase of pension to Eliza Wilson; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 12228) granting a pension to Lilian S. Lozier; to the Committee on Pensions.

By Mr. SWICK: A bill (H. R. 12229) granting an increase of pension to Frances E. Book; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 12230) for the relief of John Thomas Wirock; to the Committee on Naval Affairs.

By Mr. VESTAL: A bill (H. R. 12231) granting an increase of pension to Lugenia Marquis; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 12232) for the relief of John J. Fitzgerald; to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 12233) granting an increase of pension to Talitha C. Hoke; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12234) granting a pension to John T. Short; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5607. Petition of Cleveland Chamber of Commerce, Cleveland, Ohio, opposing House bill 10082 removing labor organizations from the operation and penalties of the antitrust, conspiracy,

and criminal laws, and from the injunctive process; to the Committee on the Judiciary.

5608. By Mr. ARNOLD: Petition from citizens of Edgewood, Ill., favoring the passage of Civil War pension legislation; to the Committee on Invalid Pensions.

5609. Also, petition from citizens of Mount Vernon, Ill., asking for an equitable plan of air control; to the Committee on the Merchant Marine and Fisheries.

5610. By Mr. BLOOM: Petition of Charles Ahrens, of 883 Columbus Avenue, New York City, and other citizens of Greater New York, petitioning against the bill (H. R. 78) for Sunday observance; to the Committee on the District of Columbia.

5611. By Mr. BUCKBEE: Petition of R. B. Newcomer and 19 other citizens of De Kalb, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5612. Also, petition of Clarissa Nelson and 17 other citizens of Streator, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5613. By Mr. BULWINKLE: Petition of 136 citizens of Yancey County, N. C., for action on a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5614. By Mr. BURTON: Resolution adopted at the regular convention of the Pythian Star Lodge, No. 526, Knights of Pythias, Cleveland, Ohio, indorsing the Lehlbach bill liberalizing the retirement law for civil-service employees (H. R. 25); to the Committee on the Civil Service.

5615. By Mr. CANNON: Petition of Pauline Klarenbach and other citizens of Martinsburg, Mo., favoring an increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5616. By Mr. COCHRAN of Pennsylvania: Petition of Porter F. Rhodes, of Pittsfield, and other residents of Warren County, Pa., opposing the passage of House bill 78; to the Committee on the District of Columbia.

5617. Also, petition of James E. Clark, of Torpedo, and other residents of Warren County, Pa., favoring the passage of legislation to increase the pension of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5618. By Mr. CRAIL: Petition of McArthur Camp No. 25, of Los Angeles County, Calif., for the passage of House bill 500 and Senate bill 777; to the Committee on World War Veterans' Legislation.

5619. By Mr. CRAMTON: Petition signed by George S. Whidden and 21 other residents of Vassar, Mich., protesting against the passage of compulsory Sunday observance bills; to the Committee on the District of Columbia.

5620. By Mr. CROWTHER: Petition of citizens of Sprakers, N. Y., urging the passage of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

5621. Also, petition of citizens of Schenectady, N. Y., protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

5622. Also, petition of men and women voters of the First Methodist Episcopal Church, of Amsterdam, N. Y., urging support of the Government of all treaties doing away with war and the enforcement of the eighteenth amendment; to the Committee on the Judiciary.

5623. By Mr. DAVIS: Petition of L. D. Cash and others, in favor of increase of Civil War pensions; to the Committee on Invalid Pensions.

5624. By Mr. ESTEP: Petition of Hill Top Council, No. 88, Fraternal Patriotic Americans (H. E. Barrett, secretary), urging active support of the Johnson deportation bill (H. R. 10078); to the Committee on Immigration and Naturalization.

5625. By Mr. GALLIVAN: Petition of J. Alfred Anderson, 101 Tremont Street, Boston, Mass., protesting against the national origins clause in the present immigration law; to the Committee on Immigration and Naturalization.

5626. By Mr. GARBER: Letter of C. D. Mauk, of Dover, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5627. Also, letter of Dr. D. L. R. Swartz, of Enid, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5628. Also, letter of the American Library Association, by Carl B. Roden, president, Chicago, Ill., in support of House bill 8304 and Senate bill 2040, in regard to a lower postal rate on books; to the Committee on the Post Office and Post Roads.

5629. Also, letter of H. H. Skaggs, H. A. Sturdevant, and Dr. Otis Little, of Enid, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5630. Also, letter of Burns E. Murray, Gate, Okla., in support of Reece good roads bill; to the Committee on Roads.

5631. Also, petition of Rural Letter Carriers' Association, of Gate, Okla., for the Gibson amendment to the present retirement law; to the Committee on the Civil Service.

5632. By Mr. GARDNER of Indiana: Petition of S. A. Rucker and 10 other citizens of Huntingburg, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

5633. Also, petition of P. C. Hendrich, New Salisbury, Ind., and Martha E. Vivert, New Salisbury, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

5634. By Mr. HOGG: Petition of Emma Abbott and 21 other citizens of Fremont, Ind., protesting against passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5635. Also, petition of John W. Nesbitt and other citizens of Albion, Ind., urging the passage of the Welch reclassification bill and the Lehlbach retirement bill; to the Committee on the Civil Service.

5636. By Mr. HUDDLESTON: Petition of Birmingham Baptist Pastors Conference, of Birmingham, Ala., in opposition to the Oddie bill (S. 1752) in re printing stamped envelopes; to the Committee on the Post Office and Post Roads.

5637. By Mr. JOHNSON of Texas: Petition of Mission Provision Co., of San Antonio, Tex., opposing House bill 10958, to amend the definition of oleomargarine, etc.; to the Committee on Agriculture.

5638. Also, petition of H. B. Steward, secretary-treasurer Fairfield National Farm Loan Association, of Fairfield, Tex., opposing Senate bill 1752, to prevent printing of return address on stamped envelopes by the Federal Government; to the Committee on the Post Office and Post Roads.

5639. Also, petition of Dan Scoates, secretary Texas Hardware and Implement Association, of College Station, Tex., opposing Senate bill 1752, to prevent printing of return address on stamped envelopes by the Post Office Department; to the Committee on the Post Office and Post Roads.

5640. By Mr. KIESS: Petition from citizens of Wellsboro, Pa., favoring legislation to increase the pension of soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

5641. By Mr. KINDRED: Petition of the New York Navy Yard Retirement Association, urging the Congress of the United States, in behalf of the New York Navy Yard Retirement Association, to lower the age limit in the retirement act of May 20, 1920, and as amended July 3, 1926, to include navy yard mechanics in as low an age class, if not lower, than any other mechanics, whether they be in the Panama Canal Zone or in the Railway Mail Service of the States; to the Committee on the Civil Service.

5642. Also, petition of the Knights of Columbus, New York State Council, urging the Congress of the United States toward the speedy enactment of such legislation as will provide for full Federal responsibility in respect to future flood-protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

5643. Also, petition of the Chamber of Commerce of the Borough of Queens, City of New York, to the Congress of the United States, favoring Federal jurisdiction and control of the construction of adequate flood-control measures on the Mississippi River at Federal expense, as outlined in referendum No. 51 of the United States Chamber of Commerce; to the Committee on Flood Control.

5644. By Mr. KING: Petition against compulsory Sunday observance, signed by Charles Carpenter, Aurora, Ill., and a number of other citizens of Aurora, circulated by Mrs. L. E. Day, 599 E. Knox Street, Galesburg, Ill., and signed by a number of Galesburg citizens; to the Committee on the District of Columbia.

5645. By Mr. McKEOWN: Petition of J. A. Mooney and 65 other citizens of Sapulpa, Okla., protesting the passage of compulsory Sunday observance laws; to the Committee on the District of Columbia.

5646. By Mr. MOORE of New Jersey: Petition of citizens of Bayonne, N. J., in behalf of the Civil War pension bill; to the Committee on Invalid Pensions.

5647. By Mr. MORROW: Petition of citizens of Mora County, N. Mex., opposing House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

5648. Also, petition of citizens of Fort Stanton, N. Mex., favoring the Box immigration bill; to the Committee on Immigration and Naturalization.

5649. By Mr. NEWTON: Petition signed by members of Local No. 14, Federal Employees Union, of Minneapolis, urging support of Welch salary increase bill and mail box bill, and for abolition of the Personnel Classification Board; to the Committee on the Civil Service.

5650. By Mr. O'CONNELL: Petition of T. M. Schippell, secretary of the Naturopathic Association, Washington, D. C., favoring the passage of the naturopathic bill; to the Committee on the District of Columbia.

5651. Also, petition of John Fitzpatrick, president Chicago Federation of Labor, favoring an investigation of the Radio Trust in order that they be assured of a new deal for radio that will protect the rights and interests of all the people for all time to come; to the Committee on the Merchant Marine and Fisheries.

5652. By Mr. O'CONNOR of Louisiana: Resolutions of the Board of Commissioners of the Port of New Orleans, protesting against the Bacon antipilotage bill; to the Committee on the Merchant Marine and Fisheries.

5653. By Mr. PARKS: Petition of citizens of Chicot County, Ark., urging Congress to grant increase of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5654. By Mr. PERKINS: Petition of J. A. McGarr and numerous other citizens of New Jersey, protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5655. Also, petition of Jennie E. Gray and other members of the Sons and Daughters of Liberty, of Hackensack, N. J., protesting against legislation to increase the number of immigrants now allowed to come into the United States; to the Committee on Immigration and Naturalization.

5656. Also, petition of Anna Williams and other members of the Sons and Daughters of Liberay, of Rochelle Park, N. J., protesting against legislation to increase immigration; to the Committee on Immigration and Naturalization.

5657. Also, petition of George W. Miller and other members of the Sons and Daughters of Liberty, of Washington, N. J., protesting against legislation to increase the number of immigrants now allowed to come into the United States; to the Committee on Immigration and Naturalization.

5658. By Mr. PRALL: Petition signed by citizens of Staten Island, on behalf of the Civil War pension bill, received from Catherine Narr, 15 Beacon Street, New Dorp, Staten Island, N. Y.; to the Committee on Invalid Pensions.

5659. By Mr. RAINEY: Petition of Rebecca V. Gaines and 68 other citizens of Petersburg, Ill., for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5660. By Mr. ROBINSON of Iowa: Petition protesting against the large increase proposed in our Navy, signed by Rev. S. V. Williams and many citizens of Shell Rock, Iowa.; to the Committee on Naval Affairs.

5661. By Mr. RUBEY: Petition by the citizens of Wright, Texas, and Douglas Counties, Mo., in behalf of additional pension legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5662. By Mr. STRONG of Kansas: Petition of B. W. Maxwell, of Enterprise, Kans., and 46 other citizens, protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5663. By Mr. SWING: Petition of citizens of southern California, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5664. Also, petition of citizens of San Bernardino County, Calif., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

5665. By Mr. WHITE of Colorado: Letter of R. E. Lowderback, secretary Denver (Colo.) Trades and Labor Assembly, approving the proposed Box-Harris bill restricting Mexican immigration; to the Committee on Immigration and Naturalization.

5666. By Mr. WOOD: Petition signed by residents of Hammond, Lake County, Ind., asking that immediate steps be taken to bring a vote on the Civil War pension bill; to the Committee on Invalid Pensions.

5667. By Mr. WURZBACH: Petition of T. W. Worley, Ben V. Meitzen, Mrs. W. M. Jennings, and other citizens of San Antonio, Bexar County, Tex., against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

SENATE

TUESDAY, *March 20, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who fillest all things with Thy presence, we beseech Thee of Thy great love to keep us near unto Thee this day. Thou hast shown us Thy ways, and we have forsaken Thee; Thou hast brought us to great honor, and we weary of Thy service. Yet spare us, good Lord, from all adversity, and restore unto us the vision lost in paths apart from Thee. Help us to advance the onward march of Thy kingdom of right and justice by the increase of chivalry and the growing reign of law and ordered life. Make us to forsake that love of party which may keep us from loving one another, that coming together in friendship we and all Thy people may find the overpowering love of God, which shall make of us a nation one in mind and heart and will, according to the mighty working whereby Thou art ready and willing to subdue us unto Thyself. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 2279) authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 1478) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.; and

A bill (S. 2820) authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 126. An act to add certain lands to the Missoula National Forest, Mont.;

H. R. 431. An act to authorize the payment of certain taxes in Okanogan County, in the State of Washington, and for other purposes;

H. R. 5724. An act to prevent desecration of the flag and insignia of the United States and to provide punishment therefor;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes;

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 6103. An act to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes;

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States;

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak., and S. Dak.;

H. R. 9966. An act to provide for the reimbursement of certain patients at the United States Veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects;

H. R. 10027. An act to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States;

H. R. 10083. An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs;

H. R. 10310. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes;

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii;

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon;

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi;

H. R. 11279. An act authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.;

H. R. 11808. An act to authorize an appropriation for the purchase of land at Selfridge Field, Mich.;

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii;

H. J. Res. 126. Joint resolution to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes; and

H. J. Res. 211. Joint resolution to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell;

S. 1133. An act for the relief of John F. White and Mary L. White;

S. 1795. An act for the relief of Fannie M. Hollingsworth;

S. 1856. An act for the relief of the Gunnison-Mayfield Land & Grazing Co.;

S. 2365. An act for the relief of C. W. Rogers;

H. R. 4964. An act to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the municipal hospital building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.; and

S. J. Res. 55. Joint resolution for the relief of Henry A. Bellows.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Frazier	Heflin
Barkley	Caraway	George	Johnson
Bayard	Copeland	Gerry	Jones
Bingham	Couzens	Glass	Kendrick
Black	Curtis	Gooding	Keyes
Blaine	Cutting	Gould	King
Blease	Deneen	Greene	La Follette
Borah	Dill	Hale	McKellar
Bratton	Edge	Harris	McLean
Brookhart	Edwards	Harrison	McMaster
Broussard	Fess	Hawes	McNary
Bruce	Fletcher	Hayden	Mayfield
Metcalf	Pittman	Shipstead	Tydings
Moses	Ransdell	Shortridge	Tyson
Neely	Reed, Mo.	Simmons	Wagner
Norbeck	Reed, Pa.	Smith	Walsh, Mass.
Norris	Robinson, Ark.	Smoot	Walsh, Mont.
Nye	Robinson, Ind.	Steck	Warren
Oddie	Sackett	Steiwer	Waterman
Overman	Schall	Stephens	Watson
Phipps	Sheppard	Swanson	Wheeler

Mr. JONES. I was requested to announce that the Senator from Vermont [Mr. DALE] is engaged in committee.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

JOHN A. FOX

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1325) for the relief of John A. Fox, which was, on page 1, line 6, after the word "appropriated," to insert "and in full settlement against the Government."

Mr. SMOOT. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

LOAN OF FIELD GUNS TO DALLAS, TEX.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2820) authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex., which was, on page 1, line 4, to strike out the word "loan" and insert "lend."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1478) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash., which was, on page 1, line 11, after the word "agree," to insert "in writing."

Mr. JONES. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS

The VICE PRESIDENT presented the following joint resolution of the Legislature of the State of New Jersey, which was ordered to lie on the table:

Joint Resolution 4, for the approval of the bill introduced in the Senate and House of the United States Federal Congress to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, and to urge its passage by the Senate and House

Whereas a bill has been introduced in the Senate and House of the United States Federal Congress which has for its purpose granting to the States the power to legislate for self-protection against the products of convict labor from other States; and

Whereas the bill reads as follows: "A bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise." And

Whereas this bill will empower the States that do not permit the products manufactured in their penal institutions to be placed on the public market, to protect themselves from the products of penal institutions of other States and to protect free labor which is now and for many years has been suffering from the competition of products made by the inmates of penal institutions:

Be it resolved by the Senate and General Assembly of the State of New Jersey—

1. The said bill be approved and recommended for enactment into law by the Federal Congress; and be it further

Resolved, That copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Federal Congress and to representatives of the State of New Jersey in the United States Senate and House of Representatives.

Approved March 15, 1928.

Mr. DILL. Mr. President, a few days ago I submitted an amendment to the road bill, proposing that 25 per cent of the allotment be used for rural post roads. I present certain petitions from citizens of the State of Washington in support of that amendment, which I ask may be referred to the Committee on Post Offices and Post Roads.

The petitions of sundry citizens of Lancaster and Sunset, Wash., praying for the passage of legislation providing that 25 per cent of all amounts of money appropriated by the Federal Government for the building and improvement of public highways be expended for the improvement of the free rural delivery mail routes were referred to the Committee on Post Offices and Post Roads.

Mr. HALE presented petitions of sundry citizens of Bath, Presque Isle, and Portland, all in the State of Maine, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of Queens Village and Columbia County, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the Seventh Regiment Veteran Association, of New York, N. Y., favoring the passage of legislation to accomplish the complete restoration and establishment at existing Army posts and headquarters of adequate and suitable housing facilities, etc., which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Pennsylvania, praying for the passage of legislation requiring that the finger and footprints of mother and child be taken at birth on joined cards; providing for the identification of persons injured, lost, or otherwise unmarked; and the identification of every alien and traveler by card with his own proper fingerprints thereon with the number and location of the Bureau of Registration where first filed and taken, etc., which was referred to the Committee on Education and Labor.

Mr. MAYFIELD presented a telegram from Daniel Bond, president of the Texas Cottonseed Crushers' Association, at Vernon, Tex., which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

VERNON, TEX., *March 19, 1928.*

Hon. EARLE B. MAYFIELD,
United States Senate:

Referring to your bill which provides for Government regulation of cottonseed oil future business, will say that Texas Cottonseed Crushers' Association in convention at San Antonio, May, 1926, approved this bill by unanimous vote, and there has been no change in sentiments with reference to this bill since that time. We earnestly solicit your best efforts in favor of this bill.

TEXAS COTTONSEED CRUSHERS' ASSOCIATION,
DANIEL BOND, *President.*

REPORTS OF COMMITTEES

Mr. JOHNSON. From the Committee on Irrigation and Reclamation I report back favorably with amendments the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, and I submit a report (No. 592) thereon. I ask that the report attached be printed with the bill.

The VICE PRESIDENT. It will be printed under the rule.

Mr. GOODING, from the Committee on Interstate Commerce, to which was referred the bill (S. 1263) to amend section 4 of the interstate commerce act, reported it without amendment and submitted a report (No. 593) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which was referred the bill (S. 805) donating Revolutionary cannon to the New York State Conservation Department, reported it without amendment and submitted a report (No. 594) thereon.

Mr. CUTTING, from the Committee on the District of Columbia, to which was referred the bill (S. 2542) for the construction of a private conduit across Lincoln Road NE., in the District of Columbia, reported it without amendment and submitted a report (No. 595) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which was referred the bill (H. R. 9020) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, reported it without amendment and submitted a report (No. 596) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills and joint resolution:

A bill (S. 496) for the relief of M. Zingarell and wife, Mary Alice Zingarell;

A bill (S. 1133) for the relief of John F. White and Mary L. White;

A bill (S. 1795) for the relief of Fannie M. Hollingsworth;

A bill (S. 1856) for the relief of the Gunnison-Mayfield Land & Grazing Co.;

A bill (S. 2365) for the relief of G. W. Rogers; and

A joint resolution (S. J. Res. 55) for the relief of Henry A. Bellows.

MISSISSIPPI RIVER BRIDGE AT ARKANSAS CITY, ARK.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 7198) authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark., and I submit a report (No. 591) thereon. I call the attention of the Senator from Arkansas [Mr. ROBINSON] to the report.

Mr. ROBINSON of Arkansas. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON of Arkansas. The Senate Committee on Commerce has reported an identical bill, which is now on the calendar. I ask that the bill (S. 3362) authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark., be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

MANUFACTURE AND SALE OF STAMPED ENVELOPES

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 170, submitted by the Senator from Tennessee [Mr. McKELLAR] on the 15th instant. I ask unanimous consent for the present consideration of the resolution.

The resolution was read, considered, and agreed to, as follows:

Resolved, That the Committee on Post Offices and Post Roads, or any duly authorized subcommittee thereof, hereby is authorized and directed to investigate the merits of Senate bill No. 1752, Seventieth Congress, first session, a bill to regulate the manufacture and sale of stamped envelopes.

For the purposes of this resolution such committee or subcommittee is authorized to hold such hearings, to sit at such times and places, to employ such stenographic assistants to report such hearings, at a cost not to exceed 25 cents per hundred words, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and take such testimony as it deems advisable.

The expenses of such investigation, which shall not exceed the sum of $1,000, shall be paid from the contingent fund of the Senate.

Such committee or subcommittee shall report to the Senate at the earliest practicable date, with such recommendations as it considers proper.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 3695) granting a pension to Alice A. Post;

A bill (S. 3696) granting an increase of pension to Mary A. Gavin; and

A bill (S. 3697) granting an increase of pension to Louise H. Stanley; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3698) for the relief of H. C. Jaquess; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3699) for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California; to the Committee on Public Lands and Surveys.

By Mr. NORRIS:

A bill (S. 3700) granting an increase of pension to Mary A. Crawley; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3701) granting an increase of pension to Lydia M. Knight (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 3702) granting an increase of pension to Jennie M. Strong;

A bill (S. 3703) granting an increase of pension to Helen E. Rouhan;

A bill (S. 3704) granting an increase of pension to Lucinda Davis;

A bill (S. 3705) granting an increase of pension to Minnie D. Round;

A bill (S. 3706) granting an increase of pension to Nancy C. Clemons (with accompanying papers); and

A bill (S. 3707) granting an increase of pension to Olive A. Carpenter (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3708) providing for the retirement of Lieut. Commander Henry Emile Quenstedt, United States Naval Reserve Force, as within the provisions of the act approved July 12, 1921; to the Committee on Naval Affairs.

RULES GOVERNING BELLIGERENTS AND NEUTRALS IN WAR AT SEA

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was referred to the Committee on Naval Affairs and ordered to be printed.

EXPENSES OF COMMITTEE VISITING STONE MOUNTAIN UNVEILING

Mr. SMOOT submitted the following concurrent resolution (S. Con. Res. 13), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the Senate (the House of Representatives concurring), That all necessary expenses incurred by the committee of Congress consisting of 5 Senators and 10 Members of the House appointed by the Vice President and the Speaker to represent the Congress of the United States at the exercises at Atlanta, Ga., on April 9, 1928, incident to the unveiling of a portion of Stone Mountain by the Stone Mountain Confederate Monumental Association, be, and they are hereby, authorized to be paid one half out of the contingent fund of the House of Representatives and the remaining half out of the contingent fund of the Senate.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 431. An act to authorize the payment of certain taxes to Okanogan County, in the State of Washington, and for other purposes; to the Committee on Indian Affairs.

H. R. 6103. An act to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes; to the Committee on Patents.

H. R. 7373. An act providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes; to the Committee on Privileges and Elections.

H. R. 11279. An act authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 9583. An act authorizing the reporting to the Congress of certain claims and demands asserted against the United States; to the Committee on Claims.

H. R. 5724. An act to prevent desecration of the flag and insignia of the United States and to provide punishment therefor;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes; and

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes; to the Committee on the Judiciary.

H. R. 126. An act to add certain lands to the Missoula National Forest, Mont.;

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes;

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii; and

H. R. 10563. An act extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon; to the Committee on Public Lands and Surveys.

H. R. 5789. An act to provide for the gratuitous issue of service medals and similar devices, for the replacement of the same, and for other purposes;

H. R. 7752. An act to limit the issue of reserve supplies or equipment held by the War Department;

H. R. 10310. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes;

H. R. 10564. An act to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi;

H. R. 11762. An act to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.;

H. R. 11808. An act to authorize an appropriation for the purchase of land at Selfridge Field, Mich.; and

H. R. 11809. An act to authorize an appropriation to complete the purchase of real estate in Hawaii; to the Committee on Military Affairs.

H. R. 8223. An act to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.;

H. R. 9966. An act to provide for the reimbursement of certain patients at the United States Veterans' Hospital, Sunmount, N. Y., for loss and damage to personal effects; and

H. J. Res. 126. Joint resolution providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port; to the Committee on Finance.

H. J. Res. 211. Joint resolution to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain; to the Committee on Foreign Relations.

MUSCLE SHOALS

Mr. BLEASE. Mr. President, I ask permission to have inserted in the RECORD an editorial appearing in the Birmingham News of Sunday, March 11, 1928, relating to Muscle Shoals, together with a news item appearing in the Washington Daily News of Saturday, March 17, 1928, relating to the expedition of legislation.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial and news item are as follows:

[From the Birmingham (Ala.) News, Sunday, March 11, 1928]

AN ARROW AIMED STRAIGHT AT THE SOUTH'S ECONOMIC HEART

Debates in the United States Senate respecting the Muscle Shoals resolution introduced there by Senator NORRIS, of Nebraska, are not a little interesting. An inveterate opponent of all private bids for the property, Mr. NORRIS is wedded to the idea that Muscle Shoals should be operated by the Government for power or fertilizer purposes. Quite apart from the merits or demerits of his varying proposals at various times, the hour is now come when the underlying and unaltering purpose of Mr. NORRIS—governmental ownership and operation of business—needs to be seriously considered.

When the United States Government erected its nitrate plants, the action was taken as a war measure. Any such experiment of Federal authority engaging in the country's private business would have been unthought of in peace time. In its genesis, the action taken by the Government at Muscle Shoals was justified primarily, if not solely, on the ground that it was militarily necessary. Indeed, it was just as much an act of "military necessity" as Lincoln's proclamation of emancipation was. The Nation's life was at stake, the world's welfare was in the balance. Under such conditions, the law of usage, the wise policy of having the Federal Government keep its hands off the country's private business, was momentarily disregarded. But in no sense was it intended that what took place at Muscle Shoals should serve as a precedent—certainly not in times of peace.

The original intention back of the construction of Wilson Dam was to provide a permanent source of water power. This purpose was perhaps more than duly emphasized when the dam was built. But this feature did not mean that Congress had given its consent for the Government to engage in the operation of these plants in competition with private enterprise. The importance of this point can not be stressed too heavily by persons mindful of the needs of the Southern States in the power-creation and power-distribution field. Though great progress has already been made in the South, this section still lags in hydroelectric facilities. In public education, in health, in highway improvement, in various other phases of development, the South is backward, due to the havoc wrought by the War between the States, its blighting aftermath of reconstruction and Federal legislation hostile to the South's interests. But the South is striding forward. Its progress

is due in great, if not sole, measure to the genius and industry of its own people, its unrivaled natural facilities, and its unwaning power of attracting foreign capital seeking investment within its frontiers. It is individual initiative—private enterprise—that is responsible for this progress. It is both these that will insure the South's leadership by means of hydroelectric power unless at this critical juncture in the country's development men of the South now in Congress are beguiled by fanatics or sophists to drift out upon the dead sea of that form of socialism heralded by governmental operation of business that should be controlled and directed either by individuals or by corporations.

It is known that a survey of the Tennessee River has recently been made. This survey was made by Government engineers to determine the water power available on that stream and what would be its cost of development. The estimated cost of this development, as reckoned by the Federal Government's engineers, exceeds $1,000,000,000 and may even reach the two billion mark. This amount will provide water-power plants only. Besides this $2,000,000,000 for water plants only, perhaps another two billion will be required to distribute this power to the consumer. Who is to provide this enormous amount of capital? Is it seriously proposed that the Federal Government is to provide it? If not the Federal Government, are the separate States to provide it? If either or both fail to provide this four billion amount of money, and if private enterprise is forbidden to provide it, what is to become of the progress and prosperity here in the South that private enterprise has already assured and, if permitted to do so, would vastly increase?

Mr. NORRIS is advocating a policy respecting the disposition of Muscle Shoals that would not only strip individuals of their opportunity to practice their ingenuity and their initiative, but would divest the States themselves of sovereign rights that this section's people have always been in the habit of jealously safeguarding. Yet, assuming for the sake of argument, that this mania for centralizing even greater power in the Federal Government is sound and that this doctrine of stripping the States of their sovereign rights is wise and that this passion for dampening individual initiative is defensible, what is likely to take place the moment this whole power business is grabbed by the Government and controlled and directed by bureaucratic despots in and out of Congress? In the light of the last 60 years at Washington, may the South reasonably expect that its needs will be as carefully ministered to by a Federal Congress and by Federal bureaus as those needs would be ministered to by representatives of her own people? In actual practice, would not the South suffer from scant appropriations respecting water-power distribution even as the South has suffered in the making of tariffs and in various other forms of Federal legislation?

It is no secret that the very natural resources of the South, agricultural and industrial, make of this section a shining mark for envious legislators from other sections to shoot at. It is by preferential legislation of this kind that the South's progress has for 60 years been retarded. Now that the winter has passed, and the spring has come, and the voice of the turtle dove, so to speak, is heard in the land, is the South, like the dog in the fable, to drop the mouthful of good, red meat from its jaws and plunge into the water in search merely of that good, red meat's reflection? Is the South to lose the substance that it now has by means of individual and corporate enterprise in a futile pursuit of the shadow known as "governmental ownership, control, and direction"?

At the moment when Mr. NORRIS is seeking to have the Government take over this water-power business, farmers of the West are in revolt against sectional abuses that discriminate against the West in favor of the East in more things than tariff making. In the competition between industrial New England and the industrial South, nothing but governmental favoritism of New England can wrest leadership from the South. In this race for industrial primacy, only governmental manipulation, practiced under Government ownership and control of water power, can arrest this section's steady progress along industrial and manufacturing and agricultural lines.

When this is said, there is no disposition to state that the South is more virtuous at Washington than is any other section. Perhaps self-interest might induce the South to discriminate against other sections in legislation, even as it has been legislated against by other sections. The point made by the Birmingham News is that, in light of known facts, it would be hardly less than suicidal for the South's people or their Representatives in Congress to favor a policy like the Norris plan—a policy that would let slip from the South's own fingers management of the South's own affairs, and lodge with the Federal Government, in which the South has relatively little power, control and direction of this indispensable essential to the South's industrial, agricultural, and commercial prosperity.

The South is tired of this increasing tendency toward concentrating all power in the Federal Government. This Norris resolution respecting Muscle Shoals is an arrow aimed straight at the South's heart. To support it is to aid in devitalizing the South's progress and prosperity. What happened in the lower Mississippi Valley in the recent floods when the Federal Government had ample and shining opportunity to do its plain duty, not only to the South but to the country and to humanity, depressingly attests the fact that the South may not expect just treatment even when its needs are undeniably tragic. In the light of that poignant miscarriage of social and economic justice, what reason has the South to believe that its superior water-power resources would receive fair consideration at the hands of a Federal administration—particularly in case that administration should be of a political party not dominant in the South?

Not in the spirit of sectionalism, but rather in a spirit that refuses to blink facts, the Birmingham News submits this highly serious question to the candid judgment of enlightened minds. If the South is resolved to commit economic hara-kiri, its Representatives in Congress should support the Norris resolution.

[From the Washington Daily News, March 17, 1928]

LEADERS IN CONGRESS ARE BREAKFASTED BY COOLIDGE—WHITE HOUSE GUESTS INCLUDE CONGRESSMEN WHO HAVE TO DO WITH SPEEDING LEGISLATION

Leaders of Congress who have to do with expediting legislation were breakfast guests of President Coolidge to-day.

They included Republican Floor Leader CURTIS, of the Senate; Democratic Floor Leader ROBINSON; Chairmen JONES and WATSON, of the Senate Commerce and Interstate Commerce Committees; Senators FESS and SHORTRIDGE, administration supporters; and Senator PITTMAN, Democratic power on the Senate Foreign Relations Committee.

Speaker LONGWORTH headed the House group at the breakfast. Others were Representative TILSON, Republican floor leader; Representative GARNER, Democratic floor leader; Chairman MADDEN, of the Appropriations Committee; and Representatives HAWLEY (Republican, Oregon) and CRISP (Democrat, Georgia).

PARTY PURGING IN OIL SCANDAL

Mr. WHEELER. Mr. President, I present an article from the Baltimore Sun of yesterday giving an interview with the Senator from Kansas [Mr. CAPPER] relative to party purging in the oil scandal, which I ask may be published in the RECORD.

There being no objection, the article was ordered to be published in the RECORD, as follows:

CAPPER URGES PARTY PURGING IN OIL SCANDAL—KANSAS SENATOR DEMANDS MERCILESS PUBLICITY ON GIFTS TO CAMPAIGNS—LAYS CORRUPTION TRAIL TO SINCLAIR—TEAPOT DOME ROTTENEST INCIDENT IN UNITED STATES HISTORY, HE SAYS IN PHILIPPIC

[Washington bureau of the Sun]

WASHINGTON, March 18.—In a scathing denunciation of the corruption uncovered in the Republican Party in connection with the Teapot Dome scandals, Senator ARTHUR CAPPER, Republican, Kansas, demanded to-night that the party indignantly repudiate "the men who participated in the rape of the Government oil lands."

"Republican leaders must realize that they must face the music or the party will pay the fiddler. The issue can not be evaded. The leaders may condone. The public will not forget," he warned.

REEKING WITH CORRUPTION

Senator CAPPER'S repudiation is not couched mildly, for he uses language fully as strong as that which has come from the Democrats. He does not merely lament the disclosures—the trail, he says, is "slimy, odorous, and reeking with corruption"—but, in effect, he sounds the Democratic slogan, "Turn the rascals out."

FINDS REACTION NOW

While Mr. CAPPER'S statement is directed at those high in the Republican Party who have been implicated in the oil scandals—a rather formidable list by now—he touches also on those who have had knowledge of what was going on, but did not speak out. Concealment of facts, he said, has so impaired public confidence that the reaction is just beginning to be felt.

The Republican party, he believes, will clean house, and when this is done Congress should revise the laws governing campaign funds, so the amounts to be expended in national campaigns shall be limited, he advises.

CORDELL HULL DEMANDS FACTS

At the same time that Senator CAPPER called for the purging of his party leadership Representative HULL, Tennessee, former chairman of the Democratic National Committee, asked that President Coolidge demand that "every vestige of the facts relating to these infamous bond transactions shall be dragged out into the open sunlight of day," and he challenged the Republican candidates for the Presidency to assert themselves.

The two deliverances came as the Teapot Dome subcommittee of the Senate was returning to Washington with the announcement that testimony to be given this week in view of a lead obtained in Chicago is expected to "shock the Nation."

CAPPER'S STATEMENT

Senator CAPPER'S statement is as follows:

"For spectacular rottenness I doubt whether we have the equal of Teapot Dome in American history or ever will have.

WANTS "THOROUGH JOB"

"The Republican Party must purge itself from the oil smudge and by forceful action demonstrate that it repudiates all those who had to do with the Teapot Dome lease.

"The job must be thoroughly done. I believe it will be thoroughly done.

"The smudge of oil, being smeared blackly across the pages of history, is repulsive to the citizens of the entire country. The trail is slimy, odorous, reeking with corruption.

LIKENED TO FREEBOOTING

"For 'ways that are dark and tricks that are vain,' for intrigue and plot, for impudent daring, for melodramatic episodes, for duplicity, craft, and cunning—the conspiracy of Teapot Dome is the equal of any of the major crimes carried out by unscrupulous and infamous freebooters in the Middle Ages. It is more medieval than modern.

"As represented by its chief conspirator, Sinclair, Teapot Dome bought a Cabinet officer of the United States with Liberty bonds after he had been bought with a 'black satchel' by another oil conspirator.

"With $260,000 in Liberty bonds paid in 1923 to the former chairman of the Republican National Committee to wipe out a campaign deficit, the implication is plain Sinclair believed this would buy him immunity in his plot to loot the Wyoming naval oil reserves.

EXTENT OF CORRUPTION

"Men who had not given a cent to 'the cause' were induced to exchange their personal checks for packages of the Sinclair bonds and to become dummy contributors to the fund to wipe out the party's campaign deficit.

"This had the effect of reducing a large campaign gift to several smaller amounts, and to that extent concealed the Sinclair transaction.

"But such perfuming of tainted money is worse than futile, and has proved so.

"In a further career 'tainted with fraud and corruption' Teapot Dome spent money liberally to delay justice for years in the courts. It spent more of its money to hire a force of detectives to shadow a jury that was trying its leader, Sinclair, for criminal conspiracy, and, following this, is believed to have broken into offices in Washington at night to make way with or destroy damaging evidence.

WOULD HAVE STRONG LAW

"Our laws governing the use of campaign funds, in practice, are ineffective. They have no teeth. Campaign expenditures should be limited by law. The real source of every contribution should be a matter of public record. Merciless publicity as to the source of campaign funds is as necessary to prevent corrupt elections as a law placing a limit upon the amount of money that can be expended.

"Congress and the States must find more effective means of preventing lavish use of money in elections.

"Teapot Dome and its attendant disgraceful transactions are repugnant to the rank and file of the Republican Party, as to every other decent citizen. These condemn the party leaders who took part, who smeared and besmirched the party itself with oil. They have faith in the future of the party and of our Government.

DEMANDS HONEST LEADERS

"Concealment of facts already has impaired public confidence to an extent that is just beginning to be realized. To regain the confidence of the party, the leadership must free itself from the widening circle of suspicion that this leadership has tolerated too close alliance with oil and other exploiting interests. Those leaders who have their eyes on the money bags, when their thoughts should be of the public welfare, must cease to be represented in the leadership of the party.

"The leadership must be responsive and responsible to the rank and file of the Republican Party, not subservient to selfish business interests seeking special favor from the Government.

"I have every confidence in the patriotism, the loyalty, the honesty, and sound judgment of the Republicans of this country.

"These demand, and will get, honesty, ability, and public conscience in the leadership and management of the Republican Party."

EXPECTS CANDIDATES TO SPEAK

The issue of corruption is put by Mr. HULL squarely up to President Coolidge and all the Republican presidential candidates. Specifically, he calls on Herbert Hoover, Secretary of Commerce; former Gov. Frank O. Lowden, Illinois; and Senator CHARLES CURTIS, Kansas, "who should have spoken out long since, to make their presence both known and felt in this combined movement."

So far these men have declined to comment on the revelations in the oil scandal. President Coolidge has been advised by party leaders to take an open stand for the cleaning of the party.

"The time is long past for paltering, dodging, and pleading stupidity and dense ignorance of facts known to those in high places or obtainable by the slightest diligence for four years," Mr. HULL said. "Party responsibility can not be longer shirked."

HOW HE WOULD REPAY

Mr. HULL did not think it proper that Republicans raise a fund to repay Sinclair, as Senator BORAH is doing, but that the money should be paid "either to those oil companies that were robbed by the Continental Trading Co. or to the Federal Treasury, in part payments of delinquent taxes of the Continental Trading Co." But the more vital question, he said, was whether the Republican National Committee would continue to "cling to or return stolen property it received and appropriated to its own use some four years ago."

"This is not an individual but a strictly party responsibility," he argued, "for the trail of corruption has penetrated to and into the Republican National Committee, which is the very Sanhedrin of the Republican Party. How much longer will this organization stand before the American public as a brazen beneficiary of these corrupt Sinclair bonds?"

CALLS FOR RESIGNATIONS

But declarations from the Coolidge administration and Republican candidates are not in themselves adequate, Mr. HULL insisted, hence:

"Every consideration of morals and patriotism requires that they be supplemented and climaxed and crowned with the resignations of each Republican in high official or political position who by affirmative act or conspiracy of silence or criminal inaction has contributed to the suppression of the awful facts of this unparalleled scandal for four years.

"Separation of these particular individuals from every high position they still occupy in either the Coolidge administration or the national committee is required according to every standard of political and official honor.

DODGED FOR FOUR YEARS

"When a party is in power its administration and its national committee function as one combined agency. Thus closely entertwined and interlocked, they jointly pursue their common purpose of keeping the party in control of the Government. What the dominant leaders of one know those of the other are obliged to know, unless both eyes and ears are shut.

"And yet for four years each has dodged responsibility for notorious conditions of corruption by pleading that neither knew nor had any reason to suspect what the other was doing."

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order, commencing with Calendar No. 355.

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as first in order.

Mr. BLEASE. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. SMOOT and Mr. KING asked that the bill go over.

The VICE PRESIDENT. Being objected to, the bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BAYARD. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

USE OF WASTE LANDS FOR GRAZING PURPOSES

Mr. KENDRICK. Mr. President, during my absence from the Chamber, being engaged in committee work, the Senate agreed to begin the consideration of the calendar at Order of Business No. 355. Immediately preceding that number on the calendar is a bill introduced by me which when reached on the calendar heretofore I have consented should go over for the purpose of having amendments to it perfected. I ask unanimous consent that that bill, being the bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming, may be considered at this time. It is an important bill for the States interested in it, and I hope the Senate may proceed to its consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. KENDRICK. I desire to offer certain amendments which I send to the desk.

Mr. SMOOT. Mr. President, how did this bill come before the Senate?

The VICE PRESIDENT. The bill is on the calendar, and it was taken up by unanimous consent.

Mr. SMOOT. The Senator from Wyoming certainly does not expect the bill to be passed with five minutes' debate?

Mr. ROBINSON of Arkansas. Why not?

Mr. KENDRICK. Mr. President, this measure has been passed over several times at my request in order to allow time to other Senators to confer with their people at home in reference to it. I do not believe there can be any objection to the bill, because other Senators who favor its application to their States have agreed with me as to the amendments which should be adopted to the bill.

Mr. SMOOT. Mr. President, I desire that the bill may be read by title. Perhaps I may have another bill in mind.

The VICE PRESIDENT. The bill will be read by title.

The CHIEF CLERK. A bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming. It is proposed to amend the bill so as to include the States of Montana and New Mexico.

Mr. KENDRICK. Mr. President, I may say to the senior Senator from Utah that the bill was originally made to apply only to Wyoming, but the Senators from Montana [Mr. WALSH and Mr. WHEELER] and the Senators from New Mexico [Mr. BRATTON and Mr. CUTTING] have asked that the bill be so changed that it shall also apply to their States.

Mr. SMOOT. Mr. President, if the bill is going to pass, it seems to me it ought to apply to all of the Western States where irrigation projects are located. I do not think it ought to apply merely to one or two States.

Mr. KENDRICK. Mr. President, a year ago, when we were considering a leasing bill which was favored by some of the States, Wyoming asked especially to be omitted from the provisions of the bill. As I have stated, I had intended to have this bill apply to my State alone, but Senators from the other States to which I have referred asked to have it apply to their States. I have conferred with Senators from other Western States, and because of the fact that they did not have definite information from their constituents that they would like their States to be included in the bill they have not asked that the measure be amended to embrace their States.

Mr. ROBINSON of Arkansas. Mr. President, I hope the Senator from Utah [Mr. SMOOT] will not object to the consideration of the bill. The situation as it affects the bill is this: As I understand, the bill merely authorizes a person who owns land on reclamation projects to take other arid lands that can not be used for any purpose except grazing in an amount which will raise the total amount of his land to 640 acres. It does not apply to any lands that are used for any purpose except grazing, and then to only comparatively small areas of land.

Mr. KING. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON of Arkansas. Yes.

Mr. KING. This is a very important bill, and I think that the Senator from Wyoming [Mr. KENDRICK] ought to have more than five minutes in which to explain it, because in that event its consideration will probably take very little time.

Mr. ROBINSON of Arkansas. May I suggest to my friend, the Senator from Utah, that in all probability the result of an arrangement of that kind will prevent the passage of the bill? Because of the congested condition respecting legislation and the pressure of matters admittedly of more general importance, about the only way in which measures of this character can be considered is in the way this bill is now being considered. I therefore hope the Senator from Utah will not object to the consideration of the bill.

Mr. KING. I thought the Senator from Wyoming [Mr. KENDRICK] might be allowed 10 minutes fully to explain the bill. I shall agree not to take any time at all.

Mr. ROBINSON of Arkansas. I should not object to that.

Mr. KING. I ask unanimous consent that the Senator from Wyoming [Mr. KENDRICK] may have 10 minutes in which to explain the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KENDRICK. Mr. President, the report on the bill and its title clearly indicate what the measure is intended to accomplish. It deals not with pasture lands, as has been suggested, but with what are more correctly described as waste or desert lands. It may be recalled that our reclamation law limits the acreage that may be filed upon by a settler to 160 acres or less. The majority of the tracts are from 40 to 80 acres and while such sized units are well adapted to a system of intensive farming under irrigation, they do not afford sufficient acreage for pasturing livestock. Anyone familiar with the facts will understand the vital importance and even necessity of keeping and producing livestock on a farm, for food and dairy purposes, and for the rejuvenation of the soil. On these small irrigated tracts it has been found that at certain seasons of the year there was no place whatsoever for holding and carrying the necessary livestock and this has proved one of the great obstacles to the successful settlement and development of our irrigation projects. It happens that contiguous to the majority of our reclamation projects in the arid land States there are tracts of land, many of them extensive, which, because of their rough topography and desert character can not be applied to any beneficial use save and excepting that of grazing. While it does not produce an excessive amount of forage, the land does produce strong, nutritious forage on which cattle, horses, and sheep may be carried during the summer months. It may be said that the land is of such desolate character that thousands of acres of it would not constitute in itself a satisfactory homestead unit. Under present conditions no matter how closely contiguous, the settlers on these projects are denied the use of this pasture, first because they have no title to it, and under the law they are prohibited from fencing it without some form of title. Furthermore, they would not dare turn their small numbers of cattle, horses, or sheep loose on such public domain because they would scatter to the four winds and some of them would probably never be found again. Under such conditions the only person who can use this unclaimed and unclaimable territory is the flock master or the grazer who has large numbers of stock which can be economically watched and cared for by men hired for that purpose. It happens, therefore, that the man who needs the pasture most and who is greatly handicapped by the lack of it, is unable to use it under any condition, in spite of the fact that the land lies near him and is unfitted for any use except grazing.

The bill provides that the settler on an irrigated tract may apply for and select such acreage of waste land as, taken together with his original unit, shall not exceed 640 acres. On this tract he is required to make final proof without residence within a period of five years' time. In submitting proof he must show good faith in the use of the land, and further that he has expended during the period of five years not less than 50 cents per acre in the development of stock water and in the erection of fences for the purpose of inclosing the land. In order to economize the settler may join with one or even a group of his neighbors both in building fences and providing stock water. Under this arrangement there would be cooperation among a number of the settlers to the extent that they could economize and profitably provide their improvements and even through joint arrangement pasture their stock in common.

In addition to the improvement of the pasture thus provided, the bill serves another purpose, making these lands within a period of five years subject to taxation, even though at a low value per acre. In our Western States, with their limited population and narrow basis of assessed values, this is a very important feature of the bill.

Mr. KING. Mr. President, will the Senator permit me to ask him a question?

Mr. KENDRICK. Certainly.

Mr. KING. Does the Senator think that this bill will make for large holdings in the hands of the large flock masters; that they will combine together?

Mr. KENDRICK. I am glad the Senator has asked that question. The bill contains a provision that will prevent the settler from alienating the title to the land selected from the original irrigated tract for a period of 20 years' time. It allows the selection to be made at any place within 20 miles of the irrigated holding, subject to the condition that the land selected must be the nearest available land to the original filing.

Mr. BRATTON. Mr. President, will the Senator from Wyoming yield to me for a further observation along that line?

Mr. KENDRICK. I yield to the Senator from New Mexico.

Mr. BRATTON. Section 6 (a) of the bill also provides—

> That any entryman may lease to another entryman for a period not to exceed one year—

Thus making it impossible for the land to be assigned to anyone except another entryman, and, consequently, it would be impossible for any one company or one individual to acquire a large quantity of the land to the exclusion of others.

Mr. KENDRICK. Mr. President, I wish to say that the department in its report admits the necessity of some action along this line, but it recommends, in lieu of this character of legislation, a bill that would authorize the department to lease these lands to settlers. We of my State of Wyoming do not believe in a Federal leasing law. We believe these lands should pass to title in tracts of as limited acreage as will insure their economical use and that they should thus become subject to taxation and bear their share of the cost of administering the laws of the State.

Mr. SMOOT. Mr. President, I wish to call the Senator's attention to the fact that if the amendment which has just been suggested adding two more States were adopted, there would be required about a half a dozen other amendments to the bill. I suppose that those amendments are to be presented.

Mr. KENDRICK. Mr. President, as already stated, the bill was made to apply solely and entirely to my own State.

Mr. SMOOT. I understand that.

Mr. KENDRICK. But in considering the bill in the committee it was suggested that it be amended to include two other States.

Mr. ROBINSON of Arkansas. Let me say to the Senator from Wyoming that the Senator from Utah wishes to know whether, if the amendment shall be agreed to, other amendments to make the bill as a whole conform to that amendment will have to be adopted. Of course, they will have to be.

Mr. SMOOT. Other amendments will have to be adopted to make the bill conform to the amendment including the two additional States.

Mr. KENDRICK. The amendments I have presented will meet that situation.

Mr. BRATTON. I suggest to the Senator from Wyoming that he tender all his amendments together in order that they may be considered by the Senate in a harmonious way.

Mr. SMOOT. I think that at least a half dozen amendments will be required.

Mr. KENDRICK. I offer the necessary amendments, and I ask that they may be read.

Mr. President, it is my conviction that legislation such as is proposed here will provide the best opportunity for the most highly economic use of these arid lands by the men whose needs for such lands are the greatest, and this bill, if enacted into law, will go a long way toward promoting the satisfactory settlement of the irrigation projects of the West.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole. The committee amendments will be first stated.

The first amendment of the Committee on Public Lands and Surveys was, in section 1, page 1, line 8, after the word "lands," to strike out "whether survey or unsurveyed"; and in the same line, after the word "within," to strike out "30" and insert "twenty," so as to make the section read:

SECTION 1. The Secretary of the Interior is hereby authorized and directed—

(a) To classify as pasture lands, and to designate as subject to entry under this act, all unreserved and unappropriated public lands within 20 miles of the boundaries of any Federal irrigation project in the State of Wyoming or any irrigation district legally organized under the laws of the State of Wyoming, if such lands do not contain merchantable timber, and if, in the opinion of the Secretary of the Interior, such lands (1) are not suitable or potentially suitable for any agricultural purpose other than the grazing of livestock, (2) are impossible of irrigation, either now or at any future time, from any known or available source of water supply, and (3) are not necessary for the development of mineral resources.

(b) To survey, as soon as practicable, all such pasture lands which are unsurveyed at the time of such classification.

(c) To withdraw from entry, except under this act, all the lands so classified and to restore to public entry any of the lands so withdrawn which are not required to carry out the purposes of this act; except that nothing in this act shall be held to defeat any vested right which has attached under any entry or location pending at the time of such withdrawal.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 7, after the word "lands," to insert the words "applied for"; in line 8, before the word "miles," to strike out "thirty" and insert "twenty"; and in line 10, after the word "acres," to insert "and (2) each such entry shall be made on available pasture lands nearest to the lands owned by the person making the application for such entry," so as to make the section read:

SEC. 2. Any person who owns irrigated lands in a Federal irrigation project in the State of Wyoming or within an irrigation district legally organized under the laws of the State of Wyoming may, if he resides upon such irrigated lands or in the immediate vicinity thereof, make entry upon and receive patent to an amount of pasture lands under this act to be determined by the Secretary of the Interior. Such determination shall be based upon the total amount of such lands available for entry in connection with each irrigation project or district and the number of settlers which each irrigation project or district will accommodate, except that (1) no entry shall be made under this act for an amount of pasture lands which, together with the irrigated lands and the lands applied for within 20 miles of the boundaries of the irrigation project or district owned by the person making the application for such entry, will exceed 640 acres, and (2) each such entry shall be made on available pasture lands nearest to the lands owned by the person making the application for such entry.

The amendment was agreed to.

The next amendment was in section 4, page 4, line 2, after the word "lands," to insert "thus entered"; and in line 8, after the word "pasture," to insert "upon lands entered under this act," so as to make the section read:

SEC. 4. Any entryman of pasture lands under the provisions of this act shall have the right, either alone or in cooperation with other owners of irrigated lands within the irrigation project or district, to construct and maintain fences and inclosures upon such pasture lands thus entered, to drill wells and/or to establish reservoirs thereon for the watering of livestock, and to erect and maintain such buildings thereon as may be necessary for the proper care of such livestock; and, in order to promote the more efficient and economical administration of such lands, two or more entrymen may maintain a community pasture upon lands entered under this act, subject to such rules and regulations as the Secretary of the Interior may from time to time prescribe. A right of way shall be reserved to the United States upon any such pasture lands to the extent that the Secretary of the Interior may deem necessary for the establishment and maintenance of roads or passageways for livestock.

The amendment was agreed to.

The next amendment was, in section 5, on page 4, line 17, after the word "Within," to strike out "ten," and insert "five," so as to make the section read:

SEC. 5. Within five years from the date of entry of pasture lands under this act, proof shall be submitted by the entryman, or by the person legally in possession of such lands, that there has been expended for permanent improvements the sum of 50 cents for each acre of pasture land so entered and that such lands have been used in good faith for grazing purposes as provided in this act from the date of such entry. Such proof, if found regular and satisfactory, shall entitle the entryman, or the person legally in possession of such lands, to a patent subject to the limitations hereinafter provided. Actual residence upon such pasture lands shall not be required.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 6, after the word "shall," to insert "within 20 years from the date of filing the application for entry of such pasture lands"; and, in line 13, after the name "United States," to insert ": *Provided*, That any entryman may lease to another entryman for a period not to exceed one year"; so as to make the section read:

SEC. 6. (a) Neither the patentee of pasture lands under this act, nor his heirs or assigns, shall, within 20 years from the date of filing the application for entry of such pasture lands, sell or otherwise dispose of such lands separately from the irrigated lands owned by the entryman at the time of his entry under this act. Any such sale or other disposition shall be void and, in the event thereof, such lands with all their appurtenances shall revert to and become the absolute property of the United States: *Provided*, That any entryman may lease to another entryman for a period not to exceed one year. Each patent issued under this act shall contain an appropriate provision to such effect.

(b) If, between the date of entry and the issuance of patent for such pasture lands, any sale or other disposition of such lands is made, or attempted to be made, separately from the irrigated lands owned by the entryman at the time of his entry under this act, such entry shall be canceled; except that any such entryman may exchange his entry, at any time, for that of another such entryman, on a basis of acre for acre, but otherwise upon such terms and conditions as may be mutually agreed upon if the Secretary of the Interior approves such exchange as being to the mutual advantage and convenience of such entrymen.

(c) Upon a sale or other disposition by an entryman under this act, or by his heirs or assigns, of all or a part of the irrigated lands owned by such entryman at the time of his entry, the person acquiring such irrigated lands, if patent has been issued for such pasture lands, shall be entitled to receive a conveyance of such pasture lands in the same ratio that the irrigated lands so sold or disposed of bears to the total irrigated lands owned by such entryman at the time of his entry. In the case of a partial sale or other disposition of such irrigated lands, unless otherwise agreed by the parties, it shall be the duty of the entryman, his heirs or assigns, to specify the pasture lands to be so conveyed.

(d) If any such sale or other disposition of such irrigated lands is made prior to the submission of proof in respect of such pasture lands, the person acquiring such irrigated lands, without further act or deed, (1) shall succeed to the rights of the entryman, his heirs or assigns, in such pasture lands in the same ratio that the irrigated lands so sold or disposed of bears to the total irrigated lands owned by such entryman at the time of his entry, and (2) may submit proof and receive patent to such pasture lands as if he were the entryman thereof. In the case of a partial sale or other disposition of such irrigated lands, unless otherwise agreed by the parties, it shall be the duty of the entryman, his heirs or assigns, to specify the pasture lands to which such rights shall apply.

The amendment was agreed to.

The next amendment was, in section 8, page 7, line 24, after the word "coal," to insert "oil," so as to make the section read:

SEC. 8. All entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal, oil, and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same, and, so far as practicable, the provisions of section 9 of the stock raising homestead act, approved December 29, 1916, as amended, shall be applicable to all such entries and patents.

The amendment was agreed to.

The next amendment was, in section 11, page 8, line 19, after the word "within" to strike out "30" and insert "20," so as to make the section read:

SEC. 11. (a) The provisions of this act, except sections 1, 9, and 10, shall take effect as to any irrigation project or district upon the completion of the classification of the pasture lands within 20 miles of the boundaries of such irrigation project or district.

The amendment was agreed to.

The CHIEF CLERK. The Senator from Wyoming offers the following amendments:

First, on page 1, line 10, after "Wyoming," insert a comma and the words "Montana or New Mexico."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 1, strike out "the State of Wyoming" and insert in lieu thereof "any such State."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 20, after "Wyoming," insert a comma and the words "Montana or New Mexico."

The amendment was agreed to.

The CHIEF CLERK. On page 2, line 22, strike out "the State of Wyoming" and insert in lieu thereof "any such State."

The amendment was agreed to.

The CHIEF CLERK. On page 3, line 7, strike out beginning with the word "and" down to and including the word "district" in line 9.

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 9, after "Wyoming," insert a comma and the words "Montana or New Mexico."

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 10, strike out "the State of Wyoming" and insert "any such State."

The amendment was agreed to.

The CHIEF CLERK. On page 7, line 11, strike out "the State of Wyoming" and insert in lieu thereof "any such State."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico."

HAWAII NATIONAL PARK

The bill (S. 3023) to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. BINGHAM. Mr. President, will the Senator withdraw his objection?

Mr. LA FOLLETTE. I will withdraw my objection for the purpose of letting the Senator make a statement, but I shall have to insist upon the objection.

Mr. BINGHAM. I should like to call the Senator's attention to the fact that a duplicate bill was considered in the House yesterday, and at the request of the Delegate from Hawaii it was very considerably amended so as to correct the boundaries, and was put in perfected form; and I should like to have the House bill which came over this morning, H. R. 10418, substituted for this bill. Both bills were originally introduced at the request of the department in order to perfect the titles of the park near the great crater of Kilauea, on the island of Hawaii. The bill as originally presented was imperfect. It has now been perfected in the House, and I think that what the Senate should consider is the perfected bill.

Mr. LA FOLLETTE. I discussed this matter at some length with the junior Senator from North Dakota [Mr. NYE], who is the chairman of the committee reporting the bill, and he requested me to see that it should not be considered until he could be present. I do not know whether or not the amendments adopted in the House meet the objections which the Senator from North Dakota had in mind, but, under the circumstances, I ask that the bill go over without prejudice.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

LANDS IN MONTANA

The bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 6, after the words "5 north of ranges," to strike out "45" and insert "49," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to enter into a cooperative agreement or agreements with the State of Montana and private owners of such lands in townships 4 north of ranges 50 and 51 east; 5 north of ranges 49, 50, and 51 east; and 6 north of ranges 49, 50, and 51 east, Montana principal meridian, as lie between Mispah and Pumpkin Creeks, in the State of Montana, whereby such lands and lands within the same area belonging to the United States may be jointly leased for a period of not to exceed 10 years to stockmen owning lands within or adjacent to the said area, under such rules and regulations as the Secretary of the Interior may prescribe; and to enter into such an agreement and issue such a lease to a regularly organized association of such stockmen as will fulfill the purposes of this act: *Provided*, That the lands of the United States within the said area shall be withdrawn from all forms of homestead entry during the period of said lease but shall remain subject to the mineral land laws of the United States: *And provided further*, That any lease issued under the provisions of this act shall be for grazing and range development purposes only: *And provided further*, That the Secretary of the Interior is hereby authorized to cooperate with any department of the Government in carrying out the purposes of this act with a view to securing the fullest possible benefit to the Government and the livestock industry of such studies as may be made of the operation and results of said cooperative agreements and leases.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS

Mr. BLEASE. Mr. President, I observe that the unanimous-consent agreement states that the call of the calendar is to be started at No. 355. What became of the bills from 106 up to 355?

The PRESIDENT pro tempore. They remain in their original status on the calendar. The Chair will say to the Senator that those bills were called up on the last call of the calendar.

Mr. BLEASE. But what was done last night after the end of the discussion on the migratory bird bill? When we quit yesterday afternoon we were talking about the stealing that has been going on and as to who is going to be the next President; and the bill supposedly before the Senate was Order of Business 106, Senate bill 1271, the so-called migratory bird bill. How did we get to Order of Business 355?

The PRESIDENT pro tempore. Because the migratory bird bill having been passed over from time to time on account of the absence of the Senator from South Dakota [Mr. NORBECK], when it was reached yesterday on the call of the calendar a motion was made to proceed to its consideration.

Mr. BLEASE. I should like to know what becomes of Order of Business 325, Senate bill 1728. What record was made of that bill?

The PRESIDENT pro tempore. It was passed over. The Chair's recollection is that it was passed over upon the objection of the Senator from South Carolina.

Mr. BLEASE. No, sir; I was not here if it was called yesterday. I want to know what was done with Order of Business 325. I want to know from the RECORD—not from what somebody thinks about it.

Mr. ROBINSON of Arkansas. That bill was not called this morning. It was called yesterday, as I remember, and the Senator from South Carolina objected to its consideration.

Mr. BLEASE. No, sir; it was not reached yesterday, and the RECORD so shows.

The PRESIDENT pro tempore. On the 14th of March, according to the Journal, that bill was reached and passed over.

Mr. BLEASE. That is when I objected; and it is still passed over? Is that right?

The PRESIDENT pro tempore. Yes.

Mr. BLEASE. When we get to it, I want to move to change the title to "a bill to perpetuate Republicans in office."

BILLS PASSED OVER

The bill (S. 1956) for the relief of Levi R. Whitted was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. KING. Let that go over.

Mr. FESS. Will the Senator from Utah withhold his objection for just a moment?

Mr. KING. I will withhold it; but may I say to the Senator that I am advised that a Senator who is not here desired that it go over in his absence?

Mr. FESS. Will the Senator withhold his objection for just a moment?

Mr. KING. Oh, yes.

Mr. FESS. Mr. President, the first publication of the writings of Washington was made 90 years ago by Jared Sparks, who published an edition of 12 volumes, at that time thought to be complete, but far from complete, as was found when the examination was made. Thirty-eight years ago Worthington Ford undertook to publish a definitive edition in 15 volumes. There are thousands of letters of General Washington that have never seen print, according to the director of the manuscript division of the Library. The regents of the Mount Vernon Association had sought to publish the rest of these letters. They have found, as I have stated, thousands of them that have not yet been published. Guizot published in 1840 an edition in six volumes. I am told that there are no copies available of either the Sparks edition or the Ford edition except on the shelves of some of the larger libraries.

It would appear, from what I have learned, that the writings of Washington are sought more than those of any other American. That is the information I have from the acting chief of the manuscript division of the Library. I am very anxious that a definitive edition of Washington's letters and writings shall be published in accordance with the recent recommendation of the Bicentennial Commission. While I have not any concern about this Washington series, as to which there is some objection, I hope the bicentennial will see the complete publication of these writings of Washington—an effort that has been made before, but never completed—and in due time I want to ask the Senate to give it careful consideration.

The PRESIDENT pro tempore. The bill will be passed over.

MARSHAL OF SUPREME COURT

The bill (H. R. 8725) to amend section 224 of the Judicial Code was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 1, line 6, after the word "exceed," to strike out "$6,000" and insert "$5,000," so as to read:

Be it enacted, etc., That section 224 of the Judicial Code be, and it is hereby, amended to read as follows:

"SEC. 224. The marshal is entitled to receive a salary of not to exceed $5,000 per annum, payable monthly, the same to be fixed by the court.

The amendment was agreed to.

Mr. KING. Mr. President, let the bill go over. However, I should like the Senator from Wisconsin [Mr. BLAINE] to explain the bill. What is the object of the bill? Does it increase the salaries of all the marshals and put them in the same category, or what is its object? I have objected to its consideration, but I shall be glad to hear the Senator's explanation.

Mr. BLAINE. For the information of the Senator from Utah and the Senate, I will suggest that the salary first fixed for the marshal——

Mr. KING. Does the bill relate to the marshal of the Supreme Court only?

Mr. BLAINE. The marshal of the Supreme Court only.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. The objection is withdrawn. The Secretary will state the next amendment of the committee.

The next amendment was, on page 2, line 1, after the word "court," to strike out "with the compensation allowed to officers of the House of Representatives of similar grade," so as to read:

He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an Associate Justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

The PRESIDENT pro tempore. This bill is reported adversely.

Mr. BAYARD. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

CORN SUGAR

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD an article relative to corn sugar, which appeared in the New York Journal of Commerce on the 3d day of March.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

DOCTOR WILEY OPPOSES SENATOR COPELAND—THE DOCTOR SETS THE SENATOR RIGHT ON SEVERAL POINTS ON CORN SUGAR

Because Doctor Wiley has so forcibly expressed himself in opposition to certain proposed legislation which has recently been introduced in both Houses of Congress, permitting the use of corn sugar as an ingredient in the manufacture of food products without the declaration on the label of its presence, as exclusively reported in the grocery section of the Journal of Commerce of Saturday, February 18, the grocery editor wrote to Doctor Wiley, asking him for his comments on an article entitled "Finds corn sugar cheaper and more wholesome," by Senator ROYAL S. COPELAND, published in the grocery annual of the Journal of Commerce of January 28. Dr. Harvey W. Wiley, it will be remembered, was one of the most prominent leaders of the fight for the enactment of the pure food and drugs act more than 20 years ago. President Roosevelt appointed him the first Director of the Bureau of Foods and Drugs, and he is now directing the affairs of the bureau of foods, sanitation, and health of Good Housekeeping Magazine. Senator COPELAND advocates the use of corn sugar as a farm-relief measure and as best for canning purposes. Doctor Wiley's letter follows:

"I have your letter in which you send me a copy of Senator COPELAND'S letter published in the Journal of Commerce Saturday, January 28, 1928, and in which you ask me for some remarks on Senator COPELAND'S letter.

"Senator COPELAND has such an admirable record as an exponent of ethical doctrines relating to our food, and also by reason of his position as a Senator of the United States, as to command attention for all he says on this subject. Since you ask me, however, to make some comments on his letter, I reluctantly consent.

CHEMICAL CRITICISM OF SENATOR

"Senator COPELAND'S statement of the exigencies in farm life are not at all overdrawn, I think. Particularly do I approve of his statement: 'Unless the farmer sells at a profit he can not buy.' When the Senator comes to discuss the sugar question, however, he makes some statements which are subject to chemical criticism. He says, in speaking of sugar: 'In this connection when I speak of sugar I mean cane sugar or beet sugar, both varieties of which are known to the chemist as sucrose.' This is a true statement. Also every consumer in this country who buys and uses sugar agrees with Senator COPELAND'S definition of the term. The following quotation is also quite true: 'This form of sugar is found in trees, roots, and grasses—sugar cane, beets, and maple trees being its chief source.' This also is quite correct.

GRAPE SUGAR IS CANE SUGAR

"When the Senator leaves this part of the theme, in which his position is beyond criticism, he gets into trouble. He seems to forget that cane sugar is the only sugar that exists in plants. It either exists as cane sugar, as it does at first, or if it is found in acidulous plants, such as grapes, citrous fruits, and malic fruits, a part of it may be converted into equal portions of dextrose and levulose. He states that dextrose is commonly called grape sugar, because it is found abundantly in grapes. The grape sugar in grapes is no exception to the rule. It does not mean dextrose, as he says, but it means equal parts of dextrose and levulose derived from cane sugar.

"It is true, as Senator COPELAND says, that dextrose is predigested sugar, and adds:

"'The more we take of digested and converted sugar the better for us. On this account the ideal sweetening product is dextrose.'

"Careful estimates of the relative sweetness of dextrose as a predigested sugar and sucrose show that dextrose is a little less than half as sweet as cane sugar, and for this reason it can not be an 'ideal sweetener.'

DEXTROSE NOT CORN SUGAR

"The Senator also falls into the very common error of calling dextrose corn sugar. Dextrose is not corn sugar. All the sugar in corn of all kinds, and especially sweet corn, is cane sugar pure and simple. Dextrose, erroneously called corn sugar, is, in point of fact, starch sugar. It results from converting starch into dextrose through the influence of heating starch with acid. At the present time the acid employed is generally hydrochloric, the same acid which exists in the human stomach and without which the digestion of protein in the stomach is impossible.

OBJECTS TO SUCH FARM RELIEF

"Senator COPELAND'S plan of securing farm relief by permitting starch sugar made as above described to be added to all food products, except honey, and thus sold to the American consumer under the impression that he is buying sugar is highly objectionable. It might bring some little relief to the corn grower, but it would permit a fraud to be practiced on every consumer in the country. The consumers of sugar are far more numerous than the growers of corn and should not be taxed in this way even for the benefit of the corn grower. If, however, any substantial relief is to come to the corn grower by the Senator's plan it must be at the expense of the maple-sugar industry, the beet-sugar industry, and the cane-sugar industry. This method of taxing Peter to pay Paul is not likely to attract any very considerable farm support.

UNLESS LABELED IT IS MISBRANDED

"Senator COPELAND very truly sees the point when he says:

"'Under these circumstances many of the Federal and State food officers would construe fruit canned with "corn sugar" as being misbranded unless so labeled.'

"This is quite true. For this reason the pending measures in the Senate and the House legalizing the use of so-called 'corn sugar,' without notice to the consumer, in all food products except honey is a direct violation of the existing food law. The claim made that the pending bill is not a repeal of the food law is wholly untenable and indefensible.

"I feel certain that the Senator, when he examines this measure more carefully, will see the point I make.

"I am, yours sincerely,

"H. W. WILEY."

BILL PASSED OVER

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. I should like an explanation of that bill.

Mr. SHORTRIDGE. Mr. President, this bill for relief was very carefully considered by the Committee on Naval Affairs and the report sets out the reasons why the committee reported the bill favorably. May I invite the attention of the Senator to the paragraph on the first page of the report, the last paragraph on the page, which reads:

Section 25 of the act of March 4, 1925, provides that "Any officer of the regular Navy who has been retired since December 31, 1921, by reason of physical disability which originated in the line of duty at any time between April 6, 1917, and March 3, 1921, inclusive, while holding higher temporary rank, shall be advanced on the retired list to, or shall be placed on the retired list in, such higher grade or rank." While Mr. Sies's physical disability was incurred within the period above described, he was not eligible for the benefits and considerations of the terms of that section as he was retired prior to December 31, 1921—

Mr. KING. Mr. President, may I interrupt my friend from California? In view of the fact that we passed a retirement bill the other day, I hope he will do me the kindness to let this bill be passed over to see whether this will fit into that provision; and if so, whether there would be a proper integration, or whether it needs additional legislation. I shall be under obligations if he will let it be passed over for the moment.

Mr. SHORTRIDGE. Yes; but for the RECORD, with the permission of the Senate, let me finish that sentence, to show why the committee felt it proper so to report:

i. e., Mr. Sies was retired on December 5, 1921, 26 days prior to the period stated by law, and the bill seeks to grant him the benefits to which he is entitled similar to other officers of the Navy who incurred disability while serving in a higher temporary commission.

In other words, he was retired 26 days prior to a date which would have entitled him to this relief.

The PRESIDENT pro tempore. The bill will be passed over.

JOSEPH CUNNINGHAM

The bill (S. 2733) to amend the military record of Joseph Cunningham was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. Mr. President, this bill relates to a very aged man. I saw him in Sacramento last year. He must be away up in the eighties. It is a meritorious bill, and it would give him mental relief far more than any monetary award. I hope the bill may pass without further delay.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. KING. Mr. President, I am advised that this is a case where a man deserted. If there is any excuse, if there are any extenuating circumstances, I shall be very glad to hear them.

Mr. SHORTRIDGE. If the Senator will have the goodness to look at the letter written by Mr. Cunningham, found in the report, he will find this:

When I got well I reported to the provost marshal at Raleigh, N. C., and he would not have anything to do with me, so I worked my way up to Columbus, Ohio.

In this case the soldier claims that he did not desert. He is now a very old man, he rendered faithful service to our Government, and I take a personal interest in him, having seen him and talked with him. However, if the Senator wishes to consider the matter further, I can not, of course, object to that.

Mr. KING. If the Senator will pardon me, I notice that the report of The Adjutant General does not give any extenuating circumstances at all. He states:

Upon this presentation of the case the application for removal of the charge of desertion and for an honorable discharge was denied, and now stands denied, on the ground that the soldier did not serve until May 1, 1865; that it does not appear that he was prevented from completing his term of enlistment by reason of a disability incurred in the line of duty, and because the case does not come within any of the provisions of the act of Congress approved March 2, 1889 (25 Stat. L. 869), which is the only law in force governing the subject of removal of charges against soldiers of the Civil War.

Mr. SHORTRIDGE. Having taken up so much time, may I read what the committee says? I read from the report:

In view of the fact that this soldier served until April 12, 1865, a few days prior to May 1, 1865, at which time he would have been eligible for honorable discharge, your committee does not feel that he willfully deserted, and is inclined to believe the statements contained in his affidavit and that the relief requested should be granted.

Mr. CARAWAY. May I ask the Senator a question?

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. How long had this man been in the service?

Mr. SHORTRIDGE. The report states that he entered in 1863, I believe.

Mr. KING. In December, 1863.

Mr. CARAWAY. And he stayed until the fighting was over?

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. He left the colors on April 12, did he not? He was with his command until after the surrender?

Mr. SHORTRIDGE. Certainly.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, after the word "Army" and the comma, to strike out the words "their widows, children, and dependent relatives"; and on page 2 to strike out section 2, so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Joseph Cunningham shall be held and considered to have been honorably discharged as a private, Company F, Forty-third Ohio Infantry, on April 12, 1865; but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Joseph Cunningham."

FLOOD CONTROL

The bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, was announced as next in order.

Mr. JONES. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

RULES IN COMMON-LAW ACTIONS

Mr. COPELAND. Mr. President, what became of Calendar No. 457, Senate bill 759, to give the Supreme Court of the United States authority to make and publish rules in common-law actions?

The VICE PRESIDENT. It went over under objection.

Mr. COPELAND. I ask that in connection with that bill a short letter from the American Bar Association be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
March 12, 1928.

Hon. ROYAL S. COPELAND,
Washington, D. C.

BILL S. 759—MODERNIZING THE COURTS

MY DEAR SENATOR: Upon the convening of Congress the undersigned committee, acting under the instruction of the American Bar Association, took the liberty of directing your attention to Senate bill No. 759, designed to modernize the detail, practice, and procedure of the courts.

The bill has now been reported. Senator SACKETT, the patron, and Senator DENEEN, who is preparing the report, have kindly informed us that in a short time it will be called up for a vote. Inasmuch as the minority report corrects several vital historic facts upon which the majority depend, a study of it is requested.

Conscious of the highly unsatisfactory condition of the detail mechanical operation of litigation, of which such universal complaint is being made as to impair faith in and respect for the courts, the lawyers surrendered all pride of opinion in the public interest and agreed upon a plan. We are directed to express the hope that this unanimity will appeal to you. Not a change will be required in a statute or law or permanent procedure regulating rights, attachment, evidence, limitations of actions, juries, and the like. The bill affects only the mechanical details of getting into court and the detail conduct of the case thereafter, which will thereafter be regulated by a few simple rules instead of statutes. Members of the Supreme Court so testified before the subcommittee of the Judiciary Committee of the Senate February 2, 1924. The bill S. 759 will replace section 914, which supplanted section 17 of the original judiciary act of 1781, which gave absolute rule-making power to the courts. The rule-making power was exercised until 1873, when section 914, the conformity statute, was adopted.

The following organizations of lawyers participated: The American Bar Association; the National Conference of Appellate Judges, known as the judicial section of the American Bar Association; the several State bar associations; the Conference of Delegates from State, city, and county bar associations; the deans of the law schools; the law journals; and the Commercial Law League of America. The plan is approved by the National Civic Federation, the National Credit Men's Association, the Chamber of Commerce of the United States, and others, and is advocated by a majority of the press. Some of the States are already putting the plan into effect.

The lawyers respectfully ask for your indorsement of their unselfish effort, whatever may be your personal views.

Realizing the pressure upon you, it is requested that no reply be made.

We are, Senator, with great respect,

Sincerely yours,

THOMAS W. SHELTON, *Chairman.*
JACOB M. DICKINSON.
EDWIN W. SMITH.
WALTER S. FOSTER.
FORNEY JOHNSTON.

VOCATIONAL EDUCATION

The bill (S. 1731) for the more complete development of vocational education in the several States was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

RED RIVER BRIDGE, ARKANSAS

The bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark., was announced as next in order.

Mr. CARAWAY. Let that go over temporarily.

The VICE PRESIDENT. The bill will be passed over.

FRANCIS J. YOUNG

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Mr. President, may I ask if it has been the custom to allow salaries in cases of this kind? It is a bill introduced by the Senator from Illinois [Mr. DENEEN].

Mr. DENEEN. Mr. President, I have not the information which would enable me to answer that question. The gist of the report is contained in the last paragraph, on page 2. Mr. Young was in the Consular Service. I read:

His consular duties and responsibilities had been heavy, embracing as they did the entire period of the war at important posts, and his loss of health and resultant death were due to his service in hostile countries under adverse conditions.

It is recommended by the former Secretary of State that the amount carried in the bill be appropriated for his father, equivalent to a year's salary.

Mr. KING. I have no objection, if that has been the rule; but if we are to compensate the relatives of every person who dies in the Consular Service, I do not see why we should not compensate the estates of persons employed in the service in Alaska or in Mexico, or employed in any other activity of the Government. It is simply a question of policy. I ask that the bill go over until we can look into it.

Mr. DENEEN. Let it go over without prejudice.

The VICE PRESIDENT. The bill will be passed over.

SECURITY NATIONAL BANK, LAWTON, OKLA.

The bill (S. 50) for the benefit of the Security National Bank, of Lawton, Okla., was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely from the Committee on Claims.

Mr. KING. I ask that it be indefinitely postponed.

The VICE PRESIDENT. The bill will be indefinitely postponed.

NELLE M'CONNELL

The bill (S. 2764) for the relief of Nelle McConnell was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the word "agriculture," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to waive the limitation for filing claim for compensation in the case of Nelle McConnell, widow of Wilbur Ross McConnell, late a scientific assistant in the Bureau of Entomology of the United States Department of Agriculture.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. BOYCE & SON

The bill (S. 379) for the relief of William R. Boyce & Son was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,208.25 to William R. Boyce & Son for storage earned on certain 75 drums of imported alcohol stored by order of the collector of customs, port of New York, for the account of the United States Government, in bonded warehouse of which they are the proprietors, and subsequently destroyed by order of the United States Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNA MAY ARNOLD

The bill (S. 1108) for the relief of Una May Arnold was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Una May Arnold, a former employee of the Veterans' Bureau, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STANDARD OF WEIGHTS AND MEASURES

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. CURTIS. I received a letter from the Senator from Tennessee [Mr. TYSON] this morning saying he has some objection to this measure, and I ask that it may go over.

The VICE PRESIDENT. The bill will be passed over.

TRANSPORTATION OF ANIMALS

The joint resolution (S. J. Res. 63) to amend sections 1 and 2 of the act of March 3, 1891, was considered as in Committee of the Whole.

Mr. KING. Mr. President, will not the Senator from Oregon briefly explain how this would change existing law?

Mr. McNARY. A similar joint resolution, I may say to the Senator from Utah, has passed the House. It simply attempts to amend the act of 1891, which authorized the Secretary of Agriculture to keep animals safely in transportation. The joint resolution is amended to include not only cattle and horses, but sheep, swine, and mules. It is a humanitarian measure. I ask that the House joint resolution be substituted for the Senate measure.

The VICE PRESIDENT. Without objection, House Joint Resolution 140 will be substituted for the Senate joint resolution.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 140) to amend sections 1 and 2 of the act of March 3, 1891.

Mr. McNARY. I move that the amendments proposed by the committee to Senate Joint Resolution 63 be made to House Joint Resolution 140, now pending.

The VICE PRESIDENT. The clerk will state the amendments.

The CHIEF CLERK. On page 1, line 7, after the word "horses" and the comma, to insert the words "mules, asses"; on page 1, line 11, after the word "horses" and the comma, to insert the words "mules, asses"; on page 2, line 2, after the word "horses" and the comma, to insert the words "mules, asses"; on line 8, after the word "horses" and the comma, to insert the words "mules, asses"; and on line 13, after the word "horses" and the comma, to insert the words "mules, asses," so as to make the joint resolution read:

Resolved, etc., That sections 1 and 2 of the act of March 3, 1891 (26 Stat. L. 833), be amended by adding, after the word "cattle," as it occurs in lines 4 and 6 of section 1 and in lines 2 and 5 of section 2, a comma followed by the words "horses, mules, asses, sheep, goats, or swine," so that said sections as hereby amended shall read as follows:

"That the Secretary of Agriculture is hereby authorized to examine all vessels which are to carry export cattle, horses, mules, asses, sheep, goats, or swine from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, horses, mules, asses, sheep, goats, or swine as to space, ventilation, fittings, food and water supply, and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals.

"SEC. 2. That whenever the owner, owners, or master of any vessel carrying export cattle, horses, mules, asses, sheep, goats, or swine shall willfully violate or cause or permit to be violated any rule, regulation, or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle, horses, mules, asses, sheep, goats, or swine from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly."

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The VICE PRESIDENT. Without objection, Senate Joint Resolution 63 will be indefinitely postponed.

KARIM JOSEPH MERY

The bill (S. 1970) for the relief of Karim Joseph Mery was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JENNIE ROLL

The bill (H. R. 926) for the relief of Jennie Roll was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $517.64, being the amount of vouchers amounting to $404.31, received by her late husband, T. E. Roll, for services rendered the Government as carrier on the star mail route out of Ross, Ohio, and which were uncashed at the time of his death and $113.33 for the two months immediately preceding his death, during which he performed said services for which no vouchers were received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. F. ELLIS REED

The bill (H. R. 3673) for the relief of Maj. F. Ellis Reed was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES L. DICKINSON

The bill (H. R. 7110) for the relief of Frances L. Dickinson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ROOKS

The bill (H. R. 8093) for the relief of John Rooks was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VICTORINA MESA, OF CAVITE, P. I.

The bill (H. R. 8887) for the relief of Victorina Mesa, of Cavite, P. I., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROADS ON INDIAN RESERVATIONS

The bill (S. 1145) to authorize appropriations for roads on Indian reservations was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and to insert:

That an appropriation of $250,000 is hereby authorized, out of any money in the Treasury not otherwise appropriated, to be available until expended, for the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under the Federal highway act and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. KING. Mr. President, I ask for an explanation of this bill.

Mr. ASHURST. Mr. President, possibly I may more succinctly and concisely explain the bill by reading from the report of the honorable Secretary of the Interior addressed to the chairman of the Committee on Indian Affairs, the Senator from North Dakota [Mr. FRAZIER]. I shall not read all of the report,

but only the pertinent paragraphs, reading from page 2, beginning near the center of the page:

With the success of the five-year industrial program and the resultant increased acreage and crop production, each year the Indians have a larger surplus, which in many cases under present conditions must be taken to market, if at all, over some of the worst roads in the country, which are, in fact, practically impassable at times.

No one thing will contribute more to the industrial welfare and progress of the Indians than the construction of the improved local roads mentioned herein, the lack of which seriously handicaps them in many ways.

If an appropriation of $250,000 could be secured therefor, to remain available until expended, it would remove this handicap and give substantial impetus to our work among the Indians. The money would be spent only on reservations where the Indians have no available tribal funds that could be used for the purpose.

In other words, our program of road building, as Senators will remember, embraces the expenditure of some $75,000,000. It has proved to be a success, I think, but in many of the Western States there are vast areas of land within Indian reservations. The appropriations we make regularly for roads may not be spent on Indian reservations, referring now to the States of Arizona and New Mexico. I will take Arizona first. Thirty thousand square miles of that State are within reservations of some sort. I think 30,000 square miles alone are in an Indian reservation, and it seems but fair that the Government, whilst appropriating money for the construction of roads for its white population, should consider the justice and the advisability of making appropriations for roads on Indian reservations, where there are no tribal funds and no other appropriation is available. I ask Senators to consider the bill.

The amendment proposes to strike out all after the enacting clause. The original bill, which I introduced, proposed an expenditure of two and a half million dollars, $500,000 to be available for the fiscal year ending in 1928, a million dollars to be available in the fiscal year ending June 30, 1929, and an additional million in the year ending June 30, 1930. But to my great regret and to my most poignant disappointment the department found that an appropriation to exceed the sum of $250,000 would be in conflict with the economy program, but that an appropriation of $250,000 would not be in conflict with the program.

Mr. DILL. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. DILL. Does the Senator think that small amount would be of any practical value?

Mr. ASHURST. Yes; it would be of great value.

Mr. DILL. I am very much in favor of the Senator's bill, but I think the amount is too small to meet the needs of the situation.

Mr. ASHURST. My disappointment was very great. I had hoped that we might have about half a million dollars a year, but the Secretary of the Interior went as far as he could, I think, under the conditions, and we will be fortunate if we are able to have that much in the future.

Mr. FLETCHER. The bill applies to all States having Indian reservations?

Mr. ASHURST. Oh, yes. The State of New Mexico, which is a sister State, and the State of Utah, right north of us, are probably in need of such roads on reservations—I will not say more in need than Arizona, but equally in need.

Mr. WALSH of Montana. Mr. President, I trust the Senator will not exclude Montana. I had a most earnest appeal a few days ago for relief there.

Mr. ASHURST. This fund, although small, would be expended under the direction of the Secretary of the Interior. I would not think of such an ungracious thing as to urge the Secretary to begin with Arizona, and if he should call for my opinion I would say, because I have been over some of her roads, that the State of Montana is in need of such roads. The Senator said he hoped the Senator from the State of Montana will not be overlooked. As long as he and his colleague are here there is no danger of Montana being overlooked.

Mr. FLETCHER. Are there no tribal funds in any of these reservations?

Mr. ASHURST. No. There are many tribes that have funds, but there are many tribes that have no funds. This fund is proposed to be expended upon the reservations of Indians who have no money.

Mr. DILL. The reason why I mentioned the small amount is that bills introduced for the purpose of authorizing the expenditure of funds for roads across Indian reservations where the Indian tribes have no funds have been reported back as in conflict with the President's financial program because of the bill of the Senator from Arizona; that is, they have used the bill of the Senator from Arizona as a reason why they would not favorably report other bills that ordinarily would be favorably reported. That is why I spoke of the small amount covered in the Senator's bill.

Mr. ASHURST. Of course, it would be almost a futile thing, almost nothing but a gesture, to pass this bill and remain silent in the future. I believe we shall be obliged to see to it in the future that an appropriation of this amount, or probably $500,000 annually, shall be made for like purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill to authorize an appropriation for roads on Indian reservations."

ARAPAHOE AND CHEYENNE INDIANS

The bill (S. 3343) for the relief of the Arapahoe and Cheyenne Indians, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 9, to strike out the words "two years" and insert in lieu thereof the words "one year," so as to make the bill read:

Be it enacted, etc., That chapter 667 of volume 44 of the Statutes at Large (44 Stat L. 764) be, and it hereby is, amended to read as follows:

"That the time within which suit or suits may be filed under the terms of the act of Congress of June 3, 1920 (41 Stat. L. 738), is hereby extended for the term of one year from the date of the approval of this act for the purpose only of permitting the Arapahoe and Cheyenne Tribes of Indians residing in the States of Wyoming, Montana, and Oklahoma, to file a separate petition or suit in the Court of Claims for the determination of any claim or claims of said tribes of Indians to the whole or any part of the subject matter of any pending suit, or to file other suits hereafter under the terms of said act; and the court is hereby authorized to render final judgment in such suits: *Provided*, That unless such petition be filed in the suit or suits authorized by said act within the time herein stated all right of intervention by the Arapahoe and Cheyenne Tribes of Indians therein shall be forever barred."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

Mr. BORAH. Let the joint resolution go over.

Mr. HEFLIN. Mr. President, I move that the joint resolutiton be taken up for consideration.

The VICE PRESIDENT. The motion is not in order under the unanimous-consent agreement. On objection the joint resolution goes over.

Mr. HEFLIN. Was there objection to its present consideration?

The VICE PRESIDENT. The Senator from Idaho asked that the joint resolution go over.

Mr. BORAH. Yes; I objected to the consideration of it at this time for the reason that manifestly we can not dispose of it under the five-minute rule.

Mr. HEFLIN. We are going to discuss it a good deal under the five-minute rule. I will have five minutes on every bill that is called, and I shall talk about this proposition and see if we can not get it considered by the Senate.

The VICE PRESIDENT. The unanimous-consent agreement provided for the consideration of unobjected bills only. Therefore, a motion to proceed to the consideration of the joint resolution at this time is not in order. Objection is made to the present consideration of the joint resolution.

Mr. HEFLIN. I was just saying that I have a right to discuss for five minutes any measure that is called, until I decide whether I shall object or not.

The VICE PRESIDENT. The Senator has that right.

Mr. HEFLIN. Under that provision I can speak for five minutes.

The VICE PRESIDENT. Present consideration of the joint resolution has been objected to, and it has gone over, so there is nothing before the Senate at the present time.

Mr. HEFLIN. But there will be something before the Senate in a moment.

FORT HALL INDIAN RESERVATION

The bill (H. R. 308) authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation was announced as next in order.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000 for surveys and investigations to determine the feasibility and cost of irrigating the Michaud division and other lands on the Fort Hall Indian Reservation: *Provided*, That said sum, or any part thereof that may be expended for this work, shall be reimbursable when this or any other division of the project for which surveys shall be made hereunder is adopted for construction under such rules and regulations as may be prescribed by the Secretary of the Interior, and there is hereby created a first lien against all such lands that may be brought within said division or divisions of the Fort Hall project, which lien shall attach to all lands benefited from the date of the adoption of the particular unit of the project under which such lands lie for construction, and said lien shall include all expenditures made therefor and shall be recited in any patent issued after the adoption of any such unit of the project for construction.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

MESCALERO RESERVATION, N. MEX.

The bill (S. 3007) to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex., was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator for Alabama has expired.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF WATERSHED WITHIN CARSON NATIONAL FOREST

The bill (H. R. 8824) to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex., was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That upon recommendation of the Secretary of the Interior the President of the United States be, and he is hereby, authorized to withdraw by Executive order or proclamation from any or all forms of entry or appropriation under the land laws of the United States any lands of the United States within the watershed of the Rio Pueblo de Taos, Carson National Forest, N. Mex., from which the Indians of the Taos Pueblo obtain water for irrigation and domestic purposes: *Provided*, That the Secretary of Agriculture may, in his discretion, promulgate regulations to govern the use and occupancy of lands withdrawn under the provisions hereof, and to protect said lands from any act or condition which would impair the purity or volume of the water flowing therefrom.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EAST BOUNDARY OF PAPAGO INDIAN RESERVATION, ARIZ.

The bill (S. 3026) authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz., was announced as next in order.

[Mr. EDGE addressed the Senate. His remarks appear elsewhere in to-day's RECORD.]

[Mr. HEFLIN addressed the Senate. His remarks appear elsewhere in to-day's RECORD.]

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the sum of $15,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for expenditure under the direction of the Secretary of the Interior for the purchase of barbed wire and posts and transportation of the same for use in the construction of a fence on or near the east boundary of the Papago Indian Reservation, Ariz., beginning at the international boundary line and extending in a northerly direction for approximately 60 miles: *Provided*, That no part of said appropriation shall be expended in payment of labor for the erection of said fence.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEMAND OF RETURN OF MARINES FROM NICARAGUA

Mr. HEFLIN. Mr. President, I have on my desk a copy of the Washington Post of last Friday, I believe, stating that a thousand more American marines are going to Nicaragua. I do not know just how many marines or soldiers we have in Nicaragua. We must have some 10,000 or more. We have been in a state of war in Nicaragua for more than a year. I want to remind the Senate and the country that the Constitution has not been changed and that Congress is still charged with responsibility and is the only body that has authority to declare war and to conduct war. If Congress will not appropriate money to buy guns and ammunition and will not furnish the food supplies and uniforms for the soldiers, we can not legally have war. Yet the President of the United States is conducting a war in Nicaragua, and here sits the Congress supinely bowing submissively to this usurpation of the power of Congress.

I wonder if Congress has made up its mind to surrender the right that belongs to it under the Constitution and permit the President to continue these operations in Nicaragua against natives who are fighting each day to preserve the independence of their country free from foreign interference.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Washington?

Mr. DILL. Has the Senator thought of the fact that if we keep on sending marines to Nicaragua we will have as many marines down there by election day as there will be votes at that time?

Mr. HEFLIN. I thank the Senator for the suggestion.

Mr. President, this performance in Nicaragua is enough to make our Nation hang its head in shame. It is rumored that the Liberal leaders were brought out; that they were corrupted; that American money from those who are interested in property which they are pillaging and plundering in Nicaragua furnished the money; and that certain leaders of the Liberals sold out and have consented to the arrangement suggested by Diaz, the Roman Catholic imposter and usurper. This Nation is a party to that awful crime. Sandino crying for liberty, begging for the deliverance of his country from the invader, sounds like the cries our fathers made in the days of the Revolution when they were asking that the British forces be withdrawn.

I have here an editorial from some paper entitled "Americans in '76 and Nicaraguans in '28," which reads in part, as follows:

"They will not surrender," said Benjamin Franklin to a member of the House of Commons in the American Revolution, "so long as they have their woods and their liberty."

"I shall never recognize a government imposed by a foreign power," said Sandino, head of the Nicaraguan revolutionists, in answer to Admiral Sellers's inquiry concerning what condition Sandino would accept to lay down his arms.

(At this point Mr. HEFLIN was reminded by the President pro tempore that he had spoken for five minutes on the pending bill.)

Mr. HEFLIN. Mr. President, I want to finish reading what Sandino said. They asked him upon what conditions he would surrender and turn over his government to the invader. Here is his reply:

I demand the immediate withdrawal of the [American] invading troops.

He had just said:

I shall never recognize a government imposed by a foreign power.

That is good American doctrine. That is the doctrine that we have inculcated in our children from Revolutionary days to this good time, and now we are in Nicaragua pursuing a patriot who is fighting for the same principle, and we are asking him upon what terms he will surrender. I wonder if the suggestion is thrown out to him that he might get some coin, too, like those who sold out under the Stimson agreement.

Continuing, this editorial reads:

It was Edmund Burke, in his speech on conciliation of the American Colonies, who quoted with commendation Franklin's words on the floor of the British House of Commons.

What American will now quote with commendation these words of Sandino's on the floor of the American Congress?

Franklin's countrymen were rebelling against the oppression of their mother country.

Sandino's countrymen are rebelling not against their mother country but rather against the authority imposed upon them by a foreign nation. Sandino's men are striving to rescue the sovereignty of Nicaragua from the grip of a foreign power into which that sovereignty has been betrayed by the weakling—the American puppet—Diaz.

If Franklin was justified in predicting that the American colonists would never lay down their arms so long as they had their woods and their liberty, what American nowadays may justly find fault with Sandino and Sandino's men because these Nicaraguan liberals dare to better the instruction provided for them by American revolutionists of 1776?

We are seeking this man out to kill him for fighting for principles that we fought for in 1776. Mr. President, is it going to be the mission of this Government to go into foreign lands and try to crush out the last remnant of liberty-loving patriots? Are we going out to police the nations of the earth? Have we entered upon a road of imperialism? Have we become the collection agents of the bondholders in Wall Street? Are our boys to be sacrificed in battle in Nicaragua for the investments of those men who have gone in there and made them recklessly, amid the hazardous conditions where insurrections and revolutions are springing up all around? Some day the American people are going to send to this body Senators who will take the American viewpoint and seek to preserve this Government and hold it true to its constitutional purpose and limitations.

The day is coming when the people of the Nation, all of them who feel that way, are going to get together behind some candidate for President who is going to put America first and keep uppermost in his mind and heart the welfare of the American citizen and the preservation of American ideals and institutions.

We have a farcical situation suggested in the Washington Post of this morning.

President "Coolidge is going to lead a movement to suppress war," and yet he is carrying on war without authority in a foreign land to-day. A thousand more troops have sailed to Nicaragua in the last two or three days. What do the newspapers tell us? Listen to this headline:

Buzzard wrecks airplane. Two marine aviators killed in——

(At this point Mr. HEFLIN was reminded by the President pro tempore that he had spoken for five minutes on the pending bill.)

Mr. HEFLIN. Mr. President, I want the Senate and the people who sit in the galleries, who come from the sovereign States of this Union, to know what is going on in Nicaragua—just what is happening to our boys. The statement in this newspaper is:

Buzzard wrecks airplane. Two marine aviators killed.

They left Washington only three weeks ago, but they are dead now. What were they doing? They were not guarding property; they were miles away seeking Sandino in his mountain fastnesses, where he was hiding away from American guns in the hands of American marines. While these aviators were flying low and spying out the woodland hiding places a buzzard flies up and gets tangled in the machine and two brave American boys die in Nicaragua—killed by a buzzard.

O my God, what are we coming to? Have we reached the time when the purse of the millionaire has a stronger hold on this Congress than have the love of liberty, the lives of our boys, and the protection of this Government in its constitutional rights and prerogatives? Are we guarding Congress against these innovations and usurpations by the President of the United States? What are we coming to? A thousand more troops have just sailed, gone to Nicaragua to conduct this awful war in a foreign land. To protect property? No; to hold an election in a foreign land. Rome died on that trail; her armies were scattered around the world fighting battles in foreign countries, and finally, when they returned, the government had died at heart; there was nothing left to fight for. As the Senator from Idaho [Mr. BORAH] said, at the Republican National Convention in 1920, they sold the emperorship on the auction block for a million and a half dollars.

Senators, we can not have and hold the love of patriotic, liberty-loving people when they see the machinery of their Government being used by the money bunds of the Nation for such a purpose; we can not hold their respect and their affectionate regard when they see their Government commanding its sons to go out and fight and die in such an inexcusable undertaking as this.

I want the Senate to vote on my resolution; I want a roll call on it. Let the people back home know who here want to continue on this dangerous road of imperialism. Former President Woodrow Wilson did not do it. He would not send the troops into Tampico and Vera Cruz, Mexico, without asking the consent of Congress, and he did ask that consent; but Mr. Coolidge, through our marines, is still in Nicaragua, and he has never yet asked Congress to authorize their employment there, and Congress by official action has never requested him to send them there. I put the responsibility where it belongs—on the Republican side in both branches of Congress. I propose to keep on discussing this question until the people, through their Representatives, shall answer in this body, and perhaps in the other, as to whether or not the President may declare and conduct war without the consent of the Congress of the United States. I protest against the murder of American boys in such an indefensible, unholy, and cruel war.

Mr. EDGE. Mr. President, in view of the various statements made by the Senator from Alabama [Mr. HEFLIN] criticizing the foreign policy of the Government, particularly as it relates to the present Nicaraguan situation, I desire to say that I agree with him that the subject should be debated. I have intended discussing the question for some time, but have preferred to follow a Senator who had a different viewpoint from my own. However, in view of the statements of the Senator from Alabama, I wish to give notice to the Senate—because it is obviously impossible satisfactorily to discuss an important matter like this under the five-minute rule and is rather unfair to those who desire to go through the calendar—that immediately after the morning business shall be disposed of to-morrow I desire, and I hope I may be recognized, to speak upon this subject.

Mr. HEFLIN. Mr. President, I do not wish to be unfair to any Senator who has a particular interest in a bill on the calendar, but I am trying to be fair to the boys who are losing their lives in Nicaragua. I am more for those boys, and I care more for them as a Senator than I do for any of these measures, because I have the authority to vote for war or to vote against it, and I have the authority to summon those boys to the battle field. I want them to know that I am not going to do it unless fundamental principles of government are involved, and the cause is just. Then only will I call them to battle. I wish to be entirely fair to them and to the homes from which they come. I want also to be fair to the Constitution and fair to my sense of duty as a Senator. I owe something to all these. That is why I am protesting against this unholy program in Nicaragua.

Mr. EDGE subsequently said: Mr. President, earlier in the day I made an announcement that I would desire to speak on certain phases of foreign relations to-morrow at the conclusion of the morning business. In deference to the Senator from South Dakota [Mr. NORBECK], who is intensely interested in the unfinished business and the desire to take a recess in order to proceed with it in the morning hour to-morrow, I wish now to make the further announcement that I shall defer until a later date my observations on the subject referred to.

CHARGES OF COMMON CARRIERS

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, was announced as next in order.

Mr. GLASS. I ask that the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

FORMER CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS

The bill (S. 2828) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," was announced as next in order. The bill had been reported from the Committee on Public Lands and Surveys with an amendment.

Mr. NORBECK. Mr. President, a bill exactly similar to the Senate bill passed the House on yesterday. I understand the House bill is now on the desk of the Presiding Officer, and I ask that it may be laid before the Senate with a view to substituting it for the Senate bill.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 9860) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," which was read twice by its title.

Mr. NORBECK. I move that House bill 9860 be substituted for Senate bill 2828, and that the Senate proceed to the consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 9860.

Mr. NORBECK. I move to amend the bill by inserting the amendments which I send to the desk, which will make it conform to the Senate bill as reported by the committee.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. On page 2, line 8, after the word "payment," to strike out "on one-third" and insert "of one-fourth"; in line 11, before the word "equal," to strike out "two" and insert "three"; in line 12, after the figures "1929," to strike out "and"; and in line 13, after the figures "1930," to insert a comma and "and December 1, 1931."

The bill as proposed to be amended reads as follows:

Be it enacted, etc., That the act entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," approved April 25, 1922, be amended so as to read as follows:

"That any homestead entryman or purchaser of Government lands within the former Cheyenne River and Standing Rock Indian Reservations in North Dakota and South Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension of time for payment of one-fourth the amount, including principal and interest, due and unpaid on his entry or purchase until the 1st day of December, 1928; the remainder to be paid in three equal annual installments falling due on December 1, 1929, December 1, 1930, and December 1, 1931; all such amounts to bear interest at the rate of 5 per cent per annum until the payment dates: *Provided*, That upon failure to make complete payment of any installment, the entry shall be canceled and the money paid forfeited."

Mr. KING. I should like to ask the Senator if the amendments proposed make the bill conform to the recommendation of the Secretary of the Interior.

Mr. NORBECK. They do.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 2828 will be indefinitely postponed.

INDEBTEDNESS OF THE SERB, CROAT, AND SLOVENE KINGDOM

The bill (H. R. 367) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes was announced as next in order.

Mr. DILL. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

UNION TRUST CO., PROVIDENCE, R. I., AND NATIONAL BANK OF COMMERCE, PHILADELPHIA, PA.

The Senate, as in Committee of the Whole, considered the bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to execute, in the name of the United States, and deliver to (1) the Union Trust Co., Providence, R. I., upon receipt from such trust company of $1,806, and (2) the National Bank of Commerce, Philadelphia, Pa., upon receipt from such bank of $16,676.71, an agreement of indemnity binding the United States to make reimbursement to such banking institutions upon condition that such banking institutions are required to make payment to bona fide holders upon presentation of check No. 358, in the amount of $1,806, drawn by Evarista Larravee, 50 Seymour Street, Providence, R. I., on the Union Trust Co., Providence, R. I., certified by such trust company, payee believed to be Bureau of Supplies and Accounts, Navy Department, dated between June 1 and August 29, 1922; and check No. 1000, in the amount of $16,676.71, drawn by Levin, Deluge & Kerschbaum, 35 South Third Street, Philadelphia, Pa., on the National Bank of Commerce, Philadelphia, Pa., certified by such bank, name of payee not ascertainable, date believed to be in calendar year 1921 or 1922.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REFUNDING OF LEGACY TAXES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7224) to extend the time for the refunding of certain legacy taxes erroneously collected, which was read, as follows:

Be it enacted, etc., That claims for the refunding of any legacy taxes erroneously or illegally assessed or collected under the provisions of section 29 of the act of Congress approved June 13, 1898 (37 Stat. L. 240), may be presented to the Commissioner of Internal Revenue not later than six months after the passage of this act; and the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law but without regard to any statute of limitations, such claims as may have been presented heretofore and not allowed and such claims as may be presented within the period above named, where and when and only when it be found and determined that such taxes were collected upon the erroneous interpretation of the law passed upon and condemned by the United States Supreme Court in decisions rendered in the case of United States against Jones, administrator, and in the case of McCoach, collector, against Pratt, both reported in the 236 United States Reports: *Provided*, That no interest shall be allowed on any of these claims.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

Mr. KING. Mr. President, I notice that the Senator from Massachusetts [Mr. WALSH] reported the bill. He does not appear to be in the Chamber. I presume, of course, the bill was before the Committee on Finance.

Mr. CURTIS. The bill was before the Committee on Finance and was considered and reported by that committee.

Mr. KING. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHANGE OF NAME OF ANCON HOSPITAL, PANAMA CANAL ZONE

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital, in the Panama Canal Zone, to the Gorgas Hospital, which was read, as follows:

Resolved, etc., That in recognition of his distinguished services to humanity and as a fitting perpetuation of the name and memory of Maj. Gen. William Crawford Gorgas, from and after the passage of this act, the Government hospital within the Canal Zone, near the city of Panama, heretofore known as the Ancon Hospital, shall hereafter be known and designated on the public records as the Gorgas Hospital.

SEC. 2. That the change in the name of the said hospital shall in no wise affect the rights of the Federal Government, or any municipality, corporation, association, or person; and all records, maps, and public documents of the United States in which said hospital is mentioned or referred to under the name of the Ancon Hospital or otherwise, shall be held to refer to the said hospital under and by the name of the Gorgas Hospital.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUANCE OF BONDS BY ANCHORAGE, ALASKA

The Senate, as in Committee on the Whole, proceeded to consider the bill (H. R. 340) to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construc-

tion and equipment of an additional school building, and for other purposes, which had been reported from the Committee on Territories and Insular Possessions with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "issue," to insert "its," so as to make the section read:

That the incorporated town of Anchorage, Alaska, is hereby authorized and empowered to issue its bonds in any sum not to exceed $100,000 for the purpose of constructing and equipping an additional school building in said town: *Provided, however,* That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 18, after the word "that," to strike out "a majority of" and insert "not less than," so as to make the section read:

SEC. 3. That the registration of such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that not less than 65 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 2, after the word "each," to strike out "the principal to be due in 10 years"; and in line 7, after the word "date," to insert "of issue," so as to make the section read:

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in such denominations as the common council of said town may designate, but not exceeding $1,000 each from date thereof: *Provided, however,* That the common council of the said town of Anchorage may reserve the right to pay off such bonds in their numerical order at the rate of $10,000 or less thereof per annum from and after the expiration of four years from their date of issue. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, town of Anchorage, Alaska, or at such other place as may be designated by the common council of the town of Anchorage, the place of payment to be mentioned in said bonds: *And provided further,* That each and every such bond shall have the written signature of the mayor and clerk of said town of Anchorage and also bear the seal of said town.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ISSUANCE OF BONDS BY SEWARD, ALASKA

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7367) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska, which had been reported from the Committee on Territories and Insular Possessions with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "issue," to insert the word "its," so as to make the section read:

That the incorporated town of Seward, Alaska, is hereby authorized and empowered to issue its bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska: *Provided, however,* That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 21, after the word "that," to strike out "a majority of" and insert "not less than," so as to make the section read:

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that not less than 65 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 1, after the words "common council of," to insert "the town of"; in line 5, after the word "each," to strike out "the principal to be due in 20 years from date thereof"; in line 10, after the word "date," to insert "of issue"; in line 12, after the word "treasurer," to insert "of the town of Seward," so as to make the section read:

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of the town of Seward, not to exceed 7 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding $1,000 each: *Provided, however,* That the common council of the said town of Seward may reserve the right to pay off such bonds in their numerical order at the rate of $4,000 thereof per annum from and after the expiration of five years from their date of issue. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer of the town of Seward, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Seward, the place of payment to be mentioned in the bonds: *Provided further,* That each and every bond shall have the written signature of the mayor and clerk of said town of Seward and also bear the seal of said town.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BOUNDARIES OF CARSON, MANZANO, AND SANTA FE NATIONAL FORESTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2830) authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with an amendment, to strike out all after the enacting clause and to insert:

That the provisions of the act of Congress approved March 20, 1922 (42 Stat. 465), section 485, chapter 2, title 16, Code of Laws of the United States, be, and the same are hereby extended to and made applicable to any lands within former Spanish or Mexican land grants which lie partly within or contiguous to the boundaries of the Carson, Manzano, or Santa Fe National Forests, in the State of New Mexico. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest within or near whose exterior boundaries they are located.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENFORCEMENT OF NARCOTIC DRUGS ACTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3311) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs, which was read, as follows:

Be it enacted, etc., That the Commissioner of Prohibition, with the approval of the Secretary of the Treasury, is authorized to direct the advance of funds by special disbursing agents in connection with the enforcement of the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as "the narcotic drugs import and export act."

Such advances may be made, notwithstanding the provisions of section 3648 of the Revised Statutes of the United States, from the appropriations available for the enforcement of such acts and acts amendatory thereof or supplementary thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORESTS OF COLVILLE INDIAN RESERVATION

The bill (S. 3354) for the preservation and administration of the forests of the Colville Indian Reservation was announced as next in order.

Mr. DILL. Mr. President, I ask unanimous consent that this bill be recommitted to the Committee on Indian Affairs. It is a bill that was introduced by the chairman of the committee at the request of the Indian Department. I knew nothing of it until I saw it on the calendar. I have talked with the chairman of the committee, and he has no objection to the bill being recommitted to his committee. It affects an Indian reservation concerning which there has been legislation for years, and I want the committee to know all of the facts, with which I am quite familiar, before this bill is taken up by the Senate.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on Indian Affairs.

PUYALLUP INDIAN CEMETERY, TACOMA, WASH.

The bill (H. R. 173) to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 8326) to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla., was announced as next in order.

Mr. KING. I should like to inquire whether that is reimbursable out of tribal funds?

The PRESIDENT pro tempore. It is only an authorization.

Mr. KING. It is not an appropriation?

Mr. JONES. What bill is that?

Mr. KING. It is a bill to authorize the construction of a dormitory at an Indian school in Oklahoma. It seems to be an authorization. I am anxious to know whether it is to be paid by the Government finally or out of Indian funds.

Mr. CURTIS. I suggest that the bill go over until the Senator from Oklahoma [Mr. THOMAS] is here.

The PRESIDENT pro tempore. The bill will be passed over.

INDIANS ON SHOSHONE OR WIND RIVER RESERVATION, WYO.

The bill (H. R. 356) to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF NORTHWESTERN BANDS OF SHOSHONE INDIANS

The bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, conferred upon the Court of Claims, notwithstanding lapse of time or statutes of limitations, to hear, adjudicate, and render judgment in any and all claims which the northwestern bands of Shoshone Indians may have against the United States arising under or growing out of the treaty of July 2, 1863 (18 Stat. 685—2 Kappler, 848); treaty of July 30, 1863 (13 Stat. 863—2 Kappler, 850); act of Congress approved December 15, 1874 (18 Stat. 291), and any subsequent treaty, act of Congress, or Executive order, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. That any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this act; and such suit shall make the northwestern bands of Shoshone Indians party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claims under contract with the northwestern bands of Shoshone Indians, approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys for said Indians to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said Indians.

SEC. 3. That in said suit the Court of Claims shall also hear, examine, consider, and adjudicate all claims which the United States may have against the said northwestern bands of Shoshone Indians; but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as a set-off in such suit; and any such payment, if made, shall be confined to payments made under the treaties or acts of Congress hereinbefore set forth.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by either party, as in other cases, to the Supreme Court of the United States.

SEC. 5. The Court of Claims shall have full authority by proper process and orders to bring in and make parties to such suit any and all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 6. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he or some attorney from the Department of Justice to be designated by him is hereby directed to appear and defend the interests of the United States in such case.

SEC. 7. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorney or attorneys employed by said northwestern bands of Shoshone Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said bands.

SEC. 8. The balance of the proceeds of all amounts, if any, recovered for said northwestern bands of Shoshone Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. THACKREY

The bill (S. 2306) for the relief of William E. Thackrey was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That $1,688 be appropriated for repayment to William E. Thackrey of moneys deposited by him in the Treasury of the United States to satisfy disallowances to his accounts as superintendent and special disbursing agent of the Indian school at Mohave City, Ariz., because of additional compensation paid, in violation of section 1765, Revised Statutes, to Indian policemen for the collection of school pupils: *Provided*, That of this sum $1,148 shall be repaid from appropriations made for Indian school transportation for the fiscal years 1926 and 1927, and $540 from similar appropriations for the fiscal years 1924 and 1925, said latter sum being hereby reappropriated for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROSEBUD INDIANS

The bill (S. 3355) to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That with the consent of the tribal council the Secretary of the Interior is hereby authorized to cancel the unpaid balance of $12,204.46 due on reimburseable agreement No. 281, signed by 17 Rosebud Indians for cattle purchased from tribal funds appropriated by the act of June 30, 1919 (41 Stat. L. 26).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT BIDWELL INDIAN SCHOOL, CALIFORNIA

The bill (H. R. 8542) to provide for the construction of a hospital at the Fort Bidwell Indian School, California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8543) to provide for the construction of a school building at the Fort Bidwell Indian School, California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN NEW MEXICO

The bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds is-

sued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments.

The amendments were, on page 2, line 10, after the words "any of the," to strike out "five" and insert "four"; and on page 3, line 3, after the word "as," to strike out "may hereafter be provided by legislative act of the State of New Mexico" and insert "are provided in the said act of June 20, 1910," so as to make the bill read:

Be it enacted, etc., That there is hereby granted to the State of New Mexico 400,000 acres of the surveyed nonmineral unappropriated and unreserved public lands of the United States within said State, in trust, for the reimbursement of Grant, Luna, and Hidalgo Counties for interest paid by said counties on the bonds of Grant County, and for the reimbursement of Santa Fe County for interest paid by said county on the bonds of Santa Fe County, all of which said bonds were validated, approved, and confirmed by act of Congress of January 16, 1897 (29 Stat. 487); and also for the payment of the principal of the bonds issued by the town of Silver City and likewise validated by said act of January 16, 1897, and to reimburse said town of Silver City for interest paid by said town on said bonds: *Provided*, That if there shall remain any of the 400,000 acres of land so granted, or of the proceeds of the sale or lease thereof, or rents, issues, or profits therefrom, after the payment of said items and debt, such remainder of lands and the proceeds of sales thereof shall be added to and become a part of the permanent school fund of said State.

SEC. 2. That the said lands shall be selected in the same manner as provided for the selection of lands granted to the State of New Mexico by an act of the Congress of the United States approved June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," and such lands shall be leased and sold in such manner and under such limitations and restrictions as are provided in the said act of June 20, 1910.

SEC. 3. Said State of New Mexico through its State board of finance shall determine the interest paid by said counties on said indebtedness, and the manner of liquidating the same, and likewise the amount of the principal due on the bonds issued by the town of Silver City, and the interest paid by said town and the manner of liquidating the same.

The amendments were agreed to.

Mr. SMOOT. Mr. President, is there a favorable report from the department on this bill?

Mr. BRATTON. The department itself did not report either way. It stated the facts surrounding the legislation, and simply concluded with the statement that the Bureau of the Budget had advised that it was in conflict with the President's program of economy.

Mr. SMOOT. I ask that the bill go over to-day.

Mr. BRATTON. Will the Senator withhold his objection until I explain the situation

Mr. SMOOT. Yes; the Senator may explain the bill.

Mr. BRATTON. This bill was considered by the Committee on Public Lands and Surveys, and was reported unanimously after thorough consideration. It is to reimburse three counties and the town for moneys paid out on bonds similar to bonds arising in the State of Arizona that were declared to be illegal by the Supreme Court of the United States. Congress granted land to reimburse the holders of the outstanding bonds, but overlooked the sum that had been paid by the counties and the town. This bill is simply to reimburse those counties and the town, with a provision that the balance of the grant, if any, after they have been reimbursed, shall be covered into the common-school fund of the State.

Mr. SMOOT. Let the bill go over to-day.

The PRESIDENT pro tempore. The bill will be passed over.

LASSEN VOLCANIC NATIONAL PARK, CALIF.

The bill (H. R. 8311) to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABANDONED MILITARY RESERVATIONS IN ALASKA

The bill (H. R. 9031) to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIVE CIVILIZED TRIBES

The bill (S. 3128) to amend section 3 of the act approved April 12, 1926 (44 Stat. L. 239–240), with reference to suits involving Indian land titles among the Five Civilized Tribes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 3 of the act of April 12, 1926 (44 Stat. L. 239–240), entitled "An act to amend section 9 of the act of May 27, 1908 (35 Stat. L. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 3. Any one or more of the parties to a suit in the United States courts in the State of Oklahoma or in the State courts of Oklahoma to which a restricted member of the Five Civilized Tribes in Oklahoma, or the restricted heirs or grantees of such Indians are parties, as plaintiff, defendant, or intervenor, and claiming or entitled to claim title to or an interest in lands allotted to a citizen of the Five Civilized Tribes or the proceeds, issues, rent, and profits derived from the same, may serve written notice of the pendency of such suit upon the Superintendent for the Five Civilized Tribes, and the United States may appear in said cause within 40 days thereafter, or within such extended time as the trial court in its discretion may permit, and after such appearance or the expiration of said 40 days, or any extension thereof, the proceedings and judgment in said cause shall bind the United States and the parties thereto to the same extent as though no Indian land or question were involved. Duplicate original of the notice shall be filed with the clerk of the court in which the action is pending and the notice shall be served on the Superintendent for the Five Civilized Tribes, or, in case of his absence from his principal office, upon one of his assistants, and shall be served within 10 days after the general appearance in the case of the party who causes the notice to be issued. The notice shall be accompanied by a certified copy of all pleadings on file in the suit at the time of the filing of the duplicate original notice with the clerk and shall be signed by the party to the action or his or her counsel of record and shall be served by the United States marshal and due return of service made thereon, showing date of receipt and service of notice. If notice is not served within the time herein specified, or if return of service thereof be not made within the time allowed by law for the return of service of summons, alias notices may be given until service and return of notice is had, and in no event shall the United States be bound unless written notice is had as herein specified: *Provided*, That within 40 days after the service of such notice on the Superintendent for the Five Civilized Tribes, or within such extended time as the trial court in its discretion may permit, the United States may be, and hereby is, given the right to remove any such suit pending in a State court to the United States district court by filing in such suit in the State court a petition for the removal of such suit into the said United States district court, to be held in the district where such suit is pending, together with the certified copy of the pleadings in such suit served on the Superintendent for the Five Civilized Tribes as hereinbefore provided. It shall then be the duty of the State court to accept such petition and proceed no further in said suit. The said copy shall be entered in the said district court of the United States within 20 days after the filing of the petition for removal, and the defendants and intervenors in said suit shall within 20 days thereafter plead, answer, or demur to the declaration or complaint in said cause, and the cause shall then proceed in the same manner as if it had been originally commenced in said district court; and such court is hereby given jurisdiction to hear and determine said suit, and its judgment may be reviewed by certiorari, appeal, or writ of error in like manner as if the suit had been originally brought in said district court."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 8831) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. KING. Mr. President, may I inquire of the chairman of the committee whether he regards 3 per cent as a royalty adequate? It seems to me rather insignificant, if I understand the bill, that the Indians should receive but 3 per cent royalty upon the minerals produced.

Mr. SMOOT. This bill was not referred to the department.

Mr. FRAZIER. It is a House bill that passed there with one amendment. I did not understand the Senator's question.

Mr. KING. I inquire of the Senator whether he regards this bill as fair to the Indians. It provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe, to collect a reasonable fee, not exceeding 3 per cent, from Indian lessors for moneys collected as royalties—

And so forth. I am not quite clear as to the purpose of the bill.

Mr. FRAZIER. It was considered fair, and the department recommended it, and no objection at all was made to it.

Mr. SMOOT. I suppose this is the charge made for the collection of the royalties.

Mr. KING. Mr. President, I have found that so many injustices have been done to the Indians that while this may be a very just bill I shall ask that it be temporarily passed over.

The PRESIDENT pro tempore. The bill will be passed over.

A. S. GUFFEY

The bill (H. R. 4203) for the relief of A. S. Guffey was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1899) for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ARTHUR C. LUEDER

The bill (S. 2706) for the relief of Arthur C. Lueder was considered as in Committee of the Whole.

Mr. DENEEN. Mr. President, the House passed a similar bill that came to us yesterday. It is Order of Business No. 582, H. R. 8499. I move that the House bill be substituted for the Senate bill, and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois.

The motion was agreed to.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8499) for the relief of Arthur C. Lueder.

Mr. KING. Mr. President, will the Senator explain the cause of this misfortune? It does seem to me, on a hasty glance, that there may have been some negligence on the part of the postmaster.

Mr. DENEEN. No; the explanation is made on page 1 of the report.

Counterfeit war-savings stamps to the amount of $50,210 were passed upon the postmaster. They collected back all but $19,468.50. A great many of these counterfeit stamps were passed on the Treasury Department itself. That is the first item.

The second item is on page 2, a $100 money order. A duplicate was out.

The third item was $52.50, arising from the cashing of a check of the Veterans' Bureau in favor of Nannie Thornton Worthy.

The fourth item was embezzlement by a subordinate in a substation, amounting to $853.92.

There was no negligence on the part of the postmaster. It was unavoidable.

The PRESIDENT pro tempore. Does the Senator from Illinois wish to propose amendments to the House bill?

Mr. DENEEN. I do.

The PRESIDENT pro tempore. The amendments will be stated.

The CHIEF CLERK. The Senator from Illinois proposes the following amendment:

On page 2, line 1, strike out the initials "J. H." and insert "Mrs. J. J."

The amendment was agreed to.

The CHIEF CLERK. On the same line it is proposed to strike out the words "and paid."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 2706 will be indefinitely postponed.

R. BLUESTEIN

The bill (S. 1428) for the relief of R. Bluestein was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "$1,000" and insert "$978.60," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $978.60 to Abe Tenenbaum, attorney for R. Bluestein, Savannah, Ga., which sum represents the loss sustained by the said R. Bluestein on the bail bond of Frank Holmes, who was afterwards captured and returned to the United States officers by the said R. Bluestein; record of said estreatment of bond is shown in report of clerk of the United States court, L. M. Erwin, at Macon, Ga., January 20, 1925.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES J. WELSH AND OTHERS

The bill (S. 1500) for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James J. Welsh, $1,168.62; Edward C. F. Webb, $5,480; Francis A. Meyer, $1,375.83; Mary S. Bennett, $1,366.67; William McMullin, jr., $361.75; Margaret McMullin, $334; R. B. Carpenter, $108.33; McCoy Yearsley, $746.67; Edward Yearsley, $746.67; George H. Bennett, jr., $388.55; Stewart L. Beck, $3,142.25; William P. McConnell, $7,300; Elizabeth J. Morrow, $827.50; William B. Jester, $698.50; Josephine A. Haggan, $1,327.09; James H. S. Gam, $605.44; Herbert Nicoll, $200; Shallcross Bros., $4,060; E. C. Buckson, $100; Wilbert Rawley, $7,382.70; R. Rickards, jr., Dredging Co., $2,200, out of any money in the Treasury not otherwise appropriated, by reason of the losses and damages caused, respectively, to the said James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co. resulting from the flooding of the lands of said claimants during the years 1924, 1925, and 1926, owing to the settlement and breaching of a dike erected by the Federal Government near the southeasterly entrance of the Chesapeake & Delaware Canal, in New Castle County, in the State of Delaware.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA A. HAUCH

The bill (S. 1368) to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to Martha A. Hauch, on account of tubercular disease contracted in the service as student nurse at the Army School of Nursing, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TULE RIVER INDIAN RESERVATION, CALIF.

The bill (S. 1662) to change the boundaries of the Tule River Indian Reservation, Calif., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 2, to strike out "all of sections 7, 16, 17, 18, 19, 20, 21, and 27, all in township 21 south, range 31 east of the Mount Diablo meridian," and to insert "southwest quarter southwest quarter section 7; all sections 16 and 17; east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southeast quarter section 18; east half northwest quarter, northwest quarter northwest quarter, northeast quarter section 20; northwest quarter northwest quarter section 21; and tract No. 48 in the southeast quarter section 28, all in town-

ship 21 south, range 31 east, of the Mount Diablo meridian in California," so as to make the bill read:

Be it enacted, etc., That the boundaries of the Tule River Indian Reservation, Calif., created by Executive order dated January 9, 1873, are hereby changed so as to exclude from said reservation the following tracts of land, which were shown by the plat of survey approved on the 2d day of February, 1884, to be a part of the public domain, and were duly patented or granted by the United States as such, but were shown by the plat of resurvey approved on the 12th day of March, 1927, to be within the outer boundaries of the said Indian reservation, to wit: Southwest quarter southwest quarter section 7; all sections 16 and 17; east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southeast quarter section 18; east half northwest quarter, northwest quarter northwest quarter, northeast quarter section 20; northwest quarter northwest quarter section 21; and tract No. 48 in the southeast quarter section 28, all in township 21 south, range 31 east, of the Mount Diablo meridian in California.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LAND IN NEVADA FOR INDIAN COLONY

The bill (S. 2084) for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 8, after the word "range," to insert "38"; and on page 2, line 6, after the word "cabins," to insert "building roads in colony," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $500, for the purchase of land in the vicinity of Winnemucca, Nev., described as the north half of the northeast quarter of the southwest quarter of section 29, township 36 north, range 38 east, Mount Diablo meridian, containing 20 acres, more or less, to be used as an Indian colony.

SEC. 2. That there is also authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $2,000, for moving the cabins of Indians residing in the vicinity of Winnemucca, Nev., to the above-described location, for making necessary repairs to said cabins, building roads in colony, and for erecting such new cabins as, in the opinion of the United States Office of Indian Affairs, may be necessary.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2319) for the relief of John W. Stockett was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CARAWAY. Mr. President, just a moment, please. Who was it that objected?

Mr. SMOOT. I objected.

Mr. CARAWAY. Would the Senator object if he had time to examine the bill?

Mr. SMOOT. That is what I want to do.

Mr. CARAWAY. May I explain it to the Senator?

Mr. SMOOT. I would rather have it go over temporarily.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 362) to provide for the advancement on the retired list of the Navy of Lloyd Lafot was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

FRANK DIXON

The bill (S. 1848) for the relief of Frank Dixon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 12, after the word "duty," to insert: "*Provided*, That the said Frank Dixon establishes to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, the said Floyd Dixon, at the time of the latter's death," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Dixon, of Dunkirk, Ind., dependent father of Floyd Dixon, late electrician's mate, third class, United States Navy, the sum of $360, as six months' gratuity pay, which amount would have been paid by act of Congress approved June 4, 1920, but for the omission, through ignorance or error, of his son to designate a proper beneficiary before he was killed in the performance of service duty: *Provided*, That the said Frank Dixon establishes to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, the said Floyd Dixon, at the time of the latter's death.

The amendment was agreed to.

Mr. JONES. Mr. President, I should like a brief explanation of this bill.

Mr. HALE. This is simply a case of a death gratuity going to this man's father, provided dependency is established. It is recommended by the department. No qualified dependent was named.

Mr. SMOOT. Is that usual?

Mr. HALE. Yes.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WYMAN HENRY BECKSTEAD

The bill (S. 2008) for the relief of the parents of Wyman Henry Beckstead was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, after the word "death," to insert: "*Provided*, That said patents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death," so as to make the bill read:

Be it enacted, etc., That the Paymaster General of the Navy is authorized and directed to pay, out of funds appropriated for the pay of the Navy, to the parents of Wyman Henry Beckstead, late radio man, second class, United States Navy, an amount equal to six months' pay, at the rate received by said Wyman Henry Beckstead at the time of his death: *Provided*, That said parents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death.

Mr. JONES. Mr. President, I should like a brief explanation of that bill.

Mr. HALE. That is the same as the other one.

Mr. JONES. The same sort of bill?

Mr. KING. I should like to ask the Senator, if death occurs to any person in the Army or the Navy or the Marine Corps, is it the rule to pay the dependents?

Mr. HALE. Under the law the dependents are allowed a death gratuity of one-half the annual pay of the man who has died in the line of duty.

Mr. KING. Would that be true of every person in the Army?

Mr. HALE. I am talking about the Navy.

Mr. KING. Would it be true of every person in the Navy—a captain, for instance?

Mr. HALE. Anyone who dies from some accident that occurs or in the line of duty.

Mr. KING. If a captain were to die in the line of duty, or a lieutenant or a private, what would be the obligation under the practice to the family?

Mr. HALE. I think they get the same thing.

Mr. FLETCHER. This is six months' gratuity.

Mr. HALE. Six months' gratuity—six months' pay.

Mr. KING. Let me inquire, then: Suppose some captain or major or general in the Army now, while in the discharge of some duty, should meet with an accident?

Mr. HALE. I think he would get the same amount.

Mr. KING. Or suppose he should become ill. Would payment be made?

Mr. HALE. This is a case of death.

Mr. KING. But, I say, if he should become ill and die, would the Government be responsible?

Mr. HALE. If the illness results from something that occurred in the line of duty.

Mr. KING. I think the Senator must be in error.

Mr. BLACK. I suggest that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

VETERANS' HOSPITAL NO. 78, NORTH LITTLE ROCK, ARK.

The bill (S. 2905) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed, upon the con-

veyance to the United States of certain property hereinafter described, to convey to the Big Rock Stone & Material Co., a corporation existing under the laws of the State of Arkansas, part of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., described as follows:

"Beginning at a point 529 5/10 feet east of the northwest corner of section 28, township 2 north, range 12 west, which point is the northeast corner of the 18.09-acre tract of land purchased from the United States by the Big Rock Stone & Construction Co. under authority of an act of Congress approved March 2, 1923; thence south along the east boundary of said 18.09-acre tract, which is also the east boundary of the Big Rock Stone & Material Co.'s property, a distance of 1,927.8 feet; thence south 33 degrees 34 minutes east a distance of 457.7 feet; thence north 6 degrees 10 minutes west a distance of 2,320.8 feet to the point of beginning, comprising a total area of 5 1/10 acres, more or less."

SEC. 2. The Big Rock Stone & Material Co. shall convey to the United States in exchange for the above-described land the following:

"A 5-acre tract of land in section 20; also an adjoining 1.82-acre tract in section 21, all in township 2 north, range 12 west, and more specifically bounded as follows: Beginning at a point 529.2 feet east of the northwest corner of section 28, township 2 north, range 12 west, which point of beginning is the northeast corner of the 18.09-acre tract of land purchased from the United States by the Big Rock Stone & Material Co. under authority of an act of Congress approved March 2, 1923; thence north 60 degrees 27 minutes west a distance of 608.2 feet, to a point 300 feet north of aforesaid northwest corner of section 28, township 2 north, range 12 west; thence approximately 810 feet west to the east bank of the Arkansas River; thence in a southerly direction along the east bank of the Arkansas River to a point approximately 670 feet due west of the aforesaid northwest corner of section 28, township 2 north, range 12 west; thence due east through the aforesaid section corner, a distance of 1,199.2 feet to the point of beginning, comprising a total area of 6.82 acres more or less."

SEC. 3. Upon condition that the Big Rock Stone & Material Co. will conduct no blasting operations nearer United States Veterans' Hospital No. 78 than the extreme southern point of the 5.6-acre tract to be conveyed under the authority of this act from the United States to the Big Rock Stone & Material Co., and upon the further condition that the United States shall have the privilege of using the Arkansas River front of the property heretofore conveyed by the United States to the Big Rock Stone & Construction Co., and of the property conveyed under the authority of this act, for the construction of any revetments, piers, wharves, or similar structures along the banks of the Arkansas River abutting on the land and the free passage over the land to such revetments, piers, or wharves, which may be deemed necessary for the use of the said hospital reservation by the United States Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CARAWAY subsequently said: I ask unanimous consent for the present consideration of the bill (H. R. 10027) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, which the Senate received to-day from the House of Representatives.

There being no objection, the bill was read twice by its title, and the Senate proceeded to consider it as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CARAWAY. I ask unanimous consent that the votes by which the bill (S. 2905) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, was ordered to a third reading and passed may be reconsidered and that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARAWAY. Mr. President, I ask unanimous consent that the report on this bill may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 542, Seventieth Congress, first session]

TRANSFER OF LAND AT VETERANS' HOSPITAL NO. 78, NORTH LITTLE ROCK, ARK.

Mr. SMOOT, from the Committee on Finance, submitted the following report, to accompany S. 2905:

The Committee on Finance, to whom was referred the bill (S. 2905) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States, having had the same under consideration, report it back to the Senate without amendment and recommend that the bill do pass.

Following is a letter from the Director of the United States Veterans' Bureau containing the facts and history of this case. The present bill (S. 2905) is a substitute proposed by the Director of the Veterans' Bureau, to which he refers in the last paragraph of his letter, for a former bill (S. 698) to which his report is directed:

UNITED STATES VETERANS' BUREAU,
Washington, January 4, 1928.

Hon. REED SMOOT,
Chairman Committee on Finance,
United States Senate.

MY DEAR SENATOR SMOOT: I have the honor to refer to your letter of December 12, 1927, transmitting copy of S. 698, a bill to convey to the Big Rock Stone Co. a portion of the hospital reservation of the United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas, requesting a report as to the merits thereof.

The bill proposes to authorize the director of this bureau, upon payment by the Big Rock Stone Co. of such sum as he may determine to be reasonable—but not less than $150 per acre—to convey to the Big Rock Stone Co. a part of the hospital reservation at the United States Veterans' Hospital No. 78, North Little Rock, Ark., as described in detail therein. In this connection the attention of the committee is invited to the attached copy of letter, dated February 10, 1927, addressed to the chairman Committee on World War Veterans' Legislation, House of Representatives, relative to H. R. 11205, the purpose of which was identical with that of S. 698. It will be noted that I advised the committee that I would agree to the transfer of the 12.24 acres described in the bill to the Big Rock Stone Co., provided that company would agree to abandon its blasting operations on land now owned by it which is situated closer to the hospital buildings than the land which they are now anxious to acquire—the specific territory to be designated by the bureau—and provided further that the purchase price be based upon the amount of rock available for quarrying instead of by an arbitrary price of $150 per acre, as contemplated by the bill. It is estimated that there could be quarried and sold on this land approximately 400,000 tons of rock per acre, a total of 5,000,000 tons for the 12.24-acre plot which the Big Rock Stone Co. wishes to acquire. A reasonable price for this rock was fixed at one-half cent per ton, or a price for the whole plot of $25,000.

Subsequent to the advancement of this proposal by the bureau the Big Rock Stone Co. addressed a letter to me in which they offered to transfer to the bureau two tracts of land containing together approximately 6.82 acres, contiguous to the hospital reservation, in exchange for a 5.5-acre strip of land, specifically described in their letter and within the original 12.24 acres they desired to purchase, and with this exchange enter into an agreement to discontinue all blasting operations on property now owned by them situated considerably nearer to the hospital buildings than the land to be acquired by them from the Government.

There is inclosed photostat of a plat showing the present holdings of the United States and the Big Rock Stone Co., respectively, and the tracts which they propose to exchange. Subsequent to the receipt of this offer from the Big Rock Stone Co., I referred the matter to the Federal Board of Hospitalization for their consideration, and on March 7, 1927, that board recommended that the offer of the Big Rock Stone Co. be accepted, the agreement to discontinue further blasting operations on land nearer to the hospital and the removing of said operations to a point north of the most southerly point of the land to be conveyed to them, which is approximately 50 per cent farther away from the hospital than the territory now being quarried, being a consideration of sufficient value.

I therefore recommend to the committee the advisability of making this exchange of property rather than the outright sale of the land described in S. 698, inasmuch as I believe that this transfer would be much more advantageous to the Government than the mere sale of the 12.24 acres.

There is inclosed for the use of the committee draft of a bill, which, if enacted into law, would authorize the exchange described herein.

A copy of this letter is inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

EMPLOYEES' COMPENSATION

The bill (S. 1297) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Alice E. Moore, formerly employed as a dietitian and temporary nurse in the medical department at large, War Department, at

General Hospital No. 6, Fort McPherson, Ga., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BATTLE OF THE BEAR'S PAW

The bill (S. 1796) for the creation of a national monument in Montana, to be known as Battle of the Bear's Paw, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in commemoration of the Battle of the Bear's Paw, at which Gen. Nelson Miles captured Chief Joseph, an Indian, the northwest quarter of section 12, in township 30 north, of range 19 east, Montana meridian, in Montana, the site of such battle, be and is withdrawn from entry and is hereby set aside as and created a national monument, known and designated as Battle of the Bear's Paw; and citizens or any citizen of Montana may, in the discretion of the Secretary of the Interior, by his permission and under his direction, erect thereon a suitable monument, without cost to the United States Government, to be approved by the Secretary of the Interior, commemorative of such battle.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF THE CITY OF PHILADELPHIA

The bill (S. 3500) for the relief of the city of Philadelphia was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Philadelphia, Pa., the sum of $535,716.22, out of any money in the Treasury not otherwise appropriated, in settlement in full of the claims of the said city against the United States for internal-revenue taxes collected under the act of June 30, 1864, and other acts, on dividends upon railroad stocks and interest upon railroad bonds owned by said city and for other internal-revenue taxes wrongfully collected from the said city.

Mr. KING. I ask for an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, a bill similar to this has passed the Senate twice before, once in the Sixty-eighth and once in the Sixty-ninth Congress. The amount of the claim is based on taxes collected from the city of Philadelphia on dividends on sales of gas supplied by the city of Philadelphia to itself.

The city put in a claim for about $2,000,000, which included the taxes required to be paid on gas furnished to private consumers. The committee disallowed that in the Sixty-eighth Congress and reduced the amount to the figures stated in this bill, $535,000.

The claim is based on two items, as I have said. One is the tax on dividends declared by the Philadelphia Gas Works on stock belonging to the city. The other is the tax on sales of gas made by the city to itself. Those taxes were imposed more than 50 years ago. This amount does not include any interest. The case was tried out by the Court of Claims, and this is the amount adjudicated by that court.

Mr. SMOOT. Will not the Senator state why the House has not passed the bill? I know it passed the Senate twice before.

Mr. REED of Pennsylvania. I can not understand, unless it has not been sufficiently pushed in the House. I am hoping that by passing it fairly early in this Congress we can get action in the House.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRITISH STEAMSHIP "LARCHGROVE"

The bill (S. 3506) for the relief of the owners of the British steamship *Larchgrove* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the owners of the British steamship *Larchgrove* against the United States for damages and loss alleged to have been caused by a collision between the said steamship *Larchgrove* and the American steamship *Hawaiian* off Tarifa Point, Spain, on October 27, 1918, may be determined in a suit to be brought by the said owners against the United States in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases; and that said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages, without interest, sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principles and measures of liability, and with costs, as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and upon the receipt of such notice it shall be the duty of the Attorney General to cause the United States attorney in the district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months of the date of the approval of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EAGLE TRANSPORT CO.

The bill (S. 3507) for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.) was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claims of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.) against the United States for damages and loss alleged to have been sustained by them as a result of the collision between the British steamship *San Tirso* and the U. S. transport *Pocahontas*, which occurred in Gravesend Bay, N. Y., on or about December 14, 1917, may be determined in a suit to be brought by the said claimants against the United States in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages, without interest, sustained by reason of said collision, if any such be found to be due either for or against the United States, upon the same principles and measures of liability and with costs, as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court and upon the receipt of such notice it shall be the duty of the Attorney General to cause the United States attorney in the district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months of the date of the approval of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROADS, BRIDGES, AND TRAILS IN ALASKA

The bill (S. 2369) to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That it shall be the duty of the president of the Board of Road Commissioners for Alaska, subject to the approval of the Secretary of War, to prescribe such regulations governing the type of vehicle, weight of load, and speed of travel, as in his best judgment the public necessity may require for the protection of life and property, or properly to safeguard and protect roads, bridges, and related structures constructed or maintained, in whole or in part, from funds appropriated out of money in the Treasury of the United States. Such regulations shall be posted in conspicuous and appropriate places for the information of the public, and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and on conviction thereof, in any district court of the United States within whose territorial jurisdiction such offense will have been committed, shall be punished by a fine not exceeding $500, or be imprisoned (in the case of a natural person) not exceeding six months, in the discretion of the court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGISTERS AND RECEIVERS IN ALASKA

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

Mr. LA FOLLETTE. Mr. President, in the absence of the chairman of the Committee on Territories and Insular Possessions, I ask that the bill may go over without prejudice.

The PRESIDENT pro tempore. The bill will go over.

NATIONAL ORIGINS

The joint resolution (S. J. Res. 113) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, was announced as next in order.

Mr. HEFLIN. Let that go over.

Mr. JOHNSON. Mr. President, I ask the Senator from Alabama if he will not withhold his objection?

Mr. HEFLIN. I withhold the objection.

Mr. JOHNSON. It is imperative that we act without delay upon this measure, if we are to act at all. The proclamation of the President must be made by the 1st day of April, if it is to be made at all. It is a fact that it is uncontroverted that the computations that have been made upon the national-origins proposition are uncertain and inaccurate, and those computations have to be gone over again, and must again be checked. The experts who made them desire this year in which to accomplish the job. This simply postpones for one year the national-origins proposition. I trust the Senator from Alabama will not object.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. JOHNSON. Certainly.

Mr. REED of Pennsylvania. It is correct, is it not, that the joint resolution was reported out by a unanimous vote of the Committee on Immigration?

Mr. JOHNSON. It was reported out by a unanimous vote of the Committee on Immigration, and not only that, but the committee is divided upon the policy. It realized, however, the absolute necessity that this should be done, under the circumstances.

Mr. KING. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. KING. May I say to my friend from Alabama that I have heretofore opposed the national-origins provision, but I think this legislation is imperative, because if that is finally to become a law further information must be obtained, and the expert who testified before the committee insisted that additional information was required. This does not change the status; it does not permit any more immigrants to come into the United States. There is no danger in it to those who believe in restricted immigration, and I think the Senator ought to permit it to pass.

Mr. LA FOLLETTE. Mr. President, I hope the Senator from Alabama will withdraw his objection, in view of the fact that it is admitted on all hands that the figures upon which this information will be based are in need of revision. Personally, I am opposed to the national-origins clause, but that question is not involved in this situation, as I see it. It is admitted by those who have had charge of making up these figures that they are inaccurate, that they are in need of further revision, and certainly the Senator from Alabama would not want a proclamation to be issued upon figures which the very people who made them up admit are in need of further revision and checking before they are made final.

Mr. BLEASE. Mr. President, I hope the Senator will withdraw his objection. I do not think there is any question about my position on immigration. I think everybody pretty well understands that if I had my way every man who was not an American citizen, within the limits allowed by law, would be sent out of this country, and I would not allow any more to come in here for some time to come. That is my position on immigration. But I am a member of the committee, and the chairman has well stated that it is almost impossible to act intelligently on certain bills now before the committee until the department can furnish further information, and that is why the unanimous consent was given to report the chairman's resolution and ask for its passage.

The PRESIDENT pro tempore. Does the Senator from Alabama maintain his objection?

Mr. HEFLIN. Mr. President, in view of the fact that this in no way changes the immigration law, I shall not insist on my objection at this time. I have worked for 20 years in the two Houses to strengthen the immigration law, to restrict immigration, and I do not want any loopholes made in the law by any separate enactments from time to time. Since I am assured that the committee, composed of Democrats and Republicans and Progressives, all agree that this measure should pass at this time, I will not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1928" and inserting in lieu thereof the figures "1929."

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOARD OF VISITORS TO PHILIPPINE ISLANDS

The bill (S. 755) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as next in order.

Mr. BINGHAM. Mr. President, when this bill was reported from the committee, it should have been referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and I ask that that order be made at this time.

The PRESIDENT pro tempore. Without objection, that order will be entered.

RELIEF OF THE STATE OF CONNECTICUT

The bill (S. 3117) for the relief of the State of Connecticut was announced as next in order.

Mr. KING. Let us have an explanation of the bill. It relates to the year 1812.

Mr. BINGHAM. Mr. President, this is the same type of relief exactly which has already been given to the State of New York and to the State of Maryland, and by a vote of the Senate a few days ago to the State of North Carolina.

Mr. SMOOT. Mr. President, I have asked for information in regard to this matter, and I would like to have all these bills go over until I get the information. There are some other measures of the same nature.

Mr. BINGHAM. The only other bill was one relating to North Carolina, which the Senator permitted to pass.

Mr. SMOOT. I was not here, and that is the reason why it passed.

Mr. BINGHAM. It seems to me this is exactly the same kind of relief that was given to three or four other States.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. SMOOT. Yes; I insist on my objection.

The PRESIDENT pro tempore. The bill will be passed over.

MOUNT M'KINLEY NATIONAL PARK

The bill (H. R. 8126) to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park in the Territory of Alaska," approved February 26, 1917, was considered as in Committee of the Whole.

Mr. LA FOLLETTE. I would like to have an explanation of the bill.

Mr. BINGHAM. It relates to the construction of roads in the McKinley National Park in the Territory of Alaska.

Mr. JONES. I suggest to the Senator from Connecticut that the first part of the measure removes the $10,000 limitation which now runs against the McKinley Park.

Mr. BINGHAM. I was about to explain the object of the removal of that limitation. It is due to the fact that, owing to the peculiar climatic conditions in Alaska, when a road is to be built, it is impossible to build the road within less than three years, because the first year the moss must be removed, the next year the ice under the moss must be given a chance to melt, and the third year we get the road built. That is the reason of the necessity for removing the limitation.

Mr. LA FOLLETTE. With that explanation, I withdraw my objection.

Mr. REED of Pennsylvania. Mr. President, that has nothing to do with the second section. Will not the Senator explain that?

Mr. BINGHAM. The second section is in order to permit prospectors and miners engaged in prospecting and mining, who need game for their actual necessities when short of food, to kill game or birds in the park. In no case are birds or animals killed in the park to be removed therefrom or sold, nor are they to be killed wantonly. It is only to permit prospectors and miners, when in need of the actual necessities of life, to kill game in the park. It seems to us a very reasonable provision.

Mr. REED of Pennsylvania. But the effect of this is to repeal the law which permits them to kill the animals and birds.

Mr. BINGHAM. This bill was reported by the Senator from Ohio [Mr. WILLIS], and in his absence I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, there are only two or three more pages of the calendar, and many of the measures are bridge bills, and I ask unanimous consent that we continue for 15 minutes on the calendar, if necessary, to complete consideration of unobjected bills.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

COMMANDER ALBERT CUSHING READ

The joint resolution (S. J. Res. 51) tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic

airplane flight, and providing for his advancement on the list of commanders of the Navy, was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the thanks of Congress are hereby tendered to Commander Albert Cushing Read, United States Navy, for his success in accomplishing the first trans-Atlantic airplane flight.

SEC. 2. The President is hereby authorized to advance Commander Albert Cushing Read, United States Navy, 10 numbers on the list of commanders of the Navy, to rank next after Commander Aubrey Wray Fitch. Said Albert Cushing Read shall be an additional number in the grade of commander, and in any grade to which he may hereafter be promoted.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF WYMAN HENRY BECKSTEAD

Mr. HALE. Mr. President, I ask unanimous consent to return to Senate bill 2008, for the relief of the parents of Wyman Henry Beckstead. This is the death gratuity case which was reached a few moments ago.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, after the word "death," to strike out the period and insert a colon and the words "*Provided*, That said parents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death," so as to make the bill read:

Be it enacted, etc., That the Paymaster General of the Navy is authorized and directed to pay, out of funds appropriated for the pay of the Navy, to the parents of Wyman Henry Beckstead, late radio man, second class, United States Navy, an amount equal to six months' pay at the rate received by said Wyman Henry Beckstead at the time of his death: *Provided*, That said parents establish to the satisfaction of the Secretary of the Navy that they were actually dependent upon the said Wyman Henry Beckstead at the time of his death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NINA MACDONALD AND OTHERS

The bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$166.46" and to insert in lieu thereof "$40.46"; on page 2, line 1, to strike out "$468.46" and insert "$351.35."

The amendments were agreed to.

Mr. SMOOT. Mr. President, there is no report on the bill in my file. The Senator from New York, who introduced the bill, is absent, and therefore I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ALFRED O. HUESTIS

The bill (S. 1207) for the relief of Alfred O. Huestis was announced as next in order.

The PRESIDENT pro tempore. That bill was reported adversely, and without objection, it will be indefinitely postponed.

JACOB F. WEBB

The bill (H. R. 5255) for the relief of Jacob F. Webb was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION AT MILITARY POSTS

The bill (H. R. 7944) to authorize appropriations for construction at military posts, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING. Mr. President, I would like to inquire, in view of the fact that we appropriated a short time ago a considerable amount for military construction, what is the necessity for this further appropriation?

Mr. REED of Pennsylvania. This is to complete the construction already authorized and commenced at Fort Humphreys. In the Sixty-ninth Congress $500,000 was appropriated. The appropriation bill which went to the President last week carried $160,000 more, and this authorization is all that is necessary to complete all of the construction at Fort Humphreys. It will round out and complete the work already begun.

Mr. FLETCHER. It is merely an authorization. The department merely wants to know that the money will be ready when needed.

Mr. SMOOT. This has nothing to do with the $4,000,000 authorized the other day.

BILLS INDEFINITELY POSTPONED

The bill (H. R. 3049) for the relief of Alexander Ashbaugh was announced as next in order.

The PRESIDENT pro tempore. The bill was reported adversely, and without objection it will be indefinitely postponed.

The bill (H. R. 4280) to correct the military record of John W. Cleavenger, deceased, was announced as next in order.

The PRESIDENT pro tempore. The bill was reported adversely, and without objection it will be indefinitely postponed.

ST. VINCENT'S ORPHAN ASYLUM

The bill (S. 2511) to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of Congress amending the act incorporating St. Vincent's Orphan Asylum, approved on the 22d day of June, 1910, be, and it hereby is, amended as follows:

"The name of said corporation shall be St. Vincent's Home and School.

"SEC. 2. The purpose of said corporation shall be to care for and educate orphan, indigent, and other female children under 18 years of age under such rules and regulations as it may adopt.

"SEC. 3. All property now vested in St. Vincent's Orphan Asylum as incorporated as aforesaid is hereby vested in and confirmed to St. Vincent's Home and School as reincorporated by this act. Said corporation shall have power to acquire, hold, and convey such real estate as it may deem proper for its said purposes and to hold such personal property as it may use, or use the income from, for said purposes, and to take and hold real estate and personal property by grant, devise, or bequest: *Provided*, That any real estate granted or devised to it and not used for its corporate purposes shall be sold and conveyed away within five years after the date of such devise.

"SEC. 4. Cornelius F. Thomas, Michael J. Riordan, Samuel Joseph Henry, Paul E. Johnson, O. H. Perry Johnson, Peter A. Drury, Michael F. Calnan, William P. Normoyle, E. Francis Riggs, Joseph E. Ransdell, B. Francis Saul, James F. Shea, and William H. De Lacy are hereby constituted and confirmed as the said corporation and as trustees to manage the said corporation. When a vacancy occurs in their number they may fill such vacancy, and they may increase or diminish their number from time to time as they may deem expedient. They shall elect a president, a secretary, and a treasurer from their number, adopt a corporate seal, and make all needful by-laws and rules and regulations for the institution to be conducted by said corporation.

"SEC. 5. That the proviso in section 1 of said act of Congress approved on the 22d day of June, 1910, and all parts of said act inconsistent with this act are hereby repealed.

"SEC. 6. The right is reserved to alter, amend, or repeal this act."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3116) providing for half holidays for certain Government employees was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The bill (H. R. 232) to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the act approved June 7, 1924, is hereby amended to read as follows:

"The following persons shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the Board of Managers, namely: Honorably discharged officers, soldiers, sailors, or marines, including women commissioned or enlisted, and Army and Navy nurses under commission, enlistment, appointment, assignment, or contract since April 21, 1898, who served in the regular, volunteer, or other forces of the United States, or in the Organized Militia or National Guard when called into Federal service, and who are disabled by dis-

ease or wounds and who have no adequate means of support, and by reason of such disability are either temporarily or permanently incapacitated from earning a living."

Mr. SMOOT. May we have an explanation of the bill?

Mr. REED of Pennsylvania. The only effect of the bill is to carry out the intention, which the Congress had in its last revision of the law, to take care of nurses of the Civil and Spanish Wars. At present there are about 30 of these old ladies in the home now, and it was believed by everybody that they had a right to be there, but the Comptroller General recently ruled that a strict construction of the law would not permit them to be there.

Mr. SMOOT. The reason why I asked for an explanation was because I thought it had reference to certain veterans. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERMANENT CONSTRUCTION AT MILITARY POSTS

The bill (H. R. 6094) to amend section 7 of Public Act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second proviso of section 7 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes" (44 U. S. Stat. 203), approved March 12, 1926, be, and the same is hereby, amended so as to authorize the Secretary of War to grant to the State of Louisiana a period of six years for the purpose of exercising the State's option in the purchase of Jackson Barracks.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the Senator from Pennsylvania [Mr. REED] may make an explanation of the bill just passed.

Mr. REED of Pennsylvania. I shall be glad to do so if it does not encroach upon the rights of the Senator who has charge of the bill. He may wish to explain it.

Mr. FLETCHER. Mr. President, the bill has been passed, but I have no objection to making a brief explanation. It merely extends the time for the National Guard of Louisiana under an agreement to buy this old fort. The Government does not want it and has agreed with the National Guard to sell it to them at a certain price. They have not quite got the money, but will have it within the extended time.

Mr. REED of Pennsylvania. The reason of the committee for authorizing the extension of the time and reporting the bill favorably is that the State of Louisiana at present is under such heavy expense because of the flood that it seemed to justify an exception.

COMMISSIONS FOR BANDMASTERS

The bill (S. 750) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

Be it enacted, etc., That section 6 of the national defense act of June 3, 1916, as amended, is amended by adding to the end thereof the following:

"In addition there shall be created a new rank of bandmaster in the United States Army in lieu of the present warrant-officer band leaders, who shall be appointed and commissioned bandmasters by the President, by and with the advice and consent of the Senate.

"SEC. 6a. Chief bandmaster: A chief bandmaster shall be selected from among experienced Army bandmasters of the service by the Secretary of War, to serve until relieved by the Secretary of War, and shall have the assimilated rank, pay, and allowances of a major, fourth pay period, while so serving. He is charged with the duty for the uniform administration of the Army Music School and all authorized Army bands, and shall advise The Adjutant General on all matters relating to the musical organizations in the Army.

"SEC. 6b. Bandmasters: Bandmasters hereafter commissioned under the above section shall be entitled to the same benefits in respect to pay, allowances, and retirements as are applicable to commissioned officers of the various grades to which they are assimilated with, as follows: Less than 3 years, first pay period, to rank with second lieutenants; 3 to 10 years, second pay period, to rank with first lieutenants; over 10 years, third pay period, to rank with captains. All prior active band-leader service, commissioned and enlisted, shall be credited toward computing the pay period present band leaders shall receive on first appointment. There shall be one bandmaster for each authorized band of the Army, and eight additional bandmasters for duty with the Army Music School as instructors. Appointment as bandmasters shall be made, first, from band leaders now in the service who are found to be physically qualified; second, subject to such examination as the President may prescribe from noncommissioned officers and other enlisted musicians who have had at least 10 years' service in Army bands, with preference to such appointments to qualified graduates of the Army Music School."

SEC. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act.

SEC. 3. This act shall take effect on the 1st day of the third month next following its enactment.

SEC. 4. This act may be cited as the "Army bands act."

Mr. KING. Mr. President, may we have an explanation of the bill?

Mr. LA FOLLETTE. Will the Senator from Connecticut explain the bill briefly?

Mr. BINGHAM. The bill is similar to one in regard to Army bandmasters which passed the Senate at the last session in May, 1926. It does for the bandmasters what the Congress has done for chaplains in the Army. Instead of giving the bandmaster the title of lieutenant or captain, as he has in the military bands in other countries of the world, it gives him the title of bandmaster, but with the rank of first lieutenant or second lieutenant according to the length of time he has been in the service. A very distinguished bandmaster, John Philip Sousa, appeared before the committee and stated to us that in his opinion it was extremely important to increase the morale of the service by permitting bandmasters in the Army to have a commissioned rank. Our attention was brought to the fact that when the Canadian bands came to Washington last summer with other parts of the Canadian forces, the bandmasters were entertained by the bandmasters of the American Army. When they were invited to attend a luncheon at the Army and Navy Club, the Canadian bandmasters, having the rank of commissioned officers, were permitted to go into the club for lunch, but their hosts, the bandmasters of the American Army, had to leave them at the threshold of the club.

The only objections to the bill are the objections that have been made to giving commissions to chaplains of the Army. The committee, having given the matter full consideration and had hearings, has unanimously recommended that the bill should pass.

Mr. KING. Does not the Senator think the Army and Navy Club should modify its rules in a democratic country like this? I can not understand why a man who is a musician and leads the band, simply because he does not have a rank, may not go in and sit down with the others in that club, whether they be second lieutenants or generals. I think it is not to the credit of any club or of our institutions to permit such discrimination.

Mr. BLEASE. Mr. President, will the Senator permit a question?

Mr. KING. Certainly.

Mr. BLEASE. Does the Senator know that there are certain clubs in this city which handle whisky to suit themselves, while others can not even get a look at it?

Mr. KING. That is not germane to the question I was discussing.

Mr. BLEASE. It is the same proposition. It is merely a matter of partiality.

Mr. KING. If the reason suggested by the Senator from Connecticut is the only one that is offered, I am not satisfied with the explanation.

Mr. BINGHAM. I shall be very glad to explain still further. The committee went into the question quite fully, and is of the opinion that one of the difficulties with the music situation in the Army is that we can not get the high standard of musicians to go into the service and be bandmasters because they are never permitted to secure commissions, as they could do in the band of any other army in the world.

Mr. CARAWAY. And that is about the only branch of the service where they can not get a commission, is it not?

Mr. BINGHAM. I believe it is.

Mr. CARAWAY. And it does not cost the Government a cent more?

Mr. BINGHAM. Very little more.

Mr. SMOOT. Mr. President, I want to ask the Senator if there are any other organizations in the Army or Navy that are going to come here and ask that they be advanced one grade in this way? My experience in the Senate has been that they start somewhere down the line and get advanced a grade, and then, because they have been advanced one grade, everybody in the line above them in the Army and the Navy have to be advanced one grade, too. That seems to have been the policy.

Mr. BINGHAM. The bill does not do for the bandmasters as much as we have done for chaplains, veterinarians, and dentists.

Mr. SMOOT. But they will be back to get more, and in the meantime if we take the chaplains and others and increase them again as we seem to do at nearly every session of Congress, the bandmasters will be back again in due time and ask to be advanced again.

Mr. BINGHAM. I hope the Senator will not object.

Mr. SMOOT. No; I am not going to object, because the evil has been done and there is apparently no hope of curing it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOAN OF AERONAUTICAL EQUIPMENT AND MATERIAL

The bill (S. 2611) to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, to strike out the word "him" and insert in lieu thereof the words "the President"; and in line 6, after the word "available," insert the words "and as are not obtainable as commercial articles in the open market"; and on page 2, line 4, after the word "thereof," to insert the words "in good order," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to loan, under regulations to be prescribed by the President and without cost to the United States, such articles of aeronautical equipment or material as may be available and as are not obtainable as commercial articles in the open market, to American manufacturers or designers of aircraft or others engaged in research work in connection with aeronautics for the purpose of assisting in the development of aeronautics, and the Secretary of War shall require in each case from every manufacturer, institution, or person a bond in the value of the property issued for the care, safe-keeping, and return thereof in good order to the United States when required.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED

The bill (S. 2256) authorizing the President to order Clifton E. High, late first lieutenant, Medical Corps, United States Army, before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation, was announced as next in order.

The PRESIDENT pro tempore. The bill was reported adversely, and without objection it will be indefinitely postponed.

SCHOFIELD BARRACKS, HAWAII

The bill (H. R. 7932) to authorize appropriations for construction at military posts, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $65,000, to be expended for the construction and installation at Schofield Barracks, Hawaii, of nurses' quarters and utilities and appurtenances thereto.

Mr. KING. Mr. President, may I inquire of the Senator from Pennsylvania why we have these bills for particular stations and buildings when we had a general bill the other day carrying millions of dollars for such purposes? Why was not this included in the general bill?

Mr. REED of Pennsylvania. It ought to have been included, but it was not sent to us by the War Department in time. The need for this item arises from the fact that while the hospital at Schofield Barracks in Hawaii has been finished, no adequate provision exists within several miles for the housing of the nurses. The bill authorizes $65,000 for the completion of nurses' quarters there at the hospital. It carries no other item.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLIFFORD D. HAM

Mr. BLAINE. Mr. President, I ask unanimous consent to return to Calendar 541, the bill (S. 1899) for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$7,715.85" and insert in lieu thereof "$5,300," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,300 to Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua, for damages to the wharf at Corinto, Nicaragua, caused by the U. S. S. *Quail*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2823) amending the Statutes of the United States with respect to reissue of defective patents was announced as next in order.

Mr. CARAWAY. Mr. President, I do not think we ought to rewrite the patent law without knowing what we are doing about it.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. FESS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXEMPTION OF AMERICAN INDIANS FROM IMMIGRATION ACT

The bill (S. 716) to exempt American Indians born in Canada and American Indians born in Mexico of tribes formerly settled in the United States from the operation of the immigration act of 1924 was considered as in Committee of the Whole. The bill had been reported from the Committee on Immigration with amendments, on page 1, line 4, after the word "Canada," to strike out the words "or of American Indians born in Mexico of tribes formerly settled in the United States"; and on page 1, line 6, after the words "United States," to add the words "*Provided*, That this right shall not extend to persons whose membership in Indian tribes or families is created by adoption," so as to make the bill read:

Be it enacted, etc., That the immigration act of 1924 shall not be construed to apply to the right of American Indians born in Canada to pass the borders of the United States: *Provided*, That this right shall not extend to persons whose membership in Indian tribes or families is created by adoption.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to exempt American Indians born in Canada from the operation of the immigration act of 1924."

BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at or near Melville, La.;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Hidgon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River, between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; and

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.

BILL PASSED OVER

The bill (H. R. 5721) authorizing E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

ST. FRANCIS RIVER BRIDGE, ARKANSAS

The bill (H. R. 9365) to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "at," to strike out the words "or near"; and on page 1, line 6, after the word "plans," to strike out the words "approved and," so as to make the bill read:

Be it enacted, etc., That the free highway bridge now being constructed by the Arkansas Highway Commission across the St. Francis River at Marked Tree, in the county of Poinsett, Ark., if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, shall be a lawful structure and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to legalize a bridge across the St. Francis River at Marked Tree, in the county of Poinsett, Ark."

BILL RECOMMITTED

The bill (S. 3462) granting the consent of Congress to the Maysville Ohio River Bridge Co., its successors and assigns, to construct a bridge across the Ohio River at or near Maysville, Ky., was announced as next in order.

Mr. FESS. Let the bill go over.

Mr. JONES. I understand there have been two bills which have been passed providing for bridges at practically the same point. I ask that the bill may be referred back to the Committee on Commerce to enable us to look into the situation more fully.

The PRESIDENT pro tempore. Without objection, that order will be entered.

WHITE RIVER BRIDGE AT COTTER, ARK.

The bill (S. 3511) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after the word "at," to insert the words "or near"; and in line 7, after the word "Arkansas," to strike out the words "and within one-half mile below the Missouri Pacific Railway Co.'s bridge across such river at such point, in the counties of Baxter and Marion, in the State of Arkansas," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across White River, at a point suitable to the interest of navigation, at or near Cotter, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That if tolls are charged for the use of such bridge constructed under the authority of this act, the State Highway Commission of Arkansas may so adjust the rate of toll to be charged as to produce sufficient revenue to maintain, operate, and repair the bridge and repay the original cost of construction of the same, including any interest paid on borrowed money and discounts necessarily required in financing such original construction, and shall, after the repayment thereof, operate such bridge as a free bridge.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark."

ALPHA NEWELL

The bill (S. 140) for the relief of Alpha Newell was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, at the request of the Senator from California [Mr. SHORTRIDGE], I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

MONONGAHELA RIVER BRIDGE, PITTSBURGH, PA.

The bill (H. R. 9761) to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge across the Monongahela River at or near Pittsburgh, Pa., authorized to be built by the county of Allegheny by an act of Congress approved January 31, 1925, is hereby extended three years from the date of the approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The call of the calendar is completed.

PROTECTION OF MIGRATORY BIRDS

Mr. CURTIS. Mr. President, at the request of the Senator from South Dakota [Mr. NORBECK], I move that the Senate proceed to the consideration of Senate bill 1271, being what is known as the migratory bird bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

Mr. KING. What is the motion?

The PRESIDENT pro tempore. To make the migratory bird bill the unfinished business of the Senate.

Mr. DILL. What became of the bill yesterday?

The PRESIDENT pro tempore. The motion to proceed to its consideration died with the adjournment last night. The question is on agreeing to the motion of the Senator from Kansas.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fess	McNary	Shipstead
Barkley	Fletcher	Mayfield	Shortridge
Bayard	Frazier	Metcalf	Simmons
Bingham	George	Moses	Smith
Black	Gerry	Neely	Smoot
Blaine	Gould	Norbeck	Steck
Blease	Hale	Norris	Steiwer
Borah	Harris	Nye	Stephens
Bratton	Harrison	Oddie	Swanson
Brookhart	Hayden	Overman	Tydings
Broussard	Heflin	Phipps	Tyson
Capper	Johnson	Pittman	Wagner
Caraway	Jones	Ransdell	Walsh, Mass.
Couzens	Kendrick	Reed, Mo.	Walsh, Mont.
Curtis	Keyes	Reed, Pa.	Warren
Cutting	King	Robinson, Ark.	Waterman
Deneen	La Follette	Robinson, Ind.	Watson
Dill	McKellar	Sackett	Wheeler
Edge	McLean	Schall	
Edwards	McMaster	Sheppard	

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Kansas.

Mr. DILL. Mr. President, I do not intend to make a speech at this time against the adoption of the motion of the Senator from Kansas, but I do want to call attention to the fact that this bill, in my judgment, holds within itself the most dangerous proposal to the freedom of the ordinary citizen in enjoying a little sport of any legislation that has ever been before the Senate. It would require, if it became a law, every man who goes out to hunt, regardless of what his real intention may be, to have a license in order to be safe from the Federal game warden taking his gun. It would permit the Federal game wardens not merely to supervise the reserves belonging to the Federal Government, but to go out in any part of any State and interfere with hunters anywhere. In the third place, it would permit the Secretary of Agriculture to make regulations about hunting not only in the Federal game reserves but all over the United States.

I do not believe that the Members of the Senate realize how serious this bill may become if it shall be enacted into law and its provisions shall be carried out as they probably will be carried out. I repeat, I am not going to discuss the bill at length on the motion of the Senator from Kansas, but I do want Senators to realize that, unless the bill shall be amended so that it will be a migratory bird reserve bill and not a Federal license hunting bill, it is a bill that ought to be killed.

Mr. BORAH. Mr. President, I presume the Senator from Washington will later discuss the bill, and I, therefore, shall not now ask him the question that I was going to ask.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Kansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. NORBECK. Mr. President, I do not want any misunderstanding about this measure. There have been many reports circulated concerning it which are misleading. First, let it be understood that this bill does not in any way regulate or circumscribe the game limit; that is left just where it has been. There may be room for difference of opinion as to whether or not it should be further reduced; but the point is that the subject is not dealt with in this bill.

I repeat what I said yesterday, that this is primarily a bill to secure bird preserves in order that the migratory birds may have some nesting places. We entered into an agreement with Canada in connection with migratory birds. That country has established some forty-odd bird sanctuaries besides other preserves. Thousands of square miles have gone into those preserves. On the other hand, the situation is most acute in this country.

I wish to say that the Senator from Washington and I have talked over some of the objections which he has raised, and in order to clear up any misunderstanding I am perfectly willing to agree to an amendment as to one matter. After all, there is no important difference between us. The question is, Shall the law be better enforced than it is now or shall it not be? That is one question. Another one is, Shall we establish bird preserves; and if so, where will we get the money? The bill proposes to get it from Federal licenses. If I knew of any other way to get it it would suit me better.

The Senator complains of provisions under which regulations may be prescribed by the Department of Agriculture. He and I in the past have supported bills carrying the same kind of power as to the promulgation of regulations.

Mr. DILL. Can the Senator refer to any law under which the Secretary of Agriculture or any other Secretary has a right to make regulations affecting the entire United States under which men may be arrested and fined and jailed without their knowing anything about those regulations?

Mr. NORBECK. There have been other bills here relating to bird preserves that have carried the same right of regulation.

Mr. DILL. But this bill refers to the territory outside of the preserves as well as in them.

Mr. NORBECK. Let me ask, if that is the Senator's objection, suppose we change that provison, will the Senator then agree to suport the bill?

Mr. DILL. Oh, that is only one of my objections.

Mr. NORBECK. Oh, yes.

Mr. DILL. If this bill shall be properly amended, I will support it.

Mr. NORBECK. We can understand each other.

Mr. DILL. The Senator knows that I am in favor of migratory bird preserves. The only reason the Senator continually talks about migratory bird preserves is because he knows that is popular; but when it comes to talking about objections to this bill, the Senator wants to waive them aside. If the objectionable provisions shall be taken out of the bill, I will be glad to vote for it.

Mr. NORBECK. I am asking the Senator whether, if particular objections are removed, the Senator's support of the bill will be enlisted?

Mr. DILL. My first objection to this bill is that it requires a Federal license for hunters outside the preserves.

Mr. NORBECK. That is merely to provide the money, and unless we can get the money to administer the bill we had just as well strike out its enacting clause.

Mr. DILL. I believe that these preserves can be provided for out of the Treasury of the United States just as the bill which was passed in relation to a bird preserve in the State of Utah provided.

Mr. NORBECK. It passed the Senate twice, but never got through the House.

Mr. DILL. There is no assurance that this bill will get through the House, either.

Mr. NORBECK. This bill passed the House once at a previous session.

Mr. DILL. It passed the House once before, but then it was not so objectionable as it is now.

Mr. BORAH. Mr. President, do I understand the Senator from Washington to say that under this bill the Secretary of Agriculture is given the power to make rules and regulations, the violation of which will constitute a crime?

Mr. DILL. This bill provides two kinds of regulations, the violation of which would constitute a crime. One set of regulations affects the bird preserve, for violation of which the offender may be punished by a $500 fine and six months in jail. The other regulations affect territory outside the preserves. For violation of those regulations the offender may be fined for the first offense $10, for the second offense $25, and for the third offense $50. There is no provision that requires these regulations to be published for any particular length of time. There is no provision that makes it possible for the ordinary citizen to know what they are. I submit there is no law on the statute books of this country that gives an administrative officer the power to make regulations affecting the whole country, as this bill provides, a violation of which constitutes a crime.

The Senator from South Dakota yesterday started in to explain his bill, and I thought probably he would want to do that before we discussed it in detail.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). The Secretary will state the amendments of the committee.

The CHIEF CLERK. On page 3, line 13, before the word "for," it is proposed to strike out "device" and insert "devise."

Mr. DILL. I have no objection to that amendment.

The amendment was agreed to.

The CHIEF CLERK. On page 5, line 18, after the word "or," it is proposed to insert "occupy or use any part thereof, or."

Mr. DILL. Mr. President, I wish the Senator from South Dakota would explain his reason for that amendment.

Mr. NORBECK. If the Senator will refer to the committee report, he will find the explanation in that.

Mr. DILL. I should be very glad if the Senator from South Dakota would make the explanation.

Mr. NORBECK. I will read it for the Senator.

One of the amendments pending makes inviolate for all time 60 per cent of the area acquired. The bills presented in the past have provided that with a surplus of game there might be shooting privileges. This bill provides that at least 60 per cent of the area shall be inviolate against any shooting privilege.

Mr. DILL. Mr. President, this provision says "That no person shall * * * occupy."

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. NORBECK. I do.

Mr. DILL. This amendment says that nobody "shall * * * occupy." What does the word "occupy" mean—that he shall not set his foot upon the reservation?

Mr. NORBECK. We talked that over very thoroughly when the other bill was up. It was a question of how much trespass might be allowed. There the provision was that trespass might be forbidden by the order of the Secretary. It was felt that no more than a certain amount of running over these grounds could be allowed if they were to be truly bird preserves. Does the Senator find objection to that part of it?

Mr. DILL. I wanted to know how broad the Senator from South Dakota thought that provision was. I have no objection to any legislation in regard to these migratory-bird preserves that will protect the bird preserves and will protect the use of the bird preserves, but I do not like to see legislation here, under the guise of protecting these bird preserves, that interferes with everything else that people may want to do.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. REED of Missouri addressed the Senate. After having spoken for some time—

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Fletcher	McLean	Sheppard
Bingham	Frazier	McMaster	Shipstead
Black	George	McNary	Simmons
Blaine	Gerry	Mayfield	Smith
Blease	Gillett	Metcalf	Steiwer
Bratton	Gooding	Moses	Stephens
Brookhart	Hale	Neely	Tyson
Broussard	Harris	Norbeck	Wagner
Couzens	Hayden	Nye	Walsh, Mont.
Curtis	Heflin	Oddie	Warren
Cutting	Johnson	Overman	Waterman
Dale	Jones	Pittman	Watson
Deneen	Keyes	Reed, Mo.	Wheeler
Dill	King	Reed, Pa.	
Edge	La Follette	Robinson, Ind.	
Fess	McKellar	Schall	

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House insisted upon its amendments to the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PARKER, Mr. DENISON, and Mr. PARKS were appointed managers on the part of the House at the conference.

THE AUSTRIAN DEBT (S. DOC. NO. 75)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I am submitting herewith for your consideration a copy of a report of the Secretary of the Treasury regarding the action proposed to be taken by the Government of the United States in respect of the debt of Austria to this Government.

The action proposed by the Secretary of the Treasury has my approval. I recommend that the Congress enact the legislation necessary to enable the United States to join with the other relief creditors in permitting Austria to obtain the additional capital urgently needed for continuing its economic reconstruction, and to authorize the Secretary of the Treasury to conclude an agreement for the settlement of Austria's debt to the United States.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 20, 1928.*

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the United States Civil Service Commission, transmitting, pursuant to law, a schedule of useless papers in the offices of the commission which are not needed in the transaction of public business and have no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. DALE and Mr. MCKELLAR members of the committee on the part of the Senate.

CUMBERLAND RIVER BRIDGE, TENNESSEE

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

TENNESSEE RIVER BRIDGE, MARION COUNTY, TENN.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

TENNESSEE RIVER BRIDGE, KNOX COUNTY, TENN.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road, in Knox County, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

TENNESSEE RIVER BRIDGE, TENNESSEE

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road, in Henry and Steward Counties, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

CUMBERLAND RIVER BRIDGE, TENNESSEE

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road, in Stewart County, Tenn., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. DALE, and Mr. SHEPPARD conferees on the part of the Senate.

ANDREW W. MELLON, SECRETARY OF THE TREASURY

Mr. COUZENS. I offer a resolution and ask to have it read and lie over under the rule.

The PRESIDENT pro tempore. Without objection, the resolution will be received and the clerk will read it.

The Chief Clerk read the resolution (S. Res. 173), as follows:

Whereas the Senate of the United States has since October 23, 1923, been investigating the disposition of our naval oil reserves; and

Whereas for nearly all of this time there have been new developments until up to the present time there has been disclosed the worst trail of fraud and corruption in public life that has existed in our history; and

Whereas for considerably over four years Andrew W. Mellon, Secretary of the Treasury, has been familiar with the relationship of Harry F. Sinclair to the Republican National Committee of that period, and which relationship disclosed that the said committee received at least $160,000 of Liberty bonds from Harry F. Sinclair to pay the committee's indebtedness for the 1920 campaign; and

Whereas in November, 1923, Andrew W. Mellon was informed of the source of these bonds and received from the chairman of said committee $50,000 of the bonds; and

Whereas it is true that he returned these bonds, yet he at no time revealed this information until it was indicated from another source; and

Whereas the Interstate Commerce Committee of the Senate have been holding hearings on Resolution 105, to investigate the conditions in certain bituminous-coal fields; and

Whereas in the course of this investigation the Pittsburgh Coal Co., a Mellon enterprise, it has been disclosed, has done everything it could to defeat obtaining accurate findings as to its mines by the issuance of the following order:

"To all mine superintendents:

"The United States Senate investigating committee is now visiting the Pittsburgh district. Clean up all unsightly conditions. Keep our police in the background. Avoid all arrests. Instruct our men to keep out of trouble. If the committee desires to question any of our employees, see to it that you present men you can trust and who can be depended upon to give the right kind of answers. If you are examined by the committee, do not answer any questions you think might be harmful to our interests. The company will protect you. The company has mailed a spirited letter to each individual employee. If you know of any unsatisfactory condition in company camps or barracks, see that it is eliminated at once.

"(Signed) THE PITTSBURGH COAL CO."

And

Whereas the Senate of the United States has condemned the expense of $786,934 in behalf of WILLIAM S. VARE in a recent election contest in Pennsylvania, and yet in the same contest $1,804,979 was expended in behalf of another candidate; and

Whereas Andrew W. Mellon was a large contributor to this campaign, was a participant as a speaker, and defended contributions to this campaign on the ground that they were like unto contributions to a church; and

Whereas section 243 of the Revised Statutes of the United States makes it a criminal offense for "any person appointed to the office of the Secretary of the Treasury" to be "directly or indirectly concerned or interested in carrying on the business of trade or commerce"; and

Whereas Andrew W. Mellon, Secretary of the Treasury, is a stockholder and therefore is "directly and indirectly interested in carrying on the business of trade or commerce" in corporations such as Gulf Oil Corporation, Gulf Refining Corporation, Gulf Production Co., Gulf Pipeline Co., Gulf Refining Co. of Louisiana, Gypsy Oil Co., Gulf Pipeline Co. of Oklahoma, Mexican Gulf Oil Co., Southern American Gulf Oil Co., Panama Gulf Oil Co., Aluminum Co. of America, and other corporations named by former Senator Ernst in a speech prepared in the Treasury Department and as recorded in the CONGRESSIONAL RECORD of March 14, 1925; and

Whereas the Senate of the United States in the only analogous case of record declared that the Secretary of the Treasury could not be financially interested in trade or commerce; and

Whereas the Government of the United States was defrauded out of $91,000 in the tax case of the Mellon National Bank, the Union Trust Co., and the Union Savings Bank while Andrew W. Mellon was Secretary of the Treasury; and

Whereas Andrew W. Mellon, as Secretary of the Treasury, benefited through indefensible decisions in the tax case of the Gulf Oil Co., as disclosed by the select committee of the Senate appointed to investigate the Bureau of Internal Revenue; and

Whereas there was much evidence of corruption, favoritism, violation of the law, and illegal settlements with certain large taxpayers reported by the select committee of the Senate appointed to investigate the Internal Revenue Bureau; and

Whereas Andrew W. Mellon was responsible for this condition; and

Whereas throughout all of the administration of said Andrew W. Mellon there runs an indifference to the law, a contempt for the law, a defiance of law; and

Whereas an indifference to law, a defiance of law, and contempt for law upon the part of those sworn to uphold and defend the Constitution and laws of the United States breeds and encourages indifference and disrespect for law upon the part of other employees of the Government and upon the part of citizens and thereby contributes to and does undermine and eventually will destroy the Government of the United States; and

Whereas the Senate of the United States has confirmed the appointment of Andrew W. Mellon as Secretary of the Treasury, and to that extent has assumed responsibility for him: Therefore be it

Resolved, That it is the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury.

Mr. REED of Pennsylvania. Mr. President, I take it that we may assume that Mr. Mellon is otherwise all right?

Mr. COUZENS. I would not admit that.

The PRESIDENT pro tempore. The resolution will lie over under the rule.

PROTECTION OF MIGRATORY BIRDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. REED of Missouri continued his speech, which is as follows, from the beginning:

Mr. REED of Missouri. Mr. President, the chairman of the committee seems to be averse to explaining his bill, or giving the Members of the Senate any light whatever in regard to it except such as they may get from the bill itself. I am not at this moment prepared as well as I should like to be prepared to discuss the bill; but the bill as drawn, in my opinion, is a mere monstrosity.

In the first place, I want it understood that I am in favor of reasonable protection of the game and fish of the country. I helped to put through, at one session, a bill creating a fish preserve. I do not believe this to be the business of the Federal Government, and have never so believed; and I have the temerity to maintain that opinion in the face of the decision of the Supreme Court of the United States. Notwithstanding that opinion, I still say that the Federal Government has no proper jurisdiction in this sort of case.

From time immemorial wild game has been known as feræ naturæ, and the property was in the State. When the Constitution was framed, the States retained all the powers of sovereignty except as those powers had been modified by direct grants to the Federal Government. One of the powers granted to the Federal Government was the right to regulate interstate commerce, and it is under that power that this pretended authority is held to exist.

Every one familiar with the interstate-commerce clause knows that it was intended to regulate the shipment of goods from one State to another and to foreign parts. It was not originally contemplated that the law should go beyond that; and the provision sprang into existence because certain of the States had undertaken to place embargoes upon commerce with other States.

Early in our history we began to employ powers granted for one specific purpose in order to accomplish an entirely different end. It was, in its inception, a usurpation and a breaking down of the Constitution itself.

One of the early instances was the tax levied upon the issuing of money by State banks. However desirable it may have been to stop State banks issuing money, the power did not exist in the Federal Government. Congress undertook to employ a power granted for the purpose of raising revenue so as to destroy these banks, over which it had no direct authority. There was the right to levy a tax for the purpose of raising revenue, not for the purpose of destruction; and a law existed taxing the issuance of money by State banks. Congress then conceived the idea that it did not want to raise revenue, that it wanted to destroy the banks, and destroy the source of the revenue by destroying the banks; and so Congress levied a 10 per cent tax upon all moneys issued by State banks. It was admitted in the argument of the case that the effect of the law was not to raise revenue but was to destroy the source of revenue. Nevertheless the Supreme Court said that so long as Congress had the power to levy a tax it would not look into the objects and purpose for which it was levied, and sustained the act of Congress. It said that it would not look into the motive, although that motive was on the face apparent. It was, in my opinion, the most mistaken doctrine ever established by that great court.

Following that decision, Congress conceived the idea that it could employ many other powers of government to accomplish powers not within the grants of power and authority contained in the Constitution.

Mr. SIMMONS. Mr. President, if the Senator will yield, I will ask him if the action of Congress in imposing a tax upon colored oleomargarine is not just as good an illustration as the one of the imposition of a tax upon the money issued by State banks?

Mr. REED of Missouri. Absolutely. Congress had the power to levy a tax on goods imported into the United States for the purpose of revenue. Congress never was granted power to levy a tax for the purpose of increasing the price of goods to the American people and enriching certain classes of manufacturers; and if any such proposal had been made at the time the Constitution was before the States for approval it is safe to say that it would have been incontinently rejected. But with the precedent theretofore established, Congress said to itself, "It does not make any difference whether we have been granted the power to take the property or money of the people of the United States from them by force of law, by creating a condition which compels them to pay under the law and under the combinations back of the law; we will, nevertheless, levy this tax upon imports, not for the purpose of creating revenue but for the purpose of creating profits for favored gentlemen and institutions."

One great judge, in speaking of that decision, said that to lay the hand of power upon the property of one citizen and transfer it to another was none the less robbery though done under the forms of law. Nevertheless, the power granted for one purpose was again employed to accomplish a different purpose and a wholly foreign purpose.

Then came the oleomargarine case. Then we proceeded further in the matter of using the powers to regulate interstate commerce. We declared that the power to regulate the shipment of goods from one State to another could be employed to regulate the instrumentalities of commerce. Then we declared that the labor employed was an instrumentality of commerce. So we proceeded to regulate the hours of labor and the wages of the men engaged in running the railroad trains throughout the land.

It is a far cry from the regulation of the wages of men to a regulation providing that commerce may flow freely from one State to another. That law has been popular. It has been popular because the wages were regulated up and the hours of labor down. But it should be remembered by those who are willing to confer powers of this character upon the Federal Government that the power to do a thing in a popular way is the power to do it in an unpopular way; the power to do a thing right is always the power to do it wrong, and the day may come when conditions in this country will be such that a Congress can be found that will be regulating the wages of men down and the hours of labor up.

The point I am making is that we were using a power granted for a particular purpose to coerce and compel action that never was within the contemplation of the framers of the Constitution. Always Congress fell back upon the theory that if Congress exercised a power, the courts could not inquire into the reason for that exercise. So in case after case this mistaken theory of construction was adhered to.

It was carried to such an extent that it was finally conceived that these powers could be used to accomplish any purpose or any end. It was almost analogous to the case of giving a police force the right to carry guns for the protection of life and property, and then directing them that they could use their weapons for the destruction of life and property. It was an entirely different use of power than was contemplated.

Then came the child labor law, where Congress sought to exercise the power to regulate commerce so that it could regulate the hours of labor in the factories in the States. It was urged that it was a humane measure. It was urged that the States had not properly protected children, and that therefore Congress, in its superior wisdom, ought to take over that regulation. But the question arose, Where is the power to be found? for we are not a body with general jurisdiction, but only with limited jurisdiction. That power must be found in the Constitution of the United States, and not elsewhere, and if it is not there ordained, the power does not exist.

Congress passed a law providing that goods that were manufactured under certain conditions of labor could not be shipped in interstate commerce. Then the question was put squarely to the Supreme Court: If this power to regulate interstate commerce can be extended to regulate the hours and conditions of labor in factories, it can be employed to regulate the wages, and if it can be employed in factories, it can be employed on farms, and if it can be thus employed, it can be so used as to carry over to Congress the right to regulate all of the affairs and all of the business of the people of the United States.

I regret that I have not the opinion of the Supreme Court before me, but it finally was compelled in that great case to repudiate in substance and effect the doctrine to which it had adhered for nearly a century of time.

The Supreme Court then said that no matter though a power exists it can not be employed to accomplish objects and purposes which are not within the jurisdiction of the Congress, and if the mere right to regulate interstate commerce can be extended to regulate the habits and lives of a people and their conditions of industry, then indeed under that one single power the Federal Government becomes omnipotent and the rights reserved to the States are nullified. That is in substance and effect the decision.

Then it was conceived that the taxing power could be used as it had been used in the oleomargarine case and in the tariff bills and in the earlier case of State banks of issue taxation. So a law was passed fixing a tax on goods. The Supreme Court again said that while the power to tax existed it could not be employed for the purpose of destroying or regulating the business of people within the States.

There went up another case, known as the Nebraska language suit. That was a case where the Legislature of Nebraska during or immediately succeeding the war passed a law making it a crime for a parent to teach his child under 8 years of age any other language than the English language. It was, of course, aimed at the population of that State who were of German extraction and who still taught their children the mother tongue of Germany. When a citizen of that State was brought to the bar to answer to the heinous charge of teaching his child some other language than English the power of the State to make such a regulation was brought in question, and the court answered that it was a police regulation, and that it was put there for the protection of the child, and that a State had the right to protect a child of tender years. But the Supreme Court said that notwithstanding the fact that the State had the right to protect a child of tender years it could not exercise that right for the purpose of destroying the natural right of the parent, and in a decision that will long be read and remembered the court went back to the old, fundamental thought that a power granted by the Constitution must be exercised for the purposes within the contemplation of the framers of the Constitution.

So we seem to have arrived at a ground where that great court proposed to keep every department of Government within the spirit of the Constitution itself, and to hold to the doctrine that a power granted for a particular purpose could not be extended beyond the objects for which the power had been granted in the Constitution.

Then came the remarkable decision in a prohibition case, in which it was held that, although the Constitution gave Congress for the first time the power to regulate and prohibit the manufacture and sale of intoxicating liquors for beverage purposes, it could be employed to prevent their sale and manufacture for any purpose whatsoever. So we went back in that decision to a doctrine which has been repudiated.

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. KING. I might observe that in the decision last adverted to they held in effect that the beverage need not be intoxicating.

Mr. REED of Missouri. Oh, yes.

Mr. KING. That it might be one-half of 1 per cent or one-tenth of 1 per cent for that matter; that it was a legislative fiat that anything was denominated intoxicating; that it was a legislative lie, because Congress said it was intoxicating.

Mr. REED of Missouri. Yes, and we could write, according to the doctrine of some of those cases, across the face of the act, "The real purpose of this act is not to accomplish an end laid down in the Constitution, but to usurp a power not granted." I think that could be said to be a fair interpretation.

As I read the decisions first holding to the doctrine that the power must be exercised for the purposes granted—I am referring to the later class of decisions—and then this sudden reversal, I was compelled to think of Hennessy's remark to Dooley. Dooley said, "Hennessy, do the Constitution follow the flag?" Hennessy said, "I don't know, but I am mighty sure the Supreme Court follows the election returns." I say that with some hesitancy because no man holds in higher respect and regard than I do the great tribunal, which in so many instances has proven itself a beacon of light for our guidance through difficult questions.

The observations I have made are in point in this case. I began my remarks by saying that in my opinion, notwithstanding the decision of the Supreme Court, the power to regulate and control migratory birds and to punish people for interfering with them never was granted to Congress and has been wrongfully assumed. I start with the proposition that the migratory-bird case was dissented from by two of the great justices, Mr. Justice Van Devanter and Mr. Justice Pitney. When there is a division of opinion between the judges on that bench I have the right to join the minority as well as to join the majority. I want to read just one line from that decision. Mr. Justice Holmes, who delivered the opinion, after discussing the case, said in the concluding paragraph:

> We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the States. The reliance is vain, and were it otherwise the question is whether the United States is forbidden to act.

"The question is whether the United States is forbidden to act!" Is that the question when a constitutional power is challenged? What becomes of the tenth amendment? "All powers not herein granted are reserved to the States and the peoples thereof." From the first it has been known that the Federal Government was a Government of granted powers. It had no power except the powers given to it. Every power not given to it was by the tenth amendment reserved to the States and the peoples thereof. Yet we find this heresy written in the decisions of the Supreme Court of the United States. When did it become a doctrine in the United States that whenever Congress thinks the States are not properly exercising a power thereupon we must assume it? Admit that doctrine, sirs, and Congress becomes supreme, and the Constitution and constitutional limitations vanish. The will of this body can be exercised; and, having been exercised, the courts refuse to interfere as long as it is within the general powers; and if the powers are assumed to be of the character here indicated—that is, when the States have not exercised the powers in a manner suitable to Congress—the Congress thereupon takes over the power. If this be the rule of construction, the Constitution is as dead as the decrees of Julius Cæsar. That is the kind of law upon which we are now proceeding to act. I confidently believe, since the Supreme Court wrote the child-labor decision and the Nebraska decision, notwithstanding its lapse in the prohibition case, that if the question were presented anew we would very likely get a different decision.

Interstate commerce is the basis now of this claimed right—that and a treaty made with Canada. Again, if we undertake to base this power upon the fact that we made a treaty, then to what end are we driven? Assume now that the power was not granted by the Constitution of the United States; then assume we get it by virtue of a treaty made with a foreign government and that the treaty supersedes the Constitution adopted by the people of the United States. Then we have a situation where a foreign government and the Senate of the United States can assume a jurisdiction and a power which can not be assumed by both branches of the Congress of the United States in the enactment of a law, and where the act of a foreign government plus the ratification by the Senate of the United States supersedes the Constitution of the United States. A more monstrous doctrine could not be conceived.

The concept that all powers are reserved to the States and the people thereof except as expressly granted becomes this sort of doctrine: "All powers are reserved to the Senate and a foreign government except as herein granted."

So, Mr. President, believing that such a bill as this, if enacted into law, would be unconstitutional, I am opposed to it upon that ground. The theory seems to be under the interstate commerce act that if a blue jay in Kansas gets a grain of corn in its bill and flies across the State line into Missouri, it is engaged in interstate commerce in corn. [Laughter.]

Mr. KING. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. KING. I desired to suggest to the Senator, when he was discussing the question of a treaty plus the act of Congress, that California, in the exercise of a right which belongs to a sovereign State, has restricted orientals so that they may not acquire and hold real estate in that State. Under the new-fangled rule under which we are asked now to support the bill, we could make a treaty with China or Japan under the terms of which orientals might acquire and hold property in California notwithstanding the law of that State, and because a treaty had been negotiated, then the Congress could pass a law nullifying absolutely the law of California. So that we have reduced the States in all their police and domestic affairs to mere appendages of the Senate and the Executive; and in whatever the Senate and the Executive do, if there is a treaty back of it, the Congress would override the States and State rights and State obligations and duties.

Mr. REED of Missouri. The Senator's illustration is apt, impressive, and true, but we are discussing the Constitution this afternoon a little while and we do not expect anybody to be interested in it.

The spirit which has prevailed in Congress for at least 10 or 12 years has been that the Constitution is a chain upon the right of the people, through their representatives here, to enact such laws as they desire; that it is a repugnant thing; that it limits our liberties and, therefore, the question most frequently asked is not what is the spirit of the Constitution, or is the thing we are about to do clearly within the grant of power contained in the Constitution; but the question most frequently asked is,

"Can we do it despite the Constitution? Is there some way we can get around the miserable Constitution, some means by which we can circumvent it, some device by which we can escape its restrictions, for is it not a limitation upon the legislative wisdom?" That has been the spirit manifested here a dozen times since I have sat in this body.

An argument for the Constitution of the United States is generally met with curling lips by the gentleman who thinks he has devised a scheme to defeat the purpose of that Constitution. The difficulty is increased by a rule established in the courts that, whereas the Congress is the natural guardian of the Constitution, the courts will presume that the statutes here enacted are in accordance with the Constitution until and unless a plain violation is shown. So between the spirit of Congress, which is exactly the converse in recent years of the spirit ascribed to it, and the rule of law giving to acts of Congress the presumption to which I have adverted, the Constitution has been ground as between the upper and nether millstones. Going along with this has been the pernicious doctrine frequently taught in the forum and the press and elsewhere that the Constitution has been a citadel of privilege and hence a thing to be despised of all men.

Mr. President, when our fathers established this Government they knew that no government could be intrusted with absolute power. They realized that elementally man is a natural-born autocrat and despot; that believing a certain course of conduct is the best for him, he likewise would impose that course of conduct upon others; that frequently the more sincere he is in his judgments the more determined he is to fasten his will and course of conduct upon the other people; that some of the worst monsters that have cursed the world and saturated it in blood and wet it with the tears of innumerable people were those creatures who believed they were right in some particular theory, and therefore undertook with fire and sword to make everybody else conform to their views; and in doing so many of them thought they were serving God.

As a Frenchman expressed it, they conceived liberty to consist in making everbody else think as they thought. But wise men know that that is not liberty; that is tyranny; that is despotism; that is the liberty of one man and the enslavement of all others; that is the grant of privilege and power to one individual to forge chains for the brains and shackles for the souls of all the living.

So when the Government was set up the fathers did not intend to create any omnipotent power. They intended to grant limited power, and then always to provide a means by which the abuse of that power could be punished by the people themselves. They did not trust one branch of government, but set up three coordinate branches, each to be a check upon the other. They did not trust the courts of the land to make laws; they only intrusted them with the right to construe and enforce laws made by the legislative department of the Government. They did not trust the judges themselves but reserved to Congress the power of impeachment and removal from office. They did not trust a single branch of the legislature, no matter how representative or how numerous, to enact laws, but they required that the laws should be passed also by another branch of the legislature, chosen by a different constituency and for a different term. They did not trust both branches of the legislature finally to enact laws, but provided that all laws must be signed by the Executive, elected by still a different constituency and for still a different term; and that laws could be passed over his veto only by a two-thirds concurring vote in both Houses. They did not trust the Executive entirely, for the right was reserved to Congress to impeach even the President of the United States for high crimes and misdemeanors; and finally, that the power might be in the last analysis reserved in the people themselves, they provided that the Members of the House of Representatives should be elected every 24 months, so that every 24 months the people could impeach the Members of the House of Representatives by refusing to reelect them.

Thus the circle of power of authority proceeded from the people, and was in the end returned to the people. But having done all these things, they ordained the Constitution. They granted to the Federal Government a few specific powers, very simple in their nature, very limited in their purpose: The right to establish an Army and Navy to protect the land; the right to establish post offices and post roads to carry the mails and information to the people; the right to establish a banking and currency system; the right to regulate interstate commerce, which was intended only to facilitate and keep open the highways of trade; the right to establish courts to enforce these laws.

However, we have witnessed the illustration of the truth of the maxim, "Misers there be, but not of power." So the Federal Government was scarcely set up until it sought to extend its power, to extend its jurisdiction; and in order to do that, to employ a power granted for one purpose so as to accomplish an entirely different end.

Mr. DILL. Mr. President, would the Senator from Missouri like to have a quorum called?

Mr. REED of Missouri. Oh, I do not think so. Nobody is interested in the Constitution but three or four of us. They are interested in a bird bill, and blue jays are more important than the bill of rights. The question of whether somebody is going to get a game preserve in his State is of more interest than is the question of whether the liberties of the American people are to be preserved. So I am not interested in a quorum, and a quorum would not be interested in me.

Mr. DILL. But if the Senator will yield, I desire to suggest he is making such a fine exposition of constitutional government that I thought it would be wise to have Senators here to listen to him.

Mr. REED of Missouri. I thank the Senator; but I am making this speech for my own satisfaction. [Laughter.]

We forget when we consider the Constitution that the most important part of it is the first 10 amendments—the bill of rights. Having granted certain specific and limited powers to the Federal Government, the wise men of that day feared that those powers would be abused, and, accordingly, it was stipulated and understood when the original Constitution was adopted that the bill of rights would immediately follow and be made a part of it. That compact was met and complied with. If the bill of rights had not been written, it is my opinion that years ago the Federal Government would have usurped every power it saw fit to take over and that the rights which constitute the soul of human liberty would long ago have been destroyed.

Occasionally I read where some one attacks these old and sacred things. The right of trial by jury is subject to constant heckling and attack. If a jury makes, peradventure, a mistake or if it renders a decision which is for the moment unpopular that fact is blazoned to the public, and we are told that we ought only to rely upon the decisions of men learned in the law and that we should trust our liberties to judicial determination.

Mr. President, there has never been a free people on this earth after it surrendered the right of trial by jury. Fundamentally the thought is that if a government becomes oppressive, despotic, cruel, inhuman, 12 men, summoned from the vicinage where the defendant resides, will not impose the cruel penalties of an unjust and unrighteous law upon him. That is the fundamental thought back of trial by jury. More than that, there was the legal wisdom which pointed out the truth that when 12 people, coming from all walks of life, pass upon a question of fact and all agree unanimously, they are much more likely to be correct in their judgment than one man, who has been trained in a single profession. Still the great thought was the preservation of the liberties of the people.

There is another right reserved to the people in the bill of rights to which I wish to refer. We do not hear it spoken of very often; but Article II of the bill of rights provides:

> The right of the people to keep and bear arms shall not be infringed.

Why? Because the fathers who wrote this sacred instrument knew that the choice device of tyrants was to disarm the people and then a small standing army could overrun them and impose upon them the will of the dictator. So they provided that every man should have the right to keep and maintain arms against the day when tyranny might raise its bloody hands and free men could respond with arms in their possession.

Attacks on the Constitution! Stretch it to the utmost limit! Distort it as far as possible! Malign it! Spit upon it! What difference does the Constitution make when we have the great question of whether a duck lighting on a pond on the first day of a particular month shall be sacrosanct, or whether a rule promulgated by some politician who happens to be elevated temporarily to a position in the Cabinet has been violated, inadvertently or otherwise?

What we want in this country is more law, more legal chains, more "be it enacted" by legislative bodies, so that no man born of woman will have a single right left except to do something somebody else tells him he must do. We have gone mad on the question of law and of regulation. There are 20,000 Federal statutes and 600,000 State statutes, or something like that number—I think that is about right. On top of that we have all the rules and regulations of all the common councils of all of the States and towns and villages of the United States. On top of that we have innumerable boards and bureaus in cities, towns, villages, and States authorized to make regulations, the violation of any one of which is either a misdemeanor or a felony.

And here in Washington we create boards and bureaus just about as recklessly as a boy in the springtime buys marbles and plays "keeps" with them.

We give power to these boards and bureaus to make rules, and then we provide that anybody who violates a rule made by one of these board or bureaus may be sent to jail, and that gives to their mandates all the force of law.

I have said elsewhere, and I repeat now, that if Methusaleh were to be born, and, as soon as he was weaned, started to read the laws, rules, and regulations governing a human being in the free United States of America, by the time he was gathered to his fathers he would not be halfway through with the job of reading the regulations, and before he got that far along half of them would have been repealed, altered, or otherwise changed.

There has been sheer madness in the matter of regulation until it is not to be wondered that law has come into contempt, and when law comes into contempt it ceases to be law in the sense that a law ought to be a law. When a law comes into general contempt disobedience becomes so universal that the law serves only the purpose of an occasional venting of spite or the levying of some kind of illegal tribute.

Let no one say that I am advocating the breach of law. I am trying to advocate a condition which will bring respect for law, and it is only by respect for law that you ever obtain from the law any useful purpose or any satisfactory end.

I undertake to affirm, sir, that there is not a person in this Chamber—that there is not one in these galleries—who has not at some time in his life violated some one of the laws of the land; not one; not a minister of the gospel. If a minister owns an automobile, it is an eternal verity that at some time he has violated the speed law or parked on the wrong side of the road. If he did not own one, he has been guilty of jaywalking and violated the regulations of his city. Of course, if the minister has done it, everybody else has.

So that the spirit does not exist any longer that we ought to obey a law because it is a sacred thing, but we want to get past it, get around it, and escape it; and we look both ways to see whether there is a policeman in sight, and if he is there, we do not do the thing, and if he is not there, we do it.

The whole theory is based upon an absolutely false conception of life. No people were ever made good by any law that any man ever wrote. All the laws ever passed by all the legislative bodies of the earth have never made one man good. They may have stopped the man who was a criminal at heart from doing a particular act, and thus protected another individual, but they did not remove from the criminal's heart the evil purpose that was there.

All the laws ever passed never planted a noble impulse in a human soul. All the laws ever passed never gave the sweetness of love to a mother's kiss, never made the soul of a wife true, never made a child love the woman who had cradled it in her arms. You can not make people good by law. You can prevent them interfering with others to some extent. The great thing that sustains this civilization of ours is not the legislative acts that you gentlemen get together, not the thing called law, but it is something that was planted in our hearts by nature and nature's God, something that was cultivated at the mother's knee, that was learned by the father's side, that was enlarged in the school, that was enobled by the great examples of history, and that has been sanctified by the prayers of the church. In nine hundred out of nine hundred and ninety-nine acts of our lives we would have done them if there had never been statute law because the other laws control.

There is no law to compel you to defend a woman if she is attacked, but if one were attacked, every man on the street would go to her rescue. He goes in response to a voice within. No law would compel you to seize a murderer and prevent his crime, yet if one were to be attempted, even the soft hands of women would be outstretched and their tender bodies would be risked in the attempt to protect one assailed.

There was no law that ever compelled a man to write a great poem, to paint a magnificent picture, to carve the dream of his soul in imperisable marble. Those laws come from within.

This attempt to regulate everything people do is based upon the idea that nobody has sense enough or decency enough to live a decent life unless some little legislator, no better than the rest of the people, writes a rule by which human beings shall live. Laws and rules and regulations are the order of the day. The world has just about gone crazy along that line, and we get so many that after a while nobody pays any attention to any of them except those which are scarcely necessary to exist, the great, common, general rules of human conduct and decency which are only necessary to protect us against the criminal element in society.

I wonder why when God Almighty made men and women He did not make them and force them into a straightjacket which compelled them to do things, why He left any volition or any liberty. If He had been of the temper and mind of the modern legislator He would have made us so that we had to do everything in a certain way. But, of course, His work can be easily supplemented by any legislative tinkerer who gets into office for 90 days.

So we have now proposed some more rules and regulations, and I want to call attention to some of them, and as I am now going to discuss a part of this bill which may be of interest, because we are down to the blue jay and the jack rabbit, I will be obliged to my friend from Washington if he will call the Senate in to listen.

(At this point Mr. DILL suggested the absence of a quorum and the roll was called, after which other business intervened.)

Mr. REED of Missouri. Mr. President, I invite the attention of the reassembled Senate to some of the provisions of the proposed bill. The first proposition is that it is proposed that the Federal Government shall assume the business of protecting the game which belongs in the various States. I still am old-fashioned enough to think that the States are capable of attending to that business for themselves.

But the provisions of the bill are, some of them, to my mind absolutely shocking. I would like to direct the serious attention of the Senate to the provisions of the bill. I know that in advance every effort has been made to pledge Senators, even before they have read the text of the bill now before us. It is another one of those bills which is being attempted to be carried through by propaganda by people who have a particular hobby in which they are interested or who have a particular ax to grind.

This bill provides, first, that every man or boy who undertakes to hunt upon any ground except the particular ground on which he resides permanently must have a license. The language is exceedingly broad. It is not required that he shall hunt and kill, but if he shall pursue or attempt to pursue any of these numerous birds, named not in this bill but in another bill, and does not have his license upon his person he is subject to the penalties of this proposed act. Such a law could easily be employed to arrest every man found with a shotgun or rifle on his shoulder walking along the highways of the country, for Federal courts are not at all adverse to extending their power as far as it will go, and the hired sneaks and snoopers that the Government employs are always willing to exercise their power for the purpose of the enforcement of the law or blackmail because of the provisions of the law. Wherever they have power, almost without exception, we find that to be the case.

Under this bill, if it shall be enacted into law, every boy in the country and every man who has a gun and pursues any of these sacred birds—and the schedule embraces practically the entire feathered tribe—may be fined and imprisoned. He may not be within a thousand miles of a game preserve; there may not be a game preserve within his State or within any reasonable traveling distance; he may be trying to hunt in strict accordance with the laws of his own State; and yet he may be arrested, first, because he has not a license, and, second, because he has violated a rule and regulation prescribed by one man out of 120,000,000 people of the United States.

So far as I am concerned, I never intend to vote for another law that will make it a crime for a citizen of the United States to violate the ipse dixit laid down by a single individual who is possessed of no legislative authority. It is contrary to every principle of Anglo-Saxon liberty and is violative of the fundamental principles of our law.

The laws of the land ought to be enacted in the legislative bodies of the land. The people are authorized to elect men for the express purpose of enacting laws. They have provided for two houses in all the legislative bodies, I believe, of the United States, to the end that there may be deliberation, that there may be counsel. Then, before any law is enacted, it must be further sanctioned by the executive authority. That is the way we pass laws, and that is the way we ought to pass every kind of rule or regulation which affects the liberty of the citizen but this bill proposes to confer upon a single individual—it may be upon an Albert B. Fall; it may be upon a Will Hays; it may be upon a Denby; it may be upon a Daugherty—who happens to have been appointed to the position of Secretary of Agriculture, the right to lay down rules and regulations, apparently without any regard to limitation, just to make any kind of a rule or regulation he wants to, and anybody who violates that rule and regulation may be fined and imprisoned, or both. That kind of thing does not belong beneath the American flag. It is, in substance and effect, an abdication of the legislative

authority by transferring it from the legislative body to a single individual.

The rules promulgated may be unreasonable; they may be of such character as would never be adopted by the Congress; they may be utterly obnoxious to our judgment, but we turn over to him the right to make any rule he wants to make.

Mr. BLACK. Mr. President, will the Senator from Missouri yield to me there merely for a suggestion?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. I do.

Mr. BLACK. In reference to the matter of rules and regulations, it is so apropos that I desire to call the Senator's attention to this instance. During the World War we had a food administration and a sugar administrator. Certain regulations were prescribed by the sugar administrator. There was a lawsuit down in Alabama, and I sent to Washington to obtain the regulations that I might know what was the law. We tried the case in the lower court on the regulations which were sent to me, which, as we supposed, constituted the law. We took the case up to the Supreme Court of Alabama, and I won the case on the regulations which had been sent me from the department. After the case had been won, however, the attorney for the other side came to Washington, searched through the records here, went to New York and searched through the records there, and he found another regulation prescribed by the sugar administrator. He brought that regulation back. It went to the Supreme Court of Alabama, and the court held that the second regulation was really the regulation which should have been utilized all the time, and not as yet have we ever been able to find all the regulations that were issued by the sugar administrator.

Mr. REED of Missouri. They used to change the sugar regulations according to the fluctuations of the market. What the Senator from Alabama has stated affords an illustration of how these powers may be used and how they may be abused. We never authorized anybody to fix the maximum price of wheat in this country, but we authorized the fixing of a minimum price, which the Government guaranteed. We did give a certain distinguished gentleman from abroad the right to license grain dealers, and he thereupon licensed them and told them if they paid a penny more than that minimum price he would cancel their licenses and destroy their business. So he fixed the price of wheat for all the farmers of the United States. He simply used the power of license granted for one purpose in order to fix the maximum price of wheat, which he never was authorized to fix.

The same thing was done with reference to many other farm products. When we grant these powers, understand, they not only will be used, but in nine hundred and ninety-nine cases out of every thousand they will be abused.

Who will be Secretary of Agriculture nobody knows. Some of us know who happens to occupy that office just now. He is not a bad man at all. I do not know, though, whether he could tell the technical difference between a blue jay and a crow, or whether he knows anything about the habits of migratory birds. I do not know that he has the slightest knowledge with reference to the subject matter that is to be consigned to his keeping; but if he does, if he knows every note from the song of a lark to the call of a black crow, we do not know what the next man will know who will become Secretary of Agriculture. Judging from the kind of thing our Presidents have been doing lately, we are likely to get almost any kind of a man there, and not only there but in any other Cabinet position. Such positions are transitory. Those who hold them are not only liable to be removed by death, by the act of God, but they are liable to be removed by an indignant public opinion expressed through the Senate. We propose to turn over to this unknown man of the future, with unknown leanings, with unknown environment, with unknown knowledge, the liberties of our people; the right to make rules and regulations which, if violated by any one of the free people of the United States, may subject that individual to a term in jail. The next individual may be as wise as Solomon, or his ignorance may be as abysmal as the vast spaces of the universe.

We call ourselves constitutional legislators; and after a while the Senators who have pledged their votes in advance will come in and vote on this bill without knowing anything about it. We have been passing a law against lobbyists down here. We ought to pass a law to send a Senator to jail who will pledge his support to a bill until after he has studied it, and knows what is in it, and has maturely made up his mind.

Mr. HEFLIN. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED of Missouri. Yes.

Mr. HEFLIN. Suppose a farmer's boy is hunting birds on his own land, and he pursues those birds over his neighbor's land, which is agreeable to his neighbor, and this boy has not got this license. Would he be subject to arrest and fine?

Mr. REED of Missouri. Unquestionably; and not only that, but if he attempts to do it, if he attempts to pursue it, whatever that may mean. If he chases the bird to the line fence, it might be construed that he was attempting to pursue it after it had reached, in its flight, a position over the adjoining farm. I am serious about that. I can readily see why at least he could be haled to court and told that he would be punished if he did not compromise and pay in some money, as this bill contemplates—a sort of a blackmailing proposition contained in the bill itself.

Mr. HEFLIN. And I understand that the bill provides that they can take his gun, too.

Mr. REED of Missouri. Oh, yes; they take everything. That is the reason why so many of these gentlemen are supplied with automobiles and firearms to-day.

Mr. President, I should like to continue my remarks to-morrow. I am a little bit tired.

Mr. CURTIS. Mr. President, will the Senator yield for an executive session?

Mr. REED of Missouri. Yes, sir.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 21, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 20, 1928

APPOINTMENTS, BY PROMOTION, IN THE ARMY

To be colonel

George Edwards Goodrich.

To be lieutenant colonel

Pelham Davis Glassford.

To be majors

Charles Andrew Willoughby.
George Stanley Clarke.
Fred McIvor Logan.

To be captains

Mark Andrew Devine, jr.
Edwin Eugene Aldrin.
Harold Paul Stewart.
Darrow Menoher.

To be first lieutenants

Carl Douglas Silverthorne.
Louis William Haskell.
David Myron Schlatter.
Charles Trovilla Myers.
Alden Rudyard Crawford.
Rochester Flower McEldowney.
Thomas Merritt Lowe.
Kevin O'Shea.

MEDICAL CORPS

To be captain

Emery Ernest Alling.

MEDICAL ADMINISTRATIVE CORPS

To be captain

Willard Mortimer Barton.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

INFANTRY

To be major

George Veazey Strong.

AIR CORPS

To be second lieutenant

Demas Thurlow Craw.

POSTMASTERS

CALIFORNIA

William M. Laidlaw, Crockett.
Ross C. Odell, Tulare.

DELAWARE

James M. Montgomery, Edge Moor.

MARYLAND

Harry A. Carroll, Havre de Grace.

MASSACHUSETTS

Raymond H. Gould, Millers Falls.

MINNESOTA

Paul B. Sanderson, Baudette.
Edith B. Triplett, Floodwood.
Arthur W. Austin, Glencoe.
Lewis H. Merrill, Hutchinson.
David C. McKenzie, Lake City.
Laura E. Cronan, Rose Creek.
Selma O. Hoff, St. Hilaire.
Alfred Gronner, Underwood.

MISSOURI

Lawrence J. Caster, Blythedale.
Walter L. Hert, California.
John S. McCrory, Linn Creek.

NEW HAMPSHIRE

Alice L. Coughlin, West Ossipee.

NEW JERSEY

Laura B. Van Slyke, Avenel.
Byron M. Prugh, Westfield.

NEW YORK

Peter R. Carmichael, Caledonia.
Carl Gardner, Groveland.
Sidney S. Benham, Millbrook.
Harry C. Holcomb, Portville.
Clayton J. Bannister, Westfield.

OHIO

Frank A. Brown, Batavia.
Charles H. Morrison, Hebron.
William E. Whitcomb, Perrysville.

PENNSYLVANIA

Ida E. Megargel, Canadensis.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 20, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, who art in heaven, our lives are composed of just every days, and we need the presence of Him who lights dull eyes and makes tired hands strong. We pause, we listen: Be still and know that I am God. Awaken in us a desire to return to this art of silent meditation, quietly seeking the imprint of Thy hand in life. Thy hand is seen in the story of the world's development, in the rise and fall of empires, and is a very real presence in human experience. O give us counsel that we may be men who fear God and keep His commandments. Deepen our respect for truth, for honor, for our neighbor's good name, and for all agencies that transform earth's dishonor into heaven's glory. Set our wills upon a firm throne, so that we may go forward with a fixed purpose. Then nothing shall be done by impulse, but all things shall be done according to the best rule of wisdom. In the name of Jesus our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO ADDRESS THE HOUSE

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent that on Monday next, immediately after the reading of the Journal and the disposition of business on the Speaker's desk, I be permitted to address the House for 15 minutes.

Mr. CHINDBLOM. Upon what subject?

Mr. HOLADAY. On the agricultural situation and certain matters bearing on that.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, I be permitted to address the House for five minutes.

Mr. CHINDBLOM. On what subject?

Mr. GRIFFIN. On the subject of the *S–4*.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. DENISON rose.

The SPEAKER. Before the gentleman from Illinois proceeds, the Chair desires to know if he expects to take up very much time. The Chair is loath to recognize anybody, even for a unanimous-consent request, on Calendar Wednesday, if the matter is apt to consume any time.

Mr. DENISON. Mr. Speaker, I rise merely to ask that certain bridge bills sent over from the House, with Senate amendments thereon, be sent to conference.

The SPEAKER. The Chair recognizes the gentleman from Illinois.

BRIDGE ACROSS TENNESSEE RIVER, MARION COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn., with Senate amendment thereto, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 2, line 10, strike out the words "cost of the bridge and its" and insert "cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges and their."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Chair appointed the following conferees: Mr. PARKER, Mr. DENISON, and Mr. RAYBURN.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Arkansas [Mr. PARKS] be substituted in my place as one of the conferees. He is on the bridge subcommittee.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Arkansas [Mr. PARKS] be substituted for him as a conferee. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I notice the gentleman from Illinois has several bills which he wishes acted upon in this manner. May we not have them reported one at a time?

The SPEAKER. The Chair thinks that we ought to act on each bill separately.

Mr. BLANTON. Is not the gentleman's committee going to function to-day, Calendar Wednesday, and could they not call them up as a matter of right?

Mr. DENISON. These are bills that have been messaged over from the Senate.

Mr. BLANTON. Very well.

BRIDGE ACROSS TENNESSEE RIVER, KNOX COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Marysville road, in Knox County, Tenn., with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The Clerk reported the Senate amendment, as follows:

Page 2, line 10, strike out "cost of the bridge and its" and insert "cost of the bonds authorized under the law of the State of Tennessee for the construction of this bridge and other bridges and their."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to obtain some information as to why the Senate amendments are not proper?

Mr. DENISON. Because we think they are not proper. We think the phraseology should not be so changed.

Mr. SCHAFER. Is it not a fact that with the Senate amendments incorporated it would reduce the amount of bonds which could be issued?

Mr. DENISON. No; that is not the fact.

Mr. SCHAFER. What is the fact?

Mr. DENISON. The fact is that the Senate amendments are not in the exact form necessary to make it harmonize with the

laws of the State of Tennessee. It is merely a change in the phraseology that is being used.

Mr. SCHAFER. It is just a mere change of phraseology and it does not have any effect on the provisions of the bill?

Mr. DENISON. Not at all.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee, to disagree to the Senate amendments and ask for a conference?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

BRIDGE ACROSS THE TENNESSEE RIVER, TENN.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 9198, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection to the request of the gentleman from Illinois, to disagree to the Senate amendments and ask for a conference?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

BRIDGE ACROSS THE CUMBERLAND RIVER, TENN.

The SPEAKER. The gentleman from Illinois also asks unanimous consent to take from the Speaker's table the bill H. R. 9199, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Illinois asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

BRIDGE ACROSS THE TENNESSEE RIVER, TENN.

The SPEAKER. The gentleman from Illinois also asks unanimous consent to take from the Speaker's table the bill H. R. 9197, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Illinois asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

BRIDGE ACROSS CHESAPEAKE BAY

Mr. DENISON. Mr. Speaker, I call up Senate bill 1498. The Senate has disagreed to certain amendments of the House and asked for a conference. I ask that the request be agreed to.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge.

The SPEAKER. The gentleman from Illinois asks unanimous consent to agree to the conference asked for by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. PARKER, Mr. DENISON, and Mr. PARKS.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment the bill H. R. 5500, an act to establish a national military park at the battle field of Fort Donelson, Tenn.

The message also announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 3) entitled "An act for the relief of Kate Mathews."

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 1094. An act to amend the practice and procedure in Federal courts, and for other purposes; and

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.

The message also announced that the Senate had passed with an amendment the following bill, in which the concurrence of the House was requested:

H. R. 11140. An act to provide for the inspection of the battle field of Kings Mountain, S. C.

The message further announced that, in accordance with Senate Concurrent Resolution 12, the Vice President appointed Mr. SMOOT, Mr. KEYES, Mr. SACKETT, Mr. HARRIS, and Mr. GEORGE as the members on the part of the Senate of the joint committee to represent the Congress at the unveiling of the Stone Mountain Monument at Atlanta, Ga., on April 9, 1928.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was presented to the House of Representatives by Mr. Hess, one of his secretaries.

CALL OF COMMITTEES

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on Interstate and Foreign Commerce.

RETIRED COMMISSIONED OFFICERS OF THE COAST GUARD

Mr. PARKER. Mr. Speaker, by direction of the committee, I call up bill H. R. 10540.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10540) to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. GARNER of Texas. What is this bill?

The SPEAKER. The Clerk, without objection, will again report the bill by title.

The title was again read.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. GARRETT of Tennessee. I object.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Michigan [Mr. HOOPER] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10540, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10540, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That all retired commissioned officers of the Coast Guard who served on active duty in the United States Navy or in the Coast Guard during the World War shall be credited with all active duty performed since retirement during the period from April 6, 1917, to March 3, 1921, in the computation of their longevity pay and pay periods; but no person shall be entitled to receive any back pay or allowances by reason of the enactment of this act.

The CHAIRMAN. Under the rules of the House the gentleman from New York [Mr. PARKER] will be recognized for one hour, and the gentleman from Texas [Mr. RAYBURN] will be recognized for one hour.

Mr. PARKER. Mr. Chairman, I yield as much time as he desires to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman and members of the committee, I do not believe it is necessary to take more than a few moments upon this bill, which is fully explained in the report. I think I can state in a very few words all that is involved in this measure.

Under the law, in case of war the Coast Guard Service, as you know, passes over and becomes a part of the Navy. That was true during the World War. Owing to the need of officers there were many retired officers who were called back into the service during the period of the World War. Among these were 15 retired officers of the Coast Guard Service who were called back into active duty. Under a ruling of the Comptroller General it is impossible for these retired officers of the Coast Guard to figure, in determining the amount of their pay as retired officers, the period of time which they served on active duty during the World War. The only purpose of this measure is to permit the time when these retired officers served in active duty during the World War to be figured in determining their retired pay .

I may say there are only four retired officers who will be affected by this legislation. Under the law, retired officers of the Army, the Navy, and the Marine Corps, under like circumstances, are permitted to figure the time that they served during the war in determining their retired pay. Obviously it is illogical to figure the time which a man serves in peace times in determining his retired pay and refuse to permit him to figure the time when he served in active service during war in determining his retired pay.

So far as I know there has been no argument advanced against this legislation. It is earnestly indorsed by the department, has the recommendation of the Budget Bureau, involves a very small item of expense, and unless some one desires to ask some question about it I do not think it is necessary for me to use any more time.

Mr. THATCHER. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. THATCHER. How many officers are involved?

Mr. HOCH. There are just four officers involved in this legislation. There were 15 retired officers of the Coast Guard who were called back into service, but only 4 of them will be involved. The others did not serve a period of time which under the method of accounting would mean anything to them as far as this legislation is concerned.

Mr. THATCHER. Of what rank are these officers?

Mr. HOCH. I will give the gentleman the exact information, if he desires it, with reference to the four officers involved. The four officers involved are Lieut. Commander C. W. Cairnes, Lieut. W. L. Maxwell, Lieut. H. O. Slayton, and Lieut. B. A. Minor.

Mr. THATCHER. I will say that I am thoroughly in sympathy with the legislation

Mr. HUDSON. Will the gentleman yield?

Mr. HOCH. Yes.

Mr. HUDSON. I notice from the report that in one of the communications from the Secretary of the Treasury it is stated there will be five officers affected by this legislation and then later four.

Mr. HOCH. When this legislation was first proposed, something over a year ago, there were five officers involved, but one of them has since died.

Mr. HUDSON. And if we delay it further we may get rid of all of them.

Mr. HOCH. Yes. Delay means simply continuing the injustice.

Mr. RAYBURN. Mr. Chairman, I do not claim the time on account of being opposed to the bill, and if any member of the committee who is opposed to the bill desires time, I shall be glad to yield it to him. If not, I wish to say a few words about the bill.

I do not oppose this bill, but I am in favor of it. The officers who are to be taken care of in this legislation are to be put on the same footing as retired officers of the Navy and of the Marine Corps who were called into active duty during the World War. It is an oversight and it should be looked after at this time. This bill does that.

Let me say this: These men in the Coast Guard who were retired before the World War began were in all probability members of either of those grand old services, the Life Saving Service or the Revenue Cutter Service. As Members of the House will remember, the Life Saving Service and the Revenue Cutter Service were done away with and they were brought together in the Coast Guard Service. The Coast Guard is an arm of the Navy during war. The Navy is called into active duty only during hostilities, and at other times they have only perfunctory duties to perform, but during every storm, every freeze, every shipwreck, and every disaster on any coast of the country the Coast Guard is called into active service. It is one service in the Government which stands out as being a clean, upright service which should command the respect and the support of every American citizen. [Applause.]

The Clerk read the bill for amendment.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 10540, had directed him to report the same back with the recommendation that the bill do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES COAST GUARD

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 11022) to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard.

The Clerk read the title of the bill.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter retired officers and enlisted men of the United States Coast Guard shall be entitled to medical treatment at marine hospitals and out-patient offices of the Public Health Service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHICAGO & WESTERN INDIANA RAILROAD CO.

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 7191) to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to convey by the usual quitclaim deed to the Chicago & Western Indiana Railroad Co., a corporation organized and existing under the laws of the State of Illinois, its successors or assigns, the present site of the master-track scale and test-car depot of the Bureau of Standards, Department of Commerce, in the clearing yard of the Belt Railway Co., of Chicago, more particularly described as follows:

"A tract of land in the northeast quarter of the southeast quarter of section 20, township 38 north, range 13 east of the third principal meridian, Cook County, Ill., bounded and described as follows:

"Beginning at a point 707.46 feet south of, measured at right angles to the east and west center line of said section 20, from a point therein 970.08 feet west of the northeast corner of said northeast quarter of the southeast quarter, measured along said east and west center line, thence southeasterly a distance of 94 feet to a point 734.22 feet south of said east and west center line, measured at right angles thereto from a point therein 879.97 feet west of said northeast corner, measured along said east and west center line, thence at right angles to last-described course southwesterly a distance of 42 feet, thence northwesterly 42 feet from and parallel to first-described course a distance of 94 feet, thence northeasterly 94 feet from and parallel to second-described course, a distance of 23 feet, thence northwesterly 19 feet southwesterly from and parallel to first-described course, extended a distance of 50 feet, thence at right angles to last-described course, northeasterly 10 feet, thence southeasterly 9 feet southwesterly from and parallel to first-described course extended 50 feet, thence at right angles northeasterly to point of beginning, containing 4,448 square feet or one-tenth acre, more or less": *Provided, however,* That the above-described lands shall be conveyed to the Chicago & Western Indiana Railroad Co., its successors or assigns, only in the event (1) that the United States, for reasons of its own, shall discontinue or abandon the use of the land for the purpose of a master-track scale and test-car depot, or (2) that the above-described property shall, in the opinion of

the Belt Railway Co., of Chicago, become necessary for its own purposes, in which event the said Belt Railway Co., of Chicago, shall furnish to the United States of America, Department of Commerce, in lieu thereof, a suitable site elsewhere, the location thereof to be mutually agreed upon by the said Belt Railway Co., of Chicago, and the Bureau of Standards, Department of Commerce; and the Belt Railway Co., of Chicago, shall then, at its own sole cost and expense, erect upon the site so chosen a building and a foundation for the master-track scale equivalent to the master-track scale and test-car depot and foundation for the said master-track scale erected upon the above-described property, and shall move to said new building and install therein the master-track scale and all machinery appurtenant thereto, and shall deliver or cause to be delivered a deed conveying such land and building in fee simple to the United States of America, Department of Commerce, without cost to the United States, together with evidence of title to said land satisfactory to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL POWER COMMISSION

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 8141) authorizing additional employees for the Federal Power Commission, and for other purposes.

Mr. RAYBURN. Will the gentleman withhold that until I may make a statement of about two minutes?

Mr. PARKER. Certainly.

Mr. RAYBURN. Mr. Speaker, the question of consideration is going to be raised on this bill, and before it is raised, inasmuch as the question is not debatable, I have made this unanimous-consent request to make a short statement as to why the question of consideration is going to be raised.

This is a bill of very great importance. It is a measure that affects the functions and the duties of the Power Commission. The question of whether or not Congress had the power to delegate the authority that it did in the Power Commission act has been a mooted question ever since the law was enacted. It has never gotten up to a court of competent jurisdiction to pass upon it. This is one question involved, and is one reason we should be allowed to take some time to study the question.

This bill was a controversial bill in the committee. Many of us oppose its passage. In the first place, this bill was reported——

Mr. MAPES. Mr. Speaker, a point of order.

Mr. RAYBURN. I am speaking under unanimous consent.

Mr. MAPES. The gentleman said he was going to proceed under unanimous consent, but no request was submitted.

The SPEAKER. The gentleman stated he desired to proceed for two or three minutes by unanimous consent.

Mr. MAPES. Has the Chair put the question?

The SPEAKER. The gentleman, of course, is speaking by unanimous consent.

Mr. RAYBURN. Mr. Speaker, I am now speaking under a unanimous-consent request of the House and the gentleman from Michigan is out of order.

Mr. MAPES. I beg the gentleman's pardon. The gentleman from Michigan was paying very strict attention, and the gentleman from Texas rose and said he was going to proceed to talk by unanimous consent, and started in to talk without having the request put.

The SPEAKER. Is there objection to the gentleman from Texas proceeding for two minutes under unanimous consent?

Mr. MAPES. Mr. Speaker, I have no objection to the gentleman from Texas proceeding if the unanimous-consent request is put; but I think those who are in favor of the legislation should be allowed to make a statement of equal length, if the gentleman is going to raise the question of consideration of the legislation.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. SCHAFER. Reserving the right to object, I would like to find out the number of the bill.

Mr. RAYBURN. H. R. 8141.

Mr. MAPES. Mr. Speaker, reserving the right to object, I would like to couple with the request that the gentleman from Minnesota [Mr. NEWTON] be allowed to proceed for five minutes at the expiration of the time of the gentleman from Texas.

The SPEAKER. The gentleman from Michigan asks unanimous consent that following the remarks of the gentleman from Texas [Mr. RAYBURN], the gentleman from Minnesota [Mr. NEWTON] may proceed for five minutes. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, as I was saying when interrupted, this bill was reported from the committee only Saturday. The report accompanying the bill was not available until after the House went into session to-day. This bill was reported without a hearing, except Mr. Merrill came up in executive session and made a short statement with reference to the bill. Therefore we have no record with reference to it.

This question of water power and the power and authority that Congress is justified in granting under the Constitution has never been settled. This bill ought not to come up to-day. It is hardly just to the Members of the House for a bill that has in it as far-reaching consequences as this to be taken up on such short notice. If the bill is brought to the floor of the House to-day, we are going to have an opportunity to test whether we believe what we have been saying. On both sides of this Chamber every week of the year gentlemen get up and talk about bureaus and commissions in Washington. They are opposed to bureaus and commissions in Washington as they are in favor of State rights, neither one of which is usually given any apparent consideration when the time comes for the creation of a new commission extending the power of existing conditions or the subject has in it the old doctrine of State rights.

This bill provides not that this commission shall draw its help, clerical and otherwise, from the three departments—War, Interior, and Agriculture—but it provides in the very body of the bill that this commission shall go outside of the Departments of War, Interior, and Agriculture and bring into the service of the Government whatever help it deems to be necessary to carry on the work.

Gentlemen who are in favor of the bill say that the Appropriations Committee will always have the power to limit the number of experts, engineers, and clerical help that will be brought in. But suppose they are allowed to go on and build up an organization and then come before the Committee on Appropriations and plead, as this report from the department does, for more men, that he has applications running into millions and millions of dollars piled up on his desk, seeking an outlet through the building of power plants, dams, and aids to navigation. You can see how easy it is under the very terms of this bill to build up a bureau as big as the Federal Trade Commission, as big as the Tariff Commission, yes, even as big as the powerful Interstate Commerce Commission itself.

Mr. SCHAFER. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SCHAFER. Did I understand the gentleman correctly to say that the committee had held no hearings on this bill?

Mr. RAYBURN. No public hearings. They had Mr. Merrill before them in executive session. He made a short statement which to me was very unsatisfactory.

Mr. PARKER. If the gentleman will permit, I have in my hand the printed hearings on the bill.

Mr. RAYBURN. When did they take place?

Mr. PARKER. Last Saturday.

Mr. RAYBURN. I beg the gentleman's pardon, there was a stenographer in the room, but that does not change the case. It was on last Friday and the bill was reported Saturday. The report did not come in here until the House met this morning and the membership has had no opportunity to acquaint themselves with the provisions of the bill. The bill is of far-reaching importance and the Members of the House ought not to be called upon to consider this bill to-day.

Mr. NEWTON. Mr. Speaker, I yield to the gentleman from New York.

Mr. PARKER. The gentleman from Texas has stated the matter absolutely correctly. The committee met on Friday and we had hearings on the bill, which are printed. A stenographer was present, and the bill was reported out on a roll call on Saturday. As far as the merits of the bill are concerned, we can discuss those when the bill is before the House.

Mr. McDUFFIE. When were the hearings printed, and when were they available?

Mr. PARKER. This morning.

Mr. McDUFFIE. We could not get a copy of the bill nor the report until this morning after the House met. We have had no opportunity to examine the provisions of the bill.

Mr. EDWARDS. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. EDWARDS. Does this bill do anything more than to assign employees to the Power Commission?

Mr. PARKER. Yes; a part of the money obtained from licenses that now goes into a separate fund will, under this bill or an amendment we will offer, go into the Federal Treasury.

Mr. ABERNETHY. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. ABERNETHY. According to my calendar this is Tuesday, but according to the gentleman's calendar it is Wednesday. How did this bill come up?

Mr. PARKER. By unanimous consent on yesterday.

Mr. ABERNETHY. At what time?

Mr. PARKER. Immediately after the reading of the Journal at the request of the majority leader, Mr. TILSON.

Mr. ABERNETHY. So to-day is Calendar Wednesday, legislatively speaking?

Mr. PARKER. Yes.

Mr. NEWTON. Mr. Speaker, there has been no undue haste in this matter. This matter has been before Congress for two or three years. The bill was introduced by the gentleman from Ohio [Mr. BURTON] in the fore part of the session. It passed the Senate in the last Congress in the identical language in which Mr. BURTON introduced it in this Congress. So far as I can recall there was no substantial objection made against it.

What does it do? It makes possible the bringing to the Federal Power Commission, a great governmental agency, the transfer of men from other departments of the Government, instead of their mere temporary detail. The comptroller has prevented that. In addition to that, it also makes possible when necessary the employment of additional employees, subject, of course, to the appropriation that is available for that purpose. Those are the principal purposes and objects of the legislation.

Mr. McDUFFIE. Mr. Speaker, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. McDUFFIE. Under the present law can not these additional experts or help needed by this commission be now detailed from the three departments connected with this commission?

Mr. NEWTON. As a practical matter, no. They can not transfer from the departments. They can only temporarily be detailed. The only employee that the Federal Power Commission has to-day is the executive secretary of the commission. Under those circumstances the commission is working under a handicap.

Mr. McDUFFIE. But he has been getting this assistance from those departments, has he not?

Mr. NEWTON. He has been getting it, to a limited extent, and in such a way that he is handicapped in carrying on the regulatory provisions of the Federal water power act.

Mr. McDUFFIE. Will the gentleman explain to us wherein he is so handicapped?

Mr. NEWTON. I have tried to explain that. In order to get help he must get it by temporary detail or assignment from the Departments of War, Agriculture, and the Interior. It comes out of the help that is there, and, of course, out of their appropriations. Under those circumstances, as a practical matter, the gentleman can appreciate how difficult it is for the Federal Power Commission to operate when, instead of going directly to the Budget, it must get its help from these departments. These men come on temporary detail. They are paid from departmental appropriations.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I raise the question of consideration on this bill.

The SPEAKER. The Chair thinks the gentleman can not raise that question in the House on Calendar Wednesday. Under the rule, in the consideration of a bill on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the question of consideration can be raised on Calendar Wednesday only in Committee of the Whole.

Mr. GARRETT of Tennessee. Very well; I shall raise it in committee.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill, and the gentleman from Michigan [Mr. HOOPER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8141) authorizing additional employees for the Federal Power Commission, and for other purposes, with Mr. HOOPER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Federal Power Commission may request the President of the United States to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, their duties to be prescribed by the commission; and such detail is hereby authorized, as well as the detail, assignment, or transfer to the commission of any other persons in or under the Departments of War, Interior, and Agriculture who are engaged in duties which are conferred upon the commission by the Federal water power act. In the performance of the duties imposed upon it by the Federal water power act, as hereby or hereafter amended, the commission shall utilize, in so far as practicable, the facilities and personnel of the Departments of War, Interior, and Agriculture, and said departments are hereby authorized to utilize their facilities and personnel, civil and military, for said purposes, and to employ, subject to the civil service laws, additional personnel therefor when necessary. The commission is also authorized to employ, subject to the civil service laws, for such purposes in the District of Columbia and elsewhere such expert, technical, clerical, and other personnel as may, in addition to the personnel detailed or transferred from or employed in the Departments of War, Interior, and Agriculture, as aforesaid, be necessary for the performance of said duties and to make other expenditures requisite and incident thereto. All such expenditures, including rent in the District of Columbia, payment for personal services in the District of Columbia and elsewhere, reimbursement of other Government departments or agencies for salaries or expenses incurred in the performance of work for the commission, necessary printing and binding, purchase of equipment, supplies, law books, books of reference, periodicals, and directories, all necessary expenditures for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $6 in lieu of subsistence incurred by its employees under its orders, in making any investigations or conducting field work, or upon official business outside of the District of Columbia, and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose. In order to defray the expenses made necessary in the performance of the duties placed upon the commission and upon other Government departments or agencies under the Federal water power act, as hereby or hereafter amended, all charges collected from licenses under said act on and after January 1, 1928, for the purpose of reimbursing the United States for the costs of administration of said act and for recompensing it for the use of Government dams and structures and lands pertaining thereto, are hereby reserved as a special fund in the Treasury to be appropriated from time to time for the purposes specified herein; and the commission is hereby authorized, to the extent that moneys are so appropriated from said fund, to cause to be transferred on the books of the Treasury from such special fund to "Miscellaneous receipts," or to permanent and indefinite or other departmental appropriations or funds, such amounts as may be required to defray salaries or expenses hereafter paid or incurred by other Government departments or agencies in the performance of work for the commission.

Mr. GARRETT of Tennessee. Mr. Chairman, before the Clerk reports the committee amendments, I raise the question of consideration.

The CHAIRMAN. The gentleman from Tennessee raises the question of consideration. The question is, Shall the committee consider the bill.

The question was taken; and the Chair having announced that he was in doubt, the committee divided, and there were—ayes 49, noes 68.

Mr. PARKER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. PARKER and Mr. GARRETT of Tennessee to act as tellers.

The committee again divided; and the tellers reported—ayes 96, noes 95.

The CHAIRMAN. So the committee decides to consider the bill. Under the rule the gentleman from New York is recognized for one hour and the gentleman from Texas for one hour.

Mr. GARRETT of Tennessee. Mr. Chairman, my recollection is that the action of the Committee of the Whole House must first be reported back to the House.

Mr. SNELL. Why should we do that?

Mr. GARRETT of Tennessee. Where the question of consideration is raised in Committee of the Whole, I think the precedent is that the action of the committee, whether it be one of rejection or determination to consider, shall be reported back to the House.

Mr. TILSON. Mr. Chairman, a parliamentary inquiry. Is not that automatic, and does not the committee automatically rise and report the matter to the House?

Mr. GARRETT of Tennessee. That is the point that I make, if I remember the precedent correctly.

The CHAIRMAN. Will the gentleman from Tennessee call the Chair's attention to the precedent? This is a matter that has not occurred since Speaker Clark's time, the Chair is informed.

Mr. MAPES rose.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will permit, I am inclined to think, on glancing at the precedent, that it is against me.

The CHAIRMAN. The gentleman from New York [Mr. PARKER] is recognized for one hour and the gentleman from Texas [Mr. RAYBURN] for one hour.

Mr. PARKER. Mr. Chairman, I yield 30 minutes to the gentleman from Minnesota [Mr. NEWTON].

The CHAIRMAN. The gentleman from Minnesota [Mr. NEWTON] is recognized for 30 minutes.

Mr. WELLER. Mr. Chairman, will the gentleman yield before he begins?

Mr. NEWTON. Yes.

Mr. GARRETT of Tennessee. Mr. Chairman, after having conceded that the precedent is against me it is with hesitation that I again raise the question of whether or not the committee should report back to the House. It is important that we have a correct ruling here. My attention has been directed to the language of the rule.

Mr. NEWTON. Mr. Chairman, I want to protect my rights in the matter. I presume the gentleman is rising to a parliamentary inquiry. I yield for that purpose. I presume that I have the floor.

The CHAIRMAN. The rights of the gentleman will be protected.

Mr. SNELL. What is the gentleman's question?

Mr. GARRETT of Tennessee. It is a question of order. I read:

> The question of consideration may be raised on a bill on the House Calendar on Calendar Wednesday——

Mr. MAPES. What is the gentleman reading from?

Mr. GARRETT of Tennessee. From paragraph 875, page 398, of the Manual, which I hold in my hand. I read:

> The question of consideration may be raised on a bill on the House Calendar on Calendar Wednesday, even after one Wednesday has been devoted to its consideration, and the question of consideration may be raised in the Committee of the Whole House on the state of the Union after the House has automatically resolved itself into Committee of the Whole to consider a bill on the Union Calendar, but it is for the House to approve or reject the recommendation of the committee.

In this case that recommendation is that the bill be considered. Therefore, I respectfully submit that this matter should be automatically reported back to the House, and then the House has to pass upon the recommendation of the committee.

Mr. MAPES. Mr. Chairman, I desire to make the point of order that it is too late for the gentleman to raise the question now; and if there is any doubt in the mind of the Chair about the point of order raised by the gentleman from Tennessee, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MAPES. The gentleman from Minnesota [Mr. NEWTON] has been recognized and has the floor. He yielded to the gentleman from Tennessee [Mr. GARRETT] only to ask a parliamentary inquiry. The gentleman from Minnesota can not be taken off his feet except with his own consent, and he does not consent to be taken off for any other purpose than that stated.

Mr. GARRETT of Tennessee. I do not think under the conditions that exist here that the gentleman's point of order is well taken, because, if my construction of this matter is correct, the Committee of the Whole is illegally considering the bill until the House ratifies the action of the committee in determining to consider it. The mere question of time is not involved.

The CHAIRMAN. The Chair is ready to rule.

Mr. SNELL. Mr. Chairman, has the Chair read the ruling of Mr. Speaker Clark?

The CHAIRMAN. Yes. Does the gentleman from Michigan [Mr. MAPES] desire to be heard?

Mr. MAPES. If the Chair has the ruling of Mr. Speaker Clark before him, I have no desire to be heard; but I desire to submit to the Chair that under the Calendar Wednesday rule the House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar, and unless the committee decides not to consider the bill before it there is nothing for it to report back to the committee. There would not be any sense in the committee rising and reporting back to the House if it decides to go ahead and consider legislation as instructed under the rule by the House.

Mr. GARRETT of Tennessee. Will the gentleman permit an interruption?

Mr. MAPES. Yes.

Mr. GARRETT of Tennessee. Let us see where that leads to under the Calendar Wednesday rule. The Speaker while in the chair, when I endeavored to raise the question of consideration in the House, held, and I think correctly held, that I could not raise it in the House, but it had to be raised in the Committee of the Whole, and in Committee of the Whole I did raise it. Now, the Committee of the Whole, not the House, voted that it would consider the bill. That being the situation, and if the reasoning for which the gentleman from Michigan is contending is correct, the House itself has absolutely no control over the Committee of the Whole, which can proceed independently of what the House might do.

Mr. SNELL. What control would the House have?

Mr. GARRETT of Tennessee. The control under the rule. But the gentleman must bear in mind that in the case of an ordinary bill, not coming up on Calendar Wednesday, the opportunity exists of raising the question of consideration in the House, and the House can act upon it. But on Calendar Wednesday under the automatic rule the Speaker holds, and holds correctly, that the question of consideration can not be first raised in the House, but must be raised in the Committee of the Whole. Now, the point is that if you hold it can be raised in the Committee of the Whole and the committee is not required to report its action back to the House in case of its determination to consider it, then you deprive the House of the opportunity to act upon the question of consideration.

Mr. SNELL. Are we not in the same situation as when in the Committee of the Whole a point of no quorum is raised? Then there is a call of the House.

Mr. GARRETT of Tennessee. The cases are different. The question of a quorum is a mechanical thing. This is a question going to the very deeps of the rights of the House. It is a question of whether the House can have its will in the consideration of a bill or whether it is in control of the Committee of the Whole, which may be only 100 Members.

Mr. DENISON. In that case one Member can compel the committee to rise and report back to the House merely by raising the question of consideration.

Mr. GARRETT of Tennessee. That may be; but that is the trouble of the rule. It is important to preserve that right, even though it may be abused at times. It is the right of the House itself to say what it will have the Committee of the Whole consider.

Mr. MAPES. Mr. Chairman, there is no provision in the rule which provides that the committee rise automatically, and, as the gentleman from Illinois has just pointed out, there is never an opportunity to have a vote in the House on a proposition coming up in the Committee of the Whole unless the committee by a majority vote takes affirmative action; that is, unless it adopts an amendment, not when it rejects one. Amendments, as the Chair well knows, introduced in the Committee of the Whole which are voted down never come before the House; the House never has an opportunity to express itself on those amendments. As the gentleman from Illinois has well stated, one man might in the Committee of the Whole, for dilatory purposes or for any purpose, raise the question of consideration on bills and have a vote in the House on the question if the contention of the gentleman from Tennessee should prevail. It would be ridiculous to have the committee automatically rise and require the House to vote upon the question of consideration under such circumstances. There is nothing in the rule to that effect. It is contrary to all common sense and it is contrary to the procedure of the House. When the House automatically resolves itself into the Committee of the Whole it instructs the committee to consider the bill and when the committee decided to go ahead and to carry out that instruction, it seems to me it is perfectly ridiculous for it to arise until it has completed the consideration of the bill. It has nothing to recommend to the House except that the bill be considered, which the House has already instructed it to do.

Mr. GARRETT of Tennessee. Mr. Chairman, let us see just what this is going to lead us into if the contention of the gentleman is sustained by the Chair. Fewer than a quorum of the Whole House have determined this question of consideration up to date. This question of consideration, under the rules of the House, is one of the well-recognized processes of legislation and one of the recognized steps toward the culmination of legislation. It is an ancient rule. The rule permitting the raising of the question of consideration began, I believe the Manual says, as far back as 1808. It has been a part of the rules of the House ever since that time and it is a part of the rules of practically every parliamentary body I know anything about.

Now, what have you? It is for the House to determine whether or not it will have consideration and not the Committee of the Whole.

As I say, I admit that under the wording of the Calendar Wednesday rule and following the precedents, the Speaker held correctly when he held I could not raise this question in the House in the first instance and sent it to the Committee of the Whole automatically to be raised there. But it having gone there and the Committee of the Whole having taken action, it must go back to the House if the House is to be regarded as the whole House, because, as I say, it was less than a

quorum of the whole House, according to the vote in the Committee of the Whole of 96 and 95, that determined this question of consideration, and if the Chair sustains the contention of the gentleman from Michigan, you are depriving the House of its opportunity of action.

Mr. CHINDBLOM. Mr. Chairman, whenever a proposition or motion comes before the House the question "Will the House now consider it?" may be raised by any Member, and thereupon action must be taken upon that question. (Rule XVI, clause 3, House Rules and Manual.)

That rule applies to Calendar Wednesday (House Manual, sec. 875). If a bill comes up on Calendar Wednesday which is on the House Calendar, the question of consideration may be immediately raised and it is determined in the House. It happens that if a bill is on the Union Calendar on Calendar Wednesday, the House automatically goes into the Committee of the Whole and then the question of consideration may be raised there, but it seems to me we should not change the general rule that the House should determine the matter of consideration eventually and finally.

It is not a good argument to say that any Member may raise that question in the Committee of the Whole. Certainly; and any Member may raise it in the House at any time on every bill that comes up for consideration in the House.

Mr. MAPES. Will the gentleman yield?

Mr. CHINDBLOM. I yield.

Mr. MAPES. Of course, the purpose of the Calendar Wednesday rule, when it was first adopted, was to enable committees that had legislation which they thought was important and which they could not bring up on regular legislative days because steering committees or some other organization might not think it desirable legislation. If the time on Calendar Wednesday can be frittered away in any such way as the Chair is asked to interpret this procedure now, it would destroy the original purpose of Calendar Wednesday and make it entirely ineffective.

Mr. CHINDBLOM. In reply to that, I will say that if a majority of the House is not willing to take up a bill for consideration you are not frittering away the time of the committee that has the call, because the important thing to determine first is whether the House is willing to consider the legislation. If it is not, you will not have frittered away the whole day in considering the bill.

Mr. NEWTON. Mr. Chairman. I want to suggest, along the line of the argument that has been made in reference to Calendar Wednesday, that every Member of this House knows that if a committee gets two Calendar Wednesdays in a Congress it is lucky. Now, under those circumstances, it seems to me there is a real reason for the rule that the House automatically goes into the Committee of the Whole for the consideration of a bill on the Union Calendar, and that by reason of the Calendar Wednesday rule the right to pass on the question of consideration begins in the committee and ends in the committee, otherwise one whole day will be given up to a discussion of consideration and that would do away with Calendar Wednesday.

Mr. CHINDBLOM. It may be said in reply that the only time that is lost is the time of taking the vote in committee. If the bill is on the House Calendar on Calendar Wednesday, the question of consideration may be raised and it is then determined in the House. The only time lost here is the necessary time for taking a vote in the committee and going back into the House for the purpose of reporting to the House what the action of the committee has been. There is no debate on the question of consideration and there is no time lost except that lost in taking the vote, and the question of consideration must be raised before the debate has begun on the merits of the bill.

The CHAIRMAN (Mr. HOOPER). The Chair is ready to rule.

The Chair realizes this is a somewhat novel question and the Chair has had no opportunity, except a very brief one, with precedents being placed in his hands that he has not had time thoroughly to digest, to consider the merits of the question. However, it seems to the Chair that the decision of Speaker Clark, found in the second volume of Cannon's Precedents, section 8084, ought to be controlling. Speaker Clark said:

> Secondly, the Chair thinks that in this case the motion ought to be put to the House, which is the greater body and the controlling body, as it takes 217 to make a quorum in the House, just as the House votes on the recommendation of the Committee of the Whole House on the state of the Union when the committee reports back a bill with the recommendation that it lie on the table, or with the recommendation that the bill do not pass, or with the recommendation that the enacting clause be stricken out or that everything after the enacting clause be stricken out. The committee has the right to report any one of these recommendations.

This may be coupled with the following, found in notes to the House rules, at page 398, section 875:

> The question of consideration may be raised on a bill on the House Calendar on Calendar Wednesday, even after one Wednesday has been devoted to its consideration (Speaker Cannon, 61st Cong., 3d sess., p. 294), and the question of consideration may be raised in the Committee of the Whole House on the state of the Union, after the House has automatically resolved itself into the Committee of the Whole to consider a bill on the Union Calendar, but it is for the House to approve or reject the recommendation of the committee. (Speaker Clark, April 22, 1914, p. 7100; Speaker GILLETT, October 1, 1919, p. 6212.)

The question seems to be a close one and the precedents are few in number, but the Chair realizing that a precedent is being made rules that the committee should rise and report back to the House the action of the committee agreeing to the consideration of the bill.

Mr. NEWTON. Mr. Chairman, there were two points raised, and one of them was the question of the timeliness of the point of order that was made.

The CHAIRMAN. The gentleman may appeal from the ruling of the Chair if he sees fit.

Mr. NEWTON. The Chair has not ruled on that point and that is the reason I am calling it to the Chair's attention.

Mr. SINNOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SINNOTT. What was the recommendation in the ruling from which the Chair quoted? Was not the decision in that case that the House do not consider?

The CHAIRMAN. Yes.

Mr. SINNOTT. I understand so, and that would present an entirely different question.

The CHAIRMAN. The Chair feels his ruling is clear on the point, and unless an appeal is taken the committee will automatically rise and report its action back to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had before it the bill H. R. 8141, the question of consideration having been raised in the committee, the committee decided to consider the bill.

The SPEAKER. The question is, Shall the action of the committee stand as the action of the House?

Mr. GARRETT of Tennessee. Mr. Speaker, in order to save time, I will ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 155, not voting 105, as follows:

[Roll No. 53]

YEAS—174

Ackerman	Evans, Calif.	Ketcham	Sanders, N. Y.
Adkins	Faust	King	Seger
Aldrich	Fenn	Knutson	Selvig
Arentz	Fish	Kopp	Shreve
Bachmann	Fitzgerald, Roy. G.	Korell	Simmons
Bacon	Fitzgerald, W. T.	Kurtz	Sinnott
Barbour	Foss	LaGuardia	Smith
Beedy	Freeman	Langley	Snell
Berger	Frothingham	Leech	Speaks
Black, N. Y.	Furlow	Lehlbach	Sproul, Ill.
Bohn	Garber	Letts	Sproul, Kans.
Bowles	Gibson	Luce	Stalker
Bowman	Gifford	McFadden	Stobbs
Brand, Ohio	Glynn	McLaughlin	Strong, Kans.
Brigham	Goodwin	McLeod	Summers, Wash.
Buckbee	Griest	MacGregor	Sweet
Burtness	Guyer	Maas	Swing
Burton	Hadley	Madden	Taber
Butler	Hale	Manlove	Tatgenhorst
Chalmers	Hall, Ill.	Mapes	Temple
Chindblom	Hall, Ind.	Martin, Mass.	Thurston
Christopherson	Hall, N. Dak.	Menges	Tilson
Clague	Hancock	Merritt	Timberlake
Clancy	Hardy	Michener	Treadway
Cole, Iowa	Haugen	Miller	Underhill
Colton	Hersey	Moore, Ohio	Updike
Connery	Hickey	Morgan	Vestal
Connolly, Pa.	Hill, Ala.	Morin	Vincent, Mich.
Cooper, Ohio	Hoch	Murphy	Wainwright
Crail	Hoffman	Nelson, Me.	Wason
Cramton	Hogg	Newton	Watres
Crosser	Holaday	Niedringhaus	Watson
Crowther	Hooper	Parker	White, Kans.
Dallinger	Hudson	Perkins	White, Me.
Darrow	Hull, Morton D.	Porter	Williams, Ill.
Davenport	Irwin	Pratt	Williamson
Denison	Jenkins	Purnell	Winter
Dickinson, Iowa	Johnson, Ill.	Ramseyer	Wolverton
Doutrich	Johnson, Ind.	Ransley	Wood
Dyer	Johnson, S. Dak.	Reece	Wurzbach
Eaton	Johnson, Wash.	Reed, N. Y.	Wyant
England	Kahn	Robinson, Iowa	Zihlman
Englebright	Kearns	Rogers	
Estep	Kelly	Rowbottom	

NAYS—155

Abernethy	Douglas, Ariz.	Lankford	Romjue
Allgood	Drane	Linthicum	Rutherford
Almon	Drewry	Lowrey	Sabath
Arnold	Driver	Lozier	Sanders, Tex.
Ayres	Edwards	Lyon	Sandlin
Beck, Wis.	Evans, Mont.	McClintic	Schafer
Bell	Fisher	McDuffie	Schneider
Black, Tex.	Fitzpatrick	McKeown	Sears, Fla.
Bland	Fletcher	McMillan	Shallenberger
Blanton	Fulbright	McReynolds	Sinclair
Bloom	Fulmer	Major, Ill.	Sirovich
Bowling	Gambrill	Major, Mo.	Somers, N. Y.
Box	Gardner, Ind.	Mansfield	Spearing
Boylan	Garner, Tex.	Martin, La.	Stedman
Briggs	Garrett, Tenn.	Mead	Steele
Browne	Garrett, Tex.	Milligan	Sumners, Tex.
Browning	Gasque	Montague	Swank
Buchanan	Gilbert	Moore, Ky.	Tarver
Busby	Gregory	Moore, Va.	Taylor, Colo.
Byrns	Green, Fla.	Moorman	Thatcher
Canfield	Greenwood	Morehead	Underwood
Cannon	Griffin	Morrow	Vinson, Ga.
Carss	Hammer	Nelson, Wis.	Vinson, Ky.
Cartwright	Hare	Norton, Nebr.	Ware
Chapman	Hastings	Norton, N. J.	Warren
Cochran, Mo.	Hill, Wash.	O'Brien	Weaver
Cole, Md.	Howard, Nebr.	Oldfield	Weller
Collier	Howard, Okla.	Oliver, Ala.	Welsh, Pa.
Collins	Huddleston	Palmisano	Whitehead
Combs	Hudspeth	Peavey	Whittington
Cooper, Wis.	Hull, Tenn.	Peery	Williams, Mo.
Cox	Johnson, Okla.	Pou	Williams, Tex.
Crisp	Johnson, Tex.	Prall	Wilson, La.
Davey	Kading	Quin	Wilson, Miss.
Davis	Kemp	Ragon	Wingo
De Rouen	Kent	Rainey	Woodrum
Dickinson, Mo.	Kincheloe	Rankin	Wright
Dickstein	Lampert	Rayburn	Yon
Dominick	Lanham	Reed, Ark.	

NOT VOTING—105

Allen	Connally, Tex.	Igoe	Oliver, N. Y.
Andresen	Corning	Jacobstein	Palmer
Andrew	Cullen	James	Parks
Anthony	Curry	Jeffers	Quayle
Aswell	Deal	Jones	Rathbone
Auf der Heide	Dempsey	Kendall	Reid, Ill.
Bacharach	Doughton	Kerr	Robsion, Ky.
Bankhead	Douglass, Mass.	Kiess	Rubey
Beck, Pa.	Dowell	Kindred	Sears, Nebr.
Beers	Doyle	Kunz	Steagall
Begg	Elliott	Kvale	Stevenson
Boles	Eslick	Larsen	Strong, Pa.
Brand, Ga.	Fort	Lea	Strother
Britten	Frear	Leatherwood	Sullivan
Bulwinkle	Free	Leavitt	Swick
Burdick	French	Lindsay	Taylor, Tenn.
Bushong	Gallivan	McSwain	Thompson
Campbell	Golder	McSweeney	Tillman
Carew	Goldsborough	Magrady	Tinkham
Carley	Graham	Michaelson	Tucker
Carter	Green, Iowa	Monast	Welch, Calif.
Casey	Harrison	Mooney	White, Colo.
Celler	Hawley	Moore, N. J.	Woodruff
Chase	Hope	Nelson, Mo.	Yates
Clarke	Houston, Del.	O'Connell	
Cochran, Pa.	Hughes	O'Connor, La.	
Cohen	Hull, Wm. E.	O'Connor, N. Y.	

So the House decided to sustain the action of the committee.

The following pairs were announced.

Mr. French (yea) with Mr. Bankhead (nay).
Mr. Begg (yea) with Mr. Frear (nay).

General pairs:

Mr. Free with Mr. Gallivan.
Mr. Dowell with Mr. Kindred.
Mr. Beers with Mr. Tillman.
Mr. Magrady with Mr. Carew.
Mr. Palmer with Mr. Brand of Georgia.
Mr. Elliott with Mr. Mooney.
Mr. Bacharach with Mr. O'Connell.
Mr. Campbell with Mr. Connally of Texas.
Mr. Green of Iowa with Mr. Parks.
Mr. Gates with Mr. Deal.
Mr. Thompson with Mr. Quayle.
Mr. Reid of Illinois with Mr. Rubey.
Mr. Leavitt with Mr. Doughton.
Mr. Kiess with Mr. Cullen.
Mr. Rathbone with Mr. Stevenson.
Mr. Anthony with Mr. Doyle.
Mr. Beck of Pennsylvania with Mr. Corning.
Mr. Clark with Mr. O'Connor of Louisiana.
Mr. Strong of Pennsylvania with Mr. Igoe.
Mr. Dempsey with Mr. Jones.
Mr. Taylor of Tennessee with Mr. Kvale.
Mr. Fort with Mr. White of Colorado.
Mr. Golder with Mr. Eslick.
Mr. Hawley with Mr. Carley.
Mr. Graham with Mr. Aswell.
Mr. Hughes with Mr. Tucker.
Mr. James with Mr. Sullivan.
Mr. Kendall with Mr. Oliver of New York.
Mr. Michaelson with Mr. Steagall.
Mr. Robsion of Kentucky with Mr. O'Connor of New York.
Mr. Strother with Mr. Nelson of Missouri.
Mr. Swick with Mr. McSwain.
Mr. Tinkham with Mr. Lindsay.
Mr. Welch of California with Mr. Moore of New Jersey.
Mr. Hope with Mr. Lea.
Mr. Curry with Mr. McSweeney.
Mr. Chase with Mr. Bulwinkle.
Mr. Sears of Nebraska with Mr. Casey.
Mr. Burdick with Mr. Goldsborough.
Mr. Carter with Mr. Celler.
Mr. Cochran of Pennsylvania with Mr. Harrison.
Mr. Leatherwood with Mr. Auf der Heide.
Mr. Woodruff with Mr. Cohen.
Mr. Britten with Mr. Douglass of Massachusetts.
Mr. Andresen with Mr. Jeffers.
Mr. Monast with Mr. Kerr.
Mr. Bushong with Mr. Jacobstein.
Mr. Houston of Delaware with Mr. Kunz.
Mr. Andrew with Mr. Larsen.

Mr. BRAND of Georgia. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the House listening when his name should have been called?

Mr. BRAND of Georgia. I do not think I was here when my name was called, but I came directly from my office.

The SPEAKER. The gentleman does not qualify.

Mr. HAWLEY. Mr. Speaker, I would like to vote "aye," but I was not in the House.

The result of the vote was announced as above recorded.

The House automatically resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOOPER in the chair.

Mr. PARKER. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman——

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. I will yield for a question.

Mr. WELLER. Will the gentleman from Minnesota point out what differences there are between the existing law and this proposed measure?

Mr. NEWTON. I shall be glad to.

Mr. Chairman, there is nothing unusual about this bill, whose consideration has been questioned in a rather unusual way. It is merely a measure that has been recommended by the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War, who constitute the Federal Power Commission.

The bill was recommended by them in the last Congress. It passed the Senate in the last Congress and came over here so late that it failed to receive consideration in the House. The bill is merely in effect to permit the commission to add to its personnel in two ways. First, it gives them additional power in acquiring personnel from the Department of Agriculture, Department of the Interior, and the War Department. They have that power at the present time, but this adds to the power in that the details are not only temporary details and assignments but are transfers. Under the ruling of the Comptroller General made shortly after the water power bill became a law, no transfer was permissible. At the present time there is only one employee of the Federal Power Commission, and that is the secretary, Mr. Merrill. All the rest of the help that are acquired have to be temporarily detailed from the three executive departments.

When the water power act was passed Congress contemplated a development of the water-power resources of the country. That was the purpose and object of the legislation; that was the reason the joint committee spent months in considering it—and the result was the Federal Power Commission act.

Not only that, but they wanted to make possible a more rapid development of the use of the water-power resources; they wanted the development to go along so the rights of the public and the public interests would be promoted.

In order to do that they created the Federal Power Commission consisting of the three heads of the departments, the only employee being the executive secretary, and the other employees being obtained from the three departments. They have been doing their work, but as the work has progressed they have issued licenses for power sites, but it became perfectly apparent that they needed additional help; and they needed help that could function more effectively. The regulatory features of the water power act have been those that have received the least consideration, and that is what has led me to interest myself in the bringing to the consideration of this House the bill that is now before us. They have issued 290 licenses. There has not been any considerable delay in the issuance of licenses for power sites, but there has been very little work done in the regulating of rates and charges, the fixing of values, and the use of the regulatory power that the Federal Power Commission has in that respect.

Mr. McDUFFIE. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. McDUFFIE. In fixing the amount of capital invested does the commission undertake to do that in cases where the State authorities do it?

Mr. NEWTON. Unless there is no State regulatory body and unless it is an interstate transaction.

Mr. McDUFFIE. Is it not a fact that nearly every State in the Union has a regulatory body that is doing the very thing that the gentleman is seeking additional power to do?

Mr. NEWTON. I do not know as to every State. I know that there are States that do not have regulatory commissions so far as electric power is concerned, and I do know that three Cabinet officers have told this Congress in a report to this committee that they need this additional legislation in order to carry on these regulatory powers as Congress expected them to do.

Mr. McDUFFIE. Can the gentleman name any State which has not a regulatory body?

Mr. NEWTON. Yes; the State of Minnesota is one of them.

Mr. McDUFFIE. That does not go into the question of rates charged by an electric company?

Mr. NEWTON. They have no State regulatory commission so far as water power or electric energy is concerned.

Mr. McDUFFIE. Does the gentleman know of any other?

Mr. NEWTON. I know there are others.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. WELLER. Is it not the purpose of this bill merely to increase or give additional personnel to the Federal Power Commission rather than to change the policy of the existing law?

Mr. NEWTON. Yes.

Mr. WELLER. In other words, there is no change of existing law or of the Federal Power Commission.

Mr. NEWTON. Absolutely none. There is no change in the regulatory duties of the Federal Power Commission.

Mr. ARENTZ. Is it not necessary for the Federal Power Commission to determine the net cost of plants, to determine the method under which dams are constructed and plants erected, and have that information in the files of the commission so that at the end of a 50-year period, for instance, if the Government wishes to step in and recapture the plant, there would be some definite information to be had by the Government or by Congress or anyone who wanted to look into the *matter*?

Mr. NEWTON. Yes. The gentleman is correct in that, and in other instances that information should be available long before the expiration of the 50-year period.

Mr. ARENTZ. Surely.

Mr. CROSSER. Mr. Chairman, will the gentleman tell what means they have of getting help now to conduct this business?

Mr. NEWTON. Under the basic law they get all of their help from the War Department, the Interior Department, and the Agricultural Department, and they get that help by borrowing it from those departments. Of course, it was expected that those officers or employees would be assigned there, but as a matter of fact they are assigned only temporarily; there can not be what the comptroller calls a transfer.

Mr. CROSSER. And this is done with reluctance.

Mr. NEWTON. Yes. There is nothing permanent about it, and, as the gentleman has well said, it is done with a great deal of reluctance, because these employees are rated as employees of the respective departments. Of course, that being the case, and the work all being done for the Federal Power Commission, gentlemen can readily see the handicap that the commission is under all of the time in order to get a proper number of efficient personnel. The salaries of these detailed officers and employees comes out of the departmental appropriations.

Mr. MORTON D. HULL. And it is getting new permanent officers rather than a transfer of personnel from the departments, is it not?

Mr. NEWTON. The bill authorizes new permanent employees.

Mr. MORTON D. HULL. And that is where your problem is, is it not?

Mr. NEWTON. Yes. But it is expected that there will be transfers from these departments and that most of these employees will still be transferred; that they will acquire them by transfers from the departments on a more or less permanent status rather than on a temporary detail.

Mr. WELSH of Pennsylvania. Can the gentleman tell us how many additional new employees will be required?

Mr. NEWTON. There are 33 borrowed employees in the employ of the Federal Power Commission to-day, and the executive secretary, appearing for the commission, said that in his judgment the work would require an increase in the force of from 50 per cent to 75 per cent. That would mean from 16 to 20 or 21 additional employees.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. LAGUARDIA. To my mind it is not so much a matter of the number of employees as it is a matter of the right kind of employees in this sort of valuation, and whether these men will be able to analyze the figures of the expert accountants and these appraisers of plants under the supervision of the Federal Power Commission.

Mr. NEWTON. Any new employee would be selected, of course, under the terms of the civil service, just the way other employees are selected, say, for the Interstate Commerce Commission, the Federal Trade Commission, or the other executive branches of the Government.

Mr. LAGUARDIA. And they will have to know how to juggle figures if they are going to correctly interpret the appraisals that will be submitted.

Mr. NEWTON. The field work of the Federal Power Commission is now conducted just like the work here in Washington, entirely by the service of men from other departments. It is expected they will continue to make use of a temporary detail of employees from other departments in order to carry on the field work.

That can be done at less expense from out there on the field, and more conveniently, and those men can carry on that work, investigative work and otherwise. There is no thought and no intention whatever of changing from that. This is merely for the purpose of adding to the help that the commission should have if they are going to continue their work right here in Washington.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. SPROUL of Kansas. Why is it, or how is it, that the departments have on hand a lot of idle men available for this Federal Power Commission?

Mr. NEWTON. The gentleman assumes that the departments have a lot of idle men that are available for the work of the commission. Personally I do not agree with the gentleman on that. I know of no idle men who can go on the commission and perform the kind of work that the gentleman from New York [Mr. LAGUARDIA] says should be performed.

Mr. SPROUL of Kansas. Then, if these additional men are not idle and are needed by the commission, why not also allocate to the Tariff Commission men from the departments to do the Tariff Commission's work?

Mr. NEWTON. That is what we expect to do.

Mr. SPROUL of Kansas. I understood the gentleman said he would continue to borrow from the other departments.

Mr. NEWTON. No. We can now borrow on detail, but we propose to transfer some of them permanently. But that can not be done under the present law.

Mr. WELSH of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. WELSH of Pennsylvania. Are these employees found to be adverse to the commission's policy?

Mr. NEWTON. Oh, not at all.

Mr. ARENTZ. For instance, there is a fall on a certain river that can be used for power purposes. There may be need of that water also for irrigation purposes. We know that at times power and irrigation do not match up, because the water must be drawn out of the reservoir for irrigation, but you must have water for power at all times. The departments look into the facts and get the whole picture before them and present the facts to the Federal Power Commission. These men are there for that purpose, and without them the Power Commission could not function.

Mr. NEWTON. Yes. Here is the case. They are making use of them to-day, on temporary detail or in the field, in temporary exigencies for three or four or five or six days. That has to be continued. There is no thought of doing away with that or making these field men permanent. The idea is to have in Washington men to correlate this work, and where there is need of a permanent force to have that permanent force. That is the purpose of the legislation.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. OLIVER of Alabama. If that is the purpose of the legislation, why not write it in the bill?

Mr. NEWTON. We have done that.

Mr. OLIVER of Alabama. Have you not left it indefinite, and under this bill could not the commission employ as many field agents as they might wish? The purpose, in fact, as Mr. Merrill states, is to relieve their shortage in personnel, which relates to the work in Washington, and, as you have just stated that to be your understanding, why not limit the number they can employ to the number to be employed in Washington?

Mr. NEWTON. Well, the gentleman knows as the result of his very distinguished service here, both on the floor of this

House and as a member of the Committee on Appropriations—the gentleman knows the difficulties of drawing up legislation in advance to meet contingencies that happen over a period of years. Legislation is generally drawn in general terms. It should be. Some discretion must be vested in the executive officers. Some discretion can be vested in them, and then as a check upon them we have the Budget, and then we have the Appropriations Committee of the House, and then we have Congress itself in control over the appropriations. Now, it seems to me that with a provision of this kind and with checks of that character it would be unwise to attempt to go to work and confine this strictly to Washington.

We have a very technical Comptroller General. Every Member of this House knows something of the very technical way in which he construes provisions of law from time to time. There is no use in running up against that. We have competent men on the commission, and we have a competent Budget Director, and a competent Committee on Appropriations, and a watchful Congress.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. McDUFFIE. Can the gentleman tell us what the field work consists of?

Mr. NEWTON. The gentleman from Nevada [Mr. ARENTZ] referred to it a moment ago. He is so much more familiar with it than I am that I will ask him to answer the question.

Mr. ARENTZ. An individual or a corporation comes to Washington and applies for a license to the Federal Power Commission. He must present to the Federal Power Commission a statement as to the kind of dam he is going to construct, whether or not he has had soundings made on that site, how long and how high the dam is to be, what is to be the cost, where the power plants are to be erected, and how much they will cost, where he is going to run his transmission lines, and how much it will cost, and approximately what the rates will be; and the men in the field must go over these matters item by item, and the men in the office must correlate these facts, and then, on the basis of that, a license is given to the individual or corporation and issued by the Federal Power Commission.

Mr. McDUFFIE. So I understand, but is not all of that field work done through the Corps of Engineers?

Mr. ARENTZ. Up to this time.

Mr. McDUFFIE. And it is through the Corps of Engineers that the data is secured to which the gentleman has just referred?

Mr. ARENTZ. Up to this time I must admit that they pick from the Geological Survey an expert on geology and things of that sort; they pick a man from the War Department who knows something about the figures in connection with the construction of dams, and they pick a man from the Interior Department who knows something about water rights to determine whether or not the State has given a permit to this man or this corporation to construct a dam or for the use of that water within the State, because the Federal Power Commission is subordinate to the rights of a State in every case.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. KETCHAM. Before the gentleman leaves the remarks of the gentleman from Nevada, will he permit a question?

Mr. NEWTON. Yes.

Mr. KETCHAM. Is it true that the procedure outlined by the gentleman from Nevada is that taken where the stream is a navigable stream? My understanding is that the surveys and all of this detailed work are carried on by the Corps of Engineers, and that after the facts are found a report is made to the Federal Power Commission, and that that commission simply reviews the facts upon the data that has been gathered by the scientific and trained technical men in the Corps of Engineers. Is that correct?

Mr. ARENTZ. I will say that the Colorado River is supposed to be navigable and it is considered a navigable stream; yet there can not be any rights established upon the Colorado River without first going to the State of Utah, if it is within the borders of that State, and without going to the State of Colorado, if it is within Colorado, or to Arizona or Nevada, and obtaining a permit from the State, and then the Federal Power Commission will issue a permit under the Federal power act.

Mr. NEWTON. Congress gave very important and very extensive powers to the Federal Power Commission. There was some criticism and objection raised to the granting of these powers in the first instance, and the Federal power act was the outcome of many years of deliberation and discussion on the floors of both Houses of Congress and throughout the country. However, Congress finally determined upon the policy, and that policy was the development of the water-power resources of the country through the supervision of this commission, through investigative work, licensing, and so on. In order to protect the public interest this commission was clothed with certain powers. It was given supervisory power over accounting, the valuing of the properties, and in certain instances, where there was no rate-regulating power or where interstate commerce in electrical energy was involved, they were given rate-regulatory power.

Now, three members of the Cabinet, the three members constituting this commission, have told Congress of the necessity of having these permanent employees. Their letter appears in the report, and in that letter they comment upon the granting of 290 licenses. They discuss the value of those licenses. They state that cases involving more than $100,000,000 are still pending. Ninety-two other projects have been constructed or placed under construction since the act was passed. These constructed projects involve costs of not less than $675,000,000. Projects under license and not yet under construction involve not less than $300,000,000 more. They say that out of this huge total the commission has reached settlement of values or costs aggregating $21,000,000, and has wholly or partially examined claims aggregating $100,000,000 more. This is the result of seven years' work of the commission's accountants. I quote:

> It is manifestly impossible to make any real headway or to give reasonable protection to the public interest under limitations now existing.

They then ask to have the limitations removed in reference to the personnel, which we have done in this bill, and that is all there is to this proposition.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. COOPER of Wisconsin. The gentleman from Minnesota says the commission has issued 290 licenses. Within how long a time?

Mr. NEWTON. Well, since some time in 1920, when the Federal power act became a law.

Mr. COOPER of Wisconsin. Does the gentleman know how many within the last year?

Mr. NEWTON. I am sorry I can not answer the gentleman.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. OLIVER of Alabama. When the act was originally passed, Congress provided the means whereby the personnel could be provided by the three departments, to wit, the War, Interior, and Agriculture, the heads of which constitute the commission, and since the secretary, Mr. Merrill, stated that it is important to depart from that only to the extent of creating an additional force in the city of Washington, and only this force to the extent of adding 50 per cent more, why should we not place some limitation as to number of employees to be employed hereunder without leaving that indefinite?

Mr. NEWTON. Well, we can not look into the future and tell anything about just how many employees will be needed. The gentleman has far less confidence in the Budget and in his own committee than I have. I am willing to trust it to them.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. PARKER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. OLIVER of Alabama. May I suggest this to the gentleman: Mr. BECK, a constitutional lawyer, suggested to the committee that the constitutionality of this act has been questioned on many occasions and yet it has never found its way into any court where that question could be passed on, and it seems to me, in view of that situation, we should be slow to make so broad an amendment to the original act and leave it indefinite as to the additional number of personnel they may have, both in the field and in Washington. The original act undertook, in a wise way I think, to curb that.

Mr. NEWTON. Well, of course, that goes to a mere detail of the bill. I have been trying to direct my remarks to the general principles of the bill. However, it seems to me there is no occasion for making an exception in this case. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I voted for the consideration of this bill. I am absolutely opposed to its provisions. It

is another establishment or enlargement of a subdivision of the Government against which we almost universally rail and which we almost generally, inconsistently, vote for when they come up. I am reminded of a debate which took place seven or eight years ago, or perhaps longer, when the Children's Bureau bill was under consideration and an appropriation was made for that subdivision of $12,000, and it was written into the bill that the personnel should be so many and the appropriation should never exceed this amount. The last time I had occasion to look up the appropriation for the Children's Bureau I believe it was about $1,500,000.

If we are going to stop these bureaus, we can not do it by adding to the personnel. We have got to make a start somewhere, and I have failed to see any indications, at least for the last five or six years, where we have tried to stop establishing or restricting bureaus.

We are just as inconsistent as the gentleman from Minnesota, for about two or three weeks ago he stood on this floor and expressed his dissatisfaction, his disbelief, and his distrust of certain bureaus or of certain divisions of the Government in opposition to one bill, and then to-day he reverses himself and advocates that very thing.

Mr. NEWTON. Will the gentleman yield?

Mr. UNDERHILL. I would advise the gentleman that if the State of Minnesota does not at the present time have a public utility board or commission, he should bend his energies toward having one established in that State, and let Minnesota take care of its own water power rather than placing the control of such power here in the city of Washington.

Mr. NEWTON. The gentleman will say to the gentleman from Massachusetts that he did not introduce this bill. He is merely——

Mr. UNDERHILL. An advocate of it.

Mr. NEWTON (continuing). He is merely one member of the committee that has reported the bill, and he mentioned his State in answer to an inquiry. His State has not asked for this legislation, but his State wants adequate legislation for the benefit of the entire country, as the gentleman's State should want it.

Mr. UNDERHILL. I simply drew attention to the inconsistency of the gentleman's position of a short time ago and his position to-day.

Let me point out one thing in this bill, and then I am through. This ought to be enough to defeat it if nothing else.

On page 2 of the bill, beginning at line 19, it provides:

> All such expenditures, including rent in the District of Columbia, payment for personal services in the District of Columbia and elsewhere, reimbursement of other Government departments or agencies for salaries or expenses incurred in the performance of work for the commission, necessary printing and binding, purchase of equipment, supplies, law books, books of reference, periodicals, and directories, all necessary expenditures for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $6 in lieu of subsistence incurred by its employees under its orders, in making any investigations or conducting field work, or upon official business outside of the District of Columbia, and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose.

I do not know but what this is subject to a point of order. It surely is an appropriation by indirection, and this committee has no power to make appropriations.

I also question the constitutionality of the whole act establishing this board, and if I had the money and were engaged in hydroelectric work as a private individual, I would carry this case to the Supreme Court. It is a direct interference of private initiative, with private endeavor, and with the development of hydroelectric power throughout this country.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman, if there is really a valid objection to the Federal Power Commission, we ought to have the frankness and the courage to abolish it at once. If it has justified its existence, as I think it has, then let us give it adequate personnel to do the business that has been assigned to it by law. One of the two things ought to be done. [Applause.]

For my part I think the best thing we could do would be to repeal that part of the law providing for the taking of men from the War Department, from the Department of Agriculture, and from the Interior Department and require the commission to employ its own force, so there will be no doubt as to what is the actual cost of the operation of the Water Power Commission. Moreover, what is far more important to me, it would do away with the excuse which the present plan of furnishing help to the commission gives the War Department for employing large numbers of additional officers, more than they can justify for military purposes, in assigning their officers to the work of the Federal Water Power Commission. Those who were inveighing the other day against militarism in all of its forms ought to see very clearly that we give a very good excuse for enlarging the military force by this plan of borrowing men for civil departments of Government from the War Department. I would take that excuse away from them as quickly as possible if I had the power to do so.

Let us give this agency its own corps of employees and make such employees entirely responsible to the Federal Water Power Commission and to no one else. Now, as to the proposal to limit by guesswork the number of employees the commission should employ: Must we stipulate that one dozen or a dozen and a half clerks or stenographers must suffice for the commission's work, the extent of which work we know nothing about at the present time? It seems to me farcical to talk about limiting the number of employees we must have for the commission until the extent of the work, when properly done, has become better known.

Mr. ARENTZ. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. ARENTZ. As an indication of the necessity for these men, we can cite the fact that electrical development has been so extensive during the past eight years that the normal advance or increased consumption of coal has been cut 200,000,000 tons a year through the use of electricity, and it is because of this fact that we need these men to correlate and supervise these permits and licenses.

Mr. CROSSER. Yes; that is true.

Mr. UNDERHILL. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. UNDERHILL. And then they ask Congress to establish another bureau or board to investigate the coal business.

Mr. CROSSER. That has nothing to do with the question before the House.

Mr. MERRITT. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. MERRITT. Is it not true that the expenses of this additional help will all be met by the payment of fees?

Mr. CROSSER. Yes. As a matter of fact, there is much more money received by the commission than is necessary to pay its expenses.

Mr. UNDERWOOD. Does the gentleman think that the receipts of the commission will be adequate to take care of this additional personnel?

Mr. CROSSER. Much more than adequate. I think that if the additional personnel is provided, those who procure the water power will pay much more than is needed to pay the personnel.

Mr. BURTON. Will it not be true if the bill passes for this additional help that the receipts now amounting to $235,000 will be greatly increased?

Mr. CROSSER. Absolutely.

Mr. ABERNETHY. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. ABERNETHY. Is there any department of the Government that takes care of itself?

Mr. CROSSER. Yes; this commission which we are discussing, does so.

Mr. ABERNETHY. I would like to see one.

Mr. CROSSER. It seems to be assumed that if we pass this bill it will allow the commission to put their hands into the Treasury to take whatever they desire. Nothing of the kind is possible. They can not employ a single man for the Water Power Commission without coming to the Appropriations Committee for an appropriation to employ that help. Why talk about running away with the Treasury when all we propose is to enable the commission to apply in a legal way to the Appropriations Committee for the necessary funds. The Appropriations Committee, in the first place, and then the House has complete control of the situation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. RAYBURN. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, until there has been a clarification either by additional legislation or court construction of the respective powers and rights of the States and the Federal Government with reference to the tremendously important question of hydroelectric power, I am unwilling to go further than we have gone already in the building up and strengthening of the Federal Water Power Bureau.

I think all who have given this question attention are aware of the fact that the state of the law touching water power is in a very great confusion. There is in the minds of many of the most eminent lawyers of the United States very grave doubt as to the constitutionality of some of the powers undertaken to be granted by the Federal water power act. From time to time, beginning in the last session of Congress, and upon two or three occasions at this session, I have placed in the CONGRESSIONAL RECORD, by the consent of the House, the production of other minds on this subject. In the last Congress on the 21st of February, 1927, I inserted in the RECORD a most interesting document which grew out of a situation that developed in the State of New York. (CONGRESSIONAL RECORD, 69th Cong., pt. 4, vol. 68, pp. 4372 et seq.)

The State of New York undertook to challenge in the Supreme Court of the United States the exercise of certain powers that it had been attempted to confer by the Congress upon the Federal Power Commission in the Federal water power act.

I have not time to go into the details and can only sketch what happened. In an answer filed the Federal Power Commission made such intimations of concession as that the authorities of the State of New York sought a conference with it. That conference was had and the minutes of the conference were kept. There was reached there, not a personal agreement, because they were perhaps not in a situation to reach an agreement, but there was such an interchange of thought and the minds of the State authorities and the commission were so disclosed to each other as that it appeared there was no kind of controversy which could be pressed by the State before the Supreme Court in the suit.

In other words, it would have amounted to a moot case. And so the State of New York either dropped its suit or merely let it stand on the docket without action.

The practical effect of it was that the Federal Power Commission virtually conceded all that was being claimed in the way of law by the authorities in the State of New York.

Now there are numerous other States greatly interested in having the law clarified. My own State of Tennessee probably has the greatest water-power possibilities of any single State in the Union upon its many streams.

Not very long since I put into the CONGRESSIONAL RECORD an order of our State public utilities commission. Subsequently thereto I put a letter from that public utility commission bearing upon some phases of this question in the RECORD. It is in a way the outstanding question in the State of Tennessee. The public utilities commission is asserting—I do not stop to argue whether right or wrong, they are asserting certain rights which they claim for the State—and I submit that it is extremely important that certain portions of the Federal power act should be clarified. I have introduced a bill that is before the honorable committee from which this measure comes designed to clarify the situation and make clear what are the rights of the Federal Government and the States in this important matter.

The Supreme Court of the United States—I think last May—delivered the decision in the case of the Fox River Paper Co. against the State of Wisconsin, in which that court went further at least than it had ever gone before, because, doubtless, this is the first time that it ever had occasion to go that far in upholding certain claims of the State in regard to the utilization of power on a navigable stream. There has been much confusion growing out of the question of navigation and the question of power. I may be in error about it, but so far as I am concerned, I am freely of the opinion that in the water power act certain things are attempted to be done under the guise of navigation that the courts will not uphold if the question can ever come squarely before them. I believe that one of the very important things that this Congress could perform would be to make another study of this water-power question, and in connection with this bill which is presented, and to which I have referred, undertake to clarify this language and let us know what the respective rights of States and the Federal Government are. There is now conflict between some of the State authorities and the Federal Power Commission which is retarding development, and it is extremely important that this clarification should come about. I regard that as of infinitely more importance to receive the attention of Congress now than is the mere matter of dealing with a personnel down here, and building up a bureau. We all know how bureaus grow.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DENISON. Does not the gentleman from Tennessee think it is more important that it should receive the attention of the courts than the attention of Congress?

Mr. GARRETT of Tennessee. I do not agree with the gentleman.

Mr. DENISON. The Congress can not settle the legal question.

Mr. GARRETT of Tennessee. Yes; I think Congress can clarify the situation through the bill which I introduced, or through some other bill. Here is the difficulty. I do not know how you can draw the issues so as to get a clear-cut decision from the courts on some of these questions, because the Federal Power Commission is not positively asserting its authority in all instances in such a way as to enable one who might desire to enjoin the commission to make an issue with them. That was exactly the case which existed in New York. It will be of interest to Members to read that complete record in the RECORD of the last Congress.

Mr. DENISON. Has not the Water Power Commission conferred certain rights upon companies or persons seeking to use water power?

Mr. GARRETT of Tennessee. They have never gone to the point in any of the permits granted of fixing conditions that would bring about the controversy with State authorities, so far as I am advised.

Mr. DENISON. Could not the States themselves grant certain water powers which would conflict with the Federal law, and would not that raise the Federal question then?

Mr. GARRETT of Tennessee. That might be done; but here is the difficulty about it: The permit would be granted to a private individual or to a corporation, and there is a practical difficulty of getting it into the courts. It costs money to build these public power projects. Those who desire to engage in that field of enterprise must have a large amount of capital. They are unwilling to proceed to construct a dam where it might be questionable as to what power or authority the Federal Government has, merely upon a State permit, and on the other hand they hesitate even with a Federal permit to risk their money without having a State permit. Out of that grows confusion, which, as I say, I think could be clarified in a large degree by some such legislation as that proposed in the bill which I introduced.

Mr. OLIVER of Alabama. And in that very case to which the gentleman referred the secretary of the commission admits that the power to recapture which is written into the bill is intended so that the National Government might act as trustee for the State government.

Mr. GARRETT of Tennessee. I so understand.

Mr. OLIVER of Alabama. And surely if language is so ambiguous as that legislation is important to clarify it.

Mr. GARRETT of Tennessee. And the gentleman knows that there is a great deal of doubt in the minds of many as to the constitutionality of the recapture clause itself.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. SINNOTT. Could not the constitutional question be raised as between the right of the State and the Federal Government in the matter of rentals or royalties charged for the use of the power in the navigable streams?

Mr. GARRETT of Tennessee. But the difficulty is that the practical situation has never arisen.

Mr. SINNOTT. They have not exacted any rentals or royalties?

Mr. GARRETT of Tennessee. Not so far as my knowledge goes; that is, in such a way as has brought on a conflict with the State authorities, and this state of affairs is retarding development. The indisposition of capital to plunge into a project which means a lawsuit is well known. We are all familiar with the expression about hesitating to buy a lawsuit.

Mr. SINNOTT. If the rentals that the water-power company has to pay are transferred in the rate as a burden upon the users of electricity, the State would then surely have a justiciable question with which to go into court in resisting an additional rental on the users.

Mr. GARRETT of Tennessee. Imposed by the Federal Government?

Mr. SINNOTT. No; imposed by the water-power company. Because they are seeking to grant further those rentals to the users.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PARKER. Mr. Chairman, I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, heaven oftentimes sends us a friend, one whose friendship is worth the keeping. For a quarter of a century I have enjoyed that sort of friendship with the gentleman from Illinois, Mr. MARTIN MADDEN. [Applause.] During that period of service I have never known a

more useful man to the country than he, and it is my wish upon this, his seventy-third birthday, that he may be permitted to live and serve his country for many, many more years, and until God sends him word that his great work is completed. We must not lose his helping hand. The country can not afford to lose his commanding service. [Applause.] A minute is not long enough in which to speak of MARTIN MADDEN. I could speak of him for an hour and then not tell you of his many virtues. I have known times when weaker men would have been tempted to yield, when he has stood with the firmness of a great rock. This man of honor has never had his motives questioned; he has never had his integrity called in dispute. Insincerity has no place in his life. He has never spitefully treated any man in this House. He has opposed many things that we would like to have had done, but he has always given us a good reason for his opposition. He has always stood for the good of this Nation, and it stands with him as his best friend. I repeat what I said, long may he live and serve in this House as a guiding hand to the affairs of this great Government of ours. [Applause, the Members rising.]

Mr. PARKER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman and gentlemen, I was a Member of this House when the original water power act was passed. I was in favor of that act at that time. I am in favor of it now. I think it was a step in the right direction in helping to form a national water-power policy.

I think the gentleman from Minnesota [Mr. NEWTON] has stated the situation correctly, perhaps, when he said there was nothing in this bill that really changed the general water-power policy of the country. I do not think there is, but there is some language in this bill that materially affects the policy adopted by Congress at that time as to the administration of the act. I remember very well the debate on this proposition, and it was almost the unanimous opinion of all the Members of this House that, although we had set up a water-power commission, we would not set up an independent bureau which could have numberless employees and spread throughout the whole country.

Now, the only proposition that I oppose in the present bill is contained in a few words here, and unless you give them close attention you will fail to perceive the fact that they would change the entire policy of this Government, in administration of the act, in that we were not going to set up an independent bureau. It was provided at that time, as has been stated, that the Departments of Agriculture, War, and Interior would furnish the clerical part that was necessary to carry out the provisions of the act. The War Department, of course, has furnished all the engineers. So far as I know, there is absolutely no complaint on the part of the commission in regard to the service it has received along this line. The only complaint that has been made has been made by the executive officer of this commission. He has made some statements to the effect that he was behind in the accounting work, but I can not find that he has made any request of these various departments to furnish those men to do that accounting. If we adopt this measure exactly as it is written, it is going to give power to the Water Power Commission to establish a new bureau for themselves, and it is absolutely limitless, and not only applies to the District of Columbia but elsewhere in the United States.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. SNELL. Certainly.

Mr. DENISON. The gentleman says the bill is "limitless." Has the gentleman no confidence in the Bureau of the Budget and the House committees?

Mr. SNELL. Under this bill you will grant authority to these people to start a bureau, and I am opposed to that provision of the bill. I want to do everything in my power to help them to function and do the work intended, but I am opposed to their starting a new bureau, because it can be just as well taken care of in another way.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. NEWTON. The gentleman will appreciate the fact that the language used here is the language used in other acts in applying the personnel to other agencies of the Government.

Mr. SNELL. I know; but this was a definite policy adopted at that time, that we were not going to set up an independent bureau, and the gentleman knows that very well. So that it is not on a par with other propositions in connection with other bureaus of the Government.

Mr. NEWTON. I know; but when the commission, which is composed of three Cabinet officers, feel that this change should be made in the law in order that they may better carry on their duties, does not the gnetleman think that is a substantial recommendation?

Mr. SNELL. The gentleman from Minnesota knows as well as I do that the three Cabinet officers are not giving any attention whatever to this matter. It is left almost entirely to the executive officer. If the gentleman will refer to his own question when Mr. Merrill was before the committee, he will find that it was this:

> What is the change in the law?

And Mr. Merrill said:

> There are practically no changes in the law.

Mr. NEWTON. That is true.

Mr. SNELL. If you adopt this bill as it is written, and leave it to the discretion of the Federal Power Commission, he can build up a bureau of his own, and there is nothing to prevent it, and I think that is a very important change in the present law and the gentleman knew it.

Mr. NEWTON. He will be subject to the Budget and to the Committee on Appropriations and to Congress.

Mr. SNELL. Everybody has to get an authorization, but after the authorization is given, then they come up and say, "We have the authorization, and recommend this"; and, of course, the Committee on Appropriations are of opinion that so long as Congress authorized this, they must appropriate for it.

Mr. NEWTON. The gentleman wants this regulatory work to go on? He is in favor of that?

Mr. SNELL. I am.

Mr. NEWTON. They are not carrying on that work to-day.

Mr. SNELL. The reason for it is that they have not requested the departments to furnish these men.

Mr. NEWTON. Why not have them come directly to Congress?

Mr. SNELL. I think it is taking an entirely different step from that contemplated when we originally established this act. Congress then went on record as opposed to establishing a new bureau there. But if Congress wants to turn around and establish an unlimited bureau, then it is all right.

Mr. NEWTON. It is not an independent commission when it is composed entirely of Cabinet officers.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield there?

Mr. SNELL. Certainly.

Mr. OLIVER of Alabama. There can be no question about what the gentleman has mentioned as having been in the mind of Congress in establishing this bureau. If relief should be given, it should be limited.

Here is what Mr. Merrill said to the committee:

> We have a personnel now, technical and clerical, of 34. It probably will require a 50 to 75 per cent increase in number of personnel to handle the work that we have.

Mr. SNELL. And this bill makes provision that if they do not have them at the present time they can call on these three departments when necessary.

What I want to do is to offer an amendment on page 2, line 6, striking out the words "in so far as practicable." That will leave the law as it is at the present time, that they shall utilize the facilities and personnel of the Departments of War, Interior, and Agriculture. In line 14 I want to strike out the words "and elsewhere." I am absolutely opposed to their building up a bureau in any part of the United States without limit. At the present time representatives of the War Department, the Agricultural Department, and the Department of the Interior are located in these various parts of the United States. They can use them in work of this kind whenever necessary, but if you leave it to the commission to do as they see fit about it, Members of the House well know that before another year has gone by they will have a big bureau established and they will call upon Congress to appropriate for it.

I hope the committee will join with me in adopting the amendments I have suggested. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. MCDUFFIE].

Mr. MCDUFFIE. Mr. Chairman and gentlemen of the committee, I do not profess to be a profound constitutional lawyer, but I take it that those gentlemen who have studied this power act of 1920 are correct in suggesting that its constitutionality is a grave and mooted question. If that be true, the suggestions of the gentleman from Tennessee [Mr. GARRETT] should find favor in the minds of the entire membership of the House. We should not proceed now, with that act in its present questionable position, according to the views of many great lawyers,

by this bill to build up another large bureau for its adminstration. I agree with the gentleman from New York [Mr. SNELL], and I go a little bit further, far enough to say that under the language of this bill this chief clerk of the Power Commission could build up an organization as large as the Interstate Commerce Commission.

For two or three years, at least, this clerk of the Power Commission has attempted to get such legislation as this passed through the Congress. He was before the Rivers and Harbors Committee with a similar suggestion, and went to the Senate with this proposal. Who is behind this bill other than the clerk of the Power Commission? Oh, you read a letter signed by the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, but who wrote that letter? You gentlemen know; as Mr. SNELL has said, of course those Cabinet officers do not know a thing in the world about the working of this commission. They have not the time to study the details of the acts and doings of the commission. Therefore the urge for this legislation comes from this one man, Merrill, who has for some time tried to break the legal bands now preventing him from building up his organization and which is keeping him from expanding his office into a great bureau dealing, as it does, with problems involving the expenditure of millions of dollars. Necessarily he wants his own organization to grow and become larger and more important in the affairs of this Government.

Now, one more thing. If you will read the language of the power commission act, you will find it provides that the commission can make surveys for power development. It has the authority to do that.

Several years ago, when an effort was made to have the United States engineers study the possibilities of the navigable streams of this country and their tributaries for power, navigation, and flood control, we find this same clerk, Mr. Merrill, urging that the Power Commission itself make these surveys as to power, and before the Rivers and Harbors Committee he has suggested almost identical language with that proposed in this bill.

I will not criticize the chairman of this committee, the gentleman from New York [Mr. PARKER], who is a lovable man and a splendid, upstanding statesman; but, all of a sudden, almost overnight, what do we find? The committee holding hearings quickly, with only one witness—the Power Commission, who is Mr. Merrill himself—urging the very thing that Mr. Merrill has been urging for several years before this Congress, asking authority to build up a great bureau in this Government.

This Congress authorized a study of the navigable streams of this country for power and other development by the United States engineers. It is written into the law by the last rivers and harbors act. We appropriated the other day $2,000,000 to begin a study of these streams by the United States engineers. We should not grant the authority you are proposing to give Mr. Merrill under this act. It is all well enough for the gentleman from Minnesota and others to say there is no thought of expanding or changing policies; that there is no thought of having additional experts in the field; but if we give the Power Commission, Mr. Merrill, this authority, we will most likely have duplication of authority in making the most important surveys ever authorized by the Congress of America. This bill should not pass. There is no need for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. PARKER. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Chairman and members of the committee, I want to register my protest against voting power of this kind to a bureau head where the only protection the public has is the good faith of a public officer. I take this position without wishing to cast any reflection upon the gentleman who now occupies the office in question.

We are asked here to vote power to appoint ad libitum, without any restraint, any number of employees for this bureau. And who are these employees to be? They are to be men chosen under the civil service law.

We have in this country to-day the great power industry of the Nation striving to expand and develop that great asset which the Lord has given us, and we are now voting to place a limitation upon these activities, and that limitation is to be decided by men who pass a civil-service examination. And what kind of men are we going to get to take this civil-service examination? Men who probably could not get a job anywhere in the United States with a corporation that would pay them what the Federal Government will pay them. Yet this is the type of men in whom you are reposing this great authority. I say that advisedly, because when they start to function their reports on their investigations will be considered official, and upon those reports and the information which they contain the policy of the commission as to the power industry will be predicated.

Members of the committee, I hope we will see just how far we are going in this hasty legislation. I voted against the consideration of the bill at this time because I did not think it was proper to hurriedly bring it forward and practically decide the fate of a great industry of this Nation by a snap judgment of this kind, and I hope we will vote down the proposed legislation.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. ABERNETHY. In other words, we are in such a hurry that we made Wednesday Tuesday, or, rather, we made Tuesday Wednesday.

Mr. WELSH of Pennsylvania. We have changed the clock, and now we are changing the calendar.

Mr. MADDEN. I do not think that is a fair statement.

Mr. WELSH of Pennsylvania. I did not yield, and I hope this will not be taken out of my time.

Mr. ABERNETHY. This is Tuesday, and we are supposed to be considering Calendar Wednesday legislation, and is not that jumping up a day?

Mr. MADDEN. I think the gentleman ought to be fair in making such a statement. In the first place, the Committee on Appropriations said that it could not report the appropriation bill for the Navy until to-morrow, and it was at our request that the leader of the House requested a transfer of Calendar Wednesday business to Tuesday, and I do not think the gentleman ought to let the statement he made stand.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PARKER. Mr. Chairman, I yield one more minute to the gentleman from Pennsylvania.

Mr. WELSH of Pennsylvania. I want to call attention in this moment to the fact that we are placing the supervision and control over the water-power activities of this Nation for perhaps the next 25 years in the hands of men whom the power corporations themselves would not employ to carry on their own activities, and I do not think we want to do this.

Mr. PARKER. Will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. PARKER. How are we changing the present law in any way?

Mr. WELSH of Pennsylvania. Under the present law, as I understand it, these employees are not subject to the civil service.

Mr. PARKER. Oh, absolutely, yes.

Mr. WELSH of Pennsylvania. These new men?

Mr. PARKER. Yes.

Mr. WELSH of Pennsylvania. No; the new men are not provided for in the present law, but we have men in the department now that you are evidently not satisfied with or you probably can not control—I am using the pronoun "you" in a relative sense—and you want to get a class of employees who probably will have no vision and small ability, but who will be able to pass a fine civil-service examination, and these are to be the men who will shape the policies and destinies of these great enterprises. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. RAYBURN. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I confess that I really have but little stomach for this kind of effort. I used to speak against these measures in the House hoping that, although it would fall on deaf ears here, it would be noted in another body. Recent experiences have convinced me that such a hope is no longer justified.

Efforts against such measures are wasted. We bring these measures here, Members do not know anything about them, they are highly technical and hard to see through, they are railroaded through committees, they come here on the floor, there are very few Members present, nobody hears what is said, nobody pays any attention to what is said, Members go ahead and follow the committee, a majority is on one side and a minority on the other, and what is it all about anyhow? [Laughter and applause.] As I said here once before, of course, the result is bound to be wrong.

This is another typical bill such as I vainly spoke against a couple of weeks ago. It originated in a bureau. I did not see it written; I was not there. But I think I know enough about how such things are done to know that Mr. Merrill, the secretary of the commission, wrote the bill. The members of the

commission are very busy department heads. They have no time to spare to such matters. In substance and in effect, Mr. Merrill is the commission. He wrote the bill. He handed it to somebody to introduce. It has been in previous Congresses. It is again here in this Congress. He pushed the chairman of the Committee on Interstate and Foreign Commerce and insisted that some action be taken. The chairman referred the bill to the Power Commission for opinion, and so it went back into Mr. Merrill's hands and Mr. Merrill wrote the report of the Power Commission and sent it up recommending that his bill be passed. [Laughter.]

Then Mr. Merrill came before the committee when the chairman, in his generosity, had yielded to his importunities, and agreed to hold a hearing. The members of the committee had no notice that the hearing would be held. We had no opportunity to study the bill. We had no familiarity with the subject. Many of us had never read the power act. We were wholly unprepared, and there, in just a few minutes, with only one witness present, to wit, Mr. Merrill, testifying in behalf of his own bill, all that was said upon the subject was said. Nobody else was heard. No adversary interest had any opportunity to criticize.

And behold, when Mr. Merrill had finished what he had to say in perhaps 30 minutes or less, the chairman said, "Well, now, what shall we do with the bill? All those in favor of the bill," and started to put the vote right then. I expostulated and remonstrated gently with the chairman, and said, "Mr. Chairman, are we not to consider the bill in committee at all?" The chairman replied, "Oh, no; let us take a vote on it. We want to get something on the calendar for next Wednesday. That is our day in the House." Far better be it to present a bad piece of legislation than to have none at all. Let us have a bill to show we are doing something. [Laughter.]

I again pleaded with him for a little time for consideration. I protested and objected in my plaintive way; all in vain. I am an unpopular member of the committee, and it is entirely futile for me to try to get anything done on my initiative. I had hoped I might be able to get some other member of the committee to see a light. I knew it was an important matter of legislation, and that we ought to give it some real consideration. Finally, in despair, I looked up at the clock and saw that it was 12 o'clock, and so, grasping at the last straw, I said, "Mr. Chairman, the House is in session and the committee has no right to sit. I make a point of order." Thus it happened that I played the trump card, and so we got a little time until the next day. [Laughter.]

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that the gentleman is discussing matters which took place in the committee.

Mr. HUDDLESTON. Does not the gentleman from Washington [Mr. JOHNSON] want to know the truth? Is the gentleman unwilling to learn how this bill got through the committee? I know it is out of order, but I would like to finish with the story. [Laughter.]

The CHAIRMAN (Mr. MCLAUGHLIN). The gentleman from Alabama knows the rule.

Mr. HUDDLESTON. Yes, Mr. Chairman; I know the rule. So I must shut off the light I was shedding on the operations of the committee. [Laughter.] I must omit to tell you what actually took place. But let me lift the curtain and let my imagination come into play. Let me imagine that the chairman was not satisfied with what happened the day before and that the next morning he brought in the Secretary of War, Secretary of Agriculture, and somebody else to expound the bill. Oh, no! But the same faithful and dependable witness, Mr. Merrill, who could be relied upon to support his own bill. So we had another round on it. That was all there was. We never gave the bill the consideration which any measure was entitled to.

That was on Saturday, yet the report on the bill was not available until we met this morning. The hearings have not been read even by any member of the committee because they were not available until we came into the House to-day.

Why rush this bill through? What is the reason? Who is back of it? "Oh, we must have something to do on Calendar Wednesday." It would not do for a great committee like the Interstate Commerce Committee to say, "Mr. Speaker, we have nothing to present; we must be passed." [Laughter.]

Mr. BOYLAN. Has not that committee some coal bills that it could report out?

Mr. HUDDLESTON. Oh, yes; we have bushels of bills—mostly bad—before our committee. I do not know, but I had about as leave take up the time with this kind of a bill as others which may be worse.

Now, by reading the bill you would never realize that it was an amendment to the water power act. You will not get that out of it. The chief function of Congress, as it seems, is to pass bills at the behest of bureaucrats, to further develop their activities, to increase their authority, to extend their powers, and, of course, to give them more pay and more influence. Sometimes it is felt necessary when Congress is to perform this important function—it is felt that it would not be expedient to come squarely up to the face of Congress to put the bridle on. So they slip up "on the blind side," twist their fingers in our forelock, and the first thing we know we are haltered and tied. [Laughter.]

In a measure of this kind they do not usually disclose their full purpose. They do not tell us what is now the law nor exactly what they are trying to do.

Now, this bill, though carefully disguised, is really an amendment to the water power act. I want to read a little of that act.

SEC. 2. That the commission shall appoint an executive secretary, who shall receive a salary of $5,000 a year, and prescribe his duties, and the commission may request the President of the United States to detail an officer from the United States Engineer Corps to serve the commission as an engineer officer, his duties to be prescribed by the commission.

The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture, and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law.

Take note that the commission has no staff of its own, but is required to use the personnel of the departments named. That is the law as it stands now. As the law will stand, with this bill passed, that provision will be repealed. Instead of a personnel belonging to those three departments doing the work of the Federal Power Commission, we will have a separate and independent bureau with its own staff and its own officers. And I venture to say that there are few bureaus which will enjoy the powers that this bureau will have when this bill becomes a law. Beginning with line 11, page 2, the bill provides:

The commission is also authorized to employ, subject to the civil service laws, for such purposes in the District of Columbia and elsewhere such experts, technical, clerical, and other personnel as may, in addition to the personnel detailed or transferred from or employed in the Departments of War, Interior, and Agriculture, as aforesaid, be necessary for the performance of said duties and to make other expenditures requisite and incident thereto.

That will be the scope of the staff of this bureau when once this bill is passed.

I invite Members to read the part of the bill that is stricken out by the committee. Oh, the committee did have some little gumption. They did not exactly swallow the bill like a trout swallows an artificial fly. Beginning on line 10, page 3, of the bill, they struck out that provision which converted all of the revenues of the power commission into a separate fund in the Treasury. Note that clause carefully. There was created by that part of the bill, as it came to the committee, a separate fund in the Treasury, and the commission was authorized by the part of the bill beginning on line 19, page 2, to use that fund in the payment of the expenses of its operations. I read a few moments ago a clause from the bill beginning on line 11, page 2. Now, skipping now to line 17, page 2, after providing for the payment of this technical staff, the bill provides in line 18—

and to make other expenditures requisite and incident thereto.

Then it proceeds to provide—

All such expenditures, including rent in the District of Columbia, payment for personal services in the District of Columbia and elsewhere, reimbursement of other Government departments or agencies for salaries or expenses incurred in the performance of work for the commission, necessary printing and binding, purchase of equipment, supplies, law books, books of reference, periodicals, and directories, all necessary expenditures for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $6 in lieu of subsistence incurred by its employees under its orders, in making any investigations or conducting field work, or upon official business outside of the District of Columbia, and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose.

Take note of just what the provisions of the bill were. By the clause beginning with line 10, page 3, a separate fund was created and placed in the Treasury to the credit of the commission, and here in this clause is an authorization for the commission to make payments from that fund on presentation of vouchers. I submit that the real purpose and intent of the bill

as presented to the committee was to evade the law, and to permit these payments to be made without the authorization of Congress.

That was the real purpose of it. Whether it would have had that effect I very much doubt, but it was so constructed as to eliminate the Committee on Appropriations entirely out of the picture. Nowhere in the bill is it said that these expenditures shall be "authorized," but it does say that they shall be paid, and be paid from a certain fund. What was that for?

Had the bill been drafted by an ordinary Member of Congress, I should think that it was just merely a mistake, an evidence of ignorance, but the bill was written by somebody who wrote it very carefully and designedly. Every clause in it was put in there for a purpose. For what purpose was that clause put in if not to authorize the commission to use this special fund for the purpose of carrying on its activities?

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. MADDEN. I propose to offer an amendment which will compel these people to come in and review and state all of their activities to the Committee on Appropriations before they get any money in the future if the bill should become a law.

Mr. HUDDLESTON. I do not doubt that this bill is susceptible of amendments to be offered by patriotic gentlemen which would remove a great many stingers that are now in it. Let me suggest to all of you that you examine it with the very greatest care and pluck out these jokers wherever possible. [Applause.]

Mr. PARKER. Mr. Chairman, I yield five minutes to myself. The gentleman from Alabama saw fit in a rather humorous way to criticize the action of the committee, of which I happen to be chairman. That is a mere matter of opinion—the opinion of the gentleman from Alabama and the opinion of myself. He has a perfect right to his opinion and I assume that I have a right to mine. So that we will stop that discussion right there.

What are the facts about the bill? We do not change the water power law one atom, so far as it affects the control of water power in this country. The Secretary of War has been to see me many times regarding the personnel employed by the Water Power Commission. At the present time, how are they paid? They are not paid by any appropriation that is given to the Water Power Commission. They are paid out of the appropriations made for the War Department, for the Department of Agriculture, and for the Department of the Interior, and there is absolutely no way by which those departments can get that money back. Somebody here said that they had heard of no applications being made for an increase in the personnel. Naturally not. The Secretary of Agriculture, the Secretary of War, and the Secretary of the Interior would not be willing to detail men from their departments to be paid out of their appropriations to some other department. Those are the facts. There is a provision in the law which will go into effect on the 1st day of July, 1928, whereby there is an appropriation made for the Water Power Commission, and this can be paid by the War Department going to the Water Power Commission and giving it a bill for services, and providing also that the Interior Department and the Agricultural Department can render the Water Power Commission a bill for services and be reimbursed. That will go into effect on the 1st day of July.

Now, so far as the personnel of this bill is concerned, I know very little about the Water Power Commission, and it is true that the testimony before us is the testimony of a man who is decidedly interested and probably the head of the bureau. But let me ask you in all sincerity and in all humility to whom would you go to ask what was needed unless it was the man who is running the show?

Mr. SCHAFER. Does this man, Mr. Merrill, run the entire water-power show?

Mr. PARKER. I think so.

Mr. SCHAFER. In that case we had better abolish the commission.

Mr. PARKER. When I said that I do not assume that the Secretary of War or the Secretary of the Interior or the Secretary of Agriculture gives any particular amount of time to the personnel or employees of that bureau——

Mr. SCHAFER. Does this man singly and alone determine whether or not these power permits should be issued?

Mr. PARKER. I am not talking about that. I am not talking about the policy. I was talking about the personnel and the mechanics of running the bureau.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Yes.

Mr. BYRNS. I do not know whether I understood the gentleman correctly, but I understand the gentleman to say that these gentlemen, the heads of the Water Power Commission, declined to furnish the clerical force necessary.

Mr. PARKER. I said they hesitated.

Mr. BYRNS. But the law imposes that duty upon them, and heretofore the commission has been supplied with the necessary personnel, and now an appropriation has been made.

Mr. PARKER. If I said "they declined" I used a word I should not have used. I should not have used it when I said "they declined."

Mr. BYRNS. I do not know for sure that the gentleman used it.

Mr. PARKER. I think I should not have used it. I do not think they have declined.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. PEERY].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. DEMPSEY. Mr. Chairman, will the gentleman from Virginia yield for a brief question before he starts?

Mr. PEERY. Certainly.

Mr. DEMPSEY. My understanding has always been that the expenses of this commission and the salaries of these clerks were paid by assessments for licenses on these water-power companies. We do not have to appropriate for that purpose, but the income of the commission, including the salaries of the employees, came from the licenses that these water-power companies paid?

Mr. PEERY. That is true.

Mr. DEMPSEY. It is something reckoned on the horsepower?

Mr. PEERY. I do not understand that there is any fixed basis on which these fees are levied.

Mr. DEMPSEY. I think it is fixed at a certain rate per horsepower, and I think that has been abundant so far for the purposes of this commission. Then what is the necessity, if the commission has been self-sustaining up to this time?

Mr. VINSON of Kentucky. My understanding is that they have not been self-sustaining and are not at this time.

Mr. PEERY. Mr. Chairman and gentlemen of the committee, I am in sympathy with the purposes underlying the Federal Power Commission. I think it was intended to serve a useful purpose. But I think the rights of the Federal Government should be strictly confined, so that we may know definitely and confine the activities of the Federal Government to the things with which the Federal Government should be concerned, and leave to the States their activities in matters in which the States are primarily concerned.

Now, what is the situation? Under the Federal water power act there is an overlapping and a duplication of agencies. The Federal Government is investigating power projects throughout the country even in cases where it could hardly be contended that the Federal Government had any power or any rights, where it is clearly a State function.

We are told that when this act was passed it was definitely understood that no new bureau should be set up. I presume it was then reasoned that with the Secretary of Agriculture on this commission and the Secretary of War and the Secretary of the Interior, the activities of the Government with reference to the matters in which the Federal Government was interested would be correlated; the War Department would look after questions involving power plants which would affect navigation, that the Secretary of the Interior would look after the rights of the Federal Government where the public lands were involved, and likewise that the Secretary of Agriculture would look after the rights of the Federal Government in safeguarding the forestry interests, which are under the control of the Department of Agriculture.

Now, the constitutionality of this act has not yet been passed upon, and we have this duplication of agencies. In this connection the gentleman from Connecticut [Mr. MERRITT] asks if the income from these power projects, from the licensees, was not more than sufficient to pay the cost of operating the commission? I think in the hearings it is stated that they do more than meet the costs. But that is a specious argument in support of a bureau. If we are getting income from the use of the Government lands, why should we spend that income, the full amount of it, in the upkeep of a bureau? Why not turn it into the Treasury of the United States so that the taxpayers will get the benefit of it?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RAYBURN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. MERRITT. Will the gentleman yield?

Mr. PEERY. Yes.

Mr. MERRITT. The gentleman understands that those fees do go into the Treasury now and can not get out without appropriation?

Mr. PEERY. I understand that, and I do not contend that under this bill they can get them out without going to the Appropriations Committee. But it is the argument that every additional bureau uses; that where there is an income from a special source and they are not using the full amount of it, the inevitable tendency is for the bureau to increase its personnel and add to the men in the employment of the bureau up to the full amount of the income from that particular department or activity of the Government.

We know that this bill gives the Federal Power Commission the authority to go ahead and employ additional personnel.

We asked the executive secretary about the practical working of it. Under the law he is compelled to go to these three departments to get the personnel for his bureau. He said he had difficulty in doing that, but I am sure that when the Secretary of War, a member of this commission, asks his department to give him an additional detail there will be no great difficulty about it. The same is true as to the Secretary of Agriculture and as to the Secretary of the Interior. When the heads of these three departments, who constitute the Power Commission, are convinced that additional men should be detailed to the Power Commission it would seem that they could provide that such personnel be given to this commission. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. PARKER. Mr. Chairman, may I ask how the time stands on both sides?

The CHAIRMAN. The gentleman from New York has 14 minutes, and the gentleman from Texas has 9 minutes.

Mr. PARKER. There will not be more than one speaker on this side.

Mr. RAYBURN. And we will have only one more speaker.

Mr. PARKER. I think I am entitled to close the debate.

Mr. RAYBURN. Mr. Chairman, I will take such of my nine minutes as I desire to use.

Mr. Chairman and gentlemen of the committee, we now stand face to face with the real purpose that is behind this measure. I made the statement this morning that our hearings were in executive session. I was partially mistaken about that, as I afterwards stated to the gentleman from New York [Mr. PARKER]. Friday the hearings we held were in open session and they were taken down by a stenographer. On Saturday, however, there was no stenographer present, and the matter about which the gentleman from Alabama [Mr. MCDUFFIE] spoke was referred to, namely, that this matter had been before the Rivers and Harbors Committee. I asked the executive secretary of the commission about that, and he stated that it had never been before the Rivers and Harbors Committee.

We might as well be frank about this matter. They talk about the checks and balances that are on this commission with reference to the employment of clerks, experts, and so forth, and that we have the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture to look after this commission. Now, everybody who knows anything about the work of the Federal Power Commission knows that the Federal Power Commission is a civil-service employee, designated as the executive secretary of this commission, Mr. Merrill. The gentleman from New York [Mr. PARKER], always honest, always frank, and always candid in the House and out of it, admitted to the gentleman from Tennessee that this man Merrill, the civil-service employee of the Government, is the Power Commission, and that the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture have nothing whatever to do with it except in a most general way. Anybody who says that they do any of the work of this commission is stating something that is not really so.

Mr. PARKER. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. PARKER. I know the gentleman does not want to misquote me. I said that was so as far as the mechanical part of the commission was concerned I said that the matter of policy was, of course, governed by the Secretaries, but that as far as the mechanical work of the commission was concerned Mr. Merrill did the whole thing.

Mr. RAYBURN. The gentleman does not contend that he thinks the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture devote any appreciable amount of time to this work?

Mr. PARKER. I will agree with the gentleman except as to laying down the policy.

Mr. RAYBURN. The policy we have here is laid down by Congress and the execution of that policy is carried on by this civil-service employee, known as the executive secretary of the commission, Mr. Merrill.

Mr. DEMPSEY. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. DEMPSEY. I will say that my experience has been in the main and practically entirely in accordance with the gentleman's statement, but when there is a contested question, a real contest, then the three Secretaries do sit and determine the question. That arises very rarely, but it has arisen in my experience.

Mr. RAYBURN. That is just like a man and his wife, in which the man said his wife settled all minor questions, and said, "We have never had any major questions arise between us." [Laughter.] That is exactly the way with these three Secretaries setting the policy and doing any of the work of this commission.

Mr. DEMPSEY. I did not say they set the policy, but I say occasionally when there is a real dispute they do sit and determine the dispute.

Mr. RAYBURN. Maybe so. Now, another thing. We might as well face the proposition that this is a bill to get the camel's nose under the tent. When we passed the power act, of course everybody understood and everybody knew it provided how this should be done and that this should not be an independent bureau. But this man Merrill is an ambitious individual. He is not any too modest, either, as you will see when you examine the bill he has had introduced, which he had passed in the Senate at the last session of Congress and which he is trying to pass here to-day.

It is to give him more power, more men, more tools with which to work and to make himself bigger and greater when he comes before the Committee on Appropriations.

We get up here, and amendments to appropriation bills go off because they are not authorized by law. There is no law under which the appropriation can be made if the point of order is made, but when you pass this bill, this gentleman can go ahead and contract for these employees—and you do not get experts like he is talking about in this bill for any small salary—then he can come before the Congress and the Congress in honor, after you pass this bill, is bound to make the appropriation to pay the bills that he has contracted by the employment of these civil-service employees and by the employment of these experts.

Mr. UNDERHILL. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. UNDERHILL. It has been said on the floor that this bureau is self-sustaining; where do they get the money?

Mr. RAYBURN. They get some money from licenses, and they go into first one fund and then another.

Mr. UNDERHILL. Who pays for the licenses? Eventually does it not come back on the consumer?

Mr. RAYBURN. Oh, yes.

Mr. UNDERHILL. In other words, the corporation or the individual hires his own engineer and his own force of workmen, and then he must take on a lot of Government employees and pay them out of the receipts he gets from the public.

Mr. RAYBURN. Absolutely. In other words, if this bill is passed in the form in which it is presented by the committee, even with the very good amendment that the committee added by striking out nearly half of the bill—if they had stricken out the enacting clause this would have been a fairly good bill [laughter]—but under the language of this bill as reported to the House there is no limitation whatever in law upon the number of employees that this man, who is the executive secretary of the commission, can employ—not any whatever.

As I said this morning, practically every day somebody gets up and talks about some bureau of the Government, stating that he will never vote to inaugurate another one or that he is not going to vote to extend the power of the ones that are now in operation, but that is always when there is not a bill up to create another bureau or to extend the power of one that is already in existence.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HILL of Alabama. Did Mr. Merrill, when he was before the gentleman's committee, point out any specific cases wherein the commission had been unable to carry out its duties under the Federal water power act due to the fact that it did not have any of these employees?

Mr. RAYBURN. He made a general statement, of course, like they all do, and just like every bureau of the Government does when you go down to them and want some hurry about some matter—they all say, "Go up on the hill and talk to Congress; they are to blame; they do not give us enough money to employ the men to carry on the activities as they should be."

Mr. HILL of Alabama. He did not state any particular cases where there had been items of cost that the commission had not been able to investigate due to the fact that the commission did not have a sufficient number of employees or auditors or engineers to do the work.

Mr. RAYBURN. If he did, I do not remember it. We had a short hearing in the committee and Mr. Merrill, of course, was the only man who appeared before us.

My objection to this bill is that we are creating and expanding another bureau; that we are giving this civil-service employee, who is the head or the executive officer, power to go out anywhere and employ all of the help that he himself deems necessary.

Mr. PARKER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman and gentlemen of the committee, I am strongly in favor of the passage of this bill, and I can not understand the opposition which has developed to it. I regard it as necessary for the prompt and efficient utilization of the water power of the country, and that is of very great importance.

Although I am somewhat rusty on the subject, for 20 years I was in close touch with this question of rights relating to water power. It was at first asserted that the rights belonged to the riparian owner and that the Government of the United States had little, if anything, to say about it, provided obstacles to navigation were not created.

Again, there was maintained the idea that it was exclusively a State matter. In the decision of the Chandler-Dunbar case, rendered in about 1913, in Two hundred and twenty-ninth United States Supreme Court Reports, these contentions were brushed aside and it was definitely established that the Federal Government, under its control over navigable streams, had the right to grant or refuse licenses for water power, and this led to the control of the whole subject.

Indeed, I was in consultation with two very eminent lawyers in the Senate, Elihu Root and Mr. Cummins, of Iowa, in which we reached the conclusion that the right to control navigation extended to nonnavigable streams. For instance, suppose it is suggested that a certain depth for navigation should be obtained in the Hudson River. That greater depth could be obtained by dredging or by allowing the free flow of tributary streams into the river. In securing this object of greater depth the Congress might have the right to prevent the diversion of water in any of these tributary streams. Really, I can come to no other conclusion in this regard. It is very broad and sweeping.

Thus the Government, first, under the leadership of Mr. Stimson, recently appointed Governor General of the Philippines, when Secretary of War, sought to establish the principle that no rights should be granted to build dams in any stream except with a Federal license.

In this discussion he was supported by other officials of the Government—by President Taft, an eminent lawyer—and the conclusion that the Federal Government has the right to refuse licenses has been universally accepted.

Mr. DEMPSEY. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. DEMPSEY. As I understand that right has been challenged very recently in a suit that was about to be completed by argument in the Supreme Court when some sort of a compromise was reached and it was withdrawn.

Mr. BURTON. They have had eight years to raise the question.

Mr. DEMPSEY. This was in a suit about six months ago.

Mr. BURTON. It is singular that no one has questioned and brought to the court of last resort for decision this water power act for it is certainly in accordance with the prior decisions of the Supreme Court of the United States.

Mr. DEMPSEY. I am in accord with the gentleman's contention, but I was simply calling his attention to the fact of this suit.

Mr. SINNOTT. Will the gentleman yield?

Mr. BURTON. I will.

Mr. SINNOTT. The gentleman has referred to the Chandler-Dunbar decision. As I recollect that decision the court held that where the Government has put in a dam for navigation purposes the Supreme Court saw no objection to the——

Mr. BURTON. The Federal Government did not put in the dam, it was put in by a company, but the decision is broad and sweeping.

Now, I have examined the Fox River case alluded to by the gentleman from Tennessee [Mr. GARRETT]. That does not present any obstacle to the power of the Government. What was that case?

Certain proprietors had a dam and they sought to repair it. There was a State statute that provided that no dam should be constructed without the consent of the State. The State also maintained that there could be no renovation or repair of the dam without application of that statute. The Supreme Court of the State of Wisconsin sustained that contention. It was taken to the Supreme Court of the United States and they sustained the contention that the riparian owner did not have the right to construct the dam without the consent of the State, and reasoning from the lesser to the greater, certainly we can argue that if that is the case the Federal Government having control of navigable streams has a right as great as the State.

Mr. GARRETT of Tennessee. Will the gentleman yield

Mr. BURTON. Yes.

Mr. GARRETT of Tennessee. The importance of that was that they upheld the right of the public utilities commission and that it would be giving the commission powers that would be in conflict with some of the provisions of the water power act.

Mr. BURTON. No; not in conflict with the water power act. It was as to the right of the State against the riparian owners.

It is especially desirable that this great question of water power, which is a national question, an interstate question, should be under the control of the Federal Government. I must emphatically criticize those who rise here and are so strong for the improvement of rivers and harbors, who are for the payment by the Federal Government of the total cost of the management of the Mississippi River, but when it comes to the control of water power claim that it must go to the States. In other words, where there is a burden the Federal Government must bear it, but where there is an advantage it belongs to the States. [Applause.] I am not in favor of any such doctrine as that.

Mr. MONTAGUE. Will the gentleman yield?

Mr. BURTON. I will.

Mr. MONTAGUE. Does this bill controvert at all the position taken by the gentleman; is not this bill a mere administrative proposition?

Mr. BURTON. It is.

Mr. MONTAGUE. It does not touch the great principle that this gentleman is talking about?

Mr. BURTON. No. Now, coming to this bill it does not change at all the principles of the bill adopted in 1920 that has had such salutary results. What is the reason of this reluctance, almost a refusal of the War Department, the Interior Department, and the Agricultural Department to furnish the necessary help. It is their inability to furnish the necessary force for the commission. What do you suppose they did in one case when called upon for an expert? They detailed a man from a bureau in the Agricultural Department for the eradication of the Japanese beetle. They have had to scour the department, and the authorities have sometimes gone outside of the department and done just what this commission would do—engage persons on the outside to do the work.

I want to point out how dangerous it is if you let this go by. There are 136 applications for the construction of dams now pending with a capacity of 14,690,000 horsepower, and those are held back. Some of them have been pending for five years because the commission has not force enough to dispose of them. There is a more important matter yet.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes.

Mr. SNELL. Has the gentleman any information that the commisson has asked for help when it has not been granted to them?

Mr. BURTON. Yes.

Mr. SNELL. I would like to have that information.

Mr. BURTON. There has been constantly a request for more assistance. There has not been an absolute refusal, but they have said that their force is insufficient, and that they have not the men to do the work. What is the class of work that must be done? Under the water power act of 1920 the Government has the right of recapture at the end of 50 years. In order that the Government may not be defrauded it is necessary that there be an appraisement right now of how much capital is being invested by these different licensees. It has been necessary to absolutely neglect that and so we are in this position, that we are allowing these dams to be constructed for which we have the option to pay and would naturally pay, without any adequate appraisement of their value.

Mr. McDUFFIE rose.

Mr. BURTON. I must decline to yield further. Then, again there is the question of fixing the price to consumers. While it is true that if a State has a commission, and they do not all

have them, then and in that case the State may fix the rates; if the State does not act or has no commission the Federal commission must act.

There is no adequate force to fix the rates. Oh, how much I have heard against bureaus and how many I have seen voting for bureaus! What are the facts? This House and the Congress here are staggering under a weight of legislation that is impossible to carry, and we have got to transfer it, more and more, to departments or commissions, to bureaus, or branches of the Government, I do not care what you call them. This does not really create any new bureau. Are we so afraid that insidiously Mr. Merrill will creep upon us and bring in a great mass of employees when it is all under our control? Two hundred and thirty thousand dollars a year is the revenue obtained from these licenses. One hundred thousand dollars is regarded as the probable cost of the services of the men detailed from the departments, and it is thought that there ought to be a further expenditure of $60,000, making $160,000 against an income of $230,000. If this bill were passed, there would be a very considerable increase in the revenues. I am frank to say that I have no desire to censure anybody, but I never knew greater rapacity than was exercised by some of those who were grabbing for water power, desiring to make it free from the control of the Government, free, without any regard to the interests of the people. The gentleman from Pennsylvania says that under this bill we would have civil-service employees whom a corporation would not employ. Of course, officers of a corporation would not employ them because they would know that they would be just and look out for the interest of the Government. I trust that this bill will pass.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That hereafter the Federal Power Commission may request the President of the United States to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, their duties to be prescribed by the commission; and such detail is hereby authorized, as well as the detail, assignment, or transfer to the commission of any other persons in or under the Departments of War, Interior, and Agriculture who are engaged in duties which are conferred upon the commission by the Federal water power act. In the performance of the duties imposed upon it by the Federal water power act, as hereby or hereafter amended, the commission shall utilize, in so far as practicable, the facilities and personnel of the Departments of War, Interior, and Agriculture, and said departments are hereby authorized to utilize their facilities and personnel, civil and military, for said purposes, and to employ additional personnel therefor when necessary. The commission is also authorized to employ for such purposes in the District of Columbia and elsewhere such expert, technical, clerical, and other personnel as may, in addition to the personnel detailed or transferred from or employed in the Departments of War, Interior, and Agriculture, as aforesaid, be necessary for the performance of said duties and to make other expenditures requisite and incident thereto. All such expenditures, including rent in the District of Columbia, payment for personal services in the District of Columbia and elsewhere, reimbursement of other Government departments or agencies for salaries or expenses incurred in the performance of work for the commission, necessary printing and binding, purchase of equipment, supplies, law books, books of reference, periodicals, and directories, all necessary expenditures for transportation and subsistence, including, in the discretion of the commission, a per diem of not exceeding $6 in lieu of subsistence incurred by its employees under its orders, in making any investigations or conducting field work, or upon official business outside of the District of Columbia, and away from their designated points of duty, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by a member or officer of the commission duly authorized for that purpose. In order to defray the expenses made necessary in the performance of the duties placed upon the commission and upon other Government departments or agencies under the Federal water power act as hereby or hereafter amended, all charges collected from licenses under said act on and after January 1, 1928, for the purpose of reimbursing the United States for the costs of administration of said act and for recompensing it for the use of Government dams and structures and lands pertaining thereto, are hereby reserved as a special fund in the Treasury to be appropriated from time to time for the purposes specified herein; and the commission is hereby authorized, to the extent that moneys are so appropriated from said fund, to cause to be transferred on the books of the Treasury from such special fund to "Miscellaneous receipts," or to permanent and indefinite or other departmental appropriations or funds, such amounts as may be required to defray salaries or expenses hereafter paid or incurred by other Government departments or agencies in the performance of work for the commission.

With the following committee amendments:

Page 2, line 10, after the word "employ," insert the words "subject to the civil service laws"; and on line 12, page 2, after the word "employ," insert the words "subject to the civil service laws."

Page 3, line 10, after the word "purpose," strike out the remainder of the bill.

The CHAIRMAN. The question is on agreeing to the committee amendments.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word. I suppose I am like about two-thirds of the membership of this House. I know absolutely nothing about what we are about to vote upon except what we have heard here, controversial as it is, from both sides. The distinguished gentleman from Illinois took me to task a while ago when I suggested that we had moved up Calendar Wednesday to Tuesday. I did not mean any disrespect to the gentleman. I have a very high regard for him. But the only way a Member of this House knows what is going on and what is to be the program of business is either by reading the RECORD or calling up the majority leader's room, or by looking at the bulletin out in the corridor to see what is the program for the next day. Yesterday when we left, the program which was outlined to be considered was the Navy appropriation bill. Yesterday afternoon when the House was considering the Consent Calendar, when there were but few Members on the floor, the majority leader asked unanimous consent that Calendar Wednesday business should be taken up; not on Thursday or Friday, but to-day, Tuesday. Then this committee comes in here with a very controversial bill, a bill that has divided the great Committee on Interstate and Foreign Commerce, involving the question of establishing a great bureau—setting up a very powerful bureau—and if the gentleman from Ohio [Mr. BURTON] is to be believed, involving an attempt to absolutely take away from the States the power to have any say, purely within their own boundaries, upon the question of whether or not a man can build an ordinary dam or dams.

Now, when I did make the observation about making Tuesday Calendar Wednesday it was made in good faith. I appreciate fully what leadership means in this House. I appreciate fully the power of the majority leader, and I have great respect for him. I appreciate what the action of committees mean. But, gentlemen, it takes 435 Members to make up the membership of this House, and it takes 218 here to make a quorum; and if you expect the membership to know anything about what is going on it does seem to me that these changes, when made, should be given more publicity, and when I brought the question forcibly to the attention of the House that we had run up Calendar Wednesday to Tuesday and hurriedly brought up a very controversial bill, it is something worthy of serious consideration by the House.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. NEWTON. All that I think could be inferred from the gentleman's remarks was that he was casting a reflection on the committee in having the day advanced to Tuesday. The committee had nothing to do with it.

Mr. ABERNETHY. No; I did not intend that. I have great respect for this House and its membership and the great committee. I do not want to cast any reflection on anybody. But I say that I think the average Member who is not on one of these large committees can not rely on the orderly procedure of the House when Wednesday does not mean Wednesday but Tuesday.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. COLE of Iowa. Was it your purpose to devote all the day to this bill?

Mr. ABERNETHY. No. But I assumed we would have an opportunity for discussion to-morrow; and when I hear leaders on our side and some on your side say this bill ought not to be brought up this way, I ask, why should this bill be taken up on Tuesday when it should come up regularly on Wednesday? Have we got to set up this great bureau and establish a lot of bureaucrats here in a day's time and not be willing to wait for the regular day to do it, but do it on Tuesday instead of on Wednesday? I say it is very premature. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, as I recall, this Water Power Commission was created in 1920.

Either at the first session or at the second session, after the creation of this commission, the secretary appeared before the Committee on Appropriations, the subcommittee on independent offices, and asked at that time to set up an entire independent piece of machinery. Under the original act all of the necessary force was to be provided by the Department of Agriculture, the Interior Department, and the War Department. The Committee on Appropriations very promptly turned down the request of the secretary, the secretary being the only one who is paid by an independent appropriation.

From that time to this there has been no controversy on the subject before the Committee on Appropriations, and there has been no further request to make this a purely independent establishment. So far as I know, and so far as the investigations had before the committee are concerned, they are getting along very well in the conduct of the business of this bureau. It is just another one of these attempts to establish an independent bureau which was meant simply to serve as an adjunct to some one or more of the departments. More than 90 out of every 100 of these independent bureaus started just as this one started and afterwards developed into an independent office.

So far as the executive work is concerned, it is performed by the executive secretary, and the necessary force has been supplied by the three departments named. If it is a requirement concerning which the Department of Agriculture has peculiar knowledge, the Agricultural Department furnishes the employees. If it is something concerning the Interior Department, that department furnishes the force, and the same with regard to the War Department.

Mr. BURTON. Does not the gentleman realize that in this work of valuing property expert accountants are required, who are not found even in the War Department or the Agriculture or Interior Departments? They are not in the departments. You have to go outside for them.

Mr. WOOD. I expect if you would appeal to either one of these departments they would tell you they have splendid experts to do this work; and, as a matter of fact, there has been no question of that character that has come before the committee. We have been told at each recurring session of Congress that all the service that has been necessary has been furnished by these three departments, so that we need not fool ourselves about this or further disguise the attempt that is being made.

Mr. VINSON of Kentucky. I would call the attention of the gentleman to the fact that in the preparation of the independent offices appropriation bill for the fiscal year 1929 that the very thing was done in the bill as it passed the House—that is, authorized in this bill in so far as the transfer of the personnel from the War, Interior, and Agriculture Departments are concerned. The appropriation for the next fiscal year as it passed the House would be under the control of the Federal Power Commission itself.

Mr. WOOD. The gentleman is right. The expenses of this commission were paid out of the various departments in proportion to the amount of work they did, respectively. The present bill providing for the independent offices is now in conference, and it provides that an appropriation shall be made directly to this commission to pay the persons employed in this bureau, and a deduction is to be made from each department in proportion to the service furnished.

Now, this bill is so drawn as to give to this commission the right to employ all their help, and the independent offices appropriation bill now pending is the last appropriation bill in which there will ever be a provision for the payment of engineers or the Interior Department force, or the Agriculture Department force. Hereafter they will be making the appeal directly to the Committee on Appropriations for all the service required by this commission, and the institution will grow like a mushroom.

Mr. BURTON. The gentleman is entirely in error about that. The greater part of the force, the engineers and others, would still be detailed from the War Department and the other departments—this special class of employees.

Mr. WOOD. And that is the thing I am against.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. WOOD. There will be but very little time until a sufficient showing will be made whereby they can not afford to delegate men from the War Department, from the Agricultural Department, or from the Department of the Interior, and they will be employing experts everywhere; they will be employing expert engineers and they will be employing expert judges of crops, and so on; they will be employing experts in every direction, thus augmenting, if you please, the burden on the taxpayer. I think there are plenty of idle persons in the War Department, I think there are plenty of men in the Interior Department, and I think there are plenty in the Agricultural Department to do all the work that is required of them under this organic law.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. HUDDLESTON. Has Mr. Merrill made any complaint to the Committee on Appropriations that he did not have help enough and have you refused to give him help?

Mr. WOOD. He has never made any such complaint; but, as I say, he did try, either the first or second session after this commission was authorized, to make it an independent bureau, but when it was refused there was no complaint made.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. VINSON of Kentucky. Does not the gentleman think that the bill under discussion at this time is the authorization which the Federal Power Commission thinks is necessary to be had in order to justify the appropriation which was made?

Mr. WOOD. There is no doubt about the justification of the appropriation, but there is no justification for this law being changed so as to take away from these departments the right to detail all the personnel that is necessary.

Mr. VINSON of Kentucky. Unless an authorization is needed, they now have in part what they seek to secure under the bill. If an authorization is not needed, of course, it is unnecessary to discuss it.

Mr. WOOD. It is purely a change of management, an effort to establish another entirely independent bureau.

The CHAIRMAN. The time of the gentleman from Indiana has again expired. Without objection, the pro forma amendment will be withdrawn, and the question is on the committee amendments.

The committee amendments were agreed to.

Mr. SNELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SNELL: Page 2, line 6, after the word "utilize," strike out "in so far as practicable."

Mr. SNELL. Mr. Chairman, I do not want to take very much time in further discussing this amendment, but I want to make this thing clear, that if the amendment which I have offered and another one similar to it are adopted, they will not in any way change the policy of the Federal Power Commission or in any way retard the passing on applications. The only thing this amendment does is to carry out the intent of the original Federal power act in not creating a special bureau for that purpose. That is the only thing that my amendments do. It is purely a matter of administration and not of policy.

When we passed the original act I was opposed, as was the great majority of Members, to establishing a new and separate bureau to administer it. I am still of the same opinion. In this bill there is no limitation on the amount of help this commission can have from the other departments. I want them to have all that is necessary to do well the work required and expected, and the provisions of this bill will provide for it. The only thing I am opposed to at this time is a special new and independent bureau.

Mr. BURTNESS. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BURTNESS. I would ask the gentleman to indicate what his other amendment is so that we may discuss both amendments at the same time.

Mr. SNELL. I will ask the Clerk to read both of my amendments.

The CHAIRMAN. Without objection, the Clerk will report the amendments.

There was no objection.

The Clerk read as follows:

First amendment offered by Mr. SNELL: Page 2, line 6, after the word "utilize," strike out the words "in so far as practicable."

Second amendment offered by Mr. SNELL: Page 2, line 11, after the word "necessary," strike out the balance of the line and down to and including the word "thereto," in line 19.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, it seems to me that the amendment so far proposed by the gentleman from New York is either entirely meaningless or else it is ridiculous. If you take out the words "in so far as practicable" alone, and if you leave the rest of the paragraph, then I presume the construction of the whole bill would be

identical with or without this specific language, for you would still have a specific legislative mandate to the effect that the Federal Power Commission shall utilize the facilities and the employees of these three different Departments of War, Agriculture, and Interior, and you would still have the further specific mandate that it might employ additional persons directly.

Mr. SNELL. Will the gentleman yield for a question?

Mr. BURTNESS. No. I have so little time I can not yield.

Mr. SNELL. I yielded to the gentleman, and I want to make myself clear.

Mr. BURTNESS. In that event I will be glad to yield to the gentleman.

Mr. SNELL. If you adopt my amendment, where would you give them authority to employ persons directly?

Mr. BURTNESS. Well, I have discussed so far only the first amendment, the one now pending. Of course, when it comes to the second amendment, which the gentleman is going to offer later, then you take the entire heart out of this bill, and it might as well not be passed at all. You might then just as well strike out the enacting clause. I am just putting the situation frankly before you so all may see just what is involved and not discussing particularly at this time the merits of the amendments. I doubt whether the first amendment standing alone affects the bill at all. If you adopt both you will, as I suggest, cut out the heart of the bill.

Of course, if we wanted to be at all technical about the first proposition of the gentleman from New York, who wants the words "in so far as practicable" eliminated, we might then ask him whether he insists that these men shall be employed from the Department of Agriculture, from the War Department, and from the Interior Department, even though it is impracticable to appoint such people.

Mr. SNELL. Will the gentleman yield?

Mr. BURTNESS. In a moment.

The purpose of the bill is to say to the Federal Power Commission that whenever it is appropriate, whenever it is practicable to do so, whenever it is best to do so, their employees shall come from these three departments, but when the time comes when it is not practicable, when it is not in the interest of good business to do so, then a governmental agency ought to have the same opportunity to go out and do business in a businesslike way, the same as a private corporation, and select its employees for their special fitness for the job to be done. On the whole, I do not think this bill is of great importance one way or the other, but many unwarranted assertions have been made as to its results.

As I see this bill, in its ultimate essence it is this: If this bill is passed, in so far as the special employees, special accountants, and the like, are concerned, those that have been referred to, let us see what the Power Commission would have to do under this bill in comparison with what they do now. They would have to go in and make their case before one specific subcommittee of the Committee on Appropriations which knows more about the Federal Power Commission and its work than any other subcommittee. They would have to submit their case, in other words, to our good friend the gentleman from Indiana [Mr. WOOD] and his subcommittee, instead of proceeding as they are doing now, coming in and getting this help piecemeal, asking for some of these employees from the subcommittee on agriculture, of which the gentleman from Iowa [Mr. DICKINSON] is chairman, some more of them from the committee that handles the Interior bill, headed by the gentleman from Michigan [Mr. CRAMTON], and some more from the committee that handles the Army bill, headed by the gentleman from California [Mr. BARBOUR]. It seems to me this is an entirely inconsistent and improper method.

Why not put the responsibility upon an independent bureau of this sort where it belongs; and it is an independent bureau, whether you call it that or not. It is a mighty small one, it is true, but why not put the responsibility of making this bureau present its own case to the subcommittee which handles the appropriations for the rest of the independent offices? I do not think there is any danger that the gentleman from Indiana and the other able men upon that subcommittee are going to let this man Merrill or anybody else run away with their good judgment or run away with the judgment of the House. Why bother several committees who will treat the items as a side line, more or less?

Mr. BURTON. Will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. BURTON. Is it not true now that these men detailed from the respective departments are brought in from outside their regular force?

Mr. BURTNESS. I do not know positively about that, but that is probably true. In any event, let us make these men employees of the bureau for whom they work, and that will tend to make them more loyal to that bureau.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. DEMPSEY. Mr. Chairman and gentlemen, first of all let me state that the gentleman from Ohio misunderstood me in thinking that I am opposed to the general water power bill. I think there has not been a more beneficient piece of legislation enacted by the Congress in the last quarter of a century than that bill. I simply had some doubt as to the entire extent of the power of Congress as the gentleman elucidated it; but that is not in question here.

The question here is simply one of whether we shall establish an independent bureau with all the increase of growth of employees and expense which that means. This is the sole question involved, and in discussing this question I want to say that my experience with Mr. Merrill has been that he is a conscientious, hard-working Government official, and I have no criticism of him personally.

However, I do think we should give the weight to the water power act as it was enacted and stands which its great success merits. I do not believe we should rush madly or inconsiderately into amendments. I pay a higher respect to the act even than the gentleman from Ohio. The underlying purpose of the act was to administer it through these three departments and not to have a separate bureau. It has worked splendidly. The growth of water-power development in the United States has been phenomenal since we enacted this law. It has worked perfectly in every way and increasingly well year by year. What is the purpose, then, in changing it? How are we going to improve it?

The gentleman from Ohio asked the gentleman from Indiana if we would not need additional employees. If we do need them the three departments which exercise control have the right under the law to employ these men.

Mr. BURTNESS. Will the gentleman yield?

Mr. DEMPSEY. In a moment.

There never was a time when this bill was less necessary than now because this House in a far-seeing, broad-minded way, has enacted legislation by which we are expending $7,000,000 in a survey of all of the navigable streams of the United States for all of the purposes for which water can be utilized—navigation, power, reclamation, and all of the various purposes to which it can be put. These surveys are being made day by day at this large expense and this commission will be furnished with more valuable information in the near future than it has ever been furnished in the past. Why should we then disturb a law that we passed only a few years ago when it is working so exceedingly well? We are making progress, and making progress as we never progressed before, and why should we try to change the executive functions of this commission or try to increase or vary them?

Why not go on with what we have that has worked so well?

Mr. BURTNESS. Why should the Agricultural Department be charged with appropriations for regulating private industry?

Mr. DEMPSEY. Because when the legislation was deliberated on at great length we found that we had men who were fitted to solve various questions relating to the water power, in the three departments, without going out and hiring experts at a large and wholly unnecessary expense. That is the reason we provided that they should draw the personnel from the three departments—because we have them, and it is not necessary to go to this added expense.

Mr. McDUFFIE. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. McDUFFIE. The gentleman knows that the water power act gave the commission the authority to make surveys, and this commission could, under the direction of Mr. Merrill, also make surveys of power development. Then we would have a conflict of jurisdiction in making surveys.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. I ask for one minute more.

Mr. LaGUARDIA. Make it three minutes. I would like to ask the gentleman a question.

Mr. DEMPSEY. Three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LaGUARDIA. If the commission has the legal power to make surveys and has not the proper personnel, what good is the power?

Mr. DEMPSEY. We are making splendid progress with the surveys. I am in constant touch with the engineers in regard to it. Adequate appropriations have been made. We have authorized the expenditure of $7,000,000, and the work is being

done, it is being rapidly done, and just as well as it can possibly be done.

Mr. LaGUARDIA. How would this change the situation?

Mr. DEMPSEY. It might change it as the gentleman from Alabama points out; we might have duplication, as we find we have it so often in the Government service. We might have a conflict of surveys and get into a snarl that would delay the splendid work of the Water Power Commission in the country.

Mr. LaGUARDIA. The gentleman will notice that this is all under the jurisdiction of the Water Power Commission; this does not change the existing law.

Mr. DEMPSEY. When the work is done as it is to-day, it functions through the engineers of the Army. They have the service in charge. They discovered 3,000,000 horsepower on the Tennessee River and its tributaries that no one suspected we had there until we made surveys of these streams. Those surveys cost something like $700,000. They were well worth the money several times over. They developed where the power sites would best be located, how they should be developed, and all the particulars necessary to granting licenses. What was done there a few years ago is now being done all over the United States. If this commission continues to function as it ought to through the three departments, retaining its present employees who have proved that they are fitted to do the work, and securing such additional employees as may be needed from the three departments, just as they have in the past, they will make much more rapid progress than by making experiments and seeking to obtain assistance in other ways. The commission will not cost the taxpayers so much or have so impressive a list of employees, but it will function as it has so far to the entire satisfaction of our people and in developing our great water power at a rapid and steadily increasing rate. [Applause.]

Mr. PARKER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes. Is there objection?

Mr. McDUFFIE. Reserving the right to object, I do not want to delay the House unnecessarily, but I think it is a pretty short time for discussion on this important matter.

Mr. PARKER. I will make it a half hour.

Mr. GARRETT of Tennessee. Mr. Chairman, before that is agreed to, I do not think there is any disposition to interfere with the progress of the bill, but I would like to know how many amendments there are to be offered.

Mr. MADDEN. I have one on which I want five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this section and all amendments thereto close in not to exceed 30 minutes. Is there objection?

There was no objection.

The CHAIRMAN The question is on the first amendment offered by the gentleman from New York [Mr. SNELL].

Mr. McDUFFIE. Mr. Chairman, I ask unanimous consent that all amendments now pending be read for the information of the committee.

Mr. MADDEN. I ask unanimous consent that I may have five minutes on my amendment.

Mr. GARNER of Texas. The Chair will undoubtedly recognize the gentleman from Illinois.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all of the amendments may be read for the information of the House. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the various amendments.

The Clerk read as follows:

First amendment offered by Mr. SNELL: Page 2, line 6, after the word "utilize," strike out the words "in so far as practicable."

Second amendment to be offered by Mr. SNELL: Page 2, line 11, after the word "necessary," strike out the balance of the line and all down to and including the word "thereto," in line 19.

Amendment to be offered by Mr. MADDEN: Page 3, line 10, after the word "purpose," insert the following:

"The expenses made necessary in the performance of the duties placed upon the commission and upon other Government departments or agencies under the Federal water power act as hereby or hereafter amended, for the cost of administration of said act, shall be paid from such appropriations as may be made therefor. All charges collected from licenses under such act on and after January 1, 1928, for the purposes of reimbursing the United States for the cost of administration of such act shall be covered into the Treasury as miscellaneous receipts. The Federal Power Commission shall from time to time adjust such charges to the end that the sums so collected shall be equivalent, as nearly as possible, from year to year, to the total amount expended for such purposes, and in the event the amount so collected in any fiscal year shall be deficient or exceed the amount expended, the commission shall take such deficit or surplus into consideration in fixing such charges for the ensuing fiscal year."

Amendment proposed by Mr. McDUFFIE: Page 2, line 11, after the word "necessary," strike out the language on page 2 and the language on page 3 down to and including the word "purpose," in line 10.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from New York [Mr. SNELL].

Mr. NEWTON rose.

Mr. MADDEN. Mr. Chairman, I would like to be heard upon my amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Minnesota, a member of the committee.

Mr. NEWTON. Mr. Chairman, I want to speak to the Snell amendment striking out the words "in so far as practicable," and also anticipating the offering of the other amendment in which he strikes out the language from line 11 to line 19 on page 2.

These two amendments go to the very heart of this proposition. This question is whether we are going to have a regulatory body, with power to regulate, and with adequate help, or are we to permit it to go along handicapped as it has been and unable to carry on the regulatory work that Congress puts upon it? The gentleman from New York [Mr. DEMPSEY] said that they can draw upon the employees from the executive branches of the Government and that there is no occasion for this bill. Who ought to be the best judge as to whether there is occasion for the bill, the gentleman from New York [Mr. DEMPSEY] or the three Cabinet members who are the Federal Power Commission? They have said they need it. They said it in the last Congress, and they have said it in this Congress.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. DEMPSEY. My understanding is that there has been no complaint in a single instance of want of adequate help. The undisputed evidence is that we have grown in water-power development since the enactment of this water power law, as we never have.

Mr. NEWTON. Very well. The gentleman says that we have grown in water-power development. I grant that, and I am glad of it, but we have not grown in water-power regulation, and that is the complaint that comes from the commission and that is what this House ought to remedy.

If we adopt the suggestion of the gentleman from New York to strike out the words "in so far as practicable," and to strike out the other provisions, what do we do? We confine the commission to such employees and Army officers as they can get from the War, Interior, and Agricultural Departments. We prevent them from going outside. They are supposed to get all the help they can by transfer from the departments. This is provided in the bill. They should do so in so far as it is practicable. They ought not to be further restricted.

Mr. SNELL. And who decides about that practicability? Is it not Mr. Merrill himself? And is not the whole Water Power Commission, as far as practical purposes are concerned, Mr. Merrill?

Mr. NEWTON. No.

Mr. SNELL. Now, be honest about that. I never saw him and do not know him.

Mr. NEWTON. He is not the commission. I have spent hours with the commission meeting as such. He is the administrative officer, but when it comes to questions of policy, of course, the Cabinet Members who constitute the commission control that.

Mr. SNELL. Show me a word in my amendment that limits the number of employees that he shall have. It is simply the question of where he shall get them.

Mr. NEWTON. But the gentleman wants to confine it to employees now in the Departments of the Interior, War, and Agriculture.

Mr. SNELL. The gentleman is mistaken about that. The bill provides—

and to employ, subject to the civil service laws, additional personnel therefor when necessary.

I am not seeking to cut that out.

Mr. NEWTON. I understood the gentleman to propose to strike that out.

Mr. SNELL. I do not intend to strike that out. The gentleman should confine himself to the facts in speaking to my amendment.

Mr. NEWTON. I am trying to confine myself to the facts.

Mr. SNELL. Can the gentleman show me where I have been trying to strike out the additional personnel therefrom?

Mr. NEWTON. The gentleman moves to strike out the language:

The commission is also authorized to employ, subject to the civil service laws, for such purposes in the District of Columbia and elsewhere, such experts, technical, clerical, and other personnel as may, in addition to the personnel detailed or transferred from or employed in the Departments of War, Interior, and Agriculture, as aforesaid, be necessary for the performance of said duties and to make other expenditures requisite and incident thereto.

Mr. SNELL. It is in the line before that. They can go outside and get the additional employees if they want them. I do not confine it to the department employees.

Mr. NEWTON. Why does the gentleman offer this amendment?

Mr. SNELL. I do not want them to set up a separate bureau.

Mr. NEWTON. This does not change the bureau in any shape, manner, or form.

Mr. SNELL. There is no law setting up the bureau, and the gentleman knows it.

Mr. NEWTON. We do not change the Federal power act in any vital particular.

Mr. SNELL. But you propose to change the manner of administering it.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HOCH. Mr. Chairman and gentlemen of the committee, there are two things which might consistently be done with the Federal Water Power Commission. One of them is to abolish the commission, and the other is to provide in some practical way with a sufficient force to perform the important duties which Congress has imposed upon it. That is the practical situation, and this bill proposes the latter course. I do not say and I do not at all believe that every man who opposes this bill would like to abolish the commission, but I do say that every Member who would like to abolish the commission is opposed to this bill. Those who would like to abolish the commission can destroy it by refusing it adequate personnel to perform its duties.

Some criticism has been made of the Committee on Interstate and Foreign Commerce for hasty action in bringing in this bill. Possibly there is grounds for that criticism, though I am sure the only purpose was to act when the committee had determined it was convinced of the desirability of this legislation, and the bill being regularly on the calendar, the committee simply calls it up on this first occasion presented under the rules. And let me say this, that if the committee had made no report on this bill, we would probably have had some fiery attacks on the committee on the ground that by smothering the bill we had pleased the great power interests. To prevent the commission from functioning effectively is just what the power interests would like to have happen.

The Federal power act was passed for the purpose of protecting the public interest in the matter of water-power development; to conserve the great power sites against monopoly and exploitation of the public. There are honest objections to this bill. But I suggest that gentlemen who are in favor of the law may well hesitate before they vote against a measure which the Power Commission says is necessary if their efforts to carry out the law are not to be seriously crippled.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. HOCH. I have only five minutes. The gentleman has spoken at length.

Mr. DEMPSEY. I yielded to every one who asked me to.

Mr. HOCH. I can not yield at this moment.

This commission is charged with the duty of keeping an accounting on these licensed power projects in order to secure honest valuations for possible recapture purposes, for proper supervision of securities issues, to prevent watering of stock, and for such like purposes as the law provides. But the commission declares that it does not have the necessary personnel properly to do this very important work.

Mr. DEMPSEY. Did any of the three Secretaries appear before the committee and testify? Or was any one of the three Secretaries summoned before the committee to testify?

Mr. HOCH. They were not. But the three Secretaries have all gone on record over their own signatures stating exactly what I have just stated in a letter to the chairman of the committee.

Mr. DEMPSEY. They were right here, where they could have been summoned, all of them.

Mr. VINSON of Kentucky. I want to say that the subcommittee on Appropriations in charge of the independent offices appropriation bill gave the Federal Power Commission every dollar for every man requested for the fiscal year 1929, and if they have not got the personnel they need it is their own fault.

Mr. HOCH. And yet they are compelled to come, hat in hand, and ask each one of these Secretaries to detail some of their own force, to be paid out of their own appropriations, to do the work of the commission; and, of course, the three Secretaries hesitate to detail their own men for this work when the appropriation therefor is to be charged up to them, and they are under the necessity of coming before the committee and asking for their appropriations. That applies to each one of the three Secretaries. You can see what a tremendous handicap that places on the Power Commission.

All that this bill does is to give to the commission the power to go before the Budget and before one of the subcommittees of the Committee on Appropriations and present their case, and on the showing they make as to their needs to ask for the necessary appropriations. In that respect they are asking nothing different from what is accorded every other commission.

Mr. VINSON of Kentucky. That is exactly what they did for the fiscal year 1929. They came directly to the Committee on Appropriations.

Mr. HOCH. That referred simply to the men now detailed from the three departments.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MADDEN. Mr. Chairman, if this bill were to pass as it was presented it would have permitted the creation of a special fund at the disposal of the Power Commission.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MAPES. The gentleman says: "This bill as it was presented." The gentleman would not say "as reported by the committee." It would not do that as reported by the committee.

Mr. MADDEN. I mean as it was introduced. That is what I meant; and it would have made this special fund subject to the order of the Federal Power Commission. The amendment which I propose and which is now pending provides that the Federal Power Commission shall be compelled to come before the Committee on Appropriations and give an account of its stewardship every year and tell the story of its accomplishments or its delinquencies, and give in fact the history of the Power Commission, so that the record may be had of what has been done and what it is proposed to do in the future. And this will not by any chance do any harm to the activities of the Federal Power Commission, and it may do a vast amount of good in the administration of the affairs of the Government.

It is proposed in the amendment I have offered to authorize the Power Commission to fix the rates and charges for the permits granted and that, as nearly as may be, these rates and charges will be only sufficient to conduct economically the administration of the Power Commission's affairs. If by any chance the charges fixed during any one year are in excess of the cost of the operations they will be required to cut those charges the next year; if they are less than the cost of operations they will be required to increase the charges the next year; but in any case the charges will be confined to the conduct of the affairs of the commission and its administration of the office and will not in any sense or under any circumstances be classed as revenue. This is not a revenue measure. This is an administrative function that is imposed on the Federal Power Commission and the charges they will be permitted to make and will be required to make are simply the administrative costs of the Federal Power Commission's functions.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PARKER. Mr. Chairman, I wish to state that the committee is going to accept the amendment offered by the gentleman from Illinois [Mr. MADDEN] when the time comes.

Mr. GARRETT of Tennessee. Mr. Chairman, I am for all four of the amendments. I am not surprised that this bill is here. The only surprise is that it has not been here before. Any person who has studied with any degree of care the growth of bureaucracy here in this Federal Government of ours need not be at all surprised at seeing such measures as this come before us.

I finally obtained a copy of the report of the committee on this bill. I find there is not a word expressing the opinion of the committee itself upon the measure. The report in its

entirety—except in pointing out where they have changed a comma or something of that sort—consists of a letter signed by the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. That makes three, but the letter begins:

MY DEAR MR. PARKER: I am in receipt of your communication.

[Applause.]

Now, that made me wonder about the remarks of the gentleman from Kansas a few moments ago. I could not understand precisely what he meant by saying the commission had to go hat in hand to the Secretary of War, to the Secretary of Agriculture, and to the Secretary of the Interior and ask for assistance. That was a puzzle to me, because the commission consists of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. I suppose the gentleman from Kansas must have had in mind the "I" who mentions himself in that letter. [Applause.]

As a matter of fact, Mr. Chairman, we have seen these bureaus grow like Jack's beanstalk. We know what it means. I remember very well when we were setting up the last new department that was set up, and when they asked for a particular bureau in that department, it was stated that it was never expected that that bureau would possibly cost more than $70,000 per annum, but for the last three or four years for that particular bureau we have been appropriating at least $2,000,000 per annum. This is merely the growth of bureaucracy.

Mr. Chairman, whenever I am driven to the point where I have to take the choice between a monarchy and bureaucracy, I shall choose the monarchy. [Applause.] When you have a monarchy you at least know whom to shoot or whom to hang, but when you have a bureaucracy, with powers invisible and remote, you can not reach it. [Applause.] But fortunately we do not have here to take either. We have a Republic if we will only maintain it, but we can not maintain it by constantly talking against bureaucracy, and then at every opportunity vote either to create a new bureau or to enhance beyond measure the power of some bureau already in existence.

I shall support the amendments proposed by the gentleman from New York, because I think they will do what the gentleman from Minnesota, who opposed them, said they would do. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MAPES. Mr. Chairman, I had not intended to say anything on this bill, but because of the turn the debate has taken, I want very briefly to define my position on it.

There has been some criticism of the committee because of the lack of time taken in the consideration of the bill, and there has been some criticism of the executive officer of the Federal Power Commission. It seems to me that as far as this Committee of the Whole is concerned those criticisms are not material. They do not go to the merits of the bill. The question now is whether or not the legislation before the committee is desirable. Mr. Merrill, the executive secretary, is not the Federal Power Commission. The Federal Power Commission is the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior. Congress, in the Federal power act in 1920, placed upon the Federal Power Commission certain duties and responsibilities. This legislation simply provides the means of enabling that commission to perform its duties. If Congress wants to continue the commission in name but without sufficient authority or personnel to do the big job which it has to perform, that is the business of Congress, but it ought not to deceive itself in doing so.

There is no need of getting excited about this bill. Adequate control or regulation of the power interests of the United States is a big undertaking. It is an important duty that we have put up to the Federal Power Commission, and if we expect it to perform that great duty in an efficient way, we have got to provide it with the means to do it.

Now, what does this bill provide. The original act simply said that all the personnel of the commission had to be taken from the departments of the three Cabinet officers. Fundamentally, the only purpose of this bill is to authorize the Federal Power Commission to get appropriations as it needs them.

A great deal has been said about the size of this commission. The statement has been made that we can build up a commission here that will be as big as the Government itself, as if this were something new. We give power or authorization to every agency of the Government to enable it to get sufficient appropriation to function, but we require it to come before the Committee on Appropriations to get the money—to make a showing of necessity. The Federal Power Commission, if this regulation should pass, will be in the same position in that respect as other agencies of the Government. In view of the statement of the chairman of the subcommittee on independent establishments this afternoon, before whom the commission would have to appear for its appropriations, that he turned it down so hard several years ago that it has never been back since, who is there that believes it is going to get any extravagant appropriation so as to build up any unwarranted organization or hire unnecessary personnel?

Mr. McDUFFIE. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. McDUFFIE. Referring to the connection of the three Secretaries of the Cabinet to this commission, does not the gentleman think that the committee report setting forth the letter of these gentlemen or signed by these gentlemen was written by Mr. Merrill, the clerk of this commission?

Mr. MAPES. I presume it was, but that does not affect the facts.

Mr. McDUFFIE. And he was your only witness before the committee.

Mr. MAPES. Let me say to the gentleman from Alabama, I think the gentleman from Alabama and every Member of this House knows that this commission can not efficiently perform the duties which the Congress has placed upon it under the present circumstances, and the gentleman from New York——

Mr. McDUFFIE. I think the commission has done very well.

Mr. MAPES. The gentleman from New York has said he does not know of any case where the commission has said it did not have sufficient personnel. Let me read one sentence from the hearing:

The commission can not with its present personnel make the investigations and conduct the hearings necessarily preliminary to the issuance of appropriate orders in these cases, and in consequence millions of dollars may be improperly entered in fixed capital accounts of licensees.

Mr. McDUFFIE. Is that in another letter from Mr. Merrill?

Mr. MAPES. Anybody who has watched the development of the water-power resources and the power and influence of the water-power corporations of this country, it seems to me, must realize instinctively that this Power Commission has got to have expert personnel to enable it to function properly, and we must provide the means for it to get such personnel or else the commission might just as well be abolished.

I think the amendment of the gentleman from Illinois [Mr. MADDEN] should be adopted and that the other amendments should be rejected.

The CHAIRMAN. The question is on the first amendment offered by the gentleman from New York [Mr. SNELL].

Mr. NEWTON. Mr. Chairman, may we have the amendment again reported?

The Clerk again reported the amendment.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 95, noes 42.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the second amendment offered by the gentleman from New York [Mr. SNELL].

The amendment was again reported.

The question was taken; and on a division (demanded by Mr. NEWTON) there were—ayes 104, noes 52.

So the amendment was agreed to.

Mr. McDUFFIE. Mr. Chairman, the amendment just adopted having accomplished the purpose in view, I ask unanimous consent to withdraw the amendment I offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. KETCHAM. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. My understanding is the amendments offered by the gentleman from New York and the gentleman from Alabama were offered formally, but the amendment offered by the gentleman from Illinois, I understood, was simply offered for information.

Mr. MADDEN. I offer the amendment formally.

Mr. KETCHAM. I simply wanted to raise the point in order to be sure the amendment is formally before the committee.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8141) authorizing additional employees for the Federal Power Commission, and for other purposes, had directed him to report the same back to the House with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

Mr. MAPES. Mr. Speaker, I ask for a separate vote on the two Snell amendments.

Mr. TILSON. Mr. Speaker, we have now reached the previous-question stage, so that if the bill is not finished to-day it will come up to-morrow when we convene, so if there is going to be a roll call on the bill or any amendment I hope that we may now adjourn.

Mr. MAPES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Is it the ruling of the Speaker that with the previous question ordered on Calendar Wednesday a vote will come up immediately after disposition of matters on the Speaker's table to-morrow morning?

The SPEAKER. It is.

Mr. MAPES. One further inquiry. The right to demand a separate vote on the different amendments will be reserved until to-morrow?

The SPEAKER. It will.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REPRESENTATIVE MARTIN B. MADDEN

Mr. BYRNS. Mr. Speaker, the gentleman from Pennsylvania, Mr. BUTLER, has heretofore announced that this is the seventy-third anniversary of the birth of the distinguished gentleman from Illinois, Mr. MADDEN. [Applause.]

Mr. MADDEN has had a long service in the House. He has had a most distinguished career, and I do not hesitate to say that certainly during my term of service, which has been for some years, I have never known a Member of either branch of Congress who has served with greater fidelity, with greater zeal, with greater ability, or who has rendered greater and more valuable service to his country than has the gentleman from Illinois, Mr. MADDEN. [Applause.]

As chairman of the great Committee on Appropriations he has devoted all of his very great ability to the faithful service of his country in conserving the Treasury of the people, and without regard to his own health and comfort. I wish to take this opportunity of joining in the felicitations expressed by the gentleman from Pennsylvania, and I am sure that I speak the sentiments of Members on both sides of the Chamber when I say I hope that he will live to enjoy many more years of happiness and prosperity and of usefulness to our country. [Applause.]

DEBT OF AUSTRIA TO THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Ways and Means and ordered printed.

To the Congress of the United States:

I am submitting herewith for your consideration a copy of a report of the Secretary of the Treasury regarding the action proposed to be taken by the Government of the United States in respect of the debt of Austria to this Government.

The action proposed by the Secretary of the Treasury has my approval. I recommend that the Congress enact the legislation necessary to enable the United States to join with the other relief creditors in permitting Austria to obtain the additional capital urgently needed for continuing its economic reconstruction, and to authorize the Secretary of the Treasury to conclude an agreement for the settlement of Austria's debt to the United States.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 20, 1928.*

ENROLLED BILLS SIGNED

Mr. CAMPBELL from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3. An act for the relief of Kate Mathews.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a bill of the House of the following title:

H. R. 4964. An act to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.

ADDRESS OF HON. FINIS J. GARRETT, OF TENNESSEE

Mr. TILSON. Mr. Speaker, when the distinguished minority leader, the gentleman from Tennessee [Mr. GARRETT], deals with subjects not political he always makes a fine speech. On last Sunday evening he delivered a notable address at the Metropolitan Memorial Methodist Episcopal Church in Washington. It is not only an interesting address but one that I think will be useful if read by all the Members of the House. I ask unanimous consent to extend my remarks in the RECORD by printing this address of the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address:

THE BIBLE

Ladies and gentlemen, there is that in man which can only be satisfied by a religion. However crude the mental equipment or however disciplined and dexterous the mental faculties, however commonplace or however vast the scope of his intellectual activities and the efforts of his sentient being, man comes, first or last, to worship.

With some the object of worship is a mere abstraction, with some an ideal, with some a force, with some a spirit; but whatever it may be, wherever it may be found or thought to be found, the object, whether force or spirit or star, is something which is at least believed to be superior to the worshiper.

We all realize that somewhere there is perfection—perfect organism, perfect law, thorough harmony, complete unity, perfect and therefore infinite power—and at the shrine of this perfection, wherever we conceive it to be, in whatever we conceive it to inhere, we lay our homage; upon its sacred altars burn our incense; to it build our trusting faith. Man despises flaws, at least in others. He is the natural enemy of a lie. We may love that which is not faultless, but we cherish such, despite the faults, not on account of them. We may adore that which possesses foibles and frailties, but when it comes to the supreme act of worship there is that implanted in the heart of man which centuries of effort could not eradicate that causes him absolutely to refuse to bow the head or bend the knee save only unto perfection.

The first criterion by which to judge the intrinsic character of a people is a study of the objects of that people's worship. Take the ancient Greeks. If we measure Greece by her art, by her literature, by her philosophy, by her eloquence, it is scarcely asserting too much to say that she stands supreme over all the nations of history, past or present. Her art was the nearest approach to perfection in art which the world has seen. In literature she has at least not been surpassed except by Shakespeare. In philosophy the mental processes used and the intellectual functions exercised have been the models for all time since, and the productions of her intellectual efforts have been the basis of all man's achievements in the realm of metaphysics. In forceful eloquence her supremacy is generally conceded. Even her law, while falling far below the civil system of later Rome, and further still below the standard of our great common law, is yet not unworthy the nation that gave to the world the Iliad and the Odyssey; that conceived the beautiful temples, the perfected statues, the exquisite paintings whose mere description charms the heart; that gave us the keen satire of Aristophanes, the sagacious disquisitions of Socrates, the subtle charm of Euripides's poetic soul, the researches and accomplishments of Plato and Aristotle, the resonant and profound eloquence of Demosthenes.

Measured by any of these, Greece need not to blush; and measured by them all, we repeat, it is hardly saying too much to assert that ancient Greece would still deserve the violet crown as the symbol of her intellectual supremacy. But when we turn to her religion, when we come to look upon the objects of her worship, we behold the weakness of Grecian character and perceive the devitalizing forces of Grecian institutions. Her gods were creatures of men's conception and possessed not the attributes of grace and perfection essential to stability.

It is a familiar principle recognized and acted upon every day that it is wholly impossible to envision a form we have not seen. There is no function or faculty of the mind which will enable it to conceive a thing, material or spiritual, whose attributes and qualities are wholly unknown. All man-made things are but combinations of familiar creations. One may examine the mythologies of antiquity and analyze the character of its divinities, and one will find them all but combinations of conceptions growing out of the observance of the doings and qualities and attributes of men. Their gods are simply men of expanded and ofttimes distorted powers, still chafing within manlike limitations, and hence as we see them now, lacking in divine strength or grace of power. Great Zeus himself, the greatest of all gods, partook of many of the pettiest passions common to men. But, nevertheless, to the Greeks their gods were perfect, else they would not have worshiped them; and hence we see their weakness in the objects of their devotions.

It is so of all peoples and of all ages. "The heathen in his blindness bows down to wood and stone" as the symbols of that perfection which the intrinsic qualities of his spirit have taught him is the object worthy his homage and his trust.

It being true, then, that men are by nature worshipers, and equally as true that they will worship only that which they believe to be perfect, it would seem to be obvious that the matter of primal importance is the instilling into the hearts and minds of men the truth of the perfection of God, and that in him only is perfection to be found.

To do this—to burn this supreme, basic truth into the hearts of men—it is evident even to the tyro that we must not present our conceptions of the godly functions. If we do this, wherein are we superior unto pagan peoples? Is it not a difference merely of mental equipment? The pagan gives his best and gravest thought to the effort of conceiving a god. What more do we do if we teach our own ideals? We may only use them to illustrate, to explain, to measure by. To learn the truth, and to teach it unto men you must begin at the other end. You must go to the source, whence flows all knowledge and all teaching relative to God, and that source is the word of God Himself, given for the express purpose of satisfying the inquiries of men—inquiries growing out of that inherent desire to worship; given for the express purpose of revealing His nature unto men, and showing that He and He alone is the supreme Entity for which the heart panteth and the soul longeth.

Let it be said just here that if the perfection of the godly character can not be shown from the Bible, it can not be shown at all. Ages of experience convince us that no effort of the mind of man unaided by extrinsic inspiration can accomplish the task of defining perfection in the abstract or of applying developed ideas of perfection to a concrete being. System after system of philosophy has been developed only to pass away and be forgotten. Principle after principle of metaphysics has been asserted, only to be clearly proven erroneous and displaced. The ingenuity of man can scarcely devise an abstract proposition resting alone on the basis of mental philosophy which some other individual can not reason away. But there is not a principle of action resting for its authority upon the word of God which the ingenuity of man can overthrow. Now and then a date may be shown, on account of human errors, to be wrong; now and then there may be a lapse in historical statement caused by some draughtsman's mistake; but in the assertion of principles or morality, in the expression and revelation of principles of human action, the system given there and asserted as the law, bids defiance to the iconoclast and the anti-Christian philosopher.

A study of the Bible, therefore, becomes a matter of first importance. Let no man feel that this study is likely to prove a disagreeable task. The Bible has an intrinsic interest for every individual. If once its study is begun the pursuit of it becomes a delight.

I think sometimes, though, that the reason men do not study it more is because they do not look upon it as a book, but regard it with some sort of intangible, inexpressible feelings that forbid a close approach to its inner meanings. Most of us in reading the Bible fail to apply to it the same rules which we apply to other books. We think of it as the word of God, and there we stop. We fail to remember that as one Christian commentator has put it, "it is the word of God in the language of men." If we will but realize that the Bible was written by men—men with feelings and hopes and loves and ambitions and fears and sorrows like ourselves, who used their words to express the sublime thoughts with which God had inspired them; if we will only recognize the humanity that shows forth in its every page—I think our sympathies will become closer and broader and our interest more intense.

It is a singular fact that of all the great reformatory characters of history, Jesus Christ, alone wrote nothing. All others who stand out in the pages of history, under the fierce limelight of the centuries, as leaders of great reform movements in morals, in politics, in science, in philosophy, in religion, put their theories and beliefs and teachings, the principles of their creeds, upon paper or parchment. Confucius, the great Chinese moralist; Mohammed, the founder of the ism which bears his name; Zoroaster, Luther, Knox, Bunyan, Wesley—all of these have left their teachings to the world over their personal signatures.

Christ wrote nothing. There is no evidence that he ever saw any part or parts of the history of his life written by others. Indeed, the historians tell us that all of what we call the New Testament was written after Christ's death. He has been more written about than all other characters in history combined, yet so far as we know he never put hand to parchment. I have often wondered why this was, why he left to others the task of preserving for posterity in written form the principles of his mighty cult. To me there is but one satisfactory explanation, and that is had he done so, had he written himself of himself, the force and power of his creed would have been lost in the transmission of it unto men. In other words, it was essential that men should write for men, that men should appeal to men, that the imperishable truths intended for the amelioration and salvation of human kind be conveyed to those for whom they were intended by the language of creatures of like weaknesses as well as like sympathies and faculties as themselves.

Let us not, then, lose sight of the humanity of the Bible while remembering its divinity.

Again, I think we know too little of the history of the Bible. We need to avail ourselves more fully of the benefit of the researches and labors of scholarship, and the light which has been thrown upon its production. The Bible is a collection of 66 books, written according to the best authorities, between 1,500 years before Christ and the one hundredth year after his death, thus covering a period of some 1,600 years. These books were written by different men at different times, and each, as is the case with all literature, takes color from the age in which it was written, and each bears the imprint of its author's personality. We do not know the names of the authors of all the books.

That Moses wrote the larger part of the first five books commonly called the Pentateuch is generally believed; but it is unquestioned that much of the substance of these books was merely compiled by him from older manuscripts. It is generally agreed among scholars that Isaiah, Jeremiah, Ezekiel, Daniel, and the 12 minor prophets, from Hosea to Malachi, were written by the men whose names they bear, excepting some parts of Zachariah and Isaiah, and possibly all of Jonah. The Proverbs are very generally attributed to Solomon, and there is small doubt that most of them were the production of this master mind, but many were doubtless maxims which had been cherished in Jewish life and handed down from father to son, and were merely compiled by the great, wise king. The Psalms were written by different Hebraic poets, the chief of whom was David. Lamentations was probably the work of Jeremiah. Ecclesiastes and the Canticles are frequently credited to Solomon, but there is much doubt as to his really being their author. It is not known who wrote the books of Job, Esther, Joshua, Judges, Samuel, Kings, Chronicles, Nehemiah, Ezra, and Ruth. The books of the Old Testament were all written in Hebrew with the exception of a few passages which were in Chaldae.

The fact of their inspiration rests for its authority upon two bases: First, the intrinsic characteristics of the books themselves; and secondly, upon Jewish traditions. These books were carefully preserved through all the turmoils of Jewish life and handed down from generation to generation, from age to age, as the sacred writings. Through all their wanderings, through the heyday of their national existence, with its splendor and power, through all the calamities that befell their kingdom, through all the long years of their captivity and persecution, through glory and through gloom, this peculiar people guarded with jealous care the splendid traditions of their race and preserved, despite all opposition, the sacred revelations of law granted unto their fathers, so that at the time of Christ the books of the Old Testament, arranged substantially as we have them to-day, were received as the Bible—as the revelation of God's purposes and will toward men.

In this supreme devotion to their traditions and racial heritage lies the one great strength of Jewish character, and in it may be found the reason why this people, comparatively few in numbers, weak in governmental functions and powers, unable to protect themselves from their enemies, too weak to preserve their political institutions from destruction, powerless to keep from falling an easy prey to first one king and then another, have yet impressed themselves upon all the world as has no other nation, no other race. Civilization received the rudiments of its philosophy from Greece, its law from Rome, but its religion came from the Jews, and is supreme above all philosophy and all law.

There is no history at once so pathetic and so proud as the history of the Jews. The years of their life as a stable, unified, national power were no more than a hundred and five and twenty. Saul, David, and Solomon each reigned about 40 years. Their kingdom was but a small strip bordering upon a narrow sea. The inhabitants probably never numbered at any one time as many as now live in the city of New York. And yet from out that people have come the supremest influences that have touched the life of mankind, and the ruling tenets of their creed have been engrafted upon the civilization of the world. Their ideals have been shaded into the art, have been absorbed into the philosophy, been written into poetry, been instilled into the law of all the civilized earth, and become the test and measure of them all. The Jew wanders to-day from end to end of the earth, and nowhere can he find a land over which floats a flag that he can call the flag of his fathers or the sovereign symbol of his race; but wherever he goes,

if it be where civilization has gone, he beholds woven into the very fabric of that civilization as the web and woof of its strongest texture the traditional creeds of his race, beholds emblazoned, as it were, on every civilized flag the tenets of his fathers.

Of the writers of the New Testament we know or can learn much more than of the old—the places of their birth, the occupations of each, and in most instances the times and places of their deaths. We know much of their personal characteristics and habits of thought and action. They lived and wrote at a time when the human mind was beginning an earnest effort to learn something of itself and of the truth, when the activities of the race were being noted for the benefit of posterity, and therefore much information has been preserved concerning them.

The mighty and majestic workings of God's imperial and splendid purposes are nowhere more strongly shown than in the time at which Christ was born. You are all familiar with the fact that civilization has ever moved from east to west and grown in splendor as it moved. The first great decisive battle of the world was that of Marathon, where Grecian alertness and skill met barbaric numbers and strength and overthrew the ancient eastern power. Following that battle the Grecian mind was quickened into new vigor and activity. They caught up the crude learning and language of the past and developed them to the most exquisite refinement. When their system of philosophy had been developed, when men had learned to think and reason, Alexander the Great came down from the north and absorbed this mighty intellectual force into his great world power, and through him Grecian culture and refinement were spread over the earth; it was carried to the west, to the north, and back into the east, whence had come the seed, there was borne the full op'ed flower—aye, the ripened fruit of intellectual effort; and so the world learned to think. This was the first great step in the preparation for the coming of Christ. Centuries dragged along, and still farther to the west arose mighty Rome. Her lines reached out, and in her mighty grasp there came Grecian philosophy and Jewish religion.

She absorbed them all—all the good and all the evil—and to them applied her imperial law. She became the mistress of the world, and when all had been unified there came the great Augustan age, an age of profound peace. The Temple of Janus was closed; the wars ceased; men took up the work of intellectual development. The second step in the preparation was ended, and out from the manger amongst the olive-girt hills of Judea there came in meekness but in the supremest strength this world has ever seen—the Christ.

The ground had been prepared for the seed and the sower came. He came and sowed. He walked and taught and lived and loved for 3 and 30 years. The great nation into which He was born caught up His teachings. They were as the leaven, their workings were slow, measured by some standards; but steadily did they grow until at length Christianity was adopted as the state religion of the supreme, the one nation then on earth; and when this had been done, but not until this was done, did the Roman Kingdom fall apart. And as it fell there was borne on and on to other climes and other peoples the three great forces it had gathered and developed—its own law, the culture of Greece, the religion of Judea.

How vast and sublime were the potent forces of those centuries! What man can read the interpretation of the dream of Nebuchadnezzar by the prophet Daniel and study it in the light of history and doubt great Daniel's inspiration?

Permit now a brief statement, very general in character, of what may be learned in the Bible.

The historian finds there the only authentic account we have of the creation of the earth and the beginning of man, told with a sublime simplicity of style and language which is at once the delight and the despair of the poetic soul.

The scientist finds there principles and practices that bear the indelible stamp of genius.

The metaphysician finds there philosophical questions philosophically considered.

The moralist finds there a code beside which the Ethics of Aristotle, the Morals of Seneca, the Memorabilia of Xenophon, the Offices of Cicero are meager indeed.

The statesman will find there the story of the formation and organization of society, will learn how society was generated and communities established, and thus be able to begin at the very foundation to study the theories of the social compact. He can find the story of the formation of the first republic in the history of the Jewisr commonwealth and observe in its fullness the earliest recorded story of synthetic statesmanship.

The soldier may study strategic military movements and plans and find them not unworthy of emulation. It is said that the plan of Joshua's campaign in battling for the Promised Land stamps him as one of the greatest military leaders in history.

The lawyer will find therein the oldest code of laws of which we have any information. He will find, too, that there is not in the civilized world a single principle of law which is abhorrent to the teachings of Christianity. It is the basis of the whole system of common law. In the Old Testament and the New he can find principles discussed and asserted which "shed more than a glimmering light" upon questions of everyday practice. The subjects of the marriage contract, the alienation of property among the living, the acquiring of it by bequest, by inheritance; the obligation of an oath; the relation of governor and governed, of master and servant, of husband and wife; the statutes of limitations; the right of redemption of land sold for debts; the nature of punishment of various crimes; the grounds for divorce—all of these subjects receive copious illustrations from the Bible. To the Jewish law, as codified by Moses, may be traced many elements of that system of equity construed and applied by our modern courts of chancery.

The orator and poet will find there the very essence of eloquence, cadence, and harmony of language. An argument of its inspiration is frequently drawn from its excellence in expression. From a literary standpoint alone, measured by all the canons of literary criticism, its supremacy over all other intellectual efforts of man is established.

May I not take time to give you one comparison between sacred and secular writers? If the entire scholarship of the world should pass judgment upon the various literary productions of the ages, the consensus of opinion among the majority would probably be that the Iliad of Homer, recounting the struggle between the Trojans and the Greeks, is the most powerful and sublime. The beginning of the eighth book of this work was probably the loftiest effort ever made to describe a god, and to show his superiority not over men and heroes but over gods, and not over one god but over them all combined. When we place ourselves, as nearly as we can, in sympathy with the environment of the days when this poem was produced, when we remember that to the Greeks their gods were perfect, and that to them Jupiter represented the highest and vastest power of which they could conceive, we begin to realize what a mighty task Homer set himself to accomplish when he essayed to speak in the language of this god, saying:

"The saffron-colored morning was spread over the whole earth and Jupiter, rejoicing in his thunder, called an assembly of the gods upon the highest top of many-headed Olympus. He himself spake to them and all the gods together listened.

"'Hear me, all ye gods and all ye goddesses, that I may speak what my soul within my breast commands. Let not, therefore, any female deity or any male endeavor to break through my word; but all consent together that I may quickly perform these works.

"'Whomsoever, therefore, of the gods I shall understand to have gone by himself, and of his own accord, to give assistance to the Trojans, or to the Greeks shall return to Olympus shamefully wounded; or I will throw him, seized by me, into dark hell far off, whither the most deep abyss is under the earth, whither these iron gates and brazen threshold are as far within hell as heaven is distant from earth. He will then know by how much I am the most powerful of all gods. But come, try, O ye gods, that ye may all see. Hang down the golden chain from heaven, hang it down, all ye gods and goddesses; but ye shall not be able to draw from heaven to the earth Jupiter, the great counselor, though ye strive ever so much. But when I afterwards shall be willing to draw, I shall lift both the earth and the sea, then I shall bind the chain around the top of Olympus, and they shall all hang aloft. For as much am I above gods and above men.'"

Now with this masterly passage from the mighty man of ancient days who had probably the greatest natural and acquired advantages of perfecting a genius, let the following, written by one brought up as a shepherd in a country where learning was but little esteemed, be compared. Both productions are in poetry, and the translations here given are said to be literal:

"O Lord, My God, Thou art very great! Thou art clothed with honor and majesty! Who coverest Thyself with light as with a garment; who stretchest out the heavens like a canopy; who layest the beams of His chambers in the waters; who makest the clouds His chariots; who walkest upon the wings of the wind; who makest His angels spirits, His minister a flame of fire; who laid the foundations of the earth that it should not be moved forever. Thou covered it with the deep as with a garment; the waters stood above the mountains. At Thy rebuke they fled; at the voice of Thy thunder they hasted away. They go up by the mountains; they go down by the valleys unto the place Thou has founded for them. Thou has set a bound they may not pass over; that they turn not again to cover the earth. O Lord, how manifold are Thy works! In wisdom hast Thou made them all. The earth is full of Thy riches. So is the great and wide sea, wherein are creatures innumerable both small and great. There go the ships. There is the leviathan which Thou has made to play therein. These all wait upon Thee that Thou mayest give their food in due season. That Thou givest them they gather. Thou openest Thy hand; they are filled with good; Thou hidest Thy face; they are troubled; they die and return to their dust. Thou sendest forth Thy spirit, they are created; and Thou renewest the face of the earth. The glory of the Lord shall endure forever. The Lord shall rejoice in His works. He looketh on the earth and it trembleth. He toucheth the hills and they smoke. I will sing unto the Lord as long as I live. I will sing praises unto my God while I have my being."

Would not all comment on the comparative merit of these passages be superfluous?

But greater than all history and science and government and law and poetry and literature, every individual finds in the sacred volume the substance of his faith and hope and eternal love. It and it alone points the way unto supernal peace.

ADJOURNMENT

Mr. PARKER. Mr Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 21, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 21, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment, and to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services" (H. R. 6518).

COMMITTEE ON INDIAN AFFAIRS

Authorizing the classification of the Chippewa Indians of Minnesota (H. R. 461).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

Granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the south mole of San Antonio Estuary in the county of Alameda, in said State (H. R. 7467).

Granting the consent of Congress to Frank E. Webb, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco at or near the extension of Oakdale Avenue near Shag Rock at or near Hunters Point, San Francisco County, on the north, and Visitation Point, San Mateo County, on the south, to a point south of Park Street, city of Alameda, county of Alameda, Calif. (H. R. 8712).

COMMITTEE ON MINES AND MINING

(11 a. m.)

To increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska (H. R. 339).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bills on the committee calendar.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920 (H. R. 10957).

EXECUTIVE COMMUNICATIONS, ETC.

414. Under clause 2 of Rule XXIV, a letter from the United States Civil Service Commission, transmitting schedule in duplicate of useless papers in the office of the United States Civil Service Commission in Washington and in the offices of secretaries of certain civil service districts, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. H. R. 11281. A bill to authorize the disposition of certain public lands in the State of Florida; with amendment (Rept. No. 998). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on the Public Lands. H. R. 10885. A bill to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437); without amendment (Rept. No. 1003). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 766. An act to fix the compensation of registers of local land offices, and for other purposes; without amendment (Rept. No. 1004). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field; without amendment (Rept. No. 1005). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 12030. A bill to amend Title II of an act approved February 28, 1925 (43 Stat. p. 1066, U. S. C., title 39), regulating postal rates, and for other purposes; without amendment (Rept. No. 1006). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. YON: Committee on the Public Lands. H. R. 11716. A bill authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes; without amendment (Rept. No. 999). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. S. 484. An act for the relief of Joe W. Williams; without amendment (Rept. No. 1000). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 3222. A bill for the relief of John M. King; with amendment (Rept. No. 1001). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 10702. A bill for the relief of Elbert L. Cox; without amendment (Rept. No. 1002). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. PEAVEY: Committee on War Claims. H. R. 6750. A bill for the relief of Capt. J. Fleming Bel; adverse (Rept. No. 997). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9522) granting a pension to Abbie F. Daniels, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LETTS: A bill (H. R. 12235) authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Bettendorf, Iowa, and Moline, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. ACKERMAN: A bill (H. R. 12236) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 12237) legalizing the entry of any alien resident of the United States not ineligible to citizenship; to the Committee on Immigration and Naturalization.

By Mr. COCHRAN of Missouri: A bill (H. R. 12238) to provide for the use of the U. S. S. *Olympia* as a memorial to the men and women who served in the war with Spain; to the Committee on Naval Affairs.

By Mr. COLLINS: A bill (H. R. 12239) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 12240) to amend section 19 of the World War veterans' act; to the Committee on World War Veterans' Legislation.

By Mr. REED of New York: A bill (H. R. 12241) to provide for the more complete development of vocational education in the several States; to the Committee on Education.

By Mr. SINNOTT (by departmental request): A bill (H. R. 12242) to withhold timberlands from sale under the timber and stone act; to the Committee on the Public Lands.

Also (by departmental request), a bill (H. R. 12243) to authorize the Secretary of the Interior, in his discretion, to issue patents for lands held under color of title; to the Committee on the Public Lands.

By Mr. SMITH: A bill (H. R. 12244) authorizing an appropriation of $25,000 for the erection of a monument near Preston, Idaho, to commemorate the Battle of Bear River between the Indians and the United States troops January 29, 1863; to the Committee on the Library.

By Mr. STRONG of Kansas: A bill (H. R. 12245) to amend the War Finance Corporation act, approved April 5, 1918, as amended; to the Committee on Banking and Currency.

By Mr. SWEET: A bill (H. R. 12246) to promote the public health of all who are engaged in the service or defense of the United States in the Army and Navy and all of the Government; and to encourage the dairy industry in the interest of the general welfare; to the Committee on Agriculture.

By Mrs. KAHN: A bill (H. R. 12247) granting a special pension to officers and enlisted men who received the medal granted to those who participated in the Battle of Manila Bay May 1, 1898; to the Committee on Pensions.

By Mrs. ROGERS: A bill (H. R. 12248) to provide for the naturalization of alien veterans of the World War; to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: A bill (H. R. 12249) to remove the age limit of persons who may be confined at the United States Industrial Reformatory at Chillicothe, Ohio; to the Committee on the Judiciary.

Also, a bill (H. R. 12250) to amend section 574, title 28, United States Code; to the Committee on the Judiciary.

By Mr. CRISP: Concurrent resolution (H. Con. Res. 28) to defray the necessary expenses incurred by the committee of Congress at the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of a portion of Stone Mountain; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of New York, urging Congress to pass the Cooper-Hawes bill, providing that all prison-made goods for State or interstate shall be plainly marked as such; to the Committee on Labor.

Memorial of the Legislature of the State of New Jersey, urging the passage by the Congress of the bill which has for its purpose granting to the States the power to legislate for self-protection against the products of convict labor from other States; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 12251) to provide for a survey of Mill Creek, a tributary of Trent River, at Pollocksville, N. C.; to the Committee on Rivers and Harbors.

By Mr. ALLEN: A bill (H. R. 12252) granting an increase of pension to Helen L. Huff; to the Committee on Invalid Pensions.

By Mr. ALLGOOD: A bill (H. R. 12253) to remove the charges of desertion from the record of James William Riley; to the Committee on Military Affairs.

By Mr. BACHMANN: A bill (H. R. 12254) granting an increase of pension to George F. Randall; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 12255) for the relief of Hunter W. Booker, H. H. Holt, and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased; to the Committee on Claims.

By Mr. BUCKBEE: A bill (H. R. 12256) for the relief of John August Johnson; to the Committee on War Claims.

By Mr. BUCHANAN: A bill (H. R. 12257) granting a pension to Lafayette Rogers; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 12258) granting an increase of pension to Hettie A. Gries; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12259) for the relief of F. S. Wertz & Son; to the Committee on Claims.

By Mr. CLAGUE: A bill (H. R. 12260) granting a pension to Newton P. Hazelwood; to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 12261) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin; to the Committee on Claims.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 12262) granting a pension to James L. Lutz; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 12263) granting an increase of pension to Mary A. Millican; to the Committee on Invalid Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 12264) granting an increase of pension to Mary Ellen Gaffney; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12265) for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker; to the Committee on Claims.

By Mr. FREE: A bill (H. R. 12266) granting an increase of pension to Karine Knudson; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 12267) granting a pension to Wade P. Miles; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 12268) granting a pension to Jacob H. Boring; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 12269) granting an increase of pension to Margaret J. Humbert; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 12270) to provide for the advancement on the retired list of the Navy of Frank G. Kutz; to the Committee on Naval Affairs.

By Mr. MAJOR of Missouri: A bill (H. R. 12271) granting an increase of pension to Zora B. Stinson; to the Committee on Pensions.

By Mr. MOREHEAD: A bill (H. R. 12272) granting an increase of pension to Elizabeth Flickinger; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 12273) granting an increase of pension to Charity Dewey; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 12274) granting a pension to Lizzie Free; to the Committee on Pensions.

Also, a bill (H. R. 12275) granting a pension to Andrew P. Cole; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12276) granting an increase of pension to Avis F. Norton; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12277) granting a pension to Lillie Beitler; to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 12278) providing for the retirement of Lieut. Commander Henry Emile Quenstedt, United States Naval Reserve Force, as within the provisions of the act approved July 12, 1921; to the Committee on Naval Affairs.

By Mr. SWING: A bill (H. R. 12279) granting a pension to Grace E. Todd; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 12280) for the relief of Lula Lewis; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 12281) granting a pension to Mary Mauller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12282) granting a pension to George Chester Adcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12283) granting an increase of pension to Centrilla L. Bailey; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Missouri: A bill (H. R. 12284) granting an increase of pension to Christine Klump; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12285) granting an increase of pension to Hattie Loring; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5668. By Mr. ACKERMAN: Petition of citizens of Morris Plains, N. J., protesting against passage of House bill 78; to the Committee on the District of Columbia.

5669. By Mr. ALDRICH: Petition of voters of Rhode Island and Connecticut, urging immediate action on a Civil War pension bill; to the Committee on Invalid Pensions.

5670. By Mr. ALLEN: Petition of citizens of Rock Island, Ill., favoring increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5671. Also, petition of citizens of Moline, Ill., favoring increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5672. By Mr. BACHMANN: Petition of Lottie L. Couger and other citizens of Warwood, Wheeling, W. Va., protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5673. By Mr. BEERS: Petition of residents of Union County, Pa., favoring enactment of legislation to increase the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5674. By Mr. BLOOM: Petition of Sarah A. Breuninger, 224 Reid Avenue, Brooklyn, N. Y., and 515 citizens of New York City, New Jersey, and Long Island; also 250 citizens of New York and New Jersey, protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

5675. By Mr. BROWNING: Petition against the Lankford Sunday observance bill (H. R. 78), from citizens of the eighth congressional district of Tennessee; to the Committee on the District of Columbia.

5676. By Mr. CRAIL: Petition of Greater Graham Chamber of Commerce, of California, for the passage of House bill 500 and Senate bill 777; to the Committee on World War Veterans' Legislation.

5677. By Mr. CROWTHER: Petition of citizens of Gloversville, N. Y., urging an increase of pension to the Civil War veterans and their widows; to the Committee on Invalid Pensions.

5678. By Mr. DRIVER: Petition signed by citizens of McCrory and Woodruff County, Ark., urging the passage of legislation increasing the pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

5679. Also, petition signed by citizens of Lepanto and Poinsett County, Ark., urging the enactment of legislation increasing the pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

5680. By Mr. FITZPATRICK: Petition of Fred Shienle and many others, of the city of Mount Vernon, N. Y., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5681. By Mr. FULBRIGHT: Petition against compulsory Sunday observance from Poplar Bluff, Mo.; to the Committee on the District of Columbia.

5682. Also, petition in favor of increase of pensions for Civil War veterans and widows from Blue Eye, Mo.; to the Committee on Invalid Pensions.

5683. Also, petition in favor of legislation increasing pensions of Civil War veterans and widows, from Douglas County, Mo.; to the Committee on Invalid Pensions.

5684. By Mr. GALLIVAN: Petition of Walter J. Meyer, general territorial manager Tanners Shoe Manufacturing Co., 493 C Street, Boston, Mass., recommending early and favorable consideration of House bill 9296, known as the postal rate bill; to the Committee on the Post Office and Post Roads.

5685. By Mr. GARBER: Letter and resolution of the board of directors of the chamber of commerce of Hastings, Nebr., in support of House bill 8909; to the Committee on Flood Control.

5686. Also, petition of residents of Tonkawa, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5687. Also, petition of residents of Garfield County, Okla., in protest to the enactment of House bill 78; to the Committee on the District of Columbia.

5688. Also, petition of residents of Texas County, Okla., in protest to the enactment of House bill 78; to the Committee on the District of Columbia.

5689. Also, petition of residents of Enid, Okla., in protest to the enactment of House bill 78; to the Committee on the District of Columbia.

5690. Also, letter of A. C. Hough, of Oklahoma City, Okla., in support of House bill 8549; to the Committee on Interstate and Foreign Commerce.

5691. Also, letter of Harris Meat & Produce Co., of Oklahoma City, Okla., in protest to the enactment of House bill 10958 and Senate bill 3247; to the Committee on Agriculture.

5692. Also, letter and resolution of Chamber of Commerce of Hominy, Okla., in regard to House bill 9294; to the Committee on Indian Affairs.

5693. Also, letter of Dr. L. L. DeLano, of Tonkawa, Okla., in protest to the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5694. Also, letter of J. W. Maring, 1411 West Main, Enid, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5695. Also, letter of Annie Strope, 1412 West Oklahoma Avenue, Enid, Okla., in opposition to the passage of Senate bill 3107; to the Committee on the District of Columbia.

5696. By Mr. GOODWIN: Petition of Vesta A. Keniston and 23 other residents of Champlin, Minn., in earnest support of Civil War pension bill, providing for increased pensions to the Union veterans of the Civil War and the widows of those veterans; to the Committee on Invalid Pensions.

5697. By Mr. HUDSON: Petition of citizens of Royal Oak and Flint, Mich., protesting against the enactment of House bill 78, the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

5698. By Mr. KVALE: Petition of several residents of Olivia, Minn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune: to the Committee on Invalid Pensions.

5699. By Mr. JENKINS: Resolution adopted by the members of Cadot Post, No. 126, Grand Army of the Republic, Department of Ohio, urging Congress to pass the Morgan pension bill; to the Committee on Invalid Pensions.

5700. By Mr. JOHNSON of South Dakota: Petition of citizens of Hand and Beadle Counties, protesting against the passage of the Lankford bill (H. R. 78) or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5701. By Mr. KVALE: Petition of Estella R. Fischen and 32 citizens representing the Woman's Christian Temperance Union, Olivia, Minn., urging prompt enactment of the Stalker bill to amend the national prohibition act; to the Committee on the Judiciary.

5702. Also, petition of P. H. Unumb, adjutant, and members of Post No. 87, American Legion, Alexandria, Minn., urging provision by legislation at this session for additional beds at United States veterans' hospitals in Minnesota; to the Committee on World War Veterans' Legislation.

5703. By Mr. LANKFORD: Petition of 29 citizens of Brunswick and Glynn County, Ga., opposing House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5704. By Mr. McREYNOLDS: Petition of citizens of Chattanooga, Tenn., urging passage of a Civil War pension bill providing further relief for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

5705. Also, petition of citizens of the State of Tennessee, protesting against the passage of the Sunday observance bill, or any bill of such nature; to the Committee on the District of Columbia.

5706. By Mr. MAJOR of Missouri: Petition of citizens of Sedalia, Mo., urging the passage of legislation providing increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5707. By Mr. MILLER: Petition of employees and citizens of United States navy yard, Bremerton, Wash., indorsing House bill 6518, the Welch bill, and House bill 492; to the Committee on the Civil Service.

5708. Also, petition of citizens of Seattle, Wash., indorsing a bill for increase to $50 of pensions of all Civil War veterans' widows; to the Committee on Invalid Pensions.

5709. By Mr. MORROW: Petition of Village Council and Chamber of Commerce of Village of Hot Springs, N. Mex., indorsing House bill 10142; to the Committee on Roads.

5710. By Mr. NEWTON: Petition signed by residents of Minneapolis and submitted by the National Tribune urging action on Civil War pension bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5711. By Mr. O'CONNELL: Petition of the International Association of Fire Chiefs to have the Government set aside a parcel of land in Washington, D. C., for the purpose of erecting thereon a national headquarters for the International Association of Fire Chiefs; to the Committee on Public Buildings and Grounds.

5712. Also, petition of the Board of Aldermen of the City of New York, favoring Greater New York for the location of the Bicentennial International Exposition of 1932; to the Committee on Foreign Affairs.

5713. By Mr. SANDERS of Texas: Petition by the Kaufman Chamber of Commerce, urging the appropriation of $6,000,000 or as much thereof as may be necessary for the prosecution of the

work in eradicating the pink bollworm; to the Committee on Agriculture.

5714. By Mr. SINCLAIR: Petition of 49 citizens of Epping, N. Dak., protesting against any change in the immigration laws which would reduce the quotas from the northern countries of Europe; to the Committee on Immigration and Naturalization.

5715. By Mr. TIMBERLAKE: Petition from citizens of Yuma County, Colo., in behalf of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

5716. Also, petition signed by residents of Fort Collins, Colo., in behalf of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

5717. By Mr. UNDERWOOD: Petition of J. A. Francis and citizens of Ross County, Ohio, urging increases of pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5718. Also, petition of Anna Litten and citizens of Asheville, Ohio, urging increases of pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5719. Also, petition of J. F. Thompson and citizens of Bremen, Ohio, urging increases of pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5720. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan, urging more liberal pension legislation for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5721. Also, petition of residents of the eighth congressional district of Michigan, protesting against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5722. By Mr. WEAVER: Petition of citizens of Asheville, N. C., protesting against House bill 78, Lankford Sunday observance law; to the Committee on the District of Columbia.

5723. By Mr. WHITE of Colorado: Letter of John E. Gross, secretary-treasurer Colorado State Federation of Labor, approving the Box-Harris bills for the restriction of immigration from Mexico; to the Committee on Immigration and Naturalization.

5724. By Mr. WINGO: Petitions of citizens of Uniontown, Driggs, and Chismville, Ark., indorsing legislation for increase in pension for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5725. By Mr. WILLIAMS of Missouri: Petition of E. L. Newman et al., urging the passage of the National Tribune's Civil War pension bill; to the Committee on Pensions.

5726. By Mr. WINTER: Petition for Civil War pensions, by citizens of Medicine Bow, Wyo.; to the Committee on Invalid Pensions.

5727. By Mr. YON: Petition of J. H. Pippin and 81 other citizens of Jackson County, Fla., urging Congress to increase the pensions of the veterans of the Civil War; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *March 21, 1928*

(Legislative day of Tuesday, March 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore (Mr. MOSES). The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 11022. An act to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 3. An act for the relief of Kate Mathews; and

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.

CALL OF THE ROLL

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Keyes	Schall
Barkley	Fess	King	Sheppard
Bayard	Fletcher	La Follette	Shortridge
Bingham	Frazier	McKellar	Smith
Black	George	McLean	Smoot
Blaine	Gerry	McMaster	Steck
Blease	Gillett	McNary	Stelwer
Borah	Glass	Mayfield	Stephens
Bratton	Gooding	Metcalf	Swanson
Brookhart	Gould	Moses	Tydings
Broussard	Greene	Neely	Tyson
Bruce	Hale	Norbeck	Wagner
Capper	Harris	Nye	Walsh, Mass.
Caraway	Harrison	Overman	Walsh, Mont.
Copeland	Hawes	Phipps	Warren
Couzens	Hayden	Pittman	Waterman
Curtis	Heflin	Ransdell	Watson
Cutting	Howell	Reed, Mo.	Wheeler
Deneen	Johnson	Reed, Pa.	Willis
Dill	Jones	Robinson, Ind.	
Edge	Kendrick	Sackett	

Mr. JONES. I was requested to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Minnesota [Mr. SHIPSTEAD] are detained in committee.

Mr. GERRY. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] is necessarily detained on official business.

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

HORTICULTURAL EXPERIMENT STATION, CHEYENNE, WYO. (S. DOC. NO. 76)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture, amounting to $100,000, for the fiscal year 1929, to enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act providing for horticultural experiment and demonstration work in the semi-arid or dry-land regions of the United States," approved March 19, 1928, which, with the accompanying papers, was referred to to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 7191. An act to authorize the Secretary of Commerce to convey certain land in Cook County, Ill., to the Chicago & Western Indiana Railroad Co., its successors or assigns, under certain conditions;

H. R. 10540. An act to credit retired commissioned officers of the Coast Guard with active duty during the World War performed since retirement; and

H. R. 11022. An act to extend medical and hospital relief to retired officers and enlisted men of the United States Coast Guard.

TAX REDUCTION

Mr. SMOOT. Mr. President, I have been requested by a number of Senators to give notice as early as possible when the Finance Committee will begin consideration of the revenue bill as sent to us from the House. I desire to give notice now, so that members of the committee can arrange their affairs, that we expect to begin the consideration of the revenue bill on Tuesday, April 3, at 10 o'clock.

Mr. COUZENS. Mr. President, may I ask if it is proposed to hold hearings?

Mr. SMOOT. That, of course, the committee itself will have to decide. I will state, however, that at the first meeting we will have present a representative from the Treasury Department with the latest statistics as to the amount of income received this year as compared with a year ago.

Mr. COUZENS. I would like to ask the chairman if he thinks that the committee is going to hold hearings? There are several provisions of the bill on which hearings ought to be held and ample notice ought to be given to persons who desire to appear, if that is to be done.

Mr. SMOOT. I will say to the Senator that I have not discussed it with any members of the committee. If there is any member of the committee who desires hearings, I am quite sure the request will be granted.

Mr. HARRISON. Mr. President, may I ask the Senator if he does not think it possible to call a meeting of the committee before that time to determine whether or not we are going to have hearings and how long the hearings are going to take? Of course I and other members of the committee are interested, at

least I am sure Senators on this side of the aisle are, if it shall be necessary to have hearings, to expedite them as much as possible so that we may have the bill reported out and get some tax-relief legislation at this session.

Mr. SMOOT. I will say to the Senator that I have not any doubt that we will have tax-relief legislation during this session of Congress. I will also say that there have been few requests coming to me as chairman of the committee for hearings on the bill. I might add also for the information of the Senator that there are only about three items in the bill concerning which I have heard any complaint at all.

Mr. HARRISON. Then it is the Senator's opinion that it is not necessary to have prolonged hearings on the bill?

Mr. SMOOT. I am quite sure that it is not. For instance, I will say to the Senator that the question of the valuation of 1913 is the point with reference to which I have had more complaint as to the House provision than with reference to any other provision in the bill. The next one that amounts to anything has reference to section 220. Of course, the Senator knows what it is. It is a very difficult piece of legislation. The House has changed it entirely. If I were to express my own opinion, I would say that I think the changed provision as adopted by the House is even more complicated than section 220 of the existing law. Those are the only two subjects about which I have received letters.

Mr. HARRISON. I hope the hearings will not be long, so that we may get the bill reported out promptly.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts presented a petition of sundry citizens of Jamaica Plain, Framingham Center, Roxbury, and Swampscott, Mass., also of a large number of citizens of Massachusetts individually, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WARREN presented a resolution adopted by the Cody Club, of Cody, Wyo., favoring the making of increased appropriations for construction of designated highways in Federal reservations, which was referred to the Committee on Appropriations.

Mr. BARKLEY presented a petition of sundry citizens of Louisville, Ky., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a petition of sundry citizens of Brooklyn and vicinity, in the State of New York, praying for the passage of legislation granting increased pensions to Civil War Veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented petitions of sundry citizens of Cleveland and vicinity, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

CONSTRUCTION OF NAVAL VESSELS

Mr. EDGE presented a letter in the nature of a petition from Winfield S. Price, mayor of Camden, N. J., relative to naval shipbuilding, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF PUBLIC AFFAIRS,
Camden, N. J., March 20, 1928.

Hon. WALTER E. EDGE,
Senator, United States Senate, Washington, D. C.

MY DEAR SENATOR EDGE: I have noted with considerable regret that when the Navy appropriation bill passed the House of Representatives that it contained an amendment by Mr. DALLINGER, of Massachusetts, providing that one-half the ships authorized must be constructed in Government navy yards.

My opinion in this is that it is a serious matter, and the amendment should be eliminated from the bill before it is passed by the Senate. If the Government is going to construct half of its ships in Government navy yards, it will result in a few more years in the practical elimination of all privately owned shipbuilding industries in this country. As you perhaps know, there are but about three shipyards left in the United States to-day, and it seems only fair that if these industries are to continue in business that they must be given practically all of the new construction of naval vessels that may be authorized by the United States Government in order that they may be kept alive and available for the construction of ships in the event of the occurrence of another major emergency similar to that with which we were confronted in 1917.

Very truly yours,

WINFIELD S. PRICE, *Mayor.*

REPORTS OF COMMITTEES

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 4115. An act for the relief of Winfield Scott (Rept. No. 597);

H. R. 4116. An act for the relief of W. Laurence Hazard (Rept. No. 599); and

H. R. 4117. An act for the relief of Harriet K. Carey (Rept. No. 598).

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 211) to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain, reported it without amendment.

Mr. BORAH. As in executive session, from the Committee on Foreign Relations I submit a report for the calendar on an executive matter.

The PRESIDING OFFICER (Mr. STEIWER in the chair). The report will be received and will be placed on the Executive Calendar.

SENATOR FROM MAINE

Mr. SHORTRIDGE, from the Committee on Privileges and Elections, reported a resolution (S. Res. 174), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for expenses of inquiries and investigations, fiscal year 1927, contingent fund of the Senate, to Hon. ARTHUR R. GOULD, a Senator from the State of Maine, $10,906.04, in full reimbursement for all expenses incurred, including fees and expenses of his attorneys, in defending charges made against him and ordered to be investigated by S. Res. 296, agreed to January 3, 1927.

SENATOR FROM IOWA

Mr. SHORTRIDGE, from the Committee on Privileges and Elections, reported a resolution (S. Res. 175), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the appropriation for expenses of inquiries and investigations, fiscal year 1927, contingent fund of the Senate, to Hon. SMITH W. BROOKHART, a Senator from the State of Iowa, $1,725, balance in full reimbursement for all expenses incurred in defense of his right to a seat in the Senate resulting from the contest of the 1924 election of a Senator from the State of Iowa.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this day that committee presented to the President of the United States the enrolled bill (S. 3) for the relief of Kate Mathews.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 3709) to provide a code of insurance law for the District of Columbia, except as herein provided, and for other purposes; to the Committee on the District of Columbia.

By Mr. BAYARD:

A bill (S. 3710) for the relief of the Cosulich Societa Triestina di Navigazione, an Italian corporation, with its principal office at Trieste, and before the war known as the Austro-American Line; to the Committee on Finance.

By Mr. WALSH of Massachusetts:

A bill (S. 3711) for the relief of F. E. Merrill; to the Committee on Claims.

A bill (S. 3712) granting an increase of pension to Mary H. Smith; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 3713) granting an increase of pension to Florence R. Downey; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3714) to establish a fish-hatching and fish-cultural station in the State of Mississippi; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 3715) to remove the charge of desertion from the records of George W. Goldsby; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 3716) granting an increase of pension to Maria Dean (with accompanying papers);

A bill (S. 3717) granting an increase of pension to Eva M. McColley;

A bill (S. 3718) granting an increase of pension to Nancy Bowden (with accompanying papers);

A bill (S. 3719) granting an increase of pension to Caroline S. Masters (with accompanying papers); and

A bill (S. 3720) granting a pension to John L. Wyskiver (with accompanying papers); to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 3721) to establish the office of captain of the port of New York and to define his duties; to the Committee on Commerce.

By Mr. REED of Missouri:

A bill (S. 3722) granting a pension to Jennie Glass (with an accompanying paper); to the Committee on Pensions.

By Mr. EDGE:

A joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal; to the Committee on Interoceanic Canals.

By Mr. SMOOT:

A joint resolution (S. J. Res. 118) to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; to the Committee on Finance.

FORTY-FOUR HOUR WEEK FOR GOVERNMENT EMPLOYEES

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3116) providing for half holidays for certain Government employees, which was ordered to lie on the table and to be printed.

CLAIMS OF SETTLERS, LAKE COUNTY, FLA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 5695) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida, which was ordered to lie on the table and to be printed.

NAVAL BUILDING PROGRAM

Mr. SCHALL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from W. V. Brandt, of Germantown, Pa., relative to the naval building program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A VETERAN'S PLEA FOR THE NAVY

Hon. THOMAS D. SCHALL,

United States Senate, Washington, D. C.

MY DEAR SENATOR SCHALL: Every veteran of the World War has engraved upon his memory incidents which time can never erase. Some of these are pleasant memories, and one such which I shall never forget is that of my meeting with you and your charming wife on board the U. S. S. *Mount Vernon* immediately following our engagement with a German submarine upon the high seas 250 miles west of Brest.

On the morning of September 5, 1918, I had been on duty in our after gunnery-control station for the morning watch from 4 to 8 a. m. At 7.53 our ship was torpedoed by a German submarine. At the time I was very busy directing the fire of our stern guns and the dropping of depth bombs, at which duty I was kept busy until relieved just before 9 o'clock. As I came down out of the control station there is engraved upon my memory a picture of you and your brave little wife standing on our boat deck, calm and collected, while Mrs. Schall kept you advised of all that was going on. This picture of a brave American woman standing by the side of her husband upon the deck of a sinking ship, with a poise and bearing as if she were in the drawing room of her own home, so impressed me that it has ever been one of the most pleasant memories of my entire war experience.

I had always intended during the years that have passed since the dark days of 1918 of calling upon you to renew our brief acquaintance, but I have never had this opportunity; but, as I know from my conversation with you aboard the *Mount Vernon* that you are a friend of the Navy, I am taking the liberty of addressing this letter to you at this time when, in my opinion, the Navy needs all of its friends.

As you know, the Navy Department recently submitted to Congress a bill providing for the construction of certain auxiliary ships which, in the opinion of the General Board of the Navy, are needed to enable our country to maintain a well-balanced, coordinated fleet for its protection. Unfortunately this bill has been greatly reduced in the House, and as it will soon be before the Senate I am taking the liberty of writing you in hopes that the original program, as requested by the Navy Department, will receive more favorable consideration in the Senate.

From my experience in the Navy (in which I have served as a midshipman at the Naval Academy, and as an ensign and lieutenant in submarine and transport service during the World War) and from a study of the situation, inspired by a life-long interest in the naval service, I know that we do not, at the present time, have a first-class, well-balanced, coordinated Navy. While we are permitted by a treaty to have 18 first-class battleships, we are lacking in auxiliary ships, and 18 battleships without sufficient cruisers, submarines, aircraft carriers, and destroyer leaders, to scout ahead and form a protective screen around them, are, in my opinion, 18 doomed ships.

The Navy Department has determined, by a careful study, the number of auxiliary ships which our Navy needs in order to round out its fleet, and I am convinced that without these necessary auxiliary ships we will not have a first-class, well-balanced Navy, and the vital interests of this country, in my opinion, necessitate that we maintain a first-class Navy.

Our country is no longer isolated from the rest of the world, and while we have earnestly endeavored to keep out of entangling alliances, developments in other parts of the world have their effect upon this Nation. Until all the major powers of the world agree to disarm and settle international disputes by arbitration, there is always the possibility of war. It is, therefore, in my opinion, good judgment to have this Nation always prepared to defend its vital interests.

Situated as we are, any power which might seek to injure us must do it by way of the sea. Our Navy is, therefore, our first line of defense, and in the final analysis, our strength, our security, and our prosperity rest upon our Navy.

It is, in my opinion, particularly unfortunate that no provision was made in the bill as passed by the House for submarines. As a graduate of the Navy school for submarine officers, I firmly believe that there is no ship which can take the place of the submarine. It is one of the best defensive weapons yet devised for offshore defense of strategic and vital ports. As an advance scout, able to travel submerged and gain information regarding enemy movements and disposition, it is in a class entirely alone.

My dear Senator, do not think that because I am writing you in favor of our maintaining a strong Navy that I am an alarmist or that I believe in wars, for such is not the case. As a veteran of the late war, I have had the experience of seeing my shipmates blown to pieces around me. I have stood upon the deck of a ship and seen hardened Navy seamen, with years of experience, stand at attention with tears streaming down their faces as the mangled forms of our shipmates were brought from out of the hold below and over the topside.

A man who has passed through such experience is not an advocate of war. Furthermore, I have two splendid young sons, of whom I am very proud, and I hope that they may be spared the horrors of a war which I have seen. I am, therefore, not making this plea for a strong Navy under the belief that a strong Navy leads to war, but, on the contrary, I am making it under the firm belief that unpreparedness leads to war, while strength and power to defend the interests of this Nation will repel war and be a means of keeping us out of war.

It is the duty of Congress to provide and maintain the Navy of the United States, and I trust that in the fulfillment of its duty Congress will provide for our maintaining an adequate Navy, fully equipped and consisting of the necessary auxiliaries to protect our battleship fleet and the vital interests of this Nation.

I trust, my dear Senator, that you will consider this letter in the same friendly and kindly spirit with which it is written and as one coming from a patriotic American now in civil life, who is willing to fight now for the Navy just as sincerely and intensely as he fought with the Navy in the days of 1918, when the Nation needed a Navy and our Navy needed men.

Most sincerely yours,

W. VAN C. BRANDT,
771 Maplewood Avenue, Germantown, Pa.

TARIFF COMMISSION—INTERVIEW WITH ALFRED P. DENNIS

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD an interview published in the Baltimore Sun of March 17, 1928, with Dr. Alfred P. Dennis, a member of the Tariff Commission, relating to conditions in that body.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

DENNIS IS HOPEFUL OVER TARIFF BODY—MARYLANDER SAYS IF HE WERE NOT HE WOULD HAVE QUIT WITH COSTIGAN—PREDICTS IMPROVEMENT—DEMOCRATIC MEMBER OF COMMISSION SAYS COOLIDGE IS TRYING TO IRON OUT TROUBLES

[Washington Bureau of the The Sun]

WASHINGTON, March 16.—Alfred P. Dennis, Democrat, of Maryland, asserted to-day that if it were not for his hope that something will be

done to correct conditions in the Tariff Commission he would follow the lead of Edward P. Costigan and resign.

He said, however, he was convinced President Coolidge desired to iron out the difficulties in the commission; that he believed the special investigating committee of Congress would recommend an adequate remedy, and that in view of this he hoped for a rehabilitation of the commission.

Mr. Dennis discussed the situation in the commission when he was questioned about a statement issued yesterday by Commissioner Edgar B. Brossard, Republican, of Utah, in which Mr. Brossard said that Mr. Costigan had resigned after he had failed completely to sustain his charges before the Senate committee and that Mr. Costigan had considered everybody out of step but himself.

Mr. Dennis took this as an implication that he had been joining with the Republican members of the commission against Mr. Costigan, Progressive Republican.

NO REFLECTION INTENDED

Mr. Brossard, however, maintained that he had meant to make no reflection on Mr. Dennis or his work on the commission.

"My statement was intended solely for Mr. Costigan, and it was directed at him because of the extreme charges he made against me in the statement given out when he resigned," Mr. Brossard said.

Mr. Dennis said he did not wish to be drawn into any public controversy now, and that he did not want to issue a formal statement. He said, however, that he considered that Mr. Brossard's criticism of Commissioner Costigan had carried with it an "unfortunate reflection" on the two Democratic members—himself and Commissioner Lincoln Dixon, of Indiana. He pointed out that the three Democrats had been in substantial agreement in recent cases sent by the commission to the President, including rag rugs, cherries, synthetic phenolic resin, and logs.

"The commission has been confronted with enormous difficulties in the administration of the law, difficulties which have been emphasized by the presence on the commission of members with political axes to grind," Mr. Dennis said.

COMMISSION "NOT ON LEVEL"

"I have repeatedly stated in public and again reiterate that the commission is not run on the level. We grind out cases here involving higher duties, but when it comes to lower duties we have done nothing outside of a few cases of despicable unimportance, such as paint-brush handles and live bobwhite quail.

"We have spent years in obtaining the facts in some of the important lower duty cases, the cost ranging from $25,000 to $75,000, only to have euthanasia decreed in the latter stages of the investigation by the special interests represented by the high protectionist wing of the commission.

EXPECTS IMPROVEMENT

"The flexible tariff is thus used as a cover to prevent the very things it was intended to do. Mr. Costigan, feeling that the case was hopeless for an impartial, scientific administration of the tariff act, has voluntarily sought retirement. I am not quite so hopeless about the situation as Mr. Costigan, since I think the attitude of the President is distinctly sympathetic to clearing up the difficulties which have embarrassed the commission.

"Something in the way of corrective measures can be expected also from the Senate committee, which is formulating a program for the rehabilitation of the Tariff Commission. But for the hope which I am expressing I would be compelled to straightway follow Mr. Costigan into retirement."

O. G. VILLARD

Mr. BLEASE. Mr. President, I present certain newspaper articles relative to recent dinners in honor of O. G. Villard, editor of the Nation, which I ask may be printed in the RECORD. In this connection I desire to call attention to previous insertions which appear on page 4159, CONGRESSIONAL RECORD, March 5, 1928, and on page 4350, CONGRESSIONAL RECORD, March 7, 1928.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Afro-American, Baltimore, Md., Saturday, March 17, 1928]

BLEASE TELLS WHY HE READ AFRO ARTICLE INTO RECORD—ATTENDANCE OF TWO RACES AT DISTRICT OF COLUMBIA "NATION" DINNER TERMED EQUALITY—MRS. TERRELL, BROOKS, NEVAL THOMAS THERE—MANCE, WILKINSON, NAMED AS SOUTHERNERS WHO SUPPORT HIS VIEWS

By Louis R. Lautier

WASHINGTON, D. C.—"The people of South Carolina will oppose the election of any man as President of the United States who believes in social equality and does not draw the color line."

Senator COLE L. BLEASE, Democrat, of South Carolina, made this statement in an interview Tuesday, explaining his insertion into the CONGRESSIONAL RECORD of an article from the Baltimore Afro-American concerning the Oswald Garrison Villard dinners.

"My reason for putting that article in the CONGRESSIONAL RECORD," Senator BLEASE said, "was that I wanted the people of the South to know the real conditions in Washington and to further know that there are men in politics in the Nation who do not draw the 'color line' and are willing to eat at the same table with colored people and associate with them on equal terms."

Senator BLEASE added: "Of course, that is their business if they desire to do so, but it is our business to protect ourselves from placing in office any man who might attempt to force the same conditions upon us in the South."

SENATOR WALSH

It is believed that Senator BLEASE had reference to Senator THOMAS J. WALSH, Democrat, of Montana, who is a candidate for the Democratic nomination, when he inserted the Afro-American article in the CONGRESSIONAL RECORD and made his original statement that "some men do not mind associating at the table with certain other people, but that the people of my State might object to voting for that kind of a man for President of the United States."

FOUR SENATORS AT DINNER

Senator WALSH was one of four Senators who attended the dinner in honor of the tenth anniversary of Mr. Villard's editorship of the Nation. The dinner was at the Washington Hotel, where Senator BLEASE lives, on March 1. There were three other Senators present.

Senator GERALD P. NYE, Republican, of North Dakota presided. Senator BURTON K. WHEELER, Democrat, of Montana, was one of the speakers. The other Senator was young BOB LA FOLLETTE, Republican, of Wisconsin.

MRS. TERRELL THERE

Three colored persons attended the dinner. They were Neval H. Thomas, Dunbar High School teacher and president of the local chapter of the National Association for the Advancement of Colored People; Mrs. Mary Church Terrell, widow of the late Judge Robert H. Terrell, and the Rev. Robert W. Brooks, pastor of the Lincoln Temple Congregational Church at Eleventh and R Streets NW. Mrs. Terrell is reported to have sat next to Senator WALSH.

The order to see Senator BLEASE and find out his purpose in inserting the Afro-American article in the CONGRESSIONAL RECORD came from Carl J. Murphy, the editor of the Afro-American.

There was some trepidation in my approach of Senator BLEASE. But once in his presence it quickly fled. He was affable and spoke freely on the race question.

THINKS HIMSELF "FRIEND"

"I have always been the colored man's friend and am so considered by him to-day," he declared.

"I do not favor social equality," he said, "and the best element of colored people do not want social equality. They want equal rights, equal privileges, and service. The best element of them realizes that when a white man in the South places himself on the level and equality in social matters, that he is not as good as they are, and they do not accept him in their homes as their guest.

MENTIONS MANCE AND WILKINSON

Senator BLEASE referred to a number of colored men in South Carolina, including the Rev. R. W. Mance, whom he hopes and believes will be elected to the bishopric at the next general conference of the African Methodist Episcopal Church, and R. S. Wilkinson, president of the South Carolina Normal and Industrial College.

"I am satisfied," he said, "that they will bear me out in the position that they do not ask for social equality; nor do they seek it; neither are they anxious to hold official positions.

ALL WOULD VOTE FOR HIM

"I am satisfied further that the entire colored population of my State will testify to the fact that the southern white man is their best friend. I believe if it were left to the colored voters of my State, and each and every one of them had the power to cast his vote as he pleases, 90 per cent of them would vote for me for any office for which I might become a candidate."

JIM CROW CAR BILL

Referring to the bill which he has introduced in the Senate to provide separate coaches on street railways in the District of Columbia, Senator BLEASE said that this bill "is not intended as a political strike at or insult to the Negro race, but I believe that the passage of such a bill will prevent at some time very serious trouble in the District of Columbia.

PROTECTION?

"Some white man at some time," he stated, "is going to resist or resent a colored man's, or what he considers a colored man's, attention or discourtesy to some white woman in the street cars. It is going to lead to an assault. Possibly some one in the car may be killed or seriously injured, and it may lead to serious trouble between the races. This can be averted by giving to each race the same car service, the same rate, and forces no one in any inferior or in any embarrassing situation. It is a question of protecting both races."

Senator BLEASE introduced the first bill in the State Legislature of South Carolina to pension a colored person, William Rose, who was the personal body servant of Gen. Macy Gregg in the Confederate Army.

THE FRUIT CAKE

Senator BLEASE has served as trustee of the South Carolina Normal and Industrial College at Orangeburg, S. C. As governor of the State he was chairman of the board of trustees ex officio. Each Christmas from the time of his governorship to the present the girls in the domestic science department have sent to him and Mrs. Blease a fruit cake. He delights to refer to this remembrance even on the floor of the Senate.

COMMON-SCHOOL EDUCATION

"I always advocated common-school education for the colored people," he said, "that is, reading, writing, arithmetic, and those things which it takes to make the colored man a good citizen and to put him into position to take care of himself in whatever deal or transaction in life he might have to make."

RELEASED 1,000 PRISONERS

When he was Governor of South Carolina, Senator BLEASE related, "I found the penitentiary overcrowded with colored people who had been overlooked and had served years and years longer than they should have. They had no money to hire lawyers, no influential friends to work for them, and I took my secretary and went to the penitentiary and interviewed all the various prisoners personally, and I released a thousand or more colored men from that hell-hole and gave them a new chance in life.

"Up to my present reports not a one of them has been recommitted for any violation of the terms of his parole or for having committed any other crime."

[From the Afro-American, Baltimore, Md., Saturday, March 17, 1928]

"CITY'S NATION DINNER MOST MEMORABLE IN SERIES"—VILLARD—VILLARD COMMENDS LOCAL COMMITTEE—NATION FOUNDED TO MAKE WAY EASY FOR FREEDOM OF THOSE WHO ARE A PRICELESS PART OF OUR POPULATION

The Baltimore dinner had given him the real kick of the series, Oswald Garrison Villard declared at the climax of the local Nation dinner at the home of Miss Elizabeth Gilman, where 127 guests joined in paying tribute to the grandson of William Lloyd Garrison, one of America's foremost editors and champions of human rights.

In a jocular, yet serious, vein Mr. Villard declared that the peace and harmony in the other dinners given in his honor had a fitting climax in the experiences of the local committee. In paying a tribute to Miss Elizabeth Gilman and members of the committee he recalled that her father was one of the original backers of the Nation.

BREAK SHACKLES

The Nation, he said, and the old Liberator, which preceded it, came into existence for the express purpose of taking the shackles off colored slaves and of helping these people who had been in bondage for 250 years find a proper place in the country.

It had always been the determination of its founders to devote a part of their space to unpopular causes. The present dinner, because of the difficulty the committee had in finding a place to hold it, had given him another "glorious chance" to stand up for the principles of human brotherhood.

That the Nation and the spirit it fostered may live to fight on, Mr. Villard expressed his hope that these series of dinners would bring behind it a growing group of subscribers and supporters.

JUDGE FRANK PRESIDES

In an opening statement presenting Judge Eli Frank as master of ceremonies, Rabbi Morris S. Lazaron, of Madison Square Temple, stated that "because he believed in God he believed in the brotherhood of man." Joseph Wood Krutch, dramatic editor of the Nation, born, he says, in Tennessee, but often called a "northerner" in the South and a "southerner" in the North, called Eugene O'Neill America's greatest dramatist.

QUOTES CULLEN

Arthur Garfield Hayes, director of the American Civil Liberties Union, and one of the attorneys in the Sweet case in Detroit, referred to the difficulties the committee had had in getting a place to hold the dinner as "a darn good chance to stand up for a square deal."

Mr. Hayes quoted Countee Cullen's poem "Baltimore," and attributed as slavish "fear" on the part of men and women to break through outworn customs and assert themselves according to their own consciences.

He also severely arraigned the Government for its aggressive intervention in smaller countries, declaring that "because I am an American I should rejoice if Sandino should get the best of the marines."

MENCKEN'S LETTER

In a letter expressing his regret that he could not be present on account of a minor operation—referred to jocularly by the toastmaster as an operation which would naturally "increase his air space," Henry L. Mencken said, "Don't have any fear; the Ku-Klux Klan may heave a possum or a couple of Bibles in at the window, but it will do no worse."

The dinner ended peacefully after the committee had spent a hectic week finding a place where white and colored guests could eat together.

According to Miss Elizabeth Gilman, practically every hotel and public dining room in the city had an opportunity to register its policy on this matter.

The dinner was first arranged at the Southern Hotel; service was withdrawn when the committee faced, told them that colored guests would have to be included.

At first colored guests were advised that some difficulty might arise if they tried to attend the dinner, but Villard, when informed of the ban on colored subscribers, flatly refused to attend if they were barred.

CEILING CAVED IN

It was then transferred to the Arundel Hall, but fortunately permission was later refused here also. On Monday of this week the ceiling in this building caved in, probably fatally wounding three and seriously wounding three others.

Effort to get the Friends' Meeting House on Charles Street met with a refusal, on the ground that the meeting was neither religious nor civic, and could not be held there.

Permission was given and withdrawn at the Friends Meeting House at Park Avenue and Laurens Street.

It was then transferred to the home of Miss Gilman.

In a letter to Miss Gilman, Norman Thomas, executive director of the League for Industrial Democracy, characterized her efforts in behalf of the dinner as "a great service for racial fair play not alone in Baltimore but throughout the country."

Those of the group who attended the dinner were Dr. Ernest Lyon; Liberian Consul General Carl J. Murphy, president of the Afro-American Co.; Dr. C. E. Stewart; John W. Haywood; Dr. A. J. Mitchell; and William N. Jones, managing editor of the Afro.

[From the Afro-American, Baltimore, Md., Saturday, March 17, 1928]

THE NATION DINNER

Why was it that Baltimore daily newspapers gave so much publicity to the Nation dinner staged in honor of Mr. Oswald Garrison Villard, of New York, at the home of Miss Elizabeth Gilman in Baltimore Friday night of last week?

Could it have been because of Mr. Villard's renown as a speaker, his high position as editor of a liberal weekly magazine, the importance of the occasion, or the message or the luster attached to the Garrison name and family?

There must have been something of great significance in the occasion. For five days preceding the dinner the Baltimore Sun carried from one-half to one column of news on its most prominent local page about this event. More than a column, two photographs, and an editorial appeared the day afterwards.

And yet a score of years ago Mr. Villard spoke in Baltimore before an audience of 1,500 persons. He was at that time the brilliant editor of the New York Evening Post, a daily newspaper.

No advance notices of more than an inch appeared in the daily press, and the account of the address which appeared in the Sun next day was short, uninforming, and inconspicuous. It was printed under the heading of "Obituaries."

Mr. Walter T. McGuinn recalled in last week's Afro that Baltimore closed its ears also 100 years ago to the message of Mr. Villard's grandfather, William Lloyd Garrison. Mr. Garrison had to issue his own paper, The Genius of Universal Emancipation, and Baltimore jailed him for condemning the slave trade and demanding immediate emancipation of negro slaves.

For a hundred years Grandfather Garrison and Grandson Villard have harped on the same tune, championing the cause of the weak, helping the slave and the freedmen to find their place as free and equal American citizens.

The reason for the advance publicity to the Nation dinner is to be found in none of the ideas suggested above. It was, however, intimated in the Sun editorial Saturday morning.

The reason was that the two races, black and white, were to sit down at this dinner together, a procedure which the Sun terms contrary to the "firmly established convictions and practices of this community with respect to social contacts between the two races."

The publicity had the desired effect in part. No down-town hotel would make it convenient for the dinner to be held there. Clubs and even Christian churches refused the committee a meeting place.

Miss Gilman, out of a large heart, offered her own home, where the subscribers and friends of Mr. Villard dined, as Mr. Joseph Krutch, of the Nation, facetiously observed, like "conspirators."

In the biggest sense this publicity was ineffectual. Mr. Villard termed the Baltimore dinner the most memorable of the series. Others were staged in Philadelphia, Washington, New York, and Buffalo. He got a "kick," he said, out of the success of Baltimore Nation readers in standing up for the principles of human brotherhood.

Every banquet speaker praised the fine spirit of Miss Gilman and her committee. Nation readers who wished dined and went about their business.

[The Baltimore Sun, Saturday morning, March 10, 1928]

WOULD REJOICE IF SANDINO BEAT MARINES—A. G. HAYS, CIVIL LIBERTIES HEAD, SAYS SO AT DINNER FOR VILLARD—120 WHITE, 7 COLORED GUESTS AT BANQUET—EDITOR CALLS EVENT CHANCE TO STAND UP FOR HUMAN BROTHERHOOD

"Because I am an American I should rejoice if Sandino should get the best of the marines," Arthur Garfield Hays, director of the American Civil Liberties Union, asserted last night at a dinner in honor of Oswald Garrison Villard's tenth anniversary as editor of the Nation.

Mr. Hays's statement was made at the home of Miss Elisabeth Gilman, 513 Park Avenue, where the dinner was held after several days of feverish activity had been passed in attempting to find a place where white persons and negroes could dine together. Seven negroes attended the dinner and were seated with white guests. The white guests numbered 120.

CITES AMERICAN INSTITUTIONS

"How can any American, believing in American institutions, support the actions of the American Government in Nicaragua?" Mr. Hays asked.

"The principles of nonintervention," he added, "and the right to carry on a nation's own affairs of government are not altered merely because the United States is the aggressor."

Judge Eli Frank, associate judge of the Supreme Bench of Baltimore City, was toastmaster and introduced the speakers—Mr. Villard, Mr. Hays, and Mr. Joseph Wood Krutch, dramatic editor of the Nation.

CALLS EVENT BALM TO SPIRIT

Mr. Villard, touching on the difficulties of the committee, of which Miss Gilman was a member, in finding a dining place, said it was balm to his spirit to find a "glorious chance" to stand up for the principles of human brotherhood.

These principles, he said, had not been questioned in other cities which recently have held similar dinners in his honor. He feared, he added, his principles were becoming unduly conservative when he heard of the experiences in Baltimore.

The editor appealed for support of independent periodicals, which he called a necessity if democracy was to continue in a country whose daily press, he asserted, was largely controlled by private interests.

Within a few years, Mr. Villard added, views now considered as radical will be thought conservative, as has been the case in the past.

Mr. Krutch spoke on "America's Contribution to Modern Drama," which he described as great. He called New York the modern dramatic capital and asserted that Eugene O'Neill was the greatest American dramatist.

PROTESTS CENSORSHIP

Protesting against censorship, Mr. Krutch said that the best plays might be stopped by a whisper at a time when the American drama was becoming most significant.

"Europe has taken in much of our trash as it has taken in our movies, but American drama has won in Europe a greater amount of respect than any other example of American art," he declared.

A letter from H. L. Mencken, written from a hospital where he is undergoing a minor operation, was read to the guests by Judge Frank. Mr. Mencken expressed his regret at not being able to attend the dinner and assured the guests that—

"The Ku-Klux Klan may heave a possum or a couple of Bibles in at the window, but it will do no worse."

LIST OF GUESTS

The list of guests as given out by Mrs. Reynold A. Spaeth, secretary of the committee, follows:

E. Milton Altfeld, Miss Mary Andrew, Miss Lavinia Bamberger, Mrs. E. P. Barnett, Mrs. Alexander S. Barton, Doctor and Mrs. Berheim, Joseph Bernstein, Dr. M. L. Breitstein, Mrs. William J. Brown, Henry Burke, Mr. and Mrs. Joseph Burton, Miss Florence Clothier, M. C. Conkey, R. S. Conkey, Samuel Danzinger, K. M. Dodge, Abraham Epstein, Mrs. N. B. Fagin, J. Frank Fox, Judge and Mrs. Eli Frank, Dr. and Mrs. Leon Freedom, Dr. Ernst Feise, E. I. Feldman, Miss Elizabeth Gilman, Mrs. Leon Ginsberg, H. R. Ginsberg, D. Bengt Hamilton, Miss Margaret Hamilton, Miss Harvey, John Hayward, H. C. Hilken, Mr. and Mrs. Sidney Hollander, Mr. and Mrs. Walter Hollander, Arthur E. Hungerford, Edward Hungerford, Dr. and Mrs. O. E. Janney, W. N. Jones, Dr. and Mrs. Max Kahn, Miss Amelia Kaufman, C. Arthur Keene, E. Krieger, A. H. Krug, Miss Ann G. Kuttner, Miss Clara Landsberg, Rabbi and Mrs. Morris S. Lazaron, J. J. McNamara, Bernard Makover, A. J. Mitchell, Judge Jacob Moses, Carl Murphy, Rev. Dr. James Oosterling, David Paulson, Miss Mary M. Read, Miss Caroline Roberts, Mr. and Mrs. Louis Rosenfeld, Miss Ruth Rosenberg, Mr. and Mrs. F. J. Rubenstein, Mr. and Mrs. William Seff, G. K. Selbert, C. D. Sergeant, Miss Evelyn Smith, Phil Smith, C. E. Stewart, Mr. and Mrs. Max Sokol, Miss Nellie Spicer, Fred Starr, Dr. Leo Snyder, Dr. Edward Uhlenhuth, Judge and Mrs. J. N. Ulman, Mrs. Donald B. Van Hollen, R. E. Vogelman, Clarence Wagener, Miss E. F. Ward, A. Wilner, Miss Gwendolin Willis, Dr. and Mrs. S. Wolman, and R. Q. Yardley.

The committee on arrangements was composed of Rabbi Morris S. Lazaron of Madison Avenue Temple, Miss Gilman, Arthur E. Hungerford, and Mrs. Spaeth. In introducing the toastmaster, Rabbi Lazaron expressed his regret at having been out of the city during the making of entire arrangements for the dinner, which he credited chiefly to Miss Gilman and Mrs. Spaeth.

[From the Baltimore Sun, Saturday, March 10, 1928]

THE VILLARD DINNER

The long series of misadventures attending the dinner to Oswald Garrison Villard, editor of the Nation, is really not the fault of anyone. If some group of Mr. Villard's friends had arranged a dinner for him, it would have been presumptuous on his part to have insisted that negroes should be invited. But, as we understand the facts, the dinner was not to have been one simply of Mr. Villard's friends; it was a dinner of subscribers to the Nation. Naturally, in view of Mr. Villard's well-known views on racial discrimination, he could not condone the color line in such a dinner.

Nor can fault be found, we believe, with the committee which undertook to arrange the dinner. It is easy enough to say that, knowing the firmly established convictions and practices of this community with respect to social contacts between the two races, and knowing also Mr. Villard's views, the dinner never should have been undertaken. But the fact probably is that no one, either on the committee or off it, gave an instant's thought to the possibility of the color question being raised until after Mr. Villard had been invited.

It would have been better had not a very small group of negroes elected to force the issue. It placed in an embarrassing position a group of generous men and women, who were compelled to choose between recalling an invitation to a man whom they honored and running counter to the custom of their own community, a custom which, we have no doubt, they individually uphold. Also, it placed in an embarrassing position a very much larger number of respectable and useful negroes, who perfectly understand and do not object to the social distinctions which prevail in Baltimore, but naturally do not enjoy the emphasis placed on these distinctions in the last few days.

Now that the affair is behind us, the sooner it is forgot the better it will be for all. The relations here between the races are excellent. The whites encourage the progress of the negroes in trades, and they treat fairly those who have entered the professions. They respect the negroes' political rights. There is constantly increasing attention to education of the negroes, as there is to social and physical welfare. In nothing has Baltimore been more spontaneously open handed in many months than the joint effort of the whites and negroes to provide funds for the Provident Hospital—to be conducted for negroes.

The line is drawn sharply only against social contacts, and that line is as satisfactory to the great majority of negroes as it is inflexible for the overwhelming majority of whites.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. PURNELL, and Mr. ASWELL were appointed managers on the part of the House at the conference.

GOV. ALFRED E. SMITH

Mr. COPELAND. Mr. President, for those of us who know Governor Smith, of New York, it was very difficult the other day to keep from uttering bitter words in response to the insinuation by the Senator from Indiana [Mr. ROBINSON]. For myself, I am glad we did not indulge in such words, because the governor himself has shown how idle and unfounded was the charge.

In this matter, as in all other matters of criticism which have been leveled against him, Governor Smith has shown conclusively how false and unworthy are all such charges. He is an upright, untarnished, dependable statesman, a public official who can be trusted in all things at all times.

I ask that the clerk may read from the desk an Associated Press dispatch from Albany, of March 20, as printed in this morning's Washington Post.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Washington Post, March 21, 1928]

AL SMITH CALLS SINCLAIR CHARGE DEMAGOGIC SLANDER—GOVERNOR, IN SCATHING LETTER TO NYE, DECLARES THAT HE RECEIVED NO FUNDS FROM OIL MAN—SCORES "INSINUATIONS" AS "INFAMOUS"

ALBANY, N. Y., March 20.—Governor Smith to-night characterized as "demagogic slander" statements made by Senator ROBINSON (Republican), Indiana, on the floor of the Senate yesterday that Harry F. Sinclair, a prominent figure in the oil scandal, had been a heavy contributor to the New York State Democratic gubernatorial campaign of 1920.

In a letter to Chairman GERALD P. NYE, of the Teapot Dome committee, Governor Smith declared that "a careful search of the official records made at my request to-day confirmed my recollection that Mr. Sinclair never contributed to my campaign fund either in 1920 or at any other time that I ever ran for office; in fact, I failed of election as governor in 1920, and Mr. Sinclair had been appointed to the racing commission months prior to that election, some four years before there was any thought of the oil scandal."

"I do not propose that either you or Senator ROBINSON of Indiana," the governor continued, "shall escape public humiliation for the infamous insinuations that you have made by your pretense of disclaiming desire to cast reflection on me or stating that your committee has no concern with the matter."

After the governor had written the letter, word was brought to him that Mr. Sinclair had contributed on one occasion to a Democratic campaign fund in New York State. The contribution, made in 1918 to the New York County Democratic committee, amounted to $1,000, records in the secretary of state's office disclosed.

The same records disclosed, however, that in 1922—the year that Nathan L. Miller opposed and was defeated by Governor Smith—Mr. Sinclair contributed $5,000 to the Republican State committee. The payment was made, the records showed, to Anson C. Goodyear, treasurer of the State committee.

Careful examination by Secretary of State Robert Moses of contributions to the governor's personal campaign funds failed to disclose any mention of Mr. Sinclair's name. The examination covered every available bit of data filed in the department of state and other State offices.

The statements made before the Senate, the governor asserted, were in the nature of "a Republican counsel of desperation to escape in some measure the penalty for the disgraceful record of the Republican Party in connection with these scandals. No such red herring can be dragged across the trail."

The text of the governor's letter follows:

"You are quoted in the daily papers this morning as having said yesterday on the floor of the Senate, 'I do understand that in the campaign at which Governor Smith was elected Mr. Sinclair was a very liberal contributor to his cause, and that following his election he was made a member of the racing commission of the State.' Senator ROBINSON of Indiana made a similar statement. Your information, wherever you got it, is in every respect false, and these statements were recklessly made.

"A careful search of the official records, made at my request to-day, confirmed my recollection that Mr. Sinclair never contributed to my campaign fund either in 1920 or at any other time that I ever ran for office; in fact, I failed of election as governor in 1920, and Mr. Sinclair had been appointed to the racing commission months prior to that election, some four years before there was any thought of the oil scandals. A few months before the end of his term, early in 1925, I accepted his resignation.

"I do not propose that either you or Senator ROBINSON of Indiana shall escape public humiliation for the infamous insinuations you have made by your pretense of disclaiming desire to cast reflection on me or stating that your committee has no concern with the matter. Without the slightest warrant in fact, and with no basis whatever, you have both made false public statements from which you evidently calculated that people would be misled into believing that I was in some way a beneficiary of the oil scandals. This, no doubt, is a Republican counsel of desperation to escape in some measure the penalty for the disgraceful record of the Republican Party in connection with these scandals. No such red herrings can be dragged across the trail. The complete baselessness of your demagogic slander has aroused the indignation with which I make this protest against your outrageous conduct."

Sinclair, in his resignation on February 5, 1925, told the governor that "it would not be 'convenient' for him to continue in the office of racing commissioner, and gave no other reason, the governor disclosed to-day after a search through the files had brought his letter to light.

Mr. ROBINSON of Indiana. Mr. President, I do not know how the Governor of New York feels about this matter except from what I have read in the newspapers. He seems to be very much exercised. He is not so calm and careful in the choice of his language as it seems to me a great statesman ought to be. I understand he is a candidate for President, and I am just wondering if one of his temperament were in the White House, charged with the enormous responsibilities of that office and given the tremendous authority of that office, what kind of language he then would use in dealing with the people of this country and with the foreign nations of the world. It looks as though there might be warfare on all hands and trouble from the beginning.

I have no occasion to attack the Governor of New York. I never supposed he would get so much excited about this matter. I have been given to understand from those who espouse his candidacy for the Presidency that he was calm and deliberate, a great student, and a great man; so I am amazed at this outburst in the newspapers this morning from this presidential candidate.

What started it all? Mr. President, I have before me the CONGRESSIONAL RECORD for Monday. I asked this question, which I quote, of the Senator from Montana [Mr. WALSH]:

Mr. President, I would like to ask one other question, either of the Senator from Montana or the Senator from North Dakota. I have been given to understand—I do not know whether it is true or not, but I think it is—that Mr. Harry Sinclair, during 1922, 1923, 1924, and possibly 1925, was a member of the State administration of New York, Governor Smith's administration, as a member of the racing commission there by appointment of Governor Smith. Is that true or not?

Mr. President, that is a harmless question. I was simply trying to develop the fact that Mr. Sinclair was a member of Governor Smith's administration, and since Governor Smith is so proud of his administration and those who espouse his candidacy are so proud of that administration, I supposed he would gladly take Harry Sinclair to his bosom and say, "Yes; he is a part of that administration, and I am glad he is." But, no, Mr. President——

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Montana?

Mr. ROBINSON of Indiana. I will yield in just a moment.

Mr. WHEELER. I was just going to observe——

Mr. ROBINSON of Indiana. Just a moment; I do not wish to yield until I finish this phase of the question.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. ROBINSON of Indiana. I quote further from the CONGRESSIONAL RECORD of Monday last:

Mr. WALSH of Montana. I am unable to advise the Senator with respect to it.

Mr. ROBINSON of Indiana. Is there any evidence on that question?

Mr. President, this had to do with whether he was a member of Governor Smith's administration.

Mr. NYE. There is no evidence that has come to my attention that Mr. Sinclair was a member of Mr. Smith's administration after 1920. That, however, is a matter with which our committee has had no relationship at all. I do understand that in the campaign of 1920, at which Governor Smith was elected, Mr. Sinclair was a very liberal contributor to his cause; and that following the election he was made a member of the Racing Commission of the State of New York.

Mr. WALSH of Montana. Mr. President, I want to inquire of the Senator from North Dakota, the chairman of the committee, whether he is speaking from information before the committee?

Mr. NYE. I have just made that very clear, and I hope the Senator will get it, that I was not speaking for the committee.

Mr. WALSH of Montana. Does the Senator speak from information——

Mr. NYE. He does.

Mr. WALSH of Montana. Before the committee?

Mr. NYE. Not before the committee.

Mr. President, is there anything there for this statesman to become so exercised about?

I now yield to the Senator from Montana if he still desires me to yield.

Mr. WHEELER. I merely wanted to observe that probably Governor Smith did not want to take Sinclair to his bosom and take him away from the Republicans.

Mr. ROBINSON of Indiana. Well, Mr. President, I do not understand that Sinclair has ever been a member of any Republican administration; I am not certain on that score, but from all the information at my hands he has never been a member of any Republican administration, and he was a member of a Democratic administration.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. I yield.

Mr. BARKLEY. Will the Senator say Mr. Sinclair has not dealt with a Republican administration?

Mr. ROBINSON of Indiana. Oh, Mr. President, Sinclair dealt with everybody; he dealt with Republicans and Democrats. I say that the Republican rank and file of America is composed of honest, patriotic, God-fearing American citizens. I want to be fair with the Senator from Kentucky and I want to be fair with the Democratic Party, and I am willing to agree that the rank and file of the Democratic Party is composed of good citizens all over the country.

This is not a question of politics. In that connection, Mr. President, when I have a little more time, I am going into the Teapot Dome matter somewhat at length; and then I think I shall be able to develop the fact definitely that in both parties men prominently placed have betrayed the trust imposed in them by the rank and file, and that men like Sinclair do not confine their efforts or their activities to either party. They have no party especially; but the Governor of New York did appoint Sinclair as a member of his administration, and he remained there throughout several years. I want to go into that for just a second.

Mr. WHEELER. Mr. President——

Mr. ROBINSON of Indiana. I yield to the Senator from Montana.

Mr. WHEELER. I agree with the Senator that the rank and file of the Republican Party are honest; but does not the Senator think by reason of that fact that they ought to repudiate both the last administration and the present administration because of the things that have been carried on and because of the donations that Sinclair and Doheny and their crowd have made?

Mr. ROBINSON of Indiana. I am not sure about that; that will come up later; but I might observe, since the Senator has brought it up, that three Democratic members left the Cabinet of the last Democratic administration to take employment under Doheny, and Doheny and Sinclair rest in the same bed, and they have got a lot of Democrats in it with them, too. So I do not see, Mr. President, that there is any point in the question that has just been suggested, for the reason that the Senator from Montana who has just asked the question might suggest further that the whole Democratic administration which has just passed into history be repudiated also.

Mr. HEFLIN. Mr. President, will the Senator let me ask him a question?

Mr. ROBINSON of Indiana. I yield.

Mr. HEFLIN. The Senator suggested that Sinclair and Doheny were in the same bed, and that they had a lot of Democrats in there with them. I do not agree to that; but if the Senator can designate them, if the Senator can point out a single Democrat who has been corrupt, I for one Senator will denounce him on this floor and repudiate him?

Mr. ROBINSON of Indiana. What does the Senator say about Mr. Doheny?

Mr. HEFLIN. I repudiated him three years ago, and he quit the Democratic Party.

Mr. ROBINSON of Indiana. Mr. Doheny was a candidate for Vice President on the Democratic ticket back in 1920, and was voted on as a candidate. Does the Senator now undertake to read out of the party one who has been so high in the councils of the party that his own party voted on him for Vice President of the United States?

Mr. HEFLIN. He was not in congenial company with the Democratic Party, and he went over to the Republican Party.

Mr. ROBINSON of Indiana. He was in the company of the distinguished Senator from Montana, who was guided by his advice on this floor in some of the observations he made when this leasing question was before the Senate.

Mr. WALSH of Montana. Mr. President, to whom——

Mr. ROBINSON of Indiana. He was in the company of Mr. McAdoo, whom he afterwards employed at an estimated salary of $100,000 a year. He was in the company of the late Franklin K. Lane, whom he employed for $50,000 a year. Are not they good Democrats?

Mr. WALSH of Montana. Mr. President——

Mr. ROBINSON of Indiana. I yield to the Senator from Montana.

Mr. WALSH of Montana. Did the Senator from Indiana, in the remarks just made, refer to the senior Senator from Montana?

Mr. ROBINSON of Indiana. I referred to the Senator who is now speaking.

Mr. WALSH of Montana. Will the Senator give the Senate a reference to any comment made by me on the floor in defense of Mr. Doheny?

Mr. ROBINSON of Indiana. Yes, Mr. President; I will read the Senator's own language, I think day after to-morrow, in a speech on this subject that I am trying to prepare, to be delivered in the Senate on that day.

Mr. WALSH of Montana. It will be enlightening.

Mr. ROBINSON of Indiana. At that time I shall give the Senate the references, and also the Senator's language.

Mr. BLAINE. Mr. President, will the Senator yield for just a suggestion?

Mr. ROBINSON of Indiana. If it is not too long. I want to get through with Mr. Smith.

Mr. BLAINE. I will ask the Senator if it is not a fact that the Democratic National Convention at San Francisco in 1920 kicked out the distinguished senior Senator from Missouri [Mr. REED], and kicked Mr. Doheny, who received votes as a candidate for Vice President, into that convention?

Mr. ROBINSON of Indiana. I think that is correct. I only have the newspaper reports; but I understood that the distinguished Senator from Missouri, who now is a candidate for President according to the newspaper reports, did knock at the door and was refused admission at the San Francisco convention.

Mr. President, to proceed, I was paying my respects to the distinguished Governor of New York. He states, if I quote him correctly:

> In fact, I failed of election as governor in 1920 and Mr. Sinclair had been appointed to the racing commission months prior to that election.

Mr. President, "months prior to that election"—how many months? The record shows, if I have it correctly, and I think I have, that Gov. Al. Smith appointed Harry F. Sinclair as a member of his administration, as a member of the racing commission, for an unexpired term on the 12th day of January, 1920, when his campaign was looming for the next November. This was for an unexpired term.

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. ROBINSON of Indiana. Just a second, and I will. I do not want to be interrupted right at this place.

The governor appointed Sinclair on January 12, 1920, for an unexpired term which, I understand, would have expired December 31, 1920; but the Governor of New York was so enamored of Harry F. Sinclair, he thought so much of him and his great constructive ability, he was so anxious to have him in his administration permanently, that on June 3, 1920, the same year, he reappointed Mr. Sinclair for a five-year term, a full term, which would not expire normally until the last of the year 1925.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. TYDINGS. Mr. President, will the Senator yield right there before he leaves that part of his argument?

Mr. ROBINSON of Indiana. All right; I will yield right now.

Mr. TYDINGS. Assuming that Governor Smith did appoint Mr. Sinclair at a time when none of these facts had been developed, and at a time when he had a right to believe that he was a man of some reputation——

Mr. ROBINSON of Indiana. And just before election.

Mr. TYDINGS. Does the Senator mean to contend that Governor Smith was corrupt, or that he shielded a criminal, or that he had in his administration a man that he should not have had by reason of some prior happening?

Mr. ROBINSON of Indiana. Mr. President, I want the country to make its own deductions.

Mr. TYDINGS. Answer the question "yes" or "no."

Mr. ROBINSON of Indiana. I want the country to draw its own conclusions. I am stating some facts here; that is all.

Mr. CARAWAY. That is the strangest statement the Senator has made yet.

Mr. TYDINGS. Let me ask the Senator another question. I have just read in a morning paper where a man named Faison, down in Virginia, was convicted of murder. The chances are that he is a white man and a Democrat. Does not the Senator think, by the same analogy, that Senators SWANSON and GLASS ought to be unseated because perchance a Democrat committed murder in the State of Virginia?

Mr. ROBINSON of Indiana. Mr. President, that is taking us far afield. I hope the Senator does not mean to connect Governor Smith up with murder. I would not go that far.

Mr. TYDINGS. Mr. President, will the Senator yield for another observation?

The VICE PRESIDENT. Does the Senator from Indiana further yield to the Senator from Maryland?

Mr. ROBINSON of Indiana. Not just now; a little later.

The VICE PRESIDENT. The Senator declines to yield.

Mr. ROBINSON of Indiana. Mr. President, Governor Smith says Mr. Sinclair had been appointed to the racing commission "months before," giving to the American people the intimation that it was a long while before. It was just the June before, when he reappointed him to a full term on the commission that would not expire until 1925.

What happened then, Mr. President? My information is that he resigned one month before the full term expired—one month before.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. COPELAND. What other appointments did the governor make at the same time he appointed Mr. Sinclair?

Mr. ROBINSON of Indiana. Mr. President, I am talking about Harry F. Sinclair and his friend the Governor of New York. I do not care about anybody else. I am not going into that.

Mr. COPELAND. I mean, on that particular racing commission, and at the same time. Is the Senator aware of the fact that the distinguished and incorruptible Gen. James W. Wadsworth, sr., the father of our ex-colleague, was appointed at the same time? Does the Senator make the same reflections upon that distinguished patriot?

Mr. ROBINSON of Indiana. Why, of course, not, Mr. President. That was an excellent appointment. I suppose the Governor of New York has made some good appointments. I have no doubt of the fact; but I am speaking of the Sinclair appointment, which stinks to heaven, in my judgment.

Mr. President, just one other thing. As a matter of fact, according to my information, Mr. Sinclair resigned one month before the full term expired, which was late in 1925. I wonder why he was retained during all those years. Mark you, he was appointed twice—first for an unexpired term, then for a full term—and then, through all this discussion of the Sinclair matter and the Doheny troubles, and the Teapot Dome racket, he still continued to be a member of the administration of Governor Smith of New York.

Governor Smith could easily have said to Harry F. Sinclair, "Now, Mr. Sinclair, you are unclean. It has developed that you are unclean. You are not fit for a Democratic administration, because we Democrats here and all of us who believe in Tammany Hall are thoroughly clean, and we do not want you in our administration." But did Mr. Smith do that? No. The Governor of New York never did fire Mr. Sinclair. He finally resigned on his own account. No wonder the Governor of New York this morning feels badly; but he should blame himself and his associations. "Birds of a feather will flock together."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. Yes; if the Senator insists on defending Governor Smith, of New York, I shall be glad to yield to the Senator from Kentucky.

Mr. BARKLEY. I am not here for the purpose of defending anybody; but I should like to ask the Senator from Indiana if, after he finishes with the Governor of New York, he will enlighten us by giving us his opinion of the Governor of Indiana.

Mr. ROBINSON of Indiana. Mr. President, I am not discussing that. The Senator can discuss Indiana as far as he pleases. I will only say in that connection that Indiana needs no defense from me. Indiana stands, and has at many times in the past stood, as the saving force of the American Republic; and Indiana to-day, I will say to the Senator from Kentucky, might give the Senator some suggestions on how economically to run a State. Indiana to-day is one of four States in this Union that are completely out of debt. Can the Senator from Kentucky say as much about his State?

Mr. BARKLEY. The Senator said a while ago that he was not here to defend Indiana. Is he here to defend the Governor of Indiana——

Mr. ROBINSON of Indiana. I am speaking now about the Governor of New York.

Mr. BARKLEY (continuing). Either the present governor or the one who went to the penitentiary, and on his way from it almost met the present governor on his way to it?

Mr. ROBINSON of Indiana. I will say to the Senator from Kentucky that the Governor of Indiana is not a candidate for President, and I understand the Governor of New York is. Furthermore, Mr. President, Harry F. Sinclair never was a part of any administration in Indiana, either Republican or Democratic, and he was a part of the Democratic administration of New York.

Mr. BARKLEY. But the Governor of Indiana is a part of the Republican administration of the State of Indiana; and the distinguished Senator himself owes his seat in this body to the appointment given him by a Governor of Indiana, whom he says he will not defend.

Mr. ROBINSON of Indiana. Mr. President, does the Senator take exception to that? I hope the Senator does not object to my being here. I was originally appointed by the Governor of Indiana, but subsequently was nominated and elected in my own right.

Mr. DILL. But the Senator drew such terrible conclusions from the fact of the appointment of Sinclair by Governor Smith, and yet he was appointed by a man who was convicted.

Mr. ROBINSON of Indiana. It may have been the exercise of bad judgment on the part of the Governor of Indiana to appoint me to this body. I am not saying it was not; but while I am a Member of this body I shall certainly speak my mind on subjects that affect the people of my State and the country. Just now I am talking about the Governor of New York. The Senator, in his time, can discuss any subject he desires.

Mr. DILL. But the Senator says that "birds of a feather flock together."

Mr. ROBINSON of Indiana. That is true. I have no occasion to make any different observation on that subject.

Mr. HARRISON. Mr. President——

Mr. ROBINSON of Indiana. I still say that the Governor of New York had Mr. Sinclair as a member of his administration.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Mississippi?

Mr. ROBINSON of Indiana. Yes; I will.

Mr. HARRISON. In connection with "birds of a feather flocking together," is it not true also that the mayor of the city of Indianapolis, of the Senator's own party, as well as the chairman of the Republican national campaign committee of Indiana as well as the chairman of the campaign committee of Marion County, and four councilmen in the city of Indianapolis, all members of the Senator's own party, all "birds of the same feather," are either in the penitentiary or now under indictment in the State of Indiana?

Mr. ROBINSON of Indiana. Mr. President, of course, all the Senator says I could not follow; he had so many designations there.

Mr. HARRISON. The Senator agrees to it, does he not?

Mr. ROBINSON of Indiana. I do not think the statement is true in any sense of the word; but even if it were, none of the parties mentioned is a candidate for President at this time, and the distinguished Governor of New York, I understand, is a candidate for President, and none of them has had any connection with Harry F. Sinclair.

Mr. President, I understand that finally Mr. Sinclair has resigned from the administration of Governor Smith of New York, and therefore I suppose that ends that. But since it all was true, and he was very friendly to the Governor of New York during all these years, I am wondering why the Governor of New York suddenly is so thoroughly outraged when the fact is brought to the attention of the people of the United States.

Mr. COPELAND obtained the floor.

Mr. HARRISON. Will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. HARRISON. May I ask the Senator from Indiana if he was not the attorney for D. C. Stephenson, who is now in the penitentiary in Indiana also?

Mr. ROBINSON of Indiana. Mr. President, at one time my law firm represented D. C. Stephenson in some civil matters. That is a matter of record which the Senator could easily get without asking me the question.

Mr. HARRISON. I thought I could get it quicker that way.

Mr. ROBINSON of Indiana. I hope the Senator does not take any exception to that employment.

Mr. HARRISON. Not a bit. I am glad for the confession to come from the Senator.

Mr. BARKLEY. Mr. President, referring to the statement of the Senator that "birds of a feather flock together," I should like to ask him if he desires to convey the impression that his political associations in Indiana running back over several years are to be judged by the same test?

Mr. COPELAND. Mr. President, the Senator from Indiana is amazed, he says, that Governor Smith shows feeling and indignation over the charges made against him on this floor. The Senator has said that on day after to-morrow he is going to make a speech. I wish at that time he would tell us if it

is so common a thing to have approaches made to Republican officeholders that they have lost all sense of reaction against any insinuation such as was made here.

Governor Smith has the temperament, to use the Senator's word, to resent charges of this sort. He has a temperament that would make him resist any attempt to bribe or corrupt him. He has a temperament which would guarantee to this country an undefiled and and undefilable public official. Mr. President, there is no need, as I see it, to multiply words, because the governor himself has spoken for himself, and very conclusively.

Mr. HARRISON. Mr. President, of course, the letter from Governor Smith refutes conclusively the wild and unwarranted insinuations of the Senator from Indiana. Of course, the Senator is coming up for reelection, and he may have a hard fight. That may explain the Senator's strange and extraordinary course. The former chairman of the Republican National Campaign Committee has been an influential political factor in the State of Indiana, and the Senate as well as the country is familiar with the exposé in regard to the Liberty bonds that were peddled by Chairman Hays.

The Senate is also familiar with the evidence that came forth at Chicago the other day from Mr. Connery that $85,000 that had been spent in some speculation there was paid by the bonds that came from Mr. Sinclair to Mr. Hays. But evidently the Senator believes he must play his small part in bringing to his aid the influence, if not the bonds, of Mr. Hays in Indiana in the coming election.

When the Senator from Indiana was elected, his campaign was directed by the chairman of the Republican State campaign committee at that time, a man by the name of Clyde Walb. Walb was a great friend and henchman of the Senator from Indiana. He is now under indictment by the courts of Indiana for corruption. "Birds of a feather flock together."

The chairman of the Marion County committee of the Republican Party, George Coffin, another political friend and henchman of the Senator, is now under indictment for fraud and corruption in the State of Indiana. "Birds of a feather flock together."

The mayor of the city of Indianapolis, a Republican, possibly elected at the same time the Senator from Indiana was, certainly one of his political friends, if not his henchman, is under indictment in the State of Indiana for fraud and corruption. "Birds of a feather flock together."

Four of the Republican councilmen in the city of Indianapolis, elected, perhaps, at the same time the Senator from Indiana was, if not his henchmen, his political friends, are all indicted for fraud and corruption. "Birds of a feather flock together."

The late Governor of the State of Indiana, George McCray, was indicted for bribery, I believe, or some kind of corruption. He was a Republican, a political friend, and maybe a henchman, of the Senator from Indiana. "Birds of a feather flock together."

When the Senator came here he was appointed by Governor Jackson, one of his strong political friends, and each was a henchman of the other. Governor Jackson, following the appointment of the distinguished Senator from Indiana to the Senate, was indicted for bribery out there and pleaded the statute of limitations, and on that alone he got out. "Birds of a feather flock together."

Of course, the Senator answered the question that D. C. Stephenson was his client. He was not only his client, but was a political friend and henchman. He was sent afterwards to the penitentiary for something. Perhaps it was bribery, or some other kindred crime. "Birds of a feather flock together." What a travesty upon American politics, and what a reflection upon the proud name of Indiana.

Mr. ROBINSON of Indiana. Mr. President, just this observation: None of those mentioned by the Senator from Mississippi happens to be a candidate for the Presidency. I am not a candidate for the Presidency. I understand the Governor of New York is a candidate for the Presidency. Furthermore, none of those mentioned by the Senator from Mississippi has had any relations with Harry F. Sinclair, and Governor Smith has, and Sinclair was a member of Governor Smith's administration.

Mr. HEFLIN. Mr. President, the people are very much interested in candidates for the Presidency and those who are candidates should make known their positions, and their records should be known to the people. I ask unanimous consent to have printed in the RECORD the record of Gov. Alfred E. Smith upon this subject .

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNOR SMITH'S WET RECORD—REMARKS ON ALFRED E. SMITH'S RECORD AS TAMMANY LEADER, LEGISLATOR, AND GOVERNOR

Mr. President, we are being told these days that there is no longer doubt that Gov. Alfred E. Smith, of New York, will be the next President of the United States. Those of us who are dry, or who nevertheless favor enforcing the laws and upholding the Constitution, and who have not been entirely pleased with Mr. Smith's attitude on these matters, are being reassured that we have nothing to fear. We are told that because of fear of impeachment the dry character of the Congress, and such considerations, no President, however wet, would fail to uphold both the law and the Constitution. Thus, our friends, the wet leaders, say in effect: "Of course, Smith would like to hurt prohibition all he could, but he wouldn't dare do much."

That argument sounds suspicious to me. Here is a man running for President, and one of his chief claims to consideration is that he will get all the wet vote. Why would this be, I would like to know, unless the wet voters expect that he could and would relax the enforcement of prohibition? Is this campaign talk intended to mislead the wet voters—or us who are dry? It is a very novel experience to be asked to support a man whose views on one of the chief issues of the campaign are directly opposed to mine on the ground that what he thinks and desires on this issue is of no importance anyway!

No, Mr. President; our friends the wet leaders have been misleading us on this matter. Al Smith, or any other wet, could do much to injure prohibition. Let me quote from the recent speech of a man who is as familiar with the workings of our Federal Government and with the powers of the President as any man alive, one whose Democracy has never been questioned, and one upon whom the friends of prohibition know they can depend.

The following is taken from the address of William Gibbs McAdoo at Richmond, Va., on February 1, 1928:

"Attempt is being made to convince the country that no matter if a wet is elected President the Constitution and laws will be enforced. This is both unsound and untrue. Neither the Constitution nor the laws of the United States are self-executing. The President is charged by the Constitution with the express duty of protecting and defending the Constitution and executing the laws of the land. In doing this he has, of necessity, wide latitude and discretion. If he is opposed to the laws he is called upon to execute he can neglect them or fail to exert his power and authority in such manner that the despised laws will become impotent without subjecting himself to tangible criticism or possible impeachment.

"To say that a President hostile to the eighteenth amendment and the prohibition laws can not seriously imperil effective enforcement throughout the United States is upon its face an absurdity. The President has the power to appoint the judges of the Supreme Court, the judges of all the circuit and district courts throughout the United States, the prosecuting attorneys, the United States marshals, the Secretary of the Treasury and his assistants—those officials being directly charged with enforcement of the prohibition laws. If he should appoint to these responsible positions men who are hostile to the laws the effect upon their successful enforcement would be profound.

"Moreover, the President is primarily responsible for the Budget through which the Congress makes appropriations for prohibition enforcement. He can largely influence the size of the appropriations, which if inadequate, seriously impair the ability to enforce the law. He has the power to veto appropriation and other bills enacted by Congress, and through such power to reduce the appropriations to such a small amount as to paralyze prohibition enforcement.

"He has a tremendous influence upon public opinion, and through his speeches and messages to Congress and the use of general patronage, which is a powerful weapon in his hands, he could, if he were opposed to the eighteenth amendment and the prohibition laws, lead a formidable movement for their repeal. The White House in the hands of the liquor interests would be a veritable Gibraltar of offensive operations, and the doom of the eighteenth amendment would be written boldly on the face of the Constitution."

Mr. President, there can be no question that every word of this is true; it is good law and good sense. We can depend upon no assurance that Mr. Smith, as President, would not follow the course here so clearly indicated. We can judge what he would do only by what he has done; we can predict his future only from his past. We must look backward to learn whether, if Smith were President next year, it would not be true that the White House would be made a veritable Gibraltar in the hands of the liquor interests.

Here, then, is Al Smith's record as a Tammany leader, legislator, and governor, so far as it affects prohibition. It is given as he made it; there is no need of argument or comment from myself. It is not what he now wishes it were, but it is history, and unchangeable. It is not a collection of quotations about what he says he thinks; it is a record of conduct. No item in it can be truthfully denied. I would like merely, without comment, to point out one curious coincidence, shown by the record, which might pass unnoticed unless emphasized. It was in 1919 that it became possible that popular action, in some sections,

might be advantageous to the liquor interests instead of hostile to them. It was in that same year that Mr. Smith, also for the first time, developed that steadfast and unyielding, that sincere and unselfish conviction that the people themselves should rule, which has been so charming and appealing a part of his personality ever since. But his record began long before then.

1. RECORD ON ALLOWING PEOPLE TO CHECK SALOONS

1907. April 3: As legislator, voted to uphold excise committee and strangle local option bill in committee.

1910. April 26: Voted against amending Raines law so as to allow local option in cities.

1911. May 24: Voted against local option for cities. July 19: Voted against Gray local option bill.

1912. Voted against Lincoln bill to allow local option to third-class cities.

1913. As speaker of the assembly, appointed 8 Tammany men out of 13 members of excise committee, and smothered all temperance legislation.

1914. March 19: Voted against Gillet bills to grant local option to cities, city subsidiaries, and counties.

1915. March 31: Voted against Fish bill for referendum on State prohibition. April 7: Voted against Preswick bill to grant local option to university city of Ithaca. April 29: Voted against Howard bill granting same rights as Fish bill.

2. RECORD ON REGULATION OF LIQUOR TRAFFIC AND ITS SEPARATION FROM VICE

1904. March 18: Unrecorded on bill putting additional restrictions in the Raines law.

1905. Voted against the Prentice bill to kill assignation houses and houses of ill fame run as "Raines law" hotels, thereby voting to continue infamous "Raines law hotel" abuses. Passed over 2 to 1 against his opposition.

1908. Voted against bill stiffening up regulatory and enforcement features of the liquor tax law.

1913. As speaker, engineered the defeat of the Knight bill against knowingly delivering liquor in dry territory except to bona fide consignee.

3. RECORD IN FAVOR OF BREAKING DOWN FORMER SAFEGUARDS AGAINST LIQUOR TRAFFIC

1904. April 14: Voted to force hotel bars into over 300 dry towns and make hotels independent of town local-option elections, and thus by robbing the popular vote of part of its effect to nullify the town-option feature of the liquor tax law.

1912. Voted for Hacket bill to make it harder to convict New York City liquor dealers for violating the law.

1913. February 26: Engineered passage of McCue bill emasculating a saloon ratio section of liquor tax law.

March 26: As speaker, engineered the passage of the McCue bill to save convicted liquor-law violators from revocation of their licenses.

4. RECORD IN FAVOR OF LIQUOR SELLING ON SUNDAY AND FOR LIMITATION OF PROHIBITED AREAS

1907. March 26 and April 23: Voted for opening up prohibited areas to sale of liquors.

1911. May 24: Voted for Walker bill increasing hours for sale of liquors.

1913. As speaker, helped desperate effort all through session to pass bill legalizing the opening of saloon on Sunday in New York City. Engineered passage of Walker bill increasing hours of sale of liquors.

5. RECORD IN FAVOR OF PERMITTING SALOONS WITHIN 200 FEET OF SCHOOLS AND ABOLISHING THE PROHIBITED AREAS ABOUT CHURCHES

Governor Smith has said that the saloon "is and ought to be a defunct institution in this country." Here is his record:

1908. Voted for bill to remove all zone provisions protecting churches and schools from saloons.

1909. Introduced and pushed bill to permit hotel bars within church and school zones.

1911. Voted for Sullivan bill opening up prohibited zones about churches and schools to hotel bars.

1913. As speaker, engineered passage of bill permitting saloon within 200 feet of private schools.

6. RECORD ON EIGHTEENTH AMENDMENT AND VOLSTEAD ACT AS GOVERNOR AND TAMMANY LEADER OF NEW YORK STATE DEMOCRACY

Let me point out that in all these acts Mr. Smith was not dealing with a theory of prohibition, but with the same Constitution and laws which he would have to enforce as President.

1919. As governor, after a campaign in which ratification of the amendment had been a chief issue, demanded that the legislature delay ratification till a referendum could be held. When ratification was made by the legislature in spite of him, he said the legislature had acted "without knowing the will of the people."

1920. As governor, in his message to the legislature declared amendment had not been adopted, though it had been ratified by 45 States, and demanded that previous ratification be rescinded.

Also he openly supported the nullifying beer bill, and when it was passed by the legislature signed it without asking a referendum, saying that "when a substantial majority of both houses makes its declaration upon a matter of this sort it is representative of the majority sentiment of the State."

1920. In campaign for reelection, demanded amendment of Volstead Act, because United States Supreme Court had killed his nullification beer act.

1921. In campaign for reelection began his demand for repeal of Mullan-Gage Act, which gave support of State power to enforcement of prohibition.

During same year was present at the drunken and riotous police lieutenant's dinner, which New York Evening Post declared was "an impudent challenge to law that not even the most determined opponents of the Volstead Act can regard with equanimity."

1923. As governor fought openly for repeal of Mullan-Gage enforcement act, personally coerced the dry Democratic senator who finally cast the single deciding vote for repeal. Smith by this act practically destroyed all authority of the 33,000 members of the law enforcement machinery of the State to take action in prohibition violations, leaving the whole task in the hands of some 500 Federal officers—an impossible task.

1926. As governor he advocated and secured the passage of the act for a referendum on the Volstead Act, so worded as to be most misleading, and afterwards induced the legislature to send as memorial to Congress, as if the whole business were anything but a gesture for the comfort of the wets, or had any legal significance.

Mr. President, this completes the record of Al Smith's deeds in regard to prohibition. During his last two terms there has been nothing further he could do to injure it or to prevent its enforcement. But this record would not be complete without a statement of his own, setting forth his attitude toward the law. Let me quote this striking demand for nullification, and for a referendum on the whole subject, made by the same man who, before 1919 had opposed even local option on the saloon evil. It is taken from an interview in the New York Times of November 7, 1926. He has not amended this position in any way since then, so far as I have been able to learn. He said:

"When a majority of 20,000,000 people in five different States affirms by vote that the prohibition statutes are unwelcome and ineffective, Congress must heed that declaration. Never before has the American people had an opportunity to express their judgment on this issue. If that judgment could be made effective to-morrow by any established means, we should see the end of prohibition.

"Everybody knows that the eighteenth amendment was the work of legislatures and not the will of the people. Under constitutional provisions there was no method by which the people could register their opposition or approval. They had to take what the legislatures gave them, and the eighteenth amendment was the present. But we have just seen the popular will expressed in impressive measures via the ballot.

"If popular government means anything to us, State referendums can not fail to influence Congress. Now is the time to submit legislation permitting the States to define the alcoholic content of beverages sold within their borders. The amendment prohibits intoxicants only, but it is ridiculous to specify one-half of 1 per cent as the maximum for a nonintoxicating drink. Each State should have the authority to determine that matter for its own citizens. * * *

"The time has come to take the first steps in correcting a grave error committed at a moment when public liberty was subordinated to national stress. * * * The amendment * * * has failed entirely to bring about the results promised."

Here we have Mr. Smith's whole position to-day. It requires little comment, but one illogical and astounding statement stands out and is the very keystone of his reasoning. It is that "Each State should have the authority to determine for its own citizens" what constitutes intoxicating liquor. Mr. President, could anything be more absurd? This is a question of fact, not of politics. It can no more be determined by a vote of the people than can the hour of sunrise. Why, Mr. President, if this idea were adopted we should have, as Mr. Smith clearly intends, different standards in different States, and it would be entirely possible for such States as Mr. Smith's to set the percentage of alcoholic content so high that prohibition in that State would become completely abortive. Is not that just what Mr. Smith intends? Does it not prove conclusively his desire to nullify the eighteenth amendment so far as possible?

And can we believe that such a man in the White House could and would do no harm to prohibition?

In the addition to the foregoing record, Governor Smith's philosophy on prohibition is well summed up in the following unguarded statement which appeared in the New York Times on March 9, 1923. The Times quoted Governor Smith, who had been talking to a reporter about a beer bill introduced in Congress by a New Jersey Senator, as saying: "I would be glad to go down and help him put over his bill if that will get us somewhere where we can put a foot on the rail again and blow off the froth."

If "putting a foot on the rail and blowing off the froth" does not mean the saloon, what does it mean? If Smith is not only against prohibition but in favor of the saloon, how else can this statement be interpreted?

The beer saloon and the wine saloon under a modified Volstead law means greater laxity in the enforcement of such a modified prohibition law, all of which would result in heavier beers, heavier wines, and greater quantities of poison liquor. "Blowing off the froth" will then mean the return of "blowing in the family earnings" at the corner saloon.

We have placed the prohibition principle in the Constitution of the United States, and since this is so it is the duty of every law-abiding citizen to vote to elect a prohibition administration—the only administration that will enforce the law.

SHAMEFUL PROHIBITION RECORD

Governor Smith made this record and he and his friends must face it. This bitter conflict between the rebellious liquor traffic, which is defying our Constitution, suppressing our laws, trampling and besmirching our flag, will go on until the whole people are aroused to the sinister designs upon our constitutional Government and the right-minded, law-abiding citizens have reestablished respect for and observance of our Constitution. Then, and not until then, can there be a full realization of the great value and beneficence of the eighteenth amendment and the Volstead Act; then, and not until then, can the happiness and welfare of the people and the advancement of civilization be assured.

Dr. R. P. Hutton, superintendent of Rhode Island Anti-Saloon League, formerly associate State superintendent of West Virginia with Dr. T. M. Hare, in a recent Sunday address at Martinsburg emphasized the need for every patriot to become aroused to the dangerous conditions confronting the country. In part he said:

"We are in a presidential campaign which is hotter now, six months before the nominations, than it usually is six weeks before the election, because, so far as the wets are concerned, this campaign started six years before the election. With them the Madison Square convention was simply a dress rehearsal or a practice game. Nineteen hundred and twenty-eight is and always has been their objective."

Those who would modify the Volstead Act or repeal the constitutional amendment never tire in finding fault with the present conditions. They glibly point to the bootleg infractions of the law, forgetting that under the old licensed-saloon systems and local-option plan the courts were deluged with cases of all kinds and characters due to the results of the sale of intoxicants or to the violations of the then existing regulatory laws of the town, city, State, and Nation. These defenders of the so-called "personal liberty," these nullifiers of the Constitution, never point to the increased deposits in savings banks, increased comforts for the average families, nor to the largely increased number of happy mothers and children, since the adoption of the eighteenth amendment.

THE FATHER AND THE BOY

Among the private papers of the late Frank L. Mays, editor of the Pensacola Journal, was the following, in which he tells of a father's hopes for his baby boy:

"At home in his mother's arms to-night I have a baby boy; a little, laughing, rosy fellow. The bloom of youth is on his cheeks, the laughter of childhood on his lips, the light of love and trust in his eyes. The patter of his little feet and the prattle of his baby tongue are music sweeter to me than all the symphonies of the spheres.

"He is a baby now. He knows nothing of the great world's trouble and turmoil, the temptations, the pitfalls, the dangerous and devious ways of life. Supreme in the domain of a mother's love and a father's care, he is not concerned with the problem of to-day or the possibilities of to-morrow. He only knows that he is happy, and the dreams of his little life are all realized in the joys which babyhood brings and leaves.

"But the little fellow will be a man some day. He will awake some morning to find that somewhere, somehow, in the slumber zone which none of us can comprehend, he has passed from boyhood to manhood, and he will leave his father's roof to face and fight the battles of life. When he does so he will meet foes and find conditions that he never knew existed. He will see inequality and injustice and human suffering wrought of avarice and vice. He will find mantraps and gilded vestibules of crime existing under the cloak of respectability and the protection of the law. He will see the strong oppressing the weak, and he will hear the cry of the defenseless before the grinding wheels of privilege and power. He will face conditions which breed poverty and want and awful misery on the one hand, and out of which grow opulence and luxury and unearned ease upon the other.

"And when he finds these things—as he will find them, because there will be evils to combat as well as now—I want him to know two things. I want him to know, first, that his father was not responsible for those conditions; and I want him to know, second, that his father did what he could to prevent them."

Mothers and fathers, stop, look, and listen! There must be no nullification of the Volstead Act or the eighteenth amendment. "It is to-day, as it ever has been and ever will be, a moral issue, an issue of governmental respect, without which civilization and sound governments can not be builded and maintained. The enemy of prohibition is entrenched in every neighborhood and every community and is using an unlimited amount of money to buy back into power, to the degradation of mankind, the liquor traffic." What are you doing to prevent it? Your one great weapon of defense is to vote to prevent the selection of their candidate to the high office of President of the United States.

To permit the return of the barroom with all its attendant evils would be a crime against the American home, a crime against the moral, uplifting forces of the Nation, and a crime against the highest and best interests of all American citizens.

Mr. HEFLIN. I also ask to have printed in the RECORD a review of Governor Smith's election in New York State in 1924, by Hon. W. D. Jamison, a former Member of Congress from the State of Iowa. This article appears in the Window Seat. I ask unanimous consent to have it printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLITICAL MYTH OF ALFRED E. SMITH

Democrats, let's do the unusual thing! Let's look the situation square in the face, and surprise everybody by using some common horse sense once, just for a change.

The principal foundation of the Smith strength and urge is built on the assumption that he could carry New York this fall if he were nominated. His partisan supporters shout it from the housetops. If he could not do that, then there would be nothing to his candidacy. The fact is:

Smith can not carry New York for President this fall!

Analyze the New York vote in 1924, and this overlooked fact will come clearly into view. There was a well-known "Cal and Al" trade between the Republican machine and Tammany in New York State in 1924. The result was that Cal was given approximately 150,000 Democratic votes for President in exchange for approximately the same number of Republican votes for Al for governor. The result of this corrupt trade was that Cal carried the State by 850,000 and Al carried it by a little over 100,000. Except for this corrupt trade Al would not have won. There can be no such trade if Al is nominated for President. Nothing to trade. You see the Republican machine wants to control nationally, while Tammany is concerned primarily about winning in New York City especially, and in the State incidentally. Tammany would be more apt to trade against Al this fall than for him. This is one reason Al can not win New York for President this fall.

Another reason Al can not possibly carry New York this fall is in the fact that in 1924 the Tammany machine which was back of him got out 95 per cent of the registered vote in New York City, while only 75 per cent of the registered State vote outside New York City went to the polls. In other words, 500,000 up-State voters, largely dry and Republicans, did not vote, because they had no choice on the dry question because both Al and his Republican opponent, Roosevelt, were wet, and these disgusted up-State voters simply stayed at home. You bet they would come out this fall if Al were nominated, because they would then have a chance to express themselves. The Republicans will nominate a dry for President, no doubt about that, and even if Al could carry his Tammany-infested city by as big a majority as he did in 1924 (which is impossible), those up-State Republicans would come down on him like a thousand of bricks. I would expect to see Al lose New York by from 300,000 to 600,000 votes.

Isn't his losing New York State, in consideration of the above facts and circumstances, as plain to you as the nose on your face? Then let's not be foolish.

In the above paragraphs I have touched only the high spots about the situation. Below is a more complete analysis of the figures and of the conditions. I give it out of consideration for those who are interested enough to do a little pondering and a little thinking for themselves. (Most of us prefer to have somebody else do our thinking and make up our minds for us.)

In New York in 1924 Coolidge had 1,820,000 presidential votes; Davis, 950,000; all others, 486,000; total, 3,256,000. Coolidge's plurality over Davis, 870,000; majority over all, 384,000.

For governor, Smith had 1,627,000 votes; Roosevelt, 1,518,000; and Thomas, 100,000; total, 3,245,000.

Eleven thousand presidential votes had therefore no choice for governor. Assuming these were on the Coolidge ballots, there were then 1,809,000 Coolidge ballots which voted for a governor, of which 1,518,000 were for Roosevelt and 291,000 for Smith.

Thomas, the Socialist, got 100,000 of LA FOLLETTE'S Socialist votes, which leaves 386,000 that went to Smith; 950,000 Davis votes went to Smith.

Smith votes on La Follette ballots	386,000
Smith votes on Davis ballots	950,000
Smith votes on Coolidge ballots	291,000
Total	1,627,000

So that both the presidential ballots and the votes for governor clearly prove that there were 291,000 "Cal and Al" votes recorded.

In other words, about 145,000 of Al's Tammany alleged Democrats voted for a stand-pat Republican (Coolidge) against a Democratic presidential candidate (Davis), and about 145,000 stand-pat Coolidge Republicans voted for a Tammany Democrat for governor against a Progressive Republican (Roosevelt).

About 145,000 of Al's Tammany supporters preferred a stand-pat Republican to a Democrat.

About 145,000 of Cal's stand-pat Republicans preferred a Democrat (Al) to a Progressive Republican.

Party principles cut no figure. It was not principle but political pie that controlled.

Except for this corrupt trading of votes, Roosevelt would have had 1,518,000 plus 145,000, or 1,663,000 votes; and Smith would have had 1,627,000 minus 145,000, or 1,483,000. Thus the pretendedly invincible Smith would have been defeated even for the governorship by 181,000 votes. It is on this doubly discreditable foundation that the political myth of Alfred E. Smith being able to carry New York for the Presidency has been built up. Except for this fraud he would have lost even the governorship, and if, like Davis, Smith had been running for the Presidency, he would not only not have gained 145,000 votes but far worse; he would have lost another 145,000 and only had 1,338,000 votes, and been defeated by Coolidge 482,000, even if he had gotten 386,000 LA FOLLETTE votes, or, failing this vote, would have been defeated by 868,000.

Except for this fraud Coolidge would have had 1,820,000, less 145,000, or 1,675,000—only a few more than his Republican colleague, Theodore Roosevelt, jr., as in reason we should expect.

About 145,000 Coolidge Republicans thus bore witness, in voting for Alfred E. Smith, to his unfitness to lead Jeffersonian Democrats, and about 145,000 stand-pat Tammanyites, in voting for Coolidge, bore witness to Tammany's unfitness to lead the national democracy.

The Democratic candidate, Davis, for the Presidency, was thus betrayed by Al's friends in 1924.

In the four counties of New York, Kings, Queens, and the Bronx, the tiger's den, this treachery is most conspicuous (see World Almanac, 1928, pp. 842, 846). For here Smith got 913,000 while his Democratic colleague, Davis, got only 473,000. If Davis had got all the other presidential votes except Coolidge's, he would have gotten 285,340 additional, or a total of 758,020, showing that Smith in the tiger's den got 200,000 over his Democratic colleague, Davis, and Coolidge got over 200,000 over his Republican colleague, Roosevelt. So that in the tiger's own den there was a trade of a 100,000 votes from Al to Cal and from Cal to Al. The governorship was worth the Presidency to Tammany. They knew exactly what they wanted and got it. Therefore, "Cal and Al."

The Coolidge vote in these four counties was 608,103; the Roosevelt vote 404,116.

In 1920 the trading of votes in New York State between the Tammany supporters and the standpat Republican machine was still more monumental. For, in these same four counties Alfred E. Smith got 356,000 more than his Democratic colleague, Cox, and the Republican, Harding, got 389,000 more votes than his Republican colleague, Miller. In New York State, in 1920, Smith got 480,000 over his Democratic colleague, Cox, and Harding got 500,000 more than his Republican colleague, Miller. (Thirty-one thousand presidential voters had no choice for governor.) It is again clear that in 1920, about 240,000 of Smith's supporters voted for the Republican presidential candidate and about 240,000 of the Harding Republicans withdrew their votes from the Republican, Miller, and gave them to the Democrat, Smith. Even under this handicap, of a fraudulent vote of 480,000 to Miller's disadvantage, he defeated Smith.

In 1920 and in 1924, Tammany wanted the governorship of New York and the Republican machine wanted the Presidency of the United States, and got it, as far as the New York electrol vote was concerned, by the simple expedient of trading votes with Al Smith's supporters.

Unfortunately for the political myth of Al Smith, it is entirely clear that this political cooperation and exchange is not reversible.

In 1928 Tammany will need the governorship of New York as urgently as in 1920 and 1924, and will be compelled to pay the price of giving Tammany's votes to the Republican machine, in exchange for Republican machine votes to "Dear old Tammany" for the governorship.

In 1928 the Republicans will urgently need the New York electoral vote and will be willing to sell the governorship to Tammany for it, but it will not sell the Presidency, even if Tammany might desire it. But Tammany must absolutely have the governorship of New York, for its whole commercialized structure of politics depends on the control of New York City and New York State.

With iron logic, it follows, that Al Smith can not overcome the 384,000 over-all majority of Coolidge, in 1924, plus the La Follette presidential vote of 386,000. If Smith could be actually nominated, he would be in the same plight as Davis was in 1924.

In 1924 Tammany got out 95 per cent of the vote in New York City and environs, and had no reserve vote, while the up-State New York registration shows that over 500,000 registered voters did not vote. They were largely drys, who had no choice between Roosevelt and Smith, both of whom were wet. As the Republicans will nominate a dry for President, Smith would have to overcome this additional handicap.

Nothing has occurred to add to Al Smith's strength since 1924. He is no wetter now than he was then. Much has occurred to weaken him through the sweeping reorganization of the old powerful prohibition forces, the churches, and the women, the law enforcement league, etc. They regard Alfred E. Smith as a nullificationist, as well as a wringing wet, because of his approval of the act of 1920, legalizing light wines and beers in New York State, an act which the Supreme Court of the United States declared was unconstitutional; because of his support of the plank of the Democratic State platform, proposing that Congress should violate the Constitution of the United States by modifying the Volstead Act with an amendment, allowing light wines and beer; and because, above all, of his withdrawal of the State of New York from the support of the Volstead Act by his approving the repeal of the Mullan-Gage law. Governor Smith can not carry New York, much less overcome the 7,000,000 national handicap of 1924.

The corrupt history of Tammany, under Tweed, Crocker, and Murphy, and its record of commercialized politics, makes it impossible to conceive that the American people would turn the White House over to Tammany, or deliver the United States Treasury to Tammany's wild Indians.

Be it forever remembered by those Democrats, whose thinkers still think, that never have the Democrats carried a national election except when it defied the vicious commercialized leadership of Tammany, as it did when Tilden ran and was elected; when Grover Cleveland three times denounced Tammany and was three times nominated and twice elected; and when Woodrow Wilson, vigorously opposed by Tammany, was twice nominated and twice elected.

The Democrats can not hope to carry New York or the country until it purges itself of Tammany, with its evil repute, and nominates an untainted Jeffersonian Democrat with no Hamiltonian stripes who will be acceptable to those who favor law enforcement and the national constitutional prohibition policy.

The Democrats tried to compromise in 1920 and 1924 and met two terrible defeats. Naturally, for the conservatives preferred Harding to Cox, and Coolidge to Davis, while the progressives felt no enthusiasm for Cox or for Davis, and the drys were alienated from both these gentlemen (who now appear in the public prints as approving the wringing wet Smith).

Thinking Democrats, whose thinkers still think, should not be misled by the lavishly financed campaign to sell Tammany to the Democracy. This wholesale use of money, with its agents traversing every State in the Union, writing books and magazine articles, filling the public press, using the moving pictures and the radio, and telling the impoverished Democracy that if Smith is nominated they need not worry about financing the campaign, should be a warning of the real powers behind this Tammany movement.

The Democracy must fight these powers or fail in its duty and opportunity.

The cheapest way to insure the election of a Republican in 1928 is to finance and nominate Smith. The Republican politicians know it, and commend Smith with more cordiality than sincerity, because they know that if the Democrats can be split on the wet issue, on the Tammany issue, on the nullification issue, on immigration, or on a religious issue, Democratic defeat is a certainty.

Governor Smith can not carry New York in 1928.

Mr. HARRISON. Mr. President, I notice in an address by the distinguished Senator from Ohio to the G. O. P. women open school, in training Republican speakers——

Mr. CARAWAY. Which Senator from Ohio?

Mr. HARRISON. Mr. FESS, not the Senator from that State who is a candidate for the Presidency; at least, he has not come out yet as a candidate. I notice that the Senator from Ohio [Mr. FESS] wanted to get away from the new-found issues, so he said to tell the country that the Republican Party abolished slavery and preserved the Union.

I received that in a letter this morning, and I would like to have the inclosed letter read from the desk.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read as follows:

The inclosed clipping is from yesterday afternoon's Washington Times. Do you not think it would be a most appropriate thing for the Republican men to follow up the women's "School of politics" with a postgraduate course in the finer points of the game?

For example, a program something like the following would doubtless prove helpful to the unsophisticated voters this fall:

"The oily bird snatches the term," by Harry F. Sinclair.

"Oil's well that spends well," by Will Hays.

"Proper lubrication for run-down party machinery," by the official spokesman for the Grand "Oil" Party.

"How to keep party secrets," by Andrew Mellon, in collaboration with William M. Butler.

"Bonds of political friendship," by Albert B. Fall.

"The relationship between leases and greases as applied to party deficits," by Harry F. Sinclair.

Mr. FESS. Mr. President, some time ago I was asked to appear before what is called a school of women and talk on the history of the Republican Party. I had no embarrassment whatever in accepting an invitation to talk on that subject. Of course, it goes without saying that no man or woman would be brave enough to talk on the history of the Democratic Party, and that is the basis of their criticism.

Mr. FLETCHER. In connection with some remarks made this morning, I ask to have printed in the RECORD an editorial from the Philadelphia Record of March 19, 1928.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Record, March 19, 1928]

NO ADEQUATE ATONEMENT FOR CORRUPT DEEDS

It is not surprising that Senator BORAH'S great scheme for repudiating past iniquities connected with the oil scandal by presenting that poor millionaire, Harry F. Sinclair, with a check for $160,000 seems to be making poor headway. Most people, indeed, are clearheaded enough to see that this is not an adequate form of repentance for sins of commission. The evil has been done, and the return to Sinclair of some of the money he put up for the Republican National Committee will have no ethical significance. Probably he will be glad enough to receive the contribution with a chuckle, but that will not absolve ex-Chairman Will H. Hays and others connected with the committee, and back of them the leaders of the party, from all blame for this disgusting moral turpitude.

If the G. O. P. as a whole has any compunction over past misdeeds, including the bribery of a Cabinet officer and the betrayal of the Government's first line of defense, the way to show it is to disown everybody connected with this most discreditable affair and to refuse to support an organization that is largely under the same influences as in 1921. There must be an end to this wholesale buying and a return to common honesty. An independent expression of opinion on this subject appears in the New York Times, which, under the heading "They must turn a new leaf," says in part:

"Now the country is seeing to what dishonest equivocations and shifts—some frankly dishonorable and some inconsistent with any delicate sense of honor—the party management, with the knowledge of eminent Republicans of unblemished name, has resorted. The size of Republican campaign funds, their methods of collection and use have long bred suspicion and often scandal. In the last two campaigns no money was really needed. Yet the Republican fat friers spent millions for nothing; got into a hole, 'touched' pitch, and for years succeeded in covering up their tracks.

"We take it that wealthy Republicans are now pretty well scared and that many of them will be mighty chary with their checks to the collectors of 'soap.' We take it, too, that there is common sense enough among influential Republicans not to fall again into that violent and repeated bleeding of purses which has brought the party into such doubt and fear and disgusted such a multitude of Republicans. Reform may come too late; but it must come. The thinner the campaign chest is the better. The collection and the accounting must be straightforward and aboveboard. Even then there will be much incredulity.

"The talk of restitution is nonsense. There must be reform, repentance, and works meet for repentance. The time is short. The score of excess, the ancient blackmail, suspicion, and evidence of crookedness are intolerably long. Students of the punishment of the wicked will notice cynically that transactions which in 'the best days of the party' would have been considered rather a good joke, perhaps to be boasted of at a dinner, now sicken the public conscience and give gooseflesh even to politicians of known easiness of moral digestion. The oil flowed along. People seemed to get used to it, and nobody but the Democrats to mind it. Is the oil getting afire? That is the thought that wrinkles august brows."

The sins of the Republican bosses can not be wiped out by sending checks for $1 and $2 to Senator BORAH.

Mr. WALSH of Montana. Mr. President, I send to the desk a clipping from an Ohio paper which came to me this morning, and ask that it be read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read as follows:

[From the Akron Beacon-Journal, March 19, 1928]

"FENCES"

It must have been an embarrassing moment for Mr. Will Hays, good Presbyterian and apostle of the idea of unselfish service, when he heard himself likened in the United States Senate to a "fence," the outlaw class that makes a business of aiding thieves in the profitable distribution of stolen goods.

But political honors are easy in the "fence" business. Senator WALSH'S probe committee has discovered Wilbur C. Marsh, former treasurer of the National Democratic Committee, of having accepted his own large share of Sinclair and Doheny contributions and making a sinister bargain with Mr. Hays, his brother fence on the other side, to keep the fact of the giving to either party forever a secret from the country. This thing was done upon the heels of a Democratic National Convention of which the sacramental Mr. Doheny was a chairman and the maker of a keynote speech. It was happening, too, in the campaign in which the Hon. James M. Cox, the nominee, was berating the big interests for "trying to buy an underhold on American government."

Let us hope that now that the smeary trail of oil leads into Democratic headquarters, that Senator WALSH will lose no zest for investigation. Hitherto it has proceeded at its best clip when the fair names of Republican angels of the Hays type were attainted with scandalous association with campaign graft.

If WALSH will follow the trail wherever it may lead, the country will engage to deal with the political "fences." By contrast with Fagin the latter loses something of popular contempt. Fagin made no pretense of uplift and high-mindedness. He did not rhapsodize over patriotism and service.

Mr. WALSH of Montana. Mr. President, it seems remarkable that so many misstatements of fact concerning proceedings before the committee now investigating the Continental bonds could possibly creep into so short a statement in any newspaper. It says:

Senator WALSH'S probe committee has discovered Wilbur C. Marsh, former treasurer of the National Democratic Committee, of having accepted his own large share of Sinclair and Doheny contributions, and making a sinister bargain with Mr. Hays, his brother fence on the other side, to keep the fact of the giving to either party forever a secret from the country.

Mr. President, I desire to say that the so-called Walsh probe committee has discovered nothing of the kind. In the first place the committee has not discovered that either Mr. Doheny or Mr. Sinclair made any contributions to the Democratic committee; that is to say, the investigation now in progress has not discovered anything of the kind. The investigation which was conducted four years ago disclosed that Mr. Sinclair testified that he made a contribution to the Democratic committee, but the responsible officers of the Democratic committee came before the investigating committee and denied that Mr. Sinclair had ever made a contribution to the Democratic National Committee, and it was afterwards explained that perhaps it was a contribution to some State committee.

As to Mr. Doheny, he testified that he made a contribution of $75,000 to the Democratic campaign committee and $25,000 to the Republican campaign committee. But the chairman of the Democratic committee came before the investigating committee and testified that Mr. Doheny's total contributions to the Democratic campaign committee were $34,000.

Mr. PITTMAN. What year was that?

Mr. WALSH of Montana. That was in 1920. His contribution of $25,000, the last contribution being made in April, 1921, was a contribution to help make up the deficit.

Now, as to the information secured by the investigating committee that former Treasurer Marsh had entered into a sinister bargain to keep these contributions secret, the fact about the matter is that whatever was said with respect to that matter was concerning an agreement made by Mr. Marsh in the year 1923. Mr. Doheny's contributions had all been made in 1920 and 1921. The evidence before the committee leads them to believe that Mr. Sinclair never made any contribution. Whatever agreement was made by Mr. Marsh, if any agreement at all was made, had no relation whatever to either the Doheny or the Sinclair contribution.

But, Mr. President, what are the facts concerning this remarkable discovery by the committee? The committee examined two clerks in the office of Mr. Upham, the treasurer of the Republican National Committee, and interrogated them concerning every transaction of which they had any knowledge whatever, and generally they told us they had no knowledge whatever about any of the transactions. But when the committee got to Chicago these two gentlemen remembered something about this alleged agreement, and what was it? They testified that they were told by Mr. Upham, who is now dead, that he had an agreement of that kind with Mr. Marsh. Mr. Marsh was on the stand this morning before the investigating committee. He testified that after getting through with the campaign in 1920 he was taken from New York to his home in the State of Iowa on a stretcher, suffering from an illness which forbade him ever after to have anything at all to do with the duties of his office, and he had nothing at all to do with the duties of his office; that they passed into other hands after that time; that he had a pleasant acquaintance with Mr. Upham, met him casually on the street or somewhere else, but never had any appointment with him, never any engagement with him, never made any such agreement with Mr.

Upham, and that there was no occasion for his making any such agreement because he had, of course, in the state of his health, determined that he would not again be treasurer of the Democratic National Committee; and having made his report in 1922, no report was due from anybody until October, 1924, under the law. So that there was no occasion for his entering into any such agreement with Mr. Upham.

Mr. GLASS. Then the Senator may well state further that there was no occasion for him to enter into any such agreement, because there was no contribution to the campaign fund of the Democratic committee that was big enough to conceal. In fact, there was not one big enough to discover.

Mr. WALSH of Montana. The article continues:

This thing was done—

That is, the agreement between Upham and Marsh—

This thing was done upon the heels of a Democratic national convention of which the sacramental Mr. Doheny was a chairman and the maker of a keynote speech.

Mr. Doheny was indeed a delegate from the State of California to the Democratic National Convention in San Francisco in 1920. He was not chairman of anything so far as my recollection goes. He certainly was not chairman of the convention, either temporary or permanent, and he made no keynote speech.

The article then continues:

Let us hope that now that the smeary trail of oil leads into Democratic headquarters that Senator WALSH will lose no zest for investigation.

I think that every member of the committee, every Senator who has ever been a member of the committee, will attest to the statement that Senator WALSH has never indicated any hesitancy to follow the inquiry into any channels into which it might legitimately lead, whoever might be affected by the revelations, or whatever might be the politics of any man whose connection with the transaction might have been disclosed. Senator WALSH has repeatedly refused to go into wholly extraneous matters foreign from the fields into which the committee was directed to go by order of the Senate, but the imputation that I have at any time halted lest Democratic officials should in any wise be involved is a slander.

I send to the desk an editorial from the St. Louis Times-Star on another but not unrelated subject and ask that it be read from the desk.

The PRESIDENT pro tempore. The clerk will read, as requested.

The Chief Clerk read as follows:

[From the St. Louis Star, Monday, March 19, 1928]

A MILLION FOR PROPAGANDA

It is possible that defeat of the original Walsh resolution for a Senate investigation of the public-utility combines got these combines into a worse mess with the Federal Trade Commission, which is conducting the investigation. The commission's first report discloses, among other things, that the National Electric Light Association, supported by the various utility units, collects more than a million dollars a year from that source for lobbying, propaganda, and other activities. Evidently it is money well spent—from the utility companies' standpoint. Was the Senate influenced by this propaganda in acting on the Walsh proposal? At least a quarter of the annual contribution was spent to "educate" public opinion against public operation of utilities the report shows.

The million-a-year fund, of course, came ultimately from the utility companies' customers. It was collected in the form of rates. Those rates are sanctioned in most States by a public-utility commission. Before the utilities are permitted to charge the rates they are required to make some showing of expenses. How were the contributions of individual companies to this vast national fund accounted for? How much of this money was contributed by utility concerns in Missouri, if any? What excuse, if any, was made for this expense? Did the commission check these accounts at all?

A million dollars a year for propaganda on any one subject is a vast amount. If used in a bad cause it might create a deluded public sentiment in favor of that cause. The Trade Commission report shows that in 1923, $90,000 was given for a research staff at Harvard University on public-utility management, and that at the University of Colorado 17 lecturers in a public-utility course were officials of public-utility companies. They at least had no prejudice in favor of municipal ownership.

Something needs revising when public utilities can raise a fund of that size for such purposes while operating under State regulation. Evidently expense statements are not being closely scrutinized or sufficiently blue-penciled by public officials whose duty is, or ought to be, to see where the utility companies' money goes.

Mr. JOHNSON. Mr. President, I wish to read and have made, therefore, a part of the RECORD something in the same line that has been suggested by the Senator from Montana [Mr. WALSH] in one of the communications which he has presented to the Senate. It might be well, in the investigation that is now being undertaken by the Federal Trade Commission, that they include these communications in their investigation and ascertain the amount of money that has been derived from the sources indicated thereby.

I read first, sir, a letter from Milton W. Harrison, president of the National Association of Owners of Railroad and Public Utility Securities, and I call the attention of the Senator from Montana [Mr. WALSH] and the other Members of this body to the peculiar purposes to which a very large fund is sought to be devoted, a fund which, if collected as desired by those responsible for these communications, will rival any fund for propaganda that has ever been collected in the United States.

11 EAST THIRTY-SIXTH STREET,
New York, N. Y., February 10, 1928.

DEAR SIR:—

I am reading from a photostatic copy of the letter which has been circulated in the State of California, sent to every investor and stockholder there, as I understand it. The photostatic copies have been sent me by the Fresno Bee, a newspaper of standing, character, importance, and wide influence. The letter proceeds:

It is highly important that investors in electric power and light, gas, and street railway companies should cooperate to safeguard their interests against unsound public discussion and unwise legislation.

Mark these words, "unsound public discussion" and "unwise legislation"!

That is, sir, as I interpret the language, that it is most important to these investors to protect themselves against free speech regarding public utilities; against any criticism; against forsooth, "unsound public discussion." The letter proceeds:

To effect such cooperation, the National Association of Owners of Railroad and Public Utility Securities has enlarged its scope and is soliciting your membership.

Investors in railroad securities have been united for years through the association, and have effectually sustained their interests as security owners before legislators and administrative officials. With other public utilities now under sharp discussion, with a senatorial investigation in prospect, and with considerable agitation for public ownership under way, the time is at hand when holders of utility securities must unite in order that their views and interests may be brought to public attention.

The National Association of Owners of Railroad and Public Utility Securities represents the interests of the investor in public discussion of the utilities and will carry forward a campaign designed to inform the public of the extent to which all citizens, whether security holders or not, are directly concerned in maintaining the welfare of public utilities and the soundness of the securities issued by them.

It will be clear to you that our views and our aims will be short in their weight unless we are strongly united in enunciating them. We count on your cooperation. An indorsement membership blank is on the reverse of this sheet. Your prompt return of it in the attached addressed envelope will be sincerely appreciated.

One dollar is the individual membership fee.

Very truly yours,

MILTON W. HARRISON, *President.*

Connected with that, sir, and sent to the small subscribers to public-utility stock in the State of California is a letter from doubtless an excellent brokerage house of the city of San Francisco, Peirce, Fair & Co., sponsoring the association and the demand.

In addition to that, I ask to have printed as a part of my remarks, without reading, an editorial appearing in the Sacramento and Fresno Bees upon the subject and calling attention to these letters.

The one thing that I want to make plain is that if every subscriber, every stockholder, in a public-utility corporation—and they are now innumerable in the States where the campaign has been carried on to get bookkeepers, stenographers, and all sorts of people to buy one share of stock under the plea that they would thus be participating in a great utility business—if $1 shall be subscribed by all these people, a fund will be created that will beggar description and will be greater in amount, probably, than any propaganda fund that has ever been raised in this Nation. It will be devoted to what purpose? To prevent, as these utilities say, "unsound public discussion." Just think of it, sir, unsound public discussion will be precluded by a slush fund that will exceed in its aggregate any that has been brought out either by the Walsh investigating committee or in other fashion. I ask unanimous consent that the editorial from the Sacramento and Fresno Bees upon the subject—and the Bees, I may remark, are perhaps the most independent and cer-

tainly among the most important and most influential journals in the State of California—together with the letter from Peirce, Fair & Co., may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. STEIWER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[From the Sacramento and Fresno (Calif.) Bees]

MILLIONS BEGGED OF UTILITY INVESTORS TO FIGHT LEGISLATION—NATIONAL BODY ASKS FOR $1 FROM EACH SHAREHOLDER TO MUZZLE "UNSOUND PUBLIC DISCUSSION," SAFEGUARD "UNWISE AND ILL-ADVISED LAWS," AND ADD MORE POWER TO LOBBY INFLUENCE

Contribute $1 to gag legislators and prevent State and Federal investigation of public utilities and thus safeguard your utility investments.

Your $1, added to those of all the other holders of utility stocks and bonds in the United States, will make a pot containing millions of dollars with which to fight "ill-advised legislation," and a lot of sinews of war can be purchased with that much money.

BUILDING A POT OF GOLD

Such is the appeal being made to utility stockholders in California by an organization known as the National Association of Owners of Railroad and Public Utility Securities, and it is as bold and brazen in its request for slush funds as the corrupt corporations of old ever dared to be.

The public utilities do not want any Federal investigation made of their affairs. In fact, just such an attempt was headed off a few days ago when the Senate voted down WALSH'S resolution to throw a Federal spotlight on the power utilities.

PURPOSES PLAINLY GIVEN

But the utilities would now shift the cost of such "safeguarding" to the shoulders of the individual stockholders, and hence they have appealed to them to contribute a dollar to the cause. The corporations make no effort to conceal the purposes to which this dollar will go. They put it down on paper so there will be no doubt.

WHAT THE DOLLAR WILL BUY

Here are some of the things this dollar, with the millions of others, is expected to buy:

Protection against unsound public discussion.
Protection against unwise legislation.
Dissemination of utility views to public.
Protection against public ownership.
Protection against utility assailments.
Added power and influence to utilities lobby.

APPEALS CONTAINED IN LETTERS

The foregoing plans of raising sinews of war with which to fight public inquiry are included in two letters sent out to power company stockholders in the district. Whether stockholders in all power companies received them is not known, but they have appeared in Fresno.

The key letter is from the National Association of Owners of Railroad and Public Utility Securities. It is accompanied by another appeal from a San Francisco stock and bond house.

THE KEY LETTER

The association letter follows:

"DEAR SIR: It is highly important that investors in electric power and light, gas, and street-railway companies should cooperate to safeguard their interests against unsound public discussion and unwise legislation. To effect such cooperation the National Association of Owners of Railroad and Public Utility Securities has enlarged its scope and is soliciting your membership.

"Investors in railroad securities have been united for years through the association, and have effectually sustained their interests as security owners before legislators and administrative officials. With other public utilities now under sharp discussion, with a senatorial investigation in prospect, and with considerable agitation for public ownership under way, the time is at hand when holders of utility securities must unite in order that their views and interests may be brought to public attention.

"The National Association of Owners of Railroad and Public Utility Securities represents the interests of the investor in public discussion of the utilities and will carry forward a campaign designed to inform the public of the extent to which all citizens, whether security holders or not, are directly concerned in maintaining the welfare of public utilities and the soundness of the securities issued by them.

"It will be clear to you that our views and our aims will be short in their weight unless we are strongly united in enunciating them. We count on your cooperation. An indorsement membership blank is on the reverse of this sheet. Your prompt return of it in the attached addressed envelope will be sincerely appreciated. One dollar is the individual membership fee.

"Very truly yours,

"MILTON W. HARRISON, *President.*"

FEBRUARY 10, 1928.

CLIENTS URGED TO JOIN

The brokerage-house letter emphasizes the reason for the solicitation in the following language:

"To Our Clients:

"We inclose herewith copy of a communication from Milton W. Harrison, president of the National Association of Owners of Railroad and Public Utility Securities (Inc.). This association represents an enlarged scope of the National Association of Owners of Railroad Securities, an organization that has been in existence for many years.

"The association provides an adequate and greatly needed representation for the owners of public utility securities in the United States. You will realize that such an association, speaking for millions of security holders throughout the country, is in a strong position to protect its members against many assailments, including ill-advised legislation. It also brings to the attention of its members matters of importance which require their attention, thought, and action.

"The sponsorship of the association is assurance of its efficiency.

"We believe in the association's campaign to increase its membership. Each added member gives so much added power and influence to the association and so much more assistance in the protection that the association can give to its members. We indorse the purposes and management of the association and recommend that serious consideration be given by all public utility security holders to this association and accordingly to its campaign to increase its membership.

"PEIRCE, FAIR & CO."

FEBRUARY 11, 1928.

MILLIONS COULD BE RAISED

An idea of what great proportions this pot of gold could reach if even a bare majority of the power, gas, and street-railway company stockholders dropped in their dollar can be had when it is realized there are 190,248 stockholders in the California power companies alone. According to figures obtained from the State railroad commission these stockholders are divided as follows:

Great Western Power Co., 11,607; San Joaquin Light & Power Co., 14,180; Pacific Gas & Electric, 39,149; Southern California Edison, 115,419 Western States Gas & Electric, 3,031; California-Oregon Power, 2,731; San Diego Consolidated Gas & Electric, 3,502.

The distribution of the association letter, however, is doubtless nation-wide, and its appeal, if answered, could easily raise millions of dollars.

SAN FRANCISCO, *February 11, 1928.*

To Our Clients:

We inclose herewith copy of a communication from Mr. Milton W. Harrison, president of the National Association of Owners of Railroad and Public Utility Securities (Inc.). This association represents an enlarged scope of the National Association of Owners of Railroad Securities, an organization that has been in existence for many years.

The association provides an adequate and greatly needed representation for the owners of public utility securities in the United States. You will realize that such an association, speaking for millions of security holders throughout the country, is in a strong position to protect its members against many assailments, including ill-advised legislation. It also brings to the attention of its members matters of importance which require their attention, thought, and action.

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PEIRCE, FAIR & CO.

Mr. WALSH of Montana. Mr. President, I am very glad the Senator from California [Mr. JOHNSON] has supplemented the editorial from the St. Louis Star which I had read from the desk. Very little attention was paid to the reading of it on the floor, and so I feel justified in calling attention to the fact that it discloses that the public-utility associations in the United States, according to information that has come to the Federal Trade Commission, spent a million dollars last year for educational purposes. The sinister thing about the matter is that they are subsidizing lecturers and professors in the various colleges of the country to instill into the minds of the youth there assembled their peculiar views concerning public questions in which they are more or less directly interested. To what extent this educational campaign is responsible for any sentiment that may exist in the country at the present time against public ownership as a policy is a matter of speculation, and speculation only. But the people who provide these funds are careful and conservative business men; they have not made an invest-

ment of a million dollars without expecting substantial returns in the shape of the public sentiment which they expect to develop.

THE COPLEY PRESS (INC.)

Mr. JOHNSON. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. John Callan O'Laughlin to Hon. William E. Humphrey, chairman of the Federal Trade Commission, relating to some incidents that occurred here within the last day or two. I ask that the letter may be printed in the RECORD in fairness to Mr. O'Laughlin, who is a journalist, it is true, but a journalist in the very highest sense and one who in a long career in journalism has won the respect, regard, admiration, and affection of all those who know him.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

[Copy of letter sent to-day to Federal Trade Commission]

COPLEY PRESS (INC.), AURORA, ILL.,
Washington, D. C., March 21, 1928.

Hon. WILLIAM E. HUMPHREY,
Chairman Federal Trade Commission, Washington, D. C.

DEAR SIR: I beg to call your attention to the remarks in the United States Senate of Senator NORRIS, as printed in the CONGRESSIONAL RECORD on pages 4874 and 4875 of the issue of Friday, March 16, 1928, and pages 4954, 4955, and 4956 of the issue of Monday, March 19, 1928.

Mr. NORRIS, on page 4875 of the said RECORD, read a letter from an unnamed person, whom he described as "superintendent of the municipal waterworks at Springfield, Ill.," wherein slanderous statements are made relative to Mr. Ira C. Copley and his purchases of various newspapers and to alleged contemplated purchases by him. The letter concludes:

"How far this newspaper monopoly will go nobody knows; but it is, indeed, a menace, and an investigation which would show the actual financial support behind this venture would undoubtedly reveal a direct utility connection and would be a splendid and far-reaching contribution toward the protection of the public."

Mr. NORRIS concluded his remarks by referring the matter in respect of Mr. Copley to the Federal Trade Commission "for proper investigation."

On March 19 Mr. NORRIS sought to explain his reference to the Los Angeles Express, and quoted a letter to him from the undersigned demanding that the investigation as to Mr. Copley's acquisitions be pushed to the fullest extent and insisting that he present all the evidence or information in his possession which might directly or indirectly relate to such alleged connections (i. e., between Mr. Copley's newspaper acquisitions and the financing of public-utility corporations).

The additional "evidence" presented by Mr. NORRIS comprised a public advertisement dated March 7, 1928, for a bond issue for Copley Press (Inc.), attached hereto, which set forth the details of the offering and the purpose of employment of the proceeds thereof; and extracts from a copy of a newspaper published in Los Angeles, known as the Open Forum. That paper is published by the southern California branch of the American Civil Liberties Union and is extremely radical. It has openly expressed sympathy with anarchists, socialists, and the soviet government. Its editors are Upton Sinclair, whose record is well known, and other pronounced socialists. Undoubtedly Mr. NORRIS did not realize the character of the source of the emanations which he spread upon the records of the Senate.

Mr. NORRIS repeated loose and false statements reflecting upon the honor and integrity of Mr. Copley and his purpose in acquiring papers in addition to those he has owned for many years.

In view of these statements and the objectionable and unfounded insinuations made, Copley Press (Inc.) respectfully requests the Federal Trade Commission to give immediate consideration to the subject matter of the remarks of the said Senator NORRIS. The commission unquestionably will realize, as do all fair-minded men, that slander to be crushed must be dealt with instantly; and it is in the firm conviction that this is the attitude of the commission that Copley Press (Inc.) urges disposition of the matter at once.

Copley Press (Inc.) will be glad, if the commission so pleases, to furnish all its records and correspondence, files of the papers since Mr. Copley purchased them, to produce witnesses, and, in short, to give the utmost cooperation to any inquiry it deems it desirable to make.

Very respectfully,

JOHN CALLAN O'LAUGHLIN,
Vice President Copley Press (Inc.).

RECREATION PIER, SAN FRANCISCO, CALIF.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1665) to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif., which was, on page 2, line 5, after the word "Service," to insert "and prior to use of said recreation pier by the city of San Francisco."

Mr. SHORTRIDGE. I move that the Senate concur in the amendment.

The motion was agreed to.

ENFORCEMENT OF NARCOTIC DRUGS ACTS

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 10083) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs, was read twice by its title.

Mr. SMOOT. Mr. President, I would like to have the Chair hold the bill at the desk. I think a similar Senate bill has been passed.

The PRESIDENT pro tempore. The Chair will state for the information of the Senator from Utah and for the information of the Senate that yesterday the Senate passed an identical bill prior to the reception of this bill from the House.

Mr. SHORTRIDGE. I think I can satisfy the Senator in a moment if he will permit me. I was about to state that the House had passed a companion bill with certain amendments. I have made inquiry and I find that those amendments are entirely satisfactory to the department. Therefore I move that the Senate reconsider the votes whereby we ordered to a third reading and passed the bill (S. 3311) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs.

Mr. JONES. Is the bill here or has it gone to the House?

The PRESIDENT pro tempore. The bill has not been messaged to the House. The question is on the motion of the Senator from California.

The motion to reconsider was agreed to.

Mr. SHORTRIDGE. I ask now that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SHORTRIDGE. I now ask for the immediate consideration of the bill (H. R. 10083) to provide for advances of funds by special disbursing agents in connection with the enforcing of acts relating to narcotic drugs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Commissioner of Prohibition, with the approval of the Secretary of the Treasury, is authorized to direct the advance of funds by special disbursing agents in connection with the enforcement of the act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, as amended by the revenue act of 1918, and the act entitled "An act to amend an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909," as amended by the act of May 26, 1922, known as "the narcotic drugs import and export act."

Such advances in connection with the enforcement of the acts hereinabove stated relating to narcotic drugs may be made, notwithstanding the provisions of section 3648 of the Revised Statutes of the United States (sec. 529, title 31, U. S. Code), from the appropriations available for the enforcement of such acts and acts amendatory thereof or supplementary thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF MIGRATORY BIRDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. DILL. I submit an amendment intended to be proposed by me to the pending bill, and I should like to have it read and printed so that it may be available in printed form to-morrow.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will read the amendment for the information of the Senate.

The CHIEF CLERK. On page 11, after line 11, it is proposed to insert the following as a new section:

SEC. —. That $1,000,000 of the $1,500,000 authorized to be appropriated out of the Treasury of the United States for the purchase of refuges for wild life and fish as provided in section 10 of an act to establish the Upper Mississippi River Wild Life and Fish Refuge, approved June 7, 1924, is hereby authorized to be appropriated out of the Treasury of the United States for the purchase or rental by the commission at the price or prices fixed by the commission for migratory-bird reservations as provided in this act.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

The question is on the committee amendment on page 5, which will be stated.

The CHIEF CLERK. In section 10, on page 5, line 18, after the word "or," it is proposed to insert "occupy or use any part thereof," so as to make the section read:

SEC. 10. That no person shall take any bird, or nest, or egg thereof, or knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. REED of Missouri. Mr. President, just a second. I had the floor last night when the Senate recessed, and I do not want the RECORD to show that any amendment has been agreed to at this time.

The PRESIDING OFFICER. The amendment will be considered as being open.

Mr. REED of Missouri. I had the floor last night, and I yielded this morning in order to permit the interesting discussion which has taken place. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edwards	McMaster	Shortridge
Barkley	Fess	McNary	Simmons
Bayard	Fletcher	Mayfield	Smith
Bingham	Frazier	Metcalf	Smoot
Black	George	Moses	Steiwer
Blaine	Gerry	Neely	Stephens
Blease	Gillett	Norbeck	Swanson
Borah	Glass	Norris	Thomas
Bratton	Hale	Nye	Tydings
Brookhart	Harris	Overman	Tyson
Broussard	Harrison	Phipps	Wagner
Bruce	Hawes	Pittman	Walsh, Mass.
Capper	Hayden	Ransdell	Walsh, Mont.
Caraway	Heflin	Reed, Mo.	Warren
Copeland	Johnson	Reed, Pa.	Waterman
Couzens	Jones	Robinson, Ark.	Watson
Curtis	Kendrick	Robinson, Ind.	Wheeler
Cutting	Keyes	Sackett	Willis
Deneen	King	Schall	
Dill	La Follette	Sheppard	
Edge	McKellar	Shipstead	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, there is a quorum present. The Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. BLAINE. Mr. President——

Mr. REED of Missouri. Mr. President, on account of an engagement I am unable to proceed at this time, and I will yield to the Senator from Wisconsin. I ask, however, the privilege, when my remarks are made, of having them printed in the RECORD as though continuously made.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. BLAINE addressed the Senate. After having spoken for some time——

INTERNATIONAL EXPOSITION AT SEVILLE, SPAIN

Mr. REED of Pennsylvania. Will the Senator from Wisconsin yield to me for a few minutes?

Mr. BLAINE. I yield to the Senator.

Mr. REED of Pennsylvania. I should like to call up the joint resolution this morning reported by the Senator from Idaho [Mr. BORAH] by the unanimous consent of the Committee on Foreign Relations. It is extremely important that it should be passed to-day if possible. It is House Joint Resolution 211. The joint resolution merely relates to the manner of expenditure of the appropriation already made for the construction of an American building at the international exposition at Seville.

Mr. NORBECK. Reserving the right to object, I will agree to its consideration if it does not lead to extended debate.

Mr. REED of Pennsylvania. It will not lead to any debate.

Mr. LA FOLLETTE. Will the Senator state briefly what change is proposed by the joint resolution?

Mr. REED of Pennsylvania. Two years ago Congress passed a law authorizing the appropriation of about $700,000 for the construction of an American building at Seville, Spain. It has been held by the Comptroller General that the expenditure of that money for architects' fees, for example, is illegal unless the architect is present to certify to every item of expenditure in the construction of the building. The architect's fee will amount to about $12,000. The architect who has been selected has been working on the building for about a year, and the period of construction will be 9 or 10 months more. Obviously, no architect of any practice or any reputation can afford to go to Spain and remain there superintending the construction of one small building for 9 or 10 months, yet the Comptroller General says he can not pay the architect or any contractor without this certificate.

Mr. FLETCHER. May I ask the Senator where is the exposition to be held?

Mr. REED of Pennsylvania. It is the international exposition which will be held in Seville next year or the following year.

Mr. FLETCHER. What is the total appropriation?

Mr. REED of Pennsylvania. The total appropriation made two years ago was $700,000. It is an important exposition in which the United States and other nations are taking part.

Mr. FLETCHER. And the joint resolution does what?

Mr. REED of Pennsylvania. It permits the expenditure of money for the construction and the payment of architects' fees without requiring the Comptroller General to see that the architect is personally in attendance every minute.

Mr. FLETCHER. It is a unanimous report from the committee?

Mr. REED of Pennsylvania. The report of the Committee on Foreign Relations is unanimous.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 211) to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States in the international exposition to be held in Seville, Spain, which was read, as follows:

Resolved, etc., That appropriations heretofore made or hereafter to be made under the authorization of Public Resolution No. 65, approved March 3, 1925 (43 Stat. 1256), to enable the Government of the United States to participate in an international exposition at Seville, Spain, may be expended on the certificate of the Secretary of State that the employment of personal services in the District of Columbia or elsewhere and that the materials or services are necessary to enable the Government of the United States to participate in said exposition for the purposes enumerated in that resolution without regard to the provisions of section 3709 of the Revised Statutes, or of any other act regulating or limiting the expenditure of public moneys: *Provided*, That this authority shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8725) to amend section 224 of the Judicial Code, requested a conference

with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRAHAM, Mr. DYER, and Mr. SUMNERS of Texas were appointed managers on the part of the House at the conference.

PROTECTION OF MIGRATORY BIRDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. BLAINE resumed his speech. After having spoken, with interruptions, for nearly three hours, he said:

Mr. President, I see the Senator from Kansas [Mr. CURTIS] on his feet. I am going to yield to him with the understanding that upon the convening of the Senate to-morrow I will undertake to conclude this debate so far as I am concerned. I understand that the Senator desires to move an executive session.

Mr. CURTIS. Mr. President, I will state to the Senator that we shall probably adjourn to-night, and the pending bill is not likely to come before the Senate until 2 o'clock.

Mr. BORAH. The Senator from Wisconsin would have the floor.

Mr. CURTIS. The Senator would have the floor then.

Mr. BLAINE. A parliamentary inquiry. I will have the floor, then, at the close of the morning business, if closed by 2 o'clock, or whenever it is closed?

Mr. CURTIS. So I understand.

Mr. SWANSON. I think there is no doubt about that.

Mr. CURTIS. Mr. President, I desire to move an executive session.

Mr. BLAINE. I yield to the Senator.

[Mr. BLAINE's speech will be published entire in the RECORD of March 26.]

Mr. BROUSSARD. Mr. President——

Mr. CURTIS. I yield to the Senator from Louisiana.

Mr. BROUSSARD. I have here a document that it will take too much time to read if we are to have an executive session. Therefore, I shall ask that it be read to-morrow.

MISSOURI RIVER BRIDGE AT OR NEAR PLATTSMOUTH, NEBR.

The PRESIDING OFFICER (Mr. JONES in the chair). If the Senator from Kansas will withhold his motion for a moment the Chair, on behalf of the Senator from Vermont [Mr. DALE], asks permission to report favorably, from the Committee on Commerce, House bill 10373, and to submit a report (No. 600) thereon.

On behalf of the Senator from Vermont, the Chair asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10373) authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 22, 1928, at 12 o'clock meridian.

INTERNATIONAL RADIOTELEGRAPH CONVENTION

In executive session this day, the Senate, having had under consideration Executive B, Seventieth Congress, first session, an International Radiotelegraph Convention, and general and supplementary regulations relating thereto, signed at Washington, D. C., on November 25, 1927, advised and consented to its ratification, subject to the following understandings and conditions:

First. The words "de 160 à 194 kc/s" in the first sentence of paragraph 6 of article 19 of the general regulations, which were used through error, shall be corrected by substituting therefor the words "de 100 à 160 kc/s."

Second. The amendments adopted by the delegates in the closing session of the conference on November 25, 1927, as stated in the minutes of that meeting, including the consecutive numbering of the articles and paragraphs by the International Bureau of the Telegraph Union, shall be incorporated into this convention and the general regulations prior to ratification thereof.

(The injunction of secrecy was removed from this convention on December 17, 1927, on motion of Mr. BORAH and by unanimous consent.)

NOMINATIONS

Executive nominations received by the Senate March 21 (legislative day of March 20), 1928

MEMBER OF UNITED STATES TARIFF COMMISSION

Frank Clark, of Florida, to be a member of the United States Tariff Commission for the term expiring September 7, 1930, vice Edward P. Costigan, resigned.

WAR CLAIMS ARBITER

Edwin B. Parker, of Texas, to be war claims arbiter, under section 3 of the act of Congress approved March 10, 1928, entitled "Settlement of war claims act of 1928."

UNITED STATES DISTRICT JUDGE

Harold Louderback, of California, to be United States district judge, northern district of California. (An additional position created by the act approved March 5, 1927.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 21 (legislative day of March 20), 1928

PROMOTIONS IN THE NAVY

To be captain

Harry E. Shoemaker.

To be commander

Charles H. Maddox.

To be lieutenant commanders

Adolph P. Schneider.
Lester J. Hudson.

To be lieutenant

David E. Carlson.

To be lieutenants (junior grade)

Edward W. Young.
Arthur A. Griese.
Neville L. McDowell.
Stone E. Bush.

To be passed assistant surgeon

Robert E. Baker.

To be passed assistant dental surgeon

Hugh E. Mauldin.

To be chief machinist

Murphy Lott.

To be chief pay clerks

Oscar H. Weyel.
Fred Traxler.
Hans C. A. Andersen.
Paul C. Davis.
Albert J. Kirsch.
Albert J. Burtnett.
Ray M. Williams.
Fred W. Stilwell.
Noel O. Bickham.
Dee A. Barnett.
William J. Vay.
Roy H. Thompson.
Henry H. Hoefs.
Otto D. Bierling.
George L. Von Mohnlein.
Henry A. Oswald.
John W. Hall.
Clarence B. Selden.
Glenn P. Hardy.
John H. O'Neill.

POSTMASTERS

ILLINOIS

Rose S. Beard, Arenzville.
Robert N. Bragg, Brimfield.
Edward F. Tedens, Lemont.
Arthur F. Sturgis, Middletown.

IOWA

Edward E. Simpson, Nashua.
Kenneth E. Lewis, Williamsburg.

KENTUCKY

Fannie R. Williams, Pikeville.

LOUISIANA

Lavinia A. Parr, Baldwin.
Lillian D. Gayle, Independence.

MAINE

Bernard V. Thompson, Easton.
Harold C. Gates, Millinocket.

MARYLAND

John W. Brittingham, Pittsville.

MICHIGAN

Arthur R. Gerow, Cheboygan.
William E. Smith, Mohawk.
Christina B. Grozinger, Woodland.

NEW MEXICO

Helen B. Hickman, Hurley.

NORTH DAKOTA

Reuben P. Semrau, Balfour.

PENNSYLVANIA

Marion C. Hemmig, Elverson.
William Tyndall, Mount Joy.

TENNESSEE

Joe Sims, Lawrenceburg.
Onnie M. Hartsell, Limestone.
Everett M. Greer, Newport.
Wilbur Walker, Tiptonville.

TEXAS

Maggie P. Rhew, Anderson.
Chessell Gra, Brookshire.
William F. Hofmann, Carrollton.
Cornelius A. Ogden, Deweyville.
Corban J. Lewis, Eddy.
James S. Carter, Grand Saline.
Wright T. Pridgen, Grapeland.
Ira S. Koon, Hallsville.
Effie H. Briscoe, Hebbronville.
Eva M. Reed, Hempstead.
John V. Lackey, Hico.
Lilburn C. Graham, Lancaster.
Nora C. Brite, Pleasanton.
Henry E. Cannon, Shelbyville.

WEST VIRGINIA

James O. Buskirk, Holden.
Guy E. McCutcheon, Reedy.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 21, 1928*

The House met at 12 o'clock noon and was called to order by the Clerk, Hon. William Tyler Page.

The CLERK. The Clerk will read the following communication from the Speaker:

MARCH 21, 1928.

I hereby designate Hon. BERTRAND H. SNELL to act as Speaker pro tempore to-day.

NICHOLAS LONGWORTH.

The gentleman from New York [Mr. SNELL] will please take the chair.

Mr. SNELL assumed the chair as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, Thou art love, and love resists definition. The undefinable God reveals Himself in a way which defies analysis. The sweetest passions of the human heart, multiplied by infinity, such is our blessed Heavenly Father. Hear us as we call. It is a solemn thing for us to enter this historic Chamber as servants of this wonderful Republic. Amid the stress and crash of change, unaffected by the losses of the past or the hopes of the future, here mighty men have raised their voices in fervent appeal; Thou wert with them. We thank Thee that the years make no change in Thy attitude; Thou art patient because Thou art eternal. As Thy hand was on the past it will be on the present. Our country, stored and armed with education, wealth, and opportunity, do Thou fortify us with courage and wisdom and with all their noble strength, so that it shall never be proclaimed that we are false to our great trust or untrue to our great obligation. O let it never be said that the wisdom of to-day will be the error of to-morrow. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 379. An act for the relief of William R. Boyce & Son;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924;

S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 1108. An act for the relief of Una May Arnold;

S. 1131. An act to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico;

S. 1145. An act to authorize an appropriation for roads on Indian reservations;

S. 1297. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore;

S. 1368. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch;

S. 1428. An act for the relief of R. Bluestein;

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edwards Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co.;

S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.;

S. 1796. An act for the creation of a national monument in Montana, to be known as Battle of the Bear's Paw;

S. 1848. An act for the relief of Frank Dixon;

S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;

S. 3500. An act for the relief of the city of Philadelphia;

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes;

S. 2306. An act for the relief of William E. Thackrey;

S. 2369. An act to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes;

S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831";

S. 2611. An act to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation;

S. 2733. To amend the military record of Joseph Cunningham;

S. 2764. An act for the relief of Nelle McConnell;

S. 2830. An act authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes;

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.;

S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.;

S. 3128. An act to amend section 3 of the act approved April 12, 1926 (44 Stat. L. 239–240), with reference to suits involving Indian land titles among the Five Civilized Tribes;

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes;

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians;

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove;*

S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection and Indemnity Association (Ltd.);

S. 3511. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark.;

S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first transatlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; and

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

H. R. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 926. An act for the relief of Jennie Roll;

H. R. 3673. An act for the relief of Maj. F. Ellis Reed;

H. R. 4203. An act for the relief of A. S. Guffey;

H. R. 5255. An act for the relief of Jacob F. Webb;

H. R. 6094. An act to amend section 7 of Public Act No. 45, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 7110. An act for the relief of Frances L. Dickinson;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission, of the State of Louisiana, to construct, maintain, and operate a bridge across the Atchafalaya River at or near Melville, La.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 8093. An act for the relief of John Rooks;

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, Calif.;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, Calif.;

H. R. 8824. An act to provide for the construction of the watershed within the Carson National Forest, from which water is obtained for the Taos Pueblo, N. Mex.;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, Philippine Islands;

H. R. 8897. An act to revise and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, County of Cook, State of Illinois," approved March 21, 1924;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10027. An act to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co. and the transfer of certain land from the Big Rock Stone & Material Co. to the United States;

H. R. 10083. An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton Highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio;

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.;

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.;

H. J. Res. 175. Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital; and

H. J. Res. 211. Joint resolution to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the following bills:

S. 1325. An act for the relief of John A. Fox;

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.;

S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.; and

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

The message also announced that the President pro tempore had appointed Mr. DALE and Mr. MCKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the United States Civil Service Commission.

The message also announced that the Senate insists upon its amendments to bills of the following titles, disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon:

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point, in Wilson and Trousdale Counties, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct,

maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

The message announced that Mr. JONES, Mr. DALE, and Mr. SHEPPARD had been appointed conferees on the part of the Senate upon the foregoing bills.

The message further announced that the Senate had passed with amendments bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes;

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska;

H. R. 8499. An act for the relief of Arthur C. Lueder;

H. R. 8725. An act to amend section 224 of the Judicial Code;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9860. A bill to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."; and

H. J. Res. 140. A joint resolution to amend sections 1 and 2 of the act of March 3, 1891.

Mr. RAYBURN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FRENCH. Mr. Speaker, will the gentleman from Texas withhold that for a moment?

Mr. RAYBURN. Yes.

THE NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH, from the Committee on Appropriations, reported the bill H. R. 12286, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, which was read a first and second time, and, together with the accompanying report, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. AYRES. Mr. Speaker, I reserve all points of order.

The SPEAKER pro tempore. The gentleman from Kansas reserves all points of order.

CALL OF THE HOUSE

Mr. RAYBURN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-five Members present, not a quorum.

Mr. PARKER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 54]

Andrew	Casey	Douglass, Mass.	Hudson
Anthony	Celler	Dowell	Hull, William E.
Arentz	Clarke	Doyle	Igoe
Auf der Heide	Cochran, Pa.	Eslick	Jacobstein
Bankhead	Connally, Tex.	Frear	Jones
Boies	Crowther	Gallivan	Kendall
Bulwinkle	Curry	Golder	Kent
Burdick	Davey	Graham	Kerr
Campbell	Deal	Harrison	Kindred
Carew	Doughton	Holaday	Kunz
Carley	Douglas, Ariz.	Howard, Okla.	Larsen
Lea	Michaelson	Rathbone	Sweet
Leatherwood	Monast	Robsion, Ky.	Swick
Leech	Mooney	Sabath	Swing
Lindsay	Moore, N. J.	Sears, Fla.	Thompson
Lyon	Moore, Ohio	Shallenberger	Tillman
McDuffie	Nelson, Mo.	Steagall	Tucker
McFadden	O'Connell	Stevenson	Wilson, La.
McSwain	O'Connor, N. Y.	Strong, Pa.	Yates
Magrady	Palmer	Strother	Yon
Mead	Quayle	Sullivan	Zihlman
Merritt	Ramseyer	Swank	

The SPEAKER assumed the chair.

The SPEAKER. Three hundred and forty-seven Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

FEDERAL POWER COMMISSION

The SPEAKER. When the House adjourned yesterday the previous question had been ordered on the bill (H. R. 8141) authorizing additional employees for the Federal Power Commission, and amendments thereto, to final passage. The question is on agreeing to the amendments.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that amendments 1 and 2, the amendments of Mr. SNELL, be voted on coupled together. The committee accepts the third amendment, that offered by the gentleman from Illinois [Mr. MADDEN]. We do not ask for a separate vote on that.

The SPEAKER. The gentleman from New York asks unanimous consent for a separate vote on amendments 1 and 2 coupled together. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the third amendment, the Madden amendment.

The Madden amendment was agreed to.

The SPEAKER. The question now is on agreeing to amendments 1 and 2. The Clerk will report them.

The Clerk read as follows:

Page 2, line 6, after the word "July," strike out "in so far as is practicable"; and on page 2, line 11, after the word "necessary," strike out the remainder of the line down to and including the word "thereto," in line 19.

The SPEAKER. The question is on agreeing to the amendments.

Mr. PARKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Those desiring to take the vote by yeas and nays will rise and stand until they are counted. [After counting.] Sixty Members have risen; not a sufficient number.

Mr. MAPES. Mr. Speaker, may we have tellers on that?

The SPEAKER. As many as favor taking this vote by tellers will rise and stand until they are counted.

Mr. MAPES. I am not sure that I made myself understood. My question is, May we demand tellers on ordering the yeas and nays?

The SPEAKER. The Chair understands that the demand for tellers is on the question of agreeing to the demand for yeas and nays. The Chair will count all gentlemen standing. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Thirty-eight gentlemen have arisen; not a sufficient number.

Mr. BLANTON. Mr. Speaker, that was not understood.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. NEWTON. Mr. Speaker, there has been no vote on the amendments.

The SPEAKER. The question was on agreeing to the amendments. The yeas and nays were refused, and the amendments were agreed to.

Mr. MAPES. Mr. Speaker, I am uncertain as to whether the Speaker correctly understood my request.

The SPEAKER. In order that there may be no doubt about it the Chair will again put the question. The question is on agreeing to the amendments.

Mr. MAPES. Mr. Speaker, I do not desire to press the matter if the membership of the House understood what they were voting on.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. NEWTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 206, noes 98.

So the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (asked for by Mr. PARKER) there were—ayes 141, noes 158.

Mr. PARKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Those desiring to take this vote by yeas and nays will rise and stand until they are counted. [After counting.] Ninety-five gentlemen have risen, a sufficient number.

The yeas and nays were ordered.

The SPEAKER. Those favoring the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 168, nays 180, answered "present" 1, not voting 85, as follows:

[Roll No. 55]

YEAS—168

Ackerman	Englebright	Johnson, Ill.	Reece
Aldrich	Estep	Johnson, Ind.	Reed, N. Y.
Allen	Evans, Mont.	Johnson, Wash.	Robinson, Iowa
Bachmann	Faust	Kahn	Rogers
Bacon	Fenn	Kearns	Rowbottom
Barbour	Fish	Kelly	Sanders, N. Y.
Beedy	Fitzgerald, W. T.	Kemp	Sears, Nebr.
Beers	Fort	Ketcham	Seger
Begg	Foss	Kiess	Selvig
Black, N. Y.	Free	Knutson	Simmons
Bohn	Freeman	Kopp	Sinclair
Bowles	French	Korell	Sinnott
Bowman	Frothingham	Kurtz	Smith
Brand, Ohio	Furlow	Langley	Snell
Brigham	Gibson	Leavitt	Sproul, Ill.
Britten	Gifford	Leech	Sproul, Kans.
Buchanan	Glynn	Lehlbach	Stalker
Buckbee	Goodwin	Letts	Stobbs
Burdick	Graham	Lowrey	Strong, Kans.
Burtness	Green, Iowa	Luce	Summers, Wash.
Burton	Griest	McFadden	Taber
Bushong	Guyer	McLeod	Tatgenhorst
Butler	Hadley	MacGregor	Taylor, Tenn.
Carter	Hale	Maas	Temple
Chase	Hall, Ill.	Madden	Tilson
Chindblom	Hall, Ind.	Manlove	Timberlake
Clancy	Hall, N. Dak.	Mapes	Tinkham
Collins	Hancock	Martin, Mass.	Treadway
Colton	Hardy	Michener	Updike
Cooper, Ohio	Haugen	Miller	Vestal
Crail	Hawley	Morgan	Vincent, Mich.
Crosser	Hersey	Morin	Wainwright
Crowther	Hickey	Murphy	Watres
Dallinger	Hoch	Nelson, Me.	Watson
Davenport	Hoffman	Newton	Welch, Calif.
Dempsey	Hooper	Niedringhaus	White, Kans.
Denison	Hope	Parker	White, Me.
Dickinson, Iowa	Houston	Perkins	Whittington
Doutrich	Hughes	Porter	Williams, Ill.
Dyer	Hull, Morton D.	Pratt	Wolverton
Eaton	Irwin	Purnell	Wyant
England	Jenkins	Ramseyer	Zihlman

NAYS—180

Abernethy	Crisp	Huddleston	O'Brien
Adkins	Cullen	Hudspeth	O'Connor, La.
Allgood	Davey	Hull, Tenn.	Oldfield
Almon	Davis	James	Oliver, Ala.
Andresen	Deal	Jeffers	Oliver, N. Y.
Arnold	De Rouen	Johnson, Okla.	Palmisano
Aswell	Dickinson, Mo.	Johnson, S. Dak.	Parks
Ayres	Dickstein	Johnson, Tex.	Peavey
Beck, Wis.	Dominick	Kading	Peery
Bell	Douglas, Ariz.	Kent	Pou
Berger	Drane	Kincheloe	Prall
Black, Tex.	Drewry	Kvale	Quin
Bland	Driver	LaGuardia	Ragon
Blanton	Edwards	Lampert	Rainey
Bloom	Elliott	Lanham	Rankin
Bowling	Fisher	Lankford	Ransley
Box	Fitzpatrick	Linthicum	Rayburn
Boylan	Fletcher	Lozier	Reed, Ark.
Brand, Ga.	Fulbright	McClintic	Romjue
Briggs	Fulmer	McDuffie	Rubey
Browne	Gambrill	McKeown	Rutherford
Browning	Garber	McMillan	Sanders, Tex.
Busby	Gardner, Ind.	McReynolds	Sandlin
Canfield	Garner, Tex.	McSwain	Schafer
Cannon	Garrett, Tenn.	McSweeney	Schneider
Carss	Garrett, Tex.	Major, Ill.	Sears, Fla.
Cartwright	Gilbert	Major, Mo.	Shallenberger
Chalmers	Goldsborough	Mansfield	Shreve
Christopherson	Gregory	Martin, La.	Sirovich
Clague	Green, Fla.	Mead	Somers, N. Y.
Cochran, Mo.	Greenwood	Menges	Speaks
Cohen	Griffin	Milligan	Spearing
Cole, Iowa	Hammer	Montague	Stedman
Cole, Md.	Hare	Moore, Ky.	Steele
Collier	Hastings	Moorman	Sumners, Tex.
Combs	Hill, Ala.	Morehead	Tarver
Connery	Hill, Wash.	Morrow	Taylor, Colo.
Cooper, Wis.	Hogg	Nelson, Wis.	Thurston
Corning	Howard, Nebr.	Norton, Nebr.	Underhill
Cox	Howard, Okla.	Norton, N. J.	Underwood
Vinson, Ga.	Weaver	Williams, Tex.	Wood
Vinson, Ky.	Welsh, Pa.	Williamson	Woodrum
Ware	White, Colo.	Wilson, La.	Wright
Warren	Whitehead	Wilson, Miss.	Wurzbach
Wason	Williams, Mo.	Wingo	Yon

ANSWERED "PRESENT"—1

King

NOT VOTING—85

Andrew	Darrow	Kunz	Robsion, Ky.
Anthony	Doughton	Larsen	Sabath
Arentz	Douglass, Mass.	Lea	Steagall
Auf der Heide	Dowell	Leatherwood	Stevenson
Bacharach	Doyle	Lindsay	Strong, Pa.
Bankhead	Eslick	Lyon	Strother
Beck, Pa.	Evans, Calif.	McLaughlin	Sullivan
Boies	Fitzgerald, Roy G.	Magrady	Swank
Bulwinkle	Frear	Merritt	Sweet
Byrns	Gallivan	Michaelson	Swick
Campbell	Gasque	Monast	Swing
Carew	Golder	Mooney	Thatcher
Carley	Harrison	Moore, N. J.	Thompson
Casey	Holaday	Moore, Ohio	Tillman
Celler	Hudson	Moore, Va.	Tucker
Chapman	Hull, Wm. E.	Nelson, Mo.	Weller
Clarke	Igoe	O'Connell	Winter
Cochran, Pa.	Jacobstein	O'Connor, N. Y.	Woodruff
Connally, Tex.	Jones	Palmer	Yates
Connolly, Pa.	Kendall	Quayle	
Cramton	Kerr	Rathbone	
Curry	Kindred	Reid, Ill.	

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Curry (for) with Mr. Byrns (against).

Until further notice:

Mr. Connolly of Pennsylvania with Mr. Gallivan.
Mr. Frear with Mr. Chapman.
Mr. Thatcher with Mr. Gasque.
Mr. Reid of Illinois with Mr. Steagall.
Mr. Magrady with Mr. Connally of Texas.
Mr. Thompson with Mr. Casey.
Mr. Yates with Mr. Bankhead.
Mr. Dowell with Mr. Kindred.
Mr. Cramton with Mr. Harrison.
Mr. Bacharach with Mr. Lindsay.
Mr. Moore of Ohio with Mr. Moore of Virginia.
Mr. Darrow with Mr. Tillman.
Mr. Sweet with Mr. Sullivan.
Mr. Evans of California with Mr. Nelson of Missouri.
Mr. Merritt with Mr. Tucker.
Mr. Swing with Mr. Carley.
Mr. Strong of Pennsylvania with Mr. Doyle.
Mr. Rathbone with Mr. Jones.
Mr. Campbell with Mr. Carew.
Mr. Anthony with Mr. Kerr.
Mr. Michaelson with Mr. Bulwinkle.
Mr. Hudson with Mr. O'Connell.
Mr. Andrew with Mr. Auf der Heide.
Mr. Golder with Mr. Igoe.
Mr. Beck of Pennsylvania with Mr. Quayle.
Mr. Clarke with Mr. Douglass of Massachusetts.
Mr. Palmer with Mr. Oliver of Alabama.
Mr. Robsion of Kentucky with Mr. Swank.
Mr. Roy G. Fitzgerald with Mr. Weller.
Mr. Holaday with Mr. Larsen.
Mr. Kendall with Mr. Mooney.
Mr. Leatherwood with Mr. O'Connor of New York.
Mr. Swick with Mr. Doughton.
Mr. Arentz with Mr. Celler.
Mr. Cochran of Pennsylvania with Mr. Sabath.
Mr. Strother with Mr. Lea.
Mr. Woodruff with Mr. Jacobstein.
Mr. Boies with Mr. Kunz.
Mr. Winter with Mr. Lyon.
Mr. Eslick with Mr. Moore of New Jersey.

Mr. ROY G. FITZGERALD. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. ROY G. FITZGERALD. I was not; but if I had been present I would have voted "yea."

The result of the vote was announced as above recorded.

On motion of Mr. RAYBURN, a motion to reconsider the vote by which the bill was rejected was laid on the table.

KAIBAB INDIAN RESERVATION

Mr. CRAMTON. Mr. Speaker, I present House Joint Resolution 245, to make immediately available the appropriation for a road across the Kaibab Indian Reservation, with the report of the Committee on Appropriations thereon, and ask for its immediate consideration.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I will say that all the resolution does is to make the money immediately available.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That the appropriation of $10,000 for the improvement and maintenance of the road across the Kaibab Indian Reservation, northern Arizona, en route to Grand Canyon National Park, as contained in the Interior Department appropriation act for the fiscal year 1929, approved March 7, 1928, shall be available for expenditure upon the approval of this resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 8725, a bill to amend section 224 of the Judicial Code, disagree to the Senate amendments, and agree to the conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table House bill 8725, disagree to the Senate amendments, and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Senate amendments: Page 1, line 6, strike out "$6,000" and insert "$5,000."

Page 2, line 2, strike out all after "court" down to and including "grade," in line 4.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and agree to the conference. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the reason why the Senate amendments should not be incorporated in the bill?

Mr. DYER. There are two amendments; both of them are of importance, and the second one is of considerable importance. The chairman of the committee feels we should have a conference upon the amendments as requested by the Senate.

Mr. BLANTON. Mr. Speaker, reserving the right to object, why does not the gentleman from Missouri make the preferential motion "to agree to the Senate amendments" and settle the matter?

Mr. DYER. We are not in favor of the Senate amendments.

Mr. BLANTON. The gentleman is not in favor of the economy that is proposed in the first amendment, whereby we would save $1,000 on salaries per annum?

Mr. DYER. It is the second amendment.

Mr. BLANTON. Then the gentleman is not going to insist on the first amendment going out in conference, is he?

Mr. DYER. Well, I will be only one of the conferees, I will say to the gentleman, and I can not speak for the other conferees.

Mr. BLANTON. Your whole fight is not on the first amendment but on the second one.

Mr. DYER. It is more on that one, as far as I personally am concerned.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. GRAHAM, DYER, and SUMNERS of Texas.

GRAZING AND RANGE DEVELOPMENT

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 445, a bill authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes, and agree to the Senate amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table House bill 445, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment: Page 1, line 6, strike out "45" and insert "49."

The SPEAKER. Without objection, the Senate amendment will be agreed to.

The Senate amendment was agreed to.

PROTECTION OF THE WATERSHEDS OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 1181, a bill authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table Senate bill 1181, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take this bill from the Speaker's table, insist on the House amendment, and agree to the conference asked. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, may we have the House amendment reported?

The SPEAKER. The Clerk will report the House amendment.

The Clerk read as follows:

Page 2, strike out all after "270)," in line 3, down to and including the word "expended" in line 11, and insert "available July 1, 1928, $2,000,000; available July 1, 1929, $2,000,000; in all for this period, $4,000,000."

The SPEAKER. The gentleman from Iowa asks unanimous consent to insist on the House amendment and agree to the conference asked. Is there objection?

There was no objection.

The Speaker appointed the following conferees: Messrs. HAUGEN, PURNELL, and ASWELL.

FEDERAL RADIO COMMISSION

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report on the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927.

The Clerk read the title of the bill.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2317) entitled "An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows:

Restore the matter proposed to be stricken out by the House, and in lieu of the matter proposed to be inserted by the House insert the following:

"SEC. 5. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"'It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories, and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses

or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That, if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located.'"

And the House agree to the same.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
A. M. FREE,
Managers on the part of the House.

JAMES E. WATSON,
JAMES COUZENS,
SIMEON D. FESS,
KEY PITTMAN,
C. C. DILL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill S. 2317 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: As the bill passed the Senate it provided that no license for a broadcasting station issued prior to January 1, 1930, should be for a longer period than six months. The House amendment reduced this period of time to three months. The conferees have agreed upon three months.

On No. 2: The Senate bill provided that no license for any other class of station issued prior to January 1, 1930, should be for a period to exceed one year. The House amendment reduced this period of time to six months. The conferees have agreed upon the one year limitation as carried in the Senate bill.

On No. 3: In section 4 of the Senate bill it was provided that the term of office of each member of the commission should expire on February 23, 1929, and that thereafter the commissioners should be appointed for terms of 2, 3, 4, 5, and 6 years. The House struck out this section of the Senate bill. The conferees have agreed to restore the same.

The House added a provision to the Senate bill amending the second paragraph of section 9 of the radio act of 1927. The House provision required the licensing authority to make an equal allocation to each of the five zones established by law of broadcasting licenses, of wave lengths, and of station power and within each zone required that there should be a fair and equitable allocation among the States, the District of Columbia, and the Territories and possessions therein in proportion to population.

The conferees have agreed upon an amendment to this House proposal. This amendment declares that the people of the zones are entitled to equality of radio broadcasting service both of transmission and of reception and that in order to provide this equality the licensing authority shall, as nearly as possible, make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of said zones when and in so far as there are applications therefor. It includes substantially the provisions of the House amendment with respect to the equitable allocation within the zones. It further carries a direction to the licensing authority as to the means for bringing about this equality of broadcasting service. It carries an express provision that if and when there is a lack of applications from any zone for that zone's proportionate part of the licenses, wave lengths, time of operation, or power to which it is entitled that the licensing authority may issue licenses for that part of the proportion not applied for from any zone to applicants from other zones for temporary periods of time. A further provision of the conference agreement is that the allocation shall be charged to the State where the studio of the station is located and not where the transmitter is located.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
A. M. FREE,
Managers on the part of the House.

Mr. WHITE of Maine. Mr. Speaker, the statement just read I think clearly states the effect of the conference agreement. Perhaps, however, it is appropriate for me to go once more over the ground in somewhat greater detail.

There were three amendments in controversy between the two Houses.

The Senate bill provided that broadcasting licenses should be limited to a period of six months. The House reduced this period of time to three months and the Senate conferees have yielded to the House on this point. So that if, and when, adopted the conference report carries the provision that broadcasting licenses issued during this year shall be for three months of time only.

The Senate bill had another provision providing that for all other kinds of licenses the limit of time should be one year. The House reduced this period of time to six months, but yielded to the Senate conferees and restored the one-year period of time. The compelling reason which moved us to this recession was the fact that it seemed unnecessary that a great number of amateur licenses—some 16,000 or more—and the great number of ship licenses which are issued to the extent of perhaps 2,100 or so—it seemed an unnecessary administrative burden that these licenses should have to be renewed each six months. So we agreed that with respect to all other than broadcasting licenses the period of time shall be one year.

The next provision which was in controversy between the two Houses was the limitation upon the tenure of office of the commissioners. The Senate bill provided that the present commissioners should have a term of one year and that thereafter the term should be two years, three years, four years, and so forth, as fixed in the original law. The House yielded to the Senate on this.

The next matter of controversy, the major difference, the matter in which the membership of the House, I think, was primarily interested was with respect to the Davis amendment, so called.

You gentlemen have clearly in mind that this amendment provided for an equal allocation of licenses, of power, and of wave lengths among the zones set up by the law, and that within each zone there should be an equal distribution among the States in proportion to population. It seemed to the speaker there was one obvious defect in the Davis amendment, and there was also a doubt in the minds of many people with respect to it.

Let me first allude to what I conceive to be the defect which the conference committee has cured. The Davis amendment provided that the licensing authority should make an equal allocation of broadcasting licenses, of wave lengths, and of station power. There was, however, nothing in the amendment as it passed the House relating to the time for which stations should be licensed for operation. If you regarded only the language of the amendment itself, the licensing authority might have made its allocation of licenses, of power, of wave lengths, and then completely wrecked the equality which it was sought to achieve by making a grossly unfair allocation of time for operation.

Mr. MOORE of Virginia. Time for communication.

Mr. WHITE of Maine. Time for communication; yes. Specifically, under that language the licensing authority might have granted to the third zone, using that for purposes of illustration, an equal number of licenses, equality of power, equality of wave lengths, and then provided that this should all be used not in the desirable times for broadcasting, but, say, between 3 and 4 o'clock in the morning. In other words, every advantage secured to the third zone or intended to be secured to the different sections of the country by the language of the amendment, might have been completely lost by this failure to include in the amendment an equal division of time as well as the other factors.

So the House and Senate conferees inserted a provision that there should be also an equal allocation of time.

The next difficulty arose with respect to the time when this equal allocation should be brought about and as to the method for bringing it about.

It was charged frequently, and it was asserted by a member of the Radio Commission, that as this language stood in the House amendment it required that instanter there should be brought about this equality, and it was insisted further that because there was a want of applications from a particular zone that of necessity if there was to be this equality, all zones and all sections of the country must be arbitrarily brought down to the level of the lowest. This was the assertion made, and it raised in the minds of many persons a serious doubt as to the wisdom of the amendment. The conferees of the two Houses

have sought to cure this difficulty by the amendment which we have reported.

We have provided for equal allocation for licenses, wave length, power, and time when and in so far as applications shall be made therefor.

Mr. DAVIS. Will the gentleman yield?

Mr. WHITE of Maine. I yield.

Mr. DAVIS. The gentleman from Maine will agree, will he not, that under the amendment as it passed the House it would not be necessary to reduce all the zones to the least zone?

Mr. WHITE of Maine. That was the contention.

Mr. DAVIS. It was not a sound contention.

Mr. WHITE of Maine. In my opinion, it was an untenable contention. In further answer to the gentleman, the report which I made gives my interpretation of the proper effect of the Davis amendment, so-called. I might as well read now what I said in that report as to the proper construction of the Davis amendment as it passed the House.

I said in this report that the amendment was intended to require the licensing authority, as soon as may be and in proper cases, to issue licenses in number and in kind to applicants from the third zone and other sections of the country sufficient to bring equality in the particulars specified.

Later on I said it is not anticipated that this purpose should be immediately accomplished.

Now, in my opinion the inclusion of that language "when and in so far as applications are made therefor" harmonizes the present conference draft with the purpose and intent of the Davis amendment.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. WHITE of Maine. I yield.

Mr. MOORE of Virginia. Of course it is possible that some question may arise in litigation in reference to the proper construction of the amendment now proposed. The gentleman is chairman of the conference committee on the part of the House. The Supreme Court, as he knows, has said that when there is a question of interpretation of an ambiguous or doubtful provision, it is competent for the court to look at committee reports. The court has also said in one case—and perhaps in others—but in one case that I have in mind, of Binn *v.* The United States (194 U. S.), that answers by chairmen to inquiries propounded on the floor can be looked at by the court in reaching a conclusion. As this is a matter of importance, I am going to take the liberty of making two inquiries of my friend and, with a view to precision, they are in writing. Here is one:

The conferees have reported several amendments to the equalization amendment as it passed the House. Do you consider that the original amendment is substantially changed by the alterations?

Mr. WHITE of Maine. My answer is, I do not. I think this draft agreed on by the conferees is in harmony with the original amendment. Does that answer your question?

Mr. MOORE of Virginia. Yes. I would like to make a further inquiry. If the conference amendments do not result in any change in the interpretation and effect of the original provision, what was the purpose in adopting these amendments in conference? Having in mind the amendment attached to the zone equalization clause, to wit, "When and in so far as there are applications therefor," I wish to ask you whether or not in your opinion the licensing authority has full authority under the provisions as reported by the conferees to reduce the station power, change the wave length or period of time for operation of any existing station, even though such station applies for its present power, wave length, and time for operation? In other words, is your interpretation of the provision as reported by the conferees to the effect that the Federal Radio Commission or other licensing authority has full and unrestricted authority to make an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, or periods of time for operation, and of station power to each of the zones by granting or refusing licenses or renewals of licenses, by changing or reassigning wave lengths, by changing periods of time for operation, and by increasing or decreasing station power, notwithstanding the words "when and in so far as there are applications therefor"?

Mr. WHITE of Maine. I will answer the gentleman's last question first. I will answer that I do. I believe that the powers and the obligations of the commission in these regards are not limited by this language when it says "so far as there are applications therefor." Under the language in the conference draft the commission may do the specific things which I understand the gentleman's inquiry is directed to. I say, I do not believe that the language "when and in so far as applications therefor" in any respect diminishes or takes away the plenary authority of the commission in the particulars referred to.

Now, I will answer what I understand to be the gentleman's first question. The gentleman asks me, if that language effects no change, why was it put in? I do not suppose I am privileged to retell what took place in conference, but I will say this: That when I was asked out of the conference if that was what the Davis's amendment meant, why I objected to putting the amendment in, I did not have any answer. I agreed to the insertion of the language because I conceived that to be precisely what the Davis amendment meant, and I had no objection to the inclusion of the words themselves. [Applause.]

There is nothing new about that language. If gentlemen will go back to the original bill which passed the House, they will find that the language was—and I do not know that I can give it exactly, but in substance—that applications should be granted when and in so far as there was a demand for the same. The Senate had substantially the same language; that applications should be granted when and in so far as there was a demand for the same, and as the law was written and as it now is on the statute books, it is provided that in making the distribution contemplated by the law applications should be acted upon, in and so far as there was a demand for licenses and renewals of licenses. I think in the whole history of the legislation there is an assumption that the commission acts upon applications pending before it, and that was one of the reasons why we shortened the terms of these licenses to three months, so that constantly, at short intervals of time, there should come up before the commission these questions as to whether this or that particular license should be granted, whether this or that power should be allocated, whether this or that wave length should be assigned, or this distribution of time made. And as these applications come up there is the opportunity and there is the duty for the commission to act. Does that respond to the gentleman's question?

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LAGUARDIA. In order to carry out the purpose of the gentleman from Virginia [Mr. MOORE] to have the RECORD clearly show the intent of Congress, while there can be no doubt as to the powers given by this act to the commission itself, the clear intent of the act is, is it not, that individuals or companies now operating under a temporary license or hereafter obtaining a temporary license to operate in the zone having its full allotment, are now operating with knowledge of that condition that the power and the time may be reduced in order to grant the power and time and wave length to another zone, in keeping with the provisions of the act.

Mr. WHITE of Maine. I agree with the gentleman entirely.

Mr. LAGUARDIA. So that there can be no acquired right or vested interest predicated on a temporary license, and that in accepting a temporary license they are estopped, are they not, from claiming an acquired right or vested interest?

Mr. WHITE of Maine. The law so specifically provides, and whenever a license expires the holder thereof must come in and de novo meet all of the terms and conditions of the act, and as these expirations come and as new applications are made, that expressly places upon the licensing authority the duty and the obligation to work out this equality. This language contemplates a gradual and an orderly bringing about of this result of equality, and it negatives the thought, which was in the minds of some people and which disturbed some people, that there should be immediate and arbitrary action in the absence of applications.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. CHALMERS. I want to inquire of the gentleman as to the allocation of power in respect to broadcasting within the several zones themselves, as to whether there shall be an equality of distribution within the zones.

Mr. WHITE of Maine. That is not the provision. The provision within the zones is that there shall be an equitable distribution, according to population, and that permits within the zone the exercise of some measure of discretion and judgment.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. ABERNETHY. I notice that two of the conferees have not signed this report, the gentleman from Tennessee [Mr. DAVIS], and the gentleman from Virginia [Mr. BLAND]. Do I understand the gentleman's construction of this amendment to be in substance the Davis amendment?

Mr. WHITE of Maine. Absolutely.

Mr. ABERNETHY. And the intent of Congress is that it is the duty of the commission to immediately proceed to divide this between the several zones equally? Is that the intent?

Mr. WHITE of Maine. As and when applications are presented to the commission.

Mr. ABERNETHY. And there can be no question about the intent on the part of those who did sign the conference report, that that is what the meaning of the act is?

Mr. WHITE of Maine. I should not personally have signed it unless I believed that to be the fact.

Mr. MOORE of Virginia. Original applications and also renewals?

Mr. WHITE of Maine. Unquestionably.

Mr. ABERNETHY. I understand this matter may probably go to the courts. Do I understand the gentleman's view to be that the court in construing the intent of Congress takes into consideration oftentimes the debates on the passage of legislation?

Mr. WHITE of Maine. I think the gentleman from Virginia [Mr. MOORE] stated the rule.

Mr. MOORE of Virginia. Where there is ambiguity or doubt the court goes as far as I said a while ago. The court will by no means go to the extent of considering the full debate.

Mr. WHITE of Maine. I do not want to take further time. I have stated as clearly as I can the purpose of this portion of the conference report. The real distinction and the only distinction, except for this matter of time which was omitted from the Davis amendment and which has been inserted by the conferees and which I think is important, is that we recognize that there should be a gradual and orderly consummation of this idea and this ideal, and we have undertaken to disabuse the minds of the public of the idea that there is to be an immediate, arbitrary, and destructive bringing about of this result.

Mr. ABERNETHY. The trouble with us on this side of the House, and particularly those of us on the committee, is this: This amendment that the House so emphatically passed was the creature of the brain of the gentleman from Tennessee [Mr. DAVIS]. The House instructed the conferees to undertake to incorporate that into law. We now have this situation, and that is the reason I want the gentleman to get the record clear, that neither of the minority members of the conference committee signed the conference report. That is the thing that is bothering us on this side of the House.

Mr. WHITE of Maine. I can not presume to speak for the minority members. I have stated as clearly and as emphatically as I can my own reasons for the changes that were made in the language—my construction of the language—and I believe I have stated it correctly.

Mr. ABERNETHY. Do I understand it to be the gentleman's purpose to intend to say now, in effect, that this is carrying out the Davis amendment, and that is the idea that the gentleman intends to carry on now and hereafter?

Mr. WHITE of Maine. Absolutely.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield there?

Mr. WHITE of Maine. Certainly.

Mr. OLIVER of Alabama. In the original act or any amendment thereto the gentleman is not aware of any language that would justify the conclusion that the license created a vested or preferential right?

Mr. WHITE of Maine. I think the language of the law negatives that construction.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. KINCHELOE. I wanted to get the gentleman's opinion on the effect this amendment would have on a broadcasting station located in a zone that has not now its proportion of power and wave lengths. For instance, there is a station in my district that has not now its proportion of power and wave lengths, and its proportion has been cut down gradually ever since it was constructed. Now, if the conferees' report is adopted and it becomes a law, how will that station be benefited by it? It is a zone which has not its proportion of power and wave lengths and still it is being cut down.

Mr. WHITE of Maine. I think under this language it is the clear and plain duty of the commission, when applications come in from zones which are not enjoying the equality at which we aim—it is the plain and manifest duty of the commission that if the applications in other respects conform to the law, that licenses will be granted that will bring about that equality of condition.

Mr. KINCHELOE. Is there any difference between applications that are already in and those yet to be made?

Mr. WHITE of Maine. None whatever.

Mr. SANDLIN. A station that is receiving a sufficient amount of power and wave lengths—is it having its application for license taken up?

Mr. WHITE of Maine. Every station which now has a license and wants to continue must at the end of the license period come in and make an application for a new license de novo, and this conference report says in express terms that the commission may reduce the power and change the wave lengths and the time of operation, and do all of those things that are necessary to bring about this equality.

Mr. SANDLIN. That applies to an application for a renewal, does it not?

Mr. WHITE of Maine. Yes; to a renewal as well as an original application.

Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman has used 25 minutes.

Mr. NEWTON. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. NEWTON. The gentleman has been interrogated as to the meaning of the resolution here, which amends the Davis amendment.

Mr. WHITE of Maine. Yes.

Mr. NEWTON. The question is about guiding the courts in a case of ambiguity. That is the purpose in any of the answers that the gentleman made. Was it meant to restrict in any way the plain language of the conference report?

Mr. WHITE of Maine. Will the gentleman direct my attention to the particular language?

Mr. NEWTON. Here is a provision which says, "It is hereby declared," and so forth, and that language follows there, and it changes the Davis amendment, the text of the Davis amendment. The gentleman has gone on to state the purpose as being in substance the same as the Davis amendment. I am asking the gentleman whether, in answering those interrogatories, his intention was to restrict the plain purport of the report which the House is considering?

Mr. WHITE of Maine. The Davis amendment refers especially to zones when it says there shall be an equality in the allocation of these different factors. The language of the report says that the people of the zones are entitled to equality of radio broadcasting service, both of transmission and reception, and then it says that in order to bring about this equality there shall be this equal allocation.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield right there?

Mr. WHITE of Maine. Yes.

Mr. GIFFORD. As to the real change made by the committee in putting in this word "reception," it reads that we are entitled to an equality of radio broadcasting service, both of transmission and reception, and to bring about that condition they should, as far as possible, have an equal allocation of wave lengths, station power, and frequency.

The commission are instructed to have in mind the fact that there shall be a fair distribution not only of transmission but also reception; and that is what I see they had in mind in writing this language, that there should be a fair distribution of reception. The Davis amendment contemplated equal allocation. We who have hitherto opposed the Davis amendment are fully satisfied with this.

Mr. WHITE of Maine. It had been urged that broadcasting service meant simply reception. Now, in order to bring about complete clarity in respect to that, and in order to make certain that the purpose of the Davis amendment was effectuated, we wrote in that this equality should consist both of transmission and of reception.

Now, Mr. Speaker, I yield 20 minutes to the gentleman from Tennessee [Mr. DAVIS].

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 20 minutes. [Applause.]

Mr. DAVIS. Mr. Speaker and Members of the House, as has been suggested, one of the other conferees and I declined to sign this conference report. I want to explain why we did so. In the first place, I want to state that I indorsed and agreed to all of the matters agreed to by the conferees except one amendment to the "equalization amendment" as it passed the House. I had no objection even to the other amendments to the "equalization amendment," except the one amendment which is added at the end of the equalization clause as it passed the House, in these words:

In so far as there are applications therefor.

I want to state that I know the gentleman from Maine is entirely sincere in his interpretation of the equalization clause

as reported by the conferees. I want to say further that I think his interpretation is a fair and natural interpretation, and if I were called upon as a member of the commission or as a court to interpret that language I would interpret it just as the gentleman from Maine interprets it and just as I would have interpreted the "equalization amendment" as it passed the House. However, my reason for declining to sign the conference report and my objection to the language to which I referred is that it might be seized upon by somebody as a pretext for a different interpretation.

It is known that at least some members of the Federal Radio Commission are not only not in sympathy with this amendment and its purpose but are decidedly hostile to same. When we consider that they not only ignored but violated the provisions of the equitable-distribution clause in the present law, we may assume that they will probably undertake to distort or misinterpret the provision under consideration. We should not afford them the slightest opportunity to pursue such a course in the future. For instance, suppose that they should take the position, even though unreasonable, that the direction that "the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of said zones when and in so far as there are applications therefor" did not authorize them to change the wave length or reduce the period of time for operation or station power of a station, unless and until such station should apply for such change or reduction.

Of course, such an interpretation would not be in accord with the clear intent of the Members of the House.

It would be very destructive of the whole purpose of the original amendment and subversive of the clear intent of the large number in the House who voted for the original amendment, if that language might be so construed as to mean that it restricts the commission from reducing the power of any existing stations, changing the wave lengths of any existing stations, or anything of that kind, in the absence of applications therefor; that is, for a reduction or for a change of wave lengths.

The present broadcasting structure has simply grown up. It is a patchwork. It started in a small way, and as applications would come in they were granted a license and given some power and some wave lengths, frequently without due consideration for the existing situation. So the present structure, as everybody familiar with the situation knows, is not only unequal and inequitable, but it is unscientific.

I want to say, and anybody else who has studied the situation is bound to agree with the statement, that there can not be an equal or fair allocation of broadcasting privileges unless there is a general reassignment, a reallocation. I am just as much interested in a scientific set-up as I am in equal allocation. I want to improve the broadcasting situation.

I shall not undertake to go into technical details in explaining what I mean further than to give you one instance: On many wave lengths there have been placed a large number of stations, with various and different amounts of station power. They are in many instances placed close together, with the result that the assignment is unsatisfactory to all of them. That exists everywhere. There is such a situation that the only way the commission can ever work it out fairly, scientifically, and satisfactorily is to look at the whole picture and allocate and reassign and make such changes as are necessary to bring that about, and in order to do that they ought to have absolutely unrestricted power to do so. Now, as I say, I think that under a fair interpretation of the whole language they undoubtedly have that power, that they can do it, and that they are directed to do it, but my objection is this: After the House, by an enormous majority, had adopted a provision which is clear and unmistakable in its terms, one that can not be misconstrued or misunderstood, we then go into conference and add a lot of other language and make the provision four or five times as long as it was, and inject language which was unnecessary and language which, if it serves any purpose, can only be to give somebody a pretext upon which to hang some misconstruction of the provision or misinterpretation of the purpose of Congress.

Mr. BURTNESS. Will the gentleman yield?

Mr. DAVIS. For a question, yes.

Mr. BURTNESS. I was wondering if the words to which the gentleman objects that are in the proposed amendment were eliminated "in so far as there are applications therefor," it could not be reasonably assumed that the commission would have to cut down all of the zones in so far as allocations are concerned, actually to the minimum of the lowest zone. It seems to some of us who voted for the amendment offered by the gentleman from Tennessee that this conference amendment really clarifies that situation.

Mr. DAVIS. Oh, no. As the gentleman from Maine said, and as I have repeatedly said, nobody can seriously insist that either the original amendment or this amendment as it stands now directed any reduction to the lowest zone. It does not direct a reduction or an increase; it simply directs the commission to make an equal allocation and leaves it with them to bring about an equalization by reductions or increases or both. The persistent charges to that effect were made by people who were trying to mislead the public or else they did not know what they were talking about and could not understand plain English language.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DAVIS. I yield.

Mr. LAGUARDIA. The gentleman from Massachusetts [Mr. GIFFORD] frankly stated that he opposed the Davis amendment, but that the present Senate or conference amendment is quite satisfactory to the opponents of the original Davis amendment.

Mr. DAVIS. Yes.

Mr. LAGUARDIA. Clearly that would show there is confusion and there is division as to the interpretation of the amendment in the conference report.

Mr. DAVIS. We have a peculiar situation here. This House adopted the original equalization amendment by a vote of 236 to 134. Now, when it is reported back with amendments, what is the situation?

The large majority that passed the amendment and those who have undertaken to act for them think that the equalization amendment as it passed the House needed no explanatory amendments added thereto, and on the other hand, those in the House who fought the amendment, those who tried to destroy it on a point of order and then upon a vote, seem to get some comfort out of the language added in conference, and are willing to support the conference report. However, I do not think that the equalization provision, as amended in conference, is susceptible of the interpretation which the gentleman from Massachusetts [Mr. GIFFORD] suggested that they probably had in mind in adding certain language to the amendment.

There is an old adage that "history repeats itself," and that is happening in this case, as I shall point out. There is another adage that "a burnt child dreads the fire." I suppose that does not apply to adults.

In the last Congress our Committee on the Merchant Marine and Fisheries reported out a distribution clause which was substantially the same as the one that passed this time except it used the word "equitable" instead of the word "equal." There was no criticism or any opposition on the part of anybody in the House to that. It passed the House. It went to conference. It was changed in conference, and then when the conference report came to the House I made a speech in which I pointed out the changes, and I called particular attention to the changes in the distribution amendment, and I declared that it was rendered ambiguous and that two interpretations could be placed upon it, and I also pointed out in specific terms that it might be interpreted to mean that all that was required was a distribution of equitable service, and that might be rendered by stations in distant States without the States served having any stations within their midst.

I call attention to this not in a spirit of "I told you so" but in order to convince you, if I may, that I am not simply quibbling on words. I do not quibble on words, but I am strongly in favor of saying just what we mean and meaning just what we say in all legislation. Now, what resulted?

At the hearings on this bill recently we examined the members of the Radio Commission who were called upon to interpret that and other provisions, and Judge Sykes, the lawyer member of the commission, said, referring to this distribution clause:

> A great many people for whose opinion I have the highest regard and respect, eminent lawyers, have this idea as I understand of that clause of the law, that if a State or a community in a State is getting good radio service from stations in other States, then that State and community are getting good radio service and, therefore, that State or community is being served, and as a State or community in a State is not entitled to a radio station. That is not my opinion of this clause of the law. My opinion of that clause is it means it was put there to give the States their pro rata quota of radio stations and to communities in States, and that has been my insistence as a member of the Federal Radio Commission on the construction of that section of the law.

And he also stated that he thought the present provision should be clarified and he hoped it would be.

Now, Commissioner Pickard placed the same interpretation upon it as Commissioner Sykes, but Commissioner Caldwell, when he was asked about it, testified as follows:

Mr. BRIGGS. You are in accord with the spirit of the act which specifies specifically that there shall be an equitable distribution?

Commissioner CALDWELL. Of radio stations?

Mr. BRIGGS. Of the different broadcast bands, frequencies and so forth, among the various States and communities.

Commissioner CALDWELL. I have read this provision very carefully, sir, and I do not find the statement there that transmitters, powers, or wave lengths shall be divided equitably among the States and communities.

Mr. BRIGGS. Oh, I do not say divided equally.

Commissioner CALDWELL. I say equitably. I say I do not find the statement that they shall be divided equitably. I find the statement that they shall be so divided that the radio service shall be equitable. Now, that is quite different.

And so it was.

Now, in the face of the history of that legislative action and the result thereof, we are doing exactly the same thing that we did before. There is something else involved in this whole controversy, and that is that the commission and the Government representing all the people will probably be confronted in the courts with a claim of "vested rights."

Why, the gentleman from New York [Mr. CELLER], made two or three speeches on the floor of this House in which he asserted the doctrine of vested rights.

Mr. LAGUARDIA. And will the gentleman say right there that the amendment offered by the gentleman from New York [Mr. CELLER], to give them these vested rights was voted down?

Mr. DAVIS. Yes; and fortunately that showed the attitude and intent of the Congress.

Now, this House passed the White radio bill in the last Congress, in which it unmistakably showed and asserted that there were no vested rights and that they could not be acquired, and so did the Senate; but when at the end of the first session of the last Congress the conferees were unable to agree upon the bill as a whole, what did we do? We unanimously reported a resolution which restricted the period of time for applications, and in the same connection also used this language—I will read the resolution which was reported unanimously and unanimously passed by the House and by the Senate and signed by the President and became the law:

No station license shall be granted by the commission or by the Secretary of Commerce unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right as against the United States to any wave lengths or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

Now, that was the resolution, and similar provisions were contained in the House and Senate bills. But when the bill got to conference this resolution was repealed in the conference report bill. Provisions that were in both the House and the Senate bills were changed.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Mr. Speaker, this is an important matter. We did not ask for any extension of time, but I think a unanimous-consent request to extend the time would not meet with any opposition. We spent two whole days in debating the same proposition before the House.

Mr. WHITE of Maine. How much time does the gentleman want?

Mr. DAVIS. Ten or fifteen minutes.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the time be extended for 20 additional minutes.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent the time for the consideration of the conference report be extended an additional 20 minutes. Is there objection?

There was no objection.

Mr. WHITE of Maine. Mr. Speaker, I yield to the gentleman from Tennessee 10 additional minutes.

Mr. DAVIS. But the conference report was adopted. Now what was the result. I called attention in my speech on the conference report at the last session to the changes with respect to vested rights. I warned of the danger, I pointed out the fact that in my opinion it would encourage, if not strengthen the cause of those that were asserting vested rights and to show what they think. I call attention to what the gentleman from New York [Mr. CELLER] said the other day on the proposition.

In his remarks of March 7, 1928, the gentleman from New York declared in part as follows:

Should the commission, however, refuse to issue a license to a station existing before the law, the question of vested rights of such owner arise.

It is the opinion of the writer that if anyone has used the ether for a period of time, he has a vested right to continue that use, subject to regulation by the United States Government.

This opinion is based upon a fair construction of the language of section 5 of the act of 1927, as deduced from a reading of that section together with a study of the history of this provision.

Section 5 provides that—

"No station license shall be granted by the commission or by the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States, because of the previous use of the same, whether by license or otherwise."

The history of this provision shows that on July 3, 1926, Congress passed Joint Resolution 123, which became law on December 8, 1926. This resolution provided that no license or renewal should be granted—"unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof."

When the radio act of 1927 was enacted this resolution was specifically repealed by section 39 of the radio act, and the new language of section 5, quoted above, was substituted.

It will be noted that in the language of the joint resolution enforced prior to the radio act the applicant for a license had to sign a waiver of any right or claim to any right as against the United States," while in the new radio act now in force the waiver is as to any claim as against the regulatory power of the United States.

Under the language of the resolution it seems to the writer that the licensee would become a mere tenant at will of the Government, and that under the resolution the Government could at any time order him to desist; and if so, he would have no legal right to continue and would have no remedy other than his constitutional right to just compensation.

The language of the new radio act, however, modifies the provision of the resolution and merely says that the applicant for license must sign a waiver of right as against the regulatory powers of the United States.

I deem the language as modified by the act of 1927 to mean that the licensee is merely subject to "regulation" by the Government.

If a radio station has been established under the law of 1912, and its license has not been revoked "for cause" as provided for in that act, it would seem to the writer that he would have a vested right to continue to use the ether under the new 1927 act, subject only to the regulatory power of the United States.

I am of the opinion that Congress under section 5 can subject the station owners to any reasonable regulations deemed necessary for the public welfare, but that it can not arbitrarily abrogate all privileges.

While the changes of the provisions with respect to vested rights made by the conferees last year have encouraged those who would claim such rights with respect to radiobroadcasting privileges, yet I will frankly state that I do not think that they have or can acquire any such vested rights. I do not think that they would have the alleged vested rights, even though there had been no legislation on the subject. However, I protested against the changes because I knew that such changes would encourage them to claim vested rights.

As a matter of fact, all of the arguments advanced by the gentleman from New York and others in favor of the existence of vested rights on the part of broadcasting stations, the claim that the Government can not refuse a license for the continued operation of a broadcasting station can not stop the station from operating, and if the Government did so it would amount to confiscation for which the Government would be liable in damages, have all been completely answered and refuted by the Supreme Court of the United States in a line of decisions commencing with the case of Kidd against Pearson, in which similar claims were made in connection with the laws prohibiting the manufacture and sale of intoxicating liquors.

Now, some thought that I was then quibbling over language. However, with respect to my position on the conference changes in the provisions relating to both equitable distribution and vested rights, everybody must admit that I was vindicated by the subsequent events.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. ABERNETHY. I understand the gentleman's position is that if the commission now in existence will carry out the evident purpose and intent of the gentleman from Maine [Mr. WHITE], that that is what the amendment means, that would be satisfactory to you?

Mr. DAVIS. Oh, yes. As I stated in the outset, the interpretation placed on the amendment as reported by the gentleman

from Maine [Mr. WHITE] is entirely in conformity with my interpretation of the amendment as it passed the House and in conformity with my views.

In my opinion the equalization amendment as reported by the conferees is no different in substance and effect from the amendment as it passed the House. Some of the conferees insisted upon adding what might be termed explanatory provisions. While those provisions were unnecessary, yet in my opinion the equalization provision as amended in conference can not be naturally or fairly interpreted any differently than the amendment as it passed the House.

What I am objecting to is that those who are disposed to do so might discover some pretext in the added language to distort the clear meaning and subvert the unmistakable purpose of the equalization provision as it passed the House. The House conferees are supposed to carry out the wishes of the House. The language to which I most object was not requested by the Senate conferees; they are willing to accept the provision with or without that language.

Mr. ABERNETHY. I see that we are favored in the gallery by the members of the Radio Commission. It must be evident to them as well as the public that with the broad and clarifying statement of the chairman of the committee [Mr. WHITE] and the interpretation of it by the gentleman from Tennessee that this amendment in the present form means that there must be equal allocation in the various zones. That is the view that the gentleman from Tennessee takes, is it not?

Mr. DAVIS. Yes; there is no difference about that. I think any sort of fair interpretation means what was stated by the gentleman from Maine.

Mr. LAGUARDIA. Then the gentleman from Massachusetts [Mr. GIFFORD] is in error?

Mr. DAVIS. The gentleman from Massachusetts refers to the declaration of purpose that has been inserted ahead of the provision as it passed the House.

That was clearly implied, in my opinion, and I think there can be no question about it in the original amendment as it passed the House.

Mr. LAGUARDIA. But the interpretation which the gentleman from Massachusetts [Mr. GIFFORD] puts to the amendment as it comes from the conferees is entirely different from the interpretation which the gentleman places upon it and which the gentleman from Maine [Mr. WHITE] placed upon it, and he was frank enough to so state.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. HOCH. There is one phrase which I have not heard any comment upon. Beginning on the bottom of the page—

> The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper.

As I understand, the contention is that this equality is always proper. Is this meant to leave it to the commission to determine whether the equality is proper?

Mr. DAVIS. No, indeed. I ask the gentleman to read further on—

> * * * shall carry into effect the equality of broadcasting service hereinbefore directed, when necessary or proper, by granting or refusing licenses or renewal of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewal of licenses.

Mr. HOCH. Of course, that is the means by which they are to bring about this equality, but the phrase seems to limit the declaration that they shall carry into effect the equality of broadcasting service heretofore directed, whenever necessary or proper. What is "whenever necessary or proper"? Whenever equality is necessary or proper?

Mr. DAVIS. The words, "whenever necessary or proper," modify the language directing the granting or refusal of licenses or renewals, changing station power and so forth.

Mr. HOCH. Does not the gentleman think that equality is always proper?

Mr. DAVIS. Absolutely.

Mr. HOCH. Then why should you say they should carry into effect equality whenever they think equality is proper.

Mr. LEHLBACH. Oh, no; if the gentleman from Tennessee will yield. It is the changes or reductions. The changes of wave lengths, in order to produce equality. They should be affected whenever necessary and proper. Is not that the intent?

Mr. DAVIS. Yes. I say this to the gentleman from Kansas. It was apprehended that the use of that other clause, "where and in so far as there are applications therefor," might be construed to prevent the commission from making any changes unless those changes were asked for; in other words, that they could not reduce a station from 50,000-watt power to some lower power unless the station asked to be reduced, and in order to make it clear that they could make changes and reductions even though not applied for, this other provision was adopted. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has again expired.

Mr. WHITE of Maine. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, there is no question whatsoever that the House intended that all sections of the country have equality in broadcasting facilities. I have heard no one dispute the equity and fairness of that proposition. I have known of no vote that was cast against the Davis amendment that was predicated on the proposition that one section of the country was entitled to better broadcasting facilities than any other section of the country. The only opposition that existed to my knowledge to the Davis amendment when it was presented to the House was that it might unnecessarily disturb present conditions without accomplishing the purpose of increasing the broadcasting facilities demanded by another section of the country.

I was appointed as a member of the managers on the part of the House to participate in the conference on this bill with the implied understanding that I was to represent the views of the House, and if I had not been willing to represent the views of the House that there should be equality of broadcasting facilities among the zones into which the country by the act was divided, I would not have accepted this appointment. [Applause.]

The only question in the conference was how that purpose could be safeguarded without the unnecessary and wanton injury to existing facilities. We all acquiesced in the statement of principle which underlay the Davis amendment, to wit:

> It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio-broadcasting service, both of transmission and of reception.

In my opinion, and in the opinion of any sane person who understands English, I assert that the fact that a zone is entitled to equality of reception of broadcasting does not mitigate or in any way detract from its right to have that same equality in transmission. To further the purpose of the Davis amendment this language was written by Senator DILL and the gentleman from Maine [Mr. WHITE], both of whom are unequivocally in favor of principle of the Davis amendment. I read the language:

> and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor.

Of course, if some section of the country does not want wave lengths, does not want power, what useful purpose would be served to deprive another section of the country of those wave lengths and that power?

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. CRISP. I have read the language of the amendment of the conferees and I can not see myself how it in any way contravenes the action of the House. As I understand it, they shall make these different allocations to bring about equality if they have applications from some section that is deficient; and if they do not have applications from deficient zones, there is no reason to take wave lengths and power from other zones that have them. Is not that the purpose?

Mr. LEHLBACH. Certainly.

Mr. CRISP. That is what I understood.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. ABERNETHY. But later on if that station comes in and asks for an allocation, they will take it away from the other zones?

Mr. LEHLBACH. Yes.

Mr. ABERNETHY. Is your attitude the same as Mr. WHITE'S on this proposition?

Mr. LEHLBACH. Yes; we see eye for eye, and stand toe to toe on this proposition. We are both for equality.

Mr. ABERNETHY. That means the carrying out of the intent of Congress?

Mr. LEHLBACH. Yes.

Now, in the opinion of the conferees, that language which I have just read allows the Radio Commission to establish such equality; and in view of the present situation, that the radio field is saturated and all the power is at present used that can

be used under the present development of the art, and the fact that there are more station licenses than can usefully be coordinated, it necessarily follows that where it was needed to build up a zone some other zone would necessarily have to be stripped of some of its power.

Mr. DAVIS. I want to ask the gentleman from New Jersey if there is any doubt at all in his mind as to whether or not the commission would have the right to reduce the power of an existing station below that which it then had or applied for in its application for a renewal of the license?

Mr. LEHLBACH. Of course. As a matter of fact, without this additional authority the commission is doing it to-day.

Mr. DAVIS. I understand. But you think, in other words, that there is no doubt at all but that they have the right to make a reduction, even though the applicant applies for the same power and privileges that it now has?

Mr. LEHLBACH. Absolutely.

Mr. LAGUARDIA. Anyone operating on a temporary license acquires no permanent rights?

Mr. LEHLBACH. No. There are no vested rights in radio transmission. That is the fundamental principle upon which the whole radio legislation is based. There is no vested right in the use of the ether or the air in transmitting radio energy.

Now, the conferees thought that this language, which I read, which Senator DILL and the gentleman from Maine [Mr. WHITE] wrote, was sufficient to accomplish the purpose of the Davis amendment.

Mr. DAVIS himself desired to clarify it, and he wrote a provision which on my own motion was incorporated in this compromise. It is merely a restating in other language what Senator DILL and the gentleman from Maine drew and agreed to, as follows:

> The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses.

That is simply a rephrasing of the White-Dill proposition, and we put them both in. There are two separate directions to the commission to bring about this equality. They both mean the same thing, but they are couched in different language.

Now, objection is made to the White-Dill proposition because it includes this phrase, "When and in so far as there are applications therefor." Judge DAVIS rewrote the White-Dill proposition. What is his concluding phrase? It is, "When applications are made for licenses or renewals of licenses." It is exactly the same phrase as is carried in the White-Dill language, to which he takes exception. What this hullabaloo is about I can not, for the life of me, fathom. [Applause.]

Mr. WHITE of Maine. Mr. Speaker, I renew my motion for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The conference report was adopted.

On motion of Mr. WHITE of Maine, a motion to reconsider the vote whereby the conference report was adopted was laid on the table.

THE "S–4"

The SPEAKER pro tempore. Under the special order the gentleman from New York [Mr. GRIFFIN] is recognized for five minutes.

Mr. GRIFFIN. Mr. Speaker and ladies and gentlemen, I want to pay a tribute to the dead of the *S–4*.

On December 17, 1927, the *S–4* sank beneath the sea off Provincetown, carrying with her to an untimely death 40 of the flower of the Nation. The indignation of the public was stirred to white heat because this catastrophe was only one of a long train of disasters which on good authority are considered inexcusable. Even the Navy itself consented to an investigation and the President made it the subject of a special message.

The Butler resolution was passed by the House on January 7. It was amended and passed in the Senate on January 30. Conferees were appointed and for 50 days there has been silence—no word, no report whatever.

The failure of the conferees in this matter lays bare one of the most pernicious weaknesses in our legislative system. No group of men in a republic ought to have the power to strangle legislation in this way.

Both Houses, the President, and the people of the country demand that the causes of this catastrophe shall be investigated and that a serious study of safety devices and appliances shall be made at once. We owe that to the men who made this sacrifice.

TO THE DEAD OF THE "S–4"

Three times the moon the zodiac has strode
And gazed with pity on your dark abode;
The snow, the rain, the winter gales have swept
The sea, 'neath which your tryst with death was kept.

Courageous sons, we hail your iron nerve!
You risked your lives Columbia to serve—
And dying, never doubted she would keep
The faith and lift your vessel from the deep;
Whate'er the past that she would make amends:
Restore your hallowed bodies to your friends.

Unselfish dead—one promise has been kept:
The sepulcher of steel in which you slept
Is raised at last by faithful comrades' skill—
And your remains a martyr's grave will fill!
'Twas glibly purred: Your death was not in vain—
From your untimely end would spring some gain:
"Such tragedies could ne'er occur again!"
But what's been done to keep the promise true?
What has been done to keep the faith with you?
What has been done to keep the faith with them,
Our cruel neglects to similar fates condemn?

Shall we forget your sacrifice so great
And shirk our duty in affairs of state?
If there's no pity for your moldering bones
Your death itself our base ingratitude atones!
The age in which we live you have retrieved,
For you have given what you ne'er received—
Loyalty! and thus confirmed the ancient truth:
A nation's honor rests upon its youth!
Posterity will praise and hold you high
When quibbling statesmen shall have sunk in obloquy!

[Applause.]

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12286, the naval appropriation bill.

The SPEAKER pro tempore. The gentleman from Idaho moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12286, the naval appropriation bill.

Mr. FRENCH. Pending that motion, I suggest that we consider for a moment an arrangement as to time. There has been considerable demand for time on this side. I understand from my colleague from Kansas [Mr. AYRES] that there is considerable demand for time on the other side, and possibly it would be unwise to fix the time for general debate now. I wonder what the gentleman's reaction may be?

Mr. AYRES. My idea is that it would not be advisable to fix any definite time at all just now.

Mr. FRENCH. Then I ask unanimous consent, Mr. Speaker, that the time be not fixed, but that it be equally divided between the gentleman from Kansas [Mr. AYRES] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Idaho, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CHINDBLOM] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12286, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 12286, the naval appropriation bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, probably no supply bill that the Congress is called upon to consider requires such close coordination of all its parts as does the appropriation bill for the Naval Establishment. Ships, shore stations, officers, men, fuel, aircraft, all are related, and the expansion of any one

item is reflected in the terms of many others. If a cruiser or an airplane be proposed and its need demonstrated, you then must inquire as to its cost, the number of officers and men whose services will be drawn upon, the constant charges for operation and maintenance, and the degree in which it will fit in with other component parts of an immense institution.

The appropriations for the support of the Navy for the several years commencing with 1921 have been as follows:

Appropriations

Year	Direct	Indirect	Total
1921	[1] $433,279,574.00		$433,279,574.00
1922	[1] 410,673,289.23		410,673,289.23
1923	294,873,697.00	[2] $8,000,000.00	302,873,697.00
1924	294,456,528.00	35,450,000.00	329,906,528.00
1925	275,105,067.00	22,500,000.00	297,605,067.00
1926	302,862,378.00		302,862,378.00
1927	319,917,575.00	5,000,000.00	324,917,575.00
1928	338,826,626.22	5,945,000.00	344,771,626.22

[1] Naval act only.
[2] Maximum.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COOPER of Wisconsin. Can the gentleman give us the aggregate of the appropriations from 1921 down to the present time.

Mr. FRENCH. It would be approximately $2,700,000,000.

Mr. COOPER of Wisconsin. That is for the Navy in seven years?

Mr. FRENCH. For eight years. The present bill carries a total appropriation of $369,190,737.

EXPANDING NAVAL COSTS

This is the largest bill for the support of our naval arm in point of money carried that the House has been called upon to consider since the conclusion of the treaty limiting naval armaments. This is brought about chiefly by the mounting cost of naval aviation and the heavier ship construction draft that may be expected during 1929 by reason of the fact that all of the eight 10,000-ton cruisers authorized in 1924 will be under construction at one time.

The committee can vision no prospect of declining naval costs in the immediate future. Indeed, all indications point to an appreciable and immediate upward trend. The additional expense that will be occasioned by the enactment of H. R. 11526, passed by the House on the 17th instant, was indicated during the consideration of that measure. In addition, replacement construction, continuing with the modernization program, and aviation expansion, coupled with increasing maintenance and operating costs, all will occasion an annual outlay of proportions sufficient to swell the aggregate of future annual appropriation bills to sums considerably in excess of the total of the bill herewith presented. In a much greater degree will this be true if capital ship replacement shall proceed as contemplated by the existing treaty and if we shall find it necessary not only to replace but increase the number of ships of other types and to add new types.

These prospective additional burdens can be alleviated in a measure by curbing expenses in a greater degree in directions that I shall suggest during my remarks.

THE FLEET

The following is a list of the ships it is planned to have in commission during the fiscal year 1929:

Battleships (first line)	16
Cruisers (second line)	2
Light cruisers:	
First line	10
Second line	3
Aircraft carriers:	
First line	2
Second line	1
Mine layers (second line)	2
Destroyers (first line)	103
Light mine layers	6
Submarines:	
First line	46
Second line	29
Fleet submarines (first line)	5
Patrol vessels:	
Eagle boats	2
Gunboats	12
Converted yachts	5
Auxiliaries	74
Total	318

The plan calls for one more fleet submarine and one less converted yacht being in commission during 1929 than were planned to be in commission during the present fiscal year. Otherwise, there is no change as to numbers.

The matériel condition of the fleet has been represented to the committee as being generally good. Appropriations have not been adequate to permit of vessels being kept fully equipped with all of the latest instruments or devices which tend to make the ships increasingly efficient, both from an operative standpoint and in battle effectiveness. Development of such devices is so rapid that it raises the question as to just how far we should go in that respect. Reasonable progress along lines that represent latest thought, and repair and maintenance that mean efficiency of existing types, we have tried to keep in mind and make provision for.

PERSONNEL

The personnel situation as regards numbers is depicted as follows:

	Estimated, 1929
Officers, active (line, staff, and warrant)	8,745
Midshipmen	1,746
Officers, retired	1,690
Enlisted men:	
Exclusive of additional for Veterans' Bureau	83,250
Retired	1,498
Nurses	525
Total	97,454

LINE OFFICERS

Of line officers, the estimates include provision for an average of 5,314. On September 30 last the actual number stood at 5,423. The authorized number is 5,499. The Naval Academy is the source of our line officers. The number of appointments thereto by each Senator, Representative, and Delegate in Congress was reduced from five to three in the naval appropriation act for the fiscal year 1924, and that action is being reflected at this time in the smaller number of graduates. The situation will begin to improve with the next graduating class, and by 1932, at a normal rate of attrition during the interim, any deficiency in the authorized number of line officers most probably will have been wholly met. Aviation, however, is imposing heavy demands on the line strength. The present aircraft program alone will require, when completed, 916 officer aviators upon the basis of the present theory of supplying aviation personnel. On January 1 last 458 line officers were employed as aviators and observers. In addition to these, 22 officers were in training on such date and 96 others were engaged on ground duty having to do with naval aviation.

While there is a great surplus of officers on the basis of enlisted strength, whether or not demands and employments not contemplated, when the present authorized strength was established in 1916, in addition to aviation, more than absorb such surplus the committee is not prepared to say. Aviation will continue to draw increasingly on line officers under existing policy, since we are told that the five-year aircraft program now being developed fails to provide planes for the cruisers now being built and certainly not for any vessels not now authorized. The committee believes that there should be a reexamination of line-officer personnel requirements.

In the absence of one, however, it does not desire to assume the responsibility for advocating a course that might result in a hurtful shortage of officer personnel in any branch of naval activity. Pursuantly, it is proposing in the accompanying bill to increase the number of appointments to Annapolis of Senators, Representatives, and Delegates in Congress from three to four. Unless the authorized officer strength be increased before these additional appointees may be graduated, it is quite probable that the number of graduates will exceed the number of vacancies.

ENLISTED MEN

For the present fiscal year appropriations were provided to maintain an average of 83,250 men. This number will be exceeded by approximately 400, because distribution in pay grades has not conformed to the estimate, thus releasing sufficient funds to provide compensation for the excess number.

This bill provides for 83,250 men on the basis of the predicted pay grade distribution. The bill is not designed to provide for any fewer number, and if as shaped under the one-fund clause applying to pay, subsistence, and transportation, it is found that a greater number may be carried within the total provided for such objects the matter could be handled through departmental administration. It should be noted in this connection that the number of vessels that will be in commission during 1929 will remain essentially, if not exactly, the same as planned for the present fiscal year.

NAVAL RESERVE

For the Naval Reserve we are carrying $4,020,000, in addition to $9,232,572 which must be paid to men who have been transferred to the Naval Reserve after many years' service with the Navy proper. The amount for both purposes is an increase over the current year and we believe will meet every legitimate need.

TRANSFERRED RESERVISTS

The naval appropriation act approved August 29, 1916, authorized the transfer of enlisted men to the Fleet Naval Reserve upon the completion of 16 or 20 years' naval service, in which status they receive as a retainer, if transferred after 16 years' service, one-third of the base pay at time of transfer plus all permanent additions thereto, and, if transferred after 20 years' service, one-half of the base pay at time of transfer plus all permanent additions thereto. Such men, when their combined time in the Navy and in the Fleet Reserve aggregates 30 years, assume an actual instead of a nominal retired status and their pay then becomes three-fourths of the base pay they were receiving when transferred to the Fleet Reserve plus the allowances to which enlisted men of the same rating are entitled after 30 years' naval service. By the act approved February 28, 1925, it was provided as to men enlisting subsequently to that date that 20 years' naval service must precede transfer to the Fleet Reserve. The law extends to both the Navy and Marine Corps.

At our request the Chief of the Bureau of Navigation, Admiral Leigh, one of the admirals of the Navy of finest integrity and of soundest judgment, submitted to our committee a statement showing what would be the increases upon the demands in support of this factor during the next few years. We asked the admiral to submit the figures so as to bring out the costs by years at intervals of 10 years. Remember that the intervening years carry their progressively increasing amounts.

Admiral Leigh has estimated that the cost figure will increase as follows until 1980, when the peak will be reached:

1930	$10,292,201
1940	19,459,207
1950	23,183,520
1960	27,953,763
1970	31,305,415
1980	32,829,960

These figures, of course, are subject to fluctuations in personnel strength. The committee suggests that consideration be given to offering as an alternative to men now in the service and as a substitute to those who may hereafter enlist a cash bonus upon discharge after 20 years' service equivalent to one year's pay plus all permanent additions thereto.

SUBMARINES

Prompted by the tragic disaster to the submarine *S–4*, the committee conducted an exhaustive inquiry into possible ways of building or equipping subsurface craft so as to lessen the chance of disaster and so as to do everything practicable looking to the rescue of personnel when imperiled from any cause. The hearings are replete with illuminating statements on this subject. It may be said to the credit of all officers who appeared before the committee and who had served in submarines, both in command and in subordinate capacities, that they advocate nothing for personnel protection that would detract in any measure from the military value of such craft. Also, the committee found complete accord between design, construction, and operating personnel.

Submarine service carries with it hazards greater than extend to most branches of naval activity. We have had our appalling losses, but so have other nations. Since 1919 the United States has lost 89 of her officers and men attached to submarine duty, but during that time Great Britain has lost 200 officers and men and Japan 135.

It will not do for us to say that because the United States has been more fortunate than other countries that we have attained a point beyond which we should not go.

With this thought we are carrying in the bill $200,000 for examination and experimental purposes by the Navy Department.

We did not carry money for pontoons because we were told frankly by the officers of the department that they were not in accord upon a policy that was definite enough to justify us in making an appropriation; and as for a salvage ship, the bill was passed only last week by the House authorizing preparation of plans for such a ship, and as the measure is not law, manifestly our bill could not carry money for the purposes proposed.

FUEL

When it comes to the matter of steaming we approach another question that involves large amounts of money.

For fuel and transportation the Budget estimate is $10,690,000, as against $12,000,000 for the current fiscal year, a reduction of $1,310,000. There has been a reduction in the average price of fuel oil from $1.33228 per barrel to $1.16048, in consequence of which a sum approximately $1,000,000 of the current appropriation will not be used. In view of this unanticipated surplus in the current funds, the reduction proposed in the Budget actually is around $300,000. But on account of the lower price of fuel oil the steaming provided was actually increased.

The committee is proposing $10,319,656, or $370,344 less than the Budget estimate, arrived at in this way: The average amount of fuel oil consumed during the fiscal years 1926 and 1927 and estimated to be consumed during the fiscal year 1928 is 6,454,725 barrels. By fiscal years the figures run roundly 6,480,000, 6,260,000, and 6,625,000, respectively. To this average figure the committee has added the estimated consumption of fuel oil during the fiscal year 1929 by the two new aircraft carriers—*Lexington* and *Saratoga*—and the total is 359,558 barrels less than the steaming plans call for. In fact, your committee is of the opinion that somewhat less steaming should be considered rather than plans for greater steaming. It is recognized that a proper amount of steaming is necessary if for no other than the very important reason of familiarizing personnel with the functioning of these masses of floating mechanism, but there is a point where wear must enter the equation and should have the serious attention of the department and the Congress.

AVIATION

July 1, next, will usher in the third year of the five-year program authorized by the act approved June 24, 1926, intended by annual increments to provide the Navy with 1,000 "useful airplanes." When the program period commenced on July 1, 1926, eliminating all planes on hand not coming within the definition of "useful airplanes," the Navy possessed 351 planes on hand and 288 on order. Starting from this point the following table shows the progress made and the predicted status at the end of the fiscal year 1929, during which orders will be placed for 299 planes:

	On hand	Deliveries during year	Wastage	Situation at end of year
July 1—				
1926	351	256	139	468
1927	468	419	182	705
1928	705	[1] 270	[1] 175	[1] 750
1929	750	[1] 271	[1] 238	[1] 783

[1] Estimated.

Assuming that by the end of the fiscal year 1929 the estimated number of 783 useful planes on hand to be correct, it is predicted that during the fiscal years 1930 and 1931, 369 and 401 planes, respectively, will need to be ordered to round out the program on schedule.

LIGHTER THAN AIR

In the act of June 24, 1926 (44 Stat. 764), authority was carried for the construction of two rigid airships of approximately 6,000,000 cubic feet capacity each, at a cost of not to exceed $8,000,000 for both ships. The naval appropriation act for the current fiscal year carried an appropriation of $200,000 toward the construction of one of these airships at a limit of cost of $4,500,000. That appropriation has not been obligated. It appears that a fixed-price contract can not be concluded for the construction of a single airship at a maximum figure of $4,500,000. Representations have been made that the two ships can be built, under a fixed-price contract, for a total cost of $8,000,000. The accompanying bill has been framed to enable that to be done. In addition to the previous appropriation of $200,000 the bill carries $1,800,000 to apply on such a contract during the fiscal year 1929. It was indicated to the committee that construction of the two vessels would not proceed simultaneously and that "full provision would be made in the contract that the second ship should incorporate the results of lessons learned in the design and construction of the first one, and with the interest of the Government further protected by the right of cancellation of the second ship if changing circumstances make that advisable." The appropriation has been proposed with that understanding, fortified by a legislative provision requiring that the contract shall carry a cancellation clause and a clause limiting the Government's total financial obligation should the cancellation right be exercised.

As aviation has expanded, we have needed to expand our personnel. On January 1 last we had 758 commissioned and warrant officers of the Navy and the Marine Corps attached to aviation and 8,616 enlisted personnel. Adding to these figures 2,317 civilian employees, we have to-day in naval aviation approximately 10,933 personnel of all kinds.

Measured in money, naval aviation for 1929 will cost $32,735,000.

Mr. RAGON. Can the gentleman give the figures of the personnel attached to aviation from the Army?

Mr. FRENCH. Not accurately; it may be that some one from the Military Committee can give this information.

Mr. TABER. Approximately 11,500.

Mr. RAGON. And what were the figures the gentleman gave for the Navy?

Mr. FRENCH. For the Navy we have 758 commissioned and warrant officers as of January 1, and 8,616 enlisted personnel. In addition, we have 2,317 civilian employees, making a grand total of 10,933.

MARINE CORPS

For the Marine Corps we are providing for the establishment based on 1,176 commissioned, commissioned warrant, and warrant officers and 18,000 enlisted personnel.

Mr. UPDIKE. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. UPDIKE. Was any provision made for Marine Reserves?

Mr. FRENCH. We are providing for them, and while we can discuss that question more adequately under the five-minute rule, we are carrying something for expansion.

MODERNIZING BATTLESHIPS

Authorization was contained in section 2 of the act of March 2, 1927, for the modernization of the U. S. S. *Nevada* and *Oklahoma* at a total cost of $13,150,000. Half of this sum was appropriated in the first deficiency act, fiscal year 1928, and the estimates the committee considered included the remainder. Work of overhaul commenced in December, at which time it was the expectation that the ships would be completed and back in service by July 1, 1929. Since the work was started it has developed that it might be necessary to do other work not contemplated by the authorization.

These two ships will make a total of eight of our capital ships to undergo extensive overhaul since the calendar year 1924. It developed during the course of the hearings that as to the other six, in addition to the money expended on them pursuant to the authorization act approved December 28, 1924, maintenance appropriations were dipped into to the extent of $300,000 for each vessel. Such procedure was entirely lawful but work of such proportions, in addition to that contemplated by the authorization act, should have been foreseen and made a part of the recommendation for modernization legislation. The course pursued used moneys which could better have been employed in effecting improvements needed on ships of other types.

The committee wishes to avoid a repetition of this action in connection with the major overhaul of the *Nevada* and *Oklahoma* and, consequently, is attaching to the appropriation on account of such vessels a proviso denying the use of other appropriations for altering, improving, or repairing such ships.

INCREASE OF THE NAVY

There is included under this head in the estimates and in the accompanying bill $48,000,000. The comparative figure for this year, including a transfer of $5,115,000 from the naval supply account fund, is $39,615,000.

The 1929 funds will be applied as indicated in the following table:

Vessels (number, type, and unit cost)	Appropriation proposed, 1929			Remaining to be appropriated
	Construction and machinery	Ordnance	Total	
2 submarines, V-5 and V-6 ($6,320,000)	$1,350,000	$540,000	$1,890,000	[1] $2,900,000
2 cruisers, Nos. 24 and 25 ($16,750,000)	5,600,000	2,200,000	7,800,000	450,000
3 cruisers, Nos. 26, 27, and 30 ($16,750,000)	11,550,000	9,450,000	21,000,000	13,800,000
3 cruisers, Nos. 28, 29, and 31 ($16,750,000)	13,000,000	4,310,000	17,310,000	32,490,000
Total	31,500,000	16,500,000	48,000,000	49,640,000

[1] Contingent upon authorization.

The fiscal year 1930 will see all of the above ships practically completed. A final appropriation of about $10,000,000 will need to be provided in the fiscal year 1931 to wind up the work.

No limit of cost heretofore has been imposed on the armor, armaments, and ammunition for light cruisers *29*, *30*, and *31*. Such limit for ordnance on the other five cruisers is fixed at $5,650,000 per vessel. The committee is including provision in the appropriation, "Increase of the Navy," limiting the ordnance costs on account of light cruisers *29*, *30*, and *31* to $5,650,000 per vessel.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLACK of New York. I want to find out what is responsible for the difference in these figures on new construction and the figures the gentleman gave the other day in considering the naval authorization bill, indicating that there would be spent on new construction for the coming year about $72,000,000.

Mr. FRENCH. My figures to which the gentleman refers as having been made last week included not only money for purposes that are in the pending bill, but included also money for the proposed program.

Mr. TABER. And included aviation also.

Mr. BLACK of New York. What does aviation amount to? I think the figures that I am giving are strictly the figures on the authorized appropriations, and the gentleman had another line for the expense entailed in the bill. Of course, the gentleman was not giving us figures the other day on anything unauthorized.

Mr. FRENCH. I have my remarks right here, and I would say that as I analyzed the question the other day I took into consideration the amounts carried in the proposed program. What year did the gentleman refer to—1929?

Mr. BLACK of New York. 1929. What are the figures as of the other day for 1929, on new construction?

Mr. FRENCH. The existing program I indicated as calling for $72,240,000, which included the aircraft that were authorized, and included $6,575,000 for modernization of two battleships.

Mr. BLACK of New York. Does the gentleman know what aviation happens to be on new construction? We have $48,000,000 of naval new construction, and the difference between $48,000,000 and $72,000,000 would have to be aviation.

Mr. TABER. Fifteen million five hundred and sixty thousand dollars.

Mr. FRENCH. That is approximately the figure?

Mr. BLACK of New York. Then the figures of the other day were not strictly what the gentleman had in mind for this year?

Mr. FRENCH. Yes.

Mr. BLACK of New York. They are about $7,000,000 short.

Mr. FRENCH. No. My figures are correct. If the gentleman will let me follow through, I think he will agree that my statement of last week and my statement of to-day are in accord. Probably I should say that in my table the other day I included for 1929, $635,000 for additional aircraft, and we are not carrying that in the present bill. Why? Because these aircraft are not authorized. So if the gentleman will regard my statements of to-day as pertaining to projects that have been authorized, and my statements of last week as including in addition programs that will be authorized in all likelihood, I am sure he will find that the totals are correct for the purposes intended.

POSSIBLE PROGRAMS

Under the terms of the limitation of armaments treaty—chapter 3, article 21—the United States, after consultation with the other contracting powers, shall arrange for a conference of all the contracting powers, which shall convene as soon as possible after the expiration of eight years from the coming into force of the present treaty, to consider what changes, if any, in the treaty may be necessary to meet new developments.

This conference will thus fall due in 1931.

What shall we look forward to by way of a modification of the existing program? I trust we may have reason to anticipate an agreement upon types of ships not now limited in the treaty as to total tonnage, and that such agreement may fix among the powers signatory to the treaty, and possibly other powers that may desire to unite, limitations that may ease the mind of thoughtful people on the question of competitive building of ships. This should be done in the interest of world peace.

To-day when we are considering the money bill for the Naval Establishment of the United States I naturally think of possible new programs that may mean possible lessening of the costs of naval armaments. Probably all the world will recognize that the United States just now is able to bear heavy burdens better than any other of the world powers. Even so, the burdens for the Naval Establishment rest heavily upon our people, and with our vast resources can we not afford to invite other nations to consider if naval burdens may be reduced?

If that be so, it ought to be the easier thing for the United States to take the lead in discussing in its great legislative body and in outlining the policies through its administration ways and means by which reductions can be brought about. It is a fine and generous thing for a strong power to do.

The replacement cost of the ships of the United States would be approximately $1,200,000,000. They tell us that the life of a military ship is approximately 20 years. If that be so, you have already calculated in your mind that the annual cost of replacement of our ships is $60,000,000. Suppose we add the program to the establishment that you authorized the other day. You will then increase the replacement cost annually from $60,000,000 to $75,000,000 or $80,000,000. What can we do to meet this situation?

The figures are startling. Unless we can find a way to reduce construction of ships of war, if we are to maintain our ratio among the powers of the world, this will be our share of "the white man's burden."

CAN WE EXTEND THE LIFE OF NAVAL CRAFT?

When I directed your attention a moment ago to the total replacement cost of our naval craft you will remember I used 20 as a division to obtain the annual cost, because 20 years in a rough way is taken as an arbitrary life of most ships of military type.

This average life is due in large measure to obsolescence. In types of craft where intricate machinery bulks large, obsolescence advances with great rapidity. At the Geneva conference last year proposals were considered of fixing the life of various types. Hon. W. C. Bridgeman, speaking before the plenary conference on June 20, 1927, suggests the following: Capital ships, 26 years; 8-gun cruisers, 24 years; destroyers, 20 years; and submarines, 15 years. Other suggestions of life were offered as the conference proceeded. No results were attained. But may we not pursue this question? If obsolescence is a controlling factor in fixing the life of battleships or cruisers or submarines, then if all nations were to agree upon a definite arbitrary life of more extended years, obsolescence would be a factor common in like measure to all nations, and hence no nation would be placed at disadvantage by extending the average period of replacement. Suppose the annual replacement cost of the ships of the Navy of the United States is $60,000,000 annually, as it is to-day, fixed upon an average life of 20 years for our ships, and the average life could be extended to 25 years, this would mean that the annual replacement cost would be reduced by $12,000,000 or down to $48,000,000. If the annual replacement cost were $80,000,000, the reduction would be $16,000,000.

REDUCE NUMBER WITHIN TYPES

May I suggest another possible program? Why by agreement should we not strike lower figures in numbers of types of ships beyond which we may not build? Let me make an illustration. Under the Washington treaty after 1934 the tonnage of the United States and of Great Britain in battleships will be 525,000 tons each; Japan, 315,000 tons; and France and Italy each 175,000 tons. Some of the older ships by that time will be replaced by new, and three battleships will be withdrawn from our fleet, not again to be replaced. Adjustments by replacement and withdrawal will be made likewise in the battle line of the other nations that are parties to the agreement. But why do the United States and Great Britain require 15 capital ships each, and why Japan 9? Why not 10 each for the United States and Great Britain and 6 for Japan, and corresponding ratios for other nations?

The replacement cost of one battleship to-day is something like $40,000,000. It requires but a little calculation to determine the possibilities in reduction costs to all nations by applying the principle to this and other types. May we not move somewhat in this direction? A horizontal reduction of 33⅓ per cent would cut off approximately $100,000,000 from the annual budgets of Great Britain and the United States.

THE REPLACEMENT HUMP

Consider another factor that should challenge at once the great powers who are parties to the Washington treaty. Under present plans on account of the age of ships the entire replacement program for battleships of the United States, save alone the *Colorado* and the *West Virginia*, will occur within a period of 10 years, or from 1931 to 1941. The *Colorado* and *West Virginia* would follow two years later. As great a turnover must be met within the same period by Great Britain and Japan. This factor should drive home the thought of extension of life of capital ships and the lessening of numbers to the end that the annual naval budget may be reduced.

During the working out of such programs, allowances and adjustments would need to be made on account of certain differences in speed and tonnage of individual ships, and range and caliber of guns.

RELATED FACTORS

The lessening of the burdens of naval programs is not limited by money costs to ships. In it will be found reductions in man power, reductions in fuel, reductions in shore stations, reductions in repair and replacements.

MODERATION IN SHIPS IN COMMISSION

Finally, then, the United States to-day has upon her list of ships, including those available for shore duty, more than 600, and of this number we are providing in this bill that 318 shall be in commission in 1929.

I remember reading in a volume entitled "Nations and Navies," from the pen of the brilliant British naval writer, Hector C. Bywater, a statement to the effect that the battleships of Great Britain are to-day more powerful than all the battleships of the rest of Europe combined, and what he said as to battleships is true also of British cruisers; and what he says as applied to types of ships of Great Britain is true of the United States and Europe, exclusive of Great Britain, and what he said as being true there is true also of the ratio of strength of the United States with relation to the navies of North and South America, exclusive of our own country, and likewise it is true of Asia. What I have said is patent and yet why not remind ourselves now and then of just such truths?

When we think of the question from this point of view is it not apparent that if among the great powers of the world which to-day are strong upon the sea understandings can be worked out that will reduce naval armaments it will mean for world peace and it will mean for a reduction of naval budgets as well?

Mr. CRISP. Will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. CRISP. The gentleman has made a very interesting and instructive speech. The gentleman spoke about the obsolescence of vessels in 20 years. Is that because they figure the ships are antiquated because they do not have on them the latest improvements or is it a fact that the ships are still seaworthy?

Mr. FRENCH. Well, in the largest part, I would say it is because of improvements in design, propulsion power, guns, and the other factors which enter into making a ship effective as a military ship.

Mr. CRISP. That is what I had always understood, but I wanted to get the gentleman's view.

Mr. FRENCH. That is correct.

Mr. CRISP. In view of the gentleman's statement about extending the life of a ship for 25 years.

Mr. MADDEN. As a matter of fact, a ship is as seaworthy after 30 years as she is at 20 years?

Mr. FRENCH. Oh, yes. That is true of hulls. Engines and machinery must be replaced. It is an interesting thing in that connection to notice that many of the ships which are plying the seas to-day are ships that have been upon the registers for many, many more years than 20.

Mr. BLACK of New York. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLACK of New York. Will the gentleman let us know how many destroyers will be in commission next year and how many submarines?

Mr. FRENCH. We plan 103 destroyers; of the first line, 46 submarines; of the second line, 29; and fleet submarines, 5.

Then there is another factor in which we are always interested. Navies are not limited to shore establishments, ships, and fuel; they include officers and enlisted personnel. As the members of your committe have met officers and enlisted personnel, not only of the Navy but of the Marine Corps, it is the universal testimony of all, if you ask an officer, that the enlisted personnel is superb; that it is made up of the fine type of men whom we ought to have to make up the enlisted personnel of the United States Navy; and if you ask the enlisted personnel who the best officer is, he will tell you, "My commander," "My captain," "My officer." That is the spirit which has meant success for the American Navy. It is the spirit that characterizes the American Navy to-day; and it is the spirit that from the days of John Paul Jones down to the present hour has enabled the American Navy to reflect glory and honor upon not only the Naval Establishment but upon our country, as we have stood during a hundred and fifty years for definite ideals in the interest of humankind. [Applause.]

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. SHALLENBERGER. Could the gentleman add to his very interesting speech an estimate or statement of the total amount the Government has invested in the fleet we now have?

Mr. FRENCH. In the ships—the floating establishment—it would be approximately $1,200,000,000; and in shore stations, as I recall the figures, somewhere around $650,000,000.

Mr. SHALLENBERGER. Did I understand the gentleman to say that in case we do not make an adjustment before the next peace conference in 1931 he contemplates that in the next 10 years we might have to replace the entire fleet?

Mr. FRENCH. I will say to my colleague that if he will examine the treaty adopted in 1923, in which a replacement program is worked out, he will find it means that every battleship of the United States Fleet may be replaced, except the *West Virginia* and *Colorado* alone, between the years 1931 and 1941. The *West Virginia* and *Colorado* would follow along two years later.

Mr. SHALLENBERGER. And it would take something like $1,000,000,000 to make that replacement?

Mr. FRENCH. Well, of course, we must bear in mind that when 1934 shall be reached, instead of 18 battleships we may prefer to have 15 battleships of larger tonnage than the present. If you take 2 from 15, that would leave 13, and the 13 must be replaced unless some modification shall occur within the 10 years, and the other 2 would follow on in the next 2 years.

Mr. PERKINS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. PERKINS. As I understand, the bill will provide for the appointment of four cadets to Annapolis?

Mr. FRENCH. Yes.

Mr. PERKINS. When are the extra appointments to be made?

Mr. FRENCH. They would follow on this year, although I take it, coming so late, probably not more than one-half of those nominated would enter, but the law would become effective at once.

Mr. SHALLENBERGER. Will the gentleman permit one other observation?

Mr. FRENCH. Yes.

Mr. SHALLENBERGER I followed the figures which the gentleman gave as to the probable cost of the Navy for six or seven years in his very interesting speech a week ago, and I made a computation showing that it was going to cost us something like $2,200,000,000, but according to the gentleman's present statement the entire replacement of the fleet would be something like $1,200,000,000, so how is it we will spend in the half of 10 years something like twice as much as the entire cost of the fleet? Is that a fair statement of what the gentleman's figures show?

Mr. FRENCH. Well, I think the gentleman will remember this: That when I spoke on Friday I covered merely the period of time within which the program that was proposed then would last. I stated I thought that would have all been completed in 1935 and I did not go beyond 1935 except as to ships begun.

Mr. SHALLENBERGER. Then the gentleman's figures did show that in all probability in the next six years we will spend twice as much as the entire fleet is worth. Is that right?

Mr. FRENCH. I did not mean to say anything a moment ago that would bear out such an inference. Possibly the gentleman referred to my remarks upon cost of maintenance as well as replacement.

In response to the question of the gentleman from Wisconsin I indicated a figure somewhat in excess of $2,700,000,000. This figure included operation and maintenance, and we must remember that operation and maintenance items make up, in round figures, between $280,000,000 or $290,000,000 of the present bill, and they will make up, unless we arrange some program of reduction, as large a part of any bill that will be presented for the support of the Navy during many years to come.

Mr. SHALLENBERGER. The point I wanted to bring out, and the one upon which the gentleman is conveying information to us, is that the cost of maintenance of the Navy, as we go on, is even more than the value of the Navy at any certain date.

Mr. FRENCH. The cost of maintenance of the Navy every year, including even substantial repair and overhaul, is practically equal to four times the average replacement cost when we think of replacement as meaning new ships.

Mr. SHALLENBERGER. That is the point I wanted to bring out.

Mr. SEGER. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. SEGER. In connection with the gentleman's statement about adding an extra assignment of candidates to the Naval Academy, has the gentleman given any thought to extending the period which is mandatory for his remaining in the service after he has been graduated?

Mr. FRENCH. I think that is a question that can probably be better handled by the administration. Personally, I think a midshipman owes it to the country and to the establishment from which he has graduated and to the service in which he has enrolled to serve for a reasonable time after graduation.

Mr. SEGER. The period at this time is two years.

Mr. FRENCH. Generally speaking, that is policy rather than law.

Mr. SEGER. I agree with the gentleman, because I believe that after a graduate has received four years of technical training as an engineer he ought to give more time than two years to the service of the Government.

Mr. FRENCH. Then there is another point in this same connection. Men who have urged four midshipmen or more for the Academy premise their argument largely upon the fact that these young men will flow back into our civilian life and will be ready to be called upon for service. I submit that a graduate of the Naval Academy, notwithstanding the fact that upon graduation he has a fine education and basic training for the Navy, after all is not very well fitted for naval service unless he shall have added to his work at the Academy several years' experience upon ships.

Mr. SEGER. I agree with the gentleman.

Mr. FRENCH. Mr. Chairman, I yield back the balance of my time.

Mr. AYRES. Mr. Chairman, I yield 40 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Chairman, it is my purpose to discuss some features of the great flood which swept the Mississippi Valley in April and May of last year and emphasize the extent of the damages suffered by the destructive flood waters of the tributaries of the Mississippi and indicate something of the need of flood control on these streams.

NATIONAL PROBLEM

Much has been said since that great flood of the national aspect of any flood-control project proposed for the Mississippi River Valley. Control of destructive flood waters in the Mississippi River Valley is no more a national question to-day than it has been in the past. For the purpose of navigation flood control has been recognized as a national problem based principally upon its effect on commerce and national defense, and the Government has for years made contributions to this end. So flood control has been recognized as a national problem, although it has been treated by the Government as incidental to navigation.

The destructive floods which swept down the Mississippi Valley, taking great toll of life and property, is within itself a national question which should engage the attention of the Government as such. In order for it to come within the generally accepted term of "a national problem" there must be found in the Constitution provisions for expending money from the Federal Treasury to encompass the purpose of flood control. It is not my purpose to go into a lengthy or detailed discussion of the authorities provided in the Constitution for such expenditures but rather to mention them and pass them up without comment. Article I, section 8 of the Constitution provides that—

> Congress shall have powers * * * to provide for the common defense and general welfare of the United States * * * to regulate commerce, and to establish post offices and post roads.

Under any one or all of these provisions of the Constitution is provided ample authority for the Government to provide money for the control of destructive flood waters upon any stream where conditions are of such proportions as to justify.

The Jones bill, which is now before the Senate, and the Reid bill, which has been considered by the House committee, recognize these clauses in the Constitution as sufficient authority for the expenditure of money for flood control in certain parts of the Mississippi River Valley. These bills are based upon the fundamental proposition that if commerce is interrupted, postal facilities impaired, and our national defense and general welfare are threatened and imperiled, the National Treasury may be looked to as a source for relief. The Jones bill particularly makes the source from which the relief is to be obtained national. But the scope of the relief afforded is very local, indeed. For this reason it is my purpose to make an appeal for flood protection on the tributaries. We are opening this fight and will prosecute it diligently to secure tributary relief.

I do not contend that the Government should go out upon every remote stream which every now and then has some freshet which causes damages of more or less proportion and expend money for the control of its flood. But it is my contention that when destructive flood waters completely paralyze commerce, imperil our national defense, stop the transmission of our mails, and drive multiplied thousands of people

from their homes and exact a great toll of human lives, all combine to approach a calamity of such proportions that no civilized government with a constitution such as ours can afford to ignore it. Of course, the participation of the Government in bringing relief to any stricken State or community would depend altogether upon how seriously any one of these constitutional provisions was involved. The degree of this involvement should determine the participation of the Federal Government in the project.

ARKANSAS HEAVY LOSER

I propose to show by figures, from the most reliable source, that in the flood of 1927 Arkansas was, perhaps, more seriously damaged than any other State. I propose to show by figures from the same source that 88 per cent of the damage done in Arkansas was done by waters independent of and uninfluenced by the Mississippi River. And yet the Jones bill does not propose to relieve this situation in any degree. You might carry out the full purport of the Jones bill and a flood of the exact nature of 1927 would not have its horrors decreased 20 per cent. I say this with all due respect to the powerful committee from which that bill emerged. But as a relief from floods such as we had in 1927, so far as Arkansas is concerned, the Jones bill would be a monstrous failure.

In emphasizing the flood damages on the tributaries, I would not like to see these facts draw the thoughtful consideration of Congress away from the devastations of the lower Mississippi River. But to make clear that the lower Mississippi River was not the only river which devastated great areas and that a popular flood-control plan must revolve around one project common to both the Mississippi and its tributaries. I shall discuss this last thought later. In order for you to get the proper conception of the magnitude of the flood on the tributaries it is necessary to draw some comparison. For this purpose, I recently called upon the Bureau of Agricultural Economics of the Department of Agriculture to furnish me with such figures as they could with regard to the damages suffered in Missouri, Kentucky, Illinois, Tennessee, Mississippi, Louisiana, and Arkansas. I found the only data they had was that furnished by county agents, and it only referred to livestock figures and the amount of crop land inundated and the date at which this inundated territory might be free of water. While this omits all items of damages, except as relates to livestock, yet it affords an authentic yardstick by which we may measure the comparative damages suffered in the different States. Since Arkansas, Louisiana, and Mississippi suffered greater damages than any of the rest, I shall only use the figures that apply to these three States.

TABLE No. 1.—*Livestock lost*

State	Horses and mules	Cattle	Swine	Poultry	Crop land inundated
					Acres
Mississippi	7,375	9,000	22,690	263,300	861,900
Louisiana	7,100	19,580	55,930	487,830	1,105,200
Arkansas	9,250	21,060	66,590	525,440	1,839,400

According to these figures it will be observed that Arkansas had practically a million acres more of crop land inundated than in the State of Mississippi, and practically 725,000 acres more than in the State of Louisiana. It will also be observed that Arkansas had a greater loss in horses and mules, cattle, swine, and poultry than either of the other two States. As stated before, my only purpose in this comparison is to emphasize the tremendous flood damages suffered in Arkansas on the tributary streams.

ARKANSAS FLOOD DAMAGES

Arkansas has more miles of navigable river streams than any other State in the Union. I mean by this, miles of navigable waterways as recognized by the Government as such. The tributary streams of the Mississippi River which flow through Arkansas are the Arkansas River, White River, Red River, St. Francis River, and the Ouachita River. I shall not take the time to go into the details on any of these rivers except the Arkansas, in the valley of which I have lived all my life, and have seen every foot of river from where it rises on the continental divide to where it flows some 1,400 miles distance therefrom into the Mississippi River.

Using data from the same source and in the same tabulated form, which I have applied to the States of Louisiana, Mississippi, and Arkansas, I now submit figures dealing with the damages upon the tributaries of the Mississippi affecting the State of Arkansas. I have taken the Bureau of Agricultural Economics report on each county in Arkansas and combined this with the other counties which form the tributary basins as nearly as it was possible to do:

TABLE No. 2

River	Horses and mules	Cattle	Swine	Poultry	Crop land inundated
					Acres
Arkansas	5,450	11,460	24,220	279,870	910,000
White	1,660	4,610	23,080	121,496	329,000
St. Francis	570	810	5,100	19,660	223,900
Ouachita	570	2,800	5,410	9,040	91,700
Red		90	40	12,000	32,000
Total	8,250	19,770	57,850	442,066	1,586,600

It is difficult to estimate the amount of damages done by the Mississippi River in Arkansas. The levees of the Mississippi River in Arkansas remained intact except for two or three minor breaks. The White River to a small degree and the St. Francis were influenced by backwaters from the Mississippi and the St. Francis received an additional volume of water from the break of the Mississippi Levee in Missouri at the Dorena break. However, my information is that this water was small in comparison to the water which came down the natural drainage basin of the St. Francis River. While the St. Francis River affects Mississippi, Phillips, and Crittenden Counties, I have given the damage to these counties as resulting alone from the waters of the Mississippi River. These areas and some 20,000 other acres accounts for all of the territory flooded in the State of Arkansas by the Mississippi River in the flood of 1927. This important fact should not be forgotten that 88 per cent of the damages as assigned by the Bureau of Agricultural Economics as a result of floods of 1927 in the State of Arkansas came from the water of the tributary streams of the Mississippi. With these astounding facts confronting them, there are those who would to-day go into the Federal Treasury to get money to protect this 12 per cent and totally ignore the other 88 per cent of territory in the State of Arkansas.

DAMAGES ON THE ARKANSAS RIVER

In order to impress upon you the magnitude of the flood suffering from the waters of the Arkansas River in the State of Arkansas, I herewith submit Table No. 3, which compares the damages suffered by the people along that stream with the damages suffered in the entire State of Mississippi:

TABLE No. 3

States	Horses and mules	Cattle	Swine	Poultry	Crop land inundated
					Acres
Entire State of Mississippi	7,375	9,000	22,690	263,300	861,900
Arkansas by Arkansas River alone	5,450	11,460	24,220	297,870	910,100

This total shows that the Arkansas River did more damages on every item furnished by the Bureau of Agricultural Economics except the one item of horses and mules. It discloses that the Arkansas River flooded more crop land by over 150,000 acres than was overflowed in the entire State of Mississippi; and yet flood relief on the Arkansas is practically ignored, both in the Jones bill and under the Jadwin plan. Can it be possible that Congress represents the sentiment of the American people in the matter of the control of destructive waters by eliminating such a problem as this from their consideration? I shall deal in logical order with damages done by the Arkansas River later on.

In giving information as to the damages suffered by the inhabitants along the basin of the Arkansas River it is necessary to give you something as to the amount of rainfall and the volume of water it carried and the carrying capacity of the Arkansas River.

1927 RAINFALL AND CHARACTER OF VALLEY

The rainfall which caused our great flood fell from a point beginning west of Tulsa, Okla., in southeast Kansas and southern Missouri and in northern and western Arkansas. At Tulsa the rainfall was 6 or 8 inches, which fell in a period between April 7 and April 20. A slightly increased rainfall characterized the southeast Kansas and southern Missouri, growing in intensity along the Arkansas Basin until it reached 14 inches at Fort Gibson, Okla.; the same at Fort Smith, Ark.; 16 inches at Fayetteville, Ark.; 16 inches at Jasper, Ark.; and 19 inches at Danville, Ark.; tapering down to 9 inches at Little Rock. Most of this water fell in a short period of three or four days.

Mr. HARDY. In what length of time was that 14 inches of rainfall?

Mr. RAGON. The rain fell in the period between the 7th of April and the 20th of April, but most of it fell in two or three days; practically all of it fell in two or three days.

Mr. McDUFFIE. Were there any cities inundated between Pine Bluff and Fort Smith?

Mr. RAGON. Yes; but I can not tell you about that. I know in my district the flood got up into a part of Little Rock and North Little Rock.

Mr. ARENTZ. Because of the settlers along this river from east to west storage would be impossible within the confines of the State of Arkansas, would it not?

Mr. RAGON. I rather think so. In the proper place I will take that up.

Mr. McDUFFIE. Can the gentleman give any idea of the fall between Fort Smith and Pine Bluff?

Mr. RAGON. I have those figures, but they are not in my mind at present.

Mr. McDUFFIE. What are the power possibilities of the Arkansas River between Pine Bluff and Fort Smith in connection with the development of such work as might be done to control the flood? Would it be possible to generate power?

Mr. RAGON. Yes; and I will deal with that later on.

The Arkansas River, as I have stated before, rises in Colorado and flows in a southeastern direction through Colorado, Kansas, Oklahoma, and Arkansas into the Mississippi River. Its main tributaries are the North and South Canadian Rivers, the Cimmarron River, the Verdigris River, and the Neosho or Grand River. All of these rivers flow into the Arkansas in the State of Oklahoma, the Neosho and Verdigris rising in Kansas and the Cimmarron and South Canadian rising in New Mexico and flowing through Texas and Oklahoma. All of these tributaries except the Canadian flow into the Arkansas above Fort Gibson, Okla. There are other small tributaries, but they do not contribute very much to our damaging floods.

Mr. GARBER. Has the gentleman an estimate of the damages in Oklahoma caused by the tributaries?

Mr. RAGON. Yes. In Oklahoma the estimated damage done in 1927 by the Arkansas River and tributaries is in excess of $20,000,000. In other words, the overflow about which there has been so much talk in the lower Mississippi took a toll in Kansas of $12,000,000, while here in Oklahoma the damage was $20,000,000 before it even reached the State of Arkansas.

Mr. McDUFFIE. The gentleman is making a very instructive statement, one that the House ought to have. I want to ask if there was any loss of life on the Arkansas River and its tributaries?

Mr. RAGON. Yes. I will say to my friend that I have not figured out the loss on the different tributaries, but I feel confident in saying that 80 per cent of the loss in Arkansas was by these tributaries alone.

The Arkansas River Valley, which in Arkansas extends from Fort Smith to Pine Bluff, I believe suffered more permanent and irreparable damage than any other section in all the flooded area in 1927. This valley is approximately 200 miles long and varies in width from 5 to 20 miles. It has 11 cities ranging in population from 3,000 to 100,000, Little Rock, the capital of the State, being the largest. In this valley there is as fertile land as there is within the State, owned principally in small tracts by farmers who in years past might have been termed as prosperous. This valley is largely adapted to cotton, corn, and alfalfa.

According to the United States Army engineers, the low water flow of the Arkansas River at the gauge at Little Rock, which is about 175 miles from the mouth of the Arkansas, is 1,100 cubic feet per second. The bank-full flow of the river at this same point is 370,000 cubic feet per second. On April 21 there passed by this gauge the unprecedented volume of approximately 875,000 cubic feet per second. At the same time there passed the gauge at Clarendon, Ark., on the White River, over 400,000 cubic feet of water per second through a channel, the bank-full capacity of which is only 40,000 cubic feet per second. Hence it will be seen that the combined flow of the Arkansas and White Rivers was 1,200,000 cubic feet per second of water. It is an interesting comparison to note that the flow of the Mississippi River below the mouth of the Arkansas was only slightly above 2,000,000 feet. In other words the Arkansas and White Rivers alone carried practically 60 per cent of the peak volume of waters of the Mississippi River at its highest stage.

ENTIRE ARKANSAS RIVER BASIN DAMAGES

This great volume of water congregated from Oklahoma, southeast Kansas and southwest Missouri converged into a volume of water which passed Fort Smith, Ark., a distance of 165 miles northwest of Little Rock, with a registered flow of 750,000 cubic feet per second. Before the House Flood Control Committee it was estimated that the damages done to Kansas on the tributaries of the Arkansas was approximately $12,000,000. The engineers from the State flood commission of Oklahoma estimates the damage done in 1927 by the Arkansas and its tributaries in Oklahoma to be in excess of $20,000,000. Anticipating that it would be of some interest to Congress to know the actual damages suffered in the Arkansas portion of the Arkansas River Valley, I called upon prominent business men and farmers to get together in each county from Fort Smith to Little Rock and compile figures of the damages suffered in each county. They did so, basing their estimates upon the value of the real estate prior and subsequent to the flood; damages to buildings and contents; crop losses; damage to bridges and highways and levees. As a result of these conferences the damages in each county were given to me as follows: Beginning at Fort Smith, in Sebastian County, there was a damage of $335,000; in Crawford County, $2,750,000; Franklin County, $1,025,000; Logan County, $343,000; Johnson County, $2,142,560; Pope County, $3,800,500; Yell County, $3,870,000; Conway County, $3,450,000; Faulkner County, $1,070,102; Pulaski County, $2,627,000. I did not go to Jefferson and Lonoke Counties, but I wired a friend who was the former mayor of Little Rock and now connected with the chamber of commerce at Pine Bluff, and in reply he wired me the damages to Jefferson County were $4,500,000. The amount of damages suffered in Lonoke County I procured from the Red Cross, which estimated that Lonoke County suffered $261,150 damages. From the same source I procured the damages to Perry County, which were estimated as $31,970, making a total loss in this valley of 200 miles distance of $26,206,532. These figures do not cover an area any closer to the mouth of the Arkansas River than 100 miles. Neither do they cover the great area overflowed by the Arkansas River in Desha, Drew, Chicot, and Ashley Counties. Also they do not include livestock loss.

The fall in the Arkansas River from Fort Smith to Pine Bluff is rather marked, but at Pine Bluff the fall from there to the mouth of the Arkansas is very slight. For this reason, while damages to real estate in counties in southeast Arkansas was very great, it is not so heavy as those counties in the Arkansas Valley. The figures I have given as to the damages in the Arkansas Valley, and the livestock losses heretofore enumerated, do not cover all the items of damages, for I have not an estimate at hand of the damages done to railroads, telegraph companies, coal mines, and other industries. But, adding to the $32,000,000 of damages suffered in Oklahoma and Kansas, the $26,000,000 of known damages done in the Arkansas River Valley in Arkansas alone is sufficient to show that over $58,000,000 of damages was suffered on the Arkansas River from Pine Bluff north and west. I dare say if the facts could be ascertained that no less than $80,000,000 in damages was suffered on the Arkansas River last April.

Through this Arkansas River Valley there runs two great railway lines. One on the north side of the Arkansas River being one of the main lines of the Missouri Pacific, which runs from Kansas City to New Orleans. On the south side of the river runs the Rock Island, from Amarillo, Tex., to Memphis. There are two telegraph lines on either side of the river and main lines of telephone companies. This valley is the most thickly populated of any section in the State.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. MADDEN. And who does the gentleman suggest should pay all this damage that he has referred to?

Mr. RAGON. If the gentleman does not object, I shall be glad to treat that a little later.

Mr. MADDEN. I would like to have the gentleman answer my question, if he will.

Mr. RAGON. Very well. I can answer it here readily. If the gentleman had been listening to me when I began my address——

Mr. MADDEN. Oh, I was listening.

Mr. RAGON. He would have understood that I suggested this. If you are going to accept the logic of the Jones bill, or of the Reid bill, you must make this contribution from the National Treasury, based, as it must be, upon some provision of the Constitution. There must be some postal facility threatened, there must be some commerce interrupted, there must be human lives taken, and combining all, or taking any one of them, you have justification for a contribution upon the part of the Federal Government. How far will you go upon it is the question, and I am not prepared to answer. I do say this, that where your commerce justifies it, where your national defense is impaired greatly, and where human lives are snuffed out, it then becomes a matter where the governmental participation should be heavy, but up here upon some of these streams where commerce is not so involved, where the national defense is not so imperiled, and where the loss of life is not so great or so

often, the loss there involving the Government would be to a very much less extent. My contention is that it depends upon the degree of involvement of these things, upon which we base this constitutional aid, in respect to these different tributaries.

Mr. MADDEN. And it would take some time to ascertain that, I take it?

Mr. RAGON. Yes. There is no other way to do it, if you are going to treat this matter in a comprehensive way, and that is the only way to treat it. If you treat the matter as it should be treated, then it is going to take some time, and we have to abide with patience.

Mr. MAJOR of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. MAJOR of Illinois. The gentleman suggested and it is quite true that neither the Jones bill nor the Jadwin plan take care of the tributaries. Has any plan been submitted that does take care of the tributaries?

Mr. RAGON. We have several, yes, that have been submitted, and I think the Senate is going to adopt them.

Mr. MAJOR of Illinois. What plan, for instance, provides relief for the tributaries?

Mr. RAGON. That would take me into a discussion here that I would not like now to enter.

Mr. HARDY. The gentleman can say the reservoir system.

Mr. RAGON. I shall deal with that later, and that is the reason that I hesitated answering the gentleman from Illinois [Mr. MADDEN].

Mr. McDUFFIE. Mr. Chairman, may I interrupt the gentleman again to ask a question?

Mr. RAGON. Yes.

Mr. McDUFFIE. I was interested to know in your computation as to the damage on this river, what percentage of the amount involves the destruction of crops for that year, and what percentage of it is land that they were able to till and raise a crop on during that year?

Mr. RAGON. They based the crop loss on the actual loss, whatever it was in a county.

Mr. McDUFFIE. And I take it that that was the principal loss; that is, the crop loss?

Mr. RAGON. Oh, no; it was the damage to the washed real estate and the sanded real estate. I am acquainted with every foot of this, because practically all of it runs through my district. I would not give you 50 cents on the dollar for any acre in the Arkansas Valley since 1927, compared to what it was worth before. Men who know—farmers, business men, professional men, men of sound judgment, interested in Arkansas, I know sat around the table, 10 of them, in my county, and I sat with them and listened to them as they computed these damages. The damage to real estate alone in my county which is one of the smallest in the State, was over a million dollars.

During the flood times I was in my home town of Clarksville, Ark., which is in the foothills of the Ozark Mountains and 3 miles from the Arkansas River. For a period of practically 10 days, save and except for radio communications and occasionally when the telegraph and telephones were operating, we were completely shut off from the outside world. The only mail we received for practically 10 days was brought in by one or two airplane visits. For a week we did not receive a daily paper from our capital city, only 100 miles away. All lines of industry were as completely paralyzed as if they did not exist. I recall that the first mail which came to us by train was pulled through water almost up to the fire box of the engine. The conditions existing in my little city were characteristic of conditions throughout the Arkansas River Valley.

When the flood subsided it was discovered that in this beautiful and fertile little valley this devastating flood had cut and sanded splendid farms to such an extent that they were worthless the rest of the year and permanently and irreparably injured from 25 per cent to 75 per cent of their value. I have never seen such devastation as that flood worked to the counties of my own district. It drove over 12,000 people from their homes, 30 per cent of whom never returned, because their homes were wrecked and destroyed. Seventeen people lost their lives as a result of the floods in the Arkansas River Valley. All of this property was destroyed; all these people were driven from their homes, and all of these people were drowned in a section for which the Jadwin plan or the Jones bill makes no provisions whatever.

ARKANSAS RIVER ONCE CONTROLLED

There was a time when the Army engineers had an office at Little Rock and kept an engineer there who had charge of some of the tributary streams of the Mississippi in that State. Some years ago he was removed for reasons of which I do not know. But I do know that there was a time easily within my memory when the Arkansas River was navigable and steamboats plied their way loaded with merchandise as far up the river as Fort Smith. The river, however, has been permitted to fill within recent years until it is no longer navigable for large boats. This flood of 1927 swept every levee in the Arkansas River Valley before it. It cut down banks and carved new channels as effectively as one might make with a gigantic steam shovel. The result is now that the farmers of the Arkansas River Valley find their lands left to the ravages of an overflow by every bank-full rise of the Arkansas River. Unable in most instances, because of financial conditions, to help themselves, they find the back of the hand of their Government turned to them, notwithstanding they can not drive a pile into the river, build a bridge across it, nor put a ferryboat upon it without first having the consent of this great and beneficent Government.

CONSTITUTIONAL REQUIREMENTS MET

All of these facts and figures contribute unmistakably, it seems to me, to bring the Arkansas River within the protecting care of those provisions of the Constitution upon which the Jones bill and the Reid bill are hypothecated. Can an economic wastage of $75,000,000 in a single year in a section not 500 miles long occur and this section be denied the protection which is given it under the commerce clause of the Constitution? Can thousands of homes and a score of lives be lost and this section not be given the protection of the general-welfare clause of the Constitution? When the mails for a period of one week, from Kansas City and Oklahoma City to Little Rock, Shreveport, and Alexandria, La., were completely tied up for a period of a week, can this section be denied the protection of the clause of the Constitution for postal facilities? Camp Pike was one of the cantonments that housed as high as 80,000 soldiers. It is located at Little Rock. Fort Logan H. Roots, used as an officers' training school, is also at Little Rock. Camp Beauregard, in Louisiana, was another place where thousands of soldiers were mobilized. Had this flood occurred during the war period the mobilization of soldiers and their dispatch to different quarters would have been completely tied up from 1 week to 15 days. With this and other features of our national defense entering into the situation, can it be said that we should not invoke the national-defense clause of the Constitution in the prevention of such calamities? If we are going to spend hundreds of millions of dollars for the protection of commerce, saving of human lives, the strengthening of our national defense, and to better our postal facilities from Cairo, Ill., to the mouth of the Mississippi River, who would not give commerce, human life, and the national defense and postal facilities the same consideration in other places where a like disaster has occurred? To say that this Government shall expend hundreds of millions of dollars which would provide a plan, if such can be done, for carrying of flood waters from Cairo to the mouth of the Mississippi River and ignoring all other sections is an assertion not founded on reasonable application of the provisions of the Constitution.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman 15 minutes more.

The CHAIRMAN. The gentleman from Arkansas is recognized for an additional 15 minutes.

IT IS ALL ONE PROJECT

Mr. RAGON. I have studied carefully the testimony of engineers, both in Army and civil life, and am fairly familiar with the entire Mississippi River Valley. How any flood-control plan can be evolved which is successful without incorporating the entire Mississippi Valley from Montana to Pittsburgh and from the Great Lakes to the Gulf is beyond my comprehension. If one will but look at the map, he will see the great Louisiana Territory from the Mississippi back to the Rocky Mountains has a perfect natural drainage. East of the Mississippi he will see the great States of Wisconsin, Illinois, Indiana, West Virginia, Kentucky, North Carolina, and Tennessee have a natural drainage, principally through the Ohio River, a tributary of the Mississippi. It is not my purpose to deal with flood stages on the other rivers, but it will be well to remember that what happened on the Arkansas River and the White River may at any time happen on the Missouri, the upper Mississippi, or the Ohio River. If it had not been for the Arkansas and White River flood, the 1927 flood would not have received a headline on a single newspaper in the United States.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield there?

Mr. RAGON. Yes.

Mr. OLIVER of New York. What reason is there for discrimination against your section? If there is any reason at all for granting relief, it seems to me from the arguments you have advanced and the statements you make that equal relief ought to be granted to those people living along the Arkansas River. I do not know of any reason, and I wonder if there is any that has any justice or common sense in it.

Mr. RAGON. The same reason that permits the floods to rush down the Ohio River every year, exacting millions of dollars in damages to those people—the same reason that permits the water every year to rush down the Missouri River—is the reason that applies to the Arkansas River. The Government turns its back to the Arkansas River. It should not be.

Mr. OLIVER of New York. I think if gentlemen in the House would listen to your eloquent speech they would give you more encouragement than they have shown heretofore.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. SHALLENBERGER. It is not a question of paying for damages you have suffered, but you are asking for money to be expended in the future?

Mr. RAGON. Yes.

Mr. SHALLENBERGER. You are not asking for reimbursement for money values that were lost?

Mr. RAGON. No. Let me give you a picture. I was called to the little city of Dardanelle, in a bottom, embracing 55,000 acres, one of the richest pieces of land in the United States. I was taken to an 80-acre farm there that had been bought and paid for by the owner, he paying $225 per acre for that land. He spent the savings of a lifetime to purchase it. There was a hole through that land that had been made there in the Arkansas River bank that was as deep as this Chamber, and it extended the entire distance of that fellow's 80 acres of land, and left that whole 55,000-acre tract open to the ravages of the Arkansas River.

Mr. ARNOLD. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. ARNOLD. I have been very much interested in what the gentleman says about the overflow in his section of country, but what I am particularly interested in is in knowing what form of relief the gentleman recommends to Congress.

Mr. RAGON. I shall get to that shortly.

It seems to me the Mississippi River and its tributaries should be considered as one project, and that its development should be under one administrative unit.

The annual economic wastage by reasons of floods on all of these great tributaries of the Mississippi would more than pay for the most complete flood-control project conceivable within a period of 20 years. Look at these States with their agricultural and industrial wealth. Look at your income-tax returns and see what these States are contributing to the National Treasury each year. One of these great tributaries plows its way through a section which has been aptly termed the "World's great bread basket." Therefore it seems to me that the Mississippi River and its tributaries should be considered as one project and that its development should be under one administrative unit. If the genius of our engineers can provide a means of controlling flood waters of the tributaries, then is it not common horse sense that this control would greatly influence the flood of the lower Mississippi? If this is true, why then pass a flood relief bill which calls for expenditure of more than one-fourth of a billion dollars which only handles the flood waters from Cairo to the Gulf. In treating the Mississippi and its tributaries as one project, it seems to me that it will solve two difficult problems: First, you relieve the distress of those living in the tributary basin, and second, you make less expensive the control works on the lower Mississippi.

In other words, if you can go on the Missouri River and control it, and go on the upper Mississippi and on the Ohio and upon the Arkansas, how in the name of common reason can anyone say that the local control of those floods will not restrain the floods on the lower Mississippi River?

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. McDUFFIE. The gentleman is aware of the fact that Congress has authorized a study of the Mississippi and its tributary streams with a view of controlling navigation and controlling the floods upon them. That work will begin in a few days, as I understand it, because Congress only recently appropriated the money, $2,000,000 of which is to be applied to that work at once. I am wondering if that work is not, after all, what the gentleman will need on the Arkansas River as one of the tributaries of the Mississippi. Does the gentleman want immediate relief rather than wait for such a study of that stream?

Mr. RAGON. If there is no immediate relief, there will not be anything left there to relieve. The gentleman has asked a very pertinent question. The engineers tell me that under the projects incorporated in the river and harbor bill last year, and for which we made appropriations to carry them out at this session, it will take, perhaps, 10 years to complete some of that program. If you are going to take that length of time on the Arkansas River, then you will feed us to the wolves; we have nothing left.

I want to compliment the gentleman and his committee on the forward step which they have taken. But as for flood control, it does not serve the purpose.

Mr. McDUFFIE. I want to say to the gentleman that I think in the case he has made out here to-day it might be proper for the engineers to prefer the Arkansas River, to devote their time and attention to that program and speed it up, as to the development of the stream and all its uses as a whole. We might be able in a short time to get a full and complete plan for this river for the control of floods, the development of navigation, and power if there be power possibilities.

Mr. RAGON. Our complaint, I might add here, is this: If you permit them to go down to Cairo, Ill., and build great flood works, with diversion channels in the State of Arkansas and State of Louisiana, which will take for flood-way purposes almost as much territory as is now flooded, you are putting something there that the Government will be slow to abandon; and they will accept that kind of a ramshackle flood-control plan in preference to going up these streams and protecting them as they should be protected.

I think what ought to be done is that the project for the lower Mississippi ought to be interlocked with all of these tributaries and all considered as one project under one administrative unit.

Mr. SHALLENBERGER. Will the gentleman permit another inquiry?

Mr. RAGON. Yes.

Mr. SHALLENBERGER. We are getting a great deal of information from the gentleman's speech. Has the gentleman made any estimate as to how much water we would have to hold back on these tributaries?

Mr. RAGON. I am coming to that right now.

Mr. SHALLENBERGER. In order to render the losses on the lower Mississippi negligible?

Mr. RAGON. I come to that right now, and I quote nothing but figures from the Army engineers in substantiation of what I say.

FLOOD PLAN

It is quite popular in this day for everyone to have his pet flood-control plan, and I may appear novel in not having any plan. I think our engineers should be told to go and prepare plans and then should be given the money to carry them out. I know, if supplied with money, the engineers could relieve largely the awful catastrophe which occurred in the Arkansas River Valley. In some places levees, dredging, and revetment might be employed to aid those exposed to the floods. Again, I am of the firm opinion that reservoirs may be effectively employed in holding back headwaters of the tributaries. I will call no names, but I have been advised by what should be the highest engineering authority in the United States that reservoirs on the tributaries could be used successfully in the prevention of local floods on the tributaries. If this is true, how can it be reasoned that this would not influence the volume of waters in the lower Mississippi? I have before referred to the fact that 815,000 cubic feet per second was gauged at Little Rock in April, 1927. The gauge at Fort Smith showed in the same flood that 740,000 second feet passed down the Arkansas River at that place. Little Rock is approximately 200 miles from the mouth of the Arkansas River and Fort Smith is 165 miles northwest of Little Rock, and we find that the difference in the flood waters at Little Rock and Fort Smith was approximately 75,000 cubic feet per second. Eminent engineers have surveyed out reservoirs in the State of Oklahoma, which they contend would easily take care of the surplus amount of this water. Within 150 miles of Fort Smith is the location of one of these proposed reservoir sites. If these reservoirs could have been employed in keeping back 400,000 cubic feet per second of the water that passed Fort Smith, the Arkansas River Valley and the other sections of the Arkansas overflowed by the Arkansas River would have been entirely prevented. If this can be done on the Arkansas and the White River, why can it not be done on other tributaries?

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. AYRES. Mr. Chairman, I yield the gentleman 10 additional minutes.

The CHAIRMAN. The Chair will state that 10 minutes would give the gentleman more than one hour. Is there objection to the gentleman from Arkansas proceeding for another 10 minutes, making the total of time allotted to him 1 hour and 5 minutes?

There was no objection.

Mr. RAGON. With these facts in mind, gentleman, that you can retain back here in the State of Oklahoma more than one-half of the entire flood waters that passed Fort Smith, and then to say that will have no influence whatever upon the flow of the Mississippi River, which is 365 miles from Fort Smith, and the flow of which loses only 75,000 cubic feet per second as it traverses that distance, is to say something that sounds absolutely ridiculous.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. RAGON. I yield.

Mr. HOWARD of Oklahoma. Does the gentleman know that the estimates of the engineers who figured out the program for those reservoirs are that it will only cost $21,000,000 to hold back that water by building those reservoirs?

Mr. RAGON. I will say to the gentleman from Oklahoma that I had an engineer figure this up for me the other night, and that gentleman said he could hold back 500,000 cubic feet per second at an expenditure of only $19,000,000, and yet we are foreclosed, apparently, from any consideration whatever of this in the Jones bill or the Jardine plan.

Mr. HOWARD of Oklahoma. I will say to the gentleman that is in variance with the report of the engineers who are not in favor of reservoirs.

Mr. RAGON. That may be true.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. W. T. FITZGERALD. How does the gentleman's idea with respect to his proposition compare with the conservancy dam on the Miami?

Mr. RAGON. I am not familiar with that dam, and I would not want to say.

Mr. W. T. FITZGERALD. That has stood the test for several years.

Mr. RAGON. I understand it is very successful.

Mr. McDUFFIE. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. McDUFFIE. Would there be fall enough in those upper reaches to generate power when we create these reservoirs?

Mr. RAGON. Oh, yes. What is the height of Pike's Peak?

Mr. SHALLENBERGER. Fourteen thousand feet.

Mr. RAGON. It starts on the continental divide and it falls to almost sea level at the Mississippi, and about the only place it is practically level is from Pine Bluff to the mouth. I will say that from Muskogee, Okla., to Pine Bluff, Ark., there is not a wilder river of its size in the United States than the Arkansas River.

Mr. OLIVER of New York. The gentleman is making one of the finest speeches I have ever heard on this question. A flood is caused by too much water being in the channel of a river, and if you take the water away and hold it in reservoirs you can not have a flood—is not that right?

Mr. RAGON. That is correct.

Mr. OLIVER of New York. I think the gentleman's argument is practically unanswerable.

Mr. RAGON. I want to say frankly that I did not believe in reservoir control at first. I doubted it seriously until I began last summer's study of reservoir control, and I am saying to you frankly that if what the Army engineers say is correct, taking the physical facts that are always unerring and applying them to the advice of the Army engineers, you can not escape the conclusion that the larger part of the 1927 flood could have been absolutely solved by the construction and use of reservoirs. [Applause.]

It seems to me that a proper solution of the flood problems of the Mississippi Valley can only be brought about by Congress laying down a broad policy of flood control and river regulation and appropriating sufficient money to do emergency work on the lower Mississippi with direction to our engineers to begin at once a comprehensive survey of the entire Mississippi Valley, and then report back to Congress at the earliest practicable moment a project for its adoption. I am forced to the conclusion that any other action upon the part of Congress will prove "penny wise and pound foolish."

THE COST

I know that in the minds of many there revolves the question, Would not this cost too much money? While I would not advocate it, I think the Government would find it sound business in the long run to pay every penny of the expenses. There are sections where the Government can not well afford to exact contributions, while other sections might well afford it. We do not now realize the importance in the future of more navigable waterways in this country. This is because we do not need them at present. It seems to me the economic trend of transportation points to an ultimate freight rate which will be almost self-destructive. New modes of transportation have sprung up so suddenly and rapidly that our great railway systems have had to act carefully to avoid their demoralizing effects. It is not impossible that within the next 10 or 15 years there will be a revolution in the transportation facilities of this country. Then when you add to this an additional population of 50,000,000 of people, why should not the strong hand of the Government hold transportation charges to its people within reasonable bounds because of its ability to set in motion new commercial highways on our navigable rivers? No; it is not a dream; it is history evolving from the life and experience of other nations. If our rivers are neglected until that time, it means that their preparation will be doubly expensive. If the reservoir system will do what its proponents contend it will do, then it will solve the problem of navigation, not only on the tributaries, but on the lower Mississippi as well.

I can not estimate the cost, and I do not believe the engineers can estimate the cost of such a project, until they have had the opportunity to survey the valley in its entirety. And this has not been done. Congress should see to it that it is done before they embark upon some of the colossal schemes which have been proposed. Congress can not avoid the responsibility of saying what the policies shall be, and our engineers can not avoid the responsibility of carrying out that policy. We should not permit the engineers to dictate our policies nor to name the amount to be expended, and they should not presume to do so; the responsibility for a policy is ours and we should discharge it.

Representing a district that was cut to the heart by that flood, I do not propose to return to my people and say the lower Mississippi received all of the relief and that the Arkansas River received none, if I can possibly help it. To those Members in the basins of the upper Mississippi, the Ohio, and the Missouri, I would say that you stand in constant danger of the same devastating flood that was suffered by the basin of the Arkansas. In time this will come to you, and what account will you render to your people if you fail to give your efforts to bring about a comprehensive flood-control plan for this country? I do not want to be misunderstood as wanting to withhold relief from the lower Mississippi, but I do want to most emphatically record myself as supporting a comprehensive plan that will take care of floods in the Mississippi Valley everywhere the yardstick of a national problem can be applied, and I hope that every Member on the tributaries to the Mississippi will join the Members on the Arkansas River, from Colorado to the Mississippi, in demanding a comprehensive flood-control plan. [Applause.]

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, I rise to call the attention of the Congress of the United States to the unparalleled brutal treatment accorded to my coreligionists in a seemingly friendly country of Rumania. Many days ago I attended a mass meeting at Cooper Union in the city of New York, at which time I had the honor of addressing myself to a large assemblage of Americans, who were met to protest against anti-Semitism as practiced in Rumania. I was then requested to call the attention of our Congress to the existing situation. I am rising now to give expression to the feelings of our people.

About this time a year ago the assaults upon the Jews in Rumania made it necessary to hold a large mass meeting in the city of New York and to arrange similar protests in other communities. A delegation representing the American Jewish Congress and associate organizations went to Washington at that time and presented the facts with regard to the sad plight of the Rumanian Jewry to our Secretary of State. Other attempts were made to interest officials of our Government and leaders of public opinion in the matter. Action was also taken at that time tending to impress upon the Rumanian Government both the wrongs which were being committed against the Jews and the harm which is likely to come to Rumania herself from the pursuit of such a policy of oppression and failure to check anti-Semitic agitation. The charges which were then made and the facts which were presented to representatives of our Government have since been confirmed by non-Jewish and

impartial sources of the highest standing. An investigation has been made on behalf of the American committee on the Rights of Religious Minorities made up of about 50 prominent Americans. Every charge was fully confirmed and there is no question but that the Rumanian Government had been guilty of the most atrocious conduct unfit for a civilized nation and crying to Heaven for redress. In spite of the protests and warnings that were given to Rumania at the time of the disturbances of last year, the riots and outrages were repeated in a number of cities in December, 1927. Nor has the House of Representatives been silent about this matter. Several of my colleagues saw fit to introduce resolutions on this subject. The conscience of the country has been aroused and it is up to this august body to see to it that public opinion thus stimulated result in a change of attitude in Rumania.

The conclusion of the late war left in its wake throughout central Europe a number of nations with Racial or Religious "Minorities," for which the treaty of peace promised equitable treatment. Rumania, let us be fair, is not the only culprit in central or eastern Europe. But Rumania can not plead the sense of defeat and humiliation which may be responsible for unrest or disturbances in countries like Hungary. Rumania came out of the war enormously augmented in area and population. Her duty, nay, her very self-interest should prompt her to consolidate what she had won. But the poorest conceivable way of cementing a new nation together is by intimidation and denial of legal and moral rights.

The Rumanian outrages can be summarized under the heads of destruction of Jewish life, destruction of Jewish property, and desecration of Jewish places of worship. The larger aspects of the Rumanian situation are discrimination against Jews in public office, in public institutions of learning, and other public manifestations of the anti-Semitic spirit. This latter portion of our grievances can hardly be ameliorated by action without the country. The problem of public persecution is too deep-seated and too broad to enable us to eradicate it by any action which we may take, but this Congress is able and should take action against destruction of Jewish life, destruction of Jewish property, and desecration of Jewish places of worship.

In this connection permit me to read from the preliminary report of the American committee on the Rights of Religious Minorities, as published in the New York Times of December 7, 1927:

The deputation is unanimous in feeling that the anti-Jewish propaganda, which has attracted special attention in Rumania, is part of a widespread and ugly manifestation of racial and religious hatred. Rumania is not the only offender, and while the commission deals with conditions in Rumania it feels that the anti-Semitic riots which have recently occurred in Hungary illustrate how widespread this deplorable hatred is.

Hungarian minorities within the borders of Rumania are entitled to the fullest measure of protection within the rights accorded them by the minorities treaties, but likewise all minority groups in Hungary itself are also entitled to the fullest measure of protection of all those rights and privileges which are accepted as the basis of every civilized and decent nation.

Rumania has an unequaled opportunity to face courageously a complex situation and to attempt the solution of a problem which, while perplexing, is yet capable of a peaceful solution. Rumania can go far toward solving the question if she wills to do so. When she signed the minorities treaty she assumed the obligation, as a member of the family of nations, to deal justly with all the minorities within her borders.

REPORTS ARE CONSIDERED

The American committee on minorities has had occasion to study the situation in Rumania from time to time, and your deputation has taken into consideration all former reports made and the replies of the Rumanian Government, and in addition has had access to other reports, such as those to the League of Nations and the various replies of the Rumanian Government. Besides this it has studied with care histories recently written of Rumania, and documents now being circulated through its propaganda department. In view of all the circumstances, while we believe that there has been some improvement in the condition of affairs and that the minorities are being treated with more justice than heretofore, we are also convinced, nevertheless, that a considerable body of public opinion in Rumania will support nothing less than the granting to the minorities of those rights guaranteed by the treaties and considered by all civilized nations as the minimum requisite for an independent existence of a free people.

The commission is of the opinion that there remains a wide discrepancy between the constitution adopted by the State, which is liberal in many respects, and its enforcement through the officials, particularly noticeable in the administration in the outlying districts.

What has been said of the constitution also can be said of the laws relating to civil liberties. The courts have in many instances, some notorious, been either intimidated or deliberately used by groups for their own ends. The Codreanu and Totu murders, involving the killing of a police officer while in the performance of his duties, and the shooting of an innocent Jewish student are two conspicuous examples. Enlightened public opinion will continue to look with disfavor on the administration of the laws of any country where defenseless people find it safer to court arrest than to take their chances on the public streets. That this situation has developed in a number of instances in regard to the Jews is proved by the evidence submitted to the commission.

SYMPATHY FOR COUNTRY'S AIMS

The commission deeply sympathizes with the desire of Rumania to raise the state of its own people that they may have part in the future guidance of its affairs and in the administration of its laws. The system of education formulated is in many regards excellent, especially for citizens of Rumanian speech and race. We believe that the makers of these laws and those responsible for their administration have failed to give sufficient weight to the fact that loyalty can not be achieved by force. Patriotism is instilled by benefits conferred and not by outward compulsion. Every failure to enact school laws equitable to the minorities and every failure to administer them fairly is a grievous error on the part of a great nation endeavoring to use rightly elements which might be built into a loyal citizenship.

The attempt to Rumanianize the minority groups by force and to destroy their confessional schools, managed for centuries by their churches, will, if persisted in, undoubtedly deprive Rumania of the confidence also of people abroad who would otherwise be her friends. Therefore we believe that if Rumania cares to put herself in a good position in the eyes of the rest of the world she will permit the minorities to have the sort of schools to which they are accustomed, grant them a reasonable autonomy, and give them the full right to teach the historic languages of their respective peoples as well as the Rumanian tongue. Supervisors over them should be reduced to a point where, while efficient teaching freed of irredentism is secured, the officials will not handicap these schools in their work. At present the amount of official correspondence is so great that the Government offices are obviously overburdened, and the minorities do not receive replies regarding vital matters sometimes for as long a period as a year after their letters have been sent. The minority schools should especially be given some stability for the future and relieved from the perpetual fear that they may be unfairly closed. The splendid old Roman Catholic, Presbyterian, Lutheran, Unitarian, and Jewish institutions, many of them 200 or 300 years old, might well be looked on as an asset instead of a menace to the nation. We call the attention of the leaders of the Eastern Orthodox Church to the fact that, contrary to the understanding of some of them, the subsidies promised the minority schools have not been given.

UNCONCILIATORY ATTITUDE

Many of the Rumanian school officials, where a difference of opinion arises in promulgating a new order or administering a law, adopt an unconciliatory attitude. We are satisfied that these officials could, by conference with minority groups, alleviate a great deal of the misunderstanding which otherwise has been and will continue to be a cause of bitterness.

The commission calls attention to the administration by the Rumanian officials of the citizenship laws. There is no doubt that the fundamental right of citizenship is denied to thousands who are justly entitled to it. Thus they are arbitrarily deprived of those safeguards accorded by every nation to its nationals, and this in spite of solemn guaranties of the minorities.

The commission found, during its visit, that a hideous campaign of intimidation and brutality was being carried on against the Jewish citizens of the State, its motive being a mixture of arrogant intolerance and ignorant hatred. It is true that there is not now as much terrorism as formerly. The improvement is due to three causes: First of all, the systematic campaign carried on for several years against the Jews has so intimidated them that they absent themselves in large part from the universities and public life. Secondly, the virulence of the campaign has reacted unfavorably on Rumanian prestige abroad. Thirdly, the promises of the Liberal Party to certain groups of Jewish voters in the summer of 1927 have brought some cessation of anti-Semitic excesses. We rejoice in this step taken by the party now in control of the Government, and trust that what is now only a temporary party move may become an accepted and sanctioned governmental policy.

SERIOUS DANGER TO PEACE

Without going into detail about the causes of violence preceding and during the election of July 7, 1927—which was generally believed to be a crying scandal in Rumania—we must point out the serious danger to the peace of Europe in the repression of the franchise rights of minorities and groups outside the administration.

The commission was impressed with native intelligence, industry, kindly disposition, and friendliness of the Rumanian people, especially evident among the peasants in the villages. Greater Rumania obviously seeks to find her place among the more forward-looking nations

of the world. In view of these facts, which are amply supported by the evidence of all travelers and those best informed, it is extremely unfortunate that the state church should have sanctioned the National Christian Defense League and the National Rumanian Christian Students' Union, whose program and publications are a disgrace to our civilization, an insult to the name of Christian, and a black blot on the fair name of Rumania. We think it most unfortunate that students for the priesthood of the state church should have taken part in demonstrations against fellow citizens of other religious preference or racial background, on the basis of racial or religious prejudice. We courteously, and at the same time urgently, call the attention of the Rumanian State Church to the situation, and in the name of our common Christianity urge that it purge itself of all anti-Semitism and bitterness toward people in Rumania of other racial stocks. We point out the danger of allowing the students in theological schools to continue their agitation against Rumanian citizens of Jewish and other racial origins, either in the Regat or in the annexed territories. The hope of the future of Rumania and the peaceful solution of its problems will vanish from another generation unless the churches and schools contribute to their settlement, which can be secured only by tolerance toward all races and languages.

There has never been in Rumania what has come to be technically known as a pogrom—that is, a massacre inspired and sanctioned by the State.

There have been excesses, acts of terrorism, and such molestation of peaceful elements of the population as to cause continual fear and unrest and generally to reflect badly upon those who are responsible for the peace and welfare of the country. There is moreover grave danger in allowing the youth in the universities and schools to conduct anti-Semitic agitations. Even worse is the complacency with which many people regard the attitude of certain professors and teachers in the schools and universities toward these movements, not only condoning but even encouraging them. The students who develop in the atmosphere of anti-Semitic bitterness will be the citizens and the teachers of to-morrow, and will pay less attention to the pogromless record of their country than their predecessors have done. We believe that this bitterness is not representative of the enlightened opinion of the great body of university professors and school teachers of Rumania; nevertheless, it has been accepted with far too much complacency by the educated citizenship and leadership of the nation.

It is our opinion that certain officials of the Government have made a great mistake in forbidding thousands of individuals, who belong to the minority groups, to maintain their status and in registering as Rumanians those who for some time have spoken other languages. The commission is satisfied that the Rumanian Government could with great profit to itself study the facts relating to the census and the methods by which it was taken. We are convinced that many of these complaints which seem to us justified can easily be righted.

The commission was satisfied that the violence of which the Baptists and other groups complain is actual and constituted a charge of religious persecution and therefore endangers the highest interests of the state church, and the prestige of the nation. We urge the officials of the church, with the Government authorities, to work out some plan by which these people may be granted full religious and civil liberties.

POINTS TO SITUATION OF CHURCHES

We call attention of the Government to the situation of the Hungarian-speaking Lutheran Churches and urge that a legal status satisfactory to them be established.

We call the attention of the Government to the situation of the Roman Catholic minorities, particularly in the Banat, the western borders of Bucovina, and urge that a speedy and satisfactory settlement of the relations between the Government and the Roman Catholic Church be made. The consequences of delay here will intensify the feelings, based as they are on the recognized international claim of the church and its servants.

The attention of the state church is called to many cases of apparent unfairness to the minority churches in the distribution of land under the agrarian laws, to confiscations of church buildings and property of the minority communions; to the proposed laws restricting minority churches; to the present practice of obliging members of minority churches to pay for some of the new buildings of the state church through forced contributions or through the granting of public-park sites to orthodox churches in regions where the orthodox church is itself a minority. We urge this powerful church in the interest of Christian fellowship and good will to use its good offices in bringing together those who feel they have complaints and the Government authorities in order to find a solution.

The commission discovered a feeling of widespread resentment among the members of the minority churches against the compulsion exercised by the Government enforcing them and their children to attend the services of the state church on patriotic occasions. The commission believes that the churches and the Rumanian Government can work out a plan whereby the feelings of members of minority churches will not be violated.

Finally, the commission was impressed by the fact that there are in the annexed territories of greater Rumania great resources of educated citizenship, from which the Rumanian Government could draw with great profit for the service of the State. Many of these citizens at the present time find themselves in despair at what seems to be a studied, determined effort on the part of the majority to discriminate against them in the filling of official positions.

The Rumanian public authorities have been fully and thoroughly warned. I shall quote from the Jewish Daily Bulletin two significant reports. Under date of December 9:

FILDERMAN ACCUSES RUMANIAN GOVERNMENT OF FAILURE TO HEED OUTBREAK WARNINGS

(Text of Doctor Filderman's speech in Parliament)

BUCHAREST, December 9.—The attitude of the Jewish population toward the student outbreaks in Transylvania and Jassy was defined by Dr. William Filderman, president of the Union of Rumanian Jews, speaking in Parliament on the question.

Doctor Filderman said that the Government had had plenty of warning that this sort of thing was going to happen, and it had taken no action to prevent it. The disturbances, he pointed out, had been going on all through the month of November. Yet the Government had not even thought it necessary to order an inquiry. No rioter had been punished; no serious effort had been made to prevent further disturbances.

"Before the congress in Oradia Mare was opened," he said, "I submitted to the Minister of the Interior, M. Duca, a number of memorandums signed, in addition to myself, by Senators Horia Karp and Dr. Emil Jacobi. We warned the minister that the things which have occurred were going to occur and we suggested what measures were necessary in order to prevent them. I declare here that no measures whatever were taken by the Government, neither the measures which we suggested nor others. Things happened in the trains and on the railway stations worse than anything which had happened in the universities. We immediately reported these things to the ministry of the interior, and we were promised an inquiry. I declare that no inquiry whatever was made, and the rioters continued their way to Oradia Mare unhindered.

"In Oradia Mare the rioters gained still more courage and they did things not only worse than anything done at the universities but worse even than anything done in the trains and on the railway stations, worse than anything, in fact, that had happened in recent years. The Aurora, the organ of Doctor Lupu, a minister in the Government, was censored on December 8 because it wrote about the things which had taken place in Oradia Mare. It suggested that something worse had happened than actually was the case. I will not speak of facts which I know because the Government knows them, too. I will only analyze what happened at the congress. M. Lobonzu, the prefect of Bicaz, declared at the congress that the congress was of importance both for the aliens without and the aliens within. Who are these aliens within? The Cuvintul of the 7th instant stated that General Mosciu was present at the congress as the representative of the Government, and that as such he praised the activity and the nationalist fight of the students. The same issue of the Cuvintul stated that the president of the congress made the rare declaration that now they were going to consider with the students the question of the numerous clauses.

"The congress also dealt with the law regarding dead bodies for dissection, with the basic principles of which I, too, agree. Several years ago I myself proposed the enactment of this law to Doctor Anghelescu, then Minister of Education. Doctor Anghelescu replied that the Christian Church would oppose it. As for the Mensas and the students' homes, I am in full agreement with the students that the Government has never kept its promises. I don't know everything that was discussed at the congress, but I do know that the questions which were discussed are formally prohibited by the regulation for order and discipline among the students which was published in the Monitorul Official of May 13, 1923. Student federations are allowed only for the purpose of extending their special studies, and the university rectors are required to take steps to prevent the decisions of the congress being carried out. Further, private persons are prohibited from taking part in the students' gatherings, and on the platform of this congress there was present a Turkish journalist named Achmet Riza Bey. The statutes do not allow students to deliver speeches at meetings. Who gave permission for the resolutions which were adopted to be proposed and discussed? Students are not allowed to participate in societies whose purpose is anarchic. A movement which seeks to change the social position of all the Jews of this country, is it not anarchic? The Government promises to carry out a rigorous investigation. But the investigation and the punishment of the guilty is the duty of the judicial power.

"It would be better for the Government to make clear with whom lies the blame, because the Government failed in its duty to prevent the disturbances. Here there is no need of an inquiry. The punishment must be immediate, because they have shown either that they are accomplices or that they are incompetent. What measures have been taken?

I ask the Prime Minister and the Ministers of the Interior, Justice, Education, and War what measures did they take, first, against the students who beat their Jewish fellow students in the universities and in the streets; secondly, to prevent the disturbances in the trains, on the railway stations, and in Oradia Mare; thirdly, against those representatives of the Government who failed to carry out the laws and engaged in negotiations with irresponsible persons?

"Will the students' organizations which have violated the laws be further tolerated?" Doctor Filderman demanded. "Will the Government in future regard the activities of the anti-Semitic students as anarchic? Will the Government fully compensate the victims? Will the Government rebuild the demolished synagogues? What measures does the Government intend to take against the Government officials and professors who engage in spreading anti-Semitism in the exercise of their official duties? Who covered the costs of the students' congress and of the banquets to the students, which was estimated at 7,000,000 lei? What measures will be taken by the Government against the prefect who termed us 'aliens'? Did General Mosciu represent the Government at the congress?

"I declare in the name of the Jewish population," Doctor Filderman continued, "that we do not want the intervention of Hungary at the League of Nations. Rather than defend us, let the Hungarian Government settle the Jewish question in Hungary."

Turning to the Peasants' Party, Deputy Filderman asked why their organ, Dreptatia, had given no report of the disturbances?

Deputy Madjura replied: "The censor suppressed it. But why are you with the Liberals?"

Doctor Filderman: "Democracy gives everyone a right to his opinions. We held that it was beneficial for the Jews that we should join the Liberals. That is our opinion. You have no right to complain of that."

Deputy Madjura, who followed Deputy Filderman, accused the Government of responsibility for the disturbances. "The Government," he said, "had compelled the university authorities to readmit the students who had been expelled for organizing the anti-Jewish disturbances, and the result was that they had organized these fresh disturbances."

The Minister of the Interior, M. Duca, said that the Government had always expressed its desire to stand in the best possible relations with the Jewish population. "The students are now demanding for the fifth year the enforcement of a numerus clausus. We expelled Professor Cuza from the university," he said. "Others brought him back. The Government will do everything possible to restore order."

Deputy Filderman, speaking again, declared that he was satisfied with the minister's assurance for the future, but he was not satisfied with the present situation. Either M. Duca had not issued any orders or those orders were ignored and those who were responsible for that had not been punished, he declared.

And, again, on December 16:

RUMANIAN GOVERNMENT GIVES FURTHER ASSURANCES AS JEWISH SENATOR PRESSES FOR EXPLANATION

(By our Bucharest correspondent)

BUCHAREST, December 16.—The question of the Rumanian Government's policy in respect to the Jews, in view of the recent excesses, was raised in the Senate to-day by Senator Horia Karp, one of the Jewish representatives, who has been in Transylvania investigating the situation there.

My interpellation, Senator Karp said, is of a general character, and is concerned with the policy of the Government in respect to the Jewish population. During the elections we entered into a bloc with the Government. I am convinced that M. Duca desires a policy of rapprochement toward the Jewish population. The late M. Jan Bratianu also desired it. And yet the Government is culpable because it has supported the nationalist policy of the students. It is not for the school youth to engage in the defense of the national interests. All the citizens of the country stand together in the defense of the great interests of the State. We are not enemies of our country, as our university professors seek to make others believe.

Senator RADUCANU. All the students are not guilty. The guilt lies only with a gang of hooligans.

Senator KARP. Professor Duca said that, too. But I have seen what happened with my own eyes and heard with my own ears. We must not be afraid of what will be said abroad. We shall do greater service to our country if it is known abroad that the Senate will not allow these things to happen. All the governments that have been in power for the last six years have been afraid to touch the students' movement. The students probably imagine now that they are much more than anybody else. What has the present generation given the country except that it has murdered Manciu and Falik? At the congress in Oradia Mare Professor Cetunianu lauded the students because they are demanding a numerus clausus, and Professor Paulescu praised them because they have driven the Jews out of the medical faculty. No one was punished after what happened at Dorna-Vatra or Rimnic Vilcia, nor after the incidents in the universities. Of course, things have gone so far that the students have even attacked soldiers and officers. If the students wished, they could have killed thousands of people in Oradia Mare. It is intolerable that teachers, professors, and prelates should take part in the anti-Semitic movement. A priest who consecrates the banner of the swastika is no Christian. In Czernowitz a Jew bequeathed money for a students' home, and not a single Jew is allowed to enter that home.

"The Government," Senator Karp proceeded, "has not kept its word to carry out a policy of rapprochement. M. Duca is shielding Secretary of State Tatarescu. M. Tatarescu ought himself to resign his post in the Government. The Universul, the paper of the Minister of Justice, M. Popescu, said that the students were provoked. If a newspaper published by a member of the Government writes in that fashion, the students may well think that they have a right to do whatever they wish. It is a lie to say that anyone provoked the students. The Jews took 1,000 students into their homes and fed and lodged them during the congress, and they paid for many other students who were put up at hotels because they had no room to billet them in their homes. When I asked the procuror what evidence there was that boiling water had been poured upon the students from Weiszlovicz's Hotel, he replied that he had seen a pool of water on the pavement. I am glad that for the first time in six years the Government is now condemning these acts of barbarism, and that certain sanctions have been made. Perhaps other sanctions will follow, for in Oradia Mare and in Cluj none of the authorities did their duty. The police chief allowed himself to be carried shoulder high by the students while they were shouting 'Down with the Jews.' I hope that that fine Christian declaration made by Bishop Cieragariu will impress the students and have some effect upon them. The students are demanding punishment for those who are libeling them. But the students demolished five synagogues and shops and private houses and looted property. In Oradia Mare they were seen carrying parcels of goods, and in Bucharest stolen goods were taken from them.

"When I visited the synagogue in Oradia Mare the general who was with me crossed himself, seeing the havoc that had been wrought there. Peasants wept when they saw the desolation that had been made of the synagogues, and one peasant woman fell on her knees and prayed to God that he should not punish all Christians because of this sacrilege. Twenty-eight scrolls of the law were torn to pieces in Cluj. The dust carts came and collected them as if they were so much refuse. The Jews had to pick the pieces of parchment out of the dust heaps. If the students in Cluj took no part in the disturbances, how did the students know where all the six synagogues were situated? On the second day the students came to the university with pieces of parchment from scrolls of the law in their lapels. Even those who were living with Jews wore these pieces of parchment in their lapels.

"I demand of the Government," Senator Karp cried, "that it should protect the Jewish population, that it should prohibit professors from engaging in anti-Semitic propaganda, that it should grant a moratorium of three months to those traders who have suffered damage, and that the autonomy of the universities should be withdrawn where it is a question of public security. If the Government does this, these events will not occur again."

M. Duca, Minister of the Interior, said in reply: "I understand the feelings of M. Karp, especially in view of the disgraceful profanation of the synagogues. I represent not only my personal opinion, but the opinion of the whole Government. We believe that the consolidation of Greater Rumania must take place with the cooperation of all the minorities. We have taken steps to punish the guilty officials, and I declare that we have not yet finished. When the inquiry is completed, other punishment will follow. We are determined to rid Rumania of the feelings which now dominate our university youth. We ask Senator Karp to have confidence in us and not to raise too often questions which have already been dealt with. We shall restore the synagogues which have been demolished and we shall compensate the victims."

Rumania achieved its independence at the Congress of Berlin, held in 1878, in which the leading personages were Lord Beaconsfield and Bismarck, the greatest European statesmen of the day, and of many times. It was due to the efforts of these statesmen that a clause was placed in the treaty with Rumania wherein Rumania guaranteed equal treatment to all religions. How this clause was carried out by Rumania requires no extended discussion. But let us now turn to the famous letter of our own John Hay, Secretary of State, to the Rumanian Government, dated August 11, 1902:

SECRETARY HAY TO RUMANIA

DEPARTMENT OF STATE,
Washington, August 11, 1902.

EXCELLENCY: In the course of an instruction recently sent to the minister accredited to the Government of Rumania in regard to the bases of negotiation begun with that Government looking to a convention of naturalization between the United States and Rumania, certain considerations were set forth for the minister's guidance concerning the character of the emigration from that country, the causes which constrain it, and the consequences so far as they adversely affect the United States.

It has seemed to the President appropriate that these considerations, relating as they do to the obligations entered into by the signatories of the treaty of Berlin of July 13, 1878, should be brought to the attention of the governments concerned and commended to their consideration in the hope that, if they are so fortunate as to meet the approval of the several powers, such measures as to them may seem wise may be taken to persuade the Government of Rumania to reconsider the subject of the grievances in question.

The United States welcomes now, as it has welcomed from the foundation of its Government, the voluntary immigration of all aliens coming hither under conditions fitting them to become merged in the body politic of this land. Our laws provide the means for them to become incorporated indistinguishably in the mass of citizens and prescribe their absolute equality with the native born, guaranteeing to them equal civil rights at home and equal protection abroad. The conditions are few, looking to them coming as free agents, so circumstanced physically and morally as to supply the healthful and intelligent material of free citizenhood. The pauper, the criminal, the contagiously or incurably diseased are excluded from the benefits of immigration only when they are likely to become a source of danger or a burden upon the community. The voluntary character of their coming is essential; hence we shut out all immigration assisted or constrained by foreign agencies. The purpose of our generous treatment of the alien immigrant is to benefit us and him alike—not to afford to another State a field upon which to cast its own objectionable elements. The alien, coming hither voluntarily and prepared to take upon himself the preparatory and in due course the definitive obligations of citizenship, retains thereafter, in domestic and international relations, the initial character of free agency, in the full enjoyment of which it is incumbent upon his adoptive State to protect him.

The foregoing considerations, whilst pertinent to the examination of the purpose and scope of a naturalization treaty, have a larger aim. It behooves the State to scrutinize most jealously the character of the immigration from a foreign land, and if it be obnoxious to objection to examine the causes which render it so. Should those causes originate in the act of another sovereign State, to the detriment of its neighbors, it is the prerogative of an injured State to point out the evil and to make remonstrance; for with nations, as with individuals, the social law holds good that the right of each is bounded by the right of the neighbor.

The condition of a large class of the inhabitants of Rumania has for many years been a source of grave concern to the United States. I refer to the Rumanian Jews numbering some 400,000. Long ago while the Danubian principalities labored under oppressive conditions, which only war and a general action of the European powers sufficed to end, the persecution of the indigenous Jews under Turkish rule called forth in 1872 the strong remonstrance of the United States. The treaty of Berlin was hailed as a cure for the wrong in view of the express provisions of its forty-fourth article, prescribing that "In Rumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever," and stipulating freedom in the exercise of all forms of worship to Rumanian dependents and foreigners alike, as well as guaranteeing that all foreigners in Rumania shall be treated without distinction of creed on a footing of perfect equality.

With the lapse of time these just prescriptions have been rendered nugatory in great part, as regards the native Jews, by the legislation and municipal regulations of Rumania. Starting from the arbitrary and controvertible premise that the native Jews of Rumania domiciled there for centuries are "aliens not subject to foreign protection," the ability of the Jew to earn even the scanty means of existence that suffice for a frugal race has been constricted by degrees until nearly every opportunity to win a livelihood is denied, and until the helpless poverty of the Jew has constrained an exodus of such proportions as to cause general concern.

The political disabilities of the Jews in Rumania, their exclusion from the public service and the learned professions, the limitations of their civil rights and the imposition upon them of exceptional taxes, involving as they do wrongs repugnant to the moral sense of liberal, modern peoples, are not so directly in point for my present purpose as the public acts which attack the inherent right of man as a bread-winner in the ways of agriculture and trade. The Jews are prohibited from owning land, or even from cultivating it as common laborers. They are debarred from residing in the rural districts. Many branches of petty trade and manual production are closed to them in the overcrowded cities where they are forced to dwell and engage, against fearful odds, in the desperate struggle for existence. Even as ordinary artisans or hired laborers they may only find employment in the proportion of one "unprotected alien" to two "Rumanians" under any one employer. In short, by the cumulative effect of successive restrictions the Jews of Rumania have become reduced to a state of wretched misery. Shut out from nearly every avenue of self-support which is open to the poor of other lands, and ground down by poverty as the natural result of their discriminatory treatment, they are rendered incapable of lifting themselves from the enforced degradation they endure. Even were the fields of education, of civil employment, and of commerce open to them as to "Rumanian citizens," their penury would prevent their rising by individual effort. Human beings so circumstanced have virtually no alternative but submissive suffering or flight to some land less unfavorable to them. Removal under such conditions is not and can not be the healthy, intelligent emigration of a free and self-reliant being. It must be, in most cases, the mere transplantation of an artificially produced diseased growth to a new place.

Granting that in better and more healthful surroundings the morbid conditions will eventually change for good, such emigration is necessarily for a time a burden to the community upon which the fugitives may be cast. Self-reliance and the knowledge and ability that evolve the power of self-support must be developed and, at the same time, avenues of employment must be opened in quarters where competition is already keen and opportunities scarce. The teachings of history and the experience of our own Nation show that the Jews possess in a high degree of the mental and moral qualifications of conscientious citizenhood. No class of immigrants is more welcome to our shores when coming equipped in mind and body for entrance upon the struggle for bread and inspired with the high purpose to give the best service of heart and brain to the land they adopt of their own free will. But when they come as outcasts, made doubly paupers by physical and moral oppression in their native land, and thrown upon the long-suffering generosity of a more favored community, their migration lacks the essential conditions which make alien immigration either acceptable or beneficial. So well is this appreciated on the Continent that, even in the countries where anti-Semitism has no foothold, it is difficult for these fleeing Jews to obtain any lodgment. America is their only goal.

The United States offers asylum to the oppressed of all lands. But its sympathy with them in no wise impairs its just liberty and right to weigh the acts of the oppressor in the light of their effects upon this country and to judge accordingly.

Putting together the facts now painfully brought home to this Government during the past few years, that many of the inhabitants of Rumania are being forced by artificially adverse discriminations to quit their native country; that the hospitable asylum offered by this country is almost the only refuge left to them; and they come hither unfitted by the conditions of their exile to take part in the new life of this land under circumstances either profitable to themselves or beneficial to the community; and that they are objects of charity from the outset and for a long time—the right of remonstrance against the acts of the Rumanian Government is clearly established in favor of this Government. Whether consciously and of purpose or not, these helpless people, burdened and spurned by their native land, are forced by the sovereign power of Rumania upon the charity of the United States. This Government can not be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Rumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself but in the name of humanity. The United States may not authoritatively appeal to the stipulations of the treaty of Berlin, to which it was not and can not become a signatory, but it does earnestly appeal to the principles consigned therein, because they are the principles of international law and eternal justice, advocating the broad toleration which that solemn compact enjoins and standing ready to lend its moral support to the fulfillment thereof by its cosignatories, for the act of Rumania itself has effectively joined the United States to them as an interested party in this regard.

You will take an early occasion to read this instruction to the Minister for Foreign Affairs, and should he request it leave with him a copy.

I have the honor to be, your obedient servant,

JOHN HAY.

Rumania has been openly and notoriously violating every pledge made by it during this period of 50 years. A similar restriction on the Rights of Religious Minorities was placed upon Rumania in the covenant of the League of Nations. The same evasion of its terms which characterized Rumania's brutal disregard of its obligations of 1878 characterize also its evasion of obligations under the treaty of 1918. In other words, Rumania can not be trusted.

On the other hand, the Rumanian Government is seeking to avoid its responsibility by claiming that some of the excesses committed against its Jewish subjects were the work of foreign conspirators. According to a statement made by the Rumanian Government to Lucian Wolf, secretary of the joint foreign committee of the Board of Jewish Deputies, an Anglo-Jewish association of London, the Rumanian Government claims that it will take all legal steps to put down the excesses without fear or favor. The statement continues that the Rumanian Government will do its full duty because it realizes that the first victim of disturbances is Rumania herself. If that is the truth, and if it really represents Rumania's attitude in the matter, we can only hope and pray that the powers

to be in Rumania will realize how important it is to do what it pretends to do. A large number of British, American, and Continental European concerns have withdrawn credits from Rumanian industry and commerce. This is but a step in the right direction. If the Rumanian Government is powerless to stop the outrages, then the Rumanian Government can not be trusted. If the Rumanian Government is anxious to put an end to the excesses, it can do so and will obtain full cooperation and sympathy from this country. We do not believe in religious persecution. We have written into our Constitution (first amendment):

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

The Constitution also says (Article VI, subdivision 3):

> No religious tests shall ever be required as a qualification to any office or public trust under the United States.

We believe that it is the duty of government to cherish, aid, and assist those who exercise religion in any form, and the Government will never dream of imposing any religion from without. If Rumania wishes to maintain the good will of this country, if she desires to continue in the esteem of the world, she should put an end to excesses and punish the guilty.

Only by continued strong and unequivocal action on its part can Rumania expect this country to continue to maintain relations with it.

In 1910 this House saw fit by unanimous resolution to urge upon the President of the United States to abrogate the treaty this country had with Russia, because of Russian persecution of the Jews. This House was unanimous and the resolution proposed was carried with but one dissenting vote. Let us show a united front to Rumania at this time. Either she ceases her anti-Jewish excesses or we shall cease all intercourse with Rumania.

I hope that this latter course will not be necessary and that Rumania will once and for all maintain her promises and her dignity as a nation.

RUMANIA ARRAIGNED AT THE BAR OF PUBLIC OPINION FOR ITS ATROCITIES

The American people should take notice of the action in Rumania with respect to the destruction of life and property and desecration of places of worship of its inhabitants.

Rumania's failure to stop these atrocities would be justification for America's refusal to treat with it as a civilized nation.

In 1902 Rumania mistreated its minorities, and then the late John Hay, Secretary of State, stated the American views, as follows:

> The right to remonstrate against the acts of the Rumanian Government is clearly established in favor of this Government.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Illinois [Mr. ARNOLD].

GEORGE ROGERS CLARK MEMORIAL

Mr. ARNOLD. Mr. Chairman and gentlemen of the committee, February 25, 1779, Fort Sackville, Ind., with its British garrison was surrendered to the American forces under the leadership of that courageous soldier and patriot, George Rogers Clark. That date marks the culmination of one of the most eventful and colorful campaigns in the annals of American history.

No military campaign contributed more to the greatness of America than this engagement, and no military leader received so little recognition for his valiant services than has George Rogers Clark and his band of pioneer patriots. All that vast territory between the Alleghenies and the Mississippi River north of the Ohio River to the Great Lakes was under the control and domination of the British. Savage bands of Indians, urged on by unscrupulous British leaders to a frenzy of fiendish delight, were committing unspeakable horrors and depredations on the scattered frontiersmen. The struggling Kentucky pioneer settlers were threatened with extinction and the peace and security of the Nation menaced by the British control of this territory.

George Rogers Clark knew the necessities of the time. He had a vision of America's future greatness. He saw a vast empire in the Northwest Territory, without which the American Nation would be circumscribed and impotent among the nations of the world, a nation confined to the Atlantic seaboard, hemmed in by foreign powers. He realized the new nation could not expand to its cherished greatness with England in possession of our back door.

At the time he was fighting for the preservation of American pioneer settlements in Kentucky, where Daniel Boone and Si Kenton were distinguishing themselves in that dramatic period of Indian warfare and frontier settlement in the Kentucky country. Wave after wave of Indian sallies were devastating the white settlements north of the Ohio and spreading consternation and havoc among the Kentucky settlers by their fresh outrages, instigated by British posts north of the Ohio River.

He conceived the idea of proceeding across the Ohio, attack the British posts at Kaskaskia and Cahokia on the Mississippi River on the Illinois side and Vincennes on the Wabash River on the Indiana side, wrest those posts from the enemy, and by so doing break up the British nests instigating Indian outrages and add that vast domain east of the Mississippi and north of the Ohio to the Republic, then in the making. With this vision in mind he returned to his native State of Virginia. He was born in 1752 in Albemarle County, Va., a mile and a half from Monticello, Thomas Jefferson's birthplace, where the father of the Declaration of Independence lived and now lies buried. He was a boyhood friend of that great statesman and nine years his junior. That friendship continued throughout their lives. It was soon to play an important part in that critical period and in America's future greatness.

George Rogers Clark was one of six brothers, all of whom served with distinction in the Revolutionary War except William, who was too young. William later achieved distinction as the Clark in the famous Lewis and Clark expedition through the great Northwest to the Oregon country. Patrick Henry, of "Give me liberty or give me death" fame, was then Governor of Virginia. He received Clark's proposal with sympathy, but with hesitation. He realized the limits of the Old Dominion State at that time and the absolute necessity of the success of American arms in Washington's campaign against the British. All available men and supplies were most urgently needed for Washington's army.

Thomas Jefferson was called into the conference. Jefferson at once grasped the possibilities and importance of the plan. In this conference were also George Mason and George Wythe, two other sturdy Virginia patriots of that day. As a result of the conference, largely through the influence of Jefferson, Governor Henry persuaded the assembly to approve, it is said, without the assembly knowing the full import of the mission, and George Rogers Clark was commissioned a colonel of Virginia Militia, authorized to draw twelve hundred pounds from the public treasury, to raise and equip 7 companies of 50 men each to proceed to the Kentucky country for the avowed purpose of defending the Kentucky pioneers against British and Indian outrages.

Clark was given two sets of instructions; one public and to be used in raising his army for the defense of the Kentucky settlement, the other confidential, the authority to Clark to wage his campaign north of the Ohio. He finally succeeded in raising and equipping 150 men. Marching directly to the Ohio and down that river, he made camp on Corn Island, in the Ohio, between Jeffersonville, Ind., and Louisville, Ky. A small company of Kentucky riflemen, who it was thought could be spared from the hard-pressed settlements of Kentucky, joined him. When it was learned the object in view was to attack the British posts north of the Ohio River, some of the more weak-hearted deserted him. For the historic data of this remarkable campaign in the Illinois country we have the journal of Captain Bowman, Clark's most courageous, valiant, and trusted officer, written at the time of the campaign; Clark's letter of November 19, 1779, to George Mason; and the memoirs of Clark prepared at the suggestion of James Madison.

On the 24th of June, 1778, during a total eclipse of the sun, he proceeded down the falls of the Ohio with Kaskaskia on the Mississippi River as his first objective, but with old Fort Sackville at Vincennes as his main objective. During the preceding year he had sent two men into the Kaskaskia country to get the lay of the land and the sentiment of the French settlers toward the new Republic. It was known the British watched the Mississippi well. An unsuspected route must be taken. Silently and swiftly he dropped down the Ohio to the mouth of Massac Creek, secreted their flatboats, and made ready to travel a primeval overland route to Kaskaskia of 100 miles. This route took them through the counties of Massac, Johnson, Williamson, Jackson, and Randolph.

He knew Kaskaskia to be the more vulnerable point, and the wisdom of striking the first blow at that far-removed settlement and getting the people of that French settlement with him, many of whom he had learned were already friendly to the American cause. The route traveled was through a perilous wilderness infested with 15 powerful and hostile Indian tribes in sympathy with the British.

July 4, 1778, Kaskaskia was taken by surprise and the garrison captured without firing a gun. Displaying a spirit of

boldness and diplomacy rare in the annals of history, the Kaskaskians, who had been deceived by the British into believing the Big Knives, as the Kentucky riflemen were then known, were ruthless savages and cannibals, were allowed for some time to maintain this opinion. Clark was a master strategist and diplomat of the frontier country. His boldness so awed the settlement that when a meeting was called and the friendly alliance between France and America was disclosed, and he informed them of his desire to bring the blessings of liberty to them, the terror of the Creoles was soon changed to joy and they readily took the oath of allegiance to America.

A company, under the command of Captain Bowman, was sent to Cahokia, on the Mississippi River, a few miles below St. Louis. Some of the French inhabitants of Kaskaskia voluntarily sought permission to join the company. They soon persuaded the residents of Cahokia that the Americans were their true friends, and the garrison at Cahokia surrendered and became subjects of the new Republic. A French priest, Father Gibault, of Kaskaskia and Vincennes, in sympathy with the American cause, when assured that freedom of religion would not be interfered with, cast his powerful influence with Clark, and there, and later at Vincennes, was a most powerful factor in adding to the success of the expedition.

Governor Hamilton was in possession of the British fort at Vincennes. Between Clark and Hamilton lay some 150 miles of wilderness and swamp. Clark realized the necessity of striking at Hamilton before the British learned of his exploits in the Kaskaskia country. He boldly resolved to march against Vincennes without delay. To have gone down the Mississippi and up the Ohio and the Wabash would have been too costly in time. He sent the *Willing*, a boat laden with supplies and munitions, by that route, with instructions to meet him in the Wabash below Vincennes.

February 5, 1779, four companies, possibly 160 men, well armed but without tents and horses, except a few pack horses, departed from Kaskaskia on the desperate journey through forests, across swimming prairies, and flooded rivers of Illinois for Vincennes. Trees were felled for crossing streams that could not be forded, pirogues hastily constructed for crossing deeper and wider streams. The route ran in a northeasterly direction on the high ground between the Kaskaskia and St. Mary Rivers, through Sparta, in Randolph County, Nashville, in Washington County, then veering to the east, through section 9 in the northwest corner of Jefferson County into Walnut Hill, Marion County. Through Marion County into Clay, through Xenia, Flora, a short distance south of Clay City, crossing the Little Wabash River and Big Muddy Creek, 3 miles apart at point of crossing, a raging stream, 5 miles from bank to bank when crossed, through Richland County, a few miles south of Olney, through Sumner, in Lawrence County, on to Lawrenceville, on the Embarrass River. Here, on the 18th, they heard the morning guns at Fort Sackville.

While there is some controversy as to the exact route pursued by Clark on this march, the best authorities seem to be agreed that the above route was the one followed. He hastened impetuously through wilderness, swamps, and flooded prairies, across waters that could not be bridged, feeling that when once across all dreams of retreat would be foreclosed, and the eyes of his troops would be centered on Vincennes.

Finding the high water of the Embarrass blocked their crossing, they proceeded in a southeasterly course about 9 miles below the mouth of the Embarrass. The Wabash River and other streams at this time of the year were a vast lake, and in the more shallow water and swamps ice had formed and the weather was cold and disagreeable. No man would have ventured through wilderness and swamps and surging streams unless inspired by the spirit of liberty and patriotism. This cool, brave youth of 27, who led these men, had a vision possessed by few men in history, and the courage to carry that vision into execution.

The *Willing*, that had been sent down the Mississippi and up the Ohio, could not be found. Canoes were hastily constructed. On the 21st the army began to be ferried across the Wabash below the mouth of the Embarrass, about a mile and one-half above St. Francisville. Crossing to the Indiana side, they immediately started their march northward toward Vincennes. Warrior's Island, 2 miles from Vincennes, was reached on the 23d, the army floundering through mud and water, half numb with cold, and weak from exposure.

The fort is described as an irregular inclosure about 60 feet at its narrowest place and 200 feet at the widest point, of 2 or 3 acres. It was surrounded by a stockade 10 or 12 feet high, with blockhouses at the corners or angles. In the center was a blockhouse also, which served as quarters for the officers and supply depot. Clark's men had been almost entirely without food and water for six days.

Lieutenant Bailey, with 14 Regulars, was detached to fire on the fort while possession of the town was undertaken by the others. The garrison was taken completely by surprise. The sharpshooters were too much for the men inside the fort, and every time a British soldier showed himself at a porthole he was picked off by one of the sharpshooters.

At 9 o'clock on the morning of the 24th Clark sent a letter to Governor Hamilton demanding immediate surrender and admonished him not to destroy the stores or papers or letters in his possession under penalty of no mercy shown. Hamilton replied that he and his garrison were not disposed to be awed into any action unworthy of British subjects. The firing again commenced. Hamilton sent a letter to Clark proposing a three-day truce to consider such terms as he proposed.

Clark refused, fearing that reinforcements on the way from Detroit would reach Hamilton. He suggested that Hamilton meet him, with Captain Helm, who was held a prisoner in the fort, at the church about 80 yards from the fort. Hamilton proposed terms of capitulation with certain conditions, all of which were rejected by Clark. Clark demanded that Hamilton surrender at discretion, that his troops were impatient to storm the fort, and the result of an enraged body of woodsmen breaking in would be beyond the power of an American officer to save a single man.

Hamilton inquired Clark's reason for refusing the garrison on any other terms than at discretion and was told that he wanted an excuse to put to death the Indian partisans or otherwise treat them as he thought proper; that the cries of the widows and orphans of the frontier which they had occasioned now required their blood; that if Hamilton chose to risk the massacre of his garrison for their sakes it was his own pleasure.

Late in the evening terms of capitulation were signed. The next morning by 10 o'clock, February 25, 1779, Governor Hamilton and his garrison marched out; Colonel Clark and his forces marched in, relieved the sentinels, and secured all the arms and stores. Two days after the capture the *Willing* arrived, but the fort was already in the possession of the Americans.

By Clark's victory the American flag was hoisted never to be hauled down in that vast empire secured to the Union by that memorable campaign. It forever put an end to that bloody carnage of Indian warfare instigated by the British against helpless women and children and defenseless men. It brought peace and security to the pioneer settlers west of the Alleghanies. It forever ended the British-Indian alliances that threatened to break through our back door and by organized raids attack and assail our frontiers from the west. All forces, power, and energy could now be centered on the conflict waged by Washington against the British to bring that conflict to a glorious conclusion.

It was a most potent factor in the success of American arms which gained for the new nation independence from the British Crown. It added as an integral part of the territory of this Nation about 250,000 square miles, from which has been carved five great Commonwealths—Illinois, Indiana, Ohio, Michigan, and Wisconsin. That territory contains more than 25,000,000 people, one-fifth the entire population of the Nation. More than one-fourth of the total agricultural and manufactured products of the country are here produced. More than one-fourth of the Federal taxes are paid into the Treasury by the inhabitants of this territory. The center of population is located within this section. It is the real heart of the American Nation. This inspired vision of George Rogers Clark, made real by his daring, skill, and strategy, and the valor and courage of his pioneer army, stands out as a monumental achievement in American history.

Senate Joint Resolution 23, which passed the Senate February 24 of this year, makes provision for the participation by the Federal Government in a celebration to be held in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by George Rogers Clark and his army of sturdy frontiersmen. It authorizes an appropriation for a permanent memorial at Vincennes, Ind., on the site of old Fort Sackville in commemoration of the event. This is a most worthy recognition of the services of that gallant soldier and his sturdy band of patriots to the American Revolution and the American Nation.

This march of George Rogers Clark and his sturdy band from Kaskaskia to Vincennes is of especial interest to the people of my district. Four counties in the twenty-third Illinois congressional district, the district I have the honor to represent in this body, were traversed in this history-making campaign, and about half the entire route was within the limits of the district as now located. The route of this memorable march through the Illinois country should be designated by proper markings throughout its length that the present and future generations may

know the course traversed by this American patriot and his pioneer army.

This resolution should be adopted that a fitting memorial may be erected on the site of old Fort Sackville as a reminder of the patriotic services and unsurpassed valor and dauntless courage of George Rogers Clark and his pioneer heroes. It is a well deserved honor. It will quicken the patriotic pulse of future generations and redound to the good of a patriotic, liberty-loving America. [Applause.]

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12286, the Navy Department appropriation bill, had come to no resolution thereon.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 926. An act for the relief of Jennie Roll;

H. R. 3673. An act for the relief of Maj. F. Ellis Reed;

H. R. 4203. An act for the relief of A. S. Guffey;

H. R. 5255. An act for the relief of Jacob F. Webb;

H. R. 6094. An act to amend section 7 of Public Act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 7110. An act for the relief of Frances L. Dickinson;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark.;

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at or near Melville, La.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 8093. An act for the relief of John Rooks;

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, California;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, California;

H. R. 8824. An act to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex.;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, P. I.;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton Highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio;

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.;

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; and

H. J. Res. 175. An act to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1325. An act for the relief of John A. Fox;

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.;

S. 2279. An act authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes; and

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a bill of the following title:

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, March 22, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 22, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To extend the period of restrictions of lands of certain members of the Five Civilized Tribes (H. R. 12000).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

A meeting to discuss the Columbia River project.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To incorporate the Reserve Officers' Association of the United States (H. R. 10299).

COMMITTEE ON THE DISTRICT OF COLUMBIA

Joint hearing before House and Senate subcommittees on insurance and banking in the Senate committee room.

(10 a. m.)

Relating to assuring compensation for accidental injuries or death of employees in certain occupations in the District of Columbia (H. R. 5711). Creating the District of Columbia insurance fund for the benefit of employees injured and the dependents of employees killed in employment, providing for the administration of such fund by the United States Employees' Compensation Commission, and authorizing an appropriation therefor (H. R. 200).

SUBCOMMITTEE ON FISCAL AFFAIRS

(10.30 a. m.)

To fix the amount to be contributed by the United States toward defraying the expenses of the District of Columbia (H. R. 5768).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bills on the committee calendar.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the south mole of San Antonio Estuary in the county of Alameda, in said State (H. R. 7467).

Granting the consent of Congress to Frank E. Webb, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco at or near the extension of Oakdale Avenue near Shag Rock at or near Hunters Point, San Francisco County, on the north, and Visitation Point, San Mateo County, on the south, to a point south of Park Street, city of Alameda, county of Alameda, Calif. (H. R. 8712).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services" (H. R. 6518).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FRENCH: Committee on Appropriations. H. R. 12286. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 1007). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAMTON: Committee on Appropriations. H. J. Res. 245. A joint resolution to make immediately available the appropriation for a road across the Kaibab Indian Reservation (Rept. No. 1008). Ordered printed.

Mr. SINNOTT: Committee on the Public Lands. H. R. 11990. A bill to authorize the leasing of public lands for aviation, and for other purposes; without amendment (Rept. No. 1009). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 89. A bill to declare the future policy of the Post Office Establishment of the United States; with amendment (Rept. No. 1010). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 45. A bill to eliminate the renewal of oath of office of Government employees under certain conditions; with amendment (Rept. No. 1014). Referred to the House Calendar.

Mr. SPEAKS: Committee on Military Affairs. S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; with amendment (Rept. No. 1015). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 11994. A bill to abolish bailiffs and criers in the United States courts and to provide for the performance of their duties by United States marshals and their deputies, and for other purposes; with amendment (Rept. No. 1016). Referred to the Committee of the Whole House on the state of the Union.

Mr. MACGREGOR: Committee on Immigration and Naturalization. H. R. 11351. A bill to exempt American Indians born in Canada of tribes formerly settled in the United States from the operation of the immigration act of 1924; with amendment (Rept. No. 1017). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MOORE of Ohio: Committee on the Judiciary. H. J. Res. 77. A joint resolution concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio; without amendment (Rept. No. 1011). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 8001. A bill conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes; with amendment (Rept. No. 1012). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 10261. A bill for the relief of Edward Tomlinson; without amendment (Rept. No. 1013). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 12015) for the relief of Faber, Coe & Gregg (Inc.), and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee on the Whole House on the state of the Union.

By Mr. GRAHAM: A bill (H. R. 12287) to amend the act entitled "An act in reference to writs of error," approved January 31, 1928; to the Committee on the Judiciary.

By Mr. CAMPBELL (by request): A bill (H. R. 12288) to provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States; to the Committee on Banking and Currency.

By Mr. BACHARACH: A bill (H. R. 12289) to provide Federal cooperation with the States in devising means to protect

valuable shore lands from damaging erosions, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. FISH: A bill (H. R. 12290) to designate a building site for the National Conservatory of Music of America, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 12291) authorizing the use of the air mail service by Members of Congress and officials of the United States Government for official correspondence requiring expeditious transmission; to the Committee on Accounts.

By Mr. BURTON: Joint resolution (H. J. Res. 247) to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12292) granting a pension to Thomas G. Red; to the Committee on Pensions.

By Mr. BECK of Wisconsin: A bill (H. R. 12293) granting a pension to Mary Phillips; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12294) granting an increase of pension to Etta Robinson; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 12295) granting an increase of pension to Emma M. Backus; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 12296) granting a pension to Mary Ellen Nelson; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 12297) for the relief of Marion Downes; to the Committee on World War Veterans' Legislation.

By Mr. HOGG: A bill (H. R. 12298) granting an increase of pension to Elizabeth Deputy; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 12299) granting a pension to James A. Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12300) granting a pension to Emma Gibbens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12301) granting an increase of pension to Elizabeth M. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12302) granting an increase of pension to Julia A. Fritz; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 12303) granting an increase of pension to Mary E. McGuire; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 12304) granting an increase of pension to Ettie Serven; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 12305) for the relief of William Guy Townsend; to the Committee on Naval Affairs.

By Mr. McSWAIN: A bill (H. R. 12306) for the relief of M. C. Green; to the Committee on Claims.

By Mr. MENGES: A bill (H. R. 12307) granting a pension to Sarah Catharine Metz; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 12308) granting a pension to Mary E. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12309) granting a pension to Amanda J. Sutton; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 12310) granting an increase of pension to Nancy L. Many; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 12311) to provide for the payment of compensation to William J. Tilson; to the Committee on the Judiciary.

By Mr. SINCLAIR: A bill (H. R. 12312) for the relief of James Hunts Along; to the Committee on Indian Affairs.

By Mr. THOMPSON: A bill (H. R. 12313) granting an increase of pension to Charles Hoff; to the Committee on Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 12314) granting a pension to Frances H. Fowler; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 12315) granting a pension to Edgar Foster; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5728. By Mr. BLAND: Petition of citizens of Mathews County, Va., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5729. By Mr. BURTON: Resolution of Millwrights Local Union No 1142, Cleveland, Ohio, adopted March 14, 1928, approving the passage of the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

5730. Also, resolution of East Cleveland Post No. 163, of the American Legion, adopted March 6, 1928, approving the Fitzgerald-Tyson bill (H. R. 500 and S. 777), providing retirement privileges for the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5731. By Mr. CRAIL: Petition of Charles A. Lindbergh Camp, No. 103, United Spanish War Veterans, Los Angeles County, Calif., favoring a special bill for the relief of Frank Schallert, and more equitable pensions for Spanish War veterans; to the Committee on Pensions.

5732. By Mr. DAVIS: Petition of J. T. Hester and others, in favor of an increase of Civil War pensions; to the Committee on Invalid Pensions.

5733. By Mr. DEAL: Petition of residents of Norfolk, Va., protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5734. By Mr. DICKINSON of Missouri: Petition by 28 citizens of Dade County, Mo., in behalf of a Civil War pension bill, increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5735. Also, petition by 26 citizens of Greenfield, Mo., in behalf of a Civil War pension bill, increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5736. By Mr. DRANE: Petition against compulsory Sunday observance legislation (H. R. 78), from citizens of Lakeland, Fla.; to the Committee on the District of Columbia.

5737. By Mr. ELLIOTT: Petition of Pauline Miller and 50 others, in favor of Civil War pension legislation; to the Committee on Invalid Pensions.

5738. By Mr. EVANS of California: Petition of Margaret M. Munson and 34 other citizens of Tujunga, Calif., for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5739. By Mr. EVANS of Montana: Petition of Linnea Lodge, No. 174, Order of Vasa, of Butte, Mont., protesting against the immigration quota from Sweden and other Scandinavian countries; to the Committee on Immigration and Naturalization.

5740. By Mr. ROY G. FITZGERALD: Petition of 56 citizens of Oxford, Butler County, Ohio, praying for the early passage of a bill giving further relief to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5741. By Mr. GALLIVAN: Petition of Charles S. Gooding, 27 School Street, Boston, Mass., protesting against House bill 5527; to the Committee on Patents.

5742. By Mr. GARDNER of Indiana: Petition of Isabella C. White and four other citizens of Bedford, Ind., urging that the Congress take immediate steps to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

5743. By Mr. WILLIAM E. HULL: Petition of C. I. Ring, of Tiskilwa, Ill., and 20 other citizens of Illinois, for increase of Civil War Pensions; to the Committee on Invalid Pensions.

5744. By Mr. JAMES: Petition of citizens of Iron Mountain, Mich., favoring increase of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5745. By Mr. JOHNSON of Indiana: Petition of numerous voters of Terre Haute, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

5746. Also, petition of voters of Clinton, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

5747. By Mr. KIESS: Petition from citizens of Slate Run, Pa., favoring increased pension for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5748. By Mr. LINDSAY: Petition of the New York Association for the Blind, favoring the passage of the Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

5749. Also, petition of Maritime Exchange, New York City, presenting resolutions favoring enactment of the Cuban parcel post bill; to the Committee on Ways and Means.

5750. Also, petition of the Industrial Home for the Blind, favoring passage of the Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

5751. Also, petition of the Engineers' Club of Baltimore, indorsing House bill 11142, which provides for immediate appropriation of $2,800,000 for making survey of the alluvial valley

of the Mississippi River and for stream gaugings; to the Committee on Flood Control.

5752. Also, petition of Grace Jacobs Day, of Baltimore, urging favorable action on disabled emergency officers' retirement bill; to the Committee on Military Affairs.

5753. Also, petition of Martha Chapter No. 30, Order of Eastern Star, of Baltimore, Md., registering opposition to the Oddie bill and similar legislation; to the Committee on the Post Office and Post Roads.

5754. By Mr. McFADDEN: Petition of residents of Bradford, Susquehanna, and Wyoming Counties, Pa., protesting against the passage of the Lankford bill (H. R. 78), or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

5755. By Mr. O'BRIEN: Petition of the citizens of Harrison County, W. Va., favoring the Civil War pension bill, carrying rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

5756. By Mr. O'CONNELL: Petition of the Twelfth Assembly District Republican Club, of Brooklyn, N. Y., opposing the removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

5757. Also, petition of the Industrial Home for the Blind, Brooklyn, N. Y., favoring the passage of the Hawes-Capper bill; to the Committee on Interstate and Foreign Commerce.

5758. By Mr. MURPHY: Petition of H. W. Ridge, lockmaster, Brilliant, Ohio, and nine other employees at Lock No. 11, asking for the passage of House bills 492 and 6518; nine business men of Brilliant join in asking for the passage of the above-numbered bills; to the Committee on the Civil Service.

5759. Also, petition of Joseph B. Green and 12 other employees at Lock No. 10, Steubenville, Ohio, asking for the passage of House bills 492 and 6518; 198 residents of Steubenville join in petition for the passage of the above referred to bills; to the Committee on the Civil Service.

5760. Also, petition of Noble E. Gunning, legislative agent, Tippecanoe, Ohio, stating that the Tri-County Grange voted unanimously in favor of the export debenture bill; to the Committee on Agriculture.

5761. Also, petition of Mrs. H. E. Shive, master, and S. D. Bailey, secretary, Mount Nebo Grange, No. 664, Lisbon, Ohio, stating that Mount Nebo Grange has passed a resolution indorsing the Ketcham bill; to the Committee on Agriculture.

5762. Also, petition of A. N. McCombs, of Cadiz, Ohio, protesting against the passage of the Curtis-Reed educational bill; to the Committee on Education.

5763. By Mr. O'CONNELL: Petition of the New York Association for the blind, favoring the passage of the Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

5764. Also, petition of the Maritime Association of the Port of New York, favoring the passage of House bill 9195, the Cuban parcel post bill; to the Committee on Ways and Means.

5765. By Mr. O'CONNOR of New York: Resolution of the Seventh Regiment Veteran Association of New York, urging passage of legislation to improve housing conditions for the personnel of the Army; to the Committee on Military Affairs.

5766. By Mr. PERKINS: Petition from Henry L. Ackerson and other members of the Sons and Daughters of Liberty, of Ridgewood, Ramsey, Mahwah, and Allendale, N. J., protesting against legislation increasing immigration; to the Committee on Immigration and Naturalization.

5767. Also, telegram from Hugh V. Reilly, secretary of the New Jersey State Federation of Labor, urging support of Mexican immigration quota bill; to the Committee on Immigration and Naturalization.

5768. By Mr. PRATT: Petition of residents of Ashland, Jewett, Windham, and Prattsville, Greene County, N. Y., urging passage of House bill 11410; also petition of residents of Livingston Manor, Sullivan County, N. Y., urging passage of House bill 11410; to the Committee on the Judiciary.

5769. By Mr. QUAYLE: Petition of the New York Association for the Blind, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

5770. Also, petition of the Industrial Home for the Blind, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

5771. Also, petition of the maritime Association of the Port of New York, urging the passage of House bill 9195; to the Committee on Ways and Means.

5772. Also, petition of the International Association of Fire Chiefs, to have the Government set aside a parcel of land in Washington, D. C., for the purpose of erecting thereon a national headquarters for the International Association of Fire Chiefs; to the Committee on Public Buildings and Grounds.

5773. Also, resolution by the Brooklyn Bar Association, of Brooklyn, N. Y., urging the appointment of an additional judge in the eastern district of New York; to the Committee on the Judiciary.

5774. By Mr. RATHBONE: Petition by 40 citizens of Chicago, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of suffering veterans and widows; to the Committee on Invalid Pensions.

5775. By Mr. SINCLAIR: Petition of 61 residents of Williston and Alamo, N. Dak., urging that the Civil War pension bill be brought to a vote; to the Committee on Invalid Pensions.

5776. By Mr. TAYLOR of Colorado: Petition from citizens of Craig, Colo., protesting against the passage of the Lankford or any other bill enforcing compulsory Sunday observance; to the Committee on the District of Columbia.

5777. Also, petition from citizens of Cortez, Colo., urging further relief legislation for veterans and their widows of the Civil War; to the Committee on Invalid Pensions.

5778. By Mr. THOMPSON: Petition of citizens of the fifth congressional district of Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

5779. By Mr. THURSTON: Petition of 31 citizens of Ringgold County, Iowa, petitioning the Congress to pass the Civil War bill, which advocates a minimum rate of $50 per month for every Civil War veteran, $72 per month for every Civil War survivor, and $125 per month for every Civil War survivor requiring aid and attendance; to the Committee on Invalid Pensions.

5780. By Mr. WILLIAMSON: Petition of certain voters of Mellette and Todd Counties, S. Dak., for consideration of a Civil War pension bill; to the Committee on Invalid Pensions.

5781. By Mr. WOOD: Petition of residents of Lake County, Ind., asking that the Civil War pension bill become a law at this session of Congress; to the Committee on Invalid Pensions.

5782. By Mr. WYANT: Petition of citizens of Westmoreland County, Pa., favoring passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

5783. Also, petition of Post No. 781, Veterans of Foreign Wars, by Adjutant J. Howard Snyder, Irwin, Pa., favoring passage of House bill 6523 and Senate bill 1986; to the Committee on Military Affairs.

5784. Also, petition of 180 members of Mount Odin Sisterhood, No. 227, Dames of Malta, of Greensburg, Pa., favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, *March 22, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and most merciful Father, who hast brought us through the darkness of night to the light of the morning, pour into our souls Thy holy light, that we may ever be devoted to Thee, by whose wisdom we were created, by whose mercy we have been redeemed, and by whose providence we are governed. Fill us with Thy spirit and send us forth as sons of God, that we may glory in all the discipline of life, the tasks and trials by which we are trained to patience and to self-control. Give us wisdom, courage, and understanding, adequate to the demand of the leadership whereunto Thou hast called us, and a faith which shall dispel all the shadows of earth and fill the saddest moments of life with the light of an immortal love. Grant this, O Father, through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 245) to make immediately available the appropriation for a road across the Kaibab Indian Reservation, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 1325. An act for the relief of John A. Fox;

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.;

S. 2279. An act authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes;

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.;

H. R. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 926. An act for the relief of Jennie Roll;

H. R. 3673. An act for the relief of Maj. F. Ellis Reed;

H. R. 4203. An act for the relief of A. S. Guffey;

H. R. 5255. An act for the relief of Jacob F. Webb;

H. R. 6094. An act to amend section 7 of Public Act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 7110. An act for the relief of Frances L. Dickinson;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at or near Melville, La.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 8093. An act for the relief of John Rooks;

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, California;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, California;

H. R. 8824. An act to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex.;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, P. I.;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton Highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio.;

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.;

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; and

H. J. Res. 175. Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Fess	McKellar	Shipstead
Bayard	Fletcher	McMaster	Shortridge
Bingham	Frazier	McNary	Simmons
Black	George	Mayfield	Smith
Blaine	Gerry	Metcalf	Smoot
Blease	Gillett	Moses	Steck
Borah	Glass	Neely	Steiwer
Bratton	Gooding	Norbeck	Stephens
Brookhart	Gould	Norris	Swanson
Broussard	Greene	Nye	Thomas
Bruce	Hale	Oddie	Tydings
Capper	Harris	Overman	Tyson
Caraway	Harrison	Phipps	Walsh, Mass.
Copeland	Hawes	Pittman	Walsh, Mont.
Couzens	Hayden	Ransdell	Warren
Curtis	Heflin	Reed, Mo.	Waterman
Cutting	Johnson	Reed, Pa.	Watson
Dale	Jones	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Willis
Dill	Keyes	Sackett	
Edge	King	Sheppard	

Mr. NORRIS. My colleague the junior Senator from Nebraska [Mr. HOWELL] is unavoidably detained from the Senate and is absent from the city. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

SECTION 224 OF THE JUDICIAL CODE

Mr. NORRIS. I ask the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to House bill 8725.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8725) to amend section 224 of the Judicial Code, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORRIS. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BLAINE, Mr. WATERMAN, and Mr. STEPHENS conferees on the part of the Senate.

THE COPLEY PRESS (INC.)

Mr. NORRIS. Mr. President, in relation to some remarks that I made here the other day in regard to the Copley Printing Co., I received a cablegram from Mr. Copley. I ask unanimous consent to have it read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read the cablegram, as follows:

NAPOLI, *March 20, 1928.*

SENATOR NORRIS,
Washington, D. C.:

Your resolution regarding me has been cabled. I know you are honest and fair. I sold my utility in January, two years ago, to Rollins and Fitkin, retaining only underlying interest. One year ago Fitkin sold to Rollins. Two months ago Rollins sold to Insull. After my sale I retained the presidency, solely as a guaranty to thousands of local investors. However, I performed no executive act. Since purchased by Insull I have not been officer or director, and could not elect myself director without his consent. I do not own any interest in any other utility. I have owned good newspapers for 25 years. I retained these when selling the utility, as they never had any relation. After resting a year and one-half, it became evident to me that I must work. So I looked over the field and bought several more newspapers. The total value, about one-fifth the Chicago Tribune or New York Times. I have no alliance with or agreement with or understanding with any utility man or any utility interest in the world. You have been deceived by some man who does not know. I suspect by some enthusiastic municipal-ownership believer, who does not appreciate the necessity for fair treatment to some one whom he may suspect, whether correctly or not. If this statement is true, you owe me reparation of the wrong you have inadvertently done to me. If this statement is false, I have amply earned the contempt of all honest men.

COPLEY.

PETITIONS AND MEMORIALS

Mr. BRUCE presented a petition of sundry citizens of Montgomery County, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WALSH of Massachusetts presented a petition of sundry citizens of Boston, Reading, Brookline, Malden, Atlantic, Melrose, and Newton, Mass., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented petitions and papers in the nature of petitions of the Central Labor Unions of Holyoke, Cambridge, Lynn, and Salem; the Typographical Union of Springfield; Local No. 179, Iron Moulders Union of North America, of Watertown; the United Building Trades Council and Typographical Union No. 13, both of Boston; the International Union of Steam and Operating Engineers, of Boston and Rockport; and sundry manufacturers and jobbers, all in the State of Massachusetts, praying for the passage of legislation to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, which were ordered to lie on the table.

Mr. JONES presented a petition of sundry citizens of Seattle, Wash., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FESS presented a petition of sundry citizens of Cleveland, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of Youngstown, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a petition of sundry citizens of New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution of the board of directors of the Maritime Association of the Port of New York, favoring the passage of House bill 9195, to amend sections 2804 and 3402 of the Revised Statutes, relating to cigars, cheroots, and cigarettes imported from Cuba, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted by the officers and members of the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., protesting against the passage of legislation for the removal of the Brooklyn (N. Y.) Navy Yard to another location, which was referred to the Committee on Naval Affairs.

Mr. BINGHAM presented a letter in the nature of a memorial from Harold K. Dearman, recording secretary of Uncas Council, No. 25, O. U. A. M., of Bridgeport, Conn., remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Hartford (Conn.) Clearing House Association, indorsing the action of the Connecticut State Legislature in calling upon Congress to repeal the Federal estate inheritance tax, which was referred to the Committee on Finance.

He also presented a letter in the nature of a memorial from the board of directors of the Connecticut Reformatory, remonstrating against the passage of House bill 6044, to divest articles made with convict labor of their character as subjects of interstate or foreign commerce, which was ordered to lie on the table.

He also presented letters and papers in the nature of petitions from Naval Post, No. 110, the American Legion, of New Haven; Seicheprey Post, No. 2, the American Legion Auxiliary, of Bristol; and sundry citizens of Cheshire, all in the State of Connecticut, praying for adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented a letter and paper in the nature of memorials of the Connecticut Woman's Christian Temperance Union and the Young Women's Christian Association, both of Hartford, Conn., remonstrating against adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented a letter in the nature of a petition of the Swedish Evangelical Lutheran Emanuel Church, of Hartford, Conn., praying that the immigration quota distribution based on the census of 1890 be retained, that the proposed quota distribution based on national origin be annulled, and that no further measures for reduction of the Scandinavian quotas be passed by Congress, which was referred to the Committee on Immigration.

He also presented a memorial of members of the Swedish Lutheran Church of Bridgeport, Conn., remonstrating against execution of the national origins provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a telegram in the nature of a petition from Ahepa Chapter, No. 62, of Bridgeport, Conn., praying for the passage of legislation providing a debt settlement with the Government of Greece, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Easton and Canterbury, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. McLEAN presented letters in the nature of memorials from Local No. 39, Cigarmakers Union and the Tobacco Strippers Union, both of New Haven, Conn., remonstrating against the passage of House bill 9195, to amend sections 2804 and 3402 of the Revised Statutes, relative to cigars, cheroots, and cigarettes imported from Cuba, which were referred to the Committee on Finance.

He also presented a paper in the nature of a memorial of the Men's Club of Cornwall, Conn., remonstrating against the passage of Senate bill 1752, for the elimination of Government-printed return-card stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of the Woman's Christian Temperance Union of Hartford, Conn., praying for the passage of House Joint Resolution 183, prohibiting the exportation of arms, munitions, and other implements of war to any nation engaged in war, etc., which was referred to the Committee on Foreign Relations.

He also presented papers in the nature of petitions of the Woman's Christian Temperance Union of Hartford and the Civic League of New Canaan, Conn., praying for adoption of the Gillett World Court resolution, requesting the President to consider further exchange of views with the signatory nations relative to the United States reservations to the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

He also presented telegrams in the nature of petitions from the International Institute and Board of Directors, Young Women's Christian Association, both of New Haven, Conn., praying for the passage of House Joint Resolution 234, providing admission within the quota of relatives of declarants who

have been admitted into the United States prior to July 1, 1924, which were referred to the Committee on Immigration.

He also presented a paper in the nature of a petition of the Veterans of Foreign Wars, Department of Connecticut, at Meriden, Conn., praying for the passage of House bill 5724, to prevent desecration of the flag and insignia of the United States and to provide punishment therefor, and also House bill 213, proposing to make The Star-Spangled Banner our national anthem, which was referred to the Committee on the Judiciary.

He also presented memorials of the Connecticut Woman's Christian Temperance Unions of Bristol and Hartford, in the State of Connecticut, remonstrating against adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented a letter in the nature of a petition from members of the Ladies Auxiliary to the Fairfield County Rural Letter Carriers' Association, of Bethel, Conn., praying for the passage of the so-called Gibson bill, providing for retirement of carriers after 30 years of service regardless of age, etc., which was referred to the Committee on Civil Service.

CONSTRUCTION OF NAVAL VESSELS

Mr. EDGE (for Mr. EDWARDS) presented editorials from the Morning Post and the Evening Courier, of Camden, N. J., of the 19th instant, which were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

[From the Evening Courier, Monday, March 19, 1928]

SAVE THE SHIPYARDS!

Seldom does an act of Congress, completed or merely proposed, encounter objection from a Camden slant so perfectly matching the national interest in the matter as in the Dallinger amendment to the naval construction bill in the House of Representatives.

After a hot fight between the big-navy men backing Wilbur's plan for 71 ships, and the people who would leave us practically defenseless at sea, the victory went to those reasonable-minded and practical persons who supported the bill for 15 cruisers and an airplane carrier as the plan of wisdom and efficiency.

That was a victory for common sense, showing the world that we intend to protect ourselves and our commerce without challenging the powers to an armament race.

And then, as the plan seemed assured of success, the Representative from Massachusetts, in an excess of zeal for the navy yards of his own State, secures House support for an amendment requiring that half these ships be built in Government yards.

Mistaken zeal, because the art of shipbuilding must be preserved in this country.

This amendment, which decreases the allowance of Government shipbuilding that may come to Camden, is earnestly opposed by the Courier, not merely on behalf of local workers but because the shipyards on the Delaware are vitally important to the Nation.

Shipbuilding combines besides many trades the fine art of putting their products together in the form of a modern ship, a city afloat.

That skill can be preserved only through use.

Without constant practice it would inevitably decay.

The Dallinger amendment if accepted by the Senate would hurt shipbuilding in this country beyond repair.

Distribution of these Government contracts is of supreme interest locally. But that tremendous local interest is overshadowed by the national interest which supports the local claims.

We see it as more than a matter of Camden's good, furnishing employment for more than 3,500 skilled shipyard workers now out of work.

We see it as an essential factor of preparedness. In a national emergency we'll need warships in a hurry. The empty shipyards may still be there. But where will be the skilled workers to man these yards?

That Dallinger amendment must die in the Senate.

And Jersey's Senators owe it to the State and to the Nation to lead the fight for better distribution of these contracts for 15 cruisers and an airplane carrier.

[From the Morning Post, Monday, March 19, 1928]

AN AMENDMENT THAT HITS CAMDEN HARD AND THE NATION HARDER

A Camden picture:

Only 1,600 men are employed to-day in the shipbuilding department of the Brown-Boveri plant in Camden.

Three thousand four hundred other men—all first-class shipbuilders who live in the neighborhood of the Brown-Boveri yards—are out of work.

A Washington picture:

When the naval appropriation bill came up in Congress Friday providing for the construction of 15 cruisers and an airplane carrier, Representative DALLINGER, of Massachusetts, rose to his feet with an amendment. It provided that half of these ships be built at Government-owned navy yards. The amendment was passed.

There was a certain selfishness in the Dallinger amendment. There are Government navy yards up in his district, and he wants as much of the work as possible to go there.

There is a certain selfishness in this editorial. We strongly oppose the Dallinger amendment, and one of the reasons we oppose it is that it would reduce the number of contracts the Brown-Boveri Co. will secure and thus would keep idle more than 3,000 Camden shipbuilders.

But there is a point at issue that is greater than the question of whether New England or New Jersey workers shall build the cruisers for the American Navy.

This is it:

The Government does not own enough navy yards to build a large number of ships quickly if an emergency arose.

The privately owned shipyards can meet nearly any emergency. They proved they could in 1917–18.

Now, if 50 per cent of the peace-time naval construction program is handed over to navy yards it will be a hard blow at the privately owned yards. In Camden, as one example, many of those 3,400 idle shipyard workers will give up shipbuilding entirely. They will drift into other trades and stay there. Many of them will move far away from shipbuilding centers, and it would be hard to bring them back, even in an emergency.

The danger doesn't end with the employment problem, either. The owners of the shipyard, once they come to the conclusion that the Government intends to build half its naval vessels, will soon begin dismantling their yards. Some of them already have passed out of existence—Cramps, for example.

The result will be that we won't have the yards in which to build ships when we need them. That would be a national calamity.

The Dallinger amendment was a bad amendment for Camden and a worse amendment for the country as a whole.

The House passed the appropriation bill with this amendment and sent it over to the Senate.

We hope to see the Senate pass the appropriation bill without the amendment. We hope to see Senators EDGE and EDWARDS lead the fight against it.

Shipbuilding must not be allowed to disintegrate, not merely because it will throw men out of work, though that is a good reason in itself. But a bigger reason than that of unemployment is that when all our shipbuilding plants are booming along they constitute a most important phase of our national defense.

REPORTS OF COMMITTEES

Mr. McLEAN, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 97) authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress, reported it with an amendment.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3178) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 601) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the joint resolution (S. J. Res. 28) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name, reported it without amendment and submitted a report (No. 602) thereon.

Mr. DENEEN, from the Committee on the Judiciary, to which was referred the bill (H. R. 328) to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested, reported it without amendment and submitted a report (No. 604) thereon.

FORMER SENATOR MAGNUS JOHNSON

Mr. SHORTRIDGE, from the Committee on Privileges and Elections, reported a resolution (S. Res. 176), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for expenses of inquiries and investigations, contingent fund of the Senate, fiscal year 1926, to Hon. Magnus Johnson the sum of $2,500, in full payment for all expenses, including fees and expenses of his attorneys, incurred in prosecution of his claim to a seat in the Senate in the contest of the election of a Senator from the State of Minnesota in 1924.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 1325. An act for the relief of John A. Fox;

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.;

S. 2279. An act authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes; and

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

SENATORIAL CAMPAIGN EXPENDITURES

Mr. KING. Mr. President, in behalf of the special committee investigating expenditures in senatorial primary and general elections, I desire to submit a report in two parts.

The first one (Rept. No. 603) states in substance that Thomas W. Cunningham was a defiant and contumacious witness before the committee, and the committee recommends that by reason thereof he be adjudged in comtempt of the committee and of the Senate of the United States. To-morrow, if I can obtain the floor, I shall offer an appropriate resolution for the purpose of carrying into effect the recommendation of the committee. It will ask for a warrant to be issued by the Vice President for the arrest of Mr. Cunningham and directing that he be brought before the bar of the Senate for such action as the Senate may determine.

The second report (No. 603, pt. 2) which I submit relates to the witnesses Insull and Schuyler. I shall ask, following the disposition of the Cunningham matter, to take action upon the report last referred to.

The VICE PRESIDENT. The reports will be received and placed on file.

Mr. KING subsequently said: Mr. President, earlier in the day, when I submitted a report dealing with the witness Cunningham, who had been before the special committee investigating campaign expenditures, I stated that I would offer on to-morrow a resolution providing for an order of arrest to be issued by the President of the Senate. I am offering the resolution now and give notice that to-morrow I shall ask for the consideration of the resolution. One of the members of the special committee will not be here for a few days, perhaps, after to-morrow, and therefore I am inclined to offer it now, hoping that the matter may be disposed of on to-morrow.

The resolution (S. Res. 179) was ordered to lie on the table, as follows:

Whereas it appears from the report of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under Senate Resolution 195 of the Sixty-ninth Congress, declined to answer certain questions relative and pertinent to the matter then under inquiry:

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of said Thomas W. Cunningham wherever found, and to bring the said Thomas W. Cunningham before the bar of the Senate, then and there or elsewhere as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 3723) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; to the Committee on Interstate Commerce.

By Mr. COPELAND (by request):

A bill (S. 3724) providing against future floods on the Mississippi and other rivers and for their uninterrupted navigation by restoration of natural channels through dredging and reclamation operations making available thereby vast quantities of valuable God-given fertilizer, and for other purposes; to the Committee on Commerce.

By Mr. GILLETT:

A bill (S. 3725) for the relief of Alfred S. Jewell; to the Committee on Claims.

A bill (S. 3726) to amend section 52 of the Judicial Code of the United States; to the Committee on the Judiciary.

By Mr. WARREN:

A bill (S. 3727) for the relief of Loren J. Zook (with an accompanying paper); to the Committee on Finance.

By Mr. McNARY:

A bill (S. 3728) granting a pension to Elmer J. Allard; and

A bill (S. 3729) granting an increase of pension to Col. F. Bond; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3730) for the relief of Harry E. Hale; to the Committee on Military Affairs.

A bill (S. 3731) to amend section 30 of the act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," approved March 4, 1925; to the Committee on Naval Affairs.

By Mr. DILL:

A bill (S. 3732) for the relief of the Spokane Dry Goods Co.; to the Committee on Claims.

A bill (S. 3733) to provide for the purchase or contracts for purchase and the preparation and distribution of explosives to settlers and farmers for clearing and reclaiming stump and timber land areas, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. REED of Missouri:

A bill (S. 3734) granting a pension to Martha M. Ellison (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3735) including dependent sisters within classes of persons entitled to automatic insurance under the war risk insurance act; to the Committee on Finance.

By Mr. TYDINGS:

A bill (S. 3736) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age; to the Committee on Military Affairs.

A bill (S. 3737) to amend the definition of the words "manufacture of oleomargarine" and to amend the limitation upon oleomargarine taxable at one-fourth of 1 cent per pound in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture and Forestry.

By Mr. JONES:

A bill (S. 3738) relating to the carriage of goods by sea; to the Committee on Commerce.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 245) to make immediately available the appropriation for a road across the Kaibab Indian Reservation was read twice by its title and referred to the Committee on Appropriations.

AMENDMENTS TO TAX REDUCTION BILL

Mr. METCALF and Mr. SHEPPARD each submitted an amendment intended to be proposed by them, respectively, to House bill 1, the tax reduction bill, which were referred to the Committee on Finance and ordered to be printed.

SALE OF PUBLIC LAND IN FLORIDA

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 4378) to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

MEMORIAL ADDRESSES ON THE LATE SENATOR ANDRIEUS A. JONES

Mr. BRATTON. Mr. President, I send to the desk a resolution and ask that it may be read and immediately considered.

The resolution (S. Res. 177) was read, considered, and agreed to, as follows:

Resolved, That Sunday, April 8, 1928, be set aside for memorial addresses on the life, character, and public services of the Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

SENATORIAL CAMPAIGN EXPENDITURES—LIMIT OF COST

Mr. REED of Missouri submitted the following resolution (S. Res. 178), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Special Committee Investigating Expenditures in Senatorial Primary and General Elections under authority of resolutions of the Senate agreed to May 17, 1926, January 11, 1927, and reaffirmed December 12, 1927, hereby is authorized to expend from the contingent funds of the Senate $65,000, in addition to the amounts heretofore duly authorized.

DISPOSITION OF USELESS PAPERS

The PRESIDING OFFICER (Mr. STEIWER in the chair) laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a statement of useless papers in the State Department, which are not needed in the transaction of public business and have no permanent value or historic interest, and asking for action looking toward their disposi-

tion, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDING OFFICER appointed Mr. BORAH and Mr. SWANSON members of the committee on the part of the Senate.

ANDREW W. MELLON, SECRETARY OF THE TREASURY

The VICE PRESIDENT. The Chair lays before the Senate Resolution 173, coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 173) submitted by Mr. COUZENS March 20, 1928, as follows:

Whereas the Senate of the United States has since October 23, 1923, been investigating the disposition of our naval oil reserves; and

Whereas for nearly all of this time there have been new developments until up to the present time there has been disclosed the worst trail of fraud and corruption in public life that has existed in our history; and

Whereas for considerably over four years Andrew W. Mellon, Secretary of the Treasury, has been familiar with the relationship of Harry F. Sinclair to the Republican National Committee of that period, and which relationship disclosed that the said committee received at least $160,000 of Liberty bonds from Harry F. Sinclair to pay the committee's indebtedness for the 1920 campaign; and

Whereas in November, 1923, Andrew W. Mellon was informed of the source of these bonds and received from the chairman of said committee $50,000 of the bonds; and

Whereas it is true that he returned these bonds, yet he at no time revealed this information until it was indicated from another source; and

Whereas the Interstate Commerce Committee of the Senate have been holding hearings on Resolution 105, to investigate the conditions in certain bituminous coal fields; and

Whereas in the course of this investigation the Pittsburgh Coal Co., a Mellon enterprise, it has been disclosed, has done everything it could to defeat obtaining accurate findings as to its mines by the issuance of the following order:

"*To all mine superintendents:*

"The United States Senate investigating committee is now visiting the Pittsburgh district. Clean up all unsightly conditions. Keep our police in the background. Avoid all arrests. Instruct our men to keep out of trouble. If the committee desires to question any of our employees, see to it that you present men you can trust and who can be depended upon to give the right kind of answers. If you are examined by the committee, do not answer any questions you think might be harmful to our interests. The company will protect you. The company has mailed a spirited letter to each individual employee. If you know of any unsatisfactory condition in company camps or barracks, see that it is eliminated at once.

"(Signed) THE PITTSBURGH COAL CO."

And

Whereas the Senate of the United States has condemned the expense of $786,934 in behalf of WILLIAM S. VARE in a recent election contest in Pennsylvania, and yet in the same contest $1,804,979 was expended in behalf of another candidate; and

Whereas Andrew W. Mellon was a large contributor to this campaign, was a participant as a speaker, and defended contributions to this campaign on the ground that they were like unto contributions to a church; and

Whereas section 243 of the Revised Statutes of the United States makes it a criminal offense for "any person appointed to the office of the Secretary of the Treasury" to be "directly or indirectly concerned or interested in carrying on the business of trade or commerce"; and

Whereas Andrew W. Mellon, Secretary of the Treasury, is a stockholder and therefore is "directly and indirectly interested in carrying on the business of trade or commerce" in corporations such as Gulf Oil Corporation, Gulf Refining Corporation, Gulf Production Co., Gulf Pipeline Co., Gulf Refining Co. of Louisiana, Gypsy Oil Co., Gulf Pipeline Co. of Oklahoma, Mexican Gulf Oil Co., Southern American Gulf Oil Co., Panama Gulf Oil Co., Aluminum Co. of America, and other corporations named by former Senator Ernst in a speech prepared in the Treasury Department and as recorded in the CONGRESSIONAL RECORD of March 14, 1925; and

Whereas the Senate of the United States in the only analogous case of record declared that the Secretary of the Treasury could not be financially interested in trade or commerce; and

Whereas the Government of the United States was defrauded out of $91,000 in the tax case of the Mellon National Bank, the Union Trust Co., and the Union Savings Bank while Andrew W. Mellon was Secretary of the Treasury; and

Whereas Andrew W. Mellon, as Secretary of the Treasury, benefited through indefensible decisions in the tax case of the Gulf Oil Co., as disclosed by the select committee of the Senate appointed to investigate the Bureau of Internal Revenue; and

Whereas there was much evidence of corruption, favoritism, violation of the law, and illegal settlements with certain large taxpayers reported by the select committee of the Senate appointed to investigate the Internal Revenue Bureau; and

Whereas Andrew W. Mellon was responsible for this condition; and

Whereas throughout all of the administration of said Andrew W. Mellon there runs an indifference to the law, a contempt for the law, a defiance of law; and

Whereas an indifference to law, a defiance of law, and contempt for law upon the part of those sworn to uphold and defend the Constitution and laws of the United States breeds and encourages indifference and disrespect for law upon the part of other employees of the Government and upon the part of citizens and thereby contributes to and does undermine and eventually will destroy the Government of the United States; and

Whereas the Senate of the United States has confirmed the appointment of Andrew W. Mellon as Secretary of the Treasury, and to that extent has assumed responsibility for him: Therefore be it

Resolved, That it is the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. COUZENS. Mr. President, the subject of this resolution has been before the Senate in some of its aspects on several occasions. The last time, as I recall, when the subject matter of Mr. Mellon being Secretary of the Treasury came before the Senate was about four years ago in connection with a resolution introduced by the Senator from Tennessee [Mr. MCKELLAR]. Since that time I do not recall that the subject has arisen. Later developments, however, since that time suggested the introduction of the resolution, and with the resolution I coupled other issues raised as to his fitness and competency to hold the position of Secretary of the Treasury.

It is, of course, not necessary to make any specific reference to the work of the Senate in its investigation of the disposition of our naval oil reserves. Every Senator has had opportunity, through the press and otherwise, to be informed of what has developed since the Senate started in October, 1923, to investigate this matter. I think I may say with absolute confidence and without any fear of contradiction that the disclosures over this period of time have shown up the worst trail of fraud and corruption in public life since the achievement of our independence.

In November, 1923, and for some time thereafter, the evidence now before the Public Lands Committee shows that at least $160,000 of Liberty bonds received from Harry F. Sinclair were offered to prominent Republicans. As early as November, 1923, Andrew W. Mellon was sent $50,000 of those bonds. After receiving those bonds he kept them for some days, during which time Chairman Hays called on Mr. Mellon to ask him to take those bonds in exchange for cash. Naturally, with an available market for such high-class securities, the question would arise as to why they had to be peddled in that way. In other words, why could they not have been sold and the cash turned into the Republican National Committee's treasury?

However, to do this would have shown plainly on the face of the transaction where the money came from and would have raised the question as to what Sinclair got in return. This must be covered up at all hazards and by every effort. Therefore, Mr. Mellon was appealed to to aid in covering up this fraud and corruption. It was, of course, explained to him and, after hearing the explanation, Mr. Mellon declined to take the bonds in exchange for cash and have the exchange appear as a contribution to the liquidation of the Republican National Committee's debt for the 1920 campaign.

Knowing that this fraudulent scheme was being perpetrated upon the Republican Party, Mr. Mellon made no statement concerning it. Ample opportunity existed to present this information to the Public Lands Committee. However, year after year went by, with all the disclosures of fraud, and not one word from Mr. Mellon. Death was the only opportunity offered, apparently, to get at Mr. Mellon's connection with this matter. Mr. Pratt had died, but when his memoranda and files were presented to the Public Lands Committee a simple memorandum on a card disclosed the name "Andy." It is safe to assume that if Mr. Pratt had not written the word "Andy" on that card the connection of Mr. Mellon with the fraudulent scheme would never have been disclosed.

When this was disclosed, without any reference to who "Andy" might be, the committee called Mr. V. E. Hommel, cashier of Charles Pratt & Co., of New York City. On page 1469 of the transcript of the hearings before the Committee on Public Lands, Saturday, March 10, 1928, appears the testimony of Mr. Hommel. Mr. Hommel was shown two small memoranda taken from Mr. Pratt's personal files, and on page 1478 of the record testifies:

The CHAIRMAN. Take that first notation on the slip there and see if you can not translate it for us. The first one is "Weeks"; that is clear enough.

Mr. HOMMEL. "Weeks"; yes, sir.

The CHAIRMAN. What is the next one?

Mr. HOMMEL. I am trying to read it; see if that is "Candy."

The CHAIRMAN. Candy?

Mr. HOMMEL. That is what it looks like.

The CHAIRMAN. Might it not be Andy?

Mr. HOMMEL. Possibly.

This was the first public suggestion that connected the name of Andrew W. Mellon with Teapot Dome.

Mr. Mellon was subpœnaed on March 13 and appeared. He told his story, and, on page 1491 of the transcript of the hearings before the Committee on Public Lands and Surveys, we get an interesting glimpse of the story. I read from the testimony:

Senator WALSH. What explanation did Mr. Hays make of his possessions of the bonds?

Mr. MELLON. They had been subscribed or loaned, I think he said. I do not think he mentioned an amount—

I wish to emphasize what follows—

but I had the information or knew that it was a large amount—

I draw attention to the fact when Mr. Hays approached him on this subject he said he already had the information as to the source of the bonds and it was a large amount.

Continuing the quotation:

but I had no fixed amount, but in my mind it was something approaching $300,000, or something about there. I have heard so much of all this that it is a little bit difficult to go back that long, and especially when I have not been having any responsibility in connection with it, not with the committee.

I wish to point out he said he has had no connection with the committee, but he did not say he had no connection outside of the committee.

Continuing the quotation:

It is rather difficult to remember exactly, but it was something in that direction. He wanted to use some of the bonds—he wanted to use them in this way and have the record of the party show not a large subscription, and, besides that, he wanted to use some of the bonds and return them later. That is about as nearly as I can recall what was said.

Mr. Mellon also testified, as shown on page 1489 of the hearings before the Public Lands Committee:

When I became Secretary of the Treasury, the only amount contributed then had been the $2,000. As an explanation for that, in the early part of the campaign Mr. Hays called me on the long-distance telephone from New York and asked me to invite to a luncheon or dinner some of the leading business people, and that he and Mr. Boyce Thompson—

At this point I wish to emphasize the later relations of Mr. Boyce Thompson with the Treasury Department—

would come out to Pittsburgh and explain the proposition they had for raising money for the campaign, which was to be limited subscriptions: that is, $2,000 as a maximum, $1,000 to be subscribed before the nominating convention and $1,000 for the campaign afterwards.

I had had no connection with the national committee nor with national political affairs at that time. Of course I had not in contemplation ever going into public office, but I was called likely because I was the leading banker of Pittsburgh.

Then, continuing to quote from the record Senator WALSH said:

What I would like to learn, Mr. Secretary, is what Mr. Hays told you about where he got the bonds and from whom he got them.

Mr. MELLON. Oh, from Mr. Sinclair.

Senator WALSH. What is that?

Mr. MELLON. From Mr. Sinclair.

There are now going on hearings before the Interstate Commerce Committee, under authority of Senate Resolution 105, to investigate the conditions in certain bituminous coal fields. That investigation has disclosed a condition known by very few of the people of the United States—a condition of crime, brutality, degradation, starvation, and every known violation against the moral code, existing within a few miles of the Capitol in the coal fields of Pennsylvania, in which the dominant operator is the Pittsburgh Coal Co.

The testimony of William G. Warden, chairman of the board of directors of the Pittsburgh Coal Co., taken Friday, March 8, 1928, throws some light on Secretary Mellon's connection with the company. I read from the testimony on page 466:

Senator WHEELER. How much stock does Mr. Mellon own?

Mr. WARDEN. That I do not know. We are having our stock list prepared and it will be down here, which will answer that question.

Senator WHEELER. Secretary Mellon was a director of the company up until the time he became Secretary of the Treasury, was he not?

Mr. WARDEN. Yes.

Senator WHEELER. Do you know whether he owns any stock in the company now?

Mr. WARDEN. I think he does.

Senator WHEELER. The Mellon interests have been looked upon as a dominating interest in this company, have they?

Mr. WARDEN. According to gossip, but not in reality. The directors have been directing this company.

Senator WHEELER. Who handled that bond issue that was spoken of?

Mr. WARDEN. Do you mean the first one I mentioned?

Senator WHEELER. Yes.

Mr. WARDEN. I think it was the Union Trust.

Senator WHEELER. That is a Mellon bank?

Mr. WARDEN. It is supposed to be.

On page 1197 of the transcript of the testimony appears an order presented to the committee by H. T. Brundidge. I might say in this connection that, as I remember, Mr. Brundidge is a reporter for the St. Louis Star. He presented an order to the committee which reads as follows:

To all mine superintendents:

The United States Senate investigating committee is now visiting the Pittsburgh district. Clean up all unsightly conditions. Keep our police in the background. Avoid all arrests. Instruct our men to keep out of trouble. If the committee desires to question any of our employees see to it that you present men you can trust and who can be depended upon to give the right kind of answers. If you are examined by the committee do not answer any questions you think might be harmful to our interests. The company will protect you. The company has mailed a spirited letter to each individual employee. If you know of any unsatisfactory condition in company camps or barracks see that it is eliminated at once.

(Signed) THE PITTSBURGH COAL CO.

In that connection I might say that I saw in the morning press that the Pittsburgh Coal Co. has denied the authenticity of that order, but no officer of the company has denied it before the Interstate Commerce Committee, so far as I know. I confess I have not been there every minute, but I have been there nearly every minute when the committee has been in session.

At the time it was also stated that the Pittsburgh Coal Co. officials, their counsel who was there, and the chairman of their board, said that they had had no opportunity of seeing the order as presented to the committee. I was present when the order was laid before the committee; it was passed all around the table; every Senator had an opportunity to read it; and counsel for every interested party has been privileged under the rules of the committee to ask any questions that they chose of any witness.

Mr. FESS. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. FESS. Counsel made the statement before the committee that the order was a forgery and that they would adduce testimony so to prove.

Mr. COUZENS. When did he make that statement?

Mr. FESS. Two or three days ago. I think the statement was made by Mr. Rose.

Mr. COUZENS. As I said, I may have been absent at that very moment, but nothing of that kind was said while I was present.

The Senate on December 9, 1927, declared that it would not seat WILLIAM S. VARE and condemned the expenditure of some $786,000 spent in behalf of his election. I want to say at this time that it does seem to me absurd for the Senate to set such high standards for itself and for its Members, and yet continue in high office men who are much more culpable, so far as election expenses are concerned, than Mr. VARE. I would not say that in connection with Mr. SMITH, because the source of his campaign funds was so objectionable to good sense and decency that in my judgment it is not comparable to the case of Mr. VARE. Yet after the Senate had declined to seat Mr. VARE, after a valiant fight by my friend the Senator from Pennsylvania [Mr. REED], I want to draw the attention of the Senate to the fact that the testimony before the so-called Reed of Missouri committee to investigate election expenses disclosed the following, according to the partial report of the committee, Report 1197, part 2, December 22, 1926.

Pepper-Fisher expenditures, $1,804,979.

The Mellon family contributed and acknowledged the sum of $75,000, as follows:

Andrew W. Mellon, Secretary of the Treasury, $25,000.
R. B. Mellon, his brother, $25,000.
W. L. Mellon, his nephew, $22,000 cash and an obligation of $3,000—$25,000.

Some comment has been made that Mr. Mellon did not participate in this campaign. I hold a photostat copy of the New York Times of May 15, 1926, in which it says:

Mellon speaks in aid of Pepper. Secretary urges renomination of Senator as indorsement of Coolidge régime.

I do not intend to take up the time of the Senate to read this entire article; but there are several paragraphs in Mr. Mellon's speech which I think might be drawn to the attention of the Senate.

First, I desire to point out that this article says:

To-night's meeting, the climax of many weeks of preparation, was the crowning effort of the Mellon-Pepper-Fisher campaign in western Pennsylvania. The great crowd which surged about Motor Square Garden was drawn from all sections of western Pennsylvania. So, in order that those who could not be present might hear what was said, the speeches were broadcast through amplifiers. Beatty Street and Center Avenue were roped off and the inclosure contained a greater multitude than did the big hall.

In Mr. Mellon's speech at this meeting he says—and this is important because of typifying the loyalty of Pennsylvanians to Pennsylvanians:

I am deeply interested in this primary campaign. I am concerned, first of all, in having an honest and efficient State administration, devoted to sound principles of government, and I am also interested from the national viewpoint because of the peculiar and important position which Pennsylvania has always occupied in the politics and Government of the Nation.

Continuing, he said:

The issues of this campaign are far above the personal ambitions of the various candidates for office and far above any single piece of legislation. This election will not only decide the character of government which we shall have in Pennsylvania for the next four years—

And I stop for a moment to direct the Senate's attention to the testimony now being taken before the Interstate Commerce Committee, showing the kind of administration that Pennsylvania is getting from the Mellon-Pepper-Fisher organization.

This election will not only decide the character of Government which we shall have in Pennsylvania for the next four years, but it will determine also whether the State shall continue to be strongly represented in the Senate of the United States.

Further, he says:

Pennsylvania never had a more faithful public official, nor one who has more clearly earned renomination. We Pennsylvanians have the reputation of being loyal to our public officials who are loyal to us. I can not urge you too strongly, therefore, to work and vote for Senator Pepper.

Those are quotations from the article to which I refer.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. COUZENS. Just for a question.

Mr. EDGE. That is all. I was rather interested and curious to know just what exception the Senator took to the statements in the speech he has read.

Mr. COUZENS. I took no exception to the statements. I am just showing the connection of Mr. Mellon with the Mellon-Pepper-Fisher campaign, to show that he spent nearly $2,000,000, and yet we condemn another candidate who spent less than $800,000.

Section 243 of the Revised Statutes of the United States says:

No person appointed to the office of Secretary of the Treasury, or First Comptroller, or First Auditor, or Treasurer, or Register shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office, and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information.

In this connection I desire to point out that on March 14, 1925, former Senator Ernst, of Kentucky, in a speech prepared in the Treasury Department, page 217 of the CONGRESSIONAL RECORD of the Sixty-ninth Congress, special session, March 14, 1925, listed the following corporations as so-called Mellon enterprises.

Mr. MOSES. Mr. President, will the Senator yield?

Mr. COUZENS. Yes; I yield for a question.

Mr. MOSES. The Senator has asserted that the speech was prepared in the Treasury Department. Has he evidence to that effect?

Mr. COUZENS. Yes; I have evidence to that effect.

Mr. MOSES. Will that be brought out in the course of the Senator's remarks?

Mr. COUZENS. I think so; yes.

The corporations are as follows:

The Gulf Oil Corporation.
The Gulf Refining Co.
The Gulf Production Co.
The Gulf Pipeline Co.
The Gulf Refining Co. of Louisiana.
The Gypsy Oil Co.
The Gulf Pipeline Co. of Oklahoma.
The Mexican Gulf Oil Co.
The South American Gulf Oil Co.
The Panama Gulf Oil Co.
The Gulf Cooperage Co.
The Gulf Commissary Co.
The Standard Steel Car Co.
The Middleton Car Co.
The Baltimore Car & Foundry Co.
The Verona Steel Castings Co.
The Forged Steel Wheel Co.
The Steel Car Forge Co.
The Butler Bolt & Rivet Co.
The Butler Carwheel Co.
The Lyndora Land & Improvement Co.
The Mellon National Bank.
The Union Trust Co.
The Union Savings Bank.
Aluminum Co. of America.
Aluminum Cooking Utensils Co.
Aluminum Die Casting Corporation.
The Aluminum Ore Co.
The Aluminum Seal Co.
The Electric Carbon Co.
The Knoxville Power Co.
The St. Lawrence River Power Co.
The St. Lawrence Securities Co.
The Tallahassee Power Co.
McClintic-Marshall Co.
Union Shipbuilding Co.
Carborundum Co.
The Pittsburgh Plate Glass Co.

This record is made by former Senator Ernst, who was a great defender of the Secretary, and so I have not attempted to check him up; but I assume he was correct, because he said, in response to a question from the Senator from Nebraska [Mr. NORRIS], that these were all Mellon companies.

Mr. EDGE. Mr. President, did the Senator mention the date of the law which he has quoted as disqualifying a man engaged in business from being Secretary of the Treasury?

Mr. COUZENS. I think it was somewhere about 1869. I have not the exact date.

Mr. EDGE. Eighteen hundred and sixty-nine?

Mr. COUZENS. Yes.

Mr. REED of Pennsylvania. Mr. President, it was originally passed in 1789, and is now section 243 of the Revised Statutes.

Mr. EDGE. That was my recollection.

Mr. MOSES. Mr. President, is the Senator about to depart from that portion of his remarks dealing with the statute of 1869, or whatever date it is?

Mr. COUZENS. No; I am not quite ready to depart from that yet. I will listen to the Senator later on if he desires.

Evidently, then, the Secretary of the Treasury is concerned and interested in carrying on the business of trade and commerce, which is prohibited by section 243 of the Revised Statutes.

This same question came up during the administration of President Grant, as shown by the CONGRESSIONAL RECORD for the first session of the Forty-first Congress, 1869. President Grant nominated Alexander T. Stewart to be Secretary of the Treasury. The Senate confirmed the nomination; and in that connection I may say that so far as I can find, the only business of trade or commerce that Mr. Stewart had was the running

of a department store. I am not absolutely sure of that, however.

Mr. MOSES. Mr. President, if the Senator will permit me, that is quite true. The question in connection with Mr. Stewart arose from the fact that Mr. Stewart, in the conduct of his business, was an importer. The Senator undoubtedly is going to refer to another case which occurred later, the appointment of Mr. Franklin MacVeagh, who was also engaged in commercial business in the city of Chicago, and against whom the same objection was raised.

Mr. COUZENS. Yes. That was not nearly so violent an objection as dealing with your own income-tax returns. The mere importation of goods is not nearly so subject to venal action as dealing with your own income-tax returns and the income-tax returns of all of these 38 or 40 corporations which had to report to Mr. Mellon.

Mr. MOSES. Then the Senator's position is that no Secretary of the Treasury should be named who has any income aside from his salary?

Mr. COUZENS. I will deal with that at some other time. There are lots of men who can be secured who have incomes that would not be in conflict with the statute, or in violation of good business ethics.

Mr. MOSES. Perhaps the Senator himself is in that category.

Mr. COUZENS. No; I am not a candidate for the Secretary of the Treasuryship, and I doubt if I would be eligible if I were a candidate.

I referred to the case of Alexander T. Stewart. On March 6, 1869, a few days later, as shown by the RECORD, page 22, President Grant sent a message to the Senate in which he said:

> Since the nomination and confirmation of Alexander T. Stewart to the office of Secretary of the Treasury, I find that by the eighth section of the act of Congress approved September 2, 1789, it is provided as follows, to wit.

President Grant then quotes the entire section which I have just quoted. Then he concludes with another paragraph, as follows:

> In view of these provisions and the fact that Mr. Stewart has been unanimously confirmed by the Senate, I would ask that he be exempted by joint resolution of the two Houses of Congress from the operations of the same.

That was a message from President Grant.

The RECORD then proceeds:

Mr. SHERMAN. I ask unanimous consent of the Senate to introduce a bill, which of course will have to go over if there is any objection to it.

The VICE PRESIDENT. The message of the President is before the Senate and it must be disposed of before there can be any other action.

Mr. SUMNER. I move that the message be laid on the table, and printed.

The motion was agreed to.

The VICE PRESIDENT. The Senator from Ohio, Mr. Sherman, asks unanimous consent to introduce a bill.

There being no objection, leave was granted to introduce the bill (S. No. 34) relating to the Secretary of the Treasury, which was read twice by its title.

Then Senator Trumbull and others said:

Let the bill be read at length.

The VICE PRESIDENT. The bill will be reported by the Secretary in full.

The Secretary read the bill, which proposes to repeal so much of the act approved September 2, 1789, entitled "An act to establish the Treasury Department," as prohibits the Secretary of the Treasury from being concerned in carrying on the business of trade or commerce, and to provide that in no case shall he act on any matter, claim, or account in which he is personally interested.

The VICE PRESIDENT. Is there objection to the consideration of this bill at the present time.

Mr. SUMNER. I object. I think that it ought to be most profoundly considered before it is acted upon by the Senate.

The VICE PRESIDENT. Objection being made, the bill is not before the body.

Mr. SHERMAN. I move that it lie on the table and be printed.

The motion was agreed to.

The Senate having refused to act, President Grant, on March 9, as shown on page 34 of the RECORD, sent the following message to the Senate:

To the Senate of the United States:

I have the honor to request to be permitted to withdraw from the Senate of the United States my message of the 6th instant, requesting the passage of a joint resolution of the two Houses of Congress to relieve the Secretary of the Treasury from the disabilities imposed by section 8 of the act of Congress approved September 2, 1789.

U. S. GRANT.

WASHINGTON, D. C., *March 9, 1869.*

Mr. SPRAGUE. I move that the request of the President be granted.

The motion was agreed to.

We find the next reference on page 61 of the RECORD when on March 15, 1869, Senator Trumbull reported back from the Committee on the Judiciary Senate bill 34, the bill which would have repealed the law relative to the Secretary of the Treasury being interested or concerned in trade or commerce.

Senator Trumbull reported that the committee had instructed him to recommend that the bill be indefinitely postponed. The bill was killed, therefore.

There is no additional record of the action of the Senate, but the brief record there is shows plainly that the Senate did not consider with favor the proposal to permit a man interested in trade or commerce to be Secretary of the Treasury.

President Grant was not permitted to appoint Mr. Stewart, and Stewart resigned immediately, and George S. Boutwell was appointed Secretary of the Treasury.

In the opinion prepared by Faust & Wilson, attorneys, wherein they attempted to justify Mr. Mellon being Secretary of the Treasury and a stockholder in trade and commerce at the same time, these attorneys say with reference to the Stewart case:

> Mr. Stewart in an effort to meet the inhibition of the statute offered to convey his entire business to trustees or to retire from it altogether, but this was not considered as meeting the prohibition imposed.

This opinion is reported on page 5247 of the CONGRESSIONAL RECORD of the Sixty-eighth Congress, first session.

So in the only case on record the Senate of the United States held that the Secretary of the Treasury could not be interested in carrying on the business of trade or commerce even if, after his appointment as Secretary, he turned the entire business over to a trustee or retired from it altogether.

This is the only case on record that we can find.

In this connection I desire to point out where the senior Senator from Pennsylvania [Mr. REED] referred to a trusteeship of interest in the Overholt Whisky Co. being held in trust, so that when finally disposed of the results would go to Mr. Mellon, so that in effect it is an example of what the Senate at that time thought was bad policy, namely, that property should be turned over in trust to somebody else for the benefit of the party making the trust.

Certainly Mr. Stewart was in better position to request the Senate to be permitted to continue as secretary, when he turned over all his business and retired, than is Mr. Mellon, who remains a stockholder in many corporations.

In the Mellon National Bank, Union Trust Co., and Union Savings Bank—all of Pittsburgh—tax cases, shown on page 3979 of the record of hearings of the Select Committee on Investigation of the Bureau of Internal Revenue, Sixty-eighth Congress, it is shown that the companies first presented, through their attorney, Mr. Seifert, a consolidated tax return.

I think Mr. Seifert is a partner of the Senator from Pennsylvania. If I am in error in that, he can correct me.

Mr. REED of Pennsylvania. Not in matters in which the Government is interested.

Mr. COUZENS. The Senator says he is a partner of his, but not in matters dealing with the Government.

Some days later Mr. Seifert withdrew this return and presented a return in which it was contended the companies were not consolidated. This return was finally approved. Mr. Seifert contended and the bureau approved the contention that a bank and a trust company were not in a closely related line of business, and therefore could not be forced to consolidate. By this decision the Government lost $91,472.37.

Commenting upon this decision, Senator REED of Pennsylvania, on February 1, 1926, page 3096 of the RECORD, said:

> The truth is, and this I say of my own knowledge, that the Union Trust Co., of Pittsburgh, owned every share of the stock of the Union Savings Bank, except the qualifying shares of the directors. It also owned every share of stock of the Mellon National Bank, except the qualifying shares of the directors. In every sense those corporations are one enterprise. They were exactly what Congress meant to provide for when it provided for consolidated returns. I can not imagine any justice in treating them otherwise than as consolidated. * * * As long as we are going to have a system of consolidated returns we can not get a more obvious case of unification of corporations than exists in that case.

I think everyone will agree with the Senator from Pennsylvania. The attorney in the case, Mr. Seifert, agreed with him and with the select committee. He presented his case as a consolidated return. When they afterwards found that by separating the returns and making three separate returns they would save between ninety and ninety-five thousand dollars, they changed their position and said that they were not consolidated and therefore should not be compelled to consolidate the returns; and they got away with it.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. COUZENS. For a question.

Mr. HEFLIN. Pursuing that course, has the Senator any idea about how much money was lost to the Government? In other words, how much money did the Government lose by such transactions?

Mr. COUZENS. I have not any estimate at all. The figures are so enormous that there is no way of computing them without a thorough investigation. Any figure would be a guess.

Mr. HEFLIN. It was an enormous amount?

Mr. COUZENS. There is no question about it. The report of the select committee made to the Senate indicated that very clearly, and without any argument or attention being paid to it.

Mr. REED of Pennsylvania. The report showed it was $91,000, did it not?

Mr. COUZENS. The Senator from Alabama asks about other cases, how much the Treasury was affected, and I said that was not computable.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. COUZENS. For a question.

Mr. WALSH of Montana. The Senator concluded his statement a moment ago by saying "and they got away with it"; that is, after they contended that they should make separate returns. Just exactly what was the proceeding which enabled them to escape from the attitude which they had theretofore taken?

Mr. COUZENS. I understand—and I will have to look up the record to be absolutely sure—that they signed an agreement which is provided in the statute, that the case is forever closed. I think that is correct; that after they had gotten several viewpoints or decisions or conclusions by Treasury officials, they found out the one which would allow them to escape with the least amount of taxes, and got that ruling in the Treasury Department.

I think the Mellon National Bank and the other institutions could, without great violence to their financial standing, have refunded the Government some $91,000, but apparently they relied upon the fact that the case was closed, and that was the experience the select committee of the Senate had with respect to many, many cases that were just as illegally closed as this one was.

In the affidavit filed with the committee in this case it was stated that the man who first reviewed the case in the bureau refused to approve it. He took the case to the principal reviewer, one T. J. Enes, according to this affidavit, and Enes held up his finger and said, "Sh! Sign on the dotted line"; and he signed.

I just cite this case to show the menace of having as Secretary of the Treasury a man who is known to be greatly interested in business, and especially in these days, when tax cases affecting his business must come before the department.

When this statute to which I have referred was passed we had no such thing as income-tax returns. We had no process of collecting from one and two billion dollars a year from our taxpayers under laws of secrecy.

Several attempts have been made in the Senate, led by the senior Senator from Nebraska [Mr. NORRIS] to have those records made public records. That does not mean that they have to be taken out of the files of the Treasury Department and published in all the newspapers. It means that the records may be accessible to a person properly entitled to see them, and I want to say here, without fear of contradiction, that hundreds of millions of dollars have been lost to the Government of the United States through the very fact that these cases may be closed and forever obscured from public observation or checking. The Senator from Utah [Mr. KING], who sat through these committee hearings, can vouch that these statements are accurate.

I could cite any number of additional cases showing the condition in the Bureau of Internal Revenue when the investigation was made. There were some eight volumes of testimony, but I know that Senators have not time to read the testimony, so that unless Senators really take a conscientious, earnest interest in these committee investigations nothing comes out of them. That is one of the troubles with the Senate organization, that we have too many committees, and there is a "buck passing" between Senators to see that these things that are dug up in the investigation get some concrete consideration and possibly legislation to correct them.

For example, there was the William Boyce Thompson case. He was the treasurer of the Republican National Committee. I see that the Senator occupying the chair [Mr. MOSES], who is fully familiar with all these facts, I assume, shakes his head, indicating that Thompson was not treasurer of the Republican National Committee. He was treasurer of some Republican committee. So long as the present occupant of the chair is so familiar with all of these transactions, I would be glad if he would enlighten the Senate when he gets out of the chair.

This William Boyce Thompson was one of the men whom Mr. Hays asked Mr. Mellon to meet in Pittsburgh to prepare a plan to secure sufficient money for the campaign.

The record after that shows that this man Thompson was a partner, if I remember correctly, with another man in a lead mine. They sold the lead mine at an enormous profit during the war.

The partner reported his profits. William Boyce Thompson did not report his profits. When the bureau came to check up his partner's profits, they wondered what became of the other half, and they found that Mr. Thompson had secured the other half of the profits. Communications took place between the Treasury Department and William Boyce Thompson, and they finally assessed him approximately a half million dollars more than they had theretofore assessed him. What happened? Thompson came down to the Treasury Department, went into secret conference with a man by the name of Alexander, and settled his tax case for $462. I can not say, but I hope I have imagination enough to know why he got that kind of treatment. I think that the Senate has imagination enough to know why he got that kind of treatment.

Mr. SMITH. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. COUZENS. I yield.

Mr. SMITH. How much did the partner receiving the other half pay?

Mr. COUZENS. The record will show. I do not have the figures at hand. I do not know whether the amounts were exactly the same. There was a sliding scale of income, and what might apply to one might not apply to another, because of the incomes being added.

Mr. SMITH. Of course, the force of the statement of the Senator, it seems to me, would be more fully realized if we knew just what the partner, who received his half and regularly paid his income tax, had paid as compared to what the Senator is now alleging Thompson paid.

Mr. COUZENS. It is hardly comparable because the total income from every source is added, and while I might pay more on a certain transaction than the Senator would, in which we were equally interested, yet his income might be greater or less than mine. One can not make a satisfactory comparison because of the graduated scale of income taxes.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. COUZENS. Will the Senator let me finish this statement? I am getting tired.

Mr. MOSES. I wanted to refer to the subject to which the Senator referred while I was marooned in the chair.

Mr. COUZENS. The Senator can go on when I finish.

Mr. MOSES. Will the Senator yield to me for a few questions when he finishes his prepared speech?

Mr. COUZENS. I have no objection to any questions at all.

As I said, I can refer to records in the hearings before the select committee of the Senate which investigated the Internal Revenue Bureau showing the enormous losses to the Government or prospective losses, and I say that advisedly, because I do not know now how those cases were finally settled. There were millions of dollars involved in the cases of the United States Steel Corporation, in the Aluminum Co. of America, in the Standard Steel Car Co., and many other cases, though I do not know now how they have been settled.

Mr. MOSES. Mr. President, will the Senator yield for a question?

Mr. COUZENS. No one will ever be able to know unless the Senate goes into those specific cases to determine to what extent the Government has, to use a vulgar expression, been "gypped" by this procedure.

Mr. MOSES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. COUZENS. When I get through. I will finish this statement first.

There is no question about who is responsible for the condition in the Treasury Department. There is no question about who is responsible for the Internal Revenue Bureau, which, after all these years, is still in an unfortunate condition. There are still cases which I am convinced will show inaccurate and unlawful settlements, and I say that we have no way of getting at the facts. The records are private. Any kind of settlement that Mr. Mellon wants to make, he can make with anybody, honest or dishonest, and I am not saying whether he has given any dishonest instructions. I do not charge that. I point out the possibilities. All he has to do is to tell Mr. Blair how to settle a case and it is settled that way.

Mr. MOSES. Mr. President, will the Senator yield for a question right at that point?

Mr. COUZENS. Oh, yes. I am tired, but I will yield.

Mr. MOSES. Does the Senator know of any instance in which the Secretary of the Treasury has ever told the Commissioner of Internal Revenue how to settle a case?

Mr. COUZENS. Oh, yes.

Mr. MOSES. Will the Senator be good enough to cite them?

Mr. COUZENS. I can not cite them. I would have to look over the records. I want to point out in this connection that, perhaps, it would be difficult to point out the date and the hour, but in the record there was a statement of a memorandum signed by the Undersecretary of the Treasury, Mr. Winston, in connection with three or four Chicago cases, in which he said, "These men are friends of mine."

Mr. MOSES. Of whom?

Mr. COUZENS. Of Mr. Winston, and "therefore be considerate of them," or something to that effect. I will find the record if the Senator is interested.

Mr. MOSES. Were Mellon and Winston one and the same?

Mr. COUZENS. Just a minute. I am going to lead up to it. There were memoranda attached to cases in the Treasury Department, "This is a Mellon company, and the figures are not to be disturbed," or some such thing. I am trying to remember these after several years since we went into the matters. If the Senator is interested in anything else, then I will get the record and put the exact statements in the CONGRESSIONAL RECORD at some other time.

Mr. MOSES. I am trying to get at the facts.

Mr. COUZENS. I will give the facts.

Mr. MOSES. These memoranda, if they are like memoranda in the usual course of business in an executive department, carried initials. Were those initials "A. W. M."?

Mr. COUZENS. I think I will have to look that up. I can not recall those things.

Mr. MOSES. The Senator certainly would recall those initials if they ever appeared?

Mr. COUZENS. No; I would not. There were a lot of initials concerned. I want to point out to the Senator from New Hampshire that whether he gave specific instructions that I can find or not, is not material.

Mr. MOSES. Why not? The Senator is trying to get him removed.

Mr. COUZENS. Because I think he is holding the office illegally under the statute.

Mr. MOSES. Why not proceed to impeach him, and get some Member of the House to move in that way?

Mr. COUZENS. I do not have any connection with the House, and I do not have to accept any instructions from the Senator from New Hampshire.

Mr. MOSES. Certainly, nor from anybody else, and the Senator does not. I understand that perfectly well. I am merely suggesting an orderly procedure.

Mr. COUZENS. If this is a disorderly procedure, the Senator can prescribe his own procedure, and he can do as he pleases. I am not interested in what the Senator from New Hampshire believes or what any other Senator believes.

Mr. MOSES. The Senator from New Hampshire certainly will follow his own course.

Mr. COUZENS. Oh, I know that. I am not trying to dictate his course.

Mr. HEFLIN. Mr. President, will the Senator from Michigan permit me to make a suggestion right there?

Mr. COUZENS. Yes.

Mr. HEFLIN. I think the Senator is now proceeding in an orderly way to get Mr. Mellon out of the office of Secretary of the Treasury.

Mr. MOSES. Mr. President, I hope the Senator from Alabama will amplify that statement before the debate closes.

Mr. HEFLIN. I will probably have something to say on the subject for the edification of the Senator from New Hampshire. [Laughter.]

Mr. MOSES. And for the country at large.

Mr. HEFLIN. Yes; for the country at large.

Mr. COUZENS. I am not going to take much more of the time of the Senate. I want to point out that a condition has existed in the Treasury Department for six or seven years which could not have existed in any private industry in the world. There is not a corporation, from the smallest to the largest that I know of, that would let a traveling man or a cashier pass upon his own cases and approve his own expenditures and his own balance sheet.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. COUZENS. I yield.

Mr. FESS. The Senator referred to Mr. Winston making a notation that "these are friends of ours." That, of itself, might create some suspicion; but I recall that very recently I sent a note to Commissioner Blair introducing some one and saying, "This is a particular friend of mine, and I hope you will give him a hearing." There certainly was no suggestion of anything that was out of order in that. I have done it often.

Mr. COUZENS. If the Senator had been the superior of Mr. Blair, I should say it would be wrong, but he did not happen to be a superior officer over Mr. Blair. I was commenting on the fact that a superior officer gave such a memorandum to a subordinate, and it is not comparable to the case referred to by the Senator from Ohio.

Mr. FESS. The Senator would insinuate then that it was in order to do a thing that ought not to have been permitted?

Mr. COUZENS. I say the Senator can draw his own inference. I am not drawing any inferences. I have my own views about the way of honestly doing business.

Mr. FESS. My inference is that that does not necessarily carry with it anything of moral turpitude at all, and there is no Senator here who has not been guilty of that sort of thing, if that is guilt.

Mr. COUZENS. I am not referring to Senators. The Senator from Ohio may have any moral standard he desires. He has confessed on the floor of the Senate that he did not tell the truth, so that if he has a moral standard of that kind he can have it. That is not my standard of business morals or any other kind of morals.

Mr. FESS. The question about not telling the truth——

Mr. COUZENS. The RECORD shows it and at least the Senate will remember it.

Mr. FESS. Mr. President, will the Senator permit me to make a statement?

Mr. COUZENS. Certainly.

Mr. FESS. That was in reference to an article which was written by Mr. Oulahan. Mr. Oulahan is the chief reporter of the New York Times. I have seen him and have met him once or twice. I never had an interview with him in my life, but I had an interview with one of the New York Times men, and Mr. Oulahan on the Sunday following the interview wrote a running comment on the matter. He made statements there that he probably was justified in getting from the under man, but I had never said anything of that sort.

When the matter came up on the floor of the Senate I made the statement that I said to the reporter at the White House that I found that the President was displeased with what I was stating in regard to drafting him this year.

I made the statement that I said that in order to make sure that it would get across and the President would not be under the responsibility of having it charged that I was speaking for him. I said again that when I said that the President was displeased I had no evidence that he was displeased, but my purpose was to get it to the country, to avoid the President being under the charge that I was talking for him. If that is moral turpitude, let the Senator so regard it.

Mr. COUZENS. I want to say that in order to get it across the Senator stated that he said something that he did not say.

Mr. FESS. I just now made that statement.

Mr. COUZENS. I want to say that Mr. Winston probably said to Mr. Blair something that he intended to get across and without giving specific instructions.

The Internal Revenue Bureau reeks with that sort of thing. Hundreds of men have gone out of that bureau tainted with fraud. There is an accountancy firm by the name of Ernst & Ernst who have rewritten the books of many corporations to enable the books to read so that the corporations pay the least possible tax. If my memory serves me correctly that was done

in the Gulf Oil case. I do know that charges were preferred in the Bureau of Internal Revenue against Ernst & Ernst for their culpable and dishonest and disreputable methods. I know that the case stood there for months and possibly years, and they are still practicing before the Bureau of Internal Revenue.

I mention these things to show what the possibilities are in that bureau under existing law. I do not care about any particular man. I do not care how wealthy he is or who he is. I believe the Congress of the United States should enact laws to prevent the possibility of those things. No matter who the man may be, no matter how honest he may be, it is reprehensible that conditions of this kind should exist year after year, and still continue to exist, and that no legislation should be enacted to attempt to remedy them.

The effort has been repeatedly made to make there records accessible, but no Member of Congress, no auditor, and no one else can walk in there and say, "I desire to see the returns of So-and-so" in order to ascertain whether the cases have been honestly determined. It is an undeniable fact, and the records so show, that case after case has been determined and settled on different interpretations of the law, under different rules and regulations, in some cases favorable to the taxpayer, sometimes unfavorable to him, sometimes unfavorable to the Government, and sometimes favorable to the Government.

I do not say that there is any direct act of conspiracy in the Treasury Department; I do not charge that; but I charge that the department is rotten with favoritism and corruption, and that hundreds of employees have left the department and mulcted taxpayers because of information they have secured in the department, and the department has made no attempt to prevent the taxpayers from being so mulcted.

Mr. REED of Pennsylvania obtained the floor.

Mr. MOSES. Mr. President, will the Senator from Pennsylvania yield to me for a moment?

Mr. REED of Pennsylvania. Yes; I will do so if I shall not thereby lose the floor.

Mr. MOSES. I do not want to take the Senator from Pennsylvania from the floor, but he will recall that at the time when I was marooned——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator.

Mr. REED of Pennsylvania. I yield.

Mr. MOSES. When I was marooned and muzzled in the chair and undertook by a Homeric nodding of the head to correct some statements made by the Senator from Michigan [Mr. COUZENS] in the course of his speech, which I suppose was prepared somewhere but certainly not in the Treasury Department, he took me to task for my gesture, and refused to permit me to make an explanation when I came down upon the floor.

Mr. COUZENS. Oh no; I did not refuse to yield for an explanation, but I thought the Senator wanted to ask me a question. I beg the Senator's pardon.

Mr. MOSES. I said I was marooned in the chair and was not able to say what I wanted to say because the Senator would not permit me to say it. I am going to say it now without interruption from the Senator from Michigan.

Mr. COUZENS. Proceed, sir.

Mr. MOSES. The knowledge of the Senator from Michigan of the history of American politics is somewhat nebulous, especially when he undertakes to say that William Boyce Thompson was ever the treasurer of the Republican National Committee. I say this with full knowledge and long acquaintance with Colonel Thompson, with whom I was contemporary in a preparatory school and whose career since has been thoroughly familiar to me. If the rest of the Senator's information is no more accurate than that, we may safely dispose of what he has had to say by paying no attention to it.

The fact is, Mr. President, that this is a private feud between the Senator from Michigan and the Secretary of the Treasury; it has gone on for many years; and, like the Irishman on the outside when a fight was going on in the hotel office, I am wondering whether I have any right to interfere in a private row; but since the Senator has seen fit to bring his grievances to the floor of the Senate in a recital, vicious, malicious, and, as I believe, untrue in most instances, I wish to say to him that I think a much more orderly procedure would have been for him to have found some enemy of the Secretary of the Treasury in the House of Representatives and to have proceeded in a constitutional manner to get the Secretary out of his place.

Mr. REED of Pennsylvania. Mr. President, the resolution which the Senate is now considering contains 19 preambles or recitals, and it is with the assertions of fact in those that I want, as briefly as may be in my power, to deal. I believe that it will not be necessary to speak so long as the Senator from Michigan found it necessary to speak in advocacy of his resolution.

The first five of those recitals find fault with Secretary Mellon because he did not disclose the transaction of November, 1923, when he was asked to help to conceal a subscription by Sinclair to the Republican National Committee. The facts were brought out by the questioning of the Senator from Montana [Mr. WALSH], and there can not be any dispute about them. In November, 1923, Mr. Will H. Hays, then chairman of the Republican National Committee, telephoned to Mr. Mellon, stating that he was sending him a package of valuable papers and that he would call later and explain about them. The package came; Mr. Mellon was busy. He did not open the package, but he set it off on a corner of his desk and forgot all about it. He did not know that it contained bonds at all; he forgot all about it, and went home, leaving it lying there open on his desk. When he came back the next morning he noticed it, and opened it, and was startled to find that it contained $50,000 of Liberty bonds of the first issue. He had no idea where it came from, except that it came from Hays, nor had he any idea what Hays wanted him to do with the bonds. Obviously they were valuable; he knew they did not belong to himself; and so he put them in the safe until Mr. Hays could——

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. WALSH of Massachusetts. Had Mr. Hays withdrawn from the Cabinet at that time?

Mr. REED of Pennsylvania. I think he had; yes.

Mr. WALSH of Massachusetts. He was not then Postmaster General?

Mr. REED of Pennsylvania. I believe not.

Mr. MOSES. Oh, no; Mr. Hays withdrew from the Cabinet in 1922, after serving for about one year in the Post Office Department.

Mr. WALSH of Massachusetts. I assumed that he had retired from the Cabinet.

Mr. REED of Pennsylvania. I am quite sure he was living outside of Washington at the time. However, Mr. Mellon does not remember how long the bonds lay there in his safe. It may have been one day or it may have been three or four days, but within a few days Hays did come to his office and explain to him that Sinclair had made a large contribution in these bonds, or a loan—the term seems to be vague—had advanced the bonds to help pay off the Republican deficit from the campaign of 1920. I do not remember the exact words, but the substance of it is perfectly distinct. Hays asked Mellon to keep the $50,000 of bonds and to give him in exchange for them a check for $50,000, with the express or implied intention that they should appear on his accounts as a contribution from Mellon and not pro tanto from Sinclair. Mellon instantly and unhesitatingly refused to comply with the suggestion; he said he would have nothing to do with it. He offered the bonds to Hays then and there, but Hays said, "No"; he was going to Indiana and he did not want to carry them with him, and asked Mellon if he would not send the bonds to him—Hays—when Hays returned to New York. Mr. Mellon said he would do so at the first opportunity, and the first opportunity occurred when Parker Gilbert, now the Agent General of Reparations but then Assistant Secretary of the Treasury, happened to be going to New York. Mellon gave Gilbert the bonds, and he took them back to Hays, and that ended the transaction.

Now it is suggested that Mr. Mellon ought then to have disclosed the fact that those were Continental Trading Co. bonds, contributed by Sinclair for a dishonest purpose. But, be it remembered, Mr. President, that nobody outside of the particular group of criminals connected with it knew that there was such a thing as the Continental Trading Co., or that the Continental Trading Co. had ever owned any bonds, or that Sinclair had ever had anything to do with it, or that he got some of the bonds from that company; nobody knew that. It was not possible to have disclosed it; nor do we know yet except by inference. Mr. Mellon naturally made no record of the number of the bonds, and while presumably they came from that wretched pile that had its origin in the Continental Trading Co., no man knows to this day, nor is there any way of finding out. So much for what Mr. Mellon did not do.

Now, let me tell the Senate and the country what Mr. Mellon did do in connection with the unearthing of Fall's treachery to his country and Sinclair's bribery of Fall. The inference, although not the direct statement of the Senator from Michigan [Mr. COUZENS], is that Mellon was trying to hide Sinclair's association with this transaction. The facts speak best for what Mr. Mellon was trying to do. We all remember the appointment of Mr. Roberts and former Senator Pomerene to represent the United States in recovering back the oil properties and punishing the criminals who had acquired them. We all remember, I think, that at the time those counsel were

appointed not one man outside of the parties themselves had ever heard of the Continental Trading Co.; not a soul among us suspected even that Sinclair had given any bonds to Fall or that Sinclair had gotten the bonds from the Continental Trading Co.

The whole thing was shrouded in utter darkness so far as we and all other innocent Government officials knew. When those counsel were appointed they had to proceed against Doheny, and they had to proceed against Sinclair for the recovery of the oil properties that had been taken from the Government. The Senator from Montana [Mr. WALSH] demonstrated to our satisfaction the payment of money by Doheny to Fall. Nobody knew what had passed from Sinclair or whether anything had passed; at least that is my recollection, and I think I state it correctly. The counsel who were appointed had no particular difficulty in working up the case against Doheny, because the Public Lands Committee had done it for them, and they simply took over the witnesses that committee had questioned and the information the committee had elicited; but the Sinclair case, as I say, was shrouded in darkness.

The two counsel, Mr. Roberts and Mr. Pomerene, applied to the Secretary of the Treasury on March 26, 1924, for assistance from the Secret Service. It was easily possible, if one wanted to protect Sinclair or to hide some guilt on his part that was known of, to find four men in the Secret Service with such scant intelligence or experience or zeal that their investigation would have led to nothing; but this same Mr. Mellon who is denounced as trying to hide something and with being an accessory after the fact with Sinclair, had just been going through a most difficult examination in connection with the charges of some person that Liberty bonds had been issued in duplicate and that there had been great overissues. It required a most exhaustive and careful analysis of the Liberty-bond work of the country during the World War. It was proven, as we all remember, that in spite of the haste and pressure under which the Liberty bonds were issued in war time, there had been no overissue. The whole thing was cleared up I think to everybody's satisfaction.

The only guilt in the issuance of Liberty bonds during the war had been on the part of the numbering machine which every once in a while slipped its gears and made duplicate numbers; but the actual amount of bonds outstanding was just what we understood it to be. That investigation had been very difficult. It had been very capably handled by four Secret Service men in the department, and Mr. Mellon, in order that the inquiry into the Sinclair affair and the Fall business should be well done, picked out those experienced men to put on the job and to make a thorough investigation.

Let me tell the Senate how well they worked. They were assigned to that duty March 29, 1924. By the middle of April they had found that in a bank in a town called Carrizozo, N. Mex., there was a deposit of $50,000 of Liberty bonds standing to the credit of former Secretary Fall. They got the numbers of those bonds and hurried back here to Washington; and, starting back in 1917, when the bonds were issued, they followed those in every step and in every transaction that they had passed through down to the time in 1922 when finally they came into Fall's hands.

It is almost a romance to discover the path those bonds took. They were issued to the Federal reserve bank at Atlanta. They were sold by that bank to the Southland Steamship Co., a Savannah concern. That company sold them to the Savannah Bank & Trust Co., and they sold them to the Chase National Bank in New York, and they sold them to a firm of brokers in New York, a Wall Street firm, and they sold them to the Dominion Bank of Canada, and they sold them to a man named Osler; and there the trail seemed to end.

These men camped on Osler's trail, being lied to by him with his explanation of what he bought the bonds for; and when they finally learned the name of the Continental Trading Co., Osler lied again and said that it had been created to help dispose of an estate; but two of them were there by that time, and they stuck to the job until finally their suspicions were thoroughly aroused, and the special counsel that the President had appointed and we had ratified went to Toronto and joined them; and they put Mr. Osler on the grill and got enough out of him to discover that this Continental Trading Co. had something to do with Sinclair. He never mentioned Stewart or the Standard Oil Co. of Indiana, but he did mention Sinclair and a man named Humphreys. Then they went after Humphreys, and through him found references to Stewart and Blackmer and O'Neil. Then Osler left for Africa, and Blackmer and O'Neil left for France, and they followed them across the ocean, and they finally located one of them living under an assumed name in Monte Carlo and helped to get service of process on him there in Monte Carlo. They traced the other one to some place in Czechoslovakia, and they think they will get him yet; and they found Stewart when Stewart was hiding to avoid the service of process in the case pending against him.

Those same Secret Service men later were asked to assist the senior Senator from Montana [Mr. WALSH] and the committee with which he is working; and I believe that we have it on his authority that their support has been whole-hearted and loyal. The details of what they have done for that committee will be divulged in due time when the Senators in charge of that investigation think it wise to make it public. But how can we say, Mr. President, where he has rendered such loyal service as that in silence, claiming no credit for it, not holding himself up to the public as the inspirer of this successful search—how can we say, as the Senator from Michigan has implied, that Mr. Mellon is trying to protect Sinclair or Fall or any of their accomplices?

Now I pass to the next group of allegations in this resolution, and that can be briefly disposed of.

The sixth and seventh paragraphs recite that the Pittsburgh Coal Co. is a Mellon enterprise. With characteristic vagueness, the resolution does not say what Mellon, or to what extent, or how it is a Mellon enterprise, or what the Secretary of the Treasury has to do with it. Then the resolution recites this order which was read by the Senator from Michigan, addressed to mine superintendents, and instructing them in effect to suborn witnesses, to lie to the Senate subcommittee that went to western Pennsylvania last month.

To begin with, the Pittsburgh Coal Co. is not a Mellon enterprise. The Secretary of the Treasury and his brother do own some stock in it, but it is a minority. I understand it is less than 25 per cent. They do not control it. In the next place, no such order as that was issued by the Pittsburgh Coal Co. I am speaking now on information from them and on their testimony to the committee when finally they were allowed to put it in. No such order as that was ever issued by any person in the Pittsburgh Coal Co. to anybody else in the Pittsburgh Coal Co. When that letter was produced it was brought in by a reporter for a St. Louis paper, a reporter named Brundidge, who did, as the Senator from Michigan has said, hand it around to the members of the committee; but they refused to show it to the counsel for the coal company or anybody representing the coal company.

Mr. WHEELER. Mr. President——

Mr. REED of Pennsylvania. Wait a minute. I am going to bear this out.

Mr. WHEELER. The Senator is not going to bear that out.

Mr. REED of Pennsylvania. The Senator will find on page 1243 of the typewritten record where the Pittsburgh Coal Co. counsel asked to see a copy of it.

Mr. WHEELER. Oh, yes; but that is quite different. The Senator is not going to bear out the statement that the committee refused, or any member of the committee refused, to show it to them.

Mr. REED of Pennsylvania. Wait a minute.

Mr. WHEELER. Let me state just what happened.

Mr. REED of Pennsylvania. Let me state what I am told happened, and then the Senator can correct me if I am wrong.

Mr. WHEELER. I should like to correct the Senator, because of the fact that he has made a statement that is incorrect.

Mr. REED of Pennsylvania. All right.

Mr. WHEELER. The statement I desire to make is this: Mr. Brundidge came into the committee room and testified that he understood that this paper was issued by the coal company. He bought it from a sergeant of the coal and iron police working for the Pittsburgh Coal Co. He passed it over to the stenographer, and it was read into the record, and everyone saw it; and it was supposedly a copy of a telegram, as I recall. The committee thought he had handed it to the stenographer. Mr. Brundidge left the stand. When he left the stand it seems that he took this paper with him. The coal company, after he had left the stand and after he had gone, asked the committee to see it. The committee could not hand it to counsel for the coal company because of the fact that we did not have it. We did not refuse to hand it to him.

Let me say to the Senator that this morning Mr. Brundidge called me up on the long-distance telephone from the St. Louis Star, one of the reputable newspapers of the country, and said that he had taken the paper with him because of the fact that it had been read into the record, but that he would be perfectly willing to produce it at any time and at any place that we desired. It is not fair to the committee to say that the committee refused to show it to the Pittsburgh Coal Co. or to any of their representatives.

Mr. REED of Pennsylvania. This much is true, is it not—that this reporter produced the paper; it was not shown to the

counsel for the company; they did make repeated requests to see it——

Mr. WHEELER. No.

Mr. REED of Pennsylvania. The witness was allowed to leave town, taking it with him; it has never been brought back since; the committee did not require Brundidge to tell from whom he had bought it; and it was utterly impossible to cross-examine him, as I am told, on the source of it or the genuineness of it.

Mr. WHEELER. No; the Senator's information is incorrect in many particulars.

Mr. REED of Pennsylvania. Very good.

Mr. WHEELER. If the Pittsburgh Coal Co. representatives have made those statements to the Senator they have made incorrect statements to him with reference to some of the matters. I will tell the Senator just exactly what took place.

The Pittsburgh Coal Co.'s attorneys had been in the room. They had requested permission to cross-examine, and had been told that they could cross-examine any witness who went upon the stand at any time at all. I am sorry that the chairman of the committee is not here to tell the Senator just exactly what occurred.

Mr. MOSES. Mr. President, with the permission of the Senator from Pennsylvania, may I ask the Senator from Montana a question?

Mr. WHEELER. Yes, indeed.

Mr. MOSES. Is it the practice of the committee investigating conditions in the Pennsylvania coal fields to permit exhibits before the committee to be taken away?

Mr. WHEELER. No; not at all. It was not intended by the committee that this paper should be taken away. It was simply a misunderstanding upon the part, as I take it, of a witness.

Let me say to the Senator that Mr. Brundidge—I am not from his State, and I do not know him, excepting, let me say, that he is a reputable newspaper man from the St. Louis Star——

Mr. MOSES. All newspaper men are reputable. I was one myself once.

Mr. REED of Pennsylvania. Mr. President, I am willing to concede that the situation is exactly as the Senator from Montana expresses it. If I have been otherwise informed, I am willing to admit now that I have been incorrectly informed.

Mr. FESS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I want, if I can, to stick to the important things. The important things about this matter are that the order is believed to be a forgery, an invention of somebody; that the Pittsburgh Coal Co. is not a Mellon concern; that Mr. Mellon never heard of the order, and nobody pretends he ever did, until it appeared in the papers; that Mr. Mellon has nothing to do with the management of the Pittsburgh Coal Co.; and I fail to see why the Senate should expel him from office because a company which he does not control did not issue an order which has been shown to be a forgery.

Mr. MOSES. I beg the Senator to stick to the important thing. The Senate can not expel Mr. Mellon from office except upon impeachment.

Mr. FESS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. FESS. A statement was made a moment ago of which I think there ought to be a little verification.

Mr. REED of Pennsylvania. Oh, no; I beg the Senator not to waste time on the matter of this order.

Mr. FESS. As a matter of defense of the committee, I think there ought to be——

Mr. REED of Pennsylvania. Will not the Senator defend the committee after 2 o'clock, then? I am going to move to send this resolution to the Committee on Finance, and I do not want to try to postpone a vote until after 2 o'clock. If the Senator will permit me to hurry on——

Mr. FESS. Mr. President, I want to make a statement here.

Mr. REED of Pennsylvania. Then, as I have the floor, and the Senator wants to make a statement over my protest, I yield to him to do it.

Mr. FESS. I think I should do it.

Mr. HEFLIN. Mr. President, I may be permitted to say that I do not think we shall get through by 2 o'clock.

Mr. FESS. Mr. President, with reference to the statement that the committee did not require the name of the person who sold this paper to Mr. Brundidge for $25, I desire to state that the committee did not feel like demanding the name when he asked to be excused. Another witness came on, a minister, and he referred to it, and he said that he did not care to give the name, and we excused him.

Mr. Rose, the counsel of the Pittsburgh Coal Co., however, made the statement that the paper was a forgery. Our committee then said that we would require the name of the parties that are concerned in it.

I do not want the Senator to think that I am a member of a committee that would excuse that sort of thing.

Mr. REED of Pennsylvania. I have not been in attendance on the committee, and I do not know of my own knowledge any of the facts that I have recited, except that it is insisted this is a forgery.

Mr. EDGE. Mr. President, may I ask the Senator what time Mr. Rose advised the committee that it was a forgery? How long ago?

Mr. FESS. It was a day or two after it had been introduced as testimony.

Mr. REED of Pennsylvania. Before this resolution was presented.

Mr. EDGE. Before this resolution was introduced by the Senator from Michigan?

Mr. FESS. Yes.

Mr. EDGE. I draw attention to the fact that it is made a part of the resolution.

Mr. REED of Pennsylvania. Mr. President, preambles Nos. 8 and 9 refer to the fact that Secretary Mellon supported the election of Governor Fisher and of Senator Pepper, and that he contributed $25,000 of his own money, in good faith, openly, to the campaign fund for those two gentlemen and the other 8,000 candidates who were on the Republican slate. I doubt whether the Senate intends to condemn the frank contribution of $25,000 in a bitterly fought campaign, involving not only State but national issues, and I shall not waste any more time on that.

The next group of accusations occur in paragraphs 10, 11, and 12 of the resolution, which recite that section 243 of the Revised Statutes, which forbids the Secretary of the Treasury from owning ships or from carrying on any trade or business, was violated, and then recites that Mr. Mellon is a stockholder in 12 different companies. As a matter of fact, he is a stockholder in only 2 of those 12; 10 of the 12 are mere subsidiary companies in which he has no interest. He is not a director or an officer of any one of them. He has an investment in the stocks of these two companies and of many other companies, but he is not a director or manager or officer of any company or any business whatsoever.

It has been held in Stewart's case that to be the direct owner of a large dry-goods store, and to be engaged in carrying on that business, is a violation of the old act of 1789, and it would be hard to see why it should not be a violation. But perhaps it would be interesting to know just how this is applied to Secretary Mellon. Back in 1921, in the winter, when President-elect Harding asked Mr. Mellon to become Secretary of the Treasury, he accepted, after a considerable amount of reluctance. Then, having accepted, he repented his acceptance and looked for some way to be excused, and somebody told him of the existence of this old act of 1789 and this section of the Revised Statutes. Mr. Mellon called up Senator Knox down here in Washington and asked him to go directly to the President elect, Senator Harding, and tell him that he could not serve; that he was not eligible under this act, because he had a lot of these stocks and therefore would have to be omitted from consideration.

Senator Knox, very much concerned, called in Faust & Wilson, lawyers here in this city, and asked them at once to make a search and give an opinion, and that opinion has already appeared in the CONGRESSIONAL RECORD. I put it in on March 31, 1924, and it appears on page 5246 of the RECORD.

Mr. EDGE. Mr. President, may I interrupt the Senator? Was that the occasion when another Member of this body had introduced a similar resolution asking the Secretary of the Treasury to resign?

Mr. REED of Pennsylvania. That was the time of another attack on Mr. Mellon, when there was a resolution similar to this.

Mr. EDGE. What was the disposition of that resolution?

Mr. REED of Pennsylvania. I do not remember; but Mr. Mellon is still in the Cabinet.

At all events, the substance of that opinion was that a mere investment in stocks of a corporation, unaccompanied by any directorship or holding of office, was not the doing of business within the meaning of that section of the Revised Statutes or of that old act of 1789. The opinion cites a large number of authorities to that general effect, including a New York case, the case of Duell (111 N. Y. Supp. 969), in which it was held directly that a justice of the court of special sessions, who, by the New York law, is forbidden from carrying on any business—the same words we have in the Federal act—is not carrying on a business where he is a stockholder in a corporation engaged in the publishing business in the same city.

There is no decision to the contrary. Every decision of the Supreme Court of the United States on the phrase "carrying on business," including the decisions in the commodities cases, held that mere passive stockholding is not in any sense the carrying on of business of the corporation by the stockholder. I think most lawyers will agree that the distinction is well made.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. WHEELER. Mr. Mellon was a director of some of these concerns when he was appointed to the Treasury, was he not?

Mr. REED of Pennsylvania. No; he resigned a few days before he was appointed.

Mr. WHEELER. Just prior to his appointment?

Mr. REED of Pennsylvania. Yes; and he disposed of all his bank stock, and all stocks that might conflict with the requirements of the Federal reserve act, which is more strict than this statute, and forbids the ownership of stock, as well as being an officer. All of that was done before he was sworn in, before the appointment came to the Senate.

Paragraph 13 raises a different question, stating that "the Government of the United States was defrauded out of $91,000 in the tax case of the Mellon National Bank while Andrew W. Mellon was Secretary of the Treasury."

In the first place, that is old, dried bones. That case was thoroughly considered by the select committee, of which the Senator from Michigan was the chairman. The facts were fully given by the representatives of the committee and the representatives of the bureau. The letter of explanation from the bureau, which shows that this merely followed the established course of construction of the act which had been applied to dozens of cases in the bureau before this case came up, appears in the appendix to the record of that subcommittee. When the subcommittee came to make its report to the Senate they did not condemn that finding, they did not find that it was wrongfully done, or make any reflection upon either Secretary Mellon or the Bureau of Internal Revenue for having made it. I can not understand, when that was the case years ago, why it should be raked up now with the statement that the Government of the United States was defrauded. The general remarks that I have to call attention to here in a minute apply to that as well as the next case.

The next one, in paragraph 14, is adroitly drawn. It reads:

> Whereas Andrew W. Mellon, as Secretary of the Treasury, benefited through indefensible decisions in the tax case of the Gulf Oil Co., as disclosed by the select committee.

That would lead any Senator who read it to think that Mellon had benefited by a decision made in the case of his company while he sat there as Secretary of the Treasury, and I dare say that every Senator who read that recital drew that inference from it. The plain truth is that that decision was made under Commissioner Williams, when Secretary Houston was Secretary of the Treasury. It was decided February 28, 1921, before Mr. Mellon was either appointed or sworn in. And now, if you please, by inference here it is charged that Mellon defrauded the Government to his own benefit.

It is said that that is disclosed by the select committee of the Senate. The truth is that it was only in the minority report of that select committee that the time when that decision was made was brought out.

After that select committee had finished its most comprehensive examination of the Bureau of Internal Revenue, after it had made its report to the Senate, the chief counsel of that select committee came before the Finance Committee in the consideration of one of the tax bills. It was after the conclusion of the work of the Couzens committee. His name was Manson, and he was general counsel of the Couzens committee. In the hearing before the Finance Committee I asked Mr. Manson:

> May I ask one question more? In these cases, speaking generally, is the excessive allowance, in your judgment, due to mistakes of the bureau or is it due to corruption?
>
> Mr. MANSON. Oh, I do not maintain it is due to corruption. I do not maintain that. Get that straight.
>
> Senator REED of Pennsylvania. I am asking in all sincerity, because I am not familiar with the facts.
>
> Mr. MANSON. Oh, no.
>
> Senator REED of Pennsylvania. Have you found any evidence of corruption?
>
> Mr. MANSON. Oh, no; I have not any evidence of corruption.

At that same hearing Senator COUZENS himself, in discussing the question of fraud in the Internal Revenue Bureau, made the statement:

> I do not charge that anybody intentionally did anything wrong.

Yet the Senator is willing to introduce this resolution, which states baldly that the Government of the United States was defrauded by Mellon's bank, and that Mellon, as Secretary of the Treasury, benefited through indefensible decisions of the tax case of the Gulf Oil Co., and follows that with the statement that "there was much evidence of corruption, favoritism, violation of the law, and illegal settlements with certain large taxpayers reported by the select committee of the Senate appointed to investigate the Internal Revenue Bureau."

Mr. President, I am through. I can not understand how the Senator from Michigan, having made the statement before the Finance Committee at the conclusion of his investigation that he did not charge that anybody intentionally did anything wrong, and having his counsel there at the same session say that there was no evidence of corruption, can, in this resolution, recite as if it were a matter of course that corruption existed there in that bureau under Secretary Mellon.

Mr. President, I move that this resolution be referred to the Committee on Finance, and on that question I ask for the yeas and nays.

Mr. WALSH of Montana obtained the floor.

Mr. JOHNSON. Mr. President, I was about to suggest the absence of a quorum, but I will not do so if the Senator from Montana wishes to make some remarks.

Mr. WALSH of Montana. Mr. President, I desire to talk briefly upon the pending resolution. I observe the hour of 2 o'clock is about at hand, and I do not want to begin talking unless we are going on with the consideration of this subject.

Mr. NORRIS. Mr. President, I think the Senator from Michigan has gone to lunch, but I was wondering if we could not enter into some arrangement by which we could continue the consideration of this resolution and perhaps dispose of it.

Mr. WATSON. It can not be done except by unanimous consent, and I shall interpose an objection, because I want to take up for consideration the conference report on the radio bill.

Mr. NORRIS. Mr. President, unless there is some arrangement for the disposition of this resolution after a fair and not unreasonably long discussion of it I would like to say to the Senators that they will not be able, in my judgment, to avoid its consideration by an objection or by taking up something else.

Mr. REED of Pennsylvania. Mr. President, I do not want to delay the consideration of the resolution. I would be glad to have a vote now. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The hour of 2 o'clock having arrived, the resolution under the precedents will go to the calendar, and the Chair lays before the Senate the unfinished business, which is Senate bill 1271.

Mr. MCKELLAR. Mr. President, in connection with Senate Resolution 173, which the Senate has just been considering, I ask unanimous consent to have printed in the RECORD a similar resolution introduced by me in March, 1924.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution submitted by Mr. MCKELLAR March 28, 1924, and March 31, 1924, considered, modified, and placed on the calendar, is as follows:

> Whereas section 243 of the Revised Statutes of the United States provides as follows: "No person appointed to the office of Secretary of the Treasury, or first comptroller, or first auditor, or treasurer, or register shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department other than what shall be allowed by law, and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information"; and
>
> Whereas section 3168 of the Revised Statutes of the United States provides as follows: "Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture, or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than $500 nor more than $5,000"; and

Whereas it appears from a letter from A. W. Mellon addressed to KENNETH MCKELLAR, dated March 5, 1924: "The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations, depending upon the year in which the taxes refunded were originally collected. The payments were $766,112.29 out of the appropriation for 'Refund of taxes illegally collected, 1918, and prior years'; $1,350,884.63 from a similar appropriation for 1919; and $1,211,143.07 for 1921"; and

Whereas it appears that in April, 1921, after A. W. Mellon had become Secretary of the Treasury in March, 1921, the Treasury refunded to the Gulf Refining Co. sums in amounts shown by excerpts from said letter; and

Whereas other settlements made with other companies in which the said A. W. Mellon is stockholder or otherwise interested; and

Whereas it appears that the said A. W. Mellon is interested in the Overholt Distilling Co.: Therefore be it

Resolved, That the Judiciary Committee of the Senate be, and is hereby, directed to hold hearings by itself or by a subcommittee and report with the least delay practicable:

First. Whether the said A. W. Mellon is directly or indirectly concerned in carrying on the business of trade or commerce.

Second. Whether he is the owner in whole or in part of any sea vessel.

Third. Whether he is holding the office of Secretary of the Treasury of the United States in violation of section 243 of the Revised Statutes of the United States or any of the laws of the United States.

Fourth. Whether he is holding the office of Secretary of the Treasury of the United States in violation of section 3168 of the Revised Statutes of the United States.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. BLAINE] is entitled to the floor upon the unfinished business under the agreement made last night previous to adjournment.

Mr. NORBECK. Mr. President, I desire to ask the Senator from Wisconsin if he will yield for the purpose of permitting me to ask unanimous consent to temporarily lay aside the unfinished business in order that we may take up the conference report on the radio bill?

Mr. BLAINE. I yield for that purpose.

Mr. NORRIS. Mr. President, I would like to submit a unanimous-consent request in the absence of the Senator from Michigan [Mr. COUZENS].

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for that purpose?

Mr. BLAINE. I have just yielded to the Senator from South Dakota to enable him to submit a unanimous-consent request.

Mr. NORBECK. In order to accommodate the Senator from Washington [Mr. DILL] and Senators having the radio legislation in charge, I have agreed that the migratory bird bill may be laid aside temporarily at this hour, and I ask unanimous consent that that may be done.

Mr. NORRIS. I have no objection to that.

Mr. BLAINE. I am glad to yield for that purpose.

Mr. NORBECK. I ask unanimous consent, then, that the unfinished business may be temporarily laid aside for the consideration of the conference report on the radio bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS. Now, let me submit a unanimous-consent request. I ask unanimous consent that the resolution of the Senator from Michigan [Mr. COUZENS], instead of going to the calendar as it would under the rule, may go over until to-morrow without prejudice.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

Mr. REED of Pennsylvania. I would like to think that over.

Mr. NORRIS. Of course, if it is not done now, it will be too late hereafter.

Mr. REED of Pennsylvania. For the present I object.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Nebraska, and unanimous consent has been given for the consideration of the conference report.

CONFERENCE REPORT—RADIO REGULATION

Mr. WATSON. Mr. President, I submit the conference report and ask that it may be read.

Mr. KING. Mr. President, this is such an important matter that I think we ought to have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Blease	Bruce	Curtis
Bayard	Borah	Capper	Cutting
Bingham	Bratton	Caraway	Dale
Black	Brookhart	Copeland	Deneen
Blaine	Broussard	Couzens	Dill
Edge	Jones	Overman	Stephens
Fess	Kendrick	Phipps	Swanson
Fletcher	Keyes	Pittman	Thomas
Frazier	King	Ransdell	Tydings
Gerry	McKellar	Reed, Mo	Tyson
Gillett	McMaster	Reed, Pa.	Walsh, Mass.
Glass	McNary	Robinson, Ark.	Walsh, Mont.
Gould	Mayfield	Sackett	Warren
Hale	Metcalf	Sheppard	Waterman
Harris	Moses	Shortridge	Watson
Harrison	Neely	Simmons	Wheeler
Hawes	Norbeck	Smith	Willis
Hayden	Norris	Smoot	
Heflin	Nye	Steck	
Johnson	Oddie	Steiwer	

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Seventy-seven Senators having answered to their names, a quorum is present. The clerk will read the conference report on the radio bill.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2317) entitled "An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows:

Restore the matter proposed to be stricken out by the House, and in lieu of the matter proposed to be inserted by the House insert the following:

"SEC. 5. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located."

And the House agree to the same.

JAMES E. WATSON,
JAMES COUZENS,
SIMEON D. FESS,
KEY PITTMAN,
C. C. DILL,
Managers on the part of the Senate.

WALLACE H. WHITE, JR.,
FREDERICK R. LEHLBACH,
A. M. FREE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. DILL. Mr. President, I think that a short statement regarding the conference report may be desired by some Senators. In the first place, the House amendments to the Senate provision regarding limitation of licenses was partly agreed to; that is, part of the House provision was taken and part of the Senate provision was taken. In other words, the House provision for granting broadcasting licenses for three months

instead of six months, as was provided by the Senate bill, was agreed to, but the Senate provision for granting licenses for a year instead of six months as provided by the House was agreed to.

The principal reason why the Senate provision was agreed to is that there are some 16,000 ships and amateur licenses which would necessarily have to be renewed every six months, and the House conferees agreed that that was unnecessary. So that the House provision as to broadcasting licenses was agreed to, and the Senate provision as to other licenses was agreed to.

The next amendment concerned the Senate provision in the bill that the terms of all the commissioners should expire on February 23, 1929, and that then they would be reappointed for their regular terms as provided in the law for two, three, four, five, and six years. The House struck out that provision, but receded and allowed the Senate provision to stand.

Mr. BRATTON. Mr. President, will the Senator from Washington yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield.

Mr. BRATTON. Is it contemplated now to continue the Radio Commission in office indefinitely?

Mr. DILL. No; the bill as framed in both the House and the Senate provided that the commission's original jurisdiction should continue for one year from March 15, 1928; that would be until March 15, 1929; and then the commission would be an appellate body to which any radio matters might be referred.

Mr. BRATTON. But now, under the proposed law with reference to the expiration of the terms of the commissioners, that applies only to the commission acting as a reviewing body?

Mr. DILL. The provision which the Senate inserted, and to which the House finally agreed, provides that the terms instead of being for two, three, four, five, and six years, shall all end on February 23, 1929, and that then the President shall appoint, according to the terms provided by the original law, for two, three, four, five, and six years.

Mr. BRATTON. But after 1929, and while the commissioners are serving under appointments made in that way, they will exercise only reviewing or appellate jurisdiction?

Mr. DILL. From February 23 until March 15 they would be exercising full powers, and then they would become an appellate body.

Mr. BRATTON. The particular matter that I had in mind was whether, under the proposed law, the Radio Commission will be extended indefinitely as an original tribunal, rather than as an appellate tribunal. I understand that is not the case.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Washington yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. DILL. I yield.

Mr. ROBINSON of Arkansas. As I understand, after a year the original jurisdiction will be exercised by the Secretary of Commerce?

Mr. DILL. Yes.

Mr. ROBINSON of Arkansas. And appellate jurisdiction will vest in the Radio Commission. What are the powers of the Radio Commission under this arrangement in connection with its appellate jurisdiction?

Mr. DILL. Under the appellate jurisdiction the Radio Commission has final authority as to everything. The Secretary of Commerce may exercise certain powers set out in the bill, such as granting new licenses and performing the administrative work that is now being done by the commission, but any person with an interest—and I call the Senator's attention to that it is very broad—any person with an interest may appeal any act or ruling of the secretary to the commission.

Mr. ROBINSON of Arkansas. What are claimed to be the advantages of continuing for one year the original jurisdiction of the Radio Commission?

Mr. DILL. In the first place, the commission has had a rather hectic career, if I may use that term. Congress failed to make an appropriation for it in the second deficiency appropriation bill last year, as it did for many other activities, and the commission had no money until December, when the deficiency bill was passed.

Mr. ROBINSON of Arkansas. But, as I understand, the commission functioned until the appropriation became available, and then practically ceased to function.

Mr. DILL. I think that is true with the exception of one member. I think one member of the commission has functioned very well, even though the other members have not. Then, too, two of the commissioners died, and one of them resigned. The commission has been rather uncertain in its tenure, and, not knowing whether it was going to be continued after March 15, the members did not feel they should ask Congress to appropriate money that would build up a large personnel which would have to be dropped on the 15th of March. The members of the commission in the hearings have stated that if they were continued another year they would come to Congress and ask for a substantial appropriation in order that they might enlarge their activities and provide a personnel that would make their work more intelligent and more effective.

Mr. ROBINSON of Arkansas. My understanding has been that another consideration has entered into the action of the nonaction of the Radio Commission, and that is the fact that the nominations of members of the commission have not been confirmed.

Mr. DILL. I think that is true.

Mr. ROBINSON of Arkansas. And they have taken the position that they either can not or will not do anything substantial until the Senate shall have disposed of their nominations. I have felt that the best way to entitle a commissioner to confirmation was for him to demonstrate his value or usefulness. As I understand, there is no limitation on the power of a member of the commission by reason of the fact that his nomination has not been confirmed. I myself received a letter from a member or members of the commission stating that to be the case; that they felt embarrassed by the fact that their nominations had not been confirmed, and that the indication was nothing would be done until the Senate acted.

Mr. DILL. I wish to say in that connection that I have been a very severe critic of their failure to act. I think they have pursued an entirely mistaken course, and their very failure to act, I think, has delayed their confirmation, because some of us have been fearful that they were planning to do something that they were afraid to do before the question of their confirmation came before the Senate. I wish to say that one of the commissioners, Mr. Lafount, from the fifth zone, has gone ahead, has made some 70 changes in wave lengths in his own zone, and has been doing the work there just the same as though his nomination had been confirmed. He is making a record of which I think he can be proud.

Mr. McKELLAR. Mr. President, it seems to me a very remarkable situation that the Radio Commission, having been appointed by the President and having been duly acting as a commission, declines to do any work of a material nature because it has not been confirmed. It looks as if it is undertaking to hold a threat over the Senate, and, so far as I am concerned, I desire to say that I am wholly opposed to being threatened.

Mr. DILL. I wish to say to the Senator that it is the understanding of the committee that as soon as this legislation shall be disposed of the question of confirmation will be brought before the Senate for action.

Mr. McKELLAR. I hope for rejection, not for other action.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. I yield.

Mr. BARKLEY. While it is claimed that the commissioners have been afraid to act in the absence of confirmation, is it not true that they have acted in very many cases without confirmation, while in other cases, where they did not want to act, they have used their failure of confirmation as an excuse for refusing to act?

Mr. DILL. I think the Senator's statement is correct. I know of no defense for the refusal of the commission to act in many of these cases.

Mr. BARKLEY. They had sufficient power to authorize the construction of a 50,000-watt broadcasting station in Chicago by Mr. Insull recently, did they not?

Mr. DILL. They did. They have all the power that they would have whether confirmed or not; there is no question about that.

Mr. BARKLEY. Let me ask the Senator another question. We have all received many protests from people in our States and all over the country with reference to the activities or lack of activities of the Radio Commission with respect to chain broadcasting stations, and monopolies, and all that. To what extent does this proposed legislation cure that situation?

Mr. DILL. This proposed legislation does not attempt to control chain broadcasting. The commission already has power to control chain broadcasting. Nor does it attempt to meet the so-called monopoly complaints as such. If the Senator will bring that up a little later when I discuss the chain system, I will be glad to answer him further.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Louisiana?

Mr. DILL. I yield.

Mr. BROUSSARD. I understand the Senator to have stated that Mr. Lafount went along and granted some permits and that he has done his work: His nomination has not been confirmed, has it?

Mr. DILL. No.

Mr. BROUSSARD. I understand there is only one member of that commission whose nomination has been confirmed.

Mr. DILL. Yes.

Mr. BROUSSARD. He happens to live in my zone, and the complaint among my people is against the nonaction of the commission on the ground that it is awaiting the confirmation of the other members. The member from my zone is confirmed; he is the only member of the commission whose nomination has been confirmed. I know the Senator has given much time and thought to the subject. Why is it that Mr. Lafount has been able to do all these things when his nomination has not been confirmed and a member who is confirmed is holding up everything down in my zone?

Mr. DILL. I can not answer that question fully other than to say that Mr. Lafount has been able to do these things he has done because he has shown initiative and ability to go ahead and to make these changes, and the other members of the commission have approved his action. Whether the commissioner representing the zone of the Senator has tried to remedy the conditions of which he complains, and the commission has refused to permit the changes, I do not know.

Mr. McKELLAR and Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. DILL. I think the Senator from Tennessee was first on his feet.

Mr. McKELLAR. Mr. President, I was very much interested in the statement just made by the Senator from Kentucky [Mr. BARKLEY], in which the Senator from Washington concurred, in reference to the Radio Commission awarding to Samuel Insull, of Chicago, a 50,000-watt power station. That is more than has been awarded to all the broadcasters in the whole southern division. Has any reason been given by the commission to indicate why they are powerless to act on other applications and yet are able to give to Samuel Insull, of Chicago, of fame or of lack of fame or of notoriety, such a large amount of power?

Mr. DILL. So far as I know, the only reason given was that the application was made and that he had the facilities to present excellent programs, and the commission were willing that a high-power station should be located in Chicago.

Mr. McKELLAR. In other words, they give the power to whom they want to give it and use the excuse of their failure of confirmation for not giving the smaller users of power what they should have.

Mr. BARKLEY. In other words, to them that have is given and to them that have not is taken even that which they have. [Laughter.]

Mr. SMITH. Mr. President, I should like to ask the Senator a question in connection with the statement made by the Senator from Louisiana [Mr. BROUSSARD] concerning the commissioner in his zone. I presume that the map which is hanging on the wall is an accurate picture of the zones.

Mr. DILL. Yes; it is drawn for that purpose.

Mr. SMITH. Have the commissioners been selected with reference to their citizenship within the respective zones?

Mr. DILL. Yes; they have been; each commissioner must be a resident citizen of the zone which he represents.

Mr. SMITH. I know that consideration is a matter of very great importance in legislation along this line as well as along some other lines.

Mr. DILL. I should like to discuss the amendments, and then I may answer a number of questions as I go along.

The House amendment which has caused so much discussion was the amendment which it added to the Senate bill and which reads as follows:

> The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act broadcasting licenses, wave lengths, and station power, and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

I think the word "area" has been stricken out.

Mr. WATSON. That word has been stricken out.

Mr. DILL. That provision, as I have read it, imposed a rigid, hard and fast rule. It attempted to bring equality of radio service by a mathematical formula. It entirely disregarded nature and scientific facts regarding radio.

Mr. SMITH. Based on population?

Mr. DILL. The distribution in States within a zone is to be based on population. The equal division was based upon the zones as they were established by the law when the commission was created. When the measure went to conference the Senate conferees believed that the situation was such that some legislation to compel equality of service was necessary.

I wish to call the attention of the Senate to the map which I have had hung on the wall at the back of the Chamber to show what the condition is in so far as the commission has already allocated wave lengths and power. This zone [indicating] in the New England section, including New England and the States of New York, New Jersey, Delaware, the District of Columbia, and Maryland, containing less than 4 per cent of the area and about 24,000,000 people, has been granted 223,000 watts of station power. What we mean by "station power" is the number of electric watts the stations use to force their signals out from the transmitter. This little area, embracing less than 4 per cent of the area of the country, has been given 37 per cent of all of the power used by all the radio stations in the United States.

The second zone, containing Pennsylvania, West Virginia, Virginia, Kentucky, Ohio, and Michigan, had 106,000 watts, only half of the little zone above it.

This great area of 11 Southern States, known as the third zone, had 47,000 watts, as compared with this little area with 223,000 watts.

The fourth zone, the great Central West, running to the Canadian line, had 165,000 watts of power.

The fifth zone, containing the western part of the United States and Alaska, but with nearly all of its important stations in the States, had 62,000 watts of power.

Thus you will see that the greatest power has been given to the smallest area.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. DILL. Just a moment.

These high-powered stations, these stations permitted to use a large amount of power, use that power with but two results, namely, to drown out all other electrical signals within the radius which they serve continuously and to send signals out across the country long distances.

I have another map over here, which explains this situation even more fully.

There are three 50,000-watt stations in the northeastern section of the United States. Those are the highest-powered broadcasting stations we have. They are as follows:

WEAF, in New York, with 50,000.

WGY, at Schenectady, with 50,000.

KDKA, at Pittsburgh, with 50,000.

There is also WJZ, at Boundbrook, N. J., with 30,000.

There are four stations with a total of 180,000 watts of power in this little corner of the country, and the whole remaining part of the United States has no station to exceed 10,000 watts in power.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. COPELAND. Were those stations opened after the commission was appointed?

Mr. DILL. Oh, KDKA was the original licensed station, I think, in the United States, but it did not have this high power.

Mr. COPELAND. And it was in existence before the commission was appointed?

Mr. DILL. Oh, yes. All of them were in existence before the commission was appointed. There is no question about that. But WEAF had only 5,000 watts. They are the great corporation stations of the Radio Corporation, the General Electric, and the Westinghouse Co.

Nobody, so far as I know, is complaining of giving these stations the right to broadcast with such power as will send their programs out clearly. The complaint comes because of the fact that these immensely high-powered stations send out their signals in such a way that they interfere with and heterodyne other stations in other sections of the country, and in that way blanket the radio field.

Mr. EDGE. Mr. President, will the Senator yield at that point?

Mr. DILL. Yes.

Mr. EDGE. The fact which the Senator has pointed out, that particularly in zone No. 1, in the New Jersey and New York section, they have these large stations, is not a matter of any satisfaction to the local people—quite the contrary.

Mr. DILL. The fact of the matter is it is the worst possible thing for them.

Mr. EDGE. Exactly. All or a large proportion of my protests from New Jersey come because of the fact that the large station of the Radio Corporation of America, I believe, at Boundbrook drowns out all the local radio so that they get a hum and do not get even the big radio stations.

Mr. DILL. And if they try to get any other station anywhere on the dial, these high-powered stations force them off.

Mr. EDGE. Exactly so.

Mr. DILL. And that makes the advertising value of the high-powered station greater, because everybody in that area must listen to it. That is why they wanted this high power, and the commission has given them what they want.

Mr. EDGE. In other words, I wanted to make it clear that this large number of watts—and I am not enough of a radio engineer to discuss it from the practical standpoint—is not sought by the local residents of those districts.

Mr. DILL. Not at all.

Mr. EDGE. We would be very glad indeed if they were not there.

Mr. DILL. I am sure the radio listeners of that section do not desire such high power for those stations.

Mr. McMASTER. Mr. President, does the Senator understand that the amendment that it is proposed to agree upon corrects the situation that he is describing at the present time?

Mr. DILL. Before I leave this subject I want to say that the amendment attempts to equalize in part the distribution of power and, as I believe, will remedy the indefensible injustice of the present division.

Mr. McMASTER. Is the Senator aware of the fact that one of the commissioners has been spreading propaganda up in the New England States and in that particular part of the country against any change in the law that would permit the diminishing of the power?

Mr. DILL. Yes, Mr. President; and at the proper time, when the confirmation question is up, I shall discuss the fitness of an unconfirmed administrative official of this Government doing that.

Mr. McMASTER. Will the Senator, at some time during his talk, explain in a concrete way just how the amendment will change that situation?

Mr. DILL. Yes. I want to get this situation clear, and then I thought I would try to do that.

Mr. MAYFIELD. Mr. President, will the Senator yield right there?

Mr. DILL. Yes.

Mr. MAYFIELD. Will placing these chain stations on one wave length obviate the trouble that we have in the South?

Mr. DILL. That brings up another question. The engineers who have been before the committee have stated that it has not yet proved to be practicable and feasible to broadcast chain programs on one wave length. In other words, these station oscillators, these transmitters, send out their vibrations at a terrific speed, so fast that the human mind can not conceive of it. It runs up into the hundreds of thousands per second; and they have not yet reached the point of accuracy in keeping a transmitter at its speed or on its wave length, on its frequency, exactly enough to prevent variations in the different wave lengths and, therefore, this variation by different broadcasting instruments causes a squeal and makes it impossible to hear the program. So the best information that the engineers have given us is to the effect that chain broadcasting on one wave length is not practicable.

It is true that in Massachusetts two stations are broadcasting on one wave length; but we find that those stations are connected by wires that keep them on the same frequency, and it would cost literally millions and millions of dollars to connect all of the chain stations of the country in such a way as to be able to do that. It may be that the time will come when that can be done, but it does not seem to be practicable up to this time.

Mr. MAYFIELD. The great complaint that I receive from my people is that when they are listening to a musical program or to a sermon they are interrupted by the broadcasting of a bridge game. Bridge, bridge, bridge, comes in all the time; and they want to get away from that.

Mr. DILL. I have this map to show what the chain system to-day is.

A program originates, we will say, at WEAF. The National Broadcasting System has its main headquarters, its chain station, there. These dark lines that run to all these various cities represent the chain stations that broadcast the same program on different wave lengths in all sections of this country; so that you see how the New York program is sent out to all the sections as far west as Denver.

Mr. BARKLEY. At the same time?

Mr. DILL. At the same time, but on their own individual wave lengths. Then out at Los Angeles there is another chain of the broadcasting stations running up the Pacific coast and into Spokane, my own town. They have not yet made a regular connection between Denver and the coast, although they sometimes do, for special occasions make that hook up and connect even a larger number of stations.

Each of these stations broadcasts on its own wave length with its own power; and the commission has cleared 25 channels. There are 89 channels available for broadcasting. They have cleared, as they call it, 25 channels. They have taken off all of the important stations, but two or three—sometimes only two, sometimes three, sometimes four stations off these wave lengths. They put a station like WEAF, of New York, on a wave length, and then they have placed another station—I think KGW, in Portland, Oreg.—on the same wave length, as I remember. WRC, here in Washington, is on the same wave length as KFI, in Los Angeles. In other words, they have cleared the channels so that there will not be much interference between these stations.

Then on 23 of these 25 channels that have been cleared for the purpose of giving the distant listener a chance to hear various programs, they have these chain programs. The result is that when a listener is hearing the chain program at Cincinnati, the bridge game the Senator talks about, and it is on a certain wave length, and he does not want to hear it, he tunes over to the wave length of Cleveland, and he gets the same program; and then he tunes to Chicago and gets the same program; he tunes to Des Moines and gets the same program. Thus, all of these big stations on these cleared channels run the same programs; and that is the cause of this complaint of the people who can not get away from the bridge game. The other channels have so many stations on them that they interfere seriously if a listener attempts to tune in on any of them from a distance.

We had the commissioners before us about two months ago——

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. In just a moment. We discussed this matter with them, and they said that they thought changes ought to be made and that these chain stations should be put on the wave lengths that were more crowded, because they were only supposed to serve local purposes, and leave these cleared channels for the independent programs. But all this time has gone by and nothing has been done, and nothing will be done, I suppose, until the commission has been passed upon; and that is one of my causes of complaint against the commission.

Mr. BARKLEY. It could be done?

Mr. DILL. It could be done; yes; and they said they would do it.

Mr. McKELLAR. Mr. President, I want to ask the Senator this question:

As I read the figures, and according to the Senator's statement, three of these broadcasting stations have about one-fourth of all the power of the air?

Mr. DILL. The Senator can add it up.

Mr. McKELLAR. I have done so, and that is correct.

Mr. DILL. There are 625,000 watts, approximately, and here are three stations that have 150,000 watts.

Mr. McKELLAR. That is substantially one-fourth. Now, under the provisions of this amendment, are the commissioners directed to equalize that situation; or have they the power, under this, to proceed to permit these three great advertising concerns that the Senator speaks of to monopolize one-fourth of all the power of the air?

Mr. DILL. This bill provides that they shall divide the wave lengths, the power, and the time of operation as nearly equally between those zones as possible. When you cut the first zone from 223,000 down to 125,000, if you do not use any more power in the whole country than you do, you can not leave two or three stations of 50,000 watts apiece without shutting off all the rest; and you have to assume that this commission will use some judgment and some sense, and that they will not do a thing like that.

Mr. McKELLAR. Of course, it is perfectly apparent that if the commission does the fair thing it will not allow three broadcasting concerns to own and operate and control one-fourth of all the air power of the country; but what I want to know is, under the amendment as reported by the conference committee, will this be done?

Mr. DILL. I do not think so. I may say this——

Mr. McKELLAR. Then I think we ought to amend it.

Mr. DILL. The conferees discussed the question of attempting to limit the commission in granting more than a certain amount of power to a radio station; but the changes in radio are so rapid, and conditions vary so often, that it seemed unwise legislation to attempt, by legislative fiat, to fix a scientific proposition such as that would be.

Mr. McKELLAR. That would not be a scientific proposition. That would be just a fair proposition. It is an equitable proposition. It is inconceivable to me that any commission having to do with this, appointed under the law, would so far forget themselves as to permit three concerns of the country to own one-fourth of all the air power of the country. It seems to me to be such a shame that the Congress ought to correct it at earliest possible moment; and I am astonished to think that we have any such condition here.

Mr. WATSON. Mr. President, I quite agree with the Senator in his main contention; but I do not think the Senator thinks that Congress should undertake to parcel out these wave lengths any more than we should make railroad rates.

Mr. McKELLAR. If the Senator will permit me to answer, the radio commission is but the servant of the Congress, and the Congress has the right to direct it what to do, and we ought to direct it to do the fair and straight thing. We ought not to recognize any commission that would permit such a state of affairs in regard to this great new discovery or invention such as the Senator has portrayed here this afternoon.

Mr. WATSON. That is precisely what we do in the last amendment adopted.

Mr. DILL. Let me say that that is, after all, an engineering question, to be decided by experts.

Mr. WATSON. That is all there is to it.

Mr. DILL. And it did not seem wise to the conferees to attempt to legislate on an engineering question.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. DILL. I yield.

Mr. McMASTER. Is it not true that under the amendments proposed here after all the commission can do exactly as it pleases?

Mr. DILL. No; I do not agree with the Senator.

Mr. McMASTER. Where is there any restricting language?

Mr. DILL. There is no restricting language as to the amount of watts they can give any one station. Let me say this to the Senator, they could put a 50,000-watt station down in Florida, another in New Orleans, and another in Los Angeles. I hope they do not, but they could.

Mr. McMASTER. Yes; but they are not obliged to do it. They can leave that radio station in exactly the present condition if they choose.

Mr. DILL. No.

Mr. McMASTER. Where is the commanding language?

Mr. DILL. Let me read to the Senator:

> It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radiobroadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave-lengths, of periods of time for operation, and of station power, to each of said zones.

So that they are directed by law to give equality of service, both in transmission and in reception, and then, to explain what we mean by transmission and reception, we say by dividing as nearly equally as possible the station power, the wave lengths, the time of operation, and the licenses.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BRATTON. I think this situation to-day is intolerable and inexcusable. I do not care whether it is brought about by acts of omission or acts of commission, it is indefensible. I think the independent broadcaster and the masses of the people throughout the country are not accorded equitable use of the air nor the benefits of this new discovery.

Under the terms of the bill, suppose the present commission or some other commission were to determine that the present situation is fair and is equitable under existing conditions. What remedy would the people have?

Mr. DILL. Any station, under this law, can go into court and overturn any such allocations as to-day exist that do not make equality possible. The present allocations can not be defended on any theory of equality of service.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. McKELLAR. How could any broadcaster do that when the Senator has just stated that under his own interpretation of this proposed law the commission will not change the situation as it exists to-day, but that the three great broadcasting stations that now control one-fourth of all the power can continue under the proposed law? If those three can continue under the proposed law, no broadcaster could go into court and get relief.

Mr. DILL. If the Senator understood me to say that, he misunderstood me.

Mr. McKELLAR. That is what I understood the Senator to say.

Mr. DILL. I did not make that statement, or at least did not intend to, because I am certain the courts can and will protect both broadcasters and listeners under this law against the inequality now being practiced.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. MAYFIELD. I want to direct the attention of Senators to this map. Here are five zones. The southern zone, which is the third zone, is larger in area than any other zone in the country. It has more people living in it than any other zone in the United States. Yet it has only 47,000 watts. Two stations in the State of New York have 50,000 watts each. Pittsburgh has a station with 50,000 watts. I want to know if there is anything in this conference report that will give the Southern States a more equitable division?

Mr. WATSON. Does the Senator know whether or not anybody ever applied for more power down there?

Mr. MAYFIELD. Yes; I do.

Mr. McKELLAR. Mr. President, I do. I know a man who has been here for weeks demanding of the commission that additional amounts of power be given to certain stations in my State, and the reply has been that they are not going to do anything until these men are confirmed. In other words, they imply a threat.

Mr. MAYFIELD. Mr. President, there are applications pending at this moment before the commission for 70,000 additional watts from people in my State.

Mr. BARKLEY. Mr. President, is it or not true that by reason of the unfair allocation of power to some stations in certain sections of the country other stations already in existence have been compelled to go out of business, in addition to the denial of the right to establish new ones?

Mr. DILL. That is one of the excuses the commission has given for not licensing stations, that there were so many stations on the air and too much power was already being used. There have been plenty of applications. The trouble seems to have been that applications of certain stations were granted readily and others were refused or delayed.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. EDGE. I can see very plainly that in any attempt to make any hard and fast rule of division—in other words, to take the country and divide it into five equal parts, either on the basis of population or of area—there might be perfectly justifiable ground for criticism, as, for instance, in the evidence of the allotment of watts; but I think some of the Senators representing sections having a lesser number of watts fail to understand some phases of the engineering problem, which I will freely admit I understand only in the most general way.

New Jersey is in this first zone, which has been discussed so frequently as having 106,000 watts. As a matter of interest and desire the people of New Jersey are willing to give to Texas or to any other State of the Union three-fourths of that power, because, as a matter of fact, it interferes with their service. We do not want it; we have no desire for it. The smaller stations in New Jersey, providing more or less local programs, are very much more popular to the average citizen with a small radio than the great big station at Bound Brook, which has been referred to by the Senator from Washington.

The latter station simply drowns out all the small programs, and I have hundreds, almost thousands, of protests about it. I think all will admit there must be large stations in order to have a cross-country service, and even an over-seas service, which they are giving these days. So far as the actual distribution is concerned, if there is any mechanical way whereby the large stations can be relocated, they should be divided in some way between the Atlantic and the Pacific, the North and the South, so that every citizen could get the service. As far as zone No. 1 is concerned, from my knowledge, we would be delighted to have two or three of these stations taken and put in some other section of the country.

Mr. BRATTON. Mr. President, the Senator from New Jersey says that the people of New Jersey would be glad to surrender a part of the power allocated——

Mr. EDGE. To the large stations.

Mr. BRATTON. Would those concerns themselves be ready to surrender any part of it?

Mr. EDGE. I can not speak for those concerns.

Mr. BRATTON. That is the thing about which we complain, that the commission does not take steps to deprive them of it, and allocate it fairly and equitably throughout the country.

Mr. EDGE. Then the engineering problem, I think, enters into it, a matter which I can not discuss. Somebody else will have to discuss that.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Louisiana?

Mr. DILL. I yield.

Mr. RANSDELL. I wish to say, in response to the question of the Senator from Indiana, which I understood was a query as to whether the southern stations were demanding more power——

Mr. WATSON. Not right now, not "are demanding," but at the inception did demand, in the beginning.

Mr. RANSDELL. I can speak for only one station in my State, which I know has been making the most persistent efforts for the past seven or eight months to get more power. It is station KWKH, at Shreveport. They have a very splendid station there. They have been working hard to get more power, and they have not got it. They are trying hard to get 3,500 watts.

Mr. GLASS. Mr. President, we can hear them very well on the radio. Every time I tune in my radio set all I hear is "This is Shreveport," and complaining about their lack of power.

Mr. RANSDELL. That may be, but they have only 1,000 watts and they have been asking for 3,500; but they have not got it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington has the floor and Senators desiring to interrupt him must address the Chair and the Chair will endeavor to learn from the Senator having the floor whether he desires to yield.

Mr. DILL. Mr. President, I want to answer all the questions I can. I recognize that this subject is very involved, and I do not want to shut off any Senator who has any question to ask. I recognize how easy it is for the debate to be taken entirely away from me, however. But I want to be as liberal as possible.

Mr. WATSON. Mr. President, if the Senator will yield to me——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. DILL. I yield.

Mr. WATSON. There seems to be what I regard as a mistaken impression, that is, that very high-powered stations are essential to chain broadcasting. I wish the Senator would explain that that is not true.

Mr. DILL. I may say that the high-powered station has nothing whatever to do with the broadcasting by the chain system, that the wires simply carry the program to the station, and one station may broadcast at 500 and one at 5,000 and one at 10,000. Each is individual in its own field. The power of the originating station has nothing to do with it.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. SMITH. Is there any provision in this bill under which the American public can get now and then a space during the evening performance to hear something sensible, rather than be drowned out with jazz?

Mr. DILL. I must say to the Senator that we have not written in the bill any direction to the commission as to allowing only jazz programs or only some other kind of programs. In other words, that would mean giving the commission the power of censorship, and that is not desirable.

Mr. SMITH. The Senator from Virginia said a moment ago that when he takes up his receiver about all he hears is the complaint of Shreveport that they have not power enough to get their program on the air. My experience has been that I can not get to hear anything but "Tin-pan alley." That is about all we get in the evening.

Mr. DILL. I want to say this, that I think that while the House amendment has been a good thing for the Congress, because it has enabled us to get our views before the country, it has been a better thing for the commission. I think the members of the commission have learned something of the country's sentiment through the discussion of this legislation. I believe the commission will try to carry out the new provisions of the law.

Mr. McKELLAR. Mr. President, let me ask the Senator this question: If these high-powered stations are not necessary to chain broadcasting, why is it that they have demanded and received such enormous amounts of power?

Mr. DILL. The commissioners have explained their action by saying that they wanted to give these fine programs put on in New York and Pittsburgh and Schenectady to the southern and western country, and they must have some high-powered stations to do it. At the same time, they defend the chain program on the theory that they must carry these fine programs by wire to the various communities.

Certainly there is no need of both. When the chain is in operation there can be no defense for the high power anywhere on the chain, except it be in a place like Denver, away out in the middle of the mountains, where there is no station within 500 miles that carries a chain program.

Mr. McKELLAR. As I understand the Senator, he thinks that the chief fault lies in the action of the present commission.

Mr. DILL. I do. I want to say further that in my judgment if the commission had carried out the law as it is now written, this legislation would not have been necessary. The present law provides that the licensing authority shall distribute these wave lengths and power in such a way as to give all the people of the various States and communities fair, efficient, and equitable radio service. They have distorted the interpretation of that into meaning that they must give a New York program to somebody down in southern Texas, or out in Colorado, even though there is no chain, and therefore they defend these high-power stations. It never was intended by Congress. There is no good defense of it, in my judgment.

Mr. BRATTON. The Senator has just declared himself on the very question I had in mind. I know he has given a great deal of thought to this subject and perhaps knows as much about the attitude of the commission as anybody. But what the Senator has said up to this time in justification of the commission's action or nonaction does not satisfy me at all. I am wondering if the commission has ever offered any additional reason for failure to act.

Mr. DILL. I have heard no additional reasons, and I shall express my opinion about the members of the commission when we take them up for confirmation. In fact, I have collected much other data for that purpose.

Mr. BRATTON. I shall do so too, but for the time being I want to put myself on record as saying that I think the record of the commission up to date is indefensible.

Mr. DILL. It is a very striking fact to me that the man who was put on the commission last and who would be supposed to know least about its work, or was supposed to know least about it, is doing the most to correct the situation.

Mr. BRATTON. I concur in that. I think the commissioner representing the fifth zone has done remarkable work, and it simply accentuates the fact that there is no justification for the failure of the other members of the commission to act.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. DILL. I yield.

Mr. EDGE. As I follow the Senator—and I am inclined to a great extent to accept his views—there is nothing materially wrong with the law.

Mr. DILL. I do not think so.

Mr. EDGE. It is a question of its administration.

Mr. DILL. But the commission has taken the position that there is an ambiguous wording in the equitable-service provision, and so we have tried to write this language so clearly that there could not be any doubt about what we mean. All of the qualifying phrases are for the purpose of making clear that Congress desires the commisison to divide licenses, wave lengths, time of operation, and power equally among the five zones.

Mr. EDGE. In other words, the Senator is now trying to direct them, as far as it is possible in a more or less involved mechanical responsibility, about making an equitable division.

Mr. DILL. Absolutely. This legislation should not be necessary at all, and if we had a commission which would carry out the purposes of Congress it would not be necessary. For instance, we have put in certain directions as to how the commission is to provide the equality of service which we have declared the people of each zone to be entitled to. When we said "equality of service," "both of transmission and reception," we have gone ahead and explained the meaning by directing that the commission shall allocate as nearly equal as possible the licenses, wave lengths, time of operation, and station power. We do not mean equality of transmission and reception in terms of high-power stations in the East for listeners in the South and West. We mean equality in terms of licenses, wave length, time of operation, and station power. Any other interpretation is false and in defiance of the purpose of this provision.

Mr. EDGE. I want to say that I have great confidence in the Senator from Washington and the Congressman from Maine and others on the conference committee in dealing with an involved question of this kind, if they can bring in a unanimous

report, as they have, knowing their desire to serve all sections of the country.

Mr. McKELLAR. It is not a unanimous report.

Mr. EDGE. It is unanimous on the part of the Senate. The Senator from Indiana [Mr. WATSON], the Senator from Michigan [Mr. COUZENS], the Senator from Ohio [Mr. FESS], the Senator from Nevada [Mr. PITTMAN], and the Senator from Washington [Mr. DILL] submit a unanimous report so far as they are concerned, and I do hope the conference report will be adopted in order that we may at least give it a trial.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. I yield.

Mr. HEFLIN. I want to say to the Senator that there have been many complaints from my State about the administration of the law and about the unfairness shown by the commission. The Senator from New Jersey [Mr. EDGE] just stated about what I had in mind; that is, whether it is the fault of the law or the fault of the administration of the law. I suppose the Senator is going to discuss in detail just what changes have been made in the law by this measure?

Mr. DILL. There is some ground for difference of opinion about the meaning of equitable service, but I take it there can be no difference of opinion as to what is meant by equality of service when we say "both of transmission and of reception," and then, in order to secure that equality, we command the commission to make an equal distribution of wave lengths, power, time of operation, and station power.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. I yield.

Mr. BARKLEY. If the present commissioners have distorted the meaning of the law now on the statute books, can we hope that the present commissioners will act with any greater intelligence or judgment in interpreting the new law?

Mr. DILL. We will have an opportunity to pass on those commissioners in a few days, and I shall discuss that question more at length then. I want to say, though, that I think even these commissioners have learned a lesson from the fight which has been carried on in the House. They have been led to see that Congress and the country want a change.

Mr. BARKLEY. It has been a pretty expensive lesson to the people.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. McKELLAR. I want to call the Senator's attention to the wording of this particular provision:

> Equality of radiobroadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor.

Are not those words "in so far as there are applications therefor" likely to give rise to the same misunderstanding and to the same confusion or the same difference of opinion under which the commission, when appointed or as acting, can continue the present deplorable situation in so far as radio is concerned?

Mr. DILL. Let me answer by first calling the attention of the Senator to the fact that if we struck out those words, we still have a provision at the end of the paragraph that says that if there is any unused power it may be distributed among the zones. So far as I am able to judge, the language complained of by the Senator is surplusage, and I am not concerned whether it is in or out. There was a difference of opinion among the House conferees, some wanting it in and others wanting it out, but the majority voted to leave it in.

I have placed on the wall a chart showing the amount of power requested by radio applicants in the different zones, the amount of power granted, and the amount denied. I call attention to the fact that 107,000 watts of power was requested in the first zone and 74,000 granted; 135,000 requested in the second zone and 11,000 granted; 84,000 requested in the third zone and 10,000 granted.

Mr. MAYFIELD. When was that?

Mr. DILL. Since the installation of the commission. There was 181,000 in the fourth zone and 140,000 granted; 65,000 in the fifth zone and 35,000 granted.

Those figures were given me by the secretary of the commission a few days ago, and he later found that there were some small differences, so they are not exactly accurate, but the proportions are approximately the same. They show that there were plenty of applications to have made up the proportionate share of power, had the commission granted them, but there was no law compelling them to grant those licenses in case there were applications. If there are no applications, certainly there is no reason why we should put in cold storage a certain amount of wave length and a certain amount of power.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. DILL. I yield.

Mr. SIMMONS. It appears that the third zone, which embraces the entire South, made application for 84,000 watts and got 10,000?

Mr. DILL. Yes.

Mr. SIMMONS. That zone was discriminated against in a way that no other zone was.

Mr. DILL. Yes.

Mr. SIMMONS. I want to say to the Senator that I have had from my State various complaints from parties who are trying to get some of this power. One of those concerns was trying to get 10,000 watts, the total amount that was granted to the whole zone.

I agree with the Senator that very likely the trouble we are in now is of a dual nature. One of the causes is the inactivity or the malactivity of the commissioners appointed. The other is the inadequacy of the law. The law as it is written is too broad. It allows probably any sort of interpretation that the commission may see fit to place upon it. I think the change which the conference report proposes will in part remedy the trouble so far as the law is concerned, provided and only provided that it carries out the will of Congress. I believe that the debates which have taken place here this afternoon will indicate to any commission that may be appointed what construction the Congress places upon the language. If the commission is one which desires to carry out the law, then I do not believe it will have any difficulty in ascertaining what was the purpose of Congress in enacting the law.

Now, I want to ask the Senator a question. Under the reported bill how long would it be, if we should confirm these men, before we could get rid of them if they do not comply with our wishes?

Mr. DILL. That is the reason for the Senate amendment which the House accepted—namely, that they would hold office until the 23d of February, 1929, and then they must come up for confirmation again. The Senate committee were so fearful of intrusting the present commissioners, if they should be confirmed for any great length of time, that we put in that amendment so that if they do not carry out the new law we can refuse to confirm them if they are reappointed and can have new commissioners appointed.

Mr. SIMMONS. Then does not the Senator think the best thing we can do in the circumstances is not to confirm these men, because they have heretofore willfully, it would seem, refused to act or at least to act in the interest of the public? Some of them being refused their confirmation, will other commissioners be appointed who will have full knowledge of the purpose of the new law, and then, if they do not carry it out, as I understand the Senator, we can remove them at the end of one year?

Mr. DILL. The question of confirmation is not up and I do not want to go into it at this time. I will say that I agree that some of these commissioners should not be confirmed and I hope a majority of the Senate will agree with me; I shall discuss that when the question comes before the Senate for action.

Mr. SIMMONS. The only reason why I suggest that now is because I do not feel that with the record of the present commissioners before us we should have any doubt about what ought to be our action in the premises. I wanted to know if we put in some other men, as I think we will do, whether we will be able to get rid of them in a year unless they carry out the spirit and purpose of the law.

Mr. DILL. That is the provision of the new statute.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield.

Mr. COPELAND. The Senator has exhibited to us a chart showing for each zone the requests made for power, the quantity of power granted, and the amount denied. May I ask the Senator if it costs a lot of money to install a radio station?

Mr. DILL. Yes; and I want to discuss that for a moment, if I can get the opportunity to do so.

Mr. COPELAND. Is it not probable, may I ask the Senator, that many times where power was requested, on investigation the commission found that the people requesting it did not have the means to establish the station?

Mr. DILL. That may be true, and it may be that the commission found that they did not have the financial backing which would enable them to present programs that would justify the allowance of the request. I am not saying that that power should be granted, but I do say there were sufficient applications that no such inequality is necessary as is shown in the present condition.

Mr. COPELAND. But the Senator will point out that it costs a lot of money to install a plant and a lot of money to operate it?

Mr. DILL. Yes. My own opinion is that these 50,000-watt stations should not be permitted in the radio field. In the first place, they take an enormous expenditure of money and in the second place they are a radio nuisance both where they exist and throughout the country as a whole. If the power was kept down to a reasonable basis I think we would be a lot better off; at least I would like to see it tried.

The Senator is correct in this. It costs a tremendous amount of money to provide a 50,000-watt station, and there are not many sections of the country where there are organizations of capital that are willing to invest the necessary amount of money. In fairness it may be said that there have not been applications for these high-powered stations in some sections of the country, but that does not justify the allocation of so much power to a few big stations in one corner of the country and then the refusal of power to stations in other sections of the country because it is said so much has already been granted.

Mr. COPELAND. I think the Senator is entirely correct in his explanation.

Mr. COPELAND and Mr. WATSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. DILL. I yield first to the Senator from New York.

Mr. COPELAND. I have been advised of one application made by a group of men who did not realize the tremendous cost involved. It developed that they did not have money enough even to buy the microphones. Of course, it is very proper in such a case that there should be a denial of the application.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. DILL. I yield.

Mr. SIMMONS. I want to say that in the case of the two applications of which I spoke as coming from North Carolina the conditions which the Senator from New York has described did not exist. The applicants had the money; one of them had his plant, and was ready at once to utilize the power for which he asked. I know that of my own knowledge.

Mr. DILL. That has been true in most cases and the commission is to blame.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. DILL. I yield.

Mr. WATSON. The Senator from Tennessee [Mr. McKELLAR] a moment ago asked a question, and the Senator from Washington started to answer it, but was interrupted.

Mr. DILL. I have forgotten what the question was.

Mr. WATSON. The question was in regard to the use of the words "in so far as there are applications therefor," whether or not these applications are pending. That is the question which constituted the main point of disagreement between the Senate conferees and the House conferees, and I should like the Senator to go into that fully and explain it.

Mr. DILL. Mr. President, my own thought is that whether that language shall be in the proposed law or not, the proposed law will cover those cases; in other words, if there are applications pending then, according to the provision in the latter part of the paragraph, a proportionate share may be divided up among other zones. I do not see any need of putting in the language twice, but there were certain of the House conferees who were extremely anxious to have it inserted, because they thought otherwise it would first have to be decreed, to go into cold storage, as it were, and the request of other stations denied, and then another application and another routine procedure would necessarily be gone through before the application could be granted. They claimed that meant delay and red tape and insisted the words mentioned be inserted. My own view is that the commission would do the practical thing in either case, so I refused to take sides between the House conferees who were in disagreement.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. I yield to the Senator from Tennessee.

Mr. McKELLAR. If the Senator will permit me, I desire to suggest that the words "when and in so far as there are applications therefor" must have been put into the bill for some purpose. I can not conceive of how any member of the committee would have suggested those words or have added those words unless there were some purpose in so doing. When I look at a number of applications as given in the exhibit "radio-station power," it looks as if there are applications for 575,000 watts, which is nearly all of it. How could the words have any application in view of those figures?

Mr. DILL. Of course, conditions in the future might be different. There might not be so many applications in the future.

Mr. McKELLAR. That is possible; but what I fear is that the inclusion of this language to the minds of those who are behind it has some meaning, and that meaning is to confuse the issue and to prevent an equalization, in my judgment.

Mr. DILL. I think that was the fear that some of the House conferees had, but I have not shared that view.

Mr. COUZENS and Mr. HARRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. DILL. I yield first to the Senator from Michigan.

Mr. COUZENS. I desire to say to the Senator from Tennessee [Mr. McKELLAR] that there was considerable discussion with respect to that particular feature, and one of the conferees was afraid that some of the zones which now have in excess of their quota might arbitrarily have it taken away, whether there was need for it elsewhere or not; and there seemed to be no justification for doing that. Is not that correct?

Mr. DILL. Yes. As I have stated, I do not think it makes any difference whether the words are retained or not. I think the effect will be just the same.

Mr. McKELLAR. Then, if I may ask a question of the Senator from Michigan, he is of the opinion that the words that I have quoted, "when and in so far as there are applications therefor," have only the meaning that he has suggested?

Mr. COUZENS. Absolutely. I think the conferees were unanimous in the belief that that was the exact meaning, and that no zone would be required to go without its quota for any reason whatsoever; but that in case such zone did not require or ask for or petition for or apply for the power, it would not be fair automatically to take it away from some other zone which might need it.

Mr. McKELLAR. If I may ask the Senator one other question, does he believe that under the wording of this proposed statute there will be an equal distribution of power throughout the country according to zones?

Mr. COUZENS. That is certainly the intent of the proposed law, and I think it is very specific.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. DILL. Yes; I yield.

Mr. HARRIS. From the information I receive I wish to say that the people in my State are getting less than one-third of the service they got a year ago. There will be no demand for power if they can not get the service, and at this time they can not get any service west of Pittsburgh; they can not get any from New Orleans. The distance is being limited more and more. I understood from the Senator that the nominations of the commissioners, or some of them, at any rate, would not come up for confirmation until some time next year.

Mr. DILL. No; the question of the confirmation of their nominations will come up within a few days.

Mr. HARRIS. When will their terms expire?

Mr. DILL. Their terms will expire on the 23d of February next, when all of them will be up for reappointment.

Mr. HARRIS. For the RECORD I offer a letter from Col. W. E. Simmons, of Lawrenceville, Ga., one of the leading men of my State, which I ask may be printed at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

LAWRENCEVILLE, GA., *March 19, 1928.*

Senator W. J. HARRIS,
Washington, D. C.

DEAR SIR: I see in the Constitution of this morning that the two Houses of Congress have disagreed on radiobroadcasting and that the two bills will be sent to conference.

Probably this letter will reach you too late to serve its purpose, but I take a long shot at it anyhow.

The people of this State are getting not exceeding one-third of the service that they were a few months ago, which is due to the formation of a National Radio Corporation, with headquarters in New York City, of which the Metropolitan Station of that city is exclusive manager.

It is called a "chain," and there are 28 broadcasting stations in it, each of which broadcasts the same thing at the same time, and two-thirds of the territory covered prior to the creation of this combination is absolutely cut off, and these are constantly on the air during broadcasting hours. Pittsburgh, Pa., is now as far west as can be heard in Georgia, and even New Orleans has been cut out, and I suppose all the other Southern States are in the same situation, nor farther north than New York City.

Before this corporation came into existence we could hear regularly from any section of the United States within the reach of our radio.

In my opinion, the only remedy to get rid of this abominable situation is to abolish this chain, or any other like one if there be such a one.

Yours truly,

W. E. SIMMONS.

Mr. DILL. Mr. President, I wish to call attention to one other table on the wall which shows what has happened under the Radio Commission. When the law was passed on February 23, 1927, the first zone had 200,000 watts of power. The figures on this chart were issued on March 15. The map was made up a little earlier so there is a slight variation from the figures on the map. This chart gives 214,000 watts, an increase of 14,000 watts to a zone that already had 200,000 watts. A few days previously the figures were 223,000 watts.

The second zone had 114,000 watts when the commission took charge, and that number has been reduced to 109,000. A few days previously it was only 106,000 watts, so that already the commission is bowing to the demand for equality.

The third zone, which had 53,000 watts, was reduced to 47,000 watts, but since the discussion has been going on it has been brought back to 55,000, an increase of 2,000 over what it had when the commission began a year ago.

The fourth zone, which is the Middle West zone, where a great number of stations had sprung up, had 307,000 watts, which the commission cut to 171,000, although they had not left the first zone at 200,000, but increased it to 214,000 watts.

The fifth zone had 119,000 watts and was cut to 62,000, but recently has been raised to 77,000 watts.

I call attention to these figures to show that the commission did not attempt to equalize conditions at all. It has practically given no attention to that feature, but it has gone on the theory that when great organizations of capital representing great stations have come in and asked for added power it should be granted, while the little fellows, the independent stations, scattered throughout the country, have had their power reduced. They have been told there was no power available; that there were no wave lengths to be given them; and that there were too many stations on the air already. They defended their action by saying that other stations had been given enormous power and additional power could not be granted these other stations. That is the reason that the House was forced to adopt this provision and why the Senate conferees accepted it.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield.

Mr. BRATTON. I go further than does the Senator from Washington and say that the figures to which he has just referred indicate conclusively that the commission has increased the discrimination instead of correcting it. The power allotted to the first zone has been substantially increased, while the power allotted to other zones has been substantially decreased. It seems to me that that table alone constitutes a serious indictment against the administration of the law.

I quite agree with the Senator from Washington that the fabric of the law seems to be good, but the administration of it has been far from the standard that should have been maintained; at least, that is my candid judgment about it. Along the line of what other Senators have said, I wish to say that the general complaint reaching me is that the service accorded ordinary radio users has been much less satisfactory; in fact, much more unsatisfactory under the present commission than it previously was.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield to the Senator from New York.

Mr. COPELAND. May I ask the Senator, Do the decreases marked upon the chart represent arbitrary decreases made by the commission?

Mr. DILL. I may say to the Senator they represent just exactly what the chart shows. They represent the amount of power that was in each zone when the commission took charge and the amount of power in each zone now.

Mr. COPELAND. That does not answer my question.

Mr. DILL. The Senator asked me if the decreases have been arbitrary. I may say in answer to that that they are the result of the commission's grants and refusals of increased power.

Mr. COPELAND. Is it not probable that in the fourth zone—I know nothing about it and I want the information—is it not probable that some of those stations voluntarily retired from the field?

Mr. DILL. Some of them did.

Mr. COPELAND. And on that account there is indicated on the chart a decrease?

Mr. DILL. Yes.

Mr. COPELAND. In other words, in the pioneer days of the industry, before it had developed as it has since developed, undoubtedly many concerns went into the business of broadcasting and then found that the expense involved was beyond their means. So when the Senator points out a decrease for the fourth zone and what appears to be an enormous lessening of power, it may well be that to a considerable extent that is due to the fact that these concerns of their own accord found it impossible to go on.

Mr. DILL. I wish to say, in view of the many applications for power in the fourth zone, as shown by the other chart, there being 181,000 watts applied for and only 41,000 granted, that, while it may be true that some of the decrease was caused by concerns that went out of existence, I think there were requests for far more power from stations in that area than there was power allowed.

Mr. COPELAND. The Senator knows very well how misleading figures are——

Mr. DILL. I do.

Mr. COPELAND. Unless they are correlated and brought together. It might well be, as was pointed out a little while ago, that many applications were made where the applicants themselves found that they were not able to go forward. I have not in mind the State of the Senator from North Carolina, because it was not in his State, but my attention was called to an application in another State, an application filed in good faith by individuals who thought that they could actually establish a broadcasting station, but when they found that they had to spend a hundred thousand dollars or a hundred and fifty thousand dollars they ascertained at once that they could not do it. So I think that all these figures have to be brought together. They do look condemnatory——

Mr. DILL. They are condemnatory.

Mr. COPELAND. But I think they can be explained.

Mr. BRATTON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield.

Mr. BRATTON. It is remarkably strange that the conditions should be of one character in the fourth zone and entirely opposite in the first zone; that is to say, that the power in the fourth zone is decreased to a large extent and increased substantially in the first zone. It is wholly improbable that the decrease in the fourth zone is due to the applicants being unable to go forward, either from a financial standpoint or otherwise, whereas in the first zone all the applicants could and did go forward. In the table to the right it is shown that the commission had been requested for 181,000 watts plus and granted only 41,000. It is wholly improbable that that is due to the circumstances to which the Senator from New York has referred.

Mr. COPELAND. Mr. President——

Mr. DILL. I yield to the Senator from New York, and then I should like to proceed with the discussion.

Mr. COPELAND. Mr. President, it does not seem strange to me at all. In New York, in the first zone, with three or four great big concerns using a great amount of power, some others came in that had abundant financial means to go on; but I can

well understand, I want to say to the Senator from New Mexico, that it might have happened in the fourth zone, in the remote sections of that zone, that little stations which have sprung up found themselves utterly incompetent to compete with the broadcasting from Chicago or from some near-by point such as Minneapolis or St. Paul; they had no following, and the radio "fans" were not satisfied with the incomplete and, perhaps, unworthy programs offered by those small stations.

Mr. BRATTON. Mr. President, I wish to ask the Senator a question, and then I shall not interrupt the Senator from Washington further.

Mr. DILL. I yield to the Senator.

Mr. BRATTON. I do not know so much about conditions in the third zone, but I do know something about them in a part of the fifth zone; and the complaint there is against chain broadcasting emanating principally from New York. The people there do not want that broadcasting. They prefer the independent stations; but under the administration of the law by the present commission they are barred from getting that which they want, and are compelled to submit to that which is highly unsatisfactory to them, namely, chain broadcasting coming principally from the stations in the first zone that are so strong that they practically put the small broadcaster out of business; and the people do not want these programs.

Mr. BROUSSARD. Mr. President, will the Senator yield further?

Mr. DILL. I yield to the Senator.

Mr. BROUSSARD. May I say to the Senator from New York that the complaint made from the State of New Jersey is that your 50,000-watt power station there makes it impossible for a station in New Jersey, properly financed, to be heard, because the powerful station in New York absolutely puts it out of the air.

Now, I want to come down to the third zone. That is the zone in which my State is. I have been fighting this commission for a long while to get a permit to increase the power up to 3,500 watts. The man who wants it has spent considerably over $300,000. He advertises nothing. He is simply giving entertainments. He is a man of means.

Mr. MAYFIELD. What amount has he now?

Mr. BROUSSARD. While he was granted a permit of 1,000 watts, this commission called him here and required him to divide his time with a station in Iowa, while they were granting to the first zone everything they wanted. This man is now trying to get 10,000 watts. Why? Because these powerful stations in Chicago and New York absolutely silence his machine, and he must violate the law in order to be heard at all; and because he violates the law they refuse to give him 3,500 watts, while the commission sends agents to New Orleans and Memphis begging people there to apply for power that they will grant to them, though they are denying it to a man who already has a station.

Mr. MAYFIELD. Mr. President——

Mr. BROUSSARD. That is the situation there; and the explanation that the Senator from New York is offering is absolutely not applicable to this situation. These parties want more power. They can not get it; but permits are granted right and left to other sections of the United States, and the reason given for not increasing this power is that the other commissioners are not confirmed. The man from my zone is confirmed, however, and still we can not get anything.

Mr. DILL. Of course, the authorizations that may be made even by the commissioner from your zone would necessarily have to be approved by the commission. Whether or not he has attempted to do that, I do not know.

Mr. MAYFIELD. Mr. President, I should like to ask the Senator from Louisiana a question.

Mr. DILL. I yield.

Mr. MAYFIELD. Does the Senator have reference to Mr. Henderson?

Mr. BROUSSARD. Of Shreveport; yes.

Mr. MAYFIELD. Could not the commission grant this application for additional wattage?

Mr. BROUSSARD. It could, but it does not do it.

Mr. MAYFIELD. Why not?

Mr. BROUSSARD. For various reasons that they assign. They want to see what will become of this law, whether or not this law will be enacted. They want to see whether the commissioners will be confirmed; but in the meantime, Commissioner Lafount is not confirmed, and he has been getting every increase.

Mr. MAYFIELD. And the commissioner from the third zone was confirmed last year.

Mr. BROUSSARD. Yes; he was.

Mr. MAYFIELD. And could grant this power.

Mr. BROUSSARD. And he is the only commissioner that is confirmed.

Mr. DILL. He could grant the power if the other commissioners would vote to approve his recommendations.

There is one other thing, Mr. President, that I want to call attention to, about the lack of equality of treatment. I have had set up here a chart showing a number of stations of different powers.

Under the 500-watt stations—those are the smaller broadcasting stations—the first zone has 58, the second 38, the third 47, the fourth 96, and the fifth 50.

When you go to 1,000 watts, the first zone has 17, the second 14, the third 13, the fourth 43, and the fifth 25.

When you go to 5,000 watts you are getting into responsible radio stations. You have 11 in the first zone, 5 in the second zone, 3 in the third zone, 15 in the fourth zone, and 4 in the fifth zone.

When you go to 10,000 watts you have five in the first zone, one in the second zone, none in the third zone, one in the fourth zone, and none in the fifth zone.

That shows the tremendous favoritism granted in favor of the medium high-powered stations, and shows again the necessity of some legislation to compel the commission to yield more equality of treatment.

Mr. McKELLAR and Mr. COPELAND addressed the Chair.

Mr. DILL. I yield first to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, on page 2 of this report I read this:

> That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period.

Would the Senator be willing to agree to a motion to recommit with directions to the committee to contend for the striking out, on page 1, of the words "service, both of transmission and of reception, and in order to provide said equality," and also the words "when and in so far as there are applications therefor," and inserting in lieu thereof, just before the word "licensing," the word "and," so that the section will read as follows?—

> It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio broadcasting, and the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones.

In other words, if that language is stricken out, under the proviso which I read first it is perfectly clear that the commission shall have the power to allocate to one zone unused power of another zone for temporary purposes, and that is all right; but does not the Senator think that the language in the first part of the section that I have read ought to be stricken out in the interest of clarity, especially when there has been a misunderstanding, or a claimed misunderstanding, of what the law was before; and ought we not now to make the law so plain that even the commission can understand what it is?

Mr. DILL. I should not want to agree to any such motion. The proposal which the Senator makes is to strike out the words "both of transmission and of reception"?

Mr. McKELLAR. Yes.

Mr. DILL. I think those words should be in there, for the reason that when we said "equality of radio service" the commission took the attitude that service in the form of supplying programs from distant stations was complying with the law.

Mr. McKELLAR. Yes.

Mr. DILL. Now, when we say "both of transmission and of reception," and then go ahead to define what we mean by it, by dividing equally the licenses, the wave lengths, the station power, and the time of operation, we have made it so clear that, as the Senator has suggested, not even the commission can misunderstand it; and for that reason I think it would be a mistake to take out those words.

Mr. McKELLAR. Will the Senator agree to a motion to recommit, leaving in those words, but striking out the other words that I have read?

Mr. DILL. I must say to the Senator what I said before, that I do not think the other words have any effect at all. However, the majority of the House conferees wanted them in, and the House adopted this report without a roll call; and I think it would be a very serious mistake to think of committing it back to the conferees.

Mr. McKELLAR. Let me call the Senator's attention to this situation: Those words were put into this bill for the purpose of establishing some sort of confusion, so that the commission could make a division that is not contemplated by the rest of the act. I say, further, that if there is any trouble about this equality of division, it will come from those words. Then, why should we put into this act words that admittedly are not necessary, and the Senator admits that they are not necessary? Why should we put them in there?

Mr. DILL. I may say that I think the request to put them in came from those who were opposed to this legislation originally, and the words were put in as much to save their face as anything else. That is all I could figure out of it. I repeat that I do not think they have any effect, except this:

The argument was made that without those words in there the commission must first sit down and take the 650,000 watts of power and divide it by five, allot so much to each zone, and then put it in cold storage, as it were, until there were applications made from other zones, and then redistribute it; while this would permit them to look at the applications, and if any zone lacked its proportionate share they could divide it in the beginning.

Mr. McKELLAR. Ah, Mr. President. The proviso is perfectly clear that the commission has the power to do what the Senator states that it was the purpose to have done; but the words here are confusing. They are conflicting. The Senator has called them surplus, but I want to say that the enemies of this legislation are not trying to save their face. They are trying to save their power. That is their purpose. It is not for the purpose of saving their face, in my judgment.

What they want is to save these great broadcasting stations that now have a monopoly of the air. That is what they are trying to do. They are not trying to save their face; and what we ought to do is to put in this act language which will convey our thoughts even to a Radio Commission, so that there can not be any misunderstanding about it.

Mr. PITTMAN. Mr. President——

Mr. DILL. I yield to the Senator from Nevada.

Mr. PITTMAN. While I did not take as active a part in this conference as the Senator from Washington, and know very much less about it, I was present when this language was agreed on. I call to the attention of the Senator from Tennessee this language:

> It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio-broadcasting service, both of transmission and of reception.

That is a plain statement of the law. Now, what is the rest of it?

> And in order to provide said equality—

This is method only, mind you. The other is the statement of the law. Now it comes down to the method of carrying it out. Please draw the distinction between the declaration of law and the method of carrying it out.

> In order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and station power, to each of said zones.

You can not carry out the law unless somebody applies for it.

> When and in so far as there are applications therefor.

Mind you, that provides the method of carrying it out. The first two sentences state there must be equality. From there on is the provision for the method—that is, that whenever there are applications, those applications shall be so granted as to carry out that equality.

For instance, going on a little further, the first zone to-day is far in excess of the third zone. It is impossible, until the applications from the third zone are filed, to bring about equality. If the language had been that there should only be equality as based upon applications, the Senator from Tennessee would be right, but it does not say that. It says that there shall be equality, but the method of arriving at the equality must depend upon applications. It is impossible to make it equal until somebody applies for it, and it says it shall be carried out whenever there are applications.

Mr. WATSON. That is, unless they arbitrarily assign 120,000 watts to each zone, whether anybody wants it or not.

Mr. PITTMAN. It can not be done.

Mr. WATSON. And leave it there unused.

Mr. McKELLAR. Mr. President, if the Senator will permit me, the proviso toward the close of the section provides specifically that they can allot it.

Mr. WATSON. After a time. What the Senator from Tennessee wants is that each zone shall be allotted the same power in the beginning, whether anybody wants it or not.

Mr. McKELLAR. With the power in the commission to reallocate it where there are no applications for it. That language can not be misunderstood, it can not be distorted, it can not be misused, if that language goes in. The Senator will find that this bill will fail of the purpose for which it was drawn.

Mr. WATSON. I think the Senator is entirely mistaken.

Mr. DILL. I want to call attention to another thing. The language is "applications therefor," and it does not even require that they shall be applications that meet the other requirements of the bill.

Mr. PITTMAN. The proviso in the first place declares for equality among the zones.

Mr. McKELLAR. I agree with the proviso. The proviso ought to be in the bill.

Mr. PITTMAN. The other provision is that for the purpose of carrying this out licenses shall be granted equally, so far as there are applications therefor, but it does not disturb the first sentence, which provides that there shall be equality.

Why is that provision in there? Because if it were not there, there would be no restrictions on the length of time that they could let it in the other zone, but it limits them to three months. The provision is a limitation on the first part of it.

Mr. McKELLAR. I hope the Senator is right.

Mr. PITTMAN. Let me say one other thing before I take my seat. This bill, in the opinion of the Senate conferees, obtains what the Senate wants. It has been a very difficult proposition. It has been very difficult to get the House and the Senate together. I have been surprised that they have come together even to this extent.

What have we here? We have a declaration of the law of equality. We have a declaration that means that as the applications come in they must be granted to comply with that equality. We have a declaration that if there is not an application from the weak zone, No. 3, and there is from some other zone, that it shall be only a temporary one to the other zone, and expressly in the license stated that it is temporary.

It may be said that the commission may not carry out this law. Of course, it may not. Yet someone must be vested with this matter. It is a matter of detail. They have to keep track of the number of watts and the number of stations and everything in each of these zones for the purpose of carrying out this law. Someone must be vested with discretion in this matter, and we vest the commission with the discretion.

The Senate, for the protection of itself, provided that the life of this commission shall expire in February. After that there will be no commission. Consequently it will be up for reappointment. It went further than that. It said that until 1930 no license shall be granted for a longer period than 90 days. No matter how unfair these commissioners might be, no matter how many mistakes they might make, they will be mistakes that will be terminated at the end of 90 days, or, if the life of the commission is renewed, at the end of a period of six months. It is so fixed that they can not do irreparable damage.

They may, for instance, for a period of 90 days, do a wrong to one of the zones, but the licenses are for only 90 days' time. We have made plain by the bill and by the discussion what Congress means. The question is, Will this commission carry it out or attempt to? If they do not, then they can do injustice for a period of only 90 days at a time. When the licensees come back in February, the commission will be dead, and the President of the United States will not reappoint any of them if they have violated this law, and if he does reappoint them the Senate of the United States will not confirm them.

Mr. BROUSSARD. Mr. President, will the Senator yield to me to ask a question for information?

Mr. PITTMAN. I yield.

Mr. BROUSSARD. I think the life of the last commission expired on the 15th of this month. What would be the effect of the enactment of this measure? Would it revive the commission?

Mr. PITTMAN. It would revive the commission until February.

Mr. DILL. Until March 15th.

Mr. BROUSSARD. Of next year?

Mr. PITTMAN. Yes. The life of the commission would expire on March 15th of next year.

Mr. HALE. Mr. President, the four great stations of New York, Schenectady, Boston, and Bound Brook were in existence before the commission was appointed, were they not?

Mr. DILL. They were.

Mr. HALE. Has the power of those stations been increased since that time?

Mr. DILL. I am not sure. I am not able to answer that without looking at my notes, but my memory is that there was an increase in power in WEAF that had been authorized by the Department of Commerce before the commission came in. I think a construction permit was issued to allow WEAF to be raised to 50,000 watts. That is my memory. The commission approved that when it came in.

Mr. HALE. On account of an arrangement that had been made beforehand?

Mr. DILL. Yes. It was under no compulsion to do that, and it is under no compulsion to leave it at 50,000. An increase at Schenectady has been allowed since the commission was formed.

Mr. HALE. A great deal has been said about the favored first zone. If we take out the 145,000 watts in effect at those four great stations in February, 1927, we would have had exactly 55,000 watts in that zone.

Mr. DILL. That is exactly true.

Mr. HALE. A considerably less number of watts than in any other zone.

Mr. DILL. But there were 45,000 watts not in use at that time. I think they would have had 100,000 watts in that zone.

Mr. HALE. But it was not all being used at that time.

Mr. DILL. The Senator means by other stations?

Mr. HALE. Yes.

Mr. DILL. It is the high-powered stations that have built up the first zone.

Mr. HALE. What I want to make clear is that it is the high-powered stations that make it appear that the zone is favored.

Mr. DILL. Yes, absolutely; and the other parts of that zone have suffered, just as other parts of the country have suffered.

Mr. HALE. Is there anything in the conference agreement that will cause the commission to cut down the stations outside of the four great stations?

Mr. DILL. I think not.

Mr. KING. And permit smaller stations to be established?

Mr. DILL. It provides—

and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories * * * according to population.

Of course, it would give New York a major portion, but not such a controlling position as it now has.

Mr. HALE. In the Senator's opinion, would the reduction be made largely in these great stations, or in the small stations outside? We have very little power being used now in the stations outside.

Mr. DILL. I should think it would come in the big stations. There is no way of being certain about that. That is a matter that must necessarily be argued out with the commission. But I do not see how the commission could defend these high-powered stations continuing at the expense of the rest of the country in that zone.

Mr. HALE. We have less than our share at the outside stations now.

Mr. DILL. Undoubtedly; and the reason this zone has all this enormous amount of power is due to the high-powered stations that have been located there.

Mr. CARAWAY. Is it true that if the commission saw fit it could leave the station at Schenectady with all its present power?

Mr. DILL. I doubt whether it can, under the equitable-allocation provision.

Mr. CARAWAY. Equitable allocation means whatever the commission want to say it means.

Mr. DILL. If the commission attempts to defy this law Congress will have its remedy, and I think Congress would be justified in exercising its power, after all of the discussion that has been had. It may be said in defense of the commission that the law was new; that there were differences of opinion; there was some doubt as to what Congress wanted; but there can be no doubt of the meaning of Congress now.

Mr. CARAWAY. I am at a loss to know how the commission could ever have interpreted the law as it did.

Mr. DILL. I am, too, with respect to the equitable distribution to the whole of the country.

Mr. KING. Mr. President, the argument just now made by my friend from Washington was made when the present law was under consideration, namely, that the measure was clear and unmistakable, and that the commission would not dare to transgress it; that its duties were clearly mapped out, and that if they failed to live up to the requirements of the statute Congress had its remedy.

Now, my friend is making the same argument, for the same commission, at least some of them, that he made when the present law was under consideration. I was just wondering what the basis of his hope and his faith is for the proper interpretation of the law in the future, when there has been such a misinterpretation up to date.

Mr. CARAWAY. Is there any way possible by law to remove from the minds of announcers the belief that they are funny? I would particularly like to get rid of that.

Mr. OVERMAN. Mr. President, I want to ask a question of the Senator from Washington. I understand that the stations are to be licensed for only 90 days?

Mr. DILL. Yes. They are licensed for only 60 days at the present time, but they can not be licensed for more than 90 days.

Mr. OVERMAN. How about licenses now in existence?

Mr. DILL. They are for 60 days.

Mr. OVERMAN. For the stations in New York?

Mr. DILL. Yes.

Mr. OVERMAN. Then any new station that is licensed will be licensed for 90 days?

Mr. DILL. It can not be for more than 90; it may be less.

Mr. OVERMAN. And after the license has expired, they must apply for another license?

Mr. DILL. They must apply for a renewal of license. I want to say to the Senator that we may criticize the commission for many things, but that is one thing in which they have certainly tried to protect the interests of the people. They have tried to improve the situation whenever it needed to be improved in that they have not granted any licenses for long periods of time.

Mr. BRATTON. Mr. President, it is not my purpose to take very much of the time of the Senate in discussing the conference report. The situation is so vital and affects the people of the country in such a peculiar way that I feel justified in making a few observations with respect to conditions, and what I conceive to be the contributing causes thereto.

I think the discussion this afternoon has illustrated one fact beyond question, and that is that the country at large is displeased and dissatisfied with the present administration of radio, that new science which is having so much to do with disseminating knowledge and entertainment among people throughout the country. I think that members of the commission might well take note of that fact. If there is any section of the country that is satisfied with the present situation, unless it be the first zone, I am not acquainted with the fact.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from New Mexico yield to the Senator from New York?

Mr. BRATTON. I yield.

Mr. COPELAND. I would not have the Senator believe that in the first zone there has not been dissatisfaction. There are a great many who have applied to me for assistance before the commission and I am frank to say that in most of those instances it was found that they did not have the financial backing and the wherewithal to make a success of the station. My purpose in rising was to make clear that New York by all means has not had everything it wanted in the matter of radio stations.

Mr. BRATTON. I appreciate the correction on the part of the Senator from New York. I accept it.

Mr. President, the situation is not free from its difficulties. Under the terms of the law we continue a commission already created for the purpose of administering the law. The first part of the amendment contained in the conference report declares a principle. It is declared in this language:

It is hereby declared that the people of all the zones which shall be established by section 2 of this act are entitled to equality of radio broadcasting service, both of transmission and of reception.

I think no one can dispute the fairness or accuracy of that declaration of principle. A fair and an equitable distribution of broadcasting service, both of transmission and reception, is all that the people can request or expect. The remainder of the provision has to do with details in carrying the declaration of principle into effect. That is all it does. It provides the details with which the principle shall be administered in this language:

and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for opera-

tion, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population.

If the commission in administering the law will follow that mandate of Congress, there can be no serious inequality or injustice visited upon any section of the country. The bill first declares for a fair and an equitable distribution of the privilege and the power. The first declaration of administration in carrying out the principle is that the wave lengths and the other administrative features shall be allocated among the States, the District of Columbia, and the territories within each zone according to population. The proposed law then continues:

> The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located.

I have no complaint to make with the fabric of the law. I have said previously to-day, and I repeat it now, that I think the conferees have evolved a very satisfactory and wholesome law. I desire to compliment the members of the conference, particularly the Senator from Indiana [Mr. WATSON] and the Senator from Washington [Mr. DILL] for the painstaking and careful manner in which they have dealt with the subject.

What I am concerned about is the administration of the law, because if the future is to be judged by the past I think the masses of people of the country have just cause to be apprehensive that equitable treatment will not be accorded them, but that monopolistic control will continue to run rampant and with rampage throughout the country.

The figures, maps, and data furnished the Senate to-day are startling. I have received complaints about the constantly decreasing standards of service that have been accorded radio patrons throughout the country. It is easy to understand now why those complaints have been reaching us so frequently and so continuously. The suggestion that the members of the commission have been impotent and inert or anemic, so to speak, because they had not been confirmed, simply strikes at the intelligence of the Senate. That is no excuse nor justification. It does not appeal to anybody. They must know, as we know, that until they were confirmed or rejected they have the power to go forward and administer the law just as actively and faithfully as they would have after confirmation; not only that, it was their duty to do so, and any statement that they have failed to act because they have not been confirmed simply raises a doubt in the mind as to whether they should be confirmed. I shall content myself with making this statement: It raises a serious doubt as to whether they should be confirmed.

I think the independent broadcasters have not received fair nor equitable treatment. I think they have suffered an unjustified discrimination. I think no theory can be advanced which supports the treatment accorded the independent broadcasters in the country by the present commission. I do not say this as to all members of the commission, because I think their degree of fidelity has differed in a marked way. Some of them have been active. Some of them have met the responsibilities and duties of their office. Some of them have served their respective districts with a high degree of efficiency. But that can not be said for other members of the commission.

Mr. President, I intend to vote for the conference report, although I wish it were possible to accord the independent broadcasters of the country some safer mandate and greater assurance that they will receive better treatment than the present law grants them. I do not think that is possible now. I hark back to what the Senator from Nevada [Mr. PITTMAN] said a few months ago, that the present law forbidding the issuance of any permit or license beyond a 90-day period protects the people of the country against any vested right that might operate to their injury upon a permanent basis. The present law gives the Congress the right to protect the people in the way of refusing to confirm the commissioners as and when their nominations reach the Senate for confirmation or rejection. The protection, therefore, is dual; it is two-fold. I think the people of the country must depend upon the commission to administer the law, upon the Congress to improve the law, and upon the Senate to protect them in carefully considering nominations for membership on the commission. If the present intolerable condition continues, if it is not corrected forthwith, if the commission continues to be impotent and inert, contending that it is impaled with nonconfirmation, I see but one thing for the Senate to do and that is to reject those assuming that attitude and have other commissioners appointed who will administer the plain mandate of the law, clearly amplified and interpreted by what has been said upon the floor of the Senate to-day.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. BRATTON. I yield.

Mr. KING. The Senator stated that the Senate has the power to correct wrongs which may result from maladministration or misinterpretation of the law by refusing to confirm the commissioners who may offend. I am sure the Senator, upon reflection, will concede that this remedy is inadequate. He will recall many instances where the Senate has refused to confirm appointees of the President, not from partisan or capricious motives, but because it was believed they were incompetent or otherwise disqualified; but notwithstanding the Senate's action, the President reappointed them, sometimes during the term when they were rejected, and in some instances after the adjournment of Congress. In the cases I am referring to the rejected and reappointed persons continued to act as de jure and defacto officials until the next session of Congress, when their names were again transmitted to the Senate and they were again rejected. It seems to me that if the people are to be protected solely by the power of rejection by the Senate, it is rather a slender reed upon which to rest. In my opinion, with the experience which we have had, with the great amount of study which has been given to this important question by members of the Committee on Interstate Commerce, as well as by other Senators and by the other branch of Congress, a measure broad and comprehensive, one that would deal effectively with this important question, should be presented for our consideration.

It seems to me we are somewhat—shall I say derelict? That is too strong a word. We are not sufficiently cognizant of the evils from which the people are suffering in what I may call the radio world. Perhaps we are too indifferent to the injustices arising from the monopolistic control of a beneficent force or power, which like the air of heaven should be free to all. That some organizations have been too powerful and have sought and achieved monopolistic control of stations and wave lengths can not be denied. It is far from certain that the measure before us, which we are asked to approve, will secure justice and equality to individuals or sections of our country. It is conceded that the bill agreed upon by the conferees is defective and imperfect, but it is hoped that it will improve present conditions and that the commission charged with its enforcement will properly interpret its provisions.

Why not write a bill that will protect the people, that will carry out the wishes of Congress, that will inspire the confidence of the people in its justice and merits? Congress will be in session for several months, and it seems to me that we can serve the people in no better way than to recommit this bill and give the conferees further opportunity to consider it and all questions involved and to reframe the measure and bring back to the House and the Senate a bill which will be protective in all its provisions and just to all portions of the United States.

May I call the attention of the Senator from New Mexico to the fact that the independent producers of the instrumentalities employed in the radio industry and business are being injured and in many instances destroyed by the Radio Trust? The testimony given before the Committee on Patents shows the power of this trust; the Senator from Washington [Mr. DILL] and other Senators have examined witnesses, and the information brought to the committee reveals the tyranny and the oppression of the trusts that have gotten the radio business by the throat. They have secured control of the instrumentalities used in the radio business, and the Electric Trust and the Radio Trust—and I differentiate the two—are oppressive, as are other trusts in the United States. We could, and perhaps we should, deny the use of any wave lengths or any license to a trust or monopoly. If a license were denied, it would ameliorate the condition and greatly relieve the people from the abuses from which they have suffered.

Mr. BINGHAM. Mr. President, would the Senator from New Mexico be so good as to yield to me before the Senator from Utah takes his seat?

Mr. BRATTON. I yield with pleasure to my friend from Connecticut.

Mr. BINGHAM. I thank the Senator. Does the Senator from Utah believe in a commission form of government?

Mr. KING. No; I detest and abhor commissions. The more commissions we have—and we have hundreds of them not only in the Federal Government but in the States—the sorrier is the condition of the people.

Mr. BINGHAM. The Senator from Utah remembers that I was one of the few who objected to the creation of the Radio Commission in the beginning, because I agreed with the Senator that it is a useless method of seeking remedies for diseases which can be cured in another way. We ought not to try to impose on a commission duties that belong either to the executive branch of the Government or to the legislative branch. It has given me a certain sad satisfaction to-day to hear the testimony that radio service has been worse since the law establishing the commission went into effect. When we read the RECORD of a year ago we find that great things were promised if we would only set up the Radio Commission.

I do not intend to prolong the debate or to keep my friend the Senator from New Mexico, who has so very generously yielded the floor to me, on his feet any longer than is necessary. I merely want to say that it seems to me a pity, in view of what the commission has done and has not done, that the committee of conference could not have written a different bill, so as to have arranged that Congress might grant the licenses in the different parts of the country, just as Congress to-day grants the licenses for the construction of bridges over navigable streams.

Congress does not give that power to a commission or to an executive officer of the Government. It is a minor matter, but such questions are brought to the attention of our committees, and no one complains that Congress interferes with the navigability of streams. If we can do that as to bridges over streams, why can we not do it in the much more important matter of saying who shall have the privilege of broadcasting through the air?

I had hoped that the committee of conference might work out some scheme whereby the Congress might grant the licenses after hearings by an impartial committee and then might place in the hands of an administrative officer of the Government the task we give to the War Department in the case of bridges of seeing to it that the licenses thus granted shall be properly used and that the "navigability" of the air, if I may use that expression, be not interfered with. I thank the Senator from New Mexico.

Mr. DILL. Mr. President, I want to say, in reply to the Senator from Connecticut, if Congress is going to allot the wave lengths, that we had better establish another House of Congress or not expect to do anything else in a legislative way when we meet here.

Mr. BRATTON. Mr. President, I have great respect for the views expressed by the Senator from Utah [Mr. KING] and for the views expressed by the Senator from Connecticut [Mr. BINGHAM]. I think there is much foundation for their statements, but we are now dealing with a conference report. That is the legislative situation. I repeat that the proposed law declares for a principle against which there can be no sound argument. At the outset it is stated:

> It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radiobroadcasting service, both of transmission and of reception.

That is the declaration of principle contained in the bill. Then the proposed law turns to the question of administering the principle thus declared. The Senator from Connecticut has discussed a matter of administering the principle declared in the bill. It may be that his suggestion of a better procedure or machinery to administer that principle is sound; it may be that it is better than the procedure proposed to be set up in the bill; but it would involve a great deal of thought, much research, and no small amount of labor; and under existing law, which confines licenses to periods not to exceed 90 days, no substantial injury can be sustained, because no vested, continuing right can be acquired.

If later in the present session of Congress or in the next session or thereafter it shall be determined that the procedure suggested by the Senator from Connecticut is more wholesome than the procedure established under existing law, Congress will be free to follow his suggestions and enact them into law. The same thing may be said in reply to the observations made by the Senator from Utah [Mr. KING], but our failure now to undertake to write a bill which will prescribe more in detail the administration of the law will not bring any permanent injury to anyone. The procedure will simply be confined temporarily to the duration of the present law and subject to remedy by legislation at any time hereafter.

Mr. President, I think those two factors add a larger degree of protection than merely the right to reject the nomination of commissioners as suggested by the Senator from Utah. If we were confined alone to that remedy, I should say that the public would not have adequate protection because if, when their nominations were confirmed by the Senate, the commissioners would have the right to establish a permanent condition, that would affect the people for all time, carrying with it the power of persons or corporations to acquire vested rights; the public, in my judgment, would not have any adequate protection.

Mr. KING. Mr. President, will the Senator yield for a moment?

Mr. BRATTON. I yield to the Senator.

Mr. KING. From statements made during the debate, particularly by the Senator from Washington [Mr. DILL], it would seem that the nominations of all of the commissioners except one should not be confirmed. I take it that the approval of this conference report will not commit the Senate in any way to the proposition that the nominations of all of the commissioners will be confirmed by the Senate.

Mr. BRATTON. Certainly, Mr. President, I should not want now to be a party to any such agreement or committal. That is a separate matter. But what I had in mind and was endeavoring to say when the Senator from Utah rose to make his observation was that the power of the Senate to reject the nominations of commissioners, coupled with the added fact that the commission itself can not grant vested rights, so that it is impossible for persons to acquire vested rights under any act of the commission, because the licenses are temporary in duration—I think no permanent injustice can be visited upon the country under this bill. If any injustice is brought about, its duration can not extend beyond the life of the legislation itself. Thus the situation is always subject to correction by Congress.

Mr. President, I complain emphatically against the present situation. I think it can not be defended. Whether it is brought about by acts of commission or omission on the part of the commission I do not say. I think some of the commissioners should be absolved from any responsibility for existing conditions. Nevertheless I am entirely dissatisfied and complain in the most emphatic way about the situation in the country. Conceding all this, I think the conference report should be adopted because of the safeguards to which I have already adverted. I intend, therefore, to support the conference report sponsored by the Senator from Indiana [Mr. WATSON] and the Senator from Washington [Mr. DILL], who have given this subject prolonged consideration and painstaking care. In my judgment they have devised a very wholesome piece of legislation.

Mr. BLEASE. Mr. President, I have been very much gratified this afternoon with the arguments on the radio bill. I do not know when I have enjoyed so much pleasure. In the Sixty-ninth Congress, on the 18th of February, 1927, when the radio measure was before the Senate, I addressed the Senate regarding it. I am not a prophet nor the son of one, but I predicted then just what would happen if the radio bill which was then pending should be passed.

Any man, it seems to me, who realizes that we are living in a free country—or at least, we think we are, and that ours are a liberty-loving people—should begin to appreciate that they are tired of being restricted; they are tired of having the Congress of the United States deliberately, cold-bloodedly, with malice aforethought, steal all the powers which the sovereign States of the Union reserved to themselves when the bill of rights and the Constitution of this country were adopted and ratified.

I see there are two maps hanging on the wall. One of them is marked "relief map." Well, if that is relief, God save the people when they come to grief. I think the map over here [indicating] marked "chain stations" is very much more appropriate, because if there ever were a people being put in chains by its Congress the people of the American Nation may certainly be so described.

Why should we attempt to enact in this House cheap, petty, political legislation? I read into the RECORD in the Sixty-ninth Congress—and it is to be found on page 4155 of volume 68, part 4, of the CONGRESSIONAL RECORD of that Congress—a letter from a man connected, and very largely connected, with the radio business, in which he deliberately stated that if the radio bill then pending should be passed it would be the purpose of those who would have control of it to do just exactly what has been done.

Some Senators laughed at it. Some people said it should not have been put in the RECORD; it was folly. I notice now, 13 months afterwards, that the very Senators who stood upon

this floor and laughed at that man about that article are standing here to-day and condemning that bill in as strong language as could be used upon the floor of the Senate and stay within parliamentary usages.

I noticed some time back a little article headed:

WATSON TAKES AIR—DEFENDS RADIO ACT

Senator JAMES E. WATSON, Republican, of Indiana, "took the air" last night in defense of the Federal Radio Commission.

Speaking from the studio of the National Broadcasting Co., WATSON recalled the chaos that existed at the time the radio act was adopted, reminded his invisible audience of the Herculean task that the commission has had in clearing the air, and said:

"And it is my deliberate judgment, after a careful survey of the entire situation, that the Radio Commission has fully justified its creation and that, notwithstanding the many disappointments that its decisions have occasioned, it ought to and will receive the unstinted support of a grateful people."

I knew then that when my very distinguished friend from Indiana—one of the ablest statesmen, I think, in this country, and a man who is very popular, and justly so—rallied to the defense of this baby, the bottle was just about empty of milk. I knew then that when he took his time off of Indiana and went out to make speeches in defense of this illegitimate child of somebody there was something hidden, something that had not yet been brought to light. But we have seen it to-day, and I have enjoyed seeing it very much indeed. Even one of their own cabinet, Mr. Jardine, had this to say about it:

JARDINE PROTESTS INTERFERENCE WITH FARMING PROGRAMS—SUGGESTS RADIO COMMISSION REFUSE WAVE LENGTHS THAT WOULD DISRUPT PLANS—MICHIGAN TO BROADCAST COURSE OF INSTRUCTION—HOME ECONOMICS, SCIENCE, AND ARTS TO BE INCLUDED IN LESSONS GIVEN

By Robert D. Heinl

If anything gets the worst of it in the merry war of further clearing up the ether this fall, it surely will not be the programs of the agricultural colleges. The first suggestion of this was a letter from Secretary of Agriculture Jardine to the Radio Commission. He suggested they refuse to grant wave lengths or increased power to any stations which might interfere with farm programs.

Another bit of handwriting on the wall was the appointment by President Coolidge to the Radio Commission of Sam Pickard, of Kansas, formerly in charge of the United States agricultural radio service.

Likewise, strong reinforcements will come from Representatives and Senators—and even the presidential candidates—who, especially ahead of the election next year, may be expected to champion the farmers' cause with unusual vigor.

However, it looks as if Secretary Jardine has beaten them all to it, for, although as far as anyone can recall the Federal Radio Commission has not refused any farm station anything it has asked for, he has evidently adopted a "you've-gotta-quit-kickin'-my-houn'-dog-around" attitude.

JARDINE SERVES NOTICE

Maybe Secretary Jardine didn't intend going as strong as that, but in what was construed in some quarters to be his ultimatum to the Radio Commission he said:

"The Agricultural Department understands that there are several cases before the commission in which commercial and private organizations are soliciting the commission to increase the strength of their stations and lengthen the period of sending, a situation which if complied with by the commission might result in seriously interfering with the cooperative public radio program of the department and the colleges.

"This is to suggest to the commission the desirability in the public interests of protecting the agricultural colleges against outside interference by refusing to grant to private concerns and commercial agencies power or wave length that would in any way interfere with present cooperative radio programs of the agricultural colleges and the Department of Agriculture."

Mr. Jardine went on to say that the Government at the present time is contributing annually about $7,000,000 in support of the agricultural college extension work. The State and county governments, in cooperation, are contributing $13,000,000 more annually in connection with the same work.

The Agricultural Department and the colleges are assisted in this work by about 200,000 farm men and women acting as local leaders, and 1,500,000 demonstrators. A large number of agricultural colleges are extending their agricultural service by means of radio.

FARM COURSE ANNOUNCED

An example of this is the broadcast by radio of the winter special courses from station WKAR by the Michigan State College of Agriculture at East Lansing. They are to begin January 10 and will run until May 1.

"During the 16 weeks, 32 courses, totaling 320 lectures, will be given by 124 men and women representing 20 departments of the college," John D. Willard, chairman of the Michigan State College radio committee, said. "This winter's schedule includes courses in agriculture, home economics, science, liberal arts, and engineering. Cordial acceptance of the radio offerings in the past two years leads the radio committee to the belief that WKAR can render the greatest service by using the 7 to 8 evening hour for courses of instruction and by using the noon hour for service broadcasts, special announcements, and informative lectures that are not parts of organized courses.

"Most of the radio courses offered this winter are supported by references to textbooks or bulletins, so that the listener may follow the subject more deeply. Such references will be mailed at the beginning of the course free of charge to any who ask for them.

"During 1927 the Michigan State College is undertaking a much wider service to the people of the State than has heretofore been possible. The office of continuing education has been established to make all parts of the institution useful to those who can not come to the college as resident students. Extension work in agriculture and home economics will be enlarged and strengthened. As funds permit, extension work in arts, science, engineering, and veterinary medicine will be developed. The radio courses are an important part of this plan of larger service.

"Reading courses and correspondence courses are in preparation, some being now ready for enrollment. It is the hope that before the close of 1927 the opportunity for a continuing of education may be made real to anyone in the State, regardless of isolation, distance from schools, lack of early educational opportunity, or other handicaps of location or occupation."

TOPICS TO BE DISCUSSED

Among the topics upon which special instruction will be given are poultry, forestry, fertilizers and manures, soil preparation, feeds and feeding, farm explosives, outlook for agriculture, forecasting the weather, chemistry in agriculture, and other subjects of importance to farmers.

Michigan State, of course, is but one of the many agricultural colleges now extending its courses by radio. However, the thoroughness with which its program for the forthcoming year covers the subject serves as a good example of what others are doing. And with this as a background, and such agricultural champions as Secretary Jardine, Commissioner Sam Pickard, and numerous Senators and Congressmen backing up the work, it may be readily imagined how it will be developed in years to come.

That article is from the Washington Post of Sunday, November 13, 1927.

I also have here an article from the Evening Star of Washington, D. C., of Friday, November 25, 1927, headed:

FARMER AND SMALL-TOWN LISTENER TO GET GOOD RADIO SERVICE, COMMISSIONER SAYS

The farmer and the small town listener are entitled to good radio service, and the Federal Radio Commission is going to see that they get it, says Sam Pickard, member of the commission from the Middle West.

"In the business centers and densely populated districts, where most broadcasting stations are located, listeners get good service," Pickard said. "Outside the larger cities, however, where distant stations must be relied on, particularly in the South and parts of the Middle West, reception often is poor."

Mr. Pickard's declaration of the commission's determination to protect the interests of the rural-radio fan was made in connection with the announcement that plans are under way to clear at least 40 channels of interference.

"To the farmer," he said, "radio means more than an appreciated form of entertainment. The radio service of the Department of Agriculture and of agricultural schools is regarded by many as a vital business adjunct. One hunderd and six radio stations, in 39 States and the District of Columbia, were broadcasting farm and home programs and the Department of Agriculture, November 1, all important in rural districts. Most farmers depend upon radio market reports for their business information, so it is vital that they receive without interference."

Thousands of farmers write to the department requesting programs having to do with the most economical way of fattening hogs for market, clover as a soil builder, improvement of country roads, control of disease in livestock, and hundreds of other farm problems. One farmer asked for information on whether "to sell or not to sell the farm."

Farmers have complained that they frequently miss portions of the talk due to static, faulty enunciation, or too rapid speaking. For this reason the department supplements the talks with printed information.

A North Carolina county agent quotes one of his friends as saying: "I wouldn't be without three things on the farm—radio, the telephone, and the automobile."

Listen, now, to what one man says. The Senator talks about what they are going to do if the commission does not do so-and-so. Why do you not do it now? What is the use of waiting when a man puts this kind of a statement in your face?

Commissioner Caldwell, stating that a great number of Senators had called upon him and the other members of the commission for the purpose of interceding for their constituents, but that they refused to do anything and that they proposed to rid the air of all so-called interference, Commissioner Caldwell stating that he was not responsible to anyone in the matter except to the President of the United States, and that what he was doing had the approval of the President.

If so, I am still more glad that the Senators who have spoken to-day have been so emphatic in their denunciation of the present law and the way in which it is being carried out; but, as has been well said by the distinguished junior Senator from Utah, if these men are not confirmed, if, as Mr. Commissioner Caldwell says, they are doing what the President of the United States wants them to do and is approving of their doing, there is not anything to keep him from reappointing them immediately on this commission and keeping them on the people. As he well said, appointments have been made; the Senate has refused to confirm; they have been held over until the next session; as soon as the Senate adjourned they have been reappointed, held over into the next session, and the second session and the third session have been used by one of the Presidents of the United States to keep a man in a public office. Finally, after keeping him there for several months, possibly two or three years, his friends, in order to get rid of this difficulty, persuaded him to send a distinguished colored citizen to Liberia and get him out of South Carolina, for which we thanked Mr. President Roosevelt very much indeed.

But why not send this report back, as was well said here? We have plenty of time. We are killing time now. It does not take a Senator to see that the Senate is killing time every day. We are merely wagging along. There is hardly ever a quorum present. Nothing is being done of any importance to the American people. Why? Because there is a presidential election right ahead, and neither side is particularly anxious to do anything. That is the truth, and the world knows it. We need not try to think that we are the only people that know it. Different bills are being sidetracked. Then can lie over, because neither the Democratic Party nor the Republican Party wants to act on them now, and take the responsibility before the American people in November.

If we are going to kill time, as has been well suggested, why not send this report back and let these gentlemen take it and write a bill that they are satisfied with? They themselves admit that they are not satisfied with this one. They themselves, the men who have studied it the most, the experts here, admit that it is not what they want.

No, Mr. President, it is not what the people want but it is what some interests want. It is what the people want who are controlling radio. It is what the people want who do not want anything but certain speeches to reach the American people during the summer. It is what some people want because they can choke this commission and make them do whatever they want them to do, to the detriment of thousands of American citizens who have a right to the same treatment in any section of the American Nation that any man or woman has in any other section of the American Nation. So why should we hurry?

Mr. President, I have some letters in this connection—one from the executive secretary of the Radio Protective Association, of Chicago, and another from the Technical Radio Laboratory, of New Jersey. In order to save time, I should like to ask that they both be printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

RADIO PROTECTIVE ASSOCIATION (INC.),
Chicago, February 2, 1928.

Hon. C. L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: Thank you for the interest you have taken in the fight to save the great radio art from the Radio Trust, and which you manifested by inserting in the CONGRESSIONAL RECORD some important documents bearing on that fight.

I take the liberty of inclosing a pamphlet which sets out the case of the independent manufacturers against the Radio Corporation of America, as well as the resolutions passed by our membership at our Cleveland convention.

The Radio Protective Association is made up of outstanding independent manufacturers in the radio industry, and has sought by every means in its power to check the aggressions of the Radio Trust and to prevent the latter from destroying its independent competitors under the pretense of an alleged patent situation.

Our members will appreciate your continued interest in this fight. So will the American people, for there can be no greater menace to a republic than a monopoly of so important a means of mass communication as the radio.

We understand that hearings will be held by the Senate Committee on Patents next Wednesday on the bill introduced by Senator DILL, which would forfeit the patents of corporations convicted under the antitrust laws. The enactment of that measure into law would be a most formidable weapon against the Radio Trust, which has been a notorious offender in this abuse of patents.

I hope that you will find it possible to attend those hearings.

Sincerely yours,

OSWALD F. SCHUETTE,
Executive Secretary.

TECHNICAL RADIO LABORATORY,
OPERATING RADIO WTRL STATION,
December 23, 1927.

Hon. COLEMAN L. BLEASE,
Senator from South Carolina, Washington, D. C.

MY DEAR SENATOR: Do you realize how the Federal Radio Commission has throttled radio broadcasting?

Do you realize that the commission has practically deeded the air to the national broadcasting group?

The situation merits inquiry and action on your part, particularly in view of the fact that the commissioners responsible therefor are about to come up before you for confirmation of their appointments—Commissioners Caldwell and Pickard.

Let us illustrate the situation of the small broadcaster by our case:

We operate a broadcasting station at Midland Park, Bergen County, N. J., call letters WTRL, which the commission has restricted to a very small station, on a channel of 1,450 kilocycles, or 206.8 meters, and power of 15 watts. You can appreciate that this channel and power are so low as to make the station practically unusable.

Since last June we have been trying to obtain a usable channel from the Federal Radio Commission and also an increase in power, but we have only been met with rebuff after rebuff and we have come to a strong realization that a small broadcaster might just as well butt his head against a concrete wall as to try to get anything from the Federal Radio Commission.

The situation created by the commission is extremely unfair and unjust and merits your attention, because the commission has and is discriminating against the small broadcasters of New Jersey, and the rest of the country, in their campaign to grant a complete monopoly of the air to the National Broadcasting group, which is dominated by the Radio Corporation of America.

For the purpose of helping out the commission and getting away from the New York congestion, we applied to the commission to move the station to Long Branch, but on encountering opposition from the Asbury Park station, we decided to move to Trenton and apply for channel 770 kilocycles, after consulting our engineers, one of whom, Paul E. Ware, is one of the leading radio engineers of the country. At first we took the matter up with Commissioner Caldwell of New York, and after the usual "buck passing" on his part, he finally told us to consult our engineers and select wave length, which we did, selecting said wave length of 770 kilocycles. When we submitted this wave length to him, he hemmed and hawed and thought that it would cause interference with three stations in Chicago. We immediately consulted our engineers again and obtained written reports to show that there would be no such interference.

When we showed these letters to Commissioner Caldwell and formally applied to the commission for this channel of 770 kilocycles, then for the first time and out of a clear sky, and apparently in furtherance of their elimination of the small broadcaster in New Jersey, Commissioner Caldwell informed us that New Jersey had greatly exceeded the power to which it was entitled, and that it had approximately 48,000 watts. We immediately called his attention to the fact that he was doing New Jersey a grave injustice by charging us the power of the New York stations, which merely have their plants in New Jersey, and their stations and studios in New York and who are regarded by the radio industry and the public, and also by the commission, as belonging to New York, which stations have approximately 40,000 watts out of the 48,000, and that this was discrimination and certainly did not show that the commission was acting equitably in the matter.

It is plainly manifest that the commission has absolutely decided irrespective of the legal and property rights of small broadcasters, and without giving any consideration to their taking of their property without the constitutional due process of law and compensation, to set aside the air for the National Broadcasting group.

The commission (in public announcements and according to a letter which our attorneys hold of Commissioner Caldwell, dated October 24, 1927) has formulated a policy to drive off the air all small broadcasters in channels from 300 meters (which is the beginning of the good channels) to 550 meters (which is the highest channel), there being approximately 40 wave lengths in these channels, 90 per cent of which have been exclusively granted to stations of the National Broadcasting group, and which have full time and power run-

ning as high as 50,000 watts. When you realize that the National Broadcasting group operates two chains which only require two channels for their broadcasting, instead of the 35 or 36 given to them, one realizes how unfair the commission has been to the small broadcasters and that a monopoly has been created, in the name of the Government, of this remarkable and important method of communication.

By a very clever and one-sided publicity bureau maintained in Washington, the public has only received the commission's viewpoint of broadcasting and the necessity for eliminating the hundreds of stations, so as to give the radio public a great variety of noninterfering programs, when, in fact, this variety has been reduced to two programs and is solely in the interest of establishing a monopoly of the air in favor of the said group.

Editorial opinion is awakening to the fact and is beginning to wonder why the commission desires to eliminate practically all the small broadcasters when the operation of several stations have shown that several stations may broadcast on the same channel and in the same vicinity without any interference whatsoever.

On December 6, 1927, an editorial appeared in the Newark Evening News which reads in part, as follows:

"The art of broadcasting is definitely limited for a long time to come to some ninety 'communication channels.' The number of stations which may comfortably operate within these ninety-odd channels is variously estimated as lying between 150 and 450. The interesting thing at this time comes in the form of an announcement from Washington that the Federal Radio Commission may exterminate half of the existing stations.

"Certain facts with respect to present operation and the present state of the art are generally well known. Among these, two now stand out. First, broadcasting stations which regularly tie in with three major chains reach a total of about 65, and in so doing cover some 60 of the total of ninety-odd available channels. Second, stations WBZ at Springfield and WBZA at Boston have been in simultaneous operation, utilizing the same channel, for close on to a year, with complete success and unexpectedly gratifying results.

"It is but natural that one ask why all stations tied in with a chain can not utilize the one channel. It is possible technically. It is actually now being done. The expense involved can not serve as an excuse. It is vanishingly small as compared to the magnitude of the immediate benefits which would derive to the chain broadcasters themselves, the public, and the art as a whole."

Just appreciate our position. Here we are a small broadcaster in New Jersey; eminent engineers advise us that 770 kilocycles is an open channel, we apply for this channel, and the commission first advises us that they can not give us this channel, because they have cleared this channel for one large national group, and that it may cause interference with three stations in Chicago, thousands of miles away, when our engineers, one of whom is one of the most eminent in the country, explodes this reason; then the commission tells us that New Jersey has too much power, and for this reason denies our application.

Is this fair to a citizen of the United States?

So as to substantiate our statements, we have prepared and inclose a blue print showing the extreme favoritism and partiality which has been given to the large group, to the detriment and exclusion of the small broadcasters.

When our attorneys wrote a vigorous letter to Commissioner Caldwell, calling his attention to this situation, he had the temerity to offer us a public hearing, and also to write us that reports had come to him that we were off the air, etc. We immediately advised the commissioner, so greatly interested in the public convenience, etc., that we did not propose to go through the futile performance of a public hearing, by which we could hope to gain nothing except to give the commission an opportunity to build up a case upon which to base the decision which they already made against us, and also advising him that the reports which he had received were entirely erroneous and were apparently inspired by the persistency of our application for use of channel 770 kilocycles.

Commissioners Caldwell and Pickard have been unduly harsh and severe, and have practically crushed the small broadcaster. Commissioner recently made statement that commission was now "hard-boiled" and would proceed further and wipe out still more, 300 of the 600 stations. What an outrage this will be if permitted.

You have many great national problems to consider, but radio broadcasting is also a great national problem and one that holds forth such a great opportunity for enlightenment and improvement; and the commission should not be permitted to throttle the same and destroy the rights of small broadcasters.

The commission apparently does not give a "hoot" for anyone, Commissioner Caldwell stating that a great number of Senators had called upon him and the other members of the commission for the purpose of interceding for their constituents, but that they refused to do anything and that they proposed to rid the air of all so-called interference; Commissioner Caldwell stating that he was not responsible to anyone in the matter except to the President of the United States, and that what he was doing had the approval of the President.

We feel that the attention of every Senator should be called to this situation, and we are therefore sending a like letter to every United States Senator. This may result in the commission giving the small broadcasters the consideration to which they are entitled, and also result in a fair and equitable solution of the radio broadcasting problem in accordance with the spirit, as well as the letter, of the Federal radio act.

We beseech your interest and cooperation.

Respectfully yours,

TECHNICAL RADIO LABORATORY,
By D. W. MAY, *General Manager.*

Mr. BLEASE. I also hold in my hand resolutions adopted at the convention of the Radio Protective Association held at Cleveland, Ohio, December 7, 1927, in which they set out some of the abuses and some of the facts; and accompanying it is a resolution addressed to the honorable the Federal Trade Commission of the United States, asking for relief in this matter, which I also ask may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Resolutions adopted at the convention of the Radio Protective Association held at Cleveland, Ohio, December 7, 1927

RADIO PROTECTIVE ASSOCIATION (INC.),
134 South La Salle Street, Chicago.

To the honorable the Senate and the House of Representatives in Congress assembled:

Whereas the framers of the Constitution of the United States, to stimulate and foster creative ability and genius by rewarding inventors, gave Congress the power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries," and pursuant to that power Congress has by patent statutes given to inventors, for limited periods, the right to exclude others from using, making, and selling the specific invention described in a specific patent; and

Whereas Congress has forbidden combinations in restraint of interstate commerce and attempts to secure monopolies, and the courts have repeatedly held that patents did not give a license to anyone to combine in violation of such antitrust laws; and

Whereas, nevertheless, the American Telephone & Telegraph Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., and other companies, under the pretense of a patent situation, have entered into agreements with each other under which they have eliminated all competition between themselves, have pooled the patents which they have acquired from a long list of original inventors in the Radio Corporation of America, and have agreed to pool all future patents they may acquire in the same corporation, regardless that many of these patents cover inventions which are in competition with each other; and

Whereas the alleged or prima facie rights granted by these patents to exclude others from making specific commodities have been so combined as the weapons of a conspiracy, backed by capital running into the billions of dollars, thus creating a show of power and resources that has been used to intimidate and oppress independent factors in the industry by imposing serious financial and engineering restrictions upon their freedom of action; and

Whereas—to cite but one instance of these monopolistic attempts—by exclusive agreements with 95 per cent of the avenues of distribution, the aforesaid Radio Trust has attempted to monopolize the manufacture of the radio vacuum tube, which, although the patents thereon have expired, is the fundamental invention that has made all radio progress possible; and

Whereas all of these illegal agreements and conspiracies have had the same object of monopolizing the radio industry, of destroying the freedom of competition therein, and of wiping out the independent manufacturer as well as the independent dealer and jobber; and

Whereas this perversion of the American patent system has and always will cast a deadly blight over the very inventive genius which it was intended to inspire with new courage and ambition; and

Whereas these restraints of trade have already greatly damaged the aforesaid independent manufacturers and merchants and have done even greater injury to the public by increasing the prices of receiving sets and other radio devices and have placed a cloud over the development of the entire industry; and

Whereas radio is the greatest social invention since the days of early Egypt and has the greatest social, political, and cultural implications for the masses of the people in the United States and throughout the world: Therefore be it

Resolved by the Radio Protective Association, in convention assembled in the city of Cleveland, as the organization of the independent radio industry of the United States, That we do hereby petition the Senate and the House of Representatives to investigate the attempts to concentrate this great social art in the hands of a monopoly which is seeking to stifle its development, and further, to the end that the

patent system may no longer be used to destroy the freedom of interstate commerce in the United States, to enact additional legislation which shall provide that individuals, firms, or corporations who may combine the alleged specific rights, given them by specific patents, to eliminate competition among themselves and thus attempt to "patent" an entire industry, shall for such wrongful use of these statutory grants, forfeit these patents in a manner similar to that provided by the act regulating the issuance of broadcasting licenses under which a broadcaster convicted of a violation of the antitrust statutes shall forfeit his rights to broadcast; and that these patents, upon such a conviction, shall be declared to have ceased to exist as such and to have become public property.

To the honorable the Federal Trade Commission of the United States:

Whereas your honorable body is now engaged in the investigation of the illegal pool of competitive patents and the illegal agreements under which said pool was formed, created, and entered into by the Radio Corporation of America, the American Telephone & Telegraph Co., the General Electric Co., and the Westinghouse Electric & Manufacturing Co., and other companies, better known as the Radio Trust, which exists in restraint of the freedom of interstate commerce and in violation of the Clayton and Sherman laws; and

Whereas your honorable body has also undertaken to investigate the violation by said Radio Trust of the Sherman and Clayton antitrust laws by certain illegal requirements imposed on its patent licensees under the so-called "tube clause" of its license agreements with other radio set manufacturers; and

Whereas said Radio Trust has not confined its efforts to restrict, in violation of the law, the freedom of commerce in radio between the several States, but has also, by illegal agreements with foreign corporations, sought to destroy and restrain the radio business of American receiving set and socket power and tube manufacturers with a foreign country, to wit; the Dominion of Canada; and

Whereas the Radio Trust has thus done irreparable damage to the radio manufacturers of the United States by the destruction of the major part of their commerce with the Dominion of Canada: Therefore be it

Resolved by the Radio Protective Association, in convention assembled in the city of Cleveland, as the representative of the independent radio industry of the United States, That we petition your honorable body to cause immediate steps to be taken to investigate these illegal agreements with foreign corporations to destroy said commerce of the independent manufacturers with the Dominion of Canada, and that your honorable body proceed at once to the fullest extent of the authority granted by law to compel said Radio Trust to cease and desist from such efforts to interfere with this commerce with the Dominion of Canada.

Mr. BLEASE. I also have a statement entitled "The truth about the patent situation and Radio Trust," sent out by the Radio Protective Association of Chicago. It is not very long. It is in pamphlet form and contains letters from different people in Chicago and New York who know what they are talking about, people who know exactly what the situation means, and the terms of the agreement. I ask that that be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is, as follows:

THE TRUTH ABOUT THE PATENT SITUATION AND THE RADIO TRUST

(Some interesting correspondence from the files of the Radio Protective Association, 134 South LaSalle Street, Chicago)

The Radio Protective Association was organized by a group of outstanding independent manufacturers to oppose the efforts of the Radio Corporation of America to obtain a monopoly of the radio industry under the pretense of an alleged patent situation.

It is incorporated under the laws of Illinois and the charter recites its purpose to be "to promote the progress of science and the useful arts in so far as they apply to radio, and to preserve the freedom of said science and useful art." This wording is taken from the paragraph of the Constitution of the United States which sets out the only basis on which Congress is authorized to make patent laws.

The headquarters of the Radio Protective Association are at 134 South LaSalle Street, Chicago.

WHY WAS STATEMENT SUPPRESSED?

The statement of the case of the independent manufacturers against the Radio Corporation of America, which figures in this correspondence, was prepared by the Radio Protective Association at the request of the editor of Radio Retailing, published by the McGraw-Hill Publishing Co., of New York City.

But its editor suppressed the statement prepared in response to his request, and the Radio Protective Association believes that its members are entitled to know the reason given by the editor for that suppression.

TEXT OF THE CORRESPONDENCE

The following correspondence tells its own story:

RADIO PROTECTIVE ASSOCIATION,
134 South La Salle Street, Chicago, August 25, 1927.

EDITOR RADIO RETAILING,
Tenth Avenue and Thirty-sixth Street, New York, N. Y.

DEAR SIR: Ten days ago Mr. Sutliffe, your western editor, asked us for a statement that would set out comprehensively and in detail the position of the independent manufacturers in reply to the interview you published in Radio Retailing for August with Mr. Sarnoff, of the Radio Corporation of America. Mr. Sutliffe called our attention to the statement which you had printed in connection with Mr. Sarnoff's interview:

"In fairness to both sides of the patent controversy, the editors have made every attempt possible to obtain a statement from a number of the leading 'independents,' as well as from the Radio Corporation of America. Up to the time of going to press, however, several of the largest independent manufacturers who were approached by the editors were unwilling to make any kind of a presentation of their case for publication at this time. We still hope that it may be possible to persuade some spokesman for this group to outline definitely the case for the independents."

In response to this request, and with the assistance of Mr. Ernest R. Reichmann, our general counsel, we drew up a statement which set forth the position of the independent manufacturers who make up our membership. Mr. Sutliffe sent this to your office and we are now surprised to learn from him that you are unwilling to publish it.

We find it difficult to understand this attitude because we have also had letters from a number of our members inclosing your letter of August 9 asking them their position in this controversy. In your letter you say:

"We believe that the independent manufacturers have a strong and just case, but so far no spokesman for the independents has had the courage to come out and definitely uphold their cause."

When we gave our statement to Mr. Sutliffe we wrote these members and told them that we had given you a statement of the position of the independent manufacturers, and we believed they would feel that this would represent their position when they read it in Radio Retailing.

For this reason it is difficult to understand your present position, particularly in view of your statement, "so far no spokesman for the independents has had the courage to come out and definitely uphold their cause!"

Can you give us an explanation that we may send to our members?

Sincerely yours,

OSWALD F. SCHUETTE,
Executive Secretary

STATEMENT DISPLEASES EDITOR RADIO RETAILING

MCGRAW-HILL PUBLISHING CO. (INC.),
Tenth Avenue at Thirty-sixth Street,
New York, N. Y., August 29, 1927.

Mr. OSWALD F. SCHUETTE,
Radio Protective Association,
134 South La Salle Street, Chicago, Ill.

DEAR MR. SCHUETTE: We believe if the writer could sit down and have a chat with you regarding the Radio Corporation of America controversy that you would appreciate more clearly the reason why Radio Retailing feels it is not in the interest of the radio industry to publish the statement which you sent to us.

First of all, we believe what is needed now more than a rehash of gossip and rumors is a definite and logical statement of facts which will set forth the independents' position. For example, we understand there is some valid evidence concerning the background of the Alexanderson patent which would be permissible in a defense in court.

While we are just as apprehensive as your members regarding the possibilities of a monopoly in this industry, we do not believe any good will come of our giving over editorial space to hearsay. We are quite sure there is some one on the side of the independents that will contribute constructive thinking on the present crisis, which we must confess, is not contained in your statement.

If you can prepare for us a concise statement, let us say of the defense which Mr. Reichmann would undoubtedly put up in the event of a suit against one of the independents, Radio Retailing would be only too happy to have the opportunity of printing it. Of course, we believe in justice to our readers that the statement should give the names of the companies that you are representing.

Hoping that you will find it possible to contribute an article of fact rather than one which indulges in personalities, we are

Very cordially yours,

WILLIAM C. ALLEY.

A REPLY TO THE EDITOR

RADIO PROTECTIVE ASSOCIATION,
134 South La Salle Street, Chicago, September 8, 1927.

Mr. WILLIAM C. ALLEY,
Radio Retailing, McGraw-Hill Publishing Co.,
Tenth Avenue at Thirty-sixth Street, New York, N. Y.

DEAR MR. ALLEY: We have your letter of August 29, explaining why Radio Retailing would not use the statement which we prepared, at your request, as the answer of the independent manufacturers to the interview you printed in the August issue of Radio Retailing, with Mr. David A. Sarnoff, vice president and general manager of the Radio Corporation of America.

Your explanation of your refusal to print that answer is even more amazing than the refusal itself. For in it you say: "What is needed now more than a rehash of gossip and rumors is a definite and logical statement of facts. * * * We do not believe any good will come of our giving over editorial space to hearsay."

The statement we prepared for you contains not a single line of gossip, or "rumors," or hearsay. It confines itself exclusively to the egally established facts that underlie the radio situation, taken from the records in the hands of the United States Government and the courts and including the terms of the Radio Corporation of America license agreements which Mr. Sarnoff said in your own interview were "well known to the radio trade."

True, these are the very facts which the Radio Corporation of America is now most anxious to keep out of the minds of the great radio buying and listening public. For that public constitutes the final court of appeals in this issue.

Nor does our statement "indulge in personalities" as you say in your letter. In charity, we can only express the belief that maybe, after all, you have not even read it. There is no personality in it. It refers to Mr. Sarnoff, courteously, and by name, only because it was an interview with him which you asked us to answer.

It is truly a remarkable suggestion on your part that the statement should have contained the "valid evidence concerning the background of the Alexanderson patent which would be permissible in a defense in court," or "the defense which Mr. Reichmann would undoubtedly put up in the event of a suit against one of the independents." Surely no sane person would publish, in advance of trial, his defense to a possible lawsuit. But we concur in your "understanding" that there is such "valid evidence," for it always happens in litigation that receives much public attention that a great deal of new and unexpected testimony comes to light.

Are we to infer from your suggestion concerning this evidence in the Alexanderson patent that it is the position of Radio Retailing that, in the event one patent can be established, then all the questions arising out of the creation of an illegal pool of patents and the subsequent licensing by that patent pool of its competitors under agreements destroying the independence of these competitors are no longer open to investigation by the Congress, the Federal Trade Commission, or the courts? Is it your position that such a decision in one patent suit would prevent the Department of Justice from prosecuting an attempt to monopolize an entire industry and to apportion it among the parent companies of the pool in violation of the Sherman and Clayton antitrust laws?

Or, does Radio Retailing believe that had an ordinary radio manufacturer, worth, say, $500,000, owned the Alexanderson patent that he could thereby have placed the entire industry under one control and domination? Could he, with that patent, have consummated a monopoly of the tube business? Could he have levied a "tea tax" of 7½ per cent on all parts and accessories used by his competitors in their sets?

Regarding your request for the names of our members, we explained to your Mr. Sutliffe that all of our members had not consented to the publication of their names, but we did give him enough names of outstanding figures in various manufacturing divisions of the industry, among our members, to demonstrate beyond debate that we were a reputable and responsible organization, with real authority to speak for the independents. The oppression now existing in the industry, which courts have always found to be symptomatic of monopoly, is such that, in the light of your attitude as revealed by your letter, we see no reason why we should now confide our membership list to you.

But far beyond any of these questions, your letter reveals what you may have tried to conceal, that it is really our conclusions which you do not desire to publish. That is probably why you say you can not find any "constructive thinking on the present crisis" in the statement. We would be glad to debate the soundness of these conclusions with you in any forum and at any time.

For their is just one issue at stake in the radio industry. That is the issue between monopoly and free competition; the issue between those who defy the antitrust laws and those who seek their enforcement.

This letter may seem long to you. It would be if it were addressed only to you. But it is not. It is addressed also to our members to whom we feel that we owe an explanation of the policy which has prompted you to suppress the statement you asked for, after you had circularized them with the declaration that you had found no "spokesman with courage" among the independent manufacturers.

We probably do not need to tell you that other editors have not been so timid about publishing the truth in this controversy.

The battle has just begun!

Yours, for a free industry,

OSWALD F. SCHUETTE,
Executive Secretary.

"HARSH, BITTER, AND ACRIMONIOUS"

RADIO RETAILING

McGRAW-HILL PUBLISHING CO. (INC.),
Tenth Avenue at Thirty-sixth Street,
New York, N. Y., September 6, 1927.

Mr. OSWALD F. SCHUETTE,
Executive Secretary Radio Protective Association,
134 South La Salle Street, Chicago, Ill.

DEAR MR. SCHUETTE: Answering your letter of September 3, let me reiterate Radio Retailing's willingness to publish any clear-cut, straightforward statement of the position of the independent manufacturers in the patent situation, said statement to be signed by some prominent radio manufacturer whose name will carry weight with the industry.

We will not publish anything that constitutes a libelous attack on any corporation. We will publish, as I have said many times before, a clean-cut statement of the independents' position that does not indulge in what politicians would call "mud slinging."

Your statement may read all right to you, but to some one looking at it from a cold, disinterested standpoint it seems harsh, bitter, and acrimonious. We know you would not want your name to be associated with any article that read like "sour grapes."

Yours for a clean fight and a free industry,

WILLIAM C. ALLEY,
Acting Managing Editor.

TEXT OF THE SUPPRESSED STATEMENT

It would be pleasant if wars could be won with perfume and sweet language. But that the members of the Radio Protective Association may judge for themselves whether the statement prepared in their behalf is a "clear-cut, straightforward statement" of their position or "a rehash of gossip and rumors," or "hearsay," or "personalities," the text of the statement suppressed by Radio Retailing is here printed in full:

[From the Radio Protective Association, 134 South La Salle Street, Chicago]

By Oswald F. Schuette, executive secretary

The case of the so-called independent radio manufacturers against the Radio Corporation of America rests upon a vital and fundamental principle that is important to all American industry. Ever since the Sherman antitrust law was passed in 1890 attempts have been made to evade its purpose by private corporations under the pretext of patent ownership. The fundamental social doctrine of the United States, guarded zealously by its statutes and its courts, is that monopoly destroys both industry and democracy.

There is voluminous evidence in the archives of Congress and in such text compilations as Vaughn's Economics of our Patent System (MacMillan, 1925) that the concentration of control over an industry under one balance sheet stifles and suppresses the art of the industry. Developments which threaten to make existing assets obsolete are placed on the shelf and inventors find it useless to deal with the one existing customer.

PATENTS MUST PROMOTE PROGRESS

Under the Constitution of the United States, the patent laws are written to promote the progress of science and the useful arts. The patent statutes are designed to stimulate invention, and the use of patents to obtain a contrary effect is a perversion of these laws. Furthermore, the courts have held that patents do not give a license to anyone to escape the prohibitions of the Sherman and Clayton antitrust statutes, and have held, therefore, that the pooling of competing patents, resulting in the restraint of trade, is illegal.

In this light let us examine the position of the Radio Corporation of America and the independent radio manufacturers. Almost a year after the armistice, in the turmoil still existing in the Washington departments of the Government, the Radio Corporation of America came into being, and now the Radio Corporation claims it was created "at the request of the Government"! As a matter of fact, the report of the Federal Trade Commission on the radio industry, made in 1923 (p. 16), reveals that Secretary Daniels refused to sanction the Radio Corporation plan, stating that he believed in Government ownership of radio and that only Congress could authorize such a move. Apparently the officials of the War Department also refused to sanction this plan.

According to this report, when the formation of the Radio Corporation of America was first discussed with the Navy officials in the spring

of 1919 it was planned only to authorize the General Electric Co. to buy existing Marconi patents and pool them with the General Electric Co.'s inventions. This was actually accomplished in October, 1919, and the Radio Corporation was incorporated. It was not until July, 1920, that the patents of the American Telephone & Telegraph Co. and its subsidiary, the Western Electric Co., were put into the pool, and another year—in June, 1921—that the patents of the Westinghouse Electric & Manufacturing Co. and its subsidiary, the International Radio Telegraph Co., were absorbed under a series of agreements which practically divided the ownership and control of the Radio Corporation among the General Electric Co., the Westinghouse Co., and the American Telephone & Telegraph Co.

AN ILLEGAL POOL OF COMPETING PATENTS

As a result, there were pooled in the hands of the Radio Corporation approximately 1,000 radio patents and the parent companies entered into a series of agreements with the Radio Corporation and with each other that are of the greatest significance and importance to the radio industry, and to which we refer in detail hereafter.

With reference to whether the patents so pooled were competing patents, let us consider here only a few radio-circuit patents. The alleged superheterodyne, the tuned radio-frequency, and the regenerative patents were among those pooled. David A. Sarnoff, vice president of the Radio Corporation of America, in Radio Retailing for August, 1927, referring to the superheterodyne circuit declares that "it is the one element of our line that most distinguishes it from competitive radio equipment." Judge Thacher, in the Atwater Kent case, in supporting the contention of the Radio Corporation, held that the Westinghouse Co.'s Armstrong circuit, alleged to cover regeneration, was "utterly different" from the Alexanderson patent, owned by the General Electric Co. and alleged to cover tuned radio-frequency.

It certainly should not be difficult for radio engineers to conclude that among 1,000 patents there must be a number of similarly interesting examples of competitive inventions.

DISREGARDING THE ANTITRUST LAWS

As conclusive evidence of the total disregard by the Radio Corporation of America and its parent companies of this fundamental and far-reaching principle of our antitrust laws, we point to the clause recurring with startling and significant emphasis in all the agreements between the Radio Corporation of America and the parent companies and between the parent companies themselves, providing for the pooling of "all future inventions." It is hard to imagine any future radio invention which would not be competitive with what has already been developed.

Another important detail in these agreements was the careful division in the activities of the parent companies, whereby they eliminated competition among themselves. To the General Electric Co. was apportioned 60 per cent of all the manufacture of commercial receiving apparatus, including tubes. To the Westinghouse Co. was allotted 40 per cent.

The American Telephone & Telegraph Co. was given the exclusive right to all commercial activity in wireless telephony. What does this promise for the development of wireless telephony in the United States? We are still using telephone apparatus developed 30 years ago, although many improvements have been made in the art and have long been in use in Europe. Wireless-telephone service is already installed on fast German trains for the use of passengers.

Now, after all these steps toward a monopoly, we find the Radio Corporation, according to Mr. Sarnoff's interview in Radio Retailing for August, 1927, "licensing competitors under patents necessary for the type and character of sets upon which they (the competitors) have built their business." In the New York Times of August 12, 1927, Mr. Sarnoff also said that "it is the policy of the Radio Corporation to encourage legitimate competition."

TERMS OF LICENSE AGREEMENTS

Mr. Sarnoff says in the same Radio Retailing interview that the terms of the licensing agreements are well known to the radio trade. What are they? In substance a licensee agrees to pay a royalty of 7½ per cent of his invoice price of radio sets, including cabinets, speakers, socket-power equipment or batteries, and other accessories, with a minimum guarantee of $100,000 for a period of four and one-half years; this, for the privilege only—and this is of the utmost importance—of making tuned radio-frequency receivers. He is licensed to use only his present manufacturing facilities and the license agreement can not inure to the benefit of assigns, successors, or legal representatives of the licensee without the written consent of the Radio Corporation of America. In other words, consolidation and amalgamation of the licensee are at the option of the Radio Corporation of America. Mr. Sarnoff has said he intends to control the entrance of any new aggregation of capital into the radio business, and that is the meaning of this particular paragraph.

The licensee, further, must license the Radio Corporation of America, or any of the parent companies, under any patents he may have or obtain, in any field, during the term of the agreement, at a reasonable price. And if one can not be agreed upon, the value is to be fixed by the New York statute of arbitration.

THE FAMOUS "TUBE" CLAUSE

Another clause requires the licensee to purchase sufficient tubes from the Radio Corporation of America initially to actuate all the sets made by the licensee. In defending this clause, Mr. Sarnoff points out the importance of tubes in the operation of sets and adds that "the tube is the neck of the bottle in the modern radio set."

Mr. Sarnoff's metaphor is a particularly happy one: No bottle can rise higher than its neck. Under this clause in the license agreement, the Radio Corporation of America will control the type and efficiency of the sets manufactured by the licensee. Under this clause the development and engineering of the sets of the licensee will be dictated by the Radio Corporation of America. Furthermore, although Mr. Sarnoff concedes, undoubtedly by advice of counsel, the right to other manufacturers "not infringing patents" to compete for the replacement market, it needs no argument to anyone acquainted with the radio trade to prove that this clause is intended to assure to the Radio Corporation a complete monopoly of the tube business.

Mr. Sarnoff may claim that this is fostering "legitimate competition," and it is probably true that this fostering has been carefully guided by his legal department because it is obviously designed to give the Radio Corporation control of its competitors and to keep them in subservience. How many radio manufacturers in the past three years could have met an additional 7½ per cent cash outlay at the end of each radio season? How many could have paid the $100,000 a year minimum? Each year the ranks would have decreased. All the commercial uncertainties of the past are still with us, and now the licensees have the additional one of making the public pay the increased price necessitated by these royalties. No one knows better than Mr. Sarnoff the financial vicissitudes of the manufacturer of radio sets. He must therefore know of the power which the Radio Corporation of America will gain over the radio industry by its position as a creditor under these license agreements with its competitors.

RADIO CORPORATION OF AMERICA METHODS OF "FOSTERING COMPETITION"

In other words, how can the Radio Corporation of America claim that it is fostering competition by placing its competitors in a frame of mind where they must be ever conscious that they have to meet a fixed cash liability of 7½ per cent of their billings with $100,000 as the annual minimum; that their engineering must be built around the Radio Corporation of America tube characteristics and their production around Radio Corporation of America tube deliveries; that if they desire to consider their business as a realizable or negotiable asset they must keep themselves in good standing with the Radio Corporation of America?

And at all times every signatory of one of these licensing agreements must have before him the possibility that a new invention may destroy the commercial value of the tuned radio-frequency circuit, but the $100,000 a year minimum would remain in force. Even the Radio Corporation of America might embarrass its licensees by such an invention or it might put the invention on the shelf and keep the royalty income as another evidence of the power which a monopoly has to throttle the development of an industry.

So we have the picture of three of America's greatest corporations in the electrical field pooling their patents to build a radio monopoly. That is the Goliath which the independent manufacturers are called upon to meet. It has licensed such as it chooses among its competitors, and if it can carry out its program it will condemn to death by far the largest majority numerically of the manufacturers of receiving sets, as well as 75 per cent of the manufacturers of tubes, accessories, and parts. And the few it permits to remain will be compelled to live in the same subservience which it now imposes by its license agreements upon those of its competitors who pay their royalties into its treasury. If the Radio Corporation is allowed to carry out these plans, the independent dealer will be forced to go the same way as the independent manufacturer, for it is the history of monopoly that the destruction of competition makes the few dealers that remain mere hired salesmen of the trust.

HIGHER PRICES FOR SETS

So far as the listening public is concerned, the consummation of this monopoly will mean higher prices for sets. Under the battle cry of "stabilization" there will be stagnation in the development of the radio industry; under the pretense of the patent laws there will be a stifled art; in defiance of the antitrust laws there will be the destruction of competition.

The future of radio is still untouched. Before us there opens a broad vista of partially explored fields of radio science—television, wireless telephony, telephotography, broadcasting of power, the breaking down and building up of the electrons in food, the transmission of the life-giving ultra-violet rays, and the many ramifications that lead from these. Yet in all of these there is to be no commercial basis for independent or competitive development!

PURPOSES OF THE RADIO PROTECTIVE ASSOCIATION

It was to meet this crisis in the radio industry that the Radio Protective Association has been formed by the outstanding representatives

among the independent manufacturers to secure the protection of the laws for this great and growing industry; to mobilize public opinion in behalf of a free art; to appeal to Congress and the other Federal authorities at Washington, as well as to the courts, against the menace which threatens them. The Federal Trade Commission is already investigating the Radio Corporation of America. Resolutions are pending in the Senate to investigate the great aggregations of capital in holding companies in the electrical industry, and it will not be difficult to broaden these to cover the power which such an aggregation of capital could obtain, through monopoly of the radio industry, over the welfare, the happiness, and even the politics of the American people.

Mr. BLEASE. I have a chart, which I do not propose to take up the time of the Senate to read, nor am I going to try to read it, but I am going to hand it to the Senator from Washington, who has taken so much interest in this matter, and let him see, State by State and city by city, just exactly what discriminations have been made under the present law, and what some sections of this country have suffered under the present law.

The Senator from Connecticut a while ago asked the Senator from New Mexico if he was in favor of commission form of government. I am not, but I do not blame the gentlemen on the other side of the Chamber for being in favor of it, because it is a particular form of government that belongs to the Republican Party.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. BLEASE. I yield.

Mr. BINGHAM. Does not the Senator believe that there were just as many commissions formed in Washington under the eight years of the last Democratic administration as under the last eight years of Republican administration?

Mr. BLEASE. Mr. President, I guess I have but one way to answer that. First, thank God, I am not responsible for that administration. I was not a part of it, and did not have anything to do with it. Another thing, I do not think it was entirely in the hands of the Democratic Party, by any means.

Mr. BINGHAM. The Senator will at least admit that those of us who still believe in the principles laid down by Thomas Jefferson, on whichever side of the aisle we happen to sit, do not believe in the commission form of government, and have a right not to believe in it.

Mr. BLEASE. Not only a right, but it is a God-given privilege which we all ought to exercise on both sides of the aisle.

I have never believed in the commission form of government for cities. There are two, I believe, in South Carolina, and neither one of them is ever at peace. That form of government was adopted for those cities under an administration that you might call a part of the administration of the eight years to which the Senator referred, with which, I repeat, I had nothing to do, and I was not responsible for any action it took.

I am opposed to a commission form of government, and I am not delivering a lecture to the Senate, nor would I be so presumptuous as to attempt to do so, but I do think, and have thought for many years, that the American Congress has been derelict in its duty, I do not care under what President it was.

The Constitution of this country puts upon us certain powers and certain duties, and I do not think it is right for this Congress or any other Congress to delegate the lawmaking power to anybody. I do not think it is right for them to allow commissions to make rates for railroads. I do not think it is right for them to have commissions to do anything that can be considered the making of laws, rules, or regulations under which people can be tried in court and put in jail. That is distinctly the right of the American Congress. That is the right, that is the power which the makers of the Constitution intended to vest only in Congress; and if it had not been so there would not have been an executive, a judicial, and a legislative department of the Government.

I think that men should be men and vote for what they believe to be for the best interests of the people they represent and should never delegate to any man or any set of men, be they Republicans or Democrats, the power to make any rule or any law, but they should be simply to execute or carry out the laws made by the people in the House and the Senate. That is one thing that is causing us so much trouble to-day. There is another bill now pending in Congress, and I am opposed to that bill for these reasons: I am opposed to any bill—radio bill or other—in which the Congress delegates its right to make laws to a commission or to an individual.

I do not believe in judge-made law, of which we have so much in this country to-day. Legislatures pass laws and judges construe them to suit themselves. At last it is the judge making the law instead of the lawmaking body.

In other instances we have had executives who have taken it upon themselves to construe what the law is, and to carry it out according to their idea. I think we have a strong example of that now, when the President of the United States has this country at war with another country. Instead of taking out of that country the troops that are in it, he is maintaining them there, directly in violation of the Constitution of the United States.

How can we, who sometimes say so much about law, the crime wave, murders, robberies, and the other many crimes that are being committed in this country—how can we and the others who are the representatives of the people in the three different branches of this Government expect the poor man, the ignorant man, the untrained and the unlettered man, to obey the laws when he looks up and sees his President, the President's Cabinet, judges, Representatives, and Senators openly violating the law?

Mr. President, I repeat that I have had a good deal of pleasure out of this controversy this afternoon. I am glad these gentlemen have come over to my way of thinking, and realize at last that they presented a very unsatisfactory measure then. I hope that before we get through with this report they will realize another failure and go back and make it right, and save the confusion and trouble that we are likely to have for another year if something is not done now.

Now is the accepted time to give the people their rights in the radio service.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. I hope the Senator will not do that.

Mr. BLEASE. I want a full vote on this matter. I would not mind having a yea-and-nay vote.

Mr. CURTIS. Quite a number of Senators are absent and we want to have an executive session. I doubt if we could get a quorum now. I would suggest that we have an executive session and then take a recess until to-morrow.

Mr. BLEASE. I do not think we ought to vote on the conference report with so few Senators in the Chamber.

Mr. WATSON. The suggestion of the Senator from Kansas is entirely agreeable.

Mr. CURTIS. Will not the Senator from South Carolina withdraw his demand for a quorum call?

Mr. BLEASE. I withdraw it, with the understanding suggested by the Senator from Kansas.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow noon.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Friday, March 23, 1928, at 12 o'clock meridian.

UNIFICATION OF RULES RELATING TO BILLS OF LADING FOR CARRIAGE OF GOODS BY SEA

In executive session this day, on motion of Mr. BORAH and by unanimous consent, the injunction of secrecy was removed from the following convention and protocol of signature thereto:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of a convention for the unification of certain rules relating to bills of lading for the carriage of goods by sea and a protocol of signature thereto, which were signed on behalf of the United States by the American ambassador at Brussels on June 23, 1925.

The convention was also signed by representatives of Belgium, Great Britain (with reservations), France, Rumania, Poland and the Free City of Danzig, Germany, Spain, Japan (with reservations), and Italy on various dates between September 8, 1924, and September 17, 1925, and by representatives of Hungary, Estonia, and the Kingdom of the Serbs, Croats, and Slovenes during the International Conference on Maritime Law held at Brussels April 6–10, 1926. The protocol of signature was signed on behalf of all these countries except Japan.

There is also inclosed a copy of the procès-verbal of signature, giving the names of the signatories and the respective dates of

signature, to which are annexed the reservations made by the plenipotentiaries of Great Britain and Japan at the time of signing.

I invite the attention of the Senate to the accompanying report by the Acting Secretary of State concerning the purposes of this convention and certain facts relating to its origin and history.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February*.

The PRESIDENT:

The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to their transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of a convention for the unification of certain rules relating to bills of lading for the carriage of goods by sea and a protocol of signature thereto, which were signed on behalf of the United States by the American Ambassador at Brussels on June 23, 1925.

The convention was also signed by representatives of Belgium, Great Britain (with reservations), France, Rumania, Poland and the Free City of Danzig, Germany, Spain, Japan (with reservations), and Italy on various dates between September 8, 1924 and September 17, 1925, and by representatives of Hungary, Estonia, and the Kingdom of the Serbs, Croats, and Slovenes during the International Conference on Maritime Law held at Brussels, April 6–10, 1926. The Protocol of Signature was signed on behalf of all these countries except Japan.

There is also inclosed a copy of the procès-verbal of signature, giving the names of the signatories and the respective dates of signature, to which are annexed the reservations made by the plenipotentiaries of Great Britain and Japan at the time of signing.

The responsibilities and liabilities of carriers of goods by sea for loss or damage to cargoes, their duties and rights, and the responsibilities and rights of shippers as at present governed by the laws of the several countries differ greatly. The purpose of the rules incorporated in this convention, which have been in preparation for a number of years, is to establish international uniformity in these matters on a basis fair to ocean carriers, cargo owners, insurers, and bankers.

The convention substantially in its present form was drafted at the fifth session of the International Conference on Maritime Law, held at Brussels, October 17–26, 1922, at which 24 countries, including the United States, were represented by officially designated delegates. In the report which the delegates of the United States made of the proceedings of the conference, they strongly recommended the adoption of the rules contained in the convention. The 1922 draft was subsequently amended in a few minor particulars not affecting the general principles of the rules, at a meeting of the subcommittee of the conference held at Brussels in October, 1923, at which the United States was represented.

The convention in its final form and the protocol of signature thereto were opened at the Belgian foreign office on August 25, 1924, to remain open for signature for one year, or until August 25, 1925.

In anticipation of, or independently of, the signing of the convention, several bills in which the rules were incorporated were introduced in the House of Representatives in the Sixty-seventh and Sixty-eighth Congresses, with a view to the adoption of the rules by legislative action in the United States, as has been done in Great Britain. The Committee on Merchant Marine and Fisheries of the Sixty-eighth Congress held final hearings on January 28 and 29, 1925, at which the views of various interests in the United States were developed. While there was practically unanimous approval of the general principles of the rules and of the adoption of most of the provisions of them by the United States, certain amendments in detail were proposed. On February 27, 1925, the committee made a favorable report to the House on a bill in which certain of the amendments proposed were embodied. As the report of the committee was made only a few days before the adjournment of Congress, no further action was taken by Congress.

In view of the approval of the general principles of the rules which had been given by the interests affected and the importance of encouraging the movement for uniformity, as well as the strong indorsement of the rules given by the delegates of the United States to the international conference, the convention and protocol of signature were signed on behalf of the United States by the American ambassador at Brussels on June 23, 1925, within the year in which they were open for signature.

Certain of the interests which had requested modifications in the bill before the Committee on Merchant Marine and Fisheries have filed with this department objections to a number of the provisions of the rules with a view to having the United States either refrain from ratifying the convention or make reservations in connection with its ratification.

After obtaining the advice of Hon. Charles M. Hough, judge of the United States Circuit Court of Appeals, New York City, who was one of the delegates of the United States at the international conference held at Brussels in October, 1922, in regard to the objections made to the technical provisions of the rules, I have concluded that these objections would not warrant me in refraining from submitting the convention and protocol of signature to you in the usual way for transmission to the Senate.

It is, however, appropriate that I should mention that among the objections made to the department is one that contractual relations between individuals such as those which are created by bills of lading—in these proposed rules between the shipper and the ocean carrier—should be regulated in the United States by legislation in which both houses of Congress participate and not by treaty. On this point I may say that, in my opinion, the matter may legally be dealt with by treaty, which is the most certain and direct method of obtaining international uniformity. Such uniformity would be prevented to the extent to which amendments in details are made by the United States and by other countries which may follow such a precedent.

The rules in the convention cover the period of transit of goods by sea—namely, from the time of loading on the vessel to the time of discharge therefrom. In so far as regards American overseas commerce it is intended that the existing law of the United States (the Harter Act of February 13, 1893, 27 Stat. 445), shall continue to govern liabilities between shippers and carriers before goods are loaded on a vessel and after they are discharged therefrom. That fact can be made clear by an appropriate reservation if this be deemed necessary.

Respectfully submitted.

JOSEPH O. GREW,
Acting Secretary of State.

DEPARTMENT OF STATE,
Washington, February 24, 1927.

[Translation]

INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO BILLS OF LADING

The President of the German Republic, the President of the Argentine Republic, His Majesty the King of the Belgians, the President of the Republic of Chile, the President of the Republic of Cuba, His Majesty the King of Denmark, His Majesty the King of Spain, the Chief of the Estonian State, the President of the United States of America, the President of the Republic of Finland, the President of the French Republic, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the seas, Emperor of India, the Regent of the Kingdom of Hungary, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Latvia, the President of the Republic of Mexico, His Majesty the King of Norway, Her Majesty the Queen of the Netherlands, the President of the Republic of Peru, the President of the Republic of Poland, the President of the Portuguese Republic, His Majesty the King of Rumania, His Majesty the King of the Serbs, Croats, and Slovenes, His Majesty the King of Sweden, and the President of the Republic of Uruguay,

Having recognized the utility of laying down in common accord certain uniform rules relating to bills of lading have decided to conclude a Convention to that effect and have designated as their Plenipotentiaries, namely:

The President of the German Republic:
His Excellency Mr. von Keller, Minister of Germany at Brussels.
The President of the Argentine Republic:
His Majesty the King of the Belgians:
Mr. L. Franck, Minister of Colonies, President of the International Maritime Committee;
Mr. A. Le Jeune, Senator, Vice President of the International Maritime Committee;
Mr. F. Sohr, Doctor of Law, Secretary General of the International Maritime Committee; Professor at the University of Brussels.
The President of the Republic of Chile;
The President of the Republic of Cuba;
His Majesty the King of Denmark;

His Majesty the King of Spain:
His Excellency the Marquis of Villalobar and Guimarey, Ambassador of Spain at Brussels,
Chief of the Estonian State:
His Excellency Mr. Pusta, Minister of Estonia at Brussels.
The President of the United States of America:
His Excellency Mr. William Phillips, Ambassador of the United States at Brussels.
The President of the Republic of Finland:
The President of the French Republic:
His Excellency Mr. M. Herbette, Ambassador of France at Brussels.
His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the seas, Emperor of India:
His Excellency the Right Honorable Sir George Grahame, G. C. V. O., K. C. M. G., Ambassador of His Britannic Majesty at Brussels.
The Regent of the Kingdom of Hungary:
Count Olivier Woracziczky, Baron of Pabienitz, Chargé d'Affaires of Hungary at Brussels.
His Majesty the King of Italy:
Mr. J. Daneo, Chargé d'Affaires ad interim of Italy at Brussels.
His Majesty the Emperor of Japan:
His Excellency Mr. M. Adatci, Ambassador of Japan at Brussels.
The President of the Republic of Latvia:
The President of the Republic of Mexico:
His Majesty the King of Norway:
Her Majesty the Queen of the Netherlands:
The President of the Republic of Peru:
The President of the Republic of Poland:
His Excellency Count Jean Szembek, Minister of Poland at Brussels.
The President of the Portuguese Republic:
His Majesty the King of Rumania:
His Excellency Mr. Henry Catargi, Minister of Rumania at Brussels.
His Majesty the King of the Serbs, Croats and Slovenes:
Messrs. Straznicky and Verona.
His Majesty the King of Sweden:
The President of the Republic of Uruguay:
Who, duly authorized therefore have agreed on the following:

ARTICLE 1

In this convention the following words are employed with the meanings set out below:

(a) "Carrier" includes the owner of the vessel or the charterer who enters into a contract of carriage with a shipper.

(b) "Contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea; it also applies to any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such instrument regulates the relations between a carrier and a holder of the same.

(c) "Goods" includes goods, wares, merchandise, and articles of every kind whatsoever except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried.

(d) "Ship" means any vessel used for the carriage of goods by sea.

(e) "Carriage of goods" covers the period from the time when the goods are loaded on to the time they are discharged from the ship.

ARTICLE 2

Subject to the provisions of Article 6 under every contract of carriage of goods by sea the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods shall be subject to the responsibilities and liabilities, and entitled to the rights and immunities hereinafter set forth.

ARTICLE 3

1. The carrier shall be bound before and at the beginning of the voyage to exercise due diligence to—

(a) Make the ship seaworthy;

(b) Properly man, equip, and supply the ship;

(c) Make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation.

2. Subject to the provisions of Article 4 the carrier shall properly and carefully load, handle, stow, carry, keep, care for, and discharge the goods carried.

3. After receiving the goods into his charge the carrier or the master or agent of the carrier shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things:

(a) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;

(b) Either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;

(c) The apparent order and condition of the goods;

Provided that no carrier, master, or agent of the carrier shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable grounds for suspecting not accurately to represent the goods actually received or which he has had no reasonable means of checking.

4. Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraph 3 (a), (b), and (c).

5. The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

6. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading.

If the loss or damage is not apparent, the notice must be given within three days of the delivery.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

7. After the goods are loaded the bill of lading to be issued by the carrier, master, or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading, provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading. At the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted, if it shows the particulars mentioned in paragraph 3 of Article 3, it shall for the purpose of this article be deemed to constitute a "shipped" bill of lading.

8. Any clause, covenant, or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence, fault, or failure in the duties and obligations provided in this article, or lessening such liability otherwise than as provided in this convention, shall be null and void and of no effect. A benefit of insurance in favor of the carrier or similar clause shall be deemed to be a clause relieving the carrier from liability.

ARTICLE 4

1. Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy and to secure that the ship is properly manned, equipped, and supplied and to make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage, and preservation in accordance with the provisions of paragraph 1 of article 3. Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this article.

2. Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from:

(a) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship.

(b) Fire, unless caused by the actual fault or privity of the carrier.

(c) Perils, dangers, and accidents of the sea or other navigable waters.

(d) Act of God.

(e) Act of war.

(f) Act of public enemies.

(g) Arrest or restraint of princes, rulers, or people or seizure under legal process.

(h) Quarantine restrictions.

(i) Act or omission of the shipper or owner of the goods, his agent, or representative.

(j) Strikes or lockouts or stoppage or restraint of labor from whatever cause, whether partial or general.

(k) Riots and civil commotions.

(l) Saving or attempting to save life or property at sea.

(m) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods.

(n) Insufficiency of packing.

(o) Insufficiency or inadequacy of marks.

(p) Latent defects not discoverable by due diligence.

(q) Any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

3. The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault, or neglect of the shipper, his agents, or his servants.

4. Any deviation in saving or attempting to save life or property at sea or any reasonable deviation shall not be deemed to be an infringement or breach of this convention or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

5. Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding 100 pounds sterling per package or unit or the equivalent of that sum in other currency unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration if embodied in the bill of lading shall be prima facie evidence but shall not be binding or conclusive on the carrier.

By agreement between the carrier, master, or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to, or in connection with, goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading.

6. Goods of an inflammable, explosive, or dangerous nature to the shipment whereof the carrier, master, or agent of the carrier has not consented with knowledge of their nature and character may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment. If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

ARTICLE 5

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities, or to increase any of his responsibilities and liabilities under this convention provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of this convention shall not be applicable to charter parties, but if bills of lading are issued in the case of a ship under a charter-party they shall comply with the terms of this convention. Nothing in these rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

ARTICLE 6

Notwithstanding the provisions of the preceding articles, a carrier, master, or agent of the carrier and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or concerning his obligation as to seaworthiness so far as this stipulation is not contrary to public policy, or concerning the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a nonnegotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect:

Provided that this article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms, and conditions under which the carriage is to be performed are such as reasonably to justify a special agreement.

ARTICLE 7

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation, or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to, or in connection with, the custody and care and handling of goods prior to the loading on, and subsequent to the discharge from, the ship on which the goods are carried by sea.

ARTICLE 8

The provisions of this convention shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of seagoing vessels.

ARTICLE 9

The monetary units mentioned in this convention are to be taken to be gold value.

Those contracting states in which the pound sterling is not a monetary unit reserve to themselves the right of translating the sums indicated in this convention in terms of pound sterling into terms of their own monetary system in round figures.

The national laws may reserve to the debtor the right of discharging his debt in national currency according to the rate of exchange prevailing on the day of the arrival of the ship at the port of discharge of the goods concerned.

ARTICLE 10

The provisions of this convention shall apply to all bills of lading issued in any of the contracting States.

ARTICLE 11

After an interval of not more than two years from the day on which the convention is signed, the Belgian Government shall place itself in communication with the governments of the high contracting parties which have declared themselves prepared to ratify the convention, with a view to deciding whether it shall be put into force. The ratifications shall be deposited at Brussels at a date to be fixed by agreement among the said governments. The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the powers which take part therein and by the Belgian Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Belgian Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relating to the first deposit of ratifications, of the notifications referred to in the previous paragraph, and also of the instruments of ratification accompanying them, shall be immediately sent by the Belgian Government through the diplomatic channel to the powers who have signed this convention or who have acceded to it. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 12

Nonsignatory States may accede to the present convention whether or not they have been represented at the International Conference at Brussels.

A State which desires to accede shall notify its intention in writing to the Belgian Government, forwarding to it the document of accession, which shall be deposited in the archives of the said Government.

The Belgian Government shall immediately forward to all the States which have signed or acceded to the convention a duly certified copy of the notification and of the act of accession, mentioning the date on which it received the notification.

ARTICLE 13

The high contracting parties may at the time of signature, ratification, or accession declare that their acceptance of the present convention does not include any or all of the self-governing dominions, or of the colonies, overseas possessions, pro-

tectorates, or territories under their sovereignty or authority, and they may subsequently accede separately on behalf of any self-governing dominion, colony, overseas possession, protectorate, or territory excluded in their declaration. They may also denounce the convention separately in accordance with its provisions in respect of any self-governing dominion, or any colony, overseas possession, protectorate, or territory under their sovereignty or authority.

ARTICLE 14

The present convention shall take effect, in the case of the States which have taken part in the first deposit of ratifications, one year after the date of the procès-verbal recording such deposit. As respects the States which ratify subsequently or which accede, and also in cases in which the convention is subsequently put into effect in accordance with Article 13, it shall take effect six months after the notifications specified in paragraph 2 of Article 11, and paragraph 2 of Article 12, have been received by the Belgian Government.

ARTICLE 15

In the event of one of the contracting States wishing to denounce the present convention, the denunciation shall be notified in writing to the Belgian Government, which shall immediately communicate a duly certified copy of the notification to all the other States informing them of the date on which it was received.

The denunciation shall only operate in respect of the State which made the notification, and on the expiry of one year after the notification has reached the Belgian Government.

ARTICLE 16

Any one of the contracting States shall have the right to call for a fresh conference with a view to considering possible amendments.

A State which would exercise this right should notify its intention to the other States through the Belgian Government, which would make arrangements for convening the conference.

Done at Brussels, in a single copy, August 25, 1924.

For Germany:
(Signed) KELLER.
For the Argentine Republic:
For Belgium:
(Signed) LOUIS FRANCK.
(Signed) ALBERT LE JEUNE.
(Signed) SOHR.
For Chile:
For the Republic of Cuba:
For Denmark:
For Spain:
(Signed) THE MARQUIS OF VILLALOBAR.
For Estonia:
(Signed) PUSTA.
For the United States of America:
(Signed) WILLIAM PHILLIPS.
For Finland:
For France:
(Signed) MAURICE HERBETTE.
For Great Britain:
(Signed) GEORGE GRAHAME.
For Hungary:
(Signed) WORACZICZKY.
For Italy:
(Signed) GIULO DANEO.
For Japan:
(Signed) M. ADATCI.

Subject to the reservations formulated in the note relative to this treaty and appended to my letter dated August 25, 1925, to His Excellency Mr. Emile Vandervelde, Minister for Foreign Affairs of Belgium.

For Latvia:
For Mexico:
For Norway:
For the Netherlands:
For Peru:
For Poland and the Free City of Danzig:
(Signed) SZEMBEK.
For Portugal:
For Rumania:
(Signed) HENRY CATARGI.
For the Kingdom of the Serbs, Croats and Slovenes:
(Signed) Dr. MILOVAD STRAZNICKY.
(Signed) Dr. VERONA.
For Sweden:
For Uruguay:

PROTOCOL OF SIGNATURE

The high contracting parties may give effect to this convention either by giving it the force of law or by including in their national legislation in a form appropriate to that legislation, the rules adopted under this convention.

They may reserve the right:

1. To prescribe that in the cases referred to in paragraph 2 (c) to (p) of Article 4, the holder of a bill of lading shall be entitled to establish responsibility for loss or damage arising from the personal fault of the carrier or the fault of his servants which are not covered by paragraph (a).

2. To apply Article 6 in so far as the national coasting trade is concerned to all classes of goods without taking account of the restriction set out in the last paragraph of that article.

Done at Brussels, in a single copy, August 25, 1924.

For Germany:
(Signed) KELLER.
For the Argentine Republic:
For Belgium:
(Signed) LOUIS FRANCK.
(Signed) ALBERT LE JEUNE.
(Signed) SOHR.
For Chile:
For the Republic of Cuba:
For Denmark:
For Spain:
(Signed) THE MARQUIS OF VILLALOBAR.
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(Signed) SZEMBEK.
For Portugal:
For Rumania:
(Signed) HENRY CATARGI.
For the Kingdom of the Serbs, Croats and Slovenes:
(Signed) Dr. MILOVAD STRAZNICKY.
(Signed) Dr. VERONA.
For Sweden:
For Uruguay:

PROCES-VERBAL OF SIGNATURE

August 25, 1924, the international Convention for the unification of certain rules relating to bills-of-lading was opened at the Belgian Ministry of Foreign Affairs for signature by the Plenipotentiaries of the States represented at the International Conference on Maritime Law.

The signatures of the Plenipotentiaries whose names follow, have been successively received:

September 8, 1924, for Belgium,
Mr. L. FRANCK,
Mr. LE JEUNE,
Mr. SOHR.

November 15, 1924, for Great Britain,
H. E. the Right Honorable Sir GEORGE GRAHAME.

In the proceeding to the signature of the present Convention, His Excellency made, in the name of his Government, the declaration of which the terms are reproduced in an annex to the present Procès-Verbal.

February 28, 1925, for France,
H. E. M. HERBETTE.

March 12, 1925, for Roumania,
H. E. M. HENRY CATARGI.

June 23, 1925, for the United States of America,
H. E. Mr. WILLIAM PHILLIPS.

August 22, 1925, for Poland and the Free City of Danzig,
H. E. M. JEAN SZEMBEK.

August 24, 1925, for the Republic of Germany,
H. E. M. VON KELLER.

August 24, 1925, for Spain,
H. E. THE MARQUIS OF VILLALOBAR AND OF GUIMAREY.

August 25, 1925, for Japan,
H. E. M. M. ADATCI.

In proceeding to the signature of the present Convention, to the exclusion of the Protocol of Signature, His Excellency made in the name of his Government, the declaration of which the terms are reproduced in an annex to the present Procès-Verbal.

September 17, 1925, for Italy,
M. GIULIO DANÉO.
April 8, 1926, for Hungary,
COUNT WORACZICZKY.
April 10, 1926, for Estonia,
His Excellency Mr. PUSTA.
April 10, 1926, for the Kingdom of the Serbs, Croats and Slovenes,
Messrs. STRAZNICKY and VERONA.

I, the Undersigned, His Britannic Majesty's Ambassador at Brussels, on affixing my signature to the Protocol of Signature of the International Convention for the unification of certain rules relating to Bills of Lading, on this 15th day of November 1924, hereby make the following declarations by direction of my Government:

I declare that His Britannic Majesty's Government adopt the last reservation in the additional Protocol of the Bills of Lading Convention.

I further declare that my signature applies only to Great Britain and Northern Ireland. I reserve the right of each of the British Dominions, Colonies, Overseas Possessions and Protectorates, and of each of the territories over which His Britannic Majesty exercises a mandate to accede to this Convention under Article 13.

(s) GEORGE GRAHAME,
His Britannic Majesty's Ambassador at Brussels.

Brussels, this 15th day of November 1924.

At the moment of proceeding to the signature of the International Convention for the unification of certain rules relating to Bills of Lading, the undersigned, Plenipotentiary of Japan, makes the following reservations:

a) *To Article 4.*

Japan reserves to itself until further notice the acceptance of the provisions in (a) of paragraph 2 of Article 4.

b) Japan is of the opinion that the Convention does not in any part apply to national coasting trade: consequently, there should be no occasion to make it the object of provisions in the Protocol. However, if it be not so, Japan reserves to itself the right freely to regulate the national coasting trade by its own law.

(s) M. ADATCI.

BRUSSELS, *August 25, 1925.*

REVISION OF INTERNATIONAL SANITARY CONVENTION OF JANUARY 17, 1912

In executive session this day, the Senate having had under consideration Executive D, Sixty-ninth Congress, second session, an international convention signed at Paris on June 21, 1926, revising the international sanitary convention of January 17, 1912, advised and consented to its ratification, subject to the following understandings and conditions:

1. The ratification of this international sanitary convention is not to be construed to mean that the United States of America recognizes a régime or entity acting as government of a signatory or adhering power when that régime or entity is not recognized by the United States as the government of that power.

2. The participation of the United States of America in this international sanitary convention does not involve any contractual obligation on the part of the United States to a signatory or adhering power represented by a régime or entity which the United States does not recognize as representing the government of that power until it is represented by a government recognized by the United States.

3. The Government of the United States reserves to itself the right to decide whether from the standpoint of the measures to be applied a foreign district is to be considered as infected and to decide what measures shall be applied to arrival in its own ports under special circumstances.

On motion of Mr. BORAH, and by unanimous consent, the injunction of secrecy was removed from the convention, which is as follows:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith an international convention signed at Paris on June 21, 1926, revising the International Sanitary Convention of January 17, 1912.

The convention now transmitted was signed by the American plenipotentiaries subject to two declarations recited in the accompanying report of the Acting Secretary of State to me, and I recommend that the advice and consent of the Senate to ratification be given subject to them.

CALVIN COOLIDGE.

THE WHITE HOUSE, *Washington.*

The PRESIDENT:

The undersigned, Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, an international convention signed at Paris on June 21, 1926, revising the International Sanitary Convention of January 17, 1912.

The plenipotentiaries of the United States signing the convention were Dr. H. S. Cumming, Surgeon Geneal of the United States Public Health Service, and Surg. W. W. King, also of that service, who signed subject to two declarations entered in the protocol of signature, an authenticated copy of which is also furnished for transmission to the Senate. These declarations are as follows:

"The plenipotentiaries of the United States of America formally declare that their signing the International Sanitary Convention of this date is not to be construed to mean that the United States of American recognizes a régime or entity acting as Government of a signatory or adhering power when that régime or entity is not recognized by the United States as the Government of that power. They further declare that the participation of the United States of America in the International Sanitary Convention of this date does not involve any contractual obligation on the part of the United States to a signatory or adhering power represented by a régime or entity with the United States does not recognize as representing the government of that power until it is represented by a government recognized by the United States.

"The plenipotentiaries of the United States of America declare, furthermore, that their Government reserves to itself the right to decide whether from the standpoint of the measures to be applied a foreign district is to be considered as infected and to decide what measures shall be applied to arrival in its own ports under special circumstances."

It is recommended that the advice and consent of the Senate to ratification be made subject to these two declarations.

Respectfully submitted.

JOSEPH C. GREW,
Acting Secretary of State.

DEPARTMENT OF STATE,
Washington, February 23, 1927.

[Translation]

INTERNATIONAL SANITARY CONVENTION

His Majesty the King of Afghanistan; the President of the Republic of Albania; the President of the German Empire; the President of the Argentine Nation; the Federal President of the Austrian Republic; His Majesty the King of the Belgians; the President of the Republic of the United States of Brazil; His Majesty the King of the Bulgarians; the President of the Republic of Chile; the President of the Republic of China; the President of the Republic of Colombia; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Egypt; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the United States of America; Her Majesty the Queen of Ethiopa and His Imperial and Royal Highness the Prince Hereditary and Regent of the Empire; the President of the Republic of Finland; the President of the Republic of France; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the Seas, Emperor of India; the President of the Republic of Greece; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of the Hedjaz; the President of the Republic of Honduras; His Serene Highness the Regent of the Kingdom of Hungary; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the Republic of Liberia; the President of the Republic of Lithuania; Her Royal Highness Madame the Grand Duchess of Luxenbourg; His Majesty the Sultan of Morocco; the President of the Republic of Mexico; His Serene Highness the Prince of Monaco; His Majesty the King of Norway; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Majesty the Shah of Persia; the President of the Republic of Poland; the President of the Portu-

guese Republic; His Majesty the King of Rumania; the Captains Regents of San-Marino; His Majesty the King of the Serbs, Croats and Slovenes; the President of the Republic of Salvador; the Governor General Representing the Sovereign Authority of the Soudan; the Swiss Federal Council; the President of the Republic of Czechoslovakia; His Highness the Bey of Tunis; the President of the Turkish Republic; the Central Executive Committee of the Union of the Soviet Socialist Republics; the President of the Republic of Uruguay and the President of the Republic of Venezuela.

Having decided to make in the provisions of the Sanitary Convention signed at Paris on January 17, 1912, the changes that are called for by the new data of prophylactic science and experience, to set up an international set of regulations relative to exanthematous typhus and smallpox and to broaden, as far as possible, the field of application of the principles which inspired the international health regulations, have decided to conclude a convention to that effect and have appointed as their plenipotentiaries, to wit:

His Majesty the King of Afghanistan:
M. Islambek Khoudoiar Khan, Secrétaire de la Légation d'Afghanistan à Paris.

The President of the Republic of Albania:
M. le Dr. Osman, Directeur de l'Hôpital de Tirana.

The President of the German Empire:
M. Franoux, Conseiller intime de Légation à l'Ambassade d'Allemagne à Paris.
M. le Dr. Hamel, Conseiller au Ministère de l'Intérieur de l'Empire.

The President of the Argentine Nation:
M. Federico Alvarez de Toledo, Ministre d'Argentine à Paris.
M. le Dr. Abaoz Alfaro, Président du Département de l'Hygiène.
M. Manuel Carbonnel, Professeur d'hygiène à la Faculté de Médecine de Buenos-Ayres.

The Federal President of the Republic of Austria:
M. Alfred Grünberger, Ministre d'Autriche à Paris.

His Majesty the King of the Belgians:
M. Velghe, Secrétaire général du Ministère d'Intérieur et de l'Hygiène.

The President of the Republic of the United States of Brazil:
M. le Professeur Dr. Carlos Chagas, Directeur Général du Département National de la Santé publique, Directeur de l'Institut Oswaldo Cruz.
M. le Dr. Gilberto Moura Costa.

His Majesty the King of the Bulgarians:
M. Morfoff, Ministre de Bulgarie à Paris.
M. le Dr. Tochko Petroff, Professeur à la Faculté de Médecine de Sofia.

The President of the Republic of Chile:
M. Armando Quezada, Ministre du Chili à Paris.
M. le Dr. Emilio Aldunate, Professeur à la Faculté de Médecine du Chili.
M. le Dr. J. Rodriguez Barros, Professeur à la Faculté de Médecine du Chili.

The President of the Republic of China:
Le Général Yao Si-Kiou, Attaché militaire à Paris.
M. le Dr. Scie Ton-Fa, Secrétaire spécial à la Légation de Chine à Paris.

The President of the Republic of Colombia:
M. le Dr. Miguel Jimenez Lopez, Professeur à la Faculté de Médecine de Bogota, Ministre Plénipotentiaire de Colombe à Bérlin.

President of the Republic of Cuba:
M. Ramiro Hernandez Portela, Conseiller de la Légation de Cuba à Paris.
M. le Dr. Mario Lebredo, Directeur de l'Hôpital "Las Animas."

His Majesty the King of Denmark:
M. le Dr. Th. Madsen, Directeur de l'Institut des Sérums de l'État.
M. I. A. Korbing, Directeur de la Société des Armateurs réunis.

The President of the Republic of Poland, for the Free City of Danzig:
M. le Dr. Witold Chodzko, ancien Ministre de la Santé.
M. le Dr. Carl Stade, Conseiller d'État du Sénat de la Ville libre de Danzig.

The President of the Dominican Republic:
M. le Dr. Betances, Professeur à la Faculté de Médecine de Saint-Domingue.

His Majesty the King of Egypt:
Fakhry Pacha, Ministre d'Égypte à Paris.
M. le Major Charles P. Thomson, D. S. O., Président du Conseil Sanitaire Maritime et Quarantenaire d'Égypte.
M. le Dr. Mohamed Abd El Salam El Guindy Bey, deuxième Secrétaire de la Légation d'Égypte à Bruxelles, Délégué du Gouvernement Égyptien au Comité de l'Office International d'Hygiène publique.

The President of the Republic of Ecuador:
M. le Dr. J. Illingourth Ycaza.

His Majesty the King of Spain:
M. le Marquis de Faura, Ministre, Conseiller de l'Ambassade d'Espagne à Paris.
M. le Dr. Francisco Murillo y Palacios, Directeur Général de la Santé d'Espagne.

The President of the United States of America:
M. le Dr. H. S. Cumming, Surgeon General, Public Health Service.
M. le Dr. Taliaferro Clark, Senior Surgeon, Public Health Service.
Dr. W. W. King, Surgeon, Public Health Service.

Her Majesty the Queen of Ethiopia and His Imperial and Royal Highness the Prince Hereditary and Regent of the Empire:
M. le Comte Lagarde, Duc d'Entotto, Ministre Plénipotentiaire.

President of the Republic of Finland:
M. Charles Enckell, Ministre de Finlande à Paris.
M. le Dr. Oswald Streng, Professeur à l'Université d'Helsingfors.

The President of the French Republic:
Son Excellence, M. Camille Barrère, Ambassadeur de France.
M. Harismendy, Ministre Plénipotentiaire, Sous-Directeur au Ministère des Affaires Étrangères.
M. de Navilles, Sous-Directeur au Ministre des Affaires Étrangères.
M. le Dr. Calmette, Sous-Directeur de l'Institut Pasteur.
M. le Dr. Léon Bernard, Professeur à la Faculté de Médecine de Paris.

For Algeria:
M. le Dr. Lucien Raynaud, Inspecteur général des Services d'Hygiène d'Algérie.

For French West Africa:
M. le Dr. Paul Gouzien, Médecin-Inspecteur général des Troupes coloniales.

For French East Africa:
M. le Dr. Thiroux, Médecin-Inspecteur des Troupes coloniales.

For French Indo-China:
M. le Dr. L'Herminier, Dèlégué-de l'Indochine au Comité consultatif du Bureau d'Orient de la Société des Nations.
M. le Dr. Noël Bernard, Directeur des Instituts Pasteur d'Indochine.

For the States of Syria, Grand Liban, Alaouïtes and Djebel-Druse:
M. Harismendy, Ministre Plénipotentiaire, Sous-Directeur au Ministère des Affaires Etrangères.
M. le Dr. Delmas.

For all other colonies, protectorates, possessions and territories under French mandate:
M. le Dr. Audibert, Inspecteur général du Service de Santé au Ministère des Colonies.

His Majesty the King of the United Kingdom of Great Britain and Ireland and the British possession beyond the Seas, Emperor of India:
Sir George Seaton Buchanan, Kt., C. B., M. D., Médecin en chef au Ministère de l'Hygiène.
M. John Murray, C. M. G., Conseiller au Foreign Office.

For the Dominion of Canada:
M. le Dr. John Andrew Amyot, C. M. G., M. B., Directeur Général du Ministère d'Hygiène du Dominion du Canada.

For the Commonwealth of Australia:
M. le Dr. William Campbell Sawers, D. S. O., M. B., Médecin au Ministère de l'Hygiène.

For the Dominion of New Zealand:
M. le Lieutenant-Colonel Sydney Price James, M. D.

For India:
M. David Thomas Chadwick, C. S. I., C. I. E., Secrétaire due Gouvernement de l'Inde au Ministère du Commerce.
For the Union of South Africa:
M. le Dr. Philip Stock, C. B., C. B. E., Délégué au Comité de l'Office International d'Hygiène publique.

The President of the Republic of Greece:
M. Al C. Carapanos, Ministre de Grèce à Paris.
M. le Dr. Matarangas Gèrassimos.

The President of the Republic of Guatemala:
M. le Dr. Francisco A. Figueroa, Chargé d'Affaires à Paris.

The President of the Republic of Haiti:
M. le Dr. Georges Audain.

His Majesty the King of Hedjaz:
M. le Dr. Mahmoud Hamoudé, Directeur Général de la Santé Publique.

The President of the Republic of Honduras:
M. le Dr. Ruben Añdino-Aguilar, Chargé d'Affaires à Paris.

His Serene Highness the Regent of the Kingdom of Hungary:
M. le Dr. Charles Grosch, Conseiller au Ministère de la Prévoyance Sociale.

His Majesty the King of Italy:
M. le Dr. Albert Lutrario, Préfet de 1st classe.
M. le Dr. Giovanni Vittorio Repetti, Général Médecin de la Marine Royale Italienne, Directeur sanitaire du Commissariat Général de l'Emigration.
M. le Colonel de Port Odoardo Huetter, Commandant du Port de Venise.
M. Guido Rocco, Premier Secrétaire de l'Ambassade d'Italie à Paris.
M. le Dr. Cancelleiere, Vice-Préfet de lre classe.
M. le Dr. Druetti, Délégué Sanitaire à l'étranger.

His Majesty the Emperior of Japan:
M. Hajimé Matsushima, Conseiller d'Ambassade.
M. le Dr. Mitsuzo Tsurumi, Délégué de Japon au Comité de l'Office International d'Hygiène publique.

Le Président of the Republic of Liberia:
M. le Baron R. A. L. Lermann, Ministre de Libéria à Paris.
M. N. Ooms, Premier Secrétaire de la Légation.

The President of the Republic of Lithuania:
M. le Dr. Pranas Viciuska, Lieutenant général de Santé de réserve, chargé de cours à L'Université de Kaunas, Médecin en chef de la ville de Kaunas.

Her Royal Highness Madame Grand Duchess of Luxembourg:
M. le Dr. Praum, Directeur de Laboratoire Bactériologique de Luxembourg.

His Majesty the Sultan of Morocco:
M. Harismendy, Ministre Plénipotentiaire, Sous-Directeur au Ministère des Affaires étrangères.
M. le Dr. Lucien Raynaud, Inspecteur général des Services d'Hygiène d' Algérie.

The President of the Republic of Mexico:
M. le Dr. Raphaël Cabrera, Ministre du Mexique à Bruxelles.

His Serene Highness the Prince of Monaco:
M. Roussel-Despierres, Secrétaire d'Eat de S. A. S. le Prince de Monaco.
M. le Dr. Marsan, Directeur de Service d'Hygiène de la Principautè.

His Majesty the King of Norway:
M. Sigurd Bentzon, Conseiller de la Lègation de Norvège à Paris.
M. le Dr. H. Mathias Gram, Directeur Général de l'Administration Sanitaire.

The President of the Republic of Paraguay:
M. le Dr. R. V. Caballero, Chargé d'Affaires du Paraguay en France.

Her Majesty the Queen of the Netherlands:
M. Doude van Troostwyk, Ministre des Pays-Bas à Berne.
M. le Dr. N. M. Josephus Jitta, Président du Conseil d'Hygiène.
M. le Dr. de Vogel, ancien Inspecteur en chef du Service Sanitaire aux Indes Néerlandaises.
M. van der Plas, Consul des Pays-Bas à Djeddah.

The President of the Republic of Peru:
M. le Dr. Pablo S. Mimbela, Ministre Plénipotentiaire du Peru à Berne.

His Majesty the Shah of Persia:
M. le Dr. Ali-Khan Partow-Aazam, ancien Sous-Secrétaire au Ministère dl'instruction publique, Vice-Président du Conseil sanitaire et Directeur d l'Hôpital Impérial.
M. le Dr. Mansour-Charif, ancien médecin de la Famille Royale.

The President of the Republic of Poland:
M. le Dr. Witold Chodzko, ancien Ministre de la Santé.
M. Taylor, Sous-Chef du Département de Traitès.

The President of the Portuguese Republic:
M. le Professeur Ricardo Jorge, Directeur Général de la Santé publique.

His Majesty the King of Rumania:
M. le Dr. Jean Cantacuzéne, Professeur à la Faculté de Médecine de Bucarest.

The Captain Regents of San-Marino:
M. le Dr. Guelpa.

The President of the Republic of Salvador:
M. le Professeur Lardé-Arthés.

His Majesty the King of the Serbs, Croats and Slovenes:
M. Miroslav Spalaïkovitch, Ministre Plénipotentiaire à Paris.

The Governor General representing the sovereign authority of the Soudan:
M. le Dr. Oliver Francis Haynes Atkey, M. B., F. R. C. S., Directeur du Service Médical du Soudan.

The Swiss Federal Council:
M. Alphonse Dunant, Ministre de Suisse à Paris.
M. le Dr. Carriére, Directeur du Service fédéral de l'Hygiène publique.

The President of the Czechoslovak Republic:
M. le Dr. Ladislav Prochazka, Chef des Services sanitaires de la Ville de Pargue.

His Highness the Bey of Tunis:
M. le Navilles, Sous-Directeur au Ministère des Affairs Ètrangères.

The President of the Turkish Republic:
His Excellency Aly Féthy Bey, Ambassador of Turkey to Paris.

The Central Executive Committee of the Union of Soviet Socialist Republics:
M. le Professeur Nicolas Semachko, Membre du Comité Central Exécutif de l'U. R. S. S., Commissaire du Peuple pour la Santé ib; oqie de; a R. S. F. S. R.
M. Jacques Davtian, Conseiller de l'Ambassade de l'Union des Républiques Soviétistes Socialistes à Paris.
M. Vladimir Egoriew, Sous-Directeur au Commissariat du Peuple pour les Affaires Ètrangères.
M. le Dr. Ilia Mammoulia, Membre du Comité Central Exécutif de la République Socialiste Soviétiste de Géorgie.
M. le Dr. Léon Bronstein, du Commissariat du Peuple pour la Santé Publique do la République Soviétiste Socialiste de l'Ukraine.
M. le Dr. Oganes Mebournontoff, Membre du Collège du Commissariat du Peuple pour la Santé Publique de la R. S. S. de l'Uzbékistan.
M. le Dr. Nicolas Freyberg, Conseiller au Commissariat du Peuple pour la Santé Publique de la R. S. F. S. R.
M. le Dr. Aléxis Syssine, Chef du Département sanitaire et épidémiologique du Commissarjat du Peuple pour la Santé Publique de la R. S. F. S. R., Professeur à l'Université.

The President of the Republic of Uruguay:
M. A. Herosa, ancien Chargé d'Affaires de l'Uruguay à Paris.

The President of the Republic of Venezuela:
M. José Ignacio Cardenas, Ministre du Vénéquéla à Madrid et la Haye.

Who, after depositing their full powers, found to be in good and due form, have agreed to the following provisions:

PRELIMINARY PROVISIONS

For the purposes of this Convention, the high contracting parties adopt the following definitions:

1. The word *circonscription* designates a fully defined part of territory, for example: a province, a government, a district, a department, a canton, an island, a commune, a city, a city district, a village, a port, a community, et cetera, regardless of the area and population of those parts of territory.

2. The word *observation* means isolation of the persons either on board a ship or in a sanitary station before they are given free pratique.

The word *surveillance* means that the persons are not isolated, are immediately given free pratique, but are reported to the health authorities in the several places they are to visit and subjected to a medical examination by which their health condition is ascertained.

3. The word *équipage* includes all persons who are not on board for the mere purpose of being carried from one country to another, but who are employed in any capacity whatsoever in the service of the ship or persons on board, or of the cargo.

4. The word *jour* means an interval of twenty-four hours.

TITLE I. GENERAL PROVISIONS

CHAPTER I. PROVISIONS TO BE OBSERVED BY THE GOVERNMENTS OF THE COUNTRIES PARTICIPATING IN THE PRESENT CONVENTION ON THE APPEARANCE OF PLAGUE, CHOLERA, YELLOW FEVER, OR CERTAIN OTHER INFECTIOUS DISEASES IN THEIR TERRITORY

SECTION I.—*Notification and subsequent communications to other countries*

ARTICLE 1

Each Government shall immediately notify the other Governments and, at the same time the International Office of Public Hygiene;

(1) The first authentic case of plague, cholera, or yellow fever discovered in its territory;

(2) The first authentic case of plague, cholera, or yellow fever which occurs outside the limits of local areas already affected;

(3) The existence of an epidemic of typhus or of smallpox.

ARTICLE 2

Every notification prescribed in Article I shall be accompanied, or very promptly followed, by detailed information as to—

(1) Where the disease has appeared;

(2) The date of its appearance, its source and its type;

(3) The number of established cases and the number of deaths;

(4) The extent of the area or areas affected;

(5) In the case of plague, the existence of that disease or of an unusual mortality among rats;

(6) In the case of cholera, the number of germ carriers when these have been discovered;

(7) In the case of yellow fever, the presence and relative prevalence (index) of *stegomyia calopus* (*aedes Egypti*);

(8) The measures taken.

ARTICLE 3

The notifications contemplated in Articles I and II are to be addressed to the Diplomatic Missions or failing them to consular offices in the capital of the infected country and shall be held at the disposition of consular officers established in its territory.

These notifications shall also be addressed to the International Office of Public Hygiene which shall communicate them immediately to all diplomatic missions, or failing them, to the Consulates, in Paris, as well as to the principal public health authorities of the participating countries. Those prescribed under Article I shall be addressed by telegram.

The telegrams addressed by the International Office of Public Hygiene to the Governments of countries participating in the present Convention or to the principal public health authorities of these countries, and the telegrams transmitted by these Governments and by these authorities under this Convention, are treated like State telegrams and enjoy the priority accorded to such telegrams by Article V of the International Telegraphic Convention of July 10/22, 1875.

ARTICLE 4

The notification and the information contemplated in Articles 1 and 2 shall be followed by subsequent communications sent regularly to the International Office of Public Hygiene so as to keep the Governments informed of the progress of the epidemic.

These communications, which shall be as frequent and as complete as possible and shall take place at least once a week with regard to the number of cases and deaths, shall indicate in particular the precautions adopted with a view to preventing the spread of the disease. They shall specify the measures enforced upon the departure of vessels to prevent exportation of the disease, and especially the measures taken with regard to rats or insects.

ARTICLE 5

The Governments undertake to reply to any request for information which is made to them by the International Office of Public Hygiene in regard to epidemic diseases mentioned in the Convention, which occur in their territory, and in regard to circumstances likely to affect the transmission of these diseases from one country to another.

ARTICLE 6

Since rats[1] are the principal agents by which bubonic plague is spread, the Governments undertake to make use of all means in their power to diminish this danger and constantly to keep themselves informed of the condition of the rats in their ports as regards plague infection, by frequent and periodical examinations; and in particular to carry out the systematic collection and the bacteriological examination of rats in every plague-infected area, during a period of not less than six months from the finding of the last plague-infected rat.

The methods and the results of these examinations shall be communicated in ordinary circumstances at regular intervals, and in the case of plague every month, to the International Office of Public Hygiene in order that Governments may be kept uninterruptedly informed by that Office of the condition of ports in regard to plague amongst rats.

On the first discovery of plague among rats on land, in a port free from infection during the previous six months, the communications shall be sent by the most rapid ways.

ARTICLE 7

In order to facilitate the fulfilment of duties put upon it by this Convention, and having regard to the benefits derived from the information furnished by the epidemiological intelligence service of the League of Nations, including its Eastern Bureau at Singapore, and of other analogous bureaus, as well as by the Pan-American Sanitary Bureau, the International Office of Public Hygiene is empowered to make the needful arrangements with the Health Committee of the League of Nations, as well as with the Pan-American Sanitary Bureau and other similar organizations.

It stands understood that the relations established under the arrangements above indicated will not involve any derogation from the provisions of the Convention of Rome of December 9, 1907, and cannot work the effect of substituting any other sanitary body for the International Office of Public Hygiene.

ARTICLE 8

As it is of primary importance that the foregoing provisions be promptly and scrupulously complied with, the Governments recognize the necessity of giving instructions to the appropriate services in regard to the application of these provisions.

As notification is of no value unless every Government be itself informed, in good time, of cases of plague, cholera, yellow fever, typhus, or smallpox, and also of suspected cases of these diseases which occur in its territory, countries participating in the Convention undertake to make it compulsory to declare such cases.

ARTICLE 9

It is recommended that neighboring countries should make special arrangements, with the object of organizing direct exchange of information between the head of the department concerned as regards territories that are contiguous or have close commercial relations. These arrangements shall be communicated to the International Office of Public Hygiene.

SECTION II. *Conditions which warrant considering that the measures prescribed by the convention are or have ceased to be applicable to arrivals from particular areas*

ARTICLE 10

The notification of imported cases of plague, cholera or yellow fever shall not lead to the adoption of the measures prescribed in the following Chapter II in regard to arrivals from the area in which they occurred.

But the measures may be adopted when a first case of plague or yellow fever has occurred which is recognized as a non-important case, or when the cases of cholera from a *foyer*,[2] or when exanthematous typhus or smallpox exists in epidemic form.

ARTICLE 11

In order that the measures prescribed in Chapter II may be limited to places which are actually stricken, Governments must restrict their application to arrivals from defined local areas in which the diseases coming under the present Convention have appeared under the conditions indicated in the second paragraph of Article 10.

But this limitation of an infected local area must be accepted only on the express condition that the Government of the country in which this area is comprised shall take the measures necessary (1) for checking the spread of the epidemic and (2) for applying the measures prescribed by Article 13 below.

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[1] The provisions of this Convention regarding rats are applicable to the case of other rodents, and in general to other animals known to be the means of spreading plague.

[2] A "*foyer*" exists when the occurrence of new cases outside the immediate surroundings of the first cases proves that the spread of the disease has not been limited to the place where it began.

ARTICLE 12

The Government of a country in which an infected area is situated will inform other Governments and the International Office of Public Hygiene in the manner specified in Article 3, when the danger of infection from that area has ceased, and when all the preventive measures have been taken. From the time of this information the measures prescribed in Chapter II will no longer be applicable to arrivals from the area in question, except in exceptional circumstances, which must be established.

SECTION III. *Measures at the ports and on the departure of vessels*

ARTICLE 13

The competent authority shall be obliged to take effectual measures—

(1) To prevent the embarkation of persons showing symptoms of plague, cholera, yellow fever, exanthematous typhus or smallpox, and of persons in such relations with the sick as to render them liable to transmit the infection of these diseases;

(2) In the case of plague, to prevent rats gaining access to ships;

(3) In the case of cholera, to see that the drinking water and foodstuffs taken on board is wholesome, and that water taken in as ballast is disinfected if necessary;

(4) In the case of yellow fever, to prevent mosquitoes gaining access to ships;

(5) In the case of exanthematous typhus, to secure the delousing of all suspects before their embarkation;

(6) In the case of smallpox, to subject to disinfection worn garments and rags before they are compressed.

ARTICLE 14

Governments undertake to maintain in and around their large ports and, as far as possible, in and around their other ports, a sanitary service possessing an organization and equipment capable of carrying out the application of the prophylactic measures in the case of the diseases coming under this Convention and especially the measures laid down in Articles 6, 8 and 13.

The said Governments will supply at least once a year to the International Office of Public Hygiene a statement showing in the case of each of their ports the condition of its sanitary organization commensurate with the provisions of the preceding paragraph. The Office will forward such information through the proper channels to the principal health authorities of the participating countries either directly or through some other international sanitary organization in accordance with the arrangements concluded under Article 7.

CHAPTER II. MEASURES OF DEFENCE AGAINST THE DISEASES MENTIONED IN CHAPTER I

ARTICLE 15

Any ship, whatever port it comes from, may be subjected by the sanitary authority to a medical inspection, and if circumstances require it, to a thorough examination.

The sanitary measures and actions to which a ship may be subjected on arrival shall be determined by the actual condition found to exist on board and the sanitary particulars of the voyage.

It rests with each Government, taking into account the information furnished under the provisions of Section I, Chapter I, and of Article 14 of this Convention, as well as the obligations placed upon it by Section II, Chapter I, to determine what procedure is applicable in its own ports to arrivals from any foreign port, and in particular to decide whether, from the point of view of the procedure to be applied, a particular foreign port should be considered as infected.

The measures as provided in this Chapter must be regarded as constituting a maximum within the limits of which Governments may regulate the procedure to be applied to ships on their arrival.

SECTION I.—*Notification of measures prescribed*

Every Government is bound to communicate immediately to the Diplomatic Mission or, failing that, to the Consul of the infected country, residing in its capital, as well as to the International Office of Public Hygiene which shall immediately make them known to the other Governments, the measures which it considers necessary to prescribe with regard to arrivals from that country. Such information will in like manner be held at the disposition of other diplomatic or consular representatives established in its territory.

It also is bound to communicate, through the same channels, the withdrawal of these measures or any modifications thereof.

In the absence of a Diplomatic Mission or a Consulate in the capital, the communications shall be made direct to the Government of the country concerned.

SECTION II.—*Merchandise and baggage—Importation and transit*

ARTICLE 17

Subject to the provisions of the last paragraph of Article 50, the entry of merchandise and baggage arriving by land or by sea for import or for transit may not be prohibited nor may merchandise or baggage be detained at land frontiers or in ports. The only measures which may be prescribed with regard to such merchandise and baggage are specified in the following paragraphs:

(a) In the case of plague, body linen, wearing apparel and bedding which have been in recent use may be subjected to disinsectisation, and, if necessary, to disinfection.

Merchandise coming from an infected local area and likely to harbor plague-infected rats may be unloaded only on condition that the precautions necessary to prevent the escape of rats and to ensure their destruction are taken as far as practicable.

(b) In the case of cholera, body linen, wearing apparel and bedding which have been in recent use may be subjected to disinfection.

In derogation of the provisions of this Article, the importation of fresh fish, shellfish and vegetables may be prohibited unless they have undergone a treatment calculated to destroy cholera vibrios.

(c) In the case of exanthematous typhus, body linen, wearing apparel and bedding which have been in recent use, as well as rags not carried as merchandise in large quantities, may be subjected to disinsectisation.

(d) In the case of smallpox, body linen, wearing apparel and bedding which have been in recent use, as well as rags not carried as merchandise in large quantities, may be subjected to disinfection.

ARTICLE 18

It rests with the authority of the country to which the merchandise and things are consigned to decide in what manner and at what place disinfection shall be carried out and what shall be the methods adopted to secure the destruction of rats or insects (fleas, lice, mosquitos, et cetera). These operations must be performed in such a fashion as to injure articles as little as possible. Clothes and other articles of small value, including rags not carried in merchandise in large quantities, may be destroyed by fire.

It rests with each State to settle questions of compensation for damage caused by disinfection, deratisation or disinsectisation, or by the destruction of the things referred to above.

If, on account of these measures, charges are levied by the sanitary authority, either directly or indirectly through a company or an individual, the rates of these charges must be in accordance with a tariff made public beforehand and so drawn up that the State and the sanitary authority shall, on the whole, derive no profit from its application.

ARTICLE 19

Letters and correspondence, printed matter, books, newspapers, business documents, et cetera, shall not be subject to any sanitary measure. Post parcels shall be subjected to restriction only if their contents include articles on which the measures provided by Article 17 of the present Convention may be enforced.

ARTICLE 20

When merchandise or baggage has been subjected to the operations prescribed in Article 17, any interested party can require the sanitary authorities to issue a free certificate showing the measures that have been taken.

SECTION III.—*Provisions relating to emigrants.*

ARTICLE 21

The sanitary authorities in a country of emigration must subject its emigrants to a medical examination before their departure.

It is recommended that special arrangements be made between the countries of emigration, immigration and transit, with a view to laying down the conditions under which this examination shall be considered satisfactory by them, so that rejections on medical grounds at the frontier of the countries of transit and destination may be reduced to a minimum.

It is also recommended that these arrangements should determine what preventive measures against infectious diseases shall be applied to emigrants in the country of departure.

ARTICLE 22

It is recommended that, at the towns or ports of embarkation for emigrants, there should be an adequate health and sanitary administration having especially (1) a service for medical examination and treatment, as well as the necessary medical and prophylactic equipment; (2) an establishment supervised by the State where emigrants may be subjected to

the health formalities, temporarily housed, and undergo all necessary medical examinations and have their food and drinking supplies examined; (3) premises situated at the port where medical examinations shall be made at the time of the final embarkation.

ARTICLE 23

It is recommended that emigrant ships be provided with a sufficient quantity of vaccines (anti-smallpox, anti-cholera, et cetera), in order to permit, if necessary, of vaccinations during the voyage.

SECTION IV.—*Measures at ports and marine frontiers.*

A. PLAGUE

ARTICLE 24

A ship shall be regarded as *infected:*

(1) if it has a case of human plague on board;

(2) or if a case of human plague broke out more than six days after embarkation;

(3) or if plague-infected rats are found on board.

A ship shall be regarded as *suspected:*

(1) if a case of human plague broke out in the first six days after embarkation;

(2) or if investigations regarding rats have shown the existence of an unusual mortality without determining the cause thereof.

The ship shall continue to be regarded as suspicious until it has been subjected to the measures prescribed by this Convention at a suitably equipped port.

A ship shall be regarded as *uninfected*, notwithstanding its having come from an infected port if there has been no human or rat plague on board either at the time of departure, or during the voyage, or at the time of arrival, and the investigations regarding rats have not shown the existence of an unusual mortality.

ARTICLE 25

Plague-infected ships shall undergo the following measures:

(1) Medical inspection;

(2) The patients shall immediately be landed and isolated;

(3) All persons who have been in contact with the patients and those whom the health authority of the port has reason to consider suspect shall be disembarked if possible. They may be subjected to observation or surveillance, or to a period of observation followed by surveillance,[3] provided that the total duration of these measures does not exceed six days from the time of arrival of the ship.

It rests with the sanitary authority of the port, after taking into consideration the date of the last case, the condition of the ship and the local possibilities, to take that one of these measures which seems to it preferable. During the same period the crew may be prevented from going ashore except on duty made known to the sanitary authority;

(4) Bedding which has been used, and such soiled linen, wearing apparel and other articles as are, in the opinion of the sanitary authority, infected shall be disinsectised and, if there be occasion, disinfected;

(5) The parts of the ship which have been occupied by persons suffering from plague or which, in the opinion of the sanitary authority, are infected, shall be disinsectised and, if there be occasion, disinfected;

(6) The sanitary authority may order deratisation before the discharge of cargo, if it is of opinion, having regard to the nature of the cargo, and the way in which it is loaded, that it is possible to effect a total destruction of rats without removing it. In this case, the ship can not be subjected to a new deratisation after discharge. In other cases the complete destruction of rats on board must be effected when the holds are empty. In the cases of ships in ballast, this shall be done as soon as possible before taking cargo.

Destruction of rats shall be carried out so as to avoid, as far as possible, damage to the ship and cargo (if any). The operation must not last longer than twenty-four hours. All charges made in respect to these operations of deratisation as also all contingent indemnity claims, shall be settled in accordance with the principles laid down in Article 18.

If a ship is only to discharge a part of its cargo, and if the port authorities consider that it is impossible to undertake complete deratisation, the said ship shall be allowed to remain in the port for the time required to discharge that part of its cargo, provided that all precautions, including isolation, are taken to the satisfaction of the sanitary authority to prevent rats from passing from ship to shore, either with unladen goods or otherwise.

The discharge of cargo shall be carried out under the supervision of the sanitary authority, who shall take all measures necessary to prevent the men employed on this duty from becoming infected. The men shall be subjected to observation or to surveillance for a period not exceeding six days from the time when they have ceased to work at the unloading of the ship.

ARTICLE 26

Plague-suspected ships shall undergo the measures indicated in Nos. 1, 4, 5 and 6 of Article 25.

In addition, the crew and passengers may be subjected to surveillance which shall not exceed six days, reckoned from the date of the ship's arrival. The crew may be prevented during the same period from going ashore except on duty made known to the Sanitary Authority.

ARTICLE 27

Ships uninfected with plague shall be given free pratique immediately, with the reservation that the sanitary authority of the port of arrival may prescribe the following measures with regard to them:

(1) Medical inspection to determine whether the condition of the ship corresponds to the definition of a healthy ship;

(2) Destruction of rats on board under the conditions specified in 6 of Article 25 in exceptional cases and for well-founded reasons which will be communicated in writing to the Captain of the ship;

(3) The crew and passengers may be subjected to surveillance during a period which shall not exceed six days reckoned from the date on which the ship left the contaminated port. The crew may be prevented during the same period from going ashore except on duty made known to the sanitary authority.

ARTICLE 28

All ships, except those employed in national coastwise service, must be periodically deratised, or be permanently kept in such a condition that rat population is reduced to the minimum. In the first case they receive Deratisation Certificates, and in the second Deratisation Exemption Certificates.

Governments shall make known through the International Office of Public Hygiene those of their ports possessing the equipment and personnel necessary for the deratisation of ships.

A deratisation certificate or a deratisation exemption certificate shall be issued only by the sanitary authority of the aforesaid ports. The certificate shall be valid for six months. One additional month, however, may be allowed in the case of a ship proceeding to its home port.

If no valid certificate is produced, the sanitary authority at the ports mentioned in the second paragraph of this Article may after inquiry and inspection:

(a) Directly perform the deratisation of the vessel, or cause it to be done under its direction and supervision. When completed to its satisfaction it shall issue a dated *Deratisation Certificate.* It shall decide in each case what process shall be employed practically to exterminate the rats on board; particulars of the mode of deratising applied and of the number of rats destroyed must be entered on the Certificate. Destruction of rats must be accomplished in a manner that will as far as possible save the ship and cargo (if any) from injury. The operation must not last longer than 24 hours. In the case of vessels in ballast, it must be done before loading. All charges on account of these operations of deratisation and all claims, if any, for damages shall be settled according to the terms of Article 18.

(b) Issue a Deratisation Exemption Certificate stating the date and grounds if it is satisfied that the ship is maintained in such a condition that the rat population is reduced to a minimum.

The deratisation and deratisation exemption certificates shall be drawn up as far as possible in a uniform manner. Forms of such certificates will be prepared by the International Office of Public Hygiene.

The competent authority of each country undertakes each year to furnish the International Office of Public Hygiene with a statement of the measures taken under this article and the number of ships which have been subjected to deratisation, or which have been granted deratisation exemption certificates, at the ports referred to in the second paragraph of this Article.

The International Office of Public Hygiene is requested to take in accordance with Article 14 all steps for the interchange of information as to the action taken under this Article and the results obtained.

[3] In all cases where the present Convention refers to "Surveillance" the sanitary authority may substitute "Observation" as an exceptional measure in the case of persons who do not offer adequate sanitary guarantees.

Persons under observation or surveillance must submit to all clinical or bacteriological investigations which are considered necessary by the sanitary authority.

The provisions of this Article do not affect the rights accorded to sanitary authorities by Articles 24–27 of this Convention.

The Governments shall see that all requisite and practicable measures are taken by the competent authorities to accomplish the destruction of rats in ports and the dependent and neighboring ports as well as on lighters and coastwise vessels.

B. CHOLERA

ARTICLE 29

A ship shall be regarded as *infected* if there is a case of cholera on board, or if there has been a case of cholera during the five days previous to the arrival of the ship in port.

A ship shall be regarded as *suspected* if there has been a case of cholera at the time of departure or during the voyage, but no fresh case in the five days previous to arrival. The ship shall continue to be regarded as suspect until it has been subjected to the measures prescribed by the present Convention.

A ship shall be considered *uninfected* notwithstanding that it came from an infected port or that it may have on board persons proceeding from an infected area if there has been no case of cholera at the time of departure, during the voyage, or on arrival.

Cases presenting the clinical symptoms of cholera in which no cholera vibrios have been found, or in which vibrios not strictly showing the characteristics of cholera vibrio have been found, shall be subject to all measures required in the case of cholera.

Germ carriers discovered on the arrival of the ship shall be submitted after disembarkation to all the obligations which may be imposed on such a case by the laws of the country of arrival on its own nationals.

ARTICLE 30

Cholera-infected ships shall be subjected to the following measures:

(1) Medical inspection;

(2) The patients shall be immediately landed and isolated;

(3) The crew and passengers may also be landed and either be kept under observation or subjected to surveillance during a period not exceeding five days reckoned from the date of arrival.

However, persons who can show that they have been immunized from cholera by vaccination effected less than six months, and more than six days before, may be subjected to surveillance but not to observation.

(4) Bedding which has been used, soiled linen, wearing apparel and other articles, including foodstuffs, which in the opinion of the sanitary authority of the port have been recently contaminated, shall be disinfected;

(5) The parts of the vessel which have been occupied by cholera patients or which are considered by the health authorities as being contaminated, shall be disinfected;

(6) Unloading shall be carried out under the supervision of the sanitary authority, who will take all measures necessary to prevent the infection of the men engaged in unloading. They shall be subjected to observation or to surveillance which shall not exceed five days from the time when they cease unloading;

(7) When the drinking water stored on board is considered suspicious it shall be turned off after being disinfected and replaced after disinfection of the tanks by a supply of water of good quality;

(8) The health authority may prohibit the turning off without previous disinfection of water ballast if it has been taken in at an infected port;

(9) It may be forbidden to let run or throw human dejections or the residuary waters of the vessel into the waters of the port, unless they are first disinfected.

ARTICLE 31

Vessels suspected of cholera shall be subjected to the measures prescribed under Nos. (1), (4), (5), (7), (8), and (9) of Article 30.

The crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. It is recommended that the landing of the crew be prevented during the same period except for purposes connected with the service and made known to the sanitary authority of the port.

ARTICLE 32

If the ship has been declared infected or suspected only because of cases on board presenting the clinical features of cholera, and two bacteriological examinations, made with an interval of not less than 24 hours between them, have not revealed the presence of cholera or any other suspicious vibrios, it shall be classed as uninfected.

ARTICLE 33

Vessels uninfected with cholera shall be granted pratique immediately.

The health authority of the port of arrival may order in their case the measures provided under Nos. (1), (7), (8), and (9) of Article 30.

The crew and the passengers may be subjected to a surveillance not to exceed five days from the date of arrival of the ship. The landing of the crew may be forbidden during the same period except for purposes connected with the service and made known to the sanitary authority of the port.

ARTICLE 34

Since anti-cholera vaccination is a method of proved efficacy in checking cholera epidemics, and consequently in lessening the likelihood of the spread of the disease, it is recommended that sanitary administrations will, in the largest measure possible, and as often as practicable, apply specific vaccination in cholera hotbeds and grant certain advantages as regards restrictive measures to persons who agree to be vaccinated.

C. YELLOW FEVER

ARTICLE 35

A ship shall be regarded as *infected* if there is a case of yellow fever on board, or if there was one at the time of departure or during the voyage.

A ship shall be regarded as *suspected* if it had no case of yellow fever but arrives after a voyage of less than six days from an infected port or from an uninfected port in close relation with endemic centers of yellow fever, or if when it arrived having been more than six days out there is reason to believe that it may carry winged *Stegomyia* (*Aedes Egypti*) from the said port.

A ship shall be regarded as *uninfected*, notwithstanding its having come from a yellow-fever infected port if, having had no case of yellow fever on board and arrived after more than six days on the way, there is no reason to believe that it carries winged *Stegomyia*, or when it proves to the satisfaction of the sanitary authority of the port of arrival:

(a) That during its stay in the port of departure it kept at a distance of more than 200 metres from the inhabited land and at such a distance from the pontoons as to make the access of *Stegomyia* improbable;

(b) Or that at the time of departure it was subjected to effective fumigation in order to destroy mosquitoes.

ARTICLE 36

Ships infected with fellow fever shall undergo the following measures:

(1) Medical inspection;

(2) The patients shall be landed, and those of them who are in the first five days of the disease shall be isolated so as to prevent contamination by mosquitoes;

(3) The other persons who land shall be subjected to observation or surveillance not exceeding six days reckoned from the time of landing;

(4) The ship will be moored at least 200 metres from the inhabitated land and at such a distance from the pontoons as will render the access of *Stegomyia* improbable;

(5) Mosquitoes at all stages of evolution shall be destroyed on board as far as possible before discharge of cargo. If unloading takes place before the destruction of mosquitoes, the personnel in charge of that work will be subjected to observation or to surveillance for not more than six days from the time when they ceased unloading.

ARTICLE 37

Ships suspected of yellow fever may be subjected to the measures specified in (1), (3), (4), and (5) of Article 36.

Nevertheless, if the voyage has lasted less than six days if the ship meets the conditions specified under letters (a) and (b) in the subsection of Article 35 relating to uninfected ships, it shall only be subjected to the measures prescribed by Article 36, (1) and (3) and to fumigation.

When 30 days have elapsed after the departure of the ship from the infected port, and no case has occurred during its voyage, the ship may be granted free pratique subject to preliminary fumigation should the sanitary authority deem it necessary.

ARTICLE 38

Ships uninfected with yellow fever shall be granted free pratique after medical inspection.

ARTICLE 39

The measures prescribed in Articles 36 and 37 concern only those regions in which the *Stegomyia* exists, and they shall be applied with due consideration to the climatic conditions prevailing in the countries concerned and also the Stegomyian index.

In other regions they shall be applied to the extent considered necessary by the sanitary authority.

ARTICLE 40

The masters of ships which have touched at ports infected with yellow fever are specially advised to cause a search to be made for mosquitoes and their larvae during the voyage and to secure their systematic destruction in all accessible parts of the ship, particularly in the store rooms, galleys, boiler rooms, water tanks, and other places specially likely to harbor *Stegomyia*.

D. EXANTHEMATOUS TYPHUS.

ARTICLE 41

Ships which, during the voyage have had or at the time of their arrival, have a case of typhus on board, may be subjected to the following measures:

(1) Medical inspection;

(2) The patients shall immediately be landed, isolated, and deloused;

(3) Other persons reasonably suspected to harbor lice, or to have been exposed to infection, shall also be deloused, and may be subjected to surveillance for a time to be specified, but which shall never be more than 12 days, reckoned from the date of delousing;

(4) Bedding which has been used, and such linen, wearing apparel, and other articles as to the sanitary authority of the port considers to be infected shall be disinsected;

(5) The parts of the ship which have been occupied by persons ill with typhus, and that the sanitary authority regard as infected, shall be disinsected.

The ship shall immediately be given free pratique.

It rests with each Government to take after disembarkation the measures which it considers appropriate to secure the surveillance of persons who arrive on a ship which had no case of exanthematous typhus on board, but who left an area where typhus is epidemic less than 12 days before.

E. SMALLPOX

ARTICLE 42

Ships which have had a case of smallpox on board either during the voyage or at the time of arrival may be subjected to the following measures:

(1) Medical inspection;

(2) The patients shall immediately be landed and isolated;

(3) Other persons reasonably suspected to have been exposed to infection on board, and who, in the opinion of the sanitary authority, are not sufficiently protected by recent vaccination, or by a previous attack of smallpox, may be subjected to vaccination followed by surveillance, the period of surveillance being specified in each case according to the circumstances, but never to exceed 14 days, reckoned from the date of arrival;

(4) Bedding which has been used, soiled linen, wearing apparel, and other articles which the sanitary authority of the port considers to be infected, shall be disinfected;

(5) Only those parts of the ship which have been occupied by persons ill with smallpox and which the sanitary authority regards as infected shall be disinfected.

The ship shall immediately be given free pratique.

It rests with each Government to take after disembarkation the measures which it considers appropriate to secure the surveillance of persons who are not protected by vaccination and arrive on a ship that had no smallpox on board, but left an area where smallpox is epidemic less than 14 days before.

ARTICLE 43

It is recommended that ships calling in countries where smallpox is epidemic shall take all precautions possible to secure the vaccination or revaccination of the crew.

It is also recommended that governments should make vaccination and revaccination as general as possible, especially in ports and border regions.

F. COMMON PROVISIONS

ARTICLE 44

The captain and the ship's physician must answer all questions that are put to them by the sanitary authority with regard to the health of the ship during the voyage.

When the captain and the physician declare that there has not been any case of plague, cholera, yellow fever, exanthematous typhus or smallpox, and no unusual mortality among rats on the ship since the time of its departure, the sanitary authority may require them to make a solemn or sworn declaration.

ARTICLE 45

In applying the measures set forth in the preceding subsections A, B, C, D, and E the sanitary authority will take into account the presence of a physician on board and the actual preventive measures taken in the course of the voyage, especially for the destruction of rats.

The sanitary authorities of countries that find it convenient to come to an agreement on the matter may exempt from medical inspection and other measures uninfected ships carrying a physician specially commissioned by their country.

ARTICLE 46

It is recommended that Governments take into account, as to the treatment to be applied to arrivals from another country, measures taken in the latter country to combat infectious diseases and to prevent their transmission to other countries.

Ships arriving from ports which fulfill the conditions set out in Articles 14 and 51 do not derive from that alone any right to special advantages at the port of arrival, but the Governments agree to take into the fullest consideration the measures already taken in those ports, so that all the measures taken at the port of arrival with regard to ships coming from those ports shall be reduced to a minimum. To that end and in order to put shipping, commerce, and traffic to as little inconvenience as possible it is recommended that special arrangements in accordance with Article 57 of this Convention be made in all cases where it would seem advantageous to do so.

ARTICLE 47

Ships arriving from an infected area which have been submitted to sufficient sanitary measures to the satisfaction of the sanitary authority, shall not undergo those measures again on their arrival at another port, whether or not the latter belongs to the same country, provided nothing has happened since which would call for the application of the sanitary measures above referred to and the ships have not called at an infected port, except for coaling.

A ship shall not be considered as having stopped at a port when without having been in communication with the shore it has landed passengers only and their luggage and the mail, or has taken on board only mails or passengers, with or without their luggage, who have not communicated with the port or with a contaminated area. In the case of yellow fever the vessel must, in addition, have kept wherever possible not less than two hundred metres from inhabited land and at such a distance from the pontoons as to make access of *Stegomyia* improbable.

ARTICLE 48

The port authority who imposes sanitary measures shall, whenever requested, deliver to the captain, or any other interested person, a certificate specifying the nature of the measures and the methods employed, the parts of the ship treated, and the reasons why the measures have been applied.

It may also in the same way, on demand, issue free of charge to passengers who have arrived by an infected ship a certificate stating the date of their arrival and the measures to which they and their luggage have been subjected.

SECTION V.—*General Provisions.*

ARTICLE 49

It is recommended—

(1) That bills of health be issued free in all ports;

(2) That fees for consular visas be reduced by way of reciprocity, so as not to represent more than the cost of the service rendered;

(3) That the bill of health be made out in at least one of the languages known to maritime world, in addition to that of the country where it is issued;

(4) That special agreements in the spirit of Article 57 of this Convention be made with a view to doing away gradually with consular visas and bills of health.

ARTICLE 50

It is desirable that the number of ports furnished with an organization and equipment sufficient for the reception of a ship, whatever its health conditions may be, should be in each country commensurate with the importance of the trade and shipping. However, without prejudice to the right of Governments to make agreements for the establishment of common sanitary stations, every country must provide at least one port on each of its seacoasts with the above-mentioned organization and equipment.

Furthermore, it is recommended that all large seaports should be so equipped that uninfected ships at least may undergo immediately upon their arrival the prescribed sanitary measures without being sent to another port for this purpose.

Every infected or suspected ship which arrives in a port not equipped for its reception must proceed, at its own risk and peril, to one of the ports opened to ships of the category to which it belongs.

Governments shall make known to the International Office of Public Hygiene what ports are open to arrivals from ports infected with plague, cholera, or yellow fever, and in particular those open to infected or suspected ships.

ARTICLE 51

It is recommended that there be set up in large seaports:

(a) A regular port medical service, and permanent medical surveillance of the health condition of crews and of the inhabitants of the port;

(b) An outfit for the transport of the sick and suitable premises for their isolation, and for keeping suspected persons under observation;

(c) Installations necessary for efficient disinfection and disinsectisation, bacteriological laboratory, and a force prepared to attend to urgent vaccination against smallpox or against other diseases;

(d) A supply of drinking water of quality beyond suspicion for the use of the port, and a system affording all possible security for the removal of waste, filth, and waste water;

(e) A competent and adequate staff and necessary equipment for the deratisation of ships, yards, docks, and warehouses;

(f) A permanent organization for the detection and examination of rats.

It is also recommended that warehouses and docks should as far as possible be rat proof, and that the sewer system of the port be separate from that of the town.

ARTICLE 52

Governments will refrain from making any sanitary inspection of ships passing through their territorial waters[4] without stopping at the ports or on the coasts of their respective countries.

If the ship, for any reason whatever, should stop at a port or on the coast, it would be subjected to the sanitary laws and regulations of the country to which the port or coast belongs as far as permitted by international conventions.

ARTICLE 53

Special measures may be prescribed regarding any ship in an exceptionally bad sanitary condition likely to facilitate the spread of the diseases mentioned in this Convention, especially crowded ships.

ARTICLE 54

Ships unwilling to comply with obligations imposed by the port authority, in virtue of the provisions of this Convention, shall be at liberty to put out to sea.

Such ships may, however, be permitted to land goods if the ship is isolated and if the goods are subjected to the measures provided by Chapter II, Section II, of this Convention.

Such ships may also be authorized to disembark passengers at their request, on the condition that such passengers submit to the measures prescribed by the sanitary authority.

The ship, while kept isolated, may also take on fuel, stores and water.

ARTICLE 55

Each Government undertakes to have a single sanitary tariff only, which shall be published, and the charges therein shall be moderate. This tariff will be applied in ports to all ships, without distinction being made between the national and foreign flags, and to foreigners in the same conditions as to the country's own nationals.

ARTICLE 56

International coasting traffic will come under special regulations, to be agreed upon by the countries concerned. Nevertheless the provisions of Article 28 of the present Convention shall be applicable to them in all cases.

ARTICLE 57

The Governments, taking into account their peculiar situation, may conclude special agreements amongst themselves, in order to make the sanitary measures prescribed by this Convention more efficacious and less cumbersome. The text of such agreements shall be communicated to the International Office of Public Hygiene.

SECTION VI.—*Measures at land frontiers.—Travellers.—Railways—Frontier Zones—River-Ways*

ARTICLE 58

Observations shall not be established at land frontiers.

Persons showing symptoms of the diseases mentioned in this Convention alone may be detained at frontiers.

This principle does not deprive a State of the right to close a portion of its frontiers if need be. The places through which border traffic will exclusively be allowed shall be designated, and in such cases duly equipped sanitary stations shall be set up at the places thus designated. Notice of these measures shall immediately be given to the neighboring country concerned.

Notwithstanding the provisions of the present Article, persons having been in contact with a person ill with pulmonary plague may be retained at land frontiers under observation for not more than seven days reckoned from the time of arrival.

Persons who have been in contact with a person ill with exanthematous typhus may be submitted to delousing.

ARTICLE 59

In trains coming from infected areas it is important that the railway crew keep watch on the way over the state of health of the travellers.

Medical intervention shall be limited to inspection of travellers and care of the sick and the latters' companions if there be occasion. When this inspection is resorted to, it shall, as far as possible, be combined with the Custom examination in order that travellers may suffer as little delay as possible.

ARTICLE 60

Railway cars running in countries where yellow fever exists must be so arranged as to be as little suited as possible for the transport of *Stegomyia*.

ARTICLE 61

Travellers coming from an area which lies under the conditions coming under the second paragraph of Article 10 of this Convention may be subjected on arrival at their destination to surveillance for not more than six days reckoned from the date of their arrival in the case of plague, five days in the case of cholera, six days in the case of yellow fever, twelve days in the case of exanthematous typhus, or fourteen days in the case of smallpox.

ARTICLE 62

With respect to diseases coming under this Convention, Governments, notwithstanding the foregoing provisions, reserve the right in exceptional cases to take special measures in regard to certain classes of persons who do not offer satisfactory sanitary guarantees, especially persons travelling or crossing the frontier in bands. The provisions of this paragraph are not applicable to emigrants save the provisions of Article 21.

These measures may include the establishment at frontiers of sanitary stations, sufficiently equipped, to ensure the surveillance, and the observation if necessary, of the persons concerned, as well as for their medical examination, disinfection, disinsectisation and vaccination.

As far as possible, these exceptional measures should be made the subject of special arrangements between adjoining States.

ARTICLE 63

Railway cars for passengers, mails or luggage and freight cars may not be detained at the frontier.

If, however, one of the carriages is infected or has been occupied by any person suffering from plague, cholera, exanthematous typhus, or smallpox, it shall be detained all the time required to undergo the prophylactic measures indicated for each case.

ARTICLE 64

The measures concerning the crossing of frontiers by railroad and postal employees are within the province of the administrations concerned. They shall be combined so as not to hinder the service.

ARTICLE 65

The regulation of frontier traffic and questions pertaining thereto, shall be left to special arrangements between the contiguous countries in accordance with the provisions of this Convention.

ARTICLE 66

It shall be the province of the Government of the riparian Nations to regulate the sanitary régime of lakes and river routes by means of special arrangements.

TITLE II. SPECIAL PROVISIONS FOR THE SUEZ CANAL AND NEIGHBORING COUNTRIES

SECTION I.—*Measures with respect to ordinary vessels hailing from contaminated northern ports and appearing at the entrance of the Suez Canal or in Egyptian ports*

ARTICLE 67

Ordinary *uninfected* vessels hailing from a plague or cholera infected port of Europe or the basin of the Mediterranean and presenting themselves for passage through the Suez Canal shall be allowed to pass through in quarantine.

ARTICLE 68

Ordinary *uninfected* vessels wishing to make a landing in Egypt may stop at Alexandria or Port Said.

If the port of departure is contaminated by plague, Article 37 will be applicable.

If the port of departure is contaminated by cholera, Article 33 will be applicable.

The sanitary authority of the port may substitute for surveillance observation either on board or in a quarantine station.

[4] The expression "territorial waters" must be understood in its strictly juridical sense. It does not include Suez, Panama, and Kiel Canals.

ARTICLE 69

The measures to which *infected* or *suspected* vessels shall be subjected which hail from a plague or cholera infected port of Europe or the shores of the Mediterranean or the Black Sea, and which desire to effect a landing in one of the Egyptian ports or to pass through the Suez Canal, shall be determined by the Sanitary, Maritime and Quarantine Board of Egypt in conformity with the stipulations of the present Convention.

ARTICLE 70

The regulations of the Sanitary, Maritime and Quarantine Board of Egypt shall be revised with the least possible delay to conform with the stipulations of this Convention. In order to become effective, they must be accepted by the several Powers represented on the Board. They shall establish the régime to which ships, passengers and merchandise are to be subjected. They shall decide the minimum number of medical officers to be attached to each station, the method of recruitment, the salaries, and duties of such medical officers and all officials appointed to carry out under the orders of the Sanitary, Maritime and Quarantine Board of Egypt the supervision and the execution of preventive measures.

The names of the physicians and officials shall be proposed to the Egyptian Government by the Sanitary, Maritime and Quarantine Board of Egypt, through its President.

SECTION II.—*Measures in the Red Sea*

A. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE SOUTH AND APPEARING IN PORTS OF THE RED SEA OR BOUND TOWARD THE MEDITERRANEAN

ARTICLE 71

Independently of the general provisions in Title I, concerning the classification of and the régime of infected, suspected, or uninfected vessels, the special provisions contained in the ensuing articles are applicable to ordinary vessels coming from the south and entering the Red Sea.

ARTICLE 72

Uninfected ships.—Uninfected ships may pass through the Suez Canal in quarantine. When the ships is to touch at an Egyptian port:

(a) If the port of departure is infected by plague, the ship must have been six full days on the way else the passengers who land and the crews shall be kept under surveillance until the six days are completed.

Loading and unloading of cargo will be allowed with due observance of the necessary measures to prevent the landing of rats;

(b) If the port of departure is infected by cholera, the ship may receive free pratique, but every passenger or member of the crew who disembarks when five days have not elapsed since the date of departure from the infected port, will be subjected to surveillance until the completion of that time.

The sanitary authority of the port may in all cases where that authority considers it necessary, substitute observation on board or in a quarantine station for surveillance. In all cases the sanitary authority may make the bacteriological examinations which it considers necessary.

ARTICLE 73

Suspected ships.—Suspected ships having a physician on board may, if regarded by the sanitary authority as presenting sufficient guarantees, be allowed to pass through the Suez Canal in quarantine under the regulations provided for in Article 70.

When the ship is to stop at an Egyptian port:

(a) In the case of plague, the provisions of Article 6 are applicable, but surveillance may be replaced by observation;

(b) In the case of cholera, the provisions of Article 31 are applicable with the same reservation as to observation instead of surveillance.

ARTICLE 74

Infected ships.—(*a*) *Plague.*—The measures laid down in Article 25 are applicable. Where danger of infection exists, the ship may be required to moor at Moses' Wells or any other place named by the sanitary authority of the port.

Passage in quarantine may be granted before the expiration of the six days required by the regulations, if the sanitary authority of the port considers it possible.

(*b*) *Cholera.*—The measures laid down in Article 30 are applicable. The ship may be required to moor at Moses' Wells or any other place, and in case of a serious outbreak on board, may be sent off to Tor so that vaccination and, if occasion demands, the treatment of the patients may take place.

The ship cannot be authorized to pass through the Suez Canal until the sanitary authority is satisfied that the ship, passengers and crew no longer present any danger.

B. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE INFECTED PORTS OF HEDJAZ DURING THE PILGRIMAGE SEASON

ARTICLE 75

If plague or cholera prevails in Hedjaz during the time of the Mecca pilgrimage, vessels coming from the Hedjaz or from any other part of the Arabian coast of the Red Sea without having embarked there any pilgrims or similar groups of persons, and which have not had any suspicious occurrence on board during the voyage, shall be placed in the category of ordinary suspected vessels. They shall be subjected to the preventive measures and to the treatment imposed on such vessels.

If they are bound for Egypt they may undergo, in a sanitary establishment designated by the Sanitary, Maritime, and Quarantine Board, an observation of five days for cholera and six days for the plague from the date of their embarkation. They shall be subjected, moreover, to all the measures prescribed for suspected vessels (disinfection, et cetera), and shall not be granted pratique until they have passed a favorable medical examination.

It shall be understood that if the vessels have had suspicious occurrences during the voyage they shall pass the observation period at Moses Spring, which shall last five days for cholera and six days for the plague.

SECTION III.—*Organization surveillance*

ARTICLE 76

The medical inspection prescribed by the Regulations may take place at night on ships that come up to pass through the canal if lighted by electricity, and whenever the sanitary authority of the port is satisfied that the lighting facilities are adequate.

The supervision and performance of the prophylactic measures applied in the Suez Canal, and at the quarantine establishments, shall be entrusted to a corps of sanitary guards. These guards shall have the status of police officers with the right to make requisitions in cases where the sanitary regulations are infringed.

SECTION IV.—*Passage through the Suez Canal in quarantine*

ARTICLE 77

The health authority of the port of Suez shall grant the passage through in quarantine, and the Sanitary Maritime and Quarantine Board shall be immediately informed thereof. Doubtful cases shall be decided by that Board.

ARTICLE 78

As soon as the permit provided for in the preceding article is granted, a telegram shall be sent to the authority of the port named by the Captain as his next port of call and also to the port of final destination. The despatch of the telegram is at the expense of the vessel.

ARTICLE 79

Each country shall establish penalties against vessels which abandon the route indicated by the captain and unduly approach one of the ports within its territory, cases of vis major and enforced sojourn being excepted.

ARTICLE 80

Upon a vessel's being spoken, the captain shall be obliged to declare whether he has on board any gangs of native stokers or of wage-earning employees of any description who are not inscribed on the crew list or the register kept for this purpose.

The following questions in particular shall be asked the captains of all vessels arriving at Suez from the south, and shall be answered under oath or solemn declaration:

"Have you any helpers: stokers or other workmen, not inscribed on your crew list or on the special register? What is their nationality? Where did you embark them?"

The sanitary physicians shall ascertain the presence of these helpers and if they discover that any of them are missing they should carefully seek the cause of their absence.

ARTICLE 81

A health officer and at least two guards of the sanitary service shall board the vessel and accompany her to Port Said. Their duty shall be to prevent communications and see to the execution of the prescribed measures during the passage through the canal.

ARTICLE 82

All embarkations, landings, and transshipments of passengers or cargo are forbidden during the passage through the Suez Canal.

However, passengers may embark at Suez or Port Said in quarantine.

ARTICLE 83

Vessels passing through in quarantine shall make the trip from Suez to Port Said or *vice versa*, without lying up.

In case of stranding or of being compelled to lie up, the necessary operations shall be performed by the personnel on board, all communications with the employees of the Suez Canal Company being avoided.

ARTICLE 84

When troops are conveyed through the canal on suspicious or infected vessels passing through in quarantine, the trip shall be made in the daytime only. If it is necessary to stop at night in the canal, the vessels shall anchor in Lake Timsah or the Great Lake.

ARTICLE 85

Vessels passing through in quarantine are forbidden to stop in the harbor of Port Said except in the cases contemplated in articles 82 and 86.

The supply and preparation of food on board vessels shall be effected with the means at hand on the vessels.

Stevedores or any other persons who may have gone on board shall be isolated on the quarantine barge. They shall undergo the regulation measures.

ARTICLE 86

When it is absolutely necessary for vessels passing through in quarantine to take on coal or oil at Suez or Port Said, they shall perform this operation under the necessary guarantee for isolation and sanitary surveillance that may be ordered by the Sanitary, Maritime and Quarantine Board of Egypt. When it is possible to maintain a strict supervision of coaling on board the vessel and to prevent all contact with the persons on board, the coaling of the vessel by the workmen of the port may be permitted. At night the place where the coaling is done should be efficiently illuminated by electric lights.

ARTICLE 87

The pilots, electricians, agents of the Company, and sanitary guards must leave the vessel at Port Said outside of the port between the jetties, and thence conducted directly to the quarantine barge where they shall undergo the measures that may be deemed necessary.

ARTICLE 88

The war vessels hereinafter specified shall enjoy the benefits of the following provisions when passing through the Suez Canal:

They shall be recognized by the quarantine authority as uninfected upon the production of a certificate issued by the physicians on board, countersigned by the commanding officer, and affirming under oath or solemn declaration:

(a) That there has not been any case of plague or cholera on board either at the time of departure or during the passage;

(b) That a careful examination of all persons on board, without any exception, has been made less than twelve hours before the arrival in the Egyptian port, and that it revealed no case of these diseases.

These vessels shall be exempted from the medical examination and immediately receive pratique.

The quarantine authorities shall nevertheless have a right to cause their agents to perform the medical examination on board war vessels whenever they deem it necessary.

Suspicious or infected war vessels shall be subjected to the regulations in force.

Only fighting units shall be considered as war vessels, transports and hospital ships falling under the category of ordinary vessels.

ARTICLE 89

The Sanitary, Maritime, and Quarantine Board of Egypt is authorized to organize through Egyptian territory, by rail, in quarantine trains the transit of the mails and ordinary passengers coming from infected countries.

SECTION V.—*Sanitary measures applicable to the Persian Gulf.*

ARTICLE 90.

The sanitary régime established by Title I of the present Convention shall be applied, as regards vessels navigating the Persian Gulf, by the health authorities of the ports both of departure and arrival.

TITLE III. PROVISIONS SPECIALLY APPLICABLE TO PILGRIMAGES

CHAPTER I. GENERAL PROVISIONS

ARTICLE 91

The provisions of Article 13 are applicable to persons and objects bound for Hedjaz or the Kingdom of Irak and who are to be embarked on a pilgrim ship, even if the port of embarkation is not infected.

ARTICLE 92

When cases of plague or cholera or other epidemic disease exist in the port, no embarkation shall be made on pilgrim ships until after the persons, assembled in groups have been subjected to an observation for the purpose of ascertaining that none of them is stricken with those diseases.

It shall be understood that, in executing this measure, each Government may take into account the local circumstances and possibilities.

In the case of cholera the persons agreeing to being vaccinated there and then by the physician of the sanitary authority shall be submitted to the medical inspection only at the time of the vaccination. They shall not be required to submit to the observation provided for in this article.

ARTICLE 93

Pilgrims must be provided with a round trip ticket or have deposited sufficient money for the return journey, and, if circumstances permit, prove that they command the means necessary for the accomplishment of the pilgrimage.

ARTICLE 94

Only mechanically propelled ships shall be permitted to carry pilgrims on long voyages.

ARTICLE 95

Pilgrim ships that are Red Sea coasters intended for short passages known as "coasting voyages" shall be subject to the provisions in the special regulations published by the Sanitary, Maritime and Quarantine Board of Egypt.

ARTICLE 96

A ship, which, in addition to ordinary passengers, among whom pilgrims of the upper classes may be included, carries pilgrims in less proportion than one pilgrim per 100 tons gross, shall not be considered a pilgrim-ship.

This exemption applies only to the ship, and the pilgrims carried therein, irrespective of class, shall remain subject to all measures prescribed for them in this Convention.

ARTICLE 97

The captain or the agent of the shipping company, as the sanitary authority may elect, must pay all sanitary taxes that may be levied on pilgrims. These taxes must be included in the price of the ticket.

ARTICLE 98

As far as possible, pilgrims who embark or disembark at sanitary stations must have no contact with one another at the landing-places.

Pilgrims who are landed must be distributed at the camp in as small groups as possible.

They must be supplied with good drinking water, obtained either from local sources or by distillation.

ARTICLE 99

Victuals brought by pilgrims shall be destroyed if the sanitary authority considers it necessary.

CHAPTER II. PILGRIM—SHIPS—SANITARY STATIONS

SECTION I.—*General Conditions Applying to Ships*

ARTICLE 100

The ships must be capable of accommodating the pilgrims in the between-decks. Outside of the space reserved for the crew, it must provide for each person, irrespective of age, an area of 1.50 square metres, i. e. 16 English square feet, and a height between-decks of at least 1.80 metres, i. e. about 6 English feet.

It is forbidden to accommodate pilgrims under the first between-decks, that is below the water line.

Satisfactory ventilation must be ensured and below the upper between-deck must be supplemented by mechanical ventilation.

In addition to the space reserved for pilgrims, the ship must provide, on the upper deck, for each person, irrespective of age, a free area of not less than 0.56 square metres, i. e. about 6 English square feet, in addition to the area upon the upper deck reserved for temporary hospital, the crew, shower baths, and latrines, and for the working of the ship.

ARTICLE 101

On deck places must be set apart, screened from view, of which a sufficient number must be for the exclusive use of women.

These places shall be provided with water pipes under pressure, and provided with taps or douches in such a way as to furnish at all times sea water for the use of the pilgrims even if the ship is lying at anchor.

There shall be one tap or douche for every hundred or fraction of 100 pilgrims.

ARTICLE 102

The vessel must be provided, in addition to closets for the crew, with latrines, fitted with a flushing apparatus or with a water tap.

Some of these latrines shall be reserved exclusively for women.

Latrines must be in the proportion of two per 100 pilgrims, or fraction of 100.

There must be no water closets in the hold.

ARTICLE 103

The vessel must have two places for cooking set apart for the use of the pilgrims.

ARTICLE 104

Infirmaries meeting proper conditions of safety and wholesomeness must be reserved for the accommodation of the sick. They must be on the main deck unless in the opinion of the sanitary authority equally healthy accommodations can be provided elsewhere.

They must be constructed so as to allow persons suffering from infectious diseases and persons who have been in contact with them, to be isolated according to the nature of their illness.

The infirmaries, including temporary infirmaries, must be capable of accommodating at the rate of 3 square metres, i. e. about 32 English square feet per patient, not less than 4 per 100 or fraction of 100 of the pilgrims taken on board.

The infirmaries must be provided with special latrines.

ARTICLE 105

Every vessel shall have on board the medicines, disinfectants, and articles necessary for the care of the sick. The regulations made for this kind of vessels by each Government shall determine the nature and quantity of the medicines. Every vessel must also carry the needful immunizing agents, especially cholera and smallpox vaccines. The care and the remedies shall be furnished free of charge to the pilgrims.

ARTICLE 106

Every vessel embarking pilgrims shall have on board a physician holding a regular diploma who must be acceptable to the Government of the country of the first port in which pilgrims embarked on the outward journey. A second physician meeting the same conditions shall be embarked as soon as the number of pilgrims carried by the vessel exceeds one thousand.

ARTICLE 107

The captain shall be obliged to have handbills posted on board in a position which is conspicuous and accessible to those interested. They shall be in the principal languages of the countries inhabited by the pilgrims embarked, and show:

1. The destination of the vessel;
2. The price of the ticket;
3. The daily ration of water and food allowed to each pilgrim according to the regulations of the country of origin;
4. A price list of victuals not comprised in the daily ration and to be paid for extra.

ARTICLE 108

The heavy baggage of the pilgrims shall be registered and numbered. The pilgrims will be allowed to keep with them only such articles as are absolutely necessary. The regulations made by each Government for its vessels will determine the nature, quantity, and dimensions of the said articles.

ARTICLE 109

Extracts from the provisions of Chapters I, II (sections I, II and III), and III of the present Title shall be posted, in the form of regulations, in the language of the nationality of the vessel as well as in the principal language of the countries inhabited by the pilgrims embarked, in a conspicuous and accessible place on each deck and between decks on every vessel carrying pilgrims.

SECTION II.—*Measures to be taken before departure*

ARTICLE 110

At least three days before departure the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must declare his intention to embark pilgrims to the competent authority of the port of departure. In ports of call the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must make this same declaration twelve hours before the departure of the vessel. This declaration must indicate the intended day of sailing and the destination of the vessel.

ARTICLE 111

Upon the declaration prescribed by the preceding article being made, the competent authority shall proceed to the inspection and measurement of the vessel at the expense of the captain.

The inspection only shall be made if the captain is already provided with a certificate of measurement issued by the competent authority of his country, unless it is suspected that the document no longer corresponds to the actual state of the vessel.

ARTICLE 112

The competent authority shall not permit the departure of a pilgrim ship until he has ascertained:

(a) That the vessel has been put in a state of perfect cleanliness and, if necessary, disinfected;

(b) That the vessel is in a condition to undertake the voyage without danger; that she is provided with the necessary plant and appliances for use in case of shipwreck, accident or fire, particularly a wireless apparatus for sending and receiving messages, that may be operated independently of the main engine-room; that she carries a sufficient number of life-saving devices; that she is properly outfitted, appointed, ventilated, and provided with awnings of sufficient thickness and size to shelter the decks, and that there is nothing on board that is or may become injurious to the health or safety of the passengers;

(c) That, in addition to the stores for the vessel and the crew, there are provisions and fuel of good quality on board in places where they can be suitably stored and in sufficient quantity for all the pilgrims and for the entire duration of the voyage;

(d) That the drinking water taken on board is of good quality; that there is a sufficient quantity thereof; that the tanks of drinking water on board are protected against all tainting and closed in such a way that the water can only be let out through the stop cocks or pumps. The devices for letting water out called "suckers" are absolutely forbidden;

(e) That the vessel has a distilling apparatus capable of producing at least 5 liters of water per head each day for every person embarked, including the crew;

(f) That the vessel has a disinfecting chamber whose safety and efficiency have been ascertained by the health authority of the port of embarkation of the pilgrims;

(g) That the crew comprises a physician holding a diploma and as well informed as possible on questions of maritime health and exotic pathology, and who must be acceptable to the Government of the first port where pilgrims embarked on the outward journey, and that the vessel has a supply of medicines in accordance with Article 105;

(h) That the deck of the vessel is free from all cargo and other incumbrances;

(i) That the arrangements of the vessel are such that the measures prescribed by Section III hereinafter may be executed.

ARTICLE 113

The captain shall not sail until he has in his possession:

1. A list viséed by the competent authority and showing the name and sex, of the pilgrims who have been taken on board, and total number of the pilgrims whom he is authorized to embark;

2. A document stating the name, nationality, and tonnage of the vessel, the name of the captain and of the physician, the exact number of persons embarked (crew, pilgrims, and other passengers), the nature of the cargo, and the port of departure.

The competent authority shall indicate on the bill of health whether the number of pilgrims allowed by the regulations is reached or not, and, in case it is not reached, the additional number of passengers which the vessel is authorized to embark in subsequent ports of call.

SECTION III.—*Measures to be taken during the passage*

ARTICLE 114

The deck intended for the pilgrims shall remain free from encumbering objects during the voyage and shall be reserved day and night for the persons on board and be placed gratuitously at their service.

ARTICLE 115

Every day the space between decks shall be cleaned carefully and scrubbed with sand while the pilgrims are on deck.

ARTICLE 116

The latrines intended for the passengers as well as those for the crew shall be kept neat and be cleansed and disinfected three times a day, and oftener if needed.

ARTICLE 117

The excretions and dejections of persons showing symptoms of plague or cholera, dysentery or any other disease preventing their using the infirmary latrines shall be collected in vessels containing a disinfecting solution. These vessels shall be emptied into the infirmary latrines which shall be thoroughly disinfected after each projection of matter.

ARTICLE 118

Articles of bedding, carpets, and clothing which have been in contact with the patients mentioned in the preceding article shall be immediately disinfected. The observance of this rule is especially recommended with regard to the clothing of persons who come near to these patients and which may have become soiled.

Such of the articles mentioned above as have no value shall be thrown overboard, if the vessel is neither in a port nor a canal, or else destroyed by fire. The others shall be disinfected as directed by the ship physician.

ARTICLE 119

The quarters occupied by the patients and referred to in Article 104 shall be thoroughly and regularly disinfected.

ARTICLE 120

The quantity of drinking water allowed daily to each pilgrim free of charge, whatever be his age, shall be at least 5 liters.

ARTICLE 121

If there is any doubt about the quality of the drinking water or any possibility of its contamination either at the place of its origin or during the course of the voyage, the water shall be boiled or otherwise sterilized, and the captain shall be obliged to throw it overboard at the first port in which a stop is made and in which he is able to procure a better supply. He may only take it on board after the tanks shall have been disinfected.

ARTICLE 122

The physician shall examine the pilgrims, attend the patients, and see that the rules of hygiene are observed on board. He shall especially:

1. Satisfy himself that the provisions dealt out to the pilgrims are of good quality, that their quantity is in conformity with the obligations assumed, and that they are suitably prepared;

2. Satisfy himself that the requirements of article 120 relative to the distribution of water are observed;

3. If there is any doubt about the quality of the drinking water, remind the captain in writing of the provisions of Article 121;

4. Satisfy himself that the vessel is maintained in a constant state of cleanliness, and especially that the latrines are cleaned in accordance with the provisions of Article 116;

5. Satisfy himself that the lodgings of the pilgrims are maintained in a healthful condition, and that, in case of transmissible disease, they are disinfected in conformity with Article 119;

6. Keep a diary of all the sanitary incidents occurring during the course of the voyage and present on request this diary to the competent authority of the port of call or arrival.

ARTICLE 123

The persons intrusted with the care of patients suffering with the plague, cholera or other diseases shall alone have access to them and shall have no contact with the other persons on board.

ARTICLE 124

In case of a death occurring during the voyage, the captain shall make note of the death opposite the name on the list viséed by the authority of the port of departure, besides entering on his journal the name of the deceased person, his age, where he comes from, the presumable cause of his death according to the physician's certificate, and the date of the death.

In case of death by a transmissible disease, the body shall be wrapped in a shroud saturated with a disinfecting solution and thrown overboard.

ARTICLE 125

The captain shall see that the prophylactic measures executed during the voyage are recorded in the ship's journal. This journal shall be presented by him to the competent authority of the port of arrival.

In each port of call the captain shall have the list prepared in accordance with Article 113 viséed by the competent authority.

In case a pilgrim is landed during the course of the voyage, the captain shall note the fact on the list opposite the name of the pilgrim.

In case of an embarkation, the persons embarked shall be mentioned on this list in conformity with the aforementioned Article 113 and before it is viséed again by the competent authority.

ARTICLE 126

The bill of health delivered at the port of departure shall not be changed during the course of the voyage. If this requirement is not complied with, the vessel may be treated as an infected vessel.

It shall be viséed by the health authority of each port of call, who shall note thereon:

1. The number of passengers landed or embarked in that port;

2. The incidents occurring at sea and affecting the health or life of the persons on board;

3. The sanitary condition of the port of call.

SECTION IV.—*Measures to be taken on the arrival of pilgrims in the Red Sea*

A. SANITARY MEASURES APPLICABLE TO PILGRIM SHIPS BOUND FROM THE SOUTH TOWARD HEDJAZ

ARTICLE 127

Pilgrim ships hailing from the south and bound for Hedjaz shall first stop at the sanitary station of Camaran, where they shall be subjected to the measures prescribed in the following articles.

ARTICLE 128

Vessels recognized as *uninfected* after a medical inspection shall obtain pratique when the following operations are completed:

The pilgrims shall be landed; take a shower or sea bath; and there soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours. Provided the time limit be not exceeded, the sanitary authority may perform such bacteriological examinations as may be deemed necessary.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed toward Jeddah.

Vessels found, on medical inspection, to be uninfected shall not undergo the measures prescribed hereinabove, if the following conditions are fulfilled:

(1) All pilgrims on board have been immunized against cholera and smallpox;

(2) The requirements of this Convention have been strictly followed;

(3) There is no reason to doubt the declaration of the captain and doctor of the ship to the effect that no case of plague, cholera or smallpox has occurred on board, either at the time of departure or during the voyage.

For plague, the provisions of Article 27 shall be applied with regard to the rats which may be found on board the vessels.

ARTICLE 129

Suspicious vessels on board of which there were cases of plague in the six days following the embarkation and on board of which an unusual mortality of rats is discovered or cases of cholera at the time of departure but no new case in the last five days, shall be treated in the following manner:

The pilgrims shall be landed; take a shower or sea bath; and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected; the parts of the vessel that have been occupied by the patients shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours. Provided this period is not exceeded, such bacteriological examination as may be considered necessary by the sanitary authority may be made.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed to Jeddah.

For plague, the provisions of Article 26 shall be applicable with regard to the rats which may be found on board.

ARTICLE 130

Infected vessels, that is, those having cases of plague or cholera on board or having had cases of plague more than six days after embarkation, or cholera on board within five days, or on board of which rats infected by plague have been discovered, shall undergo the following treatment:

The persons stricken with plague or cholera shall be landed and isolated at the hospital. The other passengers shall be landed and isolated in groups comprising as few persons as possible, so that the whole number may not suffer with and for a particular group in which plague or cholera should develop.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected.

However the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need be disinfected.

The passengers shall remain in the Camaran establishment five or six days according as whether the case is plague or cholera. If a new case should occur after disembarkation, the period of observation shall be extended by five days for cholera and six days for plague, to date from the isolation of the last case.

For plague, the measures prescribed by Article 25 shall be applied with regard to the rats, which may be found on board the vessels.

When these operations have been completed, the ship, having reembarked its pilgrims, shall be sent to Jeddah.

ARTICLE 131

Ships, to which Articles 128, 129, and 130 apply, will be subject to medical inspection on board on arrival at Jeddah.

If the result is favorable, the ship shall receive free pratique.

If, on the other hand, well established cases of plague or cholera have occurred on board during the voyage, or at the time of arrival at Jeddah, the sanitary authority of the Hedjaz may take all necessary measures subject to the provisions of Article 54.

ARTICLE 132

Every sanitary station designed to receive pilgrims should be provided with a trained, experienced, and sufficiently numerous staff, as well as with all the buildings and apparatus necessary to insure the application, in their entirety, of the measures to which said pilgrims are subject.

B. SANITARY MEASURES APPLICABLE TO PILGRIM SHIPS HAILING FROM NORTH OF PORT SAID AND BOUND TOWARD HEDJAZ

ARTICLE 133

If plague or cholera is not found to exist in the port of departure or its neighborhood, and if no case of plague or cholera has occurred during the passage, the vessel shall be immediately granted pratique.

ARTICLE 134

If plague or cholera is known to exist in the port of departure or its vicinity, or if a case of plague or cholera has occurred during the voyage, the vessel shall be subjected at Tor to the rules established for vessels coming from the south and stopping at Camaran. The vessels shall thereupon be granted pratique.

SECTION V.—*Measures to be taken upon the return of pilgrims.*

A. PILGRIM SHIPS RETURNING NORTHWARD

ARTICLE 135

Every vessel bound for Suez or for a Mediterranean port, having on board pilgrims or similar masses of persons, and hailing from a port of Hedjaz or from any other port on the Arabian coast of the Red Sea, must repair to Tor in order to undergo there the observation and the sanitary measures indicated in Articles 140 to 142.

ARTICLE 136

Pending the creation at the port of Akaba of a quarantine station meeting the requirements, pilgrims going from the Hedjaz to Akaba by sea shall undergo the necessary quarantine measures at Tor before landing at Akaba.

ARTICLE 137

Vessels bringing pilgrims back toward the Mediterranean shall pass through the canal in quarantine only.

ARTICLE 138

The agents of navigation companies and captains are warned that, after completing their observation period at the sanitary station of Tor, the Egyptian pilgrims will alone be permitted to leave the vessel permanently in order to return thereupon to their homes.

Only those pilgrims will be recognized as Egyptians or as residents of Egypt who are provided with a certificate of residence issued by an Egyptian authority and conforming to the established model.

Pilgrims other than Egyptians, can not be landed in an Egyptian port after leaving Tor, except by special permit under special conditions imposed by the Egyptian health authority, in accord with the Sanitary, Maritime and Quarantine Board of Egypt. Consequently, navigation agents and captains are warned that the transshipment of pilgrims not residents of Egypt at Tor, Suez, Port Said, or Alexandria is forbidden except under a special permit for each case.

Vessels having pilgrims on board who are not Egyptian nationals shall be subject to the rules applicable to these pilgrims and shall not be received in any Egyptian port of the Mediterranean.

ARTICLE 139

Egyptian pilgrims shall undergo an observation of three days and a medical examination and if there be occasion, disinfection and disinsectisation at Tor, or any other station designated by the Sanitary, Maritime and Quarantine Board of Egypt, pilgrims shall not be permitted to enter any Egyptian port in the Mediterranean.

ARTICLE 140

If plague or cholera is found to exist in Hedjaz or in the port from which the vessel hails, or if it has existed in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for infected vessels.

The persons stricken with plague or cholera shall be landed and isolated in the hospitals. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not suffer with any particular group in which the plague or cholera should develop.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the baggage and cargo suspected of contamination shall be landed and disinfected. Their disinfection as well as that of the vessel shall be thorough.

However, the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need undergo disinfection.

The measures provided in Article 25 shall be applied with regard to the rats which may be found on board.

All the pilgrims shall be subjected to an observation of six full days from the day on which the disinfecting operations are completed, in the case of plague and five days in the case of cholera. If a case of plague or cholera has appeared in one section, the period of six or five days shall not begin for this section until the day on which the last case was discovered.

ARTICLE 141

In the case contemplated in the preceding article, the Egyptian pilgrims shall be subjected, besides, to an additional observation of three days.

ARTICLE 142

If plague or cholera is not found to exist either in Hedjaz or in the port from which the vessel hails, and has not been known to exist in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for uninfected vessels.

The pilgrims shall be landed and take a shower or sea bath, and their soiled linen or the part of their wearing apparel and baggage which may appear suspicious in the opinion of the health authority shall be disinfected. The duration of these operations shall not exceed seventy-two hours.

However, a pilgrim ship, if it has had no plague or cholera patients during the course of the voyage from Djeddah to Yambo or Tor and if the individual medical examination made at Tor after debarkation establishes the fact that it contains no such patients, may be authorized by the Sanitary Maritime and Quarantine Board of Egypt to pass through the Suez Canal in quarantine even at night when the following four conditions are fulfilled:

1. Medical attendance shall be given on board by one or several physicians graduated and duly accepted;
2. The vessel shall be provided with disinfecting chambers in good working order;
3. It shall be shown that the number of pilgrims does not exceed that authorized by the pilgrimage regulations;
4. The captain shall bind himself to repair directly to the port which he names as his next call port.

The sanitary tax to be paid to the Quarantine administration shall be the same as the pilgrims would have paid had they remained in quarantine three days.

ARTICLE 143

A vessel which has had a suspicious case on board during the voyage from Tor to Suez may be sent back to Tor.

ARTICLE 144

The transshipment of pilgrims is strictly forbidden in Egyptian ports except by special permit and on the conditions laid by the Egyptian Sanitary authority in accord with the Maritime Sanitary and Quarantine Board of Egypt.

ARTICLE 145

Vessels leaving Hedjaz and having on board pilgrims who are bound for a port on the African shore of the Red Sea shall proceed directly to the quarantine station named by the territorial authority to which that port belongs, where they shall submit to the same quarantine procedure as at Tor.

ARTICLE 146

Vessels sailing from Hedjaz or from a port on the Arabian coast of the Red Sea, in which neither the plague nor cholera prevails, which have no pilgrims or similar groups of people on board, and have had no suspicious occurrence during the voyage, shall be granted pratique at Suez after a favorable medical inspection.

ARTICLE 147

Passengers coming from the Hedjaz who have accompanied the pilgrimage shall be subject to the same measures as pilgrims. The appellation of merchant or any other will not exempt them from the measures applicable to the pilgrims.

B. RETURNING PILGRIMS GOING NORTH BY CARAVAN

ARTICLE 148

Whatever the sanitary condition in the Hedjaz may be, pilgrims travelling by caravan must repair to one of the quarantine stations upon their route, there to undergo according to circumstances the measures prescribed by Articles 140 or 142 for pilgrims who have been landed.

C. PILGRIMS RETURNING SOUTHWARD

ARTICLE 149

In the event of the pilgrimage being infected, pilgrim-ships, returning to places south of the Straits of Bab-el-Mandeb, may be required, by directions of the Consular Authority of the countries to which the pilgrims are going to stop at Camaran and there undergo medical inspection.

SECTION VI.—*Measures applicable to pilgrims travelling by the Hedjaz Railway*

ARTICLE 150

The Governments of the countries through which the Hedjaz railway passes shall make all necessary arrangements to organize the sanitary supervision of pilgrims during their journey to the Holy Places, and the application of prophylactic measures in order to prevent the dissemination of infectious diseases presenting epidemic features bearing in mind the principles of the present Convention.

SECTION IV.—*Sanitary information concerning the pilgrimage*

ARTICLE 151

The Sanitary Maritime and Quarantine Board of Egypt will transmit periodically, and if occasion arises, by the speediest route, to the sanitary authorities of all the countries interested, and concurrently, to the International Office of Public Hygiene under the conditions provided by this convention, all sanitary information and reports that may come to its knowledge during the pilgrimage concerning the sanitary condition of the Hedjaz and the countries through which the pilgrims pass. It will also get up an annual report which shall be sent to the said authorities and the International Office of Public Hygiene.

CHAPTER III. SANCTIONS

ARTICLE 152

Every captain convicted of not having conformed, in the distribution of water, provisions, or fuel, to the obligations assumed by or for him, shall be liable to a fine of not more than fifty francs (gold) for every failure. This fine shall be collected for the benefit of the pilgrim who shall have been the victim of the default, and who shall prove that he has vainly demanded the execution of the agreement made.

ARTICLE 153

Every infraction of Article 107 shall be punished by a fine of not more than 750 francs (gold).

ARTICLE 154

Every captain who has committed or knowingly permitted any fraud whatever concerning the list of pilgrims or the bill of health provided for in Article 113 shall be liable to a fine of not more than 150 francs (gold).

ARTICLE 155

Every captain of a vessel arriving without a bill of health of the port of departure, or without a visé of the ports of call, or who is not provided with the list required by the regulations and regularly kept in accordance with Article 113 and Articles 125 and 126, shall be liable in each case to a fine of not more than three hundred francs (gold).

ARTICLE 156

Every captain convicted of having or having had on board more than 100 pilgrims without the presence of a graduated physician according to the provisions of Article 106 shall be liable to a fine of not more than 7500 francs (gold).

ARTICLE 157

Every captain convicted of having or having had on board a greater number of pilgrims than that which he is authorized to embark according to the provisions of subsection 1 of Article 113 shall be liable to a fine of not more than 125 francs (gold) for each pilgrim in excess.

The pilgrims in excess of the regular number shall be landed at the first station at which a competent authority resides, and the captain shall be obliged to furnish the landed pilgrims with the money necessary to pursue their voyage to their destination.

ARTICLE 158

Every captain convicted of having landed pilgrims at a place other than their destination, except with their consent, or excepting cases of *vis major*, shall be liable to a fine of not more than 500 francs (gold) for each pilgrim wrongfully landed.

ARTICLE 159

All other infractions of the provisions relative to pilgrim ships are punishable by a fine of not less than 250 nor more than 2500 francs (gold).

ARTICLE 160

Every violation proven in the course of a voyage shall be noted on the ship's papers as well as on the list of pilgrims. The competent authority shall draw up a report thereof and deliver it to the proper party.

Contraventions of Articles 152 to 159 inclusive will be certified by the sanitary authority of the port at which the ship has called.

Penalties will be imposed by the competent authority.

ARTICLE 161

All agents called upon to assist in the execution of the provisions of the present Convention with regard to pilgrim ships are liable to punishment in conformity with the laws of their respective countries in case of faults committed by them in the application of the said provisions.

TITLE IV. SURVEILLANCE AND EXECUTION

I. SANITARY, MARITIME, AND QUARANTINE BOARD OF EGYPT

ARTICLE 162

The Stipulations of Appendix III of the Sanitary Convention of Venice of January 30, 1892, concerning the composition, powers and duties, and operation of the Sanitary, Maritime, and Quarantine Board of Egypt, are confirmed as they appear in the khedival decrees under date of June 19, 1893, and December 25, 1894, as well as in the ministerial decision of June 19, 1893.

The said decrees and decisions are annexed to the present convention.

Notwithstanding the provisions of the said decrees and decisions the high contracting parties agree that—

I. The number of Egyptian delegates on the Egyptian Sanitary, Maritime and Quarantine Board shall be increased to five:

(1) The President of the Board, appointed by the Egyptian Government, and who will only have a casting vote;

(2) A European doctor of medicine, Inspector-General of the Sanitary, Maritime and Quarantine Service;

(3) Three delegates appointed by the Egyptian Government.

II. The Veterinary Service of the Sanitary, Maritime and Quarantine Board shall be transferred to the Egyptian Government.

The following conditions shall be observed:

(1) The Egyptian Government will collect sanitary taxes on imported cattle not to exceed those now collected by the Egyptian Sanitary, Maritime and Quarantine Board;

(2) The Egyptian Government undertakes in consequence to pay annually to the Sanitary, Maritime and Quarantine Board a sum representing the average of the excess of receipts over the expenditures of the said service during the three budgetary years preceding the date on which the present Convention is put into force.

(3) The measures to be taken for the disinfection of cattle ships, of skins, and of other animal derivatives, shall be as in the past in charge of the Sanitary, Maritime and Quarantine Board.

(4) The foreign personnel now in the veterinary service of the Sanitary, Maritime and Quarantine Board will be granted the benefit of the salaries appropriated by Law No. 28 of 1923, regarding the conditions of service and the retirement or discharge of officials, employees or agents of foreign nationality.

Grading of salaries shall be as provided by the above-mentioned law. The other details will be fixed by an agreement between the Egyptian Government and the Sanitary, Maritime and Quarantine Board.

III. On account of the great distance between the Port of Suakim and the headquarters of the Egyptian Sanitary, Maritime and Quarantine Board at Alexandria, and the fact that the pilgrims and passengers who disembark in this port of Suakim concern from the sanitary point of view only the territory of the Soudan, the sanitary administration of this port will be detached from the said Board.

ARTICLE 164

The ordinary expenses resulting from the provisions of the present convention, especially those relating to the increase of the personnel belonging to the Sanitary, Maritime, and Quarantine Board of Egypt, shall be covered by means of an annual supplementary payment by the Egyptian Government of the sum of 4,000 Egyptian pounds, which may be taken from the surplus revenues from the lighthouse service remaining at the disposal of said Government.

However, the proceeds of a supplementary quarantine tax of ten tariff dollars per pilgrim to be collected at Tor shall be deducted from this sum.

In case the Egyptian Government shall find difficulty in bearing this share of the expenses, the Powers represented in the Sanitary, Maritime and Quarantine Board shall reach an understanding with that Government in order to insure the participation of the latter in the expenses contemplated.

ARTICLE 165

The Sanitary, Maritime, and Quarantine Board of Egypt shall undertake the task of bringing the provisions of the present convention into conformity with the regulations at present enforced by it in regard to the plague, cholera, and yellow fever, as well as with the regulations relative to arrivals from the Arabian ports of the Red Sea during the pilgrim season.

To the same end it shall, if occasion arises, revise the general regulations of the sanitary, maritime, and quarantine police at present in force.

These regulations, in order to become effective must be accepted by the various powers represented on the Board.

II. MISCELLANEOUS PROVISIONS.

ARTICLE 166

The proceeds from the sanitary taxes and fines collected by the Sanitary, Maritime and Quarantine Board shall in no case be employed for objects other than those within the province of the said Board.

ARTICLE 167

The High Contracting Parties agree to have a set of instructions prepared by their health departments for the purpose of enabling captains of vessels, especially when there is no physician on board, to enforce the provisions contained in the present convention with regard to plague, cholera, and yellow fever.

TITLE V. FINAL PROVISIONS

ARTICLE 168

The present Convention supersedes, as between the High Contracting Parties, the provisions of the Convention signed at Paris on January 17th, 1912, and also, the case arising, those of the Convention signed at Paris on December 3rd, 1903. These two last named Conventions will remain in force as between the High Contracting Parties and any State which is a party thereto and is not a party to the present Convention.

ARTICLE 169

The present Convention will bear to-day's date and may be signed up to October 1st of the current year.

ARTICLE 170

The present Convention shall be ratified and the ratifications shall be deposited at Paris as soon as possible. It shall not come into force until it has been ratified by ten of the High Contracting Parties. Thereafter it will take effect as regards each High Contracting Party from the date of the deposit of its ratification.

ARTICLE 171

The States which have not signed the present convention shall be permitted to adhere thereto upon request. Notice of this adhesion shall be given through diplomatic channels to the Government of the French Republic and by the latter to the other Contracting Parties.

ARTICLE 172

Any of the High Contracting Parties may declare, at the moment either of his signature, ratification or accession, that his acceptance of the present Convention does not include neither all nor any of the protectorates, colonies, possessions or mandated territories, and may subsequently accede, in accordance with the preceding Article, on behalf of any one of its protectorates, colonies, possessions or mandated territories excluded by such declaration.

In faith whereof the respective Plenipotentiaries have signed the present Convention.

Done at Paris the twenty-first day of June, nineteen hundred and twenty-six, in a single copy, which will remain deposited in the archives of the Government of the French Republic; and of which certified copies will be transmitted through the diplomatic channel to the other Contracting Parties.

For Afghanistan:
ISLAMBEK KHOUDOIAR KHAN.

For Albania:
Dr. OSMAN.

For Germany:
FRANOUX.
HAMEL.

For Argentina:
F. A. DE TOLEDO.

For Austria:
Dr. ALFRED GRUNBERGER.

For Belgium:
VELGHE.

For Brazil:
CARLOS CHAGAS.
GILBERTO MOURA COSTA.

For Bulgaria:
B. MORFOFF.
TOCHKO PÉTROFF.

For Chile:
ARMANDO QUEZADA.

For China:
S. K. YAO.
SCIE TON FA.

For Colombia:
MIGUEL JIMÉNEZ LOPEZ.

For Cuba:
R. HERNANDEZ PORTELA.

For Denmark:
TH. MADSEN.

For Danzig:
CHODZKO.
STADE.

For the Dominican Republic:
BETANCES.

For Egypt:
FAKHRY.
Dr. M. EL GUINDY.

For Ecuador:
J. ILLINGOURTH.

For Spain:
MARQUIS DE FAURA.
Dr. F. MURILLO.

For the United States of America:
H. S. CUMMING.
W. W. KING.

For Ethiopia:
LAGARDE, DUC D'ENTOTTO.

For Finland:
ENCKELL.

For France:
CAMILLE BARRÈRE.
HARISMENDY.
NAVAILLES.
Dr. A. CALMETTE.
LÉON BERNARD.

For Algeria:
Dr. RAYNAUD.

For West Africa:
Dr. PAUL GOUZIEN.

For East Africa:
THIROUX.

For Indo-China:
Dr. L'HERMINIER.
Dr. N. BERNARD.

For the States of Syria, Grand-Liban, Alaouïtes and Djebel-Druse:
HARISMENDY.

For all other colonies, protectorates, possessions and territories under French mandate:
AUDIBERT.

For the British Empire:
G. S. BUCHANAN.
JOHN MURRAY.

For Canada:
J. A. AMYOT.

For Australia:
W. C. SAWERS.

For New Zealand:
SYDNEY PRICE JAMES.

For India:
D. T. CHADWICK.

For the Union of South Africa:
PHILIP STOCK.

For Greece:
AL. C. CARAPANOS.
D. MATARANGAS.

For Guatemala:
FRANCISCO A. FIGUEROA.

For Haiti:
GEORGES AUDAIN.

For Hedjaz:
Dr. MAHMOUD HAMOUDÉ.

For Honduras:
RUBÉN AUDINO AGUILAR.
For Hungary:
Dr. CH. GROSCH.
For Italy:
ALBERT LUTRARIO.
GIOVANNI VITTORIO REPETTI.
ODOARDO HUETTER.
G. ROCCO.
GIUSEPPE DRUETTI.
For Japan:
H. MATSUSHIMA.
MITSUZO TSURUMI.
For Liberia:
R. LEHMANN.
N. OOMS.
For Lithuania:
Dr. PR. VAICIUSKA.
For Luxembourg:
Dr. PRAUM.
For Morocco:
HARISMENDY.
Dr. RAYNAUD.
For Mexico:
R. CABRERA.
For Monaco:
F. ROUSSEL.
Dr. MARSAN.
For Norway:
SIGURD BENTZON.
For Paraguay:
R. V. CABALLERO.
For The Netherlands:
DOUDE VAN TROOSTWYK.
N. M. JOSEPHUS JITTA.
DE VOGEL.
VAN DE PLAS.
For Peru:
P. MIMBELA.
For Persia, ad referendum:
Dr. ALI KHAN PARTOW AAZAM.
MANSOUR CHARIF.
For Poland:
RICARDO JORGE.
For Rumania:
Dr. J. CANTACUZÈNE.
For San-Marino:
Dr. GUELPA.
For the Kingdom of the Serbs, Croats and Slovenes:
M. SPALAIKOVITCH.
For Salvador:
CARLOS R. LARDÉ-ARTHÈS.
For the Soudan:
OLIVER FRANCIS HAYNES ATKEY.
For Switzerland:
DUNANT.
CARRIÈRE.
For Czechoslovakia:
Dr. LADISLAV PROCHAZKA.
For Tunis:
NAVAILLES.
For Turkey:
A. FÉTHY.
For the Union of the Soviet Socialist Republics:
J. DAVTIAN.
J. MAMMOULIA.
L. BRONSTEN.
O. MEBOURNOUTOFF.
N. FREYBERG.
AL. SYSSINE.
V. EBORIEW.
For Uruguay:
A. HEROSA.
For Venezuela, ad referendum:
JOSÉ IG. CARDENAS.

ANNEXES

Khedival decree of June 19, 1893

We, Khedive of Egypt, on the recommendation of Our Minister of the Interior, with the advice and consent of our Cabinet, and considering that it is necessary to introduce various amendments in our decree of January 3, 1881 (2 Safer 1298), decree:

ART. 1. The Sanitary, Maritime, and Quarantine Board shall decide on the measures to be taken to prevent the introduction into Egypt, or the transmission to foreign countries, of epidemic diseases and epizootics.

ART. 2. The number of Egyptian delegates shall be reduced to four, as follows:

1. The President of the Board, appointed by the Egyptian Government and to vote only in case of a tie.

2. A European doctor of medicine, Inspector General of the Sanitary, Maritime, and Quarantine Service.

3. The Sanitary Inspector of the city of Alexandria, or whoever acts in that capacity.

4. The Veterinary Inspector of the Administration of sanitary services and public hygiene.

All the Delegates must be physicians holding a regular diploma, granted either by a European faculty of medicine or by the Government, or be regularly appointed officials in actual service, of the grade of vice consul at least, or of an equivalent grade. This provision is not applicable to the present incumbents.

ART. 3. The Sanitary, Maritime, and Quarantine Board shall exercise permanent supervision over the sanitary condition of Egypt and over arrivals from foreign countries.

ART. 4. As regards Egypt, the Sanitary, Maritime, and Quarantine Board shall receive each week, from the Board of Health and Public Hygiene, the sanitary bulletins of the cities of Cairo and Alexandria, and each month the sanitary bulletins of the provinces. These bulletins shall be transmitted at shorter intervals when, owing to special circumstances, the Sanitary, Maritime, and Quarantine Board so requests.

On its part, the Sanitary, Maritime, and Quarantine Board shall communicate to the Board of Health and Public Hygiene any decisions it may have reached and any information it may have received from abroad.

The Governments shall address to the Board, if they deem proper, the sanitary bulletin of their country, and shall notify it of epidemics and epizootics as soon as they appear.

ART. 5. The Sanitary, Maritime, and Quarantine Board shall ascertain the sanitary condition of the country and send inspecting boards wherever it may deem necessary.

The Board of Health and Public Hygiene shall be notified of the dispatch of these boards and shall endeavor to facilitate the performance of their mission.

ART. 6. The Board shall adopt preventive measures for the purpose of preventing the introduction of epidemics and epizootics into Egypt via the maritime or desert frontiers, and it shall determine the points at which temporary camps and permanent quarantine establishments are to be located.

ART. 7. It shall draft the note to be written on the bill of health issued by the health offices to departing vessels.

ART. 8. In case of the appearance of epidemics or epizootics in Egypt, it shall adopt preventive measures with the object of preventing the transmission of these diseases to foreign countries.

ART. 9. The Board shall supervise and control the execution of the quarantine sanitary measures which it has adopted.

It shall draft all regulations relating to the quarantine service and see to their strict enforcement both with regard to protecting the country and to maintaining the guarantees stipulated by international sanitary conventions.

ART. 10. It shall regulate, from a sanitary standpoint, the conditions under which pilgrims going to and returning from Hedjaz are to be transported, and watch over their state of health during pilgrimage.

ART. 11. The decisions reached by the Sanitary, Maritime, and Quarantine Board shall be communicated to the Ministry of the Interior they shall also be made known to the Ministry of Foreign Affairs, which shall notify them, if necessary, to the agencies and consulates general.

However, the President of the Board shall be authorized to correspond directly with the consular authorities of maritime cities in current matters connected with the service.

ART. 12. The President, and, in case of his absence or impediment, the Inspector General of the Sanitary, Maritime, and Quarantine Service, shall see to the enforcement of the decisions of the Board.

For this purpose he shall correspond directly with all the agents of the Sanitary, Maritime, and Quarantine Service and with the various authorities of the countries. He shall, with the advice of the Board, direct the sanitary police of the ports, the maritime quarantine establishments, and the quarantine stations of the desert.

Finally, he shall transact current business.

ART. 13. The sanitary inspector general, the directors of sanitary offices, and the physicians of sanitary stations and quarantine camps must be selected from among physicians regularly diplomaed either by a European faculty of medicine or by the Government.

The delegate of the Board of Djeddah may be a diplomaed physician of Cairo.

ART. 14. The Board shall designate its candidates through its President to the Minister of the Interior for all offices and positions under the Sanitary, Maritime, and Quarantine Service, said Minister alone having a right to appoint them.

The same course shall be followed in regard to dismissals, transfers, and promotions.

However, the President shall have the direct appointment of all the subaltern agents, laborers, servants, etc.

The appointment of the sanitary guards shall be reserved to the Board.

ART. 15. The number of directors of sanitary offices shall be seven, their residence being at Alexandria, Damietta, Port Said, Suez, Tor, Souakim, and Kosseir.

The sanitary office of Tor may operate only during the continuance of the pilgrimage or in time of epidemic.

ART. 16. The directors of the sanitary offices shall have under their orders all the sanitary employees of their district. They shall be responsible for the proper performance of the service.

ART. 17. The chief of the sanitary agency of El Ariche shall have the same powers and duties as those entrusted to the directors by the foregoing article.

ART. 18. The directors of the sanitary stations and quarantine camps shall have under their orders all the employees of the medical and administrative service of the establishments under their direction.

ART. 19. The sanitary inspector general shall have the supervision over all the services under the Sanitary, Maritime, and Quarantine Board.

ART. 20. It shall be the mission of the delegate of the Sanitary, Maritime, and Quarantine Board at Djeddah to furnish the Board with information as to the sanitary condition of Hedjaz, especially in time of pilgrimage.

ART. 21. A disciplinary committee composed by the President, the Inspector General of the Sanitary, Maritime, and Quarantine Service, and the three delegates elected by the Board, shall be intrusted with an examination of the complaints lodged against the agents belonging to the Sanitary, Maritime, and Quarantine Service.

It shall draw up a report on each case and submit it to the consideration of the Board convened in general assembly. The delegates shall be renewed every year. They shall be reeligible.

The decision of the Board shall be submitted by its President to the sanction of the Minister of the Interior.

The disciplinary committee may inflict, without consulting the Board: 1st Censure and 2d suspension of pay up to one month.

ART. 22. The disciplinary penalties shall be:

1. Censure.
2. Suspension of pay from eight days to three months.
3. Transfer without indemnity.
4. Dismissal.

All without prejudice to any actions to be brought for common law crimes or offenses.

ART. 23. Sanitary and quarantine dues shall be collected by the agents belonging to the Sanitary, Maritime, and Quarantine Service.

The latter shall conform, in regard to accounts and book keeping, to the general regulations established by the Ministry of Finance.

The accounting officers shall address their accounts and the proceeds of their collections to the President of the Board.

The accounting officer who is chief of the central bureau of accounts shall acquit them over the visa of the President of the Board.

ART. 24. The Sanitary, Maritime, and Quarantine Board shall have control over its own finances.

The administration of the receipts and expenses shall be intrusted to a Committee composed of the President, the Inspector General of the Sanitary, Maritime, and Quarantine Service, and of three delegates of the Powers elected by the Board. It shall be entitled "Committee on Finances." The three delegates of the Powers shall be renewed every year. They shall be reeligible.

Subject to ratification by the Board, this Committee shall fix the salary of the employees of every grade; it shall decide on the permanent and the unforeseen expenses. Every three months, at a special meeting, it shall make a detailed report on its management to the Board. Within three months following the expiration of the budgetary year, the Board, upon the recommendation of the Committee, shall strike a final balance and transmit it through its President to the Ministry of the Interior.

The Board shall prepare the budget of its receipts and that of its expenditures. This budget shall be adopted by the Cabinet, at the same time as the general budget of the Government, as an annexed budget. In case the expenditures should exceed the receipts, the deficit shall be covered from the general resources of the Nation. However, the Board shall without delay examine into the means of balancing the receipts and expenditures. Its recommendations shall be transmitted by the President to the Minister of the Interior. Any surplus that may exist shall accrue to the treasury of the Sanitary, Maritime, and Quarantine Board; it shall, after a decision is reached by the Sanitary Board and ratified by the Cabinet, be devoted exclusively to the creation of a reserve fund for use in emergencies.

ART. 25. The President shall be obliged to order voting done by secret ballot whenever three members of the Board so request. Voting by secret ballot shall be compulsory whenever it is a question of the choice of Delegates of the Powers to form part of the Disciplinary Committee or of the Committee on Finances and when it is a question of appointing, dismissing, transferring, or promoting employees.

ART. 26. The Governors, Prefects of Police, and Mudirs shall be responsible, as far as concerns them, for the enforcement of the sanitary regulations. They, as well as the civil and military authorities, shall give their assistance, whenever legally called upon by the agents of the Sanitary, Maritime, and Quarantine Service, in order to insure the prompt enforcement of the measures taken in the interest of public health.

ART. 27. All previous decrees and regulations are repealed as far as contrary to the foregoing provisions.

ART. 28. Our Minister of the Interior is intrusted with the enforcement of the present decree, which shall not be enforceable until November 1, 1893.

Done in the Palace of Ramleh, June 19, 1893.

ABBAS HILMI.

By the Khedive:

RIAZ,

Head of the Cabinet, Minister of the Interior.

Khedival decree of December 25, 1894.

We, Khedive of Egypt, on the recommendation of Our Minister of Finance, with the advice and consent of our Cabinet, with the consent of the Commissioner-Directors of the Public Debt Fund as regards article 7, and with the consent of the Powers, decree:

ART. 1. Beginning with the fiscal year 1894, there shall be deducted annually from the present receipts of lighthouse dues the sum of 40,000 pounds Egyptian, which shall be employed as explained in the following articles.

ART. 2. The sum deducted in 1894 shall be used: 1st To cover any deficit during the fiscal year 1894 of the Quarantine Board, in case it has been impossible to entirely cover such deficit with the resources derived from the reserve fund of said Board, as will be stated in the following article; 2d to meet the extraordinary expenses necessitated by the fitting up of the sanitary establishments of Tor, Suez, and Moses Spring.

ART. 3. The present reserve fund of the Quarantine Board will be used to cover the deficit of the fiscal year 1894, and it shall not be reduced to an amount less than 10,000 pounds Egyptian.

If the deficit should not be fully covered, the remainder shall be met with the resources created in article 1.

ART. 4. From the sum of 80,000 pounds Egyptian derived from the fiscal years 1895 and 1896 there shall be deducted: 1st An amount equal to that which has been paid out in 1894 from the same receipts, to be applied to the deficit of said year 1894, so as to bring up to 40,000 pounds Egyptian the sums allotted to the extraordinary works provided for in article 1 for Tor, Suez, and Moses Spring; 2d the sums necessary in order to cover the deficit of the budget of the Quarantine Board for the fiscal years 1895 and 1896.

After the aforementioned deduction has been made, the surplus shall be devoted to the construction of new lighthouses in the Red Sea.

ART. 5. Beginning with the fiscal year 1897, this annual sum of 40,000 Egyptian pounds shall be used to cover possible deficits of the Quarantine Board. The amount necessary for this purpose shall be conclusively determined by taking as a basis the financial results of the fiscal years 1894 and 1895 of the Board.

The surplus shall be devoted to a reduction in the lighthouse dues, it being understood that these dues shall be reduced in the same proportion in the Red Sea and the Mediterranean.

ART. 6. In consideration of the aforementioned deductions and allotments the Government shall, beginning with 1894, be relieved of any obligation in regard to the expenses, ordinary or extraordinary of the Quarantine Board.

It is understood, however, that the expenses borne hitherto by the Egyptian Government shall continue to be borne by it.

ART. 7. Beginning with the fiscal year 1894, upon the settlement of account of the excesses with the Public Debt Fund, the share of these excesses due the Government shall be increased by an annual sum of 20,000 pounds Egyptian.

ART. 8. It has been agreed between the Egyptian Government and the Governments of Germany, Belgium, Great Britain, and

Italy that the sum alloted to a reduction of the lighthouse dues, in accordance with article 5 to the present decree, shall be deducted from the sum of 40,000 pounds Egyptian provided for in the letters annexed to the Commercial Conventions concluded between Egypt and said Governments.

ART. 9. Our Minister of Finance is charged with the enforcement of the present decree.

Done at the Palace of Koubbeh, December 25, 1894.

ABBAS KILMI.

By the Khedive:

N. NUBAR,
Head of the Cabinet.
AHMER MAZLOUM,
Minister of Finance.
BOUTROS GHALI,
Minister of Foreign Affairs.

Ministerial decision of June 19, 1893, concerning the operation of the sanitary, maritime, and quarantine service

The Minister of the Interior, in view of the Decree of June 19, 1893, decides:

TITLE I.—THE SANITARY, MARITIME, AND QUARANTINE BOARD

ART. 1. The President shall be obliged to convene the Sanitary, Maritime, and Quarantine Board in regular session on the first Tuesday of each month.

He shall likewise be obliged to convene it whenever three members so request.

He shall, finally, convene the Board in extra session whenever circumstances demand the immediate adoption of an important measure.

ART. 2. The letter of convocation shall indicate the questions to be considered. Except in cases of urgency, no final decisions shall be made on any but questions mentioned in the letter of convocation.

ART. 3. The secretary of the Board shall prepare the minutes of the meetings.

These minutes must be presented for signature to all the members who have attended the meeting.

They shall be copied in full on a register which shall be preserved in the archives concurrently with the original minutes.

A provisional copy of the minutes shall be delivered to any member of the Board so requesting.

ART. 4. A Permanent Board composed of the President, Inspector General of the Sanitary, Maritime, and Quarantine Service, and two Delegates of the Powers elected by the Board, shall be charged with making decisions and taking measures in urgent matters.

The Delegates of the Nation interested shall always be summoned to attend, and shall be entitled to vote.

The President shall vote only in case of a tie.

The decisions shall be communicated at once by letter to all the members of the Board.

This Board shall be renewed every three months.

ART. 5. The President, or, in his absence, the Inspector General of the Sanitary, Maritime, and Quarantine Service, shall direct the deliberations of the Board, but shall vote only in case of a tie.

The President shall have general direction of the service. He shall be charged with causing the enforcement of the decisions of the Board.

SECRETARIAT

ART. 6. The secretary of the Board, chief of the secretariat, shall "centralize" the correspondence with the Ministry of the Interior and the various agents of the Sanitary, Maritime, and Quarantine Service.

It shall be in charge of the statistics and archives. It shall have added to it clerks and interpreters in sufficient number to attend to the discharge of business.

ART. 7. The secretary of the Board, chief of the secretariat, shall attend the meetings of the Board and prepare the minutes.

He shall have under his orders the employees and servants of the secretariat.

He shall direct and supervise their work, under the authority of the President.

He shall have custody of and be responsible for the archives.

BUREAU OF ACCOUNTS

ART. 8. The chief of the central bureau of accounts shall be "the accounting officer."

He shall not be permitted to assume office until he has furnished a bond the amount of which shall be fixed by the Sanitary, Maritime, and Quarantine Board.

He shall, under the direction of the Committee on Finance, supervise the operations of the employees whose duty it is to receive the sanitary and quarantine dues.

He shall draw up the statements and accounts which are to be transmitted to the Ministry of the Interior after being adopted by the Committee on Finance and approved by the Board.

THE SANITARY INSPECTOR GENERAL

ART. 9. The sanitary inspector general shall have supervision of all the services under the Board. He shall exercise this supervision under the conditions provided in article 19 of the Decree dated June 19, 1893.

He shall, at least once a year, inspect each of the sanitary offices, agencies, or posts.

Besides, the President shall, upon the recommendation of the Council and according to the needs of the service, determine the inspections which the Inspector General shall make.

In case of impediment of the Inspector General, the President shall designate, with the consent of the Board, the official who is to take his place.

Every time the Inspector General has visited an office, agency, sanitary post, sanitary station, or quarantine camp, he shall give an account to the President of the Board, in a special report, of the results of his inspection.

During the intervals between his rounds of inspection, the Inspector General shall, under the authority of the President, take part in the direction of the general service. He shall take the place of the President in case of absence or impediment.

TITLE II.—SERVICE OF PORTS, QUARANTINE STATIONS, AND SANITARY STATIONS

ART. 10. The sanitary, maritime, and quarantine policing along the Egyptian coast of the Mediterranean and Red Seas, as well as on the land frontiers, in the direction of the desert, shall be intrusted to the directors of the health offices, the directors of sanitary stations or quarantine camps, the chiefs of sanitary agencies or sanitary posts, and the employees under their orders.

ART. 11. The directors of the health offices shall have the direction of and be responsible for the service both of the office at the head of which they are placed and of the sanitary posts thereunder.

They shall see to the strict enforcement of the regulations on sanitary, maritime, and quarantine police. They shall obey the instructions they receive from the President of the Board and shall give the necessary orders and instructions to all the employees of their office, as well as to the employees of the sanitary posts attached thereto.

They shall be charged with the examination and speaking of vessels and with the application of the quarantine measures, and, in the cases provided by the regulations, they shall proceed to make medical inspections and inquiries regarding violations of quarantines.

In administrative matters they shall correspond only with the President, to whom they shall transmit all sanitary information which they gather while discharging their duties.

ART. 12. In regard to salary the directors of the health offices shall be divided into two classes:

The first class offices, which are four in number, viz: Alexandria, Port Said, Suez Basin and camp at Moses Spring, and Tor.

The second class offices, three in number, viz: Damietta, Souakim, and Kosseir.

ART. 13. The chiefs of the sanitary agencies shall have the same duties and powers, as regards the agency, as the directors as regards their office.

ART. 14. There shall be a single agency at El Ariche.

ART. 15. The chiefs of the sanitary posts shall have under their orders the employees of the post which they are directing. They shall be under the orders of the director of one of the health offices.

They shall be charged with the duty of carrying out the sanitary quarantine measures called for by the regulations.

They shall not be permitted to issue any bill of health or authorized to visé any bills of health except those of vessels departing with pratique.

They shall compel vessels arriving at their ports with a foul bill of health or under irregular conditions to put into a port where there is a health office.

They can not make sanitary inquests themselves, but they must call upon the director of their office for this purpose.

Outside of cases of absolute urgency, they shall correspond only with this director in all administrative matters. In urgent sanitary and quarantine matters, such as the measures to be taken in regard to an arriving vessel, or the annotation to be made on the bill of health of a departing vessel, they shall correspond directly with the President of the Board; but they must communicate this correspondence to their director without delay.

They shall be obliged to give notice, by the quickest route, to the President of the Board regarding shipwrecks of which they have knowledge.

ART. 16. The sanitary posts shall be six in number, as follows:

Posts of Port Neuf, Aboukir, Brullos, and Rosetta, under the Alexandria office.

Posts of Kantara and of the inland port of Ismailia, under the Port Said office.

The Board may create new sanitary posts, according to the needs of the service and its resources.

ART. 17. The permanent or temporary service of the sanitary stations and quarantine camps shall be intrusted to directors having under their orders sanitary employees, guards, porters, and servants.

ART. 18. It shall be the duty of the directors to compel persons sent to the sanitary station or the camp to submit to quarantine. They shall cooperate with the physicians in isolating the different categories of quarantined persons and in preventing any jeopardization. Upon the expiration of the period fixed, they shall grant or withhold pratique in accordance with the regulations, cause merchandise and wearing apparel to be disinfected, and apply quarantine to the persons employed in this operation.

ART. 19. They shall exercise constant supervision over the execution of the measures prescribed, as well as over the state of health of the quarantined persons and the employees of the establishment.

ART. 20. They shall be responsible for the progress of the service and shall give an account thereof, in a daily report, to the President of the Sanitary, Maritime, and Quarantine Board.

ART. 21. The physicians attached to the sanitary stations and quarantine camps shall be under the directors of these establishments. They shall have the druggists and hospital attendants under their orders.

They shall watch over the state of health of the quarantined persons and of the employees, and shall direct the infirmary of the sanitary station or of the camp.

Pratique shall not be granted to persons in quarantine until an inspection and favorable report have been made by the physician.

ART. 22. In each sanitary office, sanitary station, or quarantine camp, the director shall also be "accounting officer."

He shall, under his own actual personal responsibility, designate the employee to be in charge of the receipt of the sanitary and quarantine dues.

The chiefs of sanitary agencies or posts shall also be accounting officers, and shall be personally charged with collecting the dues.

The agents charged with the collection of the dues must conform, as regards the guarantees to be given, the keeping of the documents, the time of payments, and in general everything relating to the financial part of their service, to the regulations issued by the Ministry of Finance.

ART. 23. The expenses of the Sanitary, Maritime, and Quarantine Service shall be defrayed with the means at the disposal of the Board itself, or, with the consent of the Ministry of Finance, from such fund as the latter may designate.

Cairo, June 19, 1893.

RIAZ.

[Translation]

PROTOCOL OF SIGNATURE

The undersigned Plenipotentiaries met on the date of this day for the purpose of signing the International Sanitary Convention.

The Plenipotentiaries of the German Empire referring to Article 25 make express reservations as to the power granted by the Convention to several governments to enforce the observation in case of bubonic plague.

The Plenipotentiaries of Brazil declare they are empowered to sign the Convention ad referendum under the reservations entered in the minutes of the last plenary session.

The Plenipotentiaries of Chili declare that they join in the reservations made by the Plenipotentiaries of Brazil and Portugal.

The Plenipotentiaries of China express reservations in the name of their Government concerning the engagement appearing in Article 8, 2nd Section, that it would be compulsory to declare the diseases coming under the Convention.

In the name of their Government the Plenipotentiaries of Egypt renew the express reservations made by them concerning the presence at the Convention of a delegate representing the Soudan. They furthermore declare that the said presence could not in any way affect the rights of sovereignty of Egypt.

The Plenipotentiaries of Spain declare they make in the name of their Government a reservation identical with that of the Plenipotentiaries of the United States of America concerning article 12.

The Plenipotentiaries of the United States of America formally declare that their signing the International Sanitary Convention of this date is not to be construed to mean that the United States of America recognizes a régime or entity acting as Government of a signatory or adhering Power when that régime or entity is not recognized by the United States as the Government of that Power. They further declare that the participation of the United States of America in the International Sanitary Convention of this date does not involve any contractual obligation on the part of the United States to a signatory or adhering Power represented by a régime or entity which the United States does not recognize as representing the Government of that Power, until it is represented by a Government recognized by the United States.

The Plenipotentiaries of the United States of America declared, furthermore, that their Government reserves to itself the right to decide whether from the standpoint of the measures to be applied a foreign district is to be considered as infected and to decide what measures shall be applied to arrival in its own ports under special circumstances.

The great work accomplished by the International Sanitary Convention and the many new provisions carried could not be referred by telegraph to Her Majesty the Queen of the Kings and to His Imperial and Royal Highness Prince Tafari Makonnen, Heir to and Regent of the Empire and the Delegate of the Ethiopian Empire declares that he must refrain from signing the Convention before he receives the necessary instructions.

The British Plenipotentiaries declare that their signing does not bind any part of the British Empire that is a distinct member of the League of Nations and would not sign separately or adhere to the Convention.

They further declared that they reserve the right not to apply the provisions of the 2nd subsection of article 8 to all the Protectorates, Colonies, Possessions or Countries under the British mandate which might be parties to the Convention and which on practical grounds might be unable to give full effect to those provisions relative to the compulsory declaration of the diseases referred to in the said article.

The Delegate of Canada reserves for his Government the right to decide whether from the viewpoint of the measures to be applied a foreign district is to be considered as infected and to decide what measures shall be applied to arrivals in Canadian ports under special circumstances. Subject to that reservation the Delegate from Canada declares that his Government is ready to take into consideration the obligations of article 12 of the Convention and the official information it may receive concerning the existence of the diseases in foreign countries.

The Delegate of India declares that he is authorized to sign the International Sanitary Convention under the reservation that on grounds of a practical nature India is not in a position to assume the obligations resulting from article 8 in so far as it has to do with the obligatory declaration of the diseases named in said article, except in large cities or in cases of epidemic.

The British Plenipotentiaries declare and wish to have it made a record that the reservation of the Plenipotentiaries of Persia about article 90 cannot in any way modify the present statu quo pending an agreement to be arrived at between the Persian and British Governments.

The Plenipotentiaries of the Finnish Republic declare that immunization from cholera does not constitute a sufficient guarantee and that their Government reserves to itself notwithstanding the provisions of article 30, the right to make, if the occasion arises, immune persons undergo observation.

On the other hand, considering that the traffic of the Finnish border could only go over two railways in the east very close to each other and a single railway in the west which does not make it permissible to contemplate a partial closing of the frontier, Finland in order to avoid the complete closing in case of epidemic reserves to itself the right to set up observation if occasion arises notwithstanding the provisions in article 58.

The Plenipotentiaries of Japan declare that their Government reserves to itself the right: 1. To forward through the Eastern bureau of Singapore the notices and information, the mailing of which to the International Office of Public Hygiene is required by the Convention; 2. To take such measures as the sanitary authorities may deem necessary with regard to carriers of cholera vibrios.

The Plenipotentiaries of Lithuania declare that though adhering to the Convention, they make special reservations as to its being put into practice between Lithuania and Poland as

long as normal relations between the two countries shall not have been restored.

These reservations are of particular importance with respect to the provisions in articles 9, 196, 57 and 66.

The Plenipotentiaries of The Netherlands declare in the name of their Government that it reserves to itself with regard to the Dutch East Indies to enforce the measures provided in article 10, sub-section 2 in the same degree to arrivals from districts afflicted with *murine plague*.

They further declare that their Government reserves to itself with respect to the Dutch East Indies the right to put on article 27–2 a construction to the effect that the destruction of rats referred to in that article may be applied to vessels taking a cargo from a district afflicted with murine plague when the sanitary authority believes that the cargo is likely to carry rats and is stowed in such a way as to make it impossible to affect the search provided in the last sub-section of article 24.

The Plenipotentiaries of Persia declare that there is nothing warranting any special provision concerning the Persian Gulf being retained in the Convention. The fact that there is in the Convention article 90 constituting Section V of Title II, prevents their signing without making the most express reservations. The Plenipotentiaries of Persia further declare that the status quo could not in any way bind their Government. Again they reserve for their Government the right not to apply the provisions of article 8 relative to the obligatory declaration of the diseases coming under the said article.

The Plenipotentiary of Portugal declares that he is authorized by his Government to sign the Convention *ad referendum* with the reservations entered in the minutes of the last plenary session.

The Plenipotentiary of Turkey declares that Turkey would not relinquish by any treaty the right of being represented in the Sanitary, Maritime and Quarantine Board of Egypt. On the other hand taking into consideration the stipulations in the Convention of the Straits signed at Lausanne and the special conditions of the Straits of Bosphorus and Dardanelles, he reserves the right for the Sanitary Administration of Turkey to put a sanitary guard on board any merchant vessel going through the Straits without a physician and coming from an infected port so as to prevent that vessel from calling at any Turkish port. It is understood, however, that the delay and expenses that such a guard may entail will be very slight.

The Plenipotentiaries of the Union of the Soviet Socialist Republics, calling to mind the declarations made by them on May 26, at the session of the first Commission concerning article 7 of the draft of Convention declare they have no objection to offer to the provisions relative to the right of the International Office of Public Hygiene to make arrangements with other sanitary agencies; but they are of the opinion that that right flows from the arrangement of Rome of 1907 which defines the functions of the Office. They therefore believe that the provision hereinabove referred to is but a confirmation of that right and should only appear in the minutes and not be made an article of the Convention itself.

The Plenipotentiaries of the Union of the Soviet and Socialist Republics call to mind that at the time article 12 of the Convention was under consideration they cast their votes against the provision granting the Governments the right to prolong in exceptional cases the application of sanitary measures notwithstanding the declaration of the State concerned that there is no longer any danger of the disease.

They hold that that provision may infringe upon one of the fundamental principles of the previous conventions and become a cause of misunderstanding that could arise from its application.

They therefore declare that in the spirit of the Convention that provision can only be considered in exceptional cases when the Government to which the afflicted district belongs does not meet the obligations laid down by the Convention in that respect.

The Plenipotentiaries of the Soviet Socialist Republics call to mind that the reservations already made by them in second Commission concerning the functions, duties and powers of the sanitary, maritime and quarantine board of Egypt. They particularly wish to emphasize the fact that articles 70 and 164 in particular confer upon that board the right to set up different sanitary, maritime and quarantine police regulations on condition that those regulations in order to be capable of execution must be accepted by the different Powers represented in the Council. Inasmuch as the Union of the Soviet Socialist Republics is not yet represented in the sanitary, maritime and quarantine board of Egypt, the Delegation of the Union wishes to reserve the rights of its Government to accept or not to accept the measures worked out by that board.

The undersigned make a formal acknowledgment of the reservations hereinabove set forth and declare that their own countries reserve to themselves the right to invoke the benefit thereof as against the countries in whose name they were made.

In witness whereof, the Plenipotentiaries have signed this Protocol.

Done in Paris, June 21, 1926.

For Afghanistan:
ISLAMBEK KHOUDOIAR KHAN.

For Albania:
Dr. OSMAN.

For the German Empire:
FRANOUX.
HAMEL.

For the Argentine Republic:
F. A. DE TOLEDO.

For Austria:
Dr. ALFRED GRUNBERGER.

For Belgium:
VELCHE.

For Brazil:
CARLOS CHAGAS.
GILBERTO MOURA COSTA.

For Bulgaria:
B. MORFOFF.
TOCHKO PETROFF.

For Chile:
ARMANDO QUEZADA.

For China:
S. K. YAO.
SCIE TON FA.

For Colombia:
MIGUEL JIMÉMEZ LOPEZ.

For Cuba:
R. HERNANDEZ PORTELA.

For Denmark:
TH. MADSEN.

For Dantzig:
CHODZKO.
STADE.

For the Dominican Republic:
BETANCES.

For Egypt:
FAKHRY.
Dr. M. EL GUINDY.

For Ecuador:
J. ILLINGOURTH.

For Spain:
MARQUIS DE FAURA.
Dr. F. MURILLO.

For the United States of America:
H. S. CUMMINGS.
W. W. KING.

For Ethiopia:
LAGARDE DUC D'ENTOTTO.

For Finland:
ENCKELL.

For France:
CAMILLE BARRÉRE.
HARISMENDY.
NAVAILLES.
Dr. A. CALMETTE.
LÉON BERNARD.

For Algeria:
Dr. RAYNAUD.

For Western Africa:
Dr. PAUL GOUZIEN.

For Eastern Africa:
THIROUX.

For Indo-China:
Dr. L'HERMINIER.
Dr. N. BERNARD.

For the States of Syria, the Great Lebanon, Alaouïtes and Djebel-Druse:
HARISMENDY.

For all of the other colonies, Protectorates, Possessions and Territories under the rule of France:
AUDIBERT.

For the British Empire:
G. S. BUCHANAN.
JOHN MURRAY.

For the British Empire—Continued
For Canada:
J. A. AMYOT.
For Australia:
W. C. SAWERS.
For New Zealand:
SYDNEY PRICE JAMES.
For India:
D. T. CHADWICK.
For the Union of South Africa:
PHILIP STOCK.
For Greece:
AL. C. CARAPANOS.
D. MATARAMGAS.
For Guatemala:
FRANCISCO A. FIGUEORA.
For Haiti:
GEORGES AUDAIN.
For the Hedjaz:
Dr. MAHMOUD HAMOUDE.
For Honduras:
RUBÉN AUDINO AGUILAR.
For Hungary:
Dr. CH. GROSCH.
For Italy:
ALBERT LUTRARIO.
GIOVANNI VITTORIO REPETTI.
ODOARDO HUETTER.
G. ROCCO.
GUISEPPE DRUETTI.
For Japan:
H. MATSUSHIMA.
MITSUZO TSURUMI.
For the Republic of Liberia:
R. LEHMANN.
N. OOMS.
For Lithuania:
Dr. PR. VAICIUSKA.
For Luxemburg:
Dr. PRAUM.
For Morocco:
HARISMENDY.
Dr. RAYNAUD.
For Mexico:
R. CABRERA.
For Monaco:
F. ROUSSEL.
Dr. MARSAN.
For Norway:
SIGURD BENTZON.
For Paraguay:
R. V. CABALLERO.
For the Netherlands:
DOUDE VAN TROOSTWYK.
N. M. JOSEPHUS JITTA.
DE VOGEL.
VAN DER PLAS.
For Peru:
P. MIMBELA.
For Persia, ad referendum:
Dr. ALI KHAN PARTOW AAZAM.
MANSOUR CHARIF.
For Poland:
CHODZKO.
For Portugal:
RICARDO JORGE.
For Rumania:
Dr. J. CANTACUZÉNE.
For San Marino:
Dr. GUELPA.
For the Kingdom of the Serbs, Croats and Slovenes:
M. SPALAIKOVITCH.
For Salvador:
CARLOS R. LARDÉ-ARTHÈS.
For the Soudan:
OLIVER FRANCIS HAYNES ATKEY.
For Switzerland:
DUNANT.
CARRIÈRE.
For Czechoslovakia:
Dr. LADISLAV PROCHAZKA.
For Tunis:
NAVAILLES.
For Turkey:
A. FÈTHY.
For the Union of the Soviet Socialist Republics:
J. DAVTIAN.
J. MAMMOULIA.
L. BRONSTEIN.
O. MEBOURNOUTOFF.
N. FREYBERG.
AL. SYSSINE.
V. EGORIEW.
For Uruguay:
A. HEROSA.
For Venezuela, ad referendum:
JOSÈ IG. CARDENAS.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 22, 1928

POSTMASTERS

ALABAMA

John M. Stallworth, Beatrice.
George F. Schad, Brewton.
John T. Mizell, Clio.
James F. Baker, Columbiana.
Annie K. Fazenbaker, Fulton.
Blevens S. Perdue, Greenville.
Robert O. Atkins, Heflin.
Grover C. Warrick, Millry.
Willer B. Goodman, New Brockton.
Samuel B. Wininger, Pisgah.
Albert H. Quinn, Quinton.
William A. Armistead, Searles.
Clyde Oldshue, Sulligent.
Lucious E. Osborn, Vina.

COLORADO

Edwin J. Feistel, Fort Lyon.

CONNECTICUT

Clarence B. Emery, Terryville.

ILLINOIS

John W. Nelson, Donovan.
Thomas J. Perks, Mound City.
Fred A. Meskimen, Robinson.
Joseph R. Atkinson, Sidell.

INDIANA

James J. Patchell, Union City.
Frank R. McCullough, Westport.

MASSACHUSETTS

Isabelle Crocker, Cotuit.
Chestina B. Robbins, East Templeton.
Harry W. Metcalf, Wrentham.

MONTANA

George I. Watters, Victor.

NORTH CAROLINA

James C. Stancil, Smithfield.

OHIO

Elizabeth A. Krizer, Bremen.
Marion E. Campbell, Sardinia.
Asher O. Earley, Woodsfield.

OREGON

William R. Logus, Oregon City.
George W. Trommlitz, Toledo.

VERMONT

James S. Brownell, Woodstock.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 22, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

All glory and praise be unto Thee, O Lord most high. Thou dost stoop to our needs and failures and fold us in the embrace of Thy love. Thy power and beauty are all about us. We walk Thy earth and are cheered by Thy presence. The allurements of sin, the voice of temptation are not so harsh and abrupt as to shut off and dull divine love. We thank Thee for the ministry of Thy mercy, for the service of Thy strength, and for the wonderful providence with which Thou dost encircle us. O God be with us that our sun may never set in a moral night. Stay

our footfall that we may ever listen to wise public opinion, the maxims, the refinements, and the restraints which form the unwritten code of public conduct. We ask for prudence to trust where we can not see our way, to avoid danger, to heed the warning of wisdom, and to realize and enjoy the treasures of the soul which enrich human life. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 8725) entitled "An act to amend section 224 of the Judicial Code," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BLAINE, Mr. WATERMAN, and Mr. STEPHENS to be the conferees on the part of the Senate.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 379. An act for the relief of William R. Boyce & Son; to the Committee on Claims.

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924; to the Committee on Immigration and Naturalization.

S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

S. 1094. An act to amend the practice and procedure in Federal courts, and for other purposes; to the Committee on the Judiciary.

S. 1108. An act for the relief of Una May Arnold; to the Committee on Claims.

S. 1145. An act to authorize an appropriation for roads on Indian reservations; to the Committee on Indian Affairs.

S. 1297. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore; to the Committee on Claims.

S. 1368. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch; to the Committee on Claims.

S. 1428. An act for the relief of R. Bluestein; to the Committee on Claims.

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edwards Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, Jr., Dredging Co.; to the Committee on Claims.

S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.; to the Committee on Indian Affairs.

S. 1796. An act for the creation of a national monument in Montana to be known as Battle of the Bear's Paw; to the Committee on the Public Lands.

S. 1899. An act for the relief of Clifford D. Ham, collector of general customs, administrator of Corinto Wharf, Republic of Nicaragua; to the Committee on Claims.

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead; to the Committee on Naval Affairs.

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes; to the Committee on Indian Affairs.

S. 2306. An act for the relief of William E. Thackrey; to the Committee on Claims.

S. 2369. An act to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes; to the Committee on Territories.

S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831;" to the Committee on the District of Columbia.

S. 2611. An act to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation; to the Committee on Military Affairs.

S. 2764. An act for the relief of Nelle McConnell; to the Committee on Claims.

S. 2830. An act authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes; to the Committee on Public Lands.

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.; to the Committee on Military Affairs.

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; to the Committee on Indian Affairs.

S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.; to the Committee on Indian Affairs.

S. 3128. An act to amend section 3 of the act approved April 12, 1926 (44 Stat. L. pp. 239–240), with reference to suits involving Indian land titles among the Five Civilized Tribes; to the Committee on Indian Affairs.

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; to the Committee on Indian Affairs.

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians; to the Committee on Indian Affairs.

S. 3500. An act for the relief of the city of Philadelphia; to the Committee on Claims.

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*; to the Committee on Foreign Affairs.

S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association; to the Committee on Foreign Affairs.

S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; to the Committee on Naval Affairs.

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (c) of section 11 of the immigration act of 1924, as amended; to the Committee on Immigration and Naturalization.

ADDRESS OF HON. FREDERICK M. DAVENPORT, OF NEW YORK

Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made over the radio by the gentleman from New York [Mr. DAVENPORT].

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. BRIGHAM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered over the radio by the Hon. FREDERICK M. DAVENPORT, of New York:

POWER REGULATION

Mr. DAVENPORT. Power in this country is coming more and more to mean electrical energy put to use. The electric light and power companies are the business corporations which produce and distribute electrical energy among the homes and workshops of the people. The electrical industry is a rapidly developing one, much more ably managed in the last 10 or 15 years than before that, with a great and prosperous future of service if it keeps its head; if it does not take advantage of its natural monopoly position to extort an unreasonable profit from the consumer or to exploit the investor, and if it recognizes that it has an important social as well as economic function.

There is a clear distinction between the privileges and obligations of a public utility, such as the electrical industry, and those of any ordinary private commercial business. It may be reasonably economical to have many independent grocery stores in a community, but it is uneconomical and a great waste to have more than one power and lighting system undertaking to give service in a community. Because of the essentially monopolistic character of a public utility, it is affected, as we say, by a public interest. It is permitted by law to enjoy freedom from competition, to earn a fair return, and to use the State's sovereign power of eminent domain to take for its own use, subject to the public service, the property of individuals and of private corporations. Such are its privileges. On the other hand, it has obligations. It may not discriminate unreasonably between its customers and it may exact only a fair return for its services. It is essentially and legally an agent of the public, and its rights and obligations are to be measured accordingly.

While it is within the sole option of the public to employ such an agency or to secure the services it desires through some other agency of its own creation, experience seems to indicate that the public service corporation can give as good service at less cost than direct public

agencies if these corporations are willing to confine their rates to amounts that are reasonably proportionate to their own real cost of production. The country at the present time evidently wishes to avoid public ownership and operation of utilities if it can, fearing that public ownership would mean uneconomical political ownership; but there is no inherent reason why the public should select a corporation as its agent except on the expectation that by so doing it will secure a better service at the same price, or an equivalent service at a lower price.

Experience has abundantly shown that public service corporations, power companies and others, can not be left to their own devices. The States have established, therefore, what are known as public service commissions to exercise that power of regulation which is necessary and which is inherent in State sovereignty. A few States have strong commissions with adequate powers. In most States the regulating commissions have inadequate powers and niggardly appropriations to carry on their work, and appointments and policies are too frequently dictated by political considerations. These commissions will never fulfill their proper function until in quality of personnel, in tenure of office, and in freedom from political dictation they have the character of the best of our courts.

But even strong and intelligent State regulation would not be sufficient. The operations of the electrical-power utilities go far beyond the physical limits and legal authority of any State. The amount of energy transmitted in interstate commerce is at present a small fraction of the total produced, but it is rapidly increasing in amount and importance. Mergers of power corporations are being rapidly effected through the instrumentality of what are called holding companies. A holding company has in it opportunities for great good and also for great harm. In order that the possibilities of grave abuse in these processes shall not become actual the Federal Government, which now exercises scarcely any of its authority, should assume the necessary measures of control.

The regulation of public utility financing and practice has for its purpose not only the protection of the investor but also the maintenance of adequate service and reasonable rates to the consumer. What is a reasonable rate? Manifestly it is the lowest price at which in the long run under good management sufficient capital will be attracted to the public-utility business to keep it active, serviceable, and progressive. The consumer is of the opinion that the necessary capital can be secured on the basis of a fair return on the actual dollars invested. The producer is too frequently coming to contend that rates should be fixed on what it would cost to reproduce the property new, regardless of original cost or actual investment, and makes this claim oftentimes because under present conditions reproduction cost is greater than actual cost and makes a more profitable rate base. This is the point of most acute conflict to-day between the producer and consumer. From the standpoint of sound economics or of a wise social policy, values in excess of actual prudent investment are without justification, and the claim for such values is not consistent with the obligation of the agent toward his principal. The courts have recently lent a considerable measure of support to these latter-day claims for inflated capitalization on the part of public utilities, partly following decisions made at a time when the distinction between a private and a so-called quasi-public business had not been clearly worked out, and partly because of the handicap of limited economic training among jurists.

But if the so-called police power of the Constitution fails us, and we are able to secure only imperfect regulation of rates in the interest of the consumer from commissions and courts, we may invoke the contract power of the Constitution as the next logical step in public-service regulation. We may provide that the right to engage in new public-utility enterprise, and to expand existing ones, shall be granted under terms of a specific, enforceable contract in which rights and obligations, rate base and return thereon, shall be clearly set forth. This, if applied to the future, will infringe upon no vested rights. We need merely be careful not to destroy the incentive of private capital to invest in the industry, and not to regulate beyond the limits essential to protect the public interest.

If we succeed in establishing this regulation by contract power, how shall we know that the results are as good as we might get through the direct employment of public agencies? We can set up public standards—yardsticks—here and there; let the Government or an authority representing the Government sit in the power station and wholesale the energy to private distributing companies and apply the contract principle at Muscle Shoals, on the Colorado, and on the St. Lawrence and compare results with private-corporation projects. Such comparison should be rigidly made on sound scientific lines, because it is easy to deceive ourselves with superficial comparisons which omit significant factors.

This program of protection for the consumer proposes that the power industry shall be left in private hands as long as it is willing and able to give good service at a cost no greater than could be secured by direct public agencies. If the power industry takes a position which is in the long run economically and socially sound, it will not have to fight to maintain itself against a hostile or doubting public opinion. But if it takes the position that its public obligation is limited to that which laws may force upon it, and that it is entitled to collect for its services under cover of out-worn legal theory all that it may wring from weak or politically influenced or half-hearted regulation, it will have only itself to blame if it is discarded as an agency for public service. If public ownership and operation comes, it will not have been brought about, in this country at least, by the propaganda or political agitation of communists or Bolshevists or any other radically minded political or social group, but because of the failure of the industry itself to realize at the same time its privileges and its obligations.

LETTER TO SECRETARY KELLOGG CONCERNING RUMANIA

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter that I wrote to the Secretary of State, Mr. Kellogg, on March 19, on the subject of loans to Rumania.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter written by myself to the Secretary of State, under date of March 19, 1928, on the subject of loans to Rumania:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 19, 1928.

Hon. FRANK B. KELLOGG,
Secretary State Department,
Washington, D. C.

MY DEAR MR. SECRETARY: It is bruited about Wall Street that the Government of Rumania is negotiating the floating of an international loan of $60,000,000, a major portion of which is to be offered to the American public. It apparently is to stabilize the finances of Rumania. It is rumored that the Federal reserve bank at New York will be expected to join other financial institutions here and abroad in extending credit to this most bureaucratic and most medieval Government in Europe.

Rumania, running true to its history, has made of itself during the last few years, as a result of pogroms and massacres of minority populations, a pariah among nations.

We, in America, stood aghast at the recent atrocities at Kishineff—outrages which we thought the postwar treaties had ended forever.

Rumania was bitterly condemned in the court of world opinion.

It was not the first time this benighted country stood condemned before the world. It has repeatedly violated the pledges given in the treaty of Berlin in 1878, wherein Disraeli demanded that it give assurance that it would treat its minority populations equitably as a price for its becoming an independent nation. Rumania has never kept a promise or a treaty. It never will.

It renewed its pledges at Versailles in 1919 only to break them at Oradea Mare this past year.

Now, its minister, Mr. George Cretziano, pledges his country to an honorable course for the future. But, however estimable Mr. Cretziano may be and however sincere personally, he can not bind the Bratiano dynasty and the Rumanian bureaucracy. He is a shadow. They the substance. Disapproval, no matter how harsh, criticism, no matter how bitter, have never made so much as a dent in the ironclad intolerance of this nation. Only the mailed fist or acts of other nations that threaten her security or self-interest have ever brought Rumania to terms. Secretary of State Hay, in 1902, forced her hand when he negotiated with the Government of Rumania for a convention of naturalization. He called attention to the treaty of Berlin, which prescribed—

"In Rumania, that difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever."

He furthermore emphasized the fact that—

"with the lapse of time these prescriptions have been rendered nugatory in great part, as regards the native Jews, by the legislation and municipal regulations of Rumania."

And that—

"by the cumulative effect of successive restrictions the Jews of Rumania have become reduced to a state of wretched misery."

He indicated that the United States—

"can not be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Rumania are subjected not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of humanity."

It is needless to state that Rumania came to terms under the threats hurled at her by Secretary of State Hay.

Under date of December 31, 1926, I called your attention to the mistreatment of Jews in the cities of Kishineff, Kalrash, Jassy, and Bucharest. I then suggested that what was said by Secretary Hay in 1902 might readily be said by you in 1926. You replied, under date of January 11, 1927, that the status of minorities had undergone considerable change since 1902 and that the rights of minorities in Rumania had been fixed by the treaty signed at Paris in 1919, and that any grievance suffered by minority populations might be redressed by the Council of the League of Nations. You therefore held that the League of Nations was the proper forum before which any infractions of the treaty might be brought. But since the said treaty was not ratified by the United States, we could not intervene.

Under date of January 12, 1927, I responded and stated that in my humble opinion the Paris treaty of 1919 did not create an exclusive remedy or set up an exclusive tribunal to which the recent excesses in Rumania might be referred. I felt that on grounds of lofty humanity our Government had the moral right of protest.

Now, this same Government, guilty of those excesses, is knocking at our doors and seeks financial assistance.

I respectfully petition that you in your great office as Secretary of State disapprove of any loan to Rumania.

Even at this very writing we are informed that anti-Semitic atrocities again threaten Rumanian Jews, and that the imminence of such atrocities was the gist of an alarming interpolation introduced into the Rumanian House of Parliament, on March 16, by one of its deputies.

While overtures made by the Rumanian minister to this country that he would endeavor to persuade his Government to renew its pledges of protection to minorities are most praiseworthy, and while his efforts should meet with encouragement, nevertheless Rumania should be forced to purge herself of her wrongs. She must be made to realize that she can expect no financial favors from us. That shall be her punishment.

Nearly three years ago the State Department closed American money markets to France, Italy, and Belgium until those countries agreed to settlement of their war-time debts to us. The ban has since been lifted as against Italy and Belgium, but the ban remains against France, although the State Department has agreed to the flotation of a French refunding loan, which would simply be a matter of refinancing at a lower interest rate.

If you placed embargoes against countries that failed to settle their debts with us, how much weightier is the reason for the similar ban against a country like Rumania which has so sinned against morality and decency.

If you had no jurisdiction to protest in December, 1926, surely you have jurisdiction now to show Rumania in a most effective manner how she has offended.

I am informed that the Chase National Bank was urged not to finance a loan to Soviet Russia because of our proscription against its form of government and the actions of its officials in their attempt to subvert our Government.

Since March, 1922, virtually all of the loans made abroad have been reviewed by the State Department; the bankers, at the suggestion of the department, having voluntarily submitted their proposals to the department in advance.

I offer no opinion as to the legality of the actions of the Department of State. I presume it is the right of the Executive, through his State Department, to direct the foreign relations of the Government.

I presume that no exception will be made and that Blair & Co., the New York bankers, who are handling the loan, and the Federal reserve bank at New York, through Governor Strong, will present to you, in the ordinary course, the application for the loan, for your approval or rejection.

I presume the application is already upon your desk. Would not your consent to that loan be construed as an approval of the acts of the government applying? You have assumed to censor the governments by disapproving loans to them because of their actions.

You stated that the policy of the State Department in this regard was as follows:

"It has objected to loans to countries which had not settled their debts to the United States, as it believed that it was not in the public interest to continue to make such loans, and it has objected to certain loans for armament and the monopolization of products consumed in the United States."

I, therefore, petition that you interdict any loan to Rumania by disapproving in the general public interest and upon grounds of high morality any application presented to you for that purpose.

Very truly yours,

EMANUEL CELLER, M. C.

SINKING OF THE SUBMARINE "S–4"

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for five minutes concerning a newspaper article appearing in the Washington Post.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, in my time I ask the Clerk to read the following short statement from the Washington Post.

The Clerk read as follows:

The salvage air line of the *S–4* is found to be in working order, and through it air could have been pumped to the dying heroes who put up against death one of the gamest fights in the annals of our own or any other Navy. Why wasn't this done—and will Congress undertake to find out? If these brave men were abandoned to their fate without sufficient effort being made to save them, the country is entitled to know it.

Mr. McCLINTIC. Mr. Speaker, and ladies and gentlemen of the House, for 50 days the people of this Nation have been waiting for this Congress to act on a resolution which is now pending before the House and Senate and is before the conference committee for proper action. The distinguished chairman of the Rules Committee gave out a statement some time ago in which he said he did not believe the subject required further investigation. I want to know what kind of testimony this Congress desires in order that we might have a proper investigation of the *S–4* submarine disaster.

Mr. SNELL. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. SNELL. I want to say that I never gave out any such statement. I never said it did not require further investigation. I deny it absolutely in every respect.

Mr. McCLINTIC. It was published by the press, and if the gentleman says he did not make it, then the error is with the person who wrote the article.

Mr. SNELL. There are a great many errors in the public press.

Mr. McCLINTIC. I accept the gentleman's statement, and I am glad he has corrected me.

I want to say that I have called the attention of the House to the fact that no proper investigation has been made with respect to the safety devices on submarines. I have called attention to the fact that there is a question as to whether or not the trial runs made by the *S–4* were necessary. The statement has been made that the runs had all been made and that the *S–4* should not have been ordered on its fatal cruise, and this morning we are confronted with a situation that shows that somebody in charge of the rescue of this ship failed to give these men the kind of aid that could have been given them if they had known all about submarines.

In addition to the charges that have been made I respectfully call your attention to the fact that it has been said that a cable ran from one compartment to another, thereby making it impossible for the doors to be closed. I would like to know if this is the situation that exists on all of our submarines at the present time. It seems to me that Congress should be awakened by these revelations so that those in charge may put the responsibility where it belongs. I would like to know if human sympathy is waning. Have we no respect for the dead? Such terrible catastrophes should make us have some respect for the Biblical injunctions that relate to the brotherhood of man. [Applause.]

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes on the same subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I am sure that the country has been watching the Congress and wondering whether we have not lost all interest in the disaster which befell the *S–4*. I have here a large number of editorial comments from newspapers, which presumably represent the best thought of the people on the subject of whether or not there should be a further investigation of that tragedy. The investigation by the naval board was far from satisfactory. I have many times inquired as to what progress may have been made by the conference committee in the way of settling the differences between House and Senate. We are satisfied that the House Members on the conference committee have been willing to compromise and reach an agreement. They are not responsible for the delay. I understand from reports which have reached me that our Members have expressed their willingness that the House and Senate should be represented on the proposed commission of investigation. We now seem to be agreed on that.

I am exceedingly sorry that we could not have had the investigating commission at work at this time, and in attendance at the Boston Navy Yard, where the ill-fated submarine now is, and the cause of the accident is being further investigated through an inspection of the boat herself.

During the past two days much of value has been learned, tending to clear up uncertain points, but there still remains much of mystery. We have been patiently waiting and hoping

that "death notes" would be found to enlighten us further. I understand that but one note of this nature has been reported. Hope has been expressed by many that there are other messages which have been sent to the Navy Department, as would naturally be the case. Some fear has also been expressed lest some of these messages—if any more exist—might be suppressed, but we can not for an instant believe that the department would refuse to publish the contents of any note of this nature. We have been trusting that such messages left by the men who were alive for many hours after the accident would shed new light on the subject. If only one was written it is both strange and unfortunate.

I am sure that we have all read, with the greatest interest, the newspaper accounts of what has been discovered during the past few days. We read this morning that nearly all of the crew sacrificed their lives in an effort to save two or more of their number who were first entrapped. The statement is made that in the control room, which would presumably be the safest place, the occupants were forced out by reason of the gas, and also that there were at least three compartments which were still buoyant. The question which this morning once more arises in our minds is "Why did they not endeavor to tow the submarine ashore?" Failure to make such an attempt, at least, gave rise to one of the principal criticisms which was made on the floor of the House shortly after the accident. The explanation given at that time was to the effect that the gash made by the *Paulding* was probably so large that the *S–4* might be torn asunder if an attempt to tow her was made. Some of us have felt, however, that it should have been tried.

Efforts have been made to place the blame for the accident, and the report of the board of inquiry made the captain of the Coast Guard destroyer a defendant. The Treasury Department had no representation on the board and, of course, the Coast Guard should have been represented. Accordingly, Mr. Speaker, there still remain many matters connected with this tragedy which should be considered in addition to the "safety device" feature.

The public demands the right to know everything possible about why the accident occurred and what is to be done to prevent a similar tragedy happening again.

We should fix the responsibility by such a commission as is now contemplated. The committee for the House has, apparently, been acting fairly in the matter, but I believe that the Congress should now insist that it be brought to an immediate conclusion. I previously advocated the placing of one or more Senators and Representatives on that commission so that the public might not feel that this body was trying to evade any responsibility, and I feel the same to-day. [Applause.]

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SNELL. Mr. Speaker, I did not at this time intend to say anything about the conference in regard to the sinking of the *S–4* and the House joint resolution on that matter. I did intend to say something about it within the next two or three days. However, inasmuch as the open charge is made that the conferees on the part of the House have not done their duty, I think it is only due to the conferees that I make a statement at this time.

As the House well knows, we passed a joint resolution almost unanimously, setting up a commission to investigate everything in connection with the safety devices, improvements, and the general management and construction of submarines. Also there was one special section that gave that commission special authority to investigate the sinking of the *S–4*. We sent that joint resolution over to the Senate. They were not willing to accept it. Instead the Senate passed a resolution setting up a separate joint committee of House and Senate to investigate the sinking of the *S–4*, and took that special authority away from the commission, and they said they were willing that we should make the other investigation. The position of the House conferees was that it was absolutely impossible to make an investigation without covering practically the entire subject; that sections 2 and 3 were so closely connected in every way that they could not, as far as practicable results are concerned, be separated. We have taken the position that we want a full and complete investigation of everything connected with the submarine service by men trained to do it, and we were absolutely opposed to having two investigations of practically the same subject going on at the same time.

But in order to meet views of the Senate, we were willing to compromise with them, and allow them to add to the commission that the House had set up two or three Members from the Senate and same number of Members from the House, to make one investigation and do it at the same time. This would preserve every right of Senate and House and be a dignified procedure. And that was also what the President and Navy Department wants. We met with the Senate conferees early after the appointment of the conferees. We have had at least three meetings. We have done the best we could to reach an agreement and to bring about an investigation. We think we have gone half way in this entire matter. That is what conferences are for. We have not put a single stone in the way of having a full and complete investigation of this whole subject. We honestly want one. The country wants one, but they do not want a purely political one. We do not feel that we are at all to blame. We feel that we have carried out the wishes of the House as far as we could, and we are willing to compromise and go half way in meeting the position the Senate has taken in regard to the investigation. In this I believe I speak the views of all the House conferees.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. McCLINTIC. Does not the gentleman think that the House should be willing to have a joint committee of the House and the Senate make this investigation, if we could not get anything else?

Mr. SNELL. I would not say we would not be, but it is generally understood and every man knows that if we want to investigate this whole subject thoroughly and go into the safety devices and construction and operation of these submarines, we must have some men who are technically informed, some men who are engineers, trained in that line of work, in order to make a complete and satisfactory investigation, not only to the House, but to the country as a whole. That was the reason why we have stood for the principle of the House resolution. You must have the proper kind of a commission or it would be a farce.

Mr. McCLINTIC. I wanted to find out whether or not the committee had discussed that phase of the situation; as to whether or not they could get together and agree upon a plan which will enable the Senate and House to make an investigation in case you could not agree upon any other plan.

Mr. SNELL. I have tried to make it plain to the country and to the House, without going into the particular discussions that were had by the conferees.

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. POU. I want to ask whether or not the position of the House conferees was not that there should not only be an investigation of the *S–4* disaster, but a further investigation as to safety devices throughout the world?

Mr. SNELL. Yes; everything that could possibly be covered in connection with the manufacture and operation of the submarine in the United States and the world at large.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Speaker, may I have two or three minutes more?

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield again?

Mr. SNELL. Certainly.

Mr. McCLINTIC. Has the chairman of the committee considered this thought, that in case the conferees can not agree he would be willing that either branch of the Congress should make this investigation?

Mr. SNELL. What good would it do to have just a congressional committee alone to make the investigation?

Mr. McCLINTIC. I think good would be done by any committee that would bring out the facts in connection with this controversy so as to safeguard the service in the future. I think such a committee would perform a great service.

Mr. SNELL. I would not say I would oppose that, but I think the position of the House is the best one if you want to get a full and complete investigation.

Mr. McCLINTIC. Another question. Will the House conferees meet in the near future with the Senate conferees with the hope of an agreement?

Mr. SNELL. I do not care to answer that question at the present time.

Mr. McCLINTIC. I would like to know whether such a proposition was considered.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman from New York yield?

Mr. SNELL. Yes.

Mr. LaGUARDIA. The function of this committee is not only to serve as a fact-finding body, but also as an expert com-

mission to decide upon the question of construction and future use of the submarine?

Mr. SNELL. That is the principal thing. Facts were found out by the investigation conducted by the Navy. In regard to what the gentleman from Oklahoma [Mr. McCLINTIC] said about my position on the investigation made by the Navy, I want to make it perfectly clear. I think that so far as the naval inquiry went in making the investigation they did what they could, but I never thought that that was all the conferees had in mind in regard to a complete investigation of the whole subject.

Mr. McCLINTIC. I thank the gentleman for his statement. The reason why I called attention to the fact is that the newspapers did carry the story that the gentleman was satisfied with the inquiry that had been made.

Mr. SNELL. I said I was satisfied in so far as they had gone, but that was not a complete investigation of the subject.

Mr. CHINDBLOM. The conferees have been united, have they not?

Mr. SNELL. Yes; the conferees have been united since the investigation first started and have tried to carry out the expressed will of the House.

INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 31, providing that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof. Action must be taken before April 1 if we are going to do it at all.

The SPEAKER. The gentleman from Maryland desires to call up Senate Joint Resolution 31. The Clerk will report it.

The Clerk read as follows:

Joint resolution (S. J. Res. 31) to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

Resolved, etc., That the President be, and is hereby, authorized and requested to extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, either in 1929 or 1930, as the association may determine.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such session, including printing of reports, compensation of employees, transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of appropriate courtesies.

The SPEAKER. Is there objection to the present consideration of the Senate resolution?

Mr. SNELL. Reserving the right to object, Mr. Speaker, I think we should have some explanation of this matter before it goes further.

Mr. LINTHICUM. I am perfectly willing to explain it. We want this congress to meet in this country this year.

Mr. BEGG. Mr. Speaker, will the gentleman permit a question there?

Mr. LINTHICUM. Certainly.

Mr. BEGG. Has that resolution been before the Committee on Foreign Affairs?

Mr. LINTHICUM. Yes; it has been before the Committee on Foreign Affairs.

Mr. BEGG. Of the House?

Mr. LINTHICUM. Yes; it has been before the Committee on Foreign Affairs of the House. It passed the Senate and was reported favorably by the Committee on Foreign Affairs of the House.

Mr. BEGG. Is it upon the calendar?

Mr. LINTHICUM. Yes; it is upon the calendar.

Mr. BEGG. Has the gentleman discussed the matter with the chairman of the Committee on Foreign Affairs as to its being called up?

Mr. LINTHICUM. Yes. The full committee understands it. It is essential and necessary to take it up before April 1; otherwise it will be too late. The President, of course, has the right to invite this road congress to meet here, but under the law we must have certain legislation for an appropriation. That is the purpose of this resolution.

Mr. MADDEN. How much money is involved in this?

Mr. LINTHICUM. Twenty-five thousand dollars, or so much thereof as may be necessary. It is a very important matter, because these gentlemen hitherto have been meeting in various parts of the world. It will bring men here from all over the world to discuss the question of roads.

Mr. MADDEN. Has this question ever been submitted to the House?

Mr. LINTHICUM. It never has been submitted to the House, but it has been objected to.

Mr. MADDEN. Has any chance been given to the House to consider it?

Mr. LINTHICUM. It never has.

Mr. MADDEN. I think I will object.

Mr. LINTHICUM. I would like to know what the gentleman means by consideration. It has been passed by the Senate. Referred to the Foreign Affairs Committee of the House and by that committee reported favorably through me.

Mr. MADDEN. That does not bind me.

Mr. LINTHICUM. I hope the gentleman will not object as it is a very important matter.

Mr. MADDEN. As I say, that does not bind me and I object for the time being.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12286, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 12286, the naval appropriation bill, which the Clerk will report by title.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose last evening the gentleman from Idaho [Mr. FRENCH] had occupied 55 minutes of time in general debate and the gentleman from Kansas [Mr. AYRES] 67 minutes.

Mr. FRENCH. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. WINTER].

Mr. WINTER. Mr. Chairman and gentlemen of the committee, in the March North American Review, whose editorial and executive office is in New York, and publication office in Concord, N. H., there appeared an article under the name of one J. M. Scanland, whose residence is Los Angeles, Calif., and under the title "Reducing States to Territories."

In the main, the article is an attack upon Arizona. There are few, if any, who knowing all the circumstances will fail to find the animus in the assault upon Arizona. The Arizona Representative in the House is abundantly able to take up the gage of battle for his State and I do not rise for that purpose.

I have taken the floor for the reason that this same article contains a most untrue, inexcusable, and libelous passage specifically against Wyoming. The question naturally arises as to the animating motive of the writer in his attack upon my State. Whom does Mr. Scanland represent? I am loth to believe that he represents anyone but himself. I now quote his written statement concerning Wyoming from the magazine I have mentioned:

Another constitutional question arises in the case of the decaying State of Wyoming. It wants to go out, or rather be turned back into a Territory, with a Territorial government, which would be mainly supported by the General Government. It has not violated any provision of the enabling act, but alleges that it is too poor to support a State government. It is mostly a stock and grazing country, and the population is shifting, unsteady, and unproductive. Within the last few years Wyoming has shown very little increase in the number of its inhabitants, and a large number of these are not really citizens. According to the census of 1920, the State had a population of 194,402, or about 17,000 less than the basis for a Representative in Congress. It is reported that its few industrial resources are declining, and the people have held meetings, from time to time, and will petition Congress to "dissolve" the State Government. They allege that the expenses are more than they can bear, and they desire to get rid of a horde of officials.

* * * With Wyoming, there is an easier way out: A State can dissolve itself by refusing or failing to elect State officials, just as a cross-roads village commits suicide by refusing to collect taxes. True, some State officials may cling to their offices "until their successors are qualified," under a technicality. But if the people generally refuse to elect their successors, and, worse than all, refuse to pay taxes, the

State will die a natural death. Another way out is by annexation. Wyoming can ask to be annexed to one or more of the adjoining States. This can be done by the willingness of the other State or States to receive the unprosperous State.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. DOUGLAS of Arizona. May I inquire of the gentleman who wrote that article?

Mr. WINTER. One J. M. Scanland, who resides in Los Angeles, Calif. I have already indicated that under all of the conditions and circumstances there may be those who surmise a motive.

It is difficult to find language, permissible on this floor, sufficiently strong to properly characterize this defaming article. I brand every statement of alleged fact or conclusion in that passage, excepting the census return for 1920, as an absolute falsehood. No shadow of excuse, mitigation, or extenuation can exist. The writer could not have been ignorant of the facts. He must have known better, and therefore he is a deliberate libeler. Insanity or decadent senility of the writer are the only possible explanations, other than malicious falsehood.

There is no sounder, healthier, or more promising State than Wyoming. Only an ignoramus or scandalmonger would use the word "decaying" in connection with that State.

Wyoming is not limited to a "stock and grazing industry." Incidentally its sheep industry numbers 3,000,000 head, producing 25,000,000 pounds of wool annually, ranking next to Texas, which is first, and which has an area more than two and one-half times as large as Wyoming.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. JOHNSON of Texas. Texas is also first in a good many other things than wool, is it not—in cotton, oil, and other products?

Mr. WINTER. I do not dispute that. I am stating here that Texas is first in sheep and wool, but, area for area, Wyoming surpasses it in that industry.

Mr. JOHNSON of Texas. I appreciate the compliment.

Mr. WINTER. Cattle last year numbered 594,000, with a valuation of $14,540,000. Hogs last year produced $1,900,000. But the agricultural wealth produced in 1926 was $71,000,000. The mineral wealth produced in the same year was $78,000,000. The assessed valuation for tax purposes in Wyoming in 1927 was $457,000,000. It has 1,500,000 acres of irrigated farms and as much more susceptible of irrigation. It ships tremendous amounts of honey and turkeys, seed peas, seed beans, and seed potatoes. It has four sugar-beet factories, and more planned. It produces fruits and highest-class vegetables for shipment.

In 1927 Wyoming produced 21,000,000 barrels of oil, 6,400,000 tons of coal, 603,000 tons of iron; private capital has just finished the building of a $2,000,000 cement plant near Laramie. Our State is just beginning the development of vast proven resources of coal, iron, oil, asbestos, potash, phosphate, sodium, aluminum, gypsum, and other valuable deposits, all together estimated to be of a value of many billions of dollars. Our water-power possibilities are almost incalculable. It has 3,500 square miles of oil-shale surface deposits containing, according to Government reports, 21,000,000,000 barrels of oil. There are scores of great natural-gas fields supplying many of our towns with this greatest and finest fuel. It has 30,000 square miles of coal lands, sufficient to supply the United States for hundreds of years. It has 8,500,000 acres of forests. It has paid into the Treasury in the last 10 years, from its public lands and mineral royalties, $42,000,000, and will pay in as much more in the next 10 or 15 years. Wyoming produced last year in mineral, agricultural, livestock, and manufactured products $237,000,000. Here are some of the principal items:

MINERAL	
Oil (refined value)	$110,000,000
Coal	18,000,000
Iron	450,000
Other minerals	2,500,000
AGRICULTURAL	
Hay	15,000,000
Wheat	4,629,850
Sugar beets	3,524,000
Corn	3,104,200
Oats	2,432,320
Barley	1,641,600
Potatoes	2,106,000
Apples	53,200
Beans	740,000
Rye	586,000
Butterfat	94,100
Milk	859,574
Butter	1,477,000
Cheese	1,477,000
Poultry and eggs	1,963,000
LIVESTOCK	
Cattle	$14,410,000
Sheep	11,400,000
Wool	7,876,050
Hogs	1,963,000
MANUFACTURING	
Manufactured products	25,000,000

It ranks first of all the States in coal resources; second in the sheep industry; second in per capita wealth; fifth in oil production. This record is made with only 40 per cent of our area in private or State ownership. So much for the absurd proposition that our resources are declining. Such are the plain statistical records which are obtainable by any writer. There is no State of greater potential wealth. Yet a man states over his signature that we say we "are too poor to support a State government"!

Mr. ABERNETHY. Will the gentleman yield for an observation?

Mr. WINTER. I yield.

Mr. ABERNETHY. I may say to the gentleman that I served with him on the committee for quite a while and I know his senior Senator very well. I have never yet ascertained but what Wyoming was a considerable factor in national legislation, and I can not figure out just how anybody could get the idea that they were trying not to be a State.

Mr. WINTER. I will go on with that subject a little further.

Mr. ABERNETHY. I hope the gentleman will not take offense at what I have put into his speech.

Mr. WINTER. I thank the gentleman for his remarks. I take them to be decidedly complimentary.

Our total State debt is only $1,919,000. But five States in the Union have a smaller debt. We paid $9,500,000 in taxes in 1926. We have no "horde of officials." Our State government is clean.

The statement that our people have held meetings for the purpose and will petition Congress to "dissolve State government" is so amazing and absurd as to cause amusement—amusement shot through with flashes of righteous indignation. The fact is that the Wyoming Legislature last year filed a memorial with Congress to cede the remaining public lands to the State. We are protesting against being kept in a state of dependency in any respect to the Federal Government, except as all States cooperate with and are assisted by the General Government under nation-wide policies applicable to all the States. Wyoming not only does not want to "go out or be turned back into a Territory, to be mainly supported by the General Government," an idea never spoken or dreamed of in our State, but, on the contrary, it is insisting upon its rightful place and full sovereignty as a sister State in the Union. It is crying out against dependency upon the General Government and pleading for full independence and jurisdiction, with right of taxation or its equivalent over its soil and resources. It objects to legislation which would forever keep 60 per cent of its area under Federal control, nontaxable, and force it to continue asking the Government for proportionate aid.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. GREEN of Florida. The gentleman has said something about forest lands and I was glad to hear the gentleman speak about the forest lands of the West. I trust that when the program for southern reclamation, in Florida in particular comes in the gentleman will assist us.

Mr. WINTER. I listened with a great deal of sympathetic interest to the presentation before the Committee on Irrigation and Reclamation of views with respect to the bill introduced in that regard by the gentleman from Georgia [Mr. CRISP], and I expect to give the matter further consideration in the committee.

Mr. ROMJUE. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. ROMJUE. In view of what the gentleman has said about the vast amount of wool production in Wyoming, and from the general trend of his discussion, I judge Mr. Scanland has not yet pulled the wool over the eyes of the gentleman.

Mr. WINTER. No; my eyesight and insight are good and unimpaired. Far from being "shifting, unsteady, and unproductive," the population of Wyoming is unusually stable, steady, and productive. We have a per capita wealth of $4,663, ranking as the second State in the Union in that respect. We have had a uniform increase of population. From a population of 194,402 under the census of 1920, the estimate given out by the Census Bureau for July 1, 1928, was 247,000; an increase of 27 per cent in seven years.

Those who wrote the ordinances of 1787 and 1789 under the Constitution, provided that when an area contained 60,000 people it was qualified, so far as population was concerned, to

be admitted into the Union as a State. Wyoming has four times that number and is increasing steadily. The States east of the Mississippi began statehood with little more than the required number. They had to be subsequently developed.

I hold before me the estimated population table just issued by the Census Department. According to this table, the population of Wyoming as of July 1, 1928, is now more than one-half that of New Hampshire, two-thirds that of Vermont, and 3,000 greater than that of Delaware. Yet no one ever proposed reducing these States to Territories. New York has not asked that Delaware, with its one Congressman, be demoted and her political representation in the Congress be annulled. Other States made no growth, according to this table, in population between 1920 and 1928, but no sane man would suggest for a moment that they are decaying or are too poor to sustain a State government, have exhausted their industrial or natural resources, and should be returned to a Territorial status.

As to the stability and ability of the people of Wyoming, it is only necessary to call attention to the fact that Wyoming has furnished to the Nation Justice Van Devanter, of the United States Surpeme Court; Justice Van Orsdel, of the District of Columbia Court of Appeals; William C. Deming, president of the United States Civil Service Commission; Frank W. Mondell, former Republican floor leader of the House of Representatives, former member of the United States Finance Corporation, permanent chairman of the last Republican National Convention; Senator Joseph M. Carey, deceased, author of the Carey Act and other national legislation; Ex-Governor Robert D. Carey, chairman of the President's Agricultural Commission; Ex-Senator Clarence D. Clark, who was for many years chairman of the Senate Judiciary Committee; John E. Osborne, once Assistant Secretary of State; Senator JOHN B. KENDRICK, mentioned as a possible candidate for the Vice Presidency on the Democratic ticket; and Senator FRANCIS E. WARREN, chairman of the Appropriations Committee of the United States Senate, who at 83 years of age is on active duty and who has a longer service in the Senate, 36 years, 34 years continuous, than any man in the history of the United States from its formation.

Mr. ROMJUE. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. ROMJUE. The gentleman has overlooked the name of Buffalo Bill.

Mr. WINTER. No; I have not reached him in the list. I have not mentioned them all yet.

In authors of national fame, the following are found on Wyoming's scroll: Struthers Burt, Katherine Newlin Burt, Hal G. Evarts, Dr. Grace Raymond Hebard, Bill Nye became famous as the editor of the Laramie Boomerang. Buffalo Bill's home and life's work were at Cody, Wyo. Chancellor A. G. Crane, of the Wyoming University, is constantly sought to head the universities of larger States. For several years the debating team of our State university had the most remarkable percentage of winning debates of any team in the United States. Two years ago our debating team was given the decision here in Washington over the team of the George Washington University.

The records of our university, schools, churches, hospitals, fraternal orders, literary, art, musical, and service clubs denote a people of highest character and active aspirations.

Our "decadent" people furnished the greatest proportion of physically fit men out of the number examined in the World War of any State in the Union. Wyoming 87.64 per cent, California 78.34 per cent is the record. Based on the 1920 census, Wyoming sent 1 out of every 17 of her population into the ranks, 5.9 per cent. California sent 1 out of 30, which is 3.3 per cent. Two years ago the Legislature of Wyoming was presented with the Collier National Trophy for having made the highest record in the Union in the increase of percentage of votes cast for President out of the total qualified number of electors. Wyoming has fewer illiterates than 37 States in the Union. Our "decaying" State and people outrank in intelligence and education the State and people of California, the residence of the Scanlandmonger. We stand as the eleventh State and California the twenty-first in this respect. Our people are 92 per cent white and 87 per cent native-born American.

The whole article, which is an absolute misrepresentation from beginning to end, is so supremely ridiculous that it causes laughter in my State, but is so libelous that I am compelled to call your attention to the same and brand it as such. Ignorance is no excuse for such an attack. But it is not a question of mere ignorance and stupidity. Pure invention and mendacity is the only sufficient characterization. The author of the defamatory article has attempted to make a feeble defense when called upon to explain on what facts he based his statements, by citing a record showing that Wyoming did not of late years produce any copper, whereas it formerly produced some. Wyoming never was a great or permanent copper-producing State, but even if it had so claimed a downward variation or cessation in annual output does not even indicate, much less prove, that its "industrial resources are declining." California did not produce any diamonds last year. Is it therefore a decaying State? Again, he says a record shows we did not produce as much coal last year as the year before. What of it? If that is a criterion then Pennsylvania and Ohio and Illinois are decaying, and their industrial resources declining. Of course, everybody knows the condition of the coal industry was unfavorable and production was reduced in the last year throughout the Nation. Did California produce any coal last year? She did not. Hence, according to the Scanland logic, California is on the road to ruin and should be deprived of statehood. She produced but little more oil in 1927 than she did in 1926. Ergo, she is a decaying State, and her industrial resources are practically exhausted!

On these two items alone hangs the whole defense or attempted justification of the libel writer. How flimsy and utterly unavailing are these as facts to justify his statements! Thirdly, and lastly, he insists he saw "somewhere, sometime, something" in a paper of an account of a meeting in Wyoming where some people protested against high taxes!

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. TAYLOR of Colorado. Is it not true that the press generally and all of the business men's associations in the surrounding States have very loyally upheld the hands of Wyoming in this matter?

Mr. WINTER. They certainly have, and the people of Wyoming are very appreciative of that fact. Those close to us, our neighbors, who know us best, have resented this attack as much as we have.

And that is the extent of his alleged reason for the allegation that Wyoming "will petition Congress to dissolve the State government." In what State of this Union have there not been meetings and resolutions protesting against high taxes? Without searching the record, the answer is—none. These ridiculous and absurd statements constitute his entire defense. I assert, without further argument, that all these facts do not in the slightest degree tend to justify the passage I have quoted. It therefore seems apparent that we must look behind them for the motive of this utter and malicious misrepresentation. Just what the motive back of the malice of Mr. Scanland in the Review article is has not been fully revealed. In due time it will be further disclosed. We of Wyoming sincerely hope that California is not implicated and will repudiate this unfounded attack emanating from a Los Angeles writer. It is to be hoped that California Representatives will not countenance this infamous assault upon Wyoming, even by silence.

While the article is amazing in its untruthfulness, it is more astounding that a reputable magazine would print and publish it. The editor permitting this article to appear in his magazine merely offered to print any communication correcting alleged errors. This is not sufficient. This publication and those responsible for it have an affirmative duty to perform in making a complete retraction and apology.

At this point I submit the following, which has just come to hand, from the North American Review:

> We recognize the justice of the demands contained in the editorial of the Wyoming State Tribune with reference to article in the March issue North American Review, entitled "Reducing States to Territories." We desire to offer our sincere apologies and amende honorable for having given currency to statements, now revealed to be unsupported, reflecting upon the reputation and integrity of the State and citizens of Wyoming. We can only justify the acceptance for publication by quoting the State Tribune's phrase that "accidents may happen in the best-regulated families." Through the courtesy of Congressman WINTER we will publish his correcting statement in the earliest possible issue, which is the May number.

Mr. McMILLAN. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. McMILLAN. Does that come from the editor of this magazine?

Mr. WINTER. Yes. The editor of the North American Review. I thank him for the full and frank apology and trust the retraction and explanation will reach all who have read the article.

Wyoming has only begun to grow. It is young, vigorous, and filled with potential riches. With the records I have given I feel abundantly fortified in declaring that Wyoming will yet be one of the greatest States in the Union in population, wealth, and productiveness, as it now is in natural resources, undeveloped strength, in education, intelligence, character, high ideals, true Americanism, and patriotic devotion. We have an

abiding faith in the greatness of our common country and in the honor and honesty of our Government. We believe in its principles, in its service to its own people, and to humanity. Wyoming, as one of the sisterhood of States, proud of its sovereignty, with honor and glory will do the full share of a State in fulfilling the high destiny of the United States. [Applause.]

Mr. TABER. Mr. Chairman, I yield 30 minutes to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Chairman and Members, on February 23, I introduced in the House a resolution as follows:

Joint resolution authorizing the restoration of a limitation on the importation, free of duty, of Philippine sugar

Whereas the encouragement and protection of the growth of the sugar beet and sugar cane in the United States, and of the production of beet and cane sugar, in the interest of agriculture and as a measure of economic stability and defense, has long been an important feature of our tariff policy; and

Whereas a continuation of such policy is highly important from the standpoint of agriculture and as a defense against the dangers inherent in a condition of dependence on foreign supplies of sugar; and

Whereas the Congress, in the passage of the Payne-Aldrich tariff act of 1909, which gave duty-free entry into our ports to most Philippine products, recognized the danger to the stability and growth of the domestic production of sugar, in an unlimited duty-free importation of sugar from a tropical region with cheap labor and practically unlimited areas favorable to the growth of sugar cane, and limited the duty-free importation of Philippine sugar to a maximum of 300,000 tons per annum, although less than 40,000 tons of Philippine sugar was imported into the United States in 1909; and

Whereas under this limitation and up to the time of the Fordney-McCumber Tariff Act of 1922, the importation of Philippine sugar had never reached 200,000 long tons per annum and had averaged less than 115,000 long tons per annum, and therefore the continuation of the limitation did not appear necessary or essential; and

Whereas the importation of Philippine sugar has increased from 147,212 long tons in 1921 to 473,674 long tons in 1927, being an increase of over 220 per cent; and

Whereas the privilege of an unlimited duty-free market for Philippine sugar in the United States tends to delay the further logical development by the Philippine people of their local oriental sugar markets and to make them largely dependent upon a single competitive export crop, contrary to the principles of diversified agriculture and industry upon which depend ultimate economic, cultural, and political progress; and

Whereas the unlimited and constantly increasing duty-free importation of Philippine sugar into the United States constitutes a grave menace to the continuation of the domestic sugar industry; and

Whereas there is no purpose or disposition to deprive the sugar producers of the Philippines of our free market to the extent to which they have heretofore enjoyed it but rather to protect the American beet and cane farmers and sugar producers from an indefinite increase of duty-free importations imperiling the existence of the domestic sugar industry: Therefore be it

Resolved, etc., That from and after the passage of this resolution sugar coming into the United States from the Philippine Islands, the product of such islands, shall be admitted free of duty in an amount not in excess of 300,000 long tons in any one fiscal year.

I think the preamble and the resolution are self-explanatory, but the matters at issue are so important that I feel it my duty to review briefly the facts and conditions which, in my opinion, justify, and from a viewpoint of our American sugar-beet growers demand, the limitation of the duty-free importation of Philippine sugar.

ATTITUDE OF CONGRESS TOWARD PHILIPPINE SUGAR PRIOR TO 1913

A brief analysis of our tariff relations with the Philippine Islands, I believe, will demonstrate conclusively that the United States Government never intended to place the American farmer in unrestricted competition with the products of Philippine soil. While concessions have been made in our tariff laws in favor of Philippine sugar, a study of the various tariff acts and the conditions existing at the time of their passage will convince any fair-minded man that the Congress intended to protect the sugar-beet growers of the United States from competition with sugar produced in the Philippine Islands under tropical conditions of living and wages.

From the time the Philippine Islands were ceded to the United States by the treaty of peace April 11, 1899, until the passage of the so-called Philippine act of March 8, 1902, sugar and other products of the Philippine Islands entering our ports were assessed the same rates of duty as like products coming from other countries.

The act of March 8, 1902, provided that upon all articles the growth of the Philippine Islands coming into the United States from such islands there should be levied, collected, and paid only 75 per cent of the rates of duty upon like articles imported from other countries.

The fact that the Congress saw fit to levy the full rate of duty on Philippine products entering the United States from the time of the acquisition of the islands in 1899 until the passage of the act of 1902, and by the passage of the latter act continued to levy such duty to the extent of 75 per cent of the rates levied against other countries, is conclusive evidence that the Congress intended to protect American farmers from competition with the cheaply produced products of Philippine soil.

The tariff act of August 5, 1909, the Payne-Aldrich Act, provided that all articles, the growth or product of the Philippine Islands, should be admitted into the United States free of duty, except rice and a specified amount of tobacco and cigars, and except in any fiscal year sugar in excess of 300,000 gross tons.

It will be seen from the above that while the act of 1909 placed most Philippine products on the free list, sugar was accorded a different status. At the time of the passage of this act less than 40,000 tons of Philippine sugar entered the ports of the United States annually, but the Congress even then recognized the potential future danger to the agricultural economy and production of domestic sugar from an unlimited expansion of the Philippine sugar industry and therefore limited the duty-free importation of sugar from the islands to 300,000 tons in any year.

WHY THE LIMITATION ON PHILIPPINE SUGAR IMPORTS WAS OMITTED IN TARIFF ACTS OF 1913 AND 1922

This 1909 limitation to 300,000 tons per annum remained in force until the enactment of the Underwood tariff in 1913, which materially reduced the tariff on sugar and provided that sugar should go to the free list May 1, 1916. Quite naturally the Philippine limitation was omitted from these provisions. On April 27, 1916, an act was approved which repealed the free-sugar provision of the Underwood Tariff Act three days prior to the time when it would have gone into effect. Chairman Kitchin, of the House Ways and Means Committee, in reporting this bill, stated that the legislation was necessary because the Treasury, owing to the decline in customs and other receipts, needed the revenue yield from sugar amounting at that time to nearly $45,000,000 net. As this action of the Democratic House was therefore taken from the standpoint of revenue, the Philippine situation was not considered.

When the Republican Congress took up the consideration of the Fordney-McCumber Tariff Act of 1922 the importation of Philippine sugar had never reached 200,000 long tons in any one year and had averaged between 1919 and 1921 less than 115,000 long tons annually. The subsequent enormous increase of Philippine production and export was not then anticipated and therefore the restoration of the limitation upon the free importation of Philippine sugar did not appear to be necessary.

At this point I will insert in the RECORD a table showing the domestic beet-sugar production and imports of sugar into the United States from 1909 to 1927:

Domestic beet-sugar production and imports of sugar into the United States, 1909–1927

Year	Production United States beet sugar	Sugar imports into the United States			
		Cuba	Philippines	Hawaii	Porto Rico
FISCAL	*Long tons*	*Long tons*	*Long tons*	*Long tons*	*Long tons*
1909	457,562	1,277,795	37,343	456,636	218,059
1910	455,511	1,566,812	78,513	495,801	254,036
1911	535,268	1,494,467	102,836	451,436	288,319
1912	618,354	1,422,604	194,451	538,154	327,808
1913	654,822	1,924,902	90,697	484,537	341,705
1914	644,691	2,199,377	52,121	497,656	286,273
1915	780,554	2,136,111	145,912	571,814	262,912
1916	732,729	2,084,418	119,595	519,020	436,329
CALENDAR					
1918	679,420	2,211,469	60,537	450,781	300,419
1919	648,617	2,984,885	78,514	517,368	357,737
1920	972,340	2,572,389	130,230	490,905	368,798
1921	911,151	2,312,565	147,212	483,150	419,014
1922	602,679	4,042,094	245,365	506,905	321,725
1923	786,607	3,059,235	212,398	463,566	305,497
1924	973,214	3,296,829	302,685	604,363	350,703
1925	815,179	3,502,763	439,977	674,249	536,082
1926	800,893	3,821,332	339,674	667,080	499,329
1927	946,429	3,256,299	473,674	690,308	518,784
Increase 1927 over 1909 ---------- per cent	106.8	154.8	1,168.4	51.2	137.9

The failure of Congress to restore some limitation on the free importation of Philippine sugar under the Fordney-McCumber Act of 1922 coincides with the beginning of unprecedented expansion of the sugar industry in the Philippines. Production and imports soared; imports of duty-free sugar have hurdled the old 300,000-ton barrier which in 1909 seemed essential to the protection of the domestic sugar industry. Imports have increased from 147,212 long tons in 1921 to 473,674 tons in 1927, an increase of over 200 per cent, while during the period from 1909 to 1927, inclusive, the imports of Philippine sugar have increased over 1,168 per cent, and even this may be only an indication of greater gains in the immediate future.

A continuation of this constantly increasing flood of duty-free Philippine sugar, sent to the United States in bottoms not subject to our coastwise shipping laws, will eventually displace the million tons now contributed by the domestic industry.

In April, 1927, the freight rates on sugar per hundred pounds were approximately as follows:

	Cents
Cuba to New York	13½–14
Cuba to Galveston	11 –12
Cuba to New Orleans	10½–11½
Cuba to Boston	15 –16
Cuba to London	22½
Philippines to San Francisco	27
Philippines to New York	32
Porto Rico to New York	16
New York to Chicago (all rail)	56½
New York to Chicago (lake and rail)	51½
New York to St. Paul-Minneapolis (rail)	69
New York to St. Paul-Minneapolis (lake)	60½
New York to Missouri River	77½
California to Missouri River	84
California to Chicago	84
Denver to Chicago	56
Denver to St. Paul-Minneapolis	56
Salt Lake City to Chicago	69
Salt Lake City to St. Paul-Minneapolis	69
New Orleans to St. Paul-Minneapolis	66
New Orleans to St. Louis	53½
New Orleans to Chicago	54

To prevent further aggravation of this serious condition some limitation on duty-free imports must be restored. To restore the old 300,000-ton limitation would be claimed to be unfair, but to restore a limitation at 500,000 tons, well in excess of maximum present imports, would serve to reestablish equilibrium and forestall what now looms as an inevitable decline in the domestic industry.

FORCING THE AMERICAN FARMER TO COMPETE WITH TROPICAL LABOR

On July 19, 1897, Chairman Dingley, of the Committee on Ways and Means, said on the floor of Congress:

> I believe that the time has come when the production of our own sugar from the beet ought to be and can be successfully entered upon, and thus the $75,000,000—soon to be $100,000,000—sent abroad for the purchase of our sugar ultimately distributed here to our farmers.

In fulfillment of Mr. Dingley's utterance, which, indorsed by Congress, fostered the great beet-sugar industry of America, farmers received in 1927 over $55,000,000 for their sugar beets alone. Other benefits from livestock operations and improved yields in other crops in rotation with sugar beets equaled the $100,000,000 payment to farmers enunciated in Mr. Dingley's prophecy.

Our Government, since the enactment of the Dingley tariff of 1897, has never contemplated forcing the American farmer into competition with tropical labor 7,000 miles across the Pacific. This competition, however, is inevitable unless Congress restores a limitation on duty-free importation of Philippine sugar.

A sharp contrast exists between the standards of agricultural life in the United States and the Philippines. The American beet grower enjoys a virtual partnership with the manufacturer of sugar. Under the form of contract most widely in use among the 19 beet-growing States of the Union the farmer is guaranteed prior to planting his seed a fixed initial minimum price per ton for his beets, to be paid in cash immediately after harvest.

Over and above this initial guaranteed minimum price per ton, the usual contract provides for additional payments to the farmer on a sliding scale if the sugar content and market price of sugar warrant such increase. In other words, the beet grower can not receive less than the guaranteed cash minimum, but may, and usually does, receive more under certain conditions.

The Department of Agriculture estimated the 1927 beet tonnage in the United States at 7,737,000 tons, and under these participating contracts, averaging over $7 a ton and reaching $8.50 in some localities, the farmer received from his beets alone, as I have stated, over $55,000,000.

What such payments mean to agricultural communities can only be fully realized when it is remembered that only a portion of the farm is devoted in any one year to sugar beets. Sugar cane, like alfalfa, is cut successive years from a single planting, but beets are planted and harvested annually in rotation with other farm crops.

LIMITATION OF PHILIPPINE SUGAR IMPORTS OF BENEFIT TO THE ISLANDS

The restoration of the policy of 1909, placing a limit upon the future importation of Philippine sugar entering the United States, while protecting the domestic sugar industry would work no hardship on Philippine sugar producers now operating in the islands. On the other hand, it would prevent the islands from becoming entirely dependent on a single competitive export crop and stimulate the universally accepted principle of crop diversification, long advocated by the Department of Agriculture and recognized by economists as essential to economic, cultural, and political progress.

For the Philippine Islands to become more and more dependent on a single, competitive export crop, artificially stimulated to tremendous production by an unlimited duty-free market in the United States, would delay economic, political, and cultural development of the Philippine people. Such an abnormal growth would be contrary to the accepted principles of diversified agriculture, on which balanced prosperity depends.

Governor General Stimson on his recent arrival in the Philippines, while he quite naturally stated that he was "opposed to anything which could possibly restrict the agricultural development of the Philippines," said:

> The islands are capable of producing many farm products now unknown here, and I intend to encourage diversified farming and give the people the varied interests which I believe will result in enhanced prosperity.

The diversification of agricultural production, the need of which the new Governor General so clearly recognizes, will be greatly stimulated if the Philippine people are reminded that they can not reasonably expect a duty-free market in the United States for an unlimited production of sugar. The free importation of 500,000 tons, which my resolution contemplates, relieves the Philippines from the payment of duty in a sum amounting to about $22,000,000 annually.

Manuel L. Quezon, president of the Philippine Senate, was apprehensive of the present disturbed condition in 1926, when after pointing out the ultimate danger to the insular people of flooding the United States with cheaply produced duty-free sugar he said:

> The land on which sugar cane is now being grown can be utilized for other products with profit to the producer.

The adoption of the proposed resolution would not necessitate the abandonment of the sugar production on the lands now being utilized in the Philippines for that purpose but would suggest the wisdom of devoting new areas brought into cultivation to the production of other and particularly noncompetitive agricultural products.

It is believed that the national welfare of the Philippines will be best served by the utilization of their vast uncultivated tracts for the production of such noncompetitive commodities as rubber, fibrous plants, and coffee, rather than sugar, citrus fruits, and other crops grown in large quantities by American farmers and upon which the agricultural prosperity of many States largely depends.

The Sixty-seventh Congress wisely directed an investigation by the Departments of Commerce and Agriculture of the possibilities of rubber production in the Philippines. According to the report of this commission, published in 1925, more than 1,500,000 acres on the islands of Mindano, Basilan, and Jolo were suitable for para rubber plantations. Plentiful labor for the project was found to be available.

It seems extremely unwise for such undeveloped territory to go into sugar production, as is the present tendency, in the light of the advantages to the islands which would be realized through promotion of crop diversification. According to the Philippine Bureau of Agriculture there are under cultivation only about 14,320 square miles, or 12½ per cent of the total land area. It has frequently been predicted that the Philippines, like Cuba, which doubled her production of sugar in 10 years, might eventually produce 2,000,000 or 3,000,000 tons of sugar annually. Manifestly no such production should be encouraged on the theory of a duty-free American market. The climate, soil, and cheap tropical labor conditions are similar in many respects to the island of Java, one of the greatest sugar-producing areas in the world.

DANGER OF REMOTE SUGAR SUPPLY

In the history of Europe are events centering on the sugar beet, worth reviewing in light of the Philippine sugar problem.

The modern beet-sugar industry was literally born in the cradle of war. After years of experimental work by random investigators came Napoleon's famous decree of 1811 appropriating a million francs to be used in establishing sugar schools and extending concessions to farmers and manufacturers. By 1813, when France, blockaded by her enemies, was unable to secure sugar from remote sources, 334 small beet-sugar factories were in operation in France.

From this period dates the growth of the great beet-sugar industry in Europe, now functioning in 17 countries as one of the major sources of food for man and beast and contributing in 1927 over 8,000,000 tons of sugar or one-third of the world's supply.

Germany leads the nations of Europe with 1,665,000 tons of sugar in 1927. Then comes Russia and the Ukraine with 1,500,000 tons, and Czechoslovakia with 1,265,000. France, with 870,000 tons, falls only a little short of the beet-sugar output in the United States.

Out of Napoleon's desire to make France independent of foreign supplies of sugar, Germany learned a great lesson of sugar economy, which now makes her the greatest beet-sugar country of Europe.

How far German's ability to produce her own sugar, one of the three great human food requirements, contributed to her amazing stamina during the war, it is difficult to estimate.

It is an ironical gesture of history that England forced Napoleon to grow sugar beets, that France taught Germany, and that Germany later should supply England with much of her sugar. Loss of German sugar during the war was a grave matter to England—so grave, in fact, that since the war England has heavily subsidized a domestic beet-sugar industry, and now has a dozen factories in operation in the hope that never again shall she be caught short of sugar. It is said sugar beets are now growing on the private estates of King George.

It would be the height of folly for the United States to build up a tremendous sugar industry across the Pacific at the expense of the domestic industry, and become largely dependent on that supply. To do so would result in wiping out a quarter century's progress by the American farmer and eventually sacrificing an investment in the beet-sugar industry of $225,000,000. To do so would be to disregard entirely what, to the nations of Europe, has long been an established principle essential to economic security.

NO GENERAL TARIFF REVISION REQUIRED

Restoring the policy of 1909 is not a tariff problem in the familiar sense. It proposes no revision of the present tariff, nor a tariff on Philippine sugar in the amounts now entering the United States. The question resolves itself into whether it shall henceforth be the policy of our Government to produce sugar in the United States or to transfer this encouragement and stimulation to an industry 7,000 miles across the Pacific at the gateway of China and under the shadow of Japan.

DOMESTIC BEET-SUGAR INDUSTRY SHOULD BE FOSTERED AND ENCOURAGED

Since 1897, with the adoption of the Dingley Tariff Act, we have deemed it necessary to foster the development of a sugar industry within the continental limits of the United States, which to-day contributes over 1,000,000 tons to the Nation's needs, and pays the American farmer over $55,000,000 annually for his sugar beets, not to mention added millions received through the feeding of by-products to cattle and the stimulation of other crops in rotation with the beet.

Since 1897, as I have stated, we have fostered the domestic sugar industry. Since 1921 we have begun, without realizing it, to discourage the domestic industry in favor of the Philippine industry. The time has come, not to make a choice between them, but to establish an equilibrium satisfactory to both.

To-day there are over 100 beet-sugar factories in 19 States of the Union, but in 1927 only 84 were in operation. In recent years earnings have been low; failures in many cases are now imminent. Many factories have closed; others have been forced to move to more favorable locations. Two years ago Louisiana's total cane-sugar output was less than the single production of one of the larger western beet-sugar factories. To-day, only by valiant effort, is our cane-sugar industry of the South getting back on its feet. The introduction of new varieties of disease-resisting cane, together with greater mechanical efficiency in manufacturing, are giving hope to Louisiana.

Fundamentally responsible for the present plight of the domestic industry is the dislocation of the world sugar industry during the war. Overexpansion of sugar production in tropical countries outside of the war zone, and inability of those tropical countries to return to equilibrium with reference to the revival of Europe's great beet-sugar industry, have played havoc with the domestic industry.

THE AGRICULTURAL ECONOMY OF THE SUGAR BEET

The difficulty encountered in interesting the American farmer in the sugar beet a quarter of a century ago has always seemed incomprehensible to European visitors. The statement of a German agronomist, "In Europe we have to grow the sugar beet," has since become a classic epitome of the beet's importance in agriculture and livestock operations.

American farmers are now coming to realize that by rotating sugar beets with cereal and other crops the acreage yield of the latter is increased from 50 to 100 per cent.

At present in the United States the total cultivated area devoted to sugar beets is still so relatively small as compared to other crops that the effect of beet culture on stimulating other crop yields is not appreciated by the general public as widely as in Europe.

In Europe, where large areas are devoted to beet culture, the result is shown to a marked degree. This is illustrated in the following table showing the average yield of certain crops in 1913 in seven northwestern beet-growing countries of Europe and in the United States taken as a whole:

Average yield per acre

	Northwestern Europe	United States
	Bushels	*Bushels*
Wheat	24.7	15.2
Rye	28.4	16.2
Barley	36.2	23.8
Oats	47.7	29.2
Potatoes	210.7	80.4

European agronomists and economists are unanimous in attributing their large acreage yields to the fact that their farmers rotate cereal and other crops with sugar beets and other hoed crops, one year in four.

Sugar beets have an outstanding economic value from a marketing standpoint as compared to wheat, potatoes, and other bulky crops. In shipping these latter crops, the entire bulk has to bear the expense of the long haul to the market or else be converted into livestock products and shipped to the market. But a large part of the food consumed by an animal is utilized to maintain the animal during the fattening period.

It is estimated that it takes 500 to 1,000 pounds of hay and grain to produce a gain of 100 pounds of livestock.

On the other hand an acre of sugar beets produces not only 2,500 pounds of pure white granulated sugar, 100 per cent of which is digestible as human food, but also the by-products from an acre of beets, properly fed to livestock in a balanced ration, will produce 300 pounds of meat.

These by-products are beet tops, beet pulp, and molasses. W. D. Lippitt, general manager of the Great Western Sugar Co., testified as follows before the Senate Finance Committee in 1921:

> The by-products alone of an acre of sugar beets will produce as much human food in the form of meat as will the entire product of an acre of corn. I regard as quite conservative the estimate that the by-products of an acre of sugar beets will properly handled produce 300 pounds of beef or mutton. Using this as a basis it will be apparent that in addition to the output of 1,000,000 tons of sugar each year the industry should be credited with an annual contribution to the national food supply of 240,000,000 pounds of meat products.

The encouragement of the growth of sugar beets and sugar cane is not only important and essential to the prosperity of agriculture in many localities over a wide area of our country, and the domestic production of sugar is not only of tremendous importance in stabilizing prices and maintaining our position of economic independence in time of peace but the maintenance and increase of this production is of vital importance should we unhappily be confronted with war conditions. These considerations, particularly the latter, are very clearly set out in an editorial in the Washington Post, Sunday, March 11, 1928, which is as follows:

[From the Washington Post, Sunday, March 11, 1928]

WAR AND NO SUGAR

Governor General Stimson, upon his arrival at Manila, has stated that he is "opposed to anything which could possibly restrict the agricultural development of the Philippines." He had reference to the proposal to restrict to 500,000 tons annually the free importation of Philippine sugar into the United States. But he added that "the

islands are capable of producing many farm products now unknown here, and I intend to encourage diversified farming and give the people the varied interests which I believe will result in enhanced prosperity, eventually making possible industrialization."

The enormous profit in sugar making, made possible by free entry of the product into the American market, has a tendency to confine the Philippines to a single product. This is not a healthy tendency, either for the Philippines or for the United States. At the rate of increased production of sugar it will not be many years before the United States will be dependent upon Philippine sugar. It is driving out its competitors, including domestic beet sugar, Hawaiian cane sugar, and Cuban cane sugar. Thus, unless the tendency to overproduce this single crop in the Philippines is checked, the United States will find itself compelled in case of war to guard a 7,000-mile avenue through which to procure a necessity of life.

The authorities charged with the duty of planning for the defense of the United States are doing their utmost to make this country self-sustaining. They are laying out methods for developing chemicals, metals, minerals, woods, and other raw materials so that when war comes the United States will not be cut off from its necessary supplies. In the meantime, through a mistaken policy of excessive generosity toward the Philippines, Congress is destroying the domestic and nearby sources of sugar, which is as indispensable as any war material.

Congress should make a liberal allowance for the production of Philippine sugar by permitting its importation free of duty, but beyond a certain point a duty should be imposed. The limit commonly deemed to be just to all concerned is 500,000 tons a year. The islands are not exporting that quantity to the United States at present, but they are rapidly increasing their output, at the expense of producers in the United States, Hawaii, and Cuba. Governor Stimson's plans for diversification of production in the islands will fail so long as sugar is admitted free into the United States in unlimited quantities. A large quota of the Navy will be needed to protect this commerce in time of war, whether the United States be a neutral or a belligerent.

It is not prudent to create such a state of affairs, as a matter of self-defense, and it is not conducive to prosperity in the Philippines to make the people dependent upon a single crop. Congress should impose a reasonable limitation upon the free entry of Philippine sugar.

In conclusion I wish to add that the passage of this proposed resolution will carry out the original intent of the Congress to protect the American sugar-beet farmer from the cheaply produced sugar of the Philippine Islands; will prevent those islands from becoming a one-crop country, a condition which is economically unsound; will stimulate the production of sugar within continental United States, and thereby annually distribute to American labor, industry, and agriculture hundreds of millions of dollars which we are now sending abroad for a necessary food commodity which we have every facility for producing at home. [Applause.]

Mr. GUEVARA. Will the gentleman from Colorado yield for a question?

Mr. TIMBERLAKE. I yield to the gentleman.

Mr. GUEVARA. The gentleman from Colorado is aware of the fact there is free trade between the United States and the Philippine Islands.

Mr. TIMBERLAKE. There is free trade, with certain exceptions that have been made.

Mr. GUEVARA. And while the United States can send her products to the Philippine Islands duty free, does the gentleman from Colorado believe it would be fair that the Philippine Islands should be limited as to the products they can send to the United States?

Mr. TIMBERLAKE. The gentleman will admit that his country has not yet arrived at the status of a State, will he not?

Mr. GUEVARA. But we are under the American flag.

Mr. TIMBERLAKE. Yes; you are under the American flag as one of our dependencies.

Mr. GUEVARA. May I again ask the gentleman from Colorado if he believes it is fair to allow the United States to send any of its products to the Philippine Islands without any limitation whatever while the Philippine Islands are to be limited in the sending of their products to the United States.

Mr. TIMBERLAKE. I have endeavored to be very liberal with respect to the Philippine situation, and I believe it is to their advantage, in the event they should ever become independent—which is the hope, I presume, of the gentleman—because the Philippine Islands would then be deprived of any duty-free market in the United States.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. AYRES. Mr. Chairman, I yield one minute to the gentleman from the Philippines [Mr. GUEVARA].

Mr. GUEVARA. Mr. Chairman and gentlemen of the committee, the gentleman from Colorado [Mr. TIMBERLAKE] has submitted to the consideration of this committee a very important question, and one which affects our present political relationship. I may agree with the gentleman from Colorado that perhaps the sugar industry of the Philippine Islands is a menace to the sugar industry of this country, and may I suggest that the best remedy is to get rid of the Philippine Islands, and we are now ready to be gotten rid of by the United States.

I believe it is unfair to suggest any proposition limiting the exportations of the Philippines to the United States while the United States is free to export to the Philippine Islands any amount of products produced in this country.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein a statement issued by me on March 6, 1928, on the Timberlake resolution.

The CHAIRMAN. Is there objection to the request of the gentleman from the Philippines?

There was no objection.

The statement referred to follows:

MARCH 6, 1928.

Mr. TIMBERLAKE, of Colorado, has introduced a joint resolution providing that hereafter only 500,000 tons of Philippine sugar per annum may be introduced into the United States free of duty.

Following, as it does, certain allegations of representatives of the Cuban sugar producers and a resolution of the American Beet Sugar Association, the origin of the joint resolution may not unfairly be attributed to this source, or, at least, to the facts alleged by these sources.

From Cuban sources it was alleged that the admission of Philippine sugar free into the United States was a violation of the trade convention between the United States and Cuba. This admits of the simple answer that it is not true. The history of the trade convention with Cuba and of the legislation admitting Philippine sugar into the United States first with a reduction of the duty imposed on foreign sugars and then free of duty to the extent of 300,000 tons and then free of duty without limit makes this perfectly clear.

The present legislation governing the admission of Philippine products into the United States free of duty was enacted after a long discussion of the subject, and at no time during this discussion, extending over 13 years, was it alleged that it in any way violated the trade convention with Cuba. The reasons given by Mr. TIMBERLAKE in the preamble of his resolution do not include a reference to the Cuban convention, so it is believed that that point may be dismissed.

Mr. TIMBERLAKE, in the preamble to his resolution, cites reasons justifying the resolution. In their order they are:

"Whereas the encouragement and protection of the growth of the sugar beet and sugar cane in the United States, and of the production of beet and cane sugar in the interest of agriculture and as a measure of economic stability and defense, has long been an important feature of our tariff policy; and

"Whereas a continuation of such policy is highly important from the standpoint of agriculture and as a defense against the dangers inherent in a condition of dependence on foreign supplies of sugar."

This is a recitation of an American policy embodied in the tariff legislation of Congress. As Filipinos, and speaking for the Filipino people, we can find no fault with this. To-day there is a duty of approximately 2¼ cents a pound on sugar entering the United States from foreign countries, which, in the case of Cuba, is, by a trade convention with the United States, reduced by 20 per cent. This means for practical purposes that the domestic producer of sugar is protected by a duty of 1⅞ cents, for the reason that practically all of the foreign sugar consumed in the American market comes from Cuba.

Obviously, with this duty and the actual situation of sugar in the United States market, the domestic producer gets the full benefit of this tariff. In the year 1927, in order to supply the American market with its demand for sugar, it was necessary to bring into the United States sugar in the stated amounts from the following sources:

	Pounds
Hawaii	1,553,071,332
Porto Rico	1,148,127,293
Philippine Islands and Virgin Islands	1,072,714,991
A total of sugar from sources exterior to the continental United States under the American flag	3,773,913,616
From Cuba	7,294,109,258

From other sources the amounts were trifling.

The estimated production of sugar in the continental United States was as follows:

	Pounds
Beet	1,260,400,000
Cane	94,330,000

From the foregoing it is obvious, first, that the domestic sugar grown in the continental United States meets but one-ninth of the demand of the American market; that the total sugar grown under the American flag meets but five-twelfths of the demand of the American market.

Obviously, so long as a great part of the sugar consumed in the United States must come from foreign sources, no reason exists, because of the sugar situation, to discourage the production of sugar

under the American flag. The producer of sugar in the United States can in no way profit by the limitation on the amount of sugar from the Philippine Islands that will come in free of duty into the United States unless the sugar from that source approximately fills the void in the American market left by other domestic producers. Under the present situation and under a situation which would continue, though the production in the Philippines were materially increased, the domestic producer will continue to receive for his sugar the world price of Cuban sugar, plus 1¾ cents a pound.

"Whereas the Congress, in the passage of the Payne-Aldrich Tariff Act of 1909, which gave duty-free entry into our ports to most Philippine products, recognized the danger to the stability and growth of the domestic production of sugar in an unlimited duty-free importation of sugar from a tropical region with cheap labor and practically unlimited areas favorable to the growth of sugar cane, and limited the duty-free importation of Philippine sugar to a maximum of 300,000 tons per annum, although less than 40,000 tons of Philippine sugar was imported into the United States in 1909; and

"Whereas under this limitation and up to the time of the Fordney-McCumber Tariff Act of 1922 the importation of Philippine sugar had never reached 200,000 long tons per annum, and had averaged less than 115,000 long tons per annum, and therefore the continuation of the limitation did not appear necessary or esesntial; and

"Whereas the importation of Philippine sugar has increased from 147,212 long tons in 1921 to 473,674 long tons in 1927, being an increase of over 220 per cent."

The United States Yearbook of Agriculture for 1926 gives the following pertinent information on the subject of sugar available for consumption in continental United States from 1909 to 1926:

Year beginning July 1	Imports as sugar	Brought in from insular possessions	Production
Average:	*Short tons*	*Short tons*	*Short tons*
1909–1913	2,068,427	1,004,493	957,491
1914–1920	2,847,575	1,072,288	1,102,153
1921–1925	3,854,633	1,495,517	1,187,693

The outstanding and obvious inference from this table is that the United States has, even considering its production of sugar in the insular possessions, become more and more dependent on sugar from foreign sources.

The next justifying reason is the following:

"Whereas the privilege of an unlimited duty-free market for Philippine sugar in the United States tends to delay the further logical development by the Philippine people of their local oriental-sugar markets and to make them largely dependent upon a single competitive export crop, contrary to the principles of diversified agriculture and industry upon which depend ultimate economic, cultural, and political progress."

The oriental-sugar market of the Philippines has always been China. It is quite unreasonable, under existing conditions, to expect the Philippines to develop a sugar market in China. With the cessation of the present troubled conditions in China, doubtless a part of the Philippine sugar product will find its market there, as in the past, but it is not desired to depart too far from the theme that all of the sugar produced in the Philippine Islands entering free of duty the American market in no way prejudices the domestic producer of sugar within the continental United States.

Now, as to the single export crop, what are the facts? We get our sugar not produced in the continental United States from the following sources:

Cuba: Sugar constitutes 80 per cent of the export crop of Cuba.

Porto Rico: Sugar constitutes 50 per cent of the export crop of Porto Rico.

Hawaii: Sugar constitutes 60 per cent of the export crop of Hawaii.

Philippine Islands: Sugar constitutes 30 per cent at most of the export crop of the Philippine Islands.

In the Philippine Islands, different from any of these external sources of sugar, there have been the most strenuous efforts made to produce foodstuffs locally. In 1903 rice constituted 37 per cent of the total imports in the Philippine Islands, in 1926 it constituted 4 per cent, and in 1927 it was barely 1 per cent of the imports.

In other words, sugar has by no means the same prominence in the Philippines that it has in Cuba, Porto Rico, or Hawaii. The production is far less per capita.

Then follows the following:

"Whereas the unlimited and constantly increasing duty-free importation of Philippine sugar into the United States constitutes a grave menace to the continuation of the domestic sugar industry."

It is believed that it has been made clear that the bringing into the United States of Philippine sugar free of duty is no menace to the domestic producer of sugar. The domestic sugar industry produces but a fractional part of the sugar consumed in the United States, and the sugar at present brought in from the Philippine Islands means, at most, the curtailment of the rather rapid increase in the importation into the United States of Cuban sugar.

"Whereas there is no purpose or disposition to deprive the sugar producers of the Philippines of our free market to the extent to which they have heretofore enjoyed it, but rather to protect the American beet and cane farmers and sugar producers from an indefinite increase of duty-free importations imperilling the existence of the domestic sugar industry."

The foregoing table from the Yearbook of Agriculture makes clear that the domestic producers of sugar, including the Philippines, fail to meet the domestic demand of the United States by an increasing quantity and not a decreasing quantity. It is necessary to-day for the United States to import from purely foreign sources more sugar to meet the domestic demand than it imported from such sources at any time in the past. Certainly, therefore, there is no present encroachment on the field of the domestic sugar producers by sugar from the Philippine Islands.

The likelihood of an indefinite or early increase of Philippine sugar is best obtained by a study of sugar production in the Philippine Islands.

In the last four normal years of Spanish control of the Philippine Islands—1892 to 1895—the average annual export of sugar from the Philippine Islands was 266,610 metric tons. In the last four years of which there are available completed records—1923 to 1926—the average annual exportation of sugar from the Philippines was 396,969 tons. That is, within this period the sugar exported from the Philippine Islands has increased by but a fractional part of the relative increase from Porto Rico, Hawaii, or Cuba. Not only this, but the increased production in the Philippines has been ridiculously small as compared with increased production in Java or Formosa, territories receiving no benefit from the American tariff. The sugar industry in the Philippine Islands is an old industry, and the recent increase of production and of exportation is due almost entirely to improved mills and to improved agricultural methods.

But one mill has been erected in the Philippine Islands to produce sugar from cane grown on territory not previously cultivated. This mill has so far proven unprofitable, though it has been in operation approximately 15 years.

Briefly, it is necessary now to import more sugar from purely foreign sources to supply the American market than at any time since the extension of American sovereignty to the Philippines. The increase of production in the Philippine Islands during this period has been much slower, notwithstanding the stimulus of the American market, than it has been in the other sugar-producing countries supplying the American market.

The present trade relations with the Philippine Islands were established by Congress after most careful study of the entire subject and are substantially embodied in the following provisions of the tariff act of 1922:

"All articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value * * * coming into the United States from the Philippine Islands shall hereafter be admitted free of duty: *Provided, however*, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States * * * shall be admitted to the Philippine Islands from the United States free of duty."

Obviously, this is, and is intended to be, a reciprocal provision. Congress, however, has in the organic law of the Philippine Islands provided that "the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States."

We do not doubt that Congress, having reserved to itself this power, will see to it that the power is exercised for the benefit of the people of the Philippine Islands and will withdraw no privileges upon which the prosperity of the islands so largely depends, without most serious study. A study of the subject leads to but one conclusion, and that is that the present and prospective development of the sugar industry of the Philippine Islands offers not the slightest threat to the domestic industry in the United States.

PEDRO GUEVARA,
Resident Commissioner to the United States from the Philippines.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I have received a letter, two letters in fact, I think similar to those that many Members of this House have received, from a paper published in Washington, called the National Tribune, with a large, elegant letterhead, a reference to the Stars and Stripes, and the widows and orphans, and so on.

In the letter is a request for the filing of petitions by residents of my district and elsewhere in behalf of legislation for Civil War pensions.

The matter of the attitude of this publication has been before the House previously and possibly there is no use of exploiting the publication any further. I investigated their methods of soliciting subscriptions last year through the Post Office Department to see whether or not they were in fact beyond the pale of the law. They certainly are not within the law from a moral viewpoint regardless of the phraseology and language of the law with respect to using the mails for deceptive purposes.

I have answered the circular letter sent to me, as I suppose many others have been sent, and I desire to read both my reply to the signers of the petitions and my reply to the publication itself, because I think that such deception practiced on many of the susceptible veterans of the Civil War, their widows and orphans, should be exposed, and if one attempt is not successful we should keep up the game. [Applause.]

I am opposed to any publication that sends out, under the cloak of aiding the veterans' widows and orphans, requests for subscriptions and purchases of 7 per cent stock in a company at $1 per share. [Applause.] The nature of the publication and the method of deception is so apparent that we can not be too harsh in our treatment of it.

Now, I want to read the letters, and first I read the one to the first signer of one of the petitions. It is as follows:

MARCH 21, 1928.

Mr. JASON ALLEN,
82 Stoddard Avenue, Pittsfield, Mass.

MY DEAR MR. ALLEN: The National Tribune has forwarded to me a petition signed by yourself and several others, urging the enactment of pension-increase legislation. The House of Representatives recently passed a bill increasing to $40 per month the pensions of Civil War widows who married their soldier husbands after the close of the war and before June 27, 1905. The bill is now before the Senate for consideration. In this connection I might state that the National Tribune has no standing with Congress and no influence with Members thereof. Its main object is to collect subscriptions for the publication and for stock therein from veterans and widows who can ill afford to pay for the same. You may be assured that Members of Congress are anxious to do everything reasonably possible for the veterans and their widows, and whatever they feel they can consistently do will be done without the necessity of anyone subscribing to the National Tribune.

Assuring you of my interest, and with best wishes, I am,

Sincerely yours,

ALLEN T. TREADWAY.

Here is my letter to the president of the National Tribune:

MARCH 22, 1928.

Mr. RICE W. MEANS,
President the National Tribune, Washington, D. C.

DEAR SIR: I beg to acknowledge the receipt of two circular letters sent by you as president of the National Tribune, inclosing petitions from various citizens, some of whom reside in my district and some in the State of New York.

In filing these memoranda received through you I shall also place in the CONGRESSIONAL RECORD copies of my letters to the first signers of each petition as well as a copy of this letter to you. I am frank to say that I am in no way in sympathy with the methods of the National Tribune. In my opinion your motives are not as disinterested as you would have them appear. You are seeking only subscriptions and sales of stock. As one Member of Congress I do not need any assistance from a publication which is trying to live on the veterans or their widows and orphans. My sympathy and my vote will be given to their cause, not through your efforts but in spite of them. I should prefer not to have any other papers sent me from your office. If residents of my district desire to communicate with me upon the subject of pension legislation or upon any other subject, I am always delighted to hear from them and to be of service, but I shall not be a party to a subscription and stock-sales propaganda.

Very truly yours,

ALLEN T. TREADWAY.

Now, that covers the whole story.

Mr. SNELL. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. SNELL. I am very glad the gentleman has brought this up on the floor of the House. I have had several letters and have answered them in practically the same tone as has the gentleman from Massachusetts. I told my people that they did not need to subscribe for the Tribune or take any stock in it in order to have their matters properly presented to Congress; that if they would correspond with their regular Member he would do everything in his power to look after their interests.

Mr. TREADWAY. The trouble is that this publication is so persistent in its efforts to live on the veterans and their widows that a little exposure like this is not going to accomplish a great deal of good, but I do think it is our duty to notify our constituents as to the proper means of getting legislation, which is not through the purchase of cheap stocks, not through such scare-head petitions as this. This petition which I am going to drop in the basket has a picture at the head of it of a coffin ready to be lowered into the grave with other monuments around, and if that is a good type of stock solicitation I, for one, do not want to subscribe for any such stock, and I hope no constituent of mine will do so.

Mr. SNELL. That represents where the stock is going. [Laughter.]

Mr. TREADWAY. It represents where the money of the subscriber is going.

Mr. CLAGUE. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CLAGUE. Will the gentleman tell us who is back of this Tribune?

Mr. TREADWAY. Here are the names according to the official letterhead—Rice W. Means, president; John Lewis Smith, secretary; D. L. Rice, treasurer; vice presidents, John McElroy, John L. Clem, W. L. Mattocks.

The letterhead is:

The National Tribune, the Stars and Stripes, Washington, D. C. "To care for him who has borne the battle and for his widow and orphans." (Abraham Lincoln.)

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, I can not permit the statement of the gentleman from Massachusetts [Mr. TREADWAY] to go without making some comment on it. I believe that the people of America have a fundamental right to petition this legislative body and any other legislative body. Personally, I know many veterans of many wars who subscribe to the publication called the National Tribune and who receive a great deal of satisfaction in reading the articles and editorials therein.

If it were not for crystallization of sentiment by organizations and the press in America the veterans of the Nation's wars, their dependents, and widows and orphans would not have adequate compensation and pensions.

Not very long ago a pension bill was vetoed in the name of economy. We had millions and millions to give to foreign governments on debt settlements, but we did not have sufficient funds to grant a meager increase to the aged widows of Civil War veterans.

The gentleman whose name was just mentioned as president of the National Tribune, Mr. Rice W. Means, was formerly a Senator of the United States. He was recently the commander of the United Spanish War Veterans' national organization, and he is a man of high character who has an interest not only in the welfare of his comrades of the Spanish-American War, but also in the veterans of the Nation's other wars, their widows, orphans, and dependents. I have had no opportunity carefully to examine all of the material that was read into this RECORD, but I could not let the occasion pass without stating that I resent the inference as to the character and purposes of this former United States Senator and former national commander of the United Spanish-American War Veterans, who has served this Nation in time of war as well as in time of peace. I know that the statement of the gentleman from Massachusetts regarding the National Tribune will not cause the veterans, widows, and dependents to cancel their subscriptions and stop the paper from coming to their doors.

I sincerely hope that the leaders of this House will make it possible at this session for full discussion of and amendment to legislation to take care of the disabled veterans of the World War. Several sessions ago the World War Veterans Committee was created, and yet that committee has not had a calendar day for consideration of its bills by the House. Legislation from the World War Veterans' Committee has come up under suspension of the rules and has been passed here with only 20 minutes of debate on a side and without opportunity to amend.

Mr. GASQUE. And does the gentleman not know that all of the World War veterans' legislation or pension bills since this administration has been in power have been brought before the House under suspension of the rules.

Mr. SCHAFER. Yes, nearly all of such legislation has been under suspension of the rules.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. AYRES. Mr. Chairman, I yield 30 minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and Members of the House, I am going to talk on a matter of historic importance,

which should be a very interesting subject to the House and also to the country at large.

One of the most interesting and historical spots in the city of Washington is the Congressional Cemetery. While the United States owns a large part of this sacred ground and many deceased Senators and Representatives and other dignitaries of the Government who died in Washington during their term of office lie buried there, yet there is no care or supervision on the part of the Government over this city of the dead and graves and monuments are being sadly neglected.

This situation was called to my attention by the National Society of the Daughters of the American Revolution and at the instance of Mrs. Edwin C. Gregory, the national legislative chairman. I have introduced a bill (H. R. 11916) authorizing the Secretary of War to care for and preserve the land and monuments and care for that part of this cemetery owned by the United States and to preserve and to beautify graves and monuments of the distinguished dead who died while in the service of our Government. Mrs. Gregory and Mrs. A. S. Brosseau, the president general of the Daughters of the American Revolution, are to be highly commended for their efforts and interest in this undertaking. This patriotic move on their part will receive the commendation and thanks of not only the Congress, but of the country as well.

It was in 1807 Christ Episcopal Church first established this burying ground. It was chosen as the burying ground for Senators and Representatives who died in office.

Many years have passed since Congress abandoned the plan of concentrating its official dead in this cemetery. The cemetery is still used by the Washington parish and many handsome memorials are there erected which makes such a sharp contrast to the crumbling tombs and uncared-for monuments and cenotaphs erected to mark the resting places of the official dead.

The cemetery lies about a mile east of the Capitol, situated on the north bank of the Anacostia River, just above Pennsylvania Avenue, and extending from Seventeenth Street east to the river.

A most interesting article by Nelson McDowell Shepard in the Daughters of the American Revolution magazine has this to say:

CENOTAPHS AND EPITAPHS IN CONGRESSIONAL CEMETERY

By Nelson McDowell Shepard

The burying ground of the century-old Christ Church, known nationally as Congressional Cemetery, is rich in the interest its holds for students of the Revolutionary and succeeding periods of American history. The cemetery lies off frequented paths, yet is easily accessible to visitors in Washington, the National Capital. Its sloping greensward gives an unexpected bit of Old World calmness to a medley of river flats and drab streets scarcely a mile east of the Capitol. At the foot of the slope the Eastern Branch of the Potomac River winds along, while quaint walks, stately cedars, and heavily scrolled gravestones transform the upper shore into an interesting, historic spot.

In these surroundings are to be found the only group of cenotaphs—a memorial customary in Europe—ever erected by the United States Government in honor of deceased Senators and Representatives. The strict usage of the cenotaph, however, is not adhered to in every case, for beneath the bleak, gray sandstones lie the bodies of many Members of Congress and other dignitaries of the Government who died in Washington during their term of office.

Unlike the usual ornamental cenotaphs in memory of European statesmen, the American cenotaph is so forbidding in appearance that the venerable Senator Hoar, of Massachusetts, once declared on the floor of the House of Representatives, in which he was then serving, that the thought of being buried beneath one of them added a new terror to death. Other Members evidently agreed with him, as in 1876 Congress refused to appropriate money for the erection of more cenotaphs unless differently designed.

Nearly a century ago Christ Church burying ground was chosen as the resting place for Senators and Representatives who died in office. Later this custom was extended so as to include the burial of other public officers, with a result that the cemetery for years enjoyed a semi-official character and it became generally known as Congressional Cemetery.

Many years have passed since Congress abandoned its plan of concentrating its official dead in one place. The cemetery, however, is still used by the members of Washington Parish, the handsome modern memorials being in sharp contrast to the crumbling relics of an interesting congressional ruling.

It is said that more patriots whose names are linked with the early periods of our history are buried along this river slope, perhaps, than in any other single cemetery in the country. Two Vice Presidents of the United States, one of them a signer of the Declaration of Independence, have been buried there. Private soldiers and those in high command of the Continental Army sleep side by side in the democracy of death. Statesmen of colonial times, members of the Cabinet, of the United States Supreme Court, and of the Congress repose beneath stately monuments and somber cenotaphs, weather stained and moss covered by passing years.

The history of Christ Church leading up to the establishment of the cemetery in April, 1807, is set in the days when the now beautiful Capital of the Nation was a tract of swamps and country lanes. Before the plans for the National Capital were conceived, a tobacco barn on what was later to be a busy street in Washington, afforded a place of worship for adherents of the Episcopal faith. Thomas Jefferson and George Washington, it is recorded by trustworthy authorities, frequently attended Sabbath services there when traveling through its parish. After the founding of the present seat of government, the Washington Parish was organized and the present edifice, known as Christ Church, still standing on its original site, was dedicated in 1808.

Those were the palmy days of the little parish. It became the custom as well as the fashion for the élite of the Capital to attend its Sabbath services. The beloved Lafayette, on his visits to Washington, and the brilliant Alexander Hamilton frequently worshiped under its roof. The vestry reserved a pew for the exclusive use of Presidents of the United States and their families. For this reason the place of worship became known as "the church of state," a designation which it finally yielded to others when the drifting tide of the city gradually left it on the outskirts of fashionable Washington. But during its halcyon days Madison, Jefferson, and Monroe were among the early Chief Executives who most frequently occupied the "President's pew."

With this historic background it is natural enough that Congress should have selected the burying ground of Christ Church as the resting place for Senators and Representatives who should die in office. It is interesting, too, in these days of high living costs and reckless public expenditures to know that the idea of a special cemetery for Government officials was abandoned because of the growing expense involved.

From the time the first cenotaph was erected by the Government over the grave of Senator Uriah Tracy in 1807 until 1876 the same pattern was followed for each stone. Just who selected the form of these monuments early records do not indicate. But the custom of placing cenotaphs in memory of Members of the lower House originated with the monument placed for James Lent, Representative from New York, who died February 22, 1833.

According to the register of graves, 109 interments of Government officials have been made in Congressional Cemetery. Monuments have been erected over 100 of these graves. In addition 85 cenotaphs have been placed in honor of Members of Congress who are buried in other cemeteries. Among these latter are cenotaphs bearing the names of John C. Calhoun, the great "nullifier," and Henry Clay, the "compromiser." Grouped together in even rows in a conspicuous section of the grounds, these funereal monuments at once arouse curiosity.

The cenotaphs are uniform in material and design. Fashioned from sandstone on a base about 5 feet square, upon which is placed a base about 3 feet high; they are surmounted by a rounded top reaching to a broad height of about 5 feet above the ground. With few exceptions, each monument bears upon it the following inscription:

"The Honorable ———, a Member of Congress of the United States from the State of ——— (or in case of a Senator it reads—a Senator of the United States from the State of ———). Born ———, died ———."

A number of these cenotaphs still have spaces for names left blank.

Up to 1835 practically every Member of Congress who died in office was buried in Congressional Cemetery. Means of transportation were so limited that few families were able to convey the remains of their dead from the Capital, but as facilities for transportation grew more adequate this practice gradually ceased. By act of May 23, 1876, Congress abolished the custom of erecting cenotaphs, and provided that thereafter monuments should be authorized only when the deceased Member was actually interred in the cemetery.

The names of the Senators buried there, with the date of their death, are taken from the records, as follows: Uriah Tracy, of Connecticut, July 19, 1807; Francis Malbone, of Rhode Island, June 4, 1809; James Burrill, jr., of Rhode Island, December 25, 1820; W. A. Trimble, of Ohio, December 13, 1821; William Pinkney, of Maryland, February 25, 1822; James Gaillard, of South Carolina, February 26, 1826; James Noble, of Indiana, February 26, 1831; Nathan Smith (removed), of Connecticut, December 6, 1835; Elias K. Kane (removed), of Illinois, December 11, 1835; John Fairfield, of Maine, December 24, 1847; L. S. Pennybacker (removed), of Virginia, January 12, 1847; N. F. Dixon, of Rhode Island, January 29, 1842; William Upham, of Vermont, January 14, 1853; Lemuel J. Bowden, of Virginia, January 2, 1854; J. Pinckney Henderson, of Texas, June 4, 1858; and William N. Roach (no monument), of North Dakota, September 7, 1902.

Sixty-eight Members of the House of Representatives have been buried beneath the spreading trees of the old cemetery. The first was Ezra Darby, of New Jersey, who died January 28, 1808. Others were Thomas Blount, of North Carolina, who died February 7, 1812; Elijah Brigham, of Massachusetts, February 22, 1816; Richard Stanford, of North Carolina, April 9, 1816; David Walker, of Kentucky, March 1, 1820; Nathaniel Hazard, of Rhode Island, December 17, 1820; John

Dawson, of Virginia, March 31, 1814; William Lowndes, of South Carolina, October 12, 1822; James Gillespie, of North Carolina, January 10, 1805 (interred later); W. A. Burwell, of Virginia, February 16, 1821; Daniel Heister, of Maryland, March 8, 1804 (interred later); Thomas Hartley, of Pennsylvania, January 1, 1801 (interred later); David S. Kauffman, of Texas, January 30, 1851; James Jones, of Georgia, January 11, 1801 (interred later); Edward Bradley, of Michigan, August 5, 1842; George Holcomb, of New Jersey, December 4, 1828; James Lent, of New York, February 22, 1833; Richard Manning, of South Carolina, May 1, 1836; T. J. Carter, of Maine, March 14, 1838; Barker Burnell, of Massachusetts, June 15, 1843; John Smiley, of Pennsylvania, December 30, 1812; and Narsworthy Hunter, Territorial Delegate from Mississippi, March 11, 1802.

George Clinton, Vice President of the United States, was first interred in Congressional Cemetery, and years elapsed before the body of this venerable figure of the Revolution, friend of George Washington, and early Governor of New York, was taken to his old home in New York for burial.

Tobias Lear, that faithful private secretary to George Washington and the vigilant "Joseph Tumulty" of the Washington administration, also is buried in this section of the grounds. Close by are the graves of Push-Ma-Ta-Ha, noted Choctaw chief; Scarlet Crow, another famous Indian warrior; Gen. James Jackson, a distinguished Georgian; William Pendleton Barbour, Associate Justice of the United States Supreme Court, who died in 1841; H. Brockholst Livingston, also of the United States Supreme Court; William Wirt, an Attorney General of the United States; and Abel P. Upshur, a former Secretary of State and Secretary of the Navy.

In view of the late "unpleasantness" with the Prussians, it is curious to see also here the grave of Baron Frederick Greuhm, first minister to the United States from Prussia, who died in Washington December 1, 1823. Upon his tombstone is inscribed: "This monument is erected by order of His Majesty Frederick Wilhelm III, King of Prussia." Frederick Wilhelm ruled from 1797 to 1840.

The bodies of nearly a hundred soldiers and seamen of the Revolutionary period, the War of 1812, and a few northern and southern soldiers of the Civil War are also interred in the cemetery.

Pausing before a weather-stained monument of simple design, one reads inscribed thereon the story of one of the most regrettable tragedies of the early American Navy. Beneath the monument, side by side in a single grave, rest the bodies of Capt. Beverley Kennon and Abel Parker Upshur, victims of the explosion of a gun aboard the U. S. frigate *Princeton*, February 28, 1844. Both natives of Virginia, the two men formed a friendship in early youth that lasted even to the grave.

For many years a touch of romance was added to the cemetery by the grave of Nathan Cilley, a Member of Congress from Maine, of brilliant promise, who fell on the field of honor at Bladensburg, Md., one of the last victims of the duello in this country. The body of Representative Cilley has since been removed to his home in Maine, but the circumstances of his death are still told with the cemetery legends.

The monument over the grave of Push-Ma-Ta-Ha, known as the white man's friend, is similar in design to the congressional cenotaphs and was erected by the councilmen of the Choctaw Tribe. Several lines of its inscription, dignified and simple in the eloquence of the Indian tongue, are taken from the memorial address delivered over the body of the chieftain by John Randolph, of Roanoke.

Push-Ma-Ta-Ha died while in Washington in 1824 on a mission for his tribesmen. His career was one of notable achievement. "Let the big guns be fired over me," were among the dying words of the chief. Whether guns were fired in salute over the body of the old Indian warrior available records do not indicate, but it is highly improbable that the dying wish of "the white man's friend" was denied by Andrew Jackson, with whom he had fought in many campaigns.

The inscription reads:

"Push-Ma-Ta-Ha, a Choctaw chief, lies here. This monument to his memory is erected by his brother chiefs who were associated with him in a delegation from their nation in the year 1824 to the General Government of the United States."

On the other side of the monument may be found these words of John Randolph:

"Push-Ma-Ta-Ha was a warrior of great distinction. He was wise in council, eloquent in an extra degree, and on all occasions and under all circumstances, the white man's friend. He died in Washington on the 24th of December, 1824, of the croup, in the 60th year of his age."

Within a few yards of this unusual memorial is the family burying plot of Tobias Lear and the Hon. Elbridge Gerry, whose great-grandson now occupies a seat in the United States Senate from the State of Rhode Island. The Gerry monument was erected by act of Congress in 1923. The inscription shows nothing to indicate his proud Revolutionary record as a signer of the Declaration of Independence. It also makes no mention of the fact that in 1797 he was one of the envoys sent to establish relations with France. Later Gerry was elected Governor of the State of Massachusetts, and then elevated to the Vice Presidency in 1812.

The inscription reads:

"The tomb of Elbridge Gerry, Vice President of the United States, who died suddenly in this city on his way to the Capitol as President of the Senate, November 23, 1814. Aged 70."

Thus fulfilling his own memorable injunction:

"It is the duty of every citizen, though he may have but one day to live, to devote that day to the good of his country."

Tobias Lear rests beneath a great flat slab of granite, erected over his grave by his "desolate widow," who lies beside him. The inscription on the tombstone, barely legible, sets forth these facts:

"Here lies the remains of Tobias Lear. He was early distinguished as the trusted secretary and friend of the illustrious Washington, and after having served his country with dignity, zeal, and fidelity in many honorable stations, died, accountant of the War Department, 11 October, 1816, age 51. His desolate widow and mourning son have erected this monument to mark the place of his abode in the City of Silence."

His "desolate widow," Frances Dandridge Lear, so her tombstone records, was born November 17, 1779, and died December 2, 1856. She was Lear's third wife and a great-niece of Martha Washington. Although 40 long years elapsed, Frances Lear remained steadfast to the end—a "desolate widow." Other graves in the family plot bear the names of Benjamin Franklin Lear, born March 1, 1792, died October 1, 1832, and "Maria Lear and infant daughter."

Tobias Lear came to his death in 1816 by his own hand. Early records do not state why. On Washington's election as President, Lear was appointed Private Secretary to the President of the United States, and served as such until some time in the latter part of 1794, when he went to Europe. He had a severe illness in 1793–1794—the exact dates are vague—and Bartholomew Dandridge began acting as Secretary to the President in 1793. William Jackson was a secretary from the autumn of 1789, and George Washington Craik did secretarial work for the President. After Lear's return from Europe in the spring of 1795, he did not resume his position as secretary to Washington until 1798, when Washington appointed him his military secretary in the provisional army establishment. Lear was with him in that capacity until Washington's death in 1799.

In the extreme northern end of the cemetery is the grave of Uriah Tracy, United States Senator from Connecticut, who was the first person interred in the old Christ Church burying ground.

The name of Tracy is closely linked with the earliest development of New England. Uriah Tracy was the great-great-grandson of "Lieftenant" Thomas Tracy, who came to this country in 1637, and founded the town of Norwich, Conn. Colonial records show that Tracy served many terms in the State legislature and was one of the leaders among the Federalists. In 1792 he was chosen speaker of the house, and the following year witnessed his promition to the United States House of Representatives, serving until 1796, when he was elected to the Senate. He remained in the United States Senate until his death on July 19, 1807.

During his service in Congress Senator Tracy became one of the leaders of his party, a man of profound statesmanlike ability, and was particularly famed for his rare wit. Upon his death, the Members of the Senate for the first time wore crape about their left arms as a mark of their affection and respect which they held for their colleague.

James Gillespie, a member of Congress from North Carolina, is another whose Revolutionary service is noteworthy. He died January 11, 1805, and his body was transferred from the old Presbyterian Cemetery in Washington and placed in Congressional Cemetery April 14, 1892, with appropriate honors. He was the last Congressman buried there. Gillespie served with distinction in the State convention of 1776 and in the State house of commons from 1779 to 1783. The only mark on his grave reads: "James Gillespie, North Carolina, died January 11, 1805."

A member of the United States Supreme Court buried in Congressional Cemetery is H. Brockholst Livingston, of New York, who died in Washington March 19, 1823. He entered the Revolutionary Army with rank of captain and won the grade of lieutenant colonel.

Gen. Thomas Blount, of North Carolina, is another interesting figure of the Revolution. At the age of 16 he entered the Army and in 1780 became a deputy paymaster general. He was a major in command of a battalion of North Carolina militia at the Battle of Eutaw Springs. He enjoyed a long congressional career, dying February 7, 1812.

The Pennsylvania muster rolls record Henry Black as a private in the York County militia; corporal in the Cumberland County militia, and as a captain in the Bedford County militia. For many years he was a member of Congress from Somerset, Pa. He died November 28, 1841, but was reinterred in Congressional Cemetery the following year.

Hon. Levi Casey, of South Carolina, a brigadier general of militia in the Revolutionary War, also is buried in the cemetery, by reinterment, August 1, 1832. He died in Washington, February 1, 1807.

"Major John Kinney, of New Jersey, an officer of the Army of the Revolution, died in this city July 17, 1832, aged seventy-five years" is the brief inscription carved upon another stone.

Rear Admiral George W. Baird, United States Navy, retired, has prepared a list of men buried in Congressional Cemetery who may have served in the Revolutionary War. More than 135 names are included in the list. Among them are Commodore Campbell, who died in 1823; Maj. Gen. Jacob Brown, buried in 1826; Commander Isaac Chauncey, 1839; Maj. Alexander Forrest, born 1762, died 1834; James John Kenney, 1757–1832; Capt. Peter Lennox, buried 1833; Colonel Morrison, of Kentucky, died 1823; Col. Lemuel William Ruggles, died 1835; Capt. Robert Taylor, died 1831; Tappan Webster, died 1821; Commander Thomas Tingey, born 1750, died 1829; Maj. Moses Young; Joseph Wilson, born 1743, died 1827; Lieut. William Ross, died 1826.

Near the main entrance a tall, majestic column rears itself to the memory of 22 women war workers killed by an explosion in a cartridge factory on the grounds of the Washington Arsenal, now the Army War College, during the Civil War. Close by is the monument to Joseph Lovell, Surgeon General of the Army, born in Boston, December 22, 1788, and who died in Washington, October 17, 1836. It is recorded that in April, 1812, "on the eve of the hostilities with Great Britain, he entered the military service of his country as a surgeon and served with distinction throughout the war." He soon was promoted to the head of the medical department "which, 'til the close of life, he directed, improved, and adorned."

Another distinguished patriot buried in this section of the cemetery grounds is John Forsyth, whose gravestone simply says that he was a "Secretary of State, died October 21, 1841."

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BLANTON. The gentleman is making a very important speech, and it is while we are considering a bill that carries $369,000,000. We have on the floor exactly seven Republicans and a few more Democrats. Would the gentleman like to have a quorum? His speech ought to have a quorum. The idea of debating a bill carrying $369,000,000 with eight Republicans on the floor—one more has now come in——

Mr. LAGUARDIA. Oh, the gentleman from North Carolina is talking about a cemetery.

Mr. BLANTON. And that is very apropos just now in so far as the gentleman's administration is concerned. There ought to be an interment.

Mr. LAGUARDIA. Inasmuch as the gentleman is a candidate for another office, it may be a bad omen for him as well.

Mr. BLANTON. Oh, cemeteries are necessary. Men in Biblical days even bargained for the graves they were to lie in. I am just calling attention to the fact that the naval bill carrying $369,000,000 is under discussion, and that my friend from North Carolina is making a splendid speech here, with nobody on the floor to hear it.

Mr. ABERNETHY. It is pretty hard for the gentleman from North Carolina to keep the membership here, especially when he is making a speech.

Mr. BLANTON. It is not the gentleman's speech that has emptied the Hall.

Mr. ABERNETHY. I appreciate the interruption, but I would say to the membership of the House that this neglected spot, the Congressional Cemetery, according to the National Society of the Daughters of the American Revolution, is one of the most interesting and historical spots of the Nation. It is neglected; the monuments are crumbling. The graves are unkept. I am not only carrying out a mission of this great society in bringing the matter to the attention of Congress, but a public service as well. I have introduced a bill to the effect that the Secretary of War should take over the governmental part of this cemetery and care for and maintain it.

Now, in my little home town, the town of New Bern, N. C., about a mile from the courthouse, when I ride by there on many occasions I see flying over a little plot of ground the American flag, and I see a house, and the person who guards on behalf of the Government this city of the dead. There are the graves of those who represented the Union forces in the Civil War. And yet within a mile or two miles of this Capitol there are more distinguished dead buried in this Congressional Cemetery than in any other spot, with no care, with no supervision on the part of the Government.

We find that in 1876, with an idea of economy, the Congress of the United States abandoned the task of taking care of this cemetery. Up to that time there was money appropriated for the purpose of taking care of this cemetery.

Now, in order that the Congress may understand just what I am undertaking to do—and it is not only on my motion, but also at the instance of these patriotic women who are going all over the country, led by Mrs. Brosseau and Mrs. Gregory, and others, undertaking to have marked, cared for, and preserved these sacred spots; and to bring it to the attention of the country that our great Nation does appreciate patriotism, that our great Nation does appreciate its honored dead. I felt that we could afford to take enough time in this commercial age, when everything is looked upon in terms of money, that we could well afford, for the sake of the past, present, and of future generations, to at least appropriate a little money and give over to the care of the Secretary of War this great city of the dead.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. TAYLOR of Tennessee. May I ask where is this Congressional Cemetery?

Mr. ABERNETHY. About a mile from here, on the west bank of the Anacostia River. If you go out there, you will see right alongside this sacred cemetery a dump heap of trash and garbage and things of that kind, evidently in the effort to build up the land. I am not undertaking to say how much money shall be expended on this, but I have left it largely to the judgment of future Congresses and the Secretary of War and to that splendid Army officer, Major General Cheatham, who has charge of the Government cemeteries all over the country.

Mr. TAYLOR of Tennessee. Who are buried there?

Mr. ABERNETHY. I was just reading some of the names of those who are buried there: George Clinton, Vice President of the United States, was interred in the Congressional Cemetery, and his body was finally removed to New York; Tobias Lear, the faithful secretary to George Washington, was buried there; Push-Ma-Ta-Ha, a famous Indian chief; also Scarlet Crow, a famous Indian warrior; Gen. James Jackson, also a distinguished warrior; Mr. Justice Barbour, of the Supreme Court; Brockholst Livingston, also United States Supreme Court; William Wirt, a distinguished Attorney General of the United States; and Abel P. Upshur, former Secretary of State and Secretary of the Navy. Then I read into my remarks about Baron Frederick Greuhm, the famous first minister to the United States from the Kingdom of Prussia.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. MONTAGUE. The gentleman mentioned, I notice, Mr. Upshur—Abel P.?

Mr. ABERNETHY. Yes. I am glad the gentleman asked the question. I am delighted to know that what I had to say is arousing such deep interest of the membership. I really think we should be ashamed of ourselves for not caring for this wonderful place, and we ought to be ashamed because these patriotic women have called it to our attention.

Mr. MONTAGUE. Mr. Upshur was the Secretary of the Navy and also Secretary of State. I thank the gentleman very much for presenting the subject to Congress, and I hope what he says will have weight. It is rather disreputable of us, I think, that we have not done something.

Mr. WELSH of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. WELSH of Pennsylvania. I am in sympathy with the gentleman's purpose. I would like to know what appropriation is made for that cemetery now?

Mr. ABERNETHY. None whatever.

Mr. WELSH of Pennsylvania. I was there about a month ago. It is in a very doleful condition.

Mr. ABERNETHY. Yes. There is a little parish down there. I do not know whether it is a mission parish or not. But there is a splendid rector there, formerly secretary to Senator WARREN, of Wyoming. He is now pastor of that church. I took the matter up with him. There is a little fund that they have laid off to themselves to care for their part of the cemetery. Their part, of course, is naturally kept up in very splendid condition.

Mr. MADDEN. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. ABERNETHY. I will be glad to.

Mr. MADDEN. Is this a private cemetery?

Mr. ABERNETHY. Not the part I am talking about. It is a combination.

Mr. MADDEN. Does the term "Congressional Cemetery" mean anything more than the name?

Mr. ABERNETHY. Yes, sir.

Mr. MADDEN. What does it mean?

Mr. ABERNETHY. I am glad the distinguished chairman of the Committee on Appropriations has asked these questions, and I am glad of his interest. I want to call his attention to a Senate document which was published in 1906 giving a com-

plete history of the Congressional Cemetery, Fifty-ninth Congress, second session, Document No. 72, showing that the Government owns certain lands in that cemetery, and none of these Members of Congress or Senators or distinguished officials of the United States are buried on any other ground than that which belongs to the United States Government.

Mr. MADDEN. Will the gentleman allow me to interrupt him with another question?

Mr. ABERNETHY. Yes.

Mr. MADDEN. I remember that many years ago Mr. Brownlow, of Tennessee, a Member of the House, served with me on the Committee on Appropriations. He came in here with tears in his eyes one day—and, really, they were tears, you know—and he was pathetic. He wanted the grave of Andrew Johnson, a former President of the United States, taken care of by the United States. We acceded to his urgent appeal, and that is the only grave of any President of the United States who lies buried anywhere on the continent which is being taken care of at the expense of the Government. Now, the question arises—and I am not saying this captiously—how far can we go in the care of the cemetery about which the gentleman has spoken?

Mr. ABERNETHY. In answer to the gentleman's remarks, I will say that I can fully appreciate the fact that if the Government itself did not own the land then we might not be on strong and solid ground; but I call the distinguished gentleman's attention to the great burying ground of Arlington, which is maintained by the Government, and I call the gentleman's attention to the various Federal cemeteries all over the country.

Mr. MADDEN. That is a very proper thing where we have a national cemetery dedicated to that purpose.

Mr. ABERNETHY. But up until 1876 the Congress did appropriate. I have not taken the time to go into all the details of this, but Congress did appropriate money and there was legislative authority for the care of these graves. Let me say further that one of the troubles we have is that a part of this property belongs to the church and a part of it belongs to the Government. My bill proposes to authorize the Secretary of War to take charge of that part which belongs to the Government, to care for it and to preserve those graves, and I take it the gentleman would favor such legislation.

Mr. MADDEN. I think anything like that is a proper thing to consider.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. LAGUARDIA. How did the Government acquire the land originally?

Mr. ABERNETHY. It bought it, or it was donated, I am not sure which, but the title is in the Government.

Mr. LAGUARDIA. Through appropriations made for that purpose?

Mr. ABERNETHY. Either through appropriations or by gifts. In other words, there are about 500 lots there which belong to the Government.

Mr. BUSBY. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BUSBY. I want to suggest to the gentleman that I was in the Congressional Cemetery last year and spent considerable time there. The secretary of the association which controls that cemetery went over the ground quite a bit with me in looking for the grave of Push-Ma-Ta-Ha, who was one of the Indians holding a high commission in the Army and who died here. I asked him about the ownership and the present management of the Congressional Cemetery and, if I remember correctly, he told me that the interest of the United States Government in the lands therein, except such plots as were occupied by graves, had been surrendered by the Government to this church organization.

Mr. ABERNETHY. That is not correct.

Mr. BUSBY. I merely make that statement to ask the gentleman this further question: Since the date of the document you have exhibited, 1906, have you made an investigation as to the ownership of the land outside of the land on which there are graves?

Mr. ABERNETHY. There is no question about the fact that the Government owns a part of this land, and the Washington Parish, according to its rector, does not undertake to assert any claim to that part of the land. At one time there was some legislation sought here, which went before the District Committee, of which the distinguished gentleman from Texas [Mr. BLANTON] is a member. That legislation had to do with vacating certain streets for the purpose of establishing more cemetery plats. The bill passed the House but did not pass the Senate. There was some effort at that time on the part of certain ones to remove some of these cenotaphs, particularly where there were no bodies under these monuments.

Mr. LANKFORD. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. LANKFORD. I was in this cemetery two or three years ago and it is my recollection that there are several men and women buried there at one place who were killed during the Civil War by an explosion in the navy yard, and there is a large monument erected to those people.

Mr. ABERNETHY. I am glad the gentleman called my attention to that. In the article from the magazine of the Daughters of the American Revolution, which is incorporated in my remarks, I read further, and I am quoting from it because it shows a great deal of study, of the subject by the writer:

> Pausing before a weather-stained monument of simple design, one reads inscribed thereon the story of one of the most regrettable tragedies of the early American Navy.

This comes in very aptly when we are considering the naval bill. Now, listen to this:

> Beneath the monument, side by side in a single grave, rest the bodies of Capt. Beverley Kennon and Abel Parker Upshur—

The gentleman who was spoken of by the distinguished gentleman from Virginia, Governor MONTAGUE—

> victims of the explosion of a gun aboard the U. S. frigate *Princeton*, February 28, 1844. Both natives of Virginia, the two men formed a friendship in early youth that lasted even to the grave.

Now, here is another very interesting excerpt which I will read from this article in the magazine:

> For many years a touch of romance was added to the cemetery by the grave of Nathan Cilley, a Member of Congress from Maine, of brilliant promise, who fell on the field of honor at Bladensburg, Md., one of the last victims of the duello in this country. The body of Representative Cilley has since been removed to his home in Maine, but the circumstances of his death are still told with the cemetery legends.

Mr. BRIGGS. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BRIGGS. What was the appropriation that the Government previously made for the maintenance of this cemetery?

Mr. ABERNETHY. A small amount from time to time carried in an appropriation bill, probably $1,000 or $2,000. At one time they helped to put an iron fence around the cemetery and at another time they appropriated a little money for aiding in the upkeep of it.

Mr. BRIGGS. What reason was given for the discontinuance of that upkeep?

Mr. ABERNETHY. Economy and neglect.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ABERNETHY. May I have a few minutes more? I have had a number of interruptions.

Mr. AYRES. I yield the gentleman five minutes more, Mr. Chairman.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SUMMERS of Washington. When I visited this cemetery I found it impossible to tell what actual interments had taken place and what had not. It seemed to have been the custom to erect a small monument there to any Member of Congress who died during a certain period regardless of where he was buried; is not that the fact?

Mr. ABERNETHY. Some of those cenotaphs are there while the bodies are elsewhere, but they stopped that custom in 1876.

Mr. SUMMERS of Washington. Then how may one know who is buried there and who is not?

Mr. ABERNETHY. The records of the cemetery are open to every one and I am going to put a list of them in the RECORD, with the permission of the House.

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks in this particular. I am going to supply this data, and not only supply such data as to those who are buried there but also give the names and the dates of their deaths so that the House may know all the facts.

Mr. SUMMERS of Washington. I think the neglect is a reproach on the Congress and is a thing that ought to be taken care of.

The CHAIRMAN. Does the gentleman ask leave to incorporate any documents?

Mr. ABERNETHY. Yes; I ask unanimous consent, Mr. Chairman, to incorporate in my remarks lists taken from this document.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to revise and extend his remarks, and to incorporate therein certain data which he has indicated. Is there objection?

There was no objection.

Mr. ABERNETHY. Now, gentlemen, I will not undertake to read further from this article, because I have permission to put it in the RECORD. I simply want to say I consider this one of the sadly neglected spots which we should now attend to. The bill which I have introduced has been referred to the great Committee on Military Affairs of the House, and I hope the membership of the House will read the remarks I make here to-day, because I am going to incorporate in my remarks the names of men from nearly every State in the Union, men of character, men of discernment, men who have written their names high on the scroll of fame, and I am sure this Congress, even at this late date, will not be remiss in its duty in undertaking to beautify and take care of this sacred spot, and will say to this worthy and great patriotic organization, the National Society of the Daughters of the American Revolution, "We are pleased you have called this to our attention. We will respond and respond promptly." [Applause.]

The lists referred to by Mr. ABERNETHY are as follows:

The names of the deceased Senators, Representatives, and other notables interred in the Congressional Cemetery in Government ground, State from which they come (if known), and date of death (if known), as shown by the register of the cemetery and inscriptions on the monuments, are as follows:

History of the Congressional Cemetery

SENATORS

Name	State	Died
Uriah Tracy	Connecticut	July 19, 1807
Francis Malbone	Rhode Island	June 4, 1809
James Burrill, jr	do	Dec. 25, 1820
W. A. Trimble	Ohio	Dec. 13, 1821
William Pinkney	Maryland	Feb. 25, 1822
John Gaillard	South Carolina	Feb. 26, 1826
James Noble	Indiana	Feb. 26, 1831
Nathan Smith [1]	Connecticut	Dec. 6, 1835
Elias K. Kane [1]	Illinois	Dec. 11, 1835
John Fairfield	Maine	Dec. 24, 1847
I. S. Pennybacker [1]	Virginia	Jan. 12, 1847
N. F. Dixon	Rhode Island	Jan. 29, 1842
William Upham	Vermont	Jan. 14, 1853
Lemuel J. Bowden	Virginia	Jan. 2, 1864
J. Pinckney Henderson	Texas	June 4, 1858
William N. Roach (no monument)	North Dakota	Sept. 7, 1902

REPRESENTATIVES

Ezra Darby	New Jersey	Jan. 28, 1808
—— Whitting (no monument)		
Thomas Blount	North Carolina	Feb. 7, 1812
Elijah Brigham	Massachusetts	Feb. 22, 1816
Richard Stanford	North Carolina	Apr. 9, 1816
George Mumford	do	Dec. 31, 1818
David Walker	Kentucky	Mar. 1, 1820
J. H. Purvian (no monument)		
Nathaniel Hazard	Rhode Island	Dec. 17, 1820
Jesse Slocum	North Carolina	Dec. 20, 1820
William L. Ball	Virginia	Feb. 29, 1824
Christopher Rankin	Mississippi	Mar. 14, 1826
Alexander Smyth	Virginia	Apr. 17, 1830
Jonathan Hunt [1]	Vermont	May 15, 1832
Charles C. Johnson	Virginia	June —, 1832
George E. Mitchell	Maryland	June 28, 1832
James Jones	Georgia	Jan. 11, 1801
Levi Casey	South Carolina	Feb. 3, 1807
Philip Dodridge	Virginia	Nov. 19, 1832
James Lent [1]	New York	Feb. 22, 1833
John Smiley	Pennsylvania	Dec. 30, 1812
T. T. Bouldin [1]	Virginia	Feb. 11, 1834
John Dawson	do	Mar. 31, 1814
Hodge Thompson	New Jersey	July 23, 1828
T. D. Singleton	South Carolina	Dec. —, 1833
T. J. Carter	Maine	Mar. 14, 1838
Isaac McKim	Maryland	Apr. 1, 1838
Nathan Cilley [1]	Maine	Feb. 24, 1838
Warren R. Davis	South Carolina	Jan. —, 1835
Littleton P. Dennis	Maryland	Apr. 14, 1834
James Blair	South Carolina	Apr. 1, 1834
Theodorick Bland	Virginia	
George Holcomb	New Jersey	Dec. 4, 1828
Joab Lawler	Alabama	May 8, 1838
James Gillespie	North Carolina	Jan. 10, 1805
Jeremiah McLene	Ohio	Mar. 19, 1837
Richard Manning	South Carolina	May 1, 1836
Salmon Wildman [1]	Connecticut	Dec. 10, 1835
J. W. Hornbeck	Pennsylvania	Jan. 16, 1848
R. P. Herrick [1]	New York	June 20, 1846
Henry Frick	Pennsylvania	Mar. 1, 1844
William Taylor	Virginia	Jan. 17, 1846
Peter Bossier [1]	Louisiana	Apr. 24, 1844
S. G. Wright	New Jersey	July 30, 1845
Albert G. Harrison	Missouri	Sept. 7, 1839
Jas. W. Williams	Maryland	Dec. 2, 1842
R. W. Habersham [1]	Georgia	Do.

[1] Removed.

History of the Congressional Cemetery—Continued

REPRESENTATIVES—continued

Name	State	Died
Benjamin Thompson	Massachusetts	Sept. 24, 1852
Alexander H. Buel	New York	Jan. 29, 1853
Charles Andrews	Maine	Apr. 30, 1852
Francis J. Harper	Pennsylvania	Mar. —, 1837
James A. Black	South Carolina	Dec. —, 1848
Edward Bradley	Michigan	Aug. 5, 1842
George C. Dromgole	Virginia	Apr. 28, 1847
Felix G. McConnell	Alabama	Sept. 10, 1846
John B. Dawson	Louisiana	July —, 1845
Joseph H. Peyton	Tennessee	Nov. —, 1845
Barker Burnell [1]	Massachusetts	June 15, 1843
William Lowndes	South Carolina	Oct. 12, 1822
William W. Potter	Pennsylvania	Oct. 29, 1839
W. A. Burwell	Virginia	Feb. 16, 1821
Daniel Heister	Maryland	Mar. 8, 1804
Thomas Hartley	Pennsylvania	Jan. 1, 1801
Henry Black	do	Nov. 28, 1841
Charles Ogle	do	May 16, 1841
Joseph Lawrence	do	Apr. 17, 1842
James Gillespie (two monuments)	North Carolina	Jan. 10, 1805
David S. Kauffman	Texas	Jan. 30, 1851

OFFICIALS OTHER THAN SENATORS AND REPRESENTATIVES

Narsworthy Hunter, Territorial Delegate	Mississippi	Mar. 11, 1802
Unknown captain (no monument)		
Do		
George Clinton, Vice President	New York	Apr. 20, 1811
Samuel A. Otis, Secretary of the Senate		Apr. 22, 1814
Elbridge Gerry, Vice President	Massachusetts	Nov. 23, 1814
Tobias Lear, Secretary to President Washington.		Oct. 11, 1816
Captain Campbell	South Carolina	Nov. 11, 1820
Colonel Morrison	Kentucky	Apr. 23, 1823
Frederick Greuhm, Prussian minister		Dec. 1, 1823
Catharine Bresson, wife of secretary to French legation.		Jan. 28, 1824
Push Ma-Ta-Ha, Choctaw Indian chief		Dec. 24, 1824
Unknown page in the House		
Lieutenant Rose	New York	Nov. 22, 1825
Maj. Gen. Jacob Brown		Feb. 24, 1828
Commodore Ridgely (no monument)		
Commodore Patterson		Aug. 25, 1839
Commodore Rodgers		
Judge Phillip Pendleton Barbour, Associate Justice, U. S. Supreme Court.		Feb. 24, 1841
Abel P. Upshur, Secretary of State [1 2]		Feb. 28, 1844
Capt. Beverley Kennon [1 2]		Do.
Surgeon General Lovell (no monument)		
Major General McComb		June 25, 1844
Major General Gibson		Sept. 30, 1861
Gen. John A. Rawlins, Secretary of War under Grant.[1]		Sept. —, 1869

[1] Removed.

[2] Upshur and Kennon were killed by the explosion of a gun on the warship *Princeton;* had been lifelong friends and were buried in the same grave.

* * * * * * *

The names of deceased Representatives and Senators for whom cenotaphs have been erected by the Government are as follows, giving the name, State from which they come, if known, and date of death, if known (as shown by the register of the cemetery and the inscriptions on the monuments):

Name	State	Died
REPRESENTATIVES		
John Q. Adams	Massachusetts	Feb. 23, 1848
John Millen	Georgia	Oct. 15, 1843
Orin Fowler	Massachusetts	Sept. 3, 1852
Herman A. Moore	Ohio	Apr. 3, 1844
Davis Dimock	Pennsylvania	Jan. 13, 1842
Henry Ness	do	Sept. 10, 1850
J. M. Harmanson	Louisiana	Oct. 25, 1850
Daniel P. King	Massachusetts	July 25, 1850
Gabriel Holmes	North Carolina	Recess, 1829
Charles Slade	Illinois	Recess, 1834
Henry Wilson	Pennsylvania	Recess, 1826
Benj. F. Deming	Vermont	Recess, 1834
John Coffee	Georgia	Recess, 1836
Lewis Williams	North Carolina	Feb. 25, 1842
Wm. S. Ramsey	Pennsylvania	Oct. 18, 1840
Alexander D. Simms	South Carolina	
Thomas L. Homer	Ohio	
Amos E. Wood	do	Nov. 19, 1850
Patrick Farrelly	Iowa	Jan. 12, 1826
John Linn	New Jersey	Jan. 19, 1828
Jacob Crowninshield	Massachusetts	Apr. 15, 1808
Peterson Goodwin	do	Feb. 21, 1818
Nathan Bryan	North Carolina	June 4, 1798
David Dickson	Mississippi	Recess, 1836
R. P. Henry	Kentucky	Recess, 1820
George L. Kinnard	Indiana	Nov. —, 1836
James Johnson	Kentucky	Recess, 1826
William S. Hastings	Massachusetts	June 17, 1842
Simeon H. Anderson	Kentucky	Aug. 11, 1840
Anson Brown	New York	June 14, 1840
James C. Alvord	Massachusetts	Sept. 30, 1839
John M. Holley	New York	
Rudolphus Dickinson	Ohio	Mar. —, 1849

Name	State	Died
REPRESENTATIVES		
Chester Butler	Pennsylvania	Oct. 5, 1850
Silas M. Burroughs	New York	June 3, 1860
William O. Goode	Virginia	
John Schwartz	do	June 20, 1860
Cyrus Spinck	Ohio	
T. L. Harris	Illinois	1858
John A. Quitman	Massachusetts	July 16, 1858
Samuel Brenton	Indiana	1857
James Lockhart	do	1856
John G. Montgomery	Pennsylvania	1857
John G. Miller	Missouri	1857
Preston S. Brooks	South Carolina	1857
Sampson W. Harris	Alabama	1857
Thomas H. Bayly	Virginia	
James Meacham	Vermont	Aug. 23, 1856
Presly Ewing	Kentucky	
John F. Snodgrass	Virginia	June —, 1854
Henry A. Muhlenberg	Pennsylvania	Jan. —, 1854
Brookins Campbell	Tennessee	Dec. 25, 1853
Robert Rantoul, jr	Massachusetts	Aug. 7, 1852
Truman Hoag	Ohio	Feb. 5, 1876
Thomas E. Noel	Missouri	Oct. 4, 1867
Cornelius S. Hamilton	Ohio	Dec. 21, 1867
David Heaton	North Carolina	June 25, 1870
Benjamin F. Hopkins	Wisconsin	Jan. 1, 1870
James Hinds	Arkansas	Oct. 22, 1868
Thaddeus Stevens	Pennsylvania	Aug. —, 1868
Elijah Hise	Kentucky	May 8, 1867
Darwin A. Finney	Pennsylvania	Aug. 25, 1868
Charles Dennison	do	June 28, 1867
Philip Johnson	do	Feb. 1, 1867
Henry Grider	Kentucky	Sept. 7, 1866
James Humphrey	New York	June 10, 1866
Orlando Kellogg	do	Aug. 24, ——
Owen Lovejoy	Illinois	Mar. 25, 1864
John W. Noell	Missouri	Mar. 14, 1862
Luther Hanchett	Wisconsin	Nov. 24, 1862
Goldsmith Bailey	Massachusetts	May 8, 1862
Thomas B. Cooper	Pennsylvania	Apr. 4, 1862
Geo. W. Scranton	do	Mar. 24, 1861
Jas. Gillespie	North Carolina	Jan. 10, 1805
SENATORS		
Samuel L. Southard	New Jersey	June 26, 1842
Thadeus Betts	Connecticut	Apr. —, 1840
Andrew P. Butler	North Carolina	May 25, 1857
Moses Norris	New Hampshire	Jan. 11, 1855
Thomas J. Rusk	Texas	July 29, 1857
Josiah I. Evans	South Carolina	May 6, 1858
James Bell	New Hampshire	May 26, 1857
Chester Ashley	Arkansas	Apr. 29, 1848
John G. Calhoun	South Carolina	Mar. 31, 1850
Henry Clay	Kentucky	June 29, 1852

One cenotaph unmarked.

* * * * * * *

Mr. AYRES. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman and members of the committee, it is my purpose to talk to you during the time I shall occupy the floor regarding the great future of the South—my section of the country. I am sure it is rapidly being recognized that the South is at least one of the garden spots of the United States. We are so favored by climate and by nature in the way that is necessary for a people to develop that we are rapidly attracting the attention of capital and industry from every section of this country and from other places.

I know there has been throughout the history of our Nation a belief in certain sections of our country that the South is not developed, that it has a great many people in it who are not educated, and that it has labored under various disadvantages. I am sure there are sections of the country and individuals in such sections of the country who are yet asking the question that Nathanael asked on one occasion: "Can there any good thing come out of Nazareth," and I would reply with the answer of Philip when he said, "Come and see." This is the only proposition we have to offer you about the greatness of the South. Come and see.

I am sure many times we forget to take into consideration the difference in the length of time that the Northern and Eastern States have had in which to develop, compared with the time in which the South has had to develop and the hardships through which it has been forced to go.

For instance, take the New England States—the North and East—we find that for more than 200 years they have been pushing forward under circumstances favorable to development, while not much more than 100 years has the South been opened to settlement. It was only in 1817 that Mississippi became a State. About 20 years after that we had a great period of land speculation, booms of all kinds in the way of land trading. Mushroom banks grew up, and then came the panic of 1837, which swept all of this fictitious prosperity away. We went along for a period of about 25 years after that and the Civil War came upon the country. The history of the destruction through which the South went during that war is too familiarly known to each one of us, and it would serve no good purpose for me to repeat it. We saw practically all that had been accumulated in wealth in the South swept away by the horrors of war. The torch had consumed our farm buildings, homes, and other property; the animals and other property that were usable in times of war had been carried away. When the war ended in 1865 our people found themselves practically destitute from the standpoint of means and the things necessary for a livelihood.

But our troubles were not ended there, because at the close of the war we entered upon the beginning of a misgovernment orgy that swept away the few remaining assets we had and that pledged the credit of our States for years to come to meet bond issues and expenditures that were totally unjustified. I mention this here not out of any spirit of animosity for what happened and the great wrong done our people, but merely to show the great disadvantage my section of the country was confronted with from an economic standpoint.

I shall not deal with my State of Mississippi in disclosing the great waste brought to the South by the carpetbagger, scalawag, and negro governments, because its records on that point are not so complete as the records in other States. I am going to read you some excerpts from a book entitled "Reconstruction of the Constitution of 1866 to 1876," by John W. Burgess, professor of political science and constitutional law, dean of the faculty of political science at Columbia University in New York, and I presume a northern man.

The proposition as he presents it with regard to South Carolina is:

> During the year 1872, in addition to all this, there came to the knowledge of Congress and of the people of the North the frightful and scandalous corruption of the "State" governments in the South. It is very difficult to get at distinct and reliable facts upon a subject which officials undertake to cover up and keep shrouded in darkness. But the record of these doings in South Carolina was something as follows: The house of representatives, the majority of the members of which were negroes, and the presiding officer of which was the notorious F. J. Moses, spent $95,000 to refurnish its assembly hall where the aristocrats of South Carolina had never spent over $5,000. Clocks costing $600 each, sofas $200 each, chairs at $60 each, desks at $125 each, mirrors at $600 each, cuspidors at $8 each—such were the items of the bill. In the four years from 1868 to 1872, $200,000 were expended for furniture for the legislative chambers alone. Then came the bills of supplies, sundries, and incidentals, amounting in one session to $350,000, $125,000 of it for a free restaurant, lunch counter, and bar, at which the members and their friends fared most royally, eating, drinking, and smoking and paying not a penny therefor directly nor indirectly, since many, if not most, of the members of that legislature paid no stiver of the taxes. Then came the printing bills, averaging more than $150,000 a year where $10,000 would have been more than enough to pay every legitimate expense of that kind.
>
> Then came the sale of franchises of all kinds, and the pledging of the credit of the "State" in the form of bonds to aid all sorts of enterprises pretended to be set on foot, or promoted, as is now said, by combinations of legislators or officials or their friends. In 1868 the "State" debt was about $5,000,000 with almost enough assets to pay it. In 1872 the assets had disappeared and the debt was more than $18,000,000 and nothing worth mentioning to show for it. And all this when the "State" taxes had been raised from less than a half million of dollars a year on a valuation of over $400,000,000 to $2,000,000 a year on a valuation of less than $200,000,000 of property.

Mr. SIROVICH. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. SIROVICH. Was the legislature responsible for this exorbitant expenditure in money in South Carolina composed of natives?

Mr. BUSBY. Most of them were natives, but were ignorant colored people, few of whom could read or write, under the supervision and superintendence of carpetbaggers who came down there to get what they could from what we had left after the war. That was the situation in South Carolina, the debt having been increased from $5,000,000 to $18,000,000, the assets of the State swept away, while the credit of the State was mortgaged for the future.

Mr. LOWREY. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. LOWREY. In response to the question put by the gentleman from New York, I want to quote Horace Greeley, who said that—

> The carpetbaggers came down there, and when they arrived in the State they set their carpetbags down and said, "Let us prey."

[Laughter.]

Mr. BUSBY. That is fine. Now, I want to refer to another State, that of Louisiana, by this same authority, and show what was done.

LOUISIANA

Under the leadership of the brilliant young adventurer, Henry C. Warmoth, of Illinois, the financial history of the "State" was even more scandalous. During the four years of Warmoth's governorship, from 1868 to 1872, the average annual expenditure of the "State" government was about $6,000,000, when measured by the previous experiences of the "State" $600,000 would have been ample to defray all legitimate expenses. At the beginning of Warmoth's administration the debt of the "State" was between six and seven millions of dollars, with more than enough assets to extinguish it. At the end of the four years of his power in 1872, the debt was nearly $50,000,000, the assets had all disappeared, and there was nothing worth mentioning to show for the one or the other.

In the counties and municipalities of both "States" the corruption was equally rampant, shameless, and vulgar. It is impossible to obtain exact figures in regard to it or to estimate with any degree of exactness or even probability the amounts stolen and made away with. In the other reconstructed "States," where the adventurers and the negroes held sway, the "State" governments worked along the same lines, though not to the same appalling extent.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr BUSBY. I will yield.

Mr. O'CONNOR of Louisiana. Colonel Warmoth is a constituent of mine and lives in the first congressional district. I have no interest in him politically; he is a lifelong Republican. I know his son. Colonel Warmoth was never a scalawag nor a carpetbagger in the iniquitous sense that looted the South. Colonel Warmoth remained there and invested everything he had in the sugar industry and has endeavored to promote the best interests of the State.

Mr. BUSBY. My opinion from history is that the gentleman's statement is awry. Warmoth went there as a carpetbagger, one of the great despoilers of that State; and when he got whipped by another organization that was worse than he, he settled down to become a citizen.

Now I am mentioning this subject for no other purpose than to show you the deplorable condition of the finances of the South after 1875 and 1876.

Mr. TILSON. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. TILSON. The gentleman does not intend to use this as a campaign issue, I hope. Surely he is not going as far back as that?

Mr. BUSBY. No; if I were going to use it for a campaign issue I would bring out some worse things; but instead I am stressing the economic situation.

Mr. SIROVICH. Will the gentleman yield?

Mr. BUSBY. I will.

Mr. SIROVICH. Is it the gentleman's intention to prove that the Republicans were corrupt at that time?

Mr. BUSBY. I do not think there is need of any proof of that. Everybody admits it.

Mr. KING. "Birds of a feather flock together."

Mr. BUSBY. Yes; I have heard that statement at the other end of the Capitol. [Laughter.]

Mr. HOGG. Will the gentleman yield?

Mr. BUSBY. I will.

Mr. HOGG. I wonder if the gentleman from Mississippi will tell us how many qualified voters there are in the State of Mississippi. I am interested in the data he is giving.

Mr. BUSBY. I can tell you how many votes were cast. About 350,000 people voted in the last election, and I suppose they were qualified or they would not have voted.

We did the best we could in the South to mend our financial condition after the period of reconstruction. We went along until the panic of 1893, which swept over the country, and I believe it hit the South worse than other sections, because we were less able to bear it for the reasons stated. We went on and a few years later the World War came. Like the rest of the country, we entered into that and went through with it. The last six or seven years I feel has been practically the only period that the Nation has had time in which to direct its attention to the South. During that time we have made wonderful strides and progress.

Within recent years factories of almost all kinds have been established in the South. Especially is this true with regard to cotton factories.

MAJORITY OF COTTON SPINDLES IN THE SOUTH

In the past we have thought of the manufacture of cotton as being an occupation confined almost wholly to the New England States. That is not the case at present. The cotton manufacturing industry is drifting toward the South—the land in which cotton is grown, where ideal conditions exist for the establishment and operation of cotton factories. There we have a better climate than has New England; the natural resources in water power, coal, hydroelectric power, and materials suitable to the manufacture of cotton are almost ideal. Another advantage is that it is not necessary to pay high freights on the raw product from the field to the mills.

I have before me the report from the Bureau of the Census on the activity in the cotton-spinning industry for January, 1928. It shows that there are 36,000,349 cotton-spinning spindles in place in this country; 18,424,000 of these are located in cotton-growing States, as against 16,280,000 that are located in the New England States. This shows that 2,144,000 more spindles are located in the South than are located in the New England States.

This is a striking bit of information, but not so striking as the fact that this same report shows that of the spindles in the Southern States only 553,000 were idle as against 3,870,000 idle spindles in the New England States during January. This is still not the most striking feature about the report. The active spindle hours for January for the spindles located in the Southern States averaged 308 hours per spindle in place. This was a little less than 12 hours per day for 26 working-days in the month. The active spindle hours for January for the New England States averaged per spindle in place 143 hours. This was 5½ hours per day for 26 working-days in the month.

We have all along thought of Massachusetts as being the leading cotton-manufacturing State of the Union. In this same report it is shown to have 10,111,000 spindles, which is a little less than one-third of the spindles in the entire country.

The same report shows that the spindles in Massachusetts had active spindle hours for January, average per spindle in place, only 130 hours for the month, against 324 hours per spindle for South Carolina, 320 hours per spindle for North Carolina, and a 308-hour average per spindle for the entire South for the month.

I am calling your attention to these things as an example of what is taking place in the South.

Now, you can easily see the idleness that exists in the cotton-spinning industry in the New England States as compared with the cotton-spinning industry in the South. Per spindle, it does not come within half of the number of employed hours as do the southern spindles.

In Mississippi, the State in which I have the honor to represent the fourth congressional district, capital has come in recent years in leaps and bounds. We have modified some of our laws so as to make them more inviting to outside capital. We have enacted statutes that will exempt factories, manufacturing establishments, and other industries from taxes for a period of five years. A bill is before our State legislature, which is now in session, that provides that all cattle, sheep, hogs, and goats in the State of Mississippi shall be exempt from all State, county, and ad valorem taxes for a period of 10 years. We have repealed some of our objectionable antitrust laws that did so much to drive capital out of Mississippi. As we now stand, Mississippi has a system of laws that is most attractive to honest capital for honest business looking forward to the development of the great resources of our great State.

The report of Hon. Walker Wood, the secretary of state of Mississippi:

FOREIGN CAPITAL COMES TO MISSISSIPPI

The following figures show the amount of "domestic and foreign capital which qualified to do business in Mississippi for the years 1921 to 1927, inclusive."

I am not going to refer to domestic capital but to foreign capital only, or capital coming into the State from the outside. The foreign capital in 1921 amounted to $5,075,000; in 1922, to $6,283,000; in 1923, $10,617,000; in 1924, to $4,218,000; in 1925, to $6,098,000. About that time we repealed some of our antitrust laws, so that in 1926, instead of its being a little over $6,000,000, as it was the year before, outside capital amounted to $219,000,000, and in 1927 it jumped to $586,000,000. To sum up: Foreign capital which qualified to do business in Mississippi for the period 1920 to 1923 was $62,907,400; for the period of 1924 to 1927 it was $815,907,890.

The banks in Mississippi, according to a recent statement of the State bank examiner, show a corresponding increase in bank resources and a correspondingly healthy financial condition throughout the State.

MISSISSIPPI BECOMING A GREAT DAIRYING STATE

I hold in my hand an article written by Mr. Ben Hilbun, of Starksville, Miss., dealing with the dairying industry of the State. Attached to this article is a map of Mississippi, with counties marked. On this map are shown 96 plants relating to the dairying industry.

The first creamery was established in Mississippi in 1912 at the Agricultural and Mechanical College, which is the State college for boys. That was in the dark days when the boll weevil with his devastation and destruction first visited our cotton fields. Cotton had been our principal money crop, but we had been forced by what appeared to be an enemy to turn to something other than cotton in order to raise the necessary cash with which to pay our taxes and other expenses. Seventeen thousand pounds of butterfat were used by this creamery during its first year, for which it paid $4,423 to the farmers in the surrounding territory. That was a little more than 16 years ago. A few months ago, when Mr. Hilbun wrote his article, there were 27 creameries operating in the State. These produced butter valued at about $3,500,000 during 1927, compared with the production of a little more than $4,000, 15 years before. Some creameries are operated cooperatively by farmers, others by incorporated capital, and others in various ways. The first great milk plant of the State was located at Starksville, Miss., by the Borden Southern Co. about three years ago. This was a milk-condensing plant. I am informed that this plant was built with an understanding with the people that they would furnish it with 40,000 pounds of milk per day.

The reception accorded the plant by the farmers in the surrounding territory was so cordial that in about 60 days it was receiving around 60,000 pounds of milk per day; a few weeks later the supply had reached 80,000 pounds per day, and within about a year the milk supplied this plant was around 120,000 pounds per day, and had overrun the capacity of the plant. The Borden Co. was forced to notify the people in the surrounding territory through the county papers that the plant's capacity had been overrun and that they could not use all the milk that was being supplied until the plant could be enlarged. This was done as rapidly as possible, and it is, I am informed, at the present time using about 200,000 pounds of milk per day. No industry was ever accorded a warmer reception than was the dairying business by the people of Mississippi.

Following the Borden plant at Starksville, the Carnation Milk people established a milk-condensing plant at Tupelo, Miss. Its experience in receiving a milk supply was similar to the experience of the Borden plant at Starksville. The Borden Co. established a second milk-condensing plant in Mississippi at Macon, about 40 miles southeast of Starksville. The Pet Milk people, of St. Louis, Mo., are now engaged in constructing a milk-condensing plant at Kosciusko, in my district. This plant, with all equipment, I am informed, will cost around $500,000, and will pay to the farmers in the surrounding territory for milk supplied from $3,000 to $4,000 per day the year round, but I shall refer more at length to this plant a little later.

A considerable number of cheese factories have been established in the State within the past year. They are coming so rapidly that I am unable to tell you just how many have been built, but I am sure it is safe to say as many as 15 cheese factories have been built or are being built. Three have been begun in my district since I came here in the past December. They will be ready for operation during the coming summer. They are located at Houston, Water Valley, and West Point.

Heretofore it has been believed that cheese making could not be profitably carried on in the South. There was some notion that probably the weather was too warm and was not favorable to making the highest quality of cheese. Last summer the Kraft Cheese Co. was constructing a plant at Durant, Miss. They had several places in view for additional cheese factories, but would not proceed with any additional factories until they had finished the Durant plant and had produced cheese in it. This they did, and found that the section of the country and the milk received were suitable to the manufacture of the very highest grade of cheese. Since then Kraft has established a great number of plants in northeast Mississippi.

Barbour & Co., Kramer, and others interested in the cheese business are placing large cheese factories in Mississippi.

Mississippi has about 65 ice-cream plants, which produce about one and one-half million gallons of ice cream annually. Mississippi has four dried-buttermilk plants. It has five wholesale milk shipping centers, which supply New Orleans, Memphis, Birmingham, and other large cities with approximately one and one-half million gallons of whole milk annually.

The best information available at the present time as to the value of the milk products in Mississippi for 1927 is that they are around $18,000,000 to $20,000,000. There is every reason to believe that with the rapid incoming of milk plants, cheese factories, creameries, and so forth, the value of milk products in Mississippi will be doubled within the next two or three years.

Our people are rapidly securing high-grade milk-producing cows to take the place of all scrub stock which is being as rapidly disposed of.

We have a suitable climate for the dairying industry. The winters are mild and the temperature is rarely above 95 in the summer. Pasturage is good for about seven months in the year, making it unnecessary to feed the milk producers except very little during that time. Many people secure splendid results in milk production from pastures alone. In fact, practically no one feeds the year round. We have an abundance of pure, fresh, running water.

Mr. W. T. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. W. T. FITZGERALD. How are these dairies kept up? Do they have agricultural products there sufficient to keep up, or do they have to import feed from the North?

Mr. BUSBY. We do not have to import any kind of feed. The very best feed for dairy cattle is Lespedeza hay, cottonseed hulls, and cottonseed meal; silage and hays produced locally. These are the best milk producers that our people have been able to find, and they are grown in the territory where we have the dairying industries. Alfalfa is grown in abundance in some sections of our State; soy beans, velvet beans, Johnson grass, clover, and almost every other variety of hay can be produced; corn is also grown in abundance, it being one of the two main crops in Mississippi. In fact, we can produce all the home-grown feed necessary.

Now I wish to go back to the subject of the Pet Milk Co. plant at Kosciusko. I would like to call your attention very briefly to what one northern paper had to say about this particular plant, and it happens that this paper is printed in Chicago, the home of Mr. MADDEN, chairman of the Appropriations Committee. It is entitled "Farm and factory."

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUSBY. Could I have a little more time?

Mr. AYRES. About how much time would the gentleman wish?

Mr. BUSBY. Five minutes.

Mr. AYRES. Mr. Chairman, I yield to the gentleman five minutes.

Mr. BUSBY. Officials of the Pet Milk Co. make the statement with much pride that they have never established a plant in a community without bringing a greater degree of prosperity to the people. I read:

PET MILK CO. PLANT AT KOSCIUSKO

The development of the dairy industry in the State of Mississippi is still at a high temperature. The Pet Milk Co. will construct their fifth milk-condensing plant in the South at Kosciusko, Miss., on the Illinois Central Railroad. The five plants have been constructed during the past 12 months. This company has been gradually finding its way into the South because of its faith in dairy possibilities in that territory. They had been branching out into southeast Missouri and also into Maryland, and when the recent dairy fever swept the South the Pet people did not hesitate to cast their lot in Kentucky, Tennessee, and Mississippi. Other plants will be considered by them wherever the raw material is available.

The plant to be built at Kosciusko will be a typical Pet milk plant. The ground plan is approximately 120 feet by 240 feet. The plant, when completed, will cost $225,000. Up-to-date machinery will be installed throughout and most of the work will be done by these labor-saving devices. However, the plant will employ about 40 men in all departments. The plant will be equipped to handle 200,000 pounds of milk per day and ready to meet a larger supply if necessary. The Pet Milk Co. is too well and favorably known to need an introduction to the territory they have decided to locate plants in, because nearly every family has been introduced through the canned products coming into their homes. They will be more than welcomed by the people of Kosciusko.

Officials of the Pet Milk Co. make the statement with much pride that they have never established a plant in a community without bringing a greater degree of prosperity to the people. To have sufficient supplies for their big plant there must be highly developed dairying in the community. A capacity supply of milk for the plant means a pay roll to the farmers of from three to four thousand dollars per day. This should be a highly desired distribution of wealth to any community.

The good people of Kosciusko fully appreciate this and have engaged a dairy expert on full time to develop increased production of milk for the plant. More farmers are becoming interested, cows are being bought, pure-bred sires are being sought, and the development bureau of the Illinois Central is lending its cooperation in every way possible.

The foundation for this plant was laid by the Illinois Central Railroad when it promoted the creamery at West, Miss., in 1914. (Farm and Factory, Chicago, Ill., January, 1928.)

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. BUSBY. Yes.

Mr. MADDEN. Of course, the publication that prints the news about so much prosperity in Mississippi is a successful publication, and I hope the industry it speaks about will be successful. There is no doubt but that, sooner or later, industry in the South is going to make the South blossom like the rose, and the day can not come too soon to meet my views of what ought to happen. I would like to see the South succeed in every phase of its activities, and when they have begun to realize the necessity of employment of the people in the manufacture of goods to be used by people everywhere, then it will be for the first time that the people of the South will realize that the economic development of the South will depend in a large measure on the activities of their people along lines that will cooperate with industries in other sections of the country; and that can not come too soon to make me happy. [Applause.]

Mr. BUSBY. Following that, I have tried to detail to you here the financial conditions through which we have gone as a section of the country, to illustrate the proposition that heretofore we have been destitute of capital, and for good reasons. We have a great people, industrious, true, and patriotic; no better or finer people can be found anywhere. We have had the spirit and the mind and effort, and have been willing and have striven all along to do those things that you suggest, and the things we ought to have done and would have done but for the financial catastrophes I have mentioned, for which we were not to blame and which we could not avert; but you can not develop a section of the country without capital, and under the circumstances I have mentioned as having overtaken us from time to time we have been denied that opportunity of peacefully going along and taking the action necessary to make the desired development that we were entitled to, and that is now coming in our section of the country. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MAAS].

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. MAAS. Mr. Chairman, I have a resolution which I will ask to have the Clerk read.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the Clerk may read the resolution referred to. Is there objection?

The Clerk read as follows:

Resolution

Whereas there are organizations in the United States who undertake to protest against every measure directed at adequate national defense of the United States by arranging to have thousands upon thousands of letters sent to Members of Congress against such measures; and

Whereas these letters are usually of a very similar character and frequently contain direct or indirect threats of a political nature against Members of Congress; and

Whereas it is alleged that these campaigns against any military measure, even for necessary national defense, are undertaken on a commercial basis, are misleading, false, and are improperly attempting to influence national legislation; and

Whereas it is further alleged that certain of these organizations are dominated, financed, and inspired by domestic and foreign interests with ulterior purposes against the best interests of the United States: Therefore be it

Resolved, That the Speaker of the House of Representatives appoint a select committee to consist of nine Members, which committee is authorized and directed to conduct a thorough investigation of organizations, associations, or leagues of whatever nature that have for their purpose protesting or organizing and leading protests against the military and naval defense programs of the United States. The committee shall investigate the personnel, financing, interrelationships with other organizations of whatever nature and purpose, administration, and propaganda methods of such organizations and report its findings to the House of Representatives as soon as possible with such recommendations as it may deem advisable.

For the purposes of such investigation, the committee is authorized to sit and act at such times and places during the sessions and recesses of the Congress, at the seat of government and elsewhere, to employ such stenographic services to report its hearings, to have such printing and binding done, and to make such expenditures (including expenditures for travel) as it may deem necessary. The committee is further authorized to send for persons and papers, to administer oaths and affirmations, and to take testimony. The Speaker is authorized, upon the request of the committee, to issue subpœnas for such purposes, and the Sergeant at Arms of the House is directed to serve the subpœnas. Any person who willfully refuses to obey any such subpœna, and any witness guilty of contumacy, shall be liable to the penalty provided in section 102 of the Revised Statutes. All expenses of the committee incurred under this resolution shall be paid out of the contingent fund of the House on vouchers authorized by the committee, signed by the chairman thereof, and approved by the Committee on Accounts.

Mr. MAAS. Mr. Chairman and ladies and gentlemen of the House, practically all Members of Congress have been bombarded with hundreds and thousands of letters in the last few weeks against the House Naval Affairs Committee's program. I know at least one Member who has received over 2,500 such letters. The character of these letters and the circumstances surrounding this campaign are too significant to be ignored. These letters have been no coincidence. It is evident they are a result of a well-organized, well-financed, and well-directed campaign.

The United States is not a militaristic nation; it is committed against any policy of a great standing army or navy. It is, however, committed to adequate national defense. Organized attacks against purely defense measures, attacks that are misleading, that misrepresent both to the people and to Congress, and that directly or indirectly threaten Members of Congress with political punishment can not go unchallenged.

I hold no brief for the present naval program. It should be judged on its merits, but it must be given exactly that opportunity. I do not charge that those who oppose it are insincere, or even that such a program is necessary. I deliberately withheld introduction of this resolution until after the present naval authorization program was voted upon. Now, however, we come to the time of looking into certain sinister phases of this whole situation. I stand squarely on the right of the people of this great Republic to petition Congress for redress, but I hold that it is a long cry from the legitimate right to petition Congress and the commercialized propaganda machines that arrange protests against any and every military or naval measure designed for our national defense at so much "per protest." I do not refer to those sincere organizations that are quietly and devotedly working to promote genuine peace—I am myself a member of several—but to these doubtful organizations that merely concentrate attacks against anything American in favor of anything foreign.

There is at least one organization in Washington, within the shadows of the White House, that boasts that it has 2,500 trusted agents throughout the country that can, on a day's notice, organize a campaign to Congress of from 50,000 to 250,000 letters. It is commonly charged that there are organizations participating in these campaigns that are run for profit and not patriotism. It is also commonly charged that these organizations are dominated and inspired, if not actually financed and directed, by foreign interests whose purpose is to render the United States defenseless. If these charges are not true, then they should be stopped; but if these charges are true, it is a most damnable outrage, and is a challenge to every red-blooded, home-loving American who is worthy of the name.

In any event, it is high time that Congress and the people of the United States are given the facts in the case. If these organizations are directed by true, loyal, and patriotic citizens of the United States, they are entitled to the proper recognition by the American people; but if they are carelessly, deliberately, or viciously misleading the American people in the interest of sinister foreign influences, they are traitors and should be driven out in the open, exposed, and kicked out of the country. [Applause.]

I for one, as a Member of Congress and a citizen of the United States, demand the facts and ask Congress to get them. [Applause.]

Mr. FRENCH. I would like to yield just a little more time, if necessary, to make a suggestion in connection with the resolution. The chairman of the subcommittee is not advised of any particular group of individuals to which the gentleman refers. I do not know, in fact, that he refers to any particular person or group, but it seems to me, as chairman—and I am saying this without consultation with any other members of the subcommittee or the Congress—that if an inquiry is to be made along the line the gentleman recommends, I suggest that the committee also investigate the sources of propaganda and the propagandists in favor of increasing enormously every type of naval and military burden, in other words, that we make the

special committee responsible for an inquiry into the other side of the question. [Applause.]

Mr. MAAS. I am perfectly willing to concur in that suggestion. I feel confident of the patriotic motives of the organizations that are working for the adequate defense of the country, but I will be delighted also to have an investigation made of their activities. If there are sinister influences at work on that side also, I am just as anxious to know that. What I want are the real facts in the whole matter.

Mr. FRENCH. I wish to say to the gentleman——

Mr. BLANTON. Mr. Chairman, will the gentleman yield? How does the gentleman stand on the Caraway resolution?

The CHAIRMAN. To whom does the gentleman yield?

Mr. MAAS. I yield to the gentleman from Idaho.

Mr. FRENCH. I beg to say that not only do Members of Congress receive letters protesting against what have been called defense programs, but they receive definite literature and arguments, propaganda, if you please, urging the most extravagant programs, which mean vast expenditures of money, under the guise, at least, of military defense. If those who protest against proposed programs are to be investigated then I submit that all groups or individuals who are urging increases of such programs be made the subject of a like inquiry.

Mr. MAAS. But in that connection does the gentleman get letters by the thousands and in the same language or approximately the same language?

Mr. FRENCH. Well, we get them so definitely that we are pretty certain they are inspired and that there is definite organization back of the propaganda.

Mr. MAAS. I agree with the gentleman then.

Mr. FRENCH. May I make this further observation: Personally I am not much inclined to think the country or this Congress is going to be disturbed very much by propaganda. Propaganda is said at its best to be education. That is true. At its worst it is vicious, lying statements calculated to mislead. The Members of this body ought to sort out the good from the bad, or assemble facts which will enable them to choose between the right and the wrong, the true and the false. That is our responsibility. We should not stifle criticism. It may be we ought to do what the gentleman suggests. I do not know, but if so, we ought to make the inquiry complete. Are programs urged in the name of national defense that upon closer examination find their inspiration in navy yards or shipbuilding centers, or in personal ambitions that seem to be satisfied by lordly high command? Gentlemen must be impressed that not only are sound and reasonable programs being advocated but beyond that, and in the name of national defense there is urged every conceivable program that filches money from the Treasury in the name of necessary increase of the Naval and Military Establishments. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. TILSON. Will the gentleman yield?

Mr. MAAS. Yes.

Mr. TILSON. When the gentleman has been in Congress a little longer he will learn to pay less attention to paid propaganda. After all I should like to know who is influenced by all this that we know to be only propaganda? I think the gentleman would probably serve Congress and the country better if he would provide in his resolution for larger wastebaskets in which to deposit this stuff that we all recognize as propaganda, usually emanating from a paid source.

Mr. MAAS. Well, it is misleading, and I want not only the Congress to know about it, but the country.

Mr. TILSON. These sources of propaganda do not mislead anybody except the few victims who contribute for the purpose of sending out this sort of propaganda. They are the ones who are victimized. Members of Congress do not care about it and as a rule they pay no attention to such stuff. It is for the most part rubbish and nonsense so far as Members of Congress are concerned, and we should pay no attention to it. We should not even dignify it with an investigation.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. MAAS. Yes.

Mr. GARNER of Texas. The gentleman believes, I presume, that these things ought to be exposed and that we ought to know where they come from?

Mr. MAAS. Yes.

Mr. GARNER of Texas. Then if you will pass what is known as the antilobbying bill you will have information about all these people. Congress is entitled to have the information the gentleman requests, and the lobby bill will require that information to be given to Congress by all corporations and individuals who undertake to influence Congress. That ought to be done, and I hope the subcommittee will report the bill to-morrow and that it will be favorably reported by the Judiciary Committee. Then I hope the gentleman from Connecticut [Mr. TILSON] will interest himself sufficiently so that we may bring it before this House.

Mr. TILSON. I do not take these things quite as seriously as the gentleman does, for I do not feel that they can or do influence anybody.

Mr. GARNER of Texas. The gentleman does not feel, then, that the people who come here for the purpose of influencing Congress ought to be dignified with the idea that they are lobbyists? I think they ought to be protected; I think lobbying ought to be made respectable and that those people who engage in it ought to be required to come here and tell who they are, whom they represent, and how much money they spend. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. FRENCH. Mr. Chairman, I yield 20 minutes to the gentleman from Tennessee [Mr. REECE].

Mr. REECE. Mr. Chairman, my purpose in requesting recognition at this time is to discuss the question of an American merchant marine with particular reference to its relationship to our national defense, and I deem it not inappropriate to do so while we are considering the appropriations for a great arm of defense of the Government.

In the year 1920, with a view to promoting national defense and national commerce, the people of the United States, through their representatives in Congress, declared their intention to establish and maintain an American merchant marine.

It is well to note that in proclaiming this intention—and for the exact language of the proclamation, I refer you to section 1 of the merchant marine act—the thought of national defense took precedence, as it always should, over the idea of mere commercial advantage and financial gain. Close as we then were to the greatest of all wars, it was but natural that in seeking to reestablish our merchant fleets upon the seas we should give first consideration to the question of safeguarding our country's interests in time of national peril, and should relegate to a position of secondary importance the promotion of ocean commerce with other maritime nations.

I believe that as the Great War slowly recedes into the vista of the past we are in danger of losing our former sense of values in regard to American shipping. I believe that in debating this great national issue we are permitting commercial considerations to outweigh and obscure those other and more vital concerns which directly touch the question of national defense.

Let us not lose sight of the relative importance of these two main functions of the American merchant marine—to provide national safety, on the one hand, and to encourage international trade on the other. Let us remember that one of these is absolutely essential to our continued existence as an independent people, while the other, in time of stress, we could manage to do without. Thomas Jefferson appraised the matter correctly when he said, speaking of the merchant marine:

> As a branch of industry, it is valuable; as a resource of defense, it is essential.

In order that we may not be helpless in time of emergency, let us, in time of tranquillity, plan for adequate transoceanic service by fast American ships, built in American shipyards, owned, manned, and operated by American citizens, documented under the American flag, and dedicated to the twin objects of American defense and American peace-time commerce with friendly nations. Let us have a truly American merchant marine, with the emphasis on American.

Mr. Chairman, I am in full sympathy and accord with the laudable efforts of my distinguished colleagues, on both sides of the House, who seek to provide, by mail subventions, construction loans, and other forms of indirect aid, that material support which seems to be necessary if our shipowners are to compete successfully with the mercantile marines of other nations. In my opinion, these aids should be generously bestowed. And if there arises any question as to how a particular proposal is going to work out—whether, for instance, the amount of aid will prove too little or too much—then I say that we should err on the side of national safety, rather than on the side of national shortsightedness.

Mr. LAGUARDIA. Will the gentleman yield for a question right there?

Mr. REECE. I yield to the gentleman.

Mr. LAGUARDIA. Does not the gentleman believe we might have done better had we appropriated part of the $274,000,000 which we approved the other day for 15 cruisers direct to a merchant marine, which could be used as a naval auxiliary in time of need?

Mr. REECE. I think some policy along that line might well be worked out.

Mr. LAGUARDIA. This would have kept our shipyards going and would have provided auxiliary ships.

Mr. REECE. Yes; and I think the Committee on the Merchant Marine and Fisheries may in the near future bring to the floor a bill which in a large measure meets the suggestion which has been offered by the gentleman from New York.

It was not so long ago in the world's history when every merchant ship was a full-fledged ship of war, carrying an ample complement of guns and a crew well trained in the use of lanyard and cutlass. And it is a matter of record that even after it had become the fashion to build one kind of vessel for a warship and quite another kind for a merchant ship merchantmen nevertheless continued to be used as naval auxiliaries whenever hostilities occurred between maritime nations. In our own case history tells us that the War of the Revolution and the War of 1812 were both to a great extent fought at sea by our merchant ships, converted into privateers, rather than by our regular ships of war.

In the War of the Revolution American privateers, which were simply armed American merchantmen, manned, of course, by our indomitable American seamen, carried the war across the ocean to the enemy's coasts and valiantly captured or destroyed three times as many enemy ships as did all our regular war vessels put together.

In the War of 1812—sometimes called the second war for independence—our converted merchantmen, upholding the glorious traditions won by our privateersmen of the former generation, inflicted six times as much damage on enemy shipping as did our entire Regular Navy.

These, Mr. Chairman, are the incontrovertible facts of history, available to every student, every strategist, every American patriot.

The vital war-time need for merchant ships was again forcefully illustrated during the Civil War, when the small Union Navy was augmented by hundreds of converted commerce carriers, without whose invaluable aid the Federal Government could not have maintained its effective blockade of southern ports. The records show that in order to man this improvised fleet the merchant marine contributed 7,500 officers and 40,000 seamen in the years from 1861 to 1865. I cite these figures because I believe that we are prone to forget what a momentous part our merchant service played in winning the war between the States.

The supreme value of the merchant marine for purposes of national defense was again brought home to us during the Spanish War, when for the first time in our history we were confronted with the necessity of transporting and maintaining large bodies of troops overseas. Many of the gentlemen within reach of my voice will recall that the Army and Navy transport services, made up wholly of merchant ships, came into being at this time; and as the fortunes of our merchant marine were then at low ebb, almost any American ship that would float was pressed into service, among them several old side-wheelers built during the Civil War. The fact is, that in their desperate efforts to secure sufficient tonnage the military authorities seized upon American ships of commerce, whether passenger vessels or freighters, wherever they could be found.

Our few fast trans-Atlantic liners—ships like the *St. Paul*, *St. Louis*, *New York*, and *Paris*—were armed with rapid-fire guns and quickly transformed into auxiliary cruisers. And if anyone is curious to know how they acquitted themselves, I refer them to that glorious page of American history on which is inscribed the story of how the converted merchant ship *St. Paul*, on June 22, 1898, off San Juan, P. R., under the heavy shore batteries of the enemy, met and defeated the fast Spanish torpedo-boat destroyer *Terror* and the Spanish cruiser *Infanta Isabel*. Mr. Chairman, I trust I will not be misunderstood when I say that that action might be called a battle between the Spanish Navy and the American merchant marine.

But in spite of memorable deeds such as the one just cited, our merchant service, as it existed at the time of the Spanish War, was not numerically equal to the task of supplying all our needs in the way of transports and naval auxiliaries, and we were forced to buy and charter many ships in the world market. We might well have taken the lesson to heart. We might well have determined that the future should find us at all times prepared to support the Navy with an adequate fleet of fast, modern merchant vessels, properly designed for conversion into cruisers, hospital ships, transports, supply ships, and colliers.

I say that we might have done all this, but, of course, we did nothing of the kind. We are an optimistic people, and one manifestation of our optimism is our notorious carelessness in providing for national defense. Living at peace with the world, untroubled by international jealousies, without desire to enlarge the national domain by foreign conquest, prosperous beyond the wildest dreams of less fortunate nations, we are accustomed to take our responsibilities lightly and to brand as alarmists those who occasionally remind us that the proper time in which to prepare for adequate national defense is not during the feverish days of war but during the blessed days of peace.

The next episode, therefore, was but a duplicate of the one just recounted. Disregarding the precious lessons learned in the War of the Revolution, in the War of 1812, in the Civil War, and in the war with Spain with respect to the value of a merchant marine we slowly drifted into the maelstrom of the World War, notwithstanding that we were inadequately equipped with transports and naval auxiliaries.

Mr. Chairman, it is significant that when war was declared against the Central Powers in April, 1917, we had not a single troopship sufficiently seaworthy and speedy to risk the perilous voyage across the submarine-infested Atlantic. In this dire emergency—as in so many other emergencies in our history—we called, of course, upon the country's old stand-by, the American merchant marine. It is a matter of record that 14 of our gallant ships of commerce, responding instantly to the appeal, were hastily converted into transports and forthwith bore the American advance guard overseas.

This expedition, as we all know, was the merest beginning. It soon developed that our deep-sea merchant vessels, few in number and for the most part unsuited in type, were unequal to the work of transporting and maintaining an overseas military expedition of 2,000,000 men. Fortunately for us, this happened to be a war in which we had powerful allies. While they continued to hold the enemy, we devoted our boundless wealth and energy to the heartbreaking task of building—in the shortest possible time—an adequate fleet of merchant vessels, in order to throw across the Atlantic our famous "bridge to France."

Under the able administration of the Shipping Board, aided by the country's most competent ship-construction experts, we built 2,300 ships, enough if placed end to end to have lined both sides of the highway between here and Baltimore. In order to accomplish this unheard-of task, we also had to build or finance hundreds of shipyards, and train and house thousands upon thousands of ship workers. Due to war-time inflation, this construction program cost us $3,000,000,000—a sum estimated to be four times as large as it would have been before the war. To this sum must be added another $5,000,000,000 paid out by the American people in ocean freight charges as a penalty for not having an adequate merchant marine upon the outbreak of hostilities in 1914. Had the lessons learned in other wars been heeded, a large part of this expenditure of $8,000,000,000 would have been unnecessary.

These are shocking and unpalatable truths. They offend both our pride and our complacency. And yet, like all great truths, they contain lessons of the utmost value, and for that reason should not and can not be glossed over. Bearing in mind that this $8,000,000,000 represents the cost of our unpreparedness in merchant ships, we find it easy to realize the truth of those memorable words of Admiral Gleaves, of the United States Navy, commander of convoy operations during the World War, when, in his History of the Transport Service, he made use of the following language:

> The outstanding lesson which the experience of the war has driven home to us is the value both in peace and in war of a prosperous deep-sea merchant marine.

Mr. Chairman, these golden words furnish the text of my remarks, "The value both in peace and in war of a prosperous deep-sea merchant marine." This, as Admiral Gleaves has so tersely expressed it, is the outstanding lesson which the Great War has driven home to us. But I submit that it is even more; that, in fact, as I have tried to show, it is the lesson which has been driven home to us by the experience of all the great wars in which we have ever participated on the sea—the war for independence, the War of 1812, the Civil War, the war with Spain, and the World War.

Is this outstanding and oft-repeated lesson to be once more disregarded? Are we to temporize forever with a situation which so profoundly affects our material well-being, our military and naval strength in time of peril, and our future destiny among the nations?

The speeches made on this most vital issue, almost without exception, stress the commercial importance of our merchant marine without, in my opinion, sufficiently stressing its

value as a naval auxiliary. I desire merely to say that no one recognizes more clearly than I the great peace-time commercial advantage that accrues to any nation which possesses a strong merchant fleet. By all means let us have a merchant marine commensurate with our unparalleled prosperity and vast foreign trade. But let us not lose sight of the value of such a fleet as a naval asset in time of emergency, since it is one of the fundamental axioms of sea strategy that a navy without auxiliaries is a navy in name only. Let us, therefore, see to it that these auxiliaries, in the form of modern passenger and cargo steamers, are provided in generous numbers. The way for us to bring this about is to furnish those necessary aids which will make it possible for American citizens to own and operate American merchant ships in the ocean carrying trade of the world. Let us resolve that whatever may have been our mistakes in the past, we shall henceforth and forever recognize "the value in peace and in war of a prosperous deep-sea merchant marine."

Mr. O'CONNOR of Louisiana. Will the gentleman yield for a question?

Mr. REECE. Yes.

Mr. O'CONNOR of Louisiana. It has always occurred to me, as a proponent of an adequate American merchant marine, that our weakness lay in the fact the country at large believes that all proposed legislation with respect to a merchant marine is intended to salvage a war investment. It has occurred to me that probably our strength would lie in a new attitude, and that is to demonstrate to the country that if we never had a war it would be economically justifiable at this time for the country to embark upon the policy which the gentleman is expatiating upon so clearly and so forcibly and so eloquently.

Mr. REECE. I think the gentleman is quite right in his statement that it is economically justifiable, and then in the event of war we would be much better prepared by having an adequate American merchant marine.

Mr. O'CONNOR of Louisiana. Will the gentleman permit another observation?

Mr. REECE. Yes.

Mr. O'CONNOR of Louisiana. I think it is generally admitted that the Panama Canal was constructed largely upon the theory that the American people believed it was a commercial enterprise, when it was really a military necessity. I do not mean to say that the Government deluded the people, but it was found diplomatic and sagacious to lead them along the lines of thought that it would make for a great commercial enterprise. As a matter of fact, it is singular that the incidental feature has subordinated what was really the principal feature, so that I agree with the gentleman that if we could prove to the country that a merchant marine is entirely justified economically there would follow the great result which the gentleman has in mind, and which he has so ably discussed—namely, an auxiliary to our Navy.

Mr. REECE. I quite agree with the gentleman.

As Thomas Jefferson would have said; it is valuable in commerce, it is essential in war.

Mr. LAGUARDIA. Of course, the Panama Canal has served a very useful peace-time purpose.

Mr. O'CONNOR of Louisiana. I said the real purpose originally was that of military necessity, and the incidental purpose was a commercial one. In the course of time, as a result of the workings of fate, the incidental purpose has subordinated in importance what was the real purpose originally.

Mr. LAGUARDIA. Thank God for that.

Mr. O'CONNOR of Louisiana. I join the gentleman in that fervent declaration.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. TILSON. Will the gentleman yield for a question?

Mr. REECE. Certainly.

Mr. TILSON. I am very much interested in the gentleman's statement in regard to the value of a strong merchant marine as a part of our national defense. Has the gentleman given special attention to the proposition of very fleet ships like the proposed four-day boats for the north Atlantic, which are to make the trip across the ocean from dock to dock in four days? Has the gentleman considered how extremely useful such vessels would be in case of war?

Mr. REECE. The program which I am advocating would embrace such services, and to my mind it is essential to adequate national preparedness as well as advantageous commercially.

Mr. TILSON. If such a program could be carried out it would relieve to a very great extent the necessity not only for fast transport ships, but also for airplane carriers, as these vessels are proposed to be built so as to carry and use commercial airplanes.

Mr. REECE. They could easily be converted into airplane carriers in case of necessity.

Mr. TILSON. They could be used directly as airplane carriers, because by reason of their very great speed they would be able to run away from almost any enemy vessel.

Mr. REECE. That is quite true.

Mr. LAGUARDIA. Will not the gentleman also stress the amount of good they could do in times of peace?

Mr. TILSON. Oh, certainly. That point is not overlooked and, in fact, is quite obvious, being the main purpose of the ships. The national-defense side of it is that which needs emphasizing most, and this the gentleman from Tennessee is doing ably and forcefully in his address to-day.

Mr. ABERNETHY. Will the gentleman yield?

Mr. REECE. Yes.

Mr. ABERNETHY. I am very much interested in the gentleman's interest in a merchant marine, because I am from a section of the coast, and I am pleased to see this able and conscientious Member of Congress from the interior so vitally interested in this great subject of an adequate merchant marine. I simply wanted to make this observation.

Mr. REECE. Those who dwell only upon the commercial aspects of this momentous subject seem disposed to overemphasize the necessity of having the merchant marine show a direct financial profit, though I think such is possible, as if there were not a multitude of indirect profits growing out of these all-important shipping operations. The question is a large one, and its discussion would take me too far afield. But I would like to point out that a great national industry such as commercial shipping is a source of indirect profits running into untold millions annually, irrespective of the profit or loss involved in the merely physical operation of the ships. Do we expect our National Guard to show a direct financial profit? Do we derive a direct financial return from the millions spent by the Federal Government on good roads? Has anyone ever been so fatuous as to propose that the Army and Navy should be placed on a paying basis? I for one believe that we should not attempt to justify our shipping operations solely from the standpoint of bookkeeping. Let us not lose sight of the intangible benefits—the indirect good—the all-round "value both in peace and in war of a prosperous deep-sea merchant marine."

The congressional district which I have the honor to represent lies at some distance from the seaboard, in the pleasant valleys and rolling farm lands of eastern Tennessee. The sterling citizenry of that district—American to the core and engaged for the most part in quiet, agricultural pursuits—might well be pardoned if they possessed but a superficial knowledge of the present state of American shipping. I am proud to say, however, that the citizens of Tennessee have followed with eager interest and keen solicitude the varying fortunes of the American merchant marine. They realize its importance as a naval auxiliary. They know that without ample transoceanic service under the American flag they can not hope to secure the most advantageous freight rates when their surplus products are moved overseas to the great foreign markets. And so they have watched with admiration the ingenious efforts of the United States Shipping Board to establish an adequate merchant-marine service with inadequate ships, most of them built during the war for war-time use and, therefore, not the best suited for competitive commercial service to-day. They have noted with growing concern the feverish shipbuilding activities of the other great maritime nations, and the launching in foreign shipyards of whole fleets of fast, modern motor ships destined, in the absence of constructive legislation by the Congress of the United States, to drive our older war-built merchantmen from the seas.

Mr. Chairman, while we debate the issue here, let us pause long enough to look out beyond the audience gathered in the galleries surrounding this Chamber and endeavor in imagination to envisage those other American citizens on the farm lands of the interior, their faces intently turned in this direction as they patiently wait to see whether their chosen Representatives in Congress have at last fully come to realize "the value both in peace and in war of a prosperous deep-sea merchant marine."

We have all seen the merchant marine in time of peace busily engaged in that purely commercial phase of its activities that invariably comes to the fore in these discussions. We all retain a mental picture of our merchant ships loading and unloading at the docks, of the busy wharf scenes, and the almost human work of the great cranes. We recall at will the cries of the stevedores and picture the husky longshoremen running the freight aboard or ashore, the little tugs carefully handling the giant steamers, and the passengers waving their last farewells as the ship's band plays a lively air. We mentally reproduce

these scenes whenever reference is made to the merchant marine. It is a picture of peaceful industry, full of life and sunshine and color.

But there is another picture—more sombre, more dramatic, more intense—a picture that illustrates the more vital function of the merchant marine. If not so well known, it is nevertheless a picture which those of us who were privileged to play our modest part in the Great War still bear in vivid memory.

I have in mind, Mr. Chairman, the picture of a wild, tumultuous night in the mid-Atlantic, the waves running like liquid mountains, and the rain and sleet mingling with the flying spray. As the storm for an instant abates, the wind tears the clouds from the face of the moon and discloses, slowly creeping along through all the fury and dislocation of the storm, two lines of troopships, half smothered in foam, fighting their way eastward in the very teeth of the gale.

That, Mr. Chairman, is my picture of the American merchant marine. I like to look back upon it for, when all is said and done, most of us lead drab lives and only in our dreams manage to escape to other scenes of romance and enchantment. And so I like to look back and dream of those days when the merchant marine, in all its war-time glory, was making history—I like to remember that when the armistice was signed the transport service consisted of some 389 merchant ships, with 106 additional vessels ready to be taken over, a grand total of approximately 500 transports and supply ships, all belonging to the American merchant service. I think we realized then, even if some of us have forgotten now, "the value both in peace and in war of a prosperous deep-sea merchant marine."

I am for an American merchant marine. I am not so much concerned whether it is privately owned, or publicly owned, so long as it is American owned. I think it is a laudable thing to have a merchant marine for peace-time commerce with friendly nations, and a still more laudable thing to have a merchant marine for war-time defense against unfriendly nations. Let us not play fast and loose with the Nation's safety, whatever we may do about the country's foreign trade. View the arguments from any angle you will, they will all be found to point in one direction. I have tried to indicate that direction. I have tried to show that we can not go far wrong if we consistently bear in mind "the value both in peace and in war of a prosperous deep-sea merchant marine." [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. BROWNE].

IMMIGRATION ACT AND NATIONAL-ORIGIN CLAUSE

Mr. BROWNE. Mr. Chairman and gentlemen of the House, the immigration act of 1924 as amended provides for a system of determining the immigration quotas on the basis of the national origin.

The theory of the national origin is that the original native stock in 1920 is assumed to be the same as that of the white population enumerated in 1790, from which the original native stock is descended. That the annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin bears to the number of inhabitants of continental United States in 1920, the minimum quota of any nationality shall be 100. The quota committee in its report submitted on December 15, 1926, took as the basis for determining the original native stock the volume, entitled "A Century of Population Growth," published by the Bureau of the Census in 1909. The quota committee admitted—

that there was a considerable element of uncertainty in the classification.

The operation of the national-origin clause has been suspended and has never been in force. The law, however, has had the effect of causing a great deal of irritation and disturbance, and I believe that it should be repealed.

The advocates of the national-origin clause did not know what it would accomplish. It was offered on the floor of the House as an amendment to the immigration bill in 1924, and was overwhelmingly voted down by the Members of the House. I am glad to say that I voted against it at that time, and have voted against putting it in force at every opportunity I have had since.

The national-origin clause was added to the immigration bill in the Senate and was kept in the bill in conference.

WHAT NATIONAL-ORIGIN CLAUSE WOULD DO

If the national-origin clause is not repealed it will mean, according to the best information I can get on the subject, that Germany, Norway, Sweden, Denmark, and the Irish Free State will lose more than 50 per cent of the number of immigrants now allowed to come from their countries and Russia and Italy will gain almost 100 per cent more than their present quota. This expressed in figures means that Germany, which now has a yearly quota of 51,227, will be reduced to 23,428, a loss of 27,799. Sweden, whose quota is 9,561, will be reduced to 3,259, a loss of 6,302. Norway, whose annual quota is 6,453, will be reduced to 2,267, a loss of 4,186. Denmark, whose quota is 2,789, will be reduced to 1,044, a loss of 1,745. The Irish Free State, whose quota is 28,567, will be reduced to 13,862, a loss of 14,705. A total loss of immigrants from these five northern European countries of 54,737 immigrants per year. These figures alone, to any unprejudiced person familiar with the history of these nationalities and their accomplishments in America, should be sufficient reason for the repeal of the law without further argument. I know how thorough and even technical the immigration laws are administered. The literacy test given to adults, and the intelligence test which is given to young children who are often confused and embarrassed, does not do them justice. I have seen a whole family turn back and give up their long anticipated hopes of coming to America because a member of the family of tender years was not able to pass the intelligence test and their parental love, of course, would not permit the parents to forsake their offspring.

Our consular officers, before granting visas to immigrants, make a careful examination of the applicant and then a second examination is made at Ellis Island.

I am not criticizing the law regarding a strict physical or mental examination or its administration, although in some cases I believe our officials are overtechnical, but I mention these matters to show that the immigrants we allow to enter the United States are not the riffraff that certain propagandists are trying to make the American people believe, but are strong, self-reliant, intelligent people who desire to better their condition and are desirous of working. They have heard of the United States of America as the land of opportunity and promise, and moved by the thought of improving their own and their children's condition come to our shores.

In several recent contests where prizes have been offered for the best essays on citizenship, school children, who have been born across the seas, have been awarded prizes.

THE ONLY NATIVE AMERICANS ARE THE AMERICAN INDIANS

It makes me tired to hear people speak disparagingly of immigrants. All of us or our ancestors were immigrants at some time or other and because some came 25 years or 100 years before others gives them no higher claim to citizenship or the opportunities that America offers. The door of opportunity is open to all. The acid test is not when did you or your ancestors come to America but what have you accomplished since you came here. Have you made good citizens? Have you made the most of your opportunities?

All of these nationalities which the law discriminates against have been home makers. Quite a large proportion of these early pioneers took up wild land which they cleared and made into farms and established homes where their children live to-day. The Mississippi Valley, which Lincoln called "The Valley of Democracy," is second to no section of our Nation or the world in agriculture, industries, and wealth or in the establishment of its schools and great State universities. The marvelous development of the Mississippi Valley and the Middle West is due in a large measure to the hard work, energy, and sacrifice made by the races of people which the national origin law would discriminate against.

The national-origin clause should be repealed. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and gentlemen, I want to make a short but earnest appeal for the support of the Air Mail Service. I want to make an appeal for it on the ground that it constitutes valuable reserve for our national defense. I also want to make an appeal for it on the ground that it is entitled to the support of Members of Congress in its growth and development.

I went out the other day and took a flight with that national hero of whom we are all justly proud, Colonel Lindbergh, and came back and promptly introduced a bill H. R. 12291, to provide that Members of Congress and officers of the executive departments should be authorized to use the Government Air Mail Service.

What is the situation to-day? Congress created the Air Mail Service several years ago, but we have made no provision to use it ourselves.

We "ballyhoo" through the country urging private concerns to support the air mail by giving it their business, but we refrain from giving it our own business. We loudly and profusely praise with words the achievements of this latest and

most up-to-date enterprise, and yet we completely ignore it in our official activities. We claim we want our Government business transacted with efficiency and economy and yet we condemn ourselves to the antiquated choice of slow mail on the one hand or the expensive telegraph on the other.

Colonel Lindbergh has been now for three days taking up group after group of Members of Congress on these 20-minute air trips. I wonder why he does it. Certainly there can be no thrill in it for him. Last summer he spent weeks flying from city to city all over this country, a distance of 22,000 miles. Certainly that was not for the mere purpose of receiving the praise and applause of the people. To my mind, these flights, which to him must be tame and tiresome, were made and are being made to arouse public interest in aviation and support for the air mail service from which he came. He has his whole heart in this work and looks upon the air mail service as the most promising avenue for the development of aviation in this country.

I read from a speech by the Second Assistant Postmaster General, Mr. Glover, in which he says:

> The greatest need of the air mail to-day is that a great universal advertising campaign should be inaugurated to sell the air mail.

When can we start with the greatest need that the commercial aviation has to-day—advertising? Colonel Lindbergh has done some wonderful advertising. Let us do him the honor to confess ourselves converts to his publicity campaign. If we ask the private business concerns of the country to patronize and support it with their patronage, we, the greatest of all business concerns, should give it our patronage also.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. SWING. I will.

Mr. OLIVER of New York. On what terms would the gentleman give our business to the air mail—we have franking privilege and the penalty, but it gives the Government no money. I would be willing to go along with the gentleman if he will point out how to do it.

Mr. SWING. The bill I have introduced provides that the Clerk of the House and the Secretary of the Senate shall be authorized to supply Members with air-mail stamps for postage on official first-class correspondence requiring expeditious transmission. It accords the same privilege to the executive departments. It provides that the Post Office Department shall furnish air-mail stamps which shall have printed on the face the fact that they are for official use only. It provides the same penalty for the use of air-mail stamps for private business that is now a penalty for the misuse of the franking privilege.

Mr. OLIVER of New York. Would not the air-mail companies send in a bill to the Government for the carrying of that mail?

Mr. SWING. The stamps for Members of Congress would be bought out of the contingent fund of the House and out of the contingent fund of the Senate, and for other officials out of the contingent funds of the various departments.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. BLANTON. It will cost money to make these special stamps. After all, it is to be left to the discretion of the Members, so far as the question of the expedition of their mail and necessity for the use of the air service is concerned. Why would not the gentleman better provide in his bill that such official mail be stamped "Air mail" if it is to go by air mail, and that would save all of the red tape and all of the expense.

Mr. SWING. I am not concerned with the details of how it is accomplished. I do think, however, that the requirements of the use of an air-mail stamp is the better practice. It would cost no more to print the stamp with the words "for official use only" than otherwise, because they are going to print the stamps anyway, and I feel a good deal like my old father said when he gave me my first pocketbook. He said it would help me to save my money, because if I kept loose change in my pocket, I would spend it before I knew it, but if I have to first reach for my pocketbook and open it up to take out the change, I would think twice before spending it. So in this case, in order that the expense may not run into any large figures, the stamps are in the Congressman's desk and he must stop, think, and decide whether his letter is such as requires expeditious transition, before using the air-mail stamp. Of course, in the long run it must be left to each one's individual honor and judgment and that will seldom go wrong.

But, to-day, as I pointed out, the Members of Congress have only the one choice of slow mail or expensive telegrams. Before the air mail was adopted, I used to get from 10 to 12 telegrams a day. Now I get 4 to 5 telegrams a day and from 4 to 5 air-mail letters. I am still sending the same number of telegrams as formerly, but I know that if we are given the privilege of the air mail, that I can cut my telegraph bill in two and save the Government much more on telegrams than my air mail will cost.

Then the saving in time is important. It takes five days for ordinary mail to go from here to my district in California, and two and a half days is the flying time.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. BLANTON. Is the gentleman having a hard time convincing the committee about the value of his bill? It seems to me that he ought to be able to get that bill reported and have the Speaker arrange recognition here and have it passed very quickly.

Mr. SWING. No one knows better than the gentleman from Texas that the fact that a proposition has merit is no assurance of it being adopted.

Mr. BLANTON. Oh, I was not speaking about the Swing-Johnson bill. I was speaking about the new bill that the gentleman has to provide Congress with air-mail service.

Mr. SWING. Very well. I am glad to have the gentleman's support in the matter.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. LOWREY. Has there not been some delay even about getting his great bill, the Swing-Johnson bill, reported?

Mr. SWING. I think that will come before the House in due and proper time. At least, I have that assurance. I bespeak for this infant industry, in which we all have faith, such support as we can properly give it. The country is air-minded and wants this new enterprise to succeed, and we should do our part.

In Europe the governments actually subsidize their air-mail routes. I do not ask that, the private contractors do not ask that, nor does the Post Office Department ask it. It is not necessary but the least that we can do is to officially recognize the air mail by using it ourselves on all proper occasions.

Mr. BLANTON. If I understood the gentleman, yesterday he was up in the air with Colonel Lindbergh and came back and immediately put this bill in the basket. Did he get this idea while up in the air?

Mr. SWING. Yes, the idea was given a strong impetus by that ride. I wish more Members of Congress would fly, because it brings home to them in the most convincing manner the fact that aviation and transportation by air is a reality and that its development is moving forward rapidly every year. We ought not to wait until the pioneering has all been done and the country covered with routes before giving this service our tardy recognition. We ought not to trail along in the rear of private business. Our Government ought to lead in worth-while causes. True, we have spent over $15,000,000 to lay out and start these routes, all the more reason why we ought to patronize them. At the proper time I hope my bill will come before the House and receive your whole-hearted support.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, the two gentlemen who have preceded me have spoken, one of national origins and the other of Colonel Lindbergh. I would like to say a few words on both subjects.

The CONGRESSIONAL RECORD yesterday morning brought the information that the Senate has just passed a joint resolution (S. J. Res. 113) postponing for one year the application of the national-origins provision in the present immigration act.

Mr. Chairman, I am mindful of the rules of the House which forbid criticism of the upper body of Congress, and I shall conform to that rule. But this I do say: If this House shall adopt a similar resolution, or the same resolution, its Members who are responsible for that action will be guilty of the most cowardly act performed during the present administration.

If this resolution is enacted, what will be the reason? Stating the case in plain, unembellished English that no one needs misunderstand, it is because we have a presidential election in the fall. There is not a Member of the House who does not know this.

What sane person can find any other reason for postponing action on the repeal of the national-origins provisions? I have no quarrel with the person who favors this provision. I merely disagree with him. But I demand an opportunity to vote for or against this repeal, and to have that opportunity now. And I say without the slightest hesitancy that the person who does not dare to face this proposition now is not the clever and adroit political maneuverer he imagines himself, but is an evader of issues and one who tempers principles ac-

cording to policy. Such procedure not only is indefensible and unworthy of representatives of the citizens of this Nation, but it also leaves an admittedly inaccurate and undependable, unscientific plan to be passed upon later, and, perhaps, if the rather transparent plan of the administration is successful, to be carried into effect when political pressure is less forceful and dangerous.

Legislators and executives who can not debate and act on this problem on its merits now, I repeat, are admitting the weakness and the impracticability of this plan, even while they assure themselves that this is a most excellent piece of political strategy. That applies, whether that person be domiciled in the White House, whether he be a member of the Cabinet, or a Member of Congress. With the administration organization to support them, they know that the many opponents of the national-origins plan will of necessity have to support their resolution to postpone its operation another year, if that is the only resolution that can reach a vote. Yes, even the chairmen of committees stand relatively helpless.

Why postpone action on this important legislation one year or more? We have had the estimates of the would-be experts sent us through the three Secretaries of executive departments whose task is was to prove the reliability of the statistics and compuations upon which this plan is based. We have studied them for more than a year, during which time these experts have also studied and computed.

A few days ago we were favored with another guess by these same experts, apparently intended to throw a sop to the nations discriminated against in this monstrosity called the national-origins plan. That report designating the plan, unsupportable by documentary and statistical evidence, confirms the inevitable conclusion that this plan can never be justified by such methods or by any other fair and intelligent reasoning. If we wait yet another year, undoubtedly we shall be favored with another guess made under the guise of scientific investigation.

Let us have done with this equivocation. If we who want to prevent this unscientific, silly piece of legislation from becoming the law of the land are defeated by a majority vote in this House, we will accept the verdict and bow before that majority. But let us face the proposition as men and not dodge aside from it and conceal ourselves under the shelter of an ambiguous vote until the oncoming storm of the presidential election shall have passed.

Let me add right here—although it should not be necessary—that we who oppose this provision do so wholly and solely in the interest of our Nation and our country.

Obviously, I have no time to discuss the immigration problem—and it is a problem—or the national-origins provision in the act of 1924. Nor is it necessary. The hearings before the Committees on Immigration in both Houses of Congress and hundreds upon hundreds of pages in the CONGRESSIONAL RECORD these last four years furnish ample material for anyone desirous of acquainting himself with the facts. In passing, I again want to call the attention of my colleagues to a table prepared by a statistician of repute and renown, Doctor Norlie, which I inserted in the RECORD on January 17 of this year; a table which, with other data, furnishes food for thought to any unbiased mind.

To-day I have but one suggestion to make.

The debate on the immigration bills during the last few years became at times somewhat bitter. The atmosphere was surcharged with rancor and prejudice, the air was filled with epithets of "foreigners," "aliens," and the like, with all the implications conveyed by those terms. The accusation was made in so many words that those who opposed certain provisions of the proposed immigration laws were "not many generations removed from Europe," and hence very un-American, to put it mildly.

The finest and noblest type of American manhood to-day, the ideal of American youth, the best-loved man in the world, and the most valuable life in the United States to-day, Col. Charles A. Lindbergh, is not only "not many generations removed from Europe," but is the son of an immigrant, proud of his American citizenship, but also justly proud of his Swedish ancestry and heritage. If the proposed guesswork legislation had been the law of the land some years ago, in all likelihood Colonel Lindbergh would not have been born in America.

The Lone Eagle is flying over the Nation's Capital these days, carrying as passengers Members of Congress and their families. Many of us have already made the delightful trip with this pilot, having no misgivings as to our safety and security in his care. Many others will avail themselves of the coveted opportunity. My suggestion is this: That on to-morrow or Saturday the Members of the Immigration Committees of both Houses of Congress who favor the actual operation of the national-origins plan be given a special trip by Colonel Lindbergh, in order that they may have the privilege of even closer contact with this man, an example of the class of people that are having the door shut in their face by this provision that proposes to reduce by nearly two-thirds the annual immigration from Sweden, Norway, Denmark, Germany, and the Irish Free State, and open wide the gates to the inhabitants of the little island to the west of the North Sea who do not make use of the quota now allotted to them.

And this further suggestion, ironically made by Skandinaven of Chicago, in which I most heartily concur, might be repeated here, that, when we come to vote on the provision, Colonel Lindbergh be invited to circle about the Capitol in his Spirit of St. Louis. What a picture! Might we then open wide the windows, in order that the drone of the motor of the plane piloted by this finest type of American manhood might mingle with our ayes and noes as we vote on whether or not to bar from our shores this type of citizen. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Minnesota yields back one minute.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Texas [Mr. BLANTON] 20 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. BLANTON. Mr. Chairman, on the night of February 28, 1928, in the Mayflower Hotel, was held the National Conference on Law Enforcement. Leading men from over the United States attended. Representatives of all of the churches of the United States were there; some of the leading men in all the churches. At that conference Bishop McDowell presided. Never have there been finer speeches anywhere on law enforcement. The Rev. Dr. S. Parkes Cadman, of Brooklyn, delivered a splendid address; similar addresses were made by Bishop Cannon and Bishop Freeman and others of distinguished note.

I believe that the greatest address, one of the greatest I heard, was delivered by one of the leading Catholics of America, Dr. John A. Lapp, professor of sociology in the Marquette University, of Milwaukee, Wis.; a splendid address. I intend now to read that address into the RECORD. It seemed to be the consensus of opinion that night that Doctor Lapp's address ought to be preserved in the CONGRESSIONAL RECORD. And I am going to preserve it. They were all short addresses. For fear I might want to use a little of my time in comment, and might not be able to read all of it within my 20 minutes, I ask unanimous consent, Mr. Chairman, that should I not finish it I may incorporate all of it in the RECORD, and also the brief mention in "Who's Who in America" of Dr. John A. Lapp.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert an item concerning Rev. Dr. John A. Lapp from "Who's Who" and such portion of his address as may not be read, as indicated. Is there objection?

There was no objection.

Mr. BLANTON. There is no record of accomplishment and achievement in "Who's Who In America" finer than that credited to Dr. John A. Lapp.

Mr. LOWREY. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. LOWREY. I think it should be understood that the gentleman he has referred to is not a clergyman.

Mr. BLANTON. No. He is a publicist and educator of the first water.

The CHAIRMAN. The Chair understood that he was a prominent clergyman.

Mr. BLANTON. Not all who attended that conference are clergymen. I attended it myself. I did mention some bishops of various denominations, which misled the Chair. The address is as follows:

THE CONSTITUTION VERSUS THE LIQUOR TRAFFIC

[Address delivered at the February Conference on Law Enforcement, February 28, 1928, by Dr. John A. Lapp, of Marquette University]

"I do solemly swear that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States." On the 4th of March, 1929, a citizen of this Republic will stand before the populace with one hand on the Bible and the other hand upraised to God and repeat that solemn oath. Representatives and Senators, members of the State legislatures, and all executive and judicial officers, both of the United States and of the States, will make a similar declaration and take a similar oath on the assumption of office.

What does it signify to take an oath? An oath is "a solemn appeal to God, to some revered person, or thing in attestation of the truth of a statement or the binding character of a promise." In a community where ethical ideas prevail the oath of office of the President of the United States and of representative officials of State and Nation should be sufficient to secure the preservation of the Constitution and the enforcement of laws. Can it be that any man worthy of holding high office would deliberately fail to fulfill such a solemn promise? Can it be that any considerable portion of the people have sunk so low that they would choose high officials knowing that those officials would deliberately break their oath of office? Can it be that virtue is dead among the populace so that oaths have lost their binding character and that men will be applauded for the defiance of that virtue without which social cohesion and civil government could not exist?

We are assembled to-night to make a simple demand to the political parties in this Republic. We are not seeking favors. We are not humble supplicants petitioning for the acceptance of our views upon a great public question. We do not ask the adoption of a new policy. We are offering nothing that is new or strange. We come with a simple demand that the Constitution of the United States shall be obeyed. We do not supplicate. We do not fawn at the seats of power. We are not here to express a wish nor are we here to admonish. We come supported and upheld by the majesty of the Constitution of the United States to demand that one of its provisions, put there by the most overwhelming majority that any of its important provisions was ever accorded, either originally or by amendment, shall be obeyed. We demand of the political parties and their candidates for all offices, from the highest to the lowest, that they shall, when they take the oath of office to support the Constitution of the United States, remember that that Constitution reads:

"The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, is hereby prohibited."

Against the solemn obligations imposed by the Constitution and the oath of office what do we find as the alternative? We are asked to defy the Constitution for what? Public officials are being encouraged to nullify their oath of office to what end? The voters of the Republic are urged to support nullifiers of the Constitution for what purpose? Surely when citizens and voters and public officials are asked to defy the mandates of the supreme law of the land and to break their oath of office, there ought to be a cause higher than constitutions, higher, in fact, than anything human. But is it so? We are asked to defy the Constitution and encourage the nullification of solemn oaths in the interest of a low, sordid, contemptible, and outlaw business—the manufacture, sale, and transportation of liquor for beverage purposes. A prized charter of the human race is to be sacrificed in the interest of one of the lowest and vilest businesses that ever disgraced the conduct of human beings. The Constitution versus the liquor business! Contemplate the contrast. Contemplate the significance, if you will, of a public opinion expressed in votes that chooses to support liquor in preference to the fundamental law of the land. Surely when presented with the plain issue of "Constitution versus liquor," the moral sense of this country will have no difficulty of choice.

We forget, perhaps, the character of the business which the nullifiers now condone and would reinstate. For 10 years we have not known the open saloon. For 10 years the liquor business has been radically curbed. For 10 years the liquor traffic has not been able to flaunt itself. We are in danger of forgetting what it was that caused this overwhelming decision of the people to outlaw by a constitutional amendment the liquor business. May I take you back to the time before national prohibition became a fact, to the time when the liquor business trailed its sordid and venomous way? Let us see what this thing was against which the moral conscience of the people applied its tremendous power. I beg to read to you the words of one of the greatest leaders in the movement for prohibition, the late Hon. Frank Hanly, former Governor of Indiana. The indictment by this wholesome leader took the form of specific reasons for hating the liquor business.

"I bear no malice toward those engaged in the liquor business, but I hate the traffic.

"I hate its every phase.

"I hate it for its arrogance.

"I hate it for its commercialism; for its greed and avarice; for its sordid love of gain at any price.

"I hate it for its domination of politics; for its corrupting influence in civic affairs; for its incessant effort to debauch the suffrage of the country; for the cowards it makes of public men.

"I hate it for its utter disregard of law; for its ruthless trampling of the solemn compacts of State constitutions.

"I hate it for the load it straps to labor's back; for the palsied hands it gives to toil; for its wounds to genius; for the tragedies of its might-have-beens.

"I hate it for the human wrecks it has caused.

"I hate it for the almshouses it peoples; for the prisons it fills; for the insanity it begets; for its countless graves in potter's fields.

"I hate it for the mental ruin it imposes upon its victims; for its spiritual blight; for its moral degradation.

"I hate it for the crimes it commits; for the homes it destroys; for the hearts it breaks.

"I hate it for the malice it plants in the hearts of men; for its poison, for its bitterness, for the Dead Sea fruit with which it starves their souls.

"I hate it for the grief it causes womanhood—the scalding tears, the hopes deferred, the strangled aspirations, its burden of want and care.

"I hate it for its heartless cruelty to the aged, the infirm, and the helpless; for the shadow it throws upon the lives of children; for its monstrous injustice to blameless little ones.

"I hate it as Abraham Lincoln hated slavery, and as he sometimes saw in prophetic vision the end of slavery, and the coming of the time when the sun should shine and the rain should fall upon no slave in the Republic, so I sometimes seem to see the end of this unholy traffic, the coming of the time when, if it does not wholly cease to be, it shall find no safe habitation anywhere beneath Old Glory's stainless stars."

This is the business that we are asked to condone. It is this for which men are urged to break their oath of office. It is for this that the fundamental charter of America is to be breached. It is this which we are asked to support in its combat to undermine and destroy the Constitution. It is for this that people are to be encouraged in their sneers at the Constitution. This life and soul-destroying, conscience-breaking, lawless business we are asked to support in preference to the fundamental charter of the Republic. It shall not be. The liquor business has deserved all of the condemnation that has been expressed in torrents of righteous words and all of the repressions and prohibitions that have been placed upon it by statutes and constitutions. It doubly deserves them now, when outlawry has been solemnly expressed upon it. After a hundred years of fruitless effort to regulate the infamous conduct of the liquor traffic the people rose, and in one mighty effort, by the vote of 46 of the 48 States, placed their final seal of condemnation on it by enacting the eighteenth amendment.

The liquor business has never changed its character. It can not change. It appeals to the baser elements. It is low and uses its influence to win the low. Wrapping itself in the garb of personal liberty and civil rights, it seeks to confuse substantial citizens. As though the right to drink and get drunk and destroy the peace of one's family and the safety of the community were a personal liberty and a civil right! It appeals with holy unction against the saloon, putting all the blame for all the sordid history of liquor upon that institution, piously declaring that the saloon must not come back. Ah, my friends, let us not be deceived. The saloon is the center of the liquor business. It has always been so, and it always will be so. Mark well that if the liquor business comes back in America the saloon will come back.

If we are to have liquor, some one must sell it. The opponents of prohibition naïvely urge that the Government engage in dispensing liquor. Government ownership of the liquor business is the proposal coming from conservative men who do not believe even in public ownership of water works. They think such ownership would be socialistic, but they are not troubled about the corrupting business of liquor dispensing. The liquor business in the old days amounted to as much as $4,000,000,000 a year.

Think of conservatives who do not believe in public management of public utilities actually approving Government management of liquor to the extent of $4,000,000,000 a year. It is a high price they are willing to pay for the return of liquor. My own judgment is that such a proposition is a mere cover under which the saloon will return. Senator BORAH was right in saying that public management of liquor dispensing would rot the foundations of the Republic in a brief space of time.

There are no methods of management of liquor dispensing that have merit in logic, common sense, or decency. Certain it is that the Government of this country, which is founded for the purpose of promoting the general welfare, will not be allowed to engage in the disgusting business of dispensing liquor.

Realizing the hopelessness of the task of securing by orderly process a change in the Constitution of the country—for which they are welcome to strive—some supporters of the desperate business openly preach the violation of the Constitution and the laws enacted for its enforcement. It is such with which we have to contend to-day. It is to defy such that this meeting is held. It is to stand for the Constitution of the country against any lawless or anarchistic element that we set forth to-night our planks for law enforcement. We ask to-night that he who takes the oath of office as President of the United States in 1929, and all other public officials who are bound by oath to support the Constitution, shall repeat to the nullifiers in adopted form the famous declaration of Lincoln:

"You have no oath registered in heaven to destroy the Constitution, while I have the most solemn one to preserve, protect, and defend it."

I want to show you who the man was who delivered that address before the Law Enforcement Conference. This is what "Who's Who In America" says of that leading distinguished Catholic of America, John A. Lapp. I read:

Lapp, John A., Publicist; b. Fillmore, N. Y., November 19, 1880; s. Frederick and Elizabeth Holland L.; Ph. B., Alfred U., 1906; grad. scholar in polit. science, U. of Wis., 1906–07; fellow in economics, Cornell U., 1907–08; m. Chicago, Mary Clancy, Oct., 1911. In legislative reference work with Charles McCarthy, Madison, Wis., 1906–07; legislative asst. for Legislative Voters' League, Chicago, during session of Ill. Legislature, 1907; asst. in politics, Cornell U., 1908; legislative reference librarian of Ind., Oct., 1908–13; dir. Ind. Bur. of Legislative Information, 1913–18; dir. investigations, Ohio health and old age ins., 1918–19; mng. editor Nation's Health, 1919–23. Sec. State commn. on industrial and agrl. edn., 1912–13; mem. Federal Commn. on Vocational Edn., 1914; mem. Spl. Libraries Assn. and managing editor of "Special Libraries," 1910–17; organized Public Affairs Information Service, 1914; asso. editor Nat. Municipal Review, 1912–13; Am. Political Science Review, 1914–18. Research counselor and edni. dir. Nat. Catholic War Council, 1919; dir. social action dept., Nat. Catholic Welfare Council, 1920–. Trustee Alfred U. Lecturer in legislation, Ind. U., 1910–16. Author: Learning to Earn, 1915; Our America—the Elements of Civics, 1916; the Catholic Citizen, 1921; Economics & the Community, 1922; Practical Social Science, 1925. Compiler: Important Federal Laws, 1917; Federal Rules and Regulations, 1918. Contbr. to review of legislation in American Political Science Review and other publs. Office: 30 E. Ontario St., Chicago, Ill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have three minutes more?

Mr. AYRES. I yield to the gentleman three minutes more.

Mr. BLANTON. That distinguished Catholic at this meeting of American citizens in the Mayflower Hotel on February 28, 1928, seeking the sole object of law enforcement in the United States, deserves at the hands of somebody this mention. Gentlemen, I thank you. [Applause.]

Mr. LOWREY. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Certainly.

Mr. LOWREY. You have quoted there the oath that the President takes, and the oath that we Members of Congress take, and the oath that the State legislator takes. I want to say that in my State I and every other citizen who registers to vote has to sign in pen and ink practically the same oath, and every citizen must take that same oath, as well as every public official.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. GAMBRILL].

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. GAMBRILL. Mr. Chairman and members of the committee, my purpose in addressing the Committee of the Whole House at this time is to congratulate the subcommittee of the Committee on Appropriations, having in charge the appropriation bill for the Navy Department, for the very commendable and comprehensible bill and report it has submitted.

It is to be regretted that the subcommittee did not deem it proper or desirable to include in the bill before us an appropriation of $250,000 to build a new boathouse at the Naval Academy at Annapolis to replace the two old sheds which for over 32 years have served for this purpose, but inadequately so. It is but fair to state that at the appropriate time I shall offer an amendment to the bill for an appropriation of $250,000 for this purpose, and I hope my amendment, or any other amendment of a similar character, will receive the sympathetic and careful consideration of the committee, which, I am confident, it will.

I am conscious of the fact that in not including in the Navy bill an appropriation for a new boathouse at Annapolis the subcommittee may have been influenced by the fact that authorization for this appropriation was lacking, and I have no disposition to quarrel with that subcommittee or to question its judgment. I can only express the hope that if an amendment of this character is offered no point of order will be made against it.

My main purpose in speaking at this time is to express, in particular, my hearty approval of the appropriation providing for the appointment of four midshipmen at Annapolis from each congressional district and four senatorial appointments instead of three, as at present. This action of the committee can be defended, if any defense be needed, both from the standpoint of the necessities of the service and the desirability of utilizing this splendid educational institution at Annapolis to its fullest extent.

It had been my hope that an appropriation would be made to provide for five midshipmen from each congressional district and the same number by senatorial appointment, but I feel we can well afford to defer to the judgment of the subcommittee having this bill in charge, and one would have to be hypercritical to find fault with the action of the subcommittee.

As I have said, the increase in the number of midshipmen is justified from two standpoints—the necessity of having additional officers for aviation and other purposes, and the desirability of using the great educational institution at Annapolis to its fullest extent so that the country may have the full benefit of its influence.

The Secretary of the Navy, in his annual report for the fiscal year 1927, has pointed out that, while the present number of line officers is 5,499 (a number equal to 4 per cent of the enlisted strength of the Navy as authorized but not appropriated for—137,485 men), the increased size of submarines and destroyers, the greatly increased mechanism of propelling machinery and appliances for the control of gunfire, and especially the constantly enlarged demands of aviation for personnel, all combined, require a larger percentage of officers to enlisted men.

Admiral Leigh, Chief of the Bureau of Navigation, who heartily approves of an increase in the number of midshipmen, and who appeared before the subcommittee on the naval academy of the Committee on Naval Affairs, made the interesting statement that we have not increased the number of line officers in the Navy since aviation became active. Also that aviation activities have drawn 425 line officers for duty, and by 1932, when the five-year aviation program has been completed and we have 1,000 serviceable planes, the Navy will require for this service 863 officers, and may need 1,000 in subsequent years.

If as many as 1,000 officers are drawn for aviation purposes, the line will then be only 4,499 officers instead of 5,499, as authorized. And, according to Admiral Leigh, this may decrease the line officers below the number required to man the ships. It is to be borne in mind that an appropriation for an increase now would not increase the officer strength until about 1932, having regard to the fact that the course at Annapolis is four years.

The average number of midshipmen to graduate, with three appointments, is from 274 to 300; with four appointments, the number to graduate would be about 335; and with five appointments, from 405 to 425. It is also to be borne in mind that about 45 officers are required each year for corps service, as follows:

Marine Corps	25
Supply Corps	8
Construction Corps	8
Civil Engineer Corps	4
Total	45

If the naval program for the construction of 15 additional cruisers and 1 aircraft carrier, authorization for which passed the House on Saturday last, is carried out, then we are confronted with an additional reason for making the appropriation now, so that the increase in officers may be felt by 1932 or 1933, when the new ships will begin to be commissioned.

But aside from the naval needs, as stated, there is every reason why the splendid institution at Annapolis should be utilized to its fullest capacity. No stronger justification for this statement can be made than to refer to the fact that every Board of Visitors to the Naval Academy, since the reduction in the number of midshipmen was made, has recommended that the number be increased to the fullest capacity of the academy. Importance should be attached to these recommendations, as they have been made by Boards of Visitors composed of the most eminent educators of our country and by men occupying commanding positions in the industrial and commercial life of our country. Some of these boards, from whom these recommendations have come, have been composed of such men as Dr. S. W. Stratton, president of the Massachusetts Institute of Technology; Dr. Frank P. Graves, president University of the State of New York; Daniel J. Willard, president of the Baltimore & Ohio Railroad Co.; and John Hays Hammond, the great mining engineer.

The Board of Visitors for 1925 said, in part:

The capital outlay in the plan and equipment of the academy is too large to justify anything save use at maximum capacity, and there is demand in civil life, if not in the Navy itself, for all the men that Annapolis can graduate.

In 1927 the Board of Visitors made this report:

At the present time there is an attendance of midshipmen at the Naval Academy of about 1,600. The plant is sufficiently large and complete to take care of 2,400 men with only a relatively small increased expenditure for instructors and salaries of midshipmen. Since an increased attendance would enable more careful selection of final graduates, and such for whom vacancies in the line or staff of the Navy did not exist and who would be returned to civil life would form a valuable addition to the Navy in time of need, it would seem the part of wisdom that annual appropriations should be made sufficient to maintain the regiment of midshipmen at the maximum now provided by law; the status of each graduate to be that of a temporary ensign until after a two years' satisfactory service at sea, when a permanent commission shall be issued.

One could not find higher recommendations than these, or ones upon which Congress could place greater reliance, and it is very gratifying to find that the Subcommittee on Appropriations, having this bill in charge, has made provisions for an increase in the number of midshipmen.

Mr. AYRES. Mr. Chairman, I yield three minutes to the gentleman from Kentucky [Mr. MOORMAN]. [Applause.]

Mr. MOORMAN. Mr. Chairman, Ladies, and Gentlemen of the Committee: Having been here only a few months, I realize that I have not attained that experience and wisdom which would warrant my thrusting upon this body any opinions or convictions of my own, as worthy of consideration as fundamental; but, as an accredited Member of this Congress, charged with meeting and disposing of the problems of a district, I feel that when I conceive that the rights of those I represent, in justice and under existing rules and law, are ignored and trampled upon—I must speak, even if my first utterance here be one of seeming discord, and concerning that which some may consider an unimportant matter. Sometimes, I am impressed that due consideration of the individual is neglected; that we are prone to consider and attach too much importance to things and persons collectively, thereby losing sight of the importance of the basic unit, the individual, and his guaranteed rights and interests. Anyway, I am the intermediary here between a wronged Kentucky citizen and an Executive order of the President of the United States, and I unhesitatingly raise my voice in earnest yet respectful protest.

Abraham Lincoln was born in my district, not many miles from where my humble constituent, the subject of my remarks, lives. If Lincoln's great spirit could assert itself, if his never-failing ideas of justice and right could prevail in this matter, if he were in Washington now in the position he once adorned, I would approach him with confidence in the interest of this helpless citizen, and I would feel that I had the sympathetic ear of at least one great Kentuckian, American, and Republican. We gave him to the world, one of its towering men, and he became the acknowledged champion of the rights of the wronged. Can we so soon forget the things he said and the principles for which he stood? I am only asking for one that which he so freely gave to all—justice.

PROTEST FOR CONSTITUENT

To illustrate what goes on now in Kentucky in Lincoln's old district, where practically every Democratic postmaster has been removed for political reasons, and often without cause, I desire to read into the RECORD my written protest filed in the Roy G. Adams case, as follows:

Hon. JOHN H. BARTLETT,

First Assistant Postmaster General, Washington, D. C.

DEAR SIR: I have written Senator FREDERICK M. SACKETT a letter or two concerning the application of Roy G. Adams, of Rock Haven, Ky., in my district, for postmaster. I visited his office a time or two and saw him in the House one morning, for a moment. I appealed to him, in the name of justice, in the matter of letting the civil service take its course in this case. I have tried to be courteous, have never made any objection to anybody he suggested for appointment, nor have I endeavored to secure any appointment of a postmaster in my district, understanding the political practice in vogue. However, inasmuch as this boy is a cripple, inasmuch as the people desire his services, inasmuch as I started in to make an earnest protest, and knowing that not to appoint him is wholly wrong, I desire to talk to you and see if you would not let this boy go in on his merits. Senator SACKETT simply said he had to listen to the local Republicans. I wrote you on January 19 as follows:

"I am advised by you to-day that you are considering the appointment of a postmaster at Rock Haven, Ky., an office of the fourth class, from the following list of eligibles:

"Roy G. Adams.

"Mrs. Lula Hawkins.

"I would like to inquire when and how Mrs. Hawkins became an eligible to receive appointment for this office?

"When I have this information I would like to come down and talk to you about it before any action is taken."

Your response was:

"I have your letter of the 19th instant relative to the list of eligibles for postmaster at Rock Haven, Ky., concerning which you were advised under date of January 18, 1928. The Civil Service Commission held an examination for postmaster at Rock Haven, but was unable to secure a complete register of eligibles. The matter was referred to a post-office inspector for report on the suitability of applicants. An inspector submitted the names of Roy G. Adams and Mrs. Lula Hawkins as applicants.

"If you have any information concerning the suitability of either of the applicants mentioned which you think the department should consider in connection with their candidacy and will submit it to this bureau, it will be given careful consideration."

I called to see you some time ago but found you out. Later I saw you. I then went over to the Civil Service Commission and talked to Hon. William C. Deming, president of the Civil Service Commission, and Mr. D. H. Richards, of the application division. It was my desire and purpose to know just exactly the status of the case, as I do not desire to do anybody an injustice, but I propose to get to the bottom of it and ascertain just who is responsible for the rank injustice that is about to be perpetrated, under the guise and name of civil service, against one of my constituents. I requested a written statement of the facts from the Civil Service and have it, as follows:

"Referring to your personal call at this office concerning the fourth-class postmaster situation at Rock Haven, Ky., we have to advise you that examination was held for this office on March 19, 1927, in which Roy G. Adams was the only person who attained an eligible rating, although Mrs. Lula Hawkins was authorized to compete at the same time.

"Upon reporting the results of this examination to the Post Office Department, request was received from the department asking for a full certification of three eligibles. In order to satisfy such request the commission announced a second examination, which was held July 2, 1927. Joseph C. Hawkins and Mrs. Lula Hawkins were applicants, but the examination did not result in securing any additional eligibles. The name of Roy G. Adams was again certified to the Post Office Department as the only eligible on September 20, 1927.

"The regulations governing fourth-class postmaster examinations, as promulgated in Executive orders, provide that in the event that for any office there are less than three eligibles the commission may, in its discretion, authorize selection in the same manner as is provided for offices with annual compensation of less than $500. Such procedure consists in the Postmaster General directing a post-office inspector to visit the locality and to make report for appointment from among the persons filing application in the order of their fitness, such report to be based solely upon the relative suitability of the applicants and their ability to provide facilities for transacting the business of the office. The department is then requested to transmit to the Civil Service Commission a copy of the inspector's report showing the department's action thereon. Up to this time the commission has received no word from the Post Office Department as to its proposed action in appointing a postmaster at Rock Haven, nor has any copy of the inspector's report been received showing such investigation to have been made."

The situation in this case upon which I base my earnest protest of Mrs. Hawkins's appointment as postmaster is that Roy G. Adams and Mrs. Hawkins took an examination for postmaster on March 19, 1927. Adams made a grade of 74.60 per cent, and she failed to become an eligible, only making 38.70 per cent. For political reasons another examination was held. Mrs. Hawkins took it on July 2, 1927, and again failed to become an eligible, only making 35.20 per cent. For political reasons objection was made to Adams, and he was not appointed. I have Senator SACKETT'S statement that the Republican county chairman would not indorse Adams, and that the Republican organization indorsed Mrs. Hawkins. Adams has a long petition of the best people, Republicans and Democrats; no citizen makes any tenable objection to him, nor to the place where he would keep the office, nor to his character or acts as assistant postmaster while he served in the same place for the preceding four years. Notwithstanding these examinations and the fact that the people desired this man, a post-office inspector was sent, presumably to make this woman an eligible, whom the civil service by examination had twice adjudged ineligible. The inspector's report, according to notice from your office, made Mrs. Hawkins eligible, notwithstanding her husband's one and her two failures to qualify. These are peculiar gyrations of the civil service, or is unquestionably post-office hocus-pocus, or is an inexcusable political interference with majority rule, civil service, and common justice. The post-office inspector sent down there must have been a fair and worthy gentleman. Under the circumstances I would say that he acted with caution and care in reporting his conclusions. While his report did place Mrs. Hawkins on the eligible list, yet he frankly prefers Mr. Adams over Mrs. Hawkins in his report, and also says that the place Adams would keep the office is preferable. If

there had been anything at all wrong with Adams your inspector would have reported it.

This is not all. Floyd Patterson, who formerly kept the office and under whom Adams served in the same building for four years, has made an application to be reinstated as postmaster, having been out less than a year. I am informed that Patterson also does not meet with the approval of the Republican county committee, and that he is therefore persona non grata to the powers that be. Just why a worthy gentleman—who is a cripple, but not to the extent of in any degree interfering with the discharge of his duties, who has made the best grade under so-called civil service, and who is experienced and desired by the patrons—should not be appointed is more than I can see. If this situation is permitted to become the basis of Mrs. Hawkins's appointment, I respectfully ask you to tell me why the appointment is made and who is responsible for it? Am I not, as a representative of these people, entitled to answer in writing? From the Civil Service Commission I would like to know why they desired more eligibles? Adams had been good enough for four years. Do they always require a full list?

I am writing this after notice from Senator SACKETT's office that he is going to recommend Mrs. Hawkins, notwithstanding my protests and the facts. You have agreed to hold up the appointment until my protest is filed.

I understand there was appropriated in 1927 over $1,000,000 for civil service. We are implored now for reclassification of the employees, and other such matters claim our attention, and the taxpayers of my district help foot the bills. For what? To interfere with local determination of local matters? To hold out to the people that if they study and pass examinations and qualify themselves they will receive square deals and then help euchre them out of their rights? To furnish a scheme of polite and official legerdemain to make possible the exercise of the will of the political boss? I desire to tell the people who have appealed to me to fight this outstanding injustice and also desire to tell the people of the whole country what kind of political outrages are being perpetrated under the so-called civil service. If it is the desire of the administration and the purpose of the law to have Senators name postmasters on an open and frank basis, amen! Otherwise let us have civil service in fact in dealing with fourth-class postmasters, unhampered by politics and therefore more efficient.

The present system is a mockery, engenders lack of confidence and respect in governmental agency, and amounts to a national farce. If I stood for this inexcusable miscarriage of justice, unpardonable political fake, and unjustified civil-service contortion without protest I would not be worthy to represent my people. Whatever the thing is to which they apply the misnomer Executive order, I have no respect for it if invoked to whitewash and make effective the unwarranted procedure in this case. I desire to know the excuse given and the authority for making this order. Whatever happens, I desire to thank you and the other gentlemen mentioned for the personal courtesy extended me in dealing with the matter.

I am sending copy hereof to Senator SACKETT and the Civil Service Commission in protest of the suggested appointment. This is a small matter, but great principles are involved.

Sincerely,

HENRY D. MOORMAN.

FEBRUARY 20, 1928.

[Applause.]

OFFICIAL RESPONSES

Answering my letter of protest, the United States Civil Service Commission, on March 3, wrote me, from which I quote, as follows:

If this system is a "mockery," it rests with Congress and the President to strengthen it and to require, as did President Roosevelt, that in all appointments of fourth-class postmasters and rural carriers that the highest eligible shall receive the appointment.

Your letter indicated your belief that the objections to the eligible are political. Of course, political consideration should be disregarded in appointments to the classified service. Usually they are so veiled that they are difficult to establish. If it can be clearly shown that an appointment is in fact based upon political considerations, the commission would have authority in the matter, as the civil service rules require that selection for appointment shall be made with sole reference to merit and fitness.

On March 9, Hon. John H. Bartlett, First Assistant Postmaster General, responding to mine of February 20, after giving the favored applicant nearly 20 days in which to get in her alleged petition, said:

Your letter came several days ago in my absence, but it has now been brought to my attention. You wrote about the Rock Haven postmaster appointment regarding which you talked with me some time ago.

I have received a rather lengthy petition, which is said to be signed by patrons of the Rock Haven post office, asking for the appointment of Mrs. Hawkins as postmaster and saying also that during the time she has been serving as acting postmaster she has given good service.

You will recall that the inspector who made the investigation in regard to the candidates for postmaster reported that he found that Mrs. Hawkins as acting postmaster maintained the office in a neat and tidy condition and that the records of the office were well kept.

The department is disposed to appoint Mrs. Hawkins.

SENATOR FAILS TO MAKE DENIALS

Senator SACKETT, to this hour, has not done me the courtesy of making a response, nor himself the justice of making any denial. Why? In the first place, the gentleman knows that the order and rule governing the selection of postmasters is as stated in the commission's letter to me, which is incorporated in my protest, as follows:

The Postmaster General will direct a post-office inspector to visit the locality and make report for appointment from among the persons filing application, in the order of their fitness. Due notice of such visit will be made in the locality to be visited. Such report will be basely solely upon the relative suitability of the applicants and their ability to provide proper facilities for transacting the business of the office.

Neither the Postmaster General nor the commissioner denies that the inspector's report favors Mr. Adams over Mrs. Hawkins both as to suitability of applicants and ability to provide facilities for transacting the business of the office. The inspector's report governs, not an alleged "post-mortem" petition. I challenge the genuineness of the petition, on authority of Mr. Adams, which General Bartlett himself says: "is said to be signed by patrons, etc.," and demand an investigation by him of this feature. Hiding behind this petition, if genuine, would be only a subterfuge.

COMMISSION HAS POWER AND RESPONSIBILITY

In the second place, nobody denies my charge that politics is dominating the situation, even overriding rules, law, and the inspector's report. Anybody knows that both the Postmaster General and Senator SACKETT would have resented the statements of my protest—by vehement denials—had I not stated indisputable truths. The commissioner's own words to me, in response to my protest are:

If it can be clearly shown that an appointment is in fact based on political consideration, the commission would have authority in the matter, as the civil-service rules require that selection for appointment shall be made with sole reference to merit and fitness.

This procedure started under civil service, the president of the commission was told by me, personally, that it was political; my protest recites the details, nobody denies it, so how can civil service escape notice of and blame for such a situation when admittedly clothed with the authority above indicated? Thousands of rank cases could be cited by Members.

CIVIL-SERVICE ADMISSIONS

Further evidencing what appeals to me as an indictment against political domination of the civil-service system, Mr. Herbert E. Morgan, of the Civil Service Commission, appearing before the Census Committee on January 12, 1928, as shown by the committee's hearings, page 25, being questioned by me, and others, as to soldier preference and other kindred matters, when referring to fourth-class postmasters and rural carriers in part, said:

It is a well-known fact that the Post Office Department consults a Member of Congress or other distributor of patronage in the Territory affected as to the person to be selected. Frequently, and I may say almost usually, some one is selected in advance, with the hope that he will be rated among the high three.

Another statement:

It is a fact that politics usually controls in rural-carrier appointments (p. 26, hearings).

Further:

The system of appointments to presidential postmasterships has done more to discredit the Civil Service Commission and the merit system as a principle than anything that has occurred in my 25 years with the Government (p. 27).

A Member said:

So far as civil service is concerned in connection with appointments in my territory, it is a farce (p. 27).

Mr. Morgan's response was:

I quite agree with you, not only as to that district but every other district in the presidential class (p. 28).

Investigation has convinced me that civil service is being imposed on by the Post Office and the executive departments of the Government. The throng that recently stormed the Capitol, earnestly pleading for what they think due, had better also direct their attention and petitions to the preservation of

the true principles of civil service if the system is to survive its present misuse. In my State nearly every appointment is accompanied by some political chicanery if simple justice is the true basis and real civil service the guide.

DOES CULPABILITY CREATE INDECISION?

Notwithstanding the facts and protest, the same "two-examination," disqualified Republican applicant was recommended by Senator SACKETT, and General Bartlett says:

The department is disposed to appoint Mrs. Hawkins.

In other words, after the expense of two civil-service examinations, and the further expense and pretense of sending an inspector down there to report other eligibles, none were reported, and Senator SACKETT's indorsement was made between the two who took the original examination, and he turned down the inspector's choice, with four years' experience, for a disqualified novice.

It is a common practice and subterfuge to permit such "acting postmasters" to hold on. This the senatorially indorsed holder of Roy G. Adams's rightful position may do, judging from the uncertain state of General Bartlett's mind. I have not been further advised in the premises by him. His failure to act would only be another official denial of rights. However, we all know that if the recommended Republican should finally lose, it will be because of this protest. Further, if the nominated Republican wins, it will only be running true to form—evidencing an utter disregard of merit and justice—and will result in a further detraction from the respect due proper governmental function.

CIVIL SERVICE OR SPOILS SYSTEM

Such bureaucratic despotism, sanatorial dictation, and executive highbinding are intolerable in a free government, in the face of civil-service rules and theories. Such action, and the juggling process between these agencies, contravenes every principle of square dealing; and I submit civil service should either be fairly administered as a respected system or dispensed with as a subterfuge, and let such appointments be altogether political.

DIFFERENCE IN THEORY AND PRACTICE

In theory the civil service has certain elements and principles which we all respect. Honestly and fairly administered, and its action respected by the departments and others in authority, most of us approve its general purpose. However, judging from the thousands of reported complaints over the country and conditions in my State, and the repeated and insistent complaints from my district, the present administration is unfairly partisan, palpably misleading, and deplorably disappointing. The system publishes to the world notices, rules, and regulations that invite widows, teachers, cripples, and all others to abandon and neglect their present means of earning a livelihood to prepare for and take examinations for civil-service positions. The implied agreement is that the best qualified person will win. The facts are, however, that merit, whether based on experience, education, or general efficiency, if not possessed by an approved member of the party in power, is often cast aside when the voice of the local political boss is heard.

The expressed will of a community is ruthlessly ignored and a clear-cut fraud is perpetrated by the joint operation of well-paid, overorganized, malfunctioning governmental agencies, the so-called civil-service and Post Office administrations, under Executive orders. My criticism is directed to the political phases as practiced in post-office selections, but the whole system and its personnel will ultimately suffer for the patent injustices perpetrated in this connection. The thousands of men and women under civil service who have observed its rules and rendered faithful service should not have their system brought into disrepute by its improper use by others.

COMPLAINT NATION-WIDE

When I began to receive many protests from my people, as a new Member I conferred with many Democratic Congressmen, whose judgment I respected because they had had long service. The unhappy and humiliating experiences of my own constituents, I find, are the same that deluded aspirants for many civil-service positions are having all over the United States. Since, I have advised many honest Democratic men and women that it meant nothing under present-day civil service to stand an examination and make the highest grade; but they naturally and properly seem to have faith in the pretended fairness and supposed justice of civil service. I am tired of trying to explain this deceitful and farcical system and departmental juggling process, and I take this occasion and means of exposing and denouncing it that my constituents and the country may know the facts. This criticism is neither meant to be personal nor partisan; is intended to be constructive, not destructive; but only as an indictment of what I believe to be organized wrong and systematized injustice. If it conforms to the orders and policies of the President, it is so much the worse therefor.

In the Census Committee we are working on a bill, H. R. 393, which contains a clause giving preference to veterans in the taking of the next census. Over 100,000 people will be employed under it, and it is proposed that 10,000 of them be under civil service. Preference for veterans is now elsewhere provided—one, an average of a small per cent; but, what difference would it make if even 50 per cent is added to a soldier's rating, if he happens to be a Democrat, and there is any kind of a Republican also applying? The answer: A few words in the form of a sophistic statement. Votes and respect of service men should not be had by such deception. They are real men, with brains, rights, and principles, neither dupes nor beggars, and should be treated as the law intended. Civil service and post-office administration should either give them what is intended and represented to be given, if thought deserved, or make no further legislative or administrative pretenses to giving the service men these preferences. He now often fails of appointment even if he has the highest grade on examination; frequently because of his politics, sometimes to reward some pie-hungry favorite of some politician.

CIVIL SERVICE MISUSED BY ADMINISTRATION

But this ambidextrous handmaid of the party in power, civil service, if a tool, is unnecessary; if a real functioning system, it should assert itself in this case by challenging the deceptive and inconsistent practices, and thereby deserve the respect and confidence of those paying for it; and, if the people, if I, if you Democratic Congressmen, passively stand for the present shameful political misuse of this system by the Post Office Department and the President, we are all guilty of suffering indefensible wrongs to those we represent. Too, we are further recognizing and surrendering to the arrogance of departmental dictation and bureaucratic centralized administration by overgrown creatures of Congress. And yet we daily continue to delegate our powers to others to a degree almost alarming.

President Wilson observed the true principles of civil service to the disadvantage of thousands of loyal members of his party. President Roosevelt required that the highest eligible on the list be given the appointment. President Coolidge, the administration under him, in return for this consideration, now uses governmental agencies to discriminate against worthy Democrats and deliberately ignores recognized civil-service principles—all of which constitutes the meanest kind of a spoils system, the very thing civil service was intended to replace and prevent.

Mr. AYRES. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman and gentleman of the committee, the size of the House to-day suggests the size of the Navy after the Republicans got through with it. You know, it never pays in any walk of life to be anything but yourself. I made a mistake last week. I strayed from the beaten path and made the tragic error of trying to defend the President of the United States, and like every other defender of the President of the United States, I was left out on a limb, and I could not get one Republican to come and help me with my amendment, which sought to make the Navy look something like what it ought to be under the 5–5–3 ratio. Somehow or other I could not even get time to talk about the amendment. I just do not know what happened, but I am from New York and we from New York seem to understand when we are getting what we call the "works." I was shut off from debate last week, and I want to thank this committee for giving me an opportunity to discuss the Navy in a rather general way.

In discussing the Navy one must necessarily discuss peace and war and in discussing peace and war one must necessarily say something about history and do a little research work. So I have dug up an ancient document. It is called "Honest in Government," and it is otherwise known as the Republican platform of 1924. I want to read just a couple of paragraphs from it.

His conception and successful direction of the Limitation of Armament Conference in Washington was an achievement which measurably advanced the world along the path toward peace.

That is a reference to President Harding. Here is the promise of the Republicans concerning the Navy.

We pledge ourselves to round out and maintain the Navy to the full strength provided the United States by the letter and spirit of the conference on limitation of armament.

And here is their final and closing clause in their contract with the American people.

In urging the people to elect a Republican President and Vice President we asked them to elect to the Senate and House of Representatives, men and women who believe in the Republican principles, acknowledge party responsibility, and who can be relied upon to keep faith with the people by carrying out the platform which the Republican Party now presents and pledges itself to fulfill.

Last week I offered an amendment suggested by the Navy Department and suggested by the President to bring up the Navy to the 5–5–3 ratio promised by this document but not a Republican stood on his feet to support the amendment, indeed, the Republicans tried, by ways that are know to Members of this House, to see that I should not even debate the amendment. Well, that is not important. It only affects me personally but it is important that this Navy of ours has shrunk to such a low state that the Secretary of the Navy has seen fit to officially report that we only have a second-class Navy, and this party that came into power on the platform is responsible for the situation. I now charge there has been a complete falldown of administration by the Republican Party as far as the Navy is concerned.

Now, I supported the President, but he did not support himself. Nobody can tell me that if he wanted this program presented by the Secretary of the Navy he could not have done something with this House. If he wants something stopped over here he can get it stopped. He did not care much about a congressional inquiry into the *8–4* disaster, and nothing has been done concerning that type of inquiry. So I believe he still has influence with other Members of the House outside of myself.

Now, what did he say about the situation in his message to Congress? He said:

We can plan for the future and begin a moderate building program.

It needs aircraft development, it needs submarines, it needs airplane carriers, and a material addition to its force of cruisers.

And what else did he say? He said:

We should refrain from no needful program.

It should especially be demonstrated that propaganda will not cause us to change our course.

There was some little discussion to-day about propaganda. Here is a piece of propaganda I received on the Navy, and it is practically the only piece of propaganda I received. It is the message of the President of the United States. The Republican leader [Mr. TILSON] said, on the propaganda question, that we ought to provide larger wastebaskets in which to throw this literature, but I want to know what propaganda influenced the Republican Party and influenced the President to desert the Navy at this time, especially in view of his statement that propaganda would not be permitted to have him change his course.

Propaganda has had a material effect on the White House, has had a material effect on the Republican side of this House and to a great extent on the Democratic side of the House as far as the Navy is concerned, and the suggestion of the gentleman that this propaganda be investigated is not a bad suggestion at all.

Last year the gentleman from Ohio [Mr. BURTON] in talking against the naval bill made a rather unpleasant reference to the gentleman who represents districts having navy yards, indicating that their motive for advocating a large navy might be due to local interests. I find now by a very careful reading of the very elaborate hearings held by this committee on the naval appropriation bill that even to Mr. BURTON of Ohio, great pacifist and international statesman, national defense is to a certain extent a local issue because he appeared before the committee just like the common herd of Congressmen when they are coming in advocating something for their district and he had this to say, Mr. FRENCH introducing him:

Mr. FRENCH. We have with us Representative BURTON. We shall be glad to hear from you, Mr. BURTON.

Mr. BURTON. Mr. Chairman, I am more in favor of construction of aircraft than I am of cruisers. I think that squares more with the developments for the future, and it squares more with what would be useful alike in peace and in war. It seems to me that this proposition to build two ships at a cost of $8,000,000, while one costs $5,500,000, is a rational one, and I should favor it and vote for it on the floor of the House.

Now, I have been trying to find out something about these airships and where they are built. I got a little suspicious of the situation when I found it was almost unanimous on the part of Ohio that it would be in the interest of the Navy to have airships, and I rather suspected that the Goodyear Rubber Co. was a little interested in airship building, and I think this squares accounts with the statement of the gentleman from Ohio as to the so-called navy yard Congressmen.

Now, what has happened since the disarmament conference? First let me read you the original American proposal at the disarmament conference:

The use of capital-ship tonnage as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

This was subdivision (D) of the main classification of the American proposal, and it clearly contemplated that whatever ratio happened to be arrived at as to capital ships, there should be a proportionate arrangement, either by treaty or by independent operations of the governments involved, to maintain the battleship ratio relative as well to the auxiliary craft.

Now, we have not done this, and yet our friends at Cleveland told the country that if we would only elect these gentlemen, this honest Republican Party, with party regularity, they would live up to this 5–5–3 ratio. And by the way, they used to make a lot of noise about the disarmament treaty, but I do not think you will find much about it in the President's message of 1927.

Now, what has happened generally throughout the world on shipbuilding? Since the Washington conference the United States has built just 19 war vessels of a total tonnage of 157,000 tons. Great Britain has built 57 war vessels of a total tonnage of 338,000 tons. Japan has built 127 war vessels of a total tonnage of 407,000 tons. In merchant ships the United States has built 18 of a total tonnage of 195,000 tons. Great Britain has built 882 of a total tonnage of over 4,000,000 tons. Japan has built 75 of a total tonnage of 335,000 tons, and this is the maritime record of this country on which the Republican Party must go before the country at the coming election.

Now, what was the net result of the Washington disarmament conference?

Mr. Gardiner, a well known Navy expert, has this to say:

The net result of all of this was that where the United States had sought a comprehensive limitation of fleets it secured the limitation only of capital ships and of aircraft carriers, leaving all powers free to build as large a number and volume of cruisers, flotilla leaders, destroyers, submarines, etc., as each might choose. And this fraction of success, that involved the destruction of the better half of the American capital fleet, the United States was obliged to purchase by further agreeing to hold in their inadequate status quo our insular fortifications and naval bases west of the Hawaiian Islands and Alaska, as by Article XIX of the naval treaty.

Now, there are gentlemen who say in a very positive, absolutely final, conclusive and ipse dixit fashion that war with England is unthinkable, and yet they are all talking about it and all thinking about it, and they are all comparing relative naval strengths. The best answer to this suggestion, I have found, is in the English Review of 1921 in a statement of a British writer:

It is easy to declare roundly that a war between this country and America is unthinkable. That statement argues nothing so much as imaginative incapacity on the part of the sentimentalist who makes it.

The gentleman from Texas this afternoon spoke about our oath under the Constitution. There is no part of the Constitution more binding on this Congress and on the President than that requiring us to keep up the national defense, and I say when the Navy Department and the President say we are maintaining a second-class Navy, when they say we are not maintaining a 5–5–3 Navy, and when the Naval Affairs Committee and this committee come in without recommending provisions for a 5–5–3 Navy, they are false to the Constitution of the United States, and there could be no more effective way of nullifying the Constitution than by falling down on the national defense, and incidentally, I may say, that one of the very things that has brought about a failure of national defense is the large amount of money we have spent on the pet project of the gentleman from Texas, to wit, prohibition.

If we had used the money we have thrown away in our efforts to close a few saloons and substitute 3,000 speakeasies in Washington, D. C., and appropriated it to national defense, we could very easily maintain a Navy equal to that, if not superior to, any nation in the world.

Now, I have no quarrel with those who say that they are for peace. We are all for peace. Some think we can get it by not having any arms. Some think we can get it by having a strong defensive system. Others trust in Christianity. Damascus trusted to Christianity, and the people of Damascus were showered with shells from French battleships.

The League of Nations did not say a word. The people of Nanking trusted in Christianity, and they were stormed by bullets and shells, and the great League of Nations did not have a word to say.

Only yesterday the State Department reported that in 1914 we were at the point of dangerous friction with Great Britain over the interpretation of regulations governing the freedom of the seas, and only by the great finesse of the Wilson Cabinet did we avert war in 1914 protesting to Great Britain that she was exceeding her rights under the declaration of London.

There are some who make a great deal about the cost of national defense. The chairman of the subcommittee in start-out said this was the largest and most expensive program we had had since the limitation of armaments.

The United States is spending per capita about $6 a year on the national defense, and Great Britain is spending about $16 a year on national defense.

I understand from an article by Capt. Dudley Knox, an American expert, that the upkeep of the Navy does not cost us 1 per cent of the Navy-protected trade. In the light of that, those who are against national defense in the interest of economy are entirely inaccurate in their position.

Another strange thing about the situation is this flimflam by the Republican Party in trying to mislead the American people on the Navy. The Naval Committee comes in and says we do not need authorization for submarines, we do not need authorization for destroyer leaders, because it already exists. This committee which should coordinate with the Committee on Naval Affairs has brought in a bill without anything in it for new submarines, and nothing in it for destroyer leaders.

Mr. SCHAFER. There are Democrats on the committee.

Mr. BLACK of New York. Yes; and I find fault with them, too. But the Democrats are not charged with the responsibility. They did not write the platform that I have read, either, contracting the American people.

There was subtle appeal made here by a pacifist. They say that those who want a large Navy are arguing for war. The most insidious subtle appeal was made here by the gentleman from Missouri [Mr. LOZIER]. He said if we were to have war we would march on Canada. Just imagine that in these dry days what an insidious appeal that is to people in the United States. [Laughter.]

Mr. SCHAFER. The gentleman from Missouri is a Democrat.

Mr. BLACK of New York. Yes; and he is the only one that said a sensible thing—outside of myself. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, a few nights ago I attended an initiation banquet by the Gamma Eta Gamma law fraternity of Georgetown University. I was made an honorary member some years ago. A number of Members of the House and of the Senate have been enrolled by this great fraternity as honorary members. Senator DALE, Representative ROY FITZGERALD, Representative GIBSON, distinguished members of the bench and bar and of the faculty of Georgetown University were present. Some of the best speeches that I have heard in a long time were made on that night. It was during the initiation work, which is of the highest order of excellence, that it occurred to me it would be in the interest of the public welfare for some one to put into the CONGRESSIONAL RECORD that part of the ritual which contains lectures on the common law, the civil law, and on equity. The three lectures are very short, and I am quite sure will be read with interest by every law student and lover of legal literature that may be lucky enough to find them in the CONGRESSIONAL RECORD. I would suggest to those that have an interest in the matter that they read the forty-fourth chapter of Gibbon's Decline and Fall of the Roman Empire. That chapter has been pronounced to be a liberal education in itself on the laws of the mighty empire which have held spellbound the intellect and the imagination of the millions and millions that have pored over their wisdom since that mighty alluring and enchanting fabric went stumbling and tottering to its destruction:

JUDEX' LECTURE ON THE COMMON LAW

(Composed by Ernest C. Butler, first judex of Alpha Chapter)

JUDEX: In the prosecution of any great and important undertaking, the underlying principle which insures success is a broad and firm foundation. So it is with your chosen profession, my brother (s); a privilege, yes, a duty, which you owe to yourself to so lay a foundation upon which to erect a structure which will be an honor not only to yourself but to your profession.

To do this, you must study diligently the history and development of every branch of the law. The law is always in a process of development. By understanding its evolution, you will be able intelligently to proceed in the unexplored fields, and be of valuable assistance in expounding and formulating the laws which are to govern future generations. No branch of the law can be traced with greater benefit or more interest than the common law.

It includes those principles, usages, and rules of action applicable to the government and security of person and property which do not rest for their authority upon any express and positive declaration of the will of the legislature.

A great proportion of the rules and maxims which constitute the immense code of common law grew into use by gradual adoption, and received from time to time the sanction of the courts of justice without any legislative act or interference.

It is not the production of the wisdom of some one man or society of men in any one age; but of the wisdom, counsel, experience, and observation of many ages of wise and observing men.

When the common law is spoken of as the unwritten law, it is meant that it is law not written by authority of law. The decisions of courts which establish or declare a rule of law may be reduced to writing and published in the reports, but the report is not the law; it is but the evidence of the law, a written account of one application of a legal principle, which principle, in the theory of the common law, is unwritten.

It is only by legislative power that law can be framed by phraseology and by forms of expression.

The common law excludes such bondage. Its principles are not limited nor hampered by the mere form in which they may have been expressed; they are still unwritten and ready with all the adaptability of truth to meet every new and unexpected case.

The common law is the evolution of those principles of right and justice embodied in man which he has found advantageous in his intercourse with mankind; therefore it is impossible to state its definite beginning or trace its development apart from the history of the human race.

When the tide of Teutonic immigration swept over northern Europe it carried with it that germ which had developed and characterized it, and which had been transmitted by it to the Angles, Saxons, and Danes long before they left their homes on the shores of the North Sea to invade and take possession of Britain.

The common law of England consists of those maxims of freedom, order, enterprise, and thrift, which had prevailed in the conduct of private affairs, the management of public business, the regulation of domestic institutions, and the acquisition, control, and transfer of property from time immemorial.

The English common law is not in all respects to be taken as the common law of the United States, or of the several States; but our common law is composed of not only the English common law but English statutes as well, as they existed on July 4, 1776, these being modified to suit the conditions of the United States. Some of our States have expressly stipulated in their constitutions that the English common law was to be their law so far as it was applicable to their situation, and the principles upon which courts discriminate between what is to be taken and what is to be left have been much the same whether the common law was adopted by the constitution, statutes, or decisions.

(End of the judex's lecture.)

PRÆTOR'S LECTURE ON THE CIVIL LAW

(Composed by Nathan Grant Foster, first prætor of Alpha Chapter)

MY BROTHER(S): In your search for legal knowledge you have been instructed by our honorable judex in the wisdom of the common law, that proud heritage of the Anglo-Saxon race; a system of law of which the history can be traced far back into the dark forests of Germany, where dwelt our warlike Teuton ancestors.

But centuries before we have any authentic record of the common law there was growing up, on the banks of the Tiber, a system of jurisprudence which is a marvel of wisdom and justice, and which challenges the admiration of the world. This system is known to us as the civil or Roman law, and forms the basis of the laws of continental Europe and a large part of both Americas.

For convenience in instruction, the growth of the civil law may be divided into three periods: First, the period of the early law, dating from the founding of the Eternal City until the compilation of the Twelve Tables; second, the period from the compilation of the Twelve Tables to the codification under Emperor Justinian; and, third, from the codification until the destruction of the Roman Empire.

Very little is known of the law of the first period, which consisted of the leges regiæ, or laws and usages of the Romans under their kings; but after the kings had been expelled and the administration of justice had been transferred from the kings to the consuls, it became necessary to check their despotic power, and for this purpose the Valerian law was enacted. This law granted to persons accused of capital offenses a right of appeal to the people, and it became a principle of Roman jurisprudence, and capital punishment could not be inflicted on a Roman citizen without a vote of the Roman people, and this, like the habeas corpus act of the common law, became the palladium of civil liberty. But the evils arising from an uncertain and varying system

of jurisprudence at length became insupportable and gave rise to the second or middle period of Roman law. A committee of three was appointed to draft a new set of laws, which were submitted to 10 men called decemviri. The result was the Twelve Tables, which were ratified by a vote of patricians and plebeians alike.

These laws were engraved on tablets of wood, brass, and ivory, and were drawn from the laws of the kings, the laws of other nations, and certain new enactments which wisdom and experience seemed to dictate. Time will not permit us to dwell upon the provisions of the Twelve Tables, but you are earnestly admonished to study them at your earliest convenience, since no student of law can afford to be without some knowledge of so renowned a production.

An important source of increase and improvement in the Roman law is found in the edicts of the prætors.

Every prætor on entering upon his duties established and promulgated certain rules according to which he proposed to administer justice during his term of office, and these prætorian edicts finally became a substitute for the Twelve Tables.

Another source of increase was the responsa prudentium, or opinion of the lawyers. The most ancient of these interpreters of the law were the members of the College of Pontifices, or priests, but finally the most eminent private citizens, like Cicero, took up the study and practice of law as being the grace, ornament, and most honorable business of old age.

Other sources of the law were the leges, or the will of the whole people as declared in the Comitia Centuriata; the plebiscita, enacted in the Comitis Tributa; the Senatus Consulta, promulgated by the senate; the legis actiones of the priests, which correspond to our common-law pleadings, was known only to members of the College of Pontifices, and was styled by Cicero a cunning and captious verbal science.

At a later period came the Constitutio Principis, or ordinances of the emperors. These last were of three kinds: Rescripts, or letters in answer to petitions, or to a distant magistrate; decrees, passed in a public court of justice; and edicts.

At length the bulk of Roman law had increased to such proportions that it filled 2,000 books, and a revision became necessary, which led to the third period of the Roman law, beginning in the reign of Justinian.

This Emperor caused the law which had been accumulating for 14 centuries to be collected into one systematic code. The first code, called "Codex Vetus," was the work of Johannes and 10 others, and is now entirely lost. The second, or revised code, consisted of 12 volumes and contained the mass of the law. This was the work of Tribonian and four other justices.

The Pandects, or digests, consisted of 50 volumes, and was an abridgement of the decisions of the prætors and the opinions of eminent lawyers. This was the work of 16 jurists, with Tribonian at their head.

The fundamental principles and elements of the law, designed for the use of students, were gathered in four volumes and were used in the law schools which flourished at Berytus, Rome, and Constantinople. The last were published the Novels of Justinian, or new imperial statutes, passed after the code was completed.

My brother, I have traced for your benefit the growth of the civil law, and how true it is that the labor of man's mind often survives after the works of his hands have crumbled into dust and are forgotten.

From beyond the Danube, and from the dark forests of the north, swept myriads of fierce warriors, who scaled the Alps, and like an avalanche poured into Italy. Rome, the Eternal City, the proud mistress of the world, was overcome, and for a time law was lost in chaos—but only for a time.

A sudden shock may turn the needle from the pole, but the irresistible law of magnetism soon draws it back again.

The grand destinies of Rome are not yet accomplished, for to-day she rules throughout the world by her reason, having ceased to reign by her authority.

(End of prætor's lecture.)

CHANCELLOR'S LECTURE ON EQUITY

(Composed by Charles Vey Holman, first chancellor of Alpha Chapter)

CHANCELLOR. Equity, however defined, my brother(s), is universally regarded by mankind as the practice of absolute justice in the forum of conscience, under the dictate of abstract right.

Aristotle has summed it up cogently and succinctly as being in its very nature the correction of the law wherein it is defective by reason of its universality.

Grotius follows the great Greek philosopher almost literally in his definition, saying: "Peculiarly and particularly, of a truth, equity is the virtue of good will, correctress of that in which the law falls short because of its universality."

Bound by no hard and fast rules of procedure, indebted to the grace of no legal fictions for the right to work out justice, hampered not by the restrictive limitations of precedent, but in all things guided solely by the desire to see equal and exact justice done as between man and man, equity in its earlier estate in our English jurisprudence was so manifestly founded upon basic principles of right and conscience that it seems almost impossible to credit the jealousy with which the courts and practitioners of the common law sought to bar its onward progress.

It seems incredible that courts and officers of justice should have been so prejudiced by adherence to ancient and in many instances outworn forms, capable of perpetuation only by the constant invention of legal fictions to make it appear that the law changeth not, as to war upon a system of judicature whose only aim was to render unto every man his just and equal due. But such was the case for centuries, the courts of common law regarding with utmost jealousy that dispensation of justice which, indeed, was known only as the extraordinary jurisdiction of the court of chancery.

That all this is now so happily changed is due to the inexhaustible leavening power of those primary principles of abstract justice upon which courts of equity founded at once their jurisdiction and their practice.

When we consider, however, those stately words of Justinian, "Justice is the constant and perpetual desire and purpose of rendering unto every man his own right," and remember that this single sentence epitomizes, possibly as fully as so brief a word-photograph can do, the whole scope and range of equity as we understand it, it is not difficult to comprehend that it has so triumphed over its foster brothers, the common law and the Roman civil law; that it has been able, as it were, to soften the rigid outlines of their abstract, logical rules and to mold their mechanical, universal, unvarying results into gentler forms, without, in an iota, impairing their full usefulness as the media of justice and of right, particularly weaving all that is best and truest in each of these great systems of jurisprudence into one grand fabric of universal, all-reaching, all-embracing, all-satisfying law.

Nothing, my brother, could withstand the progress of a system of jurisprudence founded upon principles like those enunciated by Justinian in these words: "These are the precepts of our law: To live honestly, to injure none other, to render unto each his own."

Following the law, supplementing the law, correcting, amplifying, and softening the law, surely Equity's mission has been a graceful and a noble one, and it is small wonder that we seem to-day to be approaching an era when all law will be transmitted into equity and equitable considerations alone will govern in all law—a period to be reached perchance within our own time, when some disciple of the Fraternity of Gamma Eta Gamma may declare to the world that humanity has at last reached that golden epoch foreshadowed by Cicero, when he declared, so eloquently, "If all can not be equal in property, if the talents of all can not be the same, the laws, at least, should be the same, to those who are citizens in the same republic."

My brother, I can not wish you better fortune than that you may live to be the one who shall proclaim the arrival of that glorious day.

(End of chancellor's lecture.)

Great journalists throughout the length and breadth of the land have been for several years editorially calling the attention of the bench and bar to the absolute need of a wiser thought, a stronger and firmer hand, a more enlightened viewpoint, a better understanding, and a more certain and definite attitude in regard to that alone which will make law enforcement yield beneficial results, and that is a receptivity on the part of the people, a receptivity which may be properly denominated obedience to the law.

The attitude of every adult man and woman with respect to the concerns of life is the result of a growth which in a sense is education. There have always been two theories, I think, about education. One theory is that the mind of the child is like a sheet of white paper on which we might write out such characters as we please by instruction. The other theory is that the child is a bundle of inherited capacities and tendencies and can be educated only along the lines to which he is naturally inclined or slants. Perhaps both theories may be and are combined from the standpoint of the teachers of our schools, colleges, and universities to-day. It is certain, however, that in view of the alarming criminal tendencies on the part of a vast number of our people, as evidenced by the newspaper accounts of homicides, thefts, and other law infractions of a major and minor nature, that the controlling agencies in our educational systems must insist with greater and more effective persuasiveness that our schools in all of the grades and branches be used for the purpose of teaching the law as far as the youth and mind of the pupils can accommodate themselves to its simplicities, complexities, and particularly with respect to a compliance with its mandates.

If respect for the law were taught children even as their A B C's, I am satisfied that the school system would emphasize and accentuate the justification for its existence to-day. For it is clear that illiteracy itself, as great a calamity as it may

be to a people could not be any more menacing than the tide of criminality that threatens to engulf the next, if not this present generation. Young men and young women lawyers may find far more fertile fields for their endeavors in the school than in the court room and have the proud satisfaction of knowing that they are preparing the youth of the land for a firmer and nobler attitude toward the law of the country, its institutions, and the splendid destiny we are pleased to assure ourselves is its goal. Even if the schoolhouse be treated as an auxiliary of the home and the church, it is admitted that it furnishes the opportunity where on a broader scale may be taught the principles of virtue, morality, obedience, and patriotism to a degree that might not be attained in any other theater of action. It is clear that in the development of our civilization that the school and the church are both treated as extensions and laterals of the home and more and more the country is depending upon these great institutions to inculcate those virtues which will strengthen the mud sills and foundations of the Republic while adorning its superstructure.

It is a speed age. Airplanes, radio, automobiles as well as their illustrious predecessors, the telegraph and telephone, indicate just as surely as the jazz music the rapidity of the pace at which we are traveling. They are not the cause of our speed so much as an effect of a feverish or hectic desire to race through life instead of sauntering along its many splendid roadways and vistas. Do not misunderstand me, I would not prohibit these instrumentalities that have made for the comfort and convenience of hundreds of millions of people, and the haste and excitement of many more millions. I would wisely regulate their activities and operations, so as to get the greatest possible use out of them with the least possible effect. In the field of mechanics just as in every other phase of human existence, it is well, generally speaking, to regulate rather than to prohbit. Ascertain the ineradicable tendencies of human nature and by a sagacious regulation make an asset out of what would be a liability under prohibition.

I believe, Mr. Speaker, that I am promoting the public welfare in some small way in publishing these lectures and making these respectful observations. I hope that they will prove intellectually entertaining if not instructive to those readers of the CONGRESSIONAL RECORD, whose attention may be arrested by them. And if they contribute in some small way even to bring about that respect for and obedience to the law so absolutely necessary for the continuance of free institutions, and the stability of the Republic itself I will feel tremendously gratified and know that I have not spent this little time in vain.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had under consideration the bill H. R. 12236, the Navy Department appropriation bill, and had come to no resolution thereon.

CONFERENCE REPORT—INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I submit a conference report upon the bill H. R. 9481, making appropriations for the executive offices and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, for printing under the rules.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) "making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 12, 13, and 14.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", of which $1,000,000, or so much thereof as may be necessary, may be used for reconditioning and operating ships for carrying coal to foreign ports"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 4, 7, 8, 9, 10, and 11.

WM. R. WOOD,
EDWARD H. WASON,
THOMAS H. CULLEN,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report, as to each of such amendments, namely:

On No. 2: Inserts the language proposed by the Senate, including in the appropriation for the National Advisory Committee for Aeronautics the sum of $5,000 for procurement and development of a design for a wind tunnel suitable for research on full-sized airplanes.

On No. 3: Strikes out the appropriation of $14,347, inserted by the Senate, for a utility building and the lighting of the grounds of the Perry Victory Memorial.

On No. 5: Restores the language, stricken out by the Senate, providing for the location of a bathing pool on the site of the McKinley High School.

On No. 6: Inserts the language proposed by the Senate, relative to the use of the appropriation for the Merchant Fleet Corporation for reconditioning and operating ships for carrying coal to foreign ports, modified so as to reduce the amount to be so available from $1,400,000 to $1,000,000, to strike out reference to the number of ships to be so used, and to make the authority permissive instead of mandatory.

On No. 12: Strikes out the appropriation of $65,000, inserted by the Senate, for an additional amount for the Water Boundary Commission, United States and Mexico.

On No. 13: Corrects a section number in the bill to conform to the action of the conferees.

On No. 14: Inserts the total of the bill in the amount as passed by the House instead of the amount as passed by the Senate.

The committee on conference have not agreed to the following amendments:

On No. 1: Extending the duties of the Bureau of Efficiency to include investigations in connection with the municipal government of the District of Columbia.

On No. 4: Providing pay at per diem rates for certain classes of employees under the Office of Public Buildings and Public Parks of the National Capital.

On Nos. 7 and 8: Relating to compensation of attorneys for the Shipping Board.

On No. 9: Relating to the discontinuance of the sea-service bureau of the Merchant Fleet Corporation.

On No. 10: Relative to the use of not to exceed $10,000,000 from the construction and loan fund of the Shipping Board in reconditioning the steamships *Mount Vernon* and *Monticello.*

On No. 11: Relating to the amount to be expended for attorneys' fees by the Shipping Board.

WILL R. WOOD,
EDWARD H. WASON,
THOMAS H. CULLEN,
Managers on the part of the House.

WILLIS B. CROSS

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3145) for the relief of Willis B. Cross, with a Senate amendment thereto, and agree to the Senate amendment.

The Clerk reported the Senate amendment.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to take from the Speaker's table the bill H. R. 3145, with a Senate amendment thereto, and agree to the Senate amendment. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, has the gentleman consulted with the ranking Democratic member of his committee?

Mr. BOWMAN. Yes.

Mr. GARNER of Texas. And this is entirely satisfactory to him?

Mr. BOWMAN. Yes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ANCHORAGE, ALASKA

Mr. CURRY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 340) to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk reported the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, do these Senate amendments meet with the approval of the Delegate from Alaska [Mr. SUTHERLAND]?

Mr. CURRY. They do. The Delegate from Alaska introduced the bill. The bill was reported, and it was passed unanimously by the House. I discussed the matter with him. He was here a few minutes ago.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SEWARD, ALASKA

Mr. CURRY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7367) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000, for the purpose of constructing and and equipping a public-school building in the town of Seward, Alaska, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk reported the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, does the Delegate from Alaska approve these amendments?

Mr. CURRY. He does. He introduced the bill. The bill was reported by the committee and passed the House unanimously on the Consent Calendar.

Mr. GARNER of Texas. I understand that these bills and amendments have the approval of the ranking minority member of the gentleman's committee?

Mr. CURRY. Yes. Not only the ranking minority member, but all of the minority members of the committee as well as the majority members.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURTON, for two days, on account of important business.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 10027. An act to authorize the transfer of a portion of the Hospital Reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the the United States;

H. R. 10083. An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs; and

H. J. Res. 211. Joint resolution to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain.

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a joint resolution and bills of the following titles:

H. J. Res. 175. House resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital;

H. R. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 926. An act for the relief of Jennie Roll;

H. R. 4203. An act for the relief of A. S. Guffey;

H. R. 5255. An act for the relief of Jacob F. Webb;

H. R. 6094. An act to amend section 7 of the Public Act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 7110. An act for the relief of Frances L. Dickinson;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark.;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and

operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio;

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.;

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; and

H. R. 3673. An act for the relief of Maj. F. Ellis Reed.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Friday, March 23, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 22, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

INTERSTATE AND FOREIGN COMMERCE COMMITTEE

(10 a. m.)

Granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland City, Ark. (S. 1104).

COMMITTEE ON THE POST OFFICE AND POST ROADS—SUBCOMMITTEE ON AIR MAIL

(10 a. m.)

To grant authority to the Postmaster General to enter into contracts for the transportation of mails by airships to foreign countries and insular and Territorial possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound (H. R. 10553).

For the award of the air mail flyer's medal of honor (H. R. 8535).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 203).

EXECUTIVE COMMUNICATIONS, ETC.

415. Under clause 2 of Rule XXIV, a letter from the Secretary of State, transmitting samples of approximately 255,000 papers which are useless to the Department of State have been submitted to the Librarian of Congress under the terms of the Executive Order No. 1499, dated March 16, 1912, and were found to have no historical value, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 7900. A bill granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; without amendment (Rept. No. 1020). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 5681. A bill to amend the act of February 28, 1925, fixing the compensation of employees in post offices; with amendment (Rept. No. 1021). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER: Committee on the Judiciary. H. R. 8270. A bill to amend section 52 of the Judicial Code of the United States; with amendment (Rept. No. 1022). Referred to the House Calendar.

Mr. SUTHERLAND: Committee on Mines and Mining. H. R. 339. A bill to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes; with amendment (Rept. No. 1024). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 11463. A bill to fix the salaries of certain judges of the Territories and insular possessions of the United States; with amendment (Rept. No. 1026). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. J. Res. 113. A joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended; without amendment (Rept. No. 1027). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILL AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 9620. A bill for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.; without amendment (Rept. No. 1018). Referred to the Committee of the Whole House.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 10957. A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; with amendment (Rept. No. 1019). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6780. A bill for the relief of David J. Williams; with amendment (Rept. No. 1023). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Missouri: Committee on Naval Affairs. S. 802. An act for the relief of Frank Hanley; without amendment (Rept. No. 1028). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SNELL: A bill (H. R. 12316) to provide for an increase of the fees of United States commissioners, and to require the payment of those fees by the defendants in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

By Mr. ROWBOTTOM: A bill (H. R. 12317) authorizing the Wabash Bridge Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at a point in White County, Ill., and Posey County, Ind., at or near New Harmony, Ind., and Crossville, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. PEAVEY: A bill (H. R. 12318) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: A bill (H. R. 12319) to provide for the use of transcripts of testimony in certain cases; to the Committee on the Judiciary.

By Mr. GRAHAM: A bill (H. R. 12320) to amend the longshoremen and harbor workers' compensation act; to the Committee on the Judiciary.

By Mr. GREEN of Iowa: A bill (H. R. 12321) to establish an estate tax law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. RAGON: A bill (H. R. 12322) to quiet title and possession with respect to certain lands in Faulkner County, Ark.; to the Committee on the Public Lands.

By Mr. BERGER: A bill (H. R. 12323) to establish a minimum wage for all civilian employees of the Federal Government; to the Committee on the Civil Service.

By Mr. HOUSTON of Hawaii: Joint resolution (H. J. Res. 248) providing for the issuance of a special postage stamp in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook; to the Committee on the Post Office and Post Roads.

By Mr. MAAS: Resolution (H. Res. 143) that the Speaker appoint a select committee to conduct an investigation relative to protests against the military and naval defense progress of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLGOOD: A bill (H. R. 12324) for the relief of James William Riley; to the Committee on Military Affairs.

By Mr. BECK of Pennsylvania: A bill (H. R. 12325) to authorize and direct the United States Employees' Compensation Commission to pay compensation to Annie Gaffney for the death of her son, William Leo Gaffney; to the Committee on Claims.

By Mr. BRIGGS: A bill (H. R. 12326) to authorize a survey of Clear Creek and Clear Lake, Tex., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. CANFIELD: A bill (H. R. 12327) granting an increase of pension to Susan E. Beard; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 12328) granting an increase of pension to Mary M. Wilson; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12329) granting a pension to Mina Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12330) granting a pension to Marshall E. Anderson; to the Committee on Pensions.

By Mr. EATON: A bill (H. R. 12331) granting an increase of pension to Evaline Zeliph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12332) granting an increase of pension to Mary E. Jones; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 12333) for the relief of Charles Davis; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12334) for the relief of Samuel B. Faulkner; to the Committee on Military Affairs.

By Mr. HALL of Indiana: A bill (H. R. 12335) granting a pension to Nathan Ain; to the Committee on Pensions.

By Mr. HANCOCK: A bill (H. R. 12336) granting an increase of pension to Abraham Silverstein; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 12337) granting a pension to Jessie J. Ziem; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12338) granting an increase of pension to Anna Crow; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 12339) authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock; to the Committee on the Public Lands.

By Mr. SPEAKS: A bill (H. R. 12340) granting an increase of pension to Letitia Rutter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12341) granting an increase of pension to Anna C. Tway; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 12342) to incorporate the Universalist National Memorial Church Foundation; to the Committee on the Judiciary.

By Mr. SWICK: A bill (H. R. 12343) granting an increase of pension to Sarah Reiber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12344) granting an increase of pension to Minnie Leeper; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 12345) granting a pension to Susan Maynard; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12346) granting a pension to Annie L. Thomas; to the Committee on Invalid Pensions.

By Mr. KNUTSON: Resolution (H. Res. 142) to pay Fred R. Miller for extra and expert services to the Committee on Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5785. Petition of Scandinavian Fraternity of America, protesting against the national-origin clause method of determining quotas and urging the elimination of the same; to the Committee on Immigration and Naturalization.

5786. By Mr. ALDRICH: Petition of George E. Perry and 64 other voters of Warwick, R. I., urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions.

5787. By Mr. BERGER: Memorial of the Women's Club of Kandiyohi County, Minn., urging favorable action on the resolution offered by Representative Berger providing for an investigation of conditions in the bituminous coal fields; to the Committee on Interstate and Foreign Commerce.

5788. By Mr. BLOOM: Petition of John E. Hanson, of 184 Winthrop Street, Brooklyn, N. Y., and 309 other citizens of Brooklyn and Greater New York, protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

5789. By Mr. BOHN: Petition of citizens of Schoolcraft County, Mich., to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5790. By Mr. BUCKBEE: Petition of William C. Gridley and 58 other citizens of Rockford, Ill., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5791. By Mr. BURTON: Resolution of the Columbia League of Women Voters, Columbia, Mo., approving House Joint Resolution 1; to the Committee on Foreign Affairs.

5792. By Mr. CHRISTOPHERSON: Petition of Rural Free Delivery Mail Carriers' Association, of Lincoln County, S. Dak., favoring optional retirement of civil-service workers after 25 years' service, or arrival at the age of 55 years; to the Committee on the Civil Service.

5793. By Mr. COCHRAN of Pennsylvania: Petition of numerous residents of Stoneboro, Mercer County, Pa., urging the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5794. By Mr. CRAIL: Petition of J. H. Hoeppel, commander General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars; past commander Charles A. Lindbergh Camp, No. 103, United States War Veterans; past commander Glenn Dyer Post, No. 247, American Legion, Los Angeles County, Calif., favoring increased pay for retired Army men; to the Committee on Military Affairs.

5795. By Mr. CULLEN: Resolution of Maritime Association of the port of New York, urging the early enactment of House bill 9195; to the Committee on Ways and Means.

5796. Also, resolution by the Twelfth Assembly District Republican Club, as opposed to the removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

5797. Also, resolution by the Brooklyn Bar Association, urging passage of the bill providing an additional judge for the eastern district of New York; to the Committee on the Judiciary.

5798. By Mr. DENISON: Petitions of various citizens of Dongola, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5799. Also, petition of various citizens of Murphysboro, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to veterans and their widows; to the Committee on Invalid Pensions.

5800. Also, petition of various citizens of Coulterville, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5801. By Mr. EATON: Petition of 108 residents of Trenton and North Plainfield, N. J., urging increases in Civil War pensions; to the Committee on Invalid Pensions.

5802. Also, petition of 67 residents of the fourth New Jersey district, against any measure to increase the number of immigrants now allowed to come into this country in any year; to the Committee on Immigration and Naturalization.

5803. By Mr. ELLIOTT: Petition of Mary C. Smith et al., of Liberty, Ind., in regard to Civil War pensions; to the Committee on Invalid Pensions.

5804. By Mr. EVANS of Montana: Petition of Mrs. C. E. Ingersoll and other residents of Florence, Mont., urging the passage of the Civil War pension increase bill; to the Committee on Invalid Pensions.

5805. By Mr. FRENCH: Petition of 68 citizens of Elk River, Idaho, urging increased pension relief for Civil War veterans and widows; to the Committee on Invalid Pensions.

5806. By Mr. GALLIVAN: Petition of Federal Employees Union, Local No. 130, William A. Smith, secretary, 4 Mount Vernon Street, Charlestown, Mass., urging passage of the Welch salary increase bill (H. R. 6518); to the Committee on the Civil Service.

5807. By Mr. HANCOCK: Petition of Flora M. Merrick and other residents of Syracuse, N. Y., in favor of increases of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5808. By Mr. HOGG: Petition of Mr. and Mrs. Harry C. Frank and 30 other citizens of Fort Wayne, Ind., asking immediate and favorable action of Congress on House bill 433, to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5809. By Mr. JOHNSON of Texas: Petition of W. F. Sims, president of the Hillsboro Dry Goods Co., of Hillsboro, Tex., opposing Senate bill 1752, to prevent printing of return address on stamped envelopes by the Post Office Department; to the Committee on the Post Office and Post Roads.

5810. By Mr. JOHNSON of South Dakota: Petition of members of the Kiwanis Club, Webster, S. Dak., urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

5811. By Mr. KVALE (by request): Petition of Rev. Anthony Scholzen, Bird Island, Minn., protesting against enactment of legislation proposing to discontinue governmental printing of return cards on stamped envelopes; to the Committee on the Post Office and Post Roads.

5812. By Mr. LEHLBACH: Petition of citizens of Newark, Irvington, and vicinities, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

5813. Also, petition of the Pride of Peter Cooper Council, No. 74, Sons and Daughters of Liberty, Newark, N. J., protesting against any measure to increase the number of immigrants now allowed to come into this country; to the Committee on Immigration and Naturalization.

5814. By Mrs. LANGLEY: Petition of residents of Floyd County, Ky., urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

5815. By Mr. MILLER: Petition of citizens of Seattle, Wash., indorsing bills and measures providing for increase in pensions to veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

5816. By Mr. O'CONNELL: Petition of District Council of New York City, United Brotherhood of Carpenters and Joiners of America, favoring the passage of the Bacon bill (H. R. 11141); to the Committee on Labor.

5817. Also, petition of the Holy Name Society, Church of Our Lady of Lourdes, Brooklyn, N. Y., opposing the passage of the Curtis-Reed bill; to the Committee on Education.

5818. By Mr. O'CONNOR of New York: Resolutions adopted by the board of directors of the Maritime Association of the port of New York, favoring enactment of House bill 9195; to the Committee on Ways and Means.

5819. By Mr. STEELE: Petition of 19 citizens of Atlanta, Ga., asking that steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5820. By Mr. SPEAKS: Petition signed by Grace M. Loughenry and some 69 citizens of Columbus, Franklin County, Ohio, urging enactment of legislation for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5821. By Mr. SUMMERS of Washington: Petition signed by Howard Garrison and 82 others, of Ellensburg, Wash., and vicinity, urging an increase in pensions to widows of Civil War veterans; to the Committee on Invalid Pensions.

5822. Also, petition signed by Anna Watson and 34 others, of Pullman, Wash., urging increase in pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

5823. Also, petition signed by members of the Grand Army of the Republic Woman's Relief Corps and Daughters of Civil War Veterans, of Ellensburg, Wash., urging an increase of pension to Civil War widows; to the Committee on Invalid Pensions.

5824. By Mr. TILSON: Petition of William Preston and other residents of New Haven, Conn., and vicinity, protesting against passage of House bill 78; to the Committee on the District of Columbia.

5825. By Mr. TINKHAM: Petition of 199 citizens of Massachusetts, against the passage of House bill 78; to the Committee on the District of Columbia.

5826. By Mr. TREADWAY: Petition of citizens of Massachusetts, urging Congress to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5827. By Mr. ZIHLMAN: Petition of citizens of Sandy Hook, Md., urging immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *March 23, 1928*

(Legislative day of Thursday, March 22, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

DEATH OF SENATOR WOODBRIDGE N. FERRIS

Mr. COUZENS. Mr. President, it is with great sorrow and regret that I announce that my colleague, Senator FERRIS, of Michigan, expired at 6.15 this morning from an attack of bronchial pneumonia. I may say that he had the affection and regard of all Senators. He was modest, sincere, and earnest. At a future time I shall ask the Senate to set apart a day on which fitting tribute may be paid to his life, character, and public services.

I send to the desk resolutions, for which I ask immediate consideration.

The VICE PRESIDENT. The resolutions will be read by the Chief Clerk.

The resolutions (S. Res. 180) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan.

Resolved, That a committee of 10 Senators be appointed by the Vice President to take order for superintending the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed as the committee under the second resolution the Senator from Michigan [Mr. COUZENS], the Senator from Kansas [Mr. CURTIS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Ohio [Mr. FESS], the Senator from New York [Mr. COPELAND], the Senator from Oregon [Mr. STEIWER], the Senator from Kentucky [Mr. BARKLEY], the Senator from Washington [Mr. DILL], the Senator from Maryland [Mr. TYDINGS], and the Senator from Iowa [Mr. BROOKHART].

Mr. COUZENS. Mr. President, as a further mark of respect to the memory of the deceased Senator I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 24, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 23, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Rev. Charles Tilton, D. D., of Boston, Mass., offered the following prayer:

Lord, Thou hast been our dwelling place in all generations, before the mountains were brought forth, before Thou hadst ever formed the earth and the world. Even from everlasting to everlasting Thou art God; in Thee we live and move and have our being, and Thou upholdest all things by the word of Thy power. Master of life and men, be Thou present in this assembly to-day to lead and to guide in all the counsels and deliberations of this hour. May every act be begun, continued, and ended in Thee. Thou art the guide of all the universe: Thou tellest the stars by their name, and yet Thou dost note the sparrow's fall with tender sympathy. Thou rulest the nations, and yet Thou leadest the babe by the hand and hearest the faintest cry of infancy and old age. May Thy gentleness make our Nation great. Bless, we pray Thee, these assembled Representatives of our Nation from every part of the land. Bless their homes, bless the towns and cities and States from which they come. Bless, we pray Thee, the President of the United States; guide and direct his steps, and may his life

and health be precious in Thy sight. Bless every citizen of our land. Bless the stranger that is within our gates. Make our Nation, O God, a blessing to all the nations of the earth; and may the blessings of Heaven rest upon us and all fellow citizens. May brotherly love prevail in all our borders, and may every moral and social virtue and truth cement us. In the name of our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on March 22, 1928, they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at or near Melville, La.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 8093. An act for the relief of John Rooks;

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, California;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, California;

H. R. 8824. An act to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex.;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, P. I.; and

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924.

HOMESTEAD ENTRIES, CHEYENNE RIVER AND STANDING ROCK RESERVATIONS

Mr. SINNOTT. Mr. Speaker, I call up the bill H. R. 9860, a House bill with Senate amendments, and move to concur in the Senate amendments.

The SPEAKER. The gentleman from Oregon calls up the bill, which the Clerk will report, together with the Senate amendments.

The Clerk read as follows:

A bill (H. R. 9860) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

Mr. GARNER of Texas. Mr. Speaker, is this a privileged motion?

Mr. SINNOTT. It is a House bill with Senate amendments. It has already been considered in the House.

Mr. GARNER of Texas. I understand that and make a parliamentary inquiry. I want to know whether this is privileged.

Mr. SINNOTT. This is a Union Calendar bill which has been considered in the House.

The SPEAKER. The Chair understands that this is a House bill with Senate amendments, and does not require consideration in Committee of the Whole.

Mr. GARNER of Texas. That does not answer my inquiry. Is it a privileged motion to concur in the Senate amendments?

The SPEAKER. The Chair thinks so.

Mr. GARNER of Texas. It is a motion to concur?

The SPEAKER. Yes; to concur in the Senate amendments. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

ADDRESS OF HON. WILLIAM TYLER PAGE

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made over the radio on February 22, 1928, on the celebration of the two hundredth anniversary of the birthday of George Washington by the Hon. William Tyler Page, the secretary of the commission.

The SPEAKER. Is there objection to the gentleman's request?

Mr. UNDERHILL. What is it?

Mr. HAWLEY. An address delivered by Hon. William Tyler Page on George Washington.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech:

CELEBRATION OF THE TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON

Mr. PAGE. Several years ago Congress established a commission to be known as the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, the short name for which is the George Washington Bicentennial Commission. The commission is composed of 19 members. The President of the United States is chairman, and the Vice President and the Speaker of the House of Representatives are members ex officio. The other members are Senator S. D. FESS, vice chairman; Senator ARTHUR CAPPER, of Kansas; Senator CARTER GLASS, of Virginia; Senator THOMAS F. BAYARD, of Delaware; Representatives W. C. HAWLEY, of Oregon; JOHN Q. TILSON, of Connecticut; JOSEPH W. BYRNS, of Tennessee; and JOHN N. GARNER, of Texas. The commissioners by appointment of the President are Mrs. Anthony Wayne Cook, of Pennsylvania, honorary president general of the Society of the Daughters of the American Revolution; Mrs. Mary Sherman, of Colorado, president of the Federation of Women's Clubs; Henry Ford, of Michigan; Col. Hanford MacNider, of Iowa; C. Bascom Slemp, of Virginia; Edgar B. Piper, of Oregon; Bernard M. Baruch, of New York; and Prof. Albert Bushnell Hart, of Massachusetts, who is also historian of the commission.

The executive committee is composed of the congressional members and three of the presidential commissioners. Also there are committees on relations with state commissions, on the participation of women, on a commemoration plan, on relations with historical and other learned societies, on relations with business organizations and fraternities, on publication, on educational methods and library work, and on observances and pageants. The commission is authorized by act of Congress to prepare a plan and a program for signalizing the commemoration of the two hundredth anniversary of the birth of George Washington and to give due and proper consideration to any plan or plans which may be submitted to them, and through such steps as may be necessary in the coordination and correlation of plans prepared by State commissions, or by bodies created under appointment by the governors of the States and by representative civil bodies, and if the participation of other nations be deemed advisable to communicate with the governments of such nations.

Last year on the anniversary of Washington's birthday President Coolidge, as chairman of the George Washington Bicentennial Commission, delivered an address to the American people in the presence of the two Houses of Congress, in which he invited their cooperation. This was followed by a concurrent resolution of Congress inviting the legislatures and the governors of the States and Territories to cooperate with the United States commission in such manner as may seem to them most fitting, to the end that the bicentennial anniversary of the birth of him who was "first in war, first in peace, and first in the hearts of his countrymen"—the pioneer, the soldier, the statesman, the husbandman, the exemplar of American citizenship, George Washington—may be commemorated in the year 1932 in such manner that future generations of American citizens may live according to the example and precepts of his exalted life and character and thus perpetuate the American people.

In response to this invitation of Congress the States have displayed great interest, and already about one-third of the States have authorized the creation of State commissions, and other States will follow in line when their legislatures again meet. The preliminary work of the commission has been one of organization. A large number of plans and suggestions have been submitted to the commission, some for memorials, others for pageants, and still others for domestic and international expositions.

While all of these propositions will be given consideration, the commission has kept clearly in mind the concept of the character of such a celebration expressed by the late Dr. Charles W. Eliot, president emeritus of Harvard University. Doctor Eliot was greatly interested in the proposed commemoration, and not long before he died he suggested that the celebration should be spiritual, not materialistic. It should be directed, he said, in large measure to the rising generation, not to the passing or the past. It should appeal to the thinking people, not to the careless or indifferent. Its aim should be to increase the number of Washington disciples and followers in and for the struggles of the future.

With this concept in mind it has seemed that an exposition in the old sense, a great display of material achievements and resources ought not to be planned; also, that this celebration should not be interna-

tional, but distinctly and thoroughly all American—a get together of America with a common heritage and with a common people. However, individuals and groups of nationals of other countries believing in and devoted to the principles of Washington and grateful for his example and mighty deeds for the promotion of liberty and justice among mankind will have ample opportunity to give expression to their convictions without the aid of an international celebration, with its attendant expense and glamor.

It is also thought that the celebration ought to meet the vital needs of America and that these needs are not material but spiritual in a broad sense. Not more inventions, but more consciousness of that for which America stands. Not more materialism, but more conscience and adherence to the fundamental ideals of which George Washington was the foremost exemplar. It is seriously suggested, therefore, that the program of the year 1932 center about the coming together for serious consideration of vital things of the brains and leadership of the entire Nation, of all the States, and of all parties, creeds, and classes—a great family reunion of America at the homestead of its illustrious fathers.

A comprehensive plan has been adopted by the commission, embracing the publication of the writings of George Washington and the publication of monographs, to be known as the George Washington bicentennary series, dealing with every phase of his life and character.

These works are in course of preparation under the direction of the historian. When available to the people of the United States they will possess authentic, accurate, and authoritative information concerning the man whose birth is to be commemorated. With this material the purpose is to make an intensive nation-wide campaign of education on the life, ideals, and deeds of Washington, and of the great underlying principles of the American Republic. This campaign could be made a part of the program of the schools, colleges, churches, civic bodies, women's groups, labor groups, etc., and of the press of the Nation. This would mean the education of the leadership of the Nation in the needs, purposes, and plans of the movement and the enlistment of every State, city, and group.

In this connection also it is proposed to have a system for competitions based on the study of George Washington material to be arranged through State commissions and auxiliaries. This would include prize essays with local and national competitions and possibly the awarding of national prizes for the five works on Washington adjudged to be the best, the awards to be made during the year 1932.

The most outstanding suggestions of permanent physical memorials are the proposed highway between the city of Washington and Mount Vernon, the completion of the Washington Memorial by the erection of a substructure or terrace, the completion of the George Washington Memorial Building, the foundation of which was laid in 1921, and the restoration of Wakefield, the birthplace of George Washington, in Westmoreland County, Va.

Congress may itself provide for one or more of these proposed memorials, but the commission has not as yet adopted any memorial project. The Washington Memorial Building, it is understood, will be financed by private subscription. This is also true to some extent of the plan to make Wakefield a national shrine, the National Wakefield Association having obtained consent of Congress to build a replica of the house in which George Washington was born.

The commission has under consideration a general plan, nation-wide in its scope, as the basis upon which each and every organization and individual can adjust themselves. This plan has in mind that the proposed celebration is to be one in which every American citizen and every organization should participate and have some part, leaving details to be arranged and perfected by State commissions.

It is thought that with the cooperation of the States and with every kind of organization in this country the two hundredth anniversary of his birth in 1932 can be made a wonderful and dignified commemoration in keeping with the simplicity and greatness of the life and character of George Washington.

JURIES IN FELONY CASES IN THE DISTRICT OF COLUMBIA

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to a bill I have introduced to-day to regulate the separation of juries in felony and capital cases, and a brief statement in regard to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. UNDERHILL. The gentleman's own remarks?

Mr. BRAND of Georgia. Yes; my own remarks.

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following bill:

[H. R. 12350, Seventieth Congress, first session]

IN THE HOUSE OF REPRESENTATIVES,
March 20, 1928.

Mr. BRAND of Georgia introduced the following bill; which was referred to the Committee on the District of Columbia:

A bill to regulate the separation of juries in felony cases in the District of Columbia

Be it enacted, etc., That the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, is amended by adding after section 919 thereof two new sections, as follows:

"SEC. 919a. The jury empaneled and sworn to try any capital offense shall not be permitted to separate until discharged according to law from further consideration of the case, except that in any such case where the presiding judge is of the opinion that absolute necessity requires separation he may permit such jury to separate temporarily to such extent as he may deem necessary.

"SEC. 919b. The jury empaneled and sworn to try a felony not capital shall not be permitted to separate until discharged according to law from further consideration of the case, except that the presiding judge may permit such jury to separate to such extent as may be agreed to by the prosecuting attorney and the attorney or attorneys of record for the defendant."

STATEMENT

Mr. Speaker, the practice has prevailed in the courts of the District of Columbia—probably always in the trial of felony cases less than capital and for several years in capital cases—to allow juries to separate during the trial of such cases.

The object of this bill is to put an end to such practice and to keep the jury together when trying a capital case, except a jury trying such a case, under the terms of the bill, may be permitted to separate temporarily in cases of absolute necessity; and likewise to keep the jury together when trying a felony case less than capital, though the bill provides the jury may be permitted to separate during the trial of such case if the attorney for the defendant and the Government consent.

The common law which is in force in this District requires the presiding judge in the trial of a capital case to keep the jury together. I am reliably informed this law has been ignored by the judges trying capital cases for several years.

Under the common law the presiding judge, when trying a felony case less than capital, may in his discretion permit separation of a jury, notwithstanding the attorney for the Government and the defendant may object to such separation.

In the case of the Government against Louis Phillips, charged with conspiracy to defraud the United States Government, the jury was allowed to separate, though the trial covered a period of several weeks. A verdict of not guilty was rendered.

In the case of the Government against Fall and Sinclair, charged with conspiracy to defraud the United States Government, the jury was allowed to separate. On account of charges that the jury was being tampered with a mistrial was declared.

ARTICLE BY HON. FRANKLIN F. KORELL

Mr. CRAIL. Mr. Speaker, I ask unanimous consent to extend my remarks by incorporating in the RECORD an article written by our colleague, Mr. KORELL, of Portland, Oreg., in the last issue of the National Republic.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAIL. Mr. Speaker, the unsurpassable beauty and the great potentiality of the Pacific coast have been the inspiration of many articles. We of California are always glad to have the attractions and the opportunities of the Pacific coast brought to the attention of the American people. We believe that it is important that all who read shall know what a wonderful country we have out there. Of course, we of California believe that nature has been more generous with the gifts she has bestowed upon California than any other section of the globe. We do not believe that the attractions of any other place can so much as equal them. However, when we are forced to it we sometimes acknowledge that our neighboring States of Oregon and Washington have much beauty and grandeur, and that they, like California, have been blessed with a wonderful climate, and we know that these States are inhabited by an intelligent, industrious, enterprising, and patriotic people.

As a sort of invitation to the world to make a trip to the Pacific coast, and particularly to the State of California, I shall refer in connection with my remarks to the leading article appearing in the April issue of the National Republic. The article was written by our colleague and my friend, Hon. FRANKLIN F. KORELL, Representative in Congress from Oregon. The article is entitled "Land of history and promise." It calls attention to the fact that Oregon is a Commonwealth of scenic beauty and of almost limitless resources carved out of the great Northwest. Oregon is a great State, and Portland, its leading city, is a great metropolis; and I would not appear to minimize this importance. Of course, Oregon is sort of a backyard for the great Commonwealth of California, and everything which this article states, or which anybody can

say, in praise of Oregon can be said with equal force for the whole Pacific coast, especially for the great State of California.

Mr. KORELL's article can be read with interest and profit by the people of this country. I know that it will be appreciated by the people of California, and particularly by the people of my own home, the city of Los Angeles, whose population has increased with such unprecedented rapidity and whose borders are being extended so rapidly in all directions that in area, at least, it is now the greatest city in the world. Los Angeles is looking forward with pleasant anticipation to the day which will no doubt be in the near future when it shall annex the beautiful and thriving city of Portland, Oreg., as another one of its suburbs.

The article is as follows:

LAND OF HISTORY AND PROMISE—OREGON IS A COMMONWEALTH OF SCENIC BEAUTY AND ALMOST LIMITLESS RESOURCES CARVED OUT OF THE GREAT NORTHWEST

It is easy, even for a layman, if he is acquainted with the subject, to write of the great State of Oregon, with its lofty and majestic mountains, its wide and sweeping plains, its fertile valleys, plunging waterfalls, and the beautiful river which forms its northern boundary. For Oregon is a State of great natural beauty, of tremendous—one might say almost endless—resources, with a history which forms one of the most interesting chapters of the great romance of our western empire. Oregon's greatest mountains are the beautiful Cascades, gleaming with perpetual snow, with Mount Hood, at an elevation of 11,225 feet, towering above; the Three Sisters, Mount McLoughlin, Mount Jefferson, and other historic peaks which are only a little less imposing. Its most beautiful river is the Columbia, which looms so large in the history of the Northwest. And in addition to its imposing mountains and fertile valleys, there are great plains to the east.

The average elevation of Oregon is 3,300 feet, which is just about right for comfortable and energetic human existence. The State's climate is variable, with a humid, mild, and even temperature along the coast and a dry and variable condition east of the mountains. And Oregon has as many kinds of soil as it has climate; clay loams, enriched in the river bottoms by deposits from the streams; reddish clay in the southwest; and in the east a gray soil, lacking in humus but easily worked and containing an abundance of the elements which make the growth of vegetation easy and practicable.

In area Oregon is the ninth State of the Union; in extent, 95,607 square miles. It is eighty times as large as Rhode Island. Two Ohios could be put into it with enough left for Maryland. Oregon is twice as large as the State of New York and a third larger than all of New England.

In the valleys west of the Cascades and along the Columbia River are to be found some of the richest agricultural regions in the world. Oregon is famous for its fruits, and there is much wheat and grazing land on the sweeping plains. Its forests are notable and form one of its great natural resources. Its fisheries, with the Columbia standing at the top, are world famous. Its manufacturing and commerce are growing rapidly due to the working of its tremendous resources—but I shall have more to say of this a little later on.

The history of Oregon is the history of the development of the great Northwest—a region teeming with nascent ideas and potential accomplishment. It is full of romance and adventure, of fighting, of the enduring of hardships, and of the struggles of the early pioneers to reclaim the land from the wilderness and make it a part of the United States.

Legend tells us that the early Spaniards were the first white men to visit the Oregon region and they may have arrived there shortly after Balboa's discovery of the Pacific Ocean. Francis Drake was there in 1579 and took possession of that part of the coast in the name of Queen Elizabeth, calling it "New Albion." In 1774 Juan Perez sailed up the west coast to 54° north latitude and made perhaps the first real exploration of the Oregon coast. In 1778 Jonathon Carver published in London a book of travels in which he claimed that there was a great river in the Northwest called the Oregon, but added that no white man had seen it and the information came from Indians. For years intrepid explorers sailed the waters of the Pacific searching for the fabled river.

Finally in 1792 Capt. Robert Gray, an American, discovered the long-sought river of tradition and named it after his ship *Columbia*. At the beginning of the nineteenth century the Oregon region was claimed by Spain, by Great Britain, and by the United States. In 1805 Lewis and Clark, under the direction of President Jefferson, crossed the mountains and went down the river to the Oregon coast.

American and British fur traders, attracted by the immense profits to be made, invaded the new region and established trading posts there as early as 1808. After the War of 1812 a dispute naturally arose between Great Britain and the United States over the ownership of the Oregon country. In 1819 Spain, still the owner of California, waived to the United States its claim of all territory north of 42° latitude. For the next 20 years the history of Oregon is the story of the rivalry between British fur traders and American immigrants. Fortunately for the Americans, the British did not desire to settle the country but to use it only as a game preserve. In the end the American policy of settling it proved the most profitable and enduring.

Things changed rapidly after 1832, when four Indian chiefs journeyed from the Oregon country to St. Louis to get a copy of the white man's Bible. Immediately a wave of missionary zeal was aroused, and hardy enthusiasts of the Methodist, the Presbyterian, the Roman Catholic, and other Christian faiths went into Oregon to convert the heathen redskins. The first white women to arrive were the wives of Marcus Whitman and Henry Spalding, who journeyed there with their husbands in 1836.

The early law of the region was British—the rules and regulations of the Hudson Bay Co.—but in 1843 the settlers at Champoeg, in the Willamette Valley, by a vote of 52 to 50, organized a provisional government, first with an executive committee of three citizens, and then, two years later, with a governor. In the first set of laws were included many of the provisions of the ordinance of 1787, including the article against slavery.

In 1843 came the great immigration which has been immortalized in song and story. It started when 900 men, women, and children set out from Independence, Mo., in covered wagons and made the journey to the new country safely after enduring many hardships and perils. From that time on immigration steadily increased, and then came the demand for the location of the boundaries of the Western Territories. In 1844 the Democratic National Convention declared that the United States had full title to all of Oregon, and "54–40 or fight" became the campaign slogan of the year. The Democrats won, and President Polk in his inaugural message claimed title for the Nation to all the Oregon Territory. For a time it seemed that war might result from the disagreement, but finally a treaty was drawn up by James Buchanan, Secretary of State, and Richard Packenham, the British envoy, and this was ratified by the American Senate and by Great Britain. The treaty was in the nature of a compromise and fixed the American boundary at 49° north latitude.

The organization of the Territory was held up temporarily by the proslavery forces in Congress, but in 1847 Indian outbreaks in Oregon spurred Congress to action, and on August 14, 1848, a bill was passed providing for a Territorial government, the new Territory including the present States of Oregon, Idaho, and Washington and parts of Montana and Wyoming. The Territory of Washington was created in 1853. The people of Oregon Territory voted for statehood in 1856. Next year the people ratified a State constitution which they had drawn up, and on February 14, 1859, Oregon was admitted as a State, with its present boundaries.

In 1862 gold was discovered in eastern Oregon and southern Idaho. A great rush followed. Then came the pony express, to be succeeded by the railroads in the early eighties.

Since then Oregon has developed and prospered as only American Commonwealths seem able to prosper and develop under constitutional representative government. Its great natural resources are being rapidly brought into use. To-day they are paying rich tribute to the brain and brawn of mankind, adding bounteously to the needs and comfort of human life.

But an article on Oregon would not be complete without something concerning its chief city, its principal port and industrial center. I refer, of course, to Portland, one of America's choice cities. Portland, internationally known as the City of Roses, is a thriving community of more than 350,000 people, and if its present growth continues it will soon have a population of 600,000 and a metropolitan area embracing a million people.

In 1916 the postal receipts of Portland were $1,201,262. In 1926 they aggregated $3,900,887, an increase of over 150 per cent in 10 years. The figures for 1927 have not been made available as yet by the Post Office Department.

Over 105,997 building permits were issued by the city between 1920 and 1927. Their aggregate value showed an increase of over 231.2 per cent in building during this period and an increase in the value of residence building of over 356.5 per cent. During the seven years immediately preceding 1927 the public-school enrollment increased 24.8 per cent, and the school-age census showed an increase of 27.3 per cent.

Any record of the city's growth within the last few years would not be complete without some mention of its industrial development.

Portland is situated at the confluence of the Willamette and the Columbia Rivers. It is in the very heart of the world's richest agricultural sections. It possesses a geographical position that is steadily attracting manufacturers who are obliged to give consideration to the question of transportation costs in connection with the operation of their business. It is a natural gateway of outlet for the export wealth of that vast tributary area, so named the Inland Empire, likewise sometimes called the Columbia River Basin.

The territory served by the port of Portland contains roughly 250,000 square miles and has a population that is conservatively estimated as 4,281,816 people. The products from this great hinterland come down to the city over the only water-grade route through the mountains of the Pacific coast. Portland is the great central market and seaport of the Pacific Northwest. Freight moves to it from all points of

the Columbia River Basin. As this empire of natural resources is developed, so will all the products of mines and forests and farms grow into a steadily increasing volume of traffic for exports through the city as its gateway. In recognition of the obviously lower costs of operation of rail lines hauling freight by water grade, correspondingly favorable rail rates have been obtained for Portland and their justification maintained by various decisions of the Interstate Commerce Commission.

Portland is the greatest originating seaport in the world. In 1926 its record of water-borne commerce showed that 3,148,211 tons of domestic freight were handled, an increase of 134.4 per cent over the figures for 1920.

One million eight hundred sixteen thousand five hundred and thirty-seven tons of foreign freight were handled over the same period, an increase of 256.9 per cent. Fifty-three steamship lines are now giving regular service from the port. A few years ago there were less than a half dozen. Rail transportation has shown a corresponding increase and expansion.

I mean by greatest originating port that Portland produces more of the products that it transports than any other port. To be specific, one-third of the total standing timber of the United States is in the State of Oregon to-day, of which Portland is the outstanding center. Sixteen per cent of all the grain in the United States is produced in the Northwest, of which over 58 per cent is shipped out by boat via the port of Portland. Pulpwood, wool, mohair, flax, fruits, and vegetables are other products produced in large quantities for many basic industries. The agricultural production of the Columbia country, of which Portland is a great central market and seaport, amounted to $544,821,000 in 1926.

Between 1919 and 1926 bank clearings increased from $1,652,-950,830.27 to $2,103,846,193.06, a record of growth that has not been surpassed or equaled by any other city in the Northwest. Pay rolls were increased in 1927 by upward of $1,659,700.

Portland is the first city of the United States in manufacture and export of lumber, first in export of wheat, second in export of apples, and fourth in flour. It is the first primary wool-export port and the second largest wool market. It leads the Pacific coast as livestock market, in the manufacture of woolen textiles, flour, automatic stokers, automatic motive hoists, locomotives, pulp, and paper. It is the first in the Pacific Northwest in total foreign-commerce tonnage and its leading jobbing center.

Let me say further that Portland is a city of substantial buildings, of good schools, and comfortable homes situated near some of the most beautiful scenic spots in America. Its broad green lawn and rose-bordered gardens are world renowned. And better even than all this, it is a typically American city, a city of progressive people, a city of home atmosphere, refinement, patriotism, and culture.

I have tried to tell you something briefly of the reasons I am proud of my great home State and my beautiful home city. But in order really to appreciate these you ought to come and visit us out on the Pacific coast. You will be impressed by our mountains and valleys, by our beautiful drives along the Willamette and Columbia Rivers, and by our thriving cities and towns. And, best of all, our people will greet you with cordial good will, a hearty welcome, and a spirit in keeping with the bigness and richness of our wonderful country. You will love to linger and long to return to Oregon.

I am not trying to maintain that Oregon has all the beauties and blessings of the Nation. Each section has its scenic spots, its sound American people, its fine traditions, and its material advantages. But we believe that we have our portion of these and we will be glad to share them with you whenever you may honor us with a visit.

ADDRESS OF HON. FRANK B. MURPHY, OF OHIO

Mr. COOPER of Ohio. Mr. Speaker, on last Saturday my friend and colleague, Mr. MURPHY, of Ohio, a Methodist and a thirty-third degree Mason, delivered an address at the banquet of the Ancient Order of Hibernians at the Willard Hotel in this city. I ask the privilege of printing that speech in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COOPER of Ohio. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech:

THE IRISH IN AMERICA

Mr. MURPHY. Mr. Toastmaster, ladies, and gentlemen, what a priceless heritage is ours as we assemble here to commemorate and keep bright the memory of one whose influence upon our blood is ever increasing with the onrush of the years. What a heritage is ours when we think of St. Patrick, a leader of men, a teacher and a benefactor of mankind. What a heritage is ours when we realize that in our blood runs the resiliency of character that does not know defeat; a resiliency of character that may be down, but, to use the vernacular of the day, is never out. Yes, my Irish fellow citizens, it is a real honor to me to have the privilege to join with you all in this happy occasion, and as my mind drifts back over the history of our fair land, the land we love so well—America—I see a ship landing on the rockbound coast of New England, after being buffeted by the stormy Atlantic for many days; and on that ship there are two Irish families—one headed by William Mullens, the other by Christopher Martin. Then my mind drifts to the romantic side of Irish character, and I see the name of a daughter of William Mullens written in the perfume of romance, as Priscilla, on the memorable occasion when John Alden spoke to her of the love of a friend of his, retorted, "Speak for yourself, John Alden." Ah, who but a bright-eyed Irish colleen would have taken the initiative as she did in those early days? Yes; two Irish families came over on the *Mayflower* and they have written the story of romance. Then others followed in their course, and still others came, until sprinkled throughout all of the Colonies a healthy group of Irish people could be found laughing, working, thriving, becoming good citizens wherever they might be found. And then there came a time when the liberty-loving people, who had left lands overseas to find a land where they might worship God according to their own conscience, decided that America should really be a land of the free, and 12 of the 56 signers of the Declaration of Independence were Irishmen. We find all through American life the imprint of Irish character. I have not the time to enumerate here the outstanding Irish who have made patriotic history in the struggles of this fair land of ours, because wherever there was a war being fought for freedom or for liberty there could be found the Irishman fighting side by side with the other struggling men of earth, seeking liberty always.

History does not record where Irish soldiers ever fought to place any other people in subjection, and throughout the struggle for our own independence many high places of responsibility and confidence were held by Irishmen; and as we think of St. Patrick's Day we find that it has been held in high esteem by the Irish people in all the countries of the world. And on March 17, St. Patrick's Day, 1737, I find that 20 Irish Protestant gentlemen met in the city of Boston, Mass., to honor the memory of St. Patrick and pay tribute to his noble character and formed the Charitable Irish Society. This was the first public observance of St. Patrick's Day which is recorded.

I also find a very interesting matter of history, in that two Masonic lodges were named for this God-loving Christian Irish saint, namely, St. Patrick Lodge of Freemasons at Johnstown, N. Y., and a lodge located at Portsmouth, N. H., in 1780. I find on March 17, 1771, the Friendly Sons of St. Patrick, located at Philadelphia, Pa., was organized with 30 members. Of those who formed this society there were Catholics, Presbyterians, Quakers, and Episcopalians. Those were trying days for all the people who had assembled here at that time, but they all had deep in their hearts a sincere desire to build a country where each and all might live, a country that all could love, a country that offered equal opportunity at the starting point to the rich and to the poor alike, to build a country where the rewards would be measured only by the ability to achieve. Yes; we Irish people are unusually blessed by reason of that which stimulates our blood, for no other human beings have survived so much unhappiness and so much long-continued disaster without degeneration.

I find that in March, 1790, the first Hibernian society was formed for the relief of the emigrants in the city of Philadelphia, and at the meetings of this society it was the custom to offer toasts, many of which are patriotic and romantic. One toast I noticed was a toast to Ireland:

"May the virtues of her children be ever an honor to her name."

Another toast was offered to the good women:

"The solace of man in adversity—his pride and comfort in days of prosperity."

At another time the following toast was offered:

"The shamrock and the shillelah, both emblems of Erin—with one we crown our mirth, with the other we drub our enemies."

Another toast runs—

"The Irish nature is like the Irish climate—it smiles, making up for its tears. In such a nature there is no despair."

Yes; in all the ages the Irish have had unconquerable souls and have had the ability that no matter how they might be thrown to the earth they invariably would turn their faces to the sun, and as they saw its gleams and felt the warmth of its rays new hope would enter their hearts and they would smile as they would think of the day that they knew would come. And so you and I have lived long enough to see the dawn of a better day for our people; 'tis not all that we would have it to be, but I had the thrill of my life as I joined with others in extending a welcome to a group of Irish gentlemen who were the guests of our Nation and were unusually honored by our Government by permitting them to enjoy the privilege of the floors of Congress and there meet in person your Representatives.

I find that for more than 200 years the young men of Ireland fled its shores and dispersed themselves all over the world. This period in the history of Ireland was known as the "flight of the wild geese," and I suspect that my father might have been included in that group, because he came to America many years ago along with thousands of others, and in the early year of 1729 I find that there were 9 Irish emigrants to 1 of all other nations of Europe combined.

And what a wonderful account the offspring of those early Irish emigrants has given of their blood. We find them leaders in every human activity. We find them doing the things that could not be done.

We find at least six American Presidents had more or less of a Celtic strain in their veins. President Jackson, whose parents came from the County Down; President Arthur, whose parents were from Antrim; President Buchanan, whose ancestors were from Donegal; and President McKinley, whose ancestors also came from Donegal. Theodore Roosevelt boasted among his ancestors two direct lines from Ireland; and the ancestors of President Polk came from Donegal. Woodrow Wilson was also of Irish descent.

In the realm of invention we find Fulton, an Irishman's son, giving to America priority in the conquest of the seas. We find that the presiding genius of the greatest telephone system in the world is Theodore Vail. We find Morse, the inventor of the telegraph, was the grandson of an Irishman. Henry O'Reily built the first telegraph line in the United States. John W. Mackey is the president of the Commercial Cable Co. We find the submarine was invented by John P. Holland, another Irishman. McCormick, the man who has made the work on the farm light and comfortable, invented the mowing and reaping machine.

In industry we find the great James A. Farrell at the head of the United States Steel Corporation. We also find James J. Hill, the great pioneer builder of railroads. We find the name of James F. Ryan, another great industrial and financial leader. I might go on indefinitely naming these leading Irishmen.

In the judiciary there have been many shining lights of Irish origin. The Supreme Court of the United States was graced by the person of Edward D. White as its Chief Justice, and he was the grandson of one of the rebels of ninety-eight. Justice McKenna also adorned this great seat of learning and justice. There are many other names that might be added to those I have mentioned. There have been many governors of the various States of Irish origin, and it remained for an Irishman to do the unusual thing in politics by representing in the United States Senate three different States of this Union, and Senator Shields was a native of the County Tyrone.

We find among the great editors of our country the name of Henry W. Grady, of the Atlanta Constitution; and Horace Greeley, of the New York Tribune; and the Olivers, of the Pittsburgh Gazette; and O'Neill, of the Pittsburgh Dispatch; Thomas Gill, of the New York Evening Star; and many others whose brains and patriotism have helped shape the national life of this fair land of ours.

In the field of poetry we find Theodore O'Hara, the author of that immortal poem The Bivouac of the Dead; Thomas Dunn English, author of Ben Bolt; Father Abram Ryan, "the poet priest of the South"; and James Whitcomb Riley, whose voice has been silenced by death, but whose songs will be sung as long as intelligence lasts.

Irishmen have shown their very great ability in the handling of great projects. They have been great builders, and among the names that come to me at this time are those of John D. Crimmins, of New York; John B. McDonald, builder of the New York subway; and John Roach, the famous shipbuilder of Chester, Pa.

And when it comes to music, what Irish person will ever forget the name of Victor Herbert? And those who have listened to the marvelous rythm of the band of Patrick Gilmore will ever have a sweet memory. And never as long as Irishmen live will the golden notes that comes from the marvelous throat of John McCormack be forgotten.

And right here in Washington each time you look toward the Capitol and see the colossal statue of America, which graces its Dome, you think of Thomas Crawford, who executed the same, and who was born in New York of Irish parents.

And when we look at the beautiful sculpture of Augustus St. Gaudens our memory goes back to Dublin, the place of his birth. There are many others that might be mentioned.

Ireland has given to America many eminent churchmen—four American cardinals, Hayes, Gibbons, Farley, and O'Connell; many archbishops, bishops, and other high dignitaries. History has given to an Irishman, Francis Makemie, of Donegal, the credit of founding Presbyterianism in America. Among noted Presbyterians of Irish birth was James Waddell, known as the Blind Preacher of the Wilderness; Samuel Finley, president of Princeton College in 1761, was a native of Armagh; and John Blair Smith, famous as a preacher throughout the Shenandoah Valley, and the first president of Union College, 1795, was of Irish descent. There are many others.

We also find many of the cities of the United States have been founded by men of Irish origin. Sixty-five places in the United States are named for people bearing the Irish prefix "O," and upward of 1,000 after the "Mc's." There are 253 counties in the United States and approximately 7,000 places called by Irish family names. There are—

Dublins	24
Waterfords	21
Belfasts	18
Tyrones	16
Limericks	10
Antrims	9
Sligos	8
Derrys	7
Corks	6
Kildares	5

Many of the prominent families in our country have been founded by emigrant Irishmen. I shall not undertake to name them, because it would take too much time. However, I shall encroach upon your time to mention one of the notable Irishmen of to-day. I would not be fair to our race if I did not bring to your attention the name of MARTIN B. MADDEN, an Irishman, who wields more power by reason of his position in our Government than any other one man. We are all proud of his work, because his life is typical of our race. I wish I had more time to tell you of this truly wonderful man and his career. It is one of the outstanding romances of our land of opportunity.

I have refrained from touching on the long list of Irish fighting men, many of whom fought shoulder to shoulder with the father of our country in the days of the Revolution, and from that time down to the World War they have given wonderful accounts of their ability.

While our soldiers were in France a colonel came out one morning after his regiment had been on a long, tiresome parade and said that he would like to have 75 volunteers to do an unusual and dangerous piece of work—or 25 Irishmen would do.

May I call your attention, just for a moment, to the wonderful influence of the Irish people on the home life of this Nation? Present-day discussions of social questions have no place or standing in the thought or plans of the Irish people. As I stand here my mind goes back to the days of the development of this country, when these eminent Irish built the great railway systems of our country and participated in every way in the development and upbuilding of the same and the prosperity which has made America great. In every community where these unsung Irish have congregated they have left their impress by their lives of industry, frugality, and piety, raising large families on a meager income, but with feelings of buoyancy and hope, and firm faith in God. How well they planned can never be measured, because the ambition of the Irish race is so insatiable and so hopeful always that a country where they live must be an active, living, growing place; and so the national life of America has felt the influence of this great race of people, who, for more than 750 years, fought a losing fight for the freedom of their own beautiful little gem of the sea, the Emerald Isle, and home of our ancestors.

And so to-night I congratulate you, as I congratulate myself, on being permitted to be here in a country where we work together, all for each and each for all, to the end that happiness, prosperity, and peace may always gladden the hearts and homes of those who call America their own.

Good night.

RELIEF OF ARAPAHOE AND CHEYENNE INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3343 and pass it. It is identical with one reported from the House Committee on Indian Affairs.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table Senate bill 3343, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, will the gentleman state whether or not this action has been agreed to by the ranking minority member of his committee.

Mr. LEAVITT. The bill was reported from the committee by the unanimous vote of all members present, and Judge EVANS, who was the ranking minority member present, although not the ranking minority member of the committee, has agreed to this action.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, has the bill been before the House?

Mr. LEAVITT. It has been unanimously reported by the House committee and has been on the Union Calendar for several days.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 667 of volume 44 of the Statutes at Large (44 Stat. L. 764) be, and it hereby is, amended to read as follows:

"That the time within which suit or suits may be filed under the terms of the act of Congress of June 3, 1920 (41 Stat. L. 738), is hereby extended for the term of one year from the date of the approval of this act for the purpose only of permitting the Arapahoe and Cheyenne Tribes of Indians residing in the States of Wyoming, Montana,

and Oklahoma to file a separate petition or suit in the Court of Claims for the determination of any claim or claims of said tribes of Indians to the whole or any part of the subject matter of any pending suit, or to file other suits hereafter under the terms of said act; and the court is hereby authorized to render final judgment in such suits: *Provided*, That unless such petition be filed in the suit or suits authorized by said act within the time herein stated all right of intervention by the Arapahoe and Cheyenne Tribes of Indians therein shall be forever barred."

Mr. BEGG. Mr. Speaker, I would like to ask the gentleman a question. When was this right granted to these Indians in the first instance?

Mr. LEAVITT. It has been about three years that their attorneys have had the right to file this case under the present law.

Mr. BEGG. Why is it necessary to keep extending this right at every session of Congress?

Mr. LEAVITT. For the protection of the Indians in cases where the work has not been done as it should have been done.

Mr. BEGG. I am not, of course, going to object to the passage of the bill, but it seems to me the case should have been filed within the year and that at each session of Congress we ought not to be asked to extend the time. I remember that once or twice before we have extended this right.

Mr. LEAVITT. Only once or twice and never before in the case of these Indians.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 31, to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof, favorably reported by the Foreign Affairs Committee.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table a resolution, which the Clerk will report.

The Clerk read the title of the resolution.

Mr. MADDEN. Mr. Speaker, I objected to this resolution yesterday, but I have looked over it this morning and I want to withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the President be, and is hereby, authorized and requested to extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, either in 1929 or 1930, as the association may determine.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such session, including printing of reports, compensation of employees, transportation, subsistence or per diem in lieu of subsistence—notwithstanding the provisions of any other act—and such expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of appropriate courtesies.

Mr. BLACK of Texas. Mr. Speaker, I move to amend the resolution by striking out the words "notwithstanding the provisions of any other act."

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: On page 2, in line 3, strike out the words "notwithstanding the provisions of any other act."

Mr. BLACK of Texas. Mr. Speaker, the reason for offering that amendment is that we now have a general law which regulates per diem and subsistence, and the provisions of the general law are liberal enough, and I do not think we ought to bring in a resolution which would set aside the general law. I do not see any reason why this resolution should be an exception to the general law that governs all of these expenditures. If we engraft one exception to the general law, we are liable to be asked to make many more, resulting in extravagant expenditures of public money.

Mr. LINTHICUM. Mr. Speaker, I hope the House will not agree to this amendment. I would not object to it if it were not for the fact that the resolution will then have to go back to the Senate and go into conference, which would delay it. The United States has intimated that it proposes to invite this congress to Washington; they are holding it off, but they can not hold it any longer than the 1st of April.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BLACK of Texas. All that will have to be done will be for the Senate to accept the amendment and then it will become a law.

Mr. LINTHICUM. Well, I will leave it to the House, but I do not think we ought to send it back. This amendment should be defeated.

Mr. TILSON. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. TILSON. What is the purpose of the provision as it now stands in the resolution?

Mr. LINTHICUM. The purpose of the provision is this: This expenditure is entirely in the hands of the President, and the sum of $25,000 is appropriated for the expense of printing the reports of this congress and whatever other expenses there may be, such as entertainment, subsistence of delegates, and so on. There is no intention to expend anything lavishly, and certainly the sum of $25,000 is not an excessive amount for the expenses of the congress. There will be very little entertainment, as a matter of fact; most of the entertaining will be done by the different organizations interested in road building.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BLACK of Texas. The amendment which I have offered would not govern the expenditures for entertainment, but if anyone discharging the duties provided for by the resolution should put in a claim for subsistence or per diem they will be governed by the general law, whereas if the provision that is now carried in the bill were permitted to stay in the general law would not govern.

Mr. LINTHICUM. I do not think the gentleman need have any fear about this.

Mr. BEGG. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BEGG. I am very much in sympathy with the amendment offered by the gentleman from Texas. I remember that just a year ago we raised the per diem allowance for every Government employee away from his post of duty. Now, why should we open the gate in this instance and increase the allowance and thus set a precedent?

Mr. LINTHICUM. I will say to the gentleman from Ohio he is a member of the Committee on Foreign Affairs and this was unanimously reported by that committee. I do not see why the gentleman should object to it now on the floor of the House.

Mr. HUDSPETH. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. HUDSPETH. I want to say to the gentleman that as a member of the Committee on Roads the matter has been discussed there and the Bureau of Public Roads is strongly in favor of this resolution. They state that there is another measure pending, to which the gentleman alluded the other day, under which they propose to build four transcontinental roads from this country to Mexico.

Mr. LINTHICUM. Yes.

Mr. HUDSPETH. Two of them going through the district of the gentleman from Texas and two of them west of his district. That is a measure of great importance, and this conference, the Bureau of Public Roads states, follows up their program, and I think this is a very important measure.

Mr. LINTHICUM. It will be of profit to all of the countries attending the congress, and the gentleman from Ohio need have no fear of any extravagance, because the matter is entirely within the control of the President. I hope the House will not agree to the amendment, Mr. Speaker.

Mr. HUDSPETH. As I understand, this resolution follows up the other proposition and is very important.

Mr. LINTHICUM. The gentleman is correct. The other is for attendance at the Pan American Congress, to be held at Rio Janeiro, Brazil, next year—1929.

Mr. BEGG. Mr. Speaker, I simply want to make one observation. The gentleman from Maryland [Mr. LINTHICUM] said this was unanimously reported by the Committee on Foreign Affairs, of which I happen to be fortunate enough to be a member. This is quite true, but unfortunately for me I was not present when this measure was reported out, hence I can not be tied by the responsibility of the gentleman from Maryland. So far as trusting the President is concerned, yes, I would trust him to the end of the earth, but the President will have nothing whatever to say about whether they are going

to spend $7 a day or $17 a day, and if $25,000 is not enough I know what will happen. They will come in and ask for more. Personally, I see no reason for breaking the law for a group of fellows who are going to have a "joy time" at this convention, any more than to break it for the Government employee who is honestly putting in his time every day in the year and then is called upon to leave the city because of his duties.

Mr. HUDSPETH. I would like to ask the gentleman how he can consider this a "joy time," when there are delegates coming here to discuss the very important question of good roads in connection with Mexico, Nicaragua, and the other countries to the south of us. How can that be termed a junket?

Mr. BEGG. If the gentleman from Texas will read the report of this congress when it is over, he will find a major portion of the expenditure has been put in for social activities.

Mr. HUDSPETH. Yes; I know that speech has been made by my friend from Ohio here for years.

Mr. LaGUARDIA. You can not have a lot of social activity at $7 a day.

Mr. BEGG. We do not want them.

Mr. HUDSPETH. That is the same old speech the gentleman has been making for years, and he is making it when running for governor out in Ohio.

Mr. BEGG. I am not running for Governor of the State of Texas, I will say to the gentleman.

Mr. HOWARD of Nebraska. Mr. Speaker, I would like to ask one question of the gentleman from Texas. Am I to be a member of the entertainment committee?

Mr. HUDSPETH. I do not know of a better one they could place on such a committee, I will say to my friend, and it would not be a junket if the gentleman was there.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 23, noes 52.

Mr. BLACK of Texas. Mr. Speaker, I object to the vote, and make the point there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 100, nays 235, not voting, 99, as follows:

[Roll No. 56]

YEAS—100

Abernethy	Davis	Howard, Okla.	Pou
Allgood	Deal	Huddleston	Quin
Arnold	De Rouen	Hull, Tenn.	Ragon
Aswell	Dickinson, Mo.	Jeffers	Rankin
Ayres	Dominick	Johnson, Okla.	Rayburn
Begg	Doughton	Jones	Reed, Ark.
Bell	Driver	Kincheloe	Romjue
Black, Tex.	Edwards	King	Rubey
Blanton	Fletcher	Kvale	Sandlin
Bowling	Fulbright	Lanham	Sumners, Tex.
Box	Fulmer	Lozier	Summers, Wash.
Brand, Ga.	Garner, Tex.	Lyon	Taber
Briggs	Garrett, Tex.	McClintic	Underhill
Browning	Gasque	McDuffie	Vinson, Ga.
Busby	Gilbert	McKeown	Vinson, Ky.
Byrns	Gregory	Major, Ill.	Ware
Canfield	Green, Fla.	Major, Mo.	Warren
Cannon	Griffin	Milligan	Weaver
Cartwright	Hammer	Moore, Ky.	White, Colo.
Chapman	Hardy	Moorman	Whittington
Clarke	Hastings	Morrow	Williams, Mo.
Cochran, Mo.	Hill, Ala.	Nelson, Mo.	Williams, Tex.
Collins	Hill, Wash.	Norton, Nebr.	Wilson, La.
Cox	Hoch	Oliver, Ala.	Wingo
Crisp	Howard, Nebr.	Parks	Wright

NAYS—235

Ackerman	Celler	Drane	Greenwood
Adkins	Chalmers	Dyer	Griest
Aldrich	Chase	Eaton	Guyer
Allen	Chindblom	Elliott	Hadley
Almon	Christopherson	England	Hale
Andresen	Clancy	Evans, Calif.	Hall, Ill.
Andrew	Cochran, Pa.	Evans, Mont.	Hall, Ind.
Arentz	Coben	Faust	Hall, N. Dak.
Bacharach	Cole, Iowa	Fenn	Hancock
Bachmann	Cole, Md.	Fish	Hawley
Bacon	Collier	Fisher	Hersey
Barbour	Colton	Fitzgerald, Roy G.	Hickey
Beck, Wis.	Combs	Fitzgerald, W. T.	Hoffman
Beedy	Connery	Fitzpatrick	Hogg
Berger	Cooper, Ohio	Foss	Holaday
Black, N. Y.	Cooper, Wis.	Free	Hooper
Bland	Corning	Freeman	Hope
Bloom	Crail	French	Hudspeth
Bowles	Cramton	Frothingham	Hull, Morton D.
Bowman	Crosser	Furlow	Hull, Wm. E.
Brigham	Crowther	Gambrill	Igoe
Browne	Cullen	Garber	Irwin
Buchanan	Dallinger	Gardner, Ind.	Jenkins
Buckbee	Davenport	Gibson	Johnson, Ill.
Burtness	Davey	Gifford	Johnson, Ind.
Butler	Denison	Glynn	Johnson, Tex.
Carss	Dickinson, Iowa	Golder	Johnson, Wash.
Casey	Douglass, Mass.	Green, Iowa	Kading
Kahn	Mansfield	Rainey	Swank
Kearns	Mapes	Ramseyer	Sweet
Kelly	Martin, La.	Ransley	Swick
Kemp	Martin, Mass.	Reed, N. Y.	Swing
Ketcham	Mead	Reid, Ill.	Tarver
Kiess	Menges	Robinson, Iowa.	Tatgenhorst
Knutson	Merritt	Rogers	Temple
Kopp	Michener	Rowbottom	Thatcher
Korell	Miller	Sanders, N. Y.	Thompson
Kurtz	Montague	Sanders, Tex.	Thurston
LaGuardia	Moore, Va.	Schafer	Tilson
Lampert	Morehead	Schneider	Timberlake
Lankford	Murphy	Sears, Fla.	Tinkham
Lea	Nelson, Me.	Sears, Nebr.	Underwood
Leatherwood	Nelson, Wis.	Seger	Updike
Leavitt	Newton	Selvig	Vincent, Mich.
Leech	Niedringhaus	Shallenberger	Wason
Lehlbach	Norton, N. J.	Shreve	Watres
Letts	O'Brien	Simmons	Watson
Lindsay	O'Connell	Sinclair	Welch, Calif.
Linthicum	Oldfield	Sinnott	Weller
Lowrey	Oliver, N. Y.	Smith	Whitehead
Luce	Palmisano	Snell	Williams, Ill.
McFadden	Parker	Somers, N. Y.	Williamson
McLeod	Peavey	Speaks	Winter
McMillan	Peery	Spearing	Wolverton
McReynolds	Perkins	Sproul, Ill.	Wood
McSweeney	Porter	Stedman	Woodruff
Maas	Prall	Steele	Wurzbach
Magrady	Pratt	Stobbs	Yon
Manlove	Purnell	Strong, Kans.	

NOT VOTING—99

Anthony	Douglas, Ariz.	Kent	Sabath
Auf der Heide	Doutrich	Kerr	Sirovich
Bankhead	Dowell	Kindred	Sproul, Kans.
Beck, Pa.	Doyle	Kunz	Stalker
Beers	Drewry	Langley	Steagall
Bohn	Englebright	Larsen	Stevenson
Boies	Eslick	McLaughlin	Strong, Pa.
Boylan	Estep	McSwain	Strother
Brand, Ohio	Fort	MacGregor	Sullivan
Britten	Frear	Madden	Taylor, Colo.
Bulwinkle	Gallivan	Michaelson	Taylor, Tenn.
Burdick	Garrett, Tenn.	Monast	Tillman
Burton	Goldsborough	Mooney	Treadway
Bushong	Goodwin	Moore, N. J.	Tucker
Campbell	Graham	Moore, Ohio	Vestal
Carew	Hare	Morgan	Wainwright
Carley	Harrison	Morin	Welsh, Pa.
Carter	Haugen	O'Connor, La.	White, Kans.
Clague	Houston, Del.	O'Connor, N. Y.	White, Me.
Connally, Tex.	Hudson	Palmer	Wilson, Miss.
Connolly, Pa.	Hughes	Quayle	Woodrum
Curry	Jacobstein	Rathbone	Wyant
Darrow	James	Reece	Yates
Dempsey	Johnson, S. Dak.	Robsion, Ky.	Zihlman
Dickstein	Kendall	Rutherford	

So the amendment was not agreed to.

Mr. WRIGHT. Mr. Speaker, I want to state that the gentleman from South Carolina [Mr. McSWAIN] is engaged on the Muscle Shoals legislation and therefore absent.

The Clerk announced the following pairs:

Until further notice:

Mr. Madden with Mr. Gallivan.
Mr. Burton with Mr. Garrett of Tennessee.
Mr. Moore of Ohio with Mr. Drewry.
Mr. Treadway with Mr. Connally of Texas.
Mr. Graham with Mr. Bankhead.
Mr. White of Maine with Mr. Carew.
Mr. Michaelson with Mr. Tillman.
Mr. Beers with Mr. Woodrum.
Mr. Yates with Mr. Kent.
Mr. Johnson of South Dakota with Mr. Mooney.
Mr. Zihlman with Mr. Sullivan.
Mrs. Langley with Mr. Bulwinkle.
Mr. McLaughlin with Mr. Quayle.
Mr. Wyant with Mr. Taylor of Colorado.
Mr. Morin with Mr. Doyle.
Mr. Stalker with Mr. Boylan.
Mr. Welsh of Pennsylvania with Mr. Steagall.
Mr. Hudson with Mr. Carley.
Mr. Frear with Mr. Wilson of Mississippi.
Mr. Dowell with Mr. Hare.
Mr. Connolly of Pennsylvania with Mr. Kindred.
Mr. Palmer with Mr. Moore of New Jersey.
Mr. Darrow with Mr. Tucker.
Mr. Rathbone with Mr. O'Connor of New York.
Mr. MacGregor with Mr. Harrison.
Mr. Anthony with Mr. Stevenson.
Mr. Hughes with Mr. Douglas of Arizona.
Mr. Beck of Pennsylvania with Mr. O'Connor of Louisiana.
Mr. Kendall with Mr. Rutherford.
Mr. Burdick with Mr. Auf der Heide.
Mr. Campbell with Mr. Sirovich.
Mr. Robsion of Kentucky with Mr. Kerr.
Mr. Clague with Mr. Jacobstein.
Mr. Vestal with Mr. Larsen.
Mr. Strong of Pennsylvania with Mr. Sabath.
Mr. Dempsey with Mr. Kunz.
Mr. Curry with Mr. Dickstein.
Mr. Reece with Mr. Goldsborough.
Mr. Britten with Mr. McSwain.
Mr. James with Mr. Eslick.

The result of the vote was announced as above recorded.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A similar House resolution was laid on the table.

A motion by Mr. LINTHICUM to reconsider the vote whereby the joint resolution was agreed to was laid on the table.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill. Pending that, I wonder if we can not limit general debate. From conversation I have had with the gentleman from Kansas [Mr. AYRES] I find that we both have requests for about five hours' further general debate. I ask unanimous consent that general debate be continued for five hours, to be controlled as heretofore by the gentleman from Kansas and myself.

Mr. AYRES. Will not the gentleman modify his request and make it not exceeding five hours?

Mr. FRENCH. Not exceeding five hours.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the time for further general debate be limited to not exceeding five hours, one-half to be controlled by himself and one-half by the gentleman from Kansas [Mr. AYRES]. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Reserving the right to object, I want to ask the gentleman if it is expected to continue with this bill to-morrow?

Mr. FRENCH. My understanding is that we will continue to-morrow.

The motion of Mr. FRENCH was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from New York [Mr. FISH] 15 minutes.

Mr. FISH. Mr. Chairman and gentlemen of the committee, one of the most amazing developments since the limitation of the naval armament conference of 1921–22 has been the consistent and persistent attacks to undermine the confidence of the American public in the accomplishments of that conference. In my opinion the treaty of Washington for the limitation of armament in 1921–22 was the greatest step forward in the direction of peace and understanding since the armistice. [Applause.]

However, for reasons that are hard to explain, attempts have been made and are still being made by professional big-navy men to make the people of this country believe that we sacrificed our Navy, that we scrapped our ships and other nations did not scrap theirs, that our interests were betrayed by former Secretary of State Charles Evans Hughes, and that we conceded everything and got nothing in return. It is time that the noise and propaganda of the Navy jingoes should be answered and that the motive of the attacks should no longer be concealed from the public.

Now, what are the facts? The facts are that for the first time in the naval history of Great Britain she agreed to recognize our demand as a great industrial and exporting nation to equality on the high seas, and thereby prevented competitive building of capital ships. The acceptance of the 5–5–3 ratio by Great Britain meant that as far as battleships and battle cruisers were concerned, and all other naval vessels above 10,000 tons, there should be a parity between the United States and Great Britain.

In the six years that have gone by since that conference was ratified the Government of the United States has saved one and one-half billion dollars, or approximately $250,000,000 a year, on the proposed building program and the maintenance which would have been necessary for the ships that were scrapped and for those that were on the proposed naval program.

That is only a matter of finance, but the Coolidge program of economy would have been a myth without the ratification of the Washington limitation of naval armament. If we had continued with the proposed program of $250,000,000 a year there would have been no tax reduction. But the biggest thing about that conference was the fact that overnight when we adopted the 5–5–3 ratio all thought of war and talk of war between Japan and the United States disappeared. [Applause.]

At that time and prior to it the papers were filled with all kinds of jingoistic propositions about the danger of war between Japan and the United States. Almost overnight the situation changed and the papers now rarely contain any reference to the possibility of war with Japan. Those are the outstanding results of the Washington conference, which has done so much for the peace of the world. Notwithstanding the facts the big-navy men on every occasion have continued to denounce the naval limitation conference and have tried to make the public believe that we have betrayed our own best interests. The criticism has been so rampant that a former admiral of our Navy went as far as accusing Mr. Hughes of being a pacifist. What is it they want? What do they mean? Do they mean that they wanted the United States to proceed and build the biggest navy in the world, to enter into competition with Great Britain to build more of these $40,000,000 battleships? Why, it seems to be taken for granted by those gentlemen of the big-navy persuasion that we could have gone ahead and built the biggest navy, the biggest number of battleships and battle cruisers, and that Great Britain would have made no effort to compete with us. You must remember that Great Britain has $18,000,000,000 invested in foreign countries and the United States only has $13,000,000,000 invested.

Is it conceivable that in any race for naval armament between the United States and Great Britain that she would have failed to continue to build these big battleships? Of course not. I do not like to make predictions—fools rush in where angels fear to tread—but I predict that within 50 years the limitation of naval armament conference of 1921–22 which established the 5–5–3 ratio will be regarded as the most important event in our day and generation since the World War.

Under that agreement it is proposed that we should have a new limitation of armament conference in 1931–32, and instead of replacing these battleships on the 5–5–3 ratio which provided for 18 battleships over 10,000 tons each, for England and the United States, and 10 for Japan, I suggest for respectful consideration when this new conference comes around, and it may be reached before 1931, that we do not replace those battleships, but that we reduce by one-half that number, making it 9 instead of 18 for Great Britain and the United States and a proportional reduction for Japan on the same 5–5–3 ratio. We would then have identically the same amount of protection, the same amount of national defense, if it was accomplished proportionately, and we would save to the taxpayers of this country $400,000,000 in replacements, and $20,000,000 annually in maintenance for the battleships that are not replaced.

I thought some Member of the House should answer the statements made in the House that the Limitation of Naval Armament Conference was a farce. That assertion was made not only by the big-navy men, like the gentleman from Illinois [Mr. BRITTEN], but it was made by the gentleman from Minnesota [Mr. KVALE], who stated that limitation of naval armament of 1921–22 was a farce.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. FISH. No; I have not the time. I am sorry. If I get through I shall be glad to yield. Unfortunately, the Washington Limitation of Armament Conference did not include the so-called light cruisers under 10,000 tons. Those cruisers are misnomers. They are not light cruisers at all. They cost as much as battleships cost before the war. Their 8-inch guns are as powerful and hard hitting as the 12-inch guns on battleships before the war. They have a speed of 35 knots, which is far in excess of battleships before 1914.

Mr. FRENCH. And cost twice as much.

Mr. FISH. Unfortunately, we were unable—England, Japan, and the United States—to come to an agreement on a 5–5–3 basis for the limitation of these so-called light cruisers, which really should be known as the Washington type of cruisers. England went ahead immediately after the conference to build up her cruisers of 10,000 tons, not in violation of the letter or the spirit of the conference, because no agreement was reached upon that.

A year ago I introduced a resolution in the House carrying out the request of the President, providing for an appropriation of $75,000 to send delegates to the preparatory commission on disarmament to be held in Geneva under the auspices of the League of Nations. That conference was a misnomer. It was not a disarmament conference. It was not even a limitation of armament conference. It was a conference composed of a score of nations under the auspices of the League of Nations, many of whom have no navies at all, to discuss a sort of general disarmament, or, rather, an agenda for a general limitation of land, sea, and air armaments. The Members of the House took occasion to say in advance that there would be no useful result from that conference. I had to defend it on the floor of the House, and I made the statement then, which I repeat now, that we had to attend it as a matter of good faith or we could have been justly accused of not being sincere in our efforts to limit naval armaments. What happened? The conference was held. These little nations, with no navy at all, got together and blocked any proposition that had to do with the limitation of naval armament. As a consequence of the failure, the President

of the United States called a conference at Geneva of Great Britain, Japan, the United States, Italy, and France. Italy and France refused, but sent observers.

The United States' delegates went to this conference to try to extend the 5–5–3 ratio to auxiliary vessels. They carried out the orders of the President. They did everything in their power to reach an agreement on the 5–5–3 basis for auxiliary vessels, but failed through no fault of their own. The main point on which the conference broke up was the insistence of the British delegates that the 8-inch guns be scrapped and 6-inch guns be adopted. That would have meant that Great Britain could have armed all her merchant marine with 6-inch guns and thus controlled the seas for generations to come. The limitation of armament conference of 1921–22 specifically provided that cruisers under 10,000 tons could have 8-inch guns, and naturally we were not going to concede any change to Great Britain, because we realized in advance that, with her control of merchant ships, if we did concede that, there was no use of discussing any more the question of light cruisers, because England could convert her entire merchant marine into light cruisers with 6-inch guns. I want to take this opportunity to put into the RECORD a letter written by Lord Cecil, one of the British delegates, who places the entire blame for the failure of the three-power naval conference not upon the American delegates, as stated by some Members of this House, but solely upon the British cabinet. [Applause.]

I am going to read from Lord Cecil's letter to the London Times extracts which appeared in American newspapers:

"To judge by the debate in the House of Commons," he says, "there seems still some doubt as what actually occurred in the three-power conference at Geneva last summer," and then requests the privilege of restating the case "as I know it."

BRITISH-JAPANESE PROPOSALS

"After prolonged negotiations, the British delegates, in agreement with the Japanese made certain proposals," writes Lord Cecil. "These comprised a figure for the total tonnage of cruisers, destroyers, and submarines, and the limitation of 10,000-ton cruisers for the British and Americans to 15 or less, with a proportionate number for the Japanese."

I want the chairman of the Subcommittee on Naval Affairs to take note of "to 15." Further:

So far the Americans said they saw no insuperable objection to an agreement—which, in diplomatic language, meant they would agree if they could get nothing better. The British also proposed that cruisers other than 10,000 tonners should be limited to 6,000 tons, carrying 6-inch guns. This the Americans rejected. They wanted 8,000-ton cruisers instead 6,000 and 8-inch guns instead of 6-inch. I disagreed with the Americans, but I thought the difference far too small to justify a breakdown to the negotiations.

QUESTION OF COMPROMISE

In any case, though, a compromise should be attempted, and on this point Mr. Bridgeman and I were absolutely as one. Accordingly we made three proposals successively. The first suggested that we should seek to limit the agreement to the year 1931, since till that date the Americans would be fully occupied in catching up with our built or building 10,000 tonners. Next we proposed a compromise on the basis of 7-inch guns. Thirdly, we urged that the question of the caliber of the guns for second-class cruisers might be left unsettled—it could not become actual for the United States for some years—on the understanding that if the United States definitely decided to build cruisers carrying 8-inch guns other than the 10,000 tonners, they should give us notice and a further conference could be held if we so desired. I thought and think that there was a very good chance that this would have been accepted.

ALL COMPROMISE REJECTED

All these suggestions of a compromise were rejected by the cabinet, though both Mr. Bridgeman and I supported them.

[Applause.]

I believe the attacks made on Ambassador Gibson, Admiral Hilary Jones, and the American delegates by Members of Congress for the failure of the three-power naval conference held last summer at Geneva to be most unfair and not warranted by the facts. It can be most emphatically stated that the American delegates conformed in all respects to the treaty of Washington and made every effort to extend the 5–5–3 ratio to light cruisers and auxiliary vessels.

I am not one of those who delight in twisting the lion's tail simply to hear him roar. I believe in cordial good will and friendship between the two great English-speaking countries, but I can not escape the conclusion that the British cabinet committed a serious blunder, and a blunder is often worse than a crime, by overreaching in their demands, and are largely to blame for the approaching competition between the three great naval powers as regards the building of light cruisers. Although I can not conceive of war between Great Britain and the United States under any circumstances, yet competitive armaments have always been the greatest factor in creating misunderstandings, suspicion, and enmity between nations. Let us hope that this misunderstanding can soon be rectified, or at least let us strive toward that objective by showing our good faith and willingness to enter into another conference.

It must be obvious to anyone who has read Lord Cecil's letter to the London Times that the blame for the failure to reach an agreement to limit light cruisers rests entirely upon the British Government. Lord Cecil, who was one of the British delegates, expressly states that the cabinet directed him and his colleague, W. C. Bridgeman, the First Lord of the Admiralty, to offer no compromise on the 8-inch gun question. Lord Cecil further states that three other suggestions for a compromise were rejected by the cabinet, "though both Mr. Bridgeman and I supported them."

The apparent Nelsonian attitude on the part of the British cabinet, backed by an age-long tradition of Britannia rules the waves and supported by a Tory government, made an agreement based on a numerical or tonnage parity for light cruisers, evidently too much to be expected in spite of the mutual desire of both the American and British people. The blame for the failure to reach an agreement to limit light cruisers rests not on the American delegates but squarely on the British Government, and there is no escape from this conclusion.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, in considering the naval appropriation bill and its provisions we can not escape giving some thought to the situation in Nicaragua. The bill itself provides a large appropriation for the maintenance of our marines in that Republic. We know that a general election is to be held, under the supervision, if you please, of an American Army general, to be assisted in the supervision and manning of the polls by armed marines.

Last year I had the matter up with the Secretary of State, and I suggested that if the people of Nicaragua asked for some supervision and assistance in the matter of their election, in that event the Secretary of War should find volunteers, men and women of the United States, who could go down there and give the people the assistance that they may request.

Mr. Chairman, I ask that in my time the Clerk read the letter which I have this day written to the Secretary of State along those lines.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

MARCH 23, 1928.

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: On October 5, 1927, I took the liberty to write and suggest that if the United States were to supervise the general election in the Republic of Nicaragua, such supervision should be conducted by civilians and not by a military force.

You were good enough to write me on October 6, 1927, that the idea which I put forward "had already suggested itself to the department and will certainly receive most serious consideration."

According to news items it would appear that entire supervision has been placed in the hands of a general of the Army, and the plans call for the use of armed marines to supervise, assist, and otherwise control the election.

Permit me to state, Mr. Secretary, that universal suffrage and the secret ballot are absolutely inconsistent with uniformed marines and fixed bayonets. The two can not be harmonized. It is still possible to rehabilitate the confidence of the people of Nicaragua in the United States Government. If there is to be a supervision of the election, if a request should come from all parties interested, then why not select a group of civilian volunteers, experienced, disinterested, and unarmed. Such a change would surely have a wholesome effect on the people of Central America.

In this instance, strange as it may seem, it is the majority of the people of Nicaragua who desire protection at the polls, an honest election, and a fair count.

I beg serious consideration to this suggestion. It means a great deal to the peace and contentment of the Western Hemisphere. This is the opportunity where we can render real service to Nicaraguans if they really desire assistance in their election and specifically ask

for it. In that event, let a group of American men and women go down who have not been spoiled by diplomatic training and who would cheerfully go to their tasks open-mindedly and whole-heartedly and not goose step to the polls armed to the teeth.

I am, sir,

Sincerely yours,

F. LAGUARDIA.

Mr. LAGUARDIA. Now, Mr. Chairman——

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. Will the gentleman allow me to interrupt him?

Mr. LAGUARDIA. Yes.

Mr. MOORE of Virginia. I have the assurance that the gentleman can have more time. We are considering an appropriation bill. I have endeavored to ascertain what extraordinary expense has been incurred consequent upon our proceedings in Nicaragua. Has the gentleman information on that point?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, may I have five minutes more?

Mr. AYRES. Mr. Chairman, I yield to the gentleman five minutes.

Mr. LAGUARDIA. I understand that the last deficiency bill carried a million dollars, and if my information is correct they did not desire to go into detail at that time because they did not know how much cost the expeditionary force in Nicaragua would entail.

Mr. MOORE of Virginia. I will say to the gentleman that last year, in February, 1927, I wrote the Secretary of the Navy with reference to the cost of what we were doing in Nicaragua, and I had a letter from him under date February 10, 1927, from which I quote:

Referring to the expense to which this Government is put on the coast and in the territory of Nicaragua, there is no added monetary expense because of the present employment of these naval forces, since the cost of their pay and provisions is already a fixed charge, and the amount of fuel consumed is probably about the same as would be used in the usual activities of the ships in cruising and training.

Now, as I understand, we are told that the expense has ran into several million dollars, due to our activities there. My own view is without contesting the principle of protecting American lives and property, that the great original mistake made by our Government was in sending such an enormous force to Nicaragua and the coast of Nicaragua. In this very letter of February 10, 1927, the Secretary states that at that time there were 13 vessels in Nicaraguan waters, with 176 officers and 2,272 men. My own firm conviction is that much of the trouble we have had and much of the trouble we are having now is due to the tremendous and unnecessary display of force which we made when we started our present course in the latter part of 1926.

Mr. LAGUARDIA. The gentleman is absolutely correct. But aside from that, aside from the matter of cost there is a great principle involved here, and that is that the people of a sovereign state, the free citizens of a republic, are entitled to conduct their own elections without the supervision of an armed force of another country. [Applause.]

There are means and ways of protecting American property, assuming that American property is endangered, and there are means and ways of protecting American lives, assuming that they are endangered; but I submit that there is no justification for using the pretense of protecting American life and property by sending an armed force down to control the election of a free people in a republic.

Mr. MOORE of Virginia. Let me say further that in the Wilson administration and in the Harding administration it was found entirely sufficient to send a small body of marines there. But as soon as we gave the situation an aspect of real war the psychological effect was most unfortunate. Resentment and hatred were stirred and conditions rapidly went from bad to worse, and what has happened I need not rehearse. The picture is one no one can view with satisfaction.

Mr. LAGUARDIA. I will say that the fallacy of using the armed forces of the United States in interfering with the internal affairs of the sister Republics on the Western Hemisphere is bipartisan, because the conduct of the Wilson administration in the occupation of Haiti was as outrageous, as uncalled for, and as unnecessary as our present attitude in Nicaragua.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COLE of Iowa. The gentleman makes it appear that we are going down there of our own volition to impose force upon those people. Is it not true and ought not the gentleman to state that we are going down there upon the invitation of the responsible government, and that we are going down there to help them?

Mr. LAGUARDIA. If there is a responsible government, then we have no business there. It was stated here that we sent marines down there because there was no responsible government. You can not have the two.

Mr. SUMMERS of Washington. On the invitation of an irresponsible government.

Mr. LAGUARDIA. If it is on the invitation of an irresponsible government, then give them the assistance that they ask for, a fair, impartial supervision of their polls by means of civilians and not by fixed bayonets and bombing planes.

Mr. ALLGOOD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ALLGOOD. Has there been any loss of American lives there except among the marines?

Mr. LAGUARDIA. Of course not; but that is inevitable. If you start a fight you are bound to invite a return fire.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. TABER], a member of the committee.

Mr. TABER. Mr. Chairman and members of the committee, I think what the gentleman from New York has said calls for a statement of what the facts are and what the situation is in Nicaragua. I think the people of this country should know and understand what it is.

From 1912 down to August, 1925, we had 100 marines in Nicaragua. There was not any trouble just as long as they stayed there. We took them out in August, 1925, and in September following, trouble began. In response to requests in the fall of 1926 from American citizens made to the State Department for the protection of their life and their property we sent some marines down there. We sent marines because we can send marines into another country without getting into war.

Mr. HERSEY. Will the gentleman yield?

Mr. TABER. Yes.

Mr. HERSEY. Answering the gentleman from New York, what would a lot of picnickers do down there without a gun?

Mr. TABER. They could not do anything except, perhaps, to aid a revolution.

Mr. HERSEY. That is right.

Mr. TABER. And that is the kind of folks who would go down there and it would make more trouble instead of less trouble.

Here is the situation a little further: Former Secretary of War Stimson went down there last summer and all the factions got together; they agreed they would lay down their arms if the United States would take charge of the election and see that it was put through on the square. The United States agreed to do this. Things began to quiet down; almost all of the different revolutionary groups came in and laid down their arms and the situation looked as though we were able to withdraw some of our troops and they took quite a group of our marines away from there. Then some more of these bandits broke loose and began to make attacks on the American marines and not the marines upon them. That called for more troops, and that is why we have more down there now.

Our country, in good faith to the world, in good faith to itself and for the sake of the preservation of peace, must do nothing else than to see that they have a fair election down there. We do not want to send there a lot of people who will volunteer to go down as civilians, who would be powerless to carry out our promises. We want to see that our promise to those people is carried out and that there is a square election in Nicaragua. [Applause.]

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TABER. Yes.

Mr. LAGUARDIA. The gentleman stated we could send armed marines into Nicaragua and have them take the action they have taken without getting into a state of war?

Mr. TABER. Why, certainly.

Mr. LAGUARDIA. Can the gentleman suggest any rule of international law that permits one country to send an armed force, even if you call them marines, into another country, take control of the government, become engaged in an armed conflict and not call it war?

Mr. TABER. That has always been so.

Mr. WINTER. Will the gentleman yield?

Mr. TABER. Yes.

Mr. WINTER. We are there on the invitation of all parties for that purpose?

Mr. TABER. Absolutely.

Mr. WINTER. We are not there of our own will but we are there upon the invitation of all parties concerned.

Mr. TABER. That is just it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TABER. Yes.

Mr. LAGUARDIA. After you have an election under those circumstances how long will it hold?

Mr. TABER. If we do not take charge of the election and see that it is on the square, I am fearful that conditions will rapidly become worse and no one can tell what serious consequences will follow. If the election is honestly supervised, as we have promised, I am hopeful orderly government will proceed and that our marines may withdraw.

Mr. ABERNETHY. Will the gentleman yield for one question?

Mr. TABER. Yes.

Mr. ABERNETHY. Is it the purpose of the administration to make poll holders out of the marines and have them act in that capacity down there with guns?

Mr. TABER. The marines are there to see that there is a fair election.

Mr. ABERNETHY. In other words, the registrars and poll holders will be marines with guns?

Mr. TABER. That is not so. The marines will simply see that the election is honestly conducted.

Mr. BLACK of New York. Will the gentleman yield?

Mr. TABER. Yes.

Mr. BLACK of New York. I simply want to say that I am glad the Republican Party is converted to honest elections—even in Nicaragua.

Mr. TABER. Is the gentleman in favor of honest elections in New York City?

Mr. BLACK of New York. Surely; and always have been.

Mr. LAGUARDIA. We need the marines down there.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FRENCH. Mr. Chairman, I yield 50 minutes to the gentleman from Nebraska [Mr. SEARS].

Mr. SEARS of Nebraska. Mr. Chairman, ladies and gentlemen of the committee, I am very glad to help turn from the smaller questions of war to the more important ones of peace, realizing that questions of marines in Nicaragua and Haiti have but small relation to the material welfare of the United States in comparison with the questions that I shall discuss with you and those which you have had largely in your minds for some time.

I want you to notice this little map here [indicating], because I am going to refer to the subject matter of it. The yellow portion represents the semiarid section of the United States, superimposed on a map of the United States. The brown portion represents the flooded section of last year. The yellow portion is about 244,000,000 acres, and the flooded portion some 5,000,000 or 6,000,000 acres. This portion [indicating] has a capacity to hold at least 2 or 3 feet of water, and the number of rivers that pass over it that can help to make a flood is innumerable. The semiarid portion has never been wet down since the white man has been there, and probably for several thousand years before that time.

This country has always been afflicted with droughts and floods. I am going to deal with droughts and floods especially with reference to that great territory between the Rockies and the Alleghenies known as the Mississippi Valley watershed. From each of these mountain ranges tending toward the central and south sweep the congested waters from the smaller flood areas and together make the immense problems of flooding, that at times call forth the largest of type in our papers, in declaring the sum total of human suffering and money damage occasioned by the great concentration.

And then, throughout this entire district there is not a county but that at some time during the year needs more water for agricultural and domestic uses. No more water falls by rain and snow than is needed for those purposes.

East of the mountains on the west side there is an especially large district known as semiarid. It is approximately 2,000 miles long and 350 miles wide. Contrary to the course of the waters forming at the northward and rushing to a common center at the Gulf, hot winds form at the south end of this strip and extend their influence clear into Canada. Times over, the amount of damage occasioned by the floods is the damage occasioned by the droughts. The flood is more spectacular. People are killed outright by the floods. Buildings and stock are washed away by them. People are gathered together in high places in tents and box cars by the hundreds of thousands. Livestock and growing crops are carried along with houses, fences, and all that is within its path. All these things get into the headlines of the papers. And the accounts following the headlines are glowing and known to all the readers of the press. But the drought creeps on day after day until the culmination of the hot winds destroy the growing crops and the pasturage, and the farmer knows that he has lost another year out of his existence, except that he must go still further into debt, and the interest money will pile up day and night.

Mr. GARBER. Will the gentleman yield?

Mr. SEARS of Nebraska. Yes; just for a moment.

Mr. GARBER. I would like to suggest to the gentleman that it would be very interesting to call attention to the soil of the semiarid plains region and to note that some day it will be perhaps the most prolific and the most productive section of the United States.

Mr. SEARS of Nebraska. Yes; it is a wonderful soil.

Where the drought is extensive because of its far-reaching effect, bankers and business men fail because the farmer has failed that year, and often his farm passes to the real title holder, the mortgagee.

Wherever large watercourses meet there may be expected a great flood. It was so at Kansas City, Pittsburgh, Sioux City, and others might be stated. Dayton is in a place of danger; Cairo, Little Rock, many others might be named, including, of course, New Orleans. In fact, wherever there is a low place of a great watershed there is a place of danger.

The floods last year on the Red, White, Arkansas, St. Francis, with the help of waters from the Missouri, Mississippi, Ohio, and their tributaries, occasioned probably four or five hundred million dollars damage. In the neighborhood of 300 lives were lost. Many business men, bankers, farmers, were ruined, because of the immediate and after effects of the floods. This loss of life and of damage was in spite of the fact that everyone knows, who has given the matter thought, that all of the waters that might be called crests of the flood waters were needed in the watersheds where they originated, and because of the lack of foresight and good business judgment they were allowed to escape and run wild. The question arises, Why have these waters so badly needed where they are precipitated, been allowed to so escape and run away and cause such havoc? The answer is very simple. We have no intelligent, disinterested officers to study and take leadership in these questions of drought and flood control. The question at once comes, Have we not turned these lines of inquiry over to our engineers to study and report and take leadership on these matters? The answer is also very simple. Yes; but they have not been properly educated in the right kind of engineering as many civil engineers have. And there is no place for growth in Army engineering on strictly civil engineering lines. And there is much of snobbery in Army engineering, and there has been much of Army life prejudice, and not an open-mindedness in our Army engineers.

They have had handed down to them old lines of thought, and intrenched themselves anew in their old ditches. Apparently they have had little use for the welfare of the citizen and his problem. They have refused to consider even those problems that were submitted to them for solving, those related to kindred and required civil engineering.

Now, these are pretty severe indictments, are they not? Yes; and they should not lightly be made, and would not be at this time at all were it possible to discuss the questions that relate to the storage and uses of water without doing so.

I make this bold assertion that it has been the policy of the Government adopted by Congress for a number of years past, when surveys for a district were called for, to demand from these engineering servants of ours a report as to navigation, flood control, agricultural uses of water and power. I make this bold statement, which I shall seek to prove later in this address, that the Army engineers deliberately avoided the interests of the American people because of the influence in some relation to their concerted hostility to the reservoir system of flood control and its benefits, and I will bring the question down very closely to the influence of the growing power control in and of the United States. Necessarily, I will have to be somewhat at random, but still attempting something of a coherency in the discussion. I will reserve the question of lack of duty to the latter part of this argumentation. We start out with the fact of floods, and of the further fact that owing to the startling nature of the 1927 floods there was a wholesome and general demand for comprehensive flood control legislation. Now, what was the meaning of that demand? Was it that we should concentrate the Nation's wealth and efforts to fix on the country a perpetual flood system? Were the floods from the West and the North and the East to be welcomed and concentrated, and then by gigantic effort spewed into the Gulf of Mexico? No; it was not that. That would not be flood control. The demand was, if possible, that there should be a doing away with floods. That there should not be any need of

throwing out into the Gulf, because, if possible, these waters were by the composite thought of the people of the country intended not to form devastating floods. This is not a new question. For years the people of this country have had an abiding faith in a great system of reservoir control of flood waters and in putting them to practical uses for mankind. There have been many heroes in the fight for conservation of our water resources. Who does not know, in public or private life, of the years of great effort of Senator Newlands, which finally culminated in apparent victory for reservoir flood control?

Who has not known of the secret murder of that law after Senator Newlands's death? Who has not heard of the cry of anguish going up from nearly a million throats in the flooded districts, not for a spewing out into the Gulf, but for a doing away of the eternal flood threat? Who has not heard of the cry of distress of the people in the Great Plains country, when the blighting hot winds from the south were not tempered by the waters that rushed by, and which cries were for help from a condition, and not a theory? Two years ago the drought in the Great Plains country cost that section at least a billion and a half dollars, besides resulting in great consequential damages to bankers and business men. The pastures burned. Small grain was only in part harvested, and then with small result. A great deal of corn was not even cut for fodder. Many herds of fine dairy cattle were shipped to the stockyards because the owner could not afford to ship in feed by railroad to winter them over. Every intelligent man, who has given an intelligent study to the questions of flood and drought control, knows that there is but one system of drought and flood control, and that is the reservoir system. One of the most eminent engineers that this country has ever produced—I refer to Mr. Stevens—has said on one of these great related questions:

I have not read in detail the report of the reservoir board, but it seems inconceivable to my mind that in many thousand miles of tributaries, large and small, on the Mississippi River, that some way can not be found or there should not be found at least one where a reservoir can not be put in which will materially afford some relief from flood control. I do not say that it can not. My mind is open. I do not know, but it looks singular to me. I do not believe the reservoir board, which went into the question, I think, in June, 1927, could possibly have studied, at least to any extent or detail, the possibilities of the reservoir system.

Again:

You asked why I think the proper time has not elapsed. I answer by saying from very high authority that I had it on the 15th day of June, 1927, that much data remained to be collected before a plan could be evolved.

On the same authority, on August 30 and September 16, I was advised that this data had not been collected. Presumably, then, after that date, possibly as late as October 1, the data were collected, or supposed to be, which allowed from that time until the end of November to prepare a plan. Now, I can not conceive, with my wide experience with engineers, extending over half a century, that any body of men, with the additional data that could be collected within four or five months, can in six weeks or two months prepare plans which will cover all possible future contingencies on the Mississippi River.

I will here state that Mr. Stevens used the Mississippi River as synonymous with the great watershed.

A quotation from Mr. Grunsky, the noted hydraulic engineer, who—and the same may be also said of Mr. Stevens—is a past president of the American Society of Civil Engineers:

Reservoirs should be constructed in practically or on practically every stream in the United States. There is no natural resource which the country has which is of greater value than our waters; and the United States, wherever a river is an international river, an interstate river, or a navigable river, should make a plan for the regulation of the stream and should pay for the cost of carrying out the work of regulating whenever it is shown to be economic, feasible, and timely. I think this is fundamental.

Probably the closest student of reservoir control that we have in the United States is George H. Maxwell. Engineers throughout the country regard him as an authority as to this branch of engineering. He is absolutely satisfied that floods are an unnecessary condition except in local instances. Professor Mickey, who also appeared before the committee, has been a student of these questions for many years. He is head of the civil engineering department of the University of Nebraska. He is well satisfied that the impounding of flood waters in the different flood areas where they originate will do away with great floods and that the utilization for the purposes of mankind will do away with great droughts. Mr. Blake, who has studied these questions for 16 years in connection with the Arkansas and Canadian Rivers, is well satisfied that from every standpoint the impounding of waters in the originating flood areas is absolutely practical from every standpoint, not only to the most economical, but highly beneficial to the Nation at large.

Taft, Roosevelt, and Wilson have all urged the impounding of water, the application of their uses, and the prevention of their unbridled damage.

Perhaps I should state some of the benefits from reservoir control outside of the prevention of floods: Waters will have great uses all over the watersheds, but especially in the Great Plains. There will be found 244,000,000 acres of land, at least half of which so lies that water from the rivers, after impounding, can be placed upon and into them. The capacity of this soil to hold water is at least 2 feet of water to the acre. The land of this strip has never been wet down since the white man has been there. The reason for the destruction of the crops is because of lack of subsoil moisture. The land lies with a substantial drop to the east and south, by reason of which water from the reservoirs can be readily turned upon it. One good wetting down a year will mean a good crop the next season. The reservoirs there situated, if the water supply is unusual, can be emptied two or three times, and thereby have the greater capacity to take up water. But waters will have value that will be very largely reimbursive in every section of the United States. Another benefit from the impounding by reservoir of waters will be found in some instances where power may be developed, and will, the same as in many of the agricultural districts, entirely reimburse the Government and minister to the welfare of the people. Another benefit will be to the navigation of our rivers. All of our navigable rivers suffer more or less from low water unless they are affected by tidewater. With reservoir control the water will be taken out of the river at flood time—that is, the crest of the floods—and as much more as is necessary; this, of course, in the early high-water season generally. It will be returned to the rivers in the low-water months, thus bringing stability to the flow of our waters. The only thing that the lower Mississippi needs for navigation is the low-water month supply of additional water.

Mr. WILLIAMSON. Will the gentleman yield for a question at that point?

Mr. SEARS of Nebraska. Yes.

Mr. WILLIAMSON. At what point would you build the dams to control the waters?

Mr. SEARS of Nebraska. Wherever that is necessary. There are reservoir sites in every watershed.

When the water is applied to the soil it comes back by way of a thousand springs, thus removing the force of the flood and adding to the low-water period. Let me give you an illustration of a western river. I refer to the Platte in Nebraska and Wyoming. There the Pathfinder Dam, costing a little over a million dollars, has a capacity of a million acre-feet of water. Waters from the dam are carried to Scotts Bluff County, Nebr. The beneficial effects to the soil may be stated as raising the valuation of the county from $800,000 to about $40,000,000. Its effect on the river has been to take out 45 per cent of the river at high-water period, and to add 47 per cent in the low-water period, and to prevent over 700,000 acre-feet from getting into the Missouri and Mississippi Rivers at all. Another benefit will be by reason of taking out the rushing flood waters to largely stop erosion into the rivers from the soil. Each year about a billion cubic yards of silt starts from the farms by way of erosions on its way to the Gulf. About that amount goes each year into the Gulf. No one knows just how much, but approximately. With the stoppage of erosion the rivers will have more capacity each year for the carrying off of the water and be able to function with greater effect. This speech presumes that each of the hearers has read Judge DRIVER'S report to the Flood Control Committee from the reservoir subcommittee. Its argument I regard as unanswerable. Anyone desiring to read it who, unfortunately, has not will be given a copy on asking, of course, as long as my supply lasts. This report absolutely proves that all of the rivers that lead into the lower Mississippi River may be so controlled that they will have no more water from Cape Girardeau to Cairo down than they want for agriculture and navigation. The river at Cairo by taking out 720,000 cubic feet a second, which is absolutely practical, from the rivers that feed into it, for a few days, may be reduced at that point 12 feet, thus not only relieving the river to its easy capacity, but making Cairo absolutely safe and draining southern Illinois. By reservoir impounding of the Red, White, and Arkansas, not only will those sections be made entirely safe but the lower valley will be absolutely saved to agriculture and permanent navigation. Now, with all these benefits to be derived from flood control by the reservoir plan, what can we say of the benefits to be derived from any of the Jadwin, Potter, or Jones plans? Not a solitary thing or advantage. Will the cost be any

cheaper by any of those plans than by the reservoir plan? No free-minded man so takes it.

All of the friends of reservoir control believe that we can have that ample control with an outlay within $600,000,000. Each one of those who, on investigation have favored the reservoir plan, believe that at least two-thirds and perhaps more will be reimbursive by the sale of water and by the sale of the reservoirs themselves, which in many instances can be effected, and the Government still maintain control over the reservoirs for flood-control purposes. If so, the net expense to the Government will be $200,000,000, and no great floods anywhere in the valley. What will be the prospective expense or outlay by reason of the adoption of any of the Jadwin, Potter, or Jones plan? There is practically no difference in any of them. Eventually the same treatment must follow up the main tributaries of higher levees and more revetment work. No one believes that any one of these plans can be carried out for anything like a billion dollars. When completed, there will be an annual upkeep charge of at least $25,000,000 a year. And some years a good deal more. Now, the $25,000,000 a year upkeep charge is the same as an interest charge on more than $600,000,000 of dead capital in addition. And it is all dead capital. There is no reimbursement anywhere; and while these works at such enormous expense are spewing this great national asset of ours out into the Gulf is there any assurance of stability? No; not any. Their own works provide for disaster, expect it, and anticipate it, and seek to throw that burden of damage occasioned by their premeditated damaging waters onto the States where their intended breaks take place. What effect will their plans have on the lower valley? Let us keep in mind as we make this inquiry that the reservoir-control system is intended to benefit every community where reservoir control is to be exercised. Again, let me ask, what will the effect of any of these hellish plans be on the innocent bystander? Well, one thing it is going to do is to make the few that remain sleep every once in a while on the high ground again. They will not keep their families there nor their cattle nor their horses. They will not have their pigs or chickens. They will not build even any houses there without the consent of General Jadwin or his successors in the office, because it may interfere with the Government's use of these flood waters, and such act may be followed not only by a fine but imprisonment. It is going to cause a second exodus of the Acadians, descendants of those that Longfellow wrote about in his beautiful "Evangeline." They are mostly gathered together down there in the old community, the place where they were dumped off by the British when they were carried away from Nova Scotia.

Their home country where they have lived so long is to be used for water run-off purposes and dedicated to muskrats and moccasin snakes, and they are going to have a second exodus. Fifty-five thousand people are going to be driven away from home, while about 6,000,000 acres which should be dedicated to the best of agricultural and rural life are going to be turned into swamps. Around 13 or 14 cities and villages are to be ruined. Some 400 miles of paved and improved highways will have to be built over again. Many miles of railroads must be elevated. Churches, schoolhouses, telephone systems are to be despoiled. Many districts that are heavily bonded will have a double burden put on the little good land remaining. And for what? To satisfy the obstinacy or the cupidity of one man on men who do not care for the pulsing of the human heart.

I came from a section of the country that may be called the "lost country." Up in Nebraska. That is in the Great Plains country. The country of the heavy products, the long hauls, and the high freight rates. No part of the United States can thrive without navigation. With navigation they will get a low rate. Without navigation, the producers will pay for the low rate given those who have it. The railroads of the Northwest so far have been able to prevent the improvement of the Missouri River, and so we do not get the reduced competitive rates but pay extra to make up for those who do. The great western railroads are owned by those in close implication who own the great western power companies. Stick a pin in either and the other also feels the pain. The power companies are determined that reservoirs of any kind shall not be constructed, even for flood control. They fear that such flood-control reservoirs will develop into power plants. We have Army engineers who look to graduation from their department to find fat jobs of management in power companies. The question is, Can a man serve two masters? Let us look at the situation a moment and see if the American people have had a square deal. Let us see if the people who believe in the reservoir control of flood and droughts have had a square deal. If they have, then anything is a square deal. The Army officers and the power companies both have been opposed to reservoir flood control. Not all of them, but it is fair to say a great many of them. General Jadwin has made a strenuous effort to retain power and authority in his hands over the questions I am now discussing.

Following the great flood's development he was in the forefront reaching out for authority. At the great Chicago convention he was there, and the resolutions as first prepared had no word of comfort for reservoir control. A threat was made to take the question out on the floor, and a promise was made looking to some degree of hope to be held out to those in favor of reservoir flood control. At once after that convention General Jadwin named the committee or commission, rather, to inquire and report as to the value of reservoir flood control, and he placed Colonel Kelly at the head of the commission. Who is Colonel Kelly? Why, he was one of the brightest, if not the brightest, of the Army engineers. Several years ago he was in communication with the power companies that do business in New York and Canada looking to a place of control and management as the result of meditated employment. He asked leave for retirement. It was refused him, as he had not reached the age of retirement yet. He then asked for an indefinite leave of absence, and it was accorded him at half pay, which he is still drawing. He at once took up his employment at a much higher rate of salary with the power company. The question arises, Can a man serve two masters? General Jadwin knew that the one paying Colonel Kelly the least salary was the United States of America. He knew of the battle of power companies against reservoirs, yet he appointed Colonel Kelly to that place.

I may tell you here of some farmers who tried to add a power plant to the Guernsey Dam for their own use. An injunction was brought against them by the power people, and the judge only last week dissolved the temporary injunction. It was their own capital, and their own property was bonded for the entire debt. The whole system had been running there as a reservoir-control proposition. They built the new Guernsey Dam for storage purposes and started to use the power, and they were faced with an injunction from these same people.

Mr. CARTER. Will the gentleman yield for a question?

Mr. SEARS of Nebraska. Yes.

Mr. CARTER. I regret I did not hear the earlier part of the gentleman's discourse, but could the gentleman tell us briefly what were the conclusions of Colonel Kelly in his report?

Mr. SEARS of Nebraska. Will the gentleman renew that question at the end of my remarks if he does not find it covered?

Mr. CARTER. I will be very pleased to do so.

Mr. SEARS of Nebraska. I will say that every engineer, including Colonel Kelly and all the rest, agrees that the ideal control is reservoir control. Apparently one might have expected a favorable report from Colonel Kelly's commission if there had not been the question of expense. They had no report on a single reservoir or on any group of reservoirs that would justify them in making a statement about them. To show to what extent this is true, I asked one of them if he did not favor reservoir control. He said, "Yes; except for the terrible expense." I asked, "How much do you think it will cost?" and he replied, "Billions and billions of dollars." I said, "Will you give us some data that will go to make up the sum total of your billions and billions?" He would not. A few days later I renewed the question when he was on the stand, and he came down to $1,200,000. That may have been for all the north country not taking in the Arkansas and the Red, but it was all guesswork.

Mr. GARBER. Will the gentleman yield for a question?

Mr. SEARS of Nebraska. Yes.

Mr. GARBER. Right in connection with the reservoir system of control, which I assume is indorsed by the common sense of all who have investigated and thought about the question, will the gentleman develop somewhere in his very able speech the constitutional authority to couple up and warrant the reservoir control as a part of one general, national program of flood relief and conservation?

Mr. SEARS of Nebraska. I can not do that right here because I have not the time to discuss it. I simply take it for granted that the authority is there. If I had more time, I would be very glad to develop that.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. SEARS of Nebraska. No; I will not. There is no man in all the world to whom I would rather yield, but I am not going to have time to finish what I want to say.

The investigation and report of the reservoir commission, of course, was a farce. It was expected to be a farce when he was appointed. During the time that the commission was investigating, or pretending to investigate, the sites, the south-

ern Appalachian power conference was held, being a convention of kindred souls, if corporations have souls, engaged in the power business. Resolutions were passed demanding that the Government work of flood control should be confined to the lower stem of the Mississippi. The report of Colonel Kelly's commission was a fraud on the American people—at least against the welfare of the American people and its great remaining asset. It pretended to report on something like 500 reservoirs. As a matter of fact, it did not have proper data as to a single one. No effort was made to get in touch with those who knew, with State engineers or university engineers that knew of the watersheds of their respective States. Some reservoirs picked out as available for sites were known to be absolutely unfitted, and others that were available as valuable prospective sites for flood control were passed up without mention. General Jadwin knew that their old-fool ideas of levee protection had to be junked, and said so to the Flood Control Committee. In his heart he knew that those ideas of levees only were chargeable with the great flood-water damages and death losses, yet he clung tenaciously to his opposition to flood control by way of reservoirs. After years of failure on levees only, and after being compelled to junk his past theory with reference to them, which no one would swallow any longer and which there was a general revolt against, he refused even to consider reservoirs, with their wonderful beneficial results and effects as believed in by their proponents, and simply added the different spillway and diversion channels to send the waters to the Gulf after they were concentrated in the lower Mississippi.

You Members know to what purpose the lower Delta below New Orleans is dedicated to? I will tell you. It is the greatest fur-bearing district in the world. The fur business of that section is greater than that of United States and Canada. It is greater than that of Canada and Alaska. It is greater than that of Alaska and the United States. It is the home of the Hudson Bay seal. What is the Hudson Bay seal?

It is the great American muskrat. Should any one of the plans I have been denouncing—that is, the Jones plan, the Jadwin or Potter plans—be adopted, 3,000,000 acres of valuable farm land will, along General Jadwin's past ideas of levees, be junked. Three million acres more will be overrun by backwater and human life there will cease, where it should be the richest agricultural part of the United States. It will become the home of the great Hudson Bay seal industry of the United States, and men will fight and battle for trapper's licenses to ply their trade where formerly the hum of industry, both ordinary business and agriculture, was the song of the land. The sound of the steel trap as it springs its jaws on the great American Hudson seal will be heard, and the pitiful squeak will echo abroad as the licensed Hudson seal hunter brings down his club, opens his trap, and walks off with the only product where once was splendid agriculture and where the Arcadians dwelt in peace for hundreds of years before they were driven out a second time by act of Government.

An excuse has been given me by an honored citizen of New Orleans for the refusal of the Army engineers to consider the benefits to navigation by way of stabilization of flow, by reason of impounded waters from reservoir control, and by reason of benefits from power from such control, and by reason of benefits to agriculture by reason of that control, and which excuse is that owing to the urgency of the situation they did not feel called on to go any further than getting rid of the lower waters by reason of diversion channels, and did not feel required to go thoroughly into reservoir control with its intended benefits. But this excuse can not go. They did know that all of those four flood questions of flood control, navigation, power, and benefits to agriculture were firmly bound together by the Government and had been for years. That responsibility they can not evade. Any private employer that would send out a trusted agent to report on four great kindred questions and who would only get from such agent a report on one, and that the most expensive, and that the most damaging, and that losing sight of the three great by-products of his general enterprize would discharge such a faithless agent in a moment. Especially when he would discover that the agent had been receiving much greater compensation than he was paying from a sly and foxy competitor in the business.

Yet these things are all known to the administration. By the President. By the Secretary of War. And I have heard no word of rebuke. Either General Jadwin is running the administration in the relation referred to without reference to the welfare of the country or the administration is dictating to him. In any event he is a subaltern. He is an underling. The ultimate responsibility is not his. If George Washington had continued Benedict Arnold at West Point after his doings were known, of which the American people complained, no more fault could have been found with him than can justly be charged to those who keep on paying a salary to one who seeks to welcome the flood waters to the lower Mississippi and to toss them like worthless things out into the Gulf when they are a priceless heritage to the American people in so many different ways. Because anyone knows that if the people shall so far forget themselves as to expend anything like a billion dollars to perfect a plan such as is any of the pernicious plans referred to, to throw those waters out into the Gulf, it will be a long time before that same American people can be prevailed upon to spend several hundred million dollars for a comprehensive control of floods by a reservoir system, however beneficial it may be. There is only one plan of comprehensive flood control and that is by reservoirs in the areas where the floods originate and to that plan only, can I lend my consent. [Applause.]

Mr. MAJOR of Illinois. Will the gentleman yield?

Mr. SEARS of Nebraska. I will yield to the gentleman.

Mr. MAJOR of Illinois. I understand that there is a flood control bill reported to the House; does the gentleman know what has become of it?

Mr. SEARS of Nebraska. It has not come to the House yet, I think it is possibly waiting perfection.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, for more than a hundred years efforts have been made to change the meeting date of Congress, abolish the short session, and change the inaugural date by a constitutional amendment.

During the past six years the so-called Norris amendment has appeared before committees of House and Senate in 14 different forms, all of which indicates the hazards of changing the Constitution.

If the last proposal submitted to the House was clothed in proper language and with proper safeguards, then we have had 13 opportunities to do it the wrong way since 1922.

The "lame duck" resolution that came before Congress a few days ago struck out the Norris amendment entirely and rewrote it in new language. Part of this language was then stricken from the resolution on the floor of the House and at another place new language was added. The vote was then taken during great confusion on a rehashed document that, so far as I have learned, had the full approval of no one. The usual comment was, "It can be straightened out in conference." The whole procedure raises many serious questions. It may be a great many years yet before the "lame duck" Congress is abolished by constitutional amendment.

I have, therefore, introduced H. R. 11991, which reads as follows:

[H. R. 11991, Seventieth Congress, first session]

IN THE HOUSE OF REPRESENTATIVES,

March 12, 1928.

Mr. SUMMERS of Washington introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill (H. R. 11991) to appoint a day for the annual meeting of the Congress required by the Constitution

Be it enacted, etc., That beginning with the year 1929 the Congress shall assemble at least once in every year, and such meeting shall be at noon on the second week day after the 4th day of March. In the year 1933, and every fourth year thereafter, the Congress shall also assemble at noon on the second Monday in February.

If this bill were enacted into law, the "lame duck" Congress would be immediately abolished, and that is the desire of the people.

It accomplishes most of real value that is proposed by the constitutional amendment. My proposal could be enacted into law in an orderly way by a majority vote of both Houses and the approval of the President within 30 days, whereas a proposed amendment has failed for a century.

Mr. ROMJUE. Will the gentleman yield?

Mr. SUMMERS of Washington. I will yield to the gentleman.

Mr. ROMJUE. I realize that the gentleman from Washington is very much interested in correcting this matter in the way he thinks it ought to be corrected. I want to call his attention to the language in his bill. You can by legislation change the time of the beginning of the session, but you can not change the time of the beginning of the term except by constitutional amendment.

Mr. SUMMERS of Washington. My bill does not change the two-year term of any Member. It is drawn to conform to the provisions of the Constitution—but to make the meeting date as early as possible without a constitutional amendment—by putting it two days after the inauguration of the President, "the second week day" fixes dates so the convening of Congress and the inauguration of the President will not occur at

the same hour and so that the convening of the Congress will never fall on Sunday.

Mr. ROMJUE. The date is the beginning of the session?

Mr. SUMMERS of Washington. Yes; it has to do with the sitting of Congress and not with the length of the term.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. SUMMERS of Washington. I will yield to the gentleman from Texas.

Mr. GARNER of Texas. What committee has charge of your bill?

Mr. SUMMERS of Washington. It has been referred to the Judiciary Committee.

Mr. GARNER of Texas. What is the membership of that committee with reference to Democrats and Republicans?

Mr. SUMMERS of Washington. I do not remember—this is not a political issue and I have given that no thought.

Mr. GARNER of Texas. It is not a political issue, but the gentleman realizes that the majority of the committee is Republican. If you do not get the legislation, the responsibility is bound to be due to the Republican organization.

Mr. SUMMERS of Washington. The gentleman can go before the Judiciary Committee with me in behalf of the bill.

Mr. GARNER of Texas. I am in favor of the legislation. I think it ought to be had. But I do not want the gentleman to convey the idea to the country that anyone is responsible except the present Republican organization of the House.

Mr. SUMMERS of Washington. I can not accept that statement, since this has been a matter of controversy for a great many years and through many administrations. I think the thing which the country really desires is that Congress shall convene at the earliest reasonable date after the election of the new Congress, and that is what I have provided for in this short bill.

Mr. ROMJUE. Does the gentleman's bill provide any limitation on the session?

Mr. SUMMERS of Washington. It does not limit the length of session.

Mr. ROMJUE. There is no limitation?

Mr. SUMMERS of Washington. No; not on the session of Congress.

My bill is so phrased as to convene Congress as soon after election as it can be done by law and at the same time avoid the assembling of Congress on the day the President is inaugurated or on a Sunday. The bill also provides for the assembling of Congress once in four years on a date two days prior to the date fixed by the Constitution for canvassing the electoral vote for President and Vice President. Thus the orderly procedure under the Constitution is in no way violated; the newly elected Congress would begin to function 4 months after its election instead of 13 months after election, as at present, and the lame-duck Congress would be abolished without delay.

Mr. AYRES. Mr. Chairman, I yield five minutes to the Commissioner from Porto Rico [Mr. DAVILA].

Mr. DAVILA. Mr. Chairman, for the information of the Members of the House I desire to read the following cablegram that I have just received from Porto Rico:

[Cablegram]

SAN JUAN, P. R., *March 22, 1928.*

Hon. FÉLIX CÓRDOVA DÁVILA,
Resident Commissioner from Porto Rico,
House of Representatives, Washington, D. C.:

A concurrent resolution was adopted to-day by the Legislative Assembly of Porto Rico to address the following cablegram to the President and the Congress of the United States through the Resident Commissioner of Porto Rico in Washington [Hon. FÉLIX CÓRDOVA DÁVILA]: "In view of the letter addressed by President Calvin Coolidge through the Governor of Porto Rico, Hon. Horace M. Towner, to the presiding officers of the two houses of the legislature, Antonio R. Barceló and José Tous Soto, the Senate and the House of Representatives of Porto Rico resolve to intrust the two latter exclusively with such reply as it is urgent and proper to make to said letter and to request the Congress of the United States to appoint a congressional committee to investigate the political, economical, and social conditions of Porto Rico. Said committee to hold public hearings where it shall hear all such citizens who request to be heard and who offer to present such data and documents as may be necessary to clarify the facts and to do the justice which is due to Porto Rico. It is further resolved to request Congress to extend the term established by law for the adjournment of the present legislative session for such time as may be necessary to receive the committee and aid it in its mission."

(Signed) ANTONIO R. BARCELÓ,
President of the Senate.
(Signed) JOSÉ TOUS SOTO, *Speaker.*

The authority to dispose of and make needful rules and regulations respecting the territory or other property belonging to the United States is vested by the Constitution in Congress. The power granted to Congress by the Constitution carries with it duties and responsibilities that are impossible to escape. We already know the views of the administration and at last we know the views of the Bureau of Insular Affairs. But that is not enough; it is our desire that conditions in Porto Rico be thoroughly investigated by a committee of Congress composed of members conscious of their duties and really interested in the study of our problems and in working a solution to our present difficulties. We want open hearings so that the members of the committee will not be approached by anybody in secret conferences to state their own private views. Secret conferences are always dangerous, especially in Porto Rico, where there are men who do not dare to publicly state their views but always are ready to intrigue for their own selfish interests.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. DAVILA. Yes.

Mr. LAGUARDIA. As the gentleman probably knows, a few days ago I introduced a bill providing for the election of a governor by the electors of Porto Rico. I also provided in that bill that the governor, in order to qualify, should be a native of Porto Rico. I know how eager the gentleman is to serve his Territory, and I know that he will help in getting the committee at least to give us a hearing. Both the Senate and the House of Representatives of Porto Rico passed resolutions approving my bill, and the speaker of the house and the president of the senate were kind enough to send me cablegrams to that effect. I am in communication with them, and I expect they will send a delegation here if we can get a hearing. It seems to me that the million people of Porto Rico are entitled to a hearing, and are entitled to an election of their own governor. Surely, that is the sentiment of the people of this country.

Mr. DAVILA. Certainly; we are entitled to it, but I am afraid that we will not get that hearing from the Committee on Insular Affairs in this session of Congress.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DAVILA. Yes.

Mr. KNUTSON. The gentleman has always been treated courteously by the Committee on Insular Affairs.

Mr. DAVILA. That is true.

Mr. KNUTSON. The members of the committee have the highest regard for the gentleman. I do not think the gentleman's statement is warranted. The Committee on Insular Affairs is always willing to consider bills that have been referred to it, and the gentleman from New York [Mr. LAGUARDIA] will have no difficulty, I am sure, in getting a hearing.

The CHAIRMAN. The time of the Commissioner from Porto Rico has expired.

Mr. TABER. Mr. Chairman, I yield one minute more to the gentleman.

Mr. KNUTSON. While I do not assume to speak for the Committee on Insular Affairs—I see no other members of the committee on the floor at the present time—I assure the gentleman that the gentleman from New York will have a hearing whenever he asks for it.

Mr. LAGUARDIA. But the delegation wants to come from Porto Rico; and the gentleman will help us get the hearing?

Mr. KNUTSON. The gentleman from Porto Rico is a member of the committee.

Mr. LAGUARDIA. And so is the gentleman from Minnesota.

Mr. DAVILA. I am not making any criticism of the Committee on Insular Affairs, but it is my honest impression that at this time we are not going to obtain any favorable decision by the committee.

Mr. KNUTSON. The gentleman realizes that the session is dragging along to an end.

Mr. DAVILA. I know that.

Mr. KNUTSON. It is more than half over, but I am sure that this bill that the gentleman from New York introduced will be expedited as much as possible, in view of the fact that Congress will probably adjourn in six or eight weeks.

Mr. DAVILA. I introduced a bill along the same lines at the beginning of the session, and no hearing has been had on it.

The CHAIRMAN. The time of the gentleman from Porto Rico has again expired.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, in order that the membership of the Congress may have in convenient form for ready reference, there is herewith printed a statement compiled from official records showing what remarkable results for the benefit

of the taxpayers have been obtained by the action of the Congress in connection with matters of appropriations. The record is a splendid one, and the fact that Congress has quite uniformly appropriated less than the Budget estimates called for is a fact not generally understood or appreciated by the public. In the period of years covered by the tabulation the House has been fortunate in having as chairman of the Committee on Appropriations Hon. MARTIN B. MADDEN, whose experience, counsel, judgment, and courage have been of inestimable value in the conduct of the finances of the Nation.

Fiscal year for which appropriations were made	Budget estimate	Appropriations	Decrease in appropriations under Budget estimates	Net decrease in appropriations under Budget estimates
Sixty-seventh Congress, first and second sessions:				
1923 regular annual, permanent, and indefinite	$3,924,586,066.78	$3,751,917,629.14	−$172,668,437.64	
Supplemental and deficiencies for 1922 and prior years	467,571,992.68	327,878,638.05	−139,693,354.63	
Total	4,392,158,059.46	4,079,796,267.19	−312,361,792.27	−$312,361,792.27
Sixty-seventh Congress, third and fourth sessions:				
1924 regular annual, permanent, and indefinite	3,714,602,281.19	3,706,779,083.12	−7,823,198.07	
Supplemental and deficiencies for 1923 and prior years	236,411,166.57	233,492,860.49	−2,918,306.08	
Total	3,951,013,447.76	3,940,271,943.61	−10,741,504.15	−10,741,504.15
Sixty-eighth Congress, first session:				
1925 regular annual, permanent, and indefinite	3,632,173,054.96	3,622,125,959.19	−10,047,095.77	
Supplemental and deficiencies for 1924 and prior years	160,974,906.47	161,997,365.16	1,022,458.69	
Total	3,793,147,961.43	3,784,123,324.35	−9,024,637.08	−9,024,637.08
Sixty-eighth Congress, second session:				
1926 regular annual, permanent, and indefinite	3,747,876,017.78	3,736,124,595.31	−11,751,422.47	
Supplemental and deficiencies for 1925 and prior years	416,402,528.03	415,557,454.60	−845,073.43	
Total	4,164,278,545.81	4,151,682,049.91	−12,596,495.90	−12,596,495.90
Sixty-ninth Congress, first session:				
1927 regular annual, permanent, and indefinite	3,961,470,187.42	3,953,628,990.08	−7,841,197.34	
Supplemental and deficiencies for 1926 and prior years	454,709,266.73	455,834,399.73	1,125,133.00	
Total	4,416,179,454.15	4,409,463,389.81	−6,716,064.34	−6,716,064.34
Sixty-ninth Congress, second session:				
1928 regular annual, permanent, and indefinite	4,022,971,757.60	4,014,988,936.40	−7,982,821.20	
Supplemental and deficiencies for 1927 and prior years	195,792,534.01	196,022,416.18	229,882.17	
Total	4,218,764,291.61	4,211,011,352.58	−7,752,939.03	−7,752,939.03
Total reductions				−359,193,432.77

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. ABERNETHY].

THE AMERICAN MERCHANT MARINE

Mr. ABERNETHY. Mr. Chairman and Members of the House, I want to talk for a short period of time on the very important matter—the American merchant marine—which we are now considering before the Committee on the Merchant Marine and Fisheries, of which committee I am a member. I believe it is the general idea of the great majority in this country that we should have an adequate merchant marine, but the session is now dragging on to a close and I think it should be called to the attention of the Congress, and also to the attention of the country, that unless there is some coordination of opinion and some getting together by the various elements, all proclaiming a desire to have an adequate merchant marine, this session of Congress will adjourn without anything being done. I call the attention of the House to the fact that the Senate, by a very large majority, passed the Jones bill, which, in effect, leaves the matter in the hands of the Shipping Board, providing that the Shipping Board shall not sell any of the vessels except by unanimous vote of the entire board, and providing that there shall be a replacement and reconditioning of the ships, and that there should be loans and other aids to the merchant marine, and that in the allocations of the operations of the ships the Shipping Board shall distribute them, as far as possible and without detriment to the service, among the various parts of the country.

Now, we find before the Committee on the Merchant Marine and Fisheries of the House that three distinguished leaders on the majority side of the House have introduced bills which are now being considered by that committee, to wit, the chairman of the committee, Mr. WHITE of Maine, and Mr. WOOD, of Indiana, and the gentleman from New York, Mr. WAINWRIGHT. These bills are now being considered by the Committee on the Merchant Marine and Fisheries. The authors of these several bills all claim that they want a merchant marine, but the bills on the House side are diametrically opposed to the position of the Senate. There is an irreconcilable conflict, and unless there is some getting together and concert of minds the result will be that at the end of this Congress there will be no legislation on this most important subject.

Now, we find the President holding a position which is probably different from that of Mr. WOOD or that of Mr. WHITE of Maine or that of Mr. WAINWRIGHT or from the position of Senator JONES on the Senate side of the Capitol.

Now, what are we going to do? The House bills provide for aid. While they do not call the aid a subsidy, yet in effect it is a subsidy. Now, the very minute that you write into a bill anything that has even the look of a subsidy you are going to find that there will be a large membership of the House that will not support it. That was tried during the Harding administration, and the Lasker bill, while it passed the House here by a reasonable majority, was defeated in the Senate.

Now, there are a few fundamental things that we can all get together on. In the Jones bill the shipping act of 1920 is reaffirmed, particularly section 1, to this effect:

Be it enacted, etc., That it is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States; and it is hereby declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine, and, in so far as may not be inconsistent with the express provisions of this act, the United States Shipping Board shall, in the disposition of vessels and shipping property as hereinafter provided, in the making of rules and regulations, and in the administration of the shipping laws keep always in view this purpose and object as the primary end to be obtained.

The White bill, the Wood bill, and the Wainwright bill each have substantially the same provision, and I take it that Congress would be practically unanimous on this provision in the Jones bill.

Among the things that are controversial and which have brought up great agitation on the part of many people in this country is the proposition to discard and throw into the junk pile a large number of ships that are now owned by the Government. Well, the country might as well understand, and the House might as well understand that no such proposition as that can ever become a law, because the Senate has affirmed by a very large vote its opposition to any such measure, and it would be a crime to pass any such law when the people have been taxed to the amount of nearly $3,000,000,000 to build up a large fleet here. It would be a crime to junk those ships for the purpose of giving the shipyards and shipbuilding interests vessels to build. We might as well now forget that, and so far as any subsidy is concerned, I can only speak for myself and

for such Members in this body as I have heard express themselves when they say that they certainly would not favor at this session of Congress any subsidy to the merchant marine.

But I do think that we can get together on the general purposes of the Jones Act as interpreted by section 1 of the act of 1920, and I think we can get together further on the provisions in the House bills, that there should be liberal contracts given to vessels flying the American flag to carry mails across the ocean. And I think we can get together on the further idea that there should be liberal loans made to those who want to engage in building ships at current rates of interest allowed by the Government. Those are things that we can get together on.

One of the troubles with the American merchant marine is the burden that the insurance interests of this country are imposing upon American shipping. The American companies writing marine insurance ought to be ashamed of themselves. It has been demonstrated beyond any question in the hearings before our committee that of these American companies that have been given certain privileges and have been relieved of the operations of the antitrust law by the Jones Shipping Act of 1920, 67 companies throughout the country have formed themselves into a syndicate for the purpose of writing insurance on American ships, and that they are giving preference to ships that fly foreign flags, and in some instances they are giving a preference of as high as 2 per cent on the insurance carried on cargoes and hulls. Now, we can not build up any merchant marine with such a situation as this confronting us. We can not build up any merchant marine and put the ships that fly our flag on the seas if the owners must pay such enormous rates of insurance. It was shown by the hearings that the men who classify these vessels and cargoes for the purpose of fixing insurance rates not only sat upon American boards but they sat on Lloyd's classification board, a board representing British interests.

We find as was brought out in the committee that discriminations are practiced against American ships and their cargoes.

For example, it was shown that the insurance premium on one of the American ships of a certain line was $13,375 in American companies, and but $10,000 in foreign companies, a discrimination of 35.7 per cent in premium, and that, therefore, the owner was virtually forced to insure his vessels abroad, while it was his keen desire to insure them in the United States.

Another owner, in a striking manner, declared that American marine insurance companies are holding up American steamship owners "at the point of a gun and with blackjacks," so to speak, and opposed as he was to the United States Government going into any business he felt that to save American ships from annihilation and being driven from the seas such a course seemed to be the only alternative.

In the closing days of the hearings on this intensely interesting subject, Acting Chairman Edward C. Plummer, of the United States Shipping Board, rose from a sick bed to offer his testimony, having been invited by the committee at my instance, and the statement is of such vital importance at this time that I place in the RECORD in full his statement, as follows:

STATEMENT OF COMMISSIONER PLUMMER

No legislation designed to restore American shipping to a competitive position in foreign trade will be effective until the extra burdens now imposed upon American ships by marine underwriters are reduced.

These complaints are not new. To my personal knowledge they have been continuous for at least 39 years. Thirty-nine years ago I became secretary of the Bath Board of Trade, of Bath, Me. At that time ships from my home city were still visiting all the great ports of the world, and the names of A. Sewall & Co., Houghton Bros., and others were well known to the entire shipping world. Bath then was a city of shipowners and ship captains, active and retired.

I recall and I remember it so distinctly, because it was the first meeting where I served as an officer of the board, that the principal subject of discussion was the discriminations practiced against American ships by marine underwriters, and a committee was suggested to see what could be done.

During the 21 years that preceded my coming to the Shipping Board I was attorney for the Atlantic Carriers' Association, an association composed of shipping men, and during all of that time the same complaints of alleged discrimination by the marine underwriters against American ships was a burning issue.

It must have been more than 15 years ago—it was some time before the war—that we began coming to Washington to endeavor to secure legislation which would remove this insurance handicap from our ships. Possibly our efforts helped to introduce in the first shipping act, of 12 years ago, reference to the upbuilding of marine underwriting in this country. Professor Huebner, an expert on the subject, was employed, and for years he worked on that subject.

At that time the president of our association had a vast amount of data which he had collected, both here and abroad; and I recall it, as his decided opinion, that there then was such an understanding between the American underwriters and the foreign underwriters that the foreign underwriters had agreed to allow the American underwriters to charge these extra rates against American ships, and that they, the foreigners, would reinsure to such an extent as was necessary, provided this excessive rate was kept on American ships, so that they could receive full rates for reinsuring; but that if Americans should adopt the rates of the foreigners, then the foreign companies would go into the American market and compete for American tonnage at whatever rates were necessary to get the business.

Professor Huebner went into the subject of marine insurance most exhaustively and rendered some very valuable reports. When the Senate, two years ago, directed the Shipping Board to prepare data and suggest legislation for the restoration of an American merchant marine it, of course, included insurance; and our research department has a volume of some 60 pages, prepared under the direction of Professor Huebner, from which compilation I want to read a few excerpts. Says this report:

"For years it (insurance) has been regarded by our competitors as a national commercial weapon to be used effectively in fostering national shipping and in acquiring and controlling important channels of foreign trade that furnish the freight—the lifeblood—upon which a merchant marine must live."

Again:

"Possession of sufficient national marine-insurance facilities is also often desirable for the proper safeguarding of commercial information. Marine insurers, by the very nature of their business, acquire vital trade information, exceedingly important with respect to a given trade, such as the names of consignors, consignees, and carriers, the financial arrangements, costs of production, leading contract terms, and methods of handling the business."

This is in line with the fact so concisely stated by Secretary Hoover in his New York address of four years ago, when he said:

"Nor have our merchants been without the experience of finding that the transport of our goods in foreign bottoms has been taken advantage of by our competitors to learn the details of our trade connections."

Realizing this—and now I am quoting again:

"The American Hull Marine Insurance Syndicate (containing 42 leading American companies and 23 foreign admitted offices as subscribers) was organized in 1920 at the request of the Committee on the Merchant Marine and Fisheries for the express purpose of taking care of the insurance needed for the general run of American hulls. The American companies subscribing to the syndicates have a combined capital of $131,900,000 and surplus of $278,537,726, or a total of surplus to policyholders of $410,437,726."

Now, quoting from the 1925 report of the superintendent of insurance for New York: "It is estimated that approximately 70 per cent of the ocean marine hull insurance in the United States is placed with foreign companies." "It has been estimated by those presumed to have knowledge of the subject that Lloyds, London, collect insurance premiums from New York State alone to the extent of $10,000,000 per year."

Continuing, this insurance summary says:

"During recent years foreign hull rates have been considerably lower than those quoted by American insurers. Brokers' correspondence with the Shipping Board in connection with the placing of insurance on vessels sold by the board shows that during the past two years foreign hull rates have ranged very generally from 10 to 20 per cent, and sometimes even more, under offers made by the American market. Letter after letter states that the insurance was offered to the American syndicate and declined. In his report for the year 1924 the chief underwriter of the syndicate explained that the syndicate allowed reductions where past experiences seemed to warrant, and that an endeavor was made 'to retain an interest in all business on which we could obtain terms that we felt would let us break even,' and they with surplus more than twice their capital."

How far these American insurers raised their rates over those of foreign companies is indicated by this telegram of August 20, 1925, received by the Shipping Board from the Export Steamship Line:

"In trying to place insurance according to contract and mortgage with American insurance companies, I find that I can insure in the open market at quite a saving in premiums—better than 30 per cent—and we request the board's permission to place insurance in the open market."

This report recommends, among other things: Greater development of protection and indemnity insurance among American underwriters. It says: "This type of coverage is very important to successful vessel operation. It is also important from the standpoint of volume of premiums collected; yet the great mass of this insurance goes to unauthorized foreign insurers. It is therefore suggested that the 'American Hull Marine Insurance Syndicate' might possibly be induced to extend their activities to this important branch of underwriting."

Continuing:

"Owing to insufficiently detailed separation of classes of business, it is impossible to state more than approximately the total volume of American marine and transportation insurance. Best's Insurance Report gives the net marine and inland premiums of the United States, less reinsurance and return premiums, as $68,055,327 for the year 1923. In the year ending December, 1924, the American hull market wrote in premiums about $2,500,000 on ocean-going hulls only. The best estimates are that from 25 per cent to 30 per cent only of the insurance on such American ocean-going hulls is written in the United States, the balance of 70 per cent to 75 per cent being placed in England."

And now I quote from the emphatic report which this Merchant Marine and Fisheries Committee made on February 26, 1920. Says this committee: "The situation is an impossible one and must not be allowed to continue. Only 62 direct writing American companies participated in ocean marine insurance during 1918, while 6 additional companies confined their activities to inland and coastwise waters. Moreover, nearly one-fifth of the direct writing American companies were found to be foreign owned or very closely allied by having directors or leading stockholders resident abroad. Approximately two-thirds of the marine insurance written in the United States was found to be controlled by foreign underwriters.

"While the committee favors marine insurance conducted by private interests, it can not be unmindful of present woefully unsatisfactory conditions. The national welfare must be the first consideration. Should the contingency arise that American companies will fail or refuse to cooperate on a comprehensive scale, then your committee is decidedly of the opinion that the Government should remain in the marine insurance business even to the extent of greatly enlarging its operations." That was eight years ago. How much have these companies cooperated? I'll give you a sample:

Acting on the mandate of the merchant marine act that the Shipping Board do whatever it can to encourage the development of marine insurance in the United States, the board, whenever it has made loans, has incorporated in the contract a provision that a certain amount of insurance must be carried in American companies. That provision was contained in the contract covering the insurance of the *California*, a magnificent new ship that has just gone into service.

When she was ready to sail, Mr. Thomas, representing that line, came before the board's loan committee, of which I was a member, and pointed out that while they could get their insurance at 2 per cent from foreign companies, these American underwriters were charging them 2½ per cent. Accordingly they had placed the bulk of their insurance with the foreign companies, and they asked the board to consider the situation. The excessive charge so impressed the committee that it reported to the board that the *California* should be allowed to carry the insurance as it was placed until March 1, in order that the board might join with her owners in ascertaining if a lower rate could not be secured.

The next thing we knew these insurers, possibly having learned that the *California* was not so tightly tied up after all, cut their rate to 2¼ per cent, and cut it before the board had acted on the matter. But Mr. Franklin and Mr. Thomas have asked to come before the board again because they feel that there is no justification for such a large extra charge as one-quarter of 1 per cent amounts to on a $6,000,000 ship, and they will be given a hearing.

Now it happens that after we learned of this new price of 2¼ per cent I wrote a letter, which was approved by the board, advising the owners of the *California*, under the circumstances, to submit to this extra charge of one-quarter of 1 per cent; but in view of what has been stated before this committee, I am frank to say that when Mr. Franklin and Mr. Thomas next appear before our board they will find a very attentive listener in me. I am not an insurance expert; but I don't have to be one to know that if the 2¼ per cent they charged when it developed that the *California* was not sewed up is right, the 2½ per cent they tried to get in the first place was wrong. As no one will deny that P. A. S. Franklin is one of the world's ablest shipping men, "inexperience" can not be dragged into this case.

But the statement of Mr. Page that the way the insurance trio, of which his company is one, makes up its classifications, which are generally followed by the other marine insurance companies in this country, explains a whole lot—particularly why when anything happens to an American ship it is given great publicity; and when it happens to a foreign ship it is overlooked or practically smothered. To illustrate: I was on the *Leviathan*, and some other members of this very committee were also there, when two propeller blades let go.

She still had 14 perfectly good blades left and kept coming right along; but when we arrived we found sensational dispatches of the *Leviathan* being disabled in midocean had appeared in certain papers. And at about that same time one of the biggest foreign liners in the North Atlantic service nearly broke in two on one side and was so badly damaged that she had to be kept at Southampton for a million dollars of repairs because they didn't dare take her around to a shipyard; and yet I never saw a word about that in our metropolitan papers. So that on this newspaper basis of classification that ship is a perfect risk, and the *Leviathan*, because she was falsely reported to have been disabled in midocean, must rate as second class.

Take this South American case: The American-flag vessels in that trade owned by Moore & McCormack are charged from 5 to 12½ per cent, $100 more than is charged on similar cargoes shipped by Lamport & Holt, Prince, or the Houston Line (British lines); and 5 per cent more than is charged on cargoes shipped on similar Norwegian ships chartered and operated by Moore & McCormack. That is, the ships are similar; they are operated by the same firm; but the flags they fly are different; and the ones flying the American flag are the ones that have to pay.

You have heard a whole lot said about the necessity of charging extra insurance on the Export Line because of the inexperience of its operator; and here let me say that I have been looking at shipping men for 40 years, and I will put Mr. Herberman up against any of them when it comes to care, ability, and personal attention to the operating of ships. Now, there has come into my possession a somewhat time-stained paper, which possibly may have been suggested by that enterprising printer who Mr. Page says takes the findings of their triumvirate and distributes them to other insurers. It is headed:

"Recommendations of underwriters' committee in connection with cargo insurance on Shipping Board vessels which have been circulated to underwriters."

The second paragraph states:

"That the named vessels of the Export Steamship Corporation, operating out of North Atlantic ports to ports in the Near East, viz, Greek ports, Constantinople, Levant ports, Palestine, Syrian coast and North Africa east of Bizerta be granted as favorable a basis of classification for rate-making purposes as is granted to any of the following competing lines:

"Oriental Navigation Co., American-Mediterranean Levant Line, Prince Lines, Commercial Steamship Co., National Greek Line, Fabre Line, Ellerman Lines, Furness Withy & Co., Cunard Line."

The letter accompanying this, dated September 1, 1922, written by the Export Steamship Corporation to their shippers and consignees, says:

"Recommendations of the marine underwriters' committee in connection with cargo insurance on Shipping Board vessels under our operation, to the interested marine underwriters, are to the effect that the vessels operated by this corporation out of North Atlantic ports to ports in the Near East and Levant, viz, Greece, Turkey, Egypt, Asia Minor, Palestine, Syrian coast and north Africa, east of Bizerta, also the island of Malta, and minor points in this particular territory, be granted as favorable a rate of cargo insurance as is customarily given to the old established foreign lines in this trade."

I call particular attention to this because you heard this matter of experience stressed so much; yet when Mr. Herberman was beginning to operate these lines and was new in the business, they didn't raise the question of experience then—they gave his vessels the same rates as their competitors; and in my opinion they did exactly right. Furthermore, in charging him the rates they now are charging they are, in my opinion, unquestionably wrong.

It looks as if they felt so, for in the Roosevelt case it happens that on June 3, 1927, the operating department of our Merchant Fleet Corporation was informed that "at a meeting of the underwriters interested in the burlap and jute trade held that day it was decided to extend to the American-India and Atlantic-Australia Lines (operated by the Roosevelt Steamship Co.) the same basis of classification extended to its competitors provided certain conditions were complied with." Under date of September 15, 1927, our vice president in charge of operations, Mr. E. A. Kelly, wrote our manager of maintenance and repair at New York City, "in order to comply with the underwriters' requirements without conflicting with cargo arrangements, it is requested that you arrange to have the necessary additional bottles (fire extinguishers) installed on the following types of motor vessels now operated by the Roosevelt Steamship Co.:

	Bottles
William Penn	19
Oscar Daniel type of vessel	23
Los Angeles	4

You will notice there's no talk of experience here; all they seemed to want was more bottles.

It appears that our ships also complied with the requirements of the insurance underwriters as to conditions under which cargoes were to be discharged. So far as our operating department knows—and it is in charge of Mr. E. A. Kelly, a veteran steamship man whose competence nobody will undertake to challenge—we have done everything that has been suggested to us or that the trade requires; and yet that proposition made to us on June 3, 1927, has never been redeemed. There have been promises of consultations with us and of meetings to discuss this situation, but in spite of all the efforts we have made to bring this about that meeting at which we were to discuss the reasons why that understanding of June 3, 1927, had never become effective, has never been revealed. If the best explanation that can be offered for those high insurance charges is the one which I heard here, viz, the

inexperience of the Roosevelt Steamship Co., I do not wonder that there has been no meeting with us; because that statement would not get very far with practical steamship men.

Since preparing this statement, I have received from our operating department the following letter, which I will read:

UNITED STATES SHIPPING BOARD
MERCHANT FLEET CORPORATION,
New York, N. Y., March 12, 1928.

VICE PRESIDENT AND GENERAL MANAGER FLEET CORPORATION,
Washington, D. C.

Attention vice president operations.

DEAR SIR: Referring further to our conversation of Saturday morning about the article in the morning Tribune, quoting Mr. C. R. Page in connection with insurance rates, and my letter to you of Saturday advising of the methods of handling cargo under the supervision of insurance or cargo surveyors:

On June 14 last you wrote me instructing that a meeting be arranged with the board of underwriters for the purpose of determining what their requirements would be incident to obtaining and maintaining the highest insurance classification for vessels in the burlap and jute trades. Upon receipt of your letter we addressed Mr. Benjamin Merklen, jr., of the board of underwriters, at once requesting a meeting for the following day. Mr. Merklen promptly replied, saying that it was impossible to arrange for a meeting on that day, which was Friday, June 17, but that he hoped to place the matter before the underwriters and have some definite word some time the following week.

Also, upon receipt of your instructions, we held a preliminary meeting in my office with a representative of the Roosevelt Steamship Co., one from our maintenance and repair division, and our traffic manager.

Not hearing from Mr. Merklen, I called him up and was informed that the members of the committee were out of town. A week or so later I called him again and was informed they were still out of town, and Mr. Merklen reiterated his former statement there was nothing he could do and we would have to wait until the members returned.

I wrote you on June 23 telling you the unsuccessful and unsatisfactory outcome of my attempts to get the representatives of the board of underwriters to attend a meeting.

The beginning of July we again wrote Mr. Merklen, telling him that we had heard nothing from him, and asked him if he was not in a position to tell us when we could expect to have a meeting. Mr. Merklen did not reply. Since that the traffic manager of the Roosevelt Steamship Co., on my instructions, has also endeavored to obtain some definite information from the board of underwriters as to their decision in regard to the insurance classification of our vessels, but all our efforts to date have been unsuccessful, and I believe we are quite justified in feeling there is no intention on the part of the board of underwriters to meet with us in an endeavor to agree on equipment and methods of handling cargoes so as to give our vessels the benefit of the highest insurance classification.

Our vessels are in every way equal to competing ones, and they are deserving of insurance rates no higher than the ships of competitors. Care in carrying and the supervision given to the handling of cargo is all that the cargo in competing ships receive, and there can be no reasons advanced as regards the ships operated by the Roosevelt Steamship Co. for adversely discriminatory rates.

Very truly yours,

W. E. GRIFFITH,
District Director.

And this man Griffith is a real ship captain, who has also been a marine superintendent, and knows from personal experience and observation what constitutes a ship and proper ship operation.

Possibly because the *William Penn* is operated by the Roosevelt Co. it was thought necessary to include her among ships that had had accidents, and you will recall how she was mentioned. They could not very well have picked a ship less adapted to what I judge was their purpose.

The *William Penn* is a motor ship of 13,258 dead-weight tons. She went into service on August 8, 1921, and has been in service continuously ever since. During that entire period—and I now quote from the report of the insurance department:

"The claims which we have paid on her account amount to slightly more than $7,000, which is less than one annual premium on this vessel. In fact, the insurance fund has received premiums on this vessel in excess of $60,000."

Do you wonder that these insurance companies have such corpulent surpluses?

And it happens that during her seven years of service, among her other achievements, she collected $17,500 in salvage, and it will be noticed that that one item of service on a single voyage amounted to about $11,000 more than all the claims that had accrued against the *William Penn* during her seven years of service.

You will notice that fact was not tacked on to the statement made to you of how she once struck something, and it happens that the striking referred to was only her propeller hitting a rock in those treacherous waters of the Philippine Archipelago; and when she struck she was being handled, not by the inexperienced Roosevelt Steamship Co. but by one of the most experienced steamship-operating companies in the world.

You didn't hear them mention the *West Prospect*, which for five years has been running to the Orient, and yet that Shipping Board vessel, which has never had the advantage of flying the British flag, has never had so much as a claim for insurance damage filed against her since she was built.

During the past four years the Shipping Board, operating something like 350 ships in all kinds of services, in some of the most perilous waters in the world, has only had six losses—only two more losses than the old experienced Clyde Line suffered in a single winter.

Now, I know that it isn't fair to cite these exceptional cases, so as to give this committee an impression that this is a sample of our operations, and I'm not attempting it. I am simply citing these cases, and I could add a lot to them, to let this committee understand that when it comes to picking out individual cases for self-serving purposes, more than one man can play at that game.

Every practical shipping man knows that marine casualties run in streaks. A concern will go along for years and years without serious difficulty, and then all of a sudden it seems as if the whole sky broke and everything went wrong. Take the case of the Clyde Line that I referred to. There's a veteran company that for a half century had been paying in its premiums and helping to build up the great surpluses which these marine companies have accumulated; and then, two years ago, in a single season, four vessels went, and I have no doubt, judging from what I have observed during these hearings, that this New York trio will probably forget the fact that this company in its insurance was only getting back a part of the premiums that it had paid during all these years, and that they will proceed to raise the rates on the ships of that company.

One will get an impression from what's been said here, that the operators go out on the ships and take care of them. So far as the operator is concerned, his contribution to the safety of a vessel is a minor factor. His principal duty is to provide a seaworthy vessel, and the first index of a seaworthy vessel is her classification. I understand it's been stated that these insurance men don't count the classification of vessels for much. I can't believe that that statement was intended to be made, because every practical man knows that the fundamental principle of safety of a vessel is her classification. The great classifying companies—Lloyds, the American Bureau of Shipping, and the French Bureau Veritas; they go over these ships—they classify them when they are built, and they go over them every four years, and at each period they put these vessels as nearly as possible in perfect condition, and the first thing that the insurance companies used to ask, when I was acquainted with their procedure before the war, was for the vessel's classification. Classifying is something in which the operator has no part. But the operator sees to it that competent men are put in charge of the ship.

Now, none of these American officers can take charge of a vessel until they are duly licensed by the department of the United States Government having that matter in charge; and the operator, just as the insurance agents used to do before the war, looks into the record of these officers—captains and engineers—to see if they are good, reliable men. When the operator has done that, and has sent his ship out in a seaworthy condition, he's done all that he can do. The ship is then in the hands of her officers and the perils of the sea.

I listened to the statements regarding the Roosevelt Line. Let me show you where that rule of this New York trio leads to. It happened at the time I became attorney to the Atlantic Carriers Association that William F. Palmer, a Massachusetts school teacher, whose knowledge of shipping was purely artificial, decided to go into the ship-operating business. He built a fleet of vessels. I don't recall that during his 12 years of operating he lost a single vessel. He was the man who, in the *Marie Palmer*, took the first cargo of gasoline across to France when all other shipping men were afraid to touch it, and he made a success. At the same time the old firm of J. S. Winslow & Co., of Portland, Me., who had been in the business for three-quarters of a century, whose experience and success no one could question, sent out the beautiful new ship *Carnegie*, which was built in my home city, in charge of one of the most experienced captains of the fleet, and she was lost on the southern shore of Long Island on her first voyage; and while the wreck was still there, this same firm sent out another new ship, the *Miles M. Murray*, also built in my home city, and also in charge of a veteran captain, and she was lost almost within sight of the *Carnegie*. Now, if this trio in New York had been operating under what I understand to be their present rules, because of lack of experience William F. Palmer's vessels would have been charged an overwhelming insurance premium and these ships of the veteran firm of J. S. Winslow & Co. would have been entitled to an exceptionally low rate of insurance. Practical men understand this, and that's why you find veteran shipping men, those who have learned the problem of ship operation by plowing those treacherous waters of the Orient or sailing the snow-blinded courses of the North Atlantic, are most charitable when it comes to discussing losses at sea. You will all recall how the *Kearsarge* went on

Roncador Reef, 40 miles off her course, in charge of naval officers. Nobody will claim that the navigators of the United States Navy are not as competent as any in the world—but there's what happened. How did she get there? No one can tell, no more than anyone can tell how the *Titanic*, in charge of the most experienced master of that old line, was lost on her first voyage.

Something is to be allowed for experience, because men learn from experience to judge men and their capacities, but in my opinion it does not justify any such spread—any such spread—as is made between the Roosevelt Line and the British Harrison Line, or the Isthmian Line and the British Harrison Line.

You noticed how those accidents charged against the 92 ships which the Shipping Board pulled out of lay-up to take care of the grain and cotton shipments of this country during that period when foreign tonnage had practically deserted our shores, which ships saved the farmers and planters of this country millions and millions of dollars, were recited to this committee.

Every practical man knows the truth that Kipling voiced in "The Ship that Found Herself," how it takes time for a new ship, or a ship after years of lay-up, to get shaken down to her business—for her crew to learn their vessel. The Shipping Board put those 92 ships into as good condition as maritime skill could put them. The classification societies did their work, and they did it well; and I, for one, not only feel that the record made by those ships is one with which we well may be satisfied, but if the people of this country ever face such an emergency again, I, for one, shall advocate the putting into operation of another just such fleet; and any accidents that may occur then will not make any more impression on me than have the accidents to which reference has been made here. We had a duty to the public to perform, and we did it. It was an emergency service and liable to emergency contingencies.

Of course, I expected criticism from the foreign interests when we put those 92 American ships into service and prevented our American producers from being mulcted through excessive rates charged by foreigners; but I did not expect an echo to come from people here at home.

But, after all, it seems to me these insurance men have by their own admissions simplified the problem and shown how absolutely necessary is some such insurance legislation as that proposed in the bills now before this committee.

They have had eight years of unrestricted opportunity, free from all control and all supervision, to go ahead and put American vessels on a parity with foreign vessels, so far as the costs of marine insurance are concerned. They certainly have not done it. If I get the drift of what they have been saying, they admit they can not do it. Then here's the insurance problem in a nutshell.

It is admitted that we must have an American merchant marine. It is admitted that to have one we must have some Government assistance. We want that assistance rendered in the most effective way and at the least cost to the Government.

That's the reason we propose having the Government loan money for shipbuilding at 2½ per cent. That's the most economical contribution the Government could make. For if the ship has to pay bankers 6 per cent for its money, the contribution by the Government would be increased just that much. If we leave this extra charge for marine insurance on our ships, it's got to be paid for ultimately by the Government.

Let us assume for the purposes of this discussion that these insurance men are right in saying that the business can't be done for less than it's being done now. Then the Government might as well contribute through reinsurance in some other way, and there would result from the Government taking hold these two tremendous advantages: The millions which we now send abroad in premiums would be kept in this country, and the foreigners who now do the greater part of our reinsuring, as well as so much direct insuring, would be deprived of that intimate knowledge of what our merchants are doing abroad, which is their privilege to-day. And there's always the chance that these men will discover ways to cut down costs when they find there are other insurance companies, when they find they can get reinsurance without our competitors coming into the field. Of course, by birth, teaching, and lifelong experience I am radically opposed to having the Government do any business that a private citizen can do. But when a thing needs to be done and private parties have not done it and admit that they can't do it, then the Government should step in. Canada is teaching us something practical in the way of government activities every day. She found that the short hauls to New York were taking from her a vast amount of grain shipments during Montreal's closed season. Last September her railway commission authorized the Government railways to make the same rate on grain over the 1,187-mile haul to Halifax and St. John that is made on the 397-mile haul to New York. She knows that with plenty of base cargo, like grain, available in Halifax and St. John, vessels will bring to and take from those ports general cargo and thus develop those ports and support the transportation systems of that country. But because of the dreaded fogs which haunt those waters, as well as outlying reefs and rocks, insurance rates have been necessarily higher on cargoes to and from those Canadian ports than to and from United States ports—a handicap which the British preferential tariffs have not overcome. So now the Canadian Government is considering the formation of a Canadian Lloyd to insure vessels going to and from Canadian ports at the same rates as companies insure cargoes to and from American ports. They know, of course, how much more dangerous are voyages to those Canadian ports, how just is at least a portion of the extra charges made against those ports. But they also know how tremendous is the cumulative effect of even a small increase in marine insurance rates; and if private companies can't or won't find a way to solve it, the Canadian Government will.

If the extra charges on what cargoes are handled through Canada's three eastern ports are sufficient to move the Canadian Government to come to the rescue, can this country, where the volume of traffic affected is so tremendous and the extra charges run into millions, hesitate to show the same good business sense that Canada has shown in handling her rail rates and is preparing to show in handling her marine insurance rates?

In these hearings I repeatedly demanded to be informed by the representatives of insurance companies, or their general counsel, who was present, how it was that the United States Government, operating a department devoted to the self-insurance of Shipping Board ships, was able to maintain an average rate of 3 per cent in premiums and accumulate a substantial surplus from such premiums charged against its ships, while at an average rate of 5 per cent on the hulls of American ships American marine insurance companies showed only constant losses from such operations. That question was never answered, and there was much doubt as to whether the insurance representatives would furnish from their books the schedules of rates, gains, and losses on the hulls and cargoes of American and foreign vessels alike, insured by such American companies.

Most sinister rumors were constantly floating through the corridors and among the groups of men assembled at the hearings, of the power possessed by these American insurance companies and how it might be used to defeat the passage of any bill intended to give a living chance upon the seas for American ships. Some of these insurance companies were able to pay dividends upon millions of capital as high as 25 per cent per annum, as well as be able to accumulate surpluses several times greater than their capital stock.

The American steamship owners, on the other hand, were shown to be meeting annual losses from the operation of their ships, running into hundreds of thousands of dollars, with but a hope that the tide might turn before they became bankrupt. To their credit, these American steamship owners are undismayed, and are even planning to build new ships, so as to better meet foreign competition, and thus secure a fair share of the carrying of American cargoes to and from foreign countries.

For many, many years it has been known to all that powerful foreign lobbies exist in the United States, whose sole purpose it is to diffuse propaganda favorable to foreign and unfavorable to American ships, especially in the magnifying of every trivial accident or casualty happening to an American ship, in order to show the general unworthiness of them, while foreign ships, some of them crack trans-Atlantic liners, could almost break in two in mid-ocean, and limp to their docks, from which the insurance companies would not allow them to stir until they were thoroughly reconditioned, so fearful were they if taken to a shipyard and a drydock for such repairs that the vessels might collapse en route over a distance of only a few hundred miles.

A subcommittee of the Merchant Marine and Fisheries Committee are trying faithfully to work out a bill that will conform to the views of the full committee, and I have every reason to believe that a bill will be reported to the House which we can all get behind and that we can then in conference with the Senate reach an agreement and can place the American flag on the seas over a merchant marine the equal of any in the world.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ABERNETHY. I ask permission, Mr. Chairman, to revise and extend my remarks, and in that extension I would like to insert a statement of Mr. Plummer, of the Shipping Board, in reference to this insurance matter.

Mr. AYRES. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, I rise again to make a few observations on what might be called "the submarine question." The *S–4* has at last been raised after her long sleep in the mud and silt of the ocean for three long months. The remaining members of her crew, numbering eight, whose bodies had not been heretofore removed, are at last on the way to their families and their friends.

There were 40 men who perished in the *S–4*. I have expressed time and time again the hope that we might find some latent spark of humanity in our breasts which might be aroused to a flame of indignation and have the effect of spurring the bureaucrats in the Navy to some definite remedial action. Appeals to the heart have failed. I am going to make an appeal now to the pockets of the American people.

I have taken the pains to prepare a list of the accidents to American submarines since March 25, 1915, and will, without reading it now, put it in my remarks:

Accidents to American submarines from March 25, 1915, to date

Date	Name	Place	Cause	Lives lost	Monetary loss
Mar. 25, 1915	F-4	1½ miles off Honolulu.	Unknown	21	$1,500,000.00
Dec. 17, 1917	F-1 [1]	Off San Diego, Calif.	Collision	19	1,200,000.00
July 30, 1919	G-2		Open hatch	3	Not stated.
Mar. 12, 1920	H-1	Point Rodondo, Calif.	Ran ashore	4	Not stated.
Sept. 1, 1920	S-5 [2]	Delaware Capes	Making crash dive	0	1,500,000.00
Sept. 26, 1921	R-6	San Pedro Harbor, Calif.	Torpedo lock defect.	2	Not stated.
Dec. 7, 1921	S-48	Bridgeport, Conn.	Open manhole	0	Not stated.
July 17, 1928	S-38	Anchorage Bay, Alaska.	Neglect to close valve.	0	Not stated.
Oct. 29, 1923	O-5	Limon Bay, Canal Zone. [3]	Collision with steamship Abangares.	3	1,000,000.00
Aug. 20, 1924	S-34	San Francisco Harbor.	Grounded in fog	0	40,677.00
Oct. 28, 1924	R-1	Barbers Point, Oahu.	do	0	55,000.00
Jan. 13, 1925	S-19	Cape Cod, Mass.	do	0	94,473.00
Jan. 29, 1925	S-48	Portsmouth Harbor.	do	0	268,932.00
Sept. 25, 1925	S-51	Block Island	Collision with steamship City of Rome.	37	3,013,974.65
Oct. 5, 1925	R-8	Pearl Harbor	Collision	0	Not stated.
Oct. 15, 1925	S-25	San Pedro, Calif.	Collision with steamship Ortolan.	0	30,000.00
Dec. 17, 1927	S-4	Provincetown, Mass.	Collision with Coast Guard Paulding.	40	1,999,321.97
Totals				129	10,702,378.62

[1] Sank in water too deep to be salvaged.
[2] Abandoned.
[3] Salvaged and sold for junk.

From this exhibit you will note that there were 17 accidents to American submarines from March 25, 1915, to date, and yet these gentlemen in the Navy congratulate themselves that they have not had more. In those accidents 129 American sailors perished. But what about human life? Evidently the death of six score or more of human beings does not count. Perhaps the financial loss involved might have a greater effect in spurring us on to some definite action. Well, I figured that out, too, aided by the experts from the Navy Department who appeared before the committee, and this is what I find: Those 17 accidents cost the American people $10,702,378.62, and that does not include six accidents about which they are unable to give us any report.

You ask: What is the significance of financial statements in connection with the loss of submarines? Just this, that with that $10,000,000 spent wisely and intelligently the Navy could have adopted devices which would have rescued the crews and salvaged the vessels, and it is my hope that if this side of the problem is sufficiently emphasized we may eventually compel the bureaucrats to adopt definite plans and devices for the saving of lives and the salvaging of submarines.

These experts from the Navy appeared before the committee and gave vent to the usual story of "how things can not be done." I hope the subcommittee were not hoodwinked by their arguments, which, to my mind, were quibbling, casuistical, and unreliable.

There is something about the bureaucrat that makes him essentially a conservative. I think the defect lies in his training and environment and the glamor, the honor, and dignity that go with military rank. Real men are not unbalanced by such things, but the little fellows are flattered and cajoled into the belief that because they are supposed to know they do know.

This criticism does not apply alone to the Navy. It is equally applicable to the bureaucrats in the Army. Why, gentlemen, if the world were dependent upon the originality and the initiative of Army and Navy bureaucrats we would still be fighting with flintlocks. There is not a single invention of any moment connected with the implements of war that has originated from the head of a bureaucrat. Of course, there are a few exceptions, but generally the experience of men of invention throughout our history confirms that statement.

INVENTORS' STRUGGLES WITH BUREAUCRACY

Take poor Doctor Bushnell, the man who made the first practical submarine. He was humiliated and ignored, so that he was compelled to take refuge in Europe. When after some years he returned to the United States he took up his home in Georgia under an assumed name and practiced his profession as a doctor.

Robert Fulton got no encouragement here. He had to go to France for recognition.

Mr. GARBER. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. GARBER. Knowing all of this, why does the gentleman insist upon deluding the country by holding out the false hope that any invention or device that is serviceable will be brought forth out of the department?

Mr. GRIFFIN. I am not expecting any such happy result. But I am trying, if I can, with your aid, gentlemen, to goad them into the acceptance of devices that are recognized and adopted in most of the modern navies of the world.

Continuing, take the case of Ericsson, the inventor of the *Monitor*. As a matter of fact, when Ericsson brought his "cheese box on a raft" into Hampton Roads that vessel had not been accepted by the United States Navy. It was built by private capital in defiance of the opinions of the experts of the Navy, who told him that any fool knows that iron will sink. They did not believe it was possible to build an iron vessel with a turret on it which would be of any service, and his epoch-making invention had to earn its title to recognition in actual warfare at one of the most critical times in the Nation's history.

Sir Hiram Maxim who, notwithstanding the fact that he has the prefix "Sir" to his name, was an American, born in Maine, presented his device for a machine gun to our Government, but he was flouted and humiliated. He had to go to England to be recognized, and not only was his invention accepted but he was signally honored.

Take Hotchkiss, another machine-gun inventor. He was obliged to go to France to have his invention recognized.

Coming down to the present period, take the case of the Wright brothers. It is a fact that the first recognition the Wright brothers received and the first dollar they earned by reason of their invention was received by them in France. Our Smithsonian Institution takes the pains to deny the credit which was theirs, so that Orville Wright, although a good American, is forced to the recourse of sending the first plane that flew with a human being, at Kitty Hawk, to find an honorable place in a British museum.

This is not derogatory to Americans. It is no reflection upon our system of government nor upon our people, who are the most inventive in all the world, but it is a reflection upon the conservative, reactionary bureaucrats who never learn and who never will learn.

Take the submarines. They are an American invention, yet they received no encouragement here in the beginning. Simon Lake, in his book entitled "The Submarine in War and Peace," says:

> What is the reason for this lamentable state of affairs in respect to American military inventions? I believe that I can partially explain it. I believe it is because our Army and Navy officers are too busy with the routine of their profession to give the necessary time to a thorough investigation of devices other than those with which they are forced to become familiar by their training. I believe that there is not a single fundamental invention which has emanated from an Army or Navy officer during his service.

That is from page 138 of The Submarine in War and Peace, by Simon Lake. Likewise the following significant observation:

> The few inventions which have gained sufficient early recognition and have received governmental aid in their development have usually been forced on the Army or Navy by either political or financial interests (p. 139).

What is true of other devices in war is particularly true in the case of submarines.

John P. Holland, the inventor of the first practicable submarine, met with most humiliating and discouraging opposition in his dealings with the Navy from the very beginning. His first plans for a submarine were presented to the Navy in 1875. He went to Secretary Robeson with a letter from the governor of his State—Leon Abbott, of New Jersey. Secretary Robeson referred him to Commander Sampson, at that time in charge of the torpedo station at Newport, R. I., and later the admiral

who destroyed Cervera's fleet. Sampson reported that the project was practically impossible, owing mainly—listen gentlemen—

to the difficulty of finding in what direction to steer the boat under water and the attempt to do so would be an aggravated case of trying to find one's way in a fog.

Admiral Sampson was a good fighter, but very impatient when it came to bothering about new ideas. The good admiral did not seem to think it might be possible to steer the submarine by the compass.

Then when Simon Lake submitted his plans for the peculiar type of boat which he invented, and which has been largely adopted in foreign countries, he also ran up against this perverse and foolish hostility of so-called experts. His plans were referred to a naval board, but they were not adopted at the time, because the naval constructor of the board interposed the foolish objection that when the Lake boat was running on the bottom on wheels—you know the Lake boat was provided with wheels originally—"she might run off a precipice at the bottom and go down head first to so great a depth as to be crushed by the tremendous pressure of the water."

This was the offhand decision of a distinguished and experienced naval officer who did not even think of the elementary principle of physics involved in the submarine, namely, that the stability of the vessel itself, assisted by its hydroplanes, would prevent any such happening. In other words, the buoyancy of a submarine is such that there is hardly any weight to cause her to drop.

Now, in connection with hydroplanes it is interesting to note also that another great naval constructor, L. Y. Spear, enlightened the Committee on Naval Affairs of the House, long before the chairmanship of our good friend, Mr. FRENCH, of Idaho. In 1902 he said:

As an expert I do not think he [Lake] would make his hydroplanes work. (Lake's book, p. 173.)

Notwithstanding this official opinion, the hydroplane has been generally adopted all over the world.

John P. Holland, the pioneer of submarine invention, died August 12, 1914, two weeks after the outbreak of the World War. He did not have the good fortune to live to see his invention applied and given the highest test; that is, the test of warfare. Six weeks after he died, however, one of his model of submarines sank three British battleships, the *Aboukir*, the *Cressy*, and the *Hogue*.

Holland's experience with the United States Navy experts humiliated him and soured the declining years of his life. Even after having obtained the award for building the first Navy submarine, known as the *Plunger*, he was hampered at every step in its construction by the interference of the "know-it-alls" in the Navy, who insisted upon modifications of the plans to such an extent that it turned out to be an absolute failure. For instance, they insisted upon the installation of steam engines developing 1,500 horsepower and failed to provide for the insulation of the fire boxes, with the result that no human being could stay inside the boat while the furnace was going. Recognizing the folly of these interferences, Holland induced the company backing him to build a second boat to be held in reserve when the trial of the *Plunger* proved to be a failure, as he suspected it would, and which it did. This boat, the *Holland*, was an unqualified success, for the reason, as Holland said:

It was built away from red tape and gold lace.

SOME NAVY MEN WHO HAD VISION

It is only fair to state that there were a few in the Navy who were not afflicted with bureaucratic inertia. Among them was Admiral A. T. Mahan, who was one of Holland's earliest supporters. Rear Admiral Jouett also had the vision to foresee the possibilities of the future. Admiral W. W. Kimball, now living here in Washington, and Admiral George H. Converse were also among the staunchest supporters of Holland.

Admiral Kimball particularly deserves mentioning, because he not only believed in the submarine, but he was willing to risk his life in one. In 1898, when we were at war with Spain and while he was in command of our torpedo flotilla off Cuba, he asked the Navy Department to purchase the *Holland*, even as she was, just off the stocks, before she had been accepted by the Navy Department. "Put me in command," he said and he would go into Santiago Harbor and torpedo the Spanish fleet. The bureaucrats shook their heads wisely and said: "Impossible."

Admiral Dewey was also a staunch advocate of the submarine, and his secretary, Lieut. H. J. Caldwell, was the first submarine captain in the United States Navy. Admiral Hitchborn was also another friend of the inventor and a man of vision.

Lieutenant Nixon, although himself the designer of the battleships *Indiana* and *Massachusetts*, was an earnest advocate of the submarine.

The support of these men was, of course, encouraging, but it was overwhelmed by the crushing antagonism of the reactionaries. Admiral Charles O'Neill, Chief of the Bureau of Ordnance, could see no virtue or promise in the new device. Admiral George Q. Melville was another expert of the reactionary class and wrote:

From the time that the Senate and House Naval Committees look with favor on these boats, there will be a decreased construction of battleships.

In other words, he feared the submarine as the rival of the battleship.

I do not know whether I ought to blame him for these views or not. Perhaps he saw what all thinking men do see in the future, and that is, that in the next war battleships are going to be tied up in a safe harbor and the contest will be between airplanes in the air and submarines under the sea.

THE SUBMARINE HAS COME TO STAY

I have no sympathy with the attitude of men who would abandon the submarine as an implement of war because of these unfortunate disasters. All that I am contending for is that they be given the same chance as surface vessels and that they be provided with obvious safety appliances for the rescue of the crew in case of danger and proper salvage facilities in case they sink. The submarine has come to stay, and while it is going to make war terrible it may have the effect of lessening the chances of war due to that very fact. But while wars exist, fomented by hate and greed, it is our duty to be prepared.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. OLIVER of Alabama. I agree with the gentleman as to the importance of the submarine, but it is interesting to know that, notwithstanding the criticism of naval officers, to-day we have the largest tonnage of submarines of any nation in the world.

Mr. GRIFFIN. That is, of course, the best proof that we believe in it, but we should apply to it this fundamental principle—that if it is to be a useful instrumentality of war it must be fitted with all the safety appliances which are necessary to protect the lives of the crew.

SUBMARINES SHOULD BE FOOLPROOF AND NOT DEATH TRAPS

In other words, it should be foolproof and not a death trap. Industrial society takes great pains to protect the workingman at his bench and at his lathe, providing that saws and gears shall be protected so as to minimize their danger. Even admirals themselves, I dare say, use safety razors. They have comfortable quarters on battleships. Why should they not be disposed to adopt safety appliances for the benefit of men who risk their lives under the sea in submarines?

Mr. HARDY. Will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. HARDY. I want to say to the gentleman that the bill provides $200,000 in addition for investigating and working out methods of that kind and the naval board has devoted much time and energy toward that end.

Mr. GRIFFIN. I congratulate the committee. I know it is in the bill and I appreciate it, but I want to prepare the minds of the Members of the House and the minds of the people of the country, so far as my words can reach them, for adverse reports by naval experts.

Mr. HARDY. They have had more than 3,000 propositions to make submarines safe, many of which have been investigated and found not of much use, and some have been tried out and found foolish. The officials of the Navy have gone forward very diligently in this direction, and, moreover, the Navy in itself is not expected to adopt every new thing suggested.

Mr. GRIFFIN. No; but they carry their skepticism to weakness. They have 3,000 suggestions, and I have received 300 from humane men and women from all over the country. A large number of the correspondents have written to me because they could not obtain recognition from the Navy Department.

Mr. HARDY. The committee has heard a great deal on the subject and has had a great many people before it on the question of safety devices. Your committee has not heard from the bureaucrats on this, but the committee brought before it men lower in rank. It was very interesting to hear their viewpoint when not surrounded by superior officers and when they could talk as they pleased.

Mr. GRIFFIN. All of that is in the hearings, which I hope Members will read.

Mr. HARDY. Here is what one boy said. He said—

we think the safety of the submarine lies in devices in the submarine which the men can use. We do not think so much of the plan of inaugurating buoys and pontoons around where the submarines go. That is like a football captain telling the boys before the game we have 11 ambulances here to take care of you, go in and do your best.

[Laughter.]

Mr. GRIFFIN. Nevertheless the ambulances are there at the football game within reach and the boys know that if they are hurt they will not be buried alive. The boy my distinguished colleague from Colorado speaks of will not have very much solicitude about iron staples and pontoons accessible to salvage the vessel until the ominous moment when he happens to be trapped as poor Commander Jones was caught in his submarine. It is all very well for those brave boys to repeat parrotlike what their superiors have said, but it carries no conviction.

We have had 17 submarine accidents in a little over 12 years, an unfortunate record of incompetence and neglect not surpassed by any other country in the world.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. FRENCH. Of course, there is no excuse for the American Navy to have any loss of life or any disaster if by proper care and foresight it may be avoided, but I think the gentleman is in error when he contrasts so unfavorably the United States with foreign countries. We called upon the department to indicate to us the disasters over a period of some 8 or 10 years where loss of life had occurred, and on page 108 of the hearings the gentleman will find that since 1919 Great Britain has had six disasters with a loss of life of 200 in her submarine work, and Japan three, with a loss of life of 135, and the United States seven disasters, with a loss of life of 89, less than one-half the ratio of Great Britain upon a Navy that in submarines is not so large, and only about two-thirds of the loss of life in Japan, with comparison with a Navy that ranks as three to five with ours.

Mr. OLIVER of Alabama. It would be well in that connection to also give the difference in the number of submarines in commission in the American Navy and in the two navies to which the gentleman has referred.

Mr. GRIFFIN. That is right. That is the point.

Mr. FRENCH. Mr. Chairman, I dislike to take up the time of the gentleman, but if he will just permit me to do so, I would direct his attention to pages 146 and 147 of the hearings, where he will find that the United States has 6 fleet submarines built, 50 submarines of the first line, and 65 submarines of the second line, as against for Great Britain 4 fleet submarines of the first line, 3 submarines of the second line, 1 cruiser submarine, 3 mine-laying submarines, 29 submarines of the first line, and 22 submarines of the second line. In other words, in numbers of submarines Great Britain is considerably below the United States, and so, with greater use of submarines and more men in the service, the loss of life through disasters has been one-half less in the fleet of the United States.

Mr. GRIFFIN. Mr. Chairman, I am very grateful to the gentleman for having taken the pains to make that comparison, because it brings me to a discussion of the very point I was about to discuss.

My colleague [Mr. OLIVER] hit the nail on the head when he interjected the suggestion that in this connection we ought to consider the submarines actually in commission. The figures my colleague [Mr. FRENCH] quotes from the tables on pages 146 and 147 of the hearings give the entire fleet, but if you will look at page 128 of the hearings you will find that out of a fleet of 122 we only have had in commission 79. The others, to the number of 43, are laid up and out of commission.

Mr. FRENCH. Mr. Chairman, I think before we leave this point I should state for the RECORD at this particular place that the members of our subcommittee are much indebted to the gentleman from New York [Mr. GRIFFIN] for many suggestions he has brought to our attention, and I am sure he has contributed to affirmative constructive programs by suggesting ways and means by which disasters may be avoided. However favorable the record of the United States Navy may be, we must not rest content until we shall have made submarine service as safe as possible to those who may be asked to engage in it.

Mr. GRIFFIN. I thank the gentleman. Now, as to his comparison with the losses in the British Navy. In the first place, the British vessels concerned were mostly of great size with large crews. The *K–5*, on January 20, 1921, had a crew of 57 men; the British submarine *M–1*, sunk in the British Channel in 1925, had a crew of 69 men. There were only 6 accidents in the British service, while there were 17 in ours in the period I mentioned. We do not build our submarines as big as they do theirs in England or else they are more heavily manned.

Mr. FRENCH. Mr. Chairman, will the gentleman yield there?

Mr. GRIFFIN. The gentleman wants to contradict me?

Mr. FRENCH. No. I am directing attention to another point. Since 1919, in contrast with the disasters that have occurred in the British Navy, two of our disasters have resulted in heavy toll of life. The other disasters have taken a less toll, or as follows: In one, a loss of life of 4; in another, a loss of life of 3; in another, a loss of life of 3; in another, 2; and in still another, of 4.

Mr. GRIFFIN. That is where the gentleman was sleeping at the switch. That is where the Navy has pulled the wool over your eyes. They give seven as the number of accidents. There were more than seven.

Mr. FRENCH. I was speaking of disasters involving loss of life.

Mr. GRIFFIN. Yes; and the others are worthy of consideration, too, because they might have involved loss of life.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. TABER. The gentleman stated, as I understood him, that the British submarines were larger than ours. We have 50; all of them are of large tonnage except one. Some of ours exceed by 993 tons.

Mr. GRIFFIN. But they are not using them. We have six fleet submarines, first line, of approximately 1,500 tons; and only four of them are in commission, which you can confirm in the hearings at page 128. Of the "S" class of approximately 1,000 tons there are two of them under the sea. One was used to help salvage the *S–4*.

Mr. TABER. All of those are under commission.

Mr. GRIFFIN. That all appears in the hearings. I want to be as judicial and as fair-minded as I can in this statement that I have made to the House. I do not want to appear as a mere enthusiast. I want to tell you gentlemen the truth, and I hope you will all read the hearings of the committee. The subcommittee was very fair.

Mr. FRENCH. My colleague has called attention to the difference in tonnage of the smaller ships. On page 146 of the hearings the gentleman will find there are six fleet submarines of the United States of 9,618 tons, as against four of great Britain's with a tonnage of 6,670. In other words, they fall approximately into the same class as to tonnage, so the gentleman can not compare adversely in tonnage the two navies with the adverse feature against the United States.

Mr. GRIFFIN. As I have already said, only four of our first-line fleet submarines are in commission, so that the comparison with Great Britain's forces does hold good.

Mr. FRENCH. Then there is one other feature in that same connection. The steaming in miles for the submarines of the United States I would estimate to be not less than 25 per cent and maybe 35 per cent more than the steaming in miles for the submarines of Great Britain, of the same tonnage.

Mr. GRIFFIN. That is information which the gentleman might very well give in a speech of his own if he wanted to take the responsibility of defending the Navy against the charges I make as to their tardiness in adopting modern safety devices. I have not fairly gotten into my subject as yet. I hope gentlemen will make their own arguments in their own time, because, after all, the comparisons which I made seem to be the only matters of contention.

Mr. FRENCH. Will the gentleman yield further?

Mr. GRIFFIN. Mr. Chairman, how many minutes have I remaining?

The CHAIRMAN. The gentleman has 13 minutes remaining.

Mr. GRIFFIN. I must hurry on, because I have barely gotten into my statement.

Mr. FRENCH. Mr. Chairman, I yield the gentleman five additional minutes. I shall use only a part of it and leave the rest with him. Permit me to say that members of this subcommittee have no defense whatever for any disaster that could have been avoided. We are not seeking to whitewash or cover over anything. All we want is to be helpful in obtaining truth.

Mr. GRIFFIN. I realize that.

Mr. FRENCH. As to the *S–4*, I do not know and you do not know. Now, may I say further, that when the gentleman was proposing a foundation for what he wanted the House to assume as a basis I felt the gentleman would welcome a statement as to tonnage, the mileage of steaming, the number of submarines, and other factors in connection with loss of life.

Mr. GRIFFIN. I want to say to the gentleman that I read those tables very carefully, but I did not derive the same conclusions from them that the gentleman does.

THE CAUSES OF SUBMARINE ACCIDENTS

Let me point out to you the causes of the various accidents in the United States submarine service. First of all, the *F–4* was sunk 1½ miles off Honolulu. The cause was unknown. The *F–1*, December 17, 1917, by collision. That implies negligence and want of care. Take the accident which happened to the *G–2* on July 30, 1919, due to an open hatch; to the *H–1* March 12, 1920, off Point Rodondo, Calif., ran ashore. September 1, 1920, the *S–5* sank off the Delaware capes in making a crash dive. September 26, 1921, the *R–6* off San Pedro Harbor, Calif., a torpedo lock defect. December 7, 1921, the *S–48*, off Bridgeport, Conn., an open manhole. July 17, 1923, the *S–38*, off Anchorage Bay, Alaska, neglect to close valve. October 29, 1923, the *O–5*, collision with steamship *Abangares* off Limon Bay. Then the *S–34*, grounded in fog; the *R–1*, grounded; the *S–19*, grounded; the *S–48*, grounded; the *S–51*, collision with steamship *City of Rome;* the *R–8*, collision; the *S–25*, collision with the steamship *Ortolan;* and the *S–4*, collision with Coast Guard vessel *Paulding*. I submit that is not a pretty spectacle, and I do not think there is any defense for it.

CONTRADICTIONS IN THE HEARINGS

Now I want to go into the hearings to show some of the inconsistencies. I want to call your attention, gentlemen, in the first place, to the fact that the testimony of one of the naval officers shows that the probable lift necessary to raise the *S–4* from the bottom of the ocean would be about 700 tons. It turns out that she was eventually lifted with six pontoons of 80 tons each; in other words, with a lift of 480 tons.

LIFTING EYES

I make the charge here without hesitation that if the Navy had fitted lifting eyes to these vessels in the Navy, such as Lieutenant Commander Ellsberg recommended after the salvaging of the *F–51*, and if they had had pontoons at New London instead of being scattered all over the country, at New York and at Norfolk, and that if they had had a salvage vessel within reach and were able to put divers down to the *S–4* to attach the chains the vessel could have been lifted immediately.

Mr. HARDY. But if they had had 100 pontoons there they could not have worked for several days because of the weather.

Mr. GRIFFIN. That is what you say, and that is what they say, but it is absolutely not so.

THE DOCTRINE OF INHERENT BUOYANCY

Mr. AYRES, of the subcommittee, asked a very pertinent question, and I want to lay emphasis on Admiral Hughes's answer:

Mr. AYRES. Can you count on anything, Admiral, in the way of salvaging boats or any other contrivance that you can have, or can think of, to save life?

Admiral HUGHES. No, sir; not that I know of.

Mr. AYRES. Any more than you could on pontoons?

Admiral HUGHES. The best thing I can think of is for the rescuing vessel to get men down to see if they can connect air lines and raise the ship from its own buoyancy; and that is about the only hope of saving life.

Now, mark the significance of this: He says that the only hope lies in the use of internal means to raise the vessel by its own buoyancy. What is the inference from that? Simply that the submarine has a certain degree of buoyancy, which is, of course, true. In case, however, of damage to the hull, whereby one compartment is flooded, the inherent buoyancy is diminished to the extent of the weight of the water admitted. In the case of the battery compartment of the *S–4*, which was the compartment damaged by the prow of the S. S. *Paulding*, the water admitted diminished the buoyancy of the vessel by approximately 300 tons. Obviously, if that decreased buoyancy can be neutralized either by blowing out the water or applying a direct lift from the outside, the vessel could be raised. In other words, if the facilities were at hand to apply a lift of 300 tons, then the *S–4* could have been raised. This is confirmed by the reports of the divers which show that there was such a degree of buoyancy in the vessel in the unflooded compartments that she showed signs of having shifted her position.

One of the experts who has been quoted in the press states that when the vessel was struck the controls had been set to fill the ballast tanks and the vessel was on its descent. He is also quoted as saying that she did not sink because of the water admitted into the compartment through the fracture in her hull but sank only because her ballast tanks were full; and he goes on to state that if the crew in the control room could have remained at their posts they could have started the machinery to blow out the ballast tanks and that she would have floated to the surface, notwithstanding the loss of buoyancy due to the amount of water in the battery room.

Mr. HARDY. The storm would have prevented any diver from going down.

Mr. GRIFFIN. Never mind that. You are going ahead of the story. Consider now what was her condition when she sank. There was only one compartment filled with water. And what was the capacity of that compartment? She had 300 tons of water in her. Now, remember a submarine when she is submerged has what is called negative buoyancy; she may be raised or lowered with the mere touch of the hand. If you project into one compartment of a submarine 300 tons of water, you lessen the vessel's buoyancy by so much and have 300 tons more to lift. If they had had lifting eyes on that vessel and had had a suitable salvage vessel there to put into operation, she could have been lifted a part of the way, towed into shore, and the crew could have been rescued. I say this with due deliberation and with all the certainty of conviction that God has given me.

Now, on page 96 of the hearings Admiral Hughes when testifying before the committee said:

The *S–4* lying on the bottom, as she is now, or as she was when we were working with her, has a weight of something like 760 tons.

But it turned out she had only 480 tons. That is all they had to lift.

SALVAGE SHIPS

Now, as to his views on foreign salvage ships, he states:

You have got to have them lift 700 or 800 tons.

This was in his argument against the use of salvage ships such as they have in the French and in the Italian Navy. He states you must have 700 or 800 tons lifting capacity and yet in every case where we have had to salvage submarines we have never had occasion to put into play the exertion of such a lift. The *S–51* was raised with 8 pontoons of 80 tons capacity, or 640 tons. That was all the lift there. If we had had one of the German *Vulcan* type of catamaran salvage ships, she would have been perfectly capable of raising the *S–51*.

Yet Admiral Hughes persists in saying that as to salvage ships:

They would not do. I think the Germans built one or two; Brazil has one; Italy has one; and Spain has one. So far as I know, they have raised only a little submarine that weighed about 400 tons. You have got to have them lift 700 or 800 tons.

And yet if we had them, as the other navies have them, their capacity of 700 or 800 tons would have been ample, as it turned out, to have raised both the *S–51* and the *S–4*.

AS TO PONTOONS

Mr. AYRES, a member of the committee, addressed this question:

Mr. AYRES. Admiral, do you not think it would be advisable to have a set of those at each of our naval bases, on both coasts?

Admiral HUGHES. I think we should have some on the Pacific Coast, but I do not say at every naval base; no, sir.

Mr. HARDY. You do not count much on these pontoons for the saving of life, do you?

Thus encouraged, Admiral Hughes said, "No, sir." Further on he continues:

Mr. OLIVER. Right there, Admiral, it seems to me that your answer to Mr. Hardy's question should be qualified; because, of course, if later you should put on a safety device and find that it is practical, and that your divers could make the connection, then if you had your pontoons near by, you might raise her pretty quickly. So, of course, they could be considered in connection with the saving of life.

Admiral HUGHES. I said before that they are a possibility, but not a probability.

Mr. OLIVER. I thought there should be a qualification.

Admiral HUGHES. Incidentally I might say that those pontoons have not been used yet. I think they will probably put them down, if weather conditions permit, in the next few days. They got there within 24 or 36 hours after the thing happened. They were all on the spot; but they have not been used yet.

Here, again, the admiral goes off from the true state of facts.

The CHAIRMAN. The gentleman from New York has consumed one hour. The gentleman from Idaho has yielded the gentleman an additional five minutes, which can not be yielded to him without the consent of the committee.

Mr. AYRES. In addition to that, Mr. Chairman, I yield the gentleman five minutes.

The CHAIRMAN. The gentleman from Kansas also yields the gentleman five minutes. Is there objection to the gentleman proceeding 10 minutes beyond the hour?

There was no objection.

Mr. GRIFFIN. Now, as to getting the pontoons there, four pontoons were sent to Provincetown, a storm came up, one of them broke away and was lost, and in the testimony of one of the Navy men there appears an item of $16,000 for building another pontoon to take its place. This was 48 hours after the accident. The remaining pontoons sent up from Norfolk did not get there until Wednesday night; in other words, the 21st. This was 96 hours afterwards.

Mr. HARDY. If they had got there the day after the disaster, they could not have been used.

Mr. GRIFFIN. That is true, but it shows the way these men quibble and do not know the facts when they are testifying before committees of this House.

Mr. HARDY. But the impression the gentleman gives is that with due diligence we could have saved the lives of the men in the *S–4*, when the facts are that the storm was such that with all the devices the gentleman has mentioned the divers could not have gotten down there to use them.

Mr. GRIFFIN. I am trying to present a complete case, and I hope the gentleman will not take up my time.

THE SALVAGE AIR LINE

Now, note what the admiral says about the only device that is practicable, in his mind, which is to get an air connection to the sunken vessel, to pump air into her and drive out the water and have her rise of her own buoyancy. He sticks persistently to the thought that this is the only way of accomplishing a remedy of conditions, and yet he has never been able to do that very thing.

On the *S–4* they were able to get a connection with the salvage air line and the moment they started to pump the air in the water came into the torpedo room, and the men there begged them to stop pumping because the water was coming in from the battery room.

Now, it seems that they do learn, but it takes years to get a new idea into their heads. The salvage air line as installed in all the S-type of vessels is a conduit stretching from the compartments with an inlet near the conning tower, and you are thus obliged to make a connection there and pump the air into the conduit and through that by branches into the different compartments. They persisted in that for years, although the experts have warned them that it was dangerous. The proper way to install air inlets is to make a separate air inlet for each compartment. Now, they are going to do that very thing in the new type of vessels. But they are only doing it after two submarines have gone to the bottom, with a casualty list of 73.

TELEPHONE SIGNAL MARKERS

Now, for the telephone signal marker, look at the hearings on page 990. Admiral Beuret says—

we installed them and removed them and we could put them back again should the operating personnel desire it, but they apparently do not consider them necessary.

Mr. OLIVER asked him if it could not be so attached as not to interfere with the operation in peace times, and Admiral Bueret said that would be entirely practical. That was something apparently they had never thought of. They took them out entirely.

Lieutenant Jones was asked how long was it after the sinking of the *S–4* before it was discovered, and he said it was discovered within a few hours; they knew exactly from the navigational data of the Coast Guard destroyer where it was located.

Those were valuable hours! Mr. AYRES asked the admiral:

Would this telephone buoy that you spoke of have enabled you to locate her earlier than she was located had it been attached to the submarine—

And Admiral Beuret said—

As a matter of fact the approximate location of the *S–4* was known practically at once from the navigational data of the service ship.

Mr. AYRES said he appreciated that fact, and that is the reason for it, but under other conditions would this telephone buoy have enabled them to locate the submarine a few hours earlier than would otherwise have been the case, and Admiral Beuret said—

that would depend on the damage she received. It might have destroyed the buoy.

You see how ready they are to jump at some excuse for not doing the thing they ought to have done. They are not bound to having one marker—they can have three. They do not count much in weight and they do not take up much space.

Now, on page 1009 of the hearings, Lieutenant Jones further testified:

My own experience with that marker buoy in making a 200-foot dive to test it proved the uselessness of it, as it was released some time prior to our resting on the bottom at 200 feet and was never found.

Now, mark the reasoning he gives for not having found it. He says:

When we made our test dive of 200 feet, the releasing of that buoy from a 200-foot depth was required as a test. We attempted to release it from inside the boat. We operated a mechanism to release it from inside the boat. When we came to the surface the tug that was observing and standing by had not seen any buoy, and asked us why we had not released the marker buoy.

Then Mr. OLIVER asked him—

Might not that have been due to some defect in that particular buoy or its attachment to the ship?

And Lieutenant Commander Jones said:

Nobody knows. The cable was gone. There was a defect somewhere in the system, and knowing the danger of a buoy being released when it was not warranted, we all asked to have it taken off, and they were taken off.

Apparently, no one in the Navy thought it incumbent upon him to make inquiry why the marker was so improperly attached that it disappeared—and even the cable with it! This is a fine example of contentment being a virtue, but a mighty poor example of Navy efficiency.

BREATHING DEVICES

Now, there is another device in use in foreign navies—in the German, Swedish, Dutch, and Spanish. It is a breathing device which enables the crew, in case the vessel is damaged at the bottom, to go into a chamber or an airlock, put this breathing device on, which consists of an oxygen supply and a clamp over the nose, and float to the surface. Lieutenant Momsen says they are not practical, and yet they have been tried and adopted in other navies.

ELECTRIC ARC TORCH

This is a device that enables a diver to cut through all kinds of metals under water. It was tested away back in 1923 at the submarine base at New London, found satisfactory, and Lieutenant Commander Jeans, United States Navy, the laboratory officer, wrote the following letter to the International Submarine Co. (Inc.) advising them that—

Recommendation was made that an outfit be installed on the U. S. S. *Falcon* for a service test.

NAVY YARD, NEW YORK,
LABORATORY SECTION,
December 13, 1923.

INTERNATIONAL SUBMARINE CO. (INC.),
17 Battery Place, New York City, N. Y.

Subject: Electric cutting—under water.

GENTLEMEN: With reference to the test conducted at the submarine base, New London, on electric cutting under water, you are advised that the report has this day been forwarded to the Bureau of Construction and Repair via Bureau of Engineering.

Recommendation was made that an outfit be installed on the U. S. S. *Falcon* for a service test.

It is suggested that you write to the Bureau of Construction and Repair relative to the test at New London and the prospective test on the *Falcon*.

Very truly yours,

H. S. JEANS,
Lieutenant Commander, United States Navy, Laboratory Officer.

Well, was it installed? Not much! The Navy bureaucrats do not move as fast as that. It took them just five years to make up their minds to install a device that every private wrecking company in the world had in the meantime adopted. I now submit the telegram from the commander of the salvage operations on the *S–4*, dated January 15, 1928, which brought about its final adoption:

UNITED STATES NAVAL COMMUNICATION SERVICE,
Boston, Mass., January 15, 1928.

COMMANDANT NAVY YARD,
New York.

Action commandant navy yard, Boston, information navy yard, New York, Bu. C. and R. 0015.

There are available in this force only gas torches for underwater cutting. This equipment requires careful regulations, expert handling, and can be used only for ferrous metals, besides using large quantities of gas. Delay in regulating and operating gas torches required valuable

hours of good diving weather, and salvage force may possibly be confronted with necessity of cutting nonferrous metals underwater. Recommend all preliminary steps be taken preparatory to rental or procurement of electric arc underwater cutting equipments, including motor generators. Government not to be obligated to any expense until equipment actually called for by this force. Prospective bidder International Submarine Co., 95 Liberty Street, New York. All work with this equipment to be performed by naval personnel of this force 1727.

COMMANDER SALVAGE OPERATIONS "S-4."

SALVAGE FACILITIES

As far back as 1913, Congress did think that there was something in salvage facilities, for in the naval appropriation act of that year there was an appropriation of $300,000 to provide for a study of the subject.

The appropriation was never used, and in the naval appropriation act of 1915 it was made available for building more submarines.

Now there is an appropriation of $200,000 in the present bill for the same purpose. I hope it does not meet the same fate as the last.

SUBMARINE SALVAGE VESSELS

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Yes.

Mr. HARDY. The gentleman made the statement at the beginning of his very humanitarian discussion, to the effect that all other nations have these safety devices that would rescue the lives and save us from the disasters that we have had—practically that statement. Does the gentleman know of any ship or any device now known to mankind which in the storm that followed the sinking of the *S-4* could possibly have been there and worked in that storm and saved any lives?

Mr. GRIFFIN. Yes. This Simon Lake from whose book I have been quoting, a distinguished inventor, built years ago a salvaging submarine called the *Protector*.

Mr. HARDY. Where is it in use now?

Mr. GRIFFIN. This protector submarine had a compartment in the forward part of the vessel, a diving chamber, from which divers could work. It is perfectly feasible to lower that submarine and have the divers emerge and go to the submarine that is in danger and work upon her. Mr. Lake's company offered this salvage submarine to our department on January 14. He offered to put up a bond that he would have that salvage submarine in shape so that it would be possible to work four divers from it inside of 30 days from the date the contract was signed.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. If the gentleman's question bears on this, I yield; otherwise I would prefer to continue.

CASUALTIES IN INDUSTRY

Mr. O'CONNOR of Louisiana. It bears on this. Of course, we all regret very much the disaster in the operation of submarines, but I ask the gentleman from Idaho [Mr. FRENCH] how does the loss of life in the operation of submarines compare with the loss of life in the operation of surface ships, trains, and the industries of our country, if he has any information on that subject.

These catastrophies are followed always by the regret of the whole Nation, and the sympathy of the people goes out to the families of the deceased, but in the operation of any great civilization and its ramifications, there are many tragic happenings, and no one is censurable or blamable, because it is inconceivable that anyone would consciously or otherwise contribute to such a holocaust as the mournful affair to which the gentleman from New York [Mr. GRIFFIN] is so feelingly referring. Are not these terrible accidents, profoundly shocking as they are and heartbreakingly regrettable, almost inevitable in a rapidly growing civilization with its many accompanying inventions, which, in accordance with the law of compensation, bear good as well as bitter fruits? Are not these disasters, in other words, the fearful price we pay, and which has always been paid for the dizzy heights to which we have ascended?

Mr. GRIFFIN. I compliment the gentleman upon his alacrity in coming to the rescue of the bureaucrats and justifying their negligence by digging out of his mind the plausible but ancient doctrine that progress must take its toll of human life.

Of course, every intelligent being knows that in the development of new implements, both in war as in industry, certain mishaps happen, but it is wrong to say that they are inevitable. Vision and foresight might very well prevent the greater number of them; but the fact is that humanitarian devices for the protection of life and limb rarely owe their installation to foresight. Usually they come from hindsight; that is, after a long train of obviously avoidable disasters. And that is just the point I am driving at. I am willing to forgive the Navy its want of foresight; that is, in failing in advance to see the dangerous points in submarine navigation. What I complain of is that they do not care to take advantage of hindsight; they will not even profit by past experience, and they persistently and dogmatically insist on ignoring the advances made elsewhere in the world in life-saving and salvage devices.

Mr. HARDY. It is stated that 20,000 people were killed last year at grade crossings.

Mr. GRIFFIN. We have gotten far astray in discussion. There is no doubt that if men are callous enough to refuse to be influenced by tragedies of this kind they will justify themselves for all sorts of accidents due to human frailty. But there is this thing to be accentuated, and that is that men are becoming more civilized; they are trying to do better. The laws provide for the improvement of industrial conditions and the introduction of safeguards to protect the lives of human beings; and that is all I am making my plea for here.

Mr. MADDEN. Mr. Chairman, will the gentleman yield? I just want to compliment the gentleman for the lucidity of his statement.

Mr. GRIFFIN. In that case I am bound to yield. [Laughter.]

Mr. MADDEN. He has mentioned the disasters that follow the introduction of mechanics into those activities. If the gentleman had not mentioned it, perhaps nobody would have noticed it.

Mr. GRIFFIN. Strange, is it not?

Mr. FRENCH. I do not want to intrude upon the time of the gentleman from New York, but I will say, if I may do so, in response to the statement of the gentleman from Louisiana [Mr. O'CONNOR] that of course our committee could not undertake such a voluminous inquiry as the suggestion of the gentleman would indicate he would like to have us undertake. It is true, however, that whenever we develop machinery and mechanism with which to assist human labor, we have disasters vastly greater in number than we would like to have. For example, last night's Washington Star related that 92 children in Washington had been killed during the last five years as the result of automobile accidents. I do not know that it is inevitable. It ought not to be inevitable. I do not believe it is. But certainly it is true that disasters fall among people who exercise great care and ingenuity and thought in connection with the operation of machines of all kinds.

SIGNAL BOMBS

Mr. GRIFFIN. The signal bombs which were ordered by the Secretary of the Navy in 1914 are being installed on our submarines now. Admiral Beuret says:

> Considerable difficulty was encountered in developing a satisfactory pyrotechnic for the signal cartridges, but about January 1, 1928, a supply of such cartridges was shipped to the home yards of all submarines.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GRIFFIN. Mr. Chairman, I shall not ask for any further time. I ask unanimous consent to extend my remarks in the RECORD and place therein certain tables and letters and matters to which I have referred.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CRAMTON] such time as he may desire.

Mr. CRAMTON. Mr. Chairman, I have heretofore given some attention on the floor to attacks that have been for some time made upon the Bureau of Indian Affairs, and to certain organizations, avowedly formed and maintained in the interest of the Indians, but which are destructive rather than constructive in their policies and efforts. There has just come to my attention a statement issued by the secretary of the Indian Rights Association, which has its headquarters in Philadelphia. I do not know how old an organization that is. I do know that the first contact I had with any organization in behalf of the interests of the Indians was with this organization when I was a member of the Committee on the Public Lands, a number of years ago. It has an honorable record of useful service.

The regrettable thing is that so much misinformation concerning the Indians appears in church and other magazines and papers and a good many people are led to believe that the Government treats the Indians unjustly, whereas they have in the main been treated with great generosity. The statement I have, and that has just come to my attention, is the reply by this Indian Rights Association to certain specific charges published in the Christian Century in December, and under the leave granted I shall insert that statement, and to those who desire some exact information about certain controversial points

on our Indian affairs, I think it might be of interest. As Franklin has said, "To sift truth from rubbish, I do what I can."

INDIAN RIGHTS ASSOCIATION, 995 DREXEL BUILDING,
Philadelphia, Pa., February 28, 1928.

The attached editorial from the Christian Century of December 15, 1927, was submitted to me for comment on the accuracy of the 11 specific allegations contained therein. This I have done in the memorandum that follows the article, without attempting to include other information bearing on the general question.

M. K. SNIFFEN,
Secretary Indian Rights Association.

[From the Christian Century, December 15, 1927]

SPECIFIC CHARGES VERSUS GENERAL DENIALS

When one considers how difficult it is for the ordinary citizen to get a clear idea of what the United States Government is doing with and to the quarter of a million Indians who are its wards, one may be grateful that we have no mandates in remote regions of the earth where control would be, if possible, still more arbitrary and the facts still more difficult to ascertain. Some months ago the Churchman published an article by Rev. Irwin St. John Tucker containing a severe indictment of the Indian Bureau based upon the report of the Indian Commissioner himself and the sworn testimony presented to the Senate Committee on Indian Affairs last February. Commissioner Burke is said to have been present when this evidence was given to the committee, but he did not reply at the time. Subsequently, the commissioner published a reply to the charges in the Churchman, and still later the Episcopal missionary bishops in the Indian areas issued a manifesto denying the charges and defending the bureau and the commissioner. To a reader of this considerable body of material, the most significant fact is that, omitting rhetoric, many of the charges are specific while the denials are general. We find nowhere any denial of such statements as these: (1) "The Commissioner of Indian Affairs has under his absolute control $90,000,000 in money and securities and $1,650,000,000 of Indian property, according to his own report, which he administers, and as guardian he reports to no court, can be questioned or disciplined by no court." (2) "The Indian makes a will—Commissioner Burke can amend or nullify it." (3) "On reaching the age of 6 every Indian boy and girl is subject to be taken from his or her family—if necessary by force—and sent 200 or 1,000 miles away to an Indian boarding school." (4) "These schools are overcrowded exactly 38.5 per cent above their utmost possible capacity, as stated by the bureau." (5) "There is every possible condition to facilitate the rapid spread of disease, particularly tuberculosis." (6) "The death rate among Indians has increased 48 per cent in four years." (7) "The Indian tuberculosis death rate is six times the white death rate." (8) "The Indian Bureau in 1926 actually requested Congress to reduce the appropriation for health and medical work among the Indians." (9) "The Indian property is being dissipated at the rate of 4 per cent each year through actions exclusively by the official guardian and not by the Indians." (10) "The Navajo Nation was informed that the bureau recommended and Congress had voted to appropriate $100,000 from their tribal fund to build a tourist bridge, which is 40 miles away from the nearest habitation." (11) "Simultaneously the Christian Pimas, who are dying at five times the white death rate, are taxed $100,000 for a tourist bridge, with decorative electric lights, to connect Phoenix with Tucson." These specific statements are not to be answered by sweeping assertions that they are "malicious, libelous, and defamatory."

(NOTE.—Figures in parenthesis indicate that specific comment is made thereon in the following memoranda.)

"1. The Commissioner of Indian Affairs has under his absolute control $90,000,000 in money and securities and $1,650,000,000 of Indian property, according to his own report, which he administers and as guardian he reports to no court, can be questioned or disciplined by no court."

Comment: The commissioner does not have absolute control of Indian money and property. His acts are all subject to approval by the Secretary of the Interior, and any acts not authorized by law or in abuse of discretion are reviewable by the United States courts.

"(2) The Indian makes a will. Commissioner Burke can amend or nullify it."

Comment: Commissioner Burke can neither amend, nullify, or approve an Indian will. The Secretary of the Interior, however, in his discretion may approve or disapprove a will made by an Indian, but he can not amend it.

Further, the Secretary's decision is not final. If any heir is not satisfied with the settlement of the estate in question, he can appeal to the Secretary for a rehearing through counsel; or if it can be shown the Secretary's decision was arbitrary or capricious appeal can be taken to the United States courts. (Lane *v.* Mickadiet, 241 U. S. 201; Butterworth *v.* Hoe, 112 U. S. 50; Garfield *v.* Coldsby, 221 U. S. 249; Harnage *v.* Martin, 242 U. S. 386; Houston *v.* St. Louis, 249 U. S. 479.)

The department has a staff of "examiners of inheritance," trained in the law, who act as a probate court in the settlement of Indian estates affected by wills or intestate law. Open hearings are held and full opportunity given to any claiming a right to a share of the estate. Every case is set forth by the examiner in a report with his recommendations. This is examined in the law division of the Indian Bureau, and if errors are discovered the report is returned to the examiner for reconsideration. If not, the case is submitted to the Secretary of the Interior where other legally trained examiners check up the statement of facts before final action is taken.

Since the present law went into effect (1910) the heirs have been determined in about 60,000 cases, and probably not more than 3 per cent of that number have been disputed.

The average probate cost to the Indians was $25, which is about one-fourth of the fees charged in the courts of the respective States.

We know what happened in Oklahoma, for instance, when Indian estates are probated in the county courts.

"(3) On reaching the age of 6 every Indian boy and girl is subject to be taken from his or her family—if necessary by force—and sent 200 to 1,000 miles away to an Indian boarding school."

Comment: The act of March 2, 1895 (28 Stat. 876), forbids taking of Indian children into another State for school purposes without the written permission of the parents. Incidentally, the Secretary of the Interior is directed by the act of February 28, 1920 (41 Stat. L. 408–410), to compel every Indian child between the ages of 6 and 16 to attend school.

In a few sections there was formerly some objection on the part of parents to sending their children to school; but now, in most localities, they are eager to have their children attend school. In the Navajo country the parents usually prefer to have their children remain on the reservation, in the boarding schools, rather than be sent to the distant nonreservation schools. As to the latter, however, it is interesting to note that the requests of the Indians to be admitted to them far exceed the capacity of the schools.

Moreover, many of the parents wish their children to attend the boarding schools, because they are comfortably clothed, well fed, and are better protected at night from inclement weather that is encountered in most of the camps or villages, which make it difficult to keep warm. In fact, they have more of a chance to survive at school than if they remain at the camps.

"(4) These schools are overcrowded exactly 38.5 per cent above their utmost capacity, as stated by the bureau."

Comment: Commissioner Burke's report for 1927 gives the total capacity of these schools as 33,195 and the average attendance 27,618.

"(5) There is every possible condition to facilitate the rapid spread of disease" in these schools.

Comment: This statement might be applied to many of the most unfavorable Indian homes, but certainly not to the Federal schools, which are under constant medical supervision.

"(6) The death rate among Indians has increased 48 per cent in four years."

Comment: Instead of an increase of 48 per cent in four years, ending with 1924, the increase for the five-year period—1921 to 1925—is only 4.9 per cent.

"(7) The Indian tuberculosis death rate is six times the white death rate."

Comment: The death rate from tuberculosis among the Indians is undoubtedly greater than among the whites; but there are no reliable statistics available to make such a positive statement on the subject. One contributing cause to this high death rate from tuberculosis is the fact that in some localities the Indians are slow to adopt modern methods for coping with the disease. The department, however, has been conducting various campaigns to bring the Indian to a realization of doing something to help himself in the fight against tuberculosis.

It is likewise a fact that while the Indian death rate from tuberculosis is higher than among the whites, the Indian is largely immune to certain diseases that are so often fatal to whites.

"(8) The Indian Bureau in 1926 actually requested Congress to reduce the appropriation for health and medical work among the Indians."

Comment: This is wholly misleading. The appropriation for the year 1926 was $700,000, as compared with $500,000 for the fiscal year 1925. The bureau's estimate for 1927 was for $760,000. The Bureau of the Budget cut this to $675,000, but Congress appropriated for that year $756,000, or $4,000 less than the bureau's estimate.

Incidentally the appropriation bill for the year beginning July 1, 1928, contains an item of $1,547,500 for "conservation of health."

"(9) The Indian property is being dissipated at the rate of 4 per cent each year through actions exclusively by the official guardian and not by the Indians."

Comment: The estimated value of the Indian property for the year ending June 30, 1926, was $1,693,844,806. For the following year—1927—it was $1,716,815,123, or an increase of $22,970,317.

As for dissipating the property, the Commissioner of Indian Affairs can not expend a dollar without authority of law.

Where there are tribal funds it is the Indians—aided and abetted by storekeepers and other interested parties—who clamor for a per capita distribution. These Indians send delegations to Washington for the avowed purpose of securing the passage of a bill directing the commissioner to make such a per capita distribution from tribal funds on deposit in the United States Treasury.

As an illustration: Two years ago (69th Cong. 1926) a bill was introduced at the request of an Indian delegation to appropriate $5,000,000 for per capita payment to Klamath Indians.

"(10) The Navajo Nation was informed that the bureau recommended and Congress had voted to appropriate $100,000 from their tribal fund to build a tourist bridge which is 40 miles away from the nearest habitation."

Comment: This statement is true as to Congress making an appropriation of $100,000 toward the cost of the bridge at Lees Ferry on western Navajo Reservation, but it is only one-third the cost of the structure. Then, to make it of any value, over $300,000 must be spent to build a road to reach the bridge from Cameron, a distance of 40 or 50 miles. It is true that the bridge will be of practically no immediate benefit to these Indians. Congress, however, has adopted the policy in granting appropriations for any improvement on an Indian reservation to make it a reimbursable charge against the tribe concerned. No immediate collection is contemplated, but the item remains as a charge in case minerals of value are later developed on such reservations, and when funds were being received from such a source the money would be paid back in the United States Treasury.

Because of the political influence behind the measure, the matter would have gone through Congress, regardless of the attitude of the Indian Bureau. In my judgment the bureau made a mistake in not opposing the scheme.

"(11) Simultaneously the Christian Pimas, who are dying at five times the white death rate, are taxed $100,000 for a tourist bridge, with decorative electric lights, to connect Phoenix with Tucson."

Comment: The Pimas are charged $100,000 for the bridge, but they understood the proposition and favored it. The bridge, however, is a superstructure on the wing diversion dam—part of the San Carlos irrigation project—to carry the flood waters to their farming lands. It is likewise of great benefit to them, for the Gila River at times rises very quickly, and when in flood crossing is only possible over a bridge. The Pimas have not made any complaint against this item, but regard it as a great blessing.

Concerning the allegation that they are dying "at five times the white death rate," it should be noted that the tribal rolls on this reservation had not been corrected for about 10 years, and when an allotting agent visited the agency to make a check-up, he found that there were being carried on it the names of approximately 1,000 Indians who had died in that period. Of course, the names were removed from the census record; and if a comparison was made the following year on the basis of the uncorrected roll the percentage of decrease would appear to be abnormally high and wholly misleading if no explanation was made.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 180

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan.

Resolved, That a committee of 10 Senators be appointed by the Vice President to take order for superintending the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

NAVAL APPROPRIATION BILL

The committee resumed its session.

Mr. FRENCH. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, under general debate on the Navy appropriation bill it occurs to me that it would be in order and very appropriate to discuss flood control, because control of floods on navigable interstate streams in the United States constitutes a very material and important part of national defense. Splendid interstate or national highways are likewise a very important element in national defense. When highways are under water or when they have been washed out and ruined by floods they are of little use in assembling armies or war materials. Everyday navigable interstate streams, such as the Mississippi River, are likewise of great value as a national defense in the transportation of armies, war materials, and so forth. Hence it behooves the Nation to take and manifest a great interest in so controlling the floods of the tributary streams to navigable waters in such a way and to such an extent that the navigable waterways will be always available as a national defense. Then, in addition to the national defense use of interstate navigable streams, there is the everyday interstate commerce use. For these two paramount reasons, to wit, the national defense and general interstate commerce use, the control of floods on the Mississippi River and its tributaries by the Federal Government is a tantamount national problem.

But the paramount question is: How shall the problem of controlling the floods on the Mississippi River be successfully and equitably solved? The proposal to do all the work on the lower Mississippi as a means of controlling the damaging floods and maintaining the river in a condition susceptible of everyday use in commerce is one method or plan. This treatment of the subject of flood control reminds us of the plan of healing a disease by treating its effect rather than the method of removing the cause. Another plan is to do such emergency work on the lower Mississippi as will temporarily protect the inhabitants and their property being near the stream and, in addition thereto, ascertain what per cent the various Mississippi tributaries contribute to the floods on the Mississippi. And thereafter, by appropriate legislation in the way of Federal aid, to contribute to the control of floods upon the major streams tributary to the Mississippi. This plan would necessitate, of course, the States and benefit districts contributing the balance of the expense in controlling floods on State or interstate streams by a system of terracing, of reservoir building, of straightening, widening, and cleaning out the channels of the streams. The plan for the State to use for raising its share of the money to be determined by its legislature. This plan would increase the value of the taxable property of the State by reclaiming the flood-damaged land and increasing the value thereof by insuring against the disastrous effects of uncontrolled floods. Such a plan would contemplate, of course, some regulation by the Government of the use of reservoirs, but when finally put in operation would be the most logical, the most effective, and the most equitable plan or system of flood control. The Government would be bearing and contributing its proper share of the cost for national defense purposes and for the civil industry of interstate commerce, and the States and benefited districts would be properly chargeable for the special and local benefits derived from the flood control. Thus the whole problem could be reasonably, successfully, and equitably solved to the benefit of all the people.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FRENCH. Mr. Chairman, the committee will rise in just a moment. May I make this statement? A matter has been brought to the attention of the subcommittee which will be involved in connection with the bill and concerning which the subcommittee may desire to offer an amendment. We plan to have a hearing after we shall have adjourned this afternoon, and in order that Members may be advised upon the hearing, if it may turn out that we would like to offer an amendment, I ask unanimous consent to include in my remarks any statement that the committee may wish to make.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, had come to no resolution thereon.

RESIGNATION AS A MEMBER OF THE BOARD OF VISITORS TO THE NAVAL ACADEMY

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 20, 1928.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: On account of the pressure of business I herewith submit my resignation as a member of the Board of Visitors to the Naval Academy for 1928.

Sincerely yours,

GEORGE P. DARROW.

The SPEAKER. The Chair appoints the gentleman from Michigan [Mr. WOODRUFF] to the vacancy.

LEAVE OF ABSENCE

Mr. HUDSON, by unanimous consent (at the request of Mr. MICHENER), was granted leave of absence for the day on account of illness.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States; to the Committee on Indian Affairs.

S. 1131. An act to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico; to the Committee on the Public Lands.

S. 1848. An act for the relief of Frank Dixon; to the Committee on Naval Affairs.

S. 2733. To amend the military record of Joseph Cunningham; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 3145. An act for the relief of Willis B. Cross;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska; and

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.

DEATH OF SENATOR FERRIS, OF MICHIGAN

Mr. McLAUGHLIN. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan offers a resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Hon. WOODBRIDGE N. FERRIS, a Senator of the United States from the State of Michigan.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 18 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following committee: Messrs. MCLAUGHLIN, CRAMTON, MAPES, JAMES, MICHENER, WOODRUFF, KETCHAM, MCLEOD, HUDSON, VINCENT of Michigan, HOOPER, CLANCY, BOHN, RAINEY, HILL of Washington, REED of Arkansas, GREEN of Florida, and WHITEHEAD.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 4 o'clock and 15 minutes p. m.), in pursuance of the resolution, the House adjourned until to-morrow, Saturday, March 24, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 24, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To extend the period of restrictions of lands of certain members of the Five Civilized Tribes (H. R. 12000).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

EXECUTIVE COMMUNICATIONS, ETC.

416. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment for the fiscal year 1929, in the sum of $50,000 (H. Doc. No. 204), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 167. A bill to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act; without amendment (Rept. No. 1029). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 8280. A bill conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States; without amendment (Rept. No. 1030). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Oklahoma: Committee on the Public Lands. S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma; without amendment (Rept. No. 1038). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. EVANS of California: Committee on Naval Affairs. H. R. 4012. A bill for the relief of Charles R. Sies; without amendment (Rept. No. 1031). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 4440. A bill for the relief of Frederick O. Goldsmith; without amendment (Rept. No. 1032). Referred to the Committee of the Whole House.

Mr. CHAPMAN: Committee on Military Affairs. H. R. 4664. A bill for the relief of Capt. George R. Armstrong, United States Army, retired; without amendment (Rept. No. 1033). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 7976. A bill for the relief of Mrs. Moore L. Henry; without amendment (Rept. No. 1034). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 9148. A bill for the relief of Ensign Jacob E. DeGarmo, United States Navy; without amendment (Rept. No. 1035). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. ROWBOTTOM: Committee on Claims. S. 1120. An act for the relief of Ella H. Smith; adverse (Rept. No. 1036). Laid on the table.

Mr. UNDERHILL: Committee on Claims. S. 1362. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson; adverse (Rept. No. 1037). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FREE: A bill (H. R. 12347) granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel Lot to the city of Monterey, Calif.; to the Committee on the Public Lands.

By Mr. GAMBRILL: A bill (H. R. 12348) to authorize the Secretary of the Navy to proceed with the construction of a boathouse at the United States Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 12349) to amend section 13 of the Federal reserve act, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRAND of Georgia: A bill (H. R. 12350) to regulate the separation of juries in felony cases in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SWING: A bill (H. R. 12351) amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145) by changing the boundaries of the divisions of the southern district of California and terms of court for each division; to the Committe on the Judiciary.

By Mr. MORIN: A bill (H. R. 12352) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes; to the Committee on Military Affairs.

By Mr. CONNERY: A bill (H. R. 12353) to amend and supplement the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. FOSS: A bill (H. R. 12354) to grant to the city of Leominster, Mass., an easement over certain Government property; to the Committee on Public Buildings and Grounds.

By Mr. LEAVITT (by request): A bill (H. R. 12355) authorizing the expenditure of tribal funds of the Assiniboine and Sioux Indians of the Fort Peck Reservation of Montana to employ tribal attorneys; to the Committee on Indian Affairs.

By Mr. ANDRESEN: A bill (H. R. 12356) authorizing and directing the Inland Waterways Corporation to initiate water carriage upon the St. Croix River and Minnesota River in the State of Minnesota, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Resolution (H. Res. 145) for the investigation of the Federal penal system; to the Committee on the Judiciary.

By Mr. SMITH: Resolution (H. Res. 146) providing for the consideration of H. R. 5773, a bill to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 12357) granting a pension to Gertrude R. Hammill; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12358) granting an increase of pension to Caroline M. Loomer; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 12359) for the relief of the widow of Edwin D. Morgan; to the Committee on Military Affairs.

By Mr. CANFIELD: A bill (H. R. 12360) granting a pension to Myrta M. Clements; to the Committee on Invalid Pensions.

By Mr. CONNERY: A bill (H. R. 12361) to permit Milton F. Flewelling, jr., to take examination for a commission as ensign in the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. DOMINICK: A bill (H. R. 12362) for the relief of Hattie Harris; to the Committee on Claims.

By Mr. EATON: A bill (H. R. 12363) granting an increase of pension to Sarah E. Gaskill; to the Committee on Invalid Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 12364) for the relief of L. W. Rowe; to the Committee on War Claims.

By Mr. GREEN of Iowa: A bill (H. R. 12365) granting an increase of pension to Emma Pilate; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 12366) granting an increase of pension to Margaret A. Hamblett; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 12367) for the relief of R. L. Wilson; to the Committee on Claims.

By Mr. HUDSPETH: A bill (H. R. 12368) for the relief of E. B. Rose; to the Committee on Ways and Means.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 12369) granting an increase of pension to Emily Bard; to the Committee on Pensions.

Also, a bill (H. R. 12370) granting a pension to Charley Morrow; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 12371) granting a pension to Ella Myres; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12372) granting a pension to Eva M. Wilkinson; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 12373) granting an increase of pension to Mary E. Lowther; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12374) granting an increase of pension to Catherine Sage; to the Committee on Invalid Pensions.

By Mr. SELVIG: A bill (H. R. 12375) for the relief of a homestead settler on the drained Mud Lake bottom, Minnesota; to the Committee on the Public Lands.

By Mr. SMITH: A bill (H. R. 12376) for the relief of R. E. Hansen; to the Committee on Indian Affairs.

By Mr. SPEAKS: A bill (H. R. 12377) granting an increase of pension to Ellenor Stump; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 12378) granting an increase of pension to Julia A. Johnson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5828. By Mr. ADKINS: Petition of citizens of Champaign, Ill., protesting against compulsory Sunday observance bill now before Congress; to the Committee on the District of Columbia.

5829. Also, petition of voters of Mattoon, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill now before Congress; to the Committee on Invalid Pensions.

5830. By Mr. BACON: Petition of E. Agate Foster and others, residents of Patchogue, Long Island, N. Y., urging passage of Civil War increase pension bill; to the Committee on Invalid Pensions.

5831. Also, petition of Arabella Huestis and others, of Amityville, N. Y., for a Civil War pension bill granting an increase, as proposed by the National Tribune, to all Civil War veterans and Civil War widows; to the Committee on Invalid Pensions.

5832. Also, petition of A. L. Haskell and others, residents of Port Jefferson, Long Island, N. Y., for passage of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

5833. By Mr. BLOOM: Petition of Nahoun H. Chayes, of 537 Sheffield Avenue East, Brooklyn, N. Y., and petitions attached of hundreds of other citizens, protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

5834. By Mr. BOIES: Petition signed by citizens of Cherokee, Cherokee County, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions.

5835. By Mr. CORNING: Petition of Minnie E. Jones and many other citizens of Albany County, N. Y., favoring increase of pension for Civil War widows; to the Committee on Invalid Pensions.

5836. By Mr. CRAIL: Petition of Verdugo Hills Post of the American Legion, for the passage of the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

5837. Also, petition of the Social Hygiene Society of the District of Columbia, for the passage of the bill (H. R. 6664) for the establishment of the woman's bureau of the Metropolitan police department of the District of Columbia; to the Committee on the District of Columbia.

5838. Also, petition of Emily Mount, 999 Park Avenue, Trenton, N. J., and 152 other residents of Trenton and vicinity, protesting against proposed compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

5839. By Mr. CELLER: Petition of Brooklyn Bar Association, urging an additional United States district judge for the eastern district of New York; to the Committee on the Judiciary.

5840. By Mr. FRENCH: Petition of citizens of Scandinavian descent residing in the States of Montana and Idaho, protesting against the new quota distribution based on national origin in our Federal immigration law and urging that the quota distribution based on the census of 1890 be retained; to the Committee on Immigration and Naturalization.

5841. By Mr. GALLIVAN: Petition of legislative committee of the Boston branch, Railway Mail Association, Walter E. Rice, secretary, 8 Reddy Avenue, Hyde Park, Mass., recommending early and favorable consideration of House bills 25, 98, 9585, and 9766; to the Committee on the Post Office and Post Roads.

5842. By Mr. GARBER: Letter of Cactus Chapter, No. 2, D. A. V. of the W. W.; Morgan McDermott Post, No. 7, American Legion; Booker T. Washington Chapter, No. 5, D. A. V. of the W. W.; and Tucson Chapter, No. 4, D. A. V. of the W. W., in support of House bill 97; to the Committee on World War Veterans' Legislation.

5843. Also, letter of Crites Broom Co., of Oklahoma City, Okla., by E. J. Crites, president, in support of the Hawes-Cooper bill; to the Committee on Labor.

5844. Also, resolution of the Social Hygiene Society of the District of Columbia, in support of House bill 6664; to the Committee on the District of Columbia.

5845. By Mr. GARNER of Texas: Petition of citizens of Kingsville, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

5846. By Mr. HALE: Petition of 55 residents of Rockingham County, N. H., urging legislation providing for increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5847. By Mr. HAUGEN: Petition of 90 citizens of Oelwein, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions.

5848. Also, petition of 131 citizens of Howard County, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions.

5849. By Mr. HICKEY: Petition of Robert C. Bell and other citizens of Syracuse, Ind., urging passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5850. By Mr. HOPE: Petition signed by residents of Fort Dodge, Kans., requesting more adequate pension legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5851 By Mr. JOHNSON of Oklahoma: Petition of Mrs. R. P. Baker and 21 other citizens of Apache, Okla., favoring increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5852. By Mr. JOHNSON of Texas: Petition of Wortham Chamber of Commerce, of Wortham, Tex., favoring appropriation to prevent the spread of the pink boll worm; to the Committee on Appropriations.

5853. Also, petition of Teague Chamber of Commerce, of Teague, Tex., favoring appropriation to prevent the spread of the pink boll worm; to the Committee on Appropriations.

5854. Also, petition of Calvert Chamber of Commerce, of Calvert, Tex., favoring appropriation to prevent the spread of the pink boll worm; to the Committee on Appropriations.

5855. By Mr. JOHNSON of South Dakota: Petition of 69 citizents of Watertown, S. Dak., urging immediate action on legislation increasing Civil War pensions; to the Committee on Invalid Pensions

5856. By Mr. KIESS: Petition from citizens of Westfield, Pa., favoring legislation to grant increased pensions to soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

5857. By Mr. KING: Petition of the National Tribune's Civil War pension bill, signed by Tella E. Marshall and 250 other inmates of the Soldiers and Sailors Home at Quincy, Ill., and circulated by Mary R. Rash; to the Committee on Invalid Pensions.

5858. By Mrs. LANGLEY: Petition of residents of Floyd County, Ky., urging passage of Civil War pension bill for relief of needy veterans and dependents; to the Committee on Invalid Pensions.

5859. By Mr. LOZIER: Petition of 23 citizens of Chariton County, Mo., urging increase in pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5860. By Mr. NEWTON: Petition of Catherine Conley, of Minneapolis, and others, urging passage of Welch bill (H. R. 6518); to the Committee on the Civil Service.

5861. By Mr. O'CONNELL: Petition of the Employees Association of Burlingame, Calif., favoring the passage of House bill 6518; to the Committee on the Civil Service.

5862. Also, petition of F. H. Brookhop, of Brooklyn, N. Y., favoring the passage of Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

5863. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of the White bill (H. R. 10765); to the Committee on the Merchant Marine and Fisheries.

5864. Also, petition of the Port Angeles Chamber of Commerce, Port Angeles, Wash., requesting an impose of 25 per cent ad valorem duty on cedar shingles and lumber imported in the United States; to the Committee on Ways and Means.

5865. By Mr. QUAYLE: Resolution by the Kings County Dental Society, urging the passage of House bill 5766; to the Committee on Interstate and Foreign Commerce.

5866. Also, petition of Brooklyn Chamber of Commerce, urging the passage of House bill 10765; to the Committee on the Merchant Marine and Fisheries.

5867. Also, petition of the American Legion National Legislative Committee, of Washington, D. C., favoring the passage of House Joint Resolution 183; to the Committee on Foreign Affairs.

5868. Also, petition of United Brotherhood of Carpenters and Joiners of America, District Council, of New York City, urging the passage of House bill 11141; to the Committee on Labor.

5869. By Mr. ROBINSON of Iowa: Petition from H. B. Glover & Co., of Dubuque, Iowa, and signed by about 500 employees, urging the passage of the Cooper convict labor bill (H. R. 7729); to the Committee on Labor.

5870. Also, petition from Alice McFarland, of Manchester, Iowa, and signed by about 40 other citizens of Manchester, Iowa, urging immediate steps be taken to pass the Civil War pension bill, carrying the following provisions: $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

5871. By Mr. ROMJUE: Petition of J. P. Buck, J. H. Church, et al., of Hurdland, Mo., for the passage of Stalker bill; to the Committee on the Judiciary.

5872. By Mr. SUMMERS of Washington: Petition signed by Victor Lamb and 131 others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5873. By Mr. SANDERS of New York: Petition of Homer Cook and 58 other citizens of Castile, N. Y., urging an increase in pension of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

5874. By Mr. SELVIG: Petition of Minnie S. Leavitt, resident of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5875. Also, petition of Mrs. E. O. Erickson and other citizens of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5876. Also, petition of B. M. Thompson and 69 citizens of Henning, Otter Tail County, Minn., opposing the apportionment of immigration quotas on the basis of national origins and favoring the repeal of the national-origins clause in the present immigration act; to the Committee on Immigration and Naturalization.

5877. Also, petition of N. D. Fidler and 31 residents of Fergus Falls, Minn., in favor of the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5878. Also, petition of Mrs. M. V. Evenson, president of the Woman's Christian Temperance Union, Thief River Falls, Minn., urging the enactment of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5879. Also, petition of Mrs. S. J. Anderson and residents of Thief River Falls, Minn., in favor of the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5880. By Mr. SPEAKS: Petition signed by Mrs. W. H. Bone and some 20 other citizens of Columbus, Franklin County, Ohio, protesting against the proposed legislation known as the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

5881. By Mr. STOBBS: Petition of residents of Worcester, Mass., for consideration of pension legislation; to the Committee on Invalid Pensions.

5882. By Mr. STRONG of Kansas: Petition of Mary E. Linscott and Mary Martin, of Milford, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5883. Also, petition of 48 citizens of Cloud and Republic Counties, Kans., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5884. By Mr. THOMPSON: Petition of citizens of Defiance, Ohio, protesting against the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

5885. By Mr. THURSTON: Petition of nine citizens of Adams County, Iowa, requesting the Congress to pass legislation for the benefit of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5886. By Mr. TREADWAY: Petition of citizens of East Northfield, Mass., for increases in Civil War pensions; to the Committee on Invalid Pensions.

5887. By Mr. VINSON of Kentucky: Petition of the veterans of the Civil War, for increase of pension; to the Committee on Invalid Pensions.

5888. By Mr. WARE: Petition signed by 187 citizens of Covington, Kenton County, Ky., protesting against House bill 78; to the Committee on the District of Columbia.

5889. Also, petition signed by citizens of Newport and Covington, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5890. By Mr. WHITE of Colorado: Petition presented by Dr. M. L. Rice, president Colorado Conference of Seventh-Day Adventists, being 131 feet long and containing 3,035 signatures of residents of Denver, against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5891. By Mr. WYANT: Petition of Thirty-fifth Continental Congress, Daughters of the American Revolution, favoring passage of Capper-Gibson bill (S. 1907, H. R. 6664); to the Committee on the District of Columbia.

5892. Also, petition of Tarsus Commandery, No. 375, Knights of Malta, Manor, Westmoreland County, Pa., favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

SENATE

SATURDAY, *March 24, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

"How beautiful it is to be alive!
To wake each morn as if the Maker's grace
Did us afresh from nothingness derive,
That we might sing, 'How happy is our case!
How beautiful it is to be alive!'

"To read in God's great book, until we feel
Love for the love that gave it; then to kneel
Close unto Him whose truth our souls will shrive,
While every moment's joy doth more reveal
'How beautiful it is to be alive.'

"Not to forget when pain and grief draw nigh,
Into the ocean of time past to dive
For memories of God's mercies, or to try
To bear all sweetly, hoping still to cry
'How beautiful it is to be alive!'

"Thus ever toward man's height of nobleness
Strive still some new progression to contrive;
Till, just as any other friend's, we press
Death's hand; and, having died, feel none the less
'How beautiful it is to be alive.'"

Let us pray. O merciful God and Heavenly Father, who hast taught us in Thy holy word that Thou dost not willingly afflict or grieve the children of men, look with pity, we humbly beseech Thee, upon the sorrows of the family and loved ones of Thy faithful servant whom Thou hast called unto Thyself. Gently Thou didst press the tired lids to rest, for so Thou givest Thy beloved sleep. Vouchsafe to him, O Lord, light and rest, peace and refreshment, joy and consolation in the paradise of God; and may the benediction of his noble character rest upon us all, that having served Thee with constancy on earth we may be joined hereafter with Thy blessed saints in glory everlasting. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan.

The message also announced that the House had passed without amendment the following bill and joint resolution:

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; and

S. J. Res. 31. Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3145) for the relief of Willis B. Cross.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska; and

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.;

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 3145. An act for the relief of Willis B. Cross;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska;

H. R. 10027. An act to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States;

H. R. 10083. An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs;

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.; and

H. J. Res. 211. Joint resolution to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McNary	Shortridge
Barkley	Frazier	Mayfield	Simmons
Bayard	George	Metcalf	Smith
Black	Gerry	Neely	Smoot
Blaine	Gillett	Norbeck	Steck
Blease	Gooding	Norris	Steiwer
Borah	Greene	Nye	Stephens
Bratton	Hale	Oddie	Swanson
Brookhart	Hawes	Overman	Thomas
Broussard	Hayden	Pine	Tydings
Capper	Johnson	Pittman	Tyson
Caraway	Jones	Ransdell	Walsh, Mass.
Couzens	Kendrick	Reed, Mo.	Walsh, Mont.
Curtis	Keyes	Robinson, Ark.	Warren
Cutting	King	Robinson, Ind.	Waterman
Dale	McKellar	Sackett	Watson
Dill	McLean	Sheppard	Wheeler
Fess	McMaster	Shipstead	

Mr. JONES. I desire to announce that the Senator from Colorado [Mr. PHIPPS] is absent on official business.

Mr. ROBINSON of Arkansas. I wish to announce that the junior Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by illness in his family.

Mr. KEYES. I wish to announce that my colleague the senior Senator from New Hampshire [Mr. MOSES] is absent on account of a death in his family. I ask that this announcement may stand for the day.

Mr. GEORGE. I wish to announce that my colleague [Mr. HARRIS] is necessarily detained on official business.

The PRESIDING OFFICER. The Chair desires to announce that his colleague [Mr. WILLIS] is necessarily absent, and that this announcement will stand for the day.

Seventy-one Senators having answered to their names, a quorum is present.

ALIEN PROPERTY AND OTHER CLAIMS

Mr. SMOOT. Mr. President, I have had sent to me a copy of a letter written by Mr. A. W. Lafferty, 510 Park Avenue, New York, addressed to the firm of G. Siegel & Co., Stuttgart, Germany. I ask that it may be printed in the RECORD as a part of my remarks, and I call it to the attention of the Senate for the reason that the letter is filled with falsehoods.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SMOOT. Certainly.

Mr. ROBINSON of Arkansas. Does the Senator think the CONGRESSIONAL RECORD is the appropriate place to publish a letter filled with falsehoods?

Mr. SMOOT. I will say to the Senator that so many parties are interested in the alien property bill and what it contains that I thought it advisable to let them know that Mr. Lafferty is writing to his clients making a number of statements in his letters which are absolutely untrue. I do this because other clients have no doubt received letters from him to the same effect, and I want them to understand the truth of the matter. That is the reason why I give it such publicity.

Mr. ROBINSON of Arkansas. Does the Senator intend to explain the statements in the letter?

Mr. SMOOT. I will just read one statement to the Senate.

Mr. ROBINSON of Arkansas. I am not asking the Senator to do it out of the order he has planned; but it occurred to me that if the statements in the letter are untrue they should be contradicted by a statement of the Senator from Utah in detail.

Mr. SMOOT. Lafferty starts his letter by saying:

You may have heard that I generated some warmth at Washington in regard to the alien property bill. I did; and if I had not done so the capital release would have been only 60 per cent this year instead of 80 per cent. I let the big American damage-award holders, as well as the big German shipping companies and banks, understand that unless my clients got at least an 80 per cent release this year I would point out to the Senate Finance Committee some of the weaknesses of the larger claimants on both sides. As a result, hearings were ordered before the Senate Finance Committee and the large American claimants then agreed to an 80 per cent release of capital at this session to all German property owners.

The fact of the matter is that the House of Representatives agreed upon 80 per cent and there was no question in the minds of the members of the Finance Committee to change it in the least. Mr. Lafferty had nothing whatever to do with it. That is the only one of the statements that I shall read, but as the letter goes into the RECORD in its entirety I shall make only the statement that other statements are just as false as the one to which I have called attention.

The PRESIDING OFFICER. Without objection, the request of the Senator from Utah is granted.

The letter referred to is as follows:

(Abscrift. A. W. Lafferty, 510 Park Avenue)

NEW YORK, *February 11, 1928.*

Per S. S. *Karlsruhe*, sailing February 12, 1928.

Firm of G. SIEGEL & Co.,
Stuttgart, Germany.

DEAR SIRS: You may have heard that I generated some warmth at Washington in regard to the alien property bill. I did; and if I had not done so the capital release would have only been 60 per cent this year, instead of 80 per cent. I let the big American damage award holders, as well as the big German shipping companies and banks, understand that unless my clients got at least an 80 per cent release this year I would point out to the Senate Finance Committee some of the weaknesses of the larger claimants on both sides. As a result, hearings were ordered before the Senate Finance Committee, and the large American claimants then agreed to an 80 per cent release of capital at this session to all German property owners.

You will remember very well the propaganda in all the German papers last summer that a 60 per cent release was the very best to be hoped for at this session of Congress. And that very program would have gone through, except for the aggressive fight I put up at Washington this winter for the upstanding German property claimants who were not standing on thin ice and who had nothing to fear.

As a result I have benefited all German property claimants to the extent of 20 per cent of their custodianized capital—that is, my fight will give them 20 per cent more of their capital than they otherwise would have received at this session of Congress.

I simply told Congress the plain, unvarnished truth, just as I told the people of Germany "Die Ungeschminkte Wahrheit" in my pamphlet sent out from the Hotel Kaiserhof last October.

I have used strategy which I believed would win before the Senate Finance Committee, and it did win.

My clients will very soon receive checks for 80 per cent of all their custodianized cash, and they will receive 80 per cent of all their custodianized Liberty bonds or other property. They will receive 5 per cent interest-bearing certificates for the 20 per cent of their capital withheld, and they will receive also certificates for the interest earned by their custodianized cash prior to March 4, 1923, a period of five years, and that interest item will amount to another 20 per cent of the capital, and the last-named item would have been lost entirely this year to the German property claimants if it had not been for the hearings which I alone demanded and procured before the Senate Finance Committee. I believe the last-named certificates will also bear interest at 5 per cent, due to my special argument and citation of a Supreme Court decision before the Senate Finance Committee at the official hearings, which you probably have read.

With best wishes, very sincerely yours,

(Signed) A. W. LAFFERTY.

LEASES GRANTED BY THE SECRETARY OF WAR

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, a list of leases granted by the Secretary of War under authority of the act of July 28, 1892, during the calendar year 1927, which was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on the Judiciary:

IN SENATE, STATE OF NEW YORK,
Albany, March 15, 1928.

Whereas the Government of the United States has no institution in the State of New York for the confinement of persons charged with or convicted of crime against the Government; and

Whereas the Federal Government is dependent upon State, county, and city institutions for the temporary detention of its offenders, resulting at times in overcrowding such institutions and in violation of State laws relative to classification of prisoners; and

Whereas the State commission of correction reports that the authorities of the United States have been notified that after April 1, 1928, no more Federal prisoners will be received in the institutions under the jurisdiction of the department of correction of the city of New York, which action promises to result in congested conditions in county penitentiaries and county jails of the State; and

Whereas there is urgent need for a Federal institution in this State to care for United States prisoners: Be it

Resolved (if the assembly concur), That the Legislature of the State of New York memorialize Congress to provide a suitable institution in this State in which to confine those charged with or convicted of crimes against the Government of the United States; be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of the Senate, the Clerk of the House of Representatives, and to each Senator and Member of Congress from the State of New York at Washington.

By order of the senate.

ERNEST A. FAY, *Clerk.*

In assembly, March 19, 1928.
Concurred in without amendment.
By order of the assembly,

FRED W. HAMMOND, *Clerk.*

Mr. WALSH of Massachusetts presented a petition of sundry citizens of Jamaica Plain, Mass., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution adopted by the South Amherst Grange, of South Amherst, Mass., protesting against the passage of Senate bill 2806 and House bill 10022, which provide for the regulation of the use of certain sugars, which was referred to the Committee on Agriculture and Forestry.

Mr. BROOKHART presented a resolution of the Des Moines (Iowa) Council of Parents and Teachers favoring the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Dubuque, Iowa, praying for the prompt passage of the so-called Cooper-Hawes convict labor bill, which was referred to the Committee on Interstate Commerce.

Mr. BLAINE presented a petition of 44 citizens of the State of Wisconsin, praying for modification of the quota restriction provision of the present immigration law so as not to discriminate against the Scandinavian peoples, which was referred to the Committee on Immigration.

Mr. FESS presented a petition of sundry citizens of Hamilton, Ohio, praying for the maintenance of the national-origin quota system of immigration restriction, which was referred to the Committee on Immigration.

Mr. ODDIE presented petitions of General O. M. Mitchell Post, No. 69, of Reno, Nev.; Custer Post, No. 5, of Carson City, Nev., Grand Army of the Republic; General O. M. Mitchell Corps, No. 27, of Reno, Nev.; Custer Corps, No. 15, of Carson City, Nev.; Philip Kearny Corps, No. 85, of Virginia City, Nev.; and Gettysburg Corps, No. 122, of Tonopah, Nev., Woman's Relief Corps; praying for the early enactment of a law providing a minimum pension of $75 per month for all surviving Civil War veterans, a minimum of $125 per month for those so incapacitated as to require an attendant, and a minimum of $50 per month for all widows of deceased soldiers of the Civil War, regardless of the date of marriage, which were referred to the Committee on Pensions.

LOANS TO NICARAGUA

Mr. TYDINGS. Mr. President, I have a short statement dealing with loans by this Government to Nicaragua, which I ask the clerk to read from the desk. I further ask that it may be treated as a petition and referred to the Committee on Foreign Relations after it shall have been read.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the Secretary will read, as requested.

The statement was read and referred to the Committee on Foreign Relations, as follows:

In November, 1921, a loan of $175,000 was made by this Government to Nicaragua, payable $5,000 per month. They defaulted in November 26, leaving $8,500 interest and about $25,000 due on the transaction.

In spite of this over $400,000 more was loaned by our Government, of which Nicaragua has paid $141,221.15, leaving a balance due and payable of about $300,000.

In reporting these transactions the Secretary of the Treasury reports for the fiscal year ending June 30, 1926, page 579, in a table usually supposed to cover only interallied debts—and using the act of July 9, 1918, as his authority—under "Obligations received for surplus supplies sold on credit," an item under Nicaragua of $166,604.14, with a payment of $139,721.15, leaving a balance due of $26,882.99. In his annual report next year, page 628, under the same headings, the Secretary of the Treasury reports as obligations received for surplus supplies sold on credit to Nicaragua, $431,849.14, with payments amounting to $141,221.15, leaving a balance of $299,127 due the United States Government. In this last amount I understand there is involved a transaction between the War Department and Nicaragua, whereby we let them have munitions of war valued at $266,059 for 53 notes of $5,000 each, maturing monthly, beginning January 31, 1929, with 6 per cent interest as maturity. Chamarro, minister, signed the notes.

BOULDER DAM

Mr. PITTMAN I present a letter that I have written to the chairman of the Committee on Irrigation and Reclamation of the House, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOULDER DAM

UNITED STATES SENATE,
Washington, March 22, 1928.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: I have been informed that your committee, or a subcommittee thereof, are considering amendments to be proposed by your committee on the floor of the House to H. R. 5773, commonly known as the Boulder Dam bill. This is substantially the same bill that was reported out of the Senate Committee on Irrigation and Reclamation on March 20, being S. 728.

The Senate committee, upon my motion, amended S. 728 by inserting on page 6 of said bill, lines 5 to 12, inclusive, the following:

"If during the period of amortization the Secretary of the Interior shall receive revenues in excess of the amount necessary to meet the periodical payments to the United States as provided in the contract or contracts executed under this act, then immediately after the settlement of such periodical payments, he shall pay to the State of Arizona 18¾ per cent of such excess revenues and to the State of Nevada 18¾ per cent of such excess revenues."

No such amendment, I am advised, was considered by your committee prior to reporting out H. R. 5773.

The Senate committee discussed this amendment off and on for several weeks before adopting it. In the circumstances I know that you will not consider it presumptuous upon my part to state the reasons that urged the Senate committee to adopt such amendment.

The Senate bill provides that the Secretary of the Interior shall enter into contracts for hydroelectric energy under such terms and conditions as will reimburse the United States Government for the money expended, together with interest thereon, for the building of the Boulder Dam and appurtenant works within 50 years. It is understood, of course, that these contracts will call for annual or other periodical payments to the United States Government.

The price at which the power will be sold is left entirely to the discretion of the Secretary of the Interior. The annual or periodical revenues received may be only sufficient to meet the contractual payments due the Government, or they may be in excess of such an amount. If they are not in excess of such an amount, then the States of Arizona and Nevada will receive nothing from such revenues. If they are in excess of such amounts necessary to meet the contractual payments due the Government, then the Government takes its 62½ per cent of such excess revenues and the balance of 37½ per cent is divided equally between the States of Arizona and Nevada.

Some who are unfamiliar with the facts surrounding the initiation of this legislation and the conditions on the Colorado River have naturally inquired why should the States of Arizona and Nevada be granted any revenues. At the time that Congress had under consideration the oil leasing bill and it was proposed to pay to the State where the oil lands were leased by the Government 37½ per cent of the royalties received by the Government the question was asked, Why should the States receive any royalty paid to the Government? Congress in such act did pass such provision and did allow the State 37½ per cent of the royalties received, and answered such questions as follows:

Congress had the legal right to adopt a conservation policy. The Government owned the public lands in which the oil was located. Congress had authority to withdraw such lands from entry and acquisition by private owners. Congress did this. While it was a good policy, it injured the State in which the policy was put in force and effect because it withdrew forever from the possibility of taxation such lands and mineral resources. The State's ablity to maintain through taxation the State government was thereby depreciated. States can not exist unless there is property to tax. Whilst there was no legal obligation on the part of Congress to grant any royalties to the States, they considered it just and right that it should be done to compensate to some extent the State for the loss of potential taxable property.

This amendment is based upon the same theory, and Congress is asked to extend to the States the same policy under this act. This entire legislation is based upon an agreement between the seven Colorado River Basin States, known as the seven-State compact, and sometimes called the Santa Fe compact.

Why does Congress in this legislation ratify the seven-State compact? Under the water laws of the Western States, one who appropriates and puts to use water obtains a vested right. If citizens of one State first appropriate the waters of a stream and citizens of another State higher up the stream later use such water and depreciate or interfere with the prior users in the lower State, the lower State can enjoin the upper State and through it the users of the upper State from the use of such water.

The upper States of the Colorado River Basin will not be able to use the waters of the Colorado River for a number of years, and they realize that if they aid in the building of dams in the lower basin and in the use of the waters by Arizona, California, and Nevada that such States might get a vested right in and to all of the waters of the Colorado River and thereby forever prevent any further use of such waters by the upper States. So it was agreed between the seven States that half of the waters of the river should forever be reserved to the upper States and half of the waters of the river turned down for use of the three lower States.

It was understood, of course, that there would be an agreement between the three lower States as to the division of benefits of the waters to the three lower States, because if such division were not had then the State of California, which is in a more advantageous position to use the water at present, might appropriate all of the water allocated to the three lower States. In other words, the object of the agreement was to protect each of the seven States in the opportunity for equal benefits from the use of the waters of the Colorado River.

There are three main benefits to be derived from the use of water, namely, for potable purposes, reclamation, and the generation of electrical energy. Nevada's lands, being higher than the reservoir, can use very little of the water, but she could use as much of the water for the generation of electrical energy as either Arizona or California.

Now, there is no question that the Colorado River is a navigable stream at the point where the dam is to be built. If it were not a navigable stream, or not subject to being made navigable, then the Government, under this act, would have no authority to build the dam. If it is a navigable stream, then the State of Nevada owns the bed of the stream to the middle of the river.

There is no doubt that under the law Nevada has sovereignty over the water within her borders. This ownership of the land and this sovereignty over the water would entitle Nevada against any other State or municipality or corporation or individual to charge for the use of its lands for dam purposes or the use of its water for power purposes. If anybody else except the Federal Government built the

dam and the appurtenant works, such dam and appurtenant works would be subject to taxation by the State, and such taxes would be far more than it is reasonable to suppose that the State can ever receive out of the revenues provided in the amendment.

We do not contend that the State has the power to tax the property of the Federal Government or the hydroelectric energy generated any more than it would have the right to tax the Government's oil lands or the royalty received by the Government from the leasing of oil lands. But the United States Government, for the benefit of the whole Nation and in the carrying out of the national policy, deprives the State of Nevada of a most valuable dam site. In fact, the only dam site of its character on the lower Colorado River. It does this for the purpose of carrying out its constitutional authority to regulate commerce and improve navigation, and no State can complain against this. It does not undertake this enterprise for the purpose of engaging in business and making a profit. As a matter of fact, on the Mississippi River it will do all of a similar kind of work for flood control at the Government's own expense without reimbursement, and properly so.

All that the proposed amendment provides is that a portion of the excess revenues over and above the amount necessary to repay the Government for its investment, principal and interest, shall be paid to Arizona and Nevada in the nature of a compensation in lieu of the loss of taxable property through the acts of the United States Government just the same as is done under the oil leasing law and the forest reserve law.

We believe that Congress, when it understands the situation—for there have been many misrepresentations of our position—will establish a policy that will do justice in this particular case.

Sincerely,

KEY PITTMAN.

REPORTS OF COMMITTEES

Mr. KING, from the Committee on the Judiciary, submitted a report (No. 610) to accompany the bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term has expired, heretofore reported by him from that committee with an amendment.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions, reported it with amendments and submitted a report (No. 611) thereon.

Mr. NORRIS, from the Committee on the Judiciary, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 726) to make it the duty of certain courts of the United States to render decisions within certain maximum limits of time (Rept. No. 612); and

A bill (S. 1748) relating to the qualifications of jurors in the Federal courts (Rept. No. 613).

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2910) granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak., reported it without amendment and submitted a report (No. 614) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., reported it without amendment and submitted a report (No. 615) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 118) authorizing the Secretary of War to award a duplicate Congressional Medal of Honor for the widow of Lieut. Col. William J. Sperry, reported it with an amendment and submitted a report (No. 616) thereon.

Mr. BLAINE, from the Committee on Military Affairs, to which was referred the bill (H. R. 1530) to amend the military record of William F. Wheeler, reported it with an amendment and submitted a report (No. 617) thereon.

He also, from the same committee, to which was referred the bill (H. R. 3466) for the relief of George A. Winslow, reported it without amendment and submitted a report (No. 618) thereon.

He also, from the same committee, to which was referred the bill (H. R. 6364) for the relief of Edward Tigh, reported adversely thereon.

ENTRY OF EXHIBITS FOR PACIFIC SOUTHWEST EXPOSITION

Mr. SMOOT. From the Committee on Finance I report back favorably, without amendment, the joint resolution (H. J. Res. 126) to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes, and I ask for its immediate consideration.

Mr. BRATTON. Let it be read.

The joint resolution was read, as follows:

Resolved, etc., That all articles that shall be imported from foreign countries for the sole purpose of display at the Pacific Southwest Exposition to be held during the year 1928 for the purpose of commemorating the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, upon which there shall be a tariff or customs duty, shall be admitted free of the payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and exposure, the duty, if payable, shall be assessed according to the appraised value at the time of sale or withdrawal, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal of such articles.

SEC. 2. The heads of the various executive departments and independent establishments of the Government are authorized to collect, prepare, and lend, upon request, to the Pacific Southwest Exposition, articles, specimens, and exhibits which, in their judgment, it may be in the interest of the United States to exhibit at such exposition: *Provided*, That the furnishing of such articles, specimens, and exhibits shall be without expense to the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM IOWA

Mr. FESS (for Mr. DENEEN), from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 175) reported by Mr. SHORTRIDGE from the Committee on Privileges and Elections on the 21st instant, reported it favorably with an amendment.

The Senate, by unanimous consent, proceeded to consider the resolution.

Te amendment was, in line 3, after the word "year," to strike out "1927" and insert "1928," so as to make the resolution read:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the appropriation for expenses of inquiries and investigations, fiscal year 1928, contingent fund of the Senate, to Hon. SMITH W. BROOKHART, a Senator from the State of Iowa, $1,725, balance in full reimbursement for all expenses incurred in defense of his right to a seat in the Senate resulting from the contest of the 1924 election of a Senator from the State of Iowa.

The amendment was agreed to.

The resolution as amended was agreed to.

SENATORIAL CAMPAIGN EXPENDITURES—LIMIT OF COST

Mr. FESS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 178) submitted by Mr. REED of Missouri on the 22d instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Special Committee Investigating Expenditures in Senatorial Primary and General Elections under authority of resolutions of the Senate agreed to May 17, 1926, January 11, 1927, and reaffirmed December 12, 1927, hereby is authorized to expend from the contingent funds of the Senate $65,000, in addition to the amounts heretofore duly authorized.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.;

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; and

S. J. Res. 31. Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

FEDERAL LAND BANK OF COLUMBIA, S. C.

Mr. BLEASE. Mr. President, on the 24th of February last I submitted a resolution asking for the examination of the Federal Land Bank of Columbia, S. C. Since that time some other gentlemen have been taking an interest in the matter. I notice that Representative STEVENSON, of South Carolina, a member of the House Banking and Currency Committee, has called for certain records which he desires to be placed before his subcommittee. I wish to call this matter to the attention of the Senate Committee on Banking and Currency and ask that it report, one way or the other, the resolution which I submitted.

I desire to put into the RECORD some proofs to support the irregularities, to say the least of it, if not corruption, that are now going on and have been going on in that bank for the past couple of years. I understand that the man who is at the head of that bank was formerly assistant superintendent of the Federal penitentiary at Atlanta, Ga., and if he has had any banking experience I have so far not been able to ascertain the fact.

I desire to have printed in the RECORD, without reading, a telegram from the Union County Agricultural Credit Association, an editorial from the Beaufort (S. C.) Gazette, eight letters, including a letter from Gertrude Matthews Shelby; also an article entitled "Is amortized farm loan a panacea or a plague," by James B. Morman.

In this connection I call attention to the resolution to investigate this bank which was introduced on February 24 last; to the editorial on Federal intermediate credit bank investigation from Charleston (S. C.) News and Courier, printed in the CONGRESSIONAL RECORD February 28, 1928, page 3607; to letters in reference to Columbia (S. C.) Federal Land and Intermediate Credit Bank investigation, printed in the CONGRESSIONAL RECORD March 8, 1928, pages 4340–4341; to the pamphlet published by Xeno W. Putnam, of Harmonsburg, Pa., in reference to foreclosures by Federal land banks, published in the CONGRESSIONAL RECORD March 12, 1928, pages 4554–4557; and to the resolution for investigation of Federal Farm Loan Bureau and subsidiaries, appearing in the CONGRESSIONAL RECORD March 13, 1928, page 4606.

Mr. President, in order to show that we mean what we say in this matter, and that it is not child's play, I wish to read a list of the witnesses whom I propose to offer if this investigation shall be authorized. They are as follows:

Hon. Ernest Cochran, United States judge for the eastern district of South Carolina; Hon. J. D. E. Meyer, United States district attorney for the eastern district of South Carolina; Hon. Mendel L. Smith, former circuit judge and former speaker of the House of Representatives of South Carolina; Hon. Edgar A. Brown, former speaker of the House of Representatives of South Carolina; Hon. David Mittle, alderman of the city of Beaufort, S. C.; Hon. F. W. Scheper, banker, of Beaufort; Hon. Burt Rodgers, clerk of the court of Beaufort, S. C.; Hon. Robert A. Cooper, recently of the Federal Farm Loan Board, who, I understand, was turned off by Mr. Mellon because he would not do his dirty work; the Hon. J. Swinton Whaley, member of the South Carolina House of Representatives; Mr. Sam Edwards, of Latta, S. C., a farmer; Mr. R. J. Nesmith, farmer, of Nesmith, S. C.; Mr. J. O. Devlin, farmer; Hon. William J. Thomas, of Beaufort, S. C., who is an attorney at law and was receiver for the defunct Beaufort bank; and the Hon. Neils Christensen, former State senator from Beaufort, S. C.

Also, Mr. President, I ask to have referred to the committee, without printing in the RECORD, as it is too long for that, a report to the American Farm Bureau Federation by Gertrude Mathews Shelby, which accompanied the letter from her which I have asked to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, the report referred to will be referred to the Committee on Banking and Currency.

Mr. BLEASE. Mr. President, I hope that the committee will not think that the investigation which I have suggested is for the purpose of doing anybody any injustice. It is not. The resolution I have introduced does not propose a political investigation, but an investigation of the banking conditions down there, brought about by the crooked dealings of certain bankers, two of whom have been recently convicted in the Federal court at a cost to the Federal Government of $100,000—$60,000 before the trial was reached and $40,000 during the trial.

If conditions are crooked, as is alleged by people from whom I am receiving letters, I think the Government owes it to the people of South Calorina to go to work and straighten out that crookedness and turn these men out if they are crooked. Moreover, I think the Government owes it to itself, if it has men in that bank down there who are corrupting it, who are doing an injustice to the farmers, to take action to end that condition. I think that all the members of this body, regardless of their political affiliations, should want to clean out the bank and restore confidence in it, so that the people of the State may not only be benefited thereby but that the people of the Nation may know that we are not interested in having slumber in a committee room a resolution which is designed to do something that is for the best interests of the whole country. If there is no corruption, let the people know it and let them have their confidence restored in this bank and its management. On the other hand, if there is corruption, let us see to it that the men who are responsible for it are turned out and put the bank back into the position where it belongs, so that it may not only be a clean, clear-cut institution, but that it may serve the people as it was intended under the original enactment to serve them.

Mr. FLETCHER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. BLEASE. With pleasure.

Mr. FLETCHER. If all the matters of which the Senator complains have been under investigation by the courts down there, and certain people have been tried and convicted, what will be accomplished by an investigation and going over that subject by the committee?

Mr. BLEASE. The trial concerned conditions growing out of the operation of the bank at Beaufort, S. C. What we want to get at is the land bank at Columbia. I have asked the proper department of the Government to investigate conditions there, and the officials of the department promised to do it, but the only thing they have done is to send two little fellows and one poor little girl from Beaufort to the penitentiary, making "goats" of them, to use a common expression, while the big men in Columbia have not been touched. If the Treasury Department and the Attorney General's department are standing behind these people, and upholding them in their rascality, we desire to know it. It seems that they are not only doing that, but are working with the chairman of the committee trying to keep him from bringing the resolution to which I have referred on the floor of the Senate. I know that is true.

Mr. FLETCHER. I am not taking any position with regard to the resolution offered by the Senator, but I was simply under the impression that the conditions of which he complains were under investigation by the courts.

Mr. BLEASE. The conditions to which I have referred were not under investigation.

Mr. FLETCHER. And I was going to suggest to the Senator that all these data which he is submitting here, it would seem, should be taken up with the committee rather than merely to be put in the RECORD.

Mr. BLEASE. If the committee will not let it be taken up, the only recourse I have left is to bring it on this floor. I can not make the committee do what I ask. I go to other committeemen about bills of mine but they do not pay any attention to my requests; so they have driven me to the point where, in order properly to represent my people, I have got to come on this floor.

I will say to the Senator from Florida that I have a letter here in which the writer refers to the Senator from Massachusetts [Mr. WALSH], whose name it is stated is on the letterhead of the National Committee for Cooperative Banks, who was sent a copy of the report prepared. The writer of the letter says that information has been obtained recently from Mr. Eugene Myer which she hesitates to put in a letter, and she also refers to the Senator from Nebraska [Mr. HOWELL], who made an investigation in connection with the Federal Farm Loan Board. The writer also says that Senator NYE promised to publish the document referred to in the letter, and which I offered for printing as a Senate document some time ago. Other channels have been resorted to, but it seems that we can not get any redress from any other source. Because the committee refuses to report a resolution—I do not care whether it reports it favorably or unfavorably—I do not propose to let the people at home labor under the impression that I am sitting here allowing these things to be done without a protest, and

the only place I can make that protest as their representative is on this floor.

Mr. FLETCHER. I quite agree with the Senator that we ought to have the committee act on the matter.

Mr. BLEASE. I appreciate the Senator's inquiry, and I do not mean anything personal to him at all in anything I may have said.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the request of the Senator from South Carolina will be complied with and the matter referred to by him will be printed in the RECORD.

The matter referred to is as follows:

UNION, S. C., *March 22, 1928.*

Senator COLE L. BLEASE,
Washington, D. C.:

Regret notice from morning papers probability investigation Federal land and intermediate credit banks of Columbia likely go over until next session Congress. Failure intermediate credit bank function as intend resulting in distress to many whom have for past two years paid in full, and have every right expect rediscount of their papers this year, which is due to absolute inefficiency in Columbia office. Should be investigated immediately to afford relief.

UNION COUNTY AGRICULTURAL CREDIT ASSOCIATION,
W. W. ALMAN, *Secretary-Treasurer.*

[From the Beaufort Gazette, Thursday, March 15, 1928]

PUSH IT RAPIDLY

We are greatly interested in the proposed land-bank probe asked for by a resolution introduced in the United States Senate by Hon. COLE L. BLEASE, of this State. The preamble of his resolution calls attention to the great expense of the Government in recent criminal prosecutions, the length of time consumed in that trial, and to statements brought out in the course of the testimony. We agree with the honorable Senator that there appears to be plenty of grounds on which to base such a resolution for an investigation. It would appear that all is not well in Columbia.

We are equally interested in the bill introduced in the House by Congressman B. B. HARE, of this district, calling on and requiring the intermediate credit bank of Columbia to give credits on all loans made by farmers of this territory to the extent of net sales and deposits. We feel that such steps should immediately be taken inasmuch as it appears, though we may be wrong, that the intermediate credit bank was aware that the sales and deposits were available for a period prior to the closing of the Beaufort bank. Many of the witnesses in the recent criminal action stated that the officials of the Columbia bank were "in on all."

The Government made a serious mistake when it undertook to enter the banking game in competition with private capital and business. Judging from happenings in this community this effort has been a disastrous failure and resulted in hardships to many of our people. We urge immediate steps be taken to "take the Government out of business." It is not fair to legitimate money lenders, to banking institutions, and business. The Government control of railroads, though a war measure, was an absolute failure. The control of shipping has been nothing more than a mess. Now the banking game is turning out a dismal failure.

In principle the intermediate-bank plan might be good, but our study of the situation leads us more and more to urge curtailment of its activities. Under the present system the farmers get money too easily. They are then led to overproduce, which always means for lower prices and losses. The overhead is entirely too great when they are forced to carry crop insurance to meet any losses suffered by the mortgagees—intermediate credit bank; commission charges; interest on the loans, which are usually twice as much as a farmer should have—and other costs of production make it almost impossible for him to come out of the large end of the horn. The legitimate farmer has a very small chance against the large farmer bolstered up with Government funds.

Mr. Charles Mitchell has been carrying the fight for two years. He has struck back at the intermediate credit bank and alleges, in effect, the things set forth by Senator BLEASE and Congressman HARE in their resolutions and bills. The case has got off on a question of jurisdiction of the courts. Thus far Mr. Mitchell, through his attorneys, Thomas & Thomas, of the local bar, and Buist, of Charleston, have been successful in the fight. The intermediate credit bank, plaintiff in the action, has succeeded in getting the case before the highest tribunal in the land. The matter will be argued before the United States Supreme Court during the month. It behooves each and every Beaufortonian to stand by Mr. Mitchell and his attorneys, give them of what information they may have regarding transactions between the local associations and the Columbia Government banks. A successful fight by Mr. Mitchell will, in effect, accomplish the same things sought by the Government investigations. We welcome the investigations also and hope they will be had.

All local citizens are urged to back the local leaders in this fight to secure justice to all concerned.

BEAUFORT, S. C., *March 12, 1928.*

Hon. COLE L. BLEASE,
Senate Chamber, Washington, D. C.

DEAR SENATOR BLEASE: I see by the newspaper that you have introduced in Congress a resolution looking forward to the investigation of the actings and doings of the South Carolina Agricultural Credit Co., of Beaufort, S. C., and the Federal Intermediate Credit Bank of Columbia, S. C., in regard to the alleged $1,250,000 loss and to some $700,000 or $800,000 loss to farmers in this community by the 1926 deal through the officers of the South Carolina Agricultural Credit Co.

In this transaction the Beaufort bank, of this place, was wiped out of existence, and many other concerns, and R. C. Horne, jr., president of the South Carolina Agricultural Credit Co., and W. E. Richardson, president of the Beaufort bank, were convicted in the Federal court and sentenced to two years each in the Atlanta Penitentiary, and Miss Beulah Harvey, the secretary and treasurer of the South Carolina Agricultural Credit Co., was convicted along with them and sentenced to six months in the Aiken County jail. Since then W. E. Richardson and W. P. Jay, president and cashier, respectively, of the Beaufort bank, have been convicted in the State court and sentenced to one year each in jail or to pay a fine of $500. There are several other cases to be tried in the Federal court against some of these parties, including Richardson, Horne, and Miss Harvey, and several more to be tried in the State court against the officers of the Beaufort bank. It seems to have been a very complete deal.

As you know I have been living here since 1900, practicing law, and I think I am as familiar as anyone else with the community, and was appointed receiver for the Beaufort bank when it was closed, and also trustee in bankruptcy for the Truckers Supply Co., a crate factory that was swamped in the transaction, and have had access to a good many of the records. I am writing to offer you the benefit of any information I can furnish you, as well as my services, in any possible way to bring to light the truth of this awful calamity to our community.

With kindest regards, always, I am,

Yours very respectfully,

(Signed) W. J. THOMAS.

You would likely unearth a bad state of affairs in these agricultural banks over the country.

THOMAS.

[Letter from Union, S. C., March 19, 1928]

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR: I am writing you about a matter of considerable importance to a good many tenant farmers of this county, and I am writing you at my own instance, inasmuch as I feel that you would like to be advised of matters seriously affecting any considerable portion of your constituency, and especially where a Federal institution is concerned.

It has been the custom of a good many of our tenant farmers who own their own stock to borrow money through an association here known as the Union County Agricultural Association and get their papers handled through the Federal intermediate credit bank at Columbia, S. C. It is my understanding that the association, which has on deposit with the intermediate credit bank $10,000 of bonds, does not owe them anything. The association, as I understand, is liable for all papers handled and discounted with the intermediate credit bank. It would seem that if the intermediate credit bank was intended to be of any service whatever to the tenant farmer that a chattel mortgage covering a good mule, a wagon, farming implements, a cow or two, and all crops produced by him during the current year with the landlord's lien waived—and indorsed by the association—should be good for $150 at least.

And yet, I am informed, the intermediate credit bank has refused and refuses to handle such papers unless the landlord makes a financial statement and shows by such statement that he is worth enough to guarantee the payment of the paper.

In other words, no papers are discounted that fall much under the standard of safety found in a gold bond.

I do not know what you can do about this situation, if anything; but as my information was that this bank was supposed to be of some usefulness to the small tenant farmer I am writing you these facts.

It seems to me that this matter should be investigated, and while I am prompted in writing you by the disappointment suffered by a good many tenant farmers and other farmers, yet I do not care for my name to be disclosed.

With kind regards, I am,

Yours truly,

[Letter received from two prominent farmers]

MADISON, FLA., *March 17, 1928.*

Hon. COLEMAN L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR: Knowing your record for fair play, we decided to send another letter to Mr. Stevens, secretary, the Federal Land Bank of Columbia, S. C., and forward a copy to a Senator for each of the States covered by the activity or nonactivity of this bank. Hence the attached letter.

This year, feeling confident that the bank upon the showing made would gladly increase the loan this small amount asked, we bought four additional mules and went on with the construction of three new tobacco sheds and a small warehouse. However, the Hon. W. F. Stevens dismisses the application without any or no excuse.

We really need this loan this year. He has been such an autocrat about the matter that we decided to call the matter to the attention of a representative of each of the three States, South Carolina, Georgia, and Florida.

You will notice that he declined the loan for $8,000 made years ago when there have been three applications before his executive committee since, and each one waived aside with no intention on his part of assisting the farmer.

Have you any suggestion to make as to what should be our move? Thanking you, and with high regards, we are,

Very truly yours, ——— ———.

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[Letter from a North Carolinian]

ASHEVILLE, N. C., *March 11, 1928.*

United States Senator COLE BLEASE,
Washington, D. C.

DEAR SIR: Read in paper that you have started investigation of certain officials, and particularly of the Columbia (S. C.) Land Bank. This is necessary, particularly of the methods that have been used by certain officials of the Farm Loan Board in spending the taxpayers' money in sending so-called examiners around the country to carry on a "blackjacking" method of punishing every one who differs from the puny political theories of their own bunch. In many States they have been known to do this. D. J. Coughlin, the right-hand bower of Charles E. Lobdell—who draws $25,000 a year of the farmers' money, against the farmers' wishes—being probably the most notorious of all. The records of the Committee on Banking and Currency show that Coughlin drew money from the Treasury as examiner at the same time he drew money from private land-bank funds in the office of the fiscal agent, to do another piece of work, and Coughlin should now be headed for the same trip that his brother examiners wish to send innocent South Carolina farm cooperative officers. But no, Coughlin has a stand-in, while the farmers of your State have a stand-out.

By *all means* investigate this whole land-bank plot. If the entire truth regarding the alleged administration of the Federal farm-loan system ever leaks out, it will surely prove as interesting reading as Teapot Dome or the purchase of Senate seats. Because the gang now buy advertising space in farm papers, the farmers no longer can read the truth in their papers, which is another way of putting the screws on those who should be telling the farmers the truth, since the farmers are the ones that those papers depend upon for their income and business.

Let us have a real congressional investigation of the whole farm-loan enterprise. I wish Senator WALSH of Montana could be made examiner of that committee.

Yours for the good work.

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BEAUFORT, S. C., *March 18, 1928.*

MY DEAR SENATOR BLEASE: Since the conference which you arranged with Senator ROBINSON for Congressmen HARE and STEVENSON and myself, I have been thinking about the political aspects of the Beaufort situation. So I am calling attention to their end of it, thinking you may have occasion to pass it on to Senator ROBINSON.

It seems to me that the experience our farmers have had and are having would appeal to the independent Republican farmers of the West. They are likely to have a Coolidge-school Republican candidate. Our experience demonstrates what farmers receive from that kind of Republicans. I judge farmers everywhere would get a different deal from the Republican insurgent bloc were they in power; but they are in all probability going to be asked to vote for the other kind of Republican.

The administration is backing Arnold. With all that he has done and is doing they stand behind him.

Whatever may be said about his attitude and actions before the failure at Beaufort, which he precipitated, his actions since and his present attitude are enough to arouse the indignation of farmers everywhere.

Backed by the administration, the Department of Justice and the Treasury Department are to-day, I understand from you and Senator ROBINSON, standing against any further agitation of this Beaufort situation.

It seems to me the administration has committed itself to Arnold's support. Certainly the Republican organization of the Senate seems to have done so by blocking your resolution. This latter may be held to be the result of a general policy against any further investigation rather than definite opposition to yours.

But the administration is tied to Arnold's record in South Carolina. That is the point I would make with Senator ROBINSON.

You have already called attention to what that record is. But when hearings bring out the ruthlessness with which their unjust measures were carried out there must follow a resentment among all fair-minded men. For instance, when the Government investigators during the trial at Columbia threatened witnesses for the defense in an effort to run them out of Columbia they were giving evidence of an attitude that had characterized the dealings of the Treasury Department and the Department of Justice in this whole affair.

Thanking you again for your valuable aid in this situation, I am,

Very truly,

——— ———

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[Letter from a prominent merchant]

MIDDENDORF, S. C., *March 17, 1928.*

Senator COLE L. BLEASE,
Washington, D. C.

DEAR SENATOR: We are inclosing clipping from the State of 15th. We would be glad to give information to this committee of the banks of Chesterfield County (G. W. Duvall, president of every bank in county) as to treatment the farmers are receiving through these banks in getting money through intermediate credit company to finance farms for 1925. This committee should have our testimony, and if possible be prosecuted.

Hope that you will use your influence for the poor farmers that are being robbed of their rights. With best wishes for your success,

Sincerely,

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UNION, S. C., *March 22, 1928.*

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR: I beg to acknowledge yours of the 21st instant. I think the following parties would be willing to furnish affidavits along the line suggested, to wit: W. W. Alman, secretary Union County Agricultural Association, Union, S. C.; J. M. Jeter, jr., director of the association, Union, S. C.; T. M. Kitchens, farmer, Carlisle, S. C.; S. G. Layton, farmer, Union, S. C.; John D. Jeffries, jr., farmer, Jonesville, S. C.; L. P. Thomas, farmer, Carlisle, S. C.; Manning T. Jeter, Union, S. C.; Andrew Johnson, farmer, Buffalo, S. C.

The first two mentioned—W. W. Alman and J. M. Jeter, jr.—by reason of their connection with the Agricultural Loan Association in the county are, in my opinion, able to give you full facts throwing light on the situation. I am sure that they will readily do so, although I have never talked with them. I feel they would have no hesitation about it, as the attempt to handle papers by the association through the intermediate credit bank has been such a failure that all parties connected with the association are disgusted.

The intermediate credit bank could have been a big benefit to the farmers in this section, and doubtless all over the State, in the present plight of the farmers generally; but instead of that it is not worth a "hill of beans."

They intend that no papers shall be discounted except those that rank in safety along with Government bonds and furnish only credit to the rich men and nothing to the poor farmer, who is willing to put up a mule, worth the amount of his loan, a wagon, and a cow or two, and a mortgage over all crops to be produced by himself and family during the year on a one-horse farm, with the rent lien waived for the amount asked in such loans, $150; then it is practically useless for the poor farmer. But they require, in addition to the above, that the landlord himself, who is not borrowing, make a financial statement, and that statement shows the note could be collected from that source.

Yours truly,

——— ———

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NATIONAL COMMITTEE FOR COOPERATIVE BANKS,
New York, March 22, 1928.

DEAR SENATOR BLEASE: Accept my hearty congratulations on your resolution to investigate the farm loan system. It occurs to me you may find the inclosed report on farm loan relief useful. Senator NYE asked permission sometime ago to publish it as a Senate document, but I do not think he has yet done so. The first three sections are pertinent to your resolution—as you know you can't investigate one of these systems without going into all three. While I did not deal primarily with intermediates, since the land bank appointees have been running the intermediates, one gets a line on certain reasons why both systems

have gone badly. If it suits your personal interest to make this document generally available, I shall be glad to have you.

In serving this committee as a voluntary, unpaid secretary I have had pleasant association in regard to farm loan matters with a number of Senators. I think first of Senator FLETCHER, who will, I am sure, answer any questions about me if you desire to ask him. I worked hard with Senator HOWELL in 1924, when he compelled the Farm Loan Board to produce proof of misappliance of farm loan funds and mismanagement. If you glance at this letterhead you will find Senator DAVID WALSH'S name—interesting especially because he is on the committee before which your resolution pends. He has a copy of the inclosed report, which he wrote me he intended to read. I hope that was not one of the intentions which makes a new cobblestone for Mephistopheles's domain!

I have certain information, gotten from Eugene Meyer recently, that might prove of interest to you, but hesitate to write it. I should be obliged if you would send me such RECORDS as contain your speeches and other material.

Sincerely,

GERTRUDE MATHEWS SHELBY.

P. S.—In the March, 1927, Farm and Fireside was published an interview of mine with Huston Thompson that was another rather effective broadside. Doubtless you can get it from the Congressional Library. If not, and you are interested, I will send you a copy. This related to the withholding of important information from 350,000 farmer stockholders, both by the banks and by the Federal board.

G. M. S.

[Reprint from Farm Credits in the United States and Canada, by James B. Morman, Macmillan Co.]

IS AMORTIZED FARM LOAN A PANACEA OR A PLAGUE?

(By James B. Morman, economist, Federal Farm Loan Board)

The best advice that can be given to farmers is to keep out of debt. The census of 1920 showed that 1,461,306 farm owners had mortgages on their farms; the number of mortgaged farms has undoubtedly greatly increased since.

What are these debt-burdened farmers to do? To what extent would amortization of their mortgages aid them? Does this plan of repaying loans give farmers larger incomes by reducing the amount of interest they have to pay? If so, what has been this gain to them? To what extent has the amortization plan of paying off mortgages been adopted by money-lending agencies? And, lastly, what are the limitations of this method of paying off debts in protecting borrowers against foreclosure? These questions relate to the financial and social welfare of American farmers.

By "amortization" is meant the method of repaying a loan with interest by regular annual or semiannual installments covering a long period of time. An "installment" includes interest and part of the principal. A borrower, therefore, pays off his debt a little at a time and pays interest only on the unpaid balance of the principal. The amount of an installment is determined by the rate of interest and the number of years for which a loan is granted.

With a view of cutting down to some extent the amount of interest farmers would have to pay, Congress incorporated in the farm loan act (1916) the amortization plan of repaying loans. The act provides that loans may run 5 to 40 years, at the option of the borrower. The direct benefit to a borrower in the interest he has to pay is shown in the following comparison of this method with a straight mortgage loan for the same amount, rate of interest, and period of loan:

Comparison at the end of 34 years:	
Under straight loan plan—	
34 interest payments of $60 each	$2,040.00
Principal unpaid	1,000.00
	3,040.00
Under amortization plan—	
34 installments, paying both interest and principal	2,338.16
Saving	701.84

During the 34 years that the amortized loan is being repaid the total amount of money a borrower would pay back on a loan of $1,000 would be $2,338.16, of which $1,338.76 is interest and $1,000 principal. That is to say, a borrower pays in interest alone $338.16 more than the amount of his original debt of $1,000. Therefore the total toll exacted by interest out of the labor and capital of a farmer, if his loan should run the full 34 years, is nearly 134 per cent. The toll exacted by interest from the labor and capital of a farmer on a straight mortgage for 34 years would be 204 per cent. In either case the toll is enormous and a constant drain on a farmer's income.

The annual installment on an amortized loan is always greater than the interest payment on a straight loan. On a $1,000 loan the installment is $70 as compared with $60 paid as interest. This difference ($10) is applied in reducing the principal of a debt; with each succeeding year the amortizement on a debt is a little more until the loan is entirely paid.

There is, however, a temporary disadvantage in the amortization of a loan because the differential amortizement is always an additional drain on a borrower's income. Neither the installment on an amortized loan nor the amount of interest on a straight mortgage changes during the loan period; for a small loan of $1,000 the difference is only $10; but on loans ranging from $10,000 to $50,000 the difference ranges from $100 to $500 a year, according to the size of the loan. The difference has to be provided every year by a debtor, no matter how unfavorable the crop or livestock returns may happen to be from season to season.

It is not much consolation to a farmer to know that this difference is always the minimum amount applied on his mortgage toward its reduction if it becomes a burden for him to provide the amount which, if unpaid, may lead to the loss of his farm. Under any circumstances this additional amount is an extra drain on his income and possibly explains the inability of so many farmers to meet their installments regularly.

It is evident from the foregoing that the amortization of farm mortgages is not a panacea for all the ills, actual and imaginary, which affect the welfare of the farmer.

Among other things, it was expected that farmers borrowing under the Federal farm loan system would not only get into debt on an economical basis, but would even do so profitably. The principle is enunciated by authority of the Farm Loan Board as follows:

"The Federal farm loan act is a law the intention of which is to make it possible for the farmers to make money by borrowing money. Its intention is to place money within reach of the farmer on such terms as to convert the farm mortgage into a source of profit."

These are very remarkable expectations, and the question is whether or not they have been realized. It would be rather unusual in the mortgage credit field to have a credit bring to the debtor an increase of income in the face of all the drains on income which have been shown to attach to borrowing money on farm mortgage. The intention may be good, but is it likely to be fulfilled?

It is undoubtedly based on the provision of the farm loan act which requires that loans shall be for productive purposes. But is not this expectation of a profit from running into debt based upon failure to appreciate the fact that borrowing for productive purposes also means a corresponding burden of expenses, interest, and depreciation of capital equipment during the continuance of a loan?

It is not the difference paid as interest but the debt itself which is the real burden on a farmer. The debt must be paid either by amortization or in a lump sum. This burden, moreover, is intensified with the lapse of time because of capital depreciation, a factor seldom taken into consideration. For long before 10 years have expired many forms of capital equipment will have been partially or wholly worn out and the farmer will be no better off as a result of his borrowing unless he has been able to save and set aside annually sufficient to cover the value of depreciation.

On account of the precariousness of agriculture and the present difficulty of a farmer being able to save at all, he may be even worse off financially because he will still be owing nearly 87 per cent of his debt and also be under the necessity of replacing part of his capital equipment in order to continue effective farm operations. It is plain, therefore, that there are grave financial limitations attached to borrowing and repaying a loan under the amortization method so far as providing a farmer with the means of escaping the great burden and danger of debt itself is concerned.

The conclusion is borne out by the result of the operation of the Federal farm loan system. On March 27, 1923, six years had elapsed since the first loan was made under this system. To-day three clearly defined tendencies are noticeable: (1) Many borrowers have already increased their mortgage indebtedness by additional loans when the farm appraisements warranted such an increase; (2) many borrowers have been unable to pay the installments on their loans and the Federal land banks are carrying a steadily increasing amount of delinquent payments; and (3) many farmers coming in as new borrowers are mortgaging their farms to pay off short-time or personal indebtedness incurred during the past few years as a result of unprofitable farm operations.

These tendencies are plainly discernible in general rural credit conditions throughout the United States and they are corroborated in the case of thousands of loans made through the Federal farm loan system. They are not very promising for the future of agricultural development. The Secretary of Agriculture has already warned the country of the danger of too easy credit conditions. The danger is in our midst and has not been removed by the amortization of farm mortgage loans. In fact, it is likely that this method has increased rather than decreased the danger. Thousands of farmers have already become delinquent in their installments under the easiest method of repaying farm mortgages yet devised, so that it is evident that interest-bearing debt is one of the greatest dangers to future improvement in agricultural conditions.

That farmers' debts, in many cases at least, have not proven profitable is evident from the fact that the amortization of loans has not prevented delinquencies in the payment of installments; it is now evident that this method of repaying loans does not prevent the foreclosure of

farms. Evidently the amortization of loans does not remove the greatest danger of farm mortage debt.

Neither the amortization method of repaying loans nor the beneficent intention of Congress has been able to save farmers from the fear of foreclosure. The policy which seems to have animated friend and foe alike is to fleece the farmer for all he is worth. Large numbers of farms have been sold under the sheriff's hammer in behalf of Federal and joint-stock land banks as mortgages. The heartlessness of money sharks is not unknown to the Federal farm loan system, for neither the farmer who fails to pay an installment on his loan nor his local association which has indorsed his mortgage can ward off the foreclosure proceedings, as this policy is being mercilessly carried out by both kinds of land banks.

Taking a broad view of agricultural conditions as they have developed during the past few years it is evident that farm mortgage credit has not brought such great financial relief to farmers as was anticipated. While some benefits have materialized as a result of the operation of the Federal loan system, the easier opportunities which farmers now have of plunging deeper into debt are increasing their financial difficulties and dangers. Debt can only be paid by farmers getting larger incomes.

Of this be certain, credit can not enslave a farmer to debt and free him from its shackles at the same time.

That this danger is still imminent is evident from a glance at the following table, prepared primarily for the purpose of showing the regular drain on a farmer's income that occurs on long-time amortized loans and the enormous total toll of interest which is taken during the life of a loan:

Amount of debt, total paid as interest, and semiannual installments on amortized loans

Amount of debt	Amount paid as interest on debt		Semiannual installments	
	At 5½ per cent	At 6 per cent	At 5½ per cent	At 6 per cent
$1,000	$1,242.47	$1,304.23	$32.50	$35.00
$2,000	2,484.94	2,608.35	65.00	70.00
$3,000	3,727.41	3,912.56	97.50	105.00
$4,000	4,969.88	5,216.71	130.00	140.00
$5,000	6,212.35	6,520.90	162.50	175.00
$6,000	7,454.82	7,825.09	195.00	210.00
$7,000	8,697.29	9,129.27	227.50	245.00
$8,000	9,939.76	10,433.50	260.00	280.00
$9,000	11,182.23	11,737.63	292.50	315.00
$10,000	12,424.70	13,041.86	325.00	350.00
$15,000	18,636.18	19,620.93	487.50	524.57
$20,000	24,848.16	26,162.23	650.00	699.42
$25,000	31,060.20	32,702.00	812.50	874.28

A study of this table will convince the most skeptical that amortization of farm mortgages is not a panacea for the burden of debt.

Two things are especially noticeable: (1) That in each case a borrower pays much more as interest than the amount of the debt itself; and (2) that the drain on a borrower's income through the payment of an installment every six months, while not heavy on small loans, becomes a real burden when the debt is large.

From this drain on income there is no possible relief. Though it is lighter in the end than interest on straight mortgage, because of the gradual repayment of the debt itself by amortization, nevertheless the drain on a farmer's income is both constant and enormous, which often deprives his family of the necessities of life, keeps him on the rack of perpetual toil and worry, and finally involves him into bankruptcy or foreclosure proceedings. From these possibilities—yea, even probabilities and actualities—long-time amortization of farm-mortgage loans does not protect farmers heavily burdened with debt.

The dangers attached to debt, then, are not removed by the amortization plan of repaying farm mortgages. Delinquencies in the payment of installments occur the same as in the case of the payment of interest on straight mortgage loans. In fact, for the first few years the danger of delinquencies in amortization payments is even greater than under straight mortgages because of the added increment of debt payment which is included in each installment of an amortized loan.

Nor has the farmer been relieved of the danger of foreclosure, for the nonpayment of installments has led to that unhappy event. Even if a farmer is able to pay his installment regularly, without making any additional payment on the reduction of his debt, the deterioration of capital equipment, the gradual loss of soil fertility, and the approach of old age which lowers a borrower's efficiency—these and other factors have a tendency to perpetuate a mortgage indefinitely, as it has done in Germany for many generations, and to bind farmer debtors with shackles which have been made easy to forget but exceedingly difficult to remove. This is the prospective heritage of the children of farmers who have long-time amortized mortgages on their farms.

ROAD ACROSS KAIBAB INDIAN RESERVATION, ARIZ.

Mr. SMOOT. From the Committee on Appropriations I report back favorably, without amendment, the joint resolution (H. J. Res. 245) to make immediately available the appropriation for a road across the Kaibab Indian Reservation. I ask unanimous consent for the immediate consideration of the joint resolution.

In explanation I will say that $10,000 were appropriated in the last Interior Department appropriation bill for this purpose indicated by the joint resolution, and the joint resolution merely provides that that $10,000 shall be immediately available for the building of the road, which is to run across the Kaibab Indian Reservation in the northern part of Arizona. If the road is to be built, it is desired to have the money now so it will be possible to build the road this year.

Mr. BRATTON. Mr. President, do I understand that the joint resolution comes from the Committee on Appropriations?

Mr. SMOOT. I was authorized after seeing a majority of the committee to report it. It had been previously referred to the committee.

Mr. BRATTON. I wondered when the committee had considered it.

Mr. SMOOT. That is how it was done.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the appropriation of $10,000 for the improvement and maintenance of the road across the Kaibab Indian Reservation, northern Arizona, en route to Grand Canyon National Park, as contained in the Interior Department appropriation act for the fiscal year 1929, approved March 7, 1928, shall be available for expenditure upon the approval of this resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAMPA BAY BRIDGE

Mr. DALE. From the Committee on Commerce I report back favorably without amendment House bill 9663, authorizing Herman Simmonds, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla., and I submit a report (No. 605) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUWANNEE RIVER BRIDGE

Mr. DALE. From the Committee on Commerce I report back favorably without amendment Senate bill 3173, authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida, and I submit a report (No. 606) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the St. Johns River Development Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Suwannee River, at a point suitable to the interests of navigation, at a point where State Road No. 15 crosses the Suwannee River, State of Florida, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Florida, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost,

not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Florida, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The St. Johns River Development Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Florida a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Florida shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said St. Johns River Development Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to St. Johns River Development Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator from Vermont if any of the bills he is reporting provide for the building of a bridge between the Capital and Great Falls?

Mr. DALE. No, Mr. President; none of them do.

Mr. NORRIS. I thought perhaps the Senator had forgotten that I called his attention to the fact that when that bill is reported, if it is reported, I want to be heard on it.

Mr. DALE. No; that bill has not been reported yet.

Mr. NORRIS. I have no objection to these bills.

CHOCTAWHATCHEE RIVER BRIDGE

Mr. DALE. From the Committee on Commerce I report back favorably, with amendments, Senate bill 3174, authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at the point where State Road No. 10 crosses Choctawhatchee River, State of Florida, and I submit a report (No. 607) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 2, line 2, after the word "at," to insert "or near"; and on page 4, line 19, after the word "costs," to strike out the word "for" and insert "of," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the St. Johns River Development Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Choctawhatchee River, at a point suitable to the interests of navigation, at or near a point where State Road No. 10 crosses Choctawhatchee River, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Florida, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Florida, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The St. Johns River Development Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Florida a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Florida shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said St. Johns River Development Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to St. Johns River Development Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privilege may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida."

KANAWHA RIVER BRIDGE AT OR NEAR POINT PLEASANT, W. VA.

Mr. DALE. From the Committee on Commerce I report back favorably, with amendments, Senate bill 3558, authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va., and I submit a report (No. 608) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 5, after the name "Point Pleasant," to insert "and"; on page 3, line 13, after the word "fund," to insert "sufficient"; on page 4, line 4, after the name "Point Pleasant," to insert "and"; on the same page, line 20, after the name "Point Pleasant," to insert "and"; and on page 5, line 5, after the name "Point Pleasant," to insert "and," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Point Pleasant & Henderson Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable to the interests of navigation, at or near Point Pleasant, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Point Pleasant & Henderson Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of West Virginia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of West Virginia, shall, at any time, within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Point Pleasant & Henderson Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The rights to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Point Pleasant & Henderson Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va."

MISSISSIPPI RIVER BRIDGE

Mr. DALE. From the Committee on Commerce I report back favorably, without amendment, Senate bill 3611, authorizing the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west, and I submit a report (No. 609) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the board of commissioners of Itasca County, Minn., be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the north line of section 35, township 144 north, range 25 west, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the board of county commissioners of Itasca County, Minn., all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARKLEY:

A bill (S. 3739) granting a pension to Mary L. Guffey; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3740) for the control of floods on the Mississippi River from the Head of Passes to Cape Girardeau, Mo., and for other purposes; to the Committee on Commerce.

By Mr. STEIWER:

A bill (S. 3741) for the relief of S. L. Roberts; to the Committee on Claims.

By Mr. BROOKHART:

A bill (S. 3742) granting an increase of pension to Sarah J. Helton (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3743) for the relief of C. N. Markle; to the Committee on Claims.

By Mr. CUTTING:

A bill (S. 3744) to authorize the leasing of public lands for use as public aviation fields; to the Committee on Public Lands and Surveys.

By Mr. SMOOT:
A bill (S. 3745) to create an establishment to be known as the national archives, and for other purposes; to the Committee on Public Buildings and Grounds.
By Mr. BAYARD:
A bill (S. 3747) granting an increase of pension to Lina Cahall (with accompanying papers); to the Committee on Pensions.
By Mr. ODDIE:
A bill (S. 3748) to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers; to the Committee on Naval Affairs.
By Mr. SHIPSTEAD:
A bill (S. 3749) for the relief of Arthur C. Dean; to the Committee on Naval Affairs.
By Mr. KING:
A bill (S. 3750) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Miami Indians of Indiana have against the United States, and for other purposes; to the Committee on Indian Affairs.
By Mr. REED of Missouri:
A bill (S. 3751) granting an increase of pension to Margaret Reilly (with accompanying papers); to the Committee on Pensions.
By Mr. FLETCHER:
A bill (S. 3752) to amend section 3 of an act entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," approved March 12, 1926; to the Committee on Military Affairs.
By Mr. JOHNSON:
A bill (S. 3753) granting compensation to John Walter Davis; to the Committee on Claims.
A bill (S. 3754) granting an increase of pension to Ollie Young; and
A bill (S. 3755) granting an increase of pension to Henry S. Stockford; to the Committee on Pensions.
By Mr. WHEELER:
A bill (S. 3756) authorizing the expenditure of tribal funds of the Assiniboine and Sioux Indians of the Fort Peck Reservation of Montana to employ tribal attorneys; to the Committee on Indian Affairs.
A bill (S. 3757) granting a pension to Henry Buck; and
A bill (S. 3758) granting an increase of pension to Mary P. Wilson; to the Committee on Pensions.
By Mr. WALSH of Massachusetts:
A bill (S. 3759) for the relief of Harry S. Smith; to the Committee on Military Affairs.
A bill (S. 3760) for the relief of the Burtman Ornamental Iron & Wire Works; to the Committee on Claims.
A bill (S. 3761) granting an increase of pension to Catherine Healy; and
A bill (S. 3762) granting an increase of pension to Jane A. E. Murch; to the Committee on Pensions.
By Mr. HAWES:
A bill (S. 3763) granting a pension to Mary Morris (with accompanying papers); and
A bill (S. 3764) granting a pension to Julia Beckley (with accompanying papers); to the Committee on Pensions.
A bill (S. 3765) for the relief of Charles G. Stoermer; and
A bill (S. 3766) for the relief of A. O. Gibbons; to the Committee on Claims.
By Mr. SHIPSTEAD:
A bill (S. 3767) granting an increase of pension to Louise Ackley (with accompanying papers); to the Committee on Pensions.
A bill (S. 3768) amending the Statutes of the United States with reference to copyright registration of designs; to the Committee on Patents.
By Mr. WATSON:
A bill (S. 3769) granting a pension to Elizabeth C. Goodykoontz; to the Committee on Pensions.
By Mr. ASHURST:
A bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.; to the Committee on Indian Affairs.
By Mr. NORBECK:
A bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia; to the Committee on the District of Columbia.
A bill (S. 3772) granting an increase of pension to Zada E. Stone (with accompanying papers); to the Committee on Pensions.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. BRATTON introduced a bill (S. 3746) to amend section 500 of the World War veterans' act, 1924, as amended, which was read twice by its title.

Mr. BRATTON. Mr. President, I wish to make a brief reference to the bill.

Under existing law, a veteran of the World War may institute a suit against the Veterans' Bureau in case a disagreement arises between the veteran and the bureau in respect to a contract of insurance. Several suits of that character have been filed throughout the country. Such suits are authorized under section 19 of title 1 of the World War veterans' act of 1924, as amended.

Under section 500 of that act, being a part of title 5 thereof, the court rendering the judgment in any such case may authorize the payment of a reasonable attorney's fee, not to exceed 10 per cent of the amount awarded to be paid counsel representing the veteran. In the administration of the act it has been found that although a veteran may have a just complaint against the bureau, and although it is later determined by a court of competent jurisdiction that he was entirely right and the bureau was altogether wrong, still, upon the successful outcome of his suit against the bureau, the court must fix a reasonable attorney's fee, and is compelled to direct its payment out of the judgment rendered in favor of the veteran.

That to me is entirely unjust and inequitable, and the bill I have just introduced authorizes the court to fix a reasonable attorney's fee not to exceed 10 per cent of the award made, and expressly provides that it shall be paid by the bureau, not out of the money adjudicated in favor of the veteran but in addition thereto.

Obviously, if a veteran falls into a disagreement with the bureau and believes that he is entirely right and that the bureau is utterly wrong, still, if he is compelled to obligate himself to pay a reasonable attorney's fee, either from his personal means or the sum recovered, it has a deterring effect upon him. He is not free and untrammeled.

If the bureau is wrong, and the court so determines, in my judgment, the bureau should pay the reasonable fee for counsel representing the veteran. That is what is intended to be brought about by the bill just introduced.

I call the attention of the chairman of the Committee on Finance to the measure, and express the hope that it may have the early attention of his committee in order that a gross wrong may be righted before the present session of Congress adjourns.

Mr. WALSH of Massachusetts. Mr. President, will not the Senator state whether there is any precedent for legislation such as he proposes?

Mr. BRATTON. I do not recall for the moment any precedent, but I do say that, regardless of precedent or the lack of it, it is oppressive to enforce that kind of a law against a veteran of the World War in determining whether he shall engage in litigation with the bureau under circumstances which he believes establish the justice of his cause and the injustice of the attitude of the bureau. In every case where the veteran is sustained, under existing law, the attorney's fee must be paid out of the money awarded to the veteran.

I call the attention of the Senator from Massachusetts to a recent case that came under my observation. There a veteran instituted a suit of this kind against the bureau. He recovered approximately $7,000. The court granting the judgment determined that a fee of nearly $700 was reasonable and directed that it be paid out of the judgment so rendered. The court could not do otherwise. The court is not subject to criticism. He was compelled to yield to the strict mandate of existing law. The bill I have just proposed will authorize the court in such a case to fix the attorney's fee not to exceed 10 per cent of the amount awarded and require that the bureau pay it in addition to the money awarded the veteran.

Mr. WALSH of Massachusetts. As a member of the committee, I shall be glad to give the bill special consideration.

Mr. DILL. Mr. President, I think in some cases that have gone before the court if the attorney's fee had been charged against the Veterans' Bureau official who forced them into the court, it would have been real justice.

Mr. McNARY. Mr. President, I demand the regular order.

The PRESIDING OFFICER. The bill introduced by the Senator from New Mexico will be referred to the Committee on Finance. The regular order is demanded.

Are there further bills or joint resolutions to be introduced?

DECORATIONS FOR OFFICERS

Mr. BLEASE. A few days ago I gave notice that I would submit an amendment to House bill 5898, to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered. I send the amendment to the desk and ask that it be read, referred to the Committee on Naval Affairs, and printed.

The amendment intended to be proposed by Mr. BLEASE was read, referred to the Committee on Naval Affairs, and ordered to be printed, as follows:

On page 4, after line 21, insert the following:

"*And be it further enacted*, That all recommendations for decoration by the United States of America now pending before the War Department, Navy Department, or Marine Corps for services rendered during the World War be considered by the proper boards or authorities, and awards made in such cases as the conduct of those recommended shows them to be entitled and deserving of the same."

EQUITABLE USE OF THE WATERS OF THE RIO GRANDE

Mr. KING submitted a resolution (S. Res. 181), which was ordered to lie on the table, as follows:

Whereas by act of Congress approved May 13, 1924, the President was authorized to designate three special commissioners to cooperate with the United States of Mexico for the purpose of studying the equitable use of the waters of the Rio Grande River below Fort Quitman, Tex., with a view to the proper utilization of said waters for irrigation and other beneficial uses; and

Whereas by joint resolution approved March 3, 1927, said act of May 13, 1924, was so amended that said commission was required also to study the question of the equitable use of the waters of the lower Colorado River for the purpose of securing information upon which to base a treaty with the Government of Mexico relative to the use of the waters of both the Rio Grande and the Colorado Rivers; and

Whereas the President appointed three commissioners, Dr. Elwood Mead, Gen. Lansing H. Beach, and W. E. Anderson, to meet with representatives of Mexico to consider the matters and questions involved in said act of May 13, 1924, and said joint resolution, and said commissioners are now meeting and carrying on negotiations with commissioners of the United States of Mexico; and

Whereas it is claimed that said commissioners are considering whether additional water from the Rio Grande River supplied by tributaries arising in Mexico may be had for use on lands in the State of Texas, and the question of confirming claims made by American citizens to the waters from said river heretofore used upon lands in the State of Texas, and also the question as to what, if any, water from the Colorado River Mexico or its nationals are entitled to; and

Whereas the waters of the Colorado River have their origin in the United States and not in Mexico and are required for the domestic needs of the citizens of the United States and for the irrigation of lands within the United States, and the granting of any of the waters of the Colorado River to Mexico, except such limited amount as may have been used for the cultivation of lands in Mexico, would infringe upon the rights of the United States and the sovereign States of Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, and California, as well as many citizens of the United States, and would result in irreparable injury to the United States and said sovereign States and citizens of said States; that any treaty that might attempt to limit the rights of the United States or said sovereign States or citizens of the United States, or to interfere with their ownership of or their rights in and to the waters of the Colorado River, would constitute an invasion of their rights: Therefore be it

Resolved, That the Secretary of State and the Secretary of the Interior be, and they are hereby, directed to transmit to the Senate copies of all instructions given by said departments to said commissioners, including communications made by the Reclamation Service to said commissioners or persons interested in the negotiation of a treaty between the United States and Mexico regarding the waters of said rivers, and the disposition, allocation, or control of the same, and also copies of all communications between the United States and Mexico concerning the duties and work of said commissioners relating to the distribution, allocation, or control of the waters of said rivers.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On March 19, 1928:

S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States.

On March 20, 1928:

S. 3292. An act providing for turning over to the Ohio State Archaeological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio and Erie Canal.

On March 22, 1928:

S. 2800. An act authorizing E. K. Morse, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.

On March 23, 1928:

S. J. Res. 55. Joint resolution for the relief of Henry A. Bellows;

S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell;

S. 1133. An act for the relief of John F. White and Mary L. White;

S. 1795. An act for the relief of Fannie M. Hollingsworth;

S. 2007. An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during the years 1924 and 1925, and to validate payments for such training heretofore made;

S. 2021. An act extending and continuing to January 12, 1930, the provisions of an act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla., approved January 12, 1925; and

S. 2365. An act for the relief of G. W. Rogers.

COOPERATION IN THE COAL INDUSTRY

Mr. WHEELER. Mr. President, I present a newspaper article, entitled "The barons on cooperation," relative to the coal industry, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BARONS ON COOPERATION

Charles M. Schwab, in his capacity as head of the bituminous interests subsidiary to the Bethlehem Steel Corporation, yesterday tried valiantly to "glad-hand" the Senate committee investigating the soft-coal problem.

Mr. Schwab attempted to turn questions directed to his views on the validity of contracts with union labor by observing appealingly that "I'm just a plain, blunt steel worker out of the mills. I can't answer hypothetical questions." At another stage this simple proletarian observed that he had been too busy playing golf to keep up with the policies of his subordinates. Finally the humble golfer-steel worker announced his belief that "face-to-face meeting is the solution of the labor problem."

All this simplicity and kindliness in high places is very touching, but if the Schwabs, the Mellons, and the Rockefellers would transmit some of it to their managing executives the effect would be more impressive. The day before the appearance of this trio the Senate Interstate Commerce Committee had before it Mr. W. G. Warden, chairman of the Pittsburgh Coal Co. And his attitude toward "face-to-face" cooperation was hard-boiled to the limit. "I would not go into any conference," he said, "which included representatives of the United Mine Workers of America." As for the public, the third and most innocent party to the perennial coal dispute, it "doesn't need to be looked after," says Mr. Warden.

The barons of the coal industry are strong on talking cooperation. Their managers, by their actions, show on every occasion that the men at the top are either powerless or insincere. It is a fair guess that the former of the two alternatives is not the truth. And the condition reached by the coal industry, a great public utility which protracted anarchy is intolerable, is not one in which palpable insincerity among its present owners will prove a winning game.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes;

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; and

S. J. Res. 31. Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

THOMAS W. CUNNINGHAM, RECUSANT WITNESS

Mr. KING. Mr. President, a day or two ago I submitted a report from the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, and stated at the time that I would later submit a resolution and would ask its adoption by the Senate. Pursuant to the notice given, I did offer a resolution. I direct the Senate's attention to the report, and also to the resolution, which I ask the clerk to read.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read Senate Resolution 179, submitted by Mr. KING on the 22d instant, as follows:

Whereas it appears from the report of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under Senate Resolution 195 of the Sixty-ninth Congress, declined to answer certain questions relative and pertinent to the matter then under inquiry:

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of said Thomas W. Cunningham wherever found, and to bring the said Thomas W. Cunningham before the bar of the Senate, then and there or elsewhere as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator from Utah whether this is the only proceeding the committee are going to ask the Senate to take or whether, in addition to this, they are going to ask the Senate to pass a resolution referring the matter to the district attorney of the District. Is it the intention of the committee to ask that?

Mr. KING. Mr. President, it is my understanding that later further action will be taken by the special committee, and the Senate will be asked to take action looking to proceedings against Mr. Cunningham under the statute which makes it an offense for a witness to refuse to answer pertinent and proper questions when such person is before a Senate committee. Just before the termination of the last session of Congress the Senator from West Virginia [Mr. GOFF], a member of the special committee, reported for the committee the contumacy of Mr. Cunningham and asked for a warrant of arrest. Owing to the jam—I will not use the word "filibuster"—in the closing hours of the session the resolution offered by the Senator from West Virginia was not considered. The report submitted on the 22d instant, and which is before the Senate, brings the matter down to date and asks for the same action by the Senate as was recommended in the partial report presented by the Senator from West Virginia.

As stated by the Senator from Nebraska [Mr. NORRIS], in addition to the Senate taking steps to punish the witness for contempt, it may refer the matter to the district attorney. For the present the committee is only asking for the adoption of the resolution just read and the proceedings called for thereunder. The witness Cunningham appeared before the committee on two occasions. He refused to answer proper and pertinent questions submitted to him. Upon the occasion of his second appearance before the committee full opportunity was afforded him to answer the questions first asked of him and to purge himself of his contempt, but he persisted in his obdurate course and adhered to his refusal to answer. The committee unanimously report that his conduct warrants and requires action by the Senate as called for in the resolution now being considered.

Mr. NORRIS. I am not interrupting the Senator for the purpose of criticizing the procedure. I have no objection to this procedure; but there is also another thing that it seems to me the committee ought to do, as we did in the case of Mr. Stewart—not only have a warrant issued but, in addition, refer the matter to the prosecuting attorney here.

When the witness refused to answer the questions propounded by the committee, he violated a statute of the United States which makes it a misdemeanor to do that; and there is a prosecution going on now in that case in addition to the issuing of the warrant by the Senate. They are two separate things. What I wanted to call the committee's attention to was that it seemed to me that in the case of Mr. Cunningham we ought to follow the same procedure that we followed in the case of Mr. Stewart, let this warrant be issued—I have no objection to this resolution—and also refer the matter under the statute to the prosecuting attorney here, so that he can take the necessary steps to present the matter to a grand jury.

Mr. KING. Mr. President, that course has been taken in a number of instances.

Mr. NORRIS. But the Senator seems to be laboring under the impression that the Senate must take one or the other of the two courses, and not both.

Mr. KING. No; it may take both.

Mr. NORRIS. Why not take both, then?

Mr. KING. I was about to say that; I did not now recommend the reference of the matter to the district attorney because the Senator from West Virginia, who gave attention to the matter and prepared the first report asking for the arrest of Mr. Cunningham, is not here. My view was that as soon as the Senator from West Virginia returned, the committee would meet and recommend the course suggested by the Senator from Nebraska. The action sought to-day by the committee is not intended as a final disposition of the matter. The law was violated by Mr. Cunningham when he refused to answer, and the Senate later will be asked to adopt such course in relation to the same as it may deem to be proper.

Mr. SHORTRIDGE. Mr. President——

Mr. KING. I should like to add, if the Senator will pardon me, that I stated to the Senator from Pennsylvania [Mr. REED] yesterday that I intended to call up the resolution this morning and ask for its consideration. He said he would not be here, and I am betraying no confidence when I say that he said he would interpose no objection to the consideration of the resolution. I ask for the adoption of the resolution.

Mr. NORRIS. Mr. President, I want to suggest to the Senator from Utah also that the procedure which has been taken is very proper, and ought to be taken; but I can not myself see any reason why we should not do the same thing in this case that we did in the case of Mr. Stewart.

A warrant was issued in Mr. Stewart's case, and a habeas corpus proceeding was asked for, and that is on its way in the courts; but, in addition to that, he was indicted before a grand jury, and he has pleaded before the grand jury, and he will be tried before a jury in the District of Columbia on that case; and, if found guilty, without regard to the proceedings the Senate is taking, he will be subject to imprisonment in jail.

If Mr. Cunningham has violated the same law that Mr. Stewart violated, I do not myself understand why we should not do the same thing in his case. In other words, the moment he refused to answer a proper question submitted by the investigating committee he committed a misdemeanor, and that is not being pushed in this proceeding. I do not understand why the committee are not asking for that. All we have to do is to pass a resolution referring the matter to the prosecuting attorney here, just as we did in the Stewart case, and then he will take care of it.

Mr. KING. Mr. President, I can only repeat what I said a moment ago. The Senator has expressed the view which I entertain. I thought that out of deference to the Senator from West Virginia [Mr. GOFF], who is absent on account of illness, no further action would be taken at this time other than that unanimously agreed upon by the committee, and which is embodied in the resolution before us. I shall communicate with him as soon as he replies, and the committee, no doubt, will consider the procedure suggested by the Senator.

Mr. NORRIS. I have no objection to that, of course, although the other proceeding is entirely separate from this.

Mr. SHORTRIDGE. Mr. President, for my own information, and perhaps for the information of others, can the question of the right of the committee to propound a given question, and the right of the witness to answer or not, be determined in the proceeding which the resolution contemplates?

Mr. KING. Yes.

Mr. SHORTRIDGE. If that is so as a legal matter, why, then, pursue the second course until the first is determined?

Mr. KING. He may, of course, sue out a writ of habeas corpus, the same as Mr. Stewart did.

Mr. SHORTRIDGE. Precisely.

Mr. KING. But, notwithstanding the fact that the arrest of Mr. Stewart was ordered by the Senate, the question of the violation of the statute was referred to the district attorney. The two proceedings may go forward at the same time. Mr. Stewart halted the action of the Senate by suing out a writ of habeas corpus, by which he seeks to test the legality of the proceedings of the Senate. The same question may be raised, however, after indictment.

Mr. SHORTRIDGE. Quite apart from personalities or the merits of this case, I merely desire to suggest that if the legal matter involved can be determined in the first proceeding, as contemplated by the resolution, why should a given witness be put to two defenses in different courts or in different tribunals? I ask that question for information only.

Mr. NORRIS. Mr. President, there are two propositions pending.

Mr. KING. It is in a way an offense against two jurisdictions.

Mr. NORRIS. Yes. Suppose a warrant is issued in this case and the witness is arrested and brought before the Senate; and suppose he does not sue out a writ of habeas corpus, but answers the question he refused to answer before the committee. He will purge himself in that proceeding, but he will not satisfy the law. If we are always to pursue that course,

then any committee of the Senate in an investigation can be held up and delayed, and the witness who refuses to answer a proper question can be cleared of all charges and of all difficulty by later on coming before the Senate and answering the same question when, perhaps, it is too late to do any good in the matter.

The fact is that when he refused to answer a question that was proper, submitted by the committee, right then he committed a misdemeanor, and that does not depend on whether he ever answers the question to the Senate or not. He could, of course, sue out a writ of habeas corpus and take the case to the Supreme Court. If we waited to see what they would do in that case, we would wait two or three years before we commenced another suit, when as a matter of fact they are two entirely distinct kinds of action. One is to compel the witness to answer, the other is to punish him for refusing to answer, and in satisfying the law as to one we do not touch the other. If we always pursue this course, then witnesses who refuse to answer questions submitted by a committee of the Senate will always have the privilege of refusing to answer, delaying, having a warrant issued, and then they can answer the question, in which case they purge themselves in that proceeding, and the object of the Senate in making the investigation in nine times out of ten will be completely frustrated.

In the case of Mr. Stewart, a warrant was issued, he was arrested, he sued out a writ of habeas corpus, and that is on its weary way to the Supreme Court. But the Senate, at the same time it ordered his arrest, passed a resolution referring the matter to the United States attorney for the District of Columbia, under a specific statute applying particularly to that kind of a case. The district attorney immediately laid the matter before the grand jury, and an indictment was secured, to which Mr. Stewart has already been required to plead, and in due time that case will be tried.

Mr. SHORTRIDGE. I am merely seeking to get my mind clear as to the procedure. Suppose the Supreme Court, having jurisdiction of the subject matter, should decide in the respondent's favor; what would become of the proceedings in the District of Columbia?

Mr. NORRIS. If the Supreme Court in the other case should decide in his favor, then he will have won his case, and will be entirely clear.

Mr. SHORTRIDGE. I was merely asking in order to have the law cleared up.

Mr. WALSH of Montana. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield.

Mr. WALSH of Montana. I see no reason why the same procedure should not be taken in this case as was observed in the case of Stewart. The recalcitrant witness will be summoned before the Senate to answer for his contempt of the Senate. He may then, by agreeing to testify, purge himself of the contempt, but, as suggested by the Senator from Nebraska, we should not be compelled every week of the year to be citing people for contempt. They ought to understand that this is a crime, and the statute expressly provides for it.

Mr. SHORTRIDGE. Who determines that it is a crime?

Mr. WALSH of Montana. The Supreme Court determines it.

Mr. SHORTRIDGE. I have some regard for the rights of the citizens——

Mr. WALSH of Montana. The statute expressly provides for the certification of the facts to the district attorney for the District of Columbia.

Mr. NORRIS. Let me read the statute:

> Whenever a witness summoned as mentioned in section 102—

That is, a witness testifying before a committee—

> fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify that fact, under the seal of the Senate or House, to the district attorney of the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Mr. WALSH of Montana. Let me remark that that can be done at any time.

Mr. NORRIS. Oh, yes.

Mr. WALSH of Montana. He may be brought before the Senate and dealt with as for contempt, and, at the convenience of the Senate or of the committee, the other procedure can be followed.

Mr. SHORTRIDGE. If brought before the Senate, he could then answer, and I suppose that would terminate the proceeding; that is, if he came in good faith.

Mr. WALSH of Montana. In that case the Senate itself would have no right whatever to punish him. The power of the Senate is coercive. He can be imprisoned indefinitely until he agrees to answer the questions propounded to him.

Mr. SHORTRIDGE. Unless the courts should determine otherwise.

Mr. WALSH of Montana. That does not wipe out the crime. He could still be prosecuted.

Mr. REED of Missouri. Mr. President, if the Senator from Utah will pardon me, I think our course here is perfectly clear, to pass this resolution and then, if the Senate sees fit, pass a subsequent resolution referring the commission of the crime, as it is understood to be, to the grand jury for action with respect to that. At present the committee desires to have this resolution passed, and I presume will bring in another resolution covering the other phase of the matter.

Mr. KING. Mr. President, I stated a moment ago that the delay in not asking for reference to the district attorney was out of deference to the Senator from West Virginia [Mr. GOFF].

I ask for the adoption of the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

Mr. KING. Mr. President, I desire to make an observation in view of the disposition just made by the Senate of the Cunningham case. At the same time that a report was filed in that matter the committee submitted a report dealing with the Insull and Schuyler cases. I would have asked consideration of this report except for the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE]. As soon as he returns I shall request the Senate to take action upon the same.

The PRESIDING OFFICER (Mr. FESS in the chair). Morning business is closed. The calendar under Rule VIII is in order.

RADIO REGULATION—CONFERENCE REPORT

Mr. WATSON. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of the conference report on the radio bill.

There being no objection, the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. KING rose.

Mr. CURTIS. Mr. President, I hope there will be no further debate on the conference report. We would like to have it adopted. I understand that debate was closed on it day before yesterday and we were all ready for a vote at that time. There is no opposition to the report, and I understand no one desires to debate it further.

Mr. KING. I shall detain the Senate but a few minutes.

Mr. CURTIS. I simply stated what I understood the situation to be day before yesterday.

Mr. KING. I call the attention of the Senator from Washington [Mr. DILL] to a statement found, as I recall, in last night's Times, as follows:

> Commissioner O. H. Caldwell, who vigorously protested against the equal distribution clause as originally drawn, regards the revamped section as unworkable and feels that it will work a great hardship on radio listeners who enjoy distant program, as well as many broadcasters.

I want to ask the Senator if he indorses the view of Mr. Caldwell that the measure as now presented is unworkable? If it is, the report should be recommitted. I am not satisfied with the measure before us. It seems to me that it has infirmities and uncertainties, and will not bring relief to the people from the confused and chaotic radio condition.

Mr. DILL. I do not indorse the views of Mr. Caldwell, and I am not surprised that they are so expressed, because, although unconfirmed by the Senate and a mere administrative officer, he sent out propaganda in the form of a letter to all stations in his zone protesting against the provisions of the bill. I think if there has been anything that he has done which would show his unfitness for the position, that alone is enough.

Mr. KING. Mr. President, I am not satisfied with the bill, but it seems evident that no other measure can be secured.

One of the objections to the measure is that it seems to confirm privileges enjoyed by the Radio Trust and its auxiliaries.

The statement appearing in this morning's New York Times is pertinent to this discussion and should attract the attention of the Senate in connection with bills now before committees, and perhaps the attention of the antitrust division of the Department of Justice.

[From the New York Times, March 24, 1928]

R. C. A. IS OUT TO GET VICTOR PERFORMERS—NATION-WIDE CHAIN FOR TALKING MOVIES IS EXPECTED TO BE NEXT STEP WITH F. B. O. AID—ALL SILENT ON PROJECT—PURCHASE OF PHONOGRAPH COMPANY WOULD NOT AFFECT WARNER VITAPHONE CONTRACT

The Radio Corporation's reported impending acquisition of the Victor Talking Machine Co., following the Radio Corporation's purchase of stock in F. B. O., a film producing and distributing organization, was regarded in amusement circles yesterday as the final link in what is to be the greatest chain for the production, distribution, and exhibition of talking movies, besides assuring to radio the hitherto denied services of Victor stars for broadcasting.

The Radio Corporation, already allied with General Electric and Western Electric, which control sound reproduction devices for films, is now allied not only with F. B. O. but also with Pathé, which is associated with F. B. O. and with the Keith-Albee-Proctor theater interests, which own blocks of stock in F. B. O. and Pathé and theaters in most of the principal cities in the country.

WOULD GET STARS, THEATERS

Thus, the Radio Corporation, whose acquisition of stock in F. B. O. was attributed to a desire to participate actively in the motion-picture business through talking movies, would through the purchase of the Victor Co. obtain, it was said, the stars necessary to the greatest exploitation of such movies and assure itself theaters in many cities.

None of the companies directly concerned would discuss the objects of Radio Corporation's activities recently in the amusement field, but these activities have been closely watched and commented upon by motion-picture people, some of whom believe that the corporation is now ready to begin through F. B. O. the production of talking movies with Victor stars.

When radio first entered the movies through the purchase of stock in F. B. O., it was believed then that it had made the connection merely to obtain the production of master films for television exhibition in the event that television became developed sufficiently to permit the screening of such films in the homes of radio set owners. The purchase of Victor caused an enlargement of the conjectures regarding the company's activities.

Warner Bros., producers of Vitaphone, a talking movie in which sound is recorded on a wax disk instead of on film, now has a contract, it was said at this company's offices, with the Victor Co. and the Brunswick Phonograph Co. whereby it may obtain the services of the stars of these companies for Vitaphone. The Warner contract, it was said, would not be affected by any possible activity of radio and F. B. O. in the production of talking movies. Incidentally the Vitaphone and the Movietone, which is produced by Fox, are based on patents controlled by Western Electric and the Warners, while the film recorded sound devices are controlled by General Electric.

MOVE FOR PATENTS SEEN

Some observers in the motion-picture industry saw in radio's activity in the movies only a combination of interests whereby radio could manufacture talking movies equipment based on General Electric patents for the motion-picture industry generally. In support of this it was said that General Electric wanted its devices within the reach of any producer and that radio would not control them exclusively.

Radio, Western Electric, General Electric, and the Victor Cos. have been associated in business for some time. Some of the electrical and acoustic devices on Victor machines are based on patents held by these companies while Victor manufactures machines which are a combined phonograph and radio receiving set, and has an agreement with these companies whereby it receives the benefit of their research and engineering facilities.

This article shows the paramount position, the triumphant if not ruthless position, occupied by the Radio Trust. It would seem that the commission has aided the Radio Corporation in securing the powerful position which it occupies in the broadcasting and radio world. I am afraid the bill before us will not sufficiently curb the activities and limit the growth of this trust but will contribute to its aggrandizement, and so help it in striking down independent producers and those who desire to engage in the radio business not only as producers but as broadcasters.

In this connection I desire to have read a letter which I received this morning which bears upon the Radio Trust, its power and activities.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

RADIO PROTECTIVE ASSOCIATION (INC.),
Chicago, March 24, 1928.

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

DEAR SENATOR KING: The significant thing about the fight which the Radio Trust is making to perpetuate the present unjust allocation of wave lengths and power, as well as to confirm the radio commissioners, lies in the fact that this "trust" represents aggregate resources of $3,000,000,000.

According to the testimony taken by the Senate Committee on Patents, the following are the assets of the five companies involved:

American Telephone & Telegraph Co	$1,841,102,088
General Electric Co	428,328,764
Westinghouse Electric & Manufacturing Co	226,961,520
United Fruit Corporation	203,821,287
Radio Corporation of America	61,976,432

Now, it is announced that the Victor Phonograph Corporation, with another $100,000,000 of assets, is to be added to this array.

Here lies the menace of permitting the air to be monopolized by such a trust. Surely there could be no greater danger to American institutions than that represented by such a control of the air. Congress thinks that through the Federal Radio Commission it is allocating the wave lengths and the power to be used by broadcasting stations throughout the country. As a matter of fact, after a broadcasting station has obtained its allocation from the Federal Radio Commission, it must take its hat in its hands and ask the Radio Trust for permission to use the allotted wave length. It must obtain a license from the American Telephone & Telegraph Co., and then it must buy the machinery for its transmitting station from the Western Electric Co., which is the manufacturing end of the American Telephone & Telegraph Co.

Having done this, it must buy from the American Telephone & Telegraph Co. the wire service necessary to hookup its studio with its transmitting tower. If it wants to be part of a chain, it must buy the wire service for the hookup with the chain stations from the same American Telephone & Telegraph Co., and if the Radio Trust had its way the listener who wants to hear the broadcast from this station must buy his set from the trust or from its licensees.

There are nine outstanding ways in which this great radio monopoly is now seeking to perfect its complete control of the air. These are:

1. By obtaining through chain stations the lion's share of the cleared channels from which the Federal Radio Commission has removed the less-favored stations, and which are looked upon as the choicest gifts of the commission.

2. By obtaining as complete a monopoly of all commercial and experimental wave lengths, in the low wave-length zone as well as in the channels above the present broadcasting field. So far, the Radio Commission has already given the trust and its subsidiaries a vast preponderance of these wave lengths, both in number and in the power which these stations are permitted to use 4,000,000 watts out of 5,000,000.

3. The monopoly of all wireless-telephone development in the United States. This particular monopoly was allotted to the American Telephone & Telegraph Co. as a chief constituent of the Radio Trust in the cross-licensing agreements among the corporations comprising the trust.

4. The monopoly of all wire hookups between stations. This monopoly is now exercised by the American Telephone & Telegraph Co., which is thus the deciding factor in all chain-station developments.

5. The monopoly of all wire hookups between transmitting stations and "remote-control" studios and events, now one of the most important features of successful programs. This also is in the hands of the American Telephone & Telegraph Co.

6. The monopoly of the construction of all radio-transmitting machinery—also a "telephone company" monopoly under the Radio Trust agreements.

7. The monopoly of receiving set manufacture. This monopoly belongs to the General Electric Co. and the Westinghouse Co.—these companies to share the business 60 and 40 per cent, respectively, and the Radio Corporation of America to be the sole selling agency. This monopoly has been further accentuated by the licensing of 25 hitherto independent manufacturers, giving the Radio Trust control of at least 75 per cent of the receiving set manufacture in the United States.

8. The monopoly of all radio vacuum tubes in the United States. This monopoly was to have been perfected through the famous "tube clause" in the license agreements issued by the Radio Corporation of America to the licensed set manufacturers requiring them to buy their tubes from the trust. The United States district court at Wilmington, Del., however, has declared that this clause violated the Clayton Act and has opened the way for millions of dollars' worth of triple damage suits by the independent tube manufacturers whom the trust had tried to destroy.

9. The monopoly of all future radio development in such vast fields as television, telephotography, distance actuation, radiant energy, and radio transmission of power. This monopoly is sought through the agreements for the future pooling of all research made by the companies in the trust, and the reciprocal allotment of exclusive fields for their exploitation.

Our organization represents the independent radio manufacturers whom this powerful monopoly has tried to destroy. Neither the independent manufacturer nor the independent broadcasting station nor the independent listener can fight this monopoly alone. He must have the help of the Congress of the United States. The restrictions which the two Houses of Congress are writing into the bill to extend the life of

the Radio Commission are an important step toward curbing this monopoly. However, they do not go far enough. May we suggest, therefore, that the Senate investigate this radio monopoly in order that it may give permanent relief to the American people and keep the air free.

Sincerely yours,

OSWALD F. SCHUETTE,
Executive Secretary Radio Protective Association.

Mr. KING. Mr. President, it has been suggested to me that if the Radio Commission shall discharge its duty as it should under the law, it will deny a license to this trust and to its subsidiaries. The law provides that licenses shall be granted only where the public interest requires or where it is a matter of necessity or convenience. Obviously there is no necessity for crowning the efforts of this trust with additional power or increasing its opportunities for further growth. Certainly it is not convenient for the public to grant this organization the important position it holds in the broadcasting field. Certainly it is not in the public interest to increase its monopolistic power.

Mr. President, unfortunately in our industrial and economic life the centripetal forces which we are experiencing in governmental activities are manifested. Power is being centralized in the Federal Government, and the centralizing forces in the industrial world are gathering into giant monopolies and organizations the capitalistic forces of the United States. The Radio Trust may become a menace, if it is not already so. The Department of Justice, if the trust violates the law, should institute proceedings against it. There should be competition in this industry, as there should be competition in all branches of our economic and industrial life. The bill before us does not, in my opinion, sufficiently protect the public, but I hope that those who shall finally be made commissioners will observe the law, and, on the ground of public interest, deny licenses to monopolies or organizations whose activities are not for the public welfare.

Mr. DILL. Mr. President, before offering what I desire to insert in the RECORD, I may say in response to the statement of the Senator from Utah that the necessity for the pending legislation comes about not merely because of granting to the Radio Corporation and its affiliated corporations licenses, but in giving them the lion's share of the power stations of the country. That is the practice that has caused the great outcry in the country and has forced Congress to pass this legislation.

Mr. President, I want to correct, so far as I can, a statement that I made on the floor the other day, which I based upon the information that was given at the hearings. I was asked by some Senator—I think by the Senator from Tennessee [Mr. MCKELLAR]—as to the practicability of broadcasting chain programs on one wave length.

I said that engineers appearing before the committee had said that that was impracticable and that it caused heterodyning and squeals. I referred to the fact that a station in Columbus, Ohio, WAIU, and a station in Detroit, Mich., WGHP, had tried this experiment and that it had been a failure. I based that statement on information given at the hearings. I am in receipt of a letter from Mr. H. V. Akerberg, chief engineer of radio station WAIU, at Columbus, under date of March 22, in which he sets out the fact regarding that experiment and incloses some 15 or 20 letters from listeners who heard the program without heterodyning and without interference. So, in order that my own statement, which was made in good faith, may be corrected as to those two stations and that experiment, I ask that this letter and the accompanying copies of letters may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the letters referred to by the Senator from Washington will be printed in the RECORD.

The letters are as follows:

WAIU, COLUMBUS, OHIO, *March 22, 1928.*

HON. SENATOR DILL,
Washington, D. C.

MY DEAR SIR: It has recently been brought to my attention that the synchronization experiments conducted between WAIU, the American Insurance Union, at Columbus, Ohio, and WGHP, at Detroit, Mich., during January last were discussed during the recent Washington hearing of the Committee on Interstate Commerce relative to the confirmation of radio commissioners' testimony read into the records include a statement by President Merlin Aylesworth, of the National Broadcasting Co., to the effect that their experiments were a failure. Might I invite your attention to the attached testimonials representing the concrete results of our experiment from the listeners' point of view.

May I point out that these experiments were conducted on an uncleared channel, that of 1,080 kilocycles, and if any heterodyning was in evidence it was due to the fact that there were other carriers on this frequency at the same time the experiment was conducted. There was no heterodyning evidenced between WAIU and WGHP. Had the experiment been conducted on a cleared channel it would have met with signal success. To demonstrate the practicability of the idea, it is my purpose to apply to the Federal Radio Commission for the privilege of conducting the experiment on a cleared channel, namely, 1,000 kilocycles, broadcasting a Columbia chain program simultaneously with KMOX, St. Louis, Mo.

I am sure these experiments will have a far-reaching effect and aid greatly in the solution of the problems now faced by the Radio Commission.

May I have the pleasure of your comment?

Very respectfully,

BROADCASTING STATION WAIU,
H. V. AKERBERG, *Chief Engineer.*

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

Your Columbia hour 10 to 11 p. m. Wednesday came in perfectly at Marion, Ohio. When I first tuned in I noticed you were off your usual wave length a little, and wondered why, but it was explained. Your synchronization with the Detroit station was entirely successful as far as my set was concerned.

R. BEEMAN, *Marion, Ohio.*

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

So far as I could see, WAIU came in with its usual clarity and power. We were unable to get WGHP's announcements.

LEWIS K. COOK, *Basil, Ohio.*

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

Picking up the keynote to your announcement, wishing to hear from, in, and around Toledo, Ohio, interested me, Bowling Green, Ohio, being my boyhood home. Finding you were making a test of chain stations on same wave lengths, am pleased to advise the full hour was received perfectly, I would say, on a set, as my instrument is a 2-year-old set using same tubes as came with set.

Aside from some fading, the reception was perfect. According to my dialings, I picked you up on 270 meters. I note log gives your station as 5,000 watts and WGHP 1,500 watts. I perhaps do not understand, however, if reception came from different stations; change was not noticeable.

Trust the trial will prove successful, so chain stations may, as you say, broadcast on same wave, thereby clearing the air.

Yours very truly,

H. A. MATHEWS.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

Congratulations for the fine, clear-cut synchronization radio broadcast test with WGHP, Detroit.

At no time were any signals heard that indicated any heterodyne. Every 7-second period absolutely quiet. The most prominent feature was your own broadcast on 1,080 kilocycles. There appeared to be some steadying force holding WAIU to the wave, giving it a tone quality and, hard to describe, goodness, dependability. At no time did WGHP signals come in. I am about 12 miles northwest of your WAIU transmitter station; listened in with a first-class 7-tube circuit, miles from any man-made interference.

Yours,

W. F. MARSH.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

In regard to the experiment conducted by your station to-night in conjunction with station WGHP, Detroit. The few minutes of the Kolster hour and the entire Columbia hour was received very splendidly and without interruption, interference, or heterodyning.

The receiver on which we heard your programs was the "Roberts 4-Tube Reflex," assembled by myself, and which has been in continuous service for three and one-half years.

During the first 10 or 12 minutes you were very hard to hold. Not that you were fading, but your frequency seemed to change, and I had to vary my radio-frequency dial from 1 to 1.5 degrees to keep in the center of your signal, and also to get maximum volume and to avoid distortion.

But weather conditions might have had something to do with this, because it was a rather poor night for reception. Most of the stations were fading, and there was more static than has been at any time this year on the majority of them; there was no fading on your station, and the static was very slight.

Wish to say, though, that we never heard WGHP announced and heard you identify your station every time but once.

Also wish to say that the Irving Berlin program was thoroughly enjoyed and hope everyone received it as successfuly as we did.

And I will be willing to cooperate with you and help in any way, and can on future test programs.

Yours respectfully,

EARL ALEXANDER,
Gordon, Wis., R. R. No. 1.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

Reception of Columbia program this evening through your station was satisfactory to me. I notice no difference in reception.

Yours truly,

CHARLES H. SEGALE,
1103 Neil Avenue, Columbus, Ohio.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

Picked up the broadcast program between WAIU and WGHP here at 9.20 p. m., eastern standard time. There was light whistle hardly noticeable. Signals were loud. Local QRM made signals rough. Bloopers and regenerative receivers around this neighborhood made it impossible to hear clearly one complete announcement or number. Did not hear WGHP make their announcement, although heard faint talking when their turn came to announce.

PH. GIMBLE,
4817 Forest Avenue, Norwood, Ohio.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

I received your program Wednesday night with WGHP on same wave, which was very satisfactory over Atwater-Kent, model 20, 5-tube receiver; had no interference, as before it was terrible. I don't think I will have to buy a Kolster set now.

Very truly yours,

WM. K. MEINER,
1143 Eighth Street, Loraine, Ohio.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

As one of your vast unseen audience I want you to know I thoroughly appreciated your fine program of this evening. A remarkable achievement, your joint program with Detroit.

Mr. and Mrs. LEROY DUNN,
715 Prospect Road, Des Moines, Iowa.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

I want to express my appreciation with this applause card of the program received from your station on January 18; the attempt to synchronize was a wonderful achievement. Your signals came through wonderfully loud and clear.

A. WEISSBERG,
1437 Shakespeare Avenue, New York, N. Y.

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

I was interested in your test last night with WGHP, of Detroit, and as you asked for the radio fans' opinion on the reception I want to express my opinion. I have a Victoreen super I built myself, and want to say that at times the reception was fine and again at times the reception was "mushy," and at other times there was a heterodyne whistle, as if one station was off their wave length a little. I believe your idea would be a success if both stations used crystal control. I am of the opinion that the Federal Radio Commission will make crystal control compulsory for all stations in the very near future, and I believe this will eliminate a large per cent of the present heterodyning of stations near the same wave length. Wishing you all the success in your future experimental tests, I remain,

Yours truly,

FRANK E. MITCHELL,
182½ East Main Street, Newark, Ohio.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

This evening's test between WAIU and WGHP, of the Columbia chain, of 1,080 kilocycles proved a success as far as I am concerned. I was with WAIU all through the test. I am,

FRANK ADAMS,
567 Madison Avenue, Paterson, N. J.

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

You requested for reports of your test last night, January 18. I was tuned in for the last part of the Columbia phonograph hour from New York. The synchronization was perfect. There was no heterodyning at all. I enjoyed the program very much, very much more because there was no interference at all.

Yours truly,

DONALD ENDRES, *Grove City, Ohio.*

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

In response to your test program, can say it came in fine, just as clear and plain as from WAJ and KNOX. We have a Kolster radio, six-tube table model, and can say they are the finest radio I have ever been privileged to listen over. Have had it a year last December, and have been out no expense except three new B batteries. I believe the Kolster radio is the best on the market. Have sold seven machines in our locality.

Yours truly,

MRS. ORAN SELLERS, *Milan, Kans.*

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

I listened in on your test program with WGHP, and it came through fine without a heterodyne.

I have sold radios for the last three years and am very much interested in anything that will relieve the congestion of the air. There is not a station at the present time that one can depend on getting clear.

But I think this kind of a test ought to be made during the day, or real late at night, as the lower wave bands are so badly congested.

Yours very truly,

R. E. DEWEY, *Sylvania, Ohio.*

JANUARY 20, 1928.

WAIU, *Columbus, Ohio:*

You were asking for reports on your reception of last Wednesday night. You signed off at 11.05 p. m. and your reception was fine; it came in just like New York station. I pick up your station and quite a few out there. I don't write much, but as you wanted to see how you were doing, I'll say the finest; you were hooked up on the experiment with two other stations. Now, the program came in fine, just as nice as New York.

CHARLES I. BELL,
No. 8 Engine Company, B. F. D., Bridgeport, Conn.

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

Your program came in very good and clear last evening while you were making your "synchronous test." I enjoy all of your programs, and announcer also. Would you kindly send me the book Listening. Thank you.

Mrs. F. O. CULLEY, *Millersport, Ohio.*

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

The program came in fine here. We thank you for the test. Anything, any time, we can do for more and better radio let us know.

Most respectfully yours,

R. P. PETREE.

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

I wish to take this opportunity to congratulate your station on the splendid programs that you have been rendering to the people of Columbus and surrounding territory during the past few months.

Prior to the time of hooking up with the Columbian circuit I must confess that I did not pay a great deal of attention to your station, but now we are tuned in at all times when these programs are on.

Last evening the reception was very good and the programs were very fine, and you are certainly to be congratulated. I note that you were experimenting with a new hook-up with some Detroit station, but personally I could note no difference, and the reception was just as good as heretofore. I am using an eight-tube heterodyne unit.

Again thanking you, I remain,

Respectfully,

J. E. POWELL, *Columbus, Ohio.*

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

Reference to your broadcast Wednesday of the Berlin program with your station and WGHP, Detroit, on the same wave.

I listened to most of the program through WAIU; heard the program very good with no interference from WGHP. In fact, I did not know you were on the same frequency until your announcer closed the program.

I first had the program through KMOX at St. Louis, but being so close to our own station here on 5,000 watts I was getting some interference, dropped down the dial to WAIU, and heard the entire program clearly. You perhaps know that we only broadcast two hours of the

Columbia chain on Sunday afternoons. The modulation of your station was very good, with only slight fading. From a BCL's opinion at this point your experiment was a success.

With best wishes,

NEWS DIRECTOR ANNOUNCER,
Station KOIL.

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

Commenting on radio reception of January 18—it was fine. We have an O. C. Dayton set, and think Mr. Thompson's voice the best by far as announcer; perfectly plain; we enjoy him very much.

Respectfully yours,

Mr. and Mrs. R. M. R. HUTCHINGS,
Mechanicsburg, Ohio.

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

I am pleased to report that the synchronized program came in with remarkable clarity and volume. No trace of distortion was present. The volume was great, no doubt due to both stations contributing. No interference with Detroit or other station was present.

Very truly yours,

LAURENCE C. JONES, *Liberty, Nebr.*

JANUARY 19, 1928.

WAIU, *Columbus, Ohio:*

Am pleased to report picking you up on my Victoreen super last evening at 8.45, and holding you on and off as desired until 10.

Everything came in splendidly, except interference from fading and from Denver if not careful in set adjustment.

Program was fine, and the Berlin program particularly so; music box also sounded nice and "tinkley." I also want to comment on the nice announcing—your "gentlemanly miker" is good, thoroughly alive to his responsibilities, and with the voice to put it over. "Pleased to meet yah."

Very truly yours,

FRED W. SYKES,
403 West Lake Street, Chicago, Ill.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

I have just finished listening in on your fine program. I have a two-tube Crosley, and got every word clear. Just before closing you spoke of a set you were checking up on. I have forgotten the name. Are these sets sold in Canada; if so, by what company? If not, would the music company you spoke of care to sell to a private? I have never heard of a set by the name you mentioned. If the sets are as good as yours, no doubt some could be sold in this district. Kindly let me hear from you.

Yours truly,

E. B. PUGH,
Digby County, Westport, Nova Scotia, Box No. 85.

JANUARY 18, 1928.

WAIU, *Columbus, Ohio:*

The simultaneous broadcasting between your station and Detroit came in here wonderful, perfect. We tuned in at about 9.40 p. m., C. S. T., not knowing what we may pick; but having the dial accidentally set, turned on the current and in came the music we like best, so we let it set. Then when you signed off at 10 p. m., C. S. T., we surely were surprised, and even before my wife made the remark about your station coming in so clear, without the slightest sign of fading, and after hearing the news we were surprised; and wish to state that I believe that the puzzle of fading is solved through this form of broadcasting. I am not green in radio, having built more than 100 sets, and tried out almost every known circuit for my own in the last eight years. I must say that this will be the coming way of broadcasting, and wish you the utmost success in your undertaking. We tune in for WAIU almost every Wednesday evening. Having lived in Bowling Green, Ohio, for a number of years and in Columbus for several months, about 20 years ago, I am always pleased to hear from the Buckeye State, especially over the radio.

Again wishing you success and thanking you for the wonderful programs we have so far received from WAIU and congratulating the artists, we wish to remain, as ever, one grateful listener and family.

Yours very truly,

ADOLPH THOUSAND,
Cedar Rapids, Iowa.

Mr. WALSH of Massachusetts. Mr. President, in view of what the Senator from Utah [Mr. KING] has said and in view of the fact that an excuse advanced for large election slush funds is the cost of advertising, I should like to ask the Senator from Washington if there is in this bill or in the law of last year or in any pending legislation any provision that seeks to control the possibility of large sums of money being expended by candidates in monopolizing the use of the radio to the disadvantage of those who are without financial means with which to advertise by means of radio broadcasting?

Mr. DILL. The only provision of the radio act of 1927 relating to the use of the radio by candidates for office is the provision that requires that a radio station owner who permits his station to be used by one candidate must give equal opportunity to any other candidate for that office. That was as far as Congress felt it wise to go when the law was passed a year ago. So far as I know there has been no abuse of the use of the radio in a political way in discriminating against candidates.

Mr. WALSH of Massachusetts. I recall that legislation, of course, but the Senator is aware of the fact that the usual rates for the use of radio are not maintained during political campaigns; that the radio companies have a special price for political use, a price that is double if not treble the usual price for advertising over the radio. The Senator is aware of that fact, is he not?

Mr. DILL. I am.

Mr. WALSH of Massachusetts. There is no check upon such charges.

Mr. DILL. There is not.

Mr. WALSH of Massachusetts. So that it may be possible for any radio station to charge such an excessive sum that some candidates will be in position financially to use the radio, while others will not be.

Mr. DILL. That is a possibility. I may say, however, that the radio is still new and the commission has not been authorized to take over control of rates for advertising by radio; it has not been authorized to pass upon the question of advertising or the way in which it shall be handled. That may become necessary if radio stations abuse the freedom which has been allowed.

Mr. WALSH of Massachusetts. In view of the Senator's special knowledge of this subject, I hope that before this session of Congress shall adjourn or when he shall return after his reelection to the next Congress, he will draft some proposed legislation which will aim to provide for the use of this powerful means of public information equitably to all candidates for public office and all political parties. I think that we ought not to wait until the abuses appear, which are certain to come and have already arrived in the matter of radio advertising, but that some constructive and remedial legislation ought to be enacted. Has the Senator given thought to the importance of this feature of radio regulation?

Mr. DILL. I may say to the Senator I have given much thought to that subject. In that connection I will give expression to a thought which I have not previously expressed, namely, that, since radio stations are given licenses by the Government to use certain frequencies in radio transmission, it might properly be required that a certain amount of time be permitted by candidates for office and in the discussion of public questions without cost to anybody. There is to-day no license fee charged. The use of a wave length is worth thousands and sometimes hundreds of thousands of dollars to those who receive permission to use it. Wave lengths are given without cost other than the mere investment of money and the attempt to give programs that will be satisfactory. I have thought that legislation might well be framed that would require in consideration of the use of a wave length that a part of the time should be used for the discussion of public questions without cost, and that those representing all sides of a question should be given equal opportunity to use the radio.

Mr. WALSH of Massachusetts. Could not a condition be inserted in the licenses issued to radio stations that use for political purposes should be given to the public; that the public should be given the opportunity of receiving by radio from the candidates for public office full and complete political information, and that the Government itself should have the use of the radio for certain periods of time for furnishing public information?

Mr. DILL. Undoubtedly it could, and, I think, with perfect propriety, I may say to the Senator.

Mr. WALSH of Massachusetts. Now, let me direct the Senator's attention to another matter.

Mr. DILL. Certainly.

Mr. WALSH of Massachusetts. When this measure was before the House I communicated with Commissioner Caldwell, and he stated to me at that time:

> Under this rearrangement a rough calculation shows that Massachusetts would have its present power of 19,000 watts cut to 3,750, and its 18 stations cut to 8 stations, in order to put New England on the same basis as certain States in the South which have very few radio stations and very few radio listeners.

I understood the purpose of the House amendment was to equalize radio power and radio stations. It seems to me that the real end and object to be attained is the equalization of radio service. While the number of stations and the amount of radio power are factors in determining the equalization of service, it seems to me that what the commission ought to try to work out is a plan that will give the people of all parts of the country an opportunity to listen to and receive the best radio programs and to have the very best of radio service. I judge from what the Senator has said that the compromised conference agreement that has been reached seeks to bring about that condition and that there is to be no immediate reduction in the number of stations or the amount of power in any of the radio zones, at least not until such time as applications are made and radio stations financed from the zones which have not the number of stations to which they are entitled. Is that correct?

Mr. DILL. Let me say to the Senator that the fact that Mr. Caldwell attempted to interpret a statute before it was written and to interpret it in the way he did shows how unfitted, in my judgment, he is to apply the new law of Congress to conditions that are to be changed.

Mr. WALSH of Massachusetts. His criticism was of the House amendment.

Mr. DILL. The Senate amendment will lead to practically the same result when it shall be applied. It assumes, first, that all of the zones must be cut down to the level of the lowest zone, the third zone, in the South, which has one-fifth of what the first zone has. It assumes, in the second place, that the present high-powered stations should be allowed to retain the superiority they now have.

Mr. WALSH of Massachusetts. The monopolizing of broadcasting by the high-powered stations the Senator from Washington and I do not agree to.

Mr. DILL. To which I do not agree. Let me remind the Senator from Massachusetts, however, that if the three or four high-powered stations in the first zone were cut to 10,000 watts, the first zone would then have only about 115,000 or 120,000 watts, which is less than some of the other zones have and one-half of its proportionate share. Instead of wiping out stations, instead of reducing power to the ridiculous point suggested in Mr. Caldwell's letter, all the commission has to do is to take away from the Radio Corporation and the General Electric Co. and affiliated stations the enormously high power granted them, and the first zone will not have beyond its proportionate share. But the statement made by Mr. Caldwell was based on the theory that the commission would continue to give these stations the proportionate superpower which they now have, and that, in my judgment, is the best proof that I have seen of his unfitness to carry out the new law.

The new law proposes to divide wave lengths and time of operation and station power as nearly equally as possible and lays down a principle of law, namely, that the equality of service shall be the basis for such division.

Mr. WALSH of Massachusetts. As it should be.

Mr. DILL. Then, in order that there can be no doubt as to what is meant by "equality of service," the law says that in order to bring about this equality of service they shall divide as nearly equally as possible wave lengths and station power and time of operation and frequencies. That does not mean that some zone that has a low number of licenses to-day can not have the number increased; it does not mean that they are to wipe out any other stations; but it does mean that there must be some justice and some equality of treatment to different sections of the country and to different applicants who apply for these licenses.

Mr. WALSH of Massachusetts. In other words, no radio station destructive policy is contemplated immediately?

Mr. DILL. No destructive policy is contemplated, and no fair-minded commissioner can read into the law a destructive policy.

Mr. WALSH of Massachusetts. I should like to ask the Senator if he can give us any information as to why these three high-powered stations have not had their power reduced ere this?

Mr. DILL. The only reason I know is that the commission has not reduced them.

Mr. WALSH of Massachusetts. Are they the source of all this trouble? And this legislation would not be here if it were not for them?

Mr. DILL. This legislation would not be here if it had not been for the excessive power granted to a few big stations, and then the fact that it had been granted to them was used as a reason for not granting power and licenses to other sections of the country.

Mr. WALSH of Massachusetts. So we are up against the old problem of the big monopolies gradually, through governmental aid and commissions, as the Senator from Utah indicated in his remarks, eliminating the smaller stations and the smaller operators.

Mr. DILL. I want to say that I do not, of course, agree with everything the Senator from Utah said. I have no desire to see anybody shut off the air so long as it is used properly. I want the Radio Corporation and the Westinghouse Co. and the General Electric Co. to have the right to broadcast their programs for the people of this country; but I do not want, and I do not think the Congress wants, and I know the intent of this law is not, to have them permitted to crowd off the air a great number of independent and smaller stations. If that kind of an interpretation is persisted in, there are two remedies—one in the courts and the other by impeachment and conviction of commissioners.

Mr. WALSH of Massachusetts. I think there is a good deal in the fear of monopoly control expressed by the Senator from Utah.

Mr. DILL. I think there is, too; but most of the troubles of which the Senator from Utah complains must be reached by other kinds of legislation than by dividing wave lengths, licenses, and power.

Mr. WALSH of Massachusetts. I am appreciative of the Senator's explanation in answer to my questions.

Mr. DILL. I am very glad to answer them.

I shall not take more time now unless there are some other questions.

Mr. DILL subsequently said: Mr. President, I have here some charts that I should like to insert in the RECORD at the end of my remarks made earlier in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Charts showing stations and power allocated by the Radio Commission

WATTS OF POWER BY ZONES

Zone	Power requested	Power granted	Power denied	Power pending
1	107,235.0	74,760	14,850.0	17,625
2	135,590.0	11,845	50,525.0	73,220
3	84,911.0	10,035	18,195.0	56,681
4	181,833.0	41,375	76,888.0	63,570
5	65,547.5	35,490	27,807.5	2,250
Total	575,116.5	173,505	188,265.5	213,346

Zone	Population	Sets	Stations	Station power			
				500 watts or more	1,000 watts or more	5,000 watts or more	10,000 watts or more
1	24,000,000	1,443,000	127	58	17	11	5
2	24,000,000	1,367,000	113	38	14	5	2
3	25,000,000	1,037,000	103	47	13	3	0
4	24,000,000	1,625,000	209	96	43	15	1
5	9,000,000	863,000	133	50	25	4	0
Total			685	289	119	38	8

Total broadcasting stations as of March 15, 1928, showing in separate columns number of stations with 500 watts and over and number of stations with 1,000 watts and over and with 5,000 watts or more and 10,000 watts or more:

Total stations and power used (by zones), showing increases and decreases during first year of Federal Radio Commission

Zone	Feb. 23, 1927		Mar. 15, 1928		Power increase	Power decrease
	Total stations	Total power	Total stations	Total power		
1	144	200,004	127	214,385	14,381	
2	121	114,018	113	109,680		4,338
3	108	53,400	103	55,390	1,990	
4	219	307,751	209	171,000		136,751
5	141	119,610	133	77,895		41,715
Total	733	794,783	685	628,350	16,371	182,804

Net decrease of 166,433 watts for the United States.
Net decrease of stations 48.

SECRETARY HOOVER'S REPLY TO SENATOR BORAH'S QUESTIONNAIRE

Mr. NEELY. Mr. President, I ask unanimous consent to address the Senate on next Monday immediately after it convenes, concerning Mr. Hoover's reply to the recent questionnaire of the Senator from Idaho [Mr. BORAH].

The PRESIDING OFFICER. All that is necessary for the Senator from West Virginia to do is to announce that at that time he will address the Senate.

Mr. NEELY. I do not wish to take issue with the Chair. I simply desire that the consent which I have asked shall be granted.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

CALLING OF THE ROLL

Mr. REED of Missouri obtained the floor.

Mr. KING. Mr. President, I think we should have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McNary	Shortridge
Barkley	Frazier	Mayfield	Simmons
Bayard	George	Metcalf	Smith
Black	Gerry	Neely	Smoot
Blaine	Gillett	Norbeck	Steck
Blease	Gooding	Norris	Steiwer
Borah	Greene	Nye	Stephens
Bratton	Hale	Oddie	Swanson
Brookhart	Hawes	Overman	Thomas
Broussard	Hayden	Pine	Tydings
Capper	Johnson	Pittman	Tyson
Caraway	Jones	Ransdell	Walsh, Mass.
Couzens	Kendrick	Reed, Mo.	Walsh, Mont.
Curtis	Keyes	Robinson, Ark.	Warren
Cutting	King	Robinson, Ind.	Waterman
Dale	McKellar	Sackett	Watson
Dill	McLean	Sheppard	Wheeler
Fess	McMaster	Shipstead	

Mr. GEORGE. I wish to announce that my colleague [Mr. HARRIS] is absent on official business.

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, there is a quorum present.

FLOOD CONTROL

Mr. REED of Missouri. Mr. President, I desire to enlist the attention of the Senate to what I regard as the greatest question now before the American Congress. I hope I can make my remarks brief, and possibly to the point.

Nearly a year has passed since the waters gathering in the great Mississippi Valley swept in their devastating course to the Gulf, with a resultant loss of life of nearly a thousand persons, with a probable loss through exposure of a much larger number. There was a direct loss in property of $250,000,000, and, again, that loss does not comprehend the incidental damage which fell upon the country. It will require years to restore the conditions as they once existed.

That flood was perhaps the worst flood since the country has been thoroughly settled, but there is not a year when the waters do not break beyond their banks at some place, and when vast damage is not done to the great Mississippi Valley.

The direct damage is only a small part of the actual damage resulting, for lying adjacent to the Mississippi and its vast tributaries are enormous bodies of land, which, if they are not overflowed every year, nevertheless are not regarded as entirely safe for agricultural purposes, and agriculture languishes and suffers by reason of the constant menace existing. I think it is safe to say that there is an annual average loss, by virtue of the conditions I have mentioned, and many other conditions which exist, and which I do not pause now to detail, of $250,000,000; that four years of these losses will aggregate a billion dollars.

The question is, What is to be done with this sort of condition, and incidental to that, and as important, is the question, What are the causes for the condition? I do not intend to go into that question in detail; I merely mention the fact that nearly every farm that has been improved in the great valley has resulted in the building of ditches and drains carrying into the stream in a few hours' time the water that formerly accumulated and lay on the ground for a period of time, and then slowly worked its way to the body of the stream. Myriads of these ditches have been built. Myriads of tile drains have been laid. The result is that the water that accumulated, and that formerly took 30 or 60 days to reach the body of the stream, is now hurled there within a few hours, or a few days, time.

Going along with these lesser improvements has been a general movement for the drainage of immense areas that formerly constituted great spaces where overflowed water could be held and was held for long periods of time. That land has been reclaimed for agriculture. Thriving villages, towns, and cities have been built thereon. Millions of people have invested their money, and an immense amount of value has been added to the wealth of the Nation.

In general and in a word, these improvements, all necessary to the development of our country, have created a condition whereby the natural reservoirs which formerly existed have been wiped out, the slow and gradual seepage of waters into the streams has been supplanted by a system that sends the waters into the streams in a very short space of time. These conditions exist from the Gulf of Mexico to the source of the river, and then, extending along the tributaries, reach far into the interior, until finally they touch the base of the mountains on either side of the great interior valley.

It must be manifest, therefore, that the problem is one not for communities, not for States, but for the Nation to control. The States nearer the source of the stream, or the individuals of the States, have adopted improvements resulting in the conditions I have spoken of, hurling waters into the stream at that point. The water goes on to injure or menace every State to the Gulf. Cooperation between the States can not be expected, because their interests are entirely different. States further upstream are not menaced, and yet they furnish the waters which cause the menace.

As we proceed down the stream, as the Mississippi gathers the waters of all its great network of tributaries, the menace increases, until we find in the lower Mississippi a raging torrent, which words can not describe, and which nothing but the highest engineering talent of the world can ever control. If we consider the case of Louisiana and of other States near the mouth of the river, we find that there the greatest menace exists from the parent stream.

Mr. MAYFIELD. Mr. President, then, from the Senator's remarks, one can not escape the conclusion that this question is distinctly a national question in every sense of the word.

Mr. REED of Missouri. That is what I am trying to lead up to. Louisiana is helpless. Why? Even if it had all the money in the world at its command, it could not control the river outside its boundaries or beyond its borders. It can not control these waters further upstream which come hurtling down upon it. What is true of that State is true of the other States lying near the mouth of the river.

Another consideration is that no State can interfere at all with this stream except by the permission of the Federal Government. The problem, therefore, is a problem that can be handled only by the Federal Government, and the Federal Government has been derelict in its duty to an astonishing degree and over a great period of time.

It began years ago, when perhaps there might have been some excuse, because the Government was poor and limited in its means, a system of patchwork improvement. It built a little dike here, a little revetment there, and a little bit more at some other place. No systematic scheme has ever been adopted in all the long years for really solving this problem.

Fifty years ago we began to improve the Ohio River for navigation. For 50 years we have been building a series of dams which are of no practical benefit until the last one of the dams is built and we still have three or four dams to build.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 1271, the migratory bird bill.

Mr. REED of Missouri. That sort of thing in the construction of dams illustrates the conduct of the Government with reference to the entire problem. Moreover, the Government has followed the policy of limiting its work to navigation and improvements incident thereto. It has utterly ignored the greater problem and the greater duty of controlling the flood waters and protecting the adjacent lands and property from injury, a policy which has always seemed to me to be narrow and stupid to the last degree. This is not a new thought with me. The RECORD will show that I have time and again in the Senate for a period of years declared that as the Government asserted its jurisdiction over these streams, it was for that reason alone in duty bound to harness and control the waters over which it asserted its dominance.

We have been met always—and, so far as I know, by all administrations—with opposition to that view. Apparently, it took the lesson of this frightful catastrophe to finally awaken a real interest and a real understanding of the magnitude of the question involved. But it has been a slow process; and while conviction seems to be gradually settling into the minds of the statesmen who control at the present time, the conversion does not seem to be complete and certain. With all the waters rushing to the sea, with human beings clinging to the branches

of trees, with the homes of people tossed upon the surface of the angry waves, with men, women, and children fleeing for their lives, with hunger and want standing with their grinning skeleton countenances looking at the horrible spectacle, we could not arouse the Government to any effective action.

Some of us asked for a special session of Congress to appropriate money to alleviate the distress. I myself sent a telegraphic request to every Member of Congress asking them to appeal to the President to call an extra session of Congress. The President was engaged in the laborious and exacting duty of learning how to bait with worms hooks for trout. He sent Mr. Hoover down the stream, and Mr. Hoover and others recommended that the problem be handled by public charity. The Red Cross, one of the most magnificent organizations there is on this earth, was called in to furnish the moneys which ought to have been furnished by the Federal Government, and furnished within a few days' time. The hat was passed, and charitable people all over the land contributed. A wholly inadequate fund was secured. It was put before these people as a charity, as a dole. Many thousands of them refused to accept it, even though they were suffering for food. It was a policy of economy, and the kind of economy which in my judgment is the most unjustifiable and contemptible it is possible for the human mind to conceive. It is a strange kind of economy. It is an economy that seems to be limited to our own country and to our own people, but which does not apply to the people of foreign lands.

There have been other disasters in other parts of the world. We have made appropriations elsewhere. Our hearts ache when we hear a cry of distress if it comes from across the sea. But if it is at home, and the message is borne to us in the English language, we pass the hat. I am not going to undertake at all to give a complete list, but here are a few:

In December, 1921, we appropriated $20,000,000 for the relief of the distressed people of Russia, which was a perfectly justifiable thing, for whenever people starve and we have plenty we can afford to send them aid. But that really ought to apply in this country as well as elsewhere.

In January, 1922, we sent Russia $4,000,000 worth of medical supplies. In March, 1924, we sent medical supplies for the earthquake sufferers of Japan. In February, 1925, we appropriated over $6,000,000 of supplies to relieve the sufferers from the earthquake in Japan. On March 4, 1925, we appropriated $10,000 of quartermaster supplies, and in this case it went to New Bern, N. C., the smallness of the amount indicating, of course, that it was going to the American people. We appropriated $100,000,000 for the relief of Europe after the war.

All of these benefactions I approve. But I inquire now why it was that Congress was not convened and the great arm of this Government stretched out to protect people who were in no wise to blame for their condition, people who were suffering largely because of the acts of the Government itself, for it is now a conceded fact that in seeking to improve the Mississippi River the Government engineers closed certain great outlets for flood waters and by that act increased the menace of the flood.

Mr. McKELLAR. Mr. President, would it interrupt the Senator if I should make just a brief statement?

Mr. REED of Missouri. Not at all.

Mr. McKELLAR. In reference to the calling of an extra session, I want to say at this time that a great majority of the Senators, irrespective of party, united in the request, with those of us who live in the valley, asking the President to call an extra session for the relief of the flood sufferers.

Mr. REED of Missouri. I thank the Senator. I know that to be a fact from my own personal communication with them also. But, Mr. President, that is past. That is history. Fortunes have been wiped out, homes have been destroyed, families have been broken up, vast areas have been devastated. The relief did not come when it was needed, but they were promised that in the future we were going to take care of the river proper.

Patriotic men from all over the South and some from other parts of the Nation came immediately to Washington and sought to have, through conferences, a measure worked out which would be of benefit for the future. Some of them have spent months of time here. The first thing that they encountered was the proposition that this work was to be continued on a small scale—that is, a small scale as I see the question—and then that the work could not proceed unless and until there should be a contribution of 20 per cent from the States or local communities.

That 20 per cent was to be largely paid by people who had been bankrupted, by communities that had been prostrated, by men and women who had already, in fighting former floods, for the construction of levees, and other works of protection, mortgaged their lands through the issuance of bonds and various other securities that rested as a burden upon their properties.

Moreover, such a plan as that would simply have meant that this work would not be completed for many, many years. Any one State by refusing to make its contribution might delay or prevent the improvement of the stream at a point where if it were not improved the works below and even the works above could not be constructed and be effective. If that plan of the administration had gone through, I venture to say that there is not a man living to-day who would have ever seen it completed. It was without justice; it was impractical; it was indefensible.

My understanding is that it has been agreed that provision shall go out of the bill; that that result has been accomplished by patriotic men who assembled here; that they had very effective assistance in the House of Representatives from Representative FRANK R. REID, chairman of the House Flood Control Committee, and assistance from many others. A number of Senators also have worked upon it. I am very proud also to say that my colleague, the junior Senator from Missouri [Mr. HAWES], has given nearly all of his time since this session began to the accomplishment of the result just named and to other improvements in the bill, to which I shall refer briefly later on. So we now have a bill, which I do not claim is perfect in any of its parts, but which seems to be reasonably acceptable to those who have given this great problem much time and study. That amendments to it will be offered I have no doubt.

It was proposed to appropriate a sum of money about one-fourth of what it will take to do the work. It seems to be conceded that it will take at least $700,000,000 to do the job and to do it right. It was then proposed to appropriate, I believe, $225,000,000 or $268,000,000.

Mr. HAWES. It was proposed to appropriate $268,000,000.

Mr. McKELLAR. To authorize the appropriation of that sum.

Mr. REED of Missouri. To authorize, I mean, not to appropriate. That sum has been raised to $325,000,000, which is just about one-half of the money that everyone agrees must be expended and, in my judgment, just about one-third of what will ultimately have to be expended if the work shall be completed properly. However, that much has been accomplished, and the work can be started. That much of an enlargement of the bill has been brought about by these proposed amendments.

It was also proposed to leave the work entirely in the hands of the Army engineers; that is to say, in the last analysis, they were to decide everything. That provision has been enlarged so that civil engineers are to be added and the authority of the Mississippi River Commission enlarged—a vast improvement. I shall not stop now to mention the other matters, because what I have spoken of lies within the scope of the remarks I want to make.

In the first place, I do not want to criticize our Army engineers with any harshness, but I propose to state some limitations for which they are not responsible. I have seen them at their work; I have heard them before committees; and I assert that they always work under restrictions. They have an intimation from some committees of Congress or from the President that an appropriation must be kept at a certain figure, and they make their plans thereafter not according to what should be done in order to meet the problem but what they can do within the limits that have been set.

I recall—and I mention it merely in illustration—the instance of an Army engineer who said they could only expend a million dollars that year, although there was the necessity for the expenditure of several times that amount. When he was asked why they could not expend it, why they could not begin work at 20 places, he said they had no equipment; that the amount stated was all that they could expend with their equipment. Then, when he was asked why they did not get more equipment, he said that Congress did not make the appropriations continuous, and that the engineers did not feel authorized to spend the money; in other words, in a case that required the labor of 20, and with 20 men available, they only employed 1 because they had only one shovel. So we have proceeded through the years.

Moreover, there is another difficulty. We rarely keep an Army engineer in the position of the head of the Engineering Corps, the Chief of Engineers, for but a few years. Largely, these men work up from subordinate positions where they have had little opportunity really to employ their talents and employ them without limitations. An officer holds the position of Chief of Engineers for a few months in many instances,

and for a few years in other cases. This problem, sirs, is not of the character that it ought to be consigned to the control of men thus circumscribed and hampered.

I should like, in the few minutes more I intend to occupy the floor, to give, if I can, my conception of what this problem is. First, it is national in scope and must be handled by the National Government if it is ever handled effectively. Second, the problem embraces and affects, either directly or indirectly, the welfare of substantially all of the territory lying between the foothills of the Rockies and the Alleghenies. Third, it affects the welfare of forty or fifty millions of the population of the United States in a direct manner, and it affects the entire country indirectly, because whatsoever affects so large a portion of the country must have its reflex action upon all parts of the country.

Fourth. There is not a business man in the world, if he owned the United States with all of its wealth, its resources, and its possibilities, who would allow these devastating waters to continue their destruction for a single moment beyond the time when the employment of the highest talent of the world could stop their destruction. As a cold business proposition he would garner these waters in the mountain passes and in the valleys and there begin the employment of them to irrigate the dry lands of the West, and turn vast portions of that section into the most beautiful agricultural and horticultural lands of the world.

The expenditure there would be in proportion to the task. It would be in proportion to the demand. The waters thus held back would in a slight measure—I think only in a slight measure—affect the flood waters below. As he proceeded it would be found necessary at various places to construct dams, and in the construction of dams and reservoirs power would be necessarily developed; and with that power thus developed he would furnish all those things that power can give, and he would obtain it or furnish it to himself at actual cost.

Fifth. As he proceeded down this stream he would not proceed with temporary construction, neither would he begin at one point on the stream, but he would begin at as many points as men and machinery could occupy; and the works when constructed would be permanent works, would stand there through the ages; and when he had completed his task he would have made fertile fields out of great deserts. He would have made the finest agricultural lands out of areas that are now swamps or are overflowed; and the territory thus reclaimed would be greater than the thirteen original States of the Union. I am speaking not only of the Mississippi but of its tributaries. He would follow these tributary streams and give them the same kind of treatment as the parent stream; and when he had completed his work he would have added to the wealth of his investment or his ownership ten times the cost, and he would do it as a cold business proposition. This is not a cold business proposition alone; it is a question of humanity, of justice, and of right. The people have a right to demand this relief.

Mr. President, when we talk of the expenditure of a billion dollars to do a work such as I am speaking of, I ask Senators and the people to bear in mind the character of that expenditure. If a man buys an automobile to ride around in, and which he can get along without, that may be termed an expenditure. If a merchant engaged in business buys a truck which enables him to dispose of several teams of horses and haul his goods cheaper, that is an investment. When he makes that investment, he does not expend money at all; he increases his capital by changing its form. An improvement in this country which will give a vast body of land to agriculture, which will save the destruction of property, is like putting a roof upon a house. Though you borrow the money to put the roof on, you thereby save the house; and the borrowing of the money and its expenditure is not false economy. It is not waste. It is the truest kind of economy.

So, Mr. President, the disappointment I find is that this project, even as now improved, is entirely too narrow in its scope. The amount of money contemplated to be used is entirely inadequate. I wish that some day we could have some one in public life who could see the United States through something besides a knot hole, who could visualize this mighty land as it lies before us, and could recognize the fact that whatsoever improves a great proportion of it is of incalculable value, and that the expenditure of money that brings back returns is justifiable from every standpoint.

I never thought much of the economy of a man who let his plow lie in the winter snows and rust because he wanted to economize in building a shed in which to keep it. I never thought much of the economy of a man who allowed the roof on his house to become leaky, and hence had the entire house destroyed. I never thought much of the economy of a man who, having a hundred acres of ground to till, and only one horse, contented himself with tilling 10 acres instead of buying an additional horse or two. I never thought much of the economy of a man who starved his wife or his children, and thereby decreased their productive capacity; and that is entirely aside from the human phases of the question. I do not think much of the proposition of a government confronted by one of the greatest catastrophes in history which proposes inadequate remedies and halting policies.

If we were to enter upon this scheme as broadly as it should be, and it took a billion dollars to complete it, what would it cost us annually? Figures have been prepared—some of them were used by my colleague Mr. HAWES—to show that for the first 10 years the interest charge at 4 per cent would be only $22,000,000 annually. That is on the basis of a 4 per cent bond. I say that you can float the 50-year bonds of the United States to-day, tax free, at 3 per cent, and sell them as fast as people can get to the counter to buy them. At 3 per cent, the annual cost for the first 10 years would be only sixteen million and odd dollars. The average cost for the 50 years, with provisions for the retirement of the bonds at 4 per cent, would be $40,000,000—I omit all the odd figures—but at 3 per cent $30,000,000, vastly less than we now appropriate for repairs and patchwork improvements.

Are we frightened at it? Sometimes we get frightened very easily. Sometimes we are full of courage. When gentlemen found it convenient to do so, at the demand of international financiers, they could cut down the debts that the foreign nations owed us by over seven thousand millions of dollars. They could cut down the Italian debt alone by over $1,600,000,000.

Seven times the amount necessary to do this work on the largest scale has been taken from the debts that foreign nations owe us, and that they solemnly and in writing agreed to pay us; and the balance that we get of what they owe is distributed over a period of from 62 to 68 years. But when you turn to your own country, to your own people, to the greatest problem that ever confronted this Nation in time of peace, you find this caviling and haggling, these narrow views expressed.

Sir, I am in favor of entering upon this project under the best conditions we can to-day, and accepting this bill with some amendments that will probably be offered from the floor to meet certain difficulties; but in accepting it I do so with the protest that the plan is entirely inadequate. The hope that we have is that it may be enlarged as time goes on.

I am in favor of paying for this work out of bonds. The work is to last through a long period of time. Its benefits will be enjoyed by generations that are yet to come, if it is done right. Why not reduce the taxes upon the living, let them bear their proportion of this interest during the time they are living, and relieve us of some of the burdens that now exist? For taxation in this country to-day is one of the great curses of the country. Why shall we be told that we can not reduce taxes, and have the specter of this work held up before us as one of the reasons? Why should we not provide for the payment by the issuance of bonds which, I repeat, the American people will buy as fast as they are offered, and they will buy them at 3 per cent?

Mr. President, I know how anxious the people, particularly of the lower valley, are for this work. I know the menace they are under. I know that there is not an hour of the day or night when the specter of a possible danger does not hang over them.

It depreciates the value of their property, it interferes with their happiness. Relief ought to be immediate. Hence I am going to do nothing to delay this bill in the hope of imposing any views I may have.

The emergency must be met. Next summer may bring a repetition of last summer's flood. The next time it may sweep aside other levees, and great cities may be engulfed. We have been here a year since the flood. I criticize no one in the Congress for the delay. I criticize no one particularly for it. Certainly the time has come for action. Even though the bill, in my judgment, fails utterly to measure up to the magnitude of the problem, I shall not delay it an instant by offering any suggestions I have to make. I hope that when it is passed the people of the great valley will begin to feel that rescue is coming, and that before many months shall pass the great dangers will be forfended against.

I would like to see this bill pressed to its immediate passage, because there is always danger of trouble arising between the two Houses, or in either House, and delay is an extremely dangerous thing. We know that this year there will be a great desire to adjourn Congress by about the 1st of June, if not earlier. So, thanking the Senators who have given me

their attention, I conclude by urging that every other measure be set aside until this great question can be disposed of.

Mr. ROBINSON of Indiana obtained the floor.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. SIMMONS. I simply desire to make some observations along the lines of those of the Senator who has just surrendered the floor, and if the Senator from Indiana will pardon me I will take only a few minutes. My remarks will be in connection with the argument of the Senator from Missouri, and I would like them to follow his remarks.

Mr. ROBINSON of Indiana. Mr. President, I can only say to the Senator, to whom I would like to yield, that I was under the impression that the Senator from Missouri would speak for 15 minutes, and I have been delayed now more than an hour past the time I expected to speak. If the Senator can assure me that he will take only a few minutes, I will be glad to yield to him.

Mr. SIMMONS. I shall take only a few minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. SIMMONS. Mr. President, I have been not only interested, but I have been delighted to hear the observations of the very able Senator from Missouri [Mr. REED] in behalf of the consummation of this great undertaking as speedily as possible, more particularly in favor of the financing of this wonderful scheme by the process of issuing long-term bonds.

When this matter was first presented to the Committee on Commerce, of which I am a member, we had before us the proposition of General Jadwin, Chief of Engineers, which dealt with only a portion of the problem, and estimated the cost at something like $300,000,000. We also had the proposition of the Mississippi River Commission, which dealt with the whole proposition in a broad and comprehensive way and estimated the cost at something like $700,000,000.

Shortly after we began the consideration of the problem it was intimated that the powers that be would not tolerate undertaking this project upon as broad a scale as that outlined in the proposition of the Mississippi River Commission. I then took occasion to state my position to the committee, and that position was this: That the sentiment of the country had crystallized upon the proposition that it was the duty of the Nation to take charge of this great system of waterways, and to safeguard it for all time to come from the possibility of such a disaster as took place in 1927, and that I thought that our legislation should provide against a flood not only as great as that of 1927, but at least 25 per cent greater.

I said I recognized that the cost would be enormous; that I believed the people of the United States were ready to assume the burden, but that the exigencies of the present situation were such that it would be almost cruel to require the people of this country to pay that enormous sum of money during the short period of time which would be necessary in order to complete the work under the plan of appropriating annual appropriations from current revenues to cover the work as it progressed.

I said that I was therefore in favor of treating this proposition as a great national investment, imposed upon us, not by any fault of man but imposed upon us by the forces of nature, and that I believed that it should be undertaken, not in part but as a whole, and should be completed as a whole, and that the entire indebtedness should be liquidated by the issuance of long-term bonds, to the end that this generation should not be required to pay the whole expense, and should not be required to do it for the reason that what was now proposed was permanent flood control, a control not for a decade or a quarter of a century but a protective system provided for all the years to come, and that future generations therefore should be required to bear a part of the burden.

I said that I therefore was in favor of that solution of the problem, not only because it seemed to me to be a wise financial arrangement for the Government to adopt in the execution of such a large and ambitious project but because at this particular time more than at any other time in all the history of this Government the people of this country are bearing a load of taxation that is not only burdensome but oppressive. In many instances it amounts almost to confiscation. I do not now refer altogether to the high Federal taxes. I refer more particularly to the high amount of taxation imposed upon the people by their States and their local subdivisions, not by way of extravagance but for the purpose of providing absolutely necessary facilities in order to give this generation the opportunity to take advantage of the discoveries and developments which have brought about new and unthought-of conditions in modern life.

An emergency has been created in the matter of taxation such as has never existed in America before, and while that emergency exists on the part of the States, forcing counties very frequently to impose upon their taxpayers a burden that consumes almost the entire profits of their operations, especially upon the farm population, in that condition to insist that we should bear all this burden within the next six or seven years, paying for this great project out of current funds would be, in my judgment, outrageous.

This generation is bearing an enormous burden of taxation already cast upon us as a result of the war and modern conditions, such a burden as never has been borne by a people before on this continent. This mighty undertaking of flood control will, of course, impose another very heavy burden, a burden that might result in forcing the curtailment of necessary river and harbor improvements and facilities in other parts of the country, as well as imposing an unjust and undue and an unnecessary burden upon the American taxpayer. I have repeatedly made this statement in the committee, insisting on financing flood control as one great project by a special issue of bonds just as we did the case of the construction of the Panama Canal.

We were confronted, however, with the dictum of the powers that be, that we must confine this bill to a section of this great water system, and the committee has decided to do that. According to the estimate before the committee, this piecemeal business will cost $325,000,000. The balance of the project, which is left open for the future, will cost probably as much as that sum, if not more, making an ultimate burden of something like $700,000,000.

I agreed to support this bill, not because I am satisfied with it, I want to say to the Senator from Missouri. I think we ought to meet this proposition boldly and courageously, and ought to settle it now and forever. But I was not able to have my way about it. It was my purpose, if we had had our way, to present an amendment to this bill providing for the cost by the issuance of bonds, but I decided, when it was concluded to separate and divide it into parts, that I would wait until action was taken, and then I would introduce a measure to provide a bond issue to pay for that part, and later, when the second portion of it was taken up, that I would introduce an amendment to the law, or a separate measure, providing for the payment for that by the further issuance of bonds.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. REED of Missouri. I hope the Senator has not drawn the inference that anything I have said has been a criticism of him.

Mr. SIMMONS. I know the Senator has not criticized me. I did not mean that. I am simply agreeing with the Senator.

Mr. REED of Missouri. I know the Senator has put his splendid ability and his great experience back of a proper measure, and I want to commend him for it. I had in mind just the kind of obstruction to which the Senator has referred. It has not been chargeable to the Senator from North Carolina.

Mr. SIMMONS. No; I do not think any member of the committee will say that, because I have been very persistent in insisting that this should be treated as one single proposition and the cost provided for through bonds instead of through annual levies of taxes upon the people.

Mr. President, I happened to be in Congress and a Member of the Senate when the Panama Canal bill was passed. I was then a member of the Commerce Committee, as I am to-day. My recollection is that at that time we passed a bill, as we are likely to do now, without providing any method for the payment of the cost of construction, probably intending at the time it was passed that we would appropriate for it as the engineers might call for it, as we do in the case of ordinary river and harbor improvements. But when it was ascertained that if the canal was constructed upon the plans prescribed in the legislation, the costs would run up into the hundreds of millions of dollars and that the burden, although not so great as in this case, would be more than the people of the country could well be called upon to stand, and after the bill had been passed providing for the building of the canal, a bill was introduced by former Senator Spooner, one of the greatest Senators that has sat in this body since I have been a Member of it, providing that the costs of that great enterprise, said then to be an enterprise so gigantic in its financial proportions that America was the only country in the world that could hope to carry it to a successful conclusion, should be borne by the

issuance of long-term bonds. I do not think we provided for the issuance of the whole amount of bonds at one time, but a subsequent act was passed providing for a further issue so that the Panama Canal was financed upon the basis of bonds issued and that was upon the theory—and a theory the logic and ethics of which can not be contested—that one generation should not be required to bear the entire burden of a great governmental improvement and investment which was to be constructed for the benefit of future generations.

Mr. President, when we built the Panama Canal there were no such conditions in the country as there are to-day. When the war was on there was an emergency condition so far as the Federal Government was concerned, and to meet that emergency we called into existence every source of income that the Government could lay its hands upon. We wrung out of the people $8,000,000,000 in one year. We raised that sum by taxation in one year. To-day, although the war is long since over, we are paying on account of the great amount of indebtedness incurred during the war. Up to this time, almost 10 years after the war, we are still paying over a billion dollars a year on account of the war.

It will be some time before we get rid of this burden under the present system of a sinking-fund arrangement and the payment of annual interest. It will probably be 25 years before we get rid of this burden unless we collect out of the people money to pay interest and to pay the sinking fund in excess of the amount which the Congress of the United States in its wisdom has said ought to be paid, and thereby force a liquidation of this bonded indebtedness years before the time provided for its liquidation. That is what the administration has been attempting to do. That is what it wants to do now. That is the reason why it is not willing that we should reduce Federal taxes as much as they ought to be reduced, because the great financial interests, especially the international bankers, are anxious to get this great public debt retired in order that they may have the field to themselves. Therefore the people are being taxed beyond what was contemplated by the Congress, beyond what is written in the law as the policy of the Government in the retirement of the national debt. They are being taxed in order to give an advantage to certain great interests and monopolies in the United States.

Mr. President, the same emergency conditions that the Government has been confronting exist to-day in all the States of the Union. They exist in my State where we have levied taxes for the purposes of a great road construction program, where we are building added facilities for better education of our children, where we have had to repave our streets and install waterworks and lighting systems and sewerage systems and all that sort of thing.

In order to take advantage of the facilities and conveniences that new inventions and progress and civilization have put at our doors, we are burdened down with taxes. As I said a little while ago, in some jurisdictions this tax has become so high that the man who owns land and cultivates it for a living finds it exceedingly difficult to make enough net income to pay the taxes on his property.

In that condition of our country, when we are struggling with these great questions that modern civilization thrusts upon us, when we are trying to build these necessary conveniences and to pay off the obligations which we necessarily have assumed in connection with them, for the Federal Government to load us down with $600,000,000 or $700,000,000 to be paid in five or six years for a permanent improvement that ought to be so permanent in its nature and so solid in its character that it will stand for ages and for generations and our children and our grandchildren and our descendents for hundreds of years will get the same benefits from it that we get, and then to insist that we should pay it all in addition to the very heavy war burdens we have just had to bear and a part of which we are still bearing, to me is a cruel proposition. It is a proposition, Mr. President, not only cruel in its character, but one that may involve an annual expenditure which may result in an undue curtailment of the amounts that are necessary to add such improvements as modern conditions may require with reference to the other waterways and harbors of the country.

As I said to the committee, if it be insisted that this great sum shall be annually paid for this one system of waterways, then we are in danger of encountering sooner or later opposition from those sections of the Union who find themselves short of funds by reason of the immensity of the amount that will have to be paid annually from current revenues for this one enterprise.

Mr. President, I had not intended to take so much time. I ought to say in conclusion that while I did not have my way in the committee, although I insisted upon it almost continuously until the last few days of our session, which have been very prolonged, I shall not offer any amendment to the bill with reference to bonds. I shall try to facilitate the passage of the bill through the Senate as soon as possible. I shall not offer any opposition to it, although it is only doing the work by piecemeal, a dangerous policy, in my judgment, as well as an unwise one. I shall try to do what I can to facilitate its passage.

But if some other Senator does not do it first, I shall offer a bill later providing that the payment of such amounts as are annually needed for the construction of such part of the project as is contained in the pending bill, and may be adopted by Congress, shall be provided for by long-term bonds bearing a low rate of interest, to the end that we may cast a part of this burden, and justly cast it, upon those who are to come after us, and so that the present generation, which has been so overburdened with taxation that in some sections the very commercial life of the community is threatened and its prosperity imperiled, shall not have this further burden to carry unnecessarily.

OIL SCANDALS AND CAMPAIGN CONTRIBUTIONS

Mr. ROBINSON of Indiana. Mr. President, the hour is growing late and I shall not attempt to detain the Senate this afternoon for any length of time in a discussion of the subject that was announced by me some days ago. Instead I shall give notice now that on next Monday, or as soon thereafter as I can claim the floor in my own right, I shall again speak on the subject of Teapot Dome and the oil scandals.

I do not believe, Mr. President, that the Senate's time should be taken up in political discussion; I do not believe the people of the United States like to have the Senate's time, with the enormous expense involved, taken up in the discussion of politics when there are tremendous problems here to be solved; and in the nearly two years and a half I have had the honor to be a Member of this body I have consumed very little time in political discussions; but the time has come when some one should stand up for the Republican Party, which I love, and which has very largely made this country the greatest the world has ever seen.

Mr. President, the Republican Party throughout the Nation is composed of honorable, patriotic, God-fearing American citizens; and I am willing to concede as much for the membership of the Democratic Party; but some of those who have been intrusted with leadership in both parties are mixed up in oil scandals. The rank and file of neither party is to blame. I shall never assail the rank and file of the Democratic Party. They have a right to their views as much as I have to mine. I shall never assail a single sovereign State while I am a Member of this body. I love them all, from the largest to the smallest. Each of them is a part of our common heritage and our common country.

Oil will not be an issue in the campaign next November. Teapot Dome will not be an issue in the campaign next November. The American people, members of both parties, will object to having their country's misfortune made a football of politics because some leaders in both parties, perchance, have erred in judgment and in some cases have betrayed the Nation. Men do not make issues, although issues sometimes make men; issues makes themselves, and the issues of the coming campaign will make themselves.

During the few minutes that I propose to discuss the origin of our troubles around Teapot Dome and Elk Hills, reserving the right to discuss these subjects in detail early next week, I shall only take passing notice of the Governor of New York. I shall say little at this moment about former Racing Commissioner Sinclair of New York.

I made a perfectly innocent inquiry a few days ago with reference to the Governor of New York and his administration. I would not discuss the Governor of New York at all were it not for the fact that he has to some degree made himself an issue before the people in that he aspires to the highest office in the land; he would be the Chief Executive of the Nation. A few days ago, within some 24 or 48 hours from the time the discussion took place on this floor in a running debate in which his name was used, after he had had time to form a deliberate judgment, he wrote to the Senator from North Dakota [Mr. NYE] that amazing letter which in some situations might be considered a state paper. I say that anyone who would write a letter of that kind as his deliberate judgment, after due reflection, if placed in the White House might, in a very short time, embroil us with nations with which we are at peace. The people of this country do not want war with any other country; they desire peace. A man of his temperament would not be safe to guide the destinies of the Nation, if we may judge from the letter which was written.

Mr. President, I want to read now a few lines from that letter. I quote:

A careful search of the official records, made at my request to-day, confirmed my recollection that Mr. Sinclair never contributed to my campaign fund either in 1920 or any other time that I ever ran for office.

But, Mr. President, the ink had hardly dried after he had made his "careful investigation" until either he or the newspaper men or some one else dug up the fact that Sinclair did contribute to the New York committee known as the Tammany Society—and the country understands Tammany, and the country understands the relationship, I think, between the Governor of New York and Tammany in 1918. Another contribution, according to the news reports, was made by former Racing Commissioner Sinclair to the Democratic county committee of New York—Tammany—in 1926. Yet the governor rushes into print—giving his letter to the press before it was received by him to whom it was addressed—saying that a "careful investigation" failed to show any contribution from Sinclair. If the governor had waited a few more days after refreshing the memories of those about him his investigation might have determined that other contributions were made by Sinclair in 1920, 1922, and 1924. The governor said none were made. A little while later it is conceded that contributions were made by Sinclair to the fund by which he was elected, along with others, in 1918 and 1926.

The letter is further evasive, Mr. President, in that nowhere therein does he admit to the American people that he ever appointed Sinclair, when the record shows conclusively that he appointed this man as a member of his administration twice in the year 1920. The first time was in January, and the second time, for a five-year term, in June in the midst of his campaign for governor. Mr. President, Sinclair remained in office as racing commissioner until a month or two before his time should have expired normally in 1925.

Let me mention a date or two. On October 22, 1923, the Senate inquiry began. At that time Governor Smith was the chief executive of New York. At that time Racing Commissioner Sinclair was a part of his administration.

In November, 1923, witnesses from New Mexico told of Fall's sudden wealth. Sinclair was a member of the New York Democratic administration at that time.

On January 25, 1924, his attorney, J. W. Zevely, admitted that Sinclair loaned Fall $25,000 and advanced $10,000 for a trip to Russia. At that time Sinclair was racing commissioner of New York by appointment of the Governor of New York, and Mr. Alfred Smith was the Governor of New York.

On January 31, 1924, the Senate ordered Sinclair's lease canceled as fraudulent, and at that time Sinclair was a member of the administration of Governor Smith.

Mr. President, during all that period the Governor of New York never once asked for the resignation of Sinclair, his racing commissioner. Why? The only reason I can assign for his refusing to discharge him from his administration, or, at least, publicly ask him for his resignation, is that he considered Harry Sinclair a valuable public servant.

The Governor of New York must have believed that Sinclair, his racing commissioner, was rendering valuable service to the people of New York and to the country. Furthermore, Sinclair continued in that administration until the latter part of 1925 and then resigned. Why? For his own "convenience." That is the reason given. Was he requested to resign for the good of the State, for the good of the people, for the good of the country? No; he resigned voluntarily, for his own "convenience."

So it is difficult to see how the Governor of New York can get away from the fact that he knew all about Sinclair and still retained him as a member of his administration. Contrast this action with that of the Governor of Maryland in the last few days, himself a member of the Democratic Party, who has ruled that Sinclair's racing stable shall be kept from the race tracks in Maryland.

One other thing:

In 1924, when the whole country knew of the infamy of Sinclair, down in New York City they held the Democratic National Convention at Madison Square Garden; and I suppose Racing Commissioner Sinclair was there to assist the head of that administration in his aspirations for the Presidency. Right then, when they were voting on Governor Smith for the Democratic nomination, at that very moment Sinclair—the infamous, notorious Sinclair—was the racing commissioner of New York, and continued to be until the latter part of the next year. In the next letter he writes let the Governor of New York explain thoroughly to the American people, without evasion, his connections with his racing commissioner, Sinclair, during all those years.

Mr. President, I have no more to say about those two gentlemen at this time. I desire now to say a word about the leasing bill that caused much of our trouble.

Mr. President, there was one man who stood here—on this side of the aisle, by the way—and with prophetic vision saw through the maze of misfortune that would come to his country with the passage of that legislation. I refer to the late Senator from Wisconsin, Hon. Robert M. La Follette, who has passed on to the other side, who gave warning of the impending disaster, but it was not heeded. I shall quote just briefly from his remarks. I will take only one day of the debate, Mr. President—September 3, 1919, on page 4735, volume 58, part 5, of the RECORD—and read from a speech by the Senator from Wisconsin at that time:

Why, sir, this oil belongs to whom? It belongs to the public, not to the States, not to some administration, not to some committee of Congress. It belongs to the people. You have here—and have had around the doors of Congress and thronging the rooms of the committees that deal with these subjects—the representatives of the greatest monopolies in the world, seeking to get this legislation through according to terms agreeable to them; but, sir, when they take under legislation which we pass we can impose any conditions we please. We can require that the oil taken from these wells, or the coal mined on the Government land leased under the terms of this legislation, shall be prepared for the market on the ground, if need be; and my amendment gives the President the widest authority, and says that he is empowered, under rules and regulations, to determine how the products derived from these leased lands shall be handled, to the end that the price of them, reasonable to the producer and reasonable to the consumer, shall be determined by the Government. I say that there rest within the terms of that amendment the full power and authority of this Government, up to its constitutional limits, to control this product. It can say to Standard Oil, "If you take a barrel of oil out of this land, you shall keep it separated from the oil taken from other lands or assembled by you from other sources," and it can compel that to be done. It can make rules and regulations that will follow this oil out of the natural reservoirs where it rests, the property of the United States, the property of the people of this country, or until it reaches the consumers in every conceivable form at a reasonable price.

And more which I shall not read. I invite the attention of Members of this body to the entire debate.

Finally, the Senator from Wisconsin said:

Now, Mr. President, I renew my demand for a roll call on this amendment.

And I mention here the fact that among the nays appears the name of the Senator from Montana [Mr. WALSH], who voted against the amendment of the late Senator from Wisconsin. I say, Mr. President, that had the Members of this body on both sides of the aisle listened to his counsel in that particular legislation the country would have been saved much misery.

I pass on.

On page 4742 of the RECORD, in the debate of that same day, I quote the Senator from Montana [Mr. WALSH]:

The genesis of this bill goes back to a bill which was introduced in 1913 or 1914, it being in all essential particulars like this, although, of course, differing somewhat in details. That bill was introduced by myself, having been prepared by a committee called together by Secretary Lane, consisting of the chairmen of the Committees on Public Lands, the chairmen of the Committees on Mines and Mining, and the chairmen of the Committees on Agriculture, if my recollection is correct, of the Senate and House of Representatives. They, in conjunction with Secretary Lane and his assistants, prepared the bill. That is all I care to say about this being a Standard Oil bill.

Mr. President, that was in answer to the charge of the late Senator from Wisconsin that this bill was in the interest of the interests; and that was an admission by the senior Senator from Montana that the genesis of this oil legislation that has brought so much trouble to our common country was right at the beginning of the Democratic administration when the Democrats came into power.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. WALSH of Montana. I suppose probably the Senator's cursory examination of this subject is responsible for his error about the matter; but I take the occasion to inform him that the leases were not made under that law at all, but under an entirely different law.

Mr. ROBINSON of Indiana. Yes; I shall get into that, may it please the Senator.

On page 4754 of the RECORD of the same day I read the following:

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield further?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. WALSH of Montana. I want to understand how the Senator arrives at the conclusion that all of our evils—speaking about the oil scandal—came about from the enactment of a law that had not anything at all to do with the leasing of the naval oil reserves.

Mr. ROBINSON of Indiana. Mr. President, the Senator and I do not agree. In a speech which I hope to deliver next Monday or Tuesday I shall make a summary of this entire legislative program and of the evils that have come directly from it.

Mr. WALSH of Montana. I trust the Senator will defer it for a few days. I have agreed to go to the funeral of our late colleague from Michigan, Mr. FERRIS.

Mr. ROBINSON of Indiana. I shall be very glad to defer it until the Senator gets back.

Another Member of the Senate on the other side of the aisle, former Senator Owen, of Oklahoma, on the same day made this statement:

I should like to ask the Senator how the bill fails to protect the Government's interests in those naval reserves. I do not clearly understand the point.

Mr. LA FOLLETTE. To answer the Senator's question in just a brief way, it gives trespassers who have gone upon these lands, and against whom suits are pending, priority rights under the terms of this bill against anybody else, even in the naval reserves; and, of course, as to the naval reserves, if the reservation provision were protected, the public would not have any rights outside of these sections in this bill. So that it rewards these trespassers; it relieves them of defending their rights in the courts and taking the judgment of the courts as to whether they have any equity even in this territory; and it gives them out of hand rights in the naval reserves that they would not have except for this legislation. That is what it does. That is one thing it does.

Mr. President, again I invite the attention of the Senator to the comment of the late Senator La Follette on page 4759 of the RECORD. I shall read only one paragraph:

I say again, Mr. President, there are the Standard Oil and the Mid-West, which runs into Standard Oil, as I am told, and all the other oil representatives who are here now and have been and have maintained for months elaborate offices in this city, rich and powerful above all calculation, and no man can stand up on this floor and suggest any opposition that has been indicated anywhere at any time by those interests to this legislation. It has been seen heretofore. When anything was pending that did not conform to and adjust itself and accord with the interests of these great oil monopolies, particularly the Standard Oil, everybody knew it; it was manifest. Everywhere in the committee rooms and at every stage along the legislative career of a measure it was to be found. It has not been shown here any place. They seem to be heartily in accord with it, perfectly satisfied.

And more of the same sort, to which I invite the attention of the Senate.

The Senator from Montana a few days ago asked me for a reference to a time when he was governed largely by the advice of Mr. Doheny. I shall now quote the Senator's words.

On page 4770 of the RECORD of this same day, September 3, 1919, the senior Senator from Montana is quoted as using this language:

But I do not rely entirely, in respect to my judgment of the matter, upon these experts. However it may be regarded by anyone else, I attach very great importance to the testimony of Mr. E. L. Doheny to the same effect. It is well known that Mr. Doheny is one of the most extensive and one of the most successful oil prospectors and operators in the world. It appears that he has no interest whatever in any of the property within the naval reserve or in any of the withdrawal areas, and that he has no interest in any of the lands that would be patented. He does, however, own profitable and producing oil wells throughout the State of California. If he has any interest in the bill at all of an individual or personal character it would be to see the bill killed, because thus the volume of oil would be restricted and limited, if not reduced, and the value of his product would be proportionately increased. I can not believe, however, that he is influenced either one way or the other by that consideration; but he tells us, after his long experience as an oil prospector and an operator in oil, the fact is that the wells which now exist upon the reserve are continually draining the supply of oil and reducing the oil pressure, and he ventured the opinion that in 10 years the gas pressure would be so far reduced as to make it next to impossible to extract any further oil from the reserves.

I shall show, when the Senator returns, I think, that right at that moment this man Doheny had his eye on these reserves, as subsequently has been proved conclusively.

I do not charge the Senator from Montana with knowing of his plan. I am willing to believe that the Senator was misguided by Mr. Doheny. Yet the press dispatches recently have stated, if I remember rightly—and I may be wrong, and I would not knowingly make any statement that is not in accord with the record—that Mr. Doheny is to-day out in California slated to be one of the delegates in support of the candidacy of the Senator from Montana for the Presidency of the United States.

Mr. WALSH of Montana. Just a moment. Will the Senator tell us where he got that information?

Mr. ROBINSON of Indiana. I had that information from some newspapers. I shall be glad to include also in my later remarks the information I have and the conclusions I draw from that information.

Mr. WALSH of Montana. The list of nominees for delegates to the Houston convention said to be favorable to my candidacy has been published broadcast. Their names are available at any time, and the Senator is misinformed; Mr. Doheny is not among them.

Mr. ROBINSON of Indiana. Mr. President, I think perhaps I am in error in that. I think I had Mr. Doheny's name confused with that of George Creel, who was a publicity man during the Wilson administration, used, so Mr. Doheny testified, because of his close connections with the Secretary of the Navy, Mr. Daniels. Mr. Creel, I understand, is to be one of the delegates elected in California in favor of the Senator's nomination, and I think I am in error as to Mr. Doheny. However, I have been informed that Mr. McAdoo, who also received $250,000 from Mr. Doheny, by Mr. Doheny's own statement, is looking after the Senator's interests among the Democrats of California. I shall not dwell further on that at this moment.

I would like to say something further with reference to this same Mr. Doheny, who is still at large. I quote from the RECORD of February 7, 1924, just a little while before the national conventions of the political parties. There was some debate on the floor of the Senate. Much of this is familiar to older Members of the Senate; it was new to me and, I suppose, new to others. Perhaps the country has forgotten some of the things that took place then, and I think it might be well now again to mention a speech that was made at the Democratic national convention in San Francisco in 1920. I quote from the RECORD:

Mr. WILLIS. Mr. President, I think the distinguished Senator from Missouri will not object to what I am about to read, because it is a petition presented to a great convention in behalf of a noted Democrat. I read from page 437 of the proceedings of the Democratic National Convention presided over, as I remember, with distinguished ability by the senior Senator from Arkansas [Mr. ROBINSON].

The chairman said:

"The Chair presents to the convention Hon. Lorin A. Handley, of California, who will nominate a candidate for Vice President of the United States."

Then Mr. Handley said:

"Ladies and gentlemen, California needs no credentials in this convention other than her electoral vote in 1916. [Applause.] We are perfectly willing to yield the Presidency to Ohio [applause], but not the glory of electing the last Democratic President of the United States. The people of the great Commonwealth of California are not interested in the personal ambitions of any candidates for President or for Vice President. They are interested in this great Republic and its future. We believe that the hope not only of our country lies in the election of the nominee of this convention, but that the hope of humanity and the world rests upon it, and we call upon the patriotic citizens, not only of our State but of every State in the Union, in order that the honor of America might be rehabilitated and our Nation restored to her rightful place in the councils of the world.

"We not only want to elect the great Governor of the State of Ohio the next President of the United States but we want to elect with him a great patriot to stand by his side to make humanity's fight. And California has a great patriotic son. California agrees with the Senator from Montana, and California agrees with the Senator from Nevada that you must not overlook nor forget that the great West is populated by free-minded and independent American citizens. [Applause.] And with the great progressive Governor of Ohio and with a great progressive, patriotic Democrat of the West, the West can be brought into line again as it was in 1916. And California, therefore, presents her great and distinguished son, born in the State of Wisconsin. In poverty he started, a surveyor over the Southwest, a cowboy in Kansas, a prospector over practically every State of the West, a discoverer of the oil fields in southern California, and from thence he builds himself to the pinnacle of success such as every American citizen loves and admires,

and California's son. The life of this man is a typical romance of American improved opportunity, and we take pride, therefore, in presenting to this convention as the man out of the West who can reach the hearts and the souls not only of the Democrats of the West but of the great, free-thinking people of the West. California, the great golden State, presents Edward L. Doheny for Vice President."

Well, he was voted on, and, so far as I know, has never to this moment been repudiated by the party leaders.

Mr. President, I want now to quote from some of Mr. Doheny's testimony on February 1, 1924, before the Committee on Public Lands and Surveys of the United States Senate. I read from the printed record:

The CHAIRMAN. You testified that you would have been willing to retain Mr. Fall as you had retained Mr. Lane?

Mr. DOHENY. Yes, sir.

The CHAIRMAN. And you retained Mr. Lane, I think you testified, immediately upon his resignation as Secretary of the Interior?

Mr. DOHENY. Yes, sir; and I made the agreement with him before he left office.

The CHAIRMAN. Before he left the office?

Mr. DOHENY. Yes, sir.

The CHAIRMAN. Was that one of the reasons that he resigned, on account of your employment?

Mr. DOHENY. No, sir.

The CHAIRMAN. Your offer of employment, I mean?

Mr. DOHENY. No, sir; I don't think it had anything at all to do with it. He had two or three offers at the time that he resigned. He accepted employment with our company.

The CHAIRMAN. You never made any loans to Secretary Lane?

Mr. DOHENY. No, sir.

The CHAIRMAN. Have you employed any other Cabinet officer subsequent to his retiring from the Cabinet?

Mr. DOHENY. Yes, sir.

The CHAIRMAN. Who?

Mr. DOHENY. Well, I am trying to think now. I think that we employed for a short time Judge Gregory, who was the Attorney General.

The CHAIRMAN. In what matter?

Mr. DOHENY. He was employed by our company and other companies to represent us before the—to represent us before the President in regard to a lot of permits that we were trying to get in Mexico, and that the Mexican Government was refusing to allow us to drill our own territory down there.

The CHAIRMAN. How long after Mr. Gregory's resignation was that employment?

Mr. DOHENY. I don't know. I only learned of it yesterday.

The CHAIRMAN. You only learned of it yesterday?

Mr. DOHENY. Yes, sir.

The CHAIRMAN. Through whom did you learn that?

Mr. DOHENY. Through our books. Went through our books for answers to just these questions that you are asking about.

The CHAIRMAN. And your company had employed Judge Gregory?

Mr. DOHENY. Yes, sir; our company and a half a dozen other companies. The employment was made by the Island Oil Co., for which he was the attorney, and he represented a number of companies, and the Island Oil Co. billed us for $2,000 as our share of the fee that they paid Judge Gregory for this particular work.

I turn now to page 1938:

And Mr. Gregory, who had been Attorney General, was employed to do what?

Mr. DOHENY. To represent these companies in filing their petitions before the State Department or the President, I don't know which, asking for the intervention or their good offices in connection with our demands that the Mexican Government give us the right to drill our own lands.

I turn now to page 1939:

The CHAIRMAN. Now, have you employed any other ex-Cabinet officers?

These are Democratic Cabinet officers.

Mr. DOHENY. Yes, sir.

The CHAIRMAN. Who?

Mr. DOHENY. At the time when our properties were greatly menaced in Mexico by the hostile attitude of the Mexican Government I employed ex-Secretary McAdoo.

The CHAIRMAN. One moment before we get to Mr. McAdoo. What was the total amount of money paid to Judge Gregory?

Mr. DOHENY. I don't know.

The CHAIRMAN. You say your company paid $2,500?

Mr. DOHENY. Our company paid $2,000. I don't know what the total amount was.

The CHAIRMAN. But your company was assessed $2,500 for its share?

Mr. DOHENY. No; $2,000.

The CHAIRMAN. $2,000?

Mr. DOHENY. Yes.

The CHAIRMAN. Now, very well, go on with Mr. McAdoo.

Mr. DOHENY. I employed Mr. McAdoo because of his——

The CHAIRMAN. One moment. When was your employment of Mr. McAdoo?

Mr. DOHENY. I think it was—I am not certain about dates. It might have been a year after he left the Cabinet. He was a member of the firm of McAdoo, Cotton & Franklin, and I employed the firm—Mr. McAdoo was a member of that firm—to represent us in Washington in connection with Mexican matters.

The CHAIRMAN. In Washington?

Mr. DOHENY. Yes, sir.

The CHAIRMAN. Can you tell us the year? Well, that was about a year after, you said?

Mr. DOHENY. Well, that was about a year after he resigned from the Cabinet.

The CHAIRMAN. Could you furnish to the committee the exact date of that employment?

Mr. DOHENY. I think I have got it on our books. Yes, sir; I am quite sure it is on our books.

The CHAIRMAN. And how long did Mr. McAdoo continue to represent you?

Mr. DOHENY. Mr. McAdoo continued to represent us in that regard until the Mexican situation was practically completed. That is, until the administration changed.

The CHAIRMAN. That is, he continued to represent you so long as Mr. Wilson's administration remained?

Mr. DOHENY. So long as he was President; yes, sir. And after that he didn't represent us in Washington any longer, except that he represented us in Mexico. And he made a trip to Mexico in connection with our affairs, the Palomas Land & Cattle Co.

The CHAIRMAN. And does he still represent you?

Mr. DOHENY. And he still represents us.

The CHAIRMAN. He still represents you?

Mr. DOHENY. Yes, sir.

The CHAIRMAN. Were his services for you during the last administration compensated for?

Mr. DOHENY. Yes, sir.

The CHAIRMAN. Will you tell the committee how much you paid Mr. McAdoo?

Mr. DOHENY. All told, I think, about $250,000.

He was the son-in-law of the President.

Now, I shall read further from pages 1940 and 1941:

The CHAIRMAN. Has there been any other member of the Cabinet or public official whom you have employed?

Mr. DOHENY. I think so. I think Mr. Cotter was an employee of the Interior Department before he came into our employ. He came into our employ with Mr. Lane. Mr. Lane, when he left the Interior Department, took Mr. Cotter with him. Mr. Cotter had been a sort of an amanuensis for him, and he needed him in his work generally, and he came into our employ at that time, and he is still in our employ.

The CHAIRMAN. He is vice president of one of your companies?

Mr. DOHENY. He is vice president of one of our companies; yes, sir.

The CHAIRMAN. What was Mr. Lane's employment, Mr. Doheny? I mean what were his duties?

Mr. DOHENY. Mr. Lane was assistant to the president.

The CHAIRMAN. He was assistant to you?

Mr. DOHENY. Yes, sir.

The CHAIRMAN. In all matters?

Mr. DOHENY. In all matters; yes; adviser on everything.

The CHAIRMAN. Both as to matters that you had before the Department of the Interior, and all other matters?

Mr. DOHENY. Well, I don't remember about the Department of the Interior, but he advised me on all matters regardless of what they were.

The CHAIRMAN. I see.

Mr. DOHENY. But I don't think he ever went before the Department of the Interior as a counsel for us.

The CHAIRMAN. And what was Mr. Lane's salary?

Mr. DOHENY. $50,000 a year.

Mr. President, I shall not read what was said with reference to Mr. Garrison, but Doheny admits that Mr. Garrison, who had been Secretary of War in the Wilson administration, was also employed by his company.

That is four——

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. ROBINSON of Indiana. Yes.

Mr. WALSH of Montana. The Senator has again referred to the employment of ex-Secretary Lane by Mr. Doheny. Without really desiring to enter into any discussion with the Senator concerning the propriety or impropriety of the employment, I would like to inquire of the Senator if we are to understand from him that while Franklin K. Lane was Secretary of the Interior he extended any favors of any character whatever to Mr. Doheny?

Mr. ROBINSON of Indiana. I do not mean to imply anything. I am reading from the record.

Mr. WALSH of Montana. Oh, yes; of course the Senator is reading from the record, and the record shows that after Mr. Lane retired from the office of Secretary of the Interior he went into the employ of Mr. Doheny. It shows further, as the Senator told us, that before he resigned there was an agreement that he should do this. That is important only as it carries with it an implication or an intimation that Secretary Lane did something wrong when he was Secretary of the Interior. I should like to know from the Senator——

Mr. ROBINSON of Indiana. I am not making any intimation of that character.

Mr. WALSH of Montana. No; the Senator is not making any inference, but he is quite willing the public should draw an inference.

Mr. ROBINSON of Indiana. The public is quite well able to draw its own inference.

Mr. WALSH of Montana. If the Senator does not intend to indicate by this that Mr. Lane is subject to any criticism whatever for anything that he did while he was Secretary of the Interior, I have not any further inquiry to make.

Mr. ROBINSON of Indiana. Let me ask the Senator a question. Here were four Cabinet officers in the last Democratic administration all hired by these oil interests. Does the Senator think that was perfectly proper?

Mr. WALSH of Montana. I do not care to discuss that.

Mr. ROBINSON of Indiana. Nor I.

Mr. WALSH of Montana. As I said a moment ago, I do not care to discuss it.

Mr. ROBINSON of Indiana. I shall discuss it later, I may say.

Mr. WALSH of Montana. Whether it is proper or whether it is improper, all we are interested in, so far as I can see, is whether these officers faithfully discharged their duties while they were in office.

Mr. ROBINSON of Indiana. I am willing to trust the intelligence of the American people on questions of this kind. Give the people the facts and they will draw their own conclusions, and usually correctly.

Mr. WALSH of Montana. The Senator would not draw any conclusion that they had done anything wrong while they were in office, would he?

Mr. ROBINSON of Indiana. I am drawing no conclusion. I am stating the facts as they were testified to under oath by Mr. Doheny.

Mr. WALSH of Montana. I understand perfectly well what the Senator is doing. The Senator will not stand up in this body and say that in his judgment the inference is properly drawn that they were faithless in any respect to their charge, but he is perfectly willing that the public outside shall draw that inference.

Mr. ROBINSON of Indiana. In the summary I hope to present of this whole question, which I shall deliver when the Senator is in his seat, I shall draw some conclusions of my own, and shall not hesitate to draw those conclusions.

Mr. President, I must hasten along. I have already taken more time than I had expected at this time. I have very little more about Mr. Doheny that I care to mention now.

In June, 1920, nine months after the Senator from Montana had introduced Mr. Doheny as the man on whose judgment he relied and four months after Mr. Doheny had employed Secretary Lane immediately upon his resignation, by reason of an agreement made prior to that resignation, the Democratic National Convention met in San Francisco. The official proceedings of that convention show that Mr. Doheny was one of four delegates at large from the State of California. They also show that he was a member of the committee on platform. Presumably he wrote the petroleum plank in the Democratic national platform of 1920, which began as follows:

> The Democratic Party recognizes the importance of acquisition by Americans of additional sources of supply of petroleum and other minerals, and declares that such acquisition, both at home and abroad, ought to be fostered and encouraged.

Mr. WALSH of Montana. The Senator has made another reference to the Senator from Montana with respect to which I would like to ask a question. He spoke about this as being nine months after the Senator had declared that he relied on the judgment of Mr. Doheny.

Mr. ROBINSON of Indiana. Yes.

Mr. WALSH of Montana. Just what does the Senator mean by saying that the Senator from Montana relied on the judgment of Mr. Doheny?

Mr. ROBINSON of Indiana. I am attributing to the Senator's words which I quoted a while ago the usual meaning given to language of that kind.

Mr. WALSH of Montana. Judgment on what?

Mr. ROBINSON of Indiana. Does the Senator desire me to read it again?

Mr. WALSH of Montana. No; I have clearly in mind the language. The Senator from Montana relied upon the judgment of Mr. Doheny as to the likelihood of lands within the reserve being drained by wells outside of the reserve.

Mr. ROBINSON of Indiana. Yes; and the Senator went further and said Mr. Doheny was a disinterested person.

Mr. WALSH of Montana. That was my information.

Mr. ROBINSON of Indiana. But the Senator would not say that now, would he?

Mr. WALSH of Montana. Perhaps I would not; but that is neither here nor there.

Mr. ROBINSON of Indiana. Oh, I know. I only want to show that the Senator can be mistaken. I am charging the Senator with nothing wrong.

Mr. WALSH of Montana. Oh, no; certainly not; but why is the Senator referring to that statement if there is nothing wrong?

Mr. ROBINSON of Indiana. I refer to it again in order that the Senate and the people may draw their own conclusions.

Mr. WALSH of Montana. So that the people can draw conclusions that the Senator does not dare draw himself?

Mr. ROBINSON of Indiana. Mr. President, the Senator is a candidate before the people for the presidential nomination on the Democratic ticket, and, therefore, must be an issue more or less before the people at this moment. I only discuss individuals as they are connected with issues.

Mr. WALSH of Montana. Oh, yes; the Senator from Montana is perfectly willing that his entire record shall be searched, as it has been for five years past, but never mind about that. I want to call attention to the fact that what the Senator is endeavoring to convey, if I am not in error, is that I relied upon the judgment of Mr. Doheny concerning the wisdom of that legislation. That is not true.

Mr. ROBINSON of Indiana. Then I invite the Senator's attention again to that language and ask him to draw his own conclusion, and I will accept it.

Mr. WALSH of Montana. I am speaking about what the Senator said. The Senator said nine months after I expressed myself as "relying on the judgment of Mr. Doheny." I relied on the judgment of Mr. Doheny, as the context will show, upon his assertion that wells outside of the reserve were draining the oil from within the reserve.

Mr. ROBINSON of Indiana. The Senator still relies on the judgment of Mr. Doheny that far, does he not?

Mr. WALSH of Montana. There is no occasion for my relying on it.

Mr. ROBINSON of Indiana. That is what I am asking the Senator.

Mr. WALSH of Montana. The fact with reference to the matter spoken of there, as the record will show, demonstrated that the wells outside of the naval reserve No. 2 were in fact draining the oil from within reserve No. 2, and that Secretary Daniels recognized it was the fact and provided for the sinking of 22 offset wells in order to overcome conditions there referred to.

Mr. ROBINSON of Indiana. Does the Senator still indorse this leasing act which was passed in February, 1920, and the rider on the naval appropriation bill passed in June, 1920?

Mr. WALSH of Montana. The Senator will answer unequivocally that I had a part in the passage of the leasing act and I take pride in that fact.

Mr. ROBINSON of Indiana. That is what I wanted the Senator to say.

Mr. WALSH of Montana. The Senator can have that at any time. I might say further that I had not a thing on earth to do with the act of June 4, 1920.

Mr. ROBINSON of Indiana. The Senator was in the Senate when it was passed, was he not?

Mr. WALSH of Montana. Oh, yes.

Mr. ROBINSON of Indiana. The Senator did nothing to prevent its passage?

Mr. WALSH of Montana. No; I did not, nor did any other Senator. It passed without objection from anybody.

Mr. ROBINSON of Indiana. I am not speaking about any individuals. I just asked the Senator.

Mr. WALSH of Montana. But the Senator would have again drawn an inference which is not in accordance with the facts.

Mr. ROBINSON of Indiana. Mr. President, I am trying to state the facts from the record, and then the Senator can draw his own conclusions from my remarks and from the facts.

I had just quoted the plank or part of the plank on oil which, I am informed, Mr. Doheny wrote for the Democratic National Convention at San Francisco in 1920 when he was one of the delegates at large from California.

Mr. WALSH of Montana. I would like to ask the Senator another question.

Mr. ROBINSON of Indiana. Just wait until I finish this paragraph about that plank and then I will yield.

This plank was read along with the rest of the platform by CARTER GLASS, now a Senator from Virginia, who was chairman of the platform committee, and the official report of the proceedings of the convention states that the reading of this particular plank was received with applause by the convention.

Mr. WALSH of Montana. I would like to inquire now of the Senator from Indiana if he will kindly read the plank again and then tell us what objection he finds to it.

Mr. ROBINSON of Indiana. Again, I am not undertaking to find any objection to these facts except as I state my objection, but I am trying to state the facts fairly and impartially.

Mr. WALSH of Montana. Of course, but if the plank is unexceptionable, why state the fact?

Mr. ROBINSON of Indiana. My judgment of it is that there was no occasion to have an oil plank in the platform at all. That is my opinion of it, if the Senator wants my honest opinion. No; oil will not be an issue next November when the people know the facts. The rank and file of neither party will permit it to become an issue.

But that was not the end of Mr. Doheny's very distinguished and valuable services as a leader of the Democratic Party in 1920. According to his testimony before the Senate Committee on Public Lands and Surveys on December 3, 1923, he contributed $75,000 to the Democratic Party campaign fund that year, $50,000 of which was apparently contributed during the campaign and $25,000 of which was contributed after the election, at the solicitation of Mr. George White, chairman of the Democratic National Committee, for the purpose of wiping out a deficit. So here we have the direct evidence that oil money has reached the Treasury of the Democratic National Committee.

Mr. WALSH of Montana. That is just another particular in which the Senator from Indiana seems to be uninformed. Mr. Doheny testified that he gave $75,000 to the Democratic committee, $25,000 of which was given in the year 1921, the remainder in 1920. Mr. George White, however, who was chairman of the Democratic National Committee, went on the stand and denied that Mr. Doheny gave any sum in excess of $34,000. I am disposed to let it go with that statement of the facts.

Mr. ROBINSON of Indiana. Was the Senator at that time in 1920 still convinced that Mr. Doheny's reputation for veracity was good?

Mr. WALSH of Montana. The testimony which was given——

Mr. ROBINSON of Indiana. Does the Senator mean to suggest now that Mr. Doheny perjured himself on the stand?

Mr. WALSH of Montana. The testimony which was given by Mr. Doheny was in 1924 and not in 1921.

Mr. ROBINSON of Indiana. Well, in 1924.

Mr. WALSH of Montana. Of course, I do not intend to say that Mr. Doheny perjured himself. He was simply mistaken about the amount given.

Mr. ROBINSON of Indiana. The Senator means to say that Mr. Doheny was mistaken about it?

Mr. WALSH of Montana. I do.

Mr. ROBINSON of Indiana. The Senator means Mr. Doheny had thought he gave $75,000 and did not?

Mr. WALSH of Montana. Yes; exactly. While Mr. White——

Mr. ROBINSON of Indiana. Mr. White's testimony, as given——

Mr. WALSH of Montana. Mr. White spoke positively about the matter, and I take his recollection about the matter rather than Mr. Doheny's.

Mr. ROBINSON of Indiana. I was just going to say about Mr. White that a search of the records of the Clerk of the House of Representatives shows that the Democratic National Committee made a return of only $9,800 as Mr. Doheny's contribution; in other words, the record shows that the Democratic National Committee's officials, if Mr. Doheny's sworn testimony is to be credited, must have concealed $65,000 of the contribution it received from Mr. Doheny, who was a member of its committee on platform and who was interested in the petroleum plank.

Well, Mr. President, we will not go into that any further. I want to quote now from the junior Senator from Washington [Mr. DILL]. On page 1805 of the RECORD of the proceedings of this body, on February 1, 1924, the Senator from Washington used language which, perhaps, will answer the question the Senator from Montana propounded to me a moment ago. I now quote the Senator from Washington:

> The testimony this morning shows that Mr. Doheny has had in his employ since they left President Wilson's Cabinet four of his Cabinet officials. What do these things mean to the country? They mean that the whole country begins to wonder whether anybody can be found who is clean and who can be trusted.

Oil will not be an issue next November, Mr. President, in my judgment. But the Senator from Washington mentions four Cabinet officers. I discovered another one, more or less accidentally, who is out on the trail of oil. Understand I do not question his motives in the slightest degree, but Mr. Sinclair has been thoroughly discredited—I suppose everyone will admit that—and was thoroughly discredited in 1925. I would not do anyone an injustice for the world; I do not know how reliable this authority may be; but I quote from it for whatever it may be worth, assuming that it is reliable.

The title of the book which I hold in my hand is "Oil imperialism—The international struggle for petroleum," by Louis Fischer. From page 195 of this book, under the head, "United States, Japan, and Russia," I quote the following:

> It is true that Robert Lansing, former United States Secretary of State, who had been retained by Sinclair, addressed a letter to the company on March 12, 1925, in which he disputes the soviet right of annulment. Yet he admitted in the same communication that the concession contract obliged Sinclair to carry out one drilling operation before the end of the second contract year. This Sinclair had not done.

I shall not read further and detain the Senate longer with this book. I simply invite the attention of any who may be interested to the book—Oil Imperialism, by Louis Fischer—and I cite it for whatever it may be worth.

So I say to the Senator from Washington that here is a fifth Cabinet member of the Wilson administration who has gone out in the pursuit of oil and taken employment under Harry F. Sinclair, the erstwhile racing commissioner of New York.

Mr. President, I invite the attention of the Senate to the fact that, according to sworn testimony, there were employed by Doheny, a former Secretary of the Interior, a former Attorney General, a former Secretary of the Treasury, and son-in-law of the President, and a former Secretary of War; and I recently learned, if this authority be reliable, that a former Secretary of State in the same administration has been employed by Sinclair.

Mr. BARKLEY. Mr. President, will the Senator from Indiana yield to me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. ROBINSON of Indiana. I yield.

Mr. BARKLEY. If the legal employment by oil interests after retirement from the Cabinet is a matter of suspicion, what has the Senator to say about the fact that former Secretary Hughes now represents and is legal counsel for the Petroleum Institute of America, which includes all the oil interests in this country?

Mr. ROBINSON of Indiana. I am not discussing Mr. Hughes, and that makes no particular difference. Nor am I saying that any of this employment was illegal or that it was unethical or improper; I am only showing the trend of these former Cabinet officials in the direction of oil employment.

Mr. BARKLEY. Is the Senator unable to draw any difference between employment legally after retiring from the Cabinet and employment illegally while in the Cabinet?

Mr. ROBINSON of Indiana. O Mr. President, I am not defending anybody. I say that this man Doheny and this man Sinclair are bipartisans; they have no party. I say they go out and do what they can to corrupt leaders in both parties wherever possible. I say they deserve no consideration whatever. In my judgment, and I am willing to be quoted on this, both of them deserve prison terms.

Mr. President, five Cabinet officers were employed by the oil interests that profited or expected to profit from the Teapot Dome and Elk Hills leases. It is rather significant that now the most prominent Democratic leader in the United States is discovered to have had as his racing commissioner up until the latter part of 1925 the same Harry F. Sinclair.

So it extended across the continent. In 1924 the Governor of New York, who at that time had in his administration Harry Sinclair, was a candidate for President on the Democratic ticket at Madison Square Garden. In that same convention William Gibbs McAdoo, from the other side of the country, California, who received $250,000 of Doheny's money, was a

candidate for President. These are prominent leaders of the Democratic Party, to say nothing of Doheny and Judge Gregory and the others.

Mr. President, with the Governor of New York now a candidate for President, with the Senator from Montana [Mr. WALSH] now a candidate for President, who admits having been active in bringing about this legislation and having taken at least on some matters the advice of Mr. Doheny, and whose campaign is being largely managed, according to press reports, in California by the same Mr. McAdoo, it would seem that oil will not be an issue in the campaign next November.

Mr. President, I think I have nothing more to say on this subject at the present time. As soon as the Senator from Montana shall have returned I hope to speak again and draw some conclusions, and at that time I think I shall be able to show conclusively when, where, how, and by whom this conspiracy was hatched to defraud the United States Government and the people of the United States of the naval oil reserves.

RADIO REGULATION—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, a parliamentary inquiry. What is before the Senate?

The PRESIDING OFFICER. The migratory bird bill is before the Senate, and the pending question is on the amendment of the committee.

Mr. CURTIS and Mr. WATSON addressed the Chair.

Mr. CURTIS. Does the Senator from Indiana desire to make a request?

Mr. WATSON. Yes; I wish to request unanimous consent that the unfinished business may be temporarily laid aside so that we may conclude the consideration of the conference report on the radio bill.

The PRESIDING OFFICER. Is there objection to laying aside temporarily the unfinished business?

Mr. McKELLAR. Now, Mr. President, I wish to be recognized.

Mr. TYDINGS. Mr. President, I do not want to object, but I should like the Senate to permit me to say a few words, consuming about 10 minutes, in reference to the subject the Senator from Indiana [Mr. ROBINSON] has just been discussing.

Mr. WATSON. The Senator from Maryland can say what he desires to say when the conference report is before the Senate as well as he can when the bird bill is before the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none, and the unfinished business is temporarily laid aside.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927.

The PRESIDING OFFICER. The question is on agreeing to the report. The Senator from Tennessee [Mr. McKELLAR] is recognized.

Mr. McKELLAR. Mr. President, I wish to make a motion with reference to the conference report on the radio bill. I will read the motion myself.

I move that Senate bill 2317 be recommitted to the committee of conference of the two Houses with instructions to the Senate conferees to insist upon the following amendment: In the first clause of section 5 strike out the following language:

SEC. 5. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor."

And in lieu thereof to insert such language as to make the first clause read as follows:

SEC. 5. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio broadcasting, both of transmission and of reception, and the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones."

The remainder of the section to read as in the conference report.

Mr. President, the purpose of the amendment which I desire to offer is to eliminate the ambiguous language that is admittedly and confessedly in section 5 of the bill. In that section such language is used as to make it confusing to those who are to interpret the act. My position is that we should pass an act about which there can be no misinterpretation. What we mean to say by this proposed legislation, and what the Senator from Indiana and what the Senator from Washington and other Senators who are favorable to the legislation say that it means radio power shall be divided equally among the various zones as soon as applications therefor are made. That is the whole thing in substance. That is what they say this language means. If it means that, why not say that and not say anything else? Why put in the act words that may give rise to confusion?

If we had a commission that was favorable to the legislation, if we had a commission that wanted to distribute fairly and justly, as shown by its acts in the past, I am rather inclined to think that we could well let this language go in. When, however, we are confronted by a commission that does not want to distribute equally, that has given three great broadcasting advertising stations one-fourth of all the power in this country, it does seem to me as sensible men that we ought to pass a bill that is free from misconception, one about which there can not be any doubt.

So, for that reason, Mr. President, I have made this motion, and I hope it will be adopted.

The VICE PRESIDENT. The Chair will state that under the precedents governing the recommittal of conference reports a motion to recommit a conference report is not in order where the other House has agreed to the report, inasmuch as the conferees on the part of the body agreeing to the report have thereby been discharged.

Mr. McKELLAR. I am familiar with that rule, and I am not inclined to differ with the Chair about it; but I have made this motion hoping that the point of order would not be raised and that this matter could go back to conference. Of course, the only way in which we could send it back to conference, as I understand the rules, is to vote down the report and then instruct the conferees. I do not know whether or not that can be done.

I want it understood, though, that with this confusing language in it I shall vote against the conference report. I should like to vote for it. I want to help in the equal distribution of radio. I want it to be free from any misconception or misunderstanding. It is for that reason that I have made the motion. I want to make my objection perfectly plain, and I hope I have done so.

It is perfectly manifest that if a fair distribution of this power is not made by the Radio Commission it will be because of this confusing language; and it seemed to me that it ought to be stricken out in the interest of good legislation. I hope these gentlemen are right. I believe that the commission can go forward and distribute the power equally under this law. They can do it; they have a perfect right to do it; but with the record of the commission before us, and especially with the record of Mr. Caldwell—who, I understand, is employed by a subsidiary of one of these companies—we can not expect an equal distribution. When we vote for this conference report we are voting in the interest of the unfair and unjust distribution that we now have, in my judgment, so I shall vote against the adoption of the report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

OIL SCANDALS AND CAMPAIGN CONTRIBUTIONS

Mr. TYDINGS. Mr. President, the Senator from Indiana [Mr. ROBINSON] has been so excited and, it appears to me, so hysterical about an alleged appointment made in the State of New York that, if I may use his own words, I may observe that he has not shown the great calm of which he speaks, which dignified and great statesmen always use. In fact, his original and pregnant observation that "Birds of a feather flock together" is so apropos of what I am shortly about to mention that I think it will go ringing down the corridors of time, or at least down the corridors of the Senate, as long as the Senator from Indiana is a Member of this body; for, when we analyze the Senator's remarks, all that we get from them is that what he knows about the alleged affair of which he continually speaks is what he reads in the papers; and it occurs to me that if his imagination is so vivid he would have been

a tremendous success in the field of fiction had he selected that particular field of endeavor.

In order that I may not misstate the facts I have reduced them to writing, and, with the Senate's forbearance, will endeavor to give them to you for whatever they may be worth.

The Senate will recall that an honest public servant, the late Senator Samuel M. Ralston, had died in 1925, and it became necessary for the Governor of Indiana to appoint a successor. The exact manner of that appointment and its reasons remain a mystery to the country at large, and I may say they have become more of a mystery than ever in the past few days, when we have just heard the Senator; but I understand there is considerable evidence in Indiana as to the manner of its accomplishment.

The Governor of Indiana was then and is now Ed Jackson. I speak of him more later; but now it is sufficient to say that it is reported in Indiana that he first offered the position now filled by the Senator to one of the outstanding business men of the State. The latter went home to talk to his wife, and when he called up the next day to inform the governor he would accept he was told indirectly that the governor had changed his plans and that another man had been named, the same man who now sits in this Chamber.

I am also informed that the governor during the night on which his mind was so suddenly and mysteriously changed had conferred at length with one George Coffin, Republican county chairman of Marion County, in which Indianapolis is situated. Please bear his name in mind also. It is sufficient to say here that he had for 20 years been a personal and political friend of the appointee who now sits here, or I am so told.

And if Indiana report is correct—and this is a matter upon which I particularly desire the Senator to inform the Senate after I shall have concluded—across that conference there fell a shadow and a malign influence from a cell in a county jail 25 miles away, the shadow of one D. C. Stephenson, the mention of whose name is sufficient to soil the lips of him who utters it. Formerly grand dragon of the Ku-Klux Klan in Indiana, reported to have been ambitious to seize that organization in 22 States, he had lost his position after a quarrel with its other dictators, and—I am informed—he was then lying in his cell in Noblesville, Ind., awaiting trial for the dastardly crime for which he is now in life servitude in the Indiana State penitentiary.

For two years before this appointment of which I speak Stephenson, I am informed, had been the unquestioned dictator of the Republican organization in Indiana. I am told he walked the floors of a State convention of that party with a gun holstered on his hip, and with two gorillalike bodyguards in attendance, and that there were few men there who did not quail at the glance of his eye and hasten to do his bidding. Even as he lay in his cell, awaiting trial for a crime the gory details of which sicken the imagination, there were many, many persons eager to do his bidding—or so I am told.

Out of that triumvirate—or so I am told—came the appointment which concerns us to-day. Perhaps the Senator will speak as frankly upon it as he has on other appointments upon which he has possibly a less profound knowledge.

Now, as to the evil influences of bad companions—a copybook maxim which the Senator has so eloquently expressed in his profound and original dictum—"birds of a feather flock together."

Who is Ed Jackson, who made the Senator's appointment? He campaigned in D. C. Stephenson's car for the governorship of Indiana; and the latter, I am informed, claims that he spent $73,000 to elect Jackson governor, which he did upon a woeful day of a weeping week of a fearful year for Indiana, the year 1924.

The governor was indicted last summer along with—whom do you suppose?—the Senator from Indiana's old personal and political friend, Mr. George Coffin. What was the charge? It was that upon a day late in 1923 Ed Jackson, then secretary of state, carried to the then governor, Warren T. McCray, an offer of $10,000 and immunity from conviction in the State courts if he would name a certain man prosecutor of Marion County, in which the city of Indianapolis is situated. Jackson had come straight from another of those unholy and secret conferences in which the Senator's friends seem to specialize, according to report.

Gov. Warren T. McCray—you have all heard his name. He had at that time lost his fortune and was faced with indictment for misuse of the State's funds. He was later convicted in the Federal courts of fraud through the mails and sent to Atlanta penitentiary. But the people of Indiana have about concluded that he was much the more honorable man in that conference that day.

His son-in-law was prosecutor. Because of the delicacy of the situation, the prosecutor was resigning. So the conspirators, I am informed, proposed to seize this key position; and to do this they offered the penniless and despairing governor $10,000 and a guaranty of immunity from conviction for his official misdeeds before any jury in any State court in Indiana. And the governor knew they were powerful. Jackson, Coffin, Stephenson—they were names to conjure with. They represented the disciplined hate and prejudice of 300,000 citizens in bed sheets. That may sound comical now, but it did not so sound in the condition of affairs in Indiana in 1923.

Governor McCray sat there with the sweat rolling down his face and made his choice. It was an honorable choice and expressed in ringing words.

"Go back to those who sent you and tell them I have lost my fortune, I am losing my position, I may lose my liberty; but if I accepted your offer I would lose my self-respect, and I refuse," he said.

And what was the reason the conspirators wanted to control the prosecutor's position? As told in Ed Jackson's trial, they believed that the prosecutor's office could control the votes of 10,000 of the denizens of the Indianapolis underworld, and throw that much support to Ed Jackson in his candidacy for governor.

And incidentally to throw that much support to D. C. Stephenson in his plans to kidnap and gut the government of the State of Indiana! As unholy a purpose and as vile a conspiracy, carried out in as cruel a fashion, as ever stained the pages of the history of a State.

When the governor came to trial some weeks ago he listened to five witnesses telling in detail the story of the attempted bribe. Then, without a word of confuting evidence, his attorneys moved that he be acquitted on the ground that the conspiracy occurred late in 1923 and the indictment was not returned until 1927. The statute of limitations voids Indiana crimes after two years from their commission, and the State had not been able to prove concealment of the crime, which would have in turn voided the statute of limitations and permitted conviction.

Sufficient to say of Ed Jackson, the ostensible source of the appointment I am discussing, that, I am informed, 90 out of 100 Indiana citizens believe him guilty and writhe with impotent shame and anger at his continued presence in the governor's chair.

But the State is not done with George Coffin, the governor and the Senator's—I am informed—personal and political pal. He goes on trial May 2 next for the same offense. I am informed that the State has discovered new evidence to prove concealment, and that unless the sudden and mysterious illness of an important witness hampers the prosecutors—as happened in the governor's trial—they hope to establish concealment and thereby establish in the eyes of the law the guilt which public opinion of Indiana has already established.

I am keeping the Senate too long, and I am laying before it a history whose sordidness can only be excused on the ground that it is so pertinent here. A few more reports from Indiana—the correctness of which I hope the Senator will later enlighten us—and I am done.

I am informed, for example, that in his forthcoming campaign for renomination the Senator will be without the services of his campaign manager of two years ago, one Ora J. Davies, of Kokomo, Ind. Davies, I am told, was former State treasurer of Indiana, and while in that position placed a large amount of State funds in a bank which later failed. During investigation of the affairs of the bank, it is said, it was disclosed that the Senator's former campaign manager had gotten a rake-off of 1 per cent yearly on the funds he had so deposited, and he will be kept from managing the Senator's campaign because of the unfortunate necessity of answering an indictment charging violation of the State banking laws of Indiana, upon which he may soon go to trial. I am also informed that the indictment has unfortunately compelled this man to surrender a lucrative position as receiver of a national bank at Noblesville, Ind., to which he had been appointed by the Treasury Department, upon the recommendation, so it is said, of the Senator whose appointment is in question here. Perhaps he will inform the Senate whether his own indebtedness to the kindly offices of an appointing power led him to perform the same kindly offices for his former campaign manager.

I must hurry on, but I pause to remark that the great statesman and political genius who helped conduct the Senator's election campaign of 1926 as chairman of the State Republican committee, Clyde Walb—who benefited the Senator's campaign so much by charging that the international bankers had con-

tributed millions of dollars to the Democrats of Indiana to defeat the Senator and his running mate and so brought the Reed investigation committee into the State—is now out of office as titular leader of the embattled Republicans of Indiana because of the unfortunate necessity of answering an indictment charging violation of the national banking laws, upon which he shortly will be brought to trial.

I can not here mention the minor members of the Senator's particular flock or galaxy—the birds with whom he has been flocking and whose plumage is presumably, according to his own masterful apothegm on this floor, similar to his own—a convicted mayor of his home city, elected under the same auspices which brought the Senator to serve his country from this floor, a half dozen indicted councilmen, and so on almost without number.

I might venture to ask, however, if the legal birds with whom the Senator has flocked—his Indianapolis law firm—has not done a large business in representing bootleggers and other violators of the prohibition laws in the courts of Indiana while the Senator, I am told, has gone hither and thither about the State making speeches under the auspices of the Anti-Saloon League, which paid his expenses, upholding the sacredness of the prohibition law whose workings have been so profitable, as well as sacred, to these legal flocklings of the Senator's.

I might inquire also as to his tender solicitude for the superintendent of the Anti-Saloon League of Indiana, who was convicted of contempt of the Supreme Court and sentenced to jail. I am told the Senator was accused, out of the letter file of a distinguished colleague, of seeking to bring to bear influence on that court in order to void or mollify the sentence of the Anti-Saloon League leader. This is hard to understand. All these matters are hard to understand for one who has not been trained in the peculiar politics of Indiana, but for the Senator's mind, which has shown such a profound grasp of the workings of politics in other States than his own, it should be mere child's play. I await his explanations, and his further remarks on the general theme that "birds of a feather flock together," and that some appointments may be sinister.

The only reason I have descended to this plane of speech on this occasion is that the man against whom the Senator by insinuation has made some very damaging statements is unable to come here and defend himself, or to have speech in this body. I would be the last man in the world to carry calumny or insult or insinuation to the floor of a body unless the man who was accused had an opportunity to rise and speak in his defense.

Now that we have drawn a parallel of things that directly affect the Senator, in line with the insinuations in another State, I hope he will take occasion to read the RECORD carefully and set out his answer to each of the points I have raised in extenso.

Mr. ROBINSON of Indiana. Mr. President, I am, of course, surprised that any Member of this body would stoop so low as to deliver a personal attack against another Member of the Senate such as that to which we have all just listened. I do not believe there is another Member of the Senate who would have made a speech like that.

Mr. TYDINGS. I feel honored.

Mr. ROBINSON of Indiana. I do not believe that a single Member of the Senate on the other side of the aisle would stoop so low as to make that speech. I shall not answer it in detail. That part which applies to me I shall answer here and now.

I was appointed on the 20th day of October, 1925, to a seat in the Senate by the Governor of Indiana. I did not expect to be appointed. I do not know what motives inspired the Governor of Indiana to make that appointment. He might have exercised bad judgment, but I know something of what took place at that time. I have it from authoritative sources.

On the afternoon of that day the members of the Republican State committee of Indiana met on the call of the State chairman. They discussed a recommendation they might make to the Governor of Indiana as to a possible choice of the committee. I am informed that an overwhelming majority of the members of the State committee voted to recommend me for that appointment. I did not even know the meeting was being held.

I am informed authentically that the Republican State committee authorized the Republican State chairman to call on the governor and present my name to the governor as the name favored by the State committee.

I understand authoritatively that the Republican State chairman did call on the governor about 4 o'clock and remained with him until about 7; that he presented to the governor the views of the State committee; that the governor asked particularly if the Republican State committee desired the appointment of myself; that he was informed by the chairman of the State committee that that was the wish and the recommendation of the State committee; that largely on that recommendation the governor acted, decided to make the appointment, and sent for me to come to the executive mansion that night.

I arrived there about 8 o'clock in the evening. The governor informed me that he had decided to appoint me to the United States Senate, to the position left vacant by the death of my very dear friend, Hon. Samuel M. Ralston, who had served as a distinguished Member of this body on the other side of the Chamber, who, I may say, had been governor of our great State during two years of the time I happened to be a member of the State senate and at the same time the Republican floor leader, and for whom I had always the highest regard, and whose memory to-day I cherish. I accepted the appointment. That is the whole story.

In the campaign that ensued immediately I was opposed by four candidates in my party for the nomination for the unexpired term of my good friend Senator Ralston. In a field of five I was nominated by a majority over the entire field of nearly 75,000, notwithstanding the fact that these very malicious campaign lies and insinuations just uttered by the Senator from Maryland——

Mr. TYDINGS. Will the Senator yield?

Mr. ROBINSON of Indiana. Not now. Were used in that campaign against me from one end of the State to the other. In the campaign that followed——

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Indiana. I yield to the Senator from Ohio.

Mr. FESS. I think we are getting a little loose in our language. The Senator from Maryland, I think, violated the rules a while ago. I did not call him to order, because this has been rather a field day. The Senator from Indiana is using language just now which I think the Senate would not permit. The rules of the Senate provide:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

It would have been our duty to call the Senator to order a while ago, but that would have compelled the Senator to take his seat, and then there would have been extended proceedings. I think my friend will see what I have in mind. We are using too much latitude in our language.

Mr. ROBINSON of Indiana. Yes; Mr President, I agree with the Senator from Ohio.

Mr. TYDINGS. I do not want to take the Senator from Indiana from the floor——

Mr. ROBINSON of Indiana. I am very glad to withdraw the statement "campaign lies and insinuations just uttered by the Senator from Maryland." In doing so, I apologize to the Senate for the use of unparliamentary language of that kind. I will change it to this statement, "campaign misrepresentations and insinuations which were repeated or uttered on this floor by the Senator from Maryland."

Mr. President, at the ensuing election, about one month before the election date, the so-called Reed committee came into Indiana and, I presume, made a thorough investigation. The people were informed of all that came out of that investigation. These same misrepresentations were used against me at that time. I was elected by the people of Indiana to the seat I now hold by a majority of nearly 23,000. So that the people have passed on that question in my home State. Further than that, Mr. President, there is nothing for me to say. I still leave it to the judgment of my people, whom I love and who have shown their confidence in me. My nomination was never protested by anyone in the world. My election was never protested or contested by anyone in the world. Indeed, my honorable opponent, who is now a candidate for President on the Democratic ticket, Hon. Evans Woollen, a gentleman, immediately after the election sent me a very nice letter of congratulation, showing a very different spirit from that exhibited by the Senator from Maryland in the remarks which he has just delivered on this floor.

Mr. President, so far as individuals in Indiana who have been charged with offense are concerned, I shall say nothing at this time. A charge is a charge. It is not a conviction. If there are some unfortunate enough to have been convicted, even though they deserved conviction, I shall not discuss them on this floor. I would not discuss any of the internal troubles of the great State of Maryland on this floor.

Suffice it to say, Mr. President, that the State of Indiana, which I have the honor to represent here in part, can take care of her own internal affairs without any assistance from the

Senator from Maryland or from the Senate of the United States. I need not attempt to defend Indiana. She needs no defense from me. Her glorious record of achievement throughout the years is far more eloquent than any words I might utter. It was on Indiana's sacred soil that George Rogers Clark, at historic old Vincennes, conquered the British and saved to the Republic the great Northwest Territory. It was on sacred Indiana soil in 1811, when a coalition was formed between the British from Canada and the Indians in the West under Tecumseh, that William Henry Harrison won the day and again saved the great inland empire for the Nation and made it possible to extend our boundaries from the Alleghenies ultimately, through the Missouri purchase, on out to the Pacific coast.

It was on Indiana's soil that a great war governor, in the days of the sixties, conceded to be the greatest of the war governors, upheld the hand of the great Lincoln, put down a rebellion, and largely made possible the preservation of the American Union. In all our wars Indiana has given without stint, and in proportion more in men and in money than any other State. She has been a saving force of this great Nation many times. She has produced statesmen. She has produced great men and women in literature, in the arts, in the sciences, in agriculture, in commerce, and in education.

Indiana is just as essential to-day to the general welfare as she has ever been. With as fine a State park system as there is on earth, with an unequaled system of State roads all paid for, with no bonded indebtedness saddled onto the shoulders of future generations, with the State completely out of debt to-day—one of the few in the Nation—and with more than $13,000,000 in her treasury she stands unrivaled among the States of the Union, the brightest jewel in the American diadem of States.

So, Mr. President, I shall not attempt any defense of the State from which I come. I am perfectly willing to have the people of my State and of the country judge of the propriety of the remarks made this afternoon by the Senator from Maryland.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

FLOOD CONTROL

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 3740) for the control of floods on the Mississippi River from the Head of Passes to Cape Girardeau, Mo., and for other purposes, reported it without amendment and submitted a report (No. 619) thereon.

NATIONAL CONVENTION OF THE AMERICAN LEGION

Mr. SHEPPARD. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 3387) to authorize the Secretary of War to lend War Department equipment for use at the tenth national convention of the American Legion, and I submit a report (No. 620) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to lend at his discretion to the Tenth National Convention Bureau, American Legion, for use at the tenth national convention of the American Legion to be held at San Antonio, Tex., in the month of October, 1928, 10,000 cots, 20,000 blankets, 20,000 bed sheets, 10,000 pillows, 10,000 pillowcases, 10,000 mattresses or bed sacks, and such field kitchens, tables, eating and cooking utensils and appurtenances as may be necessary for use in temporary restaurants: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the general director of said tenth national convention bureau, the American Legion, Mr. Philip B. Stapp: *Provided further*, That the Secretary of War before delivering said property shall take from said Philip B. Stapp a good and sufficient bond for the safe return of said property in good order and condition and whole without expense to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock Monday.

The motion was agreed to; and the Senate (at 5 o'clock and 12 minutes p. m.) took a recess until Monday, March 26, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 24, 1928

COLLECTOR OF INTERNAL REVENUE

Harold C. Hill, of Honolulu, Hawaii, to be collector of internal revenue for the District of Hawaii in place of J. Walter Jones.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

AIR CORPS

Second Lieut. John William Bowman, Cavalry (detailed in Air Corps), with rank from June 12, 1925.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lieut. Col. George Edward Lovell, Cavalry, from March 16, 1928.

Lieut. Col. William Preston Screws, Infantry, from March 20, 1928.

Lieut. Col. Frank Luther Case, Cavalry, from March 21, 1928.

To be lieutenant colonels

Maj. Fulton Quintus Cincinnatus Gardner, Coast Artillery Corps, from March 16, 1928.

Maj. Robert Charlwood Richardson, jr., Cavalry, subject to examination required by law, from March 20, 1928.

Maj. Francis Webster Honeycutt, Field Artillery, from March 21, 1928.

To be majors

Capt. Truman Smith, Infantry, from March 16, 1928.

Capt. Lester Atchley Sprinkle, Cavalry, from March 20, 1928.

Capt. Robert Walker Grow, Cavalry, from March 21, 1928.

To be captains

First Lieut. Richard Cox Coupland, Ordnance Department, from March 16, 1928.

First Lieut. Walter Alfred Elliott, Infantry, from March 18, 1928.

To be first lieutenants

Second Lieut. Leslie Page Holcomb, Air Corps, from March 16, 1928.

Second Lieut. Frank Hinton Bunnell, Cavalry, from March 18, 1928.

MEDICAL CORPS

To be captain

First Lieut. John Allison Worrell, jr., Medical Corps, from March 15, 1928.

PROMOTIONS IN THE NAVY

Lieut. Frederick W. Neilson to be a lieutenant commander in the Navy, from the 16th day of January, 1928.

Lieut. Allen I. Price to be a lieutenant commander in the Navy, from the 28th day of February, 1928.

The following-named ensigns to be lieutenants (junior grade) in the Navy, from the 5th day of June, 1927:

Francis M. Heddens.

Harold B. Edgar.

Midshipman Walter C. Winn to be an ensign in the Navy, from the 2d day of June, 1927, to correct error in spelling of name as previously nominated and confirmed.

Passed Asst. Dental Surg. Tyler W. Spear to be a dental surgeon in the Navy, with the rank of lieutenant commander, from the 2d day of June, 1927.

Asst. Civil Engineer Lewis Thornburg to be a civil engineer in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1926.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 3d day of December, 1927:

Frank G. Bither.	Raymond J. Kilton.
Raymond H. Jordan.	Rudolph T. Sommers.
Louis J. Barta.	Vans R. Pope.
George F. Wenzler.	Horace B. Gould.
Carl F. Stuby.	George O. R. Roberson.
Charles M. Waidner.	Jack M. Page.
Ralph E. Mapps.	Joseph F. Batzer.
Nathaniel Grauel.	Samuel R. Michael.

POSTMASTERS

ARKANSAS

Dalton Matthews to be postmaster at Vilonia, Ark., in place of J. M. Garrett, removed.

CALIFORNIA

Jesse D. Myers to be postmaster at Arlington, Calif., in place of J. D. Myers. Incumbent's commission expired March 7, 1928.

Nettie Fausel to be postmaster at Independence, Calif., in place of Nettie Fausel. Incmubent's commission expired March 7, 1928.

Belle B. Jenks to be postmaster at Willowbrook, Calif., in place of B. B. Jenks. Incumbent's commission expired January 9, 1928.

IDAHO

Russ H. Merriman to be postmaster at St. Joe, Idaho, in place of R. H. Merriman. Incumbent's commission expires March 27, 1928.

ILLINOIS

William F. Lammers to be postmaster at Buckley, Ill., in place of W. F. Lammers. Incumbent's commission expired January 7, 1928.

James W. Scott to be postmaster at Monmouth, Ill., in place of J. W. Scott. Incumbent's commission expired March 12, 1928.

INDIANA

George W. Owen to be postmaster at Poseyville, Ind., in place of G. W. Owen. Incumbent's commission expired January 3, 1928.

IOWA

Eugene Owen to be postmaster at Allison, Iowa, in place of Eugene Owen. Incumbent's commission expired March 22, 1928.

George W. Goss to be postmaster at Blairstown, Iowa, in place of G. W. Goss. Incumbent's commission expires March 24, 1928.

James T. Bevan to be postmaster at Cascade, Iowa, in place of J. T. Bevan. Incumbent's commission expired March 22, 1928.

Icea B. Wilcox to be postmaster at Dumont, Iowa, in place of I. B. Wilcox. Incumbent's commission expired March 22, 1928.

Chester A. Baker to be postmaster at Farley, Iowa, in place of C. A. Baker. Incumbent's commission expired March 22, 1928.

Roscoe I. Short to be postmaster at Hazelton, Iowa, in place of R. I. Short. Incumbent's commission expired March 22, 1928.

George R. Hughes to be postmaster at Shellrock, Iowa, in place of G. R. Hughes. Incumbent's commission expires March 24, 1928.

Wynema Bower to be postmaster at State Center, Iowa, in place of Wynema Bower. Incumbent's commission expires March 24, 1928.

Thompson C. Moffit to be postmaster at Tipton, Iowa, in place of T. C. Moffit. Incumbent's commission expires March 24, 1928.

KANSAS

Jessie W. Lloyd to be postmaster at Athol, Kans., in place of S. G. Sommers. Incumbent's commission expired January 22, 1928.

James P. Kelley to be postmaster at White Cloud, Kans., in place of J. P. Kelley. Incumbent's commission expired February 8, 1928.

Anna L. Miller to be postmaster at Bushton, Kans., in place of F. M. Bowman, removed.

Bessie Custer to be postmaster at Satanta, Kans., in place of R. E. Wright, resigned.

KENTUCKY

Orvil Coleman to be postmaster at Wolfpit, Ky., in place of Orvil Coleman. Incumbent's commission expired January 17, 1928.

MAINE

Charles C. McLaughlin to be postmaster at Harmony, Me., in place of C. C. McLaughlin. Incumbent's commission expires March 27, 1928.

MASSACHUSETTS

Edwin C. Howe to be postmaster at Enfield, Mass., in place of A. B. McDaniels, resigned.

Henry D. Ainsworth to be postmaster at Grafton, Mass., in place of F. M. Hickey, removed.

Charles M. Edwards to be postmaster at Sterling, Mass. Office became presidential July 1, 1927.

MICHIGAN

Albert S. Stieg to be postmaster at Temperance, Mich., in place of E. J. Richardson, deceased.

MINNESOTA

Charles G. Carlson to be postmaster at Gibbon, Minn., in place of C. G. Carlson. Incumbent's commission expired March 1, 1928.

George Neumann to be postmaster at Osseo, Minn., in place of George Neumann. Incumbent's commission expired February 8, 1928.

Louise S. Lundberg to be postmaster at Taylors Falls, Minn., in place L. K. Gray. Incumbent's commission expired December 14, 1925.

Ruth Anderson to be postmaster at Lindstrom, Minn., in place of O. F. Lindstrom, removed.

Louis Vinje to be postmaster at Morris, Minn., in place of William Hope, deceased.

MISSISSIPPI

James C. Ellis to be postmaster at Bucatunna, Miss., in place J. C. Ellis. Incumbent's commission expired March 22, 1928.

Lee Gray to be postmaster at Corinth, Miss., in place of W. F. Elgin, deceased.

MONTANA

Margaret B. Whetstone to be postmaster at Cut Bank, Mont., in place of E. M. Davis. Incumbent's commission expired December 19, 1927.

George H. White to be postmaster at Oilmont, Mont. Office became presidential July 1, 1927.

NEW JERSEY

Rosteen H. Jones to be postmaster at Bayhead, N. J., in place of R. H. Jones. Incumbent's commission expired December 19, 1927.

John W. Barnett to be postmaster at Hillsdale, N. J., in place of C. H. K. Riley, removed.

NEW YORK

Vida O. Heinold to be postmaster at Cold Brook, N. Y., in place of V. O. Heinold. Incumbent's commission expires March 27, 1928.

Charles A. Sandburg to be postmaster at Jamestown, N. Y., in place of C. A. Sandburg. Incumbent's commission expires March 27, 1928.

Kate L. Holden to be postmaster at Peru, N. Y., in place of K. L. Holden. Incumbent's commission expired March 11, 1928.

Mary Mullins to be postmaster at Phoenix, N. Y., in place of C. K. Williams. Incumbent's commission expires March 27, 1928.

Lorenz D. Brown to be postmaster at Jamaica, N. Y., in place of Skidmore Pettit, jr., deceased.

Norman M. Misner to be postmaster at Woodbourne, N. Y., in place of Winfield McIntyre, resigned.

OHIO

Henry Kemper to be postmaster at Bellefontaine, Ohio, in place of Henry Kemper. Incumbent's commission expires March 27, 1928.

Edgar C. Allison to be postmaster at Cumberland, Ohio, in place of E. C. Allison. Incumbent's commission expired March 21, 1928.

Francis E. Cook to be postmaster at Galion, Ohio, in place of F. E. Cook. Incumbent's commission expires March 27, 1928.

Oliver Ferrell to be postmaster at Paulding, Ohio, in place of Oliver Ferrell. Incumbent's commission expired February 26, 1928.

George F. Barto to be postmaster at State Soldiers Home, Ohio, in place of G. F. Barto. Incumbent's commission expires March 27, 1928.

Nathan S. Hall to be postmaster at Summerfield, Ohio, in place of N. S. Hall. Incumbent's commission expired March 21, 1928.

OREGON

Celia M. Tozier to be postmaster at Rainier, Oreg., in place of A. L. Clark, deceased.

PENNSYLVANIA

Clarence E. Roseberry to be postmaster at Clearfield, Pa., in place of C. E. Roseberry. Incumbent's commission expired January 15, 1928.

Sherwood B. Balliet to be postmaster at Coplay, Pa., in place of S. B. Balliet. Incumbent's commission expires March 24, 1928.

Luther J. Lukehart to be postmaster at Du Bois, Pa., in place of L. J. Lukehart. Incumbent's commission expired January 16, 1928.

William D. Heilig to be postmaster at Stroudsburg, Pa., in place of W. D. Heilig. Incumbent's commission expires March 24, 1928.

SOUTH CAROLINA

James D. Mackintosh to be postmaster at McClellanville, S. C., in place of J. D. Mackintosh. Incumbent's commission expired March 18, 1928.

TENNESSEE

John B. Waters to be postmaster at Sevierville, Tenn., in place of J. B. Waters. Incumbent's commission expired January 17, 1928.

TEXAS

John A. McFarland to be postmaster at Ladonia, Tex., in place of J. A. McFarland. Incumbent's commission expired December 19, 1927.

Llewellyn R. Atkins to be postmaster at New Boston, Tex., in place of L. R. Atkins. Incumbent's commission expired March 17, 1928.

Josie I. Coleman to be postmaster at Tehuacana, Tex., in place of J. I. Coleman. Incumbent's commission expired December 19, 1927.

VERMONT

Isabel Neary to be postmaster at Shelburne, Vt., in place of Catherine Neary, deceased.

VIRGINIA

William R. Sparks to be postmaster at Clinchco, Va., in place of W. R. Sparks. Incumbent's commission expired May 20, 1926.

Hattie C. Barrow to be postmaster at Dinwiddie, Va., in place of P. H. Richardson. Incumbent's commission expired February 8, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24, 1928

COLLECTOR OF CUSTOMS

Carey D. Ferguson to be collector of customs for District No. 38, Detroit, Mich.

POSTMASTERS

DELAWARE

William R. Risler, Lincoln.

NEW JERSEY

Fred F. Dennis, Fair Haven.
Jacob D. Roe, Newton.
Mabel E. Tomlin, Sewell.
James H. Masker, Somerville.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 24, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Spirit of God, which once moved on the face of the waters, when order emerged from chaos, let us feel Thy rapture as we give ourselves up to Thy gentle guidance. The supremacy of Thy Holy Spirit is the inherent birthright of every man. Thy law, O God, makes a challenge, and we beseech Thee to make every day a solemn resolution which shall pay the homage that we owe to truth. By wise, unyielding devotion to the public weal, we shall crown the majesty of law, the greatness of our traditions, and the glory of the Republic. But infinitely more, may we exalt Thee in the moral terms of life and by our acceptance of Thy claims to our personal affection. Thy mercy has spared us, Thy bounty has blest us, and may Thy grace elevate us! Oh, we lift our drooping heads and forget our sins and our fears, because Thou art all glorious and King above all. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. GILBERT] may be given one hour in which to address the House on next Wednesday immediately after the reading of the Journal and the disposition of matters on the Speaker's table.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that on next Wednesday after the reading of the Journal and the disposition of matters on the Speaker's table, the gentleman from Kentucky [Mr. GILBERT] may be permitted to address the House for one hour. Is there objection?

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he took this up with the chairman of the Rivers and Harbors Committee, which committee has the call on Calendar Wednesday? It does not seem to me when we have Calendar Wednesday so rarely we ought to cut in on that day without at least the permission of the chairman of the committee having the call.

Mr. OLDFIELD. I took the matter up with the gentleman from Connecticut [Mr. TILSON] and he suggested this would be a good day.

Mr. TILSON. Mr. Speaker, some of the committees that are now being called on Calendar Wednesday have not enough bills to take up an entire day. We have been caught in this way two or three times heretofore.

Mr. BEGG. Then why not let the gentleman talk after Calendar Wednesday business is out of the way?

Mr. TILSON. As we are going now we have about as much to do on one day as another, and it would not make any real difference on which day we hear the gentleman.

Mr. OLDFIELD. Either Tuesday, Wednesday, or Thursday would be satisfactory to the gentleman from Kentucky. The gentleman wants to speak on his travels in the Philippines, China, and Japan.

Mr. TILSON. At this time in the session we are very apt to have special rules for business on Tuesdays and Thursdays, so I should regret having too much of the time on those days taken up with what amounts to general debate. We have already a special order for one hour on Tuesday under an order entered some time ago. So far as I can see now, Calendar Wednesday would be just as satisfactory as any other day, and I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MESCALERO RESERVATION, N. MEX.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3007) to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex., and pass the same. This bill is identical with the bill (H. R. 10475) introduced by the gentleman from New Mexico [Mr. MORROW] and unanimously reported by the Committee on Indian Affairs.

The SPEAKER. The gentleman from Montana asks unanimous consent for the present consideration of the bill S. 3007, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue to the Bureau of Catholic Indian Missions a patent in fee for the unsurveyed tract of land of approximately 10 acres, now occupied and improved by the St. Joseph Mission on the Mescalero Indian Reservation in New Mexico, formally reserved for the said mission by order of the Secretary of the Interior dated June 25, 1912: *Provided*, That before such patent is issued the said corporation shall deposit with the Commissioner of Indian Affairs whatever amount of money may be required to pay the expenses of a survey to be made under the supervision of the General Land Office.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

CANCELLATION OF BALANCE DUE FROM THE SALE OF CATTLE TO CERTAIN ROSEBUD INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and pass the bill (S. 3355) to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians, which is identical with the bill H. R. 11582, unanimously reported by the Committee on Indian Affairs.

The SPEAKER. The gentleman from Montana asks unanimous consent for the present consideration of the bill S. 3355, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That with the consent of the tribal council the Secretary of the Interior is hereby authorized to cancel the unpaid balance of $12,204.46 due on reimbursable agreement No. 281, signed by 17 Rosebud Indians for cattle purchased from tribal funds appropriated by the act of June 30, 1919 (41 Stat. L. 26).

Mr. CRAMTON. Mr. Speaker, I suppose the time has gone by for objection, but if the gentleman will yield me a moment I would like to make this suggestion: I suppose this bill is one that the chairman of the Committee on Indian Affairs thinks is quite unimportant and therefore he calls it up in this way. I believe the House ought to have a chance to go into these bills before they are called up in the House.

Mr. LEAVITT. I will state to the gentleman that this bill has been on the Calendar for quite a number of days.

Mr. CRAMTON. It has not been on the Consent Calendar very long because I make a study of that calendar and it was not on the calendar within the range of my study. I am not going to object to this bill, but I think unless there is some urgency about a bill, we should have an opportunity to make some study of it before it comes up in this way.

Mr. CHINDBLOM. The bill is on the Union Calendar, I apprehend, and it could not be taken up at this time except by unanimous consent.

Mr. LEAVITT. That is true.

Mr. CRAMTON. The stage has passed for objection and I am only appealing to my friend not to bring them up quite so precipitously.

Mr. LAGUARDIA. If the gentleman will yield, when a bill is on the Consent Calendar, some of us give it some study and we depend upon its being called up on that particular day, so that if there are any objections we can intelligently make them. It is humanly impossible to retain the facts with respect to all the bills on that calendar in your mind without having a memorandum of them, and this action certainly takes me by surprise.

Mr. CHINDBLOM. The gentleman is perfectly correct. My observation simply went to the point that one objection would, of course, prevent consideration.

Mr. LAGUARDIA. But a Member does not want to object unless he has justification for objecting.

Mr. GARNER of Texas. Why do not the gentleman from New York and the gentleman from Michigan appeal to the Speaker of the House of Representatives to adopt the policy they speak of? Why do the gentlemen criticize the gentleman from Montana for undertaking to get his bills through?

Mr. LAGUARDIA. I am not criticizing the gentleman.

Mr. GARNER of Texas. If the gentlemen want the policy adopted of not bringing these matters up by unanimous consent, that is a matter that is within the control of the Speaker and I suggest the gentlemen make their appeal to him.

Mr. CRAMTON. I am not criticizing the gentleman from Montana. I have known him so well that I thought it would be entirely sufficient to appeal to him.

Mr. GARNER of Texas. There might be others, and you would have to appeal to each one. If you appeal to the man that controls the situation and convince him, you would not have to appeal to the sundry and various Members.

Mr. LAGUARDIA. What would the gentleman from Texas do?

Mr. GARNER of Texas. I would adopt the best rule, and I think he would do the same thing.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, and I shall not object, I would like to have the attention of the majority leader of the House. I notice in the RECORD every morning there is a statement given out by the leader as to committee meetings to be held on that day. It has seemed to me that nothing could be more desirable than for the leader to follow that with a statement of the business that is expected to be taken up in the House on the day that the RECORD appears. It would be comparatively easy to do that. Then Members would have some notice of the matters to be taken up, without, as is now the case, having no sufficient knowledge.

Mr. LEAVITT. This bill was passed by the Senate, and the RECORD shows that it came over here, and every Member had full knowledge that it was subject to being called up.

Mr. MOORE of Virginia. I am not objecting to this bill, but the reply to that remark is that the situation is similar with respect to so many bills, and nobody can foretell what particular bills will be considered when the House meets. I am only trying to suggest a method of getting rid of this uncertainty.

In the English House of Commons the record that is issued any day contains, as I understand, a statement of the business that is to be called to the attention of the House on that day. It seems to me that we ought to have a practice in analogy to that.

I have not been here a very long time, but since I have been here there have been a great many cases of measures unexpectedly taken up, measures of very great importance, in which absent Members were interested. We can so easily get rid of that condition if my distinguished friend from Connecticut, who has charge of the conduct of business to a large extent, is willing to do so.

Mr. TILSON. Mr. Speaker, in the first place neither the Speaker, the floor leader, nor anyone else knows just what may be brought up here. They do not know what Members are going to ask unanimous consent to consider, just as the gentleman from Montana has done to-day.

Mr. LEAVITT. It would have been possible for any one Member to object to this bill.

Mr. TILSON. It would. There is some justice in the criticism of the gentleman from Michigan, that Members ought not to ask unanimous consent for the passage of a bill without some notice.

Mr. CRAMTON. Let me say—you may not believe it—but I do not like to object to a bill on the blind chance that it may be undesirable. I like to know the grounds of the objection before making it. As to these two bills, neither of great importance, I know nothing about them.

Mr. LEAVITT. If they had any far-reaching importance I would not ask to bring them up in this manner.

Mr. TILSON. I wish to say that I like to give notice to Members as far in advance as possible of what business is expected to come up, and so have been posting each Saturday the tentative program for the succeeding week. I shall continue to do this, as I have heretofore done, by bulletins in the Speaker's lobby, but to tell the night before what is going to happen the next morning I can not always do it.

I am not entirely convinced that we ought to adopt the English Parliament method. We know that the House of Commons is a very large body—several hundred more than we have in this body, and a hundred is a quorum. A large proportion of the members do not attend at all except when bills of very great importance are to be taken up, or bills in which members are specially interested. I hope that we may never come to this practice. The entire membership of this body should feel interested in all business that is going on. They should be here and know what is going on instead of relying upon the leader or anyone else to inform them in advance so that they may be present or remain away as their own interests may dictate. I think that this attitude toward the public business is not the correct one and should be discouraged.

Mr. MOORE of Virginia. May I interrupt the gentleman? The last remark of the gentleman is a supposition which is not verified in practice. I still believe the gentleman might profitably print in the RECORD some sort of a tentative statement about the business probably to come before the House, as he furnishes a statement about the committee meetings.

Mr. TILSON. If anyone is here when the House adjourns he knows what the unfinished business is, if there is unfinished business, and that if the rules permit, it will come up on the following day unless there is special announcement to the contrary. By a glance at the RECORD he will get the same information. If there be no unfinished business he can look at the tentative program in the corridor and see what business is expected to be taken up on the succeeding day.

Mr. CHINDBLOM. To use an old adage, success seems to be the reward of vigilance.

Mr. BLANTON. And they ought to know it intuitively.

Mr. LEAVITT. And permit me to add right there that the reason I am particularly anxious about these bills which are of minor importance is that 5 per cent of the legislation passed in the last Congress had to come out of our committee. We had to take advantage of this opportunity.

The bill was ordered to be read a third time, was read a third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the bill (H. R. 12286) making appropriations for the Navy Department and for the naval service for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Navy Department appropriation bill, with Mr. CHINDBLOM in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] has remaining 1 hour and 1 minute of general debate, and the gentleman from Kansas [Mr. AYRES] 58 minutes.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes of my time to the gentleman from Kansas.

Mr. AYRES. Mr. Chairman, I yield 12 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, Orville Staples was one of the most active, fearless, conscientious enforcers of the law when he was a member of the park police force. Because of unjust treatment in that force occasioned by his arresting prominent individuals, I caused the Civil Service Commission to transfer him to the Metropolitan police. He has been one of the most diligent, active, efficient, fearless, and conscientious enforcers of the law on this force. He is hated by all crooks.

When recently I developed in an investigation before our Gibson committee that since last June, with police protection both in Washington and other cities, prominent bootleggers, in a truck specially built with a secret compartment holding 120 five-gallon cans of whiskey, had been transporting loads of liquor regularly into Washington from Philadelphia, Lancaster, Chester, Baltimore, and other places, and were never molested until recently a policeman in uniform hijacked them one morning at 5 a. m., and stole their load of liquor, it was reported in his precinct that Orville Staples had furnished me the information that led to the seizure of this truck and the confession of its owner and two drivers.

On March 7, 1928, I was informed that Officers Hunt and Schenck had been heard to say "that Staples had tipped BLANTON off and that they were going to get him."

The next morning at 7.45 roll call, I went to the police station where these officers worked, and addressed them en masse. I told them that I had heard that a threat to "frame Staples" had been made, that my information on the hijacking was not received from Staples, but from other officers and citizens, and that I was going to see that they did not frame Staples.

On the 6th and 7th days of March, 1928, by combing the "underworld" of Washington seven affidavits were procured, some affiants being colored bootleggers having police records as long as your arm, charging Staples with improper conduct. If they had been true, Staples should have been suspended on March 7, 1928. But nothing was done about them.

On the night of last Saturday, March 17, 1928, Staples was told by his captain that he was suspended under orders of Major Hesse. Staples demanded the charge. No charge was given him, but his pay was stopped.

I have had active experience as a lawyer and judge for 31 years. Never before have I ever heard of a more dastardly, infamous, lying, outrageous frame-up than this attempted upon Staples. It is a disgrace to the Metropolitan police force of this Nation's Capital.

To show how utterly preposterous this testimony is, I want to call your attention to it. Two witnesses swear positively that at 4.30 p. m. on February 24, 1928, Staples assaulted a woman in her apartment. The preceding day, Dr. Carl S. Keyser performed an operation upon Staples, and from February 23 to February 26, inclusive, 1928, Staples was lying flat on his back in a bed in a hospital.

Two negro bootleggers, Lawrence Coleman and his cousin John, testified that they had a truck with 35 cases of liquor stored in the Straymore Garage, and that on the morning of March 27, 1927, Staples took it and reported only 6 of the cases to headquarters, stealing the balance, and that Coleman had paid Staples to protect him.

The facts are: Officer Agnew sent Staples to said garage one morning under orders to get said truck and liquor. Staples took charge of it, and finding the engine would not work, pushed the truck out of the garage to the corner where there was a police box, called the police station, and in the presence of many bystanders watching, held the truck there until the patrol came with three officers, and they listed the liquor at the police station themselves. Staples immediately brought Coleman to the station, and he denied that it was his truck, and denied that he knew anything about the liquor, and Staples went to Assistant District Attorney Hart that day and tried to get a warrant for Coleman, but because the truck was listed in a woman's name at a fictitious address, and Coleman denied all knowledge of it, the warrant was refused. And learning the next day that negro employees working in said garage, who reported the presence of this liquor truck in the garage, had themselves stolen it before he had gotten there, Staples with other officers looked up, found, and took charge of several of the cases of liquor thus recovered.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I can not yield now. On March 19, 1928, I went to Commissioner Dougherty, police commissioner, and told him that Staples was being framed, and that a trial board, hand-picked by Major Hesse from his employees, would undoubtedly convict Staples, in fear of reprisals, and that since finally the commissioners would have to pass on the case, I urged that they investigate the case first, and thus save their police department from being thus scandalized. This, he refused to do.

Mr. UNDERHILL. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERHILL. I understand that these cases are now before a court sitting in the District of Columbia.

Mr. BLANTON. Oh, no; they are not.

Mr. UNDERHILL. I want to know, Mr. Chairman, if it is within the right of any Member to try a case here, or put in a defense here before it is heard in the court?

Mr. BLANTON. Mr. Chairman, I have a right to put anything in the RECORD that is not offensive, in general debate. That has been held so many times, long years before the gentleman from Massachusetts ever heard of Congress, that it is unnecessary to argue it now.

Mr. UNDERHILL. It might be the gentleman's right under the rules, but it is unethical.

Mr. BLANTON. And if it is my right under the rules, then the gentleman from Massachusetts is out of order when he interferes in this proceeding, as he usually is when he gets out of his bailiwick, which is the Claims Committee.

The CHAIRMAN. Does the gentleman from Massachusetts press his point of order?

Mr. UNDERHILL. I would like a statement from the Chair.

The CHAIRMAN. The Chair is not aware of any rule which controls debate in the House except, of course, that of orderly procedure and proper decorum. The Chair is not aware of any rule which relates to the subject matter of remarks made on the floor of the House.

Mr. UNDERHILL. Then I take it the Chair could not rule on the moral right of a Member to do certain things.

The CHAIRMAN. The Chair can not rule on the moral aspects of a matter.

Mr. BLANTON. Mr. Chairman, I accept the gentleman's apology, and will take dinner on him later. It is presumed, whenever this House of Representatives permits things to be done under its rules, that those things which it permits are moral. I will take the dinner on the gentleman later.

Mr. Chairman, I now want to proceed without interruption.

The CHAIRMAN. The gentleman from Texas asks to be permitted to proceed without interruption.

Mr. BLANTON. No charge was preferred against Staples until on March 22, 1928, I demanded for him an immediate trial. I demanded that whatever they had against him be duly preferred in charges and that he be tried Monday.

Our splendid corporation counsel, Judge Bride, agreed with me that Staples had the right to demand this, and charges were prepared that same day and delivered to Staples that night, March 22, 1928.

On the preceding night of March 21, 1928, when Staples put his car in his garage, from a high hill just opposite his garage, some one from ambush shot at Staples, and the steel-clad ball, such as is used in police revolvers, went into the glass window of his car, just a few inches from Staples head, and went through the front seat.

Not only has he been framed and an effort made to ruin his good name but some one tried to take his life.

Orville Staples is not going to be framed. And I want the framers to understand that, and I now give them notice of it. I say this to you gentlemen. The main one who is trying to frame Staples arrested two sons of a Congressman not long ago and took them to a police station and, in violation of his duty, because he got mad at them, he beat them unmercifully. This young Orville Staples, as brave as a lion, saw him do it, and Staples said, "If you touch those boys again I will arrest you and lock you up, even if you are a policeman." That is the starting of all the enmity that has led up to this frameup, and the officer told Staples that he (Staples) was trying to protect Congressmen. Congressmen and their sons are entitled to no better treatment than other good citizens and their sons. But they are entitled to lawful treatment. No policeman is authorized to beat anyone under arrest. Staples is the kind of policeman who believes that every man has a right to protection of the law, even if he is a Congressman, and that a policeman has

no right to beat up two sons of a Congressman just because they are the sons of a Congressman. I can not forget the infamous outrage that was accorded our distinguished friend from Indiana sitting here before me, whose name I shall not call, when his good wife misunderstood a traffic signal and started across the street. She was arrested and taken to a police station at night, with a little child. She told them that she was a Congressman's wife; but although they will turn a crook loose on $5 collateral, they held that good woman there until 10 or 11 o'clock at night—all because of some inadvertent infringement of an insignificant traffic regulation. I want to say this in conclusion. The newspapers say that Orville Staples is a protégé of mine; that I am his friend.

I want to say that Orville Staples is no more to me than any other of the honest policemen among the 1,348 in Washington. If they are honest, I am their friend; but if they are dishonest and if they are crooks, I am not their friend. I am not going to allow them to frame Orville Staples. I promise you that. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. UPDIKE].

The CHAIRMAN. The gentleman from Indiana is recognized for 10 minutes.

Mr. UPDIKE. Mr. Chairman and gentlemen of the House, I wanted to say a few words this morning with reference to the position that the United States Government has taken regarding Nicaragua. I had the pleasure to serve with the United States Marine Corps in Haiti, San Domingo, and Cuba before the war, and I know the good work that was done in that vicinity by the United States Marine Corps.

I heard the statement made on the floor of the House yesterday that we ought to send civilians into Nicaragua to take care of the situation there. I believe that the gentleman who made those remarks was sincere in his ideas, but I know that will not work. I know that it would be useless to send civilians into a place like Nicaragua under the present conditions and expect to get any results whatsoever. To my mind, it would be suicide to those people who went there trying to straighten out a revolution, not having had any experience in dealing with the people of that country.

It seems to me that with the background and the training that is given to the United States Marines, with the diplomatic course which they pursue to handle any situation, they are the logical people to maintain peace and order in Nicaragua. I have talked with several officers and men who have returned from Nicaragua; I have talked with General Lejeune himself; and they all tell me the same story, that the presence of the United States marines in Nicaragua is straightening out the situation; that the good people of Nicaragua are glad that the marines are there, and want them to remain until after their election and they are able to stabilize their Government.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. UPDIKE. Yes; I yield to my good friend the gentleman from New York.

Mr. LAGUARDIA. Can not the gentleman place himself in the position of a free citizen of the Republic of Nicaragua and seek to imagine his feelings in going to the polls under the protection of police, guarded and supervised by the armed force of another country?

Mr. UPDIKE. Yes. The same situation existed in Port au Prince, Haiti, in 1916 until the marines were able to stabilize that Government, and the gentleman knows there has been a great improvement.

Mr. LAGUARDIA. But that does not justify it.

Mr. UPDIKE. I want to say to you that the good citizens of Haiti and the good citizens of Santo Domingo welcomed the United States in the supervision of their elections in 1916 which were carried on in an orderly way.

Mr. LAGUARDIA. Who does the gentleman call the "good citizens"?

Mr. UPDIKE. The better class, the good citizens of Haiti and Santo Domingo, those who realize they need some staple form of government.

Mr. LAGUARDIA. Then we are down there protecting a certain class?

Mr. UPDIKE. No. We are down there to protect everybody, to create a friendly feeling among one another.

Mr. LAGUARDIA. At the point of the bayonet.

Mr. UPDIKE. At the point of the bayonet, if necessary, and by getting the different factions together down there, so that they can stabilize their government, as I have stated before.

Mr. LAGUARDIA. You can not do that by saddling the marines on them.

Mr. UPDIKE. That is the gentleman's opinion. But I have had experience myself. I know the good the marines did in Santo Domingo; I know the good they did in Haiti; I know the good they did in Cuba. They saved and protected thousands of lives, cleaned up the filthy condition that existed, built roads, and created a decent place to live.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. UPDIKE. Yes; I yield to my good friend from Texas.

Mr. BLANTON. Then following the logical conclusion of the argument of my friend from Indiana, when we get through with Nicaragua and China we ought to send our marines to Russia and create a good feeling there by creating a stable government.

Mr. UPDIKE It is a different proposition altogether. The United States has not recognized that government.

Mr. LAGUARDIA. Will the gentleman consent to sending marines to Indiana for the protection of the people there?

Mr. UPDIKE. I am willing to send them anywhere.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. UPDIKE. Yes.

Mr. MAAS. As a matter of fact, are not the marines going to supervise the election in Nicaragua at the request of the vast majority of the people of Nicaragua?

Mr. UPDIKE. Yes; at their suggestion. They asked us to come in there and supervise their election and acquaint their people with American ways.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. UPDIKE. Yes. I yield to my good friend from New York.

Mr. WAINWRIGHT. Does not the gentleman think that the average citizen of Nicaragua would prefer casting his ballot under the supervision of marines to casting it under the conditions that otherwise would prevail there?

Mr. UPDIKE. Yes. I think the good-thinking people prefer the marines, because they know the marines can do a lot of good.

Mr. GIBSON. And that is to be done at the request of the Government of Nicaragua?

Mr. UPDIKE. Yes; of the regularly constituted Government of Nicaragua, which the United States Government has recognized.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield there?

Mr. UPDIKE. No; I regret I can not yield to my good friend from Oklahoma. I would like to yield to all questions, but I have only 10 minutes' time, and I want to talk about the situation in Nicaragua.

I know that the people of Nicaragua are the same kind of people as the people of Haiti and of Santo Domingo and of Cuba.

I know they have asked the United States Government to send protection to their citizens and to protect American life and property in Nicaragua.

So I want to say this to you in conclusion: It is my prediction now that if we are allowed to go ahead in Nicaragua to supervise this election, which we are going to do, we will be able to promote peace in that great country. [Applause.] There are great possibilities in Nicaragua, because it is a rich country. I want to say this to you: That those people are entitled to protection and the United States Government is entitled to protect the property and lives of its citizens in that domain. [Applause.]

Some folks have stated that by sending the marines into Nicaragua we are in war. No charge like that was made when we sent marines to Haiti and Santo Domingo. Of course, we are not in war. We are not the aggressors. All we attempt to do is to maintain peace and order, the same as we would here in the United States if we had to send the militia or any other armed force into a territory where there was an uprising and revolution.

Mr. LAGUARDIA. But they would be our own troops.

Mr. UPDIKE. These are our own troops also.

Mr. LAGUARDIA. But not in our own country.

Mr. UPDIKE. They are United States marines protecting American lives and American property.

Mr. LAGUARDIA. But they are not operating in our own country.

Mr. UPDIKE. But we have American lives and property to protect in that country, and I am in favor of protecting American property and lives anywhere in the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HARDY. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Chairman, ladies, and gentlemen, I asked for these five minutes in order to make the speech, or one similar to it, which has been made by the gentleman from Indiana [Mr. UPDIKE]. I heard yesterday the remarks of the gentleman from New York [Mr. LAGUARDIA] and the interpolations by the gentleman from Virginia [Mr. MOORE], and I thought then that it was necessary for some one to answer the statements which were made by those two gentlemen. The gentleman from Indiana has done so, and he has done so fully. I want to congratulate him upon what he has done.

There is one thing, however, he did not take up, and that is the statement of the gentleman from Virginia [Mr. MOORE]. It seems he wanted our Government to send marines to Nicaragua, but not quite so many of them. He said we have sent so many that it begins to look like a military expedition. That suggestion would be suicidal if it were carried out.

Mr. MOORE of Virginia. Will the gentleman permit me to interrupt him?

Mr. COLE of Iowa. I will.

Mr. MOORE of Virginia. Precisely what I said was this: That in the Harding administration and in the Wilson administration a little bunch of marines had sufficed, and I believed that in 1926 the Secretary of State made his initial mistake in sending such a very heavy military force to Nicaragua. I think I know why he did it, but in my opinion his reason for doing it did not justify the thing in being done.

Mr. COLE of Iowa. The reason he did it was because he did not want to send a few men to certain death.

Mr. MOORE of Virginia. No. I believe he apprehended we were going to be involved with the near-by Republic of Mexico. That is my supposition.

Mr. COLE of Iowa. Whatever the gentleman's supposition, the conditions that have arisen there have made it necessary to send more marines. I am glad the President has seen fit to send them. Nicaragua is a much-disturbed country. It is a country of mountains and jungles, and I say it would have been suicidal to send a small force into such a situation. If you are going to do a thing, do it well and send enough men to protect those you do send, and make certain of the result.

Mr. KVALE. Will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. KVALE. Does not the gentleman think it would be more advisable to send our marines to supervise the elections in Philadelphia than in Nicaragua?

Mr. COLE of Iowa. The gentleman's remarks are entirely irrelevant.

Mr. UNDERHILL. Will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. UNDERHILL. Has there been any bloodshed thus far in Philadelphia?

Mr. LAGUARDIA. Of course there has; and in Pittsburgh, too.

Mr. COLE of Iowa. So far as the suggestion of sending marines to Philadelphia is concerned, it may well be relegated to the political jokes of the period. The gentleman from Minnesota [Mr. KVALE] is in the habit of underestimating his own country; but I am not.

He needs to be reminded of the fact that we are not in Nicaragua on our own volition. We are there because we were asked to go there to help solve a situation which had become intolerable. We are there to keep the peace and to help the people to establish a government and to stabilize it. We have nothing to serve there except the good of the people. We want to get out of there as quickly as we can.

What the gentleman from Minnesota [Mr. KVALE] has said, and what the gentleman from New York [Mr. LAGUARDIA] said on this floor yesterday may well be sent to Nicaragua to comfort and to encourage those who are disturbing the peace of that country and who are waging guerrilla war on the American marines. I am sure that the bandit leader, Sandino, will receive their messages with the greatest acclaim, but their words will be less welcomed by the American marines.

Such messages are all contributions to Sandino's cause. They will put new energy into those who are seeking to kill our American soldiers. From first to last the insurrections in Nicaragua have been fed on the sympathies of Americans expressed on this floor and more on the floor of the Senate. Had it not been for such encouragement the insurrection would never have amounted to much, and the lives of marines which have been sacrificed there may, in part, be charged up against ourselves. We ourselves have encouraged the rebellions which we are seeking to quell.

Mr. KVALE. It is not a rebel movement.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HARDY. Mr. Chairman, I yield the gentleman one additional minute.

Mr. COLE of Iowa. I am not able to agree with the gentleman from Minnesota that Sandino belongs to the patriots of the world. I think he is more akin to a man that we used to know in this country by the name of Jesse James, and he occupies about the same relationship to affairs in Nicaragua that Jesse James did to affairs in the United States.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. LAGUARDIA. Jesse James was not protecting the country of his birth from a foreign invasion.

Mr. COLE of Iowa. Neither is Sandino. There is no foreign invasion on the part of the American people.

Mr. LAGUARDIA. What does the gentleman call it?

Mr. COLE of Iowa. We were invited to go there.

Mr. LAGUARDIA. By whom?

Mr. COLE of Iowa. By the regularly constituted government of that country; and I want to add the further thought that in addition to this invitation we went there at the request of foreign governments. [Applause.]

It is no secret that in the beginning of these troubles, when the property of all foreigners was threatened in Nicaragua, at least two foreign governments—those of Great Britain and Italy—asked us categorically whether it was our purpose to protect all nationals under the Monroe doctrine. We accepted that duty, and if we had not done so Great Britain and Italy would have their warships in those waters now, and the Monroe doctrine would have been torn into shreds.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HARDY. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. FURLOW]. [Applause.]

Mr. FURLOW. Mr. Chairman, I have introduced in the House of Representatives a bill designed to increase the efficiency of the Air Corps by creating therein an Air Corps promotion list, upon which will be carried the names of all officers of the Air Corps of the Regular Army below the grade of colonel.

For many years the question of the injustices on the single list of the Army have been discussed in hearings before the Military Affairs Committee and other committees and boards. Although it has been recognized that there were a number of injustices in the Army, it has been learned that the Air Corps as a branch has by far the greater percentage, and, in fact, it has several times been reported to our committee that a War Department board, after thoroughly investigating this subject, found:

> The Air Service is the only branch or arm of the service which is adversely affected as a corps by the promotion situation.

This board even went so far as to state they felt—

> The situation will affect adversely the efficiency of the Air Service.

To date no legislation has been enacted, or even proposed, which would benefit the Air Corps any more than any of the other branches, except such as has been advocated in hearings before our committee by the Chief of the Air Corps himself, who stated that he "greatly preferred a separate promotion list for air-service officers." After much thought upon this subject and some experience in the Air Service myself, I believe a separate promotion list for the Air Corps to be the only practicable solution at the present time. It so happened during the World War period that it required many months longer to train Air Corps officers than it did officers of other branches, with the result that two officers entering the service on the same day, one in the Air Corps, the other in one of the other branches, now find themselves separated on the single promotion list in many cases by thousands of files, meaning years of difference in promotions, the Air Corps officer, of course, being the one adversely affected.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FURLOW. I yield to the gentleman from New York.

Mr. LAGUARDIA. Is it not true that in peace time there are more casualties in the Air Service or more officers disabled in the Air Service than in any other service?

Mr. FURLOW. That is true.

Mr. LAGUARDIA. Of course, this is true from the very nature of their duty, and every time an air officer is either killed or incapacitated the officers of all branches of the Army move up on the promotion list, including the Air Service officers.

Mr. FURLOW. That is true.

Mr. LAGUARDIA. And is it not also true that the Air Service differs from other branches of the service, such as

Artillery, Cavalry, and Infantry, in that their superior officers in time of action must be young men, because either a flight commander or a squadron commander of the grade of major or lieutenant colonel must be with his squadron in the air in the performance of a mission?

Mr. FURLOW. That is true; and the gentleman from New York speaks from experience, because I recall that the gentleman flew at the Italian front. And further answering the gentleman from New York [Mr. LAGUARDIA], I want to state we must consider the higher casualty rate that exists in the Air Corps whereby this branch of the service, with only one-twelfth of the authorized commissioned personnel of the Army, bears annually over 40 per cent of the casualties on the active list. It is obvious that with the majority of the Air Corps officers in the lower files on the promotion list that it is those nearer the top who, as a general rule, are promoted to the vacancies thus created. At the same time the replacements in the Air Corps are generally in the lowest grade and, of course, right at the bottom of the list. Such a system will inevitably result in placing the Air Corps lower and lower in average rank on the promotion list until that time is reached, if ever, when the hump of Air Corps officers all become due for promotion within a very short time of each other. The War Department report submitted in compliance with the Air Corps act of July 2, 1926, leads me to believe that all these junior officers of the Army can ever hope to reach is the grade of major.

Mr. LAGUARDIA. Will the gentleman yield further?

Mr. FURLOW. I yield.

Mr. LAGUARDIA. Some of the officers who were in the service with the gentleman from Minnesota and myself, in our own detachment, remained in the service. This was in 1917, and they now have 11 years of service, and they are still lieutenants way down on the list.

Mr. FURLOW. My information supports that statement.

When considering a promotion list there are two factors which always enter, namely, a rate of promotion and a rate of retirement. I have, therefore, provided that the system of promotions shall closely follow that recommended to Congress by the War Department for the whole Army, but with a slightly increased rate in order to offer brighter prospects to the Air Corps officers whose expectancy of life is far less than all officers serving in other branches. Furthermore, hazardous duties of the flying officer produce a drain upon the physical resistance that accelerates life and shortens the period of usefulness on the active list. Advantage should be taken in our national defense to the fullest extent of this period during which the Air Corps officer is at his maximum efficiency and in order to do so he must be promoted to the rank which is commensurate with the responsibility of command placed upon him. Of course, it is necessary to provide certain minimum and maximum limits in order that the Air Corps may be kept up to its state of efficiency and still not be burdened with a surplus of rank. These limits again closely follow those that the War Department desire to apply for the whole Army.

Special provision must be made to keep to a minimum the number of nonfliers or those who have lost their usefulness as combat fliers in the Air Corps. This requires special consideration. It is proposed that an officer of the Air Corps shall be permitted to retire after 30 years of service and that each year he is on flying duties shall count double for this purpose. Mention has been made above of the fact that flying officers have their lives accelerated due to the hazardous nature of their occupation. Recognition of this is given in foreign services, and I firmly believe it should be recognized in our Air Corps. Furthermore, in order to help keep the Air Corps an active flying branch of the service, authority should be provided for placing them on the retired list at an earlier age than that now authorized. I have introduced legislation to cover this point.

The Air Corps is at present expanding under a five-year development program authorized by Congress by the act of July 2, 1926. This program provides new units and increases the strength of the Air Corps to sixteen hundred and fifty officers and fifteen thousand enlisted men, but there is no provision for the officers to advance in grade as required for the command of the units organized. Even at present that is a great discrepancy between rank and responsibility of command. The bill I have introduced fits directly into this five-year development program and I believe its provisions are fully justified and will result in a very material increase in the efficiency of the Air Corps and the effectiveness of our national defense.

We had Colonel Lindbergh before our committee last Wednesday, when he discussed aviation questions in general.

Mr. McCLINTIC. Will the gentleman yield at such time as will suit his convenience?

Mr. FURLOW. I will be pleased to yield to the gentleman.

Mr. McCLINTIC. I would like to know if Colonel Lindbergh was interrogated as to his views on a separate air corps or upon having one service to take care of all our aviation activities.

Mr. FURLOW. I will be pleased to answer that question now. At the time I introduced this bill I wrote to Colonel Lindbergh requesting an opinion from him, knowing he had given this matter considerable thought, knowing he had visited many of our camps in America, and knowing he understood flying conditions and knew the necessity of keeping up a high morale within our service. Colonel Lindbergh answered my letter in detail, but asked to be excused from commenting upon the technical features of the bill itself.

Colonel Lindbergh, however, expressed himself clearly, in my opinion, in a statement Wednesday before the House Military Affairs Committee. He said:

> Upon your invitation I am appearing before this committee to make some general observations with regard to Army Air Corps personnel. It is my understanding that there are under consideration in Congress legislative proposals intended to increase the efficiency of the Army Air Corps and directly affecting the commissioned personnel of that important branch.
>
> In a letter to Congressman FURLOW I stated, "I am earnestly in favor of any legislation that will give to the officers of the Army Air Corps rank and pay that are just compensation for the service rendered and the risk connected with the service. It is clear that this condition does not now exist."
>
> It is obvious that rank should be an emblem of command and responsibility as well as a reward for service. It has been my observation that officers of the Army Air Corps in many cases have rank quite junior to that expected in the positions they hold.
>
> Active military flying is to-day essentially a young man's occupation, and this means that special considerations enter the problem of securing the maximum benefit from the limited years of active flying service. The rate of promotion is thus influenced.
>
> Military flying will always be hazardous. Many of the safety factors that apply to commercial aviation must, in war planes, give way to speed, greater fire power, larger bomb loads, and other desirable military characteristics. Combat will require decidedly different maneuvers from commercial flying. Casualties among military flying personnel are consequently relatively high. This great rate of attrition requires special consideration in providing replacements. If a flying officer meets his death, the vacancy should be filled by an Air Corps officer of equal experience.
>
> Military missions require skill and entail danger that call for pilots of unusual qualities. Adequate reward is necessary to attract and hold the type of officer needed. Especially is this true in the present stage of the rapid growth of the aeronautic industry which doubtless will offer attractive connections to experienced pilots and administrators. It is discouraging for an officer to remain too long in a junior grade—several have already sought civil positions. Undoubtedly morale would be greatly enhanced if officers could see a brighter future in the service.
>
> I believe our air forces should constitute a first line of defense—they must be ready to take the initiative when danger threatens our Nation—there may be no time permitted for preparation. Efficiency will be gained by proper peace-time provisions to care for the personnel. The expectancy of life for the flying officer is far less than in other occupations, the rate of attrition is high, the strain on the physical resistance from combat flying is excessive, the period of greatest flying efficiency is limited, responsibilities of air officers are heavy, promotion for a large proportion appears to have stagnated—these observations have led me to believe the problem of the air officers is special and requires consideration by itself.

Now, I think gentlemen will agree that, if we consider Colonel Lindbergh's statement under the conditions as they now exist, we can see very easily that Colonel Lindbergh is not satisfied with the present status of the Air Corps.

Mr. McCLINTIC. Will the gentleman yield?

Mr. FURLOW. I will.

Mr. McCLINTIC. I am in accord with the gentleman that something ought to be done, and, knowing that he is a member of the Military Affairs Committee, I hope that they will give proper consideration to this subject.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. FURLOW. Certainly.

Mr. WAINWRIGHT. I have asked to interrupt the gentleman in order to make a statement. The proposition for a separate promotion list for the Air Service has been in the past rejected before the Military Affairs Committee. It was also under consideration by the Morrow Commission and rejected after consideration. Personally, and I think I reflect the views of many of the members of the committee, I believe the time

has come when that project should be given early consideration, and I believe our committee can be relied upon to give the question of a separate promotion list for the Air Service very serious consideration at this session.

Mr. FURLOW. I am very glad to hear the gentleman from New York say that. I believe the sentiment of the entire committee has changed materially during the past year and a half. That has been due to the fact that we have come more to realize just what aviation means in so far as the question of national defense is concerned, and because we have been made to realize that there are injustices in the promotion list, and that the greater number of these injustices in ratio to the whole list are in the Air Corps Service.

Mr. McMILLAN. Will the gentleman yield?

Mr. FURLOW. I will.

Mr. McMILLAN. I am very much interested in what the gentleman says. I think the fault does not rest altogether with the Committee on Military Affairs but with Congress as well. But why does not the argument apply with equal force to the Navy Department as the gentleman from Oklahoma [Mr. McCLINTIC] mentioned a moment ago?

Mr. FURLOW. I am in entire sympathy with any measure that will create greater efficiency in our Air Corps, whether in the Navy or the Army or the Marine Corps.

The bill which I have introduced is as follows:

A bill to increase the efficiency of the Air Corps

Be it enacted, etc., That the Secretary of War shall cause to be prepared an Air Corps promotion list on which shall be placed the names of all officers of the Air Corps of the Regular Army below the grade of colonel. The names on this list shall be arranged in the same relative order that they now have on the Army promotion list, and shall be removed from the Army promotion list. All officers commissioned in the Air Corps after the formation of the original Air Corps promotion list shall be placed thereon in accord with length of commissioned service.

SEC. 2. Except as herein provided, Air Corps officers shall be promoted to the grade of first lieutenant when credited with 3 years' commissioned service; to the grade of captain when credited with 7 years' commissioned service; to the grade of major when credited with 12 years' commissioned service; to the grade of lieutenant colonel when credited with 18 years' commissioned service; to the grade of colonel when credited with 25 years' commissioned service: *Provided*, That the number of Air Corps officers in the grade of colonel shall not be less than 4 per cent nor more than 6 per cent, and the number in the grade of lieutenant colonel shall not be less than 5 per cent nor more than 7 per cent of the total number of officers on the Air Corps promotion list, and the aggregate number of Air Corps officers in the grades of colonel, lieutenant colonel, and major shall not be less than 26 per cent nor more than 40 per cent of the total number of officers on the Air Corps promotion list, and in so far as necessary to maintain said minimum percentages, Air Corps officers of less than the required years of commissioned service shall be promoted to the grades of colonel, lieutenant colonel, and major, and only in so far as their promotion will not cause said maximum percentages to be exceeded shall officers who have completed the prescribed years of commissioned service be promoted to the grades of colonel, lieutenant colonel, and major.

SEC. 3. When an officer of the Air Corps has served 30 years either as an officer or soldier he shall, if he make application therefor to the President, be retired from active service and placed on the retired list: *Provided*, That each year of flying service shall be computed as two years of active service. Air Corps flying officers may be retired from active service and placed on the retired list upon reaching the age of 54 years. Officers of the Air Corps who become physically disqualified for all types of flying shall be eligible for retirement.

SEC. 4. All laws or parts of laws, in so far as they may be inconsistent herewith or in conflict with the provisions of this act, are hereby repealed.

I know that the Members of Congress are interested in this important question and are studying it.

Mr. McCLINTIC. If the Committee on Military Affairs can bring about the right kind of legislation, which will offer proper inducement to aviators in the Army, then those in the Navy who are dissatisfied with the Navy service can probably be transferred over to the Army, and eventually the Naval Committee will be compelled to report some kind of legislation for the aviators in the Navy that will be fair and just.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. FRENCH. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, it may be timely now to state that it is very important that both the Army and the Navy aviation cooperate in every possible way with civil aviation. At New York we have Mitchel Field, which is an Army station. The relations existing between the Army aviators at Mitchel Field and the civilian flyers is most cordial. Every civilian flyer knows that he will always get a hearty welcome at Mitchel Field. At Miller Field, on Staten Island, we have the New York National Guard. They have equipment and personnel which, I dare say, compares very favorably with that of any National Guard aviation organization in the country. But this Miller Field is part of a military reservation. There is one company of tanks stationed there, which is in command of a lieutenant colonel who does not understand aviation, and who seemingly is not in sympathy with it. He has constituted himself a sort of traffic cop, in so far as civilian flyers are concerned.

The other day Mr. Kahn, son of Mr. Otto Kahn, landed at Miller Field in order to go to the Bellanca factory, presumably to get a part for his plane. While he was gone, this pinhead colonel went to the plane and attached a tag to it on which was written:

By whose authority did you land here? See me immediately on your return.

I have called this matter to the attention of the Secretary of War. That is certainly a stupid viewpoint to take in this age. [Applause.]

Mr. Chairman, I will read a letter which I have sent to the Secretary of War. It contains all of the facts. I am hopeful that this interference and discourtesy will not be repeated at Miller Field. I want to say that I do not believe such stupid conduct meets with the approval of the department:

MARCH 23, 1928.

Hon. DWIGHT F. DAVIS,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I am sure that it is your desire and the policy of your department to extend every possible courtesy to civilian flyers. In fact, Mitchel Field is known the world over for its courtesy and willingness to cooperate at all times and be of assistance to visiting planes or planes landing in an emergency. I believe that is true in every Army air field throughout the continent. It is therefore with a great deal of distress that I am compelled to call your attention to the conduct of the commanding officer at Miller Field, Staten Island, N. Y. As you know, part of the military reservation at Miller Field has been assigned to the New York National Guard. The guard has a splendid organization. I am certain that it compares favorably with any guard organization in the United States. They fly constantly. It is composed of a splendid set of men. All of their equipment is in splendid condition, and they have made hosts of friends all through the United States, not only for the guard aviation but also for the Army. The military contingent consists of a tank company and it is under the command of a lieutenant colonel, a Colonel Upham, I believe. This lieutenant colonel, whoever he may be, has certainly displayed a narrow-minded attitude with an extraordinary amount of arrogance. He knows nothing about aviation, but that makes no difference, for the simple reason that he has nothing to do with aviation. He has taken upon himself to assume command of the flying field and the personnel of the National Guard. He has issued orders that private planes can not land on the field without first obtaining permission from him. Just how a plane in distress flying over Staten Island would get in communication with him I do not know. It has been customary for planes from the Bellanca Co. to land at Miller Field, and the relation between Mr. Giuseppe Bellanca and his factory and Miller Field is most friendly and cordial.

A few days ago a Mr. Kahn landed his Bellanca plane at Miller Field and motored over to the factory. While he was away the colonel discovered this plane on the field and tied a tag on the plane inquiring who had given authority for the plane to land and for the owner of the plane to report to him immediately. If this is not a dumb pinhead thing for one who holds a colonel commission to do, I don't know what is.

The other day one of the National Guard officers was flying and made a landing not to the pleasure of the colonel. Again I repeat the colonel has absolutely nothing to do with the flying, and the colonel "ordered" the man from flying for a certain specified time. It so happened that this National Guard officer took sick and had to go to the hospital, which prevented a real test of this colonel trying to give orders that he has no right to give.

Miller Field, as you know, is located at the lower end of Staten Island and it may very often happen that civilian planes may be forced to land there. It is also natural for civilian planes to visit the field and many times distinguished national and foreign flyers at the invitation of the National Guard, use the field. Commander Byrd at one time landed there with his plane, Commander DePinedo assembled a new plane at that field. Fortunately at the time the present stupid commanding officer was not in charge.

Incidentally I desire to point out that if this officer would attend to his own duties properly he would have enough to keep him busy without interfering with the splendid National Guard organization.

He has about 115 enlisted men and about 10 officers to look after these 115 men. The equipment is all run down. I venture to state that not one-third of the tanks can be taken out and used.

It is my request that you investigate the conduct of this officer and that he be instructed not to make a fool of himself, to refrain from interfering with the National Guard and to let the officers of the National Guard organization, to whom the field has been assigned, decide as to the rules of the field and who should land there.

I trust you will give this matter your immediate attention because the conduct of this fool officer is causing a great deal of friction and annoyance.

Sincerely,

F. LAGUARDIA.

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. MCKEOWN. Mr. Chairman, I am somewhat amused at the position taken by the gentleman from Iowa [Mr. COLE] and the gentleman from Indiana [Mr. UPDIKE] on this question of Nicaragua. When the question first came up we were told that the troops were in Nicaragua on account of the Monroe doctrine. It seems now that the reason has shifted around somewhat, and we are told that the troops are there because we have been invited there by the good people of Nicaragua. Of course, I shall not attempt to analyse the word "good" in this respect, but I do want to know when it happened that the taxpayers of this country should pay their good money and the parents of this country should give their sons in order to go down and keep order in anybody's country just because we were invited down there by some so-called "good" people. That is a new doctrine to me. I first thought they were going to stand on the Monroe doctrine, and it is certain we have made a very cordial acceptance of the invitation when we find 15 of our war vessels in the waters of Nicaragua, and over 3,000 of our marines down there. Surely we accepted their hospitality in a lavish manner.

This is a very peculiar situation. Nobody knows how we got in there, and now we are going to supervise the election down there. Won't we have a fine job on our hands if we undertake to go down into every country that has some little internal troubles in order to see that they have a fair election? Our forefathers, when they founded this country, labored under the belief that people who were oppressed by any form of government had the right to fight for their liberty. No doubt the Tories in this country, who were very prosperous and very aristocratic people, would have been called the "good" people of America if they had invited the Germans to come over here to keep the rest of us from getting our liberty and freedom.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. KENT. The gentleman from Oklahoma objects to 3,000 marines being placed in Nicaragua to supervise elections. Would it not be better to take the 100 election "experts" who were offered to the Vare-Wilson committee by Mr. WILLIAM S. VARE to supervise the Vare-Wilson contest being carried on now in the Senate Office Building? Does not the gentleman think that 100 election "experts" from south Philadelphia would be able to properly supervise an election in Nicaragua?

Mr. MCKEOWN. While I admit that these "experts" have shown considerable proficiency in Philadelphia, yet I doubt if we need to send anybody down to another country in order to supervise their elections.

Mr. UPDIKE. Mr. Chairman, will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. UPDIKE. Surely the gentleman from Oklahoma would not say that they did not do good work in Haiti and Santo Domingo and Cuba?

Mr. MCKEOWN. I am just coming to that. Yes; we did good work there, and the taxpayers of this country have paid for that good work. Why should we keep up the good work just because we are asked to come in and do it?

Mr. UPDIKE. And we did that under a Democratic administration and under a Democratic President.

Mr. MCKEOWN. Yes; during the war, in order to protect the canal. That is the reason we were down there.

Mr. MAAS. The gentleman asks why we should be down there. Would not the gentleman rather have American marines down there than English or French or Italian marines?

Mr. MCKEOWN. Oh, well, I will say this to the gentleman: If the gentleman thinks that America has to go around all over the world to supervise the little disputes and troubles that occur he has a wrong conception of the policy and the duty of the United States Government. The United States Government has been setting an example to those people, saying, "You are entitled to freedom," and here you have marines down there to supervise the election. I want to know if anybody can give us any information as to whether Sandino has been promised the right to vote down there in the election?

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Oklahoma is recognized for two minutes more.

Mr. MCKEOWN. I want to know whether arrangements have been made for allowing those fellows who are non persona grata down there to vote. Will they have a chance to vote, or will they simply be frightened off in the bushes and not have a chance to come up and vote?

Mr. UPDIKE. Mr. Chairman, will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. UPDIKE. Does the gentleman think Sandino would say "Amen" to sending civilians down there to protect lives?

Mr. MCKEOWN. I do not know anything about that. It is a fact that you have 3,000 marines in Nicaragua, without the authority of an act of Congress, to supervise the election, and you have not issued a proclamation giving assurance to those fellows of a chance to vote. What chance has Sandino got to vote when the marines are after him?

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. BLACK of New York. In connection with the question asked by the gentleman from Minnesota [Mr. MAAS], I wish to say that British corporations have maintained a police force in the close vicinity of the canal down at Panama, and they have corporations down there that concern themselves sometimes with the political affairs of Panama, and the State Department has not said a word about it.

Mr. MCKEOWN. Yes.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. SHALLENBERGER. At one time, when Grover Cleveland was President, England threatened that she would interfere in Venezuela, and when Theodore Roosevelt was President Germany threatened to intervene in Central America, and those two great Presidents asserted our determination to maintain the Monroe doctrine, and both Britain and Germany yielded without the exercise of military power or an expedition of marines. Our naval and military strength was then much inferior to our present strength, but our mandate had the effect of preventing any undesirable interference by foreign power.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MCKEOWN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. BLACK of New York. Reserving the right to object, Mr. Chairman, to what extent does the gentleman wish to extend?

Mr. MCKEOWN. To the extent of showing that Sandino differs from President Coolidge, because Sandino chooses to run. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. AYRES. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAINEY. Mr. Speaker, on the subject of our parcel-post convention with Cuba, I have had certain correspondence with Hon. Hugo Hartenstein, president of the American Chamber of Commerce of Cuba. Mr. Hartenstein has printed in pamplet form what purports to be copies of "Cablegram and letters exchanged between the Hon. H. T. RAINEY and the American Chamber of Commerce of Cuba." His pamphlet is now being extensively circulated. The pamphlet does not contain all my correspondence with Mr. Hartenstein. He has omitted my letter of March 6, 1928, in reply to his letter to me of March 2, 1928. Under the permission granted me, I am printing herewith my complete correspondence with Mr. Hartenstein, including his cablegram and all his letters to me and all of my letters to him on the subject.

The matter referred to is as follows:

UNITED STATES-CUBAN PARCEL POST CONVENTION—CABLEGRAM AND LETTERS EXCHANGED BETWEEN THE HON. H. T. RAINEY AND THE AMERICAN CHAMBER OF COMMERCE OF CUBA

FEBRUARY 21, 1928.

Hon. HENRY T. RAINBY,

House of Representatives, Washington, D. C.

If press quotes you correctly concerning H. R. 9195, your statements before Rules Committee misleading and absolutely contrary to facts. Can positively assure you Cuban Government will not maintain modus vivendi effective after March 1. No embargo exists against American cigarettes entering Cuba, merely a misunderstanding as to interpretation of new customs tariff which, when brought to President's attention by this chamber, was, through presidential decree, adjusted in accordance with American chamber's ideas of equity. Contrary to your alleged statement there has been absolutely no increase in duties on American cigarettes imported into Cuba. United States-Cuban Parcel Post Convention can not be extended through presidential proclamation, as stated by you, but requires the consent of both countries as contracting parties, with sanction of Cuban Senate. Your implication that the removal of tobacco restriction on mail shipments, in lots less than three thousand, into United States would destroy American tobacco industry simply ridiculous, because Cuba's total exports of cigars to all countries are less than 1½ per cent of total United States production of cigars, of which less than one-half of 1 per cent are exported to the United States. There has been unjust discrimination against Cuba for more than 23 years, due to tobacco restriction clause in parcel-post exchange, permitting all mailable products entry into Cuba but excluding Cuba's only mailable product, tobacco, entering United States. Our country prides itself on its fair dealing with Pan American countries, why not give proof thereof in this instance. Cuba demonstrated wonderful spirit of friendliness toward United States during recent Pan American conference which deserves reciprocal consideration.

HUGO HARTENSTEIN,

President the American Chamber of Commerce of Cuba.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 22, 1928.

Hon. HUGO HARTENSTEIN,

President American Chamber of Commerce, Habana, Cuba.

MY DEAR MR. HARTENSTEIN: I am just in receipt of your telegram in the matter of my statements before the Rules Committee, in connection with the Cuban parcel-post matter. I note your suggestion that my statements "are absolutely contrary to the facts." In spite of the position you take, I still adhere to everything I said before the Rules Committee.

I am wondering if you are sending much information to the United States as evasive as your telegram to me. I did not say that Cuba has imposed an import tax on our cigarettes. I did say that she imposed a tax on our manufactured tobacco so large as to make it an embargo. I notice that in your evasive telegram you do not admit this. Your statement that the removal of the parcel-post agreement would not affect the cigar industry in the United States on account of the small present production of cigars in Cuba for exportation to the United States, permit me to say, is exceedingly ridiculous, and this kind of an argument is quite unworthy of the important position you occupy.

We are importing every year now from Cuba of cigar leaf tobacco alone 27,000,000 pounds. The proposition for which you stand would simply mean that a large part of this importation would come in the shape of manufactured cigars. I do not think Cuba will suspend her present parcel post convention with us for a very long period of time, in spite of the encouragement she is evidently receiving from large industries in the United States who are quite willing to destroy our cigar industry in order to carry on the present insignificant and unimportant parcel-post shipments to Cuba. We would not lose much in the United States if we lost our entire parcel-post business with Cuba, but we would lose a tremendous amount if our great cigar industry in the United States, in its various ramifications, were subjected to the dangers involved in this bill. I know, from personal observation, what is happening in islands adjacent to Cuba.

Under our administration, in Haiti, we are teaching them to raise tobacco. I have smoked the cigars they make there. They are just as good as the Cuban cigars and much better than our cigars. There are numerous islands very near Cuba which can produce as good tobacco as Cuba produces and this supply is easily accessible to Cuban manufacturers of cigars. If we throw open our markets to Cuban cigars, we will be building up a tremendous industry in Cuba and adjacent islands, which will practically destroy our own industry in the United States.

I do not regret that in this matter I can not agree with you. I shall continue the fight to the best of my ability for this great American industry and your evasive and misleading telegram will not have the slightest effect upon the fight I expect to continue making against the proposition for which you stand so enthusiastically.

The American Chamber of Commerce in Cuba, it seems to me, ought to stand for American industries and not for those propositions which would destroy one of our greatest industries. Your telegram has had the effect of convincing me of one thing I assure you; it has convinced me that the United States would be much better off if the American Chamber of Commerce in Cuba could be persuaded to quit functioning.

The threat of the director of posts of Cuba, if carried out, will injure only Cuba. For your information, may I quote from the hearings and tell you what it is. "And lastly, that there be no mistake as to our future attitude. We will abrogate both the parcel-post convention and the mail convention if we fail to get a just recognition of our rights." Do you contend that Cuba is going to do that and sever all communication by mail with the United States? She can not abrogate under her position a part of her 1903 convention. If she abrogates it, she must abrogate it in its entirety, and this will have the effect of cutting off all her mail relations with us, including letters and first-class mail matter, and this is what her director says they will do.

The American Chamber of Commerce, under your leadership, could render a real service to the United States by attempting to call the attention of the Cuban authorities to the absurd situation in which they will place themselves if they carry out this threat.

I do not know what is back of all this, but I think I know and I would not be at all surprised if your organization were not a party to it.

I thank you for taking so much trouble to send me such a long telegram, and I assure you I appreciate it. I am glad to have it. It will help me very much in the fight I am making. It enables me to call attention to the unfair attitude your organization occupies with reference to a great American industry and to your evident willingness and even anxiety to do what you can to build up an industry in Cuba which would have the effect of further injuring the agricultural industry in the United States and which will also have such a disastrous effect upon our great cigar industry.

Very truly yours,

HENRY T. RAINEY.

THE AMERICAN CHAMBER OF COMMERCE OF CUBA,
Habana, March 2, 1928.

Hon. HENRY T. RAINEY,

House of Representatives, Washington, D. C.

MY DEAR SIR: Your courtesy of February 22 in reply to my cablegram of February 21 is very interesting. My acknowledgement has been delayed only by my desire to give due and fair consideration to the points brought out by you so that my reply would be helpful to you in eliminating any possible misunderstanding as to the attitude of this chamber toward the parcel-post situation and also so that you might know the primary objects and purposes for which this chamber stands.

With your permission we will clear the second point first by quoting from our constitution, article 1, as follows: "The particular objects and purposes for which this association—American Chamber of Commerce of Cuba—is formed are these": "To promote trade and commerce between the United States of America and the Republic of Cuba," etc.

It seems absolutely necessary for us to state, that since the foundation of our chamber on August 16, 1919, we have endeavored at all times to maintain the high standards of conduct laid down by its founders and to carry out the objects and purposes as set forth in our constitution, always with a view toward the best interests of both nations, believing that the principles of equity and justice claimed as attributes of our American Nation, should prevail in all our endeavors. Whether or not we have succeeded in our undertakings, is for our public to decide.

As to the policy of this chamber in connection with the parcel-post situation, may we briefly review our position?

Some three years ago, after a careful study of the general mails convention of 1903 and the legislation which caused the nonreciprocal operation thereof, we were convinced that, in justification of the objects and purposes of our constitution, we should cooperate with the Post Office Departments of both the United States and Cuba for the purpose of securing the necessary legislation through the American Congress to place the parcel-post exchange on a just and equitable basis.

The entire difficulty was due to the effect of section 2804 of the Revised Statutes, which prohibits the entry of imported cigars in quantities less than 3,000. This prohibition forms a part of the tariff act of July 28, 1866.

The general mails convention of 1903 entered into by the contracting parties—the United States and Cuban Post Office Departments—became practically inoperative in so far as Cuba was concerned from the very moment of its inception, due to the clause cited above, since practically Cuba's only mailable product—cigars—could not be mailed to the States, whereas the United States received the full benefit of the parcel-post exchange, as there were no restrictions on any of her commodities. This situation was created in the face of the express statement embodied in the general mails convention with Cuba that "articles of every kind or nature which are admitted to domestic

mails of each country" should be admitted and exchanged between the two countries.

As a further proof of the good will which Cuba has always displayed toward the United States and at the special request of the United States Post Office Department a provisional parcel-post convention was arranged and signed between the Cuban and the United States Post Office Departments on October 31, 1925, whereby a weight limit increase to 11 pounds in mailable packages was arranged. This provisional convention was to remain operative during a period of 18 months, but contained a special proviso reserving to Cuba the right to abrogate at the expiration of that period if during that time no legislative remedy was enacted by our Congress to make the convention reciprocal to both countries by the elimination of the restriction against tobacco imported by mail into the United States.

The term of the provisional convention having elapsed and no action having been taken by the American Congress, Cuba decided to use her prerogative and abrogate the temporary convention, but at the special insistence of the American Government, including the personal request of President Coolidge, an extension of time was granted by Cuba through a "modus vivendi" based on the assurance of our Government that the corrective legislation would be urged. Cuba agreed to this as additional proof of her desire to maintain the most cordial postal relations with our country.

Again the people and the executives of the United States as well as the people and executives of Cuba have been disappointed by the failure of Congress to comply with what seemed to be nothing more or less than its duty—the enactment into law of H. R. 9195. Is it not fair to state that Cuba and her representatives are free from blame through the discontinuance of what to Americans is a valuable asset, the parcel-post convention?

Having firmly fixed in our minds that our cause was just, we initiated a campaign throughout the various States of the Union, urging the necessity of legislation to counteract that portion of the tariff act of 1866 which did not permit our Postal Department to meet its moral obligation with the Cuban Government as outlined in the convention.

We have not deviated from our fixed policy favoring such remedial legislation, this policy having been predicated on the deep conviction that a great, although no doubt unintentional, injustice had been done to Cuba and that it was our duty, as loyal citizens of the United States, to place the facts of the case before our legislators at Washington, in the belief that the corrective legislation would be enacted.

We must take serious exception to your statement that it is our evident willingness and even anxiety to do what we can to build up an industry in Cuba which will have the effect of further injuring agricultural industries in the United States and which would also have a disastrous effect upon, or as you say "destroy" the great American cigar industry. The facts are entirely contrary to your contention. First, Cuba's exports of cigars to all countries are about 1½ per cent of the total production of cigars in the United States, of which less than one-half of 1 per cent are exported to the United States.

Second. Assuming that your statement, "We are importing every year now from Cuba of cigar leaf tobacco alone 27,000,000 pounds," is correct (our records show the quantity to be approximately 21,000,000 pounds), we can not agree that a large part of this importation would come in the shape of manufactured cigars, provided, of course, that the tobacco restriction clause were lifted through legislation.

You apparently do not realize that there is absolutely no affiliation between the growers of export leaf tobacco and the manufacturers of the universally known Habana-made cigars. They are two separate and distinct industries having nothing in common, and it is self-evident, therefore, that your fear is unfounded.

You state that tobacco as good as Cuba produces is available in numerous islands very near to Cuba, and that this is easily accessible to Cuban manufacturers of cigars. Geographically "easily accessible," possibly, but how much cigar leaf tobacco do you suppose would ever be imported into Cuba in the face of an import duty of $5 per pound; and even though it were imported, can you believe that the cigars produced therefrom, at the consequent high cost of production, would be salable in a highly competitive market like that of the United States?

It hardly seems worth while to discuss the merits of Haitian tobacco, since were it of such excellent quality as to be comparable with that of Cuban-grown tobacco, it is logical to assume that the United States tobacco industry would prefer it and purchase it. You full well know that Haitian tobacco is not being shipped to the United States.

While it is possible that you did not intend to say that Cuba had imposed an import tax on cigarettes so large as to make it an embargo, nevertheless all available records of your statements before the Rules Committee show that your comments were directed against American cigarettes entering Cuba, and no reference was made therein to manufactured tobacco. Let me quote your remarks from these records in our own justification: "In other words, we are dealing with an embargo which only affects the United States, since it is we who export 99 per cent of the cigarettes which go to Cuba." We repeat, no embargo exists against American cigarettes entering Cuba, nor is there a prohibitive duty against them which is not fairly comparable with existing customs tariff in the United States affecting foreign cigarettes.

Certain reports emanating from the United States lead one to believe that it is the intent to enter Cuban cigars into the United States without the payment of duty. Note particularly that there is no desire on the part of the Cuban postal officials nor on our part to introduce Cuban cigars through the mails into the United States without payment of full duty, such as would be paid were cigars shipped in bulk. In other words, H. R. 9195 has absolutely nothing to do with customs tariff, and we want to stress this point particularly to counteract all insinuations to the contrary.

Ere this reaches you, you will have learned that you are mistaken in stating that Cuba would not abrogate her present parcels-post convention, since the press published the fact that no further parcels-post matter would be received for mailing to Cuba from the United States nor vice versa. You are also incorrect in stating that the abrogation of the parcels-post convention would mean the severing of all communication by mail with the United States. If you will read the orders issued by your own Post Office Department, you will be convinced that there is nothing to your statement of "cutting off all her mail relations with us." There still remains the universal postal union, which permits of postal exchange where no special convention exists, so that Cuba will not remain "incomunicado" in any sense.

Whether or not you approve of H. R. 9195, you must, as a fair-minded American, consider the moral and ethical question involved. A negotiation consummated between two friendly nations, entirely reciprocal and fair in its wording, can not be fulfilled because of existing and almost forgotten legislation in one of the two contracting countries—the United States. As our country is a most enthusiastic exponent of Pan Americanism, would you desire to be placed in a position of making excuses for our Government which might rightfully be accused of taking advantage of this situation if no attempt were made to set the matter right?

Finally, we would deeply appreciate further details in connection with the penultimate paragraph of your letter, as we are entirely at a loss to understand your meaning.

Very sincerely yours,

HUGO HARTENSTEIN,
President the American Chamber of Commerce of Cuba.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 6, 1928.

Hon. HUGO HARTENSTEIN,
President American Chamber of Commerce of Cuba,
Habana, Cuba.

MY DEAR MR. HARTENSTEIN: I am just in receipt of your letter of March 2, which I have carefully read and which does not in any way change the opinions I have already expressed before the committees as to our parcel post convention with Cuba.

The Congress of the United States is a representative body and exists under the Constitution for the very purpose of enacting laws like the law of 1866. No bureau of the Government and no department of the Government has a right to expect that at its demand Congress will ever enact a law repealing the law of 1866.

The general mails convention with Cuba, which attempts to admit to the mails "articles of every kind or nature which are admitted to domestic mails of each country," is absolutely unauthorized under existing law in the United States, so far as cigars are concerned. The Post Office Department has no right to assume that Members of Congress, under their oaths, will enact legislation so injurious as the repeal of the act of 1866 would be in order to comply with an unauthorized mail convention entered into by the Post Office Department of this country with Cuba.

I do not agree with you at all that the people of the United States are disappointed by the failure of Congress to repeal the act of 1866. Information I am receiving, I assure you, is quite to the contrary. Members of Congress represent the States from which they are elected—not the Republic of Cuba.

It is absolutely self-evident that the position taken by the American chamber of commerce in Cuba will greatly injure an important agricultural industry in the United States. Representatives of that industry think that your policy would injure it, and it is perfectly apparent to me that it would.

The hearings before the Ways and Means Committee show our importations of leaf tobacco from Cuba to be 27,000,000 pounds, but whether it is 27,000,000 or 21,000,000, as you suggest, is immaterial. The amount is enormous, and a large portion of it would come in the shape of manufactured cigars if your proposition went through.

You are evidently right about your statement that there is no affiliation between the growers of leaf tobacco in Cuba and manufacturers of cigars. There is, however, just as much affiliation between them as there is between the growers of wheat in the United States and the manufacturing millers; and, of course, cigar manufacturers in Cuba purchase their supplies of tobacco in Cuba and manufacture the raw material into cigars there, and every cigar they can send to the United States would displace an American cigar manufactured in part of Cuban

tobacco, and many of our cigars, are, of course, manufactured in part of Cuban tobacco. Under the arrangement you and your organization stand for, less leaf tobacco and more cigars would reach the United States, and the more cigars reaching the United States from Cuba, the less number of cigar makers would be required in the United States, etc.

Whenever Cuba manufactures cigars to take up her own supply of leaf tobacco, she can bring leaf tobacco just as good as Cuban tobacco from the adjacent islands. This is perfectly apparent and the new industry you propose to start in Cuba would have this effect. Therefore, tropical tobacco like the Cuban tobacco, would be available to Cuban cigar factories in absolutely unlimited quantities. The import duty you mention can be removed in a very short time indeed whenever the industry in Cuba might require its removal.

My comments were not directed "against American cigarettes entering Cuba," and I did limit my remarks to manufactured tobacco. I am inclosing a copy of the hearings before the Rules Committee on the parcel post bill and call attention to the marked portions on page 23 of the hearings.

There is not the slightest contention here that it is the intention to enter Cuban cigars into the United States without the payment of duty. The duty can be still paid and by eliminating profits between the manufacturer and the consumer a very large differential indeed would exist in favor of Cuban cigars. I call attention to my expression on this subject on page 26 of the printed hearings.

The Cuban parcel post bill very materially had to do with the customs tariff. A package of cigars coming from Cuba under the proposed bill need not even go to a bonded warehouse. Under the proposed bill, arrangements could be made by the Post Office Department and the Treasury Department, so that the internal-revenue tax and the tariff tax, and the postage could be completely prepaid and the package could be sent directly to the purchaser.

What I said was that Cuba would not for a very long time suspend parcel-post arrangements with the United States, and I do not think she will. She will certainly not do it unless she is encouraged by your organization to do it by holding out to her the hope that Congress will at some time in the future repeal the law of 1866, in order to restore our parcel-post trade with Cuba. You will be performing a great service indeed, which you have not yet done in this matter, if you impress upon the Cubans the fact that Congress will not repeal the act of 1866. What I meant to say is that you will render a great service to Cuba—not to the United States. Our parcel-post trade with Cuba is extremely negligible and can be carried on through the medium of the express companies with but slight additional charges.

I note your desire for further details in connection with some paragraph of my letter which you call the "penultimate" paragraph. Further details are entirely unnecessary at the present time, inasmuch as the bill you so enthusiastically sponsor seems to be entirely dead. If you succeed in reviving it again it may be necessary for me to carry on some further investigations and make the result of all my investigations public. Inasmuch as the matter is now disposed of and dead, so far as the United States is concerned, I will consider it unnecessary to continue further our correspondence.

Very truly yours,

HENRY T. RAINEY.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LANKFORD] 15 minutes.

The CHAIRMAN. The gentleman from Georgia is recognized for 15 minutes.

Mr. LANKFORD. Mr. Chairman, when I took the oath of office as a Member of Congress on May 19, 1919, nearly nine years ago, it seemed certain that farm relief legislation would be passed in just a few days. The beautiful rainbow of farm relief was just ahead. I could almost reach it. It has, rainbow like, moved just ahead of us. As ever, to-day it is just ahead. I have been somewhat disillusioned and now realize that there is a bitter fight to be waged if the farmers are to get any real relief. Oh! I know we pass thousands of bills that help the farmer and other people slightly, but I want a bill putting the farmer on a parity with other folks.

Some say nothing can be done for the farmer. Others say, let him alone and he will work out his own problems. He could probably have worked out his own problems if Congress had not, by discriminatory and unjust laws, tied him hand and foot and delivered him into the hands of his enemies. The farmers can lock their stables against the horse thief, guard their cattle against the cow thief, protect by force their cotton and corn against the midnight burglar, and drive from their henhouse the chicken thief, but they are as helpless as "babes in the woods" against unjust tariffs, unfair public utility laws, despotic economic pressure of the unrestrained profiteer and the mass of discriminatory laws giving big wealth a strangle hold on the farmers and the common people of the Nation.

There is no real help for the farmer unless Congress comes to the rescue. I know Congress can absolutely solve this great problem, but I very much fear it will not be solved at this session. Too many Members of Congress are not for real farm relief, and many who are for sure-enough farm relief do not seriously study this great problem. A few days ago I told a Member of Congress I was giving practically all my time to the study of farm-relief legislation and he said:

LANKFORD, you are simply foolish to worry yourself studying all the farm bills; why not do as I do? I am for the farmer and always vote for every farm bill that comes up. I let the committee report the bill and then I vote.

Mr. Chairman, I could not agree with this Member. He can not vote for farm relief unless he studies the various bills. There are farm relief bills and then there are more farm relief bills. Some are good and many are bad. You can not judge a pill by its looks and you can not judge a bill by its name. You must study and know the contents or you will help give the farmer something to destroy him rather than to help him.

As a lawyer for a fee, I worked until midnight many a night to save from destruction a human being charged with a crime. Now, as a Member of Congress, employed not by one man charged with a crime, but as the selected servant of over a quarter of a million innocent men and women and children, I am working with all my God-given powers to save my folks and the farmers of the Nation from ultimate destruction.

I am sure the farmers' problems can be solved by legislation, and I am equally sure the solution is by giving them the same rights accorded other businesses and enterprises. I have repeatedly told the Congress how this can be accomplished by my bill—H. R. 77—or some similar bill. Many of the pending bills may help the farmer temporarily, just as a dose of morphine may help a fellow for a few minutes, but it does not last long enough. My bill—H. R. 77—consists of 28 printed pages, containing 35 sections and could not be read, much less explained in detail in the time now allotted to me. The bill, though, is very simple in its terms and the plan therein provided is equally simple.

Using cotton as an illustration, it sets up means whereby the farmer could draw about 20 to 25 cents per pound on his cotton, provided the larger part of the farmers in the country approved the plan. The farmers drawing this amount in cash would not have to sell, and under their contract there would only be put on the market so much cotton as there was demand for at 25 cents per pound or better. The price would be stabilized at 25 cents or above. The loans would be safe. The farmers' finance corporation set up by the bill could not lose. The farmer could not lose, and for once could name the price of his products within reasonable bounds, and hence fix a reasonable profit.

My plan, by mutual contract entered into by the farmers, would solve the only great farm problem, to wit, that of proper control of the cotton offered for sale from time to time. Production would also be controlled, but an overproduction would not force prices down for the overplus would be held off the market until there was demand for it of 25 cents per pound or better.

The farmers could afford to hold a 400-pound bale of cotton with a loan on it of $100 at 4 per cent interest, never to come due until his cotton is sold for enough to pay the loan and interest in full, all storage and other charges, with an additional amount to the farmer.

That is exactly what my bill would authorize. Please study the bill and you will be driven to the conclusion that it is absolutely sound and will stabilize the price of basic agricultural commodities at the average price of such commodities. The price could go higher, but could not fall below the stabilized minimum.

All the export corporation bills are fatally objectionable in that they provide no sufficient control of marketing and production, and hence have failure written across their pages. They do not help the individual farmer; only add another large speculator to the already overswollen list and very probably will do the farmer more harm than good.

Genuine farm relief can only be obtained by the farmers, as free men, acting by mutual contracts, protecting each other and the Government against loss in exchange for the protection of each other and the Government. There never was a fairer reciprocity than that proposed by my bill. It will enable the farmers absolutely to control their own affairs and name, within reason, their own prices.

"Ay, there's the rub." My bill will help the farmers to fix and receive a better price for their products. That is why I favor it and why many others oppose it. So much has been said about price fixing until I think it well to make a few observations along that line at this time.

Mr. Chairman and members of the committee, we have heard arguments pro and con on the tariff. The tariff is good and bad. It is good for those that it enriches and it is bad for those it helps to rob. It can not be fair unless by some means it gives back to the party robbed every dollar taken from him.

If every dollar taken from the consumer as a result of the tariff is returned to the consumer, then the consumer is not injured; and, of course, if the consumer gets back not only that which has been taken from him but an additional sum, then the tariff is good for him. The trouble, though, is to prove how all that is plundered from the public is returned to the public. In fact, if there was a provision in the tariff law which had the effect of making the manufacturer pass on to the consumer or to the laborers of the country all that the manufacturers get as a result of the tariff, then the manufacturer would not at all want the tariff.

High-tariff advocates are forced to try and prove that even though the manufacturers eat the public's cake that still the public has its cake.

High tariff has been the means by which millions of the common folks have been deprived of that which is justly theirs. My position on the tariff is easily stated. I object to and fight with all my power the high tariff which is placed on every blessed thing which my people buy, and then I get as high a tariff as possible on what they sell to offset the damage about to be done by the tariff on the manufactured article needed by my people. It is almost impossible to write a high tariff bill which will be fair to my people. Heretofore in all high tariff bills the manufacturer has always received the advantage.

Only a day or two ago some one on this floor shouted that high tariff was the means of maintaining a high standard of wages for the laboring men of this country. Oh, labor! labor! how many crimes are committed in thy name? I am for the laboring man, but I favor legislating for him and the farmers of the Nation directly and not by circuity. I am not in favor of turning money over to the big rich on the theory that enough will ooze through the hands of the millionaires of the country for the common folks. I do not believe in giving Dives all the good things of life on the theory that the crumbs from his table will be sufficient for poor, starving Lazarus. It is believed by many that drippings from the hands of the big manufacturers are all sufficient for the laborers of the Nation, and that the farmers, who feed all and clothe all, should be content with the husk of the profiteering swine of the country.

Why do not we legislate for the common folks directly?

We legislate here for the corporate interests, for the big rich, for the railroads, for the bankers, for the bondholders, and for every profiteer of the country, and not for the farmers. There are bureaus and agencies everywhere to fix high prices in behalf of all but the farmers of the country.

Nearly every law enacted here, either directly or indirectly, fixes prices of articles which the farmers must buy, and fixes those prices very, very high.

There rise up now those that bitterly protest against the farmers and their friends organizing into blocs in an effort to get some relief for the farmers of the Nation. Well, the big, rich manufacturers, railroad men, and bankers have had blocs here from the beginning of the Government, and we have heard no protest about those blocs. The objection seems to be only brought forth when the farmers seek some sort of relief.

They want the farmers not to complain while they are being robbed and while prices are being fixed high on what they buy and low on what they sell.

Those who oppose most bitterly price fixing in behalf of the farmers are most resolute in their belief in price fixing in destruction of the farmer.

People who have argued all their lives for high price fixing of all the farmer buys and for low price fixing of all he sells in some way pretend to forget their past stand on price fixing and now are shouting their utter opposition to price fixing when it is even suggested that a measure may remotely assist the farmer in getting better prices for what he sells or may help him get at less prices fertilizers or other commodities which he sorely needs.

Now they declare at the top of their voices their opposition to price fixing. Let us keep the record straight. They are only opposed to anything that may assist in price fixing in behalf of the farmer. They are in favor of price fixing for themselves and for their crowd of profiteers.

They favor price fixing through a profiteer's tariff of all the farmer buys, but oppose everything that tends to fix reasonable prices on what the farmer sells.

They favor price fixing of officials' salaries, of Cabinet officers' services, and, in fact, of all governmental activities, and oppose price fixing at a reasonable rate of the sweat on the farmers' faces.

They favor high price fixing for the railroads and other transportation companies when they haul the farmer and his family, but oppose price fixing for the labor of those same farmers and their loved ones when they are struggling for existence.

They favor high price fixing for the hauling by the corporations of the products of the farm, but oppose reasonable price fixing for the production of those same commodities.

They favor high price fixing for the big banks of the Nation and are willing to give millions and even billions to foreign governments at the behest of the international bankers in order to do the price fixing act for the very rich, but oppose price fixing in behalf of the poor and in behalf of the common folks of the country.

They favor price fixing for those who sit in the cushioned seat of the speculator and the profiteer and oppose price fixing for those who trudge with the worn and bleeding feet of the toiler and the producer.

They favor and are urging the practical giving of Muscle Shoals to the corporate interests so as to allow and help the power companies and fertilizer trusts fix high prices on fertilizers and on actual necessaries of the farmer, and so as to prevent the farmer from getting fertilizers at a fair rate and the common people from getting electric power at a reasonable price.

They favor fixing the grip of the corporate interests on the throats of the common people and favor depriving the people of even a decent chance to complain.

They favor that price fixing which makes heavy the lash on the backs of the farmer and his children and are opposed to a price fixing which would assist them in warding off the cruel blows with their bare and bleeding hands.

Those who are now yelling against price fixing in behalf of the farmers say with one accord, "Let the law of supply and demand control." What they mean by this law is to let the farmer do the supplying and let the profiteer do the demanding.

They mean, let the farmers do the supplying of the labor and let them do the demanding of the fruits of that toil. They mean, let the farmers do the supplying of the food and clothing of the world and let the profiteers do the demanding of unconscionable profits from all that the farmer produces and from all that he buys.

They mean, let the farmers of the Nation supply themselves, their wives, and children to be offered on the profiteer's altar of greed and let the profiteer demand and receive as a result of that sacrifice the earth and the fullness thereof.

Mr. Chairman, almost every day legislation is forced through Congress for almost everybody other than the farmer.

A few months past a mighty flood of water wrought devastation along the Mississippi River. There was loss of property and life on every hand. The Nation stood aghast, and with unanimity properly said, "This must not occur again." The great Mississippi flood lasted only a few weeks and devastated only a comparatively small area.

A mighty, onrushing, destructive flood of grossly unfair and discriminatory legislation has hurled its death-dealing and awful volume of murder and destruction against the property and very lives of all the farmers and their families of all the Nation, not for a few days but continuously, by day and by night, and since "the mind of man runneth not to the contrary."

By all just means Congress should solve, and at once, the great Mississippi flood-control problem. Transcendently more important, though, is the great problem of rescuing the farmer from the awful flood of unfair and discriminatory laws which engulf him and the placing of the farmer on an equality with other businesses and enterprises and above and safe from the seething flood which has so long beset him. [Applause.]

Mr. AYRES. Mr. Chairman, I yield 20 minutes to the gentleman from New Mexico [Mr. MORROW].

The CHAIRMAN. The gentleman from New Mexico is recognized for 20 minutes.

Mr. MORROW. Mr. Chairman, one of the most important questions presented for the consideration of the people of this Nation during the past 25 years is the subject of flood control, or the disposition to be made of the surplus and destructive flood waters which take such a heavy toll of life each year and bring so much damage to property. The citizens who live in the channel of the flooded areas are impoverished, food supply is destroyed, and there is a huge loss of capital in the destruction of railroads, highways, bridges, and so forth.

Water, which is the most necessary element for both plant and animal life, has through man's folly become in our Nation one of the most destructive forces with which man has to contend.

In endeavoring to find a solution Congress and the Nation at large are confronted by two schools of thought. It is a serious proposition, whether or not we follow the one thought fostered by the engineers of the Government who for many years have been studying the problem. My opinion is that if they stick to the dike and levee system of flood control that a further

mistake will be made, for the reason that nature's laws are continually being changed by man in the diversion of water to the river channels.

Timber once covered great portions of nearly every part of the Nation and successfully grew upon the banks of rivers and their smaller tributaries and headwaters; it covered the sides and slopes of our mountains and thus acted as a shade protection from the sun's rays; winter snows and summer rains were held in the earth until gradually released through tributary channels to rivers that flowed through and drained the agricultural areas.

These forests have been largely wiped out, and that great check provided by nature and nourished by nature's laws has been by man's avaricious disposition for wealth and personal selfishness largely destroyed.

The problem, then, before the Nation is to meet this condition by some method which will prevent flood disasters in the future.

In all these great problems man must look first to the provisions governing like problems in the early history of our Republic, before man started his wanton destruction. We must take into consideration existing conditions—the removal of our timber, the paving of our cities and towns, the hard surfacing of our roads, the numerous aqueducts and culverts for drainage, the reclamation of swamps, the uncontrolled flow of water from our mountain districts in the spring by the melting of the snow, the summer rains, and the washing down of the soil from our now unprotected areas.

The problem, then, is more than the mere construction of artificial dikes and levees to bottle up the surplus water. The lower part of the basin must in time fill up again with soil and débris; a problem follows in the same footsteps as that which preceded it; suffering, disaster, expenditures of more money and labor recur.

So many Americans pursue the law of expediency—people forgive and forget—and hardships and costs of Government are passed on to succeeding generations.

Many of our skilled and trained men fail to see any new thought or plan; they adhere to the plans fostered by their profession for years; they apparently feel that any change or deviation from their set principles would be a weakness and a confession that they had been wrong in the theory of flood control for a quarter of a century.

We have a great watershed in this country, drained by the Mississippi River, lying east of the Rocky Mountains and west of the Alleghenies. Smaller streams drain into the Mississippi River channel and empty their waters into the same in increasing volumes annually. Not only water but soil carried from the area of some 31 States is emptied into this great river. The Mississippi in turn flows on with mud and water to the lower basin, where the mud is deposited at each succeeding flood, and the channel below is gradually filled so that the water must rise and seep through the soil and embankment in order to find an outlet. The natural law that water always seeks the lowest level is just as true upon the lower Mississippi as it is when the water flows into a basin in the earth until it fills up the basin and rises until an outlet is found by flowing through some strata to a lower level.

In order to restore natural law by the genius of man we must return to that principle that nature provided when this universe was prepared for man's habitation. This did not occur in one day, one year, or one century; it took countless thousands, aye millions, of years for the molten mass of which this earth is builded to gradually cool. The vapors cooling and sinking into the depressions formed our oceans, lakes, swamps, and so forth. Through further years of decay, decomposition, and deposit soil was formed; scientists tell us that it took 10,000 years to form 1 inch of soil. One dashing rain where there is no vegetation for protection can wipe away that inch of soil.

Then came upon this soil vegetation; next the simplest forms of animal life; later mammals, the animal that suckled its young. And lastly man, in his wild and primitive state, to develop and domesticate the animal species.

Man then had a paradise before him. Nature abounded in everything for his food, clothing, and well-being; every resource placed within his reach, and through his intelligence and inventive genius to be utilized by him. The resources included timber, wild life, water, minerals; in fact, everything that nature had deposited in the earth and permitted to grow on the surface.

The early pioneers who came to this country from Europe found a wilderness; forests filled with wild life, water fowl, fish, and all the products of nature, in fact. Lack of sense of utility caused much suffering among the early settlers. But soon new life and new supplies started the spirit of the pioneer to succeed in his new home for freedom.

He succeeded; he conquered much of the wilderness; his speculative and ingenious mind taught him not only to utilize but also to monopolize, and eventually to destroy much of that material so necessary for nature's law of correct regulation.

Man began to cut the timber from the river banks, from the area covering the watershed above, which permitted the timber to act as a reservoir and protection to the cultivated areas below. This has permitted a more rapid run-off, carrying in each rainfall tons of soil into the channels of the rivers. Soil and débris fill up the bays and outlets to a higher level and floods naturally occur during great and continual falls of moisture, which will always inundate lower stretches when the volume of water carried exceeds the capacity of the channel through which it is carried. This is what occurred in the flood of April, 1927.

This not only means the lower basin, but it can occur anywhere in the channel where the run-off is greater than the channel that carries the same. Mr. Speaker, this is the factor which caused flood destruction in Arkansas and Oklahoma, as well as in Tennessee, Mississippi, and Louisiana.

Where does this moisture start and during what periods of the year does it occur? In the spring of the year, March and April, when the snows begin to melt in the mountain districts and vast quantities of moisture bring destruction somewhere in the stretches of the streams along its lower levels; again in the rainy months of July and August.

The flood problem has become a proposition to be dealt with as a national question and at national expense. Practically everyone is agreed upon this. The question is, how is the solution to be secured? In the makeshift solution heretofore made there have been so many errors that the Nation now demands a permanent and lasting solution. If wider channels are needed, the land should be purchased.

I noticed in the address of the gentleman from Arkansas [Mr. RAGON], the day before yesterday, that he attributed the flood that created such destruction in his State between April 17 and April 20, 1927, mostly to a fall of rain during that period upon a watershed covered by the northern tributaries of the Arkansas River, the chief southwestern branch of the Mississippi.

He must not lose sight of the fact that at that time there were other branches turning their waters into the Arkansas from the Canadian or Red and Cimarron Rivers; these streams rise in the high mountains of my State and flow eastward into the Arkansas.

In order to get the thought to you, which was so well expressed by the gentleman from Arkansas [Mr. RAGON], that a system of strong reservoirs would control this flood situation, I want to impress upon you that in this great scheme of material development of the Nation we are turning the water into the channels during the flood period much more rapidly and in largely increasing volumes. There must be provided either a means of storage and diversion or a much greater channel than the streams afford now to carry the water to the Gulf of Mexico.

In my opinion storage dams will protect Oklahoma, which has an annual loss of millions of dollars from floods. This in turn would largely solve the question of floods in Arkansas. Storage dams in Nebraska and the Dakotas would largely solve the floods from the great Missouri River and each in turn would largely, if not entirely, solve the problem of the Mississippi River.

In a Nation that has lost by destruction more property in one great flood—the one of 1927—than it would cost to give the country almost absolute protection in the future by a well-thought-out and properly executed plan, it would appear to me that the highest duty of this Congress is to pass such legislation as will effectively solve this problem, and in so doing you must not overlook the impounding dam proposition.

It is estimated that the loss in Oklahoma alone in the year 1927 from flood damages was $20,000,000, and that State suffers a loss each year rising into the millions. This loss, it is stated by Government engineers, can be controlled by a system of detention dams in the headwaters from Gate, Okla., westward, and the means for such control should be by a system of detention dams located in the canyon formations of New Mexico and western Oklahoma.

The Bureau of Public Roads makes the report that the total land in the United States overflowed and in need of drainage is as follows: Area unfit, without flood control and drainage, 91,543,000 acres; and the total area needing flood control and drainage, 113,537,000 acres.

The area in Oklahoma overflowed and not fit for cultivation, without flood protection, is 650,000 acres; the total acreage re-

quiring flood control is 952,000 acres. The impounding of water upon the upper sources of the rivers that overflow this area will reclaim this vast wealth. Estimate the great loss to the Nation of this vast territory through lack of flood control.

A system of flood control, then, should be broad enough to cover a plan which means success and the reclaiming of this useless land now destroyed by our uncontrolled waters.

Of course, there is no question but that the territory that received the greatest destruction both of property and life should receive the immediate and active attention of Congress. But the plan for flood control should meet the conditions in all sections of the Nation; Oklahoma and Arkansas, as well as Mississippi, Louisiana, and the other States in the basin of the great river.

A preliminary survey of the two streams rising in New Mexico was made in 1924, and report thereon was submitted by Donald H. Connolly, major, Corps of Engineers, district engineer of the United States. The report on the Cimarron River contains in part the following important information:

CIMARRON RIVER

It appears feasible to control floods by detention dams in the headwaters and benefit the valley for an indefinite distance downstream. Complete control can be obtained by detention dams along the streams from Gate, Okla., westward. The Cimarron River rises in the mountains of New Mexico and flows eastwardly to Oklahoma and across the southwest corner of Kansas into Oklahoma not far from Beaver, Okla. The watershed of the river is 470 miles long from east to west, with fairly uniform average width of about 40 miles.

The existing development affected by floods are bridges, tracks, and highways. The river is crossed by 17 railroad lines, one of which is in New Mexico, 2 in Kansas, and 14 in Oklahoma; bridges are expensive to build and have been repeatedly lost at several localities in Oklahoma. The last destructive flood was in June, 1923. Many bridges were washed out. One railroad in Oklahoma suffered a loss in the washout of tracks and bridges of $1,000,000 in 1923.

The worst flood was on August 26, 1908; the town of Folsom, N. Mex., where the fall is said to be 40 or 50 feet per mile, was washed away and 17 people drowned.

CANADIAN RIVER

The Canadian River is a tributary of the Arkansas River. It rises in the Cimarron Mountains of New Mexico near the Colorado-New Mexico State line and flows in a southerly direction to San Miguel County, N. Mex., then in an easterly direction through New Mexico, Texas, and Oklahoma, to its termination in the Arkansas River 27 miles below Muskogee, Okla. The total length of the river is 833 miles, and it drains an area 560 miles long from east to west, comprising about 46,140 square miles.

Existing development affected by floods are engineering works, bridges, industrial plants, etc. The main damage by floods has been to railroad bridges and tracks, highway bridges, farm lands, and crops. Of the 21 railroad crossings, 4 are in New Mexico, 2 in Texas, and 15 in Oklahoma. The land is subject to frequent overflow. It is believed that the combined capacity of the reservoir available at sites outlined will be sufficient to retain the run-off from the greatest storms that have occurred. If not, other suitable sites may be found where, on account of the short span, the cost of construction would not be excessive.

The impounding dams, if built, would largely protect Oklahoma and in turn assist in the protection of Arkansas. The statement made by the gentleman from Arkansas [Mr. RAGON] shows that the Arkansas and White Rivers in the recent flood showed a discharge of 60 per cent of the rise shown in the Mississippi River, or a per second-foot flow of 1,200,000 feet, while the flow of the Mississippi below the mouth of the Arkansas was shown to be 2,000,000 second-feet.

This would indicate clearly that the Arkansas and its tributaries, if 33⅓ per cent of the flood waters was controlled, would largely solve the floods upon the lower Mississippi.

I have cited the engineer's report to you upon protection in Oklahoma. The same principle can be applied to Kansas, eastern Colorado, Nebraska, and upon the Missouri and its tributaries.

To illustrate what impounding dams mean for the protection of the flooded area of the Mississippi River, I call your attention to the Elephant Butte Dam upon the Rio Grande River, N. Mex. This is an example of what protection a dam can be to the lower land and cities from the floods of the river. This dam impounds the largest body of fresh water in the world used for irrigation and flood protection. Under it are some 186,000 acres of cultivated land in the United States, and some 40,000 acres in the Republic of Mexico. El Paso, Tex., a city of 110,000 people, is protected from floods, as is also Juarez, Mexico, a city of 40,000 people. The people upon this river below the dam are protected from floods, the water is applied beneficially, and the Government is being repaid for its expenditure of $14,500,000. I agree, of course, with the gentleman from Arkansas, and with the other western Members, that while impounding dams may not entirely solve the problem of flood control, they go a long way toward a correct solution of the same.

Impounding dams built on the tributaries above will in a great measure control the floods upon the Mississippi River and permit the water to be applied beneficially. There is an argument that these dams can not be used when needed for water storage. The fact is the head gates can at most times of the year, and especially during the flow of the streams, be thrown open so that the water can be diverted to the land. Only at certain crop stages need the water be kept from the land. Then, too, the reclaiming of land in changing it from arid prairie to cultivation makes a change in the soil's absorption of water from 10 per cent under arid conditions to 90 per cent under cultivation.

In the scheme for flood control, I repeat, the question of impounding dams and the future benefit for the use of this water must be properly considered. The plan must be worked out so that all flood-affected parts of the country may receive due treatment, Oklahoma and Arkansas in like manner to other States within the basin of the flood destruction.

Mr. AYRES. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. OLIVER].

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. OLIVER of Alabama. I wish to call attention to some general observations made yesterday by my good friend the gentleman from New York [Mr. GRIFFIN], which evinced such lack of information as to the accomplishments of the American Navy and its efficient officer personnel that I feel it is but simple justice that I give some recent instances of outstanding service rendered by our Navy in time of peace and some of the benefits that have accrued to the Nation from the inventive genius of its officer personnel.

The activities of the United States Navy are not entirely centered upon the preparations for war. In the construction and operation of the modern fleet the manifold responsibilities of organization and training have brought about a new order of things, which brings to light a side of the Navy little known to the Nation at large. For in the training of the Navy in time of peace we find in concentrated form the very essence of service to the Nation whenever an emergency arises. While we think only of the Navy as a fleet of war vessels in constant preparation for battle, seldom is it heard that the Navy, through its educational system, whereby untrained men from all parts of the country are instructed so that they may take their places and man the many posts of duty on board our battleships, are returning to the Nation every year from 8,000 to 10,000 well-trained citizens, eager and trained to take up the duties of citizens which confront them upon their return from their voluntary naval service.

And then, too, it is inevitable that the three hundred and odd vessels of the Navy in the Atlantic, Pacific, Asiatic, European, and Central American waters may often act on missions of mercy and give succor not only to our nationals but also to the citizens of many lands and many climes in times of stress and peril. It is happy for this country that the vessels of our Navy, flying the flag of our country, may extend our national hand of friendship and good feeling in dire times. What could better express our feelings of international good will than to have our well-trained war vessels proceed on errands of mercy to render timely, efficient, and systematic aid to those in trouble?

EARTHQUAKE IN JAPAN

When the whole world was shocked by the horror of the disaster in Japan in 1923, the vessels of the American fleet, under the command of Admiral E. A. Anderson, were placed at the disposal of the Japanese authorities. The work done by our Navy for humanity justified its existence in that instance just as brilliantly in time of peace as though it had won a glorious victory in a naval encounter. The American destroyers sent immediately to Yokohama with medical supplies and assistance to relieve the stricken Japanese people were the first foreign naval vessels to arrive. By direction of the President, the commander in chief of the fleet was authorized to purchase supplies necessary for relief. Naval medical officers treated hundreds of sufferers, while naval vessels were continuously used in the transportation of American citizens and foreigners alike to places of refuge. Throughout weeks of constant effort the services of the officers and men of the Navy never lagged. The result was that when its mission of relief was accomplished the vessels of the fleet took their departure from Japanese waters, and they carried with them the warmest gratitude of the people of Japan and the thousands of Americans and foreigners whom they had aided in the greatest disaster of modern times, leaving

behind them, as the American ambassador said, "A glow of admiration and gratitude that will live for years to come."

EARTHQUAKE TIDAL WAVE IN CHILE

It has been the happy circumstance of our Navy to carry relief to many quarters of the globe. When earthquake and tidal wave swept the coast of Chile in November, 1922, vessels carrying the Stars and Stripes were among the first to carry assistance to the stricken area. Trained in the preparation of war, they hurried on their mission of peace with medical stores, provisions, and clothing, to render assistance to the needy, assisting in bringing relief to hundreds whose homes had been destroyed, and who lacked food and clothing.

REFUGEES—MEDITERRANEAN, ÆGEAN, BLACK SEAS

Turning our attention for a moment to the waters of the Mediterranean, Black, and Ægean Seas, we find our sturdy destroyers rendering assistance at the Smyrna fire in September, 1922, under the direction of our own Admiral Bristol. Hundreds of refugees were evacuated to places of safety. On one destroyer alone 670 women, children, and old men were brought on board, or rescued after they had sought escape from the flames of the burning city by jumping into the water, or being thrown into the water from overloaded and sinking boats. Under the control of Admiral Bristol a total of 262,000 Greek and Armenian nationals were carried out of the stricken areas to places of safety. Here our men, trained to the complexities of routine on our war vessels, carried on the humane work of saving lives with an untiring cheerfulness and efficiency, which reflected credit on the American manhood our clean-cut bluejackets typified.

COMMANDER ATLEE EDWARDS—SEA OF MARMORA

Every American citizen must be thrilled by the courageous act of the late Commander Atlee Edwards in the Sea of Marmora in December, 1923, when with his destroyer, the U. S. S. *Bainbridge*, he and his gallant crew effected the rescue of 482 of the officers, crew, and passengers of the burning French transport *Vinh-Long*.

Twice blown from the side of the burning transport by the force of explosions on board, and under fire from a barrage of exploding ammunition and débris, the splendid Americans clung to their task, and as a desperate solution of the problem rammed the transport and rescued the panic-stricken passengers while the bow of the destroyer was wedged into the side of the doomed vessel. For this courageous exploit the late Commander Edwards was fittingly awarded the congressional medal of honor.

HURRICANE—ISLE OF PINES

Again the scene shifts, this time to the near-by Caribbean, where the tiny Isle of Pines was laid desolate by a hurricane in October, 1926. Due to the dispatch with which the Navy vessels ordered to the scene rendered aid, suffering in the stricken area was minimized.

MIAMI HURRICANE

Only a month previously in our own State of Florida the city of Miami had been laid waste by a similar hurricane. Again the Navy came to the scene of the catastrophe to bear its full share of the brunt in furnishing medical supplies and personnel, as well as assisting in patrol and rescue work. Time and again we find the annals of the Navy reflecting the highest credit in the work of mercy. The Navy is able to carry on this work efficiently, expeditiously, and with such honor to the country because of the fact that its organization to act as the bulwark of the Nation's defense in time of war likewise permits its happier use in time of stress and need in time of peace.

GUAM, SAMOA, VIRGIN ISLANDS

Some of our overseas possessions we find governed by naval rule. In the far-away Pacific we note the islands of American Samoa and Guam governed by naval personnel. This Government is a peaceful one. The duties of our American naval personnel are largely concerned with the education and the sanitation of the native population. A visit to the islands will show the most skeptical observers the respect and admiration which our intelligent supervision over the native has brought forth. Far removed from the art of warfare on the high seas, yet these public servants wearing the uniform of our Navy have done much to alleviate suffering and promote contentment. In the Virgin Islands of the West Indies we find that the same situation maintains. Helpful to a high degree, and true to its trust, the American Navy carries on at whatever task it is assigned to do, however obscure it may be.

MISSISSIPPI FLOOD

In April of 1927 the country was staggered by the fury of the Mississippi River. Relief work was necessary. Transportation was paralyzed. It was essential that surveys be made of the stricken area in order that the work of saving the refugees and maintaining them in positions of safety be carefully supervised. Time was a big element. The facilities of our naval air station at Pensacola, Fla., were immediately made available and as many as 32 planes were engaged in the relief work at one time. The personnel operated under unfavorable and at times hazardous conditions and performed their duties to the great benefit of the victims of the flood. Operating over the swollen waters, the planes constantly patrolled the newly flooded regions as the crest swept to the southward. This patrol located large numbers of people imprisoned by the flood waters, and furnished information for directing the movements of the flotillas of boats engaged in the rescue work. It has been stated that after the prompt establishment of this patrol, the loss of life from flood waters was reduced to some three or four individuals; and it was also estimated that had this patrol not been effective thousands of lives would have been lost.

This aerial force expedited transportation and speeded up the effective administration of flood relief. However, conditions became so bad that communication systems became paralyzed. Therefore the Navy and Marine Corps organized and established 19 radio stations on shore and on relief vessels to aid in the rescue of personnel and to assist in the maintenance of the levee integrity.

Cooperating with the Red Cross officials and Government and State officials of the States in the flood area this typical Navy relief activity, efficient in operation, carried on in another incident of peace time, life-saving activity.

SEARCH FOR MISSING AIRPLANES

Whether it be a search for missing airplanes, such as the Navy carried out in August of 1927 for the missing aviators participating in the Dole Hawaiian flight, when 54 vessels covered 350,000 square miles by steaming 152,000 miles, while their planes flew 9,000 miles, or whether the search be for the missing airplane *Dawn*, when destroyers and the lighter-than-air *Los Angeles* searched in freezing weather from New York to Newfoundland, the problem, no matter how unexpectedly it is presented, is undertaken instantly because from the very nature of its service our Navy strives for preparation and is prepared to fulfill its obligation to the Nation.

It may be that the peace-time pursuit of the Navy takes shape in advancing the science of aviation. A plane manned by naval aviators was the first to fly across the Atlantic Ocean. In a flight from Trepassey Bay, Newfoundland, to Lisbon, Portugal, via the Azore Islands, the *NC–4*, commanded by Commander Albert C. Read, brought true the dream of aviators. This flight was a flight planned by our Navy as a scientific undertaking to demonstrate the possibilities of aerial navigation and to work out in practice the untried problems of overseas flight.

AIR-COOLED AVIATION ENGINE

The development of the air-cooled aviation engine was a problem undertaken by the United States Navy, and at the recent presentation of the Collier trophy to Mr. Lawrence, the designer of the Wright engine, for his noteworthy work in the advance of aviation he paid full tribute to the cooperation afforded him and the help made possible by the assistance of the Navy's engineering experts.

AERIAL SURVEY SOUTHEASTERN ALASKA

An expedition organized by the Navy Department undertook in 1926 an aerial survey of southeastern Alaska at the request of the Department of the Interior. Despite the virgin territory over which the amphibian planes had to fly in the course of their photographic work, when the failure of an engine meant disaster and almost certain death, the personnel were able to report that they had accomplished in a single summer 75 per cent of the work tentatively scheduled for a period of three years. New lakes were discovered upon which the eye of man had undoubtedly never gazed before. Vast stretches of forest and mountains were accurately mapped for the first time. It was made possible through the effective use of the aviation branch of our Navy.

SANTA BARBARA EARTHQUAKE

There are many other instances of the Navy's never-ceasing work of peace-time advance, of merciful rescue, and assistance, even if one would but pursue the activities of our vessels scattered throughout the globe over a period of a few years. One can recall the assistance rendered when an earthquake wrought havoc in the California city of Santa Barbara in 1925. We read of the officials of our Naval Observatory journeying to far-away Sumatra to record and analyze an eclipse of the sun in January, 1926. Our pride in the Navy is increased when we read the appreciation of the vice president of the Eastern Steamship Line, when he thanked naval officials for the prompt assistance rendered to the steamer *Robert E. Lee* when she stranded on the Mary Ann Rocks a fortnight ago. One paragraph of his letter of appreciation, it seems to me, makes plain

the point which I have been trying to make concerning the activities of the United States Navy:

It seems to us—

Reads the letter—

that if the people of this country could understand the services rendered by the United States Navy in peace time that they would better appreciate its necessity and its being maintained at the highest state of efficiency. This is not the first time we have had experience in assistance from the United States Navy, and at all times they have responded promptly and rendered the most valuable and efficient service.

RESCUE ITALIAN AVIATOR

Vessels of our fleet in Asiatic waters were able to materially assist the Army in their successful accomplishment of the first successful around-the-world flight in 1924, while the light cruiser *Richmond*, with Rear Admiral Magruder, was able to effect the rescue of the Italian aviator, Locatelli, after he had been missing over 60 hours in the North Atlantic.

RADIO-COMPASS DEVELOPMENT

Almost unheard of is the all-important and ever-increasing efficiency of the radio-compass stations of the Navy, which are proving so effective in increasing the safety of navigation of ships in coastal waters during fogs and heavy weather. A recent analysis showed that during one month these shore stations had furnished the needed bearings to over 9,000 naval and merchant ships, the bearings being furnished at an average time of less than three minutes and with an average area computed by the vessels receiving the bearing at less than one degree. So it can be seen that in this great work, just as in the development of other lines of activity, the trend is not to await the inevitable emergencies where relief and assistance are so badly needed and to confine the peace-time effort solely to these meritorious efforts of mercy, but in a larger degree we find the efforts of the Navy in peace time tending more and more to a realization of the good which can be accomplished through the continued development along scientific, educational, sanitary, and other helpful lines which store up in the reservoir of our Navy potential energy which reflects the greatest of credit upon the whole Nation, due to the patriotic service of the officers and men of our Navy, and which in these continued days of peace show increasingly the good to be derived from, rather than the detriment, of our armed force upon the sea.

Not only did the gentleman from New York overlook the great humanitarian service so often rendered by our Navy, some of which I have called to your mind, but he made the startling statement that the Navy throughout its long and honored history had shown little, if any, inventive genius. I took occasion, after hearing this statement, to request Admiral Hughes, Chief of Naval Operations, to furnish me with a partial list of inventions by naval officers, and I think the gentleman from New York will revise and correct his remarks when he reads this partial list of what they have contributed to our Nation and its Navy. [Applause.]

Under leave to extend, I insert the letter from Admiral Hughes, and invite the Members of the House to read the interesting data it contains:

NAVY DEPARTMENT,
Washington, March 23, 1928.

MY DEAR CONGRESSMAN OLIVER: In response to your request for specific instances where naval officers have produced inventions or devices which have improved the material of the Navy, I have to submit the following list of patents:

Capt. Seaton Schroeder, United States Navy, together with Commander W. H. Driggs, United States Navy, received a patent upon a rapid-firing gun, and a number of these guns were manufactured both for the Army and the Navy.

Commander Frank F. Fletcher, United States Navy, received a patent upon a mounting for a rapid-firing gun.

Commander William H. Driggs, United States Navy, received a number of patents upon devices connected with ordnance and ammunition, as follows: Banding shell, semiautomatic gun, firing mechanism, recoil mount, sight for ordnance, field carriage, gun mount, field recoil mount, full automatic gun, fuze for shell, electric-firing mechanism, apparatus for pointing guns, breech mechanism and fuze for projectiles, etc.

Rear Admiral J. A. Howell, United States Navy, invented a counterpoise carriage, which was used by the Government.

Lieut. Commander Joseph Strauss, United States Navy, invented a ball-bearing trunnion, which is used by both the Navy and by private parties.

Commander John J. Knapp, United States Navy, and George W. Dunn, of the Naval Gun Factory, patented a device for preventing flarebacks.

Harvey D. Williams, naval ordnance engineer, patented a power-transmitting device, which is used in all turret training and elevating in the Navy.

Commander Frank F. Fletcher, United States Navy, patented breech mechanism for ordnance, breech mechanism for quick-firing guns, breech mechanism for rapid-firing guns, and breech mechanism.

Ensign R. B. Dashiel, United States Navy, received a patent on breech-loading ordnance.

Commander Horace W. Jones, United States Navy, received a patent for a firing device.

Lieut. R. W. McNeely, United States Navy, received a patent upon a priming device.

Capt. Bradley A. Fiske, United States Navy, received patents upon telescopic sights for guns, range finder, and stadimeter.

Lieut. H. C. Mustin, United States Navy, received a patent upon a telescopic ordnance sight.

Lieut. Commander J. L. Latimer, United States Navy, on telescope with illuminating cross wire.

Commander R. D. Hasbrouch, United States Navy, received a patent for a gun sight.

Commander F. E. Beatty, United States Navy, received a patent upon a milling tool.

Rear Admiral J. A. Howell, United States Navy, received patents on various torpedo appliances.

Lieut. Commander G. C. Davidson, United States Navy, invented improvements in torpedoes, including superheating device.

Lieut. Commander Cleland David, United States Navy, received a patent for a shell.

Lieut. Commander J. L. Sticht, United States Navy, received a patent upon a shell fuze.

Capt. A. G. Berry, United States Navy, received a patent for a rod coupler for rammers and sponge handles.

Commander T. C. Fenton, United States Navy, received a patent for a rammer for ordnance.

Lieut. Commander Cleland David, United States Navy, received a patent upon a process for cementing iron or steel.

Commander A. A. Ackerman, United States Navy, received a patent upon a process for the manufacture of hard-faced armor.

Lieut. R. D. White, United States Navy, received a patent for an apparatus for instructing gun layers.

Brig. Gen. G. F. Elliott, United States Marine Corps, received a patent upon an intrenching tool.

Prof. Charles E. Munroe, Commander John B. Bernadou, United States Navy, and Rear Admiral George A. Converse, United States Navy, received a patent on smokeless powder.

Capt. Z. L. Tanner, United States Navy, received a patent on Tanner sounding tubes.

Capt. Bradley A. Fiske, United States Navy, received a patent on day signaling system.

Commander W. S. Hogg, United States Navy, received a patent for a spark gap for wireless telegraphy.

Capt. T. A. Lyons, United States Navy, invented a metal binnacle.

Capt. S. W. B. Diehl, United States Navy, received a patent for binnacle.

Capt. Bradley A. Fiske, United States Navy, received a patent upon a boat-detaching apparatus.

Commander H. O. Dunn, United States Navy, received a patent upon an anchor.

Lieut. Commander J. M. Elliott, United States Navy, received a patent on an illuminated dial pelorus.

Chief Engineer Robert Potts, United States Navy, received a patent on a device for coaling ships at sea.

Naval Constructor D. W. Taylor, United States Navy, received a patent upon bulkhead-door mechanism.

Naval Constructor F. T. Bowles, United States Navy, received a patent upon bulkhead doors.

Chief Constructor Philip Hichborn, United States Navy, received a patent on revolving turret mounted en barbette.

Capt. George W. Coffin, United States Navy, received a patent upon method for constructing keels for ships.

Naval Constructor Theodore D. Wilson, United States Navy, received a patent for improvements in air ports.

Lieut. R. D. White, United States Navy, received a patent for ship's telegraphy.

Naval Constructor J. F. Hanscom, United States Navy, received a patent upon apparatus for tightening transmission ropes to steering engines.

Chief Constructor Philip Hichborn, United States Navy, received a patent upon a life buoy.

Naval Constructor R. H. Robinson, United States Navy, received a patent upon countersinking and drilling tool.

Chief Engineer Charles H. Manning, United States Navy, received a patent upon boiler.

Rear Admiral G. W. Baird, United States Navy, received a patent on an evaporator.

Lieut. E. H. De Lany, United States Navy, received a patent on separator for extracting water and oil from steam.

Passed Asst. Engineer W. L. Bailie, United States Navy, received patents upon improvements in ice-making machines.

Commander A. B. Willitis, United States Navy, received a patent for combination valves.

Commander William Little, United States Navy, received a patent upon boiler-tube stopper.

Chief Engineer W. B. Brooks, United States Navy, received a patent on metallic packing.

Pay Inspector J. A. Mudd, United States Navy, received a patent upon an indicator for pneumatic-tube carriers.

Rear Admiral Charles D. Sigsby, United States Navy, received a patent for parallel rule.

Passed Asst. Engineer John A. Tobin, United States Navy, received a patent on Tobin bronze.

Capt. Bradley A. Fiske, United States Navy, received a patent on handle for pocket knives.

Pay Inspector T. J. Cowie, United States Navy, received a patent on swivel for jackknives.

Commander Albert Moritz, United States Navy, received a patent upon a snap hook.

Lieut. Walter S. Turpin, United States Navy, received a patent on universal joints.

Surg. Charles F. Stokes, United States Navy, received a patent upon a splint stretcher.

M. J. Endicott, civil engineer, United States Navy, received a patent on improvements in dry docks.

Naval Architect George F. Schild received a patent on cassion gate for dry dock.

The above list gives improvements for which patents have been specifically granted. In a large number of instances improvements made by naval personnel are never patented. Under the direction of the bureaus concerned improvements are constantly being made.

Some of the present-day developments are included in the following:

Admiral Dyson, United States Navy, is an outstanding figure in connection with the development of screw propulsion. His work in propeller design is known throughout the world. Admiral Dyson also owns patents on water-tube boilers, patents on evaporators, patents on the combination of burning coal in combination with oil and the burning of powdered coal; improvements in reciprocating engines.

Capt. S. M. Robinson, United States Navy, and others, under the Bureau of Engineering, are responsible for many of the most important developments in connection with electric propulsion, including the control which makes its application for the propulsion of ships practicable. Captain Robinson's especially original work was in connection with the backing and turning of ships.

Commander J. S. Evans, United States Navy, rendered great assistance in his investigation of the use of pulverized fuel for marine purposes.

Other officers attached to the Naval Engineering Experiment Station have contributed materially in this direction. Some of the specific things developed by naval officers attached to the Bureau of Engineering are:

Development of the burning of fuel oil in marine boilers carried out in conjunction with the fuel-oil test plan, Philadelphia, Pa.

Development of the low-pressure submerged tube type of evaporator.

Development of the fire-control and interior-communication instruments and systems for shipboard use.

Development of leaflet specifications for materials which, in the majority of cases, has formed the basis of Federal specifications for purchase of material for all departments of the Government.

By model tank tests has served to reduce the effective horsepower required for propulsion.

Development of the use of material, such as turbine blading, and the use of aluminum.

The development of a satisfactory type of electric cables for shipboard installations.

Forced the development of a high standard for steel by development of specifications.

Development of the water-tube boiler for marine purposes.

Development of the use of reduction gears for propulsion.

The writing of the general specifications for machinery which now furnishes a basis for writing the specifications in connection with shipbuilding for commercial use.

Writing of the bureau manual which now forms the basis of a study in engineering in a large number of colleges and universities.

Some further outstanding accomplishments by naval personnel which have never been patented are the center line turret installation in vertical echelon by Capt. D. W. Taylor, United States Navy; and a design and development of a model tank for research work in the design of the underwater body of ships by Captain Taylor. This work was undertaken primarily to improve the underwater body of naval ships, but has been used most extensively for merchant-ship construction.

The development of ship-bottom paints by Naval Constructor Williams in the Bureau of Construction and Repair has saved the Government thousands of dollars.

The art of arc welding for ship repair and construction was advanced enormously by the work of Capt. D. W. Knox, United States Navy, and Captain Jessop, United States Navy, in their development of this art in connection wtih the reconditioning of ex-German ships during the late war.

The navy yards, Norfolk and Washington, have made enormous strides in the development and use of aluminum alloys as applied to ship construction.

Naval Constructors Rossell and Barker are responsible for a device for the automatic separation of oil and water by gravity to prevent the oil pollution of coastal waters.

Two other naval officers, Captains Fullinwider and Knox, developed the type of mine which made possible the North Sea mine barrage during the late war.

The patent anchor heretofore mentioned, which was invented by Captain Dunn, is now in use on the majority of the ships in the Navy.

Commander A. S. Disart, United States Navy, has developed an electric magnetic shutter on an electric welder's eye shield, which is a safety device for the use of electric welders and will undoubtedly have a very wide application.

The underwater cutting torch was developed at the navy yard, New York, by Commander Elsberg, of the Construction Corps.

Personnel of the laboratory at the navy yard, New York, have developed an eye protector for goggles, for welder's goggles and for aviator's goggles; all of which will have a very wide use.

The Bureau of Ordnance, as have other bureaus, has developed a great many appliances in recent years which it is not desired to detail in this memorandum on account of their confidential nature.

Some of the accomplishments of the Navy in the development of radio, both in design and operation, follow:

The Navy pushed the development of radio direction finding since 1911. Records show that experiments with Bellini Tosi apparatus on battleships were conducted in 1911 and that two directional finding stations were constructed in 1914 for ships use. That the construction of direction finding loops was the result of incentive created by the Navy.

The Navy installed 16 radio-compass sets on battleships in 1916. The Navy developed the radio compass for aircraft, and overcame the receiving difficulties in aircraft in 1916.

The Navy developed the aircraft radiophone in 1916.

The variable-speed wind-driven aircraft generator was the result of the Navy's efforts about 1917.

The first regularly established radiophone broadcast station was established in Anacostia, D. C., in 1919. For two years technical bulletins were broadcast from this station to amateurs. Its distant control was also the first.

The Navy built the first substantial high-power radio traffic station at Arlington in 1908–1911. This was followed by the largest chain of high-power radio stations ever built up until 1920. These stations were as follows: Canal Zone, San Diego, Honolulu, Samoa, Guam, Cavite, and were 30–500 kilowatts. They were built in 1913–1917. The Navy was the first to install continuous-wave apparatus at high-power stations. It will be noted that the Marconi Co. installed spark sets in high-power stations even after the Navy had installed continuous-wave apparatus.

The Navy was the first to push the development of aircraft radio sets. Records show that most of the initiative for this work, particularly for long-distance radio on aircraft, was the result of the Navy's efforts in 1916.

Most of the development of receiving and transmitting tubes was the result of the Navy's pressure upon the inventors. In 1919 the Navy was forced to purchase nearly a half million dollars' worth of tube radio transmitters in order to keep up the incentive. This expenditure resulted in the construction of the apparatus which brought about radio broadcasting.

Most of the high-tension insulation development was a result of the Navy's specifications.

In 1920–21 the Navy assisted in considerable measure in bringing about an exchange of patent licenses which made the sale of broadcast receiving tubes possible.

The Navy was directly responsible in 1919–20 for creating the conditions which transferred the ownership of radio from foreign to American citizens.

The Navy developed rebroadcasting.

The Navy instituted the idea of and built the first radiobeacon stations, the first being constructed by the navy yard, New York, about 1915 and installed on the Ambrose Channel lightship, and the second was installed at Point Judith, R. I. One was telegraph, the second telephone. Both were failures, due to lack of interest by shipping.

The radio pilot experimental cables were developed and laid by the Navy in New London (during the war) and in Ambrose Channel in 1919–20. Experiments with these were conducted by ships and aircraft.

The Navy duplexed its principal shore radio stations in 1914–15 in order that these could communicate with ships and with each other simultaneously.

Kite antennae for use with aircraft from the surface of the sea were first adopted in this country by the Navy in 1921.

Most of the early tests of radio apparatus, including radio telephone, were carried out through the use of Navy facilities, the first shipboard radio telephony tests being conducted in 1907–8 during the world cruise.

A considerable portion of the experiments with loop and buried antennae was done either by or in cooperation with the Navy. This applied to both transmitting and reception tests.

All the Shipping Board ships were equipped with Navy apparatus during the war. Also the Navy has supplied nearly all the apparatus to the light vessels, Army transports, air mail stations, Coast Guard vessels since the beginning of radio.

The Navy originated and developed the chain of radio-compass stations along the coast for tracking enemy vessels. These are of great additional use to the merchant marine, as shown by the thousands of ships which take bearings from them each month.

It was upon the recommendation of the Navy that the present interdepartmental radio committee was created.

In the recent International Radio Conference the Navy played a prominent part in all the deliberations of that body, being represented by one delegate and seven technical advisors. Among these advisors a young officer, Lieut. Commander T. A. M. Craven, Unite States Navy, was one of the most outstanding figures in the conference, due to his technical and practical knowledge of radio.

The Navy has played a prominent part in previous international radio conferences.

The following is an extract from the report of the twelfth session of the International Radio Conference, dated November 16, 1927:

"Finally, I am certain of speaking for all, mentioning especially the minutes of the technical committee, Commander T. M. Craven, who has been, for all questions relating to the allocation of lengths of waves, the most expert technician, the most active liaison agent, as well as the most able lawyer that could be desired for exposing the various elements of the problems and giving value to the solutions, which tend to give as much satisfaction as possible to all the interests here represented. Let us thank him warmly."

Under aviation, the work of Commander Hunsaker, United States Navy, in the field of aerodynamics has received world-wide recognition. He was ably assisted by other members of the aeronautic organization. Some of the developments by purely naval personnel are the catapults, turntable air type, and powder fixed and turntable catapults. The development of floats and hulls has been continuous since 1912 at the model basin. The "NC" lines, developed by a naval officer, are among the most efficient yet tested. The general form of the Vee bottom streamline floats adopted early in the United States Navy are very generally adopted throughout the world. The development and fabrication of metal floats and structures is largely based on the initial experiments at the Naval Aircraft Factory.

The development of mental structures for the hull, wings, and tail controls has been carried on at the Naval Aircraft Factory by naval officers.

Aircraft radio developments, begun about 1911, have been carried out by naval officers.

The wind tunnel at the navy yard, Washington, D. C., was started in August, 1912, and was among the first, if not the first, wind tunnel constructed in the world.

The present radio air-cooled engine of to-day owes its existence to the development, cooperation, and final support given it by the Navy Department through a long period of years. Commander E. E. Wilson, United States Navy, and Lieut. Commander Bruce B. Leighton, United States Navy, were largely responsible for this.

The development of aircraft engine starters of the inertia type has been conducted under the cognizance of the Bureau of Aeronautics, and the original idea was conceived in the engine section of that bureau.

The substitute for goldbeater's skin, gas-retaining fabric is now approaching successful conclusion, and was planned and directed by naval officers.

Water recovery apparatus for airships was developed and initiated by naval officers.

Tank cars for helium transportation were conceived and developed by naval officers.

The floating mooring mast for airships was conceived and developed by naval officers.

The Byrd bubble sextant, the David bubble sextant, the Pierce camera sextant, the Weems variable rate clock, the Rodgers post-type drift sight, the Rounds catapult chronograph, Warburg's aircraft compass, and Bennett's running light screen have all been developed by naval officers.

The design of steel propellers for aircraft is largly based on the developments made by the propeller section of the Bureau of Aeronautics, and most of the patents now held by the Standard Steel Propeller Co., of Pittsburgh, Pa., are based on propeller-blade designs made in the Bureau of Aeronautics by the officers in charge of the propeller section.

Patents in aeronautical appliances have been granted as follows:

To Capt. H. C. Richardson, United States Navy, hydrovane boat, transmission, mechanism, float, target ring, landing gear for seaplanes.

To Lieut. Clem H. Congdon, United States Navy, divided float.

To Lieut. Wallace M. Dillon, United States Navy, portable gasoline strainer.

To Lieut. Samuel B. McMurran, bomb release.

To Lieut. Commander E. F. Stone, United States Navy, catapult (powder type).

To Capt. H. C. Mustin, United States Navy, landing brake.

To Admiral Bradley A. Fiske, United States Navy, torpedo plane.

Some recent patents for which application has been made, or for which patents have been issued, are as follows:

Lieut. Leo P. Delsasso, United States Navy, sonic depth finder.

Lieut. W. M. Fellers, United States Navy, improvements to catapults.

Lieut. C. C. Champion, United States Navy, supercharger and engine cycle for airplane engines.

Lieut. E. H. Kincaid, United States Navy, directional receiving apparatus for locating storm centers.

Machinist Charles N. Koch, United States Navy, internal-combustion turbine engine.

I am inclosing herewith a copy of a publication entitled "The United States Navy as an industrial asset." This pamphlet contains the story of a great many developments, classified by headings, that have been made by the Navy in the last few years.

It should be recognized that the paramount work of naval officers is in operating the material which is furnished to them, to be able to get the most out of the tools which are supplied them. They must also state the problem which is to be solved—what the desirable developments are and what it is wished to accomplish with some appliance as yet undeveloped and unsupplied. Working together with the limited number of designers in the Navy and with the large supply of these same designers in civil life, great things can and have been accomplished. The Navy calls upon the pure scientist, the designer, the draftsmen, and the expert workmen in almost every line. The naval officer's function is primarily to state intelligently what his needs are and to work with the specialist in the development of the appliance which will fill his needs. They are planners, choosers, and approvers when it comes to developing material.

The following developments which took place under the Bureau of Ordnance merely indicate what is done by all bureaus:

The first harvey plate, invented by Mr. Harvey, a civilian, was manufactured at the Naval Gun Factory under the auspices of the Bureau of Ordnance with funds allotted by the bureau for the purpose. This important invention revolutionized armor. The Krupp armor, which later replaced it, is a modification and improvement on the Harvey process.

The first submarine was actually bought by the Bureau of Ordnance, Navy Department. It was produced by John P. Holland upon the advice and encouragement of the then chief of the bureau, William T. Sampson, and the funds used to produce it were procured by the Bureau of Ordnance.

The turbine torpedo: The development of this method of propelling torpedoes was invented and built by the E. W. Bliss Co. and fostered by the Bureau of Ordnance.

The shell tracer: The shell tracer was invented by John B. Semple. It was first adopted by the Bureau of Ordnance, Navy Department, after years of testing at the naval proving ground, testing developments having all been done under the supervision of naval officers. It is now used by all the principal naval powers.

The Williams-Janney speed gear for training turrets and elevating guns was first adopted by the Bureau of Ordnance. All of the principal naval powers of the world have followed suit and it is now used on all of their battleships.

The Sperry gyroscopic fire-control apparatus: This was produced by Mr. Speery, to whom was expressed the needs of the Navy by the Bureau of Ordnance, and Mr. Sperry developed the apparatus.

The telescope sight: This was invented by a naval officer not connected with the Bureau of Ordnance; nevertheless the Bureau of Ordnance installed upon our ships telescopes for sighting guns long before any nation in the world had adopted them. They are now used to the exclusion of all other sights for the sighting of naval guns.

The above are a few inventions, selected at random, produced by people outside of the Government service. There are many more, and there have been many more tried and failed. Large sums of money have been spent by Government in encouraging building and testing out the products of civilian inventors.

At the present time the Bureau of Ordnance has in hand several inventions for which money allotments have been made; and it has been the consistent policy of the bureau, as exemplified above, to afford the greatest encouragement to any inventor who offers any scheme which promises the slightest prospect of success.

In closing this brief and incomplete list of the accomplishments of the Navy Department and the officers under its direction, reference should be made to the work of Lieut. Matthew Fontaine Maury, United States Navy, who was a pioneer in the development of pilot charts. His studies of ocean winds and currents were the first systematic attempt to obtain this most important data, which is of service to all men who go down to the sea in ships. A statement of the pilot chart work is contained on page 37 of the pamphlet inclosed.

In the field of naval affairs, which are separate from that of appliances for accomplishing certain specific purposes, there are the strategical conceptions of campaigns and the tactical employment of units of the fleet. Their proper employment under any and all circumstances are matters of paramount interest to the naval officer. Studies along these lines are constant and unremitting. It is believed that the developments in this field compare favorably with those of any other nation, but due to the confidential nature of most of them they can not be discussed.

Sincerely yours,

C. F. HUGHES,
Admiral, United States Navy, Chief of Naval Operations.

Hon. WILLIAM B. OLIVER,
House of Representatives, Washington, D. C.

Mr. FRENCH. Mr. Chairman, I ask that the bill be read.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

TEMPORARY GOVERNMENT FOR WEST INDIAN ISLANDS

For expenses incident to the occupation of the Virgin Islands and to the execution of the provisions of the act providing a temporary government for the West Indian Islands acquired by the United States from Denmark, and for other purposes, approved March 3, 1917, to be applied under the direction of the President, $240,000, and in addition thereto such an amount (not in excess of $35,500) as may be equivalent to (a) the total of the unobligated balance of the revenues collected and paid into the treasuries of such islands during the fiscal year 1928, plus (b) the sum by which the revenues collected and paid into the treasuries of such islands during the fiscal year 1929 exceed the sum of $240,000: *Provided*, That no part of the $240,000 shall be paid to anyone holding office in the Colonial Councils of the Virgin Islands or other public office under the government of said islands who owes allegiance to any country other than the United States of America.

Mr. FRENCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. FRENCH: On page 4, line 22, change the word "balance" to read "balances"; on the same page, in line 23, after "1928," insert the following: "and of the appropriation 'temporary government for West Indian Islands, 1928.'"

The amendment was agreed to.

The Clerk read as follows:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank and wind tunnel; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified field force under the bureau; for payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; for hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; interior appliances and tools for manufacturing purposes in navy yards and naval stations; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; naval signals and apparatus, other than electric, namely, signals, lights, lanterns, running lights, and lamps and their appendages for general use on board ship for illuminating purposes; and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; for all permanent galley fittings and equipage; rugs, carpets, curtains, and hangings on board naval vessels, $17,200,000, of which sum $200,000 shall be available immediately: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, watchmen (ship keepers), and messenger service in navy yards, naval stations, and offices of superintending naval constructors for the fiscal year ending June 30, 1929, shall not exceed $1,800,000.

Mr. DOUGLASS of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOUGLASS of Massachusetts: Page 17, line 14, strike out the figures "$17,200,000" and insert in lieu thereof "$21,200,000"; in line 15, after the word "immediately," insert: "*Provided*, That out of said $21,200,000 the sum of $4,000,000 shall be made immediately available for reconditioning of destroyers."

Mr. DOUGLASS of Massachusetts. Mr. Chairman and members of the committee, I am very sorry that a larger attendance is not present at this time to consider this proposed amendment. My amendment, in brief, asks that $4,000,000 be appropriated, to be made immediately available, for the reconditioning of our uncommissioned destroyers. I present this amendment at this time because of the great lack of employment in our navy yards along the Atlantic coast. I have a letter, which undoubtedly other Members of the House have received, from the American Federation of Labor, a part of which I would like to quote and have inserted in my remarks.

Already, on the Atlantic seaboard, 2,500 have been separated from their positions and in the two months 1,500 more will be let out, 900 of these at the Brooklyn Navy Yard.

In my own navy yard in Boston, which I have the honor to represent, we have practically 1,500 mechanics and helpers out of work.

Instead of furloughing the navy yard employees they are discharged and are forced to seek work on an acute unemployment market.

That is the case in the district of every Congressman who represents a naval district. I am deluged in my office every day with telegrams and letters outlining the serious and sad condition of our faithful United States Navy employees who are out of work.

Now, is there work that can be provided by the Government at the present time for those men? There is. This matter, as I understand it, was brought before the subcommittee and there discussed, although they saw fit not to take favorable action. Let me quote again from the letter of the American Federation of Labor, as follows:

The Navy Department has asked for sufficient appropriations to repair one squadron of destroyers, 19 in number. It would require $4,000,000.

My amendment asks for the $4,000,000 here referred to.

If this were made available at once by Congress the contemplated reductions in forces at the navy yards on the Atlantic coast would not be necessary. An appropriation for the reconditioning of these vessels is all that will be required, as authority for the work already exists.

I lay this matter before you for your serious consideration, gentlemen. This is an opportunity to provide the necessary work for the unemployed, faithful servants of the navy yards. I think this is a fair appropriation; it comes at a reasonable time, and will be in the eventual interest of economy for the Navy Department.

Mr. FRENCH. Mr. Chairman, just a word, I think, is all that will be necessary, because the proposition speaks for itself. It proposes a flat increase of $4,000,000 for the purpose of certain rehabilitating work upon a squadron of destroyers. We have something like 160 destroyers to-day that are tied up, about half of them, 88 as I recall, in San Diego, and a little less than half in Philadelphia. These destroyers receive that care through the annual appropriations that is necessary to keep them in fairly good condition. Much of the work that would be undertaken would be by way of replacement of fixtures and parts upon these destroyers, for which there is no immediate need. This machinery, like any piece of machinery under the jurisdiction of the Navy, the officers would like to see in the highest state of efficiency, but with more than 100 destroyers now in active service, and that will be in active service during 1929, there can be no justification for this expenditure of money at this time.

Mr. DOUGLASS of Massachusetts. May I ask the gentleman a question for information?

Mr. FRENCH. Yes.

Mr. DOUGLASS of Massachusetts. Am I right in saying, and is this letter correct in saying, that the Navy Department is in favor of this appropriation?

Mr. FRENCH. I have no doubt the department would welcome it, as I said a moment ago.

Mr. DOUGLASS of Massachusetts. Has the department presented it before your committee and given its reasons for it?

Mr. FRENCH. The department indicated to us the condition of those ships. We went into that very carefully, and it was a matter that we decided upon its merits, and upon its merits we felt we were not justified in asking the Government to spend $4,000,000 for the purpose suggested.

Mr. DOUGLASS of Massachusetts. Of course, this $4,000,000 will not be ill spent in any event if it goes to work such as has been mentioned.

Mr. FRENCH. Oh, no. But, as I understand it, this $4,000,000 is urged for the purpose of employment.

Mr. DOUGLASS of Massachusetts. And that employment will mean work done for the benefit of the department and for the benefit of the ships on which the work is done.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. OLIVER of Alabama. These ships, of course, are not in commission, and it is not contemplated to put them in commission at this time.

Mr. FRENCH. Probably not for years.

Mr. OLIVER of Alabama. And much of the machinery has been disassembled on the ships. For this reason it was not thought wise on the part of the subcommittee to ask the House to appropriate this amount.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word.

From what I have heard in debates on the Navy in this House it occurs to me there can be three main classifications of the Navy: First, there is the actual Navy in commission and in condition and on the high seas; second, there is the junk Navy, the ships out of commission; and, third, there is the paper Navy, the ships authorized but for which no appropriation has been made and on which no work has actually been done.

We hear often in defense of the subcommittee's policy and of the policies of the committees, when we are fighting for a larger Navy, the fact we have a great number of destroyers, the greatest number of destroyers in the world. This has been used time and time again on the floor of this House as an argument against any increase in cruisers and as an argument against any increase in submarines—this mighty fleet of destroyers. It has been revealed that about one-half of these destroyers at least are out of commission. It seems to me if these destroyers mean anything other than the use that is made of them in debates against those who advocate a larger Navy, we ought to keep the destroyers in some kind of condition for use in case of an emergency. To hear those who oppose suggestions for the betterment of the Navy, you would think in case of war, whatever power we were going to engage with, would give us two months' notice that they were going to fight.

The Navy is an emergency proposition, liable to be called out at any time, and if these destroyers are a part of the fleet, if they are so large a part of the fleet, as some of the gentlemen of the House think, that they add considerable to the fleet and make it not necessary that we increase the fleet in other respects, then I say spend this money and make the destroyers mean something outside of a forensic argument.

The other situation covered by this amendment is the labor situation, which is highly important, not only as an industrial problem but as a problem of national defense.

It is not going to be easy in case of an emergency to recruit for the navy yards of the country the skilled mechanics required to look after the ships, and here is what you are doing: You are decommissioning ships, you are decommissioning destroyers, with the understanding that in case we need them you can throw them into commission hurriedly; and at the same time you are decommissioning, throwing out of work, disassembling the very organizations that you require for an emergency in our Navy.

At the New York Navy Yard, I understand, about 900 men may be shortly thrown out of work. I charge this is due largely to discrimination of the Navy Department against the New York Navy Yard.

Here is a chance for the House to do two things: First, build up the destroyer fleet so that it is really a destroyer fleet and has an actual value and not alone an oratorical value; and, secondly, to keep the forces in the navy yard intact in case we need them. This is a very worthy proposition from the point of view of national defense and from the industrial point of view, and I hope the amendment is adopted.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. DOUGLASS].

The question was taken; and on a division (demanded by Mr. BLACK of New York) there were—ayes 2, noes 40.

So the amendment was rejected.

The Clerk read as follows:

In all, for pay, subsistence, and transportation of naval personnel, $149,213,752, of which sum $500,000 shall be available immediately; and the money herein specifically appropriated for "Pay, subsistence, and transportation of naval personnel," shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the medical department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers appropriated for in this act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to March 21, 1928, would result in exceeding at any time an allowance of four midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the island, appointed on nomination of the governor, and of four midshipmen from Porto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large, from the enlisted personnel of the naval service or from the Naval Reserve.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I understand the gentleman provides in his bill that there shall be an extra midshipman appointed from each congressional district?

Mr. FRENCH. Yes; and we carry something more than $200,000 extra for the academy on account of additional midshipmen who may be named by the Members of the Senate and the House.

We felt, after consultation with the department, that probably should the bill be passed even rather expeditiously, it would be unlikely that as many midshipmen would enter as there are Senators and Members, so we take it that we have provided enough money to take care of those who will enter the academy.

Mr. ABERNETHY. May I ask the gentleman a further question? Does this increase in any way the number of midshipmen coming from the enlisted personnel or does it leave that number the same as before—100?

Mr. FRENCH. That number is left at 100.

Mr. JEFFERS. Will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman.

Mr. JEFFERS. If these additional midshipmen are authorized, I would like to ask the gentleman from Idaho whether he knows when it is likely they will enter the academy.

Mr. FRENCH. They would enter with the beginning of the next academic year, which would be about the 1st of July.

Mr. JEFFERS. The 1st of July of this year?

Mr. FRENCH. Yes.

Mr. ABERNETHY. I do not understand, though, that at the present time or even if the bill were to be passed by the Senate promptly, you could name another one, but if there were an alternate——

Mr. FRENCH (interposing). The chances are the alternates would be the ones who for the most part would be ready to qualify and enter. This is why the members of the committee felt that $200,000 plus would care for the situation.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. FRENCH. Mr. Chairman, I ask recognition in order that I may yield to the gentleman from Michigan [Mr. MCLAUGHLIN] for a question.

Mr. MCLAUGHLIN. The gentleman from Idaho in replying to a question of the gentleman from North Carolina said that enough money was appropriated for an additional membership to be appointed by the House or the Senate. These are separate appointments entirely—the Senators make one appointment and the House makes another. How can you say by the Senate or the House?

Mr. FRENCH. I did not mean to give any such idea as that; we are not disturbing the present method of appointment, we are carrying money enough to provide for one extra appointment for each Senator and each Member of the House.

The pro forma amendment was withdrawn.

The Clerk read as follows:

MAINTENANCE, BUREAU OF SUPPLIES AND ACCOUNTS

For equipage, supplies, and services under the cognizance of the Bureau of Supplies and Accounts, including stationery for commanding, executive, and navigating officers of ships, boards and courts on ships, and chaplains; services of civilian employees under the cog-

nizance of the Bureau of Supplies and Accounts; freight, express, and parcel-post charges pertaining to the Navy Department and Naval Establishment, $9,647,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the supply and accounting departments of the navy yards, naval stations, and disbursing offices for the fiscal year ending June 30, 1929, shall not exceed $2,975,000: *Provided further*, That hereafter the cost of transporting material purchased free on board cars or on wharf or free alongside vessels at points specified in contracts to the activities to which initial delivery is to be made shall be charged to the naval supply account fund, and after June 30, 1929, the cost of such transportation shall be added to the cost of material: *Provided further*, That the Navy Department shall be permitted to adapt to its own requirements any standard contract form prescribed for use by competent authority when, in the judgment of the Paymaster General of the Navy, such modification would be in the interest of economy.

Mr. FRENCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 25, line 5, after the word "material," strike out the balance of line 5 and all of lines 6 to 10, inclusive.

Mr. FRENCH. Mr. Chairman, the matter to which the amendment refers has to do with the type of contract that is used by the Navy Department and involves the question of a standard contract that it is sought to work out for all the departments. We are now advised that the matter has progressed in such a way that we do not need to carry this language in the bill, and so I am offering the amendment to strike it out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

The Clerk read as follows:

The clothing and small-stores fund shall be charged with the value of all issues of clothing and small stores made to enlisted men of the Naval Reserve and the uniform gratuity paid to officers of the Naval Reserve.

Mr. BACON. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 25, after line 14, insert a new paragraph, as follows:

"The Paymaster General of the Navy is authorized to enter into agreements with the proprietors of the piece-work shops carried on the rolls of the naval-clothing factory during the calendar year 1927 for the manufacture of clothing from materials furnished by the Government at such prices as may be approved by the Secretary of the Navy."

Mr. FRENCH. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BACON. Mr. Chairman, this amendment is made necessary in order to correct an unfortunate situation that has resulted from a ruling by the Comptroller General. For over 40 years the employment of these people by the Navy has never been questioned, and naturally they have expected that this work would continue. Their shops are devoted solely to the Navy's clothing needs; they are fitted up for that one special object and are quite unfitted for anything else.

Only eight or nine people are involved. They are all the relatives of war veterans, most of them Civil and Spanish War veterans, as they had to be in order to get the work when this system was first put into effect by the Secretary of the Navy.

As part of the Navy's clothing-procurement system they are really an auxiliary organization of the naval-clothing factory, and they have been instrumental in giving the enlisted men of the Navy a uniform they can be proud of. The Navy recognizes their value and would like to keep them on.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BACON. I will.

Mr. MOORE of Virginia. Will the gentleman explain what the ruling of the Comptroller General was?

Mr. BACON. The ruling of the Comptroller General involved the question of letting contracts by competitive bids. These people have been encouraged by the Navy Department for over 40 years to do the work. The Navy is satisfied with their work, it can be done as cheap as in any other way, and there are only eight or nine women involved, all wives or near relatives of veterans of our wars.

Mr. LAGUARDIA. How is the price fixed?

Mr. BACON. By the Secretary of the Navy.

Mr. BOX. Will the gentleman yield?

Mr. BACON. I will.

Mr. BOX. These concerns to which the gentleman refers are very small, are they?

Mr. BACON. They are of very small capital, and it is about all invested in machinery. Accumulation of all these years of work are represented by their shop, and these are now threatened, notwithstanding they had a right to rely on the expectation that the work would continue. This amendment would therefore meet the comptroller's legal objection and give sanction to a custom which has never been questioned all these years until recently.

Mr. FRENCH. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Navy Mine Depot, Yorktown, Va.: Improvement of lightning protection, $17,750.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the subcommittee if he knows who was the author and what he said about thoughts of young men in the springtime?

Mr. FRENCH. I shall leave it to the gentleman to correct me. As I remember it the line runs, "In the spring a young man's fancy lightly turns to thoughts of love."

Mr. LAGUARDIA. This is the first day that has felt like spring. What does the gentleman say about quitting and calling it a day?

Mr. FRENCH. I suggest that we read to the end of the paragraph. We will adjourn shortly.

Mr. LAGUARDIA. Very well.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Naval ammunition depot, Fort Mifflin, Pa.: Improvement of lightning protection, $35,000; replacement of cables under Schuylkill River, $6,000; in all, $41,000.

Mr. GAMBRILL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 32, after line 19, insert a new paragraph, as follows:

"Naval Academy, Annapolis, Md.: Construction of boathouse, limit of cost, $250,000, $250,000."

Mr. FRENCH. Mr. Chairman, I reserve the point of order upon the amendment.

Mr. GAMBRILL. Mr. Chairman, I hope the distinguished chairman of the subcommittee will not insist on his point of order against the amendment. The object of the amendment is to provide an appropriation of $250,000 for the purpose of building a boathouse at the Naval Academy, to take the place of two old sheds which for 32 years have served that purpose, but inadequately so. As was said by one of the Board of Visitors to the Naval Academy, Annapolis is the last place where water sports should be neglected.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. BEGG. Is this authorized by any legislation at all?

Mr. GAMBRILL. The Committee on Naval Affairs yesterday unanimously approved a bill, which I introduced, authorizing an appropriation for a boathouse at Annapolis.

Mr. BEGG. Of course, that is not law. Does not the gentleman feel it rather extraordinary to attempt to inject the construction of a building, no matter what the merit be, unless it be an emergency, into an appropriation bill, without any consideration from a committee of the House or anyone else?

Mr. OLIVER of Alabama. Mr. Chairman, if the gentleman will yield, this matter came up last year when the Senate added it to the bill. No estimate of cost having been submitted, the Senate finally receded. It was then understood that the committee was favorable to it and felt that it was needed. Up to a few days before this bill was reported out it was thought both by the legislative committee as well as by the subcommittee on appropriations that no further authority would be required, and the gentleman from Maryland [Mr. GAMBRILL], as I understand, had withheld action on his bill then pending before the legislative committee because he was under the impression that already there was authority for it.

Mr. TILSON. Why did not the gentleman's committee report this out in the bill? Does not the gentleman think it would be fairer to the other Members of the House for the committee, after considering it, to put it in the bill so that we could see it, and then, if not authorized, any Member could mark it for slaughter or make a point of order against it rather than have a gentleman on the floor of the House propose an amendment of this sort? It may be necessary, but it does not seem to me

good practice after the bill is reported to have any Member rise and propose an amendment of this kind without the other Members of the House having any knowledge of it or opportunity to find out anything about the proposed amendment.

Mr. OLIVER of Alabama. The gentleman will recognize that since this was merely replacement it was thought at one time that the committee had authority. In fact, the members of the legislative committee insisted that we did have authority,

Mr. BEGG. If the gentleman thought the committee had authority, and if this be necessary, why was it not reported in the appropriation bill?

Mr. OLIVER of Alabama. Because we were advised by the clerk of the committee, after looking into the matter, that he felt we were without authority. For that reason we left it out.

Mr. BEGG. What happened to the old boathouse?

Mr. GAMBRILL. Mr. Chairman, I hope the gentleman from Ohio will not insist upon the point of order. The old boathouses have been in use for 32 years. They are in a bad state of repair, altogether unsuitable for the purpose for which they are being used. Admiral Gregory, of the Bureau of Yards and Docks, urged very strenuously before the committee that an appropriation be made for this purpose.

Mr. BEGG. What committee?

Mr. GAMBRILL. The Committee on Appropriations, the subcommittee having this bill in charge.

Mr. BEGG. When?

Mr. GAMBRILL. A few days ago; he appeared before the committee.

Mr. BEGG. And the committee turned it down?

Mr. FRENCH. Mr. Chairman, may I make one observation on the subject?

The CHAIRMAN. Does the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. FRENCH. The question came up, as the gentleman from Alabama [Mr. OLIVER] said, first, a year ago, the item having been carried into the bill on the Senate side.

At that time we went into the question somewhat, but our committee had not investigated it thoroughly. We insisted that the item go out, and the Senate receded. This year again it was brought to our attention, and while it was not in the Budget, nevertheless we recognized the dilapidated condition of the present old boathouses, and we felt that the item had so much of merit that we had some rather extensive hearings and made rather careful inquiries into the proposition.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. FRENCH. Mr. Chairman, I ask that the gentleman from Maryland may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. However, our conclusion was that we did not have jurisdiction in the matter; that the item, since it was one that referred to replacement, was one that should receive the attention of the legislative committee; and with that understanding we deferred consideration of it within our committee, preferring not to act upon a matter that we thought was in that situation.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield there?

Mr. FRENCH. Yes.

Mr. OLIVER of Alabama. It so happens that a member of our committee, the gentleman from New York [Mr. TABER], had been on the last Board of Visitors and had joined with the board in recommending that we build a new boathouse. He had seen the condition of the present old boathouse. There had been many other Members of the House in the last few years who had been on Boards of Visitors, and they recommended that a new boathouse should be built. They felt that it was urgent.

Mr. BEGG. If that be so, we ought to disregard all the rules and let the Committee on Appropriations do the legislating. Is that the gentleman's conclusion?

Mr. FRENCH. On the contrary, the Committee on Appropriations has respected the rules of the House.

Mr. BEGG. The chairman of the subcommittee himself insinuates that perhaps he will not press his point of order, but will let it go in. Here is legislation. Everybody admits it. Ought the amendment to go on, or should it take its regular course?

Mr. FRENCH. I have stated that the members of the committee thought very favorably of the proposition. May I go further and say that the department, through the Bureau of Yards and Docks, brought to us plans and blue prints of the proposition, indicating definitely what is proposed, and estimating the cost of construction of the new boathouse? We were very favorably inclined toward the proposition. But having no authority to consider it ourselves, we did not consider it for action. We turned it down upon ground of jurisdiction.

Mr. BEGG. If the gentleman will pardon me—and I mean my statement should be considered in the kindest spirit—does not the gentleman believe that it is the business of the committee to prevent legislation on an appropriation bill?

Mr. FRENCH. If I thought the legislation ought not to be considered by our committee, I certainly would.

Mr. BEGG. But no Member of the House is familiar with it or knows whether it is needed or not.

Mr. OLIVER of Alabama. There seems to be very general consent that it would not be expedient to still further use the old boathouses. Where the legislative committee thought that probably it might not be in order, although they previously entertained a different opinion at first, a bill authorizing it was unanimously approved by the Naval Committee. It really comes here with the approval and at the request of the legislative committee that this be done. Is that correct?

Mr. GAMBRILL. That is entirely correct.

Mr. BEGG. Will the gentleman permit me to ask the gentleman from Alabama another question?

Mr. GAMBRILL. Certainly.

Mr. BEGG. The Committee on Naval Affairs having reported this bill out unanimously, is there any reason why it should not be passed on Calendar Wednesday? And if the House approves it, is there any reason why it could not be carried on the deficiency bill?

Mr. OLIVER of Alabama. The gentleman is more familiar than I am with the prospect or likelihood of it being called up.

Mr. GAMBRILL. If the gentleman will permit, I may say that we shall not have a Calendar Wednesday unless Congress continues its session until June.

Mr. BEGG. I think the gentleman is mistaken about that. It will come within five or six weeks, or something like that. I am not indicating any antagonism against the proposed boathouse, but as Members of Congress we are jealous of the legislative powers of Congress being assumed by our Committee on Appropriations. I think they have their hands full. They are doing a good job. But with a little legislation loaded on an appropriation here, and a little loaded on there, in a year or two the practice will become just as bad as it was when we established the present Committee on Appropriations. Riders will be put on bills coming from that committee. I think we ought to keep the record straight and clean.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. GAMBRILL. Mr. Chairman, may I have three minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GAMBRILL. I will say to the gentleman from Ohio that the House can hardly be considered as having been taken by surprise in connection with this proposition. It was thoroughly considered by the subcommittee on appropriations having charge of this bill. The matter came up for consideration when the naval bill was before the House last year, and the House seemed to be almost unanimously in favor of replacing these old boathouses, which have been in use for 32 years. I hope the gentleman from Ohio will not object to the consideration of this amendment.

Mr. TILSON. Mr. Chairman, under the reservation of a point of order, may I have just a word?

The CHAIRMAN. The Chair will hear the gentleman from Connecticut.

Mr. TILSON. I do not quite agree with the gentleman from Ohio [Mr. BEGG] in his inferential censure of the Committee on Appropriations. As it has been explained, I think the Committee on Appropriations acted exactly right, so far as not putting this matter in the bill is concerned, when they found that it had not been authorized by law. I think the subcommittees of the Committee on Appropriations have acted wisely in adopting the practice of not putting in legislation. I think the best point brought out in behalf of the gentleman's amendment is the fact that the Appropriations Committee, after having heard the testimony and being favorably inclined toward the proposal, at the same time, because of its not being authorized by law, the committee has declined to put it in.

Mr. BEGG. Will the distinguished leader yield?

Mr. TILSON. Yes.

Mr. BEGG. I will say that the gentleman from Ohio did not by any thought or word intend to censure the committee. I will say that if there is any censure at all it falls on the

distinguished floor leader for permitting his committee to be embarrassed by having legislation loaded on the bill. In other words, it is my responsibility, I think, just as much as it is his responsibility or the responsibility of any other man in Congress. It is permitting the Appropriations Committee to be the carry-all for little pieces of legislation that should not be incorporated in an appropriation bill.

Mr. TILSON. That is for us to say.

Mr. BEGG. That was the main argument when this scheme of appropriating was established, and I believe that argument was right and sound. I remember that the gentleman from Illinois [Mr. MADDEN] has repeatedly made the statement that it should be kept clean of legislation.

Mr. TILSON. That is for us, one by one, to say, because one can keep it out by a single point of order. Members of the Appropriations Committee have brought this proposal to us in the most favorable form by saying that while it has merit they have not included it because it has not been authorized by law. They have left it up to us so that one objection will keep it out.

Mr. OLIVER of Alabama. That is exactly the position the committee took. Take, for instance, the amendment offered by the gentleman from New York [Mr. BACON] a few minutes ago. Every member of the committee felt that a practice which had continued for 32 years ought to be continued, but we told him we could not put it in. However, the Committee of the Whole voted to put it in, and that is a matter for the committee to determine.

Mr. TILSON. I think the gentleman is correct, and the gentleman states it as it should be stated. The Committee on Appropriations does well not to include unauthorized items that they may go through without any Member of the House making a point of order against them.

Mr. BEGG. Mr. Chairman, that being the case, I feel absolutely compelled to come to the rescue of the committee, and I make the point of order.

The CHAIRMAN. The gentleman from Ohio makes the point of order. Does the gentleman from Maryland desire to discuss the point of order?

Mr. GAMBRILL. Mr. Chairman, I am bound to confess that the point of order is well taken. I have not been able to find any legislative authority for the appropriation.

The CHAIRMAN. The Chair has given consideration to the question and finds that the general law for the establishment of the Naval Academy is more destitute of detailed provisions with reference to legislation and appropriations for the academy than are most laws concerning establishments of the Government. Under well-established precedents the construction of a new building, when not specifically authorized by prior legislation, has been held not to be a continuation of a public work and has been held subject to a point of order when appearing in or offered as an amendment to an appropriation bill.

On February 1, 1909, during consideration of the Army appropriation bill, the Chairman of the Committee of the Whole [Mr. James B. Perkins, of New York] held the construction of storehouses in the Philippine Islands, for the use of various departments in the Army, out of order. The Chair then said:

> The Chair has nothing to do with the propriety or wisdom of this appropriation, but it has been held that the construction of barracks in a navy yard was not a continuation of a public work; that an appropriation for a naval prison was not a continuation of a public work; that an appropriation for officers' quarters and an appropriation for a hospital in a navy yard was not a continuation of a public work. (Hinds' Precedents, sec. 8439.)

On February 12, 1921, during consideration of the naval appropriation bill (Hinds' Precedents, sec. 8441), Chairman Joseph Walsh, of Massachusetts, held an appropriation for a new storehouse for ordnance at the navy yard at Puget Sound not in order as in continuation of a public work, under authority of section 3758 of Hinds' Precedents, and subsequent decisions.

The Chair is therefore constrained to sustain the point of order of the gentleman from Ohio [Mr. BEGG].

The Clerk read down to and including line 9, page 33.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12286) making appropriations for the Navy Department and the Naval Service for the fiscal year ending June 30, 1929, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for one minute in regard to the order of business for next week.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, the bill now under consideration, the Navy Department appropriation bill, is not expected to go on until Tuesday. Monday is the day on which District business is in order, and the Committee on the District of Columbia has a number of bills that it is desired to consider on that day. Therefore District business will probably occupy the day on Monday. The Navy Department appropriation bill will go on after the special order that has been made for Tuesday. The tentative program for the rest of the week will be posted in the lobby.

Mr. LAGUARDIA. What is the special order?

Mr. TILSON. The special order is an address by the gentleman from Texas [Mr. MANSFIELD].

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and joint resolutions of the following titles:

H. R. 9663. An act authorizing Herman Simmonds, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.;

H. J. Res. 126. Joint resolution to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition, to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes; and

H. J. Res. 245. Joint resolution to make immediately available the appropriation for a road across the Kaibab Indian Reservation.

The message also announced that the Presiding Officer had appointed Mr. BORAH and Mr. SWANSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the State Department.

LEAVE OF ABSENCE

Mr. OLIVER of Alabama. Mr. Speaker, I wish to ask indefinite leave of absence for my colleague [Mr. MCDUFFIE], on account of illness in his family, which will require him to be absent from the city.

The SPEAKER. Without objection, the leave of absence will be granted.

There was no objection.

FEDERAL PRISONERS IN NEW YORK STATE

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an official communication from the Legislature of the State of New York, advising the Federal Government relative to the receipt of Federal prisoners by New York institutions after April 1.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an official communication from the State of New York. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following official communication from the Legislature of the State of New York advising the Federal Government relative to the receipt of Federal prisoners by New York institutions after April 1:

IN SENATE, STATE OF NEW YORK,
Albany, March 15, 1928.

By Mr. Brown

Whereas the Government of the United States has no institution in the State of New York for the confinement of persons charged with or convicted of crime against the Government; and

Whereas the Federal Government is dependent upon State, county, and city institutions for the temporary detention of its offenders, resulting at times in overcrowding such institutions and in violation of State laws relative to classification of prisoners; and

Whereas the State commission of correction reports that the authorities of the United States have been notified that after April 1, 1928, no more Federal prisoners will be received in the institutions under the jurisdiction of the department of correction of the city of New York,

which action promises to result in congested conditions in county penitentiaries and county jails of the State; and

Whereas there is urgent need for a Federal institution in this State to care for United States prisoners: Be it

Resolved (if the assembly concur), That the Legislature of the State of New York memorialize Congress to provide a suitable institution in this State in which to confine those charged with or convicted of crimes against the Government of the United States; be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of the Senate, the Clerk of the House of Representatives, and to each Senator and Member of Congress from the State of New York at Washington.

By order of the senate.

ERNEST A. FAY, *Clerk.*

IN ASSEMBLY, *March 19, 1928.*

Concurred in without amendment. By order of the assembly.

FRED W. HAMMOND, *Clerk.*

EXTENSION OF REMARKS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by printing in the RECORD a resolution passed by the Legislature of the State of Indiana.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a resolution passed by the Legislature of the State of Indiana. Is there objection?

Mr. CHINDBLOM. Upon what subject?

Mr. LAGUARDIA. About the interference on the part of Federal courts with State public service and public utility commissions in regulating public utility companies within their own States. This is one of the few constructive and original ideas which have come from that party.

Mr. CURRY. Mr. Speaker, reserving the right to object, may I ask the gentleman why a gentleman from Indiana does not introduce the resolution?

Mr. LAGUARDIA. The gentleman from Indiana on my right has already put it in the basket and the gentleman from New York City, who is suffering at this very moment under the same conditions, wants to stress and emphasize the troubles we are having.

Mr. CURRY. Mr. Speaker, then I object.

ADDRESS OF HON. FREDERICK D. GARDNER, OF MISSOURI

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech recently delivered by Frederick D. Gardner, ex-Governor of Missouri.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. DICKINSON of Missouri. Mr. Speaker under the leave to extend my remarks in the RECORD, I include the following speech recently delivered by Hon. Frederick D. Gardner, former Governor of Missouri:

HON. JAMES A. REED

Missourians, the Democrats of this great State have met to-day with one purpose in their hearts—to bring about the nomination and election of a Missourian as President of the United States. There is no division among them on this subject; they have no second choice. They are for the man whom the entire country affectionately calls "JIM REED."

Born in Ohio of Scotch-Irish ancestry—reared on a farm upon the plains of Iowa, as a young man he turned his searching eyes to the boundless resources of Missouri, and for 40 years has resided within the borders of this great State. For nearly 30 years of that time he has served the people as councilor, as mayor, and as United States Senator.

As a prosecuting attorney he proved himself to be at once the protector of the innocent and defenseless and the terror of the criminal. He drove the vicious elements from Kansas City and Jackson County and established a reign of law and order.

As mayor of Kansas City, he smashed the corrupt gangs which had been preying upon the people. He forced the public-service institutions to recognize the rights of the municipality and its citizens.

He brought about conditions which during succeeding years have saved millions of dollars to street-car strap holders and to all housewives who use electricity, light, gas, and telephone.

He compelled the paving companies to cut their charges almost half and broke up the combination which had long existed; he forced public-service institutions and contractors to deal with the municipality upon a just and fair basis.

These things were accomplished without any assault upon honest capital or any attempt to destroy honest investments.

His record as a vote getter is remarkable and unequalled. In 1908 the Republicans carried Missouri by 15,879—two years later the Democrats nominated REED for the Senate, resulting in his election by a Democratic legislature—replacing a Republican.

He was renominated by his party in 1916 and again was reelected by 24,456. But the most remarkable evidence of his popularity with the people was in 1922. The Republicans carried Missouri in the great landslide of 1920 by 160,000. The cause of democracy seemed hopeless, but when two years later REED was for the third time renominated for the Senate, he carried the state by 44,258. He has never been defeated in any of his appeals to the people, and in my judgment he never will be, either in Missouri or in the Nation. He is his own platform, and he has the rare gift of being able to convince the people that he is right.

Critics he has; detractors there are; enemies in front and in the rear have assailed him with poisoned arrows, but in each of his campaigns he has come unscathed from the fray; each time the banner of democracy waved in triumph.

Almost from the day he took his seat in the United States Senate, 17 years ago, he achieved a prominence which has constantly increased with the passing years. He has never occupied a servile position. Always regarding himself as a representative of one of the greatest States in the American Republic, he has refused to take orders from any man.

He has ever regarded himself as the representative of the people and as Missouri's ambassador to Washington.

In every great conflict he has been in the forefront. The pole star of his guidance has ever been the Constitution of the United States, the most sacred portion of which is the great Bill of Rights, which emanated from the brain of Thomas Jefferson.

He has constantly stood for the independence of the individual citizen.

He has championed the doctrine that States know better how to manage their internal affairs than the representatives of other States a thousand miles away.

He has demanded the protection of honest capital and honest investment, but has ever maintained that wealth must not be employed to oppress the individual or to destroy commerce.

Constantly, persistently, he has asserted that the sole object of government is the happiness of the people, that when government goes beyond that legitimate purpose and attempts to interfere with the individual liberty, with the right of conscience, with property, with freedom of speech, with peaceable assemblage—when the government does these things it is oppressive and must be changed.

He maintains that government is by men, established for the benefit of men, and must be controlled by men; and that such control must consist merely in the protection of natural rights of the citizen.

He has denounced every attempt at class legislation and has fought, without ceasing, every grant of special privilege.

Throughout all the years REED has been in public life he has defended labor against unjust attacks and proved himself labor's friend in its every legitimate aim.

Born on a farm, living and toiling there to help his widowed mother until he attained man's estate, his every sympathy is with the interest of agriculture and his earnest desire is now, and has ever been, to do all in his power to promote the legitimate interests of the farmers of the Nation. He actively supported the Federal farm loan and joint land bank acts—through which have been loaned to American farmers over one and three-quarters billion dollars, at a saving to them of $33,000,000 a year. The farmers now own $60,000,000 of dividend-paying stock in this land bank.

As much as any other man, JAMES A. REED contributed to the reform of our currency and banking system. It was his acumen and driving force which compelled the acceptance of amendments that gave stability and power to the Federal reserve act; for his signal service in that connection he received personal expression of appreciation from Woodrow Wilson. Let it not be forgotten that it was JAMES A. REED who championed President Wilson in his policy of peace with Mexico, and contributed to Wilson's reelection in 1916.

REED was the first American statesman to denounce the doctrine that the Government's sole duty in the matter of rivers is to make them navigable. From the very first he insisted that the Government owns the rivers and has the duty of preventing devastation by floods and bringing security to the great valley States.

To REED alone may be attributed the fact that the Government has placed great fleets upon the Mississippi and Warrior Rivers which now carry an immense commerce, and have already resulted in the reduction of freight rates to nearly all points between the Allegheny and Rocky Mountains; this commerce extends its benefits to all cities, to all farmers, and to all classes of the population.

This great plan REED proposed and defended long before the recent disastrous flood aroused the attention of other public men.

With all the force at his command he has opposed every attempt to make the Federal Government an agency for the favorite group by the impoverishment of the masses.

During the past eight years he has conspicuously resisted the attempt of Republican administrations to subordinate the people's rights to the demands of sinister interests that seek to control the Government for selfish purposes.

It was REED'S courage, REED'S ability, which exposed the intolerable system of purchasing seats in the United States Senate. It was his eloquence in the Senate that bared the Newberry scandal.

His ability as an investigator demonstrated the fact that Smith of Illinois was elected by the contributions of public-service corporations over which Smith, at that very time, held the power of life and death by virtue of his official position. It was the sword of REED'S logic which barred Smith from the Senate.

The same spirit led this great Missourian into the State of Pennsylvania and there disclosed corruption which shocked the American public and astonished the world. His unflagging zeal to-day bars the door of the Senate to the corrupt boss of Pennsylvania.

Fellow citizens, the great issue of this campaign is to abolish control of the Federal Government by the corrupt influences which for eight years have possessed it and to return that control to the people of the United States.

It is now to be determined whether we can check the increasing Federal assaults upon local self-government and reestablish the vital principle of our original dual system of Government. We must decide whether our States and their responsible political subdivisions are to be engulfed in a consolidated bureaucratic despotism, ruled from Washington.

We must drive the money changers and corruptionists from the temples of the Republic.

We must return to the 48 States their legitimate powers and duties.

We must reestablish a government by law, not by man. In the execution of a multitude of administrative laws a legion of inspectors and agents has been let loose upon the country. The bureaucrats seek to standardize and stereotype Americans into dull and docile machines. What chance has local self-government to survive this constant intermeddling by the National Government? One or the other—self-government or bureaucratic despotism—will triumph. Both can not exist for long side by side. Which shall be allowed to survive?

We must return to the old fundamentals taught by Washington, Jefferson, Jackson, and Woodrow Wilson. Because among living Americans he stands preeminent for these great principles do we give grateful testimony to our eminent fellow citizen; he has ever held true to tried and tested principles of civil liberty. In these ominous years, when many have mined and sapped the Constitution in legislative halls, he has ever been an implacable opponent of those who would pervert or wreck the Government our fathers founded.

Senator REED has not only rendered the people of the United States positive, constructive services—he has also stood like a rock against usurpation of power at Washington and against absorption of the reserved rights of the States. Only he who recalls history can fully value this essential service of this great Missourian.

Who is there in the entire United States so well equipped to lead democracy in the present crisis? Who so great a crusader to lead the Democratic Party to a historic victory? The Democracy of Missouri will to-day present the name of this crusader, JAMES A. REED, as its choice for President of the United States.

As President, REED will be what he has been as a citizen and Senator—an American of Americans, his eyes fixed upon the star of American destiny, his energy devoted to American progress, prosperity, and peace.

FLOOD CONTROL

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech which I recently delivered over the radio on the subject of flood control.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following radio address delivered by me in Washington, D. C., March 23, 1928:

Ladies and gentlemen of the radio audience, I am glad to speak to you to-night in response to an invitation from my good friend and former colleague in Congress, Mr. Charles I. Stengle, editor of the National Farm News, upon a subject that should be of vital interest to the entire Nation.

Just prior to the convening of this session of Congress it was the consensus of opinion that the three major problems with which it would have to deal would be flood relief, tax reduction, and farm relief.

It is exceedingly unpleasant for a Member of the House to have to admit that while Congress has labored for nearly four months no legislation upon any one of these important subjects has been enacted.

The House early in December passed the tax reduction bill and sent it to the Senate for consideration; but because some features of it were not in accord with the ideas of the administration, it is resting tranquilly with the Finance Committee of the Senate, and no one knows when it will emerge, no hearings having as yet been held.

As to farm relief, judging the present by the past, the Republican leaders will permit Congress to vote upon some kind of farm-relief legislation just prior to adjournment.

Flood-relief legislation has been retarded by the insistence of the President that 20 per cent of the cost of flood-control works, plus the entire cost of rights of way for levees, spillways, and diversions, shall be contributed by the property owners and the States affected. Unfortunately, in these latter years the President depends not on the veto power alone, as prescribed by the Constitution, but insists that his views be respected regarding the initiation of legislation, and wields a big stick to enforce them, and not always, but far too frequently, be it said to the shame of Congress, it abdicates its powers and surrenders to his command.

Flood relief became of paramount importance by reason of the 1927 flood upon the Mississippi River, this being the largest and most destructive flood that has ever occurred in the United States. It covered an area of 30,000 square miles, 700,000 people were rendered homeless, and the direct property damage in five States amounted to $236,000,000, and the indirect losses have been estimated at an additional $200,000,000.

The heart of the Nation was touched, and the appeal of the President for aid brought an instant and generous response from every section of the United States.

The Red Cross, by voluntary subscription, collected and disbursed a relief fund of $17,350,000, being the largest fund ever raised by that great organization for a peace-time disaster. It gave emergency relief to 607,000 of these flood sufferers and has given rehabilitation aid to 565,965 persons; and on January 15, 1928, nine months after the advent of the flood, in 38 counties was still distributing food to 33,534 of these unfortunates. With a million people in the path of destruction, it is remarkable that only 246 people, so far as known, were drowned, the small loss of life being due no doubt to the prompt, heroic, and effective means of rescue work of the Red Cross in cooperation with the Army and Navy of the United States.

Before the flood had subsided there arose an insistent demand from every section of the United States that steps be taken to prevent a repetition of this tragic disaster. There was a realization on the part of the American people as never before that these recurring floods upon the Mississippi, each becoming of greater magnitude, taking a toll of human lives, a destruction of property, and causing an economic loss to the Nation, must be stopped and that the power of the Federal Government must be used to curb this monster at all costs.

Many hoped that a special session of Congress would be called to begin the consideration of a plan to carry into effect this determination of the American people, but the President decreed otherwise.

However, at the beginning of this session, the President, in his message to Congress, in speaking of the flood, used this language:

"It is necessary to look upon this emergency as a national disaster. * * * An adequate plan should be adopted to prevent a recurrence of this disaster, in order that the people may restore to productivity and comfort their fields and their towns."

Congress has been battling with the problem. Some seem to think its efforts in this regard might be termed "slow-motion" legislation, but executive insistence that the Federal Government should not bear the entire cost has been one of the chief obstacles thus far encountered.

The selection of a plan to control the floods, requiring technical knowledge, will have to be solved by the engineers or agency which Congress designates to do the work. So the chief questions that Congress will have to determine are three: (1) Selection of the board or agency to do the work; (2) Determination of the amount the Federal Government will expend; (3) Whether the Federal Government will bear the entire cost or only a part.

Within the time allotted me, I can not discuss all of these questions, and will confine my remarks to the controversial one of whether the Federal Government should bear the entire cost of whatever project is adopted, or whether the States and the property owners should contribute thereto.

My membership upon the Flood Control Committee of the House has enabled me to become somewhat familiar therewith. That committee began its hearings on November 7, or nearly one month before Congress convened, and these hearings were continued until early in February.

It is doubtful if any committee of Congress has ever had such a complete hearing upon any subject as was done by this committee. Every phase of the question concerning the floods of the Mississippi River and their prevention was exhaustively inquired into.

Over 300 witnesses were examined, some of the more important ones occupying the witness stand for several days. The published hearings comprise 6 volumes of 5,000 pages, containing 3,500,000 words. The witnesses came from nearly every State in the Union and from all walks of life. They came voluntarily; not one was summoned. There were experts and nonexperts. There were civil engineers, hydraulic engineers, Army engineers, District engineers, State engineers, Chief of the Army Engineers, members of the Mississippi River Commission, 2 Cabi-

net officers and ex-Cabinet officers, 40 Senators and Representatives, the governors of a number of States, many State officials, farmers, and business and professional men. The committee received more than 300 manuscripts containing flood-control plans and more than 5,000 letters and telegrams from all over the United States.

The congressional district in Texas which I represent is far removed from the ravages of the flood, and is such a distance from the Mississippi Valley that my constituents are no more directly affected than those from the State of Maine or the State of Washington. I feel that I am in position, therefore, to view the question from a national—and in any event not from a local or selfish standpoint.

Having entered upon the hearings with an open mind and no preconceived opinions upon any phase of the questions involved, after listening to the testimony for nearly three months and attempting at all times to weigh same as I would if a judge upon the bench, I have reached a very definite and fixed conclusion that the Federal Government should bear the entire cost of the control of the flood waters of the lower Mississippi, and I shall try to present the reasons actuating me in reaching that decision.

The Mississippi River presents a problem different from any other river in the United States because of its size, location, and the immense area which it drains. It is 2,466 miles long. Couple it with the Missouri River, which is essentially a part of it, it is 4,200 miles long, making it the longest river in the world. It has been rightly called the drainage ditch of the Nation. The area drained by it and its tributaries extends from the Allegheny Mountains on the east to the Rocky Mountains on the west, and from the St. Lawrence River in Canada to the Gulf of Mexico—1,240,050 square miles, or 41 per cent of the total area of the United States, exclusive of Alaska.

The number of tributaries and tributaries of tributaries which are shown in an ordinary atlas aggregates about 250, of which more than 50 are navigable streams. It is doubtful if any other river in the world is fed by so many streams as this, and certainly no other river in the United States is comparable to it.

The Mississippi bears seaward in her floods water gathered from the far-flung mountains, plains, and farms. It drains, either in whole or in part, 31 States.

The lower Mississippi constitutes a bottle neck, into which is poured the waters from this immense area. Clearing of lands, construction of roads, and improved drainage in other States has augmented year by year the volume of water, and accelerated the flow, causing its flood height to increase perceptibly.

The areas of the principal river basins which form the immense watershed of the Mississippi River are as follows:

Rivers	Area (square miles)	Per cent of whole
Missouri	527,150	43
Upper Mississippi	165,900	13
Ohio	201,700	16
Middle and lower Mississippi	69,000	6
Arkansas	186,300	15
Red	90,000	7

It will be observed, therefore, that the watershed of the middle and lower Mississippi which lies within the States of Louisiana, Mississippi, Arkansas, Tennessee, and Missouri constitutes only 6 per cent of the total watershed which the river drains. The water from the remaining 94 per cent of its watershed is therefore poured into this bottle neck and thrust upon these States.

Surely a river that drains such an immense area and assumes proportions of such magnitude in its lower reaches is one which the Federal Government, and not the States, should control.

If the President was right when he declared in his message to Congress that "this emergency is a national disaster," then it follows, as night the day, that the prevention of such a disaster is a national problem.

For more than a hundred years the property owners in the lower Mississippi, together with the States, have sought to solve this problem and have expended immense sums of money in the construction of levees to prevent the flooding of their lands. It is conservatively estimated that the local interests in the alluvial valley of the Mississippi River have expended approximately $292,000,000 in seeking to accomplish this purpose. Each year, however, the flood waters have increased and the property owners have built their levees higher and higher, and when the great floods have come they have witnessed the destruction of their levees and they have contributed not only this vast amount of money in trying to control the floods but they have paid an immense toll of damage to property of a far vaster sum, and this, together with the lives that have been lost, has been their contribution in trying to curb this great river, but thus far to no avail.

The committee made an exhaustive hearing into the amounts expended by the local interests in the past and of their ability to contribute in the future, and heard testimony, not only from those living in the Mississippi Valley but of financial experts residing in other parts of the United States, and the overwhelming testimony upon this question was to the effect that at this time they were bankrupt and unable to finance further flood works to prevent a repetition of the 1927 disaster.

It was clearly demonstrated in the hearings that the financial inability of some of the sections to contribute their just pro rata to the construction of sufficient flood works has in the past been a large factor in failing to solve the problem.

It was further shown beyond controversy that in order to successfully carry out a project it is essential that there should be one supreme power in which is vested authority to devise and execute the plan.

It will be necessary to construct flood works in at least seven States. Take the situation at Cairo, Ill. In order to protect Cairo the entire flood works would be constructed in the State of Missouri. Missouri would naturally refuse to pay the expense of constructing improvements in their State for the benefit of those living in another State, and Illinois would not have the power to condemn land in another State for such improvement, and it would not have the inclination to expend money in Missouri for this purpose. Cairo is in a very dangerous situation, but until the Federal Government assumes complete control they will not get protection.

Any plan, to be successful, must be a correlated one, with one supreme head both to plan and to execute. Until this is done no plan will ever be effectively carried out to control the floods in the lower Mississippi.

The American people have become convinced and are now demanding that the Federal Government should assume the sole responsibility for locating, constructing, and maintaining works to prevent floods upon the lower Mississippi, and that the Federal Government should pay the entire cost of same. As evidence of this fact there appeared before our committee, urging that this be done, representatives from the following national organizations: United States Chamber of Commerce, American Legion, American Federation of Labor, American Farm Bureau Federation, American Bankers' Association, Investment Bankers' Association, and Chicago Flood Control Conference.

The Chamber of Commerce of the United States conducted a referendum, participated in by the chambers of commerce throughout the Nation, which closed on December 15, 1927, and through this vote the membership of this organization is committed to the following proposition:

"That the Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control floods of the lower Mississippi River."

Each chamber of commerce in the United States was called upon to vote upon this question, and accompanying the submission of the issue were able briefs, both in the affirmative and negative, so that the question was fairly and impartially presented for consideration. And upon the referendum vote so held 2,121 votes were cast in the affirmative and 664 in the negative.

Time does not permit me to discuss this matter further, but what I have attempted to say may be summed up in these words:

I favor the control of the flood waters in the lower Mississippi at the expense of the Federal Government, and without local contribution, for the following reasons:

First. Because it is a national problem, and hence a national obligation and a national duty which the Federal Government should discharge.

Second. Because the property owners and the States have tried for a hundred years to solve it and have failed.

Third. Because there must be one supreme and directing power, in which is vested all authority, both to devise and execute the plan for its control.

Fourth. Because the property owners and the States have already contributed to the extent of their capacity and more than their equitable proportion.

Fifth. Because it is the will of the American people, whose representatives we are, that the National Government should pay therefor.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes.

The SPEAKER also announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; and

S. J. Res. 31. Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled bills, reported that this day they presented to the President of the United States, for his approval, bills and a joint resolution of the following titles:

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes;

H. R. 3145. An act for the relief of Willis B. Cross;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska;

H. R. 10027. An act to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States;

H. R. 10083. An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs;

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.; and

H. J. Res. 211. Joint resolution to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 10 minutes p. m.) the House adjourned until Monday, March 26, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, March 26, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Legislative appropriation bill.

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the war finance corporation act, approved April 5, 1918, as amended (H. R. 12245).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To consider amendments to H. R. 5773, a bill to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider a bill proposed by the Secretary of the Navy amending an act of June, 1920.

EXECUTIVE COMMUNICATIONS, ETC.

417. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting list of leases granted by the Secretary of War during the calendar year 1927, was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WINTER: Committee on Irrigation and Reclamation. H. R. 9956. A bill to provide for aided and directed settlement on Federal reclamation projects; without amendment (Rept. No. 1039). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11276. A bill to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.; with amendment (Rept. No. 1044). Referred to the House Calendar.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 11616. A bill to authorize alterations and repairs to certain naval vessels; without amendment (Rept. No. 1045). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 12381. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers of sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 1040). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 5931. A bill for the relief of Thomas Heard; with amendment (Rept. No. 1041). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 10352. A bill to correct the military record of Edward Delaney; without amendment (Rept. No. 1042). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 11508. A bill for the relief of Kirby Hoon; without amendment (Rept. No. 1043). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12379) granting the consent of Congress to Howard Seabury to construct, maintain, and operate a dam to retain tidal waters in an unnamed cove which is situated and extends from Cases Inlet into section 28, township 21 north, range 1 west, Willamette meridian in Pierce County, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 12380) to regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON: A bill (H. R. 12381) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. W. T. FITZGERALD: A bill (H. R. 12382) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928; to the Committee on Appropriations.

By Mr. HOGG: A bill (H. R. 12383) to amend section 11 of an act approved February 28, 1925 (43 Stat. 1063, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. SPEARING: A bill (H. R. 12384) authorizing an appropriation to aid in the erection of a statue of Gen. Joe Wheeler in Audubon Park, New Orleans, La.; to the Committee on the Library.

By Mr. COLTON: A bill (H. R. 12385) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

By Mr. BOX: A bill (H. R. 12386) authorizing the State of Texas and the State of Louisiana to construct, maintain, and operate a free highway bridge across the Sabine River at or near Pendletons Ferry; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACK of New York: Resolution (H. Res. 147) to correct errors in American histories; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

By Mr. O'CONNOR of New York: Memorial of the Legislature of the State of New York, memorializing Congress to pro-

vide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 12387) granting a pension to Bowie G. Mills; to the Committee on Pensions.

By Mr. CORNING: A bill (H. R. 12388) granting an increase of pension to Clara Dillon; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 12389) for the relief of Elizabeth C. Bergin; to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 12390) for the relief of Frank C. Messenger; to the Committee on Naval Affairs.

By Mr. GRIFFIN: A bill (H. R. 12391) for the relief of Aaron Cohen; to the Committee on Military Affairs.

Also, a bill (H. R. 12392) for the relief of Matthew H. Moore; to the Committee on Military Affairs.

Also, a bill (H. R. 12393) for the relief of Horatio McIntire; to the Committee on Military Affairs.

By Mr. JOHNSON of Illinois: A bill (H. R. 12394) granting an increase of pension to Emma Steer; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 12395) for the relief of the Greenville News Co.; to the Committee on Claims.

Also, a bill (H. R. 12396) granting an increase of pension to Albert Allen; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 12397) granting a pension to John H. Evely; to the Committee on Invalid Pensions.

By Mr. SELVIG: A bill (H. R. 12398) to authorize reinstatement of war risk insurance of Sophus B. Enger, deceased; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 12399) for the relief of Arthur C. Dean; to the Committee on Naval Affairs.

By Mr. SNELL: A bill (H. R. 12400) granting an increase of pension to Anna Eliza Woodworth; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12401) granting a pension to A. Augusta Nagle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12402) granting an increase of pension to Ella Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12403) granting an increase of pension to Philancy J. Kirkendall; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5893. Petition of Hon. RICHARD N. ELLIOTT and other members of the House Committee on Invalid Pensions, urging the passage of House resolution 129, providing that the sum of $200 be paid to Margaret Elma Naylor for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

5894. Petition of Hon. RICHARD N. ELLIOTT and other members of the House Committee on Invalid Pensions, urging the passage of House resolution 139, to pay Norman E. Ives $1,200 for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

5895. By Mr. BLOOM: Petition of Mrs. C. W. Cox, of 227 Reid Avenue, Brooklyn, N. Y., and petitions of thousands of other citizens of Brooklyn and Greater New York, protesting against House bill 78, bill for Sunday observance; to the Committee on the District of Columbia.

5896. By Mr. BRIGGS: Petition of Trinity Chamber of Commerce, Trinity, Tex., urging an appropriation to provide for pink bollworm eradication; to the Committee on Agriculture.

5897. Also, petition of Polk County Chamber of Commerce, Livingston, Tex., urging an appropriation for pink bollworm eradication; to the Committee on Agriculture.

5898. Also, petition of Crockett Chamber of Commerce, Crockett, Tex., urging an appropriation to provide for pink bollworm eradication; to the Committee on Agriculture.

5899. By Mr. BURTON: Petition of citizens of Cuyahoga County, Ohio, indorsing the Stalker bill (H. R. 9588) providing increased penalties for violations of the prohibition laws, and opposing any program which provides for the expenditures of large sums of money to build and maintain a large Navy; to the Committee on the Judiciary.

5900. Also, resolution of Thrift Lodge, No. 92, A. A. of I. S. and T. W., Cleveland, Ohio, approved March 17, 1918, approving the Dale-Lehlbach retirement bill (S. 1727 and H. R. 25); to the Committee on the Civil Service.

5901. By Mr. CARTER: Petition of Oakland Council No. 12, Daughters of America, demanding the registration of all aliens in the United States; to the Committee on Immigration and Naturalization.

5902. By Mr. CHRISTOPHERSON: Petition of numerous citizens of Centerville, S. Dak., urging favorable action on legislation to increase pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5903. By Mr. COMBS: Petition of citizens of Kansas City, Mo. and Kans., urging Congress to grant increase of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5904. Also, petition of Tom Flahive and others, urging the passage of the Cooper-Hawes bill; to the Committee on Labor.

5905. Also, petition of Felix D. Snow and others, urging the passage of the Cooper-Hawes bill; to the Committee on Labor.

5906. Also, petition of James F. Sadler and others, urging the passage of the Tyson-Fitzgerald bill; to the Committee on Military Affairs.

5907. By Mr. COOPER of Wisconsin: Petition of citizens of Racine, Wis., urging passage of bill to increase pension of Civil War widows; to the Committee on Invalid Pensions.

5908. By Mr. CRAMTON: Petition of Carl Palmer and 30 other residents of Caro, Mich., urging favorable action on House bill 11, the so-called fair trade act bill; to the Committee on Interstate and Foreign Commerce.

5909. By Mr. GALLIVAN: Petition of Local Union, No. 16, International Brotherhood of Bookbinders, M. Wells, secretary, Boston, Mass., recommending early and favorable consideration of House bill 9575, providing for half holiday on Saturdays for employees in the Government Printing Office; to the Committee on Printing.

5910. By Mr. GARBER: Letter of United States Employees Association, of Burlingame, Calif., in support of House bill 6518; to the Committee on the Civil Service.

5911. Also, letter of John W. Mellick, of Lahoma, Okla., in support of House bill 6518, for the adjustment of Federal employees' compensation; to the Committee on the Civil Service.

5912. Also, resolution of Port Angeles Chamber of Commerce, of Port Angeles, Wash., asking that Congress be requested to impose a 25 per cent ad valorem duty on cedar shingles and lumber imported into the United States for the protection of American labor and the lumber industry; to the Committee on Ways and Means.

5913. Also, petition of residents of Tonkawa and Billings, Okla., in opposition to the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5914. By Mr. MEAD: Petition of several residents of Springville, N. Y., in favor of increased pensions for Civil War widows; to the Committee on Invalid Pensions.

5915. Also, petition of numerous citizens of Buffalo, N. Y., in favor of restricted immigration from Mexico; to the Committee on Immigration and Naturalization.

5916. Also, petition of numerous residents of East Aurora, N. Y., favoring increased pensions for Civil War widows; to the Committee on Invalid Pensions.

5917. By Mr. O'CONNELL: Petition of Charles La Rue, president Second Division Chapter, National Council of Officials of the Railway Mail Service, New York City, favoring the passage of House bill 11622; to the Committee on the Post Office and Post Roads.

5918. Also, petition of the Gardner Broom Co., of Amsterdam, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

5919. Also, petition of Prison Officials' Committee, protesting against the passage of Hawes-Cooper bill; to the Committee on Labor.

5920. Also, petition of the Eastern Broker Division, Commercial Telegraphers' Union of America, New York City, protesting against the passage of the McNary-Haugen bill; to the Committee on Agriculture.

5921. Also, petition of the Social Hygiene Society of the District of Columbia, favoring the passage of House bill 6664, to establish the women's bureau of the Metropolitan police department; to the Committee on the District of Columbia.

5922. Also, petition of the Admiral Schley Naval Squadron, No. 16, United Spanish War Veterans, Brooklyn, N. Y., favoring the passage of the Welch bill (H. R. 6518); to the Committee on the Civil Service.

5923. Also, petition of the George D. Russell Camp, No. 43, Brooklyn, N. Y., favoring the passage of the Cohen bill (H. R.

11488) to give the crew of the U. S. S. *St. Louis* a pensionable status; to the Committee on Pensions.

5924. Also, petition of the Sweet-Orr & Co. (Inc.), New York City, favoring the passage of the Hawes-Cooper bill (S. 1940, H. R. 7729); to the Committee on Labor.

5925. Also, petition of the American Broom & Brush Co., Amsterdam, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

5926. Also, petition of the Aviators' Post, American Legion, of New York, favoring the passage of the Tyson bill (S. 777) as it passed the Senate without amendments; to the Committee on World War Veterans' Legislation.

5927. Also, petition of William P. Kobbe, 12 East Forty-first Street, New York City, favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5928. Also, petition of Louis Schoenberg, 101 Arlington Avenue, Brooklyn, N. Y., favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5929. Also, petition of A. Hilderbrandt, adjutant, Woodhaven Post, American Legion, Woodhaven, Long Island, N. Y., favoring the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5930. Also, petition of James E. Pasta, county commander, Queens County, N. Y., American Legion, favoring the passage of the Tyson bill (S. 777) as it passed the Senate and without amendments; to the Committee on World War Veterans' Legislation.

5931. Also, petition of the metal trades department of the American Federation of Labor, Washington, D. C., favoring an amendment to be offered to the naval appropriation bill by Congressman DOUGLASS of Massachusetts, for reconditioning of uncommissioned destroyers and make part of the appropriation available for immediate use; to the Committee on Appropriations.

5932. Also, petition of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

5933. By Mr. O'CONNOR of New York: Resolution of the Eastern Broker Division, Commercial Telegraphers Union of America, protesting against passage of the McNary-Haugen bill; to the Committee on Agriculture.

5934. By Mr. RAINEY: Petition of 57 citizens of Kilbourne, Ill., for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5935. By Mr. STALKER: Petition of Fred Pinneer and sundry citizens of Waverly, N. Y., urging the enactment of legislation carrying the rates proposed by the National Tribune for veterans and their widows of Civil War; to the Committee on Invalid Pensions.

5936. Also, petition of Mrs. B. Knapp, of Elmira, N. Y., and sundry citizens of that vicinity, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

5937. By Mr. SWICK: Petition of H. E. Drushel and 118 other residents of Butler County, Pa., urging the passage of a bill for the relief of Civil War veterans and their dependents, providing pensions of $72 per month for every Civil War survivor, $125 for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Pensions.

5938. By Mr. THOMPSON: Petition of citizens of Columbus Grove, Ohio, in favor of more liberal pensions for Civil War veterans; to the Committee on Invalid Pensions.

5939. By Mr. WASON: Petition of S. M. Lambert and 10 other residents of Keene, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

5940. By Mr. WILLIAMS of Missouri: Petition of George E. Conrad and others, urging the passage of the National Tribune's Civil War pension bill; to the Committee on Pensions.

5941. By Mr. WURZBACH: Petition of Jake Bellore, T. T. Dickson, and other citizens of San Antonio, Bexar County, Tex., protesting the passage of House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

5942. Also, petition of G. W. Shorter, Manley Mims, J. E. Click, George A. Towns, and other citizens of Nueces County, Tex., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5943. Also, petition of Fred G. Mulfinger, S. R. Forehand, J. H. Hasenbeck, A. Brauner, Dr. Frederick Terrell, Dr. George C. Wurzbach, and other citizens of San Antonio, Bexar County, Tex., favoring the immediate consideration of legislation providing for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

SENATE

MONDAY, *March 26, 1928*

(Legislative day of Saturday, March 24, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

REPORT OF THE FEDERAL RESERVE BOARD

The VICE PRESIDENT laid before the Senate a communication from the Governor of the Federal Reserve Board, transmitting the fourteenth annual report of that board covering operations for the year 1927, which was referred to the Committee on Banking and Currency.

STATISTICS RELATIVE TO UNEMPLOYMENT (S. DOC. NO. 77)

The VICE PRESIDENT laid before the Senate a report (with accompanying statements) from the Secretary of Labor in response to Senate Resolution 147, agreed to March 5, 1928, relative to the unemployment situation, which, with the accompanying papers, was referred to the Committee on Education and Labor and ordered to be printed.

Mr. SMOOT. Mr. President, I ask that the reply of the Secretary of Labor just laid before the Senate may be also printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The reply of the Secretary of Labor is as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 24, 1928.

Hon. CHARLES G. DAWES,
President of the Senate,
Washington, D. C.

SIR: On March 6, 1928, the United States Senate, first session of the Seventieth Congress, passed Senate Resolution 147, as follows:

"*Resolved*, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment and part-time employment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed and part-time employed in the United States, and permanent statistics thereon may hereafter be had and made available, and make report thereon to the Senate."

In compliance with these requirements, I immediately directed the United States Commissioner of Labor Statistics to make such report as was possible from available records upon the subject named in the resolution. I herewith transmit the report which the Commissioner of Labor Statistics has placed in my hands.

In reply to the clauses which introduce the resolution, I would call your attention first to the fact that the volume of employment, as shown by the reports of the Bureau of Labor Statistics, published monthly, has tended downward from April, 1927, up to and including January, 1928. The February report, just published, shows however, an upward trend in employment. This fact the Department of Labor has done its utmost to make widely public, and thus has already fulfilled, so far as it had power to do so, the requirement of the Senate's resolution, namely, to call attention "to the proper timing for the inauguration of public works by the Federal Government and the encouragement of similar undertakings by the States."

Bearing on this action by the Department of Labor, I would respectfully submit that having had personal experience of former periods of unemployment, I do not recall an instance where there was "proper timing for the inauguration of public works," or other governmental, State, municipal, or county effort to take up shrinkage of employment

until after it was too late. In the present instance the Department of Labor has sounded such warning in ample time.

In reply to another clause in the preamble to the Senate's resolution, "that accurate and all-inclusive statistics of employment and unemployment be had at frequent intervals," I would call your attention to the fact that the resolution carries no appropriation for this purpose. I am informed by the Commissioner of Labor Statistics that to obtain such information and keep it current would require a very large addition to the amount of money appropriated for the Department of Labor. A statement of employment and unemployment that would be "accurate and all inclusive" would involve an individual census of the United States, a work physically impossible of performance at frequent intervals and of heavy expense.

There is every reason to believe, however, that with a moderate increase in the annual appropriations for the Bureau of Labor Statistics, the bureau could materially extend its volume of employment and part-time employment information to include manufacturing establishments of smaller size, where its information now is obtained from the larger establishments alone. The bureau could also extend its work to include other industries than those now covered, and could tabulate its material not only, as now, by geographical divisions, but by States and principal cities instead. A very careful estimate submitted to me by Commissioner Stewart indicates that, for $100,000 additional, the division of the bureau now handling this material could be increased to include a fair proportion of establishments employing as few as 50 persons, and that this material could be presented in detail by industries, States, and cities of 100,000 population.

In addition to this, $20,000 should be added to the present appropriation for the employment service of the Department of Labor to enable it to extend its general nonstatistical reports of employment opportunities by cities, to cover States not now included in its reports, and to increase the facilities for placing jobless men, especially in its farm placement activities.

I herewith transmit the report on employment conditions which the Commissioner of Labor Statistics, with the facilities at hand, has submitted to me. It shows that the present slump in employment, while not so extensive or grave as the estimates which have been generally circulated, is nevertheless serious. The factors which have brought it about are many; among them the floods in the Mississippi Valley, in New England, the tornado which swept Florida and its attendant losses, the temporary closing of a part of certain major industrial plants, and a disturbance in the bituminous coal fields which has lasted for many months. All these have temporarily decreased the opportunities for employment and have adversely affected employment conditions in other lines of industry.

These, and the other influences which have operated in the same direction, I believe to be passing phases of our economic life. There are, nevertheless, certain features of the problem which must be considered if approach to constructive remedial measures is to be made with proper intelligence. For example, in 1927 the total net immigration, both inside and outside the quota countries, amounted to 252,023. A considerable percentage of these were prospective laborers. In addition to these immigrants, admitted during a year when our own people were losing employment, there was the annual average influx of 205,000 from the farms to the cities. We further have practically 2,000,000 boys and girls in our own population who reach the working age each year.

I desire to call your attention also to a distinction which Commissioner Stewart makes in his report, to the effect that "employment as it exists at present is composed of two entirely different elements, namely, those temporarily out of work at their regular occupations, and, second, those displaced by changes in industrial and commercial methods"; or, as one might put it, those who are merely suspended and those permanently released from their jobs.

Former labor depressions have been due almost wholly to the first group named, and if public work is not furnished quickly enough to relieve them, they have no recourse but to wait until their own jobs are again available.

Prompt relief for these is due from the Government's elaborate building program, from similar programs of States, municipalities, and counties, and from private building and construction.

For the second class of unemployed, of whom Commissioner Stewart says, "it is not unreasonable to believe that a considerable percentage of the employment shrinkage shown in this report is due to new machines and new mechanical devices," waiting for industrial developments is of no avail. Their jobs are gone. Inventive genius must devise new industries, commercial agencies must create new wants, in order to create new occupations for these people, in so far as age permits them to learn new occupations or adapt themselves to new industries. This need for new industries and new occupations daily becomes more pressing. The Department of Labor is in constant receipt of reports of acute situations resulting from the introduction of new machines. It is believed in many quarters, moreover, and with good reason, that this mechanical development will probably proceed as rapidly in the immediate future as it has in the immediate past.

With all these forces tending to cause unemployment, the number at present unemployed has been found to constitute a very small percentage of those at work. The census of 1920 showed that 42,000,000 of our people as wage earners or otherwise are gainfully employed. Of these, 23,348,692 have been found to be at present employed on either a wage or a salary basis. By the most careful computation methods available, Commissioner Stewart finds that the actual number now out of work is 1,874,050.

The attached report, compiled by Mr. Ethelbert Stewart, United States Commissioner of Labor Statistics, which contains these figures and the methods by which they are obtained, is the second such report which I have been called upon to submit to your body. Commissioner Stewart has been connected with the statistical work of the Bureau of Labor Statistics and of the Government for a period of 41 years, having been first appointed Commissioner of Labor Statistics by President Wilson and continued in office by Presidents Harding and Coolidge. Mr. Stewart's ability and conscientiousness in this work are thoroughly established and recognized, and his former report, which I submitted in August, 1921, showing 5,735,000 fewer persons on the pay rolls of the country, proved to be accurate. I therefore submit this, his second report, with absolute confidence in its essential accuracy.

You will find this report of the Commissioner of Labor Statistics on Senate Resolution 147 accompanied by an appendix which gives the report of Dr. J. Knox Insley, Commissioner of Labor and Statistics of Maryland, dealing with the same subject and giving the details of a house-to-house canvass in the city of Baltimore. The results of this independent investigation are included as further confirming the accuracy of Commissioner Stewart's report.

Respectfully,

JAMES J. DAVIS,
Secretary of Labor.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, March 24, 1928.

Hon. JAMES J. DAVIS,
Secretary of Labor, Washington, D. C.

SIR: In accordance with your instructions of March 6, 1928, I have completed and transmit herewith a report concerning the volume of unemployment in the United States at this time and the amount of part-time employment so far as can be determined from the records in the possession of the Bureau of Labor Statistics.

The definition of unemployment as here used is as follows: Persons usually employed but at present out of employment and hunting for work. In other words, the first section of this report refers to persons now totally idle but who have until a reasonably recent period been employed and who are now seeking employment. This section does not include those employed part time nor does it include those who are unemployable and are and have been for a long period of time subject to what might be considered outdoor relief.

The second part of the report deals with such information as we have on part-time employment.

To this I have appended the recent report of the commissioner of labor and statistics of the State of Maryland, which in addition to being a very able and interesting document contains the result of the only actual house-to-house canvass made for the purpose of determining the actual number of unemployed that has been made in any city so far as I know.

Respectfully,

ETHELBERT STEWART,
Commissioner of Labor Statistics.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, March 24, 1928.

REPORT ON UNEMPLOYMENT IN THE UNITED STATES

On March 6, 1928, the United States Senate passed Resolution 147, which contains the following language:

"*Resolved*, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment and part-time employment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed and part-time employed in the United States and permanent statistics thereof may hereafter be had and made available, and make report thereon to the Senate."

Responding to the requirements of the first part of the resolution quoted, the best estimate that can be made from all sources of information available at this time is that the shrinkage in the volume of wage earners, including manufacturing, transportation, mining, agriculture, trade, clerical, and domestic groups, figuring on a basis of those employed in 1925, is revealed to be 7.43 per cent. Applying this percentage to the total number of employees as of 1925 gives a shrinkage between the average of 1925 and January, 1928, of 1,874,050 persons.

The method of calculation employed in arriving at this figure is as follows: First, the census of 1925 is taken as a base, because the census of 1920 represents a boom year; and while there was a tremendous slump between that and the census of 1923, nevertheless between these periods there had been a recovery, and the year 1923 brought an upswing which, from the present point of view, may be considered by some, at least, an incipient boom. Employment dropped again in 1924, advanced slightly in 1925, a little more in 1926, and dropped again through 1927. The year 1925 may therefore be accepted as an average recent year from which to take measurement, and it is herein made the base from which employment shrinkage has been computed. In making 1925 the base, or 100, it is understood that whatever there may have been of unemployment in that year is ignored, and it is assumed that those who were let out of industry between 1923 and 1924 had by 1925 readjusted themselves. It may be said that 1925 was a year in which there was no noticeable unemployment question. It is also used as a base, because it was a year in which the census of manufactures was taken.

The foundation of the estimate here submitted is the known figures for 1925 for (1) manufacturing wage earners, and (2) railroad employees. These, with the estimates as of January, 1928, are as follows:

	Employed in 1925	Estimated employed January, 1928	Estimated shrinkage
Manufacturing	8,383,781	7,739,907	643,874
Railroads	1,732,589	[1] 1,643,356	109,233
Total	10,136,370	9,383,263	753,107

[1] December, 1927.

Decrease of 7.43 per cent.

No figures are available for the groups—agriculture, mining, clerical workers, domestic service, and trade—and it can only be assumed that they have been affected in like degree.

The change in manufacturing employment is determined from the change in the Bureau of Labor Statistics' index of employment in manufacturing industries. The railroad figures are exact for class 1 railroads, omitting general and division officials. The number of employees in 1925 is estimated from the population census taken as of January, 1920, as recast in the July, 1923, issue of the Monthly Labor Review, and from the percentage of change in employment as known for manufacturing and railroads.

The number of employees in 1925 used in this calculation—that is, persons working for wages or salaries for others—is estimated at 25,222,742. This figure does not include any persons operating their own business or professions. The calculated number of employees as of January, 1928, upon the same basis, was 23,348,692, leaving a shrinkage between the two periods as indicated above of 1,874,050.

The table shown below, which gives the changes in employment from month to month, has been recast upon a basis of the average of 1925, to conform to the method adopted in the general estimate. However, it is important to show that most of this shrinkage took place in 1927, beginning practically in April, and continuing through January, 1928. The index for February, just issued, shows an upward trend as against January or December.

Index of employment in manufacturing industries, by geographic divisions, 1925, 1926, 1927, and January and February, 1928

[Monthly average, 1925=100]

Year and month	New England	Middle Atlantic	East North Central	West North Central	South Atlantic	East South Central	West South Central	Mountain	Pacific	United States
1925										
January	101.9	99.4	94.6	98.8	97.7	99.6	101.0	94.0	94.8	98.7
February	102.9	101.2	96.1	100.1	100.2	100.9	102.5	94.3	96.3	100.4
March	103.2	101.7	98.4	99.6	101.5	100.7	101.2	95.5	95.1	101.2
April	102.0	100.8	99.8	98.4	101.6	100.7	101.1	98.7	97.8	101.0
May	100.5	99.6	100.6	97.6	98.7	98.3	96.9	101.7	101.0	99.7
June	98.0	98.8	98.7	99.5	97.7	98.1	97.4	103.9	103.4	98.8
July	95.6	97.6	98.2	100.0	96.0	95.7	98.1	104.8	101.8	97.9
August	96.9	97.0	99.8	101.2	97.7	98.9	98.9	102.9	101.5	98.6
September	96.7	99.2	101.4	101.3	99.5	100.2	100.2	101.1	104.4	99.7
October	100.5	100.6	104.4	101.9	101.6	101.7	100.3	100.5	103.9	101.2
November	101.2	101.1	104.4	100.8	103.0	102.8	100.6	99.0	101.8	101.4
December	100.5	102.4	103.0	100.4	104.6	102.4	101.6	103.0	98.5	101.5
Average, year	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1926										
January	101.2	102.0	103.0	98.9	103.8	100.9	99.8	98.6	96.5	101.2
February	102.6	102.5	104.6	99.1	104.7	101.5	100.5	96.0	96.6	102.3
March	103.2	102.3	105.4	98.4	106.0	100.9	100.1	94.4	97.8	102.7
April	101.0	101.1	103.9	98.3	104.3	100.7	100.7	94.9	101.7	101.8
May	99.0	100.0	101.9	98.2	102.4	98.2	100.3	98.1	105.0	100.5
June	97.3	99.4	101.7	99.5	101.9	96.8	101.9	101.8	103.9	100.1
July	92.6	97.6	100.2	99.0	100.7	97.0	102.0	99.3	103.3	98.5
August	94.3	97.8	102.1	100.6	101.4	97.9	103.5	98.5	103.6	99.5

Index of employment in manufacturing industries, by geographic divisions, 1925, 1926, 1927, and January and February, 1928—Continued

Year and month	New England	Middle Atlantic	East North Central	West North Central	South Atlantic	East South Central	West South Central	Mountain	Pacific	United States
1926										
September	97.9	99.9	102.7	101.3	104.5	96.9	102.6	102.1	103.2	101.1
October	99.5	100.7	101.9	101.8	105.4	95.7	102.3	101.5	103.4	101.4
November	99.4	99.9	98.0	99.8	105.4	95.4	101.5	101.0	102.0	100.2
December	98.3	99.1	95.8	97.6	105.3	95.4	101.1	99.2	99.2	99.7
Average, year	98.9	100.2	101.8	99.4	103.8	98.1	101.4	98.8	101.4	100.8
1927										
January	97.5	97.0	94.7	95.7	104.5	93.1	99.3	96.4	95.4	98.0
February	98.7	98.0	99.1	96.2	106.0	94.1	99.9	93.0	95.6	99.8
March	98.2	98.0	100.7	96.0	106.9	93.6	98.8	91.9	98.3	100.2
April	96.9	96.3	100.8	95.9	107.1	92.9	97.6	93.1	99.5	99.3
May	95.7	94.8	100.6	96.7	105.4	91.5	96.0	96.2	101.3	98.4
June	94.2	94.2	99.4	98.9	104.8	91.2	96.1	97.8	103.1	97.7
July	93.0	92.7	96.1	98.0	103.7	89.5	94.4	99.5	102.1	95.7
August	92.4	92.7	97.4	98.3	103.2	90.6	95.2	98.1	102.4	95.8
September	94.4	93.8	96.2	98.3	105.7	90.8	96.6	97.0	102.1	96.5
October	94.1	93.6	95.5	97.6	105.4	91.4	94.9	95.4	101.7	96.1
November	92.8	92.0	92.2	94.3	104.7	90.2	93.4	96.4	99.1	94.2
December	90.9	90.8	93.1	92.7	103.8	90.3	92.0	92.3	95.8	93.3
Average, year	94.9	94.5	97.2	96.6	105.1	91.6	96.2	95.6	99.7	97.1
1928										
January	90.4	88.9	94.9	92.0	102.0	89.2	90.4	87.5	91.7	92.3
February	91.0	89.4	99.5	94.9	102.3	90.3	90.6	88.1	92.3	93.7

It is also interesting to note that while the Bureau of Labor Statistics' figures are based upon 10,772 establishments employing in January, 1928, 2,907,700 employees, or an average of slightly over 271 employees each, the percentage of change from January, 1927, to January, 1928, corresponds exactly with the figures for the State of New York, which include a much larger proportion and take in very many smaller establishments.

The Bureau of Labor Statistics is working cooperatively with a number of States in this matter of employment record. In the beginning the bureau formed its own contacts with the original establishments and necessarily picked the older and larger establishments so as to get a more formidable number of employees for comparative purposes. Later on a number of States began this work, but secured information from a vastly larger number of establishments within each State, and the State bureaus furnish to the United States Bureau schedules from such establishments as are agreed upon.

The figures of percentage of change in employment show a great variation in geographical districts, which the Bureau of Labor Statistics interprets to mean that unemployment is not universal nor in all places or industries is it acute, but that it is spotted by geographical sections and by industries, and that in actual numbers it is not more than one-third of the magnitude of the labor depression of 1921, which caused a shrinkage in the number on the pay roll according to the estimates of this bureau of 5,735,000, from the peak of 1920 to July, 1921.

The spottedness of the unemployment situation is brought out by a list showing the percentage of change in employment between a given month in 1928 and the same month in 1927, except in the case of Wisconsin, where December is used. These ranges in percentage are shown in the following table:

Yearly changes in employment

State	Period	Per cent of change in employment
U. S. Bureau of Labor Statistics	January, 1927, to January, 1928	−5.8
Oklahoma	February, 1927, to February, 1928	−19.7
Wisconsin (factory workers)	December, 1926, to December, 1927	−3.9
Illinois	February, 1927, to February, 1928	−6.5
California	January, 1927, to January, 1928	−7.8
New York	do	−5.8
Maryland	do	−7.8
Massachusetts	February, 1927, to February, 1928	−9.7

As further indication of such spottedness, the employment report from the State of California indicates that the average of employment in all industries carried was 7.8 per cent lower in January, 1928, than in January, 1927. The details show the same spotted conditions there that have been noted elsewhere. For instance, canning and packing of fish has dropped off 67.8 per cent, while other food products showed an increase of 19.3 per cent. Men's clothing dropped 11.3 per cent while millinery advanced 11.6 per cent. Iron foundries and machine shops fell off 16.6 per cent while glass advanced 18.7 per cent. Sugar fell off 21.6 per cent while agricultural implements advanced 30.1 per cent.

PART-TIME EMPLOYMENT

In the pamphlet on employment in selected manufacturing industries for January, 1928, percentage figures were given as to the number of establishments operating full time or part time and establishments idle. Such figures were based on the reports of establishments without taking into consideration the size of the several establishments.

These percentage figures have since been recomputed and weighted by the number of employees. In other words, due weight has been given to the size of the establishment in computing the average per cent.

Reports on percentage of full-time employment were received from but 9,095 of the 10,772 establishments reporting other facts to the bureau in the pay period ending nearest January 15, 1928. Of these 78.8 per cent were working full time, 20.2 per cent were working part time, and 1.1 per cent were working overtime.

Of the total number of employees reported, 1,876,367 employees (78.7 per cent) were working in establishments operating full time, 482,354 employees (20.2 per cent) were employed in establishments working part time, and 25,598 employees (1.1 per cent) were employed in establishments working above normal full time.

In the establishments reporting part-time operation, the weighted time worked by the 482,354 employees was 80.7 per cent of full time. The weighted average per cent of time worked by the 25,598 employees in those plants operating in excess of normal full time was 111.3 per cent of full time.

The following table shows a classification of the employees by groups, according to per cent of normal full time worked:

Number and per cent of employees in establishments working each specified per cent of regular full working time

Per cent of employment	Persons in group	
	Number	Per cent
Over 100 per cent (overtime)	25,598	1.1
100 per cent (regular full time)	1,876,367	78.7
99 to 93 per cent	56,291	2.4
92 per cent	88,956	3.7
91 per cent	31,697	1.3
90 to 84 per cent	31,742	1.3
83 per cent	47,509	2.0
82 per cent	54,833	2.3
81 to 74 per cent	46,724	2.0
73 per cent	33,534	1.4
72 to 61 per cent	37,102	1.5
60 per cent	23,371	1.0
59 to 51 per cent	10,692	.4
50 per cent	12,744	.5
49 to 25 per cent	6,731	.3
24 to 9 per cent	428	[1].0
Total	2,384,319	100.0

[1] Less than one-tenth of 1 per cent.

This tabulation shows that 79.8 per cent of all employees were in establishments that worked full time or over and that 87.2 per cent of all employees were in establishments that worked more than 90 per cent of full time, while less than 1 per cent of the employees were in establishments working half time or less.

In the great majority of establishments six days constitute a full week. In some of the iron and steel establishments seven days constitute a full week. Five and one-half days make a full week in a few establishments and five days in some others.

Employees working less than their regular full time may be roughly grouped as follows:

Idle over one-half day and under one day, 1.3 per cent.

Idle one day, 5.3 per cent.

Idle over one day and including one and one-half days, 3.4 per cent.

Idle over one and one-half days and under three days, 2.9 per cent.

Idle three days or more, 0.8 per cent.

In addition to the 9,095 establishments in operation that reported their per cent of full-time employment, 108 establishments definitely reported that they had recently become temporarily idle. These establishments were smaller than the average and several of them were in their slack season. When last operating, they employed 14,126 persons. Thus, about 0.6 of 1 per cent of manufacturing industry employees became temporarily idle because of recent shut down of plants in which employed.

In this statement of part-time employment the bureau confines its report strictly to the data in hand and does not apply the percentage obtained therefrom to manufacturing industries as a whole, for the reason that there is no information at hand upon which to base an opinion as to whether the same percentage found to exist in the establishments reporting to this bureau, which are admittedly larger than the average establishment, could fairly be applied to manufacturing industries as a whole. There is no material available upon which to base an opinion as to whether averages from the selected industries now reporting to the Bureau of Labor Statistics should be applied to clerical and domestic labor, or to any of those classes which are not covered in these reports.

It may not be out of place here to call attention to the fact that unemployment as it at present exists is composed of two entirely different elements, namely, those who are temporarily out of work at their regular occupation and in their regular industry, and, second, those who have been displaced by the changes in industrial and commercial methods, or, as one might say, the suspended and the displaced. What proportion of those at present entirely idle applies to each one of these classes it is impossible to tell. The man who has been entirely displaced by a new method of doing work or a new machine must seek new contacts, it may be, change his occupation and his industry entirely. In other words, in one class a man is waiting for his old job with reasonable assurance that the plant which is now idle will resume operation and he will be restored to his employment. In the other class the job is gone. The work formerly done by human energy is now performed by mechanical devices. The chances are that not only in the establishment from which he was dropped but in all other similar establishments he will face the same situation—that he must start anew. It is not unreasonable, as has been estimated by a writer in the Annalist, that one-half of the employment shrinkage shown in this report is due to new machines and new mechanical devices. All that is definitely known is that taking it for all in all the total displaced labor is largely of the unskilled type. The conveyor, the motor-hoist truck, changes in placement of machines so that the process is continuous and the material goes from machine to machine by the force of gravity are schemes that have displaced much labor, and this labor is mostly unskilled and common labor.

In conclusion I beg to submit as an appendix to this report a statement recently issued by the Maryland commissioner of labor and statistics, Dr. J. Knox Insley. This is interesting from several points of view. First, it is a striking comment on the value of estimates which are based upon nothing at all as to the number of unemployed. The Maryland State Federation of Labor made an estimate of 75,000 people out of work in Baltimore. The chamber of commerce of that city immediately replied with an estimate of 33,000. A house-to-house canvass made by the police department of Baltimore for the Maryland commissioner of labor and statistics developed that there were 15,473 such unemployed persons.

Another exceedingly interesting feature of this Maryland report is a classified statement as to the length of time which the unemployment had lasted. It is interesting to note that there was little or no pick-up work, and that in times of labor depression even, no more severe than the present one, the general opinion that a man can fill in with "odd jobs" is not found true in practice.

Respectfully submitted.

ETHELBERT STEWART,
Commissioner of Labor Statistics.

EXHIBIT

SURVEY OF UNEMPLOYMENT IN BALTIMORE FEBRUARY, 1928

A survey of the volume of unemployment in the city of Baltimore was made in February, 1928, by the commissioner of labor and statistics of Maryland. His report on the results of this study reads as follows:

A study and survey of the facts obtained show that in Baltimore city there are at the present time approximately 15,500 unemployed persons who usually are engaged in some gainful occupation. These figures are based on information secured by a house-to-house canvass conducted by the members of the city police force, through the courtesy of their commissioner, upon the request of the commissioner of labor and statistics.

While this total number is less than any of the various and scattered estimates of the amount of unemployment in Baltimore, several factors must be taken into consideration before arriving at a conclusion of its general effect. In making the canvass, consideration was given only to those who usually work for wages or on their own account in some business and who are now entirely without gainful employment of any kind. No effort was made to secure information for the apparently large number of persons who are employed for only part time. This is a separate and distinct study in itself and must be approached, we believe, from a different angle and by a different method. In addition, every precaution was made to eliminate those men and women who either could not or would not work if employment were available for them. To have included either or both of these groups would have clouded our problem, and would, perhaps, have greatly increased our figures.

Thus, then, if we may legitimately assume that the number of those usually engaged in gainful occupations in Baltimore City has increased at the same rate as the estimated population, we find approximately 4 per cent of these men and women, who can work and who want to work, unable to secure employment at the present time. Of the 15,473 persons found unemployed, by far the larger group, 13,468 in fact, is composed of men. Only 2,005 women, of whom 1,279 are white and

726 are colored, are included. More than 10,000 of these unemployed are white.

While more than 25 per cent of these men and women have worked in connection with the various manufacturing industries, the individual industry in which the survey shows unemployment to be the most severe is building. Here alone we find about one-sixth of the total number of persons. The textile industry, involving mostly clothing, is the most outstanding of the manufacturing industries, with food products and iron and steel competing for second place.

In considering the regular occupations of those unemployed, we find that the largest single group is composed of unskilled labor. The second largest number are found in the semiskilled operatives and factory workers, but, of the individual building and hand trades, carpenters lead in actual numbers.

The individual reports submitted by the police department indicate that, through the unemployment of these 15,473 men and women, almost 13,000 of an approximate number of 175,000 families are involved, and that at least 64,000 individuals are either directly or indirectly affected, a situation the seriousness of which is not to be minimized.

The existence of a group of almost 15,500 totally unemployed persons who are usually gainfully employed in a city of Baltimore's size is in itself a serious problem. The situation in this city, however, has become acute in that a large proportion of these individuals have been without employment for relatively long periods of time. Generally speaking, the findings show periods of unemployment, not in days or weeks as we might have reasonably expected, but rather in months. According to the results of the survey, less than 2,000 of the total number have been without employment of any kind for less than one month, and almost two-thirds have been unemployed for periods varying between one and five months.

Herein lies the worst danger; the exhaustion of savings and family resources and credit to the point of reduced buying and spending, and in a great many cases of the entire depletion of all family resources so that actual want and misery enter in. Professional and business men and women begin to feel the pinch of the lost spending power on the part of the public and in their turn pass on restricted buying power to the larger enterprises and thus the depression is spread so that all classes of our people feel its baneful effects. The facts revealed by the survey, then, and the further possibility of an appreciable amount of part-time employment are, we believe, the basis of the unrest in regard to unemployment in general and are responsible for the reported increased work done by the various social organizations of the city.

Furthermore, analysis of the material shows that only a negligible number of individuals reported even pick-up jobs secured since they found it necessary to leave their regular occupations, and we feel that we may conclude that employment has not been available for them.

The results of the survey would indicate that the three sections of the city in which unemployment is most severely felt are the central, southern, and eastern districts.

Unfortunately there is no accurate basis of comparison of the present amount of unemployment in Baltimore city with that existent in previous years. We can, with a fair degree of certainty, state, however, that it is more severe than it was one year ago. While a report of employment can not be used legitimately as an exact measure of unemployment, it may, however, be used to indicate the trend. In support, then, of our statement that unemployment is more severe in Baltimore this year than last, we quote the following from the annual report of the commissioner of labor statistics for 1927 (not yet ready for distribution):

"Combined employment in manufacturing industries in Maryland decreased 7.8 per cent during the 12-month period from January, 1927, to January, 1928, while weekly pay-roll totals for the same industries decreased 10.9 per cent for the same period. * * * While practically all of the industries involved are subject to seasonal fluctuations, the general tendency of employment and combined weekly pay rolls for manufacturing industries in Maryland, taken month by month during the year 1927, has been unquestionably downward. * * * The manufacturing industries reported increased employment in only four months, February, April, August, and September. It is interesting to note, however, that the pay-roll increases for these months are larger than the employment increases. December showed a slight decrease of nine-tenths of 1 per cent as compared with November, but for the same month the combined pay rolls increased eight-tenths of 1 per cent."

Maryland, it seems, is not at all unique in reporting decreased employment and pay rolls for a 12-month period covering the year 1927. According to an official report of the Bureau of Labor Statistics, United States Department of Labor, issued early in January, 1928, there was a decrease of 6.4 per cent in employment in manufacturing industries throughout the United States and a decrease of 6.6 per cent in the combined pay rolls in December, 1927, as compared with December, 1926.

"Each geographic division," according to this report, "shows a falling off in employment from December, 1926, to December, 1927, the greatest decreases being in the west, south Central, middle Atlantic, and New England divisions, and much the smallest decrease being in the south Atlantic States."

The following outline of the general facts revealed by the survey and the accompanying tables set forth in detail the distribution of the 15,473 unemployed persons in Baltimore, according to sex, color, regular industry, regular occupation, and number of months during which they have been without gainful employment of any kind.

The total number of families in which one or more cases of unemployment were found was 12,739; number of private families, 12,217; number of boarding houses, 289; number of lodging houses, 170; number unclassified families, 63. The total number of persons included in the 12,739 families was 64,306. The total number of persons who usually are engaged in gainful occupations is these 12,739 families was 29,099.

TABLE 1.—*Number of regularly engaged persons in Baltimore wholly unemployed, classified by sex, color, and regular occupation*

Regular occupation	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
Apprentices in building and hand trades	132	22	154				154
Blacksmiths	39	1	40				40
Boilermakers	56		56				56
Brick and stone masons	209	9	218				218
Building industry	135	5	140				140
Other industries	5		5				5
Contractors	69	4	73				73
Carpenters	852	24	876				876
Building industry	588	17	605				605
Other industries	59	1	60				60
Contractors	205	6	211				211
Electricians	131		131				131
Building industry	25		25				25
Other industries	24		24				24
Contractors	82		82				82
Engineers (stationary) and cranemen	101	5	106				106
Building industry	19	1	20				20
Other industries	37		37				37
Contractors	45	4	49				49
Factory workers (not otherwise classified)	926	671	1,597	117	13	130	1,727
Food and kindred products	122	93	215	33	3	36	251
Textiles and their products	47	17	64	11	2	13	77
Iron and steel, not including machinery	165	87	252	22	1	23	275
Lumber and allied products	70	56	126	1		1	127
Leather and its manufactures	11	7	18	3		3	21
Rubber products	4		4				4
Paper and printing	12	7	19	1		1	20
Chemicals and allied products	47	111	158	7		7	165
Stone, clay, and glass products	37	81	118		1	1	119
Metal and metal products, other than iron and steel	42	42	84	2		2	86
Tobacco manufactures	4	2	6	3		3	9
Machinery, not including transportation equipment	95	35	130	1		1	131
Musical instruments	4		4				4
Transportation equipment	69	28	97				97
Railroad repair shops	20	5	25				25
Other industries	177	100	277	33	6	39	316
Firemen (not locomotive or fire department)	67	22	89				89
Laborers (not otherwise classified)	1,501	2,594	4,095				4,095
Building industry	204	882	1,086				1,086
Other laborers	1,297	1,712	3,009				3,009
Machinists	237	3	240				240
Mechanics (not otherwise classified)	89	9	98				98
Painters	451	33	484				484
Building industry	229	7	236				236
Other industries	22	12	34				34
Contractors	200	14	214				214
Paper hangers	78	8	86				86
Building industry	16	2	18				18
Contractors	62	6	68				68
Plasterers and cement finishers	145	16	161				161
Building industry	84	9	93				93
Contractors	61	7	68				68
Plumbers, gas fitters, and steam fitters	305	7	312				312
Building industry	71		71				71
Other industries	48		48				48
Contractors	186	7	193				193

TABLE 1.—*Number of regularly engaged persons in Baltimore wholly unemployed, classified by sex, color, and regular occupation*—Contd.

Regular occupation	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
Semiskilled operatives (not otherwise classified)	934	68	1,002	341	36	377	1,379
Food and kindred products	135	16	151	36	2	38	189
Textiles and their products	222	22	244	186	22	208	452
Iron and steel and their products (not including machinery)	135	8	143	23	-------	23	166
Lumber and allied products	76	1	77	10	-------	10	87
Lumber and its manufactures	27	3	30	4	-------	4	34
Rubber products	4	-------	4	1	-------	1	5
Paper and printing	118	1	119	18	-------	18	137
Chemicals and allied products	9	2	11	1	-------	1	12
Stone, clay, and glass products	33	5	38	2	2	4	42
Metal and metal industries, other than iron and steel	32	1	33	1	-------	1	34
Tobacco manufactures	19	-------	19	37	6	43	62
Machinery, not including transportation equipment	13	-------	13	-------	-------	-------	13
Musical instruments	6	-------	6	-------	-------	-------	6
Transportation equipment	33	2	35	-------	-------	-------	35
Railroad repair shops	6	-------	6	-------	-------	-------	6
Other industries	66	7	73	22	4	26	99
Other manufacturing and mechanical occupations	618	29	647	61	15	76	723
Total, manufacturing and mechanical	6,871	3,521	10,392	519	64	583	10,975
Water transportation [1]	136	173	209	-------	-------	-------	209
Sailors and deck hands	111	14	125	-------	-------	-------	125
Stevedores	7	59	66	-------	-------	-------	66
Others	18	-------	18	-------	-------	-------	18
Road and street transportation	506	289	795	1	-------	1	796
Chauffeurs	426	239	665	1	-------	1	666
Draymen, teamsters	73	47	120	-------	-------	-------	120
Others	7	3	10	-------	-------	-------	10
Railroad transportation	82	4	86	-------	-------	-------	86
Brakemen	35	-------	35	-------	-------	-------	35
Others	47	4	51	-------	-------	-------	51
Express, post, telegraph, and telephone	15	1	16	36	-------	36	52
Telephone operators	4	1	5	36	-------	36	41
Others	11	1	12	-------	-------	-------	12
Total, public utilities	739	367	1,106	37	-------	37	1,143
Retail dealers	44	6	50	-------	-------	-------	50
Salesmen	484	13	497	229	4	233	730
Others	81	4	85	30	2	32	117
Total, trade	609	23	632	259	6	265	897
Public service (policemen and firemen)	9	-------	9	-------	-------	-------	9
Professional service	59	5	64	23	1	24	88
Servants	25	112	137	50	578	628	765
Other domestic and personal service	150	247	397	69	71	140	537
Total, domestic and personal service	175	359	534	119	649	768	1,302
Bookkeepers, cashiers, accountants	51	1	52	37	1	38	90
Clerks (office)	240	3	243	110	1	111	354
Stenographers and typists	11	1	12	112	2	114	126
Other clerical occupations	157	16	173	27	-------	27	200
Total, clerical occupations	459	21	480	286	4	290	770
Clerks, unclassified [2]	66	-------	66	14	-------	14	80
Other occupations	165	20	185	22	2	24	209
Total, other occupations	231	20	251	36	2	38	289
All occupations	9,152	4,316	13,468	1,279	726	2,005	15,473

[1] Including 89 occupants of 2 seamen's lodging houses who may or may not be usual residents of Baltimore.
[2] Unclassified as to whether sales or office clerks.

TABLE 3.—*Distribution of totally unemployed in Baltimore, by sex, color, and regular industry*

Regular industry	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
MANUFACTURING							
Food and kindred products	375	128	503	82	5	87	590
Beverages	19	6	25	5	-------	5	30
Bakery products	104	21	125	11	-------	11	136
Canning and preserving fruits and vegetables	23	7	30	5	3	8	38
Canning and preserving (oysters and crabs)	6	9	15	3	-------	3	18
Confectionery	50	7	57	39	-------	39	96
Ice cream	8	2	10	2	-------	2	12
Ice (manufactured)	43	17	60	-------	-------	-------	60
Slaughtering and meat packing	64	17	81	6	1	7	88
Other food products	58	42	100	11	1	12	112
Textiles and their products	400	56	456	244	26	270	726
Clothing	324	47	371	195	23	218	589
Cotton goods	50	1	51	38	-------	38	89
Other textiles	26	8	34	11	3	14	48
Iron and steel and their products, not including machinery	405	107	512	49	-------	49	561
Iron foundries	100	39	139	-------	-------	-------	139
Plumbers' supplies	31	-------	31	2	-------	2	33
Steel works and rolling mills	75	44	119	1	-------	1	120
Tinware	169	14	183	45	-------	45	228
Other iron and steel products	30	10	40	1	-------	1	41
Lumber and allied products	216	66	282	14	-------	14	296
Boxes [1]	48	13	61	8	-------	8	69
Furniture	71	10	81	6	-------	6	87
Lumber, planing-mill products	52	38	90	-------	-------	-------	90
Other lumber products	45	5	50	-------	-------	-------	50
Leather and its manufacture	49	12	61	8	-------	8	69
Boots and shoes	38	10	48	5	-------	5	53
Other leather products	11	2	13	3	-------	3	16
Rubber products	7	8	15	1	-------	1	16
Paper and printing	159	13	172	28	-------	28	200
Boxes, paper [2]	9	2	11	9	-------	9	20
Printing and publishing, job	99	4	103	10	-------	10	113
Printing and publishing, newspaper	17	1	18	-------	-------	-------	18
Other paper products, and printing	34	6	40	9	-------	9	49
Chemicals and allied products	111	123	234	17	1	18	252
Fertilizers	8	66	74	1	-------	1	75
Oils	54	19	73	1	-------	1	74
Other chemicals	49	38	87	15	1	16	103
Stone, clay, and glass products	93	93	186	3	4	7	193
Bricks	8	36	44	-------	-------	-------	44
Glass products	59	24	83	2	4	6	89
Marble, slate, stone	14	25	39	-------	-------	-------	39
Other products	12	8	20	1	-------	1	21
Metal and metal products, other than iron and steel	108	46	154	3	-------	3	157
Brass, bronze, and copper	48	40	88	-------	-------	-------	88
Stamped and enameled ware	29	3	32	2	-------	2	34
Other metal products	31	3	34	1	-------	1	35
Tobacco manufactures	27	3	30	45	6	51	81
Cigars and cigarettes	23	1	24	40	2	42	66
Other tobacco manufactures	4	2	6	5	4	9	15
Machinery, not including transportation equipment	153	7	160	1	-------	1	161
Musical instruments	25	-------	25	-------	-------	-------	25
Transportation equipment	305	44	349	-------	-------	-------	349
Motor vehicles (including repairs)	134	15	149	-------	-------	-------	149
Shipbuilding	160	27	187	-------	-------	-------	187
Other transportation equipment	11	2	13	-------	-------	-------	13
Railroad repair shops (steam)	57	4	61	-------	-------	-------	61
Other manufacturing industries	257	107	364	58	6	64	428
Brooms and brushes	32	2	34	1	-------	1	35
Umbrellas	11	-------	11	12	-------	12	23
Other manufacturing industries	214	105	319	45	6	51	370
Total, manufacturing industries	2,747	817	3,564	553	48	601	4,165

[1] May include some paper boxes.
[2] Some of these may be included under wooden boxes.

TABLE 3.—*Distribution of totally unemployed in Baltimore, by sex, color, and regular industry*—Continued

Regular industry	Males			Females			Total unemployed
	White	Colored	Total	White	Colored	Total	
MECHANICAL							
Building	1,520	937	2,457	4	4	8	2,465
Laundries	14	14	28	9	19	28	56
Total, mechanical industries	1,534	951	2,485	13	23	36	2,521
MERCANTILE							
Wholesale establishments	75	19	94	8	1	9	103
Retail establishments	551	184	735	285	24	309	1,044
Department stores	169	28	197	199	3	202	399
Other retail stores	382	156	538	86	21	107	645
Other mercantile establishments	84	5	89	23	----	23	112
Total, mercantile industries	710	208	918	316	25	341	1,259
PUBLIC UTILITIES							
Buses and taxicabs	27	2	29	----	----	----	29
Gas and electric supply	50	45	95	----	----	----	95
Railways, electric	37	20	57	----	----	----	57
Railroads, steam [3]	265	139	404	2	----	2	406
Telegraph	9	----	9	1	----	1	10
Telephone	8	3	11	37	----	37	48
Water transportation [4]	204	98	302	----	2	2	304
Total, public utilities	600	307	907	40	2	42	949
Unclassified by industry [5]	3,561	2,033	5,594	357	628	985	6,579
Total, all industries	9,152	4,316	13,468	1,279	726	2,005	15,473

[3] Probably includes some who might be classified under "railroad repair shops."
[4] Includes 89 occupants of 2 seamen's lodging houses, who may or may not be usual residents of Baltimore.
[5] Includes laborers, contractors, professional, domestic and personal service, etc., not classified according to industry.

The statement below classifies the unemployed according to the length of time during which they have been entirely without employment of any kind:

Less than 1 month	1,981
1 month and under 2 months	2,373
2 and under 3 months	3,041
3 and under 4 months	2,643
4 and under 5 months	1,657
5 and under 6 months	901
6 and under 7 months	1,229
7 and under 8 months	275
8 and under 9 months	320
9 and under 10 months	122
10 and under 11 months	46
11 and under 12 months	26
12 months and over	778
Time not reported	81
Total	15,473

Mr. WAGNER. Mr. President, may I inquire whether the report referred to by the Senator from Utah is made by the Department of Labor in answer to the resolution introduced by me?

The VICE PRESIDENT. It is the report made by the Department of Labor in response to Senate Resolution 147, submitted by the junior Senator from New York [Mr. WAGNER]. It was ordered to be printed and also ordered to be printed in the CONGRESSIONAL RECORD.

Mr. WAGNER. I have not yet had an opportunity to read it. I shall undoubtedly want to discuss it after an opportunity has been given me to read it.

The VICE PRESIDENT. The Senator from Utah asked that it be printed in the RECORD, and it has been so ordered.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Gerry	Hawes
Barkley	Curtis	Gillett	Hayden
Blaine	Cutting	Glass	Heflin
Blease	Dale	Gooding	Johnson
Borah	Dill	Gould	Jones
Broussard	Edwards	Greene	Kendrick
Bruce	Fess	Hale	Keyes
Capper	Fletcher	Harris	King
Caraway	Frazier	Harrison	McKellar
McLean	Oddie	Shipstead	Tydings
McMaster	Overman	Shortridge	Tyson
McNary	Phipps	Smith	Wagner
Mayfield	Pine	Smoot	Walsh, Mass.
Moses	Pittman	Steck	Warren
Neely	Robinson, Ark.	Steiwer	Waterman
Norbeck	Robinson, Ind.	Stephens	Watson
Norris	Sackett	Swanson	Wheeler
Nye	Sheppard	Thomas	Willis

Mr. ROBINSON of Arkansas. I desire to anounce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily detained, attending the funeral of the late Senator FERRIS.

The VICE PRESIDENT. Seventy-two Senators having answered their names, a quorum is present. The Senator from West Virginia [Mr. NEELY] is entitled to the floor.

DISTRICT POLICE FORCE

Mr. CARAWAY. Mr. President, will the Senator from West Virginia yield to me for a moment?

Mr. NEELY. I am glad to yield to the Senator from Arkansas.

Mr. CARAWAY. I desire to submit a resolution making inquiry of the District of Columbia Commissioners for certain information. It will take but a moment to consider it. I would like to have unanimous consent to have it read and acted upon. If any discussion arises, I shall be glad to withdraw it.

Mr. NEELY. I yield for that purpose.

The VICE PRESIDENT. The clerk will read the resolution.

The resolution (S. Res. 182) was read, considered by unanimous consent, and agreed to, as follows:

Whereas there is apparently friction in the police force; and

Whereas a number of the members of the force have been charged with offenses; and

Whereas trials have been had before the police board: Now, therefore, be it

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, requested to furnish to the Senate, (a) the name of each member of the force who has been charged with any offense within the last three years; (b) together with the nature of the offense; (c) what action was had by the trial board with reference to these cases; (d) in how many cases the District Commissioners have reviewed the action of the trial board; (e) what has been the final result of these cases; (f) how many; (g) and which police officers are now on the force that have been charged with the offenses; (h) the nature of their offenses; (i) what, if any, punishment has been inflicted upon them.

The preamble and resolution were agreed to.

SECRETARY HOOVER'S REPLY TO SENATOR BORAH'S QUESTIONNAIRE

Mr. NEELY. Mr. President, on the 9th day of February the able Senator from Idaho [Mr. BORAH] in a most patriotic and praiseworthy effort to serve his party and his country wrote Mr. Herbert Hoover the following courteous, cordial, and important letter:

FEBRUARY 9, 1928.

Hon. HERBERT HOOVER,
Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: Your friends have placed you in line for the nomination for the Presidency. I venture in view of that fact to ask your views upon a matter in which there is a wide and deep interest throughout the country. I am sure you will be free to express yourself upon this important issue:

First. Do you favor incorporating in the next national Republican platform a plank specifically referring to the eighteenth amendment to the Constitution and pledging the candidates and the party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry into effect the constitutional amendment?

Second. What is your attitude and what would be your attitude toward the amendment and its enforcement in case you are nominated and elected?

Third. Do you favor the enactment into law of the principle embodied in the New York referendum that the Congress should modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States? In other words, do you favor a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country?

Fourth. Do you favor the repeal of the eighteenth amendment or the repeal of the Volstead Act?

Very respectfully,

WM. E. BORAH.

Mr. Hoover, after two weeks of fishing, campaigning, and reflecting, sent Mr. BORAH the following curt, curious, and confusing retort:

The Hon. WILLIAM E. BORAH,
United States Senate.

MY DEAR SENATOR: Upon my return to Washington I have taken up your letter.

I feel that the discussion of public questions by reply to questionnaires is likely to be unsatisfactory and ofttimes leads to confusion rather than clarity. Replies to the scores of such inquiries on many questions are impossible.

Out of regard for your known sincerity and your interest in the essential question I will, however, say again that I do not favor the repeal of the eighteenth amendment. I stand, of course, for the efficient, vigorous, and sincere enforcement of the laws enacted thereunder. Whoever is chosen President has under his oath the solemn duty to pursue this course.

Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively.

Yours faithfully,

HERBERT HOOVER.

Mr. President, Mr. Hoover in this letter reaches the sublimest height of epistolary humbuggery ever attained by man. [Laughter.] There is not a rum runner, a home brewer, or a bootlegger in all the land who can write a less responsive or a more unsatisfactory reply than that which Mr. Hoover has written to Senator BORAH's questionnaire.

When Mr. Hoover dictated this meaningless epistle he was evidently as irritable and belligerent as Thrasymachus was when, because of his inability to answer questions propounded by Socrates, he ill-naturedly accused the great philosopher of having "a stuffed nose" and of not having used his handkerchief as frequently as decency demanded. [Laughter.]

Mr. Hoover's letter to Senator BORAH is quite as puerile, petulant, and pitiable as the response that Thrasymachus made to Socrates.

Until Mr. Hoover acknowledged the receipt of Senator BORAH's questionnaire the drys believed him to be dry, and the wets believed him to be wet. But as a result of Mr. Hoover's exceedingly evasive letter the wets now believe him to be dry and the drys fear that he is wet. In brief, before Mr. Hoover replied to Mr. BORAH everybody presumably knew where he stood on the liquor question. Now nobody knows where he stands on this important issue.

Mr. Hoover's letter conclusively proves the truth of Talleyrand's assertion that "language was invented to conceal thought." It also proves that Mr. Hoover can be evasive in all languages, including the Scandinavian, and that he can categorically answer questions in none.

Mr. BORAH asked Mr. Hoover, "If he favors incorporating into the next national Republican platform a plank specifically applying to the eighteenth amendment to the Constitution."

Mr. Hoover has not even attempted to answer this question. He has simply ignored it.

Mr. BORAH asked Mr. Hoover, "If he favors pledging the Republican candidates and the Republican Party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry it into effect."

Mr. Hoover has with sphinxlike indifference entirely ignored this question.

Mr. BORAH asked Mr. Hoover, "If he favors the enactment into law of the principle embodied in the New York referendum that the Congress should modify the Federal act to enforce the eighteenth amendment."

Mr. Hoover has completely ignored this question.

Mr. BORAH asked Mr. Hoover, "If he favors a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country."

To this question Mr. Hoover has been as unresponsive as Baal was to his 450 prophets who vainly supplicated him to send fire from heaven to burn a sacrificial bullock on Mount Carmel.

Mr. BORAH asked Mr. Hoover, "If he favors the repeal of the Volstead Act."

This important question which is notoriously uppermost in the minds of millions of American voters, and which should have been answered "yes" or "no," Mr. Hoover has ignored as contemptuously as a saturated sot refuses near-beer.

To all of the important inquiries contained in Mr. BORAH's questionnaire Mr. Hoover has been provokingly unresponsive. He is more exasperatingly evasive than the wicked wag whose sobbing young wife, when asked the cause of her grief, replied:

Every time I ask my husband if he likes my biscuits he tells me that I have beautiful eyes.

[Laughter.]

Regardless of politicians' wishes, campaigners' agonies, and candidates' tears, the question of temperance is beyond the shadow of a doubt in this campaign to stay to the bitter end. It is as ubiquitous as humanity, as deep as the fountains of hope, and as everlasting as the hills. Yet upon questions that are vitally related to temperance Mr. Hoover is as silent as the Sphinx, as voiceless as the tomb, and as unresponsive as the unreplying dead.

If Mr. BORAH has maturely considered Mr. Hoover's monumental masterpiece of transcendent evasion he must appreciate the anguish with which Josh Billings said:

I would rather lead a blind mule on the towpath for a living, or retail soft klams from a ricketty wagon, than tew be an Interviewer and worry people with questions they wuz afrade tew answer and too vain tew refuse.

[Laughter.]

But despite all difficulties, all discouragements, and all disappointments, let us urge Senator BORAH, the preeminent apostle of political courage and candor, to be as persistent in his undertaking to ascertain Mr. Hoover's attitude toward the liquor question as Delilah was in importuning Samson (another strong man like Mr. Hoover) to reveal the secret of his great strength.

Let Senator BORAH emulate a shining example set on a memorable occasion, and say to Mr. Hoover:

Herbert, "gird up now thy loins like a man; for I will demand of thee, and answer thou me."

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor incorporating into the next national Republican platform a plank specifically applying to the eighteenth amendment to the Constitution?" And let him add: "Herbert, answer this question 'yes' or 'no,' so that the wayfaring man may know where you stand."

Let Mr. BORAH again say to Mr. Hoover:

"Are you in favor of pledging the Republican candidates and the Republican Party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry it into effect?" And let Mr. BORAH add: "Herbert, please do not evade this question, but answer it 'yes' or 'no.'"

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor the enactment into law of the principle that Congress should modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture and sale of beverages which are not intoxicating, as determined in accordance with the laws of the respective States?" And let Mr. BORAH add: "Herbert, do not humiliate your friends and encourage your foes by dodging this question. In the name of millions of dry Republicans, I urge you to answer this inquiry 'yes' or 'no.'"

Let the Senator from Idaho again say to Mr. Hoover:

"Do you favor a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country?" And let Mr. BORAH add: "Herbert, so far you have ignored this question. If you do not immediately answer it 'yes' or 'no,' the righteous wrath of vast multitudes of voters will wax hot against you and, like a great conflagration, consume you and your vaulting ambition on the floor of the Kansas City convention." [Laughter.]

Let Mr. BORAH again say to Mr. Hoover:

"Do you favor the repeal of the Volstead Act?" And let Mr. BORAH add: "Herbert, if you do not courageously answer this question 'yes' or 'no,' the countless hosts of temperance and prohibition will, with unrestrained haste and unrelenting fury, do to you what Apollo did to the vanquished Marsyas, namely, flay you alive and hang your 'political' skin in a crab-apple tree by a fountain."

It should be borne in mind that Mr. Hoover's acknowledgement of Senator BORAH's questionnaire is not only exceedingly unresponsive and scandalously evasive but also positively wicked. It clearly violates the implied injunction of the following Scripture:

For if the trumpet shall give an uncertain sound who shall prepare himself to the battle? * * * except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? for ye shall speak into the air.

Mr. Hoover has spoken, or, rather, written "into the air." His trumpet has given an uncertain sound, a mere ambiguous squeak. [Laughter.] Therefore, who of the wets shall prepare himself to Mr. Hoover's battle; who of the drys shall prepare

himself to Mr. Hoover's battle? Who or how shall anyone prepare himself to Mr. Hoover's battle?

Mr. President, a candidate who is afraid to state his position on any question of great national concern is not worthy to hold the high office that has been hallowed by Washington, Jefferson, Jackson, Lincoln, Roosevelt, and Wilson. A candidate who refuses to take the people into his confidence is not entitled to the people's votes. A candidate who evades a material issue should not be permitted to invade a public office. No political dodger deserves to be elected President of the Republic.

If anyone inquires why a member of the party of Jefferson desires to know Mr. Hoover's attitude toward the liquor question, we shall answer that Democracy also intends to nominate a Democratic candidate for President. And in the event of Mr. Hoover's nomination by the Republicans, Democrats will desire and deserve to know whether they ought to vote for the Democrat whom the Democrats have nominated or the Democrat whom the Republicans have nominated.

The fact that Mr. Hoover was a candidate for the presidential nomination on both the Republican and Democratic tickets in the 1920 Michigan primary election creates doubt in some Democratic minds as to Mr. Hoover's Democratic deserts.

What a calamity that this great statesman was not born twins, so that he could habitually be the presidential candidate of both the great political parties and invariably be on both sides of every important question!

Early in the campaign the newspapers indicated that Mr. Hoover would not enter the primary against a "favorite son" except in the State of Ohio. But more recently the ambitious Mr. Hoover has, like Lord Ronald in Gertrude the Governess, flung himself upon his political war horse and "ridden madly off in all directions." [Laughter.] He has now carried his conquest far beyond the State of Ohio. In this fact the incomparably good people of West Virginia, who very graciously permit me to share the high honor of representing them in the Senate, find much comfort, because West Virginia owns the Ohio River from bank to bank, and West Virginians do not want Senator WILLIS to wash all of Mr. Hoover's political linen in their river. [Laughter.] They do not want the "laughing water" of their western border polluted with the germs of innumerable political diseases.

Dame Rumor is now whispering about the corridors of the Capitol that Mr. Hoover desires to enter the primary election in Illinois, although the time for filing in accordance with the Illinois statute has long since passed. When Mayor Bill Thompson, who has so successfully banished King George from this hemisphere, learns of Mr. Hoover's coming to the western metropolis, he will undoubtedly repeat with cannibalistic glee those notewothy words of the famous giant so dear to the heart of every child:

Fe, fi, fo, fum,
I smell the blood of an Englishman;
Be he alive or be he dead,
I'll grind his bones to make my bread.

[Laughter.]

We may safely assume that when our great British candidate for President reaches Chicago Mayor Thompson will tender him a reception of such magnificence and fervor as no American official has ever given a British subject since Gen. Andrew Jackson received Sir Edward Pakenham at New Orleans in 1815. Pakenham is reported to have written General Jackson a note in which he said:

If you do not surrender I will destroy your breastworks and eat breakfast in New Orleans Sunday morning.

General Jackson replied:

If you do you will eat supper in hell Sunday night.

[Laughter.]

All of those who are not particularly enthusiastic about the candidacy of the late resident of the Red House in Hornton Street, London, may view with entire equanimity Mr. Hoover's desire or attempt to enter the Illinois primary. Illinois is the Vice President's State. To Mr. Hoover's effort to obtain a political delegation from the Vice President's Blue Heaven let us be as indifferent as the backwoodsman who, when urged to run to his cabin where a panther was fighting his mother-in-law, retorted, "Why should I care what happens to a panther?" [Laughter.]

If Mr. Hoover participates in the primary in the Vice President's State his fate can be appropriately indicated by the following news item which once appeared in a metropolitan paper:

Yesterday on Fifth Avenue a colored man named William Washington attempted to drive his two-horse dray through a monster parade of the Ancient Order of Hibernians. If he had lived until next Saturday he would have been 36 years old.

[Laughter.]

Let me propose to the various Republican presidential candidates who are Members of the Senate an adaptation of the following as an appropriate epitaph for Mr. Hoover at the conclusion of his race in the State of Illinois:

Here lies the body of Mary Ann Proctor,
Who caught a cold and refused to doctor;
She could not stay, she had to go—
Praise God from whom all blessings flow.

[Laughter.]

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Star Valley Commercial Club, of Afton, Wyo., favoring the making of increased appropriations for the construction of designated highways in Federal reservations, which was referred to the Committee on Appropriations.

Mr. SHEPPARD presented a petition of sundry citizens of Borger, Tex., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a petition of sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. ASHURST presented a petition of sundry citizens of Mesa, Maricopa County, Ariz., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution indorsed and approved by sundry veteran organizations in the State of Arizona, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the Circuit Court of Appeals of the Ninth Circuit on March 5, 1928, handed down a decision wherein it was held that the four-year statute of limitations of the State of Arizona applied to all insurance suits against the Government brought by ex-service men residing in the State; and

Whereas there are several hundred ex-service men residing in Arizona who were totally and permanently disabled at the time of their discharge and who will be unable to collect upon their insurance, which was in force at the time they became totally and permanently disabled, unless Congress shall pass a law extending the time within which suit may be brought against the Government; and

Whereas in a great many cases it was impossible to determine that the disability of the ex-service man was total and permanent until after the expiration of the time within which suit could be brought under the Arizona statute; and

Whereas a great many of the disabled ex-service men in Arizona are patients in Government hospitals and were sent here on account of their health and are thus deprived of the benefits of the statutes of limitations of their home State; and

Whereas we believe that the application of the law should be made uniform, irrespective of the State within which the ex-service man resides; and

Whereas a bill has been introduced in Congress by Congressman ROYAL C. JOHNSON, of South Dakota (H. R. 11350), granting the right to ex-service men to sue upon their insurance policies at any time within 20 years from the accrual of the cause of action; and

Whereas it is imperative that such bill should immediately be passed in order to protect the rights of those ex-service men not having cases pending before the courts: Now, therefore, be it

Resolved, That we heartily indorse said bill and that we respectfully request the Arizona delegation in Congress to support the same, and that a copy of this resolution be mailed to Congressman ROYAL C. JOHNSON and Senators HENRY F. ASHURST, CARL HAYDEN, and Congressman LEWIS DOUGLAS, and that copies be furnished to such other individuals and organizations as from time to time it may be deemed advisable.

The foregoing resolution was duly authorized and approved by the Ernest A. Love Post of the American Legion, the Bucky O'Neil Post, No. 541, of Veterans of Foreign Wars of the United States, and the Fort Whipple Chapter, No. 3, Disabled American Veterans of the World War, all of Prescott and Fort Whipple, Ariz.

ERNEST A. LOVE POST OF THE AMERICAN LEGION,
By F. E. FLYNN.
BUCKY O'NEIL POST, NO. 541, OF VETERANS OF FOREIGN WARS,
By WESLEY BAILEY.
FORT WHIPPLE CHAPTER, NO. 3, DISABLED AMERICAN VETERANS,
By W. J. FAHSHOLTZ.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 471. An act for the relief of Agnes McManus and George J. McManus (Rept. No. 621);

S. 1448. An act for the relief of Omer D. Lewis (Rept. No. 622); and

S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon (Rept. No. 623).

Mr. McNARY, from the Committee on Appropriations, to which was referred the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, reported it with amendments and submitted a report (No. 624) thereon.

Mr. BLAINE, from the Committee on Military Affairs, to which was referred the bill (S. 2673) for the relief of James E. Trussell, reported it without amendment and submitted a report (No. 625) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 3773) granting an increase of pension to Malinda S. S. Dunbar (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3774) to provide a temporary location for a farmers' market in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NYE (by request):

A bill (S. 3775) to repeal the desert land laws;

A bill (3776) to authorize the Secretary of the Interior to issue patents for lands held under color of title; and

A bill (S. 3777) to repeal an act entitled "An act to provide for stock-raising homesteads, and for other purposes"; to the Committee on Public Lands and Surveys.

By Mr. ASHURST:

A bill (S. 3778) authorizing improvements at the Fort Mohave Indian School, Arizona;

A bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. MOSES:

A bill (S. 3780) granting an increase of pension to Martinia L. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3781) granting a pension to Emma S. Caskey (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3782) granting an increase of pension to Mary Gault (with accompanying papers); and

A bill (S. 3783) granting an increase of pension to Rose K. Cartmill (with accompanying papers); to the Committee on Pensions.

A bill (S. 3784) to amend section 1, rule 2, rule 3, subdivision (e) and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, (ch. 64, 28 Stat. L. sec. 645); to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 3785) granting compensation to Joseph C. Eastland; to the Committee on Claims.

By Mr. SHIPSTEAD:

A joint resolution (S. J. Res. 119) granting an easement to the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO MIGRATORY BIRD BILL

Mr. NORBECK submitted three amendments intended to be proposed by him to Senate bill 1271, the so-called migratory bird bill, which were ordered to lie on the table and to be printed.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. KEYES submitted an amendment proposing to appropriate $2,654,000 and $653,300 for relief for the States of Vermont and New Hampshire, respectively, in the matter of roads and bridges damaged or destroyed by the flood of 1927, etc., intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE

Mr. SMOOT. I ask that the Committee on Commerce be discharged from the further consideration of the bill (S. 3356) to provide for the coordination of the public-health activities of the Government, and for other purposes, and that it be referred to the Committee on Finance. The Public Health Service is under the Treasury Department. All nominations and promotions in the Public Health Service go to the Finance Committee for consideration. Previous legislation that we have passed has been sent to that committee for consideration.

Mr. JONES. With that statement by the chairman of the Finance Committee, I have no objection to the change of reference.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the change of reference will be made.

INVESTIGATION OF SINKING OF SUBMARINE "S-4"

Mr. HALE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S-4*, and upon methods and appliances for the protection of submarines, having met, after full and free conference report back to their respective Houses that they are unable to agree to the same.

FREDERICK HALE,
TASKER L. ODDIE,
CLAUDE A. SWANSON,
Managers on the part of the Senate.

BERTRAND H. SNELL,
THEODORE E. BURTON,
EDWARD W. POU,
Managers on the part of the House.

Mr. HALE. Mr. President, I ask unanimous consent that the unfinished business, Senate bill 1271, be temporarily laid aside and that the Senate proceed to the consideration of the conference report on House Resolution 131, relating to the investigation of the sinking of the submarine *S-4*.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. Mr. President, I will say that the conferees have had repeated meetings on this matter and have sought to come to an agreement, but they have been unable to do so. For the benefit of the Senate I will briefly refresh the minds of Senators about the resolution.

Mr. President, immediately after the Christmas holidays and the reconvening of the Senate a joint resolution was introduced in the House, and a similar joint resolution in the Senate, at the request of the President of the United States, calling for the appointment of a commission of experts to investigate and report upon the question of safety appliances and salvage apparatus for submarines, and also calling for an investigation and a report upon the facts connected with the sinking of the submarine *S-4*.

The House unanimously enacted the joint resolution. When the matter came over to the Senate it was considered by the Senate Committee on Naval Affairs, and a divided report was made. The majority of the committee reported favorably on the House joint resolution with some minor amendments. The minority did not approve of the report of the majority. The question came up in the Senate, and by a vote of 51 to 32, I think, the majority report was defeated and an amendment was attached to the House joint resolution.

Section 2 of the House joint resolution provided for the appointment of a commission of experts to report upon the question of safety appliances and salvage apparatus. This section was adopted in the Senate.

Section 3 of the House joint resolution provided that the same expert commission should investigate and report upon the facts connected with the sinking of the *S-4*.

The Senate amended section 3 by striking out the section and providing in its place the following:

A joint committee composed of three Members of the Senate, appointed by the President of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House of Representatives, is hereby authorized and directed to investigate the full facts of the sinking of the submarine *S-4* in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto, to supplement the investigation now being made by a naval court of inquiry. And said joint committee

shall submit a full report to each branch of the Congress, giving the result of this investigation and of such recommendations as it may seem proper to make.

A committee of conference was appointed, of which the senior Senator from Virginia [Mr. SWANSON], the junior Senator from Nevada [Mr. ODDIE], and myself were members. The conferees have met, as I have said, and have not been able to reach an agreement.

As a matter of compromise, the conferees on the part of the Senate offered to strike out section 3 altogether, thus leaving a provision for the appointment of an expert commission to act simply upon the question of safety appliances and salvage apparatus. The House conferees were not willing to accept the Senate offer. The House conferees offered to amend the joint resolution by adding to the expert commission two or more Members of the Senate and two or more Members of the House. The Senate conferees did not accept the offer made by the House conferees.

I will say now that both the Senator from Nevada [Mr. ODDIE] and I, who were among the majority to sign the report made by the Committee on Naval Affairs, were and are in full sympathy with the House joint resolution, and were and are entirely ready to accept the compromise offered by the managers on the part of the House. We felt, however, in view of the vote that was taken in the Senate, that we could not conscientiously approve of the offer made by the managers on the part of the House. We felt that our position was that we should represent the indicated views of the Senate on this matter, and therefore we did not agree to the compromise.

Within a short time the President of the United States has sent to the Congress a supplemental estimate calling for an appropriation of $200,000 for experimentation in safety devices and appliances for submarines. The House Subcommittee on Appropriations has included this item in the naval appropriation bill now being acted on by the House, and without any doubt it will be adopted by the House, and, I presume, later on by the Senate. It is of vital importance that before this money is expended the commission of experts recommended by the President shall be appointed, so that this appropriation may be intelligently used.

I have a suggestion to make in regard to this matter. I shall place before the Senate a resolution which will enable conferees to determine just what the present sense of the Senate is in regard to this matter. I do not believe that the Senate wants to see this whole joint resolution defeated. The House has gone as far as it will go in the matter, as indicated by the remarks of the senior conferee on the part of the House, Mr. SNELL. I do not believe that the Senate or the country wants to see this joint resolution defeated.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. Will the Senator allow me to finish my statement? Then I shall be glad to answer any questions.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HALE. I am suggesting to the Senate the following resolution:

Resolved, That it is the sense of the Senate that the compromise proposed by the House conferees on House Joint Resolution 131, providing for the addition of two Senators and two Representatives to the commission provided for in said resolution, should be accepted by the Senate conferees in the event that a further conference be ordered.

Mr. President, if that resolution is adopted by the Senate I shall then move that the Senate insist on its amendment and that a further conference committee be appointed. If that resolution is defeated by the Senate I shall know that the Senate still has the feeling that it had when the matter came before it in January and that there is no possibility of reaching a compromise; and I shall then, in that event, move that the Senate adhere to its former action. That will mean that the House will have to take the Senate amendment or the joint resolution will fail.

Mr. SMOOT. Mr. President, I understand from the Senator, then, that the House conferees desire an expression of the Senate upon this particular item?

Mr. HALE. No, Mr. President; the House conferees did not ask that at all. I told them, in talking to them, that I should propose such a resolution. It is not done at their request.

If this resolution is adopted it will be possible then to make the compromise suggested by the House conferees; the expert commission will be appointed, with two Members of the Senate and two Members of the House on the commission; an investigation will be made, as requested by the President, the Commander in Chief of the Army and the Navy, of safety appliances and salvage apparatus in connection with submarines; and an investigation will be made of the full facts connected with the sinking of the submarine *S–4*.

I hope very much that the resolution will be adopted by the Senate. It is not in the nature of an instruction. It is simply a resolution giving the sense of the Senate.

The PRESIDING OFFICER. From a parliamentary standpoint the present occupant of the chair believes that the first vote will come on the question of agreeing to the conference report, rather than upon the proposal offered by the Senator from Maine.

Mr. HALE. Mr. President, as I have stated, if this resolution is adopted I propose to make a motion asking that the Senate insist upon its amendment and that conferees be appointed. If it is defeated I shall make another request, and that is that the Senate adhere to its amendments; and that, of course, means the end of the joint resolution.

Mr. SWANSON obtained the floor.

The PRESIDING OFFICER. The question, however, in the opinion of the present occupant of the chair, recurs on agreeing to the conference report.

Mr. SWANSON. Will the Chair inform me what will happen if the conference report is agreed to?

The PRESIDING OFFICER. Then the Senator's proposal would be in order. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SWANSON. Mr. President, I want to state to the Senate what occurred in the conference. I am more insistent now than I ever have been on the necessity for a congressional investigation, or a senatorial investigation, of the occurrences in connection with the sinking of the *S–4*. It is utterly impossible for me to understand why the conferees of the House would rather see the measure fail than to have the Senate and the House poke their noses into the derelictions in connection with that unfortunate incident.

Mr. HALE. Does not the Senator consider that if there were two Members of the House——

Mr. SWANSON. I will reach that question in time. I will show the cunning of this resolution. I will discuss that.

What occurred? We have been six weeks in conference. I told the conferees at the beginning that the Senate wanted either a joint committee of the House and Senate, or a senatorial committee, as was indicated by the vote in the Senate, to ascertain the facts in connection with the sinking of the *S–4*, one of the most distressful catastrophes that ever occurred in the history of the Navy.

I told them that there were two propositions, first, to accept the Senate's proposal, which meant that three Members should be appointed by the President of the Senate and three by the Speaker of the House, to investigate the facts in connection with the sinking of the *S–4*, and the causes of that accident. If they did not want that joint investigation, then to omit section 3, that provided for investigation of *S–4*, and let the measure pass providing for a commission to ascertain all the facts in connection with the needs of the Navy.

They refuse to agree to that. I wanted them to report a disagreement, but for weeks they would not do that.

Mr. HALE. The Senator does not mean to say that we have not tried in every way——

Mr. SWANSON. I will say that the Senator from Maine adhered to the instructions of the Senate absolutely, and tried to get the conferees to agree.

Mr. HALE. There was no attempt by the conferees to delay the report.

Mr. SWANSON. It was hard to get conferences. They were delayed. At the second meeting I told the conferees they could report on either one of those two propositions, as far as I was concerned.

Mr. NORRIS. I did not understand the second proposition.

Mr. SWANSON. The second was to let the investigation confined to the sinking of the *S–4* be eliminated. Then, if that went out, the measures could pass. These conferees had objection to that. The Senate showed by its vote that it wanted either a senatorial investigation, or an investigation by a joint committee of the House and Senate.

Mr. NORRIS. Then the theory was that if it took that form the Senate could afterwards appoint its own committee?

Mr. SWANSON. Yes. But the idea of the joint resolution was to have a committee named by the Secretary of the Navy, or by the President through him take charge of the investigation. It was understood the Secretary of the Navy was going to name them; everybody knows that. Then, having appointed the committee to make that investigation, the Senate would be

precluded from appointing its own committee to investigate the matter. That is the gravamen of the fight here to-day.

This proposition was then offered, to let the committee be appointed and to put on it, first, one Senator, or two Senators, and two Members of the House. I am unwilling for the Senate and the House to be parties to an investigating commission on which they will not have the power to control and direct.

My position is this: If the House does not want to investigate this matter, let the Senate do it. Why should they preclude the Senate from exercising its function and having a senatorial committee investigate the matter? We fought that out here for three days. The Senate reached the conclusion that it thought this accident ought to be investigated by a disinterested body, by people who are not under the influence of the Navy or anyone else. If the House did not want to investigate, they had a right to say so, and then the Senate would not be precluded from appointing its own committee to investigate.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maine?

Mr. SWANSON. I yield.

Mr. HALE. Would the Senator feel better about the matter if three Senators and three Representatives were on the commission?

Mr. SWANSON. I am not in favor of the Senate starting a joint investigation with people on the outside. The Senate should either discharge its obligations or not. That would still give the outsiders a majority. Are Senators to be summoned by those people to come when and where they please?

Mr. HALE. That would not make a majority.

Mr. SWANSON. I am against the policy; I am against the principle. The Senate should either investigate it, by itself, or with a committee of the House, or let it alone. That is the position I have taken.

Let us go further in this matter. They have practically refused to let a vote come in the House. They said the House was unanimous. This matter did not go to the Committee on Naval Affairs of the House. The resolution was introduced and referred to the Committee on Rules to take charge of the matter, to conduct it, to let it go through that way. The day it came up, it was reported promptly from the Committee on Rules. Everybody who has served in the House knows the aims and the purposes and the accomplishments of the Committee on Rules. I can not understand why the Committee on Naval Affairs was brushed aside and had nothing to do with this matter.

What I insist on is a vote in the House. It was reported that we could not get a vote. I want to know whether the House wants to join in a joint committee to investigate the sinking of the *S–4*. If they do not, let them beat my amendment. The appropriation is being made for the rest of it. The President has the power to do this without any authority from Congress. He has done it repeatedly. The recommendations for an appropriation have been made and can be passed. The President can appoint his commission to satisfy his own mind, to his own heart's content. But I am not willing to have the sinking of the *S–4* passed over without a congressional investigation

If there ever was a necessity for such an investigation, there is more now than there ever was. The court of inquiry made its report on this incident, but it pleased nobody. The Secretary of the Navy would not approve it, and reconvened the court to make another examination and report. The Secretary of the Treasury is not pleased with it. He says the report of the court of inquiry reflects on the officer of the *Paulding;* that the *Paulding* was not at fault at all; that it was entirely the fault of the *S–4*. He is not satisfied with the report of the court of inquiry.

Those whose husbands and whose sons were sunk and killed in the *S–4* are not satisfied with the report. They want a fair, just investigation by Congress. They have been here to see me, and I suppose they have seen the Senator from Maine, have they not?

Mr. HALE. Does the Senator think we could reach any conclusion that would be satisfactory to everybody?

Mr. SWANSON. We ought to let those people know the investigation is by an impartial court. The Senator has an idea of letting the department appoint seven men to investigate the department itself, to determine who was at fault. I say it ought to be a joint committee of the House and Senate, and if the House does not want it, let them defeat the measure. The money can be appropriated for the scientific investigation about which the Senator talks so much. When it came to conference nothing was heard about the scientific object to be accomplished, but it was urged that the best way to investigate the sinking of the *S–4* was through this commission named by the President, really on the recommendation of the Secretary of the Navy.

I say that the Senate ought to have an investigation itself, or there ought to be a joint investigation by the House and Senate, of all the distressing incidents that occurred in connection with the sinking of the *S–4*.

I am unable to understand why there should be such a bitter, persistent, and continuous fight against an investigation by a committee of the Senate, or a joint committee of the House and Senate, to determine who was responsible for that unfortunate accident. The more they fight it, the more insistent they are that it shall not be done, the more I think there is a reason why it should be done. I can not understand the persistent fight here for two or three months to prevent an investigation by a joint committee, three on the part of the Senate, named by the Vice President, and three named by the Speaker from the House, or by a committee formed of five Senators named by the Vice President. I think it is just, I think it is reasonable, I think it is fair, and I think the country wants this done, to satisfy themselves as to where the responsibility lies in connection with that unfortunate incident.

I am unwilling to surrender to the House, as we would surrender if we should adopt the resolution offered by the Senator from Maine. There has never been a vote in the House. It seems to be the opinion in the House that legislation is the result of the concurrence of the minds of conferees. Legislation means the concurrence of the minds of the House and Senate. As long as I am on a conference, when an important matter like this comes in I will never put up the white flag, as the Senator does, and agree to a resolution that would prevent a vote in the House which would show whether Members of the House wanted a joint committee or not.

I insist that we shall have an adherence, and then the House can determine whether they want a joint committee or not, as to whether they want to wash their hands of it, as to whether they have any interest in the misfortune in connection with the sinking of the *S–4*. If we have any interest in it, if we want to discharge the duties and obligations that we owe the country to see to the proper administration of the laws and the spending of the money appropriated, let us do it fully and completely or not at all.

I shall insist that this resolution be defeated and that we then adhere to the Senate amendment and afford an opportunity for a vote in the House.

Mr. HALE rose.

Mr. SWANSON. I yield to the Senator.

Mr. HALE. I thought the Senator was through.

Mr. SWANSON. I am tired of going to conferences with the House and have the conferees of the House refuse by delay, refuse by all kinds of legerdemain, to permit the House to vote on propositions. If this matter had gone back to the House, they could have had a vote on it.

Mr. HALE. The Senator does not think that the House conferees were trying to delay this matter, does he?

Mr. SWANSON. The Senator has just stated that there was an appropriation contemplated to handle the matter. The President appointed a commission to investigate the aircraft industry without any law, and there is no necessity for any law here. The whole gist of this thing is an attempt to prevent the House of Representatives or the Senate from poking their noses, in a controlling way, into an investigation of the sinking of the *S–4*.

Mr. HALE. I ask the Senator if he intimates that there has been any disposition on the part of the House conferees to delay this report? There has not been.

Mr. SWANSON. I do not know what they have done.

Mr. HALE. Both the Senate conferees and the House conferees tried in good faith to reach some agreement.

Mr. SWANSON. I stated my proposition to them.

Mr. HALE. No one man determines what shall be done.

Mr. SWANSON. Why was not a disagreement reported a long time ago?

Mr. HALE. Because we hoped we could reach some compromise.

Mr. SWANSON. I knew they would never compromise.

Mr. HALE. I hoped we could reach some compromise. The House has made a very liberal offer.

Mr. SWANSON. From the Senator's standpoint. The Senator is not the judge of my liberality. The Senator is not the judge of it, and he fought here to have no Senator on the commission, to have no Representative on it, nobody except the seven men named by the President, on the recommendation of the Secretary of the Navy.

Mr. HALE. Five men, not seven.

Mr. SWANSON. Five. There has never been an effort to have a commission appointed that would not have had on it

a majority of outsiders. As a Senator I am not willing to serve upon a commission on which people from the outside control.

Mr. HALE. Mr. President, if the amendment that was offered in the Senate were on the measure, would the outsiders have a majority on the committee?

Mr. SWANSON. Six.

Mr. HALE. Three from the House and three from the Senate.

Mr. SWANSON. That would be six. Why does the Senator object——

Mr. HALE. Wait a minute.

Mr. SWANSON. Why does the Senator object to the Senate appointing a committee subject to its own control? Why has the Senator always fought that?

Mr. HALE. The Senator talks about a majority. I have already told him I would be glad to make it three on the part of the Senate and three on the part of the House.

Mr. SWANSON. I think the Senator would agree to anything in the world rather than have a complete, thorough congressional investigation of the sinking of the *S–4*.

Mr. HALE. The Senator can say what he wants to, but it does not seem to me that he is stating the facts. The Senator knows that if there are two or three Members of the Senate and two or three Members of the House, three scientific men, and two retired naval officers on the commission the commission will develop something that will be of some value; he knows that they will develop more of value than would a mere senatorial or a congressional committee.

Mr. SWANSON. All the great value you want to develop disappears when I ask you to limit it——

Mr. HALE. The Senator insists that his stand be approved by the Senate. I do not believe that the Senate wants to defeat the measure, as they will do unless they adopt this resolution.

Mr. SWANSON. In other words, the House will not consider the Senate amendment, but will defeat the joint resolution.

Mr. HALE. The House has gone a great deal further than the Senate has in offering to compromise. In the bill as originally prepared there was no congressional representation on the commission of any kind whatever. They very liberally offered to put on two or three Members from the House. All the Senate conferees offered to do was to drop out section 3 altogether.

Mr. SWANSON. And to let the Senate be precluded from making an investigation of any kind.

Mr. WALSH of Massachusetts. Mr. President, this question involves something more and deeper, in my opinion, than a mere investigation into the unfortunate *S–4* submarine disaster. It involves a question of whether or not the Senate of the United States is going to surrender to the wholesale criticism and denunciation of itself because of the fact that it has been indulging in important investigations of governmental activities. It is very apparent—and one does not need to be many years in this body to know—that the House of Representatives has no sympathy with investigations—that we can not get any joint investigation committee appointed by the House and Senate. A few years ago, after the allegations of scandalous neglect and maladministration in the Veterans' Bureau, the Senate passed a joint resolution providing for an investigation by a committee of the House and the Senate into the looting of money appropriated from the Public Treasury to take care of disabled soldiers; the House refused to join with the Senate in the investigation, and the Senate itself had to undertake it. The Senate alone has been left to do the business of investigating the excesses and abuses, the omissions and commissions of bureaus. If we are going to abandon inquiry by Congress into bureaucratic government, we might just as well abandon the principal functions of Congress and accept the theory of government now so popular here in Washington—bureaucracy.

I conceive of nothing more important for the Congress, in the absence of cooperation by the House, than for the Senate to insist upon a thorough and complete investigation and inquiry into all the alleged abuses which from time to time are inevitably going to creep into a large and much involved departmental Government such as ours, where tremendous expenditures of money are involved and inefficiency, negligence, and sometimes dishonest officials are found.

Only this morning I was discussing another subject, the investigation of which might some time have to be seriously considered, and that is the policy of one of our bureaus here in joining with real-estate promoters, financiers, and builders to construct buildings for the Government with the understanding that they will be leased by the Government as soon as they are constructed and thus do away with the necessity of the Government itself constructing its own buildings.

There are 150 such buildings which have been privately constructed and leased by the Government before they were built in the last few years under the present administration. Can we not conceive the possibility of abuses, of evils, of even graft in prearranging with certain speculators to buy land through private groups and to finance the construction of buildings for the Government with governmental leases in their hands before they begin to build?

I speak not merely in disapproval of such an unwise policy by our Government but more to indicate the great need for this branch of the Government, the Congress, to concern itself constantly with scrutinizing and inquiring into the work of the many Government bureaus. There can not be too much review or research by the Congress into its almost innumerable boards, departments, and commissions.

The extent of abuse and criticism that has been heaped upon the Senate by reason of investigations it has conducted is well known. Do not forget there is a campaign in this country to stop and prevent all such senatorial investigations in the future. If it can not be stopped then an endeavor will be made to bring about the next best method—form that kind of investigating committees which will be less harmful to the department or officials investigated. Such a one is the compromise which has been presented here now—a mixture of an executive committee and a congressional committee to investigate into the alleged negligence and misconduct of Government officials which involved and resulted in the loss of life of a large number of defenders of the Nation. But there is no need to dwell upon the shocking features of this accident or the general charge of gross incompetency in handling the work of rescue and salvage. Of far more importance now is the principle of preserving the legislative power of investigation unhampered and unrestricted by outside interference.

I am opposed to any investigation by a combination of Members of Congress and individuals appointed by the Executive authority. My experience as governor of my State and the experience I have had in the observations of such investigations elsewhere is that they usually result in accomplishing nothing. First of all, they are inconvenient. It is often not possible for private individuals to meet when convenient for Members of Congress, and it is not convenient for Members of Congress to meet when the outsiders are able to meet. It is very difficult for them to arrange a time to meet. Secondly, they come together with divided authority. Again, if there is any remedy required, if there is any legislation necessary, it must be acted upon in this body, and therefore it seems to me that the work of investigations of this character ought to be carried on by Members of the Senate, in the absence of the House cooperating. We might just as well begin to accept the view that private citizens be appointed to sit on our committees and conduct our hearings and study of legislation.

Mr. President, I consider this compromise arrangement of a commission to carry on this investigation, composed of members designated by the Executive and of Members of Congress, in every way unsatisfactory. We had better have none at all. I fully agree with all the Senator from Virginia [Mr. SWANSON] has said. It is the entering wedge—that is the bad feature of it. It is the beginning of the end of open and thorough investigations by the people through their directly elected representatives. Every investigation we would have hereafter would be conducted in part by individuals named by the Executive. Suppose we had that arrangement in connection with some of the investigations which we have been conducting. What would have resulted? Suppose the Executive, President Harding, had been obliged or permitted to name citizens to investigate the allegations against his own Cabinet, corruption by members of his own Cabinet, where would we have been? I am opposed to a joint investigation committee in cases where the investigation is to be carried on by a commission composed of Members of Congress and appointees of the Executive, and I hope, therefore, the resolution will not be adopted.

This matter could have been disposed of and ended long ago, when we came back after the Christmas holidays, without any legislative act at all, without any Senate resolution or joint resolution. There is ample authority and power in every committee in this body to conduct an investigation relating to the purpose and work of the several committees. The Committee on Naval Affairs could have called before them these officers and other witnesses and made the investigation and then submitted to the Senate such recommendations as they might see fit. Months have gone by. Consideration has been postponed. I do not know what for unless it was to allow a cooling off of the public wrath and indignation which was aroused because of the *S–4* disaster. I now, as before, take the position that we have an independent, vigorous investigation by a Senate com-

mittee. We ought not to have a joint investigation such as is provided for in the resolution, because it will be unproductive of results and a bad precedent to establish.

Mr. President, the Portland (Me.) Evening News recently had a very excellent analysis and summary of the inquiry that was made by the naval court of inquiry. I would like to have it read at the desk. It is very enlightening and deals with the subject admirably. There is a slight reference made to the Senator from Maine [Mr. HALE], which I will ask to have omitted, because we are not concerned about that. I am only concerned about what it says with reference to the inquiry and the public rights in the premises.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From the Portland (Me.) Evening News, March 21, 1928]

WHAT OF THE "S–4"?

The *S–4* has been brought to the surface and is docked at the Charlestown Navy Yard. But an examination of her interior merely deepens the mystery surrounding last December's fatal disaster.

"The wound in the hull is not sufficient in itself to have caused the sinking. Even with the battered compartment filled with water, she could have remained afloat, except for loss of control of the instruments in the control room." This is the statement of Capt. E. L. King, who had charge of the salvage operations.

What drove the men out of the control room remains unknown. The naval court could only find that they "from some undetermined cause were driven from the central operating department shortly after the collision" and "were therefore deprived of the use of practically all the ship's facilities for raising the vessel themselves or for aiding in attempts at their rescue."

It will be recalled that the findings of the naval court of inquiry, while vigorous, were inconclusive, and that dissent from them was registered by higher naval authorities. The court found that the cause of the failure of the *S–4* to take proper action prior to the collision, when the Coast Guard destroyer *Paulding* was still 75 yards away, could "not be determined absolutely." It found the *S–4's* dead commander and the commander of the *Paulding* jointly to blame for the collision.

In regard to the rescue operations, the court found that Rear Admiral Brumby, who was in charge of them, "had not the familiarity with the essential details of construction of submarines and the knowledge of rescuing vessels and the knowledge of the actual work being carried on by his subordinates necessary to direct intelligently the important operations of which he was in charge."

It further found—and note the contradiction in these findings—that while the rescue plans were "conceived by an expert staff * * * were logical, intelligent, and were diligently executed with good judgment and the greatest possible expedition, yet Rear Admiral Brumby failed to contribute that superior and intelligent guidance, force, and sound judgment expected from an officer of his length of service, experience, and position." The court therefore recommended that Rear Admiral Brumby be detached from command of the control force.

It is not clear how rescue plans, which (in the same sentence) the court declares to have been "logical, intelligent, and diligently executed, with good judgment and the greatest possible expedition," could likewise have lacked "intelligent guidance, force, and sound judgment" on the part of the officer in charge of them.

Nevertheless, a reading of the testimony will leave no one in doubt of Admiral Brumby's lack of qualification to carry out this particular work. To question after question bearing vitally on the saving of the lives of the imprisoned men, he was obliged to answer that he did not know. To his credit it should be stated that he made no attempt to "bluff" and to cover up his want of knowledge.

The judge advocate general, Rear Admiral Edward H. Campbell, dissented from the court's findings in regard to Admiral Brumby, saying that, in view of their adverse nature the court erred in not making that officer a defendant, which it had full authority to do.

The next higher authority, the Chief of the Bureau of Navigation, Rear Admiral Richard H. Leigh, dissented from holding the late Lieutenant Commander Jones directly and personally responsible for his share of the collision, and asserted his view that the facts found by the court did not support its opinions. Meanwhile Andrew Mellon, who, as Secretary of the Treasury, controls the Coast Guard Service, registered his dissent by saying "the Treasury Department * * * can not * * * permit an experienced, capable officer in its Coast Guard to be blamed for a collision for which this department has determined after careful investigation that he was not responsible."

And there you are.

Three relatively unimportant officers are picked as "goats." But in the case of Lieutenant Commander Baylis, his chief, Secretary Mellon, emphatically repudiates the finding. In the case of Rear Admiral Brumby the judge advocate general likewise demurs against the finding, and criticizes the court for making it. As for Lieut. Commander Roy K. Jones of the *S–4*—he is dead. He can not answer. And Rear Admiral Leigh takes exception, likewise, to the finding in his case. But even assuming the correctness of the court's verdict, of what use or importance is it? Singling out three figures in the disaster, does not help to determine the true and ultimate responsibility nor does it make a recurrence of this tragedy either impossible or even improbable. Another *S–4* disaster could occur to-morrow.

For all the testimony and findings to date the public is little wiser. It knows that the submarine went down under circumstances which naval officers at first declared unavoidable, but which to-day stand revealed as wholly avoidable and needless.

The public knows that the officer in charge of the rescue operations was scathingly condemned by the naval court and that his testimony showed him to be unfitted by experience to direct the work of rescue. At the same time, the people do not know why, in this great disaster which shook the country from coast to coast, and was a challenge to all the ability, ingenuity, and the resourcefulness of the Navy Department to save men still alive, an officer so little qualified was appointed to take charge. Who was responsible for picking him? Was he the best man available? Had the Navy none better than he? Far more important than fixing the blame on a dead lieutenant commander of the Navy, a Coast Guard lieutenant commander, and on a rear admiral, is to find out as far as possible:

1. Why the accident occurred. (This is not necessarily an unfathomable mystery.)
2. Why the various devices to save the men after the accident were made inoperative.
3. Why the appliances which might have been used to get air into the submarine were not available in time.
4. What other safety appliances which were not used might have been used to good effect.
5. Why it was not possible to raise it in a very much shorter time.
6. Why the rescue operations were so ineffectively carried out.
7. And (most important of all)—what steps have been taken, are being taken, and will be taken, to make the submarines of our Navy safe for their men in the future against so needless a collision, and so bungled an attempt at rescue.

Only by obtaining a satisfactory answer to this last question and by preventing the loss of more lives can the American people in any way compensate for the 40 lives lost on the *S–4*.

In the wake of the profound emotion brought about by the tragedy, an investigation by other than naval officers was sought in Congress. Certain Senators demanded a congressional investigation. Others fought it and, finally compelled by nation-wide indignation to do something, urged instead an inquiry by a commission which would, in effect, have been picked by the Secretary of the Navy. Public opinion finally forced the abandonment of that plan because of the widespread conviction that for the head of the Navy Department to investigate the department's shortcomings would lead nowhere.

A congressional inquiry was therefore voted in the Senate, despite the wishes of the chairman of the Senate Committee on Naval Affairs, in the matter. The measure went over to the House for conference.

The Navy Department—the administration—obviously does not want an investigation. The real facts—the real responsibility of those higher up—are to be covered up, if possible. Yet with not a move made that would make another such catastrophe impossible, a searching inquiry that would bring to light whatever there may be to prevent another needless sacrifice of young lives as in the *S–51* and the *S–4* becomes a supreme national duty. It is a solemn obligation to those gallant dead, who from their death trap, less than 20 fathoms beneath the surface, tapped out a call for help to the American Nation—and tapped in vain.

Mr. WALSH of Massachusetts. Mr. President, I think that editorial in a very direct and concise way sets forth the reasons why a congressional investigation should be made and why the investigation by the naval board of inquiry from the public standpoint was unsatisfactory.

I simply wish to say, in conclusion, that I have no objection to an investigation by experts being made by and for the Executive; I would be glad to have the Navy Department have the benefit of all the expert advice and technical assistance that it may need; but I do deplore the abandonment by Congress of its plain duty, which I conceive to be that of a safety valve and check upon the bureaus of the Government. I can not imagine anything that the bureaus would welcome more than a sign hung outside the doors of Congress: "Hereafter all bureaus are to be investigated by other bureaus of the Executive department; Congress has given up the business of making any inquiry into the derelictions of public officials."

Mr. HALE. Mr. President, the article inserted in the RECORD by the junior Senator from Massachusetts does not greatly disturb me. The Portland News is a newspaper that was started, I believe, some time last summer in my home city of Portland. I have the good fortune or the misfortune at the present time to be a contestant for renomination to the Senate. One of the principal functions of that newspaper seems to be to oppose everything I do and to laud everything that my oppo-

nent does. So I do not feel very greatly distressed by what this newspaper has published.

Mr. WALSH of Massachusetts. Mr. President, I was aware of the fact that the newspaper appeared to be in opposition to the Senator from Maine, and I had eliminated from the article a short line which, by the way, did not in any way reflect upon the Senator other than to refer to his connection with and mistaken views on this matter. I should like to ask the Senator, aside from the fact of the political opposition of that newspaper to him, is there anything in the paper's analysis of the naval board of inquiry that he finds fault with or criticizes? Is it not a correct and enlightening statement in regard to this accident and its problems?

Mr. HALE. Mr. President, before replying to that inquiry, I should want to consider the article. I simply heard the statement that it was an article from this particular newspaper, but I did not carefully attend to what it stated.

Mr. WALSH of Massachusetts. I am not concerned about the political position of this newspaper, but I am concerned about the fact that it gave an analysis of the report of the naval board of inquiry which seemed to me to be excellent and reiterated solid reasons why a congressional investigation should be made.

Mr. HALE. I have already given my views about what I think should be done.

Mr. GERRY. Mr. President, I am entirely in accord with what the Senator from Virginia [Mr. SWANSON] and the junior Senator from Massachusetts [Mr. WALSH] have said and the action they urge. I greatly regret that the department has seen fit to try to dictate and to have control of this investigation. As a strong supporter of the Navy, and as a believer in the fine body of men that compose it, I feel that they are entitled to have a thorough investigation of the *S–4* disaster, and to have the facts clearly disclosed in a way that will make for public confidence. I do not believe that it is a sound policy or a correct one to allow the department in charge to have anything to say in the control of an investigation into a disaster that has happened under that department.

In the sinking of the *S–4* we have suffered one of the most deplorable calamities that have happened to the Navy in years. The heroism of the gallant men who served on the *S–4* has touched the country deeply, as have the horror and the tragic character of the disaster which overwhelmed them. What the people want to know and what they have a right to know is, Was everything done that should have been done to have prevented the disaster, and after it occurred was everything done that could have been done to raise the *S–4* as quickly as possible?

The President, as Commander in Chief of the Army and Navy of the United States, could appoint—and I wish he had appointed—experts to go into the matter. I have no objection to that whatsoever.

There has been the usual court of inquiry held, and the court of inquiry has submitted a report that is apparently not satisfactory to the Secretary of the Treasury or to the Secretary of the Navy, the heads of the two departments involved. Now, we are faced with the desire of the Secretary of the Navy to have experts on the commission that is to be appointed to investigate this matter further, experts whom he is to pick. That really is the crux of the whole situation. Is a department head going to dominate investigations relative to his department or are the Senate and the House going to assert themselves and to insist on conducting the investigation and bringing out the facts? If Congress shall conduct the investigation, the public, in my opinion, will be satisfied that the work will be thoroughly done. If the department or appointees of the department shall conduct it, the public will not be satisfied.

I can not see how in any way it can be other than harmful to the Navy to have the resolution agreed to, for the public will feel—and with some justification—that the investigation which is proposed will not be as properly or as thoroughly undertaken as it will be, in my opinion, if the Senate or the House shall conduct it. I therefore am going to vote to let this matter go back to the House so as to ascertain if the House conferees are right in their opinion that the House itself does not want to aid the Senate in the investigation.

Mr. BLEASE. Mr. President, I thoroughly agree with the Senator from Massachusetts in reference to this investigation. When men are deliberately robbing and stealing from the farmers of this country, and an investigation is requested, and the Attorney General of the United States refuses to allow the people whom he has under his control to investigate that matter properly, and then refuses to allow what reports they do make to be known to those outside of his office who are very much interested in the matter, I think it should be lesson enough to this body that there will not be a fair investigation made of anything crooked connected with the present administration, whether it be the sinking of the *S–4*, or whatnot.

On the 17th of October, 1927, this letter was written by the Attorney General of the United States:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., October 17, 1927.

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to acknowledge your letter of the 13th instant inquiring what has been done in the matter of irregularities relating to the business of the Intermediate Credit Bank of Columbia, S. C., and expressing a desire for a copy of the report on the investigation of those irregularities made recently by accountants of this department. You suggest that if the reports are true some action should be taken, either by the Senate or this department, with reference to some certain officers.

The reports of investigators of this department are confidential, and it is against the rules of the department to furnish copies upon request. I beg to advise you, however, that the accountants have been making a very careful examination and that a number of indictments have been returned, which are, of course, on file at the office of the clerk of the United States District Court for the Eastern District of South Carolina. I have no doubt that Major Meyer will prosecute those indictments promptly and vigorously.

Very truly yours,

JOHN G. SARGENT, *Attorney General.*

There have been no such indictments returned as spoken of in that letter of the Attorney General against anybody connected with the Intermediate Credit Bank of the city of Columbia. That letter is a direct, positive dodging of the question at issue in that bank investigation and goes off to a little credit bank down in Beaufort, S. C.

On November 2 the Attorney General wrote the following letter; and these letters are signed, not by any subordinate, but by John G. Sargent, Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., November 2, 1927.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR: I desire to acknowledge your letter of the 24th ultimo, referring further to the alleged irregularities involving the South Carolina Agricultural Credit Co., of Beaufort, the Beaufort bank, and the Federal Intermediate Credit Bank of Columbia, and expressing the hope that I will see to it that the man higher up is properly looked after.

I beg to assure you that that case will have, and is having, the careful attention of this department with a view to the prompt and vigorous prosecution of every person involved who is found to have committed acts prohibited by the Federal criminal statutes. If any information as to persons other than those indicted comes into your possession, may I ask that you furnish it immediately to this department or to the United States attorney?

Sincerely yours,

JOHN G. SARGENT, *Attorney General.*

Mr. President, enough testimony has been furnished to that department and enough testimony has been furnished to the Senate upon which any jury in the world, unless they be bought, would convict Arnold, the ex-superintendent or assistant superintendent of the Atlanta (Ga.) Penitentiary, and put him in the penitentiary, where he belongs. Nothing has been done, however, and the department to-day is not only attempting not to do anything, but they are attempting to keep a Senate committee or the officers under the department from bringing these prosecutions; and the only reason I can see for it is that they are afraid that this rascality and thievery will injure the Republican Party in the coming election, because the institution is under their domination and control.

Now, Mr. President, I propose to furnish some more proof as to what is going on.

On March 24 I received the following letter:

FLORENCE, S. C., *March 24, 1928.*

Senator COLE L. BLEASE,
Washington, D. C.

DEAR SIR: I am wondering if there is anything that could be done to assist the farmers in getting service from the intermediate credit bank at Columbia. My application was filled out for a loan of $3,000 on February 10, 1928. February 20 I received a notice through Mr. Husbands that it had been approved and a check would be down shortly. Two weeks later I received notice that it had been approved but reduced to $2,500, which I accepted as it was so late. March 12 I received notice that it had been approved for the full amount, but required real-estate mortgage, which I prepared and forwarded the same day, in addition to the securities which I had offered. My securities are more this year than they were last and for the same amount.

On March 15 I went to Columbia and talked to Mr. Daniels. He first told me that I would not get any money. I asked to see Mr. Arnold, but he refused to see me. Mr. Daniels told me to get my application back up there and he would try to get my loan through. On March 20 I received notice that my loan had been approved, and on the 24th I received check, though cut to $2,500. Mr. Arnold told Mr. Husbands that the people were standing between him and the Lord; that he would step aside and let the Lord have them. So it seems to me that it is very necessary that something be done.

It seems impossible even when a loan is approved to get the money in time enough to be of much service to the farmers, and my case, of course, is one of several thousand similar ones. I had the same trouble last year. It was the last of March before I got this money, so I had to buy fertilizers and get them in the ground the best way I could, which meant a great loss to me.

I have always paid my obligations on or before maturity.

If I could get my money by February 15 I could save a big bit in my fertilizer bill. For instance, I can buy material and mix 8–3–3 at a cost of $19 per ton. If I do not have this time to do this in, I will have to buy a ready-mixed fertilizer at a cost of $25 per ton, so you can see what a loss it is to be thrown out.

Hoping that you will do something to relieve the situation, I am,

Very truly yours,

——— ———.

The people in South Carolina would like mighty well for Mr. Arnold to "step aside," whether the devil or the Lord gets him makes no difference to them.

On October 22 I received a letter from Beaufort sending in a report sent by the head of this bank to the Atlantic Commission Co., of New York and Philadelphia, instructing that the produce be sold over which this bank was supposed to have a mortgage, and, after its sale, that the money should be deposited in the Atlantic Co.'s bank—sneaking it out of the State of South Carolina into hands where they did not believe that an investigation would reach it. I ask that that letter and a letter signed by the South Carolina Agricultural Credit Co., along with a letter from Pelion, which I received this morning, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BEAUFORT, S. C., *October 22, 1927.*

Hon. COLE L. BLEASE,
Anderson, S. C.

DEAR SENATOR: Inclosed you will find a copy of a letter written to the Beaufort Truck Growers Cooperative Association by R. C. Horne, jr., president of the South Carolina Agricultural Credit Co., which I caused to be recorded in this office owing to my having heard that the president of the intermediate bank was anxious to get the original and later did get it and up to this time has not returned it to the parties in control of the Beaufort Cooperative Association. I understand that certain of the defense counsel have a letter written by Arnold to the Beaufort Truck Growers Cooperative Association ordering them to do identically the same thing that is set out in this letter, so you see they were not as innocent bystanders as they would like people to believe.

You might keep this letter for your files.

With kindest regards to you and Mrs. Blease, I am,

Very truly,

——— ———.

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
Columbia, S. C., April 27, 1926.

BEAUFORT TRUCK GROWERS COOPERATIVE ASSOCIATION,
Beaufort, S. C.

GENTLEMEN: You are hereby requested and directed to have the Atlantic Commission Co., of New York and Philadelphia, make the checks for produce sold for the Beaufort Truck Growers Cooperative Association payable to the order of H. B. Macklin. These checks to be deposited at once in the Hanover National Bank, of New York, to the credit of the Beaufort Bank, Beaufort, S. C., said Beaufort Bank will in turn credit the Beaufort Truck Growers Cooperative Association and its individual members with all the funds turned over to said H. B. Macklin by the said Atlantic Commission Co., of New York and Philadelphia.

This money shall be credited to the accounts of said members of the Beaufort Truck Growers Cooperative Association with the South Carolina Agricultural Credit Co., said South Carolina Agricultural Credit Co. now having crop mortgages over crops of the members of the Beaufort Truck Growers Cooperative Association.

Yours very truly,

SOUTH CAROLINA AGRICULTURAL CREDIT CO.,
By R. C. HORNE, Jr., *President.*

PELION, S. C., *March 24, 1928.*

Senator BLEASE,
Washington, D. C.

DEAR SIR: I notice that the Committee on Banking and Currency may not take action at this time on the two resolutions pending in the Senate for an investigation of the land bank at Columbia. They are robbing the farmers under the guise of cheap money. I will mail you evidence if you think it necessary, that will prove what I have said.

Yours truly,

——— ———.

Mr. BLEASE. When one distinguished department, one standing alone, or supposed to be, to bring criminals to justice, to give the people of this country what is due them, not only refuses to act, but conceals in that department that which will prove the guilt of the criminals, and refuses to give it to the people or to those who are most interested in bringing this matter to light, why send this *S–4* matter to a department already choked and fixed—hog tied, if you please—knowing that they will lose their jobs if they tell the truth, and lying, possibly, to get an increase of salary?

I have this morning an article from the Greenville News, of South Carolina, dated Columbia, S. C., March 24, as follows:

Testimony that the Intermediate Credit Bank of Columbia had lost more than a million dollars was given by officials of the bank at the recent trial of seven former officers of the Beaufort bank and the South Carolina Agricultural Credit Co.—

They always dodge off on Beaufort, a side issue—

on charges of conspiracy to defraud the Federal institution. Three of the seven defendants were convicted and sentenced to prison terms.

In their defense the seven on trial sought to show that officials of the intermediate credit bank were aware of the irregularities in the paper which was discounted by the Columbia institution for the Beaufort concern.

Mendel L. Smith—

One of the gentlemen whom I have named here as a witness—

was one of the defense counsel. J. D. E. Meyer prosecuted the case as United States district attorney, while Ernest Cochran presided over the trial as United States district judge. Edgar A. Brown was also of defense staff. R. A. Cooper, of Washington, was chairman of the Federal Farm Loan Board until a few months ago.

Mr. President, there is the proof. What more does Attorney General Sargent want? What more does the Senate want? Why do these committeemen continue to carry that resolution in the committee, thereby protecting those who are charged with robbing the farmers of South Carolina by the officers of this Government under a Republican régime?

I will tell you why. People of one certain kind will protect those of another certain kind. As the Senator from Indiana [Mr. ROBINSON] well said, "Birds of a feather will flock together." I ask the Senate either to see that that resolution comes out of that committee either with a favorable or an unfavorable report, and that we are given the privilege of passing upon it, or that you confess to the people of this country that you are afraid that you might discover another Teapot Dome scandal by reason of that bank in the city of Columbia, and not only in the city of Columbia but possibly all over this Government, absolutely stealing—and I mean that in the meanest sense—from the pockets of the farmers of my State, and being protected by the Attorney General of the United States of America by his own letters, the originals of which I have, and any man who desires to see them can see them.

Yes; send your resolution to the committee; send it to one of the departments, you gentlemen who are interested in the *S–4* matter, and you will find just what I have found here. The further you get, the deeper they will bury it; and after a while it will be so painted and pictured and fixed up that instead of thinking thieves and scoundrels have charge of the bank in Columbia you will actually believe that some of the people that this man says have separated him from the Lord have been converted into angels.

I do not want the investigation to hurt anybody unless they deserve to be hurt; but I want the investigation; and I shall keep bringing it before the Senate until some action is taken on it, to let the people of my State and this whole country have money at a reasonable rate, have money at a proper sum, have money without lawyers' charges, big fees, for the purpose of getting a loan through; have banks that the poor man can go to and get a loan from without hiring some agent to make the deal for him, without hiring some outside lawyer to go to the bank lawyer and pay him a part of his commission to help him get a loan.

Gentlemen talk about helping the farmers of this country. I hear a lot of talk about it, but I have seen very few people who really voted to help them. I do not want to be on the committee, because I do not know a thing in the world about banks and the banking business, except when I use to go and pay interest about every 90 days or six months on a note or two I happen to have in the bank.

I do not want to be on the committee. I want men on the committee who understand the situation, men who can get the truth, and if these men are not guilty as charged in these letters and affidavits and the evidence in the courthouse at Columbia, let them be found not guilty and discharged. At the same time, let the people know that you have an interest in this bank and in them, and that you want the crookedness, if any there, out of this bank. Let the people of my State regain their confidence in this Government so that they may believe the Government is trying to help them, and not trying to rob them, as is accused here.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McLean	Shipstead
Barkley	Gillett	McMaster	Shortridge
Blaine	Glass	McNary	Smith
Blease	Gooding	Mayfield	Smoot
Borah	Gould	Moses	Steck
Broussard	Greene	Neely	Steiwer
Bruce	Hale	Norbeck	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Nye	Thomas
Copeland	Hawes	Oddie	Tydings
Curtis	Hayden	Overman	Tyson
Cutting	Heflin	Phipps	Wagner
Dale	Johnson	Pine	Walsh, Mass.
Dill	Jones	Pittman	Warren
Edwards	Kendrick	Robinson, Ark.	Waterman
Fess	Keyes	Robinson, Ind.	Watson
Fletcher	King	Sackett	Wheeler
Frazier	McKellar	Sheppard	Willis

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Alabama [Mr. BLACK], the Senator from New Mexico [Mr. BRATTON], and the Senator from Georgia [Mr. GEORGE] are detained from the Senate in attendance at the funeral of the late Senator FERRIS.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, there is a quorum present.

THOMAS W. CUNNINGHAM, RECUSANT WITNESS

The SERGEANT AT ARMS (David S. Barry). Mr. President, I have to report that, acting under the authority of a warrant issued by the Senate, I took Thomas W. Cunningham into custody this morning through my deputy. He appeared before Judge Dickinson and applied for a writ of habeas corpus, which was granted, and he was released on $1,000 bail, returnable on April 5, 1928.

Mr. KING. Mr. President, on the 22d instant the Special Committee Investigating Expenditures in Senatorial Primary and General Elections submitted a special report in connection with Thomas W. Cunningham, a recusant witness who had appeared upon two occasions before said committee and had refused upon each occasion to answer proper and pertinent questions propounded to him by the committee. The questions related to the investigation being conducted by the committee, and among other things were asked for the purpose of obtaining information proper and pertinent to said investigation, and for the purpose of aiding the Senate in the matter of legislation. The report recommended that because of the defiant and contumacious conduct of said Thomas W. Cunningham he be adjudged in contempt of the committee and of the Senate. Following said report the committee offered Resolution 179, which was adopted by the Senate. Resolution 179 is as follows:

Whereas it appears from the report of the special committee investigating expenditures in senatorial primary and general elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under S. Res. 195 of the Sixty-ninth Congress, declined to answer certain questions relative and pertinent to the matter then under inquiry: Therefore be it

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of the said Thomas W. Cunningham wherever found, and to bring the said Thomas W. Cunningham before the bar of the Senate, then and there or elsewhere, as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate.

Pursuant to the report and Resolution 179 the Vice President issued his warrant in due form, commanding the Sergeant at Arms or his deputy to take into custody the body of said Thomas W. Cunningham and to bring him before the bar of the Senate. The Vice President delivered the warrant to the Sergeant at Arms of the Senate, David S. Barry, who duly served the same by his deputy, John J. McGrain, upon Thomas W. Cunningham in the city of Philadelphia, Pa. The Sergeant at Arms has just reported that he took into custody through his deputy said Thomas W. Cunningham, and that the latter applied for a writ of habeas corpus, which was granted by Judge Dickinson, and said Cunningham was thereupon released upon $1,000 bail, returnable April 5, 1928.

Mr. President, I am directed by the Special Committee to Investigate Expenditures in Senatorial Primary and General Elections to submit a resolution in the form of a motion. Pursuant to such direction I move that the President of the Senate be directed to certify to the United States district attorney for the District of Columbia the report made on March 22, 1928—being Report No. 603—by the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, relating to the contumacy of Thomas W. Cunningham, a witness before the committee, for appropriate action by that officer.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. ROBINSON of Arkansas. Does this follow the precedent recently established in what is known as the Stewart case?

Mr. KING. I think it does.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. KING. Mr. President, I offer the following resolution.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 183), as follows:

Resolved, That the Special Committee Investigating Expenditures in Senatorial Primary and General Elections is authorized to employ counsel at a cost of not to exceed $2,500, to be paid out of the contingent fund of the Senate, to represent the Senate in any proceedings taken by Thomas W. Cunningham in any court to obtain his release from the custody of the Sergeant at Arms.

Mr. KING. I move the adoption of the resolution.

Mr. WALSH of Massachusetts. Is the resolution in the same form as that offered in a previous case?

Mr. KING. It is, as I recall that resolution.

Mr. WALSH of Massachusetts. It provides the same amount of money?

Mr. KING. The same amount.

Mr. SMOOT. I think under the law it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Massachusetts. I may say that the Committee to Audit and Control the Contingent Expenses of the Senate approved of a similar resolution in a previous case.

Mr. SMOOT. I dare say the committee will approve this resolution immediately, but under the law it has to go to that committee.

Mr. KING. I have no objection, and shall ask the reference of the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate. I express the hope that the committee will act as promptly as convenient. When action is reported by the committee I shall renew my motion for the adoption of the resolution. For the moment I shall not ask for its adoption.

The PRESIDING OFFICER. Without objection, the resolution will go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING subsequently said: Will the Senator from Wisconsin suffer an interruption to consider a matter not related to the bill before the Senate? The Senator from Ohio [Mr. FESS], of the Committee to Audit and Control the Contingent Expenses of the Senate, desires to submit a report which will take but a moment to be acted upon.

Mr. FESS. Will the Senator yield for that purpose?

Mr. BLAINE. I yield.

Mr. FESS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back Senate Resolution 183 favorably without amendment, and I ask unanimous consent for its immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to.

INVESTIGATION OF SINKING OF SUBMARINE "S–4"

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4* and upon methods and appliances for the protection of submarines.

The PRESIDING OFFICER. The question is on agreeing to the motion offered by the Senator from Maine [Mr. HALE].

Mr. HALE. Mr. President, I would like to amend the resolution I offered by changing the language "two Senators and two Representatives" to "three Senators and three Representatives."

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state his inquiry.

Mr. CURTIS. The first action for the Senate to take is to ask for a conference.

The PRESIDING OFFICER. That would be the ruling of the present occupant of the chair, if the point is made.

Mr. CURTIS. As I understand it, the only way to handle this properly is to ask for a conference, and if a conference is agreed to, then let the Senator offer his resolution, which will be treated as an instruction.

Mr. HALE. This is not an instruction; it is merely a resolution to get the sense of the Senate. I propose to offer one motion if the resolution is agreed to, and another if it is not agreed to.

Mr. CURTIS. Just a second. If a vote is had upon this resolution and the resolution is defeated, is it then the intention of the Senator to ask for a conference?

Mr. HALE. I am going to ask that the Senate adhere to its amendments.

Mr. SWANSON. That was the understanding.

Mr. ROBINSON of Arkansas. I understand that the Senator is presenting the resolution as by unanimous consent.

Mr. CURTIS. I have no objection if there is an agreement between the two sides, but I think the other course would have been the better one.

The PRESIDING OFFICER. The clerk will read the resolution as modified by the suggestion of the Senator from Maine.

The Chief Clerk read as follows:

Resolved, That it is the sense of the Senate that the compromise proposed by the House conferees on House Joint Resolution 131, providing for the addition of three Senators and three Representatives to the commission provided for in said joint resolution, should be accepted by the Senate conferees in the event that a further conference be ordered.

Mr. HALE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBINSON of Arkansas. Has consent been given for the consideration of the resolution?

The PRESIDING OFFICER. The conference report was adopted some time ago.

Mr. ROBINSON of Arkansas. The resolution is not in order except by unanimous consent.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. ROBINSON of Arkansas. I do not object to the consideration of the resolution.

The PRESIDING OFFICER. The Chair understood that consent had been given.

Mr. ROBINSON of Arkansas. But I think that for the preservation of orderly procedure in the Senate it should be understood that this resolution is considered only by unanimous consent at this time.

Mr. HALE. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. KING. May I inquire by what parliamentary procedure the resolution comes before us in advance of the disposition of the conference report?

Mr. HALE. I do not think it is in the nature of instructions at all. It is simply a resolution to get the sense of the Senate so I can tell what sort of motion to make afterwards, whether to move to insist or to adhere.

Mr. SWANSON. In order to get a vote to adhere and end the discussion and in order to enable us to get a vote in the House on our amendments, which it has been impossible to do, when the pending resolution is defeated, which I hope it will be——

Mr. HALE. And I hope that it will not be.

Mr. SWANSON. And which I shall vote against——

Mr. HALE. And I am going to vote for it.

Mr. SWANSON. Then I am going to move, or the Senator from Maine will move, that we adhere to the amendments of the Senate. Then we can get a vote in the House on the amendments of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Maine, on which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the junior Senator from Alabama [Mr. BLACK] and vote "nay."

Mr. NORBECK (when his name was called). On this question I am paired with the junior Senator from Iowa [Mr. BROOKHART], who is absent. If that Senator were present, he would vote "nay." If permitted to vote, I would vote "yea."

Mr. TYDINGS (when his name was called). On this question I have a pair with the Senator from Minnesota [Mr. SCHALL]. If he were present and permitted to vote, that Senator would vote "yea," and I would vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF], who is absent. Not knowing how he would vote, I transfer my pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

The roll call was concluded.

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily absent, attending the funeral of the late Senator Ferris.

Mr. PHIPPS (after having voted in the affirmative). I have a pair with the Senator from Georgia [Mr. GEORGE]. On account of his absence and not knowing how he would vote, I withdraw my vote.

Mr. COPELAND. Upon this matter I have a pair with the junior Senator from Rhode Island [Mr. METCALF]. Transferring that pair to the senior Senator from Montana [Mr. WALSH], I vote "nay."

Mr. TYDINGS. The Senator from North Carolina [Mr. SIMMONS] being necessarily absent, I transfer my pair to him and vote "nay."

Mr. PHIPPS. I find that I can transfer my pair with the Senator from Georgia [Mr. GEORGE] to the Senator from California [Mr. SHORTRIDGE], which I do, and vote "yea."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD];

The Senator from Illinois [Mr. DENEEN] with the Senator from Louisiana [Mr. RANSDELL]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. STEPHENS].

The result was announced—yeas 24, nays 41, as follows:

YEAS—24

Capper	Gould	McNary	Smoot
Curtis	Greene	Moses	Steiwer
Cutting	Hale	Oddie	Warren
Dale	Jones	Phipps	Waterman
Fess	Keyes	Robinson, Ind.	Watson
Gillett	McLean	Sackett	Willis

NAYS—41

Barkley	Frazier	McMaster	Steck
Blaine	Gerry	Mayfield	Swanson
Blease	Glass	Neely	Thomas
Borah	Harris	Norris	Tydings
Broussard	Harrison	Nye	Tyson
Bruce	Hawes	Overman	Wagner
Caraway	Hayden	Pittman	Walsh, Mass.
Copeland	Heflin	Robinson, Ark.	Wheeler
Dill	Kendrick	Sheppard	
Edwards	King	Shipstead	
Fletcher	McKellar	Smith	

NOT VOTING—28

Ashurst	Deneen	Johnson	Reed, Pa.
Bayard	du Pont	La Follette	Schall
Bingham	Edge	Metcalf	Shortridge
Black	George	Norbeck	Simmons
Bratton	Goff	Pine	Stephens
Brookhart	Gooding	Ransdell	Trammell
Couzens	Howell	Reed, Mo.	Walsh, Mont.

So Mr. HALE's motion was rejected.

Mr. HALE. Mr. President, in accordance with the statement which I made before the vote was taken, I now move that the Senate adhere to its amendments.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

Mr. EDWARDS. Mr. President, I desire to say just a few words before the vote is taken. I have been literally flooded with letters from all parts of the country with reference to the *S–4* disaster. There seems to be a well-founded suspicion, at least, that the disaster was caused by the zeal of the Coast Guard destroyer *Paulding* in chasing what it is said were rum runners. At the time of the disaster the man on the bridge was an inexperienced officer, who admitted that he would not know a periscope if he saw one.

I do not think the country will ever be satisfied with any hybrid investigating committee that will tend to whitewash those responsible. I am thoroughly opposed to any such committee. I am in favor of a real investigating committee which will go to the root of the situation and tell the public the truth. Under no other circumstances will the country be satisfied. I am, therefore, opposed to any compromise with the House or with anybody else. I believe that if we can not have a real investigation by a joint committee of the House and Senate, we should have a real investigation by the Senate itself.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine, that the Senate adhere to its amendments.

The motion was agreed to.

OIL SCANDAL AND CAMPAIGN CONTRIBUTIONS

Mr. ROBINSON of Indiana. Mr. President, I desire to announce at this time that at next Thursday's session of the Senate, as soon as I shall be able to obtain the floor in my own right, I expect to address the Senate on the subject of the naval oil leases and Teapot Dome.

I make this announcement now because I understand the senior Senator from Montana [Mr. WALSH] will not have returned until that time from attending the funeral services of our late colleague from Michigan, Mr. Ferris, but that he will be here on Thursday. I promised him I would not attempt to speak on the subject before his return, and it is necessary for me to leave the city that same evening. So I thought it well to make the announcement at this time.

THE CALENDAR

Mr. CURTIS. I ask unanimous consent that at the conclusion of the routine business to-morrow morning the Senate shall proceed to the consideration of unobjected bills on the calendar until 2 o'clock, unless the calendar is sooner disposed of.

Mr. ROBINSON of Arkansas. I have no objection to that arrangement.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

PROTECTION OF MIGRATORY BIRDS AND GAME

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, Senate bill 1271.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. BLAINE] is recognized.

Mr. BLAINE resumed the speech begun by him on Wednesday last. His speech entire is as follows:

Wednesday, March 21, 1928

Mr. BLAINE. Mr. President, in the consideration I shall give to Senate bill 1271, I hope that I shall be credited with a proper motive in my opposition, for my objections to this bill are in no way facetious or frivolous.

I have no doubt but that the senior Senator from South Dakota [Mr. NORBECK] has a sincere desire to conserve wild life. I do not doubt for one moment that he believes that this measure will conserve wild life. I think the Senator and I will agree to the proposition that in the conservation of wild life there should be a consideration of certain fundamentals that relate to mankind; that there is a relationship between all living things; that there must be a sort of balancing and counterbalancing of nature if we are to conserve and make possible the continuity of human life. Human life depends upon the lower order of animal life, and can not exist without the preservation of all wild life.

We probably will differ as to the method and the procedure to be employed in the conservation of wild life. Life is a precious thing, whether there is a consciousness that arises out of the human soul or out of the instincts of the lower order of life. The taking of life may be justified; but when it is not justified it is a cruel, inhuman, and immoral act to take the life of a single thing that is essential to this well-ordered world of ours, not designed by man, but designed by a Power that has created all things, and the design of whom is to perpetuate all things.

As I conceive this measure to be, and as I think I shall be able to demonstrate beyond the peradventure of a doubt, if this bill is enacted into law, the result will be the destruction of wild life. This is not a conservation measure. This is a measure that promotes vandalism of our wild life. It is a measure that is sailing under false colors; but I want to say in passing now that the author of this bill has no design and no motive to bring about its enactment under false colors. I think, however, that he has been led into error through a limited public propaganda which, if it succeeds, is going to result in the destruction of wild life.

This measure has back of it certain selfish interests with which the Senator from South Dakota has no connection. There have been proponents of this legislation outside of Congresses and outside of legislatures who wanted and who still want to set up a system of game preserves that in effect would result in the exclusion of all others from the enjoyment of these game preserves except those who have the leisure and the funds with which to make use of these preserves.

I am of the opinion—and it is not one drawn from my imagination but one that is written in the very bill itself—that this bill is designed to conserve wild life just for one purpose, and that purpose is to kill, quite regardless of the justification of the killing.

Mr. NORBECK. Mr. President, will the Senator yield? I do not want to interrupt the Senator if he would rather proceed.

Mr. BLAINE. I shall be very glad to yield to the Senator.

Mr. NORBECK. This bill provides mainly for the purchase of land. It provides, further, that there shall be no hunting on those reservations, except that 40 per cent of the land may be thrown open to hunting in case there is a surplus of game. Is that the feature to which the Senator objects?

Mr. BLAINE. I conceive the results that will flow from this bill entirely differently from the way the Senator from South Dakota does. Our difference may be due to a misunderstanding of what flows from the provisions contained in this bill, and which I will very shortly point out.

Mr. NORBECK. In regard to the Senator's reference to wild life, he understands that this bill has been drawn on this theory, that a good deal of the wild life is to be used for the benefit of man. Under this plan we raise ducks and geese for the purpose of killing them, just the same as we do turkeys, and chickens, and domestic animals. In other words, civilization has been striving all the time to raise more animals so as to have more food. The same thought is carried out in this bill; that is, what is the use having a million geese eating up all the farmers raise unless those geese can be secured for human use? I do not want to have any misunderstanding about the purpose of the bill.

Mr. BLAINE. I thank the Senator. I understand the purpose as explained by the Senator, and I will get to that very shortly; but just presently, in passing, if the provisions of the bill will result as the Senator suggests, there is no reason why the little boy in blue jeans should pay a dollar a year toward a fund out of which will be created an army of game wardens, Federal officials, reaching out their strong, heavy hand upon those who really need this wild life for food. I will get to that very shortly. I am going to cover the whole subject.

Mr. NORBECK. May I ask whether the State of Wisconsin charges a license fee of a dollar for hunting at the present time?

Mr. BLAINE. I will get to that also.

Mr. DILL. Mr. President, if the Senator will permit an interruption, not only must the boy pay the dollar license, but that very dollar will be used to employ game wardens, who receive their authority from Washington, D. C., to go around and interfere with people outside the reservation.

Mr. BLAINE. Yes. I want to say, in answer to the question of the Senator from South Dakota, that my State of Wisconsin does require for hunting a license fee of $1 per year, and that the State of Wisconsin has fully and efficiently carried out her duty and obligation under the laws enacted by

the National Congress, and under the treaty with Great Britain, with reference to migratory birds. It is a police power which she exercises, under amendments 9 and 10 to our Constitution, a power which we are exercising effectually. There is no reason for interference by a centralized government 1,000 miles away from the homes of those boys, those farmers, those city workers, those in our villages, who are obeying the laws and conserving the wild life. Here is a bill in which it is proposed to extend the arm of a bureaucratic administration, located here in the city of Washington, far, far away, with the result that those who can least afford to pay, that those who must, through necessity, have this wild life for food, are unable, on account of circumstances or of distance and financial considerations, to approach this king of the wild here in Washington, a bureaucratic organization, to seek relief from the arbitrary acts of a game warden.

Mr. NORBECK. May I call the Senator's attention to the fact that there are no game preserves to be established in any State except in cooperation with the State? It is possible the Senator has reference to the Federal game wardens who are provided in the act of 10 years ago. Wisconsin to-day has a Federal game warden enforcing the laws of Wisconsin, as far as he is able to reach. It is not a new matter. That is provided in the law now.

Mr. DILL. The Senator knows there are only 24 game wardens in 48 States, and this will provide a tremendous fund.

Mr. NORBECK. Will the Senator permit me to ask how many game wardens the State of Wisconsin has?

Mr. BLAINE. All that the dollar license fee will support.

Mr. NORBECK. About a hundred?

Mr. BLAINE. Oh, no.

Mr. NORBECK. About 50?

Mr. BLAINE. About 50 or 60.

Mr. NORBECK. Give us 50 or 60 in the whole United States and we will do some business.

Mr. BLAINE. But we are performing our whole duty.

Mr. NORBECK. But all the States are not.

Mr. BLAINE. Why does the Senator want to empower a Federal organization to interfere with this local police regulation? What is going to be the result of this? There is a constant attempt, and some attempts have been successful, to extend this arm of the centralized government over the States and over our people to such an extent that to-day men and women recognize that there is little respect for law. The time was when Uncle Sam and Uncle Sam's legislation were held in high regard, but never in the history of America has there been such disregard for law. Why? Simply because Congresses have been engaged in a veritable diarrhea of legislation, until no man knows what the law is.

Worse than that, by extending the arm of the Federal Government out over the States, usurping the police power of the States, a psychology is being brought about whereby local enforcement of the law is being discouraged. There can be no effective enforcement of any law, I do not care what it is, unless there is local public opinion back of it, and also unless there is local responsibility as well. Take off the shoulders and conscience of the American people locally this responsibility and duty to enforce law, and there will be no law enforcement. Men and women are willing to bear that responsibility, but when agencies are set up that assume that responsibility, at once the local communities are discouraged, the very force and power that make law enforceable and enforced are disheartened. They are discouraged from continuing to perform their duties and responsibilities, because whenever Government becomes intermeddling with respect to everything, whether it is regarding the freaks of weather or the frills of fashion, we may expect the people to receive more of that kind of interference and that kind of intermeddling and that kind of paternalism, until the moral fiber of our people is destroyed, and it is made impossible to enforce law.

That is the trouble to-day. America is not a disordered Nation. The American people as a whole are law-abiding citizens, decent citizens, but when the centralized Government spreads its hands out all over the United States, getting its fingers into every activity of life, then the man on the street says "Let George do it," with the result that we can not and do not have law enforcement in America to-day.

The States are being deprived of their self-government, their police power guaranteed to them under the Constitution; and if you continue to destroy this responsibility and these rights you will destroy the very thing that makes it possible to sustain and maintain law and order. All that will be left will be an army of public employees, such as there were in the ancient régime of France, and there will be a public official in the shadow of every citizen. He will be followed everywhere. If he has hogs to take to market, there will be a hog inspector. If he has a calf to take to market, there will be a calf inspector. If he has something else to take to market, there will be some other public official controlling in his shadow, and if perchance the sow has a litter of pigs, there will be inspectors of pigs. So it goes all the way down the line, and here it is proposed to have game wardens, to put into the hands of one department 500 or more game wardens, spread out all over the United States to enforce this law, which is not a law for conservation but a law the result of which will mean the destruction of wild life, and the very bill itself so proclaims. I want to read that section at this time.

Mr. NORBECK. Where does the Senator get his figures of 500 game wardens?

Mr. BLAINE. I will get to that very shortly.

Mr. NORBECK. That would be only 10 for each State.

Mr. BLAINE. I will give the figures shortly.

Mr. NORBECK. That would be a very small number compared to what Wisconsin uses in the enforcement of the law.

Mr. BLAINE. Wisconsin can take care of herself. We do not want a single Federal game warden there. The more we have, the less law enforcement we have.

Mr. NORBECK. Under this measure there would be no preserves in Wisconsin unless they were asked for.

Mr. BLAINE. We have them already, and I am going to show the evil consequences that flow from the autocratic administration on the preserve that it forced upon our State.

Mr. NORBECK. The Senator is opposed to the Mississippi wild-life bird refuge, is he?

Mr. BLAINE. I am not, and I will read the provisions in the State law, which I had the privilege to write, designed to preserve the rights of the people of Wisconsin, not only under the Constitution, but as well under the Ordinance of the Northwest Territory.

Mr. NORBECK. I did not understand the Senator, then. I thought the Senator was criticizing that Federal activity up there.

Mr. BLAINE. I am; and when I give the Senator the facts, I know that he, as an honorable Member of this body, will aid me in the denunciation of this arbitrary, autocratic rule which comes from the Capital of our Nation. I have the information here. Privileges under these Federal laws are bought by individuals, and I will show that as well. I think it is a mighty serious proposition.

I said that I would read a provision in this bill. It is the heart of the bill. It is the thing which proposes to preserve, to kill, and to slaughter, not to perpetuate, wild life. Listen to it:

Section 11, which, as I said, and I repeat, is the heart of the bill, provides:

> That the primary purpose of this act is to provide necessary areas for feeding and breeding places for migratory game birds in order that an adequate supply of said birds may be maintained—

For what purpose?

> When, in the judgment of the Secretary of Agriculture, a sufficient surplus of said birds exists—

Then he may, by public notice, provide for the hunting and killing thereof. Yes; the primary purpose of the act is to establish a trap into which these innocent birds will be invited, fed, and bred until the time comes when the game hog will be privileged to build for himself a blind. I have criticism for that kind of sportsmanship. Imagine a strong-armed biped building his blind in the bushes of the lake shore or the marsh, covering himself with a camouflage of vegetation. Into that blind he goes with a Winchester or some other firearm, a repeating shotgun, double-barreled shotgun, or an automatic gun, and a belt of ammunition. Out on the placid waters he places the camouflaged ducks, the wooden decoys. Among them he plants the live Judases to seductively invite this feathered life of ours to alight within shooting distance of his gun. In the moment when this wild life, assuming instinctively that it has some protection, alights it is shot down, not for necessary food, not to sustain life, but for the mere purpose of killing, killing for sport. The bill is an invitation for those who have the money and the leisure to build their blinds, to bring in their decoys and their Judases, and to destroy for no other reason than sport, the joy of killing this wild life which has been preserved and protected by the Federal Government. It will have been fed and bred and induced to inhabit that refuge and that sacred place for the purpose of being killed.

Mr. NORBECK. Mr. President, if the Senator will yield——

The PRESIDING OFFICER (Mr. McMASTER in the chair). Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. BLAINE. I yield.

Mr. NORBECK. I would like to ask him a question. I am anxious to arrive at the understanding of the Senator. I am not at all clear about it. Does he favor bird refuges without hunting? If so, we are not far apart.

Mr. BLAINE. I will make myself very clear on that point before I get through.

Mr. NORBECK. I want to call attention to the argument used in favor of shooting grounds. It is to give the average boy a chance to go into those shooting grounds instead of having duck clubs; that is, having millionaires and wealthy men acquire all the land around the preserves and do the slaughtering there.

Mr. BLAINE. I will answer that in due time.

Mr. NORBECK. The purpose of the bill is to give everybody a chance?

Mr. BLAINE. I think I will be able to answer that to the Senator's satisfaction.

Mr. DILL. Mr. President, will the Senator let me make a suggestion?

Mr. BLAINE. I yield to the Senator from Washington.

Mr. DILL. There is nothing in the bill to prevent those very millionaire hunters who are being talked about from going in and slaughtering all the birds they want to in these reserves.

Mr. NORBECK. But it is hard to say in a bill that a millionaire shall not have the same right as anyone else. The millionaire has a right now that nobody else has. The boys do not have that right now. The millionaire buys land right around these places and owns it. Under the bill it will be possible to have an area there that can be thrown open to the whole public instead of to the exclusive few.

Mr. DILL. If the Senator were sincere in his purpose, then he would agree to a provision that would limit the number of birds or ducks that anybody could take out of these reserves. As it is, they can take out 25 or 50 or as many as they want.

Mr. NORBECK. The Senator has been very desirous to have me agree to let a lot of foreign matter into the bill. If I permit that to go in, he knows the bill will be defeated, and I would rather be accused of insincerity than to kill the bill merely to please the Senator. I do not know that I have any objection to limiting the number of birds that may be killed on the preserve proper.

Mr. DILL. The Senator will agree to almost any kind of an amendment so long as we do not interfere with charging everybody for a license.

Mr. NORBECK. As long as we do not get any money to do business, the Senator is willing to agree to any kind of a bill we want.

Mr. DILL. And the Senator from South Dakota will not agree to a proposal to get money in any other way.

Mr. NORBECK. Because it has been tried and failed in the past.

Mr. DILL. I think it would be well to try it again. The Senate does not always in the first instance pass a bill which is satisfactory to the House.

Mr. NORBECK. But here is a bill which has passed both Houses.

Mr. DILL. This bill has not passed the House.

Mr. NORBECK. No; the bill that passed the House had no inviolate preserves provided for in it. This is a decided improvement over one of the bills that passed the House, providing a dollar license fee.

Mr. DILL. I do not think it will pass again. If the bill had come from the House and the Senator was then forced to accept the House provisions or nothing, there would be something in his position, but he insists that we do the way this bill provides or that nothing can be done.

Mr. NORBECK. Two years ago the Senator insisted that we could get an appropriation for other reserves. When we attempted to do it, and sent it over to the House, they killed it.

Mr. DILL. But we got an appropriation for a bird reserve in the Mississippi Valley of $1,500,000.

Mr. NORBECK. We did that many years ago, and it is the only one we have.

Mr. DILL. We have not spent one-fourth of the money.

Mr. NORBECK. I beg the pardon of the Senator from Wisconsin. I shall not interrupt him again. I am really anxious to hear his discussion of the bill.

Mr. BLAINE. Mr. President, I know the Senator is perfectly sincere in the attainment of the object or the end he is seeking, but I fear that the Senator has misconceived the results which will flow from the enactment of the bill into law. I think I shall be able to convince every reasonable man who believes in the preservation of wild life for life's sake—not for sport, but for the sake of wild life—that the bill is headed but one way, and that is to the destruction of wild life. I do not make that just as a mere declaration. I think I shall be able by logic, drawing from experience, drawing from the past, and pointing out the provisions of law, to establish that statement as true.

Mr. President, the taking of life may occur under certain circumstances. I am going to discuss this philosophy just a little bit, because it goes right to the foundation of the whole question of the conservation of wild life. The State may take human life in the carrying out of its penal laws under certain circumstances. I do not think that the State has any moral right to do it, but it has the legal right to do it. One man may take the life of another with justification in self-defense. That is according to the first law of nature. The individual has a right to preserve his own existence, and when that existence is threatened, when his life is threatened to the point of danger to him, he has the right to take the life of another. This is upon the theory of the right of self-defense, the right to preserve ourselves against the assaults and violence of other men. The taking of human life under those circumstances is, of course, justifiable.

Then there is justification for the taking of wild life under some circumstances. Mankind, being the superior order of life, has the right to perpetuate and conserve mankind in the interests of his own existence and the existence of the race and according to the design of the Maker. But that is a limited right. As I said, all life is precious. The man who crushes, wilfully or wantonly, the life out of a worm under his foot, unless that worm is a menace to mankind, is violating a moral duty. He has no right to do that. However, man may take wild life for certain legitimate purposes. Upon the theory of self-preservation he may take wild life for food. Food is essential to existence and for self-preservation. It takes the lower order of life to preserve the higher order of life under those circumstances, and there is justification for that.

There is justification to take wild life for raiment and protection upon the same theory and for the same reason. There is justification for a man to kill an animal, a bird which is edible, for the purpose of furnishing food for himself and his family as a matter of self-preservation, to take the furs, the wool, the feathers for shelter and raiment for mankind upon the basis of self-preservation. That is self-defense. But there is no moral right to take animal life for the mere purpose of killing. That is wanton killing, unless it is taken in self-defense or self-protection. Any other taking of wild life is not according to the moral law; it is not according to the design of Him who formed the universe, who placed in the air the birds, in the sea the fishes, upon the land mankind and other life.

There is another justification for taking wild life, though it is limited. There are certain forms of wild life which may be a menace to mankind. The justification for the taking of such wild life is self-preservation, self-defense. There is justification for the eradication of certain predatory animals and predatory birds and of certain insects.

It is justified upon the ground of self-defense, self-preservation, and sometimes for the purpose of counterbalancing what we call nature; but the justification is always on the ground of self-preservation and self-defense. Yet here is a bill that proposes to create, by the solemnity of an enactment through the sovereignty of a great Nation, so-called refuges, so-called sanctuaries, in the name of sanctuaries and refuges for the purpose of the feeding and breeding and propagating wild life to the extent where it may become so numerous that there will be sufficient surplus to kill and to slaughter for sport. That is going to be the result of this bill, if it shall be enacted into law.

Then the same section further provides:

> Whenever the surplus migratory game birds decrease so that further public hunting on any such area * * * might prove harmful to the future supply of said birds—

This king of the wild, the Secretary of Agriculture, may stop the shooting and killing for such a period of time as there may be further feeding and breeding and propagating of game birds and wild life, again to be slaughtered, again to be killed for sport.

There is no Senator in this Chamber, I am sure, who is willing to risk his reputation for integrity, who will contend that there is any necessity for propagating and breeding wild life merely for the purpose of furnishing food. The farmers, led by the Senator from South Dakota [Mr. NORBECK], are complaining before this Congress, and have complained for many years, that there has been a tremendous surplus of food; that they want

either to reduce the supply of food or to find some way to dispose of the surplus. The contention, therefore, that we must conserve wild life to furnish sufficient food for our people, of course, is nonsense, in the face of the present situation. This bill is flying under false colors; it is not fair; it is not square with wild life.

The right to kill, as I have suggested, is a very limited right in good morals and in good conscience, and until the necessity arises that there must be killing—justified killing for food, for shelter, for raiment, for self-protection, for self-preservation—the great Government of the United States should not entice and seduce the migratory birds and animals of this continent into refuges, into sanctuaries, in order that they may breed and multiply so that men—"game hogs"—may have the opportunity to shoot, to kill for sport.

Section 11 is the heart of this proposed legislation, and not only the heart, but it is the lifeblood as well. The whole purpose of this measure is to conserve not for the sake of preserving wild life because it is wild life, but, I repeat, for the purpose of affording an opportunity to kill for sport.

I have pictured the biped who is so unsportsmanlike as to sneak into a blind and take unaware members of the feathery tribe which have been induced and seduced by the Judases of their kind into a death trap. As a great conservationist once said:

> Under those circumstances, instead of the gun being in the hands of the man, the gun ought to be placed in charge of the bird.

Again, there are the brant and the wild goose which make their flight northward, especially through the Mississippi Valley, at this very season of the year, going to their summer haunts in Canada, there to feed and there to breed and there to reproduce and later, in the autumn, to make their return flight to more sunny climes. There are those who propose to establish refuges and sanctuaries to which the brant and the wild goose will be enticed and seduced in order that man may hide himself in a blind, camouflaging its appearance according to the color of the surroundings, and kill the brant and the wild goose which may have been induced by the Judases of their kind in captivity to light upon frozen ground. Thus those beautiful birds, some of which live for over a hundred years if they escape the rifle and the shotgun of mankind, are slaughtered seldom for food, but usually for sport.

We propose by this bill to provide sanctuaries for these forms of wild life, the very highest order of the bird tribe, and entice and induce them into a sanctuary that their mating of half a century or more may reproduce their kind to be slaughtered, to be killed for one purpose, and one purpose only, so far as the present necessities are concerned, and that is for sport.

I concede that there are people in America, there are people in this country of ours, who need this wild life for food, and who ought to have this wild life for food; but this bill is not designed to give that great mass of our people that opportunity for self-preservation, the right to take this wild life for food. No! Those people never will get a look-in under the provisions of this bill.

Whom will the bill benefit? Before discussing that problem I want to have placed in the RECORD the wild life that is included within the terms of the treaty with Canada.

Under the treaty between the President of the United States of America, with the advice and consent of the Senate—the treaty having been ratified—and his Britannic Majesty, the King of Great Britain, done at Washington on August 16, 1916, these birds are embraced within that treaty:

Water fowl, including brant, wild ducks, geese, and swans. Of those, the ducks and the geese are game fowl. The swan is protected against any killing for any purpose under our present laws and the laws of the States over which these migratory birds fly in their flight north and south.

There are the cranes, including the little brown, the sandhill, and the whooping cranes. I think they are all protected under existing law against the violence of mankind.

There are the rails, including coots, gallinules, sora, and other rails.

Included within that treaty are the shore birds, including the avocets, the curlews, the dowitchers, the godwits, the knots, the oyster catchers, the phalaropes, the plovers, the sandpipers, the snipe, the stilts, the surf birds, the turnstones, the willets, the woodcock, and the yellow legs—all familiar, of course, to those who take an interest in nature and nature's denizens.

Included also within that treaty are the pigeons, including the doves and the wild pigeons. The only remaining ones of that feathery tribe are the doves. They are all protected under present and existing laws, both State and Federal.

Then come the migratory insectivorous birds—the bobolinks, the catbirds, the chickadees, the cuckoos, the flickers, the flycatchers, the grosbeaks, the humming birds, the kinglets, the martins, the meadow larks, the nighthawks or bull bats, the nuthatches, the orioles, the robins, the shrikes, the swallows, the swifts, the tanagers, the titmice, the thrushes, the vireos, the warblers, the waxwings, the whippoorwills, the woodpeckers, and the wrens, all protected against the violence of mankind for any purpose.

Then come other migratory nongame birds—the auks, the auklets, the bitterns, the fulmars, the gannets, the grebes, the guillemots, the gulls, the herons, the jaegers, the loons, the murres, the petrels, the puffins, the shearwaters, and the terns. All have their place in this general organization of life.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. DILL. In connection with the list of birds the Senator is reading, I call attention to how strained is the decision of the court in supporting the migratory-bird treaty when it did it on the basis of conserving the food supply of this country. There is very little food supply in a lot of the wrens and orioles and puffins that are mentioned there.

Mr. BLAINE. I thank the Senator. The only birds furnishing justifiable food supply in that list are the brant and the wild ducks and the geese, under the treaty generally referred to as the treaty with Canada, the migratory-bird treaty.

Before entering upon a discussion of the extent to which our Government has fully performed its obligations under the treaty, I desire to have in the RECORD the fact that the treaty itself makes certain regulations relating to migratory birds.

Mr. TYDINGS. Mr. President, will the Senator yield right there?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I yield to the Senator.

Mr. TYDINGS. Is it not a fact that most of the States in the Union have now provided game sanctuaries, and also have very good and fairly complete laws dealing with that subject?

Mr. BLAINE. I think the Senator is absolutely correct.

Mr. TYDINGS. Is it not rather a duplication of effort to tax the people who already have to pay State taxes in taking out a game license and to compel them to take out a Federal license in addition to that? Does not the Senator really think that our efforts should be directed toward inducing each State to improve and tighten up its game laws, rather than to establish another bureau of the Government with hundreds—yes, thousands—of office holders, all to be paid for by the American people, which will expand beyond any limits we now anticipate?

Mr. BLAINE. There is no question about the correctness of the Senator's position on that point. I wholly agree with the Senator; and before I get through I am going to present, not merely my opinion nor the Senator's individual statement—I know both of them are valuable—but I am going to point out, I am going to give the record, I am going to show how the United States has more than fulfilled her obligations under that treaty; and, over and above that, the various States of the Union have gone far beyond any provisions of the treaty in the protection of these migratory birds.

Mr. TYDINGS. There are just two other observations I should like to make with which I am sure the Senator is familiar. I have no reference to the prohibition question except to illustrate what may be done by the treaty-making power.

The Senator will recall that we entered into a treaty with Great Britain which extended the limits of the ocean over which the United States has jurisdiction from 3 miles to 12 miles. That, in my opinion, is an abuse of the treaty-making power, because, under the guise of making a treaty with England, what we really did was to pass a local law for the United States; but one branch of the Government elected by the people had no voice in the enactment of that law, because the House of Representatives had nothing to do with the ratification of the treaty. If these treaty precedents are to be set up here and there, after a while we shall be able to pass any amount of laws under the guise of treaties upon which the representatives of the people will have no vote.

The second thing I should like to observe—and I am sure the Senator agrees—is this: While it may be very idealistic and very fine to establish game sanctuaries for the protection of game, it does seem to me, sitting here from day to day, that birds and incidental things in the Government are becoming more important than human beings. When our country was established, and our Constitution set up, we gave Congress only 18 general powers, among which was to provide a Navy, and provide an Army, and coin money, and regulate interstate and foreign commerce, and so forth. I should like to say to the Senator—and I think he is in accord with this—that every one of those subjects was an essentially national subject, and something

which no State could do for the whole Nation. Obviously, every State could not have its own Army, with 48 different systems; neither could it have its own system of money, because there would be no uniformity in things that were essentially national. But we seem to have departed from that philosophy, which has been learned on the battle fields of all time, and nowadays, under the authority to regulate interstate and foreign commerce, we use that power for everything that is not essentially national, and which, under close inspection, is found to be essentially local.

I believe that the only way to prevent the abuse of the power to govern in the hands of men, whether the governor be a king, a congress, or a general, is not to give that power; and, if it must be given, it should be so surrounded by checks and balances that beyond the scope of its proper use the ruling agency, whatever its form, has no power to go. But we have abandoned that and by this bill are still further surrendering our philosophy of government.

I would like also to observe at this time that our Constitution did not just happen to be. The men who debated for four months upon the question as to the form of government under which the American people should live did not just choose it in a haphazard way. They went back into all the ruined kingdoms and governments—Greece and Rome and France and Italy and Germany, and all of the governments that had preceded them—and they tried to establish here liberty for men, and liberty for birds was incidental. I do not mean to say that I am not in favor of protecting wild life, because I am, but I am not in favor of having the National Government made the policeman for every incidental activity in our national life.

I simply wanted to observe that this is just another one of the thousand and one bills that are coming here at every session of Congress to enlarge the scope of the National Government and lead us to turn our backs, as we will be doing, upon all the philosophy of the people who brought this Government into existence. I only wish that those who are impelled by these idealistic motives would look a little into history and see that what we are really doing is embracing all the sins and errors of the past, which have brought more than one government down to ruin, because there are so many branches and so many boards and so many commissions regulating the life of the people of this country to-day in every kind of activity of which you can conceive that hardly any man can do anything without consulting his lawyer first to see whether it is legal.

For my part, I do not intend to vote for any single, solitary bill that will expand one iota any of the powers we have already assumed here in Congress, unless they are essentially national matters, and contained in the 18 general grants of power set forth in the Constitution.

Mr. BLAINE. Mr. President, the junior Senator from Maryland has sounded a note of warning and a challenge. The impairment of the powers of our respective States is leading us headlong into an era of violation of law and of disregard for law. I referred to this briefly in the opening of this debate, that centralization—it is the history of the world—has always broken down the moral fiber of the people of nations until there were constant kicks against the pricks of government because more of a paternalistic nature was not done for them, and the people of those nations settled back into a state of indifference and unconcern about the government. Why should they not? It is the logical result. Their apathy was due to the very powers that governed them. They, having no responsibility, all responsibility having been taken off their shoulders, a government officialdom was set up for them to do that which the citizen ought to have done.

Mr. PHIPPS. Mr. President, will the Senator yield for a question?

Mr. BLAINE. Yes.

Mr. PHIPPS. I want to ask the Senator if he contends that there is no national feature in this question of migratory birds. Could all the States, acting separately, have brought about the results which have been accomplished through the treaty of August 16, 1916?

Mr. BLAINE. I think that the substantial accomplishments have been by the States and not by the Federal Government, and while it has become a Federal question because of a treaty, essentially it is not a Federal question.

Mr. PHIPPS. I think the Senator realizes that the treaty itself immediately resulted in the stopping of the taking of eggs from the nests of the migratory birds in Alaska, the great breeding grounds. No State could have accomplished that by treaty or understanding with Canada.

Mr. BLAINE. The Government of the United States could have stopped it so far as its territory was concerned.

Mr. PHIPPS. Yes; but not as to the other Alaskan territory, which was under the control of the Dominion of Canada.

Mr. BLAINE. I would assume that the Dominion of Canada would have taken care of it as readily locally as they did by treaty.

Mr. PHIPPS. But the Dominion of Canada could not enter into a treaty with any separate State; therefore it had to be national, as far as the United States was concerned. The result was accomplished, was it not, the stopping of the taking of the eggs from the nests for sale in commerce?

Mr. BLAINE. I do not know to what extent it has been stopped.

Mr. PHIPPS. To the very greatest extent possible.

Mr. BLAINE. But that does not affect the question I am discussing.

Mr. PHIPPS. I am leading to another question, with the Senator's permission. The Senator is aware of the fact that under the national law the open season on migratory birds has been limited, and the territory of the United States zoned in a way so that the shooting permitted is at the least objectionable seasons of the year. Is not that correct?

Mr. BLAINE. I was proceeding to demonstrate that our Government had fully performed its duties under the treaty, and I am going to proceed to that, and that there is no necessity now for the Federal Government extending its heavy hand over our States, and impairing the power of the States under the ninth and tenth amendments. We have performed our duty under the treaty, and so has Canada. Now, let us stop at that.

Mr. PHIPPS. But we have not gone as far as Canada has.

Mr. BLAINE. I think we have gone further.

Mr. PHIPPS. The main purpose of this bill is to do our share.

Mr. BLAINE. I think we have gone further. Canada is incomparably behind the United States with respect to bird refuges and sanctuaries, and I shall show that.

Mr. PHIPPS. If the Senator has that information, the Senate would be glad to have it. I do not wish to interfere with the course of the Senator's remarks, but I did want to call attention to this, the statement having been made by the junior Senator from Maryland that it was not a national question.

I contend, and I think the Senator would agree, that the States could not have separately limited the shooting seasons so that they would be in accord throughout the territory of the United States. They were not in agreement as to a maximum bag limit, which limit has been set by the Federal authority, and I think properly so; but with that maximum limitation, the States have made further limitations, reducing the numbers that may be taken in the bag limit, and restricting the number of days of shooting in many cases, and I trust the Senator will bear those points in mind in making his remarks.

Mr. BLAINE. I have all those points in mind. When I was interrupted by the Senator from Maryland and then by the Senator from Pennsylvania, I could not proceed. I am now proceeding to a discussion of that very problem.

Mr. PHIPPS. I thank the Senator.

Mr. BLAINE. I think I will be able to demonstrate to the Senator conclusively that we have gone far beyond either the public demands or the moral demands of the treaty on this question, and that we should not further trespass upon the police powers of the States, or impair those powers, because I think it is a dangerous tendency.

As I said, and I am going to repeat, this tendency for intermeddling in everything by Government, by officials, means that the Government must be responsible, therefore, for everything. Since the Government becomes responsible for everything, there is no responsibility left with respect to the individual, and he lapses into a state of indifference to a government that is so paternalistic that it has deprived him of every duty and of every responsibility, with the result that we can not and do not have the enforcement of law. There is no country in the world to-day that has the lack of enforcement that we have in America.

We have increased penalties. We have increased the number of spies and agents of government, and the greater the increase the greater becomes the number of offenses. I do not know how many spies we have in this America of ours. I do know, however, that the Government of Rome for a thousand years permitted her people to live under a system that made the individual responsible. For another thousand years, yes, for 11 centuries, Rome, with her 10,000 spies, was in decay and finally in a complete state of decadence. Any people that are spied upon; any people off of whose shoulders are taken the responsibilities of government, lapse into indifference as to their Government, because when government becomes so paternalistic as to do all, there is no further necessity for the activity of her citizens.

But that is not my objection to the bill. It may be a passing criticism of it. I am going to the fundamentals of the bill with respect to the question of the conservation of wild life and to demonstrate that, instead of it being a conservation measure, it is a measure promoting the destruction of wild life, not for the necessities of man, but for the unsportmanship of some men.

There is no necessity for such legislation. The United States has fully performed its duties under the treaty. The treaty itself contains certain regulatory features which we need not repeat in any proposed measure for the alleged conservation of wild life. Article 2, section 1 of the treaty provides:

1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the high contracting powers may severally deem appropriate and define by law or regulation.

2. The close season on migratory insectivorous birds shall continue throughout the year.

3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres, and puffins, and their eggs, for food, and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Those who designed the treaty did not design a system for the conservation of wild life to be killed for sport. It makes two justifications for the taking of wild life, and those are for food and for clothing. Those are the only justifications for the taking of wild life—self-defense, self-preservation—not sport.

Then it is further provided:

ART. 3. The high contracting powers agree that during the period of 10 years next following the going into effect of this convention there shall be a continuous closed season on the following migratory game birds, to wit:

Fan-tailed pigeons, little brown, sandhill, and whooping cranes, swans, curlew, and all shore birds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs): *Provided*, That during such 10 years the closed seasons on cranes, swans, and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this convention for the respective groups to which these birds belong.

ART. 4. The high contracting powers agree that special protection shall be given the wood duck and the eider duck—

I do not believe there is a State in the Union that permits the killing of either of those two species for any purpose at any time.

ART. IV. The high contracting powers agree that special protection shall be given the wood duck and the eider duck, either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

ART. V. The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the high contracting powers may severally deem appropriate.

ART. VI. The high contracting powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited, except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation, from the Dominion of Canada into the United States or from the United States into the Dominion of Canada, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

It will be clearly perceived that the framers of the treaty scarcely anticipated any necessity for any legislation. The treaty itself covers every proposition designed for the protection of wild life. All that was reasonably left for our Government to do or for the Government of Canada to do was by legislative declaration to enact the several articles of the treaty, so that they would have the force of law, and our Government has done that. Every single article in the treaty relating to the protection of migratory birds is written in the statutes of the United States in almost exactly the same language as is contained in the treaty, so that we have fully performed our obligation under that treaty. The treaty makers understood the length to which Canada and the United States should go in the protection of migratory game birds. Those treaty makers throughout the treaty conceived the purpose and the only purpose to be that of conserving and perpetuating animal life for the necessities of mankind, food and clothing and shelter, and the effect of the treaty is to deny to the United States or Canada the right to permit this wild life to be killed for the sake of killing, just for sport as is designed by the pending bill.

ART. VII. Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the high contracting powers under suitable regulations prescribed therefor by them, respectively, but such permits shall elapse, or may be canceled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold, or offered for sale.

That article has been carried out. It provides for regulation with respect to the destruction of predatory birds. Then Article VIII provides:

The high contracting powers agree themselves to take, or propose to their respective appropriate lawmaking bodies, the necessary measures for insuring the execution of the present convention.

In compliance with that agreement, Canada has enacted its legislation and the United States has enacted her legislation.

I want to review that, so that I may show conclusively that the obligations which America owed under the treaty have been performed. I do not need to discuss the question of whether we had a right to make the treaty or whether it was a wise or unwise treaty; I am not concerned with that now; I may be concerned with it as it affects my philosophy of government; but the treaty is made and until that treaty can be undone it is a part of the law of the land. I am willing to conform to that treaty; I am willing to support legislation to carry out the terms of that treaty to the letter; but I am unwilling to go beyond our obligations in these premises and I am unwilling further to extend the power of the Federal Government for the purpose of creating shooting grounds in America to kill for sport migratory birds, protected by the solemn obligation of the Canadian Government and the United States.

Mr. NORBECK. I am not sure I understand the Senator. Does the Senator contend that this proposed legislation tends to reduce the protection granted by the treaty?

Mr. BLAINE. No; nor does it increase the protection. It is just merely a shifting of things to create shooting grounds.

Mr. NORBECK. Then whatever protection the treaty affords for birds will still remain?

Mr. BLAINE. I do not know whether or not it will, but I doubt it very much. If we shall set up these refuges and sanctuaries for the purpose of feeding, breeding, and propagating birds in order that they may be slaughtered and killed for any other purpose than designed by the treaty, it would be in violation of the treaty.

Mr. NORBECK. The same limitations as to dates and bag limits which the treaty already prescribes will still prevail; in other words, there could be no birds shot out of season, and birds can to-day be shot on all the ground that would be affected by the treaty. Is not that true?

Mr. BLAINE. I presume that is correct, but the bill will merely provide that more birds may be propagated to be killed for sport.

Mr. NORBECK. Exactly so.

Mr. BLAINE. And that is not a compliance with the spirit of the treaty; it is not a compliance with that which ought to be and I believe is the moral consciousness of the American people and of mankind.

Mr. DILL. Mr. President, will the Senator yield for a moment?

Mr. BLAINE. Yes.

Mr. DILL. The Senator has made some examination of the Canadian situation, I take it?

Mr. BLAINE. I have.

Mr. DILL. Has Canada established any bird sanctuaries that have been opened to public shooting at various times as this bill will permit?

Mr. BLAINE. I must be frank with the Senator and state that I am not so certain about that.

Mr. DILL. My information is that Canada has not done that.

Mr. BLAINE. I assume not.

Mr. DILL. I do not know anybody who does that except private sporting clubs which fix up blinds and get the birds

tame, so that they may slaughter them. This bill proposes that the Government shall enter into that business.

Mr. BLAINE. Let me say to the Senator that the private sporting clubs and private game refuges are going to be the beneficiaries of the breeding and propagating of birds in Government refuges. I think I can conclusively show that to be the case.

Mr. NORBECK. I wish to say that Canada has provided both game preserves and shooting grounds.

Mr. DILL. But Canada has not provided shooting grounds in game preserves. She has established shooting grounds entirely separate from game preserves.

Mr. NORBECK. I shall look that up and answer the question later.

Mr. BLAINE. Mr. President, I presume since I made the statement that we have fully performed our duties under this treaty that I ought to proceed to demonstrate that statement to be correct. I have here the Code of Laws of the United States, which contains the laws in force on December 7, 1925. I will use the section numbers observed by this code, as it is the most convenient compilation of the statutes we have. We had laws on this subject before the treaty of 1916. I refer to section 701 of the code, which reads as follows:

SEC. 701. Game and wild birds; preservation.—The duties and powers of the Department of Agriculture include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is authorized to adopt such measures as may be necessary to carry out the purposes of this section and sections 391 to 394 of title 18, Criminal Code and Criminal Procedure, and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this section is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of said sections, and shall expend for said purposes such sums as Congress may appropriate therefor. (May 25, 1900, ch. 553 sec. 1, 31 Stat. 187.)

That was the legislation enacted on May 25, 1900, and is general and broad. I also wish to suggest that under section 702 of the same code it is provided:

The Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes.

That act was passed in 1902. Then came the enactments designed to make effective the treaty. I will not read them at this time, but I will call the attention of the Senate to them.

Section 703, enacted in 1918, relates to taking, killing, or possession of migratory birds. It was enacted to carry out the articles of the treaty which I have read.

Section 704, enacted in 1918, provides when and how migratory birds may be taken, killed, or possessed.

Section 705, enacted in 1918, relates to the transportation or importation of migratory birds.

Then come the provisions with respect to arrest and search warrants. Chapter 9, section 391, of the Criminal Code in the same compilation contains penal provisions relating to the importing of injurious birds and animals and permits for foreign wild animals and specimens for museums.

Section 392 relates to the transportation of illegally killed game, shipments in game season, and feathers of barnyard fowls.

Section 395, which was originally adopted in 1900, relates to the dead bodies of game animals or game or song birds which are subject to the laws of the States.

Some of these criminal provisions preceded the enactment of the treaty, but on the whole the Federal Government has carried out, technically, every single obligation under the treaty. It has done more than that, for the spirit of the treaty has likewise been observed, not only by the Federal Government but by the respective States.

Mr. President, before entering upon a discussion of the performance of the obligations of the treaty in spirit, I wish to say further that the Federal Government should be limited and restricted to a certain field of activity—that is, the field with respect to interstate matters. It should not encroach upon purely local affairs. The Congress has conceived that to be the proper field for Federal legislation with respect to this treaty and has enacted laws covering interstate shipments of all wild life embraced within the terms of the treaty relating to migratory birds. Those laws are complete. The Government has gone beyond that in its regulation of interstate commerce and under the powers of the treaty has regulated the shipment of wild life covered by the treaty in all respects, even providing that the shipments shall not be made contrary to the laws of any State or Territory, and that the shipment of wild life embraced within the terms of the treaty shall not be contrary to the laws of any Province of the Dominion of Canada.

Can you have a fuller, more complete compliance with a treaty than the United States has performed? It has embraced everything within the treaty. Our laws cover every conceivable project to carry out the terms of that treaty. Not a single thing has been overlooked, until within recent years some one has discovered that this treaty can be used, not only for the purpose of conserving wild life for the sake of wild life, but also for the purpose of establishing public hunting grounds to promote the killing and destruction of wild life.

To what extent has America performed in spirit every obligation of the treaty—not only every obligation of the treaty, but every purpose designed by the treaty? Every purpose designed by the treaty has been the preservation of wild life for the necessities of mankind—food, clothing, and shelter—not to establish shooting grounds and hunting grounds for the benefit of private clubs or millionaires. I am going to get to that after a while; but I want to go on further to show what America has done.

The Senator from South Dakota [Mr. NORBECK] the other day suggested that Canada had some extensive sanctuaries. Let me be accurate about this. How many sanctuaries did the Senator say were provided for?

Mr. NORBECK. Inviolate bird sanctuaries, 42, I think. A good many thousand square miles have been set aside by the Canadian Government as inviolate. They have others that are shooting grounds.

Mr. BLAINE. I understand the fact to be that the State of Wisconsin alone has more area of sanctuaries owned by the State for wild life than has the whole Dominion of Canada.

Mr. NORBECK. May I ask the Senator, is shooting entirely prohibited on those sanctuaries?

Mr. BLAINE. It is absolutely prohibited—shooting, trapping, or killing for any purpose.

Mr. NORBECK. At all seasons of the year?

Mr. BLAINE. At all seasons of the year and at all times.

Mr. NORBECK. That is on State-owned land in Wisconsin?

Mr. BLAINE. Yes.

Mr. NORBECK. The Senator realizes that other States have done very little along that line.

Mr. BLAINE. I realize that many of the States have done much. I realize that the State of Minnesota has gone far on this proposition, perhaps further than the State of Wisconsin. I realize that the State of Michigan has gone far on this proposition, perhaps further than the State of Wisconsin. I do not know definitely about that, but I am going to review what the State of Wisconsin has done.

Mr. NORBECK. Will the Senator state the acreage in Wisconsin on which hunting is absolutely prohibited?

Mr. BLAINE. I will state the most important ones. We have a lot of small preserves that I will omit.

The State of Wisconsin now owns the Devils Lake Park, consisting of 1,113 acres—a small territory, but a beautiful lake—situated within those granite-clad hills towering two, three, four hundred feet high.

Back upon those hills, wherever there is any soil upon which the mighty pine might find a grip, pine towers over those hills, back over the wooded ridges, making a perfect sanctuary for wild life of every kind; and, remember, Wisconsin is a gateway for these migratory birds. That is only a small tract of land, it is true, but it is important; for in the season, northward and southward, the brant, the duck, the wild geese there rest without molestation by mankind; and, all honor to the people of the State of Wisconsin, they observe inviolate the sacredness of that wild life.

I do not want a meddling, bureaucratic government, located a thousand miles away from home, selling privileges to private parties upon the public reserve and the sanctuary for wild life upon the public domain; and I will prove before I get through that that is what will happen. I have the testimony here. I have it from the Secretary of Agriculture. I had it first from citizens of my own State, and I will produce it. I am not criticizing from the standpoint of mere criticism, however. I simply want to demonstrate that when the long arms, the Federal tentacles far away from our localities reach out, there

is a temptation to misuse power because the government is far away from the people, and it is not responsive to the people, and therefore not responsive to public opinion. Public opinion, I think, is always in the interest of good government and always opposed to every form of corruption when that public opinion can once be given the facts, and an opportunity to act.

Mr. NORBECK. I was interested in the Senator's pursuing that question of acreage in the State. The Senator promised that he would give us a list of the main preserves.

Mr. BLAINE. Oh, I have not gotten through yet.

Mr. NORBECK. No; but I should like to know about what the total acreage is. The Senator has mentioned only 1,100 acres so far.

Mr. BLAINE. I am going to give it specifically. That is just one beautiful park.

Mr. NORBECK. Canada has done about a thousand times that much.

Mr. BLAINE. Oh, well, we have done several times that much.

Mr. NORBECK. The Senator stated that Wisconsin had done more than Canada, and I simply wanted to get the information.

Mr. BLAINE. I understood the Senator to say that there were thousands of acres of preserves in Canada.

Mr. NORBECK. I said there were 42 preserves there.

Mr. BLAINE. How many acres?

Mr. NORBECK. I can give the Senator that. The Senator must have known, because he asserted the comparison here.

Mr. BLAINE. I want to be accurate, so I am going to take the Senator's figures for it. I am going to assume that they are right. If the Senator's figures are right, then my statement may be incorrect.

Mr. NORBECK. As I get it, about 1,124 square miles.

Mr. BLAINE. How many acres is that?

Mr. NORBECK. I have not made the computation, but I shall be pleased to do so. It is more than a thousand sections of land, though.

Mr. BLAINE. How many acres—about 600,000 acres?

Mr. NORBECK. About seven or eight hundred thousand acres, I take it.

Mr. BLAINE. Perhaps we can not reach that amount; but I will give the Senator the facts and then the comparison will stand out. I understood from his statement that the amount in Canada was less.

We have the Nelson Dewey Park, consisting of 1,651 acres, located where the Wisconsin River empties into the Mississippi River, at a point that is a natural sanctuary for the migratory birds referred to in the treaty, and to which sanctuary those birds go. That is only a small tract.

Then we have the Peninsula Park, in Door County, with its 3,900 acres; and if the Congress will respond to the request of the State for the passage of a bill we will add another 2,000 acres to that.

Mr. NORBECK. Do I understand that the Senator favors the Federal Government buying more land up there?

Mr. BLAINE. No; the State is going to take it. The State of Wisconsin is not asking the Federal Government to buy land for these sanctuaries.

Then we have other parks consisting of 586 acres, 660 acres, 590 acres. Those are separate tracts, but they are located along or near the Mississippi River; and those are important sanctuaries for bird life. It is far better, if you please, to have small areas furnishing sanctuaries for birds than large areas to attract the birds there by thousands. They are better protected; they will breed and propagate and live without the destruction that will come to them through these larger areas and larger sanctuaries.

That is not all. We have the Brule Park, the forest lands of the Brule River of over 4,000 acres, in the very heart of the northern woods of Wisconsin.

We have the Idlewild Game Refuge of 1,100 acres, a most ideal location as a sanctuary. We have, in connection with that, 14,000 acres added to that sanctuary.

We have in the State of Wisconsin not only this Idlewild Game Refuge of about 1,100 acres, but, as I said, attached to that is 14,000 acres.

We have the Forest County Game Refuge of 42,000 acres, a sanctuary for wild life.

We have another sanctuary for wild life 9 miles wide and 16 miles long, containing almost 100,000 acres of land, in which area are included, I think, 42 of the lakes of northern Wisconsin, lakes of extensive area.

These tracts are located at the gateways of the main-traveled paths from Sault Ste. Marie and Hudson Bay and westward. I have seen these migratory birds in thousands in these very tracts I have described, not a single one of which does the hand of man violate. They are just as safe within these sanctuaries as though they were a thousand miles back in the impenetrable forest.

Mr. TYDINGS. In that connection I would like to point out to the Senate that Chesapeake Bay is one of the largest bodies of inland water in the world. At the head of the bay, for about 4 miles south from where the bay begins and about 6 miles in width, are the feeding grounds, known as the Susquehanna Flats. All of the area of the Chesapeake Bay is a game sanctuary for wild fowl, ducks, geese, swan, and so on, except the rivers tributary to it and the Susquehanna Flats. It is probably one of the most frequented spots in the whole world for game of that kind. When we figure game preserves in land we should not overlook the fact that there are many, many square miles of water embraced in the Chesapeake Bay which is really a game preserve.

Mr. BLAINE. Are those sanctuaries owned by the State of Maryland?

Mr. TYDINGS. The State of Maryland has by law prohibited the shooting of wild fowl at any place on the bay except at its head for a distance of 4 miles, and on the tributaries that come into the bay; but the mass of the bay itself is used by ducks to feed in, and it is against the law to shoot them except at the head of the bay, and the area I have described, on the rivers and tributaries. I do not think that even Canada can point to a game refuge where more wild fowl congregate than the point I have mentioned, Chesapeake Bay, which is already protected by State legislation.

In that connection let me also say that Maryland is a very small State in area, but we have a game preserve there, and each year we send out many dozens of pheasant eggs, young partridges, and other kinds of game, all over the State. I can not see a bit of necessity for having the Federal Government come over into Maryland and tell us how to run our game preserves, what regulations we are to live under, and how much money we are to pay to the Federal Government, when we are making a pretty good job of it ourselves, if they will only let us alone.

Mr. BLAINE. Mr. President, I thank the Senator very much for the information.

Mr. TYDINGS. May I interrupt the Senator just once more?

Mr. BLAINE. I yield.

Mr. TYDINGS. The question has been asked me as to how long our season is, and it would be only fair to show another game-preserve measure in connection with that. The season for the shooting of wild ducks opens the first day of November and closes the last day of January. But it is unlawful to shoot wild fowl on the Chesapeake Bay except on Mondays, Wednesdays, and Fridays, three days a week, between sunrise and sunset, except in the month of January, when four days a week are permitted. But as Chesapeake Bay is usually frozen over at that point during the months of January and February, except for limited periods, it practically means that we have one good month of gunning, but only three days a week, and then between sunrise and sunset, and I would like to ask anyone favoring this treaty provision to point out where in all the Dominion of Canada there is a single law which prohibits the citizens of Canada from gunning for wild fowl every day in the week except Sunday on the gunning grounds they may have up there.

Mr. BLAINE. I am sure that other Senators could give the same testimony with respect to their States. I have no doubt but that the States of the Union, especially those located along the passageways and gateways for migratory birds, have ample sanctuaries, far beyond anything the Federal Government ever contemplated, far beyond anything that Canada has done.

I have reviewed just briefly what Wisconsin has done. In fairness to the Senator from South Dakota I will say that I had understood from him that Canada had only about 200,000 acres in sanctuaries, and I said that Wisconsin had as much. We have not as much as Canada has, if his figures are accurate to the effect that Canada has some 700,000 acres in sanctuaries. But here is one State alone that has close to 200,000 acres in sanctuaries for wild life, and in which wild life is not sacrificed. I dare say to the Senator from South Dakota that Canada has not a single sanctuary comparable with the sanctuaries of Wisconsin.

Mr. NORBECK. Mr. President, I challenge the correctness of that statement.

Mr. BLAINE. I want to say to the Senator that it would be interesting if he will submit to this body information respecting that. Remember that on these sanctuaries to which I have referred, located in Wisconsin, we do not permit shooting, kill-

ing, taking or pursuing sanctified wild life described in the treaty.

Mr. NORBECK. I want to say right now that that is true of the sanctuaries in Canada. I have not referred to those preserves that are shooting grounds.

Mr. BLAINE. Yes; but to preserves that are shooting grounds, and sanctuaries that are for breeding purposes which may be shooting grounds.

Mr. NORBECK. But which are not.

Mr. BLAINE. Any time during the year?

Mr. NORBECK. No; that is my information, that they make a distinction between shooting grounds and sanctuaries.

Mr. BLAINE. Do not those sanctuaries include national forests?

Mr. NORBECK. I can not tell the Senator what they include up there, but I can show him a map of them.

Mr. BLAINE. Let me point out what has been done in the United States along that line.

Mr. NORBECK. The statement of what Wisconsin has done is very interesting and I am proud of it for having done that. I wish other States would do as much. If there was more of it done, we would preserve the wild fowl from extinction. I want to say that even South Dakota has given hundreds of thousands of acres, but unfortunately there is very little of it that is adapted to migratory bird refuges, that is, marsh land. We have very little of that in our State.

Mr. TYDINGS. Mr. President, I wanted to point out to the Senator from South Dakota that the Senator from Wisconsin is exactly right in his position as to these game refuges up in Canada. To start out with, Canada has a population of only about 8,000,000 people. It has a tremendous area. Most of the population of Canada is down along the St. Lawrence River and along the Great Lakes, and if Canada had no game preserves at all, all the northerly and westerly part of Canada would be a natural game preserve, because there are very few people there except Indians and a few trappers.

Mr. NORBECK. I share the views of the Senator from Maryland that there is less necessity for game preserves in Canada than in this country.

Mr. TYDINGS. But the point I am making is that even though they set up preserves in Canada it does not really amount to anything, because the laws could be violated with impunity; there is no police force to arrest offenders in those forest reserves, and there is no center of population there. That is where the game goes to hatch the young. All the ducks, all the swans, all the geese, are not hatched in the United States of America. They go north in the spring of the year, and the young are brought into being in the northern part of Canada. That is where the greatest amount of protection is needed, and not here in the United States. What difference does it make if you kill a few birds after they have actually come to life, as compared with gathering eggs from the nests of those birds, as has been done, and was done until recently all over Canada? What good is it for us to protect a few birds that are living, if, when they fly back to hatch their young, the eggs are to be taken from them?

Mr. NORBECK. The Senator has said that the great hatching ground for birds is up there in Canada. I fully agree with him. But this bill does not deal with Canada. The only point I am making is that Canada has done its part, and I hope that before it is too late to save our birds in the United States we will do better than we have been doing in the past. We have the migratory bird treaty, which has been very helpful. It was signed by President Wilson and supported by this side of the Chamber. It was a mighty good beginning. This bill simply seeks to supplement that by providing that we may make inviolate certain preserves. That is the main purpose of the bill; in other words, to do in a national way what Wisconsin has done in a State way. I think the Senator and I have nearly the same view of the matter.

Mr. TYDINGS. But Canada is not asking us to do this.

Mr. NORBECK. Certainly not.

Mr. TYDINGS. We have a treaty with Canada. We owe no obligation to Canada that we have not fulfilled. This is but the work of a few people who probably have never been among birds and wild fowl in their lives, who have conceived an idealistic plan which will cost the people a lot of money, will unloose a horde of officeholders to go into States and participate in the activities of the States whether they are in accord with it or not, when already most of the States have set aside game preserves, and, in addition to that, have enacted laws which are constantly growing more strict. Why destroy the effect of that? I would say to the Senator from South Dakota that whenever the Federal Government takes complete charge of the game laws in my State and in his State, he will find that there will be a movement to repeal the game laws of the States which are now on the statute books, because the restrictions will be so severe, perhaps, from the Federal Government, that the States will say, "Well, we will wipe our hands of it all and turn it all over to the Federal Government." I think what will really happen will be that the Senator from South Dakota will find that instead of the object of his bill being accomplished, in the long run the object of his bill will be defeated.

Mr. NORBECK. I would like to say that in my opinion we would have been pretty near out of migratory birds now if it had not been for the splendid beginning that was made 10 years ago through the migratory bird treaty and legislation in support of it.

Mr. TYDINGS. Mr. President, I would like to call the Senator's attention to the fact that I live next to one of the greatest natural game preserves in the world.

Mr. EDGE. Mr. President, will the Senator yield a moment?

Mr. BLAINE. I yield.

Mr. EDGE. Am I correct in gathering the impression from what the Senator from Maryland just stated that he believes that in the great duck area in the State of Maryland, and I agree with him that it is one of the best, in the East at least, there would have been more ducks at the present time if the Federal Government had not intervened and passed the migratory bird law?

Mr. TYDINGS. I was just about to anticipate the Senator's question. Ever since I have been living alongside the bay, which is about as long as I have been living anywhere, each year there has been a limitation on the number of ducks; but so far as I have been able to observe the number has been about constant. Ducks do not come to the same spot every year any more than people go to the same theater every night. Conditions of atmosphere and climate and the feed that they live on vary over the United States, sometimes bringing to us great numbers in one season, while in the next season we do not have as many.

But I would like to say to the Senator from New Jersey that I have on a number of occasions looked out on Chesapeake Bay and have seen 4 to 5 solid miles of white swan sitting in a single row. We can not kill a swan because there is a closed season all the year around on swan, and yet the swan, which is a very active bird, has dug tremendous holes in the celery beds on the Susquehanna flats and destroyed large quantities of feed, so that the ducks no longer come and use those particular spots as they once did, because the swan sits there all day long, unmolested, and doing nothing but digging up tremendous amounts of duck feed, which floats away down the bay and is destroyed. I believe that it would be an act of conservation to permit a gunner to kill two or three swan every year, and no gunner will kill more than a dozen, because that is one bird which has a very fine college education when it comes to eluding the hunter.

We can not compare this year with last year, but I would say in the main that the number of ducks has been as constant as we could reasonably ask, and that there has been no great decrease and no great increase. Some seasons there are lots of ducks, hundreds of thousands of them. Other seasons there are not quite so many. It is not due so much to gunning, but to the season, the condition of feed, the length of the season, and many other things.

Have I answered the Senator's question?

Mr. EDGE. Yes; very interestingly, indeed. I am glad to have the Senator's views.

Mr. DILL. Mr. President, will the Senator from Wisconsin yield to me a moment?

Mr. BLAINE. Certainly.

Mr. DILL. In the light of the discussion as to the amount of land used in Canada for refuges and reserves, I think it is worth noting that the State refuges in the United States amount to more than 30,000,000 acres of land. I get these figures from the Biological Survey.

Mr. NORBECK. Will the Senator enlighten us as to how much of that is suitable for the nesting of migratory birds?

Mr. DILL. I am not able to give the Senator a description of each piece of the land.

Mr. NORBECK. I asked that question when the Senator talked about it two years ago. What amount of it is suitable for the purposes of the pending bill?

Mr. DILL. I have not been able to go out and cruise the land.

Mr. NORBECK. My State has a very large area of sanctuary, but very little of it is suitable for migratory bird sanctuary, almost nil.

Mr. DILL. I notice there are over 7,000,000 acres of Federal refuges in the United States, making a total of almost 38,000,000 acres of land devoted to that purpose. Certainly out of that 38,000,000 acres there must be a few millions of it good for migratory birds, but because the ammunition makers a few years ago started a program to raise money to buy some more bird refuges and make some more public shooting grounds, and were intending to take it out of a 10 per cent tax on ammunition, which was later abolished, we have this hue and cry to put everybody in the country, who wants to hunt a little bit, under a Federal licensing system. There is absolutely no reason for it and there is no defense for it, in my judgment.

Mr. NORBECK. The Senator certainly did not mean to make that remark. The bill is not applicable to everybody.

Mr. DILL. It is applicable to everybody who wants to hunt off of his own land.

Mr. NORBECK. It is applicable to everybody who wants to hunt migratory birds.

Mr. DILL. The bill says if he shall attempt to hunt them.

Mr. NORBECK. So does the law in the Senator's own State.

Mr. DILL. We have to have a license in my State.

Mr. NORBECK. That is all the Senator would have to do under the provisions of this bill.

Mr. DILL. But the Senator's bill says only to hunt migratory birds. How will the game warden know whether a man is hunting migratory birds or hunting rabbits?

Mr. NORBECK. How does he know under the law existing to-day in the different States?

Mr. DILL. I do not know what the reason is, but I know that the existing law does not provide penalties if a man shall attempt to hunt them.

Mr. NORBECK. Yes, it does. That matter was thrashed out two years ago. We have very large game areas covered under the State laws.

Mr. DILL. The Senator may defend that proposition if he wishes to do so.

Mr. NORBECK. I am not defending it, but there is no use attacking this bill because of something we have had for 20 or 30 or even 100 years. This is not bringing that provision into effect again, because it is something we have had before.

Mr. DILL. There is a vast difference in putting into a Federal bill provisions that may happen to be in State legislation, because the Federal legislation should cover only Federal grounds, but the Senator's bill covers State, Federal, and everything else.

Mr. NORBECK. And so does the migratory bird treaty entered into 10 years ago. In other words, we have had for 10 years that which we are endeavoring to get under the terms of the pending bill.

Mr. DILL. Then why enact it again? Why not strike it out of the bill if it is so terrible?

Mr. NORBECK. I am perfectly willing to strike it out of the bill, except so far as it relates to bird preserves, and I have so indicated before, because that authority rests with the Federal Government and has rested there for 10 years under the Wilson Migratory Bird Act.

Mr. DILL. There is nothing under the Wilson Migratory Bird Act that requires people to take out a license to hunt.

Mr. NORBECK. That is true. That is why there has not been money for bird preserves.

Mr. DILL. We could get money if the Senator would work as hard to get the money as he has worked for the passage of this bill.

Mr. NORBECK. I have worked with the Senator in attempting to get money. I have supported every bill under which the Senator has wanted to get money since I came here.

Mr. DILL. The Senator will not agree to any such thing in connection with this bill, though?

Mr. NORBECK. I do not care to have the bill destroyed.

Mr. DILL. I think it would be saved. I think it is the only way the bill could be saved.

Mr. TYDINGS. Mr. President, will the Senator from Wisconsin yield again to me?

Mr. BLAINE. Certainly.

Mr. TYDINGS. I would like also to call the attention of the Senator from South Dakota, who is the author of the bill, that what the legislation really does is to prevent the poor man enjoying the benefit of the game refuges. Under our present treaty and under the laws passed in pursuance of that treaty a man can not sell any waterfowl that may be killed. The idea back of that is not a bad one if it is properly carried out; but what it really comes down to is that the man who wants to shoot has to have an outfit that costs from $100 to $2,000 or $3,000. Not every man can afford to do that. Furthermore, he has to have a crew of at least one man for a bushwhack boat, and if he guns out of a sinkbox he needs four or five. He has to have a cabin boat. It is the only way he can get any hunting on the bay. I would like to say to the Senator that very few working people, to illustrate, can afford to invest that much money in an outfit.

Mr. NORBECK. That may be true, but in our State they do not have to have those outfits.

Mr. TYDINGS. I am showing the Senator how the game law works out. I have seen people come into my State from New York and Philadelphia, gun on the flats, and kill the bag limit—which is 25 ducks per man—and take them out of the State. Men of means come down there every other day during the season; and yet the people of the town, who would like just once in a season to eat a pair of ducks, can not buy a pair of ducks to save their souls unless they violate the law, and yet they live in Maryland and live alongside the game preserves.

Mr. NORBECK. The Senator is complaining about the laws of his own State.

Mr. TYDINGS. No; that is the Federal law. I am discussing the Federal law.

Mr. NORBECK. That is not the thing I am complaining about. It is not a matter we have under consideration now.

Mr. TYDINGS. Yes; but the Senator is giving the board he creates the right to make rules and regulations governing game preserves, and that is what the other bill did. Under that authority the board made rules and regulations which really took the game out of the poor man's hands and gave to the rich authority to gun wherever and whenever he saw fit, and to do whatever he wanted with the game when it was killed. When we give a bureau the right to make rules and regulations, we give them the right to make law. When we gave them that right under the terms of the other bill, they used that right as I have just explained. It works out just like the prohibition law, letting the wealthy man get everything he wants while the poor man gets nothing.

Mr. NORBECK. Let us not get mixed up in a discussion of the prohibition question at this time.

Mr. TYDINGS. The philosophy of the thing is just the same. It is a law for one class of people who get what they want, while another class not so fortunate have very little or no privilege under it.

I want also to ask the Senator whether he does not think there are enough laws in the country now? I would be delighted to have some candidate for President issue a proclamation and name about 500,000 laws that he would have repealed. Do we want to put people in chains and make ninnies out of them? Do we not want them to have some self-reliance? Talk about the land of the free and the home of the brave—most everything in this country that goes to make a man happy is either unlawful or unhealthy. [Laughter.]

I think we have gone far enough. I think it is time for the Senate to quit delegating its authority to boards and commissions. If we must enact a lot of laws, let us do the thing ourselves and not turn it over to some one who probably knows nothing about the subject, but who issues thousands upon thousands of regulations respecting the liberties of the people.

Mr. NORBECK. During the last week the Senate passed a bill by a unanimous vote conferring that very kind of power.

Mr. TYDINGS. Not with my vote.

Mr. NORBECK. Nor with any protest.

Mr. TYDINGS. It is a brave flea that eats its breakfast on the lip of a lion. I have not been here long enough to reach the stage of protesting. I am just finishing my breakfast, being a new Member, and shall wait until lunch time comes along before I protest, and then I am going to do more of it.

Mr. BROUSSARD. Mr. President, will the Senator from Wisconsin yield to me?

Mr. BLAINE. Certainly.

Mr. BROUSSARD. I would like to ask the Senator from South Dakota a question. I think the United States has been divided into three zones, so far as migratory birds are concerned.

Mr. NORBECK. No; not under the bill now before us; only under the old law.

Mr. BROUSSARD. My understanding is that in the first and second zones; that is, the eastern zone and the middle zone, there are more birds than we have ever had before. Is that true?

Mr. NORBECK. No. The Senator has just asked for my opinion of the matter, and that is all I could give. I will say that the testimony before the committee has shown a constant decrease in birds except the last year. For instance, if we have a year of unusual rainfall, then more birds are destroyed in the United States than when we have better weather conditions, but there has been a gradual drainage of swamps and

polluting of waters, and it has been more difficult for the birds to find nesting places. That is the general condition.

Mr. BROUSSARD. Does the Senator mean breeding places?

Mr. NORBECK. Yes. There would not have been any necessity for a migratory-bird treaty had it not been for that fact. I think in most of the United States the game birds have been protected. I think legislation which has been adopted has tended somewhat to retard destruction.

Mr. BROUSSARD. I am not talking about what happened in the United States, because we have had a 25-bag limit all the time.

Mr. NORBECK. In some States they have less, of course. It is unequal among the States. That is the maximum under the Federal law.

Mr. BROUSSARD. I attended some sessions of the committee last year where it was admitted that there are more birds in the eastern and central zones than ever before. In the western zone it was explained that, due to some poison or other, the birds had been destroyed.

Mr. NORBECK. Due to low water, drainage of swamps, which meant alkali poisoning of large areas.

Mr. BROUSSARD. In the western zone?

Mr. NORBECK. Yes.

Mr. BROUSSARD. My understanding has been that in the eastern and central zones we have had more birds than we ever had before. That was my understanding a year ago. That is an increase under the present law.

I should like to ask the Senator this question: Why would not the Senator be satisfied to permit the acquisition by the Federal Government of the necessary resting places for birds and to appropriate the money for that purpose out of the Federal Treasury, instead of proposing, as the bill provides, to send game wardens and other Federal agents into every State of the Union to sell Federal licenses to those who may wish to hunt? In most cases, I think, that will discourage the enforcement of the State laws and the activities of the agencies set up in the States to protect game. In my opinion, in States such as my own, which have spent a great deal of money and have set aside many hundreds of thousands of acres of land for bird refuges where the birds may remain during the entire winter, the effect of this bill will not be salutary. The birds in the State sanctuaries are under the control of State wardens.

If we are going to permit Federal wardens to go into the various States and sell licenses to hunters, to disarm those who have not taken out Federal licenses, and to bring them to a Federal court, which in most instances, of course, will not be in the county where the offender resides, but many miles away, to answer a misdemeanor charge of violating the game laws, it appears to me it will work an unnecessary hardship.

Would it not be easier and much more convenient to everybody to appropriate the money in order to provide these resting places without requiring Federal licenses and sending into the several States an army of Federal game wardens and other officers to sell Federal licenses and to enforce the game laws? In my opinion, that will confuse the people, and will make it probable that the State law will be more easily violated by those who have Federal licenses. Would it not be easier to appropriate the money directly to do what the Senator in his bill aims to do, without imposing these licenses upon the individual citizens of the respective States?

Mr. NORBECK. Mr. President, I wish to answer the Senator frankly. I recognize his real sincerity in behalf of proper conservation. The Senator, I presume, wants to bring about a condition where more birds will be produced.

Mr. BROUSSARD. I do.

Mr. NORBECK. About 90 per cent of my concern is in regard to that very point. The question of enforcement is entirely secondary. It is always an open question how much of it should be done by the Federal Government, or whether the greater part of it should be left to the State.

We have to-day Federal game wardens who travel over the States. I have noticed when they come into my State that they have a stiffening influence on the local wardens and their presence tends to check violations of the law. There has been no objection to Federal game wardens so far. However, that is a minor thing; the main thing is to acquire ground for nesting places for birds. The Senator and I, I take it, are thoroughly in accord on that point.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. NORBECK. Yes.

Mr. TYDINGS. I should like to state to the Senator that just the contrary is true in my State. In Maryland we do object to the Federal Government sending its agents into the State to run our own local affairs.

Mr. NORBECK. South Dakota does not even object to the enforcement of the Volstead Act by Federal agents.

Mr. TYDINGS. I wish to say further that we do not object to the Federal Government providing an Army, providing a Navy, establishing a standard of money and coining it; we do not object to the Government punishing counterfeiting and establishing post offices and post roads, providing for a militia, instituting courts inferior to the Supreme Court, and doing what the Constitution provides that Congress shall do; but we do object to its meddling in every phase of our individual activities, because we feel we have just as much intelligence and just as much right to freedom as have the people of any other State. So that if we are forced to take this law or any other law which is outside of the general functions of the Federal Government, in effect, it is tantamount to saying that the Federal Government knows better than do the people of the States under what local laws they should live.

Mr. NORBECK. The Senator was not listening to me very closely——

Mr. TYDINGS. Yes; I was.

Mr. NORBECK. When I said that, I considered the main part of this question was the acquiring of ground for nesting places for birds. I have much less interest in the other points.

Mr. TYDINGS. The Senator is more interested in game than he is in the human beings who will be affected by this proposed law. I am more interested in the people than I am in the game; that is the difference.

Mr. NORBECK. I am simply trying to save the birds from extinction and to provide more birds for the people. The Senator can draw his own conclusion from that statement.

Mr. TYDINGS. What the Senator's bill would do is this: If a boy up in my end of the State, the northern part of Maryland, should kill a railbird or blue jay, a Federal officer would take him, although he was only 17 years of age, all the way to the United States court at Baltimore, while his poor mother and father were trying frantically to get bond so that he could get home. Then he would have to take his attorney down there and have a trial there, all because he killed a blue jay up in the northern part of Cecil County.

Mr. NORBECK. The Senator is an attorney and I am not. Let me, therefore, ask the Senator if that is not the situation under the present law, instead of a situation which will be created by the bill which I am advocating?

Mr. TYDINGS. And the Senator admits that his remedy for it is to have more of it instead of less.

Mr. NORBECK. My remedy is to have more preserves and to raise more birds.

Mr. DILL. And to hire more Federal game wardens.

Mr. NORBECK. The present Federal law compels one who is charged with an offense against it to go into the Federal court. I might say that this bill, in a way, eases off that situation by permitting the commissioner to deal with minor offenses.

Mr. TYDINGS. What commissioner?

Mr. NORBECK. The United States commissioner.

Mr. TYDINGS. Is the commissioner going to have to travel all around the United States?

Mr. NORBECK. If the Senator will read the bill——

Mr. TYDINGS. I have read it.

Mr. NORBECK. He will find that it tries to ease off the very situation of which the Senator is complaining.

Now, however, I will ask the Senator to permit me to answer the question of the Senator from Louisiana [Mr. BROUSSARD]. He has asked a plain question, namely, why we can not carry out the purposes of this bill by direct appropriation? That gets down to the meat of the bill. Nothing would please me better than to do it by direct appropriation, but progress along that line has been discouraging. A good many efforts in that direction have been made, but all except one have proven futile. A year ago we passed a bill to establish a large game preserve in Utah. That bill went over to the House and it did not become a law. We have felt that if provision were made for direct appropriations to carry out the terms of this bill it might fare very much like the forest purchase law. Under that law appropriations were authorized and a policy was established; the department goes out and secures options on this piece of land and that piece of land, but Congress fails to make the appropriations, and the contracts default. Then the department goes out next year and gets options at higher prices. The hope of those who advocate the Federal license provision of the bill is that it will establish a definite policy under which the necessary money will be available from year to year and that it will be practicable to operate under it. Do I make myself clear?

Mr. BROUSSARD. Mr. President, I wish to say——

Mr. TYDINGS. Mr. President——

Mr. NORBECK. Will the Senator from Maryland, please, let me answer the question of the Senator from Louisiana?

Mr. BROUSSARD. I wish to say, Mr. President, that I would be very glad to vote for an appropriation to provide resting places for game, but I am very much opposed to the creation of additional Federal agencies throughout the States. In my own State, as I am sure the Senator is aware, we have spent much money in providing resting places for birds, where they spend the winter and where they are protected. That has been done at State expense. I am very much opposed to permitting Federal game wardens to come down there and take control of the agencies which the State has created with its own funds and to enforce laws over which the State itself will have no control locally. I should be glad to vote for an appropriation to acquire all the property necessary.

Mr. NORBECK. If I could accomplish that purpose, I would not ask for anything more. If we could establish the policy and secure the funds direct with which to establish bird preserves, I would be entirely happy.

Mr. BROUSSARD. I am willing to go with the Senator that far.

Mr. NORBECK. I appreciate the sentiments of the Senator, and I realize that there is room for a difference of opinion; but I could not resist the temptation of calling attention to the fact——

Mr. BROUSSARD. I can not go further than I have indicated.

Mr. NORBECK. I understand that.

Mr. TYDINGS. Mr. President, I know the Senator from North Dakota is sincere about this proposition.

Mr. NORBECK. I am glad there is no difference of opinion on this side of the Chamber as to whether I am sincere or not.

Mr. BLAINE. Mr. President, I must decline to yield further.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Wisconsin declines to yield further.

Mr. NORBECK. I think he is justified in doing so. [Laughter.]

Mr. BLAINE. Mr. President, my reason for declining to yield further is not because I want to object to the colloquy but I wish to conclude just a thought or two. Then the Senator from Kansas [Mr. CURTIS], I am sure, wishes the Senate to go into executive session, and I want to accommodate myself accordingly.

Before I leave this subject I wish to make these general observations: I have shown conclusively that our Government has met all the requirements of the treaty, and, indeed, has gone far beyond its requirements. It is clear that many of the States have gone much further than the treaty requires or than the Federal Government has gone. I understand from the Senator from South Dakota [Mr. NORBECK] that Canada has about 700,000 acres in preserves or sanctuaries for wild life. I contend that area thus provided by Canada does not compare with the areas set aside in the United States, even by comparison of population.

In Wisconsin alone, according to my understanding, and according to the Senator from South Dakota, the number of acres set aside is about 25 per cent or more of the area set aside by Canada for game sanctuaries. The Federal Government has established national game and bird preserves as follows:

The National Bison Range, the Wind Cave National Game Preserve, the Wyoming Elk Reserve, the Sullys Hill National Park Game Reserve, the Custer State Park Game Sanctuary, the South Dakota Game, Animal, and Bird Refuge, the Ozark National Forest Game Reserve, the Wichita National Forest Game Breeding areas, the Grand Canyon Game Preserve, and the Upper Mississippi River Wild Life and Fish Refuge, a total of 10 of the national parks, all of which are wild life sanctuaries or reserves.

Moreover, just recently there was passed by the Senate a bill, which was introduced by the senior Senator from Arkansas [Mr. ROBINSON], being Senate bill 2456, which provides:

> That for the purpose of providing breeding places for game and fur-bearing animals, game birds and fish on lands in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified areas within said forests as game sanctuaries or refuges, which shall be devoted to the increase of game animals of all kinds naturally adapted thereto, but it is not intended that the lands included in such game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests—

And it is provided that there can be no—

> hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals for any purpose whatever upon the lands of the United States within the limits of said game sanctuaries.

The bill protects those national forests against invasion by man for the killing of wild life, and provides for sanctuaries many hundred times greater in area than Canada has provided. There are 19 national forests for wild life sanctuaries containing vast areas of land and water.

I am in favor of establishing such sanctuaries, but I want them to be inviolate. I am not in favor of establishing sanctuaries for the feeding and breeding and propagation of wild life designed exclusively, if you please, for the benefit of those who can afford the time and the leisure to enjoy them. Before I conclude to-morrow I think I can demonstrate clearly that this bill is to establish public preserves in America that will be as objectionable as were the game preserves created by the ancient régime in France. It is extremely interesting to know that the last great political battle waged by Premier Lloyd George of Great Britain before the World War was an attack, a campaign against the establishment of game preserves designed for the benefit of sportsmen who wanted conservation, not for the sake of wild life, but for the sake of shooting to kill.

I am in favor of sanctuaries that will permit the multiplying of wild life of every nature; but I want to give that wild life a chance for its life, an opportunity for its own defense. I do not want a game preserve or a bird refuge designed for the purpose of enticing these innocent creatures which are the friends of man to a place where they may be slaughtered.

To-morrow or at some future time before I conclude, I shall demonstrate conclusively that this bill is not designed in the interest of conservation; that it is a bill the title of which should read:

> A bill to more effectively defeat the obligations of the United States under the migratory bird treaty with Great Britain by increasing the dangers to migratory game birds from game hogs and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the propagation of such birds for slaughter.

That should be the title of this proposed act.

I think I shall be able to prove conclusively that there can be no other result. I know it was not intended by the Senator from South Dakota; but I have shown conclusively that America has carried out every obligation of the treaty, gone far beyond that, and I think it will be as readily demonstrated that the purposes of this bill are as I have characterized them.

[At this point Mr. BLAINE yielded the floor for the day.]

Monday, March 26, 1928

Mr. BLAINE. Mr. President, some days ago in discussing the migratory bird bill I undertook to define in a rather limited way the right to kill. I had not meant by my former remarks to suggest what meat men should eat. There may be those who choose other flesh in preference to fowl or who choose fowl in preference to fish. If there are those who desire to set up sanctuaries to breed and feed migratory game birds for food, I submit that their project is legitimate. Hunting is a very ancient right, dating back to the days of Nimrod, and I think I am tolerant enough to grant to any man the right to eat what he pleases, drink what he pleases, wear what he pleases, worship his God in the sanctuary of his own choice, pray to his God in the language of his choice, and to do anything else that is personal to himself that does not trespass upon the rights of his neighbor and his community. I therefore do not mean to say that a man has no right to hunt for food because he chooses wild game in preference to the meat of domesticated animals, but I merely want to point out that the establishment of game refuges and game sanctuaries for the mere purpose of propagating, breeding, and feeding game to be killed and slaughtered for the mere joy and sport of killing, in my opinion, is not justifiable.

I have, I think, clearly demonstrated that there is no necessity for this proposed legislation; that there is no obligation upon the United States to go beyond the point which we have gone in carrying out our duties under the treaty with Canada. I am, therefore, to-day intending to analyze this bill for what it is and what it will accomplish.

Mr. DILL. Mr. President, before the Senator from Wisconsin starts on that branch of the subject may I ask him whether or

not he has made an examination of the present law under the migratory bird treaty?

Mr. BLAINE. Mr. President, I have.

Mr. DILL. Does the Senator find any necessity or need of added legislation to control the game situation beyond that which the present law provides?

Mr. BLAINE. Absolutely none whatever, and during the course of debate the other day I pointed out section by section and provision by provision how the Congress of the United States had in all respects performed its obligation under the migratory bird treaty.

The real purpose of this proposed act is not to conserve wild life. The purpose of it is to tax the people of the United States in order to create a fund with which to buy areas of land as sanctuaries for migratory game birds, not for their protection, not for their conservation, but to create public shooting grounds. We might just as well be frank about this subject.

Mr. NORBECK. I wish the Senator from Wisconsin would be frank——

Mr. BLAINE. I will be.

Mr. NORBECK. And state that 60 per cent of the area of the sanctuaries would be inviolate to all hunting.

Mr. BLAINE. Exactly; and section 11——

Mr. NORBECK. I asked the Senator from Wisconsin whether he would favor the bill if we would make the prohibition against shooting apply to the entire sanctuaries and permit no hunting on any of them. I have not had his approval of that suggestion. If I had, we might amend the bill to meet that objection.

Mr. DILL. Mr. President, let me suggest that there is not anything in the bill that provides which part of the sanctuaries may be used for public shooting grounds; whether it is to be along the side or down the middle; whether one portion is to be used one year and some other portion the next year. The bill leaves any part of the sanctuaries open for public shooting purposes or is so written that any part of a sanctuary may be open at any time.

Mr. BLAINE. To which fact I was going to call the attention of the Senator from South Dakota. I thank the Senator from Washington.

A committee amendment to section 11 provides:

> That at no time shall less than 60 per cent of the total acreage of the areas so acquired be maintained as inviolate sanctuaries for migratory birds.

That of itself is a vicious provision; that of itself establishes a trap. Far better, indeed, would it be to throw the entire sanctuary open to hunting and shooting and killing. The very provision making no less than 60 per cent of the total acreage of the sanctuaries for migratory birds inviolate is to set a trap into which the migratory birds are to be induced and seduced. That provision of itself ought to condemn the proposed legislation. What the whole bill proposes to do is to create a trap, and the more acreage which is embraced in a sanctuary the bigger the trap which would be created for migratory birds.

The Senator from South Dakota well knows there are very few migratory game birds covered by the treaty that propagate within the United States, and as to all the others the sanctuaries will constitute but a trap. That trap is to be a sanctified trap. It is to be planted with food for migratory birds so as to attract them there, not that they may breed but that they may be shot and killed. The 40 per cent of the area that is not to be inviolate will constitute the public slaughter ground. That is what this bill proposes.

Mr. NORBECK. Mr. President, the Senator——

Mr. BLAINE. Just a moment. It is worse than that, if you please, for the entire area round and about the sanctuaries to such distances as migratory game birds may go likewise will be a part of the trap; it will constitute the outlying part of the trap; it will be the trap which the private hunting clubs of this country will use for private purposes, to the exclusion of the public. The sanctuary thereby becomes a part and parcel of those private shooting grounds; it is to be supported by public expenditures for the benefit of those who may be able to buy the adjoining land, and there establish blinds and places for hunting and shooting, from which area all other citizens are to be denied the right of ingress.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. BLAINE. I now yield to the Senator from South Dakota.

Mr. NORBECK. For the purpose of clearing up this matter, let me say that I recognize the Senator's sincerity upon this question. The Senator does not believe in game sanctuaries in the way others of us do. My view is that the only way to preserve migratory bird life is to have bird sanctuaries. The Senator called my attention to the fact that Wisconsin, his home State, has done a great deal along that very line; that it has set aside large areas for bird sanctuaries; but, if I understand aright, he objects to the provisions of this bill on the ground that the establishment of sanctuaries will permit hunting outside the sanctuaries whether hunting grounds are allowed within the sanctuaries or whether they are not. I wish to ask if in the State of Wisconsin, under the very system which there the Senator recommends so highly, shooting is not permitted right outside of the bird sanctuaries by everybody, and if gun clubs are not established right around those sanctuaries—the very thing we are trying to avoid in this bill? I want to ask the Senator another question. Will there be one additional——

Mr. BLAINE. I can not answer several questions at once. Let me answer the question the Senator has asked before he asks me another.

Mr. NORBECK. Very well. I have asked the Senator one question; let us have an answer to it.

Mr. BLAINE. The migratory game birds covered by the treaty are not found generally adjoining any sanctuaries in Wisconsin. The birds are migratory; they do not stop anywhere, and if you want to hunt geese or if you want to hunt brant——

Mr. NORBECK. According to my understanding, the Senator took the position the other day that Wisconsin had done a great deal for this very purpose. Do I understand that it has done it for some other purpose, instead of protecting migratory birds?

Mr. BLAINE. No; the Senator is trying to twist my argument.

Mr. NORBECK. I am trying to get the Senator's view.

Mr. BLAINE. I argued the other day that Wisconsin has fully performed her duty and gone far beyond her duty under the treaty with Canada. She has gone as far perhaps as any other State. I say let her alone. I do not want to see the Federal Government with an army of game wardens step into Wisconsin and break down the splendid enforcement of the law that we have there. I say "keep out."

Mr. NORBECK. The Senator from Wisconsin will agree that the Federal Government at this time has a game warden who goes into Wisconsin, while the State of Wisconsin has 56 game wardens; that there is nothing in this bill that confers additional powers on going into Wisconsin; that if the Federal Government goes into Wisconsin, under this bill it will go in by the consent and the invitation of Wisconsin; and that is the only way it will get into Wisconsin unless it goes in under the law that is 10 years old.

Mr. BLAINE. I do not understand how this bill prevents the game wardens that are created under this law from going into Wisconsin.

Mr. NORBECK. But they operate under a law 10 years old when they go there.

Mr. BLAINE. If you enact this bill, the same five or six hundred game wardens that you propose to create by this bill can go into Wisconsin——

Mr. NORBECK. Now, be fair.

Mr. BLAINE. Wait a minute, now—they can go into the State of Wisconsin not to protect birds but to get votes, if you please.

Mr. NORBECK. Is that what game wardens are used for in Wisconsin? If so, I am glad to have the Senator enlighten us.

Mr. BLAINE. Your Federal officers are used for that purpose in Wisconsin. You know it, too. This bill provides——

Mr. NORBECK. It provides for their selection through the civil service, without any regard to politics.

Mr. BLAINE. Just wait a minute. I am entitled to answer the Senator's question. Here you have a whole army of game wardens——

Mr. NORBECK. There is no army provided for.

Mr. BLAINE. Wait a minute, now. I will not yield, Mr. President, until I answer the Senator's question. You provide for a whole army of game wardens. If the administration at Washington perchance wants a Mr. Hoover nominated for President, there is nothing in this bill to prevent this proposed army of game wardens from being sent into Wisconsin just at the proper time when the primaries are being held in Wisconsin for the nomination of delegates. There is nothing in this bill that will prevent that army of game wardens from going into Wisconsin just about the time the election is held in November; and I want to tell you, when you throw three or four or five hundred Federal officers into a State——

Mr. NORBECK. Why does not the Senator call it 5,000? He has just as much right to call it 5,000 as 500.

Mr. BLAINE. I will ask the Senator please not to interrupt me while I am making a statement. They can go into any State in the Union, and they become a powerful political machine.

I am going to discuss that question before I get through. I think I can fairly infer from the provisions of this bill how many game wardens are going to be provided for under the bill.

Mr. NORBECK. I call the Senator's attention to the fact that I have repeatedly suggested that I am willing to limit the number to 1 or 2 from each State, instead of the 500 or 5,000 that the Senator talks about.

Mr. BLAINE. I am talking about this bill. There is not any amendment before the Senate for any such purpose. Why, you have set up here a beautiful scheme for political manipulation, a beautiful situation, not to protect migratory game birds. I will say that if this bill were the law now, and had been for the last five or six years, it would have been a splendid scheme to have this army of game wardens going out into these various States where men were candidates for Senator, where the Democratic Party might have an opportunity to succeed, or where the progressive membership of the several States might have an opportunity to succeed—it would have been a wonderful scheme to have sent these game wardens into those States—to protect migratory game birds? No! To nominate and elect men favorable to the administration. It is a wonderful system you have here for the protection of predatory interests if the President or the administration wants to use the power that you are going to give an administration under this bill.

Now let me proceed to the analysis of this bill.

Here is a sanctuary purchased. We will say it is 100,000 acres, or we will say it is 10 miles square. Sixty per cent of it is inviolate. Forty per cent of it is a public shooting ground. Just outside of that sanctuary there are 40 miles of boundary line about which can be and will be set up private hunting grounds, encouraged by the establishment of this sanctuary—a sanctuary to which these migratory game birds are to be induced and seduced by feeding. That is what this bill does. I challenge the Senator from South Dakota to bring in here a bill that provides money out of the Treasury of the United States directly with which to buy these sanctuaries and make them inviolate.

Mr. NORBECK. Mr. President, does the Senator want me to respond to that challenge? Was it made in good faith for the purpose of having a reply?

Mr. BLAINE. You have the remainder of the session to bring out such a bill.

Mr. NORBECK. I thought so.

Mr. BLAINE. You may introduce it as an amendment to this bill, and I will vote for it.

Mr. NORBECK. Because the Senator knows that very few others will.

Mr. BLAINE. I trust the Senator has a little different opinion of my motives in this matter. I am not questioning his motives.

Mr. NORBECK. No; I will amend that, and I will say it is well known that it can not pass. There have been repeated efforts made to do that; so that is futile.

Mr. BLAINE. I do not know whether it can pass or not. That is not a reason why this bill should be brought out here, and a special fund raised at the cost of some 5,000,000 people in America, only a small portion of whom will have the opportunity to enjoy these hunting grounds.

Mr. NORBECK. Where does the Senator get his number of 5,000,000?

Mr. BLAINE. If the Senator will just let me proceed, I will get to that.

Mr. NORBECK. I challenge those statements; and I should like to show that they are wrong, but I can not break in. I will let the Senator proceed now.

Mr. BLAINE. The Senator will have an opportunity to disprove my statements when I get through. I am going to give the reasons for my statements.

Mr. KING. Mr. President, would it disturb the Senator if I should interrupt him at this point?

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. BLAINE. I yield.

Mr. KING. I left the Chamber a moment ago, in response to a telephone call; and as I was leaving the Chamber the Senator was animadverting upon the fact that this bill provided for a large number of game wardens to be appointed by the Department of Agriculture and by the Biological Survey, and that that army of officials might come from one section or various sections and might be thrust into States at the critical time to aid the administration that happened to be in power.

Mr. NORBECK. Mr. President, may I inform the Senator from Utah that I have just offered an amendment to the bill the purpose of which is to limit game wardens to the States in which they reside; and there is also a civil-service provision under which they can not take part in politics.

Mr. KING. May I say to my friend from South Dakota that what he says about civil-service employees not taking part in politics is an illusion, because we know that many civil-service employees do take part in politics, and are a potential factor in elections. I congratulate the Senator upon offering that amendment, however. I think it is a proper one.

I was about to observe that we have now nearly 800,000 employees in the Government service, possibly more, the greater part of whom are under the civil service. The number is being augmented almost daily. New bureaus are constantly being created. I do not know how many will be created at this session. The President of the United States has recommended the creation of another department. That department, of course, will be the central cell, and will throw off other cells, and those cells still other cells, and there will be bureaus and sub-bureaus and agencies, all attached to the central cell known as the department.

The way we are progressing, in 25 years there will be from a million and a half to two million Federal employees. They will be found by the thousand in every State. In my State, with its limited population, there are now hundreds of Federal employees. They are concerned with every activity of the people. They go into their homes; pry into their business; and often seek to influence the views of the people upon economic, industrial, and political questions. We are literally suffering now from the evils of an omnipotent bureaucracy; and no government in the world is as tyrannous as a bureaucracy.

The Senator from Wisconsin has put his finger upon one of the evils in our Government to-day, because a bureaucracy in a democracy is the worst form of bureaucracy. I submit to the Senator that he is entirely right in his observation that the game wardens, if they are selected as the bill provides they shall be selected, would go into States where they did not live and many of them would actively participate in politics.

Does not the Senator think it is time that we should try to curb Federal bureaucracy, bring the Government back to the people, permit the States to enjoy the sovereignty which belongs to them, develop more local self-government and more individuality, and oppose this movement manifesting itself industrially and politically, which in the end must culminate in a powerful paternalistic and bureaucratic government, and in the growth of trusts and combinations in restraint of trade which will dominate the industrial and economic life of the people?

Mr. BLAINE. Mr. President, there is no question but that the tendency is exactly as described by the distinguished Senator from Utah. It does not appear to me that that tendency is making the strength of our Nation. I am convinced, as I said the other day, that when you take the responsibility of government off a people, off a community, when you relieve them of duties and obligations, you are destroying the sanctity of law, for there is no other sanction for law except that which abides in the people, and when that ceases to abide in the people there ceases to be sanction for law and you then have a government with the responsibility to do all things.

It has been the history of the world that when local responsibility has ceased, when community responsibility has ceased, when there is a public official at the heels of every citizen, commanding, intermeddling, the citizen then has become merely a minor cog and the Government no longer a government of the people but a government by a select few, and the sanctity of law and the sanction for law have ceased. I discussed that matter the other day. I know it can not be emphasized too often or too strongly. We are facing these problems not only in this proposed legislation but in other legislation past and presently proposed.

Here is a proposition to surrender a part of local self-government to centralized government, to surrender a duty and a responsibility of local self-government to the administration of a department operating through game wardens. The very dignity of our government in this proposal is being dragged down, and America and her institutions are becoming mere arms of the police power which should be exercised by the States.

Mr. President, as I said a few moments ago, if this bill were before this Congress making an appropriation out of the general funds for the purchase of these sanctuaries, stripped of all other objections, of course there would be little support for it, because we would not submit to taking money out of the general funds of the Federal Government with which to buy game preserves in the interest of public shooting grounds and private shooting grounds. Here it is proposed, however, with a strong arm to

collect the dollars from the little boys in blue jeans, from the farmers, from the workingmen, from the small business men, from every class of our citizenship who choose occasionally to shoulder their guns, not in the hunting of these migratory game birds, but in the hunting of the game that is in their localities and near their homes. It is proposed that we taken those dollars and invest them in these sanctuaries, which I think I have demonstrated become public shooting grounds and the adjuncts of the private millionaire hunting clubs of this Nation, furnishing them a splendid opportunity to build their blinds and their traps around and about these sanctuaries, whereby they will be afforded an opportunity to kill for sport.

The proponents of this measure do not dare advocate a bill that will take money out of the Public Treasury for that purpose. It is proposed to take it from a large class who have but a small interest in the immediate purposes of this bill.

The other day a map was drawn showing the outline of one of the sanctuaries proposed by this bill. Its area was in length about twice its width. We will assume that it was 20 miles in length and 10 miles in width. Around and about that sanctuary, having a boundary of 60 miles, were located the private shooting clubs of that State and of that section, and that is exactly what is going to occur if this bill is passed, not only as to one sanctuary but as to every sanctuary and as many sanctuaries as the fund proposed by this legislation will purchase.

It therefore at once becomes apparent that these so-called sanctuaries will be nothing more and nothing less than traps into which the innocent wild life is to be enticed, and there fed and there bred, where there may be breeding, to supply hunting privileges upon those innumerable private reserves and private millionaire clubs around and about these public sanctuaries, and the few American citizens who have the time and the opportunity and the leisure and money to buy the equipment to make the trip, may be privileged to hunt upon a portion of these sanctuaries as public shooting grounds.

The great mass of the people will not derive benefit out of the establishment of these public shooting grounds. The greater benefits are going to enure to the private individuals who have the money and the time and the leisure to join the private hunting clubs, who establish the private game reserves, and they, throughout the entire open season for these game birds, will enjoy that which will have been furnished them by the great Government of the United States out of the pockets of those who can not afford either the time or the expenditure.

If that does not bring resentment, then I do not know the American people. It is proposed that we exact from them dollars in order to buy sanctuaries, and pay for their maintenance. Those dollars will be exacted out of the men who will not have the opportunity to enjoy, if there is enjoyment, those public shooting grounds. The millionaire, the man of leisure, is to be the beneficiary of these exactions.

Worse than that, here is a new proposal in America. It is almost the beginning of an attempt to exercise the entire police power that exists in the governments of our respective States. Anyone who has studied this problem knows full well that when the Federal Government once seizes a power, small though it may be—a power that trespasses upon the rights of the States, that trespasses upon local self-government—the time when that power is seized, no matter how small a portion the Federal Government may take, is the first step in the particular field so entered by the Government to occupy that field to the exclusion of the powers and duties and responsibilities of the State. That has been the history we have had in our interstate commerce legislation. It is a well-recognized principle that when the Federal Government once enters a field, if it has any power at all, the Congress of the United States will permit it to enter that field exclusive of all other power and all other jurisdiction.

If we permit the Federal Government to enter the field of policing game preserves in our respective States, policing the whole State—every acre of it—quite without regard to whether or not there is a game preserve in the State, it does not take any stretch of the imagination at once to appreciate that the next step will be to take control of our streams, our rivers, and our lakes, and all those ancient privileges of hunting and fishing, and whatever may be granted to the citizens will then come from the Government of the United States and not from the respective States. Therein, I think, lies the curse of this kind of legislation—the danger that threatens the very existence of our Union, as I have remarked, breaking down local and community interests, destroying local and community responsibility and duty until the citizens lapse into a state of indifference as to their Government, so that instead of the Government being made for the citizen the citizen is made for the Government, and government at once becomes the enemy of her citizens.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLAINE. I am glad to yield to the Senator from Utah.

Mr. KING. The Senator's observations exhibit a knowledge of the philosophy of government and of the irresistible movements, political and economic, manifesting themselves in the Republic to-day. The Senator is familiar with the attitude of many writers and professors who apotheosize the unitary system of government and look with indifference, if not hostility, upon our dual form of government. They say the gravitational forces of government are so powerful that they will draw to the central orb all local government and overwhelm if not destroy all appreciation of local responsibility.

The Senator has pointed out with clearness the fact that when the Federal Government enters the field of economic, industrial, or political activities it crowds out or submerges the sovereign States or the local government and assumes responsibilities which belong to the latter. The Senator has instanced a number of cases. May I call his attention to the fact that on the question of prohibition—and I do not mean to express any opinion in regard to that matter—when the Federal Government enacted the Volstead law and sent large numbers of officials into the States to enforce it some of the States who had enacted excellent prohibitory statutes which were being enforced with intelligence and zeal experienced a reaction which, in some instances, led to diminished zeal in the enforcement of State laws and in other cases brought almost to a standstill local enforcement. A feeling developed in some localities that the Federal Government had taken over the control of the liquor traffic and had assumed responsibilities which theretofore had been accepted by the States. I might add in passing that when a superior power or authority is invoked the lesser authority usually becomes less active and competent. Divided authority often weakens responsibility and effectiveness. Many States have excellent public health organizations which have accomplished great good in promoting sanitation and health. The Federal Government, with its itch and ambition for further authority and power, has reached out into the domain of the States and is more and more controlling the public health activities which appertain to sovereign States, and many people are not dissuading the Federal Government in its efforts to extend its activities into the States, but, upon the contrary, they are encouraging it so to do.

The result will be that if this Federal policy is continued there will be greater demands for Federal control of the entire Public Health Service of the United States. There are some who demand that our educational system shall be controlled by the Federal Government as was largely the case in Germany. The processes of Federal absorption of States and their political subdivisions is being carried forward with accelerated speed and apparently with resistless momentum. Most of the important measures in Congress seek to transfer from the States to the Federal Government authority and rights and obligations which belong to the States and to the people. The tenth amendment to the Constitution is disregarded and any challenge of Federal invasion of State rights is regarded as only within the domain of academic discussion and unworthy of this practical and utilitarian age. Rights which patriots struggled to secure are fritted away, indeed, are gladly surrendered to the central Government with its all-embracing authority and its unchecked—I was about to say imperial—power. In my opinion the great question before the American people is, "Shall the States be preserved?" Shall local self-government endure? Shall the school of democracy be permitted to live or shall our form of government suffer radical and fundamental changes which will result in a powerful central government unrestrained by constitutional limitations and exercising an unrestrained power?

In the days of Lincoln the question was, Shall the Union be preserved? The issue now is, and it is as important as the issue then raised, Shall the States be preserved? It has often been declared that this is an indestructible Union of indestructible States. It is as great a crime to destroy the States as it is to destroy the Union. No issue in the coming campaign should be more vital or more important than that raised by the question, Shall the States survive or shall local self-government endure? The pages of history record the rise and fall of nations. Liberal governments have degenerated into tyrannies and then have fallen. This Government should rest as a pyramid upon a broad base. If the people surrender their rights, if they are not trained in the school of local self-government, if they barter away the crown of State sovereignty for the glittering bauble of centralized power and authority, then if they are brave enough or thoughtful enough to look into the future they

will witness the consequences of inexorable laws and behold the ruin of a system of government which was the hope of the world. Aristotle chronicled the death of many nations which had come to untimely ends because of the centralizing forces which destroyed liberty and rendered the people incapable of self-government.

Nations have died from hypertrophy; they have taken the blood from the extremities; they have concentrated the vital fluid in the heart. The transfer of political authority from the people and from the States to Washington is not only dangerous but a deadly thing. It leads to the paralysis of the great cells of life and vitality. We must have more local self-government, more vitality and power in the smallest local subdivisions of the States. There must be more active participation by the people in their local affairs, more interest and zeal in their local governmental concerns; there must be developed a greater State pride and greater love of State and city and county and precinct and parish. There must be a love of home, and home ties must be strengthened, and the home must be the great spring of liberty and independence, the great fountain which will pour forth the waters of salvation for our political, economic, and cultural activities. There can be a despotism, though it bears the name of democracy. Perhaps there can be no more oppressive government than a bureaucratic one. The bolsheviks of Russia proclaim their devotion to liberty and claim that they are building a democratic structure. The fact is that the far-off cities and provinces and communities of Russia are within the powerful grasp of a despotic bureaucracy which is controlled by a few individuals sitting in the Kremlin in Moscow.

The Senator from Wisconsin [Mr. BLAINE] is doing the public a service in challenging attention to the growth of bureaucracy in the United States and the evils which must follow bureaucratic triumph and centralization of political power and authority in Washington. The States must not be destroyed. The line of demarkation separating them from the National Government must not be obliterated. This is a government of republics in a Republic, and the 48 republics may not be destroyed by the National Government. If our dual system shall be destroyed, if the gravitational forces draw the States into the arms of a mighty National Government, then the faith and hopes of those who believed that Republican institutions could survive will have been in vain.

Mr. TYDINGS. Mr. President, will the Senator yield for a short observation?

Mr. BLAINE. I will yield in just a moment. I want to stress, in connection with what the Senator from Utah has said, that I am not concerned about the destruction of mere abstract powers. What I am concerned about is the destruction of the duties, the responsibilities, and the obligations of the men and women of America. I think the Senator from Utah has analyzed the situation correctly, and that other governments had reached their decadence because governments persistently and effectually destroy the duties and the obligations and the responsibilities which rest upon the people in whom and in whom alone abide the sanction of the law. There is no other sanction for the law, and when the abiding place for that sanction has been destroyed by the removing of obligations and duties and responsibilities, then, of course, comes the destruction of a government. I am glad now to yield to the Senator from Maryland.

Mr. TYDINGS. This bill, if enacted into law, would create another bureau in the Government; and I want to draw to the Senator's attention an illustration of where the bureaus are leading us. As the Senator knows, we have a Bureau of Animal Industry. Among its various duties is the duty of inspecting meat which is shipped to the people from those killing steers and sheep and other livestock. I take no exception to this proper function. It so happens that last year in my State four or five small concerns wanted to go into the business of selling meat, and before they could go into that business they had to have certain plans for the building of their plants and certain machinery and certain restrictions surrounding their industry all approved by the Bureau of Animal Industry. This before they could sell a pound of meat.

That might be all right in places, but after these gentlemen had built their plants, installed their machinery, and had it all approved by the Federal Government, the Bureau of Animal Industry served notice upon them that they could not sell any meat anyhow. The question was naturally asked, Why? The Bureau of Animal Industry said that the Congress had failed to appropriate sufficient money to permit an inspector to be placed at those points where meats had to be inspected. But, these men said, "The big four packing establishments have between them upwards of 600 meat inspectors. We only require one for all our activities. Is it not in the interest of justice that you take one of those inspectors away from the men who now have 500 or 600, because it will not hamper them much, but if we do not get at least one inspector we will be put out of business." The bureau said they were powerless to act and could not give them an inspector, because they wanted to place the inspectors where they could inspect the greatest volume of meat. Therefore after all the plants in question were constructed at a cost of many thousands of dollars, those men were told they could not actually engage in business when they had done everything that the law required them to do.

Finally, upon my own responsibility, I told the men to go ahead and sell the meat, because the delinquency was that of the Government and not theirs; that they had in every way complied with the law, and that, in my judgment, no jury in the world would convict them when the Government and not they was at fault. They went ahead and sold the meat. The first carload that went out of the State of Maryland into a neighboring State was seized by the policemen of the Federal Government, and those men were haled into court charged with the crime of selling meat which was not inspected by the Government. I immediately took the matter up again with the proper authorities, and I found that while they did not have money enough to supply an inspector for those meat plants they did have money enough to have four or five policemen to catch anybody who violated the law. I suggested that they do away with that one policeman and appoint one inspector with the money, which was done after a delay of over three months in permitting these small packing establishments to operate.

That is a sample of the way bureaucracy works in this Government. The idealistic views which are set forth in legislation, under rules and regulations and red tape and appropriations contingent upon the operation of the law, are not forthcoming, and the citizen is simply bound hand and foot. His natural and honest and competitive rights are taken away from him. For that reason I am very glad the Senator is going into the subject, showing to what bureaucracy leads, the loss of individual freedom, and showing the amount of control and regulation by a lot of people who very often are not in great sympathy with the thing they are regulating, but who simply want a political place. For my part I am ready and willing to leave a lot of these things to the people to settle as they want to settle them, and not have the Federal Government dipping into every activity from the cradle to the grave that surrounds the life and actions of human beings. I thank the Senator.

Mr. BLAINE. Mr. President, in the case to which the junior Senator from Maryland refers he must appreciate that his constituents were only about 40 miles from the Capital. Had they been 3,000 miles away, instead of taking three or four months to adjust the difficulty, it would have taken three or four years, and perhaps even then it never would have been adjusted. The idea of having government far away from the people is the very cause against which our forefathers struggled. I will discuss that briefly before I get through.

I was calling attention to the fact that if it had been the intent of the author, he could not have designed a more perfect scheme for encouraging millionaires' private hunting clubs and game clubs than this bill provides. I think I have shown very clearly that if the bill shall become a law, the bird sanctuaries will not only provide public shooting grounds for the few who can afford the time and leisure but they will afford a source of replenishing the supply of wild life and game on the private hunting grounds and millionaire gun club preserves. I am not saying this merely upon my own opinion. I think it clearly appears to anyone who has made an effort to understand the tendencies that flow from this kind of legislation, that the very condition I have discussed is precisely the one that is going to prevail. I have in my hand a letter written by Professor Shimek, professor of botany, curator of the herbarium of the State University of Iowa, dated Iowa City, Iowa, March 17, 1928. I am informed by the Senator from Iowa [Mr. BROOKHART] that Professor Shimek is a man of integrity, one who has thought long and seriously on the question of conservation of wild life, whose opinion is worthy of consideration, and whose word may be regarded as the expression of an honest motive. Let me say that this letter was written to the junior Senator from Utah [Mr. KING], and with his consent I shall read it, so that it may be made a part of my remarks. Writing to the junior Senator from Utah, Professor Shimek states:

> The so-called game refuge bill (Senate bill 1271 and House bill 5467) is before Congress again, and, if my information is correct, it contains all the old objectionable features which were previously urged under the pretense of "conservation" and "sport."

Under the plan of a dollar "license" the many are expected to furnish shooting grounds for the few. The many surely can not find sufficient game in the "refuges" (?) that could be provided with funds so raised, even if they could afford to travel great distances to visit the grounds.

Any plan which sets up a tract to which game—especially migratory birds—is enticed and then slaughtered by the privileged few is vicious and unsportsmanlike. It will only hasten the total extermination of game, and it is in no sense a conservation measure.

Instead of this, the Government should purchase scattered tracts—not necessarily large—largely in the path of the migrations, which would serve as real refuges, where migrating birds would find feeding and resting places in their journeys, and where local game could breed. Even if the present bill is passed and traps are created in the form of hunting grounds, the Government should secure well-chosen areas which would serve as inviolable game and wild-life refuges. That would be a proper function of the Federal Government. The providing of mere hunting grounds is not.

It is a rather disheartening situation, Mr. President, that we who know that the sanctity of and sanction for law abide in the people must spend hours of time and energy in debating a bill under which it is proposed that the United States shall create hunting grounds. Of course, it is the right of any Member to introduce a bill, and then it becomes the duty of Congress to consider any measure that may be presented; but I am surprised that a measure should find its way into the Congress that proposes, at the expense of the people of America, to establish public hunting grounds—public hunting grounds to serve as adjuncts to the private hunting grounds of millionaires and men of leisure. But there is more than that involved in this bill. If nothing else were involved, I might waive that; but, in addition to establishing public hunting grounds, vicious and unsportsmanlike as that is, as Professor Shimek says, when it goes beyond that and undertakes to destroy the duties and responsibilities and the obligations of local self-government, then, of course, we who believe that the sanction for law and the sanctity of law abide in the people must exert our energies and our time in opposition to that feature of the bill.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Wisconsin yield to the Senator from Utah?

Mr BLAINE. I yield.

Mr. KING. I trust the Senator, if it will not disturb the continuity of his remarks, will elaborate the suggestion as to the Government taxing the people for the purpose of establishing hunting grounds? It strikes me, if I may say so in the Senator's time, that it is unconstitutional for Congress to levy taxes upon the people to furnish hunting grounds for people who desire to hunt migratory game. It would be as great an abuse of the taxing power as it would be to furnish croquet grounds for those who desire to play croquet or golf grounds for those who desire to play golf or fishing grounds for those who wish to fish.

If there is any obligation arising under the treaty which the United States has with the Canadian Government, it is merely to protect the migratory birds named in the treaty. It may be—and yet it is stretching the power of the Federal Government—that the Federal Government may constitutionally acquire ground for game-refuge purposes and impose taxes upon the people for that purpose. I have conceded heretofore in the debate and I will concede now for the purposes of the debate that the Federal Government may acquire sanctuaries for the birds that come within the Canadian treaty; but I have never been able to see where the authority existed for the Federal Government to buy shooting grounds or to furnish shooting grounds for hunters or anybody else. It seems to me to be an abuse of the taxing power and a usurpation upon the part of the Federal Government to tax the people of North Dakota, South Dakota, Wisconsin, or any other State in order to furnish shooting grounds for the happy hunters or those who would like to be hunters, in such States or in other parts of the United States. I shall be glad if the Senator would give his views as to the constitutionality of measures to tax the people to obtain moneys to purchase "shooting" grounds.

Mr. BLAINE. Mr. President, under the Constitution, of course, Congress can not appropriate money except for a public purpose; there can not be a single dollar taken out of the Treasury of the United States except for a public purpose. The expression "public purpose" embraces rather a broad field; and it was only a few moments ago that I was challenging the Senator from South Dakota to present here a bill that would enact into a law a provision whereby public money was to be taken from the Public Treasury to buy hunting grounds.

Those who are back of this bill do not propose to come to Congress with a proposition of that kind and face it squarely; so they provide "that the primary purpose of this act is to provide necessary areas for feeding and breeding places for migratory game birds in order that an adequate supply of said birds may be maintained"; so they come in through the back door in order to get this money and in order to give this legislation some stamp of character as a valid enactment. They do not proceed directly and through the front door to take this money out of the Public Treasury and buy public shooting grounds. They propose it by these indirect methods, and camouflage it with the suggestion that it is in the interest of conservation; and, as Professor Shimek has said, speaking of this bill:

It will only hasten the total extermination of game, and it is in no sense a conservation measure.

Continuing reading from his letter, he says:

If this bill passes, there will be an inevitable increase of cost of maintenance and supervision which will not be fully covered by the license fund. That means that the Government is to help in providing sport for a favored few at the expense of the many, and by doing so will materially hasten the destruction of our wild life.

Under this law, if enacted, another tremendous increase in power will be given to a Government bureau. The police and even law-making powers for which the bill provides would mean a long stride toward complete bureaucratic control of our Government—a danger even now all too evident.

And he, too, sees the danger lurking in this kind of legislation.

The plan contained in the bill has always had the backing of the large arms and ammunition corporations.

That is a matter to which my attention had not been directed. He is, no doubt, correct in his statement. This idea of encouraging the feeding and breeding of more game birds, of course, means the selling of more arms and more ammunition with which to kill living things for sport.

Continuing:

and of that class of "sportsmen"—

He has quoted the word "sportsmen"—

who have the means and the leisure to travel to the shooting grounds, and who are urging that some one else provide cheap sport for them. In both cases the motive is purely selfish, and the effort to represent this as a "conservation" measure is a mere pretense.

I can read nothing else in this bill than a thing that mocks at conservation, clothed in hypocrisy, and if enacted into law is to be carried out in providing cheap sport at the expense of the American people.

He further says:

The inevitable conflict between the Federal and State authorities in the efforts to enforce the game laws, and the power which would thus be given to a Government bureau to determine State policies in this field, should also be considered. The difficulties which arose between State and Federal authorities in connection with the Upper Mississippi Wild Life Preserve—

If the Senator from South Dakota will now give me his attention, I shall not have to repeat what I am going to say about the Upper Mississippi Wild Life Preserve.

Mr. NORBECK. If the Senator from Wisconsin will permit me to answer his questions when he asks them, he shall certainly have my attention.

Mr. BLAINE. The Senator will be given an opportunity to answer them.

Mr. NORBECK. I hope the Senator will not address questions to me unless he wants them answered.

Mr. BLAINE. I have not addressed any questions to the Senator except in a general way. I can not ask a question of these chairs, benches, desks. I have to ask a question which may be answered by the Senator from South Dakota or some other Senator.

Mr. NORBECK. Without joking at all, I shall be delighted to answer the Senator's questions. I want to be helpful in clearing up any matter that may be ambiguous. If the Senator asks questions for the purpose of having them answered, I shall be delighted to try to answer them.

Mr. BLAINE. I have not asked a question that I do not want answered.

Professor Shimek refers to the difficulties which arose between the State and Federal authorities in connection with the Upper Mississippi Wild Life Preserve. He says they "are sufficient to show that these fears are not unfounded"—that is, the conflict between State and Federal authority.

Mr. NORBECK. Mr. President——

Mr. BLAINE. Wait a moment, until I get through with this—

In the present case the dangers of conflict, moreover, would undoubtedly be greater because of the wider exercise of police powers which would be necessary on "public" (for those who pay) shooting grounds.

Now, I am going to conclude reading this letter, so that it may be in the RECORD in a consecutive way, and then I will discuss the Upper Mississippi Wild Life Preserve.

In conclusion I wish to warn you against the recommendations of certain organizations which, while making a pretense of conservation, are in reality helping the special interests to which I have referred by supporting this bill. The bill is not a conservation measure, and it should not be called a "game refuge bill," but rather a "game trap bill" or "game slaughterhouse bill."

I request and urge that you oppose this bill, and particularly those features herein discussed.

There have been some difficulties, and mighty serious ones, with respect to the Upper Mississippi River Wild Life Refuge. There is bound to be conflict between the Federal Government and its citizens, especially when there are certain rights and duties and obligations upon which the Federal Government has been trespassing with respect to our States and our localities. There was created by Congress what was called the Upper Mississippi River Wild Life and Fish Refuge. When the matter was called to the attention of the Wisconsin Legislature it was my privilege and honor to be the governor of our State. The Federal Government wanted blanket power in that valley. I conceived it to be the duty of the chosen representatives of our State to preserve whatever rights the State and her people had on the western boundary of our State. It was my privilege to write the law that gave the Federal Government consent to acquire the land in that valley, and I thought that I had preserved the rights and duties as well of the people of my State; but I have found since that I was mistaken. I had assumed that every conceivable situation that might arise was taken care of, and that there could be no trespassing either upon the laws of Wisconsin or the rights of her citizens; but I have found in the last year that I was mistaken.

I could not at that time have conceived that a Federal department in the city of Washington would create a situation which in effect is a conspiracy to defeat conservation of wild life in Wisconsin. I have found to my disappointment that the Department of Agriculture has defeated and is defeating Wisconsin's efforts in the conservation of wild life in that valley.

There are those who have bought privileges from the Government of the United States through the Department of Agriculture; and I want to say now, in passing, that whenever a government becomes autocratic and bureaucratic you may expect that it will sell privileges, and you may expect that those who can afford to do so will buy privileges from that kind of a government. Bureaucracy and autocracy invite special privileges.

Whenever a department once gets power, it desires to grab more power. Once there is placed in the hands of a department of the Government just a semblance of power, its appetite for more power and more power increases with the meat upon which that appetite is fed. That meat is to constantly grant more and more power.

It has been the history of autocracy and bureaucracy to extend their hands wider and further into the realm of administration, until the departments have embraced all the power that may reside in a centralized government, with the result that that kind of bureaucracy and autocracy is responsible to no one. It certainly is not responsible to public opinion. It is not even responsible to the consciousness of good morals. In order to reach it the process is a long one. There is no single individual who can make the fight; life is too short. So the people become apathetic and indifferent, and then there are privileges purchased by those who have the money and whose interest it is to purchase those privileges.

Section 1035 of the statutes of Wisconsin of 1927 provides, in giving consent to the purchase of the area in the Mississippi Valley acquired for a wild-life refuge, as follows:

(2) The consent hereby given is upon the condition that the United States shall not by an act of Congress or by regulation of any department prevent the State and its agents from going upon the navigable waters within or adjoining any area of land, or land and water, so acquired by the United States, for the purpose of rescuing or obtaining fish therefrom; and the State shall have the right to construct and operate fish hatcheries and fish rescue stations adjacent to the areas so acquired by the United States; and the navigable waters leading into the Mississippi and the carrying places between the same, and the navigable lakes, sloughs, and ponds within or adjoining such areas, shall remain common highways for navigation and portaging, and the use thereof, as well to the inhabitants of this State as to the citizens of the United States, shall not be denied.

Mr. KING. Mr. President, will the Senator yield for an inquiry?

Mr. BLAINE. I yield.

Mr. KING. Is that the amendment which the Senator proposes to offer to the pending bill?

Mr. BLAINE. No; this is what was written into the enabling act by the Wisconsin Legislature with reference to the upper Mississippi Valley wild-life refuge. I am quoting this so that I may show what results from administration by and through a bureaucracy.

Mr. KING. I regret to learn that the Interior Department is now supporting a doctrine which is hostile to the rights and prerogatives of the States and opposed to principles accepted by the American people from the foundation of the Republic. It is claimed by this department that the Federal Government owns, or at least controls, all navigable streams and the beds and banks thereof. Indeed, as I understand its position, it goes further, and with respect to nonnavigable streams it claims that the Federal Government controls them and their waters, particularly in the public-land States. The famous case of Pollard against Lessee, decided by the Supreme Court of the United States more than a hundred years ago, announced the doctrine that the States held in trust for the people the streams and waters within their borders, and that the authority of the Federal Government extended only to navigable streams, and then only so far as was necessary to prevent interference with navigation. This position of one of the departments of the Government illustrates the movement for Federal control over the domestic and internal affairs of the States. The States are the owners of the beds and banks of navigable streams, holding them in trust for the people, and the States have the right to establish the riparian doctrines with respect to water and water rights or the doctrine of appropriation such as prevails in most of the Western States. The adoption of the views of the Interior Department would be an assault upon the integrity and the autonomous sovereignty of the States.

Mr. BLAINE. I want to suggest, so that this matter will appear clear, that in writing these provisions in our laws it was my purpose to conserve the rights of the people of Wisconsin and of the citizens of the United States under the ordinance of the Northwest Territory. It was further provided:

(3) The legal title to and the custody and protection of the fish in the navigable waters leading into the Mississippi River and in the navigable lakes, sloughs, and ponds within or adjoining such areas in this State, is vested in the State, for the purpose of regulating the enjoyment, use, disposition, and conservation thereof.

It would appear that in drafting that legislation the question of the protection of fur-bearing animals was overlooked. It was not overlooked. It was assumed that the laws of the State of Wisconsin would protect them. Let us see what has happened under this bureaucracy.

The Secretary of Agriculture was authorized to purchase these lands in the Mississippi Valley, beginning at some point below the southern boundary of Wisconsin and extending north about 300 miles, at an average rate per acre.

Mr. KING. Not to exceed $5.

Mr. BLAINE. I think it was $5.

Mr. KING. Not to exceed $5.

Mr. BLAINE. Not to exceed $5. The Secretary was unable to purchase some of the land at $5 an acre. In the purchasing of other acreage he purchased it at less than $5. But there was a very large tract of land, and a very desirable tract, I might say, which he desired to purchase, but which he could not purchase within the $5 limitation.

I do not charge the department with corruption, nor do I charge the man who sold the land with any improper motives. I am simply charging that that which the Secretary did in this instance could never be done under State legislation under the influence of public opinion locally. But this situation that is created presents a condition whereby those who are interested are helpless.

The Secretary of Agriculture can not be removed. I am not speaking of the present Secretary; I am speaking of the department. I am not accusing any man or any individual. I am speaking of the bureau which has the power. What power did the Secretary exercise? He purchased that land and gave an exclusive privilege to one individual for the taking of two of the most valuable fur-bearing animals in the United States, the exclusive right to take muskrat and mink upon thousands of acres of land.

Mr. KING. For how long?

Mr. BLAINE. A 10-year period.

Mr. KING. Does the Senator say that is one of the conditions annexed to the deed by which the Government secured the land?

Mr. BLAINE. I said that it appeared that we had overlooked, in the drafting of the enabling act, the protection of fur-bearing animals. It had not been overlooked, because we had assumed that the laws of the State of Wisconsin were sufficient without any reservation, and therefore there was no reservation made, with the result that one individual has the exclusive right for a 10-year period to take the muskrats and the mink from something over 5,000 acres of land, the richest mink and muskrat breeding and producing area in the United States.

Mr. KING. Will the Senator yield?

Mr. BLAINE. Let me add right here that the land was sold for less than the value of it. The individual who received this exclusive right had made the proposition to accept a certain amount per acre with this exclusive right. But there is the objection: If the Government is going to maintain these sanctuaries, special rights should not be granted to any individual.

Under this bill the Secretary of Agriculture can do the very same thing. He can purchase a large tract of land, we will say, at a very small figure and give the hunting privilege to the person from whom he purchases the land, the exclusive hunting privilege for as many years as he sees fit, just the same as was done in this case. Here is a 10-year privilege, which excludes all other citizens from enjoying the trapping of those two very valuable fur-bearing animals. A tremendous profit is to be made out of those furs.

Here is a privilege purchased by an individual, purchased from the Government, on a public preserve, a sanctuary, denied to all other citizens for a period of 10 years. There is no relief from this situation. I do not believe the department had the power, but there is no way by which that question can be tested unless citizens will take a chance of being arrested and dragged into a Federal court to defend themselves in a criminal action—a thing which honorable citizens will not do. They will even sacrifice the rights to which they are entitled, rather than jeopardize their liberty or run the risk of loss of their reputations in a criminal action. Under this bill as proposed, privileges can be granted. The Senator from South Dakota can not say that they have not been granted with respect to other sanctuaries, for they have been. I have the admission of the United States Department of Agriculture. In a letter dated March 6, 1928, the department says:

In the agreement entered into with—

I will omit the man's name because there is no reason why he should be dragged into this debate. There is nothing dishonorable about his case.

dated November 26, 1926, covering 4,936.64 acres, he or his heirs or assigns were granted the right to take certain muskrats and minks—

This is to be in accordance with the State law for a 10-year period beginning November 1, 1926. The agreement of March 17, 1927, for 209.13 acres, contained a similar provision, making over 5,000 acres. These lands are all situated in Crawford County, Wis., and by arrangement were payable at $7 per acre, the two agreements covering a total acreage of 5,145.77 acres.

For the reduction of $2 per acre the privilege was granted by the bureau for a 10 years' exclusive right to trap the two precious and valuable fur-bearing animals. More than that, this exclusive privilege, as anyone who understands the nature of these fur-bearing animals will appreciate, extends far beyond the 5,000 acres. One man planted himself almost in the very center of this splendid sanctuary for wild life with the exclusive privilege to take that wild life. How must he take it? He has no right to come into the State of Wisconsin as a nonresident, but the understanding is with the Secretary of Agriculture that he may hire Wisconsin citizens to do the trapping. I think the situation demonstrates that when a bureau of the Government, possessing the broad and unlimited powers granted to them under the terms of this bill, has functioned in this way with respect to the only sanctuary specifically set aside by Congress, granting such a privilege to a single individual, we may expect that the same situation will result and the same acts will flow from the bill under consideration.

The Secretary of Agriculture is given absolute power and authority under the bill to make rules and regulations, the fines for the violation of which may be collected as a forfeiture. Under the terms of the bill those who are accused of violating the law or the regulations made by a single individual may be dragged hundreds of miles from their homes and taken before a Federal court and subjected to trial before a Federal court.

Not being satisfied with imposing a penalty by act of Congress, it is proposed by the bill to give the Secretary of Agriculture the right to inflict a penalty by and through a regulation or rule. Here we have the very apex of the doctrine of autocracy and centralized government, a doctrine sacred under the autocracy of Italy and Russia and proposed to be sanctified here in America—the right of an individual to make a rule or regulation which imposes a penalty.

When the game wardens believe that a rule has been violated, the innocent boy, never having known of the regulation, never having read it or heard of it, may be hauled three or four hundred miles from his home before a Federal judge or before a Federal grand jury, indicted, and thrown into jail.

Mr. President, we had the Boston Tea Party and Lexington because citizens of the colonies were taken to distant places, far beyond the confines of their home colony, to be tried. Yes; a game warden may seize any citizen who has not his hunting license with him, even for refusing to show a hunting license; and, of course, he could not show it if he did not have it. He could be dragged three or four hundred miles before a Federal judge or a Federal grand jury, indicted and cast into prison because he did not take out a hunting license and pay his dollar to make up a fund with which to buy public shooting grounds in the interest of millionaire huntsmen and clubmen.

The offense is a minor one. The penalty imposed under the terms of the bill is not a large one. The offense and the penalty is characteristic of a violation of a village ordinance and a trial before a village justice. And yet here it is proposed in the name of conservation to dignify such a thing by a congressional act, the enforcement of which will require a game warden to seize the man or boy and haul him three or four hundred miles to be indicted by a Federal jury, tried by a Federal judge, and punished because he did not have his hunting license with him. When we place this power in the hands of these petty officials we may make up our minds that they are going to exercise, as arbitrarily as their narrow-mindedness will permit, all the power that is given them.

They are not few in number either. I understood the Senator from South Dakota was going to limit the number of game wardens. He is beginning to appreciate the danger, but he is not going to limit them in number. He may limit the number at this session of Congress, but he will find that the law will be violated and the demand will be made that there shall be more game wardens. Congress will say, "We have entered upon this project and we must furnish more game wardens. There is more money coming in and, anyway, it does not come out of the public Treasury. It comes out of the pocketbooks of these boys and men. What is the difference? We will give them more game wardens, so that they will uphold the dignity of the United States." Even in the United States perhaps some one would suggest calling out the Army in order to maintain this kind of a law, as I understand they have suggested for the enforcement of some other police regulations.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. KING. I may observe that there is no limitation in the bill with respect to the utilization of the 40 per cent; that is to say, the 40 per cent is not the entire sum which may be obtained and made available for game wardens and the administration of the act. Such further portion of the 60 per cent derived from licenses as may "be deemed necessary" for the administration of the refuges which may be secured may be used. So it may be that only 30 or 40 per cent of the 100 per cent will be spent for refuges and the residue of 60 per cent spent in administration of the law, together with the 40 per cent which it proposes shall be used for game wardens and for administration purposes. Then, in addition, the appropriation bill for the Department of Agriculture carries tens of millions of dollars annually. I think it will carry something over $140,000,000 for the next fiscal year.

Importunities will be made to Congress to increase the appropriations directly from the Treasury of the United States as they are made now for the Department of Agriculture and the Biological Survey, so that there will be not only the amount received from the sale of licenses as a fund upon which to draw, but Congress will probably add to the fund large sums which will go to the Biological Survey to be used for so-called administrative purposes. So the Senator can not, in my opinion, with any assurance, assume that the amount derived from the sale of licenses will be the only amount which will be used by the Biological Survey for the acquisition of refuges, the administration of refuges, and the payment of wardens.

Mr. BLAINE. Mr. President, of course, the suggestion to limit the number of game wardens is a mere bait. I am going to discuss the question of the available number of game ward-

ens under this bill. The bill proposes that every person who desires to hunt migratory game birds shall take out a Federal license. The cost of that license is to be $1. The bill also provides that the Department of Agriculture may make regulations respecting the administration of the entire law. What would be the effect? We who have had any experience whatever with law enforcement, and those of us who have observed it without experience, quite clearly understand that there are certain measures taken in the enforcement of law that have no relationship whatever to the violation of some particular statute.

For instance, the Secretary of Agriculture may make a rule or a regulation and enforce it, providing that no one during the open season for migratory game birds shall carry a gun without a license at any place in any State, or at any place in the United States. What will be the result? Every citizen will find himself in a position where he can not hunt wild game birds and game animals within his State during the closed season for migratory game birds unless he shall have a Federal license. Such a rule, I think, will be essential for the enforcement of this proposed law; and the Secretary of Agriculture, no doubt conscientiously believing that he should go the full length in bringing about observance of the law, will make such regulations as that no one shall carry a gun during the closed season or that no one shall hunt any kind of game during the closed season unless he shall have a Federal license.

That is not drawing upon the imagination; that is what these departments do. They make rules which they claim are essential to the enforcement of a particular law under their jurisdiction though those rules may have nothing to do with an offense against the law itself. They are initiated for the purpose of making enforcement complete, effective, and efficient. Therefore, instead of 800,000 licenses being issued, as the Senator from South Dakota has suggested, there will be issued just as many Federal hunting licenses as there are citizens who desire to go hunting for any purpose at any time. There can be no other result. This proposed law can not be enforced effectively unless there shall be rules and regulations relating to hunting in the open season and in the closed season. Moreover, there are few citizens going to take the chance of hunting even for rabbits for fear a migratory game bird may come across their path, when the temptation would be to shoot the game bird, and such a person would need a Federal license.

Ah, the first year there would not be so many. A bureaucratic system of government proceeds step by step. It is not extremely exacting during the first year or so; it feels its way; its exactions are evolutionary; they grow as the years go on. So a slight step is taken the first year or so, and a further step and a further step as the years go by, until the department has succeeded in obtaining exclusive administration within the field it has entered over the subject embraced within the legislation. So the Department of Agriculture, when it once has this power, step by step will feel its way carefully, cautiously, exacting neither too much nor too little, but just enough so that there will not be a public reaction, until it shall have taken the final step and occupied the entire field to the exclusion of all other jurisdictions. I predict that if this bill shall become a law five years will not have expired until there will not be a single citizen in America permitted to hunt at any time without a Federal license.

What will that mean? For the fiscal year closing July 1, 1926, there were issued by the States of this Union hunting licenses to the number of 5,150,000. That was two years ago. On the basis of the average increase the number that will have been issued by July 1, 1928, by the time this bill will go into operation, if it shall become a law, will be 5,600,000 licenses. At a dollar apiece that will mean a revenue of $5,600,000, of which 40 per cent is dedicated by the bill to the employment of game wardens and their expenses. The average cost of a game warden—and I am giving this figure not by guess, I desire to inform the Senator from South Dakota, but from experience over a long period of time with this very subject—a game warden will cost about $4,000 a year.

Mr. NORBECK. Mr. President, is that what a game warden costs in the State of Wisconsin?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. BLAINE. I will not yield now, because I do not want that statement to stand disconnected.

The PRESIDING OFFICER. The Senator from Wisconsin declines to yield.

Mr. BLAINE. Just as soon as I finish the statement I will yield to the Senator. The average cost for the administration of game laws is on the basis of about $4,000 a year per game warden. That includes the game warden's salary, his expenses, and the expenses of administration of the central or administrative office. Therefore, when the time comes that every citizen in America must take out a Federal hunting license before he may hunt at any time there will be $2,260,000 available for game wardens, which will finance a force of 565 game wardens, which is a fair-sized army for political purposes. Now I yield to the Senator from South Dakota.

Mr. NORBECK. Mr. President, I wish to call the Senator's attention to what I think is a misapprehension of the bill on his part. He is in error in speaking of 40 per cent of the revenue being used for game wardens. The bill provides that not over 40 per cent shall be so used. I suggest to the Senator that a game warden or two in each State will be very helpful in promoting the enforcement of the law.

I notice that Wisconsin is very liberal in regard to game wardens. No one can hunt in that State without paying for a license. I find that in Wisconsin there are 56 field wardens; and then they have something that I have never heard of in any other State, namely, six district wardens, and then they have a chief warden. The employment of such wardens of the different classes may be based on wisdom, but the expense comes out of the pocket of the taxpayer. I find no fault with the Wisconsin system, but if sixty-odd game wardens are all right for the one State of Wisconsin how would it do to provide for 60 Federal game wardens for the entire United States? If the Senator will agree to that we can amend the bill accordingly.

Mr. BLAINE. The Senator says there would be only 60 Federal game wardens?

Mr. NORBECK. I say I am willing to amend the bill so as to provide for 60 Federal game wardens.

Mr. BLAINE. But the Senator from South Dakota is not going to administer this proposed law. The Secretary of Agriculture is to do that.

Mr. NORBECK. But if we place such a limit in the bill, then it will be beyond the power of the Secretary to change it.

Mr. BLAINE. What is proposed to do with the remainder of the money which will be collected?

Mr. NORBECK. That can be used for bird refuges.

Mr. BLAINE. Sixty game wardens for the entire United States would have about as much effect in enforcing this proposed law as the proverbial snowball would have in quenching the fires of hades.

Mr. NORBECK. The Senator has complained that the employment of Federal game wardens would have too much effect and now he complains that the employment of 60 would have too little effect. It can not work both ways.

Mr. BLAINE. I do not want to see enacted a law that will not be enforced. That is the trouble to-day. The trouble in America to-day is that we have by law created sins and crimes and there is no enforcement of the laws which create those sins and crimes. I do not want to be a party to the enactment of a piece of legislation designed purposely and deliberately on the floor of this body so that it will not be enforced effectively. We have too much of that already.

Every single dollar of the 40 per cent will be used for game wardens and administration.

But no part of such 60 per cent shall be used for payment of the salary, compensation, or expenses of any United States game warden, and not more than 40 per cent thereof for enforcing this act, the migratory bird act—

And so forth; and you can make up your minds that when a department has a certain amount of money to spend, it will spend it. I do not see very much money being returned to the Treasury from any unexpended balances around Washington. They do not have unexpended balances. They spend every dollar.

Mr. NORBECK. They do not have much unexpended balances in Wisconsin, either.

Mr. BLAINE. Of course not—not recently.

Mr. NORBECK. Three hundred and fifty-six thousand dollars in their game department for one year—a third of a million dollars in one year!

Mr. BLAINE. Unexpended?

Mr. NORBECK. No; that is spent, I guess.

Mr. BLAINE. Oh, no.

Mr. NORBECK. All right. The Senator will correct me if I am wrong. The expenditures of the Wisconsin game department are about a third of a million dollars annually.

Mr. BLAINE. Permit me to suggest to the Senator from South Dakota that I ought to know more about Wisconsin than he does. Let me read the Senator the facts.

Mr. NORBECK. All right.

Mr. BLAINE. The total number of hunting licenses in 1926 was 179,504, in 1907 it was 161,774, and these were dollar licenses largely. That is my understanding.

Mr. NORBECK. Yes.

Mr. BLAINE. What is the Senator talking about, then, when he says "a third of a million dollars"?

Mr. NORBECK. All right. Let me call the attention of the Senator to the fact that the collections from nonresident fishing licenses were $161,873.76 in Wisconsin last year.

Mr. BLAINE. Oh, yes; probably.

Mr. NORBECK. They have another tax which they call the trap-tag tax under which $17,000 was collected.

They have another one called the deer-tag tax under which some $900 is collected.

They have a traveling license of $18,000.

They have a nonresident hunting license of $9,900.

If you add up those figures, you have your $356,000 in Wisconsin.

Mr. BLAINE. We do not spend all of that on game wardens. We spend a large portion of that on constructive work, fish hatcheries, maintaining our State parks, and so forth.

Mr. NORBECK. That is the plan of this bill, too—exactly the same.

Mr. BLAINE. I do not know what you are going to do with fish hatcheries in propagating migratory birds, unless you hatch the fish to feed the birds. I think we are much safer when we keep within our own bailiwicks on what the facts are.

Here is a splendid political organization to be created. I repeat that within five years every single individual in America who desires to hunt will find himself paying a dollar a year to the Federal Government. Everybody knows that. That is the tendency. It always has been the case, and always will be. It is a beautiful system that will furnish 550 game wardens. Well, suppose it furnishes only 500. Suppose it is only 400. Suppose we get it away down where only half of the people will take out hunting licenses from the Federal Government. You have 275 Federal game wardens.

We have a primary election on in Wisconsin the first Tuesday in April. There is another one on in Nebraska a week afterwards. There is another one on in New York, another one in Indiana, another one in Ohio. Migratory birds, of course, are migratory, and so are Federal game wardens; and they become very efficient in campaigns, I have understood. Even the one in Wisconsin to whom the Senator refers has not failed to do his duty as the Department of Agriculture assumed his duty to be; and your Federal prohibition enforcement officers are always on hand when there is a primary or an election.

Add to the present perambulating Federal officers this army of perambulators looking after migratory birds, and there would be no difficulty in throwing an army of two or three hundred game wardens into Wisconsin—if we had this legislation—this week, right up to the time the polls are closed a week from to-morrow. There would be no trouble whatever in marching those game wardens over into Nebraska the next week and back into Ohio and Indiana. They would be the most effective and efficient political machine that could be created. Why, the excuse for sending them would be splendid. There are times, as seasons shift around, when birds are migrating, and so you will have the Federal game wardens following them up so that they will not be killed.

Mr. SWANSON. Mr. President, will the Senator yield for a minute?

Mr. BLAINE. I yield.

Mr. SWANSON. Do I understand that this bill provides for a flying squadron that can be sent anywhere, in time of political distress, to rally the faithful?

Mr. BLAINE. Why, of course. They do not exactly write that language into the bill.

Mr. SWANSON. I mean, it is possible? Of course, they would not write it in the bill. Nobody would swallow it if that were done; but can it be done?

Mr. BLAINE. That is exactly what will flow from this bill.

Mr. SWANSON. A flying squadron for political purposes?

Mr. BLAINE. A flying squadron after the flying birds. The excuse will be, "Why, March and April and May are just the months when the migratory birds must be protected," and the game wardens will be hot afoot for the protection of the migratory game birds. So, if the President wants a Mr. Hoover nominated there would be no trouble in throwing this army into the State of Ohio to defeat the Senator from Ohio [Mr. WILLIS], or in throwing them into the State of Indiana to defeat the Senator from Indiana [Mr. WATSON]. There would be no trouble at all in throwing them into Wisconsin in an attempt to get a delegation that could support the distinguished British statesman who spent the major portion of his adult life under the British flag and British influence. There would be no difficulty at all in taking this army of Federal game wardens and nominating a President of the United States.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. BLAINE. I do.

Mr. HEFLIN. We can not hear on this side the whispered conversation between the two Senators. I was wondering if the Senator from Ohio [Mr. FESS] was making inquiry about Mr. Hoover.

Mr. BLAINE. The whispering between the two Senators was with reference to an agreement to go into executive session. I did not get the comment of the Senator.

Mr. HEFLIN. I was wondering if the Senator from Ohio got it in his mind well that the Senator from Wisconsin was speaking of his friend Hoover.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. BLAINE. An election comes on, and the preelection campaign is on, and you have this army of game wardens. That is in the fall, when migratory birds take their flight southward—a most suitable time for the flight of the game wardens. This same perambulating, migrating army of Federal employees can march down into Missouri, if it is a doubtful State, and use their influence there. They ought to be down there, because it is the time when migratory birds are passing southward. Of course, there would be justification for them to go to Missouri, a doubtful State. Kentucky and Tennessee are fruitful fields for these perambulating, migrating game wardens to be thrust into those two States at the very time that an election is in the balance between the two major parties.

Mr. SWANSON. Mr. President, will the Senator yield to me for a minute?

Mr. BLAINE. I yield.

Mr. SWANSON. I have not read the provisions of this bill; but do I understand that the committee has reported a bill here that allows these game wardens to go from one State to another?

Mr. BLAINE. Why, what good is a game warden unless he follows the migratory game birds?

Mr. SWANSON. Does the Senator mean to tell me that the bill permits game wardens anywhere to come into a State and enforce this law?

Mr. BLAINE. Why, certainly. The game warden must protect the migratory game birds, must he not? That is the purpose.

Mr. NORBECK. Mr. President, I will state to the Senator from Virginia that under a law passed when Woodrow Wilson was President that is what they may do.

Mr. SWANSON. You continue that?

Mr. NORBECK. We do not repeal it.

Mr. SWANSON. You do not repeal it?

Mr. NORBECK. No.

Mr. SWANSON. Where Wilson was right you do not follow him, but where he made a mistake you follow him. I do not think that is right. I do not know whether I voted for the other bill or not.

Mr. NORBECK. I want to say to the Senator in all seriousness that I have an amendment pending that will prohibit the very thing the Senator from Wisconsin is complaining about, and I so stated in this Chamber about an hour ago.

Mr. BLAINE. Mr. President, the matter to which the Senator from South Dakota refers is the civil service law. Does he think for one moment that the civil service law, under which most of the postmasters are appointed, prevents them from engaging in political activity? If he does, then he is not of the caliber that I have assumed him to be. Does he think that the prohibition-enforcement officers of this Nation are not engaged in political activities during primaries and election campaigns? They may not in South Dakota, but they have been so engaged in Wisconsin. I have seen them in veritable hordes, and they are under civil service; and, of course, they are directed in such special cases to protect those who vote right and to punish those who vote wrong.

Mr. NORBECK. I thought I had had some political experience, but I have never known the value of a game warden in politics. The Senator from Wisconsin is quite enlightening to me. He has been governor of his State for six years, and I presume he understands what he is talking about—this army of sixty-odd game wardens traveling over Wisconsin in a

political campaign. It had never occurred to me that they were a political asset. Maybe they were.

Mr. BLAINE. Does the Senator from South Dakota charge the Senator from Wisconsin with using a single game warden or State official in a political campaign in his behalf?

Mr. NORBECK. I charge the Senator——

Mr. BLAINE. Now, wait: Does the Senator charge that?

Mr. NORBECK. Will the Senator wait while I answer?

Mr. BLAINE. I want to know whether the Senator charges it?

Mr. NORBECK. I will answer the question if the Senator will give me a chance to answer it.

Mr. BLAINE. The Senator can answer "yes" or "no."

Mr. NORBECK. The Senator can not come any lawyer tricks on me. I am not on the witness stand. I will answer the Senator, however.

Mr. BLAINE. The Senator has made a personal insinuation and I challenge him now to answer.

Mr. NORBECK. Yes; if the Senator will let me answer, I shall be glad to answer. I charge the Senator with having more knowledge of game wardens in politics than any other man I ever met. That is what I charge him with; and I ask him whether that is the way they did in Wisconsin. They do not in South Dakota.

Mr. BLAINE. Does the Senator from South Dakota charge that the Senator from Wisconsin has used game wardens for political purposes?

Mr. NORBECK. The Senator from Wisconsin charges himself, if anybody charges him. Nobody else has charged him with it.

Mr. BLAINE. Then what is the purpose of the Senator's remarks?

Mr. NORBECK. He is always talking about game wardens in politics, and that is something I have never heard about from any other State.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. BLEASE. Just a word.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. BLAINE. I yield to the Senator.

Mr. BLEASE. I want to say to the Senator from South Dakota that in the State of South Carolina, where we have only one party, the game wardens are not only very active but they are very influential in factional politics.

Mr. BLAINE. Mr. President, I want to say to the Senator from South Dakota that there is not a single Federal employee under civil service in the State of Wisconsin who does not engage in political campaigns—not a single Federal employee.

Mr. NORBECK. I do not know anything about that; but I know that in South Dakota they observe the law.

Mr. BLAINE. But, Mr. President, I repeat and say to the Senator from South Dakota that when he interjected his insinuating remarks concerning my experience with game wardens I was talking about Federal employees; and I challenge him to deny the truth of my statements.

Not only do they engage in political campaigns, but they are used to browbeat and beat down citizens because they choose to vote differently from the power which directs those public and Federal officials. Do we want an army of cheap game wardens migrating to any State in the Union during primaries and election campaigns, which they will have the privilege of doing?

I know that sometimes these Federal employees are not effective. I have seen in their trail a good many "lame ducks." They are not successful in my State but they may be. I want to take no chance that this army of game wardens which is proposed to be created by this bill may control our primaries and our elections.

The Senator may limit the number to 20 or 40 or 60, but he will find that at the succeeding sessions of Congress there will be demand for more game wardens on the claim that the law is not being effectively and efficiently enforced. Therefore, demand will come for more and more game wardens until we will reach the time when this army of Federal employees will be migrating from State to State and from section to section of our country in the interest of certain candidates for office or to defeat certain candidates for office, depending entirely upon the administration and control of the Government at at Washington.

PRESIDENT WILSON AND THE VOLSTEAD ACT

Mr. SHEPPARD. Mr. President, the action of President Woodrow Wilson in vetoing a measure which contained both the war-time prohibition act and the Volstead Act is being cited by the opponents of prohibition.

The unqualified statement that Woodrow Wilson vetoed the Volstead Act is misleading. The act which he vetoed contained not only the Volstead Act but the war-time prohibition act. Practically all of his brief veto message was devoted to the war-time prohibition act and not the Volstead Act. He could not under the Federal Constitution separate the two in order to veto one and consequently was compelled to veto both in order to reach one. A perusal of the veto message will show that the veto was directed toward the war-time prohibition part of the act and not toward the Volstead Act; that he objected to the former because he believed at time of his veto, October 27, 1919, the war emergency had passed. It is interesting to observe that in the concluding sentence he referred to prohibition as a great reform. The veto message is as follows:

> I am returning without my signature H. R. 6810, "An act to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries."
>
> The subject matter treated in this measure deals with two distinct phases of the prohibition legislation. One part of the act under consideration seeks to enforce war-time prohibition. The other provides for the enforcement which was made necessary by the adoption of the constitutional amendment. I object to and can not approve that part of this legislation with reference to war-time prohibition. It has to do with the enforcement of an act which was passed by reason of the emergencies of the war and whose objects have been satisfied in the demobilization of the Army and Navy and whose repeal I have already sought at the hands of Congress. Where the purpose of particular legislation arising out of war emergency have been satisfied, sound public policy makes clear the reason and necessity for repeal.
>
> It would not be difficult for Congress in considering this important matter to separate these two questions and effectively to legislate regarding them, making the proper distinction between temporary causes which arose out of war-time emergencies and those like the constitutional amendment of prohibition which is now part of the fundamental law of the country. In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought be accomplished or great reforms of this character be made satisfactory and permanent.
>
> WOODROW WILSON.
>
> THE WHITE HOUSE, *October 27, 1919.*

I ask that there be printed at this point in the RECORD a clipping from the Chicago Herald and Examiner of March 12, 1928.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERMAN "WET" SEES UNITED STATES AND BECOMES DRY—DOCTOR BERG, TOURING WORLD, TURNS AGAINST RUM; SAYS AMERICA WILL PRODUCE SUPERIOR RACE

A short stay in the United States converted Dr. Walter Berg, of Stuttgart, German scholar and financier, from a wet into a dry. He is traveling around the world and came to Chicago.

Doctor Berg is a student of political science and an associate of Count Hermann Keyserling in the School of Wisdom at Darmstadt. He controls large banking interests in Germany.

"I was opposed to prohibition before I came to the United States," Doctor Berg said at the Bismarck Hotel, "but after two months of observation I completely changed my views.

"Prohibition will enable America to produce a superior race. In the nonprohibition countries alcohol is taking more and more victims. Drunken men are seen everywhere. Here it is comparatively rare.

"Upon returning to Germany I shall advocate laws similar to the Volstead Act."

PUBLIC UTILITIES OF THE CITY OF NEW YORK

Mr. WAGNER. Mr. President, I present a petition from the governing body of the city of New York petitioning Congress to amend the income tax law so far as it relates to their public utilities. I ask unanimous consent that the petition be referred to the Committee on Finance and printed in the RECORD, including a letter to me transmitting the petition.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter and the petition were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BOARD OF TRANSPORTATION OF THE CITY OF NEW YORK,
New York, March 20, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The board of estimate and apportionment of the city voted yesterday in committee of the whole to petition Congress to amend the Federal income tax law, and I am writing you in advance of the secretary of the board of estimate so that the subject will come to your attention immediately. I understand that the Senate Finance Committee will report this bill very soon.

The Finance Committee of the Senate has under consideration certain amendments to the Federal income tax law in the form of a bill passed by the House of Representatives, H. R. 1, entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes." The attention of this board has been directed to certain decisions of the Treasury Department interpreting and construing the meaning of section 116 of the existing revenue law in a manner which imposes a tax upon the revenues of the city-owned railroads, which interpretation appears to be contrary to the intent of section 116 but which may be upheld by the courts on account of the phrasing of the act as it now stands. It appears to the board of transportation that section 116 should be amended to make it clear that the revenues derived from the city-owned railroad should be exempt from income tax.

The Federal income tax law, in section 116 thereof, provides that whenever a State, Territory, or any political subdivision of a State or Territory, prior to September 8, 1916, entered into a contract for acquisition, construction, operation, or maintenance of a public utility and by the terms of such contract the Federal tax on income is to be paid out of the proceeds from the operation of such public utility prior to any division of the proceeds between the person and the State, Territory, or political subdivision, that there shall be refunded to the State, Territory, or political subdivision a proportional part of any income tax collected from such public utility contractor to the extent that "if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of the political subdivision."

There is clearly a limitation in this act as to contracts entered into prior to September 8, 1916, which would preclude any contract or other arrangement which may be made by the city for the operation of the new subways. It is also a matter of doubt and dispute whether the city is now entitled to a rebate of income tax levied upon earnings of the existing subways, because these earnings have not yet been sufficient to permit of any division of profits between the operator and the city, although the imposition of these taxes increases the expenses of the operating company, which are chargeable against the revenues before the city is entitled to share in them and acts to increase the deficits which become accumulative under the existing contracts. All taxes are included in the deductions allowed to the companies as expenses of operation. The elimination of such taxes would, therefore, reduce the deficits from operation and to that extent would be distinctly in the interests of the city.

This board is informed that Boston, Philadelphia, Detroit, Cleveland, and perhaps other cities have an interest similar to that of New York in the amendment of section 116 of the Federal tax law and will cooperate in endeavoring to secure an amendment.

Therefore the board of estimate and apportionment has adopted resolutions petitioning Congress to amend the act so that there may be no doubt that the revenues from railroad operation in which the city is officially interested shall be made exempt from income tax.

Yours very truly,

JOHN H. DELANEY.

Whereas the city of New York, as the owner of an extensive system of rapid transit railroads and subways, entered into contracts dated March 19, 1913, with operating companies for the maintenance and operation of those railroads on behalf of the city, by the terms of which contracts there inures to the benefit of the city certain rights, profits, and interests under the conditions set out in those contracts wherein, among other things, it is provided that the net profits resulting from operation shall be equally divided between the city and the lessee corporations, previous to which, however, there shall be deducted from revenues derived from such operation "all taxes or other governmental charges of every description * * * assessed or which may hereafter be assessed against the lessee in connection with or incident to the operation of the railroad" before the city shall receive any rental or compensation for the rights leased or granted, or receive any payment or amortization on the public debt which represents the cost of constructing said railroads, or any division of net profits from operation of said railroads as aforesaid, and that these prior deductions are cumulative in their priority to the city's participation in profits or its realization of other rights, benefits, or interests under the contracts aforesaid; and

Whereas the realization by the city of such rights, profits, and interests are minimized, decreased, and postponed and a loss or burden thereby imposed upon the city to the extent that deductions are made by the operating companies, on account of increased operating costs due to the imposition of Federal income taxes, before the profits, rights, benefits, or interests of the city can be realized on the property owned by it, and that to such extent the taxes so imposed and paid by the operating companies are in last analysis paid by the city out of the taxes levied by it upon its citizens; and

Whereas the city of New York is now engaged in the construction of additional rapid transit railroads at an estimated cost of $700,000,000, and contemplates the acquisition of other lines or connecting railroads as necessary to the efficient operation of its transit system, the cost of all of which is to be paid out of public funds; and

Whereas upon the acquisition or construction of such railroads as a necessary part of the city's transit system it will become necessary or advisable for the city to enter into contracts for the maintenance and operation of them, and that the methods of operation of such new railroads must be decided upon in the near future before such contracts are executed; and

Whereas the proposed revenue bill now pending before the Congress, H. R. 1, and entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," provides, in subdivision (d) of section 116 thereof, that whenever a State, Territory, or any political subdivision of a State or Territory, prior to September 8, 1916, entered into a contract for the acquisition, construction, operation, or maintenance of a public utility, and by the terms of such contract the Federal tax on income is to be paid out of the proceeds from the operation of such public utility prior to any division of the proceeds between the person and the State, Territory, or political subdivision, that there shall be refunded to the State, Territory, or political subdivision, a proportional part of any income tax collected from such public utility contractor to the extent that "if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of" the city; and

Whereas by and under the construction and interpretation placed upon the corresponding similar subdivisions of the revenue acts of prior years by the governmental agencies, the city of New York is deprived and will be deprived of the benefits of a rebate of income taxes charged against the revenues derived from the operation of the railroads which are owned by the city contrary to the true intent and spirit of the revenue laws; and

Whereas the city of New York will be deprived of any and all benefit which, under any construction of the proposed revenue law it would be entitled to, arising under any contract entered into by it subsequent to September 8, 1916, the object of which contract is the acquisition, construction, operation, or maintenance of a public utility; and

Whereas it has been proposed that subdivision (d) of section 116 of the proposed revenue bill now pending before the Congress, H. R. 1, and entitled "An act to reduce and equalize taxation, provide revenue, and for other purposes," be amended so as to make more specific and certain that under such contractual relation having for its purpose the acquisition, construction, operation, or maintenance of a public utility, the amount of any Federal income tax paid by the lessee, grantee, or person operating a public utility under such contract or contracts, or certificates similar to the contracts of March 19, 1913, aforesaid, shall, to the same extent as the amount, but for the imposition of such taxes, would have accrued directly to or for the use of or inure to the benefit of or increase the right, title, interest, or equity in such public utility of such municipality, be refunded to the city or shall not be levied, all of which is more particularly set forth in said proposed amendment as follows:

"Whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, enters in good faith into a contract with any person, the object and purpose of which is to acquire, construct, operate, or maintain a public utility—

"(1) If by the terms of such contract the tax imposed by this title is to be paid out of the proceeds from the operation of such public utility, prior to any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia; and if, but for the imposition of the tax imposed by this title, a part of such proceeds for the taxable year would accrue directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of, such State, Territory, political subdivision, or the District of Columbia, then a tax upon the net income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under rules and regulations to be prescribed by the commissioner, with the approval of the Secretary), an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this title) would have accrued directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the net income from the operation of such public utility for such taxable year;

"(2) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespec-

tive of the tax imposed by this title, accrue directly to or for the use of, or inure to the benefit of, or increase the right, title, interest, or equity in such public utility of such State, Territory, political subdivision, or the District of Columbia, then the tax upon the net income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this title;

"(3) If by the terms of such contract the acquisition, construction, operation, or maintenance of such public utility is for or on behalf of a State, Territory, political subdivision, or the District of Columbia, or the effect of such contract is to enable the State, Territory, political subdivision, or the District of Columbia, to acquire a right, title, interest, or equity in such public utility, no tax shall be levied under the provisions of this title upon the income derived from the acquisition, construction, operation, or maintenance of such public utility, so far as the payment thereof will impose a loss or burden upon, or decrease or postpone such right, title, interest, or equity of such State, Territory, political subdivision, or the District of Columbia"; and

Whereas this board is advised and is of the opinion that the foregoing proposed amendment will be beneficial to the interests of the city of New York under the said contracts of March 19, 1913, and under contracts which may be entered into by it subsequent thereto for the acquisition, construction, operation, or maintenance of such public utilities, and under any plan of consolidation or unification as is now being considered by the transit commission, pursuant to the provisions of the public service commission law:

Resolved, That the board of estimate and apportionment does hereby approve of the proposed amendment aforesaid, and that it does hereby urge upon the Congress the passage of such amendment; further

Resolved, That the secretary of this board be, and is hereby, authorized and directed to transmit to each of the United States Senators for the State of New York and to each Member of the House of Representatives from the State of New York a certified copy of this resolution.

BOULDER DAM

Mr. PITTMAN. Mr. President, I ask leave to have printed in the RECORD a letter I have written to the chairman of the Committee on Irrigation and Reclamation of the House of Representatives.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, March 23, 1928.

BOULDER DAM

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: I have just been informed that your committee, or a subcommittee of your committee, are considering amendments to be proposed by your committee on the floor of the House to H. R. 5773, commonly known as the Boulder Dam bill.

I am also informed that you have adopted the Senate committee amendment found on page 6, between lines 4 and 13, to S. 728, being the Boulder Dam bill in the Senate, providing for State revenues, with certain suggested modifications. This is one of the amendments proposed by me in the Senate committee. If I understand the addition that you made to the amendment, it meets with my approval.

I am also informed that on Monday you will take up for consideration the Senate committee amendments found on page 9, lines 12 to 19, inclusive, offered to S. 728, giving preference to States to contract for electrical energy for use in the State. This amendment was also offered by me in the Senate committee on behalf of Nevada and Arizona particularly, although it equally applies to the State of California. It met with no particular opposition in the Senate committee.

Permit me to briefly state the reasons that urged the Senate committee to adopt this amendment. Senator JOHNSON in his bill (S. 728) provided that in the event of conflicting applications for electrical energy the preferences should be decided in accordance with the preferences set forth in the Federal power act. In that act "States and municipalities" shall have a preference over other applicants for contracts or licenses. It was undoubtedly the intention of Congress in making such provision in the Federal power act to place the State prior to the municipality. The reason Congress granted the preference to States and municipalities in such act was because States and municipalities represent a greater number of citizens and have a greater responsibility than a private corporation. It follows from such reasoning that a State, representing a greater number of citizens than a municipality or other subdivision of a State, has a greater responsibility and therefore should have preference in the matter of a conflict in applications between a State and a municipality or subdivision of a State. In the bill under consideration it is a matter of great importance that the preference of the State over a subdivision of a State or a municipality within a State be definitely declared.

The whole theory of the seven-State compact, upon which the bill under consideration is based, was an equitable division of the benefits of the waters of the Colorado River between the seven States. The benefits of water are derived from its use for potable purposes, irrigation, and generation of power.

Nevada is so unfortunately situated that it is impossible for it to get equal benefit of the use of water for any purpose other than power. Nevada, of course, is entitled to equal development with Arizona and California through the use of power. California has a large municipality—Los Angeles—which is capable of contracting for all of the power generated at Boulder Dam. Nevada has no such municipality.

Nevada is the only agency in Nevada that has the credit to contract for power for the use of its citizens within the State. If it is discretionary with the Secretary of the Interior to treat States and municipalities or subdivisions of States as having equal preferences, then he could give preference for all of the power to the city of Los Angeles to the exclusion of the applications by the States of Arizona, California, and Nevada, or either of them. As I say, the amendment under consideration is only a declaration of policy evidently intended by Congress to be established in the Federal power act, but it is indefinite.

If the State of Nevada is assured by the terms of the act upon its approval that it has a preference to contract for electrical energy for use in the State, then it can stimulate its citizens or those engaged in industry in the State to make investigations, even at very large expense, between the date of the approval of the act and the time when contracts will be called for, so that the State may determine the amount of power that can be used in the State when the power is ready for delivery upon completion of the dam.

Under the terms of the act it is evident that there will be a period of 12 to 18 months between the approval of the act and the time when contracts will be called for. It is during this period that such investigations must be made. Unless the act contains the assurance that the State will have such preference, then it will be difficult to induce industries to make the necessary extensive and expensive investigations necessary to determine the amount of hydroelectric energy that may be used in the State and that must be contracted for by the State at the time the contracts are called for.

For instance, there are large deposits of low-grade zinc ores in southern Nevada. If these deposits are sufficiently large and if the values are sufficiently great, and cheap hydroelectric power is assured, then the power will be contracted for. It will probably require an expenditure of several hundred thousand dollars to determine these facts before a contract is entered into for power. Of course, these expenditures will not be made unless there is an assurance in the act that there is a preference to the State to contract for power that is required for use in the State. Mind you, we limit the preference of a State over a municipality to contract for use of power in the State exclusively.

I have only cited you one instance. There are many other conditions that must be investigated at great expense to determine the amount of power that Nevada will contract for, and the same certainty must exist before this large expense can be undertaken.

Nevada is anxious for the development of the lower Colorado River and favors the purpose of the act, but the State of Nevada believes that, in so far as is possible, Congress should equitably divide the benefits of the water allocated to the lower basin between the States of Arizona, California, and Nevada. If this spirit of fairness is manifested, then those who favor the legislation should be enabled to obtain consideration for it at this session of Congress and pass it.

Permit me to congratulate you and your committee upon what I deem to be the wise course of eliminating from conference on the House and Senate bills as many questions as possible.

Nevada is entirely neutral as between Arizona and California and is still working to bring about a compromise on the division of water. I believe I am at liberty to state that such compromise is very nearly effected.

I trust that the deep interest that Nevada has in this matter will excuse me for taking the liberty of writing this letter to you as chairman of your committee.

Sincerely,

KEY PITTMAN.

CONDITIONS IN NICARAGUA

Mr. McKELLAR. Mr. President, I desire to give notice that as soon as I can get the floor to-morrow I shall make a few remarks on the subject of Nicaragua.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Tuesday, March 27, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 26 (legislative day of March 24), 1928

UNITED STATES COAST GUARD

Isaac E. Johannessen to be chief boatswain.

COAST AND GEODETIC SURVEY

To be aides

Laurence Wilbur Swanson.
Gilbert Rolland Fish.
Franklin Rice Gossett.
Ernest Bane Lewey.
John Clarence Mathisson.
Rolland Alson Philleo.
Harold Joseph Oliver.
George Anton Fredrickson.
George Edward Morris, jr.

PROMOTIONS IN THE ARMY

GENERAL OFFICERS

Briant Harris Wells to be major general.
Peter Edward Traub to be brigadier general.

APPOINTMENT, BY TRANSFER, IN THE ARMY

Mark Histand Doty to be first lieutenant, Field Artillery.
Edward Himmelwright Tarbutton to be lieutenant colonel, Infantry.

APPOINTMENT, BY PROMOTION, IN THE ARMY

Edwin Simpson Hartshorn to be colonel.
William Bryden to be lieutenant colonel.
Donald Cowan McDonald to be lieutenant colonel.
Walter Eyster Buchly to be major.
Harold Chittenden Mandell to be major.
Robb Steere MacKie to be captain.
Boniface Campbell to be captain.
Lloyd Marlowe Hanna to be captain.
James Willard Walters to be captain.
Eugene Ware Ridings to be first lieutenant.
Charles Woodford Cowles to be first lieutenant.
Kenneth Eugene Webber to be first lieutenant.
Alexander Davidson Reid to be first lieutenant.
Joseph Richard Koch to be chaplain, with rank of first lieutenant.

PROMOTIONS IN THE MARINE CORPS

Robert Y. Rhea to be colonel.
Joseph A. Rossell to be lieutenant colonel.
Alphonse DeCarre to be major.
John C. Wemple to be captain.
Curtis W. LeGette to be captain.
Joseph H. Fellows to be captain.
James G. Hopper to be first lieutenant.
William R. Hughes to be first lieutenant.
Lawrence R. Kline to be first lieutenant.
John G. Walravan to be first lieutenant.
William W. Paca to be first lieutenant.
Frank O. Lundt to be chief marine gunner.
Henry Boschen to be chief marine gunner.
Robert C. Allen to be chief marine gunner.

POSTMASTERS

CALIFORNIA

Frances L. Musgrove, Arbuckle.
Wilford J. Scilacci, Point Reyes Station.

KANSAS

Ethel White, Merriam.
James M. Lear, Mound Valley.

MISSISSIPPI

Susan R. T. Perry, Tchula.

MISSOURI

John A. Varney, Paris.

NORTH CAROLINA

Joseph B. Harrell, Marshville.
James E. Wallace, Stanley.

OKLAHOMA

Ira A. Sessions, Grandfield.
Thomas H. Gillentine, Hollis.
William H. Jones, Kiefer.
James W. McKay, Stonewall.
Margaret E. Williamson, Wanette.
Bernice Pitman, Waukomis.

VERMONT

Sanford A. Daniels, Brattleboro.
Robert A. Slater, South Royalton.

VIRGINIA

Ludema Sayre, Fairfax.

HOUSE OF REPRESENTATIVES

MONDAY, *March 26, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed, blessed Lord—the Father of us all—in Thee we have a refuge in every time of need. When temptation is nigh and human courage is at the test, Thou art near; when problems perplex and the way is uncertain, Thou dost help us to understand; when the clouds are lowering and earth's pathway is hard and forbidding, Thou art at our side to revive the fainting heart; even when the sky is radiant and there is no cloud to cast a shadow, Thou dost counsel wisdom. O we praise Thee that Thou dost come into the hearts of men, like a happy sunlight, and bid them rejoice and be glad. Whisper words to us to-day that shall teach us lessons of priceless worth. Give us the understanding heart that shall rebuke all wrong and that shall exalt the right. Bless our country, all the States and all our firesides from border to border. May peace, happiness, and prosperity bless every room in our national mansion. As sons of God may we arise in gratitude for all the blessings of life and may we know that there is nothing so royal as truth and there is nothing so kingly as love. Amen.

The Journal of the proceedings of Saturday, March 24, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida;

S. 3174. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida;

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion;

S. 3558. An act authorizing Point Pleasant & Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.; and

S. 3611. An act to authorize the Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2317) entitled "An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes."

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 3173. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

S. 3174. An act authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Choctawhatchee River at or near a point where State Road No. 10 crosses Choctawhatchee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

S. 3611. An act authorizing the Board of County Commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west; to the Committee on Interstate and Foreign Commerce.

COMPULSORY UNEMPLOYMENT INSURANCE

Mr. BERGER. Mr. Speaker, I have introduced a bill for compulsory unemployment insurance. I ask unanimous consent to extend my remarks on that subject.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BERGER. Mr. Speaker, in connection with the discussion which is taking place concerning the problem of unemployment, I desire to call the attention of the House to my bill (H. R. 12205), which provides for the establishment of a Federal compulsory unemployment insurance system similar to the one now in vogue in other modern industrial nations.

It is a sad commentary on the state of our social reform legislation that the only time unemployment receives any consideration at all—and then mighty little—is when it reaches such proportions that it becomes impossible for those in power to pretend not to see it, or on the eve of a presidential election, when political capital can be made of the situation by one of the contenders for the nomination raising the issue so that it can no longer be dodged.

As a matter of fact—and any student of industrial and economic conditions will verify this—unemployment is not an accidental condition, nor caused by the laziness of individuals.

Every civilized country where the present capitalist system prevails has recognized that unemployment is an inevitable and inescapable condition of our industrial system, which always requires an army of unemployed, as a sort of reserve.

The size of that "reserve army" will vary, but in the United States it is never less than 1,000,000, and in times of business depression it reaches the staggering proportions of 3,000,000, 4,000,000, or 5,000,000.

The distress in which these millions of people and their dependents find themselves could be relieved if they had saved enough during the periods in which they were employed to keep them in times of unemployment.

But an examination of what it costs for the average-sized family to live, and what the average worker earns while employed, discloses that the large majority of our people—76,000,000 of them, according to official Government figures—do not earn enough to lay anything by for such emergencies as sickness, unemployment, or old age.

And fully between 10,000,000 and 12,000,000 of our people do not get enough to live on while they do work, as I had occasion to show during the discussion on the income tax bill.

If these people and their dependents are not to be permitted to starve, in the face of an abundance which their labors helped create, relief must come either from private charitable institutions, bread lines, and soup kitchens, or it must come as a result of an organized and scientific system of unemployment insurance.

Charity, whether public or private, is degrading to people who are ready and willing to work. There are many who prefer to die of starvation or commit suicide rather than resort to it.

Moreover, public charity is a costly method, as a large part of what charity collects for its activities goes to pay for salaries, drives, and incidentals. And it is inefficient when the demands made upon it become general. At such times it is also impossible for private relief agencies to take care of the situation.

The other method, a system of compulsory unemployment insurance, enables the worker to obtain a claim to come forward as a creditor and no longer to be regarded as an object of charity, since he paid for his share of the insurance. This unemployment insurance is not a dole.

This is the method used to meet the problem by other industrial nations. They know that it must be faced, and that it can only be faced satisfactorily and efficiently by compulsory unemployment insurance. England, Germany, Italy, the Scandinavian countries, Belgium—in fact, every industrial country of Europe—has adopted this method.

My bill establishes a system whereby the obligation of each group in society towards meeting what is a social problem can be discharged on a fair and equitable basis.

The wage earner, while he is employed, contributes one-third of what it will be necessary to raise any one year, to take care of the unemployment relief. The employer of labor, for whose profit the wage earner works and who discharges the worker after he has created a surplus which the employer finds it difficult to dispose of, contributes another third. And the Government, which has a primary interest in preventing widespread distress because of the effect such distress has upon the social fabric, pays the balance.

To avoid the possibility of some depending upon this kind of relief even when work is available, I have provided that the unemployment benefits shall not be paid where suitable employment can be furnished to an applicant by any of the branch offices of the United States Employment Service, which will aid in administering the provisions of the law.

There is also this: The benefits under the act are limited to six months in any one year, and the payments are never to exceed more than 50 per cent of the average earnings of the applicant. There is no inducement in this for men to stay out of work when there is work, no inducement to become lazy, but there is at least sufficient relief provided to keep workmen and their families from starvation when there is no work to be found.

I have been asked by Members of Congress what it would cost the Government to provide the one-third that it will have to pay into the fund. In ordinary times, when the number of unemployed does not exceed more than 1,000,000, I have estimated that the Government's contribution to the fund for six months of the year would have to be between $90,000,000 and $100,000,000 annually. It would temporarily increase in times of depression according to number of unemployed, but it ought never to reach a larger sum than $350,000,000 even in a great and continuing industrial crisis—what is called a "panic" in common parlance.

That ought not be considered a formidable sum by those of this House who have been clamoring for and voting tax relief for the superwealthy every time Congress met. The present House has voted a reduction of about $225,000,000 in taxes of the rich. That money—the loss of which would hardly be felt by the superwealthy—would take care of America's participation in this fund for several years.

And if we take into consideration the fact that the aggregate amount saved to our plutocracy during the Harding-Coolidge administration is more than $3,000,000,000—three thousand million dollars—we can not claim to be too poor to discharge our obligation to those who through no fault of their own are thrown out of employment.

In any event, my proposal has been tried in other countries, where similar conditions prevail, and found workable. These countries, not nearly as rich as ours, can afford to give this relief. It is undoubtedly needed.

I am confident that sooner or later my plan will be adopted, and the sooner it is adopted the less suffering and misery will our people have to undergo in the intervening years.

CALL OF THE HOUSE

Mr. DENISON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absentees, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 57]

Anthony	Curry	Hughes	Oliver, Ala.
Arentz	Darrow	Irwin	Palmer
Auf der Heide	Davey	Jacobstein	Parks
Bacon	Dempsey	James	Quayle
Bankhead	Dickstein	Johnson, S. Dak.	Rainey
Beck, Pa.	Dominick	Kendall	Rathbone
Beedy	Douglas, Ariz.	Kiess	Reed, Ark.
Black, N. Y.	Doutrich	Kindred	Robsion, Ky.
Bohn	Dowell	Kunz	Sabath
Boies	Drane	Kurtz	Shallenberger
Box	Drewry	Larsen	Sirovich
Boylan	England	Leech	Sproul, Ill.
Brand, Ohio	Estep	Lehlbach	Sproul, Kans.
Britten	Fish	Lindsay	Stevenson
Browne	Fitzgerald, Roy G.	Linthicum	Strong, Pa.
Bulwinkle	Frear	McDuffie	Strother
Burdick	French	McFadden	Sullivan
Bushong	Gambrill	McLaughlin	Sweet
Butler	Garrett, Tenn.	McSwain	Thompson
Carew	Gifford	Manlove	Tillman
Carley	Golder	Martin, Mass.	Vincent, Mich.
Celler	Goldsborough	Menges	Vinson, Ga.
Cochran, Pa.	Graham	Michaelson	Weller
Collier	Green, Iowa	Michener	White, Kans.
Connally, Tex.	Hall, Ind.	Moore, N. J.	Wood
Connolly, Pa.	Harrison	Moore, Ohio	Woodruff
Cooper, Ohio	Hooper	Morgan	Woodrum
Cramton	Hope	Morin	Wright
Crisp	Houston	Nelson, Wis.	Wyant
Cullen	Hudson	O'Connor, N. Y.	Yates

The SPEAKER. Three hundred and twenty-five Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

FRANK O. LOWDEN

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Illinois [Mr. HOLADAY] for 15 minutes.

Mr. HOLADAY. Mr. Speaker, ladies, and gentlemen. Illinois has contributed her fair share of the men and of the ideals that have entered into, been a part of, and made possible the growth and development of our country. Permit me to mention only a few of her sons whose work is ended.

From the soil of Illinois Lincoln and Grant reached the White House; Stevenson became Vice President; Douglas, Trumbull, Logan, Yates, and Oglesby served with distinction in the Senate; Cannon and Mann have been powers in this House; and Davis was chosen to sit on the Supreme Bench.

As contributors to the economic progress of the country Armour and Swift, founders of the meat-packing industry, McCormick, as inventor of the first practical reaper, Pullman and his perfection of the sleeping car, and Funk, advocating improved methods of agriculture, take their places among the outstanding contributors to the progress of the Nation.

Really great men have much in common, and these men, classed among the greatest benefactors the Nation has produced, are not exceptions. They were all farm boys, imbued with the determination to achieve high places in their respective lines of endeavor, and the measure of success each attained is evidence of his worth.

When the name of a man is submitted, either by himself or by his friends, for consideration as a candidate for the Presidency of the United States, it is the privilege of the people of this country to survey thoroughly that man's background, to inquire into every phase of his past connections, and to scrutinize carefully the principles he advocates as binding, if elected.

In every State of the Union people are discussing Frank O. Lowden as the Republican candidate for President. Because of my somewhat close association with Mr. Lowden as Governor of the State of Illinois, I believe it entirely proper for me, of my own motion and on my sole responsibility, to speak about Mr. Lowden at this time. [Applause.]

During the later part of my 14 years as a member of the Illinois State Legislature Mr. Lowden served a four-year term as Governor of the State of Illinois. As I was at this time chairman of the committee which framed the Illinois Administrative Code and other outstanding measures of his administration, I came into close personal contact with the governor. About the only way to size up a man for the future is to weigh relatively his accomplishments in the past, and Governor Lowden's record speaks for itself.

Mr. Lowden was born in Minnesota and was reared on a farm in Iowa; taught school, studied law, and was admitted to the bar in Chicago. He built up and enjoyed for many years a large and profitable law practice. However, the love of farm life and an interest in the farmer's problems seem to have remained ever with him, and some 30 years ago he moved to his farm in Ogle County, Ill., where he has since devoted a large part of his time to practical agriculture and the problems of the farmer.

He has not only been interested in livestock breeding and grain growing in the Corn Belt of Illinois. but has been an extensive cotton grower in Arkansas. Still later he acquired farm property in Michigan, Texas, and Arizona. To-day he is one of the most extensive landowners in the United States and is at once one of the largest cotton planters of the South and a prominent dairyman in the North. I dare say he understands the problems of the cotton planter as well as my friends Representatives RANKIN and WHITTINGTON, of Mississippi. [Applause.] The stabilization of the cotton industry has claimed much of his time and efforts.

From 1905 to 1911 he was a Member of Congress, but declined renomination.

From 1917 to 1921 Mr. Lowden was Governor of Illinois. His record as chief executive of the State of Illinois was one of efficient administration during which business prospered and social conditions improved. Governor Lowden initiated the budget system in Illinois and was largely instrumental in the adoption of the same system by the National Government. The Illinois Administrative Code, perhaps the principal achievement of the Lowden administration, has been copied in a large part by a number of other States. It provided for the abolishment of some 125 separate boards and commissions and substituted in their places 9 executive departments.

Frank O. Lowden has never been a candidate for public office except to carry out a definite constructive program of advancement. [Applause.] He declined high office under McKinley. He has been offered Cabinet positions twice since. His State wanted him for a second term as governor, but his program had been carried out. He refused the most exalted diplomatic post in the world—the ambassadorship to the Court of St. James. He was nominated for Vice President over his own protest, and declined because he felt his field for service to the Nation lay elsewhere.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOLADAY. I prefer not to yield at present.

Mr. Lowden's position on the major political issues of the day has been fearlessly stated and is well known. From his past record and his public announcements allow me to briefly summarize his position.

CONSERVATION OF NATURAL RESOURCES

He has long been interested in the conservation of forests and minerals and believes that conservation of our natural resources is one of our major problems.

In order to call attention to his long-standing interest in the conservation of our natural resources, allow me to quote from his message to the Illinois General Assembly under date of January 8, 1919:

> There are many thousand acres of land in Illinois which at the present time produce nothing, but which are suited to tree culture. Without encouragement, however, from the State, the owners of these lands are not likely to devote them to a crop which can not be harvested for possibly 50 years. The taxes upon these lands produce but little revenue to the State. If the State would exempt these lands from taxation upon the condition that they were planted to trees, with the provision that when the trees were harvested a proper tax would be collected upon the product, I believe that much of such land would become permanent forests, a source of revenue to their owners and to the State.

WELFARE OF INDUSTRIAL WORKERS

The true test of a country's greatness is the lot in life of the average men and women—the men and women of the shop, of the factory, and of the farm.

These are they who carry on the work of civilization, and a nation is strong in proportion to their well-being.

Whatever permanently improves their lot in life is best for all and best for the Nation.

As Governor of Illinois Mr. Lowden's attitude toward measures proposed for the betterment of wages, hours of labor, and working conditions of the laboring man and laboring woman was such as to merit and to receive the approval of organized labor in Illinois.

TARIFF

As a Member of Congress and as a private citizen, Mr. Lowden has always stood for the principle of a protective tariff. Addressing a gathering of farmers, he said:

> Interest and taxes are a large part of the cash outgo of the farmer. It seems to me clear that it is therefore much better for agriculture and for the country to bring agricultural prices up to a parity with prices of other commodities than to bring the prices of the latter down to the level of agricultural prices. Now, it is conceivable that a Democratic tariff would reduce the general price level, but it would leave the great burden of interest and taxes untouched. The true policy is not to debase industry but to raise agriculture to the level of industry. That policy can not be maintained without a protective tariff.
>
> For the reasons stated I believe that the farmers of America will work out of their difficulties more surely under a Republican protective tariff than under any tariff law the Democratic Party is likely to write.

[Applause.]

INLAND WATERWAYS

For many years Governor Lowden has been an active advocate of the development of our inland waterways. His work in this direction is a matter of public record in Illinois.

In referring to the development of waterways from the Great Lakes to the Gulf and from the Great Lakes to the sea, he said:

> If we adopt a system of broad and comprehensive development of our waterways throughout all parts of the country, we shall have begun at least to check the rapid trend toward centralization which has been going on ever since the industrial age was inaugurated.
>
> This is too big a proposition for geographical argument to play any part. Its benefits are too obvious and too great for the sole benefit of any part of the country. It affects the country so greatly as a whole, whether we can see it or not, that in the end it will prove itself to be best for every part of our country.

PROHIBITION

On the prohibition question I quote from a public announcement made by Mr. Lowden. While this quotation is from a statement made recently, it is, nevertheless, a restatement of what has long been his stand on this question:

The eighteenth amendment is in the Constitution and is unlikely to be taken out, and as to proposals to permit the States to decide for themselves what percentage of alcohol to permit in liquor—the Federal Government can not abdicate in favor of the State when a mandate has been laid upon it by the Constitution.

It is as unnecessary to ask Frank O. Lowden if he is in favor of law enforcement as it would be unnecessary to inquire if President Coolidge is in favor of economy. [Applause.]

FLOOD CONTROL

In an address delivered in Memphis, Tenn., on October 20, 1927. Mr. Lowden said:

Out of all the discussion which has followed the recent flood, two facts stand out clear. One is that the problem is a national problem of the first magnitude. The other is that the time has come for the formulation of a great, broad, comprehensive policy—a policy that recognizes that the problem is a complex one, involving not only the protection of the lower lands from overflow, but involving as well transportation, reforestation, water power, and soil erosion.

[Applause.]

My own idea as to how this can best be done is to create a mixed commission. And such commission should not be composed exclusively of the Engineer Corps. Able as that body is, it does not contain all the talent in the land. Nor is engineering ability alone required. Upon that commission should be experts in agriculture, in reforestation, in transportation, and in water-power development. The ablest men in these several fields, with the freshness of this disaster upon us, could be drafted to serve. That commission would be charged with a most impressive responsibility. It would be its duty to tame the waters in the richest portions of the North American continent to the uses of man.

In a more recent statement he said:

Flood control is a national problem, not local, and should be paid for by the Nation. The loss from floods is assessed against the Nation as a whole as well as against the particular districts affected, and the cost of prevention also should be distributed.

[Applause.]

FARM RELIEF

Mr. Lowden has stated his position on farm relief in a clear and decisive manner. Said he:

The great problem before the country is the restoration of a proper balance between industry and agriculture in the interest of the sane, healthy development of the country. That means farm relief through some such plan as that contained in the much discussed McNary-Haugen bill, including the equalization fee, or some acceptable substitute.

Several years ago Mr. Lowden sensed the approaching agricultural difficulty. He traveled in Europe, where he studied the cooperative systems of Denmark and other European countries. While he supported vigorously the cooperative movement, he was one of the first to realize the need for a governmental agency to supplement the "cooperative" in the orderly marketing of agricultural products.

In his message to the Illinois General Assembly while governor, he said:

It is generally recognized that something must be done to stabilize the price of farm commodities and to prevent such price from falling below the cost of production. Agriculture is still our great fundamental industry. Unless it flourishes, nothing prospers. Let the price which the farmer receives for his output continue below the cost of production for any considerable length of time, and the volume of farm produce will fall below the needs of the Nation and prices will become abnormally high. Therefore, the consumer is no less interested than the producer in a profitable agriculture.

Farm relief legislation will not be sectional in effect; it will aid the labor and manufacturing of the East by stabilizing the farming industry in the agricultural States. The question of farm relief is quite as vital to the agricultural States as is the matter of protective tariff to the manufacturing States.

A Republican nominee for President who is opposed to farm relief will incite as much enthusiasm in the agricultural States next fall as would a free-trade nominee in New England. [Applause.]

We speak of the availability of a man as a candidate. By availability is meant his ability to secure votes. This ability depends upon the trust and confidence he can inspire in the hearts and minds of the men and women of America.

Let me suggest to the Republicans: Why not nominate a man who, in addition to carrying the East, the West, and the agricultural States of the Middle West, will also be able to carry the border States?

Frank O. Lowden has been a lifelong Republican, always a resident of the United States, and has never been in favor of the League of Nations. [Laughter and applause.]

The record of Frank O. Lowden is in harmony with the principles of the Republican Party. He has consistently advocated all real constructive legislation.

Within the ranks of the Republican Party are many men who can lead the party to success in 1928. With some men leading, the fight will be hard; with others it will be desperate; but with Frank O. Lowden nominated the campaign will be easy and the victory will be assured. [Applause.]

AUTHORIZING THE SETTLEMENT OF CERTAIN SUITS AT LAW

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 1279) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street. This bill is on the Union Calendar, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and empowered to discontinue the prosecution of all claims and suits pending in the Supreme Court of the District of Columbia and entitled suits at law Nos. 63579, 63580, 63581, and 63582, to recover the sum of $58,198.80 expended from public funds in resurfacing, repairing, and restoring to grade First Street east, between B Street south and B Street north, which work was rendered necessary by the subsidence of said street occasioned by the construction of a railroad tunnel under the said street incident to the project of elimination of grade crossings and the establishment of a union railroad station in the District of Columbia, authorized by acts of Congress approved February 12, 1901, and February 28, 1903: *Provided*, That the Philadelphia, Baltimore & Washington Railroad Co., the Pennsylvania Railroad Co., and the Washington Terminal Co., jointly or severally, pay to the collector of taxes of the District of Columbia a sum not less than $30,000 in compromise and settlement of said claim or claims: *Provided further*, That said sum shall be covered into the Treasury of the United States to the credit of the United States and the revenues of the District of Columbia in equal parts.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a part of the report on the bill in explanation of the purpose of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I herewith insert the report of the Committee on the District of Columbia, reporting the bill S. 1279 to the House, which report explains fully the purpose of the bill:

[To accompany S. 1279]

The Committee on the District of Columbia, to whom was referred the bill (S. 1279) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, having considered the same, report it back to the House with the recommendation that it do pass.

This bill is identical with H. R. 5759, which has also been considered by your committee, and in lieu of which it is reported.

The object of the bill is to enable the District Commissioners to compromise, upon receipt of a sum not less than $30,000, claims aggregating $58,198.80, against certain railway and street railway companies, such claims being the subject of suits now pending in the Supreme Court of the District of Columbia, the outcome of which is considered quite doubtful if carried to trial.

The Commissioners of the District of Columbia urge favorable action upon this bill.

The facts of the case are fully set forth in previous reports of your committee and in Senate Report No. 24, Seventieth Congress, which is appended to and made a part of this report.

[S. Rept. No. 24, 70th Cong., 1st sess.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1279) to authorize the Commissioners of the District of Colum-

bia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, having considered the same, report favorably thereon with the recommendation that the bill do pass.

This bill is the same as a bill (S. 5552) favorably reported by the committee and passed by the Senate in the Sixty-ninth Congress. It was introduced at the request of the District Commissioners, the purpose being to compromise certain lawsuits the outcome of which is quite doubtful if carried to trial. Full explanation is given in Senate Report No. 1521, Sixty-ninth Congress, second session, appended to and made a part of this report.

There is also appended to and made a part of this report letter from Col. J. F. Bell, former engineer commissioner of the District of Columbia, urging favorable action on the similar bill introduced in the Sixty-ninth Congress.

[S. Rept. No. 1521, 69th Cong., 2d sess.]

The Committee on the District of Columbia, to whom was referred the bill (S. 5552) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in said District, occasioned by the construction of a railroad tunnel under said street, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The object of the bill is to enable the District Commissioners to compromise, upon receipt of a sum not less than $30,000, claims aggregating $58,198.80 against certain railway and street railway companies, such claims being the subject of suits now pending in the Supreme Court of the District of Columbia.

The bill provides that the sum received in settlement of the claims shall be credited equally to the United States and the District of Columbia.

The basis of the claims is the agreement made with the District by one of the defendants at the time of the construction of the railroad tunnel south from the Union Station in the period from 1903 to 1905, to assume responsibility to the District for any damage that might result to public or private property.

The first subsidence of the street, and other property damage occasioned by settling of ground over the tunnel, occurred in 1907; and the claims of the District of Columbia arising therefrom were paid by the railroad company. However, in 1914 the street and adjoining property again subsided, and upon the failure of the railway and street railway companies to pay the cost of the necessary replacements and repairs, the suits which the bill authorizes to be compromised were brought.

Due to the fact that a similar case, involving a smaller amount, was tried in court and lost by the District, and for the further reason that two of the most important witnesses for the District of Columbia are dead, and the delay in hearing the cases in question would be a disadvantage to the plaintiff, the commissioners, acting on the recommendation of the corporation counsel, have advised the acceptance of the compromise offer of $30,000, as proposed in the bill hereby reported. The defense of the railroad company to the District's claim is that it is not responsible for maintenance and that a lowered ground-water level, for which it could not be held responsible, was a contributing cause of damage.

In view of the apparently doubtful outcome of further prosecution of the suits, it would appear desirable to authorize compromise of the claims by enactment of the bill.

The commissioners' report, setting out in detail the origin, nature, and status of the claims, is appended to and made a part of this report.

There is also appended report of the Citizens' Advisory Council of the District of Columbia recommending enactment of the bill.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 31, 1927.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: When the railroad tunnel south from the Union Station was constructed from 1903 to 1905 the work was done under permit issued by the Commissioners of the District of Columbia to the Philadelphia, Baltimore & Washington Railroad Co., by the New York Continental Jewel Filtration Co., contractor. The permit was worded with a view to making the railroad company responsible for any damage that might result to any public or private property. The plans for the work were approved by the commissioners. The railroad company wished to do part of the work by the "cut and fill" method, which would have been more economical, but in order to preserve the street surface and public facilities and improvements undisturbed and prevent interruption of traffic the work was required to be done by the "tunnel" method. Engineer inspection service was maintained at all times by the District government.

The danger of settlement over the tunnel was appreciated, because it is difficult to secure compact filling back of a tunnel lining when heavy timbering must be maintained to keep the earth overhead from caging; and then a tunnel is likely to change the ground-water level and loss of water from the soil may cause trouble later by water percolating through the soil from the surface. When the tunnel is far below the surface or is in rock these dangers are small. Orders were issued to use concrete in part of the back filling to reduce this danger of settlement.

In spite of the precautions taken, settlement has occurred and expenditures have been made as shown by the appendixes attached.

Appendix A is a statement of expenditures incurred by the District of Columbia.

Appendix B is a statement presented by McKenney & Flannery, attorneys, of the expenditures made by the Philadelphia, Baltimore & Washington Railroad Co.

Appendix C is a statement by the corporation counsel of the status of the cases at law which have grown out of this settlement.

The Pennsylvania Railroad has offered to pay $30,000 as a compromise settlement of all pending cases, and the commissioners have been unable to secure any better compromise offer. If the matter be pressed in court the result would be somewhat doubtful. The wording of the permit for the construction and the fact that the railroad company recognized its obligations and paid for a considerable portion of the damage would indicate a favorable outcome, but the claim of the company that it is not responsible for maintenance, that a lowered ground-water level for which the railroad company could not be held responsible is a contributing cause of damage, together with the fact that a similar case was lost, would indicate an unfavorable outcome. In addition, two of the most important witnesses for the District of Columbia are dead, and the delay in hearing these cases would be a disadvantage to the prosecution.

On the recommendation of the corporation counsel, and after considerable investigation, the commissioners are of the opinion that the compromise offer of $30,000 should be accepted.

Inclosed is a draft of a proposed bill authorizing the settlement at not less than $30,000.

Very respectfully yours,

PROCTOR L. DOUGHERTY,
President Board of Commissioners, District of Columbia.

APPENDIX A

STATEMENT OF EXPENDITURES BY THE DISTRICT OF COLUMBIA IN RESTORING SURFACE CONDITIONS OVER RAILROAD TUNNEL IN FIRST STREET EAST, BETWEEN B STREET SOUTH AND B STREET NORTH

Settlements appeared in the street about the year 1907. The railroad companies were notified to make repairs. The companies asked that the District of Columbia perform the work and the railroad companies would pay the cost.

Thirty-seven thousand five hundred dollars was deposited by the railroads and the work was done by the District, using all but a small portion of the deposit.

The street again subsided about the year 1914. The steam and street railway companies were notified, but all refused to assume responsibility. The commissioners then ordered the tracks of the street railway companies adjusted, and the street resurfaced. This was done at the following costs:

(a) Raising to grade the tracks of railways		[1] $34,548.32
(b) Resurfacing, including track space		22,535.40
(c) Adjusting and repairing water mains		1,115.08
Total		58,198.80

On the theory that the railway companies were responsible for the upkeep of their tracks and track space, all of item (a), and the part of item (b) falling within the track spaces were billed to the street railway companies as follows:

Adjusting tracks (item (a))—		
Capital Traction Co	$842.63	
Washington Railway & Electric Co	19,730.69	
Both companies (joint tracks)	13,975.33	
		[1] 34,548.32
Paving track space (of item (b))—		
Capital Traction Co	245.88	
Washington Railway & Electric Co	2,394.36	
Both companies (joint space)	1,511.58	
		4,151.82
Total		38,700.14
That part of item (b) outside of the limits of the track space, and the cost of repairing water mains, item (c), were billed to the steam railroads—		
Resurfacing (of item (b))	$18,383.58	
Repairing water mains (item (c))	1,115.08	
		19,498.66
Total		58,198.80

[1] Actual cost of work, $34,548.65; error of 33 cents made in report to corporation counsel.

This total of $58,198.80 comprises all of the expenditures made by the District of Columbia, except some smaller items of work performed subsequent to the filing of suits, and which brings the total to be recovered to approximately $60,000.

APPENDIX B

STATEMENT SUBMITTED BY M'KENNEY & FLANNERY, ATTORNEYS FOR THE PHILADELPHIA, BALTIMORE & WASHINGTON RAILROAD CO.

Statement of expenditures which the Philadelphia, Baltimore & Washington Railroad Co. was required to make in consequence of settlement of First Street over tunnel:

Restoring tracks and structures of the street railway companies

January, 1908. E. Saxon, contractor, restoring tracks between East Capitol and B Streets north		$9,800.00
January, February, March, April, and May, 1908:		
Washington Railway & Electric Co., restoring tracks between East Capitol and B Streets north	$457.01	
Refunded by Washington Railway & Electric Co., on account of error in bill	6.89	
		450.12
January, 1908. 5.32 tons "fit" rail		89.80
February, 1908. Hauling cinders (Drake & Stratton)	28.60	
June, 1908. Digging test holes (Drake & Stratton)	15.00	
July, 1908. Digging test holes (Drake & Stratton)	32.55	
		76.15
May, 1909. Repairing crossings, First and B Streets, and First and C Streets NE		124.81
May, 1909. Restoring tracks between B and C Streets north, Capital Traction Co		2,270.12
June, 1908:		
Judgment of Washington Railway & Electric Co. against Philadelphia, Baltimore & Washington Railroad Co., in action at law No. 50213 in the Supreme Court, District of Columbia, for work done and materials furnished in and about restoring and sustaining the plaintiff's street railway tracks on First Street, between B and East Capitol Streets	$2,019.23	
Amount paid railroad company on account of said judgment by contractor on notice by former to latter that it will look to it to save it harmless	1,855.75	
	163.48	
Interest and costs paid by railroad company in said suit	29.39	
		192.87
Judgment in the suit of Capital Traction Co. and other street railway companies against the Philadelphia, Baltimore & Washington Railroad Co. in Supreme Court, District of Columbia, at law No. 50389, to recover for work done and materials furnished in restoring and sustaining plaintiff's railway tracks and structures at the intersection of First and C Streets NE	4,823.67	
With interest and cost which the railroad company was compelled to pay to avoid execution	323.99	
		5,147.66
February and April, 1908, and February, 1909:		
Deposits made with District of Columbia to defray costs of restoring street surfaces (work done by District of Columbia under current contracts)	37,500.00	
Unexpended balance of deposits	2,008.98	
		35,491.02
Restoring electric light and telephone conduits and cables, which the contractor failed and refused to support, sustain, and restore:		
March, 1908. Potomac Electric Power Co., restoring electric light cables		829.97
July, 1908. Chesapeake & Potomac Telephone Co., rodding ducts at First and B Streets NE		2.68
August, 1908. Potomac Electric Power Co., raising manhole and repairing conduit, First and East Capitol Streets		44.38
Rebuilding wall on east side of United States Capitol Grounds:		
November and December, 1909. E. Saxon, contractor, rebuilding wall which sunk and was damaged		1,200.00
Engineers' services and expenses—Expenses incurred from December, 1907, to February, 1910, inclusive, for services of engineers and inspectors and incidental expenses of same, while supervising all of the above work, including telephone calls, office rent, transportation, etc.:		
Engineer's services	$1,595.00	
Engineer's expenses	107.60	
Labor inspecting	170.63	
		1,873.23
Judgment recovered against Philadelphia, Baltimore & Washington Railroad Co. in the suit of Jacob Karr against it and the contractor in the Supreme Court, District of Columbia, in action at law No. 49845 for damages to property of plaintiff located near the intersection of First and C Streets NE., growing out of the negligence of contractor in construction of tunnel under west side of First Street immediately adjacent to plaintiff's property; the contractor having successfully avoided service of process upon it, and having ignored notices of the railroad company to defend the action, railroad company was compelled, in order to avoid execution, to pay the judgment with interest and costs amounting in all to the sum of		19,085.08
In addition to the judgment, interest, and costs, the railroad company was compelled to pay costs and expenses in defending said suit as follows:		
Typewriting copy of opinion	$3.25	
Cost of testimony	96.25	
Deposit to cover costs	5.00	
Cost of record, docket fee, and depost to cover costs in court of appeals	117.25	
Premiums on bond	33.00	
Cost of printing brief	49.20	
Cost of transcript of record and Supreme Court	27.85	
Cost of certificate of satisfaction, judgment	.50	
		$332.30
Amount paid Washington Railway & Electric Co. in August, 1916, in full settlement of judgment for $4,067.17, with interest and costs, entered Feb. 20, 1915, in action at law No. 55203, Supreme Court, District of Columbia, affirmed by the Court of Appeals, District of Columbia, Mar. 24, 1916 (44 App. D. C. 470), not including legal expenses connected with the litigation, which were considerable		5,325.56
Total		82,335.75

There is also not including in this settlement any of the costs of the railroad company in defending the suit of the District of Columbia *v.* Philadelphia, Baltimore & Washington Railroad Co. et al., at law No. 54839 for damages to water main ($3,936) which resulted in a verdict of the jury and judgment of the court in favor of the defendant April 12–13, 1920.

This statement also does not include payments made by the railroad company for the restoration of street-railway tracks subsequent to the aforesaid decision of the court of appeals.

APPENDIX C

OFFICE OF CORPORATION COUNSEL,
Washington, January 19, 1927.

Memorandum for the commissioners in re cases filed to recover damages arising out of the construction of the First Street tunnel

There were five cases filed by this office involving this matter. The first one, at law No. 54839, was brought against the Philadelphia, Baltimore & Washington Railway Co. and the New York Continental Jewel Filtration Co., the contractor which did the work, for the breaking of a 30-inch trunk water main—damages amounting to $3,936. This case was tried before a jury and lost.

The other cases were:

At law No. 63579, D. C. *v.* Penn. R. R. Co., the P., B. & W. R. R. Co., and the Washington Terminal Co., to recover for restoring the surface of First Street occasioned by the sinking of the tunnel from 100 feet south to B Street south, to a point 100 feet north to B Street north, and the intersecting streets. This suit involved three principal items.

For damages to sidewalk, curb, and roadway, with interest from Sept. 11, 1917	$22,535.40
For restoring the surfaces of the tracks caused by the sinking, with interest from Apr. 15, 1917, and the claims for water mains amounting to $1,115.08	34,548.32

This last claim was made up of three items:

For injury to a 30-inch and 20-inch water main at First Street east, and under East Capitol Street, with interest from June 30, 1917	$733.99
For injury to a 20-inch main on B Street north at East Capitol, with interest from May 11, 1917	358.90
For injury to a 6-inch main on First Street south to C Street north, with interest from June 25, 1917	22.19

At law No. 63580 was brought against the Washington Railway & Electric Co. for the sinking of the street between the tracks and for 2 feet exterior thereto on First Street, between East Capitol and B Street north. This is made up of two items:

For bringing the surface back to grade, with interest from Apr. 5, 1917	$19,730.69
For paving between the tracks and 2 feet exterior thereto, with interest from Sept. 11, 1917	2,394.36

At law No. 63581 was brought against the Capital Traction Co. for the sinking of the streets between the tracks, as in the above suit, on First Street at or near B Street south. This also involved two items:

For raising the surface, with interest from Apr. 15, 1917	$842.63
For paving, with interest from Sept. 11, 1917	245.88

At law No. 63582 (the last suit) was brought against the Capital Traction Co. and the Washington Railway & Electric Co. for raising the street between the tracks, etc., as in the two foregoing suits, on First Street between B Street north and B Street south. This also involved two items:

For raising the surface, with interest from Apr. 15, 1917	$13,975.33
For paving, with interest from Sept. 11, 1917	1,511.58

In the first suit the amount for restoring the street surface and tracks was $34,548.32. In the other three suits these amounts were $19,730.69, $842.63, $13,975.33, making a total of $34,548.65.

The difference between this total and the amount in the first suit was 33 cents, which suggests a duplication of accounts, which is confirmed by the fact that the payments were all made on the same day; that is, the 15th day of April, 1917.

It is impossible to determine with any degree of accuracy from the declarations in these cases what the duplications are or the amounts. The figures submitted by the engineer department are no doubt correct and should be accepted.

F. H. STEPHENS,
Corporation Counsel, District of Columbia.

BONDS FOR COMPENSATION IN CRIMINAL CASES

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia.

The Clerk read the title of the bill, as follows:

A bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia.

Mr. LAGUARDIA. Mr. Speaker, on this bill I raise the question of consideration, and I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLANTON. Mr. Speaker, I make the point of order that on a regular District day the question of consideration is not in order because the District Committee is permitted by the rules to call up any bill it desires.

The SPEAKER. The question of consideration is proper on District day. Is there objection to the request of the gentleman from New York to proceed for five minutes?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, the reason I raised the question of consideration on this bill is not in respect to the merits of the bill at all. It is a good bill, and it ought to pass.

Mr. BLANTON. We could have given the gentleman five minutes without his going to all of this trouble.

Mr. LAGUARDIA. Will the gentleman wait a moment and give me a chance to say what I want to say? This bill should not have been referred to the Committee on the District of Columbia. Under the rules, all matters pertaining to the courts and to the local courts of the District of Columbia and the Territories are to be referred to the Committee on the Judiciary of the House.

Mr. BLANTON. Oh, the gentleman is mistaken about that.

Mr. LAGUARDIA. I am not mistaken about that.

Mr. BLANTON. All judicial matters pertaining solely to the District of Columbia rightfully go to the District Committee.

Mr. LAGUARDIA. I have not yielded.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. No; not now. The gentleman is just as correct in that as he was a moment ago when he raised the point of order. There is a long line of precedents that hold that such a bill, and bills pertaining to the administration of justice, should be referred to the Committee on the Judiciary.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Not now. This bill, surely by erroneous reference, found its way to the Committee on the District of Columbia. I can not raise the question of jurisdiction at this time, because the rules and precedents hold that once a bill has been referred to a committee and reported back the question of jurisdiction can not be raised. This matter first came to the attention of the Committee on the Judiciary when the bill appeared on the Consent Calendar. I am acting by the direction of the Committee on the Judiciary in calling the matter to the attention of the House. The only parliamentary step we are able to take at this time under the rule is to raise the question of consideration and get proper reference of the bill. Gentlemen can readily see that unless there is uniformity with reference to bills it is very easy and possible to create a great deal of confusion, especially in matters pertaining to the administration of justice and to the rules of court.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman from New York is heartily in favor of this bill?

Mr. LAGUARDIA. There is no doubt about that.

Mr. BLANTON. And if it had come before his committee he would have been in favor of reporting it and passing it?

Mr. LAGUARDIA. Exactly.

Mr. BLANTON. And now that the bill is before the House for passage, and it being a good bill, and the gentleman being in favor of it, yet he is trying to put some obstacle in the way of its passage.

Mr. LAGUARDIA. The gentleman himself has raised the question of proper reference many times during our joint services in the House.

Mr. BLANTON. Only when I was against bills.

Mr. LAGUARDIA. Oh, no. The gentleman must admit that in a body of 435 men, with 44 committees, we must follow certain rules.

Mr. BLANTON. Whenever I am in favor of a bill that is good legislation and I believe it ought to pass, I am just as anxious to pass it when it comes on the floor of the House from any committee, no matter who sponsors it or from what committee it comes.

Mr. LAGUARDIA. Oh, the sponsoring of a bill has nothing to do with it. The gentleman follows the rules of the House. I have seen him rise many times and protest against the reference of certain bills, and no one has guarded more jealously than he the jurisdiction of his own committee, the Committee on the District of Columbia. Here is a bill about which there can be no question as to where it belongs, but with very many hundreds of bills dropped in the basket it is, of course, easy for a bill which refers to the District of Columbia to be referred to the Committee on the District of Columbia.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GILBERT. I do not understand why the gentleman says that this bill unquestionably ought to have gone to the Committee on the Judiciary.

Mr. LAGUARDIA. The bill provides for improving the administration of justice in the District of Columbia.

Mr. GILBERT. That is really a sort of surplusage in the title. The Judiciary Committee has never even interfered with the courts or the jurisdiction of the courts of the District of Columbia except the higher courts. This bill only incidentally affects one of the higher courts. I hope the gentleman will address his remarks to this proposition.

Mr. LAGUARDIA. The gentleman will admit that the bill is penal in its character.

Mr. GILBERT. Certainly.

Mr. LAGUARDIA. That brings it entirely under the jurisdiction of the Committee on the Judiciary.

Mr. GILBERT. Lots of penal bills, and most of them affecting the District and the District solely, go to the Committee on the District of Columbia.

Mr. LAGUARDIA. Would an amendment to the Penal Code go there?

Mr. GILBERT. Not to the District Committee.

Mr. LAGUARDIA. Of course not.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I do not wish to allow the statement made by the gentleman from New York [Mr. LAGUARDIA] as to the jurisdiction of the Committee on the District of Columbia to go unchallenged in the RECORD. I call the gentleman's attention to the fact that the District Committee has time and again dealt with matters of legislation affecting not only the minor courts of the District of Columbia but the higher courts of the District. The Committee on the District of Columbia has exercised jurisdiction as to bills relating to executors, administrators, wills, and divorce in the District of Columbia. It has reported a bill to allow foreign executors and administrators to sue in the District of Columbia, as shown by the fourth volume of Hinds' Precedents, section 4289.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LAGUARDIA. If the gentleman will refer to section 4068 of the fourth volume of Hinds' Precedents, he will find a long list of bills there relating to the local courts in the District of Columbia, which have been reported by the Committee on the Judiciary.

Mr. ZIHLMAN. I understand that; and I will say to the gentleman that the jurisdiction of our committee over District matters pertains to both the minor and higher courts, and that has been held for a long time. In many instances jurisdiction over these bills has been exercised by the Judiciary Committee, but in many other instances it has been exercised by the District of Columbia Committee, and that committee has legislated on those matters; also on matters pertaining to the higher courts. As affecting lower courts, all questions relating to

jurisdiction in local courts has been handled by the Committee on the District of Columbia.

Mr. LAGUARDIA. Does not the gentleman think that bills of that kind would be part of the Penal Code and under proper parliamentary order would belong to the Committee on the Judiciary?

Mr. ZIHLMAN. I do not so construe it. The bill before the District Committee has to do with regulating professional bondsmen, who deal not only with bonds in the higher courts, but also in the lower courts.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Has it not been the case ever since the gentleman from New York [Mr. LAGUARDIA] has been here, that there has been a measure pending before the District Committee to do away with the death penalty in the District of Columbia? Is not that true?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. And that committee had a bill passed here in the House to change the death penalty from hanging to electrocution, did it not?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. And a bill was reported and passed here by the District Committee, providing a complete code on descent and distribution for the people of the District of Columbia?

Mr. ZIHLMAN. That is true.

Mr. BLANTON. The gentleman from New York, having admitted that this is a good bill and that he is in favor of it, and the rules of the House having provided that when a committee reports a bill it has jurisdiction, what other question is there before the House when we shall have disposed of the question of consideration except that we should pass the bill? It is a good bill.

Mr. ZIHLMAN. I wish to make a brief statement.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CHINDBLOM. In order to get the precedents before the House, will not the gentleman cite section 4291 of Hinds' Precedents, following section 4289?

Mr. ZIHLMAN. Yes; I am coming to that. In section 4290 of Hinds' Precedents, fourth volume, I read:

4290. The Committee for the District of Columbia has exercised jurisdiction as to the police and juvenile courts and justices of peace in the District. The Committee for the District of Columbia has exercised jurisdiction of legislation relating to the juvenile court and the police court of the District, and in 1906 reported on the subject of the justices of the peace, although in 1893 and 1895 the Judiciary Committee had exercised jurisdiction over bills relating to those offices.

Now I come to the section referred to by the gentleman from Illinois—section 4291. I read:

4291. The jurisdiction of the Committee for the District of Columbia as to matters affecting the higher courts of the District has been exceptional rather than general. The jurisdiction of the Committee for the District of Columbia over the District courts higher than the juvenile and police court has not been extensive, and such cases as have occurred seem exceptions to the rule that gives the general jurisdictions as to the courts to the Judiciary Committee.

In 1887 and 1891 the Committee for the District of Columbia reported bills relating to the reporter for the Supreme Court of the District, and even a bill for the regulation of the court itself; but in 1880 the Committee on the Judiciary had jurisdiction of the bill (H. R. 1809) to enable the courts to take cognizance of a case in which a citizen of the District of Columbia is a party.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes more.

The SPEAKER. Is there objection?

Mr. SCHAFER. On what subject?

Mr. BLANTON. On the subject the gentleman is now considering.

There was no objection.

Mr. ZIHLMAN. So that matters of a general nature pertaining to the judiciary of the District of Columbia have time and again been considered by the District of Columbia Committee. The jurisdiction of the Committee on the Judiciary, while it has sometimes obtained in matters affecting the higher courts, has been exceptional. The jurisdiction of the District Committee has existed from time to time.

Mr. BLANTON. Mr. Speaker, this is a question that has nothing in the world to do with courts. This is a question having to do only with bonds and professional bondsmen.

Mr. GILBERT. Suppose the bill referred to fiduciary bonds in the District of Columbia. Would the simple reason that they were executed generally before some court affect the court?

Mr. BLANTON. No. The gentleman's question answers itself.

If the Members of this House only knew what scandal there is in this District regarding the business of professional bondsmen, who have tips for them in this town, who in many instances are in league with law violators, and are protectors of law violators, knowing that they violate the law and stand behind them; if they knew half of the scandals that exist here, particularly my friend from New York [Mr. LAGUARDIA], who is one of the best lawyers here in the House, and who I consider to be a good legislator, and who I consider as far removed from bolshevism as our friend from Illinois [Mr. BRITTEN], and who I consider a loyal, patriotic, earnest, industrious legislator for the people, he would be the last man to throw a suggestion in the way of the passage of this legislation.

Our District Committee has been working hard on this matter for several years. We have been trying to get a bill out of our committee to cover this situation, and have been trying to do so for a long time. Our friend from Kentucky [Mr. GILBERT], who is a splendid lawyer, has been working on it; the gentleman from Vermont, Judge GIBSON, has been working hard on it; the gentleman from Michigan [Mr. MCLEOD] has been working on it; and also the gentleman from Maryland [Mr. ZIHLMAN] has been working hard on it; and this bill has been before the committee for some time. My friend from New York [Mr. LAGUARDIA] says it is a good bill and that it ought to pass. He says he is in favor of it. Then let us pass it. Let us vote for consideration of it and pass it. If you vote not to consider it now, do you know how many years it will take to get such a bill here and out of the Committee on the Judiciary?

Mr. LAGUARDIA. About a week.

Mr. BLANTON. Oh, no. My friend from New York [Mr. STALKER], coming from the gentleman's State, has had a splendid bill pending there that has been sleeping the sleep of death for several sessions.

Mr. LAGUARDIA. The Stalker bill has been reported.

Mr. BLANTON. But it has never been brought up here on the floor of the House for passage, and it took several sessions, when it ought to have taken five minutes to have reported it out of the gentleman's Judiciary Committee. What is the use of voting against the consideration of this bill, which the sole objector to it says is a good bill and ought to be passed? He says it is fine legislation and ought to be enacted. What is the use of wasting further time on the question? In my judgment we ought to pass this bill in order to stop this scandalous professional bondsman practice that has been going on in this District, to the detriment of the people, for the last 20 years. [Applause.]

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I listened with a great deal of interest to the keynote speech delivered on the floor of this House a few minutes ago in behalf of the presidential candidacy of the distinguished gentleman from Illinois, Mr. Lowden. The keynoter indicated this presidential candidate's position on certain national legislation. His position, as given to the House, on the prohibition question, did not reflect much light as to where Mr. Lowden stands. We all know that any President who is elected by the people, be he Democrat or Republican, be he wet or be he dry, will see, to the best of his ability, that all of the laws of the Nation are enforced. I would like Mr. Lowden, his supporters and keynoter, to tell us, if Mr. Lowden is elected to the Presidency of the United States, whether or not he will request Congress to enact legislation to modify the Volstead Act so as to permit the manufacture and sale of light wine and beer. The voters of the great State of Illinois a few years ago, by an overwhelming majority, in a referendum vote, indicated their position in favor of modification of the Volstead Act.

Mr. BLANTON. Mr. Speaker, I make a point of order. I want to know upon what subject the gentleman is speaking.

Mr. SCHAFER. Mr. Speaker, I do not yield. In view of the fact that Mr. Lowden's keynoter has informed the House that Mr. Lowden was against the League of Nations I would like to know how Mr. Lowden stands now and how he stood several years ago on the League of Nations' World Court. A great majority of the Members of Congress from Illinois voted for the World Court resolution in this House. I would like to have Mr.

Lowden explain to the workingmen of this country whether the time is near at hand when the Pullman porters will be paid a living wage and not have to depend for the support of their families upon tips contributed by the traveling public. I should also like to have Mr. Lowden give his views on legislation which has been pending before this House for several years; namely, whether he will request Congress to enact legislation to repeal the Pullman surcharge.

There are many other questions, but these have just come to my mind at this time.

If the regular Republicans want a candidate who stands well before the country, I do not think they have to go to Illinois, because if they want a man who is a regular Republican, a man who is strong personally throughout the country, they could unite on the distinguished Speaker of the House, Mr. LONGWORTH. I think he would run stronger than any regular Republican candidate now in the field. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I understand the question before the House to be that of consideration of the bill H. R. 52. Some observations have been made upon the reference of this bill to the Committee on the District of Columbia.

It is well known that I have taken a very consistent position, in the matter of the reference of bills to committees, in insisting that bills should be referred in strict accordance with the rules and precedents of the House. It seems to me, however, that this bill is at least on the border line. It has been shown, by the reading of precedents by the gentleman from Maryland [Mr. ZIHLMAN] that even on bills relating to the higher courts there have been exceptional references to the Committee on the District of Columbia. The bill now before the House—H. R. 52—may be said to relate more to the general welfare of the people of the District of Columbia in the administration of justice than to the organization or to the jurisdiction of the courts. I therefore hope, since the bill is here, and if it has all the merit that is claimed for it, even by the gentleman from New York [Mr. LAGUARDIA] who has raised the question of consideration, that we will not compel this bill to travel the route again but that it will receive consideration at this time.

The SPEAKER. The question is, Shall the House consider the bill?

The question was taken, and the House determined to consider the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the words "bonding business" as used in this act means the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia, and the word "bondsman" means any person or corporation engaged either as principal or as agent, clerk, or representative of another in such business.

SEC. 2. That the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia is impressed with a public interest.

SEC. 3. It shall be unlawful for any person engaged, either as principal or as the clerk, agent, or representative of a corporation, or another person in the business of becoming surety upon bonds for compensation in the District of Columbia, either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, loan, or contribute any money, property, entertainment, or other thing of value whatsoever to any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, or other attaché of a criminal court, or public official of any character, for procuring or assisting in procuring any person to employ said bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia; and it shall be unlawful for any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, bailiff, or other attaché of a criminal court, or public official of any character, to accept or receive from any such person engaged in the bonding business any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring any person to employ any bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia.

SEC. 4. It shall be unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute, or to promise to give, loan, donate, or contribute any money, property, entertainment, or other thing of value whatsoever to, or to split or divide any fee or commission with any bondsman, the agent, clerk, or representative of any bondsman, police officer, deputy United States marshal, probation officer, assistant probation officer, bailiff, clerk, or other attaché of any criminal court for causing or procuring or assisting in causing or procuring any person to employ such attorney to represent him in any criminal case in the District of Columbia.

SEC. 5. Five dollars per hundred shall be the maximum fee that it shall be lawful to charge for executing any bond in a criminal case in the District of Columbia, and it shall be unlawful for any person or corporation engaged in the bonding business, either as principal, or clerk, agent, or representative of another, either directly or indirectly, to charge, accept, or receive any sum of money, or other thing of value, other than the regular fee for bonding, from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information, or charge upon which said person is bailed or held in the District of Columbia. It also shall be unlawful for any person or corporation engaged either as principal or as agent, clerk, or representative of another in the bonding business, to settle, or attempt to settle, or to procure or attempt to procure the dismissal of any indictment, information, or charge against any person in custody or held upon bond in the District of Columbia, with any court, or with the prosecuting attorney in any court in the District of Columbia.

SEC. 6. A typewritten or printed list of all persons engaged under the authority of any of the courts of criminal jurisdiction in the District of Columbia in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock, house of detention, and every other place in the District of Columbia in which persons in custody of the law are detained, and one or more copies thereof kept on hand; and when any person who is detained in custody in any such place of detention shall request any person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, said list shall be furnished to the person so requesting, and it shall be the duty of the person in charge of said place of detention to put the person so detained in communication with the bondsman so selected, and the person in charge of said place of detention shall contemporaneously with said transaction make in the blotter or book of record kept in any such place of detention, a record showing the name of the person requesting the bondsman, the offense with which the said person is charged, the time at which the request was made, the bondsman requested, and the person by whom the said bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered.

SEC. 7. It shall be unlawful for any bondsman, agent, clerk, or representative of any bondsman to enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia for the purpose of obtaining employment as a bondsman, without having been previously called by a person so detained, or by some relative or other authorized person acting for or on behalf of the person so detained, and whenever any person engaged in the bonding business as principal, or as clerk, agent, or representative of another, shall enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia, he shall forthwith give to the person in charge thereof his mission there, the name of the person calling him, and requesting him to come to such place, and the same shall be recorded by the person in charge of the said place of detention and preserved as a public record, and the failure to give such information, or the failure of the person in charge of said place of detention to make and preserve such a record, shall constitute a violation of this act.

SEC. 8. It shall be the duty of the police court, juvenile court, and the criminal divisions of the Supreme Court of the District of Columbia, each, to provide, under reasonable rules and regulations, the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the District of Columbia, and the terms and conditions upon which such business shall be carried on, and no person or corporation shall, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in any such court until he shall by order of the court be authorized to do so. Such courts, in making such rules and regulations, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person shall be permitted to engage, either as principal or agent in the business of becoming surety upon bonds for compensation in criminal cases who has ever been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character. It shall be the duty of each of said courts to require every person qualifying to engage in the bonding business as principal to file with said court a list showing the name, age, and residence of each person employed by said bondsman as agent, clerk, or representative in the bonding business, and require an affidavit from each of said persons stating that said person will abide by the terms and provisions of this act. Each of said courts shall require the authority of each of said persons to be renewed from time to time at such periods as the court may by rule provide, and before said authority shall be renewed, the court shall require from

each of said persons an affidavit that since his previous qualification to engage in the bonding business he has abided by the provisions of this act, and any person swearing falsely in any of said affidavits shall be guilty of perjury.

SEC. 9. It shall be unlawful for any police officer or other public official, in advance of any raid by police or other peace officers or public officials or the execution of any search warrant or warrant of arrest, to give or furnish, either directly or indirectly, any information concerning such proposed raid or arrest to any person engaged in any manner in the bonding business, or to any attorney at law.

SEC. 10. The judges of the police court of the District of Columbia shall have the authority to appoint some official of the Metropolitan police force of the District of Columbia to act as a clerk of the police court with authority to take bail or collateral in criminal cases in the District of Columbia between the hours of 11 o'clock Saturday night and 9 o'clock Monday morning. The official so appointed shall have the same authority at said times with reference to taking bonds or collateral as the clerk of the police court now has; shall receive no compensation for said services other than his regular salary; shall be subject to the orders and rules of the police court in discharge of his said duties, and may be removed as such clerk at any time by the judges of the police court.

SEC. 11. Any person violating any provision of this act shall be punished by a fine of not less than $50 nor more than $100, and by imprisonment of not less than 10 nor more than 60 days in jail; and if the person so convicted be a police officer or other public official, he shall also be forthwith dismissed from office; if a bondsman, or the agent, clerk, or representative of a bondsman, he shall be disqualified from thereafter engaging in any manner in the bonding business; and if an attorney at law, shall be subject to suspension or disbarment as attorney at law.

SEC. 12. It shall be the duty of the police court, juvenile court, and of the criminal divisions of the Supreme Court of the District of Columbia to see that this act is enforced, and upon the impaneling of each grand jury in the Supreme Court of the District of Columbia it shall be the duty of the judge impaneling said jury to give it in charge to the jury to investigate the manner in which this act is enforced and all violations thereof.

During the reading of the bill the following occurred:

Mr. GILBERT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. GILBERT. Mr. Speaker, I move to strike out the last word.

The SPEAKER. This bill is on the House Calendar and the time is in control of the gentleman from Maryland [Mr. ZIHLMAN].

Mr. GILBERT. I want to call the attention of the chairman of the committee to the fact that the several committee amendments are not in this draft. The clerk by a mistake left them out, but they are committee amendments unanimously agreed upon by the committee and I have them here.

Mr. McLEOD. That is correct. I do not know how that occurred.

The SPEAKER. The Chair will call attention to the fact that this proceeding is a little irregular. The bill being a House bill should be read through before there are any amendments offered.

The Clerk concluded the reading of the bill.

Mr. ZIHLMAN. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, I want to offer some amendments. On page 4, line 7, after the word "list," insert "alphabetically arranged."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 4, line 7, after the word "list," insert the words "alphabetically arranged."

The amendment was agreed to.

Mr. GILBERT. And on page 7, line 24, after the word "collateral," strike out the balance of that line and insert "from persons charged with offenses triable in the police court."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 7, line 24, after the word "collateral," insert the words "from persons charged with offenses triable in the police court."

The amendment was agreed to.

Mr. GILBERT. And in the next line strike out the words "Saturday night and 9 o'clock Monday morning" and insert "p. m. and 9 o'clock a. m. and upon Sundays and holidays."

The SPEAKER. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 7, line 25, strike out the words "Saturday night and 9 o'clock Monday morning" and insert "p. m. and 9 o'clock a. m. and upon Sundays and holidays."

The amendment was agreed to.

Mr. GILBERT. And at the end of section 10, add the amendment which I send to the desk.

The SPEAKER. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GILBERT: At the end of section 10, page 8, line 8, insert: "The Supreme Court and the Juvenile Court of the District of Columbia each shall have power by order to authorize the official appointed by the police court to take bond of persons arrested upon writs and processes from those courts in criminal cases between 4 o'clock p. m. and 9 o'clock a. m. and upon Sundays and holidays; and each of such courts shall have power at any time by order to revoke such authority granted by it."

The amendment was agreed to.

Mr. GILBERT. And on page 8, line 12, after the word "jail," insert "where no other penalty is provided by this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Page 8, line 12, after the word "jail," insert the words "where no other penalty is provided by this act."

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I have learned that the reason for the objection of our friend from New York [Mr. LAGUARDIA] to the consideration of this bill was because of a procedure in the District Committee concerning which I agree with the gentleman from New York.

The District Committee of 21 members has been divided up into such a large bunch of subcommittees that I honestly believe the chairman himself does not know how many there are. One of these subcommittees is called "the judiciary committee," and it conflicts in name with the great Judiciary Committee of the House of Representatives. I agree with the gentleman from New York and I agree with the gentlemen on the Judiciary Committee of the House that the District Committee ought to abolish its subcommittee that it calls the judiciary committee.

I hope the chairman of the District Committee will see that it is abolished. It is unnecessary and it is ridiculous to have so many subcommittees anyhow, and I will help the gentleman abolish it if he will make any effort along that line.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. McLEOD] may extend his remarks by inserting a part of the report giving the purposes of the bill.

The SPEAKER. The gentleman asks unanimous consent that the gentleman from Michigan may be permitted to extend his remarks on the bill just passed. Is there objection?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill (H. R. 52):

[To accompany H. R. 52]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 52) to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia, having considered the same, report it back to the House with the recommendation that it do pass.

Your committee, after having studied the situation existing in the District of Columbia, is of the opinion that public interest demands the enactment of legislation destined to regulate the methods of operation of the professional bondsman and that the measure herewith reported would provide necessary safeguards and prove satisfactory.

The following is a brief synopsis of the various provisions of the bill.

The first section defines words and terms.

The second section provides that the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia is impressed with a public interest.

The third section provides that it shall be unlawful for any person engaged either as principal or agent or representative of a corporation in the business of becoming surety upon bonds for compensation in the

District of Columbia, either directly or indirectly, to give, donate, loan, contribute, or to promise so to do, any money, property, or other thing of value whatsoever to any attorney, police officer, deputy United States marshal, jailor, etc., for procuring or assisting in procuring any person to employ said bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia; and it shall also be unlawful for any attorney or other officer enumerated above to receive or accept from any such person described anything of value for any such purpose.

Section 4 makes it unlawful for any attorney to give, loan, or donate, etc., anything of value, or to split or divide any fee with any bondsman or any representative of a bondsman or with other persons having to do with the execution of such bond.

Section 5 prescribes the maximum fee of $5 per hundred which shall be the charge for executing these bonds. Section 5 further makes it unlawful for any person or corporation engaged in the bonding business, either as principal or representative of another, either directly or indirectly, to accept any sum of money or other thing of value other than the regular fee for bonding, from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment, etc., upon which said person is bailed or held in the District of Columbia. Section 5 also makes it unlawful for any person or corporation engaged either as principal or representative of another in the bonding business to settle or attempt to settle or attempt to procure dismissal of any indictment, etc., against any person in custody or held upon bond in the District of Columbia.

Section 6 requires a typewritten or printed list to be posted in a conspicuous place in each of the police precincts, jail, prisoner's dock, house of detention, etc., of all persons in the business of becoming surety upon bonds.

Section 7 makes it unlawful for any bondsman or representative of any bondsman to enter any police precinct, etc., for the purpose of obtaining employment as a bondsman without having been called by the prisoner for such purpose.

Section 8 makes it the duty of the police court, juvenile court, and the criminal divisions of the Supreme Court of the District of Columbia to provide the qualifications of persons and corporations applying for authority to engage in the bonding business.

Section 9 makes it unlawful for any police officer or any other public officer in advance of any raid to give any information concerning such proposed raid.

Section 10 provides that the judges of the police court in the District of Columbia shall appoint some official of the Metropolitan police force to act as a clerk of the police court with authority to take bail or collateral in criminal cases.

Section 11 provides penalties for violating any provision of the act, which are a fine of not less than $50 and not more than $100, and by imprisonment of not less than 10 nor more than 60 days in jail, as well as dismissal if the convicted person be an officer, and if a bondsman or representative of a bondsman he be disqualified thereafter to act in the bonding business.

Section 12, which is the last section, makes it the duty of the courts to see that this act is enforced, and makes it the duty of the judge upon the impaneling of each grand jury in the Supreme Court of the District of Columbia to give it in charge to the jury to investigate the manner in which this act is enforced and all violations thereof.

CONCERNING LIABILITY FOR PARTICIPATION IN BREACHES OF FIDUCIARY OBLIGATIONS

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 6844) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto.

The Clerk read the bill, as follows:

[H. R. 6844, 70th Cong., 1st sess.]

A bill concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto

Be it enacted, etc., That the Code of Law of the District of Columbia be amended as follows:

"SECTION 1. Definition of terms: (1) In this act unless the context or subject matter otherwise requires:

"'Bank' includes any person or association of persons, whether incorporated or not, carrying on the business of banking.

"'Fiduciary' includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust, or estate.

"'Person' includes a corporation, partnership, or other association, or two or more persons having a joint or common interest.

"'Principal' includes any person to whom a fiduciary as such owes an obligation.

"(2) A thing is done 'in good faith' within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

"SEC. 2. Application of payments made to fiduciaries: A person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of such payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

"SEC. 3. Registration of transfer of securities held by fiduciaries: If a fiduciary in whose name are registered any shares of stock, bonds, or other securities of any corporation, public or private, or company or other association or of any trust, transfers the same, such corporation or company or other association, or any of the managers of the trust, or its or their transfer agent, is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or to see to the performance of the fiduciary obligation, and is liable for registering such transfer only where registration of the transfer is made with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or with knowledge of such facts that the action in registering the transfer amounts to bad faith.

"SEC. 4. Transfer of negotiable instrument by fiduciary: If any negotiable instrument payable or indorsed to a fiduciary as such is indorsed by the fiduciary, or if any negotiable instrument payable or indorsed to his principal is indorsed by a fiduciary empowered to indorse such instrument on behalf of his principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in indorsing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

"SEC. 5. Check drawn by fiduciary payable to third person: If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is drawn and delivered in any transaction known by the payee to be for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

"SEC. 6. Check drawn by and payable to fiduciary: If a check or other bill of exchange is drawn by a fiduciary as such or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith.

"SEC. 7. Deposit in name of fiduciary as such: If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which such deposit is entered, without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 8. Deposit in name of principal: If a check is drawn upon the account of his principal in a bank by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay such check without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing such check, or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and

is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

"SEC. 9. Deposit in fiduciary's personal account: If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account in his own name as fiduciary, or of checks payable to him as fiduciary, or of checks drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon, or of checks payable to his principal and indorsed by him, if he is empowered to indorse such checks, or if he otherwise makes a deposit of funds held by him as fiduciary, the bank receiving such deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary; and the bank is authorized to pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making such deposit or in drawing such check, or with knowledge of such facts that its action in receiving the deposit or paying the check amounts to bad faith.

"SEC. 10. Deposit in names of two or more trustees: When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee or trustees authorized by the other trustee or trustees to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize such trustee or trustees to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

"SEC. 11. Act not retroactive: The provisions of this act shall not apply to transactions taking place prior to the time when it takes effect.

"SEC. 12. Cases not provided for in act: In any case not provided for in this act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments, and banking, shall continue to apply.

"SEC. 13. Uniformity of interpretation: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

"SEC. 14. Short title: This act may be cited as the uniform fiduciaries act.

"SEC. 15. Inconsistent laws repealed: All acts or parts of acts inconsistent with this act are hereby repealed.

"SEC. 16. Time of taking effect: This act shall take effect upon the date of its passage."

With the following committee amendment:

Strike out lines 3 and 4, page 1, and substitute therefor the following:

"That the following provisions concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto shall be in force in the District of Columbia, namely."

The committee amendment was agreed to.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. MOORE of Virginia. Is this bill identical with statutes now in effect in a good many States?

Mr. ZIHLMAN. Yes. This bill was drawn by a committee of the national conference of commissioners on uniform State laws and is, in effect, the statues which prevail almost verbatim in the States of Alabama, California, Delaware, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Dakota, and Wisconsin.

Mr. MOORE of Virginia. The gentleman says "almost verbatim." I understand the changes do not affect the substance of what is proposed.

Mr. ZIHLMAN. Let me say that this bill is based largely on the statutes of the States I have named. The States that have this law verbatim are Colorado, Idaho, Louisiana, Nevada, New Mexico, North Carolina, New Jersey, Indiana, Pennsylvania, Utah, and Wisconsin.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. MCLEOD] may have permission to extend his remarks by including the report of the committee explaining the purpose of the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia reporting the bill H. R. 6844:

The Committee on the District of Columbia, to which was referred the bill H. R. 6844, concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto, recommend that the bill be amended in the particular following, and as amended that it be passed.

The amendment recommended is the following:

Strike out lines 3 and 4, page 1, and substitute therefor the following:

"That the following provisions concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto shall be in force in the District of Columbia, namely."

The amendment is to correct a clerical error in the drafting of the bill. As originally drawn the bill appeared to propose a substitute for sections 1 to 16 of the Code of Law for the District of Columbia, whereas there was no intention to affect these sections of the code, which do not relate to the subject matter of the bill.

The form of the enacting clause proposed by this committee amendment conforms to that used in enacting for the District of Columbia the uniform warehouse receipts act (approved April 15, 1910, 36 Stat. 301), and accomplishes the intention of the framers of the bill.

There are in the District of Columbia no direct or controlling decisions of the courts upon the field of law covered by the bill. In the several States, however, the decisions are so diverse that the result is that it is not clear to what extent persons dealing with fiduciaries are bound to supervise them in the performance of their duties. In practice, in the ordinary course of banking and commercial transactions it is impracticable for banks and other persons dealing with fiduciaries to make effective inquiries into their conduct. Transfers by fiduciaries of property in their charge as such to themselves in their individual capacity are often held to constitute such constructive notice of a breach of the fiduciary's duty as to make third persons who participate in such a transfer liable for the property or funds so transferred if it is in fact a breach of the fiduciary's trust. Yet in actual practice such transfers need frequently to be made by honest fiduciaries, as, for example, in the payment to the fiduciary of his compensation, and rigid inquiry by persons dealing with honest fiduciaries into every such transaction, and hesitation to act without inquiry, would impede and obstruct the ordinary transaction of business, with no substantial benefit.

The several sections of the bill subsequent to the enacting clause are in the precise form drafted to be pressed for enactment in all the States and Territories. The purpose of the bill is to establish uniform and definite rules in the place of the diverse and indefinite rules now prevailing as to "constructive notice" of breaches of fiduciary obligations. Liabilities of fiduciaries are not dealt with nor affected, but only the liabilities of persons dealing with fiduciaries. At present the law in the several States as to the liability of persons dealing with fiduciaries is uncertain. It is not clear under what circumstances such persons are charged with "constructive notice" of breaches of trust by fiduciaries. The usual result if a third person dealing with a fiduciary is charged with constructive notice of a breach of trust by a fiduciary, is that the person so dealing is held liable along with the fiduciary for the breach of trust.

A dishonest fiduciary can easily cover his tracks by transferring property he intends to convert to his own use first to a straw man and afterwards to himself, so that no reasonable inquiry would reveal his dishonesty. As a practical matter, the delay and expense incident to the inquiry which needs to be made under the existing unsettled state of the law by banks and other persons dealing with fiduciaries would fall in the first instance upon the trust estates, the great majority of which are honestly administered, and falls ultimately upon the beneficiaries for whom the fiduciaries are acting.

Much of the proposed act is merely declaratory of existing law as established in many jurisdictions. Which of the diverse rules established in the several States would be followed in the District of Columbia if this branch of the law were left to judicial development can not with certainty be stated; but some of the decisions in the States set up as a test of the liability of a person dealing with a fiduciary, such as the payee or indorsee of a check drawn or indorsed by a fiduciary, the question whether such person was negligent. The proposed act makes such a person liable only if he takes the negotiable instrument with knowledge of such facts as makes his action amount to bad faith.

In the case of banks which are depositaries of fiduciary funds subject to the order of fiduciaries, if a check of the fiduciary is in fact a breach of his obligation, the bank is made by the act liable to the beneficiary if it receives such a check in payment of the personal debt of the fiduciary, or if the check is payable to the bank itself, and in other cases if it has such knowledge of the facts as amount to bad faith on its part in honoring the check. Under other circumstances a claim of negligence on the part of the bank can not be made the basis of liability on its part under the provisions of this act, though in some jurisdictions banks have been held liable as for a participation in the breach of a fiduciary's obligation where the bank acted in good faith and did not profit by nor participate in the breach of the fiduciary's obligations, upon the ground

that it was negligent in supervising the fiduciary in the performance of his duties. These are illustrations of the substitution made by the bill of definite rules of liability for the test of "due care" or "negligence" which has produced the diversity of decisions among the States.

The bill was drafted by the National Conference of Commissioners on Uniform State Laws, which had its origin in the appointment of a special committee by the American Bar Association in 1889 and the authorization in 1890 by an act of the Legislature of the State of New York of the appointment of commissioners for the promotion of uniformity of legislation in the United States. By successive actions in the several States, the District of Columbia, and the Territories all of these jurisdictions are now represented in the national conference by two or three representatives each. These conferences are held during the week immediately preceding the annual meeting of the American Bar Association, and its actions are reviewed by the American Bar Association. Of the uniform acts proposed by this conference, the negotiable instruments act has been adopted in all jurisdictions, including the District of Columbia, excepting Porto Rico, though with modifications in Illinois and Vermont. The warehouse receipts act has been adopted in 48 jurisdictions, including the District of Columbia, uniform sales act adopted in 25 jurisdictions, uniform bills of lading act adopted in 25 jurisdictions, and uniform partnership act adopted in 14 jurisdictions.

Sections 4, 5, and 6 of the present bill are in supplement of and to carry out the intention of the negotiable instruments act, section 56 (sec. 1360, D. C. Code).

The matter of a uniform act covering the liabilities of person dealing with trustees and other fiduciaries was referred to a committee of the conference in 1919, and drafts of the present act were considered by the conference in 1921 and 1922 and were then unanimously approved. Since 1922 it has been adopted verbatim in Colorado, Idaho, Louisiana, Nevada, New Mexico, North Carolina, New Jersey, Indiana, Pennsylvania, Utah, and Wisconsin. It is being pressed for enactment at the present sessions of the legislatures of other States.

The bill was introduced at the request of the Bar Association of the District of Columbia. At the hearings before your committee it was considered section by section and its passage was advocated by representatives of the Bar Association of the District, of the American Bar Association, of the National Conference of Commissioners on Uniform State Laws, of the Clearing House Association of the District of Columbia, of the American Bankers Association, and of the District of Columbia Bankers Association. No opposition to the passage of the bill has been made known to the committee. The Commissioners of the District of Columbia (who appoint the commissioners for the District of Columbia on uniform State laws) have signified their approval by letter addressed to their appointees to the conference and filed with this committee.

The act is compact and can not be well summarized. The topics treated in the several sections are as follows:

Section 1 deals with definitions. The definition of "bank" is identical with that in the negotiable instruments law, section 1 (D. C. Code, sec. 1304). The definition of "person" is a combination of the definitions in the negotiable instruments law and the warehouse receipts act (D. C. Code, sec. 1304; 36 Stat. 301, sec. 58). The definition of "good faith" is identical with that of the warehouse receipts act (36 Stat. 301, sec. 58).

Section 2 deals with the misapplication by the fiduciary of payments and transfers of money and property to the fiduciary which he is authorized to receive. The contrary doctrine and the inconvenience of the common law on this point is often avoided by careful counsel drawing trust instruments by the insertion of an express provision to the effect of this proposed statute. The language of the section is based upon statutes already existing in England and in Alabama, California, Delaware, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Dakota, and Wisconsin.

Section 3 deals with the transfer of stock which has been legally registered in the name of fiduciaries. It commends itself to persons having practical experience with the transfer of stock. It is based on a Massachusetts statute (St. 1918, ch. 68, sec. 3), and there are somewhat similar provisions in Delaware (Rev. Code 1915, sec. 3396), Kentucky (Stats. 1909, sec. 4169), and Pennsylvania (Purdon's Dig. 13th ed. 4850, sec. 7). Recently Illinois passed a similar statute. There is a similar statute in England (company's consolidation act (1908), sec. 27).

Sections 4, 5, and 6 deal with holders of negotiable paper drawn or indorsed by fiduciaries. These are the sections which are supplemental to and consistent with section 56 of the negotiable instruments act (D. C. Code 1360), and deal with the question whether such holders get good title to the instrument or are liable for using the proceeds of it if in fact the fiduciary has committed a breach of his trust. Under sections 4 and 5 the liability of such a holder is made definite if he acted in bad faith, or if he took the instrument in payment or in security for a personal debt of the fiduciary, or in a transaction known to be for the personal benefit of the fiduciary. The distinction between cases covered by sections 4 and 5 and that covered by section 6 is in accordance with Massachusetts cases cited in review of the subject in 34 Harvard Law Review 454, note 26.

Sections 7, 8, and 9 deal with the liabilities of banks and other depositaries of fiduciary funds. In the several different cases dealt with in these sections liability of the bank is declared where the bank has knowledge of such facts as amounted to bad faith or knowledge that the fiduciary was committing a breach of his obligation, or in the case of deposits in the name of the principal or in the name of the fiduciary as such where the check in question is payable to the bank itself and in payment or security for a personal debt of the fiduciary.

Section 10 applies ordinary business principles to deposits in the name of two or more persons as trustees. This section is made desirable because of a doctrine that trustees may not delegate their duties, excepting as to merely ministerial acts, and it remains doubtful as to whether the drawing of a check is a ministerial act in the eyes of the law.

FALSE INFORMATION REGARDING COMMISSION OF CRIME IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 8558) relating to giving false information regarding the commission of crime in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person or persons willfully or knowingly to give, or send, or cause to be sent, or to make a false or fictitious report to the police of a commission of any crime within the District of Columbia. Anyone violating the provisions of this act shall be liable to a fine of not less than $5 nor more than $100, or to imprisonment not exceeding 30 days, or to both such fine and imprisonment.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. LAGUARDIA. I understand the purpose of this bill is to stop the fictitious claims, or reports, being made of crime. For instance that a man has been robbed, to form the basis for a claim against insurance companies. Is that the purpose?

Mr. ZIHLMAN. No. The police department has spent a great deal of time on false information and reports made by some one who may have a grudge against the neighbor or an imaginary grievance against some business firm.

Mr. LAGUARDIA. If we pass such a bill as this will it not make it dangerous for a citizen to make a report which he believes to be true—are we not going to the other extreme? If there is a penalty attached to making a report do not you make it extremely hard for that person, and will he not hesitate to make a complaint? Anyone who has had any experience with the enforcement of criminal law knows the danger that this bill might create.

Mr. HAMMER. If the gentleman will yield, the intended purpose of this bill is to punish persons who willfully or knowingly give false reports to the police of the commission of crime in the District of Columbia. While there may be advantage to have a law that will punish persons who falsely claim they have been robbed, or some other alleged criminal offense, in order to direct attention away from some other crime, will we not do a great injury in deterring people from making correct reports for fear they might be prosecuted. Have we not such adequate laws now? It strikes me that the very intended purpose of the bill may be defeated. I do not mean to say that I oppose the legislation. It is plain that this law exists in other States, but my own idea is that while it may to some extent tend to correct the evil that it seeks to correct, we ought to go very slowly in enacting such legislation.

I fear that it will tend to prevent the administration of justice, and instead of defeating the hardened criminals who do make false reports for the purpose of distracting attention away from their crimes it will deter the honest, responsible persons as well as timid persons from making complaints.

Mr. LAGUARDIA. In the immigration service we get a great many reports from different people, some of which are anonymous.

It becomes hard in weeding out, and some investigation must be made, but surely, if you are going to impose a penalty for ficticious or false reports, the police are going to have very little information given to them.

Mr. ZIHLMAN. Mr. Speaker, this bill was submitted by the Commissioners of the District of Columbia, and I call attention to a letter from the District Commissioners on page 2 of the report.

Mr. LAGUARDIA. What does the police department say about it?

Mr. SCHAFER. That is not a letter from the present Commissioners of the District of Columbia.

Mr. ZIHLMAN. Inspector Pratt, of the Metropolitan police force, the assistant superintendent of police, urged upon the chairman of the committee the necessity for this legislation, and appeared before the subcommittee urging the passage of the bill.

The bill was submitted to the Citizens Advisory Council, and they recommended the passage of the bill.

Mr. HAMMER. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HAMMER. Yet I notice that while Commissioner Rudolph, for whom I have a very high regard, signed a letter as one of the Commissioners of the District of Columbia, Mr. Rudolph is not a lawyer and has had no experience in the courts, and there is nothing from the courts or from any judicial officers to support his contention. Also Mr. Jesse C. Suter, who is the chairman of the Citizens Advisory Council, is not a lawyer or a judge or a prosecutor, and so far as I can ascertain there is no one in the District of Columbia or elsewhere who has had any experience in the courts or in investigating matters of this kind who supports the bill. The Bureau of Investigation of the Department of Justice could have been called upon to give its opinion. In the absence of the opinion of anyone except the Commissioners of the District, who have nothing to do with actual experience in enforcing the criminal laws of the District, and of Mr. Jesse C. Suter, who is a very fine gentleman, but who has never had any experience as a prosecutor and is not even a lawyer, as I understand——

Mr. ZIHLMAN. No.

Mr. HAMMER. He is a very fine gentleman, of course, but in the absence of any experienced person, judge, or prosecutor, association, or of any court or prosecutor giving us any reason other than that they want to deter people who are hardened criminals from making false reports to divert attention in some instances from their own crimes coming into court, I doubt the wisdom of passing this legislation. There have been 18 instances such as they complain of here in a city of more than half a million people within two months. That is not a very large number, when we consider that 96,000 arrests were made in this city last year. From my viewpoint I do not think it will be calculated to be of general benefit in law enforcement and in detecting crime. I fear that it will deter timid women, for instance, widows, with little influence and large families, as well as responsible citizenship, where crimes have been committed from making reports of criminal offenses. The criminal element will simply say, "We will have you up if you report us."

Mr. ZIHLMAN. I call the attention of the gentleman to the fact that this bill states that they must give this information willfully and knowingly. They must know it to be false.

Mr. HAMMER. The language is "or," not "and." In committee I wanted to change from "or" to "and."

Mr. SCHAFER. Mr. Speaker, I believe that in the consideration of so important a measure as this we should have a quorum, and if this bill is to be considered I think we should have a quorum of the House present.

Mr. BLANTON. It is going to be considered, so get the quorum.

Mr. HAMMER. I do not know whether it is going to be considered or not.

The SPEAKER pro tempore (Mr. TILSON). It is being considered. The gentleman from Maryland has the floor and is yielding to other gentlemen to debate the bill.

Mr. SCHAFER. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. ZIHLMAN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 58]

Adkins	Bulwinkle	Connolly, Pa.	Drewry
Andresen	Burdick	Cramton	England
Anthony	Bushong	Crisp	Eslick
Auf der Heide	Butler	Cullen	Estep
Bacon	Campbell	Curry	Fenn
Bankhead	Carew	Darrow	Fish
Black, N. Y.	Carley	Davey	Fort
Bohn	Casey	Dempsey	Frear
Boies	Celler	De Rouen	Free
Bowles	Cochran, Pa.	Dickstein	Freeman
Boylan	Collier	Dominick	Gambrill
Brand, Ohio	Collins	Douglas, Ariz.	Garrett, Tenn.
Britten	Connally, Tex.	Doutrich	Gifford
Browne	Connery	Dowell	Golder
Goldsborough	King	O'Connor, N. Y.	Stevenson
Graham	Kunz	Oliver, N.Y.	Strong, Pa.
Green, Iowa	Kurtz	Palmer	Strother
Hall, N. Dak.	Lampert	Prall	Sullivan
Hancock	Larsen	Purnell	Sweet
Harrison	Lea	Quayle	Taylor, Colo.
Haugen	Leatherwood	Rainey	Thompson
Holaday	Linthicum	Rathbone	Updike
Hooper	Lyon	Reed, Ark.	Vincent, Mich.
Hope	McDuffie	Robsion, Ky.	Vinson, Ga.
Houston	McFadden	Rubey	Weller
Hudson	McLaughlin	Rutherford	White, Me.
Hughes	Manlove	Sabath	Wingo
Hull, William E.	Michaelson	Schneider	Wolverton
Irwin	Michener	Sears, Fla.	Woodruff
Jacobstein	Miller	Sears, Nebr.	Woodrum
James	Moore, N. J.	Shreve	Wyant
Jeffers	Moore, Ohio	Sirovich	Yates
Kiess	Morin	Somers, N. Y.	Yon
Kindred	Nelson, Wis.	Sproul, Ill.	

The SPEAKER pro tempore. On this vote 302 Members have answered to their names, a quorum.

Mr. VESTAL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. The gentleman from Maryland [Mr. ZIHLMAN] has consumed six minutes of his hour. The gentleman from Maryland is recognized.

Mr. ZIHLMAN. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER pro tempore. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Speaker and gentlemen of the House, this bill was sent to the Committee on the District of Columbia by the District Commissioners and by them asked to be passed. I believe our chairman told you that Inspector Pratt, of the police department, asked that it be passed to prevent false information, without warrant, charging people with having committed crime being given to the police. Such acts can not be punished, because not coming within the purview of false swearing or perjury.

I wish you knew how many false affidavits are made against innocent parties here, which force them before the courts, when they are absolutely innocent. For instance, here on the 6th day of March, this month, a policeman got a woman here to make an affidavit against another policeman, charging that he assaulted her sister-in-law in her apartment away back yonder nearly a year ago. As a result the policeman so charged was stripped of his uniform and his pay stopped.

Mr. SCHAFER. Mr. Speaker, I make a point of order. The gentleman is out of order. He is not confining himself to the subject of the bill.

Mr. BLANTON. Yes, I am. I am speaking of false information against people.

Mr. SCHAFER. How about the false information you brought here to the House, which you could not substantiate? If it were not for the privilege of the RECORD, some of your allegations would subject you to the provisions of this bill.

Mr. BLANTON. The gentleman does not know what he is talking about.

Now, concerning this statement which was filed, I wish to read to you this affidavit which was taken yesterday. This is the woman who it was claimed this policeman assaulted.

Mr. SCHAFER. Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. SCHAFER. The gentleman is not discussing the bill. He is discussing a question which is pending before a trial board of the police department of the District of Columbia. I submit that it is out of order to discuss it on the floor of the House.

The SPEAKER pro tempore. The gentleman from Texas is familiar with the rules of the House, and will proceed in order.

Mr. BLANTON. Certainly. I am perfectly familiar with the rules of the House. This is the woman who, this other woman claimed, was assaulted. Listen to what she says. I read:

DISTRICT OF COLUMBIA:

I, Mrs. Virginia Eberhart Hanley, being duly sworn, upon my oath state:

I am the same person who in the affidavit made by Mrs. Louise E. Hanley on March 6, 1928, before H. M. Luckett, notary, is mentioned therein as "Miss Virginia Eberhart." I married on March 17, 1928, and am now the wife of Mr. I. G. Hanley, and we live at 2121 H Street NW.

On the night of March 6, 1928, Mrs. Louise E. Hanley requested that I come to her apartment, and, accompanied by my present hus-

band, we went there and the said Mrs. Louise E. Hanley then told us of the affidavit she had signed trying to implicate my name with Officer Staples, and she asked me if I would go up against Staples. I told her I did not know Staples and I refused to do it.

The next afternoon the said Mrs. Louise E. Hanley, accompanied by Officer Joe Hunt, came to my apartment and tried to induce me to back up the said Mrs. Louise E. Hanley in making a similar affidavit against Staples. This I refused to do. Officer Joe Hunt told me that it would not make any difference as no one would ever know anything about it, but I refused, as I had never seen Officer Staples and did not know him. Officer Hunt then told me that if I decided to do as they wanted me to to let him know about it later. This was the last I heard of it until I saw my name mentioned in the paper in reporting the said affidavit of Mrs. Louise E. Hanley.

Accompanied by my husband, after being unable to find Mr. Staples by telephone yesterday, we went to his house to-day and for the first time in my life I then saw him, and we told him what we knew about the matter.

I voluntarily accompanied my husband to the office of Congressman THOMAS L. BLANTON, a member of the Gibson investigating committee, to relate these facts to him, and in the presence of my husband I am now voluntarily relating such facts to him in his office that justice may be done.

Mrs. VIRGINIA EBERHART HANLEY.

Witness:

I. G. HANLEY.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MONTAGUE. Who wrote that affidavit? Who drafted it?

Mr. BLANTON. This woman came to my office and it was prepared in my office yesterday. She voluntarily and deliberately came there in company with her husband, after finding out that a lie was being told in her name against an officer, and that another police officer was trying to get her to injure a policeman.

Mr. BOWLING. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. BLANTON. I yield to my friend from Alabama. The gentleman from Wisconsin is always buzzing like an ungovernable cyclone. [Laughter.]

Mr. SCHAFER. Mr. Speaker, I make——

Mr. BLANTON. I do not yield. The gentleman should sit down.

The SPEAKER pro tempore. The House will be in order. The gentleman from Texas has the floor.

Mr. SCHAFER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Wisconsin?

Mr. BLANTON. I do not yield to a parliamentary inquiry.

The SPEAKER pro tempore. The House will be in order.

Mr. BOWLING. I want to ask the gentleman if the making of a false affidavit such as he read about in that affidavit is not punishable by law as the law now stands?

Mr. BLANTON. No. Unfortunately it is not, because it was not in a proceeding before a court. That is what we are trying to reach in this bill.

Mr. BOWLING. Instead of reaching that you go so far as to prevent any kind of misinformation that may be imparted in the best of good faith by a good citizen.

Mr. HERSEY. This bill ought to be amended.

Mr. BLANTON. The gentleman from Maine is a distinguished lawyer. If he thinks that way about this bill, I would be willing that the bill be laid aside until it could be properly amended.

Mr. HERSEY. It is the most foolish bill I ever saw brought into the House. [Laughter.]

Mr. BLANTON. I will say this: I had nothing to do with this bill, Mr. Speaker. It was prepared by the commissioners of this District. It was sent here by the commissioners to be passed.

I have not considered it, even with the subcommittee that reported it. If it is not a proper bill, we ought to make it proper; and since these two active members of the Committee on the Judiciary, Mr. BOWLING and Mr. HERSEY, believe it ought to be amended, I hope the chairman of the Committee on the District of Columbia will recall the bill and ask that it go back to the committee. I suggest that the bill be not considered further and that we take up another bill; otherwise it will be killed here for this session of Congress.

Mr. ZIHLMAN. Mr. Speaker, I would like to yield five minutes to the gentleman from Michigan [Mr. MCLEOD], who reported the bill.

Mr. BLANTON. I think distinguished lawyers here who have studied the bill, the gentleman from Alabama [Mr. BOWLING], the gentleman from Maine [Mr. HERSEY], and our distinguished friend from Virginia [Mr. MONTAGUE], who are careful in looking into these matters from the judicial angle, will join me in the suggestion that the bill be recalled.

Mr. McLEOD. Do they say anything about the bill?

Mr. BLANTON. They say it is a ridiculous bill. [Laughter.] I am not prepared to deny it.

Mr. McLEOD. Will the gentleman point out where it is ridiculous? I reported it.

Mr. BLANTON. I admit that it is ridiculous. [Laughter.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. MCLEOD].

Mr. HAMMER. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. HAMMER. I notice that the gentleman from Texas, after having a roll call of 30 minutes, is seeking to do what I tried to do—have the bill withdrawn. I think the purpose of the bill is good, but it seems to me it goes too far, although I may be wrong in my position. I think it will do much to interfere with responsible persons and timid people who do not care to run the risk of being threatened with prosecutions and with prosecutions for cooperating with law-enforcement officials and who will refuse to do that which is now done. It has a bad tendency and will help to prevent the due administration of the criminal law. I am afraid it will prevent timid people as well as responsible persons from giving information which might be of value in the detection of crime and will have no great deterring effect upon hardened criminals. I think the purpose of the bill was intended for good, but I think its good purposes will be more than overbalanced by its evil tendencies and bad influence upon preventing the public from properly cooperating in law enforcement.

Mr. McLEOD. Mr. Speaker, I admit this is new legislation as far as I can find out. Assistant Superintendent Pratt, of the local police department, has just informed me that there are two States in the country that have similar legislation. He has told me, since this bill was reported, which was March 10 of this year, that at that time there were 18 false reports pending from the first of the year until that date and since that date the number has increased to 42.

We have in the District of Columbia legislation which makes it a crime to give false information, which is called a false alarm in the fire department. As far as the committee has been able to find out this legislation has the same object in mind; in other words, it attempts to eliminate the giving of false information, because it costs the department and the District of Columbia equally as much to investigate a false report as it does a bona fide report.

Mr. SIMMONS. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. SIMMONS. What is the nature of these false reports that this bill deals with?

Mr. McLEOD. Many of them pertain to embezzlement. One case cited by Mr. Pratt was that employees, finding themselves in pretty tight scrapes after having taken money, and in order to cover up, have made complaint to the department that money has been lost or stolen.

Mr. BOWLING. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. BOWLING. As this language is written it is very inclusive and would apply to all reports, whether they were made in good faith or not. A man might see something which he believes is a violation of the law but which would be perfectly innocent and only have the earmarks that a crime was to be committed. Now, if he should give what he thought was true information to the police and it afterwards turned out to be false and fictitious, he would be subjecting himself to a fine. Will the gentleman permit me to suggest this: Do you not think you ought to amend your bill by stating that these statements shall be punishable if knowingly made and with intent to deceive; that it is done with malice or done for the purpose of hiding crime? Certainly some phraseology like that should go in the bill, in order that innocent people could in perfect good faith give information to the police in the event of a violation of the law.

Mr. McLEOD. If the gentleman will read the bill carefully he will see that that exact language is contained in the bill.

Mr. BOWLING. There is no language in the bill of that sort. The bill merely provides for false or fictitious reports.

Mr. McLEOD. The bill provides:

That it shall be unlawful for any person or persons willfully or knowingly to give, or send, or cause to be sent, or to make a false or fictitious report.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. LAGUARDIA. While I do not approve of the bill, to answer the suggestion made by the gentleman from Alabama I would suggest—and I have an amendment ready—that we strike out the word "or" and insert the word "and," so as to make it read:

That it shall be unlawful for any person or persons willfully and knowingly to give, or send, or cause to be sent—

And so on. Then I would insert:

With intent to injure another.

Mr. BOWLING. That is my idea.

Mr. McLEOD. But that is not the idea of the legislation.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, the gentleman from Wisconsin [Mr. SCHAFER] is well able to take care of himself I do not appear as his defender, but as jealously guarding the RECORD I must insist that the gentleman from Texas withdraw the remarks which he made a short time ago with reference to the gentleman from Wisconsin. It does not add to the dignity of this body to have the public read in the RECORD, the official organ of this body, any such remarks as were made by him, and unless the gentleman from Texas voluntarily withdraws those remarks I shall ask that they be stricken from the RECORD.

Mr. BLANTON. What remarks is the gentleman talking about?

Mr. UNDERHILL. The remarks of the gentleman referring to the gentleman from Wisconsin, which were extremely personal.

Mr. BLANTON. I think the gentleman from Massachusetts, in so far as that statement is concerned, is correct. It is personal, and while I do not do it under his threat, I do it nevertheless. I ask that they be withdrawn; in fact, I will leave them out of the RECORD when I revise my remarks.

Mr. UNDERHILL I want them withdrawn.

Mr. BLANTON. I withdraw them. I would have done it in revision without the gentleman's request.

Mr. DEAL. Will the gentleman from Massachusetts yield?

Mr. UNDERHILL. Yes.

Mr. DEAL. Does not the gentleman from Massachusetts think the gentleman from Wisconsin ought to have stricken from the RECORD the remarks he made, which are far worse, in my humble opinion, than the remarks made by the gentleman from Texas?

Mr. UNDERHILL. What were they?

Mr. BLANTON. They will not go in my remarks, because I did not yield to him. I expect to cut them out anyway. [Laughter.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER]. [Applause.]

Mr. SCHAFER. Mr. Speaker, ladies and gentlemen of the House, I raised the point of no quorum on the pending bill because there were but few Members on the floor at that time, and I thought then, and I think at the present time, that this bill is too far-reaching and will have a tendency to prevent citizens of the District of Columbia from reporting actual violations of the law.

In view of the fact that the gentleman from Texas has withdrawn a part of the remarks which he made, I will not at this time bring to the attention of the House certain remarks that appear in the CONGRESSIONAL RECORD of October 27, 1921, but if any Member refers to those remarks he will know the reference which I have made.

Mr. WILLIAMSON. Will the gentleman give us the page, so we can find them?

Mr. SCHAFER. Page 6880.

Mr. BLANTON. Mr. Speaker, I will turn the gentleman footloose. He can refer to them if he wants to.

Mr. SCHAFER. I do not intend to at this time. They speak for themselves.

Mr. BLANTON. All right; the gentleman understands he is absolutely footloose.

Mr. SCHAFER. I refuse to yield—sit down. [Laughter.] So far as trying to run this House of Congress and trying to run every department of the District of Columbia from the police department down, I do not have to mention the party's name, but will know that the full membership of the House realizes who is attempting to do that very thing.

The other day we had the allegation on the floor of this House practically charging high officers of the police department with accepting protection money from bootleggers because they found in Washington a truck with a secret compartment. At that time the evidence purporting to substantiate the charges consisted of affidavits of law violators—confessed law violators. At that time the affidavit of a confessed law violator was right and proper, according to the gentleman from Texas [Mr. BLANTON], but what do we find later on in the RECORD. We find that one of the members of the Metropolitan police force is before the trial board, a police trial board, acting under the provisions of existing law, a board created to try and hear evidence and hear cross-examination, giving a man a chance to be heard and meet his accusers face to face, and we find a Member of this House, the gentleman from Texas, if newspaper reports are correct, asking the Commissioners of the District of Columbia to nullify the provisions of the law and asking them to step in and take original jurisdiction of the case and not let it go before the trial board, which is provided for trying such offenses in the first instance.

Then we find the gentleman from Texas greatly disturbed because some of the charges upon which his friend, the policeman, Mr. Staples, is being tried under the provisions of law by the trial board were made by law violators. At one time the affidavit of a law violator does not mean anything, but at another time it does.

I believe in the enforcement of all laws, and reserve my constitutional rights under the Constitution to ask for the change of any existing law or any existing provision of the Constitution, but I believe while the laws are on the statute books they should be enforced, and a man who says he is in favor of the enforcement of all laws should not deliberately try to ignore the law creating the police trial board.

It is highly improper for a Member of Congress, I believe, to appear on the floor of the House and give a clean bill of health to any man who is under fire and whose case is before the trial board.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes more to the gentleman from Wisconsin.

Mr. SCHAFER. If the charges or any part of the charges which have been preferred against this member of the Metropolitan police force are framed up or untrue or unjust and the trial board is unfair and unjust, then the time to condemn the trial board is after they have acted on the case, and not to attempt directly or indirectly to influence the decision of the board.

Under the law, any member of the Metropolitan police force, including Mr. Staples, has the right of trial by the police trial board and has the right to appeal to the Commissioners of the District of Columbia and has the further right to appeal to the courts of the land; and it is somewhat remarkable that a gentleman of this House who last week came before the House and cried about violations of law and derelictions in the performance of duties by the members of the Metropolitan police force, telling this House and telling the world that if he was in charge of law enforcement in the District how far he would go, should come before the House a few days later and try to acquit and give a clean bill of health to a member of the police force who has been brought before the trial board on a number of charges. I say this is astonishing.

So far as the gentleman from Texas indicating how he felt toward me is concerned, perhaps I feel the same way toward him [laughter and applause], and perhaps many Members of the House feel the same way toward him; but I can take care of myself on the floor of this House, and I can take care of myself outside the floor of this House; and I fear no man, even if he is the alleged great, big, headline, fiery Texan we read about in the papers. I will not be intimidated by any statements the gentleman may make in this Chamber or without it.

I believe the pending bill goes too far. I believe it will have a tendency to curb law enforcement, and I therefore ask that the Members of this body cast their votes in opposition to the bill. [Applause.]

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, for three weeks I have been after the bootleggers in the District of Columbia. I am not surprised that a man who stands on this floor almost daily and advocates a law permitting beer that would be in violation of the Constitution, should come to their rescue [applause], and make an attack upon me.

When my friend from Wisconsin and I meet each other in gymnasiums or otherwise I will even not compel him to weigh in with me. [Laughter.] I will waive my excess(?) in weight. The gentleman makes a brave speech on this floor against his colleague, who is trying to get decent government in the District of Columbia.

Mr. BOWLING. Will the gentleman yield?

Mr. BLANTON. Yes; I yield to my friend.

Mr. BOWLING. I simply want to ask if it is true that the gentleman has been trying to intimidate the gentleman from Wisconsin?

Mr. BLANTON. Why, I have had him intimidated ever since he has been here. [Laughter.] He has been almost afraid to expectorate without coming and asking my permission. [Laughter.]

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. SCHAFER. The gentleman has a fine opinion of himself and substantiates a certain part of my prior address about egotism.

Mr. BLANTON. Mr. Speaker, I did not seek a place on the District Committee; it was thrust upon me. If you ask the Ways and Means Committee that put me there, they will tell you that I never asked to be put on that committee. I would like to have been left off the committee. I have worked from 14 to 16 hours a day ever since I have been on the committee, and my colleagues know it. I have been working because the Constitution says that this Congress shall run the affairs of this District, and the District Committee is the committee of Congress that has within its jurisdiction the affairs of the District.

Mr. PALMISANO. Will the gentleman yield?

Mr. BLANTON. Not now. I have been trying to do my best under my oath. I am not ashamed of a single act I have performed since I have been in this Congress. I am not ashamed of one act, public, private, or official that I have performed since I have been a grown man, and I am over 50 years of age. I have filled two important positions in my State, and I have the confidence of the people not only of my district but of my State. [Applause.]

The gentleman from Wisconsin can not destroy it in a speech of pique that he may deliver on this floor.

I got the biggest vote that was given any man in Texas in the last two elections. [Applause.] And when the next election comes off I am going to get another one that is going to put me in the other end of the Capitol as sure as the gentleman sits there. And I am going to be watching affairs of this District, and if the gentleman from Wisconsin—God forbid—is ever able to pass a bill in the House that is against the Constitution I will help kill it when it comes to the Senate. [Applause.]

I am for law enforcement under my oath. My oath says that I will support the laws of this country without evasion, without fear, and I have been doing it. Have I not, I will ask my genial friend from Ohio, since I have been here?

Mr. MURPHY. Yes.

Mr. BLANTON. I have been doing it to the best I know how, and it little behooves the gentleman from Wisconsin [Mr. SCHAFER] because he is in favor of beer and light wines, to get up here in behalf of the bootleggers of the District.

I thank the gentleman from Maryland for giving me the five minutes. [Applause.]

Mr. ZIHLMAN. Mr. Speaker——

Mr. HOWARD of Nebraska. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Maryland controls the time.

Mr. HOWARD of Nebraska. In the interest of harmony, Mr. Speaker, I was going to ask permission to make a few observations about aviation. [Laughter and applause.]

Mr. LAGUARDIA. Mr. Speaker, while I do not believe in the bill and doubt its wisdom, while the bill is before the House it should be amended in such manner as to make clear the intent, and in pursuance of that I ask that the Clerk read for the information of the House the amendment that I will offer at the present time.

The SPEAKER pro tempore. Without objection, the Clerk will report the proposed amendment.

The Clerk read as follows:

Page 1, line 4, strike out the word "or" after the word "knowingly" and insert the word "and"; and after the word "knowingly" insert "with intent to injure another."

Mr. DYER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. DYER. The gentleman from New York is a member of the Judiciary Committee of the House and a very able one. This legislation should have been, of course, referred to the Committee on the Judiciary that is charged with the responsibility for such legislation.

Mr. LAGUARDIA. There is no doubt about it.

Mr. DYER. I trust the gentleman will not insist upon his amendment, but will help to defeat the bill, so that it may be considered by the committee responsible for such legislation.

Mr. LAGUARDIA. I shall vote against the bill or to strike out the enacting clause or refer it back to the committee, but if it is to pass, it is our duty to put it in proper shape.

Mr. DYER. I have no criticism to make of the District of Columbia Committee, for I recognize it as an able and efficient committee, but our responsibilities are different, and I would ask the committee or its chairman to take such action as will place this legislation where it belongs, and to do what he can in the future so that such legislation may be considered by the Judiciary Committee. Also that he do another thing, and that is to abolish the subcommittee of his committee known as the judiciary committee, because it does create confusion, which ought not to be had in the orderly procedure of legislation in this House.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, the principles of this legislation are so important and far reaching that we should not consider the bill in a spirit of levity. I concede, as pointed out by the gentleman from Alabama [Mr. BOWLING], that the bill should be amended. The gentleman from New York [Mr. LAGUARDIA] has offered an amendment that will cure the defects referred to by the gentleman from Alabama. There is no reason why this bill should go back to the committee when it can be so readily and easily corrected in the House.

This is a new field of legislation. Several of the States, including my own, have passed laws making it a crime to tell a lie to the injury of another person. That was considered revolutionary, because all through the ages a person thus wronged had been left to his civil remedy of slander or libel. That was because the law had always been based upon a property basis. It has always been against the law to steal a man's dollar or to steal his horse. Why should it not be against the law to steal that which is of much greater value to him, his reputation. There is nothing as insidious, nothing as vicious and as devastating as slander. With the amendment of the gentleman from New York [Mr. LAGUARDIA], all that you will be enacting is that if a person gives false information willfully and knowingly, he has committed a crime, he has violated a law. Then that person lays himself open to deserved punishment. I would go further and make it unlawful, not only to give that false and malicious information to the police, but to anybody. If anyone knowingly, willfully, and falsely, with intention to do a person harm, tells another that such person has violated the law, he should be fined. It was Shakespeare who said:

> But he that filches from me my good name,
> Robs me of that which not enriches him,
> And makes me poor indeed.

I am not in favor of this bill simply because it would save a lot of work for a lot of policemen, but I am in favor of it on a much higher ground, one based not on efficiency but on justice. A person who knowingly, willfully, and falsely reports one to have committed a crime should be fined, and more heavily fined because he has done a greater wrong than if he had merely stolen property.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. DYER. There is a law now punishing perjury in the District of Columbia, is there not?

Mr. GILBERT. But this is not perjury we are discussing. I call up the police and I report that the gentleman from Missouri [Mr. DYER] has been guilty of some outrageous offense. The police investigate that. That is given publicity. It is found that the report is false. If I do that willfully and with intention to wrong the gentleman from Missouri, I should be severely penalized, because I have done him a much greater offense and from a more contemptible motive than if I had merely stolen his hat or overcoat.

Mr. ZIHLMAN. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Speaker, I want to speak of this bill from the standpoint of practical police work, in order to show what a dangerous piece of legislation this may be to the public welfare. Everyone who is conversant with modern police methods knows that a great deal of very practical and very valuable information comes to the police from people outside of the department. It comes sometimes in the way of anonymous communications and sometimes in the way of signed communications. If you require that every person who carries information to the police officials of a great city must follow that information up by prosecution and conviction, in order to save the informer from subsequent punishment by reason of legislation of this kind, you are going to shut off

from the police authorities of the city and country a most valuable source of information. I can speak somewhat from experience along this line. I can see from my practical experience in the years past the danger of enacting a bill such as this is. I am also led by experience to make this observation: If you enact this bill into law and any person does maliciously and knowingly communicate false information to the police, the attitude of mind of that person reporting the information will be this: He will feel that he must follow it up by a conviction in order to be protected from the results of legislation of this kind and will resort to perjury and subornation of perjury to accomplish his purpose.

Mr. BLANTON. Oh, no.

Mr. WELSH of Pennsylvania. Oh, yes. In order to determine that the information is true, it must result in a conviction.

Mr. BLANTON. It will have to be determined that it is false as a definite fact.

Mr. WELSH of Pennsylvania. And the question of falsity will depend upon the subsequent conviction or acquittal of the person charged.

Mr. BLANTON. Until it was shown that it was deliberately and maliciously and falsely made, the person making it would not be amenable to the law.

Mr. WELSH of Pennsylvania. But who is to determine the falsity of the thing? I hope as a matter of public safety that we will not pass legislation of this kind. I would like to have you get the opinion of police officials and district attorneys of the country as to the full effect of legislation of this nature. I think you will find them almost unanimously opposed to this character of legislation.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. GILBERT. If I should willfully, knowingly, and maliciously telephone to the police department that some reputable woman was guilty of some immoral offense, should I not be fined and punished?

Mr. WELSH of Pennsylvania. Yes; and under the law of slander, if oral, and under the law of libel, if the information were written, you would be liable in every jurisdiction in the United States.

Mr. GILBERT. She would be forced to take the initiative in such a step, and the law should protect her without putting that burden upon her.

Mr. ROMJUE. Mr. Speaker, will the gentleman from Pennsylvania yield to me for a question?

Mr. WELSH of Pennsylvania. I yield.

Mr. ROMJUE. I want to call your attention to line 5. The gentleman who has just finished arguing the question [Mr. GILBERT] called attention to the language "unlawfully or willfully." That does not apply to line 5. It applies to the preceding line; but when you get to line 4 it is a crime to make a false and fictitious report, and there is no connection between that phrase and "willfully and unlawfully."

Mr. WELSH of Pennsylvania. I think the gentleman is correct.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. CHINDBLOM. Mr. Speaker and gentlemen of the House, this debate has brought out a proposal for legislation, as expounded by the gentleman from Kentucky [Mr. GILBERT], which is not in the bill. Of course, his argument was persuasive on the broad lines upon which it was based; but this bill comes to us from the Commissioners of the District of Columbia and is designedly for the purpose of reducing the work of the police department of the District. I want to show the authority for it. The Senate committee in the last Congress made this argument in favor of the legislation:

> There have been no less than 18 such false reports to the police within a period of two months, and the proposed law is intended as a deterrent.

Mr. Speaker, if the police department of the District of Columbia, with a population of nearly half a million, has not had more than 18 such cases in a period of two months, there is no necessity for this legislation. [Applause.] Why should we pass a measure here in something of a hurry which is in derogation of the common law, without any precedent under common law, and which has no precedent under statutory law except in two or three States in the Union?

I want to emphasize what the gentleman from Pennsylvania [Mr. WELSH] has said. If you go to the police department of any one of our big cities and if you pass a law like this, which will be a deterrent upon those who would report rumors of crimes, you will never receive information. The police departments get information from people who do not care to reveal their identity. What is the penalty in this bill? A fine of not less than $5 nor more than $100, or imprisonment not exceeding 30 days, or both such fine and imprisonment. Is that a deterrent on a person who has a real purpose to injure another? Nothing of the sort. But it would deter people who might have valuable information which would lead to the detection and prosecution of a crime.

I say this is legislation of an entirely new character in the administration of criminal law, and it should have more consideration than has been given to it, because it writes into the law an entirely new principle; it is not based upon perjury or a proceeding in court, but is based only upon verbal or written statements not even in the form or with the force of affidavits. Such procedure is foreign to our system of jurisprudence as a basis for a criminal prosecution.

Mr. BOWLING. Mr. Speaker, I think this debate has been informative, and without desiring to repeat anything that has been said I wish to call the attention of the House to what would arise if this bill is passed as it is written. The gentleman from Missouri [Mr. ROMJUE] has pointed out that no defense is possible under this bill if a man makes a false or fictitious information without regard to his purpose or intent or means of knowledge whatever.

Let us suppose that false or fictitious information had gone to the police force, and an arrest made when the information is afterwards found to be false. Would it be necessary to make a prima facie case against the defendant who gave that information? Nothing in the world, except to prove that he had given such information and then to have ascertained that it was false. That is all. Your case is made. What would be his defense? Nothing. As this bill is written he would have no defense. The ground is cut out from under his feet. As the phraseology now stands he could not even offer testimony tending to show that he was acting in good faith.

But let us assume that the judge, through his sense of kindness and justice, would permit him to offer a defense. Where would your burden of proof be? It would be on the man to prove he was acting in good faith. This bill would open the doors to the police force to indulge in a vast amount of petty persecution if so minded. This bill ought to be amended. If passed at all, it ought to be practically rewritten.

Mr. MOORE of Virginia. Do you think it ought to be passed?

Mr. BOWLING. No; I do not. It certainly should be recast in language that is accurate and which expresses the purpose and intent of the legislative body.

Mr. COLE of Iowa. Would it not be better to just vote it down and be through with it?

Mr. BOWLING. Well, I would second a motion to that end.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment which I had read for the information of the House. I have modified it slightly. I would like to have it read.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. LAGUARDIA: Page 1, line 4, strike out the words "or knowingly" and insert in lieu thereof the following: "and maliciously, with intent to injure another."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BLANTON. Will the gentleman from Maryland yield to me to offer another perfecting amendment?

Mr. ZIHLMAN. I yield to the genteman if I have that power.

Mr. BLANTON. Mr. Speaker, I offer the following amendment.

Mr. CHINDBLOM. Mr. Speaker, a point of order. Was not the previous question ordered?

Mr. ZIHLMAN. No.

Mr. BLANTON. Mr. Speaker, the amendment offered by the gentleman from New York was adopted, was it not?

The SPEAKER. Yes.

Mr. BLANTON. Mr. Speaker, I offer an amendment. At the end of line 4, after the word "or," insert the following:

> or knowingly and maliciously and with intent to injure another.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BLANTON: Line 4——

Mr. ZIHLMAN. Mr. Speaker, I call the gentleman's attention to the fact that the House has just struck out the word "knowingly," and the gentleman by his amendment seeks to restore that word.

Mr. BLANTON. I make it maliciously and knowingly. Mr. Speaker, I ask to modify my amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Mr. Speaker, I offer an amendment; that after the word "or" and before the word "to," in line 4, insert the following:

or willfully, maliciously, and with intent to injure another.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 4, after the word "or" and before the word "to," at the end of the line, insert the words "willfully, maliciously, and with intent to injure another."

Mr. MONTAGUE. Will the gentleman from Maryland yield to me for a moment?

Mr. ZIHLMAN. Yes.

Mr. MONTAGUE. I desire to call the attention of the House to the fact that this is a penal statute of serious moment, and that we are asked here, in this desultory way, to amend it without due and proper consideration. It is impossible to consider an amendment to a criminal statute unless you can get around a table and talk backward and forward until the whole matter is thoroughly considered and threshed out. You can not do it in this form.

I did not rise for this purpose, but I really think we had better let this legislation go by the board.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 3, noes 41.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the District of Columbia Committee.

The SPEAKER. The gentleman from Texas offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on the District of Columbia.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. No. I am in its present form, unless it is properly amended, Mr. Speaker.

Mr. CHINDBLOM. It is too late to amend the bill.

The SPEAKER. The gentleman is a member of the committee, and the Chair will recognize him.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 2, noes 75.

So the motion to recommit was rejected.

Mr. BLANTON. Mr. Speaker, I shall not inflict a roll call on the House, because the House seems to be determined to kill the bill, and not being properly amended, I think it should be killed.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 5, noes 118.

So the bill was rejected.

On motion of Mr. LAGUARDIA, a motion to reconsider the vote whereby the bill was rejected was laid on the table.

THE PROPER REFERENCE OF BILLS

The SPEAKER. The Chair desires to make an observation to the House. In view of the question raised as to the reference of this bill and the one preceding it, the question being that both should have gone to the Committee on the Judiciary and not to the Committee on the District of Columbia, the Chair will state that when these bills were brought before him he thought the reference to the Committee on the District of Columbia proper under the rules of the House.

Under the rule, matters relating to the District of Columbia are referred to the Committee on the District of Columbia, and among the list of bills that have been so referred in the past the Chair will read a few:

Bills proposing legislation as to the general municipal affairs of the District, relating to health, sanitary and quarantine regulations, holidays, protection of fish and game, regulation of sale of intoxicating liquors, adulteration of food, drugs, etc.; taxes and tax sales, insurance, bills for preserving public order at times of inauguration, the Government Hospital for the Insane, harbor regulations and the bridge over the Eastern Branch, executors, administrators, wills and divorce, police and juvenile courts, and justices of the peace—

And so forth.

All these bills either change existing law or enact new law, but they apply solely to the affairs of the District of Columbia. If, as has been claimed to-day, any bill which changes existing law or enacts new law affecting only the District were referred to the Committee on the Judiciary, plainly the Committee on the Judiciary would become the Committee on the District of Columbia, because most of the jurisdiction of the Committee on the District of Columbia relates to changes of law or enactment of new laws.

The Chair thinks the reference was proper, that it complies with the rules of the House and with all the precedents the Chair knows on the subject.

Mr. LAGUARDIA. Mr. Speaker, may I make a statement?

The SPEAKER. Yes.

Mr. LAGUARDIA. The reason that prompted me in making the observation was the authority contained in section 4068 of the fourth volume of Hinds' Precedents, which sets out several bills relating to the police court of the District of Columbia, and my main objection and the objection of the committee was that this affected existing penal law, and clearly all penal law is under the jurisdiction of the Committee on the Judiciary under the rules of the House.

The SPEAKER. But the Committee on the District of Columbia has jurisdiction, for instance, of the laws regulating the sale of intoxicating liquor in the District of Columbia. Surely the gentleman would not contend under the precedents that that matter should be referred to the Committee on the Judiciary, and yet according to the gentleman's statement it would have to be so referred. The Chair thinks the proper rule is that, notwithstanding the fact a bill changes existing law or enacts new law, if it relates only to the District of Columbia, it should properly go to the Committee on the District of Columbia. The Chair could conceive of some cases, perhaps, where the matter in fact only related to the District of Columbia but involved changes of basic law which should go to the Judiciary Committee.

So the Chair will continue, unless otherwise ordered by the House, to refer bills like the ones in question to the Committee on the District of Columbia.

DETENTION OF FUGITIVES IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever any person shall be found within the District of Columbia charged with any offense committed in any State, Territory, or other possession of the United States, and liable by the Constitution and laws of the United States to be delivered over upon the demand of the governor of such State, Territory, or possession, any judge of the police court of the District of Columbia may, upon complaint on oath or affirmation of any credible witness, setting forth the offense, that such person is a fugitive from justice, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the police court to answer such complaint.

SEC. 2. If, upon the examination of the person charged, it shall appear to the judge of the police court that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the chief justice of the Supreme Court of the District of Columbia, he shall, if not charged with murder in the first degree, be required to give bond or other obligation, with sufficient sureties, in a reasonable sum, to appear before said judge of the police court at a future date, allowing 30 days to obtain a requisition from the governor of the State, Territory, or possession of the United States from which said person is a fugitive, he to abide the order of such judge of the police court in the premises.

SEC. 3. If such person shall not give bond or other obligation, as herein provided, or if he shall be charged with the crime of murder in the first degree, he shall be committed to the District jail, and there detained until a day fixed by the court, in like manner as if the offense charged had been committed within the District of Columbia; and if the person so giving bond or other obligation shall fail to appear according to the condition of his bond or obligation, he shall be defaulted, and the bond or other obligation entered into by him shall be forfeited to the United States.

SEC. 4. If the person so giving bond or other obligation, or committed, shall appear before the judge of the police court upon the day ordered, he shall be discharged, unless he shall be demanded by some person authorized by the warrant of the governor to receive him, or unless the judge of the police court shall see cause to commit him for a further time, or to require him to give bond or other obligation for his appearance at some other day, and if, when ordered, he shall not give bond or other obligation he shall be committed and detained as before: *Provided*, That whether the person so charged shall give bond or other obligation, be committed or discharged, his delivery to any person authorized by the warrant of the governor shall be a discharge of his bond or obligation, if any.

SEC. 5. The major and superintendent of the Metropolitan police of the District of Columbia shall give notice to the police official or sheriff of the city or county from which such person is a fugitive that the person is so held in the District of Columbia.

SEC. 6. A person committed as herein provided shall not be detained in jail longer than to allow a reasonable time to the person receiving the notice herein required to apply for and obtain a proper requisition for such person according to the circumstances of the case and the distance of the place where the offense is alleged to have been committed.

SEC. 7. Nothing herein contained shall prevent the voluntary return, in the custody of a proper official, of a person to the jurisdiction of the State, Territory, or other possession of the United States from which he is a fugitive. And nothing herein contained shall prevent a judge of the police court of the District of Columbia, in his discretion, accepting bond or other obligation for the appearance of a person before the proper official in the State, Territory, or possession of the United States from which he is a fugitive.

SEC. 8. Nothing herein contained shall repeal, modify, or in any way affect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a Federal district to answer a Federal charge, or repeal, modify, or affect existing law or treaty concerning the return to a foreign country of a person apprehended in the District of Columbia as a fugitive from justice from a foreign country.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed, was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. MCLEOD] may extend his remarks in the RECORD by inserting the report accompanying this bill showing the purposes of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia reporting the bill H. R. 8915:

[To accompany H. R. 8915]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia, having considered the same, report favorably thereon with the recommendation that the bill do pass.

There is appended and made a part of this report the report of this committee in the Sixty-ninth Congress, giving full explanation of the reasons for and purpose of the proposed legislation.

[H. Rept. No. 1977, 69th Cong., 2d sess.]

The Committee on the District of Columbia, to which was referred the bill (H. R. 15208) to provide for the detention of fugitives apprehended in the District of Columbia, having considered the same, report it to the House of Representatives with the recommendation that the same do pass.

This bill was introduced as the result of the survey being made by the special committee, of which Mr. GIBSON is chairman, and to remedy the lack of proper legislation authorizing the authorities in the District to detain fugitives who have escaped from their States and sought refuge here from apprehension for crime committed in their jurisdiction.

At the present time persons who have committed crimes in their States may come to the District of Columbia, and there is no law which will enable authorities here to hold them pending the issuance of extradition papers. If arrested upon the request of the authorities of the State where the crime is committed, the courts here have decided in habeas corpus proceedings that such fugitives can not be held for want of authority of law here. This bill was prepared at the request of the Gibson committee by the office of the corporation counsel of the District, which earnestly requested and urged its enactment into law.

The rights of the prisoners are amply protected by the provisions of the bill.

THE CATHOLIC UNIVERSITY OF AMERICA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 2310) supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the incorporation of the Catholic University of America under chapter 18, Revised Statutes of the United States relating to the District of Columbia, be, and the same is hereby, approved and confirmed.

SEC. 2. That in addition to the rights, duties, and obligations enjoyed and imposed by chapter 18 of the Revised Statutes of the District of Columbia the said university may enter into affiliated agreements with any institutions of learning within or outside of the District of Columbia, for the purpose of giving to students of such institutions the educational facilities of said university, upon such terms as are mutually agreed upon by the said university and the affiliated institutions.

SEC. 3. That said university shall have, and is hereby given, the power to increase the number of its trustees from time to time by a two-thirds vote of the whole number of the trustees at the time such vote is taken to a number not exceeding 50.

In case of the increase of the number of trustees a certificate stating the number of the board and the time when it shall go into effect, and that the action so taken was by a two-thirds vote as required by this act, shall be filed with the recorder of deeds of the District of Columbia.

SEC. 4. The said board of trustees shall have, and are hereby given, full power and authority, by a vote of two-thirds of its members, to adopt and change by-laws for the conduct of the business and educational work of said university, to fix the time of meetings, regular and special, and the form of notice to be given; they may appoint an executive committee composed of trustees, designate the number and chairman thereof, with such powers and authority as are usually exercised by an executive committee, and which shall be conferred by the board subject always to the control of the board of trustees; they may create and establish schools and departments of learning to be connected with and become a part of said university, and establish such scholastic boards and officers as may be required for academic operation and direction in education; they may receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor, for the maintenance of educational work by said university and by any department or chair thereof, now established or which may hereafter be created or established by said university, and they shall have all of the powers and authority heretofore granted to or invested in the trustees of said university by chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

SEC. 5. That nothing in this act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. MCLEOD] may extend his remarks in the RECORD by printing the report on this bill for the information of the House.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill S. 2310:

[To accompany S. 2310]

The Committee on the District of Columbia, to which was referred the bill (S. 2310) supplementary to, and amendatory of, the incorporation of the Catholic University of America, having considered the same, report favorably thereon with the recommendation that the bill do pass.

The purposes of this bill are four:

1. To authorize the Catholic University of America, an institution of learning in the District of Columbia, to enter into affiliated agreements with any institutions of learning within or outside of the District of Columbia for the purpose of giving to students of such institutions the educational facilities of said university, upon such terms as are mutually agreed upon by the institutions concerned.

2. To grant power to the above-mentioned Catholic University to increase the number of its trustees in a certain prescribed manner.

3. To grant power to adopt and change by-laws for the conduct of business and educational work of said university.

4. To clarify certain language of the act of incorporation with respect to the right to administer the property of said university.

The Catholic University of America was incorporated not under the District Code, which was enacted in 1901, but was incorporated April

19, 1887, under chapter 18 of the Revised Statutes of the United States relating to the District of Columbia.

Section 676 of said chapter 18 provides that "Congress may, at any time, alter, amend, or repeal this chapter, saving and preserving all rights which may become vested under the same, and may amend or repeal any incorporation formed or created under this chapter"; * * *

The power to increase, as above stated, its trustees, has also been conferred upon the same institution. Section 1 of said act of March 3, 1905, and the power to change its by-laws for the conduct of the business and educational work of the university, to fix time of meetings, regular and special, is also given to the same institution by act of Congress of March 18, 1898 (30 Stats. 328).

The power to establish such scholastic boards and officers as may be required for academic operation and direction in education, and to "receive, invest, and administer endowments and gifts of money and property absolute or subject to payments by way of annuities during the life of the donor," is asked for by the Catholic University in order to clear uncertainties caused by section 523, Revised Statutes of the United States relating to the District of Columbia, which provides that "such corporation shall hold the property of the institution solely for the purposes of education, and not for the benefit of themselves or of any contributor to the endowment thereof."

The great growth and development of the Catholic University and its high standing among the educational institutions of the country require the changes asked for in the conduct of its work and business incident to its development as an institution of learning, and there is no way to obtain these changes except by direct application to Congress required by the sections of the Revised Statutes of the United States relating to the District of Columbia above referred to.

CORPORATION COUNSEL FOR THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 9782) to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same hereby is, amended so as to add a new section thereto, to be known as section 932 (a) and to read as follows:

"SEC. 932 (a) The corporation counsel for the District of Columbia and his assistants are empowered to administer oaths or affirmations to witnesses in criminal cases and in any and all matters and things connected with the performance of their official duties; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment at hard labor for the first offense for not less than 2 nor more than 10 years, and for the second offense for not less than 5 nor more than 15 years."

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, this bill works for efficiency in the office of the corporation counsel, but in my opinion it ought not to pass. In this country we recognize the wisdom of having separate functions of Government. There are also separate functions for the administration of justice. To my mind it is not proper for either side to have the power to swear witnesses. That power is quasi judicial and should be in the hands of a disinterested officer, either the clerk or the judge or some disinterested person to administer oaths. I can see where it might be abused in the sweating process. The corporation counsel under this bill could sit not only as a lawyer but as a quasi judge, swear witnesses, and intimidate the witness through the oath. My remarks need not be extended in opposition to the bill, for I have explained the objections which go to the fundamentals of justice rather than the details.

Mr. ZIHLMAN. I call the gentleman's attention to the fact that the district attorney has that authority now under the code, and we want to extend it to the corporation counsel.

Mr. GILBERT. It is wrong for the district attorney's office to have that power. We all understand that the prosecuting attorney is supposed to take care of the defendant as well as the State, but in my experience they get interested in the prosecution, wrought up over it, and become almost as partisan as the attorney for the defense.

It is unwise to bestow such power on the corporation counsel merely because it promotes efficiency.

Mr. McLEOD. The gentleman will recognize that the object is to save time. The fact was brought out that on a Monday morning there are from 100 to 400 informations pending, and for that reason the small staff in the clerk's office are not competent to take care of it.

Mr. GILBERT. I said at the outset that the bill worked for efficiency, but at the sacrifice of fundamental justice that should not be sacrificed.

Mr. McLEOD. We have an amendment that perhaps will obviate the gentleman's objection.

Mr. GILBERT. I can see how a lawyer unduly enthusiastic in the prosecution might browbeat the witness and I think it is fundamentally wrong for either side to be able to swear their own witnesses.

Mr. McLEOD. Would the gentleman have any objection to this amendment: Page 2, line 3, insert "wherever the record of such oath or affirmation is made"?

Mr. GILBERT. That would not cure my objection.

Mr. STOBBS. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. STOBBS. Why should the corporation counsel who is, after all, a partisan and a representative of one side of the story—why should he have the power to act in a quasi-judicial capacity and examine under oath witnesses about any crime that comes before the court?

Mr. McLEOD. There is no discrimination.

Mr. STOBBS. You are making the corporation counsel perform the duties of the clerk of a court. The clerk of the court has no interest—he is acting in a quasi-judicial capacity. Here you have a man bound to be counsel on one side or the other representing the District of Columbia, and just as the gentleman from Kentucky has said, taking the testimony of witnesses under oath. It seems to me it is absolutely unfair to the defendant. I would like to hear what the gentleman has to say as to the reason other than that of saving time.

Mr. McLEOD. The opinion came from Mr. Bride, who claimed that the expense to the District of Columbia in the loss of time was great, and that was the main reason for the bill.

Mr. STOBBS. I want to point out that we are dealing with a principle. Before you issue a warrant or information there must be a quasi-judicial officer pass on the question. You can not settle the question of saving time in a bill by violating a fundamental principle.

Mr. McLEOD. That was the reason the Code of Law was changed in order to take care of the district attorney's office.

Mr. ZIHLMAN. If the gentleman from Michigan will permit, I say to the gentleman from Massachusetts [Mr. STOBBS] that for more than 20 years that power has been vested in the district attorney and his assistants. The corporation counsel and his assistants prosecute cases in the minor courts, and it is sought by this bill to extend the same privilege or right or power to the corporation counsel and his assistants in order to expedite the work of the police court and the other minor courts of the District.

Mr. STOBBS. Does not the gentleman realize that when you make a man possibly liable for perjury on some statement he may make to the man who is going to prosecute the case in court, that you are taking away the safeguards with which a defendant ought to be surrounded? The question of whether or not a man is making a wrong oath in those circumstances ought to be confined in a criminal case to the judge himself.

Mr. McLEOD. We intended to confine this only to cases where a record of such oath was made.

Mr. CHINDBLOM. But I call the gentleman's attention to the fact that the corporation counsel for the District of Columbia, Mr. Bride, opposes the adoption of the proposed amendment. He says:

> With no stenographic service available for the purpose of these hearings, and because it would not be feasible to reduce to writing the testimony given at such preliminary hearings, I am of the opinion that the adoption of the suggested amendment would defeat the particular object of the bill.

Of course, that statement everyone can see is true, but I am curious to know how it is that the District of Columbia must have such extraordinary and unusual legislation for the administration of justice. The authorities of the District send recommendations to the District Committee for all of these unusual things, and I am not finding any fault with the committee; but is there any other jurisdiction in the land where district attorneys who are prosecutors and corporation counsel who are prosecutors take the affidavits of witnesses or of informants, or of applicants for warrants? Does anyone know of the existence of any such practice elsewhere?

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. The gentleman from Michigan has the floor.

Mr. McLEOD. I yield.

Mr. UNDERHILL. Does the gentleman not think it would be a pretty good thing for the rest of the country to get some special legislation for its prosecuting officers, in order that we may stop some of these criminal activities that are going on? There are altogether too many safeguards surrounding the criminal and too little power in the States.

Mr. CHINDBLOM. But we have always differentiated as between the clerks of courts and judges of courts and the attorneys who practice before the courts.

Mr. McLEOD. The only reason and the best reason the subcommittee had in making the original report to the full committee was that we were convinced at the time that this is a time saver and a possible money saver, because the same rights are given to the district attorney's office. If it accomplishes that result that was sufficient.

Mr. ZIHLMAN. Mr. Chairman, I yield three minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. I ask the chairman of the committee whether or not in the District of Columbia there is any law which will permit John Doe proceedings to be had in the investigation of any kind of criminal cases?

Mr. ZIHLMAN. The chairman of the Committee on the District of Columbia is not an attorney, and is not familiar with all of the Code of the District of Columbia. I think there is such a thing, but I could not say positively.

Mr. WILLIAMSON. In most States a prosecuting attorney may bring a proceeding before a justice of the peace or other inferior judicial officer, or the county judge, for the purpose of investigating a crime or a supposed crime. In those proceedings the witnesses are put under oath, and examination is had very much after the manner that one proceeds before a grand jury. This bill seems to contemplate that a hearing may be had by the corporation counsel himself sitting in the capacity of a justice of the peace or a county judge in a quasi-judicial capacity.

Mr. CHINDBLOM. Or as an examining magistrate.

Mr. WILLIAMSON. Yes; in the capacity of examining magistrate and prosecutor at the same time. It seems to me that a procedure of that kind is wholly unwise. I can see how a law which will permit John Doe proceedings is a good thing because this permits the investigation of alleged crimes in advance of an information being filed, and often results in no information being issued in cases where otherwise an information might be sworn to and filed and an injustice done to a person suspected of some offense. It seems to me that to give this quasi-judicial power to a prosecuting officer is contrary to proper judicial proceedings. A prosecutor should be armed with some method of getting at the facts when crime is charged, but such investigation, when sworn testimony is sought, should be before some competent and impartial official charged with the functions of a committing magistrate.

Mr. ZIHLMAN. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Speaker and gentlemen of the House, this bill to my mind is very bad legislation. If I am suspected of the commission of a crime at the present time, no one has any right to arrest me unless he can obtain a warrant; and to get that warrant he must go to the clerk of the court or to the judge, neither of whom has any interest in the particular case. In other words, they act in a judicial or a quasi-judicial capacity.

Now, if this bill is passed, it means that if anybody wants to arrest me or get a warrant against me for the commission of a crime, instead of going to court or to the clerk of the court he can go to the corporation counsel, who is going to be the prosecuting attorney to prosecute me in court, who is in the anomalous position of first issuing a warrant for my arrest and then trying me.

The only argument that the committee has to make in behalf of this proposed fundamental change in the principles of our law, taking away that safeguard which is fundamental and which has stood for generations, is simply the saving of time. It is about time, in my judgment, that we did something on the basis of the fundamental principles of government rather than simply to listen to a proposition like this, which is offered to us as a time-saving device.

Mr. ZIHLMAN. The judges have recommended this.

Mr. STOBBS. I do not care whether the judges have recommended it or not. It is we who are legislating here—ourselves—and not the courts of the District of Columbia. There is not a legislative body in any State of the country that would let this proposition go into effect. I myself have been a prosecuting attorney, and I think it would have been preposterous for me, acting as such, to issue a warrant when later I was to be the prosecuting officer who would conduct the case.

Mr. BLANTON. Mr. Speaker, I would like to have five minutes for the purpose of offering amendment.

Mr. ZIHLMAN. I yield to the gentleman five minutes.

Mr. BLANTON. Mr. Speaker, I move to strike out the enacting clause of the bill.

The SPEAKER. The gentleman from Texas moves to strike out the enacting clause.

Mr. BLANTON. The present corporation counsel for this District, Judge Bride, is a splendid lawyer and a fine gentleman. The District ought to be proud of having in its service a man of his high character at the head of that department. But he has a bunch of assistants who ought not to have this power. As I heard a friend say a moment ago, they ought to be preparing their cases instead of swearing witnesses to this or that allegation. There are plenty of notaries scattered all around the District Building. There are plenty of authorities in the District Building who are authorized to swear witnesses. They are accessible at all times. They can be found. They can be used.

I do not think there is any necessity whatever for this legislation. It is dangerous. I agree with the gentleman from Massachusetts [Mr. STOBBS]. What is the use of passing it at present? I think the enacting clause ought to be stricken out. That would end it.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BLANTON. Mr. Speaker, I ask for a vote on my motion to strike out the enacting clause.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. ZIHLMAN. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 23, noes 5.

So the motion to strike out the enacting clause was agreed to.

On motion of Mr. BLANTON, a motion to reconsider the vote whereby the enacting clause was stricken out was laid on the table.

PERMIT FOR OPENING A GRAVE

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to call up House bill 7722, and consider the same in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland asks unanimous consent to call up House bill 7722, and consider it in the House as in Committee of the Whole. Is there objection?

Mr. SCHAFER. What is the calendar number?

Mr. ZIHLMAN. Private Calendar No. 387.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7722) authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the opening of the grave of the late Nellie Richards, who was interred in the Congressional Cemetery on October 18, 1897, so that the late Gertrude Richards, a sister of the aforesaid Nellie Richards, may be interred in the same grave.

Mr. CHINDBLOM. Mr. Speaker, I would like to ask the chairman of the committee to explain why we must pass this legislation here?

Mr. ZIHLMAN. Under the District Code of Law the health officer has the power to issue permits for the opening of graves of deceased persons except where such persons died from a contagious disease. The health officer informs me he has no power to permit the opening of a grave in the case of death by contagious disease. This body was interred some 30 years ago, but the records of the health department show that this lady was suffering from diphtheria, a contagious disease, and it is necessary to pass a law for the opening of the grave.

Mr. McLEOD. Mr. Speaker, I hereby insert the following report of the Committee on the District of Columbia, reporting the bill H. R. 7722:

[To accompany H. R. 7722]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7722) to authorize the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards, having considered the same, report it back to the House with the recommendation that it do pass.

The purpose of the bill is to permit the interment of the remains of the late Gertrude Richards in the grave of the late Nellie Richards in Congressional Cemetery.

The Board of Commissioners of the District of Columbia recommend favorable action on the bill, and state that in the opinion of the health officer the interment can be made with absolute safety and without nuisance.

The Code of the District of Columbia, section 675, provides:

"No dead body of any human being or any part of such body shall in said District be removed from place to place, interred, disinterred, or in any manner disposed of without a permit for such removal, interment, disinterment, or disposal granted by the health officer of said District, nor otherwise than in accordance with the terms of said permit; permits for the removal, interment, or disposal to be issued upon the presentation of a proper death certificate, signed by a physician registered at the health department of said District, who has attended the deceased during his or her last illness, or by the coroner of said District or his deputy, or by the proper municipal, county, or State authorities at the place where the death occurred." * * *

The SPEAKER. Is there objection to the consideration of the bill in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ESTABLISHMENT OF A WOMAN'S BUREAU IN THE METROPOLITAN POLICE DEPARTMENT

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to call up the bill H. R 6664, and consider it in the House as in Committee of the Whole.

Mr. CHINDBLOM. Mr. Speaker, may we have the bill reported?

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6664) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall continue to be a women's bureau in the Metropolitan Police Department of the District of Columbia, to consist of one director with the rank of assistant superintendent, who shall be directly responsible to the major and superintendent of police; one assistant director with the rank of captain; one case supervisor; three patrol supervisors; and 61 privates, 6 of whom shall be between the ages of 35 and 45. All officers and members of the women's bureau shall be women, but the major and superintendent of police may, upon the request of the director, detail for service in the women's bureau such number of men from the officers or members of the Metropolitan police force as the major and superintendent of police may deem advisable, and while so detailed such officers or members shall be subject to the direction and control of the director.

SEC. 2. (a) The Commissioners of the District of Columbia shall appoint to office and promote all officers and members of the woman's bureau. All officers and members of the woman's bureau, except the director and the assistant director, shall be appointed and promoted in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, except that (1) minimum preliminary requirements for appointment shall be graduation from a standard high school or the completion of at least 14 college entrance units of study, and either not less than two years' responsible experience in systematic social service or educational work or not less than two years' responsible commercial experience involving public contact and tending to qualify the applicant to perform the duties of the position, and (2) promotion shall not be made except upon report of the director that conduct, intelligent attention to duty, and improvement through training in special courses justify such promotion.

(b) The director shall be a trained social worker, as evidenced by a certificate of graduation from a recognized school of social work, or the equivalent of such certificate from a college of the first class, and at least two years' executive responsibility in work with individual delinquents.

(c) Except as otherwise provided in this act, the officers and members of the woman's bureau shall be subject to the same rules and regulations and to the same discipline as other officers and members of the Metropolitan police force in so far as such rules, regulations, and discipline are consistent with the special class of work performed by them and shall be possessed of all the rights, powers, benefits, privileges, and immunities now possessed or which may hereafter be possessed by other officers and members of the Metropolitan police force, it being the intent of this act that the officers and members of the woman's bureau and other officers and members of the Metropolitan police force shall, so far as practicable, and according to the period of service and classification, be upon the same footing.

SEC. 3. The annual salaries of the officers and members of the woman's bureau shall be as follows: The director, the assistant director, and the private shall receive the same salaries as other officers and privates of the Metropolitan police force with the same grade and rank; the case supervisor and the patrol supervisors shall receive salaries at the rate of $2,700 per annum.

SEC. 4. The functions of the woman's bureau shall be to do preventive-protective work and to exercise the functions of the police in the cases of women and children, whether offenders or victims of offenses, subject to the laws and regulations of the District of Columbia. Nothing contained in this act shall be construed to limit the authority of any officer or member of the Metropolitan police force, not connected with the woman's bureau, except with respect to women and children who are in the custody of the police.

SEC. 5. The women who are officers and members of the Metropolitan police force at the time of the passage of this act shall be continued in their respective grades as officers and members of the woman's bureau provided for in this act, except that (1) the lieutenant and sergeant in office at the time of the passage of this act shall, as director and assistant director, respectively, of the woman's bureau, hold the rank and receive the pay of an assistant superintendent and a captain, respectively, of the Metropolitan police force, and (2) the privates serving at the time of the passage of this act in the capacity of case supervisor and control supervisor, respectively, shall no longer be known as privates but shall be continued as case supervisor and patrol supervisor, respectively, as herein provided.

SEC. 6. The Commissioners of the District of Columbia are authorized to appoint for duty in the woman's bureau, in accordance with the provisions of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and the rules and regulations made in pursuance theerof, in the same manner as members of the classified civil service of the United States, one office secretary, six stenographers, three typists, and such other assistants as may be provided for by the Congress from time to time. The compensation of such employees shall be fixed in accordance with the classification act of 1923.

With the following committee amendments:

Page 1, line 5, strike out the words "to consist" and insert "in charge."

In the same line strike out the words "with the rank of assistant superintendent."

In line 7 strike out the words "with the rank of captain."

In line 9 insert, after the word "and," the words "not more than," and after the word "privates" strike out the words "six of whom shall be between the ages of 35 and 45."

On page 2 strike out all of lines 2, 3, 4, 5, 6, and 7 and insert "Any policeman who may from time to time be detailed to the woman's bureau."

In line 9, after the word "director," insert the words "while so detailed."

In line 20 strike out "(1)."

In line 21, after the word "be," strike out the remainder of line 21 and all of lines 22, 23, 24, 25, and on page 3 strike out lines 1, 2, 3, 4, and 5 and insert "in accordance with the United States civil service standards existing January 1, 1928."

On page 3 strike out all of lines 8, 9, 10, 11, 12, and 13 down to and including the word "act."

In line 15 strike out the word "same"; in the same line strike out the word "and," the words "to the same," and the word "as."

Strike out all of lines 16, 17, and 18 and insert "prescribed in the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926."

In line 22, after the word "and," insert the word "they."

On page 4, line 5, after the word "the," strike out the words "annual salaries of the."

In line 6, after the word "shall," strike out the words "be as follows: The director, the assistant director, and the privates shall."

In line 9 strike out the semicolon after the word "rank" and the remainder of line 9 and all of lines 10 and 11.

Strike out all of section 4, beginning in line 12 and ending in line 20, and insert:

"The purpose and functions of the woman's bureau shall be in accordance with the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926."

On page 5, line 5, after the word "act," strike out the comma, the remainder of line 5, and all of lines 6, 7, 8, 9, 10, 11, 12, 13, and 14.

In line 22, after the word "States," strike out the comma, the remainder of line 22, and all of line 23 and insert "such clerical force."

Mr. BLANTON. Mr. Speaker, I ask recognition on the committee amendments. Mr. Speaker, this bill has been before the District Committee, off and on, ever since I have been a member of it. It is merely to make lawful that which already exists by the will of the commissioners and which has existed for years. In addition it gives the Appropriations Committee the power, whenever they think it necessary, to add additional officers. It makes it lawful for Mr. MADDEN'S committee to provide for additional officers whenever a proper showing is made before the Appropriations Committee. There is the bill.

I want to say this: The bill is approved by the Parent-Teachers' Associations in the District of Columbia, it is approved by the Daughters of the American Revolution, it is approved by the Federated Clubs of the District of Columbia, it is approved by practically all of the citizens' associations of the District of Columbia, it is approved by the District Commissioners, and it is approved by various welfare committees.

Mr. MAPES. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. MAPES. Does the gentleman from Texas approve of it?

Mr. BLANTON. Yes. However, I preferred it without any amendments. I will say this to my friend: There were those on the committee, including the distinguished gentleman from North Carolina and the distinguished gentleman from Massachusetts, who thought it should be materially amended, and the committee agreed to all of their amendments.

Mr. HAMMER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HAMMER. I agreed with the express understanding that it did not in any way change the meaning of the law from the bill as reported at the last session of Congress, and I was assured it did not. I knew nothing whatever about what was in the police manual.

Mr. BLANTON. I think the gentleman misunderstood me. I was telling my friend from Michigan that the gentleman from North Carolina insisted on this bill being amended and that we did amend it, both at his suggestion and at the suggestion of the gentleman from Massachusetts, and the committee then adopted other perfecting amendments offered by Mr. GIBSON.

Mr. HAMMER. It was, as I thought, to be exactly like the bill that was reported favorably last year; and then there was the suggestion that we make one other modification, and that was that the rules of the police manual be observed.

Mr. BLANTON. I wish the gentleman would get his own time.

Mr. HAMMER. I do not want to be misquoted; that is all; and I do not think the gentleman intended to do that.

Mr. COLLINS. Mr. Speaker, this is a very important bill, and I make the point of order that there is no quorum present.

Mr. MAPES. I would like to ask the gentleman from Texas another question.

Mr. BLANTON. I shall be glad to answer it.

Mr. COLLINS. Mr. Speaker, I withdraw the point of order.

Mr. MAPES. I would like to get the gentleman's construction of section 5 as it is proposed to be amended, which reads this way:

> The women who are officers and members of the Metropolitan police force at the time of the passage of this act shall be continued in their respective grades as officers and members of the woman's bureau provided for in this act.

I would like to ask the gentleman from Texas if it is his construction of this language that these women are placed in their positions by statutory law for all time, regardless of subsequent behavior?

Mr. BLANTON. Oh, no; they are subject absolutely to the rules of the manual of the police department and subject to all the regulations applicable to the police bureau, as the gentleman will see from the language of the bill.

Mr. MAPES. Let me ask the gentleman——

Mr. BLANTON. I want first to complete my answer to your question. I want to say with respect to keeping these women in their present positions, subject, of course, to the regulations, your former Commissioner Rudolph told me in his own office that the superintendent of this bureau, Mrs. Mina Van Winkle, had spent $66,000 out of her own money in cleaning up and perfecting the bureau.

Mr. GALLIVAN. Where did she get it?

Mr. BLANTON. She inherited it. It was money out of her own fortune. She is that kind of woman. She was so interested in this work that she spent this amount of her own money, and I have been through her bureau from top to bottom, and it is as clean as it can be all the way through.

Mr. UNDERHILL. Mr. Speaker, I wish to add a few words to what the gentleman from Texas has said. This bill has been before the committee ever since I have been a member, and it has been a thorn in the flesh of every member of the committee. I acknowledge that I have opposed it in season and out. I have fought it to the best of my ability, and for at least three or four sessions have prevented the passage of the bill as introduced in the committee.

Last year the committee amended the bill materially, so that it merely legalized the present status of the policewomen's bureau, which is a recognition of a very efficient arm of the police service. This was reported as being perfectly satisfactory, and when the bill was reintroduced this year it was supposed that that bill as amended would be the bill introduced. Instead of that the old bill became before the committee again with all of its injustices and inequalities and dangers, and the committee sat down and amended the bill and struck out all of those provisions.

It was thought that some of us took a little advantage of our colleagues, and so at a subsequent meeting of the committee this action was reconsidered and the bill again came up for consideration.

Then the suggestion was made that an amendment striking out section 4 be adopted and that we insert four or five lines setting forth that the functions of the woman's bureau should be in accordance with the police manual. Well, at that time it seemed a reasonable proposition, and as no police manual was handy it was accepted by the opponents of the bill—I will call them opponents of the bill—but upon investigation later on, we found that the police manual contained all of the objectionable features that were in the previous bill.

So I shall move, in addition to the committee amendments, that on page 4, lines 21, 22, 23, 24, and 25 be stricken out and that section 4 be reinserted in the bill. In this way it will restore to the bill——

Mr. HAMMER. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. HAMMER. I understand that section 4 of the bill is identical with section 4 of the bill reported in the last session of Congress.

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. Then all we would need to do would be to vote down the committee amendment?

Mr. UNDERHILL. No; let us accept all the committee amendments, but in the meantime, in accepting the committee amendments, unless I can find some parliamentary procedure——

Mr. BLACK of Texas. The gentleman is speaking with reference to section 4 of the bill?

Mr. UNDERHILL. My reference is to all the committee amendments.

Mr. BLACK of Texas. Will not the committee amendment striking out section 4 be submitted separately?

Mr. UNDERHILL. I will ask that that be considered separately and we will strike out lines 21 to 25.

Mr. BLACK of Texas. If I understand the gentleman, his contention is that when the amendment is submitted to carry out his view, the House should vote down the committee amendment striking out section 4 which would leave it as it was in the original bill?

Mr. UNDERHILL. Yes.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. WELSH of Pennsylvania. Will the gentleman tell us what kind of police work these women perform?

Mr. UNDERHILL. Yes; the policewomen are doing a very effective work and they have my hearty commendation.

Mr. GALLIVAN. What is the effective work they are doing?

Mr. WELSH of Pennsylvania. Yes; tell us about that. You are providing here for 60 policewomen.

Mr. UNDERHILL. No; not more than 60. This was one of the amendments suggested by the gentleman from Massachusetts, and it leaves this entirely in the hands of the Committee on Appropriations of this House.

Mr. WELSH of Pennsylvania. Tell us what police work they are doing?

Mr. UNDERHILL. The women have charge of what we might call the welfare work—if you know what that is—of the District of Columbia, and it is quite necessary with the cosmopolitan population here, and particularly with the colored popu-

lation, that we should have a corps of welfare workers vested with certain authority which will really give them a standing with a certain proportion of the community.

Mr. DOUGLASS of Massachusetts. What do they do?

Mr. GALLIVAN. Are there any colored policewomen here?

Mr. UNDERHILL. No.

Mr. GALLIVAN. But they work among the colored population.

Mr. UNDERHILL. Yes.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MAPES. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. MAPES. The language on page 3, paragraph (c) of the original bill or paragraph (b) as the committee proposes to amend it, provides that—

the officers and members of the woman's bureau shall be subject to the rules, regulations, and discipline prescribed in the manual of the Metropolitan police department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926.

It seems to me that the language of the committee amendment presupposes at least that the manual of the department now is perfect and will never need revision or perfecting in the future; is that the gentleman's construction of this language?

Mr. UNDERHILL. No; and there might be some objection to writing any portion of the manual into substantive law. But as a matter of fact it simply places the women on the same basis as the men.

Mr. MAPES. Is that true? It says the officers shall be subject to the rules and regulations and discipline described in this manual of this date. It does not seem to me that there is a particle of exception to that, and that it subjects the woman's bureau at least to the regulations of this manual as already provided.

Mr. UNDERHILL. That is not the language of the speaker. The language which the gentleman addressing the House would be the language that was striken out in lines 16, 17, and 18, rather than those inserted in lines 19, 20, and 21—but that is a matter of little moment.

Mr. WELSH of Pennsylvania. Does this bill meet with the approbation of the superintendent of police?

Mr. UNDERHILL. Yes; and the police commissioner.

Mr. WELSH of Pennsylvania. Did he ask for it or merely approve it?

Mr. UNDERHILL. I think he appeared in behalf of the legislation before the subcommittee.

Mr. DOUGLASS of Massachusetts. How many women police officers are there in the District?

Mr. ZIHLMAN. In the neighborhood of 25.

Mr. UNDERHILL. I think there are 30 or 32.

Now, in conclusion, let me say that this bill has plagued us in the past and unless we pass it it will continue to plague us in the future. I do not know what will happen to it in another body, but at least the House can go on record this afternoon as in favor of this bill, drawn in this way and manner, and not in favor of a bill which gives extraordiary powers and separate jurisdiction to women engaged largely in the same endeavor as men.

I am absolutely in favor of and would like to see one policewoman in every precinct station in the District of Columbia. I think that is a wise provision, but when you give extraordinary powers to any one member of that force you immediately create dissension and trouble in the whole department. If we can pass this bill we will be relieved of that trouble.

Mr. MORTON D. HULL. Are these policewomen now recognized by law?

Mr. UNDERHILL. No; they could be fired to-morrow by the chief of police if he saw fit.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I move to strike out the last word. Mr. Speaker and Members of the House, I desire to crave your indulgence for a few moments. I do so for the reason that I want to read an address of about two pages, and then ask you to permit me to incorporate in my remarks excerpts from the articles to which they refer, by Garet Garrett and James M. Thomson, in the Saturday Evening Post, whose enormous circulation makes it speak to an audience in homes, in towns, villages, hamlets, crossroads, and in cities big and little over the continent.

I am mindful of the fact that I might have waited until the end of the consideration of these bills and asked for the privilege of addressing the House for 15 or 20 minutes and of extending my remarks; but it has been deemed by gentlemen who have requested me to deliver this address to speak it on the floor now, and then secure the privilege to which I have referred, for the reason that a point of order will be made soon that will lead to an adjournment. In fact, it will be made, I am informed, as soon as I finish unless further consideration of the pending bill is abandoned. Of course, the flood situation in the Mississippi Valley is of the utmost importance to us.

Mr. UNDERHILL. Does the gentleman from Louisiana realize that he is supposed to confine his remarks to the bill under consideration?

Mr. O'CONNOR of Louisiana. No; I did not realize that. I thought I could discuss other matters on District bills.

Mr. UNDERHILL. That used to be the rule, but it is not now.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana may proceed out of order.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from Louisiana may proceed out of order. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I will tell the gentleman from Massachusetts a story, with another's tongue and another's eloquent pen, which will illustrate forcibly the fact that the Mississippi flood conditions and the solution of that annual problem are of the utmost importance to us of the valley particularly and to the Nation generally.

Mr. UNDERHILL. The gentleman from Massachusetts has been down there and knows all about it.

Mr. O'CONNOR of Louisiana. Then I know you will lend a sympathetic ear to the story my remarks and those of Garet Garrett and James Thomson will tell.

Mr. Speaker and Members of the House, I desire to call the attention of the Congress to an article of extraordinary ability and insight written by Garet Garrett, which appeared in the Saturday Evening Post of March 10, 1928. The article is captioned "A tale of thirteen billions." It is written primarily for the purpose of discussing the policy of the United States Government as relates to foreign loans. It mentions incidentally the very generous policy which our Government has followed in relieving foreign borrowers of some $7,000,000,000 which they owed us at the end of the war. It mentions outright gifts from our great Nation to the suffering and starving people of other nations. I do not care to go into a discussion of this phase of this article, but I do desire to call the attention of the House to the argument set forth clearly and, to my mind, convincingly by this forceful writer for this great magazine that there is a proper outlet for the vast surplus accumulation of capital in our country on projects of undoubted merit; projects which will add to the wealth of our country; projects which are an investment. In order to avoid taking up your time and the burdening of the RECORD, I have attempted to take from Mr. Garrett's article only those parts which present statistics and arguments along this line. Mr. Garrett mentions six projects of national import, one the Mississippi River system, another the Intercoastal Canal, and another the Nicaraguan Canal. It happens that I have introduced a bill looking forward to an investigation of the Nicaraguan Canal; it happens that I have introduced a bill relating to the development of the Mississippi River system; it also happens that I am identified with the development of the Intercoastal Canal. I desire to call the attention of Congress to the other projects mentioned, not that I or anyone else proposes at this time without due and thorough exhaustive investigation that our Government should enter forthwith on the expenditures involved in these projects, but it is well that we in Congress catch the vision of great national development and of an intelligent selfishness in this development of our Nation and the intelligent utilization of capital which we are sending abroad to stimulate industry in foreign lands while unemployment increases in our own country.

In this connection, I desire to state that while I am not always in agreement with the views set forth in the Saturday Evening Post, I do desire to acknowledge and commend the persistent vision shown by the editor of this magazine, Mr. George Horace Lorimer, and by the magazine itself in the constant presentation of intelligent matter regarding all sections of the United States and more particularly regarding the substantial problems of our country. Too many of the publications of national circulation in the East ignore matters of vast and vital interest to that part of our Nation which lies west of the Allegheny Mountains, in the great Mississippi Valley and in the

far West. In the treatment of our own flood problem the Saturday Evening Post, and other publications of the Curtis Publishing Co., have shown an interest in publishing articles of authority on phases of this problem. These have been most helpful in calling these problems to national attention and in aiding in keeping the facts before the country.

This is a vast continent. Problems are many and complex. Congress will shortly consider the flood problem in the Mississippi River. In this connection the House of Representatives may take the credit to itself for having, through its Flood Control Committee, made the most thorough, the most exhaustive, and the most intelligent investigation of this problem during the life of the present Congress that has ever been made on this subject. To the credit of the majority party, it must be stated that its leaders and members have shown every disposition to investigate and treat this flood-control subject on a nonpartisan, nonpolitical, and patriotic basis. The precedent set here regarding the treatment of the flood problem in the lower Mississippi must be followed by the House and by the Senate no matter what changes may come in the political complexion of these bodies in the years to come. We must rise above sectionalism, factionalism, and narrow interest and must consider the Nation's problems for development in times of peace as we considered the Nation's problems for prosecuting the Great War. It is on this basis that we consider the flood problem. Mr. Garrett observes:

One hundred years ago flood control of the Mississippi River was an unimaginable undertaking. We were without the means, the skill, or the capital. To-day the neglect of it is merely a sign of national folly.

While we are lending our wealth in a prodigious manner to other nations, we have in hand of our own no national undertaking at all commensurate with our powers. There has been nothing since the Panama Canal to give us, in time of peace, any sense of putting forth a mighty effort. And this is not for want of works to do.

GREAT NATIONAL NECESSITIES

Imagine seeing this country as a moving photomicrograph, the whole of it in one field of vision. What would appear? Rivers running wild and overflowing, enough power going to waste to absorb all human drudgery, cities fighting for water, not because there isn't plenty but because they have been individually taking it the easiest way, the level of the Great Lakes falling, locomotives struggling over mountains with trainloads of coal that ought to be burned at the mines, commodities moving absurd distances and roundabout because the artificial lines of transportation happen to converge in a few places, terrific congestion in those places, two unexploited empires lying west of the Rio Grande, areas here and there to be reclaimed by irrigation or drainage, each the equivalent of adding another State to our resources.

Knowing what means and tools we had to begin with and how recently it was that all this was wilderness, you would not belittle the wonder of what we have accomplished; but much more you would be struck by the immensity of what we have yet to do. You would realize that our development until now has proceeded along lines of least resistance, one thing upon another, with vicinity vision. That way is at an end. The future will require scientific development under the authority of national vision. That way is opening. We know many things we ought to do and how we ought to do them; we have means in surplus. Yet we procrastinate. Beginnings are involved in disputes between States over prior advantage or between conflicting theories of private and public function. Consider only a few of the great projects that have been definitely visualized.

One is to bring the sea to Chicago and Duluth and make every harbor on the Great Lakes an ocean port. This can be done by raising the level of the Lakes to what it was before they began to shrink, and putting 30-foot shipways in place of the shallow bottleneck connections that now make it impossible for ocean steamships to navigate the most important natural inland transportation system in the world. In this one idea, presenting itself as an engineering problem, complicated by political difficulties, there is endless matter of unmade history, touching the destinies of American agriculture, the migrations of industry westward, and the tides of population; also a by-product of 4,000,000 hydroelectric horsepower.

A second is to make the Mississippi River system a docile carrier, waterer, and turbine slave, by the engineering trick of impounding the wild power of its flood, and then giving it back as tame energy.

"In the great basin of the Mississippi," says Mr. Hoover, "there lies the possibility of a development of the most fundamental economic importance. * * * We have here a drainage upon which, for moderate cost, we can provide a modern transportation system of 9,000 miles of connected waterways, serving 20 States, furnishing a complete north-and-south trunk line across the Nation through the Lakes from Duluth, through Chicago to the Gulf of Mexico, and east and west from Pittsburgh to Kansas City." And of the 3,000,000 hydroelectric horsepower that would be incidentally captured, he adds: "The devotion of a large part of the power to the development of the electrochemical industry is a national necessity for industry, agriculture, and defense."

A third is to develop the natural indications of an intercoastal waterway for barge movements from Boston to Florida, New Orleans, and Galveston. Pieces of such a protected waterway are already made, such as the Cape Cod Canal, but there is no plan for a complete system.

When you read that last year we lent $1,750,000,000 abroad and that this year we may lend $2,000,000,000 more, what do you see? A row of figures. What do you think? Something more or less vague about world trade. Who has ever seen $2,000,000,000? It is a mathematical quantity. How shall one imagine it? With some notion of this difficulty the statistician descends to put his figures through absurd antics. Our loans to foreign countries for a year equal a taxi fare of $4 a mile to the moon and back. So! Well, what of it?

But if you will relate the figures that express our investments abroad to figures that express the estimated cost of such national works as have been enumerated, you will be coming to a sense of value in equivalents. The cost of these works would be $2,500,000,000, distributed as follows:

For the Great Lakes project	$500,000,000
For the Mississippi River system	500,000,000
For the intercoastal canal	250,000,000
For the Colorado River system	250,000,000
For the Columbia River system	300,000,000
For the Nicaraguan Canal	700,000,000
Total	$2,500,000,000

In the year 1927 we increased our foreign investments by $1,750,000,000. In the year 1928 we are expected to increase them by $2,000,000,000 more. Total in two years, $3,750,000,000.

AN INDEFINITE DISTINCTION

This is measurement only. As illustration it would possess a serious fault. A large proportion of the $1,750,000,000 invested abroad last year was in these modern circumstances necessary. That must be said also as to roughly the same proportion of the $2,000,000,000 we are thinking to invest in foreign countries this year. Therefore you can not say literally there is a capital sum of $3,750,000,000 that could be or might have been translated into works of our own.

Take it differently. By the end of this year the total of our private investments in foreign countries will be at least $15,000,000,000. It would be rash to say that as much as two-thirds of this vorticular sum was for what bankers and economists call productive purposes. There is a distinction, theoretically definite but practically indefinite, between uses of capital that are productive and uses that are unproductive.

Capital devoted to the further creation of wealth is called productive. Capital loaned to industry is supposed to have that character generally. Capital loaned to foreign governments may or may not have it. One is never sure. The Government may say it will use the capital to develop electric power, railroads, or waterways, and may, in fact, do so, whereupon the capital is said to have been used for productive purposes. Nevertheless, capital borrowed for those purposes may serve only to release other capital of that Government's own to be spent for unproductive purposes.

WHERE THE MONEY COULD GO

However, suppose two-thirds of all that $15,000,000,000 of American capital invested abroad to represent productive purposes, tending to increase the wealth and trade of the world. Then what of the other third, amounting to $5,000,000,000? It passes through the hands of governments and municipalities, and is spent for all manner of things—in part for subsidies, for doles, in strife, directly and indirectly for armaments, to pay German reparations to the Allies, to build stadiums, to pay old debts, to balance budgets, to restore the value of national currencies, and so on. A great deal of it has been and will be wasted and lost. We shall be very lucky as investors—luckier than we deserve to be—if some of it does not turn out to be unrepayable.

Well, now apply the scale to this $5,000,000,000 loaned abroad for presumably unproductive purposes. Deduct first that $2,500,000,000 worth of works that have been priced, including the Nicaraguan Canal. They are paid for. You have $2,500,000,000 left.

Various housing commissions seek ways and means to provide model tenements for people of small incomes in the cities. Give them the capital necessary to procure this blessing for 100,000 families at $10,000 per family, and still you have $1,500,000,000 left.

The United States Shipping Board, through which we have been trying, with a fumbling, stingy effort, to found a merchant marine, says it needs a lot of big new ships to meet the competition of European ships, not a few of which by our loans we have assisted Europe to build. Give the United States Shipping Board 100 new ships at a cost of $10,000,000 each, or 200 at a cost of $5,000,000 each.

There is still $500,000,000 left. What shall we do with that? With $500,000,000 we might build a motor highway from Texas to Argentina and treat it as a foundation in Pan-American relations. Would it pay? Ask a motor manufacturer, a diplomat, or an exporter if it would pay. Though not one dollar of the capital were ever returned, still it

would turn out to be an economic resource of enormous value. For the ultimate reactions upon industry, commerce, and politics we could well afford to build it and then give a quitclaim deed of it to the separate countries.

Mr. Garrett deals entirely with the loans made by our international and other bankers to private enterprise in Europe. He does not mention the approximately $11,000,000,000 loaned to the allied nations of Europe during the course of and immediately after that titanic struggle which caused England's back to go to the wall and sent her cry of agony over the Atlantic Ocean to her powerful kinsmen in the United States to save her from the destruction which threatened. It was that cry as a principal factor, though we were not unmindful of the tender memories that bound us to France—memories that kindled in our soul during the Revolutionary War and which came back like burning stars to light the appalling gloom that hung over desperate, heart-broken, and prostrate France of 1917. It was that cry in our ears largely that marshaled our blood and our billions behind the Allies and brought them out of the black night of defeat to a sunlit and glorious victory. Eleven thousand million dollars was the money that we put up to Europe to save Europe. And the tears of American mothers and the graves of American boys, for many of our young soldiers rest "over there" with nothing but a cross above the ground in which they will rest forever, carrying the simple inscription "Sacred to the memory of an American soldier." In other words, our war-time investment from the national standpoint to the European governments plus our peace-time investment to private enterprise total the stupendous, the almost inconceivable, the incomprehensible sum of $26,000,000,000 plus. No one has complained of our saving of Europe from the Moloch of war, and no one has ever thought of protesting against our efforts to put Europe upon its feet. We only express our surprise and our grief at the thought that our own kinsmen in some quarters do not extend the same aid and comfort and the justice to which we are entitled to that great section known as the Mississippi Valley. With a proper appropriation—that is, one adequate to the results the students of waterways see in the not far distant future—a controlled river and a protected adjacent and contiguous country. From such a new environment will spring a scene of activity which will test and challenge the genius of industry, commerce, and transportation.

The Mississippi River and its great tributaries, reaching out eastward to the Alleghenies and westward to the ramparts of the Rockies, under the direction of scientific engineering would make for a navigation never known before on all of the waters of the world; a power that would move the factory wheels of every plant in the valley and light the cities and villages to the mountain tops; and furnish water for irrigation purposes to the desert, which would then blossom as the rose. And this El Dorado could be produced by Uncle Sam as a magician waving a wand of not more than a billion dollars—one twenty-fifth of the appraised values of our railroads and about one twenty-fifth of the sum that America has spent and invested in Europe in less than 10 years. Some few question the accuracy of this envisionment and call it a dream. Let me dissipate that statement. The great author of the Age of Reason said that when he wished to demonstrate to a doubting Thomas that the universe is illimitable, boundless, endless that he asked, "Where is the end, and after that, what?" And we who believe in the valley, who in the night of despair saw the glories of the coming day, ask, Would not the completion of our waterways have been necessary to achieve such results if railways had not come into existence and temporarily stayed the great development of our rivers and tributaries? Read the following characteristic utterance of a man who has spent his money and given unstintedly of his time since the great disaster came upon us in the hope that such another tragedy may never overtake us again. He has fought for what he thought is the remedy. The cloud by day and the pillar of fire by night, which has led him in his indefatigable efforts in behalf of the people of the valley has been the sublime words of the Great Evangelist, "Ye shall know the truth, and the truth will make you free."

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THE MISSISSIPPI RIVER SPILLWAYS

By James M. Thompson

If you belong to that aristocracy whose grandfathers owned and used bathtubs, you may know that the old tub was a crude affair. Both the tub and the water were brought into the warm room on Saturday night.

Then, in father's day, the plumber hitched up a tin tub to the new-fangled running-water contrivance—one pipe led to the tub from the cold-water reservoir, another from the hot water. A rubber stopper attached to a chain served to hold the water in the tub. When the stopper was removed the water ran out. But life was complex even in those days, and sometimes father or mother, the nurse or the children left the water running with the stopper left in the drainage hole in the tub, and then the water filled the tub and ran over the top.

This thing happened in many homes and in many hotels, causing sorrow, inconvenience, and loss. Then some wise men evolved the idea of placing an exhaust hole in the bathtub about a quarter of the distance down from the top. And to-day almost all bathtubs are flood-proof and foolproof, for the water can get out through this hole faster than it can run in through both the cold and hot water spigots. Thus the world is safer for bathers, and damaging and destructive floods are avoided in modern homes and hotels.

Now, that last hole which was finally put in the bathtub is, in fact, a spillway. The water in the modern tub is allowed to come up to a certain safe level, then this new safety factor becomes effective. The water is spilled out of the tub so fast that it can not reach a dangerous level. The exhaust pipe takes it away through a safe outlet. Its dangerous tendency to flood is controlled.

Many things are different in Louisiana, and many things about the Mississippi River, particularly the lower part of this great stream, which flows from Arkansas through Louisiana to the Gulf of Mexico, are different from the other parts of the stream, and from other rivers. Accordingly, as people generally do not understand lower Mississippi River conditions, it is not surprising that they do not understand at once how Louisianans propose to control the mighty floods of the Mississippi River by the application of spillways to the levees, or banks, of the river.

THE BEGINNING OF THE RIVER POLICY

In the hearings before Congress regarding the Mississippi River flood problem, in public speeches, and in print, there have been statements to the effect that the adoption of spillways for flood regulations will reverse a river flood-control policy of 50 or 100 years. Others have gone as far as 150 years in their estimate. As a matter of fact, the levee system of Louisiana is more than 200 years old.

The first levee on the Mississippi was begun by the engineer Le Blond de la Tour, who erected a levee a mile long to protect the infant city of New Orleans from overflow.

Levees have been built ever since, so there is historical engineering precedent aplenty for the idea of throwing up a breastwork of earth against Mississippi flood waters. The real trouble with the scheme of Le Blond de la Tour was that it worked. It is probable that his mile-long levee was but 2 or 3 feet high. The eminent father of Mississippi levees is reported to have died in 1725. He doubtless went to his grave confident that he had solved the Mississippi flood problem for all time to come. And who would have believed differently in his day? For, if the floods threatened his little levees, all that was necessary was to build them a little bit higher.

France had to build a city at New Orleans on the banks of the Mississippi. Control of the mouth of the river meant control of the great Mississippi Valley. At New Orleans in the springtime, when the great river went into flood, the river rose 1 or 2 feet. The new city must be protected. What more simple, natural, and logical than to throw up against these floods a continuous mound of dirt 3 or 4 feet high? This first levee stood between the city and the river and protected the city.

The little levee was good and bad. The city was protected and grew, and because the first levee worked other levees were built below the city and for 1,000 miles above the city. They would all have worked if the levees had been built only on the east bank of the river, and the flood waters of the Mississippi had all been allowed to spill over on the west bank. But the trouble was that everybody wanted the water kept off his land; so everybody, east side and west side, built levees. They built them as high as they could and as strong as they could, and they built levees wherever they could build them on the main stem of the Mississippi and on thousands of miles of the 15,000 miles of its navigable tributaries.

The Baron Pontalba was a big man in New Orleans in his day—a century after De la Tour lay high and dry in his levee-protected tomb—and we find the baron writing to France, telling the home folks that he was much discouraged. For after the spring rise of the Mississippi River he finds that he will have to build his levee a foot higher. So, in the centuries which have passed and in the decades which have passed, after each great flood in the Mississippi River, the word has gone back to France, back to Spain, to France again, then to the Governor of Louisiana, and then to Uncle Sam at Washington: "We are much discouraged; we will have to build our levees higher."

But this year, for the first time since De la Tour built the first levee—which worked well for a while—the historic habit and policy of relying on levees alone for flood protection is to be abandoned. The great flood of the spring of 1927 has changed the mind of everyone in the levees-only theory. More levees may be built to hold more flood water in, but great spillways and flood ways are to be built to let more water out.

Building up the sides of the bathtub will no longer do. We don't know how much water may be run into the bathtub from its tributary spigots, but we are going to put holes enough in the sides of the river to let out a great deal more surplus flood water than ever came down the Mississippi River in the spring of 1927. "Will these spillways work?" you may ask. Of course they will work. No engineer and no layman acquainted with the Mississippi River ever has questioned the fact that the spillways will work. The reason for this is that in every great flood of the Mississippi River the levees have broken at some points. The surplus waters of the river have rushed through these breaks, called crevasses, and these crevasses have simply been spillways for the surplus waters of the river.

The only difference between the new spillways which are to be constructed and controlled and the old spillways made by the flooding river at the weakest points in the chain of levees is that the controlled spillways should and will do away with flood danger and flood damage in the lower river.

They will drain the surplus flood waters of the Mississippi out to the Gulf of Mexico as the surplus waters in the bathtub are drained out by the modern plumber's exhaust pipes. They will no longer threaten to break loose where they are not wanted, threatening the lives and property of some millions of American citizens.

TWO ROADS TO THE SEA

Many things regarding the Mississippi River floods in its lower regions in Louisiana are difficult of understanding by those not acquainted with actual conditions there. The waters which contribute to Mississippi River floods come from 31 States, from the Great Lakes, and from Canada. Unprecedented rainfall in Louisiana would have little effect on Mississippi River levels. But Louisiana contains the last four hundred-odd miles of the main stem of the Mississippi. So the river has naturally to handle its greatest volume of flood waters in Louisiana.

About halfway down its course in Louisiana the Mississippi is joined by its main Louisiana tributary, the Red, and just below the point of junction of the Red and the Mississippi the great river splits and empties its waters into the Gulf by two mouths. One of these is named the Atchafalaya. The other—the main stream of the Mississippi—continues by way of Baton Rouge and New Orleans. So there is really about 700 miles of the Mississippi River in Louisiana—500 on the main stream and 160 on the Atchafalaya.

Now, when the great river is in flood in these lowest regions its waters, held in by levees, rise high above the surrounding land. And if its levees break, either along the Atchafalaya or the Mississippi, the water which thus runs out of the river there in its lowest reaches neither can nor does run back into the river.

This water finds its way on easier lines to the Gulf of Mexico. In other words, the levees of the river are the only hills in this lower country. The highest land is next to the river. This land slopes from the river to swamps, lakes, creeks, and bayous and thus finds its way to the Gulf of Mexico. So spillways cut into these levees would spill the waters of the river out into the Gulf. Nearly everyone in America is acquainted with the ordinary formation of the earth around brooks, creeks, and rivers. In Louisiana alone we go up to the river; and when the river is in flood we go way up to the top of the levee and find the swollen Mississippi on top of the levee. In flood time this great river, a mile wide, in some places 200 feet deep, with its current speeded up by flood pressure, is an awe-inspiring and terrifying sight.

We all know the damage to property done by the flood of 1927. Governmental authorities quote estimates of $236,000,000 direct and of $200,000,000 indirect losses—a total of $436,000,000. Yet only two or three lives were lost in this flood in Louisiana, while recently flood waters probably not one-hundredth of the volume of the Mississippi River flood are reported to have killed scores of people in New England. The answer is to be found in the confinement of the New England flood in hills and mountains. I am told that dynamite burns without explosion or damage if it is not confined. The floods in Louisiana spread out over almost flat ground. This lessens their danger to life.

THE SYSTEM BEHIND THE LEVEES

So, to eliminate flood danger in Louisiana, we propose to tap the flood waters and drain them off, and run them into the Gulf. "If it is all so simple, common sense, and easy, why has it not been done before?" you may ask. The reason is partly to be found in the fact that De la Tour's levee worked, that all the other levees have worked after a fashion, and the levees almost always work on one side of the river. For, in flood time, if the levee breaks on the other side of the river, the waters rush out, flood heights are lowered, pressure is relieved, and the man on the safe side blesses the levees and believes in them.

If the levees broke in flood time, it was because they were not high enough and not strong enough. Again, there were rich levee districts which could build powerful levees. These people felt secure in flood time, because they lived behind strong links in the chain, and they felt almost sure that their powerful levees would turn the river floods loose on thin, weaker, and poorer levees across the river a bit downstream.

Then back of the levees there grew up a system. De la Tour was an engineer. He built levees. The next engineer built levees, and the next generation of engineers built them, and so on down. The power of human selfishness, the power of government, the power of money, the power of social interest, and the power of habit and tradition, stood back of the levee system. No one could prove that it would not work, provided the levees were built high enough and strong enough, and, of course, it would have worked if the levees could have been built high enough and strong enough. Undoubtedly it worked in periods of low water in the river, in normal water, and in ordinary high water, and there is unusual or unprecedented high water only once in 10 or 12 years.

Again, levees are the first line of defense in any plan of battle against the floods of the Mississippi River, and as a practical matter, they constitute the only line of defense that could be created against river floods in most sections during the centuries which have elapsed during the fight of the white man against the floods of the river. They are the infantry. No one is yet sufficiently progressive or so fantastic as to suggest the creation of a modern and effective army with the infantry eliminated. The most that anyone urges is that the army be rounded out with cavalry, aircraft, artillery, tanks, and other approved equipment.

De la Tour could throw up dirt embankments along the river, could plan to surround the little military outpost of New Orleans with mud walls, and his scheme did work. Generations had to elapse before men and money enough could be commanded to dig a great ditch, or spillway, along the city from the river to the lakes, and thereby detour the floods away from New Orleans. And if this had been possible then, think of the howl that would have gone up from the gentlemen who owned the lands through which the first spillway was to be built. No one wants a spillway on his property and no one wants a spillway next to his property. Everyone wants the water kept off his property. If it has to be put somewhere else, well and good, but not where it will affect the interests of "me and my wife, and my son John and my daughter Sally."

No one can remember when the first voice of protest was raised against the confinement theory and the confinement practice of fighting these floods. Everyone along the southern reaches of the Mississippi knows that the whole argument was started before his day.

But the fellow with the outlet or spillway theory had only the idea. The men who controlled the Government and the money built the levees.

Values back of the levees were established on the basis of confidence in the levees. To question the levees-only theory was to put yourself in the light of a trouble maker, an opponent of the status quo, a visionary.

You were really questioning the conduct of the war—the war of your own people to protect life and property from Mississippi River floods—and what did you have to offer after all? Only a theory. It is true that it was backed up by the accepted fact that water will run down hill. It was true that the floods mounted higher and higher; that they always broke the levees, flooded the country, creating increasing menace and destruction. It was also true that if the levees had been high enough and strong enough the flood would have been forced on through the river to the Gulf.

THE GOVERNMENT TAKES A HAND

Basically the reason for opposition to spillways and outlets for the river in Louisiana grew out of the limited appropriation of money made by the Federal Government for river control from Cairo down. Take the case of the man at Greenville, Miss., for example. Spillways and outlets in Louisiana would have eaten up a great proportion of the several millions of dollars' appropriation available for Federal purposes for all flood-control work along thousands of miles of levees. If the money went into spillways in Louisiana it would not go into levees at Greenville.

No one then dreamed that spillways and flood ways might relieve Greenville of its flood heights; and to resort to another method of river flood control, in addition to levees, meant an implied reflection on the integrity of levees as a method of flood protection. So up the river Senators, Congressmen, business men, and members of levee boards, and the people generally, fought for the status quo, and fought everyone else who fought for a change.

As a result of the 1912 flood agitation by Louisianians in Washington the House of Representatives took flood control out of the hands of the Rivers and Harbors Committee and constituted a new Committee on Flood Control.

Through the agency of this committee south Louisiana, including New Orleans, finally secured the adoption of a bill by Congress, April 17, 1926, authorizing the appointment by the Secretary of War of a board to survey the lower river sections and report on the construction and maintenance of controlled and regulated spillways in the lower Mississippi. Chief of Engineers Taylor and his successor, General Jadwin, consulted on the naming of this board.

A year from the date of the passage of this act south Louisiana was fighting the greatest recorded flood in her history. The report of this board, popularly known as the spillway board, is now one of the published documents of the Government. The board consisted entirely of

Army engineers. Col. William P. Wooten was chairman. It reverses the old confinement or levees-only theory, recommends in one of its projects a vast spillway or flood way down the Atchafalaya Basin of Louisiana, and recommends spillways above and below New Orleans. Thus the spillway and flood-way theory was adopted by an official agency of the Government.

FOR MODERN FLOOD FIGHTING

In the spring of 1927 Gen. Edgar Jadwin, Chief of Army Engineers, authorized the publication of a statement that spillways would be recommended for New Orleans and the lower river. With the opening of the Seventieth Congress President Coolidge submitted to Congress the report of General Jadwin on the flood problem along the Mississippi from Cairo, Ill., to the Gulf of Mexico. That report, like that of the spillway board, is a revolutionary document in its recommendations for Mississippi River flood control, for it provides flood ways and spillways along the greater part of the length of the lower Mississippi. Simultaneously with the report of the Chief of Engineers the Government published the exhaustive studies and recommendations made in the reports of the Mississippi River Commission. That commission comes out for flood ways along the upper river, for a great flood way running through the Atchafalaya Basin in Louisiana, and recommends spillways in the main line of the Mississippi levees above and below New Orleans.

In other words, when the engineering and scientific world determined that it was no longer practicable to control the floods of the Mississippi by levees and confinement alone, it moved over as a practical unit to the theory of fighting floods with flood ways, spillways, and in taking into consideration all modern flood-fighting weapons.

The layman naturally asks whether the new methods will work. The answer of some millions of laymen as well as of the civilian engineers and river experts who lived in the lower valley is practically unanimous that any one of the schemes proposed will absolutely do away with menace from any known or recorded flood and with the menace of a theoretical flood something more than 20 per cent greater than any Mississippi River flood that anyone knows anything about. All the schemes which come with recent governmental approval will work. Any of them, carried out, will provide safety to those who live along the lower river.

Will the spillways work? Of course they will. They always have worked. When the flooding river has broken through the levees in south Louisiana the water has always run out, and has lowered flood heights for distances above and below the crevasse. A crevasse is generally referred to as a natural break; only once in the history of Louisiana is there record of a crevasse or cut in the levees having been made lawfully, and by man's instrumentality.

When the great flood of 1927 was bearing down on New Orleans the leading men of the city decided that they would not wait for nature to take its course. They knew that the levees of New Orleans were stronger than were the levees in the country districts above and below the city. But they did not want to wait for the accident of the inevitable crevasse which would come somewhere, create a natural spillway, and protect everybody else in the neighborhood except those who were overflowed by the crevasse. So, after negotiation with all the authorities, it was determined to create a cut, or spillway, at a point on the east bank of the river known as Caernarvon. This spillway created at Caernarvon worked just as did the Poydras crevasse a few miles distant. This crevasse was a natural spillway created by the river in a flood of 1922. Both lowered flood heights at New Orleans almost 2½ feet.

Somehow, in the flood of 1927, the fact that New Orleans has evidenced her faith in spillways by her deeds seems to have been overlooked. The city, operating through its levee board, went down the river 50 miles, acquired title to thousands of acres of swamp lands and destroyed the levees on the east bank of the river for a distance of 12 miles. There, below Pointe a la Hache, out of its own funds, it created an experimental spillway. This spillway took from a half to three-quarters of a foot off flood heights at New Orleans in the 1927 flood. And in times of flood every inch of flood height is important.

It would seem to any sensible man who knows the flood problem in the lower Mississippi that it should have been solved long ago. This is the great river of the United States, and nothing appeals more to the imagination of the American people than the doing of a great work in a great way. It takes a big river, operating in a big country, to do four or five hundred million dollars' worth of damage when it goes on the rampage in just one of its many great floods. It's easy to write about it, to talk about it, and to evolve theories and opinions on the question of controlling it, but it has not been easy to get something really done about it.

THE PLAN AND THE MONEY

There must be complete Federal control and complete Federal responsibility for the Mississippi River. New Orleans people can express this opinion without being subject to carping or unfair criticism, because New Orleans has always built and maintained her own levees. Neither Federal nor State Governments have contributed anything material to the millions upon millions of dollars which have gone into the giant fortification of earth which New Orleans has thrown up to protect the city from the river. New Orleans has contributed to the building of levees and spillways in other sections of the State. New Orleans has always protested against the piecemeal system of flood control which has grown up, an evolution based on the policy of doing the best one can with the tools in hand.

The floods in the river can be controlled by some such system as that which enabled the Federal Government to take over the Panama Canal and construct it after vast losses and disastrous failures had occurred as a result of previous attempts to design and build the canal. You can't drive a nail with a tack hammer. Canute couldn't sweep back the tides with his broom, and you can't finally solve a vast engineering and economic problem such as is presented by the floods of this river without a great plan, carried out by men of great ability, with resources ample to do the work when and as it needs to be done. Fighting and conquering the floods of the Mississippi is war.

The plan without the money is of no good to the people of the lower river. The people who might have been induced to contribute were practically wiped out of resources by the 1927 flood. Many of their levee districts were taxed to the limit before 1927. Farming has not been too prosperous an occupation anywhere. These poor people in the overflowed region thought that they were making an investment in taxing themselves to the limit in building levees. Will their neighbors on high ground tax themselves by State bond issues to make material contributions to a national flood plan as part of the Nation? Nationally they will. For a local flood plan they will not. Suppose Mississippi and Louisiana agreed, and Arkansas refused. A flood-control system is a chain. If the links are not supplied in Arkansas, Louisiana would be flooded from Arkansas, and so it would go.

PASSING ON THE FLOODS

Perhaps we needed the vast and disastrous flood of 1927 to concentrate the attention of America and the world on this problem. Surely it was an expensive bit of publicity. Some of us who have struggled with this problem, who realize its vast importance and the terrible potentialities of the river for further havoc, appreciate most keenly the many expressions of kindly feeling and sympathy which have come to us. We appreciate the well-meant intent of some of the advice we receive as to the perils which surround us in legislation at Washington. But what we really need is help in passing a sane bill which will provide money and start the dirt to flying.

The condition of the main stem of the Mississippi River from Cairo to the Gulf undoubtedly creates a national emergency. The executive departments of the Government recognize this, and Congress shows a disposition to recognize this. The river itself is unique; its major flood problem is unique among all national flood problems.

Is there not equal argument for emergency legislation on the tributaries of the river? Yes and no. The great floods in the river may come from any single tributary, or from a set of tributaries flooding simultaneously. They may come from Pennsylvania, Tennessee, Ohio, Montana, the Dakotas, or Oklahoma. But wherever they start, they must come into the main stem of the river between Cairo and the Gulf

Unprecedented rainfall in any one of the 31 States of the Union adds to the flood menace to Louisiana. Rainfall in any place in the valley, except in Louisiana, creates flood heights in the Mississippi in Louisiana. If the rain falls in the lower section of the State it drains away from the river and goes directly to the Gulf.

What makes our flood menace in Louisiana? First, the clearing and draining of the lands in the upper Mississippi Valley. Every possible expedient has been adopted up there for passing the bulk of the surplus water of the upper valley on down the river. Lands are tiled, drained, and leveed. Machinery for shooting floods down on us is perfected. Louisiana has pursued a policy of trying, in turn, to pass these ever-swelling waters along to the Gulf through the narrow mouths of the Mississippi and the Atchafalaya. It can not be done.

Now, the facts are that we in Louisiana don't intend to agree to the construction of more works of any kind which will dump greater floods down on us in a greater lump unless necessary works are intelligently created to aid in getting rid of these waters. In other words, the place to begin taking care of the floods of the Mississippi River is at the mouth of the stream, where the floods accumulate. Build us plenty of outlets here and we can safely take care of all of the flood waters the valley passes to us.

Louisiana lost $60,000,000 directly in the 1927 flood. About 200,000 of her citizens were flooded out and rendered homeless. Tens of thousands were impoverished and consequential losses were almost as great as were direct losses.

If the State could have induced the Federal Government to aid in establishing spillways or outlets for this water, not a dollar of damage would have been done in the State of Louisiana by the 1927 flood. No one in America has ever seen a flood volume equal to that of the 1927 flood. Yet with intelligent and relatively simple engineering works constructed along the Mississippi in Louisiana a flood much greater than the 1927 flood could be controlled without the loss of a single life and without damage to a dollar's worth of property.

Our real trouble with the Mississippi River problem has been a lack of ability to make our problem known to the American people, to impress the country with the need of action at Washington.

Leaders in America's politics and national thought and affairs preach to Louisiana from a distance, without either knowing or understanding the State, its people, and its problems.

As the fight for flood-control legislation opens up in Congress the country is bound to be confused as to whether we along the river have done our share and as to whether we are now asking something unfair.

Have we contributed locally to protect ourselves from the floods the Nation's river brings down on us from 43 per cent of the Nation's area?

Within a given period in Louisiana—since the time that the Nation began to contribute at all—local interests have put up $110,000,000, while the Nation has put up $32,000,000.

As for the river States from Cairo to the Gulf, I quote from an analysis of General Jadwin's report made by ex-Senator Leroy Percy, of Mississippi, for Chairman FRANK REID'S House of Representatives Flood Control Committee. Says Senator Percy:

"General Jadwin gives the expenditures by the localities since 1882 at $167,000,000, and the expenditures prior to 1882 at $125,000,000, making $292,000,000. If to this you add the amount which he estimates to have been the direct loss from the 1927 flood—$236,000,000—you have in contributions and flood losses of a single year $528,000,000, against a contribution for levees by the National Government of $71,000,000, an excess contribution by localities up to this time of $457,000,000."

Senator Percy did not add the $200,000,000 of consequential losses to his staggering total of Nation's losses. But this item created additional reason for the investigation and report on Mississippi Valley flood losses by the National Chamber of Commerce.

Mr. TILSON. Mr. Speaker, it is evident that there is going to be considerable discussion on this bill. A number of amendments are now pending, including some committee amendments. It does not seem practical to finish the bill to-night, unless we run until very late. I wonder if the District Committee would not be willing to let the matter go over as unfinished business until next District day.

Mr. UNDERHILL. Mr. Speaker, it is a matter of indifference to me whether this goes over as unfinished business until next District day, or whether it is voted upon to-day, or whether it is killed. That is a very frank expression, but I say, let us get it out of the way.

Mr. BLANTON. It would be better to have it go over as unfinished business until next District day, and then we can finish it.

Mr. TILSON. It will go over as unfinished business, and it is for the committee to say what it will call up on the next District day.

Mr. BLANTON. We either ought to finish it this evening or have it go over as unfinished business to be taken up next District day.

Mr. TILSON. Let it go over as unfinished business.

Mr. BLANTON. And the chairman will bring it up as unfinished business on next District day?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. Very well, just so long as it holds its place.

TENTH NATIONAL CONVENTION OF THE AMERICAN LEGION

Mr. GARNER of Texas. Mr. Speaker, I call up the bill (S. 3387) to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion. An identical bill to this has been favorably reported from the Committee on Military Affairs and is now on the calendar. The Senate bill has just been sent over and is on the Speaker's desk.

The SPEAKER. The gentleman from Texas calls up the bill S. 3387, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to lend, at his discretion, to the Tenth National Convention Bureau, American Legion, for use at the tenth national convention of the American Legion to be held at San Antonio, Tex., in the month of October, 1928, 10,000 cots, 20,000 blankets, 20,000 bed sheets, 10,000 pillows, 10,000 pillowcases, 10,000 mattresses or bed sacks, and such field kitchens, tables, eating and cooking utensils and appurtenances as may be necessary for use in temporary restaurants: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the general director of said tenth national convention bureau, the American Legion, Mr. Philip B. Stapp: *Provided further*, That the Secretary of War before delivering said property shall take from said Philip B. Stapp a good and sufficient bond for the safe return of said property in good order and condition, and whole without expense to the United States.

Mr. TILSON. Mr. Speaker, I understand that this is a House Calendar bill?

The SPEAKER. This is a Senate bill and a similar House bill is reported and is now on the calendar.

Mr. TILSON. It does not require unanimous consent?

The SPEAKER. It does not. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 11465) was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Wednesday next, following the special order, the gentleman from Texas [Mr. WURZBACH] be permitted to address the House for 50 minutes.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, on what subject?

Mr. TILSON. I think it is probably on the protective tariff or something of that sort. As I understand, it is a political speech.

Mr. BLANTON. Mr. Speaker, reserving the right to object, our genial colleague from Texas [Mr. WURZBACH] is making that speech on the eve of his leaving for his speaking campaign in Texas.

Mr. TILSON. Possibly that is correct.

Mr. BLANTON. Would the distinguished floor leader mind telling the House whether he and his administration in asking for this time for the gentleman are backing him in his fight down there?

Mr. TILSON. I do not know what his fight is; but I am backing him as a Member of this House, and am asking for him this courtesy as I would for any other Member.

Mr. BLANTON. I shall not object.

Mr. TILSON. And I am impartial in that respect, often making similar requests for those on the Democratic side.

Mr. BLANTON. I would like for the Republicans in Texas to know that the gentleman from Connecticut is backing the gentleman from Texas [Mr. WURZBACH].

Mr. TILSON. I am backing him——

Mr. BLANTON. Good!

Mr. TILSON. To this extent at any rate.

Mr. SPEAKER. Is there objection?

There was no objection, and it was so ordered.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 131) entitled "Joint resolution providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4*, and upon methods and appliances for the protection of submarines," and adheres to its amendments to said joint resolution.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 27, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 27, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication or control of the European corn borer (H. R. 10377).

COMMITTEE ON IMMIGRATION AND NATURALIZATION—CAUCUS ROOM

(10.30 a. m.)

To permit admission within quota of relatives of declarants who have been admitted into the United States prior to July 1, 1924 (H. J. Res. 234).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To establish uniform requirements affecting Government contracts (H. R. 5767).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To establish the Ouachita national park in the State of Arkansas (H. R. 5720).

COMMITTEE ON ROADS

(10 a. m.)

To authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington (H. R. 4625).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider a bill proposed by the Secretary of the Navy amending an act of June, 1920.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

418. A letter from the Governor of Federal Reserve Board, transmitting the fourteenth annual report from the Federal Reserve Board, covering operations during the year of 1927 (H. Doc. No. 205); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

419. A letter from the Secretary of the Navy, transmitting, in response to House Resolution 137, Seventieth Congress, certain information relative to the United States naval ordnance plant, South Charleston, W. Va. (H. Doc. No. 206); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Naval Affairs. H. R. 8537. A bill for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve; with amendment (Rept. No. 1054). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 2481. A bill for the relief of Oliver C. Macey and Marguerite Macey; with amendment (Rept. No. 1046). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4839. A bill for the relief of the Press Publishing Co., Marianna, Ark.; without amendment (Rept. No. 1047). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 10336. A bill for the relief of Nannie Swearingen; without amendment (Rept. No. 1048). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 4111. A bill to correct the naval record of Peter Hansen; with amendment (Rept. No. 1049). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4827. A bill providing for the promotion of Chief Pharmacist Laurence Oliphant Schetky, United States Navy, retired, to the rank of lieutenant, Medical Corps, on the retired list of the Navy; without amendment (Rept. No. 1050). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Claims. H. R. 8358. A bill for the relief of the parents of Wyman Henry Beckstead; with amendment (Rept. No. 1051). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11978. A bill granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased, private, United States Marine Corps, in active service; without amendment (Rept. No. 1052). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H. J. Res. 47. A joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps; without amendment (Rept. No. 1053). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. S. 19. An act for the relief of Frank Topping and others; without amendment (Rept. No. 1055). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6774) for the relief of Pitt Smith; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 7445) for the relief of Sheldon R. Purdy; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 9599) for the relief of Jose M. Alcover; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 11497) for the relief of Nelson E. Frissell; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 12362) for the relief of Hattie Harris; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 10184) granting an increase of pension to Lillian V. Manger; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12404) authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.; to the Committee on Military Affairs.

By Mr. PEAVEY: A bill (H. R. 12405) granting the consent of Congress to the St. Croix Interstate Bridge Co., of Grantsburg, Wis., to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road; to the Committee on Interstate and Foreign Commerce.

By Mr. WURZBACH: A bill (H. R. 12406) to readjust the pay of certain commissioned officers of the Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 12407) to authorize the refund of visa fees in certain cases; to the Committee on Immigration and Naturalization.

By Mr. ELLIOTT: A bill (H. R. 12408) authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service; to the Committee on Public Buildings and Grounds.

By Mr. HOGG: A bill (H. R. 12409) to grant to the city of Fort Wayne, Ind., an easement over certain Government property; to the Committee on Public Buildings and Grounds.

By Mr. PEAVEY: A bill (H. R. 12410) for securing the uniform grading of fur, preventing of deception in transactions in fur, and regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12411) authorizing the Federal Power Commission to issue permits and licenses on Salt River, Ariz.; to the Committee on Indian Affairs.

By Mr. MORROW: A bill (H. R. 12412) to amend section 500 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 12413) authorizing the erection of a sanitary, fireproof dormitory and infirmary to be used for the housing, maintenance, and treatment of disabled women veterans only; to the Committee on Military Affairs.

By Mr. SELVIG: A bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 12415) to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States; to the Committee on the Post Office and Post Roads.

By Mr. GIBSON: A bill (H. R. 12416) to revise, amend, and renact the provisions of the Code of Law for the District of Columbia relating to the acquisition of land in the said District for the use of the United States; to the Committee on the District of Columbia.

By Mr. CARSS: Joint resolution (H. J. Res. 249) granting an easement to the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 250) to change the name of the Panama Canal; the Gatun Locks, Dam, Spillway, and Lake; and the Pedro Miguel Locks, Dam, Spillway, and Lake; and also the Miraflores Locks, Dam, Spillway, and Lake; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: Joint resolution (H. J. Res. 251) providing for the severance of treaty relations between the United States and Rumania; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. LINDSAY: Memorial of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

By Mr. BOYLAN: Memorial of the Legislature of the State of New York, calling upon Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 12417) granting a pension to Clara L. Dawson; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 12418) for the relief of Julius Goldenberg; to the Committee on Claims.

By Mr. BROWNING: A bill (H. R. 12419) granting a pension to Roxie Coughorn; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 12420) granting an increase of pension to Rhoda Sprinkle; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12421) for the relief of Arthur D. Moore; to the Committee on Military Affairs.

By Mr. GARDNER of Indiana: A bill (H. R. 12422) granting an increase of pension to Cornelia Ann Bailey; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 12423) granting a pension to Mary F. Buckles; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 12424) for the relief of William Fisher; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 12425) granting an increase of pension to Eleanor F. Gillespie; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12426) granting an increase of pension to Amy Lampman; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12427) for the relief of W. R. Adams; to the Committee on the Civil Service.

Also, a bill (H. R. 12428) granting a pension to Henry Stidham; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12429) granting an increase of pension to Norah Barry; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 12430) granting an increase of pension to Elizabeth I. Exceen; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 12431) for the relief of the Squaw Island Freight Terminal Co. (Inc.), of Buffalo, N. Y.; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 12432) granting a pension to Alvin L. Hagood; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 12433) granting an increase of pension to Harriett A. Traynor; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 12434) granting an increase of pension to Charles A. Meese; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 12435) for the relief of W. R. McLeod; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12436) granting a pension to Louisa De Buke; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 12437) granting a pension to Louise Jones; to the Committee on Pensions.

By Mr. TARVER: A bill (H. R. 12438) for the relief of Ada T. Finley; to the Committee on Claims.

Also, a bill (H. R. 12439) for the relief of Ambrose R. Tracy; to the Committee on Claims.

By Mr. WINTER: A bill (H. R. 12440) granting an increase of pension to Frances A. Shutts; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5944. Petition of Chamber of Commerce of Pittsburgh, Pa., expressing its opposition to Senate bill 1482, known as the Shipstead bill; and to House bill 7759, known as the LaGuardia bill; to the Committee on the Judiciary.

5945. By Mr. BERGER: Memorial of the Benjamin Tallmadge Chapter, National Society of the Daughters of the American Revolution, of Milwaukee, Wis., approving Joint Resolution 11, establishing a flag code; to the Committee on the Judiciary.

5946. By Mr. BLOOM: Petition of A. W. Pulis, 470 West One hundred and forty-sixth Street, New York City, and hundreds of other citizens of New York, protesting against House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

5947. By Mr. BOHN: Petition of citizens of Mackinaw City, Mich., not to pass Sunday observance bill; to the Committee on the District of Columbia.

5948. By Mr. BOYLAN: Petition of the Maritime Association of the Port of New York, urging upon Congress the desirability of the early enactment of House bill 9195, parcel-post agreement with Cuba; to the Committee on Ways and Means.

5949. Also, resolution by Colonel Robert Loghry Post, No. 446, favoring the passage of Senate bill 1896 and House bill 6523; to the Committee on Military Affairs.

5950. By Mr. BULWINKLE: Petition of 38 citizens of Madison County, N. C., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5951. By Mr. BURTON: Resolution of Cleveland Branch of the National Alliance of Postal Employees, Cleveland, Ohio, approved March 18, approving House bill 390, providing an increase in pay for laborers or service clerks in all branches of the Post Office Department; to the Committee on the Post Office and Post Roads.

5952. By Mr. CARLEY: Petition of Board of Estimate and Apportionment, city of New York, to amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

5953. By Mr. CARTWRIGHT: Petition of citizens of Bryan County, Okla., against compulsory Sunday observance; to the Committee on the District of Columbia.

5954. Also, petition of 50 citizens of third congressional district of Oklahoma, urging immediate steps to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5955. By Mr. CRAIL: Petition of the Arkansas State Society of southern California, for the passage of the Boulder Dam bill; to the Committee on Flood Control.

5956. Also, petition of Los Angeles Central Labor Council, for the passage of the Dyer bill (H. R. 390) providing for increased salaries of the laborers in the United States post offices and in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

5957. Also, petition of Mrs. Burt Cole and sundry citizens of Los Angeles County, Calif., for the relief of the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5958. By Mr. CULLEN: Resolutions of the Maritime Association of the Port of New York, protesting against the removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

5959. By Mr. CURRY: Petition urging increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

5960. By Mr. ENGLEBRIGHT: Petition of Modoc County Development Board, Alturas, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5961. Also petition of Red Bluff Chamber of Commerce, Red Bluff, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5962. Also, petition of Chamber of Commerce of Oroville, and allied communities, California, favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5963. Also, petition of board of directors of the Grass Valley Chamber of Commerce, Grass Valley, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5964. Also, petition of the board of supervisors of Lassen County, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5965. Also, petition of Westwood Auto Club, of Westwood, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5966. Also, petition of Beverly Hills Chamber of Commerce, Beverly Hills, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5967. Also, petition of Lodi District Chamber of Commerce (Inc.), Lodi, Calif., favoring House bill 5543, to authorize the Secretary of the Navy to develop an ammunition depot on Government lands at or near Secret Valley or Honey Lake, in Lassen County, Calif.; to the Committee on Naval Affairs.

5968. By Mr. GALLIVAN: Petition of St. Brendan Society, of Boston, Michael H. Murphy, secretary, 91 Marcella Street, Roxbury, Mass., recommending early and favorable consideration of Senate bill 1667, pertaining to the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

5969. By Mr. GARBER: Petition of residents of Pond Creek, Okla., in support of the McNary-Haugen bill; to the Committee on Agriculture.

5970. Also, letters of W. H. Stigall, Tonkawa, Okla.; Dr. D. Frances Kellsy, Enid, Okla.; and J. B. Woods, Tonkawa, Okla., in opposition to the enactment of Senate bill 3107; to the Committee on the District of Columbia.

5971. Also, letter of William Miles, Soldiers' Home, Calif., in regard to abolishing the Veterans' Bureau and transferring its duties to the Pension Bureau; to the Committee on World War Veterans' Legislation.

5972. Also, petition of residents of Woodward and Enid, Okla., in regard to legislation for Civil War veterans and widows; to the Committee on Invalid Pensions.

5973. Also, letter of George N. Suit, secretary Independent Order Odd Fellows, Lodge No. 203, Ames, Okla., in opposition to the passage of Senate bill 1752; to the Committee on the Post Office and Post Roads.

5974. Also, letter of T. J. McNeely, of Goltry, Okla., in support of Senate bill 1729 and House bill 7900; to the Committee on the Post Office and Post Roads.

5975. Also, petition of officers of the Woman's Christian Temperance Union, Billings, Okla., in support of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5976. By Mr. GRIEST: Petition of Mrs. William J. Rapp, president of American Legion Auxiliary, Paradise, Pa., favoring passage of House bill 6523, proposing to increase monthly allowance of retired soldiers; to the Committee on Military Affairs.

5977. Also, petition of William H. Seidhof, councilor, and Joel A. Bair, secretary, of Intercourse (Pa.) Council No. 650, Fraternal Patriotic Americans, advocating enactment of so-called Johnson deportation bill (H. R. 10078); to the Committee on Immigration and Naturalization.

5978. Also, petition of citizens of Pennsylvania, protesting against the passage of House bill 78, proposing to enforce compulsory Sunday observance; to the Committee on the District of Columbia.

5979. By Mr. GRIFFIN: Petition of Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law so that the revenues from railroad operation in which the city of New York is financially interested shall be exempt from income tax; to the Committee on Ways and Means.

5980. By Mr. HOFFMAN: Petition of Charles Van Liew and 42 others, of Belmar, N. J., favoring legislation to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5981. By Mr. KVALE: Petition of R. R. Whitney, B. A. Whitmore, and George W. Bullard for General Warren Chapter, Sons of American Revolution, Montevideo, Minn., urging operation of the national-origins clause in the immigration act of 1924 and protesting against any repeal of or modification of said act; to the Committee on Immigration and Naturalization.

5982. By Mr. LINDSAY: Petition of Board of Estimate and Apportionment, city of New York, being a certified copy of resolution adopted on March 22, 1928, petitioning Congress to amend section 116 of the Federal income tax law so that the revenues from railroad operation in which the city of New York is financially interested shall be made exempt from income tax; to the Committee on Ways and Means.

5983. Also, petition of Aviators Post, American Legion, New York, urging favorable reporting out of the Tyson-Fitzgerald bill, without amendment; to the Committee on World War Veterans' Legislation.

5984. Also, petition of metal trades department, American Federation of Labor, praying for support of the Douglass amendment to the naval construction program in order to alleviate present serious unemployment condition and to prevent further release of navy-yard employees; to the Committee on Appropriations.

5985. Also, petition of Sweet-Orr & Co. (Inc.), New York City; Gardner Broom Co.; American Broom & Brush Co.; and Amsterdam Broom Co., of Amsterdam, N. Y., favoring the enactment of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

5986. Also, petition of New York Association of Biology Teachers, urging favorable action on the Copeland-Wainwright bill, designed to acknowledge to those who took part in the Reed yellow-fever experiment, particularly Pvt. John R. Kissinger; to the Committee on Interstate and Foreign Commerce.

5987. Also, petition of William H. Kobbe, 12 East Forty-first Street, New York City, urging the passage of Tyson-Fitzgerald bill; to the Committee on Rules.

5988. Also, petition of the International Association of Fire Chiefs to have the Government set aside a parcel of land in Washington, D. C., for the purpose of erecting thereon a national headquarters for the International Association of Fire Chiefs; to the Committee on Public Buildings and Grounds.

5989. Also, petition of Brooklyn Chamber of Commerce, indorsing legislation to discontinue governmental operation of the merchant marine and the establishment of a constructive program to build up a private American ownership and adequate operation, including encouragement of private shipping through trade-route and mail contracts; to the Committee on the Merchant Marine and Fisheries.

5990. Also, petition of Brooklyn Bar Association, being a set of resolutions favoring House bill 5774, and an increase of judges for the eastern district of New York by at least one; to the Committee on the Judiciary.

5991. Also, petition of Second Division Chapter, National Council of Officials of the Railway Mail Service, New York City, favoring the passage of House bill 11622; to the Committee on the Post Office and Post Roads.

5992. Also, petition of Admiral Schley Naval Squadron, No. 16, Brooklyn, N. Y., favoring, in a resolution, enactment of the Welch bill, granting increase of salaries to Federal employees; to the Committee on the Civil Service.

5993. By Mr. McFADDEN: Petition of residents of Monroeton, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5994. Also, petition of residents of Mill City, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5995. Also, petition of residents of North Towanda, Pa., favoring Civil War pension bill; to the Committee on Invalid Pensions.

5996. By Mr. MAPES: Petition of Rev. James M. Martin and 125 others, members of the Third Reform Church at Holland, Mich., recommending the enactment of House bill 78, the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

5997. By Mr. MARTIN of Massachusetts: Petition of Mildred L. Tingley and 23 others, Mrs. James Richardson and 19 others,

and Roger C. Barsey and 17 others, of Bristol County, Mass., protesting against enactment of so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

5998. By Mr. NELSON of Missouri: Petition signed by Lucy Willoughby and others, all citizens of Bunceton, Mo., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

5999. Also, petition in behalf of Civil War veterans and their dependents, signed by Edward Barchard and other citizens of Chamois, Mo.; to the Committee on Invalid Pensions.

6000. By Mr. O'CONNELL: Petition of the Board of Estimate and Apportionment of the City of New York, favoring amendment to section 116 of the Federal income tax law, so that the revenues from the railroad operation in which the city of New York is financially interested shall be made exempt from income tax, as more specifically set forth in attached resolution; to the Committee on Ways and Means.

6001. Also, petition of Hon. Manuel L. Quezon, president Philippine Senate, opposing the passage of Senate bill 2787 and House bill 10074, for the appointment of governors of the non-Christian Provinces in the Philippine Islands without the consent of the Philippine Senate; to the Committee on Insular Affairs.

6002. Also, petition of the New York Association of Biology Teachers, favoring the passage of the Copeland-Wainwright bills for the placing of the names of certain individuals on the rolls of the War Department and to authorize the Board of Regents of Smithsonian Institution to make certain recommendations; to the Committee on Military Affairs.

6003. Also, petition of the National Association of Manufacturers, New York City, favoring some measure of corporate income tax reduction at this session of Congress; to the Committee on Ways and Means.

6004. Also, petition of the Amsterdam Broom Co., Amsterdam, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6005. Also, petition of Harriet C. Martin, 131–150 One hundred and seventh Avenue, Richmond Hill, Long Island, N. Y., and 40 other citizens of the ninth congressional district of New York, opposing the Lankford bill (H. R. 78), compulsory Sunday observance; to the Committee on the District of Columbia.

6006. Also, petition of Maurice Stember, adjutant New York Department, American Legion, favoring the Tyson bill without amendment, as the bill passed the Senate; to the Committee on World War Veterans' Legislation.

6007. By Mr. O'CONNOR of New York: Resolutions of the Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

6008. By Mr. PRATT: Petition of residents of Hudson, Columbia County, N. Y., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6009. Also, petition of residents of Sharon Springs, Schoharie County, N. Y., and 20 members of the Men's Bible Class of the Methodist Episcopal Church of Philmont, Columbia County, N. Y., urging favorable action on House bill 11410; to the Committee on the Judiciary.

6010. By Mr. RATHBONE: Petition from 36 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6011. By Mr. SANDERS of Texas: Resolutions by the Henderson Chamber of Commerce, asking for an appropriation of $6,000,000, or so much thereof as may be necessary, to exterminate the pink bollworm; to the Committee on Agriculture.

6012. By Mr. SELVIG: Petition of Mr. and Mrs. Fred N. Larson, residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6013. Also, petition of Grace E. Craik, resident of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6014. Also, petition of Maude Shave, citizen and resident of Fergus Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6015. Also, petition of Andy Craik and other residents of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6016. Also, petition of Adelaide Quale, citizen of Thief River Falls, Minn., urging the passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6017. By Mr. SWING: Petition of citizens of Riverside, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

6018. By Mr. WELCH of California: Petition from Columbia Typographical Union No. 101, Washington, D. C., favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6019. Also, petition of Merchants and Manufacturers Association (Inc.), Washington, D. C., favoring the passage of the Welch bill (H. R. 6518), to increase the salaries of Federal employees; to the Committee on the Civil Service.

6020. Also, petition from W. L. White, general manager, Yosemite Valley Railroad Co., Merced, Calif., favoring the passage of House bills 5819 and 8549, relating to the exemption of short-line railroads; to the Committee on Interstate and Foreign Commerce.

6021. Also, petition submitted by the United States Employees Association, containing 52 signatures, favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6022. By Mr. WELSH of Pennsylvania: Petition advocating passage of House bill 6518, providing a minimum rate of $1,500 per annum for all Government employees; to the Committee on the Civil Service.

6023. By Mr. WINTER: Petition of Logen Fjallets St. Jarna, No. 236, Vasa Order of America, Rock Springs, Wyo., protesting against the new immigration quota from Sweden and other Scandinavian countries; to the Committee on Immigration and Naturalization.

6024. Also, resolutions from Cody Club, Cody, Wyo.; the Star Valley Commercial Club, Afton, Wyo.; and the board of directors of the Casper Chamber of Commerce, Casper, Wyo., in support of House bill 7343, a bill for increasing appropriation for forest highway construction; to the Committee on Roads.

SENATE

TUESDAY, *March 27, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Father of all, who art wisdom and beauty and goodness, whose spirit ever strives in the souls of men, we thank Thee that Thou hast made us heirs of Thy creative power throughout the ages and called us to share Thy burden of redemption. Renew in us, we pray, the gift of wonder, the joy of discovery, and the everlasting freshness of experience in every day's most quiet need. Purify our lives and sanctify our homes, that our land may be filled with abundance of peace. Touch with live coals from off the altar of devotion the lips of these Thy servants, that in word and power they may be prophets of the new dawn of righteousness when all mankind shall serve Thee and worship Thee in the beauty of holiness. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; and

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 52. An act to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia;

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

H. R. 7722. An act authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards; and

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.;

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians; and

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Simmons
Barkley	Gillett	Mayfield	Smith
Bayard	Glass	Metcalf	Smoot
Blaine	Goff	Moses	Steck
Blease	Gooding	Neely	Steiwer
Borah	Gould	Norbeck	Stephens
Broussard	Greene	Norris	Swanson
Bruce	Harris	Nye	Thomas
Capper	Harrison	Oddie	Tydings
Caraway	Hawes	Overman	Tyson
Copeland	Hayden	Phipps	Wagner
Curtis	Heflin	Pine	Walsh, Mass.
Cutting	Johnson	Pittman	Warren
Deneen	Jones	Ransdell	Waterman
Dill	Kendrick	Robinson, Ark.	Watson
Edge	Keyes	Robinson, Ind.	Wheeler
Edwards	King	Sackett	Willis
Fess	McKellar	Sheppard	
Fletcher	McLean	Shipstead	
Frazier	McMaster	Shortridge	

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily detained, attending the funeral of the late Senator FERRIS.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 6844. An act concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto; to the Committee on the Judiciary.

H. R. 52. An act to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia;

H. R. 7722. An act authorizing the health officer of the District of Columbia to issue a permit for the opening of the grave containing the remains of the late Nellie Richards; and

H. R. 8915. An act to provide for the detention of fugitives apprehended in the District of Columbia; to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Mr. THOMAS. I present a memorial from members of the Choctaw and Chickasaw Tribes of Indians in Oklahoma, and ask that it be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

A memorial to the President and the Congress of the United States

A convention of the members of the Choctaw and Chickasaw Nations assembled at Ardmore, Okla., on the 23d day of March, 1928, realizing that a crisis in the affairs of their people has been brought about by the expiration of time and the laws of the Congress of the United States placing upon them burdens of citizenship which many of them are ill-prepared to meet, and aware that they have large property rights which are in process of settlement in which their interests are liable to be sacrificed, and realizing the pressing need of so many of their people to receive the money which upon a final just and fair settlement is due them as soon as possible, and in view of the fact that their tribal governments have been abolished and they now have no organized means of taking action to protect their interest nor to defray the expenses of so doing, have this day selected the following members of the Choctaw Nation, Dr. E. N. Wright, T. W. Hunter, Peter J. Hudson, Henry J. Bond, Mrs. Czarina C. Conlan, and the following members of the Chickasaw Nation: Walter Colbert, George W. Burris, Mrs. Estelle Ward, Ruford Bond, Franklin Bourland, as their representatives and delegates to visit the seat of government and the Congress of the United States at such times as they may deem fit and proper, to represent us upon all matters upon which Congress has power to legislate, and we respectfully ask to this end that Congress appropriate sufficient of the funds belonging to us to defray the expenses and provide for a per diem of such delegation, and that said delegation be officially recognized by all departments of the Government of the United States.

We earnestly memorialize Congress to this end and especially urge the Oklahoma delegation to aid us in every way possible to secure this representation and protect our interest.

Witness our hands at Ardmore, Okla., on this 23d day of March, 1928.

(Mrs.) CZARINA C. CONLAN,
Chairman of the Convention.
FRANKLIN BOURLAND,
Secretary of the Convention.

Mr. WATSON presented the following joint resolution of the Legislature of the State of Indiana, which was referred to the Committee on Interstate Commerce:

UNITED STATES OF AMERICA, STATE OF INDIANA,
OFFICE OF THE SECRETARY OF STATE.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the following and hereto attached is a full, true, and complete copy of enrolled Senate Joint Resolution 5, chapter 269, acts of seventy-fifth regular session of the General Assembly of the State of Indiana.

Joint resolution requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of various States have considered the issues involved

Whereas Congress in 1816 created Indiana a sovereign and independent State, with full right to control its local affairs, and the corporations it created, and these would include especially utility corporations, furnishing water, light, gas, phone service, and other necessities; and

Whereas the growth and development of the State of Indiana and its public utilities reached such proportions in 1913 that it became necessary that careful and proper consideration of the rights of the public and the adequate protection of the public welfare made it necessary for the General Assembly of the State of Indiana to create a public service commission; and

Whereas certain utilities of this State, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co. of Indianapolis, and the Central States Gas Co., of Vincennes, and the Greensburg Water Co., of Greensburg, petitioned the public service commission of the State of Indiana for increased rates for service to the public; and

Whereas such petitions were heard and valuations thereof determined and rates fixed by the Indiana Public Service Commission, which were, in the judgment of the commission, fair, reasonable, and just; and

Whereas said utilities, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co., the Central States Gas Co., of Vincennes, and the Greensburg Water Co. did, immediately in each case, invoke the jurisdiction of the Federal court of the State of Indiana instead of taking their cases to our State courts, alleging that the valuation determined and rates fixed by the public service commission were confiscatory; and

Whereas the laws of the State of Indiana governing the public service commission provide for and authorize any utility or person interested in any rate order to appeal to the circuit or superior court of any county in this State, from any order of the commission, fixing such rate, or rates, or valuation; and

Whereas such utilities did, in each instance, invoke the jurisdiction of the Federal court without first having pursued the remedy provided by the laws of the State of Indiana giving the right to appeal to the State courts; and

Whereas in each instance the Federal court has fixed a higher valuation and a higher rate than that fixed by the public service commission; and

Whereas the right of the State of Indiana to control its local affairs with reference to such utilities was defeated and prevented; and

Whereas the Public Service Commission of Indiana fixed the valuation of the Indianapolis Water Co. at $16,455,000; the Indiana Bell Telephone Co. at $32,000,000; the Citizens Gas Co. at $12,000,000; the

Central States Gas Co., of Vincennes, at $482,845; and the Greensburg Water Co. at $225,000; and

Whereas thereafter at hearings in the Federal court of the district of Indiana the valuations of these public utilities were fixed at the following figures, to wit, the Indianapolis Water Co. at $19,000,000, resulting in increase of rates; Indiana Bell Telephone Co. at $36,000,000, resulting in increase of rates; Citizens Gas Co. at $16,000,000, increasing the rate for gas from 90 cents to $1.20; Central States Gas Co., of Vincennes, at $739,572; and the Greensburg Water Co. at $340,000, resulting in increase of rates: Therefore be it

Resolved by the Seventy-fifth General Assembly of the State of Indiana, That the United States Senators and Members of Congress, representing the State of Indiana, be, and they are hereby, respectfully petitioned to prepare, support, and their associates enact legislation limiting the jurisdiction of the courts of the United States in all cases that may be filed therein by public utilities seeking relief from orders issued by public service commissions to such utilities as have first exhausted all legal remedies given by the courts of the respective States; be it further

Resolved, That copies of this resolution be transmitted by the governor and the secretary of state to the Senators and Members of Congress representing the State of Indiana and the Senators and Congressmen of the other States of the United States.

F. HAROLD VAN ORMAN,
President of the Senate.
HARRY G. LESLIE,
Speaker of the House of Representatives.

Filed March 11, 1927—12.02 p. m.

F. E. SCHORTEMEIER,
Secretary of State.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office in the city of Indianapolis this 12th day of March, A. D. 1928.

[SEAL.] F. E. SCHORTEMEIER,
Secretary of State.

Mr. EDGE presented the following joint resolution of the Legislature of the State of New Jersey, which was ordered to lie on the table:

Joint Resolution 4, Laws of 1928

STATE OF NEW JERSEY.

Joint resolution for the approval of the bill introduced in the Senate and House of the United States Federal Congress to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, and to urge its passage by the Senate and House

Whereas a bill has been introduced in the Senate and House of the United States Federal Congress which has for its purpose granting to the States the power to legislate for self-protection against the products of convict labor from other States; and

Whereas the bill reads as follows:

"A bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part, by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall, upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise."

And

Whereas this bill will empower the States that do not permit the products manufactured in their penal institutions to be placed on the public market, to protect themselves from the products of penal institutions of other States, and to protect free labor which is now and for many years has been suffering from the competition of products made by the inmates of penal institutions: Be it

Resolved by the Senate and General Assembly of the State of New Jersey, The said bill be approved and recommended for enactment into law by the Federal Congress; and be it further

Resolved, That copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Federal Congress and to Representatives of the State of New Jersey in the United States Senate and House of Representatives.

Approved March 15, 1928.

Mr. EDGE also presented a letter in the nature of a petition from the Council of Affiliated Crafts of the Philadelphia (Pa.) Navy Yard, praying for the adoption of the so-called Dallinger amendment to the naval building bill, and especially that eight cruisers be built in the navy yards, and that two of them be constructed at the Philadelphia Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. ROBINSON of Arkansas presented a letter from E. F. Stewart, 10 West Sixty-first Street, New York City, N. Y., relative to certain air mail contracts, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the Arkansas Bankers' Association, protesting against the passage of measures amending section 5219 of the United States Revised Statutes, which was referred to the Committee on Banking and Currency.

Mr. WARREN presented a resolution adopted by the Lions Club, of Kemmerer, Wyo., favoring amendment of the rural post roads act so as to authorize the appropriation of $15,000,000 for roads and trails in the national forests, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce of Riverton, Wyo., favoring the passage of legislation providing for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.

Mr. DENEEN presented petitions of sundry citizens of the State of Illinois, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WALSH of Massachusetts presented letters and papers in the nature of petitions numerously signed by sundry citizens of the State of Massachusetts, praying for the passage of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. NORRIS, from the Committee on the Judiciary, to which was referred the bill (S. 3151) to limit the jurisdiction of district courts of the United States, reported it with an amendment and submitted a report (No. 626) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2612) for the relief of Mary Ellen Tiefenthaler, reported it without amendment and submitted a report (No. 627) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 217) providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries, reported it with amendments and submitted a report (No. 628) thereon.

He also, from the same committee, to which was referred the bill (S. 3095) to authorize the settlement of the indebtedness of the Hellenic Republic to the United State of America and of the differences arising out of the tripartite loan agreement of February 10, 1918, reported it without amendment and submitted a report (No. 629) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2655) to carry out the findings of the Court of Claims in the case of the Atlantic Works of Boston, Mass., reported it without amendment and submitted a report (No. 630) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 1275) to create an additional judge for the southern district of Florida, reported it without amendment and submitted a report (No. 631) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 359) authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park, reported it with an amendment and submitted a report (No. 632) thereon.

He also, from the same committee to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz. (Rept. No. 633); and

H. R. 7472. An act to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property (Rept. No. 634).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this day that committee presented to the President of the United States the following enrolled bills:

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes;

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 3786) to amend the corrupt practices act; to the Committee on the Judiciary.

A bill (S. 3787) for the relief of Barney Thompson; to the Committee on Claims.

A bill (S. 3788) granting a pension to Essie Horton; to the Committee on Pensions.

A bill (S. 3789) authorizing negotiations and providing for the construction, maintenance, and operation of an interoceanic canal over Nicaraguan territory, and for other purposes; to the Committee on Interoceanic Canals.

By Mr. DILL:

A bill (S. 3790) granting a pension to S. G. Leach; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3791) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928; to the Committee on Pensions.

By Mr. BLAINE (by request):

A bill (S. 3792) for the relief of Joseph Abel; to the Committee on Claims.

A bill (S. 3793) authorizing the St. Croix Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Croix River on the Grantsburg Road; to the Committee on Commerce.

By Mr. GOODING:

A bill (S. 3794) for the relief of R. E. Hansen; to the Committee on Indian Affairs.

By Mr. METCALF:

A bill (S. 3795) granting an increase of pension to Corella C. Bowers (with accompanying papers); to the Committee on Pensions.

A bill (S. 3796) for the relief of Lieut. Allen Hoar, Civil Engineer Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 3797) to amend section 2 of the act of Congress approved July 3, 1926, entitled "An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes"; to the Committee on the District of Columbia.

By Mr. NORRIS:

A bill (S. 3798) for the incorporation of the United Spanish War Veterans; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 3799) authorizing the appropriation of certain money; and

A bill (S. 3800) to carry out provisions of the Pan American Postal Convention concerning franking privileges for diplomatic officers in Pan American countries and the United States; to the Committee on Post Offices and Post Roads.

By Mr. SHORTRIDGE:

A bill (S. 3801) to correct the naval record of Robert Hofman; to the Committee on Naval Affairs.

By Mr. DENEEN:

A bill (S. 3802) granting a pension to Hattie Bell; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3803) granting an increase of pension to Sarah C. Morris; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3804) granting an increase of pension to Sarah M. Law; to the Committee on Pensions.

By Mr. PINE:

A bill (S. 3805) to amend the interstate commerce act affecting electric railways; to the Committee on Interstate Commerce.

A bill (S. 3806) granting a pension to Maggie Stroud; and

A bill (S. 3807) granting an increase of pension to Andrew J. Molder; to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 3808) to authorize the construction of a temporary railroad bridge across Bogue Chitto River at a point in township 5 south, range 6 east, St. Tammany Parish, La.; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 3809) conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of Roy A. Knabenshue against the United States for the use or manufacture of an invention of Roy A. Knabenshue, covered by letters patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907; to the Committee on Claims.

AMENDMENT TO FLOOD CONTROL BILL

Mr. McKELLAR submitted an amendment intended to be proposed by him to Senate bill 3740, the flood control bill, which was ordered to lie on the table and to be printed.

LOWER COLORADO RIVER BASIN

Mr. WATERMAN submitted an amendment intended to be proposed by him to the bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which was ordered to lie on the table and to be printed.

DECORATIONS BY FOREIGN GOVERNMENTS

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, which was ordered to lie on the table and to be printed.

FARMERS' PRODUCE MARKET IN THE DISTRICT

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, which was referred to the Committee on the District of Columbia and ordered to be printed.

NEED OF PROTECTION OF PROPERTY IN CHICAGO

Mr. NORRIS. Mr. President, the morning papers contain the startling announcement that the home of the Senator from Illinois [Mr. DENEEN] in Chicago was bombed last night. I simply want to express the wish and the hope that Senators who are influential with the President will prevail upon him to withdraw some of the marines from Nicaragua and send them to Chicago. It seems that American property is safer in Nicaragua than it is in Chicago. Of course, we want to use the marines to protect the property of American citizens. I trust, therefore, that instead of sending the entire Army and Navy to Nicaragua we may keep them at home to protect the property of citizens of that great patriotic and windy city on the lake.

FARM RELIEF

Mr. WATSON. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which appeared in the Chicago Tribune on March 12, 1928, entitled "The farmers simplify the issue."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

THE FARMERS SIMPLIFY THE ISSUE

The new McNary-Haugen bill has been reported to the Senate with the indorsement of its Committee on Agriculture. The bill has the support of most of the organized farmers of the Nation. The changes made in the bill since it was vetoed at the last session of Congress indicate anything but the doctrinaire attitude toward their problems which farmers have been accused of maintaining. They have modified their bill to meet the criticisms of the administration.

The farm leaders have had to face two kinds of opposition. Some of their opponents have thought, though they have not always said it, that nothing should be done by the Federal Government to relieve agricultural depression. It is that viewpoint which has prompted the farmers to suggest from time to time the repeal of the tariffs on manufactured goods. They have said that if the Government can exert itself on behalf of manufacturers it can exert itself on behalf of the farmers, too, without doing violence to constitutional principles. The farmers' position we believe unassailable. More than that, it is to their credit that, though they may have met one rebuff after another, they have continued to press for positive relief rather than negative and vindictive action against the industrial and financial interests which have opposed them. The threats against the tariff on manufactured goods thus far have been made largely for rhetorical effect, but there is a limit to patience. It is hardly conceivable that the farmers will continue to take punishment indefinitely without striking back.

Those who conscientiously wish to do something to improve the position of agriculture in this country have presented two programs. The President and Secretary of Agriculture Jardine believe in cooperative marketing. They think the Government's credit can be loaned to the farmers' cooperatives to enable them to dispose of the crops systemat-

ically without severe price depressions at harvest time and without violent fluctuations of price between lean years and fat years.

The organized farmers have maintained that cooperation alone is not enough. They have evolved the plan of equalization fees to enable a Federal farm board to remove the surplus crops from the country and thus permit the rest of the crop to be sold in the United States at a tariff-protected price. The farmers say, with much reason, that the tariff at present does not protect them, because their crops are bought at the world price instead of the tariff-protected price. The successive McNary-Haugen bills have been concerned with setting up the machinery for removing the surpluses.

The new McNary bill departs from the predecessors in this respect: It withholds the operation of the equalization-fee principle until after ordinary cooperative marketing, as recommended by the administration, has been tried without success. Only if cooperation fails in achieving what its friends say it can not fail to accomplish is the other method to be attempted.

With this new bill the farmers have placed themselves in a strong position. Advocates of cooperation can not oppose the bill and continue to state that cooperation is a certain remedy for farm depression; indeed, exactly to the extent they have confidence in cooperation they must lend support to the bill. Opponents of the earlier McNary bills could do so either as friends of cooperation or as opponents of farm relief of any sort. Those who oppose this bill will write themselves down as opponents of all forms of farm relief.

We do not mean to suggest that the bill as drafted is beyond bettering. The farmers will welcome advice from economists, financiers, and others trained in such matters as they have hitherto. They will pay little attention to their so-called friends who have nothing to say but "No".

THE MISSISSIPPI LEVEE SYSTEM

Mr. STEPHENS. Mr. President, I ask unanimous consent to have inserted in the RECORD a very interesting article on the Mississippi levee system written by Hon. Jeff Truly, of Fayette, Miss., a former member of the supreme court of my State and a very able lawyer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRULY SAYS ALL-LEVEE SYSTEM FAILURE—SPILLWAYS ONLY TRUE SOLUTION RIVER PROBLEM—SUGGESTS NATURAL OUTLETS FORMED ON ST. FRANCIS, ATCHAFALAYA, LA FOURCHE, IBERVILLE, SMALLER STREAMS—RIPARIAN PROPERTY SHOULD BE PROTECTED—SAYS COUNTRY ON EAST BANK OF MISSISSIPPI FROM VICKSBURG TO BATON ROUGE SHOULD BE EITHER PROTECTED OR BOUGHT

The following is an article written by Hon. Jeff Truly, of Fayette, Miss., who during his lifetime has made a study of the river and river conditions and recites his experiences and the knowledge he has obtained. He shows that the all-levee system is a failure, urges a system of spillways and protection for the riparian landowners on the east bank of the Mississippi River, where no levees have been constructed and whose lands are practically yearly overflowed.

The article will be of interest to the people of this section and to authorities throughout the country, as it applies to the territory between Memphis and the mouth of the Mississippi:

ANOTHER SIDE TO THE MISSISSIPPI RIVER LEVEE QUESTION—THE OUTSIDE

In the great waste of words which has flowed by reason of the flood disaster in the Mississippi River will you not allow this communication a deliverance through the channel of your columns? Not because of any hope that it will have a present-day effect or influence; but in after years when the columns of your paper shall be searched some seeker after truth will read this communication and say, "Lo, another Saul stood among the prophets, but they knew him not." Then will come my reward though I be not here to enjoy it.

If this article shall be printed (which is hoped), and if it shall come to the attention of those directly concerned (which is problematical), it will be received with different emotions and produce widely differing reactions. By the river engineers and their satelites it will be dismissed with derision and contempt as being the opinion of a "layman" and hence unworthy of attention. Their mental attitude seems to be: "We are the people and wisdom dies with us." By the levee contractors and the attendant horde of parasites its facts will be disputed and its conclusions bitterly denied. Their slogan being: "We who make our living off the levees must stand by the levees." But it may perchance fall under the observation of the average well-informed taxpayer in the North, East, and West, or that portion of the South which is not the direct beneficiary of the levee so-called system. It may cause such a one to wonder why, after 48 years of governmental trial and supervision, the latter end of the levee system is worse than its beginning. After an admitted expenditure by the Mississippi River Commission (not including the present flood) of $92,783,645.50 for navigation, he may ask himself the question: "What benefit has been received, directly or indirectly, from such a vast outlay of money?" After an expenditure for protection or flood control of $81,686,285.56, the inquiry may occur to him to ascertain to what state of perfection this vaunted "flood control" has reached.

It will be recalled that when the Mississippi River Commission was first established in 1879 it was with the distinct inhibition that "no money should be expended for protecting private property." The purpose of the Mississippi River Commission, its only purpose, was for the "improvement of the navigation of the Mississippi River." What has been the effect to this date of this "improvement of navigation"? Let the facts speak for themselves. Not the theories of engineers. Not the statements of levee contractors, but the facts of the record itself in its present visible condition. This stream, the "Father of Waters," upon whose bosom floated a commerce unequaled, a passenger traffic the like of which was never known, in palatial steamers almost beyond compare, has now, since the Mississippi River Commission undertook its improvement, found "all its future course bound to shallows and to miseries." In any ordinary low water there are shallow places in the Mississippi River between Vicksburg and Baton Rouge where the cautious pilot has trouble crossing with a light-draft steamer. One such point may be found in front of what is known as Buena Vista or Spit Head Island, just south of Kemp Bend Levee, the breaking of which at this writing is momentarily feared. Another point is approximately 3 miles below Natchez. These two places are specifically mentioned so that any investigating committee of Congress, can, by inquiring of any river pilot, ascertain the accuracy of the assertion. What says the engineers? Is it a mere fallacy, the opinion of a layman, that the bed of the Mississippi River has been raised by the deposit of sediment? The atrocious crime of being a "layman," I shall neither deny, nor attempt to palliate, but shall content myself with the hope that I am one of those who, after a personal experience and knowledge of river conditions for a half century, possess human intelligence sufficient to know that if the stream, upon which at one time the navies of the world could float in safety, has now become so shallow that it can almost be waded, one of two things has happened: Either the bottom of the stream has raised, or the top of the water has lowered. In either event the result is the same.

The river is now, in average low water, not navigable throughout its entire length except for vessels of different kinds of very shallow draft. This, however, of itself, is not important; for while the navigation has not been improved, the traffic on the river has itself become practically abolished. Consult, if you please, the maritime column of any daily paper—your own—dealing with vessels on the Mississippi River, and you will find at this writing that between Cairo and New Orleans, a distance of practically 1,700 miles, there are, exclusive of boats now engaged in rescue work, only 12 barges or tugs transporting freight, and two stern-wheel boats carrying local freight and passengers, if any! What a sorry spectacle this is as the result of the "improvement of navigation" and the increase of transportation to the citizens who, living on the banks of the Mississippi, can remember the stately *Lee*, the swift *Natchez*, the beautiful *Pargoud*, and other steamboats of that class and kind! "But," says the engineers, "this is a layman's opinion, and not only has navigation been improved, but the railroads have destroyed the transportation." We note that even now many beautiful steamers, filled with passengers, ply upon the Hudson, though railroads are far more numerous in that prosperous section. But, enough. What has caused the decrease in transportation or, properly speaking, traffic is immaterial. The fact is that the navigation of the river has been made more difficult by either the lowering of the water level or the raising of the river bed. In 1913 the river commission reported that the idea of the river bed being raised was the outcome of a similar error with reference to the river Po, in Italy, an error which the Mississippi River Commission proclaimed had been dissipated for several hundred years. With due deference we would refer to the last edition of the Encyclopedia Britannica, to the articles on the rivers Po, Hwang Ho, Piave, and Mississippi, where the statement is expressly made that the beds of these streams are being raised above the level of the surrounding country by the construction and attempted maintenance of levees. We cite this not that we have the temerity to dispute the conclusion of the engineers of the Mississippi River Commission, but so that the public generally may understand what an inaccurate and unauthoritative work the great Encyclopedia Britannica is, so that it may no longer be accepted as the final word upon questions of information generally.

Having successfully (?), by the levee system, improved the navigation of the Mississippi River until there is very little traffic and still less navigation, the idea upon which was based the necessity for the existence and continuance of the levee system was suddenly shifted from "improvement of navigation" to "protection from flood," a deliberate and direct about face. At the outset, prohibited from building levees for the protection of private property, now, basing their claim to continued existence and operations upon the necessity of protecting private property from flood damage. Consistency is a long-famed jewel, but it, like the Encyclopedia Britannica, must be cast aside should it run counter to the decisions or purpose of the engineers and the beneficiaries of the levee system.

Having decided, and persuaded the Congress to decide, that "flood control" should take the place of "improvement of navigation," forthwith the slogan became "More levees and bigger levees," and this we still hear from every engineer connected with the river service, repeated o'er and o'er again amid the thunder of breaking levees and the rush of flooding waters.

Even before the vaunted levees have ceased to crumble, without definite knowledge of the extent of damage, without investigation of changed conditions, a pronouncement of the future policy is stated, "More levees and bigger levees." The syllables sonorously sound and every little "Blanche and Tray and Sweetheart" barks in unison.

If the further prosecution of the work along the Mississippi River be left to the engineers alone, then year by year the taxpayers will see a continuing effort in this direction, and in this direction alone. "More levees and bigger levees." How many more levees? How much bigger levees? Remember that the standard grade of levees tentatively declared by the Mississippi River Commission prior to 1893 was 48 feet on the gauge at Vicksburg. About 1912, after that flood, the standard was raised to 52 feet. The flood in 1927, despite the ruinous crevasses, went above 58 feet. The Mississippi River Commission has not, and we dare assert will not, venture to fix a minimum to which it may be necessary to raise the levees unless other means be also adopted.

"More levees and bigger levees" is the united slogan of the engineers and levee contractors. "More levees and bigger levees" means more contracts, more money to be paid to contractors, more money to be spent by taxpayers, more burdens to be imposed upon landowners and citizens generally, and no more protection. However, this slogan is no longer received with unanimity even by those who have been the chief beneficiaries of the levee system (not including the engineers and contractors). Already there is a discord in the harmony. Some of the more thoughtful leaders who live behind the levees, being neither engineers, contractors, nor politicians, view the future with alarm by reason of the experience of the past and fear that "More levees and bigger levees" of themselves mean simply more taxes, more backwater, more impoverishment of soil, and heavier burdens to bear. So they are groping for some other either complete or supplemental solution of the problem.

The thoughtful taxpayers understand that the building of "More levees and bigger levees" means heavy additional expenditures of money, and they wonder where the necessary funds are to be procured, not from the individual landowners, because already the ad valorem and levee taxes in every levee district are burdensome to the highest figure. Not by bond issues, because the fiscal records show that every levee district is already bonded almost, if not quite, to the point of saturation. The cost of building and maintaining levees has imposed burdens not only upon the living but upon generations yet unborn. No source, therefore, remains from which funds can be secured except the National Government. It is safe to say that if the suggested project of setting the levees farther back from the river banks so as to give a wider channel be adopted, thus necessitating a new line of levees that neither the States nor the levee districts will be able to assume the financial obligation. With the question of whether the National Government will now take over the construction and maintenance of the leeves for the protection of individual property, those people living on the east bank of the river are concerned no further than the bare expectation of also receiving similar protection.

Therefore, if there be discord among those who live behind the levees as to the ultimate benefit of a system of levees alone, what must be the mental attitude of those who live and own lands on the river front, but in a section which has borne the burdens of the levee system with none of even its transitory benefits?

Even to the well-informed citizen living any distance from the levees in States not adjacent to the Mississippi River the term "levee" conjures up the idea of a ridge of dirt paralleling the banks of the Mississippi River on each side. Such is far from the truth. From Sloughs Landing, above Memphis, on the east bank of the Mississippi River, to approximately the Tennessee-Mississippi State line, a distance of 200 miles, and from Vicksburg to Baton Rouge, also on the east side of the Mississippi River, through the States of Mississippi and Louisiana, a distance of approximately 250 miles, the engineers have adopted the foothills of Tennessee, Mississippi, and Louisiana as the levees on the east bank of the river. Speaking solely for that territory lying between Natchez and Vicksburg let us be pardoned if we briefly recite the condition to which the ill-fated levee system has brought us.

Before any governmental levees were built the land on the Mississippi side, from Vicksburg south, was from 7 to 14 feet higher than the land on the Louisiana side. Before the levees were built this entire section was fertile plantations, prosperous settlements, happy homes, and thriving towns. Here the adventurous English, the Spanish, and pioneers from the Colonies found an asylum. Here virile Americans from the forests primeval carved their homes. Here stately mansions reigned over fertile fields. Here civilization in the great Southwest found its first abiding place. Here floods were unknown save in epochal years such as 1797, 1844, 1884, and 1893. But now, under the ruinous levee system, what is the condition? Where the city of Grand Gulf was once located is now on the opposite side of the Mississippi River. The town of Rodney, which once nestled on the very bank of the river, is now 6 miles inland. Where plantations were, caving banks are found, and at other places long and barren sand bars jut out into the stream and impede and almost prevent navigation. Here in this naturally favored section floods now are of almost yearly occurrence, and no man can be sure at the commencement of a crop season that even the land itself may not be caved into the river before the fruits of his toil are harvested. Here fertile plantations have gone back, not to the primeval forests, but to briars and brambles and jungle and undergrowth, and here upon the sites where stately mansions once stood is but the débris from the ravages of floods.

But let their own records publish the truth of the vast changes in the river bed and banks. Contrast chart No. 53 of the Mississippi River Commission, made in 1878–1880, with the current "field sheets" covering the same stretch of river, and see "what wonders" the levee system "hath wrought."

When it was the theory of the Mississippi River Commission that the levees would "improve the navigation of the stream," this section from Vicksburgh to Baton Rouge vainly appeared before the appropriate committees in the United States Congress and vainly plead that if the navigation was to be improved it should be improved throughout the length of the stream, and that no stream would be navigable if 258 miles of its front were left unimproved and unnavigable. The Mississippi River Commission, when the beloved Judge Taylor adorned that body, recognized justice of the claim and prepared a memorial which set forth the injustice, the damage, which was inflicted upon the rightful owners and the devastation which had been dealt by a governmental agency itself by appropriating these lands as a part of the levee system. Vain, all in vain. The soi-distant statesmen whose electorate lived behind the levees, the engineers themselves, knew the maintenance of the levee system an impossibility, turned deaf ears to all appeals for protection or compensation.

While, therefore, the levee system to this date has been a failure in "improving navigation" of the stream, has been a failure in assisting traffic upon the stream, has been a failure in protecting people behind the levee, it has been an absolute success in bringing want and ruin to the landowners on a frontage of 258 miles of the river. We dare affirm that there is no well-informed man who will to-day assert that the levee system is a success. Of course, if this were but the expression of opinion of a poor and ignorant layman, such as the writer, it would receive no attention, even did it merit consideration. But fortunately, there is other foundation than that. We quote from Col. John R. Fordyce, of the United States Army, an engineer of eminence, who was a major in the Engineer Corps during the World War and was the builder of Camp Pike and other places.

This engineer says: "It must be evident to the dumbest human being that the levee system has failed." We believe that this language, so exactly quoted, is sufficiently broad to include even the engineers and the levee contractors and their parasites. Other engineers, well-informed journalists, men of standing and observation, have now practically agreed that a system of levees alone is not sufficient.

"More levees and bigger levees" is the slogan of the river engineers. How many more levees? The entire river front of the Mississippi River (with slight exceptions rendered necessary by large inflowing streams) is leveed from Cairo for 1,800 miles south on both sides of the river save where the foothills on the eastern bank of the stream have been adopted as the only immutable levees yet built, and they by Divine skill.

How much bigger levees? Not long since, speaking on the subject of bigger levees, a writer in the New York Herald Tribune said: "After the floods in 1922 the citizens of New Orleans 'awakened,' as one of their Congressmen put it, to the most appalling situation that has presented itself in a long while, declared that they had already built their levees to the maximum height admitted by the character of the foundation soil, and yet felt they had no assurance against the river's overtopping them in another big rise." An apprehension which was well founded, for in five years thereafter, after the Mississippi River Commission had again established a grade, the city of New Orleans at this moment is trembling with anxiety although the strong hand of law has been invoked to make an "artificial crevasse" in what appears to be one of the few sound levees on the river. The engineers having built a levee must now destroy it to save New Orleans from the effect of their own engineering skill.

"The King of France with twice ten thousand men
Marched up the hill, and then marched down again."

Alice in Wonderland could scarcely rival this.

Again says the writer quoted: "It is impossible accurately to calculate the height which would be necessary at time of maximum high water to restrain the river, supposing that it and its tributaries were completely leveed and that there were no breaks. The engineers can not be certain that when all the levees are built up to the present 'standard grade,' a rise may not come along which will 'overtop' them." These words written just before the disastrous crevasse oc-

curred are most prophetic of the wisdom and foresight of the writer, Mr. Walter Millis.

So the question recurs, if "more levees and bigger levees" be the ultimate of the engineering skill, where can you build any "more" levees, and how much larger are the "bigger" levees to be? In the territory of New Orleans, so this Congressman has said, the burden upon the soft "made-land" is already as much as it will stand without sinking of its own weight. Hence in that locality at least "bigger levees" can not be built and "more levees" are not needed. Nor can "more levees" be built in the Mississippi Delta. There were levees which immediately before this flood were proudly boasted to be 4 to 6 feet "above standard," and yet broke in their supposedly soundest part. What "more levees" can be built than one which extends from the high ground at Memphis to the mouth of the Yazoo River? Assuming, however, that "more levees" could be built and that "bigger levees" could be maintained, what must be the ultimate result unless this levee system extends to the tributaries and to the tributaries of the tributaries? Take the Mississippi Delta and look at one of the soil maps issued by the Department of Agriculture of the State of Mississippi in 1924. See how the Yazoo River runs practically north and south, starting with its confluent tributaries near the top of the Mississippi Delta, skirting the foothills to its confluence with the Mississippi River above Vicksburg. Look at the innumerable tributaries of that stream upon which clusters the little towns and the fertile plantations, all subject to overflow either from the backwater of the Mississippi River or from the rain water and surface water of the territory drained by its tributaries. To levee the Mississippi River carries with it either the flooding of the lands through the tributaries by the backwater from the main stream, or the leveeing also of the tributaries themselves, and so on ad libitum, ad infinitum.

While vociferously protestinug their adherence to an implicit confidence in the "more levees and bigger levees" theory, in point of truth have not the levee engineers themselves acknowledged the levee plan alone to be a failure? If levees alone were a success, there would be no necessity for artificial outlets to be made below New Orleans or elsewhere. The acknowledgement of the levee engineers that it was necessary for the protection of New Orleans to destroy their own handiwork by creating spillways speaks more loudly than their verbal protestations. Can not the matter be fairly stated in this form? Is any outlet necessary? The engineers themselves answer, "Yes," and themselves create an outlet. If one outlet be beneficial, would not two outlets be more beneficial? The answer is "Yes," and the engineers themselves have created three separate outlets below New Orleans. If outlets be necessary to relieve the pressure on the levee and two outlets be better than one outlet, would not a sufficient number of outlets properly located relieve all pressure of the flood? There can be but one answer to the last inquiry, but that answer the engineers refuse to give.

After 30 years, like the sinner in the hymn, the people on the east bank of the Mississippi River in the territory mentioned, "as on through the darkness they wandered, not a ray of light could they see," until in the last few days the president of the Mississippi River Commission is quoted as saying that "Levees stronger, higher, and farther back from the river banks to give the river more space will be recommended to Congress"; and "It might be necessary to make a new mouth for the Mississippi below New Orleans to let the water out faster into the Gulf of Mexico." This announcement, if the president of the commission be accurately quoted, gives a gleam of hope like the rainbow which shone upon the Biblical flood to those who live behind the levees as well as those whose cause is here presented and who have been destroyed by the levees.

"Build the levees farther back from the stream so as to give more space for the water." Bear in mind again that the levees upon the Mississippi River are not built on the bank of the stream. In many instances they are already some distance back, and in several instances, such as the levee at Millikens Bend, Villa Clara, and other points, there has within recent years been built and rebuilt each time farther back from the river not less than three separate lines of levees. The levees are built back from the river, and the river caves back to the levee. The levee is built back farther, fertile plowed lands are thrown out, and these dissolve like the foundation of the house built upon sand. Build the levees farther back from the river, and what becomes of Friars Point, Rosedale, Greenville, and of the other fair cities which are now almost lapped by the waters of the stream? Also remember how much space the waters of the Mississippi River now have between the foothills on the Mississippi side and the levees on the Louisiana side. Take the break at Winter Quarters or Hard Times. What width of channel had the river at that place? How many miles was there covered level with the surface of the stream extending from the levee which crumbled to the everlasting hills of God? Over land and property which the Government has, without compensation, appropriated as a part of the levee system? From Vicksburg south, in time of flood such as the present, even where the levees stand, the Mississippi River has unimpeded sweep for a width rarely less than 3 miles and in many places more than 20! At this writing, in this county, there are fertile lands, which were in cultivation, now under 14 feet of water, covered by the direct stream from the Mississippi River not less than 15 to 20 miles from the real bank of the stream. So that on the east bank of the river the levees can not be put back; and if they be moved on the opposite side, the towns will themselves be left out to the mercy of the waters.

This being true, and every statement herein can be demonstrated by any impartial "layman" of average human intelligence who will make a personal inspection of the river, its beds, and its banks—this being true, what then is the remedy, if any? Upon this territory the writer ventures with fear and trembling. Fools rush in where even some engineers fear to tread. Of course, the ideal solution would be abolition of levees, save only now, as a sop to Cerberus, because of established conditions, levees to protect the towns which are already built. Then, if this were possible, the annual inundation could come and go, leaving its fertilizing sediment upon the lands, renewing their verdure and strength with each spring. Coming as gently as does the dew from heaven upon the place beneath. Bringing no ruin, no want, no waste, no desolation. Coming and going in time for planting, and each crop raised by the fertilizing effect of the soil deposited on the lands. The annual overflow being complete before February 1 and leaving before May 1. Whereas cotton can be safely planted until June 1, and corn some weeks later. Then, indeed, would the lands of the Mississippi River rival and exceed the boasted Nile, and the annual inundation of the river would be welcomed with thanksgiving instead of being dreaded as an avenging power. We recognize that so absolute a remedy is now, under existing conditions, impossible. Because of the investment of property, houses and residences now built upon the faith of the levees. Another and more insuperable objection is that if you build no levees the engineers and contractors would have no jobs. Therefore levees are inevitable and will be continued.

What, then, is even a partial remedy? Undoubtedly that which was established by nature itself, or by nature's god: That of outlets or spillways. So that when the river reaches a certain stage the water flows off through already prepared outlets for that purpose.

But where should the outlets, spillways, "new mouths" be located? What engineering skill could choose the best location? They have already been chosen by the Supreme Architect and the only All-Wise Engineer of the world. (No reflection is intended upon the levee engineers by this statement.) "The Lord sitteth upon the flood; yea, the Lord sitteth a king forever." Where are these outlets? This article does not attempt to deal with conditions above Memphis. South of Memphis the outlets or natural reservoirs are well known and were established and operative with beneficial effect in reducing or preventing floods before the United States had control of this territory. The first outlet or reservoir was the St. Francis Basin in Arkansas. The second outlet is the Atchafalaya. The third outlet is the Iberville River on the east bank below Baton Rouge. The fourth outlet is the La Fourche, and then an innumerable number of shoal streams below New Orleans, too shallow to be of any great benefit. Of course, the higher up the stream the spillway, the greater the benefit. Four "new mouths" for the Mississippi "to let the water out faster into the Gulf."

It will be of interest to know that as long as the St. Francis Basin was open as a reservoir or spillway the strain upon the levees then existing was small. Notwithstanding levees elsewhere, even the flood upon the outlying land subsided in time generally for the crops to be planted. Taking ancient history as our guide, the most available (may we say God-made?) outlet south of Baton Rouge is that of the Iberville River into Lake Maurepas, thence through Lake Pontchartrain into the Gulf. This was a navigable stream during the British occupancy, and through it was transported much of the freight of the earlier days to Mobile, and thus diverted from New Orleans. The provincial records of this section will show that by an expenditure of less than £2,000, represented by the labor of 50 slaves for six months, the Iberville River was cleared of débris and all accumulations and became a stream capable of navigation both to and from the Mississippi Sound and the Gulf of Mexico.

As the result of the opening of this stream, on one occasion, the British records show, "the water fell 26 feet in three days." The Atchafalaya carried off an even greater volume. The records further show that the Iberville was used as a route for travel by small vessels until many years after the United States acquired Louisiana.

So much for the effect of outlets when given a fair chance to operate. And these outlets were not leveed and, having a more rapid flow, did not silt up as badly as does the Mississippi River itself at its mouth and at other points along its course.

We submit, therefore, that the all-levee system is predestined to failure, and incident to failure is bankruptcy to those who live behind the levee and ruin and desolation to those who live outside of the levees.

We living on the east bank of the Mississippi River are not combating any movement which may be determined upon for the best interests of the country at large. We only ask for even-handed justice. If the levees-alone system be continued and the foothills which bound our lands be adopted as a part of the levee system, we ask that the property so appropriated for public use be condemned and paid for. If the outlet system be adopted, we ask that an equal immunity from overflows shall

be accorded to our lands, or that they shall be paid for if appropriated by the Government. If the National Government assumes the construction and maintenance of the levee system throughout the entire Mississippi Valley, we ask that our lands either be protected or, if used for public purposes, be paid for at a fair value. We seek no alms. We ask no exorbitant price. We share in no graft. We want justice. Nothing more. We do say, and we earnestly insist, however, that if our lands are to be appropriated as a part of the river bed, so as to render possible the even remote chance of maintaining the levee system intact, that a great and paternal Government should not take our lands, our property, and appropriate it for the public good without making due compensation therefor. We ask only calm consideration of our cause and its adjudication at the bar of public justice; for an announcement that we as well as all other citizens of our great Government are entitled to equal rights and equal protection, and that no private property should be taken for public use without due compensation made. We appeal to the conscience of public opinion, knowing full well no help will come from the river engineers. If left to their sole and uncontrolled decision, their esprit de corps will dictate "More levees and bigger levees," and the public be d———. "Ephraim is joined to his idols. Let him alone."

But hope springs eternal. While the waters designed to be a helpful servant have by improper handling been changed into a destroying monster, and while over the wastes of desolation the pronouncement of the engineers, the chorus of the levee contractors, and the orotund echoes of near-statemen with cavernous vacuity of original ideas, still proclaim that "more levees and bigger levees" is the only solution, yet the still small voice of common sense is being broadcast through the editorial columns of the great newspapers and is making an impress upon the reason of the people at large. That voice utters a truth not to be disputed in the light of experience and the present catastrophe. The solution is "fewer levees and bigger spillways."

It may be that this article has a tinge of bitterness. If so, we pray you pardon it. It is not so intended. Certainly, not toward the burdened taxpayers or the suffering tenantry, whose joint misery we also share. Although it would be excusable if slight resentment be felt toward some politicians and officeholders who, "clothed with a little brief authority," have upon occasion thoroughly justified the Shakespearean statement: "Still, naught has been set down in malice." Remember, that our lands by nature are higher and safer from flood than those which have been protected.

Remember, that for 30 years through organized committees the residents and landowners on the east bank of the river vainly protested against building levees elsewhere which were destroying their lands and property. Remember, that for the last 15 years and more this same people have appeared on divers and sundry occasions before the Mississippi River Commission and before the proper committees in both Houses of Congress and asked for either protection or compensation for the lands which the Government has appropriated to public use. Complaints and pleas alike proved unavailing. So now we make this final plea to the bar of public conscience. If it be found necessary to take our private property and devote it to the general welfare, we shall not complain and ask only for its value. We do, however, protest against being sacrificed to make a Delta holiday.

Prepared on behalf of the riparian landowners on the east of the Mississippi River.

JEFF TRULY, *Fayette, Miss.*

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar, under Rule VIII, is in order for the consideration of unobjected bills.

NAMING OF HIGHWAYS

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as first in order.

Mr. BLAINE. Let that bill go over.

Mr. McNARY. Mr. President, that bill has been on the calendar for about five weeks. I am just curious enough to know at this time who made the objection to its consideration.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. BLAINE] made the objection.

Mr. BLAINE. Mr. President, I would be very glad to take the matter up with the Senator from Oregon at any time at his convenience.

Mr. McNARY. Very well.

The VICE PRESIDENT. Being objected to, the bill will go over.

DEVELOPMENT OF AGRICULTURAL EXTENSION WORK

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture was announced as next in order.

Mr. SMOOT. Mr. President, the last time the bill was called on the calendar I asked the Senator from Kansas [Mr. CAPPER], who introduced the measure, whether he had received certain information as to the bill, and he then asked that it go over in order, as I understand, that the information might be obtained.

Mr. CAPPER. I again ask that the bill may go over.

Mr. McNARY. Mr. President, in discussing the matter with the Senator from Kansas [Mr. CAPPER] this morning we agreed that a meeting of the Committee on Agriculture and Forestry should be called for to-morrow to consider a certain amendment to the bill to be offered by the Senator from Delaware [Mr. BAYARD], and pending the execution of that understanding I think the bill should go over without prejudice for to-day.

The VICE PRESIDENT. The bill will be passed over without prejudice.

FALSE INFORMATION REGARDING CRIMES IN THE DISTRICT

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

Mr. BLEASE. Mr. President, I notice that on yesterday by an overwhelming vote the House of Representatives defeated a bill similar to this, and I move that this bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, the bill will be indefinitely postponed.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of this bill.

Mr. GILLETT rose.

Mr. KING. Reserving the right to object, if the Senator from Massachusetts desires to explain the bill, I shall be glad to have him do so.

Mr. GILLETT. Mr. President, the Senator from Delaware [Mr. BAYARD] made the report on the bill, and I suggest that he explain it.

Mr. KING. Until we can have more time for the consideration of the bill, I object.

The VICE PRESIDENT. The bill goes over under objection.

BILLS PASSED OVER

The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. SMOOT. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. KING. That bill is the unfinished business. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

CITY OF NEW YORK

The bill (S. 459) for the relief of the city of New York was considered as in Committee of the Whole. It proposes to pay to the city of New York $764,143.75, expended by that city in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops employed in aiding to suppress the insurrection against the United States in 1861 to 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTION PASSED OVER

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

Mr. KING. I should like an explanation of that bill.

Mr. SHEPPARD. Mr. President, as I understand, the senior Senator from Utah [Mr. SMOOT] objects to the consideration of the bill.

Mr. KING. Very well.

The VICE PRESIDENT. Being objected to, the bill will go over.

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S–4* was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, it will take some time to discuss that bill and under the five-minute rule we should not be able to complete it. I suggest that the bill ought to be passed over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia was announced as next in order.

Mr. BLEASE. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 132) to authorize the President to appoint Le Roy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. SHORTRIDGE. Mr. President, I ask that Orders of Business 175, 176, 184, and 268 being, respectively, Senate bills 132, 2053, 141, and 133, go over, promising that at the next call of the calendar I shall undertake the perhaps impossible task of securing the passage of these bills notwithstanding the adverse reports. It may be an impossible task, but I shall undertake to perform it.

The VICE PRESIDENT. These bills will be passed over.

The bill (S. 2053) to establish a military record for Daniel P. Tafe was announced as next in order.

Mr. SHORTRIDGE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

Mr. KING. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 141) for the relief of Felix Medler was announced as next in order.

Mr. SHORTRIDGE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. WILLIS. Mr. President, I have promised a number of Senators that that bill and the measure accompanying it relating to the same subject further along on the calendar will be considered some day when all the Senators can be present. Obviously these bills can not be considered satisfactorily under the five-minute rule; so I think, with that explanation, the bill should go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

WALTER W. JOHNSTON

The bill (S. 2711) for the relief of Walter W. Johnston was announced as next in order.

Mr. FLETCHER. Mr. President, I should be glad to have the Senator from Mississippi [Mr. STEPHENS], who made the report on that bill, state the facts about it.

Mr. SMOOT. I ask that the bill go over.

Mr. STEPHENS. Mr. President——

The VICE PRESIDENT. The bill will go over under objection.

Mr. STEPHENS. Mr. President, will the Senator from Utah [Mr. SMOOT] withhold his objection for a moment?

Mr. SMOOT. I should not want the bill to be passed carrying an appropriation of $15,000 without some explanation. I find nothing in the report to justify paying the sum of $15,000 for the purposes for which the bill was introduced. I desire to have more information than I now have before I am willing to vote to make an appropriation of this kind at all, I will say to the Senator from Mississippi, and therefore I ask that it go over.

Mr. STEPHENS. Mr. President, I should like to say to the Senator from Utah, if he will withhold the objection for just a moment, that I have before me a letter dated January 6, 1928, addressed to the chairman of the Committee on Claims of the House of Representatives signed by E. C. Plummer, chairman of the standing committee on claims of the Shipping Board, and in that letter Mr. Plummer says:

> Mr. Johnston claims compensation for certain ship-launching devices which admittedly were used for the benefit of certain ships being built by the Government.

The only reason why he was not paid was because there was no written contract. The matter was referred to the Committee on Claims of the Senate in order to adjudicate the equity in this matter. It is the testimony that Mr. Johnston was really promised the sum of $50,000. Various estimates have been placed upon the value of his work ranging from $20,000 to $50,000. Various estimates also have been placed upon the value of his services if he had been employed by the year ranging from $12,000 to $15,000 a year. It is stated that he saved as much as $5,000 per ship by the use of the device which he had invented and also by giving his personal services. The committee went into this question very carefully at the last session of Congress and again at this session.

Mr. SMOOT. Can the Senator tell me why there is not any report here from the Shipping Board on it?

Mr. STEPHENS. There is a report here—at least it is said that the matter came before the Shipping Board. Chairman Hurley sent this man down to do this work; that is unquestioned and undenied. Then it was suggested to Mr. Johnston later that an attorney be employed and the matter be presented. The matter was finally presented to the Shipping Board, and, as I said a moment ago, because of the fact that a written contract had not been entered into, the board very properly held that it could not authorize the payment and could not compensate this man for his services and for the value of his device used in connection with the launching of ships. Mr. Plummer, as I said a moment ago, says that this device was admittedly used for the benefit of the Government in connection with the launching of certain ships. As a matter of fact, there was sufficient testimony before the committee to justify the granting of a larger amount than is provided in the bill; but some placed the amount lower than others, and for that reason the committee decided that $15,000 should be allowed. There were several members of the committee, however, who wanted to grant Mr. Johnston a larger sum. I think it is a very meritorious claim, and every member of the committee felt that way about it. There was not a dissenting voice.

Mr. SMOOT. Mr. President, I can not understand why the committee did not send to the Shipping Board and request a report upon this bill. I will say to the Senator that I myself will write to the Shipping Board and ascertain what they have to say in relation to the claim. If their answer shall be favorable, I will have nothing whatsoever to say in opposition to the passage of the bill hereafter, but I do want the bill to go over at this time.

Mr. McNARY. Mr. President, regular order.

Mr. FLETCHER. My understanding is that when the bill was last called on the calendar it went over because it was desired to secure a report from the Shipping Board, and that such a report has since been received.

Mr. SMOOT. No; the Senator is mistaken about that.

Mr. FLETCHER. The bill went over because of the absence of a report from the Shipping Board. Now, it seems that we have such a report. It is not in the written report filed by the committee on the bill, but the Senator from Mississippi [Mr. STEPHENS] has referred to a communication from Mr. Plummer, who is chairman of the claims committee of the Shipping Board, and which he has before him.

Mr. SMOOT. I will assure the Senator that to-day I will write a letter to the Shipping Board in regard to the bill.

Mr. FLETCHER. I will be glad if the Senator will do so, because if the claimant is entitled to the money he ought to be paid, whether the amount involved is $15,000 or $5,000.

Mr. STEPHENS. Mr. President, I call the attention of the Senator from Utah to page 2 of the report, where there is a reference to the report from the standing committee on claims of the Shipping Board. It is stated there that it is not a legal claim, because of the fact that a written contract was not entered into and, perhaps, that the agent of the Government had no right to enter into such a contract. But Mr. Johnston was sent by the chairman of the Shipping Board, Mr. Hurley, to do the work and he did do it; there is no question of that.

Mr. SMOOT. Perhaps I did not explain myself in sufficient detail. If the Senator wants to refer to that report, the board states that it is not a valid claim.

Mr. STEPHENS. I agree to that.

Mr. SMOOT. And the board does not recommend its payment. However, what I wanted to find out from the Shipping Board was whether there was a moral claim on the part of this claimant. If there is a moral claim for the amount, then I shall have no further objection. For the present I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT TO THE CONSTITUTION—PROHIBITION OF WAR

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. SHORTRIDGE. I ask that the joint resolution go over.

Mr. HEFLIN. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The joint resolution has already been objected to by the Senator from California and will go over.

KENNETH B. TURNER

The bill (S. 133) for the relief of Kenneth B. Turner was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object——

Mr. WILLIS. Mr. President, that is one of the bills that the Senator from California [Mr. SHORTRIDGE] requested to go over.

Mr. SHORTRIDGE. That is one of the measures which I requested to have passed over.

The PRESIDENT pro tempore. The bill will be passed over under objection of the Senator from California.

NORTHERN JUDICIAL DISTRICT, OKLAHOMA

The bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State was announced as next in order.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

[Mr. HEFLIN'S remarks appear elsewhere in to-day's RECORD.]

Mr. WILLIS. Mr. President, is House bill 7011 under consideration?

The PRESIDENT pro tempore. It is.

Mr. WILLIS. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

STANDARDS FOR HAMPERS, BASKETS, ETC.

The bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the standard hampers and round-stave baskets for fruits and vegetables shall be of the following capacities: One-eighth bushel, one-fourth bushel, one-half bushel, three-fourths bushel, 1 bushel, 1¼ bushels, 1½ bushels, and 2 bushels, which, respectively, shall be of the cubic content set forth in this section. For the purposes of this act a bushel, standard dry measure, has a capacity of 2,150.42 cubic inches.

(a) The standard ⅛-bushel hamper or round-stave basket shall contain 268.8 cubic inches.

(b) The standard ¼-bushel hamper or round-stave basket shall contain 537.6 cubic inches.

(c) The standard ½-bushel hamper or round-stave basket shall contain 1,075.21 cubic inches.

(d) The standard ¾-bushel hamper or round-stave basket shall contain 1,612.8 cubic inches.

(e) The standard 1-bushel hamper or round-stave basket shall contain 2,150.42 cubic inches.

(f) The standard 1¼-bushel hamper or round-stave basket shall contain 2,688 cubic inches.

(g) The standard 1½-bushel hamper or round-stave basket shall contain 3,225.63 cubic inches.

(h) The standard 2-bushel hamper or round-stave basket shall contain 4,300.84 cubic inches.

SEC. 2. That the standard splint baskets for fruits and vegetables shall be the 4-quart basket, 8-quart basket, 12-quart basket, 16-quart basket, 24-quart basket, and 32-quart basket, standard dry measure. For the purposes of this act a quart-standard dry measure has a capacity of 67.2 cubic inches.

(a) The 4-quart splint basket shall contain 268.8 cubic inches.

(b) The 8-quart splint basket shall contain 537.6 cubic inches.

(c) The 12-quart splint basket shall contain 806.4 cubic inches.

(d) The 16-quart splint basket shall contain 1,075.21 cubic inches.

(e) The 24-quart splint basket shall contain 1,612.8 cubic inches.

(f) The 32-quart splint basket shall contain 2,150.42 cubic inches.

SEC. 3. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerances as he may find necessary to allow in the capacities for hampers, round-stave baskets, and splint baskets set forth in sections 1 and 2 of this act in order to provide for reasonable variations occurring in the course of manufacturing and handling. If a cover be used upon any hamper or basket mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor.

SEC. 4. That no manufacturer shall manufacture hampers, round-stave baskets, or splint baskets for fruits and vegetables unless the dimension specifications for such hampers, round-stave baskets, or splint baskets shall have been submitted to and approved by the Secretary of Agriculture, who is hereby directed to approve such specifications if he finds that hampers, round-stave baskets, or splint baskets for fruits and vegetables made in accordance therewith would not be deceptive in appearance and would comply with the provisions of sections 1 and 2 of this act.

SEC. 5. That it shall be unlawful to manufacture for sale or shipment, to offer for sale, to sell, to offer for shipment, or to ship, hampers, round-stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round-stave baskets, or splint baskets that do not comply with this act: *Provided,* That this act shall not apply to Climax baskets, berry boxes, and till baskets which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that violates this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500: *Provided further,* That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round-stave baskets, or splint baskets, as defined in this act, were purchased, to the effect that said hampers, round-stave baskets, or splint baskets are correct, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round-stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this act to the person who made the purchase.

SEC. 6. That any hamper, round-stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round-stave baskets, or splint baskets not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, or shipped, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but in the absence of such request, or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round-stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof or sold upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit and in the name of the United States.

SEC. 7. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round-stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

SEC. 8. That it shall be the duty of each United States district attorney to whom satisfactory evidence of any violation of this act is presented to cause appropriate proceedings to be commenced and prose-

cuted in the proper courts of the United States in his district for the enforcement of the provisions of this act.

SEC. 9. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round-stave baskets, and splint baskets, or parts thereof, subject to this act, meet its requirements, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

SEC. 10. That for carrying out the purposes of this act the Secretary of Agriculture is authorized to cooperate with State, county, and municipal authorities, manufacturers, dealers, and shippers, to employ such persons and means, and to pay such expenses, including rent, printing publications, and the purchase of supplies and equipment in the District of Columbia and elsewhere, as he shall find to be necessary, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 11. That sections 5 and 6 of this act shall become effective at but not before the expiration of one year following the 1st day of November, next, succeeding the passage of this act.

Mr. McNARY obtained the floor.

Mr. HEFLIN. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from Oregon has been recognized.

Mr. McNARY. Mr. President, this bill has been reported favorably from the Senate Committee on Agriculture and Forestry at this session and at the last session of the Congress. It developed earlier in the session that there was objection to one provision from the Senator from Delaware [Mr. BAYARD], the Senator from Maryland [Mr. BRUCE], and the Senator from New Jersey [Mr. EDGE], because it attempted to abolish the five-eighths hamper. After considering the matter very carefully, I have come to the conclusion that it would be wrong to confiscate a container which for many years has shown its adaptability to the States so well represented by the Senators whose names I have just mentioned; and, as chairman of the committee, as far as I can, I am going to accept an amendment which will be proposed by the Senator from New Jersey which I hope will be acceptable to the other objectors.

Mr. EDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. McNARY. I yield.

Mr. EDGE. I suggest an amendment to Senate bill 2148, on page 1, line 5, after the words "one-half bushel," to insert the words "five-eighths bushel." The Senator from Delaware [Mr. BAYARD] has just advised me that he has an amendment carrying out exactly the same purpose. It makes absolutely no difference who offers the amendment, so I will let the amendment stand.

Mr. BAYARD. Mr. President, my two amendments are on the desk.

Mr. EDGE. The other amendment I propose to suggest might be compared with the amendment of the Senator from Delaware. It is, after subparagraph c, on page 2, to insert the words "the standard ⅝-bushel hamper or round-stave basket shall contain 1,344.1 cubic inches."

Mr. BAYARD. I will say to the Senator that I make the cubic contents a little different from that. It is an evident error on the part of the department that has been checked up, so that my amendment differs from the Senator's amendment about the cubic contents. That is not a correct calculation, as the Senator will find if he chooses to work it out. Otherwise, our amendments are exactly the same.

Mr. McNARY. Mr. President, I suggest, in order to determine accurately the language to be used, that the clerk state the amendment now to be proposed by the Senator from Delaware.

The PRESIDENT pro tempore. Without objection, the amendment will be stated for the information of the Senate.

The CHIEF CLERK. The Senator from Delaware offers the following amendment:

On page 1, line 5, after the words "one-half bushel," insert the words "five-eighths bushel"; on page 2, after line 11, insert the following: "(cc) The standard ⅝-bushel hamper or round-stave basket shall contain 1,344 cubic inches."

Mr. EDGE. Mr. President, the difference is so slight, and the Senator from Delaware and also the Senator from Maryland advise me that they have had it worked out very carefully, that I must admit that I can not question the accuracy of the statement; and I will accept the figures presented by the Senator from Delaware.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Delaware.

The amendment was agreed to.

Mr. EDGE. Mr. President, I should like unanimous consent to include in the RECORD at this point, before the passage of the bill, a letter from the Campbell Soup Co. of New Jersey supporting this amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

CAMDEN, N. J., *March 14, 1928.*

Senator WALTER E. EDGE,
Senate Chamber, Washington, D. C.

DEAR SIR: We are inclosing the McNary bill (S. 2148) to fix standards for hampers and round-stave baskets. We have made what we consider the proper changes to include the five-eighths basket. These changes or amendments occur on page 1, in line 5, and on page 2, directly after line 11.

The ⅝-bushel hamper is the standard local market and farm basket of New Jersey, Delaware, Maryland, and eastern Pennsylvania. In New Jersey it is used almost exclusively by general farmers and vegetable growers south of New Brunswick. In Delaware and Maryland it is used exclusively in handling canning crops and is largely used for the delivering of vegetables to many of the local markets in these States. It is never used as a covered package for long-distance shipments. Canners in Ohio, Indiana, Illinois, New York, as well as some of the other canning States of the West and Middle West, are using this container quite extensively, and its use is becoming more general each year. Records show that this container has been in constant use in the tri-State district for over 40 years. During this time it has been tested by the canners and growers in comparison with the ½-bushel and ¾-bushel hampers, and has so proven its superiority over the other containers that they are no longer used in the movement of vegetables and fruits for canning purposes. It was found that the ¾-bushel container was undesirable for the handling of highly perishable and sofe produce such as tomatoes, and we know of no place in the country where the ¾-bushel hamper is now being used for the movement of vegetables and fruits to the domestic markets or to the canners. The ½-bushel basket is too small to meet the needs of the vegetable grower.

We are unable to understand the attitude of the Department of Agriculture in attempting to force upon the farmers and canners in the districts mentioned a container of undesirable size to take the place of one that has proven its utility over a long period of years.

As the largest buyer of vegetables in this country we should, and do, realize the importance of standardizing vegetable containers, provided it is done along common-sense lines. We also realize that great loss and inconvenience will follow such impractical rulings as contemplated in the McNary container bill.

The officials of the Department of Agriculture have stated that this move was important from the standpoint of protection to the consumer. This point, in our judgment, is being entirely overworked when applied to a container of this size. We understand the present law is that all packages of this type must be plainly marked on the outside with standard-sized letters or figures to indicate the contents. This, in our opinion, is ample protection for the buyer who, in practically all cases, is experienced in this work and needs no protection. The average housewife or consumer very seldom buys in quantities as great as the five-eighths or a bushel, and even if in rare cases this occurs she is not likely to be deceived, as the five-eighths basket is better known than any other package in the districts where it is used.

We can understand the desirability of eliminating the ⅞-bushel hamper, which is now being used by a few of the Southern States in shipping vegetables north, and is classed as a deceptive package. We doubt, however, if the southern shippers are gaining by this practice, as we are familiar with the customs in the large northern markets and therefore know that the buyers operating for the various wholesale and retail stores are very clever and not easily deceived. Please note that the ⅝-bushel container is in no sense an undersized or deceptive package, and can not possibly be mistaken for any larger container now used in marketing vegetables or fruits, and the only container used at the present time over which there could be any possible confusion with the five-eighths basket is the one-half bushel, which is a distinct fruit package and not used in the movement of vegetables.

In our opinion the agricultural and canning interests in the districts where the ⅝-bushel container is now being used favor the S. 2148 bill if the ⅝-bushel container is added or named in place of the ¾-bushel hamper.

Yours very truly,

CAMPBELL SOUP CO.,
H. F. HALL, *Purchasing Agent.*

Mr. KING. Mr. President, I call the attention of the chairman of the committee to section 5. It seems to me that this provision is rather harsh. Perhaps it may be unconstitutional. It provides that it shall be unlawful to manufacture for sale any of the articles therein referred to.

Mr. McNARY. That refers to articles that find their way into interstate commerce that are placed in containers calculated to mislead the purchasing public. It only applies, of course, to interstate commerce.

Mr. KING. The point I was making was that it seemed to me the language was too broad, and would make it a crime for a man to manufacture something for sale in his own State, purely intrastate, unless it measured up to the requirements of this bill.

Mr. McNARY. But it could not become a subject to be considered by the courts until an infraction had occurred as a result of its moving in interstate commerce. Consequently, it could not affect the manufacture in a State if the two provisions are considered together, and the purposes of the act.

Mr. KING. I shall assume that the statement of the Senator is correct, that the subsequent language makes it clearly applicable only to interstate commerce, and I shall not object to the consideration of the bill. I shall vote against it, however. It seems to me that this is too great an intrusion upon the rights of individuals, and too great an assumption; but I shall not object to the consideration of the bill.

Mr. HEFLIN obtained the floor.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Oregon will state it.

Mr. McNARY. What is the status of the bill? Has it passed?

The PRESIDENT pro tempore. The bill is about to be passed.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama was recognized. Does he yield to the Senator from Tennessee?

Mr. McNARY. I think I had the floor, Mr. President.

The PRESIDENT pro tempore. The Chair was of the opinion that the Senator had lost it.

Mr. McNARY. Very well. I simply want to follow the matter up until it reaches its final passage; and if the Senator from Alabama will bear with me, I hope we will conclude this matter before we go to another subject.

Mr. McKELLAR. May I ask the Senator if the President——

The PRESIDENT pro tempore. The Chair recognized the Senator from Alabama [Mr. HEFLIN].

Mr. McKELLAR. I do not think he asked for the floor; and, if the Chair will recognize me, I want to ask the Senator from Oregon a question about this bill. What is the purpose of the bill, anyway?

Mr. McNARY. The purpose of the bill is to prevent deception in containers carrying fruits and vegetables. There are so many containers of certain characteristics that the buyer is unable to determine the net weight or content.

Mr. McKELLAR. I am not familiar with the proposed legislation; but all the letters I have received about it have been in protest against the passage of the bill. I am wondering if the Senator will not let it go over for another week, until I can go into the matter, or until the next day when the calendar is considered.

The PRESIDENT pro tempore. The Senator can interpose an objection at any time.

Mr. McKELLAR. Of course I can, but I do not want to do so arbitrarily. I am just asking the Senator to let the bill go over until next time.

Mr. McNARY. If the Senator will look into the matter——

Mr. McKELLAR. I shall be glad to.

Mr. McNARY. And read the report that has been filed, he will find that very few objections can be raised to the measure; but if he is not advised at this time, and desires a further opportunity to consider the proposed legislation, I shall ask that it go over without prejudice. I hope that the Senator at the next call of the calendar will be able to join with me in asking for its passage.

Mr. McKELLAR. I shall be glad to look into it between now and then.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

Mr. McNARY. Mr. President, that bill involves a very important and extensive form of legislation. After considering the matter with the Senator from Utah [Mr. KING], in order to do him a courtesy, I shall ask that it go over also, without prejudice.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The bill will be passed over.

HORTICULTURAL EXPERIMENT WORK

The bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area, was announced as next in order.

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDING OFFICER. The time of the Senator has expired.

[Mr. HEFLIN's remarks appear elsewhere in to-day's RECORD.]

The PRESIDING OFFICER. Is there objection to the consideration of Senate bill 2832?

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

FOREIGN DECORATIONS

The bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, was announced as next in order.

Mr. TYDINGS. Mr. President, I would like to offer an amendment to the bill.

The PRESIDING OFFICER. There is at this time one amendment pending, proposed by the Senator from Pennsylvania [Mr. REED].

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over, but the amendment proposed by the Senator from Maryland will be printed, and it will lie on the table.

RURAL POST ROADS

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill was considered on March 2, and there is pending an amendment offered by the senior Senator from Tennessee [Mr. McKELLAR].

Mr. HEFLIN addressed the Senate. After having spoken for five minutes—

The PRESIDENT pro tempore. The time of the Senator has expired.

[Mr. HEFLIN's remarks appear elsewhere in to-day's RECORD.]

The PRESIDENT pro tempore. Is there objection to the consideration of Senate bill 2327?

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

TRANSACTIONS IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. HEFLIN addressed the Senate for five minutes. His remarks entire follow:

AMERICAN MARINES IN NICARAGUA

Mr. HEFLIN. Mr. President, I wanted to say just a few words when the joint resolution of the Senator from North Dakota [Mr. FRAZIER] to prevent war was before the Senate. I will avail myself of the opportunity presented to say just a few words now; and I ask the clerk to read the resolution which I send to the desk, which was unanimously adopted last Saturday night in Chicago, where I addressed 5,000 citizens of Illinois.

The PRESIDENT pro tempore. Without objection, the resolution will be read.

The Chief Clerk read as follows:

Whereas the Constitution of the United States provides that Congress and Congress alone can declare war; and

Whereas American marines have been in Nicaragua, under the direction of the President, for more than a year, and according to press reports have engaged in war with natives of Nicaragua on several occasions, killing citizens of that Republic and having some of their own number killed by Nicaraguan natives; and

Whereas the taking of an American soldier's life is inexcusable and indefensible, save and except when the cause justifies it, and the war in which he loses his life has been duly declared by the Congress of the United States: Therefore be it

Resolved by the people of the State of Illinois here assembled, That we most earnestly request President Coolidge to either withdraw from Nicaragua the armed forces of the United States or obtain from Congress authority to keep them there.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from California?

Mr. SHORTRIDGE. I merely rise to inquire whether the Senator has the right under the rules to proceed at this time.

The PRESIDENT pro tempore. The Senator from Alabama, in the understanding of the Chair, is reserving his right to object, and is speaking under the five-minute rule.

Mr. SHORTRIDGE. But I have objected to the consideration of this bill.

The PRESIDENT pro tempore. House bill 7011?

Mr. SHORTRIDGE. No; Senate Joint Resolution 1.

The PRESIDENT pro tempore. Senate Joint Resolution 1 has been passed over. House bill 7011 is the bill now under consideration. The Senator from Alabama will proceed.

Mr. HEFLIN. Mr. President, if all these advocates of war will just hold themselves in patience, they will have an opportunity to present their defense of using the armed forces of the United States in a foreign country for more than a year without the consent of Congress.

The Constitution allows the President to use the marines in an emergency. That authority was granted purely and wholly for the purpose of meeting a sudden or precipitate attack, before Congress could be called to take action to provide for immediate defense. It was never intended by the founders of this Government that any President, be he Democrat or Republican, should use the armed forces of this Nation on the soil of a foreign nation for the purpose of carrying on a war.

Some strange things have occurred in this Nicaraguan affair. We had about 175 marines down there looking after American interests and they were doing it admirably. Nobody there objected to their presence. For some strange reason they were withdrawn, and then a local riot occurred. I do not know why they were withdrawn. The people of the United States have not been told why they were withdrawn. Congress does not know, so far as I have been apprised; but they were withdrawn temporarily, and then what did we do? We swooped down upon Nicaragua with 2,500 marines; and how many times, Senators, have you read in the daily papers since that time that we have sent another and still another thousand since then? I dare-say there is not a Senator here who knows just how many marines we have in Nicaragua now. How many marines have we in Nicaragua to-day? How much money is being expended without the consent of Congress to carry on this foreign war to protect Diaz and his soldiers? Where are Diaz and his soldiers? They are back in pleasant places far from the battle line. Where are our boys? Out on the firing line losing their lives fighting the battles of Diaz and his soldiers, who are *sitting back* enjoying themselves in places of safety.

Mr. President, this issue is going to be one of importance in the national campaign. Somebody ought to be a candidate for President who is American enough to say: "We are going to bring this Government back to the Constitution. We are going to define the powers of the President. We are going to say in what instances he can use the marines, and how long he can use them without consulting Congress.

(At this point Mr. HEFLIN was reminded by the President pro tempore that he had spoken for five minutes on the pending bill.)

A subsequent bill having been reached on the calendar—

Mr. HEFLIN. Mr. President, I will not detain the Senate much longer, but I am going to continue to talk to the Senate about this Nicaraguan matter until some action is taken. I do not intend that another boy shall be killed in that unauthorized war down there if I can prevent it, without Congress having an opportunity to say something on this very grave and serious matter.

I have never before heard of such a procedure. I think it is without a parallel in the history of this Government. I know of no instance where a President has sent the marines into a foreign country, where they have engaged in battle after battle for a year, as has been the case in Nicaragua, without consulting Congress. There is no just cause or good excuse in this instance for the President's failure to consult Congress about this important matter. Congress is in session now and has been in session for more than three months.

What are we doing in Nicaragua? Are we protecting Diaz, this impostor and usurper? Is the Congress of Nicaragua in sympathy with us? It is not. That Congress has failed and refused to sanction our presence in Nicaragua. Then what are we doing there? The Congress is supposed to speak for the people. We are backing a bastard government. Diaz is not President; he has never been elected to that office. He is an impostor and usurper, and it is rumored that some of the Liberal leaders were paid by our Government to lay down their arms.

Sandino was not for sale. His followers rallied around him in his native mountains and are fighting to repel a foreign foe. He has our example of 1776 to inspire and lead him on. The American colonists took the same position in the War of the Revolution. They told Great Britain to get out, that she could not run this country, that we were going to run it ourselves. We drove out the invader, and we declared that we were going to be one government that would never have any entangling alliances with foreign countries or interfere with the internal affairs of foreign governments. But now in this morning of the twentieth century we are out on this high road of imperialism, encouraged by the international bankers of the United States, who are reaching out for new fields in foreign countries. They are taking money out of the channels of business in the United States that ought to remain here. Are we to have our Army and Navy follow them on their trail across the world in this new venture of imperialism on the part of the United States Government?

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. Not just now. Quite a number of boys have been killed in Nicaragua. No Senator here knows how many boys have been killed there.

Senators, this is a serious situation that confronts us. Have we become imbued with this imperialistic spirit and materialistic spirit? Will we turn a deaf ear to the appeal of the parents of these American boys who are being murdered in Nicaragua? Have Senators forgotten the letter written just a few days ago by Mr. Ferguson, of Missouri, to the President, telling him about his boy's honorable record in the World War, how he won the distinguished-service cross upon the firing line in France fighting to preserve the life of this Nation and the liberty of the world? Have Senators forgotten that that man told the President that he felt that the Government had murdered his boy in Nicaragua?

Mr. MAYFIELD. And still they insist that they must see that they have good and pure elections down there.

Mr. HEFLIN. Oh, yes, Mr. President; seeing that they have clean elections.

Are we going to permit the slaughter of our boys to continue in Nicaragua in the absence of a declaration of war by Congress?

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. HEFLIN. I can not yield just now.

Mr. SHORTRIDGE. I want to ask just a simple question. Has the Senator from Alabama forgotten that Sandino, his hero, robbed an American citizen, a citizen of California, of his property? Has he forgotten that?

Mr. HEFLIN. No; and I have not forgotten that a bunch of crooks and criminals bombed the house of Senator DENEEN last night in Chicago, and I have not heard the Senator from California say a word in protest, and this occurred right here in the United States.

Mr. SHORTRIDGE. If the Senator from Alabama will ever cease, some day I may say something concerning Nicaragua, and his hero, Sandino, whom he has crowned again and again.

(At this point Mr. HEFLIN was reminded by the Presiding Officer that he had spoken five minutes on the pending bill.)

A subsequent bill having been reached on the calendar—

Mr. HEFLIN. Mr. President, in reply to the distinguished Senator from California about Sandino robbing somebody who lives in California, robberies are taking place in the United States constantly, and the Federal Government, so far as I know, is taking no steps to stop them. But it tries to put down a native of Nicaragua taking up arms in defense of what he believes is his inherent right, what he believes is his right as a native of Nicaragua, to repel force from a foreign government that has set up business in his nation by a military power. In his operations around, it seems that he robbed some American who owns property over there.

I suggest to the Senator from California that we can have a settlement of that. When stable government is restored and when this impostor and usurper Diaz is put out of the office of President and Nicaragua takes her place again in the family of nations, as she has a right to do, we will take up these matters with that Government and we will say to them, in substance, "You or your citizens destroyed the property of an American citizen. It amounts to so many dollars. You must settle for it." They will settle it without a murmur.

I want to say to the Senator from California that I am not in favor of pouring out the blood of brave American boys on the soil of Nicaragua following reckless adventurers of the United

States who go away from home and make their investments in hazardous surroundings and then when they get in trouble cry that they are Americans and hoist the flag. Let them take their medicine for the time being, until this Government can exert its orderly processes, rather than rush boys out of the homes of America into a foreign country for unlawful purposes and pursue the natives who resent the presence of invaders. I think that would be a better plan for bringing about these settlements.

Mr. SHORTRIDGE. May I inquire of the Senator——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. HEFLIN. I yield.

Mr. SHORTRIDGE. Does the Senator take the position that when an American citizen goes lawfully into a foreign country and lawfully acquires property there, and he is robbed of that property our country should pay no heed to him, should not reach out its hand to protect him, or do anything necessary to protect him in his life and in the possession of his legally acquired property? Does the Senator take that position?

Mr. HEFLIN. I would protect him——

Mr. SHORTRIDGE. If so, I say that the Senator's doctrine is not the Jacksonian doctrine.

Mr. HEFLIN. Mr. President, I will be the judge as to whether it is the Jacksonian doctrine. It is good American doctrine.

Mr. SHORTRIDGE. I claim that it is the duty of this Government to protect its citizens wherever they may be traveling on the earth, and that to protect them we should put forth the necessary power.

Mr. HEFLIN. Then the Senator would swap the precious lives of American boys to protect the dollars of the imperialistic international bankers of the United States.

Mr. SHORTRIDGE. Oh, I am not concerned with international bankers. I am concerned with American citizens, and the honor of this Republic, the rights of an American citizen, and I want it to be——

Mr. HEFLIN. I can not yield further now.

Mr. SHORTRIDGE. Pardon me for just a sentence. I want it to be as perhaps it was long ago respecting a Roman citizen, that an American citizen must be protected wherever he travels.

Mr. HEFLIN. The Senator is unfortunate in referring to Rome. Rome lost her life. Rome fell. Rome perished in doing the same things we are doing now, sending an army here and an army yonder meddling with things she had no business to meddle with. The Senator at this particular time is trying to protect an American who has a gold mine in Nicaragua.

Mr. SHORTRIDGE. That is right.

Mr. HEFLIN. I want to protect these boys who are taken out of the American home, and I am going to do it if it is in my power to do so.

(At this point Mr. HEFLIN was reminded by the President pro tempore that he had spoken five minutes on the pending bill.)

Mr. COPELAND. Mr. President, I want to remind the genial Senator from California that there was a time a year or two ago when some of us were begging that the hands of the American Government be stretched out to help Americans in the Isle of Pines, but the Senator from California was not thinking then about the rights of American citizens. He was willing to have the flag hauled down from over that little island down in the Antilles.

Mr. SHORTRIDGE. Because under the treaty with Spain it belonged to Cuba; we conceded her right to the Isle of Pines.

Moreover, permit me to add, if it were not for the United States of America there would be no such independent country as Nicaragua. We protected and now protect her independence.

A subsequent bill having been reached on the calendar—

Mr. HEFLIN. Mr. President, I regret to have to make this speech piecemeal, but it is the only chance, it seems, that we are going to have to say a word in behalf of the rights of the American citizen. This Government was created for the citizen. He is the end and aim of constitutional government. It was not created for a king, for a monarch, it was created for the welfare of the citizen, and here we are taking the citizen, for whom the government was created, and sending him into a foreign country to police a foreign nation to hold an election in a foreign nation. Think of it! What are we coming to in this country, Senators?

The Senator from California says that I am referring to my hero, Sandino. I hang my head in shame when I see this great, strong, Government using its power to beat down and kill the last of the old heroic stock, it seems, of Nicaragua, a man who announced that he would never yield to a foreign power to come in and control his native land.

Why, Mr. President, time was when the Senator from California would have thrilled at the recital of Sandino's heroic deeds. Time was when the Senator from California would have cheered Sandino as he fought and backed back into his mountain fastnesses, fighting for the principle of self-government, fighting for the right to say who should be his President, fighting for the right to say who should control his country. Is that a sin? Is that a wrong? Let our Government say to those people, "Run your own affairs. Look after our citizens and their property, and if you fail to do it you will have to pay us for the property you destroy and you will have to deal with us directly then."

But what are we doing? The marines are not encamped there about our property guarding it. They are the aggressors in a war. They are pursuing natives who are retreating into their mountain fastnesses. We are hunting them down and killing them, and they are killing our boys by the score. I wish I knew how many Americans have been killed down there. I wish I knew how many Nicaraguans we have killed. I saw a statement in some paper where they were taking this Government to task and where it was said that with its field guns and machine guns this Government had murdered a whole village of men, women, and children. Let us have the truth. Let the Congress know what is going on in Nicaragua.

I am going to ask Congress to vote on my resolution requesting that the President shall either withdraw our armed forces or shall come to Congress and ask the consent of Congress to keep them there. Is there any Senator here who will say that is unfair? I wish Senators could have seen that audience Saturday night, 5,000 patriotic men and women in the State of Illinois, the home State of Lincoln. They cheered the reading of that resolution. I said, "All of you who favor its adoption stand up," and they got up like they were receiving the benediction at church. The vote was unanimous. That is how the American people feel. They are not for this monopolistic program.

I am going to say this in conclusion: God help the Senate to wake up. God help the representatives of the sovereign States in this body to turn their attention for a little while and give their hearts' attention for a little while to the boys who are being butchered in this unholy undertaking in Nicaragua.

TRANSACTIONS IN COTTONSEED OIL

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes.

The PRESIDENT pro tempore. The clerk will state the amendments of the Committee on Agriculture and Forestry.

The amendments were, on page 2, line 2, strike out the word "cottonseed" and insert the words "cotton seed"; in line 7, strike out the word "or" and insert the word "of"; in line 9, strike out "or" and insert "on"; on page 4, line 1, strike out the word "cottonseed" and insert the words "cotton seed"; in line 5, strike out the word "cottonseed" and insert the words "cotton seed"; in line 14, strike out the word "cottonseed" and insert the words "cotton seed"; in line 17, strike out the word "cottonseed" and insert the words "cotton seed"; on page 8, line 16, strike out the word "cottonseed" and insert the words "cotton seed"; on page 12, line 23, strike out the word "same" and insert the word "said"; on page 13, line 6, strike out the word "does" and insert the word "shall"; on page 14, after the words "authorized to," in line 22, insert the words "make economic investigations of future trading in cottonseed oil, to"; in line 24, strike out the word "cottonseed" and insert the words "cotton seed"; on page 16, line 12, strike out the word "of" and insert the word "or"; and on page 17, after line 20, insert a new section, as follows:

SEC. 13. To effectuate the purpose of this act, the Secretary of Agriculture shall have authority to prescribe the manner and form in which accounts, records, and memoranda relating to contracts of sale of cottonseed oil for future delivery shall be kept, and he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution, for the purpose of clearing, settling, or adjusting any such transactions to keep such records and to make such returns as will fully and clearly disclose all facts in their possession relating thereto, and thereafter any person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary of Agriculture shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding $5,000.

So as to make the bill read:

Be it enacted, etc., That this act shall be known by the short title of "The cottonseed oil futures act."

SEC. 2. (a) For the purposes of this act "contract of sale" shall be held to include sales, agreements of sales, and agreements to sell. The

word "person" shall be construed to import the plural or singular and shall include individuals, associations, partnerships, corporations, and trusts. The words "cottonseed oil" shall be construed to mean the oil extracted from cotton seed by pressure or otherwise, either crude or refined. The term "future delivery" as used herein shall not include any cash or spot sale of cottonseed oil for deferred shipment or delivery. The word "exchange" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling cottonseed oil or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(b) For the purposes of this act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any cottonseed oil shall be considered to be in interstate commerce if such cottonseed oil is part of that current of commerce usual in the trade whereby cottonseed oil is sent from one State with the expectation that it will end its transit, after purchase, in another, including, in addition to the cases within the above general description, all cases where purchase or sale is either for shipment to another State or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Cottonseed oil normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possessions of the United States, and foreign nation.

SEC. 3. Transactions in cottonseed oil involving sale thereof for future delivery as commonly conducted on exchanges and known as "futures" are affected with a national public interest in that such transactions are carried on in large volume by persons engaged in the business of buying and selling cottonseed oil and the products and by-products thereof in interstate commerce, and others; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining prices and values of cotton seed, cottonseed oil, and the products and by-products thereof, and to facilitate the movement thereof in interstate commerce; that such transactions are utilized by dealers, manufacturers, and others engaged in handling cotton seed, cottonseed oil, and the products and by-products thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of cottonseed oil on such exchanges are susceptible to speculation, manipulation, and control, and unreasonable fluctuations in the prices thereof occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling cotton seed, cottonseed oil, and the products and by-products thereof in interstate commerce, and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in cotton seed, cottonseed oil, and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein.

SEC. 4. It shall be unlawful for any person to deliver for transmission through the mails, or in interstate commerce, by telegraph, telephone, wireless, or other means of communication, any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of cottonseed oil for future delivery on or subject to the rules of any exchange in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering cottonseed oil sold, shipped, or received in interstate commerce for the fulfillment thereof, except—

(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby; or

(b) Where such contract is made by or through a member of an exchange which has been designated by the Secretary of Agriculture as a "contract exchange," as hereinafter provided, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract, and their addresses, the property covered and its price, and the terms of delivery: *Provided*, (1) That each exchange member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice; (2) that the Secretary of Agriculture may fix and prescribe grades, classes, and other qualities of cottonseed oil, to be known as the official standards of the United States for cottonseed oil, one of which said official standards, when established, shall be made the basis grade of all such contracts, and the Secretary of Agriculture may prescribe the means and methods and agencies by which cottonseed oil may be classified or graded for delivery on or in settlement of any such contract, and the form of certificate or memorandum by which such classification shall be evidenced, and no cottonseed oil shall be delivered on or in settlement of any such contract unless it be of or within said official standards; and (3) that in case any cottonseed oil of grade, class, or quality other than the basis grade, class, or quality specified in such contract be tendered or delivered in settlement thereof, the difference above or below the contract price which the receiver shall pay for such grades, classes, or qualities other than the basis, grade, class, or quality shall be the actual commercial differences determined under the direction of the Secretary of Agriculture and in accordance with regulations to be prescribed by him.

SEC. 5. The Secretary of Agriculture is hereby authorized and directed to designate any exchange as a "contract exchange" when, and only when, such exchange complies with and carries out the following conditions and requirements:

(a) When the governing board thereof provides for the making and filing by the exchange or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the exchange or the members thereof, either in cash or spot transactions consummated at, on, or in an exchange, or transactions for future delivery, and when such governing board provides, in accordance with such regulations, for the keeping of a record by the exchange or the members thereof, as the Secretary of Agriculture may direct, showing the details and terms of all cash or spot and future transactions entered into by them, consummated at, on, or in an exchange, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which such transactions are fulfilled, discharged, or terminated. Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice.

(b) When the governing board thereof provides for the prevention of dissemination by the exchange, or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of cottonseed oil in interstate commerce.

(c) When the governing board thereof provides for the prevention of manipulation of prices or the cornering of any cottonseed oil by the dealers or operators upon such exchange.

(d) When the governing board thereof does not exclude from membership in, and all privileges on, such exchange any duly authorized representative of any lawfully formed and conducted cooperative association having adequate financial responsibility, which is engaged in the production or handling of cottonseed, cottonseed oil, or the products and by-products thereof, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such exchange, and when membership in the exchange is open to all persons who agree to and do comply with such terms and conditions as may be lawfully imposed on members: *Provided*, That no rule of a contract exchange shall forbid, or be construed to forbid, the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of the expenses of conducting the business of such association.

(e) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 7 of this act.

SEC. 6. Any exchange desiring to be designated a "contract exchange" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements.

SEC. 7. (a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any exchange as a "contract exchange" upon a showing that such exchange has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5. Such suspension or revocation shall only be after a notice to the officers of the exchange affected and upon a hearing, and such suspension shall not be effective until after the expiration of the farthest month which has already been traded in on the market but during which time no new contract shall be entered into, the purpose of this being to permit the liquidation of contracts already in force: *Provided*, That such suspension or revoca-

tion shall be final and conclusive unless within 15 days after such suspension or revocation by the said commission such exchange appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such exchange will pay the costs of the proceedings if the court so directs. In which event the exchange shall continue to function until it has been decreed guilty, at which time the suspension shall go into effect as provided above. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings including the notice to the exchange, a copy of the charges, the evidence, and the report and order. The testimony and evidence, taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case, but this shall not be construed as denying to the exchange its privilege of appearing before the court in its own behalf or of submitting additional evidence or testimony. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the exchange that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such exchange for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: *Provided,* That if the Secretary of Agriculture shall refuse to designate as a contract exchange any exchange that has made application therefor, then such exchange may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this act, or is attempting to manipulate the market price of cottonseed oil in violation of the provisions of section 5 hereof, or of any of the regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place, not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract exchanges until further notice of the said commission refuse all trading privileges thereon to such person. Said hearing may be held in Washington, D. C., or elsewhere, before the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission. That for the purpose of securing effective enforcement of the provisions of this act the provisions, including penalties, of section 12 of the interstate commerce act, as amended, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this act, and to persons subject to its provisions. Upon evidence received the said commission may require all contract exchanges to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract exchanges: *Provided,* That such order shall not stop or prohibit the liquidation of contracts of purchase or sale already made by the offending person. After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission, and the findings of the commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

(c) Any exchange that has been designated a contract exchange in the manner herein provided may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract exchange be vacated, which notice shall be served at least 90 days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such exchange as a contract exchange, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract exchanges. From and after the date upon which the vacation became effective, the said exchange can thereafter be designated again a contract exchange by making application to the Secretary of Agriculture in the manner herein provided for an original application.

SEC. 8. That in order to effectuate the purposes of this act, the Secretary of Agriculture is authorized to make economic investigations of future trading in cottonseed oil, to investigate the handling, grading, and transportation of cotton seed, cottonseed oil, and the products and by-products thereof, and to make public from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets of customers: *Provided,* That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any exchange or of the transactions of any person found guilty of violating the provisions of this act under the proceedings prescribed in section 7 of this act: *Provided further,* That the Secretary of Agriculture in any report may include the facts as to any actual transaction. It shall be the duty of any person engaged in the business of dealing in cottonseed oil or the products or by-products thereof, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly according to the best of his knowledge, under oath or otherwise, all questions touching upon his knowledge of the details and terms of any cash or spot or future transaction participated in by him involving any cottonseed oil or the products or by-products thereof, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $5,000.

SEC. 9. Any person who shall violate the provisions of section 4 of this act, or who shall fail to evidence any contract mentioned in said section by a record in writing as therein required, or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of cottonseed oil in interstate commerce, or who shall forcibly assault, resist, impede, interfere with, improperly influence, or attempt to improperly influence any person employed by the Secretary of Agriculture in carrying out any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

SEC. 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 11. No fine or imprisonment shall be imposed for any violation of this act occurring before the first day of the sixth month following its passage.

SEC. 12. The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 13. To effectuate the purpose of this act, the Secretary of Agriculture shall have authority to prescribe the manner and form in which accounts, records, and memoranda relating to contracts of sale of cottonseed oil for future delivery shall be kept, and he may require all persons who act in the capacity of a clearing house, clearing asso-

ciation, or similar institution, for the purpose of clearing, settling, or adjusting any such transactions to keep such records and to make such returns as will fully and clearly disclose all facts in their possession relating thereto, and thereafter any person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary of Agriculture shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding $5,000.

The amendments were agreed to.

Mr. SIMMONS. Mr. President, may I ask with reference to the amendments——

The PRESIDENT pro tempore. Those are all committee amendments, the Chair will state to the Senator from North Carolina.

Mr. SIMMONS. My only purpose in rising was to ask the Senator from Texas at the appropriate time to explain the bill.

Mr. MAYFIELD. I shall be glad to do so. I have explained the bill two or three times. These are only committee amendments that have been agreed to.

Mr. SIMMONS. I am not the only Senator who did not happen to be present when the Senator explained the bill on a previous occasion.

AMERICAN MARINES IN NICARAGUA

Mr. KING. Mr. President, I desire to offer a few remarks apropos of the question submitted by the Senator from California [Mr. SHORTRIDGE] to the Senator from Alabama [Mr. HEFLIN]. The latter Senator has condemned the policy of the administration in sending military forces to Nicaragua for the purpose of carrying on military operations against the inhabitants of that country. The Senator from California claims that an American citizen who was engaged in business in Nicaragua has suffered property losses; and, as I interpret his position, he believes that the United States should send troops to that country and that war should be waged against the people of Nicaragua. He stated, in substance, that Andrew Jackson would have acted as the present administration is acting in Nicaragua.

Senators will recall that when Andrew Jackson was President of the United States American citizens lawfully in Mexico were despoiled of their property, and some were killed. Andrew Jackson did not, however, send troops into Mexico and carry on war against the people of that country. He was unwilling to invade Mexico because some Americans had been wronged and some had been killed. He protested with great vigor against the conduct of Mexico and the delinquencies of her nationals. Relations between the two countries were strained, and finally President Jackson withdrew our diplomatic representatives. Later diplomatic relations were resumed; and, as I remember, claims were presented to Mexico and demands made for the indemnification of American citizens. The courage and patriotism of Andrew Jackson are conceded by all. No one was more scrupulous in preserving the honor of our country and vindicating the rights of American citizens than that intrepid, heroic President. He was unwilling, however, to plunge his country into war because some American citizen had suffered wrongs in a neighboring country.

In every administration from Jackson until the present American citizens have received injuries at the hands of Mexico. Many Americans have been killed upon Mexican soil, and property owned by American citizens in Mexico of the value of hundreds of millions of dollars has been confiscated or destroyed. Wrongs have been inflicted, both by the Mexican Government and by Mexican nationals. Americans have suffered damages and have been killed at times when there were no internal convulsions and no civil war. But wrongs have been sustained by many Americans during guerrilla warfare or revolutionary outbreaks. I am not mentioning these historic matters for the purpose of indicting Mexico, but am alluding to them in view of the statement of the Senator from California.

Mr. President, American citizens have met their death through violence in other lands, and many have been despoiled of their property. We have not gone to war because of these wrongs and indignities inflicted upon American citizens. I am not contending that the United States should never send military forces to foreign lands for the protection of American citizens. Indeed, conditions have arisen and hereafter may arise when such a course was and will be not only justifiable but required.

But it is a grave matter to send our battleships into foreign ports and to land our marines and soldiers on foreign shores for the purpose of conducting military operations, and conditions must exist which demand war before war should be entered upon. There is no doubt that the United States is engaged in military operations in Nicaragua. Thousands of marines have been landed upon the soil of that country. Our naval vessels have anchored in the harbors of Nicaragua, and American troops have been landed upon Nicaraguan territory for the purpose of meeting and conquering the military forces of that country.

In my opinion we are not justified in the course we have pursued. We are not justified in spending millions of dollars to send our war vessels and soldiers to wage war upon a de jure or de facto government in Nicaragua or upon guerilla bands or military factions. Our American marines are not there to protect American lives or American property. The claim is now made that they are there for the purpose of supervising an election, pursuant to an agreement entered into between the United States and some person or persons claiming to represent Nicaragua. No treaty was entered into obligating the United States to supervise elections in Nicaragua, and I submit that no agreement by the President of the United States or by the Secretary of State would have the effect of a treaty or impose upon the United States the duty of sending warships and marines to Nicaragua and to there wage war for the purpose of enforcing such an agreement.

The Senator from California [Mr. SHORTRIDGE] contends that Mr. Charles Butters, an American, has been wronged and his property injured. The inference is that it is the duty of the President to carry on war in Nicaragua because the forces of Sandino injured the property of Mr. Butters.

American citizens have killed foreigners who were lawfully in the United States. These wrongs inflicted upon aliens did not bring war or lead to an attempt to invade the shores of our country. If any American has suffered in Nicaragua that country would have made complete reparation. As a matter of fact, for many years Nicaragua has been more or less dependent upon financial interests in the United States for pecuniary assistance.

For a number of years American marines have performed police service in Nicaragua. If Mr. Butters or any American citizen lost property at the hands of the Government of Nicaragua or of the nationals of that country, the United States could have obtained reparation and complete indemnification through diplomatic channels.

Mr. President, I regret the course which we are pursuing in Nicaragua. I protest against any form of imperialism upon the part of our Government and attempts to control by military force the peoples of other countries. Our military forces have no right to be in Nicaragua or in Haiti. They should be withdrawn, and the peoples of those countries permitted to establish such government as they desire. Nicaragua belongs to the Nicaraguans and Haiti to the Haitian people, and the inhabitants of those countries must work out their own economic and political destinies. They can not learn the lessons of democracy in a day or perhaps in a century. Have we learned those results yet? Political progress is a plant of slow growth, and the peoples of other lands may require many years in order to attain the political standards which the American people believe have been reached by themselves. Let us look to our own country first and put into force those principles of justice and liberty and morality that are essential for genuine progress and the attainment of that goal which Christian principles and noble ideals have projected. Our attitude toward other countries, and particularly our attitude toward other peoples, should be one of sympathy and helpfulness. We will not gain friends in Latin America if we follow the paths which have led us into Nicaragua and Haiti and Santo Domingo, and if we insist upon holding indefinitely against their will the peoples of far-off Philippine Islands.

Mr. COPELAND obtained the floor.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield.

Mr. SHORTRIDGE. The review of historical facts as made by the Senator from Utah is very interesting. I was waiting in anticipation that he would have something to say about Andrew Jackson and what he did in Florida. In order to protect the rights of America, Andrew Jackson, the Democrat, not a modern one, but Andrew Jackson, the Democrat, went over into Florida and hanged a couple of Englishmen because of their conduct inimical to the citizens and the people of the United States. He was not afraid of Great Britain. I shall be very glad if the Senator will differentiate and point out wherein Andrew Jackson failed to carry out the theory or the thought which I took the liberty of expressing a moment ago, that wherever American interests are or American citizens are there should be this country to protect them.

On another occasion, not now taking advantage of the privilege accorded under Rule VIII, I shall then make answer in my

own way to some of the observations made by the Senator from Alabama, and also perhaps make an attempt to answer some reflections of the Senator from Utah.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Ohio?

Mr. COPELAND. Is this coming out of my time?

The PRESIDENT pro tempore. Oh, yes! [Laughter.]

Mr. COPELAND. Very well; I yield reluctantly.

Mr. FESS. Did the Senator from California refer to Ambrister and Arbuthnot, the two British subjects?

Mr. SHORTRIDGE. I did. That is a fact with which I assumed everyone is familiar.

TRANSACTIONS IN COTTONSEED OIL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes.

Mr. COPELAND. Mr. President, I want to speak on the pending bill if there is no rule against it.

The PRESIDENT pro tempore. There having been several parliamentary questions which have been passed on in considering the bill now pending before the Senate, the Senator from New York is now recognized for five minutes.

Mr. COPELAND. Mr. President, I wish the Senator from Texas [Mr. MAYFIELD] might be induced to consent to recommit the bill to the Committee on Agriculture and Forestry. The New York Produce Exchange and representatives of the cottonseed-oil market feel that they have been imposed upon. There was no hearing permitted where those men could be present. In 1926 a bill identical with this was presented to the Committee on Agriculture and Forestry and the produce exchange people of New York had a hearing, and as a result of it the bill never was reported out. It is not right that the bill, which imposes new conditions upon this industry, should be dealt with in this casual manner.

I hope the Senator from Texas will be courteous and kind about it and let the bill go back to the committee in order that persons who are interested on the other side of the question may be heard, as they have not been heard. It is not fair to ask one of us who is not familiar with all the technicalities of the matter to attempt to debate it or discuss it and raise objections. There are serious objections, as the telegrams and letters which I hold in my hand indicate. The bill should go back to the committee.

Mr. FESS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. FESS. I have had some correspondence with Cincinnati citizens asking that the bill be referred back to the committee in order that they may be given a chance for hearings. I second the request of the Senator from New York.

The PRESIDENT pro tempore. Does the Senator from New York move to recommit the bill?

Mr. COPELAND. I do not like to be discourteous to the Senator from Texas.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. SACKETT. I have had many requests from my own State for hearings to be had on the bill. It affects my people very much. I think the bill ought to go back to the committee.

Mr. COPELAND. Very well. I move——

Mr. SIMMONS. Mr. President, I hope the Senator from New York, before he makes his motion, will allow the Senator from Texas to have a moment to explain the bill.

Mr. COPELAND. Certainly. I am glad to allow that to be done.

Mr. MAYFIELD. Mr. President, I have not the slightest objection to the Senator from New York making a motion to recommit the bill. I am opposed to such a motion; but after I have explained to the Senate the exact procedure that was taken with reference to the bill, if the Senate sees fit to recommit it, then I shall have nothing further to say.

This is a measure which seeks to place under the supervision of the Secretary of Agriculture future exchanges dealing in cottonseed-oil option contracts. The measure was introduced by me in the Senate toward the close of the last session of the Congress and extended hearings were had on the bill by the Committee on Agriculture of the Senate. Representatives of the New York Produce Exchange came here and presented their views on the measure.

Witnesses from New Orleans and from various points in Texas presented their views on the bill.

Mr. COPELAND. Mr. President, may I ask the Senator from Texas a question?

Mr. MAYFIELD. Certainly.

Mr. COPELAND. As the result of the hearings, however, the Committee on Agriculture and Forestry did not report the bill. Am I correct in that statement?

Mr. MAYFIELD. Your statement is correct, but no report on the measure was made; but it was because we were right at the close of the session of Congress, and there would have been no opportunity to have considered the bill had it been reported. That was the only reason why I did not insist upon the committee reporting the measure to the Senate.

Mr. President, this bill simply proposes to do with exchanges that deal in cottonseed-oil option contracts what the Smith-Lever law does with cotton exchanges that deal in cotton future contracts and what the Capper-Tincher law does with exchanges that deal in grain future contracts. The measure has been unanimously indorsed by the cottonseed oil crushers association of the South; it has the unanimous support of the Senators from the States that produce cotton and cottonseed.

Talk to me not, sir, about sending American marines to Nicaragua to protect the interests of American investors when the Senate of the United States refuses to consider a bill that proposes to protect the cotton farmers of the South! Why should this bill be recommitted to the committee when extensive hearings have been had upon it? We know, Mr. President, that such a course would impose a tremendous expense upon the people who live in the far-distant Southern States. Those who are opposed to this measure, living in New York, Kentucky, and Ohio, are financially able to send their representatives here and prolong the hearings of the committee. The people of the South alone are affected by the terms of this measure. The Southern States produce the cottonseed of the country. Why should Senators from the Northern and Eastern States be so tremendously interested in this measure? Their constituents will not be affected by its terms should it become a law, but the producers of the cottonseed in the country will be vitally affected by it. They have requested consideration of the bill by the Senate.

Mr. SIMMONS. Mr. President, may I ask the Senator from Texas a question?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from North Carolina?

Mr. MAYFIELD. I yield.

Mr. SIMMONS. Is there any substantial opposition to the bill in the Committee on Agriculture?

Mr. MAYFIELD. There is none whatever except from the representatives of the New York Produce Exchange. The members of that exchange impose an unfair and unconscionable contract; they are trying to preserve it, so that they can continue to rob the cotton farmers of the South of millions and millions of dollars. Now, Mr. President, if the Senate wishes to recommit the bill it is up to the Senate to do it.

The PRESIDENT pro tempore. The time of the Senator from Texas has expired.

Mr. KING. Mr. President, I desire to ask the Senator from Texas a question in my own time. Unfortunately I was called from the Chamber and did not have the opportunity of hearing all of his remarks. Next to the last sentence uttered by the Senator from Texas was that an unconscionable contract now existed between certain exchange brokers and the producers of cotton and cottonseed oil. I want to ask the Senator whether this proposed legislation would abrogate contracts?

Mr. MAYFIELD. It would not.

Mr. KING. I was going to suggest that even though the contract to which the Senator refers may, perhaps, be subject to criticism, if it should be attempted retroactively to affect contractual relations there might be some question as to the validity of such a statute.

Mr. MAYFIELD. If this bill should become a law, it would not affect the contractual relations at all. It simply proposes to give the Secretary of Agriculture the right to supervise such contracts.

Mr. KING. Mr. President, I should like to ask the Senator from New York what exactly is his view respecting the point made by the Senator from Texas [Mr. MAYFIELD]?

Mr. COPELAND. Mr. President, I have no view on the point raised by the Senator from Texas, but I do know that the Produce Exchange of New York is very much agitated about this matter because the representatives of the exchange have had no opportunity to appear before the newly organized Committee on Agriculture to present their cause. The time may come when I shall be glad to vote with the Senator from Texas, but on a project which would affect the New York Produce Exchange

market, which has been in operation in this very industry for a period of 30 years, and the New Orleans exchange, which has been engaged in it for a number of years, it is not fair that there should be this hasty action. That is the reason why I am begging the Senator from Texas voluntarily to ask that the bill be recommitted to the committee, in order that the gentlemen to whom I refer may be heard.

Mr. MAYFIELD. Mr. President, ordinarily I should be glad to grant any request that my friend the Senator from New York might make, but I feel that it is my duty to the people who are most deeply interested in this measure to resist his motion, because I know that the recommittal of the bill to the Committee on Agriculture and Forestry would absolutely mean its death during the present session of Congress.

Mr. KING. Mr. President, there may be a great deal of merit in this bill and there probably is. I am not ready, I will frankly say, to vote affirmatively, and I am not ready to vote against the bill. It is a measure of very great importance. I have felt for some time that if we shall legislate on the subject of future contracts we ought to deal with it in a comprehensive way. I introduced a bill two or three sessions ago, proposing to forbid the banks under the Federal reserve system loaning money for speculative purposes and for dealing in futures; I would gladly vote for a measure that would interdict gambling in futures; but I think that such a measure ought to be comprehensive and not deal with cotton or cottonseed oil alone or any one subject. I think that the pending bill ought to receive further consideration, with a view to formulating a comprehensive measure that would cure an evil that I know exists and about which the Senator from Texas has very great reason for complaining.

The PRESIDENT pro tempore. Does the Senator from New York ask that the bill may be passed over?

Mr. COPELAND. I move that the bill be recommitted to the Committee on Agriculture and Forestry.

Mr. SIMMONS. Mr. President, I agree with the Senator from Texas [Mr. MAYFIELD] that if this bill shall be recommitted to the committee probably the present Congress will not act upon it. If it is meritorious I should like to see action; if not, it should not be passed. The Senator from South Carolina [Mr. SMITH] has given as much study to subjects of this character as has any other Senator. The Senator from Texas has stated in answer to what the Senator from Utah has just said that cottonseed oil is the only commodity affected by future contracts in regard to which we have not already acted. The Senator from South Carolina is, so to speak, my mentor in matters pertaining to cotton and cottonseed—I do not mean to say that he knows more about the subject than does the Senator from Texas, for I think the Senator from Texas is very well supplied with information and understands the question—and I should like to have the views of the Senator from South Carolina, because I know he was once chairman of the Committee on Agriculture and Forestry and has been a member of the committee for a long time.

Mr. McNARY and Mr. SMITH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. SMITH. If the Senator will allow me, I should like to say a word in reply to what the Senator from North Carolina [Mr. SIMMONS] has said.

Mr. McNARY. Mr. President, I do not care to yield my time for a speech. I have the floor, but I will be glad to yield for a question.

Mr. SMITH. I merely wanted to reply to the question which has been asked me. As a matter of course, if the Senator from Oregon has the floor, I will not interfere; but I will not let him interfere with me when I get the floor.

Mr. SIMMONS. Mr. President, I had the floor and yielded the remainder of my time to the Senator from South Carolina, because I really wanted to hear from him.

Mr. McNARY. Very well, I yield to the Senator from South Carolina.

Mr. SMITH. Mr. President, I should like to state that this bill in reference to a by-product of cotton known as cottonseed and its products is in line with legislation that we have applied to grain and cotton itself. I think that its purposes and, perhaps, the terms of the bill are such that it would be of great benefit to those who produce the raw material.

I desire to call the attention of the Senator from North Carolina [Mr. SIMMONS] to the fact that this bill pertains particularly to cottonseed oil. There are 58 standardized commercial by-products made from cottonseed alone; yet, strangely enough, the oil is the controlling factor in fixing the price of the seed. The Senator is acquainted with the fact that there is not a finer cattle food in the world than cottonseed meal; there is not a finer fertilizer than cottonseed meal; there is not a finer filler for cattle than the hulls. Numerous articles of household use are made from compressed hulls. Yet the oil determines in the market the value of the various by-products.

It is interesting to note that cottonseed oil is not a substitute for but is the equivalent of animal fat. It makes as good butter as can be produced from the milk of the cow; it makes as good lard as can be refined from hog fat; it makes as good packing oil as can be extracted from olives, and yet when the price of hog products and animal products was soaring to the sky by virtue of their alleged scarcity, this article, equal in value, edible, digestible, was depressed in price because it came from cottonseed and the seed came from cotton. I took occasion to call the attention of some of the department executives to that fact, and asked why the edible fat taken from cotton should follow the price of the lint rather than the price of the market in which it was sold, namely, the market for edible fat.

I think the bill which the Senator from Texas has introduced, which will put under the administrative power of the Agricultural Department the control of this subject is along proper lines, and we hope that it will affect beneficially the grower of the product.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. COPELAND The Senator, however, sees no reason, does he, why the persons who are in opposition to this particular measure should not be heard? It must be remembered that the present Committee on Agriculture and Forestry is a different committee, is presided over by a different chairman, it is a different organization entirely than the one which listened to the arguments two or three years ago. Certainly, in the interest of fairness and justice and ordinary decency, this bill should be recommitted in order that those other persons may be heard.

I have taken no positive stand on the bill and have refrained from objecting to it this morning, because I do not pretend to know the ins and outs of it, as the Senator from South Carolina does, but there are many persons who are in opposition, and is it not fair that they should be heard before this measure shall be acted upon?

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. SMITH. In reply to the suggestion I will say that I do not know; I have not been advised, nor have I taken the trouble to acquaint myself with the parties that desire to be heard. The only thing I had in view was my own judgment in reference to the benefits that might accrue to those who produce the raw material.

Mr. FESS. Will the Senator yield?

Mr. SMITH. Yes; I yield.

Mr. FESS. The Senator will recall that three or four——

The PRESIDENT pro tempore. The time of the Senator from South Carolina has expired.

Mr. McNARY. Mr. President, I feel no responsibility with respect to the present situation, except this:

Before I took the chairmanship of the committee, the New York Produce Exchange wrote a letter to the Senator from Nebraska [Mr. NORRIS], who was then the chairman, requesting hearings. For some reason that message was not dispatched to the office which I now occupy as chairman of the committee. The bill was brought before the committee in executive session and unanimously reported out favorably and is on the calendar. I feel that the produce people wanted a hearing, and if I had received that letter of request I certainly would have suggested that they have an opportunity to be heard.

I want to offer this as a compromise:

The statement has been made by the Senator from Texas and the Senator from North Carolina that if this bill is recommitted or referred by consent to the committee, it is buried for this year. I want to state that that is not the way we do business in the Committee on Agriculture and Forestry. If the bill is recommitted, I will promise early action; but I suggest, Mr. President, a way out of this whole situation:

If the Senator from Texas will consent that the bill may be referred to the committee, maintaining its status on the calendar, he will have lost nothing whatsoever, and it will give an opportunity for those who are opposing the bill to be heard and get into the record and supply information upon which an argument can be made against the passage of the bill.

The PRESIDENT pro tempore. The Chair will suggest that that may not be done. The bill is either before the Senate or in the committee.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. McNARY. I do.

Mr. CURTIS. As I understand that order can not be made, I should like to suggest instead of it that the bill be passed over with the understanding that it will be passed over from time to time on a call of the calendar until the committee has had a chance to give these people an opportunity to be heard.

Mr. McNARY. The suggestion may not meet with the approval of the Senator; but, Mr. President, the same thing was done with respect to the migratory bird bill. When the Senator from Utah [Mr. KING] and the Senator from Washington [Mr. DILL] felt that they had not had a full opportunity to be heard, it was agreed as among gentlemen and Senators that we would not take up the migratory bird bill until opportunity had been given to these gentlemen to be heard. That compact was carried out. These able Senators appeared before the committee. The hearings there written into the record furnish the basis of the opposition to the bill to-day; and having seen that work successfully, in order to meet a situation here which is unfortunate, I make this suggestion.

Mr. MAYFIELD. I shall be very glad to accept the suggestion.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CARAWAY. Mr. President——

Mr. McNARY. I yield to the Senator from Arkansas.

Mr. CARAWAY. I simply desire to suggest that the hearings should be held within two weeks.

Mr. McNARY. Yes; I was going to say, further than that, if I may have the attention of the distinguished Senator from New York——

The PRESIDENT pro tempore. The Senator from New York has no intention of pressing his motion?

Mr. McNARY. Inasmuch as we have composed our differences by the suggestion I have made, I should like to take up this bill and have the Senator's constituents come here at as early a date as possible. I suggest Saturday of this week. Will that give sufficient time? Or Monday of next week?

Mr. COPELAND. Monday of next week would be better.

Mr. McNARY. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND. I thank the Senator.

Mr. FESS. Mr. President, will the Senator yield before he takes his seat?

Mr. McNARY. I shall be glad to.

Mr. FESS. That will include the Cincinnati users of oil?

Mr. McNARY. Oh, everyone.

The PRESIDENT pro tempore. The Senator from New York withdraws his motion for recommitment?

Mr. COPELAND. I do.

Mr. SMITH. Mr. President, may I ask the chairman of the Agricultural Committee a question? The parties interested in this bill may be notified that on Monday this question will be open for them to make such suggestions as they desire?

Mr. McNARY. Yes. I assume that the Senator from New York, leading the opposition, and the author of the bill, from Texas, can perhaps come to a common understanding, so that all parties may be fully represented.

Mr. SMITH. The reason why I asked that question is that I have been advised that in case the bill was to be reinvestigated, if I may use that term, they wanted to be present; and I will notify them in order that they may be here Monday.

Mr. McNARY. They will be given the opportunity.

Mr. COPELAND. Will 11 o'clock on Monday suit the Senator from Oregon?

Mr. McNARY. Yes. Perhaps it would be well to go over until 10 o'clock on Tuesday, Monday being a day when the mail is congested from Sunday. Will 10 o'clock on Tuesday be better?

Mr. COPELAND. I suggest 11 o'clock on Tuesday.

Mr. McNARY. Very well.

BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PRISON-MADE GOODS

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. WILLIS. Mr. President, will the Senator who objected—I did not note who it was—withhold his objection for a moment, until I make an inquiry? I desire to ask a question of the Senator from Missouri [Mr. HAWES], if I may have his attention. What is the intention of the Senator regarding Senate bill 1940?

Mr. BLEASE. I object to the consideration of the bill.

Mr. WILLIS. It has been objected to a number of times. Does the Senator from Missouri intend to move to take it up at any time?

Mr. HAWES. I do. That is my intention.

Mr. WILLIS. I am glad to be assured of that. I think this is a very important measure. I have been appealed to by——

Mr. BLEASE. Mr. President, I object to a speech on the bill. I have objected to its consideration.

The PRESIDENT pro tempore. The bill is passed over.

Mr. WILLIS. All right.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. WILLIS. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator does not have to reserve the right to object. He can object at any time, and he is now speaking on Senate bill 1462.

Mr. WILLIS. Exactly; and I begin just where I left off when I was cut off by the courtesy of my friend from South Carolina.

Mr. BLEASE. Mr. President, I will say to the Senator that we want to debate this bill, and I do not think it is fair for him, after the bill is objected to, to make a speech in favor of it, and then cut off somebody else from making a speech. If he wants to debate the bill, we will go at it right now.

Mr. WILLIS. I certainly have not endeavored to cut anybody off. I simply wanted to make an inquiry of the Senator from Missouri, and to state, as I now have a right to state, the reason why I hope he will later on insist upon his motion to take up this bill.

I have had numerous requests from people in Ohio representing the blind with reference to this bill. We have a school for the blind in our State, and a very special effort is made so to educate those people that they will be able to take care of themselves. It has been found that one of the best lines of activity in which they can be educated is in the manufacture of brooms; and, although we have in Ohio a law prohibiting the sale of convict-made goods, yet we find being shipped into the State from other States brooms in enormous quantities that are putting these poor blind people who are engaged in the manufacture of brooms entirely out of business.

I think that is unfair. I think some law of this character ought to be passed. It has the support of the labor interests of the country, of the manufacturers, of the organizations of women's clubs, and is, withal, a very meritorious measure.

Mr. BLEASE. Mr. President, reserving the right to object——

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. BLEASE. I do.

Mr. McNARY. Is the Senator going to object, or not?

Mr. BLEASE. To this bill?

Mr. McNARY. Yes.

Mr. BLEASE. I say I reserve the right to object. I want to take the same privilege that the present candidate for President from Ohio took in presenting my views. I did not want to take up the time of the Senate.

Mr. President, there are some of us who are very much opposed to the passage of this bill; and those of us who oppose it love the blind and will go just as far to help them as anybody on this floor.

The State of South Carolina has in her penitentiary a chair factory. If this bill is passed, it will force that State to feed and clothe prisoners without their having anything to do except to sit around in the yard, and we will have to pay somebody to watch them to see that they do not leave.

We do not object to certain amendments or certain restrictions. We had a hosiery mill in that penitentiary once, and it was abolished after a hard three years' fight, and a pardoning of 1,700 people who had been made to work in it and contract tuberculosis. It was a hell trap if there ever was one on this earth.

I do not want to speak of myself, but I was the cause of its being abolished. I was the governor of the State at the time. The work that is going on there now, however, does not injure any prisoner, nor does it injure anybody, or take a cent out of the pocket of anybody. If the bill comes up for discussion, we hope to be able to present our side of the matter.

I would not have taken this much time except that I may be a candidate for President myself before this thing is over, and I did not want any advantage taken of me.

Mr. HAWES. Mr. President, answering the inquiry of the Senator from Ohio, I have not called up this bill, because there has been so much misrepresentation as to its character and its objects that I desired Senators to secure through their own methods information as to the real objects of the bill.

The bill is supported by union labor. It is supported by the Federation of Women's Clubs of the United States. It is supported by free capital. It does not interfere with the right of the State of the Senator from South Carolina to do as it pleases, but it denies him the right to send his prison-made goods into a State that prohibits their sale. That is all it does do.

The bill has passed the House three times, has been twice reported favorably to the Senate, and I certainly expect to bring it up and pass it under a roll call.

Mr. McNARY. I object at this time to the consideration of Senate bill 1940, because I have an amendment pending. I want to consult the files and some other records. At the present time I ask that it go over.

COLUMBIA BASIN RECLAMATION PROJECT

The PRESIDENT pro tempore. The bill has been passed over. Senate bill 1462, the Columbia Basin bill, is before the Senate for the moment. This bill was amended on the last call of the calendar.

Mr. SMOOT. I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BAYARD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3023) to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. KING. Mr. President, I have no objection to the consideration of this bill; but I think the Senator from Wisconsin raised some point about it the other day, and I was wondering if the matter had been adjusted.

The PRESIDENT pro tempore. Which Senator from Wisconsin?

Mr. KING. The senior Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. BLAINE. Mr. President, I have a memorandum asking that the bill go over unless there is a fairly intelligent expression of the purpose of the bill from the chairman of the committee. The chairman of the committee is absent, and therefore I ask that it go over.

The PRESIDENT pro tempore. The Senator who introduced the bill and the Senator who reported the bill, being the same Senator, is absent; and the bill will be passed over.

LEVI R. WHITTED

The bill (S. 1956) for the relief of Levi R. Whitted was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments. The first amendment was, on page 1, line 6, to strike out "$3,630.92" and insert in lieu thereof "$2,500."

The amendment was agreed to.

Mr. KING. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands and fixing salaries of certain officials was announced as next in order.

Mr. WILLIS. Mr. President, that is the bill to which I referred when we had reached Calendar No. 226. It ought to go over for discussion when we take up the other bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. BAYARD. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. KING. Mr. President, my attention was directed to this bill this morning, but not in time to enable me to examine it to see whether it would constitute a precedent that would govern in other cases. I shall be glad at the next call of the calendar to consent that it be taken up.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. Mr. President, I make the same announcement as to that bill as to the previous one.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1731) to provide for the more complete development of vocational education in the several States, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark., was announced as next in order.

Mr. CARAWAY. Mr. President, we have agreed on some additional language for that bill, and I believe I shall just ask that it be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. CURTIS. Mr. President, several Senators have called up about that bill, so I ask that it may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1970) for the relief of Karim Joseph Mery was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

COTTON AND GRAIN SALES IN FUTURE MARKETS

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. RANSDELL. Mr. President, I shall want to debate the bill, and it will take several hours.

The PRESIDENT pro tempore. That can not be done under the five-minute rule.

Mr. RANSDELL. I simply wanted to make that statement. I am entirely willing to have the bill taken up now.

Mr. SMOOT. Does the Senator object to the consideration of the bill?

Mr. RANSDELL. No; I do not object to its consideration. Some one else will have to object.

Mr. CURTIS. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CARAWAY. Mr. President——

Mr. CURTIS. I have no objection to having the bill taken up, but the Senator from Louisiana announced that it would take hours.

Mr. CARAWAY. I myself think it is rather a large proposition. I particularly want to get the attention of the senior Senator from Kentucky [Mr. SACKETT]. This bill is of very great importance, and I hope that the steering committee will give us a place on the program for the consideration of it. If the Senator will do that for us——

Mr. SACKETT. I shall be very glad to have the Senator come before the committee. It meets every Monday at 2 o'clock.

Mr. CARAWAY. What I want is to have the bill placed on the program.

Mr. SACKETT. We would like to see whether it is a proper bill to be given a special order.

Mr. CARAWAY. Is it the purpose of the committee to determine that every bill of which they do not approve shall not have any consideration?

Mr. SACKETT. No; we are trying to work in an orderly way in the Senate, and to get through the best legislation we can.

Mr. CARAWAY. This bill is of very great importance, and very far-reaching, and it is the consensus of all I know that it ought to have consideration. Whether it ought to pass or not is what everyone must decide for himself, but there should be chance for consideration.

Mr. SACKETT. I suggest that the Senator come before the committee at its next meeting and we will talk it over.

Mr. CARAWAY. Very well. I feel certain that the Senator will give the bill a status.

MARINES IN NICARAGUA

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua, was announced as next in order, the clerk also stating that it had been reported adversely from the Committee on Foreign Relations.

Mr. CURTIS. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. HEFLIN. Mr. President, reserving the right to object, my resolution (S. J. Res. 57) to withdraw the armed forces from Nicaragua was just passed over at the request of the Republican floor leader, Senator CURTIS. The resolution has been adversely reported from the Committee on Foreign Relations.

I was very anxious to get a vote on my resolution, but since the receipt of the resolution passed at Chicago last Saturday night, to which I referred this morning, I am going to be led to amend my resolution when it is reached again, so as to give the Congress an opportunity to say whether or not the President shall withdraw our armed forces, or whether or not he shall come to Congress and obtain consent to keep them in Nicaragua.

Mr. CURTIS. I asked that the joint resolution go over, because I was told by the chairman of the Committee on Foreign Relations that it would take some little time, and I knew it could not be disposed of before 2 o'clock.

The PRESIDENT pro tempore. Is there objection to the consideration of Senate bill 3555?

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

RATES AND CHARGES IN INTERSTATE COMMERCE

The joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, was announced as next in order.

Mr. THOMAS. Mr. President, at the request of the Senator from Virginia, I ask that this joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

INDEBTEDNESS OF THE SERBS, CROATS, AND SLOVENES

The bill (H. R. 367) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes to the United States of America made by the World War Foreign Debt Commission and approved by the President upon the terms and conditions as set forth in Senate Document No. 106, Sixty-ninth Congress, first session, is hereby approved in general terms as follows:

SEC. 2. The amount of the indebtedness to be funded after allowing for certain cash payments made by the Kingdom of the Serbs, Croats, and Slovenes is $62,850,000, which has been computed as follows:

Principal of obligations acquired for cash advanced under Liberty bond acts	$26,126,574.59	
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922	4,073,423.14	
		$30,199,997.73
Principal of obligations acquired by Secretary of War for surplus war supplies sold on credit	24,978,020.99	
Accrued and unpaid interest at 4¼ per cent per annum to Dec. 15, 1922	3,358,790.45	
		28,336,811.44
		58,536,809.17
Accrued interest at 3 per cent per annum from Dec. 15, 1922, to June 15, 1925		4,390,260.69
		62,927,069.86
Credits:		
Payments on account of principal since Dec. 15, 1922	$66,709.19	
Interest thereon at 3 per cent to June 15, 1925	3,248.28	
		69,957.47
Total net indebtedness as of June 15, 1925		62,857,112.39
To be paid in cash upon execution of agreement		7,112.39
Total indebtedness to be funded into bonds		62,850,000.00

SEC. 3. The principal of the bonds shall be paid in annual installments on June 15 of each year up to and including June 15, 1987, on a fixed schedule subject to the right of the Kingdom of the Serbs, Croats, and Slovenes to postpone such payments falling due after June 15, 1937, for two years, such postponed payment to bear interest at the rate of 4¼ per cent per annum. The amount of the annual principal installments during the first five years shall be $200,000. Commencing with the sixth year the annual principal installment shall increase $25,000 a year for the succeeding seven years. Commencing with the thirteenth year the annual principal installment will be $400,000, the subsequent annual principal installments increasing until in the sixty-second year of the debt-funding period the final principal installments shall be $2,406,000, the aggregate principal installments being equal to the total principal of the indebtedness to be funded into bonds.

SEC. 4. The Kingdom of the Serbs, Croats, and Slovenes shall have the right to pay off additional amounts of principal of the bonds on June 15 and December 15 in any year.

SEC. 5. The bonds to be issued shall bear no interest until June 15, 1937, and thereafter shall bear interest at the rate of one-eighth of 1 per cent per annum from June 15, 1937, to June 15, 1940; at the rate of one-half of 1 per cent per annum from June 15, 1940, to June 15, 1954; at the rate of 1 per cent per annum from June 15, 1954, to June 15, 1957; at the rate of 2 per cent per annum from June 15, 1957, to June 15, 1960, and at the rate of 3½ per cent per annum after June 15, 1960, all payable semiannually on June 15 and December 15 of each year, until the principal thereof shall have been paid.

SEC. 6. Any payment of interest or principal may be made at the option of the Kingdom of the Serbs, Croats, and Slovenes in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVERSIDE INDIAN SCHOOL, ANADARKO, OKLA.

The bill (H. R. 8326) to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla., was considered as in Committee of the Whole.

Mr. KING. Mr. President, does the Senator from Oklahoma think that this is wise and proper legislation?

Mr. THOMAS. Mr. President, I am personally acquainted with conditions at the Indian school at Anadarko, Okla. This school is one of the two schools located on the Apache, Comanche, and Kiowa Indian Reservation. This bill authorizes the appropriation of funds for the construction of a dormitory for boys at the Anadarko school. The present boys' dormitory was constructed 45 years ago, 20 years before the reservation was open to settlement and at a time when there was no railroad within 20 miles of Anadarko. The brick of which this old dormitory was constructed was of a very inferior quality. The building is in a bad state of repair, really in a state of no repair. The building has no basement, and the ceilings are low. At the time the building was constructed it was thought to be modern, but, of course, times have changed.

In addition to the condition of the building it is entirely too small to properly accommodate the boys at this school. I know personally that wooden porches have been constructed on one side of this old brick building, and those porches are nothing

more than screened-in wooden structures, and the boys are required to sleep out there and live out there during the wintertime when they are at school. There is no place in the United States, in my judgment, where a new building is more badly needed than at this particular Indian school.

Mr. KING. Mr. President, how many students are there?

Mr. THOMAS. Something like two or three hundred.

Mr. KING. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8831) to provide for the collection of fees from royalties on production of minerals from leased Indian lands was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2319) for the relief of John W. Stockett was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 362) to provide for the advancement on the retired list of the Navy of Lloyd Lafot was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3117) for the relief of the State of Connecticut was announced as next in order.

Mr. JONES. May we have a brief explanation of the bill?

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

MOUNT M'KINLEY NATIONAL PARK

The bill (H. R. 8126) to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park in the Territory of Alaska," approved February 26, 1917, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act to repeal the proviso of section 6 and the last proviso of section 7 of 'An act to establish the Mount McKinley National Park, in the Territory of Alaska,' approved February 26, 1917."

BILL PASSED OVER

The bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

The bill (S. 3116) providing for half holidays for certain Government employees was announced as next in order.

Mr. FLETCHER. I want to suggest an amendment to the bill.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

REISSUE OF DEFECTIVE PATENTS

The bill (S. 2823) amending the statutes of the United States with respect to reissue of defective patents was considered as in Committee of the Whole.

Mr. KING. Mr. President, may I ask the Senator from Rhode Island [Mr. METCALF] if the bill attempts to deal with what is conceded by many at least to be an unsatisfactory condition in the Patent Office or in the patent law?

Mr. METCALF. Oh, no; there is no attempt to do that in the bill. It applies only in case there is some mistake. It does not even increase the length of the life of the patent. Under it if there is some little thing that is wrong, a man will not lose his patent.

Mr. KING. It is such a big bill in words I did not know but that there were a lot of concealed meanings in it.

Mr. DILL. Mr. President, I want to say to the Senator that the only object sought to be accomplished by the bill is a simplification in the reissue of patents. The whole section of the law referring to that matter has been reprinted. There is nothing in the bill which would in any way change the basic patent law.

Mr. KING. May I say to the chairman of the committee, while I have the floor, that it seems to me no better service could be rendered the real inventor and the American people than to revise our patent laws.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is S. 1271, the migratory bird bill.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The junior Senator from Utah has the floor.

Mr. KING. I yield to my colleague.

Mr. SMOOT. I want to submit a few remarks on another subject.

Mr. KING. Very well; I yield the floor.

The PRESIDENT pro tempore. The senior Senator from Utah is recognized.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McMaster	Simmons
Barkley	Frazier	McNary	Smith
Bayard	Gerry	Mayfield	Smoot
Blaine	Gillett	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Gould	Neely	Stephens
Broussard	Harris	Norbeck	Swanson
Bruce	Harrison	Norris	Thomas
Capper	Hawes	Nye	Tydings
Caraway	Hayden	Oddie	Tyson
Copeland	Heflin	Overman	Wagner
Curtis	Johnson	Phipps	Walsh, Mass.
Cutting	Jones	Pittman	Warren
Deneen	Kendrick	Ransdell	Waterman
Dill	Keyes	Sackett	Watson
Edge	King	Sheppard	Wheeler
Edwards	McKellar	Shipstead	Willis
Fess	McLean	Shortridge	

The PRESIDING OFFICER (Mr. EDWARDS in the chair). Seventy-one Senators having answered to their names, a quorum is present.

CONDITIONS OF UNEMPLOYMENT

Mr. SMOOT. Mr. President, it is gratifying to learn from the report of the Secretary of Labor that while unemployment exists in the country, the evil is far less serious than certain alarmists have represented it to be. Unemployment in any volume is always a misfortune, not only to the immediate sufferers but to the entire country. People out of work are out of the market. They have ceased to consume. When they exist in any considerable numbers the effect is felt by business in general. The effect is more than a financial loss resulting from lowered consumption. The sight of any number of the unemployed depresses all others. It fills them with caution, if not with fear, and makes them timid buyers. The mere rumor of widespread unemployment has a demoralizing influence. Of late we have listened to wild and random estimates as to the number of people out of work at present. They have filled the country with alarm, and undoubtedly have tended to lessen confidence and depress business. It is a great relief to find these baseless rumors spiked by fully equipped and thoroughly accredited Government officials.

While it is a serious thing for any country to have 1,800,000 of its people out of work and deprived of their earnings, there are other relieving features in the situation besides the fact that the number of unemployed is no higher than it is. We learn from the report submitted by the Secretary of Labor that by far the most of these unfortunate people are unskilled labor. It will thus be easier to fit them into emergency jobs such as are rapidly becoming available in the vast programs of building and construction undertaken by the National Government and by States and municipalities all over the country. Much of this unemployment, we learn, is due to adverse seasonal influence. The advance of spring and summer, with the

beginnings of farm work and stimulation to building, should open employment to many thousands. The Secretary of Labor is further encouraging in his belief that the forces which have brought about such unemployment as we have are passing phases of our economic life.

Most encouraging of all is the attitude of the public. In former times we tended to allow unemployment to reach serious proportions before it was noticed at all. Few serious, deliberate, and practical efforts were made to relieve it, and these were generally too late to accomplish any good. Now we are alert to discover it and prompt to act. Doing this will result in good, even though it was otherwise intended.

Our country leads not only in high wages and excellent working conditions but also in commercial prosperity. We are thus able to do more than any other country in the world for those who for various reasons are temporarily unemployed. Our fortunate situation places upon us the obligation not only to devise but to put into immediate operation constructive measures to meet the necessities of those deprived of work. I believe our people now keenly feel this obligation and are ready to act upon it.

In my opinion the attention of the country should be directed more and more to the causes of unemployment. We do well to aid without delay those who suffer by this economic disease. It is better to get after the disease itself. In this report the Commissioner of Labor Statistics states:

> It is not unreasonable to believe that one-half of the employment shrinkage shown is due to new machines and new mechanical devices.

I am informed that hardly a day passes but the Department of Labor receives reports of acute situations resulting from the introduction of new labor-saving machinery.

In one industry, for instance, a new machine has been installed to do the work formerly done by 12 men. Only four persons are needed to operate this device. Its effect on the industry in which it is used depends upon the individual employer who uses it. One employer, I am told, employs four men to run this machine, and pays each one the average earnings of a former handworker. Yet, even in this instance eight men have been displaced by the machine. Another employer, however, using the same machine, employs four women to run it, and pays them 60 cents each per thousand for the output they produce. That is, he pays $2.40 for an output that formerly cost him $12 by the old hand methods. It means that 12 skilled men have been released by each machine and their places taken by women willing to work at a little more than half the former wages paid. I am not objecting to the employment of women in industry, but where four women, with the aid of a machine, can turn out the same product as four men, it seems to me only business sense to pay them the same wages. I cite the case only to show what an unwise employer can do to add to unemployment and lowered earnings by taking an uneconomic advantage of new labor-saving machinery.

This is going on in every industry and at a rate which requires to be watched. The President of a certain labor organization reports that in the last few years 11,000 jobs in his craft have been abolished because of new automatic machinery. Between 1920 and January 1, 1925, the number of tractors on farms in the United States had increased 105.9 per cent, which is an answer to those who think that "back to the farm" is a remedy for unemployment in the cities.

In the near future the automatic dial system will be nearly universal in the telephone service. What this will do to displace workers is indicated by the fact that Greater New York has 20,000 telephone operators, nearly all of whom will no longer be needed. The prediction has been made that by 1930 there will not be a telephone girl in the District of Columbia.

These instances can be multiplied indefinitely. We could not, if we would, halt the development of new machinery and methods. They come in answer to the human need for more and cheaper goods and because of the profits in greater sales. It is highly desirable that life should be bettered and human labor lightened by these ever more wonderful and capable mechanical marvels. But we pay for this advance in the people these devices turn from their jobs, and this goes on at a rate that will soon compel serious attention and more practical remedies than calling conferences, writing books, or making speeches.

Commissioner Stewart well says that waiting for new industrial development is of little avail to these people. Their jobs are gone. Inventive genius, he tells us, must devise new industries, new public needs must be found and met. The time has come when the employer who plans to equip his plant with new mechanical devices must regard, as a natural accompaniment to this new step, the duty of finding new occupations for the men he is going to displace. I believe the same public opinion, now so much aroused over the present conditions of unemployment, will some day be strong enough to force this humane attitude on every employer.

As a matter of fact, alert business men are already awake to this necessity of developing new inventions and new industries. One man has begun, as a separate business, the fostering and financing of new inventions. The editor of a scientific weekly reports that manufacturers are applying to him in considerable numbers for information regarding new commodities with a fair chance of pleasing the public. And the same editor reports that since January 1 of this year the number of patents applied for to his immediate knowledge exceeds by far all previous records.

Business men in general now well understand that any considerable body of people out of employment are a menace to the prosperity of all. They realize that unemployment takes hundreds of thousands of consumers out of the market, and that maximum prosperity results only when every worker is employed and paid at a rate that will give him full purchasing power. There is every humanitarian reason why unemployment should be prevented, so far as we are able to do so; but there is thus a strong economic and business reason for watching these causes of unemployment and stopping them, so far as we can.

Nothing so demoralizes a man as vainly searching for work. No one who has not sympathetically witnessed this human demoralization which comes from the protracted and unsuccessful search for work can fully realize the invisible and incomputable cost to industry and to mankind that results from that demoralization. Loss of wages, loss of production, loss of purchasing power, can be at least approximately counted in dollars and cents. The utter shattering of morale can not be computed. It can nevertheless be felt by the entire country. Remedies for unemployment can not be supplied by laws. The remedies must come through thought and action—the thought and action of many minds. I think the Senate, in obtaining this information as to the exact amount of unemployment, has done much more than relieve the country of alarm. It has focused national attention on these causes of unemployment, and out of that stimulated attention will come, I hope, the ultimate remedy.

I call to mind the proclamation of George Washington to the people of the United States, dated October 3, 1789, which history records as follows:

> May we unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed, to protect and guide all nationals and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and generally to grant unto all manknd such a degree of temporal prosperity as He alone knows to be best.

The Great Creator of this world has blessed America beyond any other country. He placed within her borders the basic materials upon which great industries are established and maintained. Her greatness is not found alone in her unlimited resources, but also in her manhood and womanhood. Nothing should be done to shake the confidence of the people in their Government. Senators, it is great to be an American. Let us sustain the laws and Constitution of our country. God protect and bless America.

Mr. SMITH. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. SMITH. The tenor of the Senator's argument in explaining why there is so much unemployment was to the effect that labor-saving devices have become so universal, especially in the manufacturing plants of America, that vast armies of erstwhile employed have been turned loose.

Mr. SMOOT. The Senator has made the statement in a very much broader way than I made it.

Mr. SMITH. Then to whatsoever extent the Senator had in mind, he says this movement is going on, and he gave us an illustration that in the telephone business the invention and use of the little dial would turn loose in New York City, perhaps, 20,000 telephone operators. The Senator gave that as an illustration. Every man who is at all acquainted with manufacturing processes knows that labor-saving devices are more generally employed in manufacturing plants than elsewhere. Therefore, as labor-saving devices are perfected and adopted from time to time, labor is turned loose.

The Senator from Utah is the high priest of the protective tariff. We have been met with the argument upon this floor every time the question has been brought up that we were not justified in demanding that American labor should be put on a footing with the pauper labor of Europe. Now, according to the Senator's argument, Europe at least gives employment to her so-called pauper labor, while our protective and imperialistic manufacturers turn laboring men out on the street. I presume that we will be asked to keep the tariff up not in order to protect American labor but to protect and improve labor-saving devices. That is the logic of the situation. Although the effect of the adoption of labor-saving devices is to turn loose on helpless society millions of unemployed, yet, because it is more profitable to employ labor-saving devices than it is man power, labor-saving devices will be employed and man power will be turned loose. Are we to maintain a high protective tariff for the purpose of increasing the power of the few further to develop labor-saving devices and to protect machines as against human beings? That is the point.

Mr. SMOOT. Mr. President, of course the Senator has looked at only one phase of the situation; he has missed the whole idea. He took one part of what I said, but never took into consideration the remainder. I wish to say to the Senator that labor-saving devices have been and are being adopted by foreign countries. I wish to say further that our foreign competitors will produce goods with similar machines just as cheaply as they can be produced in the United States, even if wages were the same; and, without protection to American industry, that there would be not only 1,800,000 men out of employment as this time, but there would be five or six or seven million out of employment.

It has been stated upon this floor that there were four or five or six million people out of employment. That was an exaggeration; the figures do not justify such a statement. In regard to the situation in New York the reports of that State as to unemployment in New York show the percentage to be 5.8, and that is approximately what the estimate is for the entire United States. That includes the voluntary as well as the involuntary unemployed.

I cut from a newspaper only this morning a notice concerning a dispute between the bricklayers and the steel board. The clipping goes on to say that in New York five or six thousand men working on 11 skyscrapers which are being erected in the city of New York are walking out to-day. That may happen at any time.

Mr. SMITH. There is another feature——

Mr. SMOOT. Wait a moment. That condition will happen at any time whenever there is a dispute between the builders of skyscrapers or the operators of any industry and the men who are employed. There is nothing that will stop that. Nothing can stop it. They have the right to strike, and they should be protected in their rights. There never will be a time when there is not some unemployment in the United States; but, as compared with any other country in all the world, there is no unemployment to speak of in the United States.

Mr. SMITH. Just one other feature of the Senator's very remarkable and illuminating and helpful statement: In proportion as these labor-saving devices are installed, the Senator will agree that that is an evidence that it is more profitable to employ the labor-saving devices than to employ human labor?

Mr. SMOOT. Why, certainly; and everybody knows it—that is, I mean, they can make goods cheaper.

Mr. SMITH. Yes; they can make them cheaper.

Mr. SMOOT. And in order to do that they have to compete with the world; and that is what they are trying to do now, and are doing, in many industries in the United States.

Mr. SMITH. In the record of several manufacturing concerns with which I am personally acquainted I have seen no evidence whatever of any reduction in price. The installation of the lavor-saving devices has not resulted in any appreciable decline in the price of the product.

Mr. SMOOT. Then, Mr. President, the Senator has not followed the industries of the country. If they had not had the improved machinery, and had paid the same wages that they are paying to-day, the prices to-day would not be the same that they are to-day. They would be a great deal higher, and the Senator knows it.

Mr. SMITH. That is a mere inference, Mr. President.

Mr. SMOOT. It is not an inference; it is an absolute fact.

Mr. SMITH. The facts are that manufactured articles to-day are out of all line with any time in our history; and the facts are that there are more absolutely unemployed than ordinarily during what we might term a normal period. We are 10 or 12 years away from the World War; and surely this wonderful "prosperity" that has been proclaimed abroad ought not to give rise, even in the wildest imagination, to the idea that we have an army, according to the Senator's own admission, of over 1,000,000 ablebodied men and women walking the streets.

Mr. WALSH of Massachusetts. Nearly 2,000,000—1,800,000.

Mr. SMITH. I am corrected here—practically 2,000,000; and that is a mere estimate on the part of the Senator.

Mr. SMOOT. No; it is not a mere estimate on the part of the Senator.

Mr. SMITH. My impression is that it is nearer the original mark of 5,000,000 than 2,000,000; and if we were to take a census of the unemployed throughout this country by virtue of the absorption of capital within certain arbitrary regions, and the earning power of the masses being cut to the bone, if we had a census of those actually unemployed to-day—I do not mean the voluntary unemployed ones; I mean those that are forced out of jobs—it would far exceed the figure that the Senator has stated.

Mr. SMOOT. Evidently the Senator has not read the report of the Department of Labor. If the Senator will read that report, I think he will come to the conclusion that it is absolutely fair. There is no time when there have not been about a million men out of employment in the United States, necessarily so, in the regular change of business.

Mr. SMITH. Oh, temporarily out of employment, perhaps.

Mr. SMOOT. That is the case here. These people are temporarily out of employment.

Mr. SMITH. The Senator from Massachusetts a few days ago spoke with some authority from his region. Other Senators rose and gave the facts as they pertained to their localities. Now the Senator from Utah gets up and explains it on the ground that labor-saving devices have been employed by the great protected interests of this country, and have turned loose this flood of American citizens without any employment at all; and then he asks us to pass a tariff bill to protect machines as against human beings in a foreign country!

Mr. WAGNER. Mr. President——

Mr. SMOOT. I think I have the floor.

Mr. WAGNER. Oh, pardon me.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. McKELLAR] has the floor. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. SMOOT. Pardon me, then.

Mr. McKELLAR. I yield to the Senator from North Carolina [Mr. SIMMONS], who has been on his feet for some time.

Mr. SIMMONS. Mr. President, I desired to interrupt the Senator while he was making his statement. I have been delighted to see that the Senator is not only familiar with many statistics and practically all the governmental statistics, but the Senator has developed into a real orator and made his speech in a strain of eloquence that we rarely hear in this Chamber. I am glad to see him in this new rôle; but I should like to ask the Senator where he got all of the statistics that he has given the Senate with reference to these new inventions and the number of people who have been put out of employment because of these new inventions?

Mr. SMOOT. I am quite sure the Senator has not followed the reports in the press. Not only that, but I will say to the Senator that I get the statements from the Department of Labor here as to unemployment. If the Senator will read the report to which I referred, I think he will become convinced that it is absolutely correct.

Mr. SIMMONS. When was that report made?

Mr. SMOOT. It was made since the speech of the Senator from New York [Mr. WAGNER] in answer to that. Of course, they are making these examinations all the time.

Mr. SIMMONS. In other words, the objective of the speech of the Senator from Utah to-day is to account for the enormous number of unemployed people in this country.

Mr. SMOOT. Not the enormous quantity; the actual number.

Mr. SIMMONS. I think I may use that term properly, and I think I should.

Immediately upon its being brought to the attention of the country that there was an enormous amount of unemployment, estimated conservatively by the press of the country at that time at least 4,000,000 people, the governmental department concerned became exceedingly active in preparing arguments and securing statistics for the purpose of answering those estimates, which seemed to be so inconsistent with the contention of the party in power that prosperity prevails. It had been the avowed purpose of the administration to make "prosperity" the slogan of the next campaign, and these unemployment facts upset its prosperity propaganda, and it was seen therefore that they must be answered; this program would be upset, so these agencies of the administration got to work for the purpose of

seeing if they could not find an answer, and they now present their answer in the speech of the Senator from Utah.

Mr. SMOOT. No; in the report that was made yesterday.

Mr. SIMMONS. Ah, the report that they made, and that report was sent to the Senator from Utah, and the Senator from Utah is the mouthpiece of these agencies that have been engaged in the work of trying to answer these published charges that went the rounds of the press and which seemed to be confirmed and generally acquiesced in.

Mr. SMOOT. Is there any other agency in the United States that could get that information? Is there any other agency anywhere?

Mr. SIMMONS. Yes.

Mr. SMOOT. Where?

Mr. SIMMONS. I will give it to the Senator if he will be quiet a moment.

Mr. SMOOT. I know that there is not.

Mr. SIMMONS. If this information is to be furnished as the guide of the people, and if the people are expected to rely upon this information, I should like to have it gathered by people who are not interested in discounting the facts.

I have in my hand a telegram that came to me when this question was first presented to the Senate by the Senator from Massachusetts [Mr. WALSH]. The telegram is signed by Mr. F. D. Grist, who is the commissioner of labor and printing of my State, and is with reference to unemployment there. The date of it is March 7. I did not read it on the day it was received because I did not come into the Chamber on that day until after the debate was over. This telegram was a reply to an inquiry that I had wired Grist for the purpose of ascertaining the amount of unemployment in my State.

North Carolina has been regarded by the country at large as one of the most prosperous areas in the Republic. While New England was suffering with lack of employment in her textile industries, those of North Carolina were running full time and apparently we were enjoying a degree of prosperity that was not enjoyed even in the great protected State of Pennsylvania. We had no strikes; we had no people who were threatened with eviction and against whom the doors of factories were locked.

Commissioner Grist has a system in North Carolina that, as I understand it, enables him to ascertain definitely at short intervals the number of people out of employment. He does this by means of suboffices scattered all over the State, whose agents in charge make daily or weekly reports to the Raleigh office as to the unemployment conditions in their respective districts. It is the business of these agents to check up every day the number of people usually employed who are then out of employment and to try to procure employment for them. On March 7 his reports showed an appalling fact, which I was very loath to publish. It was that 70,000 people, representing about 30 per cent of the total employed, were then out of employment in my State.

Commissioner Grist's telegram is as follows:

RALEIGH, N. C., *March 7, 1928.*

Hon. F. M. SIMMONS,
United States Senate, Washington, D. C.:

Approximately 70,000 unemployed in North Carolina. About 30 per cent of total number employed represented by the number of unemployed.

F. D. GRIST.

Mr. President, the Senator has appealed—I presume he has; his party has, at least—to the department that he says is the only department that can gather these statistics to gather information in order to enable him to answer this charge that overwhelmed and discounted the main slogan upon which the Republican Party expected to win the election next November; and here comes the story the Senator wished for from the head of an executive department of this administration, and the story is that this unemployment is the result of new machinery, inventions, and devices by which people are thrown out of work.

The Senator from South Carolina [Mr. SMITH] asked a very pertinent question: "Has this been accompanied with a commensurate reduction in the price of manufactured products?" The Senator answers that it has. But, Mr. President, let me call the Senator's attention to the fact that these new instruments and the new inventions to which he refers, reducing the cost of production in the arts and in the industries, do not apply to agriculture. There have been but few labor-saving machines produced that are applicable to agriculture, as the Senator from South Carolina, who is familiar with this question, will bear me out.

Yet in agriculture, where there have been no such inventions to throw people out of employment and to reduce the cost of production, the products of the farm have continuously fallen in price, while the products of the industries where these labor-saving machines are used have not fallen in any such proportion, if at all, as the result of their use.

Mr. President, I do not accept the facts that are now presented by the Department of Labor. I do not admit that this departmental inquiry has been an impartial one. On the contrary, I believe there is reason at least to suspect that a political motive is involved in the low estimate made. Nobody will say that the State I represent is not representative of the highest industrial progress and prosperity in the United States. Nobody will say that North Carolina has suffered more than any other States in this Union. No one probably will argue that my State has suffered even equally in the loss of employment by its people with the majority of the States of this Union. But if other States have suffered in the same proportion that Commissioner Grist says North Carolina has suffered in the matter of unemployment, then instead of there being a million unemployed, or 1,800,000 unemployed, there are between three and four million people unemployed in the United States.

I did not rise except for the purpose of expressing my dissent to this answer of the Republican Party, through its spokesman in this Chamber, to the facts and charges that were not disputed anywhere until the filing of this report, formulated upon statistics gathered—in what manner I can not say—by those who were seeking desperately to find some way to save their exploded issue of "prosperity."

Mr. WALSH of Massachusetts. Mr. President, the statement of the Senator from Utah has been most illuminating. We have the frank admission from him that the unemployed of the country, whatever the number may be, can expect no remedy through legislation. We ought to be grateful to have that information at least.

We have also received from him the information that the present unemployment and depressed business condition of this country is due to the inventive genius of the American people.

Mr. SMOOT. Partly so.

Mr. WALSH of Massachusetts. We have made such tremendous strides in inventions that we are doing away with employment, and the army of unemployed must continue to steadily increase without any remedy that can be proposed by the Government.

Mr. SMOOT. I know the Senator does not want to do an injustice to me.

Mr. WALSH of Massachusetts. I certainly do not.

Mr. SMOOT. I never made any such statement as that. That was only a reference to some of the things that led to unemployment.

Mr. WALSH of Massachusetts. What reason has the Senator given for the unemployment?

Mr. SMOOT. There is seasonal unemployment, for one thing.

Mr. WALSH of Massachusetts. Because it is winter or spring? Is that seriously stated as the cause of the present grave unemployment situation?

Mr. SMOOT. And voluntary unemployment is another. I will say to the Senator now that just as soon as spring opens, and men go to the fields, and go to the building of houses, mechanics of all kinds, this country will have employment.

Mr. WALSH of Massachusetts. Does the Senator withdraw the statement, I understood him to make, that the present unemployment is due to the large number of machine inventions that are doing away with the necessity of a great number of employees in the manufacturing industries and commercial establishments of the country?

Mr. SMOOT. The Senator could not have listened to what I said. That was only an incidental thing that I had reference to. I called attention to one machine and stated just exactly what was happening. I did refer to the telephone disk that was coming out, and I believe with all my heart that there will not be a telephone girl employed in the District of Columbia by 1930. I do not think there will be one. That is only incidental, however. I called attention to that fact in what I stated.

Mr. WALSH of Massachusetts. Then I can only say that I have not been enlightened by what the Senator said as to the causes of unemployment.

Mr. SMOOT. That may be.

Mr. WALSH of Massachusetts. I did understand the Senator to give considerable attention in his prepared address to the suggestion that modern inventions were rapidly doing away with the number of workers in our population.

I want to call attention to this fact, that with all our marvelous inventions and our improved mechanical devices, and our mass production, there have been little or no benefits of a financial nature to the American public at large. All these great inventions, all this movement toward mass production which is

doing away with the independent producer and manufacturer, has resulted and is resulting in increased cost of living to the American people, and is unfortunately resulting, according to the Senator from Utah, as I understood him, in reducing the number of employees in the country. If the cost of living is not reduced and the number of unemployed increases, of what benefit to the masses are these modern inventions?

Mr. President, I refuse to take the position that there is no remedy of a legislative character against increasing unemployment. One of the greatest curses of modern civilization is unemployment. For years past, since the World War, there have been, and there are now, at this very moment, departments of this Government studying and planning military defense and a military defense policy for this country in the event of another war. They have ready to present quickly a legislative program providing for conscription of man power and industry, the formulating of plans for financing, and the military tactics to pursue in the event of a future war. Why not a board of officials to study, anticipate, and prepare to meet the recurring internal conflicts that bring so much grief and so many hardships to the families of the wage earners? Are economic convulsions that impoverish millions and cause sickness, destitution, and misery to vast numbers of our neighbors of no concern to the Government?

I believe a government which is organized to promote the "happiness and well-being" of human beings should be active and alert in remedying the condition that now confronts the country, and which may result in as serious injury as a great conflagration or earthquake, either of which stirs instantly the whole Nation with the spirit of giving quickly in order to send prompt relief to the sufferers. It appears that our hearts and pocketbooks are only touched by the calamities that come suddenly and unexpectedly.

How much longer must this Nation decline to extend a helping hand or offer to make a serious study of the present unemployment catastrophe which has been increasing in proportion steadily for more than two years? It is bad enough not to advance some help or remedy, but the discouraging feature is that many in places of leadership refuse to admit the very existence of the problem.

There are many aspects of this question that a board such as I suggest could study as a basis for remedial recommendations. For instance, it could anticipate periods of unemployment by having plans for new governmental work prepared. Also, it should study the important question of unemployment insurance. But nothing will be, or can be accomplished, if the personnel of such a board is unsympathetic with the subject or indifferent to the wants and needs of the wage earners whose lives are affected very vitally by employment conditions.

I *do not think* it is possible to exaggerate the extent of unemployment in this country to-day. I received recently a letter from the editor of a newspaper which has one of the largest circulations of any newspaper in the United States. Its columns are open to the public. The editor called my attention to the fact that of all the streams of letters coming into that paper, from all classes of readers, discussing public questions, the outstanding question discussed by the writers was unemployment.

A few days ago I received another letter not unlike many others received that impressed me very forcibly. It was written by a man of standing and of education, one interested in public affairs. He said:

> If you could only know and see and understand what is going on in certain parts of this country, what I have observed in my own experience, the man of family leaving his home in the morning, leaving the children in the care of his wife, and searching through the shops and factories for employment, returning at noon for the wife to go out in the afternoon and leave the children with the husband to be taken care of while she searched for employment.

That is going on in every large city in this country, and going on in increasing proportions. In fact, it is generally agreed that the unemployment conditions in this country during the months of February and March of this year were of larger proportions than at any time in recent years. From every part of the country and from almost every line of business the reports are of depressed business conditions.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. SIMMONS. If I understood the Senator from Utah, he said that these statistics had been gathered since this matter was brought up in the Senate.

Mr. SMOOT. No; I did not say that.

Mr. SIMMONS. The Senator said what was equivalent to that.

Mr. SMOOT. The Senator can put whatever construction on my statement he wants to. I said they were prepared after the resolution was introduced, but had been gathered some time before. The Department of Labor is constantly gathering such statistics. They have monthly reports from every city and every county and every State. It is not a spontaneous thing brought about because of the resolution that was passed here. The Senator can get the information for any month and any year.

Mr. WALSH of Massachusetts. But it is very spontaneous to take the position that they have taken now, in view of their assertions repeatedly that there was no unemployment.

Mr. SMOOT. Does the Senator say those statistics are not right?

Mr. SIMMONS. There was no public statement from the department, so far as I know, as to the unemployment in the United States, even if they had the facts, until after the discussion in the Senate and after the resolution of inquiry was passed. If they had not taken the statistics before, they certainly could not have gathered facts that would have been of a reliable character in the short time that has elapsed since the resolution was passed.

Mr. SMOOT. May I say to the Senator that he can get the monthly reports from the Department of Labor referring to a time before the resolution was ever thought of. The statistics are reported every month, and if the Senator will make an investigation he will find no difference between this report and those that were issued before.

Mr. SIMMONS. If they had discovered before this matter was brought to the attention of the Senate and the resolution passed that there was unemployment to the extent of a million, while the papers were stating that it amounted to 4,000,000, why did they not issue the statement then and there?

Mr. SMOOT. Mr. President, the statements are issued. Any Senator can get them. The Department of Labor is not in politics and talking for political purposes and making statements that are unjustified.

Mr. WAGNER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. WAGNER. I wanted to ask the Senator from Utah a question.

Mr. SMOOT. Very well.

Mr. WAGNER. Does the Senator recall the speech of Dr. Julius Klein, who is at the head of one of the statistical bureaus of the Department of Labor?

Mr. SMOOT. He has nothing to do with the Department of Labor.

Mr. WAGNER. He spoke in behalf of the Department of Labor.

Mr. SMOOT. He could not have.

Mr. WAGNER. And stated there was no unemployment in this country to speak of.

Mr. SMOOT. Doctor Klein is not connected with the Department of Labor in any way, shape, or form.

Mr. WAGNER. The Department of Commerce, I mean.

Mr. WALSH of Massachusetts. He spoke for the administration.

Mr. SMOOT. The Department of Labor keeps the statistics as to the unemployment of labor in this country, and not Doctor Klein.

Mr. SIMMONS. Mr. President, up to the time of the passing of this resolution, the very welkin rang with the cry of prosperity, everybody with plenty of work to do.

Mr. SMOOT. And there is prosperity, more in this country than in anywhere else in all the world, and always will be.

Mr. FESS. Mr. President, I wanted to ask the opinion of the Senator from Massachusetts in regard to an inquiry. I am sure he will understand the spirit in which I am asking it.

Mr. WALSH of Massachusetts. Certainly.

Mr. FESS. We have been sitting for nearly a month in the coal investigation, and it has come out that there is a surplus of labor of about two-fifths in the coal industry. There is a limited demand for coal, almost unlimited resources, and a large surplus of labor. Just before dinner I asked a very distinguished labor leader, who is an unusually brilliant and fair-minded man, why they did not get that surplus of coal miners into some other industry. He answered in extenso, in a rather convincing statement, that that could not be done, that there was no possibility for it, and went on to state why. With the statement of fact that there is rather serious unemployment in coal mining, and the statement we can not get the men into any other industry, what would be the Senator's remedy for such unemployment? I am asking him in a spirit of desire to know whether he has an opinion and a remedy.

Mr. WALSH of Massachusetts. I will say to the Senator that the suggestion is not a new one. The condition he describes has existed for years in the soft-coal mining industry. Am I not correct?

Mr. FESS. Yes.

Mr. WALSH of Massachusetts. Once a miner becomes trained in the mining of soft coal he will not enter any other kind of employment.

Mr. FESS. That is the statement which was made to us this morning.

Mr. WALSH of Massachusetts. He will not even mine hard coal, if I am correctly informed. The situation which the Senator describes has been in existence for a number of years. There are periods of time when employment is very good. There are periods of time when there are large numbers unemployed and unable to get employment because the demand for coal becomes limited. I have no suggestion as to how to remedy a condition when people out of work refuse to take up another form of employment.

Mr. FESS. That has been the answer which has been made whenever we have asked the question.

Mr. WALSH of Massachusetts. I have not been talking about the unemployment condition in the soft-coal territory, which I do not think is any different from what it has been in years gone by in periods of depression in the coal industry.

Mr. FESS. The Senator said he did not believe we were without a remedy for unemployment, and I wondered what remedy he would apply to the situation. The situation is embarrassing.

Mr. WALSH of Massachusetts. I think it is a matter that might well be studied and given thoughtful consideration by the committee. Of course, there are particular cases of unemployment where it is difficult to find an immediate remedy.

Mr. FESS. We are doing that.

Mr. WALSH of Massachusetts. Some method ought to be devised for solving it, if possible; but, of course, if men will not work anywhere else except in a certain given locality and there is no work there no government can do anything. But we are talking of unemployment in general, and there are hundreds of thousands of working people, men and women, who are willing to go into any locality or a different kind of employment if they can be assured of work.

This is an age of prevention activities in government. Health departments are constantly striving to prevent the spread of disease. Departments of education are studying the problem of the elimination of ignorance. Where is the Government department that is studying the problem of preventing want, suffering, sickness, and even crime resulting primarily from unemployment? I refuse to subscribe to the assertion that there is no remedy. What is needed is leadership. Leadership that will formulate for the Congress and the State legislatures a program, not based upon political but upon broad humanitarian lines; that will rally all unselfish, public-spirited citizens to support such a program as may make some contribution to the happiness and contentment of the men, women, and children employed in our industrial and commercial life.

Mr. President, I want to say that one benefit of the present discussion is the fact that there is apparently a willingness now, upon the part of those who have been asserting that we are enjoying unparalleled prosperity, to admit that there is some unemployment in the country. It has been asserted for the past two years again and again that we were prosperous because of the great activity in the stock market, because of increased bank deposits, because of the large dividends that were being earned by large financial interests of the country. When it has been asserted that the independent manufacturers and the small merchants were not prosperous, figures showing large financial returns and profits from certain big financial combines have been presented. Conditions have gone on to such an extent and now the army of the unemployed has increased to such proportions that it is necessary to make some admissions and for the first time we hear, notwithstanding the fact that the claim of prosperity is still proclaimed, that there are almost 2,000,000 unemployed people in the country.

I want to say what I have hitherto said repeatedly, that big business is prosperous, that stock speculators are prosperous, that financial gamblers are prosperous, that those who have great wealth are prosperous, and never more so. But I say without fear of successful contradiction that there has not been a time since the World War when the small independent manufacturer who is not a part of an industrial monopoly, when the small retail merchant who is not a part of the retail business monopolistic combines, has been so depressed and his business in such jeopardy as to-day. There has not been a time when there has been such an appalling number of men and women willing and anxious to work, seeking employment. During all this time no one in the present administration has dared to assume leadership and ask that these great economic revolutions which are taking place in the country be studied in order to determine when or what the end will be. How far are we going with unchecked monopoly and with the movements that are crushing out the great middle class of people in the country? Is it true, as has been boldly and brazenly stated, that before long the American people will be a nation of hired men and women, that all the wealth will be in the hands of a very few, a very limited number of people, and the millions be then hired help, without any appreciable class of business men? Is the result of these financial combines to be a capitalistic class and a working class with the middle class exterminated? Are these problems of no concern to statesmen? Is the chief purpose of government to help the wealth of the country combine and grow larger and more powerful without regard to the economic status of the millions of other patriotic citizens?

The income-tax returns confirm and prove that the number of millionaires has been and is increasing by leaps and bounds during these last few years of increasing unemployment and business depression. It is useless to expect that some department in the Government might give immediate attention to the very serious and grave economic results that are coming in the way of unemployment and failures and ruin to the great middle class of the country by reason of the consolidation and federation of wealth in the hands of the great monopolies of the country.

Yes; they are prosperous, and they are bringing with their prosperity ruin to millions of independent merchants, driving out of employment millions of men and women who want to work. The saddest part of it all is that these monopolies, increasing prices, getting here whatever tariff protection they demand, are supported, encouraged, and defended by the Government. They prove the existence of prosperity by pointing to the huge income-tax returns of the millionaires and the big profits of the trusts and monopolies and to the increasing stock market rises. There is not a merchant in this city or any other city of America who is not passing through the most grave business crisis of his whole career. If you talk with some of them they will tell you that they realize they are facing what they know is certain death and annihilation. I am referring to the struggling, independent merchant, who has been the backbone of the country, who has given to the country a superior citizenship, who has helped to stabilize and keep our country away from radicalism and the other isms because he had a stake in the country.

I know the attitude of the Senator from Utah [Mr. SMOOT]. The Senator may well say we are prosperous. He may well say, "Look at the stock markets, look at the big bank deposits, look at the dividends ever increasing." I say we are not prosperous. It is unhealthy prosperity. It is unsound. It spells economic ruin if it is not checked or regulated.

The Senator from Indiana [Mr. ROBINSON] said that oil will not be the issue in the next election. I will tell the Senate what might well be the issue. If some candidate will come forward and challenge the present economic tendencies in the country and the alliance between the big economic interests in the country and politics, he will have a real issue. Monopoly and its partnership with politics some day is going to be the issue. It may not be oil, but it will be money, money in politics used to corrupt politics, money in business used to corrupt business and to exploit the American people. The business interests that spend large sums of money in corrupting politics and public officials will use the same means and use their business for the purpose of exploiting and extorting from the public and crushing out the weak and the man of limited financial resources.

Mr. President, the situation in this country to which I have referred is an ever-increasing and crying menace. I repeat, the saddest part of it all is that few will admit it. When we protest, the word "prosperity" is flung back in our faces and not a voice is raised, not a movement is made to curtail and restrict these excesses and to bring back real genuine prosperity which will reach down to all the people.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. Certainly.

Mr. SHORTRIDGE. For the sake of argument, admitting that there is unemployment, will the Senator be good enough to suggest his remedy?

Mr. WALSH of Massachusetts. If the Senator had been in attendance upon the Senate a few days ago, he would have known that I spoke on the subject and named many different remedies. I pointed out various pending bills that would help reduce the miseries and burdens of unemployment. If the Senator will be kind enough to read my speech, he will find that I stated different kinds of legislation and different governmental proposals that could be made. A few moments ago I

proposed a remedy which, if the Senator had been in his seat at the time, he would have heard and therefore would not have asked this question. It was for the Government to do now something to prevent future unemployment, misery, and suffering in the nature of what it is now doing through another bureau to prevent unfavorable results of another war—anticipating conditions that may arise in the event of trouble with another nation that would be detrimental to our country.

I say an administration that is interested in human beings and not mere dollars would make for itself an opportunity to study the economic conditions and the reasons for recurring periods of unemployment and be ready to come forward with a program of relief in the way of construction of public buildings, and so forth. Would the Senator agree to such a proposal?

Mr. SHORTRIDGE. Certainly.

Mr. WALSH of Massachusetts. The Senator from Washington [Mr. JONES] has a bill pending, either on the calendar or before one of the committees, which seeks to remedy in part the causes of unemployment. There is plenty of legislation to be enacted and there are plenty of ways to help solve the problem if one is friendly disposed and sincerely interested in trying to do something.

Mr. SHORTRIDGE. Personally I do not think legislation would start up a mill, necessarily. There is unemployment. Men are seeking work. We must have industry going, mines being worked, farms plowed, forests being cut down. We must have some business going on.

Mr. WALSH of Massachusetts. We must find out what the cause is for closing mines and mills.

Mr. SHORTRIDGE. We all know the conditions.

Mr. WALSH of Massachusetts. Does the Senator know what the cause it?

Mr. SHORTRIDGE. There are many causes.

Mr. WALSH of Massachusetts. Will the Senator admit what the cause is?

Mr. SHORTRIDGE. There are seasonal causes.

Mr. WALSH of Massachusetts. Oh, seasonal causes. It is winter that is the cause when it is winter, it is summer that is the cause when it is summer, and it is spring that is the cause when it is spring!

Mr. SHORTRIDGE. There are many reasons. Of course, at times men will be out of employment.

Mr. WALSH of Massachusetts. I hope we will have something said in the Senate for the cause of this unemployment besides the amusing statement that it is seasonal.

Mr. SHORTRIDGE. Speeches will not make employment.

Mr. WALSH of Massachusetts. Talking will help to bring about action. Silence and indifference and talk of prosperity unbounded will not do it.

Mr. SHORTRIDGE. We have to have new industries established. Perhaps a free trade bill would give employment to America?

Mr. WALSH of Massachusetts. I suggest that the Senator try it if he thinks it will.

Mr. SHORTRIDGE. I do not think it would, in point of truth. Sometimes I would even favor an embargo in order that goods consumed by the American people might be produced by them.

Mr. WALSH of Massachusetts. During a period of depression?

Mr. SHORTRIDGE. During many periods. But I do not wish to pursue the matter further at this time.

Mr. WALSH of Massachusetts. The Senator, I hope, will agree with me that some department of our Government might well be thinking about the problem and making recommendations. Does not the Senator agree to that?

Mr. SHORTRIDGE. I think the Senator from Massachusetts is just as competent to think on the subject as is any department that might be set up. Let us do a little thinking and perhaps some one will propose a specific remedy.

Mr. WALSH of Massachusetts. Mr. President, I will say that I think the question is of such magnitude and importance that no one Senator can suggest a solution for the question.

Aside from temporary relief in the way of providing employment by advancing building and improvement work which a sympathetic municipal, State, or National Government could provide at periods of business depression, I think it highly desirable to institute a permanent national board of officials—for example, three Cabinet officers—under whose direction experts could study this question, investigate the cause, and suggest remedies. In the States three department heads could constitute such a board.

We have now and always have had a group of Army and Navy officers studying and preparing plans for the defense of the country in the event of war.

I think it is a most important question, for which political leadership of the proper sympathetic kind should find a solution, just as is being done by the progressive governors of the various States, who, in their own limited spheres, are trying to find a solution for the question.

Mr. President, I did not intend to speak so long. I merely desired to emphasize the fact that we now have an admission, at least, that though the country is claimed to be still prosperous, though the prosperity claim is repeated by the majority party, there is unemployment to the extent admittedly of nearly 2,000,000; but the cause of that unemployment, I repeat, as I understood the Senator from Utah [Mr. SMOOT], is the inventive genius of the American people. Never before has invention and improvement in industry resulted in greatly reducing employment; rather has it opened up new, larger, and wider opportunity for the working classes.

Mr. McKELLAR obtained the floor.

Mr. WAGNER. Mr. President——

Mr. McKELLAR. I yield to the Senator from New York.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kansas will state it.

Mr. CURTIS. I am not going to object to the Senator from Tennessee now yielding, but I am going to give notice that hereafter I shall object to Senators obtaining the floor and yielding it to other Senators. The rule provides that a Senator may yield for a question but prohibits a Senator from securing the floor and then parceling out the time for the remainder of the afternoon.

Mr. WAGNER. I shall occupy the floor for only a moment.

Mr. McKELLAR. Mr. President, I will say to my friend from Kansas——

Mr. CURTIS. I am merely serving notice; that is all.

Mr. McKELLAR. That I think the debate on the unemployment situation has been very enlightening, and I see no reason why it should not have taken place. Under those circumstances I yielded, and I am going now to yield to my friend from New York to finish the debate.

Mr. WAGNER. Mr. President, I do not propose to prolong the debate on this question except, in the first place, to express in all modesty some degree of satisfaction that the resolution seeking information as to unemployment has at least agitated the mind of the Senate and has called the attention of the public to an important social subject which has been ignored by our legislative bodies. I received a copy of the printed report only this morning; I have not had an opportunity to study it with any great care, nor have I had the time. I have read sufficient of it, however, to be confident that upon a later occasion, perhaps some day next week, I shall be able to show that the very figures contained in the report warrant the conclusion that the total number of unemployed far exceeds the number reported by the Commissioner of Labor Statistics. I am also confident that I shall sustain the position which I took two weeks ago, that there are about 4,000,000 men out of employment.

I do not want to have this subject considered from a political or partisan point of view. I regard it as superior to partisan considerations. It is a vital social problem; to my way of thinking, there is no economic disease so serious to our whole economic well being as is the question of involuntary unemployment.

I merely want to say to the Senator from Utah [Mr. SMOOT] that I do not want to go into details now as to statistics, but I think I understood him to say that there was about only 5 per cent of unemployment in the State of New York.

Mr. SMOOT. I said that the report of the Department of Labor shows that there is 5.8 per cent of unemployment in the State of New York; not only that——

Mr. WAGNER. To what report does the Senator refer?

Mr. SMOOT. I refer to the report as made by the Department of Labor. I also added that the report of the State of New York shows about the same thing.

Mr. WAGNER. No; the Senator from Utah is mistaken.

Mr. SMOOT. I will show to the Senator from New York that the report so shows.

Mr. WAGNER. I looked at the report of the Department of Labor of New York but yesterday. It shows over 9 per cent of unemployment at this time. The report of the Secretary of Labor does not show the full measure of unemployment, because it simply compares the employment figures of one year with those of another year and shows a difference between the prior and subsequent year, without taking into consideration the amount of unemployment existing during the prior year, the whole resting on the assumption that there was no unemployment during the prior year which is used as the basis.

Mr. SMOOT. I am amazed that the Senator from New York should criticize his own State report in that way, because, if that be the case, the statistics might just as well never have been prepared, and the amount of the money that it cost to gather them has been absolutely thrown away.

Mr. WAGNER. Has the Senator from Utah at hand the report of the Department of Labor of New York, so that he may read the statement as to unemployment in that State being only about 5 per cent?

Mr. SMOOT. I did not read it, but I will say to the Senator that if he desires me to do so, I will send it to him.

Mr. WAGNER. I inquired of the Department of Labor of the State of New York, and was informed that their report for this month showed an unemployment figure of 9 per cent.

Mr. SMOOT. I will ask the Senator a question. In the last two months has unemployment in New York increased nearly 100 per cent?

Mr. WAGNER. No.

Mr. SMOOT. A short time ago it was 5.8 per cent, and now the Senator states it as being 9 per cent.

Mr. WAGNER. The Senator from Utah apparently has misunderstood the figures.

Mr. SMOOT. No.

Mr. WAGNER. The Senator stated that the Department of Labor of the State of New York has made a report to the effect that unemployment was only 5 per cent.

Mr. SMOOT. That it was 5.8 per cent.

Mr. WAGNER. And I am saying that there is presented a question as to which one of us is inaccurate. I am saying that the report of the department of labor shows no such percentage. I am sorry that I have not the report here, but I am sure that I can convince the Senator of that fact.

Mr. SMOOT. I thought the Senator was referring to a report of the State of New York showing an unemployment figure of 9 per cent.

Mr. WAGNER. In the State of New York; yes.

Mr. SMOOT. Then, the report of the State of New York does not conform to the figures supplied by that State and submitted in the report of the Department of Labor.

Mr. WAGNER. I do not know anything about that. I am talking about the report of the Department of Labor of the State of New York.

Mr. President, I had not the advantage, being absent from the Chamber in connection with a committee session, of hearing the observations which the distinguished Senator from Utah made in regard to the report of the Department of Labor as to the unemployment situation. I hope next week, however, as soon as I have had an opportunity of making a sufficiently careful study, to discuss the question and to back up whatever I may say with facts and statistics to show that the conclusion reached by the United States Department of Labor in the report which it has submitted is inaccurate and also to sustain my former position that a conservative estimate of unemployment in this country to-day shows that not less than 4,000,000 men are without work.

PROPOSED NICARAGUAN CANAL

Mr. McKELLAR. Mr. President, the proposal which I am about to make does not directly refer to the unemployment situation, but if the proposal shall be carried out it will have a tremendous effect upon lessening unemployment.

Eighteen years ago the United States Government completed the Panama Canal. Already that canal is giving signs of performing very nearly all the work of which it is capable. If traffic through that canal should continue to increase during the next 10 years as it has during the past 10 years, the canal will be clogged. It is absolutely necessary, as it seems to me, that there should be dug another canal and that it should be in Nicaragua. I have prepared, Mr. President, a bill providing for the digging of a canal in Nicaragua, and I am going to ask the clerk to read that bill as it will, I believe, be enlightening to the Senate.

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Nebraska before the bill shall be read.

Mr. NORRIS. I have no doubt that the reading of the bill will be enlightening, but I am interested in a statement the Senator made. I should like to have him elucidate briefly the proposition he lays down to the effect that the Panama Canal will not be able to handle the business which may desire to use it. Can the Senator give more detailed information as to that?

Mr. McKELLAR. I have the figures and will present them as soon as the bill may be read.

Mr. NORRIS. The Senator made the statement that if business shall increase during the next 10 years as it has during the past 10 the Panama Canal will be unable to handle the traffic. Are there indications that there will be such an increase, or has the traffic practically reached the maximum limit of the canal? I am not disputing the Senator's statement, the Senator understands.

Mr. McKELLAR. I understand that. The figures sustain the statement that I have made, that there has been a constant increase from the time the canal was first opened, with one exception, and that was during nine months of the first year or the second year, when, by reason of slides, the canal was closed.

Mr. NORRIS. I am merely seeking information.

Mr. McKELLAR. I understand that.

Mr. NORRIS. I am not contesting the Senator's claim.

Mr. McKELLAR. I will be glad to give the figures. I have them right here and will give them as soon as the clerk shall read the bill.

Mr. EDGE. Mr. President, will the Senator permit me to make an observation?

Mr. McKELLAR. I yield.

Mr. EDGE. I do not know that the Senator is familiar with the fact that on March 21, just a few days ago, the Senator from New Jersey introduced a joint resolution, being Senate Joint Resolution 117, providing for a continuation of the surveys for a Nicaraguan canal which were made, as I recall, about 1901, something over 25 years ago, in order to ascertain the engineering conditions existing there to-day, and the practicability of such a canal in comparison with a possible enlargement of the Panama Canal. As I understand the Senator, the bill which he has introduced and which he desires to have read at the desk directs the Government to construct a canal across Nicaragua.

Mr. McKELLAR. Yes.

Mr. EDGE. I am merely calling the Senator's attention to the fact that proposed legislation is before the Senate, being now in the Committee on Interoceanic Canals, of which I have the honor of being chairman, suggesting a further survey in order to ascertain all the facts which it would seem to be advisable to have before we shall embark on such an enterprise.

I should like to say further—and then I will not interrupt the Senator again—that I am very much interested in the subject. Without taking snap judgment, for I want to have the benefit of whatever information a survey may afford, I think there is very strong argument in support of the contention for another interoceanic canal.

Mr. McKELLAR. I thank the Senator for his interruption. I have not examined the joint resolution which the Senator introduced a short time ago, but there were very full, ample, and complete surveys made about the time the Senator suggests, or a little earlier, and those surveys, in my judgment, have shown the wisdom of building a canal in Nicaragua beyond a doubt. I will refer to them a little later. I now ask that the clerk read the bill which will give an outline of what is proposed.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read the bill (S. 3789), as follows:

Be it enacted, etc., That the Government of Nicaragua having by treaty with the Government of the United States signed at Washington on August 5, 1914, and duly ratified as required by the laws of both of said Governments and proclaimed June 24, 1916, granted in perpetuity to the Government of the United States, forever free from taxation, or other public charge, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal, by way of the San Juan River and the great Lake of Nicaragua, or by way of any route over Nicaraguan territory, the details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two Governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal, the President of the United States is hereby authorized, empowered, and directed to notify the Government of Nicaragua of its desire and intention to construct such canal and to agree upon the details of the terms under which such canal shall be constructed, operated, and maintained.

SEC. 2. The Senate of the United States, having in its ratification of the treaty with Nicaragua, as aforesaid, inserted the words: "It is declared by the Senate that in advising and consenting to the ratification of the said convention as amended, such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that nothing in said convention is intended to affect any existing right of any of the said named States," namely, Costa Rica, Salvador, and Honduras, the President is authorized and directed to enter into negotiations with said States and determine whether they, or any of them, have any interest in said proposed canal.

SEC. 3. That the President shall direct the Nicaraguan canal commission hereinafter authorized to cause to be excavated, constructed, completed, and perpetually maintained a ship canal connecting the

Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaraguan route from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean. Said canal shall be of sufficient capacity to accommodate vessels of the greatest tonnage and draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he shall also construct such safe and commodious harbors at the termini of said canal as shall be necessary for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of said harbors and canal; and such sum or sums of money as may be agreed upon by such treaty as compensation to be paid to Nicaragua and Costa Rica for the concessions and rights hereunder provided to be acquired by the United States, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

SEC. 4. That as soon as the details of the terms upon which said Nicaraguan canal shall be constructed, operated, and maintained and agreed upon by said Governments, the President shall cause the said Nicaraguan canal commission to make such surveys as may be necessary for said canal and harbors to be made, and in making such surveys and in the construction of said canal may employ such persons as he may deem necessary, and may fix their compensation.

In the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That the sum of $10,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated, including preliminary investigations and surveys.

SEC. 6. That in any agreement heretofore made or hereinafter made with the Republics of Nicaragua or Costa Rica the President is hereby authorized to guarantee to said Republic or Republics the use of said canal and harbors upon such terms as may be agreed upon for all vessels owned by said Republic or Republics, or by citizens thereof, such agreement, however, to be confirmed by the Senate as in ordinary cases.

SEC. 7. That to enable the President as provided for in this act, there is hereby created the Nicaraguan canal commission, the same to be composed of five members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said commission. At least three of them shall be persons learned and skilled in the science of engineering, and at least one of them shall be an officer of the United States Army, and at least one of them shall be an officer of the United States Navy, the said officer being either on the active or the retired list of the Army or Navy. Said commissioners shall each receive as compensation $12,000 per year, provided that in the case of Army and Navy officers said compensation shall be in lieu of their pay as officers. In addition to the members of said Nicaraguan canal commission, the President is hereby authorized to employ in said service any of the engineers in civil life, at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this act shall be fixed by the commission, subject to the approval of the President. Said commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such periods as may be required by order of the President full and complete reports of all their acts and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to the Congress. The said commission shall give such information as may at any time be required by act of Congress or by order of either House of Congress. The President shall cause to be provided and assigned for the use of the commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.

SEC. 8. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this act—such proceeds when received to be used only for the purpose of meeting such expenditures—the sum of $200,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 30 years from such date, and bearing interest payable quarterly in gold coin at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

Mr. McKELLAR. Mr. President, it will be seen from the reading of this bill that it follows very closely the Panama Canal act, as it now is on the statute books. The only changes made are those changes that are necessary because of the different conditions, and because of treaties that have since been entered into.

As we all know, in 1914 a treaty was entered into between the United States and Nicaragua, proclaimed on June 24, 1916, by which treaty, for the consideration of $3,000,000, Nicaragua ceded to the United States exclusive proprietary rights for the operation and maintenance of an interoceanic canal by way of the San Juan River and the great Lake of Nicaragua, "or by way of any route over Nicaraguan territory." Since that time our Government has done nothing with this canal. The reason for that is very plain. We had but a short time before built the Panama Canal. We did not know whether that would accommodate the business of America and of the world or not, and naturally nothing has been done.

THE REASONS FOR BEGINNING CONSTRUCTION

Mr. President, the reasons for beginning construction of this canal are found in the report of the Governor of the Canal Zone, Hon. M. L. Walker, of date August 27, 1926. I first present a table taken from the report, showing the number of transits, net tonnage, total tonnage, and the amount of tolls:

Fiscal year ending June 30—	Number of transits	Panama Canal net tonnage	Tolls	Tons of cargo
1915	1,075	3,792,572	$4,367,550.19	4,888,454
1916	758	2,396,162	2,408,089.62	3,094,114
1917	1,803	5,798,557	5,627,463.05	7,058,563
1918	2,069	6,574,073	6,438,853.15	7,582,031
1919	2,024	6,124,990	6,172,828.59	6,916,621
1920	2,478	8,546,044	8,513,933.15	9,374,499
1921	2,892	11,415,876	11,276,889.91	11,599,214
1922	2,736	11,417,459	11,197,832.41	10,884,910
1923	3,967	18,605,786	17,508,414.85	19,567,875
1924	5,230	26,148,878	24,290,963.54	26,994,710
1925	4,673	22,855,151	21,400,523.51	23,958,836
1926	5,197	24,774,591	22,931,055.98	26,037,448
1927	5,475	26,227,815	24,228,830.11	27,748,215

It will be seen that in 1915 there were 1,075 transits; in 1916 these dropped off to 758. This was caused by slides which closed the canal for about seven months. In 1917 the number of transits increased to 1,803, in 1918 to 2,069, in 1919, 2,024, in 1920, 2,478, in 1921 to 2,892, in 1922 to 2,736, in 1923 to 3,967, in 1924, 5,230, in 1925, 4,673; in 1926, 5,197, in 1927, 5,475.

It will thus be seen, Mr. President, that the total number of transits in 12 years have increased from 1,075 to 5,475.

Mr. FESS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield to the Senator from Ohio.

Mr. FESS. What would be the maximum capacity? How near are we to it?

Mr. McKELLAR. We are not far from it, as I shall point out in just a few moments. The question that the Senator suggests will be dealt with by me almost immediately.

Under the title, "Hours of operation," on page 17 of the report, the governor says:

> The schedules outlined above for dispatching vessels through the canal require the Atlantic locks to be operated from 7 a. m. to 11 p. m. daily and the Pacific locks from 6.50 a. m. to 10.50 p. m. daily. Lengthening the hours of transit necessarily would prolong the hours of lock operation, which would mean added difficulties and increased costs of operation not only at the locks but for other divisions of the canal as well. Increase of traffic may eventually make an extension of operating hours advisable, but under present conditions it is not warranted.

So that, Mr. President, if it is a question now operating the canal for 16 hours a day, and that is what these figures show—as to whether the business can be done promptly, what will be the situation 10 years from now if business through the canal continues to increase? If it has increased 500 per cent in 12 years, it is reasonable to suppose that it will increase quite as largely in the next 12 years as it has in the past 12 years. If it does, manifestly the ships can not be put through the canal. Manifestly, it will be necessary for us to build another canal. We ought not to wait, Mr. President, for the present canal to be so congested as to turn away business before we start work on the Nicaraguan canal. For these reasons it

seems to me that we ought to start work on the canal at once, and the bill that I have introduced is, in my judgment, the way to meet the situation.

THE COST OF THE CANAL

What the Nicaraguan canal may cost, Mr. President, of course, is problematical. We can only go by the cost of the Panama Canal. Personally, I do not believe the Nicaraguan canal will cost nearly as much as the Panama Canal, but, of course, we can not say positively.

I find in a report made by Senator Morgan, of Alabama, on the Committee on Interoceanic Canals, submitted January 18, 1900, that—

> The upper limit of cost, under the most favorable conditions as to the prices of labor and material and all incidental expenditures, and with ample capacity for the safe and rapid transit of the largest vessels, is $140,000,000. The lowest limit of cost is, probably, $70,000,000.

I digress from my manuscript at this time to interject another thought. The late Senator John T. Morgan was perhaps the best versed man on interoceanic canals in all the world. He made that a life study. He was a man of great ability, of marvelous learning, one of the greatest Senators who ever sat in this body, and while the Panama Canal was not the direct result of his labor and of his ability, he had more to do indirectly with its construction than perhaps any other man who ever lived in America.

While I am talking about Senator Morgan in this connection, I might say a word about another distinguished citizen, one of the greatest men this country ever produced in my opinion. It was he who selected the Panama route instead of the Nicaraguan route. His reason for that selection I need not go into. But in my judgment the greatest work that Theodore Roosevelt ever did in his eventful life was the building of the Panama Canal, connecting the Atlantic and Pacific Oceans. I figuratively take off my hat to that courageous and wonderful man who carried out that great project. Not long ago somebody asked me who I believed were the 10 first great Americans, and I included Mr. Roosevelt in that list. He wanted to know why. I said, "Because of his great work in connection with the Panama Canal."

That accomplishment was a wonderful thing. Perhaps no man in this country was ever more abused for wasteful and extravant use of the people's money than was Mr. Roosevelt abused for the expenditures in connection with the Panama Canal. Only 13 years have passed since its completion, and it has been a wonderful success, such a wonderful success that there is an absolute necessity, it seems to me, to supplement it with another canal.

The Panama Canal cost, in round numbers, about $370,000,000, exclusive of fortifications, including the $40,000,000 that we paid to the Panama Canal Co.

Our net yearly income from the canal after paying the entire cost of operation and also the interest on unpaid bonds amounts to $14,000,000, and constantly increasing. So it can easily be seen that it will not take long for the Panama Canal to pay itself out and furnish a very substantial income for the American people the rest of the time.

It is safe to say that the Nicaraguan canal can be made to do the same thing with a normal increase in the world's shipping business.

I ask unanimous consent that there be printed at this point in my remarks a table from the report of the Secretary of the Treasury issued on June 30, 1927, found on page 494.

The PRESIDING OFFICER. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Panama Canal receipts and expenditures for the fiscal years 1903 to 1927 [1]

[On basis of warrants issued]

Year	Construction, maintenance, and operation	Fortifications	Total	Interest paid on Panama Canal loans	Receipts covered into the Treasury
1903	$9,985.00		$9,985.00		
1904	50,164,500.00		[2] 50,164,500.00		
1905	3,918,819.83		3,918,819.83		$371,253.05
1906	19,379,373.71		19,379,373.71		380,680.10

[1] The above table does not include the payments to the Government of Panama under the treaty of Nov. 18, 1903, of $250,000 per annum, the first payment being made during the fiscal year 1913, and similar payments continuing each year since that date; nor does it include the payments to the Government of Colombia growing out of the construction of the Panama Canal of $5,000,000 per annum during the fiscal years 1923 to 1927, inclusive, an aggregate sum of $25,000,000 as provided for under the treaty of Apr. 6, 1914.

[2] This amount includes the $40,000,000 paid to the New Panama Canal Co. of France for the acquisition of the property, and the $10,000,000 paid to the Republic of Panama in connection with the Canal Zone as provided for under Article 14 of the treaty of Nov. 18, 1903.

Panama Canal receipts and expenditures for the fiscal years 1903 to 1927—Continued

[On basis of warrants issued.]

Year	Construction, maintenance, and operation	Fortifications	Total	Interest paid on Panama Canal loans	Receipts covered into the Treasury
1907	$27,198,618.71		$27,198,618.71		$1,178,949.85
1908	38,093,929.04		38,093,929.04	$785,268.00	1,083,761.49
1909	31,419,442.41		31,419,442.41	1,319,076.58	705,402.42
1910	33,911,673.37		33,911,673.37	1,692,166.40	3,214,389.48
1911	37,038,994.71	$30,608.75	37,069,603.46	1,691,107.20	1,757,284.44
1912	34,285,276.50	1,036,091.08	35,321,367.58	3,000,669.60	2,982,823.92
1913	39,917,866.71	1,823,491.32	41,741,358.03	3,201,055.81	4,070,231.27
1914	31,452,359.61	3,376,900.85	34,829,260.46	3,194,105.95	698,647.87
1915	24,427,107.29	4,767,605.38	29,194,712.67	3,199,385.05	4,130,241.27
1916	14,638,194.78	2,868,341.97	17,506,536.75	3,189,024.79	2,869,995.28
1917	15,949,262.47	3,313,532.55	19,262,795.02	3,103,250.67	6,150,668.59
1918	13,299,762.56	7,487,862.36	20,787,624.92	2,976,476.55	6,414,570.25
1919	10,704,409.74	1,561,364.74	12,265,774.48	2,984,888.33	6,777,046.55
1920	6,031,463.72	3,433,592.82	9,465,056.54	3,040,872.89	9,039,670.95
1921	16,230,390.79	2,088,007.66	18,318,398.45	2,994,776.66	11,914,361.32
1922	2,791,035.40	896,327.45	3,687,362.85	2,995,398.14	12,049,660.65
1923	3,620,503.37	950,189.20	4,570,692.57	2,997,904.81	17,869,985.25
1924	7,141,711.97	393,963.37	7,535,675.34	2,992,461.19	26,074,513.33
1925	9,050,509.73	872,689.93	9,923,199.66	2,988,918.80	22,553,732.44
1926	8,419,333.57	1,153,322.38	9,572,655.95	2,989,598.76	23,941,917.87
1927	7,613,376.03	586,096.41	8,199,472.44	2,991,988.25	25,544,701.45
Total	486,707,901.02	36,639,988.22	523,347,889.24	54,328,394.43	191,774,489.10

Mr. McKELLAR. I want to call attention briefly to this table. The first year the receipts amounted to only a little over $4,000,000. They constantly increased until now they are $25,000,000 a year. This represents the tolls paid by vessels going through the canal. The cost of operating the canal is about $7,000,000, leaving about $18,000,000 yearly as the income.

We owe about $134,000,000 on the bonds issued for the construction of the Panama Canal, and the net income of the canal for the next 10 years will probably more than pay all of these bonds.

As to the bonded indebtedness, I have the figures, and ask unanimous consent that they be made a part of the RECORD without reading.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

	Amount issued	Amount retired	Amount outstanding
2 per cent Panama Canal loan of 1916–1936	$54,631,980	$5,677,800	$48,954,180
2 per cent Panama Canal loan of 1918–1938	30,000,000	4,052,600	25,947,400
3 per cent Panama Canal loan of 1961	50,000,000	200,000	49,800,000

Mr. McKELLAR. Mr. President, I remember when the canal was first undertaken by President Roosevelt it was alleged by many that this would be a sink hole of the people's money; that it would never pay, and many of the friends of the project, as I recall, admitted that it would not pay, claiming, however, that it would be a most valuable enterprise, both for our commerce and for our defense in the event of war, whether it was a paying proposition to our Government or not. But, instead of its being a failure, it has been a wonderful success, and after 10 years the tolls charged were an important item of revenue for our Government.

BONDS TO BE ISSUED

This bill provides that $200,000,000 of bonds, or so much thereof as shall be necessary, shall be issued by the Secretary of the Treasury at 3 per cent for the purpose of paying for this work, the bonds to be issued as and when needed. This being a sea-level canal, I am in very great doubt as to whether it will cost even the $200,000,000. And yet the increased cost of production might make it cost more than the highest estimate—$140,000,000.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. EDGE. I note that the Senator makes the affirmative statement that this would be a sea-level canal. Does the bill he proposes to introduce make that mandatory, that it shall be a sea-level canal?

Mr. McKELLAR. Indeed not, and I am glad the Senator has called attention to that fact. The bill provides that the President shall put in such locks as may be necessary. In other words, it is not certain that it will be a sea-level canal, and in order to make assurance doubly sure the provision is made that the commission appointed by the President to do the work may construct locks and dams if it is necessary.

Mr. EDGE. I asked that question because it is well known in this age of engineering development that a sea-level canal is much preferable because of the absence of locks and the expense of maintaining locks.

Mr. McKELLAR. We have found that out.

Mr. EDGE. On the other hand, that is one of the reasons for the absolute necessity of a survey. The determination of the kind of canal becomes a matter of engineering. It would seem to me to be almost impossible of execution from a business standpoint to direct the Government to construct a canal, sea level or otherwise, until a survey had been brought down to date, with the newer engineering methods and ideas relating to sea-level canals.

Mr. McKELLAR. I call the Senator's attention to the fact that section 3 of the proposed bill authorizes the appropriation of $10,000,000 for preliminary surveys and other necessary acts, such as acquiring the property from Costa Rica as provided in this measure.

Mr. EDGE. But, irrespective of their reports, I understand the bill directs the construction?

Mr. McKELLAR. Yes; after the surveys shall have been made.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BLAINE. Why appropriate any money to purchase territory from Costa Rica? Why not just organize a little revolution down there, the way the Government did when it took away from Colombia the territory on which the canal was constructed?

Mr. McKELLAR. That method might be pursued, but it does not meet my approval and is not provided for in my bill.

Mr. BLAINE. I am very happy to know that it does not meet the approval of the Senator from Tennessee.

Mr. McKELLAR. I am wholly opposed to taking anything from any other nation; I am wholly opposed to taking an inch of their territory by forceful methods; and this bill provides only the most peaceful and peaceable methods in the world. A little later on I want to explain to the Senate and to the Senator just what I have in view in that connection.

Mr. BLAINE. Will the Senator yield for another question?

Mr. McKELLAR. Yes.

Mr. BLAINE. I observe in the course of the Senator's remarks that he says the Panama Canal cost, in round figures, $370,000,000.

Mr. McKELLAR. Exclusive of amounts spent for fortifications and other military features connected with it.

Mr. BLAINE. Does that $370,000,000 include the $25,000,000 that was recently settled upon the Republic of Colombia in acknowledgment of the wrong America did in taking her territory by a coup d'état in Washington?

Mr. McKELLAR. No; it did not. I voted for the measure to repay Colombia; I thought we ought to do it; but that item of $25,000,000 paid Colombia is not included in these figures. And yet, whatever the cost of production, I am sure it would more than pay its way, and in presenting this matter to Congress and the people of the United States I am sure that we can quite safely say that it will be a good investment as well as a most desirable construction.

Mr. FESS. Mr. President, has the Senator considered the possibility of the enlargement of the Panama Canal? Is that possible?

Mr. McKELLAR. I do not believe that it is, and even if it were possible I think it would cost a great deal more than the Nicaraguan canal, the right of way of which we now own, and if the Senator will listen to the next subject I am going to take up he will see the reason why I think it will be immensely beneficial to the defense of the United States to have this second canal.

Mr. FESS. If the Senator will permit a further interruption——

Mr. McKELLAR. I will be glad to.

Mr. FESS. I have understood that even though we could enlarge the Panama Canal, which is doubtful, in my mind, in the course of years there would be another canal constructed by some nation at Nicaragua, and in view of that, it would be better for the United States to be the country that would do it. I understand that that really was one of the things which inspired Secretary Bryan to recommend the procedure at once to buy a perpetual leasehold there.

Mr. McKELLAR. I so understood, and the Senator will recall that before Mr. Roosevelt decided upon the Panama route, he was met with very serious obstacles—first, a prior treaty with Great Britain, the celebrated Clayton-Bulwer treaty, of 1850. That treaty provided that the United States might furnish the money to build the canal, but that it would be just as much Great Britain's canal, when it was finished, as America's canal.

The Senator will also recall that Mr. Roosevelt, through Mr. Hay, negotiated a second treaty, known as the Hay-Pauncefote treaty, taking its name from the American Secretary of State and the British ambassador, and that when that treaty was negotiated, it put an end to the Clayton-Bulwer treaty. So, as I am going to point out now, we could build this canal not handicapped by treaties of any kind, because the Hay-Pauncefote treaty is a thing accomplished. Whatever rights Great Britain had under the Bulwer-Clayton treaty, or whatever rights Great Britain has under the Hay-Pauncefote treaty, applied to the Panama Canal only, and by terms would not now apply to this canal if built. The Senator can easily see what an immense advantage that would be to America.

Mr. FESS. I think that it is not so significant as to when the canal should be built as that it would be built some time, but it was very significant that we get this agreement so that when it is built the United States will still control the connection between the two seas.

Mr. McKELLAR. I spoke a few moments ago of the splendid work Senator Morgan had done in forwarding the Panama Canal movement. I also spoke of the magnificent work done by President Roosevelt in putting the canal through.

Mr. FESS. Yes; I was in the Chamber when the Senator spoke of those incidents.

Mr. McKELLAR. I want to say that Mr. Bryan, in securing this treaty from Nicaragua, initiated this great project and made it possible. It was acquired at a time when it did Nicaragua a great good. There seem to me to be many reasons at this time, as I shall point out a little later, why we should proceed to carry out the purpose of acquiring the canal route in 1914 under the very wise administration of Mr. Bryan.

Mr. FESS. I had asked a moment ago how near we were to the capacity of the Panama Canal for the reason that I saw a statement some time ago, which was said to be scientific, that when it should be operated 24 hours a day, putting on three shifts of workmen, the capacity would be such as to indicate that we are at only about one-fourth its capacity now. I am making the inquiry for information.

Mr. McKELLAR. I can not say what the science of the situation is, but I can say something about what the facts of the situation are. If it takes 16 hours in each 24 to put 5,000 ships through the canal in the course of a year, it is perfectly evident to me that when that number of ships doubles we will not be able to put them through the canal with three shifts of workmen. I doubt whether we would be able to put more through with three shifts than we do now with two shifts. But that is a matter which can be worked out.

AN ALL-AMERICAN CANAL

It will be recalled that when we took over and built the Panama Canal a great question was raised about its neutrality, Great Britain resurrecting the Clayton-Bulwer treaty of 1850, in which we agreed that any canal we might build would be forever neutral. So that in 1901 we had to conclude another treaty with Great Britain, which superseded in terms the treaty of April 9, 1850, known as the Clayton-Bulwer treaty.

In order to do this, we had to agree in the Hay-Pauncefote treaty of 1901, as to the Panama Canal, that—

> The canal shall be free and open to vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.
>
> The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.
>
> Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.
>
> * * * * * * *
>
> No belligerent shall embark or disembark troops, munitions of war, or war-like materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

These provisions were all in substance carried in the Clayton-Bulwer treaty of 1850. That treaty specifically provided for a proposed canal on the Nicaraguan route, and for some reason our Government felt that it was compelled to enter into a treaty

with Great Britain before we built the canal. There was apparently no reason why we should have entered into such a treaty with Great Britain or any other power, but we did, and President Roosevelt apparently secured the best modification of the treaty that he could.

Now, it will be seen by article 1 of the Hay-Pauncefote treaty of 1901, it is said:

> The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

In article 2—

> it is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal—

Showing that it was intended that only one canal should be built and that the treaty of 1901 was to apply to that canal. In other words, the treaty of 1901 known as the Hay-Pauncefote treaty concerns only the canal that was built under it, namely, the Panama Canal. And so the United States is not under any obligation to Great Britain in the matter of building the Nicaraguan Canal.

OUR POLICY IN THE NEW CANAL

Of course, the canal must be kept free and open to the vessels of commerce and of all nations observing the rules regulating the canal on terms of equality. The conditions and charges of traffic should be just and equitable, and will be, but we should make no agreement in reference to our fortifying the canal, nor should we make any agreement as to our use of the canal in times of war. It is proposed to build the canal entirely with American money on American soil, which we have already bought and paid for, and we will not be under any obligation to take dictation from any other nation as to how we shall manage and control the canal. Of course, we should make it plain to all the world that we are going to treat all alike, but if any other nation should make war on us, of course, we should have the right to use our own property as we saw fit as long as the war existed. In other words, my proposal is that this canal when built must be an American canal and wholly under American control.

HISTORY OF CANALS

I need not go into the history of interoceanic canals other than to say that the Panama Canal was the dream of the ages. The French people first undertook the work under Monsieur de Lesseps. My recollection is that the French Government sunk some $300,000,000 and sold it to the United States under Mr. Roosevelt for $40,000,000. In the early nineteen hundreds the canal question was of prime importance in the Congress of the United States. Practically everybody wanted to build a canal, and the principal question was which of the two routes. The Congress appointed a committee in 1899 known as the Walker Commission to examine into the question of the two routes, and in November, 1900, this commission, through Mr. Walker, made a report comparing the relative merits of both routes, and wound up by recommending the Nicaraguan route. This report goes fully into the whole matter.

COSTA RICA

We have no treaty with Costa Rica for the building of the Nicaraguan canal. For a distance of perhaps 40 or 50 miles the San Juan River is the boundary line between Nicaragua and Costa Rica, and for that reason we must have the treaty with Costa Rica if the San Juan River is to be a part of the canal. I take it there will be very little trouble in securing this treaty. All the remaining part of the canal is entirely through Nicaraguan territory. It might be well if Nicaragua would sell us a strip 5 or 10 miles wide along the northern boundary, reserving for herself all rights of ingress and egress. Certainly the canal would be of immensely more advantage to Costa Rica, and I take it there would be little difficulty in obtaining a treaty from her.

PRESENT DISTRESSING CONDITIONS IN NICARAGUA

I take it also that the building of the canal at this time would have a splendid effect upon the present distressing conditions in Nicaragua. It would take her people's minds off of the war and political parties and set them to thinking about the material advantages which would come to that country from the building of this canal. It would certainly give the people of both countries an enormous amount of work to do. It would draw thousands of people to the situs of the canal. It would create greater satisfaction at each end thereof and it would be the greatest possible thing that could come to Nicaragua and to Costa Rica. These beneficent reasons also should be weighed in considering the question at this time.

Mr. President, I am very much opposed to the policy of keeping our marines in Nicaragua. I am very much opposed to making actual war against one set of revolutionists and taking the part of another set of revolutionists in Central or South American countries. We would not think for a moment of interfering in Canada, and we owe it to ourselves not to interfere in these helpless Central American countries by force of arms. We can help the people of Nicaragua better by building this canal by employing her people. If we give them work on the canal, it will go a great way toward preventing banditry. Bandits will become laboring people. In addition to this, the building of the canal will bring tremendously increased trade, commerce, and prosperity in Nicaragua and be of wonderful advantage in restoring order in the country.

In other words, Mr. President, when we send our marines there and aid one set of revolutionists in making war on another set of revolutionists without a voluntary declaration of war we violate our own Constitution. We do ourselves and our institutions the greatest injustice and at the same time we do not help the Nicaraguans. By building this canal we would aid ourselves immeasurably. We keep within our Constitution and our traditions and we make our national defense complete.

Mr. President, we are obliged to build that canal. It ought to be begun at once. The other canal will soon be so full of ships that it can not take more. Business is increasing rapidly. We ought to begin and we ought to begin now to build the canal.

Mr. President, Nicaragua is the largest of the Central American Republics. It has 42,000 square miles and is a little less than the State of Tennessee. It has about 703,000 population, mostly of a Spanish-Indian admixture. The east side is sparsely settled, the principal part of the population living on the plains bordering the lakes. For many generations the country has been beset with warring factions. Granada, on Lake Nicaragua, has been the center of the leading families and Leon, northward near the Pacific Ocean, has been the center of the poorer classes of farmers, artisans, and the like. For a long time there has been bitter strife between the two. Managua is about half way between Granada and Leon and is the capital, and was established so as to be half-way station. They have but one railway in the country, and that is from Granada, on Lake Nicaragua, to Corinto, on the Pacific Ocean, not much more than a hundred miles long.

Parties are divided into the Liberals and the Conservatives. Leon is the center of the Liberal activities and Granada is the center of the Conservative activities. As a matter of fact, the Liberals far outnumber the Conservatives, but when elections are held, owing to the superior mathematical genius of the Conservatives, they usually win.

In 1893, one Jose Santos Zelaya became President and was President for 16 years. He was nominated a Liberal, but was really a despot. It was claimed that Zelaya negotiated with both Great Britain and Japan, and especially had negotiations with Japan, in reference to building a canal. In 1909 Zelaya was overthrown. In 1909 General Chamorro, aided by Juan J. Estrada and Adolpho Diaz, now President, started a revolution at Bluefields, on the Atlantic side. This revolution was largely promoted by America. At any rate America looked on it with favor. The result of this revolution was that Zelaya was banished. His successor, Dr. Jose Madriz, attempted to put an end to the revolution, but failed. Estrada became provisional President and Diaz Vice President. There continued to be bitter controversy and all kinds of strife and war down to 1912. Diaz had acquired supreme power and was called upon by the American Government to protect the lives and property of Americans, and thereupon, on August 3, 1912, Diaz requested the American Government, as follows:

> In consequence, my government desires that the Government of the United States guarantee, with its forces, security for the property of the American citizens in Nicaragua, and that it extend its protection to all the inhabitants of the Republic.

The next day 100 men from the U. S. S. *Annapolis* landed at Managua and later many hundreds were brought down, and America has been controlling Nicaragua ever since during various administrations.

In 1914 the Bryan-Chamorro treaty was entered into, by which the United States was given the perpetual privilege of fortifying the Corn Islands, on the Caribbean Sea, and of constructing a naval base on the Gulf of Fonseca, and constructing a canal through Nicaragua. For these concessions the United States paid Nicaragua $3,000,000.

After joining in a federation with other Central American States and dissolving it, but our marines still controlling the country, an election was held in 1923. Solorzano and Sacasa were elected by a vote of 48,000 to 28,000. A fight arose between Chamorro and Solorzano, and Vice President Sacasa was run out of the country. Chamorro became the dictator, and afterwards Diaz was virtually appointed by the United States to fill out the unexpired term of Solorzano. Late in 1926 he was elected President and the United States recognized him and has kept him in office ever since. In April, 1927, the President appointed Henry L. Stimson his special representative to go to Nicaragua and adjust things. He finally brought out an agreement that an election was to be held for President, and the "generals" on both sides agreed to it, except Sandino. Whether the agreement for a fair election means anything is exceedingly doubtful.

The finances of Nicaragua are in a bad shape. The Nicaraguans owe more than they can pay, and with their constant revolutions it seems impossible for the Government to get out of debt.

Again I say there is but one way we can help, and that is to build the canal. And while we help them in this way we help ourselves infinitely more, and at the same time do not dishonor our Constitution, do not dishonor our Government, and do not dishonor our flag.

Mr. President, in conclusion let me say that I have no sympathy with keeping our marines in Nicaragua, but I have the greatest sympathy for the people of that country in their efforts to maintain their liberty. I believe that if we shall go there in the way I have proposed and spend our money to build this canal in their interest as well as ours, and in the interest of the commerce of the world, we could not do the Nicaraguans a greater service nor could we do our own country or the world a greater service. By adopting this peaceful method, in my judgment, we will bring about a settlement of their dispute, encourage men to go to work in the peaceful vocations of life rather than to be arrayed as revolutionists on one side or the other. It seems to me that we can carry out this project without financial loss, but, on the contrary, with an enormous financial gain. I therefore hope that the Committee on Interoceanic Canals will report the bill and that Congress may pass it.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 28, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27, 1928

POSTMASTERS

ARKANSAS

Mary E. Catts, Washington.

IOWA

Charles O. McLean, Ankeny.
Grace F. Newton, Dickens.
Edward A. Hansen, Holstein.
Marinus Jansma, Hospers.
Fred R. Foster, Humeston.
Ray C. Edmonds, Le Mars.
John E. Klutts, Mondamin.
Leon R. Valentine, Murray.
Perry B. Wilson, Shannon City.
Wayne C. Solleder, Thurman.
Ora L. Garton, Weldon.

KANSAS

Jessie W. Lloyd, Athol.
Anna L. Miller, Bushton.
Bessie Custer, Satanta.
James P. Kelley, White Cloud.

MAINE

Charles C. McLaughlin, Harmony.

MASSACHUSETTS

Edwin C. Howe, Enfield.
Henry D. Ainsworth, Grafton.
Charles M. Edwards, Sterling.

OHIO

Henry Kemper, Bellefontaine.
Edgar C. Allison, Cumberland.
Francis E. Cook, Galion.
Oliver Ferrell, Paulding.
George F. Barto, State Soldiers' Home.
Nathan S. Hall, Summerfield.

TENNESSEE

John B. Waters, Sevierville.

TEXAS

John A. McFarland, Ladonia.
Llewellyn R. Atkins, New Boston.
Josie I. Coleman, Tehuacana.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 27, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Glory be to Thee, O Lord most high; heaven and earth are filled with Thy glory and praise becometh the upright in heart. All Thy works do praise Thee: The dawning of spring with its promise and hope brings Thee very near our responsive hearts. The bursting bud, the incipient bloom, the rapture of birds, the sun-kissed waters—these all tell of Thy glory. Do Thou help our souls to rise above the drab, leaden things of life, pushing their virtues upward through worldly pressure and shaping themselves mysteriously into the image of Thy dear Son. Make us tremendously ambitious for the simple gains and joys of human experience, with all their love, peace, and tenderness. The friendship of true friends, the laughter of little children, the sight of flowers, the strains of sweet music, and the heart talks of the hearthstone—bless us with these and we shall make no complaints. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

INTERNATIONAL EMIGRATION AND IMMIGRATION CONFERENCE

Mr. BURTON. Mr. Speaker, I ask unanimous consent to file a supplemental report on House bill 10167, relating to the Second International Emigration and Immigration Conference to be held at Habana.

The SPEAKER. The gentleman from Ohio asks unanimous consent to file a supplemental report on the bill referred to. Is there objection?

There was no objection.

REPORTS FROM THE COMMITTEE ON RULES

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. SNELL, from the Committee on Rules, submits the following report, to accompany H. Res. 148, for the consideration of Senate Joint Resolution 113, S. 716, and H. R. 12407.

Mr. SNELL. Mr. Speaker, I want to say that I expect to call up that resolution on Thursday after the reading of the Journal and the disposition of business on the Speaker's table. The first bill provided for by the committee is the one dealing with national origins.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman insert in the RECORD the committees that reported these various bills?

Mr. SNELL. There are just three bills from the Committee on Immigration and Naturalization.

Mr. GARNER of Texas. They are all from the Committee on Immigration and Naturalization?

Mr. SNELL. Yes. I think they are all practically unanimous-consent agreements.

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. SNELL. Mr. Speaker, I submit another report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. SNELL, from the Committee on Rules, submits the following report, to accompany H. Res. 149, for the consideration of H. R. 279:

"The Committee on Rules reports the House Resolution 149 to the House, with the recommendation that the resolution be adopted. The resolution provides for the consideration of H. R. 279, to amend sec-

tion 8 of the act entitled 'An act to incorporate the Howard University in the District of Columbia,' approved March 2, 1867."

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. SNELL. Mr. Speaker, for Mr. MICHENER I submit another report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. MICHENER, from the Committee on Rules, submits the following report, to accompany House Resolution 150, for the consideration of H. R. 8937:

"The Committee on Rules reports House Resolution 150 to the House, with the recommendation that the resolution be adopted. The resolution provides for the consideration of H. R. 8937, to amend the act entitled 'An act to promote export trade, and for other purposes,' approved April 6, 1918."

The SPEAKER. Referred to the House Calendar and ordered to be printed.

Mr. GARNER of Texas. Mr. Speaker, I understand that that bill is reported by the Committee on Interstate and Foreign Commerce.

Mr. SNELL. No. It is reported by the Committee on the Judiciary.

RESIGNATION FROM THE COMMITTEE TO ATTEND UNVEILING EXERCISES OF STATUE ON STONE MOUNTAIN OF GEN. ROBERT E. LEE

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *March 26, 1928.*

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I regret to advise that recent uncontrollable circumstances will prevent my acceptance of the appointment which you were so good as to tender me on the congressional committee to attend the unveiling exercises of the statue on Stone Mountain of Gen. Robert E. Lee.

Very respectfully,

A. J. MONTAGUE.

The SPEAKER. The Chair appoints Representative L. J. STEELE, of Georgia, to fill the vacancy.

THE GOLIAD MASSACRE—ITS PLACE IN HISTORY

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Texas [Mr. MANSFIELD] for one hour.

Mr. MANSFIELD. Mr. Speaker, to-day is the ninety-second anniversary of one of the most barbarous, most revolting, and most heart-rending scenes ever perpetrated by men in ancient or modern times. On Palm Sunday, March 27, 1836, at Goliad, Tex., Col. J. W. Fannin, jr., a soldier and officer in the army for the independence of Texas, with about 330 men under his command, all of whom were prisoners of war, were marched from their prison at daylight and shot to death without warning.

I desire to review, briefly, the events leading up to that horrible tragedy, the circumstances under which it was committed, and its bearing upon subsequent events. In order to give a more thorough understanding of the situation, I have here a large map of Texas showing the geographical location of Goliad, and other points having a historical bearing.

Goliad [pointing] is located here on the San Antonio River about 40 miles from the Gulf of Mexico. San Antonio, then known as Bexar, is on the same river about 80 miles above, and to the northwest of Goliad. Gonzales is on the Guadalupe River about 55 miles north of Goliad. Victoria is 28 miles to the east, also on the Guadalupe. Refugio is about 30 miles to the south of Goliad, and San Patricio about 60 miles to the southwest. San Felipe is on the Brazos, about 120 miles northeast of Goliad, and San Jacinto, about 150 miles to the northeast, near the present city of Houston.

At San Antonio and Goliad are located old Spanish missions, which, at the time we now have under consideration, 1835 and 1836, were used as forts or military posts. The one at San Antonio is called the Alamo, and was erected by the Franciscan friars about the year 1718. The one at Goliad is called La Bahia, and was erected by monks of the same order about the year 1749. Refugio was also the seat of an old mission, known as the Mission Del Refugio.

Gonzales was the seat of one of the early American settlements, known as De Witt's colony. It is called the Lexington of Texas, as it was there, on October 2, 1835, the first skirmish was fought for Texas, and which resulted in a victory for the Texans. Victoria was also the seat of a colonial settlement, known as the De Leon colony. Refugio and San Patricio were small Irish settlements.

Mr. O'CONNELL. Will the gentleman yield to me?

Mr. MANSFIELD. I will.

Mr. O'CONNELL. Will my friend from Texas explain that section of his interesting map embraced within the red lines?

Mr. MANSFIELD. That represents one of the greatest congressional districts in the United States. [Applause.]

Mr. O'CONNELL. I thank the gentleman, and would add that it is very worthily and capably represented in the House by one of its ablest Members.

Mr. MANSFIELD. I thank the gentleman for the compliment.

San Felipe was the seat of the provisional government of Texas. It was located in Stephen F. Austin's colony, though Austin's home was farther down the Brazos River, in which is now Brazoria County. San Jacinto is where the final victory was won that made Texas independent and paved the way for its admission to the American Union as one of the 48 States of the present.

Under Mexican domination Texas had been attached for administrative purposes to the State of Coahuila. Saltillo, the capital, was several hundred miles from the American settlements, and much of the territory intervening was uninhabited. Santa Anna had overthrown the constitutional government in Mexico and had military posts at San Antonio and Goliad to force Texas into submission.

The fight at Gonzales of October 2, 1835, occurred when a force of about 150 men under Castinado was sent from San Antonio to take possession of a small cannon which had been given to the colonists by the Mexican Government several years before as a protection against the Indians.

To the demand of Castinado an evasive reply was at first made, and, as in 1775, minute men were sent out to gather in the colonists. The following morning, a sufficient number having arrived, they then made a positive refusal. The fight resulted. Castinado was forced to return to San Antonio without the cannon, and after the loss of several men.

This victory of the Texans was followed by several others in rapid succession. One week later Goliad fell into their hands. In another 20 days they won the important Battle of Concepcion. They then laid siege to San Antonio, which capitulated on December 9. General Cos and his army were permitted to return to Mexico under agreement not to further resist the return of Mexico to the constitution of 1824. This agreement they afterwards violated.

All this fighting occurred before there was any organized effort for Texan independence. The main purpose was to resist the usurper, Santa Anna, and reestablish constitutional government in Mexico, of which Texas was a part. For self-preservation during the time such government was suspended, the Texans, on November 3, established a provisional government at San Felipe, consisting of a governor and council. A declaration of independence was adopted at Goliad on December 20, 1835, but this was disapproved by the council who ordered it suppressed.

San Antonio, Goliad, Refugio, and San Patricio, all being in the hands of the Texans, it was the object of the council to concentrate these forces in a march upon Matamoras, across the Rio Grande, with a hope that it would cause an uprising of the Mexicans in the States of Tamaulipas and Nuevo Leon and aid in the overthrow of Santa Anna. While this plan had the approval of the council, it was opposed by Smith, the governor. It was also opposed by Sam Houston, who had been appointed at the head of the army, but Houston's authority was not fully recognized at that time, and in some quarters it was disputed.

Here Colonel Fannin enters prominently into the drama. He was in command of about 400 men at Goliad, under the orders of the council. Grant and Johnson had smaller forces at San Patricio. All these officers were expected to take important parts in the proposed Mexican invasion. The whole proposition was ill-advised, as fully shown by subsequent events. Instead of advancing into Mexico, it was later found that the Texan force was incapable of defending the advanced positions they then held.

The combined forces of Fannin, Grant, and Johnson amounted only to 600 or 700 men, untrained, poorly armed and equipped. Santa Anna was at that time advancing upon Texas with 8,000 seasoned troops, well armed and equipped, and flushed with their recent victories over Zacatecas, the last of the Mexican States to fall before his power. His right wing, under Urrea, was then concentrating at Matamoras, the Texan objective.

Santa Anna, with the main body of his troops, soon advanced to San Antonio and laid siege to the Alamo, which fell into his hands March 6 after one of the most heroic defenses recorded in the annals of history. Bowie, the Georgian; Travis, the Ala-

bamian, Bonham, of South Carolina; and Davy Crockett, the Tennessean—but all Texans—fell at their posts with about 180 men under their command. Not one retreated; not one surrendered; not one was spared.

On March 1, 1836, a convention was assembled at Washington on the Brazos. It was by this time the almost universal opinion that complete independence was the only hope for stable government in Texas. The following day the declaration was adopted, and Sam Houston appointed commander in chief of the armies. A few days later a president and vice president ad interum were elected by the convention. The provisional council, which had previously been acting, then turned over the affairs to this new government.

Supposing the Alamo to be still in the hands of the Texans, but besieged by Santa Anna, Houston started to its relief. He arrived at Gonzales on March 11, where he received the word that the Alamo had fallen on the 6th and that the entire Texan force had been put to death. Houston had with him at Gonzales 374 men but with few arms and little ammunition. Fannin was then at Goliad with about 400 men.

Knowing that resistance on that exposed front was suicidal, Houston decided to retreat to the Colorado. He dispatched a courier to Fannin with orders to retreat to Victoria on the east side of the Guadalupe. This order was sent on the night of the 11th, the day of Houston's arrival in Gonzales. Two days later, Houston began his famous retreat eastward, taking with him all the inhabitants of Gonzales.

Santa Anna's men were closing in on Gonzales, on Goliad, and on Refugio. San Patricio had already fallen. Houston continued his march to the Colorado. Fannin did not start his retreat until the 19th of March, five days after the receipt of Houston's order. Goliad by that time was menaced by a large force of the Mexican Army. On the morning of the 19th, the country was enveloped in a dense fog. The oxen that were to pull the cannon and supplies were weak, having been kept up the day and night before without feed.

Fannin started his retreat in the direction of Victoria, but before reaching the Coleto, a small stream, he found it necessary to stop to let the oxen rest and graze. This was about 10 miles from Goliad, near the present town of Fannin. The time was about 2 or 3 o'clock in the afternoon. When he resumed his march he found that the Mexicans were in front of him.

The battle commenced at once, but the Texans were soon completely surrounded on the open prairie. Fannin formed his men in a hollow square and intrenched. The battle continued desperately until stopped by the darkness of the night, and the Mexican force was several times thrown into great disorder and with heavy loss.

It was a dark and horrible night for the Texans. They had no water, and this added greatly to the suffering of the 60 or more wounded, who could not receive necessary medical attention. The two or three small cannon had been put out of action for the want of water to cool them between the shots. Ammunition was also exhausted. A scouting party sent out before the fight commenced, to select a crossing place on the Coleto, were cut off by the enemy and could not rejoin the force.

At daylight on the morning of the 20th, the Mexicans received reinforcements, with several cannon and a pack train of ammunition. Their force was then about 1,900, while the Texan force was less than 400. The oxen had been killed during the fight. There was no way of escape, except by leaving the wounded in the hands of the enemy. This they could not do. After consultation, it was decided that surrender was the only hope of escaping extermination, such as had befallen the defenders of the Alamo three weeks before. A truce was arranged, and the terms agreed upon, by which Fannin and his men were to be accorded treatment due to prisoners of war by civilized nations.

The prisoners were taken back to Goliad and incarcerated in the old mission, where they remained for one week. They were then, on Sunday morning, at dawn of day, marched out in three or four divisions, in as many directions, under false pretenses, and shot down between files of soldiers, in obedience to the order of Santa Anna. Many who were only wounded at the first volley were then stabbed to death with bayonets. A few, but very few, made their escape. About one hour later the wounded were dragged out and butchered. Colonel Fannin himself was badly wounded in the battle a week before. He was the last to die. He met his fate like a soldier. He handed his watch to the officer and requested to be shot in the breast instead of the head. He then seated himself in the chair, tied the handkerchief over his eyes, and bared his bosom to receive the volley.

Urrea, who was in command of the Mexican division operating in that territory, is said to have been at Victoria at the time, and knew nothing of this horrible massacre until it was accomplished. He had left orders for the prisoners to be treated humanely. That order had been superseded by the order of Santa Anna, sent to Goliad from headquarters in San Antonio.

Some of the Mexican officers revolted at this horrible murder, but dared not disobey Santa Anna. A kindly hearted woman, Senora Alvarez, wife of one of the Mexican officers, succeeded in saving several of the Americans by taking them from the prison the night before under various pretexts and concealing them until they could have an opportunity to escape. Four surgeons and a few others were also saved by a Mexican colonel, who took them to his tent where they were concealed and protected. Senora Alvarez, on hearing that the son of Doctor Shackelford was among the slain, burst into tears and said that if she had only known it she would have saved him.

These acts of this good woman are related in the sketch written by Doctor Bernard, of Chicago, who was one of the survivors. Her conduct was also most feelingly referred to by Mr. Benton in the Senate of the United States, when he paid her a most beautiful and adoring tribute.

The exact number who perished at Goliad may never be known, though from facts obtainable it is thought to have been 330. They were young men and boys, coming from almost every State of the Union. Fannin himself was a Georgian, a graduate of West Point. There also perished at Goliad the "Lone Star" flag made by a Georgia girl, Miss Joanna Troutman, who was the stepsister of the late Justice L. Q. C. Lamar, of Mississippi, This flag was brought to Texas by the Georgia company that responded to the call of Texas. It was first unfurled at Velasco, near the home of Stephen F. Austin. Two months later, on receipt of the news of the adoption of the declaration of independence, it was unfurled at Goliad.

The Goliad massacre made a profound impression upon the civilized world, and perhaps more than any other single thing contributed to the final success of the Texan cause, both in battle and in the field of diplomacy. It shared with the Alamo, the battle cry at San Jacinto, where the doom of Santa Anna was sealed in one of the most brilliant victories ever won upon the field of battle.

It gave the Texans the moral support of the civilized world, and was one of the principal causes of the prompt recognition of Texas independence by the United States. It also played an important part in the chain of events leading to the final admission into the Union. It was several times referred to in the debates in Congress when these measures were under consideration. In the House in January, 1845, Mr. Caldwell, of Kentucky, said:

> Who can read the cold-blooded massacre of his 400 prisoners of war at Goliad, the detachment of the noble Fannin, without visiting upon its savage author his deepest execrations?

Mr. Norris, of New Hampshire, made this reference:

> The horrid and fiendlike butcheries of the Alamo, the heartless treachery and cold-blooded assassination of Goliad only invigorated this brave people with fresh courage, bordering on desperation, to resist even to extermination the murderer of their countrymen, the usurper of their liberties. On the 21st of April, 1836, they sealed their emancipation from Mexican despotism with the blood of their enemies upon the battle field of San Jacinto.

Mr. Benton, in the Senate in 1836, said:

> Goliad has torn Texas from Mexico; Goliad has decreed independence; San Jacinto has sealed it. What the massacre decreed the victory has sealed, and the day of the martyrdom of the prisoners must forever be regarded as the day of disunion between Texas and Mexico. * * * I repeat it; that cruel morning of the Alamo, and that black day of Goliad were great political faults. The blood of the martyr is the seed of the church. The blood of slaughtered patriots is the dragon's teeth sown upon the earth, from which heroes, full grown and armed, leap into life, and rush into battle.

Fannin has been both criticized and defended for delaying his retreat from Goliad. He, of course, did not live to give us his version. Houston, in his farewell address in the United States Senate in 1859, used this language:

> Fannin, after disobeying orders, attempted on the 19th to retreat and had only 25 miles to reach Victoria. His opinions of chivalry and honor were such that he would not avail himself of the night to do it in, although he had been admonished by the smoke of the enemies' encampment for eight days previous to attempting a retreat. He then attempted to retreat in open day. The Mexican cavalry surrounded

him. He halted in a prairie, without water, commenced a fortification, and there was surrounded by the enemy who, from the hilltops, shot down upon him.

In another connection in this address, Senator Houston said:

Colonel Fannin was ordered to fall back from Goliad. * * * He (Houston) received an answer from Colonel Fannin, stating that he had received his order; had held a council of war; and that he had determined to defend the place, and called it Fort Defiance, and had taken the responsibility to disobey the order.

These criticisms by Senator Houston have been almost universally regarded as an injustice to Colonel Fannin. Yoakum's History of Texas, published in 1855—four years before the farewell address of Senator Houston, is a complete refutation of this charge, afterwards so made. According to Yoakum, Fannin had previously been ordered by Lieutenant Governor Robinson "not to make a retrograde movement" but "await orders and reinforcements." Pending those orders, he had sent King to remove some families at Refugio in distress. Not hearing from King, Ward, with another detachment, had been sent to King's relief, and Ward had not been heard from.

Such was the situation when Fannin received General Houston's order to retreat. Yoakum, on page 87, volume 2, of his history, says that this order, sent by Houston at Gonzales on the night of March 11, was received by Fannin on the morning of the 14th. As afterwards found out, the 14th was the day that Ward's command had been engaged with the Mexicans in battle at Refugio, and in which the Texans were overpowered. Hence, the reason they had not returned to Goliad. After that engagement Ward had attempted to reach Victoria but was cut off and, without ammunition, surrendered. He with his men were returned to Goliad two days before the massacre and shared the fate of the other prisoners.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Texas.

Mr. HUDSPETH. In a recent history of Texas by Hon. Louis J. Wortham, there is recorded the reason Fannin did not retreat. Wortham relates that there was one survivor who states that Fannin did not want to leave the American families there at the mercy of the Mexicans. This is the story that one of the Americans who escaped relates in this history of Texas, which I think is the best I have ever read.

Mr. MANSFIELD. In reply to the gentleman, I will say that the families in distress at Refugio was one of Fannin's reasons. King had been sent there to take them away and Ward had been sent to King's relief. Fannin could not retreat and leave these families there unprotected. Furthermore, he could not retreat until the two detachments of soldiers had returned because he would be leaving them to fall a prey to the Mexican soldiers. He was endeavoring to get them back so as to be able to retreat and take the families with him. This is what caused the delay.

Upon receipt of Houston's order, according to Yoakum, Fannin "immediately dispatched an express to Ward, stating the nature of Houston's order, and requiring him to return with all haste to Goliad." Other orders were issued preparatory to the retreat, but these fell into the hands of Urrea.

Senator Houston twice in his farewell address lauds Yoakum's history for its accuracy and completeness. In the main, it was relied upon by him to refute the scurrilous charges made against him and published in the Texas Almanac. Yoakum was a man of undoubted character and ability, and had made wonderful research in the preparation of his historical work. He was a Tennesseean and the friend of Houston. On coming to Texas he lived in the same town in which Houston lived and died. He was a graduate of West Point and a lawyer of great ability.

Senator Houston's farewell address was in vindication of himself against the scurrilous charges made in the Texas Almanac. It was a notable address, in which he flayed his political adversaries as with a lash made of scorpion's tongues. But in the bitterness of the debate, 23 years after the occurrences spoken of, he could not be expected to give the same degree of accuracy to detail of facts, as characterized the work of the careful historian, Yoakum. In this Yoakum is corroborated by later historians, including Mrs. Pennybacker and others.

Doctor Bernard, who was with Fannin at Goliad, in his account says:

The alleged disobedience of Colonel Fannin to Houston's order is an undeserved censure of a gallant soldier, and that he wrote back a refusal I know to be false. Circumstances have enabled me to possess a positive knowledge on this point, and justice to both the dead and the living require me to state it.

Up to this point there seems to be a direct conflict between Houston on the one hand and Doctor Bernard and Historian Yoakum on the other. I have spent a great deal of time and effort to get at the real truth. I have reached the conclusion that the explanation is contained in Houston's letter to Collingsworth, chairman of the military committee, written from Gonzales on March 13, the day he commenced his retreat from that place. That was just two days after he had sent the order to Fannin, and he inclosed copy of the order to Collingsworth with that letter. Fannin had not then received the order, and did not receive it until the following day, according to Yoakum.

In this letter to Collingsworth, Houston, speaking of Fannin, said:

He has written letters here indicating a design to march upon San Patricio, and also the occupation of Copano. So that I am at a loss to know where my express will find him. * * * On seeing the various communications of Colonel Fannin at this point, I could not rely on any cooperation from him.

It is clear that Houston at the time of writing that letter to Collingsworth was impressed with the fact that Fannin's plans were inconsistent with his. He formed that impression from seeing the letters at Gonzales, written by Fannin himself. This impression doubtless remained with him, as Fannin did not live to clear it up. After the lapse of 23 years, in answering his critics, Houston was undoubtedly in error in assuming that Fannin's letters were written after instead of before receiving the order to retreat.

So far as known, Houston never at any time made public a letter from Fannin indicating that he would disobey the order to retreat from Goliad. Neither did he ever refer to such a letter in any official communication or report.

The continued retreat of Houston and the result at San Jacinto are too well known to warrant repetition here. It is sufficient to say that by that victory a new nation was born, which was recognized in due time by the United States, England, France, Holland, and Belgium. Resolution for recognition of independence was reported by Mr. Clay in the Senate and by Mr. Wise in the House. It was adopted March 1, 1837, the first anniversary of the assembling of the convention that adopted the declaration of independence.

In August, 1837, Gen. Memucan Hunt, Texas minister at Washington, at the instance of President Houston, made representations to the United States for the admission of Texas into the Union. Forsyth, Secretary of State, declined to consider the proposition, and in this he had the approval of President Van Buren.

In 1841 Harrison became President and appointed Webster Secretary of State. Harrison soon died, and Tyler became President. Tyler was favorable to the admission of Texas, but Webster was opposed. Webster was later succeeded by Upshur, of Virginia, who was favorable to admission. Upshur, under Tyler's advice, in 1843 arranged for a treaty with the Republic of Texas for admission to the Union as a Territory; but before this could be entered into Mr. Upshur was unfortunately killed by an explosion of a gun on the *Princeton*. Calhoun succeeded Upshur and carried out the negotiations, after making some minor alterations in the draft of the treaty.

The treaty was submitted to the Senate in 1844 and resulted in a defeat for admission by a vote of 35 to 16. Both the Senators from the States of Delaware, Maryland, Virginia, Kentucky, Tennessee, and Louisiana and one each from the States of North Carolina, Georgia, and Missouri, all slave States, voted against admission. On the other hand, one Senator from New Hampshire and both the Senators from Pennsylvania and Illinois voted for admission. From this it might be inferred that the question of slavery was not considered the dominant issue at that time.

After the decisive defeat of annexation by the Senate in 1844, the question became the leading issue in the presidential election of that year. Clay was the nominee of the Whigs, and opposed admission. Polk was running on an admission platform.

In the book entitled "Tyler Letters and Times," by Lyon G. Tyler, son of the President, published in 1885, on page 350, volume 2, appears this language:

As the day of the election drew near the excitement over Texas grew each day more and more violent. The caldron of politics seethed nothing but Texas! Texas! Every other issue was swallowed up in the great one of annexation, which formed the subject of every speech, meeting, and conversation. Orators bawled themselves hoarse about Texas; newspapers bristled with all sorts of types proclaiming Texas. Texas clubs were all the rage, and even the poet wrestled with the name and wrote numberless verses in honor of Texas.

The election resulted in a landslide for Polk and Dallas. In the next session of the Congress the treaty was disregarded, but many bills were introduced for the admission of Texas. The discussions were full and complete, able and interesting. Slavery, of course, came in for its due share of the discussion, but additional to that, constitutional questions were involved. Then war with Mexico was seriously considered, Mexico not having acknowledged the independence of Texas, and still claiming it.

In the latter part of February, 1845, the joint resolution was adopted for the admission of Texas as a State, and by which the public domain was to remain the property of the State. This was carried by a substantial majority in the House, but in the Senate the majority was only 2, the vote being 27 to 25 in favor of annexation. The resolution was signed by President Tyler on March 1, just three days before the expiration of his term.

Texas had many friends in public life, but Mr. Tyler was not surpassed in his zeal by any. He, with Upshur, put forth the first plan for annexation by treaty. Under his direction Calhoun afterwards negotiated that treaty for presentation to the Senate. It was signed by Van Zandt and Henderson, on behalf of Texas. The election in 1844, after the defeat of the treaty in the Senate, was a vindication of President Tyler.

Texas has acknowledged the services of President Tyler and Secretaries Upshur and Calhoun, by naming a county in honor of each. I am indebted to Miss Ruth Myers, chief clerk of the attorney general's office of Texas, for information in regard to the naming of Upshur County, and for a brief biography of Mr. Upshur. I am also indebted to ex-Governor Colquitt and to Mr. J. Littleton Talley, of Goliad, for data furnished at my request.

One of the Senators who took an active interest in behalf of the admission of Texas was Senator Bagby, of Alabama. He had been Governor of Alabama and United States minister to Russia. It is of interest to note that Senator Bagby was the father of one of our most distinguished Texans, the late Gen. Arthur P. Bagby, of Lavaca County. General Bagby was educated at the University of Alabama and at West Point. He came to Texas in 1858 and served as a brigadier general in the Confederate Army during the War of Secession. At the time of his death a few years ago, he was survived by only two other generals of the Confederacy.

In recent years the people of Texas have taken steps to honor the martyrs of Goliad. The old mission, which has ever remained the property of the Catholic Church, and long in ruins, has been restored by the Knights of Columbus to what is believed to have been its former condition.

The legislature in 1883 authorized the erection of a monument in Goliad, consisting of a 33-foot marble shaft upon a granite base, and suitably inscribed. It is considered the handsomest monument in Texas, and the grounds are beautified and maintained by the ladies of the Fannin Park Association.

Through the efforts of the Daughters of the Republic of Texas a bill passed the legislature in 1913 to accept and beautify another park at the town of Fannin, where the battle and surrender took place, and to erect a suitable monument there.

The land for this park was contributed by its owner, Mrs. L. J. Hanley, and the bill in the Texas Legislature was introduced by Hon. Leopold Morris, of Victoria, who sponsored it through the house, while a like service was performed in the senate by Senator John H. Bailey, of Cuero. As a coincidence, the bill was approved by Gov. O. B. Colquitt, then Governor of Texas, a distant cousin of Senator William T. Colquitt, of Georgia, who performed an active service in behalf of Texas annexation in the United States Senate in 1844 and 1845. Also under Governor Colquitt's administration a monument was erected to Miss Joanna Troutman in the State cemetery at Austin and a bronze tablet placed there containing the names of those who perished at Goliad.

Goliad is now becoming a great shrine in Texas and is being visited by many persons of note each year. The State park at Fannin and the old mission near which the massacre took place have become the Mecca for the school children interested in the study of history. It is a common occurrence for large classes to visit these hallowed grounds. County Judge J. A. White and Mayor Joseph Wearden, of Goliad, have taken steps to beautify the grounds where the massacre took place and provide suitable roads and driveways.

At the beginning of the year 1836 Texas was the last resting place for civil liberty in Mexico. The usurper had behind him 8,000,000 people, Texas had 30,000. The martyrs of Goliad proved more powerful in death than in life. San Jacinto sealed the doom of Santa Anna. He never regained the confidence even of his own country. After death he was denied burial in the national cemetery. His remains lie at Guadalupe Hidalgo, where our treaty of peace was signed at the close of the Mexican War.

Texas fills a unique place in history. It was long claimed by both France and Spain by right of discovery. In 1763 it was ceded by France to Spain. Spain ceded it back to France in 1800. It was claimed by the United States under the Louisiana purchase from France in 1803, but all our rights were quitclaimed to Spain in 1819 in part consideration of the purchase of Florida. Texas became a part of the Mexican Empire under Iturbide in 1821 and of the Mexican Republic in 1824.

Texas became an independent republic in 1836 and a State in the American Union in 1845. In 1861 Texas seceded and shared the fate of the Southern Confederacy. From the close of the war in 1865 it was under the military rule of the United States until 1870, when, complying with the requirements of Congress, it was readmitted to statehood.

Texas has paid allegiance to the Bourbons and the Bonapartes, the Hapsburgs and the Montezumas. It has several times been a kingdom, twice an empire, and six times a republic. It has now reached its goal as a king of empires in the greatest Republic the world has ever known. [Applause.]

Notwithstanding its varied history, Texas remained practically unsettled and undeveloped until a time almost within the memory of men still living. To Stephen F. Austin, more than any other, is due the honor and credit. Austin and Houston were both born in the State of Virginia, in the same year, 1793; Austin in Wythe County, Houston in Rockbridge. Austin went to Texas from Missouri, Houston from Tennessee. Each became prominent in his respective State of adoption before going to Texas, but the crowning points in their careers were attained in the land made great by their wisdom and genius. [Applause.]

Mr. SHALLENBERGER. Will the gentleman yield for one observation?

Mr. MANSFIELD. Certainly.

Mr. SHALLENBERGER. In enumerating all the wonders of Texas the gentleman forgot to mention the chief one, and that is we are going to nominate the next President of the United States down there.

Mr. MANSFIELD. I accept the amendment of the gentleman from Nebraska. [Applause.]

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12286, the naval appropriation bill.

The SPEAKER pro tempore (Mr. ROWBOTTOM). The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill, of which the Clerk will read the title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

The Clerk proceeded with the reading of the bill, and read as follows:

BUREAU OF AERONAUTICS

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1928, $1,250,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $9,675,000, including $400,000 for the equipment of vessels with catapults and including not to exceed $300,000 for the procurement of helium, of which such amounts as may be required may be transferred in advance to the Bureau of Mines; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $2,000,000; for drafting, clerical, inspection, and messenger service, $725,000; for new construction and procurement of aircraft and equipment, $15,865,000, of which amount not to exceed $9,480,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the Navy

appropriation act for the fiscal year 1928, approved March 2, 1927; toward the construction of the rigid airships authorized in Public Act No. 422, Sixty-ninth Congress, approved June 24, 1926 (total limit of cost $8,000,000), $1,800,000, and the sum of $200,000 of the appropriation, "Aviation, Navy, 1928," toward the construction of one of such airships is hereby made available until June 30, 1929, toward the construction of two such rigid airships: *Provided*, That the contract for such rigid airships shall (a) reserve to the Government the right of cancellation of the construction of the second airship if changed circumstances, in the judgment of the Secretary of the Navy, shall suggest that course as being in the best interests of the Government, such right of cancellation to continue until the first airship shall have been tested in flight and accepted, and (b) provide that in the event of such cancellation the total cost of the first airship, and all payments under, and expenses incident to the cancellation of, the contract for the second airship, shall not exceed $5,500,000; in all, $31,315,000; and the money herein specifically appropriated for "aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That in addition to the amount herein appropriated and specified for expenditure for new construction and procurement of aircraft and equipment the Secretary of the Navy may prior to July 1, 1930, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of $10,000,000: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of $250: *Provided further*, That all claims adjusted under this authority during the fiscal year shall be reported in detail to the Congress by the Secretary of the Navy.

Mr. FRENCH. Mr. Chairman, this paragraph just read contains the reappropriation of $200,000 and new appropriations to the extent of $1,800,000, a total of $2,000,000 to be applied toward the construction of one or more rigid airships.

After the bill had been reported to the House, and when general debate was proceeding on last Thursday, it came to the attention of the members of the subcommittee that one of the outstanding shipbuilding concerns in the United States, the American Brown-Boveri Electric Corporation, of Camden, N. J., was in position to offer competitive designs and estimates for bids for the construction of one or more of the type of ships to which I have referred, and that it desired to do so.

In view of the fact that the matter had not been brought to the attention of the subcommittee during the hearings, your subcommittee felt that it was due the House that we conduct something of a supplementary examination or inquiry into the report that had come to the committee.

Your subcommittee at once got into touch with the Brown-Boveri Co. and arranged for a hearing the following day to determine something of the plans this organization has in view that might have bearing upon the question.

After obtaining rather a full statement from Mr. Laurence R. Wilder, the chairman of the advisory committee on shipbuilding of the corporation, who was accompanied by Mr. E. H. Rigg, naval architect, and Mr. Charles Langell, chief estimator, outlining the responsibility of the company and the thought of those responsible officers in connection with the possible construction of a rigid airship, your subcommittee held a further hearing with the Secretary of the Navy, Mr. Wilbur, the Assistant Secretary, Mr. Warner, and with officers of the Bureau of Aeronautics, particularly with the thought of inquiring into the advisability of requiring new design competitions following the passage of the pending bill in event we shall carry money for the construction of one or more rigid airships as an alternative program, in lieu of a possible contract upon the basis of offers of designs made eight months ago.

Members of your subcommittee believe that it might be to the advantage of the Government to invite new designs to be followed by construction bids. Probably I should say that it is not at all unlikely that other large concerns that were not interested in the program of lighter-than-air craft one year ago to the extent of offering bids are now seriously considering the question.

The committee contemplated offering an amendment requiring the Secretary of the Navy to call for new designs and new bids. However, the Secretary of the Navy advised the committee frankly and fully that he concurred in the desirability of calling for new designs and bids and assured the committee that that would be the policy. With that thought we are not offering an amendment requiring new offers to be made, as we are assured that this will be done.

Probably I should say further that if we had not had this understanding it is the opinion of your subcommittee that calls for new designs and bids would need to have been made under the law. Members of the subcommittee question the sufficiency of authority to contract for two ships upon the basis of calls for designs and bids when only one ship had been appropriated for; and hence, that there may be no uncertainty whatever, it seems to the subcommittee that the slate should be wiped clean and invitations made anew for designs and construction.

I should say that the Secretary of the Navy concurs in the general thought I have indicated, and should the bill pass carrying money for rigid airships he will undertake the problem of assembling competitive designs and estimates for construction upon the basis of a new program.

I recognize that there may be those who will feel that contracts should be entered into upon the basis of designs already made. Your subcommittee was very particular to inquire whether or not the Government had gone so far as to incur any liability and was assured that it had not. No one can be more appreciative than the members of the subcommittee, because of their knowledge of the facts, of the research and studies and expenditures incurred in connection with the preparation of designs upon the part of the successful design competitor in 1927—the Goodyear Tire & Rubber Co. Even so, since no obligations have been assumed by the United States, your subcommittee does not feel that it would be doing the frank and just thing by the House in omitting to bring the full facts to your consideration. We are not administering our own property; we are in the position of trustees, administering the property and affairs of a great country, and we believe that in so doing we are compelled to follow the course that we have pursued.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. FRENCH. I yield to the gentleman from Maryland.

Mr. LINTHICUM. I want to ask the gentleman in reference to the language on page 34:

> *Provided*, That the contract for such rigid airships shall (a) reserve to the Government the right of cancellation of the construction of the second airship if changed circumstances in the judgment of the Secretary of the Navy shall suggest that course as being in the best interest of the Government.

Is that in line with what the gentleman has been telling us, or does that hold back the construction of that ship?

Mr. FRENCH. That applies only to the second ship, and not the first.

Mr. LINTHICUM. We can proceed with one ship until it is completed under these provisions?

Mr. FRENCH. The right of cancellation is reserved to the Government in the construction of the second airship if in the judgment of the Secretary of the Navy it shall be wise. Suppose, for instance, the first ship shall fail to function properly. There would be a good illustration. We ought not to proceed blindly with the other ship. We felt that the department ought to write into its contract a provision reserving the right of cancellation, so that there would be no question about it. Of course, there might be other contingencies that we are not able now to see that would justify cancellation.

Mr. LINTHICUM. So that the one ship will be finished and then they will proceed with the other?

Mr. FRENCH. I do not think that will be necessary. If the gentleman will read further on he will find that we have not tied it so tightly as that, but we have provided that moneys may even be expended, where economies could be obtained through the preparation of duplicate parts, for a second ship, and yet we have limited the amount. We do not want the Navy Department to go too far and too fast on the second ship until the first one shall have been demonstrated a success.

Mr. OLIVER of Alabama. The bill also provides that the right of cancellation shall continue until the first ship is tested out and accepted.

Mr. FRENCH. That is correct.

Mr. BEGG rose.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Idaho have two or three minutes more. I

want to ask some questions. I want to know something about this. I am not going to try to mess up the gentleman's bill in any way, but I would like to have some information.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Idaho be extended five minutes.

The CHAIRMAN. The Chair has already recognized the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Chairman, I yield the floor for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BUTLER. It has been two years since these ships were ordered. Am I right in that?

Mr. FRENCH. The law was passed in 1926.

Mr. BUTLER. Can the gentleman tell me just when, in the gentleman's mind, we may expect to see these ships completed? Are we going to complete them at all?

Mr. FRENCH. Oh, I think so.

Mr. BUTLER. Because there is no use of our bothering over in our legislative committee unless we are going to have some results. This Goodyear Co. told us that they would build these two ships for $8,000,000, and build a hangar along with them. They ask now for $5,000,000 to build one, and the other to cost $4,000,000. What are we to do about it? I am not barking for any corporation or any institution. I wish to see these two ships built, or else I would like to see Congress repeal the law, and I am perfectly willing to introduce a bill to strike out all of these hold-over provisions of law providing for the construction of ships not even begun. Does my friend propose to build a hangar? It is provided in the bill that no part of the appropriation shall be used for the construction of a factory for the manufacture of airplanes. Where will this concern that my friend speaks of build the ships? The Goodyear people offered to put up a hangar that will cost at least a million dollars and build the two ships for $8,000,000.

Mr. DAVEY. Mr. Chairman, if the gentleman will permit, the hangar is to cost from two and a half million to three million dollars.

Mr. BUTLER. I am obliged to my friend; I had forgotten that. I do not propose to antagonize this appropriation, and I could not succeed if I wanted to do it, but we have been endeavoring on our end of the program to make a bargain by which we can save some money on these ships. These people said that they would build them for $8,000,000 and at the same time put up a hangar. The concern of which the gentleman speaks is a very responsible one. I know of it over at Camden, N. J. It makes a fair contract, and it does fine work, but where will it build this great big balloon? It requires a big barn to build a balloon in.

Mr. FRENCH. May I answer the gentleman's inquiry now?

Mr. BUTLER. Yes. I fear I have asked a pretty long question.

Mr. FRENCH. When the representatives of the department were before the committee a year ago it was contemplated at that time that if one dirigible could be built by contract, the hangar of the Government at Lakehurst would be utilized. When designs were called for and negotiations undertaken looking to a contract, the Goodyear people, the winner of the first place in the design contest, felt that it was altogether out of the question to use the Lakehurst hangar, that the expense would be such that they ought not do it. They felt that the limit of cost of $4,500,000 was such that it precluded the company building a hangar of its own. In trying to be safe, it appears that probably we tied the department too tightly as to limit of cost. In this bill we have raised the limit of cost on the first ship, and we recognized that since airships pertain to a new industry in this country, whatever concern will build in such a way as to win the contract will need to build a hangar or else use the Lakehurst hangar.

I do not believe that any manufacturing concern other than possibly the American Brown-Boveri Co. would be near enough to Lakehurst to make the utilization of that institution available. Even so, this company would prefer to build its own hangar. I think if the contract were to be awarded to the Goodyear people, they would need to do what the gentleman has suggested—build a shed or hangar within which to construct the ship.

Mr. BUTLER. Is the gentleman satisfied that all of the equipment that is necessary to be provided is in that hangar at Lakehurst ready to build these ships?

Mr. FRENCH. No; I am not. If the Government should build one or more of the airships, we would need to use the Philadelphia air factory as well as the Lakehurst hangar, and we would need to extend their facilities.

Mr. BUTLER. How much money will the Government have to expend in order to prepare that hangar at Lakehurst in which this ship can be built?

Mr. FRENCH. In a general way we went into that question, and we were told by the department that the rough estimates, if the Government itself were to build one of these ships, would be somewhere around $4,500,000.

The CHAIRMAN. The gentleman's time has expired.

Mr. BUTLER. I will ask that the gentleman may have five minutes more. I am not quite through. Of course this is subject to a point of order.

Mr. SHALLENBERGER. Mr. Chairman, I request that the gentleman from Pennsylvania [Mr. BUTLER] may have five minutes.

Mr. BUTLER. I ask unanimous consent that the gentleman from Idaho [Mr. FRENCH] may have two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BUTLER. I only asked permission to make this inquiry in order to subscribe myself among the list of those who favor what is known as "Coolidge economy." You can get these two ships down flat and plump for $8,000,000, under bond, given by this corporation, the Goodyear Co., for performance. On top of that they will give us security to put a hangar up that will cost an enormous sum of money, so that hereafter if the Government needs additional ships of this character it will have these places in which to construct them. They are not spending any money uselessly. I would like to live to see the time when we would build these ships.

Mr. FRENCH. The calling for new designs and bids would probably have the effect of a delay for several months. I do not think it would have the effect of delaying longer.

Mr. BUTLER. These people never made any offer to our committee that I ever heard. I do not think they have ever made any suggestion at all. Nothing came to us but the offer of the Goodyear people. They give bond for the faithful performance of contracts. I think it is a good thing.

The CHAIRMAN. The gentleman's time has again expired.

Mr. BEGG. Mr. Chairman, I would like to ask unanimous consent to proceed for 15 minutes, if I might.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. DAVEY. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes after my colleague has finished.

Mr. DYER. Those are requests that should be put separately.

The CHAIRMAN. The Chair will put the requests separately. The gentleman from Ohio [Mr. BEGG] asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague for the purpose of enabling him to make a request?

Mr. BEGG. Certainly.

The CHAIRMAN. The gentleman from Ohio [Mr. DAVEY] asks unanimous consent to speak for 15 minutes following the gentleman from Ohio [Mr. BEGG].

Mr. LAGUARDIA. Reserving the right to object, I suppose those two speeches are both on the bill?

Mr. DAVEY. I will say that for the time being my colleague and I are agreed.

Mr. ABERNETHY. Reserving the right to object, I trust there will be no political debate, one in favor of a Democratic candidate and the other in favor of a Republican.

Mr. LOZIER. Reserving the right to object, Mr. Chairman, I would like to inquire if either of these gentlemen has in his inside pocket a letter written by the other? [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. DAVEY]?

There was no objection.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I agree whole-heartedly with my friend from Pennsylvania [Mr. BUTLER]. I am not at all in sympathy with the idea of provoking an additional delay in the beginning of the construction of these dirigibles. Let me say that in the remarks I shall make I do not intend to be in any way unkind. But the facts are as they are, and I can not change them.

Now, as to this Swiss-American concern, this Brown-Boveri Co., I would like to call attention to the fact that the gentleman from Idaho [Mr. FRENCH] asked Mr. Wilder if it was an all-American concern, and in the hearings not once does Mr. Wilder deny that it is a foreign corporation. But he says repeatedly in his testimony that the Swiss concern, the Brown-Boveri Co., furnished them the patents and the engineers, and they have two members on the board of directors.

That does not mean a thing to me. I would personally, perhaps, just as willingly let a contract to an all-foreign concern;

but when it comes in the way it does, it does not at all increase my faith in the sincerity of the bidders.

This Brown-Boveri Co. was organized in 1925. The Navy Department advertised for bids and designs in 1927, two years after these people were in existence. Now, if their interference at this time, if their injection of an implied cheaper price, be worthy of attention, I call the attention of the committee to the fact that there is not in evidence anywhere a single line in writing by an authorized officer of this Swiss-American concern binding that concern to do anything for the American Government.

In 1927—last spring—the Navy Department advertised publicly for bids for design and construction of these dirigible ships. Now, there were approximately 30 bidders and designs; some institutions or companies, others individuals. The Navy Department had drawn up a scale of ratings on the basis of 100 per cent. The Goodyear Co. rated 103 on the grading of the Navy Department, and the nearest competitor to the Goodyear Co. rated 86, and the next competitor rated 77. In other words, there was a differential in favor of the Goodyear people of almost 20 points.

Now, that is to be easily understood. Let this House familiarize itself with the personnel of the Goodyear Co.; and for the information of the Navy Department and of the House I want to go on record as being opposed to a delay of six or eight more months for the purpose of giving an opportunity to a concern as to which I will say there is doubt in my mind about its good faith and the good faith of that concern's bid.

The gentleman who appeared before the committee, Mr. Wilder, has no license to make any claim to anything about a dirigible. He says they have associated with them a couple of college professors. They may be theoretical; they may be authorities in the field of engineering theory, and I will not question that. Then he refers to Captain Heinen, and he quotes him at length in the hearings, but I challenge any man living to show me a line in the biography of Captain Heinen which justifies the assumption on his part that he is any kind of an engineer in navigation. It is true he was a pilot at one time, but there is some doubt about his ability to continue as a pilot in the only real job he ever had.

Now, contrast that with the personnel of this Goodyear Co. Dr. Karl Arnstein was with the Zeppelin company in Germany as its chief engineer for 10 years. He constructed one of the first duralumin structured airplanes and was closely associated with the design, stress, analysis, and construction of the two types of metal airplane. Eugen Brunner, from 1911 to 1924, 13 years with the same Zeppelin concern in Germany in charge of design of power and passenger cars and accessories for airships, and so on. All doctors from the best engineering schools in the world. Herman Richard Liebert, from 1918 to 1924 with the same Zeppelin company in charge of experimental work, aerodynamic computation, experimental designs, and so on, now a member of the Goodyear concern. Benjamin Josef Schnitzer, from 1915 to 1924, nine years with the same concern in Germany and up until the present time with the Goodyear concern, in charge of design of hull structure, landing, handling, and mooring devices. Paul Helma, another German Zeppelin man, with experience in strength calculation on airships. Dr. Wolfgang Klemperer, from 1921 to 1924 with the same Zeppelin concern in charge of research work on wind channel and in flight; developing and testing instruments for airships and testing experimental airship parts. Lorenz Rieger, out of the same concern in Germany, in charge of design and construction of airship power plants. Eugen Schoettel, from the same concern. He spent one year in design and installation of instruments and miscellaneous apparatus; three and a half years in design, construction, and testing of new airship parts, miscellaneous projecting, and so forth, and four years in projecting department in charge of outer cover, gas bags, valves, and so on. Karl Huerttle, another man out of that company, superintendent of fabric shop, manufacturing all covers, bags, gas valves, interior equipment, and so on. Directed the inspection and testing of all textile material used on airships and supervised all work on gas-cell netting and miscellaneous rigging. Hans Keck, who had charge of control arrangements, mooring arrangements, special tools, dies, jigs, and so on. William Fischer, who spent one year on experimental work and three and a half years on projecting work. Kurt Bauch, specialist in stress analysis and strength calculation.

Now, I want to call your attention to the fact that the Goodyear Co. is in this through patriotic motives, because the president of the Goodyear concern, Mr. Litchfield, I believe, is a man who has as much vision as any man in business with whom I have ever been permitted to come in contact. Mr. Litchfield believes the dirigible will become a vehicle of commerce in the immediate future, and I believe in the light of the developments in the rest of the world that he is justified in his belief.

Germany will put into operation between Seville, Spain, and Rio de Janeiro this year a passenger-carrying and a material-carrying ship through the air; and right now, according to information that comes to me, a Britisher by the name of Birney is in the United States undertaking to execute a contract with the American Government for 10 years to carry mail across the Atlantic in these rigid airships. Here we are in this country, and if we let this contract next week the very closest possible time we can get a ship into operation is, perhaps, 30 months.

Mr. BUTLER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. BUTLER. Is the gentleman aware that unless these airships are begun within 90 days the contract is off and that the authority is gone? That is my recollection of the act of Congress—that they have to be begun before the 1st of July, 1928.

Mr. BEGG. I have the act here.

Mr. BUTLER. Is that true—that in 90 days from now these ships must be begun?

Mr. LINTHICUM. Is not the gentleman wrong in using the plural? You can not begin the second one until you have the first one.

Mr. BEGG. But we can begin the construction of airships by starting one.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. LAGUARDIA. The gentleman does not believe the Postmaster General or anyone connected with the administration would enter into a 10-year contract to carry mail by air to Europe with a foreign concern?

Mr. BEGG. Whether the Postmaster General enters into that contract or whether he does not, it is evidence of what the rest of the world is doing in the development of rigid airships. And while we are sitting idly by, along comes this spurious bid, made after 12 months. I ask you where were the Brown-Boveri Co. last summer when designs were called for? Why, if you are going to postpone action for another eight months in order to accommodate this company, what is to hinder some other shipbuilding company a year from now from coming in and saying, "Give us another six months; we would like to bid"? This company is taking no chances in the world, because, as I said a moment ago, there is not the scratch of a pen anywhere which will bind the Brown-Boveri Co. They are not bound to the payment of one dollar—not a dollar—and yet they are coming to Congress and trying, through irresponsible statements, to throw a monkey wrench into the machinery and hold up the construction of these rigid airships for six months and, so far as I am concerned, knowing the Goodyear Co. as I do and that company having in its employ the engineers I have mentioned, at a cost, perhaps, of a half million dollars, for a number of years, I would not permit the Navy Department to postpone the construction of these dirigibles or, at least, the construction of one of them. If they want to advertise for the other one, that is an entirely different matter.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. SHALLENBERGER. I would like the ask the gentleman whether this man Wilder, to whom he has referred, is the same one who has been writing us and saying that he will build ships to cross the ocean in four months if we will loan him $75,000,000?

Mr. BEGG. He is the same gentleman.

Mr. SHALLENBERGER. And if it is required in the law that the airships shall be started in 90 days, I understand the Goodyear people are ready to start them, and I may say that I rather liked the list of names which the gentleman read.

Mr. BEGG. There are no better gentlemen in the world and they are ready to proceed.

Mr. SHALLENBERGER. I thought mine might fit in very well with theirs.

Mr. BEGG. They can start construction in one hour after the Government signs the contract.

Mr. LAGUARDIA. Has the Navy Department prepared the plans and specifications?

Mr. BEGG. Yes.

Mr. TABER. Does the gentleman understand that the Goodyear proposition with their design was not submitted in accordance with the aircraft procurement law and that it would be impossible for the Secretary of the Navy to let a contract for the construction of those airships without again advertising for bids?

Mr. BEGG. No; the gentleman is entirely wrong when he makes that statement.

Mr. TABER. That is exactly the legal situation.

Mr. BEGG. The gentleman is entirely wrong, and all the gentleman has to do is to call up Secretary Wilbur and Secretary Wilbur will advise the gentleman that if the legislation were passed they would sign a contract with the Goodyear Co. as soon as the details about the design were worked out.

Mr. TABER. Saturday Secretary Wilbur did not say that.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DAVEY and Mr. O'CONNELL rose.

Mr. DAVEY. Mr. Chairman, I ask unanimous consent that my colleague's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. O'CONNELL. Why does not the gentleman ask the gentleman from New York the source of his information?

Mr. BEGG. I would like to first answer the statement of the gentleman from Nebraska. This same man Wilder is proposing to build a ship—not an airship, but a water ship—to cross the Atlantic, as he claims, in four days. If the dirigible proves practicable—and I am perfectly willing to admit it is an experiment and that the rest of the world is two years ahead of us—there will not be much opportunity for this four-day ship.

Mr. LAGUARDIA. For cargo.

Mr. BEGG. Two hundred tons can be carried in this six and a half million cubic foot ship.

I want now to say a word about this $4,000,000 offer made by this Swiss-American concern.

Mr. LINTHICUM. Will the gentleman tell us how fast these airships travel?

Mr. BEGG. I will ask the gentleman from Idaho to answer that question. I have an idea, but I do not want to make a positive statement about it.

Mr. FRENCH. The hearings have indicated that ships of this type would be able to travel at 60 or 80 and perhaps more miles per hour.

Mr. LAGUARDIA. It depends on the wind. If she gets a tail wind, you add, and if she gets a head wind, you subtract.

Mr. FRENCH. And you must remember we have not had a ship like this.

Mr. BEGG. Let me say further that it is very interesting to read the testimony of this man Wilder. He admits connection with a foreign concern, and he speaks of a Capt. Anton Heinen. This [indicating] is the Journal of the American Society of Naval Engineers, and here is what they say about the testimony of Captain Heinen on the wreck of the *Shenandoah:*

> The testimony of Capt. Anton Heinen being of a very positive nature, requires on certain points equally positive refutation. While there is no disputing the fact that Captain Heinen is an expert operator of rigid airships, we have in the record his own statement to the fact that he is not an engineering expert.

Now, just a word further. The statement was made by the gentleman from Idaho [Mr. FRENCH] that the Lakehurst hangar would probably be too far from Goodyear for the ship to be built by the Goodyear Co. The Goodyear people can erect this ship in the Lakehurst hangar if the Government wants to surrender the use of the hangar for three years; but in their bid of $8,000,000—and keep in mind that the Brown-Boveri Co. wants $4,000,000 for one ship and the Goodyear will build two for $8,000,000—they will erect a hangar that in any time of national emergency or anything of that sort would be available to the Government wherever they decide to build this ship, let it be in Ohio or anywhere else.

Mr. O'CONNELL. Wherever the Government decides?

Mr. BEGG. Wherever the Government decides it wants it to be built they will build this hangar, and the lowest estimate that has been given me by Mr. Litchfield for the cost of the hangar is $1,500,000, and he has said, as my colleague from that particular city states, it may cost two and a half million dollars. Mr. Litchfield said further to me:

> Mr. BEGG, if building two Government ships at $8,000,000 was the end of the program in my belief, I would not think of submitting a bid, but I believe the dirigible will become the transporter of materials and men over great bodies of water just as certainly as the airplane will become the transporter of material and men over the land, and because of that belief I am willing to risk from $500,000 to $1,000,000 of my company's money in performing the experiment with the Government.

Will we, I ask you, permit an irresponsible bidder, who had every opportunity and every chance in the world to put in a bid last year, to come in now and throw a monkey wrench into the machinery and bring about a delay of six months, or will we speak positively to the Navy Department and direct them to proceed with the construction of one ship at the very earliest possible moment. [Applause.]

The CHAIRMAN. The Chair desires to make a statement. While the Chair entertained a request a moment ago by the other gentleman from Ohio [Mr. DAVEY] to be recognized for 15 minutes following the gentleman from Ohio [Mr. BEGG] the Chair does not desire this procedure to stand as a precedent. In the opinion of the Chair recognition is entirely in the hands of the Chair and it might prove embarrassing to the committee to have the precedent established that the time may be controlled in advance.

Without objection, the Chair will now recognize the gentleman from Ohio [Mr. DAVEY] for 15 minutes.

There was no objection.

Mr. DAVEY. Mr. Chairman, I would like first to read from the testimony of Mr. Wilder before the subcommittee. He says:

> We do not believe dirigibles will be practical for North Atlantic use for the next 20 years because of weather conditions there.

Here is a man who suddenly comes into view and wants to secure a Government contract on a proposition with which he is not acquainted, comes before the subcommittee and makes the statement that he does not consider the dirigible practicable within the next 20 years. That, I think, illustrates his state of mind.

I might be frank in saying that this sudden burst of enthusiasm on the part of the concern from Camden, N. J., is in a way a surprise proposition and hard to understand. But inasmuch as the gentleman's name is Wilder, I should say perhaps the name illustrates the type and character of the proposition.

To me it seems the concern has come as an interloper. I am wondering, as my colleague has said, not only where the concern was last summer, but I am wondering where they were two and a half years ago.

At the beginning of the struggle to bring about an American development in the construction of the great and new dirigibles in the efforts for the advancement of commerce—I am wondering where they were in the winter of 1927 when competitive designs were requested and bids called for. Perhaps it may be understood by referring to the program that this particular concern is interested in, that fast-going steamships will cross the Atlantic in four days. I understand their proposition calls for the Government, through the Shipping Board, to provide the necessary money for that wonderful new enterprise of four-day transportation—the Government to provide the money at a low rate of interest to finance the concern in their enterprise. In other words, they come here primarily with a selfish proposition asking the Government to finance an enterprise dealing with fast steamships for transportation across the Atlantic.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DAVEY. Yes.

Mr. LAGUARDIA. I do not know who this company is, but I have read the hearings and I do not want the gentleman to leave the impression that they want the Government to finance them.

Mr. DAVEY. I mean on the steamship proposition.

Mr. BRITTEN. I know the gentleman from Ohio wants to be fair. The gentleman ought not to leave the impression that this company desires the Government to finance the shipbuilding activities. That is not quite correct. The Brown-Boveri Co. does desire financial aid through the loan fund of the Shipping Board. That is existing law that any ship that is built right now the operator can borrow 66⅔ per cent on the cost from the Shipping Board.

Mr. DAVEY. To be paid back when?

Mr. BRITTEN. In the next 20 years. The Brown-Boveri Co. have requested that this 66⅔ per cent be increased to 75 per cent, and the Government is working along that line now.

Mr. DAVEY. I am glad to accept the gentleman's correction, but it is Government aid they want just the same.

Mr. LAGUARDIA. The gentleman knows that this is no other than the New York Shipbuilding Co.?

Mr. DAVEY. It seems to me when they ask the Government to back their enterprise it is simply a promotion scheme. These people come here not at the eleventh hour but at the eleventh hour and fiftieth minute and offer not a specific proposition—they say they will build an airship for $4,000,000. They do not say how big and they offer no design. What have they in the way of equipment? Nothing. They have no experience, no personnel; but they want to get a contract that has been developed through the labors of others.

Here is a concern in the district that I have the honor to represent, a concern that has been laboring on this proposition for many years. They have spent within the last few years

a half million dollars to prepare themselves technically and otherwise for the construction of a great dirigible airship. They have a large equipment and adequate preparations together with expert labor and experience to enable them to go ahead.

Now, this interloping concern—and that is just what it looks like to me—comes down here and offers to build a dirigible for $4,000,000 without reference to size or anything else, and they want to use the hangar at Lakehurst belonging to the Government. In other words, they ask the Government to furnish the workshop in which to build it.

Mr. BACON. Has the gentleman read the hearings?

Mr. DAVEY. I have.

Mr. BACON. As I read them they offer to build a hangar at their own expense.

Mr. DAVEY. I do not so understand.

Mr. BACON. It is so stated in the hearings.

Mr. DAVEY. I have been told by officials of the Navy Department that their whole proposition was completely indefinite, that nobody knows what they offer to do.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. LAGUARDIA. Disregarding the two companies we have under consideration just now, but assuming all things to be equal, does not the gentleman believe that with the present development of the art it would be a good thing to have the two ships built by different concerns, on different plans.

Mr. DAVEY. If we are willing to pay the excess cost of dividing the contract, that might be all right; but it has been demonstrated by calculation that there is an immense saving in building both under one head.

Mr. LAGUARDIA. I realize that, but I say with the present development of the art I think it would be a good thing, always assuming that the conditions are equal.

Mr. DAVEY. Do I understand the gentleman to suggest that the experience one concern gains in the building of one dirigible should not be applicable to the building of the other dirigible?

Mr. LAGUARDIA. This would be the first big dirigible that the present firm would have constructed. Therefore I believe that out of the two constructions, with the present state of the art, it would be advantageous to have different ships, assuming that the other concern has designs of its own.

Mr. DAVEY. With all due respect to the gentleman's suggestion, that has not been contemplated up to date. I would like to develop one or two more thoughts in this connection. If, as I have understood, it is the idea of this interloping concern to use the hangar at Lakehurst as their workshop, what are you going to do with the *Los Angeles* during the period of construction?

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. TABER. Has the gentleman read the hearings? Does he understand that these people, when they talked about competing, stated that they would build their own hangar at Camden?

Mr. DAVEY. I have understood that their whole proposition is very indefinite.

Mr. TABER. That is what the hearings show.

Mr. DAVEY. A responsible official of the Navy told me this morning that if it is built at Lakehurst, they will have to abandon activities at Lakehurst during a considerable portion of the period and that the *Los Angeles* during that period will have to be stored some place out of the way.

Mr. HARDY. Does the gentleman mean that this Congress ought to decide on the firm that should make this airship?

Mr. DAVEY. No. I am saying these things to indicate what seems to me to be the logic of the situation.

Mr. HARDY. Just why does the gentleman knock a concern in another State so hard, if he is not trying to force the building of a certain ship at a certain point. It seems to me that we ought to let the Navy Department decide where it will let these contracts.

Mr. DAVEY. That is perfectly all right.

Mr. HARDY. Does the gentleman object to competitive bidding on this proposition?

Mr. DAVEY. I am not worried at all about that; but I wanted to get certain facts into the RECORD, because I have understood there is a gentleman's agreement between the committee and the Secretary of the Navy with reference to this contract and the delay involved.

Mr. LAGUARDIA. We can not build ships by gentlemen's agreements.

Mr. BUTLER. We ought to know about that. No gentlemen's agreement goes in this House in a matter of that kind.

Mr. DAVEY. I meant not with reference to a contract, but with reference to further competitive bidding.

Mr. HARDY. Let me say that the only interest that this committee has is to see that there is no gentlemen's agreement between the Members from the State of Ohio and a local institution in Ohio——

Mr. DAVEY. That is all right.

Mr. HARDY. About that contract, and the only interest that this committee has is to see that this thing is left wide open to the whole United States, and that any firm in the United States can bid upon it. There is no agreement between this committee and the Secretary of the Navy. The only thought is that the Secretary of the Navy will throw the thing open to competitive bidding.

Mr. DAVEY. May I say in that connection that I would under no circumstances question the committee, because I think they have acted in good faith and they have the interest of the Government at heart. The things I have attempted to say have reference to a concern that has been sleeping for two years and a half and have come down here at almost the twelfth hour and put in an indefinite proposition, with no equipment, no experience, no personnel, and have asked the Government to delay a program that is already two years late.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Certainly.

Mr. ABERNETHY. The gentleman from Ohio [Mr. BEGG] indicated that this firm which the Navy Department was dickering with had some foreign interests connected with it. Is that correct information?

Mr. DAVEY. I really do not know. I would not attempt to answer that because I do not know.

Mr. BRITTEN. Mr. Chairman, will the gentleman permit me to ask a question?

Mr. DAVEY. Yes.

Mr. BRITTEN. The hearings indicate that every dollar that has gone into their Brown-Boveri Co. has been supplied in the United States.

Mr. BEGG. Mr. Chairman, will the gentleman permit me to ask the gentleman from Illinois a question?

Mr. DAVEY. Yes.

Mr. BEGG. Do the hearings indicate how much voting stock is given to the Brown-Boveri Co. for the use of their patent?

Mr. BRITTEN. No.

Mr. BEGG. Of course they do not show that.

Mr. TABER. Is that the fact?

Mr. BEGG. I do not know, but there are two boards of directors.

Mr. TABER. That is just speculation on the gentleman's part.

Mr. BEGG. The gentleman from Ohio has had enough business experience so that he knows he is not putting his patent in for some other fellow to play with.

Mr. ABERNETHY. I think it a very important matter, when we are building ships that might be used for purposes of warfare in the future, to ascertain if any foreign interests have any interest in this company that has undertaken to build them.

Mr. BRITTEN. The Brown-Boveri Co. is now building three of our first-line cruisers at the present moment. It is the New York Shipbuilding Co. I will agree with my friend from Ohio that they have never built an airship and probably never will.

Mr. BUTLER. They are building one cruiser and taken over another to finish. The Cramps failed on it, just the engines.

Mr. BEGG. I am reading the testimony of Mr. Wilder, found on page 8 of the supplemental hearings. He says:

> The securities of the American Brown-Boveri Co. were entirely financed in America, and there was no money put into it by the Swiss concern.

Further on he says:

> We use the name "Brown-Boveri" because of its international reputation.
>
> Mr. TABER. Along electrical lines?
>
> Mr. WILDER. Yes, sir. As I have said, the stock of the corporation was entirely financed in America. Now, the Swiss have two representatives on the board of directors, but both of them are American citizens.

Do not think these people are fools enough to furnish the money and let foreign interests sit on the directorate.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DAVEY. Mr. Chairman, may I have five minutes additional?

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DAVEY. I further refer to the question propounded by the gentleman from Colorado [Mr. HARDY], for whom I have great respect. I would like to say this: There has already been keen competition upon this proposition. There was competition a year ago. It is not a beginning of competition at this time. We have had the competition last year. The whole country was invited to compete in the winter of 1927, everyone who was legally entitled to in the United States. It was open to anyone.

I would like to know where this concern was at that time. Why were they asleep in 1927?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. DAVEY. Yes.

Mr. SCHAFER. In letting contracts for public buildings you sometimes have only one or two bidders, but it does not necessarily follow that one bidder is going to get the contract. They readvertise.

Mr. DAVEY. The Goodyear Co. received a rating almost 20 per cent above the next highest bidder.

Mr. BEGG. There were 29 other men besides the Goodyear institution, and they were aware of the fact that the Government wanted them to bid. It seems peculiar that at this time the Swiss-American concern did not get in.

Mr. DAVEY. Who constitutes the technical staff of this concern down in Camden? What is their experience and background? One Captain Heinen—the captain part of it is a courtesy title—corresponds to an airship designer and engineer very much as an expert chauffeur corresponds to a designer of automobiles. He is an expert chauffeur, and that is all. They have absolutely no technical staff that is prepared to approach this problem. They have no equipment, no experience, no background, no preparation for it at all. They come in when the thing is all done and ask for a delay in the proceedings, so that they may get ready and think out a plan of some kind to submit in competition with the well-matured and long-developed program that has already been submitted to competition.

With that statement, gentlemen, I am glad to yield the floor, and I thank you sincerely for your patient and courteous attention. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LANHAM. I know nothing of the relative merits of these two companies and, accordingly, do not address myself to that phase of our inquiry. In that regard, like most of you, I must rely upon our experts in the service who will have in charge the final determination of this matter. But I am very much interested in the early construction of these dirigibles, because I believe that our country, with all its preeminent advantages in the lighter-than-air field is likely to lag.

Something has been said in this debate to intimate that the dirigible is not a practical ship for aerial operation. We are so prone to forget history, gentlemen. Heavier-than-air planes have flown on more than one occasion from America to Europe, but many pilots have lost their lives in unsuccessful attempts to fly in heavier-than-air planes from Europe to America. Yet the fact that a dirigible has made the round-trip trans-Atlantic flight with relative ease is passed by with little thought and less comment. The British airship, the *R–34*, paid us a visit a few years ago and then returned safely to England. The *Los Angeles* was delivered to us from Germany by trans-Atlantic flight. Dirigibles have long been used in European transportation. A dirigible has flown over the North Pole, and recent press dispatches indicate that another foreign dirigible is being prepared to duplicate that feat. A dirigible has made a round trip transcontinental flight in the United States. The *Los Angeles* recently flew from New Jersey to Panama and then returned. We are so prone, I say, to question the utility and practicability of the dirigible and to forget very plain facts of history concerning it. Some of its accomplishments have not been duplicated with heavier-than-air machines.

I do not want our country to fall behind in this field of activity. There is every reason why it should forge ahead. The dirigible has a function which the airplane can not perform. I refer to the work of scouting, or reconnaissance, especially at sea. The dirigible can go to great distances, stay in the air for long periods of time, and has the characteristic advantage of being able to hover. No other kind of ship can render some of its peculiar and helpful services.

This country is specially blessed in the lighter-than-air field by reason of the fact that a kind Providence has given it a practical monopoly of the agent and element which makes lighter-than-air operations safe and sane. I refer to our supply of helium. I do not know why the Almighty in His wisdom has vouchsafed this element to us only. I have hoped sometimes that it might be a token of a better era to come when, with this agent of offense and defense possessed by no other nation, we might be able through this superior advantage to help bring about international peace. [Applause.] Americans are not seeking wars of conquest. Conquest has never been our goal and, as long as we continue to cherish our high ideals, never will be. Perhaps ours is the opportunity for a nobler mission.

By the terms under which we received the *Los Angeles* we are limited in the use we may make of it. Though other countries, denied by nature a supply of helium, are building large dirigibles, we are without a single one which we may use as we please. Our airships other than the *Los Angeles* are small ones. But, gentlemen, it is most important that when these ships are built, and I think they should be built speedily, but correctly—they shall be so designed and their construction so superintended that we may conserve this great supply of helium, of which we have a practical monopoly. We can not afford to permit its careless or unnecessary waste.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. LANHAM. There have been certain inventions which have obviated very largely the necessity of the loss of helium in ordinary flight. One is the apparatus for water recovery, whereby the exhaust from the motors is condensed and a volume of water procured equal in weight to the gasoline consumed as fuel. An equilibrium in weight is thus attained, and it has obviated largely the necessity of valving helium. But in ascending to great heights and sometimes in making landings we still lose some of it by valving. We have some loss also in the leakage through various kinds of fabrics.

We shall always have the materials to build airships, but we may not always have helium. Due study should be given to methods of conserving it. I have not the technical training to enable me to speak with any authority concerning methods by which it may be conserved, but there are those who contend that there are types of construction of gas cells and the containers which hold them which will give the advantages to be derived from expansion and contraction of the gas with little or no loss of the helium used. This is an important field for study.

So, in addition to our interest in having these ships, and in having them built strongly and durably and efficiently, we have the further interest of seeing that they are constructed in such a way that we may lose as little as possible of this God-given element which is so priceless in times of peace and of war, and of which, through the beneficence of the Almighty, we have a practical world monopoly. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. WOLVERTON. Mr. Chairman and members, as a new Member of this House, I have listened with a great deal of interest to the statement of the case attempted to be made out for the Goodyear Zeppelin Co. by the two candidates for governor from the State of Ohio [Messrs. BEGG and DAVEY]. [Laughter.]

It would seem to me that when a matter of this character is before the House for its consideration, a matter that involves our national defense as well as an effort to obtain the best possible results from an expenditure of from four to eight million dollars—according to the number of dirigibles to be built—that the best interests of the country should be given

consideration rather than the best interests of a particular congressional district or a particular State. [Applause.]

I mention this fact for the reason that I have the privilege and the honor of representing the first district of New Jersey. The district which I represent has within it, at Camden, N. J., the largest and most complete shipbuilding plant in the country, known as the American Brown-Boveri Co., formerly the New York Shipbuilding Corporation.

The gentlemen from Ohio [Messrs. BEGG and DAVEY], however, have totally ignored the splendid record of achievement made by this company during the 30 years of its existence. During this time it has constructed numerous war ships and merchant vessels that have been a credit to the country. It is not exceeded by any other plant in the entire country in its capacity for high-grade work.

Notwithstanding the stability and the capacity of the plant, which has been proved by many years of exceptional service, the gentlemen from Ohio [Messrs. BEGG and DAVEY] have seen fit to refer to this well-established plant by the use of derogatory terms. They have seen fit to cast aspersions on it for no other reason than that they recognize in it a competitor of the Goodyear Zeppelin Co., which has its domicile within the State which the two gentlemen already referred to so ably represent. While I represent the district which has within it this outstanding plant, yet I do not speak for that plant merely because it happens to be in my particular district, nor do I ask that it be given any special consideration other than what will result substantially to the benefit of the country at large. I do ask, however, that if the plant located at Camden, N. J., or any other plant anywhere else in the United States, can submit to us anything that is worth while, then it is entitled to our serious thought and consideration.

This bill comes before the House after this particular matter which is now under discussion has been given very serious and thoughtful consideration by the subcommittee of the Appropriations Committee. The chairman of this committee [Mr. FRENCH] and his colleagues who serve with him have an established reputation in the House of a careful and conscientious consideration of all matters that come before their committee for action. We know by experience that when they make a recommendation to this House it is entitled to serious consideration by the membership of the House.

Mr. MURPHY. Will the gentleman yield?

Mr. WOLVERTON. In just a moment. I would take it that when this committee comes into this House and makes a recommendation as contained in this bill we can readily assume that they have gone into it with the same care and thought as is the case whenever they present a matter to us. I wish to remind the opponents of this recommendation of the committee that there is nothing to be gained by coming before the House using derogatory names and terms that are not justified by the facts. I have heard cases tried in court, and I have very frequently noticed that the weaker the case the more abusive the language addressed toward the opponent. In this particular case my good friend from Ohio [Mr. BEGG] has seen fit to repeatedly speak of the American Brown-Boveri Co. as the Swiss Brown-Boveri Co. He must know that there is no justification for such use of the name of this reputable American company. If I should adopt the same tactics, I could with great propriety inquire of him as to the nationality of the Goodyear Zeppelin Co. I do not know the nationality of Zeppelin. Is that Swiss or German?

Mr. BUTLER. German.

Mr. WOLVERTON. But when the opponents of this measure come before the House and urge us to defeat the recommendation of the committee merely upon the basis that the company, which is a competitor of the Goodyear Zeppelin Co., has a name which they say is Swiss, I say that does not go to the merits of the issue and has no place in a proper discussion of this important matter.

Now, what are the facts? The American Brown-Boveri Corporation is the successor of the New York Shipbuilding Corporation. The latter corporation has been in business in the city of Camden, N. J., for upwards of 30 years. The New York Shipbuilding Corporation has turned out of its yard some of the finest of the United States battleships, including the *Kansas*, *Arkansas*, *Utah*, *Oklahoma*, *Michigan*, *Colorado*, and last—although perhaps, the finest, because it points to the new and inevitable union of sea ships and ships of the air—the great airplane carrier *Saratoga*. It also constructed the cruiser *Washington* and about 40 destroyers for the United States Navy, and has two cruisers now under construction for the Government, and is building the engines for a third.

The American merchant marine has also been enriched by the labor of this yard. It built the ocean passenger and cargo steamers *Manchuria*, *Mongolia*, *Congress*, *Governor*, 9 ships of the famous President class, 535 feet long, and 7 of the President class, 502 feet long. In addition to these, there have been numerous other ships, such as transports, colliers, oil tankers, and river and coastwise ships, making a total altogether of more than 360 ships built by this one yard. And let me remind you at this point that during the war, when our country was anxious to build ships as fast as possible—in that great emergency time—this shipbuilding plant at Camden, N. J., did what has never been done before or since in any one shipyard in the world—and that is that within the short space of 39 days from the time the keel was laid, a completed ship was sent forth for Uncle Sam and is still rendering important service.

Mr. BEGG. Will the gentleman yield for a question?

Mr. WOLVERTON. Yes.

Mr. BEGG. I do not care to interrupt the gentleman, but personally I agree with all the gentleman says. I am familiar with the New York Shipbuilding Corporation, but they sold out in 1925 to this Swiss-American concern.

Mr. WOLVERTON. My friend from Ohio, for whom I have so much respect, has said that they sold out to a Swiss-American concern. What does he mean by "sold out"? They have sold out nothing.

Mr. BEGG. If the gentleman will permit, Mr. Wilder says he bought them out.

Mr. WOLVERTON. It is true that in 1925 Mr. Wilder personally organized a corporation by the name of American Brown-Boveri Corporation, which took over the New York Shipbuilding Corporation. But I wish to inform the gentleman from Ohio that every dollar that went into the American Brown-Boveri Corporation in the purchase of the New York Shipbuilding Corporation was American capital, and its entire board of directors are native-born citizens of the United States. Furthermore, every employee of the company at the present time, with the exception of a mere handful, is a citizen of this country. The name of the company is not Swiss-American Brown-Boveri, it is American Brown-Boveri. And the term "American" is used advisedly, as can be readily seen from the statement just made as to its origin and the composition of its board of directors.

There is no more significance to be taken from the use of the term "Brown-Boveri" in connection with the name of this corporation than there is in the use of the name "Goodyear-Zeppelin," so favorably referred to by the gentleman from Ohio [Mr. BEGG]. It is an indication, I assume, in both instances, of a desire on the part of both companies to inform the world that they have available the famous knowledge and experience of the two names which have been made a part of their American corporate names.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that my colleague may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WOLVERTON. I wish to emphasize the fact that this company at Camden, N. J., is an American industry. It represents American money. There is not a dollar of foreign capital in the company. There is no justification for any insinuation to be cast upon it by any one as to its nationality. It is, as its name indicates, American; and the benefits that come from the operation of this company accrue to American citizens.

Mr. MOONEY. Will the gentleman yield?

Mr. WOLVERTON. Yes.

Mr. MOONEY. Does the gentleman know of any company that has directors that do not represent stock in the company?

Mr. WOLVERTON. I do not know. I do know, however, that the directors of the American Brown-Boveri Corporation are all native-born Americans; and with your permission I will inform the House as to who constitute the board of directors. They are as follows:

William M. Flook, president; Clinton L. Bardo, vice president; M. L. Sindeband, vice president; J. E. Slater, secretary and treasurer.

Executive offices, 420 Lexington Avenue, New York City; main plant, Camden, N. J.; subsidiary plants, Boston, Mass.; Sidney, N. Y.; St. Louis, Mo.

The list of directors and their connections are as follows:

William R. Begg, counsel for Blair & Co., bankers, New York City.

George A. Burnham, president Condit Electrical Manufacturing Corporation, Boston, Mass.

Allen Curtis, of Curtis & Sanger, bankers, Boston, Mass.

William M. Flook, president of the corporation, formerly president Memphis Power & Light Co., Memphis, Tenn.

Edward N. Goodwin, of the law firm of Campbell, Harding & Goodwin, New York City.

William V. Griffin, of the Anthony-Brady Estate, New York City.

James Imbrie, president Imbrie & Co., bankers, New York City.

William F. Ingold, partner of the firm Pynchon & Co., bankers, New York City.

John J. Rudolf, of A. Iselin & Co., bankers, New York City.

Theodore G. Smith, first vice president Central Union Trust Co., New York City.

Laurence R. Wilder, formerly president of the corporation, born in Chicago, Ill.

Furthermore, reference has been made by one of the gentlemen from Ohio that the technical experts who are connected with the American Brown-Boveri Corporation in connection with the building of dirigibles are of German extraction. They refer particularly to Captain Heinen. In this connection permit me to inform the House that Captain Heinen, although a native of Germany, is now a naturalized citizen of this country. If I wished to make the same sort of argument against the Goodyear Zeppelin Co., I would emphasize the names of individuals that have been given by the gentleman from Ohio [Mr. BEGG] as the ones upon whom that company is depending for the construction of its dirigible. As I remember his pronunciation of them, they would each indicate that they were of foreign extraction. However, I do not hold that against them and only refer to it for the reason that I wish to emphasize how unfair is the argument which has been made against the American Brown-Boveri Corporation because of it having retained in its employment Captain Heinen. Captain Heinen was with the German Zeppelin Co. for more than 12 years, during which time he participated in the construction of more than 85 rigid airships. Our own Navy Department thought so highly of his technical knowledge and ability and his great experience as a pilot of rigid airships that it invited him, of its own volition, to take the position of technical supervisor in the construction of the *Shenandoah* and put him in charge of training the American Navy crew for that ship.

He is best known to Americans as the man who took command of the *Shenandoah* when she broke loose from her mooring mast at Lakehurst during a very heavy windstorm, and by magnificent airmanship saved the *Shenandoah*, and after a long and extremely dangerous struggle in the air, brought her safely back to her landing field, although her nose had been entirely ripped away when she broke loose. This is the man who is now on the staff of the American Brown-Boveri Corporation, and whose knowledge and skill are at the service of that company in its proposal to bid for construction of an American rigid dirigible airship. He has the stamp of approval of our own Government upon him.

The chairman of the committee, which will give aeronautical advice to the American Brown-Boveri Corporation, is Prof. William Hovgaard, who occupies the chair of aeronautics and marine engineering at the Massachusetts Institute of Technology, the foremost authority on lighter-than-air aircraft, who, I understand, is consultant of the Navy Bureau of Construction and Repair and of its Bureau of Aeronautics. The highest students at Annapolis are sent to him for a postgraduate course. I am informed that he has accepted responsibility for the design of airship for this corporation. The other expert aeronautical consultant engineer on the staff of the American Brown-Boveri Corporation is Prof. Herbert C. Sadler, professor of marine engineering and aeronautics at the University of Michigan. I call the attention of my friend from Ohio to the fact that the University of Michigan and the Massachusetts Institute of Technology both agree with me that rigid airships and ships that float in water meet very much the same conditions, and are both properly the work of shipbuilders and marine engineers.

Mr. DAVEY. Will the gentleman yield?

Mr. WOLVERTON. I will yield to the gentleman.

Mr. DAVEY. Just two questions: I would like to ask the gentleman if Mr. Wilder did not say that he did not think the dirigible would be practical for the North Atlantic use within the next 20 years, owing to weather conditions? In other words, does he believe in the dirigible or does he simply desire to halt the program in favor of the steamship?

Mr. WOLVERTON. In answer to the gentleman's question, I respectfully call his attention to the testimony given by Mr. Wilder at the hearing before the subcommittee of the House Committee on Appropriations concerning rigid airships, held on March 23, 1928. The gentleman will ascertain that no one could be more enthusiastic as to the future of this type of aircraft than Mr. Wilder. On that occasion he stated that he had sufficient faith in the future of lighter-than-air craft to consider the building of a shed at the plant of his company at Camden, N. J., at a cost of over $700,000, and that he felt he would be justified in building such a shed as a capital investment. He stated that if his company built one rigid airship there would be no doubt about their being called upon to build more, and that he would therefore feel warranted in the building of the necessary facilities, even at the great expense mentioned, to enable his company to go into the building of this type of ship.

In this connection I call the gentleman's attention to the fact that at no time has the Goodyear Zeppelin Co. ever indicated such faith in the future usefulness of dirigibles as to warrant the expending of any such sum of money as a capital investment. And furthermore, that the offer of the Goodyear Zeppelin Co. is not a straight contract price of $4,000,000, as offered by the American Brown-Boveri Co. for the building of one dirigible, but a cost-plus proposition which means that the Goodyear Zeppelin Co. is experimenting at the Government's expense.

I further call the gentleman's attention to the fact that Mr. Wilder, in his testimony, called the attention of the committee to the fact that the French during the last two weeks have put on a South American service, flying from Paris to Morocco, and after a short sea trip to the east coast of South America, then flying to Buenos Aires; and in this connection he used these words:

> The only way we can compete as a nation, as we see it, after this most exhaustive study lasting over two years in international transportation, is by dirigible to South America. It is too long a trip to fly by any other type of airship now in service. That is why, personally, I am so anxious to see two ships constructed at this time.

In the opinion of the American Brown-Boveri Co. officials, the building of a dirigible, a rigid airship which has a metal framework, a skeleton like a ship, is a job for shipbuilders not for balloon makers. The conditions which a rigid airship meets in flight are very much the same conditions which a ship meets under way. One floats in the air and one on the water. England knows this, and that is why the British airship, the rigid dirigible *R–100* is being built by Vickers (Ltd.), famous as a builder of ships. The American Brown-Boveri Co. has a long experience in building ships, as I have just shown to you, and it has a very wide general technical staff, because it builds heavy electrical machinery as well as ships.

I further wish to call the attention of the House to the fact that favorable action upon the bill as recommended by the committee will enable the Navy Department to take advantage of a much better offer that will be submitted by the American Brown-Boveri Co. should additional bids be requested. Mr. Wilder, representing this company, definitely stated before the committee that the outside cost of the construction of one dirigible by his company would not exceed $4,000,000, whereas the Goodyear Zeppelin Co., by Mr. Young, informed the House Naval Affairs Committee at a hearing on December 14 that the cost of one dirigible would be not less than $4,500,000 on the cost-plus basis. It can be readily seen that there is no limit when a contract of that character is entered into.

There is no doubt that it would be far more advantageous on the part of the Government to enter into a contract on a definite cost of $4,000,000 with a bond that would guarantee performance than to enter into a cost-plus proposition as submitted by the Goodyear Co. under date of December 3, 1927.

Mr. DAVEY. The Goodyear Co. is willing to build one ship, but they say frankly that they can build two cheaper.

Mr. WOLVERTON. But they did not submit a proposition for one ship except upon a cost-plus basis, which does not fix in a definite way the actual cost to the Government.

Mr. DAVEY. They have made that proposition to the Navy Department.

Mr. CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. DAVEY. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WOLVERTON. If the gentleman from Ohio could have been present and heard the testimony as it was given before the Naval Affairs Committee on December 14, 1927, by representatives of the Goodyear Co., then he would have understood how undecided the Goodyear Co. was in their desire to build an airship on a fixed-price basis. The testimony indicated that the Goodyear Co. had no experience in this connection, and there was an uncertainty as to what they could do. They wanted the Government to finance the experiment.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WOLVERTON. Yes.

Mr. LAGUARDIA. As I suggested to the gentleman from Ohio, all things being equal—experience, plant, ability—it might

be better to have two firms construct these airships, each to build one, so that we could get the best out of each one.

Mr. DAVEY. At a higher cost?

Mr. LAGUARDIA. I said all things being equal.

Mr. WOLVERTON. I know the record of the Camden company. I know its ability. I know the character of the workmen, men who have made a name for the company and for themselves by what they have done.

But whatever company builds these ships, I assume that a bond will be required, and I know that the plant at Camden, N. J., does not tackle anything that it can not carry through. The Government has never lost a cent through that company. As an illustration of the economical and efficient work done by this yard, permit me to remind the House that on one occasion it completed one of our large battleships at a price of over $2,000,000 less than what a sister ship constructed at the same time in a navy yard had cost. That is an indication of the ability of this Camden company.

But I will not say anything further along this line at this particular time, as I do not wish to stir up anything more than what we have to take care of to-day. [Laughter.] It is simply to let you know the capacity and efficiency of this particular plant, because they have the highest class of workmen, the best that could be gathered. If that company has been asleep, as suggested by the gentleman from Ohio, it is the fault of the American Congress, that has let the American shipbuilding yards, like the William Cramps & Sons, of Philadelphia, sleep the sleep of death.

Mr. BUTLER. Will the gentleman yield?

Mr. WOLVERTON. I will.

Mr. BUTLER. Does the gentleman know whether this concern that he speaks of—I know of it well—will be able to submit plans and specifications in order to obtain a contract within the next 90 days? I would not want to see one of these dirigibles lost.

Mr. WOLVERTON. I think they would be as capable of doing that as the Goodyear Co., which has never built a dirigible yet. They may have had some experience in balloons, but the New Jersey shipyard has had more experience in steel construction.

Mr. BUTLER. The statute runs against one of these ships in 90 days. I know my friend's statement is absolutely reliable, and I want to know whether or not the concern he speaks of is in a situation so that they can make a bid and submit plans within 90 days?

Mr. WOLVERTON. The company at Camden is capable of doing anything and everything that is required of it. The testimony before the Naval Affairs Committee indicated that definite plans and specifications had not been adopted as yet. The American Brown-Boveri Corporation has made a study of the design and character of the ship *R–100*, now being built in England, and considers this type of ship much more desirable than that represented by the German Zeppelin plans used by the Goodyear Zeppelin Co. I am interested in obtaining the best results obtainable for the money that will be expended, and, in this connection, remember the Camden concern gives a definite bid of $4,000,000 for the construction of one dirigible and a saving of from $500,000 to $1,000,000 if two should be contracted for. The judgment of the committee is sound, and should be confirmed by the action of this House. To do so will enable the Navy Department to obtain new bids that will undoubtedly prove very advantageous to the Government.

Mr. BEGG. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BEGG: Page 35, line 5, after the figures "$5,500,000," insert the following: "*Provided further*, That the Navy Department is directed to proceed at once to enter into contract for such rigid airships with the most favorable bidder in accordance with provision of existing law."

Mr. TABER. Mr. Chairman, I make the point of order against the amendment that it is legislation and is not germane to the paragraph.

Mr. BEGG. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Ohio.

Mr. BEGG. Mr. Chairman, the gentleman made the statement that this is not germane. I can not see where even this is discussable, because it is right in the paragraph having to do with the direction to the Navy Department to construct. I think it is germane. I do not think it is legislation. The whole paragraph says to the Navy Department, "Let a contract to build two dirigibles." This says to do it now at the earliest possible moment. Next, if it is legislation, it is in order, because the paragraph itself is legislation, and the point of order was not raised against the paragraph. Consequently, it can not be raised against the amendment offered to the paragraph.

Mr. TABER. Mr. Chairman, this is legislation imposing a specific duty on an executive officer, and it is beyond the connection of the preceding part of the paragraph and is entirely out of order in the bill.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BEGG. What specific injunction is imposed on the Navy Department that is not imposed by the paragraph?

Mr. TABER. To immediately enter into a contract.

Mr. BEGG. The paragraph imposes the responsibility of entering into a contract, does it not?

Mr. TABER. The Secretary has that under the authorization law, whenever this bill carries the appropriation.

Mr. BEGG. Then, what added injunction is there upon him?

Mr. TABER. It is to immediately enter into a contract.

Mr. BEGG. I admit that. That is all it does. It says do it to-day instead of two years from to-day.

Mr. TABER. If he immediately enters into a contract, it is to be not in accordance with existing law but in violation of existing law.

Mr. SCHAFER. And what does the gentleman mean by the word "immediately"?

Mr. BEGG. I am not surprised that the gentleman does not know what the word "immediately" means, but I will tell him this: It means at the earliest possible moment.

Mr. SCHAFER. That does not mean anything.

The CHAIRMAN. The Chair is ready to rule on the point of order. The Chair thinks there can be no question that the proviso suggested in the amendment offered by the gentleman from Ohio [Mr. BEGG], which reads as follows:

Provided further, That the Navy Department is directed to proceed at once to enter into contract for such rigid airships with the most favorable bidder in accordance with the provision of existing law—

Is itself legislation, but it is offered as an amendment to a proviso reading as follows:

Provided, That the contract for such rigid airships shall (a) reserve to the Government the right of cancellation of the construction of the second airship if changed circumstances, in the judgment of the Secretary of the Navy, shall suggest that course as being in the best interests of the Government, such right of cancellation to continue until the first airship shall have been tested in flight and accepted, and (b) provide that in the event of such cancellation the total cost of the first airship and all payments under and expenses incident to the cancellation of the contract for the second airship shall not exceed $5,500,000.

The Chair would inquire whether anyone has the authorization for the building of the two airships?

Mr. BEGG. It is in Public Act 422, Sixty-ninth Congress, passed in June, 1926, which I am glad to hand to the Chair.

The CHAIRMAN. The Chair finds that paragraph 1 of section 2 of "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of operating personnel in connection therewith," approved June 24, 1926, being Public Act No. 422 of the Sixty-ninth Congress, provides as follows:

PARAGRAPH 1. Two rigid airships of a type suitable for use as adjuncts to the fleet and of approximately 6,000,000 cubic feet volume each at a total cost not to exceed $8,000,000 for both ships, construction of one to be undertaken as soon as practicable and prior to July 1, 1928: *Provided*, That the two airships herein authorized shall be constructed in the United States: *Provided further*, That one or both of said airships shall be constructed either under contract similar to contracts covering the construction of other vessels for the Navy, or by the Navy Department, as the Secretary of the Navy may deem to be in the best interests of the Government.

It seems to the Chair that the proviso already in the bill to which no point of order has been made is clearly legislation, and goes even further than the amendment suggested by the gentleman from Ohio [Mr. BEGG], and that the amendment offered by the gentleman from Ohio [Mr. BEGG] only in a very small particular, with reference to the requirement for immediate letting of contracts, differs from existing law, and in fact provides that even such letting shall be in accordance with the provision of existing law. The amendment is clearly germane to the proviso already in the bill, which was itself subject to a point of order as legislation on an appropriation bill, and the amendment does not enlarge the scope of that proviso. (Hinds' Precedents IV, 3836, 3837, 3862.) The Chair, therefore, thinks that the amendment is in order, and overrules the point of order.

The question is on the amendment offered by the gentleman from Ohio [Mr. BEGG].

Mr. FRENCH. Mr. Chairman, I did not want to step ahead of those speaking for the amendment, but I had understood one or two were going to speak for it. I prefer to wait and hear what they have to say. Yet if they do not care to defend the amendment, I shall want to oppose it.

Mr. BEGG. Mr. Chairman, the reason I did not want to ask for recognition is because I thought my colleague from Ohio [Mr. MURPHY] wanted to speak. I want to say a word in behalf of the amendment.

The CHAIRMAN. The Chair suggests that courtesy might lose control of the floor.

Mr. BEGG. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BEGG. Mr. Chairman and members of the committee, I call attention to the specific language of the amendment. It merely directs the Navy Department to proceed at once to enter into a contract with the most favorable bidders.

Now, if that is not the Ohio concern and is the New Jersey concern, all well and good; it is of no material difference to me at all. Let us assume that my good friend from New York [Mr. TABER] is correct in his statement that the design bids were not technically legal and that it would be necessary to readvertise them. There is not a thing in my amendment that will prevent that.

Mr. TABER. Does the gentleman admit that his amendment does not mean anything at all?

Mr. BEGG. No; I do not admit it. It is simply an intimation to the Navy Department that this House wants them to proceed at once to contract for a dirigible. If the Navy Department thinks that the right and proper thing to do is to readvertise for designs, then they have perfect authority to do that with this amendment in the bill, and there is nothing to prevent their doing that. I will read the amendment again.

Mr. BUTLER. Read it slowly.

Mr. BEGG. I will. I read:

Provided further, That the Navy Department is directed to proceed at once to enter into contract for such rigid airships with the most favorable bidder in accordance with the provisions of existing law.

If the Navy Department decides that the first step is to advertise for a new set of designs, they have the right to do that under this provision. There is no question to my mind about it. If they did otherwise they would be violating the law. This expressly says, "in accordance with the provisions of existing law."

I will say frankly that the only purpose I have in submitting this amendment is to serve notice on the Navy Department that we expect action, and do not expect to come back here next fall and find some monkey wrench thrown into the machinery.

Mr. LINTHICUM. The gentleman desires to have these airships built, as the gentleman says, at once?

Mr. BEGG. Yes.

Mr. LINTHICUM. Do you not think that June 30 of this year is pretty nearly at once?

Mr. BEGG. Certainly.

Mr. LINTHICUM. That is according to law.

Mr. BEGG. Certainly. If they have not begun action at that time they have no authority to begin.

Mr. LINTHICUM. This has not passed the Senate yet.

Mr. BEGG. Then this will do no damage. The only purpose of this amendment is to let the Navy Department know whether or not this House is in earnest and wants early action on these dirigibles. It is for the House to decide.

Mr. FRENCH. Mr. Chairman, I wonder if we can not now arrange to close the debate on this paragraph and all amendments thereto?

Mr. LAGUARDIA. I would like three minutes in opposition.

Mr. MURPHY. I want to reserve five minutes. I may not use that time.

Mr. FRENCH. Then, Mr. Chairman, I ask unanimous consent that further debate on this paragraph and amendments thereto be limited to 20 minutes, to be divided as follows——

The CHAIRMAN. The Chair will say that it can not be divided.

Mr. FRENCH. Then I will say, Mr. Chairman, that those who have indicated their desire for time are the gentleman from New York [Mr. LAGUARDIA], three minutes; the gentleman from Ohio [Mr. MURPHY], five minutes; the gentleman from Alabama [Mr. OLIVER], seven minutes, and I want some time myself.

Mr. OLIVER of Alabama. That would not give the gentleman any.

Mr. FRENCH. Then 25 minutes is suggested.

The CHAIRMAN. The Chair will recognize gentlemen when they get on their feet. The gentleman from Idaho asks unanimous consent that the debate on this paragraph and amendments thereto be closed in 25 minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I ask the Chair to stop me in three minutes.

Mr. Chairman and gentlemen, we all know that our good friend from Ohio [Mr. BEGG] does not introduce an amendment which is meaningless. His record in the House will not bear out anything like that. He is too intelligent a legislator to put in an amendment which is so harmless and so meaningless as he would indicate.

The whole purpose of the authorization for these airships was experimental, and that is why the law provided for two ships and provided for the separation of the total funds authorized. That is why the original law giving authority for these two ships provided that contracts should be awarded within a certain time, to wit, July 1, 1928. The present wording of the proviso in the appropriation bill, I believe, extends the time.

But the amendment of the gentleman from Ohio [Mr. BEGG] would require an award to be made for both ships at once. The amendment carries the words "at once." Under the present and existing conditions the concern in Ohio is the only one in a position to bid immediately. It would be in a position to receive the contracts on two ships, to the exclusion of everyone else.

Mr. BEGG. I would like to ask the gentleman a question. Suppose it is decided that they have no bids? You can not award a contract without a bid.

Mr. LAGUARDIA. If Ohio had no bid, the gentleman would not be on his feet at this time.

Mr. BEGG. They have two.

Mr. LAGUARDIA. Then you get them in.

Mr. BEGG. Does the gentleman from New York want us to understand he is opposed to the construction here?

Mr. LAGUARDIA. No.

Mr. BEGG. Do you want to delay it?

Mr. LAGUARDIA. No. I would like to see the Ohio concern get one and another firm get the other contract, because in the present development of the art we need to experiment. We want the best that each firm can produce.

Mr. BEGG. Then let us do it right away.

Mr. LAGUARDIA. Then will the gentleman amend his amendment and eliminate the plural?

Mr. BEGG. I am willing.

Mr. LAGUARDIA. If you did that, your amendment would be harmless. If you take out the plural, your amendment is innocent. But to compel the department to award the contract at once for two ships is detrimental to the proper development of lighter-than-air ships.

Mr. OLIVER of Alabama rose.

The CHAIRMAN. The Chair will recognize the gentleman from Alabama.

Mr. OLIVER of Alabama. Mr. Chairman and gentlemen of the committee, it so happens that I was one member of the committee that favored the building last year of one lighter-than-air ship. I now favor the building of such ships. The committee feels and we are glad to report that the Secretary of the Navy agrees with us that since we are now appropriating for two airships instead of one, that new bids should be called for, especially since no one has offered to build the one ship previously appropriated for within the limit of cost.

What are the facts? The House fixed the limit of cost for one at $4,500,000. The Navy undertook to ask for bids on designs, and if you will read the hearings in connection with the law you will find that the Goodyear Co. did not comply with the law in that they failed to state a price for the design submitted. The purpose of the law was to require that when the design was submitted a price should be stated at which the Government might buy the design, so that the Government might have the option to buy the design if it desired to do so and ask for competitive bids thereon. They refused to sell the design or to fix any price therefor, but said in substance: "We will charge nothing for it if we are given the contract." Of course, that was not in compliance with the law and the committee, with such information before it, felt it was but fair that since we are now appropriating for two ships instead of one that bids should be again called for. The hearings disclose that another company, well financed, desires to submit a bid for one ship or both, the first ship to cost not more than $4,000,000.

The gentleman from New York [Mr. LAGUARDIA] very properly said that if this appropriation carried for 1929 to build

two airships does not itself extend the authorization, that the gentleman from Ohio should have limited his amendment to the building of one ship if he simply wishes to comply with the strict letter of the law. The language carried in the bill unquestionably authorizes the Navy Department to contract for two ships during the fiscal year 1929.

Then why should the department be required to let a contract at once involving $4,000,000 or $8,000,000, when time is required to prepare and submit designs? The gentleman from Ohio [Mr. BEGG] could have had but one thing in mind in offering his amendment, namely, to require the Navy Department to award the contract to the company that had already submitted an acceptable design and might resubmit at once such design when bids were called for. The words at once might preclude a new bidder from preparing and submitting designs.

Mr. ABERNETHY. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. ABERNETHY. Do I understand it is left to the discretion of the Secretary of the Navy to let these contracts to the lowest bidder, or is there anything that would shut out any other people who wanted to bid?

Mr. OLIVER of Alabama. There is nothing in the language carried to shut out anyone from bidding, and the Secretary, under the language carried, will call for bids. Members of the committee are not unfriendly to the Goodyear Co., but felt that the House was entitled to know that in submitting their design, to which reference has been made, the law was not complied with.

Mr. MURPHY. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. MURPHY. Is it not a fact that for two years those who are contemplating the building of dirigibles have had information about this matter, and is it not a fact that for more than a year definite plans have been in existence?

Mr. OLIVER of Alabama. In reply to the gentleman from Ohio, I will say this, that perhaps more interest has been manifested in dirigibles in the last few months than ever before, largely because two large airships are nearing completion in Great Britain and one in Germany.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes and not to be taken out of the 25 minutes.

The CHAIRMAN. The Chair can not entertain a motion for time outside of the 25 minutes. The gentleman from Alabama asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. BEGG. Will the gentleman permit a very brief question?

Mr. OLIVER of Alabama. Yes.

Mr. BEGG. The gentleman said my amendment should apply to only one dirigible, but that is not necessary at all, because there is a cancellation clause in your own bill which will protect the Government.

Mr. OLIVER of Alabama. This is a complete answer to the gentleman's statement. The legislative committee gave the Navy Department authority not only to let a contract for these ships, but authorized the Navy to build one or both ships, if it so elected; and it so happens that the testimony shows that the Navy is prepared to build one ship, and within limit of cost fixed in the last appropriation bill, to wit, $4,500,000. Your amendment might cut off the right of the Navy Department to build—since it provides that contract for two ships must be let at once.

Mr. BEGG. But the cancellation provision in the bill would permit them to cancel the other.

Mr. OLIVER of Alabama. Yes.

Mr. BEGG. Certainly you can.

Mr. OLIVER of Alabama. That has been an important matter with the committee and you will note we have continued the right to cancel after the test and acceptance of the first ship. We do not desire to unduly hasten the completion of the ships. We want the benefit of whatever the art has to offer. Perhaps Mr. Wilder and his company, just now interesting themselves in the building of lighter-than-air ships may do what the Goodyear Co. has done, bring over foreign talent with experience in designing and building this type of ship, and some time must be allowed for preparing and submitting designs.

Why undue hurry? Why write into the bill something that may raise a legal question? I submit that the bill as presented by the committee protects the rights of the Government and should not be changed. It is fair to the Goodyear Co., and fair to every other bidder and seeks not to discriminate in favor of or against anyone.

Mr. BUTLER. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. BUTLER. Will my friend put me right about the question of the statute of limitations? I do not want to go against the gentleman, as the gentleman very well knows; but what about the statute of limitations? Can we write something in here extending the statute for six months?

Mr. OLIVER of Alabama. Unquestionably, and the gentleman can offer such an amendment.

Mr. BUTLER. That would be a change of law.

Mr. OLIVER of Alabama. The Chairman has just held that since this section was subject to a point of order, he will permit other amendments changing the law. I will say to my friend, the gentleman from Pennsylvania, that the language carrying the appropriation for two ships clearly extends the authorization through the fiscal year 1929.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. MURPHY. Mr. Chairman and gentlemen of the committee, the training I have received here in the last few years has taught me to always be regular and stay with my committee. I am a member of the Committee on Appropriations, and I generally support them, but I am just a little bit confused this afternoon as I pick up this report and I see some one responsible for holding up the building of the dirigibles by this Government.

I see a telegram printed in this report, starting with the word "rumored" and signed by the chairman of this subcommittee, inviting at the eleventh hour, after two years of notice to those who build these ships that the Government is contemplating the building of such ships, and one year after we had definite and specific plans for the building of the ships, and 30 bidders had signified a desire to serve the Government, and yet on a rumor from some one, which the chairman of this subcommittee has not yet disclosed, the program for the building of the dirigibles is to be held up unless the amendment offered by my colleague, the gentleman from Ohio, carries.

I ask the gentlemen of this House to believe in the things that have been told you by that talented man from the great State of Texas [Mr. LANHAM], who knows more about dirigibles perhaps than all the rest of us put together. He told you what they could do. He told you what they have done, and yet in this report the man who is holding up and attracting and getting the attention of this great committee to the extent that they come in here with a special report of a special hearing, is a man who says that it will be 20 years before the dirigible will be practicable; yet within the last 40 minutes a gentleman who knows what he talks about tells the story of the cruises made by dirigibles; and at the eleventh hour, on a mere rumor, the chairman of this subcommittee holds a special hearing to throw sand in the machinery. This is why I am parting from you to-day.

I believe in regularity, and I am going to be regular; but I want the gentleman and his committee to tell this House why at the eleventh hour, after two years, you come in here with a special hearing and a special report to stop, if you please, the building of a dirigible.

I do not care who builds these flying machines. I do not care whether Ohio or New Jersey gets them, but Ohio is equipped at this time to go through with them. Ohio had faith in the Congress of the United States, and they prepared to do the things which the Government expected to do, and yet at the eleventh hour, on the strength of a mere rumor, the whole program is to be held up. I want the chairman of this subcommittee to tell the House where the rumor came from, who brought it to him, and what it is. [Applause.]

Mr. FRENCH. Mr. Chairman and gentlemen of the committee, the House is now in position to make a very grave mistake and a mistake that if it be made will reflect, I think, unfortunately upon the Congress, upon its good judgment, and will indicate that there are some Members of the Congress who are willing at this time to take snap judgment and to close up a contract upon the basis of an offer of designs that was not in proper and legal form at the time when bids and designs were called for and upon bids that were invited upon the basis of one ship actually appropriated for instead of two.

The proposition which your committee brings to you is this: If the Congress shall provide money for the construction of two ships instead of one, that new bids shall be called for and new designs submitted. There may be many concerns willing to offer bids with the prospect of building two ships which last year would not compete when only one ship was in prospect.

Does any gentleman in the House say that there is anything fundamentally wrong in this? Is there any gentleman here who

is willing to assume the responsibility of saying that your Government shall enter into a contract on the basis of estimates called for and bids submitted one year ago for one ship when all your committee wants to do now is to throw the thing wide open to the citizenship of America and say that you may call now for new bids—aye, that you must call for new bids—so that everyone who offered bids before and everyone who may be in position to offer bids now may be placed on an equal footing?

Mr. MURPHY. Will the gentleman yield?

Mr. FRENCH. Not now. Let me mention one or two things to which reference has been made.

Mr. BEGG. Will the gentleman yield for a question right on that point?

Mr. FRENCH. Not now. When I am through if I shall have the time I shall be pleased to yield.

Mr. BEGG. It is a very brief question.

Mr. FRENCH. Not now. Reference has been made to the matter of citizenship of the American Brown-Boveri Electric Corporation. Their representative came before us at our request. The matter was brought to our attention through the kindness of one of the Members of the Congress, the gentleman from New York [Mr. BACON].

When Mr. BACON advised us that that company as long ago as last December had indicated to the department, or to Assistant Secretary Warner, of the department, that it would like to offer a bid, we felt that we could do nothing that would be so fair to this Congress and the country as to call the representatives of that company before us and ask whether or not the company is or would be prepared to offer bids.

Let me go further. Reference has been made to the citizenship of owners of the company. Your committee went into that question. We asked Mr. Wilder to advise the committee of its financial condition, the ownership of its securities, and the names of its directors. In response to a question asked by the gentleman from New York [Mr. TABER] as to the citizenship of the directors and officers of the organization, Mr. Wilder replied that the statement which he filed with the committee showing the affairs of the company did not indicate citizenship of his associates, but that their citizenship is 100 per cent American.

Again on page 8 of the hearings in response to a question by myself as to foreign capital being invested in this company, Mr. Wilder replied that the American Brown-Boveri Co. was entirely financed in America and there was no money put into it by the Swiss concern. But after all, the matter of citizenship and ownership of stock of concerns that may engage in Government contracts is one that by law is placed upon the administration officers. Your committee went into the question out of abundant caution, and that we might advise the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. I wish to take the balance of my time.

The CHAIRMAN. The gentleman from Idaho is recognized for seven minutes.

Mr. BEGG. Will the gentleman yield?

Mr. FRENCH. I shall yield to the gentleman now.

Mr. BEGG. Suppose in just a year from now some other concern as responsible as the Brown-Boveri Co. comes and wants to put in a bid, and says that they will do it for $25,000,000 less. Would the gentleman then be in favor of postponing it six months to give them a chance?

Mr. FRENCH. If the Congress should enact a law providing for three dirigibles or four dirigibles instead of two, then most assuredly I would say new bids should be called for.

Mr. BEGG. In other words, an indefinite postponement.

Mr. FRENCH. No; the former bids were offered when one airship only was called for.

Mr. BEGG. The same thing was implied in the other bids.

Mr. FRENCH. No; not implied; it was specifically provided in the law that only one ship was appropriated for.

Now, gentlemen, what does this amendment do? The amendment of the gentleman from Ohio, if it means anything, means that you are attempting to require the Secretary of the Navy to enter into a contract to build two lighter-than-air ships now and keep out any other possible competition. The proposition is an entirely different proposition from what it would be if we were dealing as individuals with something that concerned ourselves alone.

Mr. MURPHY. Will the gentleman yield?

Mr. FRENCH. Let me finish. If I am about to have a suit of clothes made by Jones & Co., and this company wants to charge me $100 for the suit that Brown & Co., tailors, are willing to make for $75, I have a right to turn down Brown & Co. and have my suit made by the tailors who are my friends, even though I am charged $25 more. That is my personal affair. But the Congress does not have that right when it comes to business of the Government. When one concern by its bid is willing to build a ship at a certain figure, and another concern of equal responsibility comes in and says it would like to offer to build the same type of ship for the United States at a less figure, this Congress—trustees of this country in a sense—are not privileged to say, "You shall not bid; we like the first firm, and we are going to let it build the ship." It is our duty to call for bids and see what facts will be disclosed. Now I yield to the gentleman from Ohio.

Mr. MURPHY. The gentleman from Idaho wants to be fair, and he can not find any fault with the amendment offered by the gentleman from Ohio [Mr. BEGG] because his amendment does not refuse this company the right to compete with the Ohio concern. What we want is an open, fair chance with those who have had the energy and ability to prepare for this. All we want is a fair chance, and the amendment offered by my colleague does not shut out competition.

Mr. FRENCH. Mr. Chairman, if the amendment of the gentleman from Ohio means anything, it means the end of competition. That is all it does mean. Unless it means that, it means absolutely nothing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BEGG].

The question was taken; and on a division (demanded by Mr. BEGG) there were 23 ayes and 78 noes.

So the amendment was rejected.

Mr. BUTLER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Is all speech making shut off on this paragraph?

The CHAIRMAN. Under the agreement no further debate on this paragraph or any amendment thereto is in order, and there are no other amendments to the paragraph.

Mr. BUTLER. I would like to move to strike out a couple of words so that I could ask a question.

The CHAIRMAN. Debate has been closed upon this paragraph and all amendments thereto, and the Clerk will read.

Mr. ANDREW. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes out of order.

The CHAIRMAN. Debate upon the paragraph and all amendments thereto has been closed.

Mr. BUTLER. And I voted for that, and I am not kicking against it.

The CHAIRMAN. The Chair can not entertain a request for unanimous consent in violation of the agreement made by the House.

Mr. BEGG. Mr. Chairman, if I may be permitted, I call the attention of the Chair to the fact that the time was fixed by unanimous consent in committee and not by the House. Can not the same committee by unanimous consent undo a former agreement? I submit that as a parliamentary inquiry.

The CHAIRMAN. The Chair holds that he is not privileged to entertain a unanimous-consent request in violation of an agreement already made. The Clerk will read.

The Clerk read as follows:

NAVAL ACADEMY

Pay, Naval Academy: Pay for professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, $259,000: *Provided*, That not more than $36,500 shall be paid for masters and instructors in swordmanship and physical training;

Mr. BUTLER. Mr. Chairman, I move to strike out the last word. My purpose in doing that is to go backward, like a crab. Do I understand that with the passage of this bill, if it should become a law, the time limit imposed by statute in which one of these dirigibles will be cut off after July 3 has been removed, and this will be in compliance with the law, and that these two ships may be built and the responsibility for the construction, whether early or late, rests entirely with the Secretary of the Navy?

Mr. FRENCH. My understanding is that this language, if enacted into law, will supersede the law fixing the time limit as of July 1 next, before which one lighter-than-air ship must be begun, and that it will extend authority beyond that time for the beginning of that ship.

Mr. BUTLER. I know that my friend will not object if I repeat the question I put to one of the best authorities I have ever known, and that is whether or not the passage of this law will toll the statute of limitations, so that both of these ships may be built by the Secretary of the Navy under contract even after July 1 next.

Mr. FRENCH. That is my understanding, and there is precedent for it. Submarines, for instance, carried in the 1916 program were appropriated for and laid down after the time limit of the original act had expired.

Mr. BUTLER. Then I am satisfied with that.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Current and miscellaneous expenses, Naval Academy: For text and reference books for use of instructors; stationery, blank books and forms, models, maps, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lectures and entertainments, not exceeding $1,000, including pay and expenses of lecturer; chemicals, philosophical apparatus, and instruments, stores, machinery, tools, fittings, apparatus, and materials for instruction purposes, $72,800; for purchase, binding, and repair of books for the library (to be purchased in the open market on the written order of the superintendent), $5,000; for expenses of the Board of Visitors to the Naval Academy, $1,400; for contingencies for the Superintendent of the Academy, to be expended in his discretion, not exceeding $4,000; for contingencies for the commandant of midshipmen, to be expended in his discretion, not exceeding $1,800; in all, $85,000, to be accounted for as one fund.

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines, fire apparatus, and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor; advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; fuel for heating and lighting bandsmen's quarters; pay of inspectors and draftsmen; music and astronomical instruments; and for pay of employees on leave, $1,075,000.

Mr. LOZIER. Mr. Chairman, the bill now being considered provides for an appropriation and expenditure during the coming fiscal year of $369,190,737 for the maintenance of our Navy Department. Congress recently passed an Army appropriation bill calling for the expenditure of $315,566,532 during the coming fiscal year for military purposes. Combining these appropriations, we have a grand total of $684,757,269, which is the sum the American people will pay for naval and military purposes during the coming fiscal year; a sum grossly excessive and obviously wasteful. With this sum we could construct flood-control and flood-prevention works that would protect the basins of practically every river in the United States from destructive overflows.

Since the inauguration of President Harding, including sums voted for 1929, approximately $3,000,000,000 have been expended on our Navy Department, or on an average of $1,000,000 each day. In the same period we have expended about $3,000,000,000 on our War Department, or approximately $1,000,000 per day. And in the aggregate our expenditures for military and naval purposes during the Harding-Coolidge administrations have been at the rate of about $2,000,000 per day. I can not escape the conviction that we are spending entirely too much money on naval and military affairs. The five or six billion dollars expended for military and naval activities would have brought far better and more permanent results if such expenditures had been for internal improvements, for development of our rivers and harbors, for highways, for public buildings, for farm relief, and for flood control.

If I had my way, instead of spending this $684,000,000 for naval and military purposes, I would spend the major part of this enormous sum to finance the rehabilitation of agriculture and for the construction of works for the control and prevention of ruinous floods in all the principal river basins in the United States. That would be an investment that would return immense dividends in reclaimed lands, happy homes, prosperous people, improved social conditions, thriving cities and villages; and which would tremendously increase our national wealth.

It is shortsighted policy to spend nearly three-quarters of a billion dollars annually on naval and military affairs while destructive floods ravish our fairest and most productive valleys and carry poverty and desolation into a million homes. It is a stupid policy to sit complacently and allow millions of dollars worth of property to be swept away by these periodical and rapidly recurring floods. It is supreme folly for us to permit ruthless floods to run wild and transform our richest agricultural lands into a trackless wilderness and pestilential swamp. Why not spend less money on battleships and military and naval armaments and more on the conservation of our natural resources and in the protection of our people from the destructive forces of nature?

The people of the Middle West, irrespective of their political affiliations, are vitally interested in the immediate adoption of a comprehensive program by the Federal Government for the control and prevention of destructive floods in the valleys of the Mississippi River and its tributaries. Largely in the last two generations the rich basins of the Mississippi and its tributaries have been reclaimed from swamp and wilderness, developed, and brought to a marvelous state of productivity. Men of brawn, brains, courage, and vision went into these uninviting regions, felled the forests, built highways, constructed levees and drainage ditches, and reared cities, villages, and attractive farm homes, transforming swamp and wilderness into one of the most highly productive, desirable, progressive, and valuable agricultural areas in the world.

This amazing transition from wilderness to gardens, orchards, and highly cultivated fields was not accomplished by the waving of a magic wand over pestilential swamp and unproductive waste, but by unremitting toil, persevering patience, and years of tireless industry and sacrificial efforts. Having unbounded confidence in the future of this potentially rich region, the landowners uncomplainingly assumed an exceedingly heavy burden of taxation, looking to the future for reimbursement. They mortgaged their lands to build homes and other improvements, to hasten the development of this fertile district, and to transform it from quagmire, bog, fen, and marsh into a region of unrivaled beauty and productivity.

The courage of the people of southeast Missouri in their long fight against destructive floods has seldom been equaled and never surpassed in the long line of events that have marked the struggle of man to overcome the hostile and adverse forces of nature. Year after year ruinous floods swept down from mountains, valleys, uplands, and plains of the West, North, and East, destroying crops, livestock, levees, fences, buildings, roads, and farm property of every description. Year after year 31 States dumped their destructive flood waters into the lower basins of the Mississippi and its tributaries. Year after year 41 per cent of the area of the United States drained its surplus flood waters into the narrow neck of the Mississippi between Cape Girardeau, Mo., and the Gulf of Mexico, destroying levees and millions of dollars' worth of property and driving into bankruptcy hundreds of thousands of landowners along the Mississippi and its tributary streams.

While many other counties in Missouri suffered almost incalculable damages from flood waters, these periodical disasters fell with excessive violence on the landowners of nine southeast Missouri counties, namely, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard. In the 1927 flood, according to the Mississippi River Flood Control Association, the total damage in these nine counties was $7,691,265.

In Butler County 258 buildings were destroyed or seriously damaged, the total loss in that county being $271,300.

In Cape Girardeau County the damage was comparatively small, being estimated at $36,500.

In Dunklin County 479 houses, stores, gins, barns, and other buildings were destroyed or seriously damaged, the total property damage in that county having reached the enormous sum of $3,078,910.

In Mississippi County 410 buildings were destroyed or substantially damaged, the total property damage in that county being $515,500.

In New Madrid County 1,294 buildings were destroyed or seriously damaged, and the total property loss in that county was $802,078.

In Pemiscot County many houses, stores, barns, gins, and other buildings were destroyed or seriously damaged, and the loss in that county was fixed at $258,875.

In Ripley County the damage was confined largely to loss of rents on lands not cultivated by reason of overflow and to injuries to growing crops. In this county the loss was comparatively small, being estimated at $20,000.

In Scott County the property damage amounted to $254,650.

In Stoddard County the property damage was $1,985,350, or approximately $2,000,000.

In the nine southeast Missouri counties I have mentioned, 310,000 acres of highly productive farming land were flooded and farm property of every kind and character completely destroyed or substantially damaged.

My colleague from Missouri [Mr. FULBRIGHT], who ably represents the fourteenth district in Congress, informs me that these statistics are very conservative and do not overestimate the loss and damage that came to these nine southeast Missouri counties as a result of the 1927 flood.

As Mr. FULBRIGHT has first-hand information as to local conditions and has made a special study of the problem of flood control and flood prevention, particularly with reference to southeast Missouri, and as he is an aggressive champion of flood-control legislation and has labored tirelessly to awaken Congress to a realization of the importance of flood-control legislation by the Federal Government, I feel absolutely safe in accepting his conclusions as to conditions in southeast Missouri and as to the character of legislation that will be most beneficial to the people of southeast Missouri.

In this connection, I desire to say in passing that while my colleague from the thirteenth Missouri district, Mr. WILLIAMS, is serving his first term, I have found him well informed in reference to all legislative problems, and especially familiar with conditions in southeast Missouri as they relate to flood control legislation. He and his colleague from the fourteenth district are supporting that brand of flood prevention legislation that will bring the best results to the people of their respective districts. I cheerfully acknowledge my obligation to them for the first-hand information as to the conditions in southeast Missouri, and as to the plan of flood control that will best protect the interests of that rich yet flood-ridden portion of our State.

Now, since the development of southeast Missouri began floods from the great Mississippi watershed have periodically ravished southeast Missouri, leaving desolation in their paths. But with commendable courage and fortitude, these stricken people, after each flood, returned to their ruined homes and "commenced life over again." They have done everything that is humanly possible for them to do to win this fight against the flood waters from 31 States. They have taxed themselves unmercifully to protect themselves from the deluge that the people of 31 States are periodically dumping on them.

The people in the Delta of the Mississippi and tributary streams between Cape Girardeau and the Gulf of Mexico, in their battle against these calamitous visitations of outlaw floods, have expended approximately $300,000,000 in building levees and other flood-control works. Is this not convincing evidence of their courage, confidence, and good faith?

As a result of one ruinous overflow quickly following another, the resources of the people of southeast Missouri have been practically exhausted. Their present capacity to pay has been almost if not completely destroyed, the great flood of 1927 having wiped out the earnings which these people had been a lifetime in accumulating.

The victims of repeated overflows, the people of southeast Missouri are standing with their backs to the wall, desperately fighting to save a little "nest egg" out of the wreck of their former fortunes. They are the victims of conditions over which they have had no control and for which they are not responsible, but which the United States Government could and should have avoided by the enactment of a comprehensive legislative program for the control and prevention of destructive floods.

One of the most important questions before Congress and the American people is whether or not the Federal Government will continue to stand idly by and permit 31 States to dump their uncontrolled, unharnessed, and destructive flood waters on southeast Missouri and similar areas along the lower Mississippi.

Flood control and flood prevention are national, not State or local problems. The burden of preventing these periodical disasters is a load that should properly be borne by the Federal Government, and no part of it should be imposed on the States, counties, local communities, or landowners. I am opposed to all flood control bills that require the States, counties, local communities, or landowners to bear any part of the expense incident to the control of these outlaw floods that the Federal Government has heretofore negligently and unwisely permitted to run at large, unharnessed, unrestrained, and uncontrolled, to the enormous destruction of property and wastage of individual and national wealth.

The people of southeast Missouri, because of the tremendous tax burdens assumed by them in order to reclaim and develop this fertile region, and as a result of successive destructive overflows, are not now financially able to assume any part of the expense necessary to carry out this flood-control program, and there is no sound reason why the State of Missouri, the counties, the cities, the drainage districts, or landowners should bear any part of this burden.

Indeed the landowners in many of the drainage and levee districts in southeast Missouri have suffered so seriously as a result of recurring and ruinous floods, that they are not financially able to pay their drainage and general taxes or meet the interest on their farm indebtedness. Unless the National Government does its duty and does it quickly, the several hundred thousand landowners in this vast region will be broken on the rocks of insolvency and face financial ruin.

Moreover, I believe that any flood control bill Congress enacts, should carry a definite provision for the early protection from the flood waters of tributary streams. In some of the counties in southeast Missouri and other portions of that State, much of the damage results from overflows from tributary streams, caused often by backwater from the Mississippi, or because the flood stage in the Mississippi is so high that these tributary streams can not speedily discharge their flood waters into the Mississippi. Several counties in southeast Missouri are vitally interested in having the flood-control legislation definitely provide, either now or in the near future, for protection from floods from tributary streams, in addition to affording protection from the flood waters of the Mississippi. From a careful examination of this question I am convinced that the people of these counties, and other counties similarly affected, are entitled to protection from floods from these tributary streams, and provision to that effect should be incorporated in any flood control bill enacted by Congress.

By this I mean, that the valleys of the Missouri, Grand, Chariton, Osage, Gasconade, St. Francis, Black, and other tributaries of the Missouri and Mississippi Rivers should be included in a comprehensive flood-prevention program of the United States Government, and these smaller basins ultimately protected from destructive overflows. The people in the valleys of the Grand and Chariton Rivers in the district I have the honor to represent, have for years suffered serious damages and many of them are now facing bankruptcy because of periodical overflows from these turbulent streams. Sooner or later the American people will awaken to a realization of the economic waste that annually results from ruthless overflow water from wild, unharnessed streams, and adopt methods that will arrest this needless destruction of individual and national wealth. Why longer delay this important task? Let's go. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LINTHICUM. Mr. Chairman, I rise to speak on the question of the Naval Academy merely to express a few views in reference to that great institution. It was my pleasure during the last year to serve on the Board of Visitors with Senator HOWELL, of Nebraska, and Senator TRAMMELL, of Florida, Members of the Senate, and as Members of this House, the gentleman from New Jersey [Mr. ACKERMAN], the gentleman from New York [Mr. QUAYLE], the gentleman from Iowa [Mr. RAMSEYER], and the gentleman from Massachusetts [Mr. UNDERHILL]; Senator TRAMMELL, of Florida, was made chairman, but owing to illness was not able to remain. We also had on the board Capt. William B. Franklin, a graduate of the academy; Stephen G. Goldthwaite; Ogden Reid, a great business man, a son of the late Whitelaw Reid; Harry H. Williams; and last but certainly not least that great railroad president, Daniel Willard, of the Baltimore & Ohio Railroad. These men attended those sessions and visited every part of that great institution.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. RAMSEYER. I do not know whether the gentleman was at the meeting of the board when we signed that report. But the gentleman will remember that when I signed the report I especially reserved the right of further investigating the need of five cadets from each district.

Mr. LINTHICUM. I do not know what reservation the gentleman from Iowa made. How does the gentleman from Iowa know that I am going to speak on the question of five cadets?

Mr. RAMSEYER. I know the gentleman had some object in reading the names of the visitors there, among which was my own.

Mr. LINTHICUM. I desired to read the gentleman's name because of his well-known ability and judgment, and besides he has great influence in this House [applause]; and in signing this report which recommends five students for the Naval Academy I took it as his best conclusion on this proposition.

Mr. RAMSEYER. The only object I had in interrupting the gentleman was to remind him of what I said on the occasion of signing the report.

Mr. LINTHICUM. I will not go further into that. The gentleman will agree with me that we made an exhaustive examination of the institution.

The Board of Visitors, consisting, as I have said, of men familiar with Army and Navy matters, men of distinction in the business and professional world, Members of the Senate and of the House of Representatives in close touch with legislation regarding governmental activities, made an exhaustive examination of conditions at the Naval Academy.

As a preamble to our report we have taken from the annual register that for which the Naval Academy stands, to wit:

THE MISSION

To mold the material received into educated gentlemen, thoroughly indoctrinated with honor, uprightness, and truth, with practical rather than academic minds, with thorough loyalty to country, with a groundwork of educational fundamentals upon which experience afloat may build the finished naval officer, capable of upholding, whenever and wherever may be necessary, the honor of the United States, and withal giving due consideration that healthy minds in healthy bodies are necessities for the fulfillment of the individual missions of the graduates; * * *.

We find the Naval Academy is efficiently performing the functions for which it was established and which it has been successfully performing for the past 80 years. The main object of the Naval Academy is to provide young men with an education which will fit them to become skillful, efficient, and worthy officers of the United States Navy. There must be certain readjustments which are being made, due to additional work of technical character, which the academy has been compelled to take up in recent years because of great inventions such as the submarine, aviation, radio, fire control, and so forth.

The board gave a very lengthy discussion and much consideration to the question of the number of students to be appointed to the institution. The report of the committee reads as follows:

NUMBER OF APPOINTMENTS

At the present time there is an attendance of midshipmen at the Naval Academy of about 1,600. The plant is sufficiently large and complete to take care of 2,400 men with only a relatively small increased expenditure for instructors and salaries of midshipmen. Since an increased attendance would enable more careful selection of final graduates, and such for whom vacancies in the line or staff of the Navy did not exist and who would be returned to civil life would form a valuable addition to the Navy in time of need, it would seem the part of wisdom that annual appropriations should be made sufficient to maintain the regiment of midshipmen at the maximum now provided by law, the status of each graduate to be that of a temporary ensign until after a two years' satisfactory service at sea, when a permanent commission shall be issued.

If you will compare this recommendation of the Board of Visitors with the report accompanying this bill, H. R. 12286, on page 7 of the report, you will find that the committee refers to the number of students at the academy as "potential total," which it says approximates 1,710, whereas, in fact, there are not 1,710 students at the academy, but only about 1,600, because of various reasons, such as the nonappointment of students by certain Members of the House and Senate, and of resignations, and so forth, so that while giving us an additional appointment at the expense of $255,990 in this bill, which when in full operation would be $519,167, which is supposed to give a student body of 2,112, which is also "potential," we shall in fact have only a student body of about 2,000 midshipmen.

I shall not at this time introduce an amendment to increase the number to five for each Member of Congress, including Delegates, but I am thoroughly of the opinion and in hearty accord with the recommendation of the Board of Visitors that we should have that number at all times. This would probably amount to about the capacity of the school, which is 2,400, and for which adequate provision has been made as to buildings and equipment.

This number of 2,400, or 5 to each Member of Congress, including delegates, would give a larger number from which to select those necessary to man our ships. I am of the opinion that it will require all the graduates when our full naval program has been evolved. The committee itself admits the fact that even with this full quota we will not be able to provide for the Navy and the aviation section thereof, but that men must be secured from other schools in order that we may fill our aviation quota. The question I wish to have answered is why should we take men from other schools when here is this great institution belonging to the National Government splendidly equipped and manned to provide the large number of graduates we require? Even though we should graduate more students than there are places available for them, will they not be of great benefit as a reserve force in the event of war? Will they not also be trained in governmental matters which will make them better citizens and better able to cope with the business world as well as disciplined upstanding men of their communities?

This Government of ours stands firmly for the education of its citizens, and I know of no way by which we can spend money to better advantage than the education of students in the two great governmental schools, the Naval Academy at Annapolis and the Military Academy at West Point. They should at all times be utilized to their full capacity. I sincerely trust that the committee will see proper in the next appropriation bill to provide the five appointments each as recommended by the Board of Visitors. [Applause.]

NEW AUDITORIUM

There is now no suitable auditorium where the entire regiment of midshipmen can be assembled. It seems most advisable that a building should be erected capable of seating the entire student body.

While at Annapolis the board was particularly impressed with the fact that there was no suitable auditorium of sufficient capacity to accommodate all the student body. This the board thought unfortunate, because it is on many occasions advantageous to have the entire regiment of midshipmen present.

NEW BOATHOUSE

The boathouse, which has been in use for over 30 years, is inadequate, unsafe, insanitary, and is too great a fire risk for a building containing so much valuable equipment. It is not in keeping with the very fine buildings which compose the rest of the academy. We indorse the recommendation of previous boards that a suitable boathouse be built.

We were much interested in the unsightly antiquity and insecure conditions of the boathouse. This does not compare with anything on the academy grounds, either in looks or accommodations; it is merely an old frame structure, or if my recollection serves me correctly, I think it is composed of two old structures. If it should catch fire, I do not see how the valuable equipment consisting of thousands of dollars worth of property could possibly be saved; certainly not without great dexterity and risk of life. Of all the things which should receive our attention as to building, certainly this boathouse is the most important.

I sincerely trust this committee will grant us the opportunity to correct this situation by appropriating a sufficient sum to construct a substantial, sightly, and adequate boathouse in which to store this valuable equipment. [Applause.]

REBUILDING SEA WALL

We also recommend the rebuilding of the sea wall alongside the power plant and shop building, as the original sea wall has almost entirely disappeared and the buildings are in imminent danger. This project is urgent and necessary.

The reconstruction of the sea wall mentioned, it seems to me is of urgent necessity; it is much cheaper to do this than to risk injury to the power plant and shop building at this location.

I know of no better language to express our approval of the administration of the Naval Academy and of the general satisfaction which we found to exist than that used by the Board of Governors, as follows:

GENERAL COMMENT

The board desires to commend Rear Admiral L. M. Nulton and his able staff of assistants for the highly satisfactory manner in which the affairs of the Naval Academy are being conducted. We also desire to comment on the excellent appearance of the regiment of midshipmen, their neatness, smartness, bearing, and morale, which reflect great honor upon all the officers attached to the academy.

The board desires to express its hearty thanks to its secretary, Commander Edwin A. Wolleson, United States Navy, and to its assistant secretary, Commander Clyde G. West, United States Navy, who were most courteous and efficient in assisting the board in its work.

[Applause.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GAMBRILL. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL: Page 37, after line 25, insert a new paragraph, as follows:

"Naval Academy, Annapolis, Md.: Construction of boathouse, $250,000."

Mr. GAMBRILL. Mr. Chairman and gentlemen of the committee, I am going to take only a few minutes of your time for the purpose of appealing for your very earnest consideration of this amendment which I have offered. The amendment is designed to provide a suitable and adequate boathouse for the use of the midshipmen at Annapolis in order to take the place of two old sheds which have been used for that purpose for 32

years past and which have served the purpose of a boathouse, but very inadequately so.

The Secretary of the Navy has informed the Committee on Appropriations that it would be useless to attempt any repairs to the present sheds, which are of wooden construction, and which are, of course, not in keeping or harmony with the fine, imposing buildings at the Naval Academy.

May I conclude my very few remarks by saying that the Board of Visitors in 1927 made this comment regarding the boathouse, which sums up this situation very adequately:

> The boathouse, which has been in use for over 30 years, is inadequate, unsafe, insanitary, and is too great fire risk for a building containing so much valuable equipment. It is not in keeping with the very fine buildings which compose the rest of the academy. We indorse the recommendation of previous boards that a suitable boathouse be built.

I hope that my amendment will receive the support of the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The Clerk read as follows:

MARINE CORPS

PAY, MARINE CORPS

> Pay of officers, active list: For pay and allowances prescribed by law for all officers on the active list—pay and allowances, $3,618,043; subsistence allowance, $486,618; rental allowance, $658,246; in all, $4,762,907.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word. I am simply making this motion for the purpose of trying to obtain a little information. After a very large force was sent to Nicaragua in the fall of 1926, I wrote the Secretary of the Navy asking what additional expense would be involved. I received from the Secretary, for whom I have high personal regard, a letter in which he said:

> Referring to the expense to which this Government is put on the coast and in the territory of Nicaragua, there is no added monetary expense because of the present employment of these naval forces, since the cost of their pay and provisions is already a fixed charge, and the amount of fuel consumed is probably about the same as would be used in the usual activities of the ships in cruising and training.

I thought he must be mistaken, because he mentioned in his letter that we had 13 vessels in the waters of Nicaragua, with 176 officers and 2,272 men. Of course, I understood that during the administration of Mr. Wilson, the administration of Mr. Harding, and the administration of Mr. Coolidge, up to the fall of 1926, there was very little expense due to our activities in Nicaragua, because the marines deemed necessary to maintain tranquil conditions there were only a very small number—I think never exceeding 200—but I could not but believe that the Secretary was in error in telling me that the large expedition of 1926 would not necessitate an unusual expenditure.

I find in the appropriation act of last December an item of $1,818,000 covering various items, one being the expenses of our activities in Nicaragua. I have been trying to ascertain what part of that total pertained to Nicaragua and what, if I can find out, it has really cost and is costing to conduct the Nicaraguan business; and if my friend the gentleman from Idaho, chairman of the subcommittee, can give me any information, I would like to have it.

I may say this: Nobody is going to put me in the position of denying that it is proper for our Government to protect American life and property whenever it is in actual peril, but I have not been able to find that any American resident of Nicaragua has been killed or injured.

Mr. ROMJUE. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. ROMJUE. I agree with what the gentleman has just said. I have made an inquiry myself and have never been able to find anybody who can report definitely any civilian American who has been killed in Nicaragua.

Mr. MOORE of Virginia. Have you found how many of our marines have been killed and injured?

Mr. ROMJUE. I made that inquiry of the department and am informed that 21 marines have been killed and 44 have been wounded.

Mr. LAGUARDIA. In action?

Mr. ROMJUE. Yes; and in addition to the 21 killed and 44 injured in action, 10 others have been killed through accidents for which the war was not responsible.

Mr. LAGUARDIA. To clarify what the gentleman from Missouri has just said, the 10 who were killed not as a result of combat were accidental deaths and not caused by natives of Nicaragua.

Mr. ROMJUE. No. They were accidental deaths, but there were 21 killed in combat and 44 injured.

Mr. MOORE of Virginia. I ascertained, when I was making some investigation early last year, that certain corporations, several of them engaged in the lumber business in Nicaragua, were appealing for protection.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. But not only have I not found that the life of any American civilian has been taken or endangered, but I have not found that there has been any such injury to property as we were told was imminent when the large expeditionary force was organized. Without any partisan feeling in this matter at all and with no purpose to criticize unfairly the administration, I have never ceased to regret that some sort of reason was found by the State Department for sending such a force to Nicaragua as Mr. Wilson, Mr. Harding, and Mr. Coolidge, up to a certain time, apparently never dreamed it was necessary to employ.

Now, the inquiry I am making of my friend is with reference to the expenditure to which our Government has been subjected on account of that course having been taken. [Applause.]

Mr. FRENCH. Mr. Chairman, the question that the gentleman asks as to the amount of added expenditures on account of the service of the marines in Nicaragua is one that your subcommittee is not able to answer at this time. A little later on we shall have the information. It was some months ago when the general supply bill for 1929 for the Navy was considered by the Bureau of the Budget, and at that time the situation was so uncertain that it was deemed desirable that all extra expenditures incurred be included in the next deficiency bill. That bill will follow along later in the session.

However, in response to a question that I asked along the general line, of probable deficiences for 1928, page 962 of the hearings, we were advised by General McCawley, of the Marine Corps, as follows:

> At the present time our books show a probable deficiency of about $2,750,000 in this year's appropriation.

That, of course, includes deficiencies for various purposes.

Mr. LAGUARDIA. Can the gentleman tell us how much of this amount must be charged to Nicaraguan service?

Mr. FRENCH. No; not at this time, though I have no doubt at all that to some extent there will be unlooked-for expenditures incurred by reason of all expeditionary forces. Ships must be used. To some extent additional equipment must be used. To some extent additional expenses must be incurred more than would occur with conditions running normally at the bases where the marine organizations would normally be stationed. I am sorry I must ask that further information be deferred until the deficiency committee may have the opportunity of going into the question.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. Debate on the pro forma amendment is exhausted.

Mr. LAGUARDIA. Then, Mr. Chairman, I move to strike out the figures "$4,762,907" and insert in lieu thereof "$4,672,000."

Mr. Chairman, the gentleman from Idaho [Mr. FRENCH], in his usual pleasant and honest manner, gave us the reason why he could not furnish the information requested by the gentleman from Virginia [Mr. MOORE]. I feared for a while that the gentleman would say that for stragetic and war reasons it would be incompatible with the public interest to give the information at this time. [Laughter.]

The fact remains, Mr. Chairman, that we have 3,500 armed marines down in Nicaragua; and while one can juggle and conceal figures in appropriations and put them in the regular supply bill or put them in the first or second deficiency bill, yet this expeditionary force down in Nicaragua is costing the people of the United States from $50,000 to $70,000 or $100,000 a day. We do not require an expert from the Navy Department or War Department to inform Congress it costs money to keep an army in the field. The lines of communication that must be established, the cost of local supplies, the quartering of troops,

the transportation of troops within the zone of occupied territory, or whatever you may call it, cost money.

It was suggested a few days ago that the United States is down there at the invitation of the "good people" of Nicaragua. Yet the Congress of Nicaragua voted only a few days ago against any interference on the part of the United States in the control or supervision of their elections; and as Will Rogers says in his typical and certain fashion, the vote of the Congress does not count because the United States did not supervise that vote. [Laughter.]

I submit, gentlemen, that supervising this election no matter how it turns out will bring with it the necessity of keeping troops down there to carry out the results of the election. This is the weakness of the supervision.

It has been said in the course of the discussion on the floor of the House that all factions were agreed. If all factions are agreed, then I ask, in the name of common sense, why do we keep 3,500 troops down there? It is stated that one Sandino is protesting and that it is necessary to watch him. Well, he must be some man if it takes 3,500 marines to chase him and not be able to catch him when one reporter of the Nation went there and had an interview with him. [Laughter.]

Mr. ABERNETHY. Are they going to let Sandino vote when he comes to the polls?

Mr. LAGUARDIA. I wonder. He will have about as much chance of voting as a colored man in the gentleman's State. [Laughter.]

Mr. ABERNETHY. Will the gentleman yield further?

Mr. LAGUARDIA. Yes.

Mr. ABERNETHY. Some of them vote in our State—those who are educated. How do they handle it in New York?

Mr. LAGUARDIA. We let them vote. I wish I had more of them in my district.

Mr. ABERNETHY. You can have all who are not educated in your district. I will turn some of mine over to the gentleman if he wants them. [Laughter.]

Mr. LAGUARDIA. Mr. Chairman, I know there is no use of seeking to place a limitation on this appropriation. It is the honest belief of a good many Members that the presence of United States troops is necessary in Nicaragua. Only time will tell. But, Mr. Chairman, I say that what this Congress ought to do is to take the ideals and the pledges and the promises made by Charles E. Hughes at the Pan American Conference in Habana and translate them into legislation by recalling the troops we have in Nicaragua. [Applause.]

It seems paradoxical and inconsistent that to one part of Central America we send our diplomats who express ideals and offer expressions of friendship with assurances of noninterference in local matters to the people of Central America, while another department of the Government has its armed troops in a friendly sister republic.

The CHAIRMAN. The time of the gentleman from New York has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For pay and allowances of the Marine Corps Reserve, (a) excluding transferred and assigned men, $150,000; (b) transferred men, $243,532; (c) assigned men, $87,500; in all, $481,032.

Mr. FRENCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 39, line 9, strike out the figures "$87,500" and insert in lieu thereof "$65,000."

Mr. FRENCH. Mr. Chairman, the figures I insert represent the action taken by the committee. Somehow in preparing the bill for printing the figures of the Budget draft were used instead of the committee figures. We are carrying for assigned men $65,000, which will take care of 2,600 men.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct all totals in the bill.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that the Clerk be authorized to correct all totals in the bill. Is there objection?

There was no objection.

The Clerk read as follows:

In all, $8,370,000, to be accounted for as one fund.

Mr. HARE. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amendment offered by Mr. HARE: Page 43, line 14, after the word "Fund," strike out the period, insert a semicolon, and add the following: "*Provided*, That none of such amount shall be used in transporting troops or marines to and from marine barracks and other points except by the cheapest and most direct route."

Mr. FRENCH. I reserve a point of order against the amendment.

Mr. HARE. Mr. Chairman, I offer this amendment for the purpose of affording some information to inquiries that were made a few moments ago relative to the unnecessary expense incurred in transporting troops to Nicaragua and other places, and with the hope of eliminating such an unnecessary waste of money. I have been advised that there is a growing practice in the Navy Department in recent years that, instead of transporting troops from the marine barracks at Parris Island, S. C., to other marine barracks by the customary method of Government transports or ships, they use the railroads to a much greater extent than formerly.

I am advised that a few weeks ago, when troops were being sent to Nicaragua that, instead of the Government transport stopping at the marine barracks at Parris Island, S. C., where there is one of the greatest natural harbors on the Atlantic coast, 700 or more marines were picked up from the marine barracks at this place and put on the railroad, carried around 100 miles or more, and then placed on a Government transport at a cost of $3 apiece, when, as a matter of fact, the transports following the Atlantic coast almost every day could have stopped at these barracks and picked them up and carried them wherever they were destined to go at a saving of approximately $2,000.

My understanding is that for the past two years not a soldier, not a marine, has been picked up and carried away or brought in to these barracks by a Government transport. They have all been transported by rail at an additional cost and expense to the Government.

The only reason that has been assigned as to why these transports do not stop at this point is that a few years ago it is alleged a Government transport got a little mud in the condenser. Yet, as I have already said, this is one of the greatest natural harbors on the Atlantic coast, or in the world, for that matter. It has a bar 600 yards wide, and the harbor adjoining Parris Island can accommodate not only the Navy of the United States but in addition can accommodate the combined navies of the earth and have room enough left for a submarine base.

Mr. JOHNSON of Washington. What is the name of this port?

Mr. HARE. Port Royal Harbor, into which the first vessel sailed that landed white men in this country.

Mr. BUTLER. How much water did she draw?

Mr. HARE. Thirty feet at present. It has carried the *Indiana* and the *Henderson*, and, as a matter of fact, before the naval station was moved from Port Royal the entire Navy of the United States assembled in this harbor at one time and, as I have said, there was enough room left to accommodate the combined navies of the earth. And yet we find the Navy Department transporting troops almost every day and refusing to stop and take on board marines previously assembled at the barracks there for training. Instead of doing this, they place them on the railroads and carry them nearly a hundred miles around to some other place. You ask me why they do that. I am asking the same question, and it is for this reason that I have offered this amendment. If there is no better reason than that assigned, this amendment should be passed and ships compelled to stop and carry these marines and thereby save the Government thousands of dollars every year.

Mr. BUTLER. Would it not be better to move the marine barracks to some other point?

Mr. HARE. I do not know that it would. The gentleman wants to put me in a position of saying that I am anxious for these marine barracks to stay where they are, but I am not discussing this point. I am interested in transporting the marines to and from these barracks at the least expense. If the Government feels Parris Island is the best place for these barracks, let them stay there, but in transporting the marines from these barracks to other barracks or other points the department should use its own transports whenever it is possible and cheaper to do so.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. SCHAFER. They might not want to leave directly from the marine barracks, because they want to camouflage their movements. Perhaps they are afraid of the Sandino submarines, and the gentleman would not want to handicap the Navy if such a condition should arise?

Mr. HARE. I think the Navy Department would be willing to give that explanation and accept that statement if it were correct. I can not help but think that there must be other

reasons for its failure to send its transports into Port Royal Harbor for the purpose of conveying the marines to other barracks or places, but so far we have not been able to find them out. The thing that interests me is that this country establishes a training station on a harbor accessible to its boats, then when the time comes to move the men, and transports are there, the men are not put on the boats but are carried by rail to their destination.

Mr. EDWARDS. To what point did they take these marines by rail?

Mr. HARE. I have been advised they took some of them to Charleston, S. C., and possibly some to Savannah, Ga., or to Norfolk, Va.

Mr. EDWARDS. If the highway that is being constructed from Parris Island over to Savannah had had the bridge in, we could have taken them over to Savannah by truck and carried them away from a real harbor, could we not?

Mr. HARE. Yes; I think you could have carried them to Savannah that way, but the gentleman is not going to get me to speak disparagingly or say anything derogatory about the harbor at Savannah. No doubt they were placed on board at a good harbor, but certainly at no better harbor than can be found at Port Royal, which is at the very door of the marine barracks, and the point I am making is that they should be loaded at their door and not carried to some other port.

Mr. McMILLAN. Has the gentleman got a harbor at Savannah?

Mr. EDWARDS. If the gentleman will permit, I will say that the gentleman has no harbor there, but Savannah is a great world harbor, and it carries the commerce of the world.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FRENCH. Mr. Chairman, I make the point of order upon the ground that it is an attempt under the guise of a limitation to direct an executive officer to reach a certain decision, to perform a certain function, before the moneys can be used that are carried in the paragraph.

Mr. HARE. Mr. Chairman, I think the amendment is germane. It merely says to the Secretary of the Navy that when transporting these marines from one point to another they shall be carried by the cheapest and most direct route. The bill recites that part of this appropriation is "for transporting of troops," and as the amendment only attempts to say that they shall be transported by the cheapest and most direct route, it appears that the amendment is not only proper but appropriate.

Mr. FRENCH. Mr. Chairman, there is nothing in the language itself to indicate that the amendment would reduce the appropriations. On the other hand it does undoubtedly seek to cause an administrative officer in all cases to come to a determination and work out the question from the standpoint of the rule set up here. In a somewhat similar case where a limitation was proposed, Chairman Frederick C. Hicks, chairman of the Committee of the Whole House on the state of the Union, on January 8, 1923, as indicated on page 48 of Cannon's Procedure in the House of Representatives, made this statement:

As a general proposition whenever a limitation is accompanied by the words "unless," "except," "until," "if," "however," there is ground to view the so-called limitation with suspicion, and in case of doubt as to its ultimate effect the doubt should be resolved on the conservative side.

Then, passing on down in the chairman's decision, he indicates several test questions that seemed to him to be pertinent. The third one is this:

Is the limitation accompanied or coupled with a phrase applying to official functions, and if so, does the phrase give affirmative directions in fact or in effect, although not in form?

It seems to me that this question must immediately be answered by saying that indirectly at least, if not in form, it does do that precise thing.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. EDWARDS. Does not the gentleman think that these marines ought to be transported in the cheapest and most direct manner?

Mr. FRENCH. Yes. Generally speaking they are, and generally speaking I think they ought to be.

Mr. EDWARDS. Why not always?

Mr. FRENCH. Sometimes, it is conceivable, circumstances prevent. Common sense must control.

The CHAIRMAN. The amendment offered by the gentleman from South Carolina reads as follows:

Provided, That none of such amount shall be used in transporting troops or marines to and from marine barracks and other points, except by the cheapest and most direct route.

If the amendment had stopped at the conclusion of the words—

Provided, That none of such amount shall be used in transporting troops or marines to and from marine barracks and other points—

it would be clearly a limitation. It would have forbidden the use of any of the money for the transportation of troops, but it does not entirely prohibit the transportation of troops. It says that such prohibition is to apply except when the transportation is by the cheapest and most direct route. That directs the manner in which the troops or marines shall be transported. It seems to the Chair that it is a direction as to the manner in which certain governmental functions are to be performed rather than a limitation or diminution of the amount that is to be expended.

In this connection the Chair calls attention to a case referred to in section 8693 of a new volume of Hinds' Precedents, a volume not yet published, but which will probably be volume 7, where the caption reads as follows:

8693. Provision that no appropriation provided in the bill be available for any national park "unless" park concessions were granted to highest bidder therefor was held to be legislation and not in order on an appropriation bill.

Under that heading the Chair reads:

On January 29, 1924, the Interior Department bill was under consideration in the Committee of the Whole House on the state of the Union, when the Clerk read:

"Appropriations herein made for construction of physical improvements in national parks shall be immediately available.

Mr. TOM D. MCKEOWN, of Oklahoma, offered this amendment:

After the word "available" insert a new paragraph, as follows:

"No appropriation herein made for national parks shall be available for any national park wherein any person, copartnership, or corporation enjoys any exclusive privilege or concession unless such concession or privilege is granted the highest and best bidder for same after due advertisement of the time and place to receive bids under rules and regulations of the commissioner of parks."

The decision was rendered by the gentleman from Michigan [Mr. CRAMTON] as Chairman of the Committee of the Whole, who used this language:

The Chair is of the opinion this is not a proper limitation. It is close to the border line, but it does more than limit the appropriation. It goes outside of the realm of limitation and purports to legislate how certain privileges shall be obtained, and also to provide that regulations shall be made by the commissioner of parks, and the Chair sustains the point of order.

It seems to the Chair that the pending amendment would not only legislate as to the manner in which the Commander in Chief—the President himself—should employ appropriations in this bill for the transportation of marines but also would necessitate accounting by the Comptroller General of the United States, who would have to determine in every case whether the money had been properly expended under this provision, thus producing conditions and further expenditures, which, in the opinion of the Chair, render it impossible to say that this amendment would reduce or limit the expenditure of money for the transportation of marines. There are many elements besides distance which enter into the cost of transportation, especially by water. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

ALTERATIONS TO NAVAL VESSELS

Toward the alterations and repairs required for the purpose of modernizing the U. S. S. *Oklahoma* and *Nevada*, as authorized by the act entitled "An act to authorize an increase in the limit of cost of certain naval vessels, and for other purposes," approved March 2, 1927, $6,575,000: *Provided*, That no part of any other appropriation for the fiscal years 1928 and 1929 shall be available for altering, improving, or repairing such ships.

Mr. BRIGGS. Mr. Chairman, will the chairman of the subcommittee be kind enough to indicate the nature of these alterations on these battleships, whether they include gun elevation, or of what character the improvements are?

Mr. FRENCH. I will say to the gentleman that the alterations referred to here include all the major alterations that were referred to in the act which Congress passed on March 2, 1927. They manifestly include alterations for deck protection and aircraft protection and for the elevation of guns and for the modernization of the vessels in general and, in addition to that, such general overhauling as the department would feel justified in giving each ship.

Mr. BRIGGS. Including aircraft guns?

Mr. FRENCH. Yes.

Mr. BRIGGS. I notice that a number of tests were made last summer; among others, on the *California*, on the Pacific coast. I want to get some idea as to whether any of those results have been reported to your committee, or whether other Members are informed.

Mr. FRENCH. The committee members are advised that the department is wonderfully encouraged with the success that has attended the tests that have been made.

Mr. LAGUARDIA. Theoretically.

Mr. FRENCH. Not wholly. Of course, the gentleman must know that these tests are necessarily tests made in the absence of actual war conditions; and yet I will venture to say that those accustomed to the air would not care to be in the place of the target.

Mr. LAGUARDIA. Of course, assuming that a fleet of battleships is in a certain attitude at a certain time, when these explosives explode there would be so many hits.

Mr. FRENCH. Antiaircraft guns must be regarded as additional protection. Fighting planes would be met by fighting planes; but even so, we must not brush aside the antiaircraft guns.

Mr. BRIGGS. How far do they carry?

Mr. FRENCH. It is relative; about 3 miles with encouraging results. Of course, the less the range the more accurate the shooting is.

Mr. BRIGGS. That is all.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

INCREASE OF THE NAVY

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $31,500,000, to remain available until expended.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 44, line 4, after the word "authorized," strike out "$31,500,000" and the remainder of the line and insert "$33,000,000, of which sum $1,500,000 will be immediately available toward the construction of three fleet submarines."

Mr. BLACK of New York. I ask unanimous consent, Mr. Chairman, to proceed for 15 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BLACK of New York. Mr. Chairman, on August 29, 1916, Congress authorized the construction of 9 fleet submarines. Since then we have built 3 and are building 3, leaving the remaining 3 as just so much paper. If we progress as quickly on the 15 cruisers in the naval bill of this year, they will not be finished for about 30 years. The President in his message to Congress this year stated that the Navy needs submarines.

The Naval Affairs Committee stated that it did not authorize new submarines because of the 1916 authorization. It seems to me incumbent, then, on Congress to appropriate for the last three submarines of the existing program, and so I have introduced this amendment.

They can hardly be classified as increases in the Navy, for, after all, they would only be replacements for four submarines decommissioned in 1927 and before they can be built a great many other submarines will be out of commission due to age. One of these submarines, declared out of commission in 1927, was the *T–3*, a fleet submarine. The British have 16 fleet submarines built and building and 12 more authorized. The Japanese have about 25. This difference in fleet submarines, considering that we have only 3 built and 3 building, unbalances the 5–5–3 ratio.

The submarine is a very formidable instrument of war. In the late war, in one month alone, German submarines destroyed 852,000 tons of shipping. They were such a plague to Great Britain that she had to devote a great part of her marine energy and equipment to offsetting the big German submarines, which could operate at a great distance from their own shores. Japan took over the German submarine experts right after the war, so impressed was this oriental nation with the undersea craft.

We should not be swayed by Great Britain's objection to submarines, because they threaten her naval superiority. Naval superiority means as much to us as to Great Britain. William Martin, writing in the Journal of Geneva, says:

The actual hegemony which Britain has exercised in the world during the nineteenth century, and of which its economic prosperity has been a consequence, has been due in a large measure to the fact that no fleet could measure itself against the British. The day when this will no longer be true, one will see great changes take place both politically and economically. Naval superiority for the British is not actually a question of security, but a question of supremacy.

Mr. Frank H. Simonds, the well-known American expert on international conditions, says:

We are, then, in my judgment, just at the beginning of a long period of strain in Anglo-American relations. * * * But parity is not a question of ships; it is a question of all that goes to make up British greatness in the political world.

We need these submarines to keep the lanes of the sea open, to protect our commerce, which has just as much right on the high seas as British commerce. The American business man has the same right to expand his trade as the British competitor, and our business must not at any time be interfered with by blockade. As the Chicago Tribune well said:

The argument is disingenuous. British naval action in all her later wars has been to blockade her enemy. "Contraband" is what Great Britain wishes to declare contraband. The guarding of imperial communications in fact has meant an interference with neutral commerce whenever it suited British interests to interfere. This has worked a serious injury to American commerce in the past and may do so again as long as the protection of trade routes is allowed to remain a British monopoly. Our interest in foreign trade, while not yet so large as Britain's, is increasing far more rapidly. It is probable, if not certain, that before many years our foreign trade will exceed that of the British Isles. The increase of our trade with foreign countries is largely in manufactured goods, a field in which our superiority to the British is only beginning to show itself. The trend is nowhere clearer than in the British dominions. British exports to Australia in 1924 were some $20,000,000 less than in 1923; in the same year American exports to Australia increased $45,000,000, a jump of 40 per cent.

America is beginning to outsell Britain in her own dominions, bound together in a tariff union. Elsewhere in the world we should be able to go ahead even faster. At the same time our dependence on the raw materials of industry which are not found in our country is becoming greater with advances in technology. We must buy such vital materials as manganese and rubber from overseas. They may not be so essential to our life as imported wheat and meat is to Britain's, but the difference is not so great as might at first be imagined. Without some of the raw materials which we draw from the outside world, our industrial system must stagnate. If not our lives, then our prosperity and our standard of living will be imperiled by cutting us off from the world. Britain's interest in protecting trade routes to-day is not much greater than ours, and we can anticipate the time when we shall be fully as dependent on sea communications as are the British. Even now we are giving hostages to fortune in permitting any other nation to dominate our communications.

We have challenged Great Britain commercially and, judging by Britain's historical course, we must always be in a position to back up that challenge by an adequate Navy. Those Americans who keep down the American fleet are quite in line with British thought as to conditions on the high seas. Commander Kenworthy, writing in the Nation, says:

Satisfactory as was this elimination of Germany as a naval power, the early months of the peace saw a new rival armanda in course of construction. In spite of war additions to the British fleet and the comparatively small loss suffered in capital ships, the naval building program of America was so formidable as to threaten Great Britain's sea supremacy. To the British Admiralty the American challenge seemed serious.

It is now obvious that there is little hope for disarmament. European diplomats have a rather strange plan for disarmament under the League of Nations. Mr. Edwin L. James, writing in the Times, concerning it, says:

A schedule shall be drawn up of the land, sea, and air forces which the nations now have or will have on completion of the programs now under way; every nation shall state its strength frankly and accept the status quo at the time of making the schedule; whenever any nation departs from this schedule it must explain to the league and the world in general its reasons for so doing.

We must not let this country lapse in fleet submarine strength. Great Britain has an advantage in capital ships, treaty cruisers, and merchant marine units. We can not equalize this through an American superiority in obsolete small submarines and decommissioned destroyers. We can be a better factor for peace if we are strong. As Lord Nelson said:

There is no better negotiator in the councils of Europe than a fleet of English battleships.

We should also bear in mind that the Navy is for fighting purposes, and Napoleon reminds us that God fights on the side of the heaviest artillery.

We have delayed 12 years now on building these submarines, and there has been no more critical time in the history of our country than the present, and we should adopt this amendment so that we can promptly round out the fleet on which our present security and our future prosperity depend.

Gentlemen, we have been discussing this fleet submarine question ever since I have been in the House, and I have been here now for three terms. In that time we have only managed to build about three submarines, although they were authorized away back in 1916. We have promised the country time and time again that we are going to give them something beyond a mere paper navy. It is all right to tell the country we have passed a naval bill providing for the construction of 15 cruisers; it is all right for the Naval Committee to say there is authorization for three additional submarines, but that is not building submarines and it is not satisfying the country. The temper of this country on the Navy is that they want an actual Navy in condition to fight, and at least on a parity with Great Britain.

We have fallen behind in cruisers. We are behind in fleet submarines and we can not say to the American people that we have 15 new cruisers on paper, we have 3 new fleet submamines on paper, we have 30 or 40 obsolete submarines, and have 100 destroyers out of commission. That is no answer to the American people in these times when there is a demand for a real worth-while Navy.

The other day, after we had passed the naval bill, some of us thought we had accomplished something, but I see the White House has summoned two important Members from the other side of the Capitol to consider this naval bill. I do not think this House should lag behind on this naval proposition. We refused to appropriate for the mine-laying submarine and the Senate had to appropriate for it. Are we going to stand by in this House and watch the Senate build up this Navy or are we going to do something about it? We have as much obligation to do this defense work as the Senate of the United States, and I think it is about time, after 12 years of authorization, that we gave this country some real fleet submarines instead of depending on the six we have.

I hope this amendment will be adopted. [Applause.]

Mr. FRENCH. Mr. Chairman, just one word in response to the arguments of the gentleman. I am going to pass by most of the statements he has made and get right down to the question of whether or not we want to begin the program he suggests.

In the 1929 bill we are carrying for new construction in aircraft and in ships for the Navy the grand total of $72,240,000. That includes for dirigibles $1,800,000; it includes for aircraft $15,865,000; it includes for modernization $6,575,000; and it includes money for two submarines and eight cruisers, $48,000,000. I submit that this is a very vigorous program for the Nation to carry on at a time when the gentleman characterizes the Navy as a paper navy. I submit, gentlemen, that when this country to-day through this Congress is considering a bill that carries more than $361,000,000 for 1929 the gentleman makes a severe arraignment of naval administration if by any chance whatever he could justify the statement that we have only a paper navy.

Gentlemen, we ought not to build the naval craft in such a way as to cause humps in construction. We ought not to increase the program for one year out of an orderly way of development; we ought to carry on in an even manner. To do what the gentleman proposes to do would mean to raise a hump in the building program for the next year or so, from which, unless we continued to build in a way that is not justified, we would need to recede to a lower level. The amendment ought not to prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 44, line 4, after the word "authorized," strike out "$31,500,000" and insert "$35,000,000," and also insert the following: "of which sum $4,500,000 shall be immediately available toward the construction of destroyer leaders."

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I understand the Naval Affairs Committee has stated to the House and to the country that the reason they have not authorized any destroyer leaders is because there is already existing authorization. Unless this amendment is adopted the destroyer leaders are paper destroyer leaders just as the three fleet submarines are paper fleet submarines.

By denying me the amendment on the submarines you have kept this country behind Great Britain on submarines. You have run away from the 5–5–3 ratio that the President has guaranteed the country we would keep up and that this committee is trying to tell the country we are trying to keep up. We have not a destroyer leader. Great Britain has 17.

Now, what is the use of all this? What is the use of this committee and the President telling the country we need these fleet submarines and we need these destroyer leaders? The President said this in his message, and I still charge, in spite of the one magnificent word of the chairman of the subcommittee, that we have, as far as destroyer leaders are concerned, as far as fleet submarines are concerned, and to a great extent as far as cruisers are concerned, a paper Navy.

The gentleman from Idaho [Mr. FRENCH], in charge of this bill, has wrecked any additional program as far as actual construction of submarines is concerned. I do not know yet how he feels on destroyer leaders; but if it will give the House any consolation, the gentleman's position on these questions has been well approved in circles other than our own. The record of the gentleman's speech against increased cruiser construction a year or so ago was used by the British admiralty against this country. The gentleman never intended it should be used in that way, but the fact remains that our expert, the chairman of the subcommittee, has been also used in the British Parliament in favor of the British Navy and against ours. The President of the United States has spoken differently from the chairman of the subcommittee, and I think if you are going to follow the President you are going to adopt this amendment even though you did not adopt the last one offered.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLACK of New York. If the gentleman wants to ask me a question; yes.

Mr. SCHAFER. The gentleman ought to have enough votes from New York to adopt the amendment.

Mr. BLACK of New York. New York can not do everything; but it will be a great thing for the Navy when New York gets control.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BLACK].

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 7, noes 37.

So the amendment was rejected.

The Clerk read as follows:

No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized: *Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time five enlisted men of the Navy: *Provided further*, That enlisted men detailed to the naval dispensary and the radio-communication service shall not be regarded as detailed to the Navy Department in the District of Columbia: *And provided further*, That the Secretary of the Navy, in his discretion, may assign to the Chief of Naval Operations any public quarters under the jurisdiction of the Navy Department in the District of Columbia.

Mr. LAGUARDIA. Mr. Chairman, I make a point of order on the proviso at page 45, line 3:

And provided further, That the Secretary of the Navy, in his discretion, may assign to the Chief of Naval Operations any public quarters under the jurisdiction of the Navy Department in the District of Columbia.

Mr. FRENCH. Will the gentleman reserve the point of order?

Mr. LAGUARDIA. I reserve the point of order.

Mr. FRENCH. I suspect that the point of order is well taken, although I also think that what the committee has sought to do would be in the interest of economy and that, possibly, the Secretary of the Navy might have authority under the law to do just what is proposed.

Mr. LAGUARDIA. Will the gentleman argue the merits or the point of order so I may be advised?

Mr. FRENCH. I do not care to argue the point of order. I shall be glad to state what it is proposed would be done. On the Naval Observatory grounds is a very large, commodious building that is occupied usually by the Superintendent of the Naval Observatory. The department would like to assign this house to the Chief of Naval Operations.

Mr. LAGUARDIA. So I understand.

Mr. FRENCH. It would mean economy if the Chief of Naval Operations could occupy the property and if the Superintendent of the Naval Observatory could be assigned other quarters;

or on the other hand, if he were to be allowed money for rentals of other quarters. The building itself is so large that not long ago one of the superintendents found it so expensive to keep up that he chose to remain in his own home or at a hotel rather than attempt to keep the building open because the cost of keeping up so large a house was greatly in excess of his allowances for the purpose. We thought it was in the interest of economy to do this thing. I am satisfied it has the support of the Superintendent of the Naval Observatory. I think, however, the language is possibly subject to a point of order.

Mr. LAGUARDIA. Mr. Chairman, this leaves the situation rather undecided. Although the gentleman may not seek to oppose the point of order, he does not concede it. If the gentleman concedes the point of order I have achieved the purpose and further argument is not necessary. This compels me to call the attention of the Chair to the fact that the purpose of the proviso, as stated by the gentleman from Idaho, is to dispossess the present Superintendent of the Naval Observatory in order to install in the quarters the present Chief of the Bureau of Operations. The building now occupied by the Superintendent of the Naval Observatory was constructed under an appropriation made in 1889 and is found on page 806 of the twenty-sixth volume of the Statutes at Large, and there the appropriation was specifically made for the residence of the Superintendent of the Naval Observatory, and the proviso here would change existing law in that it would vest in the Secretary of the Navy the authority to assign another officer to the particular quarters.

In other words, these beautiful quarters at this very useful scientific institution are used by the Superintendent of the Naval Observatory. As you know, it is necessary for him to make assignments of scientific men to observe the motions of the heavenly bodies; but instead of having those, it is intended to convert the place into a tea garden where we can have some movements of the flappers observed by the social elite of Washington. [Laughter.] Clearly, it is legislation and changes existing law.

The CHAIRMAN. The Chair is ready to rule. Without any reference to the purpose of the proviso, it seems clear to the Chair that the proviso changes existing law by authorizing the Secretary of the Navy to assign to the Chief of Naval Operations public quarters under the jurisdiction of the Navy Department in the District of Columbia which may not now be available for that purpose. There is no showing that it would be a retrenchment of expenses under the Holman rule or that it is a limitation upon an appropriation in the bill, and the Chair therefore sustains the point of order.

Mr. LAGUARDIA. Mr. Chairman, I have a further amendment, to strike out, on page 44, line 22, the words "*Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time five enlisted men of the Navy."

That proviso provides for the detail of five enlisted men to the Bureau of Navigation, and I understand it was in contemplation that they would be needed by the new occupant of the quarters involved in the other proviso.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 22, after the word "authorized," strike out all down to and including the word "Navy" in line 25.

Mr. FRENCH. Mr. Chairman, the impression of the gentleman from New York as to the five enlisted men in the Bureau of Navigation is entirely incorrect. There are 24 enlisted men now doing work in the Navy Department, and members of the committee feel that the number should be reduced, and that we ought to employ civilians to do the work. It will be cheaper to do so. On the other hand, the department feels that it ought to have about five men from the enlisted personnel who would be available for work in the department that the civilians could not be used for so satisfactorily, and the Chief of the Bureau of Navigation requests us to continue not more than five.

Mr. LAGUARDIA. Mr. Chairman, on the statement made by the gentleman from Idaho, chairman of the subcommittee, I ask unanimous consent to withdraw the amendment I have offered.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read to the end of line 7, page 46, of the bill.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I dare say that every Member in this House is cognizant of the fact that for a number of years past a chain of very powerful and influential newspapers, in the way of forming public opinion, have incessantly thundered at the idea that it was entirely inconsistent with a well-organized Naval Establishment to continue to build battleships.

I believe that the editorial utterances of these papers—the Hearst papers—have had a decided effect on the minds of many millions of people throughout the country. These utterances have been elaborated by Members of Congress on the floor of the House. I believe the impression exists in a great many sections of the country that the Naval Establishment has not that equipment which could meet successfully the equipment of other countries that depend upon the navy for supremacy in world affairs.

It has occurred to me that there must be some advisory board in existence which might counteract the influences of these newspapers that are apparently honest and sincere in their comments on the establishment of the present Navy if that influence is misdirected or erroneous. It appears to me it might be good policy if we had an advisory board—and, of course, we do have one—to let the country know once in a while that the Nation has a well-balanced Naval Establishment for the standpoint of battleships, if they be necessary, and why they are so, of cruisers, of airplanes, and of submarines. Because it is all important that we should have such an establishment. As the eloquent Bourke Cockran said on the floor of the House on several occasions in speeches which apparently carried intellectual if not political conviction, that a second-class navy was like a second-class poker hand—it led to the destruction of the possessor, because under the belief that he has a better hand than his opponent he will go to defeat with his second-class hand. That is a matter of which the country should be informed. And, if it be consistent with public policy, it appears to me that it should be the duty of any advisory board which may be in existence, or through those that are in confidence of that advisory board on the floor of this House, to make some authoritative statement that would counteract the influence of these great newspapers that are able to crystallize public opinion, and public opinion rules in this country. I believe it was a celebrated literateur who said, "I care not who writes the laws of the country, if you will permit me to write its songs," and along those lines, I care not who makes the laws of the country, if I am in possession of the newspaper facilities that interpret those laws journalistically, which is more effective than judicially with the reading public, and get that interpretation to the country. It is not entirely in the interest of the Naval Establishment to have go uncontradicted the idea that we are not in a well-balanced position, that we are overmanned from the standpoint of battleships which are as obsolete as tapestry, that serve no useful purpose other than to make for the financial gain of the shipbuilders of the country, and it is not well for the people who make up the bone and sinew and the backbone of the Nation to be under the impression that the Navy is not a fighting machine so much as it is an instrumentality to cater to the powerful political interests that are in control of the shipyards. I think that if there is an advisory board, it would be a patriotic act to inform the country that we have a Navy well equipped, well balanced, a fighting machine modern in every respect and able to discharge the duty that we believe is its obligation. [Applause.]

The Clerk concluded the reading of the bill.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FRENCH. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them en gross. The question is on agreeing to the amendments?

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

A. H. VEAZEY

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, it is with much pride that I call to the attention of the House the fact that the honor goes to my district of furnishing the master teacher of agriculture in the South. Mr. A. H. Veazey, of the Rosewood High School, in Wayne County, N. C., in a recent contest was chosen as the master teacher of vocational agriculture of the entire South.

North Carolina has taken its place as one of the leading States of the Nation and it is holding its own along agricultural lines, and Wayne County is one of the most fertile agricultural counties in the country.

The teaching of agriculture and home economics in the rural high schools of this Nation is one of the most effective means of bettering the conditions of our rural population as well as one of the most popular activities yet inaugurated.

There is pending legislation in Congress at the present time to supplement and encourage these activities. This legislation should pass at this session of Congress. It is known as the George-Reed bill.

ADDRESS OF HON. M. H. THATCHER, OF KENTUCKY

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein an address delivered by the gentleman from Kentucky [Mr. THATCHER] before the Ohio Valley River Improvement Association at Huntington, W. Va.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWMAN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered by Hon. H. M. THATCHER.

IMPROVEMENT OF THE OHIO RIVER

Mr. THATCHER. Mr. President, Governor Morgan, members of the association, ladies and gentlemen, I am very glad to be with you this afternoon and to participate with you in this meeting. I am very grateful, also, for the kindness shown me in permitting me to say what I have to say to-day. I am on my way home to Louisville by auto, where I have some important appointments, and I am anxious to get on, but I didn't want to miss this meeting.

At the outset I want to express to you the assurance that so far as I am concerned, not only as a Member of Congress, not only as a Representative of the district in which Louisville is situated, but personally, as well, I am heartily in favor of the earliest possible completion of the Ohio River project; and, also, whenever and wherever and to the extent it may fairly be done, I believe that there should be extension of that system on the Ohio River tributaries.

Now the great Ohio River Valley, as has so often been said, is the most wonderful industrial region in the world. There is nothing like it in all the bounds of the earth. No river flows through such a great industrial country. No river flows through so wonderful a region of wealth, actual and potential, as does the Ohio, and its tributary streams. What you say of the Big Kanawha is true. What you say of the Monongahela is true, and these things are true, in more or less degree, of certain other tributaries of this river, like the Kentucky, and Green River, and the Big Sandy, and the Cumberland River. It is all one great system, and we are now getting back to first principles in transportation matters.

Some time ago I read with much interest the story of the Midland Trail, how in the early days, when it was necessary for the pioneers to drive and trudge across the mountains and through the valleys, when that great stream of migration went westward, there were good roads built through certain stretches here and there—plank roads, turnpikes, and the like; and then came the railroads through these great valleys, and the old Midland Trail fell into more or less disuse. Later came the automobiles, and the old Midland Trail was built anew, better than ever before. In the same way we are going back to the first principles of navigation, and the first principles of transportation; especially so as regards our heavy, nonperishable products of factory and mine.

Two years ago it was my pleasure to be on the great Yangtse-Kiang River in China. I also saw canals everywhere I went in China. They have no roads, but everything there is transported by river and canals. China would die within 24 hours, except for water transportation. They have found that to be the cheapest, and for their purposes, through all ages the most effective method. We are getting back to that condition as to our heavy freights.

I think the country at large is absolutely sold upon the idea of the improvement of the Ohio River Valley. I don't think that Congress needs education on that subject. I think Congress is practically a unit. Of course, I can not speak for all the 435 Members. You know it is sometimes said that a Congressman can hardly speak for himself; but I believe it is the temper of Congress to make appropriations, and to make them as rapidly and as expeditiously as may be necessary, to complete this project. There was a little hitch two or three years ago, of which, I trust, I may not inappropriately speak at this time. I remember when the Bureau of the Budget cut off $10,000,000 from the rivers and harbors appropriation, estimates submitted by the Chief of Engineers, it was my pleasure to join with some other Members of Congress who are interested in this great river here, and in the Mississippi River project—men like former Congressman Newton, of St. Louis, who is interested, as you all know, in all these waterways propositions, and we aided in securing a restoration of this necessary sum. The Director of the Budget, I am glad to say, when he examined the subject further submitted to Congress a supplemental estimate therefor. As a result the full amount needed was appropriated that year and the great Ohio River improvement work, and other important river and harbor enterprises, went on without interruption or delay, and, therefore, with the greatest economy of expenditure.

You will find the Chief of Engineers to-day, just as his predecessors have been, sympathetic with the idea of this improvement, because as men of experience, as men of skill, they have known the great value of the early completion of this great work. I believe that I can assure you that adequate appropriations will be made, because this is the temper of Congress. The Members of Congress realize the absolute importance of the completion of this work at an early date. "On to Cairo by 1929" is not a false slogan. It is a true slogan, and in my humble judgment will be fully realized.

Also, I believe you will find Congress sympathetic with the idea of flood control as a national problem, because it is a national problem. There is not too much water on the earth if we know what to do with it; but that question has to be approached carefully, thoughtfully, and in the light of the best judgment, and the best skill, and the best experience, because it is going to cost a tremendous lot of money to work it out; but, to repeat it, it is national in its scope, and Congress should approach it as a national question.

I am glad to be with you this afternoon. I am glad to be with the men here who for 30 years—some of them, at least—have stood shoulder to shoulder in this great work, and have helped to educate not only Congress but the Nation at large, not upon any false promises, not upon any false statements of fact but upon the naked truth about this great waterway.

It was my great pleasure to travel on the great River Rhine this summer. I traveled by steamer all the way from West Baden down to the city of Cologne, and I was absolutely amazed at the amount of shipping on that river. I can now understand how those great industrial countries, Germany and France, might be perpetually at strife or in rivalry over the control of that great stream. We met hundreds and hundreds of barges, and innumerable tows of steel and coal and iron and other commodities going up that river. That was typical of practically every day of the year as I was told, and yet we have a greater river here, a stream of greater potential wealth! I believe that only on the lower stretches of the Monongahela River is the tonnage on the Rhine exceeded anywhere on the rivers of the earth. But we will have in this great valley, in this great region, with all of its great wealth, within two or three years incomparable the greatest river system in the world; and this dream of dreams will come true; and when it does come true, nobody will deserve more credit for it than the Ohio Valley Improvement Association and its officers and members. I thank you. [Applause.]

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Calendar Wednesday, to-morrow, the order of committees be changed so that the Committee on Foreign Affairs will be called next, instead of the Committee on Rivers and Harbors.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Calendar Wednesday next the Committee on Foreign Affairs shall have the call ahead of the Committee on Rivers and Harbors. Is there objection?

Mr. BLACK of New York. Reserving the right to object, does the gentleman know whether the so-called Burton resolution respecting an embargo on arms is to be called up?

Mr. TILSON. It is understood that it is not to be called up to-morrow.

Mr. GARNER of Texas. And this is agreeable to the chairmen of the two committees?

Mr. TILSON. This is done at the request of the committees directly concerned, and it will save Calendar Wednesday for Calendar Wednesday business.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 9663. An act authorizing Herman Simmonds, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.;

H. J. Res. 126. Joint resolution to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes; and

H. J. Res. 245. Joint resolution to make immediately available the appropriation for a road across the Kaibab Indian Reservation.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; and

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on the following dates they presented to the President of the United States for his approval bills of the following titles:

On March 24, 1928:

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes; and

On March 27, 1928:

H. R. 9860. An act to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes, p. m.) the House adjourned until to-morrow, Wednesday, March 28, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 28, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication or control of the European corn borer (H. R. 10377).

COMMITTEE ON MINES AND MINING

(10 a. m.)

Authorizing an appropriation for development of potash jointly by the United States Geological Survey of the Department of the Interior and the Bureau of Mines of the Department of Commerce by improved methods of recovering potash from deposits in the United States (H. R. 496).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To consider proposed legislation governing insurance.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10 a. m.)

To amend the immigration act of 1924 (H. R. 8540).

Amending the immigration laws as applied to Porto Rico (H. R. 10956).

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To require the prompt rendition of accounts (H. R. 12180).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(2 p. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924 (H. R. 10710).

EXECUTIVE COMMUNICATIONS, ETC.

420. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriations pertaining to the legislative establishment, United States Senate, for the fiscal year 1929, in the sum of $100,000 (H. Doc. 207), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 148. A resolution providing for the consideration of S. J. Res. 113, S. 716, and H. R. 12407, bills relating to immigration; without amendment (Rept. No. 1056). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 149. A resolution providing for the consideration of H. R. 279, a bill relating to Howard University; without amendment (Rept. No. 1057). Referred to the House Calendar.

Mr. MICHENER: Committee on Rules. H. Res. 150. A resolution providing for the consideration of H. R. 8927, a bill to amend the act to promote export trade; without amendment (Rept. No. 1058). Referred to the House Calendar.

Mr. SEARS of Florida: Committee on Roads. H. Res. 117. A resolution authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Overseas Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress; with amendment (Rept. No. 1059). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 253. A joint resolution authorizing certain customs officials to administer oaths; without amendment (Rept. No. 1060). Referred to the House Calendar.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 12407. A bill to authorize the refund of visa fees in certain cases; without amendment (Rept. No. 1061). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL: Committee on the Post Office and Post Roads. H. R. 57. A bill to enable the Postmaster General to authorize the establishment of temporary or emergency star-route service from a date earlier than the date of the order requiring such service; with amendment (Rept. No. 1062). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12394) granting an increase of pension to Emma Steer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12395) for the relief of Greenville News Co.; Committee on Claims discharged, and referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRAHAM: A bill (H. R. 12441) to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress; to the Committee on the Judiciary.

By Mr. BRIGHAM: A bill (H. R. 12442) to provide for the transfer to the Department of Labor of certain forfeited vehicles; to the Committee on Ways and Means.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12443) authorizing improvements at the Fort Mohave Indian School, Arizona; to the Committee on Indian Affairs.

Also, a bill (H. R. 12444) to authorize the construction of a telephone line from Flagstaff to Kayenta, on the Western Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. NIEDRINGHAUS: A bill (H. R. 12445) to charter the National Society of Woman Descendants of the Ancient and Honorable Artillery Company; to the Committee on the Judiciary.

By Mr. REED of New York: A bill (H. R. 12446) to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.; to the Committee on Indian Affairs.

By Mr. SWING (by request): A bill (H. R. 12447) providing against future floods on the Mississippi and other rivers and for their uninterrupted navigation by restoration of natural channels by reservoirs, dredging, and reclamation operation, making available thereby vast quantities of valuable God-given fertilizer, and for other purposes; to the Committee on Flood Control.

By Mr. MORIN: A bill (H. R. 12448) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922; to the Committee on Military Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 12450) authorizing an appropriation of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes; to the Committee on Indian Affairs.

By Mr. BELL: A bill (H. R. 12451) to establish an assay office at Dahlonega, Lumpkin County, Ga.; to the Committee on Coinage, Weights, and Measures.

By Mr. McSWAIN: A bill (H. R. 12452) further to provide for the national defense; to the Committee on Military Affairs.

By Mr. COLE of Iowa: Joint resolution (H. J. Res. 252) authorizing assistance in the construction of an inter-American highway on the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. HAWLEY: Joint resolution (H. J. Res. 253) authorizing certain customs officials to administer oaths; to the Committee on Ways and Means.

By Mr. WILLIAMSON: Joint resolution (H. J. Res. 254) for the appointment of O. W. Coursay, of South Dakota, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. PRALL: Memorial of the Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York to care for United States prisoners; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 12453) granting a pension to Alvoid Queen; to the Committee on Pensions.

Also, a bill (H. R. 12454) to provide for an examination and survey of Totuskey Creek, Richmond County, Va., and of the channel connecting said creek with Rappahannock River; to the Committee on Rivers and Harbors.

By Mr. BUCKBEE: A bill (H. R. 12455) granting an increase of pension to Josephine E. Gorham; to the Committee on Invalid Pensions.

By Mr. BURTON: A bill (H. R. 12456) awarding a congressional medal of honor to Lincoln Ellsworth; to the Committee on the Library.

By Mr. CRAIL: A bill (H. R. 12457) for the relief of Harry J. Kennedy; to the Committee on Military Affairs.

Also, a bill (H. R. 12458) for the relief of William Wood; to the Committee on Naval Affairs.

Also, a bill (H. R. 12459) granting a pension to Frank A. Kelley; to the Committee on Pensions.

Also, a bill (H. R. 12460) granting a pension to Hannah M. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12461) for the relief of Theodore Reynders; to the Committee on Naval Affairs.

By Mr. GALLIVAN: A bill (H. R. 12462) granting a pension to Mary E. Stevens; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 12463) for the relief of Adam A. Schultz; to the Committee on Military Affairs.

By Mr. JOHNSON of Indiana: A bill (H. R. 12464) granting a pension to Clara V. McCampbell; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12465) granting an increase of pension to Ida P. Hazlett; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12466) granting a pension to Harriet Owings; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12467) granting a pension to Marion Williams; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12468) granting an increase of pension to Louisa Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12469) granting a pension to Clara J. Sanders; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 12470) for the relief of William Fair; to the Committee on Claims.

By Mr. NORTON of Nebraska: A bill (H. R. 12471) granting a pension to Roberta Salter; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 12472) granting an increase of pension to Lulu E. Skinner; to the Committee on Pensions.

By Mr. PRALL: A bill (H. R. 12473) for the relief of Thomas Vincent Corey; to the Committee on Naval Affairs.

By Mr. SCHAFER: A bill (H. R. 12474) granting an increase of pension to Lora L. Davis; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12475) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12476) granting an increase of pension to Elizabeth E. Fisher; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 12477) granting a pension to Nancy Mayes; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 12478) granting an increase of pension to Mary Brady; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6025. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

6026. By Mr. BLOOM: Petition of Louis F. Mayerson, of 60 West One hundred and ninetieth Street, New York City, and other citizens of New York, protesting against House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

6027. By Mr. BOHN: Petition of citizens of Munising, Mich., for maintenance of the national origins plan of determining immigration quotas; to the Committee on Immigration and Naturalization.

6028. By Mr. BOWLES: Petition of 117 citizens of Hampden County, Mass., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6029. By Mr. BURTON: Petition of voters of Hambden, Geauga County, Ohio, earnestly advocating the passage of legislation increasing the pensions of Civil War veterans and their widows and dependents; to the Committee on Invalid Pensions.

6030. Also, resolution adopted by the Cuyahoga Chapter, No. 7, D. A. V. of the World War, at a meeting of March 25, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6031. Also, resolution adopted by Prokop Velky Lodge, No. 708, Independent Order of Odd Fellows, at a meeting of March 21, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6032. Also, resolution adopted by the Independent Order of Foresters, Cleveland, Ohio, at a meeting of March 21, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6033. Also, resolution adopted by Lafayette Commandery No. 19, Knights of St. John, Cleveland, Ohio, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6034. Also, resolutions adopted by Painters Local No. 867, Cleveland, Ohio, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6035. Also, resolution adopted by the Cleveland Waiters Union, No. 106, Cleveland, Ohio, at a meeting of March 23, 1928, approving the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6036. Also, resolution adopted by Carpenters' Local Union, No. 1242, Cleveland, Ohio, at a meeting held March 19, 1928, indorsing the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6037. By Mr. CARTER: Petition of California Indian Brotherhood, Stephen Knight, president, urging the passage of legislation compensating the California Indians for their lost lands; to the Committee on Indian Affairs.

6038. By Mr. CHALMERS: Petition against compulsory Sunday observance, signed by constituents of Toledo, Ohio; to the Committee on the District of Columbia.

6039. By Mr. CHINDBLOM: Petition of 43 citizens of Chicago and vicinity, filed by Edward R. Lewis, favoring national-origins system in immigration law; to the Committee on Immigration and Naturalization.

6040. By Mr. CRAIL: Petition of Roosevelt Camp No. 9, United Spanish War Veterans, for the enactment of a special bill for the relief of Frank Schallert; to the Committee on Pensions.

6041. By Mr. CROWTHER: Petition of citizens of Montgomery County, N. Y., for the passage of the bill known as House bill 11410; to the Committee on the Judiciary.

6042. Also, petition of citizens of Gloversville, N. Y., for the Civil War pension bill; to the Committee on Invalid Pensions.

6043. By Mr. DALLINGER: Resolution of the commandery of the State of Massachusetts, Military Order of the Loyal Legion, that certain changes be made in House bill 10286; to the Committee on Appropriations.

6044. By Mr. ENGLEBRIGHT: Petition of citizens of Yreka, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

6045. Also, petition of citizens of Day, Modoc County, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

6046. By Mr. GALLIVAN: Petition of American Legion Auxiliary, Flora F. Chapin, State legislative chairman, Worcester, Mass., protesting against the Burton resolution (H. J. Res. 183); to the Committee on Foreign Affairs.

6047. By Mr. HALL of North Dakota: Petition of eight citizens living in North Dakota, for the enactment of the Dale-England bills (H. R. 9502 and 9766); to the Committee on the Civil Service.

6048. By Mr. JOHNSON of Indiana: Petition of voters of Clinton, Ind., for the increase of Civil War pensions; to the Committee on Invalid Pensions.

6049. By Mr. KERR: Resolution of indorsement of House bill 12241, providing additional Federal funds for the teaching of vocational education, presented by the North Carolina Teachers' Association; to the Committee on Education.

6050. By Mr. KVALE: Petition of State Association of County Commissioners of Minnesota, in annual convention, by E. J. Kramer, secretary, urging that counties be reimbursed by the Federal Government for additional expenses incurred through incarceration of Federal prisoners in county gaols; to the Committee on the Judiciary.

6051. Also, petition of Jack J. Scheuer, for Department of Minnesota, Veterans of Foreign Wars, urging enactment of the resolution proposing to make the Star-Spangled Banner the national anthem of the United States; to the Committee on the Judiciary.

6052. By Mr. LEHLBACH: Petition of the Sons and Daughters of Liberty, of the tenth congressional district of New Jersey; to the Committee on Immigration and Naturalization.

6053. Also, petition of the Patriotic Order of Americans, Camp No. 38, of the tenth congressional district of New Jersey; to the Committee on Immigration and Naturalization.

6054. By Mr. MOORE of Virginia: Petition of Thomas E. Ward, Mrs. E. H. Ward, Lillian W. Beem, and others, protesting against the enactment of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

6055. By Mrs. NORTON of New Jersey: Petition of Edwin H. Johnson and several others, of Jersey City, N. J., protesting against House bill 78; to the Committee on the District of Columbia.

6056. By Mr. O'CONNELL: Petition of the Vivisection Investigation League, New York City, with reference to legislation pertaining to the vivisection of dogs; to the Committee on Agriculture.

6057. Also, petition of Binney & Smith Co., New York City, favoring the passage of Cooper bill (H. R. 7729) relating to prison-made goods; to the Committee on Labor.

6058. By Mr. PRALL: Resolution received from the board of estimate and apportionment of the city of New York, approving the proposed subdivision d of section 116 of House bill 1; to the Committee on Ways and Means.

6059. Also, petition adopted at a regular meeting of the eastern broker division, Commercial Telegraphers Union of America, held March 22, 1928, received from J. W. Dunn, president, 24 Stone Street, New York City, N. Y.; to the Committee on Agriculture.

6060. By Mr. QUAYLE: Petition of Admiral Schley Naval Squadron, No. 10, of Brooklyn, N. Y., urging the passage of House bill 6518; to the Committee on the Civil Service.

6061. Also, petition of Walter Otis Loomis, urging the passage of Senate bill 777; to the Committee on Invalid Pensions.

6062. Also, petition of McCrory Stores Corporation, urging the passage of House bill 12030; to the Committee on the Post Office and Post Roads.

6063. Also, petition of Aviators Post, American Legion, New York, urging the passage of Senate bill 777; to the Committee on Invalid Pensions.

6064. Also, petition of Second Division Chapter, National Council of Officials of the Railway Mail Service, of New York, urging the passage of House bill 11622; to the Committee on the Post Office and Post Roads.

6065. Also, petition by the board of estimate and apportionment of the city of New York, requesting Congress amend section 116 of the Federal income tax law; to the Committee on Ways and Means.

6066. Also, petition of legionnaires of the State of New York, urging the passage of the Tyson bill; to the Committee on World War Veterans' Legislation.

6067. Also, petition of Amsterdam Broom Co., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6068. Also, petition of Stag Broom & Brush Co., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6069. Also, petition of prison officials committee, against the passage of the Hawes-Cooper bill; to the Committee on Labor.

6070. Also, petition of Eastern Broker Division of the Commercial Telegrapher's Union of America, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6071. Also, petition of Gardner Broom Co. of Amsterdam, N. Y., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6072. Also, petition of American Broom & Brush Co. of Amsterdam, N. Y., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6073. Also, petition of Sweet-Orr & Co. (Inc.), urging the passage of the Hawes-Cooper bill; to the Committee on Ways and Means.

6074. Also, petition of Legislature of the State of New York, memorializing Congress to provide a suitable institution in the State of New York in which to confine those charged with or convicted of crime against the Government of the United States; to the Committee on the Judiciary.

6075. By Mr. ROMJUE: Petition of Sarah M. Jones, Jane Johnston et al., of Queen City, Mo., for passage of Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6076. By Mr. SANDERS of Texas: Resolutions by the Troup (Tex.) Chamber of Commerce, asking for an appropriation of $6,000,000, or as much thereof as may be necessary, to provide for immediate and active prosecution of the work in exterminating the pink bollworm; to the Committee on Agriculture.

6077. By Mr. SNELL: Petition of board of estimate and apportionment of New York State, relative to section 116 of the Federal income tax law; to the Committee on Ways and Means.

6078. By Mr. SWING: Petition of citizens of Banning, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

6079. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *March 28, 1928*

(*Legislative day of Tuesday, March 27, 1928*)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia;

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion;

H. R. 9663. An act authorizing Herman Simmonds, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.;

H. J. Res. 126. Joint resolution to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes; and

H. J. Res. 245. Joint resolution to make immediately available the appropriation for a road across the Kaibab Indian Reservation.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Mayfield	Simmons
Barkley	Gillett	Metcalf	Smith
Bayard	Glass	Moses	Smoot
Blaine	Goff	Neely	Steck
Blease	Gooding	Norbeck	Steiwer
Borah	Gould	Norris	Stephens
Broussard	Greene	Nye	Swanson
Bruce	Harris	Oddie	Thomas
Capper	Harrison	Overman	Tydings
Caraway	Hawes	Phipps	Tyson
Copeland	Hayden	Pine	Wagner
Curtis	Heflin	Pittman	Walsh, Mass.
Cutting	Johnson	Ransdell	Warren
Deneen	Jones	Robinson, Ark.	Waterman
Dill	Kendrick	Robinson, Ind.	Watson
Edge	Keyes	Sackett	Wheeler
Fess	King	Sheppard	Willis
Fletcher	McKellar	Shipstead	
Frazier	McNary	Shortridge	

Mr. GERRY. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Georgia [Mr. GEORGE], the Senator from New Mexico [Mr. BRATTON], and the Senator from Alabama [Mr. BLACK] are necessarily detained from the Senate in attendance upon the funeral of the late Senator FERRIS.

The VICE PRESIDENT. Seventy-four Senators having answered to their names, there is a quorum present.

HOUSE BILL REFERRED

The bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The VICE PRESIDENT. Under authority of section 5581 of the Revised Statutes, the Chair appoints the senior Senator from Virginia [Mr. SWANSON] as a member of the Board of Regents of the Smithsonian Institution to fill the vacancy in the term expiring March 3, 1929, caused by the death of Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan.

PETITIONS AND MEMORIALS

Mr. COPELAND presented a resolution adopted by the Yale Republican Club of the sixth assembly district of Queens County, Ridgewood, N. Y., protesting against the abolition or relocation of the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Flanders, Riverhead, and vicinity, in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. BLAINE presented the petition of Mary Lediger, of Milwaukee, Wis., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. ROBINSON of Arkansas presented a letter in the nature of a memorial from Charles T. O'Neal, vice president Fort Smith & Western Railway Co., Fort Smith, Ark., remonstrating against the passage of the so-called Dale bill, being the bill (S. 2107) to provide for steel cars in the Railway Post Office Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. WILLIS presented a petition numerously signed by sundry citizens of Senecaville and vicinity, in the State of Ohio, praying for the passage of legislation for the fair settlement of disputes now existing between the miners and operators in the coal industry, so as to relieve that industry from its present depressed condition and bring relief to the many distressed families of the Ohio mining communities, which was referred to the Committee on Interstate Commerce.

Mr. BRUCE presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation to curb alleged unfair and destructive trade practices of chain stores, stating that by selling highly advertised items below cost they create an impression of cheapness and prices which undersell their neighbors, etc., which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry owners and operators of power boats in the State of Maryland, remonstrating against amendment of section 4426 of the Revised Statutes requiring inspection of the hull and boilers of certain steam-propelled vessels, and further requiring compliance with certain provisions before a certificate of inspection shall be issued, etc., which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3395) to amend subchapter 3 of chapter 16 of the Code of Law for the District of Columbia, reported it without amendment and submitted a report (No. 635) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 3791) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928, reported it without amendment and submitted a report (No. 636) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

S. 3280. An act for the relief of Margaret Diederich (Rept. No. 637); and

S. J. Res. 93. Joint resolution to provide for the payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps (Rept. No. 638).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; and

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion.

INDEBTEDNESS OF HELLENIC REPUBLIC

Mr. SMOOT. Mr. President, yesterday I reported from the Committee on Finance Senate bill 3095, to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918. A request was made by one of the members of the committee that the bill be held until he could be present. Therefore I ask that the bill which was reported yesterday be rereferred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCHALL:
A bill (S. 3810) for the relief of a homestead settler on the drained Mud Lake bottom, Minnesota; to the Committee on Public Lands and Surveys.
By Mr. JONES:
A bill (S. 3811) to amend section 19 of the World War veterans' act; to the Committee on Finance.
By Mr. SHEPPARD:
A bill (S. 3812) for the appointment of William Edward Tidwell as a first lieutenant in the United States Army; to the Committee on Military Affairs.
A bill (S. 3813) to extend jurisdiction of United States courts over personal-injury suits by employees of foreign vessels; to the Committee on Commerce.
By Mr. EDGE:
A bill (S. 3814) to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.; to the Committee on Commerce.
By Mr. SHORTRIDGE:
A bill (S. 3815) directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate; to the Committee on Patents.
By Mr. GOFF:
A bill (S. 3816) prescribing the procedure for forfeiture of vessels and vehicles under the customs, navigation, and internal revenue laws; to the Committee on Finance.
By Mr. COPELAND:
A bill (S. 3817) authorizing the presentation of Congressional Medals of Honor to certain survivors of the massacre at Balangiga, Samar, P. I.; to the Committee on Military Affairs.
By Mr. WILLIS:
A bill (S. 3818) granting an increase of pension to Sarah J. Huffman (with accompanying papers); and
A bill (S. 3819) granting an increase of pension to Ida C. Tracy (with accompanying papers); to the Committee on Pensions.
By Mr. NORRIS (by request):
A bill (S. 3820) to prevent international operation of "correspondence diploma mills"; to the Committee on the Judiciary.

SURVEY FOR A NICARAGUAN CANAL

Mr. EDGE submitted an amendment in the nature of a substitute intended to be proposed by him to the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal, which was referred to the Committee on Interoceanic Canals and ordered to be printed.

AMENDMENT TO FLOOD CONTROL BILL

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. WILLIS submitted an amendment intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 19, line 22, after the word "regulations," insert the following additional proviso: "*Provided further*, That out of the money hereby appropriated no payment as indemnity shall be made for any animal condemned for slaughter if the indemnity value of such animal is fixed by any arbitrary maximum, or is not arrived at by some well-recognized and equitable method of appraisal."

Mr. BARKLEY submitted an amendment proposing to appropriate $1,889,994 for the relief of the State of Kentucky, to restore and recondition the roads and bridges damaged or destroyed by floods in said State in the year 1927, intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MEXICAN OIL REGULATIONS

Mr. BORAH. Mr. President, I rise to ask permission to have inserted in the RECORD an article by Mr. Walter Lippmann, appearing in the New York World of this morning, covering very fully the terms and conditions of the oil settlement with Mexico. I think the matter of sufficient moment to ask to have it inserted in the RECORD.
The VICE PRESIDENT. Is there objection?
There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW OIL RULES END LONG FEUD BETWEEN UNITED STATES AND MEXICO—REGULATIONS AGREED UPON BY PRESIDENT CALLES AND AMBASSADOR MORROW WIND UP A PERENNIAL CONTROVERSY—FULL UNDERSTANDING WITHOUT BARGAINING—COMPANIES MUST NOW ACCEPT THE LAW OR FIGHT A LONG AND LOSING BATTLE

[Walter Lippmann, chief editorial writer of the World, obtained the important information given below on his recent visit to Mexico for the North American Newspaper Alliance, of which the World is the New York member. His is an authoritative statement of the situation.]

MEXICO CITY.—The Mexican Government has issued the new oil regulations. This marks the end of a controversy which for more than 10 years has endangered peaceable relations between Mexico and the United States.

The oil companies have until January 12 next to make up their minds whether they will accept the amended law and regulations. But there is little doubt the United States Government has made up its mind that the law and regulations protect every legitimate American right.

It may be assumed that henceforth the oil companies either accept the law or, if they choose to fight it, fight without diplomatic or moral support of the Government.

WORK OF CALLES AND MORROW

This result has been reached by President Calles and Ambassador Morrow in negotiations covering a period of about four months. In that period no notes have been written, but there have been an exhaustive and painstaking reexamination of the whole question and protracted personal negotiation.

Questions of principle have been dealt with by President Calles and Ambassador Morrow. Technical matters have been dealt with by Reuben Clark, Salt Lake City, a member of Ambassador Morrow's staff, and officials of Secretary of Labor Morones's department. There has been constant consultation with local representatives of the oil companies.

The upshot of it all is that the Mexican law and regulations have been amended in certain important respects and the demands of the United States Government have in certain important respects been modified.

NO BARGAIN OR COMPROMISE

Neither Government has had to yield on vital principles. Both Governments have yielded on matters which were ill-considered, irritating, and of no real value to claimants. The result is neither a bargain nor a compromise. It is an understanding reached by liquidating the accumulated controversy of a decade.

This controversy has been described by those who were ill informed as turning upon whether the Mexican Government has the right to pass retroactive and confiscatory laws affecting American property. As a matter of fact, the Mexican Government has never claimed such a right The constitution specifically says that "No law shall be given retroactive effect to the prejudice of any person whatever."

The real question has been whether the laws and regulations since 1917 have in fact been retroactive and confiscatory. The problem has not been whether Mexico could deprive Americans of rights. It has been to determine what rights Americans possessed before 1917, and whether any of them have been taken away.

DOES OIL GO WITH LAND?

More specifically, the question has been whether the owner of a piece of land also owned all the oil under the surface of that land. The Mexican position has been that he never owned the oil under the surface, but that he could own it if he took definite steps, known as "positive acts," to get out the oil.

The American position has varied. At times the United States has argued that the oil in the ground belonged to the surface owner, whether he had taken steps to get it out or not. At other times the United States has seemed to accept the Mexican legal theory. The settlement now reached is based on this theory.

A company which acquired land before 1917 is regarded as the owner of the oil under the surface, provided it had taken certain definite steps before 1917 to exploit the land as an oil property. If it had not done this, it does not now and never did own the oil under the surface.

There is some doubt whether the United States State Department ever committed itself completely to the claim that the owner of the surface owned the oil underneath. But it has at times talked about such a claim. The present settlement jettisons it, and so it may be said that the essential American concession to obtain an agreement has been the tacit acknowledgment that Americans had acquired rights to oil only if they had taken definite steps to exploit oil.

BASED ON OLD SPANISH LAW

The decision to narrow the American position was reached after an independent and exhaustive study of Spanish and Mexican law by Reuben Clark. This study goes back at least as far as royal ordinances of the King of Spain in 1783, in which it is stated plainly that minerals in the ground belong not to the owner of the surface but to the King. This law was recognized by the United States Supreme Court in a

decision handed down after the Mexican War in a case affecting former Mexican territory which was incorporated into the United States.

The theory that minerals in the ground belong to the Government and not to the surface owners is therefore not a new notion invented by revolutionists. It is the ancient law of Spanish-Americans.

There would have been no question that it was still law while American companies were acquiring their properties had it not been for certain statutes passed under Porfirio Diaz The language of these laws is inexact and difficult to translate, and out of them grew a very subtle and complicated legal debate. But once the United States Government had accepted the ancient Spanish legal theory the question reduced itself to this: What did the owner of the surface have to do to establish his right to oil under the surface?

UNITED STATES OBJECTIONS MET

The Mexican law of 1925 and regulations of 1926 attempted to answer that question. The United States Government developed three main objections to the law and regulations.

It contended that the definition of steps the owner had to take to become the owner of oil underneath was too narrow, and contrary to the Warren-Payne agreement of 1923, which preceded the recognition of Obregon. The Mexican Government has conceded this point in new regulations just issued by defining positive acts in the same language as used in the Warren-Payne agreement.

The second objection of the United States was that the law limited the rights of the owner to 50 years. The United States argued that to change perpetual rights to 50 years was retroactive and confiscatory. The Mexican Government, following the opinion of its supreme court, has amended the law, removing the 50-year time limit.

The third objection of the United States was that Mexico proposed to issue a concession to the owner. The United States argued that it ought to acknowledge his right and not take his right away and then concede it to him again. The Mexican Government has agreed.

Thus it may be said that this settlement has been reached by the acceptance by the United States of the Mexican legal theory that ownership of the surface does not automatically create ownership of the oil under the surface, and by the Mexican Government's making three important changes in its law and regulations which enforce this principle. It is a settlement both Governments can accept without sacrifice of principle or loss of dignity.

SO ENDS THE CONTROVERSY

There is little doubt this ends the oil controversy between the Governments. The position of the United States Government from now on will undoubtedly be that, except in case of a denial of justice, it has no further formal official connection with the Mexican oil dispute.

If the oil companies refuse to apply for confirmatory concessions of the type agreed upon, their lands, after next January, will, in the eyes of the law, be vacant and open for exploitation by others. There is little likelihood the United States Government will help them if they decide to continue the controversy on questions of principle.

If the oil companies should decide to fight further, they will assume grave risks. They will risk forfeiture of their property, they will miss the greatest opportunity in modern times to reach a friendly working arrangement with the Mexican Government, and they will deeply prejudice their future, not only in Mexico but in South America. For the future of the industry depends not upon properties acquired before 1917 but on concessions still to be acquired in competition with European interests.

It will not help the companies to obtain new concessions if they take the position that a settlement which seems fair to men as conservative as President Coolidge and Ambassador Morrow is not good enough for them. [Copyright, 1928, in all countries, by North America Newspaper Alliance.]

PROTECTION OF MIGRATORY BIRDS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. JONES. Mr. President, I desire to have Senate bill 3740, the flood-control measure, taken up, and in this connection I want to ask the Senator from South Dakota [Mr. NORBECK] what he would like to have done with the unfinished business. I feel that I should get up the flood control bill.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. Mr. President, I trust that the Senator from South Dakota will consent to lay aside or to have superseded for the present the so-called migratory bird bill, in order that the Senate may take up for consideration and action the flood control bill. Let me say to the Senator from South Dakota that I appreciate fully the situation in which he is placed with respect to the bill that is now the unfinished business of the Senate; but, as I stated a few days ago, it seems to me that, comparing the two measures in relative importance, the migratory bird bill and the flood control bill, the latter is entitled to precedence at this time.

I want to assure the Senator from South Dakota that if he finds it consistent to cooperate in a movement to bring forward at this time, without any clash of will, the flood control bill, I shall be glad to do anything I can to help him again to bring the migratory bird bill before the Senate, after the flood control bill and perhaps the farm relief bill shall have been disposed of.

Mr. NORBECK. Mr. President, I appreciate the difficulties of the Senator from Arkansas and his friendly attitude toward this important conservation measure. The big flood brought disaster and despair to many of the citizens of his State, and he is naturally anxious that the congressional relief be granted without further delay. I am going to cooperate with him. I can not refrain, however, from stating that I consider the migratory bird bill very important. I will not withdraw same. I will simply accept another position in the order of business. If our migratory birds are to be saved from extermination, legislation along this line can not be long delayed. The encroachment of man's activities on nesting places and breeding places of migratory birds threatens their extermination. Our swamps are being drained, our streams and our bays are being polluted with oil and chemicals. The main purpose of this bill is for the Government to acquire by purchase as large acreage as is possible for permanent sanctuaries in order to prevent further disaster.

The treaty between Canada and this country and the legislation supporting same which became a law 10 years ago, was a most important conservation measure and did substantially slow down the slaughter and destruction.

Some have hoped that the States would provide sanctuaries, but migratory birds nest in one State and are hunted in others. It is not a State problem but a National problem—and international. The legislation referred to provided for a limited warden service, it cut down the bag limits, and closed certain seasons for hunting, and was in many ways beneficial; but unless sanctuaries are provided, this bird life can not be saved.

Some are discouraged at the fact that progress is slow along this line, but we should cheer up when we recall that the fight for the migratory bird treaty covered a period of at least 13 years. The sanctuary bill has been before Congress only half that long.

We admit there is a wide difference of opinion regarding certain features. The scarcity of birds is more apparent in the interior of the country than it is on the Atlantic seaboard, which lies on one of the main routes of flight. There is a high concentration in Chesapeake Bay and other places, and people in those sections do not fully realize the danger. They would actually like more hunting privileges and the right to sell migratory birds in the market. Some would insist on this privilege until the last goose is shot, just as was done with the passenger pigeon, which has become wholly extinct, the last bird having passed away a few years ago.

This measure has a great deal of support from the country at large. It is indorsed by the National Isaak Walton League, by the Audubon Society, and I think by every conservation society in the United States.

It has passed both the House and the Senate at different times, but did not pass both Houses at the same session.

It is supported by the State game departments from different sections of the country, including Montana, Minnesota, Virginia, Maryland, and South Carolina. There is nothing sectional about the demand for this measure.

The arguments advanced upon this floor in this debate have been varied and interesting. One very able Senator and a member of the bar, has asserted boldly that it is unconstitutional and therefore should not pass. The only answer that I can give is that the Supreme Court of the United States has already passed on the questions involved. I am not a lawyer, but my understanding is that this court has the last guess on legal questions; and being as they have spoken, we might as well stop arguing that phase of it. To those who object to the license fee as a means of raising the necessary funds, I will say that is universal experience of the States that funds for game preservation and protection could best be secured in that way. This bill follows a beaten path in that respect.

One Senator who has vigorously objected to the establishment of sanctuaries has signified his willingness to vote for same if the money is taken out of the Treasury instead of securing same through the sale of game licenses. I would prefer to have Federal appropriations, but the experience of the

last seven years has fully convinced a majority of the Members of Congress that such a hope is futile. Many efforts have been made. Only one has been successful—that of the upper Mississippi game refuge.

The license fee would provide a definite annual income to carry on the work. The appropriation would be very uncertain and generally fail.

For a quarter of a century there has been a widespread national feeling that the Government should take heroic means to save our timber supply. All admit there are only a few years' supply in sight. Something has been done by Congress, but it has been so inadequate as to be almost ridiculous. After the horse is stolen we lock the barn door. After the forests have been destroyed there will be real reforestation. After the birds are extinct we will realize our loss of opportunity.

During this very session the McNary bill passed the Senate, providing for a $40,000,000 expenditure of reforestation covering an eight-year program. This bill was fortunate in having the support of the administration and the indorsement of the Budget officer, but when it reached the House it was cut from $40,000,000 to $4,000,000, covering only a two-year program. No money is made available to take options that have been secured by the Forest Service at great effort and expense. The matter has not been taken seriously at any time by Congress. Sometimes the fault lies with the House and sometimes with the Senate.

But, Mr. President, I do not wish to stand in the way of such an emergency measure as the flood control bill. I well understand there is no disposition to displace the bird sanctuary bill. It is simply a desire on the part of the Members from the Mississippi Valley to give it another place on the Senate program. I cheerfully accept the situation. I will not only yield while we take up the flood control bill, but it is equally important that this bill be deferred until after the general farm legislation has been disposed of. I withdraw with the understanding that I will have the cooperation of the friends of this measure on both sides of the Chamber when the legislation above referred to has been considered and disposed of.

Mr. BLAINE. Mr. President——

The VICE PRESIDENT. The Senator from Washington has the floor.

Mr. BLAINE. Will the Senator from Washington yield to me?

Mr. JONES. I yield to the Senator from Wisconsin.

Mr. BLAINE. I will ask the Senator to yield only for a few moments. I want the impression firmly fixed in the minds of the Members of this body that there is no opposition to the general proposition of authorizing the Federal Government to purchase sanctuaries for migratory game birds and make those sanctuaries inviolate. There is opposition, however, to this bill in the form in which it is presented, which opposition is expressed in terms of logic and in the interest of conservation.

I know that there are a number of amendments to be offered. I have four amendments which I wish to submit that will have a tendency to make this bill a real conservation measure. There are a number of amendments to be offered by other Senators with that same object in view, namely, to make of this proposed legislation a conservation program and not a program for the destruction of migratory game birds.

I have had it in mind that the Senator from South Dakota might be willing to have this bill recommitted to the committee. I have no desire to delay action upon the bill; I am willing to have a vote upon the bill just as soon as Senators have had an opportunity to debate it fully, but I think that we would get further and proceed faster if this bill were recommitted to the committee. I ask now if the Senator from South Dakota will agree to the bill being so recommitted?

Mr. NORBECK. Mr. President, I wish to say that about three weeks ago I had a very good chance to secure the passage of the migratory bird bill, because there was then no pressing business before the Senate and there was no reason why the migratory bird bill should not go forward, as it was then in line to be taken up. However, I yielded to Members of the Senate who are opposed to the bill and agreed that the committee should hold hearings on it. That statement was made in the Senate Chamber; it was well known that hearings were being held, and everybody was invited to attend; the hearings have been held, and there are printed copies of those hearings available. I am sure I do not understand why the Senator from Wisconsin now wants to have the bill recommitted to the committee and go over it again. Do I understand that it is for the purpose of considering certain amendments? If so, I should like to know what they are. I will not agree to have the bill recommitted to the committee for the purpose of delay.

Mr. BLAINE. I think it is very probable that if this bill shall be recommitted to the committee that its objectionable features can be eliminated. I am willing to have the amendments which I shall propose printed—I can not speak for other Senators; they perhaps will be willing to do the same thing—and let those amendments go to the committee, and give the committee an opportunity to revise and redraft the bill and take out of it the iniquities that are in it.

I repeat I do not wish to delay a vote upon this measure. If the Senator from South Dakota thinks that the bill can not be expedited by a recommital to the committee, I am not asking that it be recommitted at this time. I was just inquiring whether or not he would be willing to do so.

Mr. NORBECK. I appreciate the frankness of the Senator's inquiry.

Mr. BLAINE. In my opinion, I think that we could get much earlier action upon this bill if it were recommitted to the committee.

Mr. NORBECK. If I understand the Senator's view correctly, he will not under any circumstances support a bill that provides for the $1 hunting license; but I know of no other way in which to secure the necessary funds for the establishment of sanctuaries. The main question is, How can the funds be secured? I am sure every Senator understands this matter fully, and the question can be decided by a vote of this body. We must also keep in mind that the committee has considered this bill off and on for seven years. These various provisions have been carefully thrashed out in committee. I realize, of course, the Senator from Wisconsin has not been here during all that time, but the members of the committee have heard so much about this bill that I am sure they consider further hearings unnecessary. The Members have expressed themselves very often and very frankly.

Let me say, however, if the Senator from Wisconsin has in mind some plan that will prevent extermination of our migratory birds I hope he will introduce a bill covering the plan he has in mind. I shall be glad to confer with him at any time, but for the present I can not agree to have the bill recommitted to the committee.

I would appreciate it if the Senator would present his amendments and give the Senators an opportunity to study same.

I may state that there has developed some sentiment against certain features of this bill, especially the one requiring everybody to take out the migratory bird license prior to hunting. I have already introduced an amendment exempting boys up to 16 years of age from this burden. In that way this bill will conform pretty generally to the practice in the different States as to other hunting licenses.

Some Senators have expressed the opinion that if the Federal warden service is greatly enlarged by this bill that the law should limit their work as far as possible to the State of their residence. I accept the suggestion and have offered an amendment accordingly.

I am interested, first of all, in the establishment of bird refuges, and will sacrifice any other provision if need be. There is, in my judgment, however, a great need for better enforcement of the Federal game law. Twenty-eight Federal wardens can not cover 48 States, as they are now attempting to do.

It has also been suggested that no hunting whatever should be permitted on Federal game sanctuaries even when a great surplus of game accumulates. Personally, I have no objection to making the sanctuaries 100 per cent inviolate instead of permitting hunting on a small part when surplus game accumulates, as provided in this bill.

The shooting-ground provision was incorporated into the bill with the thought that it would strengthen the bill and give the general public, who pay the license fee, a chance to shoot the surplus birds. The wealthy have their shooting clubs. The poor man has no place to go.

Mr. BLAINE. Mr. President, I am convinced from the remarks of the Senator from South Dakota that if this bill shall be recommitted to the committee the things that he expresses as his desire may be accomplished, and the vicious and iniquitous features of the bill may be eliminated. The committee will then have an opportunity to report amendments that will perfect the bill as a conservation measure. However, I have no desire to delay action upon these other two important questions—the question of flood control and the question of farm relief.

The existing laws as to migratory birds are effective and efficient. There is no popular demand for this character of legislation. It is not approved by the real conservationists of the country. It is approved only by those who want to create sanctuaries to which migratory birds may be enticed and seduced for the purpose of killing them for sport, and for the replenishment of those birds in the interest of private shooting clubs.

Mr. President, the question of flood relief is tremendously important. I believe that question is paramount. The weeks are only short when another catastrophe may threaten the lower Mississippi Valley and the people living there. The flood waters will soon begin to rise in the upper reaches of the Mississippi Valley to inundate the communities and the people of the lower Mississippi Valley. Therefore there should be no delay in the consideration of the measure relating to flood control.

Moreover, the question of farm relief is also of paramount importance. Demands have been made upon Congress for legislation that will place agriculture on a parity with other industry, and yet there seems to be those coming from the agricultural areas in our country who are willing to consume the time of Congress in an endeavor to create sanctuaries for migratory game birds for the benefit of the few.

I do not propose to debate the migratory bird bill at this time, but I am sending to the clerk's desk an editorial from the Forest and Stream magazine, of the March, 1928, issue. This was the publication which started the movement which led to the founding of the Audubon Society and prompted the migratory bird law which we now have. I send the editorial to the Secretary's desk and ask that it may be read at this time.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

BLIND POOL JOKER IN MIGRATORY BIRD LAW

The blind pool refuge bill is again before Congress. It has a good chance of being passed. The bureau officials in Washington, allied with the professional protectionists of New York City, have succeeded in tacking it onto the migratory bird law. The latter is a meritorious piece of legislation. The joker they have attached to it strikes at the heart of self-government. It throttles the splendid State game commissions that have been built up in many States and are being developed in others.

The bureau chiefs in Washington and their adroit associates in New York are intent upon getting into their own hands the game funds of the country. They have enlisted the support of Senator NORBECK, from South Dakota, chairman of the Agricultural Committee. The bill, through his influence, has been sent to the Senate.

If this bill is passed it will confer lawmaking powers upon the clerks of the Biological Survey. It clearly provides that the rules and regulations which they may make should have the force of law. It confers police powers upon the Secretary of Agriculture and his employees—something that was not even remotely contemplated when his department was organized.

If this bill is passed it will deny the citizen the right of trial in his own community. It authorizes a petty Federal official to drag a reputable citizen hundreds of miles for trial before a Federal official located in another State. The bill authorizes Federal officials to arrange settlements without trial. This provision is an incentive to dishonesty. It encourages petty officials to practice petty annoyances upon sportsmen whom they may find afield.

If this bill is passed it will enable a group of men in Washington to remove hundreds of thousands of dollars from the State in which it was collected and disburse it when and where they will.

This bill, in practically the same form, was defeated in the Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses.

Mr. Mondell, the Republican floor leader, in denouncing the game refuge bill, said: "I believe the measure is so far-reaching in its consequences, it would be so tremendously harmful in the long run to my country and to its people, that I can not support it or any part of it."

Mr. GARRETT, the Democratic floor leader, said he was opposed to the legislation, and asked: "How long do you think we can continue to yield to the blandishments, the propaganda, and the temptations of expediency in measures such as this."

Judge Ward, the Congressman from North Carolina, scored the bill as the crowning infamy of them all.

Ex-Senator Wadsworth, of New York, in a recent address said, "There has been built up at Washington a bureaucracy so vast and complicated that no one can understand the operations of the Government of the United States as it exists to-day. It is a bureaucracy which is not responsive to public sentiment. We are whittling at the structure established by the forefathers, and if we whittle long enough we shall destroy it."

Mr. Keith McCanse, State game commissioner of Missouri, says: "It is all wrong for the double license to be inflicted upon the hunters of the United States in order to create a tremendous fund for use of bureaucracy. Do we want to create in Washington another powerful Federal bureau, with its agents nosing into every nook of the land?"

If this bill becomes a law it will be because the sportsmen of this country and their representatives in Congress do not understand its far-reaching influence. (Editorial from the Forest and Stream Magazine of March, 1928, founders of the Audubon Society and the migratory bird law.)

Mr. HEFLIN. Mr. President, will the Senator from Washington yield to me for about two minutes?

Mr. JONES. Very well; I yield.

Mr. HEFLIN. Mr. President, I am anxious to see the migratory birds protected. I have been in favor of that for a long time, but the bill now before us has some very objectionable features in it. The bill must be amended so that it will not discriminate against the boys and others who live out in the States along the creeks and lakes and rivers. It must not be drawn in favor of the big hunting clubs with their automatic guns. The bill has some provisions in it now that would work hardships upon those in the various States who would like occasionally to shoot a migratory bird, but so many birds have been included in the terms of the bill and in the list of so-called migratory birds that there is hardly any kind of bird left out of the bill for the average man out in the States to shoot at.

I read a story in a magazine a few days ago about a negro who was being tried for shooting a yellowhammer. The judge of the Federal court asked if he had shot a yellowhammer and the negro said, "Yes, sir." The judge said, "Then you plead guilty?" "No, sir." The judge said, "But the yellowhammer is a migratory bird." "No, sir," said the negro, "he is a yellowhammer." "Yes," said the judge, "but this fool law we have makes him a migratory bird." He said, "Judge, it ain't got no business making him a migratory bird. God Almighty made him a yellowhammer, and we have been knowing 'em as yellowhammers and shooting 'em as yellowhammers all our lifetime. Is you going to fine me for shooting a yellowhammer?" "Well," he said, "under this fool law I will have to fine you, but I am going to give you the lowest fine that is possible under the law"; and then he turned to the marshal and said, "Take this nigger out in the hall and let him get away." [Laughter.]

FLOOD CONTROL

Mr. JONES. Mr. President, I appreciate very much the considerate attitude of the Senator from South Dakota, and I know that those who are especially interested in flood-control legislation appreciate his attitude.

I move that the Senate proceed to the consideration of the bill (S. 3740) for the control of floods on the Mississippi River from the Head of Passes to Cape Girardeau, Mo., and for other purposes.

Mr. SACKETT. Mr. President, a parliamentary inquiry. Do I understand that the migratory bird bill is withdrawn as the unfinished business if this motion is agreed to?

The VICE PRESIDENT. The migratory bird bill is not withdrawn as the unfinished business.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me? The Senator from South Dakota, however, has expressed his willingness that for the present that the unfinished business may be superseded by the bill in charge of the Senator from Washington, known as the flood control bill.

Mr. SACKETT. That also includes the farm relief bill, following that, as I understood the Senator?

Mr. ROBINSON of Arkansas. He indicated that he would be willing to have the farm relief bill taken up when the flood control bill is disposed of.

Mr. SACKETT. Then, after those two bills are disposed of the migratory bird bill takes its place as the unfinished business?

Mr. ROBINSON of Arkansas. No.

Mr. SACKETT. I wanted to understand from the Chair what the situation is.

Mr. MOSES. Is the bill to be displaced as the unfinished business?

Mr. ROBINSON of Arkansas. Certainly. The Senator from Washington has made a motion to proceed to the consideration of the flood control bill, which, if agreed to, will displace the unfinished business.

Mr. HEFLIN. Mr. President, as I understand, the migratory bird bill can not come back before the Senate unless the Senate orders it brought back.

The VICE PRESIDENT. The Senator is correct.

Mr. CURTIS. Mr. President, I understand the desire is to go on with the flood control measure, and if it is disposed of within the next day or two the agricultural appropriation bill will be taken up next, and then the farm relief bill; and it is the hope that the steering committee will suggest that the migratory bird bill shall be taken up afterwards.

Mr. SMOOT. Mr. President, if the disposition of the flood control bill is going to take very long would it not be satisfactory to lay it temporarily aside and take up the agricultural appropriation bill? The reason why I ask the question is because there are some appropriations in that bill which ought to be made available just as quickly as possible.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Washington yield to me for a brief statement?

Mr. JONES. I yield to the Senator.

Mr. ROBINSON of Arkansas. The bill that is to be brought before the Senate upon the motion of the Senator from Washington, if that motion prevails, represents the results of many conferences and compromises, and in my judgment will not require more than a few hours' debate. I think it entirely possible, if debate to-day is confined to the flood control bill, that the bill may be finally disposed of before the end of the present calendar day. I am certain that there is no disposition upon the part of any Senator on either side of the Chamber to prolong unduly the debate on the flood control bill, and I am morally sure that in any event the bill may be passed before the end of to-morrow.

In that view of the matter, I do not think the friends of the bill ought to be asked, before the bill has been brought before the Senate, to agree to lay it aside, either temporarily or otherwise, for the consideration of other measures. In my opinion, the flood control bill is of greater emergency importance than the agricultural appropriation bill. The latter bill is, of course, of great consequence; but I think the time has come when both Houses of Congress ought to devote themselves to the consideration and enactment of flood-control legislation.

We are nearing the probable end of this session. After the Senate has passed the Jones flood control bill it yet remains to be considered by the House of Representatives and in conference; and the best we can hope for is the passage of an adequate flood control bill at some time before the end of the present session.

Mr. STEPHENS. Mr. President, will the Senator from Arkansas yield for a moment?

Mr. ROBINSON of Arkansas. I have not the floor. I return the floor to the Senator from Washington, and thank him for yielding to me.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, I have no intention of asking that the flood control bill, if made the unfinished business, shall be temporarily laid aside to permit the consideration of the agricultural appropriation bill. The Senator's anticipation was without foundation.

Mr. ROBINSON of Arkansas. Mr. President, the suggestion, or rather request, was made by the Senator from Utah [Mr. SMOOT]. I realize that the Senator from Utah has not charge of the agricultural appropriation bill; but I wanted him to understand the situation, in view of his influence in legislation here.

Mr. NORRIS. Mr. President——

Mr. McNARY. Mr. President, I want to conclude in just a word my statement of the purpose as I understand it.

If the flood control bill is made the unfinished business and occupies only a few days, assuming that it is three or four days, I shall make no effort or request to have the agricultural appropriation bill considered during that time. As soon as that bill is disposed of, which I think will be done with considerable expedition, I shall ask to take up the agricultural appropriation bill; and at its conclusion I shall ask to have the farm relief bill made the unfinished business.

Mr. SMOOT. Mr. President, I thought the flood control bill was going to take some time, and that was the reason why I suggested—not requested—that when it was up for consideration if it could be temporarily laid aside it would not take very long to pass the agricultural bill. I have no desire to request it under the circumstances. If I had known that the bill was likely to be passed to-day or to-morrow, I would not have said a word about it.

Mr. STEPHENS and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES. I do.

Mr. STEPHENS. I simply desire to say, in this connection, that several Senators who are deeply interested in flood relief, and who are quite anxious to have this bill passed as soon as possible, have agreed that so far as they are concerned the debate will be very short. I am sure no long speeches will be made on this subject; and as it has been suggested that we may be able to pass the bill some time to-morrow, I certainly think that is entirely probable.

Mr. NORRIS. Mr. President, what is the use of borrowing trouble? Let us run along with the bill, and when something comes up we will meet it. Nobody is asking to lay it aside now, before it is laid before the Senate. "Sufficient unto the day is the evil thereof." If an attempt is made to lay it aside for the consideration of some other matter, we will consider that when we get to it.

Mr. ROBINSON of Arkansas. The first thing to do is to get the bill before the Senate.

Mr. NORRIS. Yes.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington that the Senate proceed to the consideration of Senate bill 3740, the flood control bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3740) for the control of floods on the Mississippi River from the Head of Passes to Cape Girardeau, Mo., and for other purposes.

Mr. JONES. We had better have the bill read.

Mr. HARRISON. Everyone has read the bill.

PAVING OF INTERNATIONAL STREET, NOGALES, ARIZ.

Mr. ASHURST. Mr. President, I share the hope that the flood control bill will be passed speedily. I believe the control of the Mississippi River is a national problem and that the cost thereof should be paid by the United States. But even at the risk of delaying that bill for a couple of minutes, I am obliged to ask unanimous consent for the present consideration of Order of Business 641, Senate bill 2004, which is in the nature of an emergency bill and which was reported to the Senate last evening.

Mr. JONES. Will there be any discussion on it?

Mr. ASHURST. I am certain there will be none.

The bill proposes an appropriation of $60,000 to authorize the paving of the Federal strip known as International Street, at Nogales, Ariz. I ask leave to include in my remarks the report from the Committee on Public Buildings and Grounds, which was submitted yesterday by the Senator from New Hampshire [Mr. KEYES], the chairman of the committee.

The VICE PRESIDENT. Without objection, it will be so ordered.

The report (No. 633) submitted by Mr. KEYES on the 27th instant is as follows:

Mr. KEYES, from the Committee on Public Buildings and Grounds, submitted the following report on the bill introduced by Senator ASHURST (to accompany S. 2004):

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2004) authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz., having considered the same, reports favorably thereon with the recommendation that the bill do pass.

This bill, if enacted, provides for the grading and paving of the "Federal strip," belonging to the United States, and known as International Street, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz.

No objection to the proposed legislation is made by the Secretary of the Treasury, whose letter, addressed to the chairman of the Committee on Public Buildings and Grounds, regarding this measure, is herewith appended.

TREASURY DEPARTMENT,
Washington, February 3, 1928.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

DEAR MR. CHAIRMAN: Reference is made to your request of January 7 for a report on bill S. 2004, authorizing the paving of the Federal strip known as International Street, belonging to the United States, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz., with the necessary retaining walls, storm sewers, and other items necessary in connection with the paving and including lighting standards, at a cost not to exceed $60,000.

The estimated cost of the work as covered by the bill referred to is $60,000.

It may be added that the Director of the Bureau of the Budget states that the action of this department in advising the committee as to the estimated cost of the work, without recommendation as to the merits of the proposed legislation is not in conflict with the financial program of the President.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

The Committee on Public Buildings and Grounds also referred this measure to the Department of Labor for an opinion, and the reply of that department is herewith appended and made a part of this report:

DEPARTMENT OF LABOR,
OFFICE OF THE SECOND ASSISTANT SECRETARY,
Washington, February 18, 1928.

Hon. HENRY W. KEYES,
Chairman Senate Committee on Public Buildings and Grounds,
Washington, D. C.

MY DEAR SENATOR KEYES: In response to your letter of the 7th ultimo, addressed to the Secretary of Labor, requesting the views of the Department of Labor relative to bill S. 2004, authorizing the paving of Federal strip known as International Street, adjacent to Nogales, Ariz., I have the honor to advise that while this department does not feel disposed to urge the passage of the bill, it concurs in the views expressed in the letter received from the immigration inspector in charge in Nogales, dated January 21, 1928, a copy of which is inclosed.

Sincerely yours,

W. W. HUSBAND,
Second Assistant Secretary.

DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
Nogales, Ariz., January 21, 1928.

DISTRICT DIRECTOR,
Immigration Service, El Paso, Tex.:

With reference to bureau letter No. 55606/894, of December 28, 1927, forwarded to this office under your indorsement No. 5002/1095, of the 3d instant, concerning an appropriation of $60,000 for the purpose of paving and improving the Federal strip at Nogales, Ariz., between the east side of Nelson Avenue and the top of the hill beyond West Street, there are inclosed herewith three copies of blue print showing the Federal strip, the boundary line, and the part of Nogales, Ariz., and Nogales, Sonora, Mexico, adjacent to the boundary.

By the proclamation of the Presidents of the United States of June 25, 1897 (30 Stat. 1765), and May 27, 1907 (35 Stat. 2136), there was reserved from entry or settlement and set apart as a public reserve the 60-foot zone adjacent to the international boundary line referred to above as the "Federal strip," and such zone is reserved from every use except as a highway. Such action was taken on the recommendation of the International Boundary Commission and in order to clear the zone from buildings, some of which were partly in Mexico and partly in the United States, officials of the Department of the Interior, which it is understood has charge of the zone, had to appeal to the Federal court, which sent the United States marshal and his deputies to Nogales to clear the zone. The zone is policed by the city of Nogales. The zone is known as "International Street." The city and State courts exercise jurisdiction over International Street.

By reference to print, it will be noted that the 60-foot strip on the Mexican side adjacent to the boundary line is known as "Calle Camou." There are no buildings on this zone.

The city of Nogales desires Congress to appropriate $60,000 for the purpose of paving and improving the Federal strip, or International Street, as it is called, from the east side of Nelson Avenue to the top of the hill beyond West Street, a distance of approximately 2,225 feet, as shown on the blue prints. It was decided by an election held in Nogales, Ariz., on November 8, 1927, to enter upon an improving and paving program at a cost of about $750,000; the program calls for the paving and improving of all the streets running north and south and terminating at International Street. The paving to be laid will be 5½ or 6 inches thick and will be laid on top of the present dirt streets. The elevation of Nogales, Sonora, Mexico, is higher than that of Nogales, Ariz.; consequently, when it rains in Nogales, Mexico, the water flows into Nogales, Ariz. The matter of paving Calle Camou is being considered by the Mexican Government, and it is not known at this time whether it will be paved or not. In any event, if International Street is not paved, it would become a mudhole during the rainy season, owing to the flow of the water from Mexico, and during the dry season it would naturally become dusty.

There are two crossings in the city of Nogales through which aliens enter from Mexico, i. e., the Morley Avenue crossing and the Grand Avenue crossing; these crossings never close and are guarded by immigration officers and employees 24 hours each day. The inspectors refer aliens to be inspected to the immigration inspector quarters, which are located in the Southern Pacific station building, between Morley and Grand Avenues, as indicated by the words "Department Immigration." Aliens going from the Morley and Grand Avenue crossings to the inspection quarters must necessarily traverse International Street. If this street is not paved and drained it will be muddy during the rainy season and dusty at other times of the year, unless the city of Nogales continues to sprinkle it. Immigration, customs, and officials of the Federal Horticultural Board on duty at the Morley and Grand Avenue crossings necessarily walk back and forth in front of the "garitas" from the east to the west side of the streets in performing their duties, making it highly desirable to have the streets paved so that it will not be necessary for them to walk in mud or dust. The collector of customs concurs with the writer that the immigration, customs, and other officials serving on the line could render more efficient service if International Street were paved. The collector favors the paving and improving program.

At the present time there is a wire fence along the boundary line about 2½ feet north of the line on the American side, constructed by the War Department. In many places this fence is in bad condition, making it possible for persons easily to enter the United States through the fence. In some places the line is rough and uneven, and it is difficult to keep the fence in repair; in many places the wires have been cut, and from the appearance of travel many people evidently enter through such places. As a part of the proposed improvement, a well-constructed, substantial, durable fence should be erected to discourage illegal entries.

Aside from any benefits accruing to the Immigration Service by reason of the proposed improvements and paving, International Street should be paved to harmonize with the paving which will be done by the city of Nogales. From a civic standpoint, therefore, it is highly desirable to have International Street paved and improved.

R. M. COUSAR, *Inspector in Charge.*

The VICE PRESIDENT. Is there objection to the present consideration of the bill referred to by the Senator from Arizona—Senate bill 2004?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2004) authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the grading and paving of the Federal strip of land known as International Street, belonging to the United States, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz., said paving to extend from the east side of Nelson Avenue to the top of the hill beyond West Street, with the necessary retaining walls, storm sewers, the installation of an ornamental lighting system, and other items necessary in connection therewith, at a limit of cost of $60,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLOOD CONTROL

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3740) for the control of floods on the Mississippi River from the Head of Passes to Cape Girardeau, Mo., and for other purposes.

Mr. JONES. Mr. President, it has been suggested that most of the Members of the Senate have read the flood control bill, and that it is not necessary to take the time of the Senate to have it read. I ask unanimous consent that the reading of the bill may be dispensed with.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The bill is as follows:

Be it enacted, etc., That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two civil engineers to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and that recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study, and such further surveys as may be necessary, to determine the action to be taken upon the same, and its decision upon all matters considered by it shall be followed in carrying out the project herein adopted: *Provided further*, That if after considering any controverted problem between the Mississippi River Commission project and the project herein adopted the board shall be of the opinion that a new method should be followed, it shall submit its recommendation thereon to Congress: *Provided further*, That such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees, before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided further*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main

river. The sum of $325,000,000 is hereby authorized to be appropriated for this purpose.

SEC. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle in view of the great expenditure estimated at approximately $292,000,000, heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of national prosperity, the flow of interstate commerce, and the movement of the United States mails; and, in view of the gigantic scale of the project, involving flood waters of a volume and flowing from a drainage area largely outside the States most affected, and far exceeding those of any other river in the United States, no additional local contribution to the project herein adopted is required.

SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until local interests have given assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees; (b) agree to accept land turned over to them under the provisions of section 4.

SEC. 4. Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all property located within the area of the spillways, flood ways, or diversion channels herein provided, and the rights of way thereover, and the flowage rights thereon, and also including all expenditures by persons, corporations, and public-service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided: *Provided*, That in all cases where the execution of the flood-control plan results in benefits to any person, or persons, or corporations, municipal or private, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way needed in carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War, is reasonable, he may purchase the same at such price; and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project. The provisions of sections 5 and 6 of the river and harbor act of July 18, 1918, are hereby made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided*, That any land acquired under the provisions of this section shall be turned over without cost to the ownership of States or local interests.

SEC. 5. Subject to the approval of the heads of the several executive departments concerned, the Secretary of War, on the recommendation of the Chief of Engineers, may engage the services and assistance of the Coast and Geodetic Survey, the Geological Survey, or other mapping agencies of the Government, in the preparation of maps required in furtherance of this project, and funds to pay for such services may be allotted from appropriations made under authority of this act.

SEC. 6. In an emergency, funds appropriated under authority of this act may be expended for the prosecution of such works for the control of the floods of the Mississippi River as have heretofore been authorized and are not included in the present project; or for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by local interests.

SEC. 7. That the sum of $5,000,000 is authorized to be appropriated as an emergency fund to be allotted by the Secretary of War on the recommendation of the Chief of Engineers, in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River below Cape Girardeau, Mo., threatened or destroyed by flood.

SEC. 8. The project herein authorized shall be prosecuted by the Mississippi River Commission under the direction of the Secretary of War and supervision of the Chief of Engineers and subject to the provisions of this act. It shall perform such functions and through such agencies as they shall designate after consultation and discussion with the president of the commission. For all other purposes the existing laws governing the constitution and activities of the commission shall remain unchanged. The commission shall make inspection trips of such frequency and duration as will enable it to acquire first-hand information as to conditions and problems germane to the matter of flood control within the area of its jurisdiction; and on such trips of inspection ample opportunity for hearings and suggestions shall be afforded persons affected by or interested in such problems. The president of the commission shall be the executive officer thereof and shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, shall have the title brigadier general, Corps of Engineers, and shall have the rank, pay, and allowances of a brigadier general while actually assigned to such duty: *Provided*, That the present incumbent of the office may be appointed a brigadier general of the Army, retired, and shall be eligible for the position of president of the commission if recalled to active service by the President under the provisions of existing law.

SEC. 9. The creation of any material obstruction not affirmatively authorized by Congress to the flood-discharge capacity of such portion of the alluvial valley of the Mississippi River below Cape Girardeau as is embraced in the project adopted by section 1 of this act is hereby prohibited, and it shall not be lawful to build or commence the building of any levee or other structure in said portion of the alluvial valley or in any flood way therein that will materially affect the flood flow in said alluvial valley or in any flood way therein unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War. Any person or corporation who shall violate any provision of this section is guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding $2,500 nor less than $500 or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court; and the removal of any structures, or parts of structures, erected in violation of this section may be enforced by injunction or other process in the district court of the United States in the district in which such structures may exist, and proceedings to this end may be instituted under the direction of the Attorney General. The provisions of section 17 of the river and harbor act of March 3, 1899, are hereby made applicable to this section.

SEC. 10. That it is the sense of Congress that the surveys of the Mississippi River and its tributaries, authorized pursuant to House Document No. 308, Sixty-ninth Congress, first session, be prosecuted as speedily as practicable, and the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams (including such of their main tributaries as may be deemed necessary) of the Mississippi River system subject to destructive floods: *Provided*, That before transmitting such reports to Congress the same shall be presented to the board created in section 1 of this act, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

SEC. 11. That the Secretary of War shall cause the Mississippi River Commission to make an examination and survey of the Mississippi River below Cape Girardeau, Mo., (a) at places where levees have heretofore been constructed on one side of the river and the lands on the opposite side have been thereby subjected to greater overflow, and where, without unreasonably restricting the flood channel, levees can be constructed to reduce the extent of this overflow, and where the construction of such levees is economically justified, and report thereon to the Congress as soon as practicable with such recommendations as the commission may deem advisable; (b) with a view to determining the estimated effects, if any, upon lands lying between the river and adjacent hills by reason of overflow of such lands caused by the construction of levees at other points along the Mississippi River, and determining the equities of the owners of such lands and the value of the same, and the commission shall report thereon to the Congress as soon as practicable with such recommendation as it may deem advisable.

SEC. 12. All laws or parts of laws inconsistent with the above are hereby repealed.

Mr. JONES. Mr. President, I agree fully with the statement made by the Senator from Arkansas [Mr. ROBINSON] a few moments ago, and I am going to take very little of the time of the Senate in discussing the bill. I think it is scarcely necessary to take the time of the Senate to describe the flood conditions of 1927; but it may not be amiss to call attention to the peculiar situation of the Mississippi Valley.

Everybody knows that the Mississippi River drains about two-thirds of the territory of the United States. From the summit of the Rockies on the west, and from the summit of the Alleghenies on the east, the waters of the rains that fall and the snows that melt find their way to that great drainage channel known as the Mississippi River. These waters converge into one channel at Cairo, Ill., and sweep on to the Gulf of Mexico, added to by the St. Francis, the White, the Arkansas,

the Red, and the Atchafalaya from the west, and the Yazoo from the east. If the high waters of all these streams should occur at the same time, the devastation would be appalling.

The flood of 1927 did not come from the headwaters of the Mississippi and its upper tributaries, but largely from an abnormal rainfall on its middle and lower reaches, together with an abnormal and unusual volume of water in its western tributaries below Cairo.

The most immediate and pressing need for flood control is on the stretch of the river from Cairo down to the Gulf. This grows out of the natural conditions thus briefly described. This is the phase of the problem we especially seek to deal with in this bill. In addition, we take those preliminary steps necessary to a wise treatment of flood problems on the tributaries and further reaches of the Mississippi.

The problem is a very complicated one. Communities are affected in diverse ways. Individual and corporate interests very naturally want the fullest possible protection from damages and loss. Natural selfishness leads all interests to seek the fullest possible protection and complete reimbursement for actual or anticipated loss and injury. The methods proposed to do this are many and diverse. The committee has tried to give all phases of the problem patient, careful, and considerate study.

Very likely we have not wholly pleased anybody, but we have sought to work out a reasonably fair, just, and adequate way to meet the situation from Cairo down so far as it can be met locally. What we propose to do will coordinate with any further development that may be deemed wise and desirable. The bill provides for the most pressing unit of any general flood-control plan for the Mississippi River system that may be found wise and desirable to carry out.

The solution of the problem of flood control is largely an engineering one to be worked out by experts. When this disaster came, and as soon as it was possible to proceed, the President directed the engineering agencies of the Government to study the problem and submit their plans for its solution as soon as possible. This was done. Two plans were submitted, one by the Corps of Engineers of the Army through its chief, General Jadwin, and one by the Mississippi River Commission. Each had the study, advice, experience, knowledge, and ability of civil as well as Army engineers. Fundamentally they agree, but they differ over very important details.

The committee is not composed of engineering experts. So far as I know, there is not an engineer on it. Speaking for myself alone, I frankly say that I am not competent to pass upon these differences.

The committee adopted the plan of the Army engineers, commonly referred to as the Jadwin plan, which was recommended to Congress by the President. Believing that the recommendations of the Mississippi River Commission are entitled to great weight, not only because of the engineering experience of its members but because of their intimate knowledge of the Mississippi River situation, and that it is highly desirable to get the best possible solution of this most important problem, we have provided a board to work out the engineering differences between these two plans, as well as to pass upon other matters not directly involved in this particular situation. This board is composed of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two civil engineers. The two civil engineers are to be selected by the President and confirmed by the Senate. Their compensation will be fixed by the President. It will not be necessary for them to devote all their time to this work, but they will be called in from time to time to consider the differences between the two engineering plans, and to pass upon these various phases of the problem as they arise or may be reached in the progress of the work. Under these conditions it will be possible for the President to secure the services of the best engineers in the country.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Certainly.

Mr. FESS. I think the Senator's statement just now has cleared up an objection that has been made by some very high talent in the civil engineering world. For example, the vice president of the American Civil Engineering Association lives in my town and is regarded as a great authority on matters of this kind; in fact, he built the Dayton-Miami conservancy plant, as the Senator knows. I have had many conversations with him, in the course of which he said that when he started first on that plan he had a certain well-defined view in mind. Later on he had to change his view to an entirely different one from that which he originally entertained. He has been criticizing our plan for not identifying with the commission some talent outside of the Army. I understand now that has been done under the terms of the bill?

Mr. JONES. Yes; that has been done. There will be two civil engineers on the board of five members.

Mr. FESS. If the Senator will permit me, I have a letter from the gentleman to whom I have referred, in which he said that he has examined the bill. But evidently the bill originally did not include two outside civil engineers?

Mr. JONES. Originally the bill included but one civil engineer outside of the Army.

Mr. FESS. He makes the statement that one suggestion he would like to make is that the board should have a representative from civil engineering talent of the country outside of the Army. That suggestion has been met, as I understand the Senator from Washington.

Mr. JONES. That has been met. I may say that when the bill was first introduced by me there was an effort made to carry out directly the recommendation of the Chief of Engineers. That bill did not provide for this board at all. Then in another bill, after further consideration, we provided a board to be composed of the Chief of Engineers, the president of the Mississippi River Commission, and one civil engineer. On further consideration by the committee and after studying the whole problem more carefully, we finally unanimously reached the conclusion that the board should consist of five members, with two civil engineers upon it. That seems to be, so far as I can learn, generally satisfactory.

Mr. FESS. Knowing the talent of this gentleman as I do, he having lived in my home town for years and having been identified in that region for many years with this character of work, I was impressed with his objection that we ought not to limit the membership of the board to the Army engineers, although without a criticism of that body of men, of course. Since he has made that as his only objection, and since that objection has been removed, I have not anything further to say because I do not have any expert knowledge on the subject and I am only desirous of voting for the measure after it shall have been whipped into final shape.

Mr. EDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. JONES. I yield.

Mr. EDGE. I want to be clear as to the jurisdiction of the board which it is proposed to set up. Am I to understand that it is the final court of appeal, that the board will decide what engineering process shall be followed where there is a conflict between the two reports, and that that decision will settle the matter?

Mr. JONES. The bill provides that their decision upon those differences shall be final.

Mr. DILL. Mr. President, will my colleague yield?

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. JONES. I am glad to yield.

Mr. DILL. I may preface my question by saying that I have not been able to give much attention to the proposed legislation as yet. I would like to know whether the plan proposed by the Army engineers and approved by the terms of the bill now before us is what might be called a reservoir plan, or a levee plan, or just what kind of method is proposed to control the flood waters?

Mr. JONES. The Senator did not hear my opening statement, I assume. We deal with the problem only from Cairo down. The Army engineering plan provided for levees and spillways. The Mississippi River Commission plan agreed fundamentally with the Army engineering plan. There is no dealing with reservoirs in the bill, except a provision for surveys upon the tributary streams, which will doubtless bring in a recommendation, either favorable or unfavorable, as to reservoirs, but under the project adopted by the terms of the bill there are no reservoirs to be constructed.

Mr. DILL. And none are provided to be constructed at all?

Mr. JONES. No; just the survey.

Mr. DILL. But no plans?

Mr. JONES. No plans and no work.

Mr. WHEELER. Mr. President, may I inquire what the plan provides with respect to surveys?

Mr. JONES. I shall come to that a little later. I am going to take up the bill now, rather section by section, so as to give Senators a general idea as to the terms of the measure.

Mr. DILL. I thought the Senator had finished his statement.

Mr. JONES. No; I have not finished.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JONES. Certainly.

Mr. KING. Does the Senator intend to discuss the question of cost?

Mr. JONES. I am going to mention that right now. The bill authorizes the appropriation of $325,000,000 to carry out the project. I want to say frankly to the Senate that in my judgment the cost will be considerably greater than that. The Chief of Engineers gave an estimate as to what the cost would be with the Mississippi River Commission plan and the Jadwin plan harmonized. His estimate is from $305,000,000 to a little over $500,000,000. The estimate of the Mississippi River Commission for the project which it recommends is about $407,000,000. The report which it submitted suggested a broader project, the ultimate cost of which is estimated to be about $775,000,000, but it did not have the data necessary to adopt that proposed project as a definite one. So it recommended a smaller project, the estimated cost of which, as I understand it, will be $407,000,000.

That indicates the range of the possible cost that the proposition may be to the Government. It may run to $500,000,000. In the bill we authorize the appropriation of $325,000,000. I have no doubt whatever, as the work is carried on, if we pass the pending bill and adopt the project, that it is going to be completed. Congress will not hesitate to authorize any additional sum that may be necessary to complete this very vital work. I have not any question about that at all, so if it requires $500,000,000 Congress will authorize that amount of money.

Mr. OVERMAN. Mr. President, may I ask the Senator from Washington if this is a straight authorization or a straight appropriation?

Mr. JONES. It is just an authorization. We do not attempt in this bill to make the actual appropriation.

Mr. OVERMAN. When the appropriation bill comes before the Senate before we adjourn at this session, we will undoubtedly appropriate the entire amount which is authorized by the bill now before us?

Mr. JONES. Oh, no. The Mississippi River Commission plan, my recollection is, estimated that they would get $25,000,000 the first year, and then $40,000,000 a year. Under General Jadwin's plan it will be about the same amount.

Mr. OVERMAN. Therefore the Committee on Appropriations will recommend an appropriation of twenty-five to thirty-five million dollars—as much as estimated—for the work to be done the first year?

Mr. JONES. I would think so.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. JONES. Certainly.

Mr. KING. Do the limits of cost suggested by the Senator include the cost of the overflow of from a million to two million acres of land and the purchase of rights of way or easements over the same?

Mr. JONES. Yes; the Mississippi River Commission plan includes in the estimate of $407,000,000 damages for rights of way, flowage, and so on. The General Jadwin plan submitted to Congress, which estimated the cost to be, I think, about $290,000,000, differed very materially from the Mississippi River Commission plan in that particular. That accounted for the much lower estimate they originally submitted.

We have provision in the bill for condemnation of rights of way, flowage rights, and so on. We feel that under the constitutional provision no private property can be taken for public use without compensation. We could not avoid that if we desired to do so. We have put a provision in, which I will explain, as the Senator has asked the question, expressly requiring that benefits shall be offset against damages found. We feel that is as far as Congress could possibly go. If we sought to pass legislation authorizing the taking of private property without compensation, the courts would not uphold such a provision.

Mr. KING. Does the bill provide that there shall be no contributions by States or by irrigation districts?

Mr. JONES. I am coming to that proposition right now.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. JONES. I yield.

Mr. SIMMONS. The Senator has indicated that under the Mississippi River Commission plan, actually recommended, the cost would be something over $400,000,000.

Mr. JONES. I think $407,000,000.

Mr. SIMMONS. But the Mississippi River Commission outlined a much broader program.

Mr. JONES. That is what I said—that it would cost about $475,000,000.

Mr. SIMMONS. And we would authorize in this bill the survey of the various schemes that are involved in this general proposition.

Mr. JONES. It even goes further than that.

Mr. SIMMONS. If there are favorable reports in the end, the whole project will cost something near $700,000,000.

Mr. JONES. Mr. President, in the end the cost may be even far greater than that. The entire cost of taking care of the whole flood situation in the Mississippi Valley will cost more than that. We must face that. But the adoption of further projects will rest entirely with Congress. As I said a moment ago, we are dealing with the very essential unit of any general flood control.

It may be found that after this is properly dealt with it may not be necessary to go much further. It may be found that we will have to go very much further, with increased cost, of course.

Mr. KING. Mr. President, will the Senator yield again?

Mr. JONES. I yield.

Mr. KING. Is this a proposition for the reclamation of lands, or merely for the purpose of controlling the waters of the Mississippi River so that they shall not inundate contiguous territory?

Mr. JONES. I think I can state that it is for the latter purpose the Senator has mentioned. It is to control the floods of the Mississippi River from Cairo down.

Mr. KING. If the Senator will pardon me—and I am asking for information—I am not able to understand how there could be such a great disparity between the minimum and the maximum costs indicated. An able Senator speaking a few days ago, as I understood him, said that the cost might be a billion dollars, and the Senator from Washington, who now has the floor, has stated that a plan has been suggested which will cost $775,000,000, and perhaps more.

Mr. JONES. That is for going away up the tributary streams, especially up the White and the St. Francis and the Arkansas Rivers.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. As to the tributaries, the bill directs that plans be made for the control of floods on tributary streams of the Mississippi and their main tributaries as and when deemed necessary. It follows that the plans for the various respective tributaries will be prepared and submitted to the Congress. In addition to that, they must be submitted to the board created under the provisions of the bill and transmitted to Congress for its future action. It is not possible, in my judgment, to determine now what plans will be presented for the tributaries and, consequently, what costs will be involved.

Mr. KING. I thank the Senator, but if I may say so—and the Senator will pardon me—some of us who have not had the opportunity of studying this question as have the able Senator from Arkansas and others, when we are confronted with a proposition where the maximum and the minimum costs are so widely variant, as already indicated, we are anxious to know what we are about to commit the Government to, and we are trying to ascertain just what the plan now is and what it possibly might culminate in, and if it should cost a billion dollars ultimately just what the plan would be that would call for such an enormous expenditure.

Mr. ROBINSON of Arkansas. The Senator's question can not be answered in complete detail, for the simple reason that the plans as they will affect the tributaries have not been prepared, and it is therefore impossible to determine what works they will contemplate and what the cost of those works will be.

Mr. KING. I can comprehend that. I would like to ask one other question. Leaving out the tributaries and considering only the work which General Jadwin and other engineers who have given this subject attention think are necessary, what will be the cost?

Mr. JONES. As I said a moment ago, fundamentally there is but little difference. The Mississippi River Commission estimated the cost of its smaller project at $407,000,000. General Jadwin estimated the cost of what he originally proposed at something like $290,000,000. There was a difference between the two plans in one particular of about $100,000,000. General Jadwin, on what is known as the Boeuf spillway, one of the important parts of this project, estimated only a little over $7,000,000 to take care of damages to rights of way and matters like that. In other words, his contention is that there is a natural flowage right there, and that the people have no legal right to claim any damages if the Government floods it. The

Mississippi River Commission estimated the damages there at something over $100,000,000. That accounts really for a hundred million dollars difference between the two plans.

Mr. KING. I confess that I was startled when I was told by a Senator that it might be necessary to submerge at times, and to acquire, therefore, an easement over 2,000,000 acres of land. Those lands heretofore in some sections have not been of very great value, and in other places they have been of great value. There is no doubt that if the Government seeks to condemn them they will have great value. The necessity of the purchase by the Government of 2,000,000 acres of ground, or the purchase of the right to overflow it, will entail an enormous cost; and I was wondering just what proportion of these large estimates being submitted by the Senator was to cover the cost of acquiring lands in fee or easements over the same.

Mr. JONES. We have to get these rights of way and, as I said, there is a difference of a hundred million between the two plans in the very particular the Senator is talking about.

Mr. KING. I confess, not being familiar with the matter, I was startled by the suggestion that we would need 2,000,000 acres of land. I thought we were shoring up and leveeing, if I may use the expression, the banks of the river so as to make it navigable and to protect the lands contiguous from being overflowed.

Mr. JONES. The proposition the Senator has in mind is involved in what is known as the Boeuf flood way, which would be a spillway to divert water from the Mississippi River and flow it, I think, 150 or 160 miles. According to the Jadwin plan, the flood way would be several miles wide, while under the Mississippi River Commission plan there would be levees constructed to bring it, my recollection is, about 3 miles wide; but for a distance of 140 or 150 or 160 miles. Under the Jadwin plan it would cover, I think, over 2,000,000 acres of land.

General Jadwin contends that that land is overflowed now, and that therefore there is a sort of natural flowage right, and there would be a question there for the courts to determine.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. FLETCHER. It occurred to me, in reference to some inquiry by the Senator from Utah [Mr. KING] that it perhaps had already been pointed out that it would not be feasible for Congress to specify in legislation the exact lines that the levees and spillways should take, and rather than to make a hard and fast requirement like that this board is to be created, composed of the Secretary of War, the Chief of Engineers, the chairman of the Mississippi River Commission, and two civilian engineers, to settled the differences that exist between the Jadwin plan and the commission plan. They are authorized, if they find that some new method different from either of those plans may be required, or in certain instances improvements may be made, to report to Congress, and then Congress will determine upon any further or different plan.

Under that arrangement it remains for experience to show and for demonstrations to indicate exactly what is the best method to pursue in solving the problem. Therefore we can not fix a limit of final cost, but we know what we are going to require to begin with pretty well, and as the work progresses we will be in a position to get reports from this board, which will perhaps modify both the Jadwin plan and the Mississippi River Commission plan.

Mr. EDGE. Mr. President, the Senator from Florida has partially answered the question I was going to propound. I want to see if I correctly understand the scope of the pending measure. Would the authorization of the appropriation of $325,000,000 limit the activities of the Government to work up as far as Cairo and not permit the engineers, even though the board decided it to be wise, to start in and work along the tributaries?

Mr. JONES. If the board decides, as the Senator from Florida has just said, that the proposition should be dealt with in an entirely different way from that suggested by the Jadwin report or the Mississippi River Commission report, then it must submit its conclusions to Congress.

Mr. EDGE. In other words, if they discover, after they undertake the proposal as outlined here, that it is not the wisest thing to do, before they could actually spend any of this money attempting to control tributaries it would be necessary to come back to Congress. Is that correct?

Mr. JONES. Yes; it would be necessary. They will not go into the tributaries at all except as we have required them to do so under this survey provision.

Mr. SIMMONS. Is it not true, I ask the Senator from Washington, that two specific plans have been suggested? We adopt the Jadwin plan, then we appoint this board, and the board can change the Jadwin plan in any particular that they desire within the limitation of the other plan presented by the Mississippi River Commission.

Mr. JONES. This board is supposed to have it.

As I said a while ago, fundamentally the two plans are the same. They differ, however, in important details, and it is the purpose of this board and its function to harmonize those differences; in other words, their action might finally make this project substantially the same as that recommended by the Mississippi River Commission.

Mr. SIMMONS. Exactly; but it can not go any further; this harmonizing board is held within and is to act within these limitations.

Mr. JONES. If in harmonizing the differences they say, "We can not approve either the suggestion by the Army engineers or by the Mississippi River Commission, but we think in this particular problem a new plan should be followed," then they must report back to Congress.

Mr. EDGE. But they are authorized, and very properly so, if I am correct in the analysis, to make further surveys?

Mr. JONES. They are authorized to make any further surveys that may be necessary to enable them to reach a correct conclusion as to the differences.

Mr. President, the Senator from Utah [Mr. KING], I see, has been called from the Chamber, and I intended to refer, and I will now refer, to the question of contribution.

Mr. FESS. Mr. President, before the Senator from Washington goes into that, in regard to the reservoir question, I desire to say that it was represented to me that certain sections of the valley that had been reclaimed and are now populated, should be regarded as normally or really swamp sections, that they may be permanently below the safety level and should be used as reservoirs; for example, where one tributary enters the river there may be a large area which should be secured as a permanent reservoir. We usually speak of reservoirs at the source of the river; but this is a case where lowlands have been reclaimed which are naturally too low to be in the sphere of habitation. Is the commission authorized to do anything along that line?

Mr. JONES. Within the limits of the differences between the Mississippi River Commission and the Jadwin plan; but neither of those plans suggests anything that the Senator refers to. The bill, in section 2, affirms the principle of contribution; but the committee have come to this conclusion: We find that the people of the States below Cairo immediately affected have already contributed for levee and other protection work almost $300,000,000; so the bill makes a declaration to the effect that that is ample contribution upon the part of those people, and that no further contribution should be required of them.

Mr. FESS. Mr. President, will the Senator from Washington yield to me further?

Mr. JONES. I yield.

Mr. FESS. Contribution is one of the important features of the permanent policy. It seems to have been the judgment of the House of Representatives and of the Senate as to all matters of Federal aid that there ought to be at least a small contribution so as to recognize the principle, on the theory that the States would not ask for as much if they were making contributions as they might ask if there was no obligation of that kind. That seems to have been the principle we have been working on; and I have had in mind that there ought to be a recognition of that principle in this instance. Generally speaking, of course, this is a national problem, and I would not hesitate to vote for the Government undertaking its solution; but, according to the statement of the Senator from Washington, that principle has not been abandoned.

Mr. JONES. It has not been.

Mr. FESS. The contribution has already been made?

Mr. JONES. That is the declaration of the bill, and that was the conclusion of the committee.

Mr. President, I realize that there may be very sharp differences of opinion with reference to the principle of contribution, and I am not going to argue that proposition. I hope that we shall avoid it, because there is room for endless discussion with reference to it. I do not think, however, that it is involved in the problem with which we are confronted. We find those people have contributed, as I have stated, almost $300,000,000, and the committee say that is enough. That whole question will probably be opened when we come to pass upon the expansion of the reclamation work; when we come to consider other projects that may be proposed. But so far as the immediate problem is concerned, the principle of contribution has been fully complied with, in our judgment.

Mr. EDGE. Mr. President, right there I desire to say that I am inclined to agree with the Senator on the proposition he has just stated, but he indicates—and I want to see if I have made

a correct interpretation of what he meant—that should the work contemplated be extended into the tributaries, not alone for the purpose of controlling possible floods but more or less for development as well, he would not consider that the policy very properly set forth in this bill for the purpose of controlling floods should be maintained.

Mr. JONES. I myself am strongly for that, but there is a difference of opinion as to that question, and I do not think it is necessary for us to raise the question in connection with this bill, because under the project proposed the work will not go into the tributaries.

Mr. EDGE. That is as I understand the Senator, and that is the reason I have asked these direct questions, in order to be absolutely clear about it.

Mr. JONES. That is correct. I want Senators to feel perfectly free to ask any questions that they may desire, and I wish to answer such questions as fully and as well as I can.

I think probably I ought to say right here that the other bill which was reported by the committee required the communities to contribute up to the extent of what is known as the 1914 commission standard or grade. Under that plan they have been contributing a third of the levee construction cost. Most of the levees have been brought up to that standard; some of them have not been brought up to it; but the committee thought—and that seemed to be agreeable at the time to Senators from the States affected—that the communities should contribute whatever was necessary in the future to bring the work up to the standard. That would have meant, according to the Chief of Engineers, additional burdens upon the people there as follows:

If the Jadwin plan were adopted, it would mean a little over $4,000,000 additional contributions; if the Mississippi River Commission plan were adopted, it would mean a little more than $15,000,000 contributions. Now $4,000,000 or $15,000,000 are not very much when contemplating a $300,000,000 or $400,000,000 project, either when considered as a contribution or as a relief from contribution. Upon further consideration the committee decided to eliminate that phase of the contribution proposition. So we have relieved the people under the one plan of an additional contribution of $4,000,000, which, as I have said, is insignificant in the case of a project that will cost as much as this one will, and, under the other plan, of $15,000,000. I do not think, therefore, that that ought to be considered as at all vital in connection with this question.

Mr. FLETCHER. Mr. President, may I interrupt the Senator there?

Mr. JONES. I yield.

Mr. FLETCHER. I quite agree with the Senator, and his statement is quite clear about it, but there was a further consideration, namely, that if we had required local contributions from certain districts, we found they were unable to meet them, and we might have delayed the whole project by an exaction of that kind.

Mr. JONES. Yes.

Mr. HAWES. Mr. President, let me suggest to the Senator that there was an additional reason. Not only was the inability on the part of these districts to contribute considered but, in addition to their inability to contribute, it was realized that a requirement for contribution would have necessitated legislative enactments and in a number of the States before legislative enactments could be brought about changes in their constitutions would also be necessary. Therefore, when the committee came to consider that small point of difference it realized not only the inability of the districts to contribute but the long delay which would be involved in the process of securing legislative enactments and changes in the constitutions of the States.

Mr. JONES. There were all sorts of complications possible.

The Senator from New Jersey [Mr. EDGE] does not as yet clearly understand just what is involved in this branch of the subject. Therefore, let me say that under what is known as the 1914 commission grade standard the localities, the levee districts, or whatever organization were utilized to do the work, were required to put up one-third of the cost of levee construction.

Mr. EDGE. Was that a requirement of existing law?

Mr. JONES. I do not remember whether or not there was an express statute to that effect, but, at any rate, the plan had been agreed to and had been carried out. I think probably it was pursuant to law, although the law may not have specified a contribution of one-third, but that is what they agreed to and that is what they have been doing, except in some instances, where, as the Senator from Missouri has suggested, some of the districts and localities have been utterly unable to pay the one-third.

Mr. EDGE. And under the terms of the pending bill they are relieved of that assessment for the future, if they have paid in the past?

Mr. JONES. Yes. Section 3 requires some minor contributions.

Mr. HAWES. Mr. President, will the Senator yield to me for a moment at that point?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. I yield.

Mr. HAWES. While they have been relieved of this responsibility, Mr. President, it is a fact that the duty of maintenance, patrol, and preservation rests upon the States.

Mr. JONES. I was just about to call attention to section 3. That section provides that the localities must give satisfactory assurance to the Secretary of War that they will—

(a) Maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees.

That has always been the construction of the law. In other words, if a levee breaks, the localities are not required to restore the break.

Then they must—

(b) Agree to accept land turned over to them under the provisions of section 4.

That applies where the Government condemns rights of way, and so on. That is for jurisdictional purposes.

Mr. President, section 4 provides for just compensation, and is framed on the theory of the constitutional provision that where property is taken for public use it must be paid for. As I said a while ago, we have provided here that the benefits shall be used as offsets to the damages.

Mr. EDGE. Who assesses those benefits—the commission or a court?

Mr. JONES. The bill provides for condemnation, of course, by the court, and authorizes the court to appoint a commission of three to determine the damages and assess the benefits. There are some other minor provisions in section 4.

Section 5 allows the heads of the various departments to detail from their respective departments any experts who may be necessary in connection with the preparation of maps, plans, and so forth.

Section 6 provides that in an emergency funds appropriated under this bill may be used to meet the emergency.

In section 7 there is an additional fund of $5,000,000 authorized for emergency purposes and to furnish relief. The necessity for this was plainly manifest when the flood occurred a year ago, and it is to take care of any such situation in the future that this provision is put in the bill.

Section 8 makes the Mississippi River Commission the executive agent to carry out the project that may be adopted and determined upon. This is to be done under the supervision of the Secretary of War and the Chief of Engineers. In other words, we will have one executive head and will use the agency that is especially familiar with the conditions on the Mississippi River. The Mississippi River Commission has been directly and closely and intimately connected with the Mississippi River for a great many years, and its members are probably more familiar with those conditions than anyone else. The president of the commission is by the terms of this bill made the executive head or executive officer.

Mr. EDGE. In other words, the commission is to administer the act.

Mr. JONES. It is to execute and carry out the project as it may be determined upon.

Mr. OVERMAN. Mr. President, how long is it estimated that it will take to complete this project?

Mr. JONES. From 8 to 10 years.

Section 9 is intended to carry out the provisions of our general river and harbor legislation with reference to the creation of obstructions unless affirmatively authorized by Congress, to provide penalty for violation of it.

Section 10 is quite an important section of the bill. In the last river and harbor bill we adopted a project that contemplates the surveying of the principal rivers of the country and their tributaries, and the submission of projects for flood control, power, reclamation, and navigation. That survey project would cost something over $7,000,000. We express the sense of Congress that this survey should be carried on as rapidly and expeditiously as possible, and in the last military bill we

appropriated $1,500,000 to carry on that survey; but it was thought that we should have a special provision calling attention to and urging the need of special reports on flood control in the Mississippi Valley, so we adopted the following additional language to this section:

And the Secretary of War, through the Corps of Engineers, United States Army, is directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams (including such of their main tributaries as may be deemed necessary) of the Mississippi River system subject to destructive floods: *Provided*, That before transmitting such reports to Congress the same shall be presented to the board created in section 1 of this act, and its conclusions and recommendations thereon shall be transmitted to Congress by the Secretary of War with his report.

Mr. NORRIS. Mr. President——

Mr. JONES. I yield to the Senator from Nebraska.

Mr. NORRIS. The language which the Senator has just read is taken from the so-called Robinson amendment, is it?

Mr. JONES. It is.

Mr. NORRIS. It does not follow that amendment all the way through?

Mr. JONES. No. A couple of paragraphs that were not really necessary are left out, because there was a provision in that amendment increasing the appropriation $5,000,000.

Mr. NORRIS. There was a provision in it that referred specifically to particular streams.

Mr. JONES. Yes.

Mr. NORRIS. That was omitted?

Mr. JONES. Yes.

Mr. NORRIS. The general language covers it all; does it?

Mr. JONES. Yes.

Mr. NORRIS. It is the intention of the committee that it shall cover all tributaries?

Mr. JONES. All important tributaries that they deem necessary. It is really broader in its language than the original Robinson amendment.

Mr. NORRIS. The modification, after all, leaves it to them, so that they can in their discretion exclude any one they want to?

Mr. JONES. That is true—that they deem necessary. Of course, the purpose of this measure is to provide all flood control that is necessary.

Mr. NORRIS. That is what I want to do; but it occurs to me that we are leaving that matter to a board that to begin with does not believe in this flood-control plan.

Mr JONES. No; it is left to the Secretary of War.

Mr. NORRIS. Is it?

Mr. JONES. Yes. Let me read it to the Senator.

Mr. NORRIS. The present authorities, as I understand, starting with the President and going clear down—the President, the Secretary of War, the Army engineers, and everybody—are really opposed to this flood-control suggestion, and do not believe in it. Is not that true?

Mr. JONES. Oh, I do not think so. I never have had any impression of that sort—not at all. I think they are in favor of flood control and whatever is the wisest course to follow.

Mr. NORRIS. That is, to build dams where there are natural reservoirs to hold back the flood waters of the tributaries?

Mr. JONES. If they feel that they will do it in an effective and economical way, yes.

Mr. NORRIS. But is it not true that they feel that they will not do it? That is what they say.

Mr. JONES. I do not think so.

Mr. NORRIS. Is it not true that the President is opposed to what is known as tributary flood control?

Mr. JONES. I do not think so; at least, I have no such impression.

Mr. NORRIS. I shall be very glad indeed if my information is erroneous. I had that understanding.

Mr. JONES. I have never had any such understanding. I have never gotten any such understanding from the President.

Mr. NORRIS. What can the Senator say about the attitude of the Government engineers on that subject? They did not recommend anything of that kind. Have they not really been opposed to it?

Mr. JONES. I do not think so. I have no reason to think that they are, or that they are for it, as far as that is concerned.

Mr. HAWES. Mr. President, the facts are that the Government engineers made preliminary surveys for reservoirs; but, according to my recollection, they ran up into hundreds of millions of dollars.

Mr. NORRIS. Why, of course they would. The cost is enormous.

Mr. HAWES. So that is the reason why they were eliminated from the bill at this time. It was because of the enormous cost of the reservoirs.

Mr. NORRIS. The point I am trying to make, or upon which I want information, is this: I am afraid the language that the Senator has read from the bill submits the matter to those who are unfriendly to it, and I do not criticize any man because he is unfriendly to it. I realize that there are two schools of thought here; that there are those who say that we will never accomplish anything by building dams and holding back the flood waters; that that will not make any difference; that we ought to confine ourselves to levees and to spillways farther down. I am not questioning their honesty or their fairness in making that contention——

Mr. JONES. I understand.

Mr. NORRIS. But, to my mind, that never will reach the problem; it never will solve it; and I should hate to have the question of the location of dams for holding back flood waters on the tributaries submitted to men who themselves do not believe in it and expect to get a favorable report from them.

Mr. JONES. Let me call attention to the fact that we require here, after the Secretary of War makes these surveys, and so forth, that the projects that he adopts, or the results of his surveys, must be submitted to this board, upon which there are two civil engineers.

Mr. NORRIS. Yes.

Mr. JONES. And they make their recommendations, and those must be transmitted to the Congress.

Mr. NORRIS. But the civil engineers, I suppose, will be divided, like the Army engineers; and those civil engineers, as I understand the bill, are appointed by those who do not believe in tributary flood control; so we would naturally expect to get civil engineers who were likewise unfriendly to that part of the project.

Mr. JONES. I have never had any impression that the President was opposed to control of floods by reservoirs, or that the Army engineers were. As the Senator from Missouri says, so far as they have made the surveys, they find the cost so great that they feel that the floods can be controlled more economically in another way.

Mr. NORRIS. I am not questioning any one's right to feel that way and to be just as honest in his conviction as I am in mine.

Mr. JONES. I understand that; and I hope I did not say anything to indicate the contrary.

Mr. NORRIS. I have understood that the President and the Army engineers are not favorable to tributary flood control. I have talked with men who have talked with practically all of them, and if I am wrong about it I shall be delighted to learn that fact, I assure the Senator. As I look at it, however, if we do nothing but build levees and spillways down there, we will never solve this problem. I realize that tributary flood control will involve an immense expense, but it will be the only part of this whole thing that will bring in any return. If properly handled it will bring in a big return, because the water that does damage down the Mississippi Valley will do a whole lot of good in some parts of the country where it can be used for irrigation, and those who use it will pay for it; and in other places power will be developed, and those who get that power will pay for it.

Regardless of all that, however, if we are going to prevent the Mississippi River from overflowing and from floods, we can not stop because of the cost. If we decide to do it, we must go through with it; and in my judgment the only practical way ever to go through with it is to combine the two plans; to build levees and spillways, if you want to—I am not objecting to that—but also to build dams and hold back the flood waters. We have got to do all these things regardless of cost.

Mr. HAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Just a moment. Under this provision we will get the reports of the Secretary of War and the Chief of Engineers and this board upon the proposition of the construction of flood-control works of every kind on the tributaries. Under the general survey authorized in the last river and harbor bill a year ago they are directed to survey all the important tributary streams and report not only upon flood control but upon reclamation, water power, and navigation. We put in this additional provision to emphasize the need of an early and prompt report on flood control. That does not exclude or interfere with their work covering all the propositions to which the Senator has referred—reclamation, water power, and navigation—as well as flood control. It was felt, however, that this flood-control proposition is so pressing and so im-

portant that we wanted them not to wait for all of these things to be done but to submit their recommendations.

Mr. NORRIS. I am not finding fault with that. I agree that that is wise. I do not want to stop anything where there is an emergency. I am agreeable to that all the way through; but, incidentally, I happen to know of places—one is in my own State—where the Government has surveyed a reservoir site in all its details. It was authorized to be built and developed by a bill that passed the Senate at one time, but failed in the House.

In the investigation of Muscle Shoals that has been going on for several years I have come to a knowledge of one particular dam, away down in the Tennessee River, where nature has provided a wonderful place for the storage of flood waters. To my mind, we ought to build that dam. It has not been completely surveyed. It ought to be in friendly hands, too. Incidentally, that particular one will develop considerable power and will make the property of the Government in Dam No. 2 worth nearly twice what it is worth now; but it is a flood-control proposition. The power that can be developed is small compared to its value as a flood-control proposition; or, if not exactly a flood-control proposition, it ought to be owned by the Government because of the Government's ownership of Dam No. 2, and it ought to be utilized not for the purpose of getting the maximum amount of power out of it but for the purpose of getting the maximum amount of flood control. That means that there will be times every year when they will empty it out completely, so that they can hold back the flood of the next year. If it were being used only as a power proposition, that would not be done; it would be kept full of water all the time and develop a primary power which would be more valuable.

So it seemed to me, when I got into it, that here is a place where, under the law, if a private party should develop that great dam and endeavor to make money out of it—which he would be justified in doing, and doing for the very best of purposes—he would not help flood control very much; but if the Government did it, on the other hand, especially owning Dam No. 2, what it would lose on the loss of power there it would make up by an increase of power at Dam No. 2, and could completely control the flood situation of the Tennessee River.

Those things are all over the country; and in the West, where this water can be used for irrigation, there are places, I presume, on every tributary of the Mississippi River where there are very valuable natural reservoirs, where by the building of dams an immense amount of flood waters can be controlled.

The Pathfinder Dam, built in Wyoming on the North Platte River, was not built as a flood-control proposition at all. Nobody thought of it when they built the dam. The engineers never thought of it. These things developed years afterwards, and now on the Platte River, several hundred miles this side of that dam in Wyoming, the high water on an average year after year is 45 per cent lower than it was before the construction of that dam; and at low seasons, when the river ordinarily would be almost dry, it is, I think, 47 per cent greater in volume than during the low seasons formerly, thus showing what flood control can do.

I do not want to interfere with what is necessary in an emergency way farther down, and I am willing that the Federal Government should do it; but I do not see why we can not make these things dovetail together. I should like to see the matter in the hands of a friendly board that would carry out that idea, and go into it with a view of getting the maximum amount of flood control, the maximum amount of irrigation, and the maximum amount of power. They will all work right in together, and lessen the expense in the aggregate by a very great amount.

Mr. HAWES. May I say to the Senator that I am thoroughly sympathetic with his point of view and I am sympathetic with his implied criticism of the lack of vision of the Army engineers. There is a report which the Senator will find on the matter of reservoirs. The people of my State and the people of the lower valley are friendly to the thought of the reservoirs, but the cost is prohibitive so far as this particular problem is concerned.

Personally I wish we had the vision of the valley all the way up and its tributaries, but in a spirit of compromise, as the chairman of the committee will tell the Senator, the project was confined to the lower reaches of the valley and then confined to the immediate expensive subject of flood control. Those expenses will run from $300,000,000 to $600,000,000. If the reservoir proposition were taken up at the same time it would have added $200,000,000 or $300,000,000 to that sum.

I think the Senator is right, and I want to say there are a great many members of the committee who are entirely sympathetic with his point of view, but it could not be placed in the bill at this time.

Mr. JONES. I do not think there is any substantial difference between the Senator from Nebraska and myself. Wherever it is possible to develop the reservoir plan in the control of floods, as well as for reclamation and water power and navigation, I want to see it done.

Mr. THOMAS. Mr. President, will the Senator yield?

Mr. JONES. I will yield in just a moment. We have got to place some reliance in governmental agencies. I do not think we could provide a commission which we would expect to be in accord with our individual views in every particular. We could not find a commission composed of men of those views. I feel that the Army engineers and the Secretary of War and the president of the Mississippi River Commission and the two civil engineers will give Congress the benefit of their honest judgment with reference to the problem submitted to them. If we do not agree with them we are at perfect liberty, of course, to disagree and pass legislation providing for what we think ought to be done.

It is not out of place either, I think, to suggest that nobody knows what the composition of the board will be a year from now. We will have a new administration and possibly a new Secretary of War, so that I think we can safely depend upon the board, as well as the Army engineers, to give the Congress at least their honest judgment as to what should be done and to give their reasons for it, the facts upon which it is based, and then, if we do not agree with them, we, of course, can take a different action.

I yield now to the Senator from Oklahoma.

Mr. THOMAS. I am especially interested in section 10 of the flood control bill. I think section 10 contains the only provisions that pertain especially to my State of Oklahoma, which is a tributary State. The flood waters of a part of Kansas, Colorado, New Mexico, and Oklahoma drain across my State down through the Red River, the Canadian, and the Arkansas. The record shows that last year a million acres in my State were covered with water and approximately $25,000,000 of damage done. I take it that Oklahoma, being a tributary State, is like other States situated in a similar manner. Section 10 is the only section that offers any hope of Federal interest in or help in the matter of flood control in tributary States.

I desire to ask the Senator from Washington [Mr. JONES] this question: Based upon the reports submitted by the engineers and the hearings before the committee, what does the committee reasonably expect to have done in the matter of flood control for a tributary State such as I have just outlined under the provisions of section 10?

Mr. JONES. We expect to have sent to Congress projects which will, in the judgment of the Secretary of War and this board of engineers, meet the problem on the tributary streams. We have not any report before us at this time showing what should be done. There were some surveys of a preliminary character with reference to possibilities for reservoirs up the White and the St. Francis, I think, and possibly up the Arkansas. But those surveys were not of such a character as to warrant a definite recommendation upon them. The very purpose of the provision is to get that information.

Mr. THOMAS. That being true, and this being the first bill upon the flood-control situation, it occurs to me that if the bill is passed in its present form, with the title of the bill remaining as it is and the first section remaining as it is, the country will probably get a misconception of the intent of Congress in dealing with the problem. We all appreciate the problems the committee has had to confront, and I do not desire to criticize in any particular the work accomplished, because I am for the bill. Yet I am wondering if the Senator would agree to a broadening of the title of the bill, so that it will not appear to be strictly a limitation of improvements on a certain portion of the lower Mississippi River, and then would agree to a broadening of the first section; for example, striking out of line 4, page 1, the words "in its alluvial valley," which localizes this proposed improvement, and to insert in lieu of those words the following: "Its navigable tributaries and all waters that enter therein and the waters that enter the Gulf," so as to make it in the first instance a declaration on the part of Congress that we expect to consider the entire field of flood control not only on the lower Mississippi but likewise on all the rivers which flow into the Mississippi. I would like to see the bill so amended as to contain the idea that the Congress expects to deal with the flood-control problem in a comprehensive manner, not alone in the lower Mississippi Valley but in addition as relating to its tributaries.

Mr. JONES. I think that is very clearly indicated in the terms of the bill. So far as I am concerned, I could not consent to the adoption of the language suggested by the Senator. We adopt a particular project for immediate construction. I think section 10 clearly indicates the purpose of Congress not to stop with that one project, but to go on to whatever extent may be necessary for the control of the floods of the rivers.

I think it would be very unfortunate from various standpoints to make the changes that the Senator suggests. I do not think they are necessary. I do not think they would help matters any. I do not think they would give to the country a different impression from what it will get from the bill as it is now drawn, but it would very seriously affect all proposed legislation at the present time.

Mr. THOMAS. It appears to me that if the bill is passed in its present form the country will get the impression, and rightly so, in view of the statement just made, that section 10 is merely a gesture, and that nothing is contemplated or even expected to come out of the provisions of section 10 as included in the bill.

Mr. JONES. I can not imagine what I said that gave the Senator that impression. I consider section 10 as one of the very important features of the bill. I do not consider that the development of the project from Cape Girardeau down ends our activities toward controlling floods.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I think on the contrary we are indicating that we do propose to consider every phase of the matter in order to bring about real, genuine, efficient flood control, not only from Cape Girardeau down, but upon the tributaries to the river.

I yield now to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The provision in section 10 relating to flood-control works on the tributaries was incorporated by the Committee on Commerce only after the matter had been considered at length and discussed fully. The amendment that finally went into the bill was a modification of an amendment proposed by myself, something like a month ago, and substantially the same thing in purpose. The provision referred to in the bill is an express mandate to the Secretary of War, through the Corps of Engineers, to prepare plans for flood control on the tributaries of the Mississippi and on their main tributaries when deemed necessary. It is as specific and as definite as Congress could go, unless it said that the department is authorized to prepare and execute plans for flood control on the tributaries.

The committee quite naturally were hesitant to approve projects in advance of their preparation.

It has not been the custom of Congress to do that and it might result in very great confusion. Under this provision, if it becomes law, the solemn duty is imposed on the Secretary of War, through his Corps of Engineers, to work out the plans and, after they have been submitted for its recommendation to the board created in the bill, to present them to the Congress for its action. When those plans come back here there will, in all probability, be considerable discussion of their provisions. Congress will have the power then to modify them, as it has the power now to modify the pending project. But the plans will be reported to Congress, either including work on several tributaries or a single tributary at a time, the direction being that plans shall be made and reported as speedily as possible.

Now, there is no basis, in my judgment, for saying that this is a provision of slight importance. In my judgment, it is one of the very most important features of the bill. Without this provision in the bill I would be unable to give my support to the pending measure, but I feel that while it does not settle the whole problem of tributaries, it takes a forward step in that direction, and that if it passes it will result, in the end, in a complete system of Federal control of floods on the tributaries without which no plan for flood control in the Mississippi Valley can be adequate or acceptable.

Mr. THOMAS. My suggestion is greatly reinforced by what the Senator from Arkansas has just said.

Mr. NORRIS and Mr. CARAWAY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield to the Senator from Nebraska, who, I believe, rose first.

Mr. NORRIS. Mr. President, I rose before the Senator from Arkansas did, as a matter of fact, but I am glad the Senator yielded to him first, because I think he has fortified what I would like to say.

I agree with one of the suggestions made by the Senator from Oklahoma, and it seems to me the committee ought to accept it; that is, as to the title of the bill. I understand how the bill was before this new amendment was put in, but since that is in, it broadens the scope of the bill and the title does not meet the provisions of the bill. The title is "For the control of floods on the Mississippi River from the Head of Passes to Cape Girardeau, Mo., and for other purposes."

It does not affect the legality of it at all, but the title ought to express, as nearly as we can in words, the real object of the bill. Since the amendment has gone in, as it has been so fairly stated by the Senator from Arkansas, why should not the title be amended to something like this: "For the control of floods on the Mississippi River and its tributaries"? Would not that cover it all?

Mr. JONES. "And for other purposes."

Mr. NORRIS. "And for other purposes." That would give in one sentence the general idea as to just what we are trying to do and would strengthen the idea that section 10 is just as important as anything else in the bill, while the present title would not indicate that.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. CARAWAY. I think there was something in the suggestion of the Senator from Oklahoma. It might be thought, as the Senator has suggested—and I know that is not the intention of the bill—that the language meant that we should extend flood control to the tributaries only as those tributaries affected floods in the alluvial valley. That is not the purpose, but that is the idea that was in the mind of the Senator from Oklahoma. If there is any question about it, the language could be so clarified that the intention would be perfectly apparent.

Mr. HAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. I yield.

Mr. HAWES. I want to say to my friend the Senator from Oklahoma that the matter of tributaries was the subject of very earnest discussion. It is of vital interest to my State and to other States. We had presented what was called the Robinson amendment, which was further amended. If the Senator will follow the philosophy of this bill, he will find that it approves what is called the Jadwin plan, and then a board to reconcile that with the Mississippi River Commission plan. Then, in addition to that, under section 10, is this entire new subject of the tributaries.

Two methods are provided in this one section for bringing the subject before Congress. It may be brought before Congress by the Secretary of War, it may be brought before Congress by the commission, and, for the first time, I will say to the Senator from Nebraska [Mr. NORRIS], after some vigorous contention, we have civilians who will compose this forum before which we can be heard.

I want to call the attention of the Senator from Oklahoma to the presence of these two civilian engineers, forming a board of five men before which may appear advocates of the improvement of the tributaries. They have never had such an opportunity before. They have never had a forum. They have never had a place where they could tell their story.

This section provides for such a hearing and for two distinct methods of bringing the subject before Congress. So it carries out more than a hope, it provides a forum, and it directs both the board and the Secretary of War to report to Congress.

I do not believe we could go much further, because, as the chairman of our committee will tell the Senate, the custom of Congress in the past has been to pass only upon completed projects, where estimates are presented to Congress for the particular problems. No such estimates have been made, no such surveys have been made, and no particular project could be presented to Congress at this time; but the machinery will be written into the law for the first time to do that for the tributaries.

Mr. JONES. Mr. President, I think I have gone over the important features of the bill.

I want to take this opportunity to express my appreciation of the earnestness with which the members of the committee have worked over this problem. There has been a spirit of compromise all through the consideration of the measure, and that is especially true of the Senators from the States that are more directly affected than any other States. I do not think there is a Senator who has not made concessions, some of them of very considerable importance. We have all, I think, appreciated the importance of this legislation, the complicated problems in it and surrounding it. We have felt that it would be nothing short of a calamity for Congress to fail to legislate on this important matter at this session. So concessions have been made by everybody.

This bill does not satisfy anyone in every particular. We feel, however, that it is a measure that will take care of the immediate, pressing situation; that it will also bring to Congress a plan for the future, covering the whole Mississippi Valley, in which everybody is vitally interested.

Mr. FESS. Mr. President, are we to understand that the Senators from the flood-stricken districts are generally satisfied with the measure?

Mr. JONES. I think I may say that the Senators from the flood-stricken districts are all behind this bill. They are not thoroughly satisfied. As I said, everybody made concessions in the interest of getting legislation.

Mr. HARRISON. May I say to the Senator, too, that the representatives from the three States vitally interested—that is, Arkansas, Louisiana, and Mississippi—in their meeting indorsed this bill?

Mr. FESS. Mr. President, the point I raise is that I have not been able to to go into the bill in detail. I have assumed from the beginning that it would be considered by those who knew the problem from the standpoint of the great disaster, and, of course, if Senators from that section are fairly satisfied with what is done, that is all I want to know. I am ready to vote.

Mr. STEPHENS. Mr. President——

SEVERAL SENATORS. Let us vote.

Mr. STEPHENS. I rose to address the Senate, but if a vote can be taken, I shall be glad to yield for that purpose.

Mr. McKELLAR. Mr. President, I offer an amendment, which I have called to the attention of the Senator from Washington and which I hope he will accept.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 10, line 4, after the word "advisable," insert a colon and the following proviso:

Provided, That inasmuch as the Mississippi River Commission made a report on the 26th day of October, 1912, recommending a levee to be built from Tiptonville, Tenn., to the Obion River in Tennessee, the said Mississippi River Commission is authorized to make a resurvey of said proposed levee and a relocation of the same if necessary, and if such levee is found feasible, and is approved by the board created in section 1 of this act, the commission is authorized to build same out of appropriations hereafter to be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RANSDELL. Mr. President, I have a very brief amendment that I want to offer, which I understand is agreeable to the chairman of the committee, and I sincerely hope that after this amendment shall be agreed to the vote will be taken on the bill immediately.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In section 1, page 3, line 8, after the word "river," add the following additional proviso:

Provided further, That pending the completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous of the levee at the head of the said flood way.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. JONES. On that question let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. HEFLIN (when Mr. BLACK's name was called). I desire to announce that my colleague the junior Senator from Alabama [Mr. BLACK] is absent, attending the funeral of the late Senator FERRIS. If he were present, he would vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to announce that my colleague [Mr. HOWELL] is unavoidably absent. If he were present, he would vote "yea."

Mr. PHIPPS (when his name was called). On this vote I have a pair with the Senator from Georgia [Mr. GEORGE]. I am informed, however, that if he were present he would vote as I intend to vote. Therefore I am at liberty to vote, and vote "yea."

Mr. TYDINGS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. SCHALL]. I understand if he were present he would vote as I intend to vote, and therefore I feel at liberty to vote, and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I wish to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. If present, he would vote "yea."

Mr. KING. I have a general pair on this bill with the Senator from Montana [Mr. WALSH]. If I were permitted to vote, I should vote "nay."

Mr. HAWES. My colleague [Mr. REED of Missouri] is absent. If present, he would vote "yea."

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. If he were present, he would vote "yea."

Mr. ROBINSON of Arkansas. The Senator from South Carolina [Mr. BLEASE] is necessarily absent. If he were present, he would vote "yea."

Mr. GERRY. I desire to announce that the Senator from New Jersey [Mr. EDWARDS] is unavoidably absent. If present, he would vote "yea."

Mr. GLASS (after having voted in the affirmative). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN]. Having reason to suppose that he would vote as I have voted, I will let my vote stand.

Mr. WHEELER. I desire to announce that my colleague [Mr. WALSH of Montana] is necessarily detained from the Senate in attendance upon the funeral of the late Senator FERRIS. If present, my colleague would vote "yea."

Mr. HARRIS. My colleague the junior Senator from Georgia [Mr. GEORGE] is necessarily detained from the Senate with other Senators attending the funeral of the late Senator FERRIS. If he were present and permitted to vote, my colleague would vote "yea."

Mr. GERRY. The Senator from Delaware [Mr. BAYARD] is necessarily absent. He has a general pair with the Senator from Pennsylvania [Mr. REED], who is also absent. If present, the Senator from Delaware would vote "yea." I am not advised as to how the Senator from Pennsylvania would vote.

I desire also to announce that the Senator from New Mexico [Mr. BRATTON] and the Senator from Georgia [Mr. GEORGE] are absent in attendance on the funeral of the late Senator FERRIS. If present, those Senators would vote "yea."

Mr. JONES. I wish to announce the necessary absence of the Senator from Michigan [Mr. COUZENS], who is attending the funeral of the late Senator FERRIS.

I also wish to announce the necessary absence of the Senator from Iowa [Mr. BROOKHART] for the same reason. I am informed that if present, the Senator from Iowa would vote "yea."

The result was announced—yeas 70, as follows:

YEAS—70

Ashurst	Gerry	Mayfield	Simmons
Barkley	Glass	Metcalf	Smith
Blaine	Goff	Moses	Steck
Borah	Gooding	Neely	Steiwer
Broussard	Gould	Norbeck	Stephens
Bruce	Greene	Norris	Swanson
Capper	Harris	Nye	Thomas
Caraway	Harrison	Oddie	Tydings
Copeland	Hawes	Overman	Tyson
Curtis	Hayden	Phipps	Wagner
Cutting	Heflin	Pittman	Walsh, Mass.
Dale	Johnson	Ransdell	Warren
Deneen	Jones	Robinson, Ark.	Waterman
Dill	Kendrick	Robinson, Ind.	Watson
Edge	Keyes	Sackett	Wheeler
Fess	McKellar	Sheppard	Willis
Fletcher	McMaster	Shipstead	
Frazier	McNary	Shortridge	

NOT VOTING—23

Bayard	Couzens	Howell	Reed, Pa.
Bingham	du Pont	King	Schall
Black	Edwards	La Follette	Smoot
Blease	George	McLean	Trammell
Bratton	Gillett	Pine	Walsh, Mont.
Brookhart	Hale	Reed, Mo.	

So the bill was passed.

Mr. NORRIS. Mr. President, I desire to offer an amendment to the title of the bill which has just been passed. I move to amend the title so that it will read as follows:

A bill for the control of floods on the Mississippi River and its tributaries, and for other purposes.

Mr. JONES. Mr. President, that amendment, if agreed to, would not enlarge the scope of the bill, and I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the title of the bill.

The amendment to the title was agreed to.

Mr. JONES subsequently said: Mr. President, I ask that Calendar No. 464, being the bill (S. 3434) for the control of floods on the Mississippi River, from the Head of Passes to Cairo, and for other purposes, that having been the first flood control bill which was reported by the committee, be indefinitely postponed.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

Mr. WATSON. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted at the Chicago Flood Control Conference, June 4, 1927, where I had the honor to be chairman of the committee which reported the resolution. That conference was called by Mayor Thompson for the purpose of considering the great problem of flood control. Thousands of individuals attended from all over the central portion of the country, and from that conference radiated an influence which I feel quite sure was largely helpful in producing the beneficial results to-day so fortunately obtained under the leadership of the distinguished Senator from Washington [Mr. JONES].

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the request of the Senator from Indiana?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution

The following resolution was unanimously adopted by the Chicago Flood Control Conference June 4, 1927:

"Whereas the time is here for the Federal Government to attack the flood problem in a broad and comprehensive way because of the present Mississippi Valley disaster, the greatest of its kind in the Nation's peace-time history, resulting in an incalculable amount of damage to life and property; and

"Whereas the need for a comprehensive plan of national flood control is made apparent by this disaster and there are in general three major proposals for flood relief set up by competent authorities, viz, levees, spillways or by-pass outlets, and storage reservoirs, all of which should be considered; and

"Whereas it is contended that this problem can not be adequately met by the application of any single remedy and that levees, spillways, and reservoirs should be used in combination where practicable, together with such additional remedies as may from time to time be developed; and

"Whereas floods in the Mississippi Basin have not only brought disaster to those immediately concerned but have resulted in economic loss to the whole Nation, and the people of this country now demand that effective and permanent remedies be applied and they will willingly approve the expenditures of the public money necessary to this end: Therefore be it

"Resolved, That the flood-control conference, assembled at Chicago, Ill., does hereby declare that the control of the flood waters of the Mississippi River and all its tributaries is a national problem and that the sole responsibility therefore should be assumed by the National Government; and

"Resolved further, That we urge immediate and effective relief be extended to all present sufferers; that the measures which may be recommended by existing Federal agencies for relief to the lower valley so as to protect it against a recurrence of the present disaster be carried out promptly, and that the necessary appropriations therefor be made; and

"Resolved further, That, without delaying the carrying into execution of such imperatively necessary measures as may be recommended by existing governmental agencies, the President of the United States is requested to call a conference for the purpose of formulating, in conjunction with such governmental agencies, a comprehensive plan for navigation and permanent flood control; said conference to be composed of Army engineers, civil engineers, conservationists, geologists, financiers, agriculturists, and other experts representing the various interests of our country; and

"Resolved further, That the conference petitions the President of the United States and the Congress to energetically undertake and carry to a speedy conclusion comprehensive and effective measures for permanent flood control of Mississippi River and all its tributaries."

Mr. KING. The so-called flood control bill which has just been passed was reported to the Senate on the 24th instant. The bill, I am told, is a compromise measure, embodying features of numerous bills which have been introduced in both branches of Congress. I feel sure that but a limited number of Senators have had opportunity to read this compromise bill, or the voluminous report accompanying the same. Scarcely more than an hour has passed since the bill was taken up for consideration. The chairman of the committee has made a statement, but there has been no discussion of and, in my opinion, no full presentation of the questions involved or the policy to which the Government is being committed, and the commitments which are being entered into. I was advised that the bill was to be discussed, and a number of Senators informed me that they intended to speak upon the bill and explain its provisions and point out just what the measure would accomplish and what responsibilities were to be assumed by the Government under its terms. A few minutes ago I was called from the Chamber and shortly thereafter heard the call of the Senate indicating that a roll call had been ordered. Upon entering the Chamber a few seconds ago, I found that the roll was being called upon the passage of the bill.

Mr. President, I regret that a measure of such vital importance and one which directly and indirectly commits the Government to a policy from which it can not recede and to expenditures which may reach the stupendous sum of a billion dollars, should receive the approval of this body without fuller discussion and more detailed explanation of its provisions and purposes.

As I understand this bill, it inaugurates a policy at variance with that heretofore followed by the Government in dealing with the Mississippi River and its tributaries. In effect, it relieves the States interested in the districts affected by the flood waters of the Mississippi River and its tributaries of responsibilities or burdens, and devolves upon the Federal Government the entire cost of flood control within the area drained by the Mississippi River. As stated, the bill before us was reported to the Senate less than four days ago, and no one conceived that it would be disposed of until some time next week. In my opinion, few, if any, Senators, aside from members of the Commerce Committee, have studied the bill, and yet we have been compelled to vote upon a measure announcing a national policy of far-reaching consequences and one which will entail upon the Government hundreds of millions of dollars of expenses.

In my opinion, Mr. President, this bill should have received further consideration at the hands of the Senate. What it proposes to do and what it will accomplish and the manner in which the purposes sought will be accomplished, together with the costs to the Government—these and all cognate matters should have been carefully considered by the Senate. That there should be legislation dealing with the Mississippi River problem is universally conceded, but there have been sharp differences as to the character of the legislation and the distribution of the burdens incident to the program which should be adopted. I would have been glad to vote for a measure which I fully understood and which I believed to be just and fair. I am not a member of the Commerce Committee and have been denied, because of work upon other committees, opportunity to study the testimony which has been given before the Committee on Commerce and the various measures which have been submitted and the technical reports which have been made by engineers. From what the chairman of the committee has stated, the bill does not limit or restrict the obligations of the Government to the $325,000,000 authorized to be appropriated. Indeed, the statements of the Senator in answer to questions I propounded to him indicate that the measure may call for more than $750,000,000. Indeed, he has stated that the project to which the Government is now committed may impose a liability upon the United States exceeding $750,000,000.

Mr. President, much as I regret differing from my colleagues, I have been unable upon this short notice and with the limited discussion which has taken place to vote for the passage of this bill. I have announced that I was paired with the Senator from Montana [Mr. WALSH]. If I had not been paired, I should have voted "nay."

Mr. RANSDELL. Mr. President and Senators, on behalf of the people of the lower Mississippi Valley I wish to express the heartfelt thanks of all those who live in that great section to Senator JONES, chairman of the Committee on Commerce, and to Representative REID of Illinois, chairman of the Flood Control Committee of the House, for the truly splendid work they have done in connection with the Mississippi flood control bill.

I served on the Commerce Committee with Senator JONES, and can testify to the remarkable patience, kindness, persistence, and wisdom which he showed in conducting the hearings on this great bill and in preparing its difficult details.

Representative REID began hearings on flood control before his committee on the 7th of last November and conducted them with conspicuous ability and tireless energy until the 1st of February. Hundreds of witnesses testified at these hearings, and the great publicity given by the press to their practically unanimous support of flood control by the Federal Government did a great deal to make the American people realize the national character of the problem and the duty of the Nation to pay its entire cost.

The bill we have just passed will hereafter be known as the Jones-Reid flood control bill, and it will live in the hearts of the

people in the valley as one of the greatest pieces of legislation ever enacted in our country.

I wish also to mention the noble part President Coolidge played in connection with the awful floods of last year. He has done infinitely more to assist the people of the valley than any other President. When the terrible floods of 1927 began, Mr. Coolidge expressed again and again through the public press his deep concern and earnest desire to help. He sent the Secretaries of Commerce and War and many other Government officials to the stricken areas as his personal representatives, and assisted the victims of the flood to the limit of his ability through the various department agencies. At the opening of this Congress he recommended a comprehensive plan for the ultimate control and prevention of floods on the Mississippi and insisted that legislation be enacted to prevent their recurrence. I did not agree with all of the President's recommendations, but feel that he has been a real friend to the people of my section, and is entitled to their lasting gratitude. I predict that in future years President Coolidge will look back with more pride upon the passage of this bill than any other during his administration.

Mr. STEPHENS. Mr. President, at the conclusion of the speech of the Senator from Washington [Mr. JONES], chairman of the Committee on Commerce, I had been recognized by the Chair for the purpose of addressing myself to the question of flood relief in the Mississippi Valley. Just as I was beginning my remarks many Senators indicated that they were ready to vote, and without hesitation I stated that I was glad to yield for that purpose.

I want to say that nothing ever pleased me more than to yield at that time. I have practiced law for many years. I have never been inclined to argue my case when the court intimated or suggested that the court was ready to decide the case in my favor. I knew the sentiment of the membership of this body. I had no doubt that the bill would pass almost without a dissenting vote. I am delighted that not a vote was cast against the bill.

Mr. President, I have really risen to say just a word or two with regard to some gentlemen who do not live in the Mississippi Valley, who are not intimately affected by the great destruction that came to that valley, who do not have the same reason for feeling an interest in the subject that many of us have, and yet who have shown the greatest sympathy, the strongest desire to bring relief and protection to the people in that flooded section.

First, I want to say that I appreciate the conduct, the efforts, the sympathy, the kindness of the chairman of the committee; and I approve of and applaud what the Senator from Louisiana [Mr. RANSDELL] said about him. Although the Senator from Washington [Mr. JONES] lives in a State far removed from the Mississippi Valley, he has demonstrated that he possesses a great heart, a splendid mind, a patriotic spirit; that he is capable of looking out for the Nation as a whole, and recognizing that the States are members of one body; that he realizes that the interest of one is the interest of all; and that he has had the courage to rise above the littleness and narrowness of local interest and partisanship.

In the valley's hour of distress he visited it. I had the pleasure of going into the flooded areas of three States with him. His desire to acquaint himself fully with conditions was evident. His study of the situation was careful and thorough. The people were delighted that he came. They were deeply appreciative of his visit. Knowing that as chairman of the committee he would be influential with regard to legislation, they asked me many questions about him. I said many a time, "He is a splendid man. He has a great heart and a strong intellect. He will do the right thing as he sees it. If he is convinced that this is a national problem and that the Nation should take over the control of the river and do the work, he will not hesitate to say so. With him it will be only a matter of following his judgment and conscience in an effort to do the right thing."

Mr. President, I did not misjudge the Senator from Washington. The people of the valley will always remember him in the kindliest way for the great work that he has done in their behalf.

I feel that I should like to refer just for a moment to some others—some in this body, some on the outside.

I recall the interest that has been evidenced by the Senator from Kansas [Mr. CURTIS], the Republican leader in this body, how anxious he has been to have the matter expedited and proper legislation enacted.

I recall the great interest of the senior Senator from Indiana [Mr. WATSON]. I remember that when the waters were raging over the valley and destroying life and property the mayor of Chicago, William Hale Thompson, called a great convention to consider the matter; and he should be commended for his efforts to bring relief to that flooded section. At that great meeting the Senator from Indiana was chairman of the committee on resolutions. He not only wrought well there, but he has spoken a good word for the valley here and yonder as he has had opportunity. He appeared before the Flood Control Committee of the House and made a strong statement there. The Senator from Ohio [Mr. WILLIS], who is a member of the Committee on Commerce, has also been sympathetic and helpful.

Mr. President, there are many others. I want to express my appreciation of the efforts made by the chairman of the Flood Control Committee of the House, Mr. REID, and his colleagues. Early action was taken by that committee in order that sentiment might be developed throughout the Nation by educating the people in every section, letting them know what the conditions really were in the valley, letting them be informed with reference to the needs of the Nation in this regard, to convince them of the fact—and it is a fact that can not be successfully disputed—that this is a great national problem; that in the interest of commerce, in the interest of navigation, in the interest of business generally, in the interest of national defense, the mail service, and for other reasons, it is without question a national problem.

Mr. President, there are many others whom I should like to call by name and express my appreciation of their efforts. I shall conclude by saying that, although there have been differences of opinion, from no Member of this body have I heard any expression but that of the broadest sympathy for the distressed people in the alluvial valley of the Mississippi. I express my appreciation to my good friend the Senator from Ohio [Mr. FESS] for making the suggestion that he did this afternoon. I say that nothing has been done in a long time that could bring more of encouragement to the great body of the people in the valley than this action. When this news goes down through the valley I feel sure that many a heart will be made glad and that the number who will rejoice over this action will be practically as large as the number in that section who rejoiced in 1918 that the armistice had been signed that brought to an end the World War.

I thank every man in the body and outside of the body who has contributed to this great work.

Mr. HEFLIN. Mr. President, I very cheerfully supported the flood control bill, which was so ably presented to the Senate by the chairman of the committee, the Senator from Washington [Mr. JONES]. He deserves great credit for helping to engineer that measure through. But I want to pay a word of tribute to one who lives in the Mississippi Valley, who, in my judgment, has done more than anyone else to bring about this particular kind of settlement.

There were two propositions presented, one to tax the people locally to help build this great Government system of levees, which was entirely wrong. Those people who have been afflicted by the flood should not in their desperate condition be called on for financial aid in solving this great national problem. The other plan was to relieve the local people of tax burdens in this matter, and that plan has just been adopted by the Senate. I believe in paying special honor to whom such honor is due. I have in mind the able Senator from Missouri [Mr. HAWES], who from the outset ably and convincingly advocated the latter plan. I congratulate him and those who have assisted him on the splendid work done for flood control in the Mississippi Valley. This Government has no right to lay the hand of special taxation upon the flood-afflicted people of the Mississippi Valley and add to their already heavy burden by collecting taxes from them to aid this great Government in doing its simple duty toward solving a purely national problem.

The able Senator from Missouri has rendered signal service in this matter.

Mr. SWANSON. Mr. President, the purpose of my address is simply to supplement what the Senator from Alabama and what the Senator from Ohio have so well said in connection with the splendid legislation which the Senate has unanimously passed to-day.

There has been much complaint to the effect that the Senate is not able to transact business; but to-day, in a few hours, the Senate made one of the greatest advances which has been made for years looking to the development of our country. It was in relation to a problem that has been disturbing Congress ever since I have been here—since 1892. With all the diverse opinions, with all the sectional feeling, with the feelings of economy and feelings of extravagance, at least, by cooperation,

by conciliation, by sensibly trying to settle the problem outside, and not on the floor of the Senate, a bill has been passed which received the unanimous approval of the Senate.

I think this is one of the greatest works that has been accomplished in years for the industrial development and the betterment of our country in a financial and industrial way.

First, I wish to congratulate both parties for the nonpartisan spirit in which the measure was handled, Democrats and Republicans vying as to which could do the most to settle a difficult problem, and aid a distressed section of our country, so that there could never be a recurrence of the evil. The two leaders, the Senator from Kansas [Mr. CURTIS], the leader of the majority, and the Senator from Arkansas [Mr. ROBINSON], the leader of the minority, are deserving of congratulation for combining their influence and their efforts and their intellects to accomplish this great work, and divest it of all partisan considerations.

The Committee on Commerce has been especially effective, hearing all sides, in reaching a conclusion; and I want to pay tribute to all the members of that committee, who provided a measure so wise, so just, so fair, and so reasonable, that it encountered no opposition in this body.

I also want to congratulate the chairman of the Committee on Commerce, the senior Senator from Washington [Mr. JONES], whom we all recognize as able, fair, just, and patriotic and whose influence was largely directed to accomplish the splendid results of to-day, and who was largely instrumental in that accomplishment.

We expected to be here two or three weeks at least discussing flood control. Yet, through this system of cooperation, nonpartisanship, and a spirit of justice and fairness to all sections, we have accomplished a great work; I may say, a work above criticism.

There are other men to whom I wish to pay tribute. When the Democratic caucus met, at the suggestion of the Democratic leader, the Senator from Arkansas [Mr. ROBINSON], a conference was held and a committee appointed to cooperate with Republicans and everybody in this matter, and with those who were not especially interested, to reach an agreement on a measure that would be just and fair. The good work done by the committee appointed will never be known in the future. I want to put in the RECORD the names of the members of that committee and others who did splendid work, so that in the future, as what was done increases in usefulness and increases in benefits, the men who accomplished it may be well known.

The members of that committee, who cooperated with Members on the Republican side and all interested, and who did their work splendidly, were the following:

Senator KENDRICK, of Wyoming.
Senator RANSDELL, of Louisiana.
Senator HARRISON, of Mississippi.
Senator CARAWAY, of Arkansas.
Senator HAWES, of Missouri.
Senator STECK, of Iowa.
Senator MCKELLAR, of Tennessee.

They did their work well. They accomplished it so well that we were saved about three or four weeks of debate, and I want to commend them, and I want to have their names displayed in the RECORD so that in the future people may read the names of those who did this splendid work. They were cooperated with by Senator BARKLEY and Senator SACKETT, of Kentucky, Senator REED of Missouri, Senator BROUSSARD, of Louisiana, and Senator DENEEN, of Illinois.

These men worked incessantly, talked over the differences, got cooperation and a consensus of opinion as to what was wise and just and proper for the country.

In addition, the Committee on Commerce did its work splendidly, and they settled the differences among the committeemen themselves so as to accomplish a great result unanimously in this body, with results the like of which in the many years I have served in the House and in the Senate I have never seen equaled, the matter being handled so efficiently and so satisfactorily.

I desire to have the names of the members of the Committee on Commerce inserted in my remarks, so that in the future these men may get the credit and honor which properly belong to them for their accomplishment of the splendid results of to-day.

I believe this work is great; I believe it means great betterment to the country; I believe it means great development; and I know full well that it means that in the future we will not have a recurrence of the distressful incidents that occurred last year from the overflow of the Mississippi River and all the floods incident to that great disaster.

I ask that the names of the members of the committee be inserted in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the names were ordered to be printed in the RECORD, as follows:

COMMITTEE ON COMMERCE, UNITED STATES SENATE

Wesley L. Jones, of Washington, chairman.	Bronson Cutting, of New Mexico.
Charles L. McNary, of Oregon.	Duncan U. Fletcher, of Florida.
Frank B. Willis, of Ohio.	Joseph E. Ransdell, of Louisiana.
Hiram W. Johnson, of California.	Morris Sheppard, of Texas.
Porter H. Dale, of Vermont.	Furnifold McL. Simmons, of North Carolina.
Arthur R. Gould, of Maine.	Hubert D. Stephens, of Mississippi.
Frederic M. Sackett, of Kentucky.	William J. Harris, of Georgia.
Robert M. La Follette, jr., of Wisconsin.	Royal S. Copeland, of New York.
	Harry B. Hawes, of Missouri.
Gerald P. Nye, of North Dakota.	Lawrence D. Tyson, of Tennessee.

Mr. HARRISON. Mr. President, the Senate was so highly efficient to-day that the speeches prepared by many of us are going to waste, and many of them were very good speeches.

There are times in this body when partisanship runs wild and things are said that we are sorry for after they are said. The spirit evidenced on both sides of the aisle to-day in the passage of this very important piece of legislation ought to convince the country that in times of great emergency, when necessity calls, party lines are forgotten and common action invoked.

I indorse everything that has been said by Senators since the passage of the flood control bill praising the individual work of various Members of this body. I shall not repeat the fine encomiums paid the chairman of the Committee on Commerce [Mr. JONES] and the members of his committee, the Senator from Kansas [Mr. CURTIS], the senior Senator from Indiana [Mr. WATSON], and others who do not represent portions of the stricken lower valley, for the fine cooperation they have shown in the passage of the bill.

Mr. President, there are, however, a few names which have not been mentioned, which should be mentioned by one who comes from a State that has suffered but whose constituents this afternoon will hear "the glad tidings of good news" with praise and thanksgiving. This scene is so impressive, my heart is so warm, that my thoughts revert to the scenes of last year.

I saw the crevasse when it opened just north of Greenville. I saw the houses floating on a torrent of water a hundred miles wide and 600 miles long. I saw the levees as they were alive with refugees, many of them poor white people, but the large majority of them colored people.

I wish that some one possessed of proper talent could portray vividly and correctly the scenes that then occurred and the fine heroism displayed by the colored people as well as the white people of the stricken valley. They worked throughout the night and day against dangers that looked as though they would sweep them out of existence every moment, battling to keep the levees intact by throwing up bags of sand; they maintained peace and order, and did everything that was required of them during those months when they were in the refuge camps or occupied in working for the common cause.

We shall never forget how the newspapers of the country carried columns and columns and pages and pages of news chronicling the events of that time. Many of the great newspapers of the country sent special correspondents down into that flooded section in order that they might write news stories and give them to the reading and waiting public. The New York Times in particular rendered great service in arousing the sentiment of the people to the necessity of governmental action.

Mr. President, while I know that some criticism at that time fell upon those in high places for not calling an extra session of Congress to consider and enact legislation to take care of the emergency, I have always believed and still believe deeply that there was not a man connected with the administration here in Washington, from the President down, whose heart did not go out in sympathy to that stricken area. I came to Washington; I talked with the President; I talked with him many times about the flood situation, and no later than yesterday morning I talked with him. I know that the sympathy of the President of the United States has gone out to the people of the Mississippi Valley, and he is interested in behalf of the passage of this legislation. I know I violate no privileges of White House conference when I say that only yesterday morning, in the presence of the chairman of the committee, the Senator from Washington [Mr. JONES], the Senator from Arkansas [Mr. ROBINSON], General Jadwin, and myself, the President expressed the hope that such a measure would be passed as soon as possible, so that it might be written into law. He did not indorse this particular bill; he did not indorse any bill; but expressed the hope that

this session of Congress should not adjourn until legislation should be passed taking care of the situation.

The Secretary of War, the Chief of Engineers, the Secretary of Commerce, all went to the stricken valley and performed a great service. Our people are and will always be grateful to them. Not only that, but my colleague the junior Senator from Mississippi [Mr. STEPHENS] has referred to the mayor of Chicago. He called a great conference out in that western city. Representative men came there from every part of the country. I have never seen a conference called to promote a great project which was more successful than was the Chicago flood conference. I have wired my congratulations and thanks as one who lives in the stricken valley to Mayor Thompson for the interest that he has taken and the fine services that he has rendered in this matter. And, Mr. President, I do not want to take my seat without also expressing at least my personal appreciation and, I know, the appreciation of the people of the lower valley for the interest that was manifested and the fine services that were rendered from beginning to end by another man. Not only did he attend the Chicago conference, where he was the mouthpiece of Mayor Thompson in laying the plans, in writing the program, in making the conference the success that it was, but he has come to Washington and he has remained here, giving his fine talent and personality to helping along in this matter. I refer to the man who was once denied a seat in this body—William Lorimer.

I have said this, Mr. President, because my heart prompts the expression, and I know my people would have it so.

Mr. BRUCE. Mr. President, I merely wish to say, while this delightful interchange of compliments and congratulations is going on, that it seems to me that Members of the Senate generally who have given their approbation to the passage of the Mississippi flood control bill should also receive some degree of recognition. Most of us, of course, were not members of the committee which considered and reported the bill and had no opportunity to participate in the deliberations of the committee; but, after all, let me remind you, if I can do so without too much self-complacency, that we constituted the solid phalanx that voted for the bill and put it through.

The only physical connection that the waters of the State of Maryland have with the Mississippi River is the Youghiogheny River, a comparatively small stream, which finds its way from western Maryland into the waters of the Ohio, and then into the waters of the Mississippi, and ultimately into the waters of the Gulf of Mexico.

I imagine it is not realized by one out of a million people in the United States that any such stream forms a nexus between the State of Maryland and that great Gulf. Limited, however, as is the relationship of the watersheds of Maryland to the Mississippi River when Maryland was asked to come to the relief of our brethren in the basin of the Mississippi, she did not selfishly exclaim, "Are not the waters of Abanah and Pharpar better than all the waters of Israel?" but like her sister States sped to the succor of those brethren.

Not only did the remainder of us who are not members of the committee vote for the passage of that bill but I venture to say that never did Senators vote with a more extraordinary degree of promptitude for the passage of any bill recommended by a Senate committee than did we for the passage of that bill. We accepted the conclusions of the committee, because of the high degree of confidence that we entertained in it and because we knew that it had given the most painstaking and searching reflection to the whole subject involved in the bill. However, in conclusion, let me repeat in a poetic way what I have already said in ordinary speech. I adopt the words of John Milton, who tells us in one of his wonderful sonnets that—

They also serve who only stand and wait.

We Senators who are not members of the committee by which the Mississippi flood control bill was favorably reported can at least claim the satisfaction of feeling that we also served the fortunes of that bill though we had only the opportunity to stand and wait for the opportunity at once to give it our approval when reported.

Mr. McKELLAR. Mr. President, I happen to reside on the Mississippi River at Memphis, and I have just a word which I desire to say on this occasion. I wish to thank each and every Member of this body who has voted so generously and so fairly and so justly to provide this measure of protection for the valley country that was overflowed last year. I join in all that has been so well said by those Senators who have taken part in promoting the passage of a flood relief bill; but there is one organization, Mr. President, that seems in some way to have been overlooked which I desire especially to mention. That organization is known as the Red Cross, presided over by Hon. John Barton Payne. I was on the scene at the time the relief work by the Red Cross was performed, and I know of the care that the representatives of this splendid organization gave to those in distress, to those who were sick, to those who were hungry, and to those who had to be clothed.

I wish to say that no organization in this country ever performed a task intrusted to it better than did the Red Cross in the time of the great flood. They spent their money with a generous hand fairly and justly to everybody who was in want. So I desire not only to thank the members of this body for the splendid work that they have done here to-day, but to pay this very inadequate and hasty tribute to the great Red Cross organization which helped us in the hour of need. Its representatives were on the scene at once. They were at work all the time, early and late, giving aid and comfort and succor to all. The organization raised much money. All parts of our country were generous in their contributions, and I do not know what many of our people, white and colored, would have done but for the Red Cross. We are all deeply grateful to this wonderful organization. And we are deeply grateful to the Senate for its generous action to-day. I do not recall the passage of any bill during the 11 years I have been in the Senate which has given me so much genuine satisfaction as has the passage of this bill. Flood control on the Mississippi is indeed a national problem, and if this bill becomes the law, as I have every reason to believe it will, the Federal Government will meet and do its duty fully. Again, gentlemen of the Senate, I thank you.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. McNARY. Mr. President, I desire to move that the Senate proceed to the consideration of the Agricultural Department appropriation bill for the year 1929.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. KING. Mr. President——

Mr. McNARY. I yield to the Senator from Utah.

Mr. KING. The bill just having been taken up, and many of us not knowing that it would be reached to-day, and many not having seen a print of the bill, I desire to ask the chairman of the committee if he would be willing, after it has been laid before the Senate, to postpone the further consideration of it until to-morrow.

Mr. McNARY. I want to be fair in the matter and give every Senator an opportunity to read the bill and the report. I thought perhaps the bill might be read, and then we would wait until to-morrow to take up the consideration of the various amendments.

Mr. KING. That will be agreeable.

TAXATION IN THE DISTRICT OF COLUMBIA

Mr. PHIPPS. Mr. President, I desire to address the Senate for a few minutes on the matter of the fiscal relations between the United States and the District of Columbia.

Mr. President, again we face the question whether Congress will do justice to the people of the District of Columbia and to the citizens of the United States in maintaining, improving, and beautifying the Capital City of the Nation. It should not be necessary to consider that question at this late date, 50 years after a fair, definite, and satisfactory plan for the financing and development of the city of Washington was adopted by solemn act of Congress. Again, it should not be necessary to face the problem at this time because the existing substantive law, approved by the Senate and the House of Representatives, has settled the matter on a basis which, while not entirely equitable, would permit Washington to keep her high place among the capitals of the world. However, we must face the same old question, as we have year after year, because the wise provisions of the organic act of 1878 have been set aside, because the substantive law of 1922, which is still in full legal force and effect, has been deliberately flouted, so that for the past four years Washington has been wronged and its progress has been halted. The trend is now toward a city of which, in the space of a few years, none of us may be proud. I measure my words, but the situation demands plain language.

Within the past few years, unintentionally or otherwise, Congress has assumed an attitude toward Washington which, if carried to its logical conclusion, will utterly destroy the partnership between the District of Columbia and the Federal Government, for the mutual benefit of both, which has existed for many decades. We are now following a policy, if it can be dignified by that term, which if continued will frustrate all those cherished plans held by the people of the United States from

the very inception of the District of Columbia, those plans which would make Washington in architecture, in art, in learning, in all modern civic methods, the leading capital city of the world.

OBJECT AND METHOD OF FINANCING WASHINGTON

At the outset we must remember that Washington is altogether under the control of the United States Government, a condition which has existed for more than 50 years. Its administrative and executive officials are appointed by the President, by and with the consent of the Senate. All its laws are enacted by the National Congress. Its policies have been shaped by that body. For that matter, there has been no serious disagreement between Congress and the people of the District as to the main course to be pursued. Its inhabitants are largely Government employees and officeholders, many of whom maintain a legal residence elsewhere, but all of whom concur in the plan of the fathers to make Washington one of the most beautiful spots in America and in the entire world. This program does not have, as its primary purpose, the pleasure or the amusement of the curiosity seeker, the idle visitor, or even the lover of beauty. Its object is to establish in the heart of the country a sacred shrine at which our people may renew their vows of citizenship and consecrate once more their love and devotion to their native land. The program is needed in order that the Government may conduct its important business amid seemly surroundings. It is required in order that the Capital of the United States may present to the nations of the world, who send their representatives here, that simple but impressive dignity which befits a country as great and powerful as ours.

Our own President Coolidge has expressed this same thought in better language. At the opening of the second session of the Sixty-ninth Congress in December, 1926, he said:

> If our country wishes to compete with others, let it not be in the support of armaments but in the making of a beautiful Capital City. Let it express the soul of America. Whenever an American is at the seat of his government, however traveled and cultured he may be, he ought to find a city of stately proportion, symmetrically laid out and adorned with the best that there is in architecture, which would arouse his imagination and stir his patriotic pride. In the coming years Washington should be not only the art center of our own country but the art center of the world. Around it should center all that is best in science, in learning, in letters, and in art.

It necessarily follows that expenditures for public improvements in the District of Columbia have been inordinate as compared with those of other communities having approximately the same population. It follows also that such expenditures must be continued in the future on substantially the same basis. The fact that this has been done without loading on the people of Washington an oppressive burden which would break their backs is due to the sharing of expenses by the Federal Government, which owns hundreds of millions of dollars' worth of real estate and personal property in the city on which taxes can not be levied, and to the wise provision of previous Congresses whereby there has been a just division of contributions between the local and the Federal authorities.

These expenditures, of course, have been authorized by the National Legislature, in which the District of Columbia has neither voice nor representation. The theory is that such appropriations should be made upon the recommendation of the District Commissioners, who are Federal officials in that they are appointed by the President, subject to the confirmation of the Senate. Sometimes they have been bona fide local residents and citizens of Washington; sometimes not. As Senators know, the board of commissioners consists of three men, one of whom is an Army engineer temporarily stationed here. This board makes its annual recommendations for the consideration of Congress. In some cases the estimates and suggestions are followed; in others the Senate and the House, exercising a rightful prerogative, refuse to follow such recommendations and appropriate more or less than desired—generally less—and for different purposes.

For over 40 years, from 1878 to 1921, 50 per cent of the expense of maintaining the District, as a rule, was borne by the Federal Government and 50 per cent came from the taxpayers of Washington. I say "as a rule," because appropriations for the last 14 years of this period, from 1908 to 1920, inclusive, without regard to water rates, ranged from $11,371,000 to $19,700,000, and during this time the District paid on an average $250,000 per annum more than the United States. However, the 50–50 rule was generally followed, as this proportionate basis of contribution was established by the organic act of June 11, 1878.

In 1922 Congress changed the proportion. The annual appropriation act, approved on June 29 of that year, established substantive law for the 60–40 plan of appropriating for the District. In other words, it provided that the share of the United States should be only 40 per cent and that of the local taxpayer should be 60 per cent. Note that, as in the case of the actual appropriations themselves, these percentages have been fixed by the National Legislature, in which the citizens of Washington have no voice. The total funds available during this period ranged from $20,500,000 to $27,200,000, and under the new plan the United States contributed from $8,081,000 to $10,762,000, or an average of $9,237,000 per annum.

During the entire period of proportionate contributions, or at least until the war, the program of city beautification was carried out, and for many years prior to 1914 the District was in debt to the Federal Government. Then came the war period, when, owing to scarcity of labor and high cost of materials, further civic development was restricted, and yet no reduction was made in the rate of tax assessments. Such receipts increased, and a large surplus was deposited in the United States Treasury, due, it will be noted, from failure to continue the development of street improvements, the building of public schools, and the upkeep of other city activities corresponding to the growth of Washington, which might be considered abnormal. This District surplus and the difficulty experienced by local citizens in obtaining proper benefits from the money paid by them as taxpayers into the Treasury of the United States is a story unto itself. Suffice it to say that for several years Congress refused to recognize the justice of a claim which should have been obvious, and that even now the District has not yet received the full benefit of such funds, which are not being matched by the United States on the same 50–50 basis under which they were collected. I shall advert to this matter later.

Beginning with the fiscal year 1925 the substantive law of 1922, which established the 60–40 plan of appropriations, was ignored by Congress and rendered inoperative by the annual provision of a lump-sum contribution of $9,000,000 on the part of the Federal Government, plus a proportion of certain miscellaneous revenues which under this fiscal arrangement the United States has released to the District of Columbia. Since that time total appropriations have ranged from $31,170,000 to $34,894,000, and the National Government has contributed only this $9,000,000 per annum, in round figures.

At this point may I quote for the information of Senators the language contained in the appropriation act for the fiscal year ending June 30, 1923, to which I have already referred and which established substantive law for the 60–40 program. It provides—

> that annually, from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis.

It goes on to stipulate that, within a period of five years, the District must be put upon a cash basis as to the payment of expenses, and provides for a tax rate "on the full value and no less of all real estate and tangible personal property subject to taxation in the District of Columbia," which will not only pay the local proportion of annual expenditures but will also create a surplus fund sufficient to enable the District to get upon a cash-paying basis by the end of the fiscal year 1927. Almost any business man will agree with me that these provisions, instead of being lenient, are rather harsh, if anything, especially when we take into consideration the fact that there was also levied, under the provisions of the act, a tax on intangible personal property of five-tenths of 1 per cent of the full market value thereof.

Yet the substantive law has been ignored and disregarded since 1925, although it has never been repealed, should not be repealed, and, in my humble opinion, can not be repealed. By legislative indirection there has been substituted for the fixed ratio of 60–40, which percentage was inserted upon the insistence of certain Members of Congress for a change and accepted by the entire Congress and the people of the District of Columbia in good faith as a permanent fiscal policy, there has been substituted, I say, an annual lump-sum contribution of approximately $9,000,000, which has remained stationary, while the expenses of administration of the District and the many millions paid annually by District taxpayers have grown by leaps and bounds.

Note the figures. It will be seen that from 1920 to 1928 total annual appropriations for maintenance and improvements have increased over $14,000,000; that the District's proportion of $9,900,000 in 1920 has mounted to $24,800,000 in 1928; and that the United States' proportion of $9,700,000 in 1920 has dropped to $9,000,000 in 1928. In other words, there has been an in-

crease of over 70 per cent in annual appropriations during this period of nine years, and yet the United States is paying less to-day (excluding consideration of certain divisible items of miscellaneous revenue) by $700,000 than it did in 1920. Of course, this great increase in annual expenditures has been met by heavier tax burdens, largely upon real property.

Aside from the legal situation, which I believe we are in honor bound to respect until or unless the law is changed, I respectfully submit that the proportionate system of contribution should be followed in the future as it was until the year 1925, and that the lump-sum system, if it can be dignified by that designation, is unsound in principle and vicious in actual practice.

LUMP SUM UNSOUND IN PRINCIPLE

I repeat that the present temporary expedient adopted from year to year, merely to prevent a deadlock between the two Houses of Congress on the annual District appropriation bill, a deadlock which might tie up practically all the necessary functions of the local civic government, is unsound in principle. In the first place, such contributions are contrary to the plan of financial partnership between the District and the Federal Government. They make the United States appear in the rôle of voluntary and benevolent donor, thereby placing the District in a false light before the people of the country. It is far easier to justify proportionate contributions than lump-sum gifts. The inevitable tendency—I will not say the purpose—of this plan would be a gradual reduction in the amount of the lump-sum payment, until at last the District taxpayer would be staggering under the whole burden of maintaining Washington, not only for himself but also for all the people of the United States.

Again, it is freely admitted that, in part at least, the contribution of the United States, whatever it may be, is in lieu of taxation on public property, the real estate being roughly appraised at almost $500,000,000. As this is one of the chief reasons for that contribution, it should vary in accordance with total expenditures. There is no justice in contributing $9,000,000 in 1925, when a total of $29,000,000 was required for all District purposes, and the same sum in 1929, when $39,000,000 is to be spent. If the advocates of the plan believe that $9,000,000 was fair in 1924, how can they claim that the same sum is fair in 1929? It is neither equitable nor just practically to double the burden upon one taxpayer and to make no change in the contribution of the other. To resort once more to figures, which tell their own story, in 1920 the District paid $9,990,000 and the United States $9,718,000. That was under the 50–50 plan. In 1924 the District paid $12,424,000, as against $8,081,000 for the United States, or 60–40. But in 1928, which is the last year for which appropriations have been made, the District has paid $24,872,000 and the United States has only paid $9,001,125. Where is the justice in such an arrangement? Where the equity?

In the third place the lump-sum arrangement destroys the safeguard of the unrepresented partner, the District, against excessive and unjust exaction of contributions by the national partner, which is the Federal Government. All of the taxing power is in the hands of Congress, and theoretically there is no limitation upon the amount which the District may be required to pay. Practically it is only limited by the District's ability to pay. Therefore a provision whereby the amount of money paid out by the National Government increases in proportion to the total amount appropriated appears to be a wise safeguard against undue or excessive expenditures.

Finally, the lump-sum arrangement is unsound in that it settles nothing and only invites annual disputes. Congress is reminded each year that a large cash "donation" is given to the Capital, and each year there must be a wrangle as to the amount. This is just as unfair to the House and Senate as it is to the people of the District of Columbia. It takes time; it provokes argument; it settles nothing. In its very nature it must be subject to revision each year, which should not be necessary, as the underlying principle and its actual application can easily be established or reestablished at this time. These vexatious and annoying questions can be disposed of almost at once if Congress will but put its hand to the task. Eventually we must return to the fixed ratio basis of appropriating for the District of Columbia. This is true for many reasons, of which I have named only a few. Why not do so now?

LUMP SUM VICIOUS IN PRACTICE

My second general proposition is that the lump-sum arrangement is harmful and vicious in actual practice. Since its informal adoption by Congress, the plan has brought none of the blessings claimed for it. Instead it has proved a curse to the people of Washington and to the people of the Nation, who are interested in the proper development of their Capital City. In 1924, one of the principal arguments of the lump-sum advocates was that, if the United States contributed a definite amount, irrespective of what the total annual expenditure might be, the commissioners in charge of District affairs could be given a free hand in deciding how much should be expended each year for the upkeep of the city. Actual practice gives the lie to this argument. We find that the commissioners' estimates, after careful revision, are arbitrarily reduced by the Bureau of the Budget, while the Appropriations Committee of the House further decreases the total allowances before permitting the bill to be approved. I quote from a letter dated March 9, 1928, written at my request by the District Commissioners:

> For the fiscal year 1929 the recommendations of departments for appropriations totaled $51,238,543. The commissioners in submitting their tentative estimates to the Budget Bureau on July 15, 1927, asked for $41,969,297. The commissioners were thereafter notified by that bureau that the final estimates should not exceed $38,804,780, plus $1,082,300, the latter sum representing items which the commissioners had contemplated submitting as supplemental estimates for the fiscal year 1928, but which the bureau decided should go in the 1929 estimates. This made an allowable total submission for 1929 by the commissioners of $39,887,080, with the privilege of recommending any further necessary estimates which the commissioners would be unable to include in the allowable total. The total final estimates submitted to the Budget Bureau by the commissioners on September 15, 1927, amounted to $42,447,810, a sum nearly $9,000,000 less than the departments deemed necessary. In recommending this amount of $42,447,810, the commissioners were guided by the intention to continue the $1.70 tax rate of 1928 as the tax rate for 1929, and on this basis they felt that the District—with the provision of $9,000,000 by the United States—could take care of that amount.

Carrying this a step further, the Budget for 1929 as actually submitted to Congress provides for a total of $40,431,186, which is nearly $11,000,000 less than recommended by the heads of departments, and $2,000,000 less than the final estimates of the District Commissioners. Obviously the highest figure of $51,000,000 represented actual needs, but the Commissioners could not insist upon that sum with the United States only contributing $9,000,000 and the balance to be raised by still heavier taxation upon District residents.

This is only a case of history repeating itself. What is happening for the fiscal year of 1929 has occurred during each of the last 10 years, at least. Take 1928, on which the total recommendations of department heads to the District Commissioners are still available. Such estimates for that year totaled $47,269,616. Yet the amount appropriated in the annual supply act of the District of Columbia was only $36,717,185. In other words, the amount actually appropriated by Congress was $10,552,431 less than the estimates recommended by department heads for the fiscal year 1928. There is no doubt that the total sum desired represented actual needs.

As to previous years, detailed figures are not available, but I desire to quote a statement submitted to me by Maj. D. J. Donovan, who has been auditor of the District for over 30 years. It is as follows:

> In my opinion, a very conservative estimate shows that the annual appropriations on an average for the eight years were $6,000,000 less each year than the estimates of appropriations recommended by department heads. Using this average for the eight-year period would mean that the total appropriations for the eight years were about $48,000,000 less than the total estimates recommended by department heads. Adding this total to the definitely ascertained difference for the fiscal years 1928 and 1929 would mean that during the past 10 years the appropriations carried in the annual appropriation acts of the District of Columbia have been approximately $70,000,000 less than the estimates of appropriations recommended by department heads to the commissioners.

What has happened? During the past few years the development of Washington has been impeded, its growth stunted, and most of the money raised has been devoted to maintenance and operating expenses or to seminational projects in which local citizens are hardly interested to a greater extent than are people in other sections of the country. In 1928 over 75 per cent of the total appropriations went into maintenance and operating costs, and estimates indicate that this percentage will be increased in 1929. Such costs in themselves are greater because Washington is the Capital City of the Nation, for streets must be wider, larger police expenditures are required, and so on down the line.

A comparison with other American cities proves that, by reason of the present fiscal policy, available funds in Washington are mostly needed for maintenance costs, and that expenditures

for permanent improvements, as a rule, are considerably less, in proportion to population. The following table which lists six other comparable cities is enlightening in this regard:

Comparison of permanent improvements for 1926

	Population	Permanent improvements
Washington	528,000	$7,852,000
Cleveland	960,000	21,697,000
Baltimore	810,000	13,760,000
San Francisco	733,000	13,015,000
Milwaukee	520,000	15,687,000
Pittsburgh	631,000	15,685,000
Detroit	1,242,000	61,100,000

What are the necessary and desirable improvements proposed for the city of Washington? The District Commissioners inform us that items totaling $53,902,000 should be incorporated in an expenditure program during the next five years. Of course, practically none of them can be undertaken as long as the present fiscal arrangement continues. Here are the principal ones:

Airport for air mail, air commerce, and civilian air activities of the United States, $1,500,000.

Farmers' produce market, $600,000 to $1,000,000.

Main and intercepting sewers, $2,810,000.

Sewer service for houses now without same, $4,000,000.

Site and construction of incinerators for city refuse, $650,000.

Garage and shop for city refuse division, $150,000.

Needed bridges, $2,366,000.

Land and buildings for municipal center, $19,000,000. This is needed because the present building and site are to be taken over by the United States.

Extension of streets and avenues, $4,000,000.

Extension program for free public library, $1,696,000.

Hospitals and industrial homes, $4,550,000.

Old cell wings of District Jail, which have been condemned, $500,000.

Public schools—five-year building program, $11,000,000.

Elimination of grade crossings, $680,000.

None of these proposed expenditures are for unreasonable purposes. In fact, American citizens generally will be shocked to learn that Washington is so far behind in its school program, its sewerage system, its street and library development that it will require five years to secure the improvements actually needed for the purpose at this time, and that Congress still refuses to make the necessary appropriations.

The District Commissioners also furnish a list of desirable improvements which will soon become actual needs. These include water-front development, bridges, and parks, the total cost being placed at an additional $29,209,000.

Mr. President, I ask permission to insert, at the close of my remarks, an illuminating letter from the Commissioners of the District of Columbia, dated March 9, 1928. This contains the figures I have quoted, but discusses them in greater detail, and also gives the list of necessary improvements, together with the list of desirable improvements above mentioned.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The letter appears as Exhibit A at the conclusion of Mr. PHIPPS's speech.]

Mr. PHIPPS. Mr. President, but it may be argued that this deplorable condition is not the fault of the lump sum. Unquestionably, the responsibility lies at the door of Congress, and I maintain that it can largely be traced to the lump-sum system, which was advanced as a cure-all for the District's ills and which has proved to be a quack remedy indeed. The situation is due to a disposition prevailing in Congress for the last 10 years to assess against the District taxpayer "all that the traffic will bear" and to reduce gradually the contribution of the Federal Government until it reaches the vanishing point. Certainly, conditions are no better than they were when the lump-sum experiment was inaugurated. The plan has failed, and the sooner Congress realizes it the better it will be for everyone. Dissatisfaction is general, and properly so. The solution is a return to that orderly system from which we should never have departed, a system which charges proper proportions of expense against the two governments, local and national, which avoids confusion, which enables plans to be made for the future and works justice both to the taxpayers of Washington and the other taxpayers throughout the United States.

TAX RATE COMPARISON WITH OTHER CITIES

Having shown that in principle and practice the lump-sum plan is a deadly poison in the vitals of the city government, I will discuss briefly the main argument against the 50-50 or 60-40 program of proportionate contributions. Some Members of Congress say in effect: "We admit that the substantive law is being violated by us each year. We admit that in theory there is no justification for the lump-sum method. We admit that, for this or other reasons, the District of Columbia does not secure the permanent improvements needed by its people. But we take our positions squarely on one point—the people of Washington, with all the privileges they are supposed to enjoy as residents of the Nation's Capital—do not pay as much in taxes as the folks back home. It may be that the District government is run more economically than other large cities of the country. It may be that there is less overhead and no graft. Whatever the reason, the people of the United States are entitled to the benefit of that condition rather than the people of Washington, and until they pay as much or more than the folks back home they have no cause for complaint. Until then they are not going to get an additional cent out of the United States Government."

That is the argument in a few homely words. It is somewhat appealing if the major premise is true. Let us see if it is. After research, conducted in many quarters, and after comparison with other cities, a comparison difficult to make, because Washington is unique, I stake my judgment as a business man of considerable experience on the proposition that it is false. I contend that the people of the District of Columbia pay well for the benefits they now receive, that the taxes levied are on a substantial parity with those of other cities, and that any greater tax burden would not only be unjust but well-nigh fatal to the city's welfare.

The present District tax rate on real property, which is $1.70 per hundred, does not appear to be excessive. In fact, compared to other communities, the rate itself is rather low. But the tax rate must be considered in connection with the assessed valuation. The percentage must be multiplied by the assessment in order to arrive at the actual amount paid by the property owner. Under the provisions of the law I have quoted, and in accordance with actual practice, real-estate assessments in Washington are made on the basis of true value. It has been estimated that the average is about 96 per cent of actual value in the District of Columbia, so that the requirement of the law is substantially fulfilled. It must be admitted that real estate in other cities is not assessed for its full valuation, whatever may be the law on the subject. One reason, I presume, is that in Washington the assessor is responsible to Congress, the taxing power, whereas in other cities his office is elective and he is responsible to the voter, who is the taxpayer.

Whatever the reason, there can be no question as to the fact. Washington real estate, privately owned, is assessed at $1,137,000,000, as compared to an assessment of $1,403,000,000 on Chicago real estate. Although the population of Pittsburgh is at least one-fifth more than that of Washington, and despite the industrial wealth of the Pennsylvania city, District of Columbia assessments exceed those of Pittsburgh by $70,000,000. A comparison of 14 large cities shows that Washington's real-estate assessments are almost 50 per cent greater than the average per capita assessment of the others.

I call attention to the great increase in real-estate assessments in this city during the past 20 years, an increase altogether out of proportion to its growth. The figure of $255,325,000 in 1908 had been raised to $426,624,000 by 1920 and to $472,874,000 in 1922. This was on a two-thirds basis of valuation. Then the substantive law of 1922, already mentioned, came into effect, with the result that real-estate assessments have advanced, on a full-valuation basis, from $723,200,000 in 1923 to $1,137,193,000 in 1928. Such assessments have been compared with other large cities having populations of 250,000 to 1,368,000 people, and indicate an average of $2,154 for the 528,000 residents of the District, as against an average of $1,455 per person for the residents of these 17 cities.

The startling figures continue. Washington's increase in assessment the last year alone was greater than a three-year increase in Atlanta, San Francisco, Cleveland, Newark, St. Paul, Pittsburgh, Minneapolis, Louisville, Boston, Memphis, Milwaukee, or New Orleans. In fact, over a three-year period, the Washington increase was greater by $40,000,000 than that of nine of these cities combined. Comparisons, as I say, are difficult to make; but when we bring assessments to a common level and make deductions for bonded indebtedness, we find that Washington's taxes are above the average of the principal cities of the United States.

The Washington Board of Trade went into this subject thoroughly, obtaining figures from practically all available sources, and I desire to refer Senators to the tabulations submitted by that association and printed in the House hearings on the District of Columbia appropriation bill for the next fiscal

year. These tables are enlightening. To my mind they show conclusively that Washington's real-estate taxes are high as compared to other communities, and that there is nothing to the argument that Washingtonians should be forced to pay higher taxes in order that they may be under the same burden as exists in other sections of the country. Substantially they now pay the same taxes or more; substantially they are now under the same burden or even a greater one.

TAX-EXEMPT PROPERTY

Mr. President, before leaving the subject of assessed valuations I call attention to the fact that there are other tax-exempt properties in addition to those of the United States Government which, as I have indicated, have been appraised at nearly half a billion dollars. The District of Columbia has tax-exempt real estate estimated at $50,000,000. Foreign governments, the guests of the United States, have tax-exempt real estate estimated at $4,000,000; while charitable, educational, and religious organizations own similar property appraised at $70,000,000. Certainly most of the benefits of such exempt property inure to the people of the Nation rather than to the taxpayers of the District of Columbia.

Let it be noted, also, that the Government is acquiring real estate in Washington at a rapid rate and that it has recently taken off the tax rolls some of the most valuable tracts of land in the District. No taxes are paid on the Union Station Plaza, the Mall, or on parks. The present building program of the United States, which has been approved by Congress, will take from the rolls additional real property having a value of at least $25,000,000 and will reduce local tax returns accordingly. It is altogether proper that the Government should secure such properties and own them in perpetuity. I am not complaining about that. I am merely advancing it as an additional reason why, if we are to carry out the broad plan of improvement and beautification of the Nation's Capital, we should be willing to stand a proper share of the expense.

TAX ON INTANGIBLES

When we consider the local tax on personal property, no room is left for doubt. The rate of five-tenths of 1 per cent on the full value of intangibles is clearly unreasonable and above any rate exacted elsewhere in this country, so far as I have been able to learn. Not only that, but to a large extent, the tax is actually collected. Personal property assessments for the District during the fiscal year ending June 30, 1927, totaled $623,818,000, which produced revenue amounting to $6,290,134. This is five times as much as was assessed in Minneapolis, with its population of 442,000; twice as much as Cincinnati; and almost four times as much as Cleveland, with a population of 960,000 people.

A 5-mill rate on intangible personal property means that in Washington a person with an income of $500 per year on a trust fund of $10,000 invested in bonds or securities would be obliged to pay $50 out of the meager $500. Observe that the tax of 5 mills is not upon the income, but is upon the market value of the principal investment; and that it must be paid whether or not the holder derives any income whatever from the securities in question. I want Senators to bear this in mind when they are told that the District is undertaxed.

So much for the argument that Washington does not pay taxes comparable to those in other sections of the country. She does. That fact has been clearly demonstrated time and again, the most recent occasion being before the House Subcommittee on Appropriations, at hearings to which reference has already been made. It is evident that District residents pay well for what they receive and, in addition, are shouldering to an undue extent the burden of building up the Nation's Capital for the benefit of all the people of the United States.

It may be popular with the folks back home to demonstrate how heavy a tax burden Washington residents are forced to pay, so as to prove that the District burden exceeds the taxes in the State. It may be good politics, but it is poor statesmanship. The people of any community should pay adequately for what they receive in public benefits; and they should pay no more, irrespective of the taxes levied in any other part of the country. Members of Congress may talk about the many advantages possessed by the people of the District that are not enjoyed by their constituents. I have listed a few that Washington does not have as she should—homely items such as adequate bridges and needed sewers. Is there any large city in your home State where grade-school children throughout the entire municipality can only attend sessions half a day because of lack of sufficient buildings? How many cities with a population of more than 100,000 inhabitants house many of their school children in portable frame buildings with outside washrooms? Irrespective of the rate of taxation, I wish to state that my home city of Denver has more adequate school accommodations than Washington, the Capital of the Nation. We have better library facilities and better-cared-for streets. We will not have to wait for five years in order to obtain sufficient schools for our children; nor will we have to beseech Congress each year for that purpose. We have those schools now. I do not hesitate to tell to the people of Denver the facts about the District of Columbia, and they do not begrudge a Federal contribution to help to provide similar advantages for the residents of Washington who are, after all, but the employees of the United States.

EXAMPLES OF INJUSTICE

I have said that the tendency is to eliminate needed local improvements and to make the District pay for national or seminational projects out of its own funds. Let me list some of the instances in which the Federal Government is not dealing fairly with the taxpayers of Washington.

First, there is the appropriation for expenditures under the jurisdiction of the National Capital Park and Planning Commission. The law specifically provides that on account of this admittedly national project the United States shall pay its definite proportion of total expenditures. Yet annual allotment of funds for this purpose is included in the District appropriation bill, which is written on a lump-sum basis rather than that of proportionate contribution. There is no suggestion on the part of those who would include such items in the District bill that the lump sum be increased accordingly so as to meet the intent of the law creating the commission. Either the proportionate system should be restored, or else all of these seminational projects should be excluded from the District appropriation bill.

Those who wish to increase the tax burden of the District do not stop with this particular appropriation bill. The Interior Department act for 1929 makes the customary annual provision for the Freedmen's Hospital, but for the first time it provides that 50 per cent of the cost of a new building for this national institution shall be paid by the taxpayers of the District of Columbia. In the case of the Columbia Hospital for Women, the original cost of the buildings, $300,000, was paid by the Federal Government, but later on Congress, in its wisdom, decided to charge half of that amount to the District of Columbia. This was done, and of course no appeal could be taken from the decision of the National Legislature.

Then there is the water situation. The aqueduct bringing the main supply of water into Washington was originally paid for by the United States, and distributing lines within the District were constructed at local expense. The cost was about equal, so that here we had a water-supply system obtained on a 50–50 basis. Now it has become necessary to install another or auxiliary system, at an expenditure of about $8,750,000. What happened? The District of Columbia is being made to pay all of the construction cost of the new work. In this connection I ask Senators to bear in mind that the United States does not pay any water rental or other charge—not a cent.

Another instance is the so-called District surplus, to which reference has already been made. By the act of February 2, 1925, Congress recognized the existence of surplus revenues in the United States Treasury belonging to the District of Columbia, and the amount finally totaled $5,257,528.75. All but $1,028.75 has been appropriated since that time. Of the total sum, $4,656,500 was for the purchase of sites and the erection of school buildings, and $600,000 was to complete the purchase of land for the Rock Creek and Potomac Parkway. The park item was seminational in character, and as a matter of fact all previous appropriations had been on a 50–50 basis. Just the same, the final link in the system was purchased entirely at the expense of District taxpayers. For that matter, the United States did not participate in any of the expenditures involving the $5,000,000 surplus, notwithstanding the fact that these revenues accumulated during the period of the half-and-half plan of making appropirations for the expenses of the District.

Reference has been made to the act of June 29, 1922, which established the 60–40 ratio and which provided, in addition, that the District should be "put upon a cash-paying basis as to payment of expenses," during the succeeding period of five years. Pursuant to the direction of the act, the commissioners determined that it would be necessary to raise, over and above the annual amount needed to pay the District's proportion of appropriations, the further sum of $3,000,000 as a cash fund, this amount to be included in the tax rate for each of the five fiscal years beginning with 1923. That fund is on hand, and while expenses have materially increased, the District is ready to go ahead on a cash basis and can obtain needed improvements, without going into debt or floating bonds, if the National Government is but ready to do its share.

SUMMARY—WHO PAYS THE TAXES?

Just a moment to summarize. I have referred to the original object of developing and beautifying the city of Washington, on which we are all agreed. I have recalled briefly the history of the District's fiscal relations with the United States. I have shown that the interests of the two governments are identical, that the cost of maintenance is greater because this is our Capital, and that the cost of public improvements is much more because of the national or seminational projects which must be located here. I have proved that important local needs have been sidetracked in order to make way for these other undertakings, because there is insufficient money for all purposes under the present arrangement.

Most alarming of all, it has been shown that for the past 10 years there has been a growing tendency to charge the cost of everything—maintenance, local improvements, and national projects—against the taxpayers of the District of Columbia. The attempt, so far successful, has been conducted as follows: In spite of the fact that the total sum required for District purposes has grown by leaps and bounds, the actual contribution of the Federal Government has been reduced by changing the whole plan of Federal contribution from a systematic, proportionate basis to the arrangement for a lump sum, devoted grudgingly to District purposes as a voluntary donation or actual charity. This has been supplemented by adding materially to the list of projects for which the local government must pay. In all sincerity, I believe that the ultimate effect, if not the ultimate object, is to reduce the Government's share of expenses to nothing at all. Should anyone doubt this conclusion, let him harken to the threat in certain quarters that if there is vigorous complaint against the present lump-sum arrangement even that aid will be withheld by Congress.

I have offered figures which prove that the assessed value of taxable real estate in Washington has been increased during the last nine years by 160 per cent and that the real-property levy actually payable has been increased by 200 per cent. It is evident that such taxes can not be made greater and that personal property rates are now entirely too high. We have come to the parting of the ways. With Washington's imperative and growing needs, the present fiscal arrangement can not continue. The limit has been reached. As chairman of the Senate subcommittee on District appropriations, I raise my voice publicly in solemn warning, as I have often done in meetings with my colleagues of the Senate and of the House of Representatives.

The time has come for plain speaking. Does anyone doubt that Washington has practically reached the limit of her taxable resources and that the slight normal increase will prove grossly insufficient for public needs? Does anyone cherish the delusion that this is a city of great wealth, and that heavy taxes are levied without consequent hardship on the people who pay them? Who are the taxpayers of Washington?

The taxpayers of Washington are the public servants of the United States, the employees of the Federal Government. They are modestly paid; they are under heavy expense. The great majority of the homes here are small, for in most sections of the city every 18 or 20 feet represents a private dwelling. Many thousands of Government employees can not afford the initial outlay to buy these homes, which though humble are too costly for them, and so they rent their living quarters. But still they pay the tax. It is passed on to them, of course, as in every other city in the country; and thus we have the Federal employee standing the burden just the same.

Over in the House of Representatives hearings have just been held on a bill for a horizontal increase in Government salaries, and there has been a great deal of sentiment and sympathy expressed for such a measure. Doubtless salaries are too low in many cases. But what are we doing? We are giving the Government employee his modest wage with one hand, and we are taking it away from him, in the form of high District taxes, with the other. Is that good business? Is that statesmanship? As one who has studied this deplorable situation for many years, and who can therefore speak with some authority, I appeal to Congress to right a great wrong and to return to a just, orderly, and progressive method of doing business in the city of Washington, the Capital of the United States.

EXHIBIT A

EXECUTIVE OFFICE, COMMISSIONERS OF
THE DISTRICT OF COLUMBIA,
Washington, March 9, 1928.

Hon. LAWRENCE C. PHIPPS,
Chairman Senate Subcommittee on Appropriations
in charge of the District of Columbia bill.

DEAR SENATOR PHIPPS: In compliance with your request the commissioners submit this letter setting forth briefly their position with respect to the question of fiscal relations between the United States and the District of Columbia.

As you are aware, the District appropriation act approved June 29, 1922, established substantive law for the 60–40 plan of appropriating for the District of Columbia. But beginning with the fiscal year 1925 and to the present time, this law has been rendered inoperative by the annual provision of a lump-sum contribution of $9,000,000 by the United States, plus a proportion of certain miscellaneous revenues which, under this fiscal arrangement, the United States has released to the District of Columbia. The District budget for 1929, as transmitted to Congress, provides for the continuance of the $9,000,000 contribution in that year.

In their report to Congress for the fiscal year 1927, the commissioners called attention to the constantly mounting annual budgets of the District, and believing that this increase will in all likelihood continue in even larger measure in the future, and believing also that further material increases in appropriations can not be provided for under existing fiscal arrangements without imposing an excessive tax burden on the community, they recommended that Congress reestablish the substantive law of June 29, 1922, and that appropriations hereafter be made in accordance with that law.

A brief study of the finances of the District in recent years will show the great increase in taxes which the community has had to pay.

In 1920, the last year under the half-and-half system, the appropriations totaled $19,709,292, the District paying $9,990,386 and the United States $9,718,906.

In 1924, the last year in which appropriations were made on the 60–40 basis, the appropriations totaled $20,505,454, the District paying $12,424,349, and the United States $8,081,105.

In 1925, the first year of the lump-sum plan, the appropriations totaled $31,183,151, the District paying $22,037,796, and the United States $9,145,355.

In 1928, the last year for which appropriations have been made, the appropriations totaled $33,873,899, the District paying $24,872,874, and the United States $9,001,125.

It will be seen that between 1920 and 1928 the appropriations have increased over $14,000,000; that the District's proportion of $9,900,000 in 1920 has mounted to $24,800,000 in 1928; and that the United States' proportion of $9,700,000 in 1920 has droppeed to $9,000,000 in 1928.

In other words, in the face of an increase of over 70 per cent in appropriations during this period, the United States is paying less to-day (excluding consideration of certain divisible items of miscellaneous revenue) by $700,000 than it did in 1920.

The major part of this great increase in appropriations has been met by increased taxation of real property.

In 1920 the assessed value of taxable real estate amounted to (on the basis of two-thirds value as then required by law) $426,623,630, the tax rate was $1.50, and the total levy, or tax collectible, was $6,399,354. In 1928, the present fiscal year, the assessed value of real estate (on the basis of full value) is $1,137,193,162, the tax rate is $1.70, and the levy, or tax collectible, is $19,169,934.

The assessed value of taxable real estate has been increased during this period between 1920 and 1928 by over 160 per cent, and the levy, or the amount actually payable in taxes, by 200 per cent.

The commissioners do not claim that the present tax rate is excessive, but they do believe that careful and competent investigation would show that the combination of the present assessment and tax rate imposes on the people of the community as great a tax as they should in justice and reason be expected to pay.

If it be granted that real estate is now assessed to its limit, and that the tax rate of $1.70 should not be increased, the commissioners are then confronted with the fact that the maximum appropriation budget which they could recommend would be about $42,500,000, with due provision for supplemental and deficiency requirements. This amount assumes a contribution of $9,000,000 by the United States. That such a sum is wholly inadequate, if the District is to properly progress both as a community and as the National Capital, must be patent when the following statements are considered:

For the fiscal year 1929 the recommendations of departments for appropriations totaled $51,238,543. The commissioners in submitting their tentative estimates to the Budget Bureau on July 15, 1927, asked for $41,969,297. The commissioners were thereafter notified by that bureau that the final estimates should not exceed $38,804,780, plus $1,082,300, the latter sum representing items which the commissioners had contemplated submitting as supplemental estimates for the fiscal year 1928, but which the bureau decided should go in the 1929 estimates. This made an allowable total submission for 1929 by the commissioners of $39,887,080, with the privilege of recommending any further necessary estimates which the commissioners would be unable to include in the allowable total. The total final estimates submitted to the Budget Bureau by the commissioners on September 15, 1927, amounted to $42,447,810, a sum nearly $9,000,000 less than the departments deemed necessary. In recommending this amount of $42,447,810, the commissioners were guided by the intention to continue the $1.70 tax rate of 1928 as the tax rate for 1929, and on this basis they felt that the

District (with the provision of $9,000,000 by the United States) could take care of that amount.

The Budget for 1929 as submitted to Congress carries a total of $40,431,186 for the District, a sum nearly $11,000,000 less than recommended by the departments and $2,000,000 less than the amount contained in the final estimates of the commissioners. The commissioners, in acting upon the departments' recommendations, felt that practically all the $51,000,000 represented necessary needs, but they could not see their way clear to ask the Budget Bureau to approve and Congress to appropriate a greater sum than the present tax rate of $1.70 could raise in 1929 with the United States contributing only $9,000,000. Hence the necessity on their part of reducing the estimates of the departments by $9,000,000.

There are a great many improvements that are now needed for the proper development of Washington which may only be made if the Federal contribution is substantially increased. Transmitted herewith is a list of necessary improvements considered and approved by the commissioners, totaling $53,902,000, which the commissioners believe should be incorporated in an expenditure program during the next five years. But most of these improvements, however important and necessary, can not be taken care of under the present fiscal arrangements. There is also transmitted a list of desirable improvements amounting to $29,209,200. It is only a question of a short while probably before these, too, will become necessary needs. The lists mentioned were presented by the Washington Board of Trade before the House Subcommittee on Appropriations in charge of the District bill, and appear in the House hearings on pages 1091–1098.

The commissioners also transmit herewith a report on fiscal relations between the United States and the District of Columbia submitted to them by the committee of delegates (appointed by them) to the Twentieth National Conference on Taxation held in Toronto, Canada, in October, 1927. The commissioners earnestly urge your careful consideration of this report.

In connection with the subject discussed in this letter it should not be overlooked that the maintenance and operating costs of the local government represent in 1928 over 75 per cent of the total appropriations for that year, and for 1929, based on the District budget as transmitted to Congress, 76½ per cent would go for this purpose. These costs are constantly increasing.

It has been suggested that the District might meet the present situation regarding needed improvements by having Congress authorize a bond issue. The commissioners do not believe that a bond issue is desirable, at least at this time, and certainly not before a more satisfactory fiscal relationship is provided than that which now prevails. A bond issue under existing conditions might result in placing the whole cost of financing, including interest and sinking-fund provision, on the people of the District of Columbia.

The commissioners feel that the entire matter of fiscal relations might well be thoroughly and systematically investigated, as there are many differences of opinion regarding this subject. It would seem to be desirable to establish some plan which would as far as possible remove the subject from the field of constant controversy. There has been suggested the appointment of a commission to thoroughly investigate the subject and from time to time report recommendations to Congress as to the proper basis of contribution between the United States and the District of Columbia.

If in the consideration of this matter by your committee no better plan or conclusion may be reached, then the commissioners would welcome the appointment of a permanent commission to inquire into the subject and from time to time to report its recommendations to Congress.

Very truly yours,

PROCTOR L. DOUGHERTY,
SIDNEY F. TALIAFERRO,
W. B. LADUE,
Commissioners of the District of Columbia.

LIST OF NECESSARY IMPROVEMENTS FOR THE DISTRICT OF COLUMBIA, INCORPORATED IN AN EXPENDITURE PROGRAM FOR COMPLETION WITHIN A PERIOD OF FIVE YEARS

Airport $1,500,000

Under the recent legislation by Congress affecting commerce by air, the Federal Government provides emergency landing fields and lights the airways. The municipalities are required to furnish the landing fields. It is therefore essential that the city of Washington provide an adequate, safe, and convenient airport for the use of the air mail, the air commerce, and of the civilian air activities of the Federal Government. Unusual unanimity among the persons and organizations interested has been obtained on the location of the site and the kind of airport to be obtained. The figure given of $1,500,000 is believed to be an outside figure, and excludes savings which may be expected by the dumping of dredge material from the Potomac River and the dumping of ashes and other refuse from the city of Washington if and when the street cleaning department is furnished with the necessary trucks, etc., and—if it is felt advisable when the time comes—by the erection of buildings on the field by private parties interested instead of by the municipal government. This project should by all means be started immediately. The sea wall should be built, right of way obtained to the field, and roads constructed. After this is done, within the next year or so, the speed of construction of the final airport can be gauged according to the rapidity of the development of aerial commerce.

Farmers' produce market ..... $600,000–$1,000,000

Public Act 776, Sixty-ninth Congress, second session, authorized and directed the Commissioners of the District of Columbia to negotiate for the acquirement of a site for the farmers' produce market, at a cost not to exceed $600,000, and to report to Congress with their recommendations not later than December 15, 1927. It is generally admitted that it is advisable for a municipality to provide facilities for a farmers' produce market and that it is a good investment for the city, provided the total cost is held down to a reasonable sum. The present farmers' produce market is to be eliminated in the immediate future by the new building program of the Federal Government. The new facilities should, therefore, be provided without delay. The amount needed, $600,000 to $1,000,000, would depend upon final location.

Extension of northeast boundary trunk sewer, from Twenty-first and A Streets NE. to Anacostia River, just south of south lock of Lake Kingman $1,212,000

The northeast boundary sewer, one of the largest sewers in the world and carrying the combined drainage from an enormous area, extending west to Fourteenth Street NW., north to Park Road and Rock Creek Church Road, and south to Florida Avenue, discharging in times of storm at Twenty-second and A Streets NE. The discharge from this sewer is carried in a sluggish open channel into the recently created Lake Kingman. In that Lake Kingman, created in connection with the Anacostia River development, is designed to be maintained as a more or less quiescent inland lake, the discharge of even diluted sewage will create a decided nuisance.

To remedy this evil the commissioners have made studies at the behest of the Secretary of War, resulting in a proposal to extend this northeast boundary sewer to discharge at a point below the outlet of Lake Kingman and directly into the Anacostia River.

Since the original conception of this extension there has been constructed the Eastern High School at a location in close proximity to the present sewer outlet, and as the result of the location of this large school there have been many complaints as to the insanitary condition existing at the mouth of the sewer.

It has been recognized that the above sewer extension must be undertaken before Lake Kingman or this section of Anacostia Park can function as recreation centers.

Oxon Run intercepting sewer $750,000

The Oxon Run drainage area is an area comprising over 2,000 acres, and located between Nichols Avenue and Alabama Avenue on the west and the Maryland line on the east. This area is largely undeveloped. However, several communities have sprung up in this area, where streets are dedicated and houses constructed. Notable among these communities is the larger part of Congress Heights and the recent addition of Hillcrest. There are between 200 and 300 houses in the communities referred to above. Despite repeated applications by individuals and citizens associations it has been impracticable to provide sanitary sewers for any of these houses due to the lack of an outlet sewer.

The item submitted herewith is for an outlet sewer for this drainage area, which would be located in the valley of Oxon Run and located approximately parallel and close to the District line. This interceptor would eventually discharge by gravity to the site of the proposed treatment sewage plant at which point its effluent would receive treatment in common with all other treatment of sewage by the District.

For completing upper Potomac interceptor $425,000

This interceptor in its entirety will extend along the north shore of the Potomac River from Rock Creek to the District line, and is designed to intercept all sanitary drainage from the area sloping toward the river between the limits named. There are now four points in the upper Potomac River where large volumes of raw sewage are now being discharged. The construction of this interceptor will result in removing this pollution to the river and in addition will provide an outlet for future Maryland sewage now dscharged into the Potomac River just west of the District line and discharging from Edgemoor, Battery Park, a portion of Chevy Chase, Drummond, Somerset, and Friendship Heights.

A reciprocal agreement has been entered into between the Commissioners of the District of Columbia and the Commissioners of the Washington Suburban Sanitary Commission whereby Maryland sewage may discharge through the District sewers upon the payment by Maryland to the District of the estimated cost of handling said sewage.

Fifty per cent of this entire interceptor will have been constructed upon the expenditure of funds already appropriated for this sewer.

For completing upper Anacostia main interceptor along the Anacosta River, between Benning Road and the District line $423,000

This interceptor is located to flank the east side of the Anacostia River and to intercept all sewage which now or at a later date would

discharge in a crude state into said river, and the construction of this interceptor should be carried on more or less simultaneously with the Anacostia River improvement north of Benning Bridge.

At the present time there are within the limits of the District two sanitary sewers discharging raw sewage into the east side of the Anacostia River north of Benning Road. One of these sewers, in addition to carrying the sewage from approximately 5,000 persons residing in the District, also carries the sewage from an additional population in Maryland residing in Capitol Heights. A further program now being considered by the Maryland authorities proposes to contribute more Maryland sewage from Seat Pleasant, which sewage will also discharge through the existing District sewer.

This interceptor will not only intercept sewage from District sewers but is designed to be available for all of those communities lying in Maryland close to the District line, viz, Silver Spring, Takoma Park, North Takoma, Mount Rainier, Bladensburg, Hyattsville, Riverdale, College Park, Berwyn, and other smaller communities which now discharge crude sewage into the upper reaches of the Anacostia River and consequently pollute that portion of the Anacostia which traverses the District.

The Maryland sewage from the communities referred to above may discharge into District sewers by virtue of an agreement entered into between the Commissioners of the District of Columbia and the commissioners of the Washington Suburban Sanitary Commission, under which agreement the Maryland authorities would pay to the District an amount equal to the cost to the District of pumping said Maryland sewage.

There has already been expended on this project of flanking the east side of the Anacostia River a total of $319,500.

Sewer service for houses where privies exist..... $4,000,000

There are now being maintained in the District of Columbia 3,431 box privies. The number of such privies are increasing rather than decreasing, as is evidenced by a count which indicates that the number has increased by 682 in the past five years.

To eliminate these privies, which are considered as a source of possible disease, necessitates the coordination of appropriations for grading, for water service, and for sanitary sewers. Sewers, being water carriers, are worthless unless water is available. Water can not be made available until such time as the streets are brought to the established grade, in that it is considered necessary that water mains be laid at a constant depth below the surface.

It is felt that effort should be put forth to introduce sanitary improvements in these sections known as Deanwood, Kenilworth, Burrville, Barry Farm, etc., in which communities the majority of privies exist and which communities are practically without modern improvements.

Site for and construction of incinerators, city refuse division.. $650,000

The maximum working capacity of the trash-disposal plant is about 800 cubic yards per day. In times of heavy rains, etc., this capacity is materially reduced by the inadequacy of the incinerators to burn the wet paper which can not be baled. At such times it is necessary to place the excess on the Congressional Cemetery dump and burn it there.

In addition to this bulk, a considerable amount of the material received at the Congressional Cemetery dump from the various United States Government activities is of a combustible nature and must be burned daily to avoid the possibility of starting a general fire on the dump.

Inside of three years we will have filled all our present dumps, and by such time a start must be made to send all the material collected in street cleaning and a large proportion of the ashes to some new dumping point. The volume of the street-cleaning material must be reduced by incineration.

There is also a possibility that it may be necessary to forbid the placing of combustible material on the Bennings dump owing to the smoke nuisance.

Because of the above conditions, and the constant complaints of various citizens associations regarding burning materials on dumps, a transfer station, trash-salvaging plant, and incinerators of sufficient capacity should be constructed immediately. It is therefore recommended that $650,000 be appropriated for the acquisition of site and construction of the above plant.

Site and buildings for garage, shop, etc., city refuse division.. $150,000

The city refuse division owns and occupies a building in the interior of square 367, covering 12,500 square feet of ground. This was originally used as a stable, but is being converted to use as a garage and shops.

In the very near future the hauling equipment of the department must be entirely motorized. This is mainly due to the scarcity of dumps and the consequent increased length of haul.

The city refuse division has now reached the capacity of the present plant in which are repaired, repainted, and reconstructed all auto trucks used by that division, in addition to the building of all new truck bodies, and it is very necessary to add to the existing building. By the purchase of the balance of the plot the present ground area would be doubled, and the construction of an addition to the building would provide for a garage, shops, and storerooms in an ideal location.

New Chain Bridge..... $366,000

A new bridge is required to provide adequate capacity for traffic and to insure safety for traffic on this bridge, the carrying capacity of which is uncertain due to deterioration resulting from its age, 54 years.

Connecticut Avenue Bridge over Klingle Road..... $500,000

A bridge of greater capacity is required to take the place of the existing structure, due to the heavy traffic over Connecticut Avenue.

New Calvert Street Bridge..... $1,200,000

The replacement of Calvert Street Bridge by a bridge to conform with the treatment of Rock Creek Park is projected to afford increased capacity for traffic.

The roadway of the existing structure is inadequate and the bridge has not sufficient strength for the heavy traffic of the present day.

Twentieth Street Bridge over Piney Branch..... $300,000

A bridge of greater capacity with improved alignment is required to take the place of the existing light iron bridge.

Municipal center, purchase of land..... $9,000,000
Municipal center buildings..... 10,000,000

The act authorizing the acquisition of the triangle south of Pennsylvania Avenue for the erection of various Federal buildings authorizes the taking over by the Federal Government of the District Building and the square to the south of the present building, which was considered available for a much-needed expansion of the District Building. As a new location for the District offices will have to be obtained in order to replace the building and site to be taken over by the Federal Government, and as there are a number of District activities in rented buildings and a number of other District activities which are not now adequately provided for, it is proposed to purchase the area between Pennsylvania Avenue on the south, Louisiana Avenue, D Street, and Indiana Avenue on the north, Seventh Street on the west, and Third Street on the east, for the site of the new municipal center.

It is deemed highly desirable that the purchase of this site should be made at one time, in order that the part to be improved by the construction of new buildings will not enhance the value of the property not acquired. By purchasing the whole site at one time a material saving can be made over piecemeal purchase. It would not be necessary or desirable to proceed with the construction at a rapid rate, and present plans call for a development of square 490 as the site for a building to house the various courts of the District of Columbia, and it is expected that this would be the first part of the site developed. Provision for the construction of the building should be made at the rate of about $2,000,000 per year, and when the building on this square is completed the development of square 491, directly south of this square, should be undertaken, to provide suitable quarters for the police and fire departments, recorder of deeds office, and some other District activities.

The assessed value of the six squares included in the whole site is $6,033,236, and it is estimated that the site can be purchased for about $9,000,000. The court building will have approximately 8,068,000 cubic feet, at an estimated cost of $1 per cubic foot, while the building on square 491 will be of approximately the same size and same cost.

Opening and extension of streets and avenues..... $4,000,000

The opening and extension of the following streets and avenues is important in that they will provide better traffic conditions in their respective locations; furthermore, land values are increasing, and the longer these projects are delayed the greater will be the cost of their acquisition. Dedications have already been made to the District of portions of all of these streets.

Nebraska Avenue is the only street on the highway plan in the area west of Rock Creek Park, excepting Western Avenue, which extends directly from the Potomac River to Rock Creek Park. This street is approximately a mile east of Western Avenue and crosses Massachusetts, Wisconsin, and Connecticut Avenues, and connects up Wesley Heights, Tennallytown, and Chevy Chase.

Foxhall Road: This road connects Wesley Heights and American University with Conduit Road, and intersects Conduit Road just west of Georgetown University. A great number of houses were built along this road before the highway plan was established. Many of these houses will have to be moved when the street is widened, and, of course, condemnation would be the only procedure. As property values in this section are steadily increasing it is believed that this street should be condemned as soon as possible.

Potomac Avenue is on the highway plan from Foxhall Road to the District line, and runs along the high ground overlooking the Potomac River. This street would make a very attractive riverside drive, and for this reason it is believed that steps should be taken to acquire it for its entire length, before any building operations increase the cost of its acquisition.

Colorado Avenue, Thirteenth and Fourteenth Streets are now in process of condemnation.

Maryland Avenue is now in public ownership from Fifteenth Street and Florida Avenue NE. to the United States Capitol Grounds. The highway plan provides for the extension of this avenue to the Anacostia Park, where it will intersect with Oklahoma Avenue. The opening of this avenue will be of importance in that it will provide a direct connection from the Capitol Grounds to the northern part of the Anacostia Park.

Free Public Library, 5-year building and extension program $1,696,000

The organic law establishing the Public Library, as amended, provides that the said library shall consist of a central library and such number of branch libraries so located and so supported as to furnish books and other printed matter and library service convenient to the homes and offices of all residents of the District of Columbia.

The estimate of $1,696,000 would provide for carrying out the larger items in the five-year building and extension program for the library, in providing for sites and buildings for branch libraries as well as additions to the main library building.

Gallinger Municipal Hospital $3,000,000

In order to equip the Gallinger Municipal Hospital as a complete municipal hospital capable of accommodating all the patients that are proper municipal charges and discontinue the practice of boarding such patients in private institutions, it would be necessary to erect two additional ward buildings similar to the one now under construction. It would also be necessary to erect a suitable nurses' home, staff building, laboratory, and accessory buildings, at a total cost of approximately $2,500,000, and an isolation building for the care and treatment of indigent persons suffering from minor contagious diseases, at a cost of approximately $500,000.

District Training School $1,000,000

Additional cottages, school building, dormitory for employees, commissary and dining-room building, superintendent's residence, and the necessary roads, water and sewer mains should be provided at the District Training School as soon as possible, because the present demand would undoubtedly fill the school to a number of approximately 600.

Receiving home, division of child welfare $150,000

There should be provided as soon as possible a receiving home for the division of child welfare where children could be received when committed by the courts, given medical and mental examinations, and such treatment as necessary, and afford opportunity for study and classification before these children are sent to permanent boarding homes or institutions. Such a receiving home, properly equipped, would cost approximately $150,000.

Industrial Home School for White Children $250,000

The Industrial Home School for White Children, now housed in a group of old, dilapidated buildings, should be abandoned. If funds are not to be derived from the sale of the present property it would cost probably $250,000 to provide a proper site and buildings to reestablish the school on a new site.

District of Columbia Jail $500,000

The old cell wings of the jail have been condemned by competent authority as insanitary and unfit for the confinement of prisoners. To reconstruct the north and south wings, which contain these old cells, would cost probably about $500,000.

Tuberculosis Hospital $150,000

Congestion at the Tuberculosis Hospital requires an early enlargement of that institution. There should be an additional ward building, at a cost of approximately $100,000, and a building to house the medical staff, orderlies, and other employees, many of whom are now obliged to live away from the hospital. This building would cost approximately $50,000.

Public schools, 5-year building program $11,000,000

The carrying out of the five-year school building program, as authorized by the act of Congress approved February 26, 1925, is $3,000,000 in arrears at the present time. In addition, during the two years remaining of the period for carrying out that program $8,000,000 will be required.

Elimination of grade crossings $680,000

The grade crossings which should be eliminated to provide safety for traffic are placed in the order of importance as follows: Michigan Avenue, $275,000; Chestnut Street (Fern Street), $164,000; Eastern Avenue (Quarles Street), $153,000; Bates Road (Varnum Street), $88,000.

Total of necessary improvements $53,902,000

LIST OF DESIRABLE IMPROVEMENTS FOR THE DISTRICT OF COLUMBIA

Water-front development, Washington Channel $3,691,000

The act of Congress approved March 3, 1925, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, authorized and directed the Secretary of War to cause preliminary examinations and surveys to be made of the water front on the north side of the Washington Channel, District of Columbia, with the view of surveying same and preparing and submitting plans and estimates of cost for the construction of an adequate terminal or terminals which would provide appropriate facilities for water transportation and for interchange of traffic between vessels and the railroads and highways, respectively, including any recommendations which may be deemed advisable for coordinating the full commercial use of said water front and the approaches, with the beautification thereof.

In accordance with the directions of Congress, the District engineer officer (United States Army Corps of Engineers), after most intensive study, has prepared and submitted a report on the improvement of the water front along the Washington Channel.

The item of $3,691,600 is an estimate by the Commissioners of the District of Columbia of the cost of providing this very desirable improvement.

Pennsylvania Avenue Bridge over Anacostia River $651,000

The construction of a bridge in the line of Pennsylvania Avenue crossing Anacostia River is required to provide capacity for the heavy traffic using that bridge and also to permit dredging of the river as proposed by the Corps of Engineers of the United States Army. The piers supporting the bridge have pile platforms, the piles being cut off at mean low-water level. Provision is also required for traffic on the river by the construction of a draw span at this crossing.

Benning Bridge over Anacostia River $470,000

The construction of a bridge to take the place of Benning Bridge is required for the same reasons outlined in the above statement concerning the Pennsylvania Avenue Bridge.

P Street Bridge over Rock Creek $350,000

The construction of a bridge to take the place of the present P Street Bridge across Rock Creek is required to provide for the Rock Creek Parkway.

Watts Branch Valley storm-water sewer $950,000

Watts Branch Valley extends easterly from the Anacostia River through Deanwood, and this stream drains a large watershed located partly in the District and partly in Maryland. The stream traverses private property through the major part of its length and is located through a very flat section of the District. Freshet conditions cause this stream to rise out of its banks, inundating large areas of adjacent property.

This valley, with the exception of Rock Creek, is the largest one traversing the District, and to control that portion of the stream which lies within the District would require the construction of over 3 miles of conduit varying in size from 12 to 15 feet in span.

As to whether this important storm-water conduit should be given open treatment or a closed-conduit construction, is still a mooted question, and before final decision is reached the National Capital Park and Planning Commission will be requested to study this situation.

Sewage-treatment works $2,250,000

At the present time all District sewage is discharged in a more or less crude state directly into the Potomac River at a point some 3 miles below Haines Point.

Any impurities, such as sewage, which are discharged into a body of water become purified by oxidation. In the process of oxidation oxygen existing in the water is consumed, and if too much of this oxygen is consumed from the water fish life is destroyed, in that their life depends upon the water-carried oxygen, without which they would suffocate.

The commissioners, being cognizant of this fact, have visualized for some years that eventually further treatment must be given to the District sewage before same is discharged into the Potomac River; and with this in view they have within the past few years acquired a considerable tract of land in the vicinity of Blue Plains as a site for a future sewage-treatment plant. This site is located at the extreme southern point of the District, which is the only strategic location to which all the sewage of the District may be discharged by gravity.

Before venturing upon an expenditure of this magnitude, the commissioners propose to make a request of the Public Health Service that they conduct a survey of the lower Potomac to determine what degree of purification the sewage must undergo at this time. Moreover, the commissioners have in mind that before actually making expenditures for these works they would request authority for appointing a commission of well-known sanitary engineers to make a detailed study, with report, as to the best type of treatment works to install.

Key Bridge approach $200,000

Certain desirable improvements should be made in the north approach to the new Francis Scott Key Bridge, to the end that the "bottle-neck" situation which now arises under heavy traffic conditions may be eliminated and a more adequate approach to the bridge proper may be provided.

National Zoological Park $1,145,000

This is an estimate of improvements recommended by the Director of the National Zoological Park and includes provision for the construction of new exhibition buildings for animals and birds, remodeling of and additions to exhibition buildings, open barless pit for polar bears, monkey pit, three stone-arch entrances to the park, and a fence around the park.

Public buildings and public parks $4,501,600

This is an estimate of improvements recommended by the Director of Public Buildings and Public Parks of the National Capital, and includes provision for construction of two additional bathing pools, $900,000; Meridian Hill Park, $400,000; Rock Creek and Potomac Parkway, roads and bridges, $2,000,000, and sea wall, $180,000; repairs to Tidal Basin wall, $7,500; East Potomac Park, walks, $13,000, and widening roads, $65,000; lighting around reflecting pool, Lincoln Memorial, $6,100; and improvement of the Mall, Second to Fifteenth Streets, $930,000.

National Capital Park and Planning Commission $15,000,000

To carry out a desirable plan of development of the National Capital during the next five years it is estimated that the above sum will be required by the National Capital Park and Planning Commission.

Total of desirable improvements	$29,209,200
Total of necessary improvements	53,902,000
Total	83,111,200

DEPARTMENT OF AGRICULTURE APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

Mr. WILLIS. Mr. President, because I shall be unable to be in the Chamber to-morrow when the Agricultural appropriation bill is under consideration, I proceed perhaps somewhat out of order, because the bill has not yet been read officially, as I am advised. But I nevertheless want to direct the attention of the Senate to certain provisions in the bill and to an amendment which I have already offered and asked to have printed, lie on the table, and which I trust may be called up by some one else in my absence.

The amendment relates to the provisions found on page 19 of the bill, a portion of which I read:

Provided further, That out of the money hereby appropriated no payment as compensation for any animal condemned for slaughter shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; that in no case shall any payment hereunder be more than $25 for any grade animal or more than $50 for any purebred animal, and that no payment shall be made unless the owner has complied with all lawful quarantine regulations.

That is in the bill as it stands. The amendment I have offered proposes to add, at the end of line 22, on page 19, after the word "regulations," the following language:

Provided further, That out of the money hereby appropriated no payment as indemnity shall be made for any animal condemned for slaughter if the indemnity value of such animal is fixed by any arbitrary maximum, or is not arrived at by some well-recognized and equitable method of appraisal.

Mr. President, I desire to explain the difficulty sought to be remedied. I have here a compilation which I have procured to be made and which I shall ask to have printed at the close of my remarks. It is a summary of the State laws regarding the payment of indemnity in cooperation with the United States Government for cattle slaughtered on account of tuberculosis. I ask that this may be printed at the close of my remarks.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

(See Exhibit A.)

Mr. SWANSON rose.

Mr. WILLIS. Does the Senator desire to interrupt me?

Mr. SWANSON. No; not at all.

Mr. WILLIS. I thought the Senator desired to do so, because I know that his colleague, the junior Senator from Virginia [Mr. GLASS], is very much opposed to any appropriation on this subject, feeling that it is a futile expenditure and an unwise use of public money. I do not join whatever in that feeling.

Mr. SWANSON. No, Mr. President; I did not know what subject the Senator was discussing. I have just entered the Chamber.

Mr. WILLIS. An examination of the State laws shows that the regulations in the different States and the requirements of the statutes of the several States are quite different in this respect. The unfairness that we seek to correct by the amendment can be illustrated by a case which I shall cite. I cite one that is brought to my attention by one of my constituents in a certain township in Ohio not necessary to name.

Some eight or nine hundred head of cattle were condemned as tubercular and ordered slaughtered. In another township a large number of cattle had also been ordered slaughtered. This is particularly true in the northeastern section of the State. The Ohio law known as the Riggs law gives the State agricultural department the right to condemn and slaughter cattle.

It also provides the method of appraisal; that is to say, the value of the condemned animal is to be determined by one appraiser selected by the owner, one by the State board of agriculture, and in case of dispute between them a third appraiser selected at the owner's expense. If the payments were made upon the basis of the appraisal so determined by the board authorized to act according to law, there would be no objection, but the difficulty about the matter is, and I assume it is a difficulty experienced in other States, that the State board of agriculture, operating under an authority which is seriously questioned in the courts, fixes an arbitrary limit to the amount that can be paid for the slaughter of any animal.

To what sort of results does that lead? I have several cases to which I shall call attention very briefly. A person whom I know purchased a herd of dairy cattle and was only able to pay down a small part of the purchase price. He gave a chattel mortgage back for the balance of the purchase price and then worked two years, and at the end of two years had greatly reduced his mortgage indebtedness on the herd. The entire herd was then condemned, ordered slaughtered, and, under the rule which obtains in our State, he did not receive enough to pay the balance due on the chattel mortgage. The result is that he lost what he paid out on the purchase price, lost two years of hard work, his herd is gone, and he still owes a balance on the mortgage indebtedness.

The thing I am complaining about is that this action is taken for the benefit of the public, for the protection of the public health. There is no reason, in my judgment, why the burden should be placed on the shoulders of the man who for the time being happens to own the herd. The cattle are destroyed in order to benefit the public. Then, why should we have a limitation that amounts practically to confiscation of the man's property? In my judgment, before the matter is finally determined it will be found that the courts will hold that it is confiscatory. My correspondent advises me of another case:

A farmer called on me only yesterday, who had his entire herd of 17 head condemned. There was a chattel mortgage on the herd and he did not receive money enough from the State to pay what he owed on the mortgage.

What I am asking through my amendment is simply that the amount to be paid shall be determined by a board of appraisers. We do that way with any other kinds of property. If the Government is to condemn real property, for example, for its use, we have some sort of a jury to pass upon the matter. Under the eloquent leadership of the distinguished and able Senator from Washington [Mr. JONES], whom I see in his seat, we passed just a little while ago a great bill providing on its face for an authorization of an appropriation of $325,000,000. Before we get through with the proposition covered by his bill there will be probably an authorization of $200,000,000 more necessary. Under the persuasive eloquence of the Senator from Washington we passed that bill, very properly, in a comparatively short period of time. His bill provides that where property is taken for the public use there shall be, as I recall it, a board of three members to estimate the value of the property.

That is very well, and we are asking for a similar provision here. The Government is taking this man's property, his cattle, and in effect is devoting the property to the public use. The Government is destroying the cattle to protect the public. My amendment provides that the decision of that board of appraisal shall be final and that, as the amendment states—

out of the money hereby appropriated no payment as indemnity shall be made for any animal condemned for slaughter if the indemnity value of such animal is fixed by any arbitrary maximum or is not arrived at by some well-recognized and equitable method of appraisal.

There is no reason why cattle which are condemned and slaughtered should not be paid for upon a fair basis of appraisal, just as other property is paid for when it is taken and used by the Government for a public purpose.

Therefore I hope, Mr. President, though I shall not be able to be present when the item is presented, that the amendment may be called up by some other Senator, so there may be a vote upon it.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. WILLIS. I yield.

Mr. HEFLIN. The Senator might well have called attention to the fact that the foot-and-mouth disease affected many cattle in Texas and other States, and the Government, where it condemned those cattle, paid for them in every instance where they were slaughtered.

Mr. WILLIS. I thank the Senator for the suggestion. That is exactly what I am asking for in my amendment, that where a thing is done for the benefit of the public, the public shall pay for it and not the individual who owns the property and who, under the present practice, is compelled to suffer the loss.

EXHIBIT A

MARCH, 1928.

STATE LAWS REGARDING THE PAYMENT OF INDEMNITY IN COOPERATION WITH THE UNITED STATES GOVERNMENT FOR CATTLE SLAUGHTERED ON ACCOUNT OF TUBERCULOSIS

Alabama: No indemnity.

Arizona: No limit to appraisal. Salvage goes to the owner. State pays one-third of difference up to $25 for grades and $50 for purebreds.

Arkansas: No indemnity.

California: No indemnity.

Colorado: No limit to appraisal. Owner receives salvage. State pays one-third of the difference up to $25 for grades and $50 for purebreds.

Connecticut: No limit to appraisal. Owner receives the salvage. State pays up to $100 for a grade and $125 for a purebred.

Delaware: No limit to appraisal. Salvage goes to owner. State pays one-third of the difference up to $125 for a grade and $150 for a purebred.

Florida: No limit to appraisal of purebred cattle, but State payment limited to $100 and to not more than two-thirds difference between appraisal and salvage. Grade cattle are appraised at 4 cents per pound, live weight, and State payment limited to two-thirds difference between appraisal and salvage. Owner receives salvage.

Georgia: County pays on same basis as Federal Government.

Idaho: No limit to appraisal. Owner receives the salvage. State pays one-third the difference up to $25 for a grade and $50 for a purebred.

Illinois: No limit to appraisal. Salvage goes to owner. State pays one-third of difference up to $25 for a grade and $50 for a purebred.

Indiana: No limit to appraisal. Owner receives salvage. State pays one-third of the difference up to $40 for a grade and $80 for a purebred.

Iowa: No limit to appraisal. Owner receives salvage. State pays one-third of difference between appraised value and salvage not to exceed $50 for grades or $75 for purebreds.

Kansas: No limit to appraisal. Claims are paid under two methods, as follows:

(1) Salvage goes to owner. County pays one-third of difference up to $25 for a grade and $50 for a purebred.

(2) Salvage goes to the county. County pays one-half of the appraised value.

Kentucky: No limit to appraisal. Owner receives the salvage, and the State pays enough to make the State's payment, plus the salvage, equal three-fourths of the appraised value. State can not pay more than $100 for grades or $200 for purebreds.

Louisiana: Appraisal limited to $50. Salvage goes to owner. State pays one-third of the difference between appraised value and salvage.

Maine: No limit to appraisal. Salvage up to $50 goes to State. All salvage over $50 goes to owner. State pays up to $75 for grades and $150 for purebreds.

Maryland: Appraisal limited to $75 for grades and $150 for purebreds. Salvage goes to owner. State pays one-third the difference up to $25 for grades and $50 for purebreds.

Massachusetts: No limit to appraisal. Salvage goes to owner. State pays one-third of the difference up to $25 for grades and $50 for purebreds.

Michigan: No limit to appraisal. Salvage goes to the owner. State pays one-half of appraised value up to $30 for grades and $60 for purebreds.

Minnesota: Appraisal limited to $150 for purebreds and $60 for grades. Salvage goes to owner. State pays one-third difference.

Mississippi: No limit to appraisal. Owner receives the salvage. County pays not to exceed two-thirds of the difference up to $75 for grades and $125 for purebreds.

Missouri: No limit to appraisal. Owner receives the salvage. State and county each pay one-sixth of the difference between the appraised value and the salvage, combined amounts not to exceed $25 for grades and $50 for purebreds.

Montana: Appraised value is value shown by last assessment, not to exceed $500. State and county each receive one-half the salvage. State and county each pay equal amounts of indemnity. Owner shall not receive more than 75 per cent of the assessed valuation, except when no lesions are found on post mortem examination, in which case he receives full assessed value.

Nebraska: No limit to appraisal. Owner receives the salvage. State pays one-third the difference up to $15 for grades and $30 for purebreds.

Nevada: No limit to appraisal. Owner receives the salvage. State pays up to $75 for grades and $200 for purebreds. Owner shall not receive a total of more than 75 per cent of the appraisal, including State, county, municipal, and United States indemnity and insurance.

New Hampshire: No limit to appraisal. Owner receives the salvage. State pays up to $40 for grades and $100 for purebreds.

New Jersey: No limit to appraisal. Owner receives the salvage. State pays one-third the difference up to $50 for grades and $100 for purebreds.

New York: No limit to appraisal. Owner receives the salvage. State pays up to 90 per cent of appraised value, not to exceed $90 for grades or $150 for purebreds.

North Carolina: No limit to appraisal. Owner receives the salvage. State pays one-third the difference up to $25 for grades and $50 for purebreds.

North Dakota: Appraisal limited to $60 for grades 2 years old or over, $30 for grades less than 2 years old, $150 for purebreds 2 years old or over, and $75 for purebreds less than 2 years old. Owner receives the salvage. State pays up to one-third the difference between the appraisal and salvage. When no Federal funds are available, State pays one-half of the difference between appraisal and salvage.

Ohio: No limit to appraisal. Owner receives the salvage. State pays one-third of difference up to $25 for grades and $40 for purebreds.

Oklahoma: No limit to appraisal. State pays one-half difference between appraisal and salvage, not to exceed $25 for any animal, purebred or grade. Owner receives salvage.

Oregon: No limit to appraisal. State and county share indemnity equally; total being limited to $10 for grade cattle and $25 for purebred cattle. The State and county payment shall not be more than one-third of the difference between the appraisal and the salvage. Salvage goes to the owner.

Pennsylvania: No limit to appraisal. Owner receives the salvage. State pays up to $40 for grades and $70 for purebreds, State payment and salvage not to exceed 90 per cent of appraised value.

Rhode Island: No limit to appraisal. Owner receives salvage. State pays up to $75 for grades and $100 for purebreds.

South Carolina: Appraisals limited to $75 for grades and $150 for purebreds. Owner receives the salvage. State pays one-third the difference between appraised value and salvage. Animals must be at least six months old.

South Dakota: No limit to appraisal. Owner receives the salvage. State pays one-third the difference up to $25 for grades and $50 for purebreds.

Tennessee: No limit to appraisal. Salvage goes to the owner. State pays one-third the difference up to $50 for grades and $100 for purebred animals.

Texas: No limit to appraisal. Salvage goes to the owner. State pays one-third the difference between appraisal and salvage up to $25 for grades and $50 for purebreds.

Utah: No limit to appraisal. Salvage goes to owner. State pays amount of the difference between the appraisal and salvage less the United States payment.

Vermont: Appraisal limited to $85 for grades and $125 for purebreds. Owner receives the salvage. State pays one-fourth the difference up to $25 for grades and $50 for purebreds.

Virginia: New law effective June 17, 1928, provides no limit to appraisal and owner receives salvage. State pays one-third difference between appraisal and salvage up to $50 for purebreds and $25 for grades.

Washington: No limit to appraisal. Owner receives the salvage. State pays one-third the difference up to $25 for grades and $50 for purebreds.

West Virginia: Appraisal limited to $100 for grades and $300 for purebreds. Owner receives the salvage. If the carcass is passed for food, the State, county, and Federal Government, each paying the same amount, pay enough to give the owner 80 per cent of the appraised value less the salvage; if the carcass is condemned they pay enough to give the owner 40 per cent of the appraised value. If no lesions are found on post-mortem the owner receives the full appraised value.

Wisconsin: No limit to appraisal. Owner receives the salvage. State pays one-fourth of the difference up to $20 for grades and $45 for purebreds.

Wyoming: No limit to appraisal, but owner shall not receive more than the assessed value as shown by the last assessment, including salvage, Federal and State payments.

Alaska: Appraised value limited as follows: First division, $175; second and third divisions, $200; fourth division, $250. Owner receives salvage. Territory pays two-thirds of the difference between appraisal and salvage, but this includes amount paid by Federal Government.

Hawaii: No limit to appraisal. Owner receives the salvage. Territory pays not to exceed $100 for purebred cattle and $50 for grade cattle. In cases of no visible lesions of tuberculosis, the maximum is $350 for purebreds and $250 for grades.

PHOSPHORIC ACID AND ACID PHOSPHATE

Mr. SACKETT. Mr. President, on Friday, March 9, of the present session I addressed the Senate on the subject of Muscle Shoals in advocacy of a plan proposed in an amendment of the Norris Joint Resolution 46. Immediately after I had finished and left the Chamber I find that the Senator from South Carolina [Mr. SMITH] took exception to the accuracy of information I had given the Senate on the need of improved methods for manufacturing phosphoric acid in order to lower the cost of what I said was an essential element in the production of concentrated chemical fertilizer.

What I actually said was:

There is another feature to this whole fertilizer problem to be considered in the disposition of Muscle Shoals.

In order to make a successful plant food you have to combine three elements. We talk here in the Senate only about taking nitrogen from the air. Nitrogen is only about 25 or 30 per cent of the total requirements of a plant food that will make the farms produce these tremendous quantities. You have to combine that with a phosphoric acid. That is a different material from the ordinary acid phosphate of the trade to-day. As nearly as I can find out, the scientists believe that the production of phosphoric acid to-day is very much more expensive than it need be if we can experiment and study new methods of production for phosphoric acid. The experts that I have read after tell me—and I do not set up my own opinion at all, because I think we must follow the men who have been educated in those lines—that the excessive cost of phosphatic acid to-day comes from the fact that it has not been needed heretofore in great quantities, and the need of cheap production has not been pressing upon the industry; that the cost of production of phosphoric acid to-day warrants the assumption that by competent study and experiment it can be reduced materially, and it forms a large portion of the cost of concentrated fertilizer.

It will be observed that I called attention to the fact that the acid of which I was speaking was a different material from the ordinary "acid phosphate" of the trade and that I offered the testimony of experts and not my own information in support of the assertion.

The Senator from South Carolina, I am confident, could not have caught the facts I was bringing to the attention of the Senate, for he immediately declared:

The Senator from Kentucky spoke about phosphoric acid and the processes that are now being developed for the concentration of it. I want to state here and now that there is not a practical farmer in America who uses fertilizer who will not testify that there is in this country all the phosphoric acid we want, obtainable at a price that is entirely reasonable, and the supply is unlimited and practically inexhaustible.

There are the phosphate rocks of Tennessee, there are the phosphate rocks of Florida, there are the phosphate mines of South Carolina. The amount of phosphoric acid is practically unlimited, and with hardly any cost, except for transportation, and the mere mechanical method of treating the phosphate rock with sulphuric acid, which produces all the phosphoric acid we need. I can get it to-day, manufactured at Charleston and delivered in the territory 90 to 100 miles away, for $9 and $10 a ton.

And, again, after elaborating upon his theme, he added:

But I want to get back to what the Senator from Kentucky said. I hope he will correct his speech where, if I understood him correctly, he said the greatest desideratum was to get phosphoric acid. Mr. President, the cheapest and most unlimited form of fertilizer known to agriculture is phosphoric acid. One can get all he wants of it in any per cent he wants in unlimited supply. All that is necessary to be done is to grind the rock rich in phosphate, treat it with sulphuric acid, and the resultant product is phosphoric acid. It is not even necessary to get a container, but the rock when it is ground, after it absorbs the sulphuric acid, is converted into phosphoric acid. The manufacturers just grind up the rock, let it stand a while, then dump the dust into big tanks, mix the sulphuric acid with it, and then put it in a sack and ship it. Nature has very nearly done the whole work herself.

I do not want to enter any controversy on this technical subject, as the exact meaning of the words used in any scientific discussion is a difficult analysis in this forum. I do not, however, wish to rest under the imputation of having spoken either inaccurately or carelessly.

It should be evident that I was interested in a highly refined quality of phosphoric acid, while the material of which the Senator spoke was the acid phosphate in commercial use.

To emphasize the fact that much needs yet to be done to cheapen the production of that quality of phosphoric acid that ought to be used in neutralizing and rendering stable the ammonia gas for the nitrogen content of the chemical fertilizer I suggest to the Senator, as fully sustaining the position for which I was arguing, an article published by the United States Department of Commerce entitled "Fertilizers—Some New Factors in Domestic Fertilizer Production and Trade," by Harry A. Curtis, special agent, Bureau of Foreign and Domestic Commerce. (Bulletin No. 372, November, 1925.)

The author, who was an investigator for the department, is, I am told, also a professor at Yale University and an authority on his subject. In the course of his article, he says:

The impression prevails that because cheap production of ammonia by the new synthetic process appears to be assured, the cheap production of nitrogenous fertilizers necessarily follows. It must be remembered that ammonia is a gas and not a fertilizer. To be available for fertilizer use the ammonia must be neutralized with an acid or converted in some other way to a solid product. Sulphuric acid is commonly used, and is a relatively cheap acid. As already pointed out, however, ammonium sulphate is already being made in this country in such quantity that the fertilizer industry can not absorb all of it. There would be no great gain, from the standpoint of agriculture, in converting cheap synthetic ammonia to ammonium sulphate. On the other hand, if any of the newer methods of making phosphoric acid lower its cost to that of the equivalent amount of acid phosphate, then the manufacture of ammonium phosphate will assume a place of great importance in the fertilizer industry.

And again he says, at page 17, paragraph F:

It has been recognized for some time that the cheap production of phosphoric acid is a matter of very considerable importance, both for the general chemical industry and for fertilizer use. If phosphoric acid could by any method be produced at a cost which would permit its general use in the manufacture of fertilizers, there would be presented at once a number of interesting possibilities * * *. Likewise it would become one of the logical means of converting the ammonia manufactured by air-nitrogen plants into an agricultural fertilizer, a point particularly important in view of the fact that of the various nitrogen-fixing processes the synthetic-ammonia process appears to be the one most likely to be generally successful under American conditions.

In view of the authority above quoted, as well as a result of conversations recently had with Doctor Cottrell, of the Government nitrogen laboratory, since the controversy to which I refer, I am constrained to insist that the suggestion contained in my address is amply sustained and not subject to just criticism of the Senator from South Carolina.

EXECUTIVE SESSION

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Thursday, March 29, 1928, at 12 o'clock meridian.

CONVENTION BETWEEN THE UNITED STATES AND MEXICO SAFEGUARDING LIVESTOCK INVESTMENTS

In executive session this day the following convention was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention concluded between the United States and the United Mexican States on March 16, 1928, for the purpose of safeguarding the livestock interests of the two countries through the prevention of the introduction of infectious and contagious diseases.

CALVIN COOLIDGE.

THE WHITE HOUSE,
March 19, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention concluded between the United States and the United Mexican States on

March 16, 1928, for the purpose of safeguarding the livestock interests of the two countries through the prevention of the introduction of infectious and contagious diseases.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, March 16, 1928.

The Government of the United States of America and the Government of the United Mexican States, being desirous to safeguard more effectually the livestock interests of their respective countries through the prevention of the introduction of infectious and contagious diseases, have, for that purpose, agreed to conclude a Convention, and have to that end appointed as their respective plenipotentiaries:

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the United Mexican States, His Excellency Señor Don Manuel C. Téllez, Ambassador Extraordinary and Plenipotentiary of the United Mexican States at Washington;

Who, having exhibited to each other their respective full powers, which were found to be in good and due form, have agreed upon the following Articles:

ARTICLE I

The High Contracting Parties agree to maintain at designated border and sea ports authorized for the importation of animals an adequate livestock sanitary police service to guard against the introduction of animals affected with or exposed to contagious disease, and to notify each other at least ten days in advance whenever a port is to be closed or a new one is to be opened. In case of livestock imported or in bond the official veterinary inspectors of either country are authorized to make inspections, supervise dippings, and apply the necessary tests upon either side of the border as may be convenient.

ARTICLE II

Quarantine stations shall be maintained by the High Contracting Parties at designated border and sea ports for animals imported from foreign countries. Such animals shall be kept under observation and subjected to tuberculin, mallein, blood, or other tests as may be necessary for the diagnosis of disease.

ARTICLE III

The High Contracting Parties agree to supervise the sanitary handling of animal by-products, forage, and other commodities offered for importation that may be carriers of infectious and contagious diseases and to prohibit the importation of forage or other articles accompanying livestock affected with such diseases or suspected of being so affected.

ARTICLE IV

The appropriate authorities of each of the High Contracting Parties shall incorporate in their regulations the necessary measures governing the disinfection of vessels and all kinds of vehicles used in the transportation of animals and of the quarantine stations or other premises occupied by animals affected with dangerously acute and rapidly spreading contagious diseases such as foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and hog-cholera.

ARTICLE V

The competent officials of each of the High Contracting Parties shall prescribe the form and requirements of the permit and certificates to be presented as evidence that the animals are eligible for importation; of the manifests, bills of lading and other papers to be submitted by importers, captains of vessels, or others in charge of live stock offered for importation; and of the records to be kept by the veterinary officials at the ports of entry.

ARTICLE VI

The form and requirements of certificates which shall accompany shipments of animal by-products, hay, straw, and other imported commodities shall be specified by the duly authorized officials of each of the High Contracting Parties.

ARTICLE VII

It is agreed that an efficient veterinary live stock sanitary police service shall be maintained under the Department of Agriculture in the United States and the Secretaria de Agricultura y Fomento in Mexico to combat infectious, contagious, or parasitic diseases of live stock.

ARTICLE VIII

The live stock sanitary officials shall define the specific territory in their respective countries in which any contagious or infectious disease exists and shall indicate zones which may be considered as exposed, in order to prevent the propagation and dissemination of the infection of such disease.

ARTICLE IX

The High Contracting Parties shall not issue permits for domestic ruminants or swine originating in any foreign countries or zones where highly infectious and rapidly spreading diseases such as foot-and-mouth disease and rinder-pest appear frequently, until at least sixty days have elapsed without any outbreak of the disease in such countries or zones. When a disease of this kind occurs in any part of a foreign country any other part of the same country shall be considered as exposed until the contrary is positively shown, that is, until it is shown that no communication exists between the two parts by which the disease may be readily transmitted. When such a disease occurs near the land border of a foreign country the neighboring part of the adjacent country shall be considered as exposed until the contrary is positively shown.

ARTICLE X

It is agreed that the respective governments shall notify each other promptly, through the usual diplomatic channels, of the appearance and extent of seriously acute, contagious diseases. In the case of outbreaks of diseases of this character not recently existing in either country information may be transmitted immediately in the most expeditious manner.

ARTICLE XI

The High Contracting Parties agree to exchange the official regulations, periodicals, and other publications that may come out in their countries on the subject matter of this Convention and information concerning changes and substitutions which may be developed in the methods of prophylaxis, control, and care of animal diseases; and also to establish an interchange of students and experts and visits of representatives of the respective governments, for the purpose of studying and observing on the ground methods of control and eradication of such diseases as may break out in the territory of either of the nations.

ARTICLE XII

Special regulations shall be issued by each of the High Contracting Parties governing the movement of live stock between the respective countries. These regulations shall specify in each case the veterinary sanitary police measures applicable.

ARTICLE XIII

Certificates of inspection and testing of live stock, issued by duly authorized veterinarians of either country, shall be accepted as proof that such inspection and testing have been made; but, in any case of the offer of live stock for importation into either country, the issuance of such certificate shall not preclude further tests of such animals, or further investigation with respect thereto, to determine their freedom from or exposure to disease, before entry is permitted.

ARTICLE XIV

This Convention shall be ratified, and the ratifications exchanged at the city of Washington as soon as possible.

The Convention shall come into effect at the date of publication in conformity with the laws of the High Contracting Parties, and it shall remain in force until 30 days after either party shall have given notice to the other of a desire to terminate the Convention.

In witness whereof, they have signed the present Convention and have affixed thereto their respective seals.

Done in duplicate, in the English and Spanish languages, at the City of Washington, this sixteenth day of March, one thousand nine hundred and twenty-eight.

[SEAL] FRANK B. KELLOGG
MANUEL C. TÉLLEZ [SEAL]

CONFIRMATIONS

Executive nominations confirmed by the Senate March 28 (legislative day of March 27), 1928

WAR CLAIMS

Edwin B. Parker to be arbiter.

COLLECTOR INTERNAL REVENUE

Harold C. Hill to be collector, district of Hawaii.

PUBLIC HEALTH SERVICE

Ralph Gregg to be assistant surgeon.

POSTMASTERS

ALABAMA

Alvin E. Caudle, Brilliant.
Allie L. Boutwell, Flomaton.

IDAHO

Russ H. Merriman, St. Joe.

MISSISSIPPI

Lee Gray, Corinth.

OREGON

Celia M. Tozier, Rainier.

WISCONSIN

Charles R. Swanson, Suamico.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 28, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Of all this wondrous world, O merciful Lord, Thou art the light and the life. The glow of the day and the starlit night are reflections from Thee. Before Thee there is not just one nation nor one people—all are Thine. Let no one look upon his fellow men with contempt. Bless us with a charity that includes all men regardless of rank. Give us compassionate hearts, dear Father, that move with the sufferings and the misfortunes of others, and may we keep the unity of the Spirit in the bond of peace. Be at the doors of our souls all the day through, whispering to be pure and true is to succeed in life. We are happy that we are where we are; and do Thou help us to be faithful colaborers with Thee for the sake of our country and for the blessing of humanity. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADMINISTRATION OF OATHS BY CERTAIN CUSTOMS OFFICIALS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 253, reported by the Committee on Ways and Means.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 253) authorizing certain customs officials to administer oaths

Resolved, etc., That any officer or employee of the customs service designated by the Secretary of the Treasury or by a collector of customs is hereby authorized to administer any oath required or authorized by law or regulation promulgated thereunder in respect of any matter coming before such officer or employee in the performance of his official duties, but no compensation or fee shall be demanded or accepted for administering any such oath.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

OLD-AGE PENSION

Mr. BERGER. Mr. Speaker, I ask unanimous consent to extend in the RECORD my own remarks on the old age pension bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BERGER. Mr. Speaker and gentlemen, on February 27 of this year, I presented to the House a bill (H. R. 11474) providing for the establishment of a system of old-age pensions by which every person 60 years of age or over without means of support would receive from the Federal Government a pension of $12 per week.

That bill was introduced for the purpose of meeting one of the major evils of the present industrial system, where after the labor of a lifetime a wage earner or a farmer finds himself facing old age in want, and of meeting it in a way that will not degrade the beneficiary, as is the case where it is done by public or private charity.

WHY A PENSION IS JUSTIFIED

The principle of paying a pension to those who have rendered service to their country is not new. We pay pensions to the veterans of our wars, and we do so because we realize that soldiers perform a duty on the field of battle which is dangerous to life and limb, and that they perform that service for what is believed to be for the good of the country.

If service to the country, however, or the dangers incident to such service, justify the granting of a pension to a war veteran—they also justify paying a pension to the veteran of industry whose service is far more necessary and infinitely more useful.

MORE DANGEROUS THAN WAR

Under our present industrial system, where it is often cheaper to expose the workers to injury and death than install safeguards which will prevent accidents—service in the factory, in the mine, and on the railroads—is attended with as much danger frequently as it is on the field of battle. More people are killed in our industries than in our wars.

And more people are crippled in our industries than in our wars.

TWICE AS MANY KILLED AND INJURED IN ONE YEAR

The Bureau of Labor Statistics of the Department of Labor reports that in 21 States out of 48 there were no less than 599,781 killed or injured in a single year, in 1920—more than twice as many in one year than were killed and wounded as a result of our participation in the World War.

And in one State—Pennsylvania—there were 1,136,000 killed or injured in industry during a period of six years, 1916 to 1921.

If, therefore, the right to a pension depends upon the risks that one takes, the veteran of industry is no less entitled to a pension when he becomes too old to work than is the veteran of war.

THEIR LABOR MAKES CIVILIZATION POSSIBLE

Or if the right to a pension is to be determined by the service one renders his country, the veteran of industry again is no less entitled to a pension in old age than the veteran of our wars. A man or woman who has labored for 20 years or more, receiving in return for his or her labors a small share of the wealth created, has contributed more to society than any pension in old age can repay.

It is their labor which makes civilization possible for all, and more especially for the rich.

THE EXAMPLE OF OTHER COUNTRIES

Besides, the question is not whether society will take care of the man who has given all he has had the major portion of his life, but whether it will do so through public and private charity, which is costly to the community, inefficient, degrading to the recipient, and destructive of the home—or whether it will be done by the Government, systematically, economically, and decently.

Other countries in which the Socialist Party is strong enough to compel consideration of the problems of the worker, and where the ruling class finds itself facing an intelligent and well-organized working class, have not only decided that the superannuated worker would be taken care of in his old age but that he would not have to become the object of charity, public or private.

PATERNALISM? WELL, HOW ABOUT THE HIGH TARIFF, ABOUT LAND GRANTS, ETC.?

Newspapers which have commented on my bill since its introduction brought forth the usual argument that this was a form of "paternalism" which should be shunned at all hazards because it is contrary to the "genius" of our institutions; and, besides, it is unnecessary, for if there are any in old age who face the poorhouse it is due to a lack of thrift in their younger years or to a wanton and reckless disregard of the future.

The "paternalistic" issue is raised whenever any measure is offered which proposes to give to the great mass of the people some small part of the special privileges which the ruling class of our country has enjoyed from the beginning, and which it receives to-day in the form of tariff protection—subsidies, land grants, and the like.

HOW ABOUT PATERNALISM TO SUPERWEALTHY?

The use of the government and the powers of government to enrich the monopolists is not, in the eyes of these editors, paternalism.

Returning to the superwealthy hundreds of millions of dollars paid in taxes every time Congress meets is not, in their opinion, paternalism.

The granting of millions of acres of land to railroad companies, and enabling those railroads to charge excessive rates, never seemed to them to be paternalism.

PATERNALISM ONLY BAD WHEN IT HELPS THE POOR?

But when it is proposed to aid the farmers through some sort of relief legislation there is an immediate hue and cry that the farmers seek to make this Government paternalistic.

And when it is proposed that the Government—which has used its powers, derived from all the people, to benefit a handful

who now control the Nation's basic industries—help out the hundreds of thousands of people who on the evening of their lives must face the poorhouse, the same cry is made.

SOME FIGURES ABOUT A WORKMAN'S BUDGET

The other argument made against my proposal is that, if the worker were thrifty, steady, and honest, he would not be in want in old age. No better refutation to that need be offered than the one which the Federal Government has provided by its own official figures.

The Bureau of Labor Statistics has prepared a budget which it states enables a "minimum of health and decency." The average cost in several cities of this minimum budget in 1919 was found to be $2,262.47 for a family of five.

This budget is modest. It would provide the following:

1. Nourishing food.
2. Houses in low-rent neighborhoods and within the smallest number of rooms consistent with decency (about four rooms and bath).
3. The upkeep of household equipment, but with no provision for the purchase of additional furniture.
4. Clothing sufficient for warmth, "but with no more regard for style than would permit one to appear in public without slovenliness or loss of self-respect."

THE "LUXURIES" HE IS PERMITTED UNDER THIS BUDGET

Under this budget there is allowed one woolen suit, one woolen dress, and one winter hat every second year, but there is no provision for silk stockings or dresses, and no house slippers.

The family could spend $80 a year for doctor, dentist, and oculist; $20 a year for amusement and recreation, and that, of course, leaves a vacation in the country out of the question; $10 for union dues, $13 for church and religious organizations; and $52 for incidentals.

A small allowance was made for insurance and car fare, but practically none for saving, either for periods of unemployment, or for old age, or for sickness which might go beyond the $80 allowed annually in the budget.

LESS THAN ENOUGH TO LAY BY ANYTHING

In 1926 the bureau prepared another budget, raising the amount required for a family of five in any large city, to $2,432.39 a year.

At the same time reliable statistics show that fully 76,000,000 people had an average income in the same year of $2,300—less than the amount considered by the Bureau of Labor Statistics necessary for a "minimum of health and decency"—less than is absolutely essential for the modest budget prepared by the bureau—less than enough to lay by anything for the time when old age will make him useless as a worker.

How, then, with the very best of intentions, with the utmost thrift, with steadiness in employment, can the workers—these 76,000,000—avoid facing old age in want?

SMALL BUSINESS MAN ALSO IN GREAT DANGER

The situation so far as the average business man is concerned is not much better. Among the hundreds of letters that have come to my office since the introduction of the bill calling attention to the plight in which people 65, 70, 75, and 80 years of age find themselves, there were some from business men who thought a few years ago that they would not face starvation in old age, but who were suddenly thrown from the high horse on which they had been riding, and now find themselves as destitute as the poorest among the working class.

In the case of these business men it may have been an accident, but as big business acquires a greater degree of control, as corporations continue to displace the small dealer, and wealth continues to concentrate in ever fewer hands, the middle class, so called, will require more of this relief than those who are in it now imagine possible.

DEPENDENCY OF OLD FOLKS GROWING WORSE

But in the case of the workers' and farmers' insecurity in old age is no accident. It is practically certain.

There are now approximately 2,000,000 aged people in the United States dependent upon others for part or entire support. This problem will grow more acute with the years.

The cutting off of employment possibilities when one enters his forties or fifties—and the increase in the span of life made possible by science—creates a long stretch of dependency, which will grow longer as time goes on.

PRESERVE THE HOME—ENACT THIS BILL

It is cruel and unjust to expect charity and the poorhouse to provide the necessary relief.

We can preserve the home when it means most to these elderly people, and do so more economically and efficiently than it is done to-day, by enacting an old age pension bill.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, several Members have called up to inquire when we were going to take up the various rules which I introduced yesterday. We intend to take up on Thursday, to-morrow, after the reading of the Journal and the disposal of routine business on the Speaker's table, the rule providing for the consideration of three bills from the Committee on Immigration and Naturalization. Later in the afternoon, if there should be time, we might take up the rule relating to the consideration of the bill concerning Howard University. On Saturday we want to take up, the first thing, the rule for the consideration of the import rubber bill. That may take all the afternoon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 367. An act to authorize the settlement of the indebtedness of the kingdom of the Serbs, Croats, and Slovenes; and

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.

The message also announced that the Senate had passed the bill (H. R. 8126) entitled "An act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of 'An act to establish the Mount McKinley National Park, in the Territory of Alaska,' approved February 26, 1917," with the following amendment to the title:

Amend the title so as to read: "An act to repeal the proviso of section 6 and the last proviso of section 7 of 'An act to establish the Mount McKinley National Park, in the Territory of Alaska,' approved February 26, 1917."

The message further announced that the Senate had passed the following bills, in which the concurrence of the House of Representatives was requested:

S. 459. An act for the relief of the city of New York; and

S. 2823. An act amending the statutes of the United States with respect to reissue of defective patents.

POINT OF NO QUORUM

Mr. GARNER of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. TILSON. Members are coming in very rapidly.

Mr. GARNER of Texas. Mr. Speaker, I withdraw my point of order.

The SPEAKER. The point of no quorum has been withdrawn.

THE PHILIPPINES

The SPEAKER. Under the special order of the House the Chair will recognize the gentleman from Kentucky [Mr. GILBERT] for one hour.

Mr. GILBERT. Mr. Speaker and gentlemen of the House, I am deeply sensible to the consideration shown in granting me one hour to address you. Realizing that it is an unusually generous consent, I shall show my appreciation by confining myself to a subject which I consider of supreme importance and far-reaching consequence. I wish to discuss our Philippine policy, what it has been in the past, what it is now, and what, in my opinion, it should be.

It would be presumption on my part to ask this length of time to consider a subject so far-reaching had I not given it considerable thought for several years and made two visits to the Philippines to confirm the conclusion I had reached.

The Philippine question, I think, is one of the biggest questions in the world. It affects the entire world, because the attitude of the most resourceful Nation in the world to world affairs is naturally of great consequence to all the other nations of the world.

Of course, it is of supreme importance to the Philippines because its determination controls the destiny of 12,000,000 people. Yet my concern over the question is not controlled by my concern over world affairs, as great as that may be, or by my concern for the Filipinos, as sympathetic as that may be, but out of a supreme consideration for the honor and welfare of my own country.

From the military standpoint of the United States, the Philippines are a distinct national liability. President Roosevelt, who perhaps had given this phase of the question greater study than any of our Presidents, and a man perhaps with better understanding of military matters, came to the same conclusion and pronounced the Philippines "a distinct national weakness." The reason of that is obvious, because should we be so unfortunate, which God forbid, to be drawn into another

war, our enemy would naturally attack us at the weakest point and we would be compelled to maintain warfare around the world from us and possibly at the doorstep of our enemy. The future contests of the world will be waged on the Pacific, where sleeping millions are just now arousing.

Another gentleman on the Insular Affairs Committee who debated this subject with me at a previous session of Congress, a gentleman for whose judgment I have the highest regard and who claims for himself a very materialistic mind, in that debate referred to me as visionary and idealistic and referred to himself as a practical man with both feet firmly on the ground. If he means by idealism that I advocate the sticking to a bargain I plead guilty. I come from the race-horse country of Kentucky, where we are taught, in swapping horses and in other transactions, to stick to the trade if it takes the hide off, and when any gentleman prefaces his remarks by emphasizing that he is a practical man I anticipate that he is about to suggest something of which his conscience does not approve. But I will accept the gentleman on his own practical grounds and answer him in his own words. In speaking of this very point the gentleman from Massachusetts, after a long study and visit in the Philippines, said:

> I agree with him that should there be a war, it would be impossible for the United States Government forces to hold the Philippines. I agree that it would be a tragedy for the Government to attempt to hold the Philippines; but if we lose the Philippines we would lose nothing of advantage to us particularly.

When the gentleman concedes that we can not retain them in time of war and that they are of no benefit to us in time of peace, I submit to the House that he has confessed himself out of court. In fact, the Washington conference made it impossible for us to retain the Philippines by agreeing to a naval ratio that precludes it.

Forcible retention of Philippines would require the biggest navy in the world.

For traditional reasons I favor independence. I am so old-fashioned that I still believe in the Declaration of Independence. Truth is everlasting and all pervading. If it was true in the United States in 1776, that all just governments derive their powers from the consent of the governed, it is true in the Philippine Islands in the good year of our Lord, 1928.

The Declaration of Independence is the chart and compass which has guided our ship of state over many a stormy sea and I for one shall protest to sailing the good old ship, ignoring its bearings and soundings, for then soon it shall be necessary that all be scuttled. The Declaration of Independence and the principles that are now so old-fashioned were still wise in the early part of this Government. It was good when Thomas Jefferson said:

> The people of every country are the only safe guardians of their own rights.

They were still wise in the 1840's when Daniel Webster said:

> No matter how easy may be the yoke of a foreign power, no matter how lightly it sits upon the shoulder, if it is not imposed by the voice of his own nation and of his own country he will not, he can not, and he means not to be happy under its burden.

They were still wise in 1860 when Lincoln said:

> Those who deny freedom to others deserve it not for themselves, and under a just God can not long retain it.

Those principles were still wise in 1892 when President Cleveland said:

> The government of a remote and alien people should have no permanent place in the purposes of our national life.

They were still wise in 1916 when Congress by solemn enactment provided that it was never our intention to hold in subjection a foreign people. These principles only became obsolete and ill-timed in 1920 when our country was turned over to the exploiters of its resources and the despoilers of its honor. [Applause.]

I am for Philippine independence from a moral standpoint also. Every President from the acquisition of the Philippines to Coolidge has promised in unequivocal language that we, when they were ready and desired independence, would grant it, and not until recently, as the gentleman from Illinois [Mr. KING] so ably proved in a speech in a previous Congress, when barons of wealth controlled by temptation for rubber and other sordid considerations came into influence in this Government, was it ever advocated otherwise, and then it was first announced that "American sovereignty must remain in the Philippines." Advocacy that American sovereignty shall remain in the Philippines is an unblushingly advocacy of a betrayal of our solemn pledge.

At the outset of American occupation President McKinley expressed the policy that should be and has been followed by us in the Philippines in his message to Congress in 1899, when he said:

> The Philippines are ours, not to exploit but to develop, to civilize, to educate, to train in the science of self-government.

In his instructions to the first Philippine Commission, headed by Doctor Schurman, on January 20, 1899, he expressed the hope that the commissioners would be received as bearers of "the richest blessings of a liberating rather than a conquering nation."

Doctor Schurman, president of the first Philippine Commission, construed that policy to mean:

> Ever-increasing liberty and self-government * * * and it is the nature of such continuously expanding liberty to issue in independence.

In his instructions to the second Philippine Commission, headed by Taft, in 1900, President McKinley said:

> In all the forms of government and administrative provisions which they are authorized to prescribe the commission should bear in mind that the government which they are establishing is designed not for our satisfaction, or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

President Taft, while civil Governor of the Philippine Islands, on December 17, 1903, said:

> From the beginning to the end of the State papers which were circulated in these islands as authoritative expressions of the Executive the motto that "The Philippines are for the Filipinos and that the Government of the United States is here for the purpose of preserving the Philippines for the Filipinos, for their benefit, for their elevation, for their civilization," again and again appear.

President Roosevelt in 1908, in his message to Congress, discussing the opening of the Philippine Assembly, said:

> I trust that within a generation the time will arrive when the Filipinos can decide for themselves whether it is well for them to become independent or to continue under the protection of a strong and disinterested power, able to guarantee to the islands order at home and protection from foreign invasion.

President Taft in a message to Congress on December 6, 1912, said:

> We should * * * endeavor to secure for the Filipinos economic independence and to fit them for complete self-government, with the power to decide eventually, according to their own largest good, whether such self-government shall be accompanied by independence.

On October 6, 1913, President Wilson, in a message to the Filipino people delivered by Governor Harrison, said:

> We regard ourselves as trustees acting not for the advantage of the United States, but for the benefit of the people of the Philippine Islands. Every step we take will be taken with a view to the ultimate independence of the islands and as a preparation for that independence.

President Wilson in December, 1913, in his message to Congress, said:

> By their counsel and experience, rather than by our own, we shall learn how best to serve them and how soon it will be possible and wise to withdraw our supervision.

In 1916 Congress became participant to this policy by adopting the following preamble to the Jones law, which is the organic act of the Philippine Islands:

> Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and
>
> Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and
>
> Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that by the use and exercise of popular franchise and governmental powers they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence.

President Harding in his reply to the Second Philippine Independence Mission, said:

No backward step is contemplated, no diminution of your domestic control is to be sought.

A careful reading of all of those promises will show that they are based on two, and only two, premises. The first is a desire for independence, and the next is a capacity for self-government.

To say that the Filipinos do not desire independence is asserting an absurdity on its face, for everybody, even school children, want freedom. The desire for independence is almost unanimous and far more overwhelming than it was in this country prior to our war of the Revolution.

The only question which remains to be decided, under our solemn pledge, is: Are they capable of self-government? That presents this question: When is a nation capable of self-government? What is the measure by which you shall determine that?

Most gentlemen of Congress who visit the Philippines unconsciously apply a measure comparable with the United States. Is it fair to expect any people to join the school of nations prepared to enter the senior class? Is it not fair to expect of them only such capacity as those nations having the least capacity that enjoys self-government rather than those having the greatest capacity? They have as great capacity as most of the nations that now enjoy self-government. I invite comparison with any nation south of the United States.

Those who deny independence to the Philippines base it upon two entirely inconsistent grounds.

The President of the United States in his veto of the Philippine plebiscite bill took the position that it would be disastrous to the Filipinos to withdraw from them the privileges of free trade with America.

This and other reasons beneficial to the Philippines are the grounds stated to the general public.

Those who, however, control the policies of the party in power by financing their campaigns look at it from another standpoint.

Joseph W. Harriman, addressing his associates tersely, frankly, yet brutally, blurts out the real ground—

Why should we buy of them instead of owning them?

So the administration's Philippine policy, like its foreign policy, is very confused, and the plot is still further thickened by another angle presented by it.

The gentleman from Colorado [Mr. TIMBERLAKE], a distinguished member of the Ways and Means Committee, the other day addressed the House insisting upon a tariff on Philippine sugar. It is understood that similar suggestions for other products will follow. So it seems that we who advocate Philippine independence are soon to receive allies to our ranks based upon motives entirely different from those altruistic ones advanced by the President.

Let us give them independence, and they will be satisfied, and all their products will be subject to tariff.

There are many Members of Congress, including myself, who believe that the conditions having been fulfilled we ought now to grant independence. There are many other Members of Congress who believe that this should be postponed, and I am going to offer a suggestion in compromise, as all Members of Congress who have visited the Philippines are unanimously in agreement that we should determine our policy because the confusion existing there is retarding development. My suggestion is that this Congress go on record recommending that we withdraw all sovereignty over the Philippines at the expiration of five years.

Are the Filipinos capable of self-government?

I laid down the measure a moment ago by which we can acquire this information. A Congressman who visits Manila leaves there with a confused and a misleading idea. Most Congressmen who visit the Philippines do so upon a Government transport. They are there four or five days. In that time they are entertained continuously by the American contingent and by the native contingent, each in its own way, trying to influence the Congressman to its own viewpoint, and he leaves with about the same knowledge of the Philippines that one visiting New York and lavishly entertained for five days would have of the conditions existing in the United States.

I traveled over the Philippines and lived and stayed with the Filipinos, spending nights in their homes, in the cities, in the villages, and on the farms, and I disillusioned myself about many preconceived notions as to my own superiority. It is very difficult for an American to realize, when he sees a Japanese looking at him and talking, that that Japanese is saying to himself, "What a funny looking fellow that is, and what strange eyes he has." But East is East and West is West, and even if our civilization could be transported, it would not fit.

Let me give you just a homely illustration that I have used before. In the East the Chinese all wear their shirts on the outside of their trousers, and the first thing that occurred to me when I saw a Chinaman thus dressed, "Look at that fool Chinaman with his shirt tail out."

It is a hot country, and I soon began to realize that it was much cooler with it out; I realized that it was much more sanitary with it out; I realized that it was much more comfortable with it out, and reason upon reason multiplied why he should wear it out, and to this good day I have never found a good reason for wearing it in as we wear ours. [Laughter.]

I want to illustrate that it requires a knowledge of the people, a knowledge of their institutions, their thought, their sentiment, their traditions to understand or appreciate them.

But let us apply actual, indisputable facts and see whether the Filipinos are capable of self-government. They have a higher per cent of literacy than 36 out of the 56 independent nations of the world to-day. Again, the best criterion by which you can measure the quality of a man or a nation is regard for woman. Show me a man or a nation that has no respect for woman and I will show you a man or a nation beneath respect.

In the Philippines the woman occupies an exalted position in the home. She handles the pursestrings, and in the Philippines divorce is practically unknown. Again, 80 per cent of the Filipinos live on and own their own farms.

Oh, but they say, should we grant them independence they will be exploited by their politicos. Whether a man is a politico or a statesman depends upon one's viewpoint. Oh, what politicos Samuel Adams and Patrick Henry were to George III, but, oh, what statesmen they were to our people.

UNDERHILL says:

Why, they are disrespectful to our officers.

I deny this, but, oh, if it were true, compare what any of them at any time has ever said with Patrick Henry when he said:

Cæsar had his Brutus; Charles I his Cromwell; and George III may profit by their example.

Mr. MAAS. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. MAAS. Does the gentleman allege that conditions existing in the Philippine Islands to-day are comparable with those existing in the Colonies under King George?

Mr. GILBERT. Oh, well, the gentleman's comparison could be carried so far afield——

Mr. MAAS. The gentleman is making the comparison.

Mr. GILBERT. I say in many respects the comparison is favorable to my argument. I will be glad to answer any definite, specific question, but I do not care to be led off into a theoretical discussion. If the gentleman has any facts he wants to bring out, I will yield to him.

Mr. MAAS. All right; the great cry in the Revolution was taxation without representation; does that exist in the Philippines?

Mr. GILBERT. Well, I could give the gentleman one instance. The Philippines had an export tax. That export tax was paid by the consumers of Philippine products in the United States. We prevented them from levying an export tax. The Governor General vetoes any number of bills relating to taxation or any other question that he sees fit.

Mr. MAAS. They do not pay one dollar of direct taxation to the Federal Government, do they?

Mr. GILBERT. The Federal Government of the United States?

Mr. MAAS. Yes.

Mr. GILBERT. No; and the Federal Government of the United States does not pay one dollar of direct taxes to the Philippines.

Mr. MAAS. And they do not pay any taxes to the States.

Mr. DYER. If the gentleman will yield, the Philippine revenues are used to pay the salary of the Governor General and other officials appointed by the President, including the members of the Supreme Court.

Mr. GILBERT. Not only that, but the Americans in the Philippine Islands built from Manila to Baguio a most wonderful and expensive road out of the Philippine treasury solely for the benefit of American military men to go up there and enjoy their summer vacations.

Mr. MAAS. Great Britain maintained foreign troops on our soil; are we maintaining foreign troops on their soil?

Mr. GILBERT. Yes; we have had as high as 12,000 in Fort McKinley.

Mr. MAAS. Most of them native Filipinos.

Mr. GILBERT. The gentleman's information is wrong.

Mr. MAAS. I was over there this summer.

Mr. GILBERT. How long?

Mr. MAAS. Considerably more than four days.

Mr. GILBERT. And the gentleman spent his whole time in Manila?

Mr. MAAS. No; I flew all over Luzon Island.

Mr. GILBERT. Oh, the gentleman got his information from an airplane? [Laughter and applause.]

Now, let us discuss it from the standpoint of statesmanship. I will admit that in the Philippine Islands there is a great respect for their leaders. Let us see what kind of leaders they have. Senator Osmana was pronounced by the gentleman from Missouri [Mr. DYER] one of the best constitutional lawyers of this day. The gentleman that now represents the Philippines in this House [Mr. GUEVARA] made one of the most brilliant, most convincing arguments before the Insular Affairs Committee the other day that I have heard in either branch of Congress since I have been a Member. [Applause.]

I went into the penal farm at San Ramon, managed by a Filipino, an enormous institution, with thousands of convicts, and it is not only self-supporting but pays a handsome revenue to the government.

I went through a cement plant at Cebu, a government-owned institution, under Filipino management, that has made and continues to make an average of 40,000 pesos a year for the government over and above its expenses. I found all over the islands men and women, capable leaders in all vocations in life, eminent jurists, surgeons, and writers.

The University of Santo Tomas, more than 25 years older than Harvard, is in Manila and older than any university on the continent.

In this country in respect to reverence to authority the opposite prevails. In the Philippines they may revere their leaders too much, but I submit to this Congress that in America we have gone to the other extreme. This body and the Senate, even the President, through the press and otherwise is constantly a subject of ridicule. The membership of this body is usually represented to the American people as ignorant and dishonest.

Now, where is the proper line between these two extremes? I can not say, but as for me I prefer the Filipino trait.

General Wood said that their elections are "fair and orderly and would be a credit to any people." In the Philippines from 80 to 90 per cent of the people entitled to do so vote. Popular government in the United States is rapidly being proven a failure. In a presidential election in this country recently only 49 per cent of those entitled to vote were enough interested to walk a few blocks to exercise their suffrage. Compare what General Wood said about elections of that country to elections in our own country. I could read you what the Kentucky highest court said about an election by the Republican machine pulled off in Louisville a few years ago. That highest court said that fraud was rampant and indecency prevailed.

Mr. THATCHER. What about the election in Louisville last fall when the Democrats had control? How many hundreds of voters were carried to jail and held until after election?

Mr. GILBERT. From a partisan standpoint I do not care to argue with the gentleman, but I submit his remarks are conclusive to the argument I am now making as to the unfairness of elections. [Laughter.]

In the State of Pennsylvania I recently read an article which stated that the machine was so powerful that it not only made the lame walk but produced at the polls and voted men who on the night before had been peacefully sleeping in their graves for 20 years. [Laughter and applause.]

Whether capable or not, their conduct in government matters in many particulars should be imitated by us.

There are before this Congress certain bills affecting Philippine matters that I want to say in all seriousness are an insult to this body. The Insular Affairs Committee has reported out a bill fixing the salaries of the insular auditor at a higher salary than is paid the Comptroller of the United States. The insular auditor audits about $40,000,000 and the Comptroller of the United States about $3,000,000,000.

They have a bill which gives to the vice governor a salary equal to the Vice President of the United States. Under conditions in the Philippines you would have to double these salaries to arrive at their value, because a dollar in the Philippine Islands will go twice as far as in the United States.

One gentleman of the committee wrote to one of the Americans in the Philippine Islands who favored these increases for his advice on these salaries, and he wrote back that the salaries should be increased, and gave his idea of the expenses in the Philippines for a family of two.

This gentleman set out in his expense account that a family of two would require $4,500 per year to live on. When I looked at the expenses and the itemized accounts, I found he provided for this family of two five servants and an automobile and entertainments, and yet try as he would he could not get the expenses up to but $4,500 a year; and we have voted out a bill fixing their salaries at $10,000.

Mr. NELSON of Wisconsin. And who pays for those salaries—the government of the Philippine Islands or this Government?

Mr. GILBERT. The Philippine treasury. Another bill would take from the Philippine Senate the right to confirm the appointees of the Governor General. There is no necessity for any of these bills. They are just presented as an irritation, as an annoyance to the Philippine people. Why do I say that? Because when it was learned that this additional help was wanted in the Philippines, the Philippine Legislature, in order to cooperate and show good feeling, passed a bill themselves giving it, and the Governor General vetoed that bill for the reason that he did not need their assistance.

There is a mistaken idea that the Moros and the Filipinos do not get along well together, and the law provides that the Governor General shall appoint the representatives of the so-called non-Christian tribes with the advice and consent of the Philippine Senate. The Philippine Senate has patriotically endeavored to live up to that high responsibility. I visited three Moro Provinces. In two of them there were American governors and in the third there was a Filipino governor. Under the Filipino governor at Cotabata, Governor Guiterez, I never saw better order or better feeling. A Moro named Dato Sinsuat took me up the river to his residence and I talked with him about the government. I went over his farm. The utmost good feeling prevailed. I went to the Province of Lanao, under a military American governor, Governor Johnson, and there I saw an almost armed camp. They were lined up, Moros on one side and Moros on the other side, one demanding that I be for independence and the other that I be against it. The Philippine Senate did refuse to confirm Governor Johnson, and they should have refused to do it. Then another American was named, Mr. Effington, a man of attainments, and the Philippine Senate confirmed him immediately.

Let me give you another illustration. You can not blame those people for loving their leaders. Governor Luna was the governor of the northern Province. He was the brother of their national hero. This great war hero of the revolution was General Luna. His brother was an eminent Philippine author, and when the time of Governor Luna expired and an American was appointed it was but natural that the Philippine Senate refused to confirm that appointment. But what did they do? They sent a committee, and that committee investigated and found that the acting American governor, Governor Early, had a good record and was a good man, and they confirmed that appointment by unanimous vote.

Then why come before this Congress and ask us to take away that power from them when it has never been abused and when we have promised them by solemn enactment that we would continue to instruct them in self-government, so that the time might arrive when we could turn the entire government over to them?

The utmost friendship exists between the Americans and the Filipinos in all of the Philippine Islands, with the exception of Luzon. The American contingent at Manila is imperialistic, it is totally unsympathetic with the simplicity and the fundamental truths and traditions of our Government.

Ever since American occupation it has been the custom there to read the Declaration of Independence on the Fourth of July. For the first time, the last Fourth of July the commandant of the naval station there, Admiral Kitelle, who had charge of the ceremonies, failed to read the Declaration of Independence, and then made a speech entirely unsympathetic and contradictory to its sentiments.

Mr. McCLINTIC. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. McCLINTIC. Did I understand the gentleman to say that an admiral in our Navy failed to read the Declaration of Independence on the Fourth of last July?

Mr. GILBERT. He failed; and it had been the established custom there on the Fourth of July from the time of the American occupation to read the Declaration of Independence, but so far we have drifted from our moorings, that even when custom requires us to meet on the Fourth of July, some are embarrassed to read the very document whose birthday they are celebrating.

Mr. McCLINTIC. Does the gentleman have any information as to whether or not this failure was brought about because of any feeling toward the Philippine Government, or was it just because the admiral did not care to impress upon them those principles contained in the Declaration of Independence?

Mr. GILBERT. In my opinion, he was attempting to commit the United States to a foreign policy which the gentleman denounced on the floor the other day; and the Secretary of the Navy should remind the admiral that we have a State Department to initiate our foreign policies. This Admiral Kitelle, when I arrived there and gave out a statement showing friendliness and sympathy with the Philippine people, came out in an article in the Philippine Times, in which he laid this down as American policy, that we would grant independence to the Filipinos, to use his exact words, "When all can read, write, and speak English." Think of it! When I criticized that on this floor and charged him with causing friction over there, I saw from the Philippine press that he pronounced my statements as absurd. Yet those were his words and acts, which did and must have been uttered and done knowing they would cause resentment. No nation in the world ever attained such proficiency. We have enjoyed a splendid independence for 150 years, and all in America can not read and write English. England has had a splendid civilization for a thousand years, and all in England can not read and write and speak English, and to expect a foreign people to acquire a foreign language condemns itself by its own absurdity.

Mr. McCLINTIC. In that article that appeared under the name of the admiral, in which he gave out the policy of this Government, did he state whether or not he was authorized to do this by any source in Washington?

Mr. GILBERT. No; although he spoke as having knowledge he made that verbal statement carried in headlines in the press and gives wide publicity as the policy of this country made in a most challenging manner.

Mr. McCLINTIC. In other words, he is a good deal like some of the other admirals, who recently have been making statements with reference to the foreign policy of this Government usurping the powers of the Department of State? They are at least not adding to the good will that should prevail between this and other nations.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. SIMMONS. I was in Manila on the 5th of July. My recollection is that Senator Quezon and the other Filipino leaders, with the exception of Aguinaldo, refused to take part in the Fourth of July celebration in Manila on that day. Does the gentleman have any information about that—as to why they refused to take part?

Mr. GUEVARA. Mr. Speaker, will the gentleman from Kentucky permit me to answer that?

Mr. GILBERT. Yes.

Mr. GUEVARA. I can emphatically deny that any Filipino has ever refused to attend a celebration of the Fourth of July, because every Filipino in the Philippine Islands—men and women—regard the Fourth of July as the most sainted day in the world, because that day stands for liberty, not only of the American people but as well of all human beings in the world. [Applause.]

Mr. DYER. Mr. Speaker, will the gentleman from Kentucky permit me to ask a question of the Commissioner of the Philippines?

Mr. GILBERT. Yes.

Mr. SIMMONS. Pardon me, but it is my understanding—and I am only asking for information—that General Aguinaldo and about 10,000 of the Philippine independent army that followed him marched in the Fourth of July parade, but that Senator Quezon and others of the independent group did not occupy a place on the platform during the celebration, and did not take part in the parade. Am I right or wrong about that?

Mr. GUEVARA. It would not make a particle of difference to the representative of the Philippine Islands in the United States. I can pledge the gentleman that no Filipino, whether Mr. Quezon or whoever he may be, will ever refuse to attend a celebration of the Fourth of July.

Mr. SIMMONS. Did they occupy the place that was accorded to them?

Mr. GUEVARA. They were not invited to. I am positive of that.

Mr. SIMMONS. Then they were not there.

Mr. GUEVARA. And that is the reason why.

Mr. DYER. Mr. Speaker, will the gentleman now permit a question of the Commissioner of the Philippines?

Mr. GILBERT. Yes.

Mr. DYER. In addition to participating in the Fourth of July celebration, is it not a fact that every public schoolhouse in the Philippine Islands has over it the flag of the United States?

Mr. GUEVARA. Yes; and not only that, but in every home in the Philippine Islands you will find some preparation for the Fourth of July celebration, because even the people in the remote counties in every part of the Philippine Islands feel that the Fourth of July is one of their own festivals.

Mr. GILBERT. I would say, apropos of the interruption, that a Congressman who will take a transport and be entertained at the Army and Navy Club in Manila can get more misinformation than he can get anywhere in the world.

Mr. SIMMONS. I was not entertained at the Army and Navy Club. I was very graciously entertained by the Philippine leaders, so that my information did not come from the source that the gentleman thinks.

Mr. GILBERT. Evidently it came from a hostile and inaccurate source.

One reason why this power to confirm should not be taken away from the Philippine Senate—and I do not impugn the worth and ability of Governor Wood—is that no one should be given this despotic power. I want to say that Governor Wood made some very unfortunate appointments. For example, he appointed Jose Melencia, son in law of Aguinaldo, to represent Mindanao in the Philippine Legislature, when that man prior to that time had never been on that island. He appointed Escamilo, secretary of Aguinaldo, as representative of the northern Province when he was a resident of Manila and totally unacquainted with the country he was appointed to represent.

Mr. GUEVARA. Is it not understood that the appointments in this country are to be made from the majority party, and not from the minority party?

Mr. COOPER of Wisconsin. I do not think the gentleman from Kentucky understood the gentleman.

Mr. GILBERT. I thought he was making a statement.

Mr. COOPER of Wisconsin. He asked whether it was the custom for the President to make appointments from the majority or from the minority.

Mr. GUEVARA. I asked, if appointments were made by the Executive of this country always of the minority party, how will the people of these States think of those appointments?

Mr. GILBERT. Of course, appointments go to the majority party here, but always to the minority party there. It was my purpose to try to look at all these actions from our own standpoint. In visiting the Philippines I visited some humble homes; and when it comes to wholesome uprightness and patriotism and love of country, the Filipinos are not excelled by any people on the globe. [Applause.]

It is difficult for an American to realize that he is not preferred at all times. Senator BINGHAM—I am giving this because it is public property—said to President Quezon:

> America is a great country, a rich country, a philanthropic country. Why do you object to being wards of the Government of the United States, the noblest and best country in the world?

And to that sentiment of Senator BINGHAM'S I agree, that it is the noblest and best country in the world. But let me give you President Quezon's answer. He said:

> My father is poor but honest. If I could have a rich foster father who could bestow upon me greater advantages and give me greater opportunities and more property, yet I would say, "I want my own father."

[Applause.]

That is the way they feel, and that is a noble sentiment. They admire the United States and they love its flag. They are grateful for the great benefits given them; but after all each one of them reiterates the sentiment of President Quezon: "Regardless of that, we want our own country."

Just one other thought. I hate to return to a materialistic suggestion. It is said that our withdrawal from the Philippines would create confusion and uncertainty, and be detrimental to the Filipinos. Well, of course any country, when it is reorganized, suffers some disturbance, just as when the United States gained its independence confusion existed and materially we had a setback. We must realize that when any nation is ready for independence the longer that independence is postponed the less fitted the people will be to exercise it when finally it comes.

I wish I had time to tell you about many things concerning which your information is erroneous. I want to tell you the details of the Filipino National Bank disaster, which has been held up to this Congress and to this country time and time again as a complete vindication of the assertion that they had no financial ability. I want to give you the facts about that. It was at a time when in this country banks were failing. But here is something else that is true. The Philippine Na-

tional Bank was never exclusively under Philippine control, and when it finally went broke the main embezzler and the main defaulter was an American, and the main cause was the establishment of a branch bank in Shanghai and the embezzlement of the money by that American by the name of Miller. And he was never brought to justice because they did not want in that country the spectacle of an American being tried before a Philippine tribunal for embezzlement, and to this day he has never been prosecuted. The facts show irregularities and misappropriations of the grossest kind.

Mr. RAGON. Mr. Speaker, will the gentleman yield there?

Mr. GILBERT. Yes.

Mr. RAGON. There were some prosecutions for that and some men sent to the penitentiary, were there not?

Mr. GILBERT. The gentleman from the Philippines can answer you more accurately than I can. Yes; but all were Filipinos. The Filipinos went to prison; the American chief wrongdoer went free of prosecution. [Laughter.]

Mr. GUEVARA. Yes; all were Filipinos.

Mr. NELSON of Wisconsin. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. NELSON of Wisconsin. You say the bank went broke, but as I understand, the losses have been made up and that it is very prosperous.

Mr. GILBERT. They are gradually making them up. A large amount of money was loaned to different institutions, sugar centrals, and other great corporations, and when the bank was taken over they could not then meet their indebtedness, but through a process of postponement, like we are postponing our national collections, the prospects are that the money will ultimately be collected.

And another thing. I hear Members say that we can not grant the Philippines independence by reason of their indebtedness to us, represented by bonds in the United States. They can secure those bonds. We will never lose a dollar on that account; but does it not look a little harsh at this time, after we have surrendered to the leading nations of the world from half to more than half of their indebtedness to us that we should take this child, whom we have raised and educated, and demand of it payment to the utmost farthing? [Applause.] I am not in favor of surrendering any part of the Philippine bonds, nor did I vote for but one of the settlements of our foreign indebtedness, but it does seem to me unfair for those who come here and vote to give Great Britain a reduction in its interest, which amounts to practically half of her indebtedness and then by the same vote demand of the Philippines payment of every dollar they owe us. I would like to give you the facts of the Harrison administration, but I have not time. I thank you for your attention. [Applause.]

Speech delivered at Manila before the Philippine Legislature:

REMARKS OF CONGRESSMAN GILBERT, AUGUST 18, 1927, IN MANILA BEFORE PHILIPPINE LEGISLATURE

Mr. GILBERT: Mr. President, Mr. Speaker, members of the legislature, a Member of the Congress of the United States speaking to the Legislature of the Philippine Islands would naturally speak on the relationship existing between those two Governments. Since becoming a member of the Insular Affairs Committee of the House of Representatives, I have diligently studied the problems that are both yours and ours, but while I have only studied them you have lived them. I visited your islands two years ago and am now completing a month's investigation in the different Provinces, and am prepared to speak, at least, with some understanding.

The Congress of the United States has the sole power to determine the governmental status of the Philippine Islands. It has from time to time determined the extent of its participation in the Government of the Islands and has from time to time surrendered much of its sovereignty and is under promise to surrender what sovereignty it now exercises whenever your welfare requires it. That it could do so is not questioned in the United States even by those who vigorously oppose such a step. Constitutional lawyers in the Philippines agree with this opinion although we find it vigorously combated by certain business and military leaders. However, after the United States Congress has, through a period of 25 years, gradually surrendered most of its sovereignty, we will not take time in discussing whether or not it can continue to do so.

The only questions are, has the time arrived when it should do so; if not, will it ever arrive; and if so, when? In answering these questions we should be guided by the representations we have held out and the conditions that prevail.

In politics, I am a Democrat, but party affiliation should not affect one's position on this great national question. The Republican Party was in power when we acquired the Philippines, and credit must be given to it for inaugurating the policy of "ever-increasing autonomy to result in complete self-government." This policy was vigorously defended by Presidents Roosevelt and Taft and repeated by President Harding. President Wilson, the only Democratic President since the acquisition of the Philippines, merely adhered to this doctrine inaugurated by his Republican predecessors. President Roosevelt was definite and insistent for granting independence to the Philippines.

In 1908 he said that this should be done within a generation. A generation is usually computed at 20 years, and that time has now elapsed. His reasons were both altruistic and practical. Speaking solely from the American point of view, he declared that the Philippines constituted "national weakness." So it must be conceded that failure to grant independence when the proper time arrives would belie a fixed policy of more than a quarter century.

I am concerned in the welfare of the people of the Philippines, but above this I place the honor of my own country. I can never consent that independence be postponed indefinitely and the promises of our Presidents, both living and dead, and the promise contained in a solemn enactment of Congress be betrayed.

No Member of Congress would approve the violation of his own solemn promise nor should want his country to do that which he would not do himself. I firmly believe in the wisdom expressed in the Declaration of Independence. It was the chart and compass of our new ship of state. It has guided us safely over many stormy seas. But we have drifted so far from our moorings that when by custom we assemble on July Fourth some find it too embarrassing to read the document whose birthday they are celebrating. [Applause.]

The conditions contained in the Jones law and in the representations by our several Presidents as well as in the political platforms of both dominant parties may be summarized in three parts: Desire for self-government; capacity for self-government; ability to form a stable government.

Desire for self-government is a natural impulse. It would be most unusual if it did not exist here. I have talked to the American schoolteachers in many of the Provinces, and from much observation I am willing to state that the desire for independence is almost unanimous. It exists in much greater degree than it did in America just prior to the Revolution.

The capacity for self-government and the ability to maintain a stable government must be ascertained by some reasonable measure because these conditions are necessarily relative. When is a nation capable of self-government? Should we apply the standard of America and England? This is obviously very unfair and yet it is the standard usually applied by casual American observers. With apologies to those of other nations, I assert that the English-speaking people are as superior in matters of government in the modern world as the Romans were in the ancient world. To apply their high standard would be requiring the Filipinos to enter the schools of nations qualified for the senior class.

The true requirement would be a capacity equal to those nations enjoying self-government who have the least and not the greatest capacity for self-government. In my opinion, the Filipinos are more capable of self-government than a large proportion of those nations now enjoying it and their characteristics are such that their government, if independent, would be more stable than a majority of the smaller governments now enjoying independence. The statistics on illiteracy and crime confirm the opinion herein expressed.

Some opponents of independence in their enthusiasm suggest the most unreasonable tests. Recently we read in the Manila Times, July 24, quoting a certain man of high military position that independence would not be granted until "all can speak, read, and write English." As such perfection does not exist in America nor in England, the absurdity of such a suggestion is apparent. [Applause.]

The individual Filipino is capable of the highest attainments. In my travels through the Provinces, I find great numbers of men and women even in the smallest villages who are successfully conducting big interests; who are splendid doctors, able lawyers, and scientific engineers. The judges preside with ability and fairness. Your leaders in the legislature compare favorably with statesmen of other countries. Your speaker, though a young man, is rapidly attaining a splendid reputation. One of your senators has been referred to by a Republican in the American Congress as one of the greatest constitutional lawyers. The president of the senate, though severely criticized by opponents of Philippine independence, must be a man of the greatest ability and honesty for, after much inquiry among his enemies, not one specific act showing a lack of ability or integrity has been pointed out. Your Commissioners to the United States Congress, Messrs. GABALDON and GUEVARA, stand very high in that body and with conspicuous ability have prevented any reactionary legislation affecting the Philippines from being passed. They have served their country well during a most hazardous period and it is nothing but fair that I should report this to you.

The mass of Filipino people are very willing to follow their leaders and to obey willingly constituted authority. In this respect they resemble the Japanese. With so many able men and women throughout the entire Archipelago to advise and lead them, political exploitation on the part of the leaders, so vehemently predicted, is very remote.

As stated by Governor General Wood and corroborated by all of the investigating committees, the world has never seen greater progress made by any people than that made by the Filipinos since the American occu-

pation. This is a great compliment to both peoples and is it not also proof of the wisdom of our policy of increased autonomy? The Americans are responsible for having implanted in the Filipinos this great desire and hope for independence. They set out the promises which have been reasonably complied with.

The splendid cooperation which has existed and the gratitude to America for what has been done can not be expected to continue indefinitely if she fails to comply with her part of the agreement. When Filipino leaders insist that the promises be fulfilled, they are denounced as agitators.

It has been 10 years since any forward step was taken. It must be frankly admitted by American statesmen that the time is now ready for another forward step or they must be willing to bear the odium of reaction.

All agree that this uncertainty should be removed. It is retarding development. It is said, we should announce our intentions. No; we have already announced them. We should live up to them [applause], but if we don't intend to, I agree with Republican Congressman UNDERHILL that we should say so and cease dealing in duplicity. The Republican Party has full power and responsibility, but seems incapable to form a definite policy or too cowardly to announce it.

The conditions of our promise having been fairly met, if the matter is presented while I am Member of Congress I shall gladly vote to live up to our agreement of full independence. [Applause.]

All of the Filipino leaders to whom I have talked insist that nothing less than full and complete independence be granted. They are fully justified in insisting on nothing less. However, I am sure that it would be wisdom on the part of the Philippine government to enter into certain treaty relations with the United States which would be to the interests of both peoples.

The position usually taken that when the United States withdraws it should withdraw any treaty relationship, leaving the islands at the mercy of any nation that sees fit to overrun it, is neither wise nor justifiable. The United States should protest against any weak nation being thus exploited against its will, and it should especially be concerned in the child which it adopted and educated. On the other hand, it is to the interest of the Filipinos that American capital be preferred to either English, Japanese, or other capital. The islands are very rich in natural resources.

I was told by the foreign sugar producers that lack of capital and organization was all that gave Cuban and Hawaiian sugar an advantage. With these properly supplied, they said that they would compete regardless of the tariff. Of course, disorganized business conditions would result. The same thing occurred in America when independence was granted. The longer independence is postponed the greater will be this distress when it is granted. When a people are ready for independence, the longer it is postponed, the less capable they will be when it does come.

Those opposing independence present two arguments each contradicting the other. First, they insist that the islands are a treasure and we should retain them. Next, they insist that they are a great expense to us and we should retain them for the good of the Filipinos.

For 25 years they have been an expense to the United States, and the time is very remote when they will ever be a real value to the American taxpayer and consumer. Automobile owners have been tempted with the thought of cheap rubber, but the facts are that there are only three real rubber plantations in the entire islands. All of the resources are equally far from yielding any immediate return to the American consumer. It will be many generations before he will reap the amount he expends in increased taxation.

The Filipinos if independent, of course, will have their serious problems. I find the non-Christian tribes, especially the Mohammedan Moros, a greater problem than I had anticipated. All nations have their racial problems. In the part of the United States from where I come, we have in some respects a similar problem. The Mohammed Turk has been a problem in Europe for many centuries. But this is no reason why independence should be denied.

With approximately 11,000,000 Christian Filipinos and 1,000,000 of non-Christian people, there would be no greater proportion of irreconcilables (if that extreme term may be used) than exists in many nations enjoying splendid cooperation. My talks with many Moros for and against independence failed to disclose one who based opposition on racial hatred.

Pardon me for briefly referring to the fear of internal warfare, dishonorable leadership, and other such arguments as are frequently made. I find that it requires fewer policemen and peace officers to keep order in a Philippine city than it does in an American city of the same size. The people are very quiet and orderly. Honest and faithful leadership is universally desired, and if dishonest leaders are placed in power, as they will be sometimes, they will be found out and retired. The United States has recently experienced the most corrupt administration in its history. Three Cabinet officers in the last Republican administration were forced by public opinion to retire, but this does not show that the American people or their officers are generally corrupt, but on the contrary it shows that when dishonesty exists it will not be tolerated. The same thing would be true here.

Again it is insisted that American-owned bonds of the Philippine government will be endangered if independence be granted. These bonds could be easily secured. Yet after the United States has so recently given the great financial nations of the world such a material reduction in their indebtedness to her; after giving to England one-half of her interest rate, and after giving to other nations still greater reductions; in all, amounting to many times the Philippine indebtedness, does it not seem a little inconsistent that we should be so exacting toward the Philippines?

Many of those who voted to give away billions of American dollars to European governments are the most insistent that we collect the last farthing of Philippine bonds. I did not approve those settlements nor would I approve any help on the part of the United States Government toward meeting the Philippine bonds.

The Japanese fear and many other arguments have been so fully discussed that I can add nothing to that controversy.

In studying this subject, one must realize that he can not fairly measure oriental customs and ways by western measure and that our civilization if it could be transferred, after years of occupation, would even then be unsuitable here.

The greatest friendliness, cooperation, and regard should exist between the two nations and that can be better secured by our noninterference in Philippine affairs.

It is impossible in an address of this kind to be as detailed as might be desired, yet I wish to state my views here in the islands because I shall state the same on the floor of the American Congress. I have no political hopes to advance nor any fear of political punishment.

I have no quarrel with those who differ from me. Some of my best friends in Congress are those who differ with me the most. I admire their honesty and courage.

I am on the committee having charge of insular affairs and believe in being open and frank and above all, want only the satisfaction of doing my duty as I see it.

I thank you. [Applause.]

MINORITY VIEWS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that I may have five legislative days in which to file minority views on the so-called emergency officers' retirement bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that he may have five legislative days in which to file minority views on the so-called emergency officers' retirement bill. Is there objection?

There was no objection.

THE PROTECTIVE TARIFF

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. WURZBACH] for 50 minutes.

Mr. WURZBACH. Mr. Speaker, I have been wanting for some time to discuss the McMaster Senate resolution, which met a timely and deserved death on the floor of this House. I heard a week or so ago a part of the address of the gentleman from Arkansas [Mr. OLDFIELD] on this resolution and have read all of it since in the CONGRESSIONAL RECORD. Mr. OLDFIELD and lesser lights in the Democratic Party, all notoriously opposed to a protective-tariff policy, have been making desperate but, I think, vain efforts to politically capitalize the said resolution. It was and is a political resolution pure and simple, and I doubt seriously whether it was ever expected by many of its supporters to effect its avowed purpose of "helping the farmers."

The original resolution read as follows:

Resolved, That the United States Senate favors an immediate lowering of tariff schedules, and tariff legislation embodying lowered schedules, should be considered and enacted during the present session of Congress.

Later the resolution was amended to read, and this was its final form when it passed the Senate:

That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing closer parity between agriculture and industry, believing it would result to the general benefit of all.

The original and amended resolutions are substantially the same, except that the latter adds to the former the recital that—

many of the rates in existing tariff schedules are excessive—

and that the lowering of duties is for the purpose of—

establishing closer parity between agriculture and industry.

Reduction of duties is stressed in both resolutions, and that seems to be their main and sole purpose. Not a line, word, or syllable promising to raise duties on agricultural products. Both are so frankly antiprotectionist and possible free trade even that it is easy to understand the support the resolution received in the Senate and House from free-trade Democrats and from luke-warm protectionist Republicans. Many of its supporters hoped the resolution would embarrass the Republican

administration and at the same time "fool the farmer." It failed in both its purposes, and demonstrated again that the American farmer has more sense than many politicians have sincerity. This may be "damning with faint praise," but let it go at that.

I repeat that the resolution does not offer higher duties on farm products. Read the resolution. It provides only for reduction of duties. Reduction is the keynote and the heart of the resolution. The "establishment of parity" mentioned in the resolution is not permitted by raising duties but by reducing them.

Mr. OLDFIELD. Will the gentleman yield?

Mr. WURZBACH. I decline to yield now. I shall be glad to yield a little later, and I think I shall probably answer the doubts the gentleman has in his mind as I go along. [Applause.]

It can not even be urged that by the terms of the resolution parity may be established by keeping agricultural duties at their present rates and by reducing industrial rates only. I credit the framers and supporters of the resolution with enough honesty and frankness to believe that if that had been the purpose of the resolution that it would have so provided, clearly and explicitly.

There was only one possible way to have accomplished the double purpose expressed in the resolution of tariff reduction and the alleged "establishment of agricultural and industrial parity." I do not admit that there is any great general disparity between the two mentioned classes of schedules, except in a few isolated cases, any more than there is disparity between articles within each of the two named classes. But assuming, for the sake of argument, that there is a disparity between agricultural and industrial duties, and assuming further that such disparity is in favor of industry and against agriculture, then by the very terms of the resolution, in order to effect its dual purpose of reducing rates and establishing parity, it would be necessary to reduce duties on both schedules, agricultural as well as industrial, but to make reductions greater on industrial than on agricultural schedules. Such a procedure, however, would contribute less than nothing to the solution of the farmers' problems. It certainly would not mean higher duties on farm products, but would cripple or kill both industry and agriculture. Such a procedure would mean a double slaughter, and I can see no advantage or satisfaction to agriculture if the corpse of industry is buried in a grave 12 feet deep while agriculture rots in a grave with only 10 feet of earth and a tombstone above. [Applause.] For all practical purposes both would be dead—dead enough to suit even the rankest free trader.

A majority of the Senators who voted in favor of the McMaster resolution and Members of the House who have expressed their approval of the same are not protectionists either for manufactures or for agricultural products. Their past records leave no doubt of this. They consider the present duties on farm and ranch products too high, and, in fact, did all that in their power lay to prevent the levy of the present duties now protecting those products. Is it not safe to assume that if opportunity presented itself they would strive just as strenuously now to reduce or to take off entirely the tariff now on those very farm products as they strove a few years ago to keep them off? If not, why not?

The House did not have an opportunity to vote on the merits of the McMaster resolution because it was thrown out on a point of order, and when an unsuccessful appeal was taken from the decision of the Chair I voted to sustain the Chair. Had an opportunity been presented to vote on the resolution itself, it would have been my pleasure to vote against it, not only because the resolution did not by its terms offer relief to the farmers, but for the very excellent additional reason that I am not willing to trust Democratic Members of the House, and especially Democratic members of the Ways and Means Committee, to give relief to the farmers by way of protective tariff duties. I say this because the record of Democrats, including those who championed the McMaster resolution, holds out not the slightest hope for tariff farm relief.

Democrats naturally would not have construed the resolution as favoring higher duties on farm products, but would have given it exactly the opposite construction, namely, tariff reduction. I can only judge the probable actions of Congressmen by their past performances. In 1921 Democrats voted almost solidly against high tariff duties on agricultural and ranch products, and what reason is there to expect different action from them to-day?

Ye shall know them by their fruits. Do men gather grapes of thorns or figs of thistles? Wherefore by their fruits we shall know them

Less than a month ago, as appears on page 3791 of the CONGRESSIONAL RECORD, the gentleman from Arkansas [Mr. OLDFIELD], who is also chairman of the Democratic National Congressional Committee, in a colloquy with the gentleman from Iowa [Mr. COLE], said:

Why did you not vote to send the McMaster resolution to the Committee on Ways and Means and consider that question of increasing the tariff on agricultural products? You have closed the doors against yourselves.

Mr. OLDFIELD here attempts to leave the impression that, had the McMaster resolution been referred to the Ways and Means Committee, the duties on farm products would have been increased, and wants the inference drawn that he and his Democratic colleagues on that committee would have favored an increase of duty on agricultural products. The gentleman from Arkansas [Mr. OLDFIELD] is not only now a member of that committee but was a member during 1921 and 1922. The other Democratic members on that committee now and in 1921 and 1922 are the gentleman from Texas [Mr. GARNER], present ranking Democrat on that committee, the gentleman from Mississippi [Mr. COLLIER], the gentleman from Georgia [Mr. CRISP], the gentleman from New York [Mr. CAREW], and the gentleman from Louisiana [Mr. MARTIN].

During the first called session of the Sixty-seven Congress there came up for consideration what is known as the second emergency tariff bill, the first emergency tariff bill having passed both Houses during the latter days of the Sixty-sixth Congress and which was vetoed by President Wilson. This second bill, as well as the first, provided for substantial duties on farm and ranch products exclusively and did not include any manufactured products at all and therefore did not permit the alibi usually resorted to by Democrats representing protective-tariff constituents, that they could not support the legislation because, although they favored tariff protection for farm products, and especially those produced in their own district, still the duties were too high on manufactures in the particular bill. The second emergency tariff bill permitted no such alibi, for here was a bill wholly and solely a farmers' relief bill, requested by the farmers and livestock men of the country to avert threatening disaster to their businesses. The bill carried, among other important farm and ranch products, the following:

Wool and mohair, unwashed, 15 cents per pound; washed, 30 cents; scoured, 45 cents;
Cattle, 30 per cent ad valorem;
Sheep, 1 year and over, $2 per head;
Sheep, less than 1 year old, $1 per head;
Peanuts, 3 cents per pound;
Cottonseed oil, 20 cents per gallon;
Onions, 40 cents per bushel of 57 pounds; and
Lemons, 2 cents per pound.

Now, how did Democratic Members of the House vote on this bill, and especially how did Democratic members of the Ways and Means Committee, who were members of that committee then and who are also members now, vote on that exclusive farm relief tariff bill? Every one of them, with but a single exception, Mr. GARNER, Mr. OLDFIELD, Mr. COLLIER, Mr. CRISP, and Mr. CAREW, voted against the bill, and only Mr. MARTIN of Louisiana voted in the affirmative. Think of it, gentlemen of the House, JOHN GARNER, of Angora goat fame, left entirely shepherdless and forsaken, the goats upon which his former fame rested. Not only his goats, but the sheep of his county, district, and State were left to their sad fates, so far as the gentleman from Texas was concerned or seemed to care. Little Boy Blue, oh, where were you? [Applause.] I wonder what happened to John? I wonder who got JOHN GARNER'S goat? Some say late Congressman Claude Kitchin did. Possibly a statement made on April 14, 1921, as appears in the CONGRESSIONAL RECORD, on page 269, by Mr. Kitchin, then ranking Democrat on the Ways and Means Committee and minority floor leader, will clear up the Garner mystery. Mr. Kitchin, on the part of the minority, submitted the views of the minority, and among other things said:

The policies and principles advocated by the Democratic Party and inspiring the continued maintenance of its organization for nearly 100 years forbid our approval of the pending bill and impel us to vigorously protest against its passage.

Approval of this bill by the Democrats in Congress would be a complete surrender of such principles and abandonment of such policies, and a confession that for over a half century the Democratic Party has been wrong and the Republican Party right on the tariff. [Applause.] Further, it will be admitted that there is no need for the continued organization of the Democratic Party. Such approval would be an urgent invitation to the farmers of the country, especially of the

West and South, to go bodily into the Republican Party—the party of tariff robbery—as the only means of future salvation. * * *

If there is a Democrat in Congress or elsewhere who is fooling himself into the belief that by our party embracing the doctrine of protection, or by his vote for protection, though it be on his home industry, he is going to keep within the folds of the Democratic Party or bring into its ranks the men who favor such protection, then he should at once undeceive himself. A sensible protectionist will go to the party that has taught and practiced protection for 50 years, and not to the party that has always opposed it.

Mr. GARNER was a member of the minority on the Ways and Means Committee, and therefore the views of the minority, as expressed through Mr. Kitchin, were as much Mr. GARNER'S views as they were the views of Mr. Kitchin. Mr. Kitchin was the spokesman authorized to speak for and in behalf of the Democratic minority on said committee.

This is perhaps the frankest and cleanest-cut statement of the true Democratic position on the tariff that could possibly be made. Claude Kitchin was not only an able Democrat but he was a man of exceptional ability and outstanding political courage and integrity. He was not a man to trim his sails to catch every political breeze that blew. He was straightforward and consistent on the tariff issue. He was honestly opposed to the principle of protection. I wish other Democrats would be just as honest and consistent and meet the issue courageously and without dodging and side-stepping.

In the last days of the Sixty-sixth Congress, in the fall of 1920, Mr. GARNER voted for the first emergency tariff bill, which passed both Houses and was later vetoed by President Wilson. The gentleman from Texas not only voted for that bill but supported it on the floor of the House in a speech that attracted considerable attention. It was a famous speech, but its fame rested principally upon the fact that it was the speech that Mr. GARNER so carelessly (?) forgot to insert in the CONGRESSIONAL RECORD. It is easy to understand why the gentleman from North Carolina, minority floor leader, did not want that kind of a speech in the RECORD. It was whispered about in cloakrooms and corridor that Mr. Kitchin had dropped a gentle hint that it would not look well for his party to have as a member of the Ways and Means Committee one who was not ready and willing to defend the free-trade breastworks of his party in the then pending legislation and in the case of future tariff legislation.

Mr. HUDSPETH. Will the gentleman yield?

Mr. WURZBACH. Not now. I will a little later, if I have the time.

Mr. ABERNETHY. Mr. Speaker, if the gentleman is going to talk about a man who is dead, I really think he ought to yield.

Mr. WURZBACH. All I have said about the gentleman who is dead—Mr. Kitchin—is that he was a better and more consistent Democrat than the gentlemen who are now occupying the Democratic side of the House. I decline to yield.

I am not reviewing this tariff legislation history of a few years ago with the primary purpose in mind of attacking the tariff record of Democratic members of the Ways and Means Committee, nor for the purpose of criticizing the tariff record of the gentleman from Texas [Mr. GARNER], but I am calling attention to democracy's free trade and antiprotection record mainly to show that the McMaster resolution would not have received such consideration at the hands of Democrats as would have brought any advantage to the farmers by way of higher duties. Had the McMaster resolution reached the Ways and Means Committee the Democratic members would have used it as a means not only to reduce duties on manufactures but on farm products as well. They had failed in their efforts in 1921 to keep farm products on the free list and they would, unquestionably, have made every effort in 1928 to take off all or at least a part of the duties placed on farm products by a Republican Congress only a few years before. [Applause.]

An analysis of the vote on the emergency tariff bill of 1921 is interesting and in every way supports the statements I have just made. The bill passed the House by a vote of 269 for and 110 against. Of the 269 yea votes, 255 were cast by Republican Members and only 14 yea votes by Democrats. More interesting still, of the 110 nay votes an even 100 were cast by Democrats and only 10 by Republicans. In the light of this last expression of Democratic judgment and sentiment on farm-relief legislation, is any farmer in the country willing to trust the Democratic Party to write a tariff bill and have even a glimmer of hope for higher duties on farm products? No intelligent farmer or ranchman is quite so simple or credulous as that. The farmers and ranchmen of this country must look to the Republican Party for relief in the way of protective duties. The record of the Democratic Party establishes this beyond question. Late Congressman Claude Kitchin, JOHN GARNER, and other members of the minority, speaking for their party, admitted it when they said:

Sensible protectionists will go to the party that has taught and practiced protection for 50 years, and not to the party that has always opposed it.

[Applause.]

This is sound, political advice in which I heartily concur. [Applause.]

Referring again to Mr. GARNER'S tariff record. He is now the ranking Democrat on the Ways and Means Committee, having succeeded the late Hon. Claude Kitchin, and is supposed to speak with some authority for the Democratic Party. He was considered a pretty fair protectionist up to the time he became the ranking Democrat on the Ways and Means Committee. Early in 1921 a change was coming over him. On January 27, 1921, page 2131 of the CONGRESSIONAL RECORD, he said:

* * * I am not a protectionist; neither am I a free trader. I will never go above a competitive rate.

On July 21, 1921, page 4174 of the CONGRESSIONAL RECORD, he repeats:

I am not a free trader; I am not a protectionist. Therefore, I must be a revenue-tariff man.

He seems to be arguing with himself, but unconvincingly even to himself. [Applause.] He does conclude, however, that he is not a protectionist. So much is certain. He admits it. He says, and repeats:

I am not a protectionist.

His constituents will be interested to read this confession. He said further:

I am opposed to a free list, but if I am driven between the theory of the gentleman from Michigan, Mr. Fordney—

Mr. Fordney was a protectionist—

and the theory of the gentleman from Arkansas, Mr. OLDFIELD—

Mr. OLDFIED is anything but a protectionist—

if I am driven to choose between the two, with conditions as they are in Europe and the world, we being a creditor Nation to the extent of $15,000,000,000, I tell you frankly I must go to free trade rather than to your kind of protection.

Now he says he is a free trader! I do not say it; he says it, and with refreshing frankness. He says further:

In the next decade, unless our foreign debt is remitted, * * * and if our exports are to continue, as we hope they will, by leaps and bounds, until we become the greatest trade nation on earth, there is no more question in my mind than that night will follow day that you must turn toward international free trade.

He is now covering more territory; he is an "international free trader"!

On the same day, July 21, 1921, page 4178 of the CONGRESSIONAL RECORD, the gentleman from Texas [Mr. GARNER], replying to a speech of Mr. Hardy, of Texas, said:

The gentleman—

Referring to Mr. Hardy—

can not find in any statement I have ever made where I spoke of the benefits to be derived from a tariff, nor can the gentleman show where I said that I would levy it for protection, scaling from 1 to 50 per cent.

I am afraid that his goat and sheep raising, his truck growing constituents will consider these expressions as rank treason to them and to their interests.

Formerly he claimed he was for a competitive tariff. What that means the Lord only knows. Did he mean that he wanted a tariff that will make it possible for the American to compete with the foreign producer? He could not have meant that, because that defines the protective-tariff policy of the Republican Party, and he declares he is not for protection. Or did he mean a tariff that made it easy for the foreigner to compete with the American? That is manifestly the kind of "competitive tariff" he wants—one to make it easy for the foreigner to compete with the American. That is the internationalist free-trade notion, but is not the Republican idea. Whose interests does he want to protect? The foreign producer or the American, that is the question.

He has also been heard to say he is in favor of a "tariff for revenue." Every tariff is for revenue, low, high, or middling. He did not even go so far as to say that he was for a tariff for revenue only. He seemed to be afraid of the word "only," but he need not have been, for the term "tariff for revenue only" is just as meaningless under the present fiscal conditions and arrangements of this country as is the term "tariff for revenue" without the "only." Both are meaningless now.

Twenty years ago when the chief source of revenue was collected through the customhouse and the ordinary expenses of Government ranged somewhere around a billion dollars a year or less—that is to say, when custom duties collected were equal approximately to the expenditures of the Government—the term "tariff for revenue only" had a significance because it furnished a means of fixing tariff rates. Then, the term "for revenue only" determined and limited the sum of money necessary to be collected through the customhouses, because it fixed and limited the purposes for which tariff duties were to be collected, and the apportionment among the various importable commodities of the amount each was to produce determined the rates of duties. To-day when the expenses of Government reach three and four billion dollars a year and the chief source of revenue is derived from income taxes, the term "tariff for revenue" or "tariff for revenue only" means nothing, but does serve as a cloak for timid Democrats to hide under.

But these vague and meaningless earlier expressions of the gentleman from Texas are entirely irrelevant now in the light of his later declarations in which he says:

I am not a protectionist—

And—

I tell you frankly I must go to free trade—

And that he—

must turn toward international free trade—

And when he goes so far as to say, as he did in his colloquy with former Congressman Hardy:

The gentleman—

Mr. Hardy—

can not find in any statement I have ever made where I spoke of the benefits to be derived from a tariff.

I say it is useless to discuss his former professed advocacy of "a tariff for revenue" with or without the "only," competitive tariffs, and what not, because he has now placed himself squarely against protective tariffs, if not for straight out free trade. He denied even that he ever made a speech claiming that there were "any benefits to be derived from a tariff."

Not only the above-quoted remarks of the gentleman from Texas [Mr. GARNER] show that he has changed his position on the tariff and has gone over from the protection side to the other side (although one can not say exactly where he stands) but a recital of the record of his votes on the two emergency tariff bills furnishes additional proof, if that were necessary. When the first emergency tariff bill was up for consideration in 1920, he, as well as four other of his Texas colleagues, Mr. HUDSPETH, Mr. BLANTON, Mr. JONES, and Mr. Parrish, all Democrats, voted for the bill. After its passage and veto by President Wilson, his colleagues above named, voted to override the President's veto, but Mr. GARNER had already gotten on the inactive list. The record shows him as "not voting." I do not know where he was. Probably revising his famous tariff speech which he delivered only a short time before in support of this very bill. He revised it, but he revised it to extinction for it never again saw the light of day, and according to Members who heard it, the CONGRESSIONAL RECORD was denied the adornment of a protective tariff speech that was the real thing. This happened before my time here, but they tell me it was some speech, some protective-tariff speech. When the vote was had on the President's veto, the other four Texas Democrats, Mr. HUDSPETH, Mr. BLANTON, Mr. JONES, and Mr. Parrish, stood by their guns, even to the extent of overriding their Democratic President's veto, but alack and alas, the gentleman from Texas [Mr. GARNER], was A. W. O. L. The House failed to override the veto and that was the end of the first emergency tariff bill.

The next emergency tariff bill came before the House during the early part of the Harding administration in 1921. I took my seat here at this time. The two bills in the main were identical bills and the Texas Members before mentioned, Mr. HUDSPETH, Mr. BLANTON, Mr. JONES, and Mr. Parrish, construed them as being at least substantially the same, for they again voted for the legislation. It is hardly necessary to say that I also voted for the bill and supported it on the floor of the House. What did the gentleman from Texas [Mr. GARNER] do? He voted against the bill, and this he did in the face of the fact that the people of his district were more vitally interested and in greater need of the protection provided therein than the people of any other district in the whole United States. Every ranch and farm product of his district was protected by this bill—sheep and goats, wool, mohair, cattle, onions, lemons, peanuts, beans, vegetable oils, long-staple cotton, and a variety of other farm products. It is still the mystery of the State and of his district why he voted for the 1920 emergency tariff bill and against the bill of 1921, or why he voted against the 1921 bill at all, and without reference to the inconsistency of his two votes.

Last summer I accepted an invitation to speak in Mr. GARNER's district, in the Rio Grande Valley—the "Magic Valley," as it is very aptly called, because of its marvelous fertility—and every man and woman with whom I came in contact declared that the prosperity, the very existence of the citrus-fruit growers, and the truck growers depended upon a high protective tariff on these products. What I say of the Magic Valley is also true of the "Winter Garden" section, also in Mr. GARNER's district. They are an incomprehensible people that live in that section. They raise grapefruit, oranges, tomatoes, onions, and Democratic majorities down there, complain about low tariff duties, and ask for higher ones, but fail to realize that the only party that prescribes the medicine they say they need "for what ails them" is the Republican Party. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. WURZBACH. Mr. Speaker, may I have 10 minutes more?

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 10 additional minutes. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I object.

Mr. GARNER of Texas. I hope the gentleman from Maryland will not insist on his objection.

Mr. LINTHICUM. I simply want to go ahead. To-day is Calendar Wednesday and the Committee on Foreign Affairs has the call.

Mr. GARNER of Texas. The gentleman has a purpose in drawing his indictment, so let him finish it.

Mr. LINTHICUM. If the gentleman wants to hear any more of this, I will withdraw my objection.

Mr. GARNER of Texas. I want him to finish his indictment, so the House may have the benefit of it.

The SPEAKER. Is there objection?

Mr. GILBERT. Mr. Speaker, reserving the right to object, it does seem to me that the gentleman, who has 50 minutes of time and is calling Congressmen by name, should consent to yield, especially when he is speaking with the consent of the Members.

Mr. WURZBACH. Well, I would gladly yield, but I realize now I did not ask for enough time to make this speech. I hope I will be permitted to finish it.

The SPEAKER. Is there objection?

There was no objection.

Mr. WURZBACH. The onion growers especially are complaining bitterly about the low duties on onions. The gentleman from Texas [Mr. GARNER] voted against the bill that carried a duty on onions, but only a month or so ago, appeared before the Tariff Commission here in Washington in behalf of a one-half cent additional duty on onions under the flexible provisions of the present law he so bitterly opposed. [Applause.] He voted against giving the onion growers any duty at all on onions, and now is invoking the provisions of that very law to secure an additional one-half cent per pound. JOHN knows his onions—his political onions—or thinks he does, but I venture the opinion that the onion growers of his district by now also know their JOHN. It is going to be an interesting thing to see how the onion growers perform during the coming election. Will they vote as they pray? I wonder; oh, I wonder!

There can be no more important event in the affairs of this Nation or one that more vitally and directly affects the welfare of all the people than the writing of a tariff measure. Within all reasonable probability the next Congress will revise the tariff schedules. Those who are elected to Congress next November will, of course, write the measure. The present tariff measure will then have been upon the statute books eight years, and in all probability the next tariff measure will remain an equal length of time. The November election of Congressmen is, therefore, of much greater importance to the producers of the Nation than the usual congressional campaigns.

Protection has become recognized as a national policy of government, especially by the producers of the South. That the American citizens who toil upon the farms, in the factories, and in the mines, that those who pay taxes and contribute toward the building of schools, churches, public highways, and those who develop the natural and artificial resources of the Nation have first claim upon the American markets is conceded by all thoughtful citizens. I will not, therefore, take up your time or burden the records of this Congress with an argument in favor of protection. The only question at issue now before

the southern producer is how to get protection, and it is in reply to that query that I shall address the rest of my remarks to-day.

The best way to get protection is to send a Representative to Congress who will vote for it. Now is the time for the southern producers to become active. They should not wait until after the election and then send petitions, resolutions, prayers, and letters to Congress asking for protection. Elect a Congressman who favors a protective tariff. The Congressman is the constitutional representative of the district, and when the Congressman votes the district has voted and there is no appeal. While I favor protection to everyone who toils, and to the manufacturer as well as to the agriculturist, I am not in favor, in every instance, of forcing protection upon any district that sends to this House a Congressman that does not want it. Let the producers of the South take warning. If they want protection, send to Congress a Representative who will vote for it. There are, of course, many products that are universal, but in the South we have many products confined to our section and, in some instances, are largely within one or at least a few congressional districts. Among these products are peanuts, vegetable oils, citrous fruit, wool, mohair, onions, honey, and early vegetables.

Let the producers of the South be not deceived by the argument that their Congressman will vote for protection upon the products of their district and then vote against the products of every other district as a means of securing protection. Such a claim is not only inconsistent, ridiculous, arrogant, and insincere, but it is downright dishonest.

The proper queries to make of every candidate for Congress are, Do you favor a national policy of protection? Are you willing to give to the producers of other districts the same protection that you want for those of your own district? [Applause.] Do you refuse to take instructions from any party caucus to vote against a protective tariff measure? If the candidate of either party will answer in the affirmative, he is eligible for the suffrage of a protectionist. [Applause.]

In this connection, I want to say that a Republican protectionist is better than a Democratic protectionist. [Applause.] In fact, it is always better to send a Republican to Congress than to send a Democrat! [Applause.] But where there is no Republican candidate for Congress, I would favor a protectionist Democrat to a nonprotectionist Democrat. Any citizen is justified in voting for bread for his family. Protection should be an American policy and not a sectional one. There are industrial tariffs that are too low, and there are manufactured products now on the free list that ought to be protected. Notable examples of manufactures that are thus discriminated against are cement and shingles. These two are only examples and the next Congress, if it is Republican, will correct this injustice.

The value of products which governs the value of property and of business ought not to be imperiled by the outcome of an election. A low tariff is no better than no tariff. No business can run at a loss. The amount of the loss is secondary.

Hon. CLAUDE HUDSPETH, of the sixteenth congressional district of Texas is as good a protectionist as I am and a much better Democrat than many of his colleagues within the party, for the Democratic Party was originally a protection party. It is the "latter-day saints" of the Democratic Party that have reversed its policies on the tariff. The Republican Party 75 years ago became and still is the proud foster father of democracy's abandoned child.

We find as many kinds of tariff Democrats as there are different brands of breakfast food. We have the free-trade Democrat, the tariff-for-revenue Democrat, the competitive-tariff Democrat, the internationalist free-trade Democrat, the equalization-tariff Democrat, and a few protective-tariff Democrats. Fortunately for the voters of the South the roll call in Congress automatically classifies the various brands of tariff Democrats.

We hear much said about reducing the cost of living by lowering the tariff duty on the things the farmer buys. But does that argument appeal to the onion growers of the Rio Grande Valley whose products are rotting on the ground for want of an adequate tariff? Is the so-called eastern manufacturer robbing them of anything? Low tariff has ruined them, and they have no purchasing power. No danger of anyone robbing them! Their interests were not adequately looked after in the present tariff measure and there is suffering and distress, and the next Congress must materially increase the duties on onions, tomatoes, and many other farm products.

That the layman may more fully understand, and the records kept perfectly clear, I will say that national party platforms are always brief and, of course, have no constitutional or legal authority. Their importance depends upon the construction your Representative in Congress places upon them. It is not the national party convention, but Congress, that writes tariff laws.

We are approaching a campaign, and in my State the tariff is the outstanding issue. For the information of voters of Texas I want to reproduce the record votes of the Texas Congressmen on the tariff, including the Wilson emergency, the Harding emergency, and the Fordney-McCumber measure. An examination of the RECORD reveals that Hon. CLAUDE HUDSPETH consistently voted for protection on every roll call. It further reveals the free traders and nonprotectionists. Read the RECORD. [Applause.]

Mr. Speaker, I ask unanimous consent to insert this list in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to insert the list referred to in the RECORD. Is there objection?

There was no objection.

The list is as follows:

How the Texas Congressmen voted on the 1922 tariff act

District	Name	First emergency, Wilson administration, Sixty-sixth Congress		Second emergency, Harding administration, Sixty-seventh Congress, vote on passage	Permanent law, Harding administration, Sixty-seventh Congress, vote on passage
		Vote on passage	Vote to override		
	CONGRESSMEN				
1	Eugene Black	Nay	Nay	Nay	Nay.
2	John C. Box	Nay	Nay	Nay	Nay.
3	James Young	Not voting	Nay		
	Morgan Sanders			Nay	Nay.
4	Sam Rayburn	Not voting	Nay	Nay	Nay.
5	Hatton W. Sumners	Nay	Nay	Nay	Nay.
6	Rufus Hardy	Nay	Not voting	Nay	Nay.
7	C. S. Briggs	Not voting	Nay	Nay	Nay.
8	Joe Eagle	Nay	Nay		
	D. E. Garrett			Nay	Nay.
9	J. J. Mansfield	Yea	Yea	Not voting	Nay.
10	J. P. Buchanan	Nay	Not voting	Nay	Nay.
11	Tom Connally	Not voting	Nay	Nay	Nay.
12	Fritz G. Lanham	Nay	Nay	Nay	Nay.
13	L. W. Parrish	Yea	Yea	Yea	
14	Carlos Bee	Yea	Yea		
	H. M. Wurzbach (R)	(1)	(1)	Yea	Yea.
15	John N. Garner	Yea	Not voting	Nay	Nay.
16	C. B. Hudspeth	Yea	Yea	Yea	Yea.
17	Thos. L. Blanton	Yea	Yea	Yea	Nay.
18	Marvin Jones	Yea	Yea	Yea	Nay.
	SENATORS				
	Morris Sheppard	Yea		Yea	Nay.
	Charles A. Culberson	Not voting		Nay	Nay.

[1] Not a Member of this Congress.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees. When the Committee on Foreign Affairs was reached—

GORGAS MEMORIAL LABORATORY

Mr. PORTER. Mr. Speaker, I call up H. R. 8128, a bill to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up House bill 8128 and asks unanimous consent that it may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 8128) to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory

Be it enacted, etc., That there is hereby authorized to be permanently appropriated for each year, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be paid to the Gorgas Memorial Institute of Tropical and Preventive Medicine (Inc.) (hereinafter referred to as the Gorgas Memorial Institute), for the maintenance and operation by it of a laboratory to be known as the Gorgas Memorial Laboratory, upon condition (1) that the necessary building or quarters for said laboratory shall be constructed within the five years next ensuing after this act shall become a law, either upon the site offered by the Republic of Panama therefor at or adjacent to the city of Panama, or upon a site in the Canal Zone to be provided by the United States; (2) that each of the Latin-American

Governments be invited and permitted to contribute annually, on a pro rata basis, according to population, toward the maintenance and operation of such laboratory, the total of such contributions not to exceed 75 per cent of the total contributed by the United States; and (3) that the United States be represented permanently on the board or council directing the administration of such laboratory, with privilege to the Latin-American Governments contributing as aforesaid to have representation on such board or council; all such representation to be based upon and in proportion to the actual respective contributions made to the aforesaid maintenance and operation.

SEC. 2. That pending the construction of the necessary buildings or quarters for said Gorgas Memorial Laboratory there is hereby authorized to be appropriated annually, in manner aforesaid, for a period not exceeding the five years hereinbefore named, said sum of $50,000, payable to the Gorgas Memorial Institute, to enable and permit to be made the organization of the said Gorgas Memorial Laboratory and its maintenance and operation in temporary quarters or in any existing laboratory in the Republic of Panama or the Canal Zone.

SEC. 3. The Gorgas Memorial Institute shall make to Congress annually, on the first Monday in December, a full report of the operation and work of the Gorgas Memorial Laboratory for the fiscal year next preceding, and shall include therewith a complete statement of the receipts and expenditures of said laboratory for such fiscal year.

With the following committee amendment:

On page 3, line 7, strike out "for the fiscal year" and insert in lieu thereof "up to the first of November"; and in line 10, after the word "year," insert "the books and accounts of the Gorgas Memorial Laboratory shall at all times be open to examination by the Comptroller General of the United States."

The SPEAKER. Is there objection to the consideration of the bill in the House as in Committee of the Whole?

There was no objection.

Mr. THATCHER. Mr. Speaker, I wish to make a brief statement about the purposes of the bill. It provides for an authorization of an annual appropriation of $50,000 to be paid to the Gorgas Memorial Institute of Tropical and Preventive Medicine (Inc.) for the purpose of maintaining the work of a tropical research laboratory on the Isthmus of Panama.

The Gorgas Memorial Institute of Tropical and Preventive Medicine is incorporated under the laws of Delaware. It has no capital stock and is a purely philanthropic institution, the honorary president of which is the President of the United States, Mr. Coolidge. It is carrying on a great work in this country in supplementing the public health, and other health and sanitary activities of the country through funds made up by private subscriptions and contributions. Also it has in view the establishment of a tropical research laboratory in Panama, where research work may be carried on along the lines contemplated by the great sanitarian, Gen. William Crawford Gorgas, during his great work on the Isthmus. The Gorgas Memorial Institute has been organized by the advisors and coworkers of General Gorgas during the World War, when he was Surgeon General of the United States Army.

The Republic of Panama has donated a very valuable site for this laboratory work and for the construction of a laboratory building. Also two Presidents of the Republic of Panama have made a pledge to the extent of their ability to make it that the Republic of Panama will construct the laboratory building for this purpose, at a cost of something like $500,000 to $700,000. I am thoroughly familiar with the site, which is near the city of Panama, adjacent to the great Santo Tomas Hospital, built by the Republic of Panama at a cost of three and a half million dollars; and it is also near the great Ancon Hospital in the Canal Zone. The Republic of Panama has also purchased $20,000 worth of equipment for laboratory purposes, which is now available for this laboratory work.

The bill is twofold in its purposes: First, the inauguration of tropical research work on the Isthmus of Panama; and, second, the memorialization of Gen. William Crawford Gorgas on the Isthmus, whose work there made possible the construction of the canal.

Section 1 authorizes an annual appropriation of $50,000 a year as the contribution of the United States toward the maintenance and operation of a tropical research laboratory on the Isthmus of Panama, conditioned: (a) That the necessary building or quarters therefor, within five years next ensuing after the bill may become a law, shall be constructed, either upon a site which has been offered therefor by the Republic of Panama, or upon a site in the Canal Zone to be provided by the United States; (b) that each Latin-American Government be invited and permitted to contribute annually, on a pro rata basis, according to population, toward such maintenance and operation, the total of such Latin-American contributions not to exceed 75 per cent of the total contributed by the United States; and (c) that the United States and the others contributing be represented on the board or council, directing the administration of such laboratory; all such representation to be based upon and in proportion to the actual respective contributions so made by them.

Section 2 authorizes, pending the construction of the necessary building or quarters for such laboratory, the like annual appropriation of $50,000 under terms of contribution by our own and the Latin-American countries similar to those indicated in section 1, thereby permitting the organization and the maintenance and operation of such laboratory work in temporary quarters, or in any existing laboratory in the Republic of Panama, or the Canal Zone.

These sections provide that the funds appropriated under these authorizations shall be paid to the Gorgas Memorial Institute of Tropical and Preventive Medicine, for the purpose of maintaining and operating such laboratory.

Section 3 provides that the Gorgas Memorial Institute shall make to Congress annually on the first Monday in December full report of the operation and work of the Gorgas Memorial Laboratory up to the 1st of November next preceding, and shall include therein a complete statement of receipts and expenditures of the laboratory for such fiscal year. This section also provides that the books and accounts of the Gorgas Memorial Laboratory shall at all times be open to examination by the Comptroller General of the United States.

Full hearings were had upon this bill before the Foreign Affairs Committee. Some of the most prominent medical and sanitary experts and scientists in the entire country were present, and one very distinguished gentleman from abroad, Mr. Henry S. Wellcome, who founded and helps to maintain the world-famed Wellcome Tropical Research Laboratories at Khartum, in the Anglo-Egyptian Sudan, and founder of research laboratories and a medical museum in London, England, was also present at the hearing and gave testimony of a most dramatic and interesting character in behalf of this measure. All these distinguished men testified, as well did also the president of this organization, the Gorgas Memorial Institute, Dr. Franklin Martin, who is also director and president of the American College of Surgeons. Doctor Martin is giving his time and money to this great work. Also there appeared before the committee the three Surgeons General of the Army, the Navy, and the Public Health Service, Generals Ireland, Stitt, and Cumming. Also, the following named were heard in behalf of the measure, and aided in demonstrating in most convincing manner the great need for the enactment of the bill, namely:

Dr. Bowman C. Crowell, Chicago, Ill., member of executive committee and director Gorgas Memorial Institute; associate director American College of Surgeons; recently director Oswaldo Cruz Institute for Tropical Diseases, Rio de Janeiro.

Dr. George W. Crile, Cleveland, Ohio, director Gorgas Memorial Institute; president Cleveland clinic; regent and ex-president American College of Surgeons, and for seven years engaged in health work in the Philippines.

Dr. Arthur T. McCormack, Louisville, Ky., executive head of the Kentucky State Board of Health.

The best judgment of the medical, surgical, and sanitary profession of the entire country is backing this bill. The American Federation of Labor is also backing the bill, and Mr. Edgar Wallace, the personal representative of Mr. Green, the president of the American Federation of Labor, appeared before the committee and urged the great importance of this laboratory work. The reasons for this, the need for this laboratory, I may briefly state, are these: With the Panama Canal as the great focal point of international traffic in all the world, situated as it is in the heart of the Tropics, it is a place where disease may be brought and may be scattered to the four quarters of the earth unless proper steps are taken for prevention. We all know of the great work which was done on the Isthmus under the sanitary leadership of General Gorgas in eradicating yellow fever, malaria, and other diseases from the Isthmus, until the Canal Zone and the cities of Panama and Colon are to-day as healthful as any cities of our own country, and more healthful than most of them.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. THATCHER. I will.

Mr. MOORE of Virginia. Will the gentleman tell the House something about the make-up of the corporation, the institute, which is to have charge of the laboratory?

Mr. THATCHER. Yes. As I stated a moment ago, it is organized under the laws of the State of Delaware, with no capital stock, no profits are permitted, and no funds allowed to be expended except for the purpose of employing experts

like laboratory directors and people of that type and assistants to carry on the work involved.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that the gentleman may continue for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Virginia. Can the gentleman think of any governing body made up of more distinguished men than the gentlemen who represent the personnel of the institute?

Mr. THATCHER. I will say that the very cream of the philanthropic and scientific life of this country is sponsoring this work, and the President of the United States is the honorary president of the organization. I now give a list of the officers and directors of the Gorgas Memorial Institute of Tropical and Preventive Medicine, and a statement of the great scientific and philanthropic organizations indorsing the work of the institute, as follows:

Officers: Hon. Calvin Coolidge, honorary president, President of the United States; Franklin Martin, M. D., president, director general American College of Surgeons; Gilbert Fitz-Patrick, M. D., vice president, American Society for Control of Cancer; George M. Reynolds, treasurer, chairman of the board, Continental and Commercial National Bank; W. J. Sennott, assistant treasurer, Continental and Commercial National Bank; W. H. G. Logan, D. D. S., M. D., secretary, secretary American Dental Association; Silas Strawn, President American Bar Association.

Executive Committee: Franklin Martin, M. D., chairman, director general American College of Surgeons; Herman Bundesen, M. D., president American Health Association; Bowman C. Crowell, M. D., associate director American College of Surgeons; Hon. Charles G. Dawes, Vice President of the United States; Gilbert Fitz-Patrick, M. D., American Society for Control of Cancer; W. H. G. Logan, D. D. S., M. D., secretary American Dental Association; E. W. Ryerson, M. D., Children's Memorial Hospital; Charles H. Thorne, trustee Northwestern University.

BOARD OF DIRECTORS

Hon. Calvin Coolidge, honorary president, Washington, President of the United States.

Dr. Franklin Martin, chairman, Chicago, director general, American College of Surgeons.

Hon. R. J. Alfaro, Washington, Panaman minister.

Mr. Bernard M. Baruch, New York City, trustee, College of the City of New York.

Dr. A. W. Blaine, Detroit, dean, Detroit Post Graduate School of Medicine.

Dr. Herman N. Bundesen, Chicago, President American Health Association, and formerly commissioner of public health of Chcago.

Dr. James T. Case, Battle Creek, Northwestern University Medical School.

Dr. Rodolpho Chiari, Panama, President Republic of Panama.

Dr. George W. Crile, F. R. C. S., Cleveland, Western Reserve University School of Medicine.

Dr. Bowman C. Crowell, Chicago, associate director, American College of Surgeons.

Dr. Hugh S. Cumming, Washington, Surgeon General United States Public Health Service.

Hon. Charles G. Dawes, Chicago, Vice President of the United States.

Dr. George E. de Schweinitz, Philadelphia, professor of ophthalmology, University of Pennsylvania.

Mr. Haley Fiske, New York City, president Metropolitan Life Insurance Co.

Dr. Gilbert Fitz-Patrick, Chicago, chairman Illinois branch, American Society for Control of Cancer.

Hon. William Green, Washington, president American Federation of Labor.

Maj. Gen. Merritte W. Ireland, Washington, Surgeon General United States Army.

Dr. Andrew S. Lobingier, Los Angeles, surgeon, Hospital of the Good Samaritan, Clara Barton Hospital.

Dr. W. H. G. Logan, D. D. S., Chicago, secretary American Dental Association.

Dr. Fred Bates Lund, Boston, surgeon in chief, Carney Hospital.

Dr. William J. Mayo, Rochester, Minn., Mayo Clinic.

Dr. Stuart McGuire, Richmond, surgeon in charge, St. Luke's Hospital.

Dr. C. Jeff Miller, New Orleans, Tulane University School of Medicine.

Judge John Bassett Moore, The Hague, Holland, Permanent Court of International Justice.

Brig. Gen. Robert E. Noble, Anniston, Ala., retired.

Mr. Adolph S. Ochs, New York City, managing editor, New York Times.

Mr. Lewis Pierson, New York City, president, United States Chamber of Commerce.

Hon. Belisario Porras, Panama, former president, Republic of Panama.

Mr. George M. Reynolds, Chicago, chairman of the board, Continental and Commercial National Bank.

Dr. Stewart Roberts, Atlanta, professor of clinical medicine; former president, Southern Medical Association.

Hon. Leo. S. Rowe, Washington, director general Pan American Union.

Dr. Edward W. Ryerson, Chicago, consulting surgeon, Children's Memorial Hospital.

Mr. Edward Elwell Spafford, New York, national commander, the American Legion.

Mrs. John Dickinson Sherman, Washington, national president, General Federation of Women's Clubs.

Dr. Ernst A. Sommer, Portland, University of Oregon Medical School.

Dr. Alfred Stengel, Philadelphia, former president, American College of Physicians.

Dr. George David Stewart, New York City, president, American College of Surgeons.

Rear Admiral Edward R. Stitt, M. D., Washington, Surgeon General, United States Navy.

Dr. George W. Swift, Seattle, surgeon, Children's Orthopedic and King County Hospitals.

Mr. Charles H. Thorne, Chicago, trustee, Northwestern University.

Prof. C. E. A. Winslow, Ph. D., New Haven, president, American Public Health Association.

Dr. Hugh Hampton Young, Baltimore, Johns Hopkins University Medical Department.

BOARD OF SCIENTIFIC DIRECTORS

Dr. Richard P. Strong, director, School of Tropical Medicine, Harvard University.

Dr. C. C. Bass, director, Laboratory Clinical Medicine, Tulane University.

Dr. W. G. MacCallum, professor of Pathology, Johns Hopkins University.

Dr. W. G. McCoy, director, Hygienic Laboratory, United States Public Health Service.

Lieut. Col. J. F. Siler, assistant, division of sanitation, United States Army.

Dr. E. E. Tyzzer, professor of comparative pathology, Bussey Institute.

Statutory office: Wilmington, Del.

Executive offices, 400 North Michigan Avenue, Chicago, Ill.

GORGAS MEMORIAL INSTITUTE WORK IS INDORSED BY—

Alumnæ Association of Joseph Price Memorial Hospital, Philadelphia.
American Red Cross.
American Association of Genito-Urinary Surgeons.
American Association of Industrial Physicians and Surgeons.
American Climatological Association.
American College of Surgeons.
American Dental Association.
American Dermatological Association.
American Federation of Labor.
American Gynecological Society.
American Institute of Homeopathy—Congress of States.
American Laryngological Association.
American Neurological Association.
American Orthopedic Association.
American Otological Society.
American Pediatric Society.
American Public Health Association.
American Society of Tropical Medicine.
American Surgical Association.
City, county, and district medical associations.
Conference of State and Provincial Health Authorities of North America.
Daughters of the Southern Confederacy.
Georgia State Medical Association.
Idaho State Medical Association.
Illinois State Dental Society.
International Association of Civic Clubs.
Iowa State Medical Society.
Kansas State Dental Society.
Kentucky State Dental Society.
Kentucky State Medical Association.
Maine Medical Association.
Medical and Chirurgical Faculty of the State of Maryland.
Medical Society of the State of New York.
Medical Women's National Association.
Medical Veterans of the World War.
Missouri State Medical Association.
National Exchange Clubs.
Nevada State Medical Association.
New Hampshire State Medical Society.
New Jersey State Dental Society.

New Orleans Chamber of Commerce.
Ohio State Medical Association.
Oregon State Medical Society.
Pacific Northwest Medical Association.
Pan American Commercial Congress.
Society of Alumni of Bellevue Hospital.
South Dakota State Dental Association.
Southern Commercial Congress.
Southern Surgical Association.
Texas State Dental Society.
Tri-State Medical Association (Wisconsin-Iowa-Illinois).
United States and Western Golf Associations.
Utah State Dental Association.
Utah State Medical Association.
Veterans of Foreign Wars.
Washington State Dental Association.
Washington State Medical Society.
Wisconsin State Dental Society.

I will also read what President Coolidge said on this subject, as follows:

Human misery and the enormous economic loss caused by preventable illness are matters of serious moment to every individual. The Gorgas Memorial's plan to conserve this needless waste of human resources is commendatory and deserving of the support of all thinking people.

This institute is going on with health education in this country through funds raised by popular subscription, already spending $30,000 a year for educational work; but for intensive research work in the Tropics it will be necessary to have help from the various governments which may be affected.

Mr. LINTHICUM. Will the gentleman yield?

Mr. THATCHER. I will.

Mr. LINTHICUM. I want to bring to the gentleman's attention, and in that way to the attention of the House, the matter of how the accounts are protected under this bill. In line 10, page 3, the bill provides that the books and accounts of the Gorgas Memorial Laboratory shall at all times be open to examination by the Comptroller General of the United States.

Mr. THATCHER. Yes. The attempt is made to see that this money is expended properly. By this provision protection is made; and it is based on suggestions made by the Assistant Comptroller General, to whom the bill was submitted.

Mr. MOORE of Virginia. And an annual report is made to Congress.

Mr. THATCHER. Yes; this is also provided in the bill.

Now, Members of the House, I do not think it is necessary to elaborate touching the value of this work. It is well known that the diseases which are considered indigenous to the Tropics may be transmitted to the Temperate Zones, just as was the case with yellow fever formerly when our southern cities were periodically ravaged by this malignant plague; and as was strikingly demonstrated years ago when Philadelphia had one of the greatest outbreaks of yellow fever that this country has ever known. To-day, with our multiplied contacts—for this is the age of a million contacts—with the ships of the world passing through this great canal, and to our own shores, and to foreign shores—there is every reason in the world why, as a matter of prevention, as a matter of protection, and as a matter of foresight, this great work should be organized and carried on there; and all that our Government is asked to do is to make a contribution of $50,000 a year for the actual maintenance of the laboratory—an altogether trivial sum in view of the importance of the work.

And, more than that, it is the purpose of this bill and of the sponsors of this movement to tie into it, not only the Republic of Panama, which has agreed to support it in the most liberal manner, but also all the Latin-American Governments, particularly the tropical countries where these dread diseases exist. We have only scratched the surface in the study and treatment of tropical diseases, the number of which is legion. So, as a matter of protection to ourselves and to our own future, it is of paramount importance that this work begin without delay, and that we have the contributions and hearty cooperation from these Latin-American countries for the operation of this laboratory when it is established.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. THATCHER. I will.

Mr. SUMMERS of Washington. It might seem strange to some that we should engage in a work so far away from home, but I think attention should be called to this fact, that certain of these diseases can better be studied there and their prevention better worked out in that part of the country, notably because of malaria, yellow fever, and many other diseases that occur in the tropical countries and spread to the United States. So it is proper that the work should be carried on in the habitat of these diseases.

Mr. THATCHER. Yes; because of the heat conditions the germs there never die except of "old age." They are never killed by the cold. Moreover, our interest in the health situation is paramount because of the Panama Canal.

Mr. MOORE of Virginia. And Surgeon General Cumming told the committee that there can not be a more suitable and logical place for the study of the tropical diseases than the place where this laboratory is to be located.

Mr. THATCHER. Yes; all the scientific men that appeared before the committee made that statement.

General Gorgas wished to see the entire tropical world redeemed from malignant disease. In Cuba he brought about the absolute elimination of age-old yellow fever after the Walter Reed Board had determined the source of infection. Also, in Cuba, especially in Habana, he greatly reduced malaria. The Stegomyia mosquito, the carrier of yellow-fever infection, and the common black mosquito—the Anopheles—the carrier agency of malarial infection, he exterminated, and a new era dawned for the Queen of the Antilles. He served as chief sanitary officer in Cuba from 1898 to 1902. In 1904 he was appointed chief sanitary officer of the Canal Zone, and in 1907 he was selected as a member of the Isthmian Canal Commission and served in that capacity until the commission was abolished in 1914. In charge of the health and sanitary work in the Canal Zone, by the same practical methods of mosquito extermination, sanitary vigilance, and quarantine he had practiced in Cuba he transformed the Isthmus of Panama, for centuries the greatest plague spot of the world, into a region of health. Without the work of a Gorgas the Panama Canal could never have been constructed, and, in my judgment, the sanitary achievements there and the sanitary lessons taught there will prove of even greater value to the world at large and to posterity than the canal itself. The work of the proposed laboratory will be along original lines. In its operation there will be no duplication of the Canal Zone sanitary activities, which are along established lines of endeavor. Other diseases than yellow fever and malaria remain in the Tropics to be brought under subjection. Other tropical lands are teeming with them. Original research and experimentation must be carried on in order to ferret out the secrets of their malignancy. Thus was yellow fever mastered and malaria brought to bay, and thus must disease after disease fall before the march of science.

In the Anglo-Egyptian Sudan through the work of the Wellcome Tropical Research Laboratories miracles of sanitation have been wrought. Mr. Wellcome followed Kitchener to this region and supplemented the latter's work. During a short period before Kitchener's conquest of that region there had perished by sword and famine and disease a native population estimated at 10,000,000. Now, there has come upon that portion of the earth health and healing. Fever, malaria, plague, sleeping sickness, and other dread diseases formerly rampant there, have vanished under the touch of science and humanitarianism. Mr. Wellcome, in giving his fortune and in consecrating his great talents to this work and to the field of tropical research, stands out to-day as one of the earth's greatest benefactors. He was the intimate friend of Gorgas, and visited the latter in Panama. He was a pallbearer at the funeral of General Gorgas in London, and in the hearings on this bill narrated in the most elequent way the story of those rites.

Let me quote from Mr. Wellcome's testimony before the committee the following touching the value of the Isthmian site for a research laboratory:

In respect to Panama being the ideal location for the Gorgas Memorial Tropical Research Laboratory, I would say that Sir Patrick Manson, the original discoverer, or the first to definitely conceive and work out the idea and realize that the mosquito was the host and carrier of malarial infection, considered Panama to be one of the great tropical disease danger centers of the world. A number of years ago he pointed out that ships passing through the Panama Canal, and to and from the Isthmus and all parts of the world, would bring and carry all manner of diseases—bringing and leaving diseases, while picking up and carrying others to various parts of the world. Sir Patrick regarded this as a very serious matter and he expressed to me repeatedly his very strong views on this subject. I have heard him make similar statements at the London School of Tropical Medicine and elsewhere. Furthermore, I know that General Gorgas also held that same view.

Also, in the same connection, I quote the following statement made at the hearings by Dr. Bowman C. Crowell, whom I have already mentioned:

In a discussion of diseases of the Tropics, the most important place belongs to malaria. While methods for the control of malaria are known, the cost of pursuing these methods on such extensive scales as are necessary in the Tropics mitigate against their efficiency. Present methods also call for human cooperation, which it is not always possible to get when dealing with native tropical races. New methods

for the treatment of malaria and its elimination from the globe are a very promising field for investigation. They already occupy the attention of innumerable workers, and any addition to this force that it is possible to secure should certainly be encouraged.

There are a large number of cases of anemia in the Tropics, some of which also exist in temperate climates. Many of these are associated with diseases of the spleen, concerning which very little is known.

Diseases due to animal parasites find their home in the Tropics. These parasites, varying from unicellular organisms up to the larger worms, cause diseases of all of the organs of the body, principal among which are those which infest the intestines, producing untold disability. Among these diseases may be mentioned such as amoebic dysentery and hookworm disease; schistosomiasis; the long list of spirochaetal diseases, among which may be mentioned yaws, or framboesia tropica, a most disfiguring disease, bearing many points of similarity to syphilis, if indeed it be not a form of syphilis, as is believed by many; yellow fever comes within the list of spirochaetal diseases, and has a close analogy in dengue and breakbone fever. The cause of dengue is unknown, and but little is known concerning its method of transmission. Leprosy need only be mentioned on account of the general diffusion of knowledge concerning it. A trypanosoma exists in South and Central America and causes an enormous morbidity and mortality. Transmitted by the triatoma megista, which has a widespread distribution on the South American Continent, it is not at all impossible that the disease itself may spread to the North American Continent. The relation of the parasite which causes it to certain other parasites which are not known to cause disease merits extensive investigation. Nutritional diseases and diseases due to bacteria exist in the Tropics, some of them in much more intensive form than is true outside of the Tropics; and methods for their control and the prevention of their spread are pressing problems.

A knowledge of the intermediate agents which transmit many diseases, notable among which are the mosquito and the ordinary house fly, is woefully deficient; and recognition of individuals who are the carriers of disease without themselves suffering from it is a sine qua non for the protection of those with whom these individuals come into contact.

While reference here has been made to these diseases as tropical diseases the possibility of the transportation of many of them to our own shores is of pressing economic importance, and those who are conversant with methods of recognition of the diseases already known are more and more frequently recognizing cases of these diseases in our own country. This is a most potent reason for further study and for a wider dissemination of the already existent knowledge concerning these diseases.

It is well within the bounds of possibility that a single finding in the laboratory in the Tropics may prove of such economic value to our Government that it will in one year much more than repay the amount spent for such investigations over a very long period of years. This argument, then, is—from the standpoint of the North American—one of self-preservation, in addition to being one of universal humanitarian import.

The diseases referred to above form only a very small fraction of the innumerable morbid conditions which demand present-day investigation, and any possible addition to the number of organizations studying these diseases will take the form of a moral obligation.

I have personally discussed this subject with Dr. George E. Vincent, president of the Rockefeller Foundation, and he has authorized me to make the statement that the Rockefeller Foundation would cordially welcome into the field of tropical medicine an organization which gives promise of making additions to the knowledge of tropical diseases. The Rockefeller Foundation is interested in the elimination of disease from the Tropics and from temperate climates, and appreciates the limits of our present knowledge. The foundation stands ready to put into practical application such concrete measures as may give promise of success, which may be discovered by any workers.

Doctor Vincent also authorized me to state that there is no conflict in any way between the work contemplated under the auspices of the Gorgas Memorial Institute and that of the Rockefeller Foundation, and that he heartily indorses the inauguration of such work under the auspices of the Gorgas Memorial Institute.

It is planned that the Gorgas Memorial Institute of Tropical and Preventive Medicine will form a center for research at which will be welcomed students from all countries, and that it shall form a center for the dissemination of already existing knowledge and that which may result from its researches. The importance of this in the training of medical officers for our Army, Navy, and Public Health Service, to say nothing of lay physicians, can not be estimated in dollars and cents.

Aside from the appropriateness of the selection of Panama as a site for a memorial to General Gorgas there is no place in the world which geographically offers a greater advantage for the study of diseases of all kinds.

There are only three or four of these tropical laboratories—there are some foundations that send people abroad to make investigations, but only a few tropical laboratories are maintained in the Tropics. There will be no duplication of this work, as was fully brought out in the hearings. The only research institutions of the proposed character now maintained in the Tropics appear to be the Oswaldo Cruz Institute in Rio de Janeiro, Brazil, the Wellcome Tropical Research Laboratories at Khartoum, Anglo-Egyptian Sudan; and the Columbia School of Tropical Medicine in Porto Rico.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. THATCHER. May I have two minutes more?

The SPEAKER. The gentleman from Kentucky asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. THATCHER. I want to say in conclusion that this work was contemplated by General Gorgas, the greatest sanitarian the world has ever known. One of the dreams of his life was that there would be established this research work in the Tropics, because he believed that through proper sanitation the Tropics could be made wholesome and habitable for all races, including the Caucasian; and this he fully demonstrated on the Isthmus.

Pardon a personal note. During the years 1910, 1911, 1912, and 1913 I had the honor to serve as a member of the Isthmian Canal Commission and as head of the department of civil administration of the Canal Zone. General Gorgas was also a member of the commission and in charge of the health and sanitary work there. We both lived in Ancon. We had our offices in the same building, and were in daily contact. Our relations, official and personal, were of the most delightful character; and in certain features of his work I was able, I believe, to be of some assistance.

I came to know and love him. He was a great man. No difficulty could daunt him. To use the phrase, he was the "master of his event." Determined and serene, with unsurpassed skill, energy, and vision, he wrought the miracles of sanitation wherever he went. He and his beloved wife had experienced yellow fever at Brownsville, Tex., in their earlier lives and thus became immune to the fearful malady. Hence, as coworkers they ventured into yellow-fever lands altogether unafraid.

I have not the time to speak at length covering the life and deeds of this great man. His work as Surgeon General of the United States Army was in keeping with all that he had done before. He put into the field four and a half millions of fit troops out of a total examined of 7,000,000. This was physically and mentally the finest army the world has ever known, and the heroic feats of American arms on the ensanguined fields of France gave eloquent evidence of the fact. After the close of that great conflict he dreamed of the day when in his own country, at least, health examinations would become general and life lengthened by more than a third of its accustomed span through timely diagnosis and preventive measures. He also dreamed, as he had so often dreamed before, of the time when intensive study and research would lead to the redemption of the entire tropical world from its terrible plagues to man and beast. The Gorgas Memorial Institute is endeavoring to inaugurate and carry on the work involved in these two ideals. Unaided by governmental funds it is already engaged in the suggested work in the United States. Touching the other effort, it is ready to act and only needs the enactment of the pending bill to carry on in that connection. Surely no more worthy measure may claim congressional attention. No better investment can ever be made than is that here proposed; and the value of this enterprise from the standpoint of strengthening the bonds of friendship and good will between our own country and our sister Republics to the southward will prove incalculable.

I am very grateful that as a Member of this House I have been in position to introduce this measure and press for its enactment.

I know of the great service rendered there by General Gorgas, and the work of supreme importance that he did there. The proposed laboratory and its operation will constitute a fitting and vital memorial of his important work in Panama, in the heart of his activities there, and it is suggested, and the terms are so carried in the bill, that this institution shall be named the Gorgas Memorial Laboratory. [Applause.]

Mr. LINTHICUM. Mr. Speaker, this bill (H. R. 8128) to authorize a permanent annual appropriation of $50,000 for the maintenance and operation of the Gorgas Memorial Laboratory is one of vast importance to the American people, because it honors and memorializes a man who ranks high in the medical profession not only in the science of medicine itself but in the study and equipment for that more recent adaptation of preventive medicine and sanitation.

Gen. William Crawford Gorgas was a product of the southland. He first saw the light of day in Mobile, Ala., on October

3, 1854, the son of Gen. Josiah Gorgas, chief of ordnance of the Southern Confederacy, and his mother, Amelia Gayle, daughter of Governor Gayle of Alabama. The life of General Gorgas seems a romance in the history of medical men of our country and as interesting as that of the celebrated miracle men of past ages.

He was graduated from the University of the South, took his M. D. from Bellevue Hospital Medical College in 1879, and entered the Medical Department of the United States Army in 1880 as first lieutenant. When yellow fever broke out at Fort Brown, near Brownsville, Tex., he was sent to assist in the medical care of the civilian population. It was at this time and place he first met Miss Marie Cook Doughty, who, being seriously ill of yellow fever, was attended by Doctor Gorgas; he himself contracted the disease. The romance not only secured him Miss Doughty as a devoted wife throughout his lifetime, but, having contracted yellow fever, he became immune to that disease and was better able to combat it for others.

As has been well said, to write of Gorgas is to write of the infinite. The subject is fascinating in that the man himself was a genius of such rare ability and achievements that his life is comparable with such others as Lord Lister and Edison. He wrought miracles and made countries hitherto uninhabitable possible of habitation, bringing in its wake happiness, progress, and prosperity. Some one has said that there were three outstanding epochs in the life of General Gorgas: First, he was early to recognize the achievements of the Walter Reed Board and its discovery of the method of transmission of yellow fever. With this belief in mind, he approached General Wood, in command at Habana, Cuba, and stated that if the Walter Reed theory was correct in reference to yellow fever, which he believed it to be, and if he would give him the authority, he, General Gorgas, would eliminate yellow fever from Habana. This authority General Wood gave him in February, 1901, and in that same year General Gorgas cleaned up Habana and with it yellow fever, which had existed for the past 150 years or more.

Second. The next time the magical wand of this great man was called into service was when we began to build the Panama Canal, and the same methods were employed in Panama by which he cleaned up Habana, so that yellow fever was eliminated from a territory which it had menaced for more than 400 years, and in a remarkably short period of time, extending from March, 1905, to November of that year. Thus the cause which had prevented the French under De Lesseps completing the work, and which had killed thousands of men, was removed.

His fame had spread far and wide, and he became known as a great sanitarian, was a pronounced leader in that work, and so acknowledged by the sanitary specialists of the world. It was therefore natural that at the beginning of the World War his outstanding accomplishments, so well known, should bring to him adequate recognition, which brought him to his third epoch through his appointment as Surgeon General of the United States Army. At this time he was 60 years of age. He had a medical corps of some 32,000 men, carefully selected from all over the country. His enlisted personnel of nurses, men, aides, and so forth, numbered nearly 200,000, and was said by Doctor Martin to be one of the greatest corps under one major general the world has ever known.

General Gorgas introduced into the Army the examination of every man by a board of experts, consisting of dentist, oculist, aurist, pathologist, surgeon, and a medical man. This was carried out, and from an examination of 7,000,000 men, 4,500,000 were found to be fit and acceptable. It was from this expert examination that we ascertained for the first time the number of men unfit for military service. From that day until this, the Government has appropriated funds, and experienced men have been studying and endeavoring to restore to health the vast number of those unfit for service and laying down rules and regulations for future generations, thereby benefiting humanity at large.

General Gorgas was known by a great many men, both of the medical and civilian population of our country. He was a man of kindly nature, modest habits, and a willingness to help. It was my pleasure to meet him on a number of occasions, but the one which made the deepest impression upon my mind was on the occasion when our then mayor, Mr. James H. Preston, invited him to Baltimore to consult as to the best method of eliminating mosquitoes. I rode with him from the City Hall to Fort McHenry, where he visited and enthused over the old fort where Francis Scott Key wrote The Star-Spangled Banner. I do not know what his advice was as to the elimination of mosquitoes, but I do know that Baltimore has very few mosquitoes to-day and enjoys the reputation of being one of the most healthful metropolitan centers in the country.

I was glad to hear our good friend and colleague, HENRY ST. GEORGE TUCKER, tell of his association with him in childhood, and of his fascination for him in those early days. We are told by Mr. Wellcome, of England, a man who has given perhaps as much for preventive medicine and sanitation in Africa and other places as any other man now living. He was good enough to appear before our committee, and stated that King George had long been familiar with the wonderful work of General Gorgas and requested through the British Army Medical Service a desire to receive General Gorgas at Buckingham Palace, and upon being informed that General Gorgas was seriously ill in a hospital the King remarked, "If General Gorgas is too ill to see me, I shall go to the hospital to see him," which he did, and there conferred upon him the highest honor possible for the King to bestow upon anyone not a British subject. In speaking of the great tribute of honor and respect, English periodicals said:

> It seems good that death should find him here, for so there came our opportunity to do a great man honor. He passed through the great door through which the sun streams into the nave of St. Paul's, and there he lay with Nelson and Wellington and all that mighty host who came this way and passed into the universe.
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> They will take him to his own land, but in truth he belongs to us all, He was one of life's great helpers, for he cleaned up foul places and made them sweet, and now, as they said of Lincoln, "he belongs to the ages."

General Gorgas when taken ill in London was on his way, at the request of the British Government, to Africa to study the yellow-fever problem in British territory. This, however, was the last mission undertaken by General Gorgas, for here in London he succumbed to illness and passed away amidst the profound sorrow of the English people and the world at large. He was given a state funeral of full military honors, and was accorded a temporary resting place in St. Paul's Cathedral, where rest many of England's greatest naval and military heroes. "Representatives of the King and the Royal family," says Mr. Wellcome, "British cabinet members, ministers, leading statesmen, officers of the British Army and Navy, diplomatic corps of the great powers at the Court of St. James paid their respects, while hundreds of thousands thronged the streets to attest their appreciation of the life of this great man."

He has laid down his tasks and passed to the Great Beyond. It is now for us to perpetuate his ideas, his works, and his discoveries. This institution established in Panama, while honoring him, will be of inestimable benefit to the world in the study of bacteriology, preventive medicine, and sanitation in those countries to the south of us. It will enable us to free people from malignant diseases and make lands habitable which are now pestilential. It will promote greater unity between our country and Central and South American countries. It will do a vast work in the perpetuation of peace by the establishment of those things which make life worth living.

The name of Gorgas will ever survive among the nations of the earth. His life's work will be extended and enlarged by generations yet unborn. Humanity will call him blessed and the peoples of the world benefited by his passing this way.

I sincerely trust, Mr. Speaker, we will approve this bill unanimously, that the good work may be continued through this laboratory for which we propose to provide.

Mr. O'CONNELL. And is it not true that it has also the unanimous support of the people of Panama, as well?

Mr. LINTHICUM. It certainly has the unanimous support of the Government of Panama. [Applause.]

Mr. BROWNE. Mr. Speaker, this bill proposes that the United States cooperate with the Republic of Panama in the maintenance and operation of a thoroughly equipped laboratory to be built by Panama upon a site donated by Panama.

The laboratory will conduct intensive research work and will specialize in the study and control of tropical diseases.

Mr. Speaker, I firmly believe that if Congress appropriates the money asked for it will be fully justified from an economic standpoint, and also as a worthy tribute to a distinguished American physician whose accomplishments in sanitation, preventative medicine, and the treatment of tropical diseases have never been surpassed, if ever equaled, in the history of the world.

We have erected costly and imposing monuments to our military heroes in the past, and will undoubtedly do so in the future, to perpetuate their memory and valor on the battle field. Is it not even more fitting to erect a monument to this great physician who exhibited equal fortitude and courage in his victorious campaign in the Tropics against deadly disease and pestilence, and whose great discoveries saved the lives of millions of his fellow men?

THE KIND OF MONUMENT HE WOULD CHOOSE

General Gorgas was a modest man. In his wonderful work he craved no publicity. "He let not his left hand know what his right hand doeth," but gave his great discoveries to mankind in the same spirit as the Divine Healer of old.

If General Gorgas could select a monument, he would choose one such as this bill contemplates, a laboratory which would be an instrument for carrying on and perpetuating his splendid work for his fellow men, a laboratory which would unlock the secrets and find the God-given cures for the dread diseases which devastate peoples and prevent the settlement of countries.

A GREAT PHYSICIAN AND EXECUTIVE

General Gorgas was not only a great physician, but a great executive. An able organizer as well as a wonderful sanitarian. He accomplished almost the impossible.

In less than eight months he eliminated yellow fever from Habana, where it had existed and taken its dreadful toll of thousands annually for over 150 years.

In less than two years he transformed the Isthmus of Panama from one of the most unhealthy places in the world, where tropical diseases had overcome all efforts to connect the two oceans, to one of the healthiest places on earth. Without the work of General Gorgas the building of the Panama Canal would have been impossible.

From a few small hospitals in the beginning of the World War he developed the great base and cantonment hospitals required for the care of an army of 4,000,000 men on two continents and provided the equipment necessary for them. In two years he organized the greatest medical corps in point of efficiency and size to care for 4,000,000 soldiers, the largest army in our history.

A MEMORIAL WHICH WILL BIND BY THE TIES OF FRIENDSHIP THE PEOPLES OF THE WESTERN HEMISPHERE

A research laboratory such as this bill contemplates, equipped with all the facilities known to science for the study of disease, especially diseases of the Tropics, located on the Isthmus of Panama, will be of inestimable value to the whole world. The most learned scientists of the 21 American Republics will meet in this great research laboratory on common ground and working together for the same noble purpose under the inspiration of the beloved name of Gorgas, will unite the peoples of the Western Hemisphere in a bond of friendship which will grow stronger as the years go by.

Generations may come and go and centuries pass; monuments of marble may crumble, or the achievements of the men they commemorate be forgotten, but the great men of science moved by the same lofty purpose and noble impulse which inspired General Gorgas will be working in the Gorgas Memorial Laboratory for the alleviation of the suffering of mankind. [Applause.]

Mr. HILL of Alabama. Mr. Speaker, I move to strike out the last word, and ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, it is with much pride and deep gratification that I give my support and my vote to the pending bill which would make possible the erection by the Republic of Panama of a great laboratory in that country, at a cost of half a million dollars, to search out the cause and cure of tropical diseases to be maintained in part by an annual appropriation of $50,000 by the Government of the United States, and to be named the Gorgas memorial laboratory in commemoration of the life and work of that great physician and great American, William Crawford Gorgas. It was in the little town of Toulminville, a suburb of the historic old city of Mobile in Alabama, the State which I have the honor to represent, that on the 3d day of October, 1854, William Crawford Gorgas was born, the son of Gen. Josiah Gorgas and Amelia Gayle Gorgas. Gen. Josiah Gorgas served as Chief of Ordnance of the Confederate Army during the War Between the States, was for 10 years president of the University of the South at Sewanee, Tenn., and later president of the University of Alabama at Tuscaloosa, Ala. Mrs. Amelia Gayle Gorgas was the daughter of Hon. John Gayle, who was Governor of Alabama and afterwards a Member of Congress and a United States district judge. When I entered the University of Alabama as a student in the fall of 1911, I soon came to know Mrs. Amelia Gayle Gorgas. For many years she had been the librarian of the University Library. Her lovely old home in the very heart of the campus was the rendezvous for the students who came and went with the passing years. She was their kindest critic, their wisest counselor, their best friend, known by all and loved and revered by all, the mother of the university campus. The magnificent new University Library is the Amelia Gayle Gorgas Library, named as a tribute of love and of appreciation of the life, the service, and the faith of this noble woman. During my university days Miss Mamie Gorgas, General Gorgas's sister, was the assistant librarian at the University Library. Her kindly manner, her gentle spirit endeared her to all. Many were the proud and happy moments we spent together in talking of her great brother and his great work. Upon our entrance into the World War, when I was examined and rejected for admission to the Army on account of underweight, my underweight was waived through the good offices of General Gorgas, then the Surgeon General of the Army, and my heart's desire found realization by my admission to the Army.

Profane history tells us of Alexanders and Cæsars and Napoleons who came with the blare of trumpets, the clash of arms, and the thunder of armies, establishing dynasties and empires which endured for a time and then swayed, tottered, crumbled, and fell forever. Sacred history tells us of the silent Nazarene, who came without the pomp and pageantry and circumstance of temporal monarchs and through the silent influences emanating from His own perfect life and character established a kingdom as wide as the universe and as lasting as eternity. The future historian will tell of William Crawford Gorgas, patient and devoted man, who walked in the footsteps of the Great Physician and whose life of humility, service, and sacrifice brought more blessings to mankind than all the kings and conquerors and empire builders.

In the hidden wastes of the Tropics there lurked an enemy, silent but inexorable, that made them the white man's sepulcher. From its home in the Tropics this same yellow fever often journeyed forth into the cooler climate of the Temperate Zone, leaving in its wake a trail of woe, of terror, and of death. In 1793 the dread disease ventured even as far north as Philadelphia and with terrible suddenness fell upon that city. There was scarcely a home that was not afflicted; the rich quarters as well as the poor abounded in the disease; the clean as well as the filthy, and all ages and colors rendered their tribute. In a few brief weeks one-tenth of the population was dead. In that most interesting and enlightening volume, "William Crawford Gorgas, His Life and Work," the colabor of his widow, Mrs. Marie D. Gorgas, and Hon. Burton J. Hendrick, we find this interesting account of conditions in Philadelphia during the epidemic:

> In a few days the city was in a state of the wildest disorder. As usual, all fled who could get away; for weeks there was a continuous procession of carts, coaches, wagons, and "chairs" transporting families and furniture in all directions; in the towns to which the refugees went they were most unwelcome visitors, and in many cases they were turned back at the gate. All phases of business and community life came suddenly to an end; banks closed; factories shut their doors, leaving thousands without employment; newspapers stopped publication, and churches ceased their functions for want of congregations. Sick persons sometimes fell dead in the streets, their corpses lying for weeks without burial * * *.
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> The most distinguished citizens were buried unceremoniously with no human attendant except the negro who drove the death cart. The appearance of anything that resembled such a funeral was a signal for the population to flee in all directions. In many cases husbands abandoned their sick wives and wives their sick husbands; instances were not unknown in which parents fled from their children and children left their parents to die in neglect. The afflicted were sometimes left to perish miserably without medicine or a drink of water, and even women in childbirth frequently received no care. One writer records as an evidence of the state of the popular frenzy that had ruled all summer the delight with which the populace looked upon a conventional funeral proceeding in leisure and dignity through the streets. It had for so many months been the custom to hustle off unattended corpses at midnight or to leave them unburied in vacant lots that even this somber manifestation of normal existence was a cause for general rejoicing.

The famous Dr. Benjamin Rush and Matthew Carey have left accounts of the epidemic which have a strong resemblance to Defoe's description of the great London plague of 1664–65. There was not a year in the nineteenth century during which this unknown and impalpable enemy did not claim its victims in many American cities. Particularly did the cities on the Gulf coast, such as New Orleans, Mobile, and Pensacola many times satiate the voracious appetite of this unholy plague.

In 1880 yellow fever in its most violent form was exacting heavy toll of the people of Brownsville, Tex. Gorgas, then a young lieutenant in the Medical Corps of the Army, volunteered to go to the stricken area and was sent to Fort Brown, at Brownsville, to assist in the medical care of the civilian population. Here fate seemed to ordain him as her own and to

prepare and equip him for the high destiny which was his. Here he met for the first time Miss Marie Cook Doughty, whom he attended while seriously ill with yellow fever and whom he later married. As his wife, his silent partner through the years, her unfaltering faith and appreciation encouraged him to do and to become, her devoted care and loving hands helped the master work out his noble plan. Here he himself fell a victim to the dread disease and thereby became immune to it for the rest of his life.

In 1898 Gorgas was appointed chief sanitary officer at Havana. In 1900 there came to Havana the immortal four, Walter Reed, James Carroll, Jesse W. Lazear, and Aristides Agramonte, the commission charged by the Government of the United States with solving if possible the baffling and perplexing problem of the cause of yellow fever. This commission headed by Major Reed, himself a Southerner like Gorgas, using the elaborate statistical study of the spread of yellow fever in houses made by that other great Southerner, Dr. Henry R. Carter, of the United States Public Health Service, and the mosquito theory of infection, as advanced by Dr. Carlos J. Finlay, of Havana, while armed with the knowledge brilliantly demonstrated by Sir Ronald Ross that the Anopheles mosquito was the infecting agent in malaria fever, after months of devoted work crowned with wonderful self-sacrifice and marvelous self-abnegation in which the young, the brilliant, the gallant Lazear gave his life, definitely demonstrated that the Stegomyia mosquito was the infecting agent in yellow fever.

If it is the mosquito—

Said Gorgas, when the Reed experiments were under way—

I am going to get rid of the mosquito.

Even Reed himself smiled at the idea.

It can not be done—

He said, and his opinion was the one that generally prevailed in Havana at that time. Most scientists regarded Reed's indictment of the Stegomyia mosquito as merely a brilliant academic performance. They could not see how it greatly lessened the general yellow fever peril. In fact, Reed seemed to have reduced the situation to one of utter despair. He had proved that the Stegomyia conveyed the disease; but how could the Stegomyia be controlled except by destroying him—a seemingly impossible task. Mosquitoes existed not by the thousands or millions but by the uncountable billions. Every environ in Havana was full of them. They swarmed in the streets, the alleyways, the byways, the houses, in every conceivable place in the city. Often they settled over the city like a hideous cloud. As has been well said:

The Reed discovery came almost like a sentence of death. Havana always had had yellow fever and now it seemed certain that Havana would always have it. To run around the city attempting to banish the disease by killing these gnats—what occupation could seem more useless and more ludicrous? One might as well attempt to banish the air in which the mosquitoes passed their brief destructive existence. What Reed had apparently accomplished was to add a new horror to daily existence.

In spite of the doubts, the fears of those about him, in the face of the laughter and the jibes of scientists, notwithstanding the oppression of the seemingly hopelessness of the task, the quiet, devoted sanitary officer of the city set himself with indomitable resolution and religious fervor to the destruction of the Stegomyia. He cleaned up the pest holes, the hidden waste, the unclean places, the foul dens of the city, and by the use of kerosene and petroleum rendered uninhabitable to the Stegomyia its breeding places. With his sanitary methods he swept through the city, cleaning and purifying it like the River Alpheus through the Augean stables. He drove the Stegomyia before him like the withered leaves before the autumn gale. In the brief time of seven and one-half months Gorgas delivered the city from the Stegomyia and lifted the pall that had hung over it for 140 years. For all these years there had not been a day when yellow fever had not prevailed in Havana. To-day Havana is healthier than the average American city. It stands the proud capital of a treasure-laden isle, a great city freed from dread disease, one of the most beautiful of all the world, whose charm is the delight of all privileged to enjoy the hospitality of its people, with argosies of commerce bound for its harbor, and an admiring America rejoicing in its happiness and its glory—a living and eternal monument to the wonder and the genius and the faith of William Crawford Gorgas. What had been done in Cuba could be done in other disease-ridden countries; what had been accomplished with yellow fever could be accomplished with other similar plagues. The Tropics with their hidden treasures, believed through the centuries incapable of habitation by the white man, were now shown to be habitable to him. The redemption of these mighty territories lay in the offing, and it was Gorgas who had proven that that redemption was possible. He now dedicated himself to the great task of the redemption.

In 1904 the United States Government undertook the stupendous task of the construction of the Panama Canal. A few years before the French Panama Canal Co. had attempted the task only to find its money, its efforts, its hopes, lost in utter failure. The French company had the skill, it had the ambition, it had the money, it had everything but one thing, and that was the genius of a Gorgas. In 1885 in writing about Panama, the historian, James Anthony Froude, said:

There is not perhaps now concentrated in any single spot so much swindling and villainy, so much foul disease, such a hideous dungheap of physical and moral abomination. The Isthmus is a damp, tropical jungle, intensely hot, swarming with mosquitoes, snakes, alligators, scorpions, and centipedes; the home even as nature made it of yellow fever, typhus, and dysentery.

At one time the French company brought to Panama 500 young engineers, put them to work in the swamps, and not one of them lived to draw his first month's pay. The pestilence of the swamp and the disease of the jungle had written the final chapter of the French company in terms of dismay, disaster, and death. It was within the shadow of these failures, haunted by their ruins, beset by the same implacable enemies that had brought them about that Gorgas found himself in 1904 as the chief sanitary officer of the Canal Zone charged with the gigantic task of conquering these enemies and making possible the construction of the canal. Within less than two years after he obtained the necessary help and supplies he exterminated the mosquitoes, eradicated yellow fever and malaria, cleaned up the Canal Zone, and made possible the building of the canal. Some Vergil will weave the incomparable story of Gorgas's triumph into a new epic—an epic of the jungle, of the fury and fatal power of its denizens—an epic that will tell of the tact, the patience, the perseverance, the courage of its hero handicapped by his own Government, opposed and thwarted at times by the officials of that Government whose very lives lay in his hands and whose help should have been his staunchest and best support, and in this epic the reader will find—

the modern realization of the legend of Heracles, the cleanser of foul places and the enemy of evil beasts.

Of Gorgas's wonderful achievement in Panama, Sir William Osler, at the time Regius Professor of Medicine at Oxford, said in his famous Edinburgh sermon on "Man's redemption of man":

There is nothing to match it in the history of human achievement. Before our eyes to-day the most striking experiment ever made in sanitation is in progress. The digging of the Panama Canal was acknowledged to be a question of the health of the workers. For four centuries the Isthmus had been the white man's grave. * * * Here is a chapter in human achievement for which it would be hard to find a parallel.

In 1907, in recognition of the great work he was doing, Gorgas was made a member of the Isthmian Canal Commission, and in 1915 Gorgas and his associates on the commission were given a vote of thanks by Congress for the distinguished service rendered in the construction of the Panama Canal. This is one of the few instances in history since Hippocrates was awarded a civic crown by the citizens of Athens for averting a pestilence from that city that sanitary achievement has been recognized by the State.

When the United States entered the World War Gorgas was the Surgeon General of the United States Army. With that vision and prescience that had signalized his every endeavor he had been preparing for months for the inevitable conflict. In every previous war in which our country had engaged it was the ravages of disease rather than the bullets of the enemy that had stricken down brave men and swelled the casualty lists. Under the guiding hand and the devoted leadership of General Gorgas as Surgeon General we mobilized, trained, transported 3,000 miles to Europe, and put into action the greatest army we ever had with a smaller death rate than had hitherto been known in the annals of military medicine. When the American Army commenced its great advance in July, 1918, at Chateau-Thierry it was able to continue the terrific drive without cessation until it crowned the American standards with victory on the heights of Sedan the following November because Gorgas had filled that army with the strongest and the best of America's manhood and had then safeguarded and protected them from the ravages of disease. As William Crawford Gorgas had made possible the building of the Panama Canal, he likewise

made possible the brilliant triumph of American arms on the Western Front. With Wilson and Pershing, Gorgas must take his place as one of the great leaders of that great conflict.

During the war when the influenza epidemic raged at Camp Wheeler near Macon, Ga., he and a dozen of the leading physicians of the country went there where many of the flower of Alabama's manhood were stationed with the Federalized Alabama National Guard Brigade under the command of Gen. R. E. Steiner. When conditions had improved the officers of the brigade gave General Gorgas a dinner. In a happy speech in response to the compliments paid him, his love for his native State of Alabama, his love for his country, and his love for the great profession he had entered many years before as a young lieutenant, found expression when he said:

I have had every honor my profession could give me. My Government has given me every honor that it could bestow upon any physician in its medical service. Yet, I am not satisfied. I still have one ambition to realize before I can count my life happy and rounded out. I wish it were possible for the President to reduce my rank as major general to that of brigadier general and put me in command in active service in France of this brigade of splendid Alabamians whom I have seen here.

From the time of his great success in Havana and particularly after his world-famous achievement in Panama, General Gorgas was appealed to by nearly every disease-ridden country of the world to come and liberate it as he had liberated Havana and the Isthmus of Panama. From time to time when he could get away from his duties for a short period he obtained temporary leave of absence and went to Ecuador, Peru, Colombia, Brazil, Venezuela, South Africa, and other countries, ever fighting disease, ever waging war on pestilence, ever laboring, ever serving suffering humanity. After his retirement from the Army at the age of 64, he was selected as chief of the Rockefeller Yellow Fever Foundation and in that position at the time of his death, he was working out the plans and laying the strategems to rid the entire world of the dread disease. In General Gorgas's life were mirrored the virtues of his great profession, the medical profession that asks not whence its patient comes nor whither he goes; that knows not race nor class nor creed; that makes no demands and needs no assurances; that lets no call go unanswered from its door; that ministers to the sick, the diseased, and the suffering; that blesses them, eases their pain, soothes their sorrows, dries up their tears and breathes hope into their despairing hearts.

General Gorgas was the whole world's physician. The debt the world owes him can never be computed. Diseases which he exterminated and which at the time were indigenous to a particular country or to the Tropics to-day with modern transportation, with modern lines of communication, with all the world neighbors, might well travel the globe and pile the corpses of their victims even to the ends of the earth. "The Saviour of the Tropics" was to a degree beyond human ken the protector of the world.

On May 8, 1920, in company with his devoted wife and his official staff, General Gorgas set sail for London whence, at the invitation of the British Government, he was going to investigate yellow-fever conditions on the west coast of Africa. He fell ill in London on May 30. Previously King George had made an appointment to see him at a subsequent date, and when the King learned of his illness he said, "If General Gorgas is too ill to come to the palace to see me, I shall go to the hospital to see him." The Sovereign of the British Empire visited the hospital and presented to the general the insignia of knight commander of the Most Distinguished Order of St. Michael and St. George. This was but one of the many honors and decorations that came to General Gorgas from the rulers and Governments of many of the great nations of the earth in recognition of his services to the cause of humanity.

On the 4th day of July, 1920, in London, William Crawford Gorgas, tired and worn, peacefully and quietly slipped out of the company of living men and went home to the Great Physician. At the command of the King and by order of the British Government, a state funeral with full military honors was accorded him in St. Paul's Cathedral, London, the resting place of England's greatest naval and military heroes. It was one of the greatest and most impressive funerals in England in modern times. Representatives of the King and the royal family, the British cabinet ministers, leading statesmen, high officials and officers of the British Army and Navy, the diplomatic corps representing the great nations at the Court of St. James and representatives of the leading medical and other scientific institutions attended and paid homage to the great man. Hundreds of thousands of people thronged the streets and with bared heads reverently attested their appreciation of him who had contributed so much to suffering humanity.

The great papers and periodicals of the British Empire voiced their tribute of appreciation and beautifully and eloquently told of General Gorgas and his work. As one said in describing his funeral:

And the other day he rode up Ludgate Hill, sleeping his last sleep on earth, wrapped in the Stars and Stripes. There were thousands of men and women and children standing still, there were hundreds of men in khaki passing by, there were ambassadors and other great people and the lonely woman who was on her way with her hero to conquer disease when death took him from her. And there was the riderless horse. All these came up Ludgate Hill, and as the sun poured down on this ancient way, our hearts and ears throbbing with the solemn music of the Dead March, we knew that we were looking on the passing of a man whose name would shine for ages in the history of our race. It seemed good that death should find him here, for so there came our opportunity to do a great man honor. He passed through the great door through which the sun streams into the nave of St. Paul's, and there he lay with Nelson and Wellington and all that mighty host who came this way and passed into the universe. They will take him to his own land, but in truth he belongs to us all. He was one of life's great helpers, for he cleaned up foul places and made them sweet, and now he belongs to the ages.

General Gorgas's body was brought back to his own country, where he was given its greatest honors and where they laid him to rest in Arlington, the Valhalla of America's heroic dead. There he sleeps on the slopes of the historic Potomac, beneath the folds of Old Glory, within the shadow of the Capitol of the Nation he loved and served so well. France has her Louis Pasteur, England has her Joseph Lister, and America has her William Crawford Gorgas. Patient and devoted man, servant of all peoples and of the most-high God, let his people, the American people, through their Government build a fitting memorial to him, a memorial that will carry on his great and beneficent work. "He served the human lot to raise and won a name that endless ages praise."

Mr. FRENCH. Mr. Speaker, may I indicate my support of this bill from a standpoint other than that which has already been so ably presented by those who are members of the committee and who have reported the measure. A little over one month ago the Pan American Congress held a session in Habana. At that congress were representatives of the United States. The chief object of the congress is to promote cooperation and good will. It is the policy of the United States to try in every way to encourage the friendliest relations among the nations of the Americas.

About 10 days ago in the hearings before the naval appropriation subcommittee, in connection with inquiries touching the activities of the marines in Nicaragua, it appeared that the death rate among the children of Nicaragua is such that during the first year about three of the babies perish out of every five that are born. This means poor health conditions in unusual degree. I can think of nothing more calculated to draw together the peoples of the Americas, and particularly the peoples of the tropical countries, than a joint program in which the United States may have a part looking to the relief of humanity from deadly ills, looking to the removal of distress, looking to the alleviation of suffering that occurs by reason of disease. This bill proposes such a program. It would not be at all surprising to me if the small investment, relatively speaking, that we are asked to make in this work would, after all, come to be the finest sort of contribution which this Nation could make in the working out of a program for peace and accord among the people of North and South America. I am for the bill. [Applause.]

Mr. ABERNETHY. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. ABERNETHY. Mr. Speaker and gentlemen of the House, the entire medical profession in the great State of North Carolina are very much interested in the passage of this bill. In fact, I have been petitioned and I am sure other members of our State delegation have been petitioned to support it. I think it is a very fitting memorial, and I think it is appropriate that it should have been introduced by that distinguished Representative who was at one time the Governor of the Panama Canal Zone, the distinguished gentleman from Kentucky [Mr. THATCHER].

I take great pleasure in supporting the bill. I think it is very magnanimous on the part of the South and Central American countries, and particularly the Republic of Panama, to offer to cooperate. I understand the Republic of Panama is to contribute the greatest part of this money. I think the Republic of Panama is to contribute $500,000 or more for the construction of the proposed laboratory building. I think the passage of

this bill is the best thing we can do from the national standpoint, from sanitary and health needs, and from the standpoint of admiration for and as a memorial to one of the world's greatest physicians. [Applause.]

Mr. CRISP rose.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. CRISP. Mr. Speaker, the greatest thing in life is to render unselfish service, and no man has rendered greater service to humanity than General Gorgas. Therefore I think it is highly commendable for the North and South and Central American Republics to do him honor, and in doing so to continue his great service in helping humanity. The medical profession in my State are unanimous in favor of the passage of this bill. I can add nothing to what has already been said. I simply asked to be recognized to announce my approval of the measure and to say it will afford me great pleasure to support it. [Applause.]

Mr. TUCKER. Mr. Speaker, I rise for just a moment to express the very great pleasure it gives me to be able to vote for this bill.

I did not know "General" Gorgas; I knew "Willie" Gorgas. We were classmates for four years during the Civil War in the city of Richmond, down at Fifth and Carey Streets, being taught by one of the noblest women that ever lived, Mrs. Anne Munford. We were disturbed frequently in our work by the sound of cannon around us. I was at his house frequently as he was at my house. I remember his mother and father. His father was the head of the Confederate Ordnance Department.

I merely rise to say that there never was a boy of my acquaintance that showed in boyhood what was in him as did William C. Gorgas. I remember my dear old teacher telling me—she passed away only a few years ago—that she was very fond of me as a pupil, but she said, "You know, HARRY, that Willie Gorgas was always the favorite of everybody in the school, myself included."

I congratulate the committee on having selected such an appropriate memorial to this great man, which will be indorsed by an admiring and loving people. [Applause.]

Mr. WATSON. Mr. Speaker, I am in favor of this bill. It was not my purpose to speak upon it until some one raised the question as to the location of the laboratory. I believe that such a laboratory should be placed in the Torrid Zone, because in the Torrid Zone is where diseases take root, grow, and spread.

Last summer I visited what is called in common language "The Snake Farm," at Sao Paulo, a laboratory maintained by the Government of Brazil. They have done such good work that they have reduced the deaths from snake poisoning by nearly 75 per cent. They are creating serums which will prevent many of the diseases and many of the fevers, but they have not yet created a serum to prevent pneumonia. There are kept in the stables of the laboratory for serum purposes about 100 horses. When the poison is extracted from the snakes the poison is inserted into the blood of the horses and the blood is then extracted after 10 days and made into a serum.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. PORTER. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PORTER: On page 2, in line 12, after the words "and (3) That," insert the words "in such manner as the President may determine."

Mr. PORTER. Mr. Speaker, the purpose of the amendment is to fix more definitely the powers of the President in the appointment of the American representatives on this commission.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PORTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FRENCH STEAMSHIP "MADELEINE"

Mr. PORTER. Mr. Speaker, I call up H. R. 9043, a bill to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*, and I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that H. R. 9043 be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Government of France a sum equivalent to £3,550 2s. 5d., in settlement of a claim presented by the Government of France on account of damages sustained by the French steamship *Madeleine* in a collision with the U. S. S. *Kerwood*, in the harbor of Brest, France, on May 11, 1918, as set forth in the message of the President of December 17, 1927, printed as Senate Document No. 24, Seventieth Congress, first session; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing the attached message of the President, and letter of the Secretary of State, which is as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of France against the Government of the United States on account of the losses sustained by the owner of the French steamship *Madeleine* as the result of a collision between it and the U. S. S. *Kerwood*, which at the time of the collision was being operated by the War Department, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, December 17, 1927.

The PRESIDENT:

I have the honor to bring to your attention the claim presented by the French Embassy at this capital on account of the losses sustained by the owner of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood* in the harbor of Brest, France, on May 11, 1918.

The War Department, to which the matter was referred, has submitted the following information in regard to the collision:

"The facts in this case appear to be that on May 11, 1918, about 4 p. m., with weather fine and fresh breeze from the northeast, the U. S. S. *Kerwood*, then under requisition charter to the United States Shipping Board, manned and operated by the Army Transport Service, while proceeding to anchor came into collision with the French steamer *Madeleine*, owned by Georges Leridon, of La Rochelle, France, then lying at anchor in a proper place, damaging the *Madeleine's* stem and hawse pipes. The vessels had arrived at Brest in convoy, the *Kerwood* following the *Madeleine*, and upon the breaking up of the convoy the *Madeleine* had come to anchor and had been anchored about five minutes when the *Kerwood* collided with her. The *Kerwood* in proceeding to anchor, passed too close ahead of the *Madeleine*, and the force of the wind and tide brought her into collision with the other vessel. The *Madeleine*, when it appeared that the *Kerwood* would strike that vessel, paid out cable in an attempt to avoid collision. Those in control of the *Kerwood* were solely at fault for the collision in passing too close to the *Madeleine* and in misjudging the force of the wind and tide. The record discloses no evidence showing fault on the part of the *Madeleine* for the collision."

The claim as presented amounted to £4,616 9s. 6d. The War Department recommended the allowance of the sum of £3,550 2s. 5d., and the French Embassy has informed the department that the owner of the *Madeleine*, in his own name and the name of all the interested parties, has agreed to accept this sum as indemnity for all claims on account of the losses sustained by the vessel.

It seems to be generally recognized in international practice that, notwithstanding the immunities of vessels in the public service from the judicial remedies usually obtaining with respect to other vessels, a Government should make reparation for the damages done the nationals of other countries by vessels in its public service. It may be stated in this relation that this Government, in a number of cases, has collected indemnity from other Governments for damages inflicted by their public vessels and has in turn paid indemnities in similar cases. As it appears that the American vessel, the *Kerwood*, was solely at fault in the collision between it and the *Madeleine* and as the amount recommended by the Secretary of War in settlement of the claim appears to be a conservative estimate of the provable damages which this Government should bear, I have the honor to recommend that the Congress be requested to authorize the appropriation of a sum equivalent to £3,550

2s. 5d., in settlement of this claim, as an act of grace and without reference to the question of the legal liability of the United States.

A summary of the essential facts regarding the claim being embodied in this communication, it is deemed unnecessary to accompany it with copies of the correspondence in the case. All, or any part, of that correspondence will, of course, be furnished should you or the Congress so desire.

It should be added that this claim was brought to the attention of the Sixty-ninth Congress in a message from the President, dated April 20, 1926, and printed in House Report No. 992, Sixty-ninth Congress, first session, and that by House bill No. 11516, Sixty-ninth Congress, an appropriation of a sum equivalent to £3,550 2s. 5d. in payment of this claim was passed by the House of Representatives on December 20, 1926, and that action thereon was pending in the Senate when it adjourned March 4, 1927.

It will be noted from the inclosed communication from the Director of the Bureau of the Budget, to whom the matter was referred, that the proposed action is not inconsistent with the financial program of this Government.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 16, 1927.

AMERICAN INTERNATIONAL INSTITUTE FOR THE PROTECTION OF CHILDHOOD

Mr. PORTER. Mr. Speaker, I call up House Joint Resolution 230, to provide for the membership of the United States in the American International Institute for the Protection of Childhood, and ask unanimous consent that this resolution may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up House Joint Resolution 230 and asks unanimous consent that it may be considered in the House as in Committee of the Whole. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That to enable the United States to become a member of the American International Institute for the Protection of Childhood at Montevideo, Uruguay, there is hereby authorized to be appropriated the sum of $2,000 per annum for the contribution by the United States toward the support of the institution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

Mr. PORTER was granted leave to extend his remarks in the RECORD by printing a message of the President, and letter of the Secretary of State, which is as follows:

[S. Doc. No. 184, 69th Cong., 2d sess.]

To the Congress of the United States:

I recommend to the favorable consideration of the Congress the inclosed report from the Secretary of State, with an accompanying paper, to the end that legislation may be enacted authorizing an appropriation of $2,000 to enable acceptance by the United States of membership in a Pan American Institute of Child Welfare at Montevideo, in accordance with the recommendation of the Secretary of Labor, joined in by the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 5, 1927.

The PRESIDENT:

The Pan American Child Welfare Congress held in Santiago, Chile, in October, 1924, adopted a proposal to establish at Montevideo an American Institute of Child Welfare in which all the Pan American countries should participate. The resolution was voted for by the American delegates to the congress, but with the reservation that they were not authorized to commit the Government of the United States in any way, and that their approval of the resolution was merely an expression of their personal opinion that the organization of such an institute was very desirable in the promotion of mutual understanding and helpfulness among the American Republics in the important matter of child welfare and the protection of childhood. A translation of this resolution furnished by the American delegates to the congress is herewith inclosed.

The undersigned, the Secretary of State, has been informed by the minister of Uruguay that in accordance with this resolution the legislative body of Uruguay has authorized the creation at Montevideo of the American International Office of Protection for Childhood, whose management, the minister states, according to the by-laws approved at the Santiago congress, is intrusted to an international board to consist of a delegate from each adhering country appointed by his government, and that the Government of Uruguay has delegated an honorary commission charged with the duty of installing the said institute pending the appointment by the governments of their respective delegates. Request was made by the minister that the Government of the United States designate its representative and that the undersigned take such measures as might be deemed appropriate for the payment on the part of the United States of the annual quota of $2,000 which each adhering government will be required to pay for the support of the institution.

The matter was referred to the Secretary of Labor for his consideration and an expression of his views. He has replied that the institute should prove of much practical benefit in promoting the raising of the standards of child care and child protection, and that, in his opinion, the matter is sufficiently important to warrant an annual appropriation by Congress of $2,000 as a membership contribution of the United States to the support of the institute, and he recommends that a request be made of Congress for legislation authorizing the appropriation.

The undersigned, the Secretary of State, who is advised by the Director of the Bureau of the Budget that the request is not in conflict with the financial program of the President, joins in the recommendation.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 4, 1927.

SECOND PAN AMERICAN CONFERENCE ON HIGHWAYS

Mr. PORTER. Mr. Speaker, I call up Senate Joint Resolution 30, to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro, and ask unanimous consent that this resolution may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up Senate Joint Resolution 30 and asks unanimous consent that it may be considered in the House as in Committee of the Whole. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro, including the compensation of employees, transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), including expenses of delegates in visiting Colombia and Venezuela in connection with the conference, and such miscellaneous and other expenses as the President shall deem proper.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, the purpose of this resolution is to enable our Government to participate in the approaching conference to be held in Brazil for the purpose of considering the general subject of highway construction as it particularly affects the countries to the south of us.

There is a very small appropriation contemplated and the measure has the indorsement of the President and all of the officials of our Government who have examined it, and it may be expected that this conference, just as the former conference, will accomplish worth-while results.

Mr. O'CONNELL. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. O'CONNELL. I want to direct the attention of the gentleman from Virginia to the fact that according to the report of the committee it also has the approval of the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, and last but not least, the Director of the Budget.

Mr. MOORE of Virginia. Yes; I said that all the officials of the Government who have considered it have given it their approval.

As some gentleman said a moment ago when we were debating the Gorgas Memorial Laboratory bill, there is hardly anything more important than stimulating, as far as we can, friendly relations with the countries to the south of us, and incidental to that, certainly no one can question the importance of doing whatever we can to foster the effort of their people, not by spending our money but by giving them encouragement otherwise toward improving their highway systems.

The idea is that delegates representing us at the conference will not only attend the conference, but will visit some of the South American countries so that they may be acquainted with the conditions that actually exist, and give such advice as we may be capable of with a view to the construction of better highways. And what better highways will mean it is not nec-

essary to undertake to elaborate. The opportunity will be afforded, to an extent which does not exist now, for the free intercourse of our people with the people of the southern nations.

It does not seem to me, in view of the official support of the resolution and the obvious reasons for its passage, there should be any doubt of it receiving favorable consideration by the House.

Mr. LINTHICUM. Mr. Speaker, this resolution is a facsimile of a resolution which I introduced in this House, known as House Joint Resolution 108, and which is now on the calendar. It has been recommended by the President and the Secretary of State, and it is in conformity with the financial policy of the administration.

Under this resolution delegates will be sent to the second Pan American Conference on Highways at Rio de Janiero, and the sum of $15,000 is appropriated for the expenses thereof.

I am heartily in favor of the resolution, because it will bring together delegates from all the countries of America to discuss the question of roads. There is no question but that the intermingling of the people of the American countries always brings about a better understanding. The question of good roads is one of universal importance. Good roads and good automobiles constitute one of the greatest modes of transportation; it certainly brings about the intermingling of people and the better knowledge of localities which are visited by means of this mode of travel.

The United States has made wonderful progress in the building of good roads, and it is highly essential that we transmit this knowledge to our fellow Americans in other lands. We can learn much from these Pan American countries, and we have many things to tell them about our method of building roads. I hope one of the things to be discussed will be the construction of a broad highway, extending from Canada through the United States, Central and South America, as a means of transportation by automobile through these countries. Such a highway will be used by people of every land through which it passes. The people will become better acquainted with each other, which not only brings about better feelings and better business conditions but a very great deal of pleasure to the people themselves.

The Roman Empire was consolidated by its splendid road system. The Appian Way has gone down into history as the great highway of the world. Let us cooperate with our Central and South American friends in the building of roads, which will inure to the benefit of each and every country. It will help social conditions, eccentuate trade, and better consolidate us as one people of this hemisphere. I am a great believer in these conferences. I have always been for good roads. I sincerely trust this resolution will pass. [Applause.]

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House resolution was laid on the table.

FOREIGN SERVICE BUILDINGS

Mr. PORTER. Mr. Speaker, I call up the bill (H. R. 10166) to amend the Foreign Service buildings act, 1926, and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 10166 and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the Foreign Service buildings act, 1926, is amended to read as follows:

"That the Secretary of State is empowered, subject to the direction of the commission hereinafter established, to acquire by purchase or condemnation in the manner hereinafter provided, within the limits of appropriations made pursuant to this act, or by exchange, under such terms and conditions as in the judgment of the commission may best protect the interests of the United States, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State, sites and buildings in foreign capitals and in other foreign cities, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating, to the extent deemed advisable by the commission, within one or more buildings, the embassies, legations, consulates, and other agencies of the United States Government there maintained, which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission among the several agencies of the United States Government."

SEC. 2. Section 2 of such act is amended by adding at the end thereof a new subdivision to read as follows:

"(d) The commission may appoint, without regard to the civil service laws or regulations, and fix compensation of, without regard to the classification act of 1923, as amended, such clerical and other assistants at the seat of government as the commission deems necessary. The total amount authorized to be expended under this subdivision shall not exceed $5,000 for any one year."

With the following committee amendments:

Page 1, line 7, strike out the erroneous spelling of the word "condemnation" and insert in lieu thereof the word "construction"; page 1, line 9, after the word "exchange," insert the words "in whole or in part."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. McREYNOLDS. Mr. Speaker, I raise the question of no quorum.

The SPEAKER. It is evident there is not a quorum present.

Mr. PORTER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 59]

Anthony	Doyle	Kincheloe	Rainey
Arentz	Englebright	Kindred	Ramseyer
Auf der Heide	Estep	King	Rathbone
Ayres	Faust	Kunz	Reed, Ark.
Bacon	Fenn	Kurtz	Robsion, Ky.
Bankhead	Fish	Lampert	Sabath
Beck, Pa.	Fitzgerald, Roy G.	Langley	Shallenberger
Beedy	Fort	Lanham	Sirovich
Bohn	Foss	Lankford	Sproul, Ill.
Boies	Frear	Larsen	Sproul, Kans.
Brand, Ohio	Gallivan	Lea	Stevenson
Britten	Garrett, Tenn.	Leatherwood	Strother
Bulwinkle	Gifford	Lehlbach	Sullivan
Busby	Golder	Letts	Sweet
Campbell	Goldsborough	McDuffie	Taber
Carley	Graham	McFadden	Taylor, Colo.
Casey	Green, Iowa	McKeown	Treadway
Celler	Harrison	McLaughlin	Underhill
Cole, Iowa	Haugen	McSwain	Updike
Cole, Md.	Hoch	Madden	Vincent, Mich.
Collins	Holaday	Manlove	Vinson, Ga.
Connally, Tex.	Hooper	Merritt	Wainwright
Cooper, Ohio	Hope	Michaelson	Wason
Cox	Howard, Okla.	Michener	White, Me.
Cramton	Hudson	Monast	Whitehead
Crowther	Hughes	Moore, N. J.	Wilson, Miss.
Darrow	Hull, William E.	Moore, Ohio	Wingo
Davey	Hull, Tenn.	Morgan	Winter
Dempsey	Igoe	Nelson, Me.	Wolverton
Dickinson, Iowa	Irwin	Norton, N. J.	Woodruff
Dickstein	Jacobstein	Palmer	Wyant
Dominick	James	Peery	Yates
Douglas, Ariz.	Kelly	Prall	Yon
Doutrich	Kendall	Purnell	
Dowell	Ketcham	Quayle	

The SPEAKER. Two hundred and ninety-five Members have answered to their names; a quorum is present.

Mr. PORTER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. PALMISANO. Mr. Speaker, I rise to the question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. PALMISANO. Mr. Speaker, on February 21 I spoke here and criticized the methods employed by the District Court for the District of Maryland in the case of the State of Maryland against Randolph Brewer, a prohibition agent, and I referred to the alleged methods employed by the prohibition administration and also referred to the superintendent of the Anti-Saloon League for the District of Maryland. The superintendent in reply called me a liar. The exact words were as follows:

I do not know Judge Coleman; I have never met him; I hate to use a sharp word, but if Mr. PALMISANO said that, he was guilty of a common, ordinary cheap lie. Of course, Mr. PALMISANO was given the nomination with the idea that John Philip Hill was to beat him. The more he talks the better off our cause will be.

The SPEAKER. The Chair is inclined to think the gentleman presents a question of privilege. [Laughter.]

Mr. PALMISANO. Then, I find on March 21, one month from the day I criticized the methods employed, a 19-page pamphlet edited by the Maryland Anti-Saloon League attempting to defend Judge Coleman's charge to the jury in the trial of

Brewer and this pamphlet was distributed to the Members of Congress. Mr. Speaker, while the pamphlet is attempting to defend Judge Coleman's action, I think the purpose of it is for the Anti-Saloon League to defend itself because there is nothing in my speech in which I criticize Judge Coleman in his charge to the jury and there is nothing in the pamphlet attempting to defend Judge Coleman on my particular criticism, which was as follows:

I am sorry to see that they have been able to use Judge Coleman in this matter, a man who has commanded the respect of the members of the bar and the public, which respect I fear he has lost when he permitted the Anti-Saloon League to have him put the gag on the newspapers.

Now, if the Members of Congress who have received this pamphlet will read it they will see that there is nothing in it referring to this criticism, so the only purpose of the pamphlet is to defend itself so that it will continue its influence with Col. Amos W. W. Woodcock, the district attorney, in that part of the criticism in which I stated that Judge Coleman, I fear, has lost the respect of the members of the bar and the public when he permitted the Anti-Saloon League to have him put the gag on the newspapers. Of course, Mr. Speaker, I do not mean to say that the Anti-Saloon League directly approached the judge on this question, but it did in an indirect way through the district attorney. Now, let me ask you gentlemen who are members of the bar, a number of whom have been judges on the bench, where have you seen a judge two weeks prior to the trial summons the newspaper men privately and instruct them how and in what manner a case should be reported; and how could the judge be familiar with the testimony that was to be produced in the case unless he was so informed by the district attorney, Col. Amos W. W. Woodcock, for the district of Maryland? A man who holds his appointment by virtue of the recommendation of Mr. Marion Humphrey, of Wicomico County, who is one of the Republican dry leaders of the Eastern Shore, and reenforced by Mr. William P. Jackson, the national Republican committeeman of the Eastern Shore, who is the real dry leader in the Republican Party in Maryland, both of whom indorsed Col. Amos W. W. Woodcock for the position which his honor Judge Coleman now holds, and their indorsement was reenforced by the superintendent of the Anti-Saloon League.

Mr. Speaker, I can not understand, if what I have said on the floor of this House in criticizing the methods employed in this particular case was anything but proper, why the members of the Baltimore bar—Republicans as well as Democrats—have not seen fit to criticize my attack and why a man whom the people of Ohio have seen fit to eliminate by so-called advancement in exporting him into another State—unfortunately the State of Maryland—and who knows nothing except the enforcement of the Volstead Act and condemning everyone who has an honest opinion different from his own should criticize me. And, of course, Mr. Speaker, you will understand his opinion is not an honest one, because he is being paid to take the stand that he is taking, and in that way he earns his living, and if he should ever lose his position he may be in the same position as that of another gentleman, whom I remember, before prohibition days, was a representative of the Anti-Saloon League before the liquor license board of Baltimore city, and when he lost his position this man, before the same body, represented the worse type of saloon keepers of those days. So you can readily see, Mr. Speaker, that a man of the type of the superintendent, same as his predecessor, who also was imported from Ohio into Maryland and then advanced to the great State of New York, and the great State of New York advanced him to Sing Sing, from which place he was able to observe the world. So I feel that the gentleman who is now heading the Anti-Saloon League will eventually be advanced, because we in Maryland have discovered him, know him well, and to-day in Maryland we have two wet Democrats in the upper House of Congress and four Democrats in this House who are opposed to his methods. You will see that it will be time to advance him to another State, and from there he may succeed to the honor of his predecessor.

Mr. Speaker, the only thing I find in the way of criticism is from the Baltimore Evening Sun in its editorial on February 22, headed "Unwarranted violence." In referring to my speech it says that—

one phase of the attack had to do with the suggestions made by the judge to the press as to its attitude in the Gundlach case and similar criminal proceedings in his court.

The Evening Sun was represented at this conference. The suggestions made by Judge Coleman were in some respects more stringent than those usually brought forward, especially with respect to the photographing of prisoners and witnesses.

Why was my criticism unwarranted? The paper itself admitted that the suggestions were more stringent than those usually brought forward in cases of this kind, and why had the suggestions been made two weeks before the trial? Why not in open court and before the public?

It is amusing, Mr. Speaker, that in the 19-page pamphlet in which the Anti-Saloon League of Maryland attempted to defend Judge Coleman, they did not attempt to defend the United States district attorney. Here is a man defended by the taxpayers of the country, a man who killed an old farmer 73 years of age, because the only thing that the agent could do was to kill this farmer or he would have killed the agent or Agent Fisher. In other words, the district attorney defended this man in self-defense, and being a representative of the people he had no right to defend this man unless it was really a self-defense plea, and if a self-defense plea was proper, why did he have the judge to instruct the newspaper men how to report this case, because certainly the judge could not have been familiar with the evidence until it was presented to him in open court, unless it was brought to the judge's attention by the district attorney. And after he succeeded in acquitting this man, why should he after the acquittal write a letter to the prohibition administrator advising him to summon his agents together and caution them regarding the use of their firearms. These are the words that were used by the district attorney:

Their job is an unpopular one and they can not be too careful. There are few cases where shooting is necessary and in view of the hostility of their work they should be watched.

You will see, Mr. Speaker, that my criticism, while it affected Judge Coleman was not so much directed against the judge, but more so directed against the district attorney, who has succeeded in having the judge to further a proposition more or less recommended by the Anti-Saloon League because it was he who said to the world this man was right and after an acquittal he then said indirectly that there was something shady with the Gundlach murder, and therefore Mr. Herbert should so instruct his agents.

Mr. Speaker and Members of the House, I ask you to read carefully the words used by the superintendent of the Anti-Saloon League in attempting to defend Judge Coleman, as I said, who needs no defense from this importer from Ohio, and the defense is more or less a defense of itself. In an unwarranted attack upon the poor, unfortunate farmer, if anything helps to breed bolshevism, in my mind, this does. If this poor man had a son capable of defending the father, I say he had nothing else to do but give him the same fate that his father received.

On page 15 of the pamphlet these are the headlines:

Prohibition agent fully exonerated; Gundlach shown to be an outlaw; widow's story discredited; trickery of prosecution.

In attempting to justify the charge he was not satisfied that the poor widow had lost her mate by the shots of this agent, evidence tending to show that he had been interested in stills before the appointment as agent and has received bribes since the appointment and was still interested in stills, but it goes a little farther and tells you that he was a criminal, notwithstanding the fact that there was no evidence showing that this old farmer had been convicted of any crimes except that there had been a warrant for him for some violation of the liquor law. Let us take for granted that the man was a criminal or he had been convicted of some minor offense, why should this great man from Ohio, who goes from church to church pleading for a good cause—of course, only a blind in order that he may raise sufficient money for his salary—humiliate this poor widow by circulating this pamphlet in the hands of the men who represent this great country and who come from all parts of the country. Ah, Mr. Speaker, of course I feel that this poor old widow is perhaps unable to do the thing that happened in Columbiana, Ala., the other day, where a similar trial had taken place against an officer charged with the killing of a young lady. The officer was acquitted, and the mother and aunt felt that the verdict was a miscarriage of justice and attacked the officer in court—of course, I do not approve of the procedure that took place in Alabama—but I say that if this poor woman had the strength and the courage to do what the mother and aunt of this girl did in Alabama, I feel that the people of this country would glory in her spunk in having disposed of a man who was not satisfied with her loss, but who continued to humiliate her by having a pamphlet of this kind spread in all corners of this country by placing them in the hands of the Representatives of Congress.

Mr. SCHAFER. Will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. SCHAFER. Was this pamphlet spread by the Anti-Saloon League?

Mr. PALMISANO. Yes.

Mr. SCHAFER. Perhaps the spreading of the pamphlet was the result of the receipt of the $500,000 donation. Perhaps a part of this money was used for the pamphlet.

Mr. PALMISANO. In reply I want to state to the gentleman that this man goes from church to church collecting sufficient money to pay salaries. For that reason there is no use of asking him any questions where the money comes from. They do not care where the money comes from, if they only get it.

Mr. SCHAFER. Has the gentleman endeavored to find out whether the Anti-Saloon League has offered to return the $500,000 contributed by Mr. Kresge?

Mr. PALMISANO. No.

Mr. BLANTON. Will the gentleman yield?

Mr. PALMISANO. No. I refuse to yield for the very reason that the gentleman did not yield to me the other day.

Mr. BLANTON. I am sorry.

Mr. PALMISANO. So am I sorry, too. I like to extend courtesy to all Members of the House, but when a Member does not see fit to recognize me when I ask him to yield I shall refuse to yield to him likewise. It may be that I will recognize him later. [Laughter.]

Mr. Speaker, the retort of the superintendent of the Anti-Saloon League, in which he called me a liar, was in reply to remarks that I made to him on February 21, which are recorded in the RECORD on page 3397 and are as follows:

> The superintendent of the Anti-Saloon League, I have been informed, in cases of this kind assists the district attorney in selecting the jurors in private.

You will note that I said that I was informed that he assisted the district attorney and not the judge.

Why does the superintendent of the Anti-Saloon League state that "he does not know Judge Coleman; has never met him."

Where in my speech of February 21 is there any statement from which he may infer that he influenced Judge Coleman in selecting the jury? As to the charge that I was guilty of a common, ordinary, cheap lie, I do not feel that it is necessary for me to answer except to say that I have lived in Baltimore for 41 years within an area of five city blocks and started to work when 11 years of age at a salary of 33 cents per day, and the people of my district have seen fit to honor me every time that I had occasion to go before them, five times within the Democratic primaries and four times in the general election, making a total of nine times. I think that in itself is a sufficient answer.

Now, there is only one thing that could perhaps settle this question. Let the Anti-Saloon League, which has great influence in this body, recommend to the Committee on Rules to report my resolution No. 99, which has for its purpose—

> to investigate the methods employed by the prohibition administrator for the Maryland-District of Columbia area in employing agents, undercover men, and others in the enforcement of the eighteenth amendment and the Volstead Act, the retaining of men in the department charged with crimes, and the protecting of them by having the United States attorney for the District of Maryland to defend them.

In that way the Members of the House will be able to go into this question thoroughly and settle the question whether my informer of the alleged practice had grounds to infer that these methods were employed in Maryland; and, I trust, regardless of the position of the Anti-Saloon League, that the members of the Rules Committee as a matter of justice and decency should inquire into the methods in order to satisfy the people of Maryland that the methods so employed in administering the law and the protecting of agents is fair, which they doubt at this time; and the unanimous opinion of the people of Maryland is that they do not get a fair and impartial trial in the United States court when the district attorney defends the prohibition agents for any alleged crimes committed by them, because they feel that the district attorney works hand in hand with the superintendent of the Anti-Saloon League, who is in favor of anyone who has to do with the enforcement of the Volstead Act, regardless of what law they may violate in so doing.

Mr. SCHAFER. The district attorney was defending this man as a friend of the court.

Mr. PALMISANO. All agents in Maryland are defended as a friend of the court. He was not so fortunate as my friend from Texas in defending officers who violate the law. Now I yield to the gentleman from Texas.

Mr. BLANTON. Now that I have been recognized, I want to make this comment: I never defend a guilty man. I defend the innocent. The Anti-Saloon League, castigated by the gentleman, has a membership of several million good people in the 48 States of the Union. Does the gentleman think it is fair to condemn them all because there may have been some improper men in the Anti-Saloon League?

Mr. PALMISANO. No; but referring to what the gentleman has stated about defending the innocent, I do not think there is a lawyer in the House who ever defended a man charged with crime that he considered a criminal, and that is true of the gentleman from Texas. [Laughter.] So far as the membership of the Anti-Saloon League is concerned, I respect any man who honestly differs with me on the Volstead law.

Mr. BLANTON. In other words, take the great Baptist Church, which may have in it some members who are improper people, men not of good character. Would the gentleman condemn the entire Baptist Church because it has a few members in it who are improper?

Mr. PALMISANO. Mr. Speaker, in reply I do not condemn any class of people as a whole, but I say this: If the Anti-Saloon League of this country is fair it will dispense with this man, and I think it will, because the people of Maryland have exposed him. The Anti-Saloon League will have to dispense with his services or perhaps take him into some other territory where he is not known.

Mr. BLANTON. Will the gentleman recognize me further?

Mr. PALMISANO. Certainly.

Mr. BLANTON. Take, for instance, the great Secretary of the Treasury, Mr. Andrew Mellon. He belongs to the same church that I belong to, the Presbyterian Church. It has been charged that he has had knowledge all along of the $160,000 of oil money that was donated to the Republican campaign. Would the gentleman condemn the entire Presbyterian Church because it has Mr. Andrew Mellon as a member?

Mr. PALMISANO. I never referred to the gentleman simply because he belongs to the same church as the distinguished Secretary of the Treasury, nor did I have him in mind because of certain remarks made at the other end of the Capitol, that "birds of a feather flock together." I say this, however: I have received information that in the Treasury Department they have a man who was convicted in Virginia of having stills in the State of Virginia, the record of which has been destroyed.

Mr. BLANTON. But the gentleman would not, therefore, condemn the entire Treasury Department?

Mr. PALMISANO. No.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. SCHAFER. It has been charged that the Secretary of the Treasury had knowledge of the $160,000, but it has not been proved. Perhaps the gentleman from Texas [Mr. BLANTON] may appear as the friend of the court when the Secretary of the Treasury is placed on trial. [Laughter.]

Mr. BLANTON. I would not appear as a friend of the court if the gentleman from Wisconsin [Mr. SCHAFER] happened to be the court.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CARLEY, for an indefinite period, on account of illness.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 367. An act to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; and

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.

JOINT RESOLUTIONS AND BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, joint resolutions and a bill of the following titles:

H. J. Res. 126. Joint resolution to provide for the entry under bond of exhibits for display at the Pacific Southwest Exposition to be held in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port, and for other purposes;

H. J. Res. 245. Joint resolution to make immediately available the appropriation for a road across the Kaibab Indian Reservation; and

H. R. 9663. An act authorizing Herman Simmonds, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.

SENATE BILL REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 459. An act for the relief of the city of New York; to the Committee on War Claims.

S. 2823. An act amending the Statutes of the United States with respect to reissue of defective patents; to the Committee on Patents.

ADJOURNMENT

Mr. PORTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Thursday, March 29, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 29, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services" (H. R. 6518).

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

To fix the standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables (H. R. 8907).

To amend the act entitled "An act to standardize lime barrels, approved August 24, 1916 (H. R. 43).

To provide for the coinage of a medal commemorative of the achievements of Thomas A. Edison in illuminating the path of progress through the development and application of inventions that have revolutionized civilization in the last century (H. J. Res. 243).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bill on the committee calendar.

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To extend the period of restrictions of lands of certain members of the Five Civilized Tribes (H. R. 12000).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924 (H. R. 10710).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the war finance corporation act, approved April 5, 1918, as amended (H. R. 12245).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication or control of the European corn borer (H. R. 10377).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. S. 1628. An act relating to the Office of Public Buildings and Public Parks of the National Capital; without amendment (Rept. 1063). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky: Committee on Roads. H. R. 4625. A bill to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington; without amendment (Rept. No. 1065). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREW: Committee on Naval Affairs. H. R. 5465. A bill to amend section 1571 of the Revised Statutes to permit officers of the Navy to count duty on airships as sea duty; without amendment (Rept. No. 1066). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. J. Res. 180. A joint resolution providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio; with amendment (Rept. No. 1067). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 239. A joint resolution authorizing the erection in the District of Columbia of a monument in memory of Peter Muhlenberg; without amendment (Rept. No. 1068). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. J. Res. 72. A joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons; with amendment (Rept. No. 1069). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12320. A bill to amend the longshoremen's and harbor workers' compensation act; without amendment (Rept. No. 1070). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12441. A bill to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress; without amendment (Rept. No. 1071). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. S. 2900. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; with amendment (Rept. No. 1064). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ESLICK: A bill (H. R. 12479) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12480) to amend section 2 of the act of Congress approved July 3, 1926, entitled "An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes"; to the Committee on the District of Columbia.

By Mr. JOHNSON of Texas: A bill (H. R. 12481) to provide for the establishment of soil and water conservation stations, and for other purposes; to the Committee on Flood Control.

By Mr. ALLEN (by request): A bill (H. R. 12482) to create a public trust, to be known as the Federal agriculture and home farms trust, to define its duties and powers, and to appropriate $50,000,000 to finance its operations; to the Committee on the Judiciary.

By Mr. PERKINS: A bill (H. R. 12483) to amend section 300 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. HOUSTON of Hawaii: A bill (H. R. 12484) to provide for an investigation of fisheries in the Territory of Hawaii; to the Committee on the Merchant Marine and Fisheries.

By Mr. LAGUARDIA: A bill (H. R. 12485) concerning freedom of speech and the press and the right of the people peaceably to assemble; to the Committee on the Judiciary.

By Mr. SINNOTT (by departmental request): A bill (H. R. 12486) to repeal an act entitled "An act to provide for stock-raising homesteads, and for other purposes"; to the Committee on the Public Lands.

Also (by departmental request), a bill (H. R. 12487) to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes"; to the Committee on the Public Lands.

By Mr. McKEOWN: Joint resolution (H. J. Res. 255) providing for a loan of $2,500,000 to the Choctaw and Chickasaw Tribes or Nations of Indians, and for other purposes; to the Committee on Indian Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of New York, memorializing the Congress of the United States to authorize the Postmaster General to issue a special series of postage stamps commemorative of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

By Mr. SEGER: Memorial of the Legislature of the State of New Jersey, requesting Congress to authorize the Postmaster General to issue a special series of postage stamps commemorative of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 12488) granting a pension to Nimshi Nuzum; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12489) granting an increase of pension to Sarah J. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12490) granting an increase of pension to Ada P. Thompson; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 12491) granting a pension to John House Moore; to the Committee on Pensions.

By Mr. BUCHANAN: A bill (H. R. 12492) for the relief of Andrew T. Bailey; to the Committee on Claims.

By Mr. CELLER: A bill (H. R. 12493) granting an increase of pension to Frances Getchell; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12494) granting a pension to William Haywood Revelle; to the Committee on Pensions.

Also, a bill (H. R. 12495) granting a pension to Edward J. Neitzer; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 12496) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Mark D. Williams; to the Committee on Claims.

By Mr. FREEMAN: A bill (H. R. 12497) for the relief of Lieut. Robert L. McLellan, Civil Engineer Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. HOWARD of Nebraska: A bill (H. R. 12498) granting honorable discharge to Chancy L. McIntyre; to the Committee on Military Affairs.

By Mr. JOHNSON of Texas: A bill (H. R. 12499) for the relief of Arthur N. Ashmore; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 12500) granting a pension to William B. Kuhn; to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 12501) granting a pension to Josephine Lemon; to the Committee on Pensions.

By Mr. LEAVITT: A bill (H. R. 12502) for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased; to the Committee on Claims.

By Mr. LETTS: A bill (H. R. 12503) granting a pension to Mary A. Worden; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 12504) for the relief of David B. Turnipseed; to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 12505) granting an increase of pension to Julia A. Woodruff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12506) granting an increase of pension to Alma C. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12507) granting an increase of pension to Addie Buss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12508) granting an increase of pension to Mary Jane Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12509) granting an increase of pension to Charlotte E. Petty; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 12510) granting an increase of pension to Emeline Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12511) granting an increase of pension to Olive Pitcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12512) granting an increase of pension to Margaret Cull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12513) granting an increase of pension to Alice A. Harris; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12514) granting an increase of pension to Melissa Bailey; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 12515) granting a pension to Ernest H. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12516) granting a pension to Ella E. Deering; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12517) granting a pension to Uttie N. Grooms; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12518) granting an increase of pension to Elizabeth M. Baker; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: Joint resolution (H. J. Res. 256) authorizing the United States Bureau of Public Roads to make a survey of the uncompleted bridges of the Oversea Highway from Key West to the mainland, in the State of Florida, with a view of obtaining the cost of the construction of said bridges, and report their findings to Congress; to the Committee on Roads.

By Mr. KNUTSON: Resolution (H. Res. 151) to pay Walter C. Neilson $1,000 for extra and expert services to the Committee on Pensions by detail from the Bureau of Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6080. By Mr. ARNOLD: Petition from citizens of Iuka, Ill., urging the passage of Civil War pension legislation; to the Committee on Invalid Pensions.

6081. By Mr. BACHMANN: Petition of Mary F. Moore and other citizens of Hammond, Marion County, W. Va., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6082. By Mr. BLAND: Petition of citizens of Middlesex County, Va., urging that Congress bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6083. By Mr. BRIGHAM: Petition of Mark R. Warner and 36 other citizens of Eden, Vt., urging that legislation be passed affording relief to veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6084. By Mr. BROWNING: Petition of citizens of McNairy County, Tenn., urging the increase of pension to all Civil War veterans and widows; to the Committee on Invalid Pensions.

6085. Also, petition of citizens of Williston, Tenn., urging the increase of pension to all Civil War widows and veterans; to the Committee on Invalid Pensions.

6086. Also, petition of various citizens of the town of Bolivar, Hardeman County, Tenn., petitioning the Committee on Invalid Pensions to increase the pensions of Civil War veterans and widows; to the Committee on Invalid Pensions.

6087. By Mr. CHINDBLOM: Petition of Rachel T. Hotchkiss, Mary H. Love, Burnett S. Love, and George M. Olcott, of Lake County, Ill., urging passage of legislation providing increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

6088. By Mr. COMBS: Petition of J. R. Hammond et al.; to the Committee on Invalid Pensions.

6089. By Mr. CONNERY: Petition of citizens of Lynn, Mass., favoring the Civil War pension increase bill; to the Committee on Invalid Pensions.

6090. Also, petition of Swedish residents of Lynn, Mass., protesting the national origins act of the immigration law; to the Committee on Immigration and Naturalization.

6091. By Mr. COOPER of Ohio: Petition of citizens of Geneva, Ohio, urging increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6092. By Mr. CORNING: Petition of citizens of Albany County, N. Y., earnestly advocating the passage of legislation increasing the pensions of Civil War veterans and their widows and dependents; to the Committee on Invalid Pensions.

6093. By Mr. CRAIL: Petition of Helen Jean Christie Tent, No. 17, Daughters of Union Veterans of the Civil War, for the erection of a hospital for disabled volunteer soldiers at Santa Monica; to the Committee on Military Affairs.

6094. By Mr. CRAMTON: Petition signed by W. J. Dufty and 107 other residents of Huron County, Mich., urging that immediate steps be taken to bring to a vote a pension bill giving further relief to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6095. By Mr. DAVENPORT: Petition of citizens of New York State, sponsoring the passage of House bill 11410, a bill intro-

duced by Mr. Sproul to amend the prohibition act; to the Committee on the Judiciary.

6096. By Mr. DE ROUEN: Petition of the voters of Beauregard Parish, La., to the Congress of the United States, urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying rates proposed by the National Tribune in order that relief may be accorded the needy and suffering veterans and the widows, and thus repay the living for the sacrifices they have made for our country; and we urge that the most hearty support on the part of our Senators and Representatives in Congress be accorded this legislation; to the Committee on Pensions.

6097. By Mr. DICKINSON of Missouri: Petition by certain citizens of Foster, Mo., in behalf of a pension bill for increased rates for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6098. By Mr. ESLICK: Petition of Dr. J. A. Sugg and others, of McEwen, Tenn.; to the Committee on Pensions.

6099. Also, petition of S. J. May and others, of McEwen, Tenn.; to the Committee on Pensions.

6100. Also, petition of Mattie Myers and others, of Hampshire, Tenn.; to the Committee on Pensions.

6101. By Mr. EVANS of California: Petition of Mrs. Mark W. White, of Tujunga, Calif., and 35 other citizens, for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

6102. Also, petition of Dr. Scott D. Gluten, of Monrovia, Calif., and 22 others, for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

6103. Also, petition of the council of the city of Los Angeles, for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

6104. Also, petition of Monterey Park Exchange Club, for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

6105. Also, petition of San Fernando Exchange Club, for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

6106. Also, petition of American Legion Auxiliary Post 282, of La Mesa, Calif., for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

6107. Also, petition of San Fernando Woman's Club, for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

6108. By Mr. GARBER: Letter of Arthur Farrington, president Major, Woods, and Alfalfa Counties, Okla., Rural Letter Carriers Association, in support of Gibson amendment to the present retirement law; to the Committee on the Civil Service.

6109. Also, letter of Walter O'Bannon Co., of Tulsa, Okla., in support of the proposed postal legislation; to the Committee on the Post Office and Post Roads.

6110. Also, petition of Arthur Farrington, president of Rural Letter Carriers' Association for Major, Woods, and Alfalfa Counties, Okla., in support of Reece good roads bill; to the Committee on Roads.

6111. Also, petition of residents of Woodward and Enid, Okla., urging the enactment of legislation for Civil War veterans and widows; to the Committee on Invalid Pensions.

6112. Also, petition of J. F. Sharp, jr., of Oklahoma City, Okla., in support of the Tyson-Fitzgerald bill, providing for retirement pay for permanently disabled emergency Army officers; to the Committee on Military Affairs.

6113. By Mr. HAWLEY: Petition of residents of Marshfield, and Douglas and Coos Counties, Oreg., and the first congressional district of Oregon, protesting the passage of House bill 78; to the Committee on the District of Columbia.

6114. Also, petition of residents of Carlton, Oreg., asking for increase in pension of Civil War veterans and dependents; to the Committee on Invalid Pensions.

6115. By Mr. HOGG: Petition of Virginia Lawson, Emma Barrett, and 24 other citizens of St. Joe, Ind., urging Congress to take immediate action on House bill 433, granting $100 pension to Civil War veterans and $50 to Civil War widows; to the Committee on Invalid Pensions.

6116. By Mr. HOWARD of Nebraska: Petition signed by Mrs. J. Hunt, of South Sioux City, Nebr., and 61 others of that vicinity, for the passage of legislation praying for the relief of the suffering and needy veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

6117. By Mr. HOOPER: Petition of Roy A. Winslow and 47 other residents of Kalamazoo, Mich., urging to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6118. By Mr. JOHNSON of South Dakota: Petition of residents of Faulkton, S. Dak., urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

6119. By Mr. KIESS: Petition of citizens of Williamsport, Pa., favoring legislation to increase the pension of soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

6120. By Mr. KINDRED: Resolution of the New Orleans Insurance Exchange, urging its United States Senators and Representatives in Congress to assume full Federal financial and executive responsibility for the control of the flood waters of the Mississippi Valley; to the Committee on Flood Control.

6121. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting passage of the District Sunday closing law (H. R. 78); to the Committee on the District of Columbia.

6122. By Mr. MILLIGAN: Petition urging that immediate steps be taken to bring to a vote a Civil War pension bill, signed by citizens of Clay County, Mo.; to the Committee on Invalid Pensions.

6123. Also, petition signed by citizens of Mercer County, Mo., urging early consideration of Civil War pension legislation; to the Committee on Invalid Pensions.

6124. By Mr. MORROW: Petition of citizens of Raton, N. Mex., protesting against enactment of House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

6125. Also, petition of citizens of Farmington, N. Mex., praying for increase to $50 of Civil War widows' pensions, regardless of age; to the Committee on Invalid Pensions.

6126. By Mr. NELSON of Wisconsin: Petition signed by Mary E. McCord and others, of Boscobel, Wis., urging remedial legislation on behalf of widows of Civil War veterans; to the Committee on Invalid Pensions.

6127. By Mr. O'BRIEN: Petition of the voters of Ritchie County, W. Va., favoring the Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6128. Also, petition of the voters of Upshur County, W. Va., favoring the Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6129. By Mr. O'CONNELL: Petition of the Evans & Liddle Co. (Inc.), Lockport, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6130. Also, petition of the Ace Broom Co., Brooklyn, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6131. Also, petition of the Brooklyn Broom Works, Brooklyn, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6132. Also, petition of the Atlanta Post, No. 1, Atlanta, Ga., the American Legion, with reference to the award of a medal of honor, a distinguished-service medal, or a distinguished-service cross to any service man of the World War; to the Committee on Military Affairs.

6133. Also, petition of the Public Speakers' Society, Harrisburg, Pa., favoring certain amendments to the Griest bill (H. R. 12030), with reference to third-class matter; to the Committee on the Post Office and Post Roads.

6134. By Mr. PERKINS: Petition of residents of Washington and Hackensack, N. J., urging increased pensions for Civil War widows; to the Committee on Invalid Pensions.

6135. Also, petition of members of the Sons and Daughters of Liberty, of Dumont, Bergenfield, Tenafly, Haworth, Demarest, Newton, Augusta, Hamburg, Phillipsburg, Alpha, Belvidere, East Rutherford, Arlington, and Lyndhurst, N. J., protesting against increased immigration legislation; to the Committee on Immigration and Naturalization.

6136. By Mr. QUAYLE: Petition of Evans & Liddle (Inc.), manufacturers of brooms and brushes, of Lockport, N. Y., urging passage of the Hawes-Cooper bill; to the Committee on Labor.

6137. Also, petition of Ace Broom Co., of Brooklyn, N. Y., urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

6138. Also, petition of Railway Mail Service, office of superintendent second division, New York, N. Y., urging the passage of House bill 11622; to the Committee on the Post Office and Post Roads.

6139. Also, petition of Kings County Dental Society, urging the passage of House bill 5766; to the Committee on Interstate and Foreign Commerce.

6140. By Mr. RATHBONE: Petition by 42 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to

needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6141. Also, petition of 80 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6142. Also, petition of 50 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6143. Also, petition of 90 residents of Chicago, urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6144. By Mr. REED of New York: Petition of mayor, president of Chamber of Commerce, and other prominent citizens of Friendship, N. Y., protesting against proposed legislation to discontinue the furnishing of stamped envelopes by the Government; to the Committee on the Post Office and Post Roads.

6145. By Mr. REID of Illinois: Petition of Mary Murphy, Martha Johnson, et al., of Will County, Ill., for passage of Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6146. By Mr. ROBINSON of Iowa: Petition urging the passage of a Civil War widows' pension bill carrying the following provisions: $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow, signed by Ellen E. Peck and about 65 other adult citizens of Alexander, Iowa; to the Committee on Invalid Pensions.

6147. By Mr. SHREVE: Petition of Rev. W. J. Small and numerous citizens of Erie, Pa., for the speedy passage and enactment into law of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

6148. By Mr. SINNOTT: Petition of a number of citizens of Union, Oreg., in behalf of an increase of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6149. By Mr. SPEAKS: Petition signed by Louis Rice and some 32 citizens of Franklin County, Ohio, urging the enactment of legislation for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6150. By Mr. SWING: Petition of residents of Riverside, Calif., for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6151. Also, petition of citizens of San Diego, Calif., for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6152. Also, petition of citizens of Yorba Linda, Calif., in behalf of the needy veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6153. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., urging the enactment of legislation providing increased pensions for Civil War veterans and their widows and dependents; to the Committee on Invalid Pensions.

6154. By Mr. VINSON of Kentucky: Petition of voters of Rush, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune, etc.; to the Committee on Invalid Pensions.

6155. By Mr. WEAVER: Petition of citizens of Hornet, Jackson County, N. C., asking for increase in pension to Civil War widows; to the Committee on Invalid Pensions.

6156. Also, petitions of citizens of Culberson, N. C., protesting against House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

SENATE

THURSDAY, *March 29, 1928*

(Legislative day of Tuesday, March 27, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 30) to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 8128. An act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory;

H. R. 9043. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood;*

H. R. 10166. An act to amend the Foreign Service buildings act, 1926;

H. J. Res. 230. Joint resolution to provide for the membership of the United States in the American International Institute for the Protection of Childhood; and

H. J. Res. 253. Joint resolution authorizing certain customs officials to administer oaths.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 367. An act to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; and

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	King	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Gerry	Metcalf	Steck
Blease	Gillett	Moses	Steiwer
Borah	Glass	Neely	Stephens
Bratton	Goff	Norbeck	Swanson
Brookhart	Gooding	Norris	Thomas
Broussard	Gould	Nye	Tydings
Bruce	Greene	Oddie	Tyson
Capper	Harris	Overman	Wagner
Caraway	Harrison	Phipps	Walsh, Mass.
Copeland	Hawes	Pine	Walsh, Mont.
Couzens	Hayden	Pittman	Warren
Curtis	Heflin	Ransdell	Waterman
Cutting	Johnson	Robinson, Ark.	Watson
Dale	Jones	Robinson, Ind.	
Dill	Kendrick	Sackett	
Edge	Keyes	Sheppard	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

INDEBTEDNESS OF HELLENIC REPUBLIC

Mr. BORAH. Mr. President, I desire to ask the Senator from Utah [Mr. SMOOT] the status of what is called the debt settlement with Greece.

Mr. SMOOT. Mr. President, I will say that it is now before the Finance Committee. The other day it was reported to the Senate and was on the calendar, but on yesterday, at the request of one of the members of that committee, I had it rereferred to the commiftee.

FLOOD RELIEF, VERMONT AND NEW HAMPSHIRE (S. DOC. NO. 78)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture amounting to $3,307,300 to enable the Secretary of Agriculture to assist the States of Vermont and New Hampshire in reconstructing roads and bridges damaged by the flood of 1927, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New Jersey, which was referred to the Committee on Post Offices and Post Roads:

HOUSE OF ASSEMBLY,
Statehouse, Trenton, N. J.

Concurrent resolution introduced and adopted by the senate and house of assembly on March 5, 1928, memorializing and requesting the Congress of the United States to authorize the Postmaster General to issue a special series of postage stamps commemorative of the Battle of Monmouth in the Revolutionary War

Whereas there will be celebrated in June, 1928, the one hundred and fiftieth anniversary of the Battle of Monmouth in the Revolutionary War; and

Whereas said conflict was one of the great turning points in the memorable struggle for independence; and

Whereas it is fitting and proper that due recognition be given to said anniversary by the issuing of stamps commemorative thereof: Therefore be it

Resolved by the house of assembly (the senate concurring)—

1. That the Congress of the United States is memorialized and requested to authorize and direct the Postmaster General of the United States to issue a special series of postage stamps to commemorate the one hundred and fiftieth anniversary of the Battle of Monmouth in the Revolutionary War: Be it further

Resolved, That copies of this resolution be transmitted to the Presiding Officers of the Senate and House of Representatives of the United States in Congress assembled and to each Senator and Representative of this State in the Congress of the United States.

2. This concurrent resolution shall take effect immediately.

We hereby certify that the above resolution is a true and official copy of the concurrent resolution adopted by the senate and house of assembly on March 5, 1928.

THOMAS L. HANSON,
Speaker of the House of Assembly.

Attest:

FRED'K A. BRODESSER,
Clerk of the House of Assembly.

Mr. EDGE. I present resolutions unanimously adopted by the Bergen County (N. J.) Women's Republican Club, relative to pending legislation, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the resolutions were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Resolution unanimously passed, March, 1928, Bergen County Women's Republican Club

Whereas the members of the Bergen County Women's Republican Club, assembled at their regular meeting, March, 1928, discussed the naval appropriations bill, approved by the President of the United States and by the Secretary of the Navy; and

Whereas an organized movement to prevent the passage of this measure has petitioned our Representatives against this program of peacetime security which would bring our common defense up to the 5–5–3 ratio agreed upon at the Washington conference; and

Whereas we believe it to be the sworn duty of our Representatives to uphold our constitutional defense and protection "against invasion from without and from insurrection from within, from piracy upon the high seas, to protect our coasts and ports, to protect our nationals at home and abroad, and to insure the right of asylum to our nationals in other countries"; and

Whereas it is the belief of the members of the Bergen County Women's Republican Club that the program of pacifists to make us defenseless under the guise of some idealistic leadership is the direct mandate of enemies to constitutional government, and that a conspiracy to make us a defenseless Nation against stronger nations, thereby weakening our independent position gained after 150 years of successful government and under the plan laid down by Washington, Jefferson, Madison, and Jay; and

Whereas the members of the Bergen County Women's Republican Club wish to indorse and support the obviously essential program approved by the administration for our peace needs as well as for war insurance: Therefore be it

Resolved, That this organization send to the President of the United States and to the Secretary of the Navy, as well as to Senators WALTER E. EDGE, EDWARD I. EDWARDS, and Congressman RANDOLPH PERKINS, our earnest supplication that they assure our security by supporting the naval appropriation bill; and be it further

Resolved, That at this time we voice our earnest approval and appreciation of positions assumed by our Representatives in the past for our welfare and general protection in other measures; and be it further

Resolved, That copies of this resolution be spread in full upon the minutes of this organization and copies sent to the press.

Mr. WARREN presented telegrams in the nature of memorials from the secretary of the Buffalo Commercial Club; the mayor of Sheridan; A. K. Craig, of Sheridan; and the Sheridan Commercial Club, all in the State of Wyoming, and the secretary of the Livingston (Mont.) Chamber of Commerce, remonstrating against the passage of legislation authorizing expenditure of Government funds in the construction of a proposed road from Red Lodge to Cooke City, Mont., which were referred to the Committee on Post Offices and Post Roads.

Mr. KENDRICK. I present various telegrams in the nature of memorials from commercial organizations and individuals in the State of Wyoming, remonstrating against the passage of legislation authorizing the expenditure of Government funds in the construction of a proposed road from Red Lodge to Cooke City, Mont., which I ask may be referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The telegrams will be referred to that committee.

Mr. KENDRICK. I also present a telegram from the secretary of the Federal Labor Union of Thermopolis, Wyo., indorsing the Box immigration bill, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the telegram was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

THERMOPOLIS, WYO., *March 28, 1928.*

HON. JOHN B. KENDRICK,
Senator, Washington, D. C.

SIR: The Federal Labor Union of Thermopolis respectfully calls your attention to the danger confronting organized labor of the West through the influx of Mexican laborers, and appeals to you to use your best efforts in promoting votes for the Box-Harris Mexican immigration quota bill so the same will be reported favorably.

Very respectfully yours,

FRANK LITTON, *Secretary.*

Mr. CAPPER presented a petition of sundry citizens of Augusta, Kans., praying for the maintenance of the national-origins quota system for the regulation of immigration, which was referred to the Committee on Immigration.

Mr. BLAINE presented a resolution adopted by Commune No. 8 of the Polish National Alliance, at Milwaukee, Wis., calling upon Congress to use every means within its power to put an immediate end to the alleged deplorable condition existing in the strike area of the Pennsylvania coal fields, which was referred to the Committee on Interstate Commerce.

Mr. COPELAND presented petitions of sundry citizens of Brooklyn and Rochester, in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution of the Sioux Democratic Club, of the Borough of Queens, N. Y., favoring the passage of legislation for the extension of the channel in Jamaica Bay from Barren Island to its headwaters on a line to the city of Jamaica, N. Y., which was referred to the Committee on Commerce.

Mr. BRUCE presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation to curb alleged unfair and destructive trade practices of chain stores, stating that by selling highly advertised items below cost they create an impression of cheapness and prices which undersell their neighbors, etc., which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 1387) for the relief of J. W. Anderson, reported it with an amendment and submitted a report (No. 639) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (S. 3365) to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo., reported it with amendments and submitted a report (No. 640) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following bill and joint resolutions, reported them severally without amendment and submitted reports thereon:

S. 1179. An act to provide for the development of stock-watering places in the Modoc National Forest (Rept. No. 642);

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926 (Rept. No. 643); and

H. J. Res. 215. Joint resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act (Rept. No. 644).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRISON:

A bill (S. 3821) to provide for Federal aid in the propagation of oysters and other shellfish and the extension of the producing areas therefor; to the Committee on Commerce.

By Mr. WALSH of Montana:

A bill (S. 3822) to amend section 49 of the Judicial Code and comparative sections of the existing law to embody the amended

law as a part of title 12 of the United States Annotated Code relating to banks and banking; to the Committee on Banking and Currency.

By Mr. McNARY:

A bill (S. 3823) to remit the duty on machinery imported by the State of Oregon for the use of the State flax industry; to the Committee on Finance.

By Mr. NYE (by request):

A bill (S. 3824) to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes"; to the Committee on Public Lands and Surveys.

By Mr. CARAWAY:

A bill (S. 3825) granting a pension to Mary C. Baker; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3826) granting an increase of pension to Sarah F. Calkins; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3827) to exempt employees of the public-school system of the District of Columbia from the $2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended; and

A bill (S. 3828) to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board; to the Committee on the District of Columbia.

By Mr. SHORTRIDGE:

A bill (S. 3829) for the relief of Franklin B. Morse; to the Committee on Military Affairs.

A bill (S. 3830) granting an increase of pension to Frank Schallert; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 3831) to amend the act entitled "An act to standardize lime barrels," approved August 23, 1916; to the Committee on Agriculture and Forestry.

By Mr. BARKLEY:

A bill (S. 3832) to amend the act approved February 28, 1920, designated therein as the "interstate commerce act"; to the Committee on Interstate Commerce.

By Mr. NORRIS (by request):

A bill (S. 3833) to make husband or wife of the accused a competent witness for or against the other in criminal trials; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 3834) for the relief of Daisy O. Davis; to the Committee on Claims.

AMENDMENT TO NAVAL APPROPRIATION BILL

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 12286, the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed, as follows:

On page 31, after line 5, insert the following:

"Naval aeronautic station, Pensacola, Fla.: Replacement of Bayou Grande Bridge, $200,000."

THE FLAG AND INSIGNIA OF THE UNITED STATES

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 5724) to prevent desecration of the flag and insignia of the United States and to provide punishment therefor, which was referred to the Committee on the Judiciary and ordered to be printed.

HALF HOLIDAYS FOR GOVERNMENT EMPLOYEES

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to the bill (S. 3116) providing for half holidays for certain Government employees, which was ordered to lie on the table and to be printed.

AMENDMENT TO FARM RELIEF BILL

Mr. BROOKHART submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce, which was ordered to lie on the table and to be printed.

AMENDMENTS TO MIGRATORY BIRD BILL

Mr. CARAWAY submitted three amendments intended to be proposed by him to Senate bill 1271, the so-called migratory bird bill, which were ordered to lie on the table and to be printed.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Foreign Relations:

H. R. 8128. An act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory;

H. R. 9043. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood;*

H. R. 10166. An act to amend the Foreign Service buildings act, 1926; and

H. J. Res. 230. Joint resolution to provide for the membership of the United States in the American International Institute for the Protection of Childhood.

NAVAL OIL RESERVES

Mr. ROBINSON of Indiana. Mr. President, in the course of the running debate Monday, March 19, upon the subjects of oil leases, campaign contributions, and political corruption, the Senator from North Dakota [Mr. NYE] made the observation:

That it will be the most remarkable thing if, when the present investigation shall be concluded, it shall not be disclosed that the hand of the Democratic Party was dealt with quite as freely as was the hand of the Republican Party through these oil funds.

And that—

In so far as those who were involved and who put up the money to influence the campaign and to buy the privileges and the favors which were accorded to the oil interests following the election of 1920, are concerned, they would in all probability have been just as successful had the Democratic Party won that election as they were with the Republican Party.

That assumption is an altogether fair one. In fact, in view of the record which has already been made up it can hardly be classified as an assumption. For the record shows that the wholesale influencing of Federal officials, including Cabinet officers and their important assistants, by private oil interests was in full bloom under the Wilson administration and that the exhaustion of the Nation's and the Navy's supply of oil was already well under way, due to Democratic acts of both legislation and administration. The record shows, contrary to the views of the Senator from Idaho [Mr. BORAH] that the "conspiracy" to get control of the oil reserves of the country was not formed in Chicago during the Republican convention of 1920, but was formed in the city of Washington during the Democratic administration of President Wilson and it was participated in by high officials of that administration and aided and abetted by still other Democrats of high standing.

I propose now to review some of the salient facts as taken from the official records to substantiate these and still further assertions which I may make in the course of my remarks. Inasmuch as some of the Democratic Members have declaimed about insinuations unsupported by facts, and still others have apparently drawn heavily on their imagination, I must ask that I be not interrupted while I relate a somewhat connected and consecutive story.

To begin: The senior Senator from Virginia [Mr. SWANSON] said in an effort to refute the statements of the Senator from North Dakota [Mr. NYE] that—

for eight years they—the private oil interests—tried to get these oil lands from the Wilson administration, but they were refused and kicked out of the Capitol. * * * For eight years efforts were made to misappropriate and use the Government's oil lands while the Democratic administration was in power. Secretary Daniels had those oil lands placed into a naval reserve in order to protect them.

The Senator from Virginia [Mr. SWANSON] sought to lend authority to his allegation by stating that he was in a position to know because, as chairman of the Senate Committee on Naval Affairs, he had investigated the subject. In view of that, I am inclined to think the Senator's memory was faulty or he was overestimating the credulity of the American people. He surely knows that Secretary Daniels made practically the same assertion when the oil scandals first broke—when he (Secretary Daniels) and others of the former Wilson Cabinet were running for cover and issuing futile denials of their complicity in leasing the oil reserves of the United States. At that time Secretary Daniels issued a statement, as follows:

From March, 1913, to March, 1921, in the courts and in Congress, I fought every proposition to permit the oil in the naval reserves to be taken out by anybody. The legislation I asked for was asked exclusively to conserve oil in the ground.

It is indeed fortunate, in the interest of truth and the accurate information of the American people at this time when Democratic Party leaders are once more trying to escape their record in connection with oil leases, that the records are still available showing exactly what Mr. Daniels did do while he was Secretary of the Navy.

The leasing act governing all public oil reserves became a law February 25, 1920. I will have more to say regarding its origin a little later. The ink on the President's approval of it had scarcely dried before Secretary Daniels decided he did not like its provisions, and he accordingly wrote a letter on March 5 to the chairman of the Senate and House Committees on Naval Affairs in which he suggested that the leasing act be amended so as to give him absolute power, to be used in his discretion over all naval oil reserves existing then or which should be created later. Did he want this power in order to protect the oil, as the Senator from Virginia stated the other day was the case? Did he want this power in order to conserve the oil in the ground, as Secretary Daniels himself alleged? He did not. He needed no legislative enactment to empower him to leave the oil in the ground, where it had been for centuries. What Secretary Daniels wanted was power to enable him, in his discretion, to take the oil out of the ground. Nor was that all. Let me read the amendment which he proposed, a verbatim quotation from his letter:

> That the Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become vested in the United States; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof, and those from all royalty oil for the benefit of the United States.

In other words, he expressly asked for an amendment to the leasing act which would enable him in his discretion and at his pleasure to take the naval reserve oil out of the ground and do with it what he pleased. He asked for power not only to take it out of the ground, but power to sell it, to store it, to exchange it. Why, he even asked for power in this amendment to go into the refining business, and, as if this were not sufficient, he then asked for a blanket authorization to "otherwise dispose of the oil and gas products" in the naval reserves in whatever way it suited him. It was a proposal to place in the hands of one man, the Secretary of the Navy, all of the naval oil reserves of the United States, to be used by him in his discretion without let or hindrance, without any check by any governmental authority. No one can claim that this proposition was in the interest of conserving the oil that was in the ground.

The Senator from Virginia supported this amendment. The Senator from Montana supported it. The amendment became a law through the process of being attached as a rider to the naval appropriation bill, June 4, 1920. The only thing Secretary Daniels asked that he was not given was permission to go into the oil-refining business. The power to handle the oil reserves in his discretion, either by contract or lease or otherwise, was conferred upon him. As for his claim that he "fought every proposition to permit oil in the naval reserves to be taken out by anybody," the best that can be said for it is that it is not in accordance with the facts, as shown by the records of the Navy Department. No sooner was the amendment which he wrote, and which the Democratic Senators in this body supported, operative, than he began to permit the Navy's oil to be taken out of the reserves by private oil corporations. He did this without advertising for or permitting competitive bids. He did it merely by holding private conferences with representatives of private corporations, just as the thoroughly discredited Secretary Fall did later, and giving them leases in the oil reserves. The records of the Navy Department indisputably back up this assertion in case after case.

The amendment under which he did this became effective June 4, 1920, just nine months before the Democratic administration went out of power. The records of the Navy Department show that on July 1, 1920, less than a month after he had this power, after private conferences with representatives of the Boston-Pacific Oil Co., they were given leases to drill five new wells in naval oil reserve No. 2. Other leases to private companies in this reserve followed quickly so that by the end of nine months instead of using this power for the purpose of keeping oil in the ground, and instead of "having fought every proposition to permit oil in the naval reserves to be taken out by anybody," the records in the Navy Department show Secretary Daniels had authorized the drilling of 55 wells under leases to private oil interests, and, as a last act just before the expiration of the Wilson administration, Secretary Daniels, on February 16, 1921, leased 250 acres of oil land on naval reserve No. 2 to the Consolidated Mutual Oil Co., without any restriction as to the number of wells it could drill. I shall append a detailed list of these leases, showing the date of their execution, private oil companies to whom they were given, the location of the leases, the number of wells permitted, and the royalty paid to the Navy Department.

The action of Secretary Daniels has been defended upon the ground that it was necessary in order to protect the interests of the Government and the Navy; that the oil in the naval reserve territory was being drained by wells of private corporations located just outside the reserves, and, therefore, it was essential that wells be drilled at once within the naval reserves and the oil thus recovered be stored or exchanged, or otherwise disposed of for the best interests of the Government and the protection of the Navy. If that were true, then the action of Secretary Daniels in leasing 55 wells on naval reserve No. 2 during the last nine months of his administration to private oil interests would be defensible. If it were defensible, why did he not admit it and issue his defense instead of assuming the rôle of injured honor and righteous indignation and proclaiming that he "had fought every proposition to permit the oil in the naval reserves to be taken out by anybody" and that he stood for the policy "exclusively to conserve oil in the ground"? And why do Democratic Senators at this late date still rise and solemnly declare that Secretary Daniels did not permit private oil interests to operate in the naval reserves?

So far as the official record shows, Franklin K. Lane, Secretary of the Interior in the Democratic administration, was the originator of the proposal to lease naval reserve oil lands to private oil interests, to be exploited by them. The record shows that on August 1, 1917, Secretary Lane communicated with other members of the Cabinet, namely, Secretary of the Navy Daniels, Secretary of War Baker, Secretary of Labor Wilson, Secretary of Commerce Redfield, and Secretary of Agriculture Houston, to the effect that naval reserve No. 2 was being drained by private oil wells located just outside its borders, and that as an offset territory within the reserve ought to be leased at once to private corporations. This communication was in the form of a formal letter which exists in the files of all these departments.

The Senator from Montana, however, is authority for the statement that the campaign to permit private oil interests to invade and exploit public oil reserves began earlier. He is authority for the statement that it began as soon as the Democratic Party came into power in 1913, and that the campaign was headed by Secretary of the Interior Lane and Democratic leaders in both branches of Congress, including the Senator himself.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Indiana yield to the Senator from Montana?

Mr. ROBINSON of Indiana. Mr. President, ordinarily I should be glad to yield, and I will yield to the Senator at the conclusion of my remarks. In almost two years and a half I have never refused to yield to any Senator, and have very seldom, if ever, spoken from manuscript. However, because I do not desire to disturb the continuity of my remarks, I would rather not yield at this time, but will gladly yield for any questions as soon as I conclude.

Mr. WALSH of Montana. I did not desire to ask the Senator a question at all. I rose to challenge the particularly erroneous statement just now made by the Senator.

Mr. ROBINSON of Indiana. I will, in just a moment, demonstrate the accuracy of the statement, I think, to the Senator's satisfaction. Then I hope I may not be interrupted further.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. ROBINSON of Indiana. Mr. President, this admission the Senator made on the floor of the Senate September 3, 1919, when the leasing act, now a law, was being debated.

The late Senator La Follette made the charge that the leasing act, of which the Senator from Montana was the leading advocate, was a measure in the interest of the Standard Oil and other private oil corporations. On September 3, 1919 (CONGRESSIONAL RECORD, vol. 58, pt. 5, p. 4733), the late Senator La Follette said:

> Mr. President, we are about to turn over by this leasing bill large areas of oil land to be taken up and operated. I do not know just how largely Standard Oil Co. will be benefited by the passage of this bill, but I do know from such examination as we have been able to make that the Standard Oil Co. will get large areas of these very oil lands which are to be disposed of under this leasing bill.

A little further on in his remarks (see p. 4735) the late Senator La Follette said:

Why, sir, this oil belongs to whom? It belongs to the public, not to the States, not to some administration, not to some committee of Congress. It belongs to the people. You have here and have had around the doors of Congress and thronging the rooms of the committees that deal with these subjects the representatives of the greatest monopolies in the world asking to get this legislation through according to terms agreeable to them.

During the course of his remarks Senator La Follette read into the RECORD numerous telegrams and letters of protest against the bill from those interested in preserving the public oil lands of the United States and preventing their being exploited by private oil corporations.

It was in an attempted answer to this direct and serious charge of the late Senator La Follette that the Senator from Montana divulged the fact, offered in defense of his attitude at that time, that the whole scheme of turning public oil lands over to private corporations was fathered by the leaders of the Democratic Party, with Secretary Lane as the head of the movement. In other words, instead of answering Senator La Follette's charges that the leasing act which he was supporting would work out in favor of private oil interests, the Senator from Montana attempted to explain his position by citing the fact that he was in complete harmony with the leaders of the Democratic Party. His words were as follows (CONGRESSIONAL RECORD, vol. 58, pt. 5, p. 4742):

The genesis of this bill goes back to a bill which was introduced in 1913 or 1914, it being in all essential particulars like this, although of course differing some in details. That bill was introduced by myself, having been prepared by a committee called together by Secretary Lane, consisting of the chairmen of the Committees on Public Lands, the chairmen of the Committees on Mines and Mining, and the chairmen of the Committees on Agriculture, if my recollection is correct, of the Senate and House of Representatives. They, in conjunction with Secretary Lane and assistants, prepared the bill. That is all I care to say about this being a Standard Oil bill.

I read these comments because the other day the Senator from Montana said he had no recollection of ever being interrogated by the late Senator La Follette with respect to this situation, and he then attempted to introduce the late Senator La Follette's attitude as a reason for his present position. This is an alibi which will not stand the test of the record. The attempt of the Senator in that debate to justify his position by quoting Senator La Follette was made in answer to my repeated interrogations as to the circumstances under which former Secretary Lane resigned his position in the Cabinet after a controversy with President Wilson in connection with oil leases. The Senator evaded a direct answer, and other Senators, both on this side and the other side of the Chamber, took occasion to defend the record of the late Secretary Lane and to rebuke me for introducing his name into this discussion. I may state that the information which led me to make the interrogation is based upon a letter written by the Senator from Montana, copy of which I possess. It is dated February 23, 1928, an extract from which I will now read. It is addressed to Mr. W. G. Williams, 115 Broadway, New York City. It says:

Mr. Wilson did not hesitate to take drastic action with respect to anticipated rulings by his Secretary of the Interior.

This "drastic action" related to a lease on naval oil reserve No. 3, and according to a statement by the Senator from Montana on the floor of the Senate this "drastic action" resulted in a controversy between President Wilson and Secretary Lane which resulted in the latter's resignation.

And so we have this situation. During the debate upon the leasing act the Senator from Montana was accused by the late Senator La Follette of working in the interests of the Standard Oil Co. and other corporations who were infesting the committee rooms and the lobbies of the Congress in order to get the leasing bill through. At that time the Senator from Montana answered Senator La Follette not by a denial of his charges but by invoking the name of former Secretary Lane in justification of his action.

Now, when it is disclosed that Secretary Lane himself, according to the Senator's own letter, took such steps with reference to a naval oil reserve as to call for "drastic action," to use the Senator's own words, leading to a controversy with President Wilson, which led to the resignation of Secretary Lane, who thereupon accepted a position with the Pan-American Petroleum Co., a Doheny organization, at a salary of $50,000 a year, the Senator from Montana goes the other way and invokes the name of the late Senator La Follette as a witness in his own behalf.

The Senator from Montana will not deny the charge that he himself at the time the leasing act was up, was the chief advocate of the proposition to permit private oil interests to operate in naval reserves, upon the ground that other private oil interests, by locating wells immediately outside the naval reserves, were draining those reserves, and the only way for the Government and the Navy to obtain the oil from reserves was to permit their exploitation by private corporations. The entire debate on the leasing act, which became a law in February, 1920, is filled with arguments advanced by the Senator in support of this proposition and to support him in his arguments he quoted Mr. Edward L. Doheny. On September 3, 1919—CONGRESSIONAL RECORD, volume 58, part 5, page 4770—he said, in support of that part of the leasing act which permitted private corporations to exploit oil reserves:

* * * However it may be regarded by anyone else, I attach very great importance to the testimony of Mr. E. L. Doheny to the same effect. It is well known that Mr. Doheny is one of the most extensive and one of the most successful oil prospectors and operators in the world. It appears that he has no interest whatever in any of the property within the naval reserve or in any of the lands that would be patented. He does, however, own profitable and producing oil wells throughout the State of California. If he has any interest in the bill at all of an individual or personal character it would be to see the bill killed, because thus the volume of oil would be restricted and limited, if not reduced, and the value of his product would be proportionately increased. I can not believe, however, that he is influenced either one way or the other by that consideration; but he tells us, after his long experience as an oil prospector and an operator in oil the fact is that the wells which now exist upon the reserves are continually draining the supply of oil and reducing the oil pressure, and he ventured an opinion that in 10 years the gas pressure would be so far reduced as to make it next to impossible to extract any further oil from the reserves.

In this situation of affairs, Mr. President, it occurs to me that the committee have acted wisely in providing that the wells already upon the reserves should be leased and that the President should have the authority to direct the drilling of other wells whenever, in his judgment, it became necessary to subserve the public interest. I do not believe, therefore, that those provisions of this bill are open to any serious objection.

Here, then, we have Mr. E. L. Doheny introduced into the picture by the Senator from Montana, upon the ground that he is a disinterested party "that has no interest whatever in any of the property within the naval reserve and that he is not interested in any of the lands that would be patented." This was in September, 1919.

We will leave Mr. Doheny for a moment, but come back to him presently. Now let us balance up the situation. The record shows that almost as soon as the Democratic Party came into power in 1913 an extensive and intensive campaign began, headed by Secretary Lane, participated in by the Democratic leaders in both branches of Congress, with the Senator from Montana as its spokesman in this body, to open up naval oil reserves for exploitation by private oil corporations, upon the ground that private wells just outside those reservations were draining the oil from the Navy's reserves, and it was a matter of self-defense to sink offset wells within the reserves and to permit this to be done by private oil interests.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. WALSH of Montana. I again challenge the statement of the Senator.

Mr. ROBINSON of Indiana. I can not yield now.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. WALSH of Montana. The naval oil reserves had absolutely nothing to do with the legislation to which the Senator refers.

Mr. ROBINSON of Indiana. Mr. President, I must decline to yield until I have finished what I have to say. Then I shall be glad to yield.

Mr. WALSH of Montana. That is to say, the Senator is perfectly willing to go on and make a misstatement without being called to order?

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. WALSH of Montana. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator will state the question of personal privilege.

Mr. WALSH of Montana. The Senator has connected my name with a misstatement which he has made, and I desire to correct it.

The legislation to which the Senator is referring, and with which he is connecting my name, did not refer to the naval oil reserves at all, contrary to the statement just made by him. That legislation referred to the general public lands.

Mr. ROBINSON of Indiana. Mr. President, I will answer that statement when I get through.

Mr. WALSH of Montana. Mr. President, I rise again to a question of personal privilege——

The PRESIDING OFFICER. The Senator will state it.

Mr. WALSH of Montana. Namely, that the Senator has attributed to me, in the statement just made, a statement which is not in conformity with the fact, as the RECORD discloses.

Mr. ROBINSON of Indiana. Mr. President, I just quoted from the Senator's own statement on September 3, 1919. Does the Senator challenge my statement?

Mr. WALSH of Montana. Yes; the Senator has quoted my statement discussing the legislation which is represented by the act of February 5, 1920.

Mr. TYDINGS. Mr. President, will the Senator from Montana yield?

Mr. ROBINSON of Indiana. Mr. President, I have the floor.

Mr. WALSH of Montana. The legislation to which the Senator is referring—perhaps he does not understand it—dealt not with the lands within the naval oil reserves at all but with lands supposed to contain oil throughout the general public domain.

Mr. ROBINSON of Indiana. Of course, I assume that the Senator will give me credit for understanding that fact.

Mr. WALSH of Montana. Yes; but——

Mr. ROBINSON of Indiana. Again I must decline to yield.

Mr. WALSH of Montana. But I rose because the Senator has not stated that fact.

Mr. ROBINSON of Indiana. Mr. President, I must decline to yield further, unless the Senator again rises to a question of personal privilege.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. WALSH of Montana. When a Senator rises to a question of personal privilege, challenging a statement of fact made by another Senator upon the floor involving him, I inquire whether he is in order if he proceeds without either affirming the truth of his statement or withdrawing it?

Mr. ROBINSON of Arkansas. Mr. President, the correct rule applicable in such a case is that if a Senator is called to order he can not proceed except upon motion made by another Senator, and upon vote by the Senate.

The PRESIDING OFFICER. The Chair did not understand that the Senator from Montana called the Senator from Indiana to order.

Mr. WALSH of Montana. Mr. President, I certainly intended to do so——

Mr. ROBINSON of Indiana. Mr. President, perhaps this will answer the Senator's question——

Mr. WALSH of Montana (continuing). Because I assume that when one Senator rises in his place and attributes to another Senator a statement that is not in accordance with the facts, and that statement is challenged, he is not proceeding in order unless he either takes the responsibility for his statement or withdraws it.

Mr. FESS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. FESS. The rules of the Senate require, if there is any language used that is objectionable, that the language must be stated, presented to the Senate, and, while they consider whether or not the language is proper, the Senator takes his seat.

Mr. WALSH of Montana. Mr. President, I shall not interrupt the Senator further. He may proceed and make any statement that he cares to make after this.

Mr. ROBINSON of Indiana. Very well, Mr. President. I thank the Senator from Montana. I want to say now that I am not questioning the motives of the Senator from Montana in the slightest degree. I am stating facts from the record and then drawing conclusions myself from those facts. I may be wrong about my conclusions.

Mr. WALSH of Montana. The Senator will understand that I am challenging his statement of fact.

Mr. ROBINSON of Indiana. I understand that.

That was the defense of Secretary Daniels in leasing large portions of the naval reserves to private corporations. That was the argument advanced by the Senator from Montana on the floor of this body in his support of provisions in the leasing act giving such permission, in which he quoted Mr. E. L. Doheny as one of his authorities.

Let us take this defense, then, at its face value and see in what position Democratic Party leaders place themselves.

Secretary Lane resigned his position in the Cabinet after a controversy with President Wilson over naval reserve oil leases in February, 1920. That was the month the general leasing act became effective. In March, 1920, Secretary Daniels wrote his famous amendment giving himself autocratic control of all naval oil reserves. As soon as it became operative, he started to lease the oil reserves to private corporations upon the ground that private companies just outside the reserves were draining the Navy's oil. Simultaneously with Secretary Daniels's action Secretary of the Interior John Barton Payne, successor to Secretary Lane, began making leases to private corporations to drill oil wells on public lands just outside the naval oil reserves.

Secretary Payne assumed office March 15, 1920. He was in office, therefore, less than one year, the Democratic administration expiring March 4, 1921. During that period he granted 150 leases to private oil interests to develop and operate over 14,000 acres of oil land immediately adjacent to Teapot Dome naval reserve No. 3. This was 5,000 acres greater than the naval oil reserve itself. Of the 14,000 acres leased by Secretary Payne just outside the Teapot Dome naval reserve, 3,900 acres were leased to the Wyoming Associated Oil Corporation, whose president was John T. Barnett, of Denver, Democratic national committeeman from Colorado at that time. Mr. Barnett recently appeared before the Public Lands Committee as the legal counsel for one of the witnesses under interrogation in connection with the Continental Oil scandal.

So we have this situation: One Democratic Cabinet officer is leasing land within the naval reserves to be exploited by private corporations upon the ground that it is a defensive measure against the drainage of naval oil by private wells just outside the reserve. Another Democratic Cabinet officer at the same time is leasing 14,000 acres of oil land immediately outside the naval reserve to private corporations, thereby draining the Navy's oil. So we have the vicious circle of exploiting the Navy's oil completed by the action of the Democratic Cabinet officials, one leasing land just outside the naval reserve by which the naval reserves are drained and the other simultaneously leasing land within the naval reserves to offset the drainage of the wells just outside the reserve.

Thus the record shows that the conspiracy of private oil interests to grab the oil within the naval reserves of the Nation was entered into and consummated long before the Republican National Convention of 1920—entered into and consummated with the active aid and assistance of Democratic Cabinet officers and Democratic leaders in both branches of Congress. Nothing could be clearer or more conclusive than the facts in support of this statement. If Secretary Daniels, the Senator from Montana, and their school of thought were right, then it was wrong for Secretary Payne to permit 150 private leases to be located immediately outside the naval oil reserves in Teapot Dome, and it was equally wrong for Secretary Daniels, the Senator from Montana, and others to sit silent while this was being done, presuming it was known to them and to all members of the Democratic administration.

If, on the other hand, the sinking of wells immediately outside the naval reserves does not drain it and Secretary Payne thereby was not an active party in draining the naval oil reserves, then the whole theory advanced by Secretary Daniels, the Senator from Montana, and others in the defense of leasing land within the reserves is false.

The Democratic Party leaders can take either alternative they prefer, and it immediately brands the other alternative as being a wrong done against the property of the Government and the interests of the United States Navy.

Now let us return to Mr. Doheny. It was in September, 1919, that the Senator from Montana introduced Mr. Doheny in the picture as his authority in support of leasing naval reserves to private corporations, describing Mr. Doheny as being an oil operator "who had no interest whatever in any of the property within the naval reserves or in any of the lands that would be patented." Secretary Lane resigned from the Cabinet in February, 1920, five months from the time the Senator from Montana assured this body that Mr. Doheny was an expert, but wholly disinterested, oil operator who advised, in the interests of the public, the leasing of naval reserves to private corporations. On February 1, 1924, Mr. Doheny, testifying in the investigation conducted by the Senate Committee on Public Lands, stated that he retained Secretary Lane immediately upon his resignation as Secretary of the Interior, and that he had made the arrangement with him before he resigned. The record shows that Mr. Lane received as compensation in the employ of Mr. Doheny's Pan-American Petroleum Co. a salary of $50,000 a year. So, while Mr. Doheny may have been a disinterested advisor of the Senator from Montana in September, 1919, he was not so disinterested in February, 1920, five months later, when he entered negotiations with one of the Democratic Cabinet members to become an officer in his oil company, for Mr. Doheny testified that he employed Democratic officials be-

cause of the influence and the acquaintanceship they had with the Democratic administration.

The records show that the office of the Secretary of the Interior at that time was not on entirely unfriendly terms with private oil companies. Not only did Secretary Lane enter into negotiations with Doheny's company prior to his resignation and accept the $50,000 job with them immediately upon his resignation but Joseph J. Cotter, private secretary to Secretary Lane, resigned to become a vice president of one of Mr. Doheny's oil companies; and Mr. Herbert A. Meyer, assistant to the Secretary, resigned to accept an official position at a large salary with the Prairie Oil & Gas Co.; and Mr. Clay Tallman, Commissioner of the General Land Office, having the oil reserves under his especial supervision, resigned to accept a position in the Mid-West Oil Co.

In all fairness to Secretary Lane and his many associates and assistants whose services were acquired by oil interests, it should be said that they were not the only members of the Democratic administration who were unable to resist the temptation of financial inducements offered them by Mr. Doheny. It is a matter of record in the official testimony of Mr. Doheny before the Senate Committee on Public Lands, February 1, 1924, that he also employed former Attorney General Gregory, of the Democratic Cabinet, and that he employed Mr. Gregory because of his influence with the Democratic administration, because of his acquaintance with the State Department and with the President. I am now quoting from Mr. Doheny's testimony—

> because we thought his connection with the Democratic administration would give us an entrée to it; open the door to it.

And on the same day the record shows that Mr. Doheny testified that he employed the former Secretary of the Treasury and the son-in-law of President Wilson, William G. McAdoo, and paid him the sum of $250,000. He testified that he did not employ Mr. McAdoo because of his legal talents but because of his influence with the Democratic administration, and that he kept him in Washington only so long as that administration remained in power. He further testified that he, or some of his companies, also employed the law firm of former Secretary of War Garrison.

And on the same day Mr. Doheny testified that he paid $5,000 to Mr. George Creel, the publicity director of the Democratic administration, and that he paid this $5,000 for the purpose of procuring the influence of Mr. Creel. Said Mr. Doheny—I quote from his testimony—

> he was employed to get this lease and to hold off any granting of these leases to Republicans after the change of administration.

Now, let some righteous Democratic leader arise and explain away the employment, by oil interests, of a Democratic Secretary of the Interior, and his private secretary, and his Assistant Secretary, and his Commissioner of Public Lands, and a former Democratic Attorney General, and a former Democratic Secretary of War, and the Democratic Secretary of the Treasury, who was also a son-in-law of the President, and the director of public information of the Democratic administration, representing, all told, an annual investment in salaries of more than $365,000, or $1,000 a day!

Let some Democratic Senator explain how the gentleman who employed these Democratic officials became an advisor of the Senator from Montana in the framing of the leasing act, sat as a member of the Democratic platform committee in 1920, and wrote the plank on petroleum, and finally came through with $75,000 to help pay the bills of the Democratic National Committee. Here, I trust, is a text for my friend from Mississippi who so ably and accurately represents his constituency. In a burst of purity the other day the Senator from Mississippi said, in a colloquy with the Senator from North Dakota—

> let me ask the Senator, does he not know that Doheny quit the Democratic Party because he could not corrupt it and went into the Republican Party because he knew he could corrupt it?

Here is a problem in higher mathematics—just how much does it take to corrupt a Democratic administration? If the employment of four members of the Democratic Cabinet and the Commissioner of Public Lands and the director of public information of the Democratic administration and a contribution of $75,000 to the Democratic national committee does not constitute an improper influence, the Senator from Mississippi might offer his own definition as to what does. "Mr. Doheny," says the Senator from Mississippi, "left the Democratic Party because he could not control it." But how about the Democratic Cabinet officers whose influence he acquired who are still living? Have they left the Democratic Party? At the recent Jackson Day banquet held in a fashionable hostelry in this city under the auspices of the Democratic national committee one of the gentlemen who sat at the speaker's table at the invitation of Mr. Clem Shaver, chairman of the national Democratic committee, was none other than William Gibbs McAdoo, who rammed a cool quarter of a million dollars of Mr. Doheny's oil money into his pockets and who never yet has made restitution. He was a guest of honor and a headline speaker at this Jackson Day banquet in January. And no later than Wednesday of last week the news came out of California that William Gibbs McAdoo is at the head of a slate trying to capture the California Democratic delegation to the next national convention for none other than our friend, the Senator from Montana; and Mr. George Creel, who also got upon Mr. Doheny's pay roll, is on the slate. Can it be possible Mr. McAdoo is using some of the residue of the quarter of a million he got from Mr. Doheny to finance the presidential nomination campaign of the Senator from Montana?

When it comes to the issue of restitution and cleaning house and getting rid of tainted money, it is perfectly obvious that the Democratic leaders have several days' work ahead of them if they would keep their doorstep from the accumulation of oil. And if they believe in their doctrine, preached from the floor of this body in the last few weeks, that a party should expel from its councils all those who have received oil money, it is perfectly obvious that some of the most distinguished members of the Democratic Party are going to be absent from the next Democratic National Convention.

Ah, but the gentlemen on the other side of the aisle say, while Mr. Doheny and other oil operators may have put up money with the expectation of obtaining something of value from the Democratic administration, they obtained nothing.

Was it nothing that private oil interests obtained leases on naval oil reserves from Secretary Daniels and operated them at a profit? Was it nothing that a Democratic national committeeman from Colorado and his associates were given a lease by the Democratic Secretary of the Interior on public oil lands adjacent to naval reserves—the lease covering 4,000 acres, approximately half the size of Teapot Dome and approximately one-third of the total amount of public oil lands leased by the Democratic Secretary of the Interior during the year of his term? Was it nothing that other private oil interests obtained leases, 150 in number, adjacent to the naval oil reserves, permitting them to drain the oil from those reserves?

According to the testimony of the eminent Senator from Montana, and according to the evidence of Secretary Daniels and former Secretary Lane, what is the issue before the country? The mere leasing of so many acres of ground, or the diversion of the naval oil reserves of this Nation?

The Federal court for the district of Wyoming, in the course of the litigation over the Sinclair leases in Teapot Dome, appointed receivers for the property leased pending the final action of the litigation. These receivers have made their report, which is to the effect that the drainage of the private wells immediately outside Teapot Dome, 150 of which were drilled by virtue of leases given them by the Democratic Secretary of the Interior, have drained the naval reserves of 50,000,000 barrels of petroleum. These gentlemen, who pose as being in possession of righteous leases, are getting the cream of the naval resources. Why, the report of the receivers shows the properties, illegally and fraudulently leased to Sinclair, are of infinitely less value than they were when Sinclair obtained them. The report shows that the daily crude-oil production of the Sinclair properties has dwindled from 3,700 barrels to 600 barrels, due to the drainage in the private wells just outside the naval reserve. My authority for this is a report of the receivers made to the Federal court for the district of Wyoming, January 11, this year, and contained in a special dispatch from Cheyenne, Wyo., to the New York Times, appearing in that paper the morning of January 12. Fifty million barrels of petroleum is a pretty liberal honorarium for the Democratic Secretary of the Interior to hand out to a Democratic committeeman and others at the head of private oil interests.

On the other hand, what did Mr. Sinclair and Mr. Doheny get out of the Republican administration? Well, so far they have gotten prosecuted, criminally and civilly, have had their leases canceled, have been compelled to surrender profits they made and more. And who is responsible for this? The Democratic Members on the floor of the Senate, or those holding prominent positions of leadership in the Democratic Party? No. The prosecution of these oil criminals, the cancellation of their leases, the legal return of the property they unlawfully acquired is due to the action of a Republican President, Calvin Coolidge.

On January 27, 1924, President Coolidge issued the following public statement from the White House:

It is not for the President to determine criminal guilt or render judgment in civil cases. That is the function of the courts. It is not for him to prejudge. I shall do neither. But when facts are revealed to me that require action for the purpose of insuring the enforcement of either civil or criminal liability, such action will be taken. That is the province of the Executive.

Acting under my direction, the Department of Justice has been observing the course of the evidence which has been revealed at the hearings conducted by the senatorial committee investigating certain oil leases made on naval reserves, which I believe warrants action for the purpose of enforcing the law and protecting the rights of the public. This is confirmed by reports made to me from the committee. If there has been any crime, it must be prosecuted. If there has been any property of the United States illegally transferred, or leased, it must be recovered.

I feel the public is entitled to know that in the conduct of such actions no one is shielded for any party, political or other reason. As I understand, men are involved who belong to both political parties, and having been advised by the Department of Justice that it is in accord with former precedents, I propose to employ special counsel of high rank drawn from both political parties to bring such actions for the enforcement of the law. Counsel will be instructed to prosecute these cases in the courts so that if there is any guilt it will be punished; if there is any civil liability it will be revealed, and if there are any contracts which are illegal they will be canceled. Every law will be enforced, and every right of the people and the Government will be protected.

Following this official announcement of the President and as a result of it, the Republican Congress, on February 8, 1924, passed a joint resolution authorizing the employment of special counsel in conformity with the announcement of the President, and as this resolution was adopted, President Coolidge announced the selection of former Senator Atlee Pomerene, of Ohio, a Democrat, and Owen J. Roberts, of Philadelphia, as special counsel to represent the United States Government in the prosecution, both civilly and criminally, of the oil frauds and individuals connected with oil frauds.

What a striking contrast this affords to the action of the Democratic administration! In the closing days of that administration action was brought in the House of Representatives in the form of a joint resolution, submitted by Representative EDWARD E. BROWNE, of the State of Wisconsin, to compel the Democratic Attorney General, Mitchell Palmer, to take action in an appeal in the case of the United States against the Standard Oil Co., the Southern Pacific Railroad, and the Equitable Trust Co., whereby oil lands in the State of California which had been fraudulently and corruptly possessed by these defendants, could be recovered for the United States Government. The evidence introduced at that time speaks for itself and, briefly, was to the effect that the Democratic Attorney General, Mitchell Palmer, let the interests of the United States go by default and let the defendants get away with 165,000 acres of oil territory by the simple process of delaying the filing of an appeal until it was too late.

Members on the other side of the aisle have been very vociferous in their demands that the Republican administration and the Republican Party make restitution. Restitution to whom? Under the leadership of President Coolidge and by reason of criminal prosecutions suggested by him, every interest of the United States has been protected and all its stolen property has been recovered and the criminals who engaged in the looting are now being prosecuted vigorously on criminal charges. The Republican house is being cleaned, and cleaned by the action of the Republican Chief Executive and his advisors!

I see no reason for contributing money to the infamous Sinclair. What he deserves is a prison sentence. But if he is to be reimbursed, why not go a little further and raise money to reimburse Mr. Doheny also for his investments in Democratic Cabinet officers and his contribution of $75,000 to the Democratic National Committee, more than $65,000 of which was never reported by the treasurer of the Democratic National Committee?

President Coolidge, in a speech before the National Republican Club of New York, February 12, 1924, said regarding the proposed prosecution of oil criminals:

For us (the Republican administration) we propose to follow the clear, open path of justice. There will be immediate, adequate, unshrinking prosecution, criminal and civil, to punish the guilty and to protect every national interest. In this effort will be no politics and no partisanship. It will be speedy. It will be just. I am a Republican, but I can not, on that account, shield anyone because he is a Republican. I am a Republican, but I can not, on that account, prosecute anyone because he is a Democrat. * * * I ask the support of our people, as Chief Magistrate, intent on the enforcement of our laws without fear and without favor, no matter who is hurt or what the consequences.

The pledge which President Coolidge made at that time has been kept both as to the letter and the spirit. From the outpourings upon the part of Democratic Members of this body and the House of Representatives the public might be led to believe that it was Democratic effort which unearthed the Continental Trading Co. and its secret jack pot, whereas, in point of fact, the Democratic inquisitors never heard of that concern until the details of its organization and transactions were brought to light by the special counsel appointed by President Coolidge. In point of fact, it would be very difficult for the Democratic orators to put their fingers upon a single constructive action in connection with the protection of the public's rights in this oil matter, which was of Democratic origin, and which was consummated by reason of Democratic action.

One purpose of the hearings of the Senate Public Lands Committee, according to the resolution, is to enable it to draft additional legislation with particular reference to the rights and equities of the Government of the United States in the preservation of its natural resources. In my opinion the Senate Committee on Public Lands should immediately draft such necessary legislation, and I have no doubt this will be done under the able and honest chairmanship of the junior Senator from North Dakota [Mr. NYE].

The Nation has suffered quite enough at the hands of bipartisan oil criminals. Whether they be Republicans or Democrats, let the guilty be brought to justice, and constructive legislation enacted that will from this time forward safeguard the interests of the American people.

When all the facts are known to the public the leaders of neither party will be able to make the oil scandals an issue.

The people will never permit this national misfortune to be made a political football, and if Democratic leaders attempt it public condemnation will follow.

Mr. President, I send to the desk at this time, as in the course of my remarks I said I would do, a list of the leases made during the administration of former Secretary of the Interior Lane and the chronology of the leasing of the naval petroleum reserves, which I ask may be appended to my remarks.

The PRESIDING OFFICER (Mr. CUTTING in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

CHRONOLOGY OF LEASING OF NAVAL PETROLEUM RESERVES

ADMINISTRATION OF SECRETARY OF THE INTERIOR LANE

August 1, 1917

Secretary of the Interior Lane communicated with Secretary of the Navy Daniels, Secretary of War Baker, Secretary of Labor Wilson, Secretary of Commerce Redfield, and Secretary of Agriculture Houston, pointing out that naval reserve No. 2, California, was being drained by private oil wells outside its borders and urged that it be leased. He also announced his intention of taking the question up with the President.

September 8, 1919

Secretary of the Interior Lane made favorable report on general leasing bill before Congress, including provision giving Secretary of the Interior authority to lease producing wells within any naval petroleum reserve and empowering President to lease remainder of any part of a mining claim where wells have already been drilled.

February 25, 1920

General leasing act approved by the President authorizing Secretary of the Interior to lease producing wells within any naval petroleum reserve and empowering President to permit drilling of additional wells or to lease the remainder of any part of a claim within any naval petroleum reserve, where wells have already been drilled.

Departmental regulations for granting oil and gas leases under general leasing act, including producing wells in naval reserves drawn up and submitted to Secretary of the Interior Lane for his approval and consideration.

March 11, 1920

Departmental regulations for granting oil and gas leases under general leasing act, including producing wells in naval reserves, approved and signed by Acting Secretary of the Interior Vogelsang.

ADMINISTRATION OF SECRETARY OF THE INTERIOR PAYNE

June 4, 1920

Amendment included in the naval appropriation act on recommendation of Secretary of the Navy Daniels directing Secretary of the Navy to take possession of all properties within naval reserves on which there are no pending claims or applications for permits under the provisions of the act of February 25, 1920. The Secretary of the Navy was also authorized "to conserve, develop, use, and operate the same, in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves for the benefit of the United States." A proviso in the act fixed $500,000 as the maximum

expenditure to be made by the Secretary of the Navy out of the Federal Treasury.

Departmental regulations for granting oil and gas leases under general leasing act, including producing wells in naval reserves, approved by Secretary of the Interior Payne.

July 1, 1920

Boston-Pacific Oil Co.: Lease granted on two producing wells in section 32 of naval reserve No. 2, California, under the general leasing act of February 25, 1920, royalty to Navy, sliding scale of 12½ to 25 per cent.

Boston-Pacific Oil Co.: Lease granted under the general leasing act of February 25, 1920, to drill five new wells on section 32 in naval reserve No. 2, California, upon which wells were already located. Lease based on negotiations with Navy and approved by the President. Royalty to Navy, 25 per cent flat.

July 29, 1920

Associated Oil Co.: Lease granted under the general leasing act of February 25, 1920, for two wells in section 20, naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

Associated Oil Co.: Lease granted under the general leasing act of February 25, 1920, for seven wells in section 22, naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

Associated Oil Co.: Lease granted under the general leasing act of February 25, 1920, for 12 wells in section 26, naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

Associated Oil Co.: Lease granted under the general leasing act of February 25, 1920, eight wells in section 24, naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

August 2, 1920

Union Oil Co.: Lease granted under the general leasing act of February 25, 1920, for four wells in section 24, naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

August 23, 1920

Buena Vista Oil Co.: Lease granted under the general leasing act of February 25, 1920, for two wells in section 32, naval reserve No. 2, California, and later signed under the Fall administration. Royalty to Navy, sliding scale of 12½ to 25 per cent.

August 24, 1920

Caribou Oil Mining Co.: Lease granted under the general leasing act of February 25, 1920, for three wells in section 28 in naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

General Petroleum Co.: Lease granted under the general leasing act of February 25, 1920, for three wells in section 32, naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

Record Oil Co.: Lease granted under general leasing act of February 25, 1920, for four wells on section 28 in naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

United Oil Co.: Lease granted under the general leasing act of February 25, 1920, for one well on section 28 in naval reserve No. 2, California. Royalty to Navy, sliding scale of 12½ to 25 per cent.

August 25 1920

H. S. Kergan, Anna V. Kergan, and Wilkes Bros., (Inc.): Lease granted under the general leasing act of February 25, 1920, for two producing wells in section 23 in naval reserve No. 2, California. Royalty to Navy, 12½ to 25 per cent.

October 6, 1920

Reprint of departmental regulations for granting oil and gas leases under general leasing act, including producing wells in naval reserve, approved by Secretary of the Interior Payne, as amended October 29, 1920, under which Interior Department without change has been acting ever since.

February 16, 1921

Consolidated Mutual Oil Co.: Lease granted under the general leasing act of February 25, 1920, embracing two tracts of 280 acres of land in section 28, naval reserve No. 2, California. Lease approved by President. Royalty to Navy, sliding scale of 12½ to 25 per cent. No limit on number of wells.

Mr. WALSH of Montana. Mr. President, I have always regarded it as rather profitless to engage in rancorous political discussion on the floor of the Senate as to the relative culpability of the Republican and the Democratic Parties in connection with the leasing of the naval oil reserves. I do not intend to engage in any such discussion at this time. I rise merely to try to straighten out, in some measure at least, the perfectly reckless and irresponsible statements of fact made by the Senator who has just taken his seat concerning the matters he has been discussing.

The Senator from Indiana [Mr. ROBINSON] was not a Member of this body at the time these matters were prominently before us. He may, perhaps, be excused for some of his wild statements made in the course of the discussion; for others, however, there seems to be no excuse whatever, because the Senator must be apprised of the facts with relation to which his statements, by inference at least, convey the most erroneous impression.

The Senator has listed a number of sins of the Democratic Party in connection with these various transactions. He has told us, for instance, that four or five members of the Cabinet of President Wilson, on leaving the service of the Government, being lawyers, were employed either by Mr. Doheny or by Mr. Sinclair, but not one of them, Mr. President, so far as even the Senator from Indiana has dared to assert, in any connection whatever with the leases that were the subject of his discourse. Whatever may be said concerning the impropriety from an ethical standpoint of any of these gentlemen taking employment with Mr. Doheny or Mr. Sinclair, not even the Senator from Indiana can contend that there was anything like a breach of duty to the Government, much less any violation of any criminal law. Moreover, the Senator from Indiana dare not assert that any one of these gentlemen who thus took employment in any manner whatever while he occupied an official position gave the slightest favor or advantage to either Mr. Doheny or Mr. Sinclair in any dealings they had with the Government of the United States. The facts in relation, for instance, to the employment of Mr. Gregory have already been disclosed. Perhaps the Senator from Indiana in his study of the record overlooked what the record discloses with respect to the matter, but, touching Mr. Gregory's appointment, I have a letter from him, which I ask the clerk now to read.

The PRESIDING OFFICER. The clerk will read, as requested.

The legislative clerk read as follows:

HOUSTON, TEX., *March 23, 1928.*

Hon. THOMAS J. WALSH,

United States Senate, Washington, D. C.

DEAR SENATOR: On last Wednesday Senator ROBINSON of Indiana in an attempt to besmirch Democrats, who he claimed had betrayed their trust, used the following language:

"I might observe, since the Senator has brought it up, that three Democratic members left the Cabinet of the last Democratic administration to take employment under Doheny and Doheny and Sinclair rest in the same bed, and they have got a lot of Democrats in it with them, too."

I was Attorney General for about five years under Woodrow Wilson, and resigned on the 4th of March, 1919; it is apparent that Senator ROBINSON included me among the three members of the Wilson Cabinet to whom he referred.

I have never seen Doheny or Sinclair or had a communication from either on any subject. I was never employed by Doheny or Sinclair at any time in regard to any matter, and do not recall ever having received any communication from any company in which either of them was interested.

Some six months after I retired from the Cabinet the law firm in which I was interested represented a small independent concern known as the Island Oil & Transport Co.; this Island Co. asked me, in the fall of 1919, to advise with it in regard to its rights in the Mexican oil field, and to do what I could to prevent its property from being confiscated by the Carranza régime. I did the work contemplated and, having finished it in the winter of 1919–20, rendered a bill for $15,000, which the Island Co. paid. I have heard that the Island Co. felt that the work I did redounded to the benefit of other companies besides itself and sought to secure from other companies similarly situated some contribution to the fee paid. It may be that some company in which Doheny was interested paid the Island Co. some portion of the money which the latter paid me in settlement of my fee. The above matters were fully set out in my letter to President Coolidge of February 2, 1924, which was published in every newspaper of importance.

The statement of Senator ROBINSON above quoted, by which he falsely sought to create the impression that I had left the Cabinet to take employment from Doheny, is untrue, and when made he knew it was untrue, or made it recklessly without knowing whether it was true or not. His motive was sinister as all decent people will understand.

As you are acquainted with the situation and have rendered invaluable assistance in developing the truth, I am writing this letter to you with the request that you have it placed in the CONGRESSIONAL RECORD.

Yours truly,

T. W. GREGORY.

P. S.—I am herewith inclosing a carbon copy of my letter to the President of February 2, 1924, in case you should care to use it in any way.

T. W. G.

Mr. WALSH of Montana. I ask that the letter addressed by Mr. Gregory to the President, although it has heretofore appeared in the RECORD, may be printed in connection with the letter just read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

FEBRUARY 2, 1924.

MR. PRESIDENT: On last Tuesday night when I was in Austin, Tex., you stated to me over the long-distance telephone that you wished to employ me in the investigation of the leases of the naval oil reserves. You will recall that after expressing my appreciation, I stated that I was not in close touch with the developments in the matter; that nothing occurred to me that would prevent me from serving, but that I would be in Washington Saturday afternoon (to-day) and would then confer with you on the subject. I had no idea that in saying this I was accepting an appointment or that you so understood it. I assumed that that would be decided when we conferred and that in the meantime I would have an opportunity to go through my books and correspondence to see whether in the course of my private practice I had ever had any employments which might stand in the way. It was also my desire before definitely committing myself to confer with Senator WALSH of Montana, who has conducted the investigation of the Senate committee. I was very much surprised to read in the Texas newspapers the next morning that I had been appointed, but did not feel at liberty to make any public statement, and consistently declined to do so until I had seen you.

Of course, if it had been in my mind at the time of our telephone conversation that I had been employed by Mr. Doheny, directly or indirectly, or at any time, near or remote, that would have ended the matter at once, because I would have realized that however free from criticism such employment might have been, it would have disqualified me from acting as your counsel on the present occasion. I have no recollection of having seen or communicated with Mr. Doheny in my life, and at that time did not recall ever having had any business connection with him or with any company controlled by him.

I returned to Washington as quickly as possible for the purpose of keeping my engagement with you, and arrived here this afternoon.

Yesterday, while on the train, my attention was called to a statement made the day before to the Senate Public Lands Committee by E. L. Doheny to the effect that his company and several others employed me "to represent them before the President in regard to getting permits to drill oil wells in Mexico," and that "the Island Oil Co. billed us for $2,000 as our share of the fee that they paid Judge Gregory for this particular work."

I would have been at a loss to know what he was referring to except for his mention of the Island Oil Co. I remembered perfectly my employment by that company, although some of the details had passed out of my mind. I have now refreshed my recollection by examining data in my office. The facts are as follows:

In the fall of 1919 the firm with which I was then associated had among its regular clients the Island Oil & Transport Co., which is evidently the Island Oil Co. referred to. It was a small independent company without any connection whatever, so far as I have ever known, with either Mr. Sinclair or Mr. Doheny.

The Island Co. asked me to act for it in the concerted effort then being made by American oil companies to get the State Department to take action to prevent the threatened confiscation of their properties in Mexico, the Carranza government having refused to grant them permits to drill on their own property unless they accepted the provision of the new constitution vesting title to oil and other minerals in the government.

The purpose was to secure some character of diplomatic action by the United States Government, which it was hoped would place American oil companies on the same footing as those of Great Britain, the latter having been allowed to continue development. The facts in regard to all the interested companies were about the same, the law as to all was the same, and there was general cooperation among them in attempting to obtain relief.

I gave the matter attention for some months, and the Mexican authorities finally extended to the American companies the privilege enjoyed by those of Great Britain.

This result was brought about in December, 1919, or January, 1920, and my employment in the matter ended then and there. I rendered a bill to the Island Co. for $15,000, which it paid.

At some stage of the transaction the Island Co. stated that the work I did redounded to the benefit of other companies besides itself, and that, it being a small company, it would try to induce several of the others similarly situated to make contributions to the fee charged. I understood that some of them did so. The Husteca Petroleum Co., which was controlled by Mr. Doheny, was one of these, and no doubt paid the Island Co. the $2,000 referred to by Mr. Doheny.

This phase of the matter had entirely passed out of my mind. But even at the time I never thought of my employment as an employment by Mr. Doheny or his company, and he evidently did not, as his testimony before the Senate committee, as reported in the press, is to the effect that he knew nothing about my connection with the transaction until within the last few days.

I have never felt that the transaction involved the slightest necessity for apologies, nor even for explanation, but for the unusual conditions which have arisen.

It is obvious, nevertheless, that the fact that one of Mr. Doheny's companies bore a part, however indirect and however small, of the expense of my employment by the Island Co. makes it inappropriate for me to act as your counsel in this matter.

Respectfully yours,

T. W. GREGORY.

To the PRESIDENT.

Mr. ROBINSON of Indiana. Mr. President, is the Senator willing to be interrupted at this time?

Mr. WALSH of Montana. Yes; at any time.

Mr. ROBINSON of Indiana. I was merely quoting from the record of Mr. Doheny's sworn testimony. It is somewhat at variance with the statement of Mr. Gregory in his letter. The Senator will concede that.

Mr. WALSH of Montana. Mr. Doheny's testimony is likewise at variance with the testimony of Mr. George White, who testified that Mr. Doheny never contributed $75,000 to the Democratic campaign fund, but testified that the amount was $34,000.

Mr. ROBINSON of Indiana. If the Senator will yield for just one more question, I will try not to interrupt him again.

Mr. WALSH of Montana. I will yield at any time.

Mr. ROBINSON of Indiana. I understood the Senator to say in the debate on Saturday that Mr. White admitted receiving $34,000 from Doheny.

Mr. WALSH of Montana. It was not admitted; he told us that is what he got.

Mr. ROBINSON of Indiana. He told the committee that?

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. That was his sworn testimony, that instead of $75,000, it was $34,000?

Mr. WALSH of Montana. Yes.

Mr. ROBINSON of Indiana. Then I understand from the record—and I have made a search of the record—that only the sum of $7,500 or $7,600, or some such amount, was reported as having come from Mr. Doheny.

Mr. WALSH of Montana. Nine thousand dollars was reported, and later on $25,000 additional was reported as an amount paid after the campaign, as I understood.

Mr. ROBINSON of Indiana. I understood it was not reported, but the Senator may be right about that.

Mr. WALSH of Montana. I have taken pains, Mr. President, to call the attention of the Senate to the letter from Mr. Gregory. I might say in this connection that the Senator from Indiana is in error about another matter of a related character. He has repeatedly told about $250,000 being paid to Mr. McAdoo. That is a matter of no great significance, but Mr. Doheny later corrected that and said it was $150,000 instead of $250,000.

However, I introduced the letter of Mr. Gregory because of the remarkable contention made by the Senator in the course of his speech that the President of the United States is entitled to all the credit for the recovery of the naval oil reserves, having appointed two eminent gentlemen to conduct that work.

I have heretofore expressed upon this floor gratification at the excellent work that has been done by former Senator Pomerene and by Mr. Roberts, but it is rather remarkable that anyone should claim that credit for this excellent achievement is due to the President of the United States, who acted in the matter only by virtue of a positive direction of the Senate of the United States by resolution duly adopted and who theretofore had intrusted whatever he did in the matter to his representative, Mr. Rush Holland, a subordinate of Mr. Daugherty, then at the head of the Department of Justice. Of course, it is perfectly well understood that the resolution was passed for the purpose of taking the prosecution of these matters out of the hands of the Department of Justice. It is, however, a singular fact that the President of the United States, thus having been directed by the Senate of the United States to institute these proceedings, immediately employed as one of the attorneys to prosecute the case Mr. T. W. Gregory, the gentleman whose conduct has now been made the subject of animadversions by the Senator from Indiana. The other attorney appointed by the President was Mr. Silas Strawn, of the city of Chicago, one of the directors of the Sinclair bank of the city of Chicago. Both of these gentlemen were rejected by the Committee on Public Lands, to whom the matter was referred for advice to the Senate, and rejected because of their associations, the one with Mr. Sinclair and the other with Mr. Doheny.

Mr. President, I would not have it understood at all that either of these gentlemen would not have done the work in a

perfectly acceptable and honorable and honest way; but the committee felt that by reason of these associations it was unwise to intrust them with the litigation.

Mr. President, the next sin charged against the Democratic Party in connection with these oil leases by the Senator from Indiana is that in the year 1920 Mr. Doheny was a delegate to the national convention at San Francisco. That convention was held in the month of June, 1920, something like a year before any of these leases were executed, at a time when Mr. Doheny enjoyed a reputation for being a perfectly honorable gentleman, and, so far as the record discloses or anything that appears in evidence before the Senate is concerned, a man of perfectly unexceptionable character. It is even disclosed as one of the sins of the Democratic Party that he was presented by the delegation from his State as a candidate for Vice President. It was not added, however, by the Senator from Indiana that he was rejected and was not the choice of the convention. However, as I say, at that time the reputation of Mr. Doheny was without stain so far as anything has been thus far disclosed.

Then, likewise, it is added in that connection that he contributed $75,000 to the Democratic campaign of that year. I have stated the facts as they appear in the record. Mr. Doheny testified that he gave $75,000, and Mr. George White denied that he gave $75,000 and tells us that the total of his contribution was $34,000—$9,000 contributed before the election of 1920 and $25,000 later to make up the deficit, all of which was contributed either before the leases were executed or before any disclosure was made of any particular iniquity in them.

Then it is likewise another sin of the Democratic Party that Mr. Doheny drew a plank in the Democratic platform of 1920 relating to oil; but even the Senator from Indiana can find nothing in that plank that is exceptionable in any manner whatever, or that he can in any way criticize.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield right there just for a question?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. Why was it necessary to have an oil plank in the Democratic Party's platform at all?

Mr. WALSH of Montana. Why is it necessary to have a lot of planks in platforms?

Mr. ROBINSON of Indiana. Just at that particular time, when all of these leases were being made?

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Virginia?

Mr. WALSH of Montana. Excuse me a moment. They were not being made. The convention was held in the month of June, 1920, and no leases were being made under the act of June 4, 1920, and my recollection is that none were made under the act of February 25, 1920.

Mr. ROBINSON of Indiana. Mr. President, June 4 is when the rider to the naval appropriation bill passed the Senate, giving the Secretary of the Navy, Mr. Daniels, complete power over all the oil reserves. That was June 4; and just a week or two later the Democratic convention assembled in San Francisco and found it necessary to have an oil plank.

Mr. WALSH of Montana. Mr. President, I have not yielded for a speech. The plank, as my recollection now serves me, relates to the acquisition of oil concessions in countries other than the United States.

Mr. GLASS. Mr. President, I was just about to suggest to the Senator, as I am sure he will remember, that at the time there was a bitter controversy between this country and Mexico about the laws of Mexico inimical to American citizens, and that was what prompted the plank.

Mr. WALSH of Montana. Undoubtedly.

Then it is also an additional sin of the Democratic Party that one George Creel, in association with Mr. Doheny, endeavored to get a lease of the naval oil reserves, or one of the naval oil reserves, from Mr. Daniels as Secretary of the Navy; but it was not told that Mr. Creel's efforts in that behalf were entirely futile.

The Senator, however, has extolled the late senior Senator from Wisconsin, the elder Mr. La Follette. Nothing that the Senator can say in praise of that statesman will go further than my own statement concerning his services to his country. He was, as everybody knows, sometimes intemperate in his remarks; but, nevertheless, he was always actuated, as I believe, by a sincere desire to subserve the public weal.

But, Mr. President, I refer to that fact because we have the testimony of Senator La Follette himself concerning the fidelity with which Secretary Daniels discharged the duties of his high office, so markedly in contrast with the manner in which they were met by his successors.

I read from the CONGRESSIONAL RECORD of September 3, 1919. Senator La Follette quotes from a letter addressed by Secretary Daniels to Hon. CLAUDE SWANSON, then chairman of the Committee on Naval Affairs, as follows:

THE SECRETARY OF THE NAVY,
Washington, February 27, 1919.

MY DEAR MR. CHAIRMAN: I understand that a statement has been made by some Member of Congress that the Attorney General and the Secretary of the Navy favor the land legislation reported by the conference committee on public lands of the two Houses. You know my position all the time has been that while not opposing the leasing bill, which I favor—

"While not opposing the leasing bill, which I favor"—

I have opposed incorporating any provision with reference to the naval reserves in such legislation. I do not favor the bill that has been agreed upon; I do not think it is just to the Government; and while it is better, so far as the naval reserves are concerned, than the original bill, my attitude is that the naval reserves ought not to be touched by legislation, but ought to be settled by the courts.

I did agree with the Attorney General and the Secretary of the Interior upon a provision some time ago that would protect the naval reserves and would confer upon the President power to operate the going wells. I did this because I did not wish to assume to be standing in the way of the passage of legislation of importance which I favored, and I write you because I hope you will correct the impression that I have changed in my attitude. I believe that the naval interests require that whatever in the naval reserves belongs to the Navy by law should go to the Navy, though the final matter should be settled by the courts, unless the provision referred to, which the Attorney General and myself agreed to some time ago, is incorporated. I think it would be a great mistake to go further than that. I will be glad if you will make my position known.

Sincerely yours,

JOSEPHUS DANIELS.

Hon. CLAUDE SWANSON,
United States Senate, Washington, D. C.

With respect to that, Senator La Follette says:

Mr. President, I digress to speak of the record made by Secretary Daniels, because it is one of the important considerations in connection with the recommendations of a Cabinet officer, one that Senators, I think, ought to weigh with some care. The Secretary of the Navy, in so far as I have been able to study his career, has devoted himself fearlessly to the public interest.

Mr. President, let it be said to the credit of this man that he has driven straight ahead regardless of the storm of criticism, for when early in his official career he made recommendations to protect the Navy against pillage the interest-controlled press of the country assailed him. Have you forgotten it? Have you forgotten the organized abuse that was leveled against that man? Few men in public life have ever endured the brutal assaults that he suffered at the hands of the great newspapers of the country published in the interest of private greed and at the hands of leading magazines of the country that were equally subservient. Secretary Daniels was under fire. Review the literature of that time, and it will be difficult for you to find nationally anything like it. Yet there was not anything in that man's record to justify it.

I do not hold any brief for Josephus Daniels. I have met him only a few times, but I have followed his public career as an official. He came out of private life; he did not have much training that would have fitted him for this position, and he was charged with the conduct of the Navy Department under the greatest strain and ordeal that it was ever subjected to. Is it not fair to say that?

I undertake to say that when your Democratic administration comes to pass in review in history Secretary Daniels will stand out for ability and integrity.

Mr. THOMAS. Mr. President, may I interrupt the Senator for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. THOMAS. During the period of the Secretary's career to which the Senator is referring I think I was the only man in this body who took up the cudgels for him and defended him upon this floor in a speech, perhaps too long for the comfort of the Senate, but one which reviewed as well as I could Mr. Daniels's services to the country and the motives which were behind the cruel attacks upon him both as a man and as an official.

Enough for that, Mr. President. But the Senator from Indiana has stated upon the floor of the Senate, and reiterated, that the Senator from Montana—myself—was responsible for the legislation through which these crimes became possible; and in that connection he has confused two pieces of legislation of the distinct character of which it is perfectly obvious he has full knowledge.

I had, as stated on the floor some time ago, absolutely nothing whatever to do with the legislation under which these leases were made to Mr. Sinclair and Mr. Doheny. Those leases were made under the provisions of the act of June 4, 1920.

Mr. ROBINSON of Indiana. Mr. President, will the Senator permit me to interrupt him?

Mr. WALSH of Montana. Just a moment. The legislation with which I was in any wise concerned had the approval of the President on the 25th day of February, 1920.

I will state in this connection, Mr. President, that all over the western country lands had been withdrawn from public entry in order to await legislation appropriate to the disposition of lands containing or supposed to contain nonmetallic deposits of coal, oil, gas, phosphates, and sodium. Extensive areas of lands of that character existed in my State. They were tied up by withdrawals made by the President of the United States so that they could not be disposed of in any wise whatever, or to any person, so that they were unproductive. They were not subject to taxation of any character; they contributed in no wise to the development of the western country, and particularly of my State. The fight had been going on, not only during the time I have been in the Senate down to the time the legislation was passed in 1920, but for a number of years before.

The withdrawals generally were made during the years 1907, 1908, and 1909, and there the lands lay, absolutely unproductive, useless to anyone whatever, and naturally we were desirous that the legislation awaited should be enacted.

There is no naval reserve in the State of Montana, and never has been. The naval reserves are in the States of California and Wyoming, and the oil-shale reserves in the State of Utah. The legislation with which the Senator has seen fit to connect my name so prominently had reference to these vast areas I have spoken of, the public lands throughout these States, withdrawn, as I have said, from appropriation by anybody at all, for public entry, because it was believed that oil was contained in them; and in the case of much of these lands it did contain it.

I very naturally, when I came here, was desirous of seeing the legislation which was so long awaited enacted, that these lands might be developed.

It took form in the act of February 25, 1920, after a long struggle. Reference has been made to the opposition of Senator La Follette to that legislation. The Senator was solicitous, and very properly so, lest these lands, by reason of this legislation, should get into the hands of the great monopolies.

Senator Kenyon, when the bill was in its last stages, expressed some apprehension along the same line. That induced me to say, as will be found in the RECORD of August 23, 1919, as follows:

> Mr. WALSH of Montana. Mr. President, I was going to say a word further. This, I believe, is the third day this measure has now been before the Senate, and I would be indisposed myself to yield to any request for a postponement of further consideration of it in order that a further study of it might be made by Senators were it not for the remark made by the Senator from Iowa [Mr. Kenyon], for whose attention I should be quite thankful, namely, that he is advised, or at least certain persons are filled with apprehension lest under the operation of the bill all the oil lands of the country would pass to the Standard Oil. I regret that the Senator from Iowa should have thought suggestions of that character of sufficient importance to dignify them by repeating them upon the floor of the United States Senate. Of course, I can not understand such a reference as signifying anything except that those who have been endeavoring to secure the passage of this legislation are either actuated by a desire to promote the ends of the Standard Oil Co., or that they are not capable of recognizing the purpose which he says it is reported to him the Standard Oil Co. has to appropriate these lands. That is so serious a charge that for myself, and I have been somewhat identified with the legislation from its inception, I should like to give the Senator from Iowa every opportunity to satisfy himself upon that point, and I hope he will come before the Senate when he has satisfied himself upon the point and give us the benefit of his judgment about it.
>
> Mr. KENYON. Mr. President, I am not making any such charge. What I say is that it has been suggested to me that under the terms of the bill within a few years we will find the Standard Oil Co. in possession of practically all of these lands, and I am not at all certain that they are not correct. That is all.
>
> Mr. WALSH of Montana. In view of the statement repeated by the Senator from Iowa, I am going to ask the chairman to give the Senator from Iowa every reasonable opportunity to present his views.

So the opportunity was given, and neither the Senator from Iowa nor the Senator from Wisconsin endeavored to indicate how it was possible that the Standard Oil should appropriate these lands.

The head and front of my offending hath this extent, and no more. Bear in mind, the bill was for the disposition, not of the naval oil reserves at all, for all reference to that was taken out of the bill, except a single provision, but with respect to the legislation touching the general public lands, containing or supposed to contain oil. I call attention to the fact that Mr. Doheny had given some testimony before the committee which indicated that there was some danger that, by reason of the existence of wells immediately outside of the naval oil reserves—and he had particularly in mind naval oil reserve No. 1—the oil within the reserve might be drained away.

I put in evidence a letter from Mr. Phelan, who was then the oil expert for the Shipping Board, expressing the same view, and I then referred to the testimony of Mr. Doheny, as follows:

> But I do not rely entirely, in respect to my judgment of the matter, upon these experts. However it may be regarded by anyone else, I attach very great importance to the testimony of Mr. E. L. Doheny to the same effect. It is well known that Mr. Doheny is one of the most extensive and one of the most successful oil prospectors and operators in the world. It appears that he has no interest whatever in any of the property within the naval reserve or in any of the withdrawal areas, and that he has no interest in any of the lands that would be patented. He does, however, own profitable and producing oil wells throughout the State of California. If he has any interest in the bill at all of an individual or personal character it would be to see the bill killed, because thus the volume of oil would be restricted and limited, if not reduced, and the value of his product would be proportionately increased. I can not believe, however, that he is influenced either one way or the other by that consideration; but he tells us, after his long experience as an oil prospector and an operator in oil, the fact is that the wells which now exist upon the reserve are continually draining the supply of oil and reducing the oil pressure, and he ventured the opinion that in 10 years the gas pressure would be so far reduced as to make it next to impossible to extract any further oil from the reserves.

Mr. President, Mr. Doheny was speaking of the California naval oil reserves, reserves No. 1 and No. 2. Naval oil reserve No. 2 was what was generally spoken of as a checkerboard reserve. Every odd-numbered section within the reserve was owned by the Southern Pacific or its grantees, and wells were sunk upon these privately owned lands; lands which had been patented by the Government of the United States. Wells had been sunk upon those lands and it was being urged that it would be necessary, or advisable, at least, that the Government sink wells upon the even numbered sections, lest the oil underneath them should be entirely drained away. I called attention to the fact.

The Senator says I relied on the judgment of Mr. Doheny, and in that connection the inference was easily deducible from his remarks that I relied upon the judgment of Mr. Doheny concerning the wisdom of this leasing law. I do not know that Mr. Doheny expressed any view about that matter at all, but I relied not at all upon Mr. Doheny's judgment concerning the wisdom of the leasing law. I relied only on his judgment as a prospector that wells upon the odd-numbered sections would drain the oil from the even-numbered sections. And likewise with respect to naval reserve No. 1, wells had been drilled upon the lands immediately adjacent to naval reserve No. 1.

The map on the wall shows naval reserve No. 2, the sections marked in yellow being those owned by the Government, the others being held in private ownership, dotted with wells, as can be seen indicated on the map. The necessity of leasing, or in some way or other taking the oil from the odd-numbered sections, is obvious to anyone who knows anything about the subject.

So a large number of these leases, which it is asserted were granted by Democratic officials, are leases within naval reserve No. 2, as well as naval reserve No. 1, to which I shall presently refer.

Mr. ROBINSON of Indiana. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. As I understand it, the 150 leases granted by the Democratic Secretary of the Interior, Mr. Lane, were over opposite No. 3, Teapot Dome, and in the so-called Salt Creek field, which was enormously richer than the other field. I have been informed, but I may be wrong, that the whole value of the Teapot Dome reserve was probably not over $50,000,000, but that the Salt Creek field was probably worth a billion dollars.

Mr. WALSH of Montana. Mr. President, the map to which I now point indicates the naval reserve No. 2. The one heretofore referred to is the same.

The lands immediately outside of this area here were held in private ownership. Wells were being sunk upon these lands held in private ownership and were draining the oil from the lands within the naval reserve. Mr. Doheny was telling the committee that that would be the inevitable effect of the sinking of these adjacent wells. So obvious was the result of the sinking of those wells that Mr. Daniels, commended by Senator La Follette for his fidelity to the public interest as Secretary of the Navy, Mr. Daniels, recognizing the soundness of the information given by Mr. Doheny and by others, I will say, with respect to the same subject, before he left office advertised for bids for the sinking of 22 wells along these sections 2, 12, and 18, in order that the oil available from them should not be drained off by the wells in the adjacent territory.

The leases were not made under the advertisement of Mr. Daniels and proposals were called for again, and before response was had to the proposals Mr. Denby succeeded Mr. Daniels, and the leases were made under the administration of Mr. Denby for the sinking of 22 wells in this adjacent territory. So that if I did rely upon the judgment of Mr. Doheny with respect to this matter, so likewise did Secretary Daniels and so likewise did everybody who had any information about the matter at all.

I am sorry we do not have here a map of naval reserve No. 1, although I could, I presume, give to the Senate a very clear understanding of the situation without the assistance of a map.

The Salt Creek field, so called, is an oval-shaped area lying to the north of another oval-shaped area, similar in extent, immediately to the south, known as the Teapot Dome. The Salt Creek field had been very extensively taken up by parties who acquired title to the ground in one way or another. They had sunk wells all over the Salt Creek field and it was contended that wells in the Salt Creek field were draining the oil out of the Teapot Dome, which lay to the south. Doubtless there was more or less drainage. The contention of those of us who have in some measure been responsible for making these affairs public was that the drainage was of no very great consequence and that it could be met by the sinking of a few wells, possibly 8 or 10 wells, along the line of the boundary between the Salt Creek field on the north and the Teapot Dome on the south, and that it afforded no justification whatever for the leasing of the entire Teapot Dome.

Mr. ROBINSON of Indiana. If that is true, why did the Democratic administration continue to make the leases outside of the reserve? One Democratic official, one Democratic Cabinet member, was leasing wells in the reserve, while another was leasing the oil lands right outside the reserve for oil purposes; so if one theory was right, the other was wrong; and if the other was right, the first was wrong.

Mr. WALSH of Montana. Let us take the first one. Here is a Democratic official making leases within the reserve. I called attention to that. Who will stand here in this presence and assert that that was not a wise policy? Each alternate section was being held in private ownership.

Mr. GLASS. Does anybody stand here and assert or suggest that he received a bribe for any of the leases?

Mr. WALSH of Montana. Unless it is the Senator from Indiana, I know of no one else.

Mr. ROBINSON of Indiana. I am not asserting that anybody received a bribe, but I am asserting that Mr. Doheny, by his own testimony sworn to before the committee, testified about employing any number of people connected with the Democratic administration that did have to do with these very matters. I ask the Senator if he thinks——

Mr. WALSH of Montana. Just a moment. The Senator is talking by my courtesy.

Mr. ROBINSON of Indiana. Very well.

Mr. WALSH of Montana. I desire to say to the Senator that that is not the issue here, whether Democratic officials were or were not employed. The question is whether any of them was bribed by Mr. Doheny.

Mr. ROBINSON of Indiana. I am asking the Senator whether he thinks that was within the bounds of propriety?

Mr. GLASS. Were they employed before the leases, or at the time of the leases, or a considerable time after the leases?

Mr. ROBINSON of Indiana. Mr. Doheny testified that they were employed—for instance, Mr. Lane was employed in February, if I remember correctly, or March.

Mr. GLASS. Does the Senator mean to suggest that Franklin K. Lane ever accepted a bribe from Mr. Doheny? If he does, then I denounce him here upon this floor as a slanderer.

Mr. ROBINSON of Indiana. I do not mean to reflect on Franklin K. Lane.

Mr. GLASS. Yes; that is exactly what the Senator means, and the denial simply accentuates his moral turpitude in doing it.

Mr. ROBINSON of Indiana. I am going to say something in that connection. I think Franklin K. Lane bore a very high reputation and I am glad to have that opinion myself of Franklin K. Lane; but Senators on the other side of the Chamber have not hesitated to go into the tomb for Republicans who have passed away, Republicans who are now dead and gone. Just a day or two ago a Democratic speaker down in North Carolina, himself a candidate for the Presidency, went to the tomb for the corpse of John W. Weeks, who was an honorable man in this life. Democrats attempt to smear oil all over dead Republicans. But if we merely mention a man who perchance happened to be a Democrat, then there is something wrong.

What do they mean by their accusations against John W. Weeks? What do they mean by their casting of reflections on Frederick W. Upham, who is likewise dead? What do they mean by accusing Warren G. Harding, also dead, the late President of the United States? But if we speak of anyone who happens to be a Democrat, that seems to be a different matter.

Mr. GLASS. The question here is, What does the Senator mean by accusing Franklin K. Lane?

Mr. ROBINSON of Indiana. I am not charging him with bribery.

Mr. GLASS. The Senator is not doing it outright. He is doing it by the meanest kind of insinuation.

Mr. ROBINSON of Indiana. In my judgment, it was a breach of the proprieties for all those Cabinet officers to go out and accept oil employment immediately after leaving the Cabinet.

Mr. GLASS. My judgment is that there is no kind of cowardice on this earth that is worse than an insinuation against an honest man who, because he is dead, can not defend his own character.

Mr. CARAWAY. I would like to inquire if the Senator from Indiana thinks they ought to have stayed in office and taken the employment?

Mr. WALSH of Montana. Mr. President, I was addressing myself to naval reserve No. 3. The situation will be disclosed without any difficulty at all. I have indicated that there was a belief that there was some drainage from the Teapot Dome by reason of the wells drilled in the Salt Creek field, immediately to the north. That place was all dotted with wells—wells which were producing in phenomenal quantities. But not all of the land within the Salt Creek field was held in private ownership. There was a large area of land there—the Senator from Indiana has given us the aggregate acreage—that also belonged to the Government of the United States and had never been leased or drilled at all.

Obviously, Mr. President, if those lands were not leased and the oil taken out of them contemporaneously with the extraction of the oil with private lands within the Salt Creek field practically the entire value of those lands would have faded away.

The oil would have been drained out of the publicly owned lands by the wells on the privately owned lands in the Salt Creek field. Under these circumstances there was nothing for the Government of the United States or its authorized officials to do except to lease the Government lands within the Salt Creek field. They proceeded to do so, and advertised for bids. Bids were received which yielded to the Government a vast revenue from those lands in the way of bonuses, and it has been deriving a vast revenue from them since in the way of royalties.

Mr. President, the majority of the committee inquiring into these things in the year 1924 were Republicans. The Senator from Utah [Mr. SMOOT] was chairman of the committee for a considerable time. Former Senator Lenroot, of Wisconsin, occupied the position of chairman of the committee for a considerable time. He was succeeded by former Senator Ladd, of North Dakota, whose death was so generally and universally deplored. I ask the Senator from Utah [Mr. SMOOT] did he ever join with anybody in condemning the leasing of those areas by the Government within naval reserve No. 2 or naval reserve No. 1, or in Salt Creek field?

Mr. SMOOT. Mr. President, so far as I understood the situation at that time, I thought that the wells were drilled for purpose of preventing the draining of oil from the lands in Teapot Dome. I thought that it was a perfectly proper thing to do if that drainage was going on. The Senator remembers very well the attitude we all took in that regard.

Mr. WALSH of Montana. Let me ask the Senator, Was there any criticism from any member of the committee concerning the execution of the leases? I speak now of the leases in Salt Creek field, the leases in naval reserve No. 2, and the leases in naval reserve No. 1.

Mr. SMOOT. The Senator means the wells that were drilled for the purpose of preventing drainage?

Mr. WALSH of Montana. Exactly.

Mr. SMOOT. I do not remember of anything that was ever said while I was chairman. Of course, after I was appointed chairman of the Finance Committee the Senator knows very well we had a revenue measure on hand, and I was called from the investigating committee, and, of course, did not follow it as closely as I did when I was its chairman.

Mr. WALSH of Montana. I am prepared to say that now, four years after these matters were fully investigated by the committee, and after no member of the committee, either Democratic or Republican, questioned the wisdom or propriety of those leases or the legality of them in any way or ever made a suggestion that there was anything wrong about them, the Senator from Indiana [Mr. ROBINSON], who was not here at all at that time, regales us this morning with a story about how Democratic officials executed the leases.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. GEORGE. May I recall to the Senator's mind that he went fully into those leases at the time of his report, submitted on behalf not only of himself but of the full committee, in this Chamber in 1924.

Mr. WALSH of Montana. I exposed all these matters in discussion of the subject on the floor at that time, without a suggestion from any quarter whatever, such as is now made, that there was something questionable and even corrupt about the leases.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. Is the Senator perfectly satisfied with the working out of the amendment to the leasing act that was passed June 6, 1920?

Mr. WALSH of Montana. I am not.

Mr. ROBINSON of Indiana. Has the Senator done anything to amend that act?

Mr. WALSH of Montana. Has the Senator from Indiana done anything?

Mr. ROBINSON of Indiana. That was the purpose of the investigation, or one of its purposes, as conducted by the Committee on Public Lands and Surveys. My position is that that committee should draft legislation to correct the situation.

Mr. WALSH of Montana. The Senator has been here now something over three years, or thereabouts. I would like to know what he has done to correct any of the evils he speaks of in the legislation?

Mr. ROBINSON of Indiana. I have gone into it very carefully, and I am perfectly willing to draft legislation if the committee does not desire to do so.

Mr. WALSH of Montana. The Senator understands perfectly well that he is at liberty to introduce any kind of a bill he pleases without respect to any recommendation of the committee.

Mr. ROBINSON of Indiana. Oh, indeed; but the resolution itself suggested that the legislation be drafted by the committee.

Mr. WALSH of Montana. Mr. President, I want to have it perfectly clear in the mind of everybody who has followed this discussion that the legislation in which I was interested had absolutely nothing whatever to do with the naval oil reserves. Of course, when the matter came upon the floor, I took part in the discussion, but that part of it was not the subject of any comment by me except that to which reference has here been made; and yet, notwithstanding that, notwithstanding the herculean labors I performed in making public these scandals, notwithstanding that, in a large measure through my efforts, these properties, estimated by the Secretary of Labor to be of the value of a billion dollars, were recovered by the Government of the United States, the Senator from Indiana is quite willing to couple up my name with this legislation in an opprobrious way and to associate me in some form or other with those who have been guilty of this enormous iniquity.

Something has been said now and then about senatorial courtesy. I shall make no appeal whatever to that, but if the Senator from Indiana were on the floor—and I do not see him here now—I should ask him what would be expected of a gentleman under the circumstances?

Mr. CARAWAY. How do you think he could answer it?

Mr. WALSH of Montana. I want to make it perfectly clear also, Mr. President, that, of course, the greater proportion—the overwhelming proportion—of this great area of land that was leased by Democratic officials was leased under the provisions of the act of February 5, 1920, and not under the act of June 4, 1920, at all.

Those were areas wholly and entirely outside of the naval reserves; they constituted but a relatively small portion of the aggregate lands throughout the West that are supposed to be valuable for the oil contained in them and that are subject to disposition under the provisions of the act of February 25, 1920.

Mr. President, I want to say in this connection that that contest had gone on for some considerable time before I ever became a Member of the Senate at all. As I have indicated, those lands were withdrawn somewhere about 1906, 1907, 1908, and 1909, and lay there entirely unproductive and undeveloped and continued so, and were to continue so until legislation appropriate to their disposition was enacted by the Congress.

A very strenuous contest arose as to the character of the legislation that ought to be enacted, it being contended generally by those from the West that those lands ought to be disposed of in fee; that they ought to be sold and title to the property given, so that they would become subject to taxation as is all other property within the State held in private ownership. On the other hand, the conservationists in the East insisted that the proper method of disposing of those lands was to lease them and not to sell them. The contest went on for years between those arguing in favor of the total alienation of the fee and those contending for the leasing only of the lands.

Contrary to the views of many of the Senators from the West, I believed that the difference was not of such great consequence as was alleged by some of our friends. I preferred rather to have the lands brought under development and to make them contribute to the general welfare of the people than to have them lie idle. So I gave my adherence to the proposal to lease those lands, and on the floor I contended for that policy against the strenuous opposition of able Senators such as the former Senators from Colorado, Mr. Thomas and Mr. Shafroth. That became the guiding principle of the bill for the leasing of these lands, which culminated in the general leasing law of 1920. I desire to have it perfectly understood that that law does not refer to oil alone, but it also provides for the disposition of coal lands, of lands containing phosphate, and of lands containing sodium and other deposits nonmetallic in character.

Mr. President, I stated the other day that I felt proud of the part that I had in that legislation. It has resulted in the opening up of vast areas of the West from which the Government is deriving a revenue in the way of royalties from the land. There are some features of that law to which the Senator from Indiana has referred that have not worked out well, much to my regret, features with which I had absolutely nothing at all to do; but, on the whole, the act has undoubtedly been beneficial.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nevada?

Mr. WALSH of Montana. I yield.

Mr. PITTMAN. Let me add to what the Senator has said that there was a method of obtaining title to the oil lands before there was any legislation looking to their leasing, and a great many citizens of the United States had obtained rights that were at that time recognized by the courts. In other words, lands were taken up under the placer mining act of the United States, which allowed an association of persons to locate 160 acres or one person to locate 20 acres; and one person might locate as many 20-acre tracts as he saw fit, if he complied with the law regarding such locations.

The section of country adjacent to oil reserve No. 2 in California and the Teapot Dome oil reserve had been located under the mining law for a period of several years before there was any attempt made by the Secretary of the Navy to create the Teapot Dome oil reserve or naval reserve No. 2 in California. Then in 1910, if I recollect aright, Congress passed an act to validate titles under the existing law, which act provided that, even though locators had not made a discovery as required in the law, if they commenced and continued their work with diligence until that discovery was obtained, they should be entitled to patents. The Honolulu Oil Co. case, referred to, was one of those. In the Honolulu Oil Co. case those who claimed the land under the old mining law, before the leasing act, had commenced to sink wells, and under the act of 1910 they proceeded to continue to sink wells until they obtained oil. Then, not during the time they were drilling, but after they had obtained oil, the question of diligence was raised. Lane tried that case and found as a fact that they had complied with the law of 1910; that they had been diligent; that they had made their discovery. There was a dispute with regard to that, but what happened? Under the oil leasing act there were certain men who were supposed to have a prior

equity, and the ones who were supposed to have a prior equity were those who had attempted to comply with the law before and who had made a discovery of oil, but who were not granted title under patent. As a matter of fact, it was the succeeding Republican administration that granted the lease to the Honolulu Oil Co., and no one has ever before questioned, that I know of, the justice or the fairness of such actions. So we found when we attempted to establish the oil reserves both in California and Wyoming that there were a great many initiated rights surrounding and included in the area. Some of them were vested rights that the Government recognized and some of them were vested rights that were recognized in the leasing act.

We all remember very well when Secretary Daniels took the question before the Naval Affairs Committee. He at that time was fighting against the letting of a single lease in oil reserve No. 2, on the ground that the titles of the private owners in the reserve were not well founded; but, immediately after that, the Supreme Court of the United States held that every other section in oil reserve No. 2 was owned by the Southern Pacific Railroad Co. So it was not until after that decision was made, and until after the court had held good the title of a number of other locators in oil reserve No. 2, that the Secretary of the Navy, Mr. Daniels, considered for a moment leasing any of the wells in that reserve.

Mr. WALSH of Montana. Mr. President, I have very little further to say. I merely desire to remind the Senate that, so far as the acts of Mr. Palmer, Democratic Attorney General, are concerned, or his failure to act is concerned, all of the facts in respect to that matter were developed by my examination of Mr. Palmer, and I have no hesitancy in saying here, as I have said repeatedly heretofore on the floor of the Senate, that I think a grave mistake was made in not taking an appeal from the judgment of the district court.

But all of these matters really are old stuff. They were all threshed out here four years ago when all of these facts were developed. The Senator from Indiana has called attention to nothing new in this matter whatever. The Senate was fully advised about the whole thing.

But, Mr. President, as some question has been raised by the Senator from Indiana concerning the legality or the propriety of leases executed by Democratic Secretaries of the Interior, and particularly by John Barton Payne, I beg to remind him that the resolution under which the Committee on Public Lands is now operating directs it to go further into the whole subject; and any evidence whatever relating to the general subject is entirely pertinent and proper to be received at this time. If the Senator from Indiana knows of anything that casts any discredit whatever upon Democratic officials in connection with these leases, he is invited now to come before the committee and to exploit his ideas before the committee or to adduce any testimony that he may have to support his contention. But, of course, the Senator has not any, and he will not be able to say anything that has not been said already by myself with respect to the matter. Moreover, Mr. President, the matter is open to legislation at any time.

Now, what is the difference as to whether the act of June 4, 1920, under which these leases were made was recommended by a Democratic official or by a Republican official? Of what consequence is it whether it was passed by a Democratic Congress or by a Republican Congress? The fault is not in the law. It ought to be amended in some particulars, in my judgment; but the fault is not in the law at all. It was in utilizing the law in such a way as was denounced by the Supreme Court of the United States as entirely illegal, coupled with corruption.

Why, Mr. President, you can afford no protection against corruption in public officers by any legislation concerning the granting of power to them, except, of course, to safeguard the provisions. The point is, however, that what was done was not done in the pursuance of this law at all, but was done in defiance of the law—not only in defiance of the law but done corruptly—and that is the question which is before us.

Mr. President, I have endeavored to review these accusations against the Democratic Party. It will be of no consequence, however, because the speech of the Senator from Indiana, together with all of the misstatements of facts he made in it and which he refused to permit to be corrected upon the floor here, will, of course, be circulated broadcast by the Republican National Committee, or at least by the Senator from Indiana; so I suppose it is useless for anyone to endeavor at this time to correct the misstatements of fact. But I think it strange, indeed, Mr. President, that the Senator from Indiana was unwilling in the course of his discussion to have these misstatements of fact corrected by those who are better informed upon the subject that he perhaps can hope to be from a study of the RECORD.

Mr. ROBINSON of Indiana. Mr. President, if the Senator will yield——

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Indiana. What misstatement of fact did I make?

Mr. WALSH of Montana. I challenged the statement which the Senator from Indiana made that the Senator from Montana was responsible for the law under which these leases on the naval oil reserves to Doheny and Sinclair were executed.

Mr. ROBINSON of Indiana. I do not think I made that statement, Mr. President. What I did say was that the Senator from Montana led the fight on this floor to pass the leasing act. I think that is true. The Senator will not deny that, will he?

Mr. WALSH of Montana. The Senator likewise knows that these leases were not made under the provisions of the leasing act, so called.

Mr. ROBINSON of Indiana. Mr. President, these leases were made under the provisions of the amendment to that very act on the 4th day of June, 1920; and the Senator certainly voted for that act.

Mr. WALSH of Montana. The Senator speaks of it as an amendment. It had no relation, it had no reference, to the leasing act of 1920.

Mr. ROBINSON of Indiana. Mr. President, if we had a rider attached to some bill changing the immigration laws, I should say that would be an amendment to the immigration laws; and this bill unquestionably changed much of the leasing act. Therefore I should say it was an amendment to the leasing act; and since the Senator was one of the very staunch supporters of the leasing act originally, and this legislation undoubtedly did change that act, and the Senator did vote for this legislation along with others on both sides of the Chamber, it seems to me the Senator can not escape responsibility for the legislation.

Mr. WALSH of Montana. Why does not the Senator state the facts?

Mr. ROBINSON of Indiana. What is the fact to which the Senator refers?

Mr. WALSH of Montana. The fact is that that provision of the appropriation act of 1920 was recommended by Mr. Daniels, then Secretary of the Navy. He recognized the necessity of having authority to grant leases which would permit the sinking of wells on these reserves—naval reserve No. 2, where every alternate section was held in private ownership, and leases upon the lands within naval reserve No. 1 adjacent to territory that was being leased. He recognized the necessity of those leases, as suggested in the testimony of Mr. Doheny, to which the Senator has so frequently called attention, and which I commended to the notice of the Senate; and accordingly Mr. Daniels asked the authority granted by the act of June 4, 1920. That bill was reported and the matter came up on the floor and it was amended in one particular upon the motion of the Senator from Utah, taking out the provision in relation to the refining of oil. Outside of that, there was not a word of disapproval from anyone, so far as my information goes, in either branch of the Congress. The Senator from Montana did not get up and opject to it——

Mr. ROBINSON of Indiana. As I remember, there were nine votes against it in the House. Either against the amendment or the original leasing act.

Mr. WALSH of Montana. Just a minute. The Senator from Montana did not object to it, and neither did any other Member of the Senate, Democratic or Republican, because, strange as it may appear, apparently they all had perfect confidence in Mr. Daniels, then Secretary of the Navy, and felt assured that he would execute no leases whatever except such as were absolutely necessary to prevent the drainage. But when his successor came into office, or, rather, when the Secretary of the Interior came in on March 4, 1921, he proceeded to lease the entire reserve; and that is the question that is under consideration here.

Now I yield to the Senator.

Mr. ROBINSON of Indiana. Mr. President, the Senator admits, however, that he did support the rider to the appropriation bill?

Mr. WALSH of Montana. Why, Mr. President, there is no admission about it. I am telling the Senator what the facts are—that the bill went through without opposition from me or from anybody else.

Mr. ROBINSON of Indiana. Then the Senator voted for it?

Mr. WALSH of Montana. Why, certainly the Senator voted for it.

Mr. ROBINSON of Indiana. That is all I have said.

Mr. WALSH of Montana. Just what satisfaction does the Senator from Indiana get from that?

Mr. ROBINSON of Indiana. The point I make is that there evidently was no roll call, and the Senator was in the Senate Chamber and voted for it, not against it; and I have simply said that he supported that amendment—that is all. The Senator refuses to call it an amendment. I can see nothing in it but an amendment to the leasing act which Mr. Daniels himself asked for. The Senator himself admits that he does not believe that that ought to remain the law. Neither do I; and I assume that the Senator, as a member of the Committee on Public Lands and Surveys, will draft legislation repealing it. I know the Senator is able to do it. I know he understands the situation.

Mr. WALSH of Montana. I do not think there is any longer any fear that that act is going to be abused as it has been. I think we have taken care of that without legislation.

Mr. GLASS. Mr. President, is it not a fact that the Supreme Court, in its decision, declared that that act did not warrant the interpretation given it by Mr. Fall?

Mr. WALSH of Montana. Of course; it did not warrant the execution of these leases.

Mr. GLASS. Exactly; so that the act had nothing to do with it.

Mr. WALSH of Montana. Mr. President, I am quite willing that the Senator from Indiana should draw any inferences that he cares to from the fact that these five lawyers, being members of the Cabinet of Mr. Wilson, as he says, after they left office were employed in one capacity or another by either Mr. Doheny or his companies or Mr. Sinclair or his companies in matters that had absolutely nothing whatever to do with the leases of the naval oil reserves. He may take what comfort he can from that, Mr. President; but when he endeavors to couple up my name, in view of my services in this matter, in such a way as to lead the public to believe that in some way or other I am open to reprehension in this connection, I feel that some explanation is due the Senate from the Senator from Indiana.

Mr. CARAWAY. Mr. President, does not the Senator think that by that statement he attributes too much credulity to the public to imagine that they are going to be influenced by the statement the Senator from Indiana made?

Mr. WALSH of Montana. Mr. President, I have not anything further to say about this matter.

ADMINISTRATION OF OATHS BY CERTAIN CUSTOMS OFFICIALS

Mr. SMOOT. I ask unanimous consent that House Joint Resolution 253 be taken up and passed, the Senate already having reported the same provision and it being now on the Calendar.

The PRESIDING OFFICER (Mr. EDGE in the chair). Is there objection to the request of the Senator from Utah?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 253) authorizing certain customs officials to administer oaths, which was read twice by its title.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMISSION OF DUTIES ON CERTAIN CATTLE

Mr. SHEPPARD. Mr. President, in this connection, will the Senator call up Order of Business 636, House Joint Resolution 217, providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries?

Mr. SMOOT. Mr. President, to make all of the legislation complete, I ask unanimous consent now to take up House Joint Resolution 217, Order of Business 636, and pass it.

The PRESIDING OFFICER. Is there objection to the present consideration of House Joint Resolution 217? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 217) providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries, which had been reported from the Committee on Finance with amendments.

Mr. SMOOT. Mr. President, I ask to have the second amendment rejected.

The PRESIDING OFFICER. The amendments of the committee will be stated in their order.

The first amendment was, on page 1, line 8, after the word "between," to strike out "June 9" and insert "April 1," so as to read:

Resolved, etc., That, under regulations to be prescribed by the Secretary of the Treasury, the duties are hereby remitted on (1) cattle which strayed across the boundary line into any foreign country or were driven across such boundary line for pasturage purposes only, and which were admitted to the United States under bond at any time between April 1, 1927, and the date of the enactment of this joint resolution, and (2) their offspring and increase so admitted during such period; and the Secretary of the Treasury is authorized to cancel any such bond.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to insert a new section, as follows:

SEC. 2. Any officer or employee of the customs service designated by the Secretary of the Treasury or by a collector of customs is hereby authorized to administer any oath required or authorized by law or regulation promulgated thereunder in respect of any matter coming before such officer or employee in the performance of his official duties, but no compensation or fee shall be demanded or accepted for administering any such oath.

The amendment was rejected.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries, and for other purposes."

LEGAL FEES IN THE DISTRICT OF COLUMBIA

Mr. BORAH. Mr. President, I ask unanimous consent that the Senate take up out of order House bill 9020, to amend an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto. I make this request for the reason that the officials of the District of Columbia are very anxious to have the bill passed before the 1st day of April.

Mr. McKELLAR. What is the nature of the bill?

Mr. BORAH. It changes to some extent the fee system here in the District. It is designed to make the District law comply with the law in the United States courts elsewhere with reference to fees.

Mr. McKELLAR. The bill has been reported from the Committee on the Judiciary?

Mr. BORAH. Yes.

Mr. McKELLAR. And has the approval of both sides?

Mr. BORAH. It has.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BORAH. Mr. President, I ask to have inserted in the RECORD in connection with the bill just passed the report of the Committee on the Judiciary, which contains a letter from the clerk of the Supreme Court of the District of Columbia.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CLERK'S FEES IN THE DISTRICT OF COLUMBIA

Mr. BORAH, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 9020):

The Committee on the Judiciary, to which was referred the bill (H. R. 9020) to amend section 1110 of the Code of Law for the District of Columbia, prescribing fees to be charged by the clerk of the Supreme Court of the District of Columbia, reports the same favorably to the Senate and recommends that the bill do pass.

The bill has the approval of the Attorney General and his letter to the House Judiciary Committee is herewith printed as a part of this report followed by a letter from the clerk of the court setting out in more detail the purposes of this legislation.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 28, 1927.

Hon. GEORGE S. GRAHAM,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I have the honor to refer further to your letter of the 13th instant with which you transmitted for my consideration and recommendation H. R. 16217, a bill "To amend an act entitled 'An act to establish a code of law for the District of Columbia,' approved March 3, 1901, and the acts amendatory thereof and supplementary thereto," and to say that I know of no objection to its enactment.

This bill provides for certain changes in the fees to be charged and collected by the clerk of the Supreme Court of the District of Columbia. The fees as changed conform as far as practicable to the fees provided by the act approved February 11, 1925 (43 Stat. 857), to be collected by clerks of United States district courts. The department

has been informally advised by Hon. Walter I. McCoy, chief justice of the Supreme Court of the District of Columbia, that the bill meets with his approval.

Respectfully,

JNO. G. SARGENT, *Attorney General.*

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 19, 1928.

HON. GEORGE W. NORRIS,
Chairman Senate Judiciary Committee,
Washington, D. C.

DEAR SIR: Referring to the bill (H. R. 9020) to amend section 1110 of the District of Columbia Code, which bill is now before your committee, I have to state that this bill is designed to conform as nearly as possible to the fee bill for the district courts of the United States (act approved February 4, 1925).

This bill does not affect salaries of the clerk or any of his assistants, all money collected thereunder being accounted for to the Department of Justice and deposited in the United States Treasury. This office does not pay out any money at all from fees collected. Salaries are fixed by the Department of Justice and supplies are furnished by that department on requisitions. Printing and binding for this court is done by the Government Printing Office, through an appropriation carried in the District of Columbia appropriation bill for the court of appeals and the Supreme Court of the District of Columbia of $4,275, of which $3,000 is allotted to this court.

Under this bill no refunds will be made to litigants as is now the law in bankruptcy cases, the fees named for filing the different classes of cases being an average fee for services in that class. The bill differs from the Federal court fee bill in that in this court a good many attachments are issued before judgment and executions and attachments after judgment at law and many rules to show cause in contempt in maintenance and divorce cases in equity that the Federal courts in the States do not have, and these attachments, executions, and rules are charged for extra in addition to the regular filing fee for the case, as it is impossible to gauge the number of attachments and rules that may be required in advance.

The bill is designed to produce as nearly as possible the same fees per case as are now earned. The only increase in any specified fee is the item on page 4, lines 24, 25, and 26, this item being increased from $1 to $2 for the oath to attorneys and from $1 to $2 for an engrossed certificate of admission to cover the oath books, indexes, and card indexes of attorneys, and is justified by the service rendered; and the item on page 5, line 1, for each marriage license from $1 to $2, the present system of indexing to be supplemented by a card index of all licenses issued, which necessitates the purchase of additional file cases and filing equipment, the increase being justified by the additional expense to the United States.

Item page 5, lines 16, 17, and 18, for clerks' attendance, etc., on court, is merely a relic of the time when this office paid salaries and expenses from fees received and in dull times, as in summer with the court not in session, if the fees were not sufficient to cover expenses the clerk could draw on the Department of Justice for sufficient funds from this $5 per day allowance to make up any deficiency. This was seldom resorted to, as the fees were sufficient to pay expenses and a small surplus was turned in to the United States, and while the charge is now only a constructive earning, no money passing thereunder, it has been considered best to retain the item in this fee bill for the purpose of making comparisons with earnings in other years and is comparable to section 4 of act approved February 4, 1925, which is the fee bill for the district courts of the United States above referred to.

This fee bill was suggested to this office by examiners of the Department of Justice to simplify accounting work for this office and auditing work for the department, leaving the tax upon the litigant as nearly as possible the same.

Yours very truly,

FRANK E. CUNNINGHAM,
Clerk Supreme Court, District of Columbia.

OCMULGEE RIVER BRIDGE, GEORGIA

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 9831) authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga., and I submit a report (No. 641) thereon. The senior Senator from Georgia [Mr. HARRIS] would like to have the bill passed at once, and I ask for its present consideration.

There being no objection, the bill was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMINISTRATION OF JUSTICE IN THE CANAL ZONE

Mr. SMITH submitted the following resolution (S. Res. 184), which was read:

Whereas it has been alleged that the business of the courts of the Canal Zone, and especially in the district court of the Canal Zone, has been conducted in a manner prejudicial to the orderly administration of justice; and

Whereas charges of corruption, malfeasance in office, and inefficiency have been made against the present judge of the district court of the Canal Zone, as well as against other officers of such court; and

Whereas it is charged that conditions existing in the courts of the Canal Zone are detrimental to the best interests of the United States in Latin America: Therefore be it

Resolved, That the Committee on the Judiciary of the Senate, or a duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete investigation of the judicial system of the Canal Zone, including the district court, the office of the United States district attorney, the office of the United States marshal, the magistrates' courts, and the administration of justice in the Canal Zone, and to report thereon to the Senate as soon as practicable, with such recommendations for necessary legislation as it deems advisable. For the purpose of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places in the United States or the Canal Zone, to employ such experts and clerical, stenographic, and other assistance; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony in the United States and in the Canal Zone and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of such committee or subcommittee, which shall not be in excess of $———, shall be paid from the contingent fund of the Senate.

Mr. SMITH. Mr. President, it will be noted that I have not fixed in the resolution any amount for the expenses of the investigation. The fact is that these matters were brought before me, and after consultation with different Senators they agreed that it was a matter of sufficient importance to have an investigation made. I ask that the resolution be appropriately referred.

The PRESIDENT pro tempore. The Senator asks that the resolution be appropriately referred. Without objection, the Chair refers the resolution to the Committee on the Judiciary.

TENNESSEE RIVER BRIDGE, MARION COUNTY, TENN.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9147) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last word and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from the tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agree to the same.

W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.
JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

TENNESSEE RIVER BRIDGE, KNOX COUNTY, TENN.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last two words "sufficient to" and strike out all of line 10 and line 11 down to and including the word "cost"

and insert in lieu thereof the following: "which, together with the sinking fund created from the tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agree to the same.

W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.
JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

TENNESSEE RIVER BRIDGE, HENRY AND STEWART COUNTIES, TENN.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last two words "sufficient to" and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agree to the same.

W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.
JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

CUMBERLAND RIVER BRIDGE, STEWART COUNTY, TENN.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last two words "sufficient to" and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agree to the same.

W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.
JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

CUMBERLAND RIVER BRIDGE, WILSON AND TROUSDALE COUNTIES, TENN.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2 and agree to the following amendment in lieu thereof: Page 2, line 9, strike out the last two words, "sufficient to," and strike out all of line 10 and line 11 down to and including the word "cost" and insert in lieu thereof the following: "which, together with the sinking fund created from the tolls from other bridges authorized by the law of the State of Tennessee which provides for the construction of the bridge to be built under this act, shall be sufficient to amortize the bonds issued under such act"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

W. L. JONES,
PORTER H. DALE,
MORRIS SHEPPARD,
Managers on the part of the Senate.
JAMES S. PARKER,
E. E. DENISON,
TILMAN PARKS,
Managers on the part of the House.

The report was agreed to.

AWARD OF MEDALS TO WORLD WAR VETERANS

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Atlanta Post, No. 1, the American Legion, by Frank A. Haas, adjutant, and an accompanying editorial from the Atlanta Georgian of March 12, 1928. The letter and editorial have to do with a subject pending before Congress, as embodied in House bill 5898.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

ATLANTA POST, NO. 1, THE AMERICAN LEGION,
Atlanta, Ga., March 24, 1928.

The Hon. MILLARD E. TYDINGS,
United States Senate, Washington, D. C.

DEAR SIR: Inclosed is an editorial which appeared in an Atlanta paper on March 12, 1928, and copied in other sections of the country. It treats on a bill introduced both in the Senate and House of Representatives for the extension of time for the award of medals to World War veterans.

This editorial contains truths which we feel ought to be brought to your attention for immediate action.

May we ask for your consideration on the merits of this bill and then the action you think it deserves?

We have the honor to be, sir,

ATLANTA POST, NO. 1, THE AMERICAN LEGION,
By FRANK A. HAAS, *Adjutant.*

[From the Atlanta Georgian of March 12, 1928]

THIS SHAMEFUL INDIFFERENCE SHOULD BE REMEDIED

Since April, 1923, it has been impossible, no matter how meritorious the case, to award a medal of honor, a distinguished-service medal, or a distinguished-service cross to any service man of the World War.

In the Congress of 1923–24 Senator HARRIS, of Georgia, introduced a very simple bill to extend the time for only one year to award these medals, on proper recommendation and consideration.

For the past five years this bill has been reintroduced, and Senator HAWES, of Missouri, took up the cudgels in association with Senator HARRIS for the right to have an appreciative Nation recognize those who served with the most distinction and merit and award a slight token that would not cost the Nation a dollar of appropriation.

Just why Congress is so indifferent to this matter is hard to account for, unless it be that the War Department itself is indifferent, thus influencing Congress to an extent—without Congress particularly noticing it.

There is reason to suspect that the War Department is indifferent, if not actually hostile.

The regulars are plastered with ribbons; they have been taken care of and perhaps are willing to let things slide.

There are those, too, who are too modest or too proud to fight for their rights.

If they are entitled to service medals because of their deeds, if their records are clear and their deserts manifest, why should they not be rewarded accordingly without any time limit?

Why on earth should it be held that a man entitled to a decoration in April, 1923, is not entitled to it to-day?

If distinguished and meritorious service come to light 25 years after the close of the war, why should not the award be made accordingly?

Efforts to get that view into the bigwigs of the War Department seem of no avail, but it looks as if some pressure is to be brought before Congress after all.

The American Legion is taking the matter up vigorously and the Atlanta Post thereof is bestirring itself.

The Disabled American Veterans of the World War is lending a hand, and the American Federation of Labor is putting itself vigorously on record as demanding action and justice in this situation.

If it be true that this bill has been hopelessly hung up in the Military Committees of both Houses of Congress, and that the reason therefor is the attitude of the War Department, then all the Georgian has to say is that the War Department has assumed a shameful and wholly unworthy and un-American attitude!

It is gratifying to know that both Georgia Senators and the Georgia delegation in the House of Representatives are lining up favorably to this measure!

Mr. BLEASE. Mr. President, a few days ago I offered an amendment to House bill 5898. The junior Senator from Maryland [Mr. TYDINGS] has requested that a letter received by him and an editorial from a certain newspaper be published in the RECORD in reference to the matter. I desire to make a brief statement, and I should like to have printed in the RECORD at the end of the statement a letter from Hon. Dwight F. Davis, Secretary of War, together with some citations which he gives.

The PRESIDENT pro tempore. Without objection, it is so ordered.

[The letter and citations appear at the end of Mr. BLEASE's speech marked "Exhibit A."]

Mr. BLEASE. Mr. President, April 7, 1923, was fixed as the last date for considering recommendations made for the medal of honor and for the distinguished-service cross. These are for American soldiers who served in the American Army overseas. Since that time the Senate has passed special enabling acts authorizing American officers to accept decorations from foreign governments, but at the same time Congress stands on record as prohibiting consideration of recommendations for medals by our own country. There are about 300 recommendations on file with the War Department recommending American boys for American honors which can not be acted upon because Congress has forbidden the War Department to do so. The injustice of this situation should be apparent to any man. Undoubtedly during the war many acts of heroism and bravery were performed which were not called to the attention of the proper authorities until long afterwards. I have asked to have inserted in the RECORD some 10 or 15 recommendations which have not been acted upon because of the law heretofore passed by Congress. These recommendations indicate some of the instances of brave and splendid conduct under fire during the World War which can have no reward. It seems a crying shame to deny these men at least an opportunity to have their cases considered and in the meantime permit the acceptance of foreign decorations by American soldiers. If any soldier has performed an exceptional act of bravery, he is entitled to his country's reward, and I have therefore offered an amendment to the bill to which I have referred which will permit the War Department to consider these cases, and if they are meritorious to confer upon those recommended the decorations which are their due. If we are not to permit American soldiers to receive decorations from their own Government, why should we permit them to receive decorations from foreign governments? I have no objection to the American soldier receiving a decoration from a foreign government, which we permit here each day, but if it is right to look at the matter from that angle there is more justice in giving the American soldier the right to receive a decoration from his own Government. My amendment simply provides that the recommendations now on file in the War Department may be considered, and if the board finds the cases are deserving the men may be given their decorations.

EXHIBIT A

WAR DEPARTMENT,
Washington, March 17, 1928.

Hon. COLE L. BLEASE,
United States Senate.

DEAR SENATOR BLEASE: Further reference is made to your letter of the 12th instant, in which you requested that you be furnished with the names and citations of the first 12 men recommended for the award of the medal of honor, and the same information on the first 12 who were recommended for the award of the distinguished-service cross.

In compliance with your request, I am inclosing herewith two lists of the names of men who were recommended, or in whose behalf requests were made, for the award of the decorations mentioned subsequent to April 7, 1923. The action taken by the department in each case is shown on the lists, as well as the particular act or acts for which the recognition was sought.

The merits of these cases, as well as the merits of many other cases now on file in the War Department, all received since April 7, 1923, have not been decided upon, as the War Department is without authority to refer them to a board of awards for recommendation because such action is precluded by the law which terminated such awards on April 7, 1923.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

MEDAL OF HONOR

William E. Ashton, lieutenant colonel, Medical Corps, Medical Detachment, Seventy-eighth Division, American Expeditionary Forces.

First recommended for the award of the Congressional Medal of Honor on October 27, 1926, received in the War Department on October 29, 1926. The action for which he was recommended is substantially as follows:

"On or about October 17, 1918, the mess trench at the Headquarters, One hundred and fifty-fifth Infantry Brigade, Seventy-eighth Division, was struck by a shell as the officers were sitting down to their evening meal. Some five officers and men were killed and a greater number wounded by the shell exploding on the edge of the trench. When the division commander learned of this disaster two ambulances were ordered from division headquarters some 2 miles in the rear at Chatel Chehery. The surgeon on duty at headquarters, Lieut. Col. William E. Ashton, insisted on taking the ambulances to the front himself notwithstanding the protests of the division chief surgeon, who called his attention to the fact that the road to and the terrain occupied by the One hundred and fifty-fifth Infantry Brigade was under heavy artillery fire. Colonel Ashton, nevertheless, went forward instead of delegating it to any subordinate, promptly appearing with his relief to care for the wounded. His great skill and sound judgment undoubtedly saved the life of First Lieutenant John P. Twaddell, aide to the brigade commander, and aided in the disposition of other wounded in no less a degree."

This recommendation was not considered by the department inasmuch as the time limit set by law within which the medal of honor could be awarded for World War acts expired on April 7, 1923.

Jack H. Hammons, corporal, Company C, Ninth Field Signal Battalion, Fifth Division.

Awarded silver-star citation in General Orders, No. 61, Headquarters Fifth Division, American Expeditionary Forces, France, dated October 9, 1918, as follows:

"Between September 12 and 15, in the St. Mihiel salient, displayed conspicuous gallantry and devotion to duty by opening and operating telephone and buzzerphone stations under heavy machine-gun and shell fire."

Recommendation for the award of the medal of honor, received April 9, 1923, was not considered in the War Department as the time limit within which the medal of honor could, under the law, be awarded for acts performed during the World War had expired on April 7, 1923.

Oliver C. Farrant, sergeant, Ninety-sixth Company, Sixth Regiment, United States Marine Corps.

Awarded the distinguished-service cross by the commanding general American Expeditionary Forces on September 18, 1918, with the following citation:

"For extraordinary heroism in action in the attack on Tigny, France, July 19, 1918. He led his section with remarkable coolness and courage in the advance under heavy fire of machine guns and artillery. He was severely wounded, but continued to advance, thereby setting such an inspiring example to the men of his section that they routed the enemy."

Letter of September 13, 1922, asking whether or not a medal of honor can now be awarded posthumously to the above named, with copy of recommendation dated August 30, 1918, for the award of the distinguished-service cross, were considered in the department on March 3, 1923, and the award of the medal of honor was disapproved as the act performed was not deemed to meet the standard set by law for that award. The distinguished-service cross was considered to be the proper reward for the measure of gallantry displayed.

Request in his behalf for the medal of honor received on November 19, 1925, was not considered, inasmuch as the limit set by law within which the medal of honor could be awarded for a World War act had expired on April 7, 1923.

John C. Reynolds, private (first class), Company A, Fourth Infantry, Third Division.

No specific recommendation for medal of honor received. Affidavits made by Mr. Reynolds and officers and men with whom he served submitted in March, 1923, for acts alleged to have been performed July 15–17, 1918, in carrying messages under shell fire after having been wounded were considered in the department on April 7, 1923, for award of medal of honor, but such award was disapproved as the acts performed were not deemed to meet the standard set by law for the award of the medal

of honor. Certain other affidavits submitted since April 7, 1923, were placed on file without consideration, inasmuch as time limit set by law within which the medal of honor could be awarded had expired on April 7, 1923.

William Heineman, private, Company I, One hundred and sixty-fifth Infantry, Forty-second Division, American Expeditionary Forces.

Recommended for the distinguished-service cross March 26, 1923, for act of July 28, 1918. Considered by the War Department and disapproved as the act performed was not considered to meet the standard set by law for the award of the distinguished-service cross. However, he was awarded a silver star citation by the War Department, which citation is published in General Orders, No. 14, page 38, War Department, 1923, and is as follows:

"For gallantry in action near Serges, France, July 28, 1918. While carrying a wounded man to shelter the latter was killed, whereupon Private Heineman sought and found another wounded man whom he carried to the dressing station under a hail of enemy machine-gun fire."

This citation was considered the proper reward for the measure of gallantry displayed by Private Heineman.

Requests for consideration for the award of medal of honor were made to the department in 1924, but they were not considered, inasmuch as the time limit set by law within which the medal of honor could be awarded for World War acts expired on April 7, 1923.

Joseph P. O'Brien, private, Company A, One hundred and third Machine Gun Battalion, Twenty-sixth Division.

Awarded the distinguished-service cross by the War Department on June 29, 1922, with the following citation:

"For extraordinary heroism in action near Bouresches, France, July 18, 1918. Although severely wounded, Private O'Brien advanced in front of the line under terrific machine-gun fire and succeeded in rescuing a wounded comrade and carried him back to a place of safety. After receiving first-aid treatment, he again went forward and returned with the body of a company officer."

Recommendations and affidavits, recommending or suggesting the award of the medal of honor, received in the department in March, 1923, were considered in the department on April 5, 1923, and the award of the medal of honor was disapproved as the act performed was not deemed to meet the standard set by law for that award. The distinguished-service cross previously awarded was considered to be the proper reward for the measure of gallantry displayed. Requests in his behalf for the medal of honor received in September, 1923, were not considered, inasmuch as the time limit set by law within which the medal of honor could be awarded for World War acts had expired on April 7, 1923.

Taliesin Waters, second lieutenant, One hundred and seventh Field Artillery, Twenty-eighth Division. Recommendation for the award of the distinguished-service cross for act of September 6, 1918, near Baslieux, France, was considered and approved at general headquarters, American Expeditionary Forces, on November 21, 1918, with the following citation:

"For extraordinary heroism in action near Baslieux, France, September 6, 1918. He voluntarily went to the assistance of a large number of wounded soldiers who were in an exposed position waiting aid, and continued for several hours to dress their wounds throughout a severe bombardment of gas and high-explosive shells, while hostile airplanes flew low and swept with machine-gun fire the line of litters bearing the wounded. After administering aid to 36 wounded men he helped carry them to a place of safety."

Recommended for the award of the medal of honor in September, 1922, for the act of September 6, 1918. Considered by the War Department for the medal of honor on January 3, 1923, and disapproved, as the act performed was not considered to meet the standard set by law for the award of that medal.

Application in his behalf for medal of honor renewed on February 23, 1926, but was not considered, inasmuch as the time limit set by law within which the medal of honor could be awarded had expired on April 7, 1923.

Timothy J. Moynahan, major, Second Battalion, One hundred and forty-sixth Infantry, Thirty-seventh Division. Recommended for the award of the medal of honor, but awarded the distinguished-service cross by the commanding general American Expeditionary Forces on November 21, 1918. The citation is as follows:

"For extraordinary heroism in action near Cierges, France, September 28–30, 1918. Displaying remarkable personal courage and leadership, Major Moynahan personally led his battalion without support on either flank through terrific artillery bombardment in the face of direct machine-gun fire and enfilading fire from one-pounder guns on the right, capturing his objective on the ridge east of Cierges and repelling four hostile counterattacks."

A request for the medal of honor in behalf of Major Moynahan, received in the department February 6, 1924, was not considered for that award, inasmuch as the time limit set by law within which the medal of honor could be awarded for World War acts had expired on April 7, 1923.

Meade Frierson, jr., captain, Cavalry, attached to One hundred and twenty-fifth Infantry, Thirty-second Division. Recommended for the award of the distinguished-service cross in March, 1919, and such a decoration was (posthumously) awarded to him by the Commanding General, American Expeditionary Forces, on March 18, 1919. The citation is as follows:

"For extraordinary heroism in action near Sergy, France, July 31, 1918. He was continually at the head of his company in the attack on Hill 212, near Sergy, and was constantly exposed to the terrific enemy fire while leading his men forward. After the objective had been gained and the men had dug in on the crest of the hill, he remained on watch the entire night, constantly patrolling his company sector under the heavy rifle, machine gun, and artillery fire from the enemy's lines. He was later killed while on a hazardous reconnaissance in the vicinity of Juvigny, France."

A request for medal of honor, received December 7, 1923, was not considered for that award, as the time limit set by law within which the medal of honor could be awarded for acts performed during the World War had expired on April 7, 1923.

George Francis Patton, first lieutenant, Medical Corps, attached to One hundred and sixty-fifth Infantry, Forty-second Division.

Recommended for the award of the distinguished-service cross in 1922, for act of March 21, 1918, in the Luneville sector, France. Considered and disapproved by the War Department for the award of the distinguished-service cross on April 7, 1923, as the act performed was not considered to meet the standard set by law for the award of the distinguished-service cross.

Several requests for the congressional medal of honor, and recommendations for the distinguished-service cross, have been received in the War Department since April 7, 1923, in his case, but they were not considered inasmuch as the time limit set by law within which the medal of honor or distinguished-service cross could be awarded for World War acts had expired on April 7, 1923.

The action for which request was made for the medal of honor, and for which he was recommended for the distinguished-service cross, is substantially as follows:

"For extraordinary heroism on March 21, 1918, in the Luneville sector when the Third Battalion, One hundred and sixty-fifth Infantry, and in particular Company K of said battalion, was subjected to a severe gas and shell attack resulting in heavy casualties. Lieutenant Patton, at that time attached as medical officer to the Third Battalion, left the commanding officer's dugout and went a distance of 200 yards, through a heavily wooded sector, in order to give aid to wounded American soldiers and a French officer. In amputating the arm of one of the soldiers, upon finding he could not work properly with his gas mask, he threw the mask away. In spite of being badly burned by gas about the body and in addition suffering severely internally, he remained on duty until the entire battalion was evacuated from the sector, when he was then sent to hospital. This heroic behavior had a remarkably steadying effect upon the entire command and increased the spirit and morale of the troops."

James T. O'Neill, private, One hundred and tenth Ambulance Company, One hundred and third Sanitary Train, Twenty-eighth Division. Recommended for the award of the medal of honor in December, 1918, for act on August 10, 1918, at Fismes, France. Disapproved at General Headquarters, American Expeditionary Forces, for medal of honor and awarded distinguished-service cross as the proper reward for the measure of gallantry displayed. Reconsidered in the War Department in October, 1922, for medal of honor and disapproved, as the act performed was not considered to meet the standard set by law for the award of the medal of honor.

The action for which he was recommended for the medal of honor and awarded the distinguished-service cross is as follows:

"For extraordinary heroism in action at Fismes, France, August 10, 1918. Under heavy shell and machine-gun fire Private O'Neill voluntarily made five trips to ascertain the condition of a bridge over the Vesle River to make sure that it was safe for the passage of ambulances. Later, when the bridge became impassable for vehicles, this soldier crossed the bridge on foot and brought back food and medical supplies."

A request for the medal of honor, made in his behalf, received in the War Department September 8, 1923, was not considered, inasmuch as the time limit set by law within which the medal of honor could be awarded had expired on April 7, 1923.

William S. Brittain, second lieutenant, Machine Gun Company, One hundred and twenty-fifth Infantry, Thirty-second Division.

Recommendation for medal of honor received at General Headquarters, American Expeditionary Forces, in September, 1918; considered and disapproved as it was deemed that the act performed did not meet the standard set by law for such an award. He was, however, awarded the distinguished-service cross as the proper recognition for the measure of gallantry displayed. The citation is as follows:

"For extraordinary heroism in action near Juvigny, France, August 31, 1918. Lieut. W. S. Brittain, by his aggressive spirit and action, went out beyond the main Infantry line, pushed forward unsupported with his platoon and captured 2 German officers, 94 men, and 8 machine guns. From this point of action Lieutenant Brittain, with his platoon, proceeded in a direction from which firing could be heard and by his quick decision captured 2 enemy field guns, caliber 105, and 6

trench mortars, and immediately thereafter attacked and captured 30 prisoners and 3 additional heavy machine guns."

Reconsidered in the War Department in July, 1922, for the award of the medal of honor and disapproved, as it was deemed that the act performed did not meet the standard set by law for the award of the medal of honor.

Again recommended for the medal of honor in July, 1924, but this recommendation was not considered, inasmuch as the time limit set by law within which the medal of honor could be awarded for World War acts had expired on April 7, 1923.

DISTINGUISHED-SERVICE CROSS

Louis Doerr, private (first class), Company F, Three hundred and second Engineers, Seventy-seventh Division.

Recommendation for the award of the distinguished-service cross was received in War Department April 9, 1923, but no action was taken thereon, inasmuch as the time limit set by law within which the distinguished-service cross could be awarded for World War acts had expired on April 7, 1923.

The action for which he was recommended for the distinguished-service cross is the same act for which he and three other soldiers were awarded silver star citations in General Orders, No. 35, Headquarters Seventy-seventh Division, dated November 3, 1918. It is as follows:

"The following-named soldiers, for gallant conduct in reentering the Ravin Profond, Argonne Forest, in front of the advance elements of our division and in the face of machine-gun and snipers' fire, to search for Private Seaman, who was found to be missing from the detachment after a skirmish with enemy snipers a few minutes previously. This occurred on September 26, 1918."

Giovanni Fulginiti, private, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

Affidavits received April 9, 1923, wherein he was recommended for the award of the distinguished-service cross, were not considered in the War Department, as the time limit within which the distinguished-service cross could, under the law, be awarded for acts performed during the World War had expired on April 7, 1923.

The action for which he was recommended is as follows:

"On or about November 6, 1918, in the vicinity of Hill 378, the major of the First Battalion, Three hundred and sixteenth Infantry, two other officers, and some 25 men of the same organization, forced so far ahead in action that they got beyond our line into the enemy's territory and were surrounded by the enemy, with the result that the living, including the wounded, were captured, with the exception of Private Fulginiti, who laid still and feigned killed, with the result that the enemy passed him by as dead. The major, wounded, two officers, and some 25 men of our forces were captured and taken to the rear by the enemy. After darkness, Private Fulginiti crawled cautiously back to and joined his own company, thus performing an inspiring act and saving for our forces the services of a man which was so greatly needed at that stage of the combat."

Earl F. Tribou, sergeant, Battery E, One hundred and first Field Artillery, Twenty-sixth Division.

Recommended for the award of the distinguished-service cross on March 31, 1923, which recommendation, with accompanying papers, received consideration by the War Department on April 7, 1923, and was disapproved, as the act performed was deemed not to meet the standard set for the award of the distinguished-service cross. However, he was awarded a silver-star citation by the War Department, which citation appears in General Orders, No. 14, page 27, War Department, and is as follows:

"For gallantry in action on July 28, 1918, while his battery was in position near the Preaux Farm, on the heights south of Fere-en-Tardenois, Sergeant Tribou, though in an exposed position and under heavy enemy machine-gun fire from a low-flying enemy airplane attacking the battery position, coolly and valiantly directed the fire of one of the machine guns of his battery at the airplane at great risk to his own life, and by his coolness and skillful handling of his machine gun assisted in bringing down the enemy airplane."

An affidavit in support of the recommendation for distinguished-service cross received on April 10, 1923, was not considered, inasmuch as the time limit set by law within which the distinguished-service cross could be awarded for World War acts had expired on April 7, 1923.

Joseph A. Mullin, sergeant, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

Affidavit received April 9, 1923, wherein he was recommended for the posthumous award of the distinguished-service cross, was not considered, inasmuch as the time limit set by law within which the distinguished-service cross could be awarded for World War acts had expired on April 7, 1923. The action for which he was recommended is as follows:

"Sergeant Mullin had command of a platoon and during a German machine-gun barrage, preparatory to a counterattack, which resulted in the capture of one entire platoon, he directed fire on an approaching German platoon and repulsed them, thereby saving them from capture and also holding our position. Just at the beginning of the German barrage Sergeant Mullin came to his commanding officer and said, 'My God, lieutenant, we can not remain in this position,' to which the lieutenant replied, 'We must, sergeant.' With the spirit of the real soldier he was, he returned to his platoon. He met his death soon afterwards as a result of his determination to hold the position on Hill 378 at any cost."

William B. Fisher, corporal, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

Awarded a silver-star citation in General Orders, No. 29, Headquarters Seventy-ninth Division, American Expeditionary Forces, France, May 8, 1919, for gallantry in action and meritorious service, as follows:

"Pvt. (First Class) William B. Fisher, No. 1786335, Company C, Three hundred and sixteenth Infantry. Hill 378, near Verdun, November 5, 1918. He volunteered to take a message from the front line to the Battalion P. C. while the area was under exceptionally heavy shell fire. He delivered the message and returned to front line through heavy shell fire and machine-gun barrage. Having found that his company had been relieved, he joined the nearest company, remaining with the latter during the heavy fighting of the next two days and returned with that company when relieved."

Affidavits received April 9, 1923, wherein he was recommended for the award of the distinguished-service cross for the same act, were not considered in the War Department as the time limit set by law within which the distinguished-service cross could be awarded for acts performed during the World War had expired on April 7, 1923.

Ivan L. Lautenbacher, first lieutenant, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

Affidavits received April 9, 1923, wherein he was recommended for the posthumous award of the distinguished-service cross for act of September 27, 1918, at Montfaucon, France, were not considered in the War Department as the time limit within which the distinguished-service cross could, under the law, be awarded for acts performed during the World War had expired on April 7, 1923.

The action for which he was recommended is as follows:

"On the night of September 27, 1918, Lieut. Ivan L. Lautenbacher was ordered to the rear at Montfaucon, France, by his company commander because of serious illness. He was tagged for evacuation, but on the morning of September 28 he rejoined his company, Company C, Three hundred and sixteenth Infantry, and participated in the attack, having refused to be evacuated. His company commander was seriously wounded a few hours later, and Lieutenant Lautenbacher being second in command took charge of the company and pressed the attack. On October 2 he was seriously wounded, which resulted in his death a few days later."

James J. Halligan, first lieutenant, chaplain, Three hundred and eighth Infantry, Seventy-seventh Division.

Recommended for the award of the distinguished-service cross for acts of August 23, 1918, and from September 29 to October 1, 1918. Twice considered and disapproved at General Headquarters, A. E. F.; reconsidered and twice disapproved by the War Department on April 30, 1920, and April 5, 1923, respectively, as it was deemed that the acts performed did not meet the standard set by law for the award of the distinguished-service cross. Awarded silver-star citation by the Commanding General, A. E. F., in Citation Orders No. 2, G. H. Q., A. E. F., dated June 3, 1919, as follows:

"For gallantry in action August 23, 1918, in coming to Villa Savoye in the outpost zone on the Vesle River to arrange for the burial of four officers."

This citation was deemed the proper reward for the measure of gallantry displayed.

Application for distinguished-service cross for the act performed September 29 to October 1, 1918, was received in the department on April 11, 1923, but no action was taken inasmuch as the time limit within which the distinguished-service cross could be awarded for World War acts expired on April 7, 1923. The action on which this application was based is substantially as follows:

"In the Argonne Forest near Binarville from September 29 to October 1, 1918, Chaplain Halligan risked his life and showed extraordinary courage when he searched for three days through the forest, in constant danger from enemy machine-gun and sniper fire, until he found the body of Lieut. Col. Fred E. Smith, Three hundred and eighth Infantry. During this long search Chaplain Halligan was often several yards ahead of the outpost patrol squads and completely out of touch with his own regiment. The terrain was covered with thick brush and offered excellent concealment to enemy machine-gun posts."

Alvin S. Meredith, corporal, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

Affidavit received April 9, 1923, wherein he was recommended for the posthumous award of the distinguished-service cross, was not considered inasmuch as the time limit set by law within which the distinguished-service cross could be awarded for World War acts had expired on April 7, 1923. The action for which he was recommended is as follows:

"Corporal Meredith showed unusual bravery at a time when the Germans were putting over a heavy artillery and machine-gun barrage.

He was detailed to locate several new positions and was in the act of carrying out this order when he met his death."

George D. Livelsberger, sergeant, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

Awarded a silver-star citation in General Orders, No. 29, headquarters Seventy-ninth Division, dated May 8, 1919, for gallantry in action and meritorious service, as follows:

"Sergt. George D. Livelsberger, No. 1786833, Company C, Three hundred and sixteenth Infantry. On September 28, 1918, 500 meters north of Montfaucon, Sergeant Livelsberger (then a corporal) took command of a platoon that had suffered severe losses from enemy machine-gun fire, led the platoon around the left flank of an enemy spur trench in which were planted several machine guns, and led his men in a charge upon the crews of these guns. As a result of this action the enemy gunners abandoned their guns and those who were not killed retreated in disorder. This particular group of guns had held up the advance of our troops and just before being put out of action had caused the retirement of the company on the right."

Affidavits received April 9, 1923, wherein he was recommended for the award of the distinguished-service cross for the same act, were not considered in the War Department, as the time limit within which the distinguished-service cross could under the law be awarded for acts performed during the World War had expired on April 7, 1923.

Lawrence W. Seiberlich, private, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

Affidavit received April 9, 1923, wherein he was recommended for the posthumous award of the distinguished-service cross, was not considered inasmuch as the time limit set by law within which the distinguished-service cross could be awarded for World War acts had expired on April 7, 1923. The action for which he was recommended is as follows:

"A few days prior to the time when Pvt. Lawrence W. Seiberlich was wounded he was with the Browning Automatic Squad. His feet were in such condition at that time that he was unable to stand the hiking and was ordered to remain back. At his own suggestion he wanted to stay with the company and take up his original duties as cook. It was while he was in charge of the company kitchen that a direct hit was made upon same, which resulted in his being wounded to such extent that he died shortly afterward."

Adolph Kossman, corporal, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

Affidavit received April 9, 1923, wherein he was recommended for the award of the distinguished-service cross for act of November 5, 1918, was not considered inasmuch as the time limit set by law within which the distinguished-service cross could be awarded for World War acts had expired on April 7, 1923. For this act he and two other soldiers were awarded silver-star citations in General Orders, No. 29, headquarters Seventy-ninth Division, dated May 8, 1919. It is as follows:

"Hill 378, near Verdun, November 5, 1918. These three soldiers occupied a small shell hole on the front line. A few yards to the right a group of 15 men occupied a large shell hole. There were no other troops near this part of the line. The morning was very foggy and a large body of Germans (approximately 60) crept through the line, outflanked the 15 men in the large shell hole, disarmed them and ordered them to stand fast. These three men, when they observed what had occurred opened rapid fire on the Germans, killed six, and completely routed the others."

William A. Haas, corporal, Company C, Three hundred and sixteenth Infantry, Seventy-ninth Division.

He and two other soldiers were awarded silver-star citations in General Orders, No. 29, headquarters Seventy-ninth Division, American Expeditionary Forces, France, dated May 8, 1919, for gallantry in action and meritorious service, as follows:

"Pri. (First Class) William A. Haas, No. 1786482, Company C, Three hundred and sixteenth Infantry, Hill 378, near Verdun, November 5, 1918. These three soldiers occupied a small shell hole on the front line. A few yards to the right a group of 15 men occupied a large shell hole. There were no other troops near this part of the line. The morning was very foggy and a large body of Germans (approximately 60) crept through the line, outflanked the 15 men in the large shell hole, disarmed them, and ordered them to stand fast. These three men, when they observed what had occurred, opened rapid fire on the Germans, killed six and completely routed the others."

Affidavits received April 9, 1923, wherein he was recommended for the award of the distinguished-service cross for the same act, were not considered in the War Department as the time limit within which the distinguished-service cross could, under the law, be awarded for acts performed during the World War had expired on April 7, 1923.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On March 24, 1928:

S. 3. An act for the relief of Kate Mathews; and

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

On March 26, 1928:

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.;

S. 1856. An act for the relief of the Gunnison-Mayfield Land & Grazing Co.; and

S. 2279. An act authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes.

On March 27, 1928:

S. 1325. An act for the relief of John A. Fox.

On March 28, 1928:

S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.;

S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; and

S. J. Res. 31. Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McNARY. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER (Mr. EDGE in the chair). Without objection, that order will be made. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Office of the Secretary, salaries," on page 3, line 14, before the word "cotton," to insert "wheat and," so as to make the further proviso read:

Provided further, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of wheat and cotton or the trend of same.

The amendment was agreed to.

The next amendment was, under the subhead "Office of information," on page 4, after line 22, to insert the following subhead:

Salaries and general expenses

The amendment was agreed to.

The next amendment was, under the subhead "Printing and binding," on page 5, line 14, to increase the appropriation for all printing and binding for the Department of Agriculture, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, from "$742,000" to "$757,000."

The amendment was agreed to.

The next amendment was, on page 6, line 2, after the figures "1919," to insert a colon and the following proviso:

Provided, That $15,000 of the amount herein appropriated shall be available toward publication of a handbook on fruit and vegetable diseases.

The amendment was agreed to.

The next amendment was, on page 6, line 5, to change the total appropriation for the office of information from "$1,121,500" to "$1,136,500."

The amendment was agreed to.

The next amendment was, on page 6, line 19, in the subhead, after the word "Stations," to strike out "Salaries and general expenses" and insert "Payments to States," so as to make the subhead read:

Office of experiment stations—Payments to States.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert the following subhead:

Salaries and general expenses.

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "United," to strike out "States" and insert "States," so as to read:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island

of Guam, and the Virgin Islands of the United States, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $246,400, as follows: Alaska, $85,000; Hawaii, $54,940; Porto Rico, $56,460; Guam, $25,000; and the Virgin Islands of the United States, $25,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, under the subhead "Extension service—Salaries and general expenses," on page 11, after line 2, to insert "In all, salaries and expenses, $3,157,480."

The amendment was agreed to.

The next amendment was, under the subhead "Cooperative farm forestry," on page 11, line 12, after the word "areas," to strike out "or" and insert "for," so as to read:

For cooperation with appropriate officials of the various States or with other suitable agencies to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops under the provisions of section 5 of the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, $60,000, of which amount not to exceed $3,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 11, after line 17, to insert the subhead "Flood-devastated farm area relief."

The amendment was agreed to.

The next amendment was, on page 11, at the beginning of line 19, to strike out "Flood-devastated farm area relief" and insert the words as a subhead in line 18, so as to read:

FLOOD-DEVASTATED FARM AREA RELIEF

To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act for the purpose of rehabilitating farm lands in the flood areas," approved January 26, 1928, including the employment of persons and for traveling, subsistence, and other necessary expenses, $400,000, of which amount $110,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 12, line 5, to change the grand total appropriation, office of the Secretary of Agriculture, from "$10,164,096.88" to "$10,179,096.88."

The amendment was agreed to.

The next amendment was, under the heading "Weather Bureau, salaries and general expenses," on page 14, line 19, after the word "aerology," to strike out "$1,955,000" and insert "$1,962,000," so as to read:

For necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology, $1,962,000.

The amendment was agreed to.

The next amendment was, on page 15, line 2, after the word "elsewhere," to strike out "$266,500" and insert "$315,000," so as to read:

For the maintenance of stations, for observing, measuring, and investigating atmospheric phenomena, including salaries and other expenses in the city of Washington and elsewhere, $315,000.

The amendment was agreed to.

The next amendment was, on page 15, line 3, after the name "Weather Bureau," to strike out "$2,709,000" and insert "$2,764,500"; and in line 4, after the word "exceed," to strike out "$427,000" and insert "$431,000," so as to read:

Total, Weather Bureau, $2,764,500, of which amount not to exceed $431,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Animal Industry, salaries and general expenses," on page 17, line 17, after the word "animals," to strike out "$712,300" and insert "$714,600"; and in the same line, after the words "together with," to strike out "not to exceed," so as to read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of livestock, and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, $714,600, together with $20,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 18, line 4, after the word "authorities," to strike out "$5,718,310" and insert "$5,726,710"; in the same line, after the words "together with," to strike out "not to exceed"; and in line 7, before the word "shall," to strike out "$1,107,480" and insert "$1,123,580," so as to read:

For investigating the diseases of tuberculosis and paratuberculosis of animals for their control and eradication, for the tuberculin testing of animals, and for researches concerning the causes of the diseases, their modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, or State, Territory, or county authorities, $5,726,710, together with $18,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927, of which $1,123,580 shall be set aside for administrative and operating expenses and $4,621,130 for the payment of indemnities, of which $623,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 19, line 24, after the words "southern cattle ticks," to strike out "$709,300" and insert "$710,500"; and in the same line, after the words "together with," to strike out "not to exceed," so as to read:

For all necessary expenses for the eradication of southern cattle ticks, $710,500, together with $9,900 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

Mr. KING. Mr. President, may I inquire of the chairman of the committee, going back to page 12, the item of $10,179,096, whether that includes the appropriations made for this calendar year?

Mr. McNARY. It is for the total salaries for the Secretary, including the extension service, which is carried in the Smith-Lever Act, a bill supplemental to which the Senate Committee on Agriculture and Forestry is studying now, and in behalf of which the Senator from Utah appeared this morning. That sum, if carried in the bill known as the Capper-Hoch bill, would be added to this total sum of $10,000,000.

Mr. KING. I wanted to inquire in regard to what might be denominated the floating appropriation of one million several hundred thousand dollars. Is that included in this total?

Mr. McNARY. For what purpose?

Mr. KING. For extension work. In addition to the appropriation made by the Smith-Lever Act, there has been for a number of years another appropriation, independent of that, of something over a million dollars.

Mr. McNARY. That is carried in this item, too.

Mr. KING. I was just inquiring for information.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, on page 20, line 19, after the word "expenses," to strike out "$510,200" and insert "$525,200," so as to read:

Animal husbandry: For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $525,200.

The amendment was agreed to.

The next amendment was, on page 20, line 20, after the word "appropriated," to strike out "$100,650" and insert "$108,000," so as to make the proviso read:

Provided, That of the sum thus appropriated $108,000 may be used for experiments in poultry feeding and breeding.

The amendment was agreed to.

The next amendment was, on page 21, line 9, after the word "products," to strike out "$257,140" and insert "$347,140"; and in the same line, after the words "together with," to strike out "not to exceed," so as to read:

Diseases of animals: For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improve-

ment of the bureau experiment station at Bethesda, Md., and the necessary alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, $347,140, together with $9,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927: *Provided*, That of said sum $50,625 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals.

The amendment was agreed to.

Mr. KING. Mr. President, as the Senator in charge of the bill knows, we have been called upon to make appropriations to compensate for damages resulting from the alleged incompetence and inefficiency of representatives of the Bureau of Animal Industry in ordering the killing of cattle upon various pretexts, and the Government was compelled to make reparations for their negligence and incompetence.

I was wondering if the matter came before the committee, and if steps had been taken to assure that there will be no repetition of those incompetent acts in the future. By that I mean have those in charge of the Bureau of Animal Industry taken steps to secure more competent men and to prevent a repetition of the injustices and the wrongs and torts committed by officials of that bureau?

Mr. McNARY. I think it was two years ago, and perhaps this year also, there was an inference merely that there had been some mistakes made in the administration of that provision of the law. I assume it is very difficult to find any law on the statute books as to which some official did not make some mistakes in the administration of the law. However, it has been shown, I think, by Doctor Mohler, the very capable head of the Bureau of Animal Industry, that the tests have proved so effective that reactors in the case of cattle have been reduced from 5 per cent to 3 per cent, and the efficiency in the administration of those agencies in connection with the tuberculin test has increased considerably, and I think fewer mistakes will be found in the future.

Mr. KING. The Senator knows that on the calendar now there is a bill, and there may be more than one, which seeks to give persons the right to sue in the Federal courts for injuries sustained by them through the alleged negligence of representatives of the Bureau of Animal Industry in killing cattle that were not afflicted with any disease whatever. I had hoped that we would not have many bills of that kind. My information is there have been some very flagrant cases of negligence and incompetence upon the part of representatives of the bureau.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment was, on page 21, line 19, after the word "authorities," to strike out "$441,070" and insert "$442,670"; in line 20, after the words "together with," to strike out "not to exceed," so as to read:

For investigating the disease of hog cholera, and for its control or eradication by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers' associations, State or county authorities, $442,670, together with $22,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 21, line 22, after the word "sum," to strike out "$255,310" and insert "$257,310," so as to make the proviso read:

Provided, That of said sum $257,310 shall be available for expenditure in carrying out the provisions of the act approved March 4, 1913, regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals.

The amendment was agreed to.

The next amendment was, on page 22, line 8, after the words "together with," to strike out "not to exceed," so as to read:

For all necessary expenses for the investigation, treatment, and eradication of dourine, $23,000, together with $4,800 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 22, line 14, after the words "together with," to strike out "not to exceed," so as to read:

Packers and stockyards act: For necessary expenses in carrying out the provisions of the packers and stockyards act, approved August 15, 1921, $374,000, together with $36,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 23, line 3, to change the total appropriation for salaries and expenses of the Bureau of Animal Industry, from "$8,906,635" to "$9,025,135."

The amendment was agreed to.

The next amendment was, under the subhead "Meat inspection," on page 23, line 12, after the word "manufacture," to strike out "$2,176,400" and insert "$2,202,660"; and in line 13, after the words "together with," to strike out "not to exceed," so as to read:

For additional expenses in carrying out the provisions of the meat inspection act of June 30, 1906 (34 Stat. L. 674), as amended by the act of March 4, 1907 (34 Stat. L. 1256), and as extended to equine meat by the act of July 24, 1919 (41 Stat. L. 241), including the purchase of tags, labels, stamps, and certificates printed in course of manufacture, $2,202,660, together with $42,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 25, line 3, after the name "Bureau of Animal Industry," to strike out "$11,083,135" and insert "$11,227,895"; and in line 4, after the words "not to exceed," to strike out "$765,800" and insert "$800,000," so as to read:

Total, Bureau of Animal Industry, $11,227,895, of which amount not to exceed $800,000 may be expended for departmental personal services in the District of Columbia.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, I want to ask the chairman of the committee a question. The item on line 4, page 25, is increased from $765,800 to $800,000. Is that for salaries?

Mr. McNARY. That is the total, which was increased by reason of the increased compensation to the veterinarians.

Mr. CARAWAY. That is what I am coming to. Under what provision of law have the salaries of those officers been increased?

Mr. McNARY. I think there are four provisions relating to veterinarians in the bill. We made a general increase over and above the increase of the House and the estimate of the Director of the Budget, amounting to about $39,000, covering increases to 1,300 veterinarians, which equaled the estimate the Department of Agriculture had made to the Bureau of the Budget, which gives them a compensation of about $30 per year per man over and above the increase allowed by the House.

Mr. CARAWAY. What is the average salary of the veterinarian?

Mr. McNARY. The average salary of those in grade P–1, numbering about 250, is $1,860 to $2,400; in grade P–2, numbering about 940, about two-thirds of them, the average salary is from $2,400 to $3,000.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, under the heading "Bureau of Dairy Industry, salaries and general expenses," on page 25, line 22, after the word "factories," to strike out "$452,000" and insert "$465,000," so as to read:

For conducting investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the various States, and inspection of renovated butter factories, $465,000.

The amendment was agreed to.

The next amendment was, on page 25, line 23, to change the total appropriation for salaries and general expenses, Bureau of Dairy Industry, from "$514,300" to "$527,300."

The amendment was agreed to.

The next amendment was, on page 25, after line 23, to insert the subhead "Field station, Woodward, Okla."

The amendment was agreed to.

The next amendment was, on page 26, line 5, to change the total appropriation for the Bureau of Dairy Industry from "$526,600" to "$539,600."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Plant Industry, salaries and general expenses," on page 27, line 9, to increase the appropriation for investigation of diseases of orchard and other fruits, including the diseases of the pecan, from "$174,400" to "$184,400."

The amendment was agreed to.

The next amendment was, on page 27, line 20, after the word "purposes," to strike out "$40,000" and insert "$45,000," so as to read:

Citrus canker eradication: For conducting such investigations of the nature and means of communication of the disease of citrus trees known as citrus canker, and for applying such methods of eradication

or control of the disease as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means, in the city of Washington and elsewhere, and cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, $45,000; and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations for the accomplishment of such purposes.

The amendment was agreed to.

The next amendment was, on page 29, line 16, after the name "United States," to strike out "$255,800" and insert "$300,000," so as to read:

Cotton, rubber, and other tropical plants: For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton and other fiber plants by cultural methods, breeding, and selection, and for determining the feasibility of increasing the production of hard fibers outside of the continental United States, $300,000.

The amendment was agreed to.

The next amendment was, on page 29, line 19, after the word "sum," to strike out "$105,000" and insert "$130,000," so as to make the further proviso read:

Provided further, That of this sum $130,000 may be used for explorations, research, and field experiments relating to potential rubber-producing plants.

The amendment was agreed to.

The next amendment was, on page 30, line 14, to increase the appropriation for studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa, and lawn-grass seeds secured in the open market, etc., from "$70,000" to "$74,000."

The amendment was agreed to.

The next amendment was, on page 31, line 4, after the word "production," to strike out "$728,000" and insert "$733,000"; and in line 5, after the words "together with," to strike out "not to exceed," so as to read:

Cereal crops and diseases: For the investigation and improvement of cereals, including corn, and methods of cereal production and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broomcorn and methods of broomcorn production, $733,000, together with $17,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 31, line 23, after the words "together with," to strike out "not to exceed," so as to read:

Sugar plants: For sugar-plant investigations, including studies of diseases and the improvement of sugar beets and sugar-beet seed, $183,179, together with $18,076 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 32, at the end of line 3, to increase the appropriation for investigation, improvement, and utilization of wild plants and grazing lands, and for determining the distribution of weeds and means of their control, from "$47,780" to "$50,280."

The amendment was agreed to.

The next amendment was, on page 32, line 7, to increase the appropriation for the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions from "$208,050" to "$218,050."

The amendment was agreed to.

The next amendment was, on page 32, line 19, after the words "field station," to insert "except $10,000 at Umatilla, Oreg.," so as to make the proviso read:

Provided further, That no part of this appropriation shall be used for the establishment of any new field station except $10,000 at Umatilla, Oreg.

Mr. McNARY. Mr. President, I desire to offer an amendment to the committee amendment on page 32, line 19, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 32, line 19, in lieu of the amendment offered by the committee, insert the following: "except $10,000 in Umatilla County, Oreg."

Mr. McNARY. That merely inserts the name of the county, to make it more definite.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 32, after line 19, to insert:

Horticultural experiment station, Cheyenne, Wyo.: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States," approved March 19, 1928, including the erection of buildings and fences, the construction of irrigation facilities, the employment of persons, and for other necessary expenses, to be immediately available, $100,000.

The amendment was agreed to.

The next amendment was, on page 33, line 19, after the word "storage," to strike out "$240,000" and insert "$260,000," so as to read:

Pomology: For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, handling, and studies of the physiological and related changes of fruits and vegetables during the processes of marketing and while in commercial storage, $260,000.

The amendment was agreed to.

The next amendment was, on page 35, line 10, after the word "plants," to strike out "$142,500" and insert "$165,000," so as to read:

Forage crops: For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants, $165,000.

The amendment was agreed to.

The next amendment was, on page 35, line 14, to change the total appropriation for the Bureau of Plant Industry from "$4,216,436" to "$4,439,636."

The amendment was agreed to.

The next amendment was, under the heading "Forest Service, salaries and general expenses," on page 41, line 18, to increase the appropriation for experiments and investigations of range conditions within the national forests or elsewhere on the public range, and of methods for improving the range by reseeding, regulation of grazing, and other means, from "$49,755" to "$64,000."

The amendment was agreed to.

The next amendment was, on page 41, line 22, to increase the appropriation for the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, from "$200,000" to "$220,000."

The amendment was agreed to.

The next amendment was, on page 42, line 12, after the words "national forests," to strike out "$587,900" and insert "$617,900," so as to read:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $617,900, of which amount $125,000 is reserved for expenditure on the Angeles, Cleveland, Santa Barbara, and San Bernardino National Forests in southern California.

The amendment was agreed to.

The next amendment was, on page 42, line 24, after the words "not to exceed," to strike out "$50,000" and insert "$80,000," so as to make the additional proviso read:

Provided further, That not to exceed $80,000 may be expended for the construction and maintenance of boundary and range division fences, counting corrals, stock driveways and bridges, the development of stock-watering places, and the eradication of poisonous plants on the national forests:

The amendment was agreed to.

The next amendment was, on page 43, line 7, after the words "general expenses," to strike out "$8,860,105" and insert "$8,924,350," so as to read:

In all, salaries and general expenses, $8,924,350; and in addition thereto there are hereby appropriated all moneys received as contributions toward cooperative work under the provisions of section 1 of the act approved March 3, 1925, which funds shall be covered into the Treasury and constitute a part of the special funds provided by the act of June 30, 1914.

The amendment was agreed to.

The next amendment was, on page 45, line 4, to change the total appropriation for the Forest Service, from "$11,135,105" to "$11,199,350."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Chemistry and Soils, salaries and general expenses," on page 46, line 2, after the word "analysis," to strike out "$246,000" and insert "$259,000," so as to read:

For conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture; for the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism; to cooperate with associations and scientific societies in the development of methods of analysis, $259,000.

The amendment was agreed to.

The next amendment was, on page 46, line 23, to strike out "$42,743" and insert "$52,743," so as to read:

For the investigation and development of methods for the prevention of farm fires and of grain-dust, smut-dust, and other plant-dust explosions and resulting fires, including fires in cotton gins and cotton-oil mills, independently or in cooperation with individuals, associations, or corporations, $52,743.

The amendment was agreed to.

The next amendment was, on page 48, at the end of line 12, to change the total appropriation for the Bureau of Chemistry and Soils from "$1,270,613" to "$1,293,613."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Entomology, salaries and general expenses," on page 49, line 9, to strike out "$319,500" and insert "$324,500," so as to read:

For insects affecting deciduous fruits, grapes, and nuts, and including research on the Japanese and Asiatic beetles, $324,500.

The amendment was agreed to.

The next amendment was, on page 49, at the end of line 14, to strike out "$228,090" and insert "$232,500," so as to read:

For insects affecting truck and garden crops and including insects affecting tobacco and sugar beets, $232,500.

The amendment was agreed to.

The next amendment was, on page 49, at the end of line 20, to strike out "$433,740" and insert "$438,740," so as to read:

For insects affecting cereal and forage crops, including sugar cane and rice, and including research on the European corn borer, $438,740.

Mr. ODDIE. Mr. President, at this point I ask permission to have printed in the RECORD a letter from George G. Schweis, entomologist in the office of the State quarantine officer of Nevada, regarding the necessity for an increased appropriation of $5,000 for the investigation of alfalfa-weevil conditions, which is included in this item. It refers to investigation of alfalfa-meal milling.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

OFFICE OF STATE QUARANTINE OFFICER, STATE OF NEVADA,
UNIVERSITY OF NEVADA,
Reno, Nev., February 17, 1928.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR ODDIE: We have not heard anything from you recently as to whether the $5,000 for the study and investigation of the alfalfa weevil in connection with the shipment of alfalfa meal the entire year has been replaced on the appropriation bill.

This is a matter of vital importance to Nevada and also certain other Western States that are infested with the weevil, as the alfalfa meal business has assumed large proportions and it is providing a great financial relief to many of the small hay growers who did not have enough hay to attract large cattle feeders to their ranches. The result was that many of these small producers had two, three, and four years' hay crops on their hands and were unable to dispose of them in any way. In turn they owed the merchants and the merchants owed the banks and wholesalers and it produced a situation in certain of our counties that was indeed a hardship on all persons concerned.

The meal industry was started by having the quarantine officials of California visit with me at an alfalfa-meal mill at Fallon, where we conducted certain tests that proved conclusively that all weevils in the hay were destroyed by the process of milling, and at that time the California officials agreed that if these mills were placed under the supervision and direction of the Nevada State quarantine officials, that meal from such mills would be admitted to the State of California for shipment during five months of the year; that is, from November 1 to March 31, which is supposed to be the inactive or hibernating stage of the weevil.

On our own behalf we have conducted other tests which proved to us conclusively that if the proper safeguards were taken that meal could be shipped the entire year without endangering the agriculture of any other State. However, as we were interested parties in the matter we thought it highly desirable that the Federal Government take over this phase of the investigation as we did not want the quarantine officials of other States to consider that we were conducting an investigation that would be prejudiced to their interests.

We took the matter up with Mr. George I. Reeves of the United States Department of Agriculture, Bureau of Entomology, Salt Lake City, and he was also of the opinion that if the facts were known it would be possible to convince other officials that this meal could be placed in interstate commerce without endangering their interests, but he stated that there was no money available to hire a man suitable for this work.

Through your efforts $5,000 of the emergency appropriation of the Department of Agriculture was placed at the disposal of Mr. Reeves and the work was started, and as far as he has gone the results have been very satisfactory. If the investigation is stopped at this time, it simply means that the money already expended has been entirely wasted and we are in the same position as we were before we started, as nothing of a conclusive nature has yet been decided; therefore we are again appealing to you for your assistance in having this item of $5,000 restored to the agricultural appropriations bill.

If you care to have us do so, we could take the matter up with the quarantine officials of other infested States, and it may be possible that through their representatives assistance might be rendered you in having this item restored. The weevil-infested States at the present time that may be interested in the matter are as follows: Utah, Idaho, Colorado, Wyoming, Oregon (three counties being infested), and California (three infested counties).

We trust that we may hear from you in the near future, and any assistance that we can render will be cheerfully given.

Very truly yours,

GEORGE G. SCHWEIS.

I ask permission to have inserted in the RECORD the following letters from Acting Secretary of Agriculture Dunlap, written in response to my inquiry, which will show the status of the investigation of the alfalfa weevil with respect to this particular subject, together with the efforts the Department of Agriculture has made to secure the necessary funds to continue those investigations:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., January 14, 1928.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR: I have your letter of January 5, 1928, asking about the appropriation for investigating the feasibility of shipping alfalfa meal during the entire year.

The investigations on the alfalfa weevil consist of studies on its behavior and development in order to determine the most efficient and economical means of control. The determination of its distribution, means of spread, and a study of the introduced parasites are also included. These investigations have been conducted for a number of years, but have not been completed, and any curtailment of them now would greatly jeopardize the obtaining of expected results. No specific sum has ever been allotted for investigations to determine if the quarantine on alfalfa meal might be modified in such a way as to permit shipments of meal throughout the entire year. The Budget for 1929, as submitted to Congress, does not provide an increase for the project under which investigations on the alfalfa weevil are conducted.

Sincerely,

R. W. DUNLAP, *Acting Secretary.*

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, February 29, 1928.

Hon. TASKER L. ODDIE,
United States Senate.

DEAR SENATOR: In response to your letter of February 22, asking for additional information concerning the matter discussed in your letter of January 5, you are advised:

The Budget as submitted to Congress includes $5,000 increase under the Bureau of Agricultural Economics to provide for studies on the standardization of alfalfa meal and conditions governing the marketing of this product. These investigations are especially necessary at this time to enable the department to advise growers of alfalfa as to the best methods of grading and marketing this product, the movement of which is hampered by the quarantine on the alfalfa weevil.

Answering your inquiry as to what recommendations were made for the study of the alfalfa weevil to determine whether it would be possible so to modify the quarantine on alfalfa meal as to permit the shipments of the meal throughout the entire year, I may say that the

department estimates included an item of $5,000 for that purpose under the Bureau of Entomology. This item is not included in the Budget.

Sincerely yours,

R. W. DUNLAP, *Assistant Secretary.*

The amendment was agreed to.

The next amendment was, on page 49, line 25, to strike out "$80,180" and insert "$95,180," so as to read:

For insects affecting man and domestic animals, $95,180.

The amendment was agreed to.

The next amendment was, on page 50, line 5, after the words "together with," to strike out "not to exceed," so as to read:

For bee culture, $49,380, together with $3,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 50, line 8, after the name "Bureau of Entomology," to strike out "$1,952,248" and insert "$1,981,658"; and in line 9, after the word "exceed," to strike out "$351,300" and insert "$354,300," so as to read:

Total, Bureau of Entomology, $1,981,658, of which amount not to exceed $354,300 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Biological Survey, salaries and general expenses," on page 50, line 21, to increase the appropriation for necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, from "$67,020" to "$68,500."

The amendment was agreed to.

The next amendment was, on page 51, line 7, after the name "United States," to strike out "$69,000" and insert "$99,000, of which sum $30,000 shall be available for increase of the water supply by the construction of a dam across Cold Springs Creek," so as to read:

For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," $99,000, of which sum $30,000 shall be available for increase of the water supply by the construction of a dam across Cold Springs Creek.

The amendment was agreed to.

The next amendment was, on page 51, line 23, after the word "animals," to strike out "$595,500" and insert "$657,500"; and in line 24, after the words "together with," to strike out "not to exceed," so as to read:

For investigating the food habits of North American birds and other animals in relation to agriculture, horticulture, and forestry; for investigations, experiments, and demonstrations in connection with rearing fur-bearing animals; for experiments, demonstrations, and cooperation in destroying mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game; and for the protection of stock and other domestic animals through the suppression of rabies in predatory wild animals, $657,500, together with $12,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

The amendment was agreed to.

The next amendment was, on page 52, line 4, to strike out "$40,000" and insert "$45,000," so as to read:

For biological investigations, including the relations, habits, geographic distribution, and migration of animals and plants, and the preparation of maps of the life zones, $45,000.

The amendment was agreed to.

The next amendment was, on page 52, line 9, after the word "therewith," to strike out "$163,000" and insert "$175,000," so as to read:

For all necessary expenses for enforcing the provisions of the migratory bird treaty act of July 3, 1918 (40 Stat. L. 755), and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $175,000.

The amendment was agreed to.

The next amendment was, on page 53, at the end of line 3, to change the total appropriation for salaries and expenses, Bureau of Biological Survey, from "$1,034,520" to "$1,145,000."

The amendment was agreed to.

The next amendment was, under the subhead "Upper Mississippi River refuge," on page 53, line 23, after the name "Bureau of Biological Survey," to strike out "$1,074,520" and insert "$1,185,000"; and in line 24, after the words "not to exceed," to strike out "$209,520" and insert "$217,000," so as to read:

Total, Bureau of Biological Survey, $1,185,000, of which amount not to exceed $217,000 may be expended for departmental personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Agricultural Economics, salaries and general expenses," on page 57, line 13, after the word "products," to strike out "$715,000" and insert "$775,000," so as to read:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, including scientific and technical research into American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and for collecting and disseminating information on the adjustment of production to probable demand for the different farm and animal products, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products, $775,000.

Mr. HEFLIN. Mr. President, on page 56, in the provisions of the Bureau of Agricultural Economics, I notice the following language:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, including scientific and technical research into American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and for collecting and disseminating information on the adjustment of production to probable demand for the different farm and animal products, independently and in cooperation with other branches of the department, State agencies—

And so forth.

I want to suggest in this connection, while we are going over this particular provision in the bill, that it must be positively understood that there is no authority in this provision for the Bureau of Economics to forecast prices of farm products, and I do not think the Senate has ever intended to confer such power upon any agency of the Government.

On September 15, 1927, this bureau did a very strange thing, something that I had never known it to do before. That action is without a parallel, so far as I know. That little bureau actually predicted what the price of cotton would be for the next few months following that day. Think of that, Senators! Are we going to appropriate the money of the people, farmers included, to pay salaries and keep these agencies in office at the seat of government to work in concert with the vast speculative interests of the country to depress the prices of cotton and other farm products? This bureau, strange to say, exceedingly strange, I will say, after stating that the cotton crop of 1927 would be much smaller than they had expected, estimating the cotton yield at 800,000 bales below the estimate of a month before and saying the crop would be less than 13,000,000 bales, made the astounding statement that, therefore, the prices for the next few months would be lower.

Mr. President, I do not hesitate to say that I can not help thinking that the "bear" speculators in cotton strangely influenced somebody in the Bureau of Economics to do this terrible thing, and I am surprised that the offending officials have not already been removed. The pressure is great and the temptation is strong in all the bureaus that have to do with cotton and grain, and some strange things have happened. I have a concrete example which I would like to call to the attention of the Senate.

About the time I came to Congress two Government employees in the Department of Agriculture, a Mr. Hyde and a Mr. Holmes, connived with speculators on the New York Cotton Exchange to change their cotton report and arbitrarily add 250,000 bales to their estimate. They were paid, as I

recall, $40,000 apiece to do that thieving work. How do you suppose they gave the signal to their partners in the crime—the New York speculators?

The morning that they were to give out the Government report they had an understanding with their coconspirators in New York that if they found that they could add the additional amount desired, one of them would go to a big window in the building where he worked and put his open hand up against it and stand there in that position for a minute or two at 9.30 a. m., 30 minutes before the report was to be given out. That was the signal to those outside, who would understand what he meant by standing there that the 250,000 bales suggested would be added. They immediately ran to the telegraph offices and wired in code message to their friends in New York that the thing had been consummated, so their friends went upon the exchange and speculated according to what they knew the influence of that report would be upon the market, and my recollection is that it broke the market about $7 a bale.

Mr. HARRIS. Mr. President——

Mr. HEFLIN. I gladly yield to my friend from Georgia.

Mr. HARRIS. I call the attention of the Senator from Alabama to the language on page 3 of the bill, as follows:

Provided further, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of wheat and cotton or the trend of same.

No man who does such a thing is permitted under the law to draw any salary.

Mr. HEFLIN. I am glad the Senator from Georgia has read that provision. It does specifically cover one phase of this evil. But it does not go far enough. There should be a severe penalty, for tampering with or in any way changing Government reports. The Government officials who took it upon themselves to predict cotton prices on September 15, 1927, ought to be removed from office.

Senators, do any of you know how much that unauthorized prediction of cotton prices cost the cotton farmers of the United States? A former president of the New York Cotton Exchange, of New York, Mr. Marsh, testifying before the committee which is now investigating the New York Cotton Exchange in connection with the activities of the Department of Agriculture, was asked by me, "How much do you think that prediction, which broke the price of cotton and started a 'bear' raid upon the market cost the cotton farmers of the United States?"

He said, "At least $250,000,000 on the cotton crop of 1927." It is more than that, Mr. President. It cost the farmer $40 a bale on a crop of 12,500,000 bales. That would amount in a loss on one cotton crop to $500,000,000. Senators, I submit that we ought to clean house at the seat of government and refuse to permit anyone to remain in office who uses and abuses the power of his office to help rob the American farmer.

Mr. McKELLAR. Mr. President——

Mr. HEFLIN. I am glad to yield to my friend from Tennessee.

Mr. McKELLAR. The Senator spoke of hearings before his committee. Did the Secretary of Agriculture or anyone in his department responsible for these predictions ever explain in any way why they were made, or were they called upon to explain why they were made?

Mr. HEFLIN. Mr. Tenny, the head of this particular bureau, has been interrogated just a little about it. He will be thoroughly examined upon the question. He stated that he thought they had authority to do it, and we asserted that it never had been done before and that he did not have the authority to do so, but that we would give him ample opportunity to explain his conduct in the matter. I do not think that he had any authority to do what he did. I never heard of it being done before. In this particular instance I do know that what he did broke the price of cotton $10 a bale immediately, demoralized the market to such an extent that it kept on breaking all down the line, until it reached a loss of $40 a bale on a crop of 12,500,000 bales. That is a tremendous loss to the cotton farmers of the United States. We ought not to permit Government officials to join hands with the cotton gamblers to rob the cotton producers of our country or the grain producers. If we can not prevent crooks from getting into the department and doing such things, then we ought to abolish the offices they hold.

Mr. McKELLAR. Mr. President, will the Senator yield again?

Mr. HEFLIN. Certainly.

Mr. McKELLAR. Does not the Senator think that the matter ought to be gone into to this extent? The Senator said he does not believe the Secretary of Agriculture or his representative had any right to make these predictions. I do not believe so, either; but I imagine that there is some provision of the law under which he believed he had the right to do it. Ought not that provision of the law to be ascertained, and if there is any such provision, ought not the Committee on Agriculture and Forestry to report out a bill changing the law? I hope the Senator, when Mr. Tenny comes before his committee again, will undertake to do that. Something should be done. These men in the Department of Agriculture who lend themselves to any such infamous scheme as was concocted last September ought to be put out of office for ruining the price of cotton in the way it was ruined.

Mr. HEFLIN. The Senator from Tennessee is entirely correct. I challenged his authority to do this and asserted he could not show me any authority to do it. The Senator from Georgia [Mr. HARRIS] has just read the new provision in the pending bill, which, I think, will prevent this particular thing from happening any more. We can not place too many safeguards around reports that have to do with cotton.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Texas?

Mr. HEFLIN. Certainly.

Mr. SHEPPARD. This forecast was made under what is called a monthly price analysis. The officials claimed that they had authority to issue this forecast under the appropriation items for the Bureau of Agricultural Economics for this fiscal year, reading in part, "For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products," and "for collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture."

I am told that this language may be found on page 24 of the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928. I think it will be readily seen that authority to make forecasts as to the price of cotton and the trend of the price of cotton can not fairly be said to be authorized by the language I have read.

Mr. HEFLIN. I thank the able Senator from Texas. I agree with him heartily. There is no authority in the law for such action. The Government's business is to gather statistics; to tell about crop prospects; to tell about how much cotton is on hand; to tell about how much cotton is being exported, what the consumptive demand is, to give as accurately as possible the statistical position of cotton; and then to leave the public to decide for itself what it thinks the price is going to be. The absurd idea of a Government official arrogating to himself the right to put this great Government in the business of predicting the price of cotton and other farm products.

That is not the worst feature of this cotton calamity, for that low-price prediction followed what everybody says who knows anything about the cotton business, that it was a bullish report which indicated an upward trend of cotton prices. Cotton merchants had testified before our committee to the effect that in view of the fact that a small crop was being made, the price had been going up steadily for more than a month, but that after this gentleman had finished giving facts justifying an advance in price, he predicted that for the next few months "the price of cotton will be lower."

Strange indeed!

Mr. President, if the "bear" gamblers on the exchange of New York or elsewhere had hired a man to go out and forecast or make a prediction as to prices, he could not have played into their hands more than did the man who made this prediction in the name of the Government of the United States. It looks to me as though there is something rotten in Denmark.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Texas?

Mr. HEFLIN. I yield to the Senator.

Mr. SHEPPARD. Does the Senator from Alabama think that it is within human power accurately to forecast the price of cotton or the trend of the price of cotton? I do not think it is.

Mr. HEFLIN. That is exactly what the ex-president of the New York Exchange said. He said, "No man can be absolutely certain of that; you may think you know and speculate according to the way you think; but the market may not go the way you think it is going." He said it was humanly

impossible to predict with certainty. Here, however, is a man, held in his position by the Government, wielding this great power over this most important agricultural product, the good or bad price of which affects for good or ill thirty-odd million of people. He has it in his power to beat down the price and lose to the farmers of the Cotton Belt from $250,000,000 to $500,000,000 in one year. It is inexcusable and indefensible.

Mr. McKELLAR. Mr. President——

Mr. HEFLIN. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, under the conditions that the Senator from Alabama has depicted it seems to me that steps ought to be taken at once, and ought to have been taken long ago, to have this man removed from the place he holds. According to the law that has been read by the Senator from Texas [Mr. SHEPPARD] it is perfectly apparent that this man had no right or authority to make any such prediction; and, of course, coming from the source it did, namely, the bureau where statistics are gathered, necessarily it would have a great influence upon the price of cotton. I hope that the Senator from Alabama, being on the Committee on Agriculture and Forestry, will undertake at the earliest possible moment to offer a resolution dealing with this man who so far forgot himself as to undertake to manipulate the cotton market of the country.

Mr. HEFLIN. Mr. President, I agree with the Senator from Tennessee, and I think he will be satisfied with the report the committee will make when it gets through with this matter. I myself suggested to Mr. Jardine some months ago that he ought to remove this man; in fact, I wired him to that effect. As soon as this report was made I received telegrams from all over the country from cotton producers and cotton merchants, saying: "Wire protest to Secretary of Agriculture; nothing like this ever occurred before. What right did this man have to make such a prediction? Every circumstance and every piece of evidence connected with the market tends to show that the price of cotton should go higher. Why should he predict that it will go down?" So I wired the Secretary of Agriculture and suggested that he remove this man; but it is hard to get one of these fellows out when he once gets in and begins to feather his nest. However, I think we can pry some of them out now, and we want the valuable assistance of the able Senator from Tennessee when we get ready for that operation.

Mr. McKELLAR. Mr. President, I shall be glad to cooperate in the matter. I think if the Secretary of Agriculture is undertaking to keep a man of this character in office that makes the Secretary of Agriculture a party to the transaction. His conduct in holding the man there after a protest, I think, makes the Secretary of Agriculture just as guilty as is the man himself, and I think he also ought to be dealt with. I have long thought so.

Mr. HEFLIN. Mr. President, I wish the Senator from Tennessee and the other Senators could have been present when the able and distinguished chairman of the subcommittee, now conducting this investigation, the Senator from South Carolina [Mr. SMITH], who, I think, knows more about cotton than does anybody else who has ever been in either branch of Congress—read this prediction to the committee and to Mr. Tenny and made some very pertinent comments.

Mr. President, I am ready to join with those from the grain-growing section of the country and enact such a statute as is necessary, not only to dispose of such handy gentlemen in the Agriculture Department, but that will put them in the penitentiary for conduct of this character, hobnobbing and conniving with the speculative interests to rob the farmers of the country. It must be stopped. Those on the inside who get this crop information have it in their power to warp and twist it and make it to suit themselves, and if there be a crooked man in the department, working with them on the outside, they can control the price, as they did in this instance, affect a whole crop, involving a loss to the producers of from $250,000,000 to $500,000,000, and put that many millions in the pockets of somebody else.

Mr. McNARY obtained the floor.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. McNARY. I wish to make a brief observation before we depart too far from the subject which has been discussed by the Senator from Alabama [Mr. HEFLIN], and then I will yield. On page 3, beginning in line 7 and ending in line 14 in the pending bill, the very thing about which the Senator from Alabama has decried is prohibited by statutory language. The prohibition is against "any prediction, oral or written, or forecast with respect to future prices of wheat and cotton or the trend of same." The word "cotton" was inserted in the House as an amendment and "wheat" was inserted at the suggestion of the Appropriations Committee of the Senate.

Mr. HEFLIN. I think that thoroughly covers the situation, Mr. President.

Mr. SIMMONS. Mr. President, I do not know whether it does or not. Is there any penalty provided in case an officer should disregard the law in this respect and give out forecasts and statements that may result in the loss of millions and millions of dollars and work great harm to the country?

Mr. McNARY. It does not carry any penal provision. This is an appropriation bill, and we are not attempting to make it a legislative bill. It was thought best by the committee to proceed along the line indicated by the bill, because certain other legislation now pending in Congress covers the same subject specifically and legislatively, and in a way that will carry a penalty. I may add that, while of course there is no penal provision, there is a penalty which probably will be just as effective, for, under the provision, no salary can be paid to any person who gives out such forecasts.

Mr. SIMMONS. That is a penalty if that is provided for.

Mr. McNARY. I thought the Senator was discussing "penalty" in the usual acceptation of the word.

Mr. SIMMONS. No. Of course, I did not mean a provision for an indictment. I had reference to the very thing which the Senator has pointed out, and I wanted to know whether there was such a provision in the bill.

Mr. McNARY. There is the provision in the bill to which I have referred.

Mr. McKELLAR. Mr. President, may I ask the Senator from Oregon to look at the two provisos at the bottom of page 58. Are they a part of the same restriction? I will read them:

Provided further, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intentions of farmers as to the acreage to be planted in cotton: *Provided further*, That no part of the funds herein appropriated shall be available for the preparation of mid-monthly reports of cotton estimates for the months of July, August, and November.

Mr. McNARY. They cover two distinct activities of the Department of Agriculture.

Mr. McKELLAR. That is another activity, and does not refer to the particular subject under discussion by the Senator from Alabama?

Mr. McNARY. Not at all. That language has been carried, I may say, for a great many years. The language to which I made reference is entirely new, so far as wheat is concerned in this body, and so far as cotton is concerned in the other body.

Mr. McKELLAR. Mr. President, I wish to say that in the committee, as the Senator knows, I approved the language on page 3, prohibiting the giving out of such information; and I approve it very strongly now, and think the committee is to be congratulated upon inserting it in the bill.

Mr. McNARY. I think the Senator's approval before the committee was very persuasive.

Mr. HEFLIN. Mr. President, in response to what the Senator from North Carolina [Mr. SIMMONS] suggested, I agree that there ought to be some severe penalty for this conduct along the line that I have suggested. Of course, withholding the salary is some punishment; but if the gamblers could have obtained the consent of an officer of the Government to make the prediction that this man made, they would have been willing to give him many times his salary to make that prediction. It was worth many millions to them.

When I was in the House, I think in 1907, we amended the Federal statute touching matters somewhat similar and provided a penalty for any Government official who changed figures or made a fraudulent or false report, and so forth. I am not sure that it would meet this case; and I should like to have the Senator from North Carolina look into that very carefully himself and see if he thinks it requires a special act to cover just such a case.

Mr. SIMMONS. Mr. President, I think the punishment proposed—"punishment" is a better word than "penalty"—is very inadequate to the crime, as the Senator from Alabama has so well pointed out; but this is not a bill to prescribe the punishment to be imposed for crime or dereliction in office. It is simply a bill appropriating for the support of the Agriculture Department; and, incidentally, in connection with this particular matter, it provides for depriving the officer of his salary if he does not faithfully carry out the law. I think probably it would be better legislation if we should enact a

criminal provision providing adequate punishment for a man who is guilty of an offense of this sort.

Some may think it is a very small offense; but where the failure of an officer to perform a plain duty, or the betrayal of an officer in the discharge of an official duty, hurtfully and seriously affects millions of his fellow-citizens to the extent that this failure affected the cotton farmers during the last year, something drastic is required in order to protect the public; and, if the Senator from Alabama can find the time in the discharge of his arduous duties, I wish he would prepare a bill providing adequate punishment for public officials guilty of this sort of crime against the American farmer.

Mr. HEFLIN. I shall be glad to do that, Mr. President. I think the provision we have in the bill to-day ought to be followed up by a separate act.

Mr. SMITH Mr. President, in connection with the discussion of this proposed feature of the agricultural bill, prohibiting any bureau or department or division of the Agriculture Department from making any price predictions, I think the manner in which we have drawn our agricultural appropriation bill and the legislation incorporated in it ought now to define clearly the duty and function of each bureau, and provide a penalty for violating those duties and functions.

I want to call attention to one specific thing done by the Bureau of Economics in connection with this monstrous thing of predicting what the trend of prices would be. They also in the same bulletin, on the opposite page to that on which this astounding prediction was printed, estimated and gave out as official the amount of cotton that was left over from the preceding cotton year which was to go into the incoming new cotton year.

This function by law is turned over to what is known as the Bureau of the Census. It is their duty to collect the statistics as to the amount of cotton ginned. We have gone so far as to require all the ginners in this country to make stated reports to the Bureau of the Census of the actual number of bales ginned; and at the end of what is called the cotton year—the 31st day of July or the 1st day of August—they are to report how much American cotton is held in stock in this country in all holding establishments of every kind, so that this carry-over, added to the incoming crop, will constitute the supply for the next cotton year; namely, from August 1 of one year to August 1 of the next.

I wish to point out what the Bureau of Economics said; and I want those who are interested in dealing fairly with the great disorganized mass that produce our farm products to hear what was actually done in that bulletin. The Bureau of Economics said that the carry-over of cotton for the year 1927-28, beginning with August 1, 1927, and running to August 1, 1928, would be 7,800,000 bales. As soon as that statement was promulgated, it was challenged by Mr. Hester, of New Orleans, who is recognized the world over as perhaps the greatest authority on cotton statistics in the world. He is secretary of the New Orleans Cotton Exchange. He is a man now 80 years of age; and his figures, under the acid test of those who have to deal in this thing, have been accepted for a long time as being perhaps the last word on this subject.

Mr. Hester challenged those figures, and asked the source of them. Of course, he was not a Government official, but he was charged with the duty of promulgating what was the available stock not only of American cotton but of the world's stocks of cotton. He said that the American stock was something like 1,000,000 bales less—less, mind you—than the amount promulgated by the Bureau of Economics.

Of course, my attention was attracted by this, as I and all other southern men are interested in the prosperity of those who produce cotton, and in a just return to them, so I came up to Washington to ascertain from the Bureau of Economics the sources of its figures. That bureau had no part or parcel, under the law, in obtaining statistics and promulgating them; but, being a part of the Federal Government, of course the trade took its figures as official, especially those whose interest it was to try to depress the price of cotton at that time, perhaps, for their personal interest. But before I would take sides either with Mr. Hester or with the Bureau of Economics I came on here to get the sources from which the bureau had gotten its figures, and, as far as it was possible for me to do so, to ascertain the validity of them, if the sources were such that I could judge between the old statistician, Hester, and this new adventure on the part of the Bureau of Economics.

I asked for an interview with those having this bureau in charge. First there was sent to me their statistician. I asked him the sources of their information as to the amount of American cotton at home and abroad. He submitted to me a table to show me the sources of their information. I wish I had known that this matter was coming up. I should like to insert that table in the RECORD right at this point. In that table there was Mr. Hester, of New Orleans; there was the New York Commercial and Financial Chronicle; there was the Bureau of the Census, the bureau that we do charge with gathering these facts and promulgating them; there was Mr. Theodore Price's Finance and Commerce; and there was the spinners' organization.

These figures were in parallel columns. The first half of the column was devoted to the amount of American cotton in America. The other half of the column was devoted to the amount of American cotton held in foreign ports and in foreign consuming establishments—or, in a word, held abroad. This remarkable thing is in my possession now and is available to Members of the Senate. The figures were taken almost verbatim et literatim from the figures furnished by the New York Commercial and Financial Chronicle.

Mr. McKELLAR. Mr. President, did they differ materially from the report of the Bureau of the Census?

Mr. SMITH. Let me explain in regard to that.

The Bureau of the Census did not attempt in these figures to show the amount of cotton held abroad, but did show the stock in America; and the difference between the stock estimated by them as held in America and the estimate made by the Commercial and Financial Chronicle was upward of 300,000 bales less. Now, catch the significance of this: Here was a bureau in the Agricultural Department, known as the Bureau of Economics, giving out a statement as to the world carry-over of cotton, and their statement differing from the statement of the department's Bureau of the Census by over 300,000 bales. In other words, they ignored the Government sources and took a private source.

Mr. SIMMONS. Mr. President, the Senator says they refused to take the census report. The census report is based upon the quantity actually ginned, is it not?

Mr. SMITH. Yes; and we charge them not only to take the ginning report but to gather cotton statistics and collate them for the benefit of those engaged in the business. It is the work we have set aside for them.

Mr. McKELLAR. Mr. President, did the Senator suggest a provision in this bill to the effect that no part of the appropriation shall be used by the Bureau of Economics to duplicate work done by the Census Bureau? I think that ought to be done.

Mr. SMITH. I am merely calling attention to the matter now. I have not had the time to prepare an amendment. I have been so busily engaged in digging into the monstrous condition that has arisen this year in the marketing of our cotton crop, absolutely inexcusable on any ground save that somewhere, somehow, by some artificial force the market has been put disastrously low, to the utter ruin of the Senator's section and mine.

Mr. McKELLAR. If we were to take away the funds of this bureau to be used for duplicating this work, it seems to me that would be the most effective way to handle it. I do not know just what provision of the bill carries this appropriation, but certainly there ought to be a limitation on the appropriation to the effect that the bureau shall not use any of that appropriation for the purpose of duplicating this work.

Mr. SMITH. I think there ought to be a comprehensive provision placed in the bill to the effect that no department shall duplicate the work of another department and no bureau shall be allowed to duplicate the work of any other bureau, and that there should be provided a penalty for the doing of such a thing.

The point to which I want to call attention is that if our departments and bureaus are to be of benefit to the country we must maintain their integrity, we must have confidence in the thoroughness of their work, the honesty of their work, the objective of their work. The moment there is doubt cast upon a bureau its efficiency is gone. Here is a bureau in one department absolutely assuming the work of another and then ignoring the work of the other. In other words, the Bureau of Economics absolutely ignored the Bureau of the Census in tabulating the figures as to how much American cotton in America would be carried into a new crop to an amount exceeding 300,000 bales.

One of two things is true, either the Bureau of Economics is right or the Bureau of the Census is right, and if the Bureau of the Census is right, the Bureau of Economics is wrong, and vice versa. We are appropriating money here in order impartially to acquaint the American people with the actual existence of any given commercial commodity as it is moving. Yet, in this hour of the South's need, comes this monstrous prediction that prices would decline, and on the other page is a statement made by a Government bureau that the carry-over was 7,800,000

bales, which were the exact figures of a private concern in contravention of what our own bureau in another department had said.

Those are the facts, capable of documentary proof, gotten from the Bureau of Economics. They say they got the figures from all these sources. The estimate made by the New York Commercial and Financial Chronicle was that we had 7,818,000 bales. Mr. Hester claimed we had an amount that was something in excess of 6,900,000, in round figures, a difference of approximately a million bales. In all reason, if the Bureau of Economics wanted to go outside of our own bureau, charged with doing that work, they would have been more excusable, perhaps, if they had taken a concern of 50 years' standing, one that had the confidence of the entire cotton world, rather than a paper in New York. What its interests are I do not know, but before the investigation is through I hope to know. The subcommittee of which I happen to be chairman, which is investigating this matter, has as one of its duties the burden of finding out, if they can, about the interests of those who have been quoted by this Bureau of Economics.

Mr. SHEPPARD. Mr. President, what is the name of the concern of 50 years' standing to which the Senator refers?

Mr. SMITH. I am speaking about Mr. Hester as the statistician. It is true, he is secretary of the New Orleans Cotton Exchange, but his figures have been very reliable, and I think every man on this floor will agree to that. But I do not think we ought to allow this agricultural appropriation bill to pass without definitely determining and stating that no bureau or division or subdivision shall be allowed to duplicate the word of some other division or bureau, certainly not in the monstrous manner in which the Bureau of Economics distorted or ignored the report of the Bureau of the Census.

The result of that particular bulletin, issued on the 15th day of September, was to precipitate a decline in the price of cotton, which continued from September, when the main part of the crop was being moved immediately from the hands of the producer to the primary market, broke the price, until at the end it was $40 a bale less than the producer was getting when that monstrous thing was issued. Think of an ordinary farmer, who makes five bales of cotton. The average is not above 10 to the individual producer. Wipe out $40 a bale and you wipe out the basis of his meager hope of meeting the obligations incurred in producing the cotton.

I suggest that Senators read that bulletin and the context, the description of the preceding condition, that the boll weevil was spreading and its ravages becoming more disastrous; the consumption of the world was increasing by leaps and bounds; the crop was early and would soon be gathered; every bullish element that would tend to put the price of cotton up was recited. They were recited faithfully. Then, as the conclusion of the recital of these favorable conditions for a higher price, it says this curious thing:

If the relationship of supply and price—

Not supply and demand—

If the relationship of supply and price continues, cotton will decline for the next few months.

That precipitated a drop in less than two days of $10 a bale, and the price gradually went down until it reached the difference of $40 a bale.

I maintain that we have no department here that has the right to volunteer information not warranted by the facts or circumstances, that would aid and abet the great bear speculative interests to the ruin of the cotton producers.

Then, in addition to that monstrous prediction, was the estimate of the amount of cotton carried from the old crop into the new crop, more than a quarter of a million bales in excess of what our own bureau in another department, which we charge with that duty, said was the carry-over.

These are some of the things we are trying to investigate in the Committee on Agriculture. We propose to get the facts as far as we can and report them to this body, and let the Senate take such action as it thinks the facts will warrant.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I want to introduce an amendment to the bill and have it pending when we have completed the consideration of committee amendments. I will wait until those are finished, and then I will offer the amendment.

The PRESIDENT pro tempore. The amendment will lie on the table for the present.

Mr. FLETCHER. Mr. President, I desire to move a reconsideration of the vote whereby the amendment on page 46, line 23, was agreed to. I wish to move to amend the amendment by increasing the amount by at least $5,000.

Mr. McNARY. We are considering, under unanimous consent, committee amendments, and I doubt the propriety of offering such a motion at this time.

Mr. FLETCHER. I desire to offer an amendment to the amendment to increase the amount. Therefore I move to reconsider the vote by which the amendment was agreed to.

The PRESIDENT pro tempore. That motion may be entertained, but action on the amendment will be deferred. The question is on the motion proposed by the Senator from Florida that the Senate reconsider its action by which it agreed to the amendment on page 46, line 23.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment.

The next amendment of the Committee on Appropriations was, on page 57, line 18, after the word "receipts," to insert a colon and the following additional proviso:

Provided further, That $50,000 of the above amount, of which $10,000 shall be immediately available, may be used to enable the Secretary of Agriculture to complete an experiment in the grading and marking of meats under standards fixed by the Department of Agriculture.

The amendment was agreed to.

The next amendment was, on page 58, line 2, after the word "cotton," to strike out "stock" and insert "stocks"; and in line 6, after the word "agencies," to strike out "$728,000" and insert "$738,000," so as to read:

For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops, and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the Extension Service and other Federal, State, and local agencies, $738,000:

The amendment was agreed to.

The next amendment was, on page 58, line 6, after the word "That," to strike out "$89,660" and insert "$99,660," so as to make the proviso read:

Provided, That $99,660 shall be available for collecting and disseminating to American producers, importers, exporters, and other interested persons information relative to the world supply of and need for American agricultural products, marketing methods, conditions, prices, and other factors, a knowledge of which is necessary to the advantageous disposition of such products in foreign countries, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distribution of farm and food products, including the purchase of such books and periodicals as may be necessary in connection with this work.

The amendment was agreed to.

The next amendment was, on page 60, at the end of line 24, to change the total appropriation for salaries and expenses, Bureau of Agricultural Economics, from "$4,208,060" to "$4,278,060."

The amendment was agreed to.

The next amendment was, on page 65, line 4, after the name "Bureau of Agricultural Economics," to strike out "$5,548,280" and insert "$5,618,280," and in line 5, after the words "not to exceed," to strike out "$2,024,700" and insert "$2,031,700," so as to read:

Total, Bureau of Agricultural Economics, $5,618,280, of which amount not to exceed $2,031,700 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Passenger-carrying vehicles," on page 74, line 11, after the words "not to exceed," to strike out "$165,000" and insert "$175,000," so as to read:

That not to exceed $175,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Forest roads and trails," on page 77, line 23, after the name "District of Columbia," to strike out "$6,500,000" and insert "$7,500,000"; and on page 78, line 2, after the word "and," to strike out "$2,555,000" and insert "$3,555,000," so as to read:

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed $47,000 for departmental personal services in the District of Columbia, $7,500,000,

which sum is composed of $3,945,000, part of the sum of $7,500,000 authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926, and $3,555,000, part of the amount authorized to be appropriated for the fiscal year 1929 by the act approved June 22, 1926.

The amendment was agreed to.

The next amendment was, on page 79, at the end of line 22, to change the total appropriation for the Department of Agriculture from "$132,488,849.88" to "$134,237,444.88."

The amendment was agreed to.

The PRESIDENT pro tempore. This concludes the reading of the bill for action on the amendments of the committee.

Mr. McNARY. I offer the following amendment of the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 79, after line 21, insert the following:

Eighth International Dairy Congress: For the expenses of the United States in participating in the Eighth International Dairy Congress, to be held in Great Britain during June and July, 1928, as authorized by Public Resolution No. 10, Seventieth Congress, approved February 25, 1928, including the compensation of employees, transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such other expenses as the President shall deem proper, to be expended under the direction of the Secretary of State, $10,000, fiscal year 1929, to be immediately available, $10,000.

The amendment was agreed to.

Mr. McNARY. I offer the concluding motion from the Committee on Appropriations.

The PRESIDENT pro tempore. The motion will be stated.

The CHIEF CLERK. The Senator from Oregon moves that the clerk be authorized to correct all totals in the bill.

The motion was agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment on page 46, line 23, reconsidered on the motion of the Senator from Florida [Mr. FLETCHER].

Mr. FLETCHER. Mr. President, I would like to offer the amendment to the amendment which I have in mind with reference to that provision, and we can dispose of it now, I think.

A situation has arisen in the Everglades of Florida which makes it very important that there should be some extension of the investigation as to fires. That department should send some representatives down there to see if they can check the fires now ravaging the Everglades. That land is muck land. The water is taken off of it, and it is very dry. Fires have appeared in a number of places, and they are almost beyond control. I think a little help from the department or some of the experts would be of very great assistance in enabling us to control the fires and prevent their recurring, and to devise plans for stopping them when they do occur. It is of vast importance, because if that muck land gets afire it will burn up and that will be the end of the soil. The fires have broken out recently in a number of places, and the department have told me that they believe they have some experts who would be of very great assistance to us. I move that the amendment of the committee be increased by $5,000.

Mr. McNARY. It is a very new situation and a very imperative one, is it not?

Mr. FLETCHER. It is. I move that the amount named in the amendment of the committee be increased by $5,000, making the total $57,743.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida to the amendment of the committee, which will be stated.

The CHIEF CLERK. On page 46, line 23, amend the committee amendment by striking out "$52,743" and inserting in lieu thereof "$57,743," so as to make the paragraph read:

For the investigation and development of methods for the prevention of farm fires and of grain-dust, smut-dust, and other plant-dust explosions and resulting fires, including fires in cotton gins and cotton-oil mills, independently or in cooperation with individuals, associations, or corporations, $57,743.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KEYES. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the proper place insert the following:

FLOOD RELIEF, VERMONT AND NEW HAMPSHIRE

For the relief of the State of Vermont, $2,654,000, and for the relief of the State of New Hampshire, $653,300, in the matter of roads and bridges damaged or destroyed by the flood of 1927: *Provided*, That any sums appropriated under this authorization shall be expended in accordance with the provisions of the Federal highway act, except that the provision limiting Federal payments to not exceed $15,000 per mile shall not apply and the provision restricting the expenditure of Federal funds upon roads on the system of Federal-aid highways shall not apply to the extent that such expenditure is hereby authorized on roads and bridges not on but which are extensions of said system within municipalities having a population of 2,500 or more, as shown by the last available census.

Mr. FLETCHER. Mr. President, I would like to ask the Senator with reference to the amendment. I do not want to oppose the amendment, but is the agricultural appropriation bill the proper place to offer an amendment of this kind? Not only that, but have there been estimates for it? Is it in order now to put it on this bill? Has it been estimated for?

The PRESIDENT pro tempore. The Chair is informed that the proper estimate has been made.

Mr. KEYES. That is correct.

Mr. FLETCHER. Was it taken up by the committee?

Mr. KEYES. The amendment was introduced on the afternoon the bill was reported out from the Committee on Appropriations.

Mr. BARKLEY. Mr. President, I will say to the Senator from Florida that extended hearings were held before the Committee on Roads in the House on this bill and one relating to Kentucky, and there appeared representatives of the State Highway Commissions of Vermont and New Hampshire. The amount carried in the amendment proposed is the amount reported favorably by the Committee on Roads in the House, and the two bills are now on the calendar awaiting the action of the House. We are seeking to get the appropriation in this way in order to save time because of the emergency.

Mr. FLETCHER. I thoroughly sympathize with this course and admit it is a commendable thing. What I am aggrieved about a little is that Florida is being entirely left out of this proposal or any similar proposal. I do not like very much to speak about floods and I do not like to boast of disasters of that kind or to advertise them particularly, but I want to read just a moment from the report of the Red Cross with reference to Florida floods:

The wind and water combined to leave a trail of devastation such as few States have ever experienced. A total of 327 persons lost their lives.

I think the evidence before our committee was that less than 100 persons lost their lives in the great Mississippi flood, and yet we have appropriated $325,000,000 for that purpose. Here in this flood 327 persons lost their lives and 6,327 were injured, of which number 1,000 were seriously hurt. This information comes from the Red Cross itself. This is from a disinterested outside party:

Property damage has been variously estimated at between $75,000,000 and $150,000,000. Most estimates, however, agree that it was not under $100,000,000.

That was suffered in September, 1926. We have had nothing at all from the Government. We have never offered any amendment to any bill to take care of any part of this loss or destruction. I am willing that these matters shall be taken care of, and I give notice that I am going to offer an amendment, not to take care of the $100,000,000 or any great portion of it. I have a letter from the good roads department of Florida to the effect that the damage estimated to the public highways in Florida amounts to $48,000. That is a very small item. If the amendment now pending is agreed to, I propose to offer an amendment to cover that item in Florida because I know we are certainly entitled to what the public roads department reports as the damage to the public roads in that State.

Mr. DALE. Mr. President, will the Senator yield?

Mr. FLETCHER. Certainly.

Mr. DALE. In neither one of these cases are we asking for the total damage to roads. The State has to put up dollar for dollar for every dollar that is contributed by the Federal Government.

Mr. FLETCHER. I appreciate that. The sum of $48,000 is the estimate of the bureau to add to the damage to the roads in Florida.

The PRESIDENT pro tempore. The Chair, in his capacity as a Senator from New Hampshire, wishes to say that his State in addition has already contributed five times the amount asked for.

Mr. FLETCHER. We have suffered a loss of $100,000,000 and we have not asked for any sort of an appropriation from the Federal Government.

Mr. McKELLAR. Mr. President, I express the very earnest hope that the amendment of the Senator from New Hampshire will be unanimously agreed to.

Mr. NORRIS. Mr. President, I do not know that I would oppose this appropriation on a fair hearing. It may be such a disaster that the Federal Government ought to take care of it. But I am impressed with what the Senator from Florida [Mr. FLETCHER] said. I am afraid if we start in on this proposition without having it referred to a committee and given consideration, there will be no end to it. Would it not follow that a flood anywhere which tore up a road and damaged it, if we establish this precedent, would justify any State in coming to Congress to ask that the damages be paid?

Mr. DALE. Mr. President, I assume the Senator realizes that the amount which is carried in the amendment is exactly the same amount that is carried in the bill to which the Senator from Kentucky referred, on which there have been extended hearings, and the bill has been reported unanimously by the committee. The only reason why we are asking it in this way is that it will take so long to get the bill through. The bill will pass Congress, and there is no doubt about it, but Vermont has got to get to work. We can not let any contracts; we can not start any work on the roads until we have this appropriation. If we have to wait a few weeks we shall be seriously delayed. The Senator knows very well the snow flies up there pretty early in what is summertime in some other States, and we will be a year behind if we are very much longer delayed.

Mr. NORRIS. As I said, it may be that on proper consideration I should favor the amendment, because I know that oftimes there are disasters which are so great that it is unfair to put the entire burden upon the States. We have had an illustration of that in the flood control bill. We have had illustrations of that in a good many catastrophes. The State of Florida, for instance, had a terrible wind and flood down there. Should the Federal Government compensate for the loss? Perhaps it should contribute. California just recently had some terrible floods. It is fair to presume some of their roads were torn out. Should we consider that matter too?

Mr. MOSES and Mr. DALE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. Let me say a word or two further and then I will yield the floor.

We ought, it seems to me, to proceed by appropriate bill if we are going to go into this business. We ought to draw the line somewhere. A few years ago there was a terrible windstorm in the city of Omaha, Nebr., that caused millions and millions of dollars of damage and killed quite a number of people. The Federal Government was not asked to make any appropriation in that case.

The point I am trying to make is that if we are going into the practice of making an appropriation from the Federal Treasury when any disaster occurs we ought at least to do it after full consideration, and we ought to treat every community alike; we ought to draw the line somewhere so as to show when the Federal Government may be called upon to assist in compensating local communities for damages that come from the act of God.

Mr. DALE and Mr. MOSES addressed the Chair.

Mr. NORRIS. I yield first to the Senator from Vermont.

Mr. DALE. The Senator from Nebraska will realize that the cases that he has cited here are not similar to this case.

Mr. NORRIS. No.

Mr. DALE. In this case we are simply asking that the Federal Government help restore the Federal-aid roads as they were built in the first place. The State of Vermont is required to give dollar for dollar just as it did when these roads were first constructed. We are simply asking the Federal Government to assume the loss sustained by the Federal Government on these Federal-aid roads.

Mr. NORRIS. Mr. President, I am not at the present time arguing that that is wrong, but if we are going to act on that kind of theory, we ought to remember that if every road anywhere in the United States, toward the building of which the Federal Government has contributed, were destroyed by some catastrophe it would be no worse than if it should be destroyed by use and wear. There would not be any end to such legislation, in my judgment, unless we should establish some precedent and draw some line that would be logical and along which we ought to travel. It would not be different if these Vermont roads had been destroyed by hail or hurricanes or the falling down of forest trees in a case where a road runs through a forest. Would the Senator have the Government repair a few rods of cement that had been torn out by the falling down of a tree? I do not think that anybody would ask the Government to do that.

However, somewhere between that kind of a case and the case where 100 miles of road might be destroyed, we should draw a line; we ought to establish, as nearly as we can, a scientific method by which we could decide when the Government should go in and recompense the loss local communities have suffered. We ought to treat them all alike.

Mr. DALE. There is no doubt about that.

Mr. NORRIS. What I am afraid of is that if we attach to an appropriation bill some provision of this kind we shall be establishing a precedent that will come home to trouble us. The Senator from Florida [Mr. FLETCHER] has already stated that, if this amendment shall be adopted, he desires a similar amendment to cover damage growing out of the disaster that occurred to Florida; and I think he would be entitled to it. As I remember, the damage done in Florida was even greater than in New England.

I myself can not draw a distinction between the destruction of a road, by an act of God, that the Government has built and the destruction of some road that somebody else has built if it should be destroyed by the same means. It is a loss to the community, but the Government does not obligate itself to keep a road in repair after it shall have helped to build it; in fact, as I remember the law, there is a distinct provision which relieves the Government from taking care of a road after it has once been established.

I sympathize, of course, with the communities in New England, and I say frankly that the damage may be so great that we ought to extend help from the Federal Treasury; but I do not believe we ought to do it in a haphazard way, because thereby we shall be opening the door here to many similar appeals. If we shall establish such a precedent without enacting the proper legislation under which such relief might be afforded, we shall make it in order where any road is damaged by an act of God, even though the damage may not be more than $10, to call on the Federal Government to make the damage good and repair the road. I can see endless trouble ahead if we shall legislate in that way without first laying down a rule by law. It seems to me such legislation should not be enacted in this manner.

Mr. FLETCHER. Mr. President——

Mr. NORRIS. I yield to the Senator from Florida.

Mr. FLETCHER. I think the Senator from Nebraska in the main is perfectly correct in his position, but would the Senator not draw some distinction in the case of some great unprecedented calamity such as the floods in Florida, Connecticut, and New Hampshire?

Mr. NORRIS. I would, and I have so stated. I am not saying that this is not that kind of a case; I am inclined to think it is; I agree that probably it is a case where the Federal Government ought to go to the relief of the people of those States; but what I am trying to guard against is the doing of such a thing haphazardly, without a rule or law that shall control our action. If we undertake to do it in that way, we are going to get into endless difficulty, in my judgment, before we get through.

Mr. FLETCHER. Mr. President, I think the only way I could countenance any provision of this kind at all would be on the basis that such catastrophes were unprecedented. We never had such a calamity, for instance, in Florida in a hundred or at least in fifty years. The same thing is true of the New England States, where occurred a most unprecedented and sudden disaster. I think there is a distinction between the ordinary rains and floods and such extensive floods as occurred in those instances.

Mr. NORRIS. Mr. President, I will say before I close that the amendment, of course, is subject to a point of order; but I am not going to make it. My sympathy is entirely the other way, and I had rather err on that side than the other; but I do not believe that we ought to legislate in this way. It seems to me we ought to try to enact legislation that would be a guide when relief was sought by communities in cases of this kind.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. KEYES].

The amendment was agreed to.

The VICE PRESIDENT. The amendment proposed by the Senator from Kentucky [Mr. BARKLEY] will be stated.

The CHIEF CLERK. On page 79, after line 21, it is proposed to insert:

FLOOD RELIEF, KENTUCKY

For the relief of the State of Kentucky, to restore and recondition the roads and bridges damaged or destroyed by the floods in said

State in the year 1927, the sum of $1,889,994: *Provided*, That any sums hereby appropriated shall be expended under the supervision and direction of the Department of Agriculture and Bureau of Public Roads in cooperation with the State Highway Department of the State of Kentucky: *Provided further*, That the amount herein appropriated shall be available when the State of Kentucky shall make available a like sum, which shall be expended to restore and recondition said roads and bridges: *Provided further*, That not more than $3,000 per mile on any road and not more than $15,000 on any bridge shall be expended out of the funds hereby appropriated: *Provided further*, That no part of the sum herein appropriated shall be expended for rights of way, or damages of any kind or character, or for engineering fees incurred by the State of Kentucky, or any division thereof, or for the restoration of any road, street, or highway within any incorporated town or city.

Mr. NORRIS. Of course, nobody dare object to that amendment; of course, it is perfectly proper. I wish simply to call attention to the fact that what I have said has been vindicated, and we will be doing this kind of business without end.

Mr. WARREN. Mr. President, may I ask who offered the amendment?

Mr. BARKLEY. I offered the amendment.

Mr. WARREN. Of course, it is clearly legislation. What has the Senator with which to fortify it, in the way of law or estimate? Has he had any statement from the Budget regarding the amendment?

Mr. BARKLEY. It has the same force behind it, I will say, as has the amendment which has just been adopted and which was offered by the Senator from New Hampshire [Mr. KEYES]. In the sudden flood of 1927 in the Kentucky River $56,000,000 worth of property was destroyed and 91 lives were lost; more than 2,500 miles of road were destroyed, and in one county 25 bridges were washed out. Some of the counties in east Kentucky had voted bonds for local road purposes in conjunction with State and Federal aid up to the limit under the State constitution. This flood, which poured down the valleys of east Kentucky a stream of water that ranged from 10 feet to 75 feet in height and destroyed property to the value I have indicated and the roads, was over within two or three days.

Mr. WARREN. When did it occur?

Mr. BARKLEY. It occurred at the same time the Mississippi River flood was at its height and, therefore, nobody paid any attention to it. The press could not give any space to the flood in Kentucky, although, especially in loss of life, it almost equaled the Mississippi River flood. The legislature of our State has appropriated $2,000,000 to match the appropriation provided by the amendment.

Mr. WARREN. Did the Senator attempt to attach the amendment to the bill which was before us on yesterday and which was passed? I refer to the bill relating to flood control.

Mr. BARKLEY. No; because the House Committee on Good Roads held exhaustive hearings not only with reference to the Kentucky situation, but with reference to the Vermont and New Hampshire situation, which has just been taken care of by the amendment offered by the Senator from New Hampshire. The House committee reported unanimously a bill carrying this identical amount as an authorization. Our State highway department is ready to proceed with the reconstruction of these roads. It is very essential that the appropriation be made at once, because many rural roads are out of commission; many children are denied even the opportunity to go to school by reason of the fact that roads and bridges have been destroyed, and the counties and local authorities are not financially able to contribute anything under the limitations on their bond issues to the reconstruction of the highways. Therefore, we feel that it will be in the interest of the people and a just recognition of the obligation of the Government in this matter to make this appropriation available as soon as possible.

Mr. WARREN. Mr. President, I have listened attentively to what the Senator from Kentucky has said, and I appreciate the situation which he has described. Sometimes it is easy for a man to resist his enemies, but it is a very difficult task to resist his friends. In view of what the Senator from Nebraska [Mr. NORRIS] has so well said, let me ask what position will the chairman of the Committee on Appropriations be in if he fails to insist upon the observance of the rules of the Senate which he, as well as other Members of the Senate, is bound to obey? What is he going to do in a case like this? A rule was framed when, as I recall, the control of the Senate was on the other side of the aisle, which had to do with amendments to appropriation bills.

I remember very well the then senior Senator from Alabama moving an amendment which provided that under no circumstances should an amendment be received to an appropriation bill that embodies legislation, and the amendment to the rules went so far as to provide that if the committee should recommend anything that was out of order under the rule on account of its embodying legislation and a point of order were raised on the floor of the Senate and the amendment was held to be out of order, the whole bill should go back to the committee. If the practice is to be that any Senator during the consideration of appropriation bills can offer and have agreed to any kind of legislation in the form of an amendment, "where are we at" and where are we going?

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WARREN. Yes.

Mr. OVERMAN. I agree thoroughly with the Senator from Wyoming and also with the Senator from Nebraska.

Mr. WARREN. It almost makes one sorry that he voted yesterday for the flood control bill.

Mr. OVERMAN. But we have agreed to an amendment which has been proposed to take care of a similar emergency in Vermont and New Hampshire. The pending amendment proposes to take care of an emergency in Kentucky, and I say a point of order should not be made against it.

Mr. WARREN. Is it an emergency?

Mr. OVERMAN. Yes.

Mr. BARKLEY. It is just as much an emergency, I will say to the Senator, as is the case of New Hampshire and Vermont.

Mr. WARREN. Why did not the Senator from Kentucky proceed to secure legislation on the subject? I am making an appeal simply in my position as chairman of the committee. I seem to be expected to follow the rules of the Senate in connection with the consideration of appropriation bills on the floor, while other Senators do not observe them.

Mr. BARKLEY. I will say to the Senator that witnesses came here from Kentucky, just as they did from Vermont, and went before the House Committee on Good Roads and laid the facts before the committee, which held hearings that lasted probably for a month, in which all the details of this matter were gone into. As the result of those hearings and that activity on the part of the House committee, a unanimous report was made on a bill taking care of this emergent situation in Kentucky, just as it has been taken care of in Vermont and New Hampshire. Therefore, I did not deem it necessary to duplicate the effort by having similar hearings before the Senate committee, because the same purpose was reached by having the hearings before the House committee. That bill is before the House as an authorization, but the Senator knows how difficult it is in case of an emergency like this to have to go through the form of passing an authorization and then securing an appropriation. I do not agree with the Senator, however, that this amendment is in violation of the rules of the Senate.

Mr. WARREN. Has the Senator up to this time introduced a bill covering this matter?

Mr. BARKLEY. No, sir; I have not.

Mr. WARREN. The Senator did not bring it before the committee when they were in session?

Mr. BARKLEY. I did not wish to trespass upon the privileges of the House and Members of the House. I did not desire to assume leadership in any matter in which the House was taking the lead.

So far as the rules are concerned, I will say to the Senator that I do not think this amendment violates the rules. We have here general legislation granting Federal aid in the construction of highways. It provides that for every dollar put up by the Federal Government a dollar shall be put up by the State. That has been complied with.

The State legislature has appropriated $2,000,000 to match the $1,800,000 which I ask for in this amendment. It is to be expended under the Department of Agriculture, through the Bureau of Public Roads, in cooperation with the State Highway Commission of Kentucky, and, I think, complies with the general law on the subject, and is not in violation of any rule; but, even if it were, I certainly hope the Senator is not going to invoke any rule against Kentucky when he did not do so with reference to Vermont and New Hampshire.

Mr. WARREN. Would the Senator feel that it was any trouble to pass a bill making this authorization, and provide for the appropriation in a later bill, a deficiency bill?

Mr. BARKLEY. I do not know whether it could be done or not. It certainly would result in delay; and time is of the essence here.

Mr. WARREN. I want the Senator to understand the position that I think he is in and that I am in. The Senator comes here at the commencement of the session with a matter that he very much wants. He introduces no bill whatever on the subject. He does not secure one from the House and bring it to us, and I ask him to see the position he puts us in.

Mr. BARKLEY. I will state to the Senator that the hearings before the House committee began in December, and the House committee only reported on the 14th day of March the bill to which I referred. They reported it unanimously, recommending the enactment of this legislation. I do not think the inference of the Senator that I have been guilty of laches would apply in view of that fact, because I did not know the amount necessary.

Mr. WARREN. Mr. President, I do not care to discuss the matter further. I know very well that I could make the point of order against the amendment. It might or might not be sustained, but the vote of the Senate could put in the amendment through appeal of ruling, so I have said all that I care to say; and I am ashamed of myself for having too much heart and too little nerve.

Mr. BARKLEY. I hope the fact that I am very proud of the Senator may make up somewhat for the shame that he feels.

Mr. WARREN. I wish to say, however, that from now on, as long as I occupy my present position—and I expect it will not be very long—I shall make the point of order on everything of this kind that comes up. I want all Senators to understand it—I do not care whether they are friend or foe, East or West, North or South—because we must have rules to do business under, or we are in the sea without boat or rudder.

Mr. SACKETT. Mr. President, I want to say just a word. The Senator asked if this was an emergency.

Mr. WARREN. I am accepting it as an emergency.

Mr. SACKETT. I appreciate that, if the Senator please. I speak of it as an emergency on account of the education of the children. This flood wiped out practically every schoolhouse in 4 counties, and numerous schoolhouses in 11 other counties. We were able, through private charity, to repair and replace those simple one-room schoolhouses; but to-day the roads are so destroyed and the bridges are so gone that the children can not get into attendance upon their schoolhouses. For that reason it is an emergency. It is a serious situation in counties that can not take care of themselves; and I am delighted that the Senator has accepted the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

The amendment was agreed to.

Mr. NORRIS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 45, after line 3, it is proposed to insert as a separate paragraph the following:

Not to exceed $10,000 of appropriations herein made for the Forest Service shall be expended for acquirement of additional lands for forest-tree nurseries.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I want to offer an amendment in line with what I have said. I shall not discuss it. It is the same proposition that was just passed on in two other cases.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the bill it is proposed to insert the following:

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $48,000 for the relief of the State of Florida to restore and recondition the roads and bridges damaged or destroyed by the floods in said State in the year 1926: *Provided*, That any sums appropriated under this authorization shall be expended under the supervision and direction of the Department of Agriculture, Bureau of Public Roads, in cooperation with the State highway department of the State of Florida.

Mr. WARREN. Mr. President, I make the point of order against the amendment. I might as well begin with perhaps the best friend I have in the world.

Mr. FLETCHER. I had hoped the Senator was going to start his reform after he got through with this bill, not before we passed it. My mistake is that I did not make the amount a million and a half or two million.

Mr. WARREN. I am really sorry the Senator did not, while he was about it.

Mr. FLETCHER. I wish the Senator would withhold the point of order and let this amendment go on the bill.

The VICE PRESIDENT. The point of order is well taken.

Mr. McKELLAR. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 14, it is proposed to add the following additional proviso:

Provided further, That no part of the funds appropriated by this act shall be used by any bureau of the Department of Agriculture for any expense incident to ascertaining, collating, or publishing any data or information which it is the duty of another department or bureau to ascertain, collate, or publish.

Mr. McKELLAR. The Senator has no objection to that amendment, I suppose?

Mr. McNARY. Will the Senator, in a brief sentence, explain what is the purpose of the amendment?

Mr. McKELLAR. The purpose of it was stated in the debate just a few minutes ago, participated in by a number of Senators over here. The Senator from South Carolina [Mr. SMITH] showed that the Bureau of Economics in the Department of Agriculture had been collating information and material that it was the duty of the Bureau of the Census to collate. This prevents duplication.

Mr. McNARY. It is to prevent duplication of the activities of the department?

Mr. McKELLAR. That is all it does.

Mr. McNARY. I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

Mr. FESS. Mr. President, on behalf of my colleague [Mr. WILLIS], who is unavoidably detained from the Senate, I offer the amendment which I send to the desk, and ask the chairman of the committee to give it consideration.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 19, line 22, after the word "regulations," it is proposed to insert the following additional proviso:

Provided further, That out of the money hereby appropriated no payment as indemnity shall be made for any animal condemned for slaughter if the indemnity value of such animal is fixed by any arbitrary maximum, or it is not arrived at by some well-recognized and equitable method of appraisal.

The amendment was agreed to.

Mr. SHORTRIDGE. Mr. President, a very earnest request was made for an additional appropriation to enlarge the scope of the Market News Service with respect to agricultural products. It was represented that such an enlarged news service would be highly beneficial to producers as well also to consumers. For it is manifest that producers should be advised as to the need and demand of the various central markets throughout the country. If it is proper, I should like to inquire of the Senator in charge of the bill what disposition was made of that matter, and what hope we may have for future legislation with respect to it.

Mr. McNARY. Mr. President, the current appropriation has been increased materially in this bill, and now provides $1,076,000 for the services in connection with market news. The Senator from California very ably presented to the committee an amendment to carry that service, a complete service, into the State of California.

Other Senators appeared, asking for a complete service in various sections of the country. It was thought by the members of the committee that they should not take up this very important work by sections or by groups of cities, so none of these amendments were accepted. Consequently, the appropriation was not increased. However, it was agreed by the committee, and a direction was made to the Department of Agriculture, to make a thorough study and examination of this subject, and come in next year with an estimate which would make the service national in its scope.

Mr. SHORTRIDGE. I gather that the sentiment of the committee was favorable to the enlargement of this news service for the benefit of all sections of the country?

Mr. McNARY. Very much so. That is entirely true.

Mr. ODDIE. Mr. President, I ask unanimous consent that the letters and petitions which I send to the desk, in regard to certain matters in this bill, be inserted at the proper place in the RECORD. The items mentioned in these letters and petitions have been considered by the Committee on Appropriations.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

THE NEVADA LAND AND LIVESTOCK ASSOCIATION,
Reno, Nev., February 1½, 1928.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

DEAR SENATOR ODDIE: We are advised that an appropriation approved by Dr. John R. Mohler, Chief of the Bureau of Animal Industry, and

William M. Jardine, Secretary of Agriculture, in the sum of $256,870, the purpose of which was to grant some increases in salary to field veterinarians of the above bureau, has been cut by the Bureau of the Budget to $120,381.

After carefully considering the matter, it seems to us that these men are being overlooked in the matter of compensation in comparison with those of other bureaus and in comparison with the importance and general high standard of their services, and we take this means, therefore, of seeking your support in the endeavor of getting this appropriation through in the full amount recommended by the chief of the bureau and department concerned.

Respectfully,

C. W. GRISWOLD, *President.*
VERNON METCALF, *Secretary.*

OFFICE OF RUSSELL LAND & CATTLE CO.,
Elko, Nev., February 11, 1928.

Senator TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been called to a communication on the part of the Chief of Bureau of Animal Industry pertaining to the appropriation of $256,870, the amount asked by the bureau of a budget by the chief to offset wages for bureau veterinarians restored by Congress.

Being a second vice president of the American National Livestock Association, I believe I can frankly express the universal sentiment of the livestock men of this country in insisting upon competent veterinarians in connection with the Bureau of Animal Industry. It is my understanding that the compensation for these veterinarians is not on a par with other professional incomes. Knowing the great responsibility that falls upon this particular class of profession, it is my opinion that by all means such appropriation should be made that will take care of, attract, and be an incentive for the Bureau of Animal Industry to have such required assistants that may be necessary.

Your support and assistance to this appropriation will be greatly appreciated by all the livestock industry.

Yours very truly,

GEO. RUSSELL, Jr.

FALLON, NEV., *February 27, 1928.*

Hon. TASKER L. ODDIE,
Washington, D. C.

DEAR SIR: We as beekeepers would like to have you get $20,000 added to the Budget of the United States Department of Agriculture for the United States Bee Laboratory at Washington, D. C. The same to be used for studies into the food value of honey and for field agents to help in the organization of beekeepers.

If honey was shown to have somewhat similar healthful qualities as milk, you can appreciate the benefit to the health of the people and also the help to the industry.

C. E. Andrews, Fallon, Nev.; P. A. McCart, Fallon, Nev.; P. N. McCart, Fallon, Nev.; A. M. Therien; Leslie Lowe; Mrs. Rachel Zimmerman; J. H. Miller, Fallon, Nev.; T. D. Raffetto; C. M. Beeghby; E. Bullock; E. G. Norton.

STATE OF NEVADA,
OFFICE OF STATE QUARANTINE OFFICER,
UNIVERSITY OF NEVADA,
Reno, Nev., February 20, 1928.

Hon. TASKER L. ODDIE,
Senate Office Building, Washington, D. C.

DEAR SENATOR ODDIE: We have received a letter from Mr. C. L. Corkins, entomologist of the State of Wyoming, asking that the representatives of the Western States in the United States Congress interest themselves in securing an appropriation of $20,000 for the support and maintenance of the United States Bee Culture Laboratory, which maintains a branch office at Laramie for the purpose of investigating bee diseases in the Western States.

Nevada is particularly interested in having this laboratory continue its work, as the bee industry in this State is increasing rapidly and our honey business is assuming large proportions. The past year 30 cars of honey were exported from Nevada, and a very conservative estimate places its value at between $125,000 and $150,000. This is a cash crop and is of great assistance in bringing ready money into circulation in this State.

We therefore consider the prevalence of bee diseases that now exist in some of the Western States a serious menace and feel that it would be a desirable thing to have this laboratory continue and receive enough money so that the proper personnel could be maintained, to be ready at our call whenever need for their assistance arises.

Very truly yours,

GEORGE G. SCHWEIS.

DEPARTMENT OF AGRICULTURE,
STATE OF CALIFORNIA,
Sacramento, Calif., December 21, 1927.

Hon. TASKER L. ODDIE,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SENATOR ODDIE: Among the important resolutions and special motions passed by the Western Plant Quarantine Board at its ninth annual conference at Reno, Nev., last June, was the inclosed special motion, which was considered one of the most vital of those passed.

As you already know, this board comprises a membership of the 11 Western States, the Territory of Hawaii, and embodies also British Columbia and Lower California, Mexico, each State being represented at the annual sessions by the person in charge of its plant-quarantine enforcement.

As secretary of this board, I have been instructed by that organization to forward a copy of this special motion to you, in order that the information may be in your hands should there be any discussion with reference to the adequacy of funds available to the Federal Horticultural Board to carry on its important plant-quarantine work.

The pink bollworm is one of the most serious pests of cotton known in the world, and its further introduction and spread in the United States can only be curbed by more intense activities on the part of the Federal Horticultural Board in cooperation with the various States concerned. There are other pests liable to be introduced from Mexico, as well as from other foreign countries. The introduction of the Mexican fruit fly into Texas from Mexico and discovered early this year is a striking recent example. The increased vigilance necessary can only be accomplished if a larger personnel is available.

Mr. George G. Schweis, entomologist at Reno, is Nevada's representative on the Western Plant Quarantine Board and cooperates with the other members in order that the agricultural industry of Nevada and of the Western States generally be better protected against the invasion of pests from Mexico and other foreign countries by the important work that the Federal Horticultural Board is conducting along plant-quarantine lines at the maritime ports and at border points.

Yours very respectfully,

W. C. JACOBSEN,
Secretary Western Plant Quarantine Board.

SPECIAL MOTION RE NECESSARY ADDITIONAL FUNDS FOR FEDERAL QUARANTINE INSPECTION WORK

That the proper authorities in Washington, D. C., be petitioned to take such action with reference to funds furnished the Federal Horticultural Board that they be made in sufficient sums additional to those now provided so that proper detailed attention may be given to the vitally necessary inspection work in order to adequately prevent pest introduction along the international boundary between the United States and Mexico, and at such other border or vehicular inspection points as appears necessary; and, further, that additional funds be provided for complete scouting and continued inspection of the cotton-growing areas in the Southwest in order to learn at the earliest dates of further possible spreads of the pink bollworm of cotton into new areas and to investigate to what extent and how this serious insect pest is spread, whether through the medium of cottonseed and other cotton commodities and containers, or whether by other means.

Special motion, regularly seconded and unanimously carried at the ninth annual conference Western Plant Quarantine Board meeting at Reno, Nev., June 20 and 21, 1927.

Mr. SHIPSTEAD. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 42, line 3, it is proposed to strike out the figures "$354,300" and insert in lieu thereof "$374,300" and the following words:

the $20,000 increase to be allotted to the Lake States Experiment Station to be used for silvicultural, dendrological, and other experiments, etc.

The amendment was agreed to.

Mr. GLASS. Mr. President, I note from the RECORD that on yesterday the Senator from Ohio [Mr. WILLIS], of course upon misinformation, stated that I was opposed to any appropriation in this bill for the eradication of tuberculosis.

That was a total mistake, perhaps derived from a statement of mine to him and to others, which at some future time I shall in an orderly way amplify, that it is my conviction that thousands upon thousands of perfectly healthy animals are being slaughtered every year by reason of incompetent and indifferent inspection. As long as that is being done, however, I, of course, am in favor of an ample appropriation to compensate the victims of this maladministration.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there

be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FARM RELIEF

Mr. McNARY. I move that the Senate proceed to the consideration of Senate bill 3555, known as the farm relief bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. McNARY. I desire to give notice that it is not my intention to take up the bill until after 2 o'clock on Monday.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Friday, March 30, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 29 (legislative day of March 27), 1928

MEMBER OF FEDERAL RADIO COMMISSION

Ira E. Robinson, of West Virginia, to be a member of the Federal Radio Commission vice William H. G. Bullard, deceased.

APPOINTMENT IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenant

First Lieut. Frank Bolles Wakeman, Medical Corps Reserve, with rank from March 23, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Maj. James Harve Johnson, Coast Artillery Corps, with rank from July 1, 1920.

First Lieut. Michael Al Quinn, Infantry, with rank from July 1, 1920.

COAST ARTILLERY CORPS

Maj. Edwin Bright Spiller, Finance Department, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Harry Edward Comstock, Quartermaster Corps, from March 22, 1928.

To be lieutenant colonel

Maj. Robert Madison Campbell, Cavalry, from March 22, 1928.

To be majors

Capt. Joseph William George Stephens, Infantry, from March 22, 1928.

Capt. Richard Kerens Sutherland, Infantry, from March 24, 1928.

Capt. Robert Graham Moss, Infantry, from March 24, 1928.

To be captains

First Lieut. William Joseph Burke, Coast Artillery Corps, from March 20, 1928.

First Lieut. George William Brent, Coast Artillery Corps, from March 21, 1928.

First Lieut. Samuel Francis Cohn, Infantry, from March 22, 1928.

First Lieut. John Augustus Rodgers, Infantry, from March 24, 1928.

First Lieut. Deane Childs Howard, jr., Quartermaster Corps, from March 24, 1928.

To be first lieutenants

Second Lieut. Charles Vinson Bromley, jr., Cavalry, from March 20, 1928.

Second Lieut. John William Harmony, Infantry, from March 21, 1928.

Second Lieut. Philip Harrison Enslow, Field Artillery, from March 22, 1928.

Second Lieut. Ernest Byron Thompson, Coast Artillery Corps, from March 22, 1928.

Second Lieut. Elwyn Donald Post, Infantry, from March 24, 1928.

Second Lieut. Franklin Kress Gurley, Coast Artillery Corps, from March 24, 1928.

Second Lieut. Wilfrid Henry Hardy, Cavalry, from March 24, 1928.

VETERINARY CORPS

To be colonel

Lieut. Col. John Alexander McKinnon, Veterinary Corps, from March 26, 1928.

POSTMASTERS

ALABAMA

Margie Gardner to be postmaster at Aliceville, Ala., in place of Margie Gardner. Incumbent's commission expires April 3, 1928.

Virgil B. Huff to be postmaster at Brundidge, Ala., in place of V. B. Huff. Incumbent's commission expires April 3, 1928.

Scottie R. Wester to be postmaster at Center, Ala., in place of S. R. Wester. Incumbent's commission expires April 3, 1928.

David P. Woodall to be postmaster at Hillsboro, Ala., in place of D. P. Woodall. Incumbent's commission expires April 3, 1928.

John E. Buzbee to be postmaster at Jasper, Ala., in place of J. E. Buzbee. Incumbent's commission expires April 3, 1928.

Jethro D. Dennis to be postmaster at Marion, Ala., in place of J. D. Dennis. Incumbent's commission expires April 3, 1928.

Phil B. Payne to be postmaster at New Market, Ala., in place of P. B. Payne. Incumbent's commission expires April 3, 1928.

Annie R. Sherrer to be postmaster at Phenix City, Ala., in place of A. R. Sherrer. Incumbent's commission expires April 3, 1928.

Glenn E. Guthrie to be postmaster at Townley, Ala., in place of G. E. Guthrie. Incumbent's commission expires April 3, 1928.

ARIZONA

John A. Williams to be postmaster at Hayden, Ariz., in place of J. A. Williams. Incumbent's commission expired December 18, 1927.

ARKANSAS

Lasco A. Callis to be postmaster at Bradford, Ark., in place of L. A. Callis. Incumbent's commission expires April 4, 1928.

Eustace A. Davis to be postmaster at Hatfield, Ark., in place of E. A. Davis. Incumbent's commission expires April 4, 1928.

Charlotte A. Proctor to be postmaster at Hazen, Ark., in place of C. A. Proctor. Incumbent's commission expires April 4, 1928.

William E. Edwards to be postmaster at Rison, Ark., in place of W. E. Edwards. Incumbent's commission expires April 4, 1928.

Ora L. Jones to be postmaster at Fouke, Ark., in place of T. W. Goodson, resigned.

James D. Lowrie to be postmaster at Elaine, Ark., in place of J. F. Booth, resigned.

CALIFORNIA

Jane M. Powell to be postmaster at Angel Island, Calif., in place of J. M. Powell. Incumbent's commission expires April 3, 1928.

Catherine E. Ortega to be postmaster at Sonora, Calif., in place of C. E. Ortega. Incumbent's commission expires April 3, 1928.

COLORADO

Frances Lessley to be postmaster at Granby, Colo., in place of Frances Lessley. Incumbent's commission expires April 3, 1928.

FLORIDA

Hettie B. Spencer to be postmaster at Dade City, Fla., in place of H. B. Spencer. Incumbent's commission expires April 4, 1928.

Robert F. Persons to be postmaster at Fort White, Fla., in place of R. F. Persons. Incumbent's commission expires April 4, 1928.

Sallie Brook to be postmaster at Graceville, Fla., in place of Sallie Brook. Incumbent's commission expires April 4, 1928.

INDIANA

William H. Williams, jr., to be postmaster at Muncie, Ind., in place of W. H. Williams, jr. Incumbent's commission expires April 7, 1928.

IOWA

Alexander B. Clark to be postmaster at Clarinda, Iowa, in place of A. B. Clark. Incumbent's commission expires April 3, 1928.

Hudson K. Platt to be postmaster at Macedonia, Iowa, in place of Nannie Braden. Incumbent's commission expires April 3, 1928.

Miller S. McFarland to be postmaster at Marshalltown, Iowa, in place of M. S. McFarland. Incumbent's commission expires April 3, 1928.

Frederick W. Wodrich, jr., to be postmaster at Mount Vernon, Iowa, in place of F. W. Wodrich, jr. Incumbent's commission expires April 3, 1928.

Harry C. Goplerud to be postmaster at Osage, Iowa, in place of H. C. Goplerud. Incumbent's commission expires April 4, 1928.

KANSAS

Anna Smith to be postmaster at Moundridge, Kans., in place of Anna Smith. Incumbent's commission expires April 3, 1928.

KENTUCKY

Charles A. Niles to be postmaster at Dawson Springs, Ky., in place of C. A. Niles. Incumbent's commission expires April 3, 1928.

MAINE

G. Walter Akers to be postmaster at Kents Hill, Me., in place of C. R. Folsom, deceased.

Phoebe Stevens to be postmaster at Portage, Me., in place of R. B. Bartlett, resigned.

MARYLAND

Samantha E. Wilson to be postmaster at Mardela Springs, Md. Office became presidential January 1, 1921.

MASSACHUSETTS

Mary M. Langen to be postmaster at Lancaster, Mass., in place of F. W. Philbrick, resigned.

MINNESOTA

Roy A. Smith to be postmaster at Beardsley, Minn., in place of R. A. Smith. Incumbent's commission expired December 19, 1927.

Albert J. Anderson to be postmaster at Spicer, Minn., in place of A. J. Anderson. Incumbent's commission expired December 19, 1927.

James M. Patterson to be postmaster at West Concord, Minn., in place of J. M. Patterson. Incumbent's commission expires April 3, 1928.

MISSOURI

Cleo J. Burch to be postmaster at Brookfield, Mo., in place of C. J. Burch. Incumbent's commission expired January 14, 1928.

Robert D. Gardner to be postmaster at Center, Mo., in place of R. D. Gardner. Incumbent's commission expired January 14, 1928.

Abraham M. Smelser to be postmaster at Grandin, Mo., in place of A. M. Smelser. Incumbent's commission expired January 14, 1928.

Byron Burch to be postmaster at Linneus, Mo., in place of Byron Burch. Incumbent's commission expired January 14, 1928.

Otis H. Storey to be postmaster at Senath, Mo., in place of O. H. Storey. Incumbent's commission expired January 14, 1928.

Tyree C. Harris to be postmaster at Windsor, Mo., in place of T. C. Harris. Incumbent's commission expires April 2, 1928.

NEW HAMPSHIRE

Lauriston M. Goddard to be postmaster at Ashland, N. H., in place of L. M. Goddard. Incumbent's commission expires April 2, 1928.

NEW JERSEY

Elsie Brown to be postmaster at River Edge, N. J., in place of Elsie Brown. Incumbent's commission expired February 19, 1928.

Clarence E. Glover to be postmaster at Blackwood, N. J., in place of F. M. Denver, removed.

NEW YORK

Leon Pralatowski to be postmaster at Cold Spring, N. Y., in place of Leon Pralatowski. Incumbent's commission expired March 12, 1928.

Earl G. Fisher to be postmaster at Massena, N. Y., in place of E. G. Fisher. Incumbent's commission expires April 2, 1928.

LeRoy Smith to be postmaster at White Plains, N. Y., in place of LeRoy Smith. Incumbent's commission expired January 8, 1928.

Albert C. Bogert to be postmaster at Yonkers, N. Y., in place of A. C. Bogert. Incumbent's commission expires April 2, 1928.

NORTH CAROLINA

Willis A. Willcox to be postmaster at Halifax, N. C., in place of W. A. Willcox. Incumbent's commission expires April 3, 1928.

Walter W. Redman to be postmaster at Pilot Mountain, N. C., in place of W. W. Redman. Incumbent's commission expires April 3, 1928.

NORTH DAKOTA

Edith M. Ericson to be postmaster at Underwood, N. Dak., in place of E. M. Erickson. Incumbent's commission expires April 3, 1928.

OHIO

Nathan H. Powell to be postmaster at Pleasant Hill, Ohio, in place of N. H. Powell. Incumbent's commission expired March 13, 1928.

OKLAHOMA

Daisy E. Skinner to be postmaster at Adair, Okla., in place of D. E. Skinner. Incumbent's commission expired January 28, 1928.

Ruth J. McLane to be postmaster at Lookeba, Okla., in place of R. J. McLane. Incumbent's commission expires April 3, 1928.

Charles F. Ham to be postmaster at Jennings, Okla., in place of H. W. Hoel, resigned.

OREGON

Charles W. Perry to be postmaster at Richland, Oreg., in place of C. W. Perry. Incumbent's commission expires April 3, 1928.

PENNSYLVANIA

William E. Brooks to be postmaster at Ridley Park, Pa., in place of W. E. Brooks. Incumbent's commission expired February 29, 1928.

Charles Lunden to be postmaster at Mount Jewett, Pa., in place of Charles Lunden. Incumbent's commission expired January 22, 1928.

SOUTH CAROLINA

Ben Harper to be postmaster at Seneca, S. C., in place of Ben Harper. Incumbent's commission expired January 23, 1928.

Ernest E. Brown to be postmaster at Aiken, S. C., in place of E. E. Brown. Incumbent's commission expired February 29, 1928.

Herbert A. Horton to be postmaster at Lancaster, S. C., in place of H. A. Horton. Incumbent's commission expired February 9, 1928.

Katherine L. Buckley to be postmaster at Moultrieville, S. C., in place of K. L. Buckley. Incumbent's commission expired February 1, 1928.

James V. Askew, jr., to be postmaster at Lockhart, S. C., in place of Leone Taylor, resigned.

TENNESSEE

Lon McCaleb to be postmaster at Dyersburg, Tenn., in place of Lon McCaleb. Incumbent's commission expired December 19, 1927.

TEXAS

Annie K. Turney to be postmaster at Alpine, Tex., in place of A. K. Turney. Incumbent's commission expires April 3, 1928.

James W. Render to be postmaster at Bardwell, Tex., in place of J. W. Render. Incumbent's commission expires April 4, 1928.

Francis O. Drake to be postmaster at Donna, Tex., in place of F. O. Drake. Incumbent's commission expires April 4, 1928.

Robert F. Myers to be postmaster at Ferris, Tex., in place of R. F. Myers. Incumbent's commission expires April 3, 1928.

Amos E. Duffy to be postmaster at Matagorda, Tex., in place of A. E. Duffy. Incumbent's commission expires April 3, 1928.

Ruth Young to be postmaster at Mount Calm, Tex., in place of Ruth Young. Incumbent's commission expires April 4, 1928.

James A. Gray to be postmaster at Pecan Gap, Tex., in place of J. A. Gray. Incumbent's commission expires April 4, 1928.

Tolbert Hannon to be postmaster at Richmond, Tex., in place of Tolbert Hannon. Incumbent's commission expires April 3, 1928.

Luther Bowers to be postmaster at Seagoville, Tex., in place of Luther Bowers. Incumbent's commission expired February 15, 1928.

Lawson B. Fulgham to be postmaster at Voth, Tex., in place of L. B. Fulgham. Incumbent's commission expired January 24, 1928.

VIRGINIA

A. Ewing McMichael to be postmaster at Nokesville, Va., in place of E. S. Hooker, removed.

WEST VIRGINIA

Robert S. Hornor to be postmaster at Bridgeport, W. Va., in place of D. J. Lake. Incumbent's commission expired December 18, 1927.

WISCONSIN

Herman C. Gralow to be postmaster at Woodville, Wis., in place of H. C. Gralow. Incumbent's commission expired January 7, 1928.

Fred D. Wood to be postmaster at Glenhaven, Wis. Office became presidential July 1, 1927.

Elvin E. Strand to be postmaster at Strum, Wis., in place of W. H. Call, removed.

WYOMING

Richard M. Turner to be postmaster at Frontier, Wyo., in place of R. M. Turner. Incumbent's commission expires April 4, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29 (legislative day of March 27), 1928

DIPLOMATIC AND FOREIGN SERVICE

Alexander P. Moore to be ambassador extraordinary and plenipotentiary to Peru.

DISTRICT OF COLUMBIA SUPREME COURT ASSOCIATE JUSTICE

Peyton Gordon to be associate justice Supreme Court District of Columbia.

POSTMASTERS

MINNESOTA

Frederic E. Hamlin, Chaska.
Eva Cole, Delavan.
Charles A. Morse, Elk River.
Gay C. Huntley, Hill City.
Louis W. Galour, Iona.
Clara M. Hjertos, Middle River.
Francis S. Pollard, Morgan.

TEXAS

John T. Hopkins, Longview.

VERMONT

Isabel Neary, Shelburne.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 29, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the fairest among ten thousand, the rose of Sharon, the lily of the valley, and the bright and morning star, to Thee we come, for Thou art our redeemer and elder brother. Draw us into the harmonies of Thy law and into the blessings of Thy grace, that we may hear the whisper of truth and the appeal of duty. May our plain, common lives be responsive to Thy call and enriched by the glory of service. We thank Thee for difficult tasks, and even for severe disciplines, for we perceive the way of life lies here. Above everything else, our Father, make us like Thee. In all the conceptions of human life there can be no loftier ambition, no deeper desire, and no sublimer purpose. Being set with determined courage, calm with fathomless peace, let our lives shine forth in the transfiguring light of Christian citizenship. Hear our prayer for Jesus' sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.; and

S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes.

The message also announced that under authority of section 5581 of the Revised Statutes, the Vice President had appointed Mr. SWANSON as a member of the Board of Regents of the Smithsonian Institution to fill the vacancy in the term expiring March 3, 1929, caused by the death of Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan.

NATIONAL ORIGINS

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 148

Resolved, That upon the adoption of this resolution the Committee on Immigration and Naturalization shall have one legislative day for the consideration of the following bills: S. J. Res. 113, S. 716 (a similar House bill numbered 11351 now being on the House Calendar), and H. R. 12407; this rule not to interfere with privileged business.

Mr. SNELL. Mr. Speaker, this rule provides that the Committee on Immigration and Naturalization may call up these several bills in the order named under the rule and be considered under the general rules of the House. As to two of the bills, I understand there is no controversy whatever. As to Senate Joint Resolution 113, while it deals with a controversial matter, I do not understand that there is any controversy in regard to this extension provided for in this bill.

A year ago we extended the time for one year when the provision of the 1924 immigration bill should be put into effect relative to the question of national origins. A study has been made, and, from any information I can get, we are as practically as far away from establishing a system of national origins as we were a year ago, and we will be in the same position next year.

It is my impression that eventually we shall have to repeal this act. It can not be done at this time, but it is necessary on account of the provisions of the original bill that we should at this time again put off the time of putting into effect the national-origins provisions, or the President will issue the order on April 1 to make it effective.

So far as I know, there is no one on the Rules Committee opposed, but perhaps the gentleman from New York [Mr. O'CONNOR] may want to be heard on this rule. I yield to the gentleman from New York such time as he may wish.

Mr. O'CONNOR of New York. Mr. Speaker and gentleman of the House, this Senate resolution might be entitled a sugar-coated pill for the consumption of the electorate at the next presidential election. Congress undoubtedly will not meet, after we adjourn here in June, until after the next presidential election, and the party in power is between a Scylla and Charybdis of either repealing this provision in the immigration act of 1924 or of putting it into effect, and the party in power has not got the stomach to do either one of those two things.

On the last page of the report from the committee accompanying this bill certain figures are given from which any gentleman claiming even a slight amount of astuteness can gather the reason which prompts this gesture to the American public at this time. Many of the peoples affected by this legislation—at least so far as their descendants, relatives, and friends on the other side of the water are concerned—have some votes to cast in the next national election. The postponement of the effective date of this "national origins" provision would have one effect on certain voters, while to repeal it would have a different effect on other classes of voters. Facing that dilemma, the powers in control come in here with this gesture and say, "We shall put it off for another year," though, as everybody knows, by no calculation whatever can the provision ever be put into effect. Still the party in power is not brave enough to meet the inevitable and repeal the provision.

That is the anomalous situation which confronts this House to-day. This bill is going to pass as if everybody were for it. As for me, I am anxious to see a show-down on this question. I want an opportunity to vote for the repeal of this provision, which was stuck into the immigration law of 1924 without the consent of this House.

The immigration act of 1924 provides that on and after a certain date—that we are extending—the quota shall be based on the national origins of the inhabitants of this country in 1790 instead of being based upon the census of 1890, as it is now. It was going pretty far in audacity and unfairness to seize upon the census of 1890 instead of taking the last census available, but to go way back to 1790 would be the most brazen thing ever attempted in a legislative body.

When the immigration act of 1924 came before this House this national-origins provision was offered as an amendment. It was vehemently advocated by that late Member from Massachusetts, Mr. Rogers, but after the most careful consideration and discussion, it was voted down by our body. When that bill came back from the Senate the provision was found in it under

an amendment inserted by the distinguished Senator from Pennsylvania, Mr. REED, a descendant of one of "the oldest families in America," whatever that means. It confronted the conferees, and principally because of the short time left for the passage of the bill and because the act of 1921 was expiring, it was left in.

Three members of the Cabinet, three Secretaries, were appointed to see if this provision were ever possible of being put into effect. Their first report, as all their reports, have said it never can be done; that there were no census figures or other figures available upon which to found fair and equitable calculations. Their reports are now before this body. Compare them on the last page of this report. It was impracticable in 1924 and it is worse to-day.

Over on the other side of this Capitol there is still another scheme or vision in the concoction, introduced by one of the distinguished Senators from Indiana, Mr. WATSON. He has a brand-new idea. He says, "Let us figure out 'national origins' every year and see how it works out. We have no idea what was the make-up of the population of this country in the Revolutionary days, and we have been trying for four years to find out what were the racial strains, so let us figure it out this year and base our immigration quota on it; then next year, when we get more facts, we will base our immigration quota on it." For a stable immigration policy that is a gem!

Gentlemen, this "postponing" is the timidest, the weakest, and the most fearful thing that has ever been offered in a legislative body. I would like to see the American Congress courageous enough to repeal it. The action we are taking to-day is an admission of weakness; it is an admission of lack of courage, and it is an admission that we are not brave enough to face the country and say that it is conceded that on the report of the three Secretaries in our Cabinet, on all the reports of all the investigators, as transmitted to this House, this thing can not be done. We should have the courage to say that, because we know in our hearts it can never be done.

Instead of taking up time here to-day to postpone the putting into effect of the "national-origins" proposition of the immigration act of 1924, we should be here to meet this issue fairly and bravely, as any legislative body should do. We should repeal the provision and for once and all wipe out this un-American proposal. [Applause.]

Mr. SNELL. Mr. Speaker, my good friend from New York has made exactly the statement I expected he would make. He and I practically agree. I would like to repeal this if we could, but we can not at the present time. So, as the gentleman from New York said in his speech, the only thing we can do is to extend it another year, when, perhaps, we can bring forth legislation which will repeal it.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. POU. Mr. Speaker, I ask unanimous consent that after the reading of the Journal and disposition of business on the Speaker's table on to-morrow, I may have 10 minutes in which to address the House.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, he may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

NATIONAL ORIGINS

Mr. JOHNSON of Washington. Mr. Speaker, I call up Senate Joint Resolution 113, to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

The SPEAKER. The gentleman from Washington calls up a resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended, are amended by striking out the figures "1928" and inserting in lieu thereof the figures "1929."

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, you have heard the preliminary statements by the two members of the Rules Committee as to the necessity for this postponement. The report from the committee does not go into the merits of the national-origins provision of the 1924 immigration act, and I do not intend to discuss the merits of that provision to-day. To do so would take more time than I have at my disposal. In the report on the bill we quote in full a brief debate in the Senate which shows beyond a doubt, on the statement of the chairman of the Immigration Committee of the Senate that that committee could not come to an agreement as to a resolution for repealing it and that the best that body could do was to postpone it, which was done unanimously. To-day, at the request of the House committee, I am asking the House to pass this Senate resolution. The time, of course, will come when the national-origins provision will be before this Congress on its merits, and before that time, I assume, the Immigration Committee of the House and a similar committee in the other body will have gone further into the matter through hearings.

Mr. WELLER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WELLER. What is the status of the investigation with reference to national origins? What has the committee done, if anything? I would like to know something about the progress that has been made.

Mr. JOHNSON of Washington. The postponement for one year gives the committee of six experts, two from each of the three departments—State, Labor, and Commerce—further time in which to analyze the figures as to the origin of the stock in the United States. They have made a report recently and these six experts are convinced, after having made considerable changes, that their figures are now fairly correct and yet they say they can make some other changes.

Our committee during this Congress has held no hearings because we have been waiting for this report. The figures only came to the Congress by a resolution of the Senate calling on the President to transmit them, and, as I said a moment ago, in view of the situation in the Senate committee whereby they can not act, either to repeal or to vote down such a motion, the Senate itself by a unanimous vote passed a resolution of postponement.

Mr. WELLER. Has the gentleman been able to satisfy his mind to any better degree of the certainty or uncertainty of the census of 1790?

Mr. JOHNSON of Washington. I have given it a great deal of study, but I do not want to go into the details of that because it would take me at least an hour.

Mr. WELLER. I do not ask the gentleman to go into the details, but I would like to know something about it.

Mr. JOHNSON of Washington. If the gentleman will permit I would much rather reserve the right. I think this would be proper in fairness to both sides, would avoid extensive debate as to merits, and would be in accordance with a sort of agreement we have had. Let me add that this question is entirely nonpolitical. The postponement will give time for further study and in the meantime our own committee will have time to work on some harder problems—harder, perhaps, than the House would think. The matter of the restriction of immigration from the borders is not an easy problem and is one that will not down until it is settled. The matter of relief for relatives of declarants, fathers and mothers of citizens, under certain conditions, is a matter that will not down. Our committee has put in two hours of very hard work this morning, and I do not care whether the man is in Congress or outside of Congress, he will find that these problems that deal with such human matters are distressful and wearing.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. O'CONNOR of New York. By that statement does the gentleman mean to convey the idea that this question of whether or not we base the quota on national origins is of minor importance compared with these other problems?

Mr. JOHNSON of Washington. No; it is a very important problem, but let me say to the gentleman that it is very hard to get our committee to sit more than two days a week except when we hold hearings, and then we work for very long hours. By the grace of the House last month we were permitted to sit mornings and afternoons. Further, all the members of the Committee on Immigration and Naturalization, including myself, are members of other important committees, and continuous work in one committee is thus impossible.

Mr. O'CONNOR of New York. The gentleman takes up the problems in the order of their importance somewhat, does he not?

Mr. JOHNSON of Washington. Largely by agreed program; and then again it is somewhat according to the pressure for consideration by the Members who have introduced the bills.

Mr. O'CONNOR of New York. And the gentleman feels that the problems with which he is presently to deal with respect to humanizing the immigration act, as it is called, are much more important than this national-origins question?

Mr. JOHNSON of Washington. I do, indeed. There are 21 bills seeking amendments to the act for relief, within quotas or otherwise, for certain relatives.

Mr. EDWARDS. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman.

Mr. EDWARDS. This resolution merely extends the time one year.

Mr. JOHNSON of Washington. Yes.

Mr. EDWARDS. Does it require a report from these experts within the year?

Mr. JOHNSON of Washington. We do not call for the report, but any time we want the report such a resolution can be passed by either the House or the Senate asking for a report or the figures, or we can call the experts to the committee.

Mr. EDWARDS. Unless we require a report will we not be in the same condition a year hence that we are now?

Mr. JOHNSON of Washington. No; because we will undoubtedly get the report.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. DOUGLASS of Massachusetts. What are the prospects of the gentleman's committee taking up the question of the entire repeal of the national-origins provisions this year?

Mr. JOHNSON of Washington. That will have to be voted up or down in the committee, and before this Congress finally adjourns in March next it is bound to come to an issue.

Mr. DOUGLASS of Massachusetts. Does the gentleman think the committee will take it up?

Mr. JOHNSON of Washington. The committee endeavors to consider all bills before it.

Mr. SIROVICH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. SIROVICH. Since the gentleman spoke about humanizing the law and is asking that this matter go over for one year, would the gentleman object to humanizing the law by adding an amendment to the effect that the wives and children of declarants under 21 be admitted in the meantime outside of the quota provision of the law?

Mr. JOHNSON of Washington. That is a matter pending in the committee at this very moment.

Mr. SIROVICH. Would the gentleman have any objection to such an amendment?

Mr. JOHNSON of Washington. I would not like to do that, because this is a Senate resolution and the necessity for its passage is urgent between now and the end of the week. It would be better to undertake that later.

Mr. McREYONLDS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. McREYNOLDS. Have not the experts made their report on this matter?

Mr. JOHNSON of Washington. They have made their report for this year and they think their present report is much better than the one for last year.

Mr. McREYNOLDS. What is the purpose for extending this provision if we have the report?

Mr. JOHNSON of Washington. As I said at the beginning of my statement, and as the gentleman will find in the proceedings on the floor of the Senate, the Senate committee is in a deadlock, and that leaves us the necessity of meeting that condition and joining them in asking for a postponement.

Mr. McREYNOLDS. Is it necessary to have a postponement or an extension, although the facts have been worked out?

Mr. JOHNSON of Washington. I believe the fair thing to do is to extend it.

Mr. BOX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TILSON). The gentleman will state it.

Mr. BOX. Will those opposing the resolution be entitled to recognition for one hour?

The SPEAKER pro tempore. The gentleman from Washington has one hour, which he can yield if he wishes. The gentleman can then move the previous question at the end of his hour, if he so desires.

Mr. BOX. Will the gentleman yield us time? I do not think we will use half the time over here, but will the gentleman yield some time to those who are opposed to the resolution? We do not care to go into any extended discussion, but we would like to have some time.

Mr. JOHNSON of Washington. Will the gentleman be content with 10 minutes? I do not think we should take the time for a full immigration debate here to-day.

Mr. BOX. Could the gentleman yield me 20 minutes?

Mr. JOHNSON of Washington. I will yield the gentleman 10 minutes now, and will extend the time if necessary.

Mr. BOX. Mr. Speaker, I think I know what the House will do with this resolution, and I have no disposition to consume time unnecessarily. I do not at all agree in the statement made under discussion of this rule that this provision of law will have to be repealed or that it is unworkable or that it got into the law without consideration or by some accident, trick, or freak.

We are dealing with a vital problem, big with important issues. It is too large to be made a plaything.

The action which you will take to-day proves beyond dispute either that Congress, which passed the immigration act of 1924, and the President, who after consultation with his advisers approved it, were altogether guilty of the clumsy blundering which characterizes incompetency or that some unworthy consideration is now controlling them.

The national-origins provisions of the 1924 immigration act, which you are again postponing, were deliberately written into a big piece of legislation. The original bill as reported by your House committee did not contain them, but they were proposed as an amendment by a scholarly and able Member of the House, the late Mr. Rogers, of Massachusetts, who argued them ably and fairly. The House adhered to the committee bill then before it, and the bill passed without these provisions. It then went to the Senate, where the bill was supported and amended by able and ripe students of the immigration problem composing the Senate committee and membership. They added these national-origins provisions. The bill then went to conference. The House and Senate conferees reconsidered the whole proposition while under no duress, but acting deliberately. The conferees of the two Houses then agreed upon these very provisions. Our conferees recommended them to us. I was a junior minority member of the House committee and was not on the conference committee, but I was then convinced that these provisions are sound and workable. Further study has confirmed me in that conviction. I joined with the chairman and his associates of the conference committee in helping to show to the House the soundness of these provisions. This House adopted them by a big majority. The President after due deliberation, and doubtless upon the advice of his Cabinet, approved the law containing them.

Mr. NEWTON. Will the gentleman yield?

Mr. BOX. I will.

Mr. NEWTON. Can the gentleman state where he stood on the question in 1924?

Mr. BOX. I stood with the conference committee after it passed the Senate and was inserted in the conference report.

Mr. NEWTON. On the floor?

Mr. BOX. I will go back further than that. It was understood among the supporting members of the House committee that we would stand like a stone wall against any amendment, which we did. The House wisely followed us. We voted against things that it might have been better to have adopted; but after the bill came back from the Senate containing the national-origins provisions, carried by the report of the conference committee the gentleman from Texas [Mr. Box] joined the chairman and his associates, along with many other Members of the House who believe in restriction, in supporting the conference report. After thorough discussion the House voted for the proposition by a large majority. The gentleman from Texas has absolutely no doubt that these are sound and workable provisions.

One gentleman this morning inadvertently misstated the principle upon which this is based. He said that it is based on the census of 1790. It is based on all information that can be gathered from every source—from history, from records everywhere, from all subsequent census reports—and will continue to take into future reckonings census reports hereafter to be made. All these constitute the strictly American base, which is the American population as it now is, counting from the beginning and continuing to be brought down to date by each successive census. It is thoroughly scientific, thoroughly sound, and thoroughly American. The computations by which it is reached can not be made exactly or in a moment, but it is a substantially accurate plan to make immigration proportionate to the population of the United States as determined by a thorough and careful computation of all of the elements entering into it.

I am not going to quarrel with gentlemen who speak excitedly and hastily about it. I am going to help save the law if I can. To do that friends of restriction must cooperate.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BOX. Yes.

Mr. O'CONNOR of New York. The gentleman referred to me.

Mr. BOX. Not by name.

Mr. O'CONNOR of New York. No; but when I said it was based on the census of 1790, of course, I did not mean that was the entire source of it. The very criticism of it goes to show that it is based on no authoritative source, but writings of so-called historians, so-called historical societies—nothing up

to this time that is a proper basis for legislation for immigration or any other purpose.

Mr. BOX. I yield no further. It is based on every source from which truth can be ascertained, census reports, reports of societies of various kinds entitled to credit. The history of our own country and of territory which we have taken over, such as that of Florida, Louisiana, Texas, and California, and even dependable foreign records, have been consulted. The members of the board of experts are capable gentlemen, members of your administration. They are men of high intelligence and great experience, and have gone about the work in a scientific and practical way. Of course, if you require a mathematically exact working out of this problem, you can not have it. Your act, based on the census of 1890, does not do it. We adopted the census of 1890 as the basis for the first quotas under the 1924 act, because it was the best approximation that we could get of what we believed would best serve the interests of the United States as an immigration law. It is a practically correct approximation. It serves the public interest, and was deliberately and carefully considered before it was adopted. What has happened since these provisions were thus deliberately enacted? They remained in the law undisturbed for about three years, but certain foreign blocs have attacked them and made threats against the political lives of those supporting them. Somebody has been running for cover since that attack began. This is the second postponement of these provisions.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. McREYNOLDS. The experts have made their report on this matter, and is there any reason for a suspension of this further, if we are going to put it into effect at all?

Mr. BOX. The gentleman from Texas does not favor this postponement and will not vote for it.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. DOUGLASS of Massachusetts. Is it not true that the Secretaries in charge of this investigation, depending upon the experts they must employ, did make the report about which the gentleman has spoken, and is it not also true that in that report they said this:

> The statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended.

Mr. BOX. I have read that.

Mr. DOUGLASS of Massachusetts. Is not that true?

Mr. BOX. Oh, something like that appeared in one of their reports.

Mr. DOUGLASS of Massachusetts. That is actually printed, is it not?

Mr. BOX. Yes; that is printed, and I am like my chairman in that I do not want to say too much. Those gentlemen up there are like some of the rest of us. They say things sometimes which do not exactly chime with the facts, as shown by documents then in existence and as others know them to be. I do not accept that as a fair statement of the situation.

The law was three years old before its operation was postponed for one year the first time. You are again postponing it for one year. I submit two questions: If the law is right, why do you not let it go into effect? If it is bad, why do you not repeal it? But you do neither. Why? The foreign blocs have made you afraid to let it go into effect, while the patriotic societies and patriotic citizens who believe in restriction have made you afraid to repeal it. You are like the chap who was chased by a mad bull across the open ground and into a hole in the hill where he found a bear. If he stayed in, the bear would tear him. If he came out, the bull would gore him.

I congratulate Messrs. SABATH and DICKSTEIN, my colleagues on the committee, who oppose all restrictive measures. The mountain has come to them, for a while at least, but they must not be puffed up. This is a moveable mountain. The political winds may blow it back to its original position, where I hope it will rest. I congratulate my colleagues of the committee, Messrs. SABATH and DICKSTEIN, even if they are wrong, but I can not congratulate the country.

The SPEAKER pro tempore. The gentleman from Texas has used 10 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, again we are confronted with a situation where we seek to regulate a real human problem with figures and statistics. We can not take cold figures and apply them to family and human affairs. Some of us predicted at the time that we would have difficulty in arriving at accurate figures upon which to base the proportions under the national-origins clause of the act of 1924, and twice we have been called upon to extend the time. I take this opportunity to appeal to the Committee on Immigration to lay aside figures for a while, and give some attention to the humane side of this problem. Without in the slightest disturbing the restrictive immigration policy adopted by the Congress, we appeal for aid in so amending the law as to make it more humane and less cruel, and by that I mean an amendment, if you please, keeping within the total number of quota allowances, which will permit the uniting of families. [Applause.] The resolution sent over by the Senate offers no relief, because it simply takes from the quota side of the total and transfers to the preferential side. Take a country having 3,800 or 2,500 total quota allowance, 50 per cent of which as you know is preferential, and transfer a class of immigrants from the quota to the preferential, it brings absolutely no relief. In the name of good morals, in the name of decency, in the name of humanity, all we ask is that you permit the aged father and mother of a citizen of the United States to come in as nonquota immigrants and——

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. DICKSTEIN. Would the gentleman not also include in that class children of American citizens?

Mr. LAGUARDIA. I am coming to that. We ask that you permit children of citizens between the ages of 18 and 21 years, to be included in the nonquota status, and we ask that you permit those declarants who have not yet obtained their papers, but who immigrated prior to the act of 1924, to send for their wives and children as nonquota immigrants, I submit to the most extreme restrictionist in the House, that such a demand is not unreasonable. It would not in the slightest disturb existing labor conditions, because under the existing law the Secretary of Labor may place under bond any person who asks admission whom he believes may become a public charge. I am willing to place every mother and father of a citizen included in this nonquota status under bond that they will not work in the competitive labor market. Surely such modest requests should receive a response from the Committee on Immigration.

Mr. MacGREGOR. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MacGREGOR. Does the gentleman not know that we are working on that now?

Mr. LAGUARDIA. Yes. I know that I have had a bill in every year since 1924.

Mr. MacGREGOR. And does the gentleman not know that we are actually working and spending several days on that proposition?

Mr. LAGUARDIA. Yes. I appeared before the committee the other day, but that has been the fact every session, and that does not relieve the trouble the gentleman has in his district and that I have in mine. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, in the hope that we shall shortly secure the relief suggested by the gentleman from New York [Mr. LAGUARDIA], I shall vote for the adoption of this resolution to defer the time of the national-origin provision for one year. But, if I were permitted under the rules, Mr. Speaker, I would offer an amendment to extend it for 21 years, so that instead of 1929 it would not go into effect before 1950.

As many of you older Members recall, when the 1924 act was being considered, I called your attention to the fact that this national-origin proposition or scheme, injected by the Senator from Pennsylvania, was impossible of ascertainment. In this I have been fully borne out, as each and every report submitted to the House by the Secretaries of State, Commerce, and Labor, whose duty it was to ascertain the quota that each and every country would be allowed has differed, and not only that, they have been obliged to admit just what I claim. It is a fact that the computations that have been made are uncertain and inaccurate. However, due to prevailing conditions, there is nothing that we can do but to extend the time in which this makeshift scheme goes into effect.

Now, I fully agree with the gentleman from New York [Mr. SNELL] of the Committee on Rules, who gave the reason why we do not repeal it. Personally, I think it should be repealed, and some day, when we have courage enough, it will be repealed, and I am hopeful that it will be shortly. All that I can do now is to agree with the committee, with the hope that it

may enable me to bring about favorable action on the pending bills that tend to grant relief to the separated families and bring the relief that is sought by all American women and the American Federation of Labor, and all organizations that have studied and understand the conditions now existing in our country.

I hope that within a few days the committee will be able to agree upon such a humane provision and that we shall be able to bring before the House a measure that will really mean something; something that will bring about a reuniting of the families, and that will also permit a few other exemptions that we are seeking to bring about.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. ARENTZ. I rise for the purpose of bringing to the attention of the gentleman from Illinois, who is a member of the Immigration Committee, the fact that I have introduced a bill asking Congress to bring into this country the minor brothers and sisters of ex-service men, men who have done so much for their country and who are simply asking for the admission of minor brothers and sisters, and allow them, now remaining in Italy or Austria or wherever they are, to come to America.

Mr. SABATH. I am and will do everything in my power to include them in the nonquota basis, just as I am trying to do for the fathers and mothers of American citizens; just as I am trying to do for the children of American citizens up to 21, and the wives and children of men who have been in the United States for many years and who have been pleading with us for years to permit their wives and children to join them. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. GREEN].

The SPEAKER. The gentleman from Florida is recognized for five minutes.

Mr. GREEN of Florida. Mr. Speaker and gentlemen of the House, I favor immigration restriction and do not believe in delaying, procrastinating, evading, and dodging the issue. I believe that inasmuch as this immigration legislation has been enacted, the proper and patriotic thing for us to do is to go on record as standing by this law.

Eighty or 90 per cent of the American citizens desire restricted immigration. They desire the protection of America for American citizens and the perpetuating of American ideals; they are not in sympathy with wedges being driven into the cracks on the plea of humanitarianism and for humanity's sake and separation of families.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Florida. A little later I will.

I sympathize with any man or with any person who is separated from his family, but I deny the charge that the Congress of the United States and the United States Government has separated families. When an immigrant comes to America and enters our country, cognizant of our laws on immigration, and elects to leave his family at home, we are not responsible, and we have not separated him from his family.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield right there?

Mr. GREEN of Florida. A little later. I have not time now. I might say that those of us who are opposed to this measure are given 15 minutes, which is not time to even begin discussion.

Those who would permit the influx into our land, or in fact, in some instances decoy to our America, undesirable alien labor in competition with the splendid American laborer surely should be estopped. Cheap labor to-day may be an expensive liability to-morrow, and surely thousands of the foreign laborers are of this class. The American citizen laborer resides among us, pays taxes, contributes to the welfare and upbuilding of society and really stands at the helm of the ship of State of our mighty Nation. On the contrary, foreign laborers drift into our country, obtain what they can for their hire, give as little in return as possible, in most cases, and then invariably thrust themselves for a charitable existence upon the society, in the founding of which they have not assisted.

The influx of all types of undesirable aliens and their amalgamation with our people causes a general weakening, physically, and mentally of our civilization; and instead of our Nation a few centuries from now being the mistress of the world, leading in art, science, invention, statesmanship, culture, and general civilized development, would it not be reasonable to believe that we may assume a secondary place as compared to those nations which have kept their blood white and purely Caucasian. I do not tell you for a certainty that our Nation is destined to great disaster, but I do tell you that it is time to, in actuality, restrict, or even to stop altogether, immigrants coming to our country. In my opinion we already have enough Japanese, Chinese, Negroes, and in fact, many of the other foreign extractions and strains. It is time to stop the islands, Europe, Asia, and Africa from dumping undesirables upon our beautiful American shores. Of course, I do not mean to tell my fellow members that all people who are born in and come from foreign countries are undesirable; we must admit that there are good white people in countries other than America, but I do say that we should and must protect first America for Americans. We must protect American labor. I share with American labor the belief in the dignity of labor and in the majesty of toil, and I recognize no aristocracy save that of moral manhood.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Florida. Later.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Florida. I am sorry I have not time to yield.

Do you think it is fair, my friends, for us to open the doors and turn into America's industry undesirable or even desirable aliens who will here compete with our honest American labor? In addition to that there are many objections, many reasons why we should not listen to the plea of not separating families for humanity's sake and all that sort of bunk. We all know it and we should speak out for what we know is best and safer for America.

I believe the House of Representatives should stand on its own and not do homage to any other legislative body that would hold a whip to crack over the honest-thinking Members of Congress who are for restricted immigration. I will not listen to the behests of those at the other end of the corridor who do not believe in restriction. [Applause.]

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. MCREYNOLDS].

Mr. MCREYNOLDS. Mr. Speaker and gentlemen of the House, from my viewpoint I can see no reason why this resolution should be passed. If we are going to enforce this act, why not do it? This was all fought out in 1924. The experts have made their reports and this is merely an effort on the part of certain people who are not restrictionists to have this suspended. I see before me many of the same faces and the same men who met us on the floor of this House in 1924, when we had this immigration act under consideration. The same arguments were made then in reference to the kin of those in this country and from a sympathetic standpoint. They then made the same arguments they are undertaking to make now. As evidence that they do not desire this law ever put into effect, I call your attention to the statement that my good friend from Illinois made a few minutes ago, when he said he would vote to suspend it until 1950. If we are to put this into effect, then why suspend it? If you are going to repeal that section of the immigration act, then why not bring it on the floor of the House for that purpose and let us consider it?

Some suggestions have been made that there should be an amendment added to this bill providing that certain relationships should be brought into this country. Of course, there are individual cases in which this works a hardship, but whenever you let down the bars by a general statement as to relationship, then you will have flooded this country with thousands of immigrants and probably thousands of undesirables.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. MCREYNOLDS. I yield to my friend.

Mr. DICKSTEIN. Is it not a fact that the gentleman supported——

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MCREYNOLDS. Mr. Speaker, I have the floor and I do not see how the gentleman can take me off my feet in this way.

Mr. BLANTON. I want to get the gentleman an audience. I make the point of order that there is no quorum present.

Mr. MCREYNOLDS. Mr. Speaker, I do not yield for that purpose. I have the floor.

The SPEAKER. The point of order of no quorum can be made while the gentleman is speaking. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-seven Members are present, a quorum.

Mr. DICKSTEIN. Will the gentleman yield for a question?

Mr. MCREYNOLDS. My time has been partly taken up, but I will yield.

Mr. JOHNSON of Washington. I desire to ask the gentleman whether he has concluded?

Mr. MCREYNOLDS. No; I have not.

Mr. DICKSTEIN. Is it not a fact that the gentleman supported the national-origins proposition in 1924?

Mr. McREYNOLDS. Did I support it?

Mr. DICKSTEIN. Yes.

Mr. McREYNOLDS. We supported it after it came back from the Senate.

Mr. DICKSTEIN. And now you want to repeal it?

Mr. McREYNOLDS. I did not say that.

Mr. DICKSTEIN. What is the gentleman's position on national origins?

Mr. McREYNOLDS. I will make my position plain. As Judge Box explained, we voted against all amendments when the immigration bill was before the House, but when it came back from the Senate with this amendment in it, considering that this legislation was vital to the welfare, the standard of living, and the very liberty we enjoyed, we then supported it in order that it could pass this House. I am not advocating the repeal of that portion of this statute at the present time, but I do say, gentlemen, that a resolution was passed a year ago suspending it at that time and another resolution is pending now to do the same thing. My position is to put it into effect or bring it before this House for repeal. That is my position and I trust the gentleman will understand me.

Now, in reference to this matter of kin folks and relationship. This same fight was made in 1924; these same gentlemen made those speeches on this floor at that time and ever since that act was passed an organized minority have been undertaking to drive wedges into that immigration law. I want to caution the Members of this House that whenever you let down the bars in one place you are letting them down in another place. For my part, I would rather tighten the reins than to loosen them.

We have had no act passed in years that redounded more for the protection and welfare of the United States than the immigration act of 1924.

At that time millions were waiting on the shores of Europe just ready to come to our country.

This is our country, and we owe a duty, not only to ourselves, but to future generations, and also to the memory of those patriots gone before us, to preserve its institutions, our form of government, and the character of our citizenship. To aid in doing this, I know of no better way than to guard well the character and number of people that enter the portals of our country.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the resolution.

The resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

Mr. SELVIG. Mr. Speaker and Members of the House, a little over a year ago Congress passed a resolution postponing for one year the application of the national-origins method of determining immigration quotas. At that time a majority of the Senate Committee on Immigration were reported by the chairman of that committee to be in favor of a permanent repeal.

The House Committee on Immigration in their report recommended that this method of determining quotas be eliminated from the 1924 immigration law. On account of the legislative situation due to the lateness in the session, the only action taken was to postpone the application of this clause for one year.

At the opening of Congress last December I introduced a bill (H. R. 292) repealing the national-origins clause. To-day, instead of having a permanent repeal resolution before us for consideration, we have again a resolution postponing the application of the national-origins method for another year.

I am in favor of a complete, final, and permanent repeal of the national-origins clause.

My reason for asking for the elimination of the national-origins method to determine the quota from each country can best be stated in the words of the department committee appointed by the Secretaries of State, Commerce, and Labor to present quota figures based on the national-origins plan.

Early in 1927 the preliminary report prepared by these experts from the State, Commerce, and Labor Departments was submitted to the Senate in a letter signed by the Secretaries of State, Commerce, and Labor, which I quote:

> The report of the subcommittee is self-explanatory and is stated to be a preliminary report, yet in the judgment of that committee further investigation will not substantially alter this presentation.
>
> Although this is the best information we have been able to secure we wish to call attention to the reservations made by the committee and to state that in our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We, therefore, can not assume responsibility for such conclusions under these circumstances.

In the face of "grave doubts as to the value of these computations as a basis for the purposes intended," Congress will make a grave mistake in spending any more time considering the national-origins plan. The entire clause should be repealed forthwith.

The attitude of the Senator from California [Mr. JOHNSON], chairman of the Senate Committee on Immigration, was clearly set forth on February 1, 1927, when he presented a resolution (S. J. Res. 152) asking for postponement for one year of that clause of the immigration act providing for the determination of immigration quotas based upon the national-origins clause. He said:

> I desire to say that under the present immigration law the President is required to promulgate a proclamation on the 1st day of April, 1927, in respect of the national-origins provision of the law. Upon this subject two messages have been received by the Senate. The last of those messages states that the figures relied upon for the quota numbers of various countries are ambiguous and that practical legislation could not be predicated upon them.
>
> I violate no confidence I think in saying to the Senator from Missouri that the majority of the Immigration Committee desired to repeal the national origins law, but, there being a minority in favor of it and our time being so limited, we felt that we could not at this time have definite action.

This resolution passed the Senate. The attitude of the House Committee on Immigration on the same resolution is expressed in the committee report, from which I quote:

> The committee having considered the text of Senate Joint Resolution 152, to postpone for one year the going into effect of the national-origins provision of the immigration act of 1924, is of the opinion that at the end of one year from July 1, 1927, the same uncertainty as to the results of regulating immigration by means of the national-origins plan will continue to exist.
>
> That the Secretaries of State, Commerce, and Labor will have little, if any more, positive evidence on which to base quota findings than at present.
>
> That too much uncertainty exists as to the requirements of the law that "the President shall issue a proclamation on or before April 1, 1927," when read in conjunction with further provisions of the law.
>
> That the uncertainty will continue from year to year.
>
> That it seems far better to have immigration quotas for the purposes of restriction fixed in such a manner as to be easily explained and easily understood by all.
>
> That the committee is of the opinion that the United States having started on a policy of numerical restriction, the principle of which is well understood, little will be gained by changing the method.

There is no ambiguity in those words. The House Committee on Immigration favored the permanent repeal of the national-origins clause. Why dally with it any longer? Let us repeal it and avoid the uncertainty that continues from year to year!

On February 27, 1928, the President, in response to Senate Resolution 152, submitted a communication of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, dated February 25, 1928, relative to the national-origins system of determining the immigration quotas.

This is the most recent communication signed by them. They make no recommendations regarding this much-discussed problem. They simply state:

> We wish to make it clear that neither we individually or collectively are expressing any opinion on the merits or demerits of this system of arriving at the quotas. We are simply transmitting the calculations made by the departmental committee in accordance with the act.

They then submit the report of the departmental officers who were intrusted with the task of determining the quotas. It is significant to note that there are several important deviations in the 1928 estimate from the figures submitted in 1927. The advocates of the national-origins provision in striving to support their contentions, by revising annually, or oftener, the percentages of respective racial stocks in the United States, raise grave doubts as to the whole value of these computations.

They report an increase in one extensive racial element of 23 per cent, a decrease in another of 10 per cent, and so on. All of this tends to show the unreliability of this method of deter-

mining immigration quotas. To many it will seem like juggling figures; to others, like the merest guesswork; and, to not a few, this plan of apportioning quotas is seen to favor certain special classes in our land.

The problem is of far too great importance to be settled by putting into operation any law which is basically unsound and fundamentally wrong. This would be establishing a dangerous precedent.

A second reason which leads me to take the position of opposing the national-origins plan is that the effect of the clause in question would be to discriminate unduly against the people from the countries whose quotas would be reduced by this method. The immigrants from Germany, Ireland, and Scandinavia are among our best citizens. They have helped develop this country and its institutions. Their loyalty and patriotism heretofore have never been questioned. They have always responded willingly, faithfully, and efficiently to calls for the defense of our country.

I had not intended, Mr. Speaker, on this occasion to attempt to eulogize any particular nationality. We are all Americans in this country, one in loyalty, devotion, and patriotism.

I can not forbear, however, from quoting two paragraphs only from the very readable and scholarly book, Reforging America, by Lothrop Stoddard, in which he appraises the contributions made by the various racial strains which have made the United States what it is. On pages 110 and 111, he writes:

Another important stream of the old immigration is the Scandinavians—the people from Norway, Sweden, and Denmark, together with the Icelanders, who are of Norse blood. The Scandinavian stream did not begin to flow much before 1870, but thenceforth it ran strongly, so that to-day the Scandinavian element in our population numbers nearly 4,000,000. The Scandinavians are characteristically outdoor folk. They make fine farmers, and prefer the cold climates of our Northwestern States, where they are found in great numbers, from Minnesota to Washington, and even in far-away Alaska. Others, heeding the call of their Viking forbears, follow the sea, and are fishermen or sailors.

The town dwellers among the Scandinavians are largely skilled artisans. The Scandinavians vary somewhat among themselves. The Norwegians and their Norse brothers, the Icelanders, are rugged individuals, and are perhaps the finest of the lot. The Swedes are quicker, though somewhat less tenacious. The Danes are relatively gregarious and excel in pursuits like cooperative dairying. The general average of the Scandinavians is extremely good, with very few really undesirable elements. They are a most valuable addition to our population, especially since they assimilate better than any other element except the Anglo-Saxons. This is just what might be expected, because the Scandinavians are not only Nordic in blood, but have political traditions, social ideals, and a general outlook on life very similar to those of the Anglo-Saxon stock.

And again on the last page of this same book he states:

That (the vexatious issue of lack of unity and alienism) is why we are not progressing socially and culturally as fast as truly advanced peoples like those of Australia, New Zealand, and the Scandinavian nations.

The immigration question has aroused a widespread interest throughout the country during the past four years. Two restriction laws have been passed by Congress, one in 1921, and our present act in 1924.

The quotas of many countries, especially of Germany and the Scandinavian countries were by the act of 1924, practically reduced by one-half, as is shown in the following table:

	Act of 1921	Act of 1924
Denmark	5,619	2,789
Germany	67,607	51,227
France	5,729	3,954
Norway	12,205	6,453
Sweden	20,042	9,651

The national-origins provision, if allowed to go into effect, would still further reduce these quotas. In the case of Norway, the quota would be reduced from 6,453 to either (1) 2,053, (2) 2,207, or (3) 2,403, depending upon which national-origins estimate is adopted. The first, (1) is the national-origins estimate submitted in 1924. The second, (2) is the national quota submitted January 7, 1927. The third, (3) is the national-origins quota submitted February 27, 1928.

In the case of Sweden, the figures would be (1) 3,072, (2) 3,259, or (3) 3,399, depending upon which national-origins estimate might be adopted.

In the case of Denmark, the figure would be (1) 945, (2) 1,044, or (3) 1,234. In the case of Germany, the figure would be (1) 20,028, (2) 23,428, or (3) 24,908. In the case of Great Britain the quota would be increased to (1) 85,135, (2) 73,039, or (3) 65,894, depending upon which national-origins estimate is selected.

The press in Minnesota has given widespread publicity to the practical wordings of our immigration policy. A recent editorial appeared in the Minneapolis Morning Tribune, February 4, 1928, which gives succinctly the attitude of Minnesotans regarding this entire matter. Permit me to read it:

If the national-origins clause of the immigration act of 1924 survives the present session of Congress it will not be with the consent of the Minnesota delegation in Washington. In both Senate and House there is Minnesota hostility to this feature of the law as it now stands, and the opponents are not backward about speaking their minds freely on the subject.

Minnesotans are far from being for free and unlimited immigration. They believe in sharp limitation as to the total number of eligibles in a given year, but they want the limitation to be so accomplished as to serve the best practical results not alone for Minnesota but for the country as a whole. They are able to cite figures to show that the national-origins clause as at present constituted, if permitted to go into effect in July, would unduly depress some quotas relative to other quotas, and that this relative depression would be the opposite of what the new immigration law was intended to bring about.

It is common knowledge that the avowed purpose of the revised immigration law was to keep down the quotas of nationals in southern and southeastern Europe, as compared with the quotas of northern Europe. The theory on which the quota phase of the legislation was predicated was that immigrants from the Nordic countries merge more quickly, naturally, and wholeheartedly into our social and governmental scheme than do the immigrants from southern Europe, southeastern Europe, and Russia. It was not intended that the national-origins allotment should be cut down, the number of eligibles from Germany, the Scandinavian countries, and the Irish Free State, while enlarging the number of eligibles from Italy, Austria, Hungary, and Russia, but it is said the national-origins clause, if operative, would have that general effect.

Minnesotans value highly the Scandinavian element that is woven extensively into the fabric of their citizenship, along with other nationals of northern and western Europe. They can not see that there is either wisdom or justice in reducing the quotas from Sweden, Norway, Denmark, Germany, and the Irish Free State.

As a matter of fact, the national-origins plan of "picking out immigrants" is well meant, but it is an uncertain basis on which to proceed. There is no available source of information from which to draw to make application of the law a matter of scientific accuracy. Immigration should be limited, but the limitation should be rationally accomplished if we are to serve best the economic, social, and political welfare of the Nation. When a law does not work out as it was avowedly intended to do, there is something wrong with it.

Instead of merely postponing the national-origins clause for a year, as is contemplated in the pending resolution, the clause should be permanently repealed.

A committee of experts, in endeavoring to work out the national origins of the present population in the United States, has found a difficult and confusing problem. It is impossible to evolve the quotas from the statistics of immigration and emigration available. This lack of statistics and data definitely precludes the possibility of establishing national origins with scientific accuracy.

The three estimates already submitted bear this out. In addition there have been numerous other estimates worked out by individuals and by various groups who have given time and study to this problem, which are defended with equal show of authority.

Because of the difficulties involved and the lack of scientific accuracy of any figures presented, widespread dissatisfaction with the new quota is bound to result. The national-origins feature of the 1924 immigration act was passed through Congress without receiving the critical examination its importance justified. Permanent and satisfactory adjustment of the matter can only be reached by the repeal of the national-origins clause of the immigration act of 1924.

Instead of merely postponing the repeal for one year, let us make the repeal permanent, and let us do it now!

Mr. DOUGLASS of Massachusetts. Mr. Speaker, the manner in which the resolution deferring the operation of the national origins clause of the immigration act of 1924 was railroaded through the Senate recently, and through the House here to-day, very well substantiates the charge made during the debate on the floor of the House to-day that the suspending of the opera-

tion of the law at this time is nothing more than a vicious political gesture, calculated to eliminate the vital issue embodied in the national-origins method of establishing immigration quotas from being a source of trouble to the Republican Party in the campaigns this presidential year.

There is absolutely no good reason for not facing the issue at this time by taking up my bill, which provides for the outright repeal of national origins. This second postponement was brought about following a recent visit, made upon special invitation, I am informed, of the Senator from Pennsylvania, author of the pro-British national-origins clause, to the White House, at which time it was made known that national origins must be put out of the way this year.

It was not those seeking the repeal of national origins who brought about this latest postponement in either the House or Senate, but rather the friends of the iniquitous clause, who have the hope that next year with presidential and congressional elections not to be worried about national origins, as a method of establishing immigration quotas, will be foisted upon the country and the pro-British fanatics in America will be assured of having their ranks augmented annually with over 50 per cent of all of the world's immigration coming to this country from Great Britain and Ulster Ireland.

Mr. TILLMAN. Mr. Speaker, I have the utmost faith in our country, but we have serious problems confronting us. I have in mind particularly the immigration problem. As a nation we have done many foolish things, but in the end, if we work loyally together, we will correct wrongs and mistakes and build a greater America.

America began by the coming here of a race of manly men, pioneers from the best stock of the Old World, who came here to found and construct a great commonwealth. The Indians found here were few in number, had not improved their opportunities, left no real mark on the country, and under the laws of God and nature gave way to a better and a bigger people. The Indian has suffered wrongs, and yet as between him and the white man the thing happened that should have happened. There are no buffaloes now, but there are New York, Philadelphia, Washington, New Orleans, Chicago, Denver, and San Francisco. There are no big-painted Indian chiefs left, but there have been Websters, Clays, Edisons, Washingtons, Lees, Vanderbilts, Wrights, Lindberghs, the Mayo brothers. There are but few wigwams and tepees, but we have the Capitol, the Congressional Library, the Washington Monument, the Singer Building. There are no more birch canoes but we own the *Leviathan* and the battleship *Texas*. There are no more Indian trails but we have 249,398 miles of railroad trackage.

NATIONAL RECONSTRUCTION

The alien problem and the negro question are the two serious obstacles to the construction of an ideal and lasting commonwealth. The northeast contains dangerous blacks, reds, and alien radicals, a situation calling for Federal intervention, such as bills now pending seek to offer.

Let me call your attention to the real situation in respect to this great question. We have approximately 100,000,000 whites. About half of this is fine stock, north European, English, Scotch, Irish, German, Dutch, Scandinavian, and others of lesser importance.

The bad element of our population consists of about 15,000,000 of recent importations from southern and eastern Europe. Add to this 10,000,000 negroes, 1,500,000 mongrels, and about 200,000 other undesirables. Now, let us deport those that can be and should be deported and begin the process of assimilating those that can be assimilated and Americanized, and limit future immigration to the lowest possible numbers.

One thing is certain, mass immigration must stop; and we must remake America, depending on the sturdy and polite Southerner, the business-loving Northerner, the sober and energetic middle westerner, and the eagle-eyed far westerner to do the big job.

LET US AMERICANIZE AMERICA

There should be no white and black intermarriages or intermixture. It is best for both colors that there should be drastic legal prohibition of white and black intermarriage and racial intermixture. The North with its large negro population now understands what the race question actually means. Some Northern States still permit marriages between negroes and whites, but such marriages are few, and happily so.

Sexual relations between whites and blacks should be prohibited under the most severe penalties.

Complaint is often made that the negro is disfranchised in the South. He is. It is done by means legal and constitutional, with good results for both races. The South will maintain white supremacy; has done so and will continue to do so, and by this course both whites and blacks have made progress, materially, socially, educationally.

Let it be known that the South is determined to yield no part of her creed as to who is best fitted to govern and as to what color will govern. Both races can not govern jointly. The pale-face dominates wherever he sets his foot, and the goal of mankind is thus thrust ahead. If the Japanese were in the majority on the Pacific coast, the white men and women would continue to rule. If the negroes were more numerous than the Irish in New York City and in Massachusetts, the Irish would remain in control. Save by very superior force of arms, no colored race can hope to govern any State in this Union.

Another matter in this connection:

Those of us who favor quota legislation have been asked for our motive in voting for this idea.

It was ascertained in 1909 that the illiteracy of the English was 0.7 per cent, the Scotch 0.5 per cent, the Scandinavian 0.2 per cent, the Irish 1.5 per cent, the Germans 6.3 per cent, while that of the south Italians was 56.9 per cent, the Russians 42.7 per cent, the Poles 39.9 per cent, the Greeks 26.1 per cent, and that of the Bulgarians, Serbs, and Montenegrins, 46.5 per cent.

From this it appears that the illiteracy of immigrants from southern and eastern Europe is over twelve times as great as that of aliens of northwestern Europe, and that the illiteracy of Armenians, Japanese, and Syrians is great. A man may be illiterate and not vicious or undesirable, and yet the best test of his fitness perhaps is the educational test.

Mr. MAAS. Mr. Speaker, it is most regrettable that this session of Congress did not see fit to repeal the national-origins clause of the 1924 immigration act outright and dispose of this question once and for all. However, under the circumstances I can not see that the House is to blame for the present situation. There is nothing else for us to do but to postpone the operation of this clause for another year. I join with the majority of the Members of this House in their desire to strike this provision from the bill at this time, but also agree with them that the better part of wisdom is to accept postponement for a year inasmuch as it is quite apparent that repeal at this particular time would be impossible.

I certainly feel that it is very much wiser to take the attitude that we will accept postponement now, and then repeal the bill at the next session, than to say that we will nave "repeal now or nothing," when in this case "nothing" means that the national-origins clause will actually go into operation. After all, the real object is to prevent the operations of that most pernicious quota provision. In the meantime the country is becoming well acquainted with the viciousness of this provision and I feel very certain that by the next session of Congress sentiment will be such that the law can be easily amended and the national-origins clause stricken out of the immigration act. I most heartily favor the principles of restricted and selected immigration. Immigration is purely a domestic matter, and at the present rate of increase in population in the United States it is very necessary to call a halt to general influx of other peoples. The best test of those desired is the proportion of those foreign peoples who have come into this country and shared in its upbuilding. The present quota basis establishes that very nicely and is for the best interest of all the people of this country. It is not desirable, nor would it be humane to entirely shut out immigration nor is it wise or desirable to artificially change the proportions of those people who will come into this country from the proportions of those people who came and did the most for building up of this great Republic. If the national-origins clause is put into effect, it would militate particularly against the Germans, Irish, and Scandinavian peoples. It is these very peoples who have formed the backbone of the development of the great Northwest. They assimilate readily and make the most loyal and substantial American citizens. Almost without exception they become naturalized and take an active and intense interest in civic affairs, both locally and nationally. From these peoples have come some of our greatest statesmen and leaders. I think it is only fair to serve notice, however, that while we are accepting postponement now that we intend to repeal this national-origins provision at the next session of Congress and that we have no intention of longer temporizing on this question.

EXEMPTION OF AMERICAN INDIANS BORN IN CANADA FROM THE OPERATION OF THE IMMIGRATION ACT OF 1924

Mr. MacGREGOR. Mr. Speaker, I call up the bill (S. 716) to exempt American Indians born in Canada from the operation of the immigration act of 1924.

The SPEAKER. The gentleman from New York calls up the bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the immigration act of 1924 shall not be construed to apply to the right of American Indians born in Canada to pass the borders of the United States: *Provided*, That this right shall not extend to persons whose membership in Indian tribes or families is created by adoption.

Mr. MACGREGOR. Mr. Speaker and Members of the House, this bill permits Indians born in Canada to pass and repass the borders of the United States. It is approved by the Department of Labor.

Under the Immigration Act of 1924, Indians are not permitted to cross the borders because they are ineligible to citizenship. Under the Jay treaty of 1794 between the United States and Great Britain, the Indians were permitted to pass and repass the borders of the country, and it was not until quite recently the Department of Labor discovered that they are not eligible to admission, it being determined that they were ineligible to citizenship. Therefore they were not permitted to visit their relatives in this country and pass to and from the reservations on each side of the line.

Mr. CELLER. Will the gentleman yield for a question?

Mr. MACGREGOR. Certainly.

Mr. CELLER. What body determined that the Indian was an alien?

Mr. MACGREGOR. They are not eligible to citizenship.

Mr. CELLER. I know; but what body determined that an Indian is an alien?

Mr. MACGREGOR. What body?

Mr. CELLER. Was it a court or the Committee of the House on Immigration? What body vested itself with authority to determine that the Indian is an alien?

Mr. MACGREGOR. I see the gentleman's point.

Mr. CELLER. Can the gentleman answer the question?

Mr. CARSS. They were the original inhabitants of the United States.

Mr. MACGREGOR. We took the land away from the Indians and now we are not permitting them to even go to and fro on the land which they originally possessed.

Mr. CELLER. Does not the gentleman think this act is absolutely unnecessary?

Mr. MACGREGOR. I think so myself, but the Department of Labor will not admit them.

Mr. CELLER. Have not the courts decreed that the Indian is not an alien?

Mr. MACGREGOR. That question was passed upon in a case which arose in the district court in Philadelphia——

Mr. SABATH. This applies to the Canadian Indians.

Mr. COLTON. That is the point, exactly.

Mr. MACGREGOR. Let me finish answering the question of the gentleman from New York.

Mr. CELLER. I would like to hear the gentleman's views on that.

Mr. MACGREGOR. The court decided in this case that the Indians are entitled to admission irrespective of the immigration act of 1924 or the Jay treaty or anything else, but the department does not recognize decisions of United States district courts.

Mr. BLACK of New York. Will the gentleman yield?

Mr. MACGREGOR. Yes.

Mr. BLACK of New York. Does the Prohibition Department approve this act? [Laughter.]

Mr. CARSS. Do the Canadian immigration authorities permit Indians who are citizens of the United States to enter Canada?

Mr. MACGREGOR. Oh, yes; they have no difficulties about that.

If there are no further questions, Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MACGREGOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

REFUND OF VISA FEES

Mr. JOHNSON of Washington. Mr. Speaker, under the rule I desire to call up the bill (H. R. 12407) to authorize the refund of visa fees in certain cases.

The SPEAKER. The gentleman from Washington calls up the bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who made application to a consular officer for the visa of his passport or other travel document, or to whom such a visa was issued, between July 1, 1923, and June 30, 1924, inclusive, shall, upon application made within two years after the enactment of this act, be entitled to a refund of the fees collected for such service if such person shows to the satisfaction of the officer to whom application for refund is made that he (1) never proceeded to the United States, or (2) proceeded to the United States under such visa and was excluded because of the exhaustion of the quota of his country or, if he arrived in the United States after June 30, 1924, because of his failure to have an immigration visa, required by the immigration act of 1924, or (3) proceeded to the United States under an immigration visa (whether or not he was admitted to the United States), having paid the required fee of $10 for such immigration visa and the application therefor. In the event that any person entitled to the refund authorized in this act has died since the issuance of the visa of his passport or other travel document, or the execution of an application therefor, such refund may be made, upon application made within two years after the enactment of this act, to a duly authorized legal representative of the estate of such deceased person, or, if there is no duly authorized legal representative, then to the persons found by the Secretary of State to be entitled thereto.

SEC. 2. An applicant for a refund authorized under the provisions of section 1 shall, (1) if he resides abroad, made application for such refund to the consular office in the district in which he resides, or (2) if he has been legally admitted to and resides in the United States, makes application for such refund to the Secretary of State. Any such person who resides abroad but does not reside within any consular district may make application for a refund to the consular office nearest to his place of residence. The Secretary of State shall cause the amount of the fee collected to be refunded, (1) upon proof satisfactory to him of the identity of the person making application, and (2) upon receipt by him of a statement in writing from any consular office stating that the records of that office show that the person in whose behalf claim for refund is made applied for or was issued a visa at such consular office.

SEC. 3. The Secretary of State is authorized to make regulations for carrying out the provisions of this act.

SEC. 4. There is hereby authorized to be appropriated the sum of $160,000, or so much thereof as may be necessary, to carry out the provisions of this act. No amount shall be paid as a refund under the provisions of this act unless an appropriation under the authorization contained in this section is available therefor.

The SPEAKER. This bill is on the Union Calendar.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, this bill is made necessary by the fact that at the time of the passage of the 1924 act, and prior thereto, there was no limit on the number of visas that could be issued to prospective immigrants by consular officers.

The temporary quota law permitted all who had such visas on their passports to enter this country if they could arrive by a certain time. There was a time limit which ran against them. The visas were secured for months in advance, and since the 1924 act the number of people having visas, represented by this sum of money, say, about 15,000, have not been able to get to the United States, and many of them are asking for a refund. These requests are being made by the ambassadors from the various countries. The bill has merit and is one that should pass. Close family relatives who had paid these visa fees have been given preference, and all, exceeding 2,200 or so, have reached the United States.

Mr. DICKSTEIN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker and Members of the House, if you had given any particularly study to this bill, you would find there is more behind it than what my good friend the chairman of the committee has just said.

You must bear in mind that in 1923 the American Government visaed through its consuls certain passports of prospective immigrants who had been examined and found fit to enter the United States of America. They paid their fee to the Government, and the Government of the United States accepted the money, with the assumption that they would be permitted to enter the United States of America. Now, about four years afterwards, instead of allowing these people to enter the United States under a proper visa made by the American consul, we

are waking up at this late time by saying that the visas we gave you in 1923 are no good, that the American Government will return you the $10 you paid in 1923, or at any other time, but you can not enter this country.

Mr. BOX. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. BOX. Is it not a fact that they were not immigration visas—that the fact that they did not use them grew out of the fact that we adopted a law that gave the country a smaller quota?

Mr. DICKSTEIN. That is more reason why the American Government should recognize the visas that were made and given by the American consuls to the prospective immigrants. The trouble was that at the time these visas were issued to the prospective immigrants they believed there were plenty of quota numbers left for them in the quota, and there were sufficient numbers left in the quota until we passed the 1924 act, which completely cut off all prospective immigrants who sold every piece of property they had, believing that the American Government would honor their own visas. As a matter of fact, some of them who had real and personal property who were hundreds of miles away from the American consulate had traveled days and weeks to reach the consulate. They had no further common interest in their country of birth and left their homes in order to come to the future land of opportunity, which they expected to make their permanent home.

Mr. CELLER. And the immigrant had complied with all the conditions of the law then existing.

Mr. DICKSTEIN. Absolutely; relying on the good faith of the American Government, relying on their visas, they have sold their property, as I stated, and they were not, like my colleague, Mr. GREEN, from Florida, has stated, the scum of the earth; and I do not believe the gentleman knows what he is talking about, for I do not believe he ever read the immigration law nor how it is applied. The fact is, the immigrant, before he can come into the United States, is examined by both the consul and the physician and the advisory board as to whether he is mentally and physically able to enter the United States. And unless he or she complies with all the requirements of the act of 1917 as to his or her fitness he or she can not enter.

Mr. O'CONNELL. How many immigrants will this bill affect?

Mr. DICKSTEIN. Several thousand.

Mr. O'CONNELL. How do they reach the number?

Mr. DICKSTEIN. They give the visas to those persons who were holding such old visas issued prior to 1924. In other words, I do not exactly oppose this bill if Congress desires to return visa fees to those who do not want to make use of their visas. It seems to me unfair and unjust to make the immigrants believe that they hold an American visa which will allow them to enter the United States and then pass a quota law cutting them out, and after four years wake up and say we will return your money when these men have sold their property, broken up their little homes in the country where they came from. I do not think that is fair. I say that we ought to pass legislation recognizing and honoring our own visas. I think that should be done in spite of the fact that it is not with the approval of my colleague from Florida.

Mr. GREEN of Florida. Then the gentleman is in favor of open immigration?

Mr. DICKSTEIN. No; I am not in favor of open immigration. For the benefit of the gentleman from Florida and others who believe as he does let me call attention to a little history of our immigration problems.

In addition to the problem itself, there is always the question of an adjustment to be made by those who by the ties of blood and kinship are related to the immigrant, and the solution of the immigration problem requires principally a full determination as to what effect, if any, our policy can have on those who have a right to humane consideration of their own peculiar position in any matter affecting the welfare of their families.

I fully agree with my colleague [Mr. GREEN] that immigration in this country should be limited in some way. The trouble, however, with the existing law is that it seeks to limit immigration into the United States. not by quality but by number, and particularly it ignores the fact that no particular race or group is in any way superior to any of the classes or groups.

The obvious purpose of this discrimination is the adoption of an unfounded anthropological theory that the nations which are favored are the progeny of fictitious and hitherto unsuspected Nordic ancestors, while those discriminated against are not classified as belonging to that mythical ancestral stock. No scientific evidence worthy of consideration was introduced to substantiate this pseudo-scientific proposition. It is pure fiction and the creation of a journalistic imagination. All we know is that these immigrants are all human beings, and none of them is regarded by the majority of the committee as undesirable so long as they meet the test of the act of 1917.

Those who in the past have been admitted into this country, whether born in one part of Europe or another, have been industrious and useful accessions to our population. Many of them have become citizens and have performed their civic duties, and during the war entered our Army and Navy in large numbers, and were loyal to our Government. Their children, whether they were born in this country or arrived here at an early age, have been trained in our public schools and can rarely be distinguished from native Americans of elder generations.

Those who have come from the lands upon which a bar sinister is to be imposed have made valuable contributions to science, art, and literature, to a hundred different industries, to every imaginable form of commerce, and have performed much of the heavy work in our mines, furnaces, manufactories, farms, and forests, upon our railroads, and other public works. Without them our material progress would not have been as rapid as it has proved to be, and they are needed to-day as they have been in the past.

It is closing our eyes to known facts to suggest that this country, large sections of which are sparsely populated and whose development has not even begun, can not absorb additional immigrants and that hereafter only men of certain types or of certain creeds or nationalities may be added to our great army of workers.

In their eagerness to indulge in this discrimination the restrictionists, who have made propaganda for it and who do not understand the real sentiment of this country, forget that hundreds of thousands of immigrants have come to this country for the purpose of making it their home, of rendering loyal service whenever called upon to do so, and of exerting themselves in every direction to advance its interest; and, notwithstanding statements to the contrary, these immigrants have become citizens of the United States, and that they, as well as their children, are proud and grateful for that privilege.

What, we beg to ask, can be their sensations when they are told that it is proposed by an act of Congress to declare them, because of their birth and ancestry, to belong to an inferior class, and that those of their blood are henceforth to be discriminated against in our immigration laws? Is it to be expected that they will conceive that those who by this legislation would be pointed out as a favored class are superior morally, physically, or mentally? Such an assumption would be contrary to human nature.

It is inevitable that a feeling of resentment would be engendered by such action. It would be the first instance in our modern legislation for writing into our laws the hateful doctrine of inequality between the various component parts of our population. The consequences of such differentiation would be deplorable, and in the end would be heard above the strident outcries of those who are seeking to stimulate and foster racial, religious, and national hatreds, which carry with them a curse wherever they prevail.

It is particularly deplorable that the immigration law to-day does not permit a prospective citizen to settle in this country with his family and become fully Americanized. No reason exists, for instance, why, if a man be admitted to the United States, passing all requirements and qualifying himself under the existing immigration law, his wife and children should not likewise be admitted to the United States as a matter of course. No reason exists why Congress should not provide by appropriate legislation that, instead of admitting individual immigrants, immigrants and their families should be admitted simultaneously into this country.

After all, it would be in line with our national traditions to foster the union of families rather than compel their separation, as is so cruelly done under the present immigration law.

Whether Congress ultimately adopts the "national-origin provision," which Congressman GREEN seems to think so much of, is immaterial for the purpose of my idea as to what the law should accomplish. I believe that we must see to it that in any legislation passed provision be made for the union of families rather than for their separation.

As to this particular bill I should think it would be more humane to recognize visas issued by the American consuls abroad to prospective citizens and permit them to enter the United States in exemption of the quota instead of asking Con-

gress to return to these immigrants after four years of waiting for their admission to the United States the visa fee. The committee should have proposed a request from Congress to permit the admission of all persons who hold old visas believing in the good faith of the country that they would be sooner or later recognized.

We must bear in mind that at the time these visas were issued by the American Government prior to 1924 these immigrants had a right to believe that the Government of the United States would honor their own visas. Instead therefore Congress passed a 1924 immigration act which practically put them out and they have been waiting ever since for legislation to take care of this situation. But instead of enacting such legislation as would be in accord with American teachings of humanity you are forcing these people to receive their money and leaving them upon the open sea. I submit that this legislation is not for the best interests of this country.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That any person who made application to a consular officer for the visa of his passport or other travel document, or to whom such a visa was issued, between July 1, 1923, and June 30, 1924, inclusive, shall, upon application made within two years after the enactment of this act, be entitled to a refund of the fees collected for such service if such person shows to the satisfaction of the officer to whom application for refund is made that he (1) never proceeded to the United States, or (2) proceeded to the United States under such visa and was excluded because of the exhaustion of the quota of his country or, if he arrived in the United States after June 30, 1924, because of his failure to have an immigration visa, required by the immigration act of 1924, or (3) proceeded to the United States under an immigration visa (whether or not he was admitted to the United States), having paid the required fee of $10 for such immigration visa and the application therefor. In the event that any person entitled to the refund authorized in this act has died since the issuance of the visa of his passport or other travel document, or the execution of an application therefor, such refund may be made, upon application made within two years after the enactment of this act, to a duly authorized legal representative of the estate of such deceased person, or, if there is no duly authorized legal representative, then to the persons found by the Secretary of State to be entitled thereto.

Mr. SABATH. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 6, afer the word "inclusive," insert the following: "Shall be permitted to enter the United States outside of the quota."

Mr. BOX. Mr. Speaker, I make a point of order that the amendment is not germane.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. JOHNSON of Washington. Mr. Speaker, this bill has to do with certain visa fees before we had the immigration law. This is to refund the money. It has nothing to do with the admission of immigrants, quota, nonquota, or otherwise. The amendment is an amendment of the immigration law of 1924.

Mr. SABATH. Mr. Speaker, I wish to be heard on the point of order if the Chair desires to hear me.

The SPEAKER. The Chair will hear the gentleman.

Mr. SABATH. Mr. Speaker, this bill has to do with the refunding of certain sums of money received for immigration certificates or for visas, which the Government received for the visas which permitted these people to come into the United States. Were it not for the act of 1924, they would be entitled to enter the United States under the law. Consequently I think it is germane to the bill.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. JOHNSON of Washington. To make it clear, there was no immigration visa prior to 1924, as such. There was a visa on the passport.

Mr. SABATH. We called them passports.

Mr. JOHNSON of Washington. And a different system has been adopted since that time.

Mr. SABATH. But no one could enter without having a passport, and they could enter after receiving the passport.

Mr. O'CONNOR of New York. Mr. Speaker, as I understand the amendment, and I examined it before it was offered, I think it is germane. This bill relates to the relief of certain people in connection with the immigration law. The bill itself would offer them one kind of relief, namely, the return of money. The amendment offers them another kind of relief, which they understood they were getting when they paid their money. This does not change the nature of the legislation. Any kind of legislation here can be amended as to the relief of the people to whom the legislation pertains, but instead of giving them their money back which they paid to come into the United States, the amendment merely provides that the United States shall carry out the bargain or understanding or assumption and will keep the money and let them come in outside of the quota. I submit to the Chair that the amendment is germane.

The SPEAKER. The Chair is prepared to rule. The Chair can find nothing in this bill that has anything to do with the admission of immigrants, the quota notwithstanding. He thinks it clearly has nothing to do with any of the provisions of the bill as it exists and is not germane, and, therefore, sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 2. An applicant for a refund authorized under the provisions of section 1 shall, (1) if he resides abroad, made application for such refund to the consular office in the district in which he resides, or (2) if he has been legally admitted to and resides in the United States, makes application for such refund to the Secretary of State. Any such person who resides abroad, but does not reside within any consular district, may make application for a refund to the consular office nearest to his place of residence. The Secretary of State shall cause the amount of the fee collected to be refunded, (1) upon proof satisfactory to him of the identity of the person making application, and (2) upon receipt by him of a statement in writing from any consular office stating that the records of that office show that the person in whose behalf claim for refund is made applied for or was issued a visa at such consular office.

The SPEAKER. Without objection, the word "made," in line 19, page 2, will be changed to the word "make."

There was no objection.

Mr. SIROVICH. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The Chair recognizes the gentleman from New York.

Mr. SIROVICH. While I do not desire in any way to cast any aspersions upon any Member of this distinguished body, I feel that the time has come when I must take exceptions to the remarks of my distinguished friend from Florida [Mr. GREEN], who has spoken in a derogatory fashion against the foreigners of our country.

The citizenship of the United States is composed of two groups. First, there is the man who gives up everything which he holds near and dear in life and selects this country as the land of his adoption. We refer to him as an American of foreign extraction. Second, we have the native American, through accident of birth. These two constitute the modern American to whom the Constitution guarantees the inalienable right to the pursuit of life, liberty, and happiness. In return for this great privilege of citizenship the native American and the adopted American have contributed their all upon the altar of our Republic through agriculture, science, art, literature, philosophy, industry, and through every form of human endeavor, to make this the greatest nation upon the face of the globe, the haven for peace, prosperity, and happiness for all who live under our flag. Thus, we recognize them not as native Americans or foreign Americans but as Americans true to the ideals of the founders of our Republic and to our glorious institutions. [Applause.]

Mr. Speaker, I have the honor to represent the fourteenth congressional district of New York City, one of the most congested communities in the United States, a district composed of almost every race, creed, and color of our country—native Americans and adopted Americans—and I challenge the statement of the gentleman from Florida [Mr. GREEN] that these foreign Americans of my district or any other district are less loyal and patriotic to our country than any of his native Americans from the State of Florida. [Applause.]

The foreigners of our Nation are not a gang or horde of outcast immigrants that the slums of Europe vomit forth to live and swarm together like some foul insect larvæ, but they are uniformly honest, conscientious, intelligent, and trustworthy Americans who are contributing through their toil, labor, and service to the prosperity of our Nation and to the material welfare and happiness of our country. Yea, even upon the battle field they have bared their breast to the shot and shell of enemy nations who have attempted to destroy the existence of our country. [Applause.]

In the East Side of New York, the district from which I come, there was gathered together in the last war a regiment

known as the Lost Battalion. It was composed of cigar makers, tailors, furriers, carpenters, conductors, and many other vocations. Many of these men were not even citizens of this their adopted country, yet when the bugle summoned them to their country's call they gave their last full measure of devotion to the land that they had selected as their home. Their life blood saturated many a battle field upon the plains of France. Their maimed and crippled bodies have hallowed many a battle field, and the humble shaft or tombstone which commemorates their memory has written upon it the inscription: "They gave their life to fight for their adopted country. What will you native Americans do to preserve it?" [Applause.]

Let me tell the gentleman from Florida that the reason his State is in such desperate straits to-day is because they have not enough immigrants to plow their fields, to cultivate their soil, to fill the empty dwellings that are looking for tenants and to take advantage of that wonderful climatic condition with which nature has blessed Florida.

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I can not yield. The gentleman refused to yield to others when he had the floor.

Mr. GREEN of Florida. But I did not jump on the State of New York. I would like to say that the State of Florida has an annual acreage yield as great as any State in the Union.

The SPEAKER. The gentleman from Florida will be in order.

Mr. SIROVICH. Mr. Speaker, I have been in Florida on many occasions and some of my dearest friends have lost a great deal of money in that beautiful State.

I can testify to what Florida yields. It yields sunshine and flowers. It is the place where winter spends its summer. It is the country of promise and the land of rainbows, and, above all, where wild acreage meets and greets you wherever you go. What a splendid contribution the distinguished gentleman from Florida could contribute to his State if he opened the gates of opportunity to allow selected immigrants from Europe to come into his native State and there help to develop that wonderful land which is to-day going to waste because there is no one to till the soil, no one to fill the empty houses that are crying for tenants, and no one to collect the crops that are being burned by the ravages of the sun and the tempests of the elements. Mr. Speaker, I want the gentleman from Florida to realize that he has insulted 40,000,000 people in the United States who are the sons and descendants of immigrants who fought upon every battle field in defense of their country in times of war and who contributed to its glory in times of peace. [Applause.]

Mr. GREEN of Florida. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Florida.

Mr. GREEN of Florida. Does the gentleman mean to say that the 40,000,000 he speaks about are superior to the approximately 75,000,000 who are pioneers of America and who fought on battle fields of America since 1776? Who is superior—the Americans of the old America or the Americans who are drifting in here because it is the last frontier?

Mr. SIROVICH. History will teach the gentleman from Florida that this country was settled, not by one race, by one creed, or by one color. The French settled Canada, New England was settled by the English. The Dutch settled New York. Pennsylvania and Delaware were largely colonized by the Germans. New Jersey by the Norwegians and Swedes. Florida, your native State, by the Spanish. The Mississippi Valley by the French and Spanish. Thus, you see that many races and many peoples helped to settle our country, and the civilization of our Government is the cumulative and collective product of the lifeblood of all these various races that have labored and toiled in the quarries of our country to make it that which it is to-day. All these races have passed through the crucible of America, and under the fiery influence of its opportunities have come forth as the greatest of all races, the American race, true Americans. That is the kind we are, and that is the kind we want here as future citizens of our Nation. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIROVICH. I ask unanimous consent of the House to have five additional minutes to continue.

The SPEAKER. Is there any objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Our country has recently taken a new point of view regarding immigration. We believe that America should not be regulated by conditions in Europe but by the necessities of the people of our land. Congress contends that we are not responsible for the terrible state of affairs in Europe and are not therefore obligated to bear their burdens. So we have determined to take in only such immigrants as we desire or the conditions of our country require. This process of choosing our future citizens is called selective immigration.

From the tenor of the membership of this House, I believe that for the present, selective immigration is here to stay. No one is here to object to the selective feature of immigration. But the bill has one great drawback, one great weakness. While the immigrant husband is in America, his wife and children must remain in Europe until he becomes an American citizen, which is almost five to seven years. In this respect the law is cruel. It is inhuman. It is brutal. It breaks up the ties of family life. It disintegrates the home. It puts a premium upon desertion, illicit unions, bigamy, divorce without the wives' consent or knowledge. It neglects the education of the children. The health of the family suffers from worry and anxiety. The United States suffers economically. The alien sends remittances abroad which might be spent at home. The assimilation of the alien is delayed. His family life, from the standpoint of stability and normality, is postponed. Rapid Americanization is deferred. It creates alien problems which overwhelm him. While the law creates these problems, the alien is charged and blamed for their results.

Therefore I would say to the distinguished gentleman from Florida that we should humanize the immigration law; that we should make every attempt to unite the families and thus bring about a normal, happy, healthy union between husband, wife, and children under 21 years. You have cast aspersions against the immigrants of our country. Let me tell you that you should not forget that during the last 75 years these immigrants whom you have belittled through their sweat and blood have helped to build the great American railroads, to develop the great American industries of steel and iron, to create the manufacturing plants of our country; have gone down into the bowels of the earth to bring forth the buried treasures of nature's past, have dug the subways, and have made possible the perfection of skyscrapers and dwellings which have made our Nation and people the richest and most respected in all the world. [Applause.]

The sentiment of Congress would be to unite the immigrant with his family, not only on humanitarian grounds but for social, economic, educational, and patriotic reasons. The home is the foundation of society, upon which the superstructure of our Government is reared. In this home the father is king, the mother is queen, and the children the subjects. Destroy this home and you destroy government and all that it stands for. What justice is there in a law that prevents a father from helping his own children? What man can regard a law as just which denies him the right of having his wife and children with him? Morally, no law and no individual is justified in separating a man from his wife and children. It is a reflection upon America's honor and it should be wiped off our statute books to clear America's name among the different civilized peoples of the world. [Applause.] Every day in my office I see poor, helpless, weeping immigrants who cry pitifully and say to me: "Doctor SIROVICH, I would like to bring over my wife and children, from whom I have been separated by this cruel, inhuman immigration law for the last three to five years. Can you not, please, help me?" I say to you, honored sir, "Whomever God has united together, let no Congressman tear asunder." [Applause.]

Mr. GREEN of Florida. They have separated themselves.

Mr. SIROVICH. This terrible immigration law, for which you voted, has separated them. Through this bill you have severed and cut in twain the heartstrings that bind a father to his loved wife and family. This law as it operates to-day is infamous. It is barbarous, and unworthy even of medieval days.

Have you ever felt the labor pains that a mother endures in bringing a child into the world? If you had, you would not be in favor of disintegrating the home. Do you realize the love of a father for his brood? Of his headaches and heartaches in thinking daily of how and what they are doing over there?

Mr. GREEN of Florida. Do you contend that the responsibility is upon Congress and upon America when a man from a foreign land voluntarily and purposely deserts and leaves his wife and children in a foreign land, and when he comes here tries to shift the burden of responsibility and proof upon America instead of bearing it himself?

Mr. SIROVICH. No man who comes to this country, suffers, toils, and struggles to earn an honest living, and immediately

thereafter sends his earnings over to Europe to bring over his wife and children should ever be called a deserter. But I will tell you why these honest immigrants come to our glorious land. What is the difference between America and Europe? The mountains and valleys and rivers of America are the same as those of Europe. The composition of water, which is oxygen and hydrogen, here is the same over there. The chemical formula of air is oxygen and nitrogen over here, the same as it is over there. The flowers, the trees, the plants, the shrubs are the same over here as they are over there. Then what is the difference between America and Europe? The great and fundamental distinction is that our country is the land of liberty, of freedom, of opportunity and justice, which is so sadly missing over there. And that is why these honest immigrants try to come to our land, so that they might give to their children the blessings and opportunities of freedom and justice which have been denied to them over there. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SIROVICH. May I have one minute more?

The SPEAKER. Is there any objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. If my distinguished friend from Florida [Mr. GREEN] objects to foreigners then he and his family and others who think like him should have objected to foreigners like Christopher Columbus and John and Sebastian Cabot to have discovered a country like ours where he and his family could live in peace and in happiness.

Everyone in this country is a foreigner or the descendant of foreigners. The only true and original Americans in our country are the Indians, whom we have made prisoners in the land of their fathers. [Applause.]

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. LAGUARDIA. And Columbus and Cabot were both Italians. [Laughter and applause.]

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. SABATH. Can the gentleman make it 15 minutes?

Mr. JOHNSON of Washington. Mr. Speaker, I amend the request and ask that the debate on this section and all amendments thereto close in 15 minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent that all debate on this section and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker and gentlemen, we rarely help to settle important questions wisely by getting our feelings aroused and we rarely ever discover the truth to ourselves or others by extravagant statements. After all, the big question involved in America's immigration policy is one of the preservation of the institutions which have made the country so attractive to all the world that millions of mankind everywhere want to come here. These institutions have grown out of certain racial traits, traditions, and habits, and certain attitudes as to government which find expression in the institutions themselves.

We do not want the world to feel that any hatred toward any group or any race is prompting our immigration policy. We are trying to preserve America for all its people. If our foreign-born friends and their relatives have traveled far from Europe and from other countries to find another Europe created here, they will suffer a great disappointment. The feeling which ought to dominate American life and this Congress in shaping and working out this policy is a desire to preserve these institutions and this life, not for those of us whose ancestors have been here for 100 years but for all the people who now make up the United States. We are striving to perpetuate these institutions for every class of our people, for the newcomers as well as for the rest of us.

It has been determined that the number coming has been and probably yet is too great, and that restriction is necessary, not because any hatred or feeling of superiority but for the benevolent purpose which I stated, and that purpose, if accomplished, will inure to the incomparable benefit of giving the best that is in American life and institutions to all our people, of all stocks, new and old. [Applause.]

Mr. SABATH. Mr. Speaker and gentlemen of the House, it is to be regretted that whenever any measure comes from the Immigration Committee some members who really do not understand the situation or the conditions, and who are not familiar with the proposed legislation or the pending legislation, should arise and try to prejudice the minds of the membership of the House. There is no legislation now pending to open the doors wide, as the gentleman from Florida [Mr. GREEN] had tried to make the membership here believe. The only efforts that are being made are those to bring about the reuniting of families.

I want to say to the gentleman [Mr. GREEN] that there is an organization in the United States that has the interests of labor in America closer to its heart than even the gentleman from Florida [Mr. GREEN]. It is the American Federation of Labor. They have gone on record indorsing the proposition of bringing about uniting the congressionally separated families. I believe this should be done. I believe it is manifestly unfair for the gentleman [Mr. GREEN] to try to make people believe that this would in any way deprive the laboring man of America of any of his opportunities, because the fact is the people we are trying to assist would in no way take the places of American wage earners. They are the wives and children of American citizens and declarants, also parents of our citizens. I would be the last man that would be guilty of any act that would in any way affect the earning power or the living conditions of the wage earners of America.

Mr. O'CONNELL. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. O'CONNELL. Was it not falsely reported that the American Federation of Labor was against that measure?

Mr. SABATH. They have appeared before the committee through their representative and have indorsed this proposition, and, gentlemen, not only the American Federation of Labor, but every woman's civic organization throughout the United States through their representatives had appeared before the Committee on Immigration, within the last few days, and after carefully considering and a long study of conditions, they have indorsed the proposition of bringing about the uniting of the families, by permitting the wives and children of declarants to come to the United States, so as to enable the willing husband and father to take care of his wife and children, as it is his duty to do.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. GREEN of Florida. Does not the gentleman [Mr. SABATH] know that neither the American Federation of Labor nor any labor organization indorses any legislation which will bring more laborers into this country to compete with them on a cheap scale?

Mr. SABATH. I am aware of that fact, but nevertheless they are favoring this humane proposition of reuniting of families. But there is nothing before the House that would increase the number of laboring men coming to the United States; but, on the other hand, there are bills, including the bill of the gentleman from Texas [Mr. Box], and my own bill, that tend to restrict immigration from Mexico, Canada, and from Central and South American Republics and West Indies. I want the gentleman to know I am in favor of that legislation, but up to this time we have not received any aid that I know of from him so as to secure favorable action from the committee.

I feel that in the interest of humanity we should enact legislation which would bring about the relief that the good women all over the United States are appealing for.

In addition to this we have several thousand ex-service men who offered their lives during the last World War, who are pleading that they be permitted to bring their aged fathers and mothers into this country. This surely would in no way affect the labor conditions in this country, because these people are too aged to take anyone's job or bread and butter. In view of the fact they are in a position to provide for them and as good sons are desirous of taking care of their parents, I feel that we should extend to them this right and privilege and also permit the wives and minor children to come outside of the quota of those who have resided in this country for over three years and have in every way demonstrated their ability to provide for them and also proved conclusively that they are honest, law-abiding men.

In this connection I wish to embody a few communications that I have received on this subject. First, that from the Woman's City Club of Chicago; second, the Immigrants' Protective League, Chicago, Ill.; third, the Illinois Joint Committee of Chicago, Ill.; and further wish to say that similar actions have been taken by other women national organizations in the United States.

In conclusion I wish to embody the resolution adopted by the Synod of Montana of the Presbyterian Church of the United States of America and the Federal Council of the Churches of Christ in America, showing that this great organization is asking Congress to act on this humane question.

The resolution unanimously adopted by this Synod of Montana of the Presbyterian Church of the United States of America reads as follows:

We, the Synod of Montana of the Presbyterian Church of the United States of America, having learned that immigrant families are divided because of the immigration law of 1924; and

Whereas the Synod of Pennsylvania of this church and the Federal Council of the Churches of Christ in America have petitioned the Congress of the United States of America that the immigration law be so amended as to allow those families to be united in this country;

We, the Synod of Montana of the Presbyterian Church of the United States of America, do go on record supporting the recommendations of the aforementioned bodies concerning the law which will make possible the uniting of these families; be it further

Resolved, That copies of this resolution be sent to the Committee on Immigration of both Houses of Congress and to the Senators and Representatives from this State of Montana.

Rev. CLARENCE W. ORNER,
Rev. F. B. GIGLIOTTE,
Committee.

The other communications referred to are as follows:

WOMAN'S CITY CLUB OF CHICAGO,
March 16, 1928.

Hon. ADOLPH J. SABATH,
House of Representatives, Washington, D. C.

MY DEAR MR. SABATH: We, the board of managers of the Woman's City Club, are certain that you will agree with us that the family is the basis of all national life. For this reason we are asking you to do what you can to make it possible for families separated by the restrictive immigration law of 1924 to be reunited.

We are of the opinion that it is unjust to interfere with the rights of those who have waited long for their turn to enter our country and, therefore, we ask that, if possible, the members of families thus separated be admitted outside of the quota.

We earnestly hope that you will work toward the establishment of law that will make this possible.

Very truly yours, MAMIE D. NEUFIELD,
Chairman Education of the Adult Foreigner Committee,
Woman's City Club.

IMMIGRANTS' PROTECTIVE LEAGUE,
March 15, 1928.

Hon. ADOLPH J. SABATH,
House of Representatives, Washington, D. C.

A PLEA TO UNITE SEPARATED FAMILIES

MY DEAR MR. SABATH: For 20 years the Immigrants' Protective League of Chicago has been in contact with foreign-born who have come to make the State of Illinois their home. This organization assists them in adjustments to new surroundings and interprets for them the laws and customs of America. Many of these residents of Chicago are now confronted with a new problem which they are powerless to meet—separation from their families, who had expected to follow them. The road to citizenship and nonquota immigration visas is necessarily very long.

There are wives waiting to join their husbands who are becoming citizens of the United States in the minimum time the law permits; other wives whose husbands have encountered delays in securing their papers, whose separation is indefinitely prolonged; young children who can not come to their fathers for the same reasons; older children who have slipped past the nonquota age or preference age while their fathers were qualifying for citizenship, and under the present law can never come to them; wives whose husbands have no nonquota privilege, even though those wives may be full citizens of the United States; old parents whose sons and daughters in this country are well able to support them, who long to see them once more.

We believe that the best interests of this country would be served if these reunions are made possible. Only the action of Congress can bring this about. We earnestly request that you report favorably from your Committee on Immigration and Naturalization a measure which will extend nonquota immigration status to the following relatives of aliens and citizens legally admitted to the United States prior to July 1, 1924:

1. Minor children under 21 years of age.
2. Wives.
3. Husbands.
4. Parents.

We are attaching brief stories of actual cases which have come to our attention in Chicago, illustrating human hardships which we believe you will wish to relieve. We should greatly appreciate hearing from you.

Sincerely yours, S. P. BRECKINRIDGE,
Secretary of the Board of Directors.

THE ILLINOIS JOINT COMMITTEE TO SECURE LEGISLATION TO UNITE FAMILIES SEPARATED BY THE RESTRICTIVE IMMIGRATION ACT,
Chicago, Ill., March 14, 1928.

DEAR MEMBER OF CONGRESS: We are aware that there are pending before the Congress—or before its Committees on Immigration—a number of measures designed to relieve the hardships of families separated by the present provisions of the restrictive immigration act. May we write you in their interest and in the interest of this industrial State of Illinois, in which members of those families are resident. We are in actual touch with them and know by experience their unfortunate plight.

We believe the situation which now exists can easily be remedied by Congress, and that once met it will perhaps never recur. The men and women who came to this country before the passage of the 1924 immigration act had no warning that a new policy would go into effect and that their families could not follow them to America. Long separations are now causing tragic strain and broken homes, with results that are far from desirable for this country.

As an act of primary justice we respectfully request that this Congress extend nonquota immigration status—a principle established by the quota act itself—to the following relatives of aliens and citizens legally admitted to the United States prior to July 1, 1924:

1. Minor children under 21 years of age.
2. Wives.
3. Husbands.
4. Parents.

We shall be glad to hear from you.

Yours very sincerely,

MARY E. MCDOWELL, *Chairman.*
ADENA MILLER RICH, *Secretary.*

The Clerk concluded the reading of the bill.

Mr. DICKSTEIN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker and Members of the House, I hope you will bear with me just a few minutes. There has been much said about immigration restrictions; and in order to understand it, let us know something about the question. As a matter of fact, we had no restriction of immigration, under a quota law, until 1921. This law was a temporary measure passed because of war conditions. After 1921 we extended these temporary immigration restrictions until 1924, but still this was not a permanent policy with respect to our immigration laws.

In 1924, without notice to the world, we passed a permanent immigration law and we fixed an immigration quota of 2 per cent of the census of 1890. At that time, my colleagues, I told you on this floor that you had discriminated against 47 countries in favor of Germany and Great Britain.

In 1924 a certain number of husbands came to the United States with the hope at some future day of bringing in their wives and children. By the operation of the act of 1924 we prevented them from doing this if their wives and children resided in certain countries whose quotas were very small.

What we are asking the House to do and what we are talking about now is to allow and permit the wives and minor children of these persons to enter this country. These persons came to our shores and were persons who were in every way fit, morally and physically, to take care of their wives and children, but because of this quota law they are unable to do so.

Mr. FLETCHER. How many people would this affect?

Mr. DICKSTEIN. I could not say exactly, but I should say probably 80,000 or 88,000. I am only speaking of those who came here up until July 1, 1924, and who have wives and minor children; and when I state 80,000, or whatever the exact figure may be, this includes minor children of these husbands.

Of course, it is true that under the law after they become citizens you can not stop them from bringing in their wives and children, but in the meantime they are permitted to roam around this country without a mate. They are prevented from seeing their children, and they are prevented from giving their children an American education.

I am not opposed to humane restrictions of immigration, but I do say that it is unjust for this country not to permit the wives and children to come here where the families have been separated.

Mr. CELLER. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. CELLER. Upon whom did the responsibility rest for the separation of these families?

Mr. DICKSTEIN. I think we are as much to blame by the sudden passage of the act of 1924 as the persons who are trying to come to the country.

Mr. CELLER. I mean who in this House?

Mr. DICKSTEIN. I do not know; it is said that the Ku-Klux Klan took the credit for passing this legislation. We have some Members in the committee who take credit for these restrictions. Still we have never urged on the floor an open door. I am for restriction of immigration, but not for the restrictions of the act of 1924; I am for selective immigration; but I am also for humane legislation which will do something to help these women and children who are separated from their families.

Would it not be more humane if the Congress of the United States would permit the uniting of these families—namely, the wives and children of persons who entered this country prior to July 1, 1924, instead of keeping them separated? These men who came to our shores were allowed to come here under the law and are now engaged in useful occupations, and in some cities have formed part of our working machinery and have adapted themselves to the manner in which business is conducted in this country and our methods of business management. They came here with the sole purpose of never again returning to their native lands, but their wives and children were left behind, and because of the act of 1924 they are prevented from bringing them in so that they may have the same opportunities and educate their children in our public schools. Through the failure of the law to permit their wives and children to come in, these families have been separated for many years.

It encourages breaking up of family ties by permitting men to roam at large without their wives and children. I believe our American policy should at all times be directed toward an effort to keep families together, because keeping the families together is the first principle of good government. No American principle can be affected by allowing these wives and children to come here, and there is no sound reason as yet presented by the restrictionists to sustain their views that the family be separated, and there has not since the passage of the act and prior thereto been advocated any reasonable theory upon which they continue to object to the uniting of these families.

It is also my belief, and I say it with all sincerity, that the law itself should be amended in the following respects: First, it should raise the age limit of children of American citizens up to 21 years instead of the present law of 18 years, as 21 years is universally accepted as the age limit where a child becomes responsible and assumes the responsibilities of a human being. Since the act of 1924 has gone into effect we have witnessed hundreds and perhaps thousands of cases of great hardship where American citizens petition for their wives and children. Naturally, all those children under 18 years are granted visas and are permitted to come to the United States with their mother, but take the case of a girl who is slightly over 18 years of age; she can not come in with the rest of the family, but must wait for a preference quota, yet she is the child of an American citizen. She must be left behind in foreign lands where it is dangerous to permit any minor to remain without the wing of the parent. The family is separated, and yet there is no question that the American citizen is being discriminated against in having his family with him.

I also believe that the fathers and mothers of American citizens should be exempted from the quota and not merely placed in the preference class. Why should we say by law that the son or daughter should not be permitted to bring his or her mother and father in their last stages of life and give them more comfort and companionship? Why place them in a preference class only, which means nothing in a great many instances, because in some countries the preference takes many years, and, furthermore, because not more than one-half of the immigrants of any nationality may be placed in the preferred class in any fiscal year. In the same preference we have other classes which take up the quota. It seems to me that no good argument has yet been presented against exemption of fathers and mothers from the quota, and I do not know of any real reason why Congress should not take some action on this question.

Again, in an examination of the law, we find that although we give equal rights to women citizens of the United States, we discriminate against them to the extent that when they marry foreigners they can not bring their husbands into the country of their birth or adoption, because under the act of 1924 the husband must come merely within the preference class. In some countries, like Great Britain or Germany, it would take a short time, but in all the other countries it takes many years before an American woman can have the privilege of bringing in her husband under a preference quota. I do not know of any reason why an American citizen, either man or woman, should not have the same rights, and the law should be amended accordingly.

If we would only give this matter a little more study, without heat or animosity or discrimination along the policy of immigration, I am sure we could solve the problem as Americans.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Washington a motion to reconsider the vote whereby the bill was passed was laid on the table.

HOWARD UNIVERSITY

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk read as follows:

House Resolution 149

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 279, to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, for over 60 years the Federal Government has been making appropriation for the support of Howard University here in Washington. Under the present rules of the House, when an appropriation is brought in for that university some one makes the point of order against it. Of course, it is subject to a point of order, because these appropriations have never been authorized by proper law passed by the Senate and the House of Representatives.

The purpose of the present bill is to make in order appropriations for Howard University. This same bill passed the House at the last session but did not come up for a vote in the Senate. It is our purpose to pass again the same bill, and I hope it will be done at this time and finally become law. Everyone knows we are going to continue to make these appropriations; therefore let us put ourselves in position then with due authority of law.

Mr. O'CONNOR of New York. Mr. Speaker, this bill pertaining to Howard University bears some similarity to the first bill before the House to-day, the national-origins bill. It is the conviction of some of us that we ought to meet this issue in the same way as we shall have to meet the question of national origins as a basis for immigration quotas. It is weak and timid not to meet the question. It is idle to make necessary every year a special rule from the Rules Committee to make in order an appropriation for Howard University. When the matter was up last year I had a few words to say. For about 60 years, as the chairman of the Rules Committee said, this appropriation has been stricken out on a point of order.

Now, no one anywhere in this country is advocating the annihilation of our negro population. If you are not going to annihilate them, there can be no sane man who does not want them educated properly, who does not want them protected, at least, against communicable diseases, who does not want hospitals for them, surgeons and educators to advance them. If it were only from a practical, economic, and social standpoint, this survival of old prejudices should pass out in this day of modern ideas. I feel confident if we do not do it this year, if we do not end it this year, it will hardly be more than another year before the provision will be permitted to remain in the regular appropriation bill, and I hope the resolution will pass.

Mr. SNELL. Mr. Speaker, if there is no further time desired, I will move the previous question.

Mr. TARVER. I hope the gentleman will not do that. There has been no one yet spoken in opposition to the bill.

Mr. SNELL. I will yield to the gentleman from Georgia five minutes.

Mr. TARVER. The gentleman from Georgia does not desire to be heard, but I ask unanimous consent that the gentleman from Mississippi [Mr. LOWREY] may have 10 minutes.

The SPEAKER. The Chair does not recognize the gentleman for that purpose.

Mr. SNELL. I will yield to the gentleman from Mississippi [Mr. LOWREY] five minutes.

Mr. LOWREY. Mr. Speaker, the gentleman from New York [Mr. O'CONNOR] has just made the mistake that people are constantly making on this matter and has shown the reason why we have not been able to get what I think is sane consideration of it. He says that it is time to lay aside these old, bitter prejudices, and all that sort of stuff. The truth of the matter is that the question is this: As the gentleman from New York [Mr. SNELL] on the other side of the aisle has just said, the Congress for years—he says 60 years, and I think about 50 years—has been making appropriations for the Howard University here in the District. There is no other race in our Nation to whom the Government furnishes a university education—not the whites nor the Indians. Not only that, but the Negro race, to whom this university is furnished at public expense, does not need it a particle more than the other races do. I throw down again the proposition and stand by it that the Negro race through the South where I live is more abundantly provided for as to college education and college opportunities according to their needs than the white race. I am not one bit afraid of that statement; I am prepared to prove it with the figures. Then, while we are here to-day to decide a policy, I am opposed to the rule, and especially to allowing only 30 minutes' debate on a side to settle a policy that means the establishment of an institution for one race out of public taxation where that race does not need it more than other races do, where that race is quite as well provided for without it as other races are. Why should we commit ourselves permanently to this policy? Why should we permanently fasten upon the Government an institution to which we have already given $5,000,000 and given every dollar of it illegally? Why should we now legalize it and fasten it upon the Government permanently, and go on with it forever, instead of at this time stopping the unjust policy, the unreasonable policy, which we have pursued?

Mr. SNELL. Does the gentleman from Georgia [Mr. TARVER] want five minutes?

Mr. TARVER. Not at this time.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 150, noes 15.

Mr. TARVER. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-eight Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 246, nays 89, answered "present" 1, not voting 98, as follows:

[Roll No. 603]

YEAS—246

Ackerman	Buckbee	Cullen	Furlow
Adkins	Burtness	Curry	Gallivan
Aldrich	Burton	Dallinger	Garber
Allen	Bushong	Denison	Gardner, Ind.
Andresen	Cannon	De Rouen	Gibson
Andrew	Carew	Dickinson, Iowa	Gifford
Arentz	Carter	Dickstein	Glynn
Arnold	Celler	Douglass, Mass.	Goodwin
Auf der Heide	Chalmers	Dowell	Greenwood
Ayres	Chase	Doyle	Griest
Bacharach	Chindblom	Dyer	Griffin
Bachmann	Christopherson	Eaton	Guyer
Bacon	Clague	Elliott	Hadley
Barbour	Clancy	Englebright	Hall, Ill.
Beck, Wis.	Clarke	Evans, Calif.	Hall, Ind.
Beers	Cochran, Mo.	Evans, Mont.	Hall, N. Dak.
Begg	Cochran, Pa.	Faust	Hancock
Berger	Cohen	Fish	Hardy
Black, N. Y.	Cole, Iowa	Fitzgerald, Roy G.	Hastings
Bland	Cole, Md.	Fitzgerald, W. T.	Haugen
Blanton	Colton	Fitzpatrick	Hawley
Bloom	Connery	Fletcher	Hickey
Bowles	Connolly, Pa.	Foss	Hill, Wash.
Bowman	Cooper, Wis.	Free	Hoch
Boylan	Corning	Freeman	Hoffman
Brigham	Crail	French	Hogg
Britten	Cramton	Frothingham	Hope
Browne	Crosser	Fulbright	Houston, Del.
Howard, Okla.	McLeod	Parker	Sullivan
Hudson	McSweeney	Peavey	Summers, Wash.
Hull, Morton D.	MacGregor	Perkins	Sweet
Hull, Wm. E.	Maas	Prall	Swing
Igoe	Magrady	Purnell	Tatgenhorst
Jenkins	Major, Ill.	Ramseyer	Taylor, Tenn.
Johnson, Ill.	Major, Mo.	Ransley	Temple
Johnson, Ind.	Mapes	Reece	Thatcher
Johnson, S. Dak.	Martin, Mass.	Reed, N. Y.	Thompson
Johnson, Wash.	Mead	Reid, Ill.	Thurston
Kading	Menges	Robinson, Iowa	Tilson
Kahn	Merritt	Rogers	Timberlake
Kelly	Michener	Rowbottom	Tinkham
Kent	Miller	Sabath	Underwood
Kerr	Mooney	Sanders, N. Y.	Updike
Ketcham	Moore, Ky.	Schafer	Vestal
King	Moore, N. J.	Schneider	Wainwright
Knutson	Moore, Va.	Seger	Wason
Kopp	Morehead	Shallenberger	Watres
Korell	Morgan	Simmons	Watson
Kvale	Morin	Sinclair	Welch, Calif.
LaGuardia	Morrow	Sinnott	Weller
Lampert	Nelson, Mo.	Sirovich	Welsh, Pa.
Lea	Nelson, Wis.	Smith	White, Colo.
Leatherwood	Newton	Snell	White, Kans.
Leavitt	Niedringhaus	Somers, N. Y.	Williams, Ill.
Leech	Norton, Nebr.	Speaks	Williams, Mo.
Lehlbach	O'Brien	Spearing	Williamson
Letts	O'Connell	Sproul, Ill.	Winter
Lindsay	O'Connor, La.	Sproul, Kans.	Wolverton
Linthicum	O'Connor, N. Y.	Stalker	Wurzbach
Lozier	Oliver, N. Y.	Stobbs	Zihlman
Luce	Palmer	Strong, Kans.	
McFadden	Palmisano	Strong, Pa.	

NAYS—89

Abernethy	Drane	Kemp	Rutherford
Allgood	Drewry	Kincheloe	Sanders, Tex.
Almon	Driver	Lanham	Sandlin
Aswell	Edwards	Lowrey	Sears, Fla.
Black, Tex.	Eslick	Lyon	Steele
Bowling	Fisher	McClintic	Sumners, Tex.
Box	Fulmer	McDuffie	Swank
Briggs	Garner, Tex.	McKeown	Tarver
Browning	Garrett, Tex.	McMillan	Tillman
Buchanan	Gasque	McReynolds	Vinson, Ky.
Busby	Gilbert	McSwain	Ware
Byrns	Gregory	Martin, La.	Warren
Carss	Green, Fla.	Milligan	Weaver
Cartwright	Hammer	Moorman	Whitehead
Chapman	Hare	Oldfield	Whittington
Collier	Hill, Ala.	Oliver, Ala.	Williams, Tex.
Cox	Howard, Nebr.	Parks	Wilson, La.
Davis	Huddleston	Peery	Wilson, Miss.
Deal	Hudspeth	Quin	Woodrum
Dickinson, Mo.	Jeffers	Ragon	Wright
Dominick	Johnson, Okla.	Rankin	
Doughton	Johnson, Tex.	Reed, Ark.	
Douglas, Ariz.	Jones	Romjue	

ANSWERED "PRESENT"—1

Butler

NOT VOTING—98

Anthony	Doutrich	Kindred	Rubey
Bankhead	England	Kunz	Sears, Nebr.
Beck, Pa.	Estep	Kurtz	Selvig
Beedy	Fenn	Langley	Shreve
Bell	Fort	Lankford	Steagall
Bohn	Frear	Larsen	Stedman
Boies	Gambrill	McLaughlin	Stevenson
Brand, Ga.	Garrett, Tenn.	Madden	Strother
Brand, Ohio	Golder	Manlove	Swick
Bulwinkle	Goldsborough	Mansfield	Taber
Burdick	Graham	Michaelson	Taylor, Colo.
Campbell	Green, Iowa	Monast	Treadway
Canfield	Hale	Montague	Tucker
Carley	Harrison	Moore, Ohio	Underhill
Casey	Hersey	Murphy	Vincent, Mich.
Collins	Holaday	Nelson, Me.	Vinson, Ga.
Combs	Hooper	Norton, N. J.	White, Me.
Connally, Tex.	Hughes	Porter	Wingo.
Cooper, Ohio	Hull, Tenn.	Pou	Wood
Crisp	Irwin	Pratt	Woodruff
Crowther	Jacobstein	Quayle	Wyant
Darrow	James	Rainey	Yates
Davenport	Kearns	Rathbone	Yon
Davey	Kendall	Rayburn	
Dempsey	Kiess	Robsion, Ky.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Madden (for) with Mr. Bankhead (against).
Mr. Shreve (for) with Mr. Steagall (against).
Mr. Quayle (for) with Mr. Stevenson (against).

Until further notice:

Mr. Anthony with Mr. Gambrill.
Mr. Irwin with Mrs. Norton of New Jersey.
Mr. Kearns with Mr. Mansfield.
Mr. White of Maine with Mr. Hull of Tennessee.
Mr. Kurtz with Mr. Davey.
Mr. Cooper of Ohio with Mr. Bulwinkle.
Mr. Porter with Mr. Casey.
Mr. Taber with Mr. Goldsborough.
Mr. Fort with Mr. Lankford.
Mr. Golder with Mr. Jacobstein.
Mr. Hersey with Mr. Combs.
Mr. Butler with Mr. Pou.
Mr. Darrow with Mr. Bell.
Mr. Crowther with Mr. Rayburn.

Mr. Kendall with Mr. Crisp.
Mr. Wood with Mr. Garrett of Tennessee.
Mr. Gates with Mr. Kindred.
Mr. Kiess with Mr. Carley.
Mr. Manlove with Mr. Tucker.
Mr. Davenport with Mr. Brand of Georgia.
Mr. Rathbone with Mr. Wingo.
Mr. Treadway with Mr. Larsen.
Mr. McLaughlin with Mr. Rainey.
Mr. Graham with Mr. Collins.
Mr. Frear with Mr. Rubey.
Mr. Murphy with Mr. Connally of Texas.
Mr. Fenn with Mr. Harrison.
Mr. Michaelson with Mr. Kunz.
Mr. Reedy with Mr. Montague.
Mr. Wyant with Mr. Stedman.
Mrs. Langley with Mr. Vinson of Georgia.
Mr. Moore of Ohio with Mr. Canfield.
Mr. Robsion of Kentucky with Mr. Taylor of Colorado.
Mr. Underhill with Mr. Yon.

Mr. WILLIAM E. HULL. Mr. Speaker, the gentleman from Illinois [Mr. MADDEN] is not here on account of illness. If he were here, he would vote "yea" on the resolution, as well as on the bill itself.

Mr. BUTLER. Mr. Speaker, did the gentleman from North Carolina [Mr. POU] vote?

The SPEAKER. He is not recorded.

Mr. BUTLER. Mr. Speaker, I have a pair with him. I voted "yea." I withdraw my vote of "yea" and answer "present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Mr. REED of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia, approved March 2, 1867."

Mr. TARVER. Mr. Speaker, before the motion is put, I ask unanimous consent that the time of the opponents of the bill be controlled by the gentleman from Mississippi [Mr. LOWREY].

The SPEAKER. The gentleman from Georgia asks unanimous consent that the time in opposition to the bill be controlled by the gentleman from Mississippi [Mr. LOWREY]. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, it is not necessary to make that request.

Mr. TARVER. There is no provision in the rule as to who shall control the time in opposition.

Mr. SNELL. One-half is to be controlled by those in favor of the bill and one-half by those opposed to it.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, may we also have an understanding as to who controls the time in favor of the bill on both sides, the majority side and the minority side. There are people in favor of the bill on each side, and I suggest that the time of the people in favor of the bill be divided between the majority and the minority.

Mr. REED of New York. Mr. Speaker, I insist on controlling the time under the rule.

The SPEAKER. The gentleman from New York asks unanimous consent that the time in favor of the bill shall be controlled by himself and the time in opposition to the bill shall be controlled by the gentleman from Mississippi [Mr. LOWREY]. Is there objection?

Mr. CELLER. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 279.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 279, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 279, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia, approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

The CHAIRMAN. The gentleman from New York [Mr. REED] is recognized for 30 minutes.

Mr. TARVER. Mr. Chairman, I renew in Committee of the Whole the request I made a few moments ago in the House, that the ranking member of the committee reporting the bill and signing the minority report, the gentleman from Mississippi [Mr. LOWREY], be allowed to control the time awarded to the opponents of the bill.

Mr. LOWREY. I think that is an excellent suggestion.

Mr. REED of New York. That has already been arranged.

Mr. TARVER. The rule itself makes no provision as to who will control the time in opposition.

The CHAIRMAN. The Members in opposition will get time from the Chair.

Mr. TARVER. I rise to ask recognition to speak against the bill.

The CHAIRMAN. The gentleman will wait until he is recognized. The gentleman from New York [Mr. REED] has the floor.

Mr. SNELL. I think the gentleman from Mississippi [Mr. LOWREY] should be recognized to control the time in opposition to the bill.

Mr. TARVER. I beg the gentleman's pardon; there is no provision in the rule as to who shall control the time.

Mr. STRONG of Kansas. Regular order!

The CHAIRMAN. The regular order is demanded. The gentleman from New York is recognized.

Mr. REED of New York. Mr. Chairman, I ask to be notified when I shall have consumed five minutes.

Mr. Chairman and gentlemen of the House, I believe the chairman of the Committee on Rules in his opening statement has made very clear to the Members of the House the purpose of this bill. You are all familiar with the usual fiasco which we have gone through every time that the item for Howard University has appeared in the Department of the Interior appropriation bill. The appropriation was not authorized by existing law, so that each time the item was included in the bill some Member would rise and object, and the provision would go out on a point of order. The matter would then be take up in the Senate, the item would be agreed to there, and later agreed to in conference, and then enacted as a part of the appropriation bill.

What this measure seeks to do is to stop the violation of the rule with reference to legislative riders. There is no doubt but that the sentiment of the House is in favor of appropriations for Howard University. It has been the custom for the past 48 years to make appropriations for this university, with which you are all familiar. It is a worthy institution. Most of you have been out there and have seen this class A university. I think the colored people are entitled to a great deal of credit when you consider that away back in 1867, when this institution was incorporated, they started with only five students, whereas to-day they have a student body of over 2,000, 600 of whom are girls.

This university has made a marvelous record. Students from 38 different States of the Union and 13 different countries are represented in the student body. The university is national in scope and purpose. Congress has used wisdom in making the necessary appropriations so that the university could carry on.

We had a fine example of its usefulness during the recent flu epidemic. A very distinguished Member of this House, a member of the Rules Committee, pointed out that in his little town in the South, where every white doctor was incapacitated, it was necessary for the white people to call in a colored doctor; and that colored doctor visited the bedsides of the sick and saved many lives. He was a man of ability and a university trained man. A crisis is liable to arise at any time when we need trained leadership in the city of Washington and in other congested centers of population. There are 100,000 colored people in our National Capital. Their patronage is not sought by the white doctors. It is necessary for these colored people to have colored doctors, and the university is producing a high type of colored doctor, a high type of colored dentist, a high type of colored lawyer, nurse, and pharmacist, people educated in the liberal arts, all of whom are necessary to supply the need for professional and educational leadership throughout the country.

The question has been raised from time to time on the floor of this House that we have no constitutional right to appropriated money for Howard University. I am not going into the constitutional question in my argument to-day; I have not the time; but in the extension of my remarks I am going to do that, and I am going to ask unanimous consent to insert

certain tables and records showing the number of students, the States from which they come, the courses which they are taking, and so forth. There are also other records that I want to show. I want to show how much money colored schools are receiving in certain Southern States, and I shall show clearly the reason for the opposition that is shown to these appropriations made by Congress for Howard University.

Howard University geographical distribution

States and foreign countries	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total
STATES										
Alabama	13	3	4	2	1	----	2	1	3	29
Arizona	1	1	1	----	----	1	1	----	----	5
Arkansas	13	1	2	1	----	1	3	----	----	21
California	6	1	----	----	----	2	4	2	----	15
Colorado	3	1	1	1	----	----	----	----	1	7
Connecticut	11	2	3	----	----	1	5	3	2	27
Delaware	6	1	----	----	----	----	3	1	----	11
District of Columbia	284	166	28	33	22	20	28	10	7	598
Florida	12	3	----	1	3	1	5	4	3	32
Georgia	20	5	----	2	2	4	8	2	3	46
Illinois	6	5	----	----	2	----	8	1	2	24
Indiana	6	4	2	2	2	----	2	2	----	20
Iowa	1	----	----	----	----	----	2	----	----	3
Kansas	12	----	----	----	----	1	1	----	----	14
Kentucky	19	2	4	2	3	----	4	----	1	35
Louisiana	15	3	----	----	3	----	5	----	3	29
Maryland	39	32	8	3	9	7	12	1	4	115
Massachusetts	12	4	----	1	----	1	2	4	2	26
Michigan	5	1	----	----	----	----	4	1	----	11
Mississippi	8	1	1	1	1	----	3	----	----	15
Missouri	16	11	3	----	1	1	3	2	2	39
Nebraska	3	----	----	----	----	----	----	1	----	4
New Jersey	52	28	3	2	6	3	12	10	3	119
New York	36	5	5	1	1	2	24	18	6	98
North Carolina	49	12	3	1	4	6	8	6	9	98
Ohio	19	3	----	----	7	3	3	1	2	38
Oklahoma	3	3	----	1	1	5	1	----	----	14
Oregon	----	----	----	----	----	----	1	----	----	1
Pennsylvania	66	19	6	3	7	4	7	6	5	123
Rhode Island	5	----	----	----	----	----	1	2	----	8
South Carolina	24	3	1	----	4	3	4	1	2	42
South Dakota	----	----	----	----	----	----	----	----	1	1
Tennessee	9	5	3	----	1	2	----	1	----	21
Texas	32	10	1	1	1	4	8	3	2	62
Virginia	61	27	5	1	15	10	24	13	8	164
West Virginia	12	10	3	----	2	2	7	----	----	36
Wisconsin	----	----	----	----	----	----	1	----	----	1
FOREIGN COUNTRIES										
Africa	----	----	1	----	5	1	1	1	----	9
British West Indies	14	----	----	----	7	----	6	1	1	29
British Guiana, South America	9	----	----	----	2	----	5	2	----	18
Canada	4	----	----	----	----	----	----	----	----	4
Canal Zone	1	----	----	----	----	----	----	----	----	1
Central America	----	----	----	----	1	----	----	----	----	1
Cuba	1	----	----	----	----	----	----	----	----	1
Dominican Republic	1	----	----	----	1	----	----	1	----	3
Jamaica	----	----	----	----	----	----	7	----	----	7
Porto Rico	2	----	----	----	----	1	1	----	----	4
Republic of Colombia	----	----	----	----	----	----	1	----	----	1
Virgin Islands	1	----	----	----	----	----	1	----	----	2
Total	912	372	88	59	114	88	226	101	72	2,032

Evening classes, 115.

TABLE SHOWING

I. Distribution of students in publicly controlled institutions of four-year collegiate grade in 17 States, and the distribution of Federal and State funds for four-year collegiate education and the relation of the distribution to the population in 17 States having separate schools for white and negro students [1]

II. The extent to which Howard University serves persons born in those States.

State	Total population		Per cent negro population is of white population	Number of white students enrolled in schools of 4-year grade	Number of negroes who should be so enrolled according to population	Number of negroes actually so enrolled in schools of 4-year collegiate grade	Number of students at present in Howard University of 4-year collegiate grade	Federal funds for higher education			State funds for higher education			Number persons from the States enrolled in college for the autumn, winter, 1927-28	Number of students and graduates of Howard University from the several States studied				
	White	Negro						Received by whites	Amount due to negroes at same rate according to population	Amount actually received by negroes	Amount received by whites	Amount due to negroes at same rate according to population	Amount received by negroes		Graduates from college, by State of birth from 1919 to 1927	Students entering the school of medicine, by State of birth, 1923-1927	Graduates from the school of medicine, by State of birth	Students entering the law school from 1922-1927	Graduates from the law school from 1922-1927
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Alabama	1,447,032	900,652	62.2	4,435	2,557	0	48	$276,720	$172,119	[2]$20,750	[2]$873,519	$543,328	[2]$36,500	28	34	19	16	1	1
Arkansas	1,279,757	472,220	36.8	3,329	1,225	0	28	263,555	96,988	[2]20,654	629,207	231,548	[2]68,166	23	7	4	5	1	0
Delaware	192,615	30,335	19.9	606	120	0	15	100,742	20,047	[2]10,000	162,242	32,286	[2]21,000	11	0	4	2	0	1
Florida	638,153	329,487	51.6	8,391	4,329	103	47	156,609	80,810	25,820	1,116,094	575,904	10,000	28	24	16	16	3	1
Georgia	1,689,114	1,206,365	71.4	7,789	5,561	0	74	571,296	407,905	[2]19,667	[2]732,354	522,900	[2]42,500	43	44	30	21	1	5
Kentucky	2,180,560	235,938	10.8	6,460	697	0	47	282,252	30,483	[2]8,505	[3]1,185,567	128,041	[2]40,000	32	33	11	18	4	0
Louisiana	1,096,611	700,257	63.8	4,035	2,574	84	42	232,754	148,497	23,655	[2]2,198,158	1,530,024	46,515	23	23	18	12	1	1
Maryland	1,204,737	244,479	22.9	5,670	1,298	0	74	302,457	69,262	0	[2]956,149	218,958	[2]74,968	58	51	11	29	5	4
Mississippi	853,962	935,184	109.5	850	930	0	33	235,649	258,035	39,592	[2]769,529	842,634	[2]65,251	19	18	11	10	3	2
Missouri	3,225,044	178,241	5.3	17,595	932	[3]518	24	297,046	15,743	3,125	[3]3,714,747	196,881	[2]114,773	24	11	0	0	0	0
North Carolina	1,783,779	763,407	42.7	5,587	2,385	0	165	342,130	146,089	[2]20,086	[4]4,180,479	1,785,064	[2]542,111	118	60	43	59	4	10
Oklahoma	1,821,194	149,408	8.2	20,530	1,683	0	8	247,028	20,256	[2]5,000	[3]3,418,277	280,298	[2]95,900	8	14	0	0	0	0
South Carolina	818,538	864,719	105.0	4,030	4,231	[4]887	84	225,906	237,201	34,328	1,812,456	1,903,078	101,150	48	33	33	31	3	7
Tennessee	1,885,993	451,758	23.9	2,140	511	0	33	773,583	184,886	[2]12,000	[2]579,042	138,391	[2]54,999	24	18	6	10	3	4
Texas	3,918,165	741,694	18.9	21,546	4,072	[5]723	70	[2]487,289	92,097	1,978	[5]5,652,526	1,068,327	216,070	48	55	21	22	1	6
Virginia	1,617,909	690,017	42.0	10,475	4,399	0	234	286,119	120,169	[2]26,996	[1]1,818,805	763,898	[2]48,156	153	96	72	90	9	10
West Virginia	1,377,235	86,345	6.2	5,492	340	[6]756	30	[2]224,317	13,907	10,629	[1]1,852,685	114,866	[2]272,750	21	0	7	14	2	3
Total	27,030,398	8,980,506	33.2	128,958	37,844	3,071	1,056	5,305,452	2,114,494	282,785	31,651,836	10,876,426	1,850,809	709	521	306	355	41	55

[1] These data were obtained from "Biennial Survey of Education, 1922-1924," Department of Interior, Bureau of Education Bulletin (1926) No. 23, and State Superintendents Reports for 1922-1924; Bureau of Education Bulletin (1927) No. 37.

[2] Includes also appropriations for schools above secondary but of junior collegiate grade.

[3] This includes 348 students of secondary school grade.

[4] This includes 574 students of secondary school grade.

[5] This includes 261 students of secondary school grade.

[6] This includes 442 students of secondary school grade.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. LINTHICUM. Under the requirements, who can go to Howard University? Is it limited to the District of Columbia?

Mr. REED of New York. No. Students can come from all the States and all over the world. There are students there now from 38 States of the Union.

Mr. LINTHICUM. Is the tuition free?

Mr. REED of New York. No. They pay tuition.

The CHAIRMAN. The gentleman has used five minutes.

Mr. REED of New York. Mr. Chairman, I reserve the balance of my time. [Applause.]

Mr. LOWREY. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. LOWREY. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, ladies, and gentlemen of the committee, I shall speak in opposition to the passage of this measure, realizing that its enactment into law can not probably be prevented, but believing that a fair statement of the reasons which impel me, and, I think, should impel other Members of this House, to vote against it, is in accordance with my duty as a Representative not alone of my own constituents but of the United States.

I am opposed to this bill because, in my judgment, it is an attempt to legalize the use of funds from the Federal Treasury to meet alleged educational problems which are more or less local to the District of Columbia and territory in its vicinity, if they exist at all; because it is an attempt to divert Federal moneys to an educational institution not under public control; because it is a flagrant discrimination in the use of Federal funds for educational purposes against the people of the white race; and because it is directly opposed, in my opinion, to a provision of the Constitution which I shall hereafter discuss.

With 7,000,000 adults in this country who can neither read nor write, and millions of children growing up into the same class, you are asked, without doing anything for them, to legalize appropriations of huge sums for the professional education of negroes; with 62 per cent of the school children of my State able to secure less than a common-school education—which, I may say, is not a condition peculiar to Georgia alone—I am asked to vote to take tax moneys that my people help to pay and divert them to a negro university not even under public direction, supervision, or control; with the need of the Nation urgent for that education of the people which Edward Everett, of Massachusetts, said is a better safeguard of liberty than a standing army, we neglect remedies which might assure that education to devote our energies to means of securing higher education, and especially professional education, of the Negro race.

In opposing the passage of this bill I desire at the outset to make it clear that my position is not the result of race prejudice, that motive which is so often unjustly charged against Members of Congress from the South whenever they undertake to discuss problems relating to the welfare of the negro. I say "unjustly charged" because not only have those who live in the South better opportunities to know and understand the colored race, to appreciate their needs, and to understand their limitations, but they have also abundantly demonstrated the fact that they are the negro's best friends.

It is proposed by this measure to legalize appropriations from the National Treasury for the higher education and professional education of negroes at Howard University. Various arguments are advanced as justifying this course. I think I may state them fairly and concisely in the following order:

First. It is said that for 49 years Congress has been making these appropriations in violation of law, and will continue to make them whether this bill is passed or not; and this bill is necessary in order that Congress shall not continue to violate the law.

It is, indeed, a sad situation, Mr. Chairman, if the only way to make Congress law-abiding is to pass a law legitimatizing its illegal acts. It is a proposal akin to that which would repeal or modify our prohibition laws in order to make the people who now violate them law-abiding citizens. Surely, if there has been law violation by Congress or anybody else, the best remedy is to desist from illegal acts; and no individual and no law-making body, by a long-continued course of improper conduct, acquires a prescriptive right to maintain and even to have the sanction of legality placed upon it.

Second. It is argued that in the allocation of funds received by southern universities from the Federal Government through the Department of the Interior, discrimination is practiced as between the races, and the Negro does not receive his fair share; and the inference is that a fair share of other Federal appropriations to higher education being denied him in the South, it is up to the Federal Government to supply the deficiency in his just dues by maintaining for him a university in the city of Washington.

As an evidence that this argument is relied upon by the proponents of the measure, it is only necessary to call attention to certain statements appearing in the hearings had on a similar bill in the last Congress, and which hearings were relied upon by the Committee on Education in reporting the present bill:

On page 19 of those hearings Doctor Durkee, at that time head of Howard University, said:

> Turning to the list of southern white schools drawing money from the Federal Government through the Department of the Interior, the same situation obtains, though enhanced by discrimination.

Then follows, under the head "South," a long list of colleges and universities with amounts in dollars set opposite the names, and totaling $3,759,742. Then follows this statement:

> It should be said that of the total amount of $3,759,742 paid to the white schools of the Southland about $150,000 only is allocated by those States to colored schools when at least $625,000 should be so allocated.

It is clear, therefore, that in this statement, as well as in other parts of the hearings, the charge is made as a basis for asking this legislation that discrimination is practiced in the South in the allocation of funds received through the Department of the Interior for higher educational purposes. I have incorporated in the RECORD of March 1, 1928, certain data and citations and statements from Chancellor C. M. Snelling, of the University of Georgia, and Hon. John J. Tigert, Commissioner of Education, completely refuting this charge. For present purposes, it should be sufficient to point out that the only funds of the character mentioned disbursed through the Department of the Interior are funds appropriated under the Morrill-Nelson law of 1890, as amended in 1907; that these funds amount to only $50,000 per State and Territory; that the Southern States, excluding Maryland, Kentucky, and Missouri, received only $550,000 instead of nearly four millions as charged, and that of this amount $204,990.18 was received by colored institutions for the fiscal year 1925, or approximately 37 per cent of the total. I exclude Maryland, Kentucky, and Missouri because the great bulk of the negro population lives in the other 11 States of the South. If they were included, the proportion would be $225,365.18 out of a total of $700,000. It is thus apparent that the division is fair, and in proportion to population. The figures which I have mentioned are obtainable from a bulletin issued by the Bureau of Education entitled "Land Grant Colleges, 1925." That a man qualified to serve as the president of a university worthy of support from the Congress of the United States should have made the statement made by Doctor Durkee that $3,759,742 was appropriated to white colleges of the South through the Interior Department and only $150,000 allocated to the colored institutions, when as a matter of fact the appropriations thus made are only one-seventh of the amount claimed, and the allocation to negro institutions more than one-third in excess of that mentioned in his statement is as inexplicable as the fact that he included in his list of southern universities the following, which I read from page 20 of the hearings referred to:

University of Arizona	$101,722
Delaware College	94,528
Montana College of Agriculture	110,350
New Mexico College of Agriculture	113,328
Oregon State Agricultural College	120,383
Utah Agricultural College	106,651
West Virginia University	162,490

Besides several other institutions that are not usually considered southern. All of which merely serves to indicate the lack of care with which facts alleged to support and justify this legislation were prepared and presented to the committee which recommended it. At the present session of the Congress the committee refused to have further hearings with regard to this bill, although 12 of the 21 members of the committee were new members, and relied entirely for justification for their favorable report upon the hearings had at the last Congress on H. R. 8466 and H. R. 393, which were similar bills. In those hearings, aside from the statements of two officials of Howard University and an introductory statement by Mr. CRAMTON, no facts were submitted to the committee; and the misstatements I have called attention to in the principal evidence, that of Doctor Durkee, then president of the institution, are sufficient to justify question as to the accuracy of the rest of it. At any rate, it must certainly be clear that the passage of the proposed legislation can not be justified by the idea that in the South the negro is not treated fairly in the distribution of funds appropriated through the Department of the Interior to the agricultural and mechanical colleges; nor, in view of data inserted by me in the RECORD on March 1, that there has been discrimination in the allocation of Federal educational funds, however disbursed.

Third. It is insisted that there is a nation-wide need among the Negro race for professional men of their own color, and that in no other institutions is sufficient opportunity afforded for the training of a sufficient number of professional men; that according to Doctor Durkee, 400 negro physicians should be turned out every year for 10 years in order to catch up with the needs of the race along that line; and that there is similar need for colored lawyers, dentists, and pharmacists. Just where this tremendous demand exists is not pointed out, nor how the figures as to the extent of the demand are

arrived at. It is apparent that it is not a demand which is general throughout the section of our country where most of the Negro race live, for Doctor Durkee makes the statement on page 21 of the hearings that I have referred to that—

> New York, Washington, Baltimore, Philadelphia, and Chicago have taken the larger number of the physicians.

Those who are being educated for physicians at Howard University, therefore, are not being so educated in order that they may go to the great centers of their racial population and begin lives of service among their people, but in order that they may leave those centers and locate in sections of the country where they may chase that chimera of social equality which is frankly and positively forever denied them in the South and is in reality denied them anywhere else where they are thrown into contact with white peoples.

As a matter of fact, there is small demand in great centers of colored population for negro physicians, lawyers, dentists, or pharmacists. Those of their own race realize that few of them are mentally capable of receiving and assimilating the knowledge which is necessary to bring eminence in these professions, and where they have opportunity to patronize negroes who practice them, usually patronize white professional men instead when they are able to employ them.

If we should concede the existence of the need, however, and should further concede that notwithstanding the great number of negro educational institutions throughout the South and the far greater number of white educational institutions in the North and West which receive negro students, that need can only be met by Howard University, what valid argument is thereby presented in favor of this bill? It is alleged by Doctor Durkee (see page 7 of the hearings referred to) that a negro man may receive through Howard University a medical education for about $2,000, whereas it costs white men in white educational institutions, he estimates, $10,000. How many thousand deserving young men of the white race throughout this country who would like to obtain professional education if the cost by Government appropriation might be reduced by 80 per cent? I have no sympathy with those who are continually, for political and other insincere reasons, charging unjust discrimination against the negro in the South or any other section of this country; but I have less sympathy with a proposition to afford professional education at Government expense to the Negro race, when the Government of the Nation now contributes not one single dollar to the professional education of the white race. I call your attention to the fact that appropriations authorized under the Morrill-Nelson law are appropriations for instruction in agriculture, the mechanic arts, and certain branches of learning, "with special reference to their application in the industries of life"; and that funds administered by the Federal Board for Vocational Education and the Department of Agriculture are for vocational training and rehabilitation, agricultural extension work, and training in industrial arts. Nowhere is there a Federal dollar available which would aid a young white man to embark upon a professional career.

The fourteenth amendment to the Constitution, so often referred to as a basis for attacks upon the South, guarantees to all persons within the jurisdiction of the several States the equal protection of their laws and, inferentially, of course, the equal protection of the laws of the United States. Here is a proposed law which will assure from the Treasury of the United States educational opportunity to the Negro race in the matter of professional education and will with existing laws fail to make equal provision for similar opportunities through the same source to men and women of the white race. Was the fourteenth amendment intended only for the protection of the negro or was it intended for the equal protection of all peoples under the flag? If the latter construction is correct, then any legislation which proposes to afford to the Negro race at the expense of the Nation educational opportunities not secured in the same way to the white race is unconstitutional and should be defeated for that reason.

It is further apparent from a study of the geographical distribution of the students at Howard University that that institution does not even serve a nation-wide need of the Negro race so much as it serves a local need. Referring to the table inserted in the record of hearings had during the Sixty-ninth Congress, on page 15, it appears that of a total of 2,032 students, 1,952 were residents of the United States, and that of this number 598 were residents of the District of Columbia and 521 were residents of the States of Maryland, New Jersey, Pennsylvania, and Virginia, making a total of 1,119, or more than one-half, who came from a territory either comprised in or within a short distance of the District of Columbia. Ten Southern States, where the bulk of the negro population in this country resides, excluding Virginia, furnished only 395 students. Not only, therefore, is there discrimination against the white race in this bill but there is also sectional discrimination and an attempt to solve from the National Treasury alleged educational problems of the localities immediately surrounding Washington.

Mr. Chairman, I make the assertion upon the authority of a report issued by the Georgia State Board for Vocational Education that—

> A study of school-attendance statistics in Georgia show that of every 100 children who enter the primary class only 38 ever complete the seventh grade, only 8 ever finish high school, and only 1 graduates from college. Figures for other States show something of a similar condition, and a compilation and summary of attendance problems for the entire United States show that this is a universal problem.

When only 38 per cent of the children of my State receive a common-school education, and when I am assured that similar conditions exist in other States, I can not stand here and help to vote money out of the National Treasury in half million dollar lots for the maintenance of a university to serve a need principally local to Washington and vicinity for the higher education of negroes. If the money of the National Government is to be made available to a greater extent than at present to help solve our educational problems, that money should go, first, strictly under State administration and control, to the assistance of the childhood of our Nation who are not now receiving the opportunities in the way of a common-school education which they need in order to bring out the best that is in them for themselves, their communities, and their country. There are too many men and women in the United States to-day who remind us of the language of Henry Fulton, the noted English writer and divine:

> In some who have run up to men without education, we may observe many qualities darkened and eclipsed; their minds are crusted over, like a diamond in the rock.

Thomas Jefferson said:

> If you would have the sun continue to shed its rays on the faces of freemen, then educate all the children in the land. This alone startles the tyrant in his dreams of power and rouses the slumbering energies of an oppressed people.

But I wonder what the patron saint of democratic government would have thought of a plan by which the energies of the National Government, aside from certain aids to agricultural, mechanical, and industrial training which reach alike all races under the flag, have been and are to be under this bill devoted to the higher education of the Negro race? Surely, to insist upon prior consideration for the children of my country who are deprived of proper common-school educational opportunity, before legalizing a policy by which negro higher education shall be taken care of, is not to stamp myself as narrow, prejudiced, or unfair. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, I have had contact with this matter for several years through my connection with the Interior Department appropriation bill that carries this appropriation. Let me first emphasize that no appropriation which this Congress has ever made for Howard University was illegal. An appropriation bill is law the same as any other bill passed by Congress. The only emergency comes from the fact——

Mr. O'CONNELL. Will the gentleman yield?

Mr. CRAMTON. I am sorry I can not yield in five minutes. I want to be courteous, but I can not yield.

Any bill passed by Congress making this appropriation has been the law and has been legal, the only emergency comes that under the rules of this House the Appropriations Committee does not have authority to report these appropriations, and hence they are subject to a point of order. If this bill becomes law that difficulty will be overcome.

Our committee has felt that because the appropriations have been made for nearly half a century and because each time when the House gets the chance to vote they sustain the appropriations, we ought to report them.

The gentleman from Georgia has suggested the institution is local. I am sure if he would study the question more he would find that it is a national school to meet a national need. The gentleman suggests it is not under supervision. If he will read the bill that is before us he will find that it provides that "the university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year" and that an annual report must come to Con-

gress concerning it; and in addition, the financial aspect of it is now supervised by the Department of the Interior, so far as the use of our money is concerned.

The gentleman says it will be a discrimination against the white race for us to do this for the negro population. We have already established the precedent in the education of the Indians. We have many, many schools for the exclusive use of the Indians in order to fulfill our national obligations as to that race. We have a similar obligation to see that the negro is not discriminated against in the opportunity to get an education and raise himself and his race up.

The gentleman has talked of the present apportionment of Federal funds. I have received to-day from the Bureau of Education—I may say here I put in the RECORD at page 3711 some time ago a general study of this question by the Howard University, but I have now a statement from the Bureau of Education giving a tabulation which I will ask consent to put in the RECORD in detail. Suffice for the present to say that the money that goes from the Federal Government to State colleges and universities under different laws amounted as to the 17 Southern States in 1925–1926, the year they have used in their table, to $4,901,338.

Mr. TARVER. Will the gentleman yield?

Mr. CRAMTON. I am sorry I can not yield. If I have any time when I have completed my statement I will be pleased to yield.

Approximately $5,000,000 went to the white institutions in these Southern States. How much went to the negroes? The population is respectively 27,000,000 and about 9,000,000 and we would expect then $1,600,000 to go to the colored institutions of the South from the Federal Treasury. Instead of that, there was $319,777.

Mr. TARVER. That is a very important statement the gentleman is making and in view of the nature of his remarks I hope the gentleman will yield.

Mr. CRAMTON. It is important and I am trying to cover it in a decisive and permanent way. The Bureau of Education that has charge of the distribution of most of this fund——

Mr. TARVER. Will the gentleman yield?

Mr. CRAMTON. I do not yield. If the gentleman from Mississippi will yield me more time I will yield to any question desired to be asked.

This $4,900,000 went to the white institutions from the Federal Treasury and $319,777 went to the colored institutions in the 17 Southern States from the Federal Treasury. It is that discrimination that creates this national need for a great colored university.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to extend my remarks and in doing so I desire to put in this table and the accompanying letter in part.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. TARVER. Mr. Chairman, the gentleman apparently has some further time and I would like to ask him a question.

Mr. CRAMTON. The Chair has said I have no more time. Under the leave I insert the following:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, March 29, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: In reply to your letter of March 23 we have checked over the figures for land-grant colleges shown in the report entitled "Comparative distribution of Federal and State funds for collegiate education of whites and negroes in 17 States."

Since the institutions represented in the above-mentioned report are not named it is difficult to check the figures. Footnotes read "Includes students of secondary grade," "Includes also appropriations for schools above secondary but of junior collegiate grade." The heading of the table on page 1 indicates "Publicly controlled institutions of four-year collegiate grade," but these are not itemized, nor is the number of these institutions given.

Accurate data on Federal funds for land-grant colleges and universities in the 17 Southern States have been tabulated and are presented in the inclosed table, which is summarized as follows:

	White	Negro
Interest on 1862 land-grant fund	$307,939	$24,152
Interest on other Federal land grants	23,585	5,777
Morrill-Nelson Acts of 1890 and 1907	600,279	249,721
Smith-Hughes funds as reported by institutions	132,728	40,127
Other Federal funds for instruction and administration	25,468	None.
Hatch-Adams funds for agricultural experiment stations	480,000	None.
Purnell funds (act of 1925)	320,000	None.
Other Federal funds for agricultural experiment stations	12,921	None.
Smith-Lever and supplementary funds for agricultural and home economics extension	2,928,176	None.
Other Federal funds for agricultural and home economics extension	70,242	None.
Total of all Federal funds	4,901,338	319,777

* * * * * * *

JOHN J. TIGERT.

Federal funds for land-grant colleges, 1925–26

Land-grant colleges	Interest on 1862 land-grant fund	Interest on other land grants	Morrill-Nelson appropriations (acts of 1890 and 1907)	Smith-Hughes funds as reported by institutions	Other Federal funds for instruction and administration	Hatch-Adams funds for agriculture experiment stations	Purnell funds (act of 1925)	Other Federal funds for agriculture experiment station	Smith-Lever and supplemental funds for agriculture and home economic extension	Other Federal funds for agriculture and home economic extension
1	2	3	4	5	6	7	8	9	10	11
Alabama:										
White	$20,280		$30,795	$8,349		$30,000	$20,000		$203,202	
Negro			19,205	1,927						
Arkansas										
White	6,633		36,364	3,946		30,000	20,000		163,576	
Negro			13,636	768						
Delaware:										
White	4,980		40,000	10,550		30,000	20,000		20,742	
Negro			10,000							
Florida:										
White	7,730	$2,352	25,000			30,000	20,000		138,737	
Negro			25,000	820						
Georgia:										
White	14,954		33,333	14,114					237,780	
Negro			16,667	3,000						
Kentucky:										
White	8,644		42,750	11,503		30,000	20,000		197,342	
Negro	1,255		7,250	5,741						
Louisiana:										
White	9,116	5,440	29,829	4,137		30,000	20,000		132,964	$32,200
Negro			20,171	3,485						
Maryland:										
White	6,831		40,000	12,123		30,000	20,000		70,964	
Negro			10,000							
Mississippi:										
White	5,914	8,473	23,000			30,000	20,000	$12,921	172,905	
Negro	6,814	5,777	27,000							
Missouri:										
White	21,544	7,320	46,875	19,677	[1] $25,468	30,000	20,000		200,921	
Negro			3,125							

[1] Military uniforms.

Federal funds for land-grant colleges, 1925-26—Continued

Land-grant colleges	Interest on 1862 land-grant fund	Interest on other land grants	Morrill-Nelson appropriations (acts of 1890 and 1907)	Smith-Hughes funds as reported by institutions	Other Federal funds for instruction and administration	Hatch-Adams funds for agriculture experiment stations	Purnell funds (act of 1925)	Other Federal funds for agriculture experiment station	Smith-Lever and supplemental funds for agriculture and home economic extension	Other Federal funds for agriculture and home economic extension
1	2	3	4	5	6	7	8	9	10	11
North Carolina:										
White	$7,500		$33,500	$5,500		$30,000	$20,000		$227,356	
Negro			16,500	3,086						
Oklahoma:										
White	132,000		45,000			30,000	20,000		166,423	
Negro			5,000	2,067						
South Carolina:										
White	5,754		25,000			30,000	20,000		156,014	
Negro	5,754		25,000	5,250						
Tennessee:										
White	20,000		38,000	14,685		30,000	20,000		191,414	$38,042
Negro			12,000	2,850						
Texas:										
White	10,450		37,500	8,542		30,000	20,000		341,015	
Negro			12,500	5,003						
Virginia:										
White	20,659		33,333	4,602		30,000	20,000		181,805	
Negro	10,329		16,667	6,130						
West Virginia:										
White	4,950		40,000	15,000		30,000	20,000		125,016	
Negro			10,000							
Total:										
White	307,939	$23,585	600,279	132,728	$25,468	480,000	320,000	$12,921	2,928,176	70,242
Negro	24,152	5,777	249,721	40,127						

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, if my information is correct, George Washington, the first President of the United States, and often referred to as the Father of his Country, left in his will a bequest of $25,000 for the establishment of a national university in the city of Washington or District of Columbia.

If I am mistaken in this, I hope some gentleman will correct me. I understand further that the question of accepting this $25,000 and establishing a national university in the District of Columbia, not only for the people of Washington and the District of Columbia but for the people of the entire Nation, has been before nearly every Congress for consideration for upward of 100 years.

And yet the combined intelligence of this great Nation, represented by Members of Congress, has said from time to time that this bequest of $25,000 from the father of our country can not be accepted and augmented by appropriations by Congress for the benefit of the education of the masses of the Nation, because it was not legal and was unconstitutional to do so.

Mr. CELLER. Will the gentleman yield?

Mr. HARE. No. I am sorry, for I have only five minutes. But after more than 100 years have elapsed, and after Congress has often refused to consider the proposition and accept the money given as a legacy to this Nation by George Washington, showing an ingratitude that almost amounts to an insult, Representatives of this great country come forth in their majesty, in their dignity, in their greatness, in their superlativeness—and, I might say, with a smothered conscience—and say, "We want to make an appropriation; we want to enact a law for the benefit of a colored church institution. We want to legalize an appropriation from the United States Treasury, not for the benefit of the white people of the Nation, as George Washington wanted us to do, but for the benefit of a great university for the negroes of the District of Columbia. I understand that Howard University is chartered and maintained as a denominational school. I understand that it has a seminary, or school of theology, maintained by one of the Protestant churches of this country, and I wonder how a really intelligent and honest Representative can come on the floor of this House and say, "I will ignore the fact that this is a denominational school; that it is a church school; that it is a private institution, all of which is admitted to be wholly in conflict with the principles and policies of this Government, and the obligation to honestly and fearlessly discharge my duty to all the people alike, but will throw aside the dictates of intelligent judgment; I will ignors and smother my conscience, if necessary, and support this bill." I say, I can not understand why one should lose sight of the fundamentals of his Government and be led astray by a little sentiment, or possibly by a few votes.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. HARE. No; I am sorry I can not. If this bill is passed, what reason can you give the colored people of this city who belong to the Methodist Church in case they may want an appropriation for a similar institution? What reason will you be able to give for denying them help for a university? What reason can you give the colored people who may belong to the Presbyterian Church who might come here and want to establish an educational institution?

Is there any good reason? What reason could you give any of the other denominational churches who might come here and say we need a university because we have ignorance among our people; we have poverty among them; we have disease among them; we have distress; they have need of a great university; they have need of money from the United States Treasury to support it. They may confront us with those demands in less than 12 months, and they are certain to do it within less than 12 years if this bill is passed and the Supreme Court of the United States sustains it.

The gentleman who preceded me referred to the fact that there was some discrimination about the distribution of funds already appropriated for the benefit of colleges in the South and gave that as a reason why this bill should become a law. I gather from that reasoning he has reached the point in life when he believes that two wrongs make a right.

If you pass this bill and make Howard University an institution to be permanently supported and maintained by the United States Government, it will be equivalent to setting up an educational institution in competition with those supported and maintained by the States or by private funds. The appropriations from year to year will necessarily be in keeping with growing demands, which will mean taking students away from Tuskegee, Hampton Institute, Fisk University, and other colleges for colored students, and mark my prediction that within less than 10 years the appropriation for this university will reach such proportions as to stagger the imagination. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. REED of New York. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Chairman and gentlemen of the committee, I am in favor of this bill. I find that the membership of this House from New York is quite a unit in supporting this worthy bill. Nineteen Southern States have their undergraduates and graduates of Howard University. These Southern States all have contributed, every State has contributed, to the roll of the university, and yet we find the South to-day a unit, practically, in opposition to a measure which seeks simply to correct what has been something unusual in the way of legislation. Since 1879 the appropriation has been questioned each year because it has come to the House on a rider of the Department of the Interior appropriation bill.

In New York City we have made ample provision for the education of negroes who live there, and we have 350,000 negro people who live in the city of New York. A great many of these good people are good residents in my district.

Mr. GASQUE. Mr. Chairman, will the gentleman yield?

Mr. WELLER. Not now. For these people we have hospitals, we have schools; we have made ample provision for the colored people in the city of New York. It is quite apparent that schools of higher education like Tuskegee and the others in the South are not sufficient unto themselves to accommodate those who desire to receive a high scholastic education. To-day we are confronted with the same old wrangle of what we ought to do in order to correct something which obviously should be corrected. There is but one thing that can be done here, and that is to put our house in order, and put this question squarely before the House and have these appropriations made as they should be made.

In New York City we have many graduates of this university. We have doctors, lawyers, dentists, and divinity men, all of whom have had the advantages of this wonderful university. The last speaker, the gentleman from South Carolina [Mr. HARE], spoke about the religious features of this institution. I do not imagine there is a college anywhere in the United States but has some particular religious domination and influence. Certainly all colleges, no matter whether they be class A colleges or not, should be under the guiding influence, to some extent at least, of chapel exercises, and the church should have a proper position in the work of the institution. But that the money is going to be voted for any particular class of religion, of course, the very terms of the bill prohibit. By the very terms of the bill the money that is annually appropriated can not and will not be devoted to religious instruction.

This university has an endowment, I am told, of approximately $450,000. It is not self-supporting, but it is helpful. It is helping itself. Those who have been able to get an education there, those graduates who are not only in the city of Washington but who have come to the cities like New York, have invariably clung to their alma mater with just as much love and zeal and just as much esprit de corps as white men do in their own college life. That should be encouraged. If there is anything that can be done by this House, which has a moral responsibility to chip in, as it were, which has a moral responsibility to help out this worthy educational institution, to correct the parliamentary situation, then it does not lie in the mouth of any man in the House that he should protest against such a proposition.

Howard University was founded in 1867 by Gen. Oliver Otis Howard, a distinguished veteran of the Civil War, as an institution where negro men and women might receive college and university training. Like many other great things, it had a humble beginning. After the war the problem of properly placing the negro as a freedman became evident, and it became necessary for the leaders to stimulate their race by the encouragement of education. The charter of Howard University was granted by Congress on March 2, 1867, and each year this day has always been observed with appropriate ceremonies, and is known as charter day.

Congress appropriated small amounts each year, and in the year of 1879 the amount of $10,000 was appropriated for the maintenance of the university, so that gradually there developed a new life of intellectual and spiritual ambition.

The Negro race represents one-ninth of the total population of the United States and in the past 50 years has shown tremendous advances within its own ranks. Until now it has been apparent that the future of the race is virtually in the hands of its own political leader. After the war the newly created freedman swelled into Washington and the people were confronted with the great problem of properly taking care of them both from an intellectual and physical standpoint. Plans were laid in a comprehensive way to found a college whose requirements and standards were of such a high order as to acquire the recognition of the greatest university of our country. Year by year those who identified themselves with this remarkable project toiled incessantly, mindful that they were being watched with jealous eyes but strengthened by the belief of a righteous cause. The wisdom and far-sighted genius of the founders are now revealing themselves to the country.

Congress has before it now, in the days of maturity of this university, another opportunity to recognize further its value, not only to the Negro race but to all the people of our country, and to provide and help to assist this great work morally and with financial support.

The university formerly came under the jurisdiction of the Department of the Interior, but its needs and growth have been fairly unparalleled, and the original incorporation by Congress of Howard University in the District of Columbia has from year to year been compelled to report to and receive appropriations through that department. By this amendment now proposed the act of 1867 will be amended and an annual appropriation for constructive improvements and maintenance shall come directly and be a part of the national budget of our country under proper supervision and subject to an annual report to Congress each year through the board of education. This would seem to be the appropriate and logical way to handle this problem, and it is befitting the dignity of the high character of work that has been accomplished by the officers and alumni of the university.

This is really the one college in which the door is open for advancement and education to the negro, and happily it is situated in the site of our Government at Washington. So that in many respects it may be said that this university is a national organization. The young negro man or woman who desires collegiate or professional training and does not desire to go to any other university or college may come to Howard to devote and consecrate his or her life to the advancement of the Negro race.

The work of the officers of the university has been highly appreciated, and new buildings and departments have been created and erected, so that it now has an endowment of $450,000. The grounds are beautifully situated in Washington and nestled in a grove of trees. The different departments are housed in well-equipped buildings. The library is well stocked and the different classical and scientific departments filled with students eager to learn. Much of the advancement is owed to the courageous leadership of Dr. J. Stanley Durkee, former president of the university, and his associates. The problem has commanded the attention and interest of distinguished educators and men in public life, who serve on the board of trustees without compensation for the advancement of the negro. Dormitories are provided on the campus which may be had for the modest sum of $2 a week, and board may be obtained for $20 per month, and it can be seen that these sums are almost nominal.

The high regard in which the university is held is typified by the spirit of the alumni when it was sought to raise $250,000 to meet the requirements of the general educational board, which promised an additional $250,000 for the purpose of building a medical school costing one-half million dollars. It is said that a group of negro physicians in Washington assembled together, and 67 of them subscribed $100,000, and the balance of the amount was made up in pledges and subscriptions. It is estimated by Dr. Mordecai W. Johnson, the president, that the needs of the colored race require the graduation of 400 thoroughly trained physicians for the next 10 years to keep pace with the increase in population of the Negro race.

The college course of the university is known as grade A. and Howard University is the only university for the negro people that teaches medicine, with the exception of Meharri, in the State of Tennessee. The dental school is well known, and the law department has received recognition by the other law schools and the courts of the country. There are practically no large hospitals exclusively for the negro people, but the best known, and in which 90 per cent of the patients are colored, is the celebrated Harlem Hospital in New York City. The fame and reputation of this hospital under the auspices of the city of New York are well known to the medical fraternity and is a field for the colored internes and doctors.

Howard University also opens the door to negro women so that they may be educated leading to professional degrees. They also have a course in nursing in the adjoining Freedman's Hospital.

The men and women who attend the university come from all the States in the Union, and they have approximately 2,000 students on the roster for the coming year. Congress has from time to time made appropriations for various universities in the North, West, and South amounting to over $7,000,000. From 1879 to 1924, in addition to the money raised for tuition and endowment already referred to, Congress has already appropriated three and one-half millions, and the appropriation calls for approximately $400,000 a year. Each year this appropriation has been attacked, and it is claimed that coming, as they do, through the Department of the Interior appropriation bill, they are illegal. This should not be so. Money appropriations having the sanctity of law should be directly appropriated by Congress upon budgets and questionnaires and all doubt as to the legality removed. The contention, however, of the legality has not been sustained. But this method of handling the question would for all time dispose of such criticism. The dignity of the grand works of this university requires that there be not the first suggestion of irregularity. Howard University, the first university for the advancement of negro education, is entitled to the highest consideration, for the work of its officers and alumni has demonstrated that it has not been misguided or misplaced.

TABLE SHOWING

I. Distribution of students in publicly controlled institutions of four-year collegiate grade in 17 States, and the distribution of Federal and State funds for four-year collegiate education and the relation of the distribution to the population in 17 States having separate schools for white and negro students [1]

II. The extent to which Howard University serves persons born in those States.

State	Total population		Per cent negro population is of white population	Number of white students enrolled in schools of 4-year grade	Number of negroes who should be so enrolled according to population	Number of negroes actually so enrolled in schools of 4-year collegiate grade	Number of students at present in Howard University of 4-year collegiate grade	Federal funds for higher education			State funds for higher education			Number persons from the States enrolled in college for the autumn, winter, 1927-28	Number of students and graduates of Howard University from the several States studied				
	White	Negro						Received by whites	Amount due to negroes at same rate according to population	Amount actually received by negroes	Amount received by whites	Amount due to negroes at same rate according to population	Amount received by negroes		Graduates from college, by State of birth from 1919 to 1927	Students entering the school of medicine, by State of birth, 1923-1927	Graduates from the school of medicine, by State of birth	Students entering the law school from 1922-1927	Graduates from the law school from 1922-1927
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Alabama	1,447,032	900,652	62.2	4,435	2,557	0	48	$276,720	$172,119	[3] $20,750	[2] $873,519	$543,328	[2] $36,500	28	34	19	16	1	1
Arkansas	1,279,757	472,220	36.8	3,329	1,225	0	28	263,555	96,988	[2] 20,654	629,207	231,548	[2] 68,166	23	7	4	5	1	0
Delaware	192,615	30,335	19.9	606	120	0	15	100,742	20,047	[2] 10,000	162,242	32,286	[2] 21,000	11	0	4	2	0	1
Florida	638,153	329,487	51.6	8,391	4,329	103	47	156,609	80,810	25,820	1,116,094	576,904	10,000	28	24	16	16	3	1
Georgia	1,689,114	1,206,365	71.4	7,789	5,561	0	74	571,296	407,905	[2] 19,667	[2] 732,354	522,900	[2] 42,500	43	44	30	21	1	5
Kentucky	2,180,560	235,938	10.8	6,460	697	0	47	282,252	30,483	[2] 8,505	[2] 1,185,567	128,041	[2] 40,000	32	33	11	18	4	0
Louisiana	1,096,611	700,257	63.8	4,035	2,574	84	42	232,754	148,497	23,655	[2] 2,198,158	1,530,024	46,515	23	23	18	12	1	1
Maryland	1,204,737	244,479	22.9	5,670	1,298	0	74	302,457	69,262	0	[2] 956,149	218,958	[2] 74,968	58	51	11	29	5	4
Mississippi	853,962	935,184	109.5	850	930	0	33	235,649	258,035	39,592	[2] 769,529	842,634	[2] 65,251	19	18	11	10	3	2
Missouri	3,225,044	178,241	5.3	17,595	932	[3] 518	24	297,046	16,743	3,125	[3] 3,714,747	196,881	[3] 114,773	24	11	0	0	0	0
North Carolina	1,783,779	763,407	42.7	5,587	2,385	0	165	342,130	146,089	[2] 20,086	[24] 180,479	1,785,064	[2] 542,111	118	60	43	59	4	10
Oklahoma	1,821,194	149,408	8.2	20,530	1,683	0	8	247,028	20,256	[2] 5,000	[3] 3,418,277	280,298	[3] 95,900	8	14	0	0	0	0
South Carolina	818,538	864,719	105.0	4,030	4,231	[4] 887	84	225,906	237,201	34,328	1,812,456	1,903,078	101,150	48	33	33	31	3	7
Tennessee	1,885,993	451,758	23.9	2,140	511	0	33	773,583	184,886	[3] 12,000	[2] 579,042	138,391	[3] 54,999	24	18	6	10	3	4
Texas	3,918,165	741,694	18.9	21,546	4,072	[3] 723	70	[2] 487,289	92,097	1,978	[25] 652,526	1,068,327	216,070	48	55	21	22	1	6
Virginia	1,617,909	690,017	42.0	10,475	4,399	0	234	286,119	120,169	[2] 26,996	[21] 818,805	763,898	[3] 48,156	153	96	72	90	9	10
West Virginia	1,377,235	86,345	6.2	5,492	340	[6] 756	30	[2] 224,317	13,907	10,629	[21] 1,852,685	114,866	[2] 272,750	21	0	7	14	2	3
Total	27,030,398	8,980,506	33.2	128,958	37,844	3,071	1,056	5,305,452	2,114,494	282,785	31,651,836	10,876,426	1,850,809	709	521	306	355	41	55

[1] These data were obtained from "Biennial Survey of Education, 1922-1924," Department of Interior, Bureau of Education Bulletin (1926) No. 23, and State Superintendents Reports for 1922-1924; Bureau of Education Bulletin (1927) No. 37.

[2] Includes also appropriations for schools above secondary but of junior collegiate grade.

[3] This includes 348 students of secondary school grade.

[4] This includes 574 students of secondary school grade.

[5] This includes 261 students of secondary school grade.

[6] This includes 442 students of secondary school grade.

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman, I am taking this short time to suggest that from my point of view this kind of legislation is totally unauthorized by the Constitution. I am not a great constitutional lawyer, but the question has been referred to by the gentleman from Michigan and others. I do know, however, that the Howard University was incorporated in the same atmosphere that the tenure of office act was passed, along after the Civil War. That act particularly brought President Johnson into condemnation, and on the basis of it he was impeached. The act was declared to be unconstitutional by the Supreme Court only last year, to be totally outside the scope of the Constitution and the authority of Congress. Howard University was incorporated and Federal funds began to be paid over to it about the time that the cotton tax act was passed, which also was held to be unconstitutional by the Supreme Court, but under which during the years 1867, 1868, and 1869 several hundred thousand dollars were collected from cotton growers in the South, which money still remains in the Treasury of the United States, notwithstanding the fact that the law has been declared unconstitutional. It was incorporated also about the time that the Freedman's Bureau was created, and the Credit Mobilier was the talk of the country. I mention the conditions under which this institution was founded to suggest to you that our public mind was not at its most favorable condition, and consequently it might not have taken into consideration with proper and due regard all of the provisions of the Constitution. I am against the proposition contained in the bill for that reason.

I suggest to the membership of the House that my own State, Mississippi, maintains splendid schools for the negroes. It maintains colleges for negroes. Mississippi has more negro children in its schools than any other State in the Union or any other governmental subdivision in the Union. We have done everything that we know of to provide for them and educate them and bring them up. We have done that as a State proposition and have not looked to the National Government to do it, as other States have not. For that reason it seems to me that we are going outside of the scope of the Constitution when we devote these funds to the purpose we are now authorizing them to be devoted to. The truth about the question is that there is more political dynamite involved in this bill than in any other bill that has been before the House in a long while. We all know that many are voting a political vote who are involved to any extent with the colored vote back in their districts. That being the situation, I suggest to the brethren who are opposing this bill so valiantly that the problem will soon be theirs and not ours of the South, for the simple reason that statistics show that during the last 10 years the colored population in the South increased only 1.9 per cent. My own State of Mississippi lost 74,000 negroes. The Northern and Eastern States have gotten these negroes. In Michigan the colored vote increased 251 per cent.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. REED of New York. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, there is a matter that I want to call to the attention of my colleagues from New York. When you come up to my district and tell my people that Congressman LAGUARDIA does not get along with his own party, just be reminded that to-day you are not getting along with your party. We had to-day a bit of prohibition immigration question, and now the colored question, and I see many of my colleagues not in complete harmony with their party. The gentleman from Mississippi [Mr. BUSBY] raised the question as to the constitutionality of the bill now under consideration. I want to suggest to the gentleman that when the Constitution was amended, giving negroes citizenship and equal rights, that amendment carried with it the obligation of giving the negroes an equal opportunity for education in this country. [Applause.] A republic and a representative government without education can not endure. If the State of Mississippi is doing so much for the higher education of the negro, I should think it would welcome this movement to relieve it of a part of the burden now imposed upon the State.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. No; I have only a few minutes.

Mr. BUSBY. I will give you the one minute you took away from me.

Mr. LAGUARDIA. Oh, that is like giving a negro the right to buy a Pullman car ticket in your State. [Laughter.]

Mr. GREEN of Florida. Can they ride with you?

Mr. LAGUARDIA. Surely they can.

Mr. Chairman, it seems strange that in this day and age there should be objection to endowing a university of this kind. I would do more of it. This Government can well afford to spend money in this way. The purpose of this bill is simply to avoid kicking the Howard University around every year when we have under consideration the appropriation bill.

In New York City our colored boys can enter the College of the City of New York and the colored girls are entering Hunter College. We provide for their education, whether they come from the South or elsewhere, and we believe in making the fourteenth amendment something real. [Applause and cries of "Vote!"]

Mr. LOWREY. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. GASQUE].

The CHAIRMAN. The gentleman from South Carolina is recognized for two minutes.

Mr. GASQUE. Mr. Chairman and gentlemen of the committee, I regret very much that my friend the gentleman from New York [Mr. WELLER] saw fit to state that this was a sectional measure, opposed only by the Members of his side from the South, and to leave the inference that the South was opposed to negro education. In the two minutes I have I want to in part reply to that statement. I came from the South and had the honor to be superintendent of schools of my county for 20 years, and I want to state that the South never was opposed to negro education. The South is providing to-day some of the best schools—both high schools and colleges—in this country for the Negro race, and doing this largely out of the white taxpayers' money. In the State I have the honor in part to represent we have as fine a negro college as the State of New York or any other State, supported wholly by the taxpayers of that State. It may not be as large, but is just as good. I resent the inference that the South is opposed to the education of the negro.

My opposition to this bill, as I am sure is the case with others on this side of the House, is that it is unconstitutional, and it violates one of the fundamental principles of this great Government of ours, in that it takes money from the Federal Treasury and gives it to a private denominational institution for the purpose of fostering not only education but the power and influence of that particular denomination. No man who believes in the principles upon which this Government was founded can conscientiously vote for this bill. Why not appropriate money out of the Federal Treasury to the support of an Italian or a Jewish university or a university operated by any other denomination or peoples? If this precedent is followed, where will we end? We have the same right to appropriate money to any private institution as we have to pass this bill.

I am convinced that the question of higher educational institutions of learning is one for the State and the various religious denominations to handle, or for private enterprises.

I am convinced that what I have to say will not keep this bill from passing, as there is more involved in this than mere principle.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. BLACK].

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BLACK of New York. Mr. Chairman and gentlemen, I can not leave the remarks of my distinguished colleague [Mr. LAGUARDIA] to go unchallenged. I want to say that it was a Republican-controlled Congress which passed and a Republican President who signed the immigration bill he does not like, and the Republican administration that he supports has refused to modify the prohibition act.

I am a member of the committee that reported this bill. There is nothing in it to be excited about.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. BLACK of New York. No; I do not yield to the gentleman.

As to this bill, I say, there is nothing to be excited about. All this bill does is to put out of business a point of order that is made every year against the item appropriating money toward the support of Howard University. There is no racial or sectional proposition involved in it. We are going to pass appropriations for the institution, whether this bill is enacted or not. We have done it before, and we will do it again. As I said, I am a member of the committee that reported this bill, and I am in favor of it.

I had an agreement with the chairman that I would yield the remainder of my time to my colleague from New York [Mr. CELLER].

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized.

Mr. CELLER. Mr. Chairman, I just want to remind the House that this bill provides that no part of the money appropriated shall be used for religious instruction. Out of 2,155 students in that institution in 1926 only 49 were in that part of the university where theology is taught. Thus only about 2 per cent of the students are in the school of religion. The religious school, therefore, in point of students is the least important of the university's schools.

I hail from Brooklyn, and I desire to point out that the former president of Howard, Dr. J. Stanley Durkee, now occupies the pulpit of a famous Brooklyn church, Plymouth Church, of Dr. Henry Ward Beecher fame. Dr. Mordecai W. Johnson succeeds Doctor Durkee at Howard. He is the first colored person to preside over Howard University.

We have heard something about the unconstitutionality of this provision. If it is unconstitutional—and that I doubt—we are quite estopped, after 49 years of appropriations, from raising that issue. I might also say that if it is unconstitutional to appropriate moneys for those of the colored race in Howard University, it is quite as unconstitutional to appropriate money for the land-grant colleges throughout the length and breadth of this country, and as well, it is unconstitutional to appropriate money for the education of Indians.

Morally we have every duty to help educate the negro as well as Indian. We took the Indian's land and kept him on reservations. We took or, rather, filched from him his cherished possessions. No one has raised a question about educating him. Did we not equally coerce the colored race? We brought the negroes from Africa, kept them in bondage. We freed their bodies. But should we not as well free their minds? We can only do that by education.

There is another point I would like to make, and that is this: As far as medical education is concerned, we find, for example, that in 1926 there was only 1 colored doctor among 3,194 colored persons, while there was 1 white doctor for 553 white persons. That disparity in itself should force you to the conclusion that you must vote for this bill. This disparity subsists to the same marked degree even to-day. Howard University is the only university where a colored student can get a complete medical education. It is the only place where he can get the very essential bedside training. He may enter some of the other medical schools, but sooner or later he will feel the prejudice and will be finally proscribed. But at Howard there is the Freedman's Hospital, where colored folk are treated. They will not object to the colored interne or student. But white folk in the hospitals near or adjoining other medical schools will object to the negro interne or student at the bedside. See how illuminating is the testimony of Doctor Durkee on this score:

> A colored man can go into one of the other medical schools, and for the first two years he is in the theory department of medicine. He is in the classroom and working in the private laboratories. There, there is no trouble at all; 100 or 200 colored men could be put in our large medical schools in this country in the first two years. But when you come to your second two years you get to the clinical years, and the students must be taken to the bedside in the hospitals; they must be taken frequently to private practice. I will tell you what was said by the dean of one of our greatest medical schools in this country. He said, "The individual professor does not know just when, if he takes a colored man to a particular hospital or to a particular bedside, he is going to strike a rumpus." And rather than take the chance at all he sidesteps it. Hence, when colored men get through their first two years they immediately run into that difficulty. Now, a few work it through, but the great majority write to Howard University and ask, "Can we not come in for your junior and senior years?" We are overcrowded and we can not take them. Now, the supply is being shut off because of that reason in the other great medical schools, and they are leaving it to Howard University alone.
>
> Mr. FENN. How do you get rid of that difficulty in Howard University?
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> Doctor DURKEE. We have no difficulty, because we have the Freedmen's Hospital, a great hospital, right there near us.
>
> Mr. FENN. It is right in the same grounds, is it not?
>
> Doctor DURKEE. Howard University granted to the United States Government 11 acres of land on which the Government built the Freedmen's Hospital, and there we have innumerable opportunities.

Surely, colored doctors are as necessary as white doctors. Epidemics like the "flu" do not draw any color line. "Flu" attacks white and black alike. Should not the blacks be properly protected by a full supply of colored doctors—not only for themselves but also for the protection of the whites as well—for if the colored are not properly cared for the contagion can not be kept from the whites. Thus from a selfish standpoint, if from no other, you must preserve Howard for medical education of the colored people.

The same disparity obtains as to dentists. There was in 1926 1 white dentist to 2,070 white people, while there was but 1 colored dentist to 20,000 colored persons. Surely that is sufficient argument to encourage passage of this bill.

Is there discrimination against the negro in higher education? I will let you judge.

In West Point I think there are no colored cadets. In Annapolis there are no colored midshipmen. Only three colored men graduated from West Point. In the great universities there are few negroes to matriculate; one must attach a photograph to the application. The reason is obvious. Yet at Columbia and Harvard there are many Chinese. The yellows are not taboo, apparently.

This institute, Howard University, is national in character and, to my mind, there is no greater need in this country to-day than that of higher education of colored men and women of the Nation. There is a great lack of negroes in various professions. The negro, ostracized from so many things, should not be kept from education. The negro is proud and he would not accept of this charity from the Government if money were available from other sources.

This bill should pass so that hereafter appropriations for Howard University will be proof against the parliamentary point of order.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LOWREY. Mr. Chairman, I yield to myself the rest of the time allotted to my side.

The CHAIRMAN. The gentleman from Mississippi is recognized for eight minutes. [Applause.]

Mr. LOWREY. Mr. Chairman and gentlemen of the committee, I think it is very unfortunate that this discussion should in any way take a trend or be looked upon as a partisan question, politically, or as a sectional question. The most painful thing to me in all the discussions of this question all the way along has been the way that feature has been injected into it.

There has been much insinuation on the floor like that made by my Democratic friend from New York, that we southern folks were awfully wicked in our attitude toward this question and toward the education of the negro. Well, now, I am not going to say anything ugly or make any accusations, but I believe I am forced to tell a little story. The secretary of a Congressman north of the Ohio—I will not say where—said to a southern Congressman's secretary lately, "There is no one I hate more than a damned nigger, but we have got to support this bill because my boss must have the negro vote in his district to get by." I am not going to tell you who said that, and there may have been just as mean and bitter things said by those coming from the South; but what I am coming at is this: The race feeling and the partisan feeling is not all on one side of this matter, but there is a political feature in it which we all have to admit is there. I wish we could forget the political feature. I wish I had the time to go somewhat into an answer of some things that were brought out on the floor by my good friend from Michigan [Mr. CRAMTON], who quoted from a little pamphlet presented by the Howard University. I started to say it is a little singular—but it is not singular, either—that Howard University, in sending that to the Congress, took the 17 States in which the colored and white folks are separated in the schools and then the 3 States, Mississippi, Louisiana, and Georgia, from which the three men come who signed the minority report in this matter.

But with charity to all and malice toward none that analysis by Howard University was the most inexcusable, unjust, and unfounded thing I have seen on the question. I have been looking those matters up through that presentation by Howard University and I have been looking it up through the negro yearbook, which is gotten out by Tuskegee. So I am taking my information entirely from those sources. In the 17 States referred to where the races are segregated in the schools, according to this pamphlet from Howard University, the negro population in those States is about 9,000,000 to 27,000,000, I believe it was stated here, about one-third, and the argument is, therefore, taking my State, Mississippi, where there are more negroes than there are white folks, that there ought to be more of college money appropriated to negroes than to white folks because it is dealing entirely with money appropriated to colleges and not money appropriated to public education. Now, the truth is this: That if you will take the number of negro college pupils in those 17 States and divide the number into the amount of money the States and Federal Government give to those colleges you will find that it amounts to $694 per pupil. That much is spent on every negro college pupil in those States out of State funds and Federal funds, and most of it comes from State funds. For the white people in the same States the amount of State funds and Federal funds for white college pupils aggregates $286, a good deal less than half of the amount given to each negro pupil. So we are not defeating the negro in his rights.

Now, somebody says, why are there so few negro pupils in the colleges? Well, in the first place, the negro in the South takes largely to denominational colleges and private schools rather than to the State colleges. For instance, in my own State we have only 388 negroes in the State college for negroes, but we have something over 6,000 in the colleges all told. There are about five or six colleges run by the denominations, run privately, and run this way and that; and there are something like 6,000 negroes in all those colleges put together, but only a little less than 400 in the State college. They take to the denominational colleges.

Now, there is another thing which we all have to meet and we should meet it squarely. The negro has been out of slavery only a few years. I imagine there are 50 white students in my State really ready for college to 1 negro ready for college; I mean ready and able to go and enter college.

Now, this pamphlet argues that we must divide the money according to the population.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, in answer to the statement that has been made that this authorizes an appropriation for a sectarian institution, I simply want to call attention to the fact that the act of incorporation, a copy of which I hold in my hand, has nothing in it in regard to any sect or any race. This institution is incorporated the same as every other nonsectarian institution of learning in the United States.

Mr. Chairman, I want to state that as chairman of the Committee on Education in the Sixty-eighth Congress I had the honor to report a bill similar to this one, and it passed the House, but failed to pass the Senate. The same thing happened in the Sixty-ninth Congress.

Howard University is doing a great work and I can not understand how gentlemen from south of the Mason and Dixon line—some of them—are averse to having colored doctors get the best possible medical education, and Howard University is the only place where they can get the best and most up-to-date medical education. It is important that there should be trained doctors and nurses and school-teachers of this race, and Howard University is a great national university that is doing a great work, and I trust the bill will pass by an overwhelming vote. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman, it seems to me when a question of progress comes before us we are always confronted with the bugaboo of constitutionality. It is a favorite cry for the lawyers to bring forth. There has never been a single progressive step made in the forward march of humanity that some one has not brought up the cry of constitutionality.

The fact is this can not be raised against the pending measure justly. In addition to the 49 years in which we have been making appropriations through congressional action for this institution, thus showing clearly the trend of feeling of the Nation toward the institution, it has become and is to-day more of a national problem than ever before, and therefore ought to receive the most hearty support we can give it. You gentlemen of the Southland have been standing with us on the question of immigration. Now the Nation as a whole is confronted, as it never has been before, with the question of migration, and the negro problem is no longer a southern problem; it is a national problem.

I have within my district one city of over 100,000 population in which the negro vote is the controlling vote. I have other cities in which there have come up great migrations from the South. They are not the northern negro, they are the southern negro; and in this Capital City the negro population is increasing by leaps and bounds, and it behooves us of the North and of the South, of the Nation everywhere, if for no other reason than that of sanitation and health, that we have trained leaders as physicians and as nurses in this race. [Applause.]

Howard University is an institution of national importance. It is not simply an institution for the Negro race confined to the citizens of the District of Columbia. The District of Columbia has 598 pupils there, Maryland 115, but the fact is that nearly every State in the Union is represented in its enrollment. The Virgin Islands has 2, the British West Indies 29, and the British Guiana in South America 18; in fact, its

reputation and excellency of training has spread to the most of the countries of this hemisphere.

For 49 years the Congress of the United States has been giving favorable consideration to Howard University. Since the Budget Commission went into effect the appropriations for the Interior Department of the Government has carried an item covering various needs of the university. It has been objected to by Members of the South on the ground of constitutionality and struck from the bill on a point of order only to be restored by the Senate and passed by the conferees.

The bill before us to-day is meant to correct that objection and give the Appropriations Committee authority to make such appropriations as from year to year the demands of the university may require.

The cry is raised against the measure that it will be unconstitutional. That is the cry always raised by opponents to progress. Of course, this is constitutional, and the purpose of the bill contemplates nothing that is not constitutional. There has never been a single progressive step made in the fall and march of humanity that some one has not brought up the cry of constitutionality.

For many years the American people, in answer to the obligation owed the Indian, have appropriated money to build schools and hospitals wherein their youth might be trained and educated to become the leaders of their people, the hospitals to teach them the art of healing and sanitation.

The obligation of the Nation to the negro would seem to me even stronger than in the case of the Indian. The negro was not robbed of his land as was the Indian, but he is here and by force brought to the shores of this country, and in this strange land unwillingly became a slave of the white man, and for generations his lot was nothing more than that of a chattel. And since that time by manual labor only, untrained and unskilled, he has largely been compelled to eke out a precarious existence.

Howard University is a practical demonstration of the response of this Nation to its moral obligation. While it is true that negroes may be admitted to the colleges of the North and the South, the conditions of admission are very much restricted, and generally this may be said that these colleges are not open or available to the Negro race except for industrial training.

Here you have in Howard University a class A school, where the students receive a fine and complete training to go out as teachers, lawyers, preachers, doctors, and business leaders. All of this is most needed and most commended.

There is, however, a further consideration for the passage of this bill and a strong practical reason why an institution like Howard University should be maintained in the District of Columbia. The Freedmen's Hospital was authorized by Congress in 1904 and was built upon the land owned by Howard University. The university generously leased the land to the Federal Government for 99 years at $1 a year, with the privilege of renewal for a like period. The existence of this hospital, so near to the medical school of Howard University, affords the students of the university an opportunity which exists nowhere else in this country to acquire the clinical instruction which is necessary to complete each student's medical course.

The great importance to the country as a whole of having this institution is more readily visioned when we recall that the negro is no longer a race simply in the Southland, but through the migration of the last decade and a half has become a resident and a citizen in great numbers in practically every city of the Northland. This institution is not only capable of training leaders for the colored race in all walks of life, but what, perhaps, is more urgent, makes possible a supply of properly trained physicians and nurses; and therefore is for the protection not only of the health of the Negro race but the health of all people of this Nation, white as well as black.

Mr. Speaker and gentlemen, in conclusion I can not help but bear tribute to the progress of the Negro peoples in the last past century. They have under an almost insurmountable handicap leaped forward in education and training and leadership. Instead of an economic burden they are becoming an economic asset to the Nation, and year by year are finding more and more their place in all walks of material, educational, and spiritual leadership. We can only wish them the best, and surely in this way as a Nation assist in their great endeavor to still further fit themselves to take their place in our civilization.

Mr. REED of New York. Mr. Chairman, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, this bill (H. R. 279) to incorporate the Howard University in the District of Columbia, is in reality a bill to amend the charter of the university, which was approved on the 2d of March, 1867, by adding a section known as section 8 providing—

Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction.

For the past 49 years, Congress has been appropriating for the maintenance of this university, and for this year about $218,000 was provided by the Budget. These appropriations for nearly half a century have been without legal sanction and this amendment will if passed legalize future appropriations. It does not burden the Government any more than the Government has in the past assumed the burden. It does not bind the Government to any appropriations, but merely gives the authority, and when an appropriation is recommended in a bill, Congress may refuse to make the appropriation if it deems proper. It is entirely free to use its judgment.

For my part I shall vote for the bill, not only because I think appropriations should be legalized, but because I am in favor of these appropriations. I do not think our Government can spend money for a better purpose than the education of our people, be they white or colored. The very foundation of our governmental system is based upon the education of the electorate. The better our people are educated and the more of them, the firmer will be the foundation of any democratic government whether it be the United States or any other.

I look upon this Howard University, which had its inspiration and organization under Gen. O. O. Howard and General Ballock some 60 years ago, as a national university for the colored race. There are to-day some 12,000,000 colored people within our borders, and this, to my knowledge, is the only institution of its kind in the country. It is not generally known that there are some 2,000 colored students at this university, both male and female. The curriculum is of the highest. The American Medical Association has placed it in class A, so that its medical graduates are permitted to take the State board examination in any State of the Union.

The university is certainly doing a great work in the education of medical students. If there is one thing scarce among the colored race it is trained doctors, and may I say here that the very high standard now required makes all doctors very scarce especially in rural communities.

The university also educates lawyers, dentists, pharmacists, ministers, and many in the liberal arts and sciences. I feel that this institution fills an important place in the educational formation of our country. The District of Columbia has 598 pupils there; Maryland, 115; in fact nearly all the States of the Union are represented in this university. The far off Virgin Islands have two; the British West Indies, 29; and British Guiana in South America, 18; in fact its reputation has spread to most of the countries of this hemisphere. [Applause.]

I insert as a part of my speech a list of the States and countries represented:

Howard University geographical distribution—August, 1925–26

States and foreign countries	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total
STATES										
Alabama	13	3		2	1		2	1	3	29
Arizona	1	1	1			1	1			5
Arkansas	13	1	2	1		1	3			21
California	6	1				2	4	2		15
Colorado	3	1	1	1					1	7
Connecticut	11	2	3			1	5	3	2	27
Delaware	6	1					3	1		11
District of Columbia	284	166	28	33	22	20	28	10	7	598
Florida	12	3		1	3	1	5	4	3	32
Georgia	20	5		2	2	4	8	2	3	46
Illinois	6	5			2		8	1	1	24
Indiana	6	4	2	2	2		2	2		20
Iowa	1						2			3
Kansas	12					1	1			14
Kentucky	19	2	4	2	3		4		1	35
Louisiana	15	3			3		5			29
Maryland	39	32	8	3	9	7	12	1	4	115
Massachusetts	12	4		1		1	2	4	2	26
Michigan	5	1					4	1		11
Mississippi	8	1	1	1	1		3			15
Missouri	16	11	3		1	1	3	2	2	39
Nebraska	3							1		4
New Jersey	52	28	3	2	6	3	12	10	3	119
New York	36	5	5	1	1	2	24	18	6	98
North Carolina	49	12	3	1	4	6	8	6	9	98
Ohio	19	3			7	3	3	1	2	38
Oklahoma	3	3		1	1	5	1			14
Oregon						1				1
Pennsylvania	66	19	6	3	7	4	7	6	5	123
Rhode Island	5					1		2		8
South Carolina	24	3	1		4	3	4	1	2	42
South Dakota									1	1
Tennessee	9	5	3		1	2		1		21

Howard University geographical distribution—August, 1925–26—Contd.

States and foreign countries	Liberal arts	Education	Applied science	Music	Religion	Law	Medicine	Dentistry	Pharmacy	Total
STATES—continued										
Texas	32	10	1	1	1	4	8	3	2	62
Virginia	61	27	5	1	15	10	24	13	8	164
West Virginia	12	10	3	.....	2	2	7	.....	.....	36
Wisconsin	.....	.....	.....	.....	.....	.....	1	.....	.....	1
FOREIGN COUNTRIES										
Africa	.....	.....	1	.....	5	1	1	1	.....	9
British West Indies	14	.....	.....	.....	7	.....	6	1	1	29
British Guiana, South America	9	.....	.....	.....	2	.....	5	2	.....	18
Canada	4	.....	.....	.....	.....	.....	.....	.....	.....	4
Canal Zone	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Central America	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Cuba	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Dominican Republic	1	.....	.....	.....	1	.....	.....	1	.....	3
Jamaica	.....	.....	.....	.....	.....	.....	7	.....	.....	7
Porto Rico	2	.....	.....	.....	.....	1	1	.....	.....	4
Republic of Colombia	.....	.....	.....	.....	.....	.....	1	.....	.....	1
Virgin Islands	1	.....	.....	.....	.....	.....	1	.....	.....	2
Total	912	372	88	59	114	88	226	101	72	2,032

Evening classes, 115.

I should not approve of appropriations to universities all over the land, and do not consider it a precedent in voting for this bill or for an appropriation to this university. Located in the National Capital of the country, and having in its student body men from nearly every State of the Union, all received upon the same basis and the same tuition, it is national in all respects. It is not generally known that the National Government appropriates eight millions of dollars and over to universities and colleges in all sections of the country. These appropriations are what are generally known as land-grant appropriations. Some $4,317,583 goes to those States north of the Mason and Dixon line, and $3,759,742 to those States south and west of the Mason and Dixon line, of which our own Maryland Agricultural College, now a part of the University of Maryland, receives $142,936. The truth is: The Maryland Agricultural College should receive at least $50,000 more, because it not only acts as the land-grant college of Maryland, but also for the District of Columbia, having more than 200 students from the District. The District now receives no part of these land-grant appropriations, which it should receive and definitely designate the Maryland school as its land-grant college.

I merely quote these appropriations to show that it is nothing new for Congress to make appropriations for educational purposes.

Now, Mr. Chairman, I can not resist the temptation to call the attention of this House to the stand it took against permitting our Maryland students from surrounding counties to attend the schools of the District. It was certainly to my mind a very shortsighted policy, and one not in accord with the good-will policy which should exist between Maryland (practically the metropolitan district of the city of Washington) and the District of Columbia itself. There will be a chance for this House to reverse itself and to do justice to Maryland and Virginia in this matter. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield two minutes, which will consume all my time, to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, Howard University was incorporated by the Congress of the United States in 1867, and for 48 years the Congress has been making annual appropriations to help to support this worthy institution.

The negro problem is not an important problem in my State, but we all recognize the importance and the necessity of helping to solve what is commonly spoken of as the negro problem throughout the country. Here is a great institution with 2,000 students, with instructors, many of whom have been graduated from Yale and Harvard Universities. They are doing very high-class work. They are doing for the colored people what we are doing for the white young men and women throughout the country. This means nothing new. This does not mean that any larger sums of money will be appropriated in the future than in the past, but it will permit us to do in an orderly and in a parliamentary way that which we have been doing for the past 48 years.

I shall vote for the bill. [Applause.]

The CHAIRMAN. All time has expired, and the Clerk will read the bill for amendments.

The Clerk read as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education."

Mr. LOWREY. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LOWREY: In line 8, after "university," strike out the comma and the words "no part of which" and insert in lieu thereof the following: "in amounts not exceeding those which annually may be appropriated toward the support and maintenance of George Washington University in the District of Columbia which are hereby authorized, and no part of the said appropriations to Howard University."

Mr. CRAMTON. Mr. Chairman, I make a point of order on the amendment.

Mr. LOWREY. Will the gentleman reserve it?

Mr. CRAMTON. I will reserve it.

Mr. LOWREY. Mr. Chairman, all this amendment does is this: It does not take away a thing from Howard University, but it does give Congress the same power to appropriate to a university for white people in the District that we are using to appropriate for the negro students.

Now, there are over twice as many young white people in George Washington University as there are negro students in Howard University. The university reports to me about two-thirds of the students in George Washington University are young women and men who are working in the departments of the Government, in congressional offices, running elevators and working hard during the day and then spending their hard-earned money and their time at the university instead of taking recreation.

If we are going to adopt the policy of appropriating to universities in Washington it seems to me we should adopt this amendment. You talk about having to account to the negro vote in your districts. What about the vote of the young white folks who are here from the congressional districts in the United States? There are more than twice as many of them at the George Washington University as there are negro students at the Howard University.

All I ask is to do like the chairman of the Appropriations Committee not long ago did when he came on the floor and said, "I know this is subject to a point of order, but I hope no gentleman will make it, and if it is not made and goes through it will be legal if no point of order is made against it." What I want to appeal to is the loyalty of this Congress to the struggling young white people in George Washington University as well as the negro students in Howard University. These white students pay more than twice as much tuition because they get nothing from the Government.

Now, if we are going to maintain a university in the District of Columbia let us make it two. This provides that Congress may legally appropriate for George Washington University.

Mr. CRAMTON. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Mississippi as not germane. We are amending the act incorporating Howard University, and the amendment offered by the gentleman from Mississippi authorizes an appropriation for another university and is not germane. I think that is probably sufficient grounds for the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

Mr. LOWREY. Will the gentleman yield to me to offer my second amendment, and then he can proceed?

Mr. McKEOWN. I will yield.

Mr. LOWREY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LOWREY: Page 2, line 5, after the word "education," insert a new sentence, as follows: "All expenditures incurred under this section shall be charged against the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed in the appropriation act in which the provisions therefor are contained."

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I think I know pretty well the minds of the men from the southern part of the United States on this question of the education of the Negro race. I know that the State of Oklahoma is spending generously to-day and has so spent in the past for the education of the negro. The only proposition here is that, because a man votes against this bill, you want to class him as being opposed to the education of the negro. It depends a good deal upon the viewpoint as to what kind of education he is going to get. I know that the education of the negro has been to the benefit of the race, and everybody knows that; but there are some things taught in some places that are not good for the race, nor good for the white people.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. O'CONNELL. His education ordinarily is limited now, and, if you don't give him this opportunity, he will not get any chance at all.

Mr. McKEOWN. I say this to the gentleman. Proper education for the negro is a matter that should be sought and is sponsored, I dare say, by every man who lives in this country, whether he is from the South or the North. But I call attention to this. You are here legalizing—and I do not know whether it has been approved by the Budget or not—appropriations in the future for this school, and you do not know whether they are going to teach the things that are going to be for the benefit of the Negro race or not.

Mr. O'CONNELL. We have been doing it for 49 years.

Mr. McKEOWN. Yes; and the RECORD here shows that they are advocating intermarriage between the white and black races, and the gentleman knows that that means the destruction of this country if it be maintained.

Mr. O'CONNELL. The gentleman does not know that.

Mr. McKEOWN. The gentleman knows that the RECORD shows that that was taught. I suggest the gentleman look at the RECORD of March 7.

Mr. GALLIVAN. What RECORD would show that?

Mr. McKEOWN. The RECORD of Congress of March 7. At that time there was inserted a statement that has not been denied.

Mr. GALLIVAN. Will the gentleman tell me who wrote that?

Mr. McKEOWN. It was a statement alleged to have been made by the president of Howard University. I am in favor of the education of the negro, but I want to see to it that he is properly educated and that something is not built up here that will destroy the country.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. LEAVITT. Is not this the situation? It was charged on the floor of the House that such teaching had been made.

Mr. McKEOWN. Yes.

Mr. LEAVITT. The question was asked by the gentleman from New York [Mr. CLARKE] as to whether there was any proof of that. No proof was given except a clipping. The gentleman from New York [Mr. CLARKE] the next day or so put into the RECORD a letter from the president of Howard University setting forth his side of the question, and entirely denying it, and as far as I am concerned, satisfactorily denying it.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. TARVER. Does the gentleman know that the letter from the president of Howard University that was inserted by Mr. CLARKE makes no positive denial of the charge that was made upon the floor?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CRAMTON. Does the gentleman recall when this question came before the House on the matter of appropriating $390,000 to Howard University, which was inserted in the Senate on the Interior appropriation bill?

Mr. McKEOWN. Yes.

Mr. CRAMTON. The gentleman from Oklahoma who now has the floor was one of 259 Members of the House who voted for that appropriation.

Mr. McKEOWN. Yes; I voted for it at that time, because I believe in education, but I am not going to vote for this bill which would perpetuate this thing. At present you have not a law making it legal, and it is subject to a point of order, then whenever they get teaching things of that kind in that school the Congress of the United States at any time can withdraw its aid. You are here fixing it so that we can not withdraw that aid.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LOWREY. Mr. Chairman, I rise now to speak on my second amendment, which simply provides that the appropriations made to this institution shall be made out of the funds of the District just as other educational funds in the District are appropriated. A claim has been made that this education is national in its scope.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. CRAMTON. Did I understand the gentleman just now to say that his amendment provided that the appropriations should be divided as between the Federal Government and the District, as other appropriations in that bill? The word "other" is not in the amendment.

Mr. LOWREY. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

There being no objection, the Clerk again reported the amendment, as follows:

On page 2, line 5, after the word "education" insert a new sentence as follows: "All expenditures incurred under this section shall be charged against the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed in the appropriation act in which the appropriations therefor are contained."

Mr. LOWREY. Is that satisfactory?

Mr. CRAMTON. That is not in accord with the gentleman's understanding. That amendment would mean that each year's appropriation bill must prescribe how the funds shall be divided. It does not say that they shall be divided in accordance with other appropriations in the Interior appropriation bill. If so, that would mean nothing charged to the District, because the other appropriations are not charged to the District.

Mr. LOWREY. The gentleman means that the educational appropriations, the school appropriations in the District, are not charged to the District?

Mr. CRAMTON. But this item will be carried in the Interior Department appropriation bill, and the District of Columbia items are in a different bill. The gentleman's amendment would have the effect of leaving the question open for the determination of Congress each year, just as I may say of this bill if it becomes a law as written it leaves to Congress each year the decision of whether it will make any appropriation or not.

And if the majority of Congress should feel like that in making appropriations, no appropriation would be made.

Mr. LOWREY. To be frank, in order to try to make sure of my amendment, I had it prepared by the clerk in the rooms of the Committee on Appropriations. My idea was simply to charge this item to the District and make that institution one supported by the District of Columbia.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. CELLER. In the hearings conducted in 1926 the figures would indicate that these students came from 38 different States, including the District of Columbia. Would the gentleman saddle the entire burden on the District of Columbia for education given to citizens and residents of the States?

Mr. LOWREY. I certainly would, in this way: There are 9 colleges out of 10 in my country which are sustained largely by contributions made by the cities in which they are located. Those cities get every cultural advantage that comes to the college. They get the money brought in by the students. Every State institution, I think, in my State that has been located in any town has received money largely from the town in which it is located, and I notice that wherever colleges are maintained in a town, that town gets so much advantage from those who come from outside and who bring their money there and spend it there that the town readily contributes to the support of the institution.

Mr. REED of New York. Mr. Chairman, I move that all debate on this section, and all amendments thereto, be now closed.

The CHAIRMAN. The gentleman from New York moves that all debate on this section, and all amendments thereto, be now closed. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. GREEN of Florida. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 102, noes 25.

So the motion was agreed to.

Mr. TARVER. Mr. Chairman, I move to strike out the enacting clause. I am not sure if the motion is debatable, despite the action of the committee just taken.

The CHAIRMAN. The gentleman from Georgia moves to strike out the enacting clause. Does the gentleman from Georgia desire to be heard on his motion?

Mr. TARVER. Yes. In possible explanation of the attitude of the Representatives from New York, Maryland, and other neighboring States I want to point out——

Mr. LaGUARDIA. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. TARVER. I do not yield, Mr. Chairman. I have the floor, and I do not yield to the gentleman.

The CHAIRMAN. The gentleman from New York will state the point of order.

Mr. REED of New York. I make the point of order that the debate is exhausted.

Mr. TARVER. I am not yielding to the gentleman at this point.

Mr. BLANTON. Mr. Chairman, will the Chair hear me a moment on the point of order?

The CHAIRMAN. The Chair is ready to rule. Will the gentleman from New York state his point of order?

Mr. EDWARDS. Is the Chair ready to rule on that point and does not know what it is?

Mr. REED of New York. The debate is exhausted. The motion has been made and agreed to, to close all debate on the section and all amendments thereto.

Mr. TARVER. The point of order of the gentleman not having been made at the time I arose and addressed the Chair and the Chair having allowed me to proceed, the gentleman's point of order is too late.

The CHAIRMAN. The question in point is the ruling made by Mr. Chairman MacArthur, that a motion to strike out the enacting clause is debatable, even though the debate has been closed on a pending section.

Mr. TARVER. I am glad the Chair did not decide against me.

I started out to say that as a possible explanation of the attitude of Representatives from near-by States, I point to the fact that in the hearings upon a similar bill in 1926 it was shown that out of a total of 2,032 composing the student body of Howard University, 1,119 came from the District of Columbia, and the States of Maryland, Virginia, Delaware, and Pennsylvania, and only 395, or less than 20 per cent, came from the 10 States of the South, excluding Virginia, where the bulk of the negro population of this country resides. Therefore, as I said a while ago, this is a bill to take care of an educational problem that is more or less local to the District of Columbia and the adjoining territory. Again, there is not a single Federal dollar available for the professional education of the white man. The money appropriated under the so-called Morrill Act is for instruction in agriculture and the mechanic arts. All the other money appropriated for educational purposes to which the gentleman from Michigan [Mr. CRAMTON] made reference, a while ago, is expended under the direction of the Federal Board for Vocational Education and under the administration of the Department of Agriculture in agricultural extension work and in the conduct of experiment stations.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. TARVER. No; I do not yield because the gentleman refused to yield to me to ask him a question when he was discussing the same subject matter. The statements inserted in the RECORD which purport to show discrimination in the South in the allocation of Federal educational funds are erroneous, as will be proven by some data that I inserted in the RECORD on March 1, 1928. Those data show that the gentleman's figures are fallacious, and I trust gentlemen who are interested will find time to examine my remarks on the subject in the RECORD of March 1. It is conclusively shown that the charge of discrimination in the South in the allocation of funds for educational purposes received from the Federal Government is groundless.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. Does the gentleman rise in opposition to the amendment?

Mr. BLANTON. Yes.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, I am against the motion to strike out the enacting clause of this bill because I believe it is a good bill. [Applause.] The colored race must have teachers, they must have doctors, they must have dentists, they must have nurses, they must have preachers, and they must have others of their race trained to guide them properly, and it is Howard University that gives this training to this race of colored people, that has suffered from time to eternity under the terrible handicap which God has seen fit to place upon them, and God knows they need this encouragement.

This colored race can get this special training in no other way. Colored students from Texas and every other State come to this colored school. I am one southern Democrat who is not afraid to vote for it, and there is not a colored vote in my district that will come to me by reason of my vote, not one; there is not a colored vote in Texas under our primary system there that could come to me by reason of my vote, hence I can reap no political benefit from it; and if there is a white vote in my district or in my State that would vote against me because I would give to this race this educational institution to train teachers, doctors, dentists, nurses, and preachers for them, then let it be cast against me. I am not turned hither or thither by the way the wind blows. I am going to do my duty on this bill and respecting every other bill that comes up regardless of political criticism. I think this bill should pass and I do not believe that a southern Democrat or a northern Democrat will be hurt by a roll call, and if they have a roll call let us southern men stand here like a solid phalanx and give this needed training to the colored race. [Applause.]

The CHAIRMAN. The question is on striking out the enacting clause.

Mr. CHINDBLOM. Mr. Chairman, while the Chair has ruled upon the point of order, I think it is very important that the exact parliamentary situation should appear. It is entirely within the discretion of the Chair whether he cares to hear any further discussion upon the question of the point of order. Of course, if the Chair has foreclosed that matter, then there can not be any further discussion, but I want to call attention to the special rule under which we are proceeding and to the effect of that rule.

The CHAIRMAN. The Chair believes it is of grave consequence that there shall be no erroneous ruling to serve as a precedent which will embarrass future presiding officers. He believes that the welfare of the House calls for the hearing of further debate on the question.

Mr. CHINDBLOM. I call the attention of the Chair to page 387 of the House Manual, 1927 edition, where I read:

> And where a special order provided that a bill should be open to amendment in Committee of the Whole, a motion to strike out the enacting words was held out of order. (Hinds' Precedents IV, 3251.)

The present rule provides:

> That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule.

I have not had time to refer to the precedent but have asked the parliamentary clerk to find it for me. It is in Hinds', IV, 3215.

I call further attention to page 103 of the admirable work by Mr. CANNON, a Member of this House, Procedure in the House of Representatives, where I read the following:

> The reading of a bill for amendment in Committee of the Whole being concluded, a motion to strike out the enacting clause is not in order.

The reading of this bill for amendment has been concluded. It is true an amendment may still be offered, but the reading for amendment has been concluded and, therefore, a motion to strike out the enacting clause is not now in order. The purpose is that a motion to strike out the enacting clause should be made before a bill has been completely read and before all other opportunity for action has been closed.

The CHAIRMAN. Will the gentleman inform the Chair, inasmuch as this is a bill of but one section, when that other opportunity might have presented itself?

Mr. CHINDBLOM. This section, of course, is the entire bill. I think it should have been offered at once after reading. The reading has now been concluded.

Mr. CANNON. If the Chair will permit, I think the Chair will recall that two years ago, when the McNary-Haugen bill was under consideration the same point of order was raised and reference was made to the precedent which has just been cited. The Chair at that time, ruling hastily, sustained the point of order, but subsequently determined that this ruling was erroneous; that a motion to strike out the enacting clause is itself an amendment and is, therefore, in order.

Mr. CHINDBLOM. Under a special rule, may I ask the gentleman?

Mr. CANNON. Yes; under a special rule. We were proceeding at that time under a special order—precisely the situation we have here.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard further?

Mr. CHINDBLOM. No. I thank the Chair.

Under the leave to extend my remarks I wish to add that the gentleman from Missouri [Mr. CANNON] has refreshed my recollection as to the precedent I had in mind which relates to the main point that I desired to urge upon the chair. The ruling was by Chairman GRAHAM, of Illinois, on May 31, 1924, and may be read on page 10057 of the CONGRESSIONAL RECORD for the first session of the Sixty-eighth Congress. The McNary-Haugen bill was under consideration under a special rule, which provided that the bill should be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill the gentleman from Texas [Mr. BLANTON] moved to strike out the enacting clause. The gentleman from Missouri [Mr. CANNON] made the point of order that the motion was not in order because of the provision of the special rule that the bill should be read for amendment in committee under the five-minute rule. Mr. CANNON also made the point of order that the motion to strike out the enacting clause was not in order after the completion of the reading of the bill. After considerable debate the Chairman, Mr. GRAHAM, of Illinois, sustained the point of order. Upon an appeal taken from the decision of the Chair by the gentleman from Texas [Mr. BLANTON] the Chair was sustained by a vote of 179 ayes and 15 noes. The only point passed upon by the Chairman on this occasion was the effect of the special order, which provided that a bill should be open to amendment in Committee of the Whole. The Chair did not at that time pass upon the question whether the motion came too late during the consideration of the bill in the committee.

In fairness I wish to add that I am informed that subsequently the distinguished gentleman from Illinois [Mr. GRAHAM] stated aliunde that he had reached the conclusion that the decision was incorrect. However, the precedent stands as the judgment of the Committee of the Whole on the occasion cited.

The CHAIRMAN. The question is on striking out the enacting clause.

The question was taken; and on a division (demanded by Mr. BLANTON), there were—ayes 28, noes 123.

So the motion was rejected.

The CHAIRMAN. The question now comes on the amendment offered by the gentleman from Mississippi [Mr. LOWREY].

The amendment was again reported.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The rule provides that the committee shall now rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 279, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

The SPEAKER. Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DYER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 226, nays 94, answered "present" 2, not voting 112, as follows:

[Roll No. 61]

YEAS—226

Ackerman	Chalmers	Faust	Hogg
Adkins	Chase	Fitzgerald, Roy G.	Houston, Del.
Allen	Chindblom	Fitzgerald, W. T.	Howard, Okla.
Andrew	Christopherson	Fitzpatrick	Hudson
Arentz	Clague	Fletcher	Hull, Morton D.
Arnold	Clancy	Foss	Hull, Wm. E.
Auf der Heide	Clarke	Freeman	Jenkins
Ayres	Cochran, Mo.	French	Johnson, Ill.
Bacharach	Cochran, Pa.	Frothingham	Johnson, Ind.
Bachmann	Cohen	Furlow	Johnson, S. Dak.
Bacon	Cole, Iowa	Gallivan	Johnson, Wash.
Barbour	Cole, Md.	Garber	Kading
Beck, Wis.	Colton	Gardner, Ind.	Kahn
Beers	Combs	Gibson	Kelly
Black, N. Y.	Cooper, Wis.	Gifford	Ketcham
Blanton	Corning	Glynn	King
Bloom	Crail	Goodwin	Kopp
Bowles	Cramton	Griest	Korell
Bowman	Crosser	Griffin	Kvale
Boylan	Cullen	Guyer	LaGuardia
Brigham	Curry	Hadley	Lea
Britten	Dallinger	Hall, Ill.	Leavitt
Browne	Denison	Hall, Ind.	Leech
Buckbee	Dickinson, Iowa	Hall, N. Dak.	Lehlbach
Burtness	Douglas, Ariz.	Hancock	Letts
Burton	Douglass, Mass.	Hardy	Lindsay
Bushong	Dowell	Hastings	Linthicum
Cannon	Dyer	Hawley	Lozier
Carew	Eaton	Hickey	Luce
Carter	Elliott	Hill, Wash.	McLeod
Casey	Evans, Calif.	Hoch	McSweeney
Celler	Evans, Mont.	Hoffman	MacGregor
Maas	O'Brien	Simmons	Timberlake
Major, Ill.	O'Connell	Sinclair	Tinkham
Major, Mo.	O'Connor, La.	Sinnott	Treadway
Mapes	O'Connor, N. Y.	Sirovich	Underwood
Martin, Mass.	Oliver, N. Y.	Smith	Updike
Mead	Palmisano	Snell	Vestal
Menges	Parker	Somers, N. Y.	Vincent, Mich.
Merritt	Peavey	Speaks	Wainwright
Michener	Prall	Sproul, Kans.	Wason
Miller	Purnell	Stalker	Watres
Montague	Ramseyer	Stobbs	Watson
Mooney	Ransley	Strong, Kans.	Weaver
Moore, Ky.	Reece	Strong, Pa.	Welch, Calif.
Moore, N. J.	Reed, N. Y.	Sullivan	Weller
Moore, Va.	Reid, Ill.	Summers, Wash.	Welsh, Pa.
Morehead	Robinson, Iowa	Sweet	White, Colo.
Morgan	Rogers	Swick	White, Kans.
Morin	Rowbottom	Swing	Williams, Ill.
Morrow	Sabath	Tatgenhorst	Williamson
Murphy	Sanders, N. Y.	Taylor, Colo.	Winter
Nelson, Mo.	Schafer	Taylor, Tenn.	Wolverton
Nelson, Wis.	Schneider	Temple	Wurzbach
Newton	Sears, Nebr.	Thatcher	Zihlman
Niedringhaus	Seger	Thurston	
Norton, Nebr.	Shallenberger	Tilson	

NAYS—94

Abernethy	Dominick	Jones	Rutherford
Allgood	Doughton	Kemp	Sanders, Tex.
Almon	Drane	Kerr	Sandlin
Aswell	Drewry	Kincheloe	Sears, Fla.
Bell	Driver	Lanham	Spearing
Black, Tex.	Edwards	Lankford	Steagall
Bland	Eslick	Lowrey	Steele
Bowling	Fisher	Lyon	Sumners, Tex.
Box	Fulmer	McKeown	Swank
Briggs	Garner, Tex.	McMillan	Tarver
Browning	Garrett, Tex.	McReynolds	Tillman
Buchanan	Gasque	Martin, La.	Tucker
Busby	Gilbert	Milligan	Vinson, Ky.
Byrns	Gregory	Moorman	Ware
Carss	Green, Fla.	Oldfield	Warren
Cartwright	Hammer	Oliver, Ala.	Whitehead
Chapman	Hare	Parks	Whittington
Collier	Hill, Ala.	Peery	Williams, Tex.
Collins	Howard, Nebr.	Quin	Wilson, La.
Cox	Huddleston	Ragon	Wilson, Miss.
Davis	Hudspeth	Rankin	Woodrum
Deal	Jeffers	Rayburn	Wright
De Rouen	Johnson, Okla.	Reed, Ark.	
Dickinson, Mo.	Johnson, Tex.	Romjue	

ANSWERED "PRESENT"—2

Butler	Mansfield

NOT VOTING—112

Aldrich	Doutrich	Irwin	Palmer
Andresen	Doyle	Jacobstein	Perkins
Anthony	England	James	Porter
Bankhead	Englebright	Kearns	Pou
Beck, Pa.	Estep	Kendall	Pratt
Beedy	Fenn	Kent	Quayle
Begg	Fish	Kiess	Rainey
Berger	Fort	Kindred	Rathbone
Bohn	Frear	Knutson	Robsion, Ky.
Boies	Free	Kunz	Rubey
Brand, Ga.	Fulbright	Kurtz	Selvig
Brand, Ohio	Gambrill	Lampert	Shreve
Bulwinkle	Garrett, Tenn.	Langley	Sproul, Ill.
Burdick	Golder	Larsen	Stedman
Campbell	Goldsborough	Leatherwood	Stevenson
Canfield	Graham	McClintic	Strother
Carley	Green, Iowa	McDuffie	Taber
Connally, Tex.	Greenwood	McFadden	Thompson
Connery	Hale	McLaughlin	Underhill
Connolly, Pa.	Harrison	McSwain	Vinson, Ga.
Cooper, Ohio	Haugen	Madden	White, Me.
Crisp	Hersey	Magrady	Williams, Mo.
Crowther	Holaday	Manlove	Wingo
Darrow	Hooper	Michaelson	Wood
Davenport	Hope	Monast	Woodruff
Davey	Hughes	Moore, Ohio	Wyant
Dempsey	Hull, Tenn.	Nelson, Me.	Yates
Dickstein	Igoe	Norton, N. J.	Yon

So the bill was passed.

The following pairs were announced:

Mr. Madden (for) with Mr. Bankhead (against).
Mr. Shreve (for) with Mr. Stedman (against).
Mr. Quayle (for) with Mr. Stevenson (against).
Mr. Doyle (for) with Mr. McSwain (against).
Mr. Yates (for) with Mr. Wingo (against).
Mr. Begg (for) with Mr. Vinson of Georgia (against).
Mr. McFadden (for) with Mr. McDuffie (against).
Mr. Perkins (for) with Mr. Larsen (against).
Mr. Darrow (for) with Mr. Yon (against).
Mr. Fenn (for) with Mr. Crisp (against).
Mr. Manlove (for) with Mr. Bulwinkle (against).
Mr. Fort (for) with Mr. Braud of Georgia (against).

General pairs:

Mr. Butler with Mr. Pou.
Mr. Dempsey with Mr. Mansfield.
Mr. McLaughlin with Mr. Rainey.
Mr. Wood with Mr. Garrett of Tennessee.
Mr. Golder with Mr. Kindred.
Mr. Kiess with Mr. Carley.
Mr. Magrady with Mr. Fulbright.
Mrs. Langley with Mr. Connally of Texas.
Mr. Hersey with Mr. Williams of Missouri.
Mr. Kendall with Mr. Greenwood.
Mr. White of Maine with Mr. Hull of Tennessee.
Mr. Graham with Mr. McClintic.
Mr. Michaelson with Mr. Kunz.
Mr. Frear with Mr. Rubey.
Mr. Fish with Mr. Connery.

Mr. Kurtz with Mr. Davey.
Mr. Anthony with Mr. Gambrill.
Mr. Free with Mr. Jacobstein.
Mr. Robsion of Kentucky with Mr. Kent.
Mr. Rathbone with Mr. Igoe.
Mr. Crowther with Mr. Harrison.
Mr. Connolly of Pennsylvania with Mr. Dickstein.
Mr. Irwin with Mrs. Norton.
Mr. Taber with Mr. Goldsborough.
Mr. Beedy with Mr. Berger.
Mr. Moore of Ohio with Mr. Canfield.

Mr. WILLIAM E. HULL. Mr. Speaker, the gentleman from Illinois [Mr. MADDEN] is not here on account of illness. If he were here, he would vote "yea."

Mr. DYER. Mr. Speaker, I wish to announce that my colleague [Mr. MANLOVE] is unavoidably absent on account of official business. If here he would have voted "aye."

Mr. FISH. Mr. Speaker, I was not present when my name was called, but if I had been here I would have voted "aye."

Mr. CROWTHER. I was not present, but if I had been I would have voted in the affirmative.

Mr. KNUTSON. Mr. Speaker, If I had been present I would have voted "aye." I wish to announce that my colleague [Mr. SELVIG] was taken ill during the day, but if he had been here he would have voted "aye."

Mr. BUTLER. Mr. Speaker, I would like to inquire if the gentleman from North Carolina [Mr. POU] voted?

The SPEAKER. He is not recorded.

Mr. BUTLER. I voted "aye." I will withdraw my vote and answer "present."

The vote was announced as above recorded.

On motion of Mr. REED of New York, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with an amendment the joint resolution (H. J. Res. 217) entitled "Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries," in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the joint resolution (H. J. Res. 253) entitled "Joint resolution authorizing certain customs officials to administer oaths."

REMISSION OF DUTIES ON CATTLE

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 217, providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries, and agree to the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate amendment.

The Senate amendment was agreed to.

LEAVE TO ADDRESS THE HOUSE

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's tables and special orders, my colleague, Mr. MCREYNOLDS, may be permitted to address the House for 20 minutes on bill 10167, relating to the immigration conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that to-morrow, after the reading of the Journal, disposition of business on the Speaker's table, and special orders, his colleague, Mr. MCREYNOLDS, may address the House for 20 minutes. Is there objection?

There was no objection.

IMMIGRATION QUOTAS

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SINCLAIR. Mr. Speaker, on the subject of immigration quotas on the basis of the national origins law that has been enacted by the Congress there are many serious objections that I wish to set out! At the time the law was passed no one knew how it would work nor how it would affect the stream of immigration to this country. Certain undesirables were coming to the United States. It was thought that this law would stop them. It was adopted hastily as a compromise in a difficult legislative situation.

The policy of restricted immigration which we established in the act of 1920 was a new one for the Nation. It met with much opposition because of the many nationalities represented in our citizenship. It was based on the 1920 census, and permitted each nation to send to this country annually 3 per cent as many immigrants as there were people of that nationality living here as disclosed by that census.

Before the passage of the 1920 act the United States was the haven for the oppressed of all nations of the world. This was the first quota law ever passed by Congress, but the countries of the Western Hemisphere were exempted from its provisions. The law did not work out when applied as its proponents hoped that it would. It admitted too few people from northern and western Europe and more from southern and eastern Europe than seemed desirable. As a result there have been strong protests against it from our great Northwest.

The upper Mississippi Valley States were settled, for the most part, during the two decades following the War between the States. Immigration from northern Europe was heavy during that period. The rich agricultural lands offered by the Government as free homesteads appealed especially to the Scandinavian and German peoples. In some States over half the pioneer population was made up of these very desirable farmers. The need for this class of settler is just as keenly felt in some farming sections to-day. Not only would more liberal immigration quotas from the northern countries of Europe make farm help more plentiful and reduce the cost of production, but they would go a long way in solving the trend toward increased farm tenancy.

Because of the unsatisfactory operation of the first quota law, both the friends and opponents of restricted immigration were anxious for some change. In 1924 a new quota bill was passed in the House. It cut the percentage to 2 per cent and was based on the 1890 census. This would have given the Nation the same strain-of-blood immigrants that it received during the period of our greatest growth and expansion. Under its provisions northern Europe would have been more favored. However, while the bill was under consideration in the other body of the Congress the "national origins" provision was proposed. No definite basis for its application was ever fully explained. The bill came back to the House from the Senate with this amendment and was hastily concurred in. I was one of the few Members who believed that the bill with this amendment included could not help but work injustice upon the Scandinavian and German peoples, and that this provision had not received the careful consideration it should have had before adoption. I therefore voted against the measure.

The quotas of 2 per cent, based on the 1890 census, have never been put into effect. They were suspended, and the Secretaries of State, Commerce, and Labor were directed to work out new quotas based on the "national origins" and to submit a report to Congress. Manifestly it would be impossible for officials to ascertain in a limited time the national origins in a nation like ours. We have nearly 120,000,000 people, representing almost every country on the face of the earth. They have intermarried to such an extent that as many as half a dozen nationalities may be represented in the grandchildren of one family. This mingling of races is the melting pot of democracy, and is distinctive of America. It makes for a virile and vigorous citizenship. Regardless of national origin, all are Americanized, and adopt the habits, customs, language, education, and life of this country. The result is that the parent land of origin is soon lost and wholly untraceable.

The Secretaries, therefore, soon encountered difficulties when they attempted a determination of the national origins of our population upon which to base the quotas under the law. The task was seemingly a hopeless one, and more time was needed. Finally it was discovered in a study of the problem that the first census of the United States was of a different character than that taken in later years. It was simply a list of the names of all residents. These were the original 100 per cent Americans, if we except the Indian population. Of course they were preponderantly English, and if taken as a basis from which to start, an unfair advantage would be given the quota from Great Britain. In addition, since the tendency is to Anglicize every name, many descendants of other races soon became identified as of English origin. Thus it will be seen that the English quota profited at the expense of the Scandinavian, German, and other nationalities.

The practical effect of this system of determining the immigration quotas on the basis of national origin, as worked out by the experts, is that Great Britain and Northern Ireland nearly double their quotas, while Germany and the Irish Free State lose nearly half; Norway and Sweden lose nearly two-thirds, Denmark over one-half, and Switzerland about one-third. All of these nationals, from every standpoint of American citizenship, are highly desirable immigrants. There should be no discrimination against any of them in favor of others. Particularly should no such unjust discrimination be made

against those aliens who naturally gravitate to the farms upon arrival in America, in favor of those who remain in the big cities.

The records bear out the statement that the greater percentage of German and Scandinavian immigrants turn to farming, while those of Irish and English origin find homes in the urban centers. The effect of this is to work a hardship on the already depressed industry of agriculture. Moreover, the people of northern Europe have been led to believe by their relatives in this country that they would soon have an opportunity to come here under the provisions of the first restriction law. To cut their quotas now would be unfair and disappointing. Under the new plan, the applications of many of these prospective immigrants may never be reached.

Vigorous opposition to the law has been aroused. Members of Congress are being petitioned, and rightly, for its repeal. In my judgment, the "national origins" method is wholly unworkable and should never be enforced. It is inequitable and unjust to a large proportion of our best citizens.

Since the World War the question of immigration has been a troublesome one for nearly all countries. The war-torn nations of Europe are overcrowded and deeply in debt. Their people are seeking to get away from the burdensome taxes, and to go where the struggle for existence is less intense. The more favored Western Hemisphere is the mecca of all. There was a time when every immigrant was regarded as an asset, yet nowadays he is welcome almost nowhere. Many of our naturalized citizens are at a loss to understand this changed attitude, as are their relatives still in the old countries waiting to join them here. There is criticism and resentment in many sections. The question is one of growing concern. Those who have given it close study realize that it is one of the most portentous problems Congress has to solve. In arriving at a solution it is highly important that the deplorable condition of agriculture be given due consideration to the end that no program be adopted which will discriminate against the Scandinavian and German peoples, who form a most valuable part of our farming population. In my State a majority of our pioneer farmers and their descendants are of German or Scandinavian origin. In their behalf, I earnestly urge the repeal of this discriminatory law.

The table below will show the immigration quotas from the different countries under the proposed national origins, and the present plan based on the 1890 foreign-born population:

Country or area	National origin quotas submitted Feb. 27, 1928	Present quotas based on 1890 foreign-born population
Armenia	100	124
Australia, including Papua, etc	100	121
Austria	1,639	785
Belgium	1,328	512
Czechoslovakia	2,726	3,073
Danzig, Free City of	137	228
Denmark	1,234	2,789
Estonia	100	124
Finland	568	471
France	3,308	3,954
Germany	24,908	51,227
Great Britain, Northern Ireland	65,894	34,007
Greece	312	100
Hungary	1,181	473
Irish Free State	17,427	28,567
Italy, including Rhodes, etc	5,989	3,845
Latvia	243	142
Lithuania	492	344
Netherlands	3,083	1,648
Norway	2,403	6,453
Poland	6,090	5,982
Portugal	457	503
Rumania	311	603
Russia, European and Asiatic	3,540	2,248
Spain	305	131
Sweden	3,399	9,561
Switzerland	1,614	2,081
Syria and the Lebanon (French)	125	100
Turkey	233	100
Yugoslavia	739	671
Total	153,685	164,647

TOLL BRIDGE ON PUBLIC ROADS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement in relation to the building of toll bridges on public roads.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. COLLINS. Mr. Speaker, for the last decade State highway departments have been taking over toll roads and abolishing their objectionable traffic-retarding gates as rapidly as possible, but private interests have been busy acquiring exclusive rights to construct bridges at commanding locations on the public highways and setting up new gates. Many of these bring the owners a rate of return on the capital invested far in excess of the most profitable toll roads.

A survey just completed by the Bureau of Public Roads, so I am advised, shows that there were 233 toll bridges in operation in the United States at the beginning of this year. Eighty-six of these were built within the last 10 years. This means that the number of such bridges now operated has increased nearly 60 per cent in the 10-year period.

There are at present 29 new toll bridges under construction and 163 proposed for construction. Included in the number proposed for construction are all projected bridges regarding which some definite step has been taken, such as the filing of an application for franchise or the organization of a company to finance the construction. If the proposed bridges are completed and those now under construction put into operation and those already in operation are continued, then the number of toll bridges in the United States will be nearly doubled in a few years.

Of the 233 bridges now in operation, 191 are privately owned and 20 of the 29 under construction are being built by private concerns. The remaining number in each case are publicly owned and operated, and in most of these cases they are being operated with the intention of lifting the toll as soon as the bridges are paid for.

In order to demonstrate the return on the investment in several privately owned bridges as revealed by reports of the owners, I am giving below some facts and figures as cited in the reports. One of these is the bridge over the Potomac River at Williamsport, Md., which was built at a cost of $87,000 in 1907. The public is still paying toll for the use of the bridge, notwithstanding the fact that it has long since paid for its construction. In 1926 alone the net operating income, after deducting all costs, taxes, and so forth, from the tolls received, was over $41,000, or almost 50 per cent of the original cost, and a dividend of $32,000 was declared, which was 32 per cent on the $100,000 of common stock. The Gandy Bridge over Tampa Bay, between Tampa and St. Petersburg, Fla., yielded in 1926 a total net income, after deduction of all expenses including depreciation, of nearly $211,000 on an investment in tangible property of $2,158,000. This instance, perhaps, is more nearly typical of the majority. In the case of the Pollock Bridge over the Platte River at Plattsmouth, Nebr., the capital invested yielded a gross income of more than 150 per cent annually from 1923 to 1925.

The majority of the toll bridges in the country are on roads which are part of the Federal-aid highway system; the reason for this being that this system of 186,000 miles includes the most important State and interstate roads which are, therefore, the most heavily traveled roads in the country. Of the 425 toll bridges in operation, under construction, or proposed at the beginning of the year, 217, which is more than half the entire number, were on the Federal-aid system. Sixty of these were on roads included in State highway systems but not in the Federal-aid system, and 148 were on other roads.

The State highway officials and the officials of the Bureau of Public Roads oppose the further construction of toll bridges to be operated by private interests. They insist, and rightly so, that the public should not be compelled to pay profits to private bridge operators long after the cost of construction of the bridges has been paid for by the public in tolls. These same State and Government officials oppose the collection of tolls on public bridges after the cost of financing their construction has been met.

The fact that there are cases in which the financing of the cost of expensive bridges by means of tolls is the only practicable means is recognized by the highway officials, but at the same time they insist that the bridges should be built and operated publicly and that the toll should be collected only so long as may be necessary to pay the costs of construction. To encourage the adoption of this method, the Oldfield bill, which was passed at the last session of Congress, permits the payment of one-half the cost of important bridges on the Federal-aid system by the Federal Government and the financing of the other half of the cost by the State through State-collected tolls.

A very large amount of money now being made by private operators as profit on investments can be saved to the traveling public by either taking advantage of the Federal assistance thus offered or by the construction and operation of necessary toll bridges by the States.

The public can borrow money on terms at least as favorable as those available to private builders, and usually on better terms. Public agencies can erect and operate the bridges as efficiently and economically as the private owners and by abolishing the tolls after the bridges are paid for, the traveling public will be saved the payment of handsome profits thus discouraging the increasing private interest in toll-bridge construction.

There is an active market for revenue bonds which are secured and retired with no other funds than the revenues derived from the tolls collected, and by resorting to this method of financing costly bridges can be built by the public without increasing taxes, and can be paid for by those who use them without paying several times their cost in profits, therefore, it is no longer necessary to entail an increase of property taxation to provide a sinking fund and interest by borrowing money for bridge construction. If the bridges are built by public agencies there is also the assurance of open competition and the awarding of the contract to the lowest responsible bidder, thereby obtaining the minimum cost of construction, which will be a saving to the public.

The fact that 63 of the 163 new bridges proposed at the beginning of the year will be publicly owned and operated indicates a growing belief that these bridges should be operated by the public. This is a larger proportion by far than is found among the bridges now in operation and under construction. There is still a very active private interest, however, for 33 bills authorizing the construction of a particular private toll bridge have been passed by the House since Congress convened in December, or the first of this session of Congress.

An investigation by the State Highway Commission of the State of Washington revealed that the cost of collecting the tolls amounts to from 15 to 27 per cent of the tolls collected. The report of this investigation, which was authorized by the Washington Legislature, shows further that the cost of service on all toll bridges on the highway system of the State is from 63 to 185 per cent higher than similar service would cost if the bridges were free; therefore it would appear that whenever it is at all possible, necessary bridges should be financed without toll collection.

FIFTH ANNUAL SHENANDOAH APPLE BLOSSOM FESTIVAL

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that my colleague Mr. HARRISON may be given permission to extend his remarks in the RECORD on the fifth annual Shenandoah apple blossom festival.

The SPEAKER. The gentleman from Virginia asks unanimous consent that his colleague Mr. HARRISON may extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Speaker, I take advantage of the authority granted me to extend my remarks to call attention to the fifth annual Shenandoah Apple Blossom Festival, to be held at Winchester, Va., during the coming May. In the name of the people of the Shenandoah Valley of Virginia, I desire to extend to the Members of Congress and to the public a hearty invitation to visit this most beautiful of all valleys when its glory is enhanced by the bloom of millions of apple trees. The apple orchards have developed into a tremendous industry, and we claim that no better apples are grown than in this valley; and we are anxious for visitors to see this favored section at a time when its possibilities can be best appreciated. For miles, in apple-blossom season, the tourist may travel through territory redolent with the aroma and glorified with the beauty of the blossoms.

Highly improved roads pass through this section from every center of population. Seven splendid highways come into Winchester like spokes into a hub. In addition, the railroad facilities are excellent. Living in a section famous for its scenic beauty, the people are the most generous and hospitable in the world. Perhaps in no other section of the United States are there as many localities of great historic interest. The section is rich in colonial and Revolutionary lore. Here are the scenes of great Civil War battles: New Market, where the cadets of the Virginia Military Institute won undying fame and glory on the field of battle; Kernstown, where Jackson met his one repulse; Cedar Creek, where Sheridan ended his historic ride; and at Winchester still stands Fort Loudoun, built by George Washington in 1756, when the valley was the western frontier of English civilization.

Here are some of the greatest of natural phenomena which attract tourists from all over the civilized world: The Shenandoah Caverns, Endless Caverns, Luray Caverns, the Grottoes, and Natural Bridge are visited yearly by hundreds of thousands of visitors. In this vicinity are located the greatest educational institutions of the South: The University of Virginia, founded by Jefferson; Washington and Lee, of which Robert E. Lee was at one time the president; and the Virginia Military Institute. Within 20 miles of Winchester begins the proposed Shenandoah National Park, which in the next year or so will be a reality and which will be the Nation's playground.

Last May at the fourth annual festival, which in its main features was a duplication of previous ones, a hundred thousand visitors flocked to Winchester. On the first day 6,000 children marched through the streets of Winchester keeping step to the beat of drums and to the time of the music of the various bands in the line of march. In the afternoon the lovely Mrs. Isabelle Gilpin, daughter of the distinguished Senator TYSON, of Tennessee, was crowned queen of the festival by Hanford McNider, Assistant Secretary of War. At the coronation her court included 60 princesses and 200 flower girls. On the second day of the festival a parade 5 miles long was staged, which required an hour and a half to pass the spectator. It included 155 floats and 29 bands, among which appeared Captain Benner and his famous Navy Band. For the coming festival preparations are being made to surpass those of the past in splendor and brilliance. In the pageant there will be symbolic representations of the wonderful historic past of the Shenandoah Valley, its equally wonderful present developments, and its glorious possibilities of the future. The queen will again be attended by a bevy of beautiful princesses and the parades are expected to be more spectacular than in the past; Captain Benner will again be present with his band, while Commander Richard E. Byrd, world-famed explorer, will in all probability be in Winchester, his home town, on this occasion.

An artistic program has been prepared and will be mailed to anyone who will write for a copy to Mr. Ray Robinson, Winchester, Va.

I repeat a pressing invitation to take advantage of this occasion to see the Shenandoah Valley when by nature she is robed in her choicest apparel and stands arrayed in unparalleled loveliness. Historical old Virginia will throw wide her gateway, open her arms, and extend to each and all who honor her with their presence a most cordial welcome.

FLORIDA'S CONGRESSIONAL REPRESENTATION

Mr. SEARS of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article prepared by Dr. R. M. Harper, of Florida, on congressional representation.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SEARS of Florida. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

TALLAHASSEE, FLA., March 23, 1928—Florida should have seven Congressmen after the next census instead of its present membership of four if the present ratio of congressional apportionment is maintained, Dr. R. M. Harper, statistician and geographer, believes.

Doctor Harper's estimate is based upon calculations of his own, given in the past as to Florida's growth in population and reiteration of his prediction of a year ago that the State should have about 1,750,000 inhabitants at the census of 1930, barring unforeseen complications.

The congressional apportionment, however, which at present is based upon about one Congressman to every 250,000 inhabitants, is usually raised each time to keep the lower division of the National Assembly from becoming too large, the statistician pointed out; but even if it is raised to 300,000, he reasoned, Florida should be entitled to six Congressmen instead of five, which seems to be the plan now.

In view of the speculation indulged in of late as to how many Congressmen Florida would be entitled to after the United States census of 1930, Doctor Harper has briefly reviewed analyses and estimates of the standing and potential population of the State, which revealed an unprecedented growth. Recent estimates of the State's probable population at that time have generally been based on the assumption that the increase would continue at the same rate as that between 1920 and 1925.

Nevertheless, says the statistician, the greatest increase of population in 1925 took place after the State census, which was taken in the spring, and 1926 was a year of great activity also. Doctor Harper in a statement given out through the Associated Press early in February, 1927, estimated from a study of marriage figures, school enrollment, gasoline consumption, etc., that the State's population increased about 20 per cent in the year 1925, and nearly half as much in 1926, making a total of about 1,600,000 at the beginning of 1927. His estimate for the middle of 1926, used in calculating the marriage rate for that year, in another Associated Press story in December, 1927, gave results which he believed absolutely consistent with those of previous years.

Not enough 1927 figures are available as yet to make an estimate of the population for the past year, the statistician declared, but he added that he sees no reason for changing his estimate of a year ago that Florida should have about 1,750,000 inhabitants at the census of 1930, barring unforeseen complications.

MISSISSIPPI FLOOD

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a portion of the report of the Committee on Flood Control relating to the Mississippi problem which will be before the House in a short time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. REID of Illinois. Mr. Speaker, a few observations are advisable before one can understand the issues presented in the consideration of the flood-control problem of the Mississippi River.

We are confronted with a condition, not a theory, and every hour's delay may add another chapter to the awful story of misery and death. The results of the flood of 1927 are listed hereafter; even if the horrors of that disastrous flood are not still fresh in the reader's mind. Under the present law the United States says to the threatened ones, "No pay, no protection." To stave off famine and probably the horrible fate of drowning, the people of the lower Mississippi Valley appeal to us. What shall our answer be? Let those loyal to the dollar stand aside while those loyal to humanity come to the front. No cold, discriminating policy of economy will decide this issue, and any party advocating such a move had better look to its laurels.

Some say that it is not the affair of the United States Government to do this work. But who can stand idly by and see that land devastated and depopulated, business interests destroyed, commercial intercourse cut off, and people starved and degraded?

It may be the naked legal right of the United States Government to stand thus idly by, but if it does it is not worth the name. And those who do so say do not represent American sentiment; they do not represent American patriotism.

This Congress is being appealed to; the South, the whole United States, and the whole world will judge our actions. Shall we stamp ourselves as petty and provincial, or shall we be recorded as magnanimous and national?

Is our civilization so little removed from barbarism that it will permit hundreds to be drowned and thousands to be made homeless and destitute while, like Shylock, it demands its pound of flesh from those who can not pay? That they can not pay is not on account of their own indolence or neglect but because the progress of industry in other States pours down upon them oceans of destructive flood waters in order that those States may continue to progress and prosper.

As early as 1850 Congress was warned that the process by which the country above is relieved is also that by which the country below is ruined; yet we permit the destructive waters to ravage our towns and destroy the lives of our people. The river is as cold and heartless as an enemy in war. Yet we do not defend against it.

The Mississippi River has worked the deadliest wrong to this country—its gifts to the South are discontent, impoverishment, and degradation.

The farmer and his family must live in semistarvation, in wretched hovels, amid squaldor and privations, barbed by the thought that any little money earned by labor and sweat from day to day will have to go to the Federal Government to pay for levees.

After the flood had subsided these people had no homes to which to return; their fields have grown up to weeds, they have no mules, no implements of husbandry with which to begin anew the cultivation of the soil, they have no seed, they have nothing; yet they are asked to pay a special tax to be permitted to earn a living and to be saved from drowning.

The conscience of the whole country has been aroused by the frightful destruction in the lower valley. Nothing less than an adequate, comprehensive plan of 100 per cent flood control without local contribution will satisfy the people of this Nation.

If anyone asks why the Federal Government should be urged to take hold of this problem on a national scale and assume full responsibility for the time, labor, and great cost involved in obtaining complete control of the Mississippi River, surely it is sufficient to remind him that the drainage basin of this great river covers 41 per cent of the total area of the United States. Besides the great investment in the levees, the need of the Mississippi as a carrier of United States and foreign commerce, the havoc wrought to interstate commerce and the interference with the United States mails when uncontrolled, the increase to the National Treasury when industry is not stopped, the safety of life and property and the promotion of its general welfare—these formulate an adequate answer to his questioning attitude. To these might be added one thing that would be worth all the cost—national defense. No foreign foe can ever conquer us as long as navigation is kept open on the Mississippi.

There can be no flood control by local option. Let our duty be met squarely. We have evaded our responsibility long enough.

THE PROBLEM IS HOW TO CONTROL A RAGING TORRENT OF 60,000,000 HORSEPOWER

President Coolidge, in his message to the Seventieth Congress, said of the 1927 flood:

It is necessary to look upon this emergency as a national disaster. It has been so treated from its inception. Our whole people have provided with great generosity for its relief.

The governments of the afflicted areas, both State and municipal, can not be given too high praise for the courageous and helpful way in which they have come to the rescue of the people. If the sources directly chargeable can not meet the demand, the National Government should not fail to provide generous relief.

The people in the flooded area and their representatives have approached this problem in the most generous and broad-minded way. They should be met with a like spirit on the part of the National Government. This is all one country. The public needs of each part must be provided for by the public at large. No required relief should be refused. An adequate plan should be adopted to prevent a recurrence of this disaster in order that the people may restore to productivity and comfort their fields and their towns. * * *

Flood control is a national problem.

President Coolidge, in his message to Congress transmitting the Jadwin report, said:

In my message to the two Houses of Congress at the beginning of the first session of the Seventieth Congress the flood-control problem of the lower Mississippi and the urgent necessity for its solution were outlined.

Hon. Dwight F. Davis, Secretary of War, in his letter accompanying the Jadwin report, said:

A proper regard for the lives and interests of our fellow citizens in the valley requires that legislation be enacted to prevent the repetition of such a disaster not only from the standpoint of loss of life and damages already caused, but also to reduce the chance of an even greater disaster and unparalleled loss of life in the event of the failure of present structures near more thickly populated centers.

Maj. Gen. Edgar Jadwin, Chief of Engineers of the Army, in his report to Congress on the control of the flood waters of the Mississippi River, said:

The cost of the project is unquestionably justified. It will prevent a repetition of the widespread disaster, human suffering, dislocation of the economic life of the valley, interruption of interstate commerce, and the effect on the general welfare of the Nation that attended the recent flood. The expenditure would be justified even though such a flood occurs but once in 150 years. It will prevent the less-extensive flood disasters that are likely to occur at much more frequent intervals. The protection afforded to the cities back of the levees in the valley against a flood even greatly exceeding that just past is especially justifiable from a humanitarian standpoint, since an unexpected break in the levees at these places would probably result in serious loss of life and might be an unparalleled catastrophe. * * *

In view of the national aspect of the flood-control problem from the standpoint both of the cause and of the effects of the floods, and in view of the large sums spent in the past by the people of the valley for flood protection, the sacrifices they have made in meeting their allotments, the great losses suffered in the past flood, and the larger expenditures now required, it is believed that the United States should bear a larger proportion of the cost of construction than in the past, and that the States or local interests be as small as consistent with the results desired. * * *

While $37,440,000 is small in comparison with the amount to be spent by the United States and with the amounts already spent by the people of the valley, it must be remembered that these people still owe considerable sums on their bonds on which the money spent was raised. Some of the levee districts are also near the limit of their bonding power under present State law and also near the limit of their credit. However, it is not equally clear that this expenditure, spread over a 10-year period among four or more States, would constitute an unreasonable burden on the States themselves, in view of the increased taxable values which will result from the improvement. * * *

Its worst characteristic is that its floods inflict at times great damage upon the people and property, in the alluvial valley of the

lower river. They take their toll in life and in damage to property, affecting the inhabitants of the valley and investors, manufacturers, and consumers throughout the country. They interfere with the food supply and the general welfare of the country, with its Postal Service and transcontinental and other interstate commerce. * * *

While the great floods of the Mississippi have overflowed thousands of acres of land, destroyed crops by long inundation, and driven the inhabitants temporarily from their homes, there has never as yet been such a catastrophe as would result from the breaking of a levee on the front of the densely settled areas in the cities and the larger towns of the lowlands. This fortunate result is due to the care that is given to the construction and upkeep of levees on city frontages, possible by reason of their greater resources in money and labor. Failures in the long lines of levee that have not these resources have always relieved the situation at important centers of population. * * *

61. The catastrophe resulting from a crevasse on a city front would be so appalling that no measure should be spared to prevent it. * * * * * * Since the protection and preservation of the flood-discharge capacity of the alluvial valley of the Mississippi River is requisite to the common welfare of the Nation and to the preservation of the many lines of interstate commerce which cross the valley, it should be protected and preserved by similar legislation. The warning can not be too strongly emphasized that unless the flood-discharge capacity provided in the plan herein recommended is preserved, a future great flood will result in a disaster as great as or greater than that experienced this year.

The Mississippi River Commission, in its special report on the control of the flood waters of the Mississippi River, said:

The commission is firmly of the opinion that some degree of local financial cooperation is essential to a successful accomplishment of a flood-control project. This opinion is based not on a belief that local interests should share in the cost by reason of their being beneficiaries. * * *

The commission is aware that its operations in the past have been at times hampered through the failure of some levee districts to furnish assurance of their share of the funds needed for levee work, this adversely affecting the prosecution of the work. * * *

The commission is not in possession of the data on which to base a complete economic study of the flood-control project. It has, however, enough data to warrant it in saying that, considering the investment already made in levees, the cost of doing the work above outlined is fully justified from an economic standpoint.

The investment of Federal and other funds already made in levees has been returned in the increase in value of the lands. Without the protection, large areas would have been useless except for the growing timber. Prosperous communities now exist throughout the alluvial valley; all owe their existence to the protection furnished by the levee system. Large investments in roads and railroads have been made possible. The development of the alluvial valley as a whole has added, and will continue to add, much to the wealth of the Nation, and the work of flood control carried on heretofore must be credited with all such gain in national wealth. Greater protection will hold that gain and add to it.

Dr. H. C. Frankenfield, meteorologist, chief of the river and flood division of the United States Weather Bureau, says:

It is easily * * * conceivable that a somewhat smaller amount of precipitation [than occurred in 1927], properly distributed as to place and time, could cause as great a flood as that of 1927. In other words, a series of heavy rains over the central and southern portions of the basin—say five or six rains of 2 or 3 inches or so, separated by intervals of from three to five days—would certainly cause a great flood in the lower Mississippi River if the soil had not been abnormally dry for a long time previous.

Attention is called to the fact that, if the Ohio, the upper Mississippi, and the Missouri Rivers had been in flood stage in the spring of 1927, the flood would have been much greater, and levees from 10 to 20 feet higher would have been required to hold the water.

EFFECT OF 1927 FLOOD

The Mississippi River flood of 1927 was disastrous. In effect it—

1. Killed more than 246;
2. Destroyed hundreds of cities, towns, and villages;
3. Drove 700,000 people from their homes, and rendered them objects of charity, dependent upon the Red Cross and other agencies;
4. Inundated 18,000 square miles;
5. Killed 1,500,000 farm animals;
6. Caused losses amounting to many hundreds of millions of dollars;
7. Suspended interstate freight and passenger traffic;
8. Prevented telegraph and telephone communication;
9. Delayed the United States mails; and
10. Paralyzed industry and commerce.

SUBJECTS INVOLVED IN PROBLEM

The consideration of the flood-control problem involves several general subjects as follows:

1. The necessity for legislation;
2. The necessary flood-control works;
3. The agency in charge of the work; and
4. The provision for its payment.

NECESSITY FOR NEW LEGISLATION

The disastrous flood of 1927 demonstrated to the Nation and to Congress that the provisions of existing law with reference to controlling these destructive flood waters were wholly inadequate. The evidence before the committee has conclusively shown that the primary reason for the failure of the flood-control system was the result of the provisions of the act of March 1, 1917, which authorized the "levees only" system and which required local contribution to the cost of the flood-control works before their construction by the United States.

The necessity for the legislation recommended in the present bill is, therefore, apparent.

OBJECT OF FLOOD-CONTROL PLAN

The evidence before the committee was to the effect that a comprehensive flood-control plan should have as its objects:

First. To lower flood heights in the Mississippi River by construction of diversion channels or flood ways.

Second. To provide additional protection for the city of New Orleans.

Third. To give additional protection for Cairo, Ill.

Fourth. To protect the entire valley by raising and strengthening the entire present levee system.

Fifth. To conduct the destructive flood waters safely from Cape Girardeau, Mo., to the Gulf of Mexico, through the flood-control works.

The evidence further shows that, to be successful, the plan must be a unified one embracing the whole system; the works must be constructed simultaneously from Cape Girardeau to the Head of Passes by one authority; the funds should be provided by the same authority; and local contribution carries with it a certain amount of local determination as to the necessity for location, size, etc., of the flood-control works, fatal to the success of the project.

POINTS PROVED BY EVIDENCE BEFORE COMMITTEE

To prepare a bill that would provide against a repetition of a disaster like that of 1927 was the task of the committee.

The evidence presented to the committee, consisting of official Government reports and documents, reports by State and local officials, and testimony by witnesses, proved the following conclusions:

First. That the flood-control works heretofore constructed were neither adequate nor of the right kind.

Second. That they were not of the right kind was the fault of the "levees only" policy of the Mississippi River Commission.

Third. That they were inadequate because of the local contribution policy contained in the acts of Congress relating to flood control, and

Fourth. That a comprehensive flood-control system to be effective must include not only levees, but spillways, diversion channels, flood ways, storage basins, and reservoirs.

WHY FLOOD CONTROL HAS FAILED

Flood control has been unsuccessful heretofore for the following reasons:

1. There never was a determination, either by the United States or the individual States, that the destructive flood waters of the Mississippi River should be controlled.
2. There never was a plan for a unified system.
3. What was attempted was done in a piecemeal manner.
4. There never were sufficient funds to do the work in such a manner as to preserve and protect prior work.
5. The "levees only" policy, which caused a patchwork system of levees, and was a continuous defense against the flood waters.
6. The method of payment for the work, partially by the Government and partially by local interests was inadequate. When the local interests had money, the Government had none; and when the Government had money, the local interests had none.

The committee in dealing with this legislation kept in mind the fact that this flood of 1927 was no ordinary misfortune, but, as Secretary Hoover has said, "Our greatest peace-time disaster." President Coolidge himself has stated that "its recurrence must be forever prevented." If ever the American

Congress had received a unanimous demand from the American people upon a single subject, it is this. The committee had before it the definite commitment not only from thousands of citizens of this country but the overwhelming expression of the leading business, civic, fraternal, and industrial organizations of America, which in the final analysis pay the bill. To recommend any policy which would not effectively accomplish the control of the destructive flood waters of the Mississippi River would be to betray the American people.

The phrase "local contributions" is intended to mean local payment toward the cost of the construction of flood-control works.

The committee found it the controversial point of the whole discussion, so it investigated thoroughly every phase of the subject, and was forced finally to the conclusion that it was not practical and that its incorporation in the proposed legislation would result in its nullification, thus leaving Congress no further advanced in the solution of the problem though after more than 40 years spent in the effort and an expenditure of nearly a half billion dollars.

The following question was asked of witnesses time after time for months at the committee hearings:

Question. Have you any practical plan to offer to the committee, or have you ever heard of one, to collect money from local interests or State?

Everyone who has studied the subject at all has abandoned the claim that flood control will bring a direct, tangible benefit to the adjacent property owners and have gone from the levee districts as a basis to the State or several States as the source for payment for the flood-control works. Though often requested, no one has offered to present or sponsor a plan of local contribution that would be workable.

FACTS NECESSARY TO UNDERSTAND THE ISSUES—TWO SIDES OF QUESTION PRESENTED

In order to understand the flood-control problem of the lower Mississippi River it is necessary to know the different schools of thought that have developed in the long years it has been under consideration, and which in turn involves its history and a knowledge of the legislation and upon what that legislation was based.

There are two schools of thought. One we will call the nationalists, who believe that it is and always has been the Government's obligation to control the destructive flood waters of the lower Mississippi, not only on account of its terms of acquisition and its national use, but also on account of the development of the United States in the great West and Northwest and progress in the East, deluging intermittently the lower Mississippi Valley.

The other school we will call the local contributionists, who believe that levee building is a private matter and that the Government's interest is one of navigation only, and that its participation and payment should be so limited.

Originally levee building was a local and private matter, not only as to districts, but as to individual landowners themselves, who only protected their own properties.

With the increased floods caused by artificial drainage, as first above referred to, the task of protecting private property became too great for the individual to cope with singly; so he and his neighbors organized levee districts. Faster came the floods than levees could be built; even levee districts were impotent and crevasse after crevasse overflowed adjacent lands. This summarized the private standpoint.

All this time in another jurisdiction a more important problem to the Nation was being wrestled with, however, not with individuals or localities as the factors, but the great engineering talent of the United States Army, backed by the entire resources of the Nation endeavoring to make and keep the Mississippi River a navigable stream, so that the Nation might prosper.

After spending years of study and great amounts of money, the United States engineers finally determined that the only hope for the navigable channel for the Mississippi River lay in the use of levees to keep the river water under control at all times.

In conformity with this engineering opinion Congress passed laws embodying the recommendations regarding the use of levees as an aid to navigation, and finally in 1879 it created the Mississippi River Commission, which was charged with the duty, among other things, of giving ease and safety to navigation of the Mississippi River and preventing destructive floods, promoting and facilitating commerce, trade, and the Postal Service.

The appropriations made by Congress until 1890 specifically prohibited the expenditure of any part of the money "for the repair or construction of levees, for the purpose of preventing injury to lands by overflow, or for any other purpose whatever, except as a means of deepening or improving the channel of said river."

From 1892 to 1917 the Congress provided that the expenditure should be—

for the general improvement of the river, for the building of levees * * * in such manner, as in their opinion, shall best improve navigation and promote the interests of commerce at all stages of the river.

In 1916 the Flood Control Committee of the House was created, and in 1917 Congress passed an act providing "for controlling the floods of the Mississippi River and continuing its improvements," and provided as to expenditures upon levees—

(b) That no money appropriated * * * shall be expended in the construction or repair of any levee unless and until assurances have been given satisfactory to the commission that local interests protected thereby will contribute for such construction and repair a sum which the commission shall determine to be just and equitable, but which shall be less than one-half of such sum as may have been allotted by the commission for such work; and provided that such contribution shall be expended under the direction of the commission, or in such manner as it may require or approve, but no contribution made by any State or levee district shall be expended in any other State or levee district, except with the approval of the authorities of the State or district so contributing. * * *

(d) No money appropriated under authority of this act shall be expended in the payment for any right of way for any levee which may be constructed in cooperation with any State or levee district under authority of this act, but all such rights of way shall be provided free of cost to the United States, provided that no money paid or expense incurred by any State or levee district in securing such rights of way or in any temporary works of emergency during an impending flood, or for the maintenance of any levee line, shall be computed as a part of the contribution of such State or levee district toward the construction or repair of any levee within the meaning of paragraph (b) of this section.

Various acts of Congress amended the flood control act so as to extend its jurisdiction from Rock Island to the Head of Passes and on the tributaries as far as the flood waters of the Mississippi River affected the tributaries, and in the act of 1923 also authorized an appropriation of $10,000,000 per year for six years for flood-control work, of which the amounts for 1928 and 1929 are yet to be expended.

The entrance of the Government into the levee building resulted in greater flood heights caused by adding to the ever-increasing floods on account of northern drainage the retention in the main channel of the river, all flood waters below Cape Girardeau.

Local interests prompted by the action of the United States regarding the building of levees organized themselves into levee districts under State laws, which permitted the levying of a tax on property within the districts, and with funds obtained through bond issues attempted to keep pace with the ever-increasing flood heights by contributing to the United States funds expended by the Government in building higher levees.

How these levees failed and brought great loss of life and property to the lower valley is now a matter of history.

FLOODS OF THE MISSISSIPPI RIVER PRIOR TO 1927

Mentioning the higher high waters of the past, notable floods occurred in the years stated below:

In 1828 the valley, in general, was overflowed with the exception of the portion bordering on the Mississippi below the head of the Atchafalaya Basin. The mean depth of overflow on the Arkansas-Louisiana line in the Tensas Basin was 7.1 feet. Between Vidalia and Harrisonburg it was 7.7 feet. The computed maximum discharge of 1828 in the Mississippi River near Plaquemine, La., was 1,110,000 cubic feet per second (deduced by Humphreys and Abbot from their Carrollton discharge curves of 1851–52), and the estimated discharge into the Atchafalaya Basin was 414,000 cubic feet per second, making an estimated total of 1,524,000 cubic feet per second passing the latitude of Red River Landing.

The third rise in 1844 resulted from a combined flood of the Missouri and upper Mississippi in June. The St. Francis and Yazoo Basins were flooded, being almost without levees. The Tensas Basin was flooded by breaks in the levees. Red River was at a low stage, and the region below the mouth of Red River escaped with very little damage.

In 1849 there were two distinct flood waves at Memphis, cresting February 8–16 and March 28 at 30.86 and 30.66 feet,

respectively, above the present gauge zero. The first crest was 2.3 feet lower at Memphis than that of 1844, but was 0.7 foot higher than 1844 at Carrollton, due to the fact that there were coincident floods in the lower tributaries. The St. Francis, Yazoo, and Tensas Basins were overflowed; and below Red River, due to numerous crevasses, the flood was considered the most destructive ever known. New Orleans was inundated by a crevasse about 17 miles above the city.

In 1850 the St. Francis and Yazoo Basins were deeply flooded. The depth of overflow in the Tensas and Atchafalaya Basins was greater than during any flood since 1828. Floods on the Arkansas, Red, and Black Rivers aggravated conditions on the lower river. Crevasses were discharging into the Atchafalaya Basin for more than four months. The Bonnet Carre crevasse on the left bank above New Orleans attained a width of 7,000 feet and continued flowing more than six months. The computed maximum discharge of 1850 at Carrollton was 1,050,000 cubic feet per second (deduced by Humphreys and Abbot from their Carrollton discharge curves of 1851–52), and the estimated maximum escape through crevasses between Red River and Carrollton was 118,000 second-feet on the right bank and 114,000 second-feet on the left bank.

In 1858 the maximum measured discharge of the Mississippi River was about 1,400,000 second-feet at Columbus, Ky. Discharges of 1,238,000 second-feet at Red River Landing and 1,188,000 second-feet at Carrollton were deduced from measurements at Vicksburg and Natchez and from the Carrollton discharge curves.

The flood of 1862 exceeded all previous gauge heights at Cairo and all points below. The crest was 50.8 feet at Cairo, 48.2 feet at mouth of White River, and 15.9 feet at Carrollton. Great damage was done to levees.

The flood in 1882 exceeded all previous records at all gauges from Cairo to Arkansas City. The crest was 51.87 feet at Cairo, 48.4 feet at mouth of White River, and 14.95 feet at Carrollton. There were 284 crevasses with an aggregate width of 59.1 miles.

The crest of the 1883 flood was 52.17 feet at Cairo, 48 feet at mouth of White River, and 15.4 feet at Carrollton. There were 224 crevasses with a total width of 34.1 miles.

The crest of the 1890 flood was 48.8 feet at Cairo, 50.4 feet at mouth of White River, and 16.1 feet at Carrollton. There were 53 crevasses with a total width of 6.8 miles.

The crest of the 1892 flood was 48.29 feet at Cairo, 49.27 feet at mouth of White River, and 17.35 feet (2.25 feet above previous record) at Carrollton. There were 31 crevasses with a total width of 2.3 miles.

The crest of the 1893 flood was 49.33 feet at Cairo, 49.48 feet at mouth of White River, and 17.45 feet at Carrollton. There were 17 crevasses with an aggregate width of 3.23 miles.

The crest of the 1897 flood was 51.72 feet at Cairo, 52.42 feet—2.02 feet above previous record—at mouth of White River, and 19.17 feet—1.6 feet above previous record—at Carrollton. There were 37 crevasses with an aggregate width of 8.7 miles.

The crest of the 1903 flood was 50.57 feet at Cairo, 53.7 feet at mouth of White River, and 19.42 feet at Carrollton. There were six crevasses totaling 2.2 miles in width.

The crest of the 1912 flood exceeded all prior records at all gauges south of Cairo with the single exception of Vicksburg. The maximum was 53.94 feet at Cairo, 56.35 feet at mouth of White River, and 21.05 feet at Carrollton. Twelve crevasses destroyed 13.4 miles of levee.

The crest of the 1913 flood was 54.69 feet at Cairo, 55.35 feet at mouth of White River, and 19.28 feet at Carrollton. This flood exceeded all previous records from Cairo to Helena. Eight crevasses destroyed 3.04 miles of levee.

The crest of the 1916 flood was 53.2 feet at Cairo, 56.5 feet at mouth of White River, and 20.05 feet at Carrollton. One crevasse 1,800 feet wide occurred in the controlling levee line.

The crest of the 1922 flood was 53.6 feet at Cairo, 56.85 feet at mouth of White River, and 21.27 feet at Carrollton. New high records were established at all gauges below White River. There were four crevasses in Mississippi River levees, with an aggregate width of 7,000 feet.

RECURRING FLOODS AND NO RELIEF

Following in the wake of every great flood which has deluged the valley in all the years since the jurisdiction and responsibility of the control of the river passed to the Federal Government by the Louisiana Purchase, Congress has made a perfunctory and superficial investigation of the problem, and has listened to small delegations from the flooded regions tell the story of their loss and suffering and has heard them beseech the United States to recognize its long-neglected duty, and to have established an adequate and comprehensive system which would control these destructive flood waters of the Nation and prevent the ever-recurring disasters.

Congress has never heeded, however, except in a small measure, the pleas of these unfortunate people, nor of the many boards, commissions, and committees of engineers which have studied the problem, but continuously, for one reason or another, has adhered to the wasteful policy of piecemeal appropriations. The results were always the same; the levee districts could not raise sufficient money to complete the levees to the grade and section fixed by the engineers, Congress would not, and the inevitable happened. The next great flood would wash away a part of the levees, the ultimate cost of a completed system was thereby increased, and the aggregate of property values destroyed grew with each crevasse.

Shall it so happen again after this flood of 1927, the greatest and most destructive in the long list of holocausts visited upon the lower valley?

Crevasses in 1927

[Weather Bureau, Monthly Weather Review, Supplement No. 29]

Place	River	Bank	Date
North Alexander district, Illinois	Mississippi	Left	Apr. 8.
Union County Levee, Ill	do	do	Apr. 16.
Ware, Ill	do	do	Do.
Wolf Lake, Ill	do	do	Do.
McClure, Ill	do	do	Do.
Dorena, Mo	do	Right	Do.
Whitehall, Ark	do	do	Apr. 15.
Knowlton, Ark	do	do	Apr. 20.
Laconia Circle, Ark	do	do	Mar. 29.
Mounds Landing, Miss	do	Left	Apr. 21.
Greenville, Miss	Back levee		
Cabin Teele, La	Mississippi	Right	May 3.
Winter Quarters, La	do	do	May 1.
Vidalia, La	do	do	May 11 (protection).
Glasscock, La	do	do	Apr. 30.
Bougere, La. (4)	do	do	May 1.
Caernarvon, La	do	Left	Apr. 29 (emergency).
Junior, La	do	Right	Apr. 23 (caused by steamship).
Erie, Kans	Neosho		
St. Paul, Kans	do		
LeRoy, Kans	do		Private levee.
Fort Gibson, Okla	do		
Sebastian County Levee, Ark	Arkansas		
Crawford County Levee, Ark	do		
Pope County Levee, Ark	do		
Yell County Levee, Ark	do		
Perry County Levee, Ark	do		
Conway County Levee, Ark	do		
Faulkner County Levee, Ark	do		
Pulaski County Levee, Ark	do		
Plum Bayou, Ark	do		
Pine Bluff, Ark	do		
Old French Levee, Ark	do		
Pendelton, Ark	do	Right	
Jackson County Levee, Ark	White		
White County Levee, Ark	do		
Woodruff County Levee, Ark	do		
Clarendon, Ark	do		
Big Lake, Ark	St. Francis		
Index, Ark	Red		
Fulton, Ark	do		
Lewisville, Ark	do		Above and below.
Crichton, La	do		
Vick, La	do	Left	May 2.
Cottonport, La	Bayou Rouge		May 12.
Kleinwood, La	Bayou des Glaises		May 14.
Bordelonville, La	do		Do.
Willard Station, La	do		Do.
Moreauville, La	do		Do.
Hamburg, La	do		May 14–15.
Melville, La	Atchafalaya	Right	May 17.
McCrea, La	do	Left	May 24.

The annual appropriations must be large enough to make real economy possible. There is no other work of improvement where the element of time is so important. Just when the next flood will come is beyond human reckoning. If another great flood should come before the lines are high enough and strong enough to withstand it, the loss will be great indeed, and the ultimate cost will be largely in excess of the present estimates.

LEVEES BUILT HIGHER AND HIGHER

The Mississippi River Commission in the beginning established a standard grade for levee building, which they changed from time to time to meet new flood heights, using the last prior flood as a basis, until 1914, at which time they established what they considered the ultimate as necessary in view of the floods of 1912 and 1913, and which is the present existing grade.

Before each recommendation of the Mississippi River Commission for an increased levee height could be carried out, a disastrous flood has come, and another increase in the levee heights recommended.

As all levee building participated in by the Mississippi River Commission was for the purpose of aiding navigation, the construction of the levees was as close as practicable to the river bank and many miles of levees were washed away because they were not protected and because the work was not done in such a manner that the prior work was protected, but it was done piecemeal. Many times work lagged because the Government and private interests did not have sufficient money at the same time.

In this connection there is a phase of the local contribution feature provided for in the flood control act of 1917 that should be touched upon.

Following the passage of this act which provided for continuing appropriations and with an estimated total sufficient to complete the work as then estimated, the different levee districts, practically without exception, obtained legislative authority to exceed their respective limiting amounts of outstanding levee bonds, in order to participate to the fullest with the United States Government. In this desire they met with a most liberal and helpful attitude on the part of the financial interests who stretched the credit of the levee boards to the utmost in fixing the amount of bonds that would be salable.

In the beginning many of the levee boards were disappointed at the relatively small amounts they were called upon to put into the United States cooperative fund, and requests to the commission for increased allotments to their respective districts were declined. At that time the levee boards were rich temporarily, with the proceeds of the new financing, and the Mississippi River Commission was relatively poor. Rather than build up large bank balances until such time as the Mississippi River Commission would be in a position to call upon them for larger contributions, the greater portion of these funds were expended in levee improvement, waiving the stipulated two-thirds cooperation on the part of the United States with the object of hastening the completion of the work. Expenditures of this character with no cooperation on the part of the United States, have largely contributed to the figures quoted in General Jadwin's report, namely, 70 per cent of levee expenditures by the local authorities and 30 per cent by the United States. (House Doc. 90, 70th Cong., 1st sess., par. 34.) Now, the situation is reversed, the levee boards are without funds in the face of a greater task, and the Government has plenty of funds. Should not these expenditures by local levee boards in anticipation of the availability of the funds to be supplied by the United States be taken into consideration?

JADWIN PLAN PROCEEDS ON WRONG THEORY OF LAW AND ASSUMES FACTS UNWARRANTED BY EVIDENCE

General Jadwin's plan is based on the following assumptions:

First. That the natural bed of the Mississippi River is the alluvial valley traversed; he assumes, therefore, that any part of the valley may be devoted to flood control without payment.

Second. That his flood-control plan is to be treated as a reclamation project. He contends that a benefit results from his project so that adjacent landowners should pay a part of the cost and land values are raised so that tax assessments paid to the States will be higher; therefore the States should help defray part of the expense and pay damages.

Third. That the destructive flood waters have an easement through the valley and that the valley should give it safe conduct or suffer the consequences and that the Government, under the swamp land acts, donated to the States certain land to pay for the construction of levees on the Mississippi River.

Fourth. That flood-control works should be optional with local communities.

ERRORS IN JADWIN PLAN POINTED OUT

Regarding the assumptions in paragraph 1 that the natural bed of the Mississippi River is the alluvial valley and the United States is engaged in a reclamation project, it is sufficient to state that the Supreme Court of the United States has held just the opposite in the case of Cubbins *v.* Mississippi River Commission (241 U. S. 351), the syllabus on exactly this point being as follows:

> The conditions existing in the valley of the river demonstrate that the work of the Mississippi River Commission, and of the various State commissions, in constructing the series of levees from Cairo to the Gulf is for the purpose of prevention of destruction and improvement of navigation by confining the river to its bed and is not for purposes of reclamation.

In deceding this point, the Chief Justice, who rendered the opinion, one of the most eminent jurists in our history, said that the contention that the building of the levees was a work not of preservation but of reclamation, was unsound and was "wholly irreconcilable with the settlement and development of the valley of the river."

As to the assumption in paragraph 3 above, that the destructive flood waters have an easement, the general's position is not well founded, as will be seen from the following quotations from ruling case law, as to the common law, and from Domat, a celebrated commentator, as to the civil law:

> Acceleration of flow or increase in quantity of water: Without a grant, either express or implied, an upper owner has ordinarily no right to accelerate the impelling force of a stream of running water, as by deepening the channel or removing natural obstructions therefrom, to the injury of a lower owner. And this is true although there be no damage at the point where the stream enters the lower tract, but only farther down. * * * Dams, dikes, embankments, and the like may be constructed in or along floatable streams to facilitate their use, but not to the extent of injuring the riparian proprietors by * * * sending it down in increased volume, to their injury or at times when the stream would not otherwise be navigable. * * * So, if it appears that a dam erected by a municipality in a ditch or watercourse * * * so far increases the flow of a river with which the ditch is connected as to cause injury to the land of a riparian owner, the municipality will be liable to a lower riparian owner who sustains special damage on account of such increased flow. (27 Ruling Case Law, 1099–1100; citing a long list of cases.)
>
> "If waters have their course regulated from one ground to another, whether it be by the nature of the place, or by some regulation, or by a title, or by an ancient possession, the proprietors of the said grounds can not innovate anything as to the ancient course of the water. Thus, he who has the upper grounds can not change the course of the waters, either by doing it some other way, or rendering it more rapid, or making any other change in it to the prejudice of the owner of the lower grounds. Neither can he who has the lower estate do anything that may hinder his grounds from receiving the water which they ought to receive and that in the manner which has been regulated." (Domat's Civ. Law, Cushing's Ed., p. 616 (1583).)

The justice of this position lies in the fact that the water from 31 States is poured, though uncontrolled, into the Mississippi River. It is the national ditch of the Government, and a moral duty rests upon us to prevent the waters from some of those States from destroying the property of the others and, if between private parties, this would be illegal. This is what the Government is doing; more and more each year they close natural drains and bayous, and thereby divert the natural flow and increase the natural burden in the lower States. The Government participates in this. In this, its acts are illegal, unless at the same time it protects the lower States against such increased burdens. From a legal standpoint, when the Government thus increases the waters in the river by drainage and levees, it becomes our duty to protect the States along the river from this increased flow of water.

With reference to the general's assumption, referred to in paragraph 3 above, that the swamp lands were donated by the Government to the States for the building of levees on the Mississippi River: That this is entirely erroneous is shown by the facts upon which the swamp land acts were based, as the swamp lands were donated to 15 States of the Union, including Alabama, California, Oregon, Iowa, and other States entirely out of the Mississippi Valley.

The debates in Congress when the acts were passed, the titles of the acts themselves, as well as the decisions of the United States Supreme Court, and other courts thereon, clearly demonstrate that these grants were made by the Federal Government under its policy of assisting the individual States in reclaiming swamp and overflowed land, as will be seen from Chapter IX, subchapter 2, herein, to which attention is invited.

The assumption in paragraph 4 above that participation in his flood-control plan should be optional with local communities needs little comment.

Would anyone think of expending millions of dollars for flood control only to have the whole system fail and the money wasted because one local district elected to stay out? The integrity of the levees is the prime factor in the control of the destructive flood waters. Local communities can not be forced to raise funds or be compelled to enter into a flood-control program which entails the expenditure of private funds.

The assumption that the project should be paid for in the same manner as reclamation projects can not be sustained upon the facts. A reclamation project has for its object the reclaiming or bringing into existence lands theretofore not susceptible of cultivation, while the lands herein involved have been in cultivation for hundreds of years. This is not reclamation, but preservation.

It is then contended that benefits will result and those receiving the benefit should pay part of the cost of the work. It is

useless to contend that no benefit will ensue, but it is contended that the benefits are not the kind upon which a special tax upon adjacent property is warranted. The benefits may be listed as follows:

Human life will be saved.
Sickness and disease will be prevented.
People will not be driven from their homes and made objects of charity.
Suffering and misery will be prevented.
Land will not be washed away.
Property will not be destroyed.
People will be able to follow their occupations.
Industry will continue.
Interstate commerce and the United States mails will not be interfered with.
There will be a feeling of security that will restore confidence.

No court or law of the land ever levied a special tax on land based on these elements and to require a payment for these benefits would be levying a tax on saving of human life, on occupation, on industry, on opportunity, on progress, and on prosperity.

These benefits are some of those for which our National Government is organized, and always has been, are properly paid out of the General Treasury, and are given freely and without price in order that general welfare may be furthered.

The Federal Government has spent, and will continue to spend, millions of dollars to develop this country so that its citizens may prosper, and it will be a bold Congressman who will advocate a tax on the opportunity to make a good living and a small caliber one who would begrudge an American citizen this good fortune.

Our country can prosper only in proportion as our citizens prosper, and the misfortune of great numbers affects the fortune of the Nation. Why States as such should be considered in this matter is not quite clear. The States asked to pay have no part in producing the destructive flood waters. Floods know no State boundaries and can not be controlled by fiat. The States as such can not legislate regarding the control or use of the navigable waters of the Mississippi. The States have authorized the organization of levee districts and provided for the raising of funds and there is no more they can properly be asked to do.

Levee building is a matter between the Government and adjacent landowners, one for navigation, the other for protection. The landowner has followed the lead of the Government and has spent millions of dollars and all there is to show for it is a collapse of the system, and a poverty stricken and disappointed people.

Every argument made against the "Government pay all" proposition is equally strong regarding the "Government pay 80 per cent," with this difference, the 80 per cent Government payment secures no adequate flood-control protection while the 100 per cent Government payment insures the absolute success of the undertaking.

While reclamation is important to a landowner, its importance to him sinks in insignificance when compared with the importance to the Nation of maintaining this great river highway as a commerce carrier. Levees are essential to such, so why hesitate to construct them? Shall we neglect matters of national concern because individual citizens might profit therefrom?

Can it be, too, that the vast interests of the Nation in interstate commerce and in the transportation of the mails are not important enough to warrant the Federal Government to take all necessary steps to prevent their being interfered with by flood waters?

Millions of dollars are spent protecting our commerce abroad, yet no one would think of taxing those engaged in commerce to pay the cost of the protection. The lower Mississippi Valley produces more wealth for the United States Treasury than our foreign trade does, yet there are those who pretend to have business insight and who would begrudge this same protection to our home people.

General Jadwin's plan does not take into consideration the regions from which the floods come, and of course no solution of the problem can be found without so doing. Thirty States pour their flood waters down on Louisiana, and yet, after having erected levees sufficient to take care of the natural flood waters, it is forced to contribute large sums to take care of the floods produced by artificial drainage caused by the prosperity of other States. The one causing the damage should pay. It is our boast that there is no wrong without a remedy. This is a vain boast unless the Federal Government does its whole duty to the people of the lower Mississippi Valley. Fair play and common justice would require that, after having the benefit of privately paid for levees to aid navigation, the Government should do the fair thing and build the levees for navigation that will aid these same people.

This is not a reclamation project but is a humanitarian one, pure and simple, and the United States should not attempt to drive a hard bargain when the safety and welfare of so many of its citizens are at stake. Shall it, like Shylock of old, demand its pound of flesh for its ounce of gold, especially when this work is made necessary to correct the mistaken policy of the Government itself in the control of the Mississippi River?

The economic principles applied in the Jadwin plan are open to great criticism and the objections to the no-contribution plan are not well founded because the objections urged apply with much more force to the Jadwin plan. The no-contribution plan has the virtue of frankness instead of being based on guesswork and without regard to proper economic principles.

That the Jadwin plan would work successfully dependent on local contribution was doubted even by its author, for, while stating certain conditions, he made provision to waive their compliance when it became necessary to do what he thought was desirable. Congress itself should fix the exceptions, if there are to be any, and should not leave that to the agency doing the work.

JADWIN PLAN PENALIZES ONE DISTRICT TO BENEFIT ANOTHER

Another of the serious objections to General Jadwin's plan, and one which is most strongly urged by the officials and people in the affected States, is that it proposes to protect certain districts and States at the expense of other districts and States. And not only so, but it proposes further that in some places certain works shall be erected to protect a city or territory, which will result in other territory, sometimes in another State, being periodically flooded, and calls upon the latter district to pay for the works.

As expressed in the brief filed by Governor Martineau, of Arkansas, in referring to the Boeuf Basin flood way proposed by General Jadwin, which would flood over two and a half million acres, much of it productive land, and destroy many cities and towns in Arkansas in order to protect a portion of the State of Mississippi, Arkansas is being asked to "pay a portion of its own funeral in order that other sections may survive" (p. 2500).

A similar proposal in the Jadwin plan has aroused the people of southeast Missouri. The general recommends that in order to protect the city of Cairo, Ill., on the other side of the river, the present levees on the Missouri side shall be cut down and set back 5 miles, and a river-bank flood way created between Birds Point and New Madrid, Mo., which in times of flood would lay waste and devastate 144,000 acres of land, 60 per cent of which is highly cultivated and productive. And the cost of this work, estimated at millions of dollars, is to be borne by the people of Missouri, while the city of Cairo, Ill., is not to be asked to put up a cent.

Such inequities and injustices in the Jadwin plan convince the committee that the legislatures of the valley States will never agree to it, and that, therefore, no flood-control work will be done, as the plan provides no work shall be done until the States have consented to the plan and agreed to provide the money.

Instead of the Jadwin plan, if adopted by Congress, providing protection from the floods of the lower Mississippi Valley, it might result in the recurrence of a disaster like that of 1927.

ENGINEERING FALLACIES OF JADWIN PLAN

Fundamental doubts as to the technical soundness and efficacy of the plans submitted by General Jadwin was testified to by many engineers outside Government circles, and these doubts were clearly enough recognized by members of the committee, so it was necessary in the bill to create an organization competent to work out a dependable plan. The engineers best qualified by training and experience as well as by personal experience fighting floods on the Mississippi River objected to many of the engineering features of the Jadwin plan.

These objections are: (1) That it is lacking in engineering details and has not a sufficient factor of safety; (2) that it uses new and untried methods in the diversion of the flood waters; (3) that the "fuse-plug" levees will not work and disaster will result; and (4) generally that it is not dependable and is not feasible from an engineering standpoint. The committee did not believe it probable that so many eminent engineers could all be wrong, and therefore refused to adopt the Jadwin plan as the project for the flood-control work.

COST OF PROJECT

An appropriation of $473,000,000 is authorized. The committee considered very carefully the several items recommended by the Mississippi River Commission and General Jadwin and arrived at this figure to include those which, in its opinion, should be undertaken immediately. The amount authorized, therefore, represents a consolidation of the two plans, with the addition

of several others by the committee which it believed should be provided for. The following are the items which make up the $473,000,000: Bonnet Carre spillway, Atchafalaya flood way, Cypress Creek diversion, Birds Point-New Madrid flood way, main-river levees, tributaries' levees, mapping, reservoirs, reforestation, erosion, surveys, and investigations.

The President is authorized, when, in his judgment, it is necessary and the condition of the Treasury requires it, to issue bonds to raise the money required to carry out the project. This would prevent too great a drain upon the Treasury at any one time and would permit the spreading of the expenditures over a period of years.

The committee in its three months' hearings had presented to it a woeful picture of this flood of 1927. Many members of the committee had visited the flood area while the flood was at its height. It laid waste a veritable empire and drove 700,000 men, women, and children from their homes to face privation, suffering, disease, and sometimes death; they were seeking shelter, food, and clothing from the Red Cross, and became dependent upon the generosity of their fellow Americans. Scenes such as the observers beheld were indeed comparable only to war itself, and it is very doubtful if even war was ever more certain and complete in its wholesale destruction of a great region.

Thousands of newspaper and magazine articles describing these scenes were published and were available to those who found it impossible to visit the scenes of the disaster. Special writers from all great news agencies in America were sent to the valley. Photographs taken from boats, from trains, from points of vantage on portions of levees still standing, from the high ground, from airplanes, and in every way which the mind of the wily photographer could suggest, were published, and many of them filed with the committee. Hundreds of moving-picture reels were made, and news organizations carried the pictured details of devastation to every town, hamlet, and city of America.

MAGNITUDE OF PROJECT

IT IS A BIG UNDERTAKING AND THE UNITED STATES SHOULD ACT

That this is a gigantic undertaking is the opinion of the entire country as evidenced by the public addresses of many prominent men, editorials, statements in numerous leading newspapers and magazines, and resolutions of national associations and organizations.

President Coolidge, in his address at the Budget meeting on June 10, said of the Mississippi River flood of 1927:

> The vast, fertile, and productive reaches bordering the Mississippi and its tributaries have been subjected to great disaster. The loss of life and property is appalling. * * * Control measures that were considered by all as ample to full protection have proven inadequate. Such a disaster must never happen again.

And in addressing the Union League Club of Philadelphia, on November 17, 1927, President Coolidge said:

> Flood control must be completed.

Secretary of War Dwight F. Davis, in an address given before the Chicago Flood Control Conference in June, 1927, said:

> The Mississippi River question is one that can and must be controlled. The Nation whose engineers defied seemingly insurmountable obstacles in building the Panama Canal can and will solve this great and complex problem.

Herbert Hoover, Secretary of Commerce, in an address at Little Rock, Ark., June 25, 1927, said:

> The Mississippi flood of 1927 has been a disaster unprecedented in the peace-time history of our Nation.

Major General Jadwin, Chief of Engineers of the United States Army, in an address at the Chicago Flood Control Conference on June 3, 1927, said:

> The flood of the Mississippi Valley is, in many ways, the most serious catastrophe of its kind in the history of our country. It is less serious only than war itself.

Hon. NICHOLAS LONGWORTH, Speaker of the House, in an address before the Chicago Flood Control Conference in June, 1927, said:

> I believe there is not a man in either the House or the Senate that does not believe and realize that the time has come when the Government of the United States itself must take an active interest and participation, not only in the relief of the sufferers but in the prevention of such future catastrophes.

Hon. MARTIN B. MADDEN, chairman of the House Appropriations Committee, in an address at the Chicago Flood Control Conference in June, 1927, said:

> We are not penurious. We have been generous with the world. Whenever they have been confronted with a crisis; whenever Congress found itself in session on an occasion where any foreign nation or any foreign people were in trouble like we have been, we responded generously to the call, both individually and officially. And we are going to respond to the call of the American people in the Mississippi flood.

Hon. Jacob M. Dickinson, former Secretary of War, member of the flood-control committee of the Chamber of Commerce of the United States, on pages 411 to 417 of the hearings said:

* * * * * * *

> I think that you can accept that, gentlemen, as a fact that can not be gotten away from; that if any plan be set upon foot and formulated which has as a basis the coordination of action by the various States or counties or levee boards, it is doomed to certain failure, and the result will be, if any such plan as that be adopted, that that country will be abandoned absolutely to a jungle, and here we will have through the center of the United States a tremendous territory of fertile land which will be completely given over to waste.

* * * * * * *

> That conclusion is sure. If there is anything certain in this question, it is that if a plan is to depend upon the contributions of the States and the counties and the coordinating of them into one general work, or any part of them, the whole thing will have to be abandoned. I never felt surer of a proposition in my life than I do about that.

* * * * * * *

> Of course, if the Government is going to assume this work, and the expenditure necessary in connection with it, it has got to have the complete power of locating it and controlling it.
>
> Of course, if that country should be abandoned it would be an almost unthinkable thing—and, as I have undertaken to show, it will be abandoned unless the National Government shall undertake it—and we would have here, right in the midst of our country, a great gash cut through it subject to constant and recurrent overflows. It would break up the railroad system of your country. It would shut off your commerce to the next to the largest port in the United States of America, and in case of peace it would involve vast losses of every kind; and in case of war it might result in a very great disaster, because we know that in this late war a very large part of the transportation to the foreign countries of men and supplies and fuels and things of that sort was carried over the railroads and down the Mississippi River to the port of New Orleans and there transported. If the flood had come at the very crux and critical moment of the war and that country had lapsed, as we now contemplate the possibility of its doing, into abandonment, you can see how the sentiment of the country would rise up and proclaim against it. I do not believe that any other country on earth, no matter what questions were involved, would submit to have that vast area abandoned and turned over to desolation and loss. That seems to me to be unthinkable.

* * * * * * *

> So there is a great national work at hand. It has got to be protected; and the question of protecting the people, I say, is merely incidental to it. If there were not a city or a plantation on either bank of the Mississippi River, I should say it would be your duty to control and preserve and maintain in its integrity the navigation of the Mississippi River.

* * * * * * *

There is nothing new in the idea that the control of these disastrous and devastating floods is a great national question and that the problem is one to be solved by the Federal Government itself.

Presidents William Henry Harrison, Abraham Lincoln, Andrew Johnson, James A. Garfield, Rutherford B. Hayes, Theodore Roosevelt, William Howard Taft, Woodrow Wilson, and Calvin Coolidge all have emphatically declared that this problem is national.

Henry Clay in a speech in the Senate said:

> The Mississippi, with all its tributaries, constitutes a part of a great system, and if the system be not national, I should like to know one that is national.

In 1912 the platforms of both the Republican and Democratic Parties, as well as that of the Progressive Party, declared that the problem was national and pledged its solution.

"The control of the Mississippi River floods is now more than ever before our greatest domestic problem," according to the United States Chamber of Commerce. (Report of Committee, Referendum No. 51, p. 22.)

John F. Stevens, president of the American Society of Civil Engineers in 1927, and Chief Engineer of the Panama Canal, on page 4284 of the hearings, said:

> The CHAIRMAN. You consider this is a big problem, do you?
>
> Mr. STEVENS. It is one of the biggest I have ever known; and as far as the engineering problem is concerned, it far exceeds that of the Panama Canal.

PANAMA CANAL ACT SUGGESTED AS A PRECEDENT

Representative E. E. DENISON, of Illinois, on page 3274 of the hearings, said:

When we decided to construct the Panama Canal, we adopted a policy. I wish the committee could, before you report your legislation, read the Panama Canal act, known as the Spooner Act of 1902. It contains but a couple of pages, and yet it authorized and provided for the greatest project that has ever been undertaken by any Government.

Congress did not go into details in that act and tell the engineers how to dig that ditch. We did not tell the engineers how wide to make it or how many locks to have, how wide the locks should be, or how deep or any of those details. We decided the question of policy.

* * * * * * *

There we issued a mandate to the President to carry out a policy. What was it? To dig a canal; to buy the French company's properties there; to negotiate a treaty for the right to cross the country; to construct a canal of sufficient depth to accommodate not only the largest vessels that were then known but that may be reasonably expected; then defend it and construct terminals at the ends of the canal. That is as far as we went, and that is as far as Congress could go.

The Government had decided, of course, on a lock canal. We did not leave that to the engineers to decide whether it should be a lock canal or a sea-level canal. The Government decided that. Then, having decided that, they issued a mandate to the President through the Isthmian Canal Commission to go ahead and construct the canal. There is a good example for this committee to follow.

Although many of the members of the committee had been witnesses of the disaster, the committee, none the less, felt the necessity of hearing, for the benefit of those members who had not visited the area, first-hand testimony from those who had part in the great fight. It had before it prominent citizens from Louisiana, Mississippi, Arkansas, Tennessee, Kentucky, Missouri, and Illinois. The graphic picture which they painted of the desolation and devastation of the valley is part of the seven-volume record of testimony which the committee has compiled. The flood had left an indelible print upon their minds, and their appeal, weary and worn out in the struggle, was to the great American Government not to allow it to happen again. With one united voice they echoed President Coolidge's memorable words, "The recurrence of such a disaster must be forever prevented."

The hearings before the committee began on November 7, 1927, a month in advance of the convening of Congress, and were attended by citizens from the North, the South, the West, and the East. It is doubtful if ever before in our history has so large a group of citizens attended the discussion of a single national problem. There were here governors of States, United States Senators and Representatives, mayors of great cities, engineers, and public officials from Minneapolis to New Orleans and from Pittsburgh to New Mexico.

Three months were consumed by the committee in listening to evidence, the hearings having closed on February 1. For 63 days the committee was in session, and all of its meetings were attended by a practically full committee membership. The testimony fills six volumes, covering 4,924 pages, in addition to an appendix volume, and the total record is estimated to contain over 3,500,000 words.

WITNESSES BEFORE THE COMMITTEE

There appeared before the committee delegations from 15 States of the Mississippi Valley and from the far West and the far East. It had before it witnesses from New England to California. Over 40 Senators and Representatives testified before the committee. More than 300 citizens were examined, including governors of many States. Army engineers testified, as well as the engineers from all the levee districts of the Mississippi Valley from Rock Island to the Gulf. Three past presidents of the American Society of Civil Engineers testified before the committee and gave it the benefit of their wide experience. The committee record includes over 150 resolutions adopted by the leading commercial, civic, and fraternal organizations of this country. It received 300 manuscripts containing the most fantastic plans and offering every conceivable solution of the problem, from plowing up the bed of the river to making an entirely new channel 3 miles wide. It also received 5,000 letters and telegrams from every part of the United States dealing with the problem of flood control on the Mississippi and throughout the Nation.

NATIONAL ORGANIZATIONS INDORSE FEDERAL PAYMENT FOR FLOOD CONTROL

A great many national organizations sent representatives to appear before the committee, including the United States Chamber of Commerce, the American Legion, the American Federation of Labor, the American Farm Bureau Federation, the American Bankers' Association, Investment Bankers' Association of America, National Association of Real Estate Boards, National Sand-Lime Brick Association, Motion Picture Theater Owners of America, Mississippi Valley Association, Masonic lodges, the Chicago Flood Control Conference, and the Mississippi River Flood Control Association, each representing and speaking for a vast membership of the citizenship of this country and each unanimously insisting that Congress find a solution of what, in their judgment, had become the Nation's greatest problem.

The sympathetic interest of the American people in the suffering and distress of their fellow citizens in the Mississippi Valley was aroused as never before in our history as a Nation, and they have very properly insisted that their Representatives in Congress shall take such action as will forever prevent the recurrence of a similar catastrophe. The statement was made before the committee that propaganda has been used to influence Members of Congress in their stand on this subject and that referendums, opinions, and views from outside sources should be disregarded. Have the American people not a right, through every lawful means, to express their will in regard to legislation? Are they to be denied the right to voice their overwhelming sentiment that these disastrous and destructive floods shall be controlled by the Federal Government?

Representatives of many national organizations appeared before the committee during the hearings and presented resolutions adopted, in many cases, unanimously by their bodies, and told of the steps taken by their organizations and individual members to present their views on this great national question to the Members of Congress. These organizations serve a most useful purpose, and should be commended instead of censured by the Members of Congress for the opportunity afforded them to learn the opinions and desires of their constituents. What better guide can one who is supposed to represent the people have to their wishes?

COMMITTEE ASSISTED BY ENGINEERING EXPERTS

The committee had the able assistance and advice of four committees of distinguished civilian engineers, for whose cooperation it is deeply indebted and extremely grateful. One of these committees was from the American Society of Civil Engineers, headed by John F. Stevens, president of the society in 1927, and chief engineer of the Panama Canal, an engineer of international reputation; one from the leading universities of the United States; one from the principal railroads in the Mississippi Valley; and one from the States and levee districts of the valley. Members of these committees came to Washington at their own expense to assist in finding the best possible course for Congress to pursue.

The examination of so many individuals in the discussion of technical problems of engineering and economics was not an easy one, and yet the members of the committee, by thorough preparation, were able, not only to grasp the economic side of the problem, but to appreciate the technical features. During three whole months the members of the committee, at the practical sacrifice of all other affairs, were constantly in attendance at the hearings, placing this most serious problem of the Nation before every other consideration, for which they are entitled to the commendation and thanks of the Congress and the people of the country.

TESTIMONY ON EFFECTS OF FLOOD ON INTERSTATE COMMERCE AND THE UNITED STATES MAILS

Upon the economic phases of the problem the committee had valuable testimony. It had before it the Secretary of War, Hon. Dwight F. Davis, whose testimony upon the value of the river to the Nation is available as part of the committee hearings. Its members heard Postmaster General Harry New testify to the number of post offices closed, the interruption and suspension of the mails, and the general disarrangement of the Government's mail service. Officials of great transcontinental railroads testified not only to their heavy losses, resulting from the suspension of business over weeks and in some cases months, but likewise furnished this committee with an accurate estimate of the degree to which the flood paralyzed interstate commerce, both passenger and freight. Their testimony revealed what could happen to this Nation through the suspension of interstate shipment in time of war should one of these preventable floods occur at such a time.

TESTIMONY ON FINANCIAL AND COMMERCIAL EFFECTS

Prominent bankers and business men were likewise in attendance at the committee hearings. Such a general interruption of commerce would itself have a deterring effect upon the business of the Nation generally, but this would be reparable were it not for the staggering actual losses of property which

can not be replaced for years to come, and upon which millions of dollars of securities have been predicated. These financiers testified that the solvency of the stricken areas would break down unless some agency came to the rescue. In many instances there was testimony that tax suspensions were in contemplation to give relief. The huge loss in farm implements, livestock, and domestic animals increased the burden and made immediate living conditions increasingly difficult.

The floods of former years have stricken these people of the South many times, often with as tremendous a force as that of the recent flood, and which were followed by the same untold misery, but never before had their helplessness and their suffering attracted the attention of the entire Nation and of the Congress as did the flood of 1927. Each preceding flood brought small delegations of the Mississippi Valley to Congress, supplicating protection against the waters of the Nation's greatest river. They received before a somewhat superficial investigation of their troubles, considering the magnitude of the project, and the fact that human life and its protection by this Government, as well as great property loss, were involved.

In the past this made but a small impression upon the representatives of the American people until the flood of 1927 brought to us the realization that the solution of this problem had gone beyond the power of individual States or communities and had become the Nation's duty.

THE BILL

1. H. R. 8219 reported favorably by committee with amendment.
2. Synopsis of the bill as amended.
3. Explanation of provisions of the bill as amended.

1. H. R. 8219 REPORTED FAVORABLY BY COMMITTEE WITH AMENDMENT

The Committee on Flood Control, to which was referred the bill (H. R. 8219) to prevent destructive floods which cause the loss of life and property, interrupt interstate commerce or delay the United States mails; and to prevent the recurrence of a flood such as that of the Mississippi River in 1927, which resulted in the loss of more than 246 lives, drowned out hundreds of cities, towns, and villages, drove 700,000 people from their homes, rendering them objects of charity dependent upon the Red Cross and other agencies, inundated 18,000 square miles, destroyed 1,500,000 farm animals, caused losses amounting to many hundreds of millions of dollars, suspended interstate freight and passenger traffic, prevented telegraph and telephone communication, delayed the United States mails, and paralyzed industry and commerce, having considered the same, report thereon with a recommendation that it do pass, with the following amendment:

Strike out all after the enacting clause, and insert the following:

That for the sole purpose of aiding interstate commerce, preventing interruptions to the United States mails, promoting general welfare and national defense, and for the security of the life and property in the lower Mississippi Valley from the destructive flood waters of the Mississippi River, the President shall, through the Mississippi Valley Flood Control Commission hereinafter authorized, proceed at once, without local contribution, to cause to be established, constructed, and completed a comprehensive system of flood-control works to control the largest floods of the Mississippi River now recorded, or which may be reasonably anticipated, consisting of such levees, controlled and regulated spillways, flood ways, storage basins, and reservoirs and appurtenances thereto as in the judgment and discretion of said Mississippi Valley Flood Control Commission may be necessary, to keep the flood crests of the said Mississippi River at or below the gauge heights as hereinafter indicated, and will permit the passage of the destructive flood waters of the said river and its tributaries safely through such flood-control works from Cape Girardeau, Mo., to the Gulf of Mexico, utilizing to that end as far as practicable the work heretofore done by the Mississippi River Commission and other agencies for the control and improvement of the Mississippi River.

SEC. 2. That to enable the President to construct the flood-control works as provided in this act there is hereby created the Mississippi Valley Flood Control Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said project, unless sooner removed by the President, and one of whom shall be named as the chairman of said commission. Of the seven members of said commission at least four of them shall be persons learned and skilled in the science of engineering. Said commissioners shall devote their entire time to the duties of the commission, and each shall receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said commission the President is hereby authorized through said commission to employ in said service any of the engineers of the United States Army at his discretion and likewise to employ any engineers in civil life at his discretion and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this act shall be fixed by said commission, subject to the approval of the President. The official salary of any officer appointed or employed under this act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. Said commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all its official actions and of all moneys received and expended in the construction of said work and in the performance of its duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by act of Congress or by the order of either House of Congress or appropriate committee thereof. The President shall cause to be provided and assigned for the use of the commission such offices as may, with the suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof; and said commission shall keep a true and correct record of its proceedings and shall make such rules and regulations, subject to the approval of the President, as are necessary for the orderly conduct of its duties.

SEC. 3. Upon completion of the project herein authorized the Mississippi Valley Flood Control Commission shall turn over to the Chief of Engineers of the United States Army all records, property, and equipment of every kind whatsoever in its possession.

SEC. 4. The Mississippi Valley Flood Control Commission created by this act shall succeed to the jurisdiction of the Mississippi River Commission and shall take over and complete all flood-control and river-improvement work thereof.

SEC. 5. The Mississippi River Commission is hereby authorized and directed to transfer and deliver to the Mississippi Valley Flood Control Commission created by this act any and all property and equipment, papers, maps, charts, records, books, or other documents now in its possession bearing upon or connected with floods and flood control and improvement works of the Mississippi River and its tributaries; and the President is authorized to require the transfer and delivery thereof to the Mississippi Valley Flood Control Commission created by this act. Any and all papers, maps, charts, records, books, and other documents shall be made available to the Chief of Engineers of the United States Army as and when necessary to be used in flood-control work under his direction; and the Chief of Engineers is hereby directed to make available all records, surveys, maps, and documents in his possession or under his control as and when necessary to be used in flood-control work by the Mississippi Valley Flood Control Commission.

SEC. 6. When the Mississippi Valley Flood Control Commission herein authorized is appointed and organized the Mississippi River Commission shall be thereupon abolished.

SEC. 7. The Mississippi Valley Flood Control Commission shall, under the direction of the President, have exclusive control of the location, construction, and maintenance of all flood-control works herein provided for, and shall cause to be made such investigations, studies, and surveys as may be necessary for the prosecution, construction, and completion of such works, and may employ such persons as it may deem necessary therefor and fix their compensation.

SEC. 8. The President, through said commission, is hereby authorized and directed to proceed at once by hired labor or otherwise to construct and complete the flood-control works and river-improvement works herein and heretofore authorized. Said commission is hereby authorized to acquire in the name of the United States such equipment, property, real estate, or interest therein, or uses thereof, rights of way, flowage rights, or flood ways, or other property or rights as may be necessary to carry out the purposes of this act.

SEC. 9. The Mississippi Valley Flood Control Commission is hereby authorized to acquire in the name of the United States such real property or interests therein as shall in its judgment be necessary to effect the purposes of this act (1) by purchase whenever such property or interests may be obtained at a price deemed by it to be reasonable; (2) by donation; (3) by condemnation proceedings.

SEC. 10. Whenever any State or subdivision or agency thereof, or any levee district, individual, partnership, corporation, or company, shall have acquired, after the passage of this act, for the purpose of conveying the same to the United States any such property or interest, the commission is hereby authorized to repay to such State, subdivision, agency, levee district, individual, partnership, corporation, or company, in exchange for a deed or legal instrument conveying to the United States a good and marketable title to such property or interest, the amount expended therefor by such State, subdivision, agency, levee district, individual, partnership, corporation, or company, provided such amount shall not exceed the fair market value thereof and in the opinion of said commission be reasonable.

SEC. 11. There is hereby conferred upon the commission full power to enter upon lands and to acquire, condemn, occupy, possess, and use real

estate and other property needed for the location, construction, operation, and maintenance of flood-control works.

SEC. 12. The commission may, if it deems it for the best interests of the United States, proceed and acquire title to any property, rights, or interests herein authorized to be acquired by condemnation thereof, under the direction of the Attorney General of the United States, by judicial proceedings to be commenced in the appropriate district court of the United States. The court shall, for the purpose of ascertaining the just compensation to be paid to the owner of the said property, appoint three commissioners, who shall be competent and disinterested appraisers. The appraisers shall be sworn to the faithful performance of their duty. They shall, under such rules as the court may prescribe, view the property and hear the evidence which either party may offer, and they, or a majority of them, shall then sign and file a report fixing and determining the value of the property or right sought to be acquired. Either party may, within 10 days after the filing of the report, file objections or exceptions thereto. The court shall consider the report and objections and confirm or modify the same, or make such other appropriate order as it shall deem proper. The court shall, at the conclusion of the proceeding, enter an order fixing and determining the amount which shall be paid to the owner of said property as just compensation for the taking thereof, which order shall be final and binding upon both parties.

Upon the filing of exceptions or objections to the report of said commissioners by the party or parties owning or having an interest in the lands, rights of way, flowage rights, easements, and improvements sought to be condemned in such proceeding, the Mississippi Valley Flood Control Commission shall have the right to take immediate possession of said lands, rights of way, flowage rights, easements, and improvements to the extent of the interest to be acquired and to proceed with the work herein authorized: *Provided*, That the court in which such proceeding shall be pending shall be satisfied that certain and adequate provisions shall have been made for the payment of just compensation to the party or parties entitled thereto by previous appropriations of the United States.

In every case the proceedings in condemnation shall be diligently prosecuted on the part of the United States in order that just compensation may be promptly ascertained and paid. All proceedings for the condemnation aforesaid shall be in accordance, except as herein provided, with the act of Congress of August 1, 1888, entitled "An act to authorize condemnation of land for sites of public buildings, and for other purposes."

SEC. 13. The commission is hereby authorized and directed to proceed at once with the work authorized by this act, including the enlarging, raising, strengthening, reinforcing, relocating, and reconstructing of existing levees as may be necessary to control the destructive flood waters of the Mississippi River and its tributaries and outlets, in so far as said tributaries and outlets are affected by the flood waters of the Mississippi River.

SEC. 14. And for the purpose of assisting in the control of the destructive flood waters, and supplementary to the system of levees, the commission is hereby authorized and directed to prepare such plans for flood control, and so locate, relocate, raise, strengthen, construct, or reconstruct the levees, and so construct spillways, flood ways, diversion channels, storage basins, or reservoirs, that the flood waters of the Mississippi River be confined, controlled, regulated, and carried safely through such flood-control works from Cape Girardeau, Mo., to the Gulf of Mexico, and the flood-control works shall be of such type and capacity that sufficient of the flood waters shall be diverted from the main channel thereof so the flood crest thereof shall not hereafter exceed 19 feet on the Carrollton gauge at New Orleans, La., 58 feet on the gauge at Arkansas City, Ark., and 54 feet on the gauge at Cairo, Ill.

SEC. 15. The Mississippi Valley Flood Control Commission shall cause to be made an economic survey of the area involved in the flood-control project to ascertain the effect of the additional flood-control protection herein provided on said area and report its findings to the President, who shall transmit the same to Congress.

SEC. 16. The President is hereby authorized and directed to proceed at once to cause the investigation and study, either by the Mississippi Valley Flood Control Commission, the Chief of Engineers, or other agency, of all watersheds within the Mississippi Basin producing floods destructive to life and property or which obstruct interstate commerce and cause interruption of the United States mails, utilizing in said studies all available data, reports, and surveys, including the surveys and reports thereon authorized by the act approved January 21, 1927. Reports of said studies shall be transmitted to Congress as soon as practicable and from time to time as the studies shall be completed, with a view to the adoption of plans for the control of the destructive flood waters in said Mississippi Valley, which reports shall also contain a statement of (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of water power; (d) such other uses as may be properly related to or coordinated with the project; (e) what Federal interest, if any, is involved in the proposed improvement; (f) what share of the expense, if any, should be borne by the United States; and (g) the advisability of adopting the project.

SEC. 17. The President shall at once proceed to ascertain, through the Mississippi Valley Flood Control Commission, or other agencies, the extent to which floods in the lower Mississippi Valley may be controlled by a reservoir system. All such agencies in their investigations shall, so far as they reasonably can, invite the helpful aid of State engineers, university and technical men, and State officials. The studies shall include such questions as: The effect on the subject of flood control in the lower Mississippi River to be attained through the control of flood waters in the drainage basins of its tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation, agriculture, and power from the prevention of erosion and siltage entering the streams; a determination of the capacities of the soils of the district to receive and hold waters from such reservoirs; and such kindred questions. It shall also further inquire as to what additional benefits may accrue from such reservoir system, the prospective income from the disposal of such waters, including both agriculture and power; it shall inquire as to the return-flow value of waters placed in the soils from reservoirs, as to their stabilizing effect on stream flow as a means of preventing erosion and silting and improving navigation conditions, and shall determine to what extent reservoired waters may be available for municipal and domestic uses and to what extent reimbursive; it shall report as to the approximate cost of each proposed reservoir and its capacity and shall give specific reasons for acceptance or rejection of any proposed reservoir site.

As soon as the studies of reservoirs, singly or in groups, provided for in the foregoing section, shall have been completed and approved by the commission or other agency, with definite estimates of cost and working data, they shall be reported by said commission or agency to the President of the United States, together with all related findings and conclusions, and on his order to such effect said commission or other agency shall proceed with the construction thereof as soon as money shall be available for such purposes, either by the letting of contracts or by Government construction: *Provided*, The conclusion reached by the President shall be that such construction will have a substantial and beneficial influence in the control of floods on the navigable waters of the lower Mississippi Valley, and is, in his opinion, economically justifiable.

On completion of any reservoir or reservoirs, so constructed, the Secretary of the Interior shall have authority to dispose of any impounded waters, under rules made by him and approved by the President, and may further enter into negotiations for the purpose of disposal of reservoirs themselves, always retaining, however, at all times, authority to direct the impounding and the emptying of the water in such reservoirs. Tentative agreements for the sale of any reservoir shall be submitted to Congress and be approved by law before final sale thereof is made.

SEC. 18. To carry out the purposes of this act, the President and the commission are hereby authorized to utilize the engineering, scientific, and constructive services of the bureaus, boards, and commissions of the several Government departments of the United States, and commissions created by Congress that relate to the study, development, or control of rivers and subjects related thereto.

SEC. 19. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $473,000,000, or so much thereof as may be necessary to carry out the provisions of this act, and in order to provide the funds necessary to carry out the provisions of this act, the President is hereby authorized, when the condition of the Treasury necessitates so doing, and if he deems it advisable, to exercise, through the Secretary of the Treasury, the authority granted by the various Liberty bond acts and the Victory Liberty loan act, as amended and supplemented, to issue bonds, notes, and certificates of indebtedness of the United States; and any bonds so issued shall be disregarded in computing the maximum amount of bonds authorized by section 1 of the second Liberty bond act, as amended.

Amend the title so as to read: "A bill to provide a comprehensive system of flood control of the Mississippi River in its alluvial valley, and for other purposes."

2. SYNOPSIS OF THE BILL AS AMENDED

Section 1 authorizes the President, through a new commission to be appointed by him, to construct flood-control works consisting of levees, controlled and regulated spillways, flood ways, storage basins, and reservoirs and appurtenances thereto, to pass destructive flood waters of the Mississippi River safely from Cape Girardeau, Mo, to the Gulf of Mexico without local contribution, utilizing the present levee system as a basis.

Section 2 authorizes the President to appoint the Mississippi Valley Flood Control Commission, to exist until the completion of the project only, composed of seven members, who must devote their entire time to the duties of the commission, and four of whom shall be engineers; authorizes the President to fix their salaries, and authorizes employment of Army or civilian en-

gineers and all assistants, and provides for the procedure of the commission.

Section 3 directs the commission to turn over to the Chief of Engineers all records, etc., on completion of the project.

Section 4 cedes the flood-control jurisdiction and river improvement work of the Mississippi River Commission to the Mississippi Valley Flood Control Commission.

Section 5 provides for the transfer of all records and property to the Mississippi Valley Flood Control Commission from the Mississippi River Commission; provides for the use by the Mississippi Valley Flood Control Commission of all flood-control records of the Chief of Engineers of the Army, and makes available to the Chief of Engineers all flood-control records of the Mississippi Valley Flood Control Commission.

Section 6 abolishes the Mississippi River Commission upon organization of the new commission.

Section 7 places the exclusive control of the flood-control works in the Mississippi Valley Flood Control Commission and provides for surveys and for the employment and pay of all necessary assistants.

Section 8 authorizes the construction of all flood-control works by hired labor or otherwise, and provides for the acquirement of all necessary property, equipment, and flowage rights.

Section 9 authorizes the commission to acquire necessary real estate or interest therein by purchase, by donation, or by condemnation proceedings.

Section 10 authorizes the commission to obtain necessary property through levee districts or other agencies.

Section 11 confers on commission power to enter upon and acquire lands for flood-control purposes.

Section 12 authorizes condemnation proceedings by the commission, through the Attorney General of the United States, to acquire necessary land for flood-control purposes, and the payment of just compensation for the property taken with authority to enter upon necessary lands to be condemned after court proceedings have been instituted and under certain conditions.

Section 13 directs the commission to proceed at once to enlarge, raise, strengthen, reinforce, relocate, and reconstruct existing levees to control the destructive flood waters of the Mississippi River.

Section 14 provides, in addition to system of levees, for the control of the destructive flood waters by spillways, flood ways, diversion channels, storage basins, and reservoirs.

Section 15 provides for an economic survey of the area involved in the flood-control project to ascertain the effect of the additional flood-control protection, and report of its findings to the President, who shall transmit the same to Congress.

Section 16 authorizes the investigation and study of watersheds within the Mississippi Basin producing destructive floods, all available data, reports, and surveys to be utilized in said study, including the surveys and reports authorized by Congress in the act of January 21, 1927, and provides that the report shall include information as now provided for in the present flood control act.

Section 17 provides for a comprehensive reservoir survey to ascertain the extent to which floods in the lower Mississippi Valley may be controlled by a reservoir system; report to contain valuable information on kindred subjects, and provides for their use if economically justifiable, in the opinion of the President.

Section 18 authorizes the commission to utilize engineering, scientific, and constructive services of all Government departments and commissions that relate to the study, development, or control of the rivers or subjects related thereto.

Section 19 authorizes the appropriation of $473,000,000, or such sums as may be necessary to carry out the provisions of the act, and in the event the condition of the Treasury necessitates so doing, the President is authorized to issue bonds up to that amount.

3. EXPLANATION OF PROVISIONS OF THE BILL AS AMENDED

Section 1

The bill in its amended form as reported by the committee provides in a general way in section 1 that "for the sole purpose of aiding interstate commerce, preventing interruptions to the United States mails, promoting the general welfare and national defense, and for the security of life and property in the lower Mississippi Valley from the destructive flood waters of the Mississippi River" the President shall through a commission, to be known as the "Mississippi Valley Flood Control Commission," construct certain flood-control works "without local contributions" as will control the greatest floods heretofore recorded or which may be reasonably anticipated. The section refers to a "comprehensive system of flood-control works" in which there is authorization to include levees, controlled and regulated spillways, flood ways, storage basins and reservoirs, and appurtenances thereto, as are in the judgment of the President and commission necessary or economically advisable so as to reduce the volume of water in the main trunk of the river between Cape Girardeau and the Gulf to certain stages set out in later sections of the bill. It further allows this new commission to utilize in such work whatever has been heretofore performed by the Mississippi River Commission or any other agency for the control of floods or improvement of the river.

In section 1 there are in a general way the complete provisions of the bill, with the exception of the appropriation further on provided. In section 1 is outlined (1) the executive authority for the construction of the flood works, (2) the financial or economic policy to be pursued, and (3) the engineering features which the committee recommends. It must be borne in mind that whatever arguments are herein contained can be justified by reference to the printed record of the hearings and in the addenda which is attached to the report. A report of this character must of necessity be incomplete and the committee feels justified, after its prolonged investigation of the subject matter, not only in inviting attention to its report, but in requesting likewise a perusal of the record of the hearings, and especially the excerpts from the same contained in this report.

In a situation like this it is proper to place upon the President the responsibility for and to confer upon him the authority to construct the flood-control works in the lower valley designed to prevent these great periodical economic losses and interruptions to commerce and the business of the Nation. There is provided in the bill an agency through which the President is to accomplish the work, to which more detailed reference will be made further on in the report. No restrictions are placed upon the President in the free execution of the task and the legislation recommended contemplates that the Chief Executive shall finally be the judge of what is or is not to be done. In this respect the legislation follows closely the precedent and policy established by the Congress in providing for the construction of the Panama Canal.

The control of floods upon the lower Mississippi has been generally admitted to be a gigantic undertaking. If the Congress is to deal adequately and thoroughly with the problem, which holds a yearly threat to the lives and property of so many American citizens, it should authorize the President to do whatever is necessary to accomplish the end sought. The United States of America has expended hundreds of millions of dollars in the rehabilitation and rescue of foreign nations and has spared neither effort nor money in the thorough accomplishment of this work. In dealing with the lives and happiness of our own citizens the Congress should not do less than it would for others.

Section 2

This section of the bill provides that the flood-control works shall be constructed "without local contributions." The committee's reasons for this action are very fully set forth heretofore in Chapter III.

This section of the bill follows closely the act creating the Isthmian Canal Commission, the organization used in the planning of the construction of the Panama Canal.

The bill adopts no specific engineering plan, merely investing the commission with the authority necessary to do the work.

This is not only the wisest thing to do, but is the only thing that could be done in view of the evidence presented to the committee, different governmental agencies having proposed different engineering plans to do the same work.

There was a wide divergence between the plan submitted by the Chief of Engineers, General Jadwin, and that of the Mississippi River Commission, the duly authorized agency established by Congress to prepare flood-control plans. General Jadwin's plan also differed widely from the reports of the several subordinate boards established to investigate certain phases of the problem. The committee, therefore, had before it no well-defined and comprehensive plan upon which there was anything like unanimity of opinion. In fact, there was not a single outstanding engineer that would approve the Jadwin plan in its entirety, and scores of levee engineers with years of actual experience on the river refused to approve many of the engineering features suggested by General Jadwin and denounced it as impractical, unscientific, and surely doomed to failure.

Therefore the committee decided to give the President the authority, through a new commission to be appointed by him, to formulate plans for and then to construct a comprehensive and adequate system of flood control for the lower Mississippi Valley, utilizing the present levee system as a basis and employ-

ing such spillways, flood ways, storage basins, and reservoirs as, in their judgment, might be found necessary, in order to pass the flood waters safely from Cape Girardeau, Mo., to the Gulf of Mexico.

This commission will be able to take the several engineering plans which have been devised, study them, reconcile the differences, and finally adopt a matured and well-considered plan which will insure the desired result, the prevention of another such disaster as that of 1927.

It would be impossible for a committee of laymen to pass upon the merits of highly technical engineering features, such as are embodied in the Army engineers' plan. The new commission will be at liberty to adopt General Jadwin's plan in its entirety if it believes that the plan is sound and should be followed, or it may adopt certain features of General Jadwin's plan and certain features of the plan recommended by the Mississippi River Commission. The committee's reasons for not adopting the plan submitted by General Jadwin or the Mississippi River Commission are more fully set forth in Chapter IV.

It is proposed that the new commission consist of seven members, at least four of whom shall be experienced engineers. Further than this, their qualifications are not prescribed in the bill, under which the President is at liberty to appoint whom he chooses, selecting the personnel from the present Mississippi River Commission, the Corps of Engineers, or from civil life. For a project of the magnitude of this one, and considering its importance to the whole Nation, the commission should unquestionably be composed of outstanding engineers or business leaders who have demonstrated their ability to deal with a big problem in a big way. The Chief of Engineers of the Army would be eligible for appointment to the new commission, and his services ought to be of great assistance to it, either as an active member of the commission or in an advisory capacity.

The commissioners are to devote their entire time to the duties of the commission, and they are to receive such compensation as the President may determine, until it is otherwise fixed by Congress.

The salaries to be paid the members of the commission should be sufficiently large to attract the best, most experienced, and capable engineers and business men in the country.

One of the handicaps under which the Mississippi River Commission has labored in the past, as brought out in the testimony before the committee, is that its members have been charged with so many duties it has been impossible for them to give the time and attention to the work of the commission which it should have received. This is particularly true with reference to the three Army engineer officers, Colonel Potter, Colonel Schulz, and Colonel Kutz. Each of these officers is now a division engineer of the United States Army in charge of a great many different projects and burdened with a myriad of details. It is physically impossible for them to devote any great portion of their time to the problem of the Mississippi.

Another handicap to the smooth and efficient working of the commission has been that under the present law an Army engineer officer is allowed to serve only four years on one assignment. This has caused a constant changing in the personnel of the commission, which has interfered with the carrying out of their plans and projects. To remedy this condition, the bill provides in this section that the members of the commission shall serve until the project is completed, unless sooner removed by the President. In this way a commission will be provided which will be able to carry on the work without unnecessary changes in personnel, and the experience gained by the members in the progress of the work will not be lost through the appointment of new and inexperienced members every few years.

The President, of course, under the language of this section is given the right, in his discretion, to remove any of the commissioners from office at any time, either with or without cause.

The President is also given the authority to employ, in connection with the project, any of the engineers of the Army, any engineers from civil life, and any other persons necessary for the proper and expeditious prosecution of the work. Following the precedent established by the Panama Canal Commission, it is very probable that the Mississippi Valley Flood Control Commission would deem it advantageous to appoint a chief engineer who would have entire charge and direction of the project, and to whom all the subordinate employees would be responsible. This would give the "one-man" control which was advocated by several witnesses who testified before the committee, and would enable the work to be carried on under one directing head, acting, of course, under the general supervision of the commission.

The compensation of the employees of the commission is to be fixed by it, subject to the approval of the President, and the official salary of any Army officer appointed or employed in connection with the project is to be deducted from the salary or compensation which shall be fixed under the terms of the present bill.

The Mississippi Valley Flood Control Commission shall be under the direction and control of the President, and is required to report to him each year, or at such other periods as he may fix, covering all of its official actions, its receipts, and expenditures. The President shall transmit the reports of the commission to Congress, and the commission is further directed to render to Congress, or to either House of Congress, such reports as may be required from time to time by act of Congress, or order of either House or the appropriate committee of either. By this means the President and Congress will be able to keep in close touch with the commission and its work, to enact such additional legislation as may from time to time be found necessary, and keep a close check on the progress made on the project.

The President is directed to have suitable offices provided for the use of the commission, together with such equipment as may be necessary and proper for the discharge of its duties. The location of the headquarters of the commission is not named in the bill, and this is left to the best judgment and discretion of the President. He may deem it advisable to have the commission located at some point on the Mississippi River, or it may be thought more advantageous to have its headquarters in Washington, where close contact could be maintained with the several Government departments. No restriction should be placed on the President in this connection.

The commission is directed to keep a true and correct record of its proceedings. Members of the Mississippi River Commission testified that a great deal of its business has been transacted orally, with no written record kept for future reference. This has made it very difficult to get an accurate estimate of the status of the commission's work on the various parts of the river. A complete, detailed, and accurate written record should be kept of all the business and transactions of the commission in order that correct and comprehensive reports may be made by it to the President and to Congress.

The commission is authorized to make such rules and regulations as may be necessary for the orderly conduct of its duties, subject to the approval of the President. This authority will enable the commission to determine its procedure with reference to the various subjects under its jurisdiction, and to promulgate rules for the information and guidance of all concerned. The commission should have the general authority to determine its procedure without having to secure new legislation covering the matters.

Section 3

The Mississippi Valley Flood Control Commission is directed upon completion of the project authorized in the bill to turn over to the Chief of Engineers of the Army all of its records, property, and equipment. The commission is created in order to carry out and complete this one project of flood control on the lower Mississippi River, and therefore the bill directs that when the project is completed, the commission shall be dissolved and the work shall revert to the Corps of Engineers of the Army.

Section 4

The jurisdiction of the new commission shall be the same as that now exercised by the present Mississippi River Commission, viz, from Rock Island, Ill., to the Head of Passes, on the main channel of the Mississippi River, and on the tributaries of the river so far as they are affected by the flood waters of the river. The new commission is directed to take over and complete all flood-control and river-improvement work now under the jurisdiction of the Mississippi River Commission.

Section 5

The Mississippi River Commission is directed to turn over to the Mississippi Valley Flood Control Commission all of its records, property, and equipment. During the 50 years that the Mississippi River Commission has been in charge of work on the river it has, of course, accumulated much valuable data and information which will be of great assistance to the new commission in carrying on the flood-control project. These records will be immediately available, and from them the new commission will be able to determine the type of flood-control works needed, and begin their construction without unnecessary delay.

All of the records and data in the possession of the Chief of Engineers are to be made available to the commission when their use is necessary in connection with the flood-control project, and, similarly, all records and data in possession of the

commission are to be made available to the Chief of Engineers when necessary for his use in connection with any flood-control work under his direction. In this way, with the interchange of information, a duplication of work will be avoided and each agency having to do with any flood-control work will be able to utilize the results of research and investigations made by the other.

The commission when appointed will have access to all the studies and surveys which have been made by the Corps of Engineers, and should be able quickly to determine upon the character of flood-control works which should be prosecuted. It will not, therefore, be necessary for a new survey or examination to be made by the commission, and its appointment will not cause any material delay in starting the construction of the flood-control works. A commission including competent and skilled engineers should be able to take the reports of the Chief of Engineers, the Mississippi River Commission, and the various subordinate boards, and in a short time work out a definite project.

It is the purpose of this section of the bill to place in the hands of the new commission all available reports, records, and data which will be of any assistance to it in formulating its project.

Section 6

This section abolishes the Mississippi River Commission after the new commission is appointed and organized. It is thought very likely, however, that the President may see fit to utilize the membership of the Mississippi River Commission in connection with the project authorized by the bill, either as members of the new commission or in other capacities. The experience which they have gained, some of them from a long and intimate connection with the problems of the Mississippi River, should make their assistance very useful in connection with carrying out the project. Three of the present members of the Mississippi River Commission are Army officers, and, of course, under the provisions of the bill the President is authorized to employ them in connection with this work.

Section 7

The Mississippi Valley Flood Control Commission is given exclusive control of the location, construction, and maintenance of all flood-control works. One of the elemental weaknesses of the present system has been the divided responsibility. So long as this condition is permitted to continue, no adequate flood protection will ever be afforded. The testimony of the witnesses, who have appeared before the committee, has been unanimous to the effect that only by having one responsible agency in charge of locating, constructing, and maintaining all flood-control works can a comprehensive and coherent system of flood protection be secured. At present, the local levee districts and the Federal Government share in this responsibility, and the result has been an uncompleted system of levees which have resulted in the disasters of the past. The Federal Government has entire charge and control of the river for all purposes of navigation, and should unquestionably have similar authority for flood control.

The commission is directed to make such investigations, studies, and surveys as may be necessary in connection with the project placed under its jurisdiction, and also to employ such assistants as may be necessary and fix their compensation. Certain surveys and studies will probably be necessary from time to time as the work contemplated in the project proceeds, and it is felt that the commission should have full authority to undertake them as it sees fit without further action by Congress. It should also have authority to engage its assistants and to determine their salaries.

Section 8

The President is directed, through the Mississippi Valley flood control commission, to proceed at once to construct and complete the flood-control works and river-improvement works contemplated in the present project, and also those which have been heretofore authorized by existing law. This authorization includes the right to have the works constructed either by hired labor or otherwise, which empowers the commission to enter into contracts for their construction, in its discretion.

The commission is authorized to acquire, in the name of the United States, any equipment or property which may be necessary to complete the project, and also to acquire any or all real estate, including rights of way, flowage rights, or flood ways, or other property or rights or such interest therein or uses thereof as may be necessary.

The committee feels that the commission charged with the execution of the project should be given the unlimited right, in its judgment, to acquire whatever property or equipment may be required in order to carry out the project, and should not be hampered in any way in the procurement of the same.

Section 9

The commission is authorized to acquire, in the name of the United States, any and all real property or interests therein as in its judgment is necessary to complete the project. Three ways in which this property may be secured are given, as follows:

First. By purchase, whenever the property or interests may be obtained at a price deemed by the commission to be reasonable.

Second. By donation.

Third. By condemnation proceedings.

Section 10

The commission is authorized to repay to any State or subdivision or agency thereof, or any levee district, individual, partnership, corporation, or company, the amount expended by same for any property or interest acquired by them for the purpose of conveying it to the United States, provided this amount does not exceed the fair market value of the property, and, in the opinion of the commission, is reasonable.

This provision will enable local levee districts, or the other classes enumerated, to secure real estate which may be necessary for the prosecution of the flood-control works, and to sell it to the United States. In many instances the local levee districts, being the ones most closely in touch with the situation, will be able to secure the necessary land or other property at a price far below that which the Government itself might have to pay. It is believed by the committee that the levee districts, being primarily interested in securing flood protection, will be glad to assist in the pursuance of the work to this extent.

Section 11

In order that no necessary work may be delayed while awaiting judicial proceedings, the commission is given full power to enter upon any land and to acquire, condemn, occupy, possess, and use it when needed for the location, construction, operation, or maintenance of flood-control works.

Section 12

This section outlines the procedure which shall be followed in acquiring the necessary property by condemnation proceedings, and has been very carefully drawn after consultation with a representative of the Department of Justice. The condemnation proceedings are to be under the direction of the Attorney General and are to be conducted in the appropriate district court of the United States.

In order to ascertain the compensation which should be paid to the owner of the property the court is directed to appoint three commissioners who shall be competent and disinterested appraisers. In this provision the bill follows the provisions of the act with reference to acquiring the land for the Algiers Naval Station at New Orleans. The appraisers are to be sworn to the faithful performance of their duty and are directed to view the property and hear the evidence which either the United States or the property owner may offer, under such rules as the court may prescribe. The appraisers, or a majority of them, then sign and file in the court a report fixing the value of the property or right sought to be acquired. Either party is given the right, within 10 days after the filing of the report, to file objections or exceptions thereto. The court then considers the report and objections and either confirms or modifies the same or makes such other appropriate order as it shall deem proper. At the conclusion of the proceeding the court shall enter an order fixing the amount which shall be paid to the owner of the property as just compensation for its taking. This order shall be final and binding upon both parties.

The Mississippi Valley flood control commission is given the right to take immediate possession of any property when exceptions or objections to the report of the commissioners are filed by the property owner, and to proceed with the flood-control work authorized by the present bill, provided that the court shall be satisfied that certain and adequate provisions shall have been made for the payment of just compensation to the property owner by previous appropriations made by the United States.

The bill directs that all condemnation proceedings shall be diligently undertaken on the part of the United States in order that just compensation may be promptly ascertained and paid.

All condemnation proceedings authorized under this bill are to be in accordance with the general law governing the condemnation of land, except as modified or changed by the bill.

Section 13

The commission is directed to proceed at once with the work contemplated in the present project, which shall also include the enlarging, raising, strengthening, reinforcing, relocating, and reconstructing of the existing levees as may be necessary

to control the destructive flood waters of the Mississippi River and its tributaries and outlets in so far as the said tributaries and outlets are affected by the flood waters of the Mississippi River.

The commission is directed to proceed at once with the work contemplated in the present project, which shall also include the enlarging, raising, strengthening, reinforcing, relocating, and reconstructing of the existing levees as may be necessary to control the destructive flood waters of the Mississippi River and its tributaries and outlets in so far as the said tributaries and outlets are affected by the flood waters of the Mississippi River.

This provision takes in the tributaries of the Mississippi to the extent of the present jurisdiction of the Mississippi River Commission, and gives the commission full power and authority to do whatever is necessary to have the levees brought up to the height and size which will make them effective for the purpose of protection against the floods.

Section 14

In addition to the system of levees at present existing, the commission is directed to prepare such plans for flood control and to construct such additional levees as may be necessary to control the destructive flood waters. The commission is also given full power and authority to construct spillways, flood ways, diversion channels, storage basins, or reservoirs, in order that the flood waters of the Mississippi River shall be confined, controlled, regulated, and carried safely through the flood-control works which are to be built between Cape Girardeau, Mo., and the Gulf of Mexico.

The flood-control works shall be of such type and capacity that sufficient of the flood waters shall be diverted from the main channel of the river so that the flood crest shall not hereafter exceed the following stages on the gauges listed: 19 feet on the Carrollton gauge at New Orleans, La.; 58 feet on the gauge at Arkansas City, Ark.; 54 feet on the gauge at Cairo, Ill.

HOW GAUGE HEIGHTS WERE FIXED

The Jadwin report and the Mississippi River Commission report state that the "levees only" policy is abandoned and that the future necessity is to keep flood heights down to safe heights by use of spillways and diversion channels. Under the Jadwin plan with such small amount of freeboard in order that the levees may be kept from breaking, gauge heights are fixed in the bill at three cardinal points which, according to General Jadwin's testimony (p. 3680), are sufficient on which to base operation of discharges. Under the Jadwin plan the water at Cairo is to be discharged into the flood way when the water reaches 55 feet, in the bill it is directed to be discharged when the crest reaches 54 feet; at Arkansas City under the Jadwin plan discharges into the Boeuf Basin flood way at 60.5 feet, in the bill at 58 feet; at New Orleans the Jadwin plan discharges the flood at 20 feet, in the bill at 19 feet. Where such a great calamity might ensue the committee decided no unnecessary chances should be taken so it fixed the flood crests as indicated, which are reasonable in view of the last flood.

JADWIN PLAN

Water begins to spill over the levee into the Bird Point-New Madrid flood way at elevation of 55 on the Cairo gauge. (Par. 125, Jadwin report.)

Water begins to go over the top of the fuse-plug levee into the Boeuf flood way at elevation 60.5 on the Arkansas City gauge. (Par. 117, Jadwin report.)

Over the fuse-plug levee at the head of the Atchafalaya flood way at elevation 57.5 on the Angola gauge. (Pars. 101 and 109, Jadwin report.)

Crest of the Bonnet Carre spillway placed at 20 feet above mean Gulf level equivalent to about 15 on the Carrollton gauge, but not to be opened unless the Carrollton gauge will go above a stage of 20 feet. (Par. 115, Jadwin report.)

MISSISSIPPI RIVER COMMISSION PLAN

The Mississippi River Commission provides for no diversion between Cape Girardeau and the mouth of the Arkansas.

Provides 600,000 cubic feet per second diversion through the Boeuf diversion, which will begin discharging as soon as the water reaches the elevation of the spillway crest, or 54.4 on the Arkansas City gauge. Expected to control the height of water at Arkansas City to 66.4, which without spillway would go to a stage of 74.5. (Par. 244, Mississippi River Commission report.)

Mississippi River Commission plans to let 980,000 cubic feet per second into the Atchafalaya flood way by the removal of the levees at the head of the flood way (par. 48, spillway board report), presumably to the elevation of the ground surface, which is equivalent to 47.5 feet on the Angola gauge. (This elevation not given in either report, but is taken from maps.) The diversion is expected to hold the gauge at Angola to 60, which otherwise would go to 65.5. (Spillway board report, par. 77.)

Section 15

In order that Congress may be in possession of all the facts necessary in order to determine any adjustment to be made in the future in the proportion of the cost of the flood-control works to be borne by the United States the commission is directed to have an economic survey made of the area involved in this project, and to report its findings to the President, who shall transmit them to Congress.

It is the belief of the committee that this survey will disclose that there will be no increase in the value of the lands in the Mississippi Valley because of the added protection which may be afforded by the flood-control works, and that it will show the people in the lower valley are wholly unable to bear any additional burdens. The commencement of the work, however, should not be delayed until this survey is completed, but should be promptly begun and vigorously prosecuted. If the survey should reveal that there should be some different apportionment of the cost of the work, it can be done by future legislation.

Section 16

It is conceded by all that every drop of water which falls in the Mississippi Basin should be taken into consideration in devising a comprehensive and adequate system of flood control for the lower Mississippi River. The testimony before the committee shows that there never has been a complete survey of all that vast territory which stretches from the Allegheny to the Rocky Mountains. Before it can be said that the study of the problem is complete there must be a survey of all the streams tributary to the Mississippi, which are the contributing factor to the floods on that river.

The rivers and harbors act approved January 21, 1927, authorized surveys of practically every river in the United States, including those in the Mississippi Basin, where power development seemed feasible, the surveys, however, to include also the question of flood control. This section of the present bill, therefore, contains no new authorization, but merely directs that the surveys should consider flood control as a major problem and not incidentally to that of power development.

The President is authorized to utilize whatever agency he sees fit for this survey, either the Mississippi Valley Flood Control Commission, the Chief of Engineers, or any other agency. The investigation is directed to be made at once and is to include all watersheds within the Mississippi Basin producing floods destructive to life and property or which obstruct interstate commerce and cause interruption of the United States mails. The agency making the survey is directed to utilize in its studies all available data, reports, and surveys, including those authorized by the act of January 21, 1927, referred to above.

Reports of the studies are to be transmitted to Congress as soon as practicable, and where those of particular rivers or areas are completed they are to be submitted from time to time as ready without waiting until the survey of the whole area is finished.

As these reports are received and studied, Congress will be enabled to adopt plans for the control of the destructive flood waters in the Mississippi Valley, in addition to the project authorized in this bill, if it should be deemed necessary or advisable.

The reports of the studies and investigations shall contain the following information and data:

First. The extent and character of the area to be affected by the proposed movement.

Second. The probable effect upon any navigable water or waterways.

Third. The possible economical development and utilization of water power.

Fourth. Such other uses as may be properly related to or coordinated with the project.

Fifth. What Federal interests, if any, is involved in the proposed improvement.

Sixth. What share of the expense, if any, should be borne by the United States.

Seventh. The advisability of adopting the project.

This is the same provision which is contained in the present flood control act with reference to reports submitted on surveys authorized in accordance with that act.

Section 17

Many students of the flood-control problem have for years maintained that the ideal system of flood control is the building of reservoirs at the headwaters of the tributaries of the Mississippi, storing the flood waters at their source, and thereby preventing them from entering the main channel below and

filling it to overflowing. The committee received a great deal of testimony with reference to this theory, particularly with regard to the possibility of the economical utilization of the waters of the Missouri River and the other streams in that vast strip of country lying west of the Mississippi and north of the Arkansas. The committee feels that no adequate study has ever been made of this phase of the subject and that it should receive further and more extended consideration.

The bill, therefore, in this section provides for the investigation of the reservoir system of flood control by the Mississippi Valley Flood Control Commission, or other agencies, in the President's discretion, which are authorized, so far as they reasonably can, to invite the helpful aid of State engineers, university and technical men, and State officials.

The studies shall include such questions as the following:

First. The effect on the subject of flood control in the lower Mississippi River to be attained through the control of flood waters in the drainage basin of its tributaries by the establishment of a reservoir system.

Second. The benefits which may accrue to navigation, agriculture, and power from the prevention of erosion and siltage entering the streams.

Third. A determination of the capacities of the soils of the district to receive and hold waters from such reservoirs.

Fourth. Kindred questions.

Fifth. What additional benefits may accrue from such reservoir system.

Sixth. The prospective income from the disposal of such waters, including both agriculture and power.

Seventh. The return-flow value of waters placed in the soils from reservoirs.

Eighth. Their stabilizing effect on stream flow as a means of preventing erosion and silting, and of improving navigation conditions.

Ninth. To what extent reservoired waters may be available for the municipal and domestic uses and to what extent reimbursive.

Tenth. The approximate cost of each proposed reservoir and its capacity.

Eleventh. Specific reasons for acceptance or rejection of any proposed reservoir site.

The commission, or other agency which may be charged with the work, is directed, as soon as the studies of the reservoirs are completed and approved, either singly or in groups, to submit a report thereon to the President, together with definite estimates of cost, working data, and all related findings and conclusions.

If the President reaches the conclusion that the construction of any of the reservoirs reported on would have a substantial and beneficial influence in controlling the floods on the navigable waterways of the lower Mississippi Valley and is economically justifiable, he is authorized to issue an order directing the commission, or other agency, to proceed with their construction as soon as appropriations are available for the purpose. The commission may have the reservoirs constructed under its own supervision or may let contracts therefor.

These provisions of the bill will provide for the adoption of the reservoir system of flood control, so strenuously advocated by close students of the subject for many years, if the results of the studies directed to be made should disclose that its adoption is economically feasible.

The Secretary of the Interior is given the authority, upon the completion of any reservoir, to dispose of the impounded waters under rules which he may make and which shall be approved by the President. This would permit the use of the waters in the reservoirs for purposes of irrigation or power, and the revenue to be derived thereby would largely offset the cost of their construction.

The Secretary of the Interior is given the further power to enter into negotiations for the purpose of selling the reservoirs themselves, but he is directed to retain at all times authority to direct the impounding and the emptying of the waters, so that their use for purposes of flood control may never be interfered with injuriously. Only tentative agreements for the sale of the reservoirs may be entered into by the Secretary, the approval of Congress being required to be given by law before final sale is made.

The committee's reasons for the inclusion of this section of the bill are more fully set forth in Chapter VIII.

Section 18

In order that all the resources of the Government may be utilized in carrying out the project for the control of the floods on the lower Mississippi River, the President and the Mississippi Valley Flood Control Commission are authorized to utilize the engineering, scientific, and constructive services of the bureaus, boards, and commissions of the Government departments, and also the commissions created by Congress that relate to the study, development, or control of rivers and subjects related thereto.

This will permit the coordination of all activities of the various Government departments, will prevent overlapping and duplication of effort, and will insure the best and most economical administration in connection with this vast project.

Section 19

An appropriation of $473,000,000 is authorized to carry out the project. This figure was arrived at by the committee after considering very carefully the estimates of the Mississippi River Commission and General Jadwin, and includes those items which the committee deems essential for the prompt and speedy execution of the project. The items indicated below are those which the committee believes should be undertaken at the earliest possible moment, and the figures given are taken from the reports of General Jadwin and the Mississippi River Commission, as indicated, except certain new items added by the committee as shown:

Items included in appropriation

Bonnet Carre spillway (M. R. C., par. 397)			$11,500,000
Atchafalaya flood way (M. R. C., par. 397)			52,500,000
Cypress Creek diversion (M. R. C., par. 397)			107,000,000
Birds Point-New Madrid river-bank flood way (new; levees included in item $53,900,000):			
Rights of way and damage (in Missouri)	$18,500,000		
Control works on flood way—			
Entrance (controlled inlet)	$9,000,000		
Discharge (controlled outlet)	5,000,000		
		14,000,000	
			32,500,000
Main river levees (Jadwin, par. 137):			
Below Old River		18,700,000	
Red to Arkansas		59,300,000	
Arkansas to Cape Girardeau		53,000,000	
			131,000,000
Main river levees (new):			
Additional levee work to compensate partially for less diversion than is provided for in plan of Army engineers at Cypress Creek			28,100,000
Main river levees (M. R. C., par. 390):			
From Cape Girardeau to Rock Island, Ill			10,500,000
Tributaries' levees (M. R. C., par. 390):			
Northern district	$22,500,000		
First and second districts	10,500,000		
Third district	19,000,000		
Fourth district	21,000,000		
			73,000,000
Mapping (Jadwin, par. 137)			1,000,000
Reservoirs, reforestation, erosion, surveys, and investigations (new)			25,000,000
Total			473,000,000

If this appropriation should be considered by the President to be too large for the condition of the Treasury to warrant at this time, he is authorized, if he deems it advisable, to direct the Secretary of the Treasury to issue bonds to raise the money, acting under the authority of the various Liberty bond acts.

WHY LOCAL CONTRIBUTION WAS ABANDONED

1. To avoid divided responsibility which resulted in weak levees.
2. Impossibility of getting contributions from local interests, as shown by local economic survey.
3. Impossibility of enforcement in times of disaster.
4. United States should have exclusive control to render flood-control system effective.
5. Levee districts are interdependent.
6. Levee tax systems in States in lower Mississippi Valley.

The committee is of the opinion that the "local contribution" policy of the Government should be abandoned and believes that to make the construction of flood-control works dependent upon local contribution will result in the failure of the whole plan and another disaster such as that which appalled the Nation last year might happen. Divided responsibility resulting from the local contribution policy has been the primary cause for the failure of the protective works, and permitted weak levees, which, when they failed, not only flooded their own districts but also brought disasters to the neighboring districts and neighboring States.

A system which permits local interests to build or not to build adequate levees is doomed from the beginning, and there is no way under the law to compel a district to build flood-control works or force the collection of any assessment for the same.

Under the present law, and similar proposed laws, money for flood-control works must come from the levee districts along the

Mississippi River. These levee districts, while authorized by State law, are in no way connected with the State. They get no State funds and they are not permitted to use the credit of the State. Every property in each levee district only pays the amount assessed in legal proceedings, and, of course, it can never amount to more than the certain per cent of the increased value produced by the levee works, but the assessments must be uniform and equal.

If property is already burdened with levee bond issues and is not producing enough to pay past due assessments, there is little hope that they will be able to pay for future assessments, and then, of course, there will be no flood protection if that is made dependent upon local contribution.

There are some who say that there are rich landowners and rich corporations in some of these levee districts that should come to the rescue and put up the money. This might be the case if the United States Government was a beseiging enemy sending word that unless a certain amount of money is forthcoming the city will be destroyed. The day has not yet come in America when we are going to demand tribute for saving the life and property in a community or levy an assessment upon a man to save him from drowning.

The raising of this "local contribution" is not to be likened to taking up a collection for a charitable enterprise, which rich men are expected to make large donations to and poor people small ones, but they must be handled in a legal manner.

The advocates of local contribution fail to take into consideration that the damages are caused by agencies outside of the levee districts or States, and that the damage is not caused by any act or negligence of those suffering from the damage. Under every theory of American law the source of damage and the responsibility therefor is the main factor and the penalty is laid against the party or parties causing the damage.

However, under the local contribution theory, these people that are damaged not only suffer the injury, but also have the additional penalty laid upon them of having to pay the money necessary to prevent the damage from the outside source. The advocates of local contribution practically pay no attention to the "regions from which the flood waters come" and without this, of course, there can be no fair solution of the problem.

Taking into consideration the amount of money already invested by the United States in the levees, the absolute necessity of levees in navigation, the direct taxes that will flow into the United States Treasury on account of the resumption of normal activities, the prevention of interference with interstate commerce and the delay of the United States mails, the amount of money already contributed by local interests amounting to $292,000,000, the United States can ill afford to do anything else than supply the funds for flood-control works.

A mere reading of the statements of the conditions of the levee districts and the necessity of having a unified, comprehensive system of flood control under one authority, as hereinafter set forth, is sufficient to convince anyone that the position of the committee is justified.

The testimony showed that the local interests have not been able in the past to supply the money necessary to bring the levees up to the 1914 standard grade, and after the flood of 1927 their financial condition is so bad that there is no hope that they will be able to raise any money to apply toward the payment of the costs of the new flood-control works necessary.

1. TO AVOID DIVIDED RESPONSIBILITY WHICH RESULTED IN WEAK LEVEES

LOCAL CONTRIBUTION IS RESPONSIBLE FOR FAILURE OF PRESENT LEVEE SYSTEM

Colonel Potter testifies that some levee breaks resulted from the inability of local districts to pay a share of the expense of levee construction:

Colonel Potter on local contributions

(P. 2240)

The CHAIRMAN. Did each one of them have a crevasse?

Colonel POTTER. I really do not know as to two crevasses. I do not know whether they were both in one district or one in each district, but the two districts are there together, and I never thought to look to see which district the crevasse was in.

The CHAIRMAN. Did they ask you for money that you could not supply?

Colonel POTTER. No, sir; we gave them money which they could not meet.

The CHAIRMAN. And consequently the work is not done?

Colonel POTTER. Consequently the work is not done; no, sir.

Commissioner West shares the opinion of Colonel Potter that it would be almost impossible to get contributions from the districts below Helena, Ark.:

(P. 3054)

The CHAIRMAN. Now, will you tell the committee; can you conceive of a community in any one of the levee districts being reconciled to permitting a crevasse-breached levee to remain unconstructed, if that particular community or district had the necessary funds available for the reconstruction of that levee?

Mr. WEST. Oh, unquestionably they would make every effort to close the crevasses.

The CHAIRMAN. And if they could raise the funds they would do so, would they not?

Mr. WEST. They certainly would.

The CHAIRMAN. They certainly would not permit the crevasse to stay there?

Mr. WEST. No.

The CHAIRMAN. If they could possibly raise the money.

Mr. WEST. Oh, no; it is inconceivable that they would do a thing of that kind.

The CHAIRMAN. All right. Now, in the testimony given by Colonel Potter with reference to expenditures—or rather with reference to the expenditure of the coming allotment of $10,000,000 provided by the flood control act, which money will become available this winter—he stated that it would be almost impossible to get the necessary contributions from the districts below Helena and he doubted if this contribution could be gotten from any except a very few districts below Cairo. Is this opinion of Colonel Potter shared by the rest of the members of the Mississippi River Commission, including yourself?

Mr. WEST. It is by me. Of course, I can not speak for the other members.

Any plan which is constructed around the idea that local interests must contribute, even if financially unable to do so, is, in the opinion of Commissioner West, "a paper plan" only, doomed to certain failure:

Mr. West on local contributions

(P. 3069)

Mr. Cox. There are districts which you know have been unable to cooperate to the extent of making their contribution?

Mr. WEST. Yes; many times.

Mr. Cox. And that has resulted in your being unable to execute your plan, has it not?

Mr. WEST. It has.

Mr. Cox. Measures dictated by your judgment, or by the judgment of the commission, you have not been able to put into effect, because of that inability to cooperate?

Mr. WEST. Quite frequently that has occurred; yes, sir.

* * * * * * *

Mr. Cox. Yes. If they have been unable to contribute in the past, it is fair to assume that now, even now they are unable to contribute, is it not?

Mr. WEST. Far less able now than in the past; yes, sir.

Mr. Cox. Yes. And to enforce a provision of that kind would, in effect, be penalizing their poverty, would it not?

Mr. WEST. Well, if what we are told by many of the representatives of the various basins, who are the best informed, is true, it would be impossible.

Mr. Cox. It would be impossible?

Mr. WEST. Yes.

Mr. Cox. And the condition that had existed in the past would continue hereafter, if that was a provision of the law, would it?

Mr. WEST. Well, if you made that a provision of the law and these people are at all honest—and I believe that they are absolutely honest—you would simply have a paper plan; you would never have that plan transferred to the ground.

Mr. Cox. Well, in the interest, then, of control, no such provision should be incorporated into the law; should it?

Mr. WEST. No——

Mr. Cox. Is that not true?

Mr. WEST. Not if you are in earnest about carrying the provision into execution.

And according to Mr. West, the system requiring local contributions has made an unequal partnership with "too many small partners of varying strength and disposition" and has now caused a delay of three years in the execution of work under way:

(P. 3068)

Mr. Cox. Assuming that the Congress would have granted or would have appropriated all of the money that the commission might have needed, do you not agree that the weakness in the law under which we have been operating has been the provision requiring local contribution?

Mr. WEST. Yes, sir. Otherwise, the plans that are three years short of completion under the present law, if money had been placed in the hands of the commission, could have been completed.

Mr. COX. Then that provision is the vice of the law, is it?

Mr. WEST. Sir?

Mr. COX. That is the weakness in the law, is it not?

Mr. WEST. Yes; too many small partners of varying strength and disposition, to cooperate with the main controlling partner.

2. IMPOSSIBILITY OF GETTING CONTRIBUTIONS FROM LOCAL INTERESTS, AS SHOWN BY LOCAL ECONOMIC SURVEY

INABILITY OF LEVEE DISTRICTS TO CONTRIBUTE FURTHER

The testimony given in the hearings established the fact that those districts in which the greatest damage was done, and in which the people are most in need of aid, are the districts in which the people are least able to contribute to the cost of flood control. The sparsely settled agricultural districts, given over to plantations where cotton and cane are the principal products, were so overwhelmingly ruined that years will be required for their rehabilitation.

In some of those districts the bonded public debt, representing previous local expenditures for flood control, runs as high as three-fourths of the assessed valuation of the districts; and in other districts it will be found that the total liens and liabilities against the property of the districts, including the bonded public debt, and real estate mortgages against private property, exceed the total valuation of the property of the district available for assessment for taxes or benefits.

Many public officials testified that their districts have reached the limits of bonding and taxation under present laws, and that it will be absolutely impossible for them to participate in any plan for flood control which contemplates that they shall bear any part of the financial burden. They have the spirit and the courage to put themselves in to the extent of their ability, to fight the elements in order to win back their homes, but of goods, wares, and merchandise they have none, having reached the point where individual credit and public credit are alike ruined.

Not only did the mighty flood sweep away their homes, their cattle, and their tools and implements, but the water remained on the ground for so long a time thereafter that there was no opportunity for them to plant crops during the year. Under these depressing circumstances, it is no wonder that districts defaulted in the payment of interest on their outstanding bonds, the records of which will be found in the hearings, and that individuals could not meet the payments of principal and interest provided for in their mortgages.

This situation involved the merchants of these districts and also the local banks upon which the planters and merchants rely for financing from one season until the next. Every bank in one of the counties in Arkansas had failed as a result of the dreadful conditions brought about by the flood and the consequent failure of crops. How can it be expected that these people, without money and without credit, shall contribute to the great expense of establishing additional flood control?

Aside from the economic survey made through officials in the levee districts, hereinafter shown, the committee also received communications from mayors of cities, public officials, bankers, merchants, and scores of people generally throughout the districts affected, all testifying to the fact that the people in those districts have been bled white by taxation to provide the $292,000,000 already expended by the taxpayers in the lower valley on levees for flood control. They submit that these expenditures have reduced them in many districts to a condition of insolvency. They say they have exhausted their credit, both public and private, and ask if they may be relieved from any further burden at this time in protecting them from the floods which periodically descend upon them. The details of their unfortunate situation appear in the communications which follow hereafter.

The statements following show the financial status of each district; the extent of the damage it suffered from the record flood of 1927; the ability of each district to produce crops, and thereby contribute to its own rehabilitation; and a consideration of the question of how much, if anything, could be contributed by each district toward the cost of adequate protection. Nobody questions the veracity or integrity of the officials making these reports.

FACTS SHOWING LEVEE DISTRICTS ARE UNABLE TO CONTRIBUTE ANYTHING FURTHER TO FLOOD-CONTROL WORKS

A questionnaire was sent to each levee district on the Mississippi River by the chairman of the Flood Control Committee. Subsequently information as to the general conditions of the people in the levee districts was requested from officials and business men.

The following replies to the questionnaire and letter were received.

The losses set out below do not include any estimate of losses arising from suspension of busines activities nor do they include sums spent by the various States and political subdivisions thereof on attempted protection work. Losses of railroad, telegraph, and telephone companies are not included.

The page numbers listed below refer to the detailed statements concerning the levee districts which appear at the end of this chapter:

Scott County levee district, Missouri: The public bonds and real-estate mortgages equal to more than three-fourths of total assessed valuation. Unable to pay interest on public debt this year. Only half the farmers can raise money to plant 1928 crops. Unable to raise funds to contribute (p. 36).

Levee district No. 3 of Mississippi County, Mo.: The public bonds and real-estate mortgages equal to about four-fifths of total assessed valuation. District's sinking fund wiped out by bank failures resulting from 1927 flood. Jadwin plan would wreck the district both physically and financially (p. 37).

St. John levee and drainage district, Missouri: Outstanding public bonds and real-estate mortgages aggregate about $13,482,038; assessed valuation, $8,647,674. Tax delinquencies greatest in history. Schools forced to curtail terms. District defaulted payment on bonds and interest for 1927. If flood control depends upon local contribution, then can hope for no protection because can not pay (p. 37).

St. Francis levee district, Missouri: Outstanding public bonds and real-estate mortgages, $22,329,700; assessed valuation, $18,000,000; flood losses in 1927, $3,414,775. Can not market additional public bonds. Farmers unable to borrow any more. Burden of taxes to combat flood run from $2.50 to $3 per acre. Could not stand further assessment for flood control (p. 38).

St. Francis levee district, Arkansas: One hundred and sixty-five miles of levee. Outstanding public bonds and real-estate mortgages, $53,686,000; assessed valuation, $40,000,000. Suffered heavily from floods. Flood losses, 1927, $8,349,684. Red Cross helped many. Revenues insufficient to pay interest or sinking fund reserve on public debt. Can not float any more bonds (p. 39).

Helena improvement district, Arkansas: This is a metropolitan district, solvent, and otherwise in good condition (p. 39).

Cotton Belt levee district, Arkansas: Outstanding public bonds and real-estate mortgages, $5,365,913; assessed valuation, $2,436,862. Can not raise additional funds for flood control because legal limit of bonds has been reached. Red Cross still feeding thousands (p. 39).

Laconia levee district, No. 1, Arkansas: Outstanding public bonds and real-estate mortgages, $565,000; assessed valuation, $320,000. Flooded early in 1927, due directly to inability to finance flood-control works. Further taxation equivalent to confiscation. Practically whole population supported by Red Cross. "Dazed and bewildered" inhabitants will abandon the district unless Government takes over the expense of flood control (p. 40).

Laconia drainage and levee district, Arkansas: Outstanding public bonds and real-estate mortgages, $2,437,075; assessed valuation, $942,459. District has reached the limit of its resources and can not contribute further (p. 41).

Southeast Arkansas levee district, Arkansas: One hundred and forty-seven miles of levee. Outstanding public bonds and real-estate mortgages, $13,571,657; assessed valuation, $12,500,000; 1927 flood losses, $7,211,905. No more bonds can be sold, and income not sufficient to pay current indebtedness. Public bonds represent money spent for protection against floods. Unless Government assumes further burden for flood control district can not pay out. Most of inhabitants fed by the Red Cross (p. 41).

Fifth Louisiana levee district, Louisiana: Two hundred and forty-six miles of levees. Outstanding public bonds and real-estate mortgages, $18,543,986; assessed valuation, $37,141,433. Revenues for next two years pledged. Flood control requiring contribution will not help because resources are pledged, limit of bonded debt reached, and people staggering under taxes and debts (p. 41).

Atchafalaya Basin levee district, Louisiana: Two hundred and seventy miles of levees. Outstanding public bonds and real-estate mortgages, $37,308,350; assessed valuation, $73,000,000. "Sugar Bowl of Louisiana." Thousands unable after 1927 flood to return to homes until August, when it was too late to produce crops. Sixty thousand were rendered homeless by 1927 flood. District has anticipated revenues through 1934, and therefore unable to pay any part of cost of flood control (p. 42).

Lafourche Basin levee district, Louisiana: Outstanding public bonds and real-estate mortgages, $16,933,300; assessed valuation, $42,445,124. District anticipated its 1928 revenue to combat 1927 flood (p. 43).

Lake Borgne Basin levee district, Louisiana: Outstanding public bonds and real-estate mortgages, $5,896,450; assessed valuation, $18,524,132; 1927 flood losses, $5,325,000. District apparently in good condition (p. 43).

Orleans levee district, Louisiana: This is the metropolitan district of New Orleans, and is in good condition (p. 43).

Pontchartrain levee district, Louisiana: Outstanding public bonds and real-estate mortgages, $11,793,865; assessed valuation, $43,243,177. Integrity of 125 miles of levees in this district essential, as break in line in flood time would cover New Orleans from 5 to 10 feet deep (p. 43).

Board of Mississippi Levee Commissioners, Mississippi: One hundred and ninety-eight miles of levee. Outstanding public bonds and real-estate mortgages, $55,291,142; assessed valuation, $62,937,309; 1927 flood losses, $36,011,142. People burdened excessively by taxes, in face of fact they are unable to derive revenue from lands on account of 1927 flood and can not contribute (p. 44).

Yazoo-Mississippi Delta levee district, Mississippi: One hundred and seven miles of levee. Outstanding public bonds and real-estate mortgages, $87,020,000; assessed valuation, $115,000,000; 1927 flood losses, $10,172,440. Has not had a break in its front line of levees for 30 years. Because of terrific losses, people along the river have had difficulty to live, being deprived by flood of chance to make crops (p. 44).

Reelfoot levee district, Tennessee: Outstanding public bonds and real-estate mortgages, $1,220,000; assessed valuation, $2,753,406. Works in Tennessee are worthless unless the works in Kentucky are maintained, and it seems the danger to this district is from the adjoining district to the north, furnishing another reason for undivided Federal control (p. 45).

Fulton County levee board, Kentucky: Outstanding public bonds and real-estate mortgages, $1,840,000; assessed valuation, $1,000,000. Levee not up to standard. District deeply in debt and without funds to improve levees. Can not contribute to cost of flood control (p. 46).

Indebtedness of levee districts, January 1, 1928

Atchafalaya Basin levee district	$37,308,350
Board of Mississippi Levee Commissioners	55,291,142
Bossier levee district	3,523,000
Caddo levee district	12,550,000
Cotton Belt levee district	5,365,913
East Cape Girardeau and Clear Creek drainage district	1,143,697
Farelly Lake levee district	4,139,000
Fifth Louisiana levee district	18,543,986
Fulton County levee district	1,840,000
Helena improvement district	3,560,000
Laconia drainage and levee district	2,437,075
Laconia Levee District No. 1	565,000
Lafourche Basin levee district	16,933,300
Lake Borgne Basin levee district	5,896,450
Levee District No. 3 of Mississippi County, Mo	4,074,600
Little Red River levee district	837,500
North Bossier levee district	1,278,000
Pontchartrain levee district	11,793,865
Red River, Atchafalaya, and Bayou Boeuf levee district	16,410,000
Red River and Bayou des Glaises levee and drainage district	1,053,000
Reelfoot levee district	1,220,000
Saline levee district	425,000
Scott County (Mo.) Levee District No. 2	1,405,000
Sny Island levee drainage district	1,839,878
Southeast Arkansas levee district	13,571,657
St. Francis levee district of Arkansas	53,686,000
St. Francis levee district of Missouri	22,329,700
St. John levee and drainage district	13,482,038
Tensas Basin levee district	12,956,125
White River levee and drainage district	1,050,000
White River levee district	4,300,000
Yazoo-Mississippi Delta levee district	87,020,000
Orleans levee district	401,813,300
Total	819,642,576

3. IMPOSSIBILITY OF ENFORCEMENT IN TIMES OF DISASTER

Illustrative of the inability of some of the local levee districts to meet the situation confronting them following the 1927 overflow and to make contributions for the closure of crevasse breached levees, it is noted that the Mississippi River Commission had to waive the requirement of local contribution in the following instances and rebuild the levees at these localities entirely at Government expense. This was done with the approval and consent of the Secretary of War (p. 3839).

CREVASSES CLOSED BY UNITED STATES WITHOUT CONTRIBUTIONS

Cost of closing crevasse

Upper Knowlton	$92,668
Lower Knowlton	202,207
Laconia Circle special drainage district	124,014
Upper Snow Lake	99,282
Lower Snow Lake	48,334
Farelly Lake Levee district	65,000
Winterquarters	92,180
Glasscock	71,261
Brabston	54,837
Melville	44,936
Junion	5,617
Bougere No. 1	65,624
Bougere No. 2	51,051
McCrea	166,845
Total	1,183,856

CREVASSES CLOSED ENTIRELY AT GOVERNMENT EXPENSE

Colonel Potter

(Pp. 2076–2079)

The CHAIRMAN. Let me ask you this: Are all levees repaired that are necessary to protect the main river?

Colonel POTTER. They are all repaired; yes, sir.

The CHAIRMAN. And one-third of that money was paid by the local levee districts?

Colonel POTTER. In the first and second districts; yes. In the third district, yes, without exception. In the fourth district we undertook the levees on the main river and we are——

The CHAIRMAN. What do you mean by that?

Colonel POTTER. To close the crevasses.

The CHAIRMAN. Without contribution?

Colonel POTTER. Without contribution.

Mr. WHITTINGTON. Why did you make that distinction between the various districts?

Colonel POTTER. Because we could not get the money and we had to close the crevasses.

The CHAIRMAN. That is what I have been trying to get out of you for the last 10 minutes.

Colonel POTTER. I know that you know the conditions, and I assumed——

The CHAIRMAN. We do not know anything about it. We are trying to learn. We want it for the record, anyhow.

Colonel POTTER. In the fourth district—the fifth Louisiana district put up every cent of money in the third district, and they did not put up a cent of money in the fourth district. The latter was so far behind——

The CHAIRMAN. Did they have some money that they did not put up?

Colonel POTTER. They claimed they did not. We have no proof as to that.

The CHAIRMAN. Do you know of any districts that held out on you and kept their money in the sock when they should have put it up for flood control?

Colonel POTTER. I do not believe there are any.

The CHAIRMAN. The Dorena crevasse: Do you know where that is?

Colonel POTTER. Yes.

The CHAIRMAN. Is that repaired?

Colonel POTTER. Yes, sir.

The CHAIRMAN. At whose expense?

Colonel POTTER. Two-thirds the Government and one-third local.

The CHAIRMAN. And Knowlton?

Colonel POTTER. Knowlton is entirely Government. There was a district that could not put up its money.

Mr. WHITTINGTON. That is above Vicksburg, too, is it not?

Colonel POTTER. Yes; I overlooked that.

The CHAIRMAN. How about Mound Landing?

Colonel POTTER. The district has met its one-third and it is done.

The CHAIRMAN. Frenchtown?

Colonel POTTER. There are a couple of districts up there that are just below Pine Bluff, and those have been done long ago.

The CHAIRMAN. Who paid for them?

Colonel POTTER. The local people put up their money.

The CHAIRMAN. South Bend, on the Arkansas?

Colonel POTTER. It is closed and the funds were donated. One-third was put up by the local district.

The CHAIRMAN. Pendleton?

Colonel POTTER. The same way.

The CHAIRMAN. Two-thirds and one-third?

Colonel POTTER. Yes; two-thirds and one-third.

The CHAIRMAN. Medford?

Colonel POTTER. The same way.

The CHAIRMAN. Whitehill?

Colonel POTTER. Whitehill, two-thirds and one-third.

The CHAIRMAN. Laconia?

Colonel POTTER. Laconia was entirely at Government expense.

Mr. WHITTINGTON. That is above Vicksburg, is it not?

Colonel POTTER. Yes.

Mr. WHITTINGTON. I knew there were a lot of them up there.

Colonel POTTER. Yes. There were two crevasses in the White River district that I overlooked.

The CHAIRMAN. Junior crevasse?

Colonel POTTER. Junior crevasse was caused by a steamship running into the levee, and it was a very small matter and it has been closed. The local levee district furnished their one-third.

The CHAIRMAN. Caernarvon?

Colonel POTTER. Caernarvon is not in our hands. It is done by agreement with the local people, and the condition there I can not quite tell you about.

The CHAIRMAN. It is not closed anyhow, is it?

Colonel POTTER. It is being closed, as I understand it. I do not know in what stage it is. Mr. Shoenberger can tell you better than I.

Mr. SHOENBERGER. It is closed.

The CHAIRMAN. Winter Quarters?

Colonel POTTER. That is closed entirely at Government expense.

The CHAIRMAN. Glasscock?

Colonel POTTER. Entirely at Government expense.

The CHAIRMAN. Brabston?

Colonel POTTER. That is closed at Government expense.

The CHAIRMAN. Bougere No. 1?

Colonel POTTER. Government expense.

The CHAIRMAN. Bougere No. 2?

Colonel POTTER. Government expense.

The CHAIRMAN. Cabin Teal?

Colonel POTTER. On the one-third-two-thirds basis.

The CHAIRMAN. Cottonport and Moreauville?

Colonel POTTER. All of them are done by the State of Louisiana, the Louisiana engineers. We did not go in there at all.

The CHAIRMAN. McCrea?

Colonel POTTER. McCrea is practically completed.

The CHAIRMAN. How paid?

Colonel POTTER. Entirely at Government expense.

The CHAIRMAN. Melville?

Colonel POTTER. The same.

The CHAIRMAN. The same what?

Colonel POTTER. Almost completed and will be completed in a few days, and entirely at Government expense.

Mr. COX. Colonel, you are not yet adhering to the law strictly, are you?

Colonel POTTER. We had violated the law; that is, we decided——

Mr. COX. You were just completing the job?

Colonel POTTER. What was due to this flood we must meet. We could not leave the crevasses open.

The CHAIRMAN. Why could you not leave them open?

Colonel POTTER. Of course, we physically could leave them open. It would be rather an uncharitable act. We could have left them open. We felt it was the duty of the Government just as much to close those crevasses as it was to make the high-water fight. It was a part of the flood.

Mr. COX. That is what you did it for?

Colonel POTTER. Yes, sir.

Mr. COX. So you did not have the option to leave them open or not, if you wanted flood control?

Colonel POTTER. No; we did not think we had any option. It had to be done.

Mr. SWING. In every one of those instances where the Government paid the full expense you first made an honest effort to try to comply with the law by compelling the local people to pay, did you not?

Colonel POTTER. We did everything that we could.

Mr. SWING. And they could not put up the money, and then you went ahead without it?

Colonel POTTER. Yes.

4. UNITED STATES SHOULD HAVE EXCLUSIVE CONTROL TO RENDER FLOOD-CONTROL SYSTEM EFFECTIVE

To adhere strictly to the local contribution requirement for financing the flood-control work would, according to Colonel Potter, make it impossible even to do the work necessary to bring the levees up to the 1914 grade, according to his testimony which follows:

(P. 3459)

Mr. WILSON. Colonel, I believe a majority of the districts you named are either insolvent or have passed their limit to secure any bonds. If you required this one-third contribution from them, could your plan be effective if they could not meet the allotment?

Colonel POTTER. It could not.

Mr. WILSON. Even for the 1914 grade?

Colonel POTTER. Even for the 1914 grade. If you find that these people can not put up that amount of money, our recommendation should not be followed.

Mr. WILSON. Take the Atchafalaya, for instance. The report to us shows it is absolutely hopeless, and a number of others are insolvent, and probably the majority of them could not meet the allotment.

Colonel POTTER. That is what I feared. I fear if this appropriation comes this year that we can not spend it for levees under the present conditions.

Mr. WILSON. And that is just to bring it up to the 1914 grade?

Colonel POTTER. That is just to bring it up to the 1914, yes; and, as I said to-day, it is only a deterrent against these little districts that will be importuning for levees that are free. It is a small matter financially for us.

Mr. WILSON. Then to make the plan effective, even if you are going to bring the levees up to the 1914 grade and section, it will be necessary for the Federal Government to do the work; furnish the money?

Colonel POTTER. If you are convinced of the financial inability of those districts to put up the money, that would be undoubtedly true. We do not know or we have no way of knowing—I really believe, and I believe it more than I did when I wrote that paragraph of the report; that is, I believe it more now, that they are unable to put it up, than I did believe it when I wrote the paragraph in the report.

NATIONAL DEFENSE AND NATIONAL WELFARE SUFFICIENT JUSTIFICATION FOR FULL GOVERNMENT PAYMENT FOR LEVEE SYSTEM

FLOOD CONTROL ESSENTIAL TO THE NATIONAL DEFENSE AND NATIONAL WELFARE

Colonel Potter

(P. 2463)

The CHAIRMAN. Do you think that the control of destructive floods on the Mississippi River is essential to the national defense of the country?

Colonel POTTER. Well, I would not say it is essential, but I think it would have considerable bearing on it. I can not imagine what situation we would have been in during the late war if this flood had occurred, with transportation torn up.

The CHAIRMAN. Do you think the control of these destructive floods of the Mississippi River is essential to the national welfare?

Colonel POTTER. I do.

Colonel Kutz

(P. 2842)

The CHAIRMAN. Do you think the control of destructive floods in the Mississippi River is essential to national defense?

Colonel KUTZ. Yes, sir; I do.

The CHAIRMAN. You think the control of destructive floods of the Mississippi River is essential to national welfare?

Colonel KUTZ. I do.

(P. 2847)

Mr. COX. Colonel, if there was not a living soul in the valley would you not still favor the controlling of these waters in the same manner as recommended by the commission?

Colonel KUTZ. Our plan might be different.

Mr. COX. But still you would favor the harnessing of the water or controlling the water and not permitting them to split the country in two?

Colonel KUTZ. I think the Mississippi is a valuable part of the transportation system of the country and that even if there was no one living in the valley the river ought to be controlled for that reason.

Mr. COX. As a matter of national defense, if for nothing else?

Colonel KUTZ. Yes, sir.

LEVEE DISTRICTS ARE INTERDEPENDENT

THE INTERDEPENDENCE OF LEVEE DISTRICTS AND THE NECESSITY OF PLANNING THE WORKS WITHOUT REGARD TO DISTRICT LINES OR STATE LINES

Heretofore as long as the flood-control policy was one of "levees only," it was the general rule that expenditures for levee work were confined to the payment of work within the levee district itself. There was, it is true, a recognition of the fact that different levee districts within the same natural basin were interdependent as regards protection from overflow, and particularly was this fact realized by the district farther downstream, that freedom from overflow depended upon the integrity of the levee line in the sister district, as well as on that of its own levee district. But this recognition did not go to the extent of the lower district coming to the financial assistance of the upper district in promoting their common safety. Probably this was for the reason that there was always work to be done in every district bringing the levees up to the continually increasing grades and the local work was given priority in consideration and execution. It should be stated in this connection that there was one exception to this general statement, which was the Tensas Basin levee district in Louisiana that did spend money in Arkansas for its own protection.

In the present plans submitted by the Chief of Engineers and by the Mississippi River Commission there is a broader conception of the flood-control problem than was shown in the "levees only" policy, and there is brought forcibly to mind the fact that a comprehensive flood-control plan must obliterate levee district lines and even State lines in the working out of a solution for the whole valley.

Taking, for example, the Birds Point to New Madrid riverbank flood way, and assuming that it is the correct solution to apply in the situation, the Chief of Engineers disregards district lines and even State lines and plans a work in Missouri to protect a city in Illinois.

In the instance of the Boeuf diversion, the resultant reduction of the flood height on the main river by abstracting enormous quantities of water from the main river will ameliorate the situation confronting the levee districts in the State of Mississippi and in Arkansas above the mouth of the Arkansas.

Similarly the Atchafalaya spillway will reduce the high-water burden of those levee districts on the main river below Red River Landing, including the Pontchartrain district on the opposite side of the river below Baton Rouge.

The city of New Orleans, in common with the Pontchartrain district, the Lafourche district, and the Lake Borgne district, will be the beneficiaries of the flood way in the Atchafalaya district, just as that portion of the Atchafalaya district fronting on the Mississippi River to a lesser degree and the other mentioned levee districts to a greater degree will be the beneficiaries of the spillway at Bonnet Carre, in the Pontchartrain district.

It may help to enlighten this question and show the absolute necessity of coordination of effort through the adoption of a general and comprehensive plan to bring about a successful solution of flood control to introduce here an excerpt from the testimony of Mr. Charles H. West, for 18 years a member of the Mississippi River Commission:

(P. 3054)

The CHAIRMAN. Well, now, every basin is related to every other basin along the Mississippi River, is it not?

Mr. WEST. Yes, sir.

The CHAIRMAN. And while it might be sufficient unto itself to protect the inside of its own levees, the breaking of its levees might affect another district?

Mr. WEST. Yes.

The CHAIRMAN. Is that true?

Mr. WEST. Yes.

The CHAIRMAN. And consequently every natural basin and every levee district along the Mississippi River must be considered in a comprehensive plan of flood control, must it not?

Mr. WEST. If you want to make a success of it—if you want to carry out a successful plan.

(P. 3061)

The CHAIRMAN. Now, in your opinion, is not the Federal Government the only agency that could possibly cope adequately with the destructive floods of the Mississippi River?

Mr. WEST. I am quite sure of it.

The CHAIRMAN. Do you think that the Federal Government should have the exclusive direction of the location, size, or other arrangement of all levees, spillways, by-passes, or other flood-control devices?

Mr. WEST. I do.

The CHAIRMAN. Should the State or any local interests be permitted to decide the location, size, or arrangement of any levees, spillways, by-passes, or other flood-control devices?

Mr. WEST. No. The entire plan and the entire carrying out of the plan should be under one direction, whether it be one person, the commission in its present form, or in any other form; but it should be one agency.

The CHAIRMAN. Now, can the decision as to whether flood-control works should be constructed, and where, and the size be safely left to the communities along the Mississippi River?

Mr. WEST. There would be as many variations in the character of structure and plan and strength as there were districts.

The dreadful consequences which might result from the refusal, failure, or stark financial inability of one or more districts to contribute to the expense of controlling works may be gleaned from the testimony of General Jadwin, Chief of Engineers of the United States Army, as follows:

(P. 4125)

The CHAIRMAN. Suppose Arkansas and Louisiana do not go in on your plan and contribute, then no work will be done?

General JADWIN. No, sir.

The CHAIRMAN. Is it your idea that Mississippi is going to be good and come in?

General JADWIN. Yes, sir.

The CHAIRMAN. Would you build this fuse-plug levee in order to relieve Mississippi in spite of the fact that Arkansas and Louisiana did not go in?

General JADWIN. If Mississippi contributed, then we could build levees on the Mississippi side. That would protect them. This water would come down the main river, and if no contribution was made by Arkansas it would cause a break in the levee wherever it happens to come.

The CHAIRMAN. So Mississippi would have to defend on the higher levee?

General JADWIN. If they just raise the amount they contemplate raising, that 3 feet would take care of her absolutely.

The CHAIRMAN. The diversion, then, is not necessary, and a fuse-plug levee is not a necessity to protect Mississippi, according to your plan.

General JADWIN. Wait a minute. Raising it 3 feet would cause the water to go over the levee on the west side.

The CHAIRMAN. And Louisiana would likely be flooded?

General JADWIN. Yes, sir; under those conditions.

In this testimony, it may be noted, General Jadwin naïvely suggests that any district which may fail for any reason to contribute to the cost of flood control might have turned onto that unfortunate district the fury of the flood. In this connection attention is invited to the fact that the districts which have borne the brunt of previous flood disasters are the districts which are now unable to raise any money to contribute further, and, to the people of those districts, the plan of General Jadwin constitutes a pronouncement of doom.

Col. Charles L. Potter, president of the Mississippi River Commission, admits that under the system of insisting upon local contributions to the cost of flood control there have not been sufficient funds collected in the past to do the work as it should be done:

A COMPLETE SYSTEM

(P. 2250)

The CHAIRMAN. In other words, every levee district that I have mentioned that borders on the Mississippi River is essential to be considered in any comprehensive flood-control plan of the Misssisippi River; is that it?

Colonel POTTER. Or on the tributaries as far back as the back waters go.

The CHAIRMAN. Anyhow, on the Mississippi River; is that correct?

Colonel POTTER. It will be.

The CHAIRMAN. And again I will ask the question: You have not had sufficient money to do the entire job as it should be done under the system that there had to be local contributions in order to use the money for flood protection?

Colonel POTTER. We have not.

And Mr. West, of the Mississippi River Commission, testifies positively that the Federal Government could and would have put in efficient controlling works if it had not been obligatory to consider the local interests.

(P. 3053)

The CHAIRMAN. If the Government did not have to consider the local interests, it could have put in proper flood-control works there, could it not?

Mr. WEST. And would have done so.

At another point in his testimony, Colonel Potter admits that no flood-control plan can be successful if the integrity of every portion of the levee system be not strictly maintained:

(P. 2464)

The CHAIRMAN. Can the decision as to whether flood-control works should be constructed and where and the size be safely left to the communities along the river?

Colonel POTTER. I think not.

The CHAIRMAN. Would a flood-control plan be successful if it permitted of the omission of any part of a necessary levee construction that breaks the integrity of the levee line?

Colonel POTTER. No.

6. LEVEE TAX SYSTEMS IN STATES IN LOWER MISSISSIPPI VALLEY

TAXES FOR LEVEE PURPOSES

The evidence before the committee disclosed the following facts in regard to the levee taxes levied in the seven States in the lower Mississippi Valley:

Illinois, Kentucky, Tennessee: Based on an ad valorem tax on real estate. Benefit tax. Bonds limited to 90 per cent of benefits as determined by commissioners and constitute direct tax lien on lands in district. No vote of landowners required, but schedule of benefits reviewed by court.

Missouri: Based on an ad valorem tax on real estate. Benefit tax. Bonds limited to 90 per cent of benefits as returned by commissioners and confirmed by court. Vote of landowners required before bonds can be issued.

Arkansas: Based on real-estate betterments.

Mississippi: Based on ad valorem tax on lands and personal property; $1 to $1.50 per bale tax on cotton; 2 cents to 5 cents acreage tax and privilege taxes on businesses and occupations.

Louisiana: Ad valorem tax 0.32 mills on the dollar, based on 100 per cent cash valuation on all property of State, constituting what is known as general engineer fund.

The levee-district taxes and forced contributions permitted by law to be annually levied and collected in the district are as follows:

Tax: An ad valorem tax limited under the constitution, as a general proposition, to 5 mills on the dollar, based on a 100 per cent cash valuation. However, by a vote of the people of the district, an additional ad valorem tax of 5 mills on the dollar may be levied. The fifth Louisiana levee district is the only one that has voted for the 5 mills additional tax.

Forced contributions: Different in each levee district. The following is a typical case: 5 cents per acre on all lands within the district; $100 per mile on railroads of standard gauge; $20 per mile on railroads of less than standard gauge, and $1 per bale on all cotton grown within the district.

An additional special ad valorem contribution of one-fourth mill on the dollar was also authorized by section 6, article 16, of the State constitution of 1921, to be levied and applied solely toward compensation for injury and destruction of property appropriated by the district for levee and for levee drainage purposes.

LEVEE DISTRICTS ON THE MISSISSIPPI RIVER FLOODED IN 1927

The following are a list of the levee districts, on the Mississippi River, showing those flooded in 1927, and a few statements from the levee districts and individuals taken from the record of the hearings, in regard to the inability of the levee districts to pay the cost of any additional flood-control works:

Scott County levee district, Missouri: Was not overflowed by flood of 1927.

Levee district No. 3 of Mississippi County, Mo.: Was not overflowed by flood of 1927.

St. John levee and drainage district, Missouri: Overflowed by Mississippi River crevasse at Dorena, Mo.

St. Francis levee district, Missouri: Overflowed by flood of 1927 through Dorena, Mo., crevasse and St. Francis River.

St. Francis levee district, Arkansas: Lower end of district overflowed by crevasses in Mississippi River levee at Whitehall, Ark., and Dorena, Mo. Back side of district flooded by water from tributary streams, St. Francis and Black Rivers.

Helena improvement district, Arkansas: Was not overflowed by flood of 1927.

Cotton Belt levee district, Arkansas: Overflowed by back water from the Mississippi River and the White River, Ark.

Laconia levee district No. 1, Arkansas: Overflowed by back water from the Mississippi River and the White River, Ark.

Laconia drainage and levee district, Arkansas: Overflowed completely by crevasses in Mississippi River levees at Knowlton and Laconia, Ark.; as well as by White River water.

Southeast Arkansas levee district, Arkansas: Flooded four distinct times in 1927 by crevasses in Arkansas River levees at South Bend, Medford, and Pendleton, Ark.

Fifth Louisiana levee district, Louisiana: Overflowed by five breaks in Mississippi River levees at Cabin Teele, Winter Quarters, Glasscock, Brabston and Bougere, La.

Atchafalaya Basin levee district, Louisiana: Overflowed by numerous breaks in Bayou des Glaises levees, and crevasses in the Atchafalaya River levees at McCrea and Melville, La.

Lafourche Basin levee district, Louisiana: Overflowed at the extreme lower end of the district by crevasse in Mississippi River levee at Junior, La.

Lake Borgne Basin levee district, Louisiana: Overflowed by artificial crevasse at Caenarvon, La.

Orleans levee district, Louisiana: Was not overflowed by flood of 1927.

Pontchartrain levee district, Louisiana: Was not overflowed by flood of 1927.

Board of Mississippi Levee Commissioners, Mississippi: District completely overflowed by break in Mississippi River levee at Mounds Landing, Miss.

Yazoo-Mississippi Delta levee district, Mississippi: Entire lower end of district overflowed by water from crevasse at Mounds Landing, Miss.

Reelfoot levee district, Tennessee: Not overflowed; but the entire territory in the basin beyond the jurisdiction of the district submerged by water from the Mississippi River.

Fulton County Levee Board, Kentucky: Was not overflowed by flood of 1927.

FACTS SHOWING LEVEE DISTRICTS ARE UNABLE TO CONTRIBUTE ANYTHING FURTHER TO FLOOD-CONTROL WORKS

A questionnaire was sent to each levee district on the Mississippi River by the chairman of the Flood Control Committee. Subsequently information as to the general conditions of the people in the levee districts was requested from officials and business men.

The following replies to the questionnaire and letter were received.

The losses set out below do not include any estimate of losses arising from suspensions of business activities, nor do they include sums spent by the various States and political subdivisions thereof on attempted protection work. Losses of railroad, telegraph, and telephone companies are not included.

STATEMENT BY SCOTT COUNTY LEVEE DISTRICT, MISSOURI

District has 14 miles of levee on west bank of Mississippi River; 40,000 acres of cleared land in district; assessed valuation, $1,805,125; outstanding tax bonds, $605,500; real-estate mortgages, $800,000; 1927 flood losses, $18,000, caused by expense of high-water fight.

District flooded five times since 1897; levee grades changed three times; district is strictly agricultural, producing wheat, corn, cotton, alfalfa, cowpeas, and watermelons; farming has been unprofitable since 1919, and only 50 per cent of farmers have money or credit to plant 1928 crops; taxpayers have no other source of income; practically none able to borrow from intermediate credit banks.

Estimated cost of adequate flood control runs from $35,200 up, depending upon which plan adopted; maximum sum district can raise for new construction, about $8,000; would refuse to contribute anything to proposed Missouri flood way.

Witness: J. F. Misfeldt, president Scott County (Mo.) levee district (p. 1043):

"The people will not authorize further levee taxes, and even if they did they could find no sale for levee bonds. While the levees did not break this year, they are badly in need of raising and strengthening. The local people can not do this. There is only about $8,000 in the treasury, and no more can be raised. As a result of the fight with the Mississippi there is against the lands, in addition to the bonds, a mortgage indebtedness of over $800,000, or about $30 per acre, all of which aggregates more than 75 per cent of the value of the land. The district will not be able to pay the interest on its bonded indebtedness this year, but feels that it can try to take care of its other indebtedness if the Federal Government will only take care of the flood-control burden from this point on."

STATEMENT BY LEVEE DISTRICT NO. 3 OF MISSISSIPPI COUNTY, MO.

District has 26 miles of levee on west bank of Mississippi River; 64,515 acres of cleared land in district. Assessed valuation, $5,327,991,63; outstanding tax bonds, $1,574,600; real-estate mortgages, $2,500,000; 1927 flood losses, $45,000, caused by expense of high-water fight.

District flooded five times since 1897; levee grades changed three times. District's sinking fund wiped out by bank failures due to 1927 flood. Construction fund sufficient to bring levee line up to 1914 grade; thereafter can issue no more bonds or increase taxes. District strictly agricultural, producing wheat, corn, cotton, cowpeas, alfalfa, and watermelons. Farmers generally have no other source of income. Returns from agriculture since 1919 have not exceeded cost of production. Many farmers are unable to finance 1928 crops as only a few were able to arrange for a land-bank loan after the 1927 flood.

Estimated cost of adequate flood control runs from $150,000 up, according to which plan is adopted. District can contribute toward construction only from funds now pledged, but would contribute nothing to proposed Missouri flood way.

Witness: R. A. Barry, president levee district No. 3, Mississippi County, Mo. (p. 1046):

"It is impossible for the district to finance or aid to finance the Nation's job of controlling the river.

"The Jadwin plan would wreck our district both physically and financially."

STATEMENT BY ST. JOHN LEVEE AND DRAINAGE DISTRICT, MO.

District has 51 miles of levee on west bank of Mississippi River; 100,000 acres of cleared land in district; assessed valuation, $8,647,674; outstanding tax bonds, $7,662,904; real-estate mortgages, $5,819,134; 1927 flood losses, $2,115,180.20.

District overflowed five times since 1897; levee grades changed three times. Dorena crevasse in 1927 occurred in a nonstandard levee within this district, flooding 400,000 acres. As a result of overflow and crop losses, tax delinquencies are greatest in history, 614 tax suits having been filed; loan companies have foreclosed scores of mortgages; 38 schools have been forced to curtail terms; 3 banks have failed; and levee district defaulted in payment of bonds and interest in 1927.

District exclusively agricultural, producing cotton, corn, and hay. Taxpayers have no material income from other sources. They have been unable to borrow from intermediate credit banks. Returns from agriculture since 1919 have not exceeded cost of production.

Estimated cost of future flood control not given, but district can contribute no part of cost.

Statement by W. S. Edwards, secretary of St. John levee and drainage district of Missouri:

"Then have this mighty Government say to this people: 'You can secure protection against future floods if you help pay for it. Such a policy is not in keeping with sound fundamental procedure. How can a people make and pay a new obligation running into the millions when they can not pay the old obligation?'

"When legislation is enacted which imposes on the territory a further burden in payment for flood control, in so doing the death sentence to the plan has been passed, for I knowingly state that much if not all the territory could not meet the requirement. Then, if flood control is made contingent upon a participation by local districts and if, as is true, the districts could not meet the requirements, then what is the alternative? This might be suggested, that the districts cover their contribution by passing to the Government each its pro rata of the whole of the district bonds; but this is not workable.

"Economy in time is the true substance in this matter. The enemy may appear any day. Prepare now. Delay not.

"Bonds must be secured under the law and can only be issued where there has been decreed by the court a benefit in excess of the cost. In such a procedure every person to be taxed must be brought into

court where he may defend his rights or wrongs, as he chooses to call them. Then in so doing, if the Government set in motion a policy to make the landowners pay a part of the cost of flood control, the courts must adjust the thousands upon thousands of tax assessments made necessary by such a plan. Nothing but time can answer the delay occasioned. Such a policy is unthinkable.

"In New Madrid County, Mo., the average mortgage and bonded indebtedness is more than $78 per acre. Nine months after the time for payment of 1926 taxes had passed, 40 per cent of the taxes for that year remained unpaid. Three banks in that county have failed during the last year. This district has defaulted on its bonds."

Statement by New Madrid County Bankers' Association and St. Johns levee and drainage district, New Madrid, Mo. (p. 4647):

"The landowners and taxpayers in southeast Missouri face a serious financial condition due to a series of recurrent disasters climaxed by the 1927 flood.

"It has become necessary for mortgage holders, bankers, and landowners interested in this territory to meet together and to cooperate to the end that sufficient financial assistance may be provided to enable farm lands to be cultivated in the 1928 season.

"It has come to the attention of the meeting that a Mississippi River flood-control plan has been submitted to the Congress by Gen. Edgar Jadwin, which plan provides that territory already overburdened with reclamation taxes and mortgage debts incurred in the development of such and shall further be burdened with the entire costs of all rights of ways, land damages, and drainage diversions incidental to such works, together with 20 per cent of levee construction costs, and urge Representatives in Congress to defeat plan."

STATEMENT BY ST. FRANCIS LEVEE DISTRICT, MISSOURI

District has 58 miles of levee on west bank of Mississippi River; 230,000 acres of cleared land in district; assessed valuation, $18,000,000; outstanding tax bonds, $8,429,700; real-estate mortgages, $13,900,000; 1927 flood losses, $3,414,775.

District has been overflowed four times since 1897; levee grades have been changed twice. District almost exclusively agricultural, producing cotton, corn, and alfalfa. Taxpayers have no material income other than from agriculture with which to pay taxes. Returns from agriculture since 1919 have not exceeded cost of production. On account of heavy bonded indebtedness, no more bonds can be sold. Farmers not able to borrow money through intermediate credit corporation.

Estimated additional cost of adequate flood control, $3,500,000.

Statement by Alphonse De Lisle, president St. Francis Levee district of Missouri, Caruthersville, Mo.:

We have the legal right to issue additional bonds to the amount of $700,000 to finance further construction. While that is true, it would be simply childish to attempt to sell any further issues to build levees or participate in levee construction.

Witness: James A. Finch, attorney, St. Francis levee district (p. 996):

"Levee and drainage taxes have been so burdensome that in seven years in eight counties of southeast Missouri over 400,000 acres of land (one-sixth of all the land) have been sold for taxes or for failure to pay farm mortgages. In 1893, before improvements were started, this land sold at $2, $3, up to $10 per acre. The taxes at present average $2.50 to $3 per acre. Up to July 1, 1926, there were $53,000,000 of bonds against these lands.

"On account of the tremendous burden of taxes assessed to keep water off the land, even prior to the flood of 1927, the land had greatly decreased in value, and there is no sale for it whatever now."

STATEMENT BY ST. FRANCIS LEVEE DISTRICT, ARKANSAS

District has 165 miles of levee on west bank of Mississippi River; 1,100,000 acres of cleared land in district. Assessed valuation, $40,000,000; outstanding tax bonds, $35,686,000; real-estate mortgages, $18,000,000; 1927 flood losses, $8,349,684.

District has been overflowed five times since 1897; levee grades changed three times. Crevasse in 1927 occurred at Whitehall, at extreme lower end of district, where substandard levee went out. District suffered heavily from floods on numerous tributary streams.

District exclusively agricultural, producing cotton, corn, wheat, hay, fruits, and vegetables. Returns from agriculture since 1919 have not exceeded cost of production. Farmers have been unable to borrow money through intermediate credit corporation. Many have been helped by the Red Cross. While this district is one of the largest on the river and is solvent, its revenues are insufficient to pay interest on and retire additional bonds.

Estimated cost of future flood-control works, $4,076,431.

STATEMENT BY HELENA IMPROVEMENT DISTRICT, ARKANSAS

District has 5.5 miles of levee on west bank of Mississippi River protecting the city of Helena. Assessed valuation of district, $6,225,514; outstanding tax bonds, $820,000; real-estate mortgages, $2,740,000; 1927 flood losses, $4,489.20, caused by expense of high-water fight.

This metropolitan district has never been flooded, but levee grades have been changed three times. District is solvent.

STATEMENT BY COTTON BELT LEVEE DISTRICT, ARKANSAS

District has 25.25 miles of levee on west bank of Mississippi River; 52,558 acres of cleared land in district. Assessed valuation, $2,436,862; outstanding tax bonds, $1,786,400; real-estate mortgages, $3,579,513; 1927 flood losses, $25,000.

District has been overflowed on average of once in four years; levee grades changed three times. District is exclusively agricultural, producing cotton and corn. Farmers have not made money since 1919, and their money and credit is exhausted. They are unable to borrow money from intermediate credit corporation.

Estimated cost of adequate flood control not known, but district can not raise additional funds as legal limit of bonds has been reached.

Statement by W. F. Craggs, president Cotton Belt levee district No. 1, Elaine, Ark.:

"The floods are getting larger each year, and the burden on people living behind them has increased until this country is bankrupt. Our levee board, of which I have been a member for 15 years, has issued all of the bonds we could, trying to keep our levee above the increasing floods, and this increased taxes until the burden is more than property owners can stand. Majority of property owners have been forced to let them go delinquent, and will have to be sold for taxes, and the worst thing we have confronting us who want to put any money in our lands, with so great a burden of taxes, is how we will pay interest on our bonds. The loan companies have been carrying the interest over from year to year hoping the farmers would get in shape some day. But I can see no future under the existing conditions.

"The State taxes have been extended trying to help conditions, but the recent flood has put the people in such shape they are barely existing, living from hand to mouth, and the Red Cross is still feeding hundreds of thousands of families, because the landlord is not able to do so and can not get advances from the banks.

"For these reasons the people are wholly unable to contribute any portion whatever of the cost of flood-control works or rights of way for levees, spillways, and flood ways, and any plan which depends on contributions of any amount whatever by them will fail utterly.

"It is imperatively necessary to lay before the Congress a true statement of the destitute conditions of the people who are being called on to put up money to finance flood-control work."

Witness: J. G. Burke, representing the Helena improvement district and the Cotton Belt levee district (p. 1149):

"There was no crop whatever on a large portion of the land in the district. The tenants who inhabit this agricultural district are not going to return to it unless they are told they will be given adequate flood protection by the Federal Government.

"The landowners will be absolutely unable to replace the improvements on their lands, on account of the mortgages already existing and the great burden of taxes, in the face of no flood control. Neither the Federal land bank nor the other banks will lend the farmers any more money, because they can not see how the farmers will get the money to repay them. They have reached their limit. Unless immediate action is taken to protect the property owner and the tenant these lands in the flood-stricken area will be abandoned."

STATEMENT BY LACONIA LEVEE DISTRICT NO. 1, ARKANSAS

District has 20 miles of levee on west bank of Mississippi River just north of junction with White River; 16,000 acres of cleared land in district. Assessed valuation, $320,000; outstanding tax bonds, $365,000; real-estate mortgages, $200,000; 1927 flood losses, $200,000.

"District has been overflowed on average of once every three years since 1893; levee grades have been changed three times. As a result of numerous overflows district has been unable to meet Government allotment for new construction in recent years. Crevasses at Knowlton and Laconia in 1927 occurred in early stages of flood, due directly to district's inability to pay for flood-control works. No crops were produced in this district in 1927. Practically all of the people in the district were supported by the Red Cross.

"District is strictly agricultural, producing cotton and corn. Farmers have not made any money since 1919 and have no other material sources of income. They are thoroughly discouraged and will abandon their properties unless the Government takes over the expense of flood control."

Statement by M. A. Partin, president Laconia levee district No. 1:

"In 53 years I have seen the waters of the Mississippi at flood tide increase from mere overflows to terrific floods, the 1927 flood striking a new level, 4½ feet above any previous water, and it seems there is no limit to the future height which might be attained. In more than half a century spent in the Delta I have never seen such distressing conditions.

"We have watched our plantations devastated by the flood, tenant houses swept away, corn, hay, and planting seed destroyed, and the prospect so discouraging that some of our citizens have given up their land to seek homes elsewhere.

"Others seem dazed and bewildered, unable to decide what is best to be done under existing circumstances, with their lands taxed to the limit to assist the Government in holding the flood waters, yet having no

protection, and finding themselves in a deplorable, helpless condition, without adequate levee protection, without money, and without means of raising any more.

"Banks are hesitating in regard to making loans on Delta lands, landowners not able to finance themselves, labor moving away, in consequence of which a large portion will necessarily lie idle, while our levee, State, and county tax must be met or go delinquent. Interest on our outstanding bonds must be paid and no revenue, no source of income to meet the indebtedness.

"The entire loss of the 1927 crop and the destitute conditions prevailing at the commencement of this year's crop are disheartening beyond description.

"Further taxation in my district means confiscation of property. We have gone the limit of taxation, and we are lost beyond redemption unless the Government takes absolute control of the flood situation."

Witness: Dewitt Poe, representing Laconia levee district No. 1, Desha County, Ark. (p. 1163):

"All of the banks in this county failed following the 1927 flood."

STATEMENT BY LACONIA DRAINAGE AND LEVEE DISTRICT, ARKANSAS

District has 20.5 miles of levee on west bank of Mississippi River; 25,640 acres of cleared land in district. Assessed valuation, $942,459; outstanding tax bonds, $1,074,075; real-estate mortgages, $1,363,000; 1927 flood losses, $17,000.

District has been flooded on average of once in three years by backwater from below; levee grades have been changed three times. District is exclusively agricultural, producing cotton and corn. Returns from farming since 1919 have not exceeded cost of production. Farmers have no money or credit, and no other sources of income.

Estimated cost of adequate flood protection not given, but district has reached limit of its resources.

STATEMENT BY SOUTHEAST ARKANSAS LEVEE DISTRICT, ARKANSAS

District has 147 miles of levee, 62 miles on the south bank of of the Arkansas River and 85 miles on the west bank of the Mississippi River; 290,500 acres of cleared land in district. Assessed valuation, $12,500,000; outstanding tax bonds, $8,571,657; real-estate mortgages, $5,000,000; 1927 flood losses, $7,211,905.

District has been overflowed by every major flood from 1882 to 1927, except 1922. Its Mississippi levees held in the 1927 flood, but breaks in the Arkansas River levees at South Bend, Pendleton, and Medford overflowed the district four distinct times, drowning out agriculture all year. Farmers in this district are in desperate financial condition. They are overmortgaged; their money and credit have been exhausted; most of them are dependent upon the Red Cross for support.

After having lost $136,000 through the failure of a bank after the 1927 flood, the district raised $76,000 to meet an allotment called by the Mississippi River Commission. It would have defaulted in the payment of bonds and interest in 1927, but for fact that Louisiana interests dependent upon this district's levees for protection came to the stricken district's assistance.

Estimated cost of adequate flood protection varies in plans suggested, but district is utterly unable to pay any part of the cost.

From Judge Street's testimony, p. 1456:

"With such a showing our credit is gone. No more bonds can be sold and our income is insufficient to take care of present indebtedness."

Statement by W. D. Trotter, president southeast Arkansas levee district, Dermott, Ark.:

"We have been borrowing money from our local banks for the past several months with which to meet our bond and interest payments, due to the depleted condition of our treasury. We owe on March 1 for interest, $50,475; and have in our treasury less than $10,000. We can issue no more bonds under our act. Seriously speaking, without going into details as to figures, which have already been furnished you, I can see but little chance of paying our indebtedness, much less any further contributions. However, if the Government should take over the flood-control problem to the end that it would complete same at the cost of the Government, I honestly believe we could by doing some refinancing manage to pay our bonded indebtedness; but unless the credit of this country is restored, which can only be done by the Government taking over at its expense this problem, we will never be able to pay what we already owe, which money has been used for the construction of flood protection.

STATEMENT BY FIFTH LOUISIANA DISTRICT, LOUISIANA

District has 246 miles of levee on west bank of Mississippi River; 594,432 acres of cleared land in district. Assessed valuation, $37,141,433; outstanding tax bonds, $6,043,986; real-estate mortgages, $12,500,000; 1927 flood losses, $8,790,560.

District has been flooded on average of once every five years; levee grades changed three times since 1893. Five crevasses in this district's substandard levee line occurred during the 1927 flood, overflowing the entire district. The crevasses occurred at Cabin Teele, Winter Quarters, Glasscock, Brabston, and Bougere.

District is strictly agricultural, producing cotton, corn, and hay. As a result of the agricultural depression since 1919 and heavy flood losses, farmers are all in debt and their credit is about exhausted. They have been unable to borrow money through the intermediate credit corporation. Estimated cost of adequate flood control is $1 to $20 per acre, depending upon which engineering plan is adopted. The district probably has exceeded its legal tax limit and can issue no more bonds or certificates of indebtedness. It has no means whatever of raising additional money.

Statement by F. H. Schneider, president fifth Louisiana levee board:

"All of revenues of board pledged according to law to fiscal agent for next two years or until sufficient funds accumulate to take care of certificates. Our ability to borrow has been exceeded beyond its legal limits.

"We have reached the limit of tax burden our people can bear without confiscation of property. Illustrating more forcibly the financial straits of the district, during the month of December the Government allotted $100,000 to our district for necessary repair and maintenance of organization and equipment, with the proviso we should put up one-third, or $33,333. This we could not do, so repair work and maintenance was halted and necessary preparation for high-water fight was delayed. Just yesterday we were enabled, by special ruling of the Mississippi River Commission, to establish credit with the Government by turning over to them our equity in levee machines and equipment which had been bought with contributory funds; in this way frozen funds were released and preparation, so far as the limited amount thus released would go, is being made to combat probable spring floods.

"A flood-control bill requiring local contributions will be of no benefit to us, for the reason our resources are pledged, the limit of our bonded indebtedness has been reached, and our people are staggering with overdue taxes, flood losses, and mortgage indebtedness to such an extent no further increase in revenues from the taxpayers can be expected."

STATEMENT BY ATCHAFALAYA BASIN LEVEE DISTRICT, LOUISIANA

District has 270 miles of levees, 122 miles on west bank of the Mississippi River, 5 miles on south bank of Old River, 61 miles on east bank of the Atchafalaya River, and 82 miles of levees on interior streams; 1,000,000 acres of cleared land in district. Assessed valuation, $73,000,000; outstanding bonds, $17,058,350; real-estate mortgages, $20,250,000; 1927 flood losses, $15,559,274.

District has been flooded eight times since 1876; levee grades changed three times. During the 1927 flood the district was overflowed by breaks in the levees on the Red River and Bayou des Glaises levee districts, as well as by the Melville and McCrea crevasses in the Atchafalaya River levees.

District is primarily agricultural, producing sugar, rice, and cotton. It is known as the Sugar Bowl of Louisiana. It was the last district freed from flood water in 1927. Thousands of farmers could not return to their homes until August. It was then too late to produce any money crops. Farmers sought such employment as could be found and were assisted by the Red Cross. Their accumulations of a lifetime were swept away. Their credit is exhausted.

Estimated cost of adequate flood protection, using the Atchafalaya River as a spillway, is $52,500,000. District unable to pay any part of this cost, as it has anticipated its revenues through 1934.

Witness: Andrew Gay, president board of commissioners Atchafalaya Basin levee district (p. 1298):

"The flood of 1927 will materially reduce the revenue of the district, and the necessity of meeting interest on outstanding indebtedness and the redemption of bonds and certificates as they fall due preclude continuance of levee construction and maintenance by the district. A number of uncompleted levee contracts will have to be abandoned by arrangement with the contractors. The high-water fight in 1927 cost the district almost $250,000. The total spent on levee construction and maintenance since 1890, including contributions from the Mississippi River Commission and from the State of Louisiana itself, aggregates $23,000,000. The local district is actually unable to carry on further.

"The people of this district are a courageous people and will come back if they are given a fair measure of protection against floods. Over 60,000 people were driven from their homes. The levee taxes are so burdensome that it is impossible for the district to contribute any further to flood protection. The people of Louisiana have borne this burden for many years, and they are no longer financially able to continue it. It would be literally impossible either for the district or for the State to furnish rights of way for the flood ways needed in Louisiana."

STATEMENT BY LAFOURCHE BASIN LEVEE DISTRICT, LOUISIANA

District has 120 miles of levees on west bank of Mississippi River; 197,839 acres of cleared land in district. Assessed valuation, $42,445,124; outstanding tax bonds, $4,443,300; real-estate mortgages, $12,500,000; 1927 flood losses, $775,000.

Lower end of district was overflowed in 1927 by water through crevasse at Junior, La.

District is largely agricultural, and farmers have not made any money in nine years. District anticipated its 1928 revenues to make the high-water fight in 1927.

STATEMENT BY LAKE BORGNE BASIN LEVEE DISTRICT, LOUISIANA

District has 50 miles of levee on east bank of Mississippi River; 30,000 acres of cleared land in district. Assessed valuation, $18,524,132; outstanding tax bonds, $2,798,500; real-estate mortgages, $3,097,950; 1927 flood losses, $5,325,000.

District was flooded in 1922 and 1927. In the recent flood an artificial crevasse was made in the levee at Caernarvon to relieve the flood heights at New Orleans with the understanding that New Orleans would underwrite the resultant damages. Claims aggregating $5,000,000 were subsequently assumed by the city of New Orleans. Levee grades have been changed four times.

District is largely agricultural, but trapping is an important industry. Crops produced are garden truck and rice. Farming has not been profitable recently. Farmers generally have no money or credit, and could not take advantage of loans through intermediate credit corporation.

STATEMENT BY ORLEANS LEVEE DISTRICT, LOUISIANA

District has 25.9 miles of levee on Mississippi River, protecting the city of New Orleans and Orleans Parish. Assessed valuation, $585,987,165; outstanding tax bonds, $60,813,300; real-estate mortgages, $341,000,000; 1927 flood losses, $600,000, caused by expenses of high-water fight.

This district covers a large metropolitan area and is solvent. Its levee grades have been changed three times.

STATEMENT BY PONTCHARTRAIN LEVEE DISTRICT, LOUISIANA

District has 125.4 miles of levee on east bank of Mississippi River; 250,000 acres of cleared land in district. Assessed valuation, $43,243,177; outstanding bonds, $3,683,865; real estate mortgages, $8,110,000; 1927 flood losses, $310,833.66, caused by expense of high-water fight.

Levee grades changed three times. District is largely agricultural, with numerous sugar and lumber mills and oil refineries. The principal crops are rice, sugar, corn, tobacco, and vegetables. Farmers have not made any money since 1919 and much land is now idle. Few were able to borrow money through the intermediate credit bank. District has anticipated its revenue for four years.

Pontchartrain levee line is immediately above the city of New Orleans on the Mississippi River and integrity of this district's levee line absolutely essential for safety of that city, as a break in the levee line within 20 miles of the city would flood New Orleans 5 to 10 feet deep.

Business conditions are poor, and in spite of the optimistic statements published by a few of the business leaders around January 1 to encourage an impoverished people, no sign of improvement is seen.

Any plan which depends on contributions of any amount whatever may as well not be adopted, as any plan dependent upon local contributions will be doomed to failure before and after its adoption.

In the case of this levee district it will require from 36 to 40 years to pay off and liquidate the present indebtedness of the board; and this indebtedness represents a sacrifice upon the part of a people which have made such an heroic fight in the past as to deserve the unstinted consideration and sympathy of the Federal Government.

Trust that a large majority of the Members of the present Congress will give heed to the plea of an impoverished people and adopt a plan that will give unconditional relief.

STATEMENT BY BOARD OF MISSISSIPPI LEVEE COMMISSIONERS, MISSISSIPPI

District has 198 miles of levees on the east bank of the Mississippi River; 701,346 acres of cleared land in district; assessed valuation, $62,937,309; outstanding tax bonds, $19,280,000; real-estate mortgages, $36,011,142; 1927 flood losses, $34,109,663.

District has been flooded 10 times since 1887. The most disastrous overflow was in 1927 when a standard grade and section levee at Mound Landing gave way, completely flooding the district. The water remained until July and only a few farmers were fortunate enough to make even a small crop; thousands of farmers were ruined; their property was destroyed; their credit exhausted; practically none was able to borrow money through intermediate credit corporation.

Estimated cost of adequate flood protection over $3,000,000.

Statement by Ernest Kellner, secretary-treasurer, Board of Mississippi Levee Commissioners, Greenville, Miss.:

"Reasons why our levee district can make no further contribution to match Government allotments:

"Depleting the treasury of all funds and creating a deficit of $110,769.10.

"The taxpayers' inability to pay amount of taxes due 1927, thereby making the district's revenue only a very nominal one.

"In this connection the financial status of the individual taxpayer prior to the flood must be considered. The deflation in prices of our farm products, i. e., cotton, during the years of 1920 and 1921, coupled together with prevailing prices less than cost of production during the succeeding years, practically bankrupt the taxpayer and hence the large individual mortgage indebtedness, and upon this the flood in 1927, unable to raise any crops—cotton or foodstuffs—leaves the taxpayer in a bankrupt state, unable to meet his taxes or other obligations.

"The board with its reduced revenue is compelled to stop all levee work, and has no funds to make a high-water fight during this spring should it become necessary to do so.

"The cultivated lands, comprising some 701,000 acres of land, is at present burdened with a debt of $78 per acre, which will render the floating of any additional loans extremely doubtful if not impossible."

Witness: J. S. Allen, representing the Board of Mississippi Levee Commissioners (p. 1260):

"The levee boards can no longer continue to pay, and unless the Government will assume full responsibility for protecting its own interest and that of its people against the ravages of its own waters, then the valley will prove a canker upon the heart of the Nation."

Witness: Walter Sillers, sr., Board of Mississippi Levee Commissioners (p. 1288):

"The district is financially unable to strengthen its levees. The people are almost ruined by taxes and the necessity of paying interest on indebtedness, in the face of the fact that they are unable to derive any revenue from their lands."

STATEMENT BY YAZOO-MISSISSIPPI DELTA LEVEE DISTRICT, MISSISSIPPI

District has 107 miles of levee on the east bank of Mississippi River; 1,185,000 acres of cleared land in district. Assessed valuation, $115,000,000; outstanding tax bonds, $27,020,000; real estate mortgages, $60,000,000; 1927 flood losses, $10,172,440.

This district is one of the largest on the river. Its financial condition is good. Many years ago the district began to build its own levees at its own expense. It has not received a dollar from the Mississippi River Commission for levee construction in 22 years. Moreover, it has voluntarily contributed some $3,000,000 to the Mississippi River Commission for bank revetment. It has not had a break in its front line for 30 years, yet a break in a lower district levee in 1927 caused heavy damages in the upper district.

District is exclusively agricultural, producing cotton, corn, and hay. Since 1919, however, farmers have not made a profit from their operations. In the section of the district overflowed in 1927 the farmers have no money and little credit. They were unable to take advantage of intermediate credit corporation loans. They have no material income from other sources.

Estimated cost of adequate flood-control work $2,000,000.

Statement by J. W. Cutrer, president Yazoo-Missouri Levee Board:

"It is literally true that because of the terrific losses suffered by the people along the Mississippi River many are reduced to grave extremities and have lived with difficulty, being deprived of the opportunity to make any crops during the past year, and conditions are still most deplorable.

"Any provision which requires local contribution begs the entire question.

"The people of the Mississippi Valley are unable to contribute further to the prevention of destructive floods. The entire population is prostrated in practically every sense of the word. All of their land is pledged, mortgaged, and burdened with taxes, and defaults are almost as numerous as the encumbrances. The taxes which have been assessed for levee protection have been increased to the breaking point. Taxes have not only been levied on the river counties, but on the interior counties as well. In addition, there have been acre taxes, taxes on production, and even occupational and license taxes, and these for levee purposes only.

"The district has spent on levee construction over $23,000,000, without Government aid."

STATEMENT BY REELFOOT LEVEE DISTRICT, TENNESSEE

District has 4.6 miles of levee on east bank of Mississippi River; 41,559 acres of cleared land in district; assessed valuation, $2,753,406; outstanding tax bonds, $810,000; real-estate mortgages, $410,000.

District flooded on average of once every five years; levee grades changed once. District is exclusively agricultural, producing cotton, corn, alfalfa, and vegetables. Returns from agriculture since 1919 have not exceeded the cost of production. Taxpayers have no material income from other sources; their money and credit are about exhausted.

Estimated cost of adequate flood control about $2,000,000, which district if enlarged would be wholly unable to raise. Levee should be extended 55 miles to afford protection for west Tennessee delta. Unprotected section has suffered heavily from increased flood heights due to higher levees across river in Arkansas.

Statement of W. B. Amberg, attorney, Reelfoot levee district:

"The limit of indebtedness which can be incurred was fixed at the time of organization of the district and can not be revised upward without reorganization and probably not then. It is now practically impossible to sell the remaining $75,000 of bonds which have been authorized or any part of same.

"Annual requirement for amortization of bonds outstanding is $13-266.10. Amount necessary to cover other expenses of the district is $7,000 annually, making total annual requirements $20,266.10.

"This amount exceeds the income for the past year by reason of poor tax collections."

Statement by A. E. Markham, secretary-treasurer Reelfoot levee district, Tiptonville, Tenn.:

"The Reelfoot levee district has no funds available except the annual assessments collected from year to year and this money is all needed to pay bonds and interest coupons. Bonds were sold in an amount authorized by the decree organizing and establishing the district sufficient to construct the Reelfoot levee in Tennessee, and the proceeds of such bonds have been used in said construction, leaving no surplus.

"The Fulton County levee board, in Kentucky, which has jurisdiction over the Kentucky part of the Reelfoot Levee, say that they have no funds available for further work and have reached their legal limit on taxes. We believe this to be true. The result is that the protective works in Tennessee are worthless unless the works in Kentucky are maintained, the levee protecting the two areas being a joint one in fact though not in law.

"Levee and drainage bonds in Tennessee are now practically unmarketable. Most of the drainage districts have defaulted in payment of interest and principal. There is only one levee district organized under the 'drainage law' in Tennessee, and by reason of this fact and the depressed condition of the territory in question there is no prospect of being able to sell bonds in the near future, if at all.

"During the past three years the low price of cotton, which is the principal crop in west Tennessee, and the damage and losses occasioned in 1927 by the flood in the Mississippi River, have brought about a financial depression of great seriousness. Until another crop is made, at a profit, it will be out of the question to attempt to raise money for levee construction, especially new construction.

"The burden of the people in the Mississippi flood plane on the Tennessee side has been consistently made greater each year by the construction of and enlargement of levees on the west side of the river. This has progressively raised the high-water stage in Tennessee. The funds of the United States Government have contributed to this condition. The building of the levee in Missouri north of New Madrid, almost completed in 1927, increased the normal stage on the east side of the river about 2 feet, adding to the normal cost of the high-water expense at least $30,000. The expenditures for this purpose in Tennessee and Kentucky have used up all available funds."

STATEMENT OF FULTON COUNTY LEVEE BOARD, KENTUCKY

District has 18 miles of levee on east bank of Mississippi River; 20,000 acres of cleared land in district; assessed valuation, $1,000,000; outstanding bonds, $1,090,000; real estate mortgages, $750,000.

District flooded in 1912 and many times prior thereto; levee grades changed three times. District almost entirely agricultural, producing corn, cotton, wheat, and alfalfa. Farmers have not made any money since 1919, and few have money or credit. Can pay no increased taxes.

Estimated cost of adequate flood control $163,919, which district is wholly unable to raise.

More than one-third of the levee taxes of our own district for the year 1927 are now past due and delinquent, and with but very little prospect of them being paid without sale of property for taxes. Our levee is not up to standard. Our district is very deeply in debt, and without funds to do any improvement work on our levee.

Because of the enormous losses suffered by the people in the Mississippi Valley in the flood during the spring of 1927, many of them are bankrupt, and many unable to finance for the next crop. Many are even homeless and even destitute.

Witness: Roscoe Stone, representing the Fulton County levee district (p. 1075):

"The district grows some of the finest cotton in the world, for which there is always a market at high prices, but the moving of the farmers out and back and the loss of getting in a great deal of acreage has practically ruined the population financially."

THE JADWIN PLAN

1. Knowledge of Mississippi River necessary to devise comprehensive plan.
2. Scope of Jadwin plan.
3. Objections to engineering features of Jadwin plan.
4. General objection to the Jadwin plan.
5. Sufficient data not available to devise reliable and safe engineering plan.

USURPATION OF DUTIES OF MISSISSIPPI RIVER COMMISSION BY CHIEF OF ENGINEERS

The members of the committee were amazed to hear General Jadwin claim that he had exclusive authority to prepare plans for the flood control of the Mississippi River. He claimed this authority because of the rivers and harbors act of January 21, 1927, which authorized him to make a survey of the Mississippi River and certain of its tributaries, primarily to ascertain if the development of water power was feasible, and incidentally for flood-control purposes. However, no appropriation had been made by Congress for the survey, and the Chief of Engineers clearly violated the law in undertaking to make this survey before the appropriation therefor was made available by Congress.

The act of June 28, 1879, creating the Mississippi River Commission, contains the following provision:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will * * * prevent desrtuctive floods * * *; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress.

This provision of existing law was in no way repealed or superseded by the act of January 21, 1927, and is still in full force and effect. The Mississippi River Commission, therefore, is the only duly authorized agency empowered and directed by Congress to prepare flood-control plans on the Mississippi River. There is no law upon the statute books which authorizes the Chief of Engineers to call upon the Mississippi River Commission to submit to him its flood-control plans. On the other hand, the commission is specifically directed by law to submit its plans to the Secretary of War, who is directed to transmit the same to Congress, without giving him any discretion as to whether he approves of the commission's report or not.

Instead of the law as enacted by Congress being carried out, the Chief of Engineers took it upon himself to prepare a flood-control plan, expended a large sum of money never appropriated by Congress in doing so, called upon the Mississippi River Commission to submit its plan to him, and when received, suppressed it and transmitted his own plan to Congress through the Secretary of War and the President. In fact, it was not until General Jadwin was called upon by the Flood Control Committee of the House to transmit the Mississippi River Commission's report to it that the report saw the light of day, and when before the committee, the General charged that the committee had received the commission's plan "through the back door."

In order that the law might be complied with and that Congress have properly before it the report of its duly auhorized agency for flood control on the Mississippi River, the chairman of the Flood Control Committee requested Colonel Potter, president of the commission, to send a copy of the commission's report to the Secretary of War, to be by him transmitted to Congress. This was done by Colonel Potter on February 15, 1928, but, to date, the Secretary of War has not seen fit to comply with the law, and has not transmitted the report to Congress.

The fact that in the report of the Chief of Engineers the Mississippi River Commission was relegated to a mere advisory capacity on flood control and as this report was approved by the Secretary of War and transmitted to Congress by the President, the committee not knowing upon what this radical action was based, did not care to go into an investigation as to the reason for that action, as a new commission could be provided that would be broad enough to include such of the personnel and organization of the Mississippi River Commission as would be found beneficial, and as might be transferred to it.

WHY PANAMA CANAL ACT WAS FOLLOWED

The problem of controlling the destructive flood waters of the Mississippi River is probably one of the biggest engineering projects the world has ever known, greater than the Panama Canal, and certainly greater than any other engineering project of modern times. Its importance to the country is such that the handling of the problem should be by an agency of such recognized engineering ability, talent, and experience that the entire Nation would have confidence in their acts.

This project is not the ordinary river and harbor project and should be taken out of the category of one of the thousands of duties now devolving upon the Chief of Engineers of the Army. Whoever is going to solve it should give his entire time and attention to the work.

With this in mind a search was made for a proper precedent and no better one could be found than that supplied by the building of the Panama Canal. Therefore, the bill follows closely the act creating the Isthmian Canal Commission and the organization used in the planning of the construction of the Panama Canal.

The bill adopts no specific engineering plan, but contains merely a general direction of the powers to enable the commission to do the work. Congress should not pass an act containing hard and fast rules in engineering directions that might have to be changed when the engineers got on the ground to do the work.

Why the Jadwin plan could not be adopted is explained very fully hereinafter.

1. KNOWLEDGE OF MISSISSIPPI RIVER NECESSARY TO DEVISE COMPREHENSIVE PLAN

WHOSE ADVICE SHOULD BE FOLLOWED IN MISSISSIPPI RIVER FLOOD-CONTROL MATTERS?

The committee was impressed by the fact, through the testimony offered, that not only does flood control and river improvement on the Mississippi River call for technical qualifications of a high order, but there are a multitude of problems that come up that require intimate knowledge and special information of local conditions to assist in the proper solution of these problems. It should be plainly evident that this special experience and the fund of information as added to from year to year should constitute perhaps a greater asset than technical proficiency alone with those engineers who are charged with directing the work of flood control on this river.

EXPERIENCE ON MISSISSIPPI RIVER ESSENTIAL

Hon. Dwight F. Davis, Secretary of War

(P. 3813)

Secretary DAVIS. I think not; because experience on the Mississippi River is essential to any engineer, I think, who must study the problem. The Mississippi River is a very ornery beast and it is different from any other engineering problem, as far as I know of, in the hydraulics of the world, probably, and from what I know, talking with citizens and engineers and everybody, it requires a great deal of actual experience on the river to come to an intelligent conclusion as far as actual advice is concerned.

SPECIAL QUALIFICATIONS REQUIRED OF ENGINEERS TO ENABLE THEM TO DEVELOP A METHOD OF FLOOD CONTROL

(P. 2112)

The CHAIRMAN. * * * You do not mean that it is necessary absolutely, for an engineer to have an intimate knowledge of the river in order to arrive at a flood-control report? You do not mean that, do you?

Colonel POTTER. I do.

* * * * * * *

The CHAIRMAN. * * * Is the Mississippi different from any other river?

Colonel POTTER. It seems to be. Formulas that apply to other rivers do not seem to work worth a cent on the Mississippi.

The CHAIRMAN. So you have to have Mississippi River hydraulics as well as other hydraulics?

Colonel POTTER. That is my opinion.

* * * * * * *

The CHAIRMAN. But his—an hydraulic engineer's—judgment would not be worth much unless he had an intimate relation with it?

Colonel POTTER. I would not want to characterize it that way.

The CHAIRMAN. It would be worth a lot, then?

Colonel POTTER. I think it would be worth a lot; but there are certain things we have learned about the Mississippi River that might——

Mr. COX. That only experience with the Mississippi could supply?

Colonel POTTER. Yes. Take the case of bottle necks. They are all talking about taking out bottle necks. When I first came on the river we took out the greatest bottle necks ever known on the river.

The CHAIRMAN. Where was that?

Colonel POTTER. Arkansas City. The distance between the levees was 0.85 mile, whereas the average was 3 or 4 miles, and the next narrowest place is 1¼ miles.

The CHAIRMAN. You are talking about bottle necks with reference to levees?

Colonel POTTER. Yes; we took out that bottle neck, and we expected a big decrease in flood level above that point. We got 0.9 of a foot above it, but got 3½ feet below it, and we had the biggest fight of our lives to hold the levee above Greenville.

I do not think the hydraulic formula would show that, but I know we did it.

KNOWLEDGE OF RIVER NECESSARY TO PREPARE PLANS

Charles H. West

(P. 3053)

The CHAIRMAN. All right. Now, Colonel Potter testified to the effect that even expert engineers in civil life could not take flood-control data and reports and evidence, submit them to an examination and evolve or prepare a proper method of flood control for the Mississippi River without intimate connection with the river. Is that true in a general way, would you say?

Mr. WEST. I believe it is.

COLONEL POTTER'S QUALIFICATIONS AS AN ENGINEER ON MISSISSIPPI RIVER

SEVENTEEN YEARS ON MISSISSIPPI RIVER

(Pp. 2017, 2018)

Three years at Memphis as district engineer.
Secretary of Mississippi River Commission, 1010 to 1012.
District engineer, St. Paul, on Mississippi River, 1912 to 1915.
President Mississippi River Commission since March, 1920.
From 1911 to 1912 division engineer at St. Louis.

From the above it will be noted that Colonel Potter has had 17 years' experience on various kinds of works connected with the Mississippi River, and he is better qualified to prepare plans for the control of the flood waters than anyone connected with the Corps of Engineers.

QUALIFICATIONS OF CHARLES H. WEST AS AN ENGINEER AND EXPERT ON MISSISSIPPI RIVER

FORTY-EIGHT YEARS ON MISSISSIPPI RIVER

(P. 3041)

Graduate University of Illinois.
Member American Society Civil Engineers.
Member waterway division of American Society.
Member Mississippi River Commission, 1910 to 1928 (18 years).
Surveyor, inspector, and assistant under the Mississippi River Commission, engaged on works in Arkansas, northern Louisiana, and in Mississippi for a period of 18 years.
From 1898 to 1910 chief engineer Mississippi levee district.

From the above it is noted that Mr. West had 48 years' continual service as an engineer in connection with flood-control work on the Mississippi River.

GENERAL JADWIN'S EXPERIENCE ON MISSISSIPPI RIVER

MADE EIGHT VISITS TO MISSISSIPPI VALLEY

(Pp. 3561, 3564)

General JADWIN. * * * I * * * was assigned to duty at San Antonio as chief engineer of the Eighth Army Corps. While there, the big flood on the Mississippi occurred, and I went over to New Orleans——

The CHAIRMAN. What year was that, now?

General JADWIN. That was in 1922.

The CHAIRMAN. The flood of 1922?

General JADWIN. Yes, sir; the flood of 1922, and I went down to the break below New Orleans to see it.

The CHAIRMAN. That was known as Poydras at that time?

General JADWIN. Poydras break; yes, sir. * * *

* * * * * * *

The CHAIRMAN. Now, General, we will start with April, 1927. Tell the committee when your attention was first called to the need of activity in your department in regard to the Mississippi River and its flood. * * *

General JADWIN. I think probably, Mr. Reid, I became rather more than ordinarily interested at the time of the 1922 flood. It occurred to me that I should like very much to see that.

The CHAIRMAN. You are going to talk first about 1922?

General JADWIN. Yes, sir; it was a big flood, and that is the time I made the trip over to New Orleans to see the river in flood. That started me wondering as to whether the system under which the work was going was entirely proper. I had no official connection with it until I came into the office of the Chief of Engineers three and one-half years ago.

* * * * * * *

The CHAIRMAN. Just tell us in a general way from April, 1927, your connection with the Mississippi River flood, personally and officially.

General JADWIN. Yes, sir. * * * I made seven trips during that period, which were from April 24 to May 4; May 6 to May 12; June 1 to June 10; October 4 to October 14; October 27 to November 5; November 13 to November 25.

The CHAIRMAN. You made seven trips in all?

General JADWIN. Seven trips to the valley in connection at first with the relief work and starting concurrently the matter of studying on the plan for the amelioration of these floods.

2. SCOPE OF JADWIN PLAN

The report of the Chief of Engineers submitted to the committee for consideration a project providing for certain flood-control works between Commerce, Mo., and Head of the Passes, as sufficient to control a flood like that of 1927 or one 25 per cent greater as measured at Cairo, Ill., containing items covering the following:

First. Raising and strengthening the main levees on the Mississippi River.
Second. Bonnet Carre spillway.
Third. Atchafalaya flood way.
Fourth. Boeuf Basin flood way.
Fifth. Birds Point-New Madrid river-bank flood way.

6. Revetment for river improvement.

The report shows that the cost of these items will amount to $296,400,000, of which the local interests are expected to pay $37,440,000, which is 20 per cent of the cost of the items from 1 to 5, inclusive.

3. OBJECTIONS TO ENGINEERING FEATURES OF JADWIN PLAN

"SERIOUS REFLECTION ON GOVERNMENTAL AUTHORITIES RESPONSIBLE," SAYS LEADING ENGINEERING MAGAZINE

The following is an editorial appearing in the Engineering News-Record, March 8, 1928 (p. 386):

No progress

Moreover, with cost altogether disregarded, there remain fundamental doubts as to the technical soundness and efficacy of the plans—doubts clearly expressed by many engineers outside Government circles, and clearly enough realized by Members of Congress. The New Madrid flood way, shallow diversion channels a dozen miles wide the sufficiency of which was merely guessed at, reliance on haphazard crevasse formation to relieve an overburdened channel, levees flowing within a foot of the top in a great emergency, such elements of the plan utterly failed to engage that confidence vital to the undertaking of the great enterprise. That this should be the case is a serious reflection, indeed, on the governmental authorities responsible.

Confronted with these conditions, Congress must nevertheless act, if relief from the threat of disastrous floods is to be provided reasonably soon. If it can not act on the plan before it, then, obviously, it must create an organization competent to work out a dependable plan, with full and correct costs. Such information is indispensably necessary before the scope of the enterprise is capable of definition. At the same time actual work in the field will have to be started, even before the estimates are at hand.

A perusal of the objections made by distinguished engineers against the engineering features of the Jadwin plan and a reference to the proof in the record in support of their objections will convince any fair-minded person that the committee was entirely justified in refusing to adopt the Jadwin plan as a project or to include it as a part of legislation on flood control. The objections were made by engineers not only eminently qualified by education and training, but they were engineers of the highest standing in their profession. This, together with actual experience on the Mississippi River for many years, and the fact that their official positions impose upon them great responsibility for the safety of life and property in their districts, and since they were actually engaged in flood-control work year after year, there can be no doubt that their advice should be given great weight. Unless proper methods of flood control shall be adopted and executed, these engineers not only will suffer personal discomfort, but their districts will sustain great financial loss and their communities be exposed to ruin.

No better group of engineers, Army or civilian, on Mississippi River flood-control problems could be assembled, and no one can say truthfully that each did not know his subject.

Of all the engineers whose testimony is in the record, not one of them, aside from the Army engineers was willing to approve the Jadwin plan in its entirety, and many of them pointed out fatal defects, as may be seen in their testimony.

OBJECTIONS TO JADWIN PLAN OF EXPERIENCED RIVER ENGINEERS

Col. Charles L. Potter is president of the Mississippi River Commission with 17 years' experience on the Mississippi River and has been president of the commission for eight years. Capt. Charles H. West is the senior member of the Mississsippi River Commission with 48 years' experience on the river and has has been a member of the commission for 18 years. Both of these men are civil engineers of the highest reputation and this fact, coupled with their continuous service in fighting the destructive flood waters of the Mississippi River, makes their opinion on the engineering features carry great weight.

Both of these commissioners testified in regard to the engineering features of the Jadwin plan and characterized the fuse-plug device at the head of the flood ways, as proposed in his plan, as not dependable and likely to produce results not anticipated nor provided for. They suggested that more study should be given to the subject before any of the flood ways proposed by General Jadwin were constructed, as will be seen from the testimony hereinafter set forth (pp. 58–59, 61–63).

Speaking directly of the Birds Point-New Madrid River bank flood way proposed by General Jadwin, Colonel Potter was of the opinion that it was not feasible from an engineering standpoint, as will be seen from his testimony hereinafter set forth (p. 63).

Mr. John Klorer, of New Orleans, an engineer of high standing and commissioner of public property of the city of New Orleans, with 30 years' experience fighting the flood waters of the Mississippi River, and during the 1927 flood directly in charge of the protection of the city of New Orleans, characterized the Jadwin plan as being defective in the adoption of the fuse-plug levee, because it provided for no controlling works, because it failed to provide for disposing at Morgan City of the excess flood waters diverted from the Mississippi River, and on account of the insufficient factor of safety provided for the main river levees, as will be seen from his testimony hereinafter set forth (p. 65).

Walter Y. and James P. Kemper, engineers of high reputation with lifelong experience in fighting the lower Mississippi floods, objected to the Jadwin plan not only on account of the fuse-plug levees and uncontrolled spillways, but pointed out that so great an amount of water was to be thrown down the Atchafalaya Basin that it would be impossible for the basin to take care of it and would needlessly destroy thousands of productive acres, as will be seen from their testimony hereinafter set forth (pp. 61, 64–65).

L. T. Berthe, C. E., a consulting engineer of wide experience, in charge of flood-control protection for southeast Missouri, stated that the Jadwin plan was not only bad on account of the use of the fuse-plug levee device and the uncontrolled spillway, but that it would not do the things claimed and would leave the city of Cairo and southeast Missouri without adequate flood protection, as will be seen from his testimony hereinafter set forth (pp. 60, 64).

J. R. Adams, a member of the State Board of Engineers of Louisiana and for many years connected with the construction and maintenance of levees on the Mississippi River below the mouth of the Arkansas River, gave as his objection to the Jadwin plan the excessive amount of water diverted from the Mississippi River through the Boeuf flood way, which, in his opinion, exceeded the capacity of the flood ways to take care of, without causing damage almost the equivalent of a failure of the levee system, as will be seen from his testimony hereinafter set forth (p. 61).

J. S. Allen, chief engineer of the Board of Mississippi Levee Commissioners, with 38 years of experience in combating the floods of the Mississippi, 10 years of which was under the Mississippi River Commission and 28 years in association with the levee board, stated as his objection to the engineering features of Jadwin's plan that the fuse-plug levee will not function, questioning the probability of the fuse-plug crevasse opening the necessary width to permit the escape of a sufficient volume of the flood waters to relieve the main river, as will be seen from his testimony hereinafter set forth (p. 60).

Several chief engineers of transcontinental railroads traversing the Mississippi Valley, with many years' experience endeavoring to protect their lines from the ravages of the destructive floods, objected to the use of the fuse-plug levee as a new and untried device, the efficacy of which was doubted. Among these engineers, whose testimony is hereinafter set forth—pages 59, 60. 64, 66, 67—were the following: Hadley Baldwin, chief engineer of the Big Four system; E. F. Mitchell, chief engineer of the Texas & Pacific Railroad; E. A. Hadley, chief engineer of the Missouri Pacific Railroad; Harry Bortin, consulting engineer for the Louisiana Railway & Navigation Co.; Robert H. Ford, assistant chief engineer of the Rock Island lines; and a committee of the chief engineers of all the railroads operating in the Mississippi Valley, headed by A. F. Blaess, chief engineer of the Illinois Central Railroad.

The special flood-control committee of the American Engineering Council also raised the objection of the effects of the diversions proposed by General Jadwin and suggested further study, as will be seen from an extract from the committee's report hereinafter set forth—page 63.

EXPERIENCED RIVER ENGINEERS WHO SAY THAT MISSISSIPPI RIVER COMMISSION PLAN IS BETTER THAN JADWIN PLAN

As between the plan proposed by General Jadwin and that proposed by the Mississippi River Commission, there is a striking unanimity of opinion on the part of the civil engineers who are in close touch with flood problems in the Mississippi Valley that the plan proposed by the Mississippi River Commission is superior to the plan proposed by General Jadwin. That is the attitude of the following engineers:

W. L. Head: Chief engineer, Yazoo Mississippi Delta Levee Board, since 1918 (p. 4723).

George C. Schoenberger: Chief engineer of Louisiana; formerly with United States Government under the Mississippi River Commission in the fourth Mississippi River district, part of which time in local charge of levees, part of time on revetment work; 1917 to 1925, assistant State engineer of Louisiana, and member of board of State engineers in charge of levee work on the Mississippi River and Arkansas River from Pine Bluff to Red River; 1917 to present time, chief State engineer of Louisiana and member of board State engineers, executive

head of board and general charge of flood-control work for Louisiana (p. 4723).

S. P. Reynolds: Chief engineer St. Francis levee district of Missouri since 1908 (p. 4723).

R. B. Kohnke: Acting chief engineer of Orleans levee board; 1924 to 1926 assistant engineer Orleans levee board; from which time, acting chief (p. 4723).

W. E. Ayres: Consulting engineer with firm of Ayres & Miller, Memphis, Tenn., for past 15 years, work principally on drainage and flood control, State of Arkansas (p. 4723).

Lucius T. Berthe: Consulting engineer; civil engineer for 30 years; 22 years on hydroelectric power, drainage, and flood control; 3 years with J. D. Schuyler, a consulting engineer, in applied hydraulics, he having become nationally known for the development of the hydraulic-fill dam for water power (p. 4723).

J. S. Allen: Chief engineer Board of Mississippi Levee Commission; 38 years of experience—10 years in the Government service under the Mississippi River Commission and 28 years in association with the levee board, the last 6 years as its chief engineer (p. 4723).

John Klorer: Commissioner, Orleans levee board, and a civil engineer; from 1895 until 1912 in the employ of the United States engineer service in the Mississippi River Commission office of the fourth district, with the exception of three years employed on other work in Mexico, including surveys for river improvement by the Mexican Government; from 1912 until 1920 a member of the board of State engineers, State of Louisiana; in 1920 appointed city engineer of New Orleans and served in that position until May, 1925, at which time elected a member of the commission council (p. 4723).

H. M. Pharr: Chief engineer St. Francis levee district of Arkansas. With above levee district entire life; first as assistant engineer and now as chief engineer (p. 4723).

W. H. Hudson: Chief engineer Sny Island levee drainage district; 18 years' experience; 2 years on highway, 16 years drainage and flood-control work in the States of Arkansas and Missouri (p. 4723).

Henry Bortin: Consulting engineer for Louisiana Railway & Navigation Co. (p. 4040).

Hadley Baldwin: Chief engineer Cleveland, Cincinnati, Chicago & St. Louis Railway (p. 4036).

Robert H. Ford: Assistant engineer, chief engineer Rock Island lines, Chicago, Ill. (p. 4032).

E. A. Hadley: Chief engineer Missouri Pacific Railroad, member American Society of Civil Engineers; member Railroad Engineers Association; engaged principally on railroad work (p. 4028).

R. W. Barnes: Chief engineer, Southern Pacific lines (p. 4026).

E. F. Mitchell: Chief engineer of Texas & Pacific Railway Co.; practiced engineering since 1882; mostly railroad work; familiar with Arkansas-Louisiana floods; member American Society of Civil Engineers (p. 4014).

A. F. Blaess: Chief engineer Illinois Central Railroad, graduate University of Michigan, 1895; been with Illinois Central since 1897, in engineering department (p. 3758).

J. P. Kemper: Civil engineer; practiced all his life in Atchafalaya Basin (p. 4501).

Walter Y. Kemper: Civil engineer; practiced on Atchafalaya entire life (p. 4173).

J. R. Adams: Member Louisiana State board engineers; connected with work on Mississippi River since 1912 (p. 3016).

ENGINEERING OBJECTIONS IN GENERAL TO JADWIN PLAN

The main points of contention, as developed by the evidence of engineers were—

(1) That, by the failure to use regulating works of known capacity to divert the water from the main river, and the failure to control and confine the water after it left the main river would not only produce dire results on the communities through which the flood waters passed, but might fail to relieve the main river as expected, thereby causing crevasses on the main river.

(2) That the use of a fuse-plug levee device in the Jadwin plan as a substitute for a controlled engineering structure was said to be a radical and a doubtful departure from sound engineering practice. The results from its use were said to be highly problematical, inasmuch as there is no way of determining in advance the size of the opening made by the crevasse and therefore no sure way of estimating, much less limiting, the quantity of water that would pass through it.

(3) The fuse-plug levee is described as a low and weak section of the existing levee, and designed to break by the action of the flood waters. The history of the crevasses on the Mississippi River indicates that there is no way of telling how little or how much water will escape through a crevasse, evidence being cited that in one case at least the river continued to rise after a crevasse had occurred instead of falling. Natural crevasses rarely exceed a mile in width. Flood waters making the crevasse sometimes dig what is known as a "blue hole" and let out great quantities of water uncontrolled, while other crevasses only produce small breaks and have little or no effect on the flood heights. An additional objection is made that the use of the fuse-plug levee device will subject the territory to secondary floods, causing needless damage on account of inability to close the crevasse before the second flood, as happened in 1927.

SPECIFIC ENGINEERING OBJECTIONS TO BIRDS POINT-NEW MADRID RIVER-BANK FLOOD WAY

The specific engineering objections urged against the Birds Point-New Madrid river-bank flood way proposed in the Jadwin plan were:

(1) The necessity under the Jadwin plan of the return of the water diverted at Birds Point to the Mississippi River at New Madrid will cause it to pile up at the latter point, thus reducing the slope and velocity and resulting capacity of both flood way and main river to such extent that the actual lowering of flood height at Cairo will not be 6 feet as needed but probably only 3 feet in periods of maximum floods.

(2) That this objection is well founded, the flood of 1913 was cited to show that in that year the waters flowed through this location 15 miles wide, or three times wider than the proposed one, with an average depth of 6 feet and operating as a result of 11 crevasses near Birds Point and failed to reduce the Cairo gauge more than 3 feet.

(3) That this objection was well founded, attention is called to the fact that Colonel Potter testified that he did not consider the project feasible from an engineering standpoint.

(4) A still further objection to the plan is that should it accomplish the results anticipated in the Jadwin plan, Cairo would still be without adequate protection, pointing out that the maximum flood brings the water to the very top of the levee.

(5) Attention is called to General Jadwin's testimony whereby he modified his plan during the hearings by substituting 10 miles of fuse-plug levees at the north and south ends instead of cutting down the entire 70 miles of levee from 58 to 55 feet, as indicated in his written report, thereby calling forth further objection to the use of the fuse-plug levees condemned as bad from an engineering standpoint.

SPECIFIC ENGINEERING OBJECTIONS TO BOEUF BASIN FLOOD WAY

The specific engineering objections urged against the Boeuf Basin flood way proposed in the Jadwin plan were:

(1) It is needlessly wasteful of land and endangers cities and communities. Within this area there are 70,000 people whose lives would be endangered by the rush of water through the confined channel.

(2) The side levees along the flood way are constructed with lesser cross section and strength than standard levees.

(3) The backwater area is needlessly increased by inundating a section of the country that is very rarely flooded.

(4) The flood way, only being subjected to water once in 12 years, would possibly cause the side levees to fail with a rapid rise of water in the flood way.

(5) The fuse-plug levee instead of the control device is objectionable for the reasons heretofore stated.

(6) Failure of the fuse-plug device to limit the amount of water might cause the overtopping and failure of the guide levees along the flood way.

(7) General Jadwin's plan and testimony shows that the flood way will be an average of 120 miles long and 13 miles wide and that when flowing to capacity the water in the flood way will be 20 feet deep. The comment is made that, if such be true, the depth of water will overtop the ridges on both sides of the flood way at points where no guide levees are provided, thus flooding the entire territory over to the Mississippi River on the east and menacing with overflow the towns of Colliston, Merrouge, and Gallion, and adjacent territory on the west.

(8) That the backwater from the Boeuf Basin flood way will go around the end of the west guide levee near the Ouachita River and submerge the town of Columbia and probably the city of Monroe.

(9) Failure of General Jadwin to provide plan for levees as in the Mississippi River Commission plan to limit increased backwater effects accruing from flood-way flow will subject to backwater flooding the towns of Vidalia, Ferriday, Clayton, Waterproof, and surrounding territory, which area would not otherwise be flooded. Attention is called to the fact that the Mississippi River Commission has met this condition by the construction of auxiliary levee beginning at Bougere on the Mississippi River and extending northwesterly along the Tensas River.

In the discussion of the diversion channel or flood way from the mouth of the Arkansas River to the mouth of the Red River, it has been referred to in the various reports submitted, and in the testimony before the committee by several names, viz, Cypress Creek diversion, Boeuf Basin flood way, and Tensas Basin flood way.

It should be stated in explanation that the old mouth of Cypress Creek, Ark., located about 25 miles below the Arkansas River and about 12 miles above Arkansas City, is the site selected for the upper end of the proposed flood way, and for that reason perhaps the proposed floodway has been designated as the Cypress Creek flood way by some persons. Other persons have designated it as the Tensas flood way for the reason perhaps that the greater part of its length is in what is known as the Tensas levee district.

A much more correct designation is the Boeuf diversion or Boeuf River diversion, for the reason that the Boeuf River is the axis of the flood way for practically its entire length.

SPECIFIC ENGINEERING OBJECTIONS TO ATCHAFALAYA FLOOD WAY

The specific engineering objections urged against the Atchafalaya flood way proposed in the Jadwin plan were:

(1) Fuse-plug device objections as heretofore stated.

(2) Both the failure to provide continuous levees and to extend them far enough to the south needlessly subjects large areas to overflow and will submerge certain towns which should be protected.

(3) That the towns of Melville, Simmesport, and Morgan City are in the path of the flood way and are not sufficiently protected for the reason that the flood waters might surround the towns, and if the levee should fail on account of not being seasoned, the entire town would be destroyed and the people might be cut off from escape.

(4) That the amount of water diverted down the Atchafalaya section is in excess of the discharge capacity of the lower end of the Atchafalaya flood way. The Jadwin plan makes no provision for taking care of this excess which is about 500,000 cubic feet per second, or the equivalent of one-third the high-water discharge of the Mississippi River in front of New Orleans.

(5) The openings left in the levees for drainage on the west line of guide levees are at Bayou Rouge and Courtableau; and on the east flood way at the head of Grand River, permitting overflow of valuable farm lands intended to be protected.

TESTIMONY AGAINST JADWIN PLAN

The following is the testimony of civil engineers referred to above, with long experience on the Mississippi River, concerning the impracticability of the Jadwin plan:

FUSE-PLUG LEVEES

DISCHARGE THROUGH CONCRETE SPILLWAY CAN BE DETERMINED EXACTLY; DISCHARGE THROUGH A FUSE-PLUG OPENING NOT DETERMINABLE IN ADVANCE

Colonel Potter

(P. 2365)

The CHAIRMAN. Well, I would like to have you tell us why the Mississippi River Commission plan includes a spillway constructed at Cypress Creek at an estimated cost of $9,000,000, where the Army plan provides for a fuse-plug levee section at the same location. Tell the committee why the commission elected to spend $9,000,000 constructing this spillway if a fuse-plug levee will do the work, and be much cheaper, and at the same time be engineeringly correct.

Colonel POTTER. We thought the water should not go out, or should not continue to run out through that spillway clear down to the bank-full stage, and possibly below that, if there was a crevasse or hole through there, and we wanted it to automatically shut itself off at a certain level, 54.4 feet, I think it was.

* * * * * * *

The CHAIRMAN. Is there any way to tell the amount of water that will go through your concrete spillway that costs $9,000,000?

Colonel POTTER. You can tell exactly, at any stage.

The CHAIRMAN. And that is not true with regard to the fuse-plug levee, is it?

Colonel POTTER. No; because you do not know how wide it is going to be. It is like a crevasse. You can measure a crevasse after it starts, but you can not estimate in advance how much the crevasse is going to take.

The CHAIRMAN. That is what I say. There is no way that you know of that you can anticipate the amount of reduction in flood height with a fuse-plug levee, is there?

Colonel POTTER. I know of no way; no, sir.

The CHAIRMAN. Would it be possible to know the various flood heights at different points along the river through the use of a fuse-plug levee?

Colonel POTTER. Well, of course, the flood heights would depend upon the amount of water that goes through.

The CHAIRMAN. That is what I say. So it would be an unknown factor until the water was actually coming through, would it not?

Colonel POTTER. Until the water was actually coming through.

(P. 2366)

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The CHAIRMAN. There is no dependence that can be placed upon it, then, is there?

Colonel POTTER. Well, the only lack of dependence is the inability to gauge in advance the amount of water that will go through that flood way.

* * * * * * *

Colonel POTTER. There should be something at either end of it to limit its width.

The CHAIRMAN. Yes.

Colonel POTTER. But whether it will be the full width of the opening or not, I do not think anybody can tell in advance.

The CHAIRMAN. That is what I mean.

Colonel POTTER. But it would be flowing over that thing, and would probably break the whole length of it, and might cut into the levee unless it would be controlled in some way at the ends—into the real levee, I mean.

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(P. 2367)

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The CHAIRMAN. All right. Now, is there any difference in the effectiveness of a crevasse, in the ordinary sense of the word, and an opening created by a controlled spillway?

Colonel POTTER. Well, the crevasse is liable to become more effective by extending beyond the limits set for it.

The CHAIRMAN. All right. And has it not sometimes happened that it becomes less effective?

Colonel POTTER. It might become less effective.

The CHAIRMAN. You remember the Torras crevasse in 1912, do you not?

Colonel POTTER. Yes.

The CHAIRMAN. Tell the committee what the effect was there. Did the gauge height continue to increase after the Torras crevasse?

Colonel POTTER. Yes, sir.

The CHAIRMAN. That is true, is it not?

Colonel POTTER. Yes, sir. More water was coming down than went through it, evidently.

COULD NEVER ANTICIPATE QUANTITY OF WATER

By Harry Bortin, consulting engineer for the Louisiana Railway & Navigation Co.

(P. 4042)

The CHAIRMAN. I will ask you another way: Do you believe uncontrolled spillways can be made to work, or can protect against a flood that might come, or the water that might come from it?

Mr. BORTIN. Answering your question, Mr. Chairman, I am very much inclined to agree with Mr. Grunsky, that in all work of such large importance it is very essential to predetermine the places where your spillways will be, and have them in the form of concrete weirs, and determine the exact places where your flood ways will be, and the exact area, and economic situation of the properties that will be effected; and I believe that when a survey of that kind is thoroughly and exhaustively made, the problem will resolve itself into a simpler aspect, which will enable it to be better solved.

The CHAIRMAN. I will ask you again, do you think water coming through an uncontrolled spillway could be anticipated so that you would know that your railroad would be safe in the path of it?

Mr. BORTIN. You would never know, in my opinion.

The CHAIRMAN. All right.

Mr. BORTIN. In fact, people at the present time have an opportunity to fight the flood. Say it only goes 6 inches above your fuse-plug levees, I can see where people would not be able to do anything, or, if anything at all, then perhaps it would be too late.

CAN NOT ESTIMATE DISCHARGE THROUGH FUSE-PLUG LEVEE

E. A. Hadley, chief engineer, Missouri-Pacific Railroad

(P. 4031)

Mr. WILSON. If a fuse-plug levee blew out and became a crevasse, you couldn't estimate the amount of water you would get, could you?

Mr. HADLEY. No; there would be no way of estimating that * * * and, together with other engineers who have testified here, have never heard of a fuse-plug levee until I read this report.

NEVER HEARD OF FUSE-PLUG LEVEES

By E. F. Mitchell, chief engineer, Texas & Pacific Railroad

(P. 4015)

The CHAIRMAN. * * * Had you ever heard of a fuse-plug levee before the Jadwin report?

Mr. MITCHELL. I never had heard of one until I read that in the Jadwin report, but I think I understand what is meant by it, just the

levees as they exist at their present height, to be overtopped or perhaps blow out from any of the overflows.

FUSE-PLUG LEVEES WILL NOT FUNCTION PROPERLY

By J. S. Allen, chief engineer, Mississippi levee commissioners

(P. 4668)

In my opinion, based on 38 years of service on the levees, the so-called "fuse-plug" in the vicinity of Arkansas City will not function upon the terms assumed—i. e., 900,000 second-feet—no break (and the fuse plug is assumed to break) within my knowledge has ever discharged 600,000 second-feet. For instance, it is estimated that the flow down the Tensas Basin coming from the breaks at South Bend, Pendleton, and Melford during the flood of 1927 was about 600,000 second-feet (three breaks, mind you). Then, how can one break in the "fuse plug" amount to so much unless artificially widened? I claim that this can not be successfully done, because the velocity of the flow after the flood way is filled will not be strong enough to remove the material on the ends of the break, after being dynamited, to any appreciable extent. (The artificial crevasse at Caernaryon is illustrative.)

(P. 4669)

The plan is not based upon sound engineering principles, but is based on the assumption that a crevasse will occur in a levee some 15 or 20 miles in length at some time, and that this crevasse will bring about a given result, which assumption is not borne out by the records.

MAY BE NECESSARY TO USE DYNAMITE

By Lucius T. Berthe, consulting engineer

(P. 3004)

Mr. WHITTINGTON. If you do not mind, will you tell us what a fuse-plug levee is, how it differs from any other levee?

Mr. BERTHE. I had never heard of a fuse-plug levee, in exactly those terms, until the Army engineers' plan was published. * * * It is intended to operate something like a safety valve. It is intended to hold a certain portion, and when it gets over that certain portion it blows up. * * *

The CHAIRMAN. * * * You can not tell whether that will fuse or not, can you?

Mr. BERTHE. You can not tell that; no.

* * * * * * *

The CHAIRMAN. And if it is a buckshot levee, what about that?

Mr. BERTHE. If it is a buckshot levee, it might not open up for days, and it might necessitate the use of dynamite to open it up. If you have a sharp, quick rise, it may be entirely ineffective and you lose your main levee anyway. When a safety valve is put in for that purpose, it ought to be very definite, so you know when it is going to operate. In this case you do not know.

* * * * * * *

Mr. BERTHE. * * * One of those fuse plugs does go by Arkansas City and the city would be protected by a ring levee. Supposing the crevasse would occur close to the ring levee. It is a very probable matter that it would eat on the end until it cut into the main levee protecting the city. * * *

The CHAIRMAN. Now, tell the committee this: You got at Arkansas City all the people in there inside of a ring levee.

Mr. BERTHE. Yes.

The CHAIRMAN. And if what you say might happen occurred it would eat down to the ring levee?

Mr. BERTHE. If a crevasse occurred right close to the ring levee, it might be very difficult and it might be impossible to protect that ring levee from cutting and the city would be flooded.

The CHAIRMAN. And if surrounded by water they would be unable to escape.

Mr. BERTHE. They would be unable to escape, unless they had enough levee left to get out on.

BOEUF BASIN FLOOD WAY

FLOOD WAY WOULD BE REQUIRED TO CARRY 50 PER CENT OR MORE THAN 1927 CREVASSE VOLUME

Colonel Potter

(P. 4529)

Mr. WILSON. Colonel, would it be possible, in your judgment, to divert through the Boeuf spillway 900,000 second-feet of water and give it the same or greater protection than it now has?

Colonel POTTER. I can not see that we could do it. If you are going to divert the water through it or use it as a spillway, it is sure to be flooded in certain years in addition to what it now is. There has been no water through there; there was no water through there in 1922, so it was not affected in 1922. If it had not been for the breaks on the Arkansas River where the levees, we admit, were not built up to grade or section, because they had been built but not finished and were built against Arkansas River floods, there would have been no flow down there in 1927.

Mr. WILSON. And if you put 900,000 feet there, that is more than what went through this year, is it not?

Colonel POTTER. Oh, yes, sir; much greater; 50 per cent more and probably more than that.

FEARS GREATER DISCHARGE IN FLOOD WAY THAN CALCULATED QUANTITY

By J. R. Adams, assistant State engineer of Louisiana

(P. 3016)

The plan (for the Boeuf River flood way) provides that the water will enter the flood way through a fuse-plug levee. By this it is meant that some 25 or 30 miles of this levee will be left in its present weakened condition. * * * The idea is * * * that in periods of floods, greater than that of 1922, the water will flow over the top of this 30 miles of levee until the levee has failed or crevassed in some one or more places. * * * No one can safely say how many breaks would occur, what the extent of the break will be, or what the amount of the water discharged through these breaks would be. It is conceivable that in the event of a flood of larger proportions than the 1922 flood that there might be breaks in this levee line sufficient to discharge more than 900,000 cubic feet per second into this flood way.

BOEUF BASIN WOULD BE FLOODED EVERY THIRD YEAR

J. P. Kemper

(P. 2870)

Mr. KEMPER. Under those conditions the fuse-plug levee at Cypress Creek would have "blown" in 1912, 1913, 1916, 1920, 1922, and 1927, or about every third year. That can be expected; that the water will go into the Boeuf Basin every third year under the Jadwin plan.

And still General Jadwin says that the Bayou Boeuf flood way would, under his plan, have as much protection as it now has.

COMMENTS ON DIVERSIONS

RESERVOIRS SHOULD BE INVESTIGATED BEFORE FLOOD WAYS CONSTRUCTED

By Colonel Potter

(P. 2108)

Colonel POTTER. * * * I want some time to study it and see if certain other features can not be brought in to reduce the cost or make the plan more feasible.

The CHAIRMAN. What have you in mind?

Colonel POTTER. I have strongly in mind reservoirs on the Arkansas and White Rivers and other tributaries.

The CHAIRMAN. What else have you got in mind?

Colonel POTTER. That is principally the thing. * * *

I believe there is a possibility of control of the Arkansas and White so as to avoid these spillways and flood ways. * * *

I would not put anything of that kind on those people until I had made a thorough study. * * * But I can tell you now that I would rather live behind that levee with a 4-foot raise and a 12-foot crown and a 6-to-1 slope on the back side and a 4 to 1 on the front side, and the right to fight for my life and property than to have that thing put down on me.

(P. 2295)

Mr. WILSON. Then if you had this reservoir storage of 600,000 feet up the Arkansas and White, that would relieve the amount of water collected from Old River to go down the Mississippi and the Atchafalaya to that extent, wouldn't it?

Colonel POTTER. Just as much as at Cypress Creek.

Mr. WILSON. The Cypress Creek will be the same as the source of the Atchafalaya, which will be divided between the Atchafalaya and the main river to carry on down.

Colonel POTTER. That is the reason I would study the Arkansas before I would put in the Tensas Basin flood way or the Atchafalaya flood way.

DIVERSIONS CONSIDERED LAST RESORT

By Mr. West

(P. 3058–3059)

The CHAIRMAN. Now, Colonel Potter's testimony developed the fact that he was not entirely in sympathy with the idea of the proposed flood way through the Tensas Basin as a means of reducing flood heights at Arkansas City. His statements are to the effect that he was almost disposed to sign a minority report on this particular item. Now, has your study, has your investigation of this particular point, been sufficiently extensive to justify your recording your opinion one way or the other as to the practicability of making use of reservoirs in the Arkansas and White Valleys in preference to the recommended flood way?

Mr. WEST. If reservoirs could be found that would reduce the discharge in the main river at the mouth of the Arkansas River as much as the diversion would reduce it, and even though the reservoirs would cost more than the diversion, it would be infinitely better for the whole problem. It would save the million or two, or more, acres that the flood way would destroy. It would be better for the river itself, because diversions are not good, except as a last resort, to save leveeing further. They are not good for the development of the stream itself, and unless they are absolutely controlled at the head, the entrance, and

throughout, they can be more harmful, perhaps, in the long run than they will be beneficial.

The CHAIRMAN. Well, now, the question was——

Mr. WEST. So I only look upon diversion as a matter of last resort.

The CHAIRMAN. All right. Now, the question was this: Has your study and investigation on this particular thing been sufficient to justify you in stating your opinion that it is necessary to proceed with the flood ways at this time——

Mr. WEST. No.

The CHAIRMAN. Or do you incline to agree with Colonel Potter? What is your answer?

Mr. WEST. We suggested in our report that we needed more time to study this particular question, to balance reservoirs against flood ways. I do not think that there would be any time lost in the construction of the whole structure by giving time for that study. It would only delay the time of beginning the flood ways, and the balance of your work would take longer than to construct the flood ways, so that the flood ways could be completed even though you delayed a year or two; they could be completed before you could complete the necessary work along the main river. Then why hurry and make a possible mistake? Why not make a more exhaustive investigation and study of the possibilities of reservoirs?

The CHAIRMAN. All right. Then you are inclined to agree with Colonel Potter in that, are you?

Mr. WEST. I fully agree with Colonel Potter in that; yes, sir.

FURTHER STUDY RECOMMENDED OF DIVERSION CHANNELS

(By flood-control committee of American Engineering Council)

(P. 4919)

The adoption of any specific plans for diversion channels should wait upon far more complete studies of the areas involved and of the probable effects of such diversions.

UNCONTROLLED SPILLWAYS

COLONEL TOWNSEND, PAST PRESIDENT MISSISSIPPI RIVER COMMISSION, OPPOSED UNCONTROLLED SPILLWAYS

Walter Y. Kemper, quoting Colonel Townsend

(P. 4187)

Now, as to controlled spillways, Colonel Townsend says:

"* * * the spillway prevents any escape of water below a predetermined stage, thus protecting the navigable channel during low water from an injurious reduction in flow; it also gradually increases its discharge as the river rises, and does not cause any violent changes in velocity even at high stages; a crevasse, on the contrary, suddenly permits a large volume of water to escape from the river at a high stage, and suddenly increases river velocities above it by the rush of water to the crevasse while it checks velocities below it by diminishing the effective head which is forcing the water toward the sea."

CAIRO-NEW MADRID FLOOD WAY

NOT FEASIBLE FROM AN ENGINEERING OR FINANCIAL STANDPOINT

By Colonel Potter

(P. 2116)

The CHAIRMAN. You do not consider the problem at Cairo very serious, then?

Colonel POTTER. It is in a bad locality for floods, but I do not look for the danger of Cairo being overtopped. I do not look on it as anywhere near as probable as a great many people do.

The CHAIRMAN. As a matter of fact, you do not consider it serious enough to set the levees back 5 miles in order to relieve it?

Colonel POTTER. I do not.

The CHAIRMAN. Or do you think the 5-mile setback and the removing of the bottle necks will relieve it?

Colonel POTTER. I do not.

The CHAIRMAN. Neither one?

Colonel POTTER. I do not think that the proposed flood way to the west is either feasible from an engineering standpoint or from a financial standpoint.

(P. 2456)

Mr. NELSON. But that would be an average interval between floods of about what?

Colonel POTTER. If we start in 1910 * * * four floods in 17 years.

Mr. NELSON. Assuming a flood came this often, what would be the effect on the levee?

Colonel POTTER. There would not be any levee left after any one flood. We had a case at Vicksburg where the water this year overtopped a levee which went across to prevent the circulation of water around West Pass, and the water on either side of it I do not believe differed by a foot. It tore that levee all to pieces and bored holes into the ground 46 feet deep, below the ground level. If you start a flood over the top of a levee it is going to tear that levee all to pieces.

PREDICTS HIGHER LEVEL OF WATER AT CAIRO WHEN JADWIN PLAN IS COMPLETED

Hadley Baldwin, chief engineer Cleveland, Cincinnati, Chicago & St. Louis Railway

(P. 4037)

Mr. COX. Might I interrupt you just there? I did not understand that the flood levels are raised at Cairo. They are simply greater freeboard than raising of levels, etc.

Mr. BALDWIN. For a given flood, for a given volume of water passing Cairo when the Jadwin plan is completed, if it is completed and its integrity is established, there will be a higher level of water fixed for Cairo than in any situation that has ever happened before.

NO PROTECTION PROVIDED FOR CAIRO AGAINST THE MAXIMUM FLOOD PREDICTED

By L. T. Berthe, consulting engineer

Summarizing the various features of the Army plan we find that the same is not only economically unfeasible but contains serious and dangerous engineering experiments. We find that regardless of the fact that it purports to be and is put forward as an ultimate or comprehensive plan, that the actual net effects only give a normal protection against a 1927 flood and that such degree of protection, if any, which will be afforded by such works against the greatest predicted flood as cited in that report is entirely problematical, except as related to the city of Cairo and the communities across the river in Missouri where no protection is provided against such predicted flood, but instead those communities are sentenced to the inevitable disaster when it occurs.

ATCHAFALAYA FLOOD WAY

SIX INCORPORATED TOWNS TO BE FLOODED

By J. P. Kemper

(Pp. 2853, 2854)

The effect of this will be to submerge more than a million acres of cultivable land, of which at least half is in cultivation, 250 miles of railroad, by severing four main lines into New Orleans, entirely interrupting communication from the west, overwhelming the great Southern Pacific bridge at Morgan City, as well as its other bridge over the upper Atchafalaya River and numerous smaller bridges.

* * * * * * *

The railroads are notified, vaguely, in the plan to open up and raise their roadbeds, presumably at their own expense, clearly without expense to the Government.

Over 400 miles of highways will be subjected to inundation, including 85 miles of the Jefferson Highway between New Orleans and Winnipeg and 50 miles of the Old Spanish Trail between New Orleans and California.

There will be subjected to inundation six incorporated towns of from 300 to 5,000 inhabitants. The plan proposes to isolate three of these with ring levees, the towns paying half the cost. The other three—Berwick, Patterson, and Franklin—do not appear to be provided for. Within the area proposed to be submerged are no less than eight large sawmills, with a daily capacity of 600,000 board feet, and numerous small mills.

MORE WATER SENT DOWN ATCHAFALAYA BASIN THAN COULD BE SAFELY CARRIED

By Walter Y. Kemper, civil engineer, Franklin, La.

(P. 4173)

The CHAIRMAN. Mr. Kopp asked the specific question as to what the objections were to each plan. Don't go into details, but just tell generally what you think about the plans.

Mr. KEMPER. The principal objection to the Jadwin plan, so far as the Atchafalaya Basin is concerned, is that it attempts to put more water into the Atchafalaya Basin than can be safely carried through it. I don't think any system of levees can be built that will carry that amount of water safely through the basin. They attempt to carry that water through by a system of levees that is only partial, and I heard the general testify to-day that there would be no backwater in this locality here.

ENGINEERING OBJECTIONS IN GENERAL

PROPERTY RIGHTS DISREGARDED IN BOEUF AND ATCHAFALAYA FLOOD WAY PLAN

By John Klorer

(P. 4768–4769)

I have your letter requesting me to state concisely my views on the Jadwin flood-control plan and also on the plan submitted by the Mississippi River Commission.

To begin with, I have no hesitation in saying that in my opinion the plan of the Mississippi River Commission is the more satisfactory one offered as the solution of the flood-control problem. It provides for a greater margin of safety in its levee grades and introduces no questionable departures from engineering practice on the Mississippi River, such as are proposed in the Jadwin plan, and which, in my opinion, will be disappointing in the results expected.

I have discussed some of the features of this plan with civilian engineers of long experience and who are familiar with the Mississippi River problem from Cairo to the Gulf, and these engineers are practically of one mind, and that is that the Jadwin plan fails to meet the requirements of the situation.

To be specific and beginning at the upper end of the valley, let us discuss the situation in the vicinity of Cairo. General Jadwin uses in the design of his plan the maximum probable future flood height confined by levees, as submitted by United States Weather Bureau, and estimated at 66 feet on the Cairo gauge. In paragraph 13 of his report he states:

"The serious problem begins at Cairo at the confluence of the Ohio and the Mississippi. From here to New Madrid the main levee on the west bank chokes the river unduly and should be set back sufficiently to lower the head of water by 6 feet in an extreme flood."

From the information furnished me as to the depth of water over this proposed flood-way area, and which information was supplied by Mr. Berthe, the engineer for the particular levee district affected, it is questionable if the desired discharge and, therefore, the expected reduction on the Cairo gauge will materialize. But even should it materialize, the proposed reduction brings the flood line to elevation 60 feet, which is the top of the levee at Cairo, and leaves the Cairo levees without any freeboard.

The precarious situation of Cairo with its 15,000 lives, which is emphasized in several places throughout the Chief of Engineers' report, does not seem to be much improved by resorting to the heroic methods proposed at the expense of the people in Missouri.

The outstanding fundamental principle upon which General Jadwin's plan rests is the efficacy of fuse-plug levees that are expected to break at the head of flood ways and expected to give certain stipulated discharges through these flood ways. The quantities calculated to go through these fuse-plug openings are large quantities—900,000 cubic feet per second in the instance of the Boeuf flood way and 1,500,000 cubic feet per second in the instance of the Atchafalaya flood way. If these quantities do not go through these respective flood ways the difference must go down the main stem of the river and will affect flood heights accordingly. Should the actual quantity diverted through the Atchafalaya flood way, for example, be as little as 10 per cent below the estimated quantity, then the amount involved in this small percentage, viz, 150,000 cubic feet per second, is equivalent to 2.5 feet increase on the Angola gauge, while the margin or freeboard provided for by General Jadwin on the lower Mississippi River improved levees is only 3 feet.

I wish to invite your attention to the fact that there are no controlling works of any kind at the head of the Atchafalaya flood way that will limit the flow of the water into the Atchafalaya Basin, so as not to exceed a predetermined definite quantity, or that will induce it to enter the said basin up to any predetermined definite quantity. To assume that the flow of water past the latitude of Red River Landing will crevasse the "fuse-plug" levees, and will divide in the orderly and well-behaved manner proposed in the Jadwin plan—one-half going down the main river and one-half down the flood way—without having a protected and controlled opening of known dimensions, and will so divide, simply on the dictum of a person, is to attribute to that person the powers that King Canute aspired to when he ordered the sea tides to subside.

I wish also to invite your attention to the totally inadequate provisions made in the Jadwin plan at the lower end of the flood way for getting this water to the Gulf with minimum damage. It is practically dumped at Morgan City with the assumption that it will get out some way, somehow.

The same disregard for the rights of property is shown in the Boeuf flood way, passing through the Tensas district, where the water is dumped at the lower end of the basin in such quantities as to flood 285,000 acres of land not now affected by backwater overflow, and which could be protected by the construction of an auxiliary levee as provided for in the plan of the Mississippi River Commission. It is not urged that the acreage now flooded by backwater in such floods as 1927 be reduced, but it is urged that no additional land be surrendered to backwater.

This particular basin, comprising the southeast Arkansas district, the Tensas district, and the fifth Louisiana district, and having a total combined acreage of 3,517,626 acres, will have 2,525,000 acres dedicated to flooding purposes, including the 1,440,000 acres within the limits of the Boeuf flood way, as shown in the Jadwin plan, and the additional area flooded by the Jadwin plan over and above the area to be flooded by the Mississippi River Commission plan is 625,000 acres.

I can not help believing that if the factor of resultant damages had been considered in the preparation of the plan, irrespective as to who was to pay such damages, the plan would be materially different.

With reference to the plan submitted by the Mississippi River Commission, I believe the outline of work provided for and designated at its "comprehensive plan" will remove all our future flood troubles. There is a proposed modification that has appealed to me, and this as a result of the statement of Colonel Potter that he believed that there may be a possibility of utilizing available reservoir sites in the Arkansas and White Valleys to the extent that may supply sufficient storage to obviate the necessity of constructing the Boeuf flood way. This possibility should be investigated to the fullest before expending any funds on the Boeuf flood way.

I have confined the above discussion to the engineering features, knowing full well that you needed no expression of opinion on the subject of "local contributions" to assist you in the formulating of your conclusions on this subject.

JADWIN PLAN LACKING IN ENGINEERING DETAILS

Report of committee of railroad chief engineers submitted by A. F. Blaess, chief engineer Illinois Central Railroad

(P. 3759)

The comprehensive plan recommended is an advance over any scheme for flood control heretofore presented, but it lacks so much of being complete in engineering detail that it is not possible to develop definitely what effect the execution of the plan will have on the railroads located in the affected territory.

NO PROVISION FOR FLOOD WATERS AT MOUTHS OF THE TRIBUTARIES

Robert H. Ford, assistant chief engineer, Rock Island Lines, Chicago, Ill.

(P. 4032)

The Jadwin plan would, apparently, increase the flood waters within this area by confining the main river in such a way as to further raise the flood heights at the mouths of these tributary rivers, with no compensating protection provided. This must inevitably extend the flooded area and the flood period within the basin, with its resultant effect throughout this territory through which the Rock Island operates. It must further affect adversely its tracks and roadway as well as its ability to perform its service as a common carrier.

No maximum flood elevations are found in the Jadwin plan at Helena or other key points, but by deduction from the Cairo gauge elevations it is estimated that the plan contemplates a flood stage at Helena from about 56.8 during the 1927 flood to 59.

The plan apparently makes no provision for the additional river waters coming from these tributary rivers and the back flow from the Mississippi River during the time that they are held back by the walled water created by the levees in the Mississippi River at the mouths of these tributary rivers.

4. GENERAL OBJECTIONS TO JADWIN PLAN

Aside from the technical objections offered by noted engineers which have been already presented, the committee has received objections from governors, mayors of cities, officials of levee boards, and other distinguished citizens in the lower Mississippi Valley. At the conclusion of each one presented, reference is made to the page of this report where the statement may be found.

Hon. John E. Martineau, Governor of Arkansas, protests that the lower valley should not be expected to pay for its own funeral to benefit other sections.

Hon. Alfred H. Stone, of Mississippi, charges that the figures of General Jadwin on "total cost" are misleading.

Hon. O. H. Simpson, Governor of Louisiana, declares that adequate protection is not given under the Jadwin plan to the people of Louisiana.

Hon. F. D. Sampson, Governor of Kentucky, states that the Jadwin plan is incomplete, impracticable, and will lead to disaster.

Hon. Oscar Johnston, of Memphis, Tenn., attacks the "fuse-plug" levee idea.

Officials of Tensas Parish, La., protest against the damages they would suffer if the Jadwin plan be carried out.

Officials of Ouachita Parish, La., point out that national highways in the parish would be destroyed under the Jadwin plan.

New Madrid County (Mo.) Bankers' Association condemns Jadwin plan and appeals to Members of Congress to prevent it becoming a law.

In view of the objections of noted engineers, which can not be answered, relating to the engineering features of the Jadwin plan and the protests from public officials and distinguished citizens throughout the lower valley who will be subject to flood damages, the committee did not feel justified in writing the Jadwin plan into law. Any meritorious part or feature of it may be adopted by the commission created by the bill recommended by the committee.

TESTIMONY AGAINST JADWIN PLAN

The following is the testimony of public officials and others, referred to above, concerning the impracticability of the Jadwin plan:

PREDICTS FAILURE OF PLAN

Brief of Gov. F. D. Sampson, of Kentucky

(Committee Document No. 13)

In paragraph 2 of the Jadwin report it is stated:

"The plan is a comprehensive one, providing for the maximum predicted as possible, and for future expansion to meet changing conditions."

Comment: The evidence before the Flood Control Committee clearly indicates that the plan is incomplete, impracticable, and will result in a continuation of the same lack of systematic flood control which has been the chief cause of the 1927 and previous disasters. The failure of this plan, if adopted, is predicted, because it will be impossible for many of the districts involved to bear their share of the cost, and failure to construct the system at any considerable number of points would mean the failure of the whole plan, even were it otherwise unobjectionable. A chain can be no stronger than its weakest link.

ARMY ENGINEERS SHOULD NOT INVADE THE LEGISLATIVE FIELD

By Hon. FINIS J. GARRETT, Representative from Tennessee

(P. 1737)

You can not, by legislative act, take a man's property away from him for public use without compensation.

The matter of protection of life and property is not the only thing to be considered. There is protection of commerce and the protection of the Postal Service, which are purely and wholly national.

If you build a levee to protect a section where there is commerce, where there is Postal Service, and in so doing you injure private property at the place where there is no commerce, you should pay damages or hold owner harmless.

I say very frankly that I think the engineers and commission should have brought to Congress a plan, "Here is what we think is going to solve the physical features of this problem. Now it is up to you. We presented you the engineering data. We leave the legal field to you, because that is your proper field." I think they might very properly have done this and left out comments and recommendations touching rights of way.

PRINCIPLES OF JUSTICE, LAW, EQUITY VIOLATED IN JADWIN PLAN

By Oscar Johnston, Memphis, Tenn.

[Excerpt from brief printed as Committee Document No. 22, p. 2]

The Jadwin plan stipulates that the several States affected shall enact suitable legislation prohibiting the construction of levees or other works in the alluvial valley without permission from the War Department. At the same time this plan stipulates that it does not protect the owners of thousands—yes, hundreds of thousands—of acres; it does not propose to pay the owners of these unprotected acres for any use or damage to their lands. Thus the plan says to the owners of the land: "We will not protect you, we will not compensate you, nor will we permit you to protect yourselves." This is contrary to right, justice, law, and equity.

FLOOD WAYS DESTROY SOME COMMUNITIES TO SAVE OTHERS

Brief of Gov. John E. Martineau, of Arkansas

(P. 2500)

The Jadwin plan consists, in part, of strengthening existing levees and moving back in the "bottle necks." Some local benefits unquestionably could be established by this procedure, but by far the major portion of the Jadwin plan depends upon spillway relief. The spillway feature, however, involves an entirely different principle, inasmuch as the spillway feature can be established as a decided detriment and menace to the contiguous territory, not aiding its own particular section, but threatening it with destruction in order to benefit some other community. Surely, the lower valley should not be requested to pay a portion of its own funeral in order that other sections may survive.

Furthermore, the lower valley has reached the point of financial collapse, due to overtaxation for special improvements, and trying to protect itself against the flood waters of 41 per cent of continental United States.

JADWIN'S COST FIGURES MISLEADING

Hon. Alfred H. Stone, of Mississippi

[Excerpt from brief printed as Committee Document No. 16, p. 1]

The figures quoted from General Jadwin's recommendations, $296,400,000, are misleading when accepted with the words "Total cost." The very report from which the figures are taken, elsewhere in its own language, completely negatives any such suggestion. * * * There is no way of determining in advance the actual cost of an adequate plan of flood control, about which there is such a divergence of expert opinion as to the methods and means necessary to accomplish the result. * * * These figures are without substantial foundation.

UNDUE SHARE OF COST ALLOTTED TO LOUISIANA BY JADWIN PLAN

By Hon. O. H. Simpson, Governor of Louisiana

(P. 1777)

First. Adequate protection is not given the people of the Tensas Basin.

Second. Satisfactory provision has not been made to protect the rights of the people of the Atchafalaya Basin.

Third. The local contributions suggested would be both unfair in principle and an inordinate burden upon the citizens and taxpayers of Louisiana.

Fourth. Furthermore, the proposed plan seeks to avoid substantial increase in the present height of levees in other States by creating outlets or spillways in Louisiana, thereby saving additional expense to the National or other State Governments; yet it proposes Louisiana alone shall pay the major portion of the cost of these outlets.

JADWIN PLAN INCREASES FLOOD DANGER

[Statement from Tensas Parish, La.]

(P. 1978)

Adoption of Jadwin measure instead of lessening danger of overflows and territory affected thereby would increase this danger and increase the territory affected. Unalterably opposed to the waters of the river being turned in upon us at Cypress Creek and then permitted to run wild through the most fertile portion of the State.

CONSIDERATION SHOULD BE GIVEN WATER STORAGE ON WHITE, ARKANSAS, AND RED RIVERS

[By police jury, Ouachita Parish, La.]

(P. 1967)

Flood ways as proposed in Jadwin's report for Tensas Basin would destroy large alluvial sections in northeast Louisiana. East and west Federal-aid improved highways, Missouri Pacific and Illinois Central Railroads destroyed three months per year. Opposed to spillway through Tensas Basin until serious study and exhaustive survey indicates the necessity thereof. Proper consideration should be given storage of waters on White, Arkansas, and Red Rivers.

JADWIN PLAN CONDEMNED BY FINANCIAL HOUSES

RESOLUTIONS ON JADWIN PLAN

Resolutions adopted at meeting called by New Madrid County (Mo.) Bankers' Association and St. Johns levee and drainage district and attended by representatives of St. Louis investment bankers, representatives of bond houses holding levee and drainage bonds in southeast Missouri, representatives of life-insurance companies and loan companies holding mortgages in this territory, together with members of the New Madrid County Court and taxpayers from the various southeast Missouri counties (p. 4647)

Resolved, That this meeting do condemn the Jadwin plan, both as to its plan of financing and its engineering features, and that our Representatives in Congress be requested to do all in their power to prevent the Jadwin plan from becoming a law; and furthermore be it

Resolved, That said Representatives be urged to make every effort to secure legislation in this session of Congress, to the end that the Federal Government shall assume full responsibility for the construction and maintenance of flood-control works, including the costs of rights of way and the payment of all damages incidental to the construction of such flood-control works on the Mississippi River.

LESSON LEARNED AT MOUND CREVASSE APPLICABLE TO "FUSE-PLUG" OPENINGS

Brief submitted by Hon. Oscar Johnston, of Memphis, Tenn.

The plan provides for a fuse-plug levee at Cypress Creek. The idea of the plan is that at a given height in the water this "fuse plug" will blow out, break, or be overflowed, permitting the escape of a given quantity of water; the maximum of this quantity is stated in the plan at 900,000 cubic feet per second. The greatest crevasse, I believe, that has ever occurred in the Mississippi Levee was the break at Mounds Landing when the water stood approximately 19 feet above the level of the ground. This break was a half mile in width. The water swept through with an unprecedented velocity, and yet it is only estimated that the flow through this crevasse was approximately 500,000 cubic feet per second. This crevasse washed out a lake or "blue hole" more than 100 feet deep, and cut a channel more than a mile back into the interior, destroying 5,000 acres of land by depositing sand of such character as to prevent successful cultivation of the soil in the future. If such a result happens at one of the fuse plugs, it would be almost an impossible task to restore the levee without looping or building back for some distance. A few successive breaks of this sort at the same point would shortly result in a channel being cut from the head to the mouth of the spillway.

Those of us who have lived behind levees the greater part of our lives are decidedly of the opinion that levees have a perverse way of not breaking at points where they are expected to break. Frequently water is impounded and raised temporarily as the result of a windstorm; frequently windstorms bring about waves that wash into and cut through a strong levee standing several feet above the crest of the water; frequently levees are undermined by water seeping through below the base.

We believe from practical experience, as opposed to engineering theory, that such spillways as are constructed should be of the type commonly

known as controlled, or should be left open at the head and leveed along the sides so that the flow of water through the spillways may be controlled and regulated.

5. SUFFICIENT DATA NOT AVAILABLE TO DEVISE RELIABLE AND SAFE ENGINEERING PLAN

Mr. John F. Stevens, who testified before the committee, was chief engineer of the Panama Canal, preceding General Goethals in the work. The following statement appeared in an article in the New York Evening World, Tuesday, January 24, 1928:

General Goethals never boasted of his great accomplishments, and when the canal was mentioned in his presence he always insisted that two men—Theodore Roosevelt and John F. Stevens—had far more to do with the successful building of the canal than he. He had followed Stevens as chief of the work of construction and his admiration for his predecessor was evident at all times.

GAVE CREDIT TO STEVENS

"Stevens," he would say in this quiet way, "was one of the greatest engineers that ever lived, and the Panama Canal is his greatest monument. He was a wonderful organizer and a remarkable judge of men. He had unerring insight in the selection of his assistants, and I found when I went to Panama that his organization was about as perfect as anyone could make it. The result was that more than half of the work was done for me in advance."

Mr. Stevens was president of the American Society of Civil Engineers for 1927, and is now on the board of direction and a member of the executive committee. He is also an honorary member of the society, being 1 of 15 honorary members out of 13,000 members.

Mr. Stevens was given the John Fritz gold medal three years ago for his achievements on the Panama Canal and as administrator for the Russian railways during the war. The John Fritz gold medal is the highest honor that can be paid in the engineering world. It is a medal that is given by the four great engineering societies of the United States—the American Society of Civil Engineers, the Mechanical Engineers, Electrical Engineers, and Mining Engineers, and is given for an outstanding achievement. It is international in its scope and at the present time there are only 23 holders, among them Thomas Edison, Alexander Graham Bell, Lord Kelvin, General Goethals, and Marconi.

Mr. Stevens believes that further study should be made of the problem before any definite engineering plan is adopted. In view of the fact that Mr. Stevens is perhaps the most eminent engineer in the United States, if not in the world, the committee attached great weight to his testimony:

NOT SUFFICIENT DATA AVAILABLE TO PREPARE FLOOD-CONTROL PLAN

Mr. Stevens

(P. 4284)

My idea is that there has not been proper time, and sufficient data has not been accumulated in order to prepare a comprehensive plan of flood control. * * *

Now, I can not conceive, with my wide experience with engineers, extending over more than half a century, that any body of men, with the additional data that could be collected in four or five months, can in six weeks or two months prepare plans which will cover all possible future contingencies on the Mississippi River.

Mr. Stevens said that it would take a very short time to decide on certain basic things that should be done, and that work on those things should be started without delay, but he believed that there were some very vital things embraced in both plans that need more elucidation. He developed the idea that levees should be strengthened at once.

FURTHER STUDIES SHOULD BE MADE BEFORE PLAN IS ADOPTED

[Report of advisory flood-control committee of American Society of Civil Engineers]

(P. 4913)

Fourth. It is important that, before embarking upon so large a project, careful estimates be made, and be made known, of the local, territorial, corporation, and individual expenses to be incurred for rights of way, drainage works, relocations of railroads and highways, and other collateral items, additional to the governmental costs, and apparently to be borne by other agencies.

Fifth. With such additional information and the further studies recommended by the Mississippi River Commission and the reservoir board, it may then be determined what is the real relative advantage of a complete spillway-floodway plan compared to less than complete relief by such means, supplemented by storage reservoirs at favorable sites, or other methods.

NOT SUFFICIENT DATA TO FORMULATE COMPREHENSIVE PLAN

[Brief submitted by M. G. Barnes, chief engineer Illinois waterway construction, on behalf of Gov. Len Small, of Illinois]

The Chief of Engineers has made a report stating the cost to be less than $300,000,000. The Mississippi River Commission, which has had charge of the river for nearly a half century, has made another report covering practically the same items, but has placed the cost at nearly $800,000,000. These reports are made under great pressure to accomplish a certain result within a given time. Civilian engineers generally do not believe that either report is sufficiently comprehensive or that their authors have exhausted the field to determine whether the remedies proposed are all sufficient. From the personal study that I have made of the situation I have found a woeful lack of topographical information from which a careful or scientific study could be made.

MISSISSIPPI RIVER COMMISSION PLAN

1. Salient features of Mississippi River Commission plan.
2. Mississippi River Commission plan *v.* Jadwin plan.
3. Comparison of Jadwin plan and Mississippi River Commission plan.
4 "Levees only" policy of Mississippi River commission.
5. Mississippi River Commission repudiated by General Jadwin.

1. SALIENT FEATURES OF MISSISSIPPI RIVER COMMISSION PLAN

The committee had before it the report of the Mississippi River Commission, the duly authorized agency of the Government on the flood control of the Mississippi River, which provides for the same items as does the Jadwin plan, with the following exceptions:

First. It includes the Mississippi River from Rock Island, Ill., to the Head of Passes.

Second. It provides for the raising of levees on the Mississippi River higher than the Chief of Engineers' plan, so as to provide a freeboard of 4 feet between Rock Island and Cape Girardeau and 5 feet between Cape Girardeau and New Orleans. The Jadwin plan does not specify the freeboard, but provides for raising the levees slightly above the grade of the maximum predicted flood.

Third. It provides for a spillway at Caernarvon for the protection of the city of New Orleans, in addition to the Bonnet Carre spillway. In doing this the Mississippi River Commission follows the recommendations of the spillway board appointed pursuant to an act of Congress.

Fourth. It provides for the additional protection of Cairo by raising the levees to 70.4 feet, instead of the use of the Birds Point-New Madrid river-bank flood way, and suggests further study for raising a part of the city of Cairo.

Fifth. It provides for a diversion of 600,000 cubic feet per second through the Boeuf Basin flood way instead of 900,000 cubic feet per second, as provided by the Jadwin plan, and in doing so it adopted the recommendations of the diversion board appointed to study this particular problem.

Sixth. It provides for a diversion of 950,000 cubic feet per second through the Atchafalaya Basin flood way instead of 1,500,000 cubic feet per second as provided by the Jadwin plan, and in doing so it adopted the recommendations of the spillway board appointed pursuant to an act of Congress.

Seventh. It provides for the further study as to the possibility of reservoirs being substituted in the plan and for a study of other diversions.

It recommends the present adoption of an interim plan costing $407,500,000 as a part of a comprehensive plan costing $775,000,000.

The difference in the costs of the plans is due to the fact that the Jadwin plan does not include in its figures the costs of rights of way, flowage rights, and damages, while the Mississippi River Commission plan figures in the costs of these items, and in addition provides for a greater factor of safety, as well as including the tributaries within its jurisdiction.

The Mississippi River Commission plan recommends that local interests be required to pay one-third of the costs to bring the present levees up to 1914 grade, estimated to amount to $15,440,367 for all levees under its jurisdiction.

The difference between the comprehensive plan and the interim plan of the Mississippi River Commission is that the interim plan only provided for a flood protection equivalent to that of the 1927 flood, with 1 foot freeboard, and leaves out the Caernarvon spillway and reduces the amount for stabilization, revetments, and levee building.

2. MISSISSIPPI RIVER COMMISSION PLAN VERSUS JADWIN PLAN

Broadly speaking, there is much that is in common in the plans for flood control submitted by the Mississippi River Commission and by the Chief of Engineers, respectively. Both plans provide for increases in levee grades and levee cross section; both plans include the spillway feature; and both plans provide for diver-

sion channels to carry off water in excess of the quantity that is deemed advisable to confine between the levees on the main river.

But it is to the degree in which these different methods of flood control are respectively used, and to the difference in the margin of safety provided, and to the introduction of a new untried device, known as a "fuse-plug levee," that differences in engineering opinion have arisen as to the relative merits of what is known as the commission plan and what is known as the Jadwin plan.

There was also a pronounced difference of public opinion on that phase of the subject dealing with "local contributions," as set forth in the respective reports, but this seems to have dissipated, and those who now hold for local contributions do so, not because they think it is just and equitable, but do so rather for the restraining effect such procedure may have on possible future demands that may be made on our Government for other projects perhaps not as meritorious.

Beginning at the upper limits of what was the original jurisdiction of the Mississippi River Commission from Cape Girardeau to Cairo, there is no difference between the commission plan and the Jadwin plan as to the method of improvement proposed, both plans providing for an increase in height and cross section of the existing levees, except that the amount of increase in grade is dependent upon the acceptance or rejection of the proposed method of reducing the flood height at Cairo by means of the Bird Point to New Madrid River bank flood way.

The situation at Cairo is a perplexing one. The present grade of the Cairo levee is 60 feet on the gauge. The 1927 high water reached an elevation of 56.3. Had there been no crevasses the gauge would have read 58.5. It is estimated by the Mississippi River Commission that a probable maximum for a theoretical future flood would be 65.4, and by the United States Weather Bureau as 66 on the Cairo gauge. The Mississippi River Commission recommends raising the levees to a grade of 70.4, with a desire for further study into the practicability of raising a portion of the city of Cairo. This proposed additional height of 10.4 feet to the present levee grade, even though it includes a freeboard margin of 5 feet, is considered by the Chief of Engineers as unthinkable, and he plans to lower the ultimate flood line by setting the levee back about 5 miles on the Missouri side of the river, counting on a reduction of 6 feet in flood height by so doing. Colonel Potter, president of the Mississippi River Commission, expressed the opinion that the proposed 5-mile setback is not feasible from an engineering standpoint to accomplish the purpose desired (p. 2116). There is grave doubt in the minds of some engineers familiar with the situation that the anticipated reduction of 6 feet in flood height will materialize. This opinion is based on the observation of the conditions that obtained during the 1912 and 1913 high waters, which apparently demonstrated that a flood way through the same territory 15 miles wide or three times wider than the proposed one, and operating as a result of 11 crevasses near Bird Point, reduced the flood height at Cairo only 3.2 feet. (Berthe's testimony, p. 4200.)

The gravity of the situation at Cairo is emphasized in that General Jadwin accepts 66 feet as the maximum probable high-water reading for that point (par. 100), states that "the city should not be subjected to the jeopardy of levees higher than they now are" (par. 124), which is elevation 60 on the gauge (par. 124), and in his design for the protection of the city he assumes a reduction of 6 feet in the height of the flood, thus making the future maximum high-water elevation flush with the top of the levee.

There is also the objection raised to this proposed riverside flood way in the Jadwin plan in that it will result in creating an undue increase in flood heights in the vicinity of New Madrid where the diverted water will return to the river and at which point the river must build up a "head" sufficient to compensate for the flattened slope resulting from a lowering of the height at Cairo, in order to pass the same discharge as previously passed.

The supplemental feature recommended in the Jadwin plan of removing a part of the dike on Tiptonville Ridge to facilitate the discharge at the point of construction is looked upon with distrust by many engineers and considered as an invitation to a cut-off with its attendant disturbance of the river regimen for miles above and below, something which the Mississippi River Commission has been desirous of preventing by the construction in the past of expensive bank revetment at this locality. The Mississippi River Commission states its position clearly in paragraph 344 of its report:

> The commission adheres to its policy of preserving the river generally in its present form and can not subscribe to a plan of flood control or of improvement for navigation that involves the formation of cut-offs. Rather, the commission believes that its first duty to navigation and to flood control is to prevent cut-offs.

The preponderance of engineering opinion familiar with Mississippi River hydraulics is in agreement with the commission on this point.

The next point of contention between the Jadwin plan and the Mississippi River Commission plan is at the vicinity of the mouth of the Arkansas, where both plans recognize that the capacity of the main river below the mouth of the Arkansas is insufficient to carry the river discharge between levees except at unjustified expense. The Mississippi River Commission plan contemplates the withdrawal of 600,000 cubic feet per second and diverting this amount at Cypress Creek through a controlled intake and conducting it between continuous levees located in Boeuf Basin to the lower end of the Tensas Basin.

The Jadwin plan proposes the withdrawal of 900,000 cubic feet per second at the same place, makes the flood way considerably wider by permitting its width to be determined by the location of existing ridges that run parallel with the general direction of the flood way, rather than as determined by engineering calculation, thereby involving greater rights-of-way damages, but having the compensating advantage of reducing the expenditures for levee raising on the main river. The question resolves itself into a determination as to what is the proper balance to be maintained between flood-way capacity behind the levee and expenditures for levee raising on the main river. Manifestly, if sufficient water is taken down the flood way there will be no necessity for raising the levees at all on the main river from the mouth of the Arkansas going downstream for a long distance.

It is urged by the interested property owners affected by the proposed flood way that the Mississippi River Commission plan of diverting 600,000 cubic feet per second is the plan that recognizes the limitation of using the Boeuf diversion to its capacity, consistent with some regard for property rights. Testimony has been offered (Schoenberger, Senate Hearings, p. 243) to the effect that the crevasse discharge entering this basin in 1927 was practically 650,000 cubic feet per second, and flooded this basin as well as the Tensas Basin to an average depth of 12 feet, and, to increase this quantity to 900,000 cubic feet per second, as proposed in the Jadwin plan, is practically to condemn the greater part of that basin for flood purposes. The alluvial basin extending from the Arkansas on the north to Red River on the south, in which this flood way is to be located, comprises 3,517,626 acres, of which 2,525,000 acres will be dedicated for flooding purposes, 1,440,000 acres being within the flood way itself as designed in the Jadwin plan.

A comparison of the respective plans shows that there are 625,000 acres of land dedicated to flooding by the Jadwin plan in excess of the similarly flooded land by the Mississippi River Commission plan. Two hundred and eighty-five thousand acres of this land are not now affected by backwater and can be protected by an auxiliary levee, as provided for in the plan of the Mississippi River Commission.

It is pointed out that this auxiliary levee is essential and necessary, since the situation is no longer one of backwater reaching an elevation that is controlled by the river elevation at the entrance or lower end of the levee system at Point Breeze.

With the Boeuf Basin flood way in operation, there will be water entering this part of the basin at a much higher elevation than that which will prevail at Point Breeze. This fact seems to have been recognized and provided for in the Mississippi River Commission plan, but overlooked or ignored in the Jadwin plan.

As a general proposition, the flood-control problem becomes more complicated as we progress downstream, by reason of the decreasing discharge capacity of the lower part of the river, the additional flood contribution from tributaries, and the wider extent of the valley subject to inundation with increasing population and increasing values. At the mouth of Red River, which is the southernmost or last tributary entering the Mississippi River, nature has provided a diversion channel of its own, the Atchafalaya River being capacious enough to take not only what the Red River contributes at its maximum discharge but as much more again than is taken from Mississippi in flood times.

The distinctive feature of this particular diversion channel is that it delivers its flow directly into the Gulf or without any part being returned to the main river farther down.

The obvious and logical conclusion arrived at in dealing with the problem of handling excessive flood volumes at this locality during superfloods is to utilize the Atchafalaya outlet, increased to the fullest or maximum extent consistent with minimizing damages to the area through which it flows.

Here again the difference in opinion or judgment as to how much water should be abstracted from the main river manifests itself in the respective plans submitted by the Mississippi River Commission and by General Jadwin.

The Mississippi River Commission plan provides for a spillway capacity or diversion through the Atchafalaya of 950,000 cubic feet per second while the Jadwin plan provides for a diversion of 1,500,000 cubic feet per second.

There is also a difference of opinion indicated as to the total volume to be handled at the latitude of Red River Landing. The Mississippi River Commission plan allows more liberally for reservoir capacity of the main river and for storage in the backwater area at the lower end of the Tensas district and arrives at a total of 2,650,000 cubic feet per second; the Jadwin plan is based on an assumed discharge of 3,000,000 cubic feet per second.

While the quantitative consideration of the future theoretical flood is less in the plan of the Mississippi River Commission, the difference is not as great as indicated by these figures for the reason that the levee grade prescribed by the Mississippi River Commission is 5 feet above the theoretical high water, or at elevation 65 on the gauge, while the levee grade in the Jadwin plan is to be 3 feet higher than the present grade at Red River Landing, or Angola, and equivalent to 60.5 on the gauge.

Manifestly a superiority of 4.5 feet in levee grade affords considerable latitude for increased discharge capacity both through the main river and through the Atchafalaya spillway.

Each additional foot of rise so contained would add to the discharge capacity past the latitude of Old River (Red River Landing) about 135,000 cubic feet per second. (Par. 78, report of the spillway board.)

The design and plan of the spillway board for the proposed spillway down the Atchafalaya Basin and located on the west side of the Atchafalaya River has been adopted and incorporated in toto in the comprehensive plan submitted by the Mississippi River Commission; while the plan proposed by General Jadwin goes much further in diverting about 55 per cent more water from the Mississippi River and making use of an additional floodway on the east side of the Atchafalaya.

The Mississippi River Commission plan, through the adoption of the study made by the spillway board, gives more regard to the safe conduct of the waters to the Gulf by reason of recognizing the limited discharge capacity of the Atchafalaya outlet at Morgan City. The Jadwin plan does not indicate how it is proposed to take care of the excess or surplus water (representing about one-third the high-water discharge at New Orleans), when it reaches Morgan City, without causing tremendous property damages to the highly developed country east and west of Morgan City. The backwater effect through openings into the floodway for drainage will be more extensive with the adoption of the Jadwin plan, there being a flooding of about 350,000 acres of land in cultivation and not subject to inundation except during years of superfloods such as 1882 and 1927. (Walter Kemper, C. E., p. 4177.)

On that part of the main river from Red River Landing to the Head of Passes the proposed treatment of the flood problem will be:

(*a*) To increase the cross section of the levees and to raise them corresponding to the grades adopted in the respective plans, which grades vary in elevation due to the greater or lesser quantity of water abstracted from the main river at Red River Landing, under the respective plans.

(*b*) To increase the discharge of the lower river and to lower the flood heights by the construction of a spillway or spillways on the east side of the river discharging into tide-level water.

The principal difference in the two plans is that the Jadwin plan provides one spillway at Bonnet Carre, 30 miles above New Orleans, which the Mississippi River Commission plan provides for the Bonnet Carre spillway and an additional one at Caernarvon, 13 miles below New Orleans. The Jadwin plan objects to the Caernarvon spillway below New Orleans for the following reason:

A spillway below the city operating to the limit of its capacity to hold the flood stage to 20 on the Carrollton gauge would create velocities 12 per cent in excess of those created by a spillway above the city operating to hold the same flood to the same stage. A spillway at Caernarvon was considered and discarded on this account. (Par. 102.)

Responsible engineering authorities in the city of New Orleans familiar with the situation and informed as to the arguments raised against the proposed supplemental spillway at Caernarvon favor its inclusion as provided for in the plan of the Mississippi River Commission. It is pointed out that the objection cited by General Jadwin does not apply if consideration is given to two spillways, one above and one below the city, but applies only in the consideration of the alternative location for one spillway.

A feature of design in the flood-control works recommended in the Jadwin plan that provoked considerable discussion was the "fuse-plug levee." This is a device proposed to serve as a weak link in the levee chain, and intended to fail at the entrance of the respective flood ways much in the manner that a crevasse occurs. It is offered as a substitute for the usual type of engineering structure that serves where a controlled intake is contemplated. The preponderance of opinion of experienced levee engineers was adverse to its use for the purpose intended and favorable to the controlled intake provided for in the Mississippi River Commission plan.

3. COMPARISON OF THE JADWIN PLAN AND THE MISSISSIPPI RIVER COMMISSION PLAN OF FLOOD WORKS ON THE MAIN RIVER

LEVEES FROM ROCK ISLAND, ILL., TO CAPE GIRARDEAU, MO. (435 MILES OF RIVER)

Jadwin plan	*Mississippi River Commission plan*
Not provided for.	Levees improved in section and height under the "interim plan" and the comprehensive plan at an estimated cost of $10,500,000, grade to be 4 feet above the highest water; river slope 1 on 4; land slope to contain a saturation line of 1 on 7 within a cross section of the levee.

LEVEES FROM CAPE GIRARDEAU, MO., TO THE MOUTH OF THE ARKANSAS RIVER

Jadwin plan	*Mississippi River Commission plan*
Jadwin plan provides for raising the levees to a grade slightly above the height of the maximum flood and referred to in the testimony as being a grade from 1 to 2 feet above the said flood. The estimated cost of this work is $53,900,000.	The Mississippi River Commission "interim plan" provides for raising and enlarging levees to a height of about 1½ feet above the 1927 confined flood and with standard cross section at a cost estimated to be $22,000,000. The comprehensive plan of the Mississippi River Commission provides for raising the levees to a grade of 5 feet above the maximum probable flood and having standard cross section, the cost of which raising and enlargement is estimated to be $110,000,000.

LEVEES FROM THE MOUTH OF THE ARKANSAS TO THE MOUTH OF THE RED RIVER

Jadwin plan	*Mississippi River Commission plan*
Levees raised to a grade 3 feet above present grade and equivalent to a reading of 63.5 on the Arkansas City gauge and 60.5 on the Red River Landing or Angola gauge. The estimated cost of raising and enlarging to standard section is $59,300,000.	Levees raised in accordance with the interim plan to a grade of about 1½ feet above the 1927 confined flood and equivalent to a reading of 64.5 on the Arkansas City gauge and a reading of 59.5 on the Red River Landing or Angola gauge. The estimated cost of this raising and enlarging to standard section is $47,000,000. The comprehensive plan of the Mississippi River Commission provides for a 5-foot freeboard over maximum probable flood and equivalent to a grade of 71 on the Arkansas City gauge and 65 on the Red River Landing or Angola gauge. The cost of this levee raising and enlargement to standard section is $163,000,000.

LEVEES ON MAIN BELOW THE MOUTH OF THE RED RIVER

Jadwin plan	*Mississippi River Commission plan*
Jadwin plan provides for levee raising to a grade 3 feet above the present grade at Angola and as far down as Bayou Sara, then gradually tapering out to no increase at Bonnet Carre. Below Bonnet Carre the levee grades remain unchanged. The cost of the above is estimated at $18,700,000.	The Mississippi River Commission in their interim plan raise the levees to a grade 2 feet above present grade at Angola, then tapering to no raise at Plaquemine, La., and increasing the levee section to the required standard. Below Plaquemine, La., the levee grade remains unchanged. The estimated cost of the levee raising and enlargement is $15,000,000.

The comprehensive plan of the Mississippi River Commission provides for a 5-foot freeboard above the maximum probable flood at all points, with spillways in operation. The levee raising and enlargement under this plan is estimated to cost $53,500,000.

BONNET CARRE SPILLWAY

Jadwin plan

The Jadwin plan provides for a spillway to cost $8,200,000, providing for no costs of rights of way or damages.

Mississippi River Commission plan

The Mississippi River Commission provides for a spillway in both the interim plan and the comprehensive plan estimated to cost $8,200,000 and in addition makes provision for payment of rights of way and damages, estimated at $3,300,000, or a total of $11,500,000.

CAERNARVON SPILLWAY

Jadwin plan

There is no provision in the Jadwin plan for a spillway at this locality.

Mississippi River Commission plan

The Mississippi River Commission provides in its comprehensive plan only for the construction of a spillway similar to the one at Bonnet Carre to cost $10,000,000, including rights of way and damages.

BIRDS POINT-NEW MADRID, MISSOURI FLOOD WAY

Jadwin plan

Main levee setback on Missouri side average distance of 5 miles from Birds Point to New Madrid, a distance of 57 miles by levee and 72 miles by river.

Grade of setback levees 60 feet on Cairo gauge.

Present grade levees on Mississippi River 50 feet on Cairo gauge.

Fuse-plug section 10 miles long at Birds Point to allow inflow of water.

Fuse-plug section 10 miles long at low end of flood way just above New Madrid, which will have to crevasse to permit flow back into river.

Both fuse-plug sections formed by cutting down present river bank levees 3 feet.

River bank levees left as is, except those cut down for fuse plugs, their grade being 58 feet on Cairo gauge.

Crevassing of lower fuse plug may suddenly increase volume of flow in the Mississippi River to such an extent as to cause disaster to New Madrid.

Area in flood way 144,000 acres, 60 per cent of which is improved and cultivated.

Cost of flood way, including right of way, drainage, and damage $26,598,480.

Concrete spillways for fuse-plug sections will cost $16,000,000.

No freeboard provided in event of maximum flood.

General Jadwin claims flood way will lower gauge heights at Cairo 6 feet during maximum flood.

Grade of controlling levees at Cairo, 60 feet on Cairo gauge.

Mississippi River Commission plan

Does not provide for flood way, stating to such flood ways investigated and discarded for reason results not reliable or definite and cost prohibitive. Provides protection by levees enlarged and raised to a grade equivalent to 70.04 feet on the Cairo gauge.

No diversion channel from Cape Girardeau or vicinity to any other point on the Mississippi River at or above the Arkansas River seems at present feasible, as equal or greater protection can be secured by levees at decidedly less cost.

Increases river-bank levees to a height of 70.4 feet on Cairo gauge, this being the most feasible plan to protect this area.

Five-foot freeboard provided in event of maximum flood.

Colonel Potter stated proposed flood way not feasible, either from an engineering or financial standpoint; commission does not agree that flood way will lower flood height 6 feet at Cairo.

Grade of controlling levees, 70.4 feet on Cairo gauge.

Freeboard provided, none.

This section would overflow once in 10 years.

Present levees to be maintained unless too expensive.

Local interest to pay 20 per cent of cost of set-back levees, all costs of cutting down fuse-plug sections, furnish right of way, and pay all damages.

Population of flood way, 3,500.

Uses 144,000 acres of the total area of 279,000 acres in the two districts affected.

Fuse-plug device when crevassed would keep entire area flooded should flood stages repeat as in 1927.

This is the only flood way proposed which returns water to the Mississippi River and upon which any question was raised as to its effectiveness in lowering gauge heights.

Flood way proposed: General Jadwin states flood way was proposed for protection of Cairo only. Eliminating Cairo from the plan this area would be protected by levees only.

If Missouri did not contribute or acquiesce, if given the authority General Jadwin would cut the Missouri levees. This would flood St. Frances Basin down to Helena, affecting a population of at least 75,000.

Freeboard provided, 5 feet.

Colonel Potter states that with fuse-plug sections this area would overflow every four or five years.

Local interests furnish right of way for levee and pay one-third of cost of bringing levee up to 1914 grade and section.

No land flooded except that ordinarily flooded by backwater in the lower end of flood way.

Commission states that Cairo can be protected by levees, but is of the opinion that further study should be made of alternative methods.

BOEUF BASIN FLOOD WAY

Jadwin plan

Thirty-five miles fuse-plug section beginning 12 miles above Arkansas City and extending to point 23 miles below Arkansas City.

Discharge 900,000 second-feet.

Guide levees, of inferior section to those on Mississippi River.

Average width of flood way, 13 miles.

Arkansas City left in fuse-plug section, protected by ring levee.

Area in flood way, 1,440,000 acres.

Backwater area, 1,085,000 acres.

Ignores diversion board's plan and recommendations.

Cost, $7,700,000.

Includes no payment for right of way or damages.

Local people pay 20 per cent of cost and 50 per cent of cost of ring levees.

Volume of flow indefinite.

Flow through fuse-plug section caused by crevasses, thereby jeopardizing safety of guide levees of flood way by rapid rise and swift current.

Uses 2,525,000 acres of the 3,517,000 acres in the three districts affected.

Permits water to flow into backwater area without any plan to regulate or control same.

Population in flood way, including backwater area, 70,000.

Prolonged flood stages would weaken guide levees with possible disastrous results.

Mississippi River Commission plan

Four thousand feet concrete controlled spillway, 12 miles above Arkansas City.

Discharge 600,000 second-feet.

Guide levees, standard and same as on Mississippi River.

Average width flood way, 5¾ miles.

Arkansas City 12 miles below spillway, protected by commission grade levees on Mississippi River.

Area in flood way, 1,100,000 acres.

Backwater area, 800,000 acres.

Uses diversion board's plan as the best solution.

Cost, $107,000,000.

Pays for flowage rights and estimated damages.

Government pays all costs.

Volume of flow definite and controlled.

Flow through concrete spillway, volume at first being small and gradual increase allowing time for levees to season.

Uses 1,900,000 acres of the 3,517,000 acres in the three districts affected.

Limits area of backwater by interior levees, running from Mississippi levee west and north along Tensas River.

Population in flood way, including backwater area, estimated at 42,000.

Concrete controlled spillway may be shut off should guide levees weaken.

With fuse-plug device, repeating flood stages as in 1927 would keep this area continually under water.	Concrete controlled spillway could be shut off after major flood, thereby protecting area from minor flood stages.
ATCHAFALAYA FLOOD WAY	
Jadwin plan	*Mississippi River Commission plan*
Discharge, 1,500,000 second-feet.	Discharge, 950,000 second-feet.
Fuse-plug sections on both sides of Atchafalaya River at its head.	Outlet widened by cutting down levees on west side at head to the natural surface of ground.
Width at head, approximately 16 miles. Indefinite and unreliable.	Width at head (permanent), 8 miles.
Flow through fuse-plug sections indefinite, depending upon crevasses.	Flow through cut-down sections definite, with no obstructions.
Break in fuse-plug sections may jeopardize entire flood-control works; would act same as crevasse with resultant damages.	Flow gradual and increasing slowly as flood stages increase.
Ring levees around Simsport, Melville, and Morgan City.	Protects Morgan City by levees and purchases Melville and Simsport, which are abandoned.
Ignores spillway board's plan and recommendations.	Uses spillway board's plan as the best solution.
Guide levees of inferior section.	Guide levees standard grade, same as Mississippi River levees.
Floods practically entire lower basin with backwater flowing through openings for drainage in guide levees.	Floods less area by backwater by 50 per cent. For reason fewer openings in guide levees for drainage, and levees extend nearer to Gulf.
Cost, $29,900,000; local interests furnishining all rights of way and paying all damages.	Cost, $52,500,000; Government pays all costs, including flowage rights and damages.
Population of flood way and backwater area, 40,000.	Population of flood way and backwater area, estimated, 30,000.

4. "LEVEES ONLY" POLICY OF MISSISSIPPI RIVER COMMISSION

The commission itself, a purely Federal agency, making its participation in the cost of the work dependent upon the acceptance by local districts of its arbitrary ruling, adopted and adhered to a policy of "levees only." Time and again it contended in public utterances and in the records that it was only by confining the river to its bed by a system of levees that floods could be averted and the flood waters of the Mississippi carried safely to the sea. The commission was intolerant with any other viewpoint and successfully resisted any effort to change its policy as well as discouraging any suggestion to investigate any other proposal.

In the pursuit of this policy the commission went a step further. It held to the view that in support of the "levees only" theory every outlet of the river but one should be closed, and did succeed in closing them all except the Atchafalaya Gap and the mouth of the river at the Passes.

The result of this policy is now part of the tragic history of flood control on the lower Mississippi in our own times. Five devastating epochal floods have visited the valley since the establishment of the commission. On the crest of each, millions of dollars of property have been borne to the sea. Countless thousands of patient, toiling people have been driven from their homes. Disease and sickness, the direct result at times of these floods, have taken the lives of hundreds. In 1882, 1906, 1912, 1913, 1922, and 1927 floods occurred, and upon each occasion advanced students of flood control protested in vain against adherence by the commission to this policy of "levees only," to be told by the commission, a Federal agency with practically arbitrary power, that the policy of "levees only" would be retained by the commission but that after each flood the levees would be built higher and stronger. Then came the flood of 1927 and the commission confessed its policy to have been a mistaken one and that not only did the river need levees but additional outlets as well to discharge its flood capacity.

But this confession did not come until after the 1927 flood and in mistaken and unyielding support of that policy the commission expended $170,000,000 of the local taxpayers' money as well as $71,000,000 of the Federal Government's money. It has been described as the monumental blunder of the age, as a policy stubbornly supported in the face of the most convincing opposition, a policy which led the way to tragedy and disaster over the advice of thoughtful and studious men. But it was planned and executed by the Federal Government—financed to a large extent by the localities—and the mistake of the policy was not admitted by the Federal Government until the localities had expended this huge sum, certainly enough over this long period of years at prices then obtaining to have provided flood-control works now recommended and which are believed to provide complete safety.

Thus it will be seen that a policy fixed by the Federal Government itself is largely responsible, if not entirely, for the prostration of the lower valley to-day.

But not only in this respect was the Government's policy fatal to success. There was, although not appearing to be, a divided authority in the construction of levees and a fatal weakness in restrictions placed upon the distribution of funds which left impoverished districts with weak and crevassing levees ever endangering the security of their neighbors. It is fundamental that, where the locality was required to supply the right of way for levees and to contribute one-third of the cost of their construction, local authorities would have something to say about how their funds were expended and how much of their area would be yielded up pro bono publico for the construction of levees.

A weak link anywhere destroys the strength of the chain; so it is in levee construction. It serves none but a wasteful purpose to construct 10 miles of flood-proof levees which are joined with 5 miles of weak and unstandardized ones. No agency expending local money and accepting local rights of way upon the giving of which the flood works are legally left dependent will be deaf to the pleas and intrigues of local politics, and many a levee line has been placed upon rights of way, out of local political consideration which would never have been employed had the commission exclusive jurisdiction and had the work been entirely financed by the Federal Government. Many districts were unable to meet their allotments and their levee lines under the law were left in a weakened and dangerous condition.

This situation was fully admitted by witnesses before the committee and fully commented upon by members of the Mississippi River Commission when testifying.

Thus the committee found upon its record of hearings:

First. That local communities from the date of the Louisiana Purchase until 1879 had at their own expense, not only provided all flood-control works upon the Mississippi, but had actually been meeting the National Government's obligation of maintaining and preserving the navigation of the river.

Second. That in this work these localities had expended in that period $125,000,000 from public funds and an unestimated amount from private sources.

Third. That, since the participation by the Federal Government, the localities have expended more than twice as much as the Federal Government, the amount being $170,000,000 for localities against $70,000,000 by the Federal Government.

Fourth. That, under the leadership of the Federal Government and over the advice of many others, this huge sum was expended in the mistaken policy of "levees only," a policy which led to the disaster of 1927 and practically nullified the benefits which should have been received from any such expenditure.

Fifth. That the Government's policy in making flood-protection works dependent upon local cooperation had developed a policy of divided authority resulting in no unified and complete system after the expenditure of nearly a half billion dollars.

Sixth. That the flood waters which devastate the lower valley rise in a widely spread area outside of the affected region and have little added to their volume in the lower valley, and that these localities have for years been shouldering the drainage burden of the Nation.

But if the committee found the record of the past to be amazing and unjust, the task which it was called upon to consider in future legislation was even more intolerable, if local contributions were to be maintained. For the recommendations which were now before the committee provided for a wide departure from the heretofore mistaken policy of the Mississippi River Commission. They included not only the employment of levees which were to be enlarged and strengthened, but for outlets in the form of spillways, diversions, and flood ways upon a comprehensive scale never before contemplated. These flood devices, admitted by their proponents to be in no sense local in any contemplated benefit, were in instances to be constructed in one territory for the protection of another, in one State to safeguard another, and so huge in their costs that to attempt their execution at local cost would result in the abandonment of the entire plan.

Witness after witness, including the Chief of Engineers, was questioned by the committee and invited to suggest some method of justly adopting some practical method of providing for these flood-control works at local expense, and not one could do so. Every local authority examined testified that, to make their execution dependent upon local financing, would be tantamount to forbidding their execution.

The Mississippi River Commission itself on this phase of the matter says:

While local participation in the cost of such works may be equitable, it is deemed to be impracticable as the benefits accrue to certain States at the expense of others.

It was the committee's conclusion that the control of floods on the lower Mississippi, if it is to be adequate and successful, must be a unified project for this purpose, directed under a single agency, and made dependent upon only the Federal Government for its execution.

The committee also had before it an accurate estimate of what the result would be if any flood-control plan was made dependent upon local contributions. It requested and received a financial statement from every levee board from Rock Island to the Gulf giving, not only the present depleted condition of its treasury, but likewise the prospects for future revenue in its district. Those statements are included in Chapter III of this report. They show conclusively the practical bankruptcy of these boards, the heavy obligations still outstanding, the declining value of its assessments, and that only confiscation would follow an attempt to tax them further.

5. MISSISSIPPI RIVER COMMISSION REPUDIATED BY GENERAL JADWIN

The Mississippi River Commission was not retained in the bill reported hereon as the agency in charge of flood control of the Mississippi River because the report of the Chief of Engineers of the Army, approved by the Secretary of War and transmitted to Congress by the President, repudiated it.

MISSISSIPPI RIVER COMMISSION CRITICIZED BY SUPERIOR OFFICER

(General Jadwin)

(P. 3587)

The CHAIRMAN. Don't you think it is the duty of this committee to consider the report and recommendations and considerations of the Mississippi River Commission, a duly authorized agency of the United States for the flood control of the Mississippi River, in the matter of a plan for the future flood control of the Mississippi River?

General JADWIN. I think you will have to decide that yourself. I do not think you are required to do it and it is not normal procedure, but if you want to do it and think you ought to do it, that is your duty.

The CHAIRMAN. You said this report came in by the back door.

General JADWIN. Yes, sir.

The CHAIRMAN. What do you mean by that?

General JADWIN. I meant I did not forward it up.

The CHAIRMAN. Why didn't you?

General JADWIN. Because there were so many things about it that I did not think were sound, it was better, I thought, not to send it up.

The CHAIRMAN. And you took it upon yourself to say that that report was not worthy of the consideration of Congress and you were going to stop it?

General JADWIN. That report I had called in from those people who were working for me, and I made my recommendations as I thought they should be.

(P. 4379)

General JADWIN. The present commission organization showed its defects in the preparation of the flood-control plans just completed. The Chief of Engineers had to prod the Mississippi River Commission to get a definite and constructive recommendation from them. And when their plan came, it was full of holes. The Chief of Engineers had no authority to make the commission correct glaring defects. In their first report they made no recommendation at all, but were led into a recommendation finally after being reminded that they had had 48 years in which to meet the study and that a report which recommended only further study would not meet their obligation.

VIEWS OF GOVERNORS ON LOCAL CONTRIBUTIONS AND JADWIN PLAN

On December 10, 1927, as the chairman of the committee, I addressed a letter to the governors of the States in the Mississippi Valley calling their attention to certain paragraphs in General Jadwin's report, and requesting them to advise the committee if the plan was satisfactory to their States, and if not, why not.

The following comments on the paragraphs of the Jadwin report as indicated are taken from briefs submitted by the governors of the several States in reply to this letter:

President's message transmitting the Jadwin report, paragraph 3.

The total cost of the recommended project is $296,400,000, distributed over a period of 10 years. This large sum is manifestly justified by the necessities of the situation and the benefits that will result. In determining the distribution of the costs, there must be considered not only the people of the valley itself, who receive the major portion of the benefits, but also the great mass of taxpayers who suffer less directly from Mississippi River floods and upon whom most of the burden of Federal taxation falls. It is axiomatic that States and other local authorities should supply all land and assume all pecuniary responsibility for damages that may result from the execution of the project. It would be revolutionary for the Federal Government to establish the precedent of buying part of the land upon which to build protective works to increase the value of the remainder. Similarly it would be very unwise for the United States in generously helping a section of the country to render itself liable for consequential damages. The Federal Treasury should bear the portion of the cost of engineering structures for flood control that is justified by the national aspects of the problem and the national benefits. It may even bear 80 per cent of such costs, but substantial local cooperation is essential to avoid waste. The portion this would leave to be borne locally for flood-control structures represents an expenditure of about $3, or 30 cents per year for 10 years, for each acre in the alluvial valley to be protected every year from Mississippi River floods. The value per acre, including railroads, towns, cities, and other improvements, is estimated at something over $200. It would seem that the States should share with the Federal Government the burden of assisting the levee districts and individual property owners, especially in view of the fact that the States benefit directly by the increased taxes from land made more valuable by reason of its protection.

Brief submitted by Governor Martineau, of Arkansas:

In our humble opinion we differ from the message of the President in the following:

First. In the opening sentence, "The total cost of the recommended project is $296,400,000." The figures $296,400,000 do not by any means represent the total cost of the recommended project that ultimately will have to be expended. In addition to the 20 per cent local contribution recommended, which above figures do include, the local communities or States will have to provide, at their expense, the following items, which should be added to the $296,400,000 to finally reach the total cost:

A. Rights of way for all levee structures.

B. Rights of way for all spillways and flood ways and drainage systems that might be found necessary.

C. Maintenance of levee at the head of flood ways deemed necessary in the opinion of the Chief of Engineers.

D. Guarantee of Government immunity from all damages.

E. To maintain all flood-control works after their completion (except controlling and regulating spillway structures).

The Jadwin report takes the position that the lands within the spillway area are not damaged and should be paid no damage. This, we consider, is the major economic mistake of the Jadwin plan, as unquestionably the owners of the lands will have to be paid for damages or flowage rights. This cost, we take it, would have to be borne by the States or local communities, by virtue of the damage-immunity guaranty and the rights of way proviso.

F. The assumption of the damage claims arising from the disrupted drainage system, the railroads, highways, etc.

The various expenses mentioned in connection with A, B, C, D, E, and F are not considered in the figures of $296,400,000, but will have to be anticipated before the project is completed. Therefore, we contend that the sum mentioned does not represent the total cost by any means. We would heartily concur in the next sentence, "This large sum is manifestly justified by the necessities of the situation and the benefits that will result" if the word "protection" were used in connection with "benefits." The sentence would then read as follows: "This large sum is manifestly justified by the necessities of the situation and the protection and benefits that will result."

The balance of the paragraph, "In determining the distribution of costs," etc., we differ with in the following respects:

We will first attempt to analyze the condition.

We feel that entirely too much stress has been placed upon the "benefit" feature and not enough emphasis upon the "protection" feature; in fact, it seems that protection of the valley has been lost sight of and that "flood control" has been treated in the nature of a special improvement project with necessarily accruing benefits to the local communities.

This is, however, not the case. Flood protection, not levee benefits, is the paramount issue.

We feel that, as the flood waters originate in and descend from such a wide area of the United States, the damage wrought is national in its scope and its resultant cost should be borne by the Government.

The Jadwin plan consists, in part, of strengthening existing levees and moving back in the "bottle necks." Some local benefits unquestionably could be established by this procedure, but by far the major portion of the Jadwin plan depends upon spillway relief. The spillway feature, however, involves an entirely different principle, inasmuch as the spillway feature can be established as a decided detriment and menace to the contiguous territory, not aiding its own particular section, but threatening it with destruction in order to benefit some other community. Surely the lower valley should not be requested to pay a portion of its own funeral in order that other sections may survive.

Furthermore, the lower valley has reached the point of financial collapse, due to overtaxation for special improvements, and trying to protect itself against the flood waters of 41 per cent of continental United States.

The figures used, of a total acreage cost of $3 for every alluvial acre at the ratio of 30 cents per year for 10 years, actually mean of the approximate total alluvial acreage of 30,000 square miles, or approximately 20,000,000 acres, there would be 8,000,000 acres included in the backwater and spillway area, which would leave only 12,000,000 acres to carry the entire burden of local contributions, which it has not the earning power to do. Considering the ratio in cultivation of this 12,000,000 acres, or 40 per cent, it would give only an approximate 4,800,000 acres, in the last analysis, to bear the burden, which would be excessive and impossible.

Brief submitted by Governor Sampson, of Kentucky:

The approval of the report of General Jadwin raises the issue as to whether flood control of the Mississippi River shall be under the supervision of, and financed by, the Federal Government, or whether it shall continue to be partially controlled and financed by the local levee districts and State governments involved, with Federal aid. The latter plan has been in effect since 1879. Crevasses at a dozen or more points, causing the destruction of thousands of acres of land and the loss of lives, homes, and towns have resulted during each successive flood. There is but one responsible agency which can formulate, erect, and maintain a protective system which will prevent or minimize similar disasters in the future, and that is the Government of the United States.

The suggestion that local assessments should continue to be made against the protected acres in the alluvial valley means that the owners of these acres will continue to be governed by their conflicting personal interests, with the result that the levees along some stretches of the river would be effective, along others weak, and that the whole plan will continue to be a failure for the protection of the valley.

"The cost of the recommended project is $296,400,000." It is apparent from the evidence published in the hearings before the Committee on Flood Control of the present House of Representatives that the cost of (1) rights of way for levee structure, (2) for spillways, (3) flood ways, (4) drainage systems, (5) guaranty of Government immunity from all damages, (6) maintenance of levees at the head of flood works, and (7) of all flood-control works after their completion, except controlling and regulating spillway structures, will mean at least an additional 30 per cent local contribution. The evidence has shown conclusively that many levee districts are now unable, as the result of the damage wrought by the 1927 and preceding floods, to make any further contribution at all, and we respectfully submit that the adoption of section 1 will be the equivalent to a statement that no adequate flood-control program is to result from these deliberations.

Jadwin report, paragraph 2:

2. The plan is a comprehensive one, providing for the maximum flood predicted as possible, and for future expansion to meet changing conditions. It includes a spillway above New Orleans, diversion flood ways in the Atchafalaya and Tensas Basins, a river bank flood way from Cairo, Ill., to New Madrid, Mo., together with strengthening and a moderate raising of existing levees. It is designed to prevent any material increase in flood stages. Channel stabilization and navigation improvement are included. Exclusive of rights of way, incidental drainage works, and damages, if any, recommended to be borne by local authorities, the estimated cost of flood-control works is $185,400,000, and of channel stabilization and mapping, $111,000,000; a total of $296,400,000. The distribution of cost must be determined by law. The suggestion is made that a distribution by which the cost of flood-control works in general is borne 80 per cent by the Federal Government and 20 per cent by the valley States, and the entire cost of channel stabilization is borne by the United States, would accord with the fiscal policy of the President and the precedents established by Congress.

The reorganization of the Mississippi River Commission, Federal control over structures within natural flood ways, and the comprehensive mapping of the alluvial valley are also recommended. Flood control of tributaries will be reported upon after the completion of surveys already authorized by Congress.

Brief submitted by Governor Sampson, of Kentucky:

The evidence before the Flood Control Committee clearly indicates that the plan is incomplete, impracticable, and will result in a continuation of the same lack of systematic flood control which has been the chief cause of the 1927 and previous disasters. The failure of this plan, if adopted, is predicted because it will be impossible for many of the districts involved to bear their share of the cost, and failure to construct the system at any considerable number of points would mean the failure of the whole plan, even were it otherwise unobjectionable. A chain can be no stronger than its weakest link.

Jadwin report, paragraph 25:

25. Economic necessity and local cooperation: As directed by the law relating to reports by the department, I submit a statement as to the general and local benefits of the plan and the local cooperation that should be required on account of local benefits. The question must be viewed from the standpoint not only of those in the valley needing flood protection but also of the taxpayers in other parts of the country, including the regions from which the flood waters come, who suffer indirectly from flood disasters, and on whom the bulk of the burden of Federal expenditure must fall.

Brief submitted by Governor Simpson, of Louisiana:

This makes clear some of the considerations which prompt the advocacy for local contributions, namely, the indirect taxation of those sections of the country not directly affected by the flood problem. Were these considerations weighed on the scales of justice?

If weighed upon the scales of justice, then where shall the line be drawn? If it be unjust that the extreme Eastern States and the extreme Western States shall indirectly bear a share of the expense of flood control, then it is injustice to the nth power that the State of Louisiana should be even indirectly taxed, to say nothing of the effect of superimposed taxation which is the result of local tribute. The extreme East and the extreme West are neither the ones causing the damage nor the damaged. But can the same be said of many of the States which go to constitute the drainage basin spreading out to the north of Louisiana and whose excess drainage overflows converge in this State to the constant peril of lives and property? Louisiana is the major damaged party. Does justice countenance that the damaged party shall pay further tribute as hostage against sustaining further damages?

Jadwin report, paragraph 26:

26. Several estimates of different well-protected parts of the Delta Valley result in an average price per acre of $224 when towns and all property, such as houses, roads, railroads, land, etc., are included. The total area of the valley originally subject to overflow is 29,790 square miles, or 19,065,600 acres, 12,000,000 acres of which is usable. This 12,000,000 acres at $224 per acre is worth about $2,688,000,000. Adding the probable value of New Orleans would bring this sum up to about $3,500,000,000. Movable property added would make it something like $5,000,000,000.

Brief submitted by Governor Martineau, of Arkansas:

General Jadwin attempts in this paragraph to establish a land valuation of $224 per acre for the 12,000,000 acres of usable land of the total 20,000,000 acres comprising the alluvial valley. To arrive at this figure he evidently added to the true valuation of these lands the true valuation of all personal property, cities, and towns, as well as all utilities and other improvements.

While the figures quoted may possibly reflect the combined total true valuation of the entire alluvial section of 20,000,000 acres, it must be borne in mind that these figures also evidently include all city and town personal property and utitlities, and it would not be fair to the lands of this section to shoulder the combined total true value upon them. It is a well-known fact that these lands possess a true valuation of approximately $50 per acre, can be bought for same, that they produce a return that substantiates this figure and not a true valuation of $224 per acre.

Unfortunately for this section, virtually all levee construction heretofore has been financed upon a direct land taxation, based upon the theory of resulting direct benefits derived by the lands from such levee construction. Personal property, while unquestionably benefited, has not shared in this construction cost; necessarily the very much overburdened lands had to shoulder all of the costs. (Whatever plan is finally evolved, this past mistake should be rectified so that personal property may bear its proper ratio of costs.)

Brief submitted by Governor Sampson, of Kentucky:

Even if true, the facts stated are not relevant. Local levee taxes have been levied on acreage, and personal property has never borne any ratio in flood control. The evidence before the committee has shown that 12,000,000 usable acres of land have an average assessed value of approximately $50 per acre, and it is against this land that the local charges for flood control, according to Jadwin's plan, would be assessed. And when it is considered that less than half of this is in cultivation, it is evident that it would be impossible for it to bear the burdens in addition to those now carried, which would be excessive and confiscatory.

Brief submitted by Governor Simpson, of Louisiana:

Here is an acreage appraisement averaged by dividing the total values by the total acreage. This is very much like going into a jewelry factory, obtaining the value of all the jewelry, of rough gold, of machinery, of buildings, etc., and estimating the value of the whole plant and saying the property is worth so much per ton. (See attached chart indicated for paragraph 26.)

Further: Exclusion should be made of the appraised value of the aggregate personal and movable property, the reason being that local contributions would, if levied, have to depend upon the issuance of

local bonds. Such bonds could not be made to rest upon movable property. Calculations should be confined to the realty figures.

Jadwin report, paragraph 27:

27. The values and population behind the levees are increasing all the time. It has been estimated that damages from the 1927 flood were over $200,000,000.

Brief submitted by Governor Martineau, of Arkansas:

We coincide with General Jadwin here, but believe his damage figure of $200,000,000 entirely too small. Our figures as to damages for Arkansas were submitted to you in a questionnaire report.

Brief submitted by Governor Simpson, of Louisiana:

There have been increases in some localiites, and also substantial decreases in other localities. More recent estimates of the flood damages, as above stated, exceed $400,000,000.

Jadwin report, paragraph 28:

28. The plan for river control contemplates spending about $300,000,000, or about one-sixteenth of the value estimated above. On the basis of 12,000,000 acres of usable land, this is an average expenditure of about $25 per acre, but it must be remembered that this includes protection to cities, towns, etc.

Brief submitted by Governor Martineau, of Arkansas:

We concur with General Jadwin that the lands, cities, and towns represent a valuation and importance justifying the costs, although we do believe his allocation of such costs should not revert back exclusively to an acre basis, and not include personal property, if, in the last analysis, the localities and the States have to partially contribute to any cost of this plan.

Brief submitted by Governor Simpson, of Louisiana:

The property and the areas affected should not be interpreted in terms of acres. The protection of land, merely as such, is not sought. In the main, we seek flood control for the protection of lives and of homes; for safe conduct in the pursuit of livelihood; for the promotion of sanitation and health; for the protection of transportation and all means of communication—all those things which are in the desire of man but which require industry and perseverance, labor, and capital. It is well known that the area has several millions of acres, many millions more than there is any immediate need for. Surely we should not regard the problem in terms of acres. We outline the benefits of protection as interpreted in "the necessities of the situation," as safeguarding the conduct and development of interstate commerce, the promotion of navigation, the preservation of national welfare, the mobility of facilities in the national defense, and the safety of the United States mails.

Jadwin report, paragraph 29:

29. The cost of the project is unquestionably justified. It will prevent a repetition of the widespread disaster, human suffering, dislocation of the economic life of the valley, interruption of interstate commerce, and the effect on the general welfare of the Nation that attended the recent flood. The expenditure would be justified even though such a flood occurs but once in 150 years. It will prevent the less extensive flood disasters that are likely to occur at much more frequent intervals. The protection afforded to the cities back of the levees in the valley against a flood even greatly exceeding that just past is especially justifiable from a humanitarian standpoint, since an unexpected break in the levees at these places would probably result in serious loss of life and might be an unparalleled catastrophe.

Brief submitted by Governor Martineau, of Arkansas:

We heartily concur with this paragraph in its entirety.

Brief submitted by Governor Sampson, of Kentucky:

While heartily indorsing this paragraph, we would suggest that the first sentence should read:

"The cost of a comprehensive Federal plan of flood control is unquestionably justified."

Supporting this suggestion we desire to submit that exclusive jurisdiction is in the Federal Government.

In the pre-Revolutionary days the exclusive control of all navigable waters within the 13 Colonies was in the Crown. With the termination of the war this exclusive control was vested in the Colonies as affecting the streams within their borders. These 13 Colonies were sovereign domains—separate and apart each from the other. In the very nature of things, commercial war between these sovereigns ensued. Each State sought to gain advantage over its neighbor and things looked dark for the future of these sovereigns.

Relative to their navigable streams, it is apparent that many questions would arise concerning which their interests would differ. The stream might be the boundary line; it might rise in one State, traverse another, and empty into the sea in the third. Much bitterness was engendered in the effort to control commerce.

So it has been authoritatively stated that the conditions affecting the commerce of the country was the main contributing factor to the agreement between the States to form a cohesive government, culminating in the Constitutional Convention and this Federal Government of to-day.

We must never forget that our Federal Government is one of delegated power. Prior to the adoption of our Constitution, the respective States controlled the commerce and the waterways within their borders. In forming this new partnership of States and the creation of the Federal Government, they specifically agreed that the Federal Congress should have the power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes."

We respectfully submit that the Federal Government at no time has ever relinquished its exclusive control of the navigable waterways of our country. Its exclusive jurisdiction has been construed to be such as permits its control upon the headwater streams which find their way to navigable waterways.

A State, nor any subdivision thereof, may not build a bridge within its own confines over a navigable stream unless and until it bespeaks permission of the Federal Government. A State, subdivision thereof, or individuals, may not deal to the point of interfering with commerce, with these navigable streams unless and until the Government to whom they have delegated this exclusive jurisdiction permits. So, if we are correct in the premise (and undoubtedly we are) that the control of commerce was the chief motivating factor in the union of the States, we would suggest that the main method of transportation, excepting a few stage coaches, was by way of water. Thus we have a condition in which the States surrendered and delegated to the Federal Government exclusive control of commerce between the States; and under that contract the Federal Government has jealously claimed exclusive power over these streams throughout the years and there is no way, except by constitutional amendment, whereby this power can be surrendered, even in part, to the respective States.

Referring specifically to the Kentucky situation, to state clearly the helplessness of our State to prevent the flood conditions which there obtain, I would recall your attention to the early remarks in this brief. In the early days, before our sister State, Missouri, with Federal aid, acting on plans of Federal engineers, took action in the matter, the flood waters of the Mississippi overspread the lowlands in Missouri, and our little river cities were safe in their higher elevations from any flood water that had visited that section. Then, Missouri, with Federal aid, under Federal law, endeavored to protect her lands from this overflow. Kentucky was without power to prevent its sister State from protecting its domain and was without power to prevent the course of the Father of Waters being changed. The control of the Mississippi River was in the hands of the Federal Government, and Kentucky must stand and receive the changed course of this mighty stream to its damage and detriment over many, many years. We respectfully submit that this changed condition, brought about in no part by our State, should not occasion a burden to our people, because of our constitutional weakness in this respect.

Brief submitted by Governor Simpson, of Louisiana:

"The cost of the project is unquestionably justified," but we conceive that the "necessities of the situation" justify a more extensive project and a more comprehensive plan even if at a greater cost.

"It will prevent a repetition of widespread disaster." Under the application of the rule of probabilities, no certainty prevails in the plan that would positively prevent a repetition of widespread disaster. The feeling would be one of hope but not necessarily of certainty, and it will take considerable time to restore confidence so essential to the sense of security. The execution of any plan would take years to complete. The time factor is inherent. This observation has a direct bearing on the capacity to pay of numerous levee districts. More bonds could not be sold until after the restoration of confidence and the reestablishment of a full sense of security. This is of the utmost importance, because it directly affects the weak links in the general chain.

The third sentence, "The expenditure would be justified even though such a flood occurs but once in 150 years." This sentence is not only admitted but contended without qualification. Concerning the last sentence of paragraph 29, exception is taken to the phrase "the protection afforded." We would change as follows: Substitute for the word "the" the word "full" and strike out the word "afforded." The first three words of the sentence would then read "full protection to." As the sentence would then read, it would express our sentiments exactly.

Jadwin report, paragraph 30:

30. The estimated cost of $296,400,000 for the construction of flood-control and navigation works does not include the costs of rights of way for flood-control works, the cost of any drainage works required therewith, nor the cost of any flowage rights that may be required, nor damages, if any, resulting from the execution of the plan. No questions of rights of way or damage arise in connection with the navigation works. Local interests should in the future as in the past provide all rights of way for flood-control structures. They best can obtain the land at a fair value, and vexing questions as to Federal ownership, administration, or police of the narrow strips of land will be eliminated. Their land is enhanced in value by the works. Tax

collections show that the land in the upper Yazoo Basin has ten times the value that it had before it was leveed. The United States ought not to buy a part of the land to enhance the value of the rest.

Brief submitted by Governor Martineau, of Arkansas:

General Jadwin makes it clear in this paragraph that the cost of providing rights of way, flowage rights, or drainage necessary for the proposed flood-control works, or any ensuing damages, which would also include damage to highways, railroads, etc., should be borne by the localities or States on the theory that the lands are enhanced in value by the improvement.

General Jadwin so disposes of this major feature. This, however, is the crux of the whole situation. It is unthinkable that the people owning this vast area of land, approximately 2,000,000 acres of spillway, exclusive of Bonnet Carre and Cape Girardeau area, should have their lands converted at times into a raging river, carrying a volume of water approximately three or four times as great as the St. Lawrence River (and, who knows, might be much greater with the uncontrolled fuse-plug inlet) rushing over their homes and fields. There is but one just and honorable way to handle this situation; that is, to pay these people for their lands, or acquire the flowage rights, and pay for the resulting damage to drainage system, highways, railroads, etc. This would reach such a prohibitive figure that the Government alone could bear the cost.

As to the lands being enhanced in value thereby, the contention is without merit. Other lands will be rendered more safe, but it will not be these or any contiguous lands; it will be the lands farther removed (in most cases, land situated in other States). In fact, it is a national benefit (the spillway remedy virtually being the key to the Jadwin plan), is solving the question of flood levels of the parent stream, and therefore ceases to be of local nature.

Brief submitted by Governor Simpson, of Louisiana:

The first two sentences of this paragraph indicate a given estimate of known figures for some of the work contemplated but only constitutes a part of the whole. That part of the plan which is concerned with drainage works, flowage rights, cost of damages in the process of executing the general project, and the costs of rights of way, indicates cost items, estimates of which should be given and their aggregate should be added to the figure of $296,400,000 in order that there may be included a gross estimate of the entire project contemplated. It would then be more clearly shown that the Jadwin plan proposes to charge the local communities with heavy costs which, when added, would show a considerable disparity between the actual and apparent division of costs, more nearly reaching a division 50–50 instead of 80–20.

We can not agree with the third sentence of paragraph 30, which begins with the phrase "local interest should, etc.," on the following grounds:

1. We have declared against the principle of local contribution.

2. To give land to the National Government would be in effect a form of local contribution.

3. It may be found necessary to construct works in one State for the protection of another (in whole or in part).

4. What State would be willing to yield territory for the protection of another without acceptable compensation?

The contention involved in the phrase "should in the future as in the past" is attacked for the following reasons:

1. Submission to hardships in the past is no justification for a continuance of the practice.

2. The very fact that the practice advocated is a part of the past ineffective scheme should be in itself sufficient to condemn it, or at least it should furnish a strong argument against perpetuating the errors of the past.

To the fourth sentence, beginning with the phrase "They best can obtain the land," we take exception because the inferred reasoning in the sentence appears as follows:

1. You, the State, can buy the land cheaper than we, the Federal Government.

2. Therefore, you should buy it, giving your own citizens less money.

3. Because you can buy it cheaper than we, you should buy it and pay for it with your money.

4. After you have bought and paid for it you may then deliver it to us without compensation or refund.

5. We will then construct part of a national system for the Nation's general welfare on your land (or works, perhaps, for the special protection of some other State).

6. And after that we will be glad to shift the responsibility to you, as we do not wish to be concerned with the vexing questions of ownership, which may require policing, etc.

Such an attitude is manifestly unfair, to say nothing of the fact that it is developed upon the inoperable base of local contribution. Nor is there any need for relegating to the State the task of acquiring the needed land. Under proper provisions in the flood-control bill, the Federal Government could operate directly to acquire such land as it needed and on a basis equitable and fair to all. It has the right of eminent domain, and could follow the procedure of condemnation based on valuations made by three competent appraisers appointed by the United States district court, as was done in the instance of the Algiers naval station at New Orleans.

The next sentence:

"Their land is enhanced in value by the works."

Comment: While the word "works" is here not qualified, we will assume it to mean flood-protection structures. Even then it becomes difficult to determine the specific character of structures intended. But we will interpret the application as of "protection."

To enhance value is the creation of value.

Thus, protection enhances value equals protection creates value. Now, before proceeding, we must have a common understanding of the meaning of the word "value" as here applied. Since the inference is interwoven with a design to show a justification for additional taxation in the form of local contributions, we must qualify the word "value" as meaning "money value," since taxes are collected in money. It is well known that money values are made up by a plurality of factors and that the change, addition, or increase of no one factor alone necessarily changes the net results of value unless all other factors are known, and known to be constant. But is this the case? Everything about us is in process of flux. Influences are changing, the factors are variable. We are considering hundreds of miles of river and millions of acres of land. How, then, can it be positively stated that values will increase without simultaneously qualifying all the other value factors? Values may or may not increase. The quoted statement is not axiomatic, but purely speculative.

The next sentence states:

"Tax collections show that the land in the upper Yazoo Basin has ten times the value that it had before it was leveed."

Comment: The implication here conveyed is an additional attempt to interweave the relationship of cause and effect between flood protection and values. For purposes of reasoning, let us grant the statement. Even then may it not be other than the description of two parallel facts not necessarily related as cause and effect? We would indicate the expansion of world consumption of cotton, which has increased during the past 25 years from about 11,750,000 bales of American cotton to that recently obtaining of over 17,000,000 bales, during which period of time prices rose from around 7 cents in the midseason of the year 1904–5 to a price in 1920 of over 40 cents per pound and averaging a mean price level of around 20 cents per pound during the last seven years or so, or from 1920 to the beginning of the current marketing season. We would also indicate the collateral growth of the country in general and especially the intensive development of railroad transportation. Improvement in communication, increases of national and local population, the expansion of the money factors and the use of credit, the decline in the general purchasing power of the dollar and an especial factor through the value tributary to "quality." The application of this factor pertains to the growth of staple cotton, which commands a premium in the world's market. We can then readily see that economic growth and the growth of population have increased the value tributary factor of "need," and the expansion of money and credit must necessarily contribute toward the matter of price. Aside from these points, why did the Chief of Engineers single out the Yazoo Basin? He could readily have selected another illustration which may, however, have reflected an opposite result. We call attention to the sugar lands of the State of Louisiana which steadily declined in value simultaneously with the increase in levee improvements. Why should not the implication be made that, because these two facts are parallel, they establish a relationship of cause and effect, and that improvement of the levee systems in the State of Louisiana has caused land values to decline? This would be just as logical, but we do not contend that this is the case. We know that the decline in the value of sugar lands in the State of Louisiana is due to the operation of varied conditions and factors, some remote by hundreds of miles and separated by the Gulf of Mexico. For instance, we refer to the island of Cuba, wherein sugar is produced in great volume at low cost. This has increased the world supply of sugar, forcing world prices to low levels, as one of the contributing factors. Additional factors, not in any way related to, or connected with, levee protection or flood-control measures are destructive insects and what is known as the mosaic disease.

The next sentence states:

"The United States ought not to buy a part of the land to enhance the value of the rest."

Comment: If motive is implied, we agree with the statement. The United States ought not to buy a part of the land (with the purpose) to enhance the value of the rest, but if motive or purpose is eliminated, we disagree with the statement for the reasons previously mentioned in connection with the discussion of land-money value.

Before passing from the subject of the implied relationship between flood-control works and enhancing values, we again refer to the first line of paragraph 27, which is as follows: "The values and population behind the levees are increasing all the time." The express statement of this sentence is that values are increasing; that is, they are increasing even now before the proposed additional flood-control measures. This develops the following questions:

(a) If values have been and are increasing.
(b) If values will hereafter increase.
(c) Why need the predicted increase in values be attributed to the new measures of flood control?

In the absence of known extent, the inferences appear irreconcilable but also confirm the view that values are affected by numerous factors other than flood control.

Jadwin report, paragraph 31:

31. Such drainage works as will be required in connection with new interior levee construction are of direct benefit to the lands affected and their cost should be borne locally.

Brief submitted by Governor Martineau, of Arkansas:

We beg to differ again with General Jadwin. In most cases lands contiguous to new interior levee construction have already anticipated their drainage needs, and have constructed drainage systems that are adequate and are functioning properly, against which there are large outstanding bond issues. This new interior levee construction in a great many cases will disrupt the present flowage and cause great damage.

How will these drainage districts be benefited, and why should these same people have to bear the added costs again, in the form of a levee tax, for damages?

Brief submitted by Governor Sampson, of Kentucky:

Practically throughout the valley drainage works have already been built at local or private expense to conform to the present ineffective and haphazard plan of flood protection. The building of these works has in many, if not most, instances exhausted the credit of these localities. Should they now be burdened with them, with the additional expense of again conforming to another so-called comprehensive plan for their protection?

Brief submitted by Governor Simpson, of Louisiana:

It is admitted that drainage works are a benefit to the land drained and also of benefit to sanitation and to assist in the preservation of health. And it is for these reasons that exception is taken to the last line of the said paragraph in so far as the Jadwin plan is concerned or any other flood-control plan which may impair, obstruct, or destroy any of the drainage systems which now exist or which may exist prior to, or at the time of, the execution of such a plan. We have established drainage systems in all of the presently proposed spillway or diversion areas which would be subject to damage or destruction by these flood-control measures. The development and extension of these drainage systems has been under way for a great many years. Bonds have been issued based on special drainage taxes which would result in damage to bondholders in addition to the damage to landowners. Whenever works undertaken by the levee board have obstructed or impaired these drainage systems, they have been restored at the levee board's expense. It logically follows that, in all such cases, the National Government should bear the cost of restoration.

Jadwin report, paragraph 32:

32. It is a fundamental principle that no damages lie against either Federal or State Government, or local agencies, on account of an accidental crevasse in the levees. The plan has been drawn to reduce to a minimum the damage to lands and structures resulting from the flow at high floods through the flood ways. All property affected lies in the natural high-water bed of the river. Much of this land was transferred to the States by the swamp act approved September 28, 1850. The purpose of this act was to enable the States to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein. The principle involved was not new, as the early French grants in the lower valley contained a proviso requiring the grantee to construct and maintain a levee line along the river front of his property.

In the State of Louisiana this old servitude has been transferred by the State to the levee district in which the land is located. Whether or not the servitude or flooding was transferred to private owners when the land was sold, the servitude existed when the land was granted to the States without cost. It should not now be paid for by the Federal Government. Moreover, the lands, with some exceptions, will have the same protection as is afforded by the present levee system, a protection provided partly at the expense of the Federal Government. The exceptions are the lands in the Bonnet Carre flood way and in the setback flood way from Birds Point to New Madrid. The acquisition of flowage rights by the State or local interests may be necessary in these cases. In any case, the lands should remain in private ownership in order that their productive capacity may be fully availed of. The United States does not in general own the bed of navigable streams; much less need it own land flooded only at long intervals. Damages, if any, which may be found legal and proper as a consequence of the plan should be met by the States, since these will be directly benefited by the works.

Brief submitted by Governor Martineau, of Arkansas:

General Jadwin in this paragraph goes to great length in an effort to justify the principle advanced, and while in some cases he has former court rulings to sustain his contentions, we wish to offer the following objections:

The southeast Arkansas levee district and the Tensas levee board of Louisiana, under whose supervision that portion of the land lies that is included in the Cypress Creek and Boeuf River spillway, in 1917 were told by the Mississippi River Commission that to close the natural outlet of Cypress Creek into the Mississippi River it would be necessary for the local communities to construct a drainage system to provide for the surface waters, and that when this was done the Mississippi River Commission would order the closure of Cypress Creek gap in the levee. This drainage suggestion was complied with, and the Mississippi River Commission ordered the said levee districts to deposit their one-third of the necessary money for the closure of the Cypress Creek gap in the levee, which the two levee boards did. However, to comply with this order of the commission, the levee districts sold additional levee bonds in connection with other works that were progressing at that time, which are at this time outstanding. The basis of value of these bonds is (as are all the others) for the protection and benefit of these lands (with others) that are situated within this proposed spillway, which if adopted will virtually destroy their real worth and purpose for which these bonds were sold.

In this case, would the "fundamental principle that no damage lie against either Federal or State Government" hold good, in case a fuse plug was installed and later was intentionally allowed to blow out?

This paragraph also recites that "the plans have been drawn to reduce the damage to the minimum." This, however, has not been done, as there is no doubt but that the resulting damage will be much greater with an uncontrolled spillway plan than with a controlled spillway.

The principle of swamp or overflow land grants from the Government to the State is raised. These lands were originally given by the Government to the States for the purpose of constructing necessary levees and drains to reclaim the swamp and overflow lands therein, and originated under the French Crown.

In compliance with the swamp and overflow land grant act of 1850, the States sold the lands so granted by the Government to prospective home builders, who with their descendants developed an agricultural empire, which in turn not only represented to the States themselves but also the Government one of the chief sources of their combined prosperity and dependency, the Government, as well as the States, sharing in the returns. In the last analysis, the States converted the funds derived from the land sales to the construction of levees, making this development possible for them and the Government alike.

If, now, some of these lands are necessary for spillways, why should the local communities (who have developed same) or the States not be recompensed therefor? The stipulation that the grants carried has been complied with and the Government has shared in the returns. It is well to bear in mind the amount per acre that the United States paid France for all of the lands included within the Louisiana Purchase, not so much from a dollar-and-cents standpoint but as a comparison with what the grants really represented at the time of donation.

We also differ again with General Jadwin wherein he states that "the lands within the spillway will have the same protection as now offered," as under his plan any effort to combat a threatened breach in the fuse-plug levee would be prohibited. We are also at variance with his opinion "that the lands would be just as productive as ever, with the exception of the years they were overflowed" as it would virtually be impossible to get any one to risk the hazard of farming or any financial interests to supply capital for investment therein on an agricultural basis. The result, in our opinion, would virtually mean abandonment of the entire acreage, except as a reforestation venture.

Brief submitted by Governor Sampson, of Kentucky:

This statement impresses us as wholly inadequate for the protection of the several counties of Kentucky and Tennessee, from Cairo to Memphis, where the construction of levees and revetments in Missouri has resulted in flowage damage and destruction along the eastern bank of the river in Kentucky and Tennessee. This damage has not resulted from any natural flowage of the flood water but has been caused directly by the protective works on the Missouri side. It is not fair that the cost of this destruction and damage should be borne by those thus damaged or destroyed. The same reason applies to the construction of other artificial spillways and flood ways. We are impressed that this is the fundamental economic error of the Jadwin plan. By the construction of the levees and revetments on the Missouri side of the Mississippi River the natural flow of water has been so changed as to cast it upon the eastern side and onto the lands of Kentucky and Tennessee. It is a well-recognized principle of law that the artificial

change of the natural flow of water ought not to cast any burden upon those damaged by the change thus produced.

Brief submitted by Governor Simpson, of Louisiana:

To correctly analyze this statement, it is necessary to bear in mind that there are two classes of levees in Louisiana, one along the Mississippi and tributaries and the other as part of the works necessary for draining low lands, which have not gravity drainage.

The swamp-lands grant included lands far removed from the Mississippi River and were made to a great many States distant from the Mississippi. These grants were not made for the purpose of building levees on the Mississippi, but as shown in the title of the swamp land act of March 2, 1849, chapter 87 (9 Stat. L. 352), title, "An act to aid Louisiana in draining the swamp land therein."

Various courts, Federal and State, have uniformly interpreted the swamp-land grants to have been adopted in aid of the general policy on the part of the National Government to aid the individual State in reclaiming swamp and overflowed land. (Leovy *v.* U. S., 177 U. S. 621; Maringault *v.* Springs, 199 U. S. 47[illegible]; Kimball *v.* Reclamation Funds Commission, 45 Calif. 344; Packard *v.* Johnson, 4 Pacific 632; Sherman *v.* A. P. Cork Co., 98 Mich. 61, 57 N. W. 23; State *v.* County Court of Wayne County, 98 Mo. 362, 11 S. W. 758.)

These lands, after being transferred by the United States to the State of Louisiana were, in turn, transferred to private individuals and the following principle then became applicable: "Where land is owned by the United States adverse user of an easement over such land can not begin until title has passed to a private grantee." (Pauson *v.* Elgar, 4 Cranch. C. C. 454; Union Mill Co. *v.* Ferries, 2 Saw. 176; 19 C. J. 955 (174, Note 1).)

It is true that certain levee districts, in parts of Louisiana, have exercised the rights of servitude referred to, but this doctrine of servitude was departed from under the following circumstances:

Originally in Louisiana the rural sections of the State were composed of vast plantations fronting on navigable streams. This was in the day of the sugar barons and the indigo grandees when countless hordes of African slave labor, man, woman, and child, toiled unceasingly from daybreak until sundown. During that epoch, the principle of riparian servitude was equitable and just. With a change of times there came a change of conditions, so that what was once a principality in superficial extent was subdivided into small farms, villages, hamlets, and cities. The method whereby the entire burden of flood control was placed on the abutting owner then became unfair. Louisiana, in an effort to be just to its citizens under the changed conditions, reapportioned this burden of controlling the flood waters of the Mississippi by adopting this section of its constitution (sec. 6, Article XVI):

"Lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for at a price not to exceed the assessed value for the preceding year; provided, this shall not apply to batture nor to property, control of which is vested in the State or any subdivision thereof for the purpose of commerce.

"If the district has no other funds or resources out of which such payment can be made, it may levy, on all taxable property situated therein, a tax sufficient to pay for said property so taken not to exceed one-fourth of one mill on the dollar, to be used solely in the district were collected. This shall not prevent the appropriation of said property before payment."

The foregoing principles are supported by the reasoning of the Supreme Court of Louisiana in the case of Louisiana Society for Prevention of Cruelty to Children *v.* Board of Levee Commissioners of Orleans Levee District (143 La. 105). Through Mr. Justice Provosty it said:

"The dictating idea was that the immensely increased cost of constructing the levees, owing to their immensely increased size, had made it advisable, as a pure matter of economy, to locate the new levees at a much greater distance from the river than formerly in order that they might not have so soon to be moved back, and that the effect of this was to render this servitude of levee so burdensome that in common justice compensation ought to be made to the riparian proprietor or person whose property was being occupied by the new levee or put on the river side of it; that the levee was no longer as formerly a mere potato ridge along the side of the river bank, which the front proprietor could, and was required to, put up at his own expense, but a great public work, the cost of which should not be made to fall with crushing weight upon the front proprietor, but be distributed over the entire area to be protected; that the making of such compensation was impossible in the country parishes, where sufficient funds could not be provided for such compensation in addition to what was imperatively required for the levee work proper, but was in a measure possible in the city of New Orleans, where larger values were being protected and ampler means available."

Such were the considerations which led to the adoption of section 312 of the constitution of Louisiana for the year 1898, which section relieved urban property in cities having a population of over 5,000 from the riparian servitude for levee purposes; the present section (section 6, of Article XVI, Constitution of Louisiana, 1921) merely extended the principle to rural riparian property.

In Norwood *v.* Baker (172 U. S. 269) the Supreme Court of the United States had occasion to express itself upon the gross injustice and want of equity in thrusting upon the abutting property owner the full burden of a local improvement, the benefits of which inured to the general public. In that case the Supreme Court said:

"Where public improvement assessment is in substantial excess of the special benefit accruing therefrom, it is, to the extent of such excess, a taking, under the guise of taxation, of private property for public use without compensation."

It will, therefore, manifestly appear that in relinquishing the riparian servitude for levee construction, the State did not idly or foolishly give away a substantial right, but this departure was made necessary by changed local considerations, and was strictly in the spirit of the principles laid down by the Supreme Court of the United States in the above case.

Jadwin report, paragraph 33:

The project should be authorized subject to the condition that except when specially authorized by the Secretary of War, upon the recommendation of the Chief of Engineers, no Federal funds shall be expended upon the part of the project within any State until that State has accepted by appropriate legislation these conditions and responsibilities. The saving exception is suggested to cover the case where the procedure requisite to the enactment of the legislation would unduly delay the initiation of work of far-reaching benefit, particularly if such work is essential to the protection of another State which has fulfilled these conditions.

Brief submitted by Governor Martineau, of Arkansas:

To comply with this feature would be well-nigh impossible; opposition to the necessary State legislation would be made by the people living outside the flooded area, who would feel that they were doubly taxed and not receiving any special benefit. They would not, however, object to their ratio of tax from the Government. In addition thereto, under our State constitution, there is no proviso for such legislation.

Brief submitted by Governor Sampson, of Kentucky:

This suggestion shows the weakness of the proposed additional authority which would necessarily result from local contributions to the supported plan. We submit that the Congress should provide for a basic, comprehensive Federal flood-control plan, which should be owned, maintained, and controlled under Federal laws. It would be unfair to ask the Federal Government to provide the funds for building a flood-control system for which they would not have entire responsibility. It has already been definitely proven that it is impractical and ineffective to draw up a plan by which each locality can contribute to a general flood-control plan while chiefly interested in their own locality. At present it is necessary for some States and some localities to bear an unequal burden for the protection of their neighbors, and many such States and localities now find themselves in such a position that they can no longer bear this burden at all.

Since 1882 the States and local districts have expended for levee construction approximately $167,000,000, while the Government has expended $71,000,000. In addition to this, States and local districts have expended millions for flood protection on tributary streams, and this tremendous burden has been carried as long as it has been possible by the localities which have so frequently found themselves inadequately protected, even after expending these tremendous amounts.

Brief submitted by Governor Simpson, of Louisiana:

The differences which would arise under the provisions of this paragraph are sufficiently clear and well known, so that additional comment is unnecessary.

Jadwin report, paragraph 34:

The present flood control act provides that local interests shall pay one-third the cost of levee construction. The following table shows the proportions of the cost of levees actually borne in the past by the Federal Government and local authorities:

Amounts expended by the United States Government in the construction of levees and the amounts expended by States, levee districts, and communities interested from 1882 to December 31, 1926, covering cost of yardage placed, rights of way, interest, engineering expenses, repair work, high-water expenses, crevasse closing, etc.

Mississippi River Commission districts	Expended by United States from Government funds	Expended by United States from contributed funds	Expended by State and local organizations	Total
Northern	$3,127,533.49	$1,083,857.69	$9,916,110.91	$14,127,502.09
First and second	19,796,161.78	4,348,420.82	42,766,497.05	66,911,079.65
Third	27,614,208.84	5,852,103.37	34,782,460.96	68,248,773.17
Fourth	20,552,089.47	3,773,893.32	64,488,106.33	88,814,094.12
Total	71,089,993.58	15,058,280.20	151,953,175.25	238,101,449.03
Per cent	30	7	63	

Brief submitted by Governor Martineau, of Arkansas:

This table clearly shows that the States and local districts have expended for levee construction since 1882 approximately $167,000,000 to the Government's $71,000,000, or an excess expenditure on the part of the States and local communities of approximately $96,000,000. From 1717 until the swamp land grant act of 1850, a period of 133 years, there was no governmental contributions, all costs being borne locally.

In addition to all of this, there has been a great expenditure on the part of the State and local districts for levee construction and maintenance of the tributary streams that have a direct effect on the parent stream, of which no mention is made at all, but should unquestionably be taken into consideration. Incomplete figures from the tributary stream expenditure of Arkansas alone, outside of the Mississippi River Commission jurisdiction, show the amount to have been $17,016,534.58.

Brief submitted by Governor Simpson, of Louisiana:

This recitation of customs, practices, and expenditures in the past is a full exposition of injustice and shows clearly the underlying causes which have contributed to the ineffectiveness of past effort; and, if continued, will further demonstrate the weakness of divided control.

Jadwin report, paragraph 35:

35. In addition to meeting the costs shown in the table, the inhabitants of the valley have been subject to recurring flood damage. The direct damages suffered from the 1927 flood are estimated by the Mississippi Flood Control Association to have been $236,334,414.06.

Brief submitted by Governor Martineau, of Arkansas:

The indirect damage item is, in our opinion, as large or larger than the direct, which would make the financial loss appalling.

Brief submitted by Governor Simpson, of Louisiana:

Reference is avoided or omitted concerning any estimate of indirect damages. We feel that the unrevealed indirect damages are of the greatest moment to the national welfare. The ratio of economic effect between direct damages and the indirect damages is so extensive as to be nearly incalculable.

By way of illustration, let us assume that the world's rubber production was substantially destroyed by floods, blights, or for any other reason. While the direct damages to the rubber crop based on complete destruction would be large, it is difficult for the imagination to grasp the result of the indirect damages which the nations of the world would be obliged to sustain, and particularly is this so of the United States. The direct damages would be insignificant in comparison with any estimate that may be attempted to determine how such a catastrophe could affect the livelihood and the financial welfare of millions of human beings thousands of miles away from the points at which the direct damages were sustained. We need go no further than consider the effect upon the automobile industry and upon all of its interrelated industries. Cotton grown in the alluvial valley contributes to the employment of an untold number of human beings, both directly and indirectly, in extensive sections of the country hundreds of miles away from where it is grown. The destruction of this cotton, if it could not be substituted by cotton elsewhere obtainable, would thus obviously throw into unemployment the human beings aforementioned, resulting in great damage to the general economic welfare. The factors of indirect damages are of the greatest importance to the Nation as a whole. This reflects the effects upon interstate commerce in its strongest application.

Jadwin report, paragraph 36:

36. The table clearly shows that the people of the valley have borne much the greater part of the cost of flood protection, although the United States has given substantial aid. The local participation has furthered the keen interest of each locality in the proper execution of the work. It has afforded a check on pressure for the execution of works not economically justified.

Brief submitted by Governor Martineau, of Arkansas:

Surely a work that protects the very lives and property and means the existence of the people will hold their interest and aid. The body having jurisdiction surely should be competent enough to see that the work is economically done and essential.

Brief submitted by Governor Sampson, of Kentucky:

An adequate flood control of the Mississippi and its tributaries involves approximately 30 States. The plan must be worked out by Congress and other agencies of the Federal Government, and this plan when worked out no doubt will be intrusted to the War Department for execution. It will be given authority to retard, divert, and retain flood waters, and will be held strictly responsible for its successful execution. We could never have built the Panama Canal by depending upon local contributions, local suggestions, and local authority, and the War Department in executing the plan of Congress should not be governed by local authorities. However, should local contributions be made a condition precedent upon receiving aid from the Federal Government in each and every locality, the people in each locality would expect to have their say. The plan must break down because of too much advice and because of a failure of contributions from many localities, they either being unable to contribute anything or not having the legal authority to make the contribution. We note that General Jadwin asserts that local contributions would create local interest and advance the development. We are quite sure it would have the opposite effect. It is very doubtful if all of the conflicting interests and conflicting elements could be brought in harmony with a great coordinated plan of flood control within the next 50 years, if ever. If we must wait for this plan, then we may expect to see many destructive floods before any relief is secured.

Brief submitted by Governor Simpson, of Louisiana:

The last sentence of this paragraph is: "It has afforded a check on pressure for the execution of works not economically justified." Local participation will also act as a check on works which may be economically justified regarded from a national point of view, in so far as the works intended to be placed in one locality or one State for the protection of another. Further, we contend that this policy has operated and will continue to operate as a check on the execution of works which were and are not only economically justified, but absolutely necessary.

Jadwin report, paragraph 37:

37. The division of cost has led to some divisions of control. The enlargement of levees affecting large areas has been delayed, in some cases, by the failure of a levee district to furnish its share of the cost. It is doubtful whether these disadvantages have counterbalanced the advantage of a local proprietary interest in the works.

Brief submitted by Governor Martineau, of Arkansas:

One of the major features, in our opinion, is the advisability of unit control, and that can be accomplished only by the Government.

Brief submitted by Governor Sampson, of Kentucky:

We agree with the first two sentences of this paragraph and submit that these are conclusive reasons for the rejection of the plan proposed. They are one, if not the chief, cause of the failure of the flood-protection works which have been heretofore built at such an enormous cost. The matter at present before the Congress is the protection of the lower Mississippi Valley from the flood waters which drain two-fifths of the area of the United States. The division of the huge cost of flood control among all the people, not only directly but indirectly benefited by it, would not greatly increase the per capita burden. The imposition of any additional charge upon the citizens and localities which have heretofore borne the burden, both of taxes and assessments for construction of levees and the still greater cost of crevasses in these levees recurring with each and every flood, would not only be unfair to them but would continue to delay the enlargement of levees and the building of flood ways and spillways affecting large areas, and thereby defeat a coordinated flood-control program.

Brief submitted by Governor Simpson, of Louisiana:

"The division of cost has led to some division of control," and always will, should have been added. A divided authority is no authority. If adequate flood control and protection are the objectives, and if we are to judge the future by the past, we must conclude that dependence on local contributions must inevitably result in continued ineffectiveness.

Jadwin report, paragraph 38:

38. The comprehensive plan now presented does not include the protection of areas whose reclamation is not economically justified, but contemplates that such areas be left open for temporary storage and the discharge of floods. If no local contribution is required, the law and the administration of this project must be relied on to prevent the construction of works not economically justified. If a contribution, small in comparison with the cost of work already done and to be done, will assist materially in retaining the proprietary interest and watchfulness of local authorities, it would seem to be justified.

Brief submitted by Governor Martineau, of Arkansas:

The requirements herein stipulated, we believe, would be impossible to comply with. If the people of this backwater area receive no governmental aid, upon what basis should they be required to assist a project that would inundate them and at the same time prohibit them from attempting self-protection?

In our opinion the backwater area provided for under this plan, extending from Pine Bluff on the north side of the Arkansas River, downstream, is already too large, as most of this area from Pine Bluff to a point slightly above the mouth of Bayou Meto should be protected.

Brief submitted by Governor Simpson, of Louisiana:

Provisions of law can be relied upon to prevent the construction of works deemed not justified and also would provide the means of and authority for the construction of such works as are deemed justified.

Also there will always be sufficient interest and watchfulness on the part of the local authorities with or without participation in the cost of construction. The instinct of self-preservation would be ever present.

Jadwin report, paragraph 39:

39. In view of the national aspect of the flood-control problem from the standpoint both of the cause and of the effects of the floods, and in view of the large sums spent in the past by the people of the valley for flood protection, the sacrifices they have made in meeting their allotments, the great losses suffered in the past flood, and the larger expenditures now required, it is believed that the United States should bear a larger proportion of the cost of construction than in the past, and that of the States or local interests be as small as consistent with the results desired. While the proportion must be determine in the wisdom of the President and Congress, a division by which the United States bear 80 per cent and local interests 20 per cent of the cost of levee construction and control works in general; and by which the United States bear 50 per cent and local interests 50 per cent of the cost of the special ring levees proposed at Morgan City, Melville, Simmesport, and Arkansas City, would be in general accord with the existing policy of the President and the precedents established by Congress.

Brief submitted by Governor Martineau, of Arkansas:

To the average citizen the meaning of this paragraph is that the Government would bear 80 per cent of the cost and the local communities 20 per cent; while we of the lower valley know that, with the other requirements, such as rights of way, flowage rights, maintenance, establishment of drainage conditions, and the responsibility of meeting all damage claims of draining railroads, highways, etc., when the final bill for this flood control is paid, the localities and States will have actually contributed virtually dollar for dollar with the Government, exclusive of the amount the Government contemplates expending for channel stabilization, which should be a direct charge against navigation and not flood protection, except that portion spent for revetment, which should be a direct charge. We, therefore, think the wording of this paragraph is not properly understood by the people, and that this proposed plan should have been more explicit, giving the estimated amounts in dollars and cents that the various requirements call for, and which the localities and States would have to pay in addition to the 20 per cent contribution item.

Brief submitted by Governor Sampson, of Kentucky:

This appears to us as distinctly incomplete. It should be clearly stated that in addition to the 20 per cent of cost which would be levied on local communities, already burdened with outstanding debts of approximately $75,000,000 in the form of bond issues, and which are generally maturing within the next 15 years, under the Jadwin plan, they will be required to provide rights of way for levee structures, spillways, and flood ways, the guaranty of Government immunity from all damages, and the maintenance of all flood-control works after their completion, the reconstruction of their drainage systems, the rebuilding of highways, and frequently the relocation of their homes and farm buildings at a cost of at least an additional 30 per cent. In other words, it means at least a 50–50 proposition. It is apparent from the evidence before the committee, and a matter of common knowledge to those acquainted with economic conditions in the Mississippi Valley, that these localities are unable to assume such a burden; and if we are to wait until all of the localities can bear what really amounts to a dollar-for-dollar assessment on the cost, there will be no adequate flood control of the Mississippi and its tributaries.

Jadwin report, paragraph 41:

41. On the basis suggested the total construction costs would be divided as follows:

By the United States:	
80 per cent of general levee and control works	$147,360,000
50 per cent of special protection works	600,000
100 per cent of works for channel stabilization and mapping navigation	111,000,000
Total	258,960,000
By local interests:	
20 per cent of general levee and control works	36,840,000
50 per cent of special protection works	600,000
Total	37,440,000

The local interests are also expected, under the project, to furnish rights of way and protect the United States against charges for flowage easements and damages.

Brief submitted by Governor Martineau, of Arkansas:

In our opinion this statement should reflect, in addition, the various cost items of the following requirements:

By local interests:	
20 per cent of general levee and control works	$36,840,000
50 per cent of special protection works	600,000
Total	37,440,000
Cypress Creek and Boeuf River spillway:[1]	
Flowage rights, easements, closing, etc	36,000,000
Railway damages, trestles, embankments, etc	7,800,000
Highway damages	3,900,000
Drainage damages and reestablishments	4,600,000
Atchafalaya spillway, flowage rights, damages, etc.[1]	48,000,000
Bonnet Carre spillway, flowage rights, damages, etc.[1]	11,500,000
Cape Girardeau setback:	
Flowage rights for approximately 200,000 acres, at $30	$6,000,000
Maintenance of all flood works after completion	(2)
Maintenance of levees at head of flood ways	(2)
Unforeseen and incidental expenditures	(2)
Grand total	155,240,000

The grand total does not reflect the maintenance of all completed flood works, nor the levee at the head of flood ways and unforeseen and incidental expenses.

If you would deduct from the item of $111,000,000 the contemplated expenditures for channel stabilization (not including revetment work) and the local communities take credit for all of the expenditures made necessary by the various requirements above cited, it will mean that when the flood-control project is completed and paid for as under the Jadwin plan the local communities will have spent virtually dollar for dollar with the Government upon this completed project.

Jadwin report, paragraph 42:

42. While $37,440,000 is small in comparison with the amount to be spent by the United States and with the amounts already spent by the people of the valley, it must be remembered that these people still owe considerable sums on their bonds on which the money spent was raised. Some of the levee districts are also near the limit of their bonding power under present State law and also near the limit of their credit. However, it is not equally clear that this expenditure, spread over a 10-year period among four or more States would constitute an unreasonable burden on the States themselves, in view of the increased taxable values which will result from the improvement.

Brief submitted by Governor Martineau, of Arkansas:

General Jadwin leaves the impression that $37,440,000 is the amount that will have to be expended by the localities and States. This reflects by no means the expenditures that will have to be made to meet the requirements. In addition thereto, the localities and States already have an approximate outstanding debt of $75,000,000 in the form of bond issues, sold to purchasers all over the United States, the proceeds of which were spent for flood protection, and which mature over an approximate period of the next 15 years, with interest. There are also other outstanding bonds issued for general improvement, which the localities and States in their depleted financial condition hardly know how to anticipate.

We beg to again differ with General Jadwin, knowing that the combined expense will be an unreasonable and impossible burden.

Brief submitted by Governor Sampson, of Kentucky:

In paragraph 42 General Jadwin implies an increased taxable value from the improvement. In the light of past experience, where this illusion has constantly been held before the localities of the valley and where it has been destroyed following each successive flood, it is increasingly difficult for them to assume an additional burden with the vain hope that they are going to be able to pay additional taxes superimposed upon those they have already found themselves unable to bear.

Brief submitted by Governor Simpson, of Louisiana:

The sentences of this paragraph truly reflected the financial condition of the levee districts prior to the great flood of 1927. Conditions were sufficiently bad then as a result of cumulative effort and cumulative expense in the form of continued high taxation; these districts and the citizens living and working there have been bled white in paying items of cost which should always have been borne by the National Government. If conditions prior to the flood of 1927 were deplorable even then, they are indeed tragic now. This subject can not be treated statistically, for the reasons that the only dependable figures available are those which were prepared previous to the 1927 flood. Since the flood, conditions from a financial point of view are so chaotic as to make it nearly impossible to reduce the damage, and results from the damage, to any semblance of a financial statement. As stated elsewhere, it may not be difficult to pick out one piece of property that has been destroyed and then calculate the direct damage limited to the value of the item destroyed. The disruption of normal effort, however small that effort may appear, is more far-reaching than any statistical attempts can gather. Employment has been disrupted, the normal conduct of business has been dislocated; but who can estimate the values destroyed through the loss of confidence and the necessary sense of security so essential to the restoration of normal pursuits? If before the flood they had reached or nearly reached the limits of their bonding power and the limit of their credit, what must the real state of affairs be now if we could but accurately determine them?

Further: Let us revert to the meaning of the phrase "bonding power." The inference here is that the States or districts have the legal power to issue more bonds. But this right does not force people to buy them. From a financial point of view (and we are talking about the financing of the plan) we are not only interested in the legal right of a State to issue more bonds, but in the conditions which govern their marketability. Bonds are sold only to conservative investors, and conservative investors require assurance of security.

The reasoning in the Jadwin report seems to follow these processes:

1. That levee construction, etc., will enhance value. (This has been shown to be speculative.)
2. That by virtue of this preconceived notion time will develop an increased margin of equity.
3. That by virtue of this conceived possible future increased equity additional bonds could be sold.
4. Through this process of reasoning the security of bonds is being based on values yet to be.
5. Bonds would be issued in the present to be secured by something which might or might not take place in the future.

Further: It is generally known that bond financing is founded upon the following:

1. On the basis of value existing now.
2. The actual issuance of bonds is made to rest upon only a fraction of existing value, as there must be a margin of equity.
3. Buyers of bonds depend for their profit upon interest.
4. Buyers of bonds do not buy bonds to be secured on values to be attained at some time in the future.

So much for these elementary financial factors. There is no necessary connection, therefore, between the right of a State or district to issue bonds and the established marketability of those bonds. How, then, may money be raised at present from impoverished districts if they are without the ability to sell their bonds and with their business life so disrupted as to make any additional direct taxation wholly unthinkable?

Further: Here again reference is made to values: "Increased taxable values which will result from the improvement." Exception is taken to this statement, for we deny that increased taxable values will result from the improvement. It may or may not be the case that taxable values may increase, but we deny the implication of the word "result." We detail a series of considerations which immediately arise:

1. As shown under a previous paragraph, values are conjectural.
2. That values are influenced by the action of many factors.
3. That there is no certainty of the increase of taxable values.
4. That even if taxable values will ultimately increase, nobody now knows when or to what extent.
5. That even if taxable values will increase, this may or may not take place even without the improvements mentioned.
6. That there is no established relation of cause and effect as expressed in the statement.
7. That the taxable values may not increase.
8. That the taxable values may decline.
9. That the payments exacted then would force an immediate collapse of any weak link in the chain.
10. A collapse of any weak link in the chain would disrupt unification.

It is our hope that, relieved of the unjust and well-nigh intolerable burden under which we have struggled for generations, and encouraged by the sense of security which absolute protection from destructive floods will engender, agriculture, industry, and commerce will ultimately develop, and the alluvial valley grow into a vast internal market, with greatly increased purchasing power. A beneficent circle will then be commenced, wherein the funds, usefully employed in conquering floods, will prove, not an expense, but a necessary, constructive, and valuable investment destined to yield to the entire Nation a return dwarfing even that derived from the original purchase of the great Territory of Louisiana.

Jadwin report, paragraph 147:

SUMMARY OF PROJECTS

147. I recommend the adoption and authorization of a comprehensive project for the flood control of the Mississippi River in its alluvial valley and its improvement from the Head of the Passes to the Ohio River as set forth in this document, to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers; the project to include the flood ways, spillways, levees, channel stabilization, mapping, etc., hereinbefore recommended, with such modifications thereof as in the discretion of the Secretary of War and Chief of Engineers may be advisable, and the maintenance of a navigation channel from Cairo to New Orleans not less than 300 feet in width and 9 feet in depth, all at an estimated initial cost of $296,400,000, with $6,000,000 annually for maintenance after completion of project, with such distribution of costs as may be specified by law after considering the statements on economic necessity and local cooperation in paragraphs 25 to 42, inclusive. Its adoption should be made subject to the provision that, except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no funds appropriated by Congress for the execution of the project shall be expended on works within a State until that State by appropriate legislation—

(a) Has undertaken to provide without cost to the United States and when required the rights of way for all levee structures and such drainage works as may be made necessary by new levee construction.

(b) Has consented to the maintenance of the levee at the head of flood ways within the State at the grades and cross sections necessary in the opinion of the Chief of Engineers for the security of the levee system and the lands protected thereby.

(c) Has agreed to hold and save the United States free from all damage claims resulting from the construction of the project; and to maintain all flood-control works after their completion, except controlling and regulating spillway structures.

Brief submitted by Governor Martineau, of Arkansas:

The various phases of this paragraph have been discussed heretofore, with the exception that we hardly see how the proper allocations of costs between the States can be reached and thereafter enacted into State laws.

Section (a). The feature of providing spillway and flowage right of way has been, in our opinion, one of the major objections to the plan as a whole.

Section (b). We believe all maintenance, as well as construction costs, should be governmentally borne.

Section (c). This section of paragraph 147 presents another major objection—the damage-immunity clause, coupled with the spillway rights of way.

The maintenance feature is a heavy and continuous burden that is not well defined, as it is not known whether the spillways will be kept cleared of underbrush or not and pay for all the other features of perpetual maintenance of rights of way of spillway and levees.

Jadwin report, paragraph 149:

149. I further recommend that legislation be enacted:

(a) Prohibiting any obstruction not affirmatively authorized by Congress to the flood discharge capacity of the alluvial valley of the Mississippi River below Cape Girardeau and providing that it shall not be lawful to build or commence the building of any levee or other structure in said alluvial valley, or in any flood way provided therein unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War.

(b) Providing that the penalties and procedure applicable to violations of the laws for the protection and preservation of the navigable waters of the United States, enacted in sections 12 and 17 of the river and harbor act of March 3, 1899, shall apply to violations of the above provision of law.

(c) Providing that existing laws relating to the acquisition of lands, easements on rights of way needed for a work of river and harbor improvements shall be applicable to the acquisition of lands, easements, or rights of way for flood-control works.

(d) Amending sections 3 and 4 of the act of June 28, 1879, constituting the Mississippi River Commission; to provide that it shall be the duty of said commission to advise on all questions relating to the improvement of navigation on the Mississippi River and the prevention of destructive floods which may be referred to the commission by the president of the commission or higher authority, and to provide that the president of the Mississippi River Commission shall have the qualifications now prescribed by law for the Assistant Chief of Engineers, and shall receive the rank, pay, and allowances of a brigadier general of engineers while actually assigned to such duty by competent orders.

Brief submitted by Governor Martineau, of Arkansas:

Section (a) of paragraph 149: Why should the citizens of a community that receive no flood protection be prohibited from protecting themselves?

Section (b) To not apply where no protection or flowage rights have been acquired.

Section (c) We concur.

Section (d) No comment.

In the brief submitted by Governor Sampson, of Kentucky, regarding the Jadwin report paragraphs 29, 33, 39, 42, 47, 60, 140, 142, 147, and 148 of the Jadwin report were commented upon in the following manner:

From the report of Maj. Gen. Edgar Jadwin, Chief of Engineers, containing the plan of the Army engineers for flood control of the Mississippi River in its alluvial valley, we have selected the following excerpts, the salient and practicable portions of which we consider of paramount importance in general support of the practically unanimous opinion of the people of Kentucky that there should be developed by the Congress a policy of complete Federal control of the flood waters of the Mississippi River and its tributaries.

SUMMARY OF COMMENTS ON JADWIN REPORT

Brief submitted by Governor Martineau, of Arkansas:

Briefly analyzing the Jadwin plan:

There are two major features to consider—namely, the engineering feature and the economic feature.

The engineering features, with the following adjustments, we believe sound and practicable in the main.

First. Substitution of controlled spillways for uncontrolled spillways.

Second. Hastening of tributary survey and the ultimate governmental assumption of same.

The economic features we believe impossible and impracticable, our position being that flood control of the Mississippi River and its tributaries is a national responsibility in its entirety and should be remedied, maintained, and controlled permanently by the Government.

Brief submitted by Governor Sampson, of Kentucky:

Having disagreed with the fundamental economic principles underlying General Jadwin's program, it is hardly necessary for us to comment on his summary. We respectfully submit that the Commonwealth of Kentucky believes that the economic suggestions in the Jadwin report are impossible and impractical, and we feel that the flood control of the Mississippi River and its tributaries is a national responsibility and that it should be established, controlled, and maintained permanently by the United States of America.

Brief submitted by Governor Simpson, of Louisiana:

We summarize as follows:

1. The Mississippi River and its numerous tributaries traverse interstate areas.

2. These rivers are unconscious of State boundary lines.

3. The combination of these rivers constitutes the national-drainage system.

4. The problem of their regulation and control is national.

5. The National Government is able to function without the cooperation of any agency outside of the Federal control.

6. Regardless of legal considerations, legal rights, constitutional duties, or responsibilities, the administration of any plan is doomed to failure that does not provide for a unified control and a centralized authority.

7. Any financial plan is organically bad that hinges upon fractional contributions depending on volition or future possible inability of a small minority.

8. Generally accepted business principles have not been applied in the organization plan for administering the works.

9. The economic statements made as to questions of value are not axiomatic but are merely speculative.

10. The river must be prevented at any cost from destroying the homes and lives of American citizens. The American home is more than mere property.

11. It is not the history of the National Government to be restrained in the accomplishment of worthy objects by the fear of conferring benefits upon its people, but it is the duty and the responsibility of our Government to guard against grave public dangers to its citizens.

12. Even if the proposed division of costs as between the Federal Government and the States, sections, or districts affected were assumed to be practicable, there would still remain the unsolvable problem of allocating the subdivisional costs equitably and fairly among the sections affected.

13. The engineering plan provides works in one State to be partly paid for by another; in one levee district for the protection of another; and in one county or parish for the protection of another.

14. Sound engineering plans should not be violated in order to conform to theoretical or legal boundary lines.

15. It is natural and logical and unavoidable for engineers to conceive flood-control plans based on what they know to be sound engineering principles. They are dealing with a problem that disregards State and other lines. Their plans in turn must deal with the problem as they find it. They must disregard all map boundary lines. They can not help doing so, since the river is national and the problem is national. They recognize this and so do we.

POSTAL RATES

Mr. BECK of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending postal bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BECK of Wisconsin. Mr. Speaker, I desire to direct the attention of the House this morning to the provisions of H. R. 12030, a bill to revise postal rates, now pending in the House. There are some gross inequalities, some glaring discriminations, and some distinctly unfair and unwise provisions contained in that measure, and it is for the purpose of having the Members of this body give some advance thought to this legislation before being called upon to pass upon the measure with their votes that I am calling it to your attention at this time.

This measure is intended to revise existing postal rates, to correct evils in the schedule of postal rates now in effect. It is conceded by everyone that present postal rates are prohibitive and inequitable and that they have brought harm to both the mail-using public and to the revenues of the Government; and it is because of the demands of the mail-using public for relief that this legislation is now introduced. Therefore, unless the provisions of H. R. 12030 suggest an improvement over present conditions the legislation does not answer the purpose for which it was intended.

I have carefully studied recent testimony by representatives of the Post Office Department to see if I could ascertain any definite and fixed plan of the department for the handling of this situation and I must admit that the testimony reveals nothing of the sort.

We are at present faced with a grossly inequitable state of affairs in the Post Office Department. A glance at the figures from the department shows that on first-class matter the Government is making an annual profit of almost $90,000,000, while on second-class matter the Government is suffering a loss of almost $90,000,000 yearly. The mails were created as a service to all of the people of the country, to aid and assist in the prosperity of the Nation; yet, on first-class matter, which touches all of the people of the country, we find the Government exacting a profit of nearly $90,000,000 annually, while on second-class matter, a special service rendered to large newspapers and magazines, we find the Government paying a subsidy through a deficit of approximately $90,000,000. Third and fourth class mail matter are just about paying their way, there being but approximately $4,000,000 loss on third-class matter and a slight loss on parcels post, or fourth-class matter.

Now, what program does the Post Office Department bring to us for the solution of this situation? It seems simple, and one would surmise that the department suggests a reduction in the first-class rate on the theory that the mails were never intended to make a profit and that the department would suggest an increase in the rate of each class now sustaining a loss; but is that the recommendation of the Post Office Department? It is not.

On first-class mail we find no suggestion that there be any reduction on that portion of the matter which has provided the large profit. The department does suggest that the rate on private mailing cards be reduced from 2 cents to 1 cent, but this was done because in increasing the rate to 2 cents in 1925 the revenues from that matter dropped from $10,000,000 to approximately $2,000,000, and this rate is reduced now in order to get back the volume and with it the revenue which the department lost by making the private-mailing card rate prohibitory.

It is worthy of note that in increasing the rate on private mailing cards to 2 cents the department then estimated that the revenues would increase from $10,000,000 to $20,000,000, whereas, in fact, they decreased from $10,000,000 to $2,000,000.

Mr. Speaker, I am not condemning the present suggestion of reducing this rate from 2 cents to 1 cent. I approve of it. I agree that the way to increase revenue is to reduce the rate, thereby increasing the volume, and I am glad to accept that suggestion as it applies to first-class matter; but if it is a good rule on this class of mail matter, it ought to be a good rule on other classes, concerning which I shall speak later.

One would assume that with a deficit of approximately $90,000,000 on second-class mail matter the Post Office Department would suggest some method of stopping that loss and of obtaining sufficient revenue from this class of mail matter to defray the cost of its transportation. Does it do this? It does not. But, on the contrary, the department extends very apparent sympathy to the suggestion that the rate on this class of matter be further reduced and the deficit actually increased.

It can not be contended here that the reduction in the rate will increase the volume as on private mailing cards, for the volume on newspapers and magazines is not fixed by the rate of postage as on third and fourth class matter, but is regulated entirely by subscriptions to the publications, so that reducing the rate on this class of matter can mean but one thing and that is a further loss of revenue to the Government and an additional subsidy to newspapers and magazines carried in second-class mail. What logical reason can be found for the course of conduct pursued by the department in reference to second-class mail matter as compared with its conduct toward other classes of mail matter? The only conclusion I can reach is that there seems to be something in the common rumor that this is a newspaper administration and that this reduction of the rate on this class of mail matter is nothing more nor less than a bold attempt to curry favor in the coming campaign. Not only is it a bold attempt to curry favor, but it does so at the expense of the common people of this country; and bear in mind, Mr. Speaker, that this subsidy does not help little newspapers; it means practically nothing to them; it is a direct benefit to the great metropolitan dailies and magazines, both of which, as a matter of fact, are earning

enormous profits and really do not require any further governmental charity to be extended to them.

Now, as to third-class matter, we find that under the provisions of this bill a small merchant sending out less than 200 pieces in one mailing, or less than 20 pounds at one time, will get no reduction from the present exorbitant and prohibitive rate. Does the Post Office Department explain why it discriminates in favor of the large mailer who mails more than 200 pieces at a time, or whose mailings weigh more than 20 pounds, against the little fellow who probably runs a grocery in a village or a general store at a crossroads? It does not.

Again, on third-class matter we find, as on private mailing cards, that when the present rates were adopted in 1925 the department made a bad guess. The department prophesied that from a 50 per cent increase, or increasing the rate from 1 cent to 1½ cents for 2 ounces, the Government would get greatly added revenue; but in actual operation in the first year the Government lost in this class of matter alone, directly because of the increased rate, about 900,000,000 pieces of mail matter. If it is wise to reduce the rate on private mailing cards to recover that volume and revenue, would it not be wise to reduce the rate on third-class matter for the same purpose? Does the department apply the same rule to private mailing cards and third-class matter? It does not. If the theory of low rate great volume is good in one place, why is it not good in another, and more so in view of the fact that Mr. Stewart, the Postmaster General's assistant, in testifying before the committee, admitted that third-class mail is a benefit to the department in that it is business-producing literature which creates the volume in first and fourth class matter. I venture the suggestion that a thorough analysis of the United States mails would produce ample proof of the fact that the Government could well afford to carry third-class matter at ½ cent for 2 ounces because of the benefits the department receives in added volume to other classes of mail matter.

Another most interesting point in this regard was brought out by a witness who testified before the committee to the effect that the Canadian rate on this type of matter is lower than ours. I have made some investigation, Mr. Speaker, and I find that a business man in Canada can mail third-class matter from Canada to a Member of this House at his office in Washington for less money than it would cost a merchant here in Washington to send the same communication to the same Member at the same address. I defy any Member of this House to point to a single piece of legislation in the history of these United States in which any Government department was ever so bold as to recommend that the people of this country be charged more for using their own service than would be charged foreigners for using the same service, but that is the fact in this bill, astounding as it may seem, and it is now possible, and will continue to be, if this bill is adopted as it stands, for Canadians, British, Mexicans, and innumerable other countries to sell their wares to Americans at a mail-selling cost of two-thirds the price charged Americans for using their own mail service in making their sales. This is a most astounding and unpatriotic suggestion, and I am amazed that the Post Office Department, where thorough familiarity with foreign rates should exist, would be guilty of such a suggestion.

It would appear from the record that it is possible for other nations with much smaller volume, much less machinery, much less transportation facilities, to carry their mail matter on a basis sufficiently economical to produce a rate lower than our own. If Canada can produce a rate of 1 cent for 2 ounces on third-class matter I think the suggestion by our Post Office Department that we require a rate of 1½ cents for 2 ounces needs investigation, for such gross inefficiency must be productive of greater evils than merely inequality of postal rates.

I have sought for an explanation of the conduct of the Post Office Department in suggesting this prohibitive and discriminatory rate for third-class matter and I find on page 41 of the testimony recently taken by the committee a statement by Mr. Stewart to the effect that a good many people who are now denied the privilege of using third-class mail because of the prohibitive rates are using in its place newspaper advertising, and then follows this illuminating discussion:

Mr. RAMSEYER. The second-class mailers are urging us to increase the rate on third class.

Mr. STEWART. I think they are very well satisfied with the amount of business they are getting from third class now.

It would appear, therefore, that the large metropolitan dailies not only get away with a subsidy from the Post Office Department of approximately $90,000,000 a year, but that they attempt at least to dictate the rates that shall be applied to other classes of mail matter in an endeavor to cover up their own deficit. With facts like these staring us in the face, Mr. Speaker, is it any wonder that this administration is known as a newspaper administration? And knowing these facts are we to wonder at the false and misleading propaganda now being carried by the press.

Now, as to fourth class or parcel post, this department of the mail service, Mr. Speaker, was created for the specific benefit of those who live in remote sections and who at the time of the creation of this service had no adequate delivery service available.

The history of the Parcel Post System is a continuous story of increasing volume and decreasing rates. It has lived through several salary increases without the necessity for any increase in the rates for the simple reason that its constantly growing volume has produced the revenue to take care of salary increases.

When salaries were increased in 1925 parcel post was within $6,000,000 of being self-supporting, and at that time the Postmaster General testified that if it continued to operate on the same basis it would be self-supporting in approximately one year.

At the time of the increase in rates second class had a deficit of about $73,000,000, as compared with $6,000,000 on parcel post. Practically no increase was put upon second-class mail matter, but parcel post was burdened with a 2-cent service charge, which it was estimated would make parcel post produce something like $18,000,000 additional.

As I stated before, the Parcel Post System was originally created and has since been operated for the benefit of the farmer and those living in the rural sections of the country, and yet, notwithstanding its practically self-supporting condition, the Post Office Department placed this additional burden upon the farmers of the country for the benefit of metropolitan daily newspapers and magazines; and from the testimony on page 236 it would appear that in the year 1926, by reason of this prohibitive service charge, parcel-post business for the first time in the life of the service practically stood still, while the receipts of the express companies advanced more than $7,000,000. Again, we find that the rule adopted on private mailing cards of reducing the price to increase the volume and thereby increase the revenue is not used when we come to parcel post—and why?

I have searched diligently, Mr. Speaker, for the answer to that question, and I find it on page 401 of the testimony.

At that point in the testimony there is a discussion concerning the suggestion of the farm bureaus that a director of parcel post be appointed to increase the volume of that class of mail matter, thereby increasing the revenue and making possible further reductions in rates, and in this connection Mr. Stewart, representing the Post Office Department, makes the astounding statement that where private interests—meaning, of course, the express companies—are engaged in business he does not believe it is the duty of the Post Office Department to go out and compete with them and take it away from them; and that, Mr. Speaker, is another policy of the Post Office Department which fully explains the statement of Congressman BUCKBEE, appearing on page 403 of the record, which reads:

Mr. BUCKBEE. I do not think, Mr. Stewart, that you have been sympathetic enough with the rural class.

I agree with the distinguished Congressman from Illinois. Mr. Speaker, it would appear from a careful analysis of H. R. 12030 and the testimony taken before the committee giving it consideration that on first-class mail matter the Post Office Department operates for the purpose of exacting a profit through that branch of the Postal Service, which reaches all the people; that on second class the Post Office Department operates exclusively for the benefit of the metropolitan daily newspapers and large magazines and delivers over to them as a subsidy the profit it takes from ordinary people on its first-class mail.

Third-class matter seems to be a foreign arm of the Post Office Department. That department is operated for the benefit of foreign nations, and on fourth-class matter, by the admission of the assistant to the Postmaster General, they operate for the exclusive benefit of the express companies. Now, in view of the tremendous injustice being done the mail-using public through present postal rates and their threatened continuance through this legislation, giving consideration to the needs of the farmer and present business conditions throughout the Nation, I contend, Mr. Speaker, that this matter needs to be given considerable thought; that we can not rely on the recommendations of the Post Office Department in fixing rates in that department, and that if the service is to be operated for the benefit of the people of this country without favoring any class we must seek

a more sane, equitable, and sensible solution than is suggested in H. R. 12030.

LEAVE TO ADDRESS THE HOUSE

Mr. LOWREY. Mr. Speaker, I ask unanimous consent that after the gentleman from Tennessee [Mr. McREYNOLDS] has concluded his speech to-morrow I may address the House for 15 minutes on historical matters in regard to Arlington and the restoration of the Lee Mansion.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that to-morrow at the conclusion of the remarks of the gentleman from North Carolina and the gentleman from Tennessee he may address the House for 15 minutes. Is there objection?

Mr. TILSON. Reserving the right to object, I think it should be understood that both the gentleman from Tennessee and the gentleman from Mississippi will speak after some exercises we hope to have in connection with one of our honored Members.

The SPEAKER. The Chair understands that these remarks are to come after the special orders.

Mr. TILSON. Very well, if that is so understood.

The SPEAKER. Is there objection?

There was no objection.

OUR MERCHANT MARINE

Mr. REECE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include some press editorials in reference to the speech I made on the merchant marine, and also a reference to some other matters.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REECE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the Washington Post, and an article from the Journal of Commerce, of New York, relative to a speech delivered by myself upon the necessity for national defense of an adequate merchant marine:

[From the Washington Post, Saturday, March 24, 1928]

AMERICAN SHIPS

The House of Representatives on Thursday heard from the lips of a Member from a district in the interior—Representative REECE, of Tennessee—a stirring appeal for an adequate merchant marine as an auxiliary of the Navy. The national-defense feature of the merchant-marine problem has been overlooked by too many legislators. It happens that Mr. REECE was in the American Expeditionary Forces, and that his own observations and experiences drove home to him the vital fact that the United States is not safely protected if it does not possess merchant ships capable of serving as naval auxiliaries in time of war.

Mr. REECE pointed out that during the War of the Revolution armed merchantmen captured or destroyed three times as many enemy ships as did all the American warships combined. In the War of 1812 American merchantmen again gave a good account of themselves, inflicting six times as much damage upon the enemy as did the United States Navy. But for merchant ships the North could not have successfully blockaded southern ports in the Civil War, and during the war with Spain the few American merchant vessels available were as valuable as warships. One of them, the *St. Paul*, defeated a Spanish cruiser and a Spanish destroyer in a hot battle off San Juan, P. R.

The lack of merchant vessels during the late war was a serious handicap to the United States, besides necessitating enormous expenditures. The cost of unpreparedness in this field is estimated by Representative REECE at $8,000,000,000, of which $3,000,000,000 represents the cost of the war emergency fleet and $5,000,000,000 paid out in ocean-freight charges. Mr. REECE quoted the assertion of Admiral Gleaves, commander of convoy operations during the World War:

"The outstanding lesson which the experience of the war has driven home to us is the value both in peace and in war of a prosperous deep-sea merchant marine."

Every important merchant vessel under the American flag should be constructed with a view to its conversion into a naval auxiliary or transport in case of need. Its structural plans should be approved by the Navy Department, and a supply of 6-inch guns should be kept on hand with which to arm these craft. The personnel should be enrolled in the Naval Reserve, and should receive training under naval instructors. By encouraging and assisting in the creation of such a fleet the United States would not only save hundreds of millions in case of war, but it would save to the people hundreds of millions annually that are now paid out to foreign shipowners for the carriage of American commerce.

Mr. REECE emphasized the fact that while his constituents live in eastern Tennessee, remote from the coast, they are interested in national defense and in the promotion of ocean commerce. His testimony is supported by that of Fred Brenckman, representing the National Grange, who told the House Committee on the Merchant Marine that the question of developing the American merchant marine and the establishment and maintenance of trade routes was the most important matter of legislation now before Congress from the farmer's standpoint. The producers of the interior are more alive to the necessity of merchant shipping than ever before. They approve of the plans now under advisement in Congress for the encouragement of shipping.

Prosperity in peace and defense in war are the great benefits that will flow from the creation of a merchant marine. This task of building up American ocean shipping is now before Congress. By the exercise of constructive statesmanship this session of Congress can make itself memorable by solving the problem of the merchant marine.

[From the Journal of Commerce, New York, Friday, March 23, 1928]

ADEQUATE MERCHANT MARINE HELD VITAL—REECE, OF TENNESSEE, MOVES HOUSE IN MAKING SPEECH ON NAVAL SUPPLY BILL

WASHINGTON, March 22.—The American merchant marine, in all its war-time glory, was pictured on the floor of the House to-day in a stirring appeal for maintenance of a merchant fleet under the American flag.

Representative B. CARROLL REECE, Republican, of Tennessee, who possesses an enviable war record, during the course of the debate on the naval supply bill, reminded his colleagues "that as the Great War slowly recedes into the vista of the past we are in danger of losing our former sense of values in regard to American shipping."

HOUSE MOVED BY APPEAL

The membership of the House, which before another week is out, probably will be considering a shipping bill now being drafted by its Committee on the Merchant Marine and Fisheries, was visibly affected by the Tennessee warrior's appeal.

He gave a graphic picture of the part taken by the American merchant marine during the war emergency. He recalled how 2,300 ships were constructed for the purpose of transporting American troops to the battle fields of Europe. He emphasized that, due to war-time inflation, "this construction program cost us $3,000,000,000, a sum estimated to be four times as large as it would have been before the war."

"To this sum," he went on, "must be added another $5,000,000,000 paid out by the American people in ocean-freight charges as a penalty for not having an adequate merchant marine upon the outbreak of hostilities in 1914."

Declaring the people of his State have followed with interest and solicitude the varying fortunes of the American merchant marine, the Tennesseean said: "They know that without ample transoceanic service under the American flag they can not hope to secure the most advantageous freight rates when their surplus products are moved overseas to the great foreign markets."

POINTS OUT FOREIGN ACTIVITY

Stopping to explain that the citizenry of his congressional district are engaged for the most part in agricultural pursuits, Representative REECE declared, "They have watched with admiration the ingenious efforts of the Shipping Board to establish an adequate merchant service with inadequate ships, most of them built during the war for war-time use, and therefore, not the best suited for competitive commercial service to-day."

He asserted, "They have noted with growing concern the feverish shipbuilding activities of the other great maritime nations, and the launching in foreign shipyards of whole fleets of fast modern motor ships, destined, in the absence of construction legislation by the Congress of the United States, to drive our older war-built merchantmen from the seas."

Concluding, he said that, "Other American citizens on the farm lands of the interior patiently wait to see whether their chosen Representatives in Congress have at last fully come to realize 'the value both in peace and in war of a prosperous deep-sea merchant marine.'"

He referred to the words of Admiral Gleaves, United States Navy, commander of convoy operations during the war, in his "History of the Transport Service."

BRIDGE BILLS—CONFERENCE REPORTS

Mr. DENISON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I present conference reports upon the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge;

Also on the bill H. R. 9137, for the construction of a bridge across the Cumberland River, the Lebanon Road Bridge;

Also on H. R. 9147, for a bridge across the Tennessee River, the Jasper Road Bridge;

Also on H. R. 9197, for a bridge across the Tennessee River, the Knoxville Road Bridge;

Also on H. R. 9198, for a bridge across the Tennessee River, the Paris-Dover Road Bridge;

Also on H. R. 9199, for a bridge across the Cumberland River, the Dover-Clarksville Road Bridge, for printing under the rules.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 367. An act to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes; and

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Friday, March 30, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 30, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON PATENTS

(10 a. m.)

To protect trade-marks used in commerce, to authorize the registration of such trade-marks and for other purposes (H. R. 11988).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To establish uniform requirements affecting Government contracts (H. R. 5767).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bills on the committee calendar.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924 (H. R. 10710).

EXECUTIVE COMMUNICATIONS, ETC.

421. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to legislative establishment, United States Botanic Garden, for the fiscal year 1928 and 1929, in the sum of $10,000 (H. Doc. No. 208), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REID of Illinois: Committee on Flood Control. H. R. 8219. A bill to prevent destructive floods which cause the loss of life and property, interrupt interstate commerce, or delay the United States mails; and to prevent the recurrence of a flood such as that of the Mississippi River in 1927, which resulted in the loss of more than 246 lives, drowned out hundreds of cities, towns, and villages, drove 700,000 people from their homes, rendering them objects of charity dependent upon the Red Cross and other agencies, inundated 18,000 square miles, destroyed 1,500,000 farm animals, caused losses amounting to many hundreds of millions of dollars, suspended interstate freight and passenger traffic, prevented telegraph and telephone communication, delayed the United States mails, and paralyzed industry and commerce; with amendment (Rept. No. 1072). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOWMAN: Committee on the District of Columbia. H. R. 16. A bill to regulate the practice of osteopathy in the District of Columbia; without amendment (Rept. No. 1073). Referred to the Committee of the Whole House on the state of the Union.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 350. A bill to extend the time for completing the construction of a bridge across the Delaware River; with amendment (Rept. No. 1074). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 11338. A bill granting the consent of Congress to the Kansas City Southern Railway Co., its successors and assigns, to construct, maintain, and operate a bridge over the Missouri River at Randolph, Mo.; with amendment (Rept. No. 1075). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 11692. A bill authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, county of Duval, State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Lake Champlain at or near East Alburg, Vt.; with amendment (Rept. No. 1076). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 11797. A bill granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry; with amendment (Rept. No. 1077). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 11887. A bill authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.; with amendment (Rept. No. 1078). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 11992. A bill granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Biggers, Ark.; with amendment (Rept. No. 1079). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 2449. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana; with amendment (Rept. No. 1080). Referred to the House Calendar.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 12442. A bill to provide for the transfer to the Department of Labor of certain forfeited vehicles; without amendment (Rept. No. 1081). Referred to the House Calendar.

Mr. ROY G. FITZGERALD: Committee on World War Veterans' Legislation. S. 777. An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War; without amendment (Rept. No. 1082). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING: Committee on Banking and Currency. H. R. 12245. A bill to amend the War Finance Corporation act, approved April 5, 1918, as amended; without amendment (Rept. No. 1084). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 12383. A bill to amend section 11 of an act approved February 28, 1925 (43 Stat., p. 1063, U. S. C., title 39), granting sick leave to employees in the Postal Service, and for other purposes; with amendment (Rept. No. 1085). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 3224. A bill for the relief of Ichabod J. Woodard; with amendment (Rept. No. 1083). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 8484. A bill for the relief of Henry Manske, jr.; without amendment (Rept. No. 1092). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OLDFIELD: A bill (H. R. 12519) for flood control on the Little Red River; to the Committee on Flood Control.

By Mr. FRENCH: A bill (H. R. 12520) for the relief of the Nez Perce Tribe of Indians; to the Committee on Indian Affairs.

By Mr. WILLIAMSON: A bill (H. R. 12521) creating the Mount Rushmore National Memorial Commission and defining its purpose and powers; to the Committee on the Library.

By Mr. HUDSPETH: A bill (H. R. 12522) for the erection of a public post-office building at Big Spring, Howard County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12523) for the erection of a public post-office building at Colorado, Mitchell County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12524) for the erection of a public post-office building at Kerrville, Kerr County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12525) for the erection of a public post-office building at Marfa, Presidio County, Tex., and appropriating money therefor; to the Committee on the Public Lands.

By Mr. LaGUARDIA: A bill (H. R. 12526) to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67 amended); to the Committee on the Judiciary.

By Mr. MOORE of Virginia: A bill (H. R. 12527) to amend the act approved February 28, 1920, designated therein as the "interstate commerce act"; to the Committee on Interstate and Foreign Commerce.

By Mr. SELVIG: A bill (H. R. 12528) to authorize the acquisition of a site and the erection of a Federal building at Breckenridge, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 12529) to authorize the Secretary of the Navy to proceed with the construction of a marine flying-field and water-front development at San Diego, Calif.; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12530) to amend Public Law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board; to the Committee on the District of Columbia.

Also, a bill (H. R. 12531) to exempt employees of the public-school system of the District of Columbia from the $2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended; to the Committee on the District of Columbia.

By Mr. FRENCH: A bill (H. R. 12532) to provide for the payment of a discharge gratuity to enlisted men of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. MONTAGUE: A bill (H. R. 12533) to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WAINWRIGHT: A bill (H. R. 12534) relative to the fees of clerks of court in naturalization proceedings; to the Committee on Immigration and Naturalization.

By Mr. ROY G. FITZGERALD: Resolution (H. Res. 152) providing for the consideration of S. 777 for the retirement of disabled emergency Army officers of the World War; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ACKERMAN: Memorial of the Legislature of the State of New Jersey, requesting Congress of the United States to authorize the Postmaster General to issue a special series of postage stamps commemorative of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

By Mrs. NORTON of New Jersey: Memorial of the Legislature of the State of New Jersey pertaining to special issue of postal stamps commemorative of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONNERY: A bill (H. R. 12535) for the relief of Ellen A. Farrelly; to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 12536) granting an increase of pension to Anna B. Ferris; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 12537) granting a pension to Ivan E. Parker; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 12538) for the benefit of Morris Fox Cherry; to the Committee on Military Affairs.

By Mr. KELLY: A bill (H. R. 12539) granting an increase of pension to Mary C. Reed; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12540) granting a pension to Emma K. Zimmerman; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12541) granting an increase of pension to Margit B. Skogan; to the Committee on Invalid Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 12542) granting an increase of pension to Theresa Bracco; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 12543) granting a pension to Sada N. Wilson; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12544) granting an increase of pension to Margaret E. Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12545) granting an increase of pension to Martha Metz; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 12546) granting an increase of pension to Martha J. Kendrick; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 12547) granting an increase of pension to Aurora C. B. Kinney; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 12548) for the relief of Margaret Vaughn; to the Committee on Claims.

By Mr. OLDFIELD: A bill (H. R. 12549) granting a pension to Logan Wilson; to the Committee on Pensions.

By Mr. PARKER: A bill (H. R. 12550) granting an increase of pension to Clarissa Bailey; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 12551) granting a pension to Nettie A. Reed; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12552) granting an increase of pension to Mary O. Putnam; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12553) granting a pension to Susie N. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12554) granting an increase of pension to Mary J. Knoderer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12555) granting an increase of pension to Nancy Jane Millikin; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12556) granting an increase of pension to Annis Rose Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12557) granting an increase of pension to Mina B. F. Davis; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 12558) granting an increase of pension to Elizabeth Chatham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12559) granting an increase of pension to Lenora L. Pomeroy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12560) granting an increase of pension to Drusilla Ludwick; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12561) granting a pension to Margaret E. Hayes; to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12562) granting a pension to Lulu Gay; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6157. By Mr. BLOOM: Petition of R. Eisenmann, of 536 West One hundred and thirteenth Street, New York City, and other citizens of New York, protesting against House bill 78, Lankford Sunday bill; to the Committee on the District of Columbia.

6158. By Mr. BURTON: Resolution of Local No. 39, International Brotherhood Electrical Workers, at a meeting held March 15, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6159. Also, resolution of Carpenters Union No. 1108, Cleveland, Ohio, at a meeting held March 19, 1928, indorsing the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6160. Also, resolution of the Metal Polishers Union, Cleveland, Ohio, adopted at a meeting of March 16, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6161. Also, resolution of the International Molders Union, No. 218, Cleveland, Ohio, adopted at a meeting of March 16, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6162. Also, resolution of the Cleveland Web Pressmen's Union, No. 5, Cleveland, Ohio, adopted at a meeting of March 14, 1928, indorsing the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6163. Also, resolution of International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers Local Union, No. 407, Cleveland, Ohio, adopted at their meeting of March 15, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6164. Also, resolution of the Sailors Union of the Great Lakes, adopted at their meeting of March 19, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6165. Also, resolution of the Marine Firemen, Oilers, Watertenders, and Coalpassers Union of the Great Lakes, adopted at their meeting of March 20, 1928, indorsing the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the committee on the Civil Service.

6166. Also, resolution of Bill Posters and Billers Union No. 46, Cleveland, Ohio, adopted at their meeting of March 22, 1928, indorsing the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6167. Also, resolution of Journeymen Horse Shoers Union No. 15, Cleveland, Ohio, adopted at their meeting of March 16, 1928, favoring the Dale-Lehlbach retirement bills (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6168. By Mr. CRAIL: Petition of San Pedro Chamber of Commerce for the passage of House Joint Resolution 196, introduced by Congressman Evans of California; to the Committee on Education.

6169. By Mr. COHEN: Petition of the Board of Estimate and Apportionment of the City of New York, petitioning Congress to amend section 116 of the Federal income tax law so that the revenues from railroad operation in which the city of New York is financially interested shall be exempt from income tax; to the Committee on Ways and Means.

6170. By Mr. DAVENPORT: Petition of Mary A. Odell relative to increase of widows' pension; to the Committee on Invalid Pensions.

6171. By Mr. DENISON: Petition of various citizens of Marion, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6172. Also, petition of various citizens of Ava, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6173. By Mr. DREWRY: Petition of sundry citizens of Claremont, Va., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6174. By Mr. EVANS of Montana: Petition of Mrs. E. M. Baker and other residents of Rollins, Mont., urging action on Civil War pension increase bill; to the Committee on Invalid Pensions.

6175. By Mr. FAUST: Petition of citizens of Hopkins, Mo., appealing for increases in pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6176. By Mr. ROY G. FITZGERALD: Petition of 24 citizens of Montgomery County, Ohio, praying for the passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6177. By Mr. GALLIVAN: Petition of Local No. 179, Iron Molders of North America, Edw. C. Alden, corresponding representative, 68 Waltham Street, Boston, Mass., recommending early and favorable consideration of the so-called Hawes-Cooper convict labor bill (H. R. 7729); to the Committee on the Judiciary.

6178. By Mr. GARBER; Petition of residents of Enid, Okla., in protest to the enactment of House bill 78; to the Committee on the District of Columbia.

6179. By Mr. GARDNER of Indiana: Petition of W. F. Avery and 43 other citizens of Palmyra, Harrison County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

6180. By Mr. HASTINGS: Petition of citizens of Hanna, Okla., in favor of increase of pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6181. By Mr. JENKINS: Petition signed by 28 voters of the tenth congressional district of Ohio, urging immediate relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6182. By Mr. KNUTSON: Petition signed by Fred Trampe, of Swanville, Minn., and others, urging increase in pensions of Civil War widows; to the Committee on Invalid Pensions.

6183. By Mr. KINDRED: Resolution of the Social Hygiene Society of the District of Columbia, urging upon Congress the enactment of House bill 6664, the bill to establish the woman's bureau of the Metropolitan Police Department of the District of Columbia in substantially the same form in which it was introduced in the House of Representatives on December 9, 1927; to the Committee on the District of Columbia.

6184. Also, resolution of the Board of Estimate and Apportionment of the city of New York, to amend section 116 of the Federal income tax law so that the revenues from railroad operations in which the city of New York is financially interested shall be exempt from income tax, as more specifically set forth in said resolution; to the Committee on Ways and Means.

6185. By Mr. KVALE: Petition of several residents of Chippewa County, Minn., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6186. Also, petition of several residents of Glenwood, Minn., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6187. By Mr. LEA: Petition of Edna J. Keeran and 49 other residents, of Princeton, Calif., urging passage of a Civil War pension bill; to the Committee on Invalid Pensions.

6188. Also, petition of W. D. Hill and 57 other residents of Orland, Calif., and of A. J. King and 57 other residents of Yuba City, Calif., protesting against House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6189. By Mr. LINDSAY: Petition of Binney & Smith Co., New York, protesting against the passage of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6190. Also, petition of International Association of Machinists, Washington, D. C., urging support of Congressman LAGUARDIA's amendment to the Senate amendment, requiring that the steamships *Monticello* and *Mount Vernon* shall be reconditioned at the Boston and New York Navy Yards, respectively; to the Committee on the Merchant Marine and Fisheries.

6191. Also, petition of assistant superintendent, Railway Mail Service, second division, New York, praying for support of House bill 11622, providing for reclassification of supervisory officials in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

6192. Also, petition of L. J. Lambert, St. Paul, Minn., urging favorable action on House bill 11756, proposing to correct certain injustices in the promotion list of the Army; to the Committee on Military Affairs.

6193. Also, petition of Jessie Myers, president local union No. 89, V. Y. W. A., Port Jervis, N. Y., urging early action on the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6194. Also, petition of Alfred D. Cook, D. D. S., favoring House bill 5766, providing for a coordination of health activities under the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

6195. Also, petition of Acme Broom Co., Brooklyn, N. Y.; the Brooklyn Broom Works, Brooklyn, N. Y.; and Evans & Liddle (Inc.), Lockport, N. Y., favoring the passage of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6196. By Mr. LOZIER: Petition of 76 citizens of Monroe County, Mo., asking enactment of legislation for the increase of pensions; to the Committee on Invalid Pensions.

6197. By Mr. McDUFFIE: Petition of Lucenda Robenson, of Plateau, Ala., and sundry other citizens of Mobile County, favoring an increase of pension to soldiers and sailors of the Civil War and their widows; to the Committee on Invalid Pensions.

6198. By Mr. MAJOR of Missouri: Petition of citizens of Springfield, Mo., urging the passage of legislation providing increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6199. By Mr. MAPES: Petition of L. L. Hofstra and 47 other members and friends of the Oakdale Park Christian Reformed Church, of Grand Rapids, Mich., recommending the enactment of House bill 78, the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

6200. Also, petition of 11 residents of Grand Rapids, Mich., recommending the enactment of additional legislation for the benefit of veterans of the Civil War, their widows, and dependents; to the Committee on Invalid Pensions.

6201. By Mr. MEAD: Petition of Optimist Club, of Buffalo, N. Y., favoring the passage of House bill 11351; to the Committee on Immigration and Naturalization.

6202. Also, petition of Fred Brennison, in opposition to House bill 7940; to the Committee on Agriculture.

6203. By Mr. REID of Illinois: Petition of Olney C. Allen, Jennie M. Conover, and numerous other residents of Aurora and Montgomery, Ill., urging that immediate steps be taken to

bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6204. Also, petition of R. L. Lewis, M. J. Marcuson, and numerous other residents of Batavia, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6205. By Mr. ROWBOTTOM: Petition of Kate Lamb, of Newburg, Ind., that the bill increasing Civil War widows' pension be enacted into law this session of Congress; to the Committee on Invalid Pensions.

6206. By Mr. RUBEY: Petition in opposition to the compulsory Sunday observance law; to the Committee on the District of Columbia.

6207. By Mr. SPEAKS: Petition signed by Louis W. Weber and some 63 citizens of Franklin County, Ohio, urging enactment for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6208. Also, petition signed by Margaret C. Stanton and some 60 residents of Franklin County, Ohio, urging enactment of legislation for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6209. By Mr. STALKER: Petition of Mary C. Shannon, of Beaver Dams, N. Y., and other citizens of that vicinity, urging the enactment of legislation carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

6210. Also, petition of Myra Hammond, of Hornell, N. Y., and other citizens of that vicinity, urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6211. Also, petition of Ida B. Keith Ells, of Oswego, N. Y., and other citizens of that vicinity, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

6212. Also, petition of sundry citizens of the district of Lindley, Steuben County, N. Y., urging the enactment of legislation for additional pension for Civil War veterans and widows; to the Committee on Invalid Pensions.

6213. Also, petition of sundry citizens of Trumansburg, N. Y., urging the enactment of legislation for additional pension for Civil War veterans and widows; to the Committee on Invalid Pensions.

6214. By Mr. STRONG of Pennsylvania: Petition of citizens of Armstrong County, Pa., in favor of a general increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6215. By Mr. SUMMERS of Washington: Petition signed by George E. Meyerhoff and 17 others of Ritzville, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6216. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan, urging more liberal pension legislation for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

6217. Also, petition of residents of the eighth congressional district of Michigan, protesting against proposed compulsory Sunday observance; to the Committee on the District of Columbia.

6218. By Mr. WARE: Petition of sundry citizens of Campbell County, Ky., urging immediate steps be taken to vote on Civil War pension bill; to the Committee on Invalid Pensions.

6219. By Mr. WASON: Petition of 235 residents of Lebanon, N. H., protesting against the enactment of House bill 78, known as the Sunday closing bill; to the Committee on the District of Columbia.

6220. Also, petition of C. F. Dodge and 30 other residents of Warren, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6221. By Mr. WHITE of Colorado: Letters of numerous business men and other citizens, protesting the passage of House bill 9949, to repeal the bankruptcy act; to the Committee on the Judiciary.

6222. Also, petition of sundry citizens of Denver, Colo., praying enactment of pending legislation increasing rates of pensions to veterans of the Civil War and their dependent widows; to the Committee on Invalid Pensions.

6223. Also, petition of Logen Balder, No. 185, Vasa Order of America, Pueblo, Colo., protesting against the national-origins provision of the immigration act, 1924; to the Committee on Immigration and Naturalization.

6224. By Mr. NELSON of Missouri: Petition signed by various citizens of Boone County, against compulsory Sunday observance bill; to the Committee on the District of Columbia.

6225. By Mr. WOOD: Petition of residents of Rensselaer, Jasper County, Ind., asking that the Civil War pension bill become a law at once; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *March 30, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, before whose face the generations rise and pass away, we humbly beseech Thee to bless our country, that there may be peace within our gates and prosperity in all our borders. In the light of Thy wisdom and under the guidance of Thy spirit we dedicate ourselves in love and loyalty to the welfare of this Nation. Where it is corrupt, purge it; where it is in error, direct it; where anything is amiss, reform it; where it is right, strengthen and confirm it; where it is in want, furnish it; where it is divided, heal it; that whether in plenty or in want, we may patiently and peaceably seek Thy kingdom and its righteousness, the only full supply and sure foundation both of men and nations. Grant this, O Father, through Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924; and

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 217) providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; and

H. R. 12407. An act to authorize the refund of visa fees in certain cases.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	Frazier	Mayfield	Smoot
Black	George	Metcalf	Steck
Blaine	Gerry	Moses	Steiwer
Blease	Gillett	Neely	Stephens
Borah	Goff	Norbeck	Swanson
Bratton	Gooding	Norris	Thomas
Brookhart	Gould	Nye	Tydings
Broussard	Greene	Oddie	Tyson
Bruce	Harrison	Overman	Wagner
Capper	Hawes	Phipps	Walsh, Mass.
Caraway	Hayden	Pine	Walsh, Mont.
Copeland	Heflin	Pittman	Warren
Couzens	Johnson	Ransdell	Waterman
Curtis	Jones	Robinson, Ark.	Watson
Cutting	Kendrick	Sackett	Wheeler
Dill	Keyes	Sheppard	
Edge	King	Shipstead	

Mr. GEORGE. I wish to state that my colleague [Mr. HARRIS] is necessarily absent owing to illness.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

LOCAL ASSOCIATIONS NOT LOBBYISTS

Mr. CARAWAY. I present a letter from the executive secretary of the Washington Council of Social Agencies. It is to

correct what the association think an injustice to several organizations here, and I ask that it be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICES
THE WASHINGTON COUNCIL OF SOCIAL AGENCIES,
March 29, 1928.

Hon. T. H. CARAWAY,
Senate Office Building, Washington, D. C.

MY DEAR MR. CARAWAY: I am writing at your suggestion, in order that a statement made by the Judiciary Committee of the Senate in reference to the number of fake associations in Washington, in which the above organization, the Citizens' Relief Association, and the Consumers' League were listed, may be corrected.

The purposes of these organizations are as follows:

The Washington Council of Social Agencies is composed of delegates from private and public welfare organizations engaged in local welfare work who have themselves formed this council in order to encourage and develop cooperation between the welfare and civic agencies of the District of Columbia and to increase the efficiency of these agencies.

The council is supported by dues from the member agencies and voluntary contributions. Its by-laws provide that "the officers of the council, as officers, shall not appear before Congress for or against any measure or proposal. Their action before Congress shall be confined to written communications dealing with facts."

The Citizens' Relief Association is one of the member agencies of the council, and the managers of the association are appointed by the Commissioners of the District of Columbia for terms of three years. The funds of the association are for the most part obtained through an appeal jointly made with that of the Associated Charities, and the relief is distributed by the staff visitors of the Associated Charities. The association receives no congressional appropriation.

The Consumers' League is also a member of the Council of Social Agencies and was organized to improve working conditions for women and children by the enactment and enforcement of appropriate laws, and is the only one of the three organizations which might be considered a lobbying organization. It would have no objections whatever to the passing of the bill requiring the registration of lobbyists. Their president is the Rev. John A. Ryan, D. D.

Mr. Tucker, who was with me, and I understood that you would be willing to incorporate this letter in the RECORD, and we shall be glad to have this done.

Sincerely yours,
LOUISA S. ROBERTS,
Executive Secretary.

COL. CARL L. ESTES—OUACHITA NATIONAL PARK

Mr. CARAWAY. Mr. President, Col. Carl L. Estes, a native of Kentucky but a resident of Texas, entered the Army as a private in the World War and went to France. His body is literally cut to pieces with honorable wounds received in the war. Parts of his ribs have been replaced by silver plates. He is now a colonel on the staff of the Governor of Texas. This week he came here representing the governor and the chambers of commerce of Texas to appear before a House committee in the interest of a bill pending to create a national park in the Ouachita National Forest in Arkansas. He brought with him a letter to the Secretary of Commerce, Mr. Hoover, for whom he performed some services of a social nature this spring. The letter was written by the campaign manager of Mr. Hoover in Texas, a friend and close associate of Mr. Hoover, who served with him for 14 years.

Colonel Estes saw Mr. Hoover and talked with him about 30 minutes. Mr. Hoover's secretary then called up the Secretary of the Interior, Mr. Work, and made an appointment for Colonel Estes to call and see Secretary Work, told him of the business that Colonel Estes wished to discuss with him, and, I believe, conducted him to Secretary Work's door.

Colonel Estes walked into Secretary Work's office. The Secretary spoke to him very abruptly, never asked him to be seated, told him that he knew for what he had come to his office, and that he knew all about Texas and Arkansas that he wanted to know, and, hardly giving Colonel Estes time to say anything, called him a liar and ordered him out of his office. Colonel Estes was never permitted to say what was the purpose of his visit, and the exchange of "compliments" which passed between them I shall not undertake to repeat. Then the Secretary got up very agitatedly, rang for other people to come in, and his conduct was such that Colonel Estes thought he was to be thrown out by some of the Secretary's faithful stand-bys, but they refused to take the serious view of the situation that the Secretary had taken.

The transaction was so disgraceful, it was such a cowardly thing for the Secretary of the Interior to do, to sit in his office and say to a man—I do not care who he might be or from what State he might come—the things that the Secretary said to Colonel Estes. And incidentally he said it in his office, when he could not have been induced to have said it to Colonel Estes in the corridor or elsewhere. He took advantage of the situation to insult a man who had offered to lay down his life when this country needed men, a man whose body, as I said, is covered with wounds, who is partially physically disabled, who came here as the representative of the Governor of the great State of Texas on a public matter, to discuss with the Secretary of the Interior a report that the Secretary had signed, I am sure without ever having read, in which he was opposing the creation of a national park in the State of Arkansas.

The first report—to show Senators how much intelligence went into it—in describing the location of the proposed park stated it was on the Arkansas River. The nearest point from the proposed park to the Arkansas River is many, many miles.

That does not tell all the story, Mr. President. That report was filed with the House committee, and somebody who was interested in it has taken that report out of the records and substituted another for it. I am not so much concerned about that, but I am concerned, Mr. President, that a young man of high character, a man whose services to his country have been honorable, a young man who stands high in the Commonwealth in which he now lives, who came here as the ambassador of the governor of a sovereign State, should have been denounced by the Secretary of the Interior in his office as a liar.

In the name of every American citizen I want to resent it; I would like to say that no one but a coward would have done it; and I shall waive all my senatorial privileges, if I have any, if the Secretary of the Interior wants me to answer.

Mr. President, I have here a copy of the letter that I mentioned a moment ago; and I desire to have it printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter is as follows:

MARCH 23, 1928.

Mr. LAWRENCE RICHEY,
Department of Commerce, Washington, D. C.

MY DEAR RICHEY: I am inclosing you copy of letter of introduction for Col. Carl L. Estes, of Tyler, Tex., to Mr. Hoover.

I have wired you asking you to arrange an appointment for Colonel Estes on the morning of the 27th.

I sent you copies of the Tyler Courier of March 13, 14, and 15, and I want you and Mr. Hoover to know that in the entire State of Texas the very finest reception we received was in Tyler, and Colonel Estes made the address of welcome. We were met in the afternoon by a delegation of representative citizens headed by the colonel, given a dinner by the chamber of commerce. Colonel Estes made the address of welcome again and paid a very splendid tribute to the "chief."

The State of Texas is determined to get Mr. Hoover out here for the East Texas Chamber of Commerce meeting, and I am joining with Colonel Creager, as well as all other State Republican and Democratic leaders, to urge Mr. Hoover to come, not as a candidate for President, but as a guest of the State. The colonel will tell you all about it, and I am anxious to have him have a long chat with you.

I understand that some 50 counties are wiring the chief, urging him to attend this meeting, and, as stated in the letter of introduction, the colonel is the bearer of an invitation from the governor of the State.

The officials of the East Texas Chamber of Commerce telephoned me in reference to sending a delegation to accompany the colonel. I suggested that they not go to that time and trouble at this time, stating that in my opinion if Mr. Hoover can come he will do so.

I am going to ask you to compile all of these telegrams and have them available for the colonel upon his arrival; at the same time, please have Mr. Hoover keep an open mind about the invitation and not to make a decision until we arrive. In the meantime I hope you will watch his dates and see that he is not committed to any speaking date on or about the time of the east Texas meeting.

The entire State of Texas admires Mr. Hoover immensely, and it would be a wonderful thing for the State and for Mr. Hoover if he can see his way clear to come.

Colonel Estes will also ask you to help him in connection with the eight Southern States who are interested in the Ouachita National Park, as per the Shreveport telegram of March 21.

I would appreciate very much your introducing the colonel to Doctor Work, and I should like to see Colonel Estes return from Washington with the feeling that we had in some measure reciprocated for the very splendid reception and the generous and fair publicity which he has given us in connection with our campaign.

Colonel Estes will be at the Mayflower Hotel, and I am sending him a copy of this letter so that he will know who you are.

With very kindest regards, I am,

Sincerely,

J. F. LUCEY.

(Copy to Col. Carl L. Estes, Mayflower Hotel, Washington, D. C.)

COMPENSATION FOR LOSSES AT ABERDEEN PROVING GROUNDS

Mr. TYDINGS. Mr. President, in 1917 and 1918, after our country became involved in the World War, the Government took over about 30,000 acres of land in Maryland. On those 30,000 acres of land were located several thousand families, with their graveyards, churches, schoolhouses, and other community interests. Congress, wishing to deal fairly with those people, who were settled on one of the most fertile spots in Maryland, appropriated a sum of money to compensate them for their lands and the destruction of their business. To date, 10 years after the war, doctors who had their entire professional interests in that locality, storekeepers who had all their customers taken away from them, have not received a single cent of compensation. I have endeavored many times to get the War Department to take a position on this matter. In order to furnish additional information to Senators who may be interested in seeing that our citizens whose property has been confiscated secure some measure of justice, I ask to have printed in the RECORD a brief letter which I have written to the Judge Advocate General of the Army, which sums up and quotes the statements made at that time, and asks him why he does not approve the bill to compensate these people for the loss of their property.

Mr. McKELLAR. Mr. President, was that the land that was taken for an artillery proving ground?

Mr. TYDINGS. The land was taken for what is now known as the Aberdeen Proving Grounds.

In this connection, Mr. President—and I will only take a moment or so longer—I should like to say that several of these people have been forced to go through bankruptcy, because with the great stocks of goods bought before the Government took over this land, and with their customers taken away from them by the Government appropriating their land, they have had no market at all for their goods, and have had to let them stay there on the shelves year after year with no compensation whatsoever.

It is one of the most outrageous pieces of injustice that I have ever heard of in my life, and I sincerely hope that there will be enough fairness in the Senate of the United States to give these people the compensation which their case so richly deserves.

I ask that the letter to which I have referred may be printed in the RECORD following my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

MARCH 3, 1928.

Maj. Gen. JOHN A. HULL,
Judge Advocate General, United States Army,
War Department, State, War, and Navy Building,
Washington, D. C.

MY DEAR GENERAL: While I am sure the Aberdeen cases were ably presented to you last Friday, I feel it incumbent upon me, as the author of the bill under consideration, to submit a few observations which I trust will be helpful in finally reaching a just solution without doing violence to national safeguards.

Let me preface my remarks with the statement that it is not quite clear in my mind just why the Committee on Claims of the Senate requested the view of the War Department on the merits of the bill. I realize that it is the regular custom, but in this case just exactly what the War Department promised to do, intended to do, and did do in 1917 is so plainly, succinctly, and unequivocally set forth in the documentary evidence available as to bar legal interpretations.

The facts are these:

An estimate of $3,000,000 was submitted on July 2, 1917, to purchase Kent Island for a proving ground. Successful political opposition arose there by people who did not own land but whose business would have been destroyed. (See General Ruggles's memo., February 3, 1926, sec. 3.) Then the second choice, Aberdeen, came under more serious consideration, and the people there became aroused.

An urgent deficiency appropriation bill (H. R. 5949) was introduced, carrying an additional item of $4,000,000, making $7,000,000 in all for a proving ground. In submitting this deficiency estimate to the Secretary of the Treasury under date of September 21, 1917, the Secretary of War said it was "for increasing facilities for the proof and test of ordnance material, including the necessary buildings, construction, equipment, land, and damages and losses to persons, firms, and corporations resulting from the procurement of the land for this purpose, including loss of business, trade, practice, etc."

The above is corroborated by General Ruggles's memoranda, section 4, wherein he states that, as the authorized agent of the War Department, he informed a public meeting of citizens "that it was the intention of the War Department to compensate them for all legitimate damage to business, as well as that arising from the taking over of the land."

Then please note the second paragraph of letter of September 21, 1917. The request for the additional $4,000,000 was predicated upon the experience at Kent Island "because of the probability of having to pay compensation for other damage than that included in the value of land."

The $7,000,000 was appropriated. The Secretary of War asked for that amount and received that amount to do just exactly what my present bill (S. 1640) was introduced to accomplish, i. e., reimburse those citizens of my State who at a time of great national stress patriotically submitted to the complete obliteration of their community and business.

It was reported to me that you took the stand that the passage of my bill would tend to remove all limits from the responsibilities the Government would have to bear in the exercise of its right of eminent domain, opening up an almost limitless field of claims against the National Treasury; that it was not in the amount of the present claims, but in the fact that the passage of the bill would mean that the Government has recognized as legal obligations all remote and consequential damages.

These claims are certainly in a well-defined and isolated class of their own. There was certainly a meeting of the minds between the authorized representatives of the Government and the claimants—a clear-cut bargain understood and expressed. In the present case Congress appropriated additional money in accordance with the War Department estimate to pay these consequential damages. I venture the assertion that never before and never again will a similar case arise; but in the future, if the War Department meets a similar situation and asks for and obtains money for a certain purpose, its promise should be its bond, invoking the right of eminent domain where previous mutual promises and understandings are not involved.

There are two questions involved in the proposed act. The first is whether, at this late date, the War Department can recede from its original promise and intention to use its influence to see that those suffering losses are compensated. The second is whether such a bill, if passed, would create any new or novel rights.

It will be noted that the bill gives those who deem themselves injured by the establishment of the proving grounds the right only to bring suit in the Court of Claims. The suits for damages will be subject to orderly judicial procedure and review by the United States Supreme Court.

The War Department got what it wanted by representing that it would make every effort to have all claims, including consequential and indirect, promptly settled, and a favorable report to the committee would certainly seem to be but a tardy fulfillment of that understanding.

The reasoning of Mr. Justice Peckham in United States *v.* Realty Co. (163 U. S. 427) is apt in this matter. On page 440 it is said:

"The Nation, speaking broadly, owes a 'debt' to an individual when his claim grows out of a general principle of right and justice; when, in other words, it is based upon consideration of a moral or merely honorary nature, such as are binding upon the conscience or honor of an individual, although the debt could obtain no recognition in a court of law."

The payment of consequential damages is frequently required by statute where lands are taken over for public purposes. (Montomery, 80 Ala. 489; Tidewater R. R., 107 Va. 562, 17 L. R. A. N. S. 1053; McGavock *v.* Omaha, 40 Nebr. 64; Kramer, 25 Nebr. 489; Denver *v.* Bryer, 7 Cal. 113; Ludlow, 47 S. W. (Ky.) 881; G. C. & S. F. Ry. *v.* Fuller, 63 Tex. 469; 2d Nicholson on Eminent Domain, 2d ed., sec. 311–2; United States *v.* Alexander, 148 United States 146.)

Mr. Justice Brandeis, in Mitchell *v.* United States (267 U. S. 341), the test case as to the rights of persons under the aforesaid act of October 6, 1917, said:

"States have not infrequently directed the payment of compensation in similar situations. The constitutions of some require that compensation be made for consequential damages to private property resulting from public improvements." (Chicago *v.* Taylor, 125 U. S. 161, 31 L. ed. 638, 8 Sup. Ct. Rep. 820; Richards *v.* Washington Terminal Co., 233 U. S. 546, 554, 58 L. ed., 1088, 1091, L. R. A., 887, 34 Sup. Ct. Rep. 654.)

Others have, in authorizing specific public improvements, conferred the right to such compensation. (See for example Earle *v.* Com., 180 Mass. 579, 57 L. R. A. 292, 91 Am. St. Rep. 326, 63 N. E. 10; Allen *v.* Com. 188 Mass. Acts and Resolves, 1895, chap. 488, art. 14; 1896, chap. 450; 1898, chap. 551; Re Water Supply, 211 N. Y. 174, 105 N. E. 213; Ettor *v.* Tacoma, 228 U. S. 148, 57 L. ed. 773, 33 Sup. Ct. Rep. 428; Joslyn Mfg. Co. *v.* Providence, 262 U. S. 668, 67 L. ed. 1167, 43 Sup. Ct. Rep. 684.)

"Congress had, of course, the power to make like provision here."

It will, therefore, be seen that the States frequently have adopted the liberal attitude toward its citizens and have paid them for the same kind of consequential damages that my bill gives the right to sue for. The policy is not new or unprecedented, but is followed in the more progressive jurisdictions.

I realize that it is proper as a general rule that the Government should not undertake to compensate people who are indirectly injured

by reason of taking of property by the Government for public use, but there are exceptions to all rules, and it does seem to me that this is one of the exceptions. The Government has to take property somewhere, perhaps every day, and it often happens that some one is indirectly injured, but that is regarded as unavoidable and one of the hardships which a good citizen is expected to endure for the sake of the public. But in this case the injuries which a great many of the people suffered are not indirect or consequential except in a very technical sense of the word.

Here we have a case where the Government is not merely taking a piece of property, but took 35,000 acres of land, expelling the entire population and destroying a whole community, resulting in terrible losses—in fact, almost ruin—to the business and professions of a number of people.

It so rarely happens that the Government has to do a thing of this kind that when it does it, it seems to me to be only fair and just that the sufferers should be compensated.

I therefore trust that you can find it consistent with your duty to report back to the Claims Committee of the Senate that the record in the case proves that the War Department did everything it possibly could to keep its promise in 1917 and, of course, still is in favor of giving the claimants their day in court.

Very truly yours,

M. E. TYDINGS.

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, I do not want to object to speeches being made on the presentation of petitions and memorials, but there is a rule against it; and we have a unanimous-consent agreement this morning that after the conclusion of the routine morning business the Senate shall go into executive session. I should like, therefore, to have the morning business disposed of.

Mr. ROBINSON of Arkansas. I understand the Senator from Maryland has concluded his remarks.

Mr. CURTIS. Yes; I merely made the statement lest some other Senator might desire to speak in connection with a petition or memorial.

NAVAL OIL LEASES

Mr. WALSH of Montana. Mr. President, I send to the desk an editorial from the New York World, which I ask the Secretary to read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the New York World, Saturday, March 24, 1928]

SINCLAIR'S STORY

It is only five months since Mr. Martin Littleton, counsel for Harry F. Sinclair, made this statement in the Supreme Court of the District of Columbia when Sinclair last went on trial on the charge of conspiracy to defraud the Government:

"It will be made clear in this case that Sinclair had no interest in the Continental Trading Co. (Ltd.). He had never had a bond which the Continental Trading Co. distributed. It will be made clear that he never passed a bond of the character mentioned here or anything else. It will be made clear that he was never the owner of bonds of the description mentioned here, and that he never passed the bonds to Fall or anybody on behalf of Fall. All this will be made clear from the evidence in this case when it is finished."

Thanks to the Senate and its investigation, we know more now than Mr. Littleton told us in October. We know, from Mr. Will H. Hays, that Mr. Littleton was wrong in saying that Sinclair "never had a bond which the Continental Trading Co. distributed"—that he did have such bonds, and that he had, in fact, a very considerable number of them. We know from Mahlon T. Everhart, Fall's son-in-law, that $233,000 worth of these bonds found their way into Fall's bank account. If anyone doubts the value of the Senate's investigation, and the relevancy of the information it has brought to light, let him consider these two facts alone and their importance in bringing Sinclair closer to the bar of justice. When the conspiracy case comes to trial again on April 4, Mr. Littleton will not repeat the statement he made to the jury last October.

It is the Senate, not the Department of Justice or any other executive branch of the administration, which has uncovered the facts in a sordid story.

Mr. WALSH of Montana. Mr. President, no criticism need be directed against Mr. Littleton for having made the statement quoted in this editorial. Presumably he was entirely honest in the statement, and merely repeated what his client had told him, but the question now presents itself as to whether it would not be entirely ethical upon the part of Mr. Littleton to withdraw from the case.

I offer, Mr. President, an editorial from the Grand Rapids Press on a related subject, which I ask to have read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

[From the Grand Rapids (Mich.) Press]

MORAL VIGOR NEEDED IN POLITICS

Writing from Washington, Mark Foote notes with regret the action of President Coolidge in inviting Will H. Hays to a Cabinet dinner at the White House within a few days of the public revelation of Mr. Hays's unethical mismanagement of the 1920 campaign deficit and specifically his juggling of the Sinclair contribution. "This seems to be an age," says Mr. Foote, "of political cowardice. Within the present generation Roosevelt and Wilson acted differently under similar circumstances."

Mr. Coolidge during his presidential career has seemed to assume quite regularly that the end justified the means, that a man's character was not touched by the political company at his table, that there was no particular lack of ethics in using celery, breakfast pie, and the sheen of the White House napery to obtain the favor of a boss to whose principles he did not subscribe. It may have been no particular edification for Mr. Coolidge to have a man of the traditions of C. Bascom Slemp as his secretary, nor to pay White House honors to Len Small and Big Bill Thompson. But Slemp had delegates. And Thompson has votes. Mr. Coolidge's view seems to be that insulting votes is rather a profitless bit of high-mindedness.

It is said that Hays is self-attached to the Hoover banner in Indiana, and a natural assumption will be that the President's entertainment of Hays has something to do with Hoover's candidacy. Or it may simply be that while Mr. Coolidge looks back with regret and repudiation upon Mr. Hays's methods he also remembers with gratitude the net result to himself of Mr. Hays's services as chairman of the Republican National Committee. In either case, it will seem to many that the President has carried political trimming too far.

The social kindness paid Mr. Hays will handicap Hoover if that is thought to be the connection and nothing would be better for the Secretary of Commerce than a frank repudiation of Hays's alliance in Indiana. If the President entertained Hays on his own account, the public will be led justifiedly to think that he regards Hays's fund-raising methods as an error of judgment rather than a matter for moral strictures.

The Nation decidedly does not join in that estimate. It has had too much of callous politics. It has supposed that President Coolidge viewed the misdeeds of the Harding crew with indignation and regret. It is rather hard to retain that impression when the President sits down to meat with the man who solicited Sinclair's contribution and then covered the gift up and kept it secret by trading for checks. The dinner invitation to Hays was a mistake if the President has any care for the respect of those who look upon his high office as a place of heavy moral responsibility, a place for the setting of examples and for courageous leadership.

Abraham Lincoln was a skilled politician but this was his tenet: "I must stand with anybody that stands right—stand with him while he is right and part with him when he goes wrong." There have been Presidents who have not hesitated to make their friendship rest upon moral standards and to despise publicly and privately the man who failed to meet those standards. Mr. Foote names two in recent years. On the other hand, it is easy for Government to go morally bankrupt by degrees. Senator COUZENS recently flayed a fellow Senator for upholding the practice of "white lies" to obtain jobs for constituents or to give certain impressions to newspapers. His colleague replied that nowadays everybody did it.

Everybody shouldn't. And the best man to set the moral step for government is the man at the head of the procession—the President.

Mr. WALSH of Montana. I offer for the RECORD, without reading, two other editorials dealing with the same subject.

The VICE PRESIDENT. Without objection, the editorials will be printed in the RECORD.

The editorials are as follows:

[From the Detroit News, Wednesday, March 28, 1928]

WHAT A GHASTLY PICTURE!

It would be a healthy and encouraging thing if the moment contained definite evidence in responsible quarters of intention to apply a remedy for the evil disclosed by the Hays testimony in the oil investigation. In both Houses of the National Congress the political debates occurring almost daily amount to baitings of rival candidates for President or to wind-jamming over trifles.

Look back. The Hays limitation upon contributions to the 1920 campaign was made a large item. The Harding "return to normalcy" gained thereby not a little of its popular impetus. It was made a people's campaign, with no individual permitted to give more than $2,000. Hays himself was almost the equal of Harding as a figure before the country. He was the miracle man, Indiana's dynamo of action, a progressive who put Old Guard bosses into the background.

What a ghastly picture of hypocrisy it is now! Expenditures were made on a scale which the "people's campaign" could not and did not

finance. Hays's popular subscription merely amounted to a political device. The big debt was carried along, and the big fellows sat back awaiting assessment. Thus it ended up in the black Sinclair mess—a sell-out of the Nation's oil reserves.

What can and should be done to prevent recurrence of the same thing or its equivalent this year admittedly is a hard question. But hard questions are usually the ones most in need of solution and a way always can be found. The first requisite is evidence of a realization of an evil, and the next, evidence of a sincere purpose to remove it. By and large, neither the one nor the other as yet has been made clear by the leadership of either great party.

The issue which should be most discussed tends, it appears, to be the least discussed.

[From the Philadelphia Record, March 26, 1928]

SOME NOTABLE ACHIEVEMENTS IN MENDACITY

To get the full value of the astonishing developments in the oil scandal it would be necessary to compare each new revelation with corresponding items in the past. Perhaps the only really enlightening method would be a compilation in parallel columns of statements, affidavits, and testimony in various parts of the record and related utterances as they have been corkscrewed out of reluctant witnesses in recent inquiries. That this would be a fascinating though arduous undertaking will be suggested by a glance at just two incidents.

There is, for example, the episode of the fake corporation that made $3,000,000 of illegitimate profits in an oil resale deal, out of which, the incontestable evidence is, Sinclair sent Fall $233,000 in Liberty bonds and contributed to the Republican National Committee $160,000. Now, compare those facts with the vehement assurances given to court and jury five months ago by the oil man's counsel, as follows:

"It will be made clear in this case that Sinclair had no interest in the Continental Co.; that he never had a bond which the company distributed; that he never was the owner of such bonds; and that he never passed such bonds to Fall or anybody on behalf of Fall."

For this interesting citation we are indebted to the New York World. But as we dip into the well of recollection we draw up one not inferior, we think, in public interest. Over against the familiar history of the $100,000 sent to Fall in Doheny's "little black satchel," and the detailed account by Fall's son-in-law of how he carried to that statesman the $233,000 of Sinclair bonds is to be placed Fall's written statement of five years ago:

"It should be needless for me to say that in any purchase or expenditure I have never approached E. L. Doheny or anyone connected with him or any of his corporations, or H. F. Sinclair or anyone connected with any of his corporations, nor have I ever received from either of said parties one cent on account of any oil lease or upon any other account whatsoever."

As a record of fraud and corruption this oil scandal has historic magnitude. But it is hardly less interesting and impressive as a study in monumental falsification.

PETITIONS AND MEMORIALS

Mr. COPELAND presented a petition of sundry citizens of New York, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FRAZIER presented papers in the nature of petitions from the Farmers Union Cooperative Oil Co. and Bloom Local, No. 204, of the Farmers Educational and Cooperative Union of America, both of Jamestown, N. Dak., praying for the passage of the so-called "Mistletoe bill" relative to the regulation of stockyards, which were referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented telegrams in the nature of memorials from J. M. Schwoob, of the Cody Club, of Cody; the Commercial Club, of Clark; W. S. Metz and Will Metz, of Sheridan, all in the State of Wyoming; the Commercial Clubs of Bridger, Fromberg, Edgar, and Belfry, and L. H. Brooks, jr., of Cooke, and Dan Healy and E. P. Kelly, of Livingston, all in the State of Montana, remonstrating against the enactment of legislation authorizing the expenditure of Government funds in the construction of a proposed road from Red Lodge to Cooke City, Mont., which were referred to the Committee on Post Offices and Post Roads.

MUSCLE SHOALS

Mr. TYSON. Mr. President, the question of Muscle Shoals is not now before the Senate, but it probably will be again; and as I see that another effort is being made to get a part of the water powers of Tennessee, I send to the desk and ask to have read two telegrams that show the feeling that our people have about the matter.

The VICE PRESIDENT. Without objection, the telegrams will be read.

The Chief Clerk read as follows:

NASHVILLE, TENN., *March 29, 1928.*

Hon. L. D. TYSON,

Care United States Senate, Washington, D. C.:

Permit me to urge resistance to plain usurpation of constitutional rights of Tennessee in and to its water-power resources which is embodied in Muscle Shoals bill as reported from Military Affairs Committee. Attempt made to seize Cove Creek and hold it in perpetuity as property of Federal Government under absolute control of Federal Bureau it is respectfully and earnestly submitted is direct challenge of rights of Tennessee inherent to statehood. Proposition seeking to compel capital developing other power resources along Tennessee River to pay revenue into Federal Treasury is further indefensible denial of sovereignty of Tennessee. Very language of section 17 shows conclusively that primary object in taking over Cove Creek would be creation of additional power at Muscle Shoals, and claim made in concluding sentence of section 18 that navigation and flood control are coordinate objects is but transparent subterfuge in order to give proposed usurpation color of legal warrant. Issue raised in this proposed measure is vital to Tennessee and it is vital to Nation. If Congress may despoil one Commonwealth of valuable rights held under Federal Constitution and unbroken decisions of highest tribunals, may it not similarly override any other State and all? I am speaking as your fellow Tennessean, voicing what I am deeply convinced is the hope and confidence of Tennesseans, regardless of political creed, that delegation at National Capital will stand as unit in unwavering and patriotic resistance to proposed denial of rights of State of inestimable value and to attempted violation of its sovereignty under Constitution.

E. B. STAHLMAN.

NASHVILLE, TENN., *March 29, 1928.*

Senator L. D. TYSON,

United States Senate:

Press publications indicate Morin bill links Cove Creek with Muscle Shoals and contemplates development of Cove Creek water-power site and sale of power by Federal Government. As officials authorized by State statute to exercise jurisdiction over development of water-power resources within Tennessee and supervision regulation and control of hydroelectric energy thus generated, we desire officially to protest against any proposed Federal legislation which provides for the development, supervision, disposition, or regulation by or under the authority of the Federal Government of water-power resources within Tennessee and which does not fully recognize and thoroughly protect the sovereign proprietary and revenue rights of Tennessee. Please call this matter to attention of Tennessee delegation.

TENNESSEE RAILROAD AND PUBLIC UTILITIES COMMISSION.

BOULDER DAM

Mr. ASHURST. Mr. President, I heard read the telegrams that were presented by the Senator from Tennessee [Mr. TYSON], in which certain legislation is characterized as an assault upon Tennessee; and the statement was made that other States might suffer like injuries and wrongs if such a precedent were set.

In this connection I am constrained to say that propaganda has been industriously circulated to the effect that Arizona had agreed to the so-called Boulder Dam bill as reported to the Senate. In reply I shall say that the Boulder Dam bill, Order of Business 606, Senate bill 728, as reported by the committee, constitutes one of the most cynical, sinister, and ruthless attempts ever made in the history of this Government to override the constitutional rights of a State. The bill, as reported by the Senator from California [Mr. JOHNSON], is a reckless and relentless attempt to override the State of Arizona; and if the Senate of the United States intends to remain in session until it shall have passed that particular bill, then Senators would better prepare to take an option on some overcoats, because the Senate will be here until the ides of November before it passes that bill.

I sympathize with the Senator from Tennessee in standing up manfully for the rights of his State; and I serve notice now that the Senators from Arizona and the Representative from Arizona are not prepared, and never will be prepared, to engage in any compromise to bargain away the rights of Arizona and thus make our State a vassal, servile thing instead of a proud column in the Union.

FLOOD CONTROL

Mr. KING. Mr. President, the other day I had the temerity to oppose the flood control bill after it was passed. It ran through the Senate so quickly that I did not have any opportunity to voice my opposition. I am glad to know that the Baltimore Sun has not approved the measure—at least, I so interpret this able editorial found in the issue of to-day—and I ask that it may be inserted, without reading, in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The editorial is as follows:

[From the Baltimore Sun of Friday, March 30, 1928]

THE MISSISSIPPI FLOOD BILL

Hasty passage of the Mississippi flood relief bill by the Senate, with practically no debate, will be accepted as meaning that the Upper Chamber is satisfied to turn the whole project over to a commission composed of the Secretary of War, the Chief of Army Engineers, the president of the Mississippi River Commission, and two civil engineers to be appointed by the President. The bill contemplates appropriations totaling over a 10-year period $325,000,000. No local contributions are required.

With the methods of carrying out the project there is no cause of complaint. It is an engineering job, and the less Congress has to do with details the better. But entire release of the States directly benefited by the improvement from any payment whatever sets a precedent which may prove very embarrassing not only in the future but in connection with extension of the present undertaking. For the $325,000,000 is but a starter. It takes care only of the stretch from Cairo, Ill., to the Gulf. Nobody ventures to predict what the ultimate cost of complete control of the Mississippi will be, though there are vague hints of a billion dollars.

Demand is expected for large-scale work on tributaries of the Father of Waters. If the Federal Treasury is made to bear the whole expense, it is hard to see where the business will stop. Mississippi Valley States, having been so generously treated, will be in a mood to return the favor, and with a score or more of States interested in getting Federal money for control of rivers emptying into the Mississippi, the stage seems to be set for a staggering outlay. This is one of the chief reasons for apprehension as to developments if localities seeking aid go scot-free of cost.

The Senate bill makes a lame apology for establishing such a precedent by insisting that it must not be viewed as a precedent. But we may well imagine that it will be brought up standing if it tries to demonstrate later on, when more millions are asked for protection against floods on tributaries of the Mississippi, that sauce for the goose is not sauce for the gander. And the Senate begs the question when it says that because Mississippi Valley States have contributed heavily in the past they should now be exempt. In fact, their contributions prove that flood control is a local as well as a national problem.

All proper sympathy and consideration could have been shown States which suffered so severely from the Mississippi's overflow by prescribing moderate local contributions, and by giving them whatever time was necessary to recuperate before being called upon to pay anything. An empire of rich agricultural territory will be redeemed. In decades to come it will be of enormous value, returning large revenues to the States in which it is situated. The whole country will profit, of course, from the rehabilitation, but it is the locality that will receive the principal benefits, the value of which can not be estimated.

In embarking upon a great improvement, certain to run far beyond any figure now set as the probable ultimate cost, this fact should have been recognized in justice to States not directly affected but which must assume a large share of the burden; and also in justice to a settled policy of the Nation, departure from which may have especially deplorable consequences when the work of flood control passes from the Mississippi proper to far-flung tributaries.

PAY RATES OF ARMY, NAVY, AND MARINE CORPS

Mr. BINGHAM. I present a letter from the Director of the Veterans' Bureau, with an accompanying estimate, which I should like to have printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter, with accompanying statement, was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, March 23, 1928.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

MY DEAR SENATOR BINGHAM: In the previous estimates which have been submitted to you on the cost of the Tyson-Fitzgerald bill, the pay rates for the Army, Navy, and Marine Corps, which have been in effect since the act of June 30, 1922, were used. The attached revised estimate shows the increased cost of this bill based upon the rate of pay in effect prior to June 30, 1922, the period during which most of the emergency officers were discharged.

By using the pay rate in effect prior to June 30, 1922, the estimated annual increased cost of retirement is $2,294,265, or an annual increase of $151,125 over the estimates previously submitted. Of this amount, $132,900 is the annual increased cost for emergency Army officers over and above the estimate of cost previously submitted.

Very truly yours,

FRANK T. HINES, *Director.*

Emergency officers rated on a permanent basis at 30 per cent or more, showing amount of compensation and cost of retirement December 31, 1927

[Revised March 22, 1928]

Rank	Permanent partial 30 per cent or more		Permanent total		Total		Pay rate [1]	75 per cent of pay rate	Cost on basis of 75 per cent of pay rate
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment			
ARMY									
General	1	$60			1	$60	$500.00	$375.00	$375.00
Colonel	4	165	7	$800	11	965	333.33	250.00	2,750.00
Lieutenant colonel	17	878	12	1,250	29	2,128	291.66	218.75	6,343.75
Major	112	5,488	93	9,688	205	15,176	250.00	187.50	38,437.50
Captain	461	23,464	350	36,610	811	60,074	200.00	150.00	121,650.00
First lieutenant	665	33,642	442	45,960	1,107	79,602	166.66	125.00	138,375.00
Second lieutenant	512	24,991	374	37,686	886	62,677	141.66	106.25	94,137.50
Total	1,772	88,688	1,278	131,994	3,050	220,682			402,068.75
NAVY									
Commodore or captain	2	113	1	100	3	213	333.33	250.00	750.00
Commander	1	65	3	350	4	415	291.66	218.75	875.00
Lieutenant commander	3	165	7	750	10	915	250.00	187.50	1,875.00
Lieutenant	18	921	18	1,770	36	2,691	200.00	150.00	5,400.00
Lieutenant (junior grade)	15	746	28	2,920	43	3,666	166.66	125.00	5,375.00
Ensign	27	1,305	62	5,847	89	7,152	141.66	106.25	9,456.25
Total	66	3,315	119	11,737	185	15,052			23,731.25
MARINE									
Colonel	1	33			1	33	333.33	250.00	250.00
Lieutenant colonel							291.66	218.75	
Major							250.00	187.50	
Captain	4	166	2	200	6	366	200.00	150.00	900.00
First lieutenant	4	197	2	200	6	397	166.66	125.00	750.00
Second lieutenant			3	300	3	300	141.66	106.25	318.75
Total	9	396	7	700	16	1,096			2,218.75
Total emergency officers	1,847	92,399	1,404	144,431	3,251	236,830			428,018.75

[1] Revised Mar. 21, 1928.

$428,018.75×12=$5,136,225: Annual cost of retirement.

$236,830×12=$2,841,960: Annual compensation now being paid.

$5,136,225−$2,841,960=$2,294,265: Annual increased cost of retirement.

This statement excludes the following arrested tuberculosis cases receiving a statutory $50 award where the tuberculosis has been evaluated according to the rating schedule at less than 30 per cent permanent partial: Army, 1,134; Navy, 66; Marine, 3.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 9495) to provide for the further development of agricutural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, reported it without amendment and submitted a report (No. 646) thereon.

Mr. NORBECK, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3439) to authorize the Secretary of Agriculture to acquire a herd of musk oxen for introduction into Alaska for experimentation with a view to their domestication and utilization in the Territory, reported it with an amendment and submitted a report (No. 647) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1794) establishing additional land offices in the States of Montana, Oregon, Idaho, and South Dakota, reported it with amendments and submitted a report (No. 648) thereon.

He also, from the same committee, to which was referred the bill (S. 3512) to authorize the taxation of certain interests in lands within reclamation projects, reported it without amendment and submitted a report (No. 649) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 838) to provide for cooperation by the Smithsonian Institution with State educational and scientific organizations in the United States for continuing ethnological researches on the American Indians, reported it without amendment and submitted a report (No. 650) thereon.

He also, from the same committee, to which was referred the bill (S. 3435) to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont., reported it with an amendment and submitted a report (No. 651) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 1191. An act to amend an act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes" (Rept. No. 652); and

S. 2979. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims" (Rept. No. 653).

Mr. PHIPPS, from the Committee on Appropriations, to which was referred the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, reported it with amendments and submitted a report (No. 654) thereon.

POTOMAC RIVER BRIDGE AT GREAT FALLS

Mr. SHEPPARD (for Mr. DALE), from the Committee on Commerce, to which was referred the bill (H. R. 9830) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls, reported it without amendment and submitted a report (No. 645) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. NORRIS subsequently said: Mr. President, I should like to inquire of the Senator from Texas [Mr. SHEPPARD] whether he reported the Great Falls bridge bill?

Mr. SHEPPARD. I reported the bill for the Senator from Vermont [Mr. DALE], who is temporarily absent. The Senator from Vermont is chairman of the subcommittee of the Committee on Commerce which deals with bridges.

Mr. NORRIS. I desire to offer an amendment to it.

Mr. SHEPPARD. The amendment may be offered and lie on the table.

Mr. NORRIS. What was done with the report?

Mr. SHEPPARD. The bill has been placed on the calendar with the report.

Mr. NORRIS. I am going away, to be gone for some time, so that I should like to offer the amendment and have it pending to the bill. I do not know whether I can do that technically or not.

Mr. SHEPPARD. Yes; that may be done by bringing the bill before the Senate.

Mr. NORRIS. So that when the bill is reached on the calendar the RECORD will show that the amendment is pending.

The VICE PRESIDENT. The bill can be taken up for that purpose.

Mr. NORRIS. All right. I shall be glad to have that done.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate House bill 9830, and by unanimous consent it is before the Senate as in Committee of the Whole.

Mr. NORRIS. I offer the amendment which I send to the desk, Mr. President. Then the bill can be laid aside.

The VICE PRESIDENT. The amendment will be received and will be pending.

Mr. NORRIS's amendment to House bill 9830 is to strike out all after the enacting clause and to insert:

SECTION 1. That the Secretary of War is hereby authorized and directed to construct all the dams and other necessary works for the development of hydroelectric power at Great Falls within the limitations of, and in accordance with, the recommendations made by Maj. M. C. Tyler in Senate Document No. 403, Sixty-sixth Congress, third session.

The Federal Water Power Commission is hereby authorized to make any modifications or changes in the plans of Major Tyler that in their judgment may be necessary to increase the maximum amount of hydroelectric energy that can be developed therefrom, and if any such changes or modifications are made the Secretary of War shall modify said plans accordingly and construct said works in accordance therewith.

SEC. 2. The dam provided for in the said Senate Document No. 403, Sixty-sixth Congress, third session, which is located at or near the District of Columbia line shall be first constructed and the plans of the said Major Tyler for the construcetion of said dam shall be modified so that there shall be constructed on said dam a roadway of similar design to the roadway constructed on Dam No. 2 at Muscle Shoals, Ala.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BINGHAM:

A bill (S. 3835) to authorize the Secretary of War to pay officers and men of Company G, Third Infantry, Hawaii National Guard, for armory drill during the period January 1, 1917, to June 30, 1917; to the Committee on Military Affairs.

By Mr. DILL:

A bill (S. 3836) granting a pension to C. L. Ford; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 3837) authorizing the West Kentucky Bridge & Transportation Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.; to the Committee on Commerce.

By Mr. SHORTRIDGE:

A bill (S. 3838) granting an increase of pension to Patrick J. Manning; to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 3839) for the relief of H. D. Winton; to the Committee on Claims.

A bill (S. 3840) to correct the military records of Sergt. William S. Risley, Corpl. James R. Allen, and Pvts. William H. Edwards, Lorenzo Edmunds, Ole Michelsen, Andrew J. Burk, Frederick N. Sorenson, Walter A. Fullerton, Harry Pierce, Hughy Wright, James H. Jensen, Ren Bryson, and John J. Kelly, who served in Company B, First Battalion, Nevada Volunteer Infantry, Spanish War; to the Committee on Military Affairs.

By Mr. ODDIE and Mr. PITTMAN:

A bill (S. 3841) to redesignate the Humboldt, Nevada, and Toiyabe National Forests, within the State of Nevada, as the Humboldt, Nevada, and Toiyabe Federal Grazing Reserves, to provide for their administration as such, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. WALSH of Massachusetts:

A bill (S. 3842) granting an increase of pension to Enerline M. Isaacs; to the Committee on Pensions.

By Mr. NORRIS (for Mr. HOWELL):

A bill (S. 3843) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3844) amending the "fraternal beneficial association" law for the District of Columbia as to payment of death benefits; to the Committee on the District of Columbia.

By Mr. NORBECK:

A bill (S. 3846) granting a pension to Martha King (with accompanying papers); and

A bill (S. 3847) granting a pension to Bowie G. Mills (with accompanying papers); to the Committee on Pensions.

By Mr. McMASTER:

A bill (S. 3848) creating the Mount Rushmore national memorial commission and defining its purposes and powers; to the Committee on the Library.

By Mr. MOSES:

A bill (S. 3849) granting an increase of pension to Hattie E. Hall (with accompanying papers); to the Committee on Pensions.

PRICE PREDICTIONS OF COTTON, CORN, ETC.

Mr. HEFLIN. Mr. President, on yesterday, when we were discussing the remarkable conduct of the Bureau of Economics in making a prediction as to the price of cotton, it was suggested in the debate by myself and other Senators that there ought to be an act specifically covering that offense, and seeking to prevent its recurrence in the future. I introduce a bill which I should like to have read—it is very short—and then referred to the proper committee.

The bill (S. 3845) to prohibit predictions with respect to cotton or grain prices in any report, bulletin, or other publication issued by any department or other establishment in the executive branch of the Government, was read the first time by its title, the second time at length, and referred to the Committee on Agriculture and Forestry, as follows:

Be it enacted, etc., That it shall be unlawful for any officer or employee of any department or other establishment in the executive branch of the Government to include, or cause to be included, in any report, bulletin, or other publication issued by such department or establishment, any prediction with respect to prices of cotton, corn (maize), wheat, rye, oats, barley, flaxseed, or other grain, or to cause to be published any such report, bulletin, or other publication containing any such prediction, or to authorize the publication of any statement or interview containing any such prediction which is based upon information received from official sources. Any such officer or employee who violates the provisions of this act shall, upon conviction thereof, be fined not less than $10,000 or imprisoned for not more than five years, or both.

FUNERAL EXPENSES OF THE LATE SENATOR FERRIS

Mr. COUZENS submitted the following resolution (S. Res. 185), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan, upon vouchers properly approved.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated below:

H. R. 279. An act to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867; to the Committee on Education and Labor.

H. R. 12407. An act to authorize the refund of visa fees in certain cases; to the Committee on Foreign Relations.

The VICE PRESIDENT. The morning business is closed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The morning business having been concluded, under the unanimous-consent agreement the Senate will proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 3 hours and 35 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 15 minutes p. m.) took a recess until to-morrow, Saturday, March 31, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 1928

MEMBERS OF FEDERAL RADIO COMMISSION

Ira E. Robinson.
Orestes H. Caldwell.
Harold A. Lafount.
Sam Pickard.

POSTMASTERS

ILLINOIS

William F. Lammers, Buckley.
James W. Scott, Monmouth.
Vern L. Shinneman, Weldon.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 30, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, we are standing upon the threshold of a new day; it has come to us without a blemish; it is ours for good or ill. May we greet it with a smile, with a heart full of gratitude, and with a trust in Thy Providence. Thou knowest how prone we are to falter. Thy strength and guidance can help us keep it spotless, so this day abide with us. Give us real power to forgive wrongs, to suffer woes, and to love and to bear. Subdue and mellow the flush of passion and bless us with unmeasured peace and wisdom. As we cherish the flower without the blight, so may we appreciate the virtues and the joys of checkered human life. O God, help us to be happy, contented, free, and fearless; then any wrong that beats against us shall be in vain. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 9020. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; and

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11577. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

The message further announced that the Senate had agreed to the reports of the Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryland road in Knox County, Tenn.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

"OUT IN ARIZONA"

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short poem by Mrs. Mayo, wife of Captain Mayo, entitled "Out in Arizona."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, under leave to extend my remarks in the RECORD I include a beautiful poem entitled

"Out in Arizona," written by Mrs. Aida Mayo, a brilliant woman and wife of Capt. Chester Mayo, of the Navy, which is as follows:

"OUT IN ARIZONA"

By Aida Mayo

Out in Arizona,
Where God is all the time,
And where you're right within yourself,
And all seems pure—sublime;
Where mountain peaks reach skyward
To kiss the azure blue,
And the Mariposa lilies are blowing kisses, too;
Where virile pines keep watching
Like sentinels of old
O'er the earth so warm—alluring
You, upon her bed of gold;
Where the Indian paint brush,
The columbine so fair,
The blue bell and the flame flower,
Spread a Persian carpet rare;
Where all the stars in all the world
Are set up in your sight
Like diamonds in a chiffon veil
That search your soul at night—
'Tis there you know you've found yourself,
And only this is strife,
And only there is happiness
And love, and God, and life;
That death can ne'er o'ertake you
Where everything's in tune
And the harmonies in nature
Wrap you round, until you soon
Are thrilled with a new something
You ne'er have known before,
Out there in Arizona
In that land of more and more.

THE WELCH BILL

Mr. BERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Welch salary bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. O'CONNELL. Reserving the right to object, on what subject?

Mr. BERGER. On the Welch bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. BERGER. Mr. Speaker and gentlemen, several weeks ago 2,000 or more Federal employees organized themselves into a sort of a "Coxey army" and marched up the Capitol steps to appeal to the committee on reform in the civil service to report favorably the so-called Welch bill, which amends the salary rates contained in the present compensation schedules, and which provides a minimum salary of $1,500 per annum for all Federal employees.

MANUFACTURERS NEED NO COXEY ARMY TACTICS

I thought it unfortunate, not that these employees adopted Coxey army tactics but that the treatment which they are receiving from the Government of the richest country on the face of the earth should have compelled them to resort to such spectacular tactics to make their plight known.

Had they been manufacturers, bankers, or merchants of the wealthier classes they would not have had to resort to such methods, and, I dare say, their chances of getting what they want would be infinitely better.

WELCH BILL COMES NEARER TO DECENT MINIMUM

The Welch bill will receive my support, and I hope that the committee which has it under consideration will report it favorably, so that the House may have an opportunity of expressing itself on this important measure.

It has my support not because it is all that it should be, but because it is better than what the Federal employees are now getting, and apparently the best that can be gotten at this time.

The minimum it sets, $1,500 a year, comes closer to what the minimum ought to be, and closer to what it will eventually have to be.

HOW MY MINIMUM SALARY WOULD WORK

I have introduced a bill making the "full minimum" $2,000 a year.

My idea is to make the entrance salary of a person of legal age $1,500, but providing for an automatic increase of $100 a year for a period of five years until the full minimum of $2,000 is reached.

Thus the employee, entering the Government service at the age of 21 will, on reaching the age of 26, when he might be in a position to assume the obligations of supporting a family, get a minimum salary of $2,000 a year.

FOR ONLY ONE PERSON IN IMMEDIATE FAMILY

Furthermore, I would provide that only one person in the immediate family of the employee should be eligible for a position in the Government service.

If the basis of the minimum wage is to be the minimum needs of a family, it would be fair to confine it to the head of the family, although either the man or the woman could have that position in the Government service. And either the man or the woman could supplement the earnings of the other by taking private employment if he or she were so inclined.

WELCH BILL DOES NOT REACH DECENT MINIMUM

The obligation of the Government is to pay a salary that will enable its employees to enjoy some of the comforts to which our American standard of living entitles them. Their present wage will not permit them to live in accordance with that standard if they get less than $1,500 a year—and many of them do.

Even the $1,500 proposed in the Welch bill as a minimum will not give them that standard, if they have a family to support. And many of them have no families because the wage they get will not permit them to marry.

BEST POLICY FOR GOVERNMENT

I want to deal with the Federal employee justly for several reasons:

In the first place, I want the Government to be a model employer, to set the pace for private employers to follow, and not to bring down the standards so as to justify private employers in paying their employees starvation wages. I believe that it would prove to be best, not only for the worker, but also for the Government.

UP TO CONGRESS TO DO THE FAIR THING

In the second place, workers in private employment can enforce, or can at least make an attempt to enforce, their claims for better working conditions and a higher standard of living through their labor organizations. If they fail to do so, they can only blame themselves, since they can use all the weapons of a trade-union.

Federal employees have no such method at their command. They must rely on our sense of justice, and when we fail to perceive our duty clearly enough all they can do is adopt Coxey army tactics.

That being the case, an obligation is imposed upon us to find out what is their minimum need and give them that minimum.

THE BUDGET OF THE LABOR BUREAU

It does not require a detailed study of present living costs to show that no person can support himself and a family on less than $1,500 a year.

The Bureau of Labor Statistics recently prepared a budget, which represented the cost of "a minimum of health and decency," for a family of five. The average cost of this budget in 1926 was found to be $2,432.69.

That budget does not allow for any luxuries. It allows practically nothing for such emergencies as sickness. Little or next to nothing is allowed for vacations. In other words, that budget allows just enough for an existence.

It seems to me that the least we can do is give the Federal employees that low minimum.

GENEROUS WITH OUR "ALLIES" AND OUR CRUISERS

Our Government is usually generous. It has canceled billions of dollars due us from European powers—and did so with less discussion and concern than it manifests over the proposed increase in the salaries of Federal employees. Here we are told that the matter will require some more months of further study.

We have recently passed a naval program, by the terms of which we will spend about $300,000,000 for cruisers that will be useless for all practical purposes before their construction is completed.

AND EVEN MORE GENEROUS WITH PLUTOCRATS

What is more, we have been generous every time we met in reducing the income taxes of the rich. The Harding-Coolidge administrations have turned back about $3,000,000,000—three thousand million dollars—not to the workers, who do not earn enough to live right, much less pay an income tax—not to the Government employee, who must skimp every day of the year to make both ends meet; but to the superwealthy, the men and women who already have more than they know what to do with.

But the additional $60,000,000 for the Federal employees will require some more months of study.

In the present session the House voted to turn back $225,000,000 to the wealthy. Our Democratic friends felt that this was not enough—that $400,000,000 ought to be turned back.

And the manufacturers and business men of the Nation got what they were after in this House without marching up and down the Capitol steps. The revenue bill was disposed of in five hours general debate, but better conditions of the Federal employees by a few dollars annually demands many months of additional study.

WILL BE THE BEST POLICY FOR THE COUNTRY

It is estimated that if we enact the Welch bill it will add about $60,000,000 annually to the Government pay roll. That is not so much when we stop to think of some of the other things we have done in this session and in other sessions while the Federal employees continued to struggle.

Let us, for a change, help lift some of the burdens off the shoulders of the poorer class of our population. There will still be enough left to turn back to the wealthy some of their income tax.

And thousands of men and women who now have to deny themselves the ordinary comforts of life and rear their families under conditions that are deplorable will be made happier. In the end this will prove to be the best economy.

THE PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, in the consideration of the Private Calendar to-day I ask unanimous consent that the bills be considered in the House as in Committee of the Whole, that the call begin at the star, and that only unobjected bills be considered.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that in the consideration of the Private Calendar to-day the bills shall be considered in the House as in Committee of the Whole, and that the call shall begin at the star, and only unobjected bills shall be considered. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. CULLEN. Mr. Speaker, I ask unanimous consent that on next Monday, after the reading of the Journal and the disposal of business on the Speaker's table, my colleague Mr. CELLER be permitted to address the House for 10 minutes.

Mr. TILSON. Would not the gentleman be willing to make that request for some other day?

The SPEAKER. The Chair would prefer not to recognize the gentleman on Monday.

Mr. CULLEN. Then make it Tuesday.

The SPEAKER. The gentleman from New York asks unanimous consent that his colleague [Mr. CELLER] on Tuesday morning, after the reading of the Journal and the disposal of business on the Speaker's table, may address the House for 10 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that on Tuesday, after the reading of the Journal and the consideration of matters on the Speaker's table, following the address of the gentleman from New York [Mr. CELLER], I may be permitted to address the House on the national defense for 30 minutes.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that on Tuesday, after the reading of the Journal and the disposal of business on the Speaker's table, following the address of the gentleman from New York [Mr. CELLER], he may by special order be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. HUDSON. Mr. Speaker, I ask unanimous consent that on to-morrow, Saturday, immediately after the reading of the Journal and the disposal of business on the Speaker's desk, I may address the House for 20 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that to-morrow, immediately after the reading of the Journal and the disposal of business on the Speaker's table, he may address the House for 20 minutes. Is there objection?

Mr. SNELL. On what subject?

Mr. HUDSON. On the use of denaturants.

The SPEAKER. Is there objection?

Mr. SNELL. To-morrow we have a long day, with four hours' debate on the import rubber bill. I wish the gentleman would select another day.

Mr. HUDSON. Then, say, on Tuesday.

The SPEAKER. The gentleman modifies his request and asks that on Tuesday next he may be permitted to address the House for 20 minutes after the reading of the Journal and the disposal of business on the Speaker's table, following the address of the gentleman from South Dakota [Mr. JOHNSON]. Is there objection?

There was no objection.

MUSCLE SHOALS

Mr. FROTHINGHAM. Mr. Speaker, I ask unanimous consent that those of us who disagree may put in minority views on the Muscle Shoals bill, H. R. 12448, from the Committee on Military Affairs, and be given five legislative days in which to do so.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GARNER of Texas. I understand, then, that the Muscle Shoals bill will not be brought up within the five-day limit. If we give unanimous consent to the filing of minority views within five legislative days, it will not be expected that the bill will be considered within five days?

Mr. TILSON. It is not expected within five days.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent that I may have five legislative days in which to file minority views on the bill H. R. 12448, relating to Muscle Shoals.

The SPEAKER. Is there objection?

There was no objection.

NO QUORUM—A CALL OF THE HOUSE

Mr. CHINDBLOM. Mr. Speaker, there is a matter coming to the attention of the House this morning upon which the members of the Committee on Ways and Means think there should be a full attendance. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 62]

Andresen	Dempsey	Kemp	Pratt
Anthony	Dickstein	Kent	Quayle
Ayres	Douglas, Ariz.	Kiess	Ragon
Bankhead	Doyle	Kindred	Rainey
Beck, Pa.	Drewry	Kunz	Rathbone
Beedy	England	Kurtz	Rayburn
Beers	Englebright	Lampert	Robsion, Ky.
Begg	Eslick	Langley	Sanders, N. Y.
Bohn	Fort	Larsen	Selvig
Boles	Foss	Lehlbach	Shreve
Bowles	Frear	Lindsay	Sproul, Ill.
Brand, Ga.	Gallivan	Lozier	Stedman
Brand, Ohio	Garrett, Tenn.	McFadden	Stevenson
Britten	Golder	McLaughlin	Stobbs
Browne	Goldsborough	McSwain	Strong, Pa.
Burdick	Graham	Madden	Strother
Bushong	Hale	Manlove	Sullivan
Campbell	Harrison	Mead	Taber
Canfield	Haugen	Michaelson	Tatgenhorst
Carley	Hersey	Moore, N. J.	Updike
Chase	Hoch	Moore, Ohio	Vinson, Ga.
Cohen	Hogg	Morin	Ware
Cole, Md.	Holaday	Nelson, Me.	White, Me.
Connally, Tex.	Hooper	Norton, N. J.	Wingo
Connolly, Pa.	Hope	O'Connor, La.	Wood
Cooper, Ohio	Houston	O'Connor, N. Y.	Woodruff
Cooper, Wis.	Igoe	Oliver, N. Y.	Yates
Crisp	Irwin	Palmer	Yon
Curry	Jacobstein	Palmisano	
Darrow	Johnson, Wash.	Peavey	
Davey	Kearns	Perkins	

The SPEAKER. Three hundred and twelve Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

WHY REPRESENTATIVE SWICK DID NOT VOTE ON THE HOWARD UNIVERSITY BILL

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for a half minute.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to proceed for a half minute. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, on the roll call yesterday on the Howard University bill, I find that Doctor SWICK is reported as not voting. I want to say that Doctor SWICK was in attendance on a sick colleague in the lobby at the time, and had he been here he would have voted "yea."

RESIGNATION OF HON. WILLIAM R. GREEN

The SPEAKER. The Chair very regretfully lays before the House the following communication.

The Clerk read the communication, as follows:

MARCH 30, 1928.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Herewith I hand you for presentation to the House copy of a letter which I have sent to the Governor of the State of Iowa tendering my resignation as a Member of this House, to take effect on the 31st of this month. The receipt of this resignation has been duly acknowledged by the governor.

Respectfully yours,

WM. R. GREEN.

MARCH 26, 1928.

Hon. JOHN HAMMILL,

Governor of Iowa.

MY DEAR GOVERNOR: I hereby tender my resignation as Representative in Congress from the ninth district of Iowa, to take effect March 31, 1928.

Very truly yours,

WM. R. GREEN.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Oregon asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker and gentlemen of the House, WILLIAM RAYMOND GREEN is the forty-third chairman of the Committee on Ways and Means in a period of 139 years, and the fourth to serve for more than two Congresses in this office. He served on the committee under three preceding chairmen—Underwood, Kitchin, and Fordney—for a period of 10 years, during which he participated in the preparation of two revenue acts, two tariff acts, the adjusted compensation act, and many others. Prior to his entrance into Congress he was a lawyer for 29 years, during 17 of which he served as judge of the fifteenth judicial district of Iowa. Since the matters that come before the Committee on Ways and Means consist of mixed questions of law and fact, both by training and experience he was qualified in an unusual degree for the chairmanship. His services have justified his election.

He took the chairmanship in a critical period of its history. The country was overburdened with taxation. By a program of biennial revenue acts, great reductions have been effected in taxes and the burden is in the process of fair distribution. The settlement of the debts owing by our associates in the World War involved immense sums of money and corresponding difficulties. The return of alien properties seized during the war and provision for the payment of the claims of our nationals and of those of our former opponents required wisdom and discretion. There were also many other questions of the first importance, including amendments to the adjusted compensation act. These matters affected not only the welfare of our people in their entirety but our international relations as well. They involved our national honor and good faith. Many of them were new in our history and necessitated the development of new policies.

The authority to propose legislation required for the solution of such questions is invested in the Committee on Ways and Means. The chairman is held in a large degree responsible for the wisdom, sufficiency, and advisability of the legislation proposed. Judge GREEN proved equal to the demands of the hour. His abilities as a lawyer and strong natural grasp of complicated tax legislation, as well as of the other questions, have been of the greatest importance to the committee, the Congress, and the country. Judge GREEN has the rare gift of finding the common ground in disputed matters and of proposing solutions that will accomplish the results desired. This has been illustrated many times in the consideration of revenue bills, the legislation for the return of the alien property, and in the amendments to the adjusted compensation act. He also has the faculty for getting things done. By the use of the opportunities for leadership afforded by the chairmanship and by tireless industry, well-informed and clear thinking, and by insistence upon prudent legislation he has notably assisted in the restoration of normal conditions. Each succeeding year has seen a steady and growing prosperity.

He is expert in tax legislation. In 1925 he traveled extensively in Europe, conferring with the chancelleries of the great nations and with those having legislative control of their finances, that he might have more accurate and definite understanding of their solutions of problems similar to our own. The information so gained and the sound conclusions derived by him therefrom have been of very great advantage to us.

The chairmanship of Ways and Means is a noble fellowship. Its roll contains some of the most honored names in American public life. To mention only those of comparatively recent years, there are Dingley, of Maine; McKinley, of Ohio, afterwards President of the United States; Payne, of New York; Underwood, of Alabama; Kitchin, of North Carolina; Fordney, of Michigan; and GREEN, of Iowa [applause]—leaders of their day, who have left upon the public mind a memory of irreproachable service. The legislation enacted under their leadership affected the private interests and public welfare of our growing millions. It is to the glory of the Republic that no question was ever raised as to their private integrity, their public honor, or their incorruptible manhood. [Applause.] The high traditions of this fellowship has been maintained and enhanced by the achievements of its latest member, Judge GREEN. Historians must record his services and the important legislation that bears his name or was prepared under his direction with generous commendation when writing the story of the recent years.

Judge GREEN was elected as chairman of the Joint Committee on Internal Revenue Taxation created by the revenue act of 1926, and the organization and conduct of its work was intrusted to him. With wisdom and discretion he selected the personnel of its staff and so directed their activities that most essential assistance was given in the preparation of the pending revenue bill and valuable and timely information concerning the revenue laws and their administration was furnished to the Congress and the country.

On February 20, 1928, the President of the United States nominated him for appointment as judge of the United States Court of Claims, and on March 12 the Senate confirmed his appointment. He now retires from the Congress of his own volition to return to that public service which claimed the activities of his earlier manhood. His ripened judgment, legal attainments, and legislative experience will make his service as a member of the national judiciary of very great value.

I voice to-day the praise of a man whose important services have added to the comforts and increased the prosperity of our people and sustained the honor of our country at home and abroad.

The House regrets the voluntary retirement of a Member whose distinguished abilities, good comradeship, and unceasing devotion to a great task have largely contributed to its record of good work well done. In addition to these qualities of mind and heart, his kindly courtesy, generous consideration of others, courage, and intellectual integrity have earned for him, irrespective of party affiliation, our highest esteem and enduring affection. He can read his title clear to that highest of all encomiums of faithful and effective public servant. He has won a memorable place in the honorable ranks of those who have worthily served their country's needs. [Applause.]

I append the list of the chairmen of the Committee on Ways and Means since the beginning of the Government of the United States under the Constitution. It is furnished from a source which I believe reliable. In the 139 years there have been 43 chairmen. Sereno E. Payne, of New York, was chairman during six Congresses; Thomas Fitzsimmons, of Pennsylvania, William M. Morrison, of Illinois, and WILLIAM R. GREEN during three Congresses; 17 served during two Congresses and 22 during one Congress.

Chairmen of the Ways and Means Committee, House of Representatives

Congress	Year	Name	State
First	1789	Thomas Fitzsimons	Pennsylvania.
Second	1791	do	Do.
Third	1793	do	Do.
Fourth	1795	William Smith	South Carolina.
Fifth	1797	Robert G. Harper	Do.
Sixth	1799	Roger Griswold	Connecticut.
Seventh	1801	John Randolph	Virginia.
Eighth	1803	do	Do.
Ninth	1805	Joseph Clay	Pennsylvania.
Tenth	1807	George W. Campbell	Tennessee.
Eleventh	1809	John W. Eppes	Virginia.
Twelfth	1811	Langdon Cheves	South Carolina.
Thirteenth	1813	John W. Eppes	Virginia.
Fourteenth	1815	William Lowndes	South Carolina.
Fifteenth	1817	do	Do.
Sixteenth	1819	Samuel Smith	Maryland.
Seventeenth	1821	do	Do.
Eighteenth	1823	Louis McLane	Delaware.
Nineteenth	1825	do	Do.
Twentieth	1827	George McDuffie	South Carolina.
Twenty-first	1829	do	Do.
Twenty-second	1831	Gulian C. Verplanck	New York.
Twenty-third	1833	James K. Polk	Tennessee.
Twenty-fourth	1835	C. C. Cambreleng	New York.
Twenty-fifth	1837	do	Do.
Twenty-sixth	1839	John W. Jones	Virginia.
Twenty-seventh	1841	Millard Fillmore	New York.

Chairmen of the Ways and Means Committee, House of Representatives—Continued

Congress	Year	Name	State
Twenty-eighth	1843	James J. McKay	North Carolina.
Twenty-ninth	1845	do	Do.
Thirtieth	1847	Samuel F. Vinton	Ohio.
Thirty-first	1849	Thomas H. Bayly	Virginia.
Thirty-second	1851	George S. Houston	Alabama.
Thirty-third	1853	do	Do.
Thirty-fourth	1855	Lewis D. Campbell	Ohio.
Thirty-fifth	1857	J. Glancy Jones	Pennsylvania.
		John S. Phelps	Missouri.
Thirty-sixth	1859	John Sherman	Ohio.
Thirty-seventh	1861	Thaddeus Stevens	Pennsylvania.
Thirty-eighth	1863	do	Do.
Thirty-ninth	1865	Justin S. Morrill	Vermont.
Fortieth	1867	Robert C. Schenck	Ohio.
Forty-first	1869	do	Do.
Forty-second	1871	Henry L. Dawes	Massachusetts.
Forty-third	1873	do	Do.
Forty-fourth	1875	William R. Morrison	Illinois.
Forty-fifth	1877	Fernando Wood	New York.
Forty-sixth	1879	do	Do.
Forty-seventh	1881	William D. Kelley	Pennsylvania.
Forty-eighth	1883	William R. Morrison	Illinois.
Forty-ninth	1885	do	Do.
Fiftieth	1887	Roger Q. Mills	Texas.
Fifty-first	1889	William McKinley	Ohio.
Fifty-second	1891	William M. Springer	Illinois.
Fifty-third	1893	William L. Wilson	West Virginia.
Fifty-fourth	1895	Nelson Dingley, jr	Maine.
Fifty-fifth	1897	do	Do.
Fifty-sixth	1899	Sereno E. Payne	New York.
Fifty-seventh	1901	do	Do.
Fifty-eighth	1903	do	Do.
Fifty-ninth	1905	do	Do.
Sixtieth	1907	do	Do.
Sixty-first	1909	do	Do.
Sixty-second	1911	Oscar W. Underwood	Alabama.
Sixty-third	1913	do	Do.
Sixty-fourth	1915	Claude Kitchin	North Carolina.
Sixty-fifth	1917	do	Do.
Sixty-sixth	1919	Jos. W. Fordney	Michigan.
Sixty-seventh	1921	do	Do.
Sixty-eighth	1923	William R. Green	Iowa.
Sixty-ninth	1925	do	Do.
Seventieth	1927	do	Do.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to address the House for five minutes. [Applause.]

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GARNER of Texas. Mr. Speaker and Members of the House of Representatives, the minority leader, Mr. GARRETT of Tennessee, is not present to-day. I want to say in his behalf that if he were here he would concur in what the gentleman from Oregon has said concerning Mr. GREEN and in the other good things that others may say about him. I have heard Mr. GARRETT express himself about Mr. GREEN, and I know I speak for him when I say he greatly respects him and gives him his greatest wishes on his journey through life.

Mr. Speaker, speaking of the chairmanship of the Ways and Means Committee of the House of Representatives, I think it is the most effective office for the American people outside of the Presidency. [Applause.] I say frankly that if you will take the chairmanship of the Ways and Means Committee and put it in the hands of a man who will not serve his country as faithfully, as loyally, and as patriotically as he should, the economic conditions of the country would suffer and no one could foretell what they would be. I repeat that it is one of the most important places in our political life, especially our economic political life, and I would rather hold it, speaking for myself, than any other place outside of the place of all places, the Presidency of the United States.

Speaking of Mr. GREEN, I believe I express the sentiment of every Member of this House when I say that we, one and all, believe in the honesty of BILL GREEN. [Applause.] When I leave the House of Representatives, of all things I would rather have it said of me that "We respected him; we believe he was honest; and we believe he did his duty to the best of his ability." That can be said about BILL GREEN. [Applause.]

He and I have had our little differences here. We have not always agreed; but that is a natural thing. When two men have disagreements, both temperamentally constituted like the gentleman from Iowa and myself, especially myself, we are likely to express our differences in the most forceful way we can, and on my part sometimes more forcefully than possibly I should; but there has never been a time—and I am sure the gentleman from Iowa will realize it—that in our contests in this arena I did not have respect for his honesty of purpose and his patriotism. [Applause.] It is the most natural thing, after all, for men to have differences in judgment; but as long as we are patriotic, as long as we love our country, and as long as we are doing the best we can with the lights before us no man has the right to criticize more than our judgment.

Mr. GREEN'S heart, gentlemen, is in the right place in legislation. It is with the masses of the people. [Applause.] Take the legislation he has brought forth and take the recommendations that have been made to him about legislation and you will find out where BILL GREEN stands, and where his intellect and his heart was. He has always favored legislation that had for its purpose the taxing of people according to their ability to pay and not according to their necessities. [Applause.] If it had not been for him, in my judgment, the surtaxes at the present time would not be what they are. Neither would some other taxes be on the statute books at the present time if it had not been for Mr. GREEN. [Applause.]

I congratulate the bench on getting your services, sir. I regret the loss of your services here, but if I had been in your place I think I would have done the same thing. I would have accepted this nomination. You have reached three score and ten years of age. This arena is no place for a man to carry the banner who has reached such years unless it is in an advisory capacity. I say this with all respect to my ancient friends, because I am getting along myself. [Laughter and applause.] I congratulate you and I do not question your motives in accepting this position, because they are noble and you are going back to your first ambition.

As to the purpose for which you were given this place, at some future and more appropriate time we may discuss that, but for you there is nothing but the highest than can be said. You will make a just judge. You have made a courteous, fine chairman. [Applause.] I only wish that every one will hold his temper, as chairman of the committee, as well as you have controlled yours. If some others I know of were in that position I doubt if they could control their tempers as well as you have.

Mr. Speaker, I think a great deal of Mr. GREEN personally. I only hope, and I hope intensely, that my relations with the future chairmen of the committee will be as pleasant as they have been with Mr. GREEN. I have every reason to expect and believe this, because I have great respect for the one I understand is to be the next chairman of the committee, the gentleman from Oregon [Mr. HAWLEY]. [Applause.]

Mr. Speaker, in conclusion let me say I speak the sentiment of every Member of this House, Democrat and Republican, when I say that when the gentleman from Iowa leaves these portals to-morrow we wish him long life, we wish him good health, we wish him contentment and much happiness. [Applause, the Members rising.]

Mr. COLE of Iowa. Mr. Speaker, ladies, and gentlemen, in behalf of the Members from Iowa, Mr. GREEN'S immediate colleagues, I want to thank the majority and the minority leaders of the Ways and Means Committee for the kind things they have said about our colleague. We know they are all true, for we have known Mr. GREEN the longest and the most intimately.

This occasion is for us, his colleagues from Iowa, one fraught with pleasure and yet tinged with regret. We are pleased because our colleague at the end of his services in this House is receiving the praise of all without regard to past or party differences. It is a recognition we would covet not only for him but for his State. We have regrets that are akin to personal sorrows because he will meet here with us no more in this great national forum and because he will be more absent from us in the State where we have known him so long.

I think I have always known Mr. GREEN; at least, I am not conscious of a time when I did not know him. He has always been honored in his home State. As has already been said, he served for 17 years on the district bench and his services in that capacity were faithful, intelligent, and diligent. [Applause.] For an equal number of years he has served in the House of Representatives and what those services have been and how highly they have been esteemed by those most closely associated with him on the Ways and Means Committee we have already been told by the gentleman from Oregon [Mr. HAWLEY] and the gentleman from Texas [Mr. GARNER]. It is in the committee rooms that men are most accurately measured. It is there that they are most tested and the approval that they receive there is generally the approval of the whole House.

We honor Mr. GREEN in Iowa beyond words that I can use to express it. He has brought to our State its second highest honor in the House of Representatives. The first honor belongs to the late Col. David B. Henderson, who attained the Speakership. The chairmanship of the Ways and Means Committee, which our colleague has held so long and so well, is, I think, easily the second honor that has fallen to our State in this House.

But best of all, ladies and gentlemen, is the consciousness that all the services which Mr. GREEN has rendered here to his State and to his Nation have been entirely and always for the public good. [Applause.]

A public career of 34 years is an honor to any man. No one can weather the political storms of so many years unless he has inherent merit in him. No one can retain the confidence of the people through so many political changes and vicissitudes unless he has the capacity for meritorious service. Mr. GREEN has withstood all those tests and he has survived all those storms and vicissitudes.

We are glad that our colleague is not retiring from public services. He is simply transferring them to the calling in which he first won distinction. He will work in surroundings more congenial and more in harmony with the years that are coming upon him than he could possibly find in this too-often turbulent body.

Mr. GREEN, I want to assure you, on behalf of your colleagues from Iowa, that it is with regret we part with you in this House. We shall miss you here where so many of us have so often sought your counsel and advice. We shall miss you in the old home State. I want to assure you also that you have now at this parting, as you have had through all the years, the esteem and the love of those who have been associated with you in official life both in Iowa and here in the House of Representatives. We wish you well in the new duties which you will undertake. We hope that the years of your life may be many more and that they may be happy years. And however many, we know that in your life and in all your work you will continue to honor your State. [Applause.]

Mr. OLDFIELD. Mr. Speaker and gentlemen of the House, while we all very much regret to lose Mr. GREEN as our chairman, we are all delighted that he has such a splendid position and one where he will feel so much at home. He was a judge on the circuit bench of the State of Iowa before he came to Congress. I know he will make a splendid judge. Mr. GARNER has told you, and properly, that Judge GREEN's heart is in the right place. There can be no question about this. Of course, I have not always agreed with Judge GREEN, but there has been no bitterness in any contest in which Judge GREEN and myself, or any other Democrat for that matter, have engaged. The fact is, I think if Judge GREEN lived down in my country he would be a splendid Democrat [laughter], because he certainly has done everything in his power to write a just taxation measure at every opportunity he has had, and he is one of the very few Republicans I know who, I believe, would do that if they were in his position. [Laughter.]

As I have said, of course, we do not always agree. If I agreed with any Republican about everything I would be suspicious about myself. [Laughter.] But we really love Judge GREEN. He is a wonderful companion. He has been most courteous and kind to every member of the committee. He has had quite a burden to carry. I do not think there is any Member of this House who fought more courageously against the powers that be not only in his own administration but the powers that be in his own State on the estate-tax proposition. [Applause.] They sent a great delegation to Washington from both the State of Iowa and the State of Texas, and I have always believed they did this for the purpose of embarrassing and for the purpose of forcing Judge GREEN and JACK GARNER to do that which they knew they should not do—support the repeal of the estate-tax provision. The delegations from these two States filled our committee room, and be it said to the honor of Judge GREEN and JACK GARNER that they never wavered, they never flinched, they never flickered on any proposition that in their hearts they believed in. [Applause.]

The Ways and Means Committee is a great committee, and I think the chairmanship of that committee is one of the most powerful influences in our Government. We have had some wonderful chairmen. Uncle Joe Fordney was a wonderful chairman. I served under him, and I served under Claude Kitchin, one of the ablest men I ever have known and the greatest debater I ever saw on the floor of the House.

So we have been very fortunate, and I think we are fortunate that we are going to have an able gentleman to take Judge GREEN's place. [Applause.]

When the Democrats come into power again, which I hope will be in the near future, we will furnish also some able gentlemen, some one whom the Republican side of the Ways and Means Committee can also love as chairman of that committee.

Now, we wish Judge GREEN all the luck, all the pleasure, all the joy that comes to the office to which he is going to-morrow. We regret to see him go, and yet we are proud to see him honored by his President and his administration. [Applause.]

Mr. BURTON. Mr. Speaker, there is one thought that has been expressed here to-day with which I can not agree, and that is the intimation that after a person reaches the age of 70 years he should be here merely in an advisory capacity [laughter]; that after that period he must go on his way with a degree of stillness and with a voice very much moderated.

Whether we be old or young, it is the future that has the greatest significance for us, even though we be near to the twilight hour. I must say for Judge GREEN and myself that we do not agree with the intimation expressed. [Laughter.] Now, there is something pathetic whenever a Member leaves this House. It means the partial breaking away from friendships, from long associations; it means the end of service in this great forum. But how beautiful it is when such a tribute can be paid as has been rendered to-day by Republicans and Democrats alike to Judge GREEN, of Iowa. It means that, however intense their partisanship may be in politics, there is deep down a respect for every Member—for his honesty, his sincerity, and earnestness in public service, whatever his political views may be. Indeed, this must be so, for we could not have a House of Representatives in which all are cast in the same mold, in which all have the same views. Whence would there be progress if such were the case?

I can not add to the eulogy of Judge GREEN's services. He has brought in here three revenue bills, something more than a dozen settlements of foreign debts, and I would especially mention his most excellent management of the alien property bill, a measure which will have an influence far beyond our own border in that it speaks for peace and good will for one of the great nations of Europe, a nation with whose government and sovereign we were in a bitter war not long ago.

Judge GREEN, we are loath to say to you, "Farewell." When you have been invested with the new position we shall often think of you, and we hope that you will think of us—that your thoughts will turn to those here who have been your friends and who always will be your friends. We wish for you, in the new position which you are to take, success and efficiency, and we wish for you personally the richest blessings of health and of long life. [Applause.]

Mr. MOORE of Virginia. Mr. Speaker, I had not intended to say a word, but it is perhaps not out of place that a Member of the minority outside of the radiant circle of the Committee on Ways and Means should take the opportunity to express his very great interest in this occasion and unite in what has been said about the gentleman who is on the point of terminating his service as a Member of the House. Now and then we encounter individuals who seem to diminish in importance the more we see of them; but now and then we encounter individuals of whom exactly the contrary is the case, and the latter is true with reference to our colleague, so far as I am concerned. [Applause.]

After all, of course, the personal qualities constituting character are the qualities which count for most. Those qualities are summed up in one term when it is literally applied and interpreted, and that is the term "gentleman"; and we can all say who know our friend that he has worn and wears without reproach "the grand old name of gentleman." [Applause.]

We are now reversing the sentiment of the Mark Antony pointment, usually describing such appointment as political. plause.] We could not under any circumstances come to say about our friend—

> The evil that men do lives after them;
> The good is oft interred with their bones—

because in his attitude and purposes there has been no evil, and only good. [Applause.]

One fact prompting me to say anything is that my own State of Virginia has given to the great office which Mr. GREEN has filled several distinguished men, among them the father of my colleague, Mr. TUCKER [applause], and I am glad to believe that the Iowa Representative has measured up to the high standard to which those Virginians conformed. [Applause.]

He now goes upon the bench. We have sometimes known those in the ranks of the judiciary who were under just criticism; but it is safe to say that he will never be under any deserved adverse criticism. [Applause.] I have not the slightest misgivings that our friend in his service on the bench will measure up to the example and to the conception of the greatest official whom the State of Virginia or any State has given to the Judiciary Department, John Marshall, and enjoy an honorable career as an able, incorruptible, industrious, patient, and therefore satisfactory judge. [Applause.]

Mr. TILSON. Mr. Speaker, as one who served with Judge GREEN and under him as a member of the committee of which he

was chairman, and also in the relationship of majority leader to the chairman of a great committee, I wish to say a few words before Judge GREEN leaves this body. Others have spoken of his services in this body, and I shall not attempt to enlarge upon what they have said. What I shall say will be for the most part in regard to the qualifications for the work to which he is going, which his native ability and his services here give him for that position.

Judge GREEN was on the bench for 17 years before he came here, having been transferred by the people from the bench to this forum. He has now served for more than a third of a century in these two capacities. By his own volition he now goes back to his first love, the bench.

Mr. Speaker, in my judgment, the services that he has rendered here in the House fit him most preeminently for the work that he is to take up. There is a cult scattered pretty generally throughout the country who try to make people believe that a man who has served in political office is thereafter unfitted for the judicial ermine. Some headway has been made in that direction, so that when one who has served in other public office is appointed to the bench we have those who criticize the appointment, usually describing such appointment as political. Yet the history of our Federal bench, including the Supreme Court and the other courts of our country, disproves such a contention.

Men who have served their country in a legislative capacity such as Judge GREEN has, a political forum, if you will, have had the benefit of broadening influences that can not be gained in any other way. If I were called upon to make the selection of judges and had it within my power to do so, I would give high credit to services of that kind in making up my mind as to the probable fitness of a man for judicial work.

I regard the work done here by Judge GREEN in formulating and debating legislative propositions and in the thorough scrutiny and dissection of the bills that he has had to consider here in the House as of incalculable benefit to him in the work that he is about to take up. He will go from this forum and begin his new work not as a novice, but one who has had the benefit of a wide and broadening experience, which has eminently fitted him for the duties that he is to perform hereafter. The country is to be congratulated upon having in this important position the services of a man so well qualified, ripened in judgment as well as mature in years. I hope that he may serve on the bench to which he is going a term equal in length, as I am sure it will be in usefulness, to that served heretofore on the bench and equal to the period he has served here in this House. [Applause.] I know that I voice the wishes of both sides of the House when I say that we wish him Godspeed, good health, and a long and happy service in the distinguished position to which he is going. [Applause.]

Mr. TREADWAY. Mr. Speaker, after the remarks that have been made by my colleagues, relative to the services of Judge GREEN as a Member of this House, and as chairman of the great Committee on Ways and Means, there remains nothing that I can add. It has been my privilege to serve with Judge GREEN as a member of that committee for 10 years, and under him during his period as chairman. In all that time we have found him eminently fair, showing judicial temperament, both in the handling of the committee and in the character of the testimony presented to it. Frequently we hear Members of Congress referred to in a derogatory and perhaps in a derisive manner. I think the nomination of our colleague to this high position on the bench is a direct contradiction of such statements as that. I say that every Member of the House to-day can consider himself complimented in that the President of the United States has seen fit to select one of our Members for one of the highest judicial positions in the country. It shows that public service here is merited and sometimes rewarded. We Members may regard our positions on a higher plane as a result of this very proper appointment.

It has been said that Judge GREEN would not have received this honor had he not been in public life. Very likely that is true, because having distinguished himself for a period of 17 years by his service in this House, his qualifications for promotion in another line of public service were made perfectly apparent.

Judge GREEN, the Ways and Means Committee will miss your guiding hand. In order to accustom ourselves in a slight degree to our loss, a few days ago it was suggested that we have a meeting of the Committee on Ways and Means without your presence, and under the leadership of our incoming chairman. We did not want to unduly burden the future incumbent, the gentleman from Oregon [Mr. HAWLEY], with too extensive labors at that first meeting, and so there was but one subject of business brought up. It was the unanimous, spontaneous, and nonpartisan view of the assembled committeemen that we wish you to take with you to your new position some evidence of our regard and appreciation. One of the requisites of a good judge is punctuality. Therefore we felt that as you assume your judicial position you ought to have a reliable timepiece, "made in America." [Applause.] I consider it a very great honor and privilege in behalf of the 24 remaining members of the Committee on Ways and Means, after your resignation, to present to you this slight token of our esteem and appreciation, and to assure you of our best wishes for your future success. We ask you to wear this timepiece, with chain attached, as a daily reminder of our association with you and as a memento of the love and appreciation of your colleagues of the Committee on Ways and Means. Your monogram is engraved on the outside and it bears within the case the following inscription: "Hon. WILLIAM R. GREEN. From his associates, Committee on Ways and Means, Seventieth Congress. March 30, 1928." [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, as the day approaches when I shall sever my connection with this House I find it is no easy task. It makes a pull at the heartstrings.

I came here before the Great War, passed through all its exciting years, and have remained until the normal conditions of peace have been with us for some years. History will write large the record of Congresses that raised $40,000,000,000, sent across the broad ocean 2,000,000 men, and had another 2,000,000 ready to go. Nor will it soon forget the Congresses that, after the termination of the greatest war ever known, have successfully brought the country back to a condition of peace with all nations and a prosperity seldom before seen. In this epoch-making period our country has become a world power, one of the greatest, if not the greatest, in the galaxy of nations. Those who have served here during any part of this era, or are serving now, have a right to be proud of the record of this House during all of this period and I rejoice that I have been able to take a part in it.

I know there are some who, for the sake of a few cents a line, are continually trying to depreciate Congress. There is nothing new in this. It has been the case from the beginning of our Government, and in fact ever since legislative assemblies have been founded, and always will be. There are always those who are incapable of construction or leadership themselves who fancy themselves capable to criticize those who lead in action. Then, too, there will be honest differences of opinion as to governmental policies. Every citizen has a right to criticize Congress, and proper criticism will often be helpful. But there is another class of critics who distort or misrepresent the acts of Congress, whom I wish might some time run for a place here in order that they might learn what the people of their districts think of them. [Applause.] I do not know of any of these who would not be glad to be here if they could get the votes. There is no system of government that is not subject to human frailties, but those who attack our system are met with an irrefutable argument in the unrivaled advancement of our Nation, whose affairs are directed by Congress.

The Members of this House belong to a body which shapes the destiny of a great Nation. Nowhere else are affairs of such supreme importance determined as by the House, which represents 110,000,000 people living in a land whose resources are incalculable and education most widely diffused. The mere membership in this House is an honor, and I value it most highly.

There are those who can only see great Congresses that loom up in the dim distances of the past. Speaker Reed once said, "A statesman is a successful politician who is dead." I do not need to defend Congress, but I wish the country could have an opportunity to understand better what Congress does. I am satisfied the historian of the future, with unbiased mind and discriminating eye, will do it justice. Permit me at this time to present an important fact for the record of the present day.

I have been here for nearly 17 years. Through the war and since I have seen great measures passed for raising and expending billions of dollars. The change in the wording of a phrase, even the placing of a comma, in bills passed by the Ways and Means Committee might change the measure to the injury of the country and to the immense benefit of some private individual or individuals. So, also, with appropriations, where a slight shift might change the action of the Committee on Appropriations from a proper to a highly improper course. During the war and after the war there were scandals in other departments upon which I shall not comment now. I wish, now, to call the attention of the country to the fact that, although the fierce light of publicity has continuously been turned upon Congress, there has not been during all these 17 years a shade of suspicion of graft or corruption cast upon the official acts of any Member of this House. [Applause.] There are few legislative bodies anywhere of which the same can be said, and I am proud that

as my last act in Congress I can assert it without fear of contradiction.

I have always been one of those who believed in the prerogatives of Congress as established by the Constitution, and always desired to maintain the rights and privileges of the House. It is the duty of Congress under the Constitution to control legislative action, and I never have believed in its resigning those powers. On the contrary, I have always thought that Congressmen should not be merely rubber stamps to register the views of some one else. Rather, a Congressman should represent and lead his district. The people must always look to this House as the guardian of their liberties and the protection of the weak against the strong. Great powers result from great wealth, and if the time ever comes when the owners of swollen fortunes dictate the policies of our Nation, the day of the communist and the anarchist will be near at hand. [Applause.] I do not distrust the people. Their sober judgment, when sufficient opportunity is given for reflection, is usually a safe guide. Although not always correct even then, my study of history leads me to conclude that the intuition of the masses has, on the whole, been nearer right than the judgment of the classes.

So, also, I have confidence in the collective judgment of those who represent the people here. Those whom I see around me to-day were selected by their constituents because they had something in them that made them worthy of their post. Most of them were outstanding figures in their districts before they came here. I have over and over again observed the capacity and ability of those with whom I came in contact demonstrated on the most trying occasions. If I have had any measure of success during my service in Congress, I owe it largely to the efficient and extremely able support that has been given me by other Members, and especially by the members of the Committee on Ways and Means. I can not sufficiently express my appreciation of the fact that the House has always given me its confidence. Members have, of course, differed with me. As independent thinkers this must be so, but in the passage of great measures this confidence of the House has been an invaluable aid to me. The gentleman from Texas and myself have often clashed on this floor in a semihumorous way. I have forgotten the things he said on these occasions, but I shall always remember one appellation he gave me, because I think he was in earnest when he said it. He called me "the old Roman from Iowa." [Laughter and applause.] If I deserve it, it is the highest title that I ever had or ever will have.

The greatest compensation for service in the House is the association with so many good fellows—I hope the ladies will permit me to include them in the term. [Applause.] The Members must be such or they would not be here. To speak accurately, I would say that it is in part because of that characteristic that they have found favor with their people. The friendships formed here are not confined to one side of the aisle. Neither Republicans nor Democrats have a monopoly of those faculties which draw one Member to another. The most delightful associations that I have ever formed in my life I have made here, and I shall always treasure their memory.

I leave the House with the greatest regret. Those who know anything about Iowa politics realize that I had nothing to fear from the coming primary or election, but I felt the need of lightening my official duties and escaping from the annoyances and harassing features of political life, which have broken down so many men before their congressional careers should have ended.

I would be less than human if I did not deeply appreciate the kind words that have been said of me to-day—no doubt far more than is my due—and the beautiful watch that has been presented to me. I hope it will be preserved by my descendants as a memento of my services. I can only say that I have tried to be fair and just to all, and if I have an enemy in the House I do not know it, and I hope I never will. With the kindest feelings and best wishes to all, I bid you an affectionate adieu. [Prolonged applause, the Members rising.]

REREFERENCE OF A BILL

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate bill 2306 be rereferred to the Committee on Indian Affairs. I do this after discussing the matter with the chairman of the Committee on Claims.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

APPOINTMENT OF SECOND LIEUTENANTS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill I have introduced, H. R. 12452, further to provide for the national defense.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, in order that the readers of the CONGRESSIONAL RECORD may understand the provision of H. R. 12452, which I am commenting upon, I hereby reproduce the terms of the bill in full:

Mr. McSWAIN introduced the following bill; which was referred to the Committee on Military Affairs and ordered to be printed:

A bill (H. R. 12452) further to provide for the national defense

Be it enacted, etc., That each year in order to determine and decide which individuals should be commissioned as second lieutenants in the Army, the Secretary of War shall arrange a single list of all the eligible persons that have made application for appointment as such, including the graduates of the United States Military Academy; and the names upon said single list shall be arranged without preference to any group, class, school, college, or academy where said persons may have graduated and without any discrimination in favor of or against enlisted men in the Army that have shown by examination and service record that they are qualified to be commissioned as officers, but said names upon said single list shall be arranged in the order of individual merit, ability, leadership, education, military training and experience, and personal aptitude for the service, including physique, temperament, and initiative.

SEC. 2. Beginning at the top of said single list so arranged, the President of the United States shall take in regular order a number of names equal to the number of vacancies in the Army to be filled by the appointment of second lieutenants, and shall appoint such persons to said office and nominate them to the Senate of the United States for confirmation, to the end, and with the purpose and intent, that the very highest quality of officer material, available from all possible sources, shall become officers in the United States Army.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Mr. Speaker, the purpose of H. R. 12452 may not be manifest upon its face, but its correct interpretation and application should bring about such results as to commend itself to every fair-minded and just person that wishes to promote the efficiency of the Army. Undoubtedly that efficiency depends primarily upon the quality of officers in the Army. The purpose of the bill is to insure to the Army the very highest quality of individuals to become officers. How does the bill operate to thus insure the highest quality of officer material available from the young men of the Nation that wish to become Army officers? It is simply the application of common sense to the problem of filling vacancies in the grade of second lieutenants in the Army. All officer material is fed into the Army from the bottom. Every general must commence at least as a second lieutenant. Therefore, it is highly desirable that the second lieutenants be recruited from those individuals best qualified in character, education, military training, and general adaptability for the service.

The plan by which such highest available quality of young men is ascertained for commissions as second lieutenants is simple. It provides that from all sources, from all military schools, from all schools having Reserve Officers' Training Corps units, senior grade, from the ranks of the Army itself, and from the United States Military Academy, there shall be arranged a list and that vacancies shall be filled by commencing at the top of the list and taking names in the order of such arrangement until all vacancies are filled. The arrangement upon the list must be left to the Secretary of War, as directed by the bill, to take into consideration natural ability, character, qualities of leadership, personal initiative, education, military training and experience, and temperamental fitness for the service. He must arrive at the proper arrangement of these names upon the list by looking at the qualities and qualifications of each individual. That may be difficult to do, but it can be done. It is such a problem that requires somebody to exercise discretion and judgment. It may work injustices, but in human affairs ideal justice is not possible.

But, Mr. Speaker, it will accomplish better results than the present mechanical method. The present method consists in taking, first, all of the graduates of the United States Military Academy and offering commissions to every one of them if there be a sufficient number of vacancies. If it happens that there be enough graduates from the Military Academy to fill all the vacancies, then there is no chance for anyone else, however well qualified, however much military experience he may have, however preeminent may be his fitness for the service. Such an arrangement as now prevails must, if justified at all, proceed upon the theory that every single graduate of the Military Academy possesses higher qualifications in ability, character, education, military training, and temperamental fitness

for the service than any other single individual throughout the whole Nation. Such an assumption can not be established by the facts. It is undoubtedly true that the qualifications of the graduates of the Military Academy are, on the whole and upon the average, very high. But knowing many of those graduates of all ages, and having appointed a number of cadetships, and knowing hundreds and thousands of men educated and trained in other institutions, I can not admit, and I do not believe that any reasonable person will affirm, that each and all of the graduates of the Military Academy possess higher qualifications in the particulars enumerated than all of the graduates of the other military schools and colleges throughout the Nation. As against 250 graduates a year at the Military Academy, there are more than 10,000 graduates of other military schools and colleges having military training in Reserve Officers' Training Corps, and surely among these thousands there will be found individuals that have abilities superior to the abilities of the inferior men graduating at the Military Academy. Any fair-minded person must admit the truth of these statements upon mere reflection. Therefore the purpose of the bill is of pre-eminent importance in the progress of national defense. For that reason it is my sincere desire that the War Department, seeing its justice, will report favorably upon its enactment and thus place it upon record as insisting that the very highest qualifications possible shall henceforth mark the officers of the United States Army.

THE M'NARY-HAUGEN BILL AND THE FITZGERALD-TYSON BILL

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from North Carolina [Mr. POU] for 10 minutes. [Applause.]

Mr. POU. Mr. Speaker, there are in America two schools of thought with respect to the agricultural problem. One school of thought maintains that there is nothing Congress should do in order to stimulate agriculture throughout the Nation. Those who belong to this school of thought maintain that the farmer should be left to work out his destiny as best he can. The other school of thought maintains that in view of our economic system, and because of handicaps which that system has placed in the way of the prosperity of the farmer, it is the duty of Congress to act. I belong to the latter school of thought. I am profoundly convinced that there is a great agricultural problem with which it is our duty to deal, and to deal with now. I believe that certain legislation which has been proposed will bring measurable prosperity to the farmers of America.

I know there are those who put aside this question with a sneer. They characterize it as merely a calamity howl. The figures of the Census Bureau do not sustain this view. There were in 1910 more farmers in America who owned their own homes than there were in 1925. Let me give you the exact figures. In 1910 the full owners of farms throughout the Nation was 3,948,722. In 1925, 15 years thereafter, there were 3,868,332 persons who were full owners of their homes and farms; that is to say, in 1925 there were in this Nation 80,390 less persons who were full owners of their homes and farms than there were in 1910. Mr. Speaker, these figures reveal a tragedy. There has been great prosperity and development in many lines of industry and manufacture since 1910. The wealth of the Nation has enormously increased. It is even said that the wealth of the Nation has almost doubled since 1910. Great fortunes have been made in many lines of endeavor. The deposits in our banks have increased amazingly. I was told recently by a gentleman well informed in financial matters that the banks of New York during the past winter had so much money on deposit that they were sending out persons soliciting loans at a very low rate of interest. He said these banks had more money than they could loan at the usual rate of interest and in order to keep their deposits working they were sending out agents urging people to borrow these deposits at a low rate of interest. Transactions on the stock market have risen to fabulous figures. On one day this week 4,700,000 shares of stock changed hands on the New York Stock Exchange. On several days during the current week more than 3,000,000 shares changed hands. Stocks in many corporations have advanced to a point no one ever supposed the price of these stocks would reach. Railroad stocks, which sold less than seven years ago for $20 per share are selling to-day for more than $100 per share. America has become the dominating nation in the financing of the world, yet amidst all this prosperity little, if any, prosperity has touched the farmer, except possibly during two or three years. His condition is even worse to-day than it was in 1910.

I have not the figures before me, but I am told that the number of home owners in the cities is very much larger than the number of city home owners in 1910. The cities have gone forward while the farmers upon whom the Nation must depend for all permanent prosperity have gone backward. He is gradually but steadily losing his home.

Much of the prosperity which the Nation has enjoyed is attributable to discriminatory legislation by Congress. The manufacturer enjoys a practical subsidy. The tariff laws protect him to a large extent from foreign competition. When by law you cut off competition you are practically conferring a subsidy. The railroads by law are permitted to charge a fair return upon their investment. We have spent millions in improving the ports of our cities in order that commerce might freely come and go. Yet when it is suggested that Congress should legislate in the interest of the farmer, the reply is made that the farmer must take care of himself, that the cry for agricultural relief is merely a calamity howl, that the farmer can work out his own salvation without any help, that if he does not prosper it is because he is lazy or incompetent, that he needs no help from Congress or from any other source. I would to God, Mr. Speaker, that it were true that the American farmer needs no help, but when the reports of the Census Bureau tell me that the home owner of the farm is on the decrease, when the number is less now than 18 years ago, when more than 1,000 banks in the agricultural sections failed in less than four years, when thousands of farmers have given up in despair and see their homes and farms put up under the hammer of the auctioneer, when auction sales are on the increase, when hard-working farmers are unable to pay even their taxes, I can not rid myself of the profound conviction that it is the duty of Congress to act in some way and to act now.

Mr. Speaker, if those who believe there is a great farm problem with which it is the duty of this Congress to deal are divided, we can not hope to accomplish very much. In the last Congress I voted against the McNary-Haugen bill. The President vetoed the McNary-Haugen bill, and even if the friends of farm relief had been at that time united, the measure could not have been passed over the President's veto. I preferred another measure. I thought it was more practicable to begin the great effort to stimulate agriculture by passing the so-called Aswell bill, but the majority of those who favor action in respect to the agricultural problem were of a contrary opinion. The McNary-Haugen bill, amended in many respects, now has a favorable report from the Committee on Agriculture. Inasmuch as I can not get exactly what I want, I am going to accept the measure upon which a large majority of the friends of agricultural relief in this House have agreed, and I do this without apology to any man. [Applause.] I accept this measure because, as I have said, it is the best I can get. I accept it because it comes from the committee with amendments which have greatly improved the McNary-Haugen bill passed by the last Congress. Therefore I shall vote for the McNary-Haugen bill when it comes up for consideration in this House because I am profoundly convinced it is my duty to do so. [Applause.] I shall vote for it because I believe the sentiment of the district I have the honor to represent is overwhelmingly in favor of some action by Congress with respect to the agricultural problem. I shall vote for it because every farm organization in America with a single exception has indorsed the measure. I shall vote for it because, to my sorrow, I see the tenant class increasing, while the home-owner class is decreasing in number. And this is particularly true of the section from which I come. I shall vote for it because it is the only measure which will be helpful to the farmer upon which I will have the opportunity to vote before this session of Congress ends.

I believe there is much in our economic system, built up by legislation, which is inherently wrong. God knows I would change the system if I could, but I am confronted by a condition and not a theory, and because of this condition I say to you gentlemen of the House of Representatives, inasmuch as the system is here, the time is at hand for the Congress to do something to inject life and health into the agriculture of the Nation.

Mr. DOUGHTON. Will the gentleman yield?

Mr. POU. I yield.

Mr. DOUGHTON. I will ask my colleague if it is not also a fact that not only home owners have greatly decreased, but farm mortgages and farm indebtedness have greatly increased?

Mr. POU. I understand that to be true.

Now, Mr. Speaker, this is about all I intended to say at this time. I hope the McNary-Haugen bill will be speedily brought into this House for discussion and for action. I am quite sure the Committee on Rules will report favorably a special rule providing for early consideration of the measure.

Mr. Speaker, the McNary-Haugen bill is, after all, but an experiment. After it becomes a law, it is quite probable that certain amendments may be found desirable. Those who oppose legislation of this character may as well understand that the fight for farm relief has just begun. I submit that those

who have opposed legislation for farm relief may well pause and consider now. There are, gentlemen, Members on both sides of the center aisle who represent agricultural districts and who know that there is no prosperity amongst millions of farmers in this Nation. If the efforts of these men are not successful in this session of Congress, the fight will be resumed in the December session. If they are not successful in the December session, the fight will be resumed in the next Congress. The fight will never end until there is legislation which will inject some measure of prosperity into the agriculture of this Nation, or until our present vicious, unjust, and un-American economic system is changed by law. This system has stood so long that no one can reasonably hope for a change in the very near future. Therefore, those who know that agriculture is to a large degree stagnant throughout the Nation must unite for some legislation which will bring measurable relief.

After all, Mr. Speaker, we are only asking for justice. Some years ago there was a great man in the White House who had a way of coining phrases which people could not forget. That man was Theodore Roosevelt. [Applause.] I am proud to number myself as one of his friends. He frequently made use of a phrase of two words which people can not help remembering whenever the name of Theodore Roosevelt is mentioned. These two words were "square deal." Here to-day, in my humble way, I am asking only for a square deal for the farmers of America. These men are not asking for a subsidy. They are only asking that, inasmuch as the manufacturer is protected, inasmuch as the railroad is permitted to exact a profitable return, that they, too, shall be considered by the Congress in the legislation which the Congress enacts. Inasmuch as Congress by legislation has given to the manufacturer a profitable market, the farmers of America have a right to ask that Congress legislate in order to enable them to dispose of their surplus crop at a fair profit. You have given the manufacturer a market in which there is no destructive competition in the protective laws you have passed. The farmer has a right to ask, indeed, has the right to demand, that Congress should also help him find a profitable market for the surplus product of his toil. In making this request, I say in the name of Theodore Roosevelt, the farmer is only asking a square deal. He demands nothing more, he has a right to expect nothing else.

I can not resume my seat, Mr. Speaker, without referring to another measure, which, I submit, ought to have consideration before this session of Congress adjourns. I shall only take a moment of time. I refer to the disabled emergency Army officers' retirement bill. Let me give you the parliamentary history of this measure. In the Sixty-seventh Congress the so-called Tyson-Fitzgerald bill passed the Senate by a vote of 50 to 14; in the Sixty-eighth Congress it passed the Senate by a vote of 63 to 14; in the Seventieth Congress it passed the Senate February 15, 1928, without a record vote.

Mr. Speaker, since the armistice was signed 500 of these wounded officers have passed into the great beyond. If we are going to do anything, Mr. Speaker, in this regard, it ought to be done now. I understand the committee has made a favorable report. Now, I submit, in view of the legislative history of this measure, it should be included in the legislative program of this House. Let us meet the issue squarely. Let us vote this measure up or down. The measure should not be defeated by strangulation. Parliamentary tactics certainly should not prevent consideration.

Mr. HAMMER. Will the gentleman yield?

Mr. POU. I yield.

Mr. HAMMER. As a member of the Rules Committee, may we not have a special rule to consider the bill?

Mr. POU. You will have at least one vote, and I believe you will have a rule from the Committee on Rules whenever the request is made. I will say to my colleague from North Carolina that in the last Congress the Committee on Rules granted a special rule providing for the consideration of this eminently just measure, but the rule was agreed to during the closing days of the last Congress, and for some reason action was not taken.

Remember, gentlemen, these are the officers who led the charges in the great World War. Their wounds bear testimony to the part they took in the struggle to save civilization to the world. They are the men who led the charge at Chateau Thierry on that hot July day, a charge that was followed up with other charges which never ended until the Germans were brought to their knees.

Mr. HUDSPETH. Will the gentleman yield?

Mr. POU. Yes.

Mr. HUDSPETH. Is the gentleman referring to the Fitzgerald-Tyson bill?

Mr. POU. I am.

Mr. HUDSPETH. I think there is hardly anyone in my district who has not petitioned me in favor of that bill.

Mr. POU. I am glad to hear it.

Mr. Speaker, I am convinced there has not been a minute since the Tyson-Fitzgerald bill passed the Senate the first time when it would not have received a majority vote in this House if a vote could have been had. There are only a little more than 3,000 of these officers living; originally there were thirty-five hundred. Let us not sidetrack this measure, but let us pass it if we are going to pass it at all before more of these men die. Because of their wounded condition the mortality among these officers is larger than it would otherwise be. Officers in the Navy from civil life enjoy the privilege of retirement similar to those embodied in the Fitzgerald-Tyson bill. Let there be no discrimination against similar officers of the Army. The necessary appropriation will not be large. As I have said, already 500 of these officers have died. Let us, before this session ends, pass this act of justice to the remaining 3,000. [Applause.]

SECOND INTERNATIONAL IMMIGRATION AND EMIGRATION CONFERENCE

The SPEAKER pro tempore (Mr. SNELL). Under the special order the gentleman from Tennessee [Mr. MCREYNOLDS] is recognized for 20 minutes.

Mr. McREYNOLDS. Mr. Speaker and gentlemen of the House, I have asked for this time to discuss H. R. 10167, which is a bill to authorize the President to accept the invitation of the Cuban Government to appoint delegates to the Second International Immigration and Emigration Conference, to be held at Habana commencing on to-morrow, March 31, 1928.

This bill is now pending on the calendar of this House. The bill was introduced and referred to the Foreign Affairs Committee, of which I am a member, and was reported out by that committee over my protest.

When the committee met on last Tuesday, they designated the bills of that committee that were to be called up by its chairman on Calendar Wednesday, day before yesterday, and this bill was one among the number. On that date, the chairman, after calling other bills, notified me that he would call this bill next, and at that time I raised the point that there was no quorum in the House and the Members were called to the House, and I am informed so soon as many found out the character of this bill they signified such opposition that the chairman refused to call it.

Feeling that I am somewhat responsible for the failure of the passage of this bill up to this date, I desire to state my reasons for so doing.

This bill was drawn by the State Department and sent to the chairman of the Foreign Affairs Committee for introduction, as is the usual manner in cases of this character. Although the Secretary of State had knowledge of the fact that the passage of this bill was bitterly contested and doubtful as to its passage, regardless of the responsibility of Congress, he has seen fit to have the delegates appointed to attend this convention, and I presume that they are either now in Cuba or on their way. This is merely another demonstration of the high-handed proceedings that are often resorted to by departments to use their own power, even if that is in question. I feel that the action of the Secretary of State in this matter is an unwarranted act on his part, and one which deserves rebuke by this legislative body.

Why was it necessary for that department to have this bill introduced if they did not feel that it was necessary to have the concurrence of Congress, yet now they are acting upon their own initiative.

Shortly, I might say, that I consider the immigration question purely a domestic one, about which we do not need the suggestions or concurrences of other nations. The policy of this Government has been thoroughly established on this question by the immigration act, which was passed in May, 1924. It took many years to establish this right, that Congress should control immigration, as required by the Constitution of the United States. In the early history of this country it was left to treaties and conventions.

The treaty between the United States and China, proclaimed February 5, 1870, contains the following language:

> The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residence.

Anyone who is familiar with the history of this country and the result of this agreement and the effects that it had upon the people of California when that country was overrun by the Chinese can readily understand the irrevocable injury and

great disaster that was happening to our country. Various agreements were made through the State Department modifying this agreement, but the people of this country did not get relief from what was known at that time as the "Chinese peril" until the exclusion acts were passed in 1882 for a period of 10 years and then in 1892 made permanent. This was the result of this country endeavoring to treat the immigration question as a matter of treaty.

Another evidence of this country undertaking to treat with other countries on this subject was in 1908, when President Roosevelt made what was called a "gentlemen's agreement" with Japan, which was not even submitted to the Senate of the United States for ratification, and, it might be said, did not rise to the dignity of a treaty, yet was respected by this country for some 16 years.

There were those in this country at that time, and even up to this time, who advocate that questions of immigration should be left to the powers of state either by treaties or conventions.

The Hon. George W. Wickersham, formerly Attorney General of the United States, is quoted as saying that immigration matters should be dealt with, so it seemed to him, by negotiations with these foreign countries. The agreement which might be reached through negotiation would not necessarily be a treaty but the sort of agreement which customarily is made by the executive branch of our Government, as, for example, the International Postal Convention.

There is quite a range of international agreements not rising to the dignity of a treaty respecting which throughout our history the executive Government has acted without reference to the treaty-making power.

If such agreements were made and accepted as a means of regulating immigration, it would rob Congress of control over our domestic policy and partially surrender to foreign countries an agreement as to our internal affairs. The control of immigration by treaties or conventions would endanger the rights of the American people in a most serious problem. This question was absolutely settled by Congress in May, 1924, when the immigration act was passed, to which I have heretofore referred; but even when that act was under consideration before the committee of the House the executive department sent to that committee an amendment to be inserted in the following language as an exception to section 3:

> An alien entitled to enter the United States under the provisions of a treaty.

This amendment was unanimously rejected, but had it been adopted the immigration question would have been controlled by the State Department whenever it saw fit to make a treaty.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. JOHNSON of Washington. That may have been proposed in those words, but it was intended to fulfill the words of then existing agreements, and thereupon the committee wrote into the law a provision permitting aliens to come under then existing treaties.

Mr. McREYNOLDS. I thank the gentleman for his suggestion.

After this amendment was refused, evidently not willing to relinquish their power, the State Department submitted to the conferees an amendment which provided that certain provisions of this bill shall not apply to the nationals of those countries with which the United States, after the enactment of this act, shall have entered into treaties by and with the advice of the Senate by the restriction of immigration. Do not these amendments as sought by them show plainly that the State Department at that time still desired to leave the question of immigration open to treaties made by that department?

It is the history of all the departments that they are always seeking more power and oppose the relinquishment of any power which they possess. This is true of all the departments of Government, and if power is continued to be given to them it would result in a bureaucratic form of government which is even worse than a monarchial form of government, because bureaucracy is not responsible to anyone. As was said by my distinguished colleague on the floor of the House a few days ago, in a monarchial form of government you would know who to shoot or hang.

The committee, in making their report on this bill, quotes the Secretary of State's letter to the President requesting this authorization. In that letter, among other things, he says, first, the United States appears to be in some degree committed to the participation in this convention, not only by reason of the fact that it was formerly represented in its previous conference held in Rome in 1924, but more especially because one of the members of the delegation of this country voted in favor of the convening of a second conference.

It is customary that whenever the President desires to appoint delegates to a convention or international conference that he comes into Congress for an authorization for the appropriation to cover their expenses, such as was done in the bill now pending. Why should we, as Members of Congress, vote for this present authorization and be bound from the fact that we had delegates to the other conference, when no authorization or resolution was offered in this House to provide for the expenses of the delegates that attended the conference in Rome in 1924? Why was not a resolution offered at that time? It was due to the fact that the immigration bill was then pending in Congress, and Congress had refused to amend that bill as suggested by the State Department, leaving matters of immigration to international agreements, and the State Department well knew that no such resolution could be passed during that Congress. The result was that the President appointed five delegates to attend that convention without the knowledge of Congress, and we are now asked to use their acts as a reason for our action. As a matter of fact, only one member out of that delegation voted for that resolution.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. MORTON D. HULL. Did any harm come from participation in the Rome conference?

Mr. McREYNOLDS. I shall get to that in a few minutes.

Mr. JOHNSON of Washington. It got us into this conference anyway.

Mr. McREYNOLDS. I might ask, did any good come from it?

The act of the Secretary of State at that time, requesting the President of the United States to appoint delegates to the Rome conference, is further evidence that that department did not want to relinquish the right to determine this great domestic question by treaties or agreements. Had we given the right at that time to participate, we no doubt would have been responsible for our delegates' actions and embarrassed if we did not accept this second invitation.

What was discussed in the Rome conference? The conference was divided into four sections, and two of the sections were as follows:

> The measures to be taken to adapt emigration to the demand for labor in the countries of immigration, for cooperation between the immigration and emigration services of different countries.

Another:

> The general principles which should be adopted in treaties of immigration and emigration.

What do you think of this country sending delegates there to consider this question which had just been settled by Congress, or why should they attend this conference to discuss matters of this kind?

Mr. COLE of Iowa. Mr. Speaker, will the gentleman yield there?

Mr. McREYNOLDS. Yes.

Mr. COLE of Iowa. Might we not go there to confirm the position we have taken? And would it not be an act of disrespect or discourtesy not to attend this conference?

Mr. McREYNOLDS. I do not think so, and I do not want to bind Congress to some action which the State Department took upon this question.

It can not be conceived but that all of the nations of the world are thoroughly familiar with our policy, but if a personal explanation was necessary, why was it not done at the first international conference, when our policy was bound to be fresh in their memories? You will see from this that our delegates were attending the convention without authority from Congress, and discussing the very questions which we, in our immigration bill, had settled, and yet the State Department now recommends that we accept and appoint delegates to this second international conference on account of the fact that we participated in the first conference.

In view of these facts, to pass such a resolution would be a ratification of their acts and a reflection upon this body. Many questions were discussed in that conference, such as passport and contracts, emigrants' charters, colonization, regulation of recruitment, and the statements were made and insisted upon by many delegates that it was competent to examine all questions concerning emigration and immigration.

Here are some of the principles finally adopted by that conference for transmission to the governments who had participated: The first, the right to emigrate though restrictions

may be embodied for reasons of public policy or economic reasons, or for protection of material and moral interests of the emigrants themselves; the right to immigrate, though restrictions may be imposed for economic and social reasons, based in particular upon the state of the labor market and the necessity of safeguarding the hygienic and moral interests of the country of immigration; freedom of immigration and emigration should be recognized in the case of different members of the family of an immigrant already established in the country of immigration, unless there are personal reasons making this undesirable; that emigrants should enjoy such rights on the same conditions as nationals and on the same basis of reciprocity.

These are some of the principles that were adopted in that conference, and a copy of which was sent to all the countries who participated. You can readily see from what I have quoted above that various resolutions were passed at that conference about matters of which we have absolute control through Congress, and have already passed laws concerning the same.

It was argued by many delegates, according to the proceedings published, that immigration and emigration was an international question, and that the problems of immigration and emigration should be treated internationally.

What benefit did this Government derive from this conference? All of the resolutions adopted by that conference were transmitted to this Government, and upon my inquiry of the State Department a few days ago as to what action, or what had been done, with these resolutions, I was informed that the same had been filed in the Treasury Department and in the Labor Department without comment. Regardless of this fact, we are now asked to provide money for the expenses of what might be called another "junketing trip."

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield? Did not the American delegates make known the policy of this country as to immigration?

Mr. McREYNOLDS. About that I have no knowledge, but I am advised now that they want to go down there so that they can tell the other countries of the world what our settled policy is.

Mr. LAGUARDIA. The world knows it by this time.

Mr. McREYNOLDS. It certainly would be presumed that they know it.

A few days ago, on March 19, I addressed a letter to the State Department requesting that they advise me as to what specific instructions were given to the delegates who attended the Rome conference. The answer to that inquiry was in diplomatic form, but said that this was considered confidential. In the same letter, inquiry was made as to out of what funds their expenses were paid, and the answer from the State Department was that their delegate was paid out of the general funds. They have what is known as an emergency fund in that department, and I presume that they felt that an emergency had arisen to send these delegates to Rome in 1924, and it was out of that fund, evidently, that the expenses of the delegate from the State Department were paid. Two delegates went from the Labor Department, and I am informed, not by that department, that their expenses were paid out of the immigration fund. I am rather of the opinion that the appropriations made for the enforcement of the immigration laws were not intended for the payment of delegates' expenses to an international conference on immigration.

Now, what do they propose to discuss at this second international conference? By examining the agenda I find that they are similar matters as those that were discussed in the other conference, such as professional selection of emigrants before starting from their country of origin; exchange of workers desiring to improve in the knowledge of the language or industrial and commercial customs of another country; agreement between countries concerned in wanting to favor the colonization of uncultivated lands; simplification of the visa formalities for immigrants; limitation of immigration only for the purpose of protecting the home labor market, and not to be applied to the members of the immigrant's family.

These are questions which strike at the very vitals of our present immigration laws, and the enforcement of which we consider absolutely necessary for the protection of our character of government, our standard of living, our institutions, and our liberty.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes more.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. McREYNOLDS. There is also to be a report from the different countries as to what has been done by their respective countries toward putting in effect the resolutions adopted by the Rome conference. We have not as much right to meet in a conference on the question of immigration as we have on the right of the tariff, and I am sure you all are familiar with the embarrassing situation that arose at the Pan American conference which was held in Cuba not long since over the discussion of the tariff.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. EDWARDS. Is it a fact that delegates have actually been named to this Habana conference without authority of law?

Mr. McREYNOLDS. In so far as this House is concerned, yes; without authority from this House. As to whether or not the President has the right to appoint delegates to a convention without the concurrence of the House, probably he has.

There are bills now pending before this Congress to regulate and control immigration from some of the Latin American countries, and, of course, their interests in that case will not be our interests.

It is insisted by some that by appointing delegates to this convention that we can be of great assistance to certain South American countries. The trouble with this Government at the present time is that they are undertaking to interfere too much and control the internal affairs of the South American Republics. We are not requested by them, neither is it our duty, to become the guardian of the South American countries; in fact, they resent it; they are entitled to exercise the sovereignty of their own nations, and on account of the policy which we have recently pursued in Nicaragua many of our boys are being ruthlessly murdered.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. JOHNSON of Texas. They are not there by act of Congress?

Mr. McREYNOLDS. Not by any means.

From recent developments it seems that the party in power will have sufficient to do to keep their own household in this country in order, and when they do, we will have less crimes and misdemeanors in high places, which have shocked and horrified the citizenship of this great Republic. [Applause.] The United States of America is our home, and it is our duty to protect it, and we can not protect it unless we have proper restricted immigration laws. Ever since the immigration act of 1924 was passed there has been a continuous effort on the part of certain organized minorities to lessen our restrictions, and it behooves the American people to see that not even the first step is taken that would in any wise cause this to be done.

American institutions rest solely upon the character of our citizenship. The people of the United States through their representatives in Congress should determine what character of people should come to this country, how many, and under what conditions. This is the power that we are exercising now, and it is the power we should continue to exercise, and no authority whatever should be delegated to anyone directly or indirectly to meet in convention with other nations to consider or discuss our established policy. It is too vital to our Nation, too vital to our institutions, our standard of living, our laws, and our rights as a free and independent people.

America must be kept American, without hindrance and without chance of being embarrassed, by being brought into a foreign conference of this character. [Applause.]

The SPEAKER pro tempore (Mr. LAGUARDIA). The time of the gentleman from Tennessee has again expired. By special order of the House the gentleman from Mississippi [Mr. LOWREY] is recognized for 15 minutes.

THE RESTORATION OF THE LEE MANSION

Mr. LOWREY. Mr. Speaker and gentlemen of the House, a piece of legislation which carries more than ordinary significance and interest recently passed both Houses of the Congress, and has now been signed by the President and thus becomes law. I refer to that paragraph of H. R. 10286 which provides $10,000—

> for making an investigation and survey to determine the condition of the building and repairs necessary, and for commencing the restoration of the Lee Mansion as authorized in Public Resolution 74, approved March 4, 1925.

For years there has been a growing and a commendable feeling that Arlington should in some way be marked and remembered as the home of the heroic leader of the Con-

federate Army. John Ball Osborne, Military Order of the Loyal Legion, says in his book, The Story of Arlington:

Arlington will always remain closely associated with the name of Gen. Robert E. Lee, the leading military figure of the Southern Confederacy, for it was his home during 30 years and the place where his happiest days were spent.

Thirty years ago I came to Washington, as people occasionally do, with a party of sightseers, about a hundred people, all of them southerners. Most of them were on their first visit to the National Capital. I noted with grief, and yet with approval, their expressions that in and around the splendid residence of Robert E. Lee there was not one thing to remind us by atmosphere that this was once his home. There mingled into our party a stalwart New Englander, who had come to visit the grave of his father. As he heard these expressions from my southern friends, he quietly remarked, "I don't blame them; I should feel that way myself."

From that day to this I have had a growing conviction that this thing ought to be changed, and that one day it would be changed. "His enemies themselves being judges," Lee stands as one of the purest and gentlest and at the same time one of the most brilliant and heroic men in American history.

An editor of a great New York magazine referred to him recently as the most splendid and heroic character of the Civil War, and said, "I am glad to have the columns of this magazine used to honor his name." When I spoke from this floor on this subject some years ago, the lamented Congressman Osborne, from California, was the only Union veteran in the House. He wrote me a letter of cordial appreciation and assured me he considered it a privilege to join in such a cause.

Seven years ago, within two months after I began my service in the Congress, I began my advocacy of this measure with a speech in which I urged that the home of Lee should be restored, should be kept in its original form and beauty, and, like the home of Washington, should be held sacred in the hearts of our people. It has taken seven years for this to come to pass, but I remember the patriarch of old who served seven years, and then another seven, before he got the full desire of his heart. During these years I have often discussed this matter publicly and have urged it through personal appeals and private interviews enough, perhaps, to gain the reputation of a nuisance and a crank with people who were not interested in the subject. But I have found all along some happy surprises as to people who showed a vital interest in the matter. One of the most ardent advocates of the cause has been that brilliant penwoman, Mrs. Frances Parkinson Keyes, of New Hampshire, who was born in Virginia and maintains a spirit of loyalty and devotion to the Old Dominion and its people. Again, Public Resolution 74 was brought before the House and sponsored by Representative CRAMTON, of Michigan, son of a Union soldier, who has said to me that he received his high opinion of Robert E. Lee from his good father, who went South and fought against Lee for four years.

I think it might be interesting to have just here something of a brief history of Arlington.

On January 6, 1759, Mrs. Martha Dandridge Custis, a beautiful and wealthy young widow of Virginia, became the wife of Col. George Washington, the hero of Braddock's field. By this marriage Colonel Washington became the stepfather to two children, John Parke Custis and Martha Parke Custis. After their honeymoon Colonel and Mrs. Washington with the two children took up residence at Mount Vernon. The girl Martha, died at Mount Vernon in her seventeenth year. At 21 years of age the boy, who had come to be known as Jacky Custis, was married to Eleanor Calvert, aged 16, the daughter of Benedict Calvert, of Mount Airy, Md., and a descendant of Lord Baltimore.

During the latter years of the Revolution this stepson served as aide on the staff of General Washington. At the siege of Yorktown he was stricken with camp fever and died there immediately after the surrender of Cornwallis. General Washington adopted two children of this stepson, Eleanor, or Nellie, aged 2½ years, and George, aged 6 months. Thus General and Mrs. Washington, in their declining years, had again in their home two children, a boy and a girl, by the name of Custis, this time the grandchildren of Mrs. Washington.

In 1799 the illustrious master of Mount Vernon passed away, and was followed some three years later by his devoted wife. Mount Vernon became the property of Justice Bushrod Washington, a nephew of the general, and the grandson, George Washington Parke Custis, now 21 years of age, took up his abode on the Arlington estate. By reason of inheritance from both his father and his grandfather, he had just become one of the wealthiest men in the State of Virginia. On Arlington Heights, just across the Potomac from the new Capital City of the Nation, he erected a splendid mansion, with a frontage of 140 feet, and built of brick which had been made and burned on the premises under Mr. Custis's own supervision. The grand portico, 60 feet wide and 25 feet deep, and uplifted by eight massive Doric columns, is modeled after the Temple of Theseus at Athens. This mansion was completed in the year 1803, and it still stands in good state of preservation, looking majestically across the Potomac over the splendid National Capital, which has now grown to a city of more than a half million people.

At the age of 23 George Washington Parke Custis was married to Mary Lee Fitzhugh, aged 16, a descendant of the Randolphs from Virginia. The young couple took up their home in the newly completed Arlington house, where they reared their only daughter, Mary Ann Randolph Custis. As this beautiful Virginia heiress blossomed into young womanhood there came among her admirers a frequent visitor to Arlington, young Robert Edward Lee, a son of the dashing Revolutionary hero, Light-horse Harry Lee, and a descendant of an illustrious line of Lees coming all the way down from the days of William the Conqueror and the Norman Conquest. In 1829 young Lee graduated from West Point, second in his class. And two years later, in the drawing-room of Arlington House, the Rev. William Meade, afterwards Bishop Meade, performed the marriage ceremony uniting the lives of Lieut. Robert Edward Lee and Mary Ann Randolph Custis.

Although Lieutenant Lee had inherited the ancestral estate at Stratford, where some of his distinguished ancestors had been born and had spent their lives, he yielded to the earnest wishes of his wife's parents and took up his home at Arlington. This was the permanent home of the Lee family up to the 22d of April, 1861, when they went to Richmond, where Colonel Lee became General Lee, commander of the Confederate forces.

Not lightly or recklessly, as some have supposed, but with deep devotion and with deep emotion Colonel Lee resigned his commission in the Federal Army and, remaining loyal to his native State, consecrated his sword to the service of Virginia and the Confederacy. On Saturday, April 20, 1861, Lee wrote to Gen. Winfield Scott, resigning his commission as an officer in the Union Army. In that letter he said: "Save in defense of my native State I never again desire to draw my sword." And Mrs. Lee said later: "My husband has wept tears of blood over this matter." General Lee said to Mr. Blair, who sounded him at the request of President Lincoln about taking command of the Union Army, "Mr. Blair, if I owned the 4,000,000 slaves of the South I would sacrifice them all to the Union; but how can I draw my sword upon Virginia, my native State?"

When Lee and his family went to Richmond they left Arlington in the hands of John McQuinn, a faithful overseer of the family. Almost immediately the Union forces swept across the Potomac, took possession of Arlington Heights, and fortified it strongly as one of the important defenses of the Capital City against the armies of the Confederacy. The old mansion became the headquarters of the officers, and upon the surrounding grounds there arose a city of tents; the once spacious and peaceful lawns and groves resounded to the tramp and noise of a great military camp. From that day to this Arlington has remained in the possession of the United States Government.

As the Civil War progressed and military camps and hospitals in the vicinity of Washingon multiplied, the number of deaths among the soldiery ran up into thousands, and the question of burial places became a serious one. On May 13, 1864, General Meigs ordered that the soldiers dying in the hospitals at Arlington should be buried on these grounds. He is said to have pointed out the exact spot on the terrace bordering the garden very near to the mansion, where he ordered that a dozen bodies awaiting burial should be immediately interred. It is somewhat singular that the first of these to be lowered into the grave was a Confederate prisoner of war, and the next who was laid beside him was a Union soldier. This action of General Meigs was promptly sanctioned by the Secretary of War, and under an order dated June 15, 1864, 200 acres of the estate, including the mansion, were appropriated for a military cemetery. Within one year from this date the number of graves on the premises had reached 5,003. After the close of the war many of the Federal dead from the battle fields and camps in easy reach of Washington were removed to Arlington, and by June, 1870, the number of graves had reached 15,932.

I shall not take time to review the legal proceedings by which the Government finally established the undisputed title to the Arlington estate. Of course, the Lees never returned to this ancestral home, and for years since the War between the States Arlington has been known solely as a national cemetery, dedicated to the memory of those who have given their lives in the military service of their country. Not only does it con-

tain the graves of thousands of Union soldiers but of many who wore the gray, and of many sons of both the blue and the gray, who gave or offered their lives to their country's cause in both the Spanish-American and the World Wars.

The SPEAKER pro tempore (Mr. SNELL). The time of the gentleman from Mississippi has expired.

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to proceed for four additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LOWREY. We of the South have been called on to pay tribute to the valor of the North, and gladly we have paid it. As worthy foemen we have honored the soldiers in blue; as honest foemen we have respected them; as reunited brethren we have worked with them; as comrades in arms our sons have shed blood under a common flag with theirs through two wars in a common cause. For more than half a century our money has been added to theirs to pension the veterans of the Grand Army, against which we fought; to buy, beautify, and maintain Federal cemeteries from Gettysburg to Vicksburg; to erect monuments to Federal leaders.

The loyalty of the South is established, sealed with the blood of her sons. Before the secession she had given largely to the building of the Nation. Since the reunion she has given just as generously. I would not say that she has come back to the Union conquered, because in her attitude toward the Government she has exhibited none of the animus of defeat.

The South has come back with head erect and eyes unafraid, having fought to her last energy for a principle which she considered vital, but accepting the issue of battle with good grace and honest courage.

In true Southern and true American spirit we now accept this national tribute to Robert E. Lee, not as an expression of sympathy or mercy to an unworthy cause or a recreant people, but as an expression of a nation's honor to one of that nation's greatest heroes, who deserves every tribute that may be paid to his high character, his great ability, and his splendid achievements. [Applause.]

THE DISABLED EMERGENCY OFFICERS' BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, is the gentleman going to discuss the private bills we have been waiting on so long?

Mr. SIMMONS. No.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, as the gentleman from Georgia has pointed out, to-day is supposed to be given over to the consideration of bills on the Private Calendar and many Members have been waiting patiently for their bills to come up. It so happens that I am on the other side of the question which the gentleman from Nebraska desires to speak about, so it would not be in good taste for me to object; but if any Member has a private bill on the calendar now is the time to object. [Laughter.]

The SPEAKER pro tempore. Is there objection?

Mr. LINTHICUM. What subject is the gentleman going to talk about?

Mr. SIMMONS. Golf and the disabled emergency officers' bill.

The SPEAKER pro tempore. Is there objection?

Mr. HASTINGS. Mr. Speaker, I do not want to object, but I just wonder whether this is going to lead to more requests for time to address the House. I think there should be a sort of gentlemen's understanding that we will take up the Private Calendar after the gentleman from Nebraska has finished his remarks.

Mr. UNDERHILL. Mr. Speaker, if there are further requests I shall object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SIMMONS. Mr. Speaker, on March 16 Senator BINGHAM inserted in the CONGRESSIONAL RECORD, beginning at page 4745, a list of the emergency officers of the World War who will be beneficiaries of that bill should Congress pass it. I called attention to that list a few days ago, and I call attention to it again in order that Members may study that list, as it shows the men in their States who are beneficiaries of it, and know definitely what they are voting for if they feel inclined to support that bill.

It has been called to my attention that in the State of South Dakota there is a disabled emergency officer who holds practically all of the amateur golf titles in the northern half of that State. Those of you who play the game of golf know that it requires a man of considerable physical acumen and muscle control to play it at all and to win championships. This man is now receiving $35 a month as compensation for a tumor on a nerve of his leg and for arthritis of the right shoulder and neck. That is the hardening of the muscles of the shoulder and of the neck. If the disabled officers' bill becomes a law that man will receive $218.75 a month for life. That is what you propose to pay the golf champion of South Dakota under the provisions of this bill. What does that mean? It means you are going to pay to that man more than a disabled soldier gets under the law who has a rating of double total disability. This Congress in its generosity two years ago gave blind men, men who lost their eyes in battle, $150 a month plus $50 a month for an attendant, or $200 that blind men receive who lost their sight in battle. We felt we were dealing fairly by them; and now you are asked to pay a man who is the golf champion of his State, or, at least, the northern part of it, more money for life than you give to a man who lost both of his eyes on the field of battle.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. LAGUARDIA. The gentleman surely can not take this one exceptional case as typical of many of the hundreds of deserving cases he has before him?

Mr. SIMMONS. No; but I call the attention of the House to it because the record is full of cases of that kind.

I may say there are some who have battle disabilities but they are the great minority on this list, and while we are discussing, generally, the list, it is the opinion of one of the leading lawyers in the Veterans' Bureau that this bill, as drawn and as reported to the House by the World War Veterans' Legislation Committee, will give disabled retirement pay to dishonorably discharged officers of the World War.

It gives no consideration whatever to the widows or the orphans of the men who are dead. I say these things in all fairness because I want the Congress to know the facts when this bill comes up, and I assume some time it must come up for a vote. If you will study this list that is in the RECORD you will find the men of your State who are the beneficiaries of it, and, of course, it is for the Members of the House to decide whether or not they want to grant these benefits to these men.

Mr. JOHNSON of Washington. Will this require the approval of the Budget?

Mr. SIMMONS. The bill does not have it.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

STATEMENT ON H. R. 12349

Mr. SUMNERS of Texas. Mr. Speaker, I desire to submit a unanimous-consent request. For the information of the House I should like the privilege of printing a very brief statement with regard to the bill (H. R. 12349) introduced by myself, proposing an amendment of the Federal reserve act increasing from 15 days to 90 days the maximum time limit of paper of a member bank secured by eligible paper.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. UNDERHILL. They are the gentleman's own remarks?

Mr. SUMNERS of Texas. Yes.

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following brief statement with regard to the bill H. R. 12349, introduced by myself, proposing an amendment of the Federal reserve act increasing from 15 to 90 days the maximum time limit of paper of a member bank secured by eligible paper:

This bill would amend section 13 of the Federal reserve act so as to increase from 15 days to 90 days the maximum maturity of advances which Federal reserve banks are authorized to make to member banks on their promissory notes secured by paper eligible for rediscount or for purchase by Federal reserve banks under the provisions of the Federal reserve act or by the deposit or pledge of bonds or notes of the United States. The only change which it would make in the language of the present law would be to change the word "fifteen" to "ninety," and the only legal effect which it would have would be to extend the maximum maturity of such advances from 15 days to 90 days.

Prior to the establishment of the Federal reserve system banks borrowed from their correspondents on their own promissory notes secured by the pledge of collateral in the form of paper acquired from their own customers, Government bonds, or any other good security which they had to offer; and there was no legal limitation on the maturity of such borrowings. This was the well-established method of interbank borrowing,

and was mutually satisfactory to both parties. The original Federal reserve act authorized Federal reserve banks to rediscount for their member banks notes, drafts, and bills of exchange arising out of commercial transactions having a maturity not in excess of 90 days, and notes, drafts, and bills of exchange issued or drawn for agricultural purposes with maturities not in excess of six months; but it did not authorize Federal reserve banks to make direct loans to their member banks on the promissory notes of such member banks secured by such paper as collateral. To many member banks, however, the necessity of rediscounting many separate pieces of commercial paper with varying maturities and in varying amounts seems cumbersome and inconvenient, and they prefer to borrow from their correspondent banks on their own promissory notes, as they were accustomed to do before the enactment of the Federal reserve act, rather than to change their method of borrowing, so as to avail themselves of the facilities of the Federal reserve system.

This situation was improved to some extent by the amendment of September 7, 1916, which authorized Federal reserve banks to make direct loans to their member banks on their promissory notes secured by paper eligible for rediscount or for purchase by Federal reserve banks or secured by bonds and notes of the United States; but the maturity of such promissory notes of member banks was limited to 15 days. The privilege thus afforded is used quite extensively by member banks located in the same cities as Federal reserve banks or branches or in near-by places; but it is not availed of to any great extent by country banks, which find it inconvenient to renew their notes every 15 days. This results in much dissatisfaction on the part of the country banks and is one of the reasons why more State banks do not join the Federal reserve system.

Friction and dissatisfaction with the Federal reserve banks on account of the necessity of rediscounting their customers' paper instead of borrowing on their own promissory notes secured by such paper also grows out of the fact that frequently the Federal reserve bank finds it necessary to decline to rediscount some of the paper offered because it is found to be technically ineligible for rediscount under the Federal reserve act or undesirable from a credit standpoint. On account of this contingency a member bank offering paper to a Federal reserve bank for rediscount frequently does not know how much of it will be accepted and how much will be rejected. Member banks located at a distance from the Federal reserve bank thus are frequently forced to submit to the Federal reserve bank for rediscount an amount of paper in excess of the amount of credit which they actually desire, in order to be sure to obtain as much credit as they need. This causes dissatisfaction on the part of country member banks and gives rise to further criticism of Federal reserve banks.

These difficulties would be entirely eliminated by the amendment proposed in this bill, because a country bank desiring a certain amount of credit could make out its promissory note to the Federal reserve bank for the exact amount which it desires to borrow and offer as collateral security for such note eligible paper from its portfolio in an amount in excess of the note. If all of the paper offered as security is found to be eligible for rediscount and acceptable from a credit standpoint, no harm is done, since the member bank has not borrowed any more than it needs and the excess amount of paper offered for collateral security can be returned to the member bank or held by the Federal reserve bank as a basis for future credit. If part of the paper is found to be ineligible for rediscount or undesirable from a credit standpoint, there probably will still be enough to secure the note of the member bank and it will not be disappointed in its application for credit. This is the way in which country banks have been accustomed to deal with their city correspondents and is entirely feasible if they are permitted to borrow on their own promissory notes for periods of 90 days, but is impractical from the standpoint of country banks if they are not permitted to borrow for more than 15 days.

It is believed, therefore, that the enactment of this bill will be of much benefit to the country banks and will eliminate one of the principal causes of dissatisfaction and criticism of the Federal reserve system. It can do no harm, because the notes must be secured by paper which is eligible for rediscount or for purchase by the Federal reserve bank under the existing provisions of the Federal reserve act or by bonds and notes of the Government of the United States which Federal reserve banks are now authorized to purchase under the provisions of section 14 of the Federal reserve act.

A similar amendment is recommended by the Federal Reserve Board on page 49 of its annual report for the year 1927, wherein the board says:

> It would save much trouble and expense to both the member banks and the Federal reserve banks, since it would eliminate the necessity of listing separately the various pieces of eligible paper offered as collateral and would at the same time eliminate the necessity of frequent renewals. It would be especially helpful to country banks which are now deterred by the necessity of frequent renewals from using this more convenient form of borrowing from the Federal reserve banks.

PRIVATE CALENDAR

The SPEAKER pro tempore. Under the order of the House bills unobjected to on the Private Calendar will be considered in the House as in Committee of the Whole, beginning at the star.

The Clerk will report the first bill.

DISBURSING OFFICERS OF THE ARMY

The first business on the Private Calendar was the bill (H. R. 7166) to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, if the gentleman from Kansas will permit, I would like to ask the gentleman if he does not know that these goods were bought by these merchants "where is and as is"; and if this is true, why should we refund this money?

Mr. STRONG of Kansas. When the Congress authorized the Secretary of War to dispose of surplus war material they would take up a certain class of material and advertise it. They would count the number of bales of blankets in a warehouse—supposing they were blankets, for instance—and then would advertise so many bales of blankets of a certain grade. They would receive bids and would accept the highest bid. When they delivered them the purchaser would sometimes find that some of these bales contained rags or contained materials that were not blankets, and worthless. They would call this to the attention of the War Department and the proper officers would investigate the matter and give them credit upon their bid for this worthless material. This was allowed by the claims division of the department, but when it went to the auditor the auditor said, "No; these goods were bought 'as is,' and you must collect for them." These items were then charged back against the officer. If the amount was $50,000 it would be charged against a captain, for instance. Of course, he could not pay the $50,000, and it simply stands on the books. The accounts between the Government and the purchasers have been justly and equitably settled, but the charge now stands against the officer.

Mr. ROWBOTTOM. Will the gentleman yield for a question right there?

Mr. STRONG of Kansas. Yes.

Mr. ROWBOTTOM. Why were not these bales examined before they were sold by the Army officers?

Mr. STRONG of Kansas. Well, for instance, here is a warehouse with five or six hundred bales; they would have to open all of them. The chances are they would go down to the warehouse and open four or five bales of these blankets and on investigation would submit a proposal for bids, but later on it would be developed that some of the bales were found not to contain blankets, but worthless material.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. LAGUARDIA. Has the gentleman given us all the facts and all the law in the case?

Mr. STRONG of Kansas. I do not suppose I have given all of the facts in all of these claims in this brief time.

Mr. LAGUARDIA. I know the gentleman inadvertently overlooked the fact that these cases went to the Court of Claims.

Mr. STRONG of Kansas. Yes.

Mr. LAGUARDIA. And the Court of Claims held that the War Department had no power or authority to make refunds because the law specifically provided that the goods should be sold as is and where is.

Mr. STRONG of Kansas. I beg the gentleman's pardon. The case of Jacob Levy & Bro. was decided by the Court of Claims as follows: That such terms of sale deprived the purchaser of the power to enforce adjustment, but left it optional with the Secretary of War.

Mr. LAGUARDIA. Yes.

Mr. STRONG of Kansas. And he had exercised his option.

Mr. LAGUARDIA. But the Secretary of War had no such option. The Secretary of War could get his power only from the Congress and the law which authorized the Secretary of War to sell surplus supplies specifically provided, in order to overcome the very proposition now before the House, that they

were to sell as is and where is, resulting in the Government getting a very low price for these goods. Then when these purchasers went in and bid for this property as junk and paid junk prices and they did not find silk or did not find blankets, although they bid for them as junk, they came in and said that they wanted their money back.

Mr. STRONG of Kansas. I think the gentleman is making an argument which is unfair in this case. They did not bid for junk. The War Department advertised certain grades of blankets, and they bid on the blankets and not on junk; and when they were delivered junk instead of blankets, naturally they came back to their Government and said, "We bought blankets and you have given us rags."

Mr. LAGUARDIA. At $1.27 a bundle.

Mr. STRONG of Kansas. At $1.27 a blanket.

Mr. LAGUARDIA. Oh, no.

Mr. ROWBOTTOM. One dollar and twenty-seven cents a bale. Does not the gentleman know that there is more than $100,000 of refunds involved in this bill?

Mr. STRONG of Kansas. Yes; but it does not take a dollar out of the Treasury. They are settlements that have been made between the purchasers and the Government. The officer should not be held in the matter.

Mr. LAGUARDIA. Without authority of law.

Mr. ROWBOTTOM. Mr. Speaker, I think we will have to object for the present until we get more information.

Mr. STRONG of Kansas. What other information does the gentleman want? Let me proceed for a few minutes.

Mr. HARE. Let me ask, did the committee find in some cases where the Government set up pairs of shoes and the man who bid for a pair of shoes when he come to examine them found both shoes were for the same foot? He did not get a pair of shoes. In other words, the Government had deceived and misled him. As I understand, this is only to correct the books of the War Department.

Mr. STRONG of Kansas. The War Department advertised these goods, making certain representations, and the purchasers bought under those representations. They did not get the kind of goods that the specifications called for.

Mr. WRIGHT. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. WRIGHT. In some cases after the goods had been catalogued and advertised for sale "as is where is," and with the statement that the purchaser could inspect, when the purchasers went to inspect the goods they were told by the officer in charge that it was utterly impossible to inspect them because they were in bundles and boxes piled up to the ceiling, but they would exhibit samples of the goods on the day of sale, and samples were exhibited at the sale and goods were sold by the samples. When the goods were delivered perhaps they found shoes that were mismatched, one No. 6 and No. 8, two rights in one and perhaps two lefts in another. When they came to undergarments they might be saturated with tar or some preparation in which they had been packed for shipment overseas. Then the attention of the officer would be called to the damaged goods, and it would be settled by allowing the purchaser to pay an agreed price. This is not a charge on the Treasury but it is to carry out what the Government officials agreed to in the purchase.

Mr. LAGUARDIA. We can hardly say that it is not a charge on the Treasury when they bid a certain amount and did not pay the whole amount.

Mr. STRONG of Kansas. They did not always pay in; sometimes the officer would say, "Here are goods that are not according to the sample," and the board would say, "All right; let them pay for those that are right and not pay for the balance." When the officer came to make his report Comptroller General McCarl refused to approve the credit to the officer's account, so the matter stands against the officer's personal account. There are a lot of claims like this in this bill, the only purpose of which is to correct the books of the War Department.

Mr. ROWBOTTOM. I think an amount of $104,000 is too large to go through in this way.

Mr. STRONG of Kansas. Will the gentleman wait? You can not get it through in any other way. The House has passed such bills twice, and now we can not get this one through because new men have got to study the question.

Mr. LAGUARDIA. Is the gentleman referring to me? I can tell the gentleman a few stories about surplus supplies.

Mr. STRONG of Kansas. I am not reflecting upon the gentleman from New York. There have been cases where the Department of Justice has ordered suit, and the United States attorneys have reported back that it would be impossible to secure a judgment. In this proposition you are simply depriving the officer from credit on claims that he could not have collected. Certainly the gentleman does not want to make the officer stand these charges which now rest against his account.

Mr. HUDSON. Will the gentleman yield right there?

Mr. STRONG of Kansas. I yield.

Mr. HUDSON. At one time these goods were purchased by the War Department from somebody.

Mr. STRONG of Kansas. Not these goods.

Mr. HUDSON. Yes; they were purchased by the War Department and afterwards sold as surplus supplies.

Mr. STRONG of Kansas. The War Department did not buy rags for blankets.

Mr. HUDSON. No; the War Department bought blankets, and they may have bought rags. Some officer was guilty, if it is true.

Mr. STRONG of Kansas. The Members serving on the subcommittee have gone thoroughly into this.

Mr. HUDSON. I am not objecting to the bill.

Mr. STRONG of Kansas. The officer who had charge of this sale had nothing to do with the buying of the goods.

Mr. ROWBOTTOM. Mr. Speaker, I object.

PROVIDING FOR SUNDRY MATTERS AFFECTING THE NAVAL SERVICE

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to go back to H. R. 10276. The bill was reached the other day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. COLTON. Mr. Speaker, I do not intend to object, but when the unanimous-consent request was preferred by the gentleman from Connecticut [Mr. TILSON] it was expressly provided that we should start with the star number.

The SPEAKER pro tempore. The Chair understands that; but is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the bill, as follows:

[H. R. 10276, providing for sundry matters affecting the naval service]

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Arthur St. Clair Smith, United States Navy, and Capt. Charles T. Hutchins, United States Navy, in the amounts of $96.17 and $90.54, respectively, which amounts represent alleged losses sustained by said officers on account of fluctuation of exchange while serving as naval attachés at Peking, China, and which have been disallowed in their respective accounts by the General Accounting Office.

SEC. 2. That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Frederick G. Pyne, Supply Corps, United States Navy, in the amount of $1,000, which sum was paid by the said Captain Pyne, Supply Corps, United States Navy, to Henry Moakley for special services rendered to the Navy Department by said Moakley in connection with an arbitration between the United States and the E. W. Bliss Co., of Brooklyn, N. Y., but which payment was subsequently disallowed in his accounts by the General Accounting Office.

SEC. 3. That the General Accounting Office is hereby authorized and directed to adjust and settle the claim of the Pace Institute, 30 Church Street, New York, N. Y., in the sum of $833.50, and the claim of the Benjamin Franklin University, Transportation Building, Washington, D. C., in the sum of $292.50, to cover the cost of instruction received at said institutions by certain naval officers who were duly authorized to receive such instruction during the fiscal years 1925 and 1926, and to pay the amount allowed from the appropriation "Contingent, Bureau of Medicine and Surgery," for said fiscal years.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MORRIS J. LANG

The next business on the Private Calendar was the bill (H. R. 9334) for the relief of Morris J. Lang.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Morris J. Lang, who was a member of Headquarters Company, Sixty-first Regiment Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 4th day of March, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 6, after the word "Sixty-first," strike out the word "Regiment."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEONIDAS L. COCHRAN AND ROSALIE COCHRAN BRINK

The next business on the Private Calendar was the bill (S. 2020) for the relief of Leonidas L. Cochran and Rosalie Cochran Brink.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to patent to Leonidas L. Cochran, of St. Andrew, Fla., lots 9 and 13 of section 11, township 4 south, range 15 west, of the Tallahassee meridian, Florida, and to Rosalie Cochran Brink, of St. Andrew, Fla., lots 2 and 3 of section 10, said township: *Provided*, That the parties named pay for the land described at the rate of $1.25 per acre within six months after the approval hereof.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WIDOWS OF CERTAIN FOREIGN SERVICE OFFICERS

The next business on the Private Calendar was the bill (H. R. 10932) for the relief of the widows of certain Foreign Service officers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mabel Rees Coffin, widow of William Coffin, late American consul general at Berlin, Germany, the sum of $9,000, being one year's salary of her deceased husband, who died while in the Foreign Service; to Sarah Linard, widow of the late Drew Linard, late American consul at Piedras Negras, Coahuila, Mexico, the sum of $3,500, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; to Catherine ReQua Johnson the sum of $6,000, being a year's salary of her deceased husband, Stewart Johnson, who was killed while American chargé d'affaires in Egypt; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM HENRY JUDSON

The next business on the Private Calendar was the bill (H. R. 2525) for the relief of William Henry Judson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is one of the many bills on this calendar to correct a military record. This particular bill refers to the Civil War. This man enlisted in 1862 and deserted in 1863. The act of March 2, 1889, gave opportunity to correct records in certain meritorious cases. If we are going to make it the practice and custom to correct records of the Civil War, what is going to happen 25 years from now when the hundreds of thousands of deserters in the World War shall begin to come in to have their records corrected by act of Congress?

Mr. HAWLEY. Mr. Speaker, this soldier served one year and four months and was finally honorably discharged from the service.

Mr. LAGUARDIA. Where was he honorably discharged?

Mr. HAWLEY. The gentleman will find reference to it on page 2 of the report. He was discharged in his own State.

Mr. LAGUARDIA. Oh, no. He quit in 1863, and there was some fighting after 1863.

Mr. HAWLEY. The gentleman will find at the end of the first paragraph of the affidavit of William Henry Judson on page 2 of the report the following:

I was returned to my post of duty and the dishonorable discharge above mentioned was remitted.

He was only 16 years of age at this time and had already served more than a year.

Mr. LAGUARDIA. But the department says that without some testimony concerning the circumstances under which he left, and his whereabouts thereafter, it is impossible for the department to determine whether or not his case comes within the provisions of the act of Congress of March 2, 1889.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

CROMWELL L. BARSLEY

The next business on the Private Calendar was the bill (H. R. 6152) to correct the military record of Cromwell L. Barsley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, can the gentleman who introduced the bill give any reason why this man's record should be corrected by act of Congress?

Mr. COLLIER. Mr. Speaker, the reason is because the War Department did not do it. A great many years ago this man and another soldier were accused and convicted of stealing either one or two turkeys. They gave him six months in the penitentiary. He has had an honorable discharge since. While I admit that the man ought not to have stolen the turkey, it looks to me as if he has been sufficiently punished.

Mr. LAGUARDIA. He was honorably discharged in 1899, and this happened subsequent thereto?

Mr. COLLIER. Yes.

Mr. LAGUARDIA. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Cromwell L. Barsley, who was a member of Company D, Fifth Regiment United States Volunteers, and Thirty-fourth Regiment United States Volunteer Infantry, and Company D, Nineteenth Regiment Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company D, Nineteenth Regiment Infantry, United States Army, on the —— day of ——, ——: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Page 1, line 11, strike out the initial "D" and insert the initial "I."

Page 2, line 1, after the word "the," insert "23d" and after the word "of" insert "December, 1907."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Cromwell L. Barsley."

A motion to reconsider the vote by which the bill was passed was laid on the table.

MYRON C. BOND, GUY M. CLAFLIN, AND EDWIN A. WELLS

The next business on the Private Calendar was the bill (H. R. 1625) to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Myron C. Bond the sum of $48.04, to Guy M. Chaflin the sum of $499.79, and to Edwin A. Wells $116.67, all of said persons having been officers in the Thirty-first Regiment Michigan Volunteer Infantry, war with Spain, and which said sums were reported by the Court of Claims, and said sums are hereby appropriated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WILLIAM H. NIGHTINGALE

The next business on the Private Calendar was the bill (H. R. 2530) for the relief of William H. Nightingale.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, this is another bill to correct the record of a Civil War veteran. It is stated in the report that this man enlisted in 1861, and then went to Canada. Then he claims he reinlisted under the name of William Raymond. The records show that one William Raymond was enrolled on October 3, 1863, at Lexington, Mich., as a private in Company B, Eleventh Michigan Cavalry. Does the gentleman from Oregon claim that William Raymond is the same as William H. Nightingale?

Mr. HAWLEY. I am informed that they were one and the same person, and that he was honorably discharged.

Mr. LAGUARDIA. I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William H. Nightingale, alias W. H. Raymond, who was a member of Company C, First Excelsior Brigade, New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 29th day of June, 1861: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

EXCHANGE OF LAND IN PHILADELPHIA, PA.

The next business on the Private Calendar was the bill (H. R. 9368) to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Reserving the right to object, Mr. Speaker, I would like to get some information from the gentleman from South Carolina [Mr. McSWAIN] on that bill. This bill provides for an exchange of Government property in the city of Philadelphia with the Pennsylvania Railroad Co. for the elimination of crossings and improvement of transit over the railroad. The committee has added an amendment to it to the effect that if the Government property is more valuable the difference shall be paid into the Treasury. The gentleman says in his report:

Furthermore, it is the opinion of your committee that should any such difference appear by such appraisal it shall not and will not constitute the basis of any claim against the Government and in favor of the railroad company.

I wonder if the gentleman would have any objection to an amendment to make that perfectly clear?

Mr. McSWAIN. What is the language of the amendment the gentleman proposes?

Mr. WARREN. Add at the end of the bill this language:

Provide further, That if it should appear by such appraisal that there is a difference in favor of the Pennsylvania Railroad, then said finding shall never constitute the basis of any claim against the Government by said railroad.

Mr. McSWAIN. The proposal from the railroad was to make an exchange. It was the railroad's own proposal, and in the interest of public safety, in pursuance of a scheme 15 years old, to eliminate grade crossings. If the railroad was willing to exchange the property itself without any difference, it seems to me there would be no objection to that proviso. Does the gentleman from Pennsylvania [Mr. BECK], the author of the bill, see any objection to that?

Mr. BECK of Pennsylvania. I see no objection to that at all.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to exchange, upon such terms and conditions as he considers advisable, with the Pennsylvania Railroad Co., or its nominee, a tract of land extending from the west side of Delaware Avenue to the east side of Swanson Street situate and lying between Bigler Street and Packer Avenue, in the thirty-ninth ward, in the city of Philadelphia and State of Pennsylvania, containing 11.38 acres, said tract now forming a part of War Department reservation at Oregon and Delaware Avenues, situate in the city of Philadelphia and State of Pennsylvania, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate the conveyance of the fee title thereof to the Pennsylvania Railroad Co., or its nominee; and in return for the said tract of land so conveyed by him, the Secretary of War be, and he is hereby, authorized to receive and take title thereto in the name of the United States and in its behalf, a tract of land situate on the west side of Delaware Avenue between Packer Avenue and Pattison Avenue, in the thirty-ninth ward, in the city of Philadelphia and State of Pennsylvania, containing 11.38 acres, which tract upon its acquisition shall form a part of the said War Department reservation and be subject to the same control and right of disposition as other portions of said reservation.

With a committee amendment as follows:

Page 2, line 21, insert: "*Provided*, That before any such exchange, the War Department shall have both of said parcels of real estate appraised by competent and disinterested persons acquainted with the values of real estate in the vicinity of such property, at the expense of the Pennsylvania Railroad Co., and if such appraisal show that the parcel of real estate to be conveyed to the United States be of less value than the parcel to be conveyed by the United States, then in such event any difference in value shall be paid in money into the Treasury of the United States, and be credited to the Military Post Construction Fund, prior to the conveyance of the title hereby authorized."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. WARREN: Amend by inserting a colon after the last word on page 3 and add the following: "*Provided further*, That if it should appear by such appraisal that there is a difference in favor of the Pennsylvania Railroad, then said findings shall never constitute the basis of any claim against the Government by said railroad."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MARY M'CORMICK

The next business on the Private Calendar was the bill (H. R. 5897) for the relief of Mary McCormick.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be paid from the appropriation "Pay of the Navy, 1925," to Mary McCormick, mother of Arthur James McCormick, late seaman, first class, United States Navy, the sum of $356.40, being an amount equal to six months' pay at the rate received by said McCormick at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WILLIAM H. ESTABROOK

The next business on the Private Calendar was the bill (H. R. 11107) for the relief of William H. Estabrook.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Michigan [Mr. MAPES], who introduced the bill, why the War Department can not show that this man was in the hospital during the epidemic of smallpox on which he bases his claim for desertion? The record does not show he was in the hospital during that time.

Mr. MAPES. Mr. Speaker, the report of the War Department shows that he was in the hospital from November 24, 1864, to January 3, 1865. I think there is no dispute about his being in the hospital during that period as a patient. After that time he states that his company moved on and that the physician at the hospital requested him to serve as a nurse; that he did so serve until it was too late to rejoin his company, and after the war he went back to Michigan to his home. The War Department has no record, as I understand it, of his stay in the hospital while serving as a nurse, but there is no dispute about the fact that he was a patient in the hospital.

Mr. ROWBOTTOM. Did the gentleman say this man's commander said he was in the hospital acting as a nurse, or has the gentleman any statement from the doctors showing he served as a nurse?

Mr. MAPES. The soldier himself makes that affidavit.

Mr. ROWBOTTOM. He did not get anything from the doctor?

Mr. MAPES. No. I have a letter from an acquaintance and friend of mine about this man. The soldier himself is dead and his family think, and he thought during his lifetime, that this record did him an injustice, and they desire to have it cleared up.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. LAGUARDIA. Besides having the record cleared up, is there any pension accruing to any of his family?

Mr. MAPES. I am not certain about that; but I think not. I understand the man's widow is alive and if this bill should pass she might be entitled to a pension; but I am not absolutely sure about that.

Mr. HUDSON. Only by a special bill.

Mr. ROWBOTTOM. But the pension would not date back at all?

Mr. MAPES. No. No one has ever said anything to me about a pension for the widow. That is not the purpose of this bill. It is merely to correct the record of the soldier.

Mr. HUDSON. Is it not true that in those days the hospital records were very incomplete and that the affidavits set forth a very reasonable doubt as to their having been any real desertion?

Mr. MAPES. I think so. I will say that I have a letter from a friend of mine, in whom I have every confidence, in which he says this man returned to Michigan and was active in the G. A. R. at its encampments and otherwise, and in every way was recognized as a member of that organization in good standing; but he never had this record straightened up and his family is anxious to have it straightened up.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection?

Mr. TILLMAN. I object for the time being.

T. ABRAHAM HETRICK

The next business on the Private Calendar was the bill (H. R. 10714) for the relief of T. Abraham Hetrick.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the special reason for correcting this man's record by an act of Congress?

Mr. BLAND. The special reason is that the man claims—and supports his claim by affidavits—that he was wounded on April 6, 1865, three days before the surrender. The records of the War Department show that a man by this name, the initials not being given, was wounded. The spelling of the name was "Hetrich," while this man's name is "Hetrick." As I say, the records of the War Department show that a man by that name was wounded. Later, when he sought to have his record corrected, it was found that there had been stricken across the word "wounded" the words "not wounded, deserted." After being wounded he retired to his home and was not with his company when it was discharged, and then the entry of desertion was made. The facts are all set out in the report, so far as I know them.

Mr. LAGUARDIA. When was his company mustered out?

Mr. BLAND. My recollection is on April 25, 1865, shortly after the surrender, which was April 9, 1865.

Mr. LAGUARDIA. He was mustered in on February 4, 1865.

Mr. BLAND. That is very true, and there are affidavits showing that he participated in a number of engagements; I will not say a number, but in some engagements. Certainly he was in the Battle of Sailors Creek; he was wounded in the battle at Sailors Creek, and his father carried him home.

Mr. LAGUARDIA. There is a slight difference in the spelling of the name in the hospital records?

Mr. BLAND. The War Department does not say that, but there is a difference in the spelling of the name. My assumption is that "Hetrich" refers to the same man, but I can not say that is positively true.

Mr. LAGUARDIA. I will give him the benefit of the doubt.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, T. Abraham Hetrick, who was a private of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 25th day of April, 1865: *Provided*, That no back pay, bounty, pension, or other allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

VERN E. TOWNSEND

The next business on the Private Calendar was the bill (H. R. 3029) for the relief of Vern E. Townsend.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vern E. Townsend, during his natural life, the sum of $48 per month in addition to the sum of $102 per month which he is now receiving under the provisions of the United States employees' compensation act, to date from the passage of this act, as compensation for injuries sustained while in the line of his duties as rural carrier at the Elgin, N. Dak., post office, said monthly payments to be paid through the United States Employees' Compensation Commission.

With the following committee amendments:

Page 1, line 6, strike out "$48" and insert "$46.66"; page 1, line 7, strike out "$102" and insert "$103.34"; page 1, line 10, strike out the words "as compensation for" and insert "for the payment of regular aid and attendance of another person on account of."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HEIRS OF JOHN EIMER

The next business on the Private Calendar was the bill (H. R. 1529) for the relief of the heirs of John Eimer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full and legal settlement against the Government, to the heirs of the late John Eimer the sum of $10,000 for death of said John Eimer, caused by being struck by a Government-owned automobile which was driven by a Government employee.

With the following committee amendment:

Page 1, line 7, strike out "$10,000" and insert in lieu thereof "$5,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FREDERICK N. CARR

The next business on the Private Calendar was the bill (S. 43) for the relief of Frederick N. Carr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frederick N. Carr, who was a second lieutenant in Company L, First Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as an officer of said company and regiment on the 4th day of February, 1899: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DANIEL F. ROBERTS

The next business on the Private Calendar was the bill (S. 46) for the relief of Daniel F. Roberts.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Daniel F. Roberts, who was a private in Company D, Second Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 10th day of April, 1899: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS JOHNSEN

The next business on the Private Calendar was the bill (S. 138) for the relief of Thomas Johnsen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Thomas Johnsen shall be held and considered to have been honorably discharged as a private, Battery C, Third Artillery, United States Army, on September 13, 1900, but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PETER S. KELLY

The next business on the Private Calendar was the bill (S. 1771) for the relief of Peter S. Kelly.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Reserving the right to object, who is the introducer of this bill?

Mr. JAMES. It is a Senate bill.

Mr. LaGUARDIA. I object, Mr. Speaker, inasmuch as nobody seems to know anything about the bill.

FRANKLIN B. MORSE

The next business on the Private Calendar was the bill (H. R. 3170) for the relief of Franklin B. Morse.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any other laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Franklin P. Morse shall be held and considered to have been honorably discharged as a private, Troop A, New York Volunteer Cavalry, United States Army, on November 28, 1898, but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 6, strike out the initial "P" and insert in lieu thereof the initial "B"; and on page 1, line 9, strike out the language "but no pension, pay, nor bounty shall be held to have accrued prior to the passage of this act" and insert "*Provided*, That no bounty nor back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALBERT CAMPBELL

The next business on the Private Calendar was the bill (H. R. 4687) to correct the military record of Albert Campbell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ROWBOTTOM. Reserving the right to object, I want to ask the gentleman from New York what evidence there is in the hearings or in the report to show that this man went home on a pass?

Mr. SWEET. This man served in some of the most important battles of the Civil War—Chancellorsville, Fredericksburg, and Gettysburg. At Gettysburg he was taken prisoner and was permitted to go home on a pass; he reported to the provost marshal at Oswego and was permitted to go home and remain at home until called for. He never had been called for, and the record shows that he was not present with his company when it was discharged.

Mr. ROWBOTTOM. I shall not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Albert Campbell shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company B, One hundred and fifty-seventh Regiment New York State Volunteers: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 7, after the word "Volunteers," insert "on the 11th day of October, 1863."

Line 8, strike out the entire line and insert in lieu thereof, "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Albert Campbell."

A motion to reconsider was laid on the table.

WILFORD W. CALDWELL

The next business on the Private Calendar was the bill (H. R. 10038) for the relief of Wilford W. Caldwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. HUDSON. Reserving the right to object, what is the value of the land that would justify a man purchasing it for $1.25 an acre?

Mr. COLTON. I will say that all the land in that reservation was sold to homesteaders at $1.25 an acre.

Mr. HUDSON. In what year?

Mr. COLTON. Any year since 1915. It was sold to the homesteaders as they applied under the homestead law.

Mr. HUDSON. Very well.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Wilford W. Caldwell for the southeast quarter of the southeast quarter of section 35 and the southwest quarter of the southwest quarter of section 36 in township 1 south of range 1 east, Uintah meridian, Utah, upon compliance by said Wilford W. Caldwell with the homestead laws of the United States: *Provided, however*, That in addition to the usual fees and commissions payable under existing laws said entryman shall pay the sum of $1.25 per acre for the land so entered, which latter sum shall be deposited in the Treasury of the United States and disposed of in the same manner as other proceeds derived from the sale of lands within the former Uintah Indian Reservation, Utah.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAURICE P. DUNLAP

The next business on the Private Calendar was the bill (H. R. 9411) for the relief of Maurice P. Dunlap.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. Mr. Speaker, in view of the letter from the Secretary of State, I object.

Mr. LINTHICUM. Will not the gentleman withhold his objection?

Mr. WARREN. I will.

Mr. LINTHICUM. The Secretary of State does not oppose the payment of this sum, but he could not recommend it as a precedent. This man, Elias Chatzkelowitz, was over in Russia, and the money was given by his brother, T. Silverman, and was deposited with the Department of State by my former colleague Hon. Charles P. Coady on October 3, 1919, to be sent to this man. There was no American consul there in the Baltic Provinces at the time. It was sent by Mr. Dunlap through Mr. John A. Gade, the newly appointed commissioner to Riga. The man Chatzkelowitz was in such dire distress that Mr. Dunlap, hearing he had not received it, gave another $300 to Lieutenant Hardy, of the relief administration, and asked him to cancel the other. But the man got both sums, and was so hard pressed that he could not pay any of it back, and he has not been heard from since.

Mr. WARREN. The fact is that the man got both the amounts.

Mr. LINTHICUM. Yes; but you should not blame the consul for that. The consul is a man who does not get much of a salary and he should not be made the loser, for he was trying to relieve distress. Those were parlous times in Russia, and chances had to be taken to provide relief.

Mr. WARREN. The gentleman is asking the House to pass this bill as a gratuity?

Mr. LINTHICUM. I am trying to get this debt paid to the American consul. He was simply trying to relieve distress, and in doing that the man got the two amounts of money. I hope the gentleman will not object to it.

Mr. WARREN. I am not going to object to it on account of the next case, which I will not object to.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $300 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment in full to Maurice P. Dunlap, American consul, to reimburse him for losses sustained in aiding relatives of an American citizen residing in Russia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAX D. KIRJASSOFF

The next business on the Private Calendar was the House joint resolution (H. J. Res. 147) for the relief of the estate of the late Max D. Kirjassoff.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the estate of Max D. Kirjassoff, late consul in charge of the American consulate general at Yokohama, Japan, is hereby relieved from accounting for the balance of cash in his hands as such consul on June 30, 1923, and for collections, advances of funds, and disbursements as such consul for the period July 1, 1923, to September 1, 1923, inclusive, by reason of the destruction by earthquake and fire on September 1, 1923, of the cash on hand and all vouchers covering expenditures from cash on hand, cash collected, or funds advanced, during the period named.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

WILLIAM ESTES

The next business on the Private Calendar was the bill (H. R. 11094) to correct the military record of William Estes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, it appears that this man served a certain length of time and then wanted to go home. He hired a substitute, and the records of both the substitute and he are somewhat unsound. It seems to me, even on the very best theory, that one who hires a substitute should not come in and get a special act of Congress to correct his military record. Therefore I object.

NEAR EAST RELIEF (INC.)

The next business on the Private Calendar was the bill (S. 1287) for the relief of the Near East Relief (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BOX rose.

Mr. HOWARD of Nebraska. Mr. Speaker, I object.

Mr. FISH. Mr. Speaker, will the gentleman reserve his objection?

Mr. HOWARD of Nebraska. I reserve the objection.

Mr. FISH. Mr. Speaker, this bill has been pending for several sessions of Congress. It has come over regularly from the Senate, but has been killed in the House. It involves a large sum of money—$632,000.

Mr. UNDERHILL. If the gentleman will permit, it involves no amount of money at all.

Mr. FISH. It involves that amount of money indirectly. I hope the gentleman will give me an opportunity to attempt to explain the bill to his satisfaction.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. BOX. The gentleman from Texas understands that this bill has been before the Claims Committee for some time. He does not intend to object under the circumstances, but he is going to make some statements concerning the facts in the case which he thinks the House ought to have. He is not going to object.

Mr. FISH. I was simply going to appeal to the kind-heartedness of the gentleman. I know that he knows more about this bill than any Member of the House.

Mr. HOWARD of Nebraska. I do not know that that is true.

Mr. FISH. I have read the gentleman's report, and I thought I could appeal to his kind heart. If the gentleman from Texas is not going to object, I am not going to take up the further time of the House.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. BULWINKLE. I do not know quite as much about this bill as does the gentleman from Texas [Mr. Box], but I am pretty good second.

Mr. FISH. I agree to that, and I submit that I am a good third.

Mr. BULWINKLE. If the gentleman will yield, this bill came up in the Sixty-eighth Congress. At that time, after it was reported from the Committee on Claims, I objected to it on the floor of the House. I did that for this reason: That the bill involved the collection of $662,000 by the Government from the Near East Relief for supplies furnished. And at the same time the Near East Relief (Inc.) had a claim for $334,000 against the Government on account of freight. I objected to it at that time for this reason: When the bill came before the committee this year I moved an amendment by which all claims of the Near East Relief held against the Government would be canceled. I trust that the gentleman from Nebraska [Mr. HOWARD] will not object to it, because as far as the Government is concerned it can not collect this claim. It is now nothing more than a cancellation of what is on the books.

Mr. FISH. Let me say to the gentleman that if the Government attempts to collect it and should find some way of collecting it, it would mean that 15,000 orphans now supported by the Near East Relief would be thrown out of these orphanages and left without any relief whatever; that is, if the Government should take legal proceedings to collect the money. I do not want to make a speech. I would much rather appeal again to the great heart of the gentleman from Nebraska [Mr. HOWARD] without making it. If the gentleman needs any persuasion, I am sure a number of us would be glad to speak at length upon the subject.

Mr. HOWARD of Nebraska. Mr. Speaker, I think the gentleman from New York [Mr. FISH] and some of the others need a little bit of persuasion, and I am going to give some of it. I know that it does not place a white man in a happy attitude to be apparently objecting to an act of justice in behalf of an alleged charitable organization. However, Mr. Speaker, I made some little study of this alleged charitable organization. Many times when it came into my own country in the personality of its traveling officials they lived at my own home hotel, which is said to be the model modern small-town hotel of the world. My wife and I live there, and we became acquainted with these peripatetic travelers in the interest of this institution. Being chairman of a whole flock of Red Cross committees my wife naturally went out to help them make a drive for funds. I recall one day particularly when that wonderful wife of mine lost every bit of the admiration she had for this alleged charitable outfit. She had walked for two weeks about the city helping those folks make their drive among our home people to gather funds for this great charity.

Several women and two or three gentlemen had been eating thick beefsteaks at our hotel, while my wife and I were eating thin ones. We paid for ourselves, and these charity people paid for theirs with relief money contributed by my townspeople. The time came for those folks to go to the train. The station was but a block and a half away. My wife said to one of the ladies, "I will walk down to the depot with you." The lady replied, "No; we will call a cab; we can not walk." Then my wife said, "I have walked about 406 blocks here in town in the last two weeks urging my people to provide funds for the Near East drive, and now we discover that you people representing that institution want to take this money, the charity money that I helped to raise, and throw it away."

Mr. Speaker, I object.

Mr. FISH. Mr. Speaker, will the gentleman withhold his objection, so that I can say a word on this matter?

Mr. HOWARD of Nebraska. I will withhold as a matter of courtesy to the gentleman from the city.

Mr. EDWARDS. Mr. Speaker, is the gentleman from Nebraska going to finally object?

Mr. HOWARD of Nebraska. I announced that as a matter of courtesy to my colleague from the city I would reserve my objection.

Mr. FISH. Mr. Speaker, none of my constituents are interested in this bill. But in answer to the statement of the gentleman from Nebraska, I sympathize with him in his viewpoint. There were lots of people collecting money in this country and some of them spend it in an extravagant way. But that issue is not involved in this bill.

I want to submit to the Members of the House the fact that the Americans who went out to the Near East were heroes; not heroes that went out and followed the band and the flag, but men who sacrificed their health and their lives at $50 a month. Many died from typhus and other dread diseases in the act of helping thousands of starving and helpless Christian refugees fleeing from Turkish brutality and massacre.

Mr. BOX. Does the gentleman think that the Army officers and other officers having charge of this property who had no authority to turn it over to the Near East Relief were heroes therein?

Mr. FISH. No. I agree with the gentleman. But the plea I wish to make to you is that the men who saved the Christian Armenians and Greeks did so at the sacrifice of their lives, and it is one of the most glorious records of humanitarian work that Americans have ever achieved, irrespective and regardless of the contemptible action of the people who raised the money and spent it in the way depicted by the gentleman from Nebraska. We all deplore that, but it should not divert us from the merits of the bill.

Mr. BULWINKLE. Simply laying aside everything else, it is merely a matter of correcting the books down in the War Department at the present time. That is all there is to it.

Mr. BOX. And saving time?

Mr. BULWINKLE. That is all there is to it.

Mr. HOWARD of Nebraska. Mr. Speaker, the gentleman from New York has referred to the large and wonderful heart of the gentleman from Nebraska, and now the gentleman from Nebraska is going to put the crucial test: If the gentleman from New York, standing here upon his feet and in his own words to me will tell me that the passage of this bill will carry one dollar of relief to any of the widows or children of those magnificent fellows who went over there in the early days and sacrificed their lives, then there will be no objection from me. But unless the gentleman does that my objection will stand.

Mr. FISH. It does carry a lot of relief and satisfaction to the widows and children of those men who paid the supreme sacrifice and to the 15,000 orphans who are now being cared for by the Near East Relief to know that the sacrifice has not been in vain; and I can not think of any better kind of memorial to those heroic men or to their families than to provide for the completion of the work for which they gave up their lives.

Mr. BULWINKLE. If this had not been done at that time there is no question but that the Congress then in session would have authorized the taking of this property at that time for the relief of the Armenians.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HOWARD of Nebraska. There is, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

JAMES A. DE LOACH

The next business on the Private Calendar was the bill (H. R. 9902) for the relief of James A. De Loach.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, will the gentleman explain to the committee why this young man picked up a dud when he had orders and instructions not to do so?

Mr. McDUFFIE. That is one of those unfortunate things that are sometimes hard to explain. The evidence, however, does not show conclusively, and beyond peradventure, that he had direct, positive, and personal notice that such an order was issued. But I will say to the gentleman that this bill is in line with the policy adopted by the Committee on Claims. The chairman of the committee, the gentleman from Massachusetts [Mr. UNDERHILL], made a very extended and splendid statement several days ago as to the policy of his committee in the treatment of cases of this character. It seems that the trainees in the naval schools get relief, in cases of this kind, but no provision has been made for those injured while in training at the citizens' military training camps. I will ask the gentleman from Massachusetts to state to my good friend, Mr. ROWBOTTOM, the gentleman who propounded the question, and for the benefit of the entire membership here, the policy of his committee in dealing with cases of this kind.

Surely, if the Congress appropriates money from the public Treasury to provide hostesses for these young men during their training, in order that they may not be homesick and may meet the nicest girls, and perhaps be taught how to dance the Charleston, we should not hesitate to provide relief for a personal injury suffered by picking up an unexploded shell, a very dangerous thing, left on the training field. I can not quite reconcile the position assumed by the War Department on this bill, with their request for money to hire hostesses for the training camps. I will be grateful to my friend, Mr. UNDERHILL, the chairman of the committee, if he will again kindly explain the policy of his committee in dealing with cases of this kind.

Mr. UNDERHILL. Mr. Speaker, when the House last considered the Private Calendar I personally called attention to the fact that we had established a new policy on the part of the committee. I asked for the indorsement of the House and at that time not a voice was raised in objection to it. It is the policy of taking care of the boys in the military training camps no matter from what source an injury may arise, no matter how careless, and no matter how reckless the boys may be. All of the safeguards which the War Department can possibly throw around these boys in the camps are not sufficient to entirely prevent accidents. We took the position that while they were in the military training camps they were under the tutelage and guardianship of Uncle Sam; that he had taken full authority over them, and consequently he should hold himself liable for them and hold them safe against accidents, and that in case of an accident he should reimburse them so far as he could for the injury.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. LaGUARDIA. I can understand the gentleman's policy and I believe there is a great deal of sympathy for it, but does not the gentleman overstate the policy of the committee a little bit when he says the Government should be responsible no matter how reckless or how careless these boys may be? I think what the gentleman means are accidents which happen in the ordinary course of life at the camps, even if the injury is the result of lack of knowledge or prudence.

Mr. UNDERHILL. I feel this way about it; I hardly care to modify my language. You have a Federal Compensation Board, which covers every employee of the United States in every line of endeavor, and no matter how careless or reckless an employee may be in working around dangerous machinery if an injury occurs there is no defense on the part of the Government for negligence on his part. The only things which exempt him from the provisions of that act are drunkenness and the use of drugs. We have applied that principle as laid down with reference to the civilian employees of the Government to those who are voluntarily giving their services to the Government as trainees for future reserves of the Army and in making them better citizens in the community.

Mr. BOX. The gentleman from Texas sympathizes with the policy adopted by the committee, but he does not understand it to be quite as the chairman stated it. The chairman will remember that the gentleman from Texas reserved freedom as to particular cases when the facts showed that the injury was the result of the fault of a soldier. However, I think this case is meritorious, and I believe is in line with the policy adopted by the committee. I hope there will be no objection, because we have allowed two or three cases of a similar nature. We take these lads who are of immature age and turn them loose under Government supervision, and we ought to look after them as best we can. Unless we have a pretty liberal rule, there will not be an equality in the administration of this matter of policy.

Mr. BULWINKLE. We even provide hostesses for them.

Mr. BOX. This boy did not have a hostess.

Mr. ROWBOTTOM. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, from any money in the Treasury not otherwise appropriated, the sum of $5,000 to James A. DeLoach for injuries received by him while attending a citizens' military training camp at Camp McClellan, Ala.

With the following committee amendment:

In line 5, after the word "appropriated," insert "and in full settlement against the Government"; in line 6, strike out the sign and figures "$5,000" and insert the sign and figures "$2,500."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE "S–4" DISASTER

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the *S–4* disaster.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GRIFFIN. Mr. Speaker, my esteemed colleague [Mr. OLIVER of Alabama] printed in the CONGRESSIONAL RECORD of Saturday, March 24, a letter from Admiral Charles F. Hughes, Chief of Naval Operations, in which was set forth the achievements of the Navy, with particular emphasis on inventions of Navy origin.

I am glad that this record of Navy ingenuity was put in the RECORD. It is only fair that against the array of shortcomings the more refreshing and encouraging picture of accomplishment should be presented. However, in presenting it, my esteemed colleague made the criticism that my speech of March 23 evinced a "lack of information as to the accomplishments of the American Navy and its efficient officer personnel." Thus the picture seems to have been painted for my benefit.

However, it is not apparent that my failure to praise could possibly justify the inference that I was ill-informed as to the good things done by the Navy. My task was the rather unpleasant one of pointing out certain shortcomings in the hope of bringing our Navy up to date. I respect its personnel and admire, as every American must, its splendid accomplishments. It was not my rôle to throw bouquets, as with my knowledge of its wonderful history I could very well have done.

ONLY ONE ISSUE

There is only one issue before the public at this time, and that is whether or not the American Navy has shown proper concern for the welfare of our sailors and has exercised proper diligence in adopting devices for the rescue of the crews of submarines and adequate facilities for the prompt salvage of vessels.

I have made a long and intensive study of the subject and have come to the deliberate conclusion that certain bureaucrats, who have held sway in our Navy for many years, have obstinately refused to give thought to the subject of safety devices for the submarine service and have thus sacrificed needlessly the lives of our men and blocked the wheels of progress in submarine development.

This was the thesis of my speech. Within its limitations, therefore, it should be apparent to anyone with an open mind that I was under no obligations to laud the Navy or apologize for its shortcomings. I will leave that rôle to others. There are good and bad in all things. A reference to the things bad implies neither ignorance of nor denial of the things good.

My solicitude was, and still is, to arouse the Navy bureaucrats from their blissful repose in their swivel chairs, around which the spiders have woven an impenetrable web, and spur them on to action. My attitude is somewhat like that of the patriarch in the old Greek play:

Though wise enough, yet one word more;
Let my advice add to thy wisdom's store.

The death of 40 brave American lads drowned like rats in a hole is too serious a matter to be flippantly dealt with, nor should this dreadful disaster be camouflaged by idle laudation of those at whom the shafts of criticism have never been aimed. Rushing in to the defense of those not attacked can not help those who are deserving of reprobation. Such misguided solicitude may seem like chivalry, but it is not. It is simply the old game of the barrister, who, in defending the accused, soft-pedals the charge and praises the prisoner's family. The true chivalry consists in a just resentment against the wicked obstinacy which persists in subjecting our brave men to perils that are absolutely needless.

During the course of my speech I said there is not a single invention that has originated in the head of a bureaucrat. I stick to that, notwithstanding the formidable array of Navy inventions cited. The men mentioned as inventors were far from being bureaucrats. If they had been, no original idea would ever have disturbed their calm serenity. I venture the thought that those exceptional men had their own trouble in getting the bureaucrats to recognize them; although, being in the Navy, they might fare better than an outsider. My references were to the treatment of outsiders only and that record can not be minimized or effaced.

SINKING OF THE "S–51"

Congress itself is not without its responsibility in such matters. The sinking of the *S–51* on September 25, 1925, was fully as pathetic as that of the *S–4* a few months ago, and indicated just as strongly the need of safety devices and salvage facilities. Shortly after the *S–51* catastrophe I introduced a resolution calling for an investigation of the disaster and a study of safety devices. It was buried. The incident passed out of the public mind. The newspapers tired of it. It soon ceased to be news, except for a paragraph now and then when salvage operations were discontinued or renewed. Then there was a spurt of interest awakened when, after over nine months of heartbreaking work, the unfortunate vessel was raised, with her cargo of dead.

FALSE RESPECT FOR AUTHORITY FEEDS LETHARGY

It is difficult—yes, impossible—for any one man to impress the need of a legislative measure upon Congress. His very insistence will frequently affront the sensibilities of his colleagues, who are likely to resent the implication that they are deficient in human sympathy.

Hesitation to impeach a great department of the Government, indisposition to assail the intelligence or skill of its head or of its technical bureaus, all combine to block action and promote the disposition to supinely yield to the deadening spirit of procrastination.

We are prone to say to ourselves, "This is a technical matter for technical men—the Navy has them—the head of the department is a good fellow—which he is—and if anything ought to be done, they are the ones to do it." Thus false respect for authority feeds lethargy and blocks progress.

THE "S–4" DISASTER

When the *S–4* sinking happened on December 17, 1927, I almost immediately introduced another House Resolution No. 65, calling for an investigation of the disaster and a study of safety devices and salvage facilities. I made an appeal to the House on January 5 and again on January 7, and made it clear, I think, that there were in existence approved devices and safeguards that would have rescued the crew and salvaged the vessel. The Committee on Rules of the House made no move in the matter until President Coolidge sent a special message to the House urging action. A resolution (H. J. Res. 131) was accordingly introduced by my colleague from Pennsylvania [Mr. BUTLER], the highly respected chairman of the Naval Affairs Committee, on January 7. Instead of a congressional investigation, as my resolution proposed, the Butler resolution provided for a technical commission composed of both civilians and Navy men. Although it was generally believed that the presence of the Navy men on such a commission might hamper the investigation, I waived my own sentiments and heartily supported the resolution. It was passed by the House unanimously on January 7. In the Senate, however, it did not have such smooth sailing. There it was contended that an impartial investigation could not be made by a commission tied up, directly or indirectly, with men whose own negligence is suspected of responsibility for the disaster—men who have steadfastly maintained that there is no possibility of improving the safety of the submarine service. It was suspected that their attitude might possibly be summarized in a paraphrase of Dean Swift's lines:

Rather far that men should die
Than their prediction prove a lie.

THE DIFFERENCES OF THE CONFEREES

The resolution was accordingly amended in the Senate so as to provide for a congressional investigation of the causes of the disaster, modifying the commission feature to guard against a biased report. It was passed on January 30. Since then the conferees have for 60 days been trying, so it is claimed, to agree.

Personally I do not think their differences are important. The American people, and the families of the martyrs to red tape, do not care what form the resolution takes, but are only concerned that some resolution shall be enacted that shall put an end to such sacrifices of American manhood.

THE INVESTIGATION SHOULD PROCEED

Precious days and weeks have drifted by since the conferees were appointed and the opportunities and facilities for an effective investigation are gradually fading into the distance.

The vessel has been raised, three months to a day since the catastrophe; the bodies have been removed, but the various scraps of evidence surrounding their death struggle will ob-

viously not have the evidential value which they might have had if the investigating committee or commission had been appointed and had been there on the spot to inspect the vessel as it emerged with its pathetic cargo. These valuable days can never be recovered, and their evidentiary items can never be collated and arranged again in their true relative values. All of that is dead and buried.

However, it is not too late to do the best we can. The resolution should pass and there should be no quibbling about the form. If the Senate will not yield, let the House yield. We should have no false pride in a matter of such vital interest to the families of the dead and to the men who must man the submarines in the future.

NEGLECT OF THE LESSONS OF THE "S–51"

For over two years following the disaster to the *S–51* the Navy authorities, upon whom the initiative rested, utterly ignored its lessons and placidly pigeonholed all suggestions for the installation of obviously feasible safeguards.

It took over nine months to salvage the *S–51*. Commander Ellsberg, who brought that undertaking to a successful conclusion under the most discouraging handicaps, made a report which included a number of practical suggestions. His report was printed but his suggestions were not. They were pigeonholed and were only resurrected through the zeal of my colleague, Mr. CELLER, of New York, who printed them in the CONGRESSIONAL RECORD of January 25, 1928—page 2040.

COMMANDER ELLSBERG'S REPORT

A casual study of Commander Ellsberg's report shows why it was not printed; it ran counter to the theories of the swivel-chair brigade who instinctively bristle with hostility the moment a new idea is laid before them.

In forwarding the Ellsberg report to the Chief of the Bureau of Construction and Repair, at Washington, Admiral Plunkett, on October 5, 1926, said that the recommendations are—

approved as being in the light of our experience and therefore worthy of most serious consideration.

Was Admiral Plunkett a bureaucrat? Not much! He was a practical man, not atrophied by swivel-chair service.

He also, in his indorsement, made this significant reference to Commander Ellsberg's report:

1. Particular attention is invited to paragraph 21, especially the last sentence.

ELLSBERG'S PROPHECY

Now, what was this paragraph which Admiral Plunkett thus calls particular attention to? It was nothing less than the following weird prophecy:

21. The exact date of sinking of the next submarine can not, of course, be foretold, but, based on past performances, it can be expected within the next three years. It is desirable that when it occurs there be available such means for quick salvage that no possible criticism can be made of the Navy on the ground of unpreparedness.

These were some of Ellsberg's suggestions:

First. Lifting eyelets or eye pads to permit rapid attachment of the pontoons to the sunken submarine.

[Note: I made this suggestion to the Navy Department as long ago as 1905, shortly after the sinking of the French submarine *Farfadet*. While I never received any acknowledgment for the suggestion, I know that our submarines were so equipped up to the time of the World War. The reasons given for their abandonment never appealed to me, and I am glad to see that Commander Elsberg agrees with me.]

Second. Enlargement of hatches to permit of ready access.

Third. Strengthening of the hatches and valves to resist the internal pressure of the air when the compartments are blown out preliminary to salvaging.

[Note: In connection with this he stated: "The locking gear on the *S–51* valves and hatches was so weak that bad leakage started at an excess internal pressure of only 2 to 4 pounds, causing extreme difficulty in sealing up."]

Fourth. Installation of the long-arm door system in the bulkheads—"in the new boats, at any rate."

[Note: The crew of the *S–51* had been unable to close any of the bulkhead doors owing to the rapid inrush of water, and Commander Elsberg says that if it had been equipped with long-arm doors the crew in the undamaged compartments might have been saved.]

Fifth. Maintaining the pontoons in readiness at the submarine base instead of scattering them afar.

Not one of these wise suggestions was adopted.

When the *S–51* salvage was completed, Commander Ellsberg protested against the scattering of the pontoons. But he was overruled. When the *S–4* was sunk on December 17, 1927, four of these pontoons were at New York and four at Norfolk.

Admiral Beuret told the Subcommittee on Appropriations that the pontoons from New York and those from Norfolk arrived practically at the same time—page 1000, hearings—whereas the Norfolk batch did not arrive until Wednesday, the 21st, four days after the accident, while those from New York arrived on Monday, the 19th, two days after the accident.

When asked—page 1013, hearings—why the pontoons were not in the vicinity of the scene of submarine practice, the answer was—

there was no assurance that the next submarine accident would occur in the vicinity of New London.

IF FACILITIES WERE AT HAND THE "S–4" COULD HAVE BEEN RAISED

At the time of the collision, although it is said the controls were set for a descent, the *S–4* was near the surface. The battery room was the only compartment flooded. The other compartments remained practically free of water. The vessel, consequently, had the advantage of the buoyancy of those compartments. Therefore the gross lift required immediately after the sinking was the loss of buoyancy due to the water in the battery room, which may be estimated at about 300 tons.

If the vessel had been fitted with lifting eyes or eye pads and the pontoons had been at hand, the vessel could have been raised and the crew rescued within a few hours instead of 90 days.

INCONSISTENCIES OF ALLEGED EXPERTS

I want to call attention to the discussion on the floor of the House during the course of my speech on March 23 wherein I discussed the contradictions and inconsistencies in the testimony of so-called Navy experts. As a sample, I need only refer to the lame excuse given for the abandonment of the telephone-signal buoys. It appears they released the buoy and that was the last seen of it. It had slipped away, even taking the cable with it, and was never seen again. Of course, it had not been properly attached, and yet that very neglect was the excuse given for abandoning this very valuable safety and communication device.

TARDINESS IN INSTALLING NEW DEVICES

Franklin Roosevelt, while Secretary of the Navy, ordered the installation on all submarines of a device for ejecting a signal bomb from the submarine before it rises to the surface. It took about 10 years to install the tubes, while the cartridges for the tubes were not shipped to the home yards of all submarines until January 1, 1928—two weeks after the *S–4* disaster. This is admitted in the testimony of Admiral Beuret before the subcommittee of the Appropriations Committee of the House. (See Hearings, p. 1011.)

The *S–4* was not provided with the signal-telephone buoy or the signal bombs. It was not provided with soda lime to purify the atmosphere; although the submarine commanders of the twelfth division at New London had requisitioned it as long ago as last July.

The *S–4* still retained the single air-line salvage inlet that proved abortive in the disaster to the *S–51*, although time and time again emphasis was laid on its insufficiency.

In an article in the World's Work for March Commander Ellsberg has this pungent comment to make on the compartment salvage air line—page 498:

I can not recollect a case in the history of our submarine disasters where the compartment salvage air line has ever been of use. On the *S–51* it was cut in half by the stem of the *City of Rome;* on the *S–4* the survivors also reported it flooded Sunday night. The compartment salvage air line should be removed immediately from all submarines and replaced by either one or two valves attached directly to the hull in every room on the ship.

In the World's Work for April, Simon Lake, who built the *S–51*, says the Navy czars would not let him install this very system.

These are a few of the things which make the average man impatient with those hypersensitive idolators of bureaucracy who believe that "officialism" is always right.

When the public indignation had somewhat subsided after the tragedy these worshippers of officialism slipped furtively out of their holes and started to croak in chorus: "Such incidents are regrettable but unavoidable"; then they dwelt unctuously on the safeguards that never saved; then they praised the bureaucratic foresight that provided the crews with a fresh-air system that never worked. The only fresh thing the unfortunate men had, apparently, was fresh potatoes, carrots, and onions, which were found raw and half eaten in their clenched fists when their poor bodies were recovered.

And so the chorus of the apologists goes on:

Listen while we trill our song—
I am right and you are wrong,
Such accidents you can't prevent—
So long as men to sea are sent.
The bureaucrats who shun the sea,
Will never risk a new idea;
Because they know the harm that's hid
In trying things that can't be "did"!

ABRAM H. JOHNSON

The next business on the Private Calendar was the bill (H. R. 1627) for the relief of Abram H. Johnson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Abram H. Johnson, who was a corporal of Company K, Third Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment March 18, 1864.

With the following committee amendment:

In line 9, after the figures "1864," insert a colon and the following: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES H. NIEHAUS

The next business on the Private Calendar was the bill (S. 380) for the relief of Charles H. Niehaus.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, may I ask the chairman of the committee if this is not a claim that could properly have been made in the Court of Claims, especially if the contention that the Government occupied the property and prevented his compliance with the original contract is true?

Mr. UNDERHILL. This hardly comes under the heading of claims of contract. The contract was eventually completed, but it was one of those cases arising out of the war which seems to have been unavoidable and in which Mr. Niehaus suffered a great loss. We have had this matter before Congress for the last three sessions. At one time it passed the House, I believe. At another time it passed the Senate, but the bill has not passed both branches during the same Congress. Mr. Niehaus is getting old and feeble, and unless Congress takes some action, relief for him personally will be of no value.

Mr. LAGUARDIA. On page 4 of the report I would like to ask the gentleman if all the items contained in that list are included in the $33,000?

Mr. UNDERHILL. No; some of them have been stricken out.

Mr. LAGUARDIA. For instance, legal services, $6,000?

Mr. UNDERHILL. Yes; we struck out about $23,000.

Mr. LAGUARDIA. And the item of $6,000 is one of the items stricken out?

Mr. UNDERHILL. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $33,121 to Charles H. Niehaus, of Grantwood, N. J., to compensate the said Niehaus for losses suffered by him in the designing and erection by the said Niehaus of the Francis Scott Key Memorial at Fort McHenry, Baltimore, Md., under his contract with the United States, dated October 19, 1916, said memorial having been completed by the said Niehaus and accepted by the United States June 14, 1922.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ZACCHEUS P. BARBER

The next business on the Private Calendar was the bill (H. R. 852) authorizing the issuance of a certain patent.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

FINCH R. ARCHER

The next business on the Private Calendar was the bill (H. R. 2658) for the relief of Finch R. Archer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General be, and he is hereby, authorized and directed to credit Finch R. Archer, as warden of the United States Penitentiary at McNeil Island, Washington, in the sum of $1,608.54, said sum being the amount and total value of money and personal effects stolen September 26, 1922, from the office of the said penitentiary by escaping prisoners Robert J. Turner and James W. Peronto.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Comptroller General is hereby authorized and directed to make settlement, upon the approval of the Attorney General, with Finch R. Archer, warden of the United States Penitentiary at McNeil Island, Wash., in an amount not exceeding $1,608.54, covering the total value of money and personal effects stolen September 26, 1922, from the office of the said penitentiary by escaping prisoners; payment to be made from the appropriation for the maintenance of the institution for the current fiscal year."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN M. SAVERY

The next business on the Private Calendar was the bill (H. R. 4925) for the relief of John M. Savery.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I notice there is an allowance of 16 weeks at $45 a week, and then his decreased earnings from October 12, 1922, to April 12, 1923, at $20 a week, although his total medical expense was only $70. Does not the gentleman believe this claim ought to be reduced to about $790?

Mr. UNDERHILL. Following the usual policy of the committee adopted and reported in respect of every bill, we followed the recommendations and report of the compensation board, and we have no real reason to change the recommendations of that board in any case.

Mr. LAGUARDIA. If the man was permanently injured——

Mr. UNDERHILL. He has a permanent injury.

Mr. LAGUARDIA. It is not indicated here, and under a most generous allowance he could not get more than $790.

Mr. UNDERHILL. He could get that for a temporary injury. He has a permanent injury which incapacitates him to a certain extent for his regular trade of carpenter. He was acting as a substitute in this position of mail clerk.

Mr. LAGUARDIA. The chairman of the board, Miss Brueggeman, states that "if compensation was based on this rate of pay instead of that of $45 per week, as stated above, the amount of compensation payable for the period involved would have been $792.27 plus medical bill of $70, or a total of $868.27."

Mr. UNDERHILL. Then if the gentleman will read on he will see that if compensation was based on his earning capacity in his trade of $45 a week, and the extent of his permanent injury is taken into account, the amount which would be allowed is the amount reported of $1,500.

Mr. LAGUARDIA. If I read on, all I get is "very truly yours."

Mr. UNDERHILL. Then the gentleman has not the full report from Miss Brueggeman.

Mr. GIFFORD. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. GIFFORD. I want to say to the gentleman from New York that I am very familiar with this case. Where there is

permanent injury there ought to have been much more than $1,500 asked for, and whether or not the amount for the time he was laid off has been carefully figured does not seem to me to have much merit. Here is a man who has to go around for the rest of his life with an injury, and it seems to me that $1,500 is a very small amount.

Mr. LAGUARDIA. Neither is there anything in the bill or the report to show that this is a permanent injury.

Mr. GIFFORD. I have a full knowledge of this case, and I assure the gentleman that this is a permanent injury and that he need not bother further about the report.

Mr. LAGUARDIA. Of course, I will accept the gentleman's statement and not bother further about the report. [Laughter.]

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John M. Savery, of Wareham, Mass., the sum of $1,500 in full compensation for personal injuries sustained by him at the railroad station at Onset, Mass., as the result of an accident which he suffered on the 22d day of June, 1922, when he was struck by a United States mail bag negligently thrown from a train by an employee of United States Post Office Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ZACCHEUS P. BARBER

Mr. WARREN. Mr. Speaker, I ask unanimous consent to go back to the Calendar No. 326, objected to by me a few minutes ago. I have talked with the gentleman from California, and I have no further objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to return to Calendar No. 326 (H. R. 852) authorizing the issuance of a certain patent?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to Zaccheus P. Barber for land described as homestead entry now Visalia 011955, formerly Independence 05027 for the east half of section 14, township 25 south, range 38 east, Mount Diablo meridian, containing 320 acres.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GLENS FALLS INSURANCE CO.

The next business on the Private Calendar was the bill (H. R. 9319) for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, the department puts upon the committee the burden of determining whether or not the insurance company had a right to acquire by subrogation these certificates.

Mr. UNDERHILL. That is the usual procedure in the Treasury Department in all cases of lost, stolen, or misplaced bonds. It is commonly called passing the buck. In other words, they do not assume any authority or responsibility in the matter.

Mr. LAGUARDIA. The committee is satisfied that the insurance company did have the right to subrogate, and that the Government is fully protected against litigants' loss?

Mr. UNDERHILL. Fully protected.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Glens Falls Insurance Co., of Glens Falls, N. Y., three United States certificates of indebtedness, series TJ–1922, issued June 15, 1921, and matured June 15, 1922, serially numbered 5860, 5861, and 2082, of the denomination of $1,000 each, with interest at the rate of 5½ per cent per annum from June 15, 1921, to June 15, 1922, without presentation of the said certificates or the coupons representing interest thereon from June 15, 1921, to June 15, 1922, the certificates having been stolen in a mail robbery: *Provided*, That the said certificates shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Glens Falls Insurance Co. shall first file in the Treasury Department a bond in the penal sum of double the amount of the certificates and the interest payable thereon in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnity and save harmless the United States from any loss on account of the stolen certificates of indebtedness herein described or the coupons belonging thereto.

The SPEAKER. The Chair calls the attention of the gentleman from Massachusetts to the word "indemnity," on page 2, line 11. Should not that be "indemnify"?

Mr. UNDERHILL. It should.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOME INSURANCE CO. OF NEW YORK, N. Y.

The next business on the Private Calendar was the bill (H. R. 9320) for the relief of the Home Insurance Co. of New York, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Home Insurance Co., of New York, N. Y., United States Treasury note, series B–1924, issued September 15, 1921, and matured September 15, 1924, serial No. 17153, in the denomination of $100, with interest at the rate of 5½ per cent per annum from September 15, 1921, to September 15, 1924, without presentation of the said note or the coupons representing interest thereon from September 15, 1921, to September 15, 1924, the note having been stolen in a mail robbery: *Provided*, That the said note shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which have been previously presented and paid: *Provided further*, That the said Home Insurance Co. shall first file in the Treasury Department a bond in the penal sum of double the amount of the note and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen Treasury note herein described or the coupons belonging thereto.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

J. B. HOLDER

The next business on the Private Calendar was the bill (H. R. 10502) for the relief of J. B. Holder.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. B. Holder, former clerk in charge of the Ranlo rural station, Gastonia, N. C., the sum of $19.75, being the amount collected from him to cover box rents paid at said station.

With the following committee amendment:

In line 5, after the word "appropriated," add "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

R. P. WASHAM, F. A. SLATE, ET AL.

The next business on the Private Calendar was the bill (H. R. 10503) for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That R. P. Washam, postmaster at Gastonia, N. C.; F. A. Slate, former postmaster at Gastonia, N. C.; W. H. Sanders, clerk in charge of the East Gastonia station; W. A. McGinnis, clerk in charge of the Smyre station; J. E. Lindsay, clerk in charge of the Victory station; and J. T. Pearson, former clerk in charge of the Pinkney station, all the stations named being rural stations of the Gastonia, N. C., post office, be, and they are hereby, relieved of the payment of any and all amounts which had accrued and were collected as box rents at said stations prior to July 1, 1927, said clerks having accepted their positions and conducted the work at the stations with the understanding that box rents were a part of the compensation for their services because of erroneous information given them by the former postmaster.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FARMERS NATIONAL BANK OF DANVILLE, KY.

The next business on the Private Calendar was the bill (H. R. 7518) for the relief of the Farmers National Bank of Danville, Ky.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,110 to the Farmers National Bank of Danville, Ky., to reimburse said bank for the loss suffered by it on account of the theft, on August 1, 1921, of one $1,000 bond numbered F–1236133 and four $100 bonds numbered L–12121584–5–6–7, all of the Victory Liberty loan 4¾ per cent convertible gold notes, taken from the bank by an assistant bank examiner while he was officially employed in such capacity in the examination of the bank, and who later paid to the bank the sum of $290 as part restitution, which amount still stands to the credit of the bank as agent for him. The bonds were negotiable bonds, not registered, and have been presented to the Treasury Department in the regular course of business and paid.

With the following committee amendments:

Page 1, line 8, strike out the word "bond" and insert "coupon note"; line 9, strike out the word "bonds" and insert "coupon notes"; page 2, line 5, strike out the words "bonds were negotiable bonds, not registered, and" and insert the word "notes."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

C. S. WINANS

The next business on the Private Calendar was the bill (H. R. 8650) for the relief of C. S. Winans.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office be, and is hereby, authorized and directed to credit the account of C. S. Winans, United States consul at Prague, Czechoslovakia, in the sum of $10,000, due to the United States on account of consular fees, which represented funds in said amount stolen while in the course of transmission through official pouch to the Treasury of the United States.

With the following committee amendments:

Line 7, after the word "amount," insert "regularly mailed to the State Department by said Winans in November, 1920, and"; and in line 10, after the word "pouch," to strike out the words "to the Treasury of the United States."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LYNN W. FRANKLIN

The next business on the Private Calendar was the bill (H. R. 8651) for the relief of Lynn W. Franklin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office be, and is hereby, authorized and directed to credit the account of Lynn W. Franklin, American vice consul at San Salvador, in the sum of $1,000, due to the United States on account of consular fees, which represented funds in said amount stolen while in the course of transmission through official pouch to the Treasury of the United States.

With the following committee amendments:

Line 7, after the word "amount," insert "regularly mailed to the State Department by said Franklin in February, 1921, and"; and in line 10, strike out the words "to the Treasury of the United States."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CURTIS V. MILLIMAN

The next business on the Private Calendar was the bill (H. R. 9712) to amend the military record of Curtis V. Milliman.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Curtis V. Milliman, who was a member of the Fifth Independent Battery, Indiana Volunteer Light Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 7th day of January, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Curtis V. Milliman."

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROY L. MARSTON

The next business on the Private Calendar was House joint resolution (H. J. Res. 193) for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

VIRGIL W. ROBERTS

The next business on the Private Calendar was the bill (H. R. 4653) for the relief of Virgil W. Roberts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, benefits, and privileges upon honorably discharged soldiers, Virgil W. Roberts shall be held and considered to have been honorably discharged from Company A, Second Regiment Georgia Volunteer Infantry, on June 23, 1898: *Provided*, That no back pay, bounty, or pension shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLARENCE E. BURT, RETIRED

The next business on the Private Calendar was the bill (H. R. 4935) to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

Mr. GIFFORD. Mr. Speaker, I ask the gentleman to withhold his objection long enough for something of an explanation.

Mr. WARREN. Mr. Speaker, I would be glad to withhold my objection, but I intend to object to the bill. I intended to object to the bill before this, but I got rather confused in my list.

Mr. GIFFORD. Does the gentleman mean that he shall object finally to the bill, in any event?

Mr. WARREN. Yes.

Mr. GIFFORD. It is useless to argue the matter.

The SPEAKER. Objection is heard.

CAPT. JOHN J. CAMPBELL

The next business on the Private Calendar was the bill (H. R. 7409) to authorize the appointment of Capt. John J. Campbell, resigned, to the grade of captain, retired, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. Mr. Speaker, I object.

Mr. FURLOW. Mr. Speaker, will the gentleman withhold his objection?

Mr. WARREN. Yes.

Mr. FURLOW. I think this case is different from the other two cases. This is the case of a chaplain of the United States Army who was serving from 1919 on. In 1926 he developed a tubercular condition in his right foot. He appeared before our subcommittee and we had him appear before the full committee. We went into the case very thoroughly. The man could have undoubtedly appeared before a retiring board and have received the consideration that is given by the Government. But he was apprehensive of having Army officers take care of his foot; in fact, he was advised by his associates not to allow the Army officers to take care of this condition. He then resigned from the service and spent his own money and hired his own doctor to take care of him. He now finds himself in need of these funds. He has been in the service for eight years. This bill would simply provide that he appear before a retiring board and have opportunity to prove by his condition whether or not he was in such condition in 1926, at the time he retired, to be retired by that board and receive his three-fourths pay. I think the cause is unusual because of the man himself.

If you were to see the man and hear him talk, you would know that he is a man who was fearful of the treatment he would receive. I do not think he was justified in that fear, but I think the committee realized that it was an unusual case. The War Department objected, though not very strenuously, on the theory that would be a precedent. Our committee takes the stand that this is a precedent to be established by the House itself, and if relief is given, it will be given by this Congress. I hope the gentleman's objection will be withdrawn.

Mr. WARREN. I will say to the gentleman from Minnesota that the report shows that the officer declined to submit to an examination on his resignation, and the department thinks that to enact the proposed legislation would constitute a preferential treatment of an individual of a class to the prejudice of others of that class who may be equally deserving of such treatment. For that reason I am compelled to object.

The SPEAKER. Objection is heard.

LANDON RANDOLPH MASON

Mr. MONTAGUE. Mr. Speaker, by reason of my absence on the last call of the Private Calendar, a bill, Calendar No. 290, H. R. 4605, was passed over. I ask unanimous consent that we may return to it.

Mr. UNDERHILL. Mr. Speaker, I gave notice that I would object to such a request.

Mr. MONTAGUE. Will not the gentleman withhold it?

Mr. UNDERHILL. Eventually I shall have to object, Mr. Speaker, and so we might as well save time.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

GEORGE W. SAMPSON

The next business on the Private Calendar was the bill (H. R. 3892) for the relief of George W. Sampson.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I understand that the gentleman from West Virginia has an amendment which he wishes to offer.

Mr. BACHMANN. No. The bill is correct. There was an error in the report.

Mr. ROWBOTTOM. Then I shall not object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George W. Sampson, late of Company G, Fourth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of said company: *Provided,* That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With committee amendments as follows:

On line 8 insert, after the word "company," the words "July 26, 1864," and in line 9 strike out the word "pay" and insert the words "bounty, back pay."

The SPEAKER. Does the Chair understand that the gentleman from West Virginia desires to offer an amendment?

Mr. ROWBOTTOM. The report is incorrect, but the bill is correct.

Mr. BACHMANN. It is correct now.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ALFRED CHAPLEAU

The next business on the Private Calendar was the bill (H. R. 851) for the relief of Alfred Chapleau.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I notice the President has given this man the relief he asked for, and therefore I do not see why this bill should be passed. I object.

The SPEAKER. Objection is heard.

ALLEN NICHOLS

The next business on the Private Calendar was the bill (H. R. 9722) for the relief of Allen Nichols.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Allen Nichols, who was a member of Company L, Second Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 10th day of April, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

THOMAS M. RICHARDSON

The next business on the Private Calendar was the bill (H. R. 4204) for the relief of Thomas M. Richardson.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas M. Richardson, who was a member of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 1st day of May, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WALTER D. LOVELL

The next business on the Private Calendar was the bill (H. R. 5944) for the relief of Walter D. Lovell.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

Mr. WOODRUM. Mr. Speaker, will the gentleman reserve his objection for a few moments?

Mr. WARREN. Yes.

Mr. WOODRUM. Mr. Speaker, this is a bill that the War Department claims to have considered very carefully. I want to call the gentleman's attention particularly to the report from the War Department. The War Department in its objection to this bill bases its objection upon the fact that the claimant is at fault because he had not examined the work before he had undertaken to enter upon the work. The committee expressly disallowed that feature of the claim, and allowed only the damages that the War Claims Board had allowed this man. It was a war contract. The War Department submitted all matters of contract to the War Claims Board and that board allowed the claim, but when it was taken before the Court of Claims it was disallowed.

Mr. WARREN. On every phase of it.

Mr. WOODRUM. On every phase of it. I would like to give the gentleman one or two ideas of the way they treated the claim. This man was there constructing a building for the Government in the stress of war. Government engineers and inspectors were there, and they instructed him to make certain changes in partitions and to make certain additions to the building, which he went ahead and did, and then they went in and

used it, but the War Department and the Court of Claims said that because there was a regulation requiring that he should have specific authority before such work was done they would not allow it. There is no dispute about the fact that the building was put up, that the Government went into it and had the use of it. Another feature was that the Government charged liquidated damages because the building had not been completed within the contract time, when, as a matter of fact, it was not only completed within the contract time but six months before the time required for its completion. Six months before this man was to deliver the building the Government was actually in it and using the building.

It appears to the committee to be a meritorious claim, and I hope the gentleman will allow it to go through to-day. The committee gave it very careful consideration, and I have no interest in it whatever except I think it is a just and meritorious claim.

Mr. WARREN. I hope the gentleman from Virginia will permit the bill to go over.

Mr. HUDSON. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. HUDSON. The bill originally called for $10,000?

Mr. WOODRUM. Yes.

Mr. HUDSON. Has the gentleman explained in the RECORD the reason why this amount was cut so generously from $10,000 to $5,000?

Mr. WOODRUM. The amount was cut down in order to meet the objection of the War Department. The War Department objected to this bill on the ground that at least a portion of the damage was occasioned because the man had not inspected the site before he began his contract. Our committee felt that was a good point and cut that out of the bill. We only allowed him such items as were clearly proven to have been put upon this work.

Mr. HUDSON. That is why I wanted the gentleman to bring out that fact, because the gentleman from North Carolina might withdraw his objection and let the bill go through to-day.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Walter D. Lovell, of Minneapolis, Minn., out of any money in the Treasury not otherwise appropriated the sum of $10,000, in full settlement for extra work, for which the Government has received the benefit and for which no payment has been made, and for losses suffered by reason of action of governmental agencies, by reason of increased cost of labor and materials, and other causes brought about by the late war.

With the following committee amendment:

In line 6, strike out the sign and figures "$10,000" and insert in lieu thereof the sign and figures "$5,048.17."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE PAN AMERICAN HIGHWAY

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on Senate Joint Resolution 30.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McLEOD. Mr. Speaker, it is evident that the time is at hand and that the Congress of the United States has realized the importance of building a through highway to connect up all the countries on the continents of the Western Hemisphere, which will reach from Detroit, Mich., to the Mexican border and on to the capitals of the 17 Republics of Central and South America, in order that every foot of the way may be traveled by automobiles and autobusses. We took the first great step in bringing about the realization of my Pan American highway proposal when we passed my resolution, H. J. Res. 259, on April 4, and when the Senate passed this same House resolution this week, April 24.

THE M'LEOD PAN AMERICAN HIGHWAY

Our highway, which is the greatest highway proposal of all time, will follow a course through Mexico, Guatemala, Nicaragua, Salvador, Costa Rica, Panama, Colombia; thence down the west coast of South America through Ecuador, Peru, Bolivia, Chile; thence east to Buenos Aires; then back up through Argentina, Uruguay, Paraguay, Brazil, and Venezuela to join itself again in Colombia—10,000 miles of continuous highway—truly the greatest highway the world has ever known. When it is completed we will be able to tour by automobile from any point in the United States to the capitals of all the continental nations in the Western Hemisphere.

The route has already been surveyed by a famous engineer a quarter of a century ago under the direction of one of our most famous railroad magnates. That engineer has proclaimed this highway not only feasible but an early necessity. It is not premature, because there is already a demand for good roads in nearly every country that it will traverse. Railroads have been built over areas as great as this, and the cost of building railroads is greater per mile than the cost of highways.

In fact, a Pan American railroad was projected in the time of Secretary of State James G. Blaine, which was partially built and is now partially in operation. But the prevailing sentiment among the countries who were to be parties to its construction now seems to be that the demand for a highway of continental scope has superseded that for a Pan American railroad. Aside from the Pan American railroad idea, we have reached a stage of development in the Americas when a through highway connecting all countries is imminently necessary for the greater welfare of all American nations, individually and collectively.

My bill provides for a commission which would furnish the moral support, financial, technical, and diplomatic advice, where necessary, to make the Western Hemisphere highway a reality within 10 years.

This bill has received the indorsement of the recent Pan American Conference at Habana by the following resolution:

The Sixth International Conference of American States—

In consideration of the importance and usefulness of closer commercial relations between the peoples of America, and the prevailing opinion in the United States of America in favor of the construction of a great intercontinental highway:

Resolves, To give its full approval to the initial steps taken in building an inter-American highway, and to recommend to all the Governments members of the Pan American Union that they cooperate in every possible manner for the speedy realization of this project.

Adopted in plenary session the 15th of February, 1928.

Secretary Hoover has recommended this bill in the following words:

This bill represents a sound proposition, and the sooner it can be enacted into law the better. It is a good-will message to Central and South America.

The advantages in increased commerce that would accrue to all the countries to be traversed by this highway is obvious. As an example, however, I might mention that there are approximately 1,000,000 automobiles in Central and South America at the present time, and we are sending them more at the rate of $40,000,000 worth a year. If we can do this in a country where there are very few roads, we need only refer to our own history to estimate what will happen when all the countries of the Western Hemisphere have good roads. It is estimated that when this highway is completed there will be approximately 15,000,000 automobiles and trucks in use in Central and South America.

This highway will serve as the means of exportation from each of those countries of the valuable raw materials and natural resources, which in each instance will undoubtedly build great national wealth, but which are now inaccessible for lack of transportation.

The great importance of the highway will be of a social and historic nature. It will be a firm bond between the countries of America to symbolize the friendly spiritual bonds which we hope will always exist. Having such a great artery of trade and travel, the probability that such friendship will endure will be greatly enhanced, for with intercommunication comes mutual understanding.

It is of historical importance because it will be a monument to our social and political institutions long after those institutions themselves shall have disappeared.

Roads have always been a favored standard for measuring ancient civilizations.

The custom of following roads has come down to us from the earliest caravan routes, some of which are still being used in Asia and Asia Minor. The roads of the ancient civilized world were mere shifting trails through mountain passes, across streams at shallow places, through the forests, and along watercourses, wherever men found the line of least resistance.

Savage man did not build roads. He merely followed those that nature provided. But great cities and dense populations can not exist without roads. We know that wherever the ancients had large cities they also had roads, which they built with great skill and care. We know that the wonderful walls and hanging gardens of Babylon were made possible through the

existence of paved roads, over which men hauled the massive building stones and materials.

Herodotus tells of road building in Egypt, relating that a "great king" built a magnificent road in order to transport the material for "the Great Pyramid," using 100,000 men and requiring 10 years. Fragments of this pavement may still be seen near the Great Pyramid, and from this road our modern engineers have learned much of the road-building methods of early times. For instance, we have learned that they built their roads 10 feet thick in some places. One historian speaks or a road between Babylon and Nineveh paved with bricks laid in mortar of asphaltum. So we are assured that road-building was a highly developed art even as early as 2000 B. C.

Persians, Assyrians, Carthaginians, Chinese, and Peruvians were all great road builders, according to the historians who have studied those civilizations.

Then came the Romans with their military efficiency. One of the most important elements in the Roman strategy was permanent good roads, over which troops could be moved with great rapidity.

The Appian Way, forerunner of this Roman system, undoubtedly has the distinction of being the most famous road in history up to the present time. It was started by Claudius Appius in 312 B. C., and traversed a distance of 142 miles. It was later extended to 360 miles and was probably completed by Julius Cæsar.

The second important road built by the Romans was the Flaminian Way, which was started in 220 B. C.

From this time on the Roman Empire expanded rapidly in size and strength and Roman road-building activities kept up a correspondingly fast pace. France, Spain, and Britain were covered with a network of military roads and were connected with each other and with the Italian Peninsula in most effective fashion. Authorities on the subject estimate that the Roman road system approximated 50,000 miles. The quality of these roads is attested by the fact that many of them, including the Appian Way, are in use to-day.

With the decline of the Roman Empire, road building stopped, and there was not even sufficient interest or energy in any country to maintain those already built. It was not until the seventeenth century that the reaction to this decadence became evident. The Kings of England and France began to rebuild and repair the old Roman roads. By the middle of the eighteenth century France had developed a country-wide policy of road maintenance and her system became the model for the restoration of roads in other parts of Europe. Some new roads were built, but for the most part European roads to-day are merely the embellishment of the old Roman system.

It is somewhat astonishing to think that practically 16 centuries of the Christian era have elapsed during which no road-building feats comparable to that of the engineering, political, and military genius of Rome have been seen upon the face of the earth. It is well to remember that in building these roads the Roman generals conquered the Alps, the forests, and the large rivers of Europe. They built the equivalent of several transcontinental highways, as we know them.

And now the United States of America comes into the historical picture. Just as we now measure the power of the Roman Empire by her military roads, so the people of the world 1,000 or 5,000 years hence will judge our civilization by the roads we leave.

George Washington, in his trips to the frontier, not only surveyed the courses later to be followed by roads but he actually cut his way through the forested hills and mountains to western Virginia and Pennsylvania.

In 1806 Congress authorized the construction of a free public highway at Government expense to extend from the headwaters of the Potomac to the Ohio frontier. This became the National Old Trails Road when it was completed from Cumberland to Wheeling in 1818. It constituted the first notable public development of roads in this country, nearly all other being the toll roads of the chartered turnpike companies. The National Old Trails Road was extended to Indianapolis in 1848 and then abandoned, due to the influence of railroads which were springing up through the East and Middle West. It was generally thought that railroads would supersede wagon roads except for very short local traffic.

In the late eighteen hundreds the advent of the bicycle revived interest in roads. The State aid act in New Jersey in 1891 marked the first centralized control of highways by the States. It was followed the next year by Massachusetts.

Then came the automobile from Detroit, and like magic America found herself embarked upon a period of road building which for the first time in the Christian era rivaled the Roman road builders of 1,900 years ago. The famous old roads, such as the National Old Trails, Lincoln, Dixie, Lee, Burlington, and Pikes Peak highways have become national transcontinental boulevards.

I believe we are ready to take the step in road building which will give us supremacy for all time, namely, the Pan American highway. Just as we opened up counties, then States, and then the continental territories of North America by means of roads and paved highways, so we are now on the verge of opening up the unrevealed splendor of the Western Hemisphere by an artery of trade and travel that will extend into every country of the three Americas.

Interest in good roads in Latin America has been manifested in many ways. Witness the Pan American Highway Conference which was held in the United States three years ago and again in Buenos Aires a year ago, to which every Pan American country sent prominent delegates. Witness the exceptional interest of the Pan American newspaper men in our highways during their tour of the United States three years ago. Guatemala has a good system of roads at the present time, which make it easy to cross that country from north to south. Incidentally, Guatemala is a country of 48,000 square miles and a population of 2,200,000, making a population per square mile of about 45, while the other Pan American countries, still almost entirely without roads, are fairly uniformly populated at 6 to 14 to the square mile.

A Federal highway program was inaugurated in Mexico in September, 1925, with funds provided by tobacco taxes and a gasoline tax, which in a few years will complete a highway from Laredo, Tex., to the Guatemala border.

You will note that the course to be taken by the Pan American highway takes it directly across all present avenues of commerce, and will make what may be termed an "inner belt line" for South America.

It is estimated that such a highway would open up an immediate market for 15,000,000 automobiles and trucks, owing to the following facts:

First. The highway will open to rapid transportation, local and for export, commercial products from over 200,000 farms and plantations now served with only cow trails.

Second. It will open vacant lands to millions of agriculturists, who will produce coffee, cocoa, fruits, grains, stock, and other commercial products.

Third. It will open up thousands of small rubber plantations and solve the problem of reaching the wild-rubber forests along the Amazon River and its tributaries, where hundreds of millions of matured wild *Hevea brasiliensis* rubber trees in full bearing now exist, only partly worked, thus opening up to our markets this source of rubber supply, reputed to be the greatest in the world.

Fourth. It will furnish transportation to 2,000 miles of country, watered by tributaries of the Amazon, and containing ancient channels of partly proven placer gold fields, deposits of precious stones, quartz ledges of amazing commercial values, all at present inaccessible.

Fifth. The vast mileage of commercial timbers along the route are all marketable. Competent timber cruisers report that approximately 5,000,000,000 long-life railroad crossties in standing timbers within the forests of one of the countries the highway will cross can be transported on a section of the highway to a port where it can be shipped to market. Commercial timbers for furniture, cabinet work, and interior house finishing are unequaled in the world in billions of board-feet measure, variety colors, fine grain, and finishing qualities.

Sixth. The highway will create a demand for equipments, mills, supplies, and so forth, where no demand exists to-day. In fact, trade experts estimate that the return to the United States in increased trade with either Brazil or Argentina alone, due directly to such a highway, would repay us many times over for the money and energy we would need to expend in accomplishing the whole project. While a considerable element in all South and Central America know the value of the highway and want such a connecting link as this, yet they lack the experience, the organization, and the punch to put it across. That is what we would supply.

Men of vision will make vast fortunes in South America, just as they did in the early years of our own country. This group of men will inevitably exert a vast influence upon the affairs of the world. It behooves us to keep this in mind.

Just another example of the quick material return that will be the direct results of this highway: Cement has long been one of the chief exports from the United States to most of the South American countries. Imagine the quantity of cement that will be required, first to build just this 10,000-mile highway, and then the many thousands of miles of road which will be sure to follow this pioneering example. The Pan American high-

way will act as leaven to the bread of Latin-American highway progress. It will serve as the backbone for many thousands of miles of side roads.

One thing we must remember is that if we do not lend a helping hand in the inevitable development of Latin-America, the efficient and aggressive merchants of Europe will quickly and effectively take our southern neighbors to themselves.

This highway will also be a stimulant to the use of airplanes. It is purposely being planned to serve as a continuous emergency landing, and will serve also as a guide to flyers over the now trackless jungle areas. We recently had occasion to observe the forbidding character of the country in the attempted flight of Paul Redfern, in a Detroit plane, from Brunswick, Ga., to Rio de Janeiro. Particular attention will be given to those features which will facilitate the use of aircraft, even to the point of establishing well-equipped landing fields at short intervals along the highway. This is to be a highway for the two most modern means of communication, the aircraft and the automobile.

We must not lose sight of the cultural development of American peoples that will be brought about by the resulting increase in trade, travel, and communication. The closer bonds of friendship and understanding will undoubtedly have a profound influence toward the future peace and security of the world. Two hundred and fifty million people in the Western Hemisphere in sympathetic accord, all under republican governments, and having valuable trade relations, will be an effective counterbalance to the antiquated political balance of Europe.

This highway will commemorate a different kind of civilization from any heretofore important in the affairs of mankind. It will stand, not for the engineering achievement of a military emperor but for the more advanced genius of mutual cooperation between friendly republics.

In other words, this highway is a challenge to the principle of cooperation rather than conquest, to the ability of self-governed peoples to concentrate on a great engineering feat of purely peace-time value. For the first time in the Christian era we have an opportunity to surpass the road-building feats of the Romans, and I am confident that the United States and the 17 friendly republics to our south are capable of meeting the challenge in true American fashion.

REREFERENCE OF A BILL

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent that H. R. 12136, a bill referred to the Committee on the Territories, be rereferred to the Committee on Military Affairs. It has to do with a National Guard company in the Hawaiian Islands.

The SPEAKER. The gentleman from Hawaii asks unanimous consent that House bill 12136 be rereferred from the Committee on the Territories to the Committee on Military Affairs. Is there objection?

There was no objection.

ADDITIONAL JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 5774, introduced by myself.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BACON. Mr. Speaker, I have introduced H. R. 5774, which provides for an additional judge on the Federal bench in the eastern district of New York.

As showing the imperative need for the appointment of an additional Federal judge in the eastern district of New York, and indeed there is, I believe, a real need for two, there is attached a detailed set of tables showing the history of the business of the court for the district of New York, prepared by the clerk of that court, together with a statement by him in support of the tables and detailing the work that the present three judges have to shoulder.

To give an index of the number of cases before this court from 1906 to 1927 attention is invited to the following tables:

	1906	1911	1921	1927
Admiralty	185	224	863	1,164
Law and equity	126	121	321	932
Bankruptcy	256	490	583	1,031
Criminal	74	129	1,328	2,349
Civil, United States	14	45	176	903
Total	655	1,009	3,271	6,379

Viewed in the form of percentages, these figures indicate a startling increase in the business of this court. From 1906 to 1921 the increase was 650 per cent; for the period from 1911 to 1921 the activities of the court more than trebled, and notwithstanding the appointment of an additional judge in 1923, the business from 1921 to 1927 has doubled.

A comparison of the business of the eastern district court, with its present three judges, with that of the Southern District Court of New York, with its present six judges, is persuasive as showing the tremendous amount of work shouldered by each of the three judges in the eastern district at this time.

That the judges in the eastern district are doing far more than their share, and are obliged to carry a much heavier burden than their brother judges in the adjoining southern district, can be readily seen from the table given below, covering the year 1927, and showing the number of all cases before both courts divided among the individual judges in the respective courts:

Division of total cases before court by number of judges

IN THE EASTERN DISTRICT	Per judge
Admiralty cases	386
Law and equity	310
Bankruptcy	343
Criminal	783
Trials	40
Civil	301

IN THE SOUTHERN DISTRICT	
Admiralty cases	152
Law and equity	221
Bankruptcy	280
Criminal	343
Trials	26
Civil	330

It will be seen by the above table that in only one instance, that covering civil cases, is the division of the proceedings among the several judges on a par with that obtaining in the eastern district. In all other proceedings the judges of the eastern district, on a division of the total number of cases begun in that court, had to assume from over 50 to over 100 per cent more work than was required of the individual judges in the southern district. And in this connection it must be borne in mind that three additional judges are being asked for the southern district, while only one additional judge is being asked for the eastern district. The comparison of the work indicates strongly that at least two judges, in addition to the present three, are needed in the eastern district.

To take care of the steadily mounting business before their court the judges in the eastern district have shown a spirit of self-sacrifice and a devotion to duty that is inspiring. They are laboring under a terrific strain, which should not be required of them. The work of the court engages their attention from early morning until late in the evening, and from the information available it is known that it is the common rule for them to come back to their chambers at night or to bring work to their homes. This is at best an unfortunate condition which should not be tolerated.

The judges themselves in this district strongly feel the need for help. This is the comment by one of them:

> Not only do we need one, but two more judges.
>
> We have five calendars—(1) ex parte and motions, (2) criminal, (3) common law (civil jury), (4) equity, (5) admiralty—and as we are required to hold an ex parte and motion and a criminal term each month, we can give only one term each three months to common law, equity, and admiralty.

Another comments as follows:

> There is no question but that an additional judge is needed in this district. We are constantly compelled to ask for the services of judges from certain other districts to help us out, and there is no reason to think that the work in the eastern district is so much less than that in the southern district as to require nine judges in the latter district and only three in this district. On the contrary, I imagine that the work actually done in this district approximates fairly well the work of the southern district, although there is, of course, no such clamor made about our work.

The eastern judicial district, in terms of population, is to-day no doubt larger than the southern judicial district. And the percentage of growth in the former far outstrips that in the latter. The 1925 State census shows that in five years:

> Richmond County increased 18 per cent.
> Kings County increased 9 per cent.
> Queens County increased 52 per cent.
> Nassau County increased 64.5 per cent.
> Suffolk County increased 30 per cent.

The above counties comprise the eastern judicial district.

The total population of this district, according to the State census of 1925, and which must in 1928 be viewed as very conservative, is as follows:

Richmond County	138,277
Kings County	2,203,235
Queens County	714,647
Nassau County	207,640
Suffolk County	143,208
Total	3,407,007

For example, a comparison with the southern district of New York is pertinent. There are at present six Federal judges in the southern district of New York, and in the bill pending before Congress three additional judges are provided for, making a total of nine. The total population of the southern district of New York is 3,730,808, or a population of 621,801 for each judge, as compared to a population of 1,135,669 for each judge in the eastern district of New York. While the 1925 State census shows practically equal population for both judicial districts, the percentage of growth in the eastern district would indicate that in population the eastern district is to-day larger than the southern district.

The volume of business in the southern district is, of course, large, but it must be borne in mind that Brooklyn alone, of the eastern district, to-day ranks fourth in industrial production. To-day Brooklyn exceeds Philadelphia and Manhattan alike and is to-day the second largest city in the United States. Long Island itself, excluding Richmond County, which is also part of the eastern district, ranks with four of the great States of the Union, although its area is, of course, much smaller. Thirty per cent of the population of the entire State of New York is centered in Long Island, and the arrow of growth is ever pointing forward.

As indicating the importance of this eastern judicial district, the following figures will be of interest, especially when the county of Richmond, also a part of the eastern district, is not included in them:

	Population	Area, square miles
New Jersey	3,680,482	8,224
Missouri	3,498,143	69,420
Long Island	3,268,730	1,376
Georgia	3,138,962	59,265
Indiana	3,124,499	36,354

	Assessed value	Area, square miles
Texas	$3,602,000,000	265,896
Long Island	3,596,000,000	1,376
Kansas	3,481,000,000	82,158
California	3,181,000,000	158,297

The following data concerning the importance of Brooklyn alone—and it must be borne in mind that Brooklyn is only one part of the eastern judicial district—is impressive:

Brooklyn's population exceeds that of seven States of the Union.

Brooklyn's manufactured products amount to more than $1,000,000,000 annually.

Brooklyn ranks fourth in industry in the United States.

Brooklyn ranks sixth in industry in the world.

Brooklyn leads the world in the importation, distribution, and refining of sugar.

Brooklyn ranks first as a coffee importing and distributing center.

Brooklyn ships approximately 55 per cent of the freight from the combined ports of New York, Newark, Hoboken, and Jersey City, the sailings from Brooklyn visiting 119 foreign cities.

Brooklyn has 187 piers, accommodating more than 700 ocean liners.

Brooklyn has the second largest public-school enrollment in the United States, exceeded only by Chicago.

And there is also given the measure of Brooklyn's startling progress in the last 10 years:

	1916	1926
Population	1,870,000	2,240,000
Telephones	138,000	356,000
Building permits	$35,300,000	$280,000,000
Electric meters in service	87,000	684,454
Realty, assessed valuation	$1,750,000,000	$3,230,856,000

And this great city is taking greater strides every year in the march of progress.

This tremendous activity must of necessity result in increased litigation before the Federal courts in the eastern district.

The entire bar, regardless of politics, is strongly in favor of an additional judge in this district. As an example of this, the following resolution by the Brooklyn Bar Association, adopted on March 8, 1928, is indicative of this sentiment:

Whereas the amount of business in the United States district for the eastern district of New York has increased so largely that from 1911 until 1922 there was an increase of about 500 per cent in admiralty, 250 per cent in law and equity, 200 per cent in bankruptcy, and an increase of 500 per cent in criminal cases; and

Whereas the percentage of increases has continued from that period down to the fiscal year ending June 30, 1927; and

Whereas there are now only three district judges appointed from this district; and

Whereas under the present condition one judge is continually occupied with criminal cases, one judge is occupied with all the ex parte and litigated motions and naturalization, that only one judge is therefore available to try the litigated causes in equity, law, and admiralty, so that each class of causes has but three months of each year for the transaction of its business unless judges are brought from out of town; and

Whereas there has been increasing difficulty in obtaining judges from other districts to sit in the eastern district of New York and relieve the pressure: Now, therefore, be it

Resolved, That the Brooklyn Bar Association at a regular meeting thereof, held on the 8th day of March, 1928, places itself on record as being unanimously in favor of there being an increase in the number of judges for the eastern district of New York by at least one; and be it further

Resolved, That the Brooklyn Bar Association place itself on record as being in favor of the bill H. R. 5774, now pending before the Committee of the Whole House on the state of the Union; and be it further

Resolved, That a copy of this resolution be sent to each Congressman representing a congressional district within the eastern district of New York, and to each of the United States Senators from the State of New York; and be it further

Resolved, That the president of the Brooklyn Bar Association be empowered and directed to appoint a committee of 10, 2 members of which shall wait upon each Congressman representing a congressional district within the confines of the eastern district of New York, and each United States Senator from the State of New York, to obtain from such Congressmen and Senators a definite stand upon the following propositions and report the same back to the Brooklyn Bar Association at its next regular meeting, whether the said bill for the additional judge shall have been acted upon or not; and be it further

Resolved, That the questions to be asked by the committee of these Congressmen and Senators are as follows:

1. Are you persuaded that an additional United States district judge is necessary in the eastern district of New York at the present time?

2. Are you in favor of the present bill, H. R. 5774, providing for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York?

3. If not, why?

The pressure of business before the Federal courts in this district has necessitated the assignment of judges from other States in the Union in order that the lawyers and the litigants might have even a fair opportunity of having their cases adjudicated. The situation is so serious that but three months of each year is available for trying litigated causes in equity, law, and admiralty. With the congestion so great and the calendar so far behind, a situation is created that is unjust to litigants as it is unjust to taxpayers. Conditions such as are described above result even in denial of justice. If this vital relief is not given at this session of Congress, it will probably mean that at least two Federal judges from outside the State of New York will be required to help relieve the situation until the Congress can finally take action. Whether two outside judges can be spared for this district is, however, problematical, and so in the event of failure of legislation the situation becomes most uncertain.

The proposal for this additional judge has the approval and recommendation of the Attorney General of the United States and also the approval and recommendation of Chief Justice Taft as head of the conference of senior circuit judges of the United States.

I believe it is imperative that the Congress should pass this bill at the earliest possible time, and certainly during this Congress.

EDMUND F. HUBBARD

The next business on the Private Calendar was the bill (H. R. 10139) for the relief of Edmund F. Hubbard.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM and Mr. WARREN objected.

Mr. WHITEHEAD and Mr. WOODRUM rose.

Mr. WHITEHEAD. Will the gentlemen withhold their objection?

Mr. WARREN. Yes.

Mr. ROWBOTTOM. I will withhold the objection, but I think on the report of the War Department I will feel constrained to object.

Mr. WHITEHEAD. I would like to say to the gentleman the report of the War Department states that in the opinion of the department, from the evidence which they have in their records, they do not see any justification for the passage of such a bill, but they did not have the evidence in their records that the Committee on Military Affairs had before it. The evidence before the Committee on Military Affairs consisted not only of the affidavit of Captain Hubbard but of an affidavit by a medical officer of the Army who examined Captain Hubbard in the early spring of 1924 and certifies to the committee in his affidavit that in his opinion Captain Hubbard, if he had been examined when he was discharged in December, 1922, would have been found to be suffering from diabetes mellitus, and this bill only gives Captain Hubbard the right to have the retiring board convened and appear before that board.

Mr. ROWBOTTOM. Does not the report state that he certified—

that he was not suffering from the effects of a wound, injury, or disease, whether incurred in the military service of the United States or otherwise.

Mr. WHITEHEAD. Captain Hubbard certified to that when he was discharged, but he did not know what he was suffering from at the time of his discharge. He states in his affidavit that he had been sick in the Philippines and had been falling off, but he thought he would recover and soon regain his flesh and his health.

Captain Rutledge and the other captains who served with him not only at Camp Lee and Fort Myer, but who served with him in the Philippines, so certify. They state that he had been in bad health in the Philippines before he came home, in November, 1922, just a month before he was discharged, and one of these captains states that his uniform "hung on him like a sack." This is in the evidence before the committee.

Mr. SCHAFER. Will the gentleman yield?

Mr. ROWBOTTOM. Yes.

Mr. SCHAFER. The gentleman thoroughly understands that following the late war a good many thousands of men were discharged without any disabilities being noted on their enlistment papers upon examination in the camp prior to their discharge, because they ran them through like cattle running through the stock pens, and the examinations were very incomplete.

Mr. WOODRUM. If the gentleman will permit, I would like to say there is direct precedent for this Hubbard bill in the Coffey bill that was passed at the last session of Congress. The situation is that the act of 1922, for the purpose of reducing the personnel of the Military Establishment, provided three methods of discharge of soldiers—one for length of service, the other for disability, and the third providing for a discharge or elimination from the service with one year's pay. Captain Hubbard was eliminated from the service with a year's pay and was not given a physical examination, although in the routine of his discharge he did certify that, so far as he knew, he was not suffering from any disease. As a matter of actual fact, and as shown in the report which the gentleman has in his hand, by the affidavits of reliable physicians, he was suffering then from diabetes.

This bill does not put him on the retired list and does not give him a penny of retired pay. It simply gives him a hearing before the retiring board of the War Department, where he can go before the board, and if he can convince the board that, in their own judgment and discretion, he should at that time have been retired for disability, then they have the right to pass upon the case.

Mr. HUDSON. If the gentleman will permit, why is he estopped from doing that without this legislation?

Mr. WOODRUM. Without this legislation the time for such action has passed.

Mr. WHITEHEAD. Yes; that is the situation now.

Mr. WOODRUM. And in the last Congress we passed similar legislation. This bill simply gives him a hearing before a board that has the right to pass on his case, and if they decide he has not proven his case, that is all there is to it.

Mr. ROWBOTTOM. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edmund F. Hubbard, late captain of Infantry of the Regular Army of the United States, before a retiring board for the purpose of a hearing of his case and to inquire into and determine all the facts touching on the nature of his disabilities and to find and report the disabilities which in its judgment has produced his incapacity and whether his disabilities are an incident of service; that upon the findings of such a board the President is further authorized, in his discretion, either to confirm the order by which the said Edmund F. Hubbard was discharged or, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Edmund F. Hubbard a captain of Infantry and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Edmund F. Hubbard shall not be entitled to any back pay or allowances by the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN HEIZENBERGER

The next business on the Private Calendar was the bill (H. R. 2821) for the relief of John Heizenberger.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, etc., their widows and dependent relatives, John Heinzenberger shall hereafter be held and considered to have been honorably discharged from Company A, Eighth Regiment United States Infantry, November 8, 1901.

With the following committee amendment:

In line 9, after the figures "1901," insert a comma and the following: "*Provided*, That no bounty, back pay, pensions, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of John Heinzenberger."

A motion to reconsider was laid on the table.

CLIFFORD D. HAM

The next business on the Private Calendar was the bill (H. R. 5978) for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. SPEARING. Mr. Speaker, an identical bill (S. 1899) has passed the Senate and contains the committee amendment. I ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,300 to Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua, for damages to the wharf at Corinto, Nicaragua, caused by the United States ship *Quail*.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD S. LATHROP

The next business on the Private Calendar was the bill (H. R. 6360) for the relief of Edward S. Lathrop.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise

appropriated, to Edward S. Lathrop, of Bunnell, Fla., the sum of $281.05. Such sum represents the amount paid by him for traveling and subsistence when he was forced to leave his duties as United States vice consul at Torreon, Mexico, in 1920, by reason of publication without his fault of confidential communication of his to the Department of State.

With the following committee amendment:

Line 6, strike out "$313.34" and insert in lieu "$281.05."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GREAT WESTERN POWER CO.

The next business on the Private Calendar was the bill (H. R. 8185) for the relief of the Great Western Power Co., of San Francisco, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HUDSON. Reserving the right to object, I wish the gentleman from California would make a statement for the purpose of the RECORD.

Mr. FREE. Mr. Speaker, in San Francisco Bay where the ferries cross the anchoring of vessels is prohibited. Despite that fact, the U. S. dredge *Mackenzie* anchored in the area and caught in the cable of the Great Western Power Co. It was thought under the public vessels act of 1925 that the company would have an opportunity to bring suit in the admiralty court, but the court has held that the admiralty court has no jurisdiction of such damages. Therefore this bill is to give the company the right to bring the suit as it was thought it had a right to bring it.

Mr. EDWARDS. What is the amount involved?

Mr. FREE. Seven thousand three hundred and eighty-three dollars and two cents.

Mr. EDWARDS. Is this recommended by the committee?

Mr. FREE. Yes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Great Western Power Co. of San Francisco, Calif., owner of a subaqueous power cable lying beneath the waters of the Bay of San Francisco against the United States for damages alleged to have been caused by collision between the said subaqueous cable and the U. S. steam dredge *Mackenzie* in San Francisco Harbor on or about April 15, 1927, and by the injuring and damaging of said subaqueous cable by the said steam dredge *Mackenzie* may be sued for by said Great Western Power Co. in the District Court of the United States for the Northern District of California sitting as a court of law and acting under the rules governing such court. And said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, and interest at the legal rate upon any such damages, as shall be found to be due against the United States in favor of the Great Western Power Co. upon the same principles and measures of liability as in like cases between private parties, with the same rights of appeal, error, and certiorari: *Provided*, That such notice of suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within six months from the passage of this act.

With the following committee amendment:

Page 2, line 7, strike out "and interest at the legal rate upon any such damage."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES W. BASS

The next business on the Private Calendar was the bill (H. R. 8748) for the relief of James W. Bass, collector of internal revenue, Austin, Tex.

The Clerk read the title of the bill.

The SPEAKER. There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to relieve James W. Bass, collector of internal revenue, Austin, Tex., of the value of certain $1 and $2 documentary internal-revenue stamps amounting to $2,400, which were charged to him and which have through some unknown means disappeared from his office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES O. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 8807) for the relief of James O. Williams.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONTAGUE. I object.

Mr. HALL of Illinois. Will the gentleman reserve his objection? I have a very great interest in it. This man lives in my town.

Mr. MONTAGUE. The gentleman says he is interested in this bill?

Mr. HALL of Illinois. Very much, indeed. The man lives in my home town and it is a very worthy case.

Mr. MONTAGUE. I want to be frank about this. I think I have just cause for complaint of the treatment I received when the gentleman from Massachusetts objected to returning to my meritorious bill.

Mr. HUDSON. Will the gentleman yield for a moment for me to make a statement? When the gentleman from Virginia was not on the floor at the beginning of the session the gentleman from Massachusetts [Mr. UNDERHILL] said that beginning with the Private Calendar he would object to a request to return to any bill behind the star. I suppose the gentleman from Massachusetts was trying to be fair to everybody.

Mr. MONTAGUE. But we did return back of the star by unanimous consent. I heard one bill considered back of the star.

Mr. UNDERHILL. That was the first one.

Mr. MONTAGUE. I understood the gentleman from Massachusetts to say that he objected to my request to return behind the star because the gentleman from Nebraska [Mr. SIMMONS] made the request that he do so.

Mr. UNDERHILL. I said I had made a statement on the floor of the House that any further request to return to matters behind the star would be objected to by me, and when the gentleman from Virginia made the request I said I had refused others and would therefore object. And furthermore, the gentleman from Nebraska [Mr. SIMMONS] asked me to protect his rights in the matter.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to relieve James O. Williams, special disbursing agent for the State of Washington and the Territory of Alaska during the fourteenth decennial census from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of $3,924, erroneously paid out by him in good faith, for subsistence, on the strength of certain travel authorizations during the period from August 14, 1919, to November 30, 1920.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOUIE JUNE

The next business on the Private Calendar was the bill (H. R. 2473) for the relief of Louie June.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HUDSON. Mr. Speaker, reserving the right to object, the gentleman from California [Mr. CURRY], who introduced the bill, is not on the floor. Is there anyone here who can give us any information about the bill?

Mr. UNDERHILL. Mr. Speaker, this bill has been before previous sessions of Congress, but has failed of passage because it got caught in a jam. The fact of the matter is that this Chinaman, who was employed at the Mare Island Navy Yard, on a local road fell into an excavation which had been left there by the employees of the yard, which was unguarded and unlighted. He received a very bad injury. He was in the hospital for a long time. The only claim that the poor Chinaman makes is for the amount of money that it cost him while he was in the hospital.

Mr. HUDSON. Totaling what?

Mr. UNDERHILL. Two thousand five hundred dollars. As a matter of fact, that is less than the amount that the Chinaman spent.

Mr. HUDSON. Has not this bill been objected to in previous Congresses?

Mr. UNDERHILL. Not that I know of.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, empowered, and directed to pay, out of any funds in the Treasury of the United States of America not otherwise appropriated, the sum of $2,500 to Louie June to reimburse him for money expended and compensate him for an injury received at the Mare Island Navy Yard, Calif., May 27, 1922.

With the following committee amendment:

Line 6, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRY PINCUS

The next business on the Private Calendar was the bill (H. R. 6704) for the relief of Harry Pincus.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Postmaster General is hereby authorized and directed to credit the accounts of Walter C. Burton, deceased, formerly postmaster at Brooklyn, N. Y., in the sum of $1,200, which is the amount of money-order funds lost by theft at Station A, Brooklyn, N. Y., July 29, 1922, and to release Harry Pincus, a clerk in that post office, from liability for said sum.

"SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harry Pincus, a clerk in the post office at Brooklyn, N. Y., out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $620 paid by Harry Pincus on account of the loss of money-order funds referred to in section 1 of this act, and such further sum as may be paid by said Harry Pincus on account of said loss, and deposited for the service of the Post Office Department after that date and prior to the approval of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

E. C. HOWZE

The next business on the Private Calendar was the bill (H. R. 6930) for the relief of E. C. Howze.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $44, to E. C. Howze, of Union, S. C., who served as United States commissioner from November 30, 1924, to March 31, 1925.

With the following committee amendments:

Line 5, after the word "appropriated," insert the words "not to exceed"; and in line 6, after the word "Carolina," strike out "who served as United States commissioner from November 30, 1924, to March 31, 1925," and insert "such sum as may be required, on the basis of the fees allowed by law, for services as a de facto United States commissioner, from November 30, 1924, to March 31, 1925, inclusive, upon certification by the Comptroller General of the United States of the amount found due."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARTERET STREET METHODIST EPISCOPAL CHURCH, BEAUFORT, S. C.

The next business on the Private Calendar was the bill (H. R. 8034) for the relief of Carteret Street Methodist Episcopal Church South, of Beaufort, S. C.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, will the gentleman explain why this sum was cut from $15,000 to $5,000?

Mr. HARE. Mr. Speaker, the bill was introduced with the idea that interest should be allowed on the original amount, though I learned it was not the practice of the Government to allow interest on claims. For that reason it was reduced to $5,000.

Mr. HUDSON. What was the original amount?

Mr. HARE. Five thousand dollars.

Mr. HUDSON. The report shows here that they put in a claim to the War Department for $3,040.

Mr. HARE. I investigated that and found that that was a claim that came originally from Beaufort, N. C., and not from Beaufort, S. C. That is another claim.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. HUDSON. Yes.

Mr. HOOPER. The War Claims Committee examined this matter with the utmost care. It was a peculiar situation. We went into it with greatest care and made up our minds that it was really an equitable claim under the extraordinary circumstances under which it arose.

Mr. HUDSON. I am glad to reply that I have such confidence in my colleague and his work on that committee that I shall make no objection.

Mr. ROWBOTTOM. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the officers or trustees of Carteret Street Methodist Episcopal Church South, of Beaufort, S. C., out of any money in the Treasury not otherwise appropriated, the sum of $15,000 for losses sustained by the use, occupation, alienation, and appropriation of the Wesley Methodist Church and grounds in the town of Beaufort, S. C., by the military forces of the United States during and following the War between the States.

With the following committee amendment:

Line 7, strike out "$15,000" and insert "$5,000."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLARENCE CLEGHORN

The next business on the Private Calendar was the bill (H. R. 5981) for the relief of Clarence Cleghorn.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Clarence Cleghorn, of Dallas, Tex., the sum of $900 as the amount expended for hospital treatment, medical expenses, loss of time on account of injury, etc., in connection with injuries sustained by him in an accident on August 4, 1919, at which time he was run over by a United States Army motor truck from Love Field, Dallas, Tex.

With a committee amendment, as follows:

Line 7, strike out the figures "$900" and insert in lieu thereof the figures "$406."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

DON C. FEES

The next business on the Private Calendar was the bill (H. R. 11014) for the relief of Don C. Fees.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MONTAGUE. I object.

Mr. SCHAFER. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. MONTAGUE. I will.

Mr. SCHAFER. This is a department bill, introduced by the chairman of the Claims Committee at the request of the Department of Justice. It appears that the motor cycle in use in the Department of Justice was worn out, and they had no funds appropriated to purchase a new motor cycle. However, they had at their disposal some funds for the rental of machines, and they entered into a contract for the rental of a motor cycle. The Government received the motor cycle which was needed by the department and does not lose anything by the enactment of this bill. It is really a bill for the relief of a disbursing officer of the Department of Justice.

Mr. MONTAGUE. I have a similar bill, in which the department not only would not lose, but would gain. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

CHARLES L. DEWEY

The next business on the Private Calendar was the bill (H. R. 7230) for the relief of Charles L. Dewey.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman who introduced the bill if the claimant expects to secure a pension after the passage of the bill?

Mr. ARNOLD. No. That will not be the effect of the bill.

Mr. ROWBOTTOM. I withdraw my reservation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles L. Dewey, who was a member of Company F, Fourth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 5th day of September, 1898, for gastric catarrh and rheumatism: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

TIMOTHY HANLON

The next business on the Private Calendar was the bill (H. R. 8423) for the relief of Timothy Hanlon.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he hereby is, authorized and directed to pay to Timothy Hanlon, out of the appropriation for medical and hospital services, the sum of $28.50 for services rendered in connection with the funeral and burial of Raymond F. Poore (C-541-245), deceased.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CHARLES J. HUNT

The next business on the Private Calendar was the bill (H. R. 10327) for the relief of Charles J. Hunt.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to allow the claim of Charles J. Hunt for compensation in the sum of $1,228.33 for services as financial clerk in the office of the Superintendent for the Five Civilized Tribes at Muskogee, Okla., from April 25, 1926, to September 8, 1926, inclusive, which services were at the rate of $3,300 per annum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

FRANK E. RIDGELY

The next business on the Private Calendar was the bill (H. R. 7142) for the relief of Frank E. Ridgely, deceased.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the late Commander Frank E. Ridgely, United States Navy, who was retired May 24, 1925, by reason of physical disability which originated in the line of duty between April 6, 1917, and March 3, 1921, while holding the higher temporary rank of captain, United States Navy, shall be regarded as having been retired in such higher rank, as authorized by section 25 of the act approved March 4, 1925 (43 Stat. L. 1278), for officers retired prior to March 4, 1925: *Provided*, That this act shall not entitle any person to additional pay, allowances, gratuity, or pension.

With a committee amendment as follows:

Page 1, line 4, strike out the figures "14" and insert the figures "24."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

HOMESTEAD SETTLERS ON THE DRAINED MUD LAKE BOTTOM, IN THE STATE OF MINNESOTA

The next business on the Private Calendar was the bill (H. R. 8487) to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, the only objection I have to this bill is that it does not contain appropriations for the relief of all the settlers. I find the gentleman from Minnesota has introduced House bill 12375, which has for its purpose the settlement of one of the other claims. Therefore I shall not object to the present consideration of this bill.

Mr. HUDSON. Mr. Speaker, I object for to-day.

Mr. LEAVITT. Will the gentleman reserve his objection?

Mr. UNDERHILL. Why does the gentleman from Michigan object?

Mr. HUDSON. It seems to me this bill ought not to be passed at this late hour with all of these claims in it.

Mr. LEAVITT. It is one of the most meritorious bills on the calendar.

Mr. HUDSON. I objected because I did not see the gentleman from Minnesota [Mr. SELVIG] on the floor, but I see he is present.

Mr. UNDERHILL. The committee gave this bill the most careful attention. It went into it to the last degree, even to the changing of the spelling of a name and striking out various amounts. No bill could have had more consideration by a committee than this bill has had.

Mr. CHINDBLOM. And it has the recommendation of the department?

Mr. UNDERHILL. Yes.

Mr. HUDSON. It is a bill carrying over $34,000, and I wanted the gentleman from Minnesota to be on the floor.

Mr. LEAVITT. The gentleman is here.

Mr. HUDSON. I see the gentleman is present.

Mr. SCHAFER. It is a good bill, but it does not go far enough.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the following several sums of money to the respective claimants, their heirs, assigns, or legal representatives; the amount to be paid to each settler, his heirs, assigns, or legal representatives: To Grant I. Flakne, $2,009; to Casper J. Dale, $4,254.50; to Engebret Norbeck, $2,458.50; to Ole Reierson, $1,610; to Ole Maakstad, $757; to Andrew O. Spokely, $2,016; to Carl M. Ostby, $429.08; to Ervin J. Dale, $1,535; to Sherman J. Talle, $1,070; to Tom Risdal, $602; to Andrew P. Haugen, $390; to Agnes Fosen, $681; to Olava Sollom, $550; to Almond O. Snook, $1,220; to Hilmar Moberg, $3,235; to Mary Moberg, $890; to Alfred Newton, $997; to Arnold E. Talle, $714; to George E. Jensen, $425; to Fred Peterson, $1,970; to Karoline Johnasen, $370.50; to Emil Bernet Simonson, $1,201; to Ole Wilhelm Moberg,

$1,728; to Olf Torger Ness, $845; to Hilda Edith Brekke, $845; to Ed Furr, $975; to Matilda Furr, $558; to Ole Olson Garthus, $435.

In all, $34,770.58, which amount is hereby appropriated, and the Secretary of the Interior is authorized and directed to make the payments to the claimants herein named and provided for by his warrant upon the Treasury of the United States: *Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall, directly or indirectly, receive or retain for such service in preparing, presenting, or prosecuting such claim or for any act whatsoever in connection therewith an amount greater than 10 per cent of the amount allowed under this bill to the person for whom he has acted as agent or attorney: *Provided further*, That no purchaser or assignee of the claims of any of the said claimants shall receive therefor a greater amount than was paid to the claimant for his assignment.

With the following committee amendments:

On page 2, line 2, strike out the initial "J." and insert the initial "T."

Page 2, line 8, strike out "Johnasen" and insert "Johansen."

Page 2, line 12, insert a semicolon and the following: "to Elmer Odie, $80."

Page 2, line 13, strike out the figures "$34,770.58" and insert "$34,850.58."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOIS WILSON

The next business on the Private Calendar was the bill (H. R. 10192) for the relief of Lois Wilson.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Lois Wilson, of Gaston County, N. C., formerly a nurse in the service of the United States Veterans' Bureau, who contracted tuberculosis while on duty at United States Veterans' Bureau Hospital No. 60, Oteen, N. C., from November 1, 1924, to May 22, 1925.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon efforts to negotiate a contract for the private operation of Muscle Shoals.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, I was so anxious to get what is called the Madden bill, which incorporates a proposal by the American Cyanamid Co., whose president is Mr. W. B. Bell, in such shape as to be able to vote for it myself and to enable other Members of the committee and of the Congress to support it that I worked very hard in preparing and proposing benefiting amendments to same. I must have offered 100 or more amendments in all, and nearly all of them were finally accepted by the American Cyanamid Co. through its agent and officer, Mr. Bell, and are now incorporated in the present draft of the Madden bill. Just to show some of the situations that presented themselves before the committee, and especially before the subcommittee of five, of which I was a member, I have extracted a few typical pages from the hearings.

For instance, on February 3, 1927, while Mr. Bell was testifying and had expressed great fear that German competition might destroy the American fertilizer industry and gave this as a reason for his declining to make certain additional guaranties, the following took place:

Mr. McSWAIN. Well, I am a Democrat, but I'll be blamed if I would not vote to protect my own governmental industry from destruction by German competition, because I would be protecting the very agency of national defense. Because if they can put you at Muscle Shoals out of business, they will put every other private manufacturer out of business, and therefore there will be no peace-time industry making any amount of ammonia or nitrate, so that in war time we will be at the mercy of both Germany and Chile for our nitrates.

Mr. WURZBACH. That was exactly the argument Andrew Johnson made, you remember——

Mr. McSWAIN. Although I would not promise to protect the textile manufacturers of New England nor the bootmakers of Boston, I'll be hanged if I won't protect our own nitrate industry down at Muscle Shoals.

Again, on February 4, 1927, in commenting upon an amendment by myself to insure impartial and thorough and even critical audit of the books, the following took place:

Mr. BELL. We are trying to get all of our difficulties over before we start instead of having them afterwards.

Mr. McSWAIN. Exactly—that under these numerous items of cost the books, in the best of good faith, would probably be kept and the business so conducted that absolutely cheap fertilizers would probably never come about; that fertilizers will be produced, but even if they move and sell them, they will just be skimmed along slightly underneath the existing scale of prices and not enough really to do the Fertilizer Trust and the financial interest backing them very much damage; whereas if you, in a private enterprise, without any Government subsidy, now are making plant food for 43 per cent less than the private interests are making it, and if you were to get down yonder producing it in enormous masses under a Government subsidy as to power, you ought to cut the cost of this plant food in half, at least, in a few years. And it is very forcibly borne in on my mind that this matter of the audit of the books, as well as an inspection of the plant and supervision of the plant, under the direction of the farmers' bureau, is the key to the situation for the purpose of insuring and guaranteeing that the greatest economies will be practiced in the matter of manufacturing this fertilizer.

Again, on February 4, 1927, the following remarks were made by me:

Mr. McSWAIN. Mr. Bell, I respectfully submit there are various items in these cost factors that call for the exercise of discretion, that call for decisions on points of judgment, as to what is and what is not to be included in the items of cost. The very first one is (B) "All indirect expenses." And what indirect expenses are properly chargeable to the cost of fertilizer? That is a matter of decision that he must render judgment upon on the very threshold of his audit, in the first place.

Well, I do not question in either event the audit will be made honestly, but my idea is to try to insure some of the diligence and some of the initiative that would originate from what has been characterized as a partisan audit. It would please me very especially if the farmer board auditor and the Cyanamid Co.'s auditor would disagree very substantially and get into right much of a racket, so that a third man would get the benefit of the different points of view in deciding upon questions of that sort, which, if he were to make an interrupted and uninterfered with audit, would never occur to him, never come to his attention except it was aroused by them to a point of consciousness.

I want to be perfectly frank and not seem to be ugly and seem to suspect everybody and think everybody is a crook, and if you will read the debates in the Constitutional Convention of 1787 you will find this thing repeatedly coming before them—the question of who they would trust, what power and discretion would be given—and this observation was made one hundred times, I reckon, that "To confer this power, wide open, without any checks and balances we are seeking to throw around its exercise, would be to confer power no good man ought to want to exercise and no bad man ought to be permitted to exercise." So we have these great constitutional checks and balances, one against the other, not on the assumption that the President of the United States would not make good treaties with foreign nations, but on the ground he ought to have the advice and consent of two-thirds of the Senators before he committed this Nation as to its foreign policy, etc. Now I submit that——

Mr. WRIGHT. Without argument.

Mr. McSWAIN. Without further argument, at least.

Again, on February 4, 1927, in considering a proposition offered by many to give the farmer board power to determine the kinds and forms of fertilizer to be made by the American Cyanamid Co., the following took place:

Mr. McSWAIN. Mr. Bell, you have given them all the power and a darn sight more than you would be willing to give the Government under the present plan, and it has more to lose.

Mr. BELL. Yes; because we are putting up $35,000,000.

Mr. McSWAIN. This is a partnership where the United States Government is going to put in over $225,000,000 before it is through, and you may have in, ultimately, $35,000,000; but a part of that will be depreciation and profits you have already made, and it does look to me like some agency of the United States ought to have a look-in, somehow. Now, the suggestion was made yesterday to let repre-

sentatives of the farmer board go there and just look around—to look inside. Under your construction of this contract no Member of Congress, nor the Secretary of War, nor President of the United States would ever have the right to put his foot inside or upon that 2,500 acres. Now, this being to a very substantial effect a partnership business, being financed by the United States Government under a proposition by which you can not lose and by which you may make enormous profits——

Mr. BELL. No, we won't; you can not figure any way by which we can make enormous profits on this proposition. It just can not be done.

Mr. MCSWAIN. Suppose you decide, in a very few years, to resort to the synthetic process and thereby save to yourselves some 65 to 75 per cent of the power you have to use under the present process and devote that power to industry rather than the manufacture of fertilizer, then you will have not exceeding 100,000 horsepower in the fertilizer business out of a maximum of 280,000, and all the rest, and all the surplus, and all the secondary (and at times that secondary power may amount to half a million horsepower) will be devoted to industry and highly profitable, no doubt.

Again, on February 4, 1927, discussing the lack of power in the so-called "farmers' board" to protect the farmers as against the selfish interests of the American Cyanamid Co., the following took place:

Mr. MCSWAIN. They would stop that and would not let you sell it, and then all that power would go to a power proposition, because this farmer board has no more power than a headless, armless, eyeless, legless, brainless man.

Mr. BELL. I am sorry you feel that way, but that is not my conception of what we offer the Government.

Mr. MCSWAIN. I am only one, and I am willing to let the others pass on it; but if it is not changed in that respect, I am going to tell the House what I think about it; and if they want to vote on it, it is their responsibility. But I will certainly shed my responsibility for voting on this kind of proposition. That is all I have to say; I am through, now.

Mr. FISHER. Would not that be subject to the farmer board, as to the composition of the fertilizer?

Mr. MCSWAIN. You tell it; you are a lawyer and have been in Congress longer than I have, and you tell me whether it would or not. I ask you that question.

And again in the same connection observe the following colloquy:

Mr. MCSWAIN. You have not misled us on anything; you have been perfectly frank with us; I will say that for you.

Mr. BELL. Thank you.

Mr. MCSWAIN. Now let me withdraw any excessive heat, and let us keep the flush out of our cheeks, but it is apparent to my mind you do not have confidence in your ability to make fertilizer, even with a Government subsidy, that will undersell the other manufacturers.

Mr. BELL. Oh, Mr. MCSWAIN, I would not put my money and other people's money in this thing if I did not have confidence.

Mr. MCSWAIN. But they have already put it in; you have gotten them into a speculative venture to build this plant at Warners, and you have gone into Canada, even, and it seems to me you ought to have confidence in your ability to make fertilizer here in the United States, with a Government subsidy in back of you, that would sell. I have said all along that ammo-phos would sell; I am satisfied ammo-phos will sell.

Again, in connection with the point that the American Cyanamid Co. would produce only nitrogen, and that perhaps in the form that the farmers would not buy and use, I made the following comment:

Mr. MCSWAIN. And you will recall that several times, when other members of the committee were disposed to doubt whether ammo-phos would sell to the American farmer, I said I am satisfied it will sell, if it sells for 43 per cent below the present market value of plant food of that equivalent, and it was my hope and belief that, with cheap power and mass production, under virtually a Government subsidy, we would cut the cost of that plant food to 50 per cent—and I am willing to take the responsibility of saying that it will certainly not be less than 43 per cent—and, if it could go out in the form of ammo-phos, where our farmers could use it, I was willing to yield on a great many things in the bill that I did not agree to, in order to get ammo-phos for at least 43 per cent below the present cost of nitrogen and phosphoric acid as a plant food in the present form. But, as I see it now, under the interpretation of the bill as a nitrogen content alone, it won't meet the situation of the farmers and the nitrogen will go into the fertilizer factories, which are virtually mixing institutions, and the American farmer will be left in the lurch one more time.

Again while examining Mr. Phillips, who proposed to finance in part the Farmers' Federated Fertilizer Co., the following took place:

Mr. MCSWAIN. Now, Mr. Phillips, you have had a far vaster experience in the handling of millions of money than any of the rest of us; I guess I can safely say that—certainly I am not in the 10-cent class as compared with you.

Mr. PHILLIPS. I do not think that ought to be in the record.

Mr. MCSWAIN. I want to ask you this: Do you think, as a business proposition, you or anybody else would have any serious difficulty in raising sufficient money to recondition and to operate, by way of working capital, and build whatever additional plant might be necessary—not including any dam, of course—to make fertilizer there, if you were to get 6 per cent on your investment, have the privilege of amortizing that investment within 10 years and receive 8 per cent on the manufacturing cost of the fertilizer and then, if after a period of 10 or 15 years the manufacture of fertilizer would be an economic impossibility, because of competition from either domestic manufacturers or foreign manufacturers and, therefore, could be manufactured only at a loss, so that out of its manufacture, you could not receive your 6 per cent and your 8 per cent profit, and, therefore, could not amortize the investments—if you had a guaranty from your Government that in the event of such complete failure you could, by arbitration or by court action, have the value of your remaining investment ascertained and refunded to you in toto, do you think, under such a proposition as that you would have any serious difficulty in raising money to conduct the business?

Mr. PHILLIPS. I do not.

Mr. MCSWAIN. Does not that strike you as a proposition like a poor man going into business with a rich man whereby the rich man says, "You take this money and go into business; if you succeed you get at least half of the profit; if you fail I take the business off of your hands and pay back what little you put in it"—is not that about the analysis of it?

Mr. PHILLIPS. Well, I think you can make a better deal than that.

Mr. MCSWAIN. I am asking you, if you could make as good a deal as that, from your point of view—not from our point of view—would not you jump at it?

Mr. PHILLIPS. I think that would be a satisfactory deal.

Mr. MCSWAIN. I know if some rich man would take me in business in that way I would certainly jump at it. That is all, Mr. Chairman.

Mr. R. F. Bower associated in some way with the American Farm Bureau Federation, appeared before the committee, and among other things the following colloquy took place:

Mr. WAINWRIGHT. Mr. MCSWAIN, just state to him, if power faded out of the picture, then the two alternatives you put up.

Mr. MCSWAIN. I am sure Mr. Bower already understands it. Of course, Mr. Bower, you gentlemen are to be commended for the efforts you have put forth to try to put this into fertilizer proposition, and for the service you have rendered personally, and all of us thank you, but you men very well understand that you could not expect us just to vote for and approve and pass out a bill without amendment or modification——

Mr. BOWER. No, sir.

Mr. MCSWAIN (continuing). That had been drawn by Charles Evans Hughes, and his charge for giving advice was more than $100,000——

Mr. BOWER. That would not affect me one way or the other; I would not expect you to report it out if it had been drawn by Chief Justice Taft, or anyone else.

Mr. MCSWAIN. Now then, you admit it is a matter for our judgment if it has to be modified?

Mr. BOWER. Surely.

Mr. MCSWAIN. And, of course, just how far we would modify is a matter of judgment.

Mr. BOWER. To a certain extent, Mr. MCSWAIN; but when you modify to the point where you destroy your proposal then I begin to wonder if you have not gone too far.

Mr. MCSWAIN. I will tell you what I believe; I believe if you gentlemen had just backed us up here—because I submit I am just as good friend to the farmer as you, Mr. Gray——

Mr. BOWER. We believe that.

Mr. MCSWAIN. And my effort here has been to get fertilizer and to get the kind of fertilizer that would mean a fertilizer that the farmers would buy, and not merely the ingredients that the fertilizer companies would buy—my desire has been to free the farmer of the grip that the fertilizer manufacturers have had over him ever since I was a little boy, you see. Now, then, I went into this thing and I found this little pamphlet, this catechism you gentlemen put out was misleading——

Mr. BOWER. If it is we would like to know it.

Mr. MCSWAIN. Because I found the answer to this question here on page 3 [indicating] is not correct. Mr. Bell admits that is not correct. Just read this: "Does the Cyanamid Co. agree under the terms of the Madden bill to furnish phosphoric acid also?" That was the question.

Again, while Mr. Chester H. Gray was before the committee advocating the adoption of the Madden bill, I pointed out to him the legal situation and the business probability that fertilizer companies and the power companies would be able to make very attractive offers to obtain a controlling interest in

the stock of the American Cyanamid Co., and then the lease would be in unfriendly hands, and then they could so manipulate it so as to keep the letter, but violate the spirit and purpose, and thus defeat our great aim for fertilizers.

Mr. MCSWAIN. Now, then, my idea was this: It would be possible for the Cyanamid Co. to sell out—it could just sell out and assign the stock, could it not?

Mr. GRAY. I presume so.

Mr. MCSWAIN. It could sell to the power companies or anybody else. Now, then, you must always construe a contract when you are making it for a long time, just like a lawyer drawing a will; you must take the most adverse and contrary view possible as to what could take place in the remote future. Now, what I apprehend could be done would be for this concern to get into the hands of people unfriendly to the fertilizer interests, who merely wanted to keep the bare letter and not the spirit, and they could manufacture a concentrated form of fertilizer of one single ingredient (of nitrogen, say) in such form that it would not sell, and they could keep 25 per cent of the production in storage and go on and use the power indefinitely for the remainder of the term, and during that last 40 years, Mr. Gray, they would sit on the pot, the fertilizer pot, and keep everybody else off of it, and not let anybody else at all in to make a fertilizer that would sell to the farmers that they would use at all. Now, what we wanted to do, if they failed in fertilizer, was to be able to try somebody else, don't you see?

Mr. GRAY. Yes.

Mr. MCSWAIN. Because surely the cyanamide people are not the last word in all the world in the manufacture of fertilizer; surely there will be somebody else who should at least have an even break if they, after 10 years of experimentation on their part in the manufacture of fertilizer, should fail. So the proposition was that we would recommend to Congress, if they failed in the manufacture of fertilizer and had to give it up because it would not move, that then the Congress of the United States would pay them back every dollar they had put in the fertilizer business and take the plant over and let somebody else try it for a period. That was our proposition, and it seems to be just as fair as can be.

As evidence of my earnest desire to negotiate a contract with the American Cyanamid Co. so as to insure private operation, I submit the following extracts of statements and colloquies by me:

Mr. MCSWAIN. I do not think there is any doubt about the fact that the Government is going to try the fertilizer business there somehow, either indirectly through lessees or directly through its own agencies. Now, my belief is, rather than have the Government directly go into the manufacture of fertilizer and put up many millions of dollars of its own in improvements and permanent investments, it would agree to give it to a private concern that has a selfish interest in trying to succeed and, if they should make an honest effort and fail, that the Government would then recoup it for the investment in the fertilizer plant.

And, again, it is observed how I was urging Mr. Bell to look at the problem from our broad point of view—

Mr. BELL. Our plants on the books have been written down. I believe the appraised value of our plants would run substantially over $20,000,000.

Mr. MCSWAIN. So you have about $16,000,000 or $17,000,000 in the fertilizer business?

Mr. BELL. All of that; yes.

Mr. MCSWAIN. Now, then, when you put that money into the plants, you met the same contingency that you would meet when you would go into the fertilizer business at Muscle Shoals, did you not, to wit, that some cheap process might come along and destroy the value of your equipment?

Mr. BELL. Yes.

Mr. MCSWAIN. Or foreign competition might destroy it?

Mr. BELL. Yes.

Mr. MCSWAIN. Exactly. Then what objection do you have to the proposition we have suggested that, if some cheaper process does destroy your future investment at Muscle Shoals, or foreign competition destroys it—what objection do you have to an agreement by the Government to refund what you have lost rather than take your chances were that to happen, like you did when you put $17,000,000 in the present business? You took your chances with that, did you not, without anybody agreeing to indemnify you?

Under the bill as now written it is true, but suppose we assume now that Cove Creek would not be built, would you be willing to take this power from Dam No. 2 and Dam No. 3 and the steam plant and devote it all, cutting out the Union Carbide Co. or anybody else, devoting that all to the manufacture of concentrated fertilizer so that if in the future a more economical process might be discovered whereby it would take half the amount of power it now takes that the product of fertilizer would be double in volume from that which could now be turned out?

Mr. BELL. No.

Mr. W. B. Bell, president of the American Cyanamid Co. is a gentleman of great intelligence, of high character, and is perfectly fair and candid. I feel that the committee would have been willing to have executed the lease with him personally, or even with the American Cyanamid Co. if there could have been legal assurance that Mr. Bell would live 50 years and during that time would continue as president and controlling officer of the corporation. Of course that was impossible. But it is stated here to show the esteem in which Mr. Bell was held by the committee:

On the basic principle of whether you want private operation or whether you want Government operation, I see there is some difference in the opinion of the committee, and that is a difference that we can not very well reconcile. But in our mutual efforts to try to get together I know that the committee has gone very far, and I want to express my appreciation of it, and I hope that they feel the same way toward me.

Mr. MCSWAIN. Yes; I understand that we all feel very kindly and appreciate the great candor Mr. Bell has shown. I want the record to show that emphasis was laid upon the fact that Mr. Bell has said that these amendments that have been suggested by various members of the committee were of a constructive nature; because I did not know of some very ardent and enthusiastic proponents and supporters of this bill who wanted us to swallow just like it was handed in here, without the change of a single word, because according to their very fluent and verbose arguments the bill was perfect as it stood.

I think that a great deal more can be done to perfect it, and I want everything I say to go on the record, so far as that is concerned; it is my belief, after we have discussed the matter with Mr. Bell, that we shall have to go into an executive session ourselves and see if there is anybody who has any amendments, and vote them up or down, and when we are through with the measure let the House say what it wants to do with it, and after the House has passed on it let the Senate say what it wants to do with it, and then we will see what it looks like. Then, if Mr. Bell recognizes his child and is still willing to take him into his family, that is his privilege. And if he wants to disown him, that will be his privilege. But I think that we ought to go ahead and do something, somehow—I think that we ought to go ahead and act.

Mr. BELL. We believe that this price will be attractive. That is about all we can say. I imagine that what Mr. MCSWAIN means is cost plus 8 per cent. If that price is not attractive, we are out of luck to a very considerable extent.

Mr. MCSWAIN. That is not what I mean. I thought that I made plain yesterday what I meant, and in order to make it perfectly plain again, I will state it for the record. I apprehend that this contract will be attacked as a pure war-time cost-plus proposition; that you—that is, the lessee—will be the sole judge of what the cost is, will be the sole judge of the kind to make, and you say you insist on that, of course. And that it would be possible under that proposition with the great subsidy being offered there to barely skim under the price of the private manufacturers who have to pay for every dollar that they use, and barely sell the minimum production required to be made, and thereby make enormous profits out of the American farmer.

All of that margin between the actual cost and that price that shall be fixed just enough below the price fixed by a private manufacturer to make a go of the minimum amount required to be manufactured under the contract. That is just exactly what is in my mind. I thought that I made that plain yesterday.

At any rate, Mr. Chairman, I think this is all aside from the mark. However serious Senator NORRIS might have been, of course he could only speak for himself, and even if he could control the Senate Committee on Agriculture, and even if he could control the Senate, he certainly could not control the House as to what action it should take on the bill when it got back. We can not control the Senate and we can not control the House. It seems to me we have about gotten to the point now where it is time for us to do something. We can not agree with Mr. Bell any further, and the thing for us to do is to consider what action we shall take. It is not Mr. Bell's bill; it is not our bill. Mr. MADDEN introduced this as a Representative of the United States, and not as the agent of the American Cyanamid Co., and therefore I suggest that we take this bill up and see if we want to amend it, and my idea about the way to amend it, in addition to some verbal changes in the text, is, right down at the end here, to add a few more sections, in substance as follows:

"SEC. 8. That if the lessee, the American Cyanamid Co. and Air Nitrates Corporation, shall not within 90 days after the approval by the President of this act execute the lease herein proposed, then the Secretary of War is authorized to negotiate with any other firm or corporation a lease upon the same terms, changing the names, date, and numbers to correspond with the changed facts; and if the Secretary of War fails for a period of 90 days to negotiate any such lease."

Then section 9. Some such bill as was proposed by the Mackenzie committee, or as a basis for operation the Lowrey bill.

So that it will have three or four aspects to it when it comes before the House, so that nobody can finally say we have not done something. We have put it right up to them to do something, and we will have it out of our way for a while, at least.

As evidence of the reasoning by which we were forced to the position that there must be a recapture clause to protect the Government as a national-defense proposition, I submit the following:

Mr. McSWAIN. Supposing the United States Government wanted a plant in the nature of an arsenal where it might provide according to modern, up-to-date methods, the munitions necessary for war, it would have to go to some other place and put up another plant and buy some more land and have some more trouble, would it not? If that work there becomes antiquated, and Congress feels that it has become antiquated, and yet warfare necessitates explosives, and we do not want to run the risk of having our transports very largely cut off by a foreign fleet, and do not want to run the risk of having the Panama Canal blocked by enemy airplanes, then for the munitions that are necessary for our defense we would have to go somewhere else and put up a modern plant, would we not?

Mr. BELL. Yes. I presume you are not considering this clause by which the United States can take over this plant in time of war?

Mr. McSWAIN. It would be too late, when war came, to put up a modern plant. That was our trouble this last time. We want to be able to fight when the fight starts.

Again, in the effort to arrive at a basis of agreement, I submit the following:

Mr. McSWAIN. But at the same time it would not be enforceable in any way; consequently that is a contingency we ought to take into consideration. And I offer this suggestion, Mr. Bell, that if it ever gets to the place where the farmers' board shall file a certificate contemplated by this amendment, then it seems to me it will be so desperate that the possibility of resumption, contemplated by this proposed amendment, will practically fade out of the picture. And it seems to me, when that happens, it amounts virtually to a concession on the part of the lessee that it can not make a fertilizer proposition go; therefore it ought to surrender possession of the plant.

To the same effect, and showing the reasonableness and fairness of the proposition made by the committee to induce the American Cyanamid Co. to execute a lease, I offer the following:

Mr. McSWAIN. Now, Mr. Bell, if you will refer to page 43 of this lease, paragraph H, section 1, you will find there that if this lease is terminated for any reason, even your own fault, through any default, conscious or purposeful, or unavoidable, then any additions you may have made to the steam plant or hydroelectric plant, or any power transmission devices, things of that sort that you yourselves may have put there in the prosecution of this business, the United States is obligated to take off of your hands and pay for.

Mr. BELL. Yes.

Mr. McSWAIN. In addition, if for any reason under paragraph 2 the lease is terminated, then whatever you may have built in the way of equipment or whatever you have installed in the way of machinery to manufacture concentrated fertilizer, independent of what is described in paragraph 1 and of course not including what is described in paragraph 2 of section H, vests in the Government alone.

Mr. BELL. Yes.

Mr. McSWAIN. Now, here is the thing that keeps running through my mind: When that Niagara Falls and Warners, New Jersey, business was started, whoever put the money in then, although it was then an entirely experimental proposition 10 or 15 years ago—it was wholly experimental—whoever put the money in had confidence that it would succeed, and they knew if it did not they would lose the money, did they not?

Mr. BELL. Yes; and, if they won, they would make more than 8 per cent.

Mr. McSWAIN. Yes. Now, after the lapse of all these years, we have every assurance it is not experimental, we have a greater assurance it will succeed; yet you are unwilling, you have not enough faith in the success of the fertilizer feature to say "if it does fail, I will get out of the way and let somebody else try their hand," and you won't even accept a proposition to be reimbursed for the particular investment you may have made in plants 1 and 2 for the manufacture of concentrated fertilizer. Does that not indicate you have not as much faith now in the power of your company to succeed in the manufacture of commercial fertilizer as the promoters had 20 years ago when they started that business at Niagara Falls, because they certainly did put in about $20,000,000 of new money on an experimental venture and, if it had failed, the money would be gone.

Mr. FISHER. Was not that all brought about by the insistence of the committee to have a forfeiture clause put in, in the event it failed; was not that brought about by the discussion and insistence of the committee upon a forfeiture clause?

Mr. McSWAIN. We are still discussing that same thing.

Mr. HOFFMAN. But in the original investment you have to take into consideration there was no limitation established upon the profit.

Mr. McSWAIN. I understand that is true.

Mr. HOFFMAN. It was a speculative enterprise; but, while it did offer the possibility of loss, it also offered the possibility of great profit.

Mr. McSWAIN. It occurred to me all the while that the fact there would be a possibility of profit here would justify a recapture with reimbursement. Now, Mr. Bell's original objection to that was dual; first of all, he said he did not believe Congress would pass it. Well, his proposition involves that same principle; we are promising him here to repay for the steam plants, the electric installations, power lines, and so on, under the original proposition. So the objection Congress would not agree to refund for any installation seems to me is at least inconsistent with other parts of the bill. In the next place, he said he did not want a claim against the Government hanging open in the future anyway. There are plenty of places in the bill contemplating claims upon the Government and, as the United States court would have the liquidation of the amounts, my observation here is that whenever any judgment has come in from a court, from the Court of Claims or any other court, there has been no trouble through the Appropriations Committee of getting the money. I am speaking with great frankness. I am telling everything that is in my heart and mind.

To show that the Committee on Military Affairs was justified in refusing to follow the Senate in turning over to the Secretary of Agriculture all fertilizer activities at Muscle Shoals, I extract the following as a sample of the views of the department, as expressed by Dr. F. G. Cottrell, head of the bureau for the fixation of atmospheric nitrogen:

Mr. McSWAIN. But, Doctor, sections 3 and 4, which are the fertilizer provisions of the Norris bill, contemplate a mere experimentation; and if any farmers anywhere in the United States are expecting fertilizer by the hundreds of thousands of tons to come from Muscle Shoals under this bill, are they not doomed to disappointment; because all that will come from Muscle Shoals under the operation of this bill will be bulletins telling fertilizer manufacturers how they can produce a fertilizer cheaper; and, therefore, how they can make a bigger margin of profit between the cost of production and the price of sale to the farmer? That is the real truth of this bill, when stripped of all other significance, is it not?

Doctor COTTRELL. No; I should not say so. While I am not enthusiastic, and never have been enthusiastic, on attempting to carry the Government into large-scale production, if our success with the experiments that we shall carry out there is large enough to justify our going forward with larger construction, or even operating the plant to its full capacity, we will say, on the cyanamide, and producing these newer types of fertilizers, particularly if we can find an outlet for them so that they will move, and they do cut the cost, and private industry does not come in and beat us to it, which we rather hope they will—that is to say if we can set a lower cost, I should hope that our success would lead private industry to come in and compete with us, and gradually undersell us to the point where we could stop, eventually; and that is what I meant by saying that I hoped any provision of this kind would not commit the Government to a definite program of manufacture itself.

Mr. McSWAIN. That is very candid. So that just as soon as these experiments, paid for out of the Public Treasury, show private manufacturers of fertilizer how they can make it cheaper and they commence to make it cheaper the Government will quit; and then the Government being out of the business the private manufacturer, having no longer a competitor, will put his prices back to the original figures, and the farmer will be just where he has been all the time; and his vaunted friends, north, south, east, and west, will see that they have walked into a trap, it seems to me. We have been thinking he would get actual mass production of fertilizer down there. He may be disappointed, but I am certainly not going in when the promise is so obviously delusive as it is here. That is all.

The final impasse between Mr. Bell, president of the American Cyanamid Co., and the committee, I extract the following from the hearings had before the committee on Monday, March 19, 1928:

Mr. McSWAIN. Mr. Bell, you recognize, of course, that before you can do all these very desirable things that in your heart and mind you believe you can do and wish to do, this bill would have to go through the House of Representatives and receive a majority of the votes; it would have to go through the Senate and receive a majority of the votes there; and it would have to be approved by the President.

Mr. BELL. Yes.

Mr. McSWAIN. We have got a practical situation before us.

Mr. BELL. I know.

Mr. McSWAIN. And not a theoretical one to meet. We have got to face the fact the Senate has already voted, and the argument could be made and would be made that whether the Senate bill was wise or foolish, yet under that bill Congress retains the control of the property, whereas, under this bill, if this bill were reported unamended, without something in it in the way of a recapture clause, Congress would lose control of the property. And as between those alternatives it seems to me that a majority of the House and a majority of the Senate would find great difficulty in ever coming to the proposal of the lessee here.

Mr. WAINWRIGHT. We are faced with the contingency of complete failure on your part. You have got entire confidence in your successful operation, based upon your experience. Let us assume that we have entire confidence in you; and I think that the consideration that we have given to your measure would rather imply that we had a great deal of confidence in you.

Mr. BELL. I appreciate that very much.

GEORGE W. BOYER

The next business on the Private Calendar was the bill (S. 2657) for the relief of George W. Boyer.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of George W. Boyer, of Pine Grove, Pa., owner of the barge *Pine Grove*, against the United States of America for damages alleged to have been caused by collision on December 7, 1925, between said barge and the highway bridge at Coinjock, N. C., while said bridge was owned and operated by the United States, may be litigated and determined in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such courts, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States of America in favor of said George W. Boyer, or against said George W. Boyer in favor of the United States of America, ascertained upon the principles and measures of liability applicable in like cases in admiralty between private persons or corporations, with the same right of appeal: *Provided*, That notice of any suit brought by George W. Boyer by virtue hereof shall be given to the Attorney General of the United States in the manner provided by any order entered by the District Court of the United States for the Eastern District of Virginia, at Norfolk, in said cause, and it shall be the duty of the Attorney General of the United States to cause the United States attorney for the eastern district of Virginia, at Norfolk, to appear on behalf of the United States and protect and defend its interests: *Provided further*, That the proceeding hereby authorized shall be begun within four months from the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

E. A. CLATTERBUCK

The next business on the Private Calendar was the bill (H. R. 4619) for the relief of E. A. Clatterbuck.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. A. Clatterbuck, of Warrenton, Va., the sum of $24.65, being the amount due him for housing in the post-office building at Warrenton, Va., 49.3 tons of coal.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speakers' table and, under the rule, referred to the appropriate committees, as follows:

S. 2004. An act authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes; to the Committee on Flood Control.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. J. Res. 217. An act providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries; and

H. J. Res. 253. An act authorizing certain customs officials to administer oaths.

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924;

S. J. Res. 30. Joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro; and

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Saturday, March 31, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 31, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON PATENTS

(10 a. m.)

To protect trade-marks used in commerce, to authorize the registration of such trade-marks and for other purposes (H. R. 11988).

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10 a. m.)

To require the prompt rendition of accounts, and for other purposes (H. R. 12180).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

422. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of East Pass Channel from the Gulf of Mexico into Choctawhatchee Bay, Fla. (H. Doc. No. 209); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

423. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Hudson River, N. Y., below Hudson; and Hudson River, N. Y., with a view to deepening the channel in and near Haverstraw Bay (H. Doc. No. 210); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. S. 3194. An act to establish the Bear River migratory bird refuge; with amendment (Rept. No. 1094). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. S. J. Res. 46. A joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes; with amendment (Rept. No. 1095). Referred to the Committee of the Whole House on the state of the Union.

Mr. DARROW: Committee on Naval Affairs. H. R. 5528. A bill to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign; without amendment (Rept. No. 1096). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED of New York: Committee on Education. H. R. 12241. A bill to provide for the further development of voca-

tional education in the several States; without amendment (Rept. No. 1097). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 3893. A bill for the relief of Francis L. Sexton; with amendment (Rept. No. 1093). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11717) granting an increase of pension to William H. Gray; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (S. 205) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin; Committee on Ways and Means discharged, and referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KINCHELOE: A bill (H. R. 12563) authorizing the West Kentucky Bridge & Transportation Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Henderson, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. GUYER: A bill (H. R. 12564) for the purchase of a site for and the erection of a post-office building at Paola, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12565) for the purchase of a site for and the erection of a post-office building at Osawatomie, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12566) for the purchase of a site for and the erection of a post-office building at Olathe, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12567) for the purchase of a site for and the erection of a post-office building at Humboldt, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12568) for the purchase of a site for and the erection of a post-office building at Garnett, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. GREGORY: A bill (H. R. 12569) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12570) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12571) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12572) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12573) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Tennessee River at or near Egners Ferry, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTWRIGHT: A bill (H. R. 12574) to extend certain existing leases upon the coal and asphalt deposits in the Choctaw and Chickasaw Nations to September 25, 1932, and permit extension of time to complete payments on coal purchases; to the Committee on Indian Affairs.

By Mr. KINDRED: A bill (H. R. 12575) providing for a Federal and narcotic hospital to be located in the State of New York; to the Committee on the Judiciary.

By Mr. UNDERHILL: A bill (H. R. 12576) amending the fraternal beneficial association law for the District of Columbia, as to payment of death benefits; to the Committee on the District of Columbia.

Also, a bill (H. R. 12577) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes"; to the Committee on the Post Office and Post Roads.

By Mr. BRIGHAM: A bill (H. R. 12578) to authorize certain carriers to extend credit on freight transported; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCKBEE: Joint resolution (H. J. Res. 257) providing for the sale of postage stamps at places other than the post office or its branches, and for other purposes; to the Committee on the Post Office and Post Roads.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of New Jersey, urging the authorization of the issuance of a special series of postage stamps to commemorate the one hundred and fiftieth anniversary of the Battle of Monmouth in the Revolutionary War; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 12579) for the relief of John Callaghan; to the Committee on Claims.

By Mr. BEERS: A bill (H. R. 12580) granting an increase of pension to Mercy A. Wilson; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12581) granting an increase of pension to Rebecca S. Bloom; to the Committee on Invalid Pensions.

By Mr. CORNING: A bill (H. R. 12582) granting an increase of pension to Jennie C. Bennett; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12583) granting compensation to Ellen E. Williams; to the Committee on World War Veterans' Legislation.

By Mr. CROWTHER: A bill (H. R. 12584) granting an increase of pension to Isabella J. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12585) granting an increase of pension to Christine Abeling; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 12586) granting a pension to Sarah A. Lansing; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12587) granting a pension to Anna Mae Banning; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 12588) granting an increase of pension to Amy C. Kolb; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 12589) granting an increase of pension to Frances M. Moon; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 12590) granting an increase of pension to Jennie G. Murphy; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 12591) granting a pension to Nora Cathcart; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12592) for the relief of Thomas L. Durocher; to the Committee on Claims.

By Mr. LEA: A bill (H. R. 12593) for the relief of Edward McOmber; to the Committee on Military Affairs.

By Mr. MOORMAN: A bill (H. R. 12594) granting a pension to Charles Steffey; to the Committee on Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 12595) granting an increase of pension to Anna B. Ellis; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 12596) for the relief of Henry M. Dugan; to the Committee on Claims.

By Mr. SCHNEIDER: A bill (H. R. 12597) for the relief of Carl O. J. Bujack; to the Committee on Naval Affairs.

By Mr. SHREVE: A bill (H. R. 12598) granting an increase of pension to Louisa C. Aggers; to the Committee on Invalid Pensions.

By Mr. SPROUL of Illinois: A bill (H. R. 12599) authorizing the appointment of Lewis W. Glossinger as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 12600) granting a pension to Catherine M. Elliott; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12601) granting a pension to Lewis Saunders; to the Committee on Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 12602) granting a pension to John Sharp Porter; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6226. Petition of National Daughters of the Grand Army of the Republic, Department of Michigan, favoring increase of pension to widows of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

6227. Petition of National Daughters of the Grand Army of the Republic, Department of Michigan, favoring the passage of House Joint Resolution 213, declaring the Star-Spangled Banner to be the national anthem; to the Committee on the Judiciary.

6228. Petition of National Daughters of the Grand Army of the Republic, Department of Michigan, favoring the passage of House Joint Resolution 11, relating to proper flag code; to the Committee on the Judiciary.

6229. Petition of National Daughters of the Grand Army of the Republic, Department of Michigan, in regard to Fort Wayne, located in Wayne County, Mich., being made a national park; to the Committee on Military Affairs.

6230. By Mr. AYRES: Petition of citizens of Newton, Kans., in behalf of legislation favorable to Civil War veterans and widows; to the Committee on Invalid Pensions.

6231. By Mr. BACON: Petition of Sarah A. Ruland and others, of Northport, Long Island, N. Y., favoring Civil War increase pension bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6232. Also, petition of George W. James and others, of Huntington, Long Island, N. Y., favoring Civil War pension increase bill carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6233. Also, petition of M. G. Terry and others, of Stony Brook, N. Y., in support of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

6234. By Mr. BECK of Wisconsin: Petition signed by residents of Baraboo, approving the Lankford bill; to the Committee on the District of Columbia.

6235. Also, petition of sundry citizens of Wisconsin approving the Shipstead bill; to the Committee on Immigration and Naturalization.

6236. Also, petition signed by residents of Rockland and Bangor, Wis., protesting against the Lankford compulsory observance bill; to the Committee on the District of Columbia.

6237. Also, petitions signed by residents of La Crosse and Granton, Wis., also Wyeville and Tomah, also Adams and Neillsville, favoring Civil War pension bill; to the Committee on Invalid Pensions.

6238. Also, petition signed by residents of Viroqua and Madison, Wis., favoring Civil War pension bill; to the Committee on Invalid Pensions.

6239. Also, petition signed by residents of Wisconsin, favoring Civil War pension bill; to the Committee on Invalid Pensions.

6240. By Mr. BRIGHAM: Petition of Mina T. Conant, Mrs. Alfred F. Brainerd, and 56 other citizens of Burlington, Vt., urging passage of legislation for Civil War widows and veterans; to the Committee on Invalid Pensions.

6241. By Mr. BUCKBEE: Petition of Mrs. Frank Rolfe and 130 other citizens of De Kalb, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6242. By Mr. BURTON: Resolution of Palacky Lodge, No. 317, Knights of Pythias, Cleveland, Ohio, adopted at their meeting on March 27, 1928, favoring the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

6243. By Mr. COOPER of Ohio: Resolution of Tod Post, No. 29, Grand Army of the Republic, of Youngstown, Ohio, favoring Civil War Pension bill; to the Committee on Invalid Pensions.

6244. By Mr. CROWTHER: Petition of citizens of Ames, N. Y., for passage of House bill 11410; to the Committee on the Judiciary.

6245. Also, petition of residents of St. Johnsville, N. Y., for pension legislation; to the Committee on Invalid Pensions.

6246. By Mr. DRIVER: Petition signed by citizens of Madison and Palestine, Ark., urging action by Congress on the legislation for the relief of the Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6247. By Mr. GALLIVAN: Petition of Universal Winding Co., Frederick H. Bishop, vice president, 95 South Street, Boston, Mass., protesting against the Vestal trade-mark bill (H. R. 6683); to the Committee on Patents.

6248. By Mr. HICKEY: Petition of Mary Newcome and other residents of Michigan City, Ind., urging passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6249. Also, petition of M. L. Thomas and other residents of La Porte County, Ind., urging the passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6250. Also, petition of H. C. Wise and other residents of Hibbard, Ind., urging the passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6251. By Mr. KINDRED: Petition of the Legislature of the State of New York, urging Congress to provide a suitable institution in New York State in which to confine those charged with or convicted of crimes against the Government of the United States; to the Committee on the Judiciary.

6252. By Mr. LEATHERWOOD: Petition signed by W. P. Mortensen and others, of Salt Lake City, Utah, favoring the Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6253. By Mr. LINDSAY: Petition of Charles H. Demarest (Inc.), New York City, favoring the Hawes-Cooper bill, inasmuch as it is of advantage to the broom industry which suffered business depression in past years; to the Committee on Interstate and Foreign Commerce.

6254. Also, petition of A. Nemser, M. D., D. D. S., Brooklyn, N. Y., urging that everything possible be done to secure enactment of Senate bill 777, referred to as Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

6255. Also, petition of American Foundation for the Blind (Inc.), New York City, favoring passage of the Cooper-Hawes bill; to the Committee on Interstate and Foreign Commerce.

6256. By Mr. McKEOWN: Petition of W. W. Ives, J. W. Pegg, and other citizens of Allen, Okla., urging the immediate passage of a bill carrying an increase in Civil War pensions; to the Committee on Invalid Pensions.

6257. By Mr. MICHENER: Petitions of sundry citizens of Jackson, Mich., indorsing Civil War pension bill, providing increased pensions for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6258. By Mr. MURPHY: Petition of Nancy J. Shepherd and 26 other residents of Barnesville, Belmont County, Ohio, asking for the passage of the Civil War pension bill, carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6259. Also, petition of Mary A. Wright and 47 other residents of Klondyke, Ohio, asking for the passage of the Civil War pension bill, carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6260. By Mr. O'BRIEN: Petition of the voters of Lumberport, W. Va., favoring the Civil War pension bill, carrying rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6261. Also, petition of the voters of Enterprise, Harrison County, W. Va., favoring the Civil War pension bill, carrying rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

6262. By Mr. O'CONNELL: Petition of Charles H. Demarest (Inc.), New York City, favoring the passage of the Hawes-Cooper bill, which divests prison-made products of their interstate character; to the Committee on Labor.

6263. Also, petition of the Schaeffer Street Civic Association, Brooklyn, N. Y., opposing the removal of the Brooklyn (N. Y.) Navy Yard; to the Committee on Naval Affairs.

6264. By Mr. RAMSEYER: Petition of citizens af Mahaska County, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

6265. By Mr. SELVIG: Petition of Fred Joloszynski and 40 adult citizens of Winner, Roseau County, Minn., and vicinity, protesting against the passage of House bill 78 or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

6266. By Mr. SHREVE: Petition by Mary A. Phillips and other residents of Erie, Pa., for the passage of the Civil War pension bill sponsored by the National Tribune; to the Committee on Invalid Pensions.

6267. By Mr. STRONG of Kansas: Petition of Joanna Thompson and 130 citizens of Junction City, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6268. Also, petition of Marie Rolph, of Concordia, Kans., urging immediate passage of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6269. By Mr. SWING: Petition of residents of San Diego, Calif., for the relief of Civil War veterans and widows; to the Committee on the District of Columbia.

6270. Also, petition of citizens of San Bernardino, Calif., for the relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

6271. By Mr. THOMPSON: Petition of voters of Henry County, Ohio, urging that immediate steps be taken by Congress to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune, and that hearty support on the part of the Senators and Representatives in Congress be accorded this legislation; to the Committee on Invalid Pensions.

6272. By Mr. WHITE of Colorado: Petition of Dr. M. L. Rice, president Colorado Conference of Seventh Day Adventists, containing 1,112 signatures, protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

6273. By Mr. WOODRUFF: Petition of citizens of the tenth Michigan district, in opposition to House bill 78; to the Committee on the District of Columbia.

SENATE

SATURDAY, *March 31, 1928*

(Legislative day of Friday, March 30, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts;

S. 138. An act for the relief of Thomas Johnsen;

S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink; and

S. 2657. An act for the relief of George W. Boyer.

The message also announced that the House had passed the bill (S. 380) for the relief of Charles H. Niehaus, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 1529. An act for the relief of the heirs of John Eimer;

H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells;

H. R. 1627. An act for the relief of Abram H. Johnson;

H. R. 2473. An act for the relief of Louie June;

H. R. 2530. An act for the relief of William H. Nightingale;

H. R. 2658. An act for the relief of Finch R. Archer;

H. R. 2821. An act for the relief of John Heinzenberger;

H. R. 3029. An act for the relief of Vern E. Townsend;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3892. An act for the relief of George W. Sampson;

H. R. 4204. An act for the relief of Thomas M. Richardson;

H. R. 4619. An act for the relief of E. A. Clatterbuck;

H. R. 4653. An act for the relief of Virgil W. Roberts;

H. R. 4687. An act for the relief of Albert Campbell;

H. R. 4925. An act for the relief of John M. Savery;

H. R. 5897. An act for the relief of Mary McCormick;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 5981. An act for the relief of Clarence Cleghorn;

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 6704. An act for the relief of Harry Pincus;

H. R. 6930. An act for the relief of E. C. Howze;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased;

H. R. 7230. An act for the relief of Charles L. Dewey;

H. R. 7518. An act for the relief of the Farmers National Bank of Danville, Ky.;

H. R. 8034. An act for the relief of Carteret Street Methodist Episcopal Church South, of Beaufort, S. C.;

H. R. 8185. An act for the relief of the Great Western Power Co. of San Francisco, Calif.;

H. R. 8423. An act for the relief of Timothy Hanlon;

H. R. 8487. An act to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 8807. An act for the relief of James O. Williams;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 9334. An act for the relief of Morris J. Lang;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 9411. An act for the relief of Maurice P. Dunlap;

H. R. 9712. An act for the relief of Curtis V. Milliman;

H. R. 9722. An act for the relief of Allen Nichols;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10038. An act for the relief of Wilford W. Caldwell;

H. R. 10139. An act for the relief of Edmund F. Hubbard;

H. R. 10192. An act for the relief of Lois Wilson;

H. R. 10276. An act providing for sundry matters affecting the naval service;

H. R. 10327. An act for the relief of Charles J. Hunt;

H. R. 10502. An act for the relief of J. B. Holder;

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson;

H. R. 10714. An act for the relief of T. Abraham Hetrick;

H. R. 10932. An act for the relief of the widows of certain Foreign Service officers; and

H. J. Res. 147. Joint resolution for the relief of the estate of the late Max D. Kirjassoff.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924;

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

S. J. Res. 30. Joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro;

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended;

H. J. Res. 217. Joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries; and

H. J. Res. 253. Joint resolution authorizing certain customs officials to administer oaths.

DEATH OF SENATOR FRANK BARTLETT WILLIS

Mr. FESS. Mr. President, it is my sad duty to announce the death of my colleague, Hon. FRANK BARTLETT WILLIS, which took place last night in his home town of Delaware, Ohio. At some future time I shall ask the Senate to set apart a day on which fitting tribute may be paid to his life, character, and public services. At present I send to the desk resolutions for which I ask immediate consideration.

The VICE PRESIDENT. The resolutions will be read by the Chief Clerk.

The resolutions (S. Res. 186) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. FRANK B. WILLIS, late a Senator from the State of Ohio.

Resolved, That a committee of 10 Senators be appointed by the Vice President to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed as the committee under the second resolution the Senator from Ohio [Mr. FESS], the Senator from Kansas [Mr. CURTIS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Washington [Mr. DILL], the Senator from Indiana [Mr. WATSON], the Senator from Connecticut

[Mr. BINGHAM], the Senator from New Hampshire [Mr. MOSES], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Washington [Mr. JONES], and the Senator from Indiana [Mr. ROBINSON].

Mr. FESS. Mr. President, as a further mark of respect to the memory of the deceased Senator I move that the Senate do now adjourn.

ADJOURNMENT

The motion was unanimously agreed to; and (at 12 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, April 2, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 31, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou in whose mercy we behold the light of another day, be our safeguard and give us convincing proofs that Thou dost govern in the affairs of men. May we keep true to the tasks that await us and true to our God who has intrusted us with them. "Hosanna! Blessed is he who cometh in the name of the Lord!" O Conqueror, take possession of Thy kingdom. The royal road which Thou hast traveled will be traced by Thy children for ages to come. Lead on, O King Eternal. Thou art the corner stone of our faith; the clouds can only mantle at Thy feet. To erase Thy name from the memory of men would be to rend the moral foundations of the world. Beneath Thy footfall the old earth is destined to move sunward, and Thy cross shall be the standard for the fondest hopes that ever beat in the human breast. O the voices of unnumbered generations shall tell of Thee as they pour their incense of praise at Thy feet. Holy, holy, holy is our Lord! Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that on Tuesday, after the reading of the Journal, the disposition of matters on the Speaker's table, and following the special orders, I may be permitted to address the House for 15 minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent that on Tuesday, after the reading of the Journal, the disposition of matters on the Speaker's table, and the special orders, he may be permitted to address the House for 15 minutes. Is there objection?

Mr. DYER. Mr. Speaker, I understand from the chairman of the Committee on Rules that on Tuesday the bill which was to be up to-day is to be considered. Unanimous-consent requests to address the House on that day have been granted amounting to one hour, and the bill which we are going to have up will be under a rule which provides for four hours of general debate. I would prefer the gentleman would make his request for some other day.

Mr. SNELL. We already have one hour of special orders for Tuesday.

Mr. TILSON. It will be impossible to finish the bill on Tuesday, anyway.

Mr. SNELL. Yes.

Mr. LAGUARDIA. How much time is the gentleman asking for?

Mr. WOODRUM. Fifteen minutes.

Mr. TILSON. I think the gentleman might as well be accommodated on Tuesday as on any other day.

Mr. WOODRUM. I thank the gentleman.

The SPEAKER. Is there objection?

There was no objection.

CHAIRMAN OF WAYS AND MEANS COMMITTEE

Mr. TILSON. Mr. Speaker, I send to the Clerk's desk a resolution (H. Res. 153) and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 153

Resolved, That WILLIS C. HAWLEY, of Oregon, be, and he is hereby, elected chairman of the Committee on Ways and Means to fill the vacancy caused by the resignation of WILLIAM R. GREEN, of Iowa.

The resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following resolution:

Senate Resolution 186

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of the Hon. FRANK B. WILLIS, late a Senator from the State of Ohio.

Resolved, That a committee of 10 Senators be appointed by the Vice President to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that pursuant to the foregoing resolutions the Vice President had appointed Mr. FESS, Mr. DILL, Mr. CURTIS, Mr. ROBINSON of Arkansas, Mr. WATSON, Mr. BINGHAM, Mr. MOSES, Mr. MCKELLAR, Mr. JONES, and Mr. ROBINSON of Indiana members of the committee to attend the funeral of the deceased Senator.

DEATH OF SENATOR FRANK B. WILLIS

Mr. MORGAN. Mr. Speaker, I send a resolution to the desk and ask for its immediate consideration.

The SPEAKER. The gentleman from Ohio offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 154

Resolved, That the House has heard with profound sorrow of the death of the Hon. FRANK B. WILLIS, a Senator of the United States from the State of Ohio.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 22 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolution was agreed to.

The SPEAKER appointed the following committee on the part of the House:

Mr. TATGENHORST, Mr. ROY G. FITZGERALD, Mr. WILLIAM T. FITZGERALD, Mr. THOMPSON, Mr. KEARNS, Mr. CHARLES BRAND, Mr. FLETCHER, Mr. CHALMERS, Mr. JENKINS, Mr. UNDERWOOD, Mr. SPEAKS, Mr. BEGG, Mr. DAVEY, Mr. C. ELLIS MOORE, Mr. MCSWEENEY, Mr. MORGAN, Mr. MURPHY, Mr. JOHN G. COOPER, Mr. MOONEY, Mr. CROSSER, Mr. BURTON, and the Speaker.

The SPEAKER. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 15 minutes p. m.) the House adjourned until Monday, April 2, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, April 2, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication of pink bollworm and authorizing an appropriation therefor (H. J. Res. 237).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Directing the Comptroller General of the United States to reopen, adjust, and resettle the account between the State of Nevada and the United States (H. J. Res. 111).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider the private bills on the committee calendar.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WINTER: Committee on Mines and Mining. S. 1347. An act to amend an act entitled "An act to provide relief in cases

of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended; with amendment (Rept. No. 1098). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLINS: A bill (H. R. 12603) to establish and maintain a pecan experiment station at or near Newton, Miss.; to the Committee on Agriculture.

By Mr. HASTINGS: A bill (H. R. 12604) authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes; to the Committee on Indian Affairs.

By Mr. KENDALL: A bill (H. R. 12605) to enable the Postmaster General to purchase and erect community mail boxes on rural routes and to rent compartments of such boxes to patrons of rural delivery; to the Committee on the Post Office and Post Roads.

By Mr. WOODRUM: A bill (H. R. 12606) to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia, and in the field services"; to the Committee on the Civil Service.

By Mr. TILSON: A bill (H. R. 12607) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;* to the Committee on Naval Affairs.

By Mr. McLEOD: A bill (H. R. 12608) to provide for the issuance of suitable insignia to certain wounded war veterans, and for other purposes; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: Joint resolution (H. J. Res. 258) authorizing the Secretary of War to lease to the New Orleans Association of Commerce, New Orleans Quartermaster Intermediate Depot Unit No. 2; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LETTS: A bill (H. R. 12609) to extend the measure of relief provided in the employees' compensation act of September 7, 1916, to Robert W. Vail; to the Committee on Claims.

By Mr. MARTIN of Louisiana: A bill (H. R. 12610) for the relief of Leon Lilienfeld; to the Committee on Patents.

By Mr. PURNELL: A bill (H. R. 12611) granting an increase of pension to Mary Munsell; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 12612) for the relief of E. W. Gillespie; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 12613) granting a pension to Margaret Kropp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12614) granting an increase of pension to Sarah Martha Brady; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6274. By Mr. BROWNING: Petition of citizens of Carroll County, Tenn., to increase the pension of Civil War veterans and widows; to the Committee on Invalid Pensions.

6275. By Mr. CRAIL: Petition of Masonic Club of Long Beach, Calif., in favor of the present national defense act; to the Committee on Naval Affairs.

6276. By Mr. DARROW: Petition of the Philadelphia Board of Trade, protesting against Senate bill 3508, to increase the number of members of the Federal Reserve Board; to the Committee on Banking and Currency.

6277. By Mr. O'CONNELL: Petition of the Illinois Chamber of Commerce, Chicago, Ill., with reference to section 611, "Collections stayed by claim in abatement," and two other subjects, "Evasion of surtaxes" and "Consolidated returns"; to the Committee on Ways and Means.

6278. Also, petition of the Harper Illustrating Syndicate, Columbus, Ohio, favoring the 1-cent rate of postage for 2-cent rate; to the Committee on the Post Office and Post Roads.

6279. Also, petition of the American Foundation for the Blind (Inc.), New York City, favoring the passage of the Hawes-Cooper bill (H. R. 7729); to the Committee on Interstate and Foreign Commerce.

6280. By Mr. THOMPSON: Petition of about 130 citizens of the fifth congressional district of Ohio, protesting against the passage of any measure that permits the use of corn sugar in food products and manufactured foods unless so labeled; to the Committee on Agriculture.

6281. By Mr. TIMBERLAKE: Petitions against Lankford bill (H. R. 78); to the Committee on the District of Columbia.

6282. By Mr. WINTER: Petition signed by the voters of Fremont County, Wyo., relative to higher pension rates for Civil War survivors; to the Committee on Invalid Pensions.

6283. By Mr. THURSTON: Petition of the Grand Army of the Republic, Post No. 173, Osceola, Iowa, unanimously favoring $72 per month pension for Civil War veterans, $125 for those requiring aid and attendance, and $50 per month for widows of Civil War veterans; to the Committee on Invalid Pensions.

6284. Also, petition of 10 citizens of New Market, Iowa, requesting the Congress to enact legislation increasing the pension of veterans and their dependents; to the Committee on Invalid Pensions.

SENATE

MONDAY, *April 2, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

"One sweetly solemn thought
Comes to me o'er and o'er;
I am nearer home to-day
Than I've ever been before.

Nearer my Father's house,
Where the many mansions be;
Nearer the great white throne,
Nearer the crystal sea.

Nearer the bound of life,
Where we lay our burdens down;
Nearer leaving the cross,
Nearer gaining the crown.

But lying darkly between,
Winding adown through the night,
Is the silent unknown stream
That leads at last to the light.

Father, be near when my feet
Are slipping over the brink;
For it may be I am nearer home,
Nearer now than I think."

Let us pray. O Almighty God, who art found of those who seek Thee in loneliness, and whose portion is sufficient for the sorrowing souls of Thy children, remember in tender mercy the family and loved ones of him who has now fallen on sleep in the full strength of his glorious manhood. Thou only canst keep our feet from falling and our eyes from tears. Make us, therefore, ever mindful of the time when we shall lie down in the dust; and grant us grace always to live in such a state that we may never be afraid to die; so that, living and dying, we may be Thine, through the merits and satisfaction of Thy Son Christ Jesus, in whose name we offer up this our imperfect prayer. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CHARLES H. NIEHAUS

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 380) for the relief of Charles H. Niehaus, which was, on page 1, line 5, after the word "appropriated," to insert "and in full settlement against the Government."

Mr. EDGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 8423. An act for the relief of Timothy Hanlon; to the Committee on Finance.

H. R. 10327. An act for the relief of Charles J. Hunt; to the Committee on Indian Affairs.

H. R. 5897. An act for the relief of Mary McCormick;

H. R. 7142. An act for the relief of Frank E. Ridgely, deceased; and

H. R. 10276. An act providing for sundry matters affecting the naval service; to the Committee on Naval Affairs.

H. R. 852. An act authorizing the issuance of a certain patent;

H. R. 8487. An act to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota; and

H. R. 10038. An act for the relief of Wilford W. Caldwell; to the Committee on Public Lands and Surveys.

H. R. 6360. An act for the relief of Edward S. Lathrop;

H. R. 8650. An act for the relief of C. S. Winans;

H. R. 8651. An act for the relief of Lynn W. Franklin;

H. R. 9411. An act for the relief of Maurice P. Dunlap;

H. R. 10932. An act for the relief of the widows of certain Foreign Service officers; and

H. J. Res. 147. Joint resolution for the relief of the estate of the late Max D. Kirjassoff; to the Committee on Foreign Relations.

H. R. 1627. An act for the relief of Abram H. Johnson;

H. R. 2530. An act for the relief of William H. Nightingale;

H. R. 2821. An act for the relief of John Heinzenberger;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3892. An act for the relief of George W. Sampson;

H. R. 4204. An act for the relief of Thomas M. Richardson;

H. R. 4653. An act for the relief of Virgil W. Roberts;

H. R. 4687. An act for the relief of Albert Campbell;

H. R. 6152. An act for the relief of Cromwell L. Barsley;

H. R. 7230. An act for the relief of Charles L. Dewey;

H. R. 9334. An act for the relief of Morris J. Lang;

H. R. 9368. An act to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 9712. An act for the relief of Curtis V. Milliman;

H. R. 9722. An act for the relief of Allen Nichols;

H. R. 10139. An act for the relief of Edmund F. Hubbard; and

H. R. 10714. An act for the relief of T. Abraham Hetrick; to the Committee on Military Affairs.

H. R. 1529. An act for the relief of the heirs of John Eimer;

H. R. 1625. An act to carry into effect the findings of the Court of Claims in favor of Myron C. Bond, Guy M. Claflin, and Edwin A. Wells;

H. R. 2473. An act for the relief of Louie June;

H. R. 2658. An act for the relief of Finch R. Archer;

H. R. 3029. An act for the relief of Vern E. Townsend;

H. R. 4619. An act for the relief of E. A. Clatterbuck;

H. R. 4925. An act for the relief of John M. Savery;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 5981. An act for the relief of Clarence Cleghorn;

H. R. 6704. An act for the relief of Harry Pincus;

H. R. 6930. An act for the relief of E. C. Howze;

H. R. 7518. An act for the relief of the Farmers National Bank of Danville, Ky.;

H. R. 8034. An act for the relief of Carteret Street Methodist Episcopal Church South, of Beaufort, S. C.;

H. R. 8185. An act for the relief of the Great Western Power Co. of San Francisco, Calif.;

H. R. 8748. An act for the relief of James W. Bass, collector of internal revenue, Austin, Tex.;

H. R. 8807. An act for the relief of James O. Williams;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co. of New York, N. Y.;

H. R. 9902. An act for the relief of James A. DeLoach;

H. R. 10192. An act for the relief of Lois Wilson;

H. R. 10502. An act for the relief of J. B. Holder; and

H. R. 10503. An act for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson; to the Committee on Claims.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	Gerry	Heflin
Barkley	Caraway	Gillett	Johnson
Bayard	Copeland	Glass	Jones
Bingham	Couzens	Goff	Kendrick
Black	Curtis	Gooding	Keyes
Blaine	Dale	Gould	King
Blease	Edge	Greene	McKellar
Borah	Edwards	Hale	McLean
Bratton	Fess	Harris	McMaster
Brookhart	Fletcher	Harrison	McNary
Broussard	Frazier	Hawes	Mayfield
Bruce	George	Hayden	Metcalf
Moses	Pittman	Smith	Tyson
Neely	Ransdell	Smoot	Wagner
Norbeck	Robinsin, Ark.	Steck	Walsh, Mass.
Nye	Sackett	Steiwer	Walsh, Mont.
Oddie	Sheppard	Stephens	Warren
Overman	Shipstead	Swanson	Waterman
Phipps	Shortridge	Thomas	Watson
Pine	Simmons	Tydings	Wheeler

Mr. GERRY. I desire to announce that the Senator from Washington [Mr. DILL] is necessarily detained on official business. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

COL. CARL L. ESTES—OUACHITA NATIONAL PARK

Mr. PHIPPS. Mr. President, I send to the desk a letter addressed to me by Secretary of the Interior Work, which I desire to have read. I ask the attention of the Senator from Arkansas [Mr. CARAWAY] to the letter.

Mr. CARAWAY. Mr. President, I wish to have the letter read, because I want to make a response to it.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 30, 1928.

Hon. LAWRENCE C. PHIPPS,
United States Senate.

MY DEAR SENATOR: My attention has been called to charges made on the floor of the Senate that my conduct toward a caller was unbecoming a Government official. Am sorry that Senator CARAWAY made his statements from hearsay. I was present. These are the facts:

I recall that a few days ago a young man referred to my office did call, giving the name of Colonel Estes, of Texas, to discuss the proposed Ouachita National Park, to be located in that State. He appeared to be laboring under great excitement, came directly to my desk, and seated himself, as any caller may do. He announced that he wished to talk on the bill for this proposed park, to which I replied that "I believe I had already reported against it; that some of our officials had been down to look it over and reported that it was not of national-park proportions."

He replied with heat that Cammerer had been there and looked it over for a half a day, that he had lost his glasses, and the weather was foggy, and that he had lied. This I promptly met with the protest that "no one could charge an employee of this department with lying unless he was prepared to support it." I then called for the park official referred to, Mr. Cammerer, Assistant Director of the Park Service, to come to my office to make to us a report, a usual procedure when employees' actions are questioned.

Nothing of importance was said between us until Mr. Cammerer arrived, when I asked him about his inspection and to recite the important features of his findings. It seems that his visit at that time in the community with Colonel Greeley, of the Forest Service, was spent in conferring with those interested and adding to the knowledge he already had of the dimensions, boundary, and scenic features of the park. I then asked him to take Colonel Estes, who by that time had composed himself, to the bureau and go into the matter fully with him; again daily routine procedure in this department. We all arose and the colonel made profuse apologies for his manner of speech, which, of course, we accepted with the assurance that "this is not a personal controversy with me, and I have no personal feelings in the matter; but that door you see stands open all day, and anyone can come to my desk on any business, but I will not allow anyone to come in here and call the employees of this department liars without resenting it and demanding proof." The colonel then repeated his apologies, to which I replied, "Nothing personal with me; we will wipe the slate and start again from here."

The charge of substituting one report to the committee for another I know nothing at all about myself.

I specifically deny calling Colonel Estes a liar or using other offensive language, and that anyone should so charge astounds me. The Senator was misinformed.

Very truly yours,

HUBERT WORK.

Mr. CARAWAY. Mr. President, in the first place, my information was not hearsay. I had it direct from Colonel Estes himself, in the presence of a number of other gentlemen. In addition to that, I have from Colonel Estes a telegram, which I ask to have read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

[Telegram]

HARRISBURG, PA., *March 31, 1928.*

T. H. CARAWAY, of Arkansas,
United States Senate, Washington, D. C.:

Appreciate fact South has one Senator with nerve enough defend her citizens from insults. Everything you said was true and I stand ready to come to Washington at any time you might need me to back up

every statement you made relative to the interview between myself and the Secretary. One point should be made clear to you. Am disabled war veteran not wounded, cut all to pieces, not shot; tell you these things to keep record straight. On way to Texas but will return to Washington to back up your statement any time. Answer collect if you receive this.

CARL L. ESTES, *Tyler, Tex.*

Mr. CARAWAY. Mr. President, I send another telegram to the desk, and desire that it may be read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

[Telegram]

DALLAS, TEX., *March 31, 1928.*

Hon. THADDEUS H. CARAWAY,
United States Senator, Washington, D. C.:

Have just read a press dispatch of your denunciation of Secretary Works's treatment of Colonel Estes, a World War veteran, and hasten to congratulate you upon the stand you have taken. The Senate needs more red-blooded Americans like yourself. Hope you will go to the bottom of the affair and bring about full investigation of such disgraceful conduct and disregard for the rights of a private citizen by one so high in our Government. Sincere regards and best wishes.

Col. W. E. EASTERWOOD, Jr.,
President Ex-Service Men's Club.

Mr. PHIPPS. Mr. President, will the Senator from Arkansas yield to me?

Mr. CARAWAY. Yes.

Mr. PHIPPS. I desire to send to the desk a copy of a letter from a Mr. Grier, who was in the Secretary's office during the time of the occurrence of this episode.

Mr. CARAWAY. The Senator may put that into the RECORD when I am through.

Mr. PHIPPS. Certainly I shall do so when the Senator is through; but I had supposed the Senator had no other communication to present and was going to speak on the topic.

Mr. CARAWAY. Yes; I have quite a good deal yet to present. Mr. President, there seems to have been no doubt about what the subject of the conversation was when the incident occurred.

Mr. PHIPPS. Mr. President, would the Senator from Arkansas yield? I think, really, I would prefer to have the communication to which I have referred read now, as it is a statement of a gentleman who was present at the time of the interview, and it might affect the Senator's remarks, I thought.

Mr. CARAWAY. Not a bit. I know Colonel Estes and I know the Secretary of the Interior, and I believe Colonel Estes, so it would not be worth while now to have the statement referred to by the Senator from Colorado read.

Mr. PHIPPS. Does the Senator from Arkansas object to having this communication now read?

Mr. CARAWAY. The Senator from Colorado may read it in his own time if he pleases to do so. I desire to proceed until I shall have concluded with this matter.

Mr. PHIPPS. Certainly.

Mr. CARAWAY. The Senator is impatient to come to the Secretary's defense.

Mr. PHIPPS. Not at all.

Mr. CARAWAY. Mr. President, the subject of the controversy was evident, as both agree with reference to a report made by Mr. Cammerer. The facts are these about that particular report: The national-park area contains 131,000 acres of land, in round numbers. In one direction it is 45 miles across; the other way the distance is not so great. Mr. Cammerer went on that area and was there less than half a day, on a rainy, cloudy day. In addition to that, he lost his glasses. That was his inspection of this area, from which he made an elaborate report.

I know the route over which he is presumed to have gone. In the time he had he could not have crossed it one way. To show Senators that he did not, we have the statement of a gentleman who was with him. Here is Mr. St. John's statement:

It is unfortunate that a man of Mr. Cammerer's capacity for observation and knowledge of scenic beauty and of scenery in general had but half a day in which to see this area, and this was accentuated by the fact that the weather was thick, the clouds were hanging low on the mountains, and the visibility was very poor. After this short inspection, Mr. Cammerer stated that a second trip would be absolutely necessary before he would be able to report his findings, but he expressed much admiration for what he had seen. Mr. Cammerer did not return, and on June 7, 1926, signed with Colonel Greeley, who had never been there at all, an adverse report.

The ludicrous thing about it is that Mr. Cammerer said that the headwaters of the Arkansas River were in this area in Arkansas, while the river had no more tact than to rise in Colorado. He talked about what the weather reports showed, and he missed that more than 20 per cent; he talked about the rainfall, and he missed that entirely; but, when asked about it, he said it did not make any difference whether it rained or did not rain, or words to that effect. I have his own statement here and will quote from it.

Mr. WINGO asked him this question:

Can you point out anywhere in the United States a more distinctive flora and fauna than is in this particular area?

Mr. CAMMERER. Since you ask me, I think so. I think in the Yellowstone National Park.

Mr. WINGO. When you saw this area you spent half a day inspecting it on a foggy, rainy day. Do you say you have seen the flora and fauna and seen the scenery and falls and other things?

Mr. CAMMERER. Yes, sir.

When a man is willing to say that he examined 131,000 acres of land in a part of a half a day, and during a rainstorm, and when he had lost his glasses on the trip, I think the colonel had some right to treat with a little levity the statement which had been made.

Again he was asked this question:

Mr. WINGO. How many miles did you go on that half-day trip?

Mr. CAMMERER. The gentlemen in your home town were with me.

Mr. WINGO. I am asking you. How far did it seem to you?

Mr. CAMMERER. I do not know how many miles.

Mr. WINGO. Let us be candid about it. It was a foggy, rainy day, was it not?

Mr. CAMMERER. Part of the time.

Mr. WINGO. You were treated very courteously, and the local chamber of commerce sent representatives with you. They banqueted you and treated you nicely, and you did not want to hurt their feelings. You told them you would come back later, and then, without coming back, you made that report, and you did not know where the Arkansas River was on that foggy day. I simply want to test your credibility as a witness, without reflecting in any way upon your veracity. These gentlemen inform me that you traveled about 30 miles in a half a day's trip in the fog and rain.

Mr. MORROW. Will you answer a question?

Mr. CAMMERER. I would like to answer this question.

Mr. MORROW. Go on.

Mr. CAMMERER. The gentlemen were very fine; they were very delightful, warm-hearted people, and I respect them very highly. They were very enthusiastic over their scenic offerings in that area. But I went to every place that was shown to me as the best they had, particularly the Little Missouri River. By the way, in the report which was signed by Colonel Greeley and myself jointly, we took the Forest Service records as to rainfall, etc., naturally.

Mr. WINGO. Why did you not go to the official records?

Mr. CAMMERER. We did.

Mr. WINGO. I mean the official records of temperature and rainfall. The Forest Bureau does not keep such records, does it?

Mr. CAMMERER. I was not particularly concerned about how much or how little rain fell. I was concerned with the scenic values.

Mr. WINGO. Why did you put it in your report if you did not think it was worth while?

Mr. CAMMERER. Because it was a joint report, and Colonel Greeley thought that was important, and I stand by that report just as he does.

I will read a little more, Mr. President, because it is very interesting:

Mr. WINGO. You went down there and were in that area about half a day?

Mr. CAMMERER. Yes, sir.

Mr. WINGO. A foggy day, in the rainy season of the spring?

Mr. CAMMERER. I remember that it rained.

Mr. WINGO. You spent half a day there on that rainy, foggy day, and from the information you gained there within that time you signed this report with Colonel Greeley?

Mr. CAMMERER. I saw the best your people had to offer.

Mr. WINGO. Is not that what you signed the report on?

Mr. CAMMERER. I signed the report on what I saw and what my judgment was.

Mr. WINGO. The inspection you made is what you have stated here, and you signed the report on that inspection?

Mr. CAMMERER. I traveled through a portion of it in an automobile on our way from Hot Springs before I met these gentlemen.

Mr. WINGO. How near did you go to the Little Missouri Falls on the highway coming from Hot Springs to Mena?

Mr. CAMMERER. It was not so foggy and rainy but what we had a wonderful chicken dinner in the open.

I think that is interesting.

Mr. Cammerer later said:

We do not make adverse reports unless we see the areas concerned. This committee's records prove that.

I have called the attention of the Senate to the length of time he had to see it.

Here is what Mr. Cammerer said about what he did himself:

That night a heavy thunder storm made it seem as if no inspection could be made the following day, but in the morning it was, nevertheless, decided that the attempt should be made. Besides the Forest Service representatives mentioned above, Messrs. Peter McWilliams, R. R. St. John, and W. R. Sossamon, of Mena, guided the party. We followed the road from Mena through the portion marked in blue on Exhibit B, climbing Eagle Peak, about 1,800 feet in height, on horseback in order to get a glimpse of the surrounding country. Unfortunately, when we got to the top we were over a bank of clouds.

Then he said he had to hurry back to get his train.

I have a letter here from Representative SANDERS of Texas inclosing a telegram from Colonel Estes to him in which the colonel says—I will read it myself—

In view of Secretary Work's statement carried in to-day's papers that I misinformed Senator CARAWAY, of Arkansas, relative to the near fight we had when he cast a slur against Texas and Texans, I urge you to hasten to Senator CARAWAY and tell him that you know I told him the truth about the affair and what my reputation for truth and veracity is. Secretary Work should not be permitted to brand me as a liar in the eyes of the Nation. For your own information, I refer you to any banker, the chamber of commerce, or any clergyman in Tyler, concerning my truthfulness. I am on my way to Austin. Please wire me your action there in care of Governor Moody.

CARL L. ESTES.

Mr. SANDERS in his letter to me, dated April 2, 1928, says:

Pursuant to our telephone conversation just a few minutes ago, I am handing you herewith a telegram which I received from Col. Carl Estes. I know Carl Estes very well, and what he says may be relied upon. I would believe any statement that he would make. Mr. Estes lives in Tyler, Tex., and has the confidence and esteem of the people who know him.

The Governor of Texas, incidentally, had so much confidence in Colonel Estes that he made him a colonel on his staff and sent him here to represent the great State of Texas before a committee. He brought, as I put in the RECORD the other day, a letter of introduction to Secretary Hoover from one of the able citizens of Texas, a gentleman who is Mr. Hoover's campaign manager in Texas, extolling this young man very highly indeed. Mr. Hoover, through his secretary, made the appointment with Mr. Work. I will state again because, perhaps, there are Senators here who did not hear the previous statement, that Colonel Estes says this is what happened: When he walked in the Secretary said "Come in"; and he walked in and said "Good morning" or "Good afternoon," I do not remember which, but he greeted him. The Secretary said, "I know what you are here for, and I know all about Arkansas and Texas that I want to know." Colonel Estes then started to speak about the report and said he did not think it contained all the facts. Secretary Work said, "You are a liar; get out of my office." He now says he told him the door was open for him to come in, instead of to get out.

I am perfectly willing for the world to determine between Colonel Estes, who offered to die for his country when men were needed, and Doctor Work, who stayed in a place of safety and drew a salary from the Government during those times.

Mr. PHIPPS. Mr. President, I ask that the letter which I have sent to the desk may be read.

The VICE PRESIDENT. Without objection, the letter will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *March 31, 1928.*

Memorandum to the Secretary of the Interior.

On Wednesday, the 28th of March, I was in the office of the Secretary of the Interior, Doctor Work, and while waiting for my turn to talk to the Secretary I met Colonel Estes, of Texas, who was also waiting and was just ahead of me. The colonel appeared to be excited and very much disturbed over the way he alleged that he and his State had been treated by the Department of the Interior in the past and by an official of the department recently who had been to Texas to inspect a proposed site for a public park of some kind, stating that he had never met the present Secretary.

Colonel Estes was called to the desk of the Secretary, Doctor Work, and there engaged the doctor in a heated controversy regarding this official, and I heard him distinctly say that the official had lied in making a report. The abuse of this official was the subject that made me take notice of what he said.

Doctor Work told the gentleman that the particular official mentioned was "a man of high character and a trusted employee of the department, and he would not permit any accusation against him, and that he would have to be shown that he was a liar before he would believe it." Whereupon Colonel Estes began to retract the statements that he had made, and Doctor Work called the official in question to go into the matter thoroughly with Colonel Estes.

As Estes left Doctor Work's desk he repeatedly begged the doctor's pardon and apologized for the language he had used regarding the official who had made, as he said, the false report. Doctor Work accepted his apology; then called the writer over to talk to him. The Secretary used no disrespectful or improper language to the colonel at any time.

I was not asked to make this statement, but offered to do so in the interests of fair play.

(Signed) CLARK GRIER.

Mr. CARAWAY. Mr. President, just a minute. I presume that is the same man who signed this report on the Ouachita National Park.

Mr. PHIPPS. Mr. President, I think I can inform the Senator that it is not. The man who signed the report on the national park was Mr. Cammerer.

Mr. CARAWAY. No; Greeley signed it, too.

Mr. PHIPPS. This is Grier. This is a stranger, not connected with the department in any way.

Mr. CARAWAY. What is odd about it is that there was nobody in the office but Colonel Estes and Doctor Work when this conversation took place. Now, this alleged bystander pretends that he was present. Anybody who knows Colonel Estes, and says that Work would have called him a liar and then that Estes apologized for it, does not know Estes; and anybody that said that happened did not tell the truth; I do not care what his name is.

Mr. MAYFIELD. Mr. President, in my judgment an examination of the interviews and the telegrams in this unpleasant controversy will reveal that the statement of Secretary Work is untrue.

In the first place, as the Senator from Arkansas [Mr. CARAWAY] has said, no man living could denounce Col. Carl Estes, of Tyler, Tex., as a liar, and get away with it.

In the next place, Mr. Cammerer, whom Colonel Estes is supposed to have said lied in his report on the Ouachita Park matter, came in just a few moments after the controversy, escorted Colonel Estes to his office, and the two had a most pleasant conversation. Colonel Estes had been selected as the representative of eight Southern States to come to Washington and to review with the Secretary of the Interior the report that Mr. Cammerer had made on the Ouachita Park project. Colonel Estes said that he went into the Secretary's office, and the Secretary immediately said, "I know what you have come here to discuss. I know now all about the States of Texas and Arkansas that I care to know"; whereupon Colonel Estes said, "The report that Mr. Cammerer made on the Ouachita Park matter is untrue"; and then was interrupted by the Secretary before he could finish the statement and was invited out of his office.

I have known Colonel Estes for many years, Mr. President. He comes from one of the old-established families of Texas, a family that stands high in the esteem and affections of our people. The truth of Colonel Estes's statement in this matter can not be questioned for one moment.

The treatment accorded Colonel Estes by Secretary Work was unjustified, uncalled-for, shameful, and unworthy of one holding the high position of Secretary of the Interior.

Mr. BRUCE. Mr. President, when that statement was introduced by the Senator from Colorado I did not catch just who the affiant or the writer is. Who is he? Who is this bystander?

Mr. PHIPPS. Mr. Clark Grier, who was waiting in the office.

Mr. BRUCE. Who is he?

Mr. PHIPPS. I am not acquainted with the gentleman.

Mr. BRUCE. Exactly. Who vouches for him?

Mr. PHIPPS. I presume the Secretary of the Interior will vouch for him if he is asked to do so.

Mr. BRUCE. Apparently he does not do so. Apparently he was a stranger to the Secretary.

Mr. CARAWAY. He was not there, Mr. President.

Mr. BRUCE. We certainly ought to be put in a position to judge of the measure of his credibility.

Mr. PHIPPS. I do not see why we should indulge in surmises. I shall be pleased to ask the Secretary to furnish the Senator and the Senate with the desired information; but the Secretary of the Interior would not send a letter like this, which came to him voluntarily, without having faith in the man who sent it, it seems to me.

Mr. BRUCE. If the Senator intends to give any probative force to the statement, he certainly ought to bring forward somebody who can vouch for the credibility of the writer.

Mr. CARAWAY. And, if the Senator will yield to me, it will be observed that in the Secretary's letter he makes no mention

of anybody being present. If anybody had been present and heard what was said, the Secretary would have mentioned it. The Secretary knows there was nobody else there. I think the Senator from Georgia [Mr. GEORGE] can tell the Senate who Mr. Clark Grier is.

SENATOR BURTON K. WHEELER, OF MONTANA

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD two letters entitled "What national labor leaders think of Senator Wheeler."

The VICE PRESIDENT. Without objection, it is so ordered.

The letters are as follows:

INTERNATIONAL ASSOCIATION OF MACHINISTS,
OFFICE OF PRESIDENT,
Washington, D. C., March 19, 1928.

Subject: Senatorial-campaign information.

Officers and Members of International Association of Machinists, Lodges in States of Montana, Minnesota, Wisconsin, and North Dakota.

DEAR SIRS AND BROTHERS: I am herewith transmitting information which I deem of sufficient importance to place in the hands of our members throughout the above-named States.

I am sure that Brother Keating, manager of Labor, has furnished information which he believes to be absolutely reliable regarding the activities of the men connected with The Producers' News, of Plentywood, Mont. The Senators named in this memorandum stand among those who are foremost in their efforts to support labor's legislative program, and I trust that the statements which may be made through irresponsible agencies, attacking these well-known progressives, will fall on deaf ears. If our members can not afford to get out and go to the front for men like WHEELER, SHIPSTEAD, FRAZIER, and young ROB LA FOLLETTE, I am really in doubt as to the character of men that we could support. Every one of these men are outstanding characters and always in the front ranks, contending for the rights of the people, as against monopoly and the type of men who are connected with interests generally recognized as being inimical to the best interests of the people as a whole.

With best wishes, I am,
Fraternally yours,

A. O. WHARTON,
International President.

MARCH 13, 1928.

(Memorandum for Mr. Lovell)

In order to understand the telegram from the Producer's News, it is necessary to recite a little history.

The paper was established some years ago by a group of farmers and others, and finally drifted into the hands of Charles Taylor, who has pronounced radical leanings.

You will remember that early in 1924 Mahoney, of St. Paul, called a Farm-Labor conference, with the idea of forming a new party and nominating La Follette. It soon became apparent that the communists were in control of the proposition and La Follette issued a public statement repudiating the gathering. Nevertheless, it was held and attempted to do business. Taylor was chairman of that convention. I think it is quite fair to say that he is a communist or so close to the "reds" that he can not be distinguished from them.

The Progressives were so convinced that Mahoney was hooked up with the "reds" that when he came to our convention on July 4, 1924, we refused him a seat.

The whole bunch did what they could to injure La Follette and WHEELER during the 1924 campaign.

Two or three years ago "Paddy" Wallace joined Taylor in editing the Producers' News and for the last year or so he has devoted his energies to attacks on Senator WHEELER.

Wallace came to Washington about two months ago. We have evidence that he was in touch with Republican leaders and tried to get money to fight WHEELER. We are also told that he talked with Blair Coen, the man who was sent to Montana to "get" WHEELER and to Iowa to "get" BROOKHART.

Wallace also visited various Progressives, including myself. I tried to get him to be specific in his charges against WHEELER, but soon found that he had nothing except this proposition about leasing a power site on the Flathead Indian Reservation. That legislation was put through the Senate a few weeks ago, with Senator WALSH as its principal supporter.

At that time WHEELER said he would vote for the bill because he had been assured the Indians were anxious to have the site developed in order that they might get the revenue. La Follette led the opposition. He did not object to leasing the site, but he thought the Government was treating the Indians unfairly because it was taking 15,000 horsepower for the settlers on a reclamation project without adequate compensation to the Indians.

An examination of the debate will show that there was absolutely nothing to reflect on the integrity of either WHEELER or WALSH. No Senator even suggested such a thing, and the bill was passed with only a few Senators in opposition.

There is evidence indicating that Wallace endeavored to get in touch with Doheny for the purpose of securing money to fight WHEELER. A prominent citizen of Montana stated recently that he had been approached by Wallace and asked to introduce him to Doheny. When asked the object of the conference, he said Wallace declared that he thought Doheny should be interested in the campaign against WHEELER.

I am convinced, first, that the men who are running the Producers' News are a bunch of make-believe radicals who are in politics for the money they can make; and second, that the object of the campaign is to divert a sufficient number of Progressive votes from WHEELER to defeat him in November.

I am afraid this movement is not confined to Montana. I notice that Mahoney has called a conference for St. Paul on March 28 for the purpose of formulating policies for the Progressives in the Northwestern States. I think you will find that Taylor and "Paddy" Wallace will be at that conference and that an effort will be made to "frame" things so as to make it difficult to elect SHIPSTEAD, of Minnesota; FRAZIER, of North Dakota; LA FOLLETTE, of Wisconsin; and WHEELER, of Montana.

I have suggested how they will proceed in Montana. In Minnesota Mahoney has been fighting SHIPSTEAD for years, claiming that he was not sufficiently "radical." I think you will find that Mahoney will insist on SHIPSTEAD running on the Farm-Labor ticket on a very radical program, and probably with some candidate for governor who is "red" or at least "pink."

In North Dakota the effort will be to convince the old Non-Partisan League crowd that FRAZIER is "slowing up" and that he has made his peace with the "interests." Similar tactics will be pursued in Wisconsin. I am not afraid of that State and I believe North Dakota is pretty safe.

EDWARD KEATING.

FLOOD CONTROL

Mr. RANSDELL. Mr. President, I hold in my hand a telegram from some of my very best friends in northeast Louisiana, near my home, concerning the recent action of the Senate in passing the flood control bill; and I am permitted to read this telegram, I will say, by your courtesy. It is as follows:

ST. JOSEPH, LA., *March 30, 1928.*

SECRETARY OF THE UNITED STATES SENATE,
Washington, D. C.:

Kindly read the following at the opening of the Senate to-morrow:

Be it resolved by the citizens of the parish of Tensas and State of Louisiana in mass meeting assembled, That the unanimous passage of the Jones flood relief bill through the Senate of the United States Congress has brought to the people of this parish, this State, and of the Mississippi Valley renewed hope and courage, and has stimulated them to greater and more earnest efforts in the future, believing that the enactment of this bill into a law by the House of Representatives of the United States Government, and its signature by our President will build up our country into one of the finest, most productive, most prosperous, and most beautiful sections of this Union; be it further

Resolved, That we feel a deep sense of gratitude to our Senators and to our Representatives in Congress and to each of them individually for their efforts in behalf of flood relief and do now in mass meeting assembled recognize our obligations to them and tender to them our deepest gratitude; be it further

Resolved, That without in any way lessening our gratitude and appreciation of the services rendered by all of our friends in Congress, we feel particularly grateful and under peculiar obligations to Senator JONES, Congressman REID, and to Mayor William Thompson, of Chicago. All of these gentlemen are far removed from this section, have no interest in it, and have shown a broad-minded spirit of justice in their handling of this question, and we desire to tender to them our special thanks and appreciation for their great services to us. We further desire to recognize the services rendered in behalf of flood relief by Mr. Schoeneberger and by Mr. Adams, of the State board of engineers, and by Mr. F. H. Schneider, the president of the board of commissioners of the fifth Louisiana levee district. These gentlemen have devoted their time, their ability, and their untiring efforts in our behalf, and we owe to them a debt of gratitude which we will long cherish; be it finally

Resolved, That the fair, just, nonpartisan, and broad-minded manner in which this question has been considered by the Senators of the Congress is indicative of the ability, generosity of heart, and bigness of mind which has tended to make our country the admiration and envy of the world.

W. D. NOBLE, *Chairman.*
JOSEPH T. CURRY, *Secretary.*

I wish to add that I indorse every word of that splendid memorial.

Mr. KING. Mr. President, in view of the statements contained in the telegram just read, and the misapprehension under which the writers apparently labor that there was a unanimous vote in favor of this measure which has evoked

such eulogies and which has brought upon those who supported it such panegyrics, I feel that it is only fair that I should state that I was opposed to the bill; that if I had had an opportunity to vote, I should have voted against it; and that, having had an opportunity to examine the measure more carefully since, my opposition to the bill still remains unchanged.

The VICE PRESIDENT. The telegram will lie on the table.

BLACK-LIST EXPOSÉ

Mr. BROOKHART. Mr. President, I am opposed to the unreasonable naval building program that has been announced in this country. We have some self-appointed patriots who blacklist those of us who have an idea on this question, and to some extent that situation has been exposed recently in Boston. I therefore ask unanimous consent that the article from the Washington Times, which I send to the desk, be read by the clerk.

The VICE PRESIDENT. Is there objection? Without objection, the clerk will read.

The Chief Clerk read as follows:

D. A. R. ACCUSED IN BLACKLIST EXPOSÉ

BOSTON, April 2.—A bitter controversy, started by charges that the Daughters of the American Revolution are "blacklisting" various individuals and organizations because of allegedly communistic or pacifistic leanings, to-day split Massachusetts members of the D. A. R. into two rival camps.

Mrs. Helen T. Bailie, of Cambridge, a leader of the faction which opposes the alleged "blacklisting," caused a sensation at a meeting of the Boston Ethical Society by declaring that two "extremely virulent" groups in Boston have made the D. A. R. and the American Legion "catspaw of a tremendous conspiracy to crush free thought, free speech, and even liberty itself."

"Blacklist factories," Mrs. Bailie charged, are unjustly stamping clergymen, welfare workers, and prominent educators as "undesirable, doubtful, and unfit to address patriotic gatherings."

HITS GOVERNOR'S WIFE

"The movement is being carried to absurd lengths," Mrs. Bailie said. "Even Mrs. Alvin T. Fuller, wife of the governor, could not speak at a D. A. R. meeting simply because she accepted an honorary membership in the International Garment Workers' Union, which has been blacklisted by the D. A. R."

SPREAD OVER COUNTRY

Prominent persons who have been "blacklisted," the speaker charged, included Bishop William F. Anderson, President Mary E. Woolley, of Mount Holyoke College, United States Senator BROOKHART, and Miss Maude Royden.

"These scurrilous and slanderous attacks upon honest citizens also have been made by black-list factories in Illinois, California, and other States," Mrs. Bailie charged. "Two such virulent groups in Boston are the Industrial Defense Association (Inc.) and the Massachusetts Public Interests League."

Others included in the list are the Rev. E. Talmadge Root, executive secretary of the Federation of Churches of Massachusetts; Dean Roscoe Pound, of Harvard Law School; Miss Anna Louise Strong, writer; Clarence Darrow, criminal lawyer; Rabbi Harry Levi, William Allen White, Rabbi Stephen S. Wise, David Starr Jordan, Felix Frankfurter, of the Harvard Law School; W. E. Du Bois, negro writer; Alfred Baker Lewis; the Rev. George Lyman Paine; Judge George W. Anderson; Norman Angell, political writer; Norman Hapgood; Frank P. Walsh; and others.

SOME ORGANIZATIONS

Organizations on the alleged "blacklist" submitted by Mrs. Bailie included the Young Men's Christian Association, the Young Women's Christian Association, the National Catholic Welfare Council, the National Child Labor Committee, the Wellesley College Forum, the Yale Liberal Club, the Radcliffe Liberal Club, the International Ladies' Garment Workers' Union, Council of Jewish Women, and more than a hundred others.

The factional fight in the D. A. R. here has centered around the big-Navy bill, with a minority claiming that all D. A. R bodies in the country were being lined up for a big Navy.

INTERMEDIATE CREDIT BANK, COLUMBIA, S. C.

Mr. BLEASE. Mr. President, I was notified by my secretary on Friday last, just the day before the Committee on Banking and Currency was to meet, to appear for a hearing, which I thought was for the purpose of seeing whether or not an investigation should be made of the Intermediate Credit Bank of Columbia, S. C. I presumed it was for the purpose of seeing whether or not an investigation was necessary. When I arrived at the meeting I presented the original matters which I had previously published in the CONGRESSIONAL RECORD, and I made a short statement. Congressman HARE, of South Carolina, made a short statement in reference to the matter, and then Eugene Meyer was presented to represent the administration. He stated that he had with him representatives from the Treasury Department and representatives from the Attorney General's department, the departments which I claimed, and yet claim, are shielding the people who are committing this wrong in the Columbia bank. Immediately it seemed to me that the hearing was for the purpose of giving the administration an opportunity to present in full its justification for the stealing, if there be stealing, that was going on in the Columbia bank; and that that committee was not going to do what I was asking that a special committee be appointed to do, to go into the merits of the matter and have witnesses before them from both sides.

During Meyer's statement I asked them to produce the records to substantiate his statement, and he replied that he had none. Therefore, when requested to leave my evidence with the committee, I refused to do so for obvious reasons.

I did not propose to be a party to a one-sided hearing, and I picked up my papers and said to the committee that all I wanted was a report; that I did not care whether it was favorable or unfavorable; that I would take care of the situation on the floor of the Senate; and I walked out of the room.

Mr. President, I held, and I still hold, that the Treasury Department is in full possession of evidence of the rascality that is going on in the intermediate credit bank at Columbia, S. C. I held, and I still hold, that Attorney General Sargent has in his hands to-day reports which will prove beyond a shadow of a doubt that there has been crookedness, if not straight-out stealing, going on in the intermediate credit bank in the city of Columbia.

When his men were down there investigating this matter, people who knew of this crookedness and knew of this rottenness at Beaufort, S. C., endeavored to get to them to make a statement and present the people's side of the matter. The investigators refused to hear them, I am informed. They investigated only what they wanted to investigate. They looked into only what would substantiate and uphold the rascality that was going on; and now a Republican committee, or at least a majority of that committee, is endeavoring to shield the people in this bank and to further conceal the actions of the Treasury Department and of the Attorney General's department in not making known even that which they have in their possession, and upon which they refuse to act.

I do not propose to go into any committee room, or any other kind of a room, and place all of the facts that I have in my possession in the hands of a committee which I believe is already inclined to shield these people on account of the Republican administration, when they refuse to give me any of their records or even to produce any of their records at the hearings, in order that I might have the opportunity to reply to them.

I have here the records which have been presented and published in the CONGRESSIONAL RECORD. I propose to file these records and take the receipt of the clerk of the Senate for them. I have other records which I do not propose to put in the RECORD until this committee, or a subcommittee, wants to hear the entire transaction. Then we will present the balance. But I do not propose to present it to Eugene Meyer, of whose conduct I can not in parliamentary language express my opinion. I would have to present it in pure, old South Carolina English, and it would not do to print in the RECORD my opinion of Eugene Meyer and those who are backing him up in this rascality. But the original letters which I have and the original proofs which I have that have been printed in the RECORD I propose to file with the clerk of the Senate to-day, and the chairman of the committee or anybody else can get them whenever they want them.

I ask permission to have printed, along with my remarks, an article from this morning's Charleston News and Courier.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the News and Courier, Sunday morning, April 1, 1928]

SENATOR BLEASE, DISGUSTED, QUITS COMMITTEE ROOM—BANKING AND CURRENCY GROUP MEET TO CONSIDER CREDIT RESOLUTIONS—HARE LENDS HIS SUPPORT—JUSTICE DEPARTMENT'S REFUSAL TO SUBMIT REPORTS ANGERS SOUTH CAROLINIANS

WASHINGTON, March 31.—Senator COLE L. BLEASE to-day walked out of a meeting of the Banking and Currency Committee of the Senate which had been called to hold a hearing on his resolution to investigate the Intermediate Credit Bank of Columbia.

Because the Department of Justice did not submit the reports of its special agents on the investigation which preceded the Beaufort bank trial the Senator refused to leave his own papers in directing the demand for an investigation by the Senate.

HARE SUPPORTS RESOLUTION

The Senator appeared in support of his resolution, as did Representative BUTLER HARE, and there were present also Chairman Meyer, of the Farm Loan Board, and a Mr. Donelson, of the Department of Justice. Congressman HARE supported the Blease resolution on the ground that it would establish the soundness of his own bill to credit the farmers of the Beaufort section with the money which was ultimately to have gone to the Columbia bank to their credit, but was allowed to lie on deposit with the Beaufort bank by agencies with which the farmers had to deal in order to secure credit from the Columbia bank.

Chairman Meyer, of the Farm Loan Board, said that the Department of Justice had investigated the situation and had found nothing to indicate that the Columbia bank or its officers were involved in any irregularities.

"PREVENT INVESTIGATION"

Senator BLEASE asserted that the Department of Justice had refused to furnish him the reports of its agents on this investigation. He declared that the Treasury Department and the Department of Justice were both trying to prevent the investigation for which his resolution provided. The Senator told the committee that he wanted a report to the Senate, whether for or against his resolution or without any recommendation at all he did not care, and that he (the Senator) would look after the matter on the floor of the Senate. Declaring that he had nothing more to say, the Senator picked up the papers which he had brought with him and departed. When Chairman NORBECK suggested that he leave the papers he emphatically refused to do so.

K. F. M.

Mr. BLEASE. Mr. President, I ask to have printed in the RECORD an article relating to the Federal farm-loan system and extracts from the Breeders' Gazette, of Chicago, Ill., and the Farm Leader, of Minneapolis, Minn.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter referred to is printed, as follows:

HAS THE FEDERAL FARM-LOAN SYSTEM MADE GOOD?—COMMITTEE OF CANADIAN BANKERS, AFTER COMPREHENSIVE NATION-WIDE INVESTIGATION, REPORTS THE SYSTEM HAS MANY SHORTCOMINGS REQUIRING REMEDY

The Federal farm-loan system was put to the acid test as to its value to farmers, and the worthiness of the present method of administration, by a committee representing Canadian bankers, and after being weighed in the scales of justice and economy, condemned, much to the chagrin of those who write and speak biased propaganda in behalf of the system and its present staff of political bankers.

The committee representing the Dominion Mortgage and Investment Association not only found the present system wanting in several respects but returned home to appeal to their people not to duplicate north of the international boundary line the many errors which have characterized the 12-year trial at boosting farmers into prosperity via the political route.

The committee assumed that the system, inaugurated in 1916 and having functioned nearly 12 years, had been in existence sufficiently long and had had many opportunities to serve American agriculture through peace and war and afterwar crises to provide material for an unbiased test of its worthiness. Extracts from the report filed with the organization's head offices in Toronto provide some thoughts worth considering at this time, particularly in view of the fact that many of the Federal land banks, not to mention the heads of the Farm Loan Bureau, are now under fire:

"The operation of the Federal farm-loan system has been on a very large scale. At the end of 1920 (the first six years of its operation) the amount of loans outstanding was $427,637,629, despite which the agriculturist of the United States found himself in a deplorable condition. Two and a half years later—June 30, 1923—the advances by the system had reached $1,097,309,995. Meanwhile the condition of the farmer had not improved. The present loans outstanding are enormous compared with the sums the farmers have been enabled to repay under the blessings of this type of loan.

"From the addition to his financial obligations in the form of long-term mortgages, it would be, according to the authors of the system, reasonable to expect a decided improvement in the position of the farmer. When the rural-credit propagandists created public opinion which resulted in the decision of the United States Government to accede to their requests it was alleged that progress in agriculture was arrested by lack of and cost of credit facilities. That lack has been replaced by elaborate machinery and with a measure of state aid to which no parallel in history exists.

"The data indicate beyond doubt that the provision of credit in unprecedented measure and the extension of elaborate machinery has not brought about improvement in agricultural conditions in the United States. In addition to credit machinery, tariff adjustments, so as to exclude or hamper the marketing of agricultural products of Canada in the United States, were designed to assist in enabling the farmers of the larger country in meeting their obligations.

"J. B. Morman, economist of the Farm Loan Board, has told us, 'The purposes of credit are precisely the same in agriculture as in any other business or industry. By enlarging his credit a farmer expects to increase crop and livestock production and thereby improve his financial position.' Mr. M. B. Herrick, another authoritative spokesman for the extension of rural credit in the United States, says, 'Productive credit is that which is employed to stop a loss, effect an economy, or create something materially valuable.'

"Measuring results by these standards, what do we find?

"As to the increase in crop and livestock production, the latter is very largely contingent on the former. In Iowa, one of the foremost agricultural States, the volume of production in four years varied from 14.13 per cent to 28.58 per cent more than the decade before. But the mortgage debt increased by 187.5 per cent in the same 10 years. If we take all the States the result is largely increased debt, and, relatively speaking, a very slight increase in the value of farm products. It is all too obvious that the credit supplied has not been utilized for agricultural development but rather to replace existing debt and to provide for loss or improvident expenditures.

"The debt created, without corresponding increased volume of marketable production, now constitutes a serious problem in the United States. Of its seriousness Mr. Morman says: 'The amount of farm mortgage debt and its relation to the present and future profitableness of farming have become great national problems. During the decade 1910 to 1920, farm mortgage debt increased by $2,227,594,341, or 132 per cent. While this increase in debt from farm production is still more alarming, for usually a farmer has no other source of income except what his farm yields him. If the mortgage debt on a farm is large, the amount paid as interest will be correspondingly large. This is a drain on income. The question is whether farmers can redeem themselves from debt out of the net earnings from their farms. This is unquestionably the foremost rural credit problem now confronting the United States.'

"Mr. Morman has linked Canada with the United States as suffering in like degree from depressed agricultural conditions. While lower prices for products has been the cause of unprofitable agriculture in Canada, as in the United States, the increase in mortgage debt in the Dominion has been normal, while the increase in volume of production has been far greater, relatively, than that of mortgage debt.

"It may be observed here that in the active farm loaning fields of Canada—the Prairie Provinces—the lands taken over by lending agencies for nonpayment of principal or interest do not represent a debt of more than $10 per acre. The Federal Farm Loan Board has authorized loans in North Dakota that average $22.70 per acre. In volume or value of field production per acre, the Canadian provinces (just north of North Dakota), have some advantage as compared with that State, but in mortgage interest and tax liability they are relatively in a much more favorable position. In respect to other States the difference in volume of mortgage debt as compared with Canadian provinces becomes impressive as its significance is revealed by data of an official character which is available.

"As no experiment in farm finance like unto the politically operated Federal farm-loan system has been carried on along nation-wide scope in Canada, that would seem to be the reason why the debts of our farmers are comparatively light. The volume of production, the acreage under crop, and the value of the crop have increased more rapidly than the mortgage debt.

"A Government subsidy: The act under which the Federal farm loan was established in 1916 was, from the outset of this venture, a political experiment. At the outset the United States investor, generally speaking, looked upon the entire plan with disfavor, and even declined to buy farm-loan bonds in sufficient volume to make the system operative. On January 18, 1918, the Secretary of the Treasury hurriedly secured an amendment to the act, authorizing him to use $200,000,000 of Government funds with which to buy farm-loan bonds.

"This action marks the departure from the basic principle upon which the act was intended to operate—that is, cooperative. The American commission (1913) reported: 'It is the opinion of the commission that our American problem in rural credit should be worked out without Government aid. One of the great lessons learned in Europe is that in the long run the farmers succeed best where they help themselves. Whenever they become dependent on the Government, they keep looking to the Government for more aid. It is believed to be a correct general statement that rural credit is on the strongest basis in those countries where it has been developed most completely without Government aid. Even granting the great importance of agriculture, it is improper for all the people to be taxed in order to assist the prosperity of even a great class like the farming class.'

"On that subject President Wilson, in his first annual message, said: 'The farmers, of course, ask and should be given no special privileges, such as extending to them the credit of the Government itself. What they need and should obtain is legislation which will make their own

abundant and substantial credit resources available as a foundation for joint, concerted, local action in their own behalf in getting the capital they must use.'

"The Secretary of the Treasury, W. G. McAdoo, said with respect to a proposition to lend money for another private industry: 'Gentlemen, you ask us to stand for a proposition to lend money to private corporations or individuals upon the security of mortgages. Never on the face of the earth. Bills are referred to me asking * * * for raids upon the United States Treasury in the form of actual loans to be made by the Treasury, on this thing and that thing, farm loans, loans upon houses built by workingmen, etc. If we go into the money-lending business we will have to lend it to everybody; you can not discriminate under our system of government. Everybody must tap the Treasury till if you attempt any such resolution as this.'

"But the Federal Government did step in with liberal allowances when ordinary methods of financing seemed to lag. Some of the advantages have been repaid out of proceeds of bond sales made. The literature of the Federal Farm Loan Board would indicate that it does not yet realize that in the case of mortgage lending, especially on the long-term plan, the extent of the losses can not be gauged with reasonable accuracy until after a long period of experience.

GOVERNMENT SUBSIDY AND LAND CREDIT

"Reasons for tax exemption: It was urged by those responsible for the act that the feature of tax exemption of the bonds and securities issued was essential to the system in order that the bonds could be more readily sold, and therefore the farmer could be assisted quicker and more generously, and that helping the farmer was helping the community at large. But the cost to the Government of this feature was obviously not considered or emphasized, yet experience has demonstrated that the saving to the borrower is far less than the total in taxes that exemption costs the State, or transfers the debt to other taxpayers.

"From the investor's point of view, tax exemption only appeals to the very wealthy, since a taxable security bearing 6 or 7 per cent shows more real profit to a man with a small income than a tax-exempt bond bearing 4½ or 5 per cent; therefore, the advantage offered enables the wealthy to invest their money in a safe security showing a heavy net return equivalent to a taxable bond bearing 15 per cent. The ownership of these securities concentrates in the hands of those who otherwise would be liable for the heaviest taxes.

"To illustrate this point of the cost to the Government, a concrete example may be quoted from a speech by Hon. LOUIS T. MCFADDEN, chairman of the Committee on Banking and Currency of the House of Representatives:

"'To show the small benefit of these loans to the borrower and the great benefit to the bondholder, assume that Peter Smith borrows $10,000. He gives a mortgage for $10,000. He receives $9,500 in cash, and $500 in bank stock, on which he assumes a double liability, making his entire liability $10,500. He pays $550 a year interest, or 5½ per cent, on $10,000. He only has the use of $9,500, but he hopes that when the loan is paid off in 34½ years that the settlement will show a profit on the bank stock. Smith could have borrowed that $10,000 at 6 per cent from a private investor and had the use of the entire $10,000, and assumed no liabilities, by paying $600 a year. He would not have run the risk of losing on the liability of $500 on his bank stock, either. But if everything turns out all right and the bank pays dividends for 34½ years, Smith will save $50 the first year!

"'Now, take the other side of the case and see what the American taxpayers lose through the deficit in the National Treasury because of the tax-exemption of this $10,000 worth of bonds that were sold to furnish the money for Smith's loan. Over 200 individuals and corporations receiving incomes of more than $1,000,000 a year are subject to an income tax of 77 per cent on the excess above a million income. On $10,000 of 5 per cent farm-loan bonds, the income is $500 a year. The income tax of 77 per cent on $500 is $385. This owner of tax-exempt bonds makes $385 a year because he is not required to pay that amount into the National Treasury. To offset this loss to the National Treasury, Peter Smith hopes to make $50. Here is a net loss of $335 a year that Smith's neighbors and other citizens of the country must pay to make up the deficit in the National Treasury caused by this tax exemption on the Smith bonds.

"'It would save $335 to the taxpayers annually if the bondholders were required to pay legal taxes and Smith was given a donation of $50 from the National Treasury. But these bonds may run for 20 years, so you may multiply this sum by 20, which makes a staggering sum lost by the National Treasury because Peter Smith and all the other farmers were allowed to dip into the tax-exemption feature.

"'The unexpected effect of this law increasing taxes has been to automatically reverse the action of the tax-exemption section of the farm loan act. Instead of benefiting the poor farmer it most benefits the very rich bondholder at a ratio of more than 7 to 1.'

"Free use of mails: The Federal farm-loan system and other systems enjoy free use of the United States mails. From the inauguration of the system in 1916, the entire country has been flooded with literature for propaganda purposes. The advantage of the farm loan system as compared with that of private institutions has been persistently urged in this literature, and some very fantastic claims have been made as to the advantages of the system. A great deal of matter which appears in these publications has a political flavor and is obviously intended to create a favorable impression with respect to the particular party in power at the time the publications are issued and distributed.

"Land inflation: That the operations of the Federal farm-loan system would result in inflation of land values, or, at any rate, made it possible for land speculators to profit by inducing land transactions, is apparent. Farm owners in many cases sold out at abnormal prices and retired on the proceeds, while others sold what they had and bought larger areas in the expectation of values continuing to rise, both in respect to land itself and to the commodities produced from it. These operations were facilitated by the generous loans made by the Federal land banks. At the time the belief that land values and prices of farm produce would remain high was encouraged by the propaganda of the Federal farm-loan system.

"Congressman Fordney, of Michigan, was amongst a number who viewed the situation differently. In the House of Representatives, he said: 'Thoughtful and careful people everywhere counsel economy in living and caution about investment in this time (1919) of high taxes and inflated prices. The Treasury Department urges us all to save money to buy thrift stamps and help pay the war debt. The Federal Farm Loan Board takes exactly the opposite view. They urge people to borrow money to place mortgages on their farms. With the aid of traveling lecturers, Chautauqua speakers, special newspaper writers, and others, farmers are told that Federal farm-loan mortgages never have to be paid off, or that they pay themselves off! Many are led into borrowing money for land speculation or to invest in automobiles and nonproductive improvements.

"'One of the popular phrases of these mortgage promoters is: "The farmer is learning that the dollar is a thing to be spent and not something to be hoarded." I know that they have loaned money on farms in the country at much above the value of the property, and that the Government will never get the money back. It is a fraud. I know a piece of land that sold for $3 an acre, and the Federal land bank loaned $15 an acre on it, and it would not sell to-day for $5 an acre; and that is the kind of loans they are getting sometimes. The loans made by the Federal land banks are such loans that prudent bankers and experienced money lenders will not make. Those responsible for the system encouraged the farmer to borrow extensively, being desirous of proving its value by the number of loans and the amount loaned. In some cases where the borrower was a thrifty farmer, benefit was derived, but in the majority of cases the money so obtained was used for unproductive purposes.'

"Pyramiding of debt.—The correctness of these forecasts was well founded, as is evidenced by a study of the conditions that have existed in recent years. In the United States the volume and value of the production show increases in 1920 over 1910 of 20.89 per cent, and 63.07 per cent, respectively, whereas land values increased 117.61 per cent. While volume and value of production remained about stationary, or practically so, during the four years, 1920–1924 inclusive, mortgage debt increased rapidly. On owner farms it amounted to $4,003,767,192 in 1920, and $6,214,222,263 in 1923. In the latter year it was 260 per cent greater than in 1910, as compared with an increase in production of only 17.07 as to volume and 54.14 as to value. Debt has increased enormously while value of and volume of production have shown but a nominal change.

"The State of Iowa, which ranks high from an agricultural standpoint, is shown as having a mortgage debt on owner-operated farms at the end of 1910 of $204,242,722, and this had risen by 1920 to $489,816,739. The increase in the 1920 debt as compared with that of 1910 is 139.82 per cent. Similarly, in the case of Nebraska, another important agricultural State, the debt increased in the 10-year period, according to census figures, from $62,373,472 to $168,507,859 in 1920.

"In the State of Iowa the volume of production in 1923 was 21.27 per cent greater than in 1910, but the mortgage debt had increased 187.82 per cent. While the volume of production has remained practically stationary in recent years—approximately a 25 per cent increase, as compared with 1910—the value of farm products was approximately 75 per cent greater. The mortgage debt, however, increased at a much more rapid rate than either the reputed value of the land, the value of the product, or the volume of production.

"In the United States agricultural production represented, in volume, an increase of only 17.07 per cent of 1910. In comparison with this, the debt of farmers increased 260 per cent. Now compare this with the experience in Canada where the mortgage debt increased, according to mortgages outstanding of the chief lending agencies, about 25 per cent, and production increased 104 per cent. Obviously, under the credit facilities provided farmers of Canada (private interests), production has increased more rapidly than in the United States (under political banking), and the farmers' debt in Canada has not increased nearly so rapidly as it has in the United States.

"Promotes landlordism: We have given attention to the effects of the Federal farm-loan system upon agriculture and production since the operation of the system. It is apparent that this great increase in farm debt was largely the result of lending by the system under the

auspices of the Federal Government. It was based upon the German plan. That plan was not intended to be of benefit to the operating farmers but rather to the land owners of that country. It has its origin in a general effort to rehabilitate the fortunes of landlords. It was successful in this respect, but it can not be said that the German farmer, rack-rented as he is, is in a position at all comparable with that of the agriculturists of the North American Continent.

"It is to be hoped that the landlord system, as it exists in Europe, will not take root here in Canada, as it is now liable to do if lending of the kind that is taking place in the United States continues. The tenant class, it is regrettable to observe, is steadily increasing, and that tendency is being accentuated by the farm-loan system of lending which has been adopted nationally. The cause appears to be the granting of large loans to landowners rather than to those who actually live on and produce from the land."

THE GOVERNMENT IN BUSINESS—VIEWS OF A FARMER STOCKHOLDER IN THE FARM-LOAN SYSTEM

When Congress took the round-about-face position of removing the farm-loan system from the control of the rightful owners and turned the enormous assets represented by the capital stock of the 12 Federal land banks into the control of the political appointees on the governing and supervising board, who work through their appointees in the banks, the United States Government then and there set forth upon a banking business without parallel in the experience of nations. Nowhere else in history has a government first enacted a system of finance for a particular class of people upon the promise that when they have subscribed to the capital stock a sum equal to that first advanced by the Government to capitalize the system that it would be turned over to them, the farmer owners, and then turned around and by an amendment to the fundamental act withdrawing from those property owners their property rights, vesting this in the hands of political appointees. It is not strange that the Federal farm-loan system to-day stands as the one outstanding failure of government in business.

Surely this has not been progressing to the present stage without recognition on the part of those in authority that it is not in keeping with American principles, as established 150 years ago by the First Congress, and to-day part and parcel of the fundamental laws of the country.

As recent as November 17, 1927, President Coolidge, in his Union League address at Philadelphia, said:

"We have always held very strongly to the theory that in our country at least more could be accomplished for human welfare through the encouragement of private initiative than through Government action. We have sought to establish a system under which the people would control the Government and not the Government control the people. If economic freedom vanishes, political freedom becomes nothing but a shadow.

"It has theretofore been our wish that the people of the country should own and conduct all gainful occupations not directly connected with Government service. When the Government once enters a business it must occupy the field alone. No one can compete with it. The result is a paralyzing monopoly."

It is very evident that those in authority of the Federal farm-loan system have neglected to advise the President of the current method of management of this politically administered farm-loan system, though many farmers did, upon the recent appointment of members to the Farm Loan Board, very emphatically advise the Chief Executive of their dislike of those same appointees, and of the shunting aside of property rights.

However, the promises of Government operation made early in the above-quoted paragraphs of the President's remarks have been very fully realized in the language which he later used. Who can doubt that "economic freedom vanishes, political freedom becomes nothing but a shadow," is true of the great farm credit system which politicians have endeavored to build? More than 1,000,000 American farmers who have gone into debt under this plan now find themselves possessed of stock in banks in which they are unable to vote, because politicians operate those same banks; the same farmers are now assuming liabilities to the extent of 10 per cent of their loans to safeguard a system operated by politicians who are—many of them—still experimenting in the art of banking.

Wholesale foreclosures, with most unfortunate results to the farmers, are now in progress throughout the United States. An official of the United States Department of Agriculture recently estimated that these have become greater than $5,000,000, and that three times as many loans should now be foreclosed, probably will be forclosed during 1928. Is this the hopeful, the helpful child Congress created only 12 years ago—is this the blessing in disguise which political banking promises those who are determined that politicians shall operate the land banks?

There is another side of the Government operation of land banks to be considered which promises in the near future to become a national scandal in keeping with many unholy unearthings which have so recently characterized the present and former administrations at Washington.

The crux of this problem is the method by which political bankers hope and expect to repay to bondholders the money which the investors loaned to the politicians to, in turn, loan to farmers, when the farms upon which the money was loaned have been foreclosed, are abandoned, and are not even returning sufficient funds to pay the annual taxes, not to mention interest on investment or principal sum. In solving this problem, the political bankers are sure to point a new way to private bankers, namely, how to make money grow where there is no activity or income.

The failures of the Federal farm-loan system, nor the criticism of its administration, could not have been more emphatic or glaring had the most foolish among farmers been responsible for its administration in the past 10 years. It is doubted if there exist anywhere farmers who would have gone ahead in so foolhardy a manner as have many of the politicians who have, from time to time, been placed in charge. Surely, the farmer-owners as managers of their own banks, could have devised a method of operation of farms which have loans upon them upon which farmer-operators can not meet the obligations, that would have been a great improvement over the system adopted by the Washington administrators of shoving the helpless farmer off his land.

The principle of the Federal farm-loan system may be right, but its policy of Government operation of that which belongs to some one else is a glaring indictment of every one who has been connected with it. It is to be hoped that Russia, India, Egypt, or Canada will never adopt a plan of banking which extends to farmers the promise of golden days, and after they have entered its portals, paid for their stock with money which they have borrowed and upon which they pay interest annually, will then take away from them their banks and place them in the hands of "changing" politicians.

No one wishes to deny the entire propriety of a high degree of public regulation and supervision. When, however, this regulation and supervision ceases to be merely regulatory and supervisory and undertakes, as have the political appointees of the Federal farm-loan system, to conduct the business which the farmer really owns and has paid for—the land banks—that is a grave and dangerous principle upon which to operate, and can lead only to ultimate dissatisfaction, and, unless corrected in time, to destruction and national scandal.

Continuity of policy and familiarity with the background of any business enterprise are essentials to success. The names of the men who have acted during the past 12 years as members of the Farm Loan Board comprise a list so long as to read like the roll of the Legion of Honor. Yet, had these political appointees served only their stated time, but a few would have served in this capacity in the same length of time. Officials who come and go with the shifting winds of popular favor, having neither long experience (if any experience), nor fundamental knowledge of the banking business, can not be expected to furnish the same type of management as that which has been and is so notably successful in the interest of private enterprise. Very few of the men who have served in the past 12 years on the Farm Loan Board, and as few in the 12 Federal land banks, have had even a "speaking acquaintance" with either agriculture or banking. Almost without exception their only qualification has been a strong political "pull." What sane financier would endeavor to successfully operate a banking institution, no matter how small its field of endeavor, with executives of that type? Yet, this is a great nation-wide system, operating in 48 States and Territories beyond the sea, by men of little or no actual knowledge of the demands of agriculture, or how to best meet them. Too often the truth has been that the only interest of the officials has been, "When is pay day?"

Such is the fruit of Government operation of a great banking system. Losses are being made which are enormous, and little is being done to stop the leak in the dike. It seems now to be a matter of "letting the Government or the farmer pay the bill," but later on, when the big pay day really comes round, it will be a most surprising financial transaction, which threatens to overshadow any recent investigation held in Washington.

[Extract from the Breeders' Gazette, Chicago, Ill.]

IS THE FARM LOAN ACT SATISFACTORY?—FEDERAL SYSTEM OF RURAL CREDITS CREATED BY THE LAW HAS FAILED OF ITS BEST RESULTS BECAUSE FARMERS HAVE NOT HAD ENOUGH TO DO WITH ITS ADMINISTRATION

The recent difficulties under which the Federal farm-loan system has been laboring, in its presently organized paternal branch of our Government, instead of the system the fathers of the system dreamed of perfecting, and farmers for 40 years have striven to secure, demonstrates that we have had more than a sufficient amount of this type of organization. It illustrates well the fact that Government control in farm finance is no more satisfactory than Government control of other branches. Had the Federal farm-loan system been originally organized as the fathers of the system planned, instead of as poli-

ticians desired, a far different story could be written of it to-day. The patriots have ever cried: "God give us men," but the politicians, not content with that, worship at the shrine of "Give us offices to fill." Thus we note that men who could not speak as representatives of our farmers have been holding a dominant position in the Federal farm-loan field, and have spoken their own personal opinions as representing farmers, whereas farmers knew nothing about their plans. The present situation is an illustration of the consequences of outside domination.

The Federal board was headed for its first two and a half years by a private banker. He selected private bankers as his aides. The various district land banks are manned by essentially private bankers or else mild agriculturists. In a few instances actual farmers do hold sway, but these are so few as to be marked. The Federal farm loan act specifies clearly that none save actual farmers may borrow through the district Federal land bank; had patriotism instead of politics dictated the same act's wording, actual farmers rather than private bankers would officer it.

The Federal farm loan system was planned along modern American political lines, under the dictation of private farm-mortgage banking leaders, and not along the perfected and successful rural credit lines of Europe. Here the politicians hold the balance of power and dictate, while over there the men who advance the collateral security, purchase the capital stock and make possible the system, manage it. In order to be a democratic institution, our Federal farm-loan system must be placed in the hands of American farmers and removed from the dictation of politicians and private bankers.

Congress, without any "ifs" or "ands," enacted a bill advancing $300,000,000 to the railroads, and permitted the railroad operators and managers to purchase such rolling stock as they might desire, without red-tape dictation and inefficient leadership. Are the railroads more vital than food-producing farms? Both are essential, and both have men in the ranks capable of managing their own business without outside aid. Neither requires paternalism, but both are in their present plight because of an overabundance of it. Had the politicians left agriculture and transportation alone, and permitted those in each field to attend to their own affairs, both would be in a more stable position now.

Government supervision is one thing, but Government dictation and domination are quite another. The land banks should be placed upon the same basis of supervision as national and State banks.

The decision farmers should make right now is that they themselves should have the entire control of the operation of these various cooperative financial systems, without governmental dictation or more of the "kind uncle" advice which characterizes the administration of a Federal bureau. American farmers have themselves supplied the unquestionable credit facilities warranting the millions of farm loans; farmers have themselves subscribed to the capital stock of the 12 land banks, and it naturally follows that, being actual owners, they should themselves operate these banks. There is no sound logic for further clogging of this farmers' cooperative machine with red tape.

Time and experience have demonstrated fully in the 12 districts that each has one or more localized problems quite different from any other. To illustrate: While the Middle West was experiencing the so-called land boom other districts were not, yet the Farm Loan Board put into immediate force certain rules which limited the same districts from adequately financing farmers' needs, in comparison with what the fundamental farm loan act promised farmers or the security offered by farmer applicants.

Again, early in the operation of the system it was discovered that California citrus growers were holding their land values as high as $1,500 to $3,000 per acre. The board put into force rules governing the operation of all banks which have resulted in great hardship to fruit growers of other sections whose land values are but a fraction of those of the Golden State. In other words, to safeguard the system in a dozen Pacific coast counties, the fruit growers of 48 States were made to suffer.

The point I desire to impress is that in a farmer owned and controlled land-bank system each of the dozen land banks would be able to remove the present cumbersome conditions and at once have a more elastic and pliable system. Each of the land banks could formulate rules and regulations adapted to the individual and local conditions existing in their districts, rather than be forced to adopt and enforce cut-and-dried, ready-made rules placing hardships upon the multitude in order to keep the minority within bounds.

The appreciation of the officials of 4,000 national farm-loan associations of the country runs high for the urgent need of some immediate remedy for present conditions, if the system is really to serve farmers as it should and as it was originally intended that it should. It is obviously impossible to secure any set of members of a Federal board who would make rules and regulations in Washington that would meet the requirements of the great body of farmers. Can we not determine a superior way of permitting the men who are actually on the land and in the farm-loan field to work out their own salvation along sound banking lines, in no way lessening the value of the farm-loan mortgages, but by several degrees advancing the service of the system?

Senator CHARLES CURTIS, of Kansas, has presented a plan which possesses considerable merit. Describing it, he recently said:

"Under the syndicate arrangement adopted for selling farm-loan bonds it looks as if brokers get the premiums and that the land banks are getting no particular advantage from the tax exemptions of their securities. Would it not, therefore, be better to let the farmers themselves manage these banks exactly as the law intends? The only change necessary for this would be to give the farmers the entire responsibility for the system and oblige them to operate on their own unquestionably good credit.

"This is the secret of the soundness and success of innumerable borrowers' banks of various kinds, among which failures are rarer than among ordinary banks. The 65,000 cooperative credit societies, with 15,000,000 members and a $7,000,000,000 annual business, are based on this idea of using their own credit and of imposing upon members a liability that is either unlimited or else severe enough to be felt. The cooperative bank with unlimited or limited liability has proved its worth wherever tried, in country, town, or city, for encouraging thrift and extending credit in large and small amounts.

"The same idea prevails in all true building and loan associations among the 7,269 with 3,853,612 members and $1,769,142,175 assets in the United States. Any member getting a loan must subscribe for shares up to its full amount. His payments are made not on the mortgage but on the shares. When the shares mature he may turn them in and have his debt canceled. The maturing of the shares depends upon his payments and also upon the association's profit and loss. All his credits could be wiped out by a loss; consequently he is liable to the full amount of his mortgage. Profits would hasten the extinction of his debt, and he is as deeply interested as are nonborrowing members. As a result, these associations can operate even on savings with safety, although borrowers share in the management.

"The Landschafts, founded 150 years ago, are composed entirely of borrowers. They now number 23 with some $1,000,000,000 worth of bonds, and none of them ever defaulted an obligation. The borrowers elect all the officers and appraisers, every one of whom must be a borrower. The borrowers' payments go into a sinking fund, in which the cash on hand, together with the unpaid principal of the loans, must equal outstanding bonds. If this fund becomes impaired in the old Landschafts any member may be assessed without limit for the deficiency. In some of the newer Landschafts the liability is limited to the mortgage or some portion of it. But the basic idea is that all the borrowers have the direct management, use their own credit, and assume liability large enough to be felt."

Under the Federal farm loan act, as it is now administered, appointments of appraisers are made by the Farm Loan Board, upon the recommendation of the district land bank. The farmers who have subscribed to the capital stock of these land banks have not been taken into consideration, with the natural result that many appraisers are not adapted to their work, and farmer-borrowers have been forced to endure hardships because of this shortsighted policy. In one or more instances appraisers who are identified actively with private banking interests making farm mortgages have been employed in the farm-loan service. Their reports have been responsible for rejecting a large percentage of farmer-applicants from the system's service. This has been continued despite the fact that section 3 of the act provides that no appraiser shall be employed thus engaged in private banking. Here lies an important reason why farmer-owners, who guarantee the system against liability to the extent of 10 per cent of their loans, should themsleves select the men who make the reports on the loans, and not outside men, who have not one cent involved in the system.

Myron T. Herrick, who probably is the real father of the present rural-credit system, is much in favor of the farmers themselves operating their banking system. "If the farmers had a bank of their own," advises Mr. Herrick, "they could exchange its notes secured by their agricultural or livestock paper running for six months or less for Federal reserve bank notes, and thus they could convert such paper into Government obligations which can be used in transactions with individuals in this country the same as money. The great majority of farmers have the best of characters, with property and wealth-producing power out of which the soundest credit and the highest financial standing could be created.

"The banks know all this. Indeed, most of the funds which they own and are using for other industries came from agriculture. Their total resources are approximately $34,600,000,000. The farmers produce an annual crop worth more than $20,000,000,000, or more than 55 per cent of the total bank resources. These figures indicate a moral duty of the banks to render more service than they now give to farmers. For what would become of the banks if they should be deprived of the annual agricultural production which is represented by paper passing through them, or which has been transferred permanently to them? The farmers in the aggregate have accumulated $60,000,000,000 of wealth, or one-fourth of the Nation's wealth. This and their annual income are more than enough to supply their own banking and financial needs, if they should mobilize the credit value of these stupendous

resources. But this mobilization can be accomplished only by forming banks of their own.

"With such banks the farmers would have first the use of the wealth they create, and avoid much of the necessity of mortgaging farms and all the losses coming from forced sales of their crops. Moreover, they would add strength to their already existing associations and save the interest they now pay in borrowing from outside sources. They would also help all other industries, because the farmers' needs would be for short terms, in most cases extending no longer than from harvest to harvest, when their returns, increased by the resulting improvement, would mingle again with the general banking power and swell its volume. Perhaps $10,000,000,000 would have been added to this power if farmers in their organizations, splendid though some of them are, had not done the very reverse of what the best cooperative farmers in other countries did, who began by forming banks."

[Extract from Farm Leader, Minneapolis, Minn.]

WRECKING A COOPERATIVE LOAN SYSTEM—HOW THE FARM LOAN BOARD WIPED OUT ORIGINAL SPLENDID PROVISIONS OF THE FEDERAL FARM LOAN ACT

In the last issue the Leader told the story of how the farmers have been prevented to date from controlling and managing the Federal land banks, although the original law provided for such control. Congress, the political boards of directors of the land banks and the Federal Farm Loan Board, through a trick, have prevented the original cooperative plan of organization of the banks from being carried out. It should have been carried out long ago. Under the permanent plan of organization for the banks, provided for in the law and constituting a pledge to and contract with the farmers, the farmer borrowers of the banks long before this should be in control through their electing six of nine permanent directors for each bank.

But the Federal board to date has been able to keep its dictatorship of the banks, to the exclusion of farmer management, only because of the trick put over on the farmers.

Have the farmers failed to apply for land-bank loans? No; the land banks have rejected and are rejecting applications for hundreds of millions of dollars in loans.

Each land bank is supposed to have the right to issue as many bonds as necessary to take care of its applications for loans, without dictation of the Federal board or without regard to the other land banks. But the policy of the Federal Farm Loan Board has apparently been to put on the brakes and keep the Government rural credit system from developing as rapidly as it should or as it could. This has played into the hands of private money lenders. And now they want to prevent the management of the banks from being put in the hands of the farmers themselves, so that the farmers can not develop the system where the political management so miserably failed!

INTERMEDIATE CREDIT BANK, COLUMBIA, S. C.

Mr. NORBECK. Mr. President, I desire to make a brief reply to the remarks of the Senator from South Carolina [Mr. BLEASE]. Some time ago the Senator introduced a resolution calling for an investigation of the Federal land bank located in his State, or, more particularly, the intermediate credit department of this bank. About the same time there was introduced in the House by Congressman HARE, of South Carolina, a bill, the effect of which would be to have the Government reimburse the customers of a certain defunct State bank in the amount of $600,000 or $700,000, which said customers lost on account of the failure of this bank, located at Beaufort, S. C. It seems that a large number of loans had been made by the intermediate credit bank to farmers and planters in the vicinity of Beaufort and that repayment of some of these loans had been made through this bank, which is now closed, and that said bank had not remitted to the intermediate credit bank at Columbia, S. C.

Charges of gross irregularities have been made as to the management of this failed bank. Criminal prosecutions have been conducted by the Department of Justice, and I think some of the parties connected with the failure have been convicted.

Some of those who suffered losses claim that the intermediate credit bank was more or less responsible for the conditions existing in said State bank. But the statements made before the Committee on Banking and Currency were so indefinite, and even conflicting, that the committee was unable to pass judgment on the matter.

This meeting of the committee had been called especially for the purpose of considering this resolution. The author of same was given the opportunity to make the opening statement, which he did. He laid upon the desk a large number of papers and said, "Here is my proof." Before we got very far along with the hearing the Senator from South Carolina did just what he has told you he did—he picked up his papers and left the room, leaving the committee without any of the evidence.

Congressman HARE, the author of the House bill above referred to, for the relief of the customers of said bank, was next heard by the committee. He impressed me as a sincere man trying to be helpful, but he was not in complete possession of all the necessary facts.

The only action so far taken by the committee on the Blease resolution is a request to the Federal Farm Loan Board to make a report on this whole matter, in order that the undisputed facts may be known to the committee.

I want to say to the Senator from South Carolina that I am delighted now to know that the evidence he has will be made available to the committee. I can assure him that it will be read carefully and that action by the committee will not be delayed.

Mr. BLEASE. Mr. President, I wish to say to the Senator from South Dakota that I have filed with the Secretary of the Senate all the records of which he has spoken. They are now in the hands of the Secretary of the Senate.

TREATMENT OF MILITARY PRISONERS DURING THE CIVIL WAR

Mr. SIMMONS. Mr. President, my attention has been called to an article appearing in the Boston Evening Transcript, of Wednesday, March 21, in which there is discussed a subject around which has raged considerable historical controversy. The Boston newspaper prints a statement with reference to the controversy by Capt. Samuel A. Ashe, a Confederate officer and eminent historian, lawyer, and newspaper editor of Raleigh, N. C., who, although more than 80 years of age, is still vigorous and active, both in body and mind. The Transcript refers to Captain Ashe's statement as being "a plain and temperate statement from a southern man." I think the information given in this newspaper article should be preserved in some permanent way, and I therefore request unanimous consent that this article from the Boston Evening Transcript may be printed in the CONGRESSIONAL RECORD.

The PRESIDING OFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NOMAD

This is not in any sense a controversial column, and the little story here given about the inscription on a Civil War soldier's gravestone at St. Albans, Vt., was not admitted with any controversial intention. But it has called out the following plain and temperate statement from a southern man, and under all the circumstances it is entirely fair that this statement shall be respectfully presented and the matter dropped there. It is Mr. S. A. Ashe, a Confederate officer and a well-known lawyer, business man, former newspaper editor, and historical writer, of Raleigh, N. C., who writes to the Nomad:

"The northern people," he says, "have been led astray by misstatements about the South. Certainly there may have been excesses on either side, but the South has been unjustly stigmatized for alleged improper treatment of prisoners who had surrendered to the honor of their captors. That is an error. As to the death of prisoners, if we institute a comparison we will find that relatively more died at the North than at the South. On July 19, 1866, Secretary Stanton reported that 26,246 southern boys had died in northern prisons and 22,246 northern boys had died in southern prisons, while there were 270,000 of the latter and 220,000 southern soldiers taken prisoners. And this disparity is greatly increased when we consider the varying circumstances. At the North there was no want of provisions or medicines. At the South there was a want that could not be filled. It was with this knowledge the North ceased exchanging prisoners—as a war measure—to burden the South with the care of its many prisoners. There might have been a mutual parole, without exchange. Grant paroled 30,000 Confederates at Vicksburg who were never exchanged. That might have been continued.

"When the summer of 1864 was coming on, Mr. Ould, the Confederate commissioner of prisoners, sought to make purchases from the United States authorities of needed medicines. He offered gold, cotton, tobacco, any price, for the medicine, and the medicine to be dispensed by United States surgeons. It was to be for the use of United States prisoners alone. That offer was refused. Then in the summer disease broke out at the principal stockade at Andersonville. It was ascribed to the German prisoners not being accustomed to corn bread. The disease became a pestilence. Steps were hurriedly taken to remove all the well men, but that took time. On July 10 the prisoners held a great meeting and appointed a committee of five to proceed to Washington and to represent conditions and beg for an exchange of prisoners. This committee met with no favor at Washington. Deaths multiplied. In August, Mr. Davis made an offer to President Lincoln that if the United States would send transportation to Savannah he would send to their homes 10,000 or 15,000 Union boys. There was at first no answer.

"The pestilence was like a visitation of the yellow fever. September and October passed. No transportation. At length, on November 19, the United States vessels began to arrive. In the meantime there died, on September 11, among thousands of others, James Partridge Brainerd,

of St. Albans, Vt. On this monument it is recorded that he died 'entirely and wholly neglected by President Lincoln, and murdered with impunity by the rebels, with thousands of our loyal soldiers by starvation, privation, exposure, and abuse.' The misconduct here ascribed to the rebels, by his friends at home is an erroneous statement; he died, doubtless, for the want of medicines.

"Had the vessels been promptly sent, this young soldier would probably have been sent home. But the delay was fatal to him and others. Mr. Davis filled the United States ships with Federal prisoners—5,000 sick men and 8,000 well men—and they were sent to their homes. Certainly, it was terrible at Andersonville, but as deplorable as it was, there was nothing to bring to a southern Christian a blush of shame. 'The True Story of Andersonville' has been told by a Michigan officer, who was there, Lieut. James Madison Page, Company A, Sixth Michigan Cavalry, who gives his testimony as to the facts. He says: 'The reader may expect in this account only the plain, unvarnished tale of a soldier. He hopes that it will satisfy the lovers of truth and justice.' While his account is a woeful experience, yet it appears that the southerners did everything they could do mitigate the situation and conditions. It was a calamity, a visitation of a pestilence."

CONDITIONS OF UNEMPLOYMENT

Mr. SHIPSTEAD. Mr. President, on March 6 the Senate passed a resolution asking for a report on the problem of unemployment and 17 days later the Secretary of Labor presented a report to the Senate, which has been debated in the Senate, has been commented on in the press and, because of certain statements relative to that report having been made which are erroneous, no one else having called the attention of the erroneous statements made and based upon that report, I shall take a few minutes to call the attention of the Senate to the same.

Estimates of unemployed in the United States have been made in the Senate all the way from 1,000,000 to 5,000,000. The newspapers seem to take for granted the report of the Secretary of Labor, showing an increase of unemployment since 1925 amounting to 1,800,000 persons, in round numbers, and that part of the report of the Secretary of Labor seems to have been accepted as the total number of unemployed persons in the United States at the present time.

In order to understand the error of this conclusion listen to this paragraph in the report:

That the shrinkage in the volume of wage earners, including manufacturing, transportation, mining, agricultural, trade, clerical, and domestic groups, figured on the basis of those employed in 1925, is revealed to be 7.43 per cent. Applying this percentage to the total number of employees of 1925 gives a shrinkage between the average of 1925 and January, 1928, of 1,874,050 persons.

In the next paragraph the Secretary of Labor states:

In making 1925 the base of 100, it is understood that whatever there may have been of unemployment in that year is ignored.

I call the attention of the Senate to the fact that the figure or number 1,870,000 does not represent, on the basis of the report of the Secretary of Labor, the true number of unemployed persons in the United States at the present time. The figure merely represents the increase in unemployment or the decrease in employment since the year 1925.

Because there has been so much speculation and debate upon what might be estimated to be the present number of unemployed persons in the United States, I call the attention of the Senate to the fact that the Department of Labor has compiled from year to year the unemployment statistics. We have them compiled by the same statistician, Mr. Stewart, who is well known and has been well known for very many years as a very reliable statistician. For instance, we find that the peak of employment was in the first half of 1920. In his Monthly Labor Review for the month of March, 1926, on page 113, we find, taking monthly average 1923, 100 as par, that employment stood at 116 in the first half of 1920. There was a constant decrease, always figured on 1923, 100 as the base. There was a decrease for 1923, a decrease for 1925, and a decrease for 1928. On page 146 of the Monthly Labor Review for 1928 we find that on the same number as par, 100, employment stood at 84.2, a shrinkage in employment or an increase in unemployment from 1920 to 1928 of more than 32 per cent. We find in the same report that employment in 1925 was 8.8 per cent below 1923; that is to say, the employment shrinkage from 1923 to 1925 was greater even than the shrinkage from 1925 to 1928.

A little computation will show how many wage earners are included in the 8.8 per cent employment shrinkage between 1923 and 1925. Commissioner Stewart said in his report, issued by the Secretary of Commerce, that the shrinkage between 1925 and 1928 was 7.43 per cent, and that that shrinkage meant a decrease of employment of 1,874,000 persons. Assuming this basis to be correct, and I think it is correct, because I do not question the Department of Labor's own statistician, the shrinkage of 8.8 per cent would mean a two years' decrease of 2,219,690 for the period from 1923 to 1925.

Thus we have the official data of the Department of Labor that the decrease in the number of wage earners employed amounts to 1,874,050 as compared with 1925, which, in turn, was 2,219,600 below 1923. Therefore, comparing 1928 with 1923 as the semipeak of employment, the total shrinkage for the five-year period is 4,093,650.

But in order to arrive at a full estimate of unemployment we have got to go back to the peak of employment when approximately all wage earners were presumed to hold jobs, and that, according to the Secretary of Commerce and the statistician of the Department of Labor, was in the first half of 1920.

The Monthly Labor Review for March, 1926, which carries Table 7 back to the employment peak in 1920, shows the general index of employment and finally the total in manufacturing industries on page 113, and now we find that on the basis of 1923 as par 100, employment in the first six months of 1920 ran as follows: January, 116.1; February, 115.6; March, 116.9; April, 117.1; May, 117.4; June, 117.9; an average of 116.8 as the 1920 peak. Thus the United States Department of Labor reports that unemployment between first half of 1920 and 1923 suffered a shrinkage of approximately 16.8 per cent.

Commissioner Stewart tells us that he applies the shrinkage percentage in the manufacturing industries as the approximate percentage of employment shrinkage in all wage-earning industries. So let us do the same. If a shrinkage of 7.43 per cent means a decrease of 1,874,050 wage earners, a shrinkage of 16.8 per cent, as Senators may readily compute, means a decrease of 4,237,420 wage earners.

So here we have the complete record, based on the official employment tables of the Labor Department, showing the progressive shrinkage in volume of wage-earning employment from the high peak of employment in the first half of 1920 down to 1928, as follows:

From the peak in 1920 down to 1923, a shrinkage of 16.8 per cent, or 4,237,420 wage earners.

From 1923 down to 1925, a shrinkage of 8.8 per cent, or 2,219,600 wage earners.

From 1925 down to January, 1928, a shrinkage of 7.43, or 1,874,050 wage earners.

So the total shrinkage from the 1920 peak down to 1928, as officially reported by the Labor Department, is approximately 32.6 per cent, or 8,331,000 wage earners.

Now, some of the wage earners of 1920 have died, but others have been born and the native-born workers have yearly increased. Their ranks have been increased by immigration at the rate of about 250,000 a year, so Secretary of Labor Davis tells us. On the other hand, some of the wage earners have set up in business for themselves or become employing capitalists.

But before we leave this chapter of the report, let us recapitulate the index data officially reported in statistical Table 7 of the Bureau of Labor Statistics.

Bear in mind that all the data I have here quoted from Table 7 uses the same par base 100 for 1923. In the report to the Senate the department used 1925 as the base 100, but in its official monthly report to the public the Bureau of Labor Statistics, of which Commissioner Stewart is chief, has used for three years 1923 as the base 100. It makes no difference in the result, for one basis is readily converted into another, but for the sake of clearness and uniformity it is safer to use a common denominator, and so 1923 as reported in the official monthly bulletin is employed as the base 100 for all the data here cited.

And here is the index record running back from January, 1928, to the employment peak in 1920, using for all dates 1923 as 100:

Employment index for—	
January, 1928	84.2
1925 average	91.2
1923 average	100.0
First half 1920	116.8
Total employment shrinkage, 1920–1928	32.6

And this means, according to the computations of the United States Labor Department, a shrinkage in number of employed wage earners of over 8,000,000.

I said, Mr. President, in the beginning that I used the report of the Secretary of Labor and the reports of his department back to 1920 to carry out his report to its ultimate conclusion, in order that we might have something upon which to base an estimate of the unemployment in the United States at the present time. I am not this afternoon going to take up the time of the Senate by going into any of the causes or the reasons for this vast amount of unemployment of people in the United States as revealed by the statistics and reports of the Depart-

ment of Labor itself; undoubtedly there are many reasons; but I want to call one reason to the attention of the Senate, so that those who have time and are interested may investigate. That reason is the tremendous exportation of capital from the United States during the last six or seven years to build up the industries of Europe. Of course, labor-saving machinery has had something to do with it.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. SHIPSTEAD. I yield.

Mr. SIMMONS. I do not know that I understood the Senator's final estimate of the unemployed existing at this particular time. Did he make any estimate?

Mr. SHIPSTEAD. I did not make an estimate. I have only taken the reports of the Department of Labor from 1920 down to the present time, showing the gradual progressive decrease in the number of persons employed in the United States from year to year.

Mr. SIMMONS. The Senator from Minnesota, then, has expressed no opinion as to what is the present number of the unemployed in this country?

Mr. SHIPSTEAD. On the face of facts presented by the Department of Labor the result of this computation leads to the belief that there are in the neighborhood of about 8,000,000 persons unemployed in the United States at the present time.

Mr. SIMMONS. At this time?

Mr. SHIPSTEAD. At this time, if the figures, statistics, and reports of the Department of Labor are worth anything, and I have no reason to doubt their accuracy.

Mr. SIMMONS. The Senator is aware of the fact that the senior Senator from Utah [Mr. SMOOT], quoting, I believe, from the Department of Labor a few days ago, estimated that there are only about 1,800,000 unemployed at that time, while I estimated that at least 4,000,000 were unemployed. The other day a gentleman read to me—for I myself do not read much—from a magazine, the name of which I do not quite remember, but I think it was the Nation, issued one day last week, in which an estimate of something over 6,000,000 was made as the number of unemployed at the present time. I will see if I can find that article. I have had a telephone message sent to the gentleman who presented it to me with a view of finding the article.

Mr. WAGNER. The name of the magazine to which the Senator from North Carolina refers is, I think, the New Republic.

Mr. SIMMONS. Probably it was the New Republic; I do not remember exactly what publication it was; but it was some publication brought to my office by a gentleman who read to me a statement from it with reference to unemployment, estimating the number of unemployed to be something over 6,000,000.

Mr. SMOOT. Let me read to the Senator from North Carolina just what the Secretary of Labor stated in his report.

Mr. SIMMONS. Is the Senator from Utah referring to a statement different from the one that he read the other day?

Mr. SMOOT. The figures in the report I put in the RECORD the other day.

Mr. SIMMONS. Is this something additional?

Mr. SMOOT. The statement I made was based upon report of the Department of Labor. This is what the Secretary stated in his letter of transmittal.

Mr. SIMMONS. Pardon me. Before the Senator reads that statement I wish to ask, does the Secretary of Labor state something different from what he stated in his report?

Mr. SMOOT. No; I do not think so. This is from the letter transmitting the report:

> The census of 1920 showed 42,000,000 of our people are wage earners or otherwise gainfully employed. Of these, 23,348,692 have been found to be at present employed on either a wage or a salary basis. By the most careful computation methods available, Commissioner Stewart finds that the actual number now out of work is 1,874,050.

That is what the Secretary of Labor said.

Mr. CURTIS. Mr. President, I do not want to interrupt the debate, but to-day is Calendar Monday, and we have not as yet concluded the order of petitions and memorials. I hope Senators will let us finish the morning business.

Mr. SIMMONS. But this is a very important matter that we are talking about right now.

Mr. CURTIS. I said I would not interrupt the discussion, but I do not want it to extend any longer than necessary.

Mr. WAGNER. There is nothing more important.

Mr. SIMMONS. As the Senator from New York suggests there is absolutely nothing more important than to ascertain what is the extent of unemployment in this country.

Mr. CURTIS. We could talk here a week and not settle that question.

Mr. SIMMONS. But we can discuss it, Mr. President. We could not discuss anything more vital.

Mr. CURTIS. I demand the regular order.

Mr. SIMMONS. What is the regular order?

The PRESIDING OFFICER. The regular order is the presentation of petitions and memorials.

Mr. SIMMONS. I supposed that we had concluded that order.

The PRESIDING OFFICER. We have not as yet concluded the morning business. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from the Chamber of Commerce of Pittsburgh, Pa., praying for the enactment of legislation providing for a 1-cent rate on third-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. WALSH of Massachusetts presented petitions of citizens of Holyoke and Woodville, and sundry other citizens, all in the State of Massachusetts, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. BRUCE presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation to curb alleged unfair and destructive trade practices of chain stores, stating that by selling highly advertised items below cost they create an impression of cheapness and prices which undersell their neighbors, etc., which was referred to the Committee on the Judiciary.

Mr. SIMMONS presented a memorial numerously signed by sundry citizens of Winston-Salem, N. C., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COPELAND presented petitions of sundry citizens of Rochester and New York City, all in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of the Farmers Educational and Cooperative Union of McHenry County, signed by O. T. Haakenson, of Barton, and 92 other citizens, in the State of North Dakota, praying for the passage of the so-called McNary-Haugen farm relief bill with the equalization fee provision retained therein, which was ordered to lie on the table.

Mr. McLEAN presented a petition of sundry citizens of Winsted, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented letters and papers in the nature of memorials from the Connecticut Chautauqua (Inc.), of Bristol; the Woman's Christian Temperance Unions of Waterbury, Thomaston, Norwich, Danielson, and Gilford; and Everyman's Bible Class, of Norwalk, all in the State of Connecticut, remonstrating against adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented letters and papers in the nature of petitions from the Connecticut Chautauqua (Inc.), of Bristol, and the Woman's Christian Temperance Unions of Waterbury and Danielson, in the State of Connecticut, praying for the passage of the so-called Burton resolution, being House Joint Resolution 183, prohibiting the exportation of arms, ammunitions, and other implements of war to any nation engaged in war, etc., which were referred to the Committee on Foreign Relations.

He also presented letters and papers in the nature of petitions from the Woman's Christian Temperance Union of New Milford; the Young Men's Christian Association of Hartford; the American Association of University Women of New Haven; the Connecticut Chautauqua (Inc.), of Bristol; the Society of New Thought and the Seminary Foundation, both of Hartford; the Travelers' Club, of Danbury; the School Committee of Westport; the National Council of Jewish Women of Hartford; the Quinnatissette Grange, of Thompson, and sundry citizens of Bridgeport, Cromwell, and Milford, all in the State of Connecticut, praying for the passage of the so-called Gillett resolution,

requesting the President to consider further exchange of views with the signatory nations regarding reservations of the United States relative to its adherence to the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

SALARY OF MARSHAL OF SUPREME COURT

Mr. BLAINE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8725) entitled "An act to amend section 224 of the Judicial Code," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted by said amendment, insert "$5,500"; and the Senate agree to the same.

JOHN J. BLAINE,
CHARLES W. WATERMAN,
H. D. STEPHENS,
Managers on the part of the Senate.

GEO. S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

Mr. BLAINE. I ask unanimous consent for the immediate consideration of the report.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the report?

Mr. CURTIS. Let me ask, will it lead to debate?

Mr. BLAINE. I presume it will not.

Mr. SMOOT. Will the Senator explain what the effect of the adoption of the conference report will be?

Mr. BLAINE. Mr. President, the bill which has been in conference has reference to the salary of the marshal of the United States Supreme Court. His salary at present is $4,500, having been fixed at that rate, as I recall, in 1912 or 1914. The House bill proposed to amend the law by providing for a salary of $6,000 per annum. The Senate amended the House bill by striking out $6,000 and inserting $5,000, and also by striking out the last clause in the House bill relating to the power of the Chief Justice to fix the salaries of subordinates of the marshal in accordance with salaries paid to employees occupying similar positions in the House of Representatives. As I have said, the Senate struck out that provision in the House bill for the reason that it would be utterly impossible to classify the subordinates in the office of the marshal of the United States Supreme Court on the same basis as employees of the House of Representatives. The Chief Justice could make an attempt to comply with the law as nearly as he could, but the Senate Committee on the Judiciary felt that the Chief Justice ought not to be placed in a position where he must, in fixing those salaries, in the very nature of things, disregard such a provision. So the Senate struck that provision out. The House conferees concurred in that action; and on the salary proposition the conferees fixed the salary at $5,500 per annum instead of $4,500 per annum, which is the present salary.

Mr. SMOOT. All the bill will do, then, if it shall become a law, will be to increase the salary of the marshal of the United States Supreme Court from $4,500 to $5,500?

Mr. BLAINE. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

REPORTS OF COMMITTEES

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 333) authorizing the sale of certain lands near Seward, Alaska, for use in connection with the Jesse Lee Home, reported it without amendment and submitted a report (No. 655) thereon.

He also, from the Committee on Banking and Currency, to which was referred the bill (S. 3685) to amend the War Finance Corporation act, approved April 5, 1918, as amended, reported it without amendment and submitted a report (No. 656) thereon.

Mr. ODDIE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3375. An act to amend sections 23 and 24 of the general leasing act, approved February 25, 1920 (41 Stat. L. 437), (Rept. No. 657); and

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein (Rept. No. 658).

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 5545. An act granting certain lands to the State of California (Rept. No. 659);

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi (Rept. No. 660);

H. R. 9118. An act for the relief of William C. Braasch (Rept. No. 661); and

H. R. 10483. An act to revise the boundary of a portion of the Hawaii National Park on the island of Hawaii in the Territory of Hawaii (Rept. No. 662).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey, reported it without amendment and submitted a report (No. 663) thereon.

He also, from the same committee, to which was referred the bill (S. 1499) for the relief of Harry C. Saxton, reported it with an amendment and submitted a report (No. 664) thereon.

Mr. BLACK, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5075. An act for the relief of W. J. Bryson (Rept. No. 665); and

H. R. 5923. An act for the relief of Sanitarium Co., of Portland Oreg. (Rept. No. 666).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1486. An act for the relief of the owners of the schooner *Addison E. Bullard* (Rept. No. 667); and

H. R. 9112. An act for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States, who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds (Rept. No. 668).

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9829) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands," reported it with amendment and submitted a report (No. 669) thereon.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, to which was referred the bill (H. R. 10884) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926, reported it without amendment and submitted a report (No. 670) thereon.

Mr. COUZENS, from the Committee on Education and Labor, to which was referred the joint resolution (S. J. Res. 89) designating May 1 as child health day, reported it with amendment and submitted a report (No. 671) thereon.

He also, from the same committee, to which was referred the bill (H. R. 279) to amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, reported it without amendment and submitted a report (No. 672) thereon.

Mr. McNARY, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10563) extending the provisions of the recreational act of June 14, 1926 (44 Stat. L. 741), to former Oregon & California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon, reported it without amendment and submitted a report (No. 673) thereon.

Mr. GOODING, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 142. An act to add certain lands to the Idaho National Forest, Idaho (Rept. No. 674);

H. R. 144. An act to add certain lands to the Challis and Sawtooth National Forests, Idaho (Rept. No. 675); and

H. R. 6056. An act to provide for addition of certain land to the Challis National Forest (Rept. No. 676).

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 4125) for the relief of Holger M. Trandum, reported it without amendment and submitted a report (No. 677) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which was referred the bill (H. R. 343) to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts, reported it without amendment and submitted a report (No. 678) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 764) for the relief of J. F. Nichols, reported it with amendments and submitted a report (No. 679) thereon.

He also, from the same committee, to which was referred the bill (S. 2697) for the relief of Hattie M. McMahon, reported it without amendment and submitted a report (No. 680) thereon.

Mr. DALE. From the Committee on Civil Service I report back favorably and unanimously, with amendments, the bill (S. 1727) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926, and I submit a report (No. 681) thereon.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 31, 1928, that committee presented to the President of the United States the following enrolled bill and joint resolutions:

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924;

S. J. Res. 30. Joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro; and

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

EXPENSES OF COMMITTEE VISITING STONE MOUNTAIN UNVEILING

Mr. FESS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, without amendment, Senate Concurrent Resolution 13 and ask unanimous consent for its immediate consideration. I call the attention of the Senator from Utah [Mr. SMOOT] to the concurrent resolution.

The PRESIDING OFFICER (Mr. JONES in the chair). Is there objection to the immediate consideration of the resolution?

The concurrent resolution (S. Con. Res. 13) submitted by Mr. SMOOT March 20, 1928, was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That all necessary expenses incurred by the committee of Congress consisting of 5 Senators and 10 Members of the House appointed by the Vice President and the Speaker to represent the Congress of the United States at the exercises at Atlanta, Ga., on April 9, 1928, incident to the unveiling of a portion of Stone Mountain by the Stone Mountain Confederate Monumental Association, be, and they are hereby, authorized to be paid one half out of the contingent fund of the House of Representatives and the remaining half out of the contingent fund of the Senate.

IRON GATES IN WEST EXECUTIVE AVENUE, DISTRICT OF COLUMBIA

Mr. FESS. Mr. President, I ask the attention of the Senate for just a moment to a request which I desire to submit. Our late lamented colleague, Senator Willis, had a bill on the calendar in which he was very much interested. I call the attention of the Senator from Washington [Mr. JONES] to it. I should like to have that bill, being House bill 359, considered at this time. I am sure it will lead to no debate.

Mr. KING. Let the bill be reported.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The Senator from Ohio asks unanimous consent for the immediate consideration of a bill, the title of which will be stated.

The LEGISLATIVE CLERK. A bill (H. R. 359) authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park, which was reported from the Committee on Public Buildings and Grounds with an amendment.

Mr. JONES. Mr. President, as I understand the Senator, the bill simply disposes of the gates themselves without interfering with the piers.

Mr. FESS. That is correct.

Mr. JONES. I have no objection.

Mr. KING. Mr. President, may I inquire of the Senator from Washington whether the District Committee—who have had that matter before them for a number of years, as I recall—have concurred in the proposition that those gates might be removed?

Mr. JONES. I do not remember that the matter has ever come before the District of Columbia Committee.

Mr. KING. It has been before the Senate, and my recollection is that it was under measures that were reported by the District Committee.

Mr. JONES. I do not think this bill has ever gone before the District Committee; at least, I do not remember it. I know that it has been before the Senate, and the bill was amended during the last Congress upon my objection. I insisted that whatever action was taken should be confined simply to the iron gates themselves without interfering with the pillars. I have no objection to this bill, because I understand that that is what this bill does.

Mr. FLETCHER. Mr. President, has it been found that there is no need at all for the gates?

Mr. FESS. At the last session Congress passed an authorization to take down the gates. That was authorized. No provision was made for the disposition of the gates. It was just a matter of junking them. It was the request of President Harding in his lifetime that these gates be sent to Spiegel Grove, the home of General Hayes, who was president of the Archeological and Historical Association at the time of his death. This home has been gived to the State, or to the Archeological Association, and these gates are to be placed at one of the entrances of the park. All that this bill is for is not to take down the gates—that has been authorized—but to assign them to the Spiegel State Park, without expense to the Government.

Mr. FLETCHER. They really are not used now?

Mr. FESS. No; not at all.

Mr. KING. Mr. President, I was not aware of the fact that the removal of the gates had been authorized.

Mr. FESS. Yes; it has been authorized.

Mr. KING. I took a position heretofore in opposition to it. I think those gates ought to be preserved there. Aside from any historic value they may have, I think the gates are necessary.

Mr. FESS. Taking them down has already been authorized in a former Congress, but no disposition was made of them. This bill simply authorizes the superintendent of Public Buildings and Public Parks to assign them to the Spiegel Grove State Park, without expense, of course, to the Government. There is an amendment to that effect.

Mr. KING. Mr. President, I shall not object to the consideration of the bill; but if this were a proposition de novo for the purpose of taking down the gates, I should oppose it, because I think it is a mistake, and I think some persons will live to regret their action in permitting those gates to be taken down and removed from the city.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the words "White House," to insert "*Provided*, That no expense shall be incurred by the United States," so as to make the bill read:

Be it enacted, etc, That the Director of Public Buildings and Public Parks of the National Capital is hereby authorized and directed to deliver to the Spiegel Grove State Park, Fremont, Ohio, the iron gates now hanging in West Executive Avenue between the grounds of the State, War, and Navy Building and the White House: *Provided*, That no expense shall be incurred by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WAGNER:

A bill (S. 3850) authorizing the Secretary of War to award the Congressional Medal of Honor to William Heineman; to the Committee on Military Affairs.

By Mr. SACKETT (by request):

A bill (S. 3851) for the relief of James E. King and Nannie L. King; to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 3852) for the relief of William Guy Townsend; to the Committee on Naval Affairs.

By Mr. MOSES:

A bill (S. 3853) granting a pension to Mary Greenwood (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:
A bill (S. 3854) granting a pension to Hattie Spenard (with accompanying papers); to the Committee on Pensions.
By Mr. METCALF:
A bill (S. 3855) granting an increase of pension to Mary L. Gilligan (with accompanying papers); to the Committee on Pensions.
By Mr. HALE:
A bill (S. 3856) granting a pension to Mary H. Whitney (with accompanying papers);
A bill (S. 3857) granting an increase of pension to Leonice T. Holmes (with accompanying papers); and
A bill (S. 3858) granting an increase of pension to Helen M. French (with accompanying papers); to the Committee on Pensions.
By Mr. THOMAS:
A bill (S. 3859) granting a pension to Greta J. Lundstrom; and
A bill (S. 3860) granting an increase of pension to Amanda Dickerson; to the Committee on Pensions.
By Mr. McKELLAR:
A bill (S. 3861) granting a pension to Clarence Queen; to the Committee on Pensions.
A bill (S. 3862) authorizing J. T. Burnett, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Mississippi River; to the Committee on Commerce.
By Mr. BLEASE:
A bill (S. 3863) for the relief of the Ladies Ursuline Community of Columbia at Columbia, S. C.; to the Committee on Claims.
By Mr. MAYFIELD:
A bill (S. 3864) to create a new division of the District Court of the United States for the Northern District of Texas; to the Committee on the Judiciary.
By Mr. BRUCE:
A bill (S. 3865) for the relief of the Sanford & Brooks Co. (Inc.) (with an accompanying paper); to the Committee on Claims.
By Mr. BLAINE:
A bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army; to the Committee on Military Affairs.
By Mr. PINE:
A bill (S. 3867) to extend certain existing leases upon the coal and asphalt deposits in the Choctaw and Chickasaw Nations to September 25, 1932, and permit extension of time to complete payments on coal purchases; and
A bill (S. 3868) authorizing an advancement of certain funds standing to the credit of the Creek Nation in the Treasury of the United States to be paid to one of the attorneys for the Creek Nation, and for other purposes; to the Committee on Indian Affairs.
By Mr. McNARY:
A bill (S. 3869) for the relief of Warren Construction Co.; to the Committee on Claims.
By Mr. FLETCHER:
A bill (S. 3870) to amend an act entitled "An act in reference to writs of error," approved January 31, 1928; to the Committee on the Judiciary.
By Mr. COPELAND:
A bill (S. 3872) for the relief of Edward and John Burke (Ltd.); to the Committee on Claims.
By Mr. WALSH of Montana:
A bill (S. 3874) authorizing appropriation of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont.; to the Committee on Post Offices and Post Roads.
By Mr. SHEPPARD:
A bill (S. 3875) providing a salary for the referee in bankruptcy for the Pecos division, western judicial district of Texas; to the Committee on the Judiciary.
By Mr. FLETCHER:
A bill (S. 3877) granting an increase of pension to Mary B. Preston; to the Committee on Pensions.

AMENDMENT OF COTTON FUTURES ACT

Mr. RANSDELL. Mr. President, I introduce a bill in the nature of an amendment to the cotton futures act, which will define and prohibit manipulation, prevent bucket shops, and also place the supervision of all contract markets under a joint commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States.

The cotton futures act, popularly known as the Smith-Lever Act, was passed during the first administration of President Wilson, and corrected the more flagrant abuses from which the American cotton industry suffered up to that time. Several minor changes, principally affecting grades, have been made in the text from time to time, but to all intents and purposes the law is the same as when originally enacted, and it does not meet some of the abuses that have developed in the trade since that date.

The grain futures law, enacted by Congress about eight years after the passage of the Smith-Lever Act, was a decided step in the direction of Federal supervision and control of exchanges dealing in futures, and the amendment which I now propose would enlarge the scope of the cotton futures act by incorporating those regulatory features of the grain law which have met the general approval of the farmers and country merchants.

The prevention of corners and manipulation of prices of cotton is the principal thing aimed at in this amendment, and the hearings conducted by the Senate Committee on Agriculture in recent years have clearly shown that there is a genuine demand among all branches of the cotton trade for legislation along this line, and that the better element of the exchanges favor it.

I have been careful in framing this amendment to preserve the identity of the existing cotton futures law, the Smith-Lever Act, and believe that if it is enacted this bill will correct the abuses that have developed in recent years in trading on cotton-futures exchanges, and meet the wishes of those members of the cotton industry, including the farmers, who are demanding additional legislation of a constructive character along these lines.

The bill (S. 3871) to amend the act of August 11, 1916, known as the United States cotton futures act, as amended, by investing transactions in cotton for future delivery with a public interest, providing a commission to supervise cotton-futures exchanges, defining and prohibiting manipulation, and for other purposes, was read twice by its title.

Mr. RANSDELL. I move that the bill be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

WORLD WAR VETERANS' RELIEF ACT

Mr. WALSH of Montana introduced a bill (S. 3873) to amend chapter 10, title 38, of the Code of Laws of the United States of America, entitled "World War veterans' relief act," which was read twice by its title.

Mr. WALSH of Montana. Mr. President, I am a little uncertain whether the bill ought to go to the Committee on the Judiciary or the Committee on Finance. I ask the attention of the chairman of the Committee on Finance. It relates to proceedings to enforce the claims of veterans under the veterans' relief act.

Section 445 of chapter 10, title 38, the United States Code provides:

> In the event of disagreement as to claim under a contract of insurance between the bureau and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or in the District Court of the United States in and for the district in which such persons, or any one of them resides, and jurisdiction is conferred upon such courts to hear and determine all such controversies.

A claim was presented and held before the bureau for some considerable time, and eventually was rejected; and suit was brought under the provisions of this section. The Government of the United States pleaded the statute of limitations of the State of Arizona against the claim. The plea was overruled by the district court. The cause went to the Circuit Court of Appeals for the Ninth Circuit, by which court the judgment was reversed, and it was held that the statute of limitations of the State of Arizona was applicable and would prevent any recovery under the act. Worse than that, it was held that the statute of limitations began to run not from the time when the claim was rejected by the bureau but from the time when the claim accrued, and that period had elapsed.

The bill provides that no statute of limitations of any State shall apply to actions brought under this act, but that the statute of limitations throughout the Union shall be six years from the time of the disagreement by the bureau. It seems to me quite appropriate that the bill should go to the Committee on the Judiciary; but all of these measures have been treated by the Committee on Finance, and I am perfectly willing to defer to the judgment of the chairman of that committee.

Mr. SMOOT. Mr. President, there is a special subcommittee of the Finance Committee to handle all legislation affecting the Veterans' Bureau, but it seems to me the proposed amendment might just as well go to the Judiciary Committee as to the Finance Committee. If the Senator desires the bill to go

to the Judiciary Committee, I shall not object at all, and if it goes to the Finance Committee we will give it consideration.

Mr. WALSH of Montana. I did not know there was a special subcommittee dealing with that particular matter, but if that is the case I will ask that the bill be referred to the Finance Committee.

Mr. SMOOT. Just as the Senator prefers.

Mr. JONES. I will say to the Senator that I introduced a bill along the same lines a few days ago, and that bill went to the Finance Committee.

The PRESIDING OFFICER. The bill will be referred to the Committee on Finance.

Mr. WALSH of Montana. I ask that the opinion of the circuit court of appeals to which I have made reference be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

United States Circuit Court of Appeals for the Ninth Circuit

United States of America, plaintiff in error, *v.* Sidney B. Sligh, defendant in error. No. 5260

Upon writ of error to the United States District Court of the District of Arizona

Before Gilbert, Rudkin, and Dietrich, circuit judges

Rudkin, circuit judge: This was an action on a war-risk insurance policy in the sum of $10,000, payable in case of death or total permanent disability in monthly installments of $57.50 each. The monthly installments accruing on and after April 26, 1920, have already been paid, so that the recovery here sought is for the monthly installments accruing between December 4, 1918, the date of alleged total permanent disability, and April 26, 1920. One of the defenses interposed was the statute of limitations of the State of Arizona, which provides that there shall be commenced and prosecuted within four years after the cause of action shall have accrued, and not thereafter, actions upon a judgment or decree of any court rendered without the State or upon an instrument in writing executed without the State. (Ariz. Rev. Stat. par. 713.) The court below found specially that the policy was not made or executed in the State of Arizona; that the present action was not commenced until March 9, 1925; that the defendant had pleaded the statute of limitations of the State; and that more than four years had elapsed after the accrual of the cause of action set forth in the complaint and before the commencement of the action. Notwithstanding this finding, judgment was given for the plaintiff. On this record two questions are presented for consideration: First, is the statute of limitations of the State of Arizona applicable? and second, if applicable, is the cause of action barred?

The parties concede that there is no Federal statute of limitations applicable to this class of cases, and if there is any limitation at all it must be therefore found in the laws of the forum. The rule, of course, is well settled that statutes of limitations do not run against the Government unless expressly named therein, but it seems to be equally well settled that the Government, when sued with its consent, may claim the benefit of such statutes, whether expressly named therein or not. "Statutes of limitations may, according to the general rule, be pleaded for the benefit of the State or Government, when sued with its consent in its own courts, although it is not expressly named in the statutes, and although, where it is a plaintiff, its prerogative of sovereignty protects it from the use of such a plea against it." (37 C. J. 714; Stanley *v.* Schwalby, 147 U. S. 508; State *v.* Ralston, 105 N. E. 54; McRae *v.* Auditor Gen., 109, N. W. 1122; Cowles *v.* State, 20 S. E. 384; Baxter *v.* State Wis. 454.)

In the Schwalby case (19 S. W. 264) the Supreme Court of Texas denied the benefit of the State statute of limitations to the United States, but in Stanley *v.* Schwalby, supra, the judgment was reversed on writ of error, the court saying:

"It is obvious that the ground of exemption of governments from statutory bars or the consequences of laches has no existence in the instance of individuals, and we think the proposition can not be maintained that because a government is not bound by statutes of limitation, therefore the citizen can not be bound as between himself and the Government." (See also Porto Rico *v.* Emanuel, 235 U. S. 251.)

The statute of limitations has long since ceased to be looked upon as an unconscionable defense. A century ago Mr. Justice Story, said:

"It has often been matter of regret in modern times that, in the construction of the statute of limitations, the decisions had not proceeded upon principles better adapted to carry into effect the real objects of the statute; that instead of being viewed in an unfavorable light as an unjust and discreditable defense it had received such support as would have made it, what it was intended to be, emphatically a statute of repose. It is a wise and beneficial law, not designed merely to raise a presumption of payment of a just debt from lapse of time but to afford security against stale demands after the true state of the transaction may have been forgotten, or be incapable of explanation by reason of the death or removal of witnesses. It was a manifest tendency to produce speedy settlements of accounts and to suppress those perjuries which may rise up at a distance of time and baffle every honest effort to counteract or overcome them." (Bell *v.* Morrison, 1 Pet. 350–358.)

By the legislation under which the policy in question was issued the Government authorized insurance running into untold millions, and we find nothing in that legislation to justify the conclusion that in all litigation arising out of the insurance thus authorized Congress intended to deny to the Government a defense open to every other debtor and to every wrongdoer. We are of the opinion, therefore, that the statute of limitations of the State of Arizona is applicable in the absence of some controlling Federal statute.

The next question is, Is the cause of action barred by that statute? The act authorizing the insurance, and its several amendments, provides that in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States either in the Supreme Court of the District of Columbia or a district court of the United States in and for the district in which such beneficiaries, or any of them, reside. (40 Stat. 410; 43 Stat. 612.) The defendant in error contends that the cause of action did not accrue because of this provision until there was a disagreement between the bureau and the beneficiary, while the plaintiff in error contends that it was the duty of the beneficiary to present his claim in order that a disagreement might be brought about, and that if he failed to do so within the period of the statute of limitations his right of action is barred. This latter contention, we think, must be sustained. The cause of action arises out of the contract of insurance and not out of the disagreement.

"Where plaintiff's right of action depends upon some act to be performed by him preliminary to commencing suit, and he is under no restraint or disability in the performance of such act, he can not suspend indefinitely the running of the statute of limitations by delaying the performance of the preliminary act; for it is not a policy of law to put it within the power of a party to toll the statute of limitations. (37 C. J. 953.)

"But when some preliminary action is an essential prerequisite to the bringing of a suit, and such action rests with the claimant, he can not defeat the operation of the statute of limitations by failure to act or by long and unnecessary delay in taking the antecedent step. It is not the policy of the law to permit a party against whom the statute runs to defeat its operation by neglecting to do an act which devolves upon him in order to perfect his remedy against another. If this were so, a party would have it in his own power to defeat the purpose of the statute in all cases of this character." (17 R. C. L. 756.)

The rule thus stated is supported by the great weight of authority, and we find nothing to the contrary in Ainsworth *v.* Lipshon (196 Pac. 1028), decided by the Supreme Court of Arizona. The rule has also the approval of the Supreme Court. This was the basis of the decision of the Supreme Court of Kansas in Bauserman *v.* Charlotte (26 Pac. 1051), and in referring to that decision in Bauserman *v.* Blunt (147 U. S. 647) the court said: "That decision was evidently deliberately considered and carefully stated, with the purpose of finally putting at rest a question on which some doubt had existed; it is supported by satisfactory reasons, and it is in accord with well-settled principles; and there is no previous adjudication of that court to the contrary." In the same case the Supreme Court further said: "In the absence of express statute or controlling adjudication to the contrary, two general rules are well settled. First, when the statute of limitations has once begun to run, its operation is not suspended by a subsequent disability to sue. Second, the bar of the statute can not be postponed by the failure of the creditor to avail himself of any means within his power to prosecute or to preserve his claim."

In the present case there could, in the nature of things, be no disagreement until the beneficiary prosecuted his claim to the bureau, and if he can withhold his claim indefinitely and at pleasure he can thus deprive the Government of the benefit of the statute of limitations.

There is much force in the contention that the defendant in error was not totally and permanently disabled during the period for which a recovery is sought, but that question we need not consider.

The judgment of the court below is reversed and the cause is remanded for further proceedings not inconsistent with this opinion.

Filed March 5, 1928.

By PAUL P. O'BRIEN, *Deputy Clerk.*

Indorsed: Opinion.

F. D. MONORTON, *Clerk.*

COLORADO RIVER BASIN

Mr. KING. Mr. President, I introduce a bill asking for the appointment by the President of a commission to make a complete survey and investigation of the potentialities of the Colorado River. I think we ought to have a dispassionate and an exhaustive report about the Colorado River before we seek to appropriate $125,000,000, or any other amount. I therefore introduce this bill, authorizing the President to name a commis-

sion of he character indicated. I shall not ask for its consideration now, and I shall not ask that it be referred, but ask to have it lie on the table.

The bill (S. 3876) to authorize the President to investigate the potential utilization of the water resources of the Colorado River Basin was read twice by its title and ordered to lie on the table.

FORTY-FOUR-HOUR WEEK FOR GOVERNMENT PRINTING OFFICE EMPLOYEES

On motion of Mr. SHIPSTEAD, the Committee on Education and Labor was discharged from the further consideration of the bill (S. 2440) to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office, and it was referred to the Committee on Civil Service.

SECTION 3207 OF THE REVISED STATUTES

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3487) to amend section 3207 of the Revised Statutes, as amended by section 1030 of the act approved June 2, 1924, which was referred to the Committee on Finance and ordered to be printed.

CLAIMS OF SETTLERS, LAKE COUNTY, FLA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 5695) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, and 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 3116) providing for half holidays for certain Government employees, which was ordered to lie on the table and to be printed.

OKFUSKEE COUNTY, OKLA.

Mr. PINE submitted an amendment intended to be proposed by him to the bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State, which was ordered to lie on the table and to be printed.

CLAIM OF MARY S. HOWARD ET AL.

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 3331) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, and the Bethel Cemetery Co., which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On March 29, 1928:

S. 3007. An act to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.;

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; and

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians.

On March 30, 1928:

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street; and

S. 3387. An act to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion.

On March 31, 1928:

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

FLOOD CONTROL

Mr. THOMAS. Mr. President, last week, in the consideration of the flood control bill, I made some suggestions to the effect that the bill did not offer very much hope for the tributary States. I desire at this time to submit an editorial from the Daily Oklahoman, printed in my State, upon the subject matter, and ask that it be read.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the editorial will be read.

The Chief Clerk read as follows:

NOTHING BUT A PROMISE

In the Mississippi flood control bill passed by the Senate Wednesday there is nothing in the world for Oklahoma but future promises and high taxation. The State will help pay the cost of lower Mississippi flood prevention. It gets nothing in the way of flood control and flood prevention for itself. It gets a mere paper promise that at some uncertain day of the uncertain future some Washington bureau will make a survey of the flood-imperiled lands of this State.

The lower Mississippi will gain protection in the immediate future. The Senate bill appropriates money to curb the mighty river from Cairo to the sea. And unquestionably that protection is fully deserved and sorely needed. There is no question at all about that. But two dozen valley States that sorely need protective measures are left entirely out of consideration and dismissed with the promise that at some indefinite time a survey of their needs will be undertaken.

The Senate vote in favor of the bill passed Wednesday was unanimous. Not a vote was lifted against the bill's inequities; not a vote was cast against it. Senators who have fought for a more equitable and effective measure were strangely quiescent when the roll finally was called. All joined in supporting a measure burdensome to all the States and beneficial to exceedingly few.

DUTY ON CARILLONS

Mr. FLETCHER. Mr. President, some time ago I introduced a bill providing for the repeal of the duty of 50 per cent on carillons. At that time I made some comment to the effect that these bells could be heard some 20 miles. It seems that I was in error about that; and one of the manufacturers of bells in this country, the Meneely Bell Co., which has a foundry at Troy, N. Y., rather took me to task about some things I said at that time, and insists that I ought to correct the RECORD.

I do no want to do anybody any injustice, or misrepresent the situation at all, and would not do it knowingly. I find that my information about the carrying power of these bells was in error; that probably 3 or 4 miles is as far as they can be heard. I do not see that it is very material; but I also made some comment, based upon the information I had, about bells of the kind I was commenting on not being manufactured in this country. Mr. Edward Bok proposes to erect in Florida some 62 bells to go in this carillon—a magnificent thing, a beautiful thing, all in the public interest—and I felt that it was not right to call on him to pay a duty of 50 per cent on such bells that he was going to present to the public.

Mr. SMOOT. Forty per cent.

Mr. FLETCHER. I think it is 50 per cent. I think the Senator will find that that is the case. At any rate, we insist that bells of that character are not manufactured in this country. The Meneely Bell Co. claim that they can make bells perhaps of the same kind, but I doubt very much if they can make them of the proper tone. However, in justice to them, I ask to have inserted in the RECORD the letter which they wrote me, dated January 30, and also a copy of the reply. I referred the letter to Mr. Bok, and I ask to have inserted in the RECORD his reply of February 25, hoping that may straighten matters out as far as it can be done at this time.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

TROY, N. Y., *January 30, 1928.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: When some months ago you introduced a bill for the remission of duty on a set of bells to be imported for an estate in Florida, I thought you might have done so "by request," thus passing no opinion on its merits. But upon reading in the CONGRESSIONAL RECORD of the 16th instant your recent reference on the floor of the Senate to that measure, I realized that you believed in it and the supporting document that you presented at the time of its introduction.

The RECORD quotes you as having said that such combinations of bells are not made in this country and can be heard some 20 miles.

I must challenge the accuracy of your information on those two features. The supporting document accompanying your measure states that a carillon "possesses substantially all the tones and half notes through a range of two to four octaves," and elsewhere in the same

document a carillon is described as "containing all the semitones of the chromatic scale." I hand you herewith an illustration of a set of 20 chromatically attuned bells of American manufacture that was installed in a church two years ago, and if you will visit our foundry we shall be glad to show you our stock patterns, from which you might choose a set of 50 or 60 bells or more.

Reference to your dictionaries will make plain to you that "carillons" and "chimes" are identical. "Carillon" is merely the French word for "chime." The difference is the same as that between "chapeau" and "hat"—in name only.

As to the carrying power of foreign-made sets of attuned bells, let me again refer you to the document supporting your measure, in which you will find the statement that a carillon imparts its sound "within a radius of at least a quarter of a mile," and that it is "heard under favorable circumstances for blocks away." European-made sets of attuned bells are notoriously lacking in carrying power, being cast very thin and primarily intended for use in congested European cities where carillons (chimes) are so numerous that the tones of powerful bells would overlap into the adjoining parishes. It is no uncommon thing for Americans founders to be employed for the purpose of correcting the attunement and attempting to increase the carrying power of tone of foreign-made bells that have been installed in this country.

Had the purchaser of the bells whose measure you have sponsored employed bell musicians to hear and contrast attuned sets of bells of high-priced American manufacture with those of any European make, he would have learned that the best-attuned bells in the world are produced in America.

As I have pointed out to you that your recent remarks on the carrying power of European-made bells were not in accordance with the statements set forth in the document supporting your measure, and as the inclosed literature conclusively shows that large combinations of bells are made in this country, I appeal to your fairness to have this letter read on the floor of the Senate for the benefit of your colleagues who heard what you said about bells a few days ago. I would also request that you have the inclosed article from the Churchman, which gives a description of bells from the standpoint of an American founder, printed as a Senate record and made a part of the documentary evidence on bells which originally accompanied the introduction of your measure.

I am, dear Senator, yours very truly,

WM. R. MENEELY,
President Meneely Bell Co.

FEBRUARY 25, 1928.

DEAR SENATOR FLETCHER: This is the first I knew of two Meneely concerns, and the mix up is, to my mind, perfectly justifiable—of a family with such an uncommon name as Meneely choose to quarrel or have a disagreement, and each founds a separate works for the making of a specialized product as bells, in the same city, it may be clear to them, but they should not be surprised if the lay public becomes confused. All I have ever heard is of a Meneely firm in Troy that makes bells of a certain weight, but I never knew there were two opposing firms.

They may make good chimes of a certain weight, but I do not know of a single carillon of any number of bells they have ever made.

I am truly sorry there seems such a poor chance to get the bill out of the committee. It is discouraging when one wants to do a beautiful thing for the American people to find a refusal on the part of the Government to give that support to which he is really entitled. It is not the sort of stimulant that urges him on, while that is exactly what the Congress should do—to encourage men who want to do something for the people.

Very cordially yours,

EDWARD W. BOK.

THE CALENDAR

The PRESIDING OFFICER. The morning business is closed. The calendar under Rule VIII is in order.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from Kansas [Mr. CURTIS] if we can not begin where we left off the last time the calendar was called?

Mr. CURTIS. That can be done only by unanimous consent. I think, as we have only 15 minutes left to consider the calendar, that is a good suggestion. So I ask unanimous consent that we consider unobjected bills on the calendar, beginning where we left off at the last call of the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the consideration of the calendar will begin with Order of Business 580, Senate bill 2679.

CONTINUED SERVICE OF OFFICERS WHOSE TERMS HAVE EXPIRED

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert:

That an officer of the United States who has been appointed, by and with the advice and consent of the Senate, for a definite term, but who, under the act fixing such term or under any other act of Congress, is to hold office until his successor is appointed and qualified, shall not continue in office beyond the end of the next session of the Senate commencing after his definite term has expired; except that any such officer who, on the date of the approval of this act, has continued in office beyond the end of such session of the Senate, shall cease to hold office on the date of the approval of this act.

SEC. 2. After the approval of this act no person shall be eligible for appointment to fill a vacancy in any office happening during the recess of the Senate, if the nomination of such person to such office has once been rejected by the Senate. Any appointment made in violation of the provisions of this section shall be void.

Mr. JONES. Mr. President, I should like a brief explanation of that bill. I have not had time to read it.

Mr. KING. Mr. President, this bill was unanimously reported from the Committee on the Judiciary. A similar measure was prepared, and I think introduced, at the last session of Congress, but not reached. It grows out of this situation, which I will state very briefly:

A number of statutes applicable to Alaska and Hawaii and other places provide that various officials, marshals, judges, and so on, may hold office indefinitely—that is to say, until their successors are elected and qualified—and there is no limit to the time their terms may run.

It is felt, in view of conditions which have arisen, that there ought to be a limitation. A situation was developed which challenged the attention of the committee. A person was appointed, his successor was named but not confirmed, and the official holds on indefinitely. The Department of Justice takes the position that in a proper construction of the statute a person may hold for life, unless his successor shall have been named in the meantime, and qualified.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. BRUCE. Mr. President, I am sorry to object, but I do not approve of this bill on principle. It is not a meritorious bill, in my judgment, and I think it involves what would prove to be a very unfortunate alteration of policy. I feel bound to object.

Mr. KING. Mr. President, I am sure that if the Senator understood he would take a different view; but, of course, if he objects, it will have to go over.

The PRESIDING OFFICER. The bill will be passed over.

OHIO RIVER BRIDGE AT AUGUSTA, KY.

The bill (H. R. 5721) authorizing E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky., was considered as in Committee of the Whole.

Mr. BARKLEY. Mr. President, I desire to offer an amendment to the bill. I move that wherever the words "E. M. Elliott & Associates (Inc.)" appear in the bill the words "J. C. Norris, mayor of the city of Augusta, Ky., his successors and assigns," be substituted.

Mr. SMOOT. Mr. President, will the Senator explain why he offers that amendment?

Mr. BARKLEY. Because the people in Augusta, Ky., who are behind this proposition, and desire to have the bridge constructed, have decided to proceed in the name of the mayor of the city. They think it will procure an advantage to the local community in the construction of the bridge, and they have therefore asked me to offer the amendment. It is the friends of the bill who have agreed to the proposal.

Mr. SMOOT. There is no other amendment intended to be proposed?

Mr. BARKLEY. No; that is all.

Mr. FLETCHER. Does that mean "J. C. Norris as mayor"?

Mr. BARKLEY. Yes.

Mr. FLETCHER. Should it not read "as mayor"?

Mr. BARKLEY. "As mayor"; yes.

Mr. DALE. The bill has passed the House of Representatives, granting the authority to build this bridge to certain other parties. Do they consent to this change?

Mr. BARKLEY. I have no information from E. M. Elliott himself. I will state that the whole matter has been gone into by the author of the bill in the House, and he has communicated with the parties in the matter interested in the bridge, and they have all agreed that this substitution should be made.

Mr. DALE. What I had in mind was why the authority was not given to other parties, as the Senator requests, and then let them settle it. Why is it taken away from the parties to whom it was granted by the House?

Mr. BARKLEY. I will state to the Senator that my information is that E. M. Elliott has obtained the consent of Congress to build numerous bridges, that he is somewhat of a promoter, and that he has used the consent of Congress, granted to him, to make money out of it himself and to assign the permits, and that the people who are interested in this bridge no longer desire to deal with him or to have him interested in this bridge proposal.

These facts have all been developed since the bill passed the House. The amendment is offered at the request not only of the Member of the House who introduced the bill but of the people in Augusta who are interested in this bridge, who have learned some facts about this man Elliott.

Mr. DALE. Mr. President, I am sorry, but I think I shall have to object to the consideration of this bill until I can have another day's consideration of it.

The PRESIDING OFFICER (Mr. JONES in the chair). Objection is made, and the bill will be passed over.

Mr. BARKLEY subsequently said: Mr. President, I ask unanimous consent to return to Calendar 600, House bill 5721.

The PRESIDING OFFICER. Is there objection?

Mr. DALE. Mr. President, I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 5, line 17, to strike out "2" and insert in lieu thereof "4."

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky offers an amendment, which the clerk will state.

The CHIEF CLERK. The Senator from Kentucky proposes that wherever "E. M. Elliott & Associates (Inc.)" appears in the bill, the language "J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns," be substituted.

Mr. WALSH of Massachusetts. Mr. President, I do not want to object to the consideration of the bill, but I want to ask the Senator if I understood him correctly to state the man mentioned in this bill has come to Congress and gotten the consent of Congress for the construction of bridges for the purpose of getting contracts later from municipalities, States, or counties to build bridges?

Mr. BARKLEY. Information has been developed in connection with some bridge bills that have been passed that certain persons have taken advantage of the consent of Congress to speculate on the permits received, and to sell them to municipalities and private corporations. It is to avoid that very situation that I ask that the mayor of the city of Augusta, as mayor, the city of Augusta being primarily interested in the construction of this bridge, be substituted for the name which now appears in the bill.

Mr. WALSH of Massachusetts. I have no objection, but it seems to me that the system involves legislative scandals, private individuals coming to Congress and getting bills through both branches, and through committees, for the purpose of using the congressional acts to enrich themselves by getting contracts.

Mr. BARKLEY. I think the Seantor is correct about that. It is to avoid that very situation that I ask that the name of the mayor be substituted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALPHA NEWELL

The bill (S. 140) for the relief of Alpha Newell was announced as next in order.

Mr. McNARY. Mr. President, at the request of the Senator from California, I desire that the bill may go over for the day.

The PRESIDING OFFICER. The bill will be passed over.

BOULDER DAM

The bill (S. 728) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, was announced as next in order.

Mr. SMOOT. That can not be passed to-day.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. GOODING. I ask that this bill may go over without prejudice. It can not be considered under the five-minute rule.

The PRESIDING OFFICER. The bill will be passed over.

REVOLUTIONARY CANNON DONATION

The bill (S. 805) donating Revolutionary cannon to New York State Conservation Department was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War, in his discretion, is hereby authorized to deliver to the order of the New York State Conservation Department five Revolutionary cannon stored in the Watervliet Arsenal at Watervliet, N. Y., and marked "W. A. 60," "W. A. 61," "W. A. 62," "W. A. 63," and "W. A. 64": *Provided*, That the United States shall be put to no expense in connection with the delivery of said cannon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRIVATE CONDUIT ON LINCOLN ROAD NE.

The bill (S. 2542) for the construction of a private conduit across Lincoln Road NE., in the District of Columbia, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to grant permission to Trinity College to lay a conduit for the transmission of power from their power house under and across Lincoln Road NE., between Michigan Avenue and Fourth Street, in the District of Columbia, into and upon the property of Trinity College, which is located on both sides of Lincoln Road, under the regulations and subject to the limitations prescribed in the act entitled "An act regulating permits for private conduits in the District of Columbia," approved May 26, 1900.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WINFIELD SCOTT

The bill (H. R. 4115) for the relief of Winfield Scott was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET K. CAREY

The bill (H. R. 4117) for the relief of Harriet K. Carey was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. LAURENCE HAZARD

The bill (H. R. 4116) for the relief of W. Laurence Hazard was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TWENTY-THIRD INTERNATIONAL CONGRESS OF AMERICANISTS

The joint resolution (S. J. Res. 97) authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

Mr. BINGHAM subsequently said. Mr. President, I was unavoidably absent from the Chamber a moment ago when Senate Joint Resolution 97 was passed over. I ask unanimous consent that we go back to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. SMOOT. Before I withdraw my objection to it, I want to say to the Senator that there is no report with the joint resolution, and I would like to have him explain what is really intended to be done by the measure, and what expense would be attached to it, whether the $5,000 would be sufficient, or whether there would be an item in the deficiency appropriation bill to cover additional expenses.

Mr. BINGHAM. Mr. President, I shall be very glad to explain. The International Congress of Americanists, an organization consisting of those interested in the history of aboriginal America, in Indian lore, and archæological remains, has met in different countries for many years past. We have always had delegates at the congresses, and in whatever country the congresses have been held the government of the country has recognized the congress, has made appropriations for

it, and has treated our delegates with great courtesy and hospitality. This year it is to be held in New York City.

With regard to the appropriation, the amount of $5,000 will be ample to cover the needs. I can say to the Senator that there will be no effort to secure any additional funds for it whatsoever. The congress is accustomed to paying most of its expenses, and this is merely a small amount to enable us to return hospitality which our delegates have for many years received in foreign countries.

Mr. SMOOT. Does the Senator remember how many countries participate in these Congresses?

Mr. BINGHAM. There are generally from a hundred to a hundred and twenty-five visiting delegates, besides those who are locally interested. Of course, being in New York, the members of the New York Historical Society, the American Museum of Natural History, and others interested in like enterprises in connection with anthropology, ethnology, and archæology will be present.

Mr. FLETCHER. How many countries will be represented?

Mr. BINGHAM. Practically every country in America and in Europe will be represented. All persons interested in the prehistoric life of America, its monuments, and the development of the Indians, will follow its proceedings with interest.

Mr. BRUCE. Mr. President, I suggest that the name "Americanists" is an entirely inappropriate designation. That is usually associated with the "Know Nothings" in the history of the country.

Mr. BINGHAM. May I say to the Senator from Maryland that I think that name is due to the fact that the congress had its origin in France and this title is a literal translation of the French title. Being translated into English it becomes "International Congress of Americanists." "Americanists" are those primarily interested in prehistoric America and the aborigines of the Western Hemisphere.

Mr. BRUCE. I desire to withdraw any objections which I may have seemed to offer to the bill in which the Senator from Connecticut is so interested. I hope that the measure may be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 97) authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The preamble has been reported with an amendment, which will be stated.

The amendment to the preamble was, in line 4, before the word "races," to insert the word "aboriginal," so as to read:

Whereas the Twenty-third International Congress of Americanists will be held in New York City during the week beginning September 17, 1928, for the consideration of (1) the aboriginal races of America and their relationship to other peoples, (2) the archæological remains found in America and time relations as revealed by them, (3) the habits and customs of the various groups of American Indians and questions of the origin and distribution of these in the Old and New Worlds, (4) the native languages of America, (5) the early history of America, especially in regard to its discovery and early settlement, and (6) geographical and geological questions, especially as related to human activities: Therefore be it

Resolved, etc., That the President is authorized to appoint three delegates to represent the United States at the Twenty-third International Congress of Americanists, to be held in New York City during the week beginning September 17, 1928.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to be paid by the Secretary of State to the proper officials of such Congress as the contribution of the United States toward defraying the expenses of such congress.

The amendment was agreed to.

The preamble as amended was agreed to.

TAXES IN THE DISTRICT OF COLUMBIA

The bill (S. 3178) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes, was announced as next in order.

Mr. SMOOT. Just a moment.

Mr. WALSH of Massachusetts. Is that the bill on which the Senator from Colorado [Mr. PHIPPS] spoke the other day?

Mr. SMOOT. No; it is not. I asked for a moment because I had that very question in mind.

Mr. WALSH of Massachusetts. What is this bill? Let it be reported.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read the bill.

The PRESIDING OFFICER. The bill is recommended by the commissioners and has a unanimous report from the committee.

Mr. BRUCE. It was very carefully considered.

Mr. WALSH of Massachusetts. I have no objection.

Mr. BLAINE. I do not believe there has been any explanation of this bill. I have not had time to look into it, and I would like to have some one tell what the bill would do. I may have no objection to its consideration.

Mr. CAPPER. Mr. President, the bill was introduced by the Senator from Colorado [Mr. PHIPPS], who is thoroughly familiar with the purposes of it. I think probably it would be well to have the bill go over until the Senator from Colorado can be present.

The PRESIDING OFFICER. The bill will be passed over.

SENATOR THOMAS J. WALSH'S SUMMARY OF OIL SCANDAL

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the New York Times of April 1, 1928, by my colleague [Mr. WALSH], in which he sums up the oil scandal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR WALSH SUMS UP THE OIL SCANDAL—THE MAN WHO HAS HAD A LEADING PART IN THE PROTRACTED INVESTIGATION TRACES STEP BY STEP THE DEVIOUS COURSE OF THE CONTINENTAL TRADING CO., WHICH HE TERMS "A SHAMEFUL STORY"

(The oil scandal grows in magnitude far beyond the implications of the sensational disclosures of four years ago. The first stage of investigation by a Senate committee brought out circumstances connected with the leasing of naval oil reserves to Harry F. Sinclair and E. L. Doheny. The second and present stage of the investigation inquires into the affairs of the Continental Trading Co. and the disposal of its profits. In this article, the first that he has written for publication, Senator WALSH of Montana, a leading member of the investigating committee, pieces together the evidence that has been brought out bit by bit since the affairs of the mysterious Continental Trading Co. were brought to light.)

By THOMAS J. WALSH, a Senator from Montana

WASHINGTON.

The revived inquiry into the scandals connected with, or incidental to, the leasing of the naval oil reserves has been characterized by sensational developments rivaling in public interest those at which the country was aghast when first the iniquity of the main transaction was laid bare.

Though the energetic representatives of the press have faithfully chronicled the disclosures as they were made and interpreted with substantial accuracy what was told to the committee, indicating the significance of each item of testimony of consequence, their stories were necessarily piecemeal in character. A connected narrative of the extraordinary transactions of which the committee has been told ought to be of general interest.

It should be borne in mind that though the Continental Trading Co. came into existence contemporaneously with the initiation of the negotiations leading to the leasing of the reserves, there was no inkling of its birth or evanescent career until after the labors of the committee were suspended in the year 1924 to await the determination of the courts on the principle of law upon which Harry F. Sinclair based his refusal to answer questions propounded to him.

The Continental Trading Co. was incorporated November 16, 1921, and began its business life next day. On November 30, 1921, E. L. Doheny made his celebrated "loan" to Fall, and in the last week of that year Sinclair visited the Secretary of the Interior at his ranch at Tres Rios, then expanded by the acquisition of the adjacent Harris property, a deal that excited the suspicion of his neighbors, who knew that Fall was "broke."

DISCOVERY OF THE LIBERTY BONDS

The mysterious Continental Trading Co. came to light in the course of the preparation of Atlee Pomerene and Owen J. Roberts for the trial of the suit of the Government brought at Cheyenne, Wyo., to cancel the lease of the Teapot Dome. Prowling around among the records of the banks in which Fall had accounts in the West a reference was found to 3½ per cent Liberty bonds, the numbers of which were noted.

Through the Treasury these were traced to the Continental Trading Co., for whom they had been purchased with others aggregating $3,080,000 face value by the New York branch of the Dominion Bank of Canada. It was then developed that of the bonds so acquired $230,500 worth, face value, were delivered by Fall's son-in-law to a bank at Pueblo, Colo., the avails going in part to liquidate obligations to the bank from a company the stock of which was owned jointly by Fall and his son-in-law, in part to pay off Fall's personal debts, and the remainder to the credit of his account.

Inquiry revealed that the Continental Trading Co. was organized, as stated, in 1921 by one H. S. Osler, of Toronto, Canada, all others con-

nected with the institution being clerks in his law office, and that it had dissolved in 1923. The story of its entrance into the business world was told by ex-Senator Thomas, of Colorado, practicing law at the capital. He was called to New York by Col. A. E. Humphreys, a client, whose home was likewise at Denver, to assist in drafting a contract for the sale to the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co. by companies controlled by Humphreys of 33,333,333 barrels of oil, a part of the product of a rich field opened up by Humphreys in west Texas.

Conferences were held by Thomas, Humphreys, and his son, on the one side, and Harry F. Sinclair, Robert W. Stewart, and Henry M. Blackmer, associated with the Sinclair Crude Oil Purchasing Co., and James E. O'Neil, the managing head of the Prairie Oil & Gas Co., on the other. The stock of the Sinclair Crude Oil Purchasing Co. is owned, the one-half by the Sinclair Consolidated Co., dominated by Sinclair, and the one-half by the Standard Oil Co. of Indiana, of the board of directors of which Stewart then was and still is the chairman. Blackmer was at that time the strong man in the Midwest Refining Co., all of the stock of which was then and still is owned by the Standard of Indiana. [The resignation of H. M. Blackmer as a director in the Midwest Refining Co. was announced by the chairman of the Board at Denver on March 28.] O'Neil directed the business of the Prairie Oil & Gas Co.

The negotiations terminating in an agreement, Thomas was about to write the contract from notes taken by him during the conference when he was told that the Continental Trading Co. was to be named in the contract as the purchaser. There naturally arose a question as to the financial responsibility of that company, but all misgivings were stilled by the assurance that its obligation would be guaranteed by the two companies who throughout the negotiations were spoken of as the purchasers.

THE CONTRACT SIGNED AND SEALED

The contract having been drafted, there then appeared, for the first time, the Toronto lawyer who the day before brought the Continental Trading Co. into being and who, as president of that company, signed and sealed it.

The vendor companies became bound through the signature of Humphreys, and the guarantee indorsement was executed by O'Neil for the Prairie Oil & Gas Co. and by Sinclair and Stewart, purporting to act as directors of the Sinclair Crude Oil Purchasing Co., though they were not in fact such—a circumstance of no consequence, seeing that the transaction was subsequently ratified by the board of directors of that company.

Further information was secured by counsel representing the Government in the litigation, civil and criminal, that while the Continental Trading Co., by its contract heretofore referred to, guaranteed as stated, acquired the right to have from Humphreys 33,333,333 barrels of oil at $1.50 per barrel, it on the same day contracted to sell to the guaranteeing companies at $1.75 per barrel, O'Neil signing for the Prairie Oil & Gas Co., Sinclair and Stewart for the Sinclair Crude Oil Purchasing Co.

Deliveries were made under the contracts until June 1, 1923, when the contract of the Continental with the Humphrey companies was transferred to the guaranteeing companies, they paying for it $400,000.

The profits theretofore realized—25 cents per barrel—being thus swelled, the Dominion Bank of Canada, to which remittances were made, bought with the avails from time to time under directions from Osler 3½ per cent Liberty bonds to the amount of $3,080,000. These, under directions from the same source, were by the bank, after taking out 2 per cent, which went to the credit of Osler, evidently his commission, divided into four packages, each containing an equal amount, and delivered to him.

THE BONDS TRACED

It was established at the trial at Cheyenne of the suit to cancel the Teapot Dome lease that the bonds heretofore referred to as having been delivered to the Pueblo bank for Fall were among those thus acquired by the Continental Trading Co. The Dominion Bank kept no record of the numbers of the bonds purchased by it, but it did note the brokerage firms through which they were bought and their identity was established by their records.

The foregoing constitutes in outline the sum of the information at the command of the Government, either at the trial at Cheyenne or at the criminal trial of Fall and Sinclair in the District of Columbia, halted in consequence of the "shadowing" of the jury by Burns detectives employed by Sinclair.

There was no direct evidence on either trial concerning how the bonds came into the possession of the son-in-law of Fall, who turned them over to the Pueblo bank, nor regarding the source from which he obtained them. In both instances he declined to testify on the ground that his evidence might tend to incriminate him.

An effort was made to take the testimony of O'Neil and Blackmer, who had fled to France, when it seemed likely they would be called as witnesses, under letters rogatory issued to the courts of that country; but they, too, declined to testify and, strangely, compulsory process can not be resorted to in that Republic against recalcitrant witnesses.

In like manner an attempt was made to compel Osler to relate the story of the evanescent life of the Continental Trading Co., but he took refuge in the plea of privilege of counsel. Persisting in his refusal to answer, he was committed for contempt, his plea being overruled. He sued out a writ of habeas corpus, but again was adjudged not to be protected by the rule that counsel can not be forced to disclose confidential professional communications. From the judgment thus rendered against him he appealed and departed on a lion hunt to South Africa. Meanwhile Judge Kennedy, sitting at Cheyenne, denied a motion of the Government for a continuance until the deposition of Osler could be taken, and the effort to get his testimony proved abortive.

COLONEL STEWART DEPARTS

Such light as Col. Robert W. Stewart could shed upon the shady transaction, in view of the part he had in the negotiations leading up to the contracts, was likewise sought by counsel for the Government, but he had important business in South America about the time the trial was coming on and left for an unknown destination before the subpœna could be served upon him. It might be added that Sinclair did not offer himself as a witness at Cheyenne and was not examined. Obviously, being under indictment at the time, his testimony could not be compelled.

Notwithstanding the failure to close up the gap referred to, the Circuit Court of Appeals for the Eighth Circuit and the Supreme Court of the United States, reversing the decree of Judge Kennedy dismissing the Government's bill, held the facts hereinbefore narrated, with others brought to light by the Senate Committee on Public Lands, to be indicative of fraud and corruption in the lease, and held that Fall, in executing the same, was a "faithless public officer."

Here begins the story of the revived investigation undertaken pursuant to a resolution of the Senate directing the Committee on Public Lands and Surveys to continue the work that remained suspended for four years, and particularly to inquire into the disposition of the bonds purchased by the Continental Trading Co.

Reference has been made to the refusal of Everhart, Fall's son-in-law, twice to testify on constitutional grounds. If he was in peril of prosecution at all it was because he might be suspected of participation in the crime for which Sinclair and Fall stood indicted—namely, conspiracy to defraud the United States—though he had never been formally charged with that or any other crime in connection with the oil leases. Nor was there any purpose to proceed against him. However, the court on both occasions perhaps properly sustained his plea.

STATUTE OF LIMITATIONS INVOKED

Prior to 1921 the statute of limitations as to all offenses against the United States not capital was three years. Shortly after his taking office Attorney General Daugherty represented that gigantic frauds, criminal in character, had been perpetrated during the war by or through the connivance of trusted officers of the Government who would be likely to escape punishment through the running of the statute, it being impossible within the brief period of the statute, owing to the complicated nature of the transactions and the iniquity of the conspirators, to unravel the tangled web sufficiently to permit the framing of indictments. He asked that the period be extended in the case of conspiracies to defraud the United States to six years and Congress promptly complied.

It is well known that the great hue and cry came to naught. No official of the Government not altogether petty was ever put upon trial. None such was ever indicted save one, and he was discharged on a demurrer, but the statute served as a screen to protect the associates of Daugherty caught red-handed in the most stupendous piece of thievery known to our annals or, perhaps, to those of any other country. Secretary Wilbur has estimated the net value of the leased reserves at $1,000,000,000.

EVERHART TELLS HIS STORY

Congress took advantage of the interruption of the Fall-Sinclair trial in Washington to repeal the Daugherty Act of 1921, thereby cutting away the immunity of Everhart, who, being called before the committee on the resumption of its hearings, testified frankly that he got from Sinclair the bonds he turned over to the bank at Pueblo, together with others to the amount of $2,500 which he put into the hands of Fall in Washington, where he came at the instance of the latter from the West.

There was some pretense that the bonds represented the purchase price of one-third of the stock of the Fall-Everhart Tres Rios Land & Cattle Co., whose ranch property was to be turned into a club, a sort of riding and hunt club, but so shallow was this fable that its details need not be dwelt upon. The testimony so loosed will be available at the trial before Justice Bailey to be entered upon again during the present month.

The futile efforts of the committee to wring information from the dummy directors of the corporations involved need not detain us. Blackmer and O'Neil were and are still abroad subject to a penalty of $100,000 for failing to respond to a subpœna to attend the criminal trial in the District of Columbia, a law to that effect having been enacted to enforce their appearance. Stewart's presence was secured, however, after the committee had enlisted the aid of John D. Rocke-

feller, jr., to induce him to cut short a round of activities in Habana and to postpone a contemplated trip to Mexico.

Though correspondence coming into the hands of the committee disclosed that he and Blackmer were associated in the negotiations for the purchase of the Humphreys oil from the beginning, and he was present at their culmination, as stated, he professed no knowledge of the incorporation of the Continental Trading Co. or participation therein, and could offer no reason why his company was not able to buy at $1.50 as well as the Continental Trading Co., particularly when it was unknown and had no credit, so that the ultimate purchasers had to guarantee its contract to buy.

STEWART'S DEFENSE

Stewart was present and participating, according to the testimony of Thomas Humphreys, jr., and Beaman Dawes (interested because his company, the Pure Oil, was a stockholder of the Humphries companies), when the agreement was actually entered into by which the Prairie Oil & Gas Co. and the Sinclair Crude Oil Purchasing Co. was to get the oil for $1.50. He stolidly insisted that some one told him he could not get the oil for less than $1.75 and that it was a good buy at that price, though he knew some one was getting a "commission" of 25 cents. He protested that he had never made a penny out of the transaction, but declined to tell what he knew about what disposition was made of the bonds.

Arrested by order of the Senate to answer to a charge of contempt, he sued out a writ of habeas corpus which was, after hearing, quashed, and he is now at large pending an appeal from the order remanding him to the custody of the Sergeant-at-Arms of the Senate. Meanwhile he has been indicted for his refusal to answer and stands in peril of a jail sentence, like that imposed upon Sinclair for a like offense.

Not all the witnesses holding places with the companies involved, however, suffered from amnesia, though that affection was most extraordinarily general among them.

The gentleman who succeeded O'Neil as chairman of the board of the Prairie Oil & Gas Co., long associated with him, told an amazing story of having been called, in the year 1925, by O'Neil to Montreal, whither, obviously avoiding the United States, he had secretly come from France, ill and expecting to die. He conveyed to his friend the intelligence that he had made a profit out of the transactions of the Continental Trading Co. amounting, with accrued interest, to $800,000, which he asserted he considered and had always considered belonged to the Prairie Oil & Gas Co.

He gave the messenger so summoned an order on his son in New York to deliver to the bearer bonds to the amount above indicated for that company, which was done, and the bonds were taken to the office of the company at Independence, Kans., where they now are in the possession of an affiliated company.

BLACKMER CREPT TO CANADA

Another actor in the drama, Henry M. Blackmer, anticipated the discovery by the committee of the whereabouts of his share of the loot by sending his attorney to tell about it. He, too, cautiously crept to Canada, where he summoned his counsel to tell him that, as in the case of the O'Neil bonds, none of the coupons on his had been cashed except those maturing in December, 1922, and June, 1923, and that they were held intact to the amount of $763,000 in New York.

This was done because he had some misgivings about a claim that might be made thereto by either the Midwest Refining Co. or the Standard of Indiana, with the directing head of the latter of which he had been associated in the transaction through which the bonds had been acquired, and of the former of which he was himself the directing officer at a salary of $50,000 or more. In his case it was apparently the promptings of prudence that brought him from his sanctuary, not of conscience, as in the case of O'Neil.

Neither volunteered any information concerning the disposition of the remainder of the bonds, O'Neil indicating quite clearly to his intimate friend, on announcing his purpose to surrender, that he did not desire to be questioned concerning details. It is known, however, that Sinclair participated in the distribution, seeing that Fall got $233,000 worth of the bonds from him, in addition to $25,000 more not identified as Continental bonds, said to have been turned over as a loan in the summer of 1922, about the time that he and Sinclair started on a trip to Russia in connection with an oil concession which the latter got or hoped to get from the government of that country.

TURNED OVER TO HAYS

It was further developed at the original hearing that he had turned over to Will H. Hays, for the Republican National Committee, about December 3, 1923, $75,000 in bonds, which at the later inquest were shown to be Continental bonds. That gentleman, who had been chairman of the committee mentioned prior to and during the campaign of 1920, and who became Postmaster General on the incoming of the Harding administration in March, 1921, felt impelled, though he had retired from both positions in the fall of 1923, to help raise funds to meet the large deficit resulting from a somewhat liberal course of spending in that campaign.

He left the impression, if he did not actually state when on the stand in 1924, after much prodding, that the contribution had been made by Sinclair in cash, but another witness revealed that what the committee received were bonds in the amount above indicated, which were converted and applied to the liquidation of an indebtedness at the Empire Trust Co.

On the renew hearing Mr. Hays voluntarily appeared—whether he had an acute sense that the facts would otherwise be divulged is a matter of speculation—and told the committee that Sinclair had further turned over $185,000 in bonds, in the nature of a loan, to be "used" by the committee in taking care of the debt.

HOW THE BONDS WERE USED

Pressed for an explanation as to how the bonds were to be "used," Mr. Hays was indefinite and unintelligible, but it was anticipated that in some way the delivery of them would, to that extent, serve to permit the statement to be made to the committee, then about to assemble, that the debt had been "provided for," it being understood that from moneys to be raised by nation-wide solicitation Sinclair was to be repaid.

Of the bonds so "loaned" Hays told that $60,000 was sent to Fred W. Upham, treasurer of the committee, at Chicago, and $25,000 to John W. Weeks, then Secretary of War, and $50,000 delivered to John T. Pratt, a wealthy New Yorker, a member of the "Standard Oil group." Pratt subscribed $50,000 on the receipt of the bonds on November 28, 1923, toward the fund to lift the indebtedness, remitting by check to Upham, but afterwards was prevailed upon by Hays to return either the bonds he received or an equal amount, which Hays then turned back to Sinclair, together with $50,000 more, which, according to Hays, was never "used."

Interrogated as to what Upham was to do with the bonds sent to him, Hays professed ignorance, but denied specifically that it was understood that he was to distribute them around among trustworthy Republicans in the city of Chicago and take from them checks for the avails, giving to the transactions the character of subscriptions from the recipients, respectively.

PATTEN CONFIRMS A THEORY

Information coming to the committee to the effect that that was just what was done was confirmed by the testimony of James Patten of that city, a retired grain speculator of advanced years, who got $25,000 of the bonds from Upham and subscribed for an equal amount. Patten took the bonds but, reflecting on the matter, his sense of decency revolted and he grew angry at being thus approached, but stilled his conscience by donating an equal amount to a hospital. Other Chicagoans were shown to have subscribed similarly.

Meanwhile the custodians of the papers and effects of Pratt, who died during the summer of 1927, placed in the hands of the committee, among other papers relating to the transaction in which he figured, a small slip of paper on which were memoranda in pencil in his handwriting, intended to serve as a record of the same, in the lower right-hand corner of which were four names—"Weeks," "Andy," "Butler," and "du Pont."

Senator COLEMAN DU PONT got from Hays the $75,000 in bonds which went toward discharging the obligation at the Empire Trust Co., of which DU PONT was an officer. Weeks had been the recipient of bonds, and so it was a reasonable inference that "Andy," presumably Andrew W. Mellon, Secretary of the Treasury, and Senator William M. Butler, chairman of the Republican National Committee, had some part in the transaction.

Being called they both asserted that Hays had tendered bonds to them, to the former $50,000 and to the latter $25,000, but that they had declined to accept them, though Secretary Mellon, who was told the bonds were provided by Sinclair, made a contribution in the amount of the bonds sent him.

Neither of them manifested any resentment such as stirred Patten, nor did either rebuke Hays, or counsel him to return the bonds to Sinclair, or make any effort to dissuade him from "using" the bonds, nor did either take any steps to prevent his "use" of them. Moreover, at the outset of its work the committee sought the aid of the Treasury and had been assured by the Secretary that the Secret Service of his department would give the committee all possible assistance. It responded and was collaborating with the committee in its efforts to trace the bonds, though neither had had any information touching the connection of the Secretary with any of them.

MELLON'S RETURN OF THE BONDS

Hays, recalled, explained his failure to mention his effort to get Mellon and Butler to take the bonds by saying that he felt called upon only to tell about how the bonds were "used." He added that the bonds tendered to Mellon—actually he had them for a week or 10 days—were the $50,000 worth he had said on his earlier appearance never were "used" and were turned back to Sinclair. Presumably the $25,000 which Butler refused went to Weeks.

Sinclair having recovered $100,000 of the $185,000 worth "loaned," "glancing an eye of pity on his (Hays's) losses" through speculations in Sinclair stock, generously released Hays from any obligation

arising out of the "loan" of the stock by making a further contribution to the debt fund of $85,000, or $160,000 in all, a sum which no other contributor approached—not even Andrew W. Mellon, reputed to be one of the richest men in America, whose total contribution has been noted.

Reference was made at the outset to the singular circumstance that the organization of the Continental Trading Co. and the initiation of Sinclair's activities on the one hand and the preliminaries to the leasing of the naval oil reserves on the other occurred simultaneously. An even more striking coincidence in respect to time as between these two enterprises is disclosed. The date of the delivery of the bonds by Sinclair to Hays is fixed by the date of Pratt's check to Upham and the receipt of the brokerage house to which the bonds he got were delivered for sale as November 28, 1923.

FURTHER PROOF OF THE DATE

The time is further fixed by the date of the application of the avails of the bonds that went to du Pont by the records of the Empire Trust Co., showing that the proceeds thereof were received by it December 3, 1923. At that very time the facts were being unfolded before the Senate committee, from which the inference was all but inescapable that Fall had been bribed to issue the leases.

On November 30, 1923, the so-called New Mexico witnesses were examined, having been subpœnaed perhaps a week before—Clayton, the county treasurer of Fall's county, who told that he had not paid his taxes for 10 years prior to the summer of 1922, when they were liquidated; Carl Magee, who testified that Fall had told him some time prior to 1921 that he (Fall) was "broke"; other citizens who testified that conditions had been hard in the cattle business, in which Fall was engaged, and that every cattleman in that county was broke; Fall's neighbor, Harris, who had just sold his ranch to the former for $94,000 cash, and Johnson, the ranch foreman, who testified to extensive and costly improvements on Fall's place. So significant was this testimony that his friends on the committee, Senators SMOOT and Lenroot, telegraphed Fall at once that he ought to come on without delay to explain.

SINCLAIR'S NEED OF FRIENDS

This synchrony suggests at once that the extraordinary sum yielded up at that critical time by Sinclair was not altogether voluntarily donated, and that either hope or fear, if not gratitude, stimulated his generosity and accentuated his devotion to the principles of the Republican Party. In the predicament in which he found himself at that juncture he stood in dire need of friends at court.

The committee was directed to resume its work because of a widespread belief that the fund accumulated by the Continental Trading Co., which had been denounced by the Supreme Court of the United States as a fraudulent institution, was to be devoted, and, perhaps, had been devoted, to corrupt uses of one form or another, seeing that some of it had been shown to have been so employed.

It seems now, however, to have been the ill-gotten gains of a contemptible private steal, the peculations of trusted officers of great industrial houses, pilfering from their own companies, robbing their own stockholders, the share of the boodle coming to one of the freebooters serving in part as the price of the perfidy of a member of the President's Cabinet. It is a shameful story, for which, happily, our annals furnish no parallel.

FARM RELIEF

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate bill 3555.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. FLETCHER. Mr. President, may I ask the Senator from Oregon if he would be willing to lay aside the unfinished business until we complete the call of the calendar?

Mr. MCNARY. Mr. President, I would go a great distance to please the Senator from Florida. I am going to yield the floor to the Senator from Indiana [Mr. WATSON] to enable him to make a speech on the unfinished business, because of his desire to leave the city, and for that reason I must insist on proceeding with the unfinished business.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Bruce	Fletcher	Hale
Bayard	Capper	Frazier	Harris
Bingham	Caraway	George	Harrison
Black	Copeland	Gerry	Hawes
Blaine	Couzens	Gillett	Hayden
Blease	Curtis	Glass	Heflin
Borah	Dale	Goff	Johnson
Bratton	Edge	Gooding	Jones
Brookhart	Edwards	Gould	Kendrick
Broussard	Fess	Greene	Keyes
King	Nye	Shipstead	Tydings
McKellar	Oddie	Shortridge	Tyson
McLean	Overman	Simmons	Wagner
McMaster	Phipps	Smith	Walsh, Mass.
McNary	Pine	Smoot	Walsh, Mont.
Mayfield	Pittman	Steck	Warren
Metcalf	Ransdell	Steiwer	Waterman
Moses	Robinson, Ark.	Stephens	Watson
Neely	Sackett	Swanson	Wheeler
Norbeck	Sheppard	Thomas	

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present. The Senator from Oregon [Mr. MCNARY] is entitled to the floor.

Mr. MCNARY. I yield to the senior Senator from Indiana.

Mr. WATSON. Mr. President, I desire to address myself somewhat briefly to the pending measure. I shall confine my remarks this afternoon to a discussion of the equalization fee, and that alone, reserving until a later time in the debate some observations on the general aspects of the measure.

It is my deliberate judgment that no farm legislation will be of present practical value to agriculture in this country unless it provides a method of taking care of staple crop surpluses and one that will be effective in two ways: First, to regulate the available supply in the interest of a fair and stable price; and, second, to afford producers the advantage of existing or future tariffs.

In my judgment the only sound way of doing this necessary thing is by means of an equalization fee to pay the costs of the proposed control of crop surpluses. No other practical means short of direct or indirect Treasury subsidy has been proposed to stabilize and protect our staple surplus crops. It matters not whether we have a Republican tariff or a Democratic tariff, the principle is the same—the cost of managing the surplus so as to make any tariff effective on a surplus crop in its domestic market must be met either by the benefited commodity, as this measure through the equalization fee proposes, or by direct or indirect Treasury subsidy. There is no other practical way.

Therefore, I desire to say to the Members of the Senate, and particularly to those who in the past have opposed this measure, that to deny the farmers the McNary-Haugen bill with the equalization fee is to deny them the benefits of the protective system. And let me warn you that any Member of Congress or any executive officer assumes a grave responsibility, indeed, when he takes the position that farmers should be denied an opportunity to enjoy our American standards of living, and alone of all our major groups must be submerged to levels prevailing in less fortunate lands. We boast of our high standards of living, but they will not long prevail in our cities or industrial communities if the farmers are denied an equal opportunity to enjoy them.

II

The opposition to surplus-control legislation has picked the equalization fee as the vital point in this legislation, and special efforts have been made to eliminate such a provision from any bill that may be passed by Congress.

One by one the other objections which for four years have been urged against farm relief legislation have been abandoned. The most unreasoning opponent no longer denies that the condition of agriculture is desperately bad; and all but a few concede that there is nothing in present conditions and tendencies which promises relief. Only a negligible number any longer deny that the agricultural situation justifies constructive aid by the Government.

The plain and simple terms of this measure supported by representative farm organizations have silenced, if they have not convinced, the partisans who have been shouting "price fixing." "subsidy," and "Government in business," but every opponent of this legislation now joins in the chorus of opposition to the equalization fee. The entire controversy, in Congress and out of it, over farm legislation has finally resolved itself into this proposition from the opposition: "Any farm legislation within reason, provided it contains no equalization fee."

It is singular and, I believe, significant, that this fire now centered against the equalization fee comes not from farmers, but from those who a year or so ago were opposing any kind of farm-relief legislation. In the last analysis, the farmers will pay the equalization fee, and they are here advocating it, not opposing it.

The reason for all this is obvious. The fee is the crux of the whole situation. Surplus-control legislation without the equalization fee would be unworkable and ineffective, unless we are to turn to direct or indirect Treasury subsidy, which the farmers do not want, the country will not support, and which, in short, is unthinkable.

III

Opposition to the equalization fee has been voiced many times in Congress, in personal discussions, and in the press, yet one will have difficulty in recalling more than three definite reasons

for opposition to it. It is argued that it is unconstitutional; that farmers do not want it; and that the fee would be difficult to collect and would require an army of collectors.

As to whether or not the fee is constitutional the Supreme Court probably will be called upon to decide, since able lawyers differ on this question as they have done on all major pieces of national legislation. In my opinion, there are abundant precedents and sound grounds upon which the courts may rest a favorable judgment, but it is not my intention to embody a brief on the constitutionality of the measure in these remarks. The committee report on this bill contains a painstaking and comprehensive study of the constitutional phase which Members of this body would do well to read.

For my part, at this time I want to discuss the practical rather than the legal principle of the equalization fee. This principle is as old as government itself. It is that all beneficiaries of an undertaking shall contribute ratably toward paying the cost. It is new in name only. I can see no difference in its practical effect between the principle involved in the equalization fee and those prevailing in the usual and accepted custom of corporations in their ordinary activities, or the principle employed in local improvements under paving districts, drainage districts, or irrigation districts, or the principles accepted in the Federal reserve act and the transportation act.

Under the provisions of the Federal reserve act every national bank is required to be a member of the Federal reserve bank in whose district it is located, and is required to subscribe to the capital stock of its Federal reserve bank in a sum equal to 6 per cent of its paid-in capital stock and surplus. Only one-half of the amount of this subscription, however, is required by law actually to be paid in, the remainder being subject to call when deemed necessary by the Federal Reserve Board. In addition, every member bank of the Federal reserve system is required to maintain reserve balances with its Federal reserve bank. These are compulsory exactions imposed upon national banks by act of Congress. The national bank that fails or refuses to join the Federal reserve system forfeits its charter.

PARALLEL CASES

Under the transportation act, the Interstate Commerce Commission is directed to prescribe just and reasonable rates in order that carriers may earn a fair return upon the capital invested, and provision is made for disposition of amounts received in excess of what is fixed as a fair return. This likewise is a compulsory exaction.

In both the Federal reserve act and the transportation act Congress has employed the principle of requiring contributions to be made under certain circumstances for a purpose which is conceived to be in the interest of the contributors. I am merely seeking to establish these as practically analogous to that provision of the McNary-Haugen bill which requires a ratable contribution to be made by the beneficiaries for the regulation and control of interstate and foreign commerce which this measure seeks to establish. I do not here assert a precise legal analogy, but rather a practical one, between the equalization fee in the pending bill and the stock-subscription requirement of the Federal reserve act or the recapture clause of the transportation act. The question which the courts must at last decide is whether Congress has the power to regulate commerce in the manner provided in this measure; and if Congress has that power, then whether the equalization fee is necessary to such regulations; and, finally, if it be admitted that Congress has the power, and that the equalization fee is essential to its exercise in this manner, then whether the equalization-fee principle contravenes to an unjustifiable extent any other provisions of the Constitution, such as the due-process clause of the fifth amendment.

My personal judgment is that on these points the courts will hold with the majority of Congress, which has expressed its belief that it has the power to enact this legislation.

It is claimed, as a second reason for opposition to the bill, that farmers themselves do not want it. To me it is significant that during all of the years of hearings and debates during which the various surplus-control proposals have been considered by Congress, not one single responsible farm organization, through its properly designated officers, has appeared before the Committee on Agriculture in either House of Congress in opposition to the equalization fee in the bills. On the contrary, representatives of practically all of the responsible farm organizations and cooperative associations handling widely grown staple crops believe in it.

It is true that the officers of the National Grange favor the debenture plan, which is an indirect subsidy, in that it would convert import duties into export bounties, thus directly lessening the revenues of the Government, but the grange has carefully refrained from going on record in opposition to the equalization-fee plan. On the contrary, upon at least one occasion in the past the duly authorized representative of this organization testified before the committee of another body in favor of the McNary-Haugen proposal.

ANOTHER CHARGE REFUTED

As to the third charge, that the collection of the equalization fee will be difficult or impossible, I believe it can be demonstrated that it would be a simple matter.

The bill provides (sec. 8, par. (c)) that—

> Under such regulations as the board may prescribe, there shall be paid, during a marketing period for any agricultural commodity and in respect of each marketed unit of such commodity, an equalization fee upon one of the following: The transportation, processing, or sale of such unit. The equalization fee shall not be collected more than once in respect of any unit. The board shall determine, in the case of each class of transactions in the commodity, whether the equalization fee shall be paid upon transportation, processing, or sale. The board shall make such determination upon the basis of the most effective and economical means of collecting the fee with respect to each unit of the commodity marketed during the marketing period.

Paragraph (d) of the same section provides that—

> The board may by regulation require any person engaged in the transportation, processing, or acquisition by purchase of any agricultural commodity—
>
> (1) To file returns under oath and to report in respect of his transportation, processing, or acquisition of such commodity, the amount of equalization fees payable thereon, and such other facts as may be necessary for their payment or collection.
>
> (2) To collect the equalization fee as directed by the board and to account therefor.

Paragraph (e) provides that—

> The board, under regulations prescribed by it, is authorized to pay to any person required to collect such fees a reasonable charge for his services.

This last provision should remove all doubt as to the willingness of any agency to collect the fee. The procedure can best be shown by outlining a few examples of how the fee might be collected on a few commodities in the manner provided in the bill; that is, upon transportation, processing, or sale.

TRANSPORTATION

In the case of cotton the board might find that the "most effective and economical means of collecting the fee" would be upon "transportation." The amount of the fee would have been determined and published as a certain amount per pound or per bale, which amount could be collected without expense or difficulty by the transportation company along with the freight charge. The carriers would be required to remit the amount of fees collected directly to the board, which would deposit the remittance in the stabilization fund for cotton. The farmers would know the amount of the fee, and it would be reflected in their price, just as is freight, but the labor and the expense of collecting the fee in this manner would be very little.

In case cotton is delivered by wagon or truck direct to the mills, or to market for export without intervening handling by a common carrier, the equalization fee could be collected on "sale" under the regulations prescribed by the board. In other words, the regulations of the board might provide that in all cases when cotton was moved by common carrier the fee should be collected on "transportation," otherwise the collection should be upon the "sale" as defined in the measure.

PROCESSING

In the case of wheat the board might find that "the most effective and convenient means of collecting the fee" would be upon "processing." After the amount of the fee had been determined and published, the board might by regulation require that the millers remit the fee on the quantities of wheat processed by them. The amount of the fee collected would be remitted to the board at required intervals, and the amount collected on each bushel would be reflected in the farmer's price just as is the freight. It is apparent that if the fee is collected upon "processing" in the case of wheat, such quantities as are imported from abroad would be subject to the fee on the same basis as domestic wheat.

The export market takes the largest part of the wheat that enters commerce but is not milled. It has been argued that since it might be impossible under the Constitution to collect the fee upon the last sale for export, it might be that the exported wheat would escape payment of the fee, and that this would increase relatively the amount of the fee collected upon processed wheat. But on close examination this apparent in-

equity disappears, since it becomes evident that exporters would have no advantage over flour-exporting millers, even if the former paid no fee and the millers did, because both would be exporting under contract with the board, and in its payment of costs and losses upon the exports, under the terms of the respective marketing agreement, the board would, of course, take into account the fact that the cost of the flour exports included the fee paid, while the cost of the grain exports did not, and settlement would be made on that basis.

In the case of livestock, since we export but few live animals, the fee could be collected almost exclusively upon "processing," while any inequity between the exporter of live animals and the exporter of animal products would be prevented in the settlement under the marketing agreements, just as in the case of the wheat miller and exporter.

SALE

Tobacco may be used to illustrate the case where "sale" might be found "the most effective and economical means" of collecting the fee. Every buyer of tobacco is registered and numbered and is required to make a report to the Treasury Department each month showing the number of pounds and the kind of tobacco he has bought during the month. After the amount of the fee had been determined and published, each buyer could be required to remit the amount of the fee, as directed by the board, for all the tobacco purchased during the preceding month. The money could be remitted either to the Treasury, to be turned over to the board, or to the board directly as required. At the end of the operating period the board would have received the amount of the fee from every pound of tobacco purchased without setting up any new machinery of any kind.

IV

It is still contended by some of the opponents of this legislation that the job could be done by voluntary action through cooperative associations without Government intervention.

Theoretically the banks of the country could have cooperated in the control of their credit resources and brought stability without Federal legislation, but actually the task was impossible and Congress by the device of the Federal reserve act created a plan of stabilization and compelled national banks to provide ratably the capital necessary to operate it.

Theoretically it was possible for the many railroad corporations to set up by voluntary action agencies necessary to equalize railroad returns. Actually effective voluntary cooperation was impossible. Hence, by the device of the transportation act Congress provided the necessary supplement to voluntary action. If I cared to occupy the time of the Senate at length, these examples might be extended indefinitely to prove that when the public good can not adequately be served by voluntary action, it has been the settled policy of our Government to provide by legislation the means to the desired end. Frequently it is nothing more than a device by which the minority may be required to conform. The device varies with the subject matter. It was compulsory stock subscription in the case of the Federal reserve act; it was compulsory pooling of excessive earnings and distribution thereof of the transportation act.

It may be argued that it is possible for all cotton growers, for example, to cooperate in withholding the unneeded portions of their crops from the market in years of large production and in feeding it back again as needed, but actually such a thing is impossible, as has been demonstrated in many cases.

The same is true of all other agricultural commodities that may be widely grown. All farmers never will join cooperative associations, just as all national banks would never voluntarily join the Federal reserve system, and just as all railroad corporations would not voluntarily surrender a portion of their earnings for the benefit of other roads.

A fraction of a group will not voluntarily assume the entire cost of a service to the entire group and continue to bear that cost indefinitely. Quite a number of farmers' cooperatives in the United States have undertaken to stabilize markets by carrying seasonal surpluses over into the next year; but in every case the effort has failed, and in some cases the cooperative itself has been wrecked, because, even in cases where the act of the cooperatives resulted in a substantial benefit to all the producers, the outsiders escaped the costs, and thus benefited relatively more than did the members themselves.

V

The leading farm organizations and cooperative associations of the country tell us they believe they will be able to do the job with the aid of the device suggested, since the equalization fee would compel all the producers of a commodity, whether or not members of a cooperative association, to pay from the benefits received their share of the cost of the stabilization of the commodity. These cooperatives tell us frankly that they can not accomplish the desired results without the equalization fee.

Congress, by the enactment of the Capper-Volstead Act of 1922, and the act of 1926, to create a division of cooperative marketing, as well as by numerous other acts, such as the rural credits act of 1923, looking toward better credit facilities for cooperatives, has recognized the principle of cooperative marketing.

The President upon every appropriate occasion has expressed sympathy with the development of cooperatives and has voiced the hope that the problem might be solved by them. In his message to the Seventieth Congress he said:

> The main problem which is presented for solution is one of dealing with the surplus production. * * * Price fixing and subsidy will both increase the surplus instead of diminishing it. Putting the Government directly into business is merely a combination of subsidy and price fixing aggravated by political pressure. * * * The Government can * * * assist cooperative associations and other organizations in orderly marketing and handling a surplus clearly due to weather and seasonal conditions. * * * While it is probably impossible to secure this result at a single step, and much will have to be worked out by trial and rejection, a beginning could be made by setting up a Federal farm board or commission of able and experienced men in marketing, granting equal advantages * * * to the various agricultural commodities and sections of the country, giving encouragement to the cooperative movement in agriculture, and providing a revolving loan fund at a moderate rate of interest for the necessary financing. * * *

The McNary bill provides exactly that. As losses and costs of stabilizing farm commodities must be paid out of stabilization funds for each commodity, there will be need for periodical or occasional replenishment. Funds for that purpose would be provided by the particular commodity benefited through the operations made possible by the equalization fee. Under no conceivable circumstances can loans only, whether by the Government or by some other agency, accomplish this purpose.

If agriculture is to enjoy its most favorable markets under fair price conditions, it is essential that it be placed in position to control supply and to feed it out to the markets in response to demand. Our farmers may produce more of some crops than the domestic demand will absorb at a fair price if all of it is thrown into the home market. Yet there are markets abroad that need what we have to sell. To be sure, their prices are fixed by production costs lower than ours. The problem is to sell in such markets abroad and still maintain an independent domestic market that is related to our home cost of production; or, as in the case of cotton, to influence the world's price through the control of surpluses in strong hands close to the growers in this country.

That the large industries have found a way to engage in export trade without permitting the price for the portion sold in export to influence adversely the price at home is not denied.

The late Judge Elbert H. Gary, of the United States Steel Corporation, in the last annual report of that corporation published before his death, explained quite frankly that steel export prices are not permitted to establish domestic prices when he said:

> Prices received in 1926 were fairly stable throughout the year, with, however, a downward tendency. Prices obtainable in the foreign markets, and to some extent for domestic tonnage in markets bordering on the Atlantic, Gulf, and Pacific coasts of the United States, were, however, relatively low, owing to the severe competition of European manufacturers, whose labor cost in production and transportation cost in delivery were materially less than that of the mills in the United States. As a consequence, the direct profit results from the export business as a whole were not fully compensatory for the proportion of capital invested and employed in the business.

This is simply one illustration of the manner in which industrial organization, assisted by protective legislation, disposes of its output to its own advantage. Farmers in the United States help pay the bill. At the same time, they lack an equivalent power to dispose of their output in a manner which would enable them to bring the domestic prices on their products up to a fair relationship with the things they have to buy.

VI

It is unthinkable that we should refuse farmers an opportunity to protect their home market, or, if and when loans can not accomplish the desired result, that we must resort to Government subsidy for 30,000,000 people. The farmers do not want a subsidy. The very suggestion is distasteful to the American mind, and it offers a spectacle of 30,000,000 of people when in need reaching their hands into the Treasury, and suggests the time when another group, in similar straits, may demand a dole also—and they will not be denied if the precedent is once established.

Any plan of subsidy compels an involuntary contribution or "equalization fee" to be paid by the whole people, since it

draws from the Public Treasury, as contrasted with the McNary bill, which would secure its contribution or "equalization fee" from the particular growers benefited.

We must recognize that the very nature of our Government is rooted in our respect for property rights. No group of our citizens have been more ardent in their loyalty to this principle than the farmers. To put them upon the dole system might mean, and I believe it would mean, the beginning of the end of their respect for the property rights of other groups. To deny them this legislation with the equalization fee is to deny them admission into the protective system. I repeat, it matters not in principle whether we have a Republican or a Democratic tariff.

They offer to pay the cost of the experiment themselves out of the benefits they expect to receive; and as it is conceded that all new legislation is experimental, why should they be denied the right to make this experiment?

Mr. SMITH. Mr. President, before the Senator takes his seat I should like to ask him one question in reference to the principle involved in this bill.

I can understand how wheat, which has to meet the competition of the world, could be benefited by virtue of a tariff on wheat when, through the processes of this bill, the Government shall cooperate with the cooperative associations to control the price, directly or indirectly, and in the case of whatever surplus is exported abroad to meet the competition of the world the difference between what it sells for here and the loss that is sustained in the export shall be made up by the equalization fee. I can understand that thoroughly, and how it might and perhaps would benefit the wheat grower. The same thing might be true of those who are engaged in the animal industry.

In regard to cotton, however, the great American monopoly, I have studied carefully to see in what respect, other than controlling the surplus, to which I will call attention in just a minute, the equalization fee could operate—it might be there nominally—for the reason that seventy-odd per cent of all the world's cotton is produced in America, and 90 per cent of all the spinnable cotton, as it is known to the spinners, is produced in this country; so that whatever price is fixed in America fixes the world's price.

There is no cotton, broadly speaking, that comes in competition with American cotton. The only thing that competes with American cotton is American cotton. That paradox can be explained on the ground that during periods of excess production and very low prices Europeans buy in large quantities, and it has been the case that when the price rose in this country at the beginning of the production of another crop that cotton has been reexported to this country at a profit. American cotton has been brought back to America from the Old World. Even then, however, American cotton is fixing the world's price for cotton; and if by any means, by this bill or any other device, the producer is able to control his surplus, we need not have any equalization fee, for the reason that the minute you establish an American price you have established a world's price for cotton.

That is not true of wheat. It is not true of any other farm product that is made in quantities equal to or in excess of American production; and I was thinking that perhaps the bill would be more readily accepted by those producing cotton if the so-called equalization fee, as it is really not necessary, were given some other terminology, or if an explanation were placed in the bill that would indicate that no tax should be imposed other than the interest that would be essential upon the money devoted to removing the surplus from the market, because there could be no loss unless the surplus was bought at a price which, joined to a subsequent crop that was made, would be lower than the money advanced to take care of the surplus; and I do not think any business man would permit such an exigency as that to arise.

Mr. SIMMONS. Mr. President——

Mr. McNARY. Mr. President, will the Senator let me make just one statement? If the Senator has studied the bill, as I assume he has, he knows that the equalization fee for cotton applies only in the event that there is a surplus in excess of orderly marketing, for the purpose of steadying the flow to the foreign world, and, therefore, maintaining a higher world price.

Mr. SMITH. Yes.

Mr. McNARY. It is not a tax in any sense any more on cotton than it is on wheat.

Mr. SMITH. No.

Mr. WATSON. It is purely a withholding proposition to feed it in as the market demands.

Mr. SMITH. Yes; but there is this distinction: If we have a certain amount of wheat in this country, and if there is a tariff on wheat—which there is—undoubtedly, through the proper organization of this machinery, you can fix an American price that is equal to the tariff, but you can not fix a world price; and the difference between the exported wheat and the domestic wheat sale, which is the measure of the tariff, would be lost in the export wheat. Therefore, you have an equalization fee to reimburse the Government for whatever loss might be entailed in the price of the export wheat, which, joined to the excess price that the American millers would pay, might and perhaps will show a profit. That is not true of cotton, however, because the export cotton is going to bear identically the same price that the domestic cotton does, for the reason that it has no competitor. It does not have to meet any world price. The American price is the world's price.

Mr. McNARY. Mr. President, that is true; but is not this a fact that accompanies the Senator's argument: If the American supply is orderly distributed to the world's market, it would have a tendency to stabilize the market?

Mr. SMITH. Oh, to be sure; and that is the distinction I am making.

Mr. WATSON. That is all there is to it as far as cotton is concerned. It is a withholding process so far as cotton is concerned.

Mr. SMITH. Not meeting competition.

Mr. WATSON. Taking the surplus off the market and feeding it in as the market demands.

Mr. SMITH. And the only expense would necessarily arise from the interest and whatever fee it would be essential to contribute for the upkeep of the machinery; but so far as paying an equalization fee is concerned, there is going to be nothing to equalize. You have got to equalize the foreign price for wheat with the domestic price; and, when you have brought them together, whatever difference there is the farmer will pay. He must pay it under the terms of this bill.

Mr. WATSON. Why, certainly.

Mr. SMITH. To illustrate, suppose we had 2,000 bushels of wheat, and that we consumed a thousand and exported a thousand. Under the present system the domestic price is the world price, and the farmer gets no benefit of any tariff. The domestic price is the world price. Suppose we were to put into effect a tariff of 50 cents a bushel, and the domestic man paid $1.50 a bushel for the domestic wheat and the export wheat brought a dollar. The 2,000 bushels of wheat—let us say it was a dollar a bushel—would bring $3,000, whereas sold in the world market it would bring only $2,000. So that the farmer has gotten for the 2,000 bushels $3,000—that is, he sold his domestic wheat for $1.50 a bushel, exported for $1. He has made by that proposition. The equalizing fee that he would have to pay would be $500. So that he would make $500, because he would have to equalize the price, domestic and foreign. Not so with cotton, because the domestic price would be the foreign price.

I do not believe we would export any other thing except wheat and corn, but the difference between the world price and the domestic price is going to be what you have to equalize.

Mr. GOODING. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. GOODING. Does not the Senator believe that cotton will occupy a more favorable position in this bill if it becomes a law than the wheat growers' product, because he will stabilize the world's price, and the wheat grower can not do that?

Mr. SMITH. There is much fear about it not appealing to the farmers on the ground that they will have to pay a tax—an equalization fee—at the gin or on the railroad. In the case of wheat, as I explained a moment ago, I do not think many of them see the point that is involved in the protective tariff on wheat. We export about one-third of our wheat crop, or did for a while. I think it is higher than that now. Whatever amount we export the farmer will be guaranteed the domestic price plus the tariff. He is supposed to get that for all his wheat.

Mr. WATSON. But he does not.

Mr. SMITH. To illustrate, suppose we raise 2,000 bushels, and ship a thousand bushels, with the tariff 50 cents a bushel; fixing the price at $1.50 a bushel will not mean the farmer will get $1.50 a bushel for 2,000 bushels; he will get $1.50 per bushel for the thousand bushels used domestically.

The farmer has to pay the difference. He does not get $1.50 for 2,000 bushels; he gets only $1 for 1,000, and he equalizes that price by paying the difference between the domestic price and the export price. That is the theory of this bill.

I used an illustration a moment ago, saying that we exported as much as we consumed domestically. You would have to

double the price in this country in order for the farmer to get any material benefit if he sold in the world's competitive market. But that is not true of cotton, because we have a monopoly of that, and the only benefit that would come to us—and when I say "only" I do not mean it in any disparaging sense—would be by the formation of an organization that would take the surplus off the market and hold it for the lean years, and distribute it as the world needed cotton, at a price that would at least reflect a reasonable profit to the producer. But I do not believe that we ought to incorporate in the bill, so far as any commodity that sets the world's price is concerned, what we would term an "equalization fee." There is nothing to equalize. The moment you fix a price on American cotton you fix a price for the world. It has no competitor, none anywhere, and what is grinding not only the cotton grower but the wheat grower is the fact that he has no say so in his market. I make the statement that the price is not fixed in this country at all; it is fixed abroad. There is the monstrous proposition of this proud American people producing a world necessity, cotton, which has no substitute, and yet Liverpool fixes the price every morning of the American production.

The same is true of wheat. The foreign market fixes the price, and I am going to support this bill on the general principle that the American farmer can not be any worse off; he has to look up to see the bottom now, and though it may be a mistake, it may not work out right, I am going to join forces with those who I believe are sincere, and attempt to legislate some plan by which the American farmer may be able to get into the picture with some degree of prosperity, and revive some hope to the rapidly despairing element that feeds and clothes us.

Mr. McNARY. Mr. President, I welcome the Senator into the ranks of the supporters of the bill. I am very glad he made that remark. I welcome his support this year.

I want to present, in one word, the situation as I believe it affects cotton, and if the Senator will agree with me, perhaps there will be no difference whatsoever with respect to that commodity.

We must agree that the 60 per cent of cotton we use moves into foreign markets and therefore receives a world price. If there is any machinery by which that cotton can be marketed in an orderly way through the season, which would effect at least an increase in the world price, it would be reflected in the domestic price. Consequently the purpose of the equalization fee, as applied to cotton, is to collect a fee—we will say one-fifth of a cent a pound, which would be $1 a bale, and in a production of 18,000,000 would be $18,000,000—which would be used to withhold for the purpose of orderly marketing the surplus that was depressing the world's market. That is the theory, an indisputable theory, in my opinion, entirely workable and feasible, one that would react in a higher price for cotton if we employ the method which the Senator himself has said ought to be understood.

Mr. SMITH. The Senator has stated the case clearly. It is not an equalization fee, but a sum collected, or a reserve fund gathered, for the purpose of preventing the dumping of the surplus on the market to the detriment of the other portion of the crop.

I will have something more to say about the bill, unless it should pass as the flood control bill did; but I want to say that the hearings we are having now, in the probe into the slump in the price of cotton, are bringing out facts sufficient to astound any man, information not only as to the marketing of that product but typical of the marketing of all staple farm products.

The orgy of speculation, the violent fluctuations of wheat and cotton, indicate how the producer is absolutely at the mercy of the speculative element. It is clearly evident that if the agricultural interests of this country are to be put on a footing with the manufacturing industries of the country, somewhere, somehow, by some kind of organization, the farmer must be able to hold his products and market them when they reflect a reasonable profit to him.

So long as the buyer of cotton and wheat and other farm products has the privilege of fixing the price, all our work is in vain. Until and unless the producers of the different agricultural products of this country are enabled, through their own initiative or by the aid of the Government, to so organize themselves that they can calculate the cost of machinery, the taxes, the overhead, all incidental expenses that go into the producing of the article, and then realize the reimbursement on the sale—until that is accomplished agriculture will never be other than what it is to-day. It is idle to talk about it.

If this bill shall be a step in the direction of enabling the farmers, through proper organization, to have a measure of control over the production and the prices of their products, within reasonable limits, we will have accomplished that for which agriculture has been waiting all these years, and I believe there was never a more propitious time for such a step than now, with the facilities for transportation and the facilities for communication and getting knowledge to them that we have now.

The farmers of this country in every market center should have provision for radio broadcasting, by which every day intimately and particularly the conditions of the market and the demands may be broadcasted to them. I believe that is one facility we ought to insist should be available for the agricultural interests of this country, under their own control, and I hope this bill will be a step in the direction, not of the Government permanently marketing and controlling farm products, but granting to the farmers the facilities by which they can organize themselves, as the protective tariff did for manufacturing, not in the same direction and not, perhaps, by the invocation of the same principle, but at least extending the powerful credit of all the people to enable those who feed and clothe us to be protected.

Mr. BARKLEY. Is it not contemplated by the bill that before the board acts in any case the initiative must be taken by those who speak for the growers of whatever crop is involved? The board could not of its own initiative simply levy the equalization fee in order to accumulate the funds to take care of some imaginary surplus that might exist in the future. The emergency must arise, as I understand it under the terms of the bill, to such an extent that those who speak for the farmers will apply to the board for a declaration of the operating period.

Mr. BORAH. The board might act upon its own motion.

Mr. McNARY. Mr. President, the Senator from Idaho is right. The old bill provided that before the board could act it must consult a large number of cooperatives and farm organizations. There was a provision written in the old bill that if in any section of the country a particular commodity was raised where 50 per cent was not represented by cooperatives, there should be a county assembly. That suggestion was made by the Senator from North Carolina.

Mr. SIMMONS. Yes; by a separate amendment.

Mr. McNARY. It was one of the items that offended the Attorney General. In the bill now before us we are proceeding upon the assumption that the board is not going to abuse its power. No bill was ever written into law that attempted to say what the board must do on all particular occasions, nor could we write such a stupid measure. In this case the board, having general power to act as in all matters of wise legislation, can proceed on their own motion, but the language is that they shall confer with cooperative organizations and farm groups and the advisory council before a marketing agreement is entered into.

The practicability of the plan is simple. The board, having these general powers, no broader than contained in hundreds of bills that have proven satisfactory from a legislative and administrative standpoint, and being composed of rational and reasonable men, would consult the advisory council and farm groups and organizations raising the particular commodity in relation to which agreements are about to be entered into, and if in their judgment it is the part of wisdom that the marketing agreement should be entered into which would finally invoke the equalization fee, that would be done, and only in a case of that kind.

Mr. GOODING. Mr. President, I am sure it would be helpful if the author of the bill would proceed in explanation of its provisions. I am sure he is going to answer all these questions and give the Senate a complete understanding of the terms of the bill. Then we can proceed to debate it.

Mr. BROOKHART. Mr. President, I would like to have an opportunity to ask the Senator from Indiana [Mr. WATSON], who opened the discussion, some questions before he leaves, as I understand he is compelled to do.

Mr. ROBINSON of Arkansas. Mr. President, before we leave the immediate subject matter under consideration—that is, under what conditions the board will begin operations in a given commodity—I desire to say that I understand that under the pending bill, as under former bills, the board must find "that there is or may be during the ensuing year a domestic, national, seasonal, or year's total surplus in excess of the requirements for the orderly marketing" of the commodity to be dealt in; so that in no event may the board operate in a commodity until it finds that there is either a surplus in excess of domestic requirements or one in immediate prospect.

Mr. McNARY. Mr. President, the Senator from Arkansas is quite right, but there are still two other findings to make. That, however, is not the point that was raised, I may say to the distinguished Senator from Arkansas. It was what forces must operate before the board will start a marketing agreement or

period. In the old bill, may I repeat, it was started upon the advice of the advisory council and of a substantial number of cooperative associations in farm organizations. It was held by the Attorney General in his opinion to the President of the United States that that was a delegation of legislative power. Consequently, in this bill we have overcome that constitutional objection by providing that the board may on its own motion start a marketing agreement after it makes these three findings of fact.

There is also a suggestion in the bill that the board should consult the advisory council and also cooperative associations and farm organizations.

It is true that the board may initiate operations on its own motion, but it must find three facts, as suggested by the distinguished Senator from Arkansas [Mr. ROBINSON]. What are they? Namely, one, that there is a surplus above orderly marketing or above the requirements of domestic consumption. Two, can the board through local and cooperative associations handle this proposition or are the associations unable to assume that responsibility? Three, is the particular commodity adapted to a marketing agreement by reason of its physical characteristics or the manner of processing? When the board shall make the three findings which I have just mentioned it may enter into marketing agreements with cooperative associations.

Mr. ROBINSON of Arkansas. And it must make those findings public?

Mr. McNARY. Absolutely, as a condition precedent to operation.

Mr. ROBINSON of Arkansas. I cited that provision of the bill to show that, after all, arbitrary power is not vested in the board by this bill, but that the board must proceed in an orderly manner to determine the necessity for operation before there is any basis for its dealing in a commodity.

Mr. BORAH. But what I have in mind, Mr. President, is what is clearly stated in the bill. The jurisdiction of the board did not obtain under the old bill until certain parties had manifested their desire that it should act. Under the pending measure the jurisdiction of the board would obtain whenever the board wished to act.

Mr. ROBINSON of Arkansas. No; but only when the board finds the existence of facts defined in the proposed law to justify action.

Mr. BORAH. That is what the board proceeds to do after jurisdiction is obtained, but, in the first instance—that is to say, with reference to acquiring jurisdiction, the board may take jurisdiction whenever it gets ready to do so.

Mr. ROBINSON of Arkansas. It may enter upon an investigation, but unless it finds the facts referred to by the Senator from Oregon [Mr. MCNARY] to exist it has no authorization under the proposed statute to proceed.

Mr. McKELLAR. If the Senator from Arkansas will look at line 20, on page 10 of the bill, he will see that the board has publicly to declare its findings; it not only has to declare its findings but it has to publish them.

Mr. BORAH. It has publicly to declare them, but the fact that those findings shall be publicly declared does not place any restraint upon their action. Those interested may read the findings, but the board is not restrained in any way by that fact, and nobody can take an appeal from the board.

Mr. McNARY. Of course, after the board finds these facts to exist, I repeat it may upon its own motion start an operation; there is no doubt about that. I do not proceed upon the theory, however, that the board is going to abuse that power. The board is given these powers for the purpose of helping agriculture, and any man who stands on this floor and assumes the bill to be bad because the administrator might abuse his power will never be found voting for the bill.

Mr. ROBINSON of Arkansas. Will the Senator from Oregon yield to me?

Mr. McNARY. I yield.

Mr. ROBINSON of Arkansas. Unless that power shall be given to the board the probability is that there will be no effective operation under the provisions of the bill.

Mr. BORAH. Mr. President, I did not assume that the bill was bad because of that fact; I merely undertook to state the provisions of the bill.

Mr. HARRIS. I am quite willing to vote for anything that the western Senators think will help the producers of wheat.

Mr. SIMMONS. So am I.

Mr. HARRIS. I can understand how the bill might help them a great deal because of the protection given wheat, while the cotton producers would not be benefited in the same way. I should like, however, to ask the Senator from Oregon a question. The Senator from North Carolina has referred to an 18,000,000-bale cotton crop which we may have any year——

Mr. SIMMONS. Which we had last year.

Mr. HARRIS. And he has referred to the small amount that would be collected from an equalization fee, and he stresses that point. Suppose we should have an 18,000,000-bale cotton crop this year. I should like to know from the Senator from Oregon exactly how the equalization fee on cotton would be collected and how much it would be.

Then I should like to ask the Senator another question. Suppose there should be a slump, as there was last year, which would involve a loss of a hundred million or two hundred million dollars in the price of cotton, and there was only an equalization fee of a dollar a bale, amounting in all to $18,000,000, how would the farmer be protected from great loss? Suppose, furthermore, that the following year there should also be a loss. I am not asking the questions in the way of criticism; I am asking for information. I am anxious to do anything to help the farmers, but taxing him does not help.

Mr. McNARY. I gave in a very brief way my impression of that general subject a few moments ago in discussing the question of the Senator from North Carolina [Mr. SIMMONS].

Mr. HARRIS. I did not happen to be in the chamber at the time.

Mr. McNARY. If the Senator will bear with me and let me fashion my own remarks in my own way I will come to that some time during the debate; but this afternoon I promised myself, at least, that I would discuss, rather informally, the bill as distinguished from its predecessors. I should like first to do that before going into other phases of the bill having to do with its administrative application.

Mr. HARRIS. I will be glad to have the Senator answer the question in his own time.

Mr. McNARY. I appreciate the courtesy of the Senator.

Mr. President, I propose briefly to discuss the pending measure. I am not unmindful of the observation that is sometimes made that a Senator who speaks on his own bill is, perhaps, filibustering against its passage. I think that is true in a general way, and I would not speak upon this bill if it were not for the fact that it contains some provisions that are new and which were not found in the bills of similar nature which we have considered heretofore.

I do not know of anything I could say that would throw any particular light upon the old bills and the controversies that have waged about them during the years 1926 and 1927. During those two sessions of the Senate I spoke quite at length upon the bills which had the same general purpose, though perhaps omitting some refinements and changes that are in the pending measure.

The committee has prepared at great length a report, which in my opinion sets forth all of the changes in a very clear way; and I recommend to the Members of this body the reading of that report.

I shall not discuss the general question of agricultural depression. That subject has been discussed every year we have had this bill up for consideration. It is a condition which now obtains, and is universally acknowledged.

The President, in various messages and speeches, has declared that there is a farm problem. I only desire to cite two witnesses in this regard who I think will offer indisputable evidence that there is a farm problem.

I refer to the United States Chamber of Commerce and the National Industrial Conference Board. After collaboration and a study of this problem for a great many months, in December of last year, in a report by Mr. Charles Nagel, the chairman, they said:

> The evidence is clear that American agriculture has undergone a prolonged and trying readjustment to postwar conditions, in the course of which those engaged in it have suffered seriously in their relative economic prosperity in comparison with those engaged in other fields. On the human side, it has been deprived of the energy, experience, and knowledge of many thousands of farmers who have lost their resources and have been persuaded or compelled to leave the farm for other occupations, while the land resources of the Nation have been impaired by neglect and wasteful exploitation under the pressure to which those who remained on the farm have been subjected.

I cite these two great organizations as showing that there is a farm problem; and for that reason I do not desire further to discuss the subject.

I think, Mr. President, all agree that the one great problem is the problem of the surplus, and how to deal with it.

Whenever there is a surplus, it is an economic adage that that surplus fixes the price for the whole commodity; and, inasmuch as it is necessary for the producers of the country to sell this surplus in foreign markets, it naturally follows that the price obtained by the American producer is the world price; and so long as we are working and living under a protective tariff, it is not fair to the farmers of the country to be compelled to sell

their whole product on the foreign-price level, and buy that which they need and must have in a protected market. That is one of the cardinal principles and one of the foundation stones upon which this measure is built, as were all of its predecessors.

It is true this bill differs from some of the bills which have been here before. There are far-reaching changes, but they are all addressed to the same problem and are built upon the same general principles. I think it might be well for me at this time to discuss one of the radical changes that have been made, and yet it is not so radical in substance as it appears to be from a general, cursory reading of the bill.

In this bill there are two separable remedies. We have first adopted the remedy of loaning money to cooperative organizations for the purpose of promoting the orderly marketing of farm products, or to loan them money for the purpose of acquiring the surplus products and selling them or making such disposition of them as in their judgment seems best. This provision was in the last bill, but not precisely in the same form. Such a scheme, complete in itself, has been advocated by the Secretary of Agriculture, Mr. Jardine. We have been told by him that that remedy would be effective, and during a cycle of a great many years—I think he used a period of five—the losses would perhaps be quite absorbed by the gains.

I have never been so hopeful an advocate of this plan proposed by the Secretary of Agriculture. I have thought we needed a more heroic scheme. I have believed, however, that the loaning of money to cooperative organizations might, when the surplus was small, or as it affects some commodities, be efficacious. I still entertain that belief; but I am not one of those who advocate the theory that the whole job can be done by the loaning of money.

I know it will be said that the farmers have received too much money; in other words, that the money they have borrowed has been too easily obtainable. That situation and statement does not apply to the plan set forth in this measure. Here we propose to loan up to $250,000,000 from a revolving fund to cooperative organizations that are willing to borrow the money to withhold a surplus until there is a time of famine or scarcity, and then market it.

What would be the advantage in that procedure to the association? It would be simply that the members would not pay the equalization fee, and they probably would sell the product at a profit which would inure to the benefit of the members of the cooperative organization.

I want to say to some of my friends who are very much interested in this proposition, and perhaps a little skeptical, that I do not believe that remedy could apply effectively to the surplus of wheat in the ordinary year; but if there is a small surplus of other products which might occur to your own imagination at this time, I can see how a temporary or seasonal surplus, or even a year's surplus, might be handled through the borrowing of money at 4 per cent to withhold the producers' products until there was a season when it could be sold at an advantageous price. The same provision was in the bill last year, practically in the same form that it is in this bill, with the exception that while authority was given to the board last year to make loans to cooperative associations of the same amount of money in quantity at the identical rate of interest, this year there must be a finding by the board that they are unable to handle the surplus because the cooperatives will not undertake it by borrowing the money, or are unable to do it. We simply make that one of the necessary findings for the purpose of indicating to those who have attempted to say the problem could be solved by the loaning of money that an honest effort was made to handle it in that fashion. Then, if the board finds that the cooperatives are not interested in borrowing the money for that purpose, or that they are unable to loan the money they have borrowed, the board, with the other two findings, can start a marketing operation.

That is the difference between last year's provision regarding loans and this year's provision regarding loans.

There has been some misunderstanding about that provision. I did not know it until to-day, but some of the Members of the Senate told me they had telegrams and letters criticising this particular change. It is a change, but it is a change for the better. It is an honest effort made by the board through the loaning of money to handle the surplus problem; and, let me repeat, I am not deceiving myself when I say that I do not think the whole of the problem can be solved in that fashion. There are certain surpluses that will be too large for that purpose, but there are surpluses of certain commodities in certain years and in certain seasons and sections that, in my judgment, can be handled in that manner. I challenge anyone who has studied this bill and the plan to demonstrate that it is not a practical, businesslike proposition.

Mr. President, one of the criticisms of President Coolidge last year, when this bill was sent to him, was that Congress was playing favorites with certain agricultural commodities. Because we enumerated in the vetoed bill five basic commodities—namely, wheat, corn, cotton, hogs, and tobacco—it was said that we were not in sympathy with the producer who raised other agricultural commodities, and therefore that the bill was not fair to agriculture generally. That was also the comment of the Attorney General in his criticism of the bill to President Coolidge. This year we have tried to be sympathetic to all and generous to every producer of agricultural commodities; and in the declaration of policy found in section 1, and throughout the bill, reference is made to all agricultural commodities. Nothing can be broader than that, and I hope it will satisfy the President.

On that subject I may say that in the last few days criticisms have reached my office that perhaps that is too broad. It was said that we were not broad enough before. We may be too general now. My very esteemed and able friend, the senior Senator from New York [Mr. COPELAND], has brought to me complaints from the apple growers. I have received from other Senators, from the growers of apples and fresh fruits and vegetables protests running from the State of Washington to New York and into Virginia.

I can see how easy it would be to misunderstand that this bill carried nothing but an equalization fee, because practically all the discussion of this bill has been on the equalization fee; and the group of producers who believe that whenever the board attempted to operate under this bill it would operate for the purpose of levying a fee upon some commodity. I can see, as my friend the able Senator from Indiana [Mr. WATSON] said, that the equalization fee is the heart of the covenant, or, I might say, article 10 of the league. It has its useful purpose, but the bill is not dependent upon the equalization fee. It is made better, in my opinion, by its inclusion. Consequently, when the apple grower from the State of Washington, or the pear grower, or the potato grower from the State of Idaho, or the sugar-beet producer from Utah heard about this bill and the equalization fee, he thought that it applied to fruits and vegetables. In my opinion, it does not apply at all. There is one finding, No. 3, which is necessary before the board can enter into marketing agreements: The board must find that the product is adaptable to the purposes of the bill, which would mean the equalization fee in part; that physically it is suitable for purposes of that kind in the way of its preparation, its durability, its processes. Those are facts which the board must find before they are authorized to enter into one of these market agreements.

Anyone who knows the instability and want of durability of fresh fruits and vegetables knows that they do not come within the definition of the finding of the board.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McNARY. I gladly yield.

Mr. COPELAND. Suppose the vegetables or fruits were put into cans; what would then be the attitude?

Mr. McNARY. I can not speak for the board, of course. That brings about a very different situation. They would then be susceptible to the terms of the bill, and come within the folds of its language, I would say. If a product is canned, its preservability becomes apparent. If there is a surplus of canned goods, and in the judgment of the canner or the producer of canned products he desires the opportunity to take off the surplus and enter into a contract whereby the surplus of canned goods would be withheld until a season where it could be sold at a more advantageous price, it is my judgment that the board could operate on canned goods.

I am in this difficulty, as the Senator must be; this is new legislation, and I do not know what the board would do. I know what I would do if I were a member, and I am giving the Senator the distinction I would make between canned goods and preserves by reason of the processes and fresh vegetables and fruits.

Mr. COPELAND. I have had in mind to offer an amendment at this point to exclude fruits and vegetables, because it stands to reason that they are perishable; but when they are put into cans they become really manufactured products, and I do not believe it would weaken the bill at all if there were an amendment which would exclude fruits and vegetables when they are processed.

Mr. McNARY. I would not commit myself as to what my attitude would be with respect to the amendment. The Senator has an undoubted right to offer an amendment. I would in

no sense feel offended. I do not think the measure applies. I am quite certain it does not apply to a product such as he mentions. The board certainly would not operate without first being encouraged to do so by the producers of this commodity. It was made general, I may repeat, only because the President criticized the bill before for not being sufficiently broad, and it would not hurt the bill in any way if those commodities were taken without its operation.

Mr. COPELAND. Of course, the Senator knows my sympathy for the bill, and I would not seek to present any amendment that would weaken it, but I can see how we might even include rope, or something made from hemp or cotton, some manufactured article which came originally from an agricultural product. So I do think we might have an amendment to the bill which would exclude fruits and vegetables, because, in the first place, they are perishable, and then, if they are put into permanent form, they become manufactured products. So I think that change might be made without weakening the general principle which the Senator has in mind.

Mr. McNARY. I thank the Senator. That section of the bill which refers to the Federal farm board has been changed particularly from the bill that was vetoed last year. In that measure, the Members of the Senate will recall, the members of the board were to be appointed from those who had been recommended to the President by the so-called nominating committee. The Attorney General, in his opinion given to President Coolidge, held that that deprived the President of an undoubted constitutional right—namely, that he had the right freely to exercise his choice in appointing the members of the board, subject to the advice and consent of the Senate.

In order to conform to the general practice which obtains in the fashioning of legislation, this bill provides that the President, unrestricted, without any hamper at all, shall be permitted to appoint the board.

The vetoed bill provided that nominations should be made by farm organizations to the President, whose power to appoint was limited to the list of such nominee. In the present bill there is no limitation or restriction upon the President's power to appoint the board members. He would be entirely responsible for the men named.

This change in the method of appointing the board overcomes one of the objections which the President stressed in his veto, and upon which the Attorney General's opinion as to the unconstitutionality of the former bill quite largely rested. For example, the Attorney General wrote:

> One provision of the act which is plainly in violation of the Constitution is that which limits the President in his appointments of members of the board to select in each district one man from a list of three submitted by a nominating committee.

The President in his veto message said:

> That appears to be an unconstitutional limitation on the authority of the President.

The President in his message also referred to what he called a fact, or perhaps a tendency, that if through the operation of the measure agricultural prices were advanced or price levels were increased, there would be excessive planting or breeding. Some of us, in discussing a similar bill at a former session, disagreed with that theory, but inasmuch as it is a very hard problem to solve, there is a provision in the bill on that very subject to which I shall refer. This bill carries a provision authorizing the suspension of operations with any commodity whenever an abnormal increase in planting or breeding contrary to the board's advice as to a sound program resulted from the marketing agreements.

I do not know how effective that provision would be. No one, perhaps, unless he has the power of prophecy, would hazard even a guess. I have never been a devotee of the theory that because you increase the price of cotton or wheat or standardize the price and prevent violent fluctuations, which do more, perhaps, than low prices to ruin the farmer, there would be excessive planting, but if the board should exercise a helpful and guiding influence upon the producers of the various commodities, and an excessive planting of crops or breeding of livestock should result in an abnormal increase in production, which was against their program, they have authority under this bill not to operate upon that particular commodity to relieve them from their distress—that is, a penalty, plus the other penalty, which I have always thought was a wholesome one, namely, the application of the equalization fee, which increases as the crop surplus increases and decreases as the surplus decreases. So if by the application of the equalization fee there would be a surplus so large as to absorb the benefits, that in itself would be a deterrent to further overproduction that was not thought to be sufficiently powerful to influence the farmers in their planting program. Hence this other provision has been inserted in the bill; that is, in case of excessive planting or breeding, the board can refuse to operate on the given commodity.

I might digress to observe that in all matters of this kind we can not be perfect in our language. There may be provisions in the measure that would prove to be, from the result of experience, not feasible, but it occurs to me, as one who has had a little practical experience in that field, that with a deterrent of this kind, based not upon an arbitrary rule, but one which would be persuasive from the standpoint of study and experience to the agriculturalist, the board itself could render a great service in that field.

Mr. OVERMAN. Mr. President, the Senator may reach the point in his address, but for fear he does not I want to ask him how this new bill meets the objections of the President in his veto message as to the constitutionality of the equalization fee?

Mr. McNARY. Mr. President, I am so fond of the Senator that I would like to refer to that subject now, but I am sure he will pardon me if I defer discussion until a later moment or a later day.

Mr. OVERMAN. Certainly.

Mr. McNARY. Permit me to suggest to the Senator that he read the splendid argument in the committee's report, not made by the chairman or any member of the committee but by the advisory council which so ably represents the United States Senate. I think if he has any misgivings about the constitutionality of the equalization fee, in view of the refinements in the declaration of policy—and it is based entirely upon the power of Congress to operate whenever interstate or foreign commerce is affected—he will be very willing, indeed, to resolve all doubts in favor of the constitutionality of the bill.

There is one thing we must keep in mind on that—and I shall digress for only a moment; I had not intended to at all—there is no more orderly way, in my opinion, to regulate the flow of commerce than by such an organization as is set up in this export surplus bill. There is nothing, in my opinion, that will help more to stabilize commerce than the orderly marketing of agricultural products, and if there is some function, some machinery, created by Congress, based upon the commerce clause of our Constitution, that will prevent the glutting of markets and the overpacking and stocking of market agencies and the transportation system, so that commerce will flow in a smooth, even stream throughout the year—I repeat, there is nothing, in my opinion, that will more clearly and positively carry out the declarations intended by the fathers in the constitutional provision involved in the commerce clause of the Constitution.

Two years ago Senator Cummins, one of the ablest lawyers who perhaps ever occupied a seat in this body, made a speech on the constitutionality of a bill similar to this, based upon the commerce clause of the Constitution. That bill did not as clearly indicate the foundation upon which it rested as this bill does at this time. That is one of the improvements, in my opinion, clearly brought about by this bill, that it is based entirely on the commerce clause of the Constitution and not at all upon any clause appertaining to taxation or revenue.

Proceeding, I promise to conclude in a few minutes. This bill eliminates the State convention scheme which was criticized by the President last year in the veto message. It may be recalled that there was a provision inserted in the bill to the effect that when less than 50 per cent of the producers of an agricultural commodity did not belong to a cooperative association they would call a State convention to determine whether the board should be advised to invoke the equalization fee.

The Attorney General, in his communication to the President of the United States, criticized that as a delegation of power from Congress to outside agencies. The bill now before us eliminates the State conventions altogether and then permits the board to operate on its own motion, intimating, however, that they should receive advice from the advisory council, cooperative organizations, and associations of producers.

Also the President criticized the provision in the bill which permitted the issuance of receipts to those who deliver their cotton to agencies prescribed by the board. The President said, and it is true, that cotton is the only commodity where receipts were given, and those receipts meant simply that if the equalization fee was in excess of the benefits, the money should be returned to the farmer who made the deposit of his cotton. The President argued, perhaps correctly, that no other agricultural commodity was given the same advantage as cotton. It was a small advantage, in my opinion, a mere bagatelle, difficult to identify. But the pending bill in all cases provides that if there is an excess estimate of equalization fee over the cost and charges, it shall go back to the stabilization fund.

Mr. President, there is an entirely new provision in the bill which I shall mention at this time, and that is the clearing house and terminal markets association. This provision was not found in the bill last year nor its predecessor which came before the Senate in 1926. This provision has the sanction of those who are engaged in the handling of vegetables and fruits. It is thought that they should have agencies of this type to help them under certain conditions. I am not speaking now of any transaction that might be operated through the equalization fee. I am speaking about the agencies which borrow money from the equalization fund.

Section 6 of S. 3555 authorizes the board to "assist in the establishment of and provide for the registration of clearing-house associations adapted to prevent gluts or famines in any market for, and to reduce waste incident to the marketing of," any agricultural commodity. It further provides for assistance in establishing "terminal market associations adapted to maintain public markets in distribution centers for the more orderly distribution and marketing" of any agricultural commodity. Only cooperative associations are eligible for membership in such clearing house or terminal marketing associations.

This section is intended to provide a way in which the board can assist producers of perishable commodities like fruit and vegetables, whose nature does not readily adapt them to operations under marketing agreements as provided in section 7. It is felt that such clearing houses can substantially improve conditions under which perishable crops are marketed, by coordinating the activities of shippers for the purpose of preventing gluts in one market while there is an undersupply elsewhere—a condition that frequently develops now.

It was not the intention of the framers of the bill to suggest that fruit and vegetables, on account of their physical nature, should come within the terms of the equalization fee. It is the desire only that those agencies shall be helpful in the orderly marketing of their fruits and vegetables to prevent gluts and famines, which always bring about a violent fluctuation in prices.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Florida?

Mr. McNARY. Yes.

Mr. FLETCHER. What tax or burden is imposed on the fruit and vegetable growers? The general provisions of the bill do not refer to perishables, but here is a provision with reference to marketing, and they have the idea that there is some tax or burden attached to them and that they get no corresponding benefits.

Mr. McNARY. May I repeat to my friend from Florida what I just said? It was not the purpose of the committee, it is not the belief of the committee, and it is not the belief of the chairman of the committee that any of the vegetables or fruits would come under the provision which provides for the levying of any equalization fee. I think that is very clear to the Senator. There is a provision that money can be loaned to cooperative associations, but those cooperative associations have no marketing agencies and clearing houses in the large cities, and it is thought that when they were loaned money to handle their product if they could establish those agencies in the cities under the beneficial influence of the bill and obtain the money which it is provided shall be loaned it would help gluts in certain markets and famines in others.

Of course, there is nothing in the bill that compels or makes mandatory that the clearing houses and marketing agencies should be established, but the authority is given to establish them. They may not do it. The cooperatives may not want those instrumentalities, but if it is found to be practicable—and I am assuming the board which operates the terms of the bill is going to be an intelligent board and in sympathy with the farmer—then they can do it.

Recommendations for such a provision as this have been made from time to time in recent years. The agricultural conference on agricultural legislation, appointed by President Coolidge in 1924, submitted to him a report which was embodied in his special message transmitted to the Sixty-eighth Congress on January 26, 1925. The report of this conference as set forth in the President's message contained the following recommendation:

> The great perishable industry of the country representing the producers of vegetables, fruits, and grapes is at the present time faced with many great problems. For the most part this industry represents an unorganized group of producers searching for opportunity to solve their problems of distribution through contact with their terminal markets. For such purpose, in addition to those mentioned above, the following is recommended:
>
> Cooperative marketing organizations under application to Federal authority may have the right to create clearing houses for the purpose of eliminating the oversupply or undersupply in various consuming markets without interference with the restraint of trade laws. Such clearing houses have the right to freely interchange information upon the volume of the available supplies of their commodity.

A similar provision appears in a bill prepared for the Secretary of Agriculture in the Department of Agriculture, and somewhat widely circulated last summer. I presume this was the so-called Jardine plan. That provision read:

> The board shall, upon request from producers and/or distributors, assist cooperative marketing associations and/or independent dealers in forming commodity clearing-house associations for the purpose of minimizing losses in the distribution of perishable agricultural commodities which can not be economically processed or stored in their unprocessed form for any substantial length of time. Such clearing-house associations shall be operated under rules and regulations approved by the board and shall direct the movement of the commodity to market. They shall utilize the Market News Service and other facilities of the United States Department of Agriculture as far as possible.

Section 6 in the pending Senate bill differs from the suggested section in the so-called Jardine bill in that the Senate bill applies only to cooperative associations. It is recognized that the clearing-house section will be applicable particularly to fruits, vegetables, and other perishable commodities. The term "perishable" was omitted at the suggestion of representatives of the fruit and vegetable associations who were apprehensive that if the application of the section were specifically limited by the use of the term "perishable," some confusion might arise as to what such a clearing-house or terminal-market association might be able to do with fruit and vegetable by-products that were dried or canned or otherwise processed for safe storage and handling.

In the last agricultural appropriation bill, which passed the Senate a few days ago, nearly $700,000 is carried for the purpose of the marketing news service. These agencies could be helped by the employment of that provision of the bill and these instrumentalities to assist the farmers in finding a market for their fruit and vegetables whenever there was a glut or famine, or whenever there was a seasonal or sectional difficulty in the marketing of the commodities. It was thought by the committee that this provision would be very helpful to the farmers and producers of these particular commodities.

Starts have been made in the direction of clearing houses in many parts of the country, and this section merely directs the board to assist cooperative associations in their further development. The assistance which might be given under this section is not financial, but advisory and educational in nature. Financial assistance through loans would be available to such associations under the terms and conditions set forth in section 5.

There is another provision, section 5, which was in the bill last year, to which I wish to refer briefly. I only refer to it because, while there is no substantial change in the provisions, yet it is somewhat refined to meet the conditions which I think are more clearly set forth.

Section 5, in subdivision (c) of paragraph (2), would authorize the board to make loans to a cooperative association for the purpose of furnishing the association with "funds to be used by it as capital for any agricultural credit corporation eligible for receiving discounts under section 202 of the Federal farm loan act, as amended."

The section 202 referred to authorizes intermediate credit banks to discount for or purchase from any agricultural credit corporation notes given to secure loans made in the first instance for "any agricultural purpose, or for the raising, breeding, fattening, or marketing of livestock." Under regulations prescribed by the Federal Farm Loan Board, an agricultural credit corporation is required to have unimpaired paid-in capital and surplus equal to at least $10,000.

Such an agricultural credit corporation would be a valuable adjunct to a cooperative association. It would make production and marketing credit from the intermediate credit banks available to agricultural producers for periods of time adapted to their needs, and at a minimum rate of interest.

In order to establish such an agricultural credit corporation, and get it going, a cooperative association, under the terms of this provision in section 5, would be able, if it could supply collateral that would be acceptable to the board, to borrow the $10,000 necessary to serve as capital for the agricultural credit corporation.

The insurance feature is practically the same as the insurance provisions contained in the bill which passed the Congress last year. There have been some amplifications of the provision. In

a word, it simply provides, and I think it is particularly applicable to cotton, that any commodities traded in upon an exchange in sufficient volume to establish a basic price could be insured against price decline during the period in which sales take place will not be less than the period when the deliveries were made. This provision was in the bill last year and was brought to the committee by those interested in the production of cotton. I do not claim to have any personal knowledge of insurance matters, but those with whom I have discussed the matter have thought it a very practical provision and one which would work a considerable benefit to the producers of cotton. It might be possible that it would not work, but that again is for the board to determine. The provision is in the bill, which we believe is wisely to be administered by the board, and is similar to a provision in the bill last year.

I have hastened over the provisions as well as I could in an effort to be brief and yet as clear as I could possibly make myself. I think this generally sets forth the differences between the bill as vetoed and the bill as now before the Senate for consideration.

Of course, the objection which the President urged and which was so stoutly supported by the Attorney General, the equalization fee, is still in the bill.

Mr. BROOKHART. Mr. President——

Mr. McNARY. Mr. President, will the Senator from Iowa permit me to conclude? Then I shall be glad to yield.

The equalization fee is held in reserve pending the application of another remedy, but it is still there. However, the situation, as I view it, under the pending bill is different from that under the bill of last year. If the court should determine that the equalization fee collides with the Constitution of the United States the board could function under the insurance contract, the loan, the marketing agency, and clearing-house provisions; it could exert its influence so far as breeding and seeding programs are concerned; it could collect and disseminate knowledge which the board is given power to do. So, Mr. President, while the court would be determining the constitutionality of the equalization fee the board could be functioning, in my opinion, greatly to the advantage of agriculture.

If wise men, such as the Secretary of Agriculture, say that the loan plan is sufficient to bring agriculture back to its parity with other industries, it can be found in the bill. If we require a remedy more calculated to meet the situation and more heroic in character we can fall back upon the equalization fee. Therefore I say to those who voted against a measure similar at the last session, because they doubted the constitutionality of the equalization fee that they can find comfort and hope in the fact that the board may do much for the farmers while the court is determining the constitutionality of the equalization fee.

I have never been able absolutely to satisfy myself as to the constitutionality of the equalization fee, but I have always felt that it was constitutional. I believe this bill comes nearer to satisfying the requirements of our fundamental law than the one which was vetoed in the last Congress. I think it will be clear, Mr. President, to any one who will study the measure that being based entirely upon the commerce clause of the Constitution and designed to assist the orderly marketing of agricultural products, that no court will find it competent to declare the measure unconstitutional.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. ROBINSON of Arkansas. I thought the Senator from Oregon had concluded.

Mr. McNARY. I shall conclude in just a moment. I am sure that Senators are all anxious for me to quit and I shall do so in just a moment.

Mr. ROBINSON of Arkansas. No, indeed. I have been very much instructed by the Senator's address, but I thought he had finished his remarks for the time being.

Mr. McNARY. I have about concluded. At another time, Mr. President, perhaps I shall again speak upon the bill; but I hope that, inasmuch as a similar measure was discussed at two former sessions of the Senate and was passed by a good majority at the last session, we may, after brief consideration, come to a final vote. I do not believe anything that I have said to-day—others may be more fortunate—will in any way influence Senators in casting their votes, but in closing I urge those who may not have read the report to do so, and I ask those who may have felt that the proposed act is unconstitutional to remember that there are two remedies provided. If one shall fail the other will be equal and whole unto itself. If the first remedy, the loan provision, will do the work, well and good. If it shall not, we can fall back on the larger remedy, and if that be found unconstitutional and the loan features will not satisfy the demand of agriculture to be placed on an equality with other industry, then in the fullness of time and the wisdom of Congress we shall seek another remedy. In the meantime, however, I ask Senators to give this measure their cordial consideration.

Mr. COPELAND. Mr. President, I send forward to the desk two amendments which I intend to propose to the pending bill, and I ask the attention of the Senator from Oregon [Mr. McNARY] for just one moment. I thank him for his very clear exposition of the bill. Of course, I am concerned, as the Senator knows, about the attitude of the fruit and vegetable growers. So I am suggesting an amendment to the bill on page 10, line 19, after the words "as authorized by this section," to insert the words *'Provided*, It is not a fruit or vegetable in its natural state or processed."

Then I offer another amendment, to insert the word "nonperishable" before the word "agricultural" wherever it appears in the bill.

I ask that the amendments may be printed and lie on the table.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

FUNERAL EXPENSES OF THE LATE SENATOR FERRIS

Mr. FESS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably without amendment Senate Resolution 185, and ask unanimous consent for its present consideration.

The resolution (S. Res. 185) submitted by Mr. COUZENS March 30, 1928, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Woodbridge N. Ferris, late a Senator from the State of Michigan, upon vouchers properly approved.

GRAND ARMY OF THE REPUBLIC MEMORIAL DAY SERVICES

Mr. NORBECK. I ask unanimous consent for the present consideration of the bill (S. 3791) to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928. I make this request because I have been urged to do so by the clerk to the Committee on Pensions, who called me on the telephone and stated that the chairman of the committee, the junior Senator from Indiana [Mr. ROBINSON] would be out of the city for several days. The bill provides an appropriation of $2,000 to aid the Grand Army of the Republic in its Memorial Day exercises, the explanation for the legislation being that only a few hundred members of that organization remain in the District of Columbia and the immediate vicinity, and there are 38,000 graves to be looked after. Their funds became exhausted last year, and they are making this request.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Dakota?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the sum of $2,000 be, and the same hereby is, appropriated to aid the Grand Army of the Republic (Inc.) in its Memorial Day services, May 30, 1928, and in the decoration of the graves of the Union soldiers, sailors, and marines with flags and flowers in the national cemeteries in the District of Columbia and in the Arlington National Cemetery in Virginia.

SEC. 2. That said fund shall be paid to the quartermaster of the Grand Army of the Republic, department of the Potomac, for disbursement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE WORLD COURT—ADDRESS BY HON. DAVID J. LEWIS

Mr. ROBINSON of Arkansas. Mr. President, Hon. David J. Lewis, who was formerly a Member of the House of Representatives and who later served as a member of the United States Tariff Commission, on the 28th day of January, 1928, delivered to the Pennsylvania Society of New Jersey, at Newark, N. J., an interesting address on the subject of the World Court. I ask unanimous consent to have that address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Toastmaster, ladies, and gentlemen, I feel that there is a singular appropriateness to the occasion in the subject we are now to con-

sider. It was William Penn who was first, I believe, to propose the establishment of "a great court of arbitration."

Perhaps I can not develop our great subject in any way so well as by relating my own experience. In my boyhood, working in the coal mines of Pennsylvania, I came under the influence of a Quaker, Mr. Joseph Harrison, an extraordinary man, who made me a pacifist. He made it seem strange to me that governments organized to prevent private wars should claim the privilege of waging public wars, should make themselves the only exception to the rule of peace and order. But when the *Lusitania* was sunk I at once became a militarist, and could think only of punishing the transgressor. A pacifist—a militarist; I was both of these conflicting things at one and the same time.

This conflict of ideas and feelings challenged me. Which was wrong? Was either right—the pacifist or the militarist within me? About this time we had a recess of Congress, and I took the perplexing problem up for examination de novo and without prejudice, as I shall ask you to do to-night.

THE RESPONSIBLE CAUSE OF WAR

Mr. President, eventually I made this discovery. The Quaker was right in principle; but his philosophy demanded an institution—the familiar institution of government. I could be a pacifist in Cumberland, it had this institution—a government which clearly defined my rights and my neighbor's duties—and, if disputes arose between us as to the facts or the law, we had courts to adjust them without bloody encounters. I could be a pacifist in Maryland; it, too, had these courts. I could also be a pacifist in the great interstate community we call the United States: for it, too, had its laws defining rights and duties and courts to settle disputes.

But there was one community in which I could not be a pacifist; it was the community of nations, where nations meet and have their human controversies, for, though it had had the laws from the time of Grotius and Vattel, it had no courts to decide disputes. The community of nations was living under the rule of anarchism, not law; in that community we were not citizens, but anarchists, because before the war it had no court to decide the disputes which lead to war. You ask what is the cause of war. Well, the causes of controversies between nations which when not settled by diplomacy may lead to war, are legion, and their occurrence inevitable. But the final cause of war, the responsible cause is the failure to have a court with jurisdiction to decide such controversies.

PEACE AND ORDER INSTITUTIONAL PRODUCTS

My friends, peace and order in this world are not natural gifts at all, but institutional products; only those communities enjoy peace and order that have instituted courts to decide disputes. Even when men purpose the same things in life they think so differently, their methods of accomplishment are so various that not even in a community of saints could peace and order be long maintained without this institution. But why the rule of anarchism in the international community alone when government was elsewhere universal? Why this gap in government? The answer is that governments have been built by the sword and because no conqueror's sword was long enough or strong enough to build a world government. This gap was left for the reign of anarchism where governments cease at their own respective boundaries or at the ocean's edge.

A COURT OF NATIONS

Do the nations need a court? Do they, like individuals, have controversies which may lead to bloodshed in the absence of a court to determine them? Let the facts speak. The United States is a peace-loving nation, but it has had four foreign wars, a war to each generation, to decide its controversies. The direct, audited losses in the late war were $200,000,000,000, exceeding the total wealth even of the United States before the World War.

Our railways, 250,000 miles in extent, cost twenty billions. They could therefore have been destroyed and rebuilt ten times with the direct costs of the war. And the continuing burden—well, more than 75 per cent of our national taxation represents past wars or preparations for threatened or possible wars. The mobilized soldiers, the killed, the wounded, the total casualties were—but I can not state their value. One drafted soldier alone, the British scientist Mosley, who at the age of 27 had discovered and developed a physical table of the elements which supplanted the famous chemical table of Mendeleef and was said to be the only living man who might have calculated the orbits of the electrons within the atom, was slain by a Turkish bullet before he could be recalled to the laboratory. So I give figures, not values, here:

Total mobilized	65,038,810
Killed	8,543,515
Wounded	21,219,452
Prisoners and missing	7,750,919
Total casualties	37,499,386

Oh, the agony; oh, the responsibility of statesmen. If the Gladstones and the Clevelands, if the Bismarcks and the Crispis, the Blaines and Carnots had done their duty in their generation this unspeakable woe should not have been. It was Huxley who once declared that if these needless miseries were not to be stopped he was not sure that he "would not regard it as a great blessing if some kindly comet should strike the planet and sweep the human race with all its anguish from the face of the earth."

THERE IS A COURT

But the Great War brought many changes. The proudest monarchs of Europe are no more: Muscovite, Hapsburg, and Hohenzollern empires have gone and seven or eight republics have come, and a court of nations with them. It is the Permanent Court of International Justice—and permanent, and international, and just may it ever be, even as our own Supreme Court. The international community is no longer callously abandoned to the rule of force and anarchy.

The community of nations, like all other communities, now has a court, a court set up by men destined to be reverenced in history with the authors of our own Constitution, and chief among them is a former Secretary of State, the Hon. Elihu Root, perhaps the most gifted since Daniel Webster. This court is firmly established; it is functioning satisfactorily; and 48 of the world's sovereign powers have given it their allegiance. After the holocaust, wisdom did come to the earth's rulers; and as Germany pledged its allegiance in its dawn as a Republic "the morning stars sang together and the sons of God shouted for joy."

THE WORLD COURT AND THE AMERICAN SENATE

Ladies and gentlemen, the World Court came into being on September 14, 1921, and at once met with the approval of the peoples and responsible statesmen of the world. President Harding gave it his approval, and the Hon. Charles E. Hughes, our Secretary of State, drafted the provisions for our adherence. They provided—

(a) That the adherence should not imply any legal relation to the league.

(b) That the United States should participate in the election of judges.

(c) That the United States should pay its share of the expense of the court's maintenance.

(d) That the statute of the court should not be amended without the consent of the United States.

The Hughes provisions were statesmanlike and carried no implication of design to cripple the functioning of the court itself.

In both Democratic and Republican conventions this court was approved. A third convention said nothing of the court. It proposed instead "public referendums on peace and war." Its leaders seemed to think that an umpire was not necessary in a baseball game between Cumberland and Hagerstown, forsooth, but that if disputes arose between the teams referendums to the bleachers would suffice. The Senate got the Hughes draft in February, 1923. It delayed action until January, 1926, nearly three years, so that a vote of cloture had to be taken, the first for 50 years. Meanwhile the House of Representatives had approved our entry by a vote of 303 to 28.

Now, what was done to the Hughes treaty in the Senate? You know that on a treaty a vote of two-thirds is required. This is almost tantamount to saying that treaty legislation can be had only by unanimous consent. But the bitter-enders were there with their old Wilson vendetta. The nonpolitical public little understands the range or intensity of "personal politics" in the Senate. Wilson was dead; that is, what was not immortal in Wilson was dead, but his Senate enemies were not all dead. And—

> "Double, double toil and trouble;
> Fire burn and cauldron bubble."

The bitter-enders had imbibed deeply of the witches' broth. They professed to be in favor of a world court but not of this court. Could they be placated by reservations? Probably. To placate them the following reservations were added:

(1) That the United States might withdraw from the court at any time.

This sounds ominous. Please remember this reservation. I shall refer to it again.

(2) That the court shall not render any advisory opinion without the consent of the United States in any case in which the United States has an interest or claims an interest.

Several American States, notably Massachusetts, provide in their constitutions that the legislature, in case of doubt, may call on its supreme court for an advisory opinion as to the validity of proposed legislation. Now, out of 21 cases tried by the World Court, 14 cases were advisory. Some 56 nations of the world through the league have recourse to the court in this way. And its advisory jurisdiction is of momentous importance. Only recently it has, perhaps, prevented armed measures between Great Britain and Turkey. As left by the Senate, the court was not permitted to determine when the United States had an interest, nor were any means provided for informing the court when we claimed an interest. Thus, the court's whole advisory jurisdiction, about two-thirds, might be held up or paralyzed. The United States is not now bound by the court's advisory decisions, and it would have sufficed in all reason to have provided that the United States should continue as now unbound on entering the court by any advisory opinion unless it was a party to the case. But this course, forsooth, would have left the court's jurisdiction unimpaired. Moreover, it would have failed to give certain members of the Committee on Foreign Affairs of

the Senate a meddling vetoing power over the constitutional operations of the League of Nations.

Now, suppose the foregoing reservation was accepted and we had become a member of the court, could an American mother press her boy to her breast and say: "You shall not be gassed on the battle field as was your father." Note well the next Senate reservation.

(4) Recourse to the court for the settlement of difference between the United States and any other State can be had only by agreement thereto through general or special treaties concluded between the parties in dispute.

That is, although we have entered the court, and taken our place there, as a member with the other sovereign powers, yet this court can not be called on by the President or by the other party, though also a member, to hear and determine the merits of the controversy, though it threatened war. The Senate must first, by a two-thirds vote, pass another treaty with the other country before the President can submit the case to the court.

Consider, gentlemen, thanks to Secretary Root and Secretary Bryan, that we have now 36 treaties of arbitration with different countries negotiated when no such tribunal existed. This was the great defect which Secretary Root and Secretary Hughes sought to remedy by our adherence to the World Court. These 36 countries are members of the court which is to be a city of refuge from war. Now, a court is, of course, something sui generis. Need I say that it is a judicial tribunal having authority to hear and decide disputes between parties accepting its jurisdiction. Our own Supreme Court has just such jurisdiction between the 48 sovereign States and no State can prevent its functioning by a refusal to present its case. If it could, with such recalcitrancy the Union itself would shortly perish. Yet this is exactly what this reservation means. We have pledged our faith to have our controversies with other members disposed of by judicial decision, and we have entered the World Court and they have entered it for that purpose, yet it can not proceed with the hearing, because the President is prohibited by this reservation from presenting our case.

It is well known that the President by his initiative can involve us in war, but he is denied by this reservation a like initiative to keep us out of war, as McKinley might have done in the case of Spain. When faced with war, the President can not say: "Peace be with us; we have agreed that law not war, judges not generals, justice not poison gas, shall decide our controversies. We are both members of the Permanent Court of International Justice for that purpose. Let the court judge between us." He would have first to submit a new treaty to the Senate Committee on Foreign Affairs, something he could have done had we not already entered the court. Perhaps eventually, if and when the committee pleased, this treaty might come out of the committee into the open Senate, and if and when the Senate by a two-thirds vote permitted, the case in dispute might go to the World Court. Incredible, you say!

But how, in what state, with what reservations would such Senate treaty submittal go to the court? In the light of the foregoing reservations who can say that conditions and question-begging reservations would not be attached making its acceptance by the court impossible? And so one-third of the Senate, sustained by a yellow press, might boggle us out of the court and into a war by preventing the World Court from hearing the dispute. Summarizing these reservations: We enter the World Court but refuse to give it jurisdiction to decide any of our controversies; at the same time we are demanding the privilege of vetoing the court's jurisdiction to decide controversies between other nations through its advisory opinions. Think of a controversy between France and Germany. The World Court is being asked to decide it by an advisory opinion. Think of the Senate Committee on Foreign Affairs cogitating as to whether the United States Senate shall let the court go on. Can you think of a parallel in judicial history?

SUBSEQUENT HISTORY

Gentlemen, the subsequent history of the subject is a sequel to the futility of the Senate's action. The other court members did the United States the honor of meeting in international conference to consider the reservation. They invited—yes, requested—our Government to send representatives to aid them. This it curtly declined to do. Forced to a one-sided consideration, the conference at length reluctantly concluded that all the reservations should be accepted; but advised our Government that if they "did not work out well," the 48 other members reserved the right to withdraw their acceptances by a two-thirds vote. And here we have the final hitch; mark you, the Senate had reserved the privilege to withdraw from the court at any time with or without reason. The other 48 countries say: "Very well. We accept all of your reservations. But if as many as two-thirds of us find your reservations 'do not work out well,' we also reserve the privilege of withdrawing our acceptance of them." The reply of our Chief Executive was: "Oh, no; the Senate would not hear to that." Now, I ask you, can one characterize an attitude so unreasonable? And there, sir, the Hughes treaty rests, a foundling in some archive of the Government, the Chief Executive declining to take or advise action or to express an opinion on the merits of the situation.

"Can it be that the people of the United States do not care whether or not anything is done to make it possible to outlaw war?" asked Senator Root with reference to our entry into the court. Well, the Senator is very advanced in years. It may be the lot of this illustrious man to lead his people within sight only of the promised land. But his work is imperishable.

ENTRY BY ACT OF CONGRESS

Yes, gentlemen, the work is imperishable. It has passed the Red Sea, it has come out of the wilderness; 48 countries have acclaimed it—all except Russia, Mexico, Turkey, and the United States; it stands, in principle, approved by the House of Representatives, and, though, as was the case in getting our Constitution adopted, recalcitrancy aided by remissness in high places may delay adherence by a few countries, they can not prevent its holy triumph. There is another gateway through which the measure may pass, a gateway not barred by cabals of irresponsible recalcitrants taking advantage of the two-third rule in treaty ratification in the Senate. Entry, genuine entry, under reasonable conditions can be effected by a resolution of Congress—without a treaty—when the two-thirds rule in the Senate will not apply. Congressional action is as competent to determine our international relations as a Senate treaty, and this method has been frequently employed during the century and a half of our national life. Recently Senator BURTON, after a full investigation, reported to the House of Representatives:

"It seems clear that by resolution originating in the House adherence to the world court could be secured by legislation."

There are many examples of such action by Congress where action by the treaty method had failed in the Senate under the two-third rule. Texas, an independent republic, was seeking to enter the Union. The treaty failed to secure a two-third vote in the Senate. A resolution was then introduced, secured a majority in both Houses, was signed by the President, and Texas was admitted to the Union to remain forevermore. More recently a peace treaty with Germany failed to secure a two-third vote in the Senate.

In this case too, a resolution passed by a majority vote in each House and signed by the President was necessary to fix our peace relations with the second largest republic in the world. May God forstay the day when our destiny shall depend on two-third rule legislation. There probably would be no Senate, no United States at all, had a two-third vote been required in each State to ratify the Constitution. Do you know that of the 13 original States, in only 7 was a two-third vote secured for the Constitution? While adoption required nine States, Massachusetts, New York, yea even Virginia, adopted it only by close votes. I say again may God forstay the day of two-thirds vote absolutism. It is almost as impracticable as government by unanimous consent.

A VOICE. "What would our relations be if we entered the World Court and did not enter the league, what would they be compared with nations that entered the league."

Mr. LEWIS. Well, sir, let me give you an illustration. Suppose Virginia had declined to enter the Union. And I may say that the wisdom of Washington barely prevailed by a vote of 89 to 79 over the fiery pessimism of Patrick Henry, and would not have prevailed had there been party interests to oppose it; well suppose Virginia had proposed instead of entering the Union to submit any controversy it might have with the other States, to the Supreme Court for decision, in order to avoid war; or suppose Virginia had refused to accept even the Supreme Court; roughly, this will give you a picture of the United States in the World Court, and not in the league or as not in either World Court or league. The picture unnerves me—I tremble to think of the fate of the North American Continent. The parallel is rough and fails at important points, of course.

SOVEREIGN RIGHTS AND DUTIES

But rights, rights, certain rights may be jeopardized if we enter the court, we are told—not by Taft, not by Root, not by Hughes, not by Wilson. By whom? Well, if humanity be divided into those who do things and those who have to be pushed out of the way while things are being done, these objectors fall into the second class. When pressed for a specification they talk hazily of sovereign rights. But what are sovereign rights? Just where and when is the United States sovereign? Well, it is sovereign over territory, over land and water, as to which it has the exclusive right to make laws and to apply them through its own courts. It is sovereign in the great interstate community of our 48 States, sovereign in Hawaii, the Philippines, Porto Rico, and Alaska, and sovereign over 3 miles of the oceans which wash their shores. But on the high seas it is not sovereign, because the jurisdiction of its courts does not apply to other peoples there. There we do have rights, but not exclusive rights, and such rights can not be sovereign; they are international rights we share but equally with all other countries which only an international court can protect. And it is to secure, and to effectuate, these rights that the Permanent Court of International Justice is organized. But I have lost patience with the man who talks only of rights. I want to hear from the man who thinks also of duties. There are no real rights without corre-

sponding duties with institutions providing for their discharge. It was duties that built Cumberland and Newark. It is duties that make it safe to ride on the Baltimore & Ohio Railroad, duties that fed and schooled us as children and secured for us the blessings of civilization. Rights, rights were not lacking when the *Lusitania* went down; rights, rights that have never been doubted. Five hundred women and children, vainly struggling in the waves, their white faces looking upward to heaven, are asking the Sovereign of the universe to grant them a protection and a justice denied them by sovereigns on earth. Sovereign rights: Why mock their spirits with such fallacy and cant?

FAITH AND LAW

A warless world. A court to take the place of poison gas in adjusting disputes between nations! It is only a dream, says the pessimist, only a dream. Well, my friend, the trouble with the pessimist is that he dreams just as much as any other dreamer, but he always dreams nightmares. Thoughtful men know that in human affairs a reasonable faith is necessary, and should not be denied to agencies like courts to secure world as well as domestic peace and order. I think it was Turgot, the encyclopedist, who said that he never admired Columbus so much for discovering America as for going out to look for it on the faith of an opinion. I speak only of the faith we grant to our banking, railway, and other industrial organizations, and to our courts. Suppose the framers of our Constitution had lacked this faith; suppose James Wilson, suppose Franklin, suppose the Keystone State had lacked this faith to enter the Union under the Constitution, what would be our lot to-day? Gentlemen, it is not the fool who grants this faith; it is the fool who refuses to grant it.

Let us be frank with ourselves! We must stand for law or stand for anarchism in the international community; and if for anarchism there, what shall be said to the discontented or disorderly elements at home? Personally I consider the institution of government the greatest of human blessings. Without it the strong and cunning would trample their fellows beneath their feet, especially the unorganized workers. If we want law and order in the community of nations, we must be willing to vest the necessary authority for that purpose in the appropriate institutions. Nor should we heed the false suggestion that in thus extending our faith we are stretching and, perhaps, impairing our patriotism. This would be a most serious consideration if true. The love of a man for his country is more than a duty; it ennobles his whole nature. It is related that Daniel Webster, in the last days of his illness at Marshfield, directed that the flag be unfurled to the breezes outside his window, and that at night a lantern be hung near to illuminate it, so that his prayer as uttered in the Senate might be fulfilled.

"When my eyes shall be turned for the last time to behold the sun in heaven, may I not see him shining on the broken fragments of a once glorious union, on States discordant, belligerent, or drenched it may be in fraternal blood. Let their last feeble and lingering glance rather behold the ensign of the Republic, still full high advanced, its trophies streaming in their original luster, not a stripe erased, not a single star obscured."

And what, pray you, inspired this sublime feeling? Think you Massachusetts would have done it alone? Was it not the Washingtonian federation of sovereign States organized to "insure domestic tranquility"? And do not the 48 countries now gathered around the World Court to insure the peace of the world constitute such a union? Would Webster have been more a patriot if Massachusetts had refused to enter the Union? Am I less a loving husband and brother because I love the State of Maryland? Does my loyalty to Maryland suffer because I love the flag which Webster loved? No, no—it is sophistry, a monstrous sophistry they offer. They little understand, indeed, the divine properties of love; how it increases, deepens, and strengthens as it widens in application; and Mr. Toastmaster, if ever my humble being expands to those dimensions, "not wholly unworthy their Almighty Architect," it is when I behold these 48 sovereign countries of the world, including now the Republic of Germany, advancing majestically to pledge their high allegiance to this court of world peace as its ensign rises from the waves which engulfed the *Lusitania*. Noble men and women will not deny their reverence and loyalty to that ensign. It represents the promise of our Father in fulfillment. The sword now has been beaten into the ploughshare. For "He doth keep His covenants." The hills and the valleys may pass away. The Alleghany Mountains may sink to the molten center of the earth. The "Alps and Andes may come and go like rainbows." But "His word endureth forever."

NOTE:

J. T. Barnett: International Agreements Without the Advice and Consent of the Senate, Yale Law Journal, November and December, 1905.

J. B. Moore: Treaties and Executive Agreements, Political Science Quarterly (September, 1905), Volume XX, page 385.

S. B. Crandall: Treaties, Their Making and Enforcement (second edition, 1916), Chapters VIII and IX, pages 102–140.

Congressman BURTON: World Court Report., No. 1569—Sixty-eighth Congress, second session, February 24, 1925.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 27 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, April 3, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 2, 1928

FOREIGN SERVICE OFFICER

Thomas S. Horn, of Missouri, now a Foreign Service officer of class 8 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

PROMOTION IN THE REGULAR ARMY

To be major

Capt. George Sheppard Clarke, Infantry, from February 24, 1928.

[NOTE.—Maj. George Sheppard Clarke was nominated March 2, 1928, and confirmed March 20, 1928, under the name of George Stanley Clarke. This message is submitted for the purpose of correcting an error in the name of nominee.]

UNITED STATES DISTRICT JUDGE

Frank H. Norcross, of Nevada, to be United States district judge, district of Nevada, vice Edward S. Farrington, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 2, 1928

POSTMASTERS

ALABAMA

Margie Gardner, Aliceville.
Virgil B. Huff, Brundidge.
Scottie R. Wester, Center.
David P. Woodall, Hillsboro.
John E. Buzbee, Jasper.
Jethro D. Dennis, Marion.
Phil B. Payne, New Market.
Annie R. Sherrer, Phenix City.
Glenn E. Guthrie, Townley.

FLORIDA

Hettie B. Spencer, Dade City.
Robert F. Persons, Fort White.
Sallie Brook, Graceville.

INDIANA

George W. Owen, Poseyville.

MONTANA

Margaret B. Whetstone, Cut Bank.
George H. White, Oilmont.

NEBRASKA

Myron A. Gordon, Stratton.

NEW HAMPSHIRE

Lauriston M. Goddard, Ashland.

NEW YORK

Leon Pralatowski, Cold Spring.
Earl G. Fisher, Massena.
Le Roy Smith, White Plains.
Albert C. Bogert, Yonkers.

TENNESSEE

Lon McCaleb, Dyersburg.

TEXAS

Annie K. Turney, Alpine.
James W. Render, Bardwell.
Francis O. Drake, Donna.
Robert F. Myers, Ferris.
Amos E. Duffy, Matagorda.
Ruth Young, Mount Calm.
James A. Gray, Pecan Gap.
Tolbert Hannon, Richmond.
Luther Bowers, Seagoville.
Lawson B. Fulgham, Voth.

VIRGINIA

William R. Sparks, Clinchco.
Hattie C. Barrow, Dinwiddie.

HOUSE OF REPRESENTATIVES

MONDAY, *April 2, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Again, O God, we take Thy holy name upon our lips; again we thank Thee for the riches of Thy mercy and again we look up for the helpful consciousness of Thy presence. Our prayer is that we may not only be industrious, but that we may love industry; not only do the right things, but may enjoy the right things; not only pure, but that we may love purity. By the cords of infinite love bridge the pathless distance that stretches between Thee and Thy children. We praise Thee for all that Thou hast made. Oh, how wonderful for us to take some work of Thy creation and make it a little better and worthier; to make some human life wiser and happier. Oh, there is no other greatness. We thank Thee that Thou hast called us to be colaborers with Thee. If any have suffered the wrongs of injustice, let there be some forgotten place, where no paths lead, and there in silence may all be buried; flood their hearts with peace, and evermore help them to hold their course to Thee. Amen.

The Journal of the proceedings of Saturday last was read and approved.

JOINT RESOLUTIONS AND BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on March 31, 1928, they presented to the President of the United States, for his approval, joint resolutions and a bill of the following titles:

H. J. Res. 217. House joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries;

H. J. Res. 253. House joint resolution authorizing certain customs officials to administer oaths; and

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.

DESIGNATION OF SPEAKER PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to preside as Speaker pro tempore to-morrow.

WASHINGTON GARDNER

Mr. HOOPER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HOOPER. Mr. Speaker and gentlemen, on Saturday, March 31, 1928, the Hon. Washington Gardner, for 12 years a Representative from the third district of Michigan, died at his home in Albion, Mich. Mr. Gardner was born February 16, 1845, on a farm in Morrow County, Ohio, but for the greater part of his life lived in Michigan and for 39 years in the city of Albion.

He was a soldier in the Union Army. He took part in the Battles of Corinth, Stone River, Shiloh, Chickamauga, Chattanooga, Mission Ridge, and Resaca, and was severely wounded in the latter engagement.

He studied theology and later studied law, was admitted to the bar in 1876, and practiced for a time in Grand Rapids.

He was appointed by Governor Rich as secretary of state of Michigan to fill a vacancy, and was afterwards elected for two terms to that office.

In 1898 he was elected to Congress, and for 12 years he faithfully and ably represented our district in this Hall. In the second term to which he was elected he became a member of the Appropriations Committee and served in that capacity during the rest of his term.

He left the House in 1910, but great honors were still in store for him. He became the national commander of the Grand Army of the Republic, and later, in 1921, was appointed by President Harding to the office of Commissioner of Pensions, which office he filled until he was incapacitated by a serious accident.

Mr. Gardner was one of the finest, strongest, and ablest men whom it was ever my privilege to know. He was a splendid orator; he had a fine figure and presence; but beyond that and beyond all he was a patriot to his very core.

I know personally that one of the finest things in his life was to witness during his service in Congress the growing spirit of friendship and reconciliation between the North and the South. His service as a soldier did not lessen, but rather intensified his love for the whole Nation.

While here he was a friend and confidant of Presidents McKinley, Roosevelt, and Taft. When he returned to private life he went back to his home city of Albion rich in the splendid recollections of public service nobly performed. He died there having the love, confidence, respect, esteem, and admiration of all who knew him.

During his later years he was totally blind, but he bore that great affliction with the same cheerfulness and with the same courage with which he had been battling for his country in the days of its adversity.

The example of Washington Gardner will be a beacon for young men in the community in which he lived for many a year to come. His services to his Nation will not be soon forgotten.

So when a good man dies for years beyond our ken,
The light he leaves behind him lies upon the souls of men.

[Applause.]

LEAVE TO ADDRESS THE HOUSE

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, this is the day for the Consent Calendar, and many Members are here to get their bills through.

Mr. TILSON. Can not the gentleman wait until to-morrow?

Mr. McCLINTIC. I would like to speak this morning to answer an attack made on the Naval Committee, which I think ought to be replied to.

Mr. TILSON. The trouble with that is that it may give rise to controversy. Somebody else may wish to answer it. This is consent day, and many bills that are not passed on this day can not be passed at all. I dislike to refuse the gentleman, but I wish he would wait until to-morrow. I shall try to see that he has such time as he needs. To-day is a special day and should be used for the special purpose only.

Mr. McCLINTIC. I have always yielded to the suggestions of my good friend from Connecticut.

Mr. TILSON. If the gentleman will renew his request to-morrow, I shall make no objection.

Mr. McCLINTIC. Very well.

THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I present a conference report on the bill (H. R. 8725) to amend section 224 of the Judicial Code, for printing under the rules.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

BRIDGE ON HOOPA VALLEY RESERVATION, CALIF.

The first business on the Consent Calendar was the bill (H. R. 441) to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is any provision made for the United States Government obtaining a return of the amount of money that it contributes for a construction of a bridge?

Mr. LEA. There is not, so far as this bridge is concerned.

Mr. LAGUARDIA. I see that the bridge may be amortized and then converted into a free bridge. If it is going to be amortized and the State gets a return of its contribution——

Mr. CRAMTON. This is not a toll bridge.

Mr. LEA. I do not understand that there is any provision with reference to amortization.

Mr. CRAMTON. If the gentleman will yield, this is not to be a toll bridge.

Mr. LEA. No; this is to be a free bridge.

Mr. CRAMTON. It is to be a free bridge from the beginning.

Mr. LAGUARDIA. Will the gentleman object to inserting the word "free" in line 5 on page 1?

Mr. LEA. None whatever.

Mr. LAGUARDIA. With that understanding, I shall withdraw my reservation of objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That an appropriation of $35,000 is hereby authorized out of any money in the Treasury not otherwise appropriated, to pay half the cost of the construction of a bridge and approaches thereto across the Trinity River within the Hoopa Valley

Indian Reservation, Calif., and for the construction of a road leading over said bridge from the Weitchpec Road on the north to the public highway at the south line of said reservation, including the cost of surveys, plans, estimates, and specifications, and other necessary expenses connected therewith, on condition that the State of California or the county of Humboldt furnish an equal sum; and under rules and regulations prescribed by the Secretary of the Interior, who shall also approve the plans and specifications therefor: *Provided*, That before any money is spent hereunder, said State or county shall agree, in writing, to maintain the bridge and road without expense to the United States or the Indians.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 5, after the article "a," insert the word "free."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer two or three amendments, which I send to the desk.

The Clerk read as follows:

Amendments offered by Mr. CRAMTON: Page 1, line 3, after the word "of," where it occurs the first time, insert the words "not more than"; in line 5, after the word "pay," insert the words "not more than"; in line 7, strike out the words "for the construction"; and on page 2, in line 2, after the word "furnish," strike out the words "an equal sum" and insert in lieu thereof the words "the balance."

The amendments were agreed to, and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a statement by the gentleman from California [Mr. LEA] as to the contributions by the State and county in respect to bridges on this reservation. It is because of these liberal contributions that I have withdrawn my objection to the bill.

The SPEAKER. Without objection, it is so ordered.

The matter referred to is as follows:

IN RE H. R. 441

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., March 29, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives.

DEAR MR. CRAMTON: I have personally been over the roads on Hoopa Reservation, which I have visited a number of times.

The proposed bill calls for an equal division of the costs. The object of the bridge is to connect the east and west sides of the river on the reservation. The object of the money to be used on the road is principally to connect with the new road at the south line of the reservation. The hospital, school, and general headquarters of the reservation are on the west side. Over half the population, including the school children, are on the east side.

The proposed road and bridge is not a part of the State highway system of roads in California. The State highway runs east and west through the State about 8 miles south of the reservation.

The county has spent money on Hoopa Reservation roads:		
Klamath Bridge, Hoopa-Weitchpec	$28,500	
Assistance on Hoopa-Weitchpec road	6,000	
Trinity River Bridge	10,000	
On reservation		$44,500
The county also helped build the road on the reservation leading to Hoopa from the southwest, but I do not know at what expense.		
Roads to the reservation line:		
Willow Creek to reservation	$50,000	
Redwood Creek to reservation	20,000	
Bridge over Redwood Creek	4,400	
Total		74,400
Grand total		118,900

The Klamath Indian Reservation connects with Hoopa on the north and runs down the Klamath River a mile on each side. The State has recently built a bridge on that reservation on the State highway costing probably a million dollars without thought of requesting a contribution. The county built the only road running from the coast to the north line of the reservation, about 40 miles, including a bridge across Klamath River at Martin's Ferry on the Klamath Reservation without any contribution by the Government.

The expense of the State highway from the coast, which is the first thick white settlement running within 8 miles to the south of the reservation, will cost $600,000 or more. That road is, of course, for the benefit of the whites, but it affords the best way out for these Indians. The county spent $50,000 to reach the reservation from the highway. This bill proposes to divide the expense of connecting up on the reservation.

The construction of this bridge will save the agency from operating a ferry in wintertime and from constructing a temporary bridge each summer.

Sincerely yours,

CLARENCE F. LEA.

UNIFORM RETIREMENT DATE

The next business on the Consent Calendar was the bill (H. R. 10288) to provide for a uniform retirement date for authorized retirements of Federal personnel.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter retirement authorized by law of Federal personnel of whatever class—civil, military, naval, judicial, legislative, or otherwise—and for whatever cause retired, shall take effect on the first day of the month following the month in which said retirement would otherwise be effective, and said first day of the month for retirements hereafter made shall be for all purposes in lieu of such date for retirement as may now be authorized.

SEC. 2. This act shall become effective July 1, 1928. All laws or parts of laws, in so far as in conflict herewith, are repealed.

Mr. WILLIAMSON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 1, line 10, strike out the period and insert in lieu thereof a semicolon and the following: "except that the rate of active or retired pay or allowances shall be computed as of the date retirement would have occurred if this act had not been enacted."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RETURNS OFFICE OF THE INTERIOR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the returns office, together with its activities, personnel, contract, bids, offers, proposals, advertisements, books, records, documents, furniture, office equipment, and papers and property of whatsoever character, is hereby transferred from the Interior Department to the General Accounting Office; and all powers and duties whatsoever in connection therewith now vested in or required to be performed by or under the Secretary of the Interior are transferred to, vested in, and required to be performed by or under the Comptroller General of the United States.

SEC. 2. That so much of appropriations for the Interior Department as applies to expenditures for the returns office, including personnel therefor, is transferred to and made applicable for expenditure by the General Accounting Office.

SEC. 3. That the Comptroller General of the United States is authorized to perform all acts and make such rules and regulations as necessary to carry the provisions of this act into effect.

SEC. 4. That all laws and parts of laws in so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect July 1, 1928.

With the following committee amendment:

Page 1, line 4, strike out the word "contract" and insert in lieu thereof the words "contracts."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

SALARY OF THE PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER

The next business on the Consent Calendar was the bill (H. R. 6669) fixing the salary of the Public Printer and the Deputy Public Printer.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Reserving the right to object, Mr. Speaker, I ask the gentleman in charge of this bill whether this is taking out of the classification these two particular positions and fixing their salaries?

Mr. KIESS. I will state to the gentleman that the salaries of the Public Printer and the Deputy Public Printer can be fixed by Congress. They were originally fixed that way. We have taken care of the salaries of all the other employees of the Government Printing Office.

Mr. UNDERHILL. That is the reason why they are not included in the classification?

Mr. KIESS. Yes. They are not in the classified service. We have taken care of the salaries of all the other employees in the Government Printing Office. Usually the men at the top have had their salaries raised. In this case it is the reverse.

Mr. TAYLOR of Colorado. Let me say to the gentleman in behalf of the legislative subcommittee of the Committee on Appropriations that I think I represent the sentiment of the entire committee when I say that the committee favors it. We think it ought to pass.

Mr. DYER. How much does the Public Printer now get?

Mr. KIESS. Seven thousand five hundred dollars. This is to increase it to $10,000. We recently raised the salary of the Librarian of Congress from $7,500 to $10,000.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the Public Printer shall be $10,000 per annum and the salary of the Deputy Public Printer shall be $7,500 per annum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

COINAGE OF LINDBERGH MEDALS

The next business on the Consent Calendar was the bill (H. R. 11078) to provide for the coinage of medals in commemoration of the achievements of Col. Charles A. Lindbergh, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill be stricken from the calendar.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, what is the matter with this bill?

Mr. LAGUARDIA. I think for the present it ought to be stricken from the calendar. That action will meet the approval of every one concerned.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be stricken from the calendar. Is there objection?

There was no objection.

ADDITIONAL PAY FOR SUBMARINE AND DIVING DUTY

The next business on the Consent Calendar was the bill (H. R. 9289) to provide additional pay for personnel of the United States Navy assigned to duty on submarine vessels and diving duty.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I suggested an amendment to the gentleman from Massachusetts [Mr. ANDREW] last week, the last time the Consent Calendar was before the House. In the meantime, I have communicated with the Navy Department, and I have received a statement from the department showing wherein we can increase these salaries for submarine service:

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., March 31, 1928.

Hon. F. H. LAGUARDIA,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LAGUARDIA: I have received your letter of March 30, 1928, relative to H. R. 9289, a bill to provide additional pay for personnel assigned to duty on submarines.

You have asked me for a statement showing the extra compensation that will be paid in the event this bill becomes a law. Should this bill become a law, it would be the purpose of the department to pay all men assigned to duty aboard submarines in active operating service extra pay to compensate for the arduous service involved and certain additional extra pay to such of those men who qualify for submarine operation, giving a preference to the more arduous and difficult duty on those submarines which cruise with the fleet.

The following is the tentative schedule before the bureau: $25 to $30 per month to qualified men on submarines cruising with the fleet; $15 per month to unqualified men on the same vessels; $20 to $25 per month to qualified men on submarines of the local defense forces; $10 per month to unqualified men on the same vessels.

It may be advisable to alter in some respects the above schedule after experience is had, probably by differentiating between qualified submarine of the higher ratings, of longer service in submarines, who occupy the more responsible positions, and those of lower ratings, comparatively new to the service, who are assigned to less responsible posts.

Trusting that this information is what you desire, I am,

Very truly yours,

R. H. LEIGH.

The statement seems to be satisfactory, and the proposal is deserving of a trial. If the plan does well we can extend it at the next session. If we pass the Senate bill to-day it will close the matter and these men can get the increased pay right away. If we pass the House bill it will cause delay if we make even the slightest change.

Mr. ANDREW. Mr. Speaker, I ask unanimous consent that we take up the bill S. 3131, which is the same except as to a very slight difference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider the bill S. 3131 in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 3131) to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty

Be it enacted, etc., That hereafter all officers of the Navy on duty on board a submarine of the Navy shall, while so serving, receive 25 per cent additional of the pay for their rank and service as now provided by law; and an enlisted man of the United States Navy assigned to duty aboard a submarine of the Navy, or to the duty of diving, shall, in lieu of the additional pay now authorized, receive pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than $5 per month, and not exceeding $30 per month, in addition to the pay and allowances of his rating and service: *Provided*, That divers employed in actual salvage operations in depths over 90 feet shall, in addition to the foregoing, receive the sum of $5 per hour for each hour or fraction thereof so employed.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The similar House bill was laid on the table.

MEMORIAL TO SACAJAWEA, OR BIRD WOMAN

The next business on the Consent Calendar was the resolution (H. J. Res. 75) authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, the resolution provides for a monument on the grave of this woman, and, as I understand, there is a great deal of doubt and controversy as to what State the grave is located in. Unless those on the committee can give some pretty definite assurance that they have located the grave, I think it ought not to pass at present. I object.

The SPEAKER. Objection is heard.

PUEBLO INDIANS OF NEW MEXICO

The next business on the Consent Calendar was the bill (H. R. 9483) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the statutes of the United States governing the acquisition of rights of way through Indian lands, to wit, the Code of Laws of the United States of America, in force December 6, 1926, title 25, Indians, sections 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321, be, and they are hereby, extended over and

made applicable to the Pueblo Indians of New Mexico and their lands: *Provided, however,* That no right of way for a railroad or public highway shall be granted any portion of which lies less than 500 yards from the plaza of any existing pueblo.

SEC. 2. That the provisions hereof shall not affect the act approved May 10, 1926 (44 Stat. L. 498).

With the following committee amendments:

Page 1, in line 7, strike out "316."

In line 8, strike out "320," and after the figures "321" insert:

"And title 43, public lands, section 935, and the basic acts of Congress cited in such sections."

On page 2, line 3, strike out "railroad or."

In line 5, strike out "any existing pueblo" and insert in lieu thereof "Santo Domingo pueblo, in the State of New Mexico."

Strike out all of section 2.

The committee amendments were agreed to.

Mr. LEAVITT. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: On page 2, line 2, after the word "lands," strike out the remainder of the bill and insert in lieu thereof the following: "under such rules, regulations, and conditions as the Secretary of the Interior may prescribe."

Mr. CRAMTON. Mr. Speaker, I have consulted with the department as well as with the gentleman from Montana, and I am advised by them that the amendment presented is broad enough to give the Secretary authority to disapprove of a certain location for a road if he so desires, and with that construction of it I have withdrawn any objection I may have to the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALABAMA AND COUSHATTA INDIANS IN POLK COUNTY, TEX.

The next business on the Consent Calendar was the bill (H. R. 5479) to provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have a copy of the unfavorable report of the department upon this bill and I ask unanimous consent to insert it as a part of my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The report referred to follows:

SECRETARY OF THE INTERIOR,
Washington, February 13, 1928.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: This will refer further to your letter of January 12, transmitting for report and recommendation copy of H. R. 5479, proposing to authorize an appropriation of $125,000 for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex.

These Indians, who were originally located in Alabama, went from there to Louisiana, and in 1815 or 1816 on to Texas, settling near what is known as Old Peach Tree Village, close to the line of Polk and Tyler Counties. In 1836 they moved back to Louisiana, remained there about two years, when they returned to Texas and located in Tyler County on Horsepen Creek, in what is known as Fenced In Village, where they remained until 1854, when the State of Texas gave them 1,280 acres of land on Big Sandy Creek in Polk County, free of taxation, and with inability to sell.

Former Special Agent Loker, who investigated conditions among the Indians in 1910 under the act of April 4 of that year (36 Stat. L. 274), found that they do not pretend to have a claim of any sort against the Government, but that their needs were for additional land and a manual-training school. The special agent's report was submitted to Congress on December 23, 1910, and is printed in House Document No. 1232, Sixty-first Congress, third session.

Several years ago Congress made an appropriation for the erection of a schoolhouse for the children of this band, and now annually appropriates a small sum for the payment of tuition to the local authorities who operate the school as a part of the regular public-school system. Bills were introduced in the Sixty-sixth Congress proposing to appropriate $100,000 for the purchase of land and $125,000 for land and industrial purposes, both of which, however, failed of passage.

These Indians have never been regarded as Federal wards, as the United States never made a treaty with them, and they do not live on a Federal reservation or have any property held in trust. Should an appropriation be made, it would be merely an act of grace, which this department hesitates to sponsor.

I am unable to recommend the favorable consideration of the bill.

The Director of the Bureau of the Budget advises that the proposed legislation is in conflict with the President's financial program.

Very truly yours,

HUBERT WORK.

Mr. CRAMTON. Mr. Speaker, believing that the State should make more of a showing of performing its responsibility with reference to these Indians, I shall be obliged to object. They are not Indians for whom this Government has the same responsibility as it has with respect to other Indians in the West. They went into Texas before Texas came into this Union. The State of Texas retained all of its public lands, and these Indians are citizens of Texas, for whom the State of Texas appears to have been doing very little, if anything. We are even making a contribution toward the maintenance of the schools carried on for their benefit. For the present I shall have to object.

Mr. BRIGGS. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BRIGGS. I would like to say that for several years past the Government of the United States has been recognizing an obligation to these Indians.

Mr. CRAMTON. I will say to the gentleman that we have never recognized an obligation, for we expressly stated that it is a gratuity, a matter of grace, and a matter of generosity, but there has been no obligation admitted.

Mr. BRIGGS. I am speaking about the general moral obligation. The Supreme Court of the United States has recognized that the United States is under obligation to all Indians, and no one in the House knows better than the gentleman from Michigan that the bulk of the appropriations made by Congress are gratuity appropriations. I will say this, too: That the Indians here represented have just as much right to relief from the Federal Government as any other Indians, and the obligation imposed upon it is just as clear as it is in the case of other Indians that are being maintained to-day, like the Mississippi Choctaws, the Seminoles in Florida, the homeless bands in California, and other Indians.

Mr. CRAMTON. So far as I am concerned, if the gentleman from Texas could secure some information as to what, if anything, the State of Texas is doing or proposes to do for these Indians, or if there is any possibility of some cooperation, I would be very glad to go into that with the gentleman.

Mr. BRIGGS. I want to say to the gentleman that the State is carrying on some educational work and, I understand, contemplates even further educational work for these Indians. This measure is only providing, as amended by the Committee on Indian Affairs, that the Alabama Indians in Texas be given, not what was in the original bill, an unqualified appropriation for some land and agricultural livestock and equipment, but only a loan under a reimbursable proposition to enable these Indians to get some land and make themselves self-supporting with some livestock and equipment. The Committee on Indian Affairs, after a very full hearing, has, after amending the bill, reported it favorably and recognized the Government's obligation to these Indians.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

DISPOSAL OF PLANT INTRODUCTION GARDEN, HERNANDO COUNTY, FLA.

The next business on the Consent Calendar was House joint resolution (H. J. Res. 26) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant introduction purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, if we are going to sell this property now it is to be hoped the Department of Agriculture will not come in within a few days and ask for the purchase of property somewhere else in this same neighborhood for some other purpose. This is what has happened very often, and I simply want to serve notice that if this property is sold, as it should be sold if there is no further use for it by the Department of Agriculture, they should not come in here within a

short time and ask for authority to purchase other land in the same vicinity.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he hereby is, authorized to sell or cause to be sold at public or private sale at such price or prices, on such terms, and in such manner as he may deem for the best interests of the Government, the tract or parcel of land situated in Hernando County, Fla., ordinarily referred to as the Brooksville Plant Introduction Garden, and more particularly described as follows: The south half of the southwest quarter of the southwest quarter of section 30, township 22 south, of range 20 east, containing 20 acres, more or less, and the entire portion of the north half of the southwest quarter of the southwest quarter of section 30, township 22 south, of range 20, which lies south of and adjacent to the county road, running through said section and township, consisting of 15 acres, more or less, in the county of Hernando, State of Florida, together with the buildings and improvements thereon, which said tract or parcel of land, with the buildings and improvements aforesaid, is no longer needed for plant-introduction purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate and complete such sale.

SEC. 2. That the net proceeds from the sale of the aforesaid property be deposited in the Treasury of the United States.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ENTRIES WITHIN RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 475) to amend certain laws relating to the submission of proof on entries within reclamation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object—I shall not object—but I think I should give notice that I intend to offer an amendment to protect the Government's lien, an amendment that is satisfactory to the gentleman from Wyoming [Mr. WINTER].

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. I want to submit a suggestion to the gentleman, and I will abide by his judgment in the matter. On page 3, line 18, after the word "may," should there not be inserted "one year's notice to entrymen"? Should there not be something done to protect the entryman? How does he know when the State is going to move on him to collect taxes if he has not completed his entry?

Mr. WINTER. What is the language the gentleman is suggesting?

Mr. LAGUARDIA. On page 3, line 18, insert "after one year's notice to entrymen." What I fear is that the State may start to tax this property without the knowledge of the entryman and thereby establish another lien on his property.

Mr. WINTER. I do not share the gentleman's apprehension in that regard, but I have no particular objection to a provision for notice being inserted there.

Mr. LAGUARDIA. I admit I am hazy about it. If the gentleman is sure these entrymen will be protected, that they will have due and timely notice that their land is subject to State taxation, that covers my objection to the bill.

Mr. WINTER. In my judgment they would have sufficient notice, and no hardship could be worked even though the amendment which the gentleman suggests is not in the bill.

Mr. LAGUARDIA. I shall not press the amendment if the gentleman is sure about it.

Mr. WINTER. If any of the members of our committee are here who have any other idea about the matter, I would be glad to hear from them.

Mr. LEAVITT. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LEAVITT. My idea is the same as that of the gentleman from Wyoming [Mr. WINTER]. They are absolutely protected, and the permanent settlers on the project generally desire this legislation in order to have funds for the local development of schools and roads.

Mr. EDWARDS. Mr. Speaker, reserving the right to object, what is the nature of the amendment the gentleman from Michigan is offering?

Mr. CRAMTON. Mr. Speaker, when this bill came up before I raised the question as to whether, when Congress expressly consented to the taxation of property which has not yet been patented we might thereby be held to have waived our prior lien for the charges for improving the water right. I have an amendment drawn by the Reclamation Service which Mr. Dent, the acting commissioner, suggests may not be necessary, but he thinks it is better to put it in to make sure that we retain a prior lien so that our claim will be prior to the lien for taxes. Mr. Dent's letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington.

Memorandum for Congressman WINTER.

Pursuant to telephone conversation with you some days ago in regard to H. R. 475, providing for taxation of unpatented entries on reclamation projects, I have endeavored several times to get into communication with Mr. CRAMTON over the telephone but have been unable to do so. I am advised by his office that he has been absent, I believe on account of sickness. For this reason I have been unable to discuss with him H. R. 475.

I inclose copy of section 3, which was originally drafted as a part of the amendment suggested by the department to your bill. The general view at that time seemed to be that this section was unnecessary in order to reserve the Government's prior lien. For this reason the provision was eliminated as being surplusage. Personally I rather feel that it might be well for this provision to be inserted to repel possible attack. If it affirmatively appears upon the bill that a prior lien is reserved it is less likely that the point would be questioned. It seems to me that it certainly could do no harm, even though it is mere surplusage.

P. W. DENT, *Acting Commissioner.*

Mr. EDWARDS. The amendment, then, is really to protect the interests of the Government?

Mr. CRAMTON. It is to protect the Federal Government's interests.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912, as amended, is amended to read as follows:

"That any homestead entryman under the reclamation act approved June 17, 1902, as amended, including entrymen on ceded Indian lands, shall, within five years from the date of his entry (or within six months after the date of passage of this amendatory act, if his entry was made more than four years and six months prior to such date), submit proof that he has complied with the provisions of law applicable to such lands as to residence, reclamation, and cultivation. Such proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchases of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies to the extent required by the reclamation act for homestead entrymen, except that no such patent or final water-right certificate shall issue until after the payment of all sums due the United States on account of such land or water right at the time of the submission of proof entitling the homestead entryman to such patent or the purchaser to such final water-right certificate."

SEC. 2. The second paragraph under the caption "Reclamation Service" in the deficiency appropriation act approved August 26, 1912, is amended to read as follows:

"That any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the reclamation act approved June 17, 1902, as amended, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right certificate, shall, within five years from the date of his entry (or within six months after the date of passage of this amendatory act, if his entry was made more than four years and six months prior to such date), submit proof that he has complied with the provisions of law applicable to such lands and that he has cultivated and reclaimed the land to the extent required by such act of June 17, 1902, as amended, for homestead entrymen. Such proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under the act entitled 'An act providing for patents on reclamation entries, and for other purposes,' approved August 9, 1912, as amended."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the lands of any homestead entryman under the act of June 17, 1902, known as the reclamation act, or any act amendatory thereof or supplementary thereto, may, after satisfactory proof of residence, im-

provement, and cultivation, and acceptance of such proof by the General Land Office, be taxed by the State or political subdivision thereof in which such lands are located, in the same manner and to the same extent as lands of a like character held under private ownership may be taxed.

"SEC. 2. That the lands of any desert-land entryman located within an irrigation project constructed under the reclamation act and obtaining a water supply from such project and for whose land water has been actually available for a period of four years, may likewise be taxed by the State or political subdivision thereof in which such lands are located."

Mr. CRAMTON. Mr. Speaker, I offer an amendment to the committee amendment.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Insert after section 2 a new section, to read as follows:

"SEC. 3. That all such taxes legally assessed shall be a lien upon the lands and may be enforced upon said lands by the sale thereof in the same manner and under the same proceeding whereby said taxes are enforced against lands held under private ownership: *Provided*, That the title or interest which the State or political subdivision thereof may convey by tax sale, tax deed, or as a result of any tax proceeding shall be subject to a prior lien reserved to the United States for all the unpaid charges authorized by the said act of June 17, 1902, whether accrued or otherwise, but the holder of such tax deed or tax title resulting from such tax shall be entitled to all the rights and privileges in the land of an assignee under the provisions of the act of June 23, 1910, Thirty-sixth Statutes, page 592."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

LASSEN VOLCANIC NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 11685) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. The last time the Consent Calendar was up I asked to have this go over on account of a question of jurisdiction. Since that time the Speaker has made a ruling that leaves no doubt about it, and I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of California (approved April 20, 1927) ceding to the United States exclusive jurisdiction over and within the territory which is now or may hereafter be included within the Lassen Volcanic National Park are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park, and the right to fix and collect license fees for fishing in said park; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county or counties in which said park is situated. All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of California.

SEC. 2. That said park shall constitute a part of the United States judicial district for the northern district of California, and the district court of the United States in and for said northern district shall have jurisdiction of all offenses committed within the boundaries of the said park.

SEC. 3. That if any offense shall be committed in the said park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of California in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of California shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals, when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of any of the waters of the said park, in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or wonderful objects within said park, and for the protection of the animals in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act creating and establishing said park, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals, shall be forfeited to the United States and may be seized by the officers in said park, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States District Court for the Northern District of California shall appoint a commissioner who shall reside in the park and who shall have jurisdiction to hear and act upon all complaints made of any violations of law, or of the rules and regulations made by the Secretary of the Interior for the government of said park and for the protection of the animals, birds, and fish and objects of interest therein, and for other purposes authorized by this act. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park, and for the protection of the animals, birds, and fish in said park, and to try persons so charged, and if found guilty to impose punishment and to adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Northern District of California and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeals to said United States district court.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 4 of this act, to hear the evidence introduced, and if he is of the opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Northern District of California and certify a transcript of the record of his proceedings and the testimony in such case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the northern district of Cali-

fornia, but nothing herein contained shall be so construed as to prevent the arrest by any officer of employee of the Government or any person employed by the United States in the policing of said reservation within said park without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary as appropriated for by Congress, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Lassen Volcanic National Park at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Northern District of California.

SEC. 12. That the Secretary of the Interior shall notify in writing the governor of the State of California of the passage and approval of this act, and of the fact that the United States assumes police jurisdiction over said park as specified in said act of the State of California.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EXECUTION OF WARRANTS IN CRIMINAL CASES

The next business on the Consent Calendar was the bill (H. R. 9784) for the issuance and execution of warrants in criminal cases and to authorize bail.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN of Missouri. Mr. Speaker, this bill has no place on the Consent Calendar. It is too important a measure, and I object. I ask unanimous consent that I may place in the RECORD a brief statement in regard to the measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, I dislike to be placed in a position of opposing legislation which seeks to bring about a speedier administration of the criminal law, but I can not subscribe to the last paragraph of the report, which says:

> The bill is designed to bring about a speedier administration of the criminal law, without, on the other hand, depriving the defendant of any of his substantial rights, and it is earnestly urged in the interest of the better and more efficient administration of justice.

Under our present system, which is most favorable to the Government, there are but three things which can be considered on a removal, namely: First, is the person named in the indictment the person sought to be removed; second, does the indictment state a cause of action; and third, under the indictment has the court jurisdiction of the person sought to be removed?

To-day the law provides when a warrant is served the party is taken before a commissioner, where the question of probable cause must be shown. Then it is up to the defendant to put the case before the commissioner to show that the grand jury was without probable cause. This evidence may be rebutted by the Government if the district attorney so elects. The matter then proceeds to the trial judge, where the holding of the commissioner on the question of probable cause can be assailed. Defects in the indictment can only be raised in the court where the indictment is found.

As we all know, the conspiracy statute has been used quite frequently the past few years. If this bill becomes a law, there is extreme danger of persecution rather than prosecution.

It is common knowledge that the country is at the present time suffering from a crime wave, but surely conditions will return to normal. Are you going to pass a law that will require one of your constituents to give bond for an appearance on an information in jurisdictions other than that in which he resides without giving him an opportunity to require that the Government show the indictment or information states a cause of action? Much as I would like to see a speedier administration of the criminal law, I do not want to deprive a citizen of this right. Nor do I feel it would be wise to provide a procedure such as is outlined in this bill when an information is issued.

Why, some district attorney, through spite or upon being misinformed, by merely signing a paper could have a man extradited all the way from the Philippine Islands to Florida or from Seattle, Wash., to Portland, Me.

I feel the arguments made before the committee, as shown by the report, are grossly exaggerated. I have been unable to find, in the district in which I reside, no cases where you are allowed a trial as to probable cause or a hearing into the merits.

Because the present law has been abused in some instances, why pass a bill which might do a great injustice to many innocent people?

In objecting to the consideration of this bill to-day I am calling to the attention of the Members a very important measure which has no place on the Unanimous Consent Calendar, and I hope that before it is reached again, which will be in two weeks, the Members will give the bill special consideration.

THE ABSAROKA AND GALLATIN NATIONAL FORESTS

The next business on the Consent Calendar was the bill (H. R. 15) authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection:

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $150,000, which sum shall continue available until expended, to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), entitled "An act to make additions to the Absaroka and Gallatin National Forests and the Yellowstone National Park, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land, and for other purposes": *Provided*, That the total expenditures from this appropriation shall not exceed the combined total of the sums contributed by private or other agencies under the provisions of clause (a) of section 1 of said act and the appraised values of land donated or bequeathed under the provisions of clause (b) of section 1 of said act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REIMBURSEMENT FOR INTEREST PAID ON RAILROAD-AID BONDS

The next business on the Consent Calendar was the bill (H. R. 9207) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe, for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE LA FAYETTE EXTENSION ROAD

The next business on the Consent Calendar was the bill (H. R. 11723) to provide for the paving of the Government road, known as the La Fayette Extension Road, commencing at Lee and Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, what assurance have we that the State of Georgia will take over the road?

Mr. CRAMTON. If the gentleman from New York will yield, I have prepared two amendments which the gentleman from Georgia has agreed to accept. One is a provision that the money will not be expended unless it is matched by an equal amount by the State or locality, and the other is that the money is not to be spent until the county or State has accepted the title. I think that covers the situation, and the gentleman from Georgia states that that is what they intend to do.

Mr. LAGUARDIA. And the Government will be relieved from further maintenance of the road?

Mr. CRAMTON. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized to improve and pave the Government road, known as the La Fayette Extension Road, commencing at Lee and Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., in the length of approximately 12.9 miles, for which an appropriation of not to exceed $193,500 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided*, That should local interests desire that said road be improved and paved in such manner as would involve an expenditure of more than $193,500 the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the improvement and pavement of said road: *Provided further*, That no part of the funds herein authorized to be appropriated shall be expended prior to such time as agreements have been made for the conveyance of the Federal jurisdiction over said road, as provided in the act of March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made hereunder.

With the following committee amendments:

Page 2, line 6, strike out the words "local interests" and insert in lieu thereof "the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority."

Page 2, line 12, after the colon, strike out all down to and including line 18, and insert in lieu thereof the following:

"*Provided further*, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the present Government-owned right of way, and should such local interests acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: *And provided further*, That no part of this appropriation shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road known as the La Fayette Extension Road and will maintain said road as built under the provisions of the act approved March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation."

Mr. CRAMTON. Mr. Speaker, I offer two amendments to the committee amendment and ask that they be considered together.

The Clerk read as follows:

Page 2, as a substitute for the committee amendments, strike out lines 4 to 9, inclusive, and insert in lieu thereof the following: "*Provided*, That no part of the appropriation herein authorized shall be available until the State of Georgia or any county or municipality or local subdivision thereof, or any State or county or municipal highway commission or equivalent public authority, shall contribute at least an equal amount for the same purpose and the Sec-."

Amend the second amendment by striking out lines 5 to 10, inclusive, on page 3, and insert in lieu thereof the following: "*And provided further*, That no part of the appropriation herein authorized shall be expended until the State of Georgia or the counties or municipalities thereof concerned have accepted title to the present Government-owned road known as La Fayette Extension Road and have obligated themselves in writing to the satisfaction of the Secretary of War that they will maintain."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The amendments as amended were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF CULVERTS AT CAMP M'CLELLAN, ALA.

The next business on the Consent Calendar was the bill (H. R. 5590) to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, though I shall not object, I desire to say this: This is one of those bills of which there is a flood coming in here from the War Department—bills authorizing appropriations, where the appropriations are already authorized by law. This is just a subterfuge on the part of the Army to get a larger appropriation than they otherwise would. However, the amount is not large, and the need is apparent. If the department would allocate more to this particular purpose they could do this with the money they have now; but I have reason to believe that there will not be a continuance of this flood of that sort of bills. Therefore, I am not going to be unpleasant about this bill, and I withdraw my objection.

Mr. LAGUARDIA. Mr. Speaker, I suggest to the gentleman from Alabama that we ought to strike out in line 5 the comma and the words "in order", and in line 8 insert the words "a sum."

Mr. JEFFERS. There is no objection upon my part to the proposed amendments, Mr. Speaker, because they will clarify the language.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated for the purpose of purchasing the necessary materials and hiring the necessary labor, in order to construct or repair culverts and trestles and other parts of the camp railroad at Camp McClellan, as in the opinion of the Secretary of War may be necessary, not to exceed $36,440.

With the following committee amendment:

Line 8, strike out "$36,440" and insert "$19,830."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 5, strike out the comma and the words "in order"; and in line 8, after the word "necessary," insert the words "a sum."

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF STATE OF KENTUCKY

The next business on the Consent Calendar was the bill (H. R. 10565), to authorize an appropriation for the relief of the State of Kentucky on account of roads and bridges damaged or destroyed by the recent flood.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THATCHER. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I think that this is a pretty important bill which does not belong on this calendar. Therefore, I object to the request of the gentleman from Kentucky, and I object to the bill.

The SPEAKER. The gentleman from Michigan objects.

IMPORTATION OF COFFEE INTO PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 8559), to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, reserving the right to object, is the Delegate from Porto Rico [Mr. DAVILA] in favor of this legislation?

Mr. DAVILA. I am.

Mr. DYER. And it would be beneficial to the island of Porto Rico?

Mr. DAVILA. It would.

Mr. LAGUARDIA. Mr. Speaker, I think the RECORD should show that this is not a duty imposed upon the people of Porto Rico, but it is a duty imposed to prevent coffee from other countries entering Porto Rico and then being exported from Porto Rico as Porto Rican coffee.

Mr. DAVILA. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 58 of an act entitled "An act to provide a civil government for Porto Rico, and for other purposes,"

approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 58. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this act, including the laws relating to tariffs, customs, and duties on importations into Porto Rico prescribed by the act of Congress entitled 'An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,' approved April 12, 1900, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed: *Provided*, That on all coffee in the bean or ground imported into Porto Rico there shall be levied and collected a duty of 10 cents per pound, any law or part of law to the contrary notwithstanding."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REPAIR OF CUSTOMS BUILDINGS IN PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 9363) to provide for the completion and repair of customs buildings in Porto Rico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for:

(1) The completion of the customhouse at San Juan, P. R., at a cost not to exceed $41,019.91;

(2) The pavement of the roadways and approaches on the customhouse property around said building, at a cost not to exceed $25,000;

(3) The repairing of the customhouse at Ponce, P. R., at a cost not to exceed $4,500;

(4) The repairing of the customs warehouse shed and customs office building at Mayaguez, P. R., at a cost not to exceed $1,500;

(5) The repairing of the customhouse at Humacao, P. R., at a cost not to exceed $4,000.

That all said amounts are to be paid out of duties collected in Porto Rico, as an expense of collection, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALARY OF CERTAIN JUDGES OF PORTO RICO

The next business on the Consent Calendar was the bill (H. R. 10952) to fix the salaries of certain judges of Porto Rico.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, there is another bill on this calendar which includes the Porto Rican situation in respect to increasing the pay of judges. The Committee on the Judiciary has reported the bill, which is on the Consent Calendar, which takes care of the increase in pay for judges of the Territory of Hawaii, Porto Rico, the Philippines, the United States Court for China, and the Virgin Islands. I ask the gentleman from Pennsylvania [Mr. KIESS] whether he will permit his bill to pass without prejudice and see if we can not take up the other bill?

Mr. DAVILA. Mr. Speaker, I think we ought to have this bill passed at this time, because it is possible there may be some objection to the Philippine or Hawaiian provisions of the other bill, although not to the Porto Rican. It is money paid out by the Porto Rican treasury.

Mr. LAGUARDIA. No objection has manifested itself so far as I know to any of the legislation.

Mr. DAVILA. In Porto Rico the money is paid by the Porto Rican treasury. In Hawaii I understand it is paid out of the Federal Treasury. I believe this bill has more chance of passage in its present form than if it were linked with the Hawaiian bill.

Mr. SCHAFER. Has this bill the approval of the Commissioner from the Philippine Islands?

Mr. DYER. Mr. Speaker, I ask unanimous consent that we dispose of this question now before the House.

Mr. LAGUARDIA. Mr. Speaker, there is now a bill before the House, coming from the Committee on the Judiciary, of which the gentleman from Missouri [Mr. DYER] is a member. I ask for the regular order on that bill at this time. The regular order is, Is there objection?

Mr. DYER. I ask unanimous consent, Mr. Speaker, that that bill be passed over temporarily until we reach the other bill. This is on the calendar and it includes all the courts to which I have made reference.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be passed over temporarily.

Mr. KIESS. How far down on the calendar is the other bill?

Mr. DYER. It is No. 435.

Mr. KIESS. We do not want to lose our rights.

Mr. DYER. I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. KIESS. I object.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DYER. I object.

The SPEAKER. The Clerk will report the next bill.

MONTEZUMA NATIONAL FOREST, COLO.

The next business on the Consent Calendar was the bill (H. R. 6854) to add certain lands to the Montezuma National Forest, Colo., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that it be passed over until we can get further data on the matter. I have asked for a report from the Interior Department.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GUNNISON NATIONAL FOREST, COLO.

The next business on the Consent Calendar was the bill (H. R. 7223) to add certain lands to the Gunnison National Forest, Colo.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, this bill, H. R. 7223, provides for the addition of some 6,120 acres of public land to the Gunnison National Forest, in Gunnison County, Colo., in my congressional district.

I introduced the bill at the express request of the board of county commissioners of that county and a large number of ranchmen and cattlemen and many other citizens of the county. In fact, there is no opposition to the measure that I am aware of in that vicinity.

The land lies adjacent to the Gunnison National Forest along the Taylor River and certain creeks tributary to the Gunnison River. The land is mountainous in character and contains a substantial amount of timber, consisting principally of Douglas fir, lodge-pole pine, and western yellow pine.

The Secretary of the Interior and Secretary of Agriculture both formally approved the bill and the matter was referred to the National Forest Reservation Commission, and Mr. Dwight F. Davis, the Secretary of War, who is the president of that commission, has made a favorable recommendation of the bill to the President of the United States, and on the 19th of March of this year President Coolidge favorably recommended the bill to Congress. So that with the unanimous approval of all the official machinery of the Government pertaining to the public domain, and the approval of practically all the people of the county in which the land is located, I confidentially hope that the measure will meet with the approval of the House and Senate.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following-described public lands be, and the same are hereby, added to and made a part of the Gunnison National Forest, Colo., and are to be hereafter administered under the laws and regulations relating to the national forests:

Township 14 south, range 85 west, sixth principal meridian: North half northeast quarter, southeast quarter of section 26; all of section 35.

Township 15 south, range 83 west, sixth principal meridian: West half northeast quarter, west half southeast quarter, northeast quarter southeast quarter of section 7; south half northeast quarter, southeast quarter, east half southwest quarter of section 8; all of section 17; northwest quarter, west half northeast quarter, southeast quarter northeast quarter, south half southeast quarter, northwest quarter southeast quarter, south half southwest quarter of section 18; all of section 19.

Township 15 south, range 84 west, sixth principal meridian: East half of section 7; all of section 13; south half of section 14 southeast quarter of section 15; east half of section 22; all of section 23; all of section 24; northeast quarter of section 27: *Provided,* That the inclusion of any of the aforesaid land in the Gunnison National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this act.

With the following committee amendment:

Page 2, line 8, strike out the word "southeast" and insert in lieu thereof the word "southwest."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

POST-OFFICE BUILDING AT PHILIPPI, W. VA.

The next business on the Consent Calendar was the bill (H. R. 10799) for the lease of land and the erection of a post office at Philippi, W. Va., and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWARD of Oklahoma. Mr. Speaker, reserving the right to object, my understanding is that public buildings and post-office buildings are being erected throughout the country now according to the Elliott bill. This bill may be all right, but I would like to know the reason for the departure from the regular practice?

Mr. BOWMAN. This bill is based on an emergency which exists in Philippi. Philippi has postal receipts amounting to $17,000 annually. It does not come within the Government building program, which is limited to towns having postal receipts of $20,000 a year. After the destruction of the former post-office building at Philippi by fire there was just one place where the post office could be moved, and that was in a small room of the county courthouse. Inspectors were sent to Philippi who attempted to get other rented quarters at Philippi, but were unable to do so. This plan was devised in order to meet the emergency.

Mr. HOWARD of Oklahoma. I have four or five towns in my district that are in that situation.

Mr. LAGUARDIA. The Government does not own the land in Philippi on which the building is to be constructed. If the Government purchased the land, the cost would be about $70,000. Under the arrangement provided by the bill it would cost a total of $52,600. Personally I do not approve the suggestion of leasing the land from this association, but I do approve giving them permission to construct this building under a lease which will provide for payment in 10 years.

Mr. HOWARD of Oklahoma. What does the gentleman think of establishing a precedent? The committee has limited buildings to towns of $20,000 annual postal receipts. Now, if you break the precedent do you not open up a flood of similar bills?

Mr. LAGUARDIA. Is not the gentleman confusing it with cases where the Government does not own the land?

Mr. BOWMAN. They are making provision to provide the land.

Mr. LAGUARDIA. Then it comes under the rule?

Mr. SIMMONS. I have a number of cities in my district where the people would gladly give the sites if the Government would build the buildings.

Mr. BUSBY. Mr. Speaker, if the gentleman will yield, I happen to be on the committee that reported the bill. I will explain to the gentleman that this would set a precedent. It would set a precedent, especially as to those places where the Government has bought sites heretofore, there being about 150 of them in the United States. This bill proposes that a certain business organization shall be formed by the citizens of this place and they, in order to entitle them to proceed with the construction of this building, must necessarily lease the Government land for that purpose only. That gives them authority to go on that land and construct this building, and it is to be done on the basis of paying back to these individuals one-tenth of the construction price, plus 6 per cent, and that will pay for the building in 10 years, at which time it will become the property of the United States Government. It does set a precedent, but a precedent which, perhaps, all the rest of us can follow who have sites in our districts. I do not have any in mine.

Mr. LAGUARDIA. It, perhaps, establishes an economical precedent.

Mr. BUSBY. It establishes an economical precedent and opens up an additional way by which post-office buildings might be obtained.

Mr. HOWARD of Oklahoma. I wish the gentleman would suggest something by which others of us can open up an additional way to get post offices in our districts.

Mr. BUSBY. I think the gentleman is entirely right, but it would afford an additional way of securing buildings, not in the way I would get them, but in the way some Members would like to get them, and if they want to get them in that way it is all right with me.

Mr. HOWARD of Oklahoma. The gentleman is a member of the committee which wrote the Elliott bill?

Mr. BUSBY. But I did not support the Elliott bill.

Mr. HOWARD of Oklahoma. I know the gentleman did not.

Mr. ROMJUE. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. ROMJUE. Did I understand the gentleman from Mississippi correctly a moment ago that this is to be built on leased ground?

Mr. BUSBY. It is to be built on Government ground that is to be leased to this organization, and this will entitle them to go on the ground for the purpose of erecting the building.

Mr. LAGUARDIA. If the gentleman will yield, if there is no objection to this bill, I shall move to strike out the first proviso and leave in the second proviso, which will grant them permission to erect the building.

Mr. BUSBY. That would be entirely practicable.

Mr. HOWARD of Oklahoma. The gentleman from Oklahoma is going to congratulate the gentleman from West Virginia, and so far as he is concerned withdraws his reservation of objection.

Mr. LAGUARDIA. Mr. Speaker, further reserving the right to object, may I call the attention of the gentleman from West Virginia and the gentleman from Mississippi, who is an expert on this——

Mr. BUSBY (interposing). I do not claim to be.

Mr. LAGUARDIA. Instead of leasing this property, now the property of the Government, for 10 years, as provided in the first proviso of the bill, I would strike out that proviso and leave the second proviso in the bill, which would authorize this Philippi Association to erect a building upon this land and then leave the rest of the provisions in the bill.

Mr. BUSBY. Let me suggest that my understanding is that the Treasury Department thought it would be best to lease this land to this association in order to give them the right to go on it and do anything that is necessary.

Mr. LAGUARDIA. When we grant them permission to build we grant them a right.

Mr. BUSBY. And that might be a license which could be revoked.

Mr. LAGUARDIA. Exactly. When we grant them a lease for 10 years it becomes a property right which may be recorded. That lease for 10 years, together with the building, would be taxable. Now, why incur the possible risk of having it taxed when we are going to buy this building. On the other hand, if we give no title to the land the Government will retain title to the land and there would be no doubt about escaping the $5,000 tax.

Mr. BUSBY. I think what the gentleman suggests is entirely sufficient and would serve the purpose, but that is a question for the gentleman from West Virginia to determine.

Mr. BOWMAN. Will the gentleman yield for a moment?

Mr. LAGUARDIA. Certainly.

Mr. BOWMAN. This bill has been approved by the Treasury and Post Office Departments and also by the Budget; and this bill, after it had been prepared, contrary to the usual practice, was submitted to the Comptroller General for his approval. It was submitted to him simply because in the very beginning of this proposition the Post Office Department and the Treasury Department, as well as the Budget, had worked out this plan for the construction of a post office in Philippi. However, it struck a snag when it went to the Comptroller General's office, and he said it would be necessary to have special legislation if we expected to construct the building. So this bill has been approved by the Budget, the Post Office Department, the Treasury Department, and has the O. K. of Comptroller General McCarl. But I can see no objection to the amendment of the gentleman from New York if he insists on having his amendment in the bill.

Mr. LAGUARDIA. With all due deference to the departments, we have not yet given up our parliamentary form of government in this Republic.

Mr. BOWMAN. I understand; but I am fearful we might run into something that would prevent us from carrying out the purposes of the bill. I will accept the gentleman's amendment.

Mr. LAGUARDIA. Just listen to this in the letter of the Postmaster General:

Taxes over a 10-year period will amount to $5,007.

I am trying to get away from that if I can.

Mr. BOWMAN. I understand.

Mr. BLACK of Texas. I reserve the right to object, Mr. Speaker. The principal defect I see in this bill is that it commits the Government of the United States to paying 6 per cent interest when it has no difficulty whatever in borrowing money at 4 per cent or less. It is said this bill is to serve as a precedent, and I think it would be unwise to adopt the precedent of committing the Government of the United States to paying 6 per cent interest at a time when it can borrow money for much less. If it is agreed that this bill will be amended so that the rate of 6 per cent will be reduced to 4 per cent, I shall not object.

Mr. BOWMAN. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. BOWMAN. The gentleman understands that the money for the construction of this building is provided by the Philippi Improvement Co. It is necessary for this company to go into the banks in Philippi and borrow this money, and they must pay 6 per cent.

Mr. BLACK of Texas. I know; but the Government must repay the 6 per cent when it can borrow money at the rate of 4 per cent.

Mr. LAGUARDIA. This is not a private corporation.

Mr. BOWMAN. Oh, no.

Mr. BLACK of Texas. I understand that; but it seems to me it would be unwise to commit the Government to paying a rate of 6 per cent when it is well known it can borrow money at a much less rate.

Mr. BOWMAN. But the gentleman understands, I am sure, the Government is not lending the money on this proposition.

Mr. BLACK of Texas. I know; but it is to repay it.

Mr. BOWMAN. If the gentleman had to borrow money at 6 per cent and somebody was to reimburse him, he would expect to be repaid at the rate of 6 per cent.

Mr. BLACK of Texas. There is the whole trouble with the proposition. It is a novel one, and I understand it is thought it might set a precedent which might be followed in other cases.

Mr. LAGUARDIA. There is one consideration I might suggest to the gentleman. The difference between 4 per cent and 6 per cent would be trivial in comparison with the difference in cost of $70,000 and $52,600.

Mr. BLACK of Texas. I will say, if this was the only proposition that was ever to be enacted under this kind of a law it would be a different proposition; but I have been informed it is thought this would probably act as a precedent for 150 other communities similarly situated.

Mr. LAGUARDIA. This would save the Government a lot of money on our buildings.

Mr. BLACK of Texas. It would not save in interest if we paid 6 per cent when the Government can borrow money at 4 per cent.

Mr. BARBOUR. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BARBOUR. Has not an arrangement similar to this been made in a great many towns and cities throughout the United States wherein local interests have gone ahead and built a post office and then the Government has agreed to reimburse them the amount which the building cost, together with a reasonable rate of interest over a certain period of years?

Mr. LAGUARDIA. It is a very good arrangement.

Mr. BARBOUR. Is not this a somewhat similar arrangement to that?

Mr. BOWMAN. I think that has been done in the case of temporary buildings only.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice so that we may look into it further. I do not wish to arbitrarily interpose an objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUBSCRIPTION CHARGES FOR NEWSPAPERS, MAGAZINES, ETC.

The next business on the Consent Calendar was the bill (H. R. 11989) providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. DYER. Will the gentleman withhold his objection?

Mr. LAGUARDIA. Certainly.

Mr. DYER. I will say to the gentleman that this bill simply provides that subscriptions may be paid for in advance, which would make it unnecessary to carry such a provision in appropriation bills.

Mr. LAGUARDIA. Mr. Speaker, section 3648 of the Revised Statutes is one of the most wholesome, most necessary, and most protective statutes of all the statutes of the United States, and I am going to object to every bill that comes in seeking to break down that statute.

Mr. DYER. This does not break it down.

Mr. LAGUARDIA. If the United States Government has not sufficient credit to obtain a paper for one year and pay for it at the end of the year, then we might as well go out of business.

Mr. DYER. They can not always do it.

Mr. LAGUARDIA. Then they can send over to the Congressional Library and get the papers.

Mr. DYER. The chairman of the Committee on Appropriations has urgently asked for this legislation to save trouble to the committee in carrying this provision in the appropriation bill year after year.

Mr. LAGUARDIA. And with the same degree of urgency I object.

SMITHSONIAN INSTITUTION

The next business on the Consent Calendar was the bill (H. R. 5495) to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, it has come to my attention that where work of this kind is carried on on land subject to the National Park Service or the Bureau of Indian Affairs that there has sometimes been a little disagreement between the representatives of the Smithsonian in charge of the work and the Park Service as to the disposition of the various articles that are brought up in these excavations. For instance, we are establishing museums, and it is quite desirable that some of the specimens be there preserved. So I have framed an amendment which the gentleman from Tennessee has accepted. I did not know that the gentleman from Massachusetts [Mr. LUCE] was on the floor, or I would have shown it to him. It provides that where lands are involved which are under the jurisdiction of the Bureau of Indian Affairs or the National Park Service cooperative work thereon shall be under such regulations and conditions as the Secretary of the Interior may provide. I trust that that will be acceptable to the gentleman from Massachusetts.

Mr. LUCE. I did not know that the Bureau of Indian Affairs had established museums.

Mr. CRAMTON. I have not stated that they have established museums on Indian lands, but this prevents any question coming up in the future, and I think it can do no harm in any event.

Mr. LUCE. The gentleman from Tennessee is more familiar with the subject than I am, and whatever he accepts I will abide by.

Mr. BYRNS. This bill provides for work being done by the State or scientific organizations, and I can see how there might be work done on land by educational scientific organizations, and it occurred to me that under the statement made by the gentleman from Michigan there could really be no particular objection to the adoption of this amendment. Therefore, I told him that as far as I was personally concerned I would not object to it.

Mr. LUCE. And I gladly defer to the opinion of the gentleman from Tennessee.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to point out to the gentleman from Massachusetts, who is one of the most careful and painstaking legislators in the House, who takes the utmost pains in his work, that a few days ago he very kindly and with many reservations criticized some of the Members who take an active part on this calendar. I submit that here is a bill providing authority for excavations and for an appropriation of $20,000, and I want to ask anyone in the House if they can glean one intelligent bit of information from the report submitted by the gentleman from Massachusetts. [Laughter.]

Mr. BYRNS. Perhaps the gentleman from Massachusetts felt that it did not need any explanation.

Mr. LAGUARDIA. But it does. It is highly scientific and we are not endowed with the profound knowledge that the gentleman from Massachusetts has, and therefore it required a great deal of time and research on our part to ascertain the facts which an ordinary report of the committee would have given us. But, Mr. Speaker, on the assurance of the gentleman from Michigan and the gentleman from Tennessee I shall not object. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Smithsonian Institution is hereby authorized to cooperate with any State, educational institution, or scientific organization in the United States for continuing ethnological researches among the American Indians and the excavation and preservation of archæological remains.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, which shall be available until expended for the above purposes: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State, educational institution, or scientific organization in any of the United States is prepared to contribute to such investigation and when in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may direct that an amount from this sum equal to that contributed by such State, educational institution, or scientific organization, not to exceed $2,000, to be expended from such sum in any one State during any calendar year, be made available for cooperative investigation: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution.

Mr. CRAMTON. Mr. Speaker, at the end of the section 2 I move to amend by inserting the following:

The Clerk read as follows:

Page 2, line 17, after the word "institution," insert: "*Provided further*, That where lands are involved which are under the jurisdiction of the Bureau of Indian Affairs or the National Park Service cooperative work thereon shall be under such regulations and conditions as the Secretary of the Interior may provide."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TABLETS TO AMERICAN SOLDIERS IN THE BATTLE OF BRANDYWINE

The next business on the Consent Calendar was the bill (H. R. 8546) authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object—and I shall not object to this bill—I want to call the attention of the gentleman from Massachusetts, chairman of the committee that reported the bill. I did it at the last session of Congress. I insisted that we provide that the monument, marker, tablet, or whatever it may be should be the work of American artists. Only a few days ago a semipublic institution awarded a medal to America's foremost young man—Lindbergh—and it happened to be the work of an artist here on a visit. I submit that while we provide for monuments, markers, and tablets, we want them to have artistic value, but we should do something to protect American art. On the other occasions I offered an amendment. I hate to do it on every bill coming up, and I hope that when the Committee on the Library reports these bills in the future they will bear in mind this suggestion and put the provision in the bill itself.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $2,500, or so much thereof as may be necessary, is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War, in the erection of an appropriate tablet or marker at or near the spot in or near the borough of Lititz, in Pennsylvania, where 110 American soldiers of the Revolution, who were wounded in the Battle of Brandywine and were cared for in the military hospital at Lititz, lie buried.

With the following committee amendment:

Page 2, line 2, after the word "buried," insert a colon and the words "*Provided*, That the site on which the proposed tablet or marker is to be erected shall be acquired by the borough of Lititz."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 2, at the end of the bill insert: "SEC. 2. The design of said marker or tablet shall be the work of an artist who is a citizen of the United States."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIBRARY OF CONGRESS

The next business on the Consent Calendar was the bill (H. R. 9355) to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. CRAMTON. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. SCHAFER. Yes.

Mr. CRAMTON. There is a great need for some expansion of the Library facilities.

Mr. SCHAFER. This is a bill which covers about $600,000. I do not think the Consent Calendar is the proper calendar to consider such a bill on.

Mr. CRAMTON. I shall not argue with the gentleman about that. I am glad to know that he is not opposed to the bill.

Mr. SCHAFER. I think it is improper to have it on the Consent Calendar, and, therefore, I object.

NATIONAL ARCHIVES

The next business on the Consent Calendar was the bill (H. R. 10545) to create an establishment to be known as the national archives, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDWARDS. Mr. Speaker, I object.

SIOUX TRIBE OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 6862) authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate, hear, and determine the claims of the individual Indians whose names are enrolled on the approved rolls of the following Indian agencies: Rosebud, Pine Ridge, Lower Brule, Crow Creek, Cheyenne River, Yankton, Sisseton, and Flandreaux, in the State of South Dakota; Fort Peck, in the State of Montana; Fort Totten, in the State of North Dakota; Standing Rock, in the States of North and South Dakota; and Santee, in the State of Nebraska: *Provided*, That the Secretary of the Interior is authorized to make all rules and regulations necessary to carry out the provisions of this act: *Provided further*, That the claims which shall be investigated under this act shall be individual claims for allotments of land and for loss of personal property or improvements where the claimants or those through whom the claims originated were not members of any band of Indians engaged in hostilities against the United States at the time the losses occurred. If any such claims shall be considered meritorious, the Secretary of the Interior shall adjust same where there is existing law to authorize their adjustment, and such other meritorious claims he shall report to Congress with appropriate recommendation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL CEMETERY, BATON ROUGE, LA.

The next business on the Consent Calendar was the bill (H. R. 8742) to authorize the Secretary of War to grant and convey to the city of Baton Rouge, La., a perpetual easement for public-street purposes over and upon a portion of that

part of the United States National Cemetery at Baton Rouge, La., lying outside the cemetery wall.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. JAMES. Mr. Speaker, will the gentleman reserve his objection?

Mr. SCHAFER. I shall reserve the objection, but there is no provision in the bill that this property be returned to the Federal Government should the State of Louisiana discontinue the use of the property for public-road purposes.

Mr. LAGUARDIA. Mr. Speaker, I propose to offer that amendment.

Mr. SCHAFER. Then I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War be, and he is hereby, authorized, subject to such conditions as may seem to him proper, to convey by proper quitclaim deed, to the city of Baton Rouge, La., a municipal corporation of the State of Louisiana, for use as a public street, all the right, title, and interest of the United States in and to a parcel of ground 31.5 feet by 322 feet between parallel lines and fronting 31.5 on the north side of Convention Street and 31.5 on the south side of Florida Street, being the east 31.5 feet of square 21 in that part of the city of Baton Rouge, La., known as Hickey Duncan and Mather Town as shown on map made by William G. Waller, civil engineer, dated July 18, 1878, on file with clerk of the court in the courthouse of East Baton Rouge Parish, State of Louisiana, being that small portion of land belonging to the national cemetery at Baton Rouge, La., lying outside the cemetery wall: *Provided*, That prior to the delivery of any conveyance under this act the city of Baton Rouge, La., shall notify the Secretary of War, in writing, of its willingness to accept and maintain as a public street the parcel of ground included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized the jurisdiction of the United States of America, which has been heretofore ceded to the United States by the State of Louisiana over such parcel of ground, shall hereby cease and determine and shall hereafter vest and be in the State of Louisiana."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 4, add the following:

"SEC. 2. No part of the property granted and conveyed by the Secretary of War for the purposes aforesaid shall be used for any other than street purposes and when such property shall cease to be so used it shall revert to the United States of America, together with jurisdiction over such parcel of ground."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street."

ROADS AT THE PRESIDIO OF SAN FRANCISCO, CALIF.

The next business on the Consent Calendar was the bill (H. R. 9047) to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is another bill in the same class I referred to in connection with the bill of the gentleman from Alabama [Mr. JEFFERS]. There is ample authority already. This bill is just an effort to expedite those appropriations. For the reasons I gave in withdrawing my objection to the Alabama bill, and because this is a bill by the lady from California [Mrs. KAHN], I am not going to object. I have reason to hope that we will not continue to get these bills, which are really an evasion of the Budget.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $47,200 for the purpose of completing the military roads at the Presidio of San Francisco, Calif.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAVING OF RINGGOLD ROAD, GEORGIA

The next business on the Consent Calendar was the bill (H. R. 11724) to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that this bill, of which I am the author, be striken from the Consent Calendar.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, in view of the statement of the gentleman from Georgia, I ask unanimous consent that the bill be rereferred to the Committee on Military Affairs.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ACOMA PUEBLO INDIANS

The next business on the Consent Calendar was the bill (H. R. 11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, we take care of the Acoma Indians at the present time. Will we be called upon to do a similar thing for the Lagunas?

Mr. MORROW. This is for the purpose of closing the matter and letting both Indian pueblos have an equal amount.

Mr. LAGUARDIA. And this will settle the matter permanently?

Mr. MORROW. This will settle it entirely. It is the idea to give them the grazing lands when the opportunity exists, which they now have. They have been using this land under Executive order. It is now proposed to reserve the area to them, so that they will have the land and it will be settled for all time.

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit, I visited this section three or four years ago and urged at that time that something of this kind should be done to settle a long-standing dispute between these two pueblos. Incidentally it will interest the gentleman to know that no Indians are showing better results in progress than these Acoma Pueblo Indians.

Mr. MORROW. Mr. Chairman, in order that full information may be had concerning the legislation I am inserting herein my report from the Committee on Indian Affairs, which report includes the letter from the Acting Secretary of the Interior, Mr. E. C. Finney, on the measure:

Mr. LAGUARDIA. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all vacant, unappropriated, and undisposed of lands within township 7 north, ranges 7 and 8 west, and fractional township 8 north, range 8 west, New Mexico principal meridian, in New Mexico, be, and they are hereby, reserved for the sole use and occupancy of the Indians of the Acoma Pueblo: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to October 3, 1927, the date of withdrawal of the lands from all forms of entry, shall not be affected by this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the report on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The report referred to is as follows:

Mr. MORROW, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 11479):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians, having considered the same, report thereon with a recommendation that it do pass without amendment.

Inquiry into the situation which this bill seeks to remedy reveals that for many years the Indians of the Acoma and Laguna Pueblos have been

engaged in controversy over lands which were set aside for their joint use. The Lagunas, about 1,900 in number, have a total of 264,880 acres under their control at present, while the Acomas, numbering about 841, have only 95,791 acres of land. This provides approximately 100 acres of grazing land per capita for the Acomas. Since they are strictly a shepherd folk, engaged in sheep and goat raising, this is absolutely inadequate.

There are near by approximately 14,000 acres of semiarid lands of little value except for grazing which were temporarily withdrawn from entry on October 3, 1927, and upon which there had previously been little interest in the establishment of homestead entries. This bill would reserve the area for the sole use and occupancy of the Indians of the Acoma Pueblo.

The bill contains a proviso for the protection of any bona fide settlers who went upon the land prior to its temporary withdrawal.

The Secretary of the Interior favors enactment of the bill as indicated by the following letter addressed to the chairman of the committee:

THE SECRETARY OF THE INTERIOR,
Washington, March 10, 1928.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to your letter of February 29, 1928, transmitting for report copy of H. R. 11479, a bill to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians.

The Acoma pueblo is a community of Indians numbering about 841 located in Valencia County, N. Mex. Part of the land of this pueblo is held by the Indians through original grant from the King of Spain, made during the Spanish sovereignty and confirmed by Congress since the acquisition thereof (10 Stat. 309; 11 Stat. 374). In addition they have acquired by purchase small grants from Mexicans, and lands were provided for the joint use of the Acoma and Laguna pueblos by the Government through Executive order of March 21, 1917.

However, these Indians and the Indians of the Laguna pueblo have for many years been engaged in a controversy over lands. As stated above, Executive order of March 21, 1917, set aside certain lands for the use of the Lagunas and the Acomas, but the Lagunas thereafter contended that the land thus set aside was for their use exclusively. In order that the Indians of both pueblos might keep their livestock separate and not encroach upon each others' territory and at the same time settle somewhat the existing controversy, the Lagunas were given permission to build a fence inclosing the greater part of the Executive order area of 1917 and were given exclusive grazing rights on the areas thus fenced. The Lagunas, with a population of approximately 1,900, have a total of 264,880 acres under their control, while the Acomas, with a population of approximately 841, have only a total of 95,791 acres, or a little more than 100 acres of grazing land per capita.

Reports from the field show that the future welfare of the Acoma Indians is dependent upon additional grazing lands as they are a strictly shepherd folk engaged in sheep and goat raising and their present areas are inadequate for their needs. The lands involved in the bill covering approximately 14,000 acres were temporarily withdrawn from entry October 3, 1927, and are in a semiarid belt and are of so little value except for grazing purposes that no interest has been shown to any great extent in establishing homestead entries thereon.

In view of the facts herein set out it is respectfully recommended that the proposed legislation be given favorable consideration by your committee and the Congress.

Very truly yours,

E. C. FINNEY, *Acting Secretary.*

CLAIMS OF CALIFORNIA INDIANS

The next business on the Censent Calendar was the bill (H. R. 491) authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Reserving the right to object, Mr. Speaker, I want to call the attention of the House to the fact that this is merely one of many bills that pass the House practically without explanation and which breaks pretty nearly every policy laid down by the House. In the first place, it ignores the statute of limitations without making any excuse whatever for so doing. In the second place, this particular bill, on page 2, makes a declaration which I think is particularly dangerous in matters of legislation. It declares, although the committee has stricken out the words "to be the judgment of the Congress"—

It is hereby declared to be the judgment of the Congress that the loss to the said Indians on account of their failure to secure the lands and compensation provided for in the 18 unratified treaties is sufficient ground for equitable relief.

And then this bill goes on and refers this matter to the Court of Claims for adjudication, determining the case even before it reaches the court.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. In a moment.

This particular bill goes back to the year 1852. This is directly against the policy of the House, for the Committee on War Claims has refused thus far at this session and in the past two or three sessions to take up matters which occurred during the Civil War and some time subsequent to that.

Mr. KNUTSON. The gentleman is in error when he states that the Committee on War Claims has done that.

Mr. UNDERHILL. That is my understanding, at least. My understanding is that the committee has passed a rule in the committee refusing to take up such claims at this session, and it passed the same rule at the last session.

Mr. LEAVITT. This, of course, is not a war claim. It is a claim by Indians against their Government for losses incurred through the actions of people of the white race. It has to do with the robbing of these Indians by some of those who went into California at the time of the gold rush. They have been trying for many years to get into the Court of Claims and adjudicate their claims. It has not been due to failure on their part that they have not been in the Court of Claims. If justice is to be done them, the statute of limitations must be waived. The gentleman from California [Mr. LEA] has asked that the bill be passed over temporarily while he is getting information from the Commissioner of Indian Affairs regarding an amendment.

Mr. UNDERHILL. Mr. Speaker, I want to continue for a moment. I have picked out the most reasonable bill of this character, the one that has the best argument back of it that I could possibly find, to bring this matter to the attention of the House. I will say in connection with this particular bill that not one of the Indians whose land was taken is living. The Indians of our land are becoming the wealthiest of our people.

Mr. LEAVITT. Not these Indians.

Mr. UNDERHILL. "Solomon in all his glory was not arrayed like one of these," and yet "they toil not, neither do they spin." We are constantly passing out from the Treasury of the United States, not one million dollars, or two millions, but many millions, to the Indians, and I am getting, I will say, not rather suspicious, but of an inquiring turn of mind to find out why this particular group should be subject to treatment different from the treatment accorded white people and other people of the land.

Mr. LEAVITT. It would be just as fair to say that all the white people of the country are rich simply because John D. Rockefeller is a multimillionaire as to make that statement. The Osage Indians and other tribes of Oklahoma are rich because of the discovery of oil on their land. But these Indians in California are destitute, except as the result of their own labor, and they do work.

Mr. UNDERHILL. Are they wards of the Government, under the jurisdiction of and supported by the United States?

Mr. LEAVITT. Many of them are, and many of them are not.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, the bill is an unusual bill. I do not want to make a strong general statement concerning it, but I do not believe there is any State where they criticize more the Federal Government for lack of care of the Indians and do less for them than the State of California. Here the State of California is to bring a suit, and later there is an unlimited amount to which the State may be reimbursed. They are not even limited to the amount the State expends. The State may be reimbursed and find this a very profitable undertaking, this care they are giving the Indians.

Furthermore, on page 3, the bill provides that the Government may set off against the Indians' claims any amount expended under specific appropriations, but we spend a lot more under general appropriations than we do under specific appropriations. Any money that we spend for the benefit of these Indians under general appropriations, and it will run into the millions, can not be set off under this bill. For that and a number of other reasons I think it very desirable that the bill go over as suggested.

Mr. UNDERHILL. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. UNDERHILL. I have not mentioned what is a strong suspicion in my mind, that these various bills which come before us are raked up by claims attorneys here in Washington, and the way this bill is drawn is pretty conclusive evidence that some shrewd claims lawyer had a finger in the pie or pen in the ink when he wrote the bill.

Mr. LEAVITT. The gentleman knows that the proceeding in this case is by the attorney general of California.

Mr. UNDERHILL. But he did not write the provisions of the bill.

Mr. CRAMTON. In that connection I will say that section 5 provides that we shall not reimburse the State for the services of the attorney general, but for moneys expended by the State in the employment of attorneys to prosecute the claims. So on the face of it the attorney general is not going to prosecute the claims.

There is one other aspect to this case, since it has gotten to the attention of the House. The Budget suggested in this particular case that the bill would be all right if it carried with it also a provision that after this settlement is made the health and education work for these Indians should be carried on by the State of California. That is logical. When we make a settlement and pay them every cent, if any, we owe them, then the State of California should take up the burden of educating them and caring for their health, the same as it does for its other citizens. However, I would be opposed to that provision for the reason that I do not think the State of California would or could give them the care that the Federal Government is now giving them and should continue to give them.

Mr. KNUTSON. The gentleman is not criticizing the committee for not incorporating the suggestion of the Budget Bureau into this legislation, I take it.

Mr. CRAMTON. But since the report of the committee leaves upon the Federal Government all the burden for continuing their health work and their education that is upon it now, the bill itself is hardly logical.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. I yield, although I do not have the floor.

Mr. LEAVITT. I do not wish to take time from other bills, but since this bill has been attacked I ought to say this: In this case, just as in the case of the Texas Indians, something can be said with regard to the duties of the State, but the Indians themselves are in destitute circumstances; they are in many cases wards of the Government and in many cases where they have not been they have not been properly treated. It is a practical fact that unless the Federal Government does do this thing itself it is not done and the Indians are the sufferers.

Mr. CRAMTON. Just as an illustration, may I ask the gentleman from Montana this: We are now appropriating moneys to buy lands for the homeless Indians in California. Suppose this bill passes, claims are allowed, and there is a million dollars, or such a matter——

Mr. UNDERHILL (interposing). Two million dollars.

Mr. CRAMTON. They hope for $5,000,000, but they should not have over $1,000,000 at the outside. But suppose this bill passes, and settlement is made, and the money is frittered away. Then they expect us to go on just the same in buying lands for the homeless Indians of California, and they will be just as needy and just as much of an obligation as they are to-day. If this is to go through, there ought to be some provision written into the bill which would provide that whatever money is found to be due them shall constitute a fund which is to be expended for their benefit, which is to be expended for the purpose of buying lands for them and the providing of hospitals, and so forth.

Mr. KNUTSON. That is exactly what is contemplated.

Mr. CRAMTON. And the money ought not to be frittered away in some kind of a per capita payment.

Mr. KNUTSON. That is exactly what is contemplated.

Mr. CRAMTON. I should like to see it written into the law.

Mr. TILLMAN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The regular order is: Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. BLACK of Texas. Mr. Speaker, if the gentleman from Montana desires to make that request I shall withdraw my objection.

Mr. LEAVITT. Mr. Speaker, I make that request at the suggestion of the gentleman from California [Mr. LEA].

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

RELIEF OF THE STATE OF VERMONT

The next business on the Consent Calendar was the bill (H. R. 9767), to authorize an appropriation for the relief of the State of Vermont on account of roads and bridges damaged or destroyed by the recent flood.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is not quite as serious as the Kentucky bill, which we recently passed over. That bill placed on the Federal Government the responsibility for all roads. This, I understand, is only for the Federal-aid roads, but it is a very large amount. I understand it has been put on as an amendment to the agricultural bill. For these reasons I think it ought not to be on this calendar and I, therefore, object.

EDUCATIONAL LEAVE TO EMPLOYEES OF THE INDIAN SERVICE

The next business on the Consent Calendar was the bill (H. R. 11629) to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I have some perfecting amendments, and may I call the attention of the gentleman to the fact that in referring to the United States Code it is customary to refer to sections and not to paragraphs, because there are paragraphs in the sections, and it is the sections that are numbered.

Then may I also suggest that we strike out everything after the word "amended" in line 8, down to the words "so that the proviso shall read," and then will follow the amended proviso. Otherwise we will have in our statutes a provision striking out certain words and inserting others. It is quite proper to report the bill in this way for the information of the House, but when you write it into law the gentleman can readily see the difficulty of inserting, for instance, in the fourth line certain words after the word "year." What the gentleman wants is that the act be, and the same is hereby, amended so that the proviso shall read, and so forth.

Mr. LEAVITT. There can be no objection to that. The bill is practically in the form in which it came from the department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proviso of the act approved August 24, 1912 (37 Stat. L. 519), as amended by the act approved August 24, 1922 (42 Stat. L. 829), be, and the same is hereby, amended by inserting in the second line of the sixth paragraph thereof, after the word "schools," the words "and physicians of the Indian Service," and by inserting in the fourth line thereof, after the word "year," the words "or not to exceed 60 days in every alternate year," so that the proviso shall read: "*Provided*, That hereafter employees of the Indian schools and physicians of the Indian Service may be allowed, in addition to annual leave, educational leave not to exceed 30 days per calendar year, or 60 days in every alternate year, for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred."

With the following committee amendment:

Page 1, line 4, after the figures "519," insert the words "United States Code, title 25, paragraph 275"; and page 1, line 7, after the figures "829," insert the words "United States Code, title 25, paragraph 275."

Mr. LAGUARDIA. Mr. Speaker, I have an amendment to the committee amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the committee amendment: Page 1, line 8, after the word "amended," strike out the balance of the line and all of line 9; and on page 2 strike out all of lines 1, 2, 3, and the words "in every alternate year" in line 4.

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I have another amendment: On page 1, line 5, strike out the word "paragraph" and insert in lieu thereof the word "section," and in line 7 strike out the word "paragraph" and insert in lieu thereof the word "section."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE WABASH RIVER

The next business on the Consent Calendar was the bill (H. R. 9485) granting the consent of Congress to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill if Roy Clippinger and the other parties mentioned in the bill are going to construct this bridge or whether they are bridge speculators, such as have been obtaining rights from Congress to construct bridges and then selling such rights to the big bridge trust?

Mr. WILLIAMS of Illinois. The parties named in the bill are all residents of the vicinity where this bridge is to be constructed. They now own and operate a ferry across the Wabash River at this point and they intend to build the bridge themselves.

Mr. SCHAFER. I shall not object.

Mr. DYER. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. DYER. Are they going to charge tolls on the bridge?

Mr. WILLIAMS of Illinois. Certainly.

Mr. LAGUARDIA. Does the gentleman know of his own knowledge if permission to construct a bridge has been granted to the permittees mentioned in this bill heretofore and whether they have assigned any such permit?

Mr. WILLIAMS of Illinois. No, sir; they have not.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Wabash River at a point suitable to the interests of navigation between a point at or near McGregors Ferry in White County, Ill., and a point in Posey County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the States in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Illinois, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 50 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the State highway commissions of the States of Indiana and Illinois, a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War, at any time within three years after the completion of such bridge, shall investigate the actual cost of constructing the same and for such purpose the said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, shall make available all its records in connection with the financing and construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near McGregors Ferry in White County, Ill., and a point in Posey County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

"SEC. 3. The said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

"SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Indiana, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or

expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

"SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

"SEC. 6. The said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the highway departments of the States of Illinois and Indiana, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill."

A motion to reconsider was laid on the table.

BRIDGE ACROSS LAKE CHAMPLAIN

The next business on the Consent Calendar was the bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, I ask the gentleman if the permittees have been granted permission to construct other bridges which they have assigned?

Mr. DENISON. The gentleman from New York just presiding as Speaker pro tempore is the author of this bill, and I will yield to him to answer the gentleman's question.

Mr. SNELL. What is the question?

Mr. LAGUARDIA. We have a situation here which is stated in documents of which I have photostatic copies whereby it has been the practice of a certain group to obtain these permits to construct bridges and then assign them to others. I deem it my duty to make this inquiry in all of these bridge bills.

Mr. SNELL. I can answer the gentleman. This company is going to construct the bridge itself. They have the money and are doing it at the request of the local people on both sides of the river in New York and the State of Vermont.

The SPEAKER pro tempore (Mr. CHINDBLOM). The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 10643) authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Gulf Coast Properties (Inc.), its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near Rouses Point, N. Y., and a point at or near Windmill Point, Vt., or near Alburg, Vt., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Gulf Coast Properties (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Gulf Coast Properties (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of New York, the State of Vermont, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record

of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Gulf Coast Properties (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of New York and Vermont a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Gulf Coast Properties (Inc.), its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Gulf Coast Properties (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

Page 2, line 8, after the word "Act" change the period to a colon and insert the following: "*Provided*, That such bridge shall not be so located as to interfere with the landings and the cable used for the operation of the existing ferry between Rouses Point and Alburg."

Page 2, line 10, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

Page 2, line 22, after the word "Properties" insert a comma, strike out the phrase "(Incorpo-" and insert the word "Inc." in lieu thereof.

Page 2, line 23, strike out the phrase "rated)."

Page 5, line 1, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

Page 5, line 17, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

Page 6, line 3, after the word "Properties" insert a comma, strike out the word "(Incorporated)" and insert the word "Inc." in lieu thereof.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Gulf Coast Properties, Inc., its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y."

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE KANAWHA RIVER AT POINT PLEASANT, W. VA.

The next business on the Consent Calendar was the bill (H. R. 11138) authorizing Point Pleasant Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, I have talked with the gentleman who introduced the bill, and he assures me that the people who are to construct this bridge do not propose to assign their rights. As Members know, I have been objecting to Eugene M. Elliott and his associates, as well as any corporation in which he is interested, from securing additional grants. I find Mr. Elliott has numerous corporations. I have copies of charters, and he controls practically all the stock. I also found that he assigns the franchises and does not construct the bridges.

Now, it is going to be a pretty hard matter for a Member to keep track of all the bills as well as learn the officers of the corporations who are asking for permits to build the bridges. I want to ask the gentleman from Illinois if it would be requesting too much if his committee required corporations or the Member who introduces the bill to file a statement with the committee, to be included in the report, giving the names and officers of the corporation, and a statement as to whether they propose to build the bridge or to assign their rights? I am sure this would assist to expedite business of the House. If we could get this information from the report, and it was found the persons requesting the passage of the bill intended to construct the bridge and not simply to sell the franchise, I doubt if any Member would offer an objection, unless a local situation warranted the action.

Mr. DENISON. In these bridge franchises granted by Congress, if they are granted to private individuals or companies, the bills give the right to assign. Sometimes the companies or persons authorized to build a bridge may fail financially after they get the bridge started, and before it is completed, and they assign the franchise to somebody who will finish the job. After careful consideration it has been found necessary to give the right to assign. That is the policy of the House and Senate, and it is a necessary provision in any bill granting a franchise to private individuals to build a bridge.

As to the committee ascertaining who the officers of the company are, that is a matter with which the committee is not concerned. Any Member of Congress can see the Member who introduces the bill and get the information from him. If he ascertains any facts concerning the company or the individuals who are going to construct the bridge which he thinks would justify him in objecting, he has that privilege. That is a matter the Committee on Interstate and Foreign Commerce does not have time to go into.

Mr. COCHRAN of Missouri. I want to say that my interest is only in protecting the people.

Mr. DENISON. I understand the gentleman's interest.

Mr. COCHRAN of Missouri. Numerous bills were passed for Mr. Elliott and his corporations before I made my statement on the floor. Since then bills have been introduced; two were on the Consent Calendar which were objected to by me, and I do not see them on the calendar to-day. I want to ask the gentleman if it is his purpose to call up the bills?

Mr. DENISON. To what bills does the gentleman refer?

Mr. COCHRAN of Missouri. One is in the name of E. M. Elliott & Associates, and the other in the name of the American Bridge & Ferry Co., which he controls. One is over the Mississippi River at St. Louis and the other is over the Missouri River between St. Louis and St. Charles Counties, in Missouri.

Mr. DENISON. May I ask the gentleman who introduced the bills?

Mr. COCHRAN of Missouri. My colleague, Mr. NIEDRINGHAUS, who had no knowledge at the time of the activities of Mr. Elliott.

Mr. DENISON. Let me say that as I understand it those bills have been objected to and are off the calendar.

Mr. COCHRAN of Missouri. Yes; but they can be put back.

Mr. DENISON. The Committee on Interstate and Foreign Commerce does not request bills to be put on the Consent Calendar after they have once been objected to. That is the business of the author of the bill. Sometimes the author may come and request some member of the committee to do it, but the members of the committee have no personal interest in these bills. The bills referred to will not get back on the Consent Calendar unless the gentleman from Missouri [Mr. NIEDRINGHAUS] requests the Clerk to put them on.

Mr. COCHRAN of Missouri. In view of the statement made by the gentleman from Illinois, and in view of the fact that there is a bill pending before the gentleman's committee now granting a franchise to Mr. Elliott or the American Bridge & Ferry Co., will the committee report that bill to the House if the department makes a favorable report?

Mr. DENISON. Mr. Speaker, I do not know the bill the gentleman has reference to.

Mr. KING. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

Mr. HUGHES. Mr. Speaker, I hope the gentleman will not object.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes. I think I can settle this matter to-day.

Mr. DENISON. Mr. Speaker, I shall object to that at this time.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUGHES. Mr. Speaker, this bill has been passed by the Senate, and we expect to substitute the Senate bill for the House bill.

Mr. SCHAFER. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Senate bill be read in lieu of the House bill.

The SPEAKER pro tempore. Without objection the Clerk will read the Senate bill (S. 3558).

There was no objection, and the Clerk read as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Point Pleasant Henderson Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable to the interests of navigation, at or near Point Pleasant, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 22, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Point Pleasant Henderson Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of West Virginia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of West Virginia, shall, at any time, within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Point Pleasant Henderson Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Point Pleasant Henderson Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the word "Pleasant," insert the word "and."
Page 4, line 5, after the word "Pleasant," insert the word "and."
Page 4, line 21, after the word "Pleasant," insert the word "and."
Page 5, line 6, after the word "Pleasant," insert the word "and."

Mr. SCHAFER (when the Clerk had read section 1). Mr. Speaker, I move to strike out the last word in order to ask the gentleman from Illinois [Mr. DENISON] whether his committee holds hearings on these bridge bills, and whether those interested in obtaining these vested interests appear before the committee or the subcommittee so that the committee can develop the necessity for the bridges, and who are behind the bills?

Mr. DENISON. Mr. Speaker, whenever a bill of this kind is referred to the Committee on Interstate and Foreign Commerce, the committee refers it to the different departments of the Government for a report. If there is no objection presented to the committee by any Member of the House or anyone else, then the committee requires a statement to be filed by the author of the bill giving the committee certain information, if it is to be a privately constructed bridge. If the Member of the House who files the bill makes a satisfactory statement as to the facts about which he is asked for information, the committee puts the bill in proper shape to conform to the standard forms agreed upon by the committees of the House and Senate, and then reports the bill favorably. If anyone asks for a hearing, he is given one.

Mr. SCHAFER. If the committee has knowledge that the franchises are requested by speculators who have no intention themselves of constructing the bridge, but merely obtain the right to construct and sell out at a handsome profit to some other corporation, would the gentleman's committee favor continuing that practice?

Mr. DENISON. Not at all, if the committee had that information, but we do not have that information. We will be glad to have the gentleman from Wisconsin or anyone else give us any information of that kind.

The Clerk concluded the reading of the bill.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill authorizing Point Pleasant and Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va."

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 11138) was laid on the table.

BRIDGE ACROSS OCMULGEE RIVER, GA.

The next business on the Consent Calendar was the bill (H. R. 11203) granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River between a point at or near lands owned by Duncan McLean in Coffee County and a point at or near the northern terminus of the present Jacksonville Ferry in Telfair County, said bridge to be at or near said ferry on a public road to be constructed from McRae in Telfair County to Broxton and Douglas in Coffee County.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River between a point at or near lands owned by Duncan McLean in Coffee County and a point at or near the northern terminus of the present Jacksonville Ferry in Telfair County, said bridge to be at or near said ferry on a public road to be constructed from McRae in Telfair County to Broxton and Douglas in Coffee County, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, after the word "Coffee" insert "State of Georgia".

Page 2, line 1, strike out "between a point at or near lands owned by Duncan McLean in Coffee County, and a point" and insert "at a point suitable to the interests of navigation", and in line 3, strike out "the northern terminus of" and in line 5 insert the word "Georgia" at the beginning of the line and strike out "said bridge to be at or near said ferry on a public road to be constructed from McRae in Telfair County to Broxton and Douglas in Coffee County."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville ferry in Telfair County, Georgia."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER, N. DAK.

The next business on the Consent Calendar was the bill (H. R. 11212) authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I ask the gentleman from North Dakota whether to his knowledge the permittees granted in this bill have in the past received similar permission to build other bridges and have assigned such permits to others?

Mr. SINCLAIR. This bill is to permit the county officers of Mercer County to construct this bridge.

Mr. LAGUARDIA. That answers the question.

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, I want to see if we can not settle this question. In view of the statements that the chairman of the committee knows I made on the floor of the House, in the event that a Member makes a favorable showing as to the necessity for a bridge will the committee report out a bill in which Mr. Elliott or any one of his corporations is to receive the consent of Congress to construct that bridge?

Mr. DENISON. Well, Mr. Speaker, in answer to that question, I can speak only for myself as a member of the committee. I can not express the views of the other members of the committee, but so far as I am concerned I do not have any personal information about the matter the gentleman has referred to. If a Member of this House, upon his responsibility as a Member of the House, files a bill asking Congress to consent to the building of a bridge in his district and he presents the proper evidence to the committee, which we require in all cases, so far as I am concerned I will approve the bill granting the consent of Congress to build the bridge. I have no prejudice against Mr. Elliott or anyone else, and if any Member of Congress on his responsibility asks to grant to him the privilege of building a bridge under those circumstances I shall have no objection.

Mr. LAGUARDIA. Concerning the gentleman's reference to Mr. Elliott, I wish to state that Mr. Elliott is not a proper person for this Congress to give consent to the building of a bridge on his personal assurance.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent that the Clerk may read this document from the United States Federal Court, which shows Eugene M. Elliott was indicted for defrauding the Government; and it is further stated in the indictment——

Mr. DENISON. Mr. Speaker, I object.

Mr. KING. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will report the next bill.

BRIDGE ACROSS THE KANAWHA RIVER, W. VA.

The next business on the Consent Calendar was the bill (H. R. 11265) authorizing the Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINN.

The next business on the Consent Calendar was the bill (H. R. 11267) authorizing the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

BRIDGE ACROSS THE KANAWHA RIVER, W. VA.

Mr. ENGLAND. Mr. Speaker, I do not know who it was who objected to the consideration of this bill; I mean the bill H. R. 11265. This bridge is to cross the Kanawha River at St. Albans. Local people are behind it.

Mr. SCHAFER. If we can not have information on the activities of a professional bridge speculator, who does not build bridges but speculates upon them, I am going to object to every such bill on this calendar.

The SPEAKER pro tempore. Is there objection to the consideration of the bill H. R. 11265?

Mr. SCHAFER. Mr. Speaker, I will withdraw my objection in the hope that we will have this evidence presented to the House in the near future.

Mr. ENGLAND. Mr. Speaker, I am with the gentleman on that.

The SPEAKER pro tempore. The gentleman from West Virginia asks unanimous consent to return to Calendar No. 490, the bill H. R. 11265. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I ask unanimous consent to proceed for just one minute.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. DYER. I want to say a word with reference to the matter referred to by my colleague, Mr. COCHRAN, concerning the bridge bill introduced by my colleague, Mr. NIEDRINGHAUS, containing the name of Mr. Elliott. Mr. NIEDRINGHAUS is not on the floor. I know from him that he does not know Mr. Elliott. I know that he never met him. He introduced this bill at the request of numerous constituents of his in St. Louis County and also probably of citizens in St. Charles County. I know many of them in St. Louis County expected him to introduce this bill. As I say, he does not know Mr. Elliott and knows nothing about him. I want it understood that whatever may be wrong in this bill, Mr. NIEDRINGHAUS, my colleague, is entirely blameless.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia that we return to the consideration of the bill H. R. 11265?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. COCHRAN of Missouri. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Cabin Creek Kanawha Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River, at a point suitable to the interests of navigation, at or near Cabin Creek, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of

constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

Mr. COCHRAN of Missouri. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Missouri moves to strike out the last word. The gentleman is recognized for five minutes.

Mr. COCHRAN of Missouri. Mr. Speaker and gentlemen of the House, I have been objecting to the consideration of bills granting the consent of Congress to one Eugene M. Elliott and associates to build bridges. In my investigation I have discovered that Mr. Elliott had been convicted of defrauding the United States Government and that he was indicted in the District Court of the United States in and for the Southern District of Florida at the regular term, December, 1925, held at Jacksonville, Fla.

I hold in my hand a copy of the indictment, a copy of his plea of guilty, and a copy of the sentence imposed by the court. I ask unanimous consent that I be permitted to publish this in the RECORD as a part of my remarks. It is an official document and contains the seal of the court.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks by printing a document, reference to which he has just made. Is there objection?

There was no objection.

The document referred to follows:

In the District Court of the United States of America in and for the Southern District of Florida. Regular December term thereof, A. D. 1925, held at Jacksonville, Fla.

The grand jurors of the United States of America, duly impaneled, sworn, and charged to inquire within and for the southern district of Florida, upon their oaths present:

That on, to wit, the 13th day of April, 1923, at St. Petersburg, Fla., in the said southern district of Florida and within the jurisdiction of this court, Eugene M. Elliott, then and there having been duly sworn and having taken an oath before E. Richard Hall, a competent officer, to wit, a notary public of the State of Florida, whose commission expired January 13, 1924, and said E. Richard Hall being then and there duly authorized to take said oath, that said defendant, Eugene M. Elliott having been sworn as aforesaid, did swear that the statements in the income-tax return of said defendant for the calendar year 1922 on Form 1040 of the United States Internal Revenue, had been examined by him and to the best of his knowledge and belief was a true and complete return made in good faith for the taxable period as stated, pursuant to the revenue act of 1921 and regulations issued under the authority thereof, and did subscribe said affidavit, having been duly sworn as aforesaid, did willfully, knowingly, unlawfully, and feloniously and, contrary to such oath, state and subscribe a certain material matter, to wit, that his total income was $13,208.15, which said statement the said defendant then and there did not believe to be true and knew to be untrue in that the true and correct compensation of said Eugene M. Elliott, from the Gandy Bridge Co., of St. Petersburg, Fla., for said calendar year 1922, was $59,404.55, on which there was due to the Government a tax in the amount of $11,667.59, and not $415.48, and that said oath as aforesaid was administered in a case in which a law of the United States authorized an oath to be administered, to wit, that said oath was taken to an individual income-tax return on Form 1040, United States Internal Revenue, as provided in and by the provisions of the revenue act of November 23, 1921.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

SECOND COUNT

And the grand jurors aforesaid upon their oaths aforesaid do further present:

That on, to wit, the 15th day of March, 1924, at St. Petersburg, Fla., in the said southern district and in the internal-revenue collection district of Florida and within the jurisdiction of this court, Eugene M. Elliott was an individual who was then and there required by law to make to the collector of internal revenue for said collection district, under oath, a return stating specifically the items of his gross income and the deductions and credits allowed under Title II (income tax) of the act of Congress approved November 23, 1921, and entitled, "An act to reduce and equalize taxation, to provide revenue, and for other purposes," by reason of the fact, which said grand jurors, upon their said oath, charge to be the fact, that during the calendar year 1923, he, the said Eugene M. Elliott, had a net income in a large amount, to wit, in the total sum of $206,326.74, arising from business (not including income from partnerships), said amount being paid to the said Eugene M. Elliott as compensation by the Gandy Bridge Co., of St. Petersburg, Fla., upon which said income of said Eugene M. Elliott an income tax under said act of Congress then and there became due to the United States from said Eugene M. Elliott, in the total sum of $90,545.51, one-fourth of which at least should then and there have been paid by said Eugene M. Elliott to said collector of internal revenue; and that said Eugene M. Elliott, on March 15, 1924, at St. Petersburg, Fla., in said southern district of Florida, then and there so being indebted to the United States on account of said tax in this count mentioned, imposed by said title of said act of Congress, unlawfully, willfully, and knowingly did refuse and fail to make the required return, in this count of this indictment above referred to, or any return whatever to the said collector of internal revenue in respect to his said income for said calendar year 1923.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

WM. M. GOBER,
United States Attorney.

Indorsed: A true bill.

G. D. ACKERLY,
Foreman Grand Jury.

Filed December 11, 1925.

EDWIN R. WILLIAMS, *Clerk.*

Bond fixed at $2,500.

RHYDON M. CALL, *Judge.*

United States District Court, Southern District of Florida

United States of America *v.* Eugene M. Elliott, vio perjury

Comes now Wm. M. Gober, United States attorney who prosecutes for the United States of America, comes also the defendant herein in his own proper person, and upon being arraigned in open court to the indictment heretofore filed herein, enters a plea of guilty as to the second count of said indictment.

Said defendant is now asked in open court if he had anything to say why the sentence of the law should not be passed upon him and saying nothing sufficient, it is considered by the court that the United States of America do have and recover of and from you, Eugene M. Elliott, defendant herein, the sum of $500 as fine imposed herein, including costs.

On motion of the United States attorney, it is ordered that the first count of the indictment herein be, and the same hereby is, dismissed.

In the United States District Court for the Southern District of Florida

UNITED STATES OF AMERICA,
Southern District of Florida:

I, Edwin R. Williams, clerk of the United States District Court in and for the Southern District of Florida and as such the legal custodian of the records and files of said court, do hereby certify that the foregoing is a true and correct copy of the indictment, plea, and sentence in the case of United States of America *v.* Eugene M. Elliott as the same appears from the records and files of said court.

In witness whereof I hereunto set my hand and affix the official seal of said court this 31st day of March, A. D. 1928.

[SEAL.] EDWIN R. WILLIAMS,
Clerk United States District Court,
Southern District of Florida.

UNITED STATES OF AMERICA,
Southern District of Florida:

I, Lake Jones, one of the judges of the District Court of the United States for the Southern District of Florida, do hereby certify that Edwin R. Williams, whose name is subscribed to the preceding exemplification, is the clerk of the said district court, duly appointed and sworn, and that full faith and credit are due to his official acts. I further certify that the seal affixed to the said exemplification is the seal of the said district court, and that the attestation thereof is in due form of law.

Dated at Jacksonville, Fla., this 31st day of March, A. D. 1928.

LAKE JONES,
United States District Judge.

UNITED STATES OF AMERICA,
Southern District of Florida, ss:

I, Edwin R. Williams, clerk of the District Court of the United States for the Southern District of Florida, do hereby certify that Hon. Lake Jones, whose name is subscribed to the preceding certificate, is one of the judges of the District Court of the United States for the Southern District of Florida, duly appointed and sworn, and that the signature of said judge to said certificate is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court at the city of Jacksonville, in the southern district of Florida, this 31st day of March, A. D. 1928.

[SEAL.] EDWIN R. WILLIAMS,
Clerk United States District Court,
Southern District of Florida.

Mr. COCHRAN of Missouri. I desire to read the second count of this indictment for the benefit of the members present, to which count Mr. Elliott entered a plea of guilty.

Mr. COCHRAN read the second count.

Mr. KING. Mr. Speaker, I desire, in the interest of time saving, to make the point of order that the gentleman is not talking to his amendment, which was to strike out the last word.

The SPEAKER pro tempore. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. COCHRAN of Missouri. No; it would be useless. I do not care to discuss the point of order.

Mr. KING. Mr. Speaker, I withdraw my point of order.

Mr. COCHRAN of Missouri. I have received the consent of the House to print the transcript of the court record and I now ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The pro forma amendment was withdrawn.

Mr. COCHRAN of Missouri. Mr. Speaker, I regret I found it necessary to bring this indictment to the attention of the Members in this way, but failing to secure an agreement that the committee would not report bills in the future where the consent to construct a bridge was given to Eugene M. Elliott and associates or a corporation in which he is interested I feel it is my duty to Members who might be requested to introduce a bill. Mr. Elliott is operating all over the country. He has been active in Florida, Illinois, Indiana, Ohio, Kentucky, Missouri, and at the present time I am objecting to a bill of his for a bridge in my own city, St. Louis, and another in St. Louis County which adjoins St. Louis. I want it distinctly understood that Members who introduced bills where Mr. Elliott secured consent to construct bridges either in his own name or in the name of a corporation which he controlled or in the name of individuals who agreed in advance to assign the franchise to him, should not be subject to any criticism because at the time they introduced the bills the information I placed before the House was not available to them. For instance, my colleague, Mr. NIEDRINGHAUS, whose district adjoins mine, was asked to introduce two bills. The requests came from the county court of St. Louis County, from the Carondelet Improvement Association which is in the vicinity of one location, and he also received petitions from numerous citizens of both communities to introduce the bills. This was long prior to the time I made my first statement concerning the activities of Mr. Elliott. He followed the same procedure I would have followed myself had I been requested to introduce bills, in the absence of any information whatsoever that the promoters were not proper persons to finance and construct a bridge.

Further, I want it distinctly understood I have no personal grudge against Mr. Elliott. I do not know him, have never met the man. I have received some telegrams from him and one letter. In that letter of March 22, which was in reply to a communication I addressed him on March 14, he said, in part:

> The situation is one I think requires a man to man talk straight across the table and therefore I think I had best wait until I go to Washington.

I immediately replied I would not deny him an interview if he called at my office, but added that unless he could show me that the information I had that he entered a plea of guilty to an indictment in the United States court at Jacksonville, Fla., in which he was accused of defrauding the United States Government in connection with an income-tax return and was fined $500, was false, under no consideration would I agree to withdraw my opposition to bridge bills which granted either Mr. Elliott or a corporation in which he was interested the right to construct a bridge.

Now, Mr. Speaker, I fully realize bridges must be built, but I contend that when the States are not in a position to construct the bridge, then we should have assurance that some responsible person or corporation will construct the bridge and does not apply for a franchise solely for the purpose of assigning it for his financial benefit and who has no idea of being interested in the structure other than from the standpoint of selling the franchise. When I receive proper assurance from Members that public-spirited citizens of a community apply for the franchise or that the corporation applying proposes to build the bridge is responsible and will actually construct the bridge I shall not object.

I feel I have convinced the Members to-day Mr. Elliott should not receive any additional franchises.

It is well known to the Members I am interested in seeing some amendment worked out where a limitation will be placed upon the amount of bonds and other securities that can be issued in connection with a bridge project. I offered an amendment and forced a roll call on my amendment some weeks ago, but the House did not approve of my proposal.

At that time Members expressed the thought it was unwise to ask the Secretary of War to arrive at a cost of construction prior to the building of the bridge. I contended if it could be done after the bridge is built that it could be done prior to start of construction. Under the recapture clause the Secretary of War must arrive at a cost value if requested to do so by the State, county, or city after the bridge is built.

Recently during the debate on the bill which provided for additional employees for the Water Power Commission, the gentleman from Nevada [Mr. ARENTZ], in answer to a question of the gentleman from Alabama [Mr. MCDUFFIE], made the following statement which appears in the RECORD, page 5069, of March 20, 1928:

> Mr. ARENTZ. An individual or a corporation comes to Washington and applies for a license to the Federal Power Commission. He must present to the Federal Power Commission a statement as to the kind of dam he is going to construct, whether or not he has had soundings made on that site, how long and how high the dam is to be, what is to be the cost, where the power plants are to be erected, and how much they will cost, where he is going to run his transmission lines, and how much it will cost, and approximately what the rates will be; and the men in the field must go over these matters item by item, and the men in the office must correlate these facts, and then, on the basis of that, a license is given to the individual or corporation and issued by the Federal Power Commission.
>
> Mr. MCDUFFIE. So I understand, but is not all of that field work done through the Corps of Engineers?
>
> Mr. ARENTZ. Up to this time.
>
> Mr. MCDUFFIE. And it is through the Corps of Engineers that the data is secured to which the gentleman has just referred?
>
> Mr. ARENTZ. Up to this time I must admit that they pick from the Geological Survey an expert on geology and things of that sort; they pick a man from the War Department who knows something about the figures in connection with the construction of dams, and they pick a man from the Interior Department who knows something about water rights to determine whether or not the State has given a permit to this man or this corporation to construct a dam or for the use of that water within the State, because the Federal Power Commission is subordinate to the rights of a State in every case.

The gentleman from Nevada, I understand, is very well informed on the work of the Water Power Commission, and as no one challenged his statement, I accept it as the policy of the commission.

You will note he states the Water Power Commission arrives at the cost of the dam, and so forth, before the license is issued, and furthermore this is in connection with a project where he says the Federal Power Commission which acts for the Government is subordinate to the rights of a State in every case.

Now, I have contended and still contend the State can not object when Congress once says a bridge can be built. You will recall in the last session of the Sixty-ninth Congress the Representatives from the State of Oregon opposed on the floor the construction of a bridge over the Columbia River at Longview, Wash., while the Representatives of the State of Washington advocated its passage. The consent of Congress was finally granted. Since then the State of Oregon, through its highway commission, has been trying to find a way to prevent the construction of this bridge. I have been informed the attorney for the highway commission of Oregon contended in an opinion that the act of Congress consenting to the construction of the bridge was not an expression of the plenary power of Congress but was a consent only, leaving the beneficiaries of the act, or the permittees, subject to the reasonable regulation of the States affected by the construction of the new bridge. Other attorneys took the opposite view. Then the city of Portland and others interested employed Hon. John W. Davis to pass upon the act, and an article in the Portland Oregonian printed last week states Mr. Davis has submitted his opinion, and while the opinion was not printed, the article did say the State authorities can do nothing to prevent the construction of the bridge. Therefore, if Congress grants its consent, I take it that it is not necessary to receive permission from a city, county, or State to proceed with the construction of the bridge. In other words, the Government is in complete control.

Now, if the Water Power Commission can operate, as the gentleman from Nevada [Mr. ARENTZ] says the commission does, why is it unreasonable to ask the engineers of the Army to determine the cost of a bridge before construction, especially

when it is pointed out the engineers of the Army assigned to the Water Power Commission are the ones that determine the cost of dams, and so forth. If it can be done by the Water Power Commission, which is subordinate to the rights of a State, certainly it can be done in the case of a bridge when it is admitted the State has no right to interfere after Congress grants the franchise.

I am pleased to be able to advise the House that an effort will be made at the November election to pass an amendment to the constitution of Missouri, which will provide for a bond issue of $75,000,000 for good roads, and in the amendment it will be provided the highway commission will be given the right to construct bridges. I sincerely hope the amendment will be passed, and I feel it will pass, and that provisions will be made for the construction of all necessary bridges in the State.

Some years ago in Missouri an amendment was adopted providing for a $60,000,000 bond issue for good roads. That $60,000,000, together with the Federal aid of $30,000,000, will probably be exhausted this year, and I am informed that before the last bond has been sold the first bond issue will be redeemed. The money collected from the gasoline tax and automobile licenses is used entirely to pay interest, retire the bonds, and maintain the roads. I am further informed that it will be possible to guarantee to the people of my State there will be no increases in taxes of any kind, but that the gasoline tax and automobile license tax is sufficient to pay the interest as well as maintain the roads and create a sinking fund for the retirement of the bonds.

The Clerk continued the reading of the bill, as follows:

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financial cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Cabin Creek Kanawha Bridge Co., its successors and assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of West Virginia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of the State of West Virginia, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Cabin Creek Kanawha Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Cabin Creek Kanawha Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 8, strike out the words "with in" and insert the word "within."

In line 16, strike out "twenty-five" and insert "twenty."

On page 3, line 15, strike out "financial" and insert "financing."

In line 16, strike out "thirty" and insert "twenty."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WAR FINANCE CORPORATION

Mr. McFADDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12245) to amend the War Finance Corporation act, approved April 5, 1918, as amended, which I send to the Clerk's desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass House bill 12245, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities; and for other purposes," approved April 5, 1918, as amended, be, and the same hereby is, amended so as to extend for one year the period specified in section 1 of said act during which the War Finance Corporation shall have succession; and the expiration of the period of 10 years specified in said section 1 shall not be construed to affect any right or privilege accrued, any penalty or liability incurred, or any civil or criminal proceeding commenced, or to diminish any authority conferred on any offical necessary to enable him to carry out the duties remaining to be performed by him under said act.

The SPEAKER. Is a second demanded?

Mr. WINGO. Mr. Speaker, I demand a second.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that a second may be considered as having been ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ARENTZ. Mr. Speaker, may I direct attention to the fact that you can not get a copy of the bill. The House ought to be shown the courtesy at least of being notified that a bill of this nature is going to be brought up.

Mr. WINGO. Will the gentleman permit me to make a statement?

Mr. ARENTZ. Yes.

Mr. WINGO. I will state that it is brought up out of order on my account, as I am ill and want to leave early. This bill has the unanimous report of the committee, and all on earth it does is to extend the life of the War Finance Corporation for 12 months for liquidating purposes. That is all. We went into it thoroughly for two days, and that is all on earth the bill does. It is necessary from the standpoint of the Government and from the standpoint of the few remaining claims they have against cattlemen and a few country banks.

Mr. LaGUARDIA. Is the bill limited to liquidation during the next 12 months?

Mr. WINGO. It limits it absolutely. They can not do anything but collect past due bills. That is all on earth the bill does.

Mr. ARENTZ. I want to say to the gentleman I am in entire sympathy with the purpose of the bill. It is simply the manner in which it was brought up that I am objecting to.

Mr. WINGO. I will state to the gentleman I am responsible for that. I have not been well for two or three days and I came up to the House to-day solely to help pass this bill, and the Speaker very kindly consented to recognize us at this time.

Mr. CHINDBLOM. Mr. Speaker, on the general question of procedure I would like to say just this word. Suspension day has been provided by the rules of the House for the purpose of taking care of emergency legislation, and every Member of the House has notice that upon that day matters may come up about which there is no previous notice. As a matter of fact, under suspension there does not have to be a bill introduced, there does not have to be any report of the committee; all you need to do is to move to suspend the rules and pass that which you present to the House at that very moment.

Mr. LaGUARDIA. And in the past that has been done very often.

Mr. CHINDBLOM. I do not think any criticism should be leveled at the procedure.

Mr. ARENTZ. The natural procedure then, I will say to the gentleman from Illinois, would be for the personnel of the House to be advised of such fact through notice on the

calendar and have the bills here so that a person can get a copy of the bill if he wants to.

Mr. CHINDBLOM. Of course, it is desirable that that be done, but I do not think the procedure is subject to any criticism.

Mr. KING. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. KING. The bill is on the Union Calendar and has been on the calendar for some time.

Mr. McFADDEN. Yes.

Mr. WINGO. If the gentleman will yield further, as a matter of fact, there is this emergency. This power, we find, will expire on April 4. This bill ought to be passed and go to the Senate this afternoon so that it can be passed, signed, and become the law before April 4 in order to protect the rights of the Government in these claims.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE MISSOURI RIVER NEAR STANTON, N. DAK.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 11212) authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Paul Leupp, his heirs, legal representatives, or assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near a point on the westerly bank of the Missouri River, at or near the village of Stanton, Mercer County, N. Dak., over and across the Missouri River in an easterly direction to land on the easterly bank thereof in McLean County, N. Dak., opposite or approximately so from Stanton, Mercer County, N. Dak., to be selected by the said Paul Leupp, his heirs, legal representatives, or assigns, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of North Dakota, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of North Dakota, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing costs, as soon as possible under reasonable charges but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. Paul Leupp, his heirs, legal representatives, or assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of North Dakota a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and, at the request of the Highway Department of the State of North Dakota shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Paul Leupp, his heirs, legal representatives, or assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Paul Leupp, his heirs, legal representatives, or assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, strike out line 9; page 2, line 1, strike out the word "near" and all of lines 2, 3, 4, 5, and line 6, down to the word "in"; page 2, line 18, after the word "condemnation," insert the words "or expropriation"; page 3, line 8, strike out the word "interest" and insert the word "interests."

Page 3, line 14, after the word "are," insert the word "thereafter."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE MISSISSIPPI RIVER IN ITASCA COUNTY, MINN.

The next business on the Consent Calendar was the bill (H. R. 11267) authorizing the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes the board of commissioners of Itasca County, Minn., be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near the north line of section 35, township 144 north, range 25 west, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the board of county commissioners of Itasca County, Minn., all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the consent of Congress is hereby granted to the board of county commissioners of Itasca County, Minn., to construct, maintain,

and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the north line of section 35, township 144 north, range 25 west, on the road between the villages of Cohasset and Deer River, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

BRIDGE ACROSS KANAWHA RIVER AT ST. ALBANS, W. VA.

The next business on the Consent Calendar was the bill (H. R. 11266) authorizing the Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes the Nitro Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Kanawha River at a point suitable to the interests of navigation at or near St. Albans, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 25 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of West Virginia, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financial cost, as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Nitro Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the State of West Virginia, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of West Virginia, shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Nitro Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Nitro Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the word "the," insert the words "St. Albans"; page 2, line 1, after the word "Albans," insert the words "Kanawha County, W. Va."; page 2, line 17, strike out the words "twenty-five" and insert the word "twenty"; page 3, line 15, strike out the word "financial" and insert the word "financing"; page 3, line 16, strike out the word "thirty" and insert the word "twenty"; page 4, line 4, after the word "the," insert the words "St. Albans"; page 4, line 19, after the word "said," insert the words "St. Albans"; page 5, line 5, after the word "the," insert the words "St. Albans."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

BRIDGE ACROSS THE OHIO RIVER NEAR ROCKPORT, IND.

The next business on the Consent Calendar was the bill (H. R. 11356) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State of Indiana, acting by and through its State highway commission and the successors of said commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near the city of Rockport, Ind., across said river to a point opposite in Daviess County, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through its State highway commission, and the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The State of Indiana, acting by and through its State highway commission and the successors of said commission, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches, under economical management, and to provide a sinking fund sufficient to amortize such bonds or other securities as may be legally issued by said State for the cost of such bridge and its approaches, with reasonable financing charges and redemption provisions, as soon as possible under reasonable tolls, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund, including the earnings thereof from investment or otherwise, sufficient for such amortization shall have been provided, such

bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 3, line 12, strike out the word "tolls" and insert the word "charges"; and on page 3, line 23, after the word "of," insert the word "the."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE OHIO RIVER AT EVANSVILLE, IND.

The next business on the Consent Calendar was the bill (H. R. 11357) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent this bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

BRIDGE ACROSS THE RED RIVER OF THE NORTH AT FARGO, N. DAK.

The next business on the Consent Calendar was the bill (H. R. 11473) granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North at Fargo, N. Dak.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the States of North Dakota and Minnesota to construct, maintain, and operate a free highway bridge across the Red River of the North at a point suitable to the interests of navigation between Fargo, N. Dak., and Moorhead, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BURTNESS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTNESS: Line 3, page 1, strike out the word "States" and the first five words of line 4, including the word "Minnesota," and insert in lieu thereof the following: "State of North Dakota, the State of Minnesota, the county of Cass, N. Dak., the county of Clay, Minn., the city of Fargo, N. Dak., and the city of Moorhead, Minn., or to any one or more of them."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE RIO GRANDE RIVER AT WESLACO, TEX.

The next business on the Consent Calendar was the bill (H. R. 11578) authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, the B & P Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Weslaco, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon B & P Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said B & P Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1926.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the B & P Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS WHITE RIVER AT COTTER, ARK.

The next business on the Consent Calendar was the bill (H. R. 11583) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at Cotter, Ark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across White River at a point suitable to the interest of navigation at Cotter, Ark., and within one-half mile below the Missouri Pacific Railway Co.'s bridge across such river at such point, in the counties of Baxter and Marion, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That if tolls are charged for the use of such bridge constructed under the authority of this act, the State Highway Commission of Arkansas may so adjust the rate of toll to be charged as to produce sufficient revenue to maintain, operate, and repair the bridge and repay the original cost of construction of the same, including any interest paid on borrowed money and discounts necessarily required in financing such original construction, and shall, after the repayment thereof, operate such bridge as a free bridge: *Provided*, That no bonds shall be issued for the building of said bridge that will mature more than 25 years from the date of said bonds.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across White River, at a point suitable to the interests of navigation, at or near Cotter, Ark., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation

of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. DENISON. Mr. Speaker, I offer the following amendment to the committee amendment:

Mr. DENISON moves to amend the committee amendment by striking out section 2 and inserting the following in lieu thereof:

"SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenue received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 20 years after the date of issue thereof.

"After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge, upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the State Highway Commission of Arkansas, and shall be available at all reasonable times for the information of all persons interested."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT GLASGOW, MONT.

The next business on the Consent Calendar was the bill (H. R. 11625) to amend the act of February 16, 1928, entitled "An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River, at or near Glasgow, Mont."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.," approved February 16, 1928, be amended to read as follows:

"That the consent of Congress is hereby granted to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them jointly or severally, to construct, maintain, and operate a free bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Glasgow, Mont., in township 25 north, range 40 east of the Montana principal meridian, in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

Amend the title so as to read: "An act granting the consent of Congress to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont."

A motion to reconsider was laid on the table.

BRIDGE ACROSS PEARL RIVER, RANKIN COUNTY, MISS.

The next business on the Consent Calendar was the bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Pearl River Valley Lumber Co. is hereby authorized to construct a temporary railroad bridge connecting its timber holdings and its lands and timber across Pearl River at a point between or near sections 33 and 34, township 8 north, range 3 east, in Madison County, Miss., and sections 3 and 4, township 7 north, range 3 east, in Rankin County, Miss., and between Madison County and Rankin County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 4, after the figures "1906," strike out the period, insert a comma and the words: "*Provided*, That if the bridge authorized by this act shall at any time be abandoned and no longer used for railroad purposes, the same shall be removed from the river by the Pearl River Valley Lumber Co. or its assigns at its or their own expense.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER AT NIOBRARA, NEBR.

The next business on the Consent Calendar was the bill (S. 2827) granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for five minutes. This is the last bridge bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, I do this in order to explain to the House the procedure in reference to these bridge bills in view of the colloquy which took place on the floor a while ago. When these bridge bills are introduced by Members, of course they are referred to the Committee on Interstate and Foreign Commerce. That committee has to act, or at least it feels that it is its duty to act. The bills are referred by the committee to the War Department and to the Bureau of Roads of the Agricultural Department. When reports are received from those two departments the bills are referred by the committee to the subcommittee on bridges, and the subcommittee gives them consideration. If any person files with the committee any objection to a bill, the objection is considered by the committee. If any person files any objection to the bill and asks to be heard, the committee always grants him a hearing. If any Member of the House asks the committee to be heard on the bill, we always give him an opportunity to be heard. So that if there is any objection made known to the committee to any of these bills the committee investigates the matter, and we give the person objecting an opportunity to be heard.

The gentleman from Missouri [Mr. COCHRAN] has some personal feeling against the man named Elliott, who has obtained franchises to build some bridges heretofore it seems. So far as I am concerned, I am very glad to have the gentleman from Missouri put into the RECORD in connection with his remarks anything that he has to say against Mr. Elliott; and if any Member of the House has any objection to any person or company who is asking for permission to build a bridge, our committee would be very glad to have those objections presented to the committee. We will give any objections full and careful consideration. If they are meritorious, I have no doubt that the committee will refuse to report the bill favorably. But if the committee does not think them meritorious, then the committee will report the bill; and it is the privilege of any Member of the House, when these bills are called up on this calendar, to object. The Member does not have to state his reasons if he does not want to do so. Therefore it is not necessary on consent day to take up time of the House and delay the consideration of other important bills by getting into long arguments about certain individuals.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAGUARDIA. In view of the suggestion made by the gentleman from Illinois, would it not be well for the committee to direct some inquiry concerning the permittees mentioned in the bills? Surely that is not an unreasonable thing. This House

has confidence in the gentleman's committee. If there is just one statement in the report that the permittees have been investigated and that they are bona fide and that they intend to proceed with the construction of the bridge, that is all that would be necessary.

Mr. DENISON. Does not the gentleman think that is the duty of the Member who introduces the bill? If I introduce a bill, I am sure I will know something about the person who is asking for the franchise, and if he is not a proper person I shall not introduce the bill. That responsibility rests with the Member who introduces the bill. Our committee respects the Members who introduce bridge bills. We ask them to give us certain information, and when they do so we accept the information the Member gives us.

Mr. LAGUARDIA. And when one of us directs an inquiry to the Member who introduces the bill, then the gentleman should not take that as an affront to his committee.

Mr. DENISON. I am sure I did not do so, and I am sure I do not want the gentleman from New York to think that there is anyone on the committee who takes an inquiry of that kind as an affront at all.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. DYER. The gentleman in his remarks referred to my colleague from Missouri [Mr. COCHRAN] as having some personal feeling against a man named Elliott. I am sure the gentleman from Illinois does not wish that statement to stand, because I feel sure that my colleague [Mr. COCHRAN] does not know Mr. Elliott and has never met him; but he has learned that he has been peddling these permits about. For that reason and because of the facts that he has adduced here he believe it is his duty—and I am sure that he is doing his duty—to bring the information to the attention of the House.

Mr. DENISON. I have no complaint to make about the gentleman. I assumed that he had some personal feeling, but if he has not, then let me say this: The statement is often made here about certain parties who are "peddling" these permits. I have never heard of that being done. Nobody in this country is justified in paying one dollar for a bridge franchise, because anyone who wants to can come to our committee and get one for nothing. We grant no monopolies. We grant no exclusive rights to build these bridges. Whenever anyone wants the right to build a bridge across a river, if he can get a Member of Congress to introduce a bill for him and vouch for him as a Member ought to do, our committee will grant that person a right to build a bridge, and it will not cost him a cent.

Mr. DOWELL. The gentleman well knows that after a franchise has been granted to one person or individual or corporation, that another one can not secure a franchise for the same place.

Mr. DENISON. The gentleman is entirely wrong. The fact is exactly the contrary.

Mr. DOWELL. But as the practical proposition, the gentleman knows it would not work.

Mr. DENISON. I do not. The gentleman from Iowa can state what he knows, but he can not state what I know. I know the contrary is true.

Mr. DOWELL. It may be a certain case where a contest is on, but when a franchise is granted to one firm to place a bridge in a certain place, another franchise will not be asked for, and there will be no competition in that case. If it is true that certain companies are asking for permits for different localities with the idea of securing proper locations in order that they may build bridges, it seems to me your committee ought to stop the speculation in the franchises.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DENISON] may have five additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. DENISON. Mr. Speaker, I want to complete my statement so that there may be no misunderstanding about this. At this session of Congress we have granted in a number of instances the right to build bridges in the same place to two parties. That is the rule of the committee. I would like to discuss that at some length and give the reasons for it. I have explained that on the floor heretofore. We do not grant an exclusive right at any locality because we do not want persons to place a value on these franchises and then speculate in them. If anyone wants a franchise to build a bridge in a certain locality and anyone else wants to build a bridge there and comes here to get the right to do so, he can get it without its costing him 1 cent.

Mr. LAGUARDIA. But the gentleman's statement is not generally understood throughout the country. There have been cases where men have secured franchises for building bridges and have been peddling them out.

Mr. BURTNESS. Has the gentleman from Illinois any information as to people securing franchises to build bridges and then peddling out the franchises?

Mr. DENISON. Nothing of the kind has ever been brought to our attention. If any Member of the House has any information as to persons who do that, or have done that, and that any such person comes before our committee asking to be granted a franchise, we would be glad to hear from him.

Mr. LAGUARDIA. I have a telegram here from J. G. White & Co. (Inc.) addressed to the St. Louis Post-Dispatch under date of March 1, in which they say:

> In re article appearing in your issue of February 22 under head "Bridge promoter fosters schemes for 33 projects," which has just come to our attention. E. M. Elliott and E. M. Elliott & Associates (Inc.) are promoters who have attempted to interest us in various bridge projects, several of which we have under consideration. For any projects which we accept we have agreed to pay a promoter's fee, but beyond that E. M. Elliott and E. M. Elliott & Associates have no relation whatsoever to our company or to J. G. White Engineering Corporation, and are not our agents, or in any way authorized to act or speak for us. Furthermore, they have no voice whatever in any matter relating to construction or financing of any bridge project which we may acquire from them. We feel your article above mentioned inaccurately states our position and hence gives us undesirable publicity. For example, our engineers' report on Olive Street and Carondelet bridge projects are unsatisfactory and we have no present intention of financing construction of these bridges nor have any franchises for same been acquired by us. Therefore request that you please publish substance of this telegram and in such way as to correct erroneous impression created by your article.
>
> J. G. WHITE & CO. (INC.).

Mr. DENISON. Well, J. G. White & Co. are bankers.

Mr. LAGUARDIA. Yes. This fellow gets a permit and then disposes of it, and gets out from under.

Mr. DENISON. The gentleman is wrong. He has to get the money necessary from the bankers. These men who build bridges may not have the money themselves.

Mr. LAGUARDIA. Then this man gets another permit, and gets out from under that.

Mr. DENISON. These bridge franchise bills are filed, and, of course, all Members have notice of them. We ask the gentleman from Iowa or any other Member to come before us and show us that the committee ought not to report any bill.

Mr. LAGUARDIA. We have such confidence in the committee that they can do that——

Mr. DENISON. We can not do it unless we have the information.

Mr. BURTNESS. I agree thoroughly with the gentleman from Iowa [Mr. DOWELL] in what he suggested. He stated that if there was speculation in these franchises it ought to be stopped. I for one have never heard of such speculation, and as one member of the committee I want to say that if such speculation is suspected I would be glad to have information from anyone who can tell about the peddling of these franchises for a consideration. Of course, everyone will understand that when a man gets a franchise he will go to the banker and interest him in the building of the structure, but he is not to be considered as selling the franchise for a consideration.

Mr. LAGUARDIA. I have already read you what the J. G. White Co. had to say.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

IMPROPER PRACTICE BEFORE THE PATENT OFFICE

The next business on the Consent Calendar was the bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to call the attention of the gentleman from Michigan [Mr. CRAMTON] to page 2, line 11, where the language appears "to habitually aid or assist." If you are going to use the word "habitually"—well, we will not fight about that, but I believe if you made the burden of proof too difficult, although I do not think that was the intention, it would not be expedient.

Perhaps you intended just to use the words "aid or assist." If you do that I think you will achieve the purpose you seek.

Mr. CRAMTON. I think that the word "habitually" carries out the idea of——

Mr. LAGUARDIA. Constant?

Mr. CRAMTON. Repeated practice; whereas to insist on one case would not be sufficient.

Mr. LAGUARDIA. As a matter of practice you are assuming a burden of proof that will be very difficult to establish.

Then I have another suggestion. On line 18, you say:

This section shall not apply to clerks or others supervised by persons duly admitted to practice before the United States Patent Office.

The practice at this bar and others is that when a lawyer is debarred he unites with another lawyer, perhaps, in the capacity of a clerk, and then his work is as vicious as before. You should prevent a disbarred lawyer from being taken in as a clerk.

Mr. SCHAFER. Mr. Speaker, I object to this bill. This is too important a bill to have on the Consent Calendar.

CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 7463) amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926 (44 Stat. L., 555), be, and the same is hereby, amended to read as follows:

"SEC. 8. All actual and necessary expenses incurred by the attorney or attorneys so employed to represent the Chippewa Indians of Minnesota, including court costs, bills for printing required by law or court rules, the cruising and examination of lands and timber, the auditing and tabulation of accounts, travel and subsistence of said attorneys and their employees while engaged solely in the preparation or prosecution of said suit or suits, securing and taking evidence deemed material therein, the compensation of stenographers and such clerical assistance as shall be reasonably employed solely upon work in connection therewith, fees or commissions of notaries public or commissioners, and any other expense reasonably necessary for the preparation for trial or prosecution of any such suit or suits, shall be paid by the Secretary of the Interior from time to time, as they accrue, out of the funds standing to the credit of said Indians in the Treasury of the United States upon verified accounts submitted in such form as may be required by the Secretary of the Interior: *Provided*, That no payment shall be allowed hereunder for expense incurred for compensation to other attorneys for rendering service as attorneys in assisting in said suits, nor for any item of so-called overhead, office, or other expense not solely and exclusively incurred for or on account of such suit or suits: *And provided further*, That before the attorneys are authorized to incur any expense in excess of $500 for any purpose they shall first secure the approval of the Secretary of the Interior."

With the following committee amendments:

Page 2, line 23, strike out "$500" and insert "$200."

Page 2, line 24, after the word "the," insert the words "Commissioner of Indian Affairs and the."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CROW RESERVATION, MONT.

The next business on the Consent Calendar was the bill (H. R. 11478) to amend an act to allot lands to children on the Crow Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to allot lands to living children on the Crow Reservation, Mont.," approved May 19, 1926 (44 Stat. L. 566), is hereby amended to read as follows:

"That the Secretary of the Interior is hereby authorized to allot lands in severalty to children of the Crow Tribe, now living, not heretofore allotted, from any suitable lands belonging to the tribe now available for allotments or which may become available, including any Crow lands heretofore opened to entry and sale, and to allot land to children hereafter born so long as there are lands of said tribe available for allotment purposes: *Provided*, That the areas allotted shall be as authorized by the general allotment act of February 8, 1887 (24 Stat. L. 388), as amended."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PORTO RICAN TAXPAYERS

The next business on the Consent Calendar was the bill (S. 754) for the relief of certain Porto Rican taxpayers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill ought to be disposed of one way or another to-day. There are some facts which I believe should come to the attention of the House, and I ask unanimous consent that I may have 15 minutes and the gentleman from Pennsylvania [Mr. KIESS] may have 15 minutes, and then present the matter to the House and get a vote thereon.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that he may have 15 minutes and the gentleman from Pennsylvania [Mr. KIESS] may have 15 minutes to discuss Senate bill 754. Is there objection?

Mr. DYER. Mr. Speaker, I do not think we ought to take a half hour on one Senate bill. I have no objection to the bill being passed over without prejudice.

Mr. LAGUARDIA. I would suggest, then, that it be passed over without prejudice until 4 o'clock or 4.30 o'clock and then I will call it up.

The SPEAKER pro tempore. Suspensions will come later in the afternoon and it may not be possible to reach this bill after that time.

Mr. SCHAFER. Mr. Speaker, what is the hurry about this bill? There are as important bills or more important bills on this calendar.

Mr. LAGUARDIA. I will state to the gentleman from Wisconsin that the circuit court of appeals in Massachusetts is holding up the remittitur on these cases and the matter ought to be disposed of one way or another to-day. If objections are made it will simply mean that the bill is stricken from the calendar but will not be disposed of. I believe the bill is vicious and ought not to be passed.

Mr. SCHAFER. I think it is a vicious bill and is in the interest of a few tax dodgers. I object.

Mr. LAGUARDIA. We ought to get the facts before the membership and I think the gentleman should not object to our disposing of it.

Mr. DYER. Mr Speaker, I shall not consent to the taking of a half hour upon this bill, which the gentleman from New York says ought not to be passed. If it is a vicious bill it ought to be objected to now.

Mr. LAGUARDIA. Why not dispose of it?

Mr. CRAMTON. The gentleman from New York should note that the gentleman from Wisconsin is opposed to the bill and I fear that even after the gentleman from New York and the gentleman from Pennsylvania have used a half hour they will not to be able to overcome the gentleman's objection. One objection then will kill the bill.

Mr. LAGUARDIA. No; the gentleman will listen to the facts.

The SPEAKER pro tempore. The Chair will call attention to the fact that this bill requires three objections.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that it may be passed over without prejudice for one hour, and I will call it up later.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, does the gentleman from New York believe that after he speaks against the bill for 15 minutes that the gentleman from Pennsylvania can convince him the bill is all right. One objection will kill it.

Mr. LAGUARDIA. No; it takes three objections.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING CERTAIN BANDS OF INDIANS TO PRESENT CLAIMS TO THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 5574) authorizing the Lower Spokane and the Lower Pend Oreille or Lower Calispell Tribes or Bands of Indians of the State of Washington, or any of them, to present their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. HILL of Washington. Will the gentleman withhold his objection?

Mr. CRAMTON. I will.

Mr. HILL of Washington. Mr. Speaker, I would like to say a word on this bill and call attention to the status of the Indians who are seeking to present these claims. In the Sixty-eighth Congress, under an act that is now Public Law 402, a number of tribes of Indians in the western part of the State of Washington, among whom were certain nontreaty tribes, were given authority to present their claims to the Court of Claims. On the eastern side of the State of Washington and western side of Idaho, back in the early days of the settlement of that country——

Mr. UNDERHILL (interposing). Will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. UNDERHILL. How much was involved in that first assignment of claims to the Court of Claims?

Mr. HILL of Washington. No sum was indicated by the bill itself.

Mr. UNDERHILL. Has the court made a finding?

Mr. HILL of Washington. No; it has not been finally determined.

Mr. UNDERHILL. So the gentleman does not know how much the award will be?

Mr. HILL of Washington. Under this bill?

Mr. UNDERHILL. No; under the act passed in the Sixty-eighth Congress.

Mr. HILL of Washington. There has been no determination of those claims. The amount, of course, is not fixed, so I do not know what it will be.

Mr. UNDERHILL. How much was asked?

Mr. HILL of Washington. They did not set out in the bill or in the hearings how much it was. It was simply a blanket proposition.

Mr. UNDERHILL. This was not the bill in which you allowed them to sue for $750,000,000?

Mr. HILL of Washington. No; we have no such claims arising in my State. I want to say this: The Indians in whose behalf this bill is introduced and is being pressed have always been peaceable Indians. Many of the tribes in the State of Washington were hostile at certain times and those Indians were treated with and their rights have been cared for by the Government. These Indians were promised similar treatment, but because of the fact that they were peaceable and gave the Government no trouble they were simply neglected, and they have never yet been able to succeed in getting a hearing from the United States Government, either for the negotiation of treaties or to present their claims to the Court of Claims.

Certain Indians occupying a similar status in the western side of the State having been granted authority to go into court and present their claims, it certainly could not be expected that these Indians would feel any great respect for the treatment they receive if they are denied treatment similar to that accorded other tribes in another part of the State.

I believe this Government should give them their day in court. This bill does not create any new cause of action. It simply gives them the right to present claims that now exist, and while they may be oversanguine as to the amount due them, yet they ought to have that simple American right of their day in court.

The Department of the Interior has not reported adversely on this bill. The department was rather noncommittal but said there had been a prima facie showing that warranted the department to enter into contracts with attorneys to present claims for them. The Bureau of the Budget, it is true, said it was contrary to the financial program of the President, but there is no adverse report on the merits of the bill from the department, and I hope the gentleman will not object.

Mr. CRAMTON. There are two reasons for objecting. First, there is the adverse report from the Budget. This is not necessarily controlling, but there is the further fact that there are only certain books of the Government to be consulted, and so many of these bills have already been passed that it will be four or five years before access to the books could be secured by the attorneys for these Indians so great is the congestion of these claims. I am obliged to object, Mr. Speaker.

GREENLAWN CEMETERY

The next business on the Consent Calendar was the bill (H. R. 7475) to provide for the removal of the Confederate monument and tablets from Greenlawn Cemetery to Garfield Park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to provide for the removal of the Confederate monument and tablets erected by the United States from Greenlawn Cemetery, Indianapolis, Ind., to Garfield Park, Indianapolis, Ind.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or so much thereof as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ASPHALT, GILSONITE, ELATERITE, AND OTHER LIKE SUBSTANCES

The next business on the Consent Calendar was the bill (H. R. 68) to provide for the disposition of asphalt, gilsonite, elaterite, and other like substances on the public domain.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DYER, Mr. COCHRAN of Missouri, and Mr. ROWBOTTOM objected.

AVIATION PENSION ACT

The next business on the Consent Calendar was the bill (H. R. 10479) granting double pensions to dependents under existing pension laws in all cases where an officer, warrant officer, or enlisted man or student flyer of the United States Army dies or is disabled due to aircraft accident.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, I reserve the right to object in order that I may make a short statement before I object emphatically to the passage of the bill.

This bill creates a discrimination which should not exist with reference to the defenders of our Nation. Men who serve in the aviation service now get more pay than men who serve in other branches of the service, deservedly so, because of the risks which they take. It is extra hazardous and they ought to be paid more; but when a man is killed in an accident, whether he crashes and is killed, or whether he is killed by contact with the propeller of an airplane, or run over by an Army truck or Army tank on the ground, or whether he is kicked and killed by an Army mule, or whether he is killed by the explosion of a shell, he is equally dead in any event, and if he leaves dependents, they are equally entitled to consideration on the part of the Government. If we are not paying the dependents of these men who are employed in the defense of our Government and of our Nation pension enough, I will vote for an increased pension for all; but I never will vote for anything which makes for discrimination between those engaged in one branch of the service and those engaged in another branch of the service. Every branch of the service is interdependent and equally important.

Mr. SCHAFER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SCHAFER. I agree with the gentleman. We ought to increase the general pension rate. The widow who files a claim under the general pension law will only get $12, and $2 for each dependent child, and it is about time the Pension Committee recommended legislation to take care of these people properly.

Mr. UNDERHILL. If they will do so, I will gladly go along with them.

Mr. KNUTSON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. KNUTSON. Is the gentleman aware of the fact that this bill simply amends the act of August 29, 1916, which provided for a double pension for the dependents of those who are killed or injured in the Navy or Marine Corps aviation? It amends that bill by adding the Army. This was an oversight, I assume, at the time the act of August 29, 1916, was passed, and there is no reason why the Army aviation service should not be placed on the same footing as the Marine Corps and the Navy aviation services.

Mr. UNDERHILL. I regret very much that the Pension Committee introduced or recommended and that Congress passed any such bill as that. It is wrong in principle and unjust because it is discriminatory and inequitable. I am obliged to object.

The SPEAKER pro tempore. This bill requires three objections.

Mr. UNDERHILL, Mr. COLLINS, and Mr. BUSBY objected.

INDIAN PEACE COUNCIL AT MEDICINE LODGE, KANS.

The next business on the Consent Calendar was the bill (H. R. 8132) authorizing the appropriation of $2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council at which treaties were made with the Plains Indians in October, 1867.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $2,500 is hereby authorized to be appropriated to be expended, under the direction of the Secretary of the Interior, in the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding at Medicine Lodge, Kans., of the Indian peace council at which treaties were made between the United States and the Kiowa, Comanche, Apache, Cheyenne, and Arapahoe Indians in October, 1867.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE DESCHUTES PROJECT IN OREGON

The next business on the Consent Calendar was the bill (S. 1186) to provide for the construction of the Deschutes project in Oregon, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that that bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LOAN OF AERONAUTIC EQUIPMENT TO MUSEUMS AND EDUCATIONAL INSTITUTIONS

The next business on the Consent Calendar was the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I would like to ask the gentleman from Minnesota a question. This provides for loaning this property to museums or properly accredited schools, colleges, and universities. Is it left entirely to the discretion of the Secretary of War, or how are the schools to be classed? I know several schools that are seeking to get obsolete equipment, and I would like to know if it is general so that a bona fide school can get it?

Mr. FURLOW. I think the intent is that it will be left to the discretion of the Secretary of War to determine what are the bona fide schools, and what colleges and schools should get this equipment.

Mr. LAGUARDIA. But that language is rather indefinite.

Mr. FURLOW. Can the gentleman suggest any language that will make it more clear? Our intention was to leave it to the discretion of the Secretary of War to determine.

Mr. LAGUARDIA. I am willing to leave it to the discretion of the Secretary of War, but I do not want any artificial standards. I do not think it should be confined to universities or colleges. I think the small class of schools near aviation fields should be entitled to the instruction.

Mr. HUDSON. I presume that it would be given to standard A schools and colleges.

Mr. LAGUARDIA. Does not the gentleman think that standard A colleges is too high?

Mr. FURLOW. I do not think that it would be limited to colleges or universities only in the discretion of the Secretary of War.

Mr. LAGUARDIA. Standard A schools would be limited. If the gentleman on the Military Affairs Committee will state that it was the intention of the committee reporting the bill that sufficient latitude is to be given to the Secretary of War to give the equipment to such schools as he believes are worthy and deserving, carrying on proper instruction, I would not object.

Mr. JAMES. It is to be given to schools, colleges, or universities that will give such assurance to the Secretary of War.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to transfer or loan to museums or properly accredited schools, colleges, and universities, for exhibition or instructional purposes, any aircraft, aircraft parts, instruments, or engines that have become obsolete or impaired to the extent that repair would not be economical: *Provided*, That such aircraft, aircraft parts, or engines will not be used in actual flight: *Provided further*, That no expense shall be caused the United States Government by the delivery or return of said property.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment. On page 2, line 2, I move to strike out the word "delivery" and insert the words "transfer or loan." I think that would be better language.

Mr. LAGUARDIA. I think it would make it much more expensive to loan the equipment, because they would have to keep a record of it and carry it in the inventory. This is all obsolete equipment that the department wants to get rid of.

Mr. BLACK of Texas. The bill already permits the transfer and loan, but the amendment I have offered is with regard to the expenses to the Government. The proviso if amended would read:

Provided further, That no expense shall be caused the United States Government by the transfer or loan or return of said property.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING THE NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (S. 2950) to amend the second paragraph of section 67, national defense act as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objectionn?

Mr. LAGUARDIA. Reserving the right to object I would like to inquire what is the necessity of these officers attending the Adjutants General Association? I can understand the regular officers attending the National Guard Association, but the Adjutant General's Association is a new line.

Mr. WAINWRIGHT. It is always held at the same period as the National Guard Association. I do not know that it makes any particular difference, but they are usually held on the same date at the same place.

But this is of a great deal of importance as affording an opportunity for the Regular Army officers on duty with the militia and the General Staff to confer at that time. The adjutants general of the States are all there, and they could clear up matters which might involve the calling of the adjutants general to Washington under conditions where their traveling expenses would under the law be a charge against the Government. As I understand, the entire expense involved in this change of the law has run not over $1,000.

Mr. JAMES. There is no additional expense at all.

Mr. LAGUARDIA. Is there not a tendency to form more of these associations? The next thing we know, we will have an association of quartermaster generals, and then an association of surgeon generals. I can see that perhaps an exchange of views at the National Guard convention might be productive of some good. But just why the adjutants general should have an association I can not understand.

Mr. SPEAKS. The conventions of the National Guard Association of the United States have been held annually for more than a quarter of a century. They accomplish much for the benefit of our nonprofessional national defense organizations. The expenses of the adjutants general and the officers representing the several States are paid from State funds. The meetings are of great importance and should be encouraged.

Mr. LAGUARDIA. I understand that.

Mr. SPEAKS. The gentleman was speaking of forming additional organizations. This is one created many years ago. It meets annually for a necessary purpose.

Mr. LAGUARDIA. And I suppose a good time is had by one and all.

Mr. SPEAKS. Surely just as good a time is being had on the floor by the gentleman from New York.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of section 67, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for actual and necessary expenses incurred by officers of the Regular Army, and reserve officers holding commissions in the National Guard on active duty in the Militia Bureau or the War Department General Staff, while traveling in attending the annual conventions or the National Guard Association of the United States and the Adjutants General Association; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section 11 of the pay readjustment act of June 10, 1922, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMISSION FOR ENLARGING CAPITOL GROUNDS

The next business on the Consent Calendar was the bill (S. 2301) to creat a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Vice President of the United States, the Speaker of the House of Representatives of the United States, the chairman of the Senate Committee on Public Buildings and Grounds, the chairman of the House Committee on Public Buildings and Grounds, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol are hereby created a commission to be known as the commission for the enlarging of the Capitol Grounds. The commission shall have charge of the area between the Capitol and the Union Terminal Station, now owned by the Government, and such other parcels of land as may be added thereto, and is authorized to consider plans and estimates for the creation of a park area to enlarge the Capitol Grounds, both the plans showing the original scheme for the development of this area, and the alternative scheme for the development of this and added areas, and to recommend to the Congress such original and alternative plans or schemes with estimates of costs therefor, together with recommendations for the purchase of such other areas as may be considered necessary to give to the plans for the enlargement of the Capitol Grounds a suitable landscape treatment for the Capitol Building in relation to the landscape treatment with the proposed arrangement of the Mall area.

With the following committee amendments:

Page 1, line 5, after the word "chairman," insert "and ranking minority member"; and in line 6, after the word "chairman," insert "and ranking minority member."

The committee amendments were agreed to.

Mr. HOOPER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendments offered by Mr. HOOPER: Page 2, line 2, after the word "commission," strike out the remainder of lines 2, 3, 4, and 5, down to and including the word "and."

Page 2, line 7, after the word "grounds," strike out the words "both" and insert in lieu thereof the word "including."

Page 2, after line 16, insert a new section, as follows:

"SEC. 2. If the commission is unable to submit a final report before the expiration of the Seventieth Congress, those Members of the House of Representatives who are members of the commission at the date of expiration of such Congress, if Members elect to the succeeding Congress, shall continue as members of such commission until their successors are determined by the organization of the House of Representatives of the Seventy-first Congress."

The amendments were agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING POSTAL RATES

Mr. GRIEST. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 201, Title II, of the act of February 28, 1925 (43 Stat. 1066, U. S. C., title 39, sec. 281), is amended to read as follows:

"SEC. 201. The rate of postage on private mailing cards described in the act entitled 'An act to amend the postal laws relating to the use of postal cards,' approved May 19, 1898, shall be 1 cent each."

BUSINESS REPLY CARDS AND ENVELOPES

SEC. 2. Under such regulations as the Postmaster General may prescribe, it shall be lawful to accept for transmission in the mails without prepayment of postage business reply cards and letters in business reply envelopes, which have been sent out in the quantity and under the conditions he may establish, postage thereon at the regular rate, together with an additional postage charge of not more than 2 cents on each such card and letter, to be collected on delivery: *Provided*, That for the purpose of fixing the compensation and allowances at first, second, and third class offices credit shall be allowed only for the postage collected in addition to the regular rate on such cards and letters delivered at such offices: *Provided further*, That postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on such cards and letters mailed at their offices.

DEFICIENT POSTAGE

SEC. 3. All mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each ounce or fraction thereof shall be collected.

SECOND-CLASS MATTER

SEC. 4. Section 202, paragraph (a) (2), of the act of February 28, 1925 (43 Stat. 1066, U. S. C., title 39, sec. 283), is hereby amended to read as follows:

"SEC. 202. (a) (2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

"For the first and second zones, 1¾ cents.

"For the third zone, 2½ cents.

"For the fourth zone, 4 cents.

"For the fifth zone, 4¾ cents.

"For the sixth zone, 5½ cents.

"For the seventh zone, 7 cents.

"For the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia, and the several Territories and possessions, 7¾ cents."

TRANSIENT SECOND CLASS

SEC. 5. Section 203, Title II, of the act of February 28, 1925 (43 Stat. 1067, U. S. C., title 39, sec. 287), is hereby amended to read as follows:

"SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 1 cent for each 2 ounces or fraction thereof."

THIRD-CLASS MATTER

SEC. 6. Section 206, paragraph (b), of the act of February 28, 1925 (43 Stat. 1067, U. S. C., title 39, sec. 291), is hereby amended to read as follows:

"(b) The rate of postage thereon shall be 1½ cents for each 2 ounces or fraction thereof, up to and including 8 ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding 8 ounces in weight, shall be 1 cent for each 2 ounces or fraction thereof, except as herein provided for library books: *Provided*, That, under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails, without postage stamps or with precanceled stamps affixed, separately addressed identical pieces of third-class matter in quantities of not less than 20 pounds, or of not less than 200 pieces subject to pound rates of postage applicable to the entire bulk mailed at one time: *Provided further*, That the rate of postage on third-class matter mailed in bulk under the foregoing provision shall be 12 cents for each pound or fraction thereof, except that in the case of books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants the rate shall be 8 cents for each pound or fraction thereof: *Provided, however*, That the rate of postage on third-class matter mailed in bulk under the foregoing provisions shall be not less than 1 cent per piece."

FOURTH-CLASS MATTER

SEC. 7. Section 207 of the act of February 28, 1925 (43 Stat. 1067, U. S. C., title 39, secs. 240, 247, 293), is hereby amended to read as follows:

"SEC. 207. (a) Mail matter of the fourth class shall weigh in excess of 8 ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 206.

"(b) On fourth-class matter the rate of postage, except as herein provided for library books, shall be by the pound, as hereinafter provided, the postage in all cases to be prepaid by stamps affixed thereto or as otherwise prescribed by the Postmaster General.

"The postage on matter of the fourth class shall be as follows:

"On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city-carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 7 cents for the first pound or fraction of a pound, and 1 cent for each additional 2 pounds or fraction thereof.

"For delivery within the first zone, except as provided in the next preceding paragraph, 7 cents for the first pound or fraction of a pound, and 1 cent for each additional pound or fraction of a pound (and except where the distance by the shortest regular mail route from the office of origin to the office of delivery is 300 miles or more, in which case the rates of postage shall be 8 cents for the first pound or fraction of a pound, and 2 cents for each additional pound or fraction of a pound).

"For delivery within the second zone, 7 cents for the first pound or fraction of a pound, and 1 cent for each additional pound or fraction of a pound (except where the distance by the shortest regular mail route from the office of origin to the office of delivery is 300 miles or more, in which case the rates of postage shall be 8 cents for the first pound or fraction of a pound, and 2 cents for each additional pound or fraction of a pound).

"For delivery within the third zone, 8 cents for the first pound or fraction of a pound and 2 cents for each additional pound or fraction of a pound.

"For delivery within the fourth zone, 8 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

"For delivery within the fifth zone, 9 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

"For delivery within the sixth zone, 10 cents for the first pound or fraction of a pound and 8 cents for each additional pound or fraction of a pound.

"For delivery within the seventh zone, 12 cents for the first pound or fraction of a pound and 10 cents for each additional pound or fraction of a pound.

"For delivery within the eighth zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 13 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound:

"*Provided*, That the rate of postage on matter of the fourth class when mailed on rural routes shall be, for local delivery and for delivery within the first, second, and third zones, 2 cents less than the rates prescribed in this section, and for delivery within the fourth, fifth, sixth, seventh, and eighth zones, 1 cent less than the rates prescribed in this section.

"The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this section, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to re-form from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

"(d) Books, consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when sent by public libraries, organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, as a loan to readers or when returned by the latter to such public libraries, organizations, or associations shall be charged with postage at the rate of 3 cents for the first pound or fraction thereof, and 2 cents for each additional pound or fraction thereof, except that the rates now or hereafter prescribed for third or fourth class matter shall apply in every case where such rate is lower than the rate prescribed herein for books under this classification: *Provided*, That this rate shall apply only to such books as are addressed for local delivery, for delivery in the first, second, or third zone, or within the State in which mailed.

"Public libraries, organizations, or associations before being entitled to the foregoing rates shall furnish to the Postmaster General, under such regulations as he may prescribe, satisfactory evidence that none of the net income of such organizations inures to the benefit of any private stockholder or individual."

SPECIAL DELIVERY AND SPECIAL HANDLING

SEC. 8. Section 212, Title II, of the act of February 28, 1925 (43 Stat. 1069, U. S. C., title 39, secs. 165, 167), is amended to read as follows:

"SEC. 212. (a) To procure the immediate delivery of mail matter of the first class weighing not more than 2 pounds, stamps of the value of 10 cents shall be affixed (in addition to the regular postage); matter weighing more than 2 pounds and not more than 10 pounds, stamps to the value of 20 cents shall be affixed (in addition to the regular postage); and matter weighing more than 10 pounds, stamps to the value of 25 cents shall be affixed (in addition to the regular postage).

"(b) Mail matter of other than the first class bearing, in addition to the regular postage, a special-delivery stamp of the proper denomination or the equivalent thereof in ordinary stamps, with the words 'Special delivery' written or printed on the envelope or wrapper when ordinary stamps are used, shall receive the same expeditious handling and transportation as is accorded to mail matter of the first class and shall be accorded immediate delivery at the office of address, under such regulations as the Postmaster General may prescribe.

"(c) To procure immediate delivery of mail matter of other than the first class weighing not more than two pounds, stamps to the value of 15 cents shall be affixed (in addition to the regular postage); weighing more than 2 pounds but not more than 10 pounds, stamps to the value of 25 cents shall be affixed (in addition to the regular postage); and for matter weighing more than 10 pounds, stamps to the value of 35 cents shall be affixed (in addition to the regular postage).

"(d) For making special delivery there may be paid to the messenger or other person making such delivery 9 cents for matter of the first class weighing not in excess of 2 pounds, 10 cents for matter of other than the first class weighing not in excess of 2 pounds, 15 cents for mail matter of any class weighing more than 2 pounds but not in excess of 10 pounds, and 20 cents for mail matter of any class weighing in excess of 10 pounds.

"(e) For the purpose of this act the Postmaster General is authorized to provide and issue special-delivery stamps of the denominations 10, 15, 20, 25, and 35 cents."

So much of section 207 of Title II of the act of February 28, 1925 (43 Stat. 1067, U. S. C., title 39, sec. 294), as refers to the expeditious handling, transportation, and delivery of mail matter of the fourth class is hereby amended to read as follows:

"Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of mail matter of the fourth class a special handling stamp of the proper denomination, or the equivalent thereof in ordinary postage stamps with the words 'Special handling' written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class: *Provided*, That to procure special handling treatment of mail matter of the fourth class weighing not more

than 2 pounds, stamps to the value of 10 cents shall be affixed (in addition to the regular postage); weighing more than 2 pounds but not more than 10 pounds, stamps to the value of 15 cents shall be affixed (in addition to the regular postage); and on such matter weighing more than 10 pounds, stamps to the value of 20 cents shall be affixed (in addition to the regular postage).

EFFECTIVE DATE

SEC. 9. This act shall become effective July 1, 1928.

The SPEAKER. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

Mr. GRIEST. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRIEST] is entitled to 20 minutes, and the gentleman from Georgia [Mr. BELL] to 20 minutes.

Mr. GRIEST. Mr. Speaker, this bill if enacted, as the committee unanimously recommends, will be the first postal rate law in the history of the Congress to equalize and popularize by revision downward postal rates in all classes of mail. It is the result of an intensive study of postal rates by members of the Post Office Committee of the House, the late joint subcommittee of the House and Senate, and the Post Office Department during the period that has elapsed since the last postal rate bill was hurriedly constructed to meet the emergency caused by the salary bill for postal employees in 1925.

The pending bill corrects and modifies that act and other postal-rate enactments. It accomplishes an equitable readjustment and reduction of rates in all classes, the reduction being estimated, in aggregate, by the Post Office Department, which gives its approval to the bill, at $13,585,000. The bill also provides several new postal facilities with well-considered and moderate rates attached thereto.

That the bill is not perfect in all of its minutiæ goes without saying, but it is conceded to be a well-balanced measure and is as nearly perfect as a unanimous committee has been able to make it after exhaustive hearings and study. Permit me to send to the Clerk's desk for reading the following letter, which is somewhat personal, but came to me as chairman of the committee:

ROBERT COLLIER (INC.),
New York City, March 16, 1928.

Hon. W. W. GRIEST,
House of Representatives, United States,
Washington, D. C.

DEAR MR. GRIEST: You remember the story of the schoolboy who was called to the blackboard to do an example. Arriving at the correct solution, he turned expectantly to the teacher.

"That is good, Johnny," commended the teacher; "you did it very well."

"Good," retorted Johnny, disgustedly. "Hell, that's perfect!"

That's the way I feel about the new postal bill (H. R. 12030) which you have just reported to Congress. More power to you, Mr. GRIEST! You and your committee have done a fine job.

Cordially yours,

ROBERT COLLIER.

Many other letters of similar import have been coming to the committee. Not a single witness during the hearings but favored the passage of the bill even if his own particular recommendation or criticism was disagreed to. I am well convinced that there is general agreement by both the so-called "big" and "little fellows" who are users of the mails, that this bill should pass. To achieve such a situation, the House will realize that we had to overcome many difficulties and divergent views in order to frame provisions that would be acceptable both to the Post Office Department and to the users of the mails. This, I believe, has been accomplished sufficiently well to justify our committee's indorsement of the bill for passage by the House.

Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. RAMSEYER]. I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Iowa [Mr. RAMSEYER] is recognized for five minutes.

Mr. GRIEST. I also ask unanimous consent that all Members of the House may have the privilege of inserting their remarks in the RECORD on this bill for three legislative days.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, I do not know what I can say to elucidate this bill in five minutes. I agree with our chairman [Mr. GRIEST] that the bill is a good one and as nearly perfect as the Committee on the Post Office and Post Roads could make it. If there is any phase of this bill which anyone wants to have explained I shall willingly yield for questions. Before yielding I wish to state that this bill is the result of careful study. The postal salary and postal rate bill in 1925, you will remember, carried some increases in postage rates which I thought very unwise. Post cards, for example, were increased from 1 cent to 2 cents. That proved unprofitable and the rate has been restored to 1 cent. The rate on third-class matter, which is direct-by-mail advertising, was increased from 1 cent for 2 ounces to 1½ cents for 2 ounces. It resulted in diminishing the postal revenues.

Most of the provisions of this present bill passed the House during the last Congress in separate bills by unanimous consent. They went to the Senate, and the Senate passed its own bill, and then in conference we agreed to a rate bill substantially like this rate bill that is now before you. This bill, however, has a few new provisions. That rate bill would have been enacted into law at the last session of Congress but for the unfortunate filibuster in the Senate during the closing week of the last Congress.

In the bill before us the post-card rate has been reduced from 2 cents to 1 cent. As to second-class mail, you know we established a zone rate back during the war and provided for four increases; an increase in the fiscal year 1919, another in 1920, another in 1921, and then another in the fiscal year 1922. The users of second-class mail want to go back to the 1920 rate. This bill is a compromise and carries the 1921 rate.

The third-class rate stays at 1½ cents for 2 ounces. But we carry a provision here for bulk mailing; that is, when envelopes with stamps affixed or without stamps affixed are presented, all of the same size, either in 20-pound bulk, or 200 separate pieces, it is taken at the rate of 12 cents a pound. That means that each separate piece weighing 1⅓ ounces or less goes for 1 cent. According to the estimate of the Post Office Department from 80 to 85 per cent of third-class mail consists of pieces weighing less than 1⅓ ounces. That means that the bulk of third-class mail will hereafter enjoy a rate of 1 cent per piece. This rate, I think, will prove quite satisfactory to the users of third-class mail.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. GREEN. How does this bill take care of seed houses mailing out a small parcel of seed?

Mr. RAMSEYER. It gives them a flat rate of 1 cent for 2 ounces, or if offered in bulk, 8 cents a pound.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Is the time all taken?

Mr. GRIEST. No. I yield to the gentleman three addiminutes.

The SPEAKER. The gentleman from Iowa is recognized for three additional minutes.

Mr. THURSTON. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Certainly.

Mr. THURSTON. On page 4 I notice there is a provision for catalogues. Would you object to including in that provision circulars?

Mr. RAMSEYER. Everything printed that goes into third class less than a catalogue or a book could be designated or classed circulars. There would be objection to the gentleman's proposal unless we should decide to go back to 1 cent for 2 ounces, which was the rate prior to 1925. The rule under which this bill is considered, amendments are not in order.

Mr. THURSTON. What is the practical aspect of that exception now?

Mr. RAMSEYER. It is that when circular mail is offered for mailing in bulk, the rate is 12 cents for each pound, which means that if the pieces do not weigh over 1⅓ ounces each, they go for 1 cent apiece.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. HUDSON. In reference to section 2, was any representation brought before the committee as to what this might possibly do to the small retailers?

Mr. RAMSEYER. No.

Mr. HUDSON. It seems it will work a hardship to the small retailer and to the special advantage of the mail-order houses.

Mr. RAMSEYER. I do not think so. The mail-order houses are here and they are here to stay. Mail-order houses advertise largely through newspapers and catalogues. On the other hand

there are a lot of small business concerns and small factories which can not afford to advertise in the newspapers and which depend upon selling their goods almost exclusively on direct-by-mail advertising, using the third-class mail.

Mr. HUDSON. This will greatly stimulate their business?

Mr. RAMSEYER. I think it will help.

Mr. HUDSON. Therefore it must take business from somebody else.

Mr. RAMSEYER. Not necessarily.

Mr. HUDSON. It is a serious question, to my mind as a former retailer, as to what it will do.

Mr. RAMSEYER. I do not think it will be as serious as the gentleman thinks.

Mr. KNUTSON. How are the rates changed on large catalogues?

Mr. RAMSEYER. Well, large catalogues go by parcel post or fourth-class mail. They pay the regular parcel-post rates. There is only one other feature in this bill to which I wish to call your attention and that is the last part, the special handling and special delivery services combined on parcel post. In the bill of 1925 we inaugurated special handling, that is, if you paid 25 cents extra on a parcel it received the same expeditious handling that first-class mail received.

The SPEAKER. The time of the gentleman from Iowa has again expired.

Mr. GRIEST. Mr. Speaker, I yield the gentleman one additional minute.

Mr. RAMSEYER. Ordinarily, a parcel-post package does not travel with the same expedition as first-class mail, but if it had that 25 cents extra placed on it it would receive expeditious handling from the office of entry to the office of delivery, the same as first-class mail. When it got to the office of delivery it would have to take its turn in getting to the sendee, but now, with the combined special handling and special delivery, there is promise of greater expedition to those who want to pay for these new services. By paying a little extra you not only get expeditious handling from post office to post office, but you get immediate delivery at the post office of delivery.

The SPEAKER. The time of the gentleman from Iowa has again expired.

Mr. CRAMTON. Mr. Speaker, can the gentleman from Pennsylvania yield me one minute in order to ask a question?

Mr. GRIEST. Mr. Speaker, I yield the gentleman one minute.

Mr. CRAMTON. Referring to the so-called Watson bill, with reference to the delivery of parcel post C. O. D., which has not been ordered, is there anything in this bill covering that matter?

Mr. GRIEST. There is nothing in this bill in regard to that. This is purely a rate bill and we cut out all extraneous matters. The so-called Watson bill is now before our committee. I understand it has been favorably reported by a subcommittee, but it has not yet been acted upon by the full committee.

Mr. CRAMTON. I hope it will receive the same favorable report from the full committee.

Mr. BELL. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. SPEARING].

Mr. SPEARING. Mr. Speaker and gentlemen, I do not rise in opposition to the bill. On the contrary, I voted in the committee to report it favorably and will vote for the bill on the floor of the House to-day, and I think it should be passed. However, in the committee I did offer an amendment to the second-class rates, particularly with reference to the rates on newspapers, and were it possible to offer an amendment now I would repeat the amendment here on the floor of the House and urge, as vigorously as I might, that it be adopted.

The situation with reference to newspapers is that under the war revenue law of 1917 an increase of rates was provided on newspapers and all other second-class matter. Those rates were increases of 25 per cent to 225 per cent more than they were before, effective July 1, 1918. There was another increase of 50 per cent to 450 per cent more than the prior rate, effective July 1, 1919, known as the 1920 rate, and another increase of 75 per cent to 675 per cent more than the original rate, effective July 1, 1920. That increase is what is known as the 1921 rate. The present bill proposes to restore the 1921 rate. There was a further increase under the war revenue law of 1917 of 100 per cent to 900 per cent more than the original rate, effective July 1, 1921. There was a slight change, a small increase and a slight decrease by act of February 28, 1925, effective April 15, 1925, which need not be considered here. It seems to me it would be perfectly fair to go back to the 1920 rate, and if ever the occasion presents itself I shall offer an amendment to that effect and urge it.

I do not think anyone disputes that the newspapers—the weekly periodicals to a large extent, and the monthly magazines to a certain extent—are matters of education. The running of the post office and the operations of carrying the mail—first class, second class, and all classes of mail—are matters of governmental function and are carried on for the purpose of increasing the means of communication between the people throughout the country and with other nations. We should encourage that. The evidence before the committee shows that as the result of the increases in the newspaper rates the circulation of certain papers has decreased. That has resulted because they have not been able to send their papers at the same rate they sent them before.

To my mind a newspaper is one of the greatest means of education that we have. It supplements the school education beyond expression. It gives the youth, particularly, knowledge of current events and of everyday happenings. It is history in the making. Show me a boy or a girl, a man or a woman, who keeps up with the current literature through the daily press and the weekly press, and I will show you a person who is well informed not only about current history but about history of years ago. It is an education; it is knowledge; and we should encourage it and we should increase the circulation. The increase in the postal rates had a tendency to discourage it, and, as I say, if it were possible I would offer an amendment urging the 1920 rate. Of course, that is not now possible, but I mention it at this time merely for the purpose of calling the matter to the attention of the House in the hope that when an opportunity does present itself the Members of the House will bear that fact in mind and will vote for such an amendment when it is offered or for such a proposition when it may come before the House in any form for action.

Mr. PEERY. Will the gentleman yield?

Mr. SPEARING. Yes.

Mr. PEERY. That opportunity will not come now?

Mr. SPEARING. Not on this bill at this time, but it may later on.

As indicated by its name, the war revenue act of October 3, 1917, was a war measure. It was, of course, necessary to raise increased and additional revenues. It was natural at that time to seek additional income from any and every source possible, including the Post Office Department. Many other activities were included as means of increasing the income of the Government. Practically every one of the increases which were necessitated by war conditions have been abolished. The only remaining ones are the so-called nuisance taxes and the additional charge of second-class postage. The act of February 28, 1925, to which I have already referred, made very little change in the second-class postal rates; in fact, one charge was increased from 5 cents per pound to 6 cents, while another was reduced from 7 cents to 6 cents, and a third, which affects very few newspapers, from 10 cents to 9 cents, so that for all practical purposes the existing rates are the same as those which have been in effect since July 1, 1921, being the fourth raise under the war revenue act of October 3, 1917. The newspaper publications did not at the time of the increase make any complaint, but the necessities of the case having ceased to exist, it is fair that the newspaper publications should be given consideration and that the extraordinary increases in the rates charged to them by reason of war conditions should be reduced. There is no pretense that the rates which existed prior to the war should be restored, but it is seriously urged that there is a middle ground which will be fair to the newspapers, the people, and the Post Office Department. It seems to me, and I insist, that no one can with reason complain if increases ranging from 50 per cent to 450 per cent more than the original rate are reinstated. Those are the increases effective July 1, 1919, and known as the 1920 rates. They should be restored. The pending bill restores the 1921 rates, with increases ranging from 75 per cent to 675 per cent over and above the rate which prevailed prior to the war, and, for that matter, during the first several years of that conflict. Those rates are too high and unreasonable, and there is nothing to justify them except the desire to obtain revenue for the Post Office Department.

As I have already said, the carrying of the mails is a governmental function. The Post Office Department is the only department of the Government that seeks to obtain a revenue from its operation, or, more properly speaking, for the services which it renders. Every other department of the Government renders services to the people free of charge. We all know the unlimited number of publications issued by the Agriculture Department and distributed free to the people. This is as it should be. I am not finding fault with that policy; on the contrary I approve it; because the distribution of the bulletins, the yearbooks, and other publications of the Agriculture Department result in the education of the people and the improvement of conditions in the country. That also is a governmental function. So, in the Department of Commerce an incalculable

amount of literature is distributed among the people for their education and for the improvement of conditions, economic and otherwise. The Public Health Service renders countless services to the people and likewise distributes free hundreds of thousands, and possible millions, of publications in pamphlet form and otherwise. This list could be increased to such an extent that it would be unreasonable to include in these few remarks the unlimited number of services which various departments of the Government render to the people without cost or charge to them.

What I have said of those other departments is true of the Post Office Department. It is as much a department of the Government as are the others. It is performing a governmental function just as truly as are the other departments. There is no pretense, and I am not contending, that the Post Office Department should render its services or perform its functions without compensation. The price demanded from those who use that department need not necessarily be the cost of the service, though each should bear some relation to the other.

As I have already indicated, the carrying of the daily newspaper, and in lesser degree the weekly publications, and the monthly magazines, is a means of educating the people just as is the distribution of the publications of the Agricultural Department, the Commerce Department, the Public Health Service, and of all those other departments of Government which issue and distribute literature of one kind or other to the people for their education, uplift, and improvement. In my judgment, there is nothing more important than the dissemination of news, of putting into the hands of the people the records of current events. It is a means of education that can not be obtained in the schools or colleges, but it is just as important as is the instruction in the educational institutions. The Government should do everything to encourage the distribution of newspapers, particularly the dailies, so that the people throughout the country will be more fully informed and advised of current events and happenings. To put postage rates on daily newspapers at a reasonable figure accomplishes, or in all events helps to accomplish, this purpose. It is undeniable that one of the principal causes of the advance and progress of this country is the daily newspaper and its distribution among the masses of the people, bringing to them knowledge of events which have happened, contemplation of those which might come to pass. The free interchange of news and views has done as much for the progress and advancement of this country as any one thing, if not more. This is not the time to limit, retard, or interfere with the distribution of the daily newspaper but to encourage it, and this can be done by restoring the 1920 rates which, as I have already indicated, are fair to the Government, to the people, and to the publishers.

This subject has been discussed and has been under consideration for several years. The justice and fairness of the 1920 rates were recognized by the special joint subcommittee of the Senate and of the House, which was created by the act of February 28, 1925, to study and consider the rearrangement of the postal rates which, as we have already seen, were increased purely and simply as a war measure. Thus, in a report made by that subcommittee to the House on May 11, 1926 (Rept. No. 1157, 69th Cong., 1st sess.), that committee said among other things:

> The committee recognizes a degree of force in the arguments submitted to it in favor of the 1920 rates for second-class matter. The figures presented by the Post Office Department do not, however, warrant a recommendation to this effect.

The dissemination of news and information, the education of the people, their uplift, improvement, and advancement are not properly matters of financial cost, but should be pursued as a governmental duty without regard or reference to the cost in dollars and cents. The results can not be measured by the rule of a dollar. It is not so treated in other departments of the Government and should not be in the Post Office Department. If the 1920 rates are fair they should be adopted irrespective of whether or not they insure sufficient revenue in money to satisfy those in charge of the Post Office Department.

It is true that in the report (No. 1006, 70th Cong., 1st sess.) of the committee on the pending bill (H. R. 12030) it is indicated that there are reductions from existing rates. That statement is literally true, but the "existing rates" are so much higher than were the rates which prevailed before the war that it is idle to talk about reductions. The rates recommended by the committee and carried in the bill are largely in excess of, and are general increases over, the rates which existed under normal conditions, and the rates should be restored to those which should properly prevail under the present normal conditions. Confessedly, the rates recommended in the bill are for revenue or, in all events, to prevent a decrease in revenue. As we have already seen, that is not the function of the Government and should not be made the excuse for charging a higher rate than is justified by the conditions of the case or situation.

Much more could be said in favor of a fair rate on second-class matter, and particularly to the daily newspapers, but under present conditions I have said enough, I trust, to draw to your attention what seems to me to be unfair and improper rates on second-class matter to the end that when a reduction of those rates is properly before the House for action the Members will give the subject their serious and favorable consideration to which it is entitled.

Mr. BELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Speaker and gentlemen of the committee, this probably is the most difficult subject Congress has to deal with—the matter of rate making. I do not care what the rate is on, it becomes a complicated task and one which a new member on a committee finds it difficult to follow.

This bill has been declared by the gentleman from Pennsylvania [Mr. GRIEST] and by Mr. Robert Collier as a perfect bill. It may be perfect—at least, we had a committee which tried to make it as perfect as it could.

Mr. ARENTZ. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. ARENTZ. Speaking about a perfect bill, it comes to mind that on page 8, line 17, the committee possibly had in mind helping the farmer, but it seems to me if you are going to be a real help to him you should exclude the provision requiring the consent of the Interstate Commerce Commission to an investigation with respect to weight limits, rates, zones, and so forth.

Mr. OLIVER of New York. I have not a copy of the bill before me, but I know the provision the gentleman alludes to.

Mr. ARENTZ. I admit frankly I do not know just what that provision means and I wish if the gentleman himself does not know about it that some member of the committee would give me light upon the subject.

Mr. KELLY. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. KELLY. I would like to state to the gentleman that that is a provision of law that has been carried since the act of 1912. It is word for word the provision of law now and has been carried continuously with the idea of enabling the Postmaster General to go to the Interstate Commerce Commission and lay down a schedule if he desires to work out a rate which will pay the cost of the service. So far it has been left to the Post Office Committee of the House to suggest such a rate.

Mr. ARENTZ. There is no relief for the farmer.

Mr. OLIVER of New York. I hope the gentleman will yield to me now, as I have only five minutes and I want to use a few of them myself. I think farm relief is going to be up some time next week in a broader way than this, and I hope this will not be the only thing the gentleman has in mind to give to the farmers. [Laughter and applause.]

I was pointing out that it is a difficult thing for the Congress to make postal rates. There is a provision in the bill authorizing the Interstate Commerce Committee to make parcel-post rates so that the rates given to the Government will carry the cost. That is the provision the gentleman alludes to.

Mr. PEERY. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. PEERY. I would like to ask the gentleman his opinion as to the rates given to newspapers and second-class matter.

Mr. OLIVER of New York. With respect to the rates on newspapers I would like to see those rates established in accordance with the suggestion of the gentleman from Louisiana [Mr. SPEARING], but we can not give everybody a break in the rates. We had a jump in the rates when we raised the postal salaries and it was a quick jump. It was a jump that was probably unscientifically made; in fact, I think almost all rates made by Congress are more or less unscientific, but we are now trying to get back to a normal condition and get back to that condition as fast as we can. This bill will cause a deficit of $13,500,000, according to the estimates of the Post Office Department. I want to discuss the subject of deficits.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. WAINWRIGHT. This bill has been referred to as a perfect bill. But was there not considerable protest before the gentleman's committee with regard to the third-class rates from the retail merchants and shopkeepers in the smaller towns who feel that their business will be affected by privilege accorded the large mail-order houses?

Mr. OLIVER of New York. No; there was hardly a word of protest about that.

Mr. WAINWRIGHT. Some of us have been receiving protests about that provision.

Mr. OLIVER of New York. That is the same old protest that was raised to the parcel post when it was said that the stores in the large cities would gobble up the trade of the merchants in the smaller towns. This probably ought to have been referred to as the perfect committee rather than the perfect bill, because we have a perfect chairman and a perfect ranking minority leader [Mr. BELL].

Mr. WAINWRIGHT. I admit the allegation so far as the committee is concerned, but I am not so sure about it so far as the bill is concerned.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BELL. Mr. Speaker, I yield one minute to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I regret the committee did not feel it wise to report a provision in this bill restoring the 1920 rates for newspapers, particularly in the first, second, and third zones. For reasons expressed by the gentleman from Louisiana [Mr. SPEARING], I think such a provision would have been just and proper, and it also would probably have brought in more revenue.

Since no amendment can be offered under a motion to suspend the rules, it is my purpose to vote for this bill with the hope that the Senate may restore these rates and that they may be agreed upon in conference.

I have asked for this time particularly in order to call the attention of the House to a telegram on the subject from Maj. E. B. Stahlman, one of the most prominent citizens of the South and the owner and publisher of the Nashville Banner, of Nashville, Tenn., one of the leading newspapers of the country. Major Stahlman has made a very thorough and extended investigation, covering a period of several months, of newspaper rates as they relate to postal revenues.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the manner indicated.

The SPEAKER. Is there objection?

There was no objection.

The telegram follows:

NASHVILLE, TENN., *February 17, 1928.*

Hon. JOSEPH BYRNS,

Member of Congress, Washington, D. C.:

I am sending this telegram to you as a Member from my district with the request to call together members of the Tennessee delegation and read it to them asking them to join you in supporting the reestablishment of the 1920 postal rate on newspapers. I have been quite ill, but improving, and the indications are that within a few weeks I shall be able to go to Washington. I would go to-day if I could, but I am not able. I must therefore rely upon my good friends to stand with me and the other newspapers of the State in an effort to secure justice in connection with this postal matter. I understand the House committee will likely report a bill for a return to the 1921 rate. There is nothing in that proposition that is worth anything to newspapers of the interior in the Banner class, whose mail circulation is practically confined to a 200-mile limit, and if there ever was a question that I have investigated with great care the postal matter is the one. In 1917 I spent months visiting Chicago, Cincinnati, St. Louis, Atlanta, and other large cities to enable me to reach a definite conclusion as to the cost of handling the newspapers at these different places, and spent a solid four months in Washington City to determine from the records of the department what the real cost of transportation and handling of newspaper mail would be. I then reached the conclusion that the cost of transporting newspapers under the contract made by the Post Office Department with the railroads would not exceed more than 12 cents per hundred pounds for the first zone of 50 miles, 29 cents for the second zone of 100 miles, and 56 cents for the third zone of 300 miles; and that the cost, including all terminal charges as well as transportation, would not exceed 17 cents for the first zone, 40 cents for the second zone, and 78 cents for the third zone. I say to you in all seriousness and candor that no changes have taken place nor arrangements made by the department with the railroads for transportation since 1917 that would change the rates in the slightest respect since I made this investigation. The present rate by mail is $2 per hundred pounds for the first two zones and $3 for the third zone. The rate the newspapers are asking is a return to the 1920 rate, which fixes $1.50 for the first two zones and $2 for the third zone.

The circulation of my newspaper is now 65,000, 35,000 of which could be sent by mail if the rates were right. I am sending nearly 25,000 by express and by trucks, because of the excessive postal rate. The department has been extremely unfair to the newspapers and lost a large revenue from the newspapers because of its unfair treatment of the newspapers. I don't care what the experts of the department and others may say, I am only saying what I know to be true; that is, that the talk about the newspapers being responsible for the deficit in the Post Office Department is without a shadow of justification. The 1920 rate would assuredly give the Government at least 100 per cent profit over and above the cost of transportation and handling, one of the things that ought to discredit the claims of the department experts who seek to support their contention by the statement that the overhead charge for carrying newspapers should be about $4.86 per 100 pounds, and that this applies to all distances carrying a newspaper 50 miles, as well as 1,000 miles. There never was a more preposterous suggestion, and especially in the light of the fact that the Interstate Commerce Commission, and even the department itself, established a rate of $1 per 100 pounds for carrying newspapers from New York, Boston, Philadelphia, etc., to Chicago and other western and southern cities, including Nashville, for a distance of 1,200 or more miles. I therefore reassert, and with emphasis, that there never was a time since the last contract was made by the department with the railroads some 15 years ago that the newspapers of the Banner's class were responsible for any deficit in the Post Office Department. May I not therefore ask that the solid Tennessee delegation unite with me in an effort to enact the 1920 basis of rates on newspapers and secure a vote on the question in the House. With profoundest respect and best wishes to all, believe me, your friend,

E. B. STAHLMAN.

Mr. BELL. Mr. Speaker, I yield five minutes to myself. [Applause.]

Mr. Speaker, as a matter of course, it will be impossible for anyone to discuss the provisions of this bill in the short time allotted for its consideration. I believe our committee has presented to the Congress the best postal rate bill we have ever presented. I believe it will come nearer giving general satisfaction than any bill we have ever presented.

Of course, there is some little dissatisfaction among newspaper people, but not very much. I believe they will be satisfied with the bill which we have adopted.

We have reduced the postage on post cards to one-half of the present rate. We found upon investigation that our rate of 2 cents on post cards was driving this class of mail from the mails and, therefore, we put it back at 1 cent, as I think it should have been. There was a popular demand for this reduction.

I would like to discuss at length, if I had the time, the rates on second-class matter, but in view of the fact that several members have discussed this and have expressed their opinions about it——

Mr. GREEN. Will the gentleman yield?

Mr. BELL. I will.

Mr. GREEN. If the gentleman has time in his discussion, I would like for him to bring out just what relief has been brought to the newspapers. There are several newspapers in my district that have requested relief along this line.

Mr. BELL. There is a reduction in second-class matter, that is, on the advertising portion, of $3,860,000, based upon the actual business handled in 1927, adjusted to the prospective business which will be handled during the fiscal year 1929. This, of course, inures to the benefit of users of the second-class matter.

It will be noted by investigation that these reduced rates on second-class matter amounts to about $3,000,000. It seems to me the newspapers will be satisfied with this.

Mr. GREEN. What would it reduce the revenues if we had gone to the 1920 rate?

Mr. BELL. I can not answer that question, because I did not investigate it. The present rate on newspapers, second class, is 2 cents per pound for the first and second zones, 3 cents for the third zone, 6 cents for the fourth, fifth, and sixth zones, 9 cents for the seventh zone, and 9 cents for the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions. The net loss on zone rates of advertising matter is $58,000,000 per annum.

We combined the zones in 1925, as above outlined, but under the bill presented to you to-day we have the following zones, with rates submitted:

For the first and second zones, 1¾ cents.
Third zone, 2½ cents.
Fourth zone, 4 cents.
Fifth zone, 4¾ cents.
Sixth zone, 5½ cents.
Seventh zone, 7 cents.

For the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 7¾ cents.

The rate of transient second class—that is, when sent by others than publishers or news agents—is reduced to 1 cent for each 2 ounces or fraction thereof. Your committee believes that this low rate to the users of this class of mail will stimulate its mailing and eventually produce some revenue to the department, although at present it appears that there will be a loss of about $100,000. This reduction will be a great saving to the people who use this particular service.

It will be remembered that in 1925, under an emergency bill, we increased the postage on post cards from 1 cent each to 2 cents. We now reduce this rate to 1 cent on each, believing this will ultimately bring back into the mails that which was lost on account of the increased rate of 1925.

BUSINESS REPLY CARDS AND ENVELOPES

This is an entirely new postal feature and it is estimated that this will increase the revenue to the department $4,000,000. This, however, is based upon claims made by prospective users of the new facility. A simple explanation of this facility is that a firm doing business in Chicago, for instance, may, in advertising its wares, inclose a postal card or envelope for reply without postage affixed, which when returned to the sender the regular rate will be paid, and, in addition, not more than 2 cents will be charged. A public demand for this service suggests that it will be popular with the business of the country generally and that it will be finally very profitable to the department.

DEFICIENT POSTAGE

All mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cents for each ounce or fraction thereof shall be collected.

This is an entirely new feature, not introduced as a revenue producing facility but as a penalty measure. It is estimated that this feature will produce revenue of approximately $75,000.

A reduction of 1 cent per piece on parcel-post matter will be quite a saving to farmers as well as business people, and while it may reduce the revenue of the department $2,000,000 or more, this special charge on parcel post, as carried in the emergency rate bill of 1925, was, I fear, not on a very fair basis.

LIBRARY BOOKS

On library books 3 cents shall be charged for first pound and 2 cents for each additional pound; a flat rate to the limit of first, second, and third zones or within the State in which such books are mailed, and in Texas and California. It is quite probable this will become a revenue producer.

So much has been said with reference to the deficit in the Post Office Department, and reasons assigned for such deficit, I feel impelled to submit the following table as shown by the annual report of the Postmaster General:

Profit on first class for 1927 was $83,174,429.

Loss on second-class matter for the same year was $84,022,702, less $9,000,000, for "free in county," leaving a loss to the department of $75,022,702 on second-class matter.

It has been charged, especially by new candidates for Congress, that millions multiplied by millions of dollars are spent annually by the Government and Members of Congress for penalty and franked matter, when in fact, the expenditure for both services is a mere bagatelle as compared with the enormous expenses of our Government.

The following is the report of the Postmaster General as to these much-misrepresented items of expenditures:

Penalty matter for 1927 was $6,263,620. Franked matter by Members of Congress and Senators for the same year was $520,691.23.

It is estimated that should this bill be enacted into law it will increase the deficit in the Post Office Department $13,000,000, which, when added to the deficit of 1927 of $29,000,000, will cause a deficit of about $42,000,000.

I feel it is proper for me to say in this connection that such a deficit as will be is not due to extravagance on the part of our post office officials, but it may be well said it is due to the splendid service given the people of this great country of ours—the greatest in the world, and my observation, after 24 years of continuous service in this House is that the present Postmaster General, Mr. Harry S. New, is one of the most capable officials the United States of America has ever had.

Mr. BELL. Mr. Speaker, I yield four minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Speaker, this bill proposes a more general revision in postal rates than has ever been undertaken at one time. Great credit is due to the members of the Committee on the Post Office and Post Roads for working out this intricate measure, but I can not bring myself fully to agree with all its provisions.

I shall direct your attention specifically to the proposed adjustment of the rates on second-class mail matter.

Second-class mail consists of periodicals and newspapers that are issued at regular stated intervals and handled by the mails to a legitimate list of subscribers. From its inception it has been a wise policy of the Federal Government to favor this class of mail with postal rates that aid in the wise distribution of news and literature. It is not necessary at this time for me to prove the beneficial results of that policy, which policy has been the prime factor in creating a unity of thought and purpose in the development of the United States, in giving us one country, one people, one flag.

For many years prior to the war all publications having second-class mail entries were given a flat rate of 1 cent per pound regardless of distance and regardless of cost. This was a subsidized rate in that the revenue was less than the actual cost of the service, although no one definitely knows or ever will know what the actual cost is in handling any one class of mail matter.

At the outbreak of the war Congress found it necessary to find new means of raising revenues to carry on its operations. At first it was thought advisable to place a tax upon advertising matter, but that principle was abandoned. It was therefore decided to include in the war revenue act of 1917 a provision for increasing the postal rate on second-class matter, first by increasing the rate on the reading portion to 1½ cents per pound and by placing a much higher rate on the advertising matter. This was purely a war measure.

Congress realized that the burden of this proposed increase of 300 or 400 per cent was too great for the publishers to absorb at one time, therefore the bill provided for four yearly increases, the first to become effective July 1, 1918, and other increases at the beginning of each succeeding year. The final rates that became effective on the advertising portion ranged from 2 cents to 10 cents per pound, based upon the distance handled.

The publishers at first felt inclined to protest, but they realized it was a patriotic duty to acquiesce and thus do their part in the prosecution of the war; but they understood that this was to be a temporary measure and that the burden would be removed when the emergency passed.

Included in the same bill were several other tax items on transportation and postal matters. After the signing of the peace terms steps were taken for the repeal of other tax items. At the present time none of the transportation taxes remain except that on the advertising matter in newspapers and periodicals.

The publishers have realized that changed conditions have greatly increased the cost of the handling of mail matter and therefore recognized that the old rates were too low and that a compromise should be found. They have agreed that a fair basis would be reached by the elimination of one-half the raise, the last two of the four increases, which would leave in effect the rates that became effective on July 1, 1919, and generally known as the 1920 rates, which were the rates that were effective during the 1920 fiscal year.

It is true that the so-called cost reports of the Post Office Department indicate that second-class mail is carried at a tremendous deficit, and I do not care at this time to go into the details as to how those figures were obtained. Personally, I do not admit that there was any such deficit, because the results were obtained by prorating all expenses of the postal operations to the various classes of mail matter, regardless of the value of the services or the conditions under which rendered.

At the hearings conducted by the House committee there was a large amount of evidence introduced to prove that the present rates on second-class matter are higher in many cases than the cost of similar services by other means. This was proven conclusively by the fact that since 1920 there has been a tremendous increase in the volume of advertising matter published in periodicals and newspapers that could move at second-class mail rates. In fact, the department admitted at the hearings that the weight of this mail matter carried in 1927 was 31,000,000 pounds less than handled by them during the fiscal year 1920. It was also shown that the actual weight of the advertising matter in only 150 publications was 106,000,000 pounds greater in 1927 than in 1920.

This 106,000,000 pounds of these 150 publications is being distributed by commercial means other than by the Post Office Department and it only represents a part of the tremendous increase in this matter that could have been handled by the Post Office Department if the 1920 rates had remained in effect. In

other words the rates are higher than the traffic can bear. These facts prove, I think, that it will be an economically sound policy to adopt the 1920 rates on second-class matter.

Second-class mail rates are applicable to approximately 29,000 publications of various sizes and with many different conditions under which they are handled. Included in this classification are newspapers that are delivered free in the county of publication and therefore pay no revenue; then there is a group of some 6,000 publications to which Congress has given a special flat rate of 1½ cents per pound regardless of weight per piece, advertising content, or distance handled, and these factors are very important elements in determining the cost per pound. I recently read an analysis in regard to one of these publications with a national distribution and was amazed to see that the difference between the postage rate paid by it on its advertising content and the rate that would have been paid had the present zone rate been applied enabled the publication to save $205,000 per year. That is, this publication receives a subsidy of $205,000 per year as against its competitors for the advertisements carried by it. It is undoubtedly a wise policy to give this rate and it undoubtedly creates a deficit, but it must be kept in mind that that is part of the deficit on second class that is referred to by those opposed to a proper rate on portions of second-class mail and it has nothing whatever to do with the question involved of reducing the rate on the advertising portion of commercial publications to the 1920 basis.

This second-class grouping also includes many publications of unusually small size, with known cases of where it takes over 150 of them to make one pound and when it is remembered that a pound rate applies to them in the same manner as a pound rate applies to a publication weighing one pound, although the piece element of cost is only one-one hundred and fiftieth as great, it can easily be seen what the major portion of the deficit is on such mail matter. This is due entirely to a sound policy of Congress to help these small publications.

It was shown at the hearings that the actual deficit, if any exists, on the so-called zone-rate-paying publications is due to the rate on the reading matter, which is entirely a question of the governmental policy that has been in existence since the foundation of the Government, and that there would be no actual deficit on the advertising portion by itself if we restore the 1920 scale of rates on advertising matter in such publications.

As stated before, the present rates on this advertising matter is a result of a war revenue act to meet an emergency. That emergency has passed. This bill removes only one of those four yearly increases and would have the effect of restoring the so-called 1921 rates. This does not go far enough. Congress should take immediate steps to right this wrong by restoring the 1920 rates. This would be amply justified from an economical standpoint, because it would bring back to the mails a large volume of this second-class mail matter.

I regret that the House will not be permitted to-day to vote on an amendment restoring the 1920 rates, which, in my opinion, if properly debated, would be adopted; but in view of the fact that the Senate has on two occasions approved the 1920 rates on second-class mail matter, and with the hope that the Senate may do so again, with the conferees approving, I shall vote for the passage of this bill as it is written. [Applause.]

Mr. GRIEST. Mr. Speaker, I yield five and a half minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Speaker and Members of the House, in the history of Congress there have been very few measures dealing with the revision of postage rates on so extensive a plan as this measure. While this bill does not cover all rates on mail matter, it does involve more than has been customary in such legislation, which has generally revised postal charges in piecemeal and by fractions.

The act of February 20, 1792, was the first postal rate bill under the Constitution. It served as the basis for all changes until the act of March 3, 1825, which repealed all previous rates but did not make any substantial changes in the new rates enacted.

The next revision was is 1851, and the schedules were again rewritten without any real departure from original principles. In 1863 another revision was made, which abolished the zone rates on first-class matter and established new postage charges.

The act of March 3, 1879, repealed all former rates and established the four classes of mail matter as we have them to-day. These 1879 rates were modified by bills dealing with separate classes. The 2-cent letter rate and the 1-cent a pound rate for second class were established in 1885.

These rates have been the basis during a generation. In 1917 zone rates were established for commercial second class. In 1925 we formulated a number of new rates in connection with the postal salary bill.

The 1925 changes taken with this bill before us to-day amount to a general revision of postage rates, one of the six measures of the kind in our history.

Each one of these general revisions has been followed almost immediately by laws making minor changes, indicating the strength of the protests against specific rates.

I give it as my belief that when this bill is finally enacted into law, there will be less dissatisfaction with its provisions and fewer appeals for changes than after any former rate revision.

I do not mean that this measure is perfect. I do mean that it is the result of years of patient study and considerable experimentation and resulting experience. Its provisions are not hastily drawn but are the fruits of many hearings where the representatives of every class of mail users have had their day in court. It carries with it the indorsement of the Post Office Department, whose official representative, Mr. Joseph Stewart, has made a commendable effort to cooperate with the Post Office Committee and the mail users in working out a postage-rate structure which shall be as just and fair as possible. I can not forbear to say also that the organizations representing the mail users, with few exceptions, have acted in a spirit of fair play, which proves that they consider the public interest as well as their own.

Some changes may yet be desired by certain of these organizations, but I am confident that not one of them will take the responsibility of opposing this bill exactly as it stands if such opposition should mean its defeat.

Mr. Speaker, this bill is founded on just and correct principles of postage rate making. It does not segregate the classes of mail matter and attempt to make each one self-sustaining as a unit. Such an attempt has never been seriously advocated in Congress, whose deliberate policies have made it impossible. It does not attempt to make users of paid mail matter pay for free services. This bill deals with all paid mail matter as a whole and provides aggregate revenue to cover all costs of the service given such mail matter. It puts paid mail matter on a self-sustaining basis.

Proper consideration is given the fact that the primary function of the Postal Service is to carry first-class mail matter. This great nation-wide communication organization must be maintained for that purpose. Therefore, it is fair to assess a considerable proportion of the overhead expense to this class of mail, and this is done by the retention, without change, of the 2-cent letter rate.

We have provided rates for commercial second class to assure payment of the cost of carrying the advertising portions, while the reading matter has a less-than-cost rate in accordance with traditional policy.

The third-class rates will pay all costs of handling, and the same principle is carried out as to fourth-class or parcel post.

Taking all paid mail matter in these four classes as a whole the revenues will be about $572,463,000. This is almost exactly the actual expenditures which will be required to handle this mail matter.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Certainly, I yield.

Mr. WAINWRIGHT. A great many of us have heard from the retail dealers, the merchants, in our districts, objecting to certain features of the bill, particularly that it favored the large mail-order houses at their expense.

Mr. KELLY. There are only three provisions in this bill over which there is the slightest controversy. The gentleman from New York refers to one of them, that dealing with third-class mail matter. I will say that the small dealers to whom he refers do not understand the provisions if they believe there is a discrimination. The fact is that this bill carries a preferential rate for catalogues under 8 ounces in weight. That rate is 1 cent for 2 ounces and applies any distance. The big mail-order houses, with their heavy catalogues, pay parcel-post rates by zones. Those rates are higher in all except the first, second, and third zones.

We also provide a rate on regular third class, which means 1 cent for 1⅓ ounces where as low as 200 pieces are mailed. This will serve even the smallest retailers in the country, as well as those who send out vast quantities at one mailing.

Mr. WAINWRIGHT. Would the gentleman say, then, that the fears of that class of merchants are ill founded, as far as the rates in this bill are concerned?

Mr. KELLY. Yes; and they will learn on experience that we have given them great advantages in this measure.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. BLANTON. Even though we can not amend this bill in any particular, the gentleman is for it.

Mr. KELLY. I am for it as a fair and square postage rate schedule which is built on proper principles.

Mr. BLANTON. Under the circumstances, I will vote for the bill with the gentleman. I follow my friend from Pennsylvania on postal matters.

Mr. KELLY. The gentleman does me high honor, and I appreciate it.

Now, Mr. Speaker, let me sketch the provisions of this bill. First, I will outline the changes and the new services provided which are not in the least controversial, since they have been approved without qualification by every party concerned.

POST CARDS AND PRIVATE MAILING CARDS

This bill restores the 1-cent rate on post cards and private mailing cards. For the past three years the rate has been 2 cents.

When this change was made it was estimated that 1,250,000,000 post cards and private mailing cards were being carried in the mails. Allowing for a reduction of 250,000,000 the new rate was estimated to bring in an additional $10,000,000 in revenue. It appears that a great mistake was made in the number formerly carried. In any case, the cost ascertainment for 1926 showed only 206,000,000 carried in 1926 and 183,000,000 in 1927.

It is probable that this increased rate has reduced postal revenues at least $6,000,000 a year. It is eloquent evidence of the fact that a rate may be higher than the traffic will bear and results in decreased receipts.

The department now estimates that the 1-cent rate will result in decreased revenues of $1,200,000 a year. It seems to me that assuredly the first year should witness the mailing of double the number now being carried, which would mean no loss in revenues.

COLLECT POSTAGE ON DELIVERY POST CARDS AND ENVELOPES

This bill authorizes a new postal facility which will be of great value to direct mail advertisers. It is provided that reply cards and envelopes may be mailed under proper regulations, and that they may be returned by the recipient and delivered to the sending firm without prepayment of postage.

A charge of not more than 2 cents on card or letter will be collected on delivery. It has been urged that persons who receive these reply cards for requesting catalogues, and so forth, do not use them often because they must affix postage or do not have the stamp available at the time. The advertiser will gladly pay the postage if the card is returned.

While this is a departure from the fixed rule that postage stamps must be affixed to mail matter, it is believed that it is justifiable and will be a valuable service while bringing in revenues sufficient to pay the cost. It is believed that it will lead to greatly increased use of the Postal Service. The department estimates increased revenues of $4,000,000 as a result of this new postal facility.

Postmasters in first, second, and third class offices will receive credit on the additional postage collected while postmasters of the fourth class will receive credit on the regular rate only.

SHORT-PAID FIRST-CLASS MATTER

This bill undertakes to provide a remedy for the abuse of sending first-class mail with deficient postage. There are some concerns which have made a practice of sending large amounts of this mail of greater weights than 1 ounce with only 2 cents postage affixed.

This practice entails much additional clerical work, and the carriers are obliged to keep separate records and collect the postage due. An attempt to end this practice is believed justifiable.

If the postage affixed is deficient by one rate, the charge is made 2 cents, which is the postage due. This will care for all cases of inadvertence and incorrect estimate.

If the shortage is more than one rate, there must be payment of the postage due and 1 cent additional for each ounce or fraction thereof.

TRANSIENT SECOND CLASS

What is known as second-class matter consists of newspapers and other publications mailed by others than publishers and news agents.

There was more widespread complaint about the rate on this class than on any other rate in that law. The old rate had been 1 cent for 4 ounces, and this was universally agreed to be too low. The act of 1925 made the rate 2 cents for 2 ounces up to 8 ounces, and parcel-post rates above.

The increase was too great, and resulted in a great falling off in the mail matter under this classification. The department reports that in 1923 about 109,000,000 pieces of transient second class were carried. In 1926 the number was about 49,000,000 pieces.

In 1923 the weight was reported as 43,000,000 pounds, and in 1927 as 11,000,000 pounds.

This bill cuts the current rate in two and makes it 1 cent for 2 ounces. The department estimates a net loss in revenues of $100,000. Surely the restoration of a great part of the pieces which have gone out of the mails will cover the estimated loss. The new rate will bring in 7 cents a pound and will pay for the entire cost of handling.

LIBRARY BOOKS

In this bill we have a new classification through which library books sent from and returned to libraries, organizations, and associations not organized for profit shall be given a special rate.

At the hearings before the committee a strong case was made for this provision. We have limited it within a distance of 300 miles or within the State in which mailed. The rate is 3 cents for the first pound and 2 cents for additional pounds.

The advantage may be seen by comparison with present parcel-post rates. For instance, a 2-pound book sent to local, first, and second zones now costs 8 cents. Under the new rate it will be sent for 5 cents. In the third zone the charge is 10 cents and under this bill it will be 5 cents.

It is said that there are 42,000,000 people living in rural areas in the United States, or in very small towns, where there are no public libraries. This low rate on books will enable these people to take advantage of libraries in the cities, and will serve in some degree as a means of educational advancement.

SPECIAL DELIVERY AND SPECIAL HANDLING

The act of February 28, 1926, established a new service known as "special handling." It was provided that the payment of 25 cents would secure to fourth-class mail matter the same expeditious transportation and handling as first class.

In view of the fact that this additional payment and the regular parcel-post rates are far less than the first-class rate this service offers a great advantage. However, it has not been as popular as had been expected.

In this bill we give a combined special delivery and special handling. Parcels up to 2 pounds will be 15 cents; between 2 and 10 pounds, 25 cents; over 10 pounds, 35 cents.

Those who desire only the special-handling advantage may have it for parcels up to 2 pounds by the payment of 10 cents; for parcels between 2 and 10 pounds, 15 cents; and over 10 pounds, 20 cents.

The bill also increases the fees paid to special-delivery messengers. For delivering mail matter of the first class up to 2 pounds, the fee will be 9 cents; for other than the first class, up to 2 pounds, the fee is 10 cents; for any class between 2 and 10 pounds, 15 cents; and for any class above 10 pounds, 20 cents.

Mr. Speaker, there is unanimous agreement as to the adoption of these provisions I have mentioned. Differences of opinion can only arise as to the specific rates recommended for advertising portions of commercial publications, circular mail, and parcels post.

Let us consider these rates so that the reasons for fixing these rates may be understood by all.

SECOND-CLASS MAIL RATES

For 11 years there has been continual agitation and protest, study and experimentation as to second-class rates. The war revenue act of 1917 established a new policy for these rates and assessed zone rates upon the advertising portions of commercial publications.

This class embraces all newspapers and other periodicals issued at stated intervals and entered under the postal requirements. These requirements as fixed by law are as follows:

First. The periodical must regularly be issued at stated intervals, as frequently as four times a year, bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed sheets of paper, without board, cloth, leather, or other substantial binding.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and have a legitimate list of subscribers: *Provided, however*, That nothing contained herein shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

According to the report of the Postmaster General for the fiscal year 1927, there are 29,531 publications entered in the various post offices as second-class mail matter under the above requirements of the law.

These publications having second-class entry are divided into a number of subclasses for various reasons. The main divisions as far as postage rates are concerned are as follows:

First. Free in county; that is, publications delivered free by the Post Office Department in the county of publication.

Second. Religious, scientific, fraternal, and so forth, publications not conducted for private profit, on which a flat rate of 1½ cents per pound applies regardless of distance carried or the advertising content.

Third. Other publications containing 5 per cent or less advertising, on which a flat rate of 1½ cents per pound applies.

Fourth. All other publications which take a combination rate of 1½ cents per pound on the reading matter, and a zone rate on the advertising portion which increases with the distance.

From the beginning of the United States Postal Service it has been the traditional policy to encourage the dissemination of knowledge and information by low postal rates on periodicals.

In 1793 President George Washington recommended that public prints be sent through the mails without any charge. In making this request of Congress, he said:

> There is no resource so firm for the Government of the United States as the affections of the people, guided by an enlightened policy, and to this primary good nothing can conduce more than a faithful representation of the public proceedings diffused without restraint throughout the United States.

The first congressional act dealing with postage rates fixed rates on letters by zones. A single letter sent 30 miles cost 6 cents; over 450 miles, 25 cents. Letters of two sheets took double rates. A letter weighing an ounce paid the rate of four single letters.

In this same bill newspapers carried 100 miles paid 1 cent and over 100 miles 1½ cents.

It may thus been seen that the original policy was to grant extremely low rates to newspapers and periodicals.

By the act of 1825 papers were ordered sent through the mails free for distances within 30 miles of the place of publication. This was repealed two years later and all papers made subject to postage, but all persons having the franking privilege were given the right to frank newspapers.

In 1851 weekly newspapers were ordered sent free within the county of publication.

In 1879 the rate was reduced to 2 cents a pound for all publications and this rate was further reduced to 1 cent in 1885.

This 1 cent a pound rate continued for 32 years or until the war revenue act of 1917.

Abuses were certain to creep in and a multitude of publications secured this low rate when by no stretch of the imagination could they be said to disseminate knowledge and information.

Postmasters General complained of the violation of the real purpose of these low rates. It was not the loss on legitimate newspapers which cried for remedy; it was the misuse of the second-class privilege.

In 1917, through the war revenue act, a change was made in the rates accorded second-class matter. While confirming the traditional theory of a very low rate on reading matter, the Ways and Means Committee differentiated between reading matter and advertising columns. The committee said in substance, "We will fix a permanent rate of 1½ cents a pound on reading matter in ordinary commercial publications any distance. We will fix zone rates on the advertising in four successive increases in order to make the advertising contents pay all the cost of handling such advertising matter.

Now, waiving the obvious argument that it is the advertising contents which make the publication possible, the fact remains that Congress did enact its determination to make the advertising part of the newspaper pay the cost, while the reading portions were deliberately given a rate much lower than actual cost.

The war revenue act of 1917 provided for four yearly increases and the act of 1925 made certain changes, as follows:

	July 1, 1918	July 1, 1919	July 1, 1920 [1]	July 1, 1921	Present rates [2]
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
Other than advertising portion, all zones	1¼	1½	1½	1½	1½
Advertising portion:					
Zones 1 and 2	1¼	1½	1¾	2	2
Zone 3	1½	2	2½	3	3
Zone 4	2	3	4	5	6
Zone 5	2¼	3½	4¾	6	6
Zone 6	2½	4	5½	7	6
Zone 7	3	5	7	9	9
Zone 8	3¼	5½	7¾	10	9

[1] Rates in H. R. 12030.
[2] Act Feb. 28, 1925.

In this bill we have fixed the rates which went into force on July 1, 1920, and since they applied during the fiscal year 1921 are usually termed the 1921 rates.

To-day the rate on reading matter in all periodical publications is 1½ cents a pound, and it matters not whether it is sent 10 miles or 3,000 miles. For policy reasons that same rate applies to all portions of religious, scientific, and similar publications not published for profit. For administrative reasons it also covers all publications containing less than 5 per cent advertising.

This is the principle upon which second-class rates are assumed to be made:

> Reading matter at a nominal rate in order to encourage the widespread dissemination of intelligence and information; advertising portions of commercial publications must pay the cost of handling such portions.

That has been the plain purpose of Congress since 1917. The confusion and misunderstanding have been due to the cost-ascertainment reports which have counted all classifications of the second class together, and have not differentiated between reading matter and advertising matter. As a result, the loss shown gives an erroneous picture of the true situation.

That there is a great loss on the reading matter is accepted. It was so decreed by Congress when it took action, knowing that the cost is several times the charge of 1½ cents a pound.

The revenues from the advertising portions were designed to pay the additional cost of carrying such advertising matter and no more.

The real question involved is, "Will the rates carried in this bill bring in revenues to pay such additional cost of handling?"

To that question there can be but one answer after complete study. These rates will pay that cost and more besides.

The only place we can secure figures of any kind is in the cost ascertainment. I have pointed out many times that the methods used in this calculation are explicitly declared by the department not to be such as can be used for just rate making. In this report all classes of mail matter are treated in exactly the same manner, just as though a railroad company should apportion costs on carrying coal and automobiles on the same basis. It simply can not be done in determining costs.

However, taking these figures just as they are, with their unwarranted gains for first class and their unwarranted losses to second, third, and fourth classes, let us see what we shall find.

This report shows that the weight of the preferential rate publications, the religious, scientific, and so forth, is 144,339,000 pounds. On this weight, I was informed by the department, the loss is estimated at $16,000,000.

Now, the total weight of the publications paying zone rates for advertising is 1,249,960,000. The proportion of half reading and half advertising would make the weight of the reading matter 624,980,000 pounds. This is carried at the flat rate of 1½ cents a pound.

This is about four and one-half times the weight of the entire religious, scientific, and so forth, class, so that the loss in carrying the reading portions of these newspapers is about $72,000,000.

The cost ascertainment states that the loss on all second-class mail matter is $84,000,000. This includes the loss on free in county, religious, and scientific, 1 cent per pound for local delivery, etc. If we take the free in county, religious, scientific, and so forth, only at the estimates furnished me by the department, we must deduct $25,000,000, which would mean a loss of $59,000,000 on the zone-rate newspapers.

We have seen that the loss on the reading matter alone is $72,000,000. Therefore the difference is $13,000,000, which is the amount paid at present rates above the cost of handling such advertising portions.

It is estimated that the return to 1921 rates provided in this bill will reduce revenues by $3,860,000. On the calculation I have just given, there will still be receipts of considerably more than the additional cost of handling the advertising portions.

It is true that it is impossible to figure this out with exactness. The department has given other figures as to the losses on these various subclasses. Even using the apportionment expense as it is given in the cost ascertainment, I believe that under the rates carried in this bill the advertising portions will more than pay their own way.

Another justification for a reduction in these rates is found in the records of advertising matter handled by the Post Office Department since 1920.

In 1920 the weight of the advertising matter in all these publications subject to zone rates was 599,098,270 pounds.

In 1926, with the increases in second-class rates, the total of the advertising matter was 551,353,779 pounds. This was a reduction of 50,000,000 pounds in the advertising matter carried by the department, although there was a considerable increase in other classes of mail and also in the advertising matter in publications carried outside the mail.

The evident cause of this reduction is that the rates were high enough to drive considerable matter out of the mail, and it found other means of transportation.

One of the fallacies in connection with second-class rates has been the belief that the loss in this class was due to the weight and volume of the large publications. The fact is that on any publication weighing a pound and over there is a profit to the department on the present rates and on the apportionment of cost used in the cost ascertainment. This was admitted at the hearings by the department representative.

The truth is that 70 per cent of the Post Office Department expense in carrying second-class mail is handling charge, and this is largely determined by the per piece cost. Some publications of this class run more than 100 pieces to the pound. The department must therefore handle, transport, sort, and deliver 100 pieces of this kind to one of a publication weighing 1 pound. Besides this, the leaflet publication usually carries less than 5 per cent of advertising and takes the 1½ cent a pound rate, while the heavy publication pays high rates on its advertising publications.

The representatives of the second-class mail users who pay zone rates requested a return to the zone rates known as the 1920 schedule. This would leave two of the four advances provided for by the war revenue act of 1917.

The publishers argued that these rates brought the best returns in revenue and that the later increases have diverted the mail to other means of handling. It was stated that in many instances these publications are being transported by private distribution systems.

The Post Office Committee of the House has for years studied this problem of second-class rates, which is the most difficult and involved of all postage rates. The numerous subclassifications and the variety of charges fixed for policy reasons add to the complex features involved.

This measure deals only with the advertising portions of the commercial publications. The return to 1921 rates is abundantly justified by the facts, and the committee urges its adoption.

THIRD-CLASS MAIL

Under this bill the users of third-class or circular mail will receive substantial benefits. According to the Post Office Department the rates provided will reduce the revenues for this class by $10,500,000 per annum.

Before the act of February 28, 1925, third-class matter covered printed matter weighing less than 4 pounds, and the rate was 1 cent for each 2 ounces or fraction thereof.

That act changed the third and fourth class limits and threw into third class all merchandise and printed matter weighing 8 ounces or less and provided a rate of 1½ cents for each 2 ounces. A preferential rate of 1 cent per 2 ounces was given books, catalogues, seeds, and so forth.

As applied to the bulk of third class the new rate meant an increase of 50 per cent. The action was taken in an effort to make this class pay the cost of service, which the cost ascertainment said it was failing to do by $16,291,000 per year.

It must be remembered that the transfer from fourth class of mail matter up to 8 ounces was a great reduction on a large quantity of mail, because the rate on such mail matter had been 1 cent an ounce up to 4 ounces and parcel-post zone rates beyond that weight.

However, the increased rate aroused great opposition. At the hearing before the Post Office Committee third-class mail users declared that it had reduced their mailings to a considerable extent. From all figures available it is probable that the rate has reduced the volume of third-class mail.

The bill before us does not restore the old rate of 1 cent for 2 ounces in so many words, but it accomplishes practically that result. Under the old rate the average circular sent weighed less than an ounce, but it required a 1-cent stamp. Under the quantity and pound provision carried in this bill the mailers will send circulars weighing up to 1⅓ ounces each for 1 cent.

Where 200 pieces, or 20 pounds in weight, of identical pieces are mailed the rate is 12 cents a pound, with a minimum charge of 1 cent for each piece. This will accommodate even the smallest mailers, since no one will send fewer than 200 pieces of this direct advertising mail matter.

It is also provided that precanceled stamps may be used and this will permit the mailers to use the pound rate and at the same time have individual stamps affixed. The bill permits the Postmaster General to require large users to route and sack their mail so that handling charges will be lessened.

While a very large loss in revenues is estimated as a result of these rates, I believe that experience will prove that revenues will eventually be increased because of them.

It is not fair to charge third class with the same apportionment of expense as first class receives. It is not given the same treatment. It is sorted and distributed by post-office clerks only after first-class mail is handled. It is sent to terminals instead of being distributed on postal cars. Letter carriers give preference to first class on delivery. There is no directory service such as is given first class. It is really fill-in mail and should be so considered in cost keeping.

I believe that the rate provided in this bill will increase the volume of third class and will result in greater returns than the present rates.

FOURTH-CLASS MAIL MATTER

By the reclassification in the act of February 28, 1925, there was taken from fourth class all packages weighing 8 ounces or less and there was added former third-class matter weighing over 8 ounces and not exceeding 4 pounds. There was no change in the specific zone rates, but a 2-cent service charge was added for all parcel post save that originating on rural routes.

At the time this change was made it was reported through the cost ascertainment that the loss on parcel post was approximately $7,000,000.

It is now estimated that the loss for 1927 was $4,479,000.

Under this bill the present rate on parcel post in the fourth, fifth, sixth, seventh, and eighth zones is reduced 1 cent. The preferential rate on parcel post originating on rural routes is still carried.

The Post Office Department estimates that the loss to revenues by this reduction will be about $2,000,000 a year.

It is generally agreed, and was so stated in the original parcel post law, that this class of mail matter should bear the total cost of the service. I admit that it is unfair to charge it with the same overhead cost as first class and it is probable that there will be no actual loss in fourth class after these rates go into effect.

However, any attempt to go further than we have done, especially as has been suggested, by the fixing of a rate of 5 cents for the local zone, would be disastrous.

Parcel-post and express matter handled by private companies are on a similar basis. The Interstate Commerce Commission fixes express rates. What is their method of fixing these rates? They have three factors. First, there is a 35-cent minimum terminal charge, and this applies to every shipment. If a shipper sends a 1-pound package 10 miles by express, this 35-cent charge must be paid. The second factor is the cost of straight transportation and the third is general overhead expense and the profit to the company.

This basis of rates was adopted after the most thorough consideration by the governmental body charged with the protection of the public. Can anyone argue that even the local rate of 7 cents provided in this bill is as high as it should be? The Post Office Department strongly urged a 10-cent rate in 1924, believing it to be necessary.

Think what must be done in handling a parcel in the local zone of New York City, for instance. The mailer goes to a substation. where a clerk weighs the parcel and sells the stamp. That stamp must be canceled. The parcel is routed by another clerk. It is sent to the main office or another substation by motor vehicle. It is again handled by a post-office clerk and is taken by a parcel-post carrier and dilvered to the addressee.

It is not like letters in first-class mail. Each parcel-post package is a separate and distinct handling. Only the efficiency of the Postal Service to-day prevents the present local rates from cutting disastrously into postal revenues. In many cities the parcel post is used by department stores for shipment of purchases.

Nor is the local rate and the other rates inclusive of a service charge for which no service is given. The so-called 2-cent service charge was adopted in 1925 as the most convenient plan of increasing the rate, so that it would include a slightly nearer approach to the charge which the express companies call a terminal charge. It was placed on the first pound for that purpose and no other.

Mr. Speaker, I have prepared a table which shows at a glance the changes made by this bill. It is as follows:

Statement showing comparison between old rates, 1925 rates, and proposed rates

Class	Mail matter	Old rate	1925 rates	Proposed rates
First	Post cards, private mailing	1 cent each	2 cents each	1 cent each.
Second	Transient	1 cent 4 ounces	2 cents 2 ounces; over 8 ounces, parcel post.	1 cent 2 ounces.
	Publishers: Scientific, religious, etc., newspapers, periodicals, reading matter, 1½ cents pound.	1¼ cents pound	1½ cents pound	1½ cents pound.
	Advertising:			
	Zones 1 and 2	2 cents pound	2 cents pound	1¾ cents pound.
	Zone 3	3 cents pound	3 cents pound	2½ cents pound.
	Zone 4	5 cents pound	6 cents pound	4 cents pound.
	Zone 5	6 cents pound	do	4¾ cents pound.
	Zone 6	7 cents pound	do	5½ cents pound.
	Zone 7	9 cents pound	9 cents pound	7 cents pound.
	Zone 8	10 cents pound	do	7¾ cents pound.
Third	Printed matter	Up to 4 pounds, 1 cent each 2 ounces; over 4, parcel-post rates.	Under 8 ounces, 1½ cents 2 ounces; over, parcel post.	Under 8 ounces, 1½ cents 2 ounces; 200 pieces or 20 pounds, 12 cents pound.
	Books, catalogues, seeds, etc	Under 8 ounces, 1 cent 2 ounces; over 8 ounces parcel post.	Under 8 ounces, 1 cent 2 ounces; over, parcel post.	Under 8 ounces, 1 cent 2 ounces; over parcel post.
Fourth	Merchandise over 8 ounces:			
	Local zone	5 cents first pound; 1 cent each additional 2 pounds.	7 cents first pound; 1 cent additional 2 pounds.	7 cents first pound; 1 cent additional 2 pounds.
	Zones 1 and 2	5 cents first pound; 1 cent each additional pound.	7 cents first pound; 1 cent additional pound.	7 cents first pound; 1 cent additional pound.
	Zone 3	6 cents first pound; 2 cents additional	8 cents first pound; 2 cents additional	8 cents first pound; 2 cents additional.
	Zone 4	7 cents first pound; 4 cents additional	9 cents first pound; 4 cents additional	8 cents first pound; 4 cents additional.
	Zone 5	8 cents first pound; 6 cents additional	10 cents first pound; 6 cents additional	9 cents first pound; 6 cents additional.
	Zone 6	9 cents first pound; 8 cents additional	11 cents first pound; 8 cents additional	10 cents first pound; 8 cents additional.
	Zone 7	11 cents first pound; 10 cents additional	13 cents first pound; 10 cents additional	12 cents first pound; 10 cents additional.
	Zone 8	12 cents each pound	14 cents first pound; 12 cents additional	13 cents first pound; 12 cents additional.
	Mailed rural routes		2 cents less parcel	2 cents less local first, second, and third; 1 cent less fourth, fifth, sixth, seventh, and eighth zones.

Mr. Speaker, I have reviewed the provisions of this bill with a view to showing that they are sensible, fair, and consistent with proper methods and principles of postage-rate making.

This bill is built on the basis that the Post Office establishment is an institution for the service of the American people and not for profit making.

The postal experts in the department declare that it will reduce revenues by $13,500,000. At the same time there is a reported deficit in the department of $28,000,000.

What does that mean? It means that that so-called deficit is not a deficit at all and should not be covered from postal revenues. That deficit is made up of free and partly free services performed for the public by the nation-wide postal organization by direction of Congress.

When this bill was introduced it contained an accounting section known as section 7. It contained in part the provisions of H. R. 89 introduced by myself.

The Post Office Committee after consideration decided to report them as separate measures and they were approved by the subcommittee and the main committee at the same time and ordered on the calendar. In fact, H. R. 89 is the justification for this bill, which reduces revenues in the face of a so-called deficit.

If we eliminate the free and partly free services as a charge against postal revenues, there is no deficit to-day in the Postal Service. In spite of the estimated loss of $13,500,000 by the operation of this bill, I am certain that in two years there will be a gain rather than a loss through these rates.

The Postal Service of the United States is the greatest expense-absorbing industry in the world. Through normal increase in volume, increased efficiency of the personnel, almost a billion dollars of increased costs have been absorbed in the last eight years.

The Postal Service can take on increased volume without proportionate increase of cost. It has proved that in the past and it will prove it in the future. If we will set the compass definitely and permanently for the goal "Service not profits" we will witness achievements in efficiency and usefulness which will outdo the splendid accomplishments of the past.

The SPEAKER. The time of the gentleman from Pennsylvania has expired. All time has expired. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, I think there should be a record vote. At least, I ask for a division.

The House divided; and there were—ayes 220, noes 0.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTENSION OF REMARKS—POSTAL RATES

Mr. O'CONNOR of Louisiana. Mr. Speaker, Members of the House, availing myself of the privilege granted to all Members of the House to extend their remarks on H. R. 12030, a bill to amend title 11 of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes. I desire to say that I voted for the bill, but like many other Members regret that there was no opportunity to offer any amendment. The bill was considered and passed under a suspension of the rules, which procedure does not permit of any amendment but requires a two-third vote. The vote was unanimous, but I reiterate there were many Members who regretted that the bill was considered and passed under a suspension.

I was one of those who felt that the bill should have been considered either under the rules of the House on Calendar Wednesday or a special rule, which would have granted ample time for floor debate and that consideration which the importance of the bill justifies. To say that Congress under such circumstances as were met in the consideration of this bill under the suspension of the rule is a deliberative body is to make a mockery and a jest of the word. Five minutes given to members of the committee to present their views and answer questions in the National Assembly of the United States, the greatest territorial entity in existence with the possible exception of Russia and of a Republic whose boast is that it numbers a population of a hundred and twenty million souls all more or less interested in the pending bill, speaks for itself the travesty that parliamentary procedure sometimes assumes. Of course, there are many advocates of such a procedure who justify its operation on the ground that it is the most expedient way of securing the end in view, and they vindicate it further on the pretext that it is no more tyrannical, oppressive, or even absurd, than the previous question or the point of order. The point of order to a large extent prevents the House or its Committee of the Whole House from passing upon what, in some instances, is desirable legislation and places that authority in the hands of the Chairman of the committee or the Speaker of the House as the case may be. But, listen, if it is not promptly made the right to make it is lost. This is in mitigation of the harshness of the procedure and is an admission that it should be sustained only when the overwhelming necessity of the case demands. And listen, that which the Chairman of the Whole House or the Speaker of the Whole House may hold to be out of order can be made in order the following day by a rule from the Committee on Rules.

The ancient Egyptians were said to change the attitude of the people on many important matters by a parade of the priests of the temples holding on hieroglyphics that might not have been discernible or if that was so, not understandable by the masses who nevertheless were mysteriously impressed by the ceremony. We find that even such an august body as the House of Representatives yields complacently when a few written symbols are placed upon a piece of paper and are solemnly offered by the chairman of the Committee on Rules, the high parliamentary priests of our assembly. But that is another story and I may dwell upon it some other time. Why may I ask was this bill considered under a suspension of the rules?

Because the administration leaders knew that if the bill was considered under the ordinary rules the 1920 postal rates would be restored and that some deficit might occur as a result of that restoration. The House therefore had to be restrained from doing what it would have undoubtedly done had it been given the opportunity, for nearly everyone is convinced that the deficit would be negligible compared with the results that would flow from a cheap newspaper service. From the beginning of this Government it has been generally admitted that newspapers are an extension of the school system of this country, more certainly so than colleges, universities, and libraries. And yet the encouragement given to the newspaper extension of the school system as contrasted with the financial aid and assistance to the schools themselves by the Federal, State, and municipal governments is distressingly insignificant. Do not misunderstand me; I am not complaining about the expenditures made upon our schools. I am complaining as bitterly as I can at the lack of vision on the part of those whose duty it is to see and at their failure to give a modicum of encouragement to the newspapers and the magazines, the creators of that indispensable factor in the life of our great Republic, public opinion, which is the crystallization of national thought upon any subject.

The press—the newspapers aggregating 29,000—is the crowning glory of the educational system. No one disputes the educational value of journals, newspapers, magazines, weekly and monthly. No one disputes that public sentiment is crystallized into that overshadowing factor in the life of the Republic, public opinion by the newspapers of the country "I care not who write the laws of a country if you permit me to write its songs," said Fletcher. The average American may well stand up to-day and say, "I care not who write the laws of the country if you permit me to own its newspapers." That is an attestation of a power possessed by not one of the three coordinate branches of the Government, even if it is possessed by the three combined, which is doubtful. Jefferson in a day when newspapers had not become the intellectual force that they are to-day declared that if he had to choose between a country with a constitution and no newspapers and a country with no constitution and newspapers he would prefer and take the latter. I hope that the Senate will amend this bill so as to make for a return of the 1920 rates on newspapers and that the House will concur in that amendment, or if there be a conference report that the House will support that report in the event that it includes such a Senate amendment as I have referred to. If it be true that the pen is mightier than the sword, and that maxim of present-day life seems to be generally subscribed to, why worry about an insignificant deficit when we are appropriating hundreds of millions for guns and war vessels which, though necessary for national defense, are not such potent factors for the security of the Republic as the news which, on the wings of the morning, brings knowledge into millions and millions of homes throughout the length and breadth of the land. And knowledge means power, individually and nationally. "Ye shall know the truth and the truth will make you free."

Mr. NELSON of Missouri. Mr. Speaker, the bill H. R. 12030 has been referred to as a perfect bill. While I do not regard it as such, I believe that with possibly one exception, all the changes authorized in the bill are desirable.

My objection is that proposed reductions in postal rates are not sufficient. Take for instance, the small reduction given newspapers. It represents a cutting off of but one-fourth the amount represented in the various postage increases on newspapers since the World War. A 50 per cent reduction should have been granted at this time. The press of the country, notably the rural press, has given to the Government and to the promotion of local welfare many columns which, if paid for at regular rates, would have represented a very substantial source of income. To-day there is no greater stabilizing influence than a free, honest, and untrammeled press.

The return of the 1-cent private mailing card will be welcomed by users generally. When the rate was advanced to 2 cents, the use of such cards was very largely discontinued, with resulting loss to the Government.

Another feature of the bill in which I, as a Representative of a great agricultural district, am vitally interested has to do with the postal charges, including so-called special-handling and special-delivery charge on baby chicks. The central Missouri district which I represent produces annually some 5,000,000 baby chicks. Not only are shipments made locally, but they go to practically half the States in the Union. Ever since the unreasonable rates which the present bill seeks to correct, in a limited way, at least, went into effect I have had strong and proper protests from the owners of hatcheries. During a past session of Congress I took this matter up with the Post Office Department, but without satisfaction to myself or relief to those who were so directly interested. Postmaster General New, in a letter under date of September 18, 1925, and which was in reply to one I had written him, strongly defended the 25-cent charge which became effective April 15, 1925, and to which proprietors of hatcheries had objected. The fact that some concession is now proposed is proof that the complaint as registered was not without foundation.

On September 2, 1925, Mr. H. S. Smith, of the Smith Hatcheries, wrote:

It is my opinion that this is an exorbitant charge for special handling of small boxes on short trips, even though they received the utmost care. I also do not believe the chicks receive any more special care than they did before this charge was placed on them. Just last week we had a shipment down in one of the Southern States that was carried over 100 miles beyond its destination, and the chicks were so weakened upon arrival that they all died the first day. The Postal Department is losing much business from the hatcheries because of this high charge. In most all cases where the chicks do not go out on the rural routes hatcheries are making shipment by express, as they have some protection in this way and the rates are very little more on small shipments and cheaper on large shipments.

After the adoption, in 1925, of the rates on shipments of baby chicks and which is now proposed to lower a little, George P. Player, of the Star Chick Hatchery, Westphalia, Mo., wrote in part:

A box of 25 chicks that on April 14 cost 8 cents to ship, the same box cost 37 cents to ship on April 15. The 50-size and 100-size boxes increased proportionately, and it had the effect of our shipping everything we possibly could by express, both because the express rate was cheaper, and we could insure the packages and collect the money for damage from the express company, the latter of which we could not do when shipping chicks by parcel post. For instance, the postmaster accepts the shipment of chicks and insures them and it means only that the additional postage paid for insurance is all the sender can possibly get, i. e., which spells a loss—as the Government will not pay for lost shipments or damaged shipments of chicks even though they are insured. This increase in parcel-post rates has caused nearly all of the merchants who shipped stuff by parcel post to turn to express. This proves the fallacy of the increased rates.

On February 3, 1928, Mr. Player in a letter to Resse V. Hicks, managing director of the International Baby Chick Association, 127 Wirthman Building, Kansas City, said:

It is a well-known fact that the volume of chick shipments has caused the Postal Department to sit up and take notice, so to speak, and the volume is ever increasing. Personally, I have always contended that the special handling charge meant nothing and was only one means of increasing the parcel-post rate. We actually have had more losses under the special handling charge methods than we had before it was assessed. I believe I have written you about this once before. The rates on baby chick shipments should be made the same as other parcel-post matter, weight taken into consideration. The tying of two boxes of chicks together is very detrimental and seldom do we ship chicks in this way.

For your information, we do nearly all of our shipping by express as the rates on as many as 500 chicks or five boxes is anywhere from one-fourth to one-half lower for the same amount of weight as the parcel-post rate, and the express company insures our chicks, and no matter whether there is one or all dead, they pay the claims that are made. This the Government will not do with parcel-post shipments on chicks. As the matter stands regarding shipping, the express is far more preferable than parcel post.

In connection with this question, I include in full the following letter from the proprietor of one of the largest hatcheries in the United States:

COLUMBIA, MO., *February 3, 1928.*

Hon. W. L. NELSON,
Washington, D. C.

DEAR MR. NELSON: I have recently received information that some adjustment of postal rates was considered, and would especially call your attention to the fact that the hatchery men of the United States, who ship chicks by parcel post, are receiving comparatively no service for the special-handling stamp of 25 cents that we are requested to put on each package of chicks.

The mail agents are destroying as many chicks as usual this spring by getting the boxes against hot pipes or hot radiators. They carry as many past the point of delivery and, in fact, we have never received any evidence of any service, either in care or time of delivery, at the post office, or in the mail car, since this special-handling stamp has been required.

We believe it only fair that if they expect us to use this stamp—and it is a tax or expense to my business of several thousand dollars a year—that some visible service ought to be received for this outlay.

The fact of the business is, I am now shipping more than half of my output by express; first, on account of the expense being less to ship by express to many points; and, second, the extra service that the express company gives us.

We think it should be clear that the hatchery men have never asked for any adjustment of chicks at point of delivery; what they have asked for is a report of the condition of the chicks on delivery and, of course, adjustment could be made, based on this report.

The express company makes this inspection and also pays us for the dead chicks on arrival, without extra fee; and my settlements for losses on chicks with the express company last year were very satisfactory.

It does seem to me a little strange that the express company can carry 1,000 chicks, for instance, to some point in Virginia at a less charge, inspect the chicks when they arrive, take good care of them on the way—because they do—and agents follow implicit instructions to care for chicks; then when they arrive make the inspection, make the report, and then make payment for the dead chicks; and then give all this carriage and service at less cost than the Postal Service would cost us, even in the limited way that we get service at this time. At the same time the express companies are eager for this business, and it certainly pays them a profit.

We sometimes wonder if there is a concerted effort to turn this business back into private hands, or if private enterprise is so much more efficient and loyal than the public service that it gives this difference.

If for this special-handling fee the Post Office Department would give some sort of a reasonable guarantee or insurance on chicks, and at the same time provide for an inspection when the chicks arrive, it would be a service that is very essential and would, at least, furnish some reasonable grounds upon which to base the reasons for the change of the special-handling service.

There is no question but what the hauling of baby chicks is gradually drifting into the hands of the express company. We see no reason why the Postal Service should not be equal to the express service and at or below the price that they charge.

We believe that these facts ought to be brought out clear and presented to those who are interested in making fair adjustments.

We remain,

Very sincerely yours,

MISSOURI POULTRY FARMS,
Per MANUEL DRUMM.

An unreasonable charge in connection with the shipment of baby chicks means either lower prices paid farmers from whom the eggs are purchased or higher prices to be paid by the purchasers of baby chicks. So that any relief afforded in the way of lower rates, while it may result in increased business for the proprietor of hatcheries, is for the benefit of a vast number of people.

As the proprietor of the Versailles Missouri Hatchery, in protesting the higher rate at the time it went into effect, wrote:

Passing the expense on to the consumer does not solve the question, either, for any increase in cost at this time certainly does not stimulate business.

The rates on fourth-class matter up to the fourth zone remain unchanged. For the more distant zones a reduction, not of 1 cent per pound, but of 1 cent on the first pound only is made. This is so slight as to be only a gesture. Some real relief, while inadequate, is afforded in the proposed combined special delivery and special handling rate. Parcels up to 2 pounds would be 15 cents; for 2 to 10 pounds, 25 cents; over 10 pounds, 35 cents. Where special handling alone is desired charges would be, 2 to 10 pounds, 15 cents, and over 10 pounds, 20 cents.

While commending the bill as a whole I entertain the hope that the Senate may see fit to change it in some particulars and especially as regards the matters to which I have referred.

BATTLE FIELD, KINGS MOUNTAIN, S. C.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11140) to provide for the inspection of the battle field of Kings Mountain, S. C., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk reported the Senate amendment.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is that an omnibus provision in the Senate amendment?

Mr. McSWAIN. No; it is not. It is a provision to the effect that the commission created by this bill shall work in conjunction with the War Department commission.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, this amendment just demonstrates how entirely unnecessary is the bill. We have a general commission authorized to study all of these old battle fields, to do what is proposed to be done in this special bill. Having passed a special bill for the gentleman's important battle field, the Senate put on an amendment providing that the special commission shall advise the general commission.

I believe that it is well. I favor the amendment because I think it ought to be demonstrated to the House that we do not need these special commissions.

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I will if I have time to yield.

Mr. BULWINKLE. I wish to say to the gentleman that the commission already created in the War College never has been on the battle field at all.

Mr. CRAMTON. They better get out on it and thus avoid having things put over them.

Mr. LAGUARDIA. I believe when special bills come in for specific battle grounds they will be referred to the general commission.

Mr. O'CONNOR of Louisiana. Mr. Speaker, will the gentleman yield for a question?

Mr. CRAMTON. If I have time to yield, I will.

Mr. O'CONNOR of Louisiana. When do you expect the report from this general commission? I have been waiting for a report from that commission for many moons.

Mr. CRAMTON. I have not been worried by the delay.

Mr. O'CONNOR of Louisiana. You are not interested.

Mr. McSWAIN. There is no commission. The authority is conferred on the Secretary of War alone, and unless requested by somebody to do anything no action is taken by the department.

Mr. O'CONNOR of Louisiana. I understand the Secretary of War is authorized to appoint a commission.

Mr. McSWAIN. Yes. It consists of Army officers.

Mr. O'CONNOR of Louisiana. And they never report.

The SPEAKER. The question is on agreeing to the Senate amendment to the House bill.

The Senate amendment was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WURZBACH, for 10 days, on account of important business;

To Mr. THOMPSON, indefinitely, on account of sickness in his family;

To Mr. TATGENHORST, for 10 days, on account of important business;

To Mr. RAGON, indefinitely, on account of illness; and

To Mr. BURTON, for to-morrow, to attend the funeral of the late Senator WILLIS.

THE PINK BOLLWORM

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remaks on the pink bollworm in Georgia by inserting a telegram.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by inserting a telegram, as indicated. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Speaker, under the leave to extend my remarks in the RECORD on the pink boll weevil in Georgia, I include the following telegram:

ATLANTA, GA., *March 31, 1928.*

Hon. CHAS. G. EDWARDS,
House of Representatives, Washington, D. C.:

I have canvassed pink bollworm menace thoroughly with State Entomologist Wersham. Am convinced necessity imperative take immediate stringent step. If future profitable cotton growing Georgia is to continue, I earnestly appeal to you, as friend Georgia agriculture, to employ every effort secure favorable action Agricultural Committee and of Congress behalf House Joint Resolution 237, providing $5,000,000 appropriation for eradication pink bollworm. Am advised less amount inadequate. Agricultural Committee meets Monday morning.

F. H. ABBOTT,
Secretary Georgia Association.

THE NEED FOR AN ADDITIONAL FEDERAL JUDGE IN THE EASTERN DISTRICT OF NEW YORK

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks on a bill which I have introduced and insert therein certain data prepared for me by the clerk of the Federal Court for the Eastern District of New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, on Friday I extended my remarks in the RECORD showing the need for an additional Federal judge

in the eastern New York district. In these remarks I referred to certain data and tables prepared by the clerk of the United States court for that district showing the business before this court. They are as follows:

STATEMENT AND TABLES FURNISHED BY THE CLERK, UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

The increase of business in the eastern district of New York during the past year has been phenomenal. If the slacker cases are eliminated in the totals for the year 1920, as they should be, we find that 2,034 regular proceedings were commenced in this court for the fiscal year of 1920 and 3,271 in 1921. This is an increase of 60 per cent. The increase in some of the departments is even greater. The figures for the present fiscal year indicate that this increase will be maintained or, rather, augmented. There was an increase in bankruptcy in one period of over 300 per cent and in admiralty 400 per cent. There have been days when over 20 admiralty suits have been commenced and from 10 to 15 bankruptcy petitions filed.

The following statement of business in 1906 makes an interesting comparison:

Proceedings commenced

	Cases
Admiralty	185
Law and equity	126
Bankruptcy	256
Criminal cases	74
Civil United States	14
Total	655

In 1911 the total number of cases commenced was 1,009. It was deemed necessary at that time to have two judges, thus increasing the capacity of the court by 100 per cent. Furthermore, in 1906 the judge of this district devoted a great deal of his time to criminal trials in the southern district of New York. In 1920 the business had more than doubled the figures given in 1911, and in 1921 it had more than trebled 1911.

After Judge Veeder was appointed, the judges arranged schedules of assignments so that one judge for a period of two months did the trial work, such as admiralty, law and equity, and criminal cases, while the other judge would take the motion calendars, occupying practically the whole of Wednesday and Friday afternoons of each week, and the naturalization calendar, which took up the whole of Thursday morning. In this way the judge would have Monday, Tuesday, and half of Wednesday, Thursday, and Friday to use for the purpose of attending to the ex parte business and for the purpose of going over testimony and considering cases tried before him and submitted to him for decision during the preceding two months. In very many cases judges had to read over 500 or 1,000 pages of testimony, voluminous briefs, and examine the law in opinions of courts. This practice prevailed until 1917, when the judge in charge of trials was compelled to assign the criminal work to the judge taking the ex parte and motion work. For some time this judge took, in addition to the motions and ex parte work, criminal trials on Mondays and Tuesdays. The pressure of business continued to increase, and for over a year now it has been the practice of one judge to try equity, common-law, and admiralty cases, while the other judge did all of the ex parte work—that is, applications for orders, etc.—general-motion calendar on Wednesdays at 2 o'clock, naturalizations on Thursday morning, bankruptcy calendar on Fridays at 2 o'clock, and criminal trials at every other moment that it was possible for him to be on the bench. The result has been that instead of deciding cases tried before him during the preceding months, during office hours, it was necessary for him to come down to his chambers during the evenings and on Saturday afternoons and Sundays. It is no uncommon thing for the judges to spend from half past 8 in the morning until after 6 in their chambers, go to dinner, and return, working until after 11 at night. If they did not do this they generally took home work which occupied them during the whole evening. It is difficult to think of judicial work in terms of mechanical labor when one considers the mental strain. It is not too much to say that the judges in the eastern district of New York often work from 60 to 70 hours a week. The result of this terrific strain is seen in the breakdown of Judge Chatfield and his serious illness.

Going over the calendars in admiralty for many years, it is found that the new calendars made up in October every year usually average about 75 cases. The calendar this year for October 1 had about 300 cases on it, and many more have been added since that time. The law calendar has increased and so has the equity.

During the fiscal year ended June 30, 1921, 150 civil cases were tried in the court in addition to criminal trials. This does not convey strictly an idea of the amount of work done, for the reason that while two admiralty cases may be tried in one day, it is also possible to have one admiralty case take over two weeks to try. It is not so long ago that one criminal case took a period of nine months for the trial in this district. Conditions indicate that instead of there being a slackening up of business, there will be a greater increase this year than in previous years. In addition to the regular proceeding referred to, there are many special matters, such as habeas corpus, and many applications in special matters not in regular cases.

The naturalization work is limited because of the fact that the judges can not devote more time for hearing naturalization proceedings. If more time, a half day each week, could be given to this part of the work, it would be possible to double the number of applications filed, thus relieving the situation. As it is, applications are of necessity refused, to the great inconvenience of those desiring citizenship.

The three judges are constantly occupied; one of the three takes ex parte work, motions, and naturalizations. On Mondays he may have a bankruptcy case to hear or may be able to devote his time to deciding matters already submitted or cases tried before him, being interrupted by the presentation of orders for the appointment of receivers and for various other applications. On Tuesday morning the naturalization calendar of from 300 to 600 cases has to be attende dto. Wednesday is general-motion day with a calendar of some 50 or more motions. There are motions in equity, law, and admiralty, as well as various miscellaneous applications and habeas corpus proceedings. This takes the whole morning, going on often into the afternoon. Many of the motions are sharply contested and need study and research. On Thursday the judge is again occupied with naturalization, practically for the whole morning. On Friday morning there are from 40 to 60 motions in bankruptcy. The entire morning is devoted to this. Thus it will be seen that the judge holding this part has very little time for the study of his cases.

A second judge holds criminal term. The criminal term is held every month.

This leaves one judge to try equity, law, and admiralty. It is impossible to have this class of cases tried during the months of July, August, and the early part of September. It is thus to be seen that there are nine months in the year in which trials can be had. Under the present conditions, therefore, there are three for equity, three for admiralty, and three for common law.

Take up the consideration of the admiralty calendar, which now consists of 876 cases, an increase of 146 since the 1st of October, although an admiralty term was held in November by Judge Campbell, at which time 110 cases were disposed of.

It must be evident that if 100 cases are disposed of each month, it would take over eight months of continuous trials to clear up the admiralty calendar. As only three months may be devoted to this each year, it is easy to see that we are three years behind at the present time.

The law calendar now consists of 203 cases. On October 1 there were 173; 73 have been added since and during two terms 143 cases were disposed of. The two terms were held because it was possible to get an outside judge to hold one term.

Table showing business in United States district court, Brooklyn, N. Y.

Class of case	1911	1912	1913	1914	1915	1916	1917	1918	1919
Cases in which United States not a party:									
Admiralty—									
Cases commenced	224	226	259	319	493	469	431	422	389
Cases terminated	193	190	210	232	262	295	2,321	284	289
Law and equity—									
Cases commenced	121	139	61	164	181	142	126	217	190
Cases terminated	110	124	114	92	112	160	[1] 1,681	101	91
Bankruptcy—									
Cases commenced	490	516	778	553	616	592	601	480	392
Cases terminated	355	532	781	503	605	587	560	533	434
United States cases:									
Criminal—									
Cases commenced	129	88	99	107	100	146	106	1,000	862
Cases terminated	116	76	166	76	134	178	110	897	893
Trials	11	13	23	17	28	23	12	73	52
Fines imposed	$44,462.00	$18,879.10	$2,298.00	$3,863.00	$13,365.00	$10,244.68	$7,635.00	$24,840.01	$20,116.00
Collected	$32,391.00	$3,679.10	$1,958.81	$963.00	$3,061.00	$9,925.68	$7,444.00	$5,518.01	$11,393.00
Civil—									
Cases commenced	45	182	120	6	31	54	36	26	53
Cases terminated	59	140	100	49	46	75	37	17	51

[1] At request of Attorney General, all cases in which no proceedings have been taken for a period of more than five years were dismissed.

Table showing business in United States district court, Brooklyn, N. Y.— Continued

Class of case	1920	1921	1922	1923	1924	1925	1926	1927
Suits United States not a party:								
Admiralty—								
Cases commenced	543	863	1,046	818	1,205	1,352	1,273	1,164
Cases terminated	351	435	453	537	529	826	291	844
Law and equity—								
Cases commenced	173	321	294	432	995	757	707	932
Cases terminated	93	191	163	131	143	554	238	904
Bankruptcy—								
Cases commenced	362	583	859	891	898	1,023	901	1,031
Cases terminated	450	321		551	737	946	945	933
United States cases:								
Criminal—								
Commenced	[1] 2,890	1,328	652	1,117	3,130	2,492	2,608	2,349
Terminated	563	1,179		1,032	2,429	2,022	2,363	2,360
Trials	61	108		83	300	175	121	121
Fines imposed	$26,874.00	$76,571.50		$104,000.00	$299,419.00	$318,479.00	$284,321.00	$216,526.00
Fines collected	$23,474.50	$39,564.50		$49,129.00	$251,960.00	$284,182.00	$237,149.00	$196,162.00
Civil—								
Commenced	66	176	65	352	871	929	931	903
Terminated	30	77	42	232	384	628	708	1,232

[1] This includes 2,100 indictments in so-called slacker cases.

Table showing business in United States District Court, Southern District of New York

Class of case	1923	1924	1925	1926	1927
Suits, United States not a party:					
Admiralty—					
Cases commenced	787	494	348	383	914
Cases terminated	819	913	1,321	658	1,164
Law and equity—					
Cases commenced	1,193	1,021	1,073	961	1,328
Cases terminated	1,043	959	2,148	917	1,641
Bankruptcy—					
Cases commenced	2,471	2,260	2,075	1,871	1,676
Cases terminated	1,615	1,776	3,132	2,162	2,350
United States cases:					
Criminal—					
Commenced	2,919	3,777	3,887	3,243	2,059
Terminated	2,559	6,616	4,895	6,225	2,135
Trials	114	258	134	186	157
Fines imposed	$346,506	$488,972	$369,650	$273,883	$204,336
Fines collected	$154,014	$384,461	$290,145	$214,600	$297,379
Civil—					
Commenced	1,149	1,271	1,060	2,205	1,985
Terminated	793	611	829	2,293	3,236

POSTAGE RATES

Mr. GREEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short letter received from Mr. W. T. Arnold on the bill just passed. It is a very short letter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN. Mr. Speaker, under permission given me to extend my remarks, I include herewith copy of letter received from Hon. W. P. Arnold, same relative to reduction of postal rates. This postage reduction bill undoubtedly should become a law this session of Congress:

Hon. R. A. GREEN,

Member of Congress, Washington, D. C.

DEAR MR. GREEN: I am in receipt of your letter of December 6 and assure you that the Gainesville Sun will appreciate any efforts you may put forth to have our second-class postage rates lowered.

With best wishes and kindest regards, I am,

Sincerely your friend,

W. P. ARNOLD,
Manager the Gainesville Sun.

MUSCLE SHOALS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 12448, concerning Muscle Shoals.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, in order that there may be full explanation by giving full information on the point of why the Committee on Military Affairs did not approve and recommend the passage of the only proposition before it looking to the private operation of the Muscle Shoals properties, I submit, in order to save the trouble of restating the case, a very brief interview given by myself to one of the daily newspapers of the city of Washington on the day the committee acted. This is not offered by way of apology, because the committee need not apologize for safeguarding public property and insuring national defense:

McSWAIN SAYS UNITED STATES IS FORCED TO RUN SHOALS

By JOHN J. McSWAIN, South Carolina Member House Military Affairs Committee

Undoubtedly the House Military Affairs Committee would prefer private operation of Muscle Shoals. Practically every member of the committee, with one exception, earnestly sought to obtain a satisfactory lease for private operation.

But the committee was unwilling to surrender our property at Muscle Shoals to any lessee on his own terms. That project was constructed primarily to insure a domestic supply of nitrates for use in war. Thus it is essentially a munition plant and is as essential to national defense as an arsenal to manufacture arms, or a shipyard to build battleships.

VALUABLE TO UNITED STATES

The Government is already in business at Muscle Shoals, producing and selling electric power. Common sense dictated that instead of being a constant expense, such as a munitions factory, arsenal, shipyard, battleship, or an army, that here at Muscle Shoals the plant may be not only self-sustaining and eventually pay for itself but may render a highly valuable economic function.

The only proposal for private operation before the committee was that of American Cyanamid Co. I did my best to get it in such shape as would be acceptable to the committee. I offered more than 100 amendments and practically all of them were accepted by the Cyanamid Co. and incorporated in its proposal, except three, and those three constituted the stumbling blocks, and a little explanation will show why we have been driven to Government operation.

First, the committee insisted on a recapture clause to the effect that if the company ceased to manufacture fertilizer for a period of three years, having failed to manufacture it so cheaply and of such kinds as to induce the farmers to buy it, the Government should have the right to take possession of the property, declare the lease terminated, but pay the reasonable value of any plant it may have constructed upon the property.

AUDIT PROVIDED

This seemed manifestly fair and just to both the Government and the lessee, if the lessee had faith in its power to make a success of the fertilizer proposition.

Second, adequate audit and accounting of the books and business methods of the lessee to insure that the calculation of costs and, therefore, of prices for fertilizer were correctly made.

I considered that the provisions of the bill were utterly inadequate to insure the discovery of the truth.

Third, sufficient power in the farmer board to decide and determine the kinds of fertilizer which should be manufactured.

If the lessee wished to keep the mere letter of the contract but violate its main purpose, and convert it into a power proposition pure and simple, it could manufacture the required number of tons of fertilizer of a kind that would not sell, put that fertilizer in storage, and divert all of the power to other purposes than the manufacture of fertilizer.

When the American Cyanamid Co. refused to make these essential concessions, there was nothing left for the committee except the best and most efficient plan of Government operation that could be worked out.

A mere casual reading of the report of the Committee on Military Affairs, being report No. 1095, will disclose the fact that not only since the passage of the national defense act of June 3, 1916, but since the Military Affairs Committee took definite action upon a proper policy with reference to Muscle Shoals, as shown by the committee action of April 24, 1922, through the action of Congress itself in creating the joint commission of

1926 and the action of the President's commission of 1925 and the action of the Committee on Military Affairs in 1927, there has been a consistency and continuity in the views of all responsible and thoughtful persons with reference to Muscle Shoals properties.

POLICY OF COMMITTEE

In fact, the Committee on Military Affairs for the Sixty-ninth Congress laid down as one of its fundamental and guiding principles the proposition that any lease of the Muscle Shoals property must contain a forfeiture or recapture clause of both the power rights and the fertilizer provisions if there was any failure to produce nitrates in at least 40,000 tons per year. But it was found provided in the same proposition that if such failure to produce nitrates in a minimum stipulated amount should not be due to the neglect, misconduct, or fault of the lessee, then such forfeiture or recapture would not include the loss of the reasonable value of the property placed upon the Muscle Shoals plant by the lessee, but that the lessee should be reimbursed by the Government for the reasonable value of such property at the time of such recapture. This was an exceedingly liberal proposition and was made to induce any proposed lessee to consent to the recapture or forfeiture clause whereby both the power and the nitrogen-producing plants should return to the Government in the event of a failure by the lessee to produce the minimum amount of nitrates.

From the very beginning it has been a fundamental axiom that the power and the fertilizer aspects of this proposition must remain interlocked and interlinked with each other and must not be separated. It was realized that the extreme value of the power must be employed as an inducement to carry the fertilizer side of the proposition, not that the fertilizer business will be at a loss or not self-sustaining, but that the special interests, whether financial, power, or fertilizers, whose financial state in the existing fertilizer industry may be injuriously effected, will naturally discourage in every possible way the success of the fertilizer project. Therefore the two have been tied together and the committee has consistently stood by that elemental proposition.

REASONABLE PROPOSAL REFUSED

The very great liberality of the proposal by the committee in 1927 to bind the Government to refund to any lessee that might undertake to manufacture fertilizers at Muscle Shoals and find the same unprofitable, due to the failure of the farmers to buy the same, must be emphasized in order to demonstrate the extreme desire of the committee to insure private operation at Muscle Shoals. It means this: Rather than go into Government operation and have the Government spend $10,000,000, for illustration, at Muscle Shoals to try out the proposition as to fertilizers, it was concluded that it would be better to have some private operating agency make the experiment and place its own plant upon the Government property, and if the fertilizer business failed, then let the Government take the plant over at a cost, we will say for illustration, of $10,000,000. The plant established by the lessee would then be the property of the Government. It might be useless to the Government, but it would be paying $10,000,000 to demonstrate two things; first, whether or not fertilizers can be successfully manufactured at Muscle Shoals at a cost below the existing prices of fertilizers; and second, whether or not private operation at Muscle Shoals would be a success.

The American Cyanamid Co., by its president, Mr. Bell, declined to consider amending its offer so as to incorporate this very liberal provision. Its original offer would contain a provision whereby the Government was to refund to the lessee certain expenses incurred by it, even if the lease should be terminated by reason of the default and intentional violation of the lessee of its contract. Our proposition was to refund the cost of a fertilizer plant to the lessee only when the lessee had acted in good faith and had tried to make the fertilizer business good, and had failed for causes beyond his control.

THE POOR MAN'S CHANCE

I argued to the proposed lessee, the American Cyanamid Co., that our proposition was very much like a partnership arrangement between a rich man and a poor man to go into business together. The rich man says to the poor man, "Take my factory and put up some of your money, to wit, less than 10 per cent of the value of my factory and use your money for operating expenses. If you succeed, then you shall have one-half of all the profits, though you have invested less than 10 per cent of the capital. If you fail, I will pay you back all the money that you have put into the business, so that you will have had a chance to make large profits and will not lose a cent. If any money is lost, I will lose it."

This was a perfectly safe proposition for the lessee. It was a game of "heads you win; tails I lose." To continue the illustration—the United States Government, if it should build Dam No. 3 and Cove Creek Dam, as proposed by the American Cyanamid Co., would thus have invested in the whole property approximately $250,000,000. On the other hand, the American Cyanamid Co. would have invested a minimum of $10,000,000 and a maximum of $35,000,000. In any event, the amount would be about 10 per cent on an average of the investment by the Government.

The committee said to the American Cyanamid Co., "We are so anxious to have the private operation of the fertilizer business at Muscle Shoals that we will authorize you to go to work and put up a fertilizer plant to cost, say about $10,000,000. You proceed to manufacture fertilizers and if at the end of say 15 years, you have failed for any reason other than your own intentional fault or misconduct, then we will take all the property back, including the value of the property that you have placed upon our land, and pay you the reasonable value of same."

If the lessee should manufacture fertilizers much cheaper than private industry is doing, and should manufacture such kinds of fertilizers as would appeal to the tastes of the farmers, then the business would be certain to be a success, and the lessee would make enormous profits out of the business. If on account of circumstances beyond the control of the lessee it should fail, nevertheless it would get its money back.

TIMIDITY OF AMERICAN CYANAMID CO.

Contrast this proposition of the Committee on Military Affairs with the proposition that faced the American Cyanamid Co. when it made its investment about 20 years ago on the Canadian side of the Niagara River at Niagara Falls. Then the American Cyanamid Co. invested about $20,000,000 in a plant to fix atmospheric nitrogen which was then in an experimental stage. The American Cyanamid Co. was putting in $20,000,000 upon a commercial uncertainty. But its promoters had confidence in the future and in their ability to meet future conditions. However, the present management of the American Cyanamid Co. seems to have no confidence in its ability to meet future conditions and competition at Muscle Shoals. The fixation of atmospheric nitrogen is now a practical industrial fact. It is no longer an experiment as it was 20 years ago. There is a great, not only nation-wide but world-wide, demand for concentrated fertilizers.

The American Cyanamid Co. would have every fact in its favor to enable it to manufacture fertilizers at Muscle Shoals more cheaply than private industry can manufacture them anywhere else. Mr. Bell, president of the American Cyanamid Co., admitted this to be a fact. Yet, in the face of these conditions, Mr. Bell would not agree to manufacture fertilizers at Muscle Shoals under a guaranty from the Government that if he failed his investment would be refunded. In the face of this plain, clear situation, how could anybody expect the Committee on Military Affairs to execute a lease with the American Cyanamid Co.?

VITAL TO NATIONAL DEFENSE

Since Muscle Shoals is vital to the national defense to insure a domestic supply of nitrogen, it must remain the property of the Government. Since we have been unable to obtain a satisfactory contract for the private operation of this property, which is primarily a munitions plant, the Government must proceed to operate it in some manner itself. We are therefore put to the election between the method of operation proposed by the Senate Joint Resolution 46, ordinarily called the "Norris bill," and the plan proposed by the House as a substitute for the Norris bill, to wit, operation by a corporation governed by five directors appointed by the President and confirmed by the Senate. Now, which of these two methods is the better under the circumstances?

We have examined, in the Committee on Military Affairs, the Secretary of Agriculture and those officers in his department that would be in charge of experimentation in the methods and processes of manufacturing fertilizers and in charge of such mass production as the Secretary might decide to bring about. This examination by the Secretary and his chief advisers in the department has satisfied me, and evidently satisfied the overwhelming majority of the committee that it would be a waste of time and money and property to put the development of the fertilizer project in the hands of the Department of Agriculture.

They frankly and unequivocally state that they do not believe in mass production of fertilizer by the Government. Furthermore, they say that they do not believe that the Government can manufacture fertilizer at Muscle Shoals and pay to sell the same as cheaply as it is now manufactured and sold by private industries. Therefore, since they state that they can not manufacture fertilizers so as to compete with private manufacturers

and since they confess they do not believe in the project, it is manifest that they will not try hard and would rather let the fertilizer manufacture drift upon the rocks in order to corroborate their own beliefs and in order to make their own predictions come true.

ATTITUDE OF DEPARTMENT OF AGRICULTURE

Furthermore, it was manifest from the testimony of the officers of the Department of Agriculture that their experiments in the processes of manufacturing fertilizers at Muscle Shoals would help nobody but the manufacturers of fertilizer. These officers of the Department of Agriculture frankly stated that they would only seek by experimentation to ascertain new and more economical and more efficient methods of producing fertilizers, by the fixation of atmospheric nitrogen, and by the blast-furnace method of extracting phosphorus and by the latest methods of extracting potash. After these processes had been developed at the expense of many millions of dollars to the taxpayers, they proposed to turn over all discoveries and inventions and improved methods to the private manufacturers of fertilizer for their use. The result would be that the private manufacturer using these improved methods and devices would be able to produce the fertilizers more economically, but he would continue no doubt to sell the fertilizer at the same high price to the farmers. The net result of the experiments proposed to be conducted at Muscle Shoals by the Department of Agriculture would therefore be not to help the farmers by giving them cheaper fertilizers or better fertilizers or more fertilizers but would be to help the private fertilizer manufacturer by enabling him to make a larger margin of profit between his cost of production and his selling price.

I hardly think that this result was intended either by the friends of the Norris bill or the advocates of Government operation. Hence, it was manifest to the Committee on Military Affairs that it would be worse than futile to deliver the manufacture of commercial fertilizers at Muscle Shoals into the hands of the Department of Agriculture.

ONLY RECOURSE POSSIBLE

Therefore the committee was forced to originate such a legislative device for the operation of the Muscle Shoals properties as would insure its management by those friendly to the mass production of concentrated fertilizers at the lowest possible price and of such kinds as to prove attractive to the farmers of the Nation. We therefore resorted to the plan of having the corporation exercise its powers through five directors, one of whom who would come up for confirmation by the Senate each year, and thus maintain a close contact between the board and the Senate. It is presumed from the overwhelming vote received in the Senate by the Norris bill that the Senate is and probably will be for a great many years entirely friendly to the project of manufacturing fertilizers in substantial quantities at Muscle Shoals. We furthermore wrote into the bill certain negative and positive qualifications for persons to be appointed and confirmed as directors. First, we stipulated the negative qualifications that the directors must not have any financial investments in existing public-utility corporations selling and distributing electric power. Next, they must not have any financial interest as stockholders or otherwise in the fertilizer manufacturing industry. Neither must they have any financial interest in any business which would be adversely and injuriously affected by the success of the fertilizer project at Muscle Shoals. Second, we set up the positive and affirmative qualification for the members of the board of directors that they must profess a belief in the feasibility and wisdom of the purpose and plan of the bill to manufacture concentrated fertilizers at Muscle Shoals in mass quantities. The only way by which it may be ascertained if these directors do profess such belief is for the President in nominating them and for the Senate in confirming them to ascertain their views. It would seem that this is a simple matter, easily ascertained and administered.

PLAN OF OPERATION

Every reasonable effort being thus made to place the management in the hands of the friends of the plan to manufacture fertilizers in mass quantities, next a framework and set-up is contemplated that should insure efficiency and economy in the administration of the business. The board will enact general rules and prescribe general regulations for the conduct of the business. Next the board will elect one general manager as the chief executive officer and will upon his recommendation elect two assistant managers, one for electric power and the other for fertilizers. The board is instructed to set up a system of organization and business management that will fix responsibility and accomplish efficiency through a gradation of responsibility through chiefs and subchiefs, through foremen and subforemen running through each department of the business and thus contemplating something like military discipline heading up in the general manager and branching out from him through the two assistant managers. The general manager will have the power to "hire and fire" all employees, and thus we seek to insure subordination to his instructions and discipline in the organization. No greater power is vested in the superintendent of a cotton mill or the superintendent of a railroad or the president of a bank. We feel that this method and system of organization will guarantee efficiency in the human agencies necessary to keep the machinery going. If efficiency is thus procured, undoubtedly fertilizers will be produced at Muscle Shoals at very low cost.

PRIVATE OPERATION PREFERRED

The committee would much prefer the private operation of the Government properties at Muscle Shoals. As a general policy we are opposed to the Government operation for the production in mass quantities of commodities that private industry is equipped to produce. But the situation at Muscle Shoals is peculiar. It was constructed primarily for the production of nitrates for use in war. This would constitute it a munition plant whose operation is essentially a Government function. In the next place, the Government is already in business at Muscle Shoals in the production and sale of power, and has been so engaged in business for several years. It has not been proposed by anyone that the Government should sell this property and part with the fee-simple title. But it has been insisted by many, with which we agree, that the Government should lease the property for a long term for operation by private capital in the production of nitrates and fertilizers, so that the plant may thereby be kept in a "stand-by" condition for the fixation of atmospheric nitrogen, so that in the event of war it may be taken over by the Government, if necessary, and its entire capacity employed in the production of explosives or the constituents of explosives.

But our peculiar problem has not been the settlement of the general principle of private ownership and private operation as against public ownership and public operation. We have been faced with an actual condition and not a theory. We have as a matter of national-defense policy the Government ownership of this property, just as we have the Government ownership of arsenals, navy yards, aircraft factories, battleships, and warehouses for the storing of arms and arsenals.

It appears to me, viewed from the broad policy of national defense, that the Congress was wise when in 1916 in the national defense act it enacted section 124 into law in the following language:

> Authorize the President to make or cause to be made such investigation as in his judgment it is necessary to determine its cheapest and most available means for the production of nitrates and other products for munitions of war, and useful in the manufacture of fertilizers.

If we had no adequate source for the production of nitrate explosives from atmospheric nitrogen, and if an enemy fleet should get control of the seas and thus prevent transports from bringing Chilean nitrates to our shores, or if enemy airplanes or battleships should destroy our short route through the Panama Canal by bombing our locks, then our means of national defense would be otherwise made impotent and defenseless.

Without nitrates, explosives would be impossible; without explosives, guns of all kinds, both large and small, would be useless and powerless; without explosives, bombing airplanes, however long the range and however powerful the lift, would be ineffective and harmless. Consequently, as a national defense proposition, which is first and foremost in our eyes, the maintenance and the provision in an up-to-date condition for the fixation of atmospheric nitrogen is a high imperious national duty.

But there was only one proposal for the private operation of this property, and your committee, by one of its subcommittees, sat day after day for many weeks during the last session of the Sixty-ninth Congress taking testimony and considering in minutest detail the terms of the proposed private lease with the principal executive officer of the proposed lessee. Your committee offered a large number of amendments to the bill offered at the instance of the Air Nitrates Corporation and its parent corporation, the American Cyanamid Co., and nearly all of these amendments were accepted finally by the proposed lessee and characterized by it in a letter as "constructive amendments." However, there were some very vital and fundamental differences of views by the proposed lessee and the committee that we have been utterly unable to reconcile.

We have been willing to give great advantage and inducement to a private corporation, holding out reasonable promise of large profits, in order to obtain a contract for private operation. But we have been unwilling to depart from the fixed policy of the Government as announced in the national defense

act of 1916 and as later announced by the joint resolution of Congress adopted the — day of ———, 1926, creating the joint commission to negotiate for the lease of the Muscle Shoals property and from the principles and policies that your committee has laid down and followed for several years, that have been reported to the House of Representatives and constitute a part of its records, and that for the approval of the great majority of the Members that have studied and investigated this question.

Herein below we will set out in detail just the point of difficulty and of difference and of departure between your committee and the Air Nitrates Corporation of America.

THE POLICY OF THE CONGRESS

The Congress in 1926 adopted a concurrent resolution setting up a joint congressional committee for the purpose of negotiating for a lease of the Muscle Shoals property. The Congress by said resolution set out in specific words its view of the policies and principles that should prevail in the writing of such lease, and the following is the second paragraph of the resolution:

> The committee is authorized and directed to conduct negotiations for a lease or leases (but no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates and other fertilizer ingredients, mixed or unmixed, primarily as hereinafter provided) of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, such power to be equitably distributed between the communities and States to which it may be transported, in order to serve national defense, agriculture, and industrial purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease or leases shall be for a period not to exceed 50 years.

EFFECT OF PROPOSED POLICY

If the bill as now proposed by this report should be enacted into law it will in no way prevent the subsequent leasing of the Muscle Shoals property to any private person or corporation. We have carefully safeguarded the committing of any power to the proposed corporation that might be in conflict with a transfer of the possession and control and operation of the property at any time in the future, however near or however remote.

The bill provides that it is subject to repeal in whole or in part. Every person contracting with the corporation does so with this notice. The 10-year term of the proposed general manager is to end upon the repeal or specific amendment of this act to that effect. Any contract for the sale of power that might be made by the corporation for a 10-year period in one case or for a 15-year period in a certain other case would probably be such a contract as any lessee in the future might be willing to make, and would at least take the property subject to such contract and fulfill the same. Probably any lessee in in the future would find such existing contracts and fixed sources of revenue quite desirable. Furthermore, the operation through the proposed corporation will demonstrate conclusively many questions now disputed that might otherwise have to be settled at the expense and loss of a lessee. For example, the operation under the corporation will settle the question as to whether or not the nitrate plant No. 2 can and will produce nitrates, with certain modifications and additions, of such a quality and at such prices as will prove attractive to the American farmers. If it proves utterly unsatisfactory, that ends the question; if it proves successful, in like manner the question is settled. If it proves unsuccessful, other methods can and will be tried out, because we believe that the American engineer and scientist is just as proficient as the engineer and scientist of other nations, where they are undoubtedly succeeding to an eminent degree in the manufacturing of concentrated fertilizers at relatively very low prices.

Happily, Muscle Shoals is one munition factory and one arsenal and one agency of national defense that is capable of being useful to the people in time of peace and of paying its own way by producing a commodity which is essential to American agriculture, which in turn is the foundation stone upon which rests the whole national economic and social superstructure.

THE PROCESS TO BE USED

It will be observed that the committee directs the corporation to begin the manufacture of concentrated fertilizers by the use of the existing cyanamide plant after the same shall have been modernized. Many well-advised persons have insisted that we should scrap nitrate plant No. 2 as impractical, because of the high consumption of power per unit of production. But again we are faced with a practical situation. We have this plant which has cost us about $55,000,000. We have power in great abundance. It seems to us that the sensible, businesslike proposition is to begin by using the existing facilities and continue to use them until they are demonstrated to be either a success or a failure. In the meantime and at the same time the corporation may employ any other process, and by employing the two or more processes be able to compute the relative cost of production. In this connection it may prove feasible to use the building and certain parts of the equipment in nitrate plant No. 1 in order to make a fair experiment and clear demonstration of its feasibility as a synthetic-process plant. No private business man scraps and entirely discards machinery and equipment that have cost large sums of money until experience has demonstrated their impracticability for manufacturing purposes.

In this connection the committee has empowered and directed the corporation to construct a phosphoric-acid plant, so that the nitrate produced may be combined with phosphoric acid into a desirable form of fertilizer. The cyanamide alone might be unattractive to users. The board will also have the right to establish a potash plant if its production at that place appears feasible. In the meantime, until the phosphorus plant shall have been constructed and put in operation, the board has the power to buy phosphoric acid from private producers and may buy potash from private producers and mix one or more of these ingredients with nitrogen produced at Muscle Shoals so as to put upon the market a complete fertilizer product.

The first five years is to be manifestly a period of experimentation on a great scale. In order to give the fertilizer end of the experiment a fair chance to succeed, it is not only provided that the fertilizer shall be sold at cost but that the cost itself shall be reduced by the net receipts from the sale of electric power. In other words, the entire plant is dumped into the fertilizer hopper for the first five years. In order to familiarize the farmers with this concentrated fertilizer and its use, the board may donate 5 per cent of the annual production to county demonstration agents to be by them demonstrated to farmers to be used for experimental purposes. If the surplus accumulation for any one year is more than 25 per cent of the annual capacity, then an additional 10 per cent may, upon the unanimous approval of the board, be donated in like manner for experimental purposes. Thus at the end of five years we will know something about this fertilizer business. If it can not succeed with all its inducements and assistance proposed to be rendered under this bill, if the same shall be administered by friendly hands, then it is hopeless.

We believe that the President will try to select experienced business men reasonably friendly to the fertilizer project contemplated by this bill and that the Senate will exercise a reasonable discrimination in confirmation. These business men will outline a system of business, both for operation and sale, and place the actual administration of details in the hands of a general manager with two assistant managers.

It is proposed and suggested that the organization under a general manager and two assistant managers, who will have the right to employ and discharge all other clerks, office help, foremen, agents, and laborers generally, will give such direct and central control, heading up to a single responsible person, as to insure efficient administration and energetic discipline. It will be possible so to organize the business by a gradation of chiefs and subchiefs, with responsibility for their respective divisions, as to make an organization to function efficiently and systematically.

I realize that the suggestion of a maximum of $50,000 for the combined three salaries of the general manager and two assistant managers may seem high; but I think it is in line with good business principles to select these three men of a very high class, with business experience and executive ability. To find such men and to induce them to leave the present employments that they are certain to have will necessitate the board offering salaries that may appear high. But it must be remembered that their tenure is very uncertain. The tenure may be determined by the board; or this act may be repealed at any time. Due to such uncertainty, we must pay slightly higher salaries than the same men are now receiving in private industries with prospects of an indefinite continuance and with prospects of increase in salary and perhaps an interest in the business itself.

But after five years, the period of experimentation will be over. If the fertilizer business proves successful, then at the expiration of the first five-year period the fertilizer business must go not only on a self-sustaining basis but it must pay a profit of 4 per cent on the annual turnover into the Treasury of the United States. At the same time, the net proceeds from the sale of electric power must go into the Treasury of the United States. We believe that the sums of money derived

from these two sources will be such as to reimburse the Government in the end for its investment in this problem. But in any event, the property remains the property of the Government. The possession, use, and control only are delivered in trust to the corporation for the purpose of being operated in the interest of national defense and of interstate commerce. The Government can recapture the property at any time upon the outbreak of war upon the declaration of a national emergency by Congress. The great experiment proposed here will not prove very expensive to the Government, and if it proves a success it will not only repay the Government but will prove profitable and will retain the title to the property to the Government and will prove a vast boon to agriculture and will prove a powerful agency of national defense.

By section 124 of the national defense act of 1916 the Muscle Shoals project was dedicated to the national defense for all time; but as a common-sense proposition, in the interest of economy and in order to insure the latest and most improved methods of the fixation of atmospheric nitrogen, the plant was to be employed in peace for the manufacture of concentrated fertilizers.

When the offer of Henry Ford was before the House these fundamental principles were consistently adhered to, and admitted on all sides as sound. The Committee on Military Affairs from the very beginning has had certain fundamental principles before it, and the Congress has been advised by various reports from that committee that these principles have guided the committee in its action. Finally, when the House joint resolution was passed in 1925, under which the joint committee functioned in 1926, in the effort to negotiate leases with private operating agencies, the joint resolution itself expressed the will of Congress that fertilizers in time of peace should be guaranteed by any lessee. Again, during the last session of the Sixty-ninth Congress, the Committee on Military Affairs reported to the House its inability to conclude any lease or to agree upon any bill, and reiterated its views in accordance with the established policy of the Congress and of the committee.

Hence it is aside from the mark for anyone now to pretend that the manufacture of concentrated fertilizers in large quantities at Muscle Shoals is novel or revolutionary or an afterthought or an experiment in socialism. It has been the deliberate policy of the Congress for 12 years, based upon the action of both Houses, signed by the President, and reiterated by subsequent Congresses, committees, and joint commissions.

Again, in 1926, the President of the United States appointed a commission to study, consider, and report its conclusions as to the proper policy to be pursued by the Government with reference to Muscle Shoals. That committee of eminent business men, public servants, and technical experts reported, recommending that if a private lessee could be obtained, who would guarantee and insure the manufacture of fertilizers according to the original plan and intention, then such lessee should be signed; but the commission went on to say with great reluctance that if no such satisfactory lease could be made, then the Government might be forced into the operation of the plant itself for the production of fertilizers in mass quantities.

So now we are up against a situation, a condition, a fact, that must be faced and can not be sidestepped nor evaded. We are not creating a new state of facts; we are not permitted to express our preferences. We have no opportunity to apply our theories. We must do something with the properties at Muscle Shoals which the Government now owns and has owned for more than 10 years, and has spent more than $150,000,000 in said properties.

Shall we give it away? Manifestly not. Shall we continue to operate it as we are now operating it? That would be manifestly unbusinesslike, because the net returns are less than $1,000,000 a year. Shall we lease it to just anybody that will take it on his own terms? That could not be justified. We do not give away or lease without consideration or sell for a bagatelle our arsenals, our shipyards, our navy yards, our airplane factories, or our munition plants. In a certain sense Muscle Shoals is the greatest and most vital munition plant in the Nation. Without it or its equivalent every gun might be silenced, every battleship useless, and every bombing airplane powerless. So we must keep Muscle Shoals and keep it in condition to manufacture nitrates for explosives in the event of an emergency. Keeping it, shall we let it stand by idle and be a constant charge upon the Treasury, or shall we use common sense, as Congress contemplated in 1916 and has been contemplating ever since, and use that power and plant for the fixation of atmospheric nitrogen, and combine the same with other elements of plant food and sell the same to the farmers at reasonable prices, and thus make the plant not only self-sustaining, but earn sufficient money there, in the end to reimburse the Government for all of its original investment.

The SPEAKER. The Clerk will report the next bill.

CONSENT CALENDAR

DISBURSEMENTS TO NATIONAL GUARD OFFICERS AND ENLISTED MEN

The next business on the Consent Calendar was the bill (S. 2537) to amend section 110, national defense act, so as to provide a better administrative procedure in the disbursements for pay of National Guard officers and enlisted men.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. While this will, no doubt, relieve the accounting in some measure, will it aid in greater supervision and in better accounting and better attendance at drill? The gentleman will remember that last year during the debate on the Army appropriation bill I made a statement that was somewhat surprising. After that unfortunately several National Guard officers were indicted for doing the very thing I called attention to. Will the issuance of these pay checks aid in the greater supervision of accounts?

Mr. McSWAIN. I think it will. It is true I am familiar with it only in a general way. The gentleman from Ohio [Mr. SPEAKS] had to leave a few minutes ago in order to attend the funeral of the late Senator Willis. But I understand it will improve the supervision of accounts, since the accounting and pay officers will move into different zones at different times, and they can go from one zone to another; and in that respect I believe it will result in greater efficiency and economy. The fellow who knows can best look behind the paper and ascertain if the facts correspond with the surface appearance.

Mr. LaGUARDIA. I believe that.

Mr. GREEN. So do I.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the second paragraph of section 110, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and effective as soon as practicable after July 1, 1928, all disbursements under the foregoing provisions of this section shall be made for such three-months periods for the various units of the National Guard as shall be prescribed in regulations issued by the Secretary of War and on pay rolls prepared and authenticated in the manner prescribed in said regulations: *Provided*, That for the period necessary to put into operation the payment plan herein provided for, the Secretary of War is authorized to fix initial pay periods of less than three months for such number of units as he may deem necessary: *And provided further*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by, and chargeable to, such officer or enlisted man."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

QUALIFICATIONS FOR NATIONAL GUARD STATE STAFF OFFICERS

The next business on the Consent Calendar was the bill (H. R. 239) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, the form of this bill, I think, can be improved. I presume it will be made satisfactory by an amendment.

Mr. BLACK of Texas. Mr. Speaker, may I inquire of the author of the bill just what provision of the national defense act is repealed by this bill?

Mr. FURLOW. The bill was sent to me by the War Department. I have read the War Department's letter of transmittal. The bill amends section 110. The only thing this will accomplish is this: At the present time when there is a vacancy in the National Guard staff an appointment must be made to fill that vacancy from the National Guard itself. This would make it possible to make that appointment irrespective of whether or not the man had served in the National Guard. The reason for that is this, because at the present time we have lots of

World War veterans who are qualified for the position but they are not eligible for appointment under the amendment, which was put in at the time the national defense act was passed.

Mr. BLACK of Texas. In other words, there are men available who have had sufficient military experience but really have not served in the National Guard.

Mr. FURLOW. Who are not in the National Guard now.

Mr. BLACK of Texas. And the repeal of this provision will permit the Secretary of War to make appointments of that kind?

Mr. FURLOW. That is right. That is as I understand the bill.

Mr. LAGUARDIA. I do not think the Secretary of War makes these appointments.

Mr. McSWAIN. They are made by the Chief of the Militia Bureau.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following provisions, to wit, "nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof, unless and until such State, Territory, or District provides by law that staff officers, including officers of the finance, inspection, quartermaster, and medical departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for causes to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the militia of such State, Territory, or District," contained in the last paragraph of section 110 of the national defense act as amended by the act approved September 22, 1922 (42 Stat. L. 1036), be, and the same are hereby, repealed and stricken therefrom.

Mr. CRAMTON. Mr. Speaker, I offer an amendment. At the end of line 9, strike out the period and insert in lieu thereof the following.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, line 9, strike out the period after the word "therefrom," insert a comma and the following: "so that said paragraph when so amended will read as follows: Except as otherwise specifically provided herein, no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12320) to amend the longshoremen's and harbor workers' compensation act. This is an emergency measure.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania whether he regards it as a measure of such emergency that time is a vital question?

Mr. GRAHAM. I think it is, sir, for this reason: The proponents of the longshoremen's compensation law were under the impression that when suit was brought against a deputy commissioner the litigation would be defended by the district attorney of the district in which the litigation would arise. Litigation has been started and the Attorney General has ruled that it is not obligatory upon the district attorney to take up and defend this litigation. This bill simply provides that it shall be the duty of the district attorney in the district in which the litigation arises to defend it; that is, to defend the deputy commissioner who is sued. Only a few cases of this kind are likely to arise, but when they do arise they must be defended. It is nobody's business to do so unless we pass this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in any court proceedings under section 21 or other provisions of the longshoremen's and harbor workers' compensation act, it shall be the duty of the district attorneys of the United States in the judicial district in which the case is pending to appear as attorney or counsel on behalf of the United States Employees' Compensation Commission, or its deputy commissioner, when either is a party to the case or interested, and to represent such commission or deputy in any court in which such case may be carried on appeal.

Mr. GRAHAM. Mr. Speaker, I desire to correct a word in the bill. In line 5 the bill provides for district attorneys instead of district attorney.

The SPEAKER. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 1, line 5, strike out the word "attorneys" and insert the word "attorney."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WRITS OF ERROR

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12441) to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of House Bill 12441. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of an Act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress, be, and it is hereby, amended to read as follows:

"SEC. 2. The statutes regulating the right to a writ of error, defining the relief which may be had thereon, and prescribing the mode of exercising that right and of invoking such relief, including the provisions relating to costs, supersedeas, and mandate, shall be applicable to the appeal which the preceding section substitutes for a writ of error."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will resume the calling of the calendar.

ADDITIONAL CIRCUIT JUDGE FOR THE NINTH JUDICIAL CIRCUIT

The next business on the Consent Calendar was the bill (H. R. 8295) for the appointment of an additional circuit judge for the ninth judicial circuit.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional circuit judge for the ninth judicial circuit.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TERM OF COURT AT BRYSON CITY, N. C.

The next business on the Consent Calendar was the bill (H. R. 8835) to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the seventh paragraph of section 98 of the Judicial Code be, and it is hereby, amended to read as follows:

"Terms of the district court for the western district shall be held in Charlotte on the first Mondays in April and October; at Shelby on the fourth Monday in September and the third Monday in March; at Statesville on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; and at Bryson City on the fourth Mondays in May and November: *Provided*, That the cities of Shelby and Bryson City shall each provide and furnish at their own expense suitable and convenient places for holding the court at Shelby and Bryson City. The clerk of the court for the western district shall maintain an office, in charge of himself or a deputy, at Charlotte,

at Asheville, at Statesville, at Shelby, and at Bryson City, which shall be kept open at all times for the transaction of the business of the court."

With the following committee amendment:

Page 1, line 9, strike out the word "first" and insert in lieu thereof the word "second."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SALARIES OF JUDGES OF PORTO RICO

Mr. KIESS. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 10952) to fix the salaries of certain judges of Porto Rico, the gentleman from Missouri having withdrawn his objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following salaries shall be paid, in monthly installments, to the several judges hereinafter mentioned in lieu of the salaries now provided by law, namely:

To the chief justice of the Supreme Court of Porto Rico, $10,500 per year; and to each of the associate justices thereof, $10,000 per year.

SEC. 2. This act shall take effect on the first day of the first month next following its approval.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DISPOSITION OF CERTAIN LANDS IN FLORIDA

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the next bill on the calendar (H. R. 11281) be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT OF THE GENERAL LEASING ACT

The next business on the Consent Calendar was the bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. ARENTZ. Will the gentleman withhold that?

Mr. SCHAFER. This is an important bill opening up some new lands.

Mr. ARENTZ. Is the gentleman referring to Calendar No. 523?

Mr. SCHAFER. Yes.

Mr. ARENTZ. This bill opens up no new lands, and this is done at the suggestion of the Secretary of the Interior to equalize the royalty between lands taken up under the 1920 act and lands under the 1925 act when you are taking up potash ground.

Mr. LAGUARDIA. Any oil in it?

Mr. ARENTZ. No oil whatever. If a man wants to lease a piece of potash ground he has to pay 12½ cents royalty, and if the British outfit wants to take soda, borax, or potash they only pay 2 per cent. Do you want to handicap the American citizen and make him pay 12½ cents royalty and a dollar an acre a year rent when the British can monopolize the entire proposition and only pay 2 per cent?

Mr. LAGUARDIA. How did this discrimination come about?

Mr. ARENTZ. Because it was not contemplated that soda and borax would come together in the same area.

Mr. SCHAFER. If this is to clear up any discrimination between an American citizen and foreign parties I will not object.

Mr. ARENTZ. That is exactly what it does.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437), are hereby amended to read as follows:

"SEC. 23. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form.

"SEC. 24. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 23 hereof have been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit at a royalty of not less than 2 per cent of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market; the lands in such lease to be taken in compact form by legal subdivisions of the public land surveys or, if the land be not surveyed, by survey executed at the cost of the permittee in accordance with regulations prescribed by the Secretary of the Interior. Lands known to contain valuable deposits of one of the substances enumerated in section 23 hereof and not covered by permits or leases shall be subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt and in such areas as he shall fix, not exceeding 2,560 acres. All leases under this section shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, not less than 2 per cent of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof, 50 cents per acre for the second, third, fourth, and fifth calendar years, respectively; and $1 per acre per annum thereafter during the continuance of the lease, such rental for any one year to be credited against royalties accruing for that year. Leases under this section shall be for a period of 20 years, with preferential right in the lessee to renew for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior unless otherwise provided by law at the expiration of such period: *Provided*, That nothing in this act shall prohibit the mining and sale of sodium compounds under potassium leases issued pursuant to the acts of October 2, 1917 (40 Stat. L. 297), and February 7, 1927 (44 Stat. L. 1057), nor the mining and sale of potassium compounds as a by-product from sodium leases taken under this section: *Provided further*, That on application by any lessee the Secretary of the Interior is authorized to modify the rental and royalty provisions stipulated in any existing sodium lease to conform to the provisions of this section."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8725) entitled "An act to amend section 224 of the Judicial Code."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 380) entitled "An act for the relief of Charles H. Niehaus."

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 9020. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts;

S. 138. An act for the relief of Thomas Johnsen;

S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2657. An act for the relief of George W. Boyer; and

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink.

LEAVE TO ADDRESS THE HOUSE

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that to-morrow, immediately after reading the Journal and disposition of business on the Speaker's table and any special orders, I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I would like permission to speak for five minutes after the other special orders and the gentleman from Oklahoma has used his time.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE TO THE JUDICIARY COMMITTEE TO SIT DURING SESSION OF THE HOUSE TO-MORROW

Mr. DYER. Mr. Speaker, I ask unanimous consent that the Judiciary Committee may sit to-morrow during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, April 3, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, April 3, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication of pink bollworm and authorizing an appropriation therefor (H. J. Res. 237).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10 a. m.—room 277)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

SUBCOMMITTEE ON STREET, AVENUES, AND TRAFFIC

(10.30 a. m.)

To consider the bills on the calendar.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To prohibit the sending and receipt of stolen property through interstate and foreign commerce (H. R. 10287).

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To amend section 127a, national defense act, as amended and approved June 4, 1920 (H. R. 11273).

COMMITTEE ON PATENTS

(10 a. m.)

To amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (H. R. 10655).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing assistance in the construction of an inter-American highway on the Western Hemisphere (H. J. Res. 259).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider the private bills on the calendar.

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To establish the Ouachita National Park in the State of Arkansas (H. R. 5729).

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

To provide for the topographic mapping and the measurement of river discharge of the alluvial valley of the lower Mississippi River and in such other areas as have an immediate bearing on the solution of flood problems of the Mississippi River Basin (H. R. 11142).

EXECUTIVE COMMUNICATIONS, ETC.

424. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of mouth of Roanoke River, N. C. (H. Doc. No. 211), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REID of Illinois: Committee on Flood Control. S. 3740. An act for the control of floods on the Mississippi River and its tributaries, and for other purposes; with amendment (Rept. No. 1100). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Irrigation and Reclamation. H. R. 10786. A bill authorizing surveys and investigations to determine the best methods and means of utilizing the waters of the Gila River and its tributaries above the San Carlos Reservoir in New Mexico and Arizona; without amendment (Rept. No. 1101). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Committee on Claims. H. R. 12236. A bill to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; with amendment (Rept. No. 1102). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 8913. A bill to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; with amendment (Rept. No. 1103). Referred to the House Calendar.

Mr. PORTER: Committee on Foreign Affairs. S. 2549. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter; without amendment (Rept. No. 1105). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 9569. A bill authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck; without amendment (Rept. No. 1106). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 12179. A bill to provide for the reimbursement of the Government of Great Britain on account of certain sums expended by the British chaplain in Moscow, the Rev. F. North, for the relief of American nationals in Russia in 1920; without amendment (Rept. No. 1107). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. H. J. Res. 145. A joint resolution to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States; without amendment (Rept. No. 1108). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. J. Res. 146. A joint resolution to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps; without amendment (Rept. No. 1109). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 148. A joint resolution to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama; without amendment (Rept. No. 1110). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 149. A joint resolution to authorize an appropriation for the compensation of William Wiseman; without amendment (Rept. No. 1111). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 150. A joint resolution to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam; without amendment (Rept. No. 1112). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. H. J. Res. 151. A joint resolution to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps; without amendment (Rept. No. 1113). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 153. A joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship; without amendment (Rept. No. 1114). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 154. A joint resolution authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia; with amendment (Rept. No. 1115). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 152. A joint resolution authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928; without amendment (Rept. No. 1116). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GUYER: Committee on Claims. H. R. 5398. A bill for the relief of the heirs of the late Dr. Thomas C. Longino; with amendment (Rept. No. 1104). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. S. 3506. An act for the relief of the owners of the British steamship *Larchgrove;* without amendment (Rept. No. 1117). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection and Indemnity Association (Ltd.); without amendment (Rept. No. 1118). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 12189. A bill for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti; with amendment (Rept. No. 1119). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8469) granting a pension to Beulah J. Berry; Committee on Invalid Pensions discharged, and referred to the committee on Pensions.

A bill (H. R. 12548) for the relief of Margaret Vaughn; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 12613) granting a pension to Margaret Kropp; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS of California: A bill (H. R. 12615) to increase the pensions of persons who have lost the sight of both eyes in line of duty while in the military or naval service of the United States; to the Committee on Pensions.

By Mr. GRIEST: A bill (H. R. 12616) to amend section 6 of Title I of the act of February 28, 1925 (43 Stat., p. 1060, U. S. C., title 39, sec. 116); to the Committee on the Post Office and Post Roads.

By Mr. HUDSPETH: A bill (H. R. 12617) for the erection of a public post-office building at Midland, Midland County, Tex., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. LaGUARDIA: A bill (H. R. 12618) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. ROWBOTTOM: A bill (H. R. 12619) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 12620) to authorize the unification of carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CROWTHER: A bill (H. R. 12621) to authorize the Secretary of War to lend War Department equipment for use at the annual State convention of the American Legion of New York; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 12622) to amend section 200 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. DE ROUEN: A bill (H. R. 12623) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Starks, La., on the Evangeline Highway, known by the State of Louisiana as route No. 7, to connect at or near Deweyville, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN: A bill (H. R. 12624) to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 12625) to provide a salary for the referee in bankruptcy for the Pecos division of the western judicial district of Texas; to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 12626) relating to the immigration of certain relatives of United States citizens and aliens lawfully admitted to the United States; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12627) to provide for the establishment of a commissioned medical service in the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

By Mr. BROWNING: A bill (H. R. 12628) granting an increase of salary to all rural carriers in the Rural Mail Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. JONES: A bill (H. R. 12629) to create a new division of the District Court of the United States for the Northern District of Texas; to the Committee on the Judiciary.

By Mr. SINNOTT (by department request): A bill (H. R. 12630) to repeal the desert land laws; to the Committee on the Public Lands.

By Mr. BERGER: A bill (H. R. 12631) to establish a national forest reserve and a national park in each of the several States, to promote reforestation, and for other purposes; to the Committee on Agriculture.

By Mr. PURNELL: A bill (H. R. 12632) to provide for the eradication or control of the European corn borer; to the Committee on Agriculture.

By Mr. McLEOD: Joint resolution (H. J. Res. 259) authorizing assistance in the construction of an inter-American highway on the Western Hemisphere; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 262) requesting the President to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration to be held at Washington during 1928 or 1929; to the Committee on Foreign Affairs.

By Mr. REID of Illinois: Resolution (H. Res. 155) providing for the consideration of S. 3740, "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes"; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. HOFFMAN: Memorial of the Legislature of the State of New Jersey, requesting the Congress of the United States to authorize the Postmaster General to issue a special series of postage stamps commemorative of the one hundred and fiftieth anniversary of the Battle of the Monmouth; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 12633) granting an increase of pension to Mary E. Conley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12634) granting an increase of pension to Mary E. Booker; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 12635) granting a pension to Delia B. Crafts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12636) granting an increase of pension to Mary Ruckle; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 12637) granting jurisdiction to the Court of Claims to hear the case of David A. Wright; to the Committee on War Claims.

Also, a bill (H. R. 12638) for the relief of David A. Wright; to the committee on War Claims.

By Mr. CRAIL: A bill (H. R. 12639) granting a pension to Bernard N. Daugherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12640) granting an increase of pension to Katherine L. Severance; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 12641) to correct the military record of George A. Cole; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 12642) granting a pension to Joseph Hodgson; to the committee on Pensions.

By Mr. FREEMAN: A bill (H. R. 12643) granting an increase of pension to Addie A. Turner; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 12644) granting an increase of pension to Addie J. Green; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 12645) granting an increase of pension to Abby Fordyce; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12646) granting an increase of pension to Jennie M. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12647) granting an increase of pension to Louise Pease; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 12648) for the relief of S. L. Roberts; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 12649) granting a pension to Pearl Estridge; to the Committee on Pensions.

By Mr. McSWAIN: A bill (H. R. 12650) granting an honorable discharge to John F. Fleming; to the Committee on Military Affairs.

By Mr. MENGES: A bill (H. R. 12651) for the relief of Artemus W. Pentz; to the Committee on Claims.

Also, a bill (H. R. 12652) for the relief of Andrew Amsbaugher; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 12653) granting a pension to James R. McCarty; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12654) granting an increase of pension to Mary Wallace; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 12655) granting an increase of pension to Annie M. Hollis; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12656) granting an increase of pension to Mont Graham; to the Committee on Pensions.

By Mr. RANSLEY: A bill (H. R. 12657) for the relief of Harry W. Koch, trading as H. W. Koch & Co.; to the Committee on Claims.

By Mr. TEMPLE: A bill (H. R. 12658) granting a pension to Jennie Mae Parkinson Dunkle; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 12659) for the relief of Ben F. Draper; to the Committee on Claims.

By Mr. HASTINGS: Joint resolution (H. J. Res. 260) for the relief of Eloise Childers, Creek Indian, minor roll No. 354; to the Committee on Indian Affairs.

Also, joint resolution (H. J. Res. 261) for the relief of Effa Cowe, Creek Indian, new-born roll No. 78; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6285. Petition of the Chamber of Commerce of Pittsburgh, Pa., favoring the revision of postal rates; to the Committee on the Post Office and Post Roads.

6286. Petition of the city council of Los Angeles, Calif., favoring the passage of Senate Joint Resolution 87 and House Joint Resolution 196, for the continuance and development of the American Green Cross and its work; to the Committee on Education.

6287. By Mr. ADKINS: Petition of citizens of Arthur, Ill., urging the passage at this session of Congress of the Civil War pension bill; to the Committee on Invalid Pensions.

6288. Also, petition by citizens of the State of Illinois, protesting against compulsory Sunday observance bill now before Congress; to the Committee on the District of Columbia.

6289. By Mr. AYRES: Petition of citizens of Wichita, Kans., in favor of Curtis-Reed educational bill; to the Committee on Education.

6290. By Mr. CARTER: Petition of the Berkeley Teachers' Association, of Berkeley, Calif., indorsing the Curtis-Reed bill; to the Committee on Education.

6291. By Mr. COOPER of Wisconsin: Petition of citizens of Racine, Wis., urging passage of bill to increase pensions of Civil War widows; to the Committee on Invalid Pensions.

6292. By Mr. CRAIL: Petition of Reserve Officers' Association, Long Beach (Calif.) Chapter, for the national defense act; to the Committtee on Naval Affairs.

6293. Also, petition of Gov. C. C. Young and sundry officials of the State of California, favoring the resolution introduced by Congressman Porter in House bill 11192; to the Committee on the Judiciary.

6294. Also, petition of Ernest A. Love Post, of the American Legion; Buckey O'Neil Post, No. 541, Veterans of Foreign Wars; and Fort Whipple Chapter, No. 3, Disabled American Veterans, for the passage of House bill 11350; to the Committee on World War Veterans' Legislation.

6295. By Mr. CROWTHER: Petition of citizens of Schenectady, N. Y., in behalf of House bill 11410; to the Committee on the Judiciary.

6296. By Mr. DALLINGER: Petition of certain citizens of Medford, Mass., urging enactment of legislation increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6297. Also, petition of certain citizens of Massachusetts, urging the enactment of the Welch bill (H. R. 6518); to the Committee on the Civil Service.

6298. By Mr. EVANS of California: Petition of Therma Ruoff, of Baldwin Park, Calif., and 35 other citizens, for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

6299. By Mr. DEMPSEY: Petition of citizens of Buffalo, N. Y., favoring the Sproul bill (H. R. 11410) to amend the prohibition act; to the Committee on the Judiciary.

6300. By Mr. EVANS of Montana: Petition of Miss Hannah Burke and other residents of Butte, Mont., urging that the name of Commodore John Barry be placed on the Arlington Amphitheater; to the Committee on the Library.

6301. Also, petition of Kitty Mee and other residents of Anaconda, Mont., urging that the name of Commodore John Barry be added to the names of heroes on the Arlington Ampitheater; to the Committee on the Library.

6302. By Mr. FISHER: Petition of Abram Jackson and 113 citizens of Memphis, Tenn., favoring pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

6303. By Mr. FROTHINGHAM: Petition of Atlantic Improvement Association, Atlantic, Mass., in relation to House bill 11922, "A bill to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.," and requesting Congress to so restrict this lease that oil manufacture, oil storage, chemical works, and all other so-called nuisance industries shall be prohibited on these premises; to the Committee on Naval Affairs.

6304. By Mr. GALLIVAN: Petition of P. B. Heintz, president and general manager National Casket Co., 60 Massachusetts Avenue, Boston, Mass., recommending favorable consideration of Senate bill 668, providing for the repeal of the war-time 50 per cent surtax on travel collected by the railroads; to the Committee on Ways and Means.

6305. By Mr. GARBER: Petition of rural letter carriers of Payne County, Okla., in regard to postal legislation; to the Committee on the Post Office and Post Roads.

6306. Also, petition of C. B. McCartney, chief clerk, district No. 3, Railway Mail Service, Oklahoma City, Okla., in support of House bill 11622; to the Committee on the Post Office and Post Roads.

6307. Also, petition of George T. Miller, president Oklahoma Rural Letter Carriers' Association, Mutual, Okla., in support of Gibson amendment; to the Committee on the Civil Service.

6308. Also, petition of Business and Professional Women's Club of Blackwell, Okla., by Grace Fondray, secretary, urging Federal responsibility in the flood-control problem; to the Committee on Flood Control.

6309. Also, petition of F. P. Beard, of Texhoma, Okla., in opposition to the passage of House bill 10958; to the Committee on Ways and Means.

6310. Also, petition of McManus-Heryer Brokerage Co., of Oklahoma City, Okla., in opposition to the passage of House bill 6679; to the Committee on the Judiciary.

6311. Also, petition of W. B. Estes, secretary of Chamber of Commerce of the State of Oklahoma, in regard to flood control of the Mississippi River, stating that such measures should be national in their character and contemplate the requirements of the entire Mississippi basin; to the Committee on Flood Control.

6312. By Mr. GARDNER of Indiana: Petition of Charles L. Stone and 80 other citizens of New Albany, Floyd County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6313. By Mr. GIBSON: Petition of residents of Williamstown and Groton, Vt., protesting against proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

6314. By Mr. HADLEY: Petition of residents of Lynden, Wash., urging enactment of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6315. Also, petition of residents of Port Angeles, Wash., urging enactment of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6316. By Mr. HASTINGS: Petition of citizens of the city of Okmulgee, Okla., and vicinity, favoring an increase of pensions to soldiers and sailors of the Civil War and their widows; to the Committee on Invalid Pensions.

6317. By Mr. HERSEY: Petition of Barbara Brannen and other residents of Oakfield, Me., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6318. Also, petition of Laura A. Farrell, Millinocket, Me., and many others, urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6319. By Mr. HOOPER: Petition of Sarah Longman and 30 other residents of Athens, Mich., urging to bring to vote a Civil War pension bill; to the Committee on Invalid Pensions.

6320. By Mr. HOPE: Petition signed by ex-service men of Hutchinson, Kans., requesting the passage of the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

6321. By Mr. HOWARD of Nebraska: Petition signed by 75 persons, sent by W. P. Hansen, Archer, Nebr., praying for legislation for the relief of suffering veterans and widows of Civil War; to the Committee on Invalid Pensions.

6322. By Mr. JENKINS: Petition for redress of grievances, requesting that George F. Ormsby, of Toledo, Ohio, be permitted to testify before the Subcommittee on the District of Columbia; to the Committee on the District of Columbia.

6323. By Mr. JOHNSON of Texas: Petition of Rio Grande Oil Co., of Los Angeles, Calif., favoring House bill 8219, for flood control, and urging its support; to the Committee on Flood Control.

6324. By Mr. KING: Petition of the National Tribune's Civil War pension bill, signed by Priscilla M. Robertson, 145 North Eighth Street, Quincy, Ill., and 59 other citizens of Quincy, Ill.; to the Committee on Invalid Pensions.

6325. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6326. By Mr. KVALE: Petition of residents of Osakis, Minn., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

6327. By Mr. LINDSAY: Petition of the Hamilton Club, of Chicago, Ill., petitioning Congress to support the Navy program now pending; to the Committee on Naval Affairs.

6328. Also, petition of Hamilton Club, of Chicago, petitioning Congress to enact proper flood-control measures to be followed by appropriate legislation covering sundry subjects of national importance; to the Committee on Flood Control.

6329. Also, petition of S. D. McComb, manager, Marine Office of America, 53 Beaver Street, New York, appealing that special consideration be given to a letter addressed to the chairman and members of the Committee on the Merchant Marine and Fisheries of the House of Representatives in the matter of House bills 2 and 10765, "To create, develop, and maintain a privately owned American merchant marine," on the ground that marine insurance is an important factor in the financial and commercial life of New York City and furnishes employment to thousands of citizens, paying large Federal and municipal taxes. Also petitioning that supplemental letter dated March 31, 1928, be likewise given thoughtful consideration; to the Committee on the Merchant Marine and Fisheries.

6330. By Mr. MAJOR: Petition of citizens of Glasgow, Mo., urging the passage of legislation providing increased pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

6331. By Mr. MAPES: Petition of N. J. Jonker, president Men's and Women's Bible Class, Trinity Reformed Church, Holland, Mich., and 97 other members of that class, recommending the enactment of House bill 78, the Lankford Sunday closing bill; to the Committee on the District of Columbia.

6332. By Mr. MARTIN of Massachusetts: Petition of Harry P. Sturdy and 41 other residents of Norton, Mass., urging the enactment of increases in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6333. By Mr. MEAD: Petition of Hamilton Club, of Chicago, in favor of the Navy program; to the Committee on Naval Affairs.

6334. Also, petition of Hamilton Club, of Chicago, pertaining to flood control; to the Committee on Flood Control.

6335. By Mr. MILLER: Petition of sundry citizens of Scandinavian descent, of Seattle, Wash., protesting changes in the present basis for determining quota allotments under the immigration act of 1924; to the Committee on Immigration and Naturalization.

6336. By Mr. MOORE of Kentucky: Petition signed by George Arbuckle, Pleasant Walker, and 110 other voters of Central City, Muhlenberg County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6337. Also, petition signed by W. H. Bogan, Lizzie Turner, Fillmore Taylor, Tommie Jones, and Henrietta Taylor, residents of Franklin, Simpson County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6338. Also, petition signed by V. Rigsby, Charles Beach, T. B. Blewett, Mrs. Joe Chaney, R. L. Mitchell, and Mrs. Hershel Chaney, voters of Simpson County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill to relieve veterans and widows; to the Committee on Invalid Pensions.

6339. By Mr. O'CONNELL: Petition of L. J. Lambert, St. Paul, Minn., favoring the passage of the McSwain bill (H. R. 11756) to correct certain injustices in the promotion list of the Army; to the Committee on Military Affairs.

6340. Also, petition of the Outdoor Life, Outdoor Recreation, Denver, Colo., favoring the passage of the Copeland bill, the 15-daily limit on ducks; to the Committee on Agriculture.

6341. Also, petition of the Hamilton Club, of Chicago, favoring the enactment of proper legislation looking toward flood control; that Congress also is hereby urged to view of the national character of said problem to assume the entire financial responsibility for the engineering work, construction, etc.; to the Committee on Flood Control.

6342. Also, petition of the Hamilton Club, of Chicago, favoring the naval program now pending before the Congress; to the Committee on Naval Affairs.

6343. By Mr. ROWBOTTOM: Petition of the American Legion posts of Lawrence and Monroe Counties, located at Bedford and Bloomington, Ind., that in the construction of veterans' hospitals and other buildings of a permanent nature under the jurisdiction of the United States Veterans' Bureau, that Indiana limestone be specified as a material to be used in the construction thereof; to the Committee on World War Veterans' Legislation.

6344. By Mr. SINNOTT: Petition of numerous citizens of Baker, Oreg., in behalf of an increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6345. By Mr. SWING: Petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

6346. By Mr. TEMPLE: Petition of Washington-Greene Counties Druggists' Association, in support of the Capper-Kelly fair trade bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

6347. Also, petitions of a number of residents of Washington and Greene Counties, Pa., urging the passage of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

6348. By Mr. WATSON: Petition signed by 72 residents of Norristown, Pa., urging the enactment of legislation carrying the rates proposed by the National Tribune, in order that relief

may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

6349. By Mr. WEAVER: Petition of citizens of Asheville, N. C., asking for the passage of Sproul bill (H. R. 11410) amending the Volstead law; to the Committee on the Judiciary.

6350. Also, petition of citizens of Cherokee County, N. C., asking for increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6351. By Mr. WELCH of California: Petition from the United States Employees' Association, San Francisco, Calif., containing 49 signatures of citizens of San Francisco, favoring the passage of House bill 6518, to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

6352. By Mr. WINGO: Petition of citizens of Huntington, Ark., advocating increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *April 3, 1928*

(Legislative day of Monday, April 2, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. FRANK B. WILLIS, late a Senator from the State of Ohio.

The message also announced that the House had passed, without amendment, the following bills of the Senate:

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men;

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended;

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty; and

S. 3558. An act authorizing Point Pleasant and Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11140) to provide for the inspection of the battle field of Kings Mountain, S. C.

The message also announced that the House had passed the following bills of the Senate severally with an amendment, in which it requested the concurrence of the Senate:

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions;

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; and

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.

The message further announced that the House had passed the bill (S. 2301) to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land;

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 5495. An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians;

H. R. 5590. An act to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.;

H. R. 6669. An act fixing the salary of the Public Printer and the Deputy Public Printer;

H. R. 6862. An act authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States;

H. R. 7223. An act to add certain lands to the Gunnison National Forest, Colo.;

H. R. 7463. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims";

H. R. 7475. An act to provide for the removal of the Confederate monument and tablets from Greenlawn Cemetery to Garfield Park;

H. R. 8132. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council, at which treaties were made with the Plains Indians in October, 1867;

H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;

H. R. 8546. An act authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz;

H. R. 8559. An act to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes";

H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street;

H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.;

H. R. 9047. An act to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif.;

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico;

H. R. 9485. An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.;

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes;

H. R. 10288. An act to provide for a uniform retirement date for authorized retirements of Federal personnel;

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437);

H. R. 10952. An act to fix the salaries of certain judges of Porto Rico;

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville ferry in Telfair and Coffee Counties, Ga.;

H. R. 11212. An act authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 11265. An act authorizing the Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va.;

H. R. 11266. An act authorizing the St. Albans Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 11267. An act granting the consent of Congress to the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the road between the villages of Cohasset and Deer River, Minn.;

H. R. 11356. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind.;

H. R. 11473. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North at Fargo, N. Dak.;

H. R. 11478. An act to amend an act to allot lands to children on the Crow Reservation, Mont.;

H. R. 11479. An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians;

H. R. 11578. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.;

H. R. 11583. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at Cotter, Ark.;

H. R. 11625. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 11629. An act to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service;

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes;

H. R. 12030. An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes;

H. R. 12245. An act to amend the War Finance Corporation act, approved April 5, 1918, as amended;

H. R. 12320. An act to amend the longshoremen's and harbor workers' compensation act;

H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress; and

H. J. Res. 26. Joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts;

S. 138. An act for the relief of Thomas Johnsen;

S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink;

S. 2657. An act for the relief of George W. Boyer; and

H. R. 9020. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Harris	Phipps
Barkley	Curtis	Harrison	Pine
Bayard	Dale	Hayden	Pittman
Bingham	Edge	Heflin	Ransdell
Black	Edwards	Kendrick	Reed, Pa.
Blaine	Fletcher	Keyes	Robinson, Ark.
Blease	Frazier	King	Sackett
Borah	George	McLean	Sheppard
Bratton	Gerry	McMaster	Shipstead
Brookhart	Gillett	McNary	Shortridge
Broussard	Glass	Mayfield	Simmons
Bruce	Goff	Neely	Smith
Capper	Gooding	Nye	Smoot
Caraway	Gould	Oddie	Steck
Copeland	Greene	Overman	Steiwer
Stephens	Tyson	Walsh, Mont.	Wheeler
Swanson	Wagner	Warren	
Tydings	Walsh, Mass.	Waterman	

Mr. CURTIS. I desire to announce that the Senator from Washington [Mr. JONES], the Senator from Ohio [Mr. FESS], the Senator from Indiana [Mr. WATSON], the Senator from New Hampshire [Mr. MOSES], and the Senator from Rhode Island [Mr. METCALF] are detained from the Senate attending the funeral of the late Senator Willis. I will let this announcement stand for the day.

I also wish to announce that the Senator from Maine [Mr. HALE] is detained in committee.

Mr. GERRY. I desire to announce that the Senator from Tennessee [Mr. MCKELLAR], the Senator from Washington [Mr. DILL], and the Senator from Oklahoma [Mr. THOMAS] are detained from the Senate in attendance upon the funeral of the late Senator WILLIS. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy Senators having answered to their names, a quorum is present.

TRANSFER OR LOAN OF AERONAUTICAL EQUIPMENT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, which was, on page 1, line 12, to strike out "delivery" and insert "transfer or loan."

Mr. REED of Pennsylvania. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. REED of Pennsylvania, Mr. BINGHAM, and Mr. FLETCHER conferees on the part of the Senate.

REVISION OF CONVENTION FOR SAFETY OF LIFE AT SEA (S. DOC. NO. 80)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of $100,000 for the expenses of participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea, to be held in London, England, in 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 3, 1928.*

CONFERENCE OF CONCILIATION AND ARBITRATION (S. DOC. NO. 79)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted requesting (1) the President to extend to the Republics of America an invitation to attend a conference of conciliation and arbitration to be held at Washington during 1928, for the purpose of drawing up a convention for the realization of the principle of arbitration for the pacific solution of their international differences of a juridical nature which was adopted in the resolution passed at the Sixth International Conference of American States; (2) the authorization of an appropriation of $60,000 for the expenses of such a conference.

CALVIN COOLIDGE.

THE WHITE HOUSE, *April 3, 1928.*

WAR FINANCE CORPORATION

Mr. GLASS. Mr. President, I ask unanimous consent to call up, out of the regular order, the bill (S. 3685) to amend the War Finance Corporation act, approved April 5, 1918, as amended.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

Mr. BLEASE. Mr. President, I would like to know the purpose of the bill.

Mr. GLASS. It is identical with a bill unanimously passed by the House of Representatives on yesterday to extend the

life of the War Finance Corporation merely to enable the corporation to take care of $1,500,000 of outstanding loans. The corporation is not engaging in any new business at all, but it has outstanding $1,500,000 of these loans which it is necessary to take care of. A similar bill unanimously passed the House on yesterday.

Mr. WALSH of Montana. Mr. President, can the Senator advise us as to just how the business of the corporation stands as a matter of debits and credits?

Mr. GLASS. No; I can not advise the Senator as to that. The corporation has a very large balance to its credit in profits, if that is what the Senator means. It has now outstanding $1,500,000 of loans that have to be liquidated, and this is the purpose of the bill.

Mr. EDGE. Mr. President, that answers the question I was about to ask. They are liquidating, as rapidly as it can be done, the interests of the Government?

Mr. GLASS. Yes. The life of the corporation expires within three days; hence the House yesterday, under unanimous consent, passed the bill.

Mr. ROBINSON of Arkansas. Mr. President, I hope the request of the Senator from Virginia will be acceded to. I think the proposed legislation is necessary.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none.

Mr. GLASS. I ask that the House bill may be substituted for the Senate bill.

Mr. CURTIS. Mr. President, may I ask the Senator if the bills are identical?

Mr. GLASS. They are identical.

The VICE PRESIDENT. There being no objection, the Chair lays the House bill before the Senate.

The bill (H. R. 12245) to amend the War Finance Corporation Act, approved April 5, 1918, as amended, was read twice by its title, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. FLETCHER. Mr. President, I think perhaps there ought to be an extension of time, although the War Finance Corporation have not been authorized to make any loans since December 31, 1924. They have been all this time liquidating. It would seem that enough time has elapsed for them to have wound up their business, but they appear to have on hand these obligations which they have not yet been able to collect, and, of course, it stands to reason that those acquainted with the business are best qualified to know how to handle it. I hope the expenses will be reduced to a minimum in order that there may not be a lot of people continued in positions unnecessarily.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 3685 will be indefinitely postponed.

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Lions Club, of Riverton, Wyo., favoring the enactment of legislation to provide for aided and directed settlement on Federal reclamation projects, which was referred to the Committee on Irrigation and Reclamation.

He also presented a resolution adopted by Local Union No. 2282, United Mine Workers of America, of Rock Springs, Wyo., favoring the maintenance in the eastern bituminous fields of the so-called Jacksonville scale of wages for coal miners, which was referred to the Committee on Interstate Commerce.

Mr. COPELAND presented petitions of sundry citizens of New York City and Brooklyn, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. ASHURST presented a resolution of Cactus Chapter, No. 2, Disabled American Veterans of the World War, United States Veterans' Hospital No. 51, Tucson, Ariz., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the Circuit Court of Appeals of the Ninth Circuit on March 5, 1928, handed down a decision wherein it was held that the four-year statute of limitations of the State of Arizona applied to all insurance suits against the Government brought by ex-service men residing in this State; and

Whereas there are several hundred ex-service men residing in Arizona who were totally and permanently disabled at the time of discharge, and who will be unable to collect upon their insurance, which was in force at the time they became totally and permanently disabled, unless Congress shall pass a law extending the time within which suit may be brought against the Government; and

Whereas in a great many cases it was impossible to determine that the disability of the ex-service man was total and permanent until after the expiration of the time within which suit could be brought under the Arizona statute; and

Whereas a great many of the disabled ex-service men in Arizona are patients in Government hospitals and were sent here on account of their health and are thus deprived of the benefits of the statutes of limitations of their home State; and

Whereas we believe that the application of the law should be made uniform, irrespective of the State within which the ex-service man resides; and

Whereas a bill has been introduced in Congress by Congressman ROYAL C. JOHNSON, of South Dakota (H. R. 11350), granting the right to ex-service men to sue upon their insurance policies at any time within 20 years from the accrual of the cause of action; and

Whereas it is imperative that such bill should immediately be passed in order to protect the rights of those ex-service men now having cases pending before the courts: Now, therefore, be it

Resolved, That we heartily indorse said bill and that we respectfully request the Arizona delegation in Congress to support the same and that a copy of this resolution be mailed to Congressman ROYAL C. JOHNSON and Senators HENRY F. ASHURST, CARL HAYDEN, and Congressman LEWIS DOUGLAS, and that copies be furnished to such other individuals and organizations as from time to time it may be deemed advisable.

The foregoing resolution was duly authorized and approved by Cactus Chapter, No. 2, Disabled American Veterans of the World War, United States Veterans' Hospital No. 51, Tucson, Ariz.

CLYDE D. BEISTEL, *Commander.*
CHARLES L. EDGERTON, *Adjutant.*
JAMES C. HERRON,
JOSEPH THOMAS,
LA RUE E. GOODRICH,
FRED DACEY,
FRANCIS J. NILLES,
Executive Committee.

REPORTS OF COMMITTEES

Mr. GLASS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, reported it without amendment and submitted a report (No. 682) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 445) for the relief of the Florida East Coast Car Ferry Co., reported it without amendment and submitted a report (No. 683) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 9583) authorizing the reporting to the Congress of certain claims and demands asserted against the United States, reported it without amendment and submitted a report (No. 684) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 11020) validating certain applications for and entries of public lands, reported it with amendments and submitted a report (No. 685) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3361. An act authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark. (Rept. No. 686);

S. 3677. An act to withhold timberlands from sale under the timber and stone act (Rept. No. 687);

H. R. 1997. An act for the relief of Clifford J. Turner (Rept. No. 688); and

H. R. 9144. An act to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes (Rept. No. 689).

Mr. ODDIE, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5687) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes, reported it without amendment and submitted a report (No. 690) thereon.

Mr. McNARY, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 3224. An act authorizing the adjustment of the boundaries of the Crater National Forest, in the State of Oregon, and for other purposes (Rept. No. 691); and

S. 3225. An act to enlarge the boundaries of the Crater National Forest (Rept. No. 692).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that this day that committee presented to the President of the United States the following enrolled bills:

S. 43. An act for the relief of Frederick N. Carr;

S. 46. An act for the relief of Daniel F. Roberts;

S. 138. An act for the relief of Thomas Johnsen;

S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2020. An act for the relief of Leonidas L. Cochran and Rosalie Cochran Brink; and

S. 2657. An act for the relief of George W. Boyer.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

A bill (S. 3878) authorizing the President of the United States to present in the name of Congress a Congressional Medal of Honor to Capt. Edward V. Rickenbacker; to the Committee on Military Affairs.

By Mr. McMASTER:

A bill (S. 3879) to create a commission to investigate the issuance of fee simple patents to Indians not applying therefor, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 3880) to revise, amend, and reenact the provisions of the Code of Law for the District of Columbia relating to the acquisition of land in the said District for the use of the United States; to the Committee on the District of Columbia.

By Mr. HARRIS:

A bill (S. 3881) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 3882) to limit construction charges against irrigable lands in the Blackfeet irrigation project, State of Montana, to $40 an acre; and

A bill (S. 3883) to limit construction charges against irrigable lands in the Milk River irrigation project, State of Montana, to $40 an acre; to the Committee on Irrigation and Reclamation.

By Mr. REED of Pennsylvania:

A bill (S. 3884) authorizing the sale of surplus War Department real property at Jeffersonville, Ind.;

A bill (S. 3885) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922; and

A bill (S. 3886) to require certain contracts entered into by the Secretary of War, or by officers authorized by him to make them, to be in writing, and for other purposes; to the Committee on Military Affairs.

By Mr. RANSDELL:

A joint resolution (S. J. Res. 120) authorizing the Secretary of War to lease to the New Orleans Association of Commerce New Orleans Quartermaster Intermediate Depot Unit No. 2; to the Committee on Military Affairs.

AMENDMENTS TO TAX REDUCTION BILL—EVIDENCES OF INDEBTEDNESS IN REAL-ESTATE SALES

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

ALLOWABLE DEPRECIATION OR DEPLETION

Mr. RANSDELL submitted an amendment intended to be proposed by him to House bill 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. ODDIE submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION

Water-storage reservoir sites, Truckee River: The unexpended balance of the appropriation of $50,000 for the survey and examination of water-storage reservoir sites on the headwaters of the Truckee River, and for other purposes, contained in the act making appropriations for the Department of the Interior for the fiscal year 1928 (44 Stat. L. 934), shall remain available during the fiscal year 1920 for the same purposes, and is hereby made immediately available for the survey and examination of water-storage reservoir sites on the Carson River, investigations of dam sites at such storage reservoirs, examination and survey of lands susceptible of irrigation from waters that may be practicably so impounded, and estimates of costs, with recommendations in regard thereto: *Provided*, That the above-mentioned work shall be performed in cooperation with the State engineer of Nevada, under such arrangement as may be made between the Secretary of the Interior and said State engineer.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 6669. An act fixing the salary of the Public Printer and the Deputy Public Printer; to the Committee on Printing.

H. R. 12030. An act to amend Title II of an act approved February 28, 1925 (43 Stat. 1066, U. S. C., title 39), regulating postal rates, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 8559. An act to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes"; to the Committee on Territories and Insular Possessions.

H. R. 9363. An act to provide for the completion and repair of customs buildings in Porto Rico; to the Committee on Public Buildings and Grounds.

H. R. 10288. An act to provide for a uniform retirement date for authorized retirements of Federal personnel; to the Committee on Civil Service.

H. R. 5495. An act to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians;

H. R. 7463. An act amending an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims"; and

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437); to the calendar.

H. R. 7475. An act to provide for the removal of the Confederate monument and tablets from Greenlawn Cemetery to Garfield Park;

H. R. 8132. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council, at which treaties were made with the Plains Indians in October, 1867; and

H. R. 8546. An act authorizing an appropriation of $2,500 for the erection of a tablet or marker at Lititz, Pa., to commemorate the burial place of 110 American soldiers who were wounded in the Battle of Brandywine and died in the military hospital at Lititz; to the Committee on the Library.

H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;

H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.;

H. R. 10952. An act to fix the salaries of certain judges of Porto Rico;

H. R. 12320. An act to amend the longshoremen's and harbor workers' compensation act; and

H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress; to the Committee on the Judiciary.

H. R. 239. An act to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes;

H. R. 5590. An act to authorize appropriations for construction of culverts and trestles in connection with the camp railroad at Camp McClellan, Ala.;

H. R. 8742. An act to authorize the Secretary of War to convey to the city of Baton Rouge, La., a portion of the Baton Rouge National Cemetery for use as a public street; and

H. R. 9047. An act to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif.; to the Committee on Military Affairs.

H. R. 15. An act authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other

game animals of Yellowstone National Park and adjacent land;

H. R. 475. An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act;

H. R. 7223. An act to add certain lands to the Gunnison Nation Forest, Colo.;

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes; and

H. R. 11685. An act to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 441. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 6862. An act authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States;

H. R. 9483. An act to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico;

H. R. 11478. An act to amend an act to allot lands to children on the Crow Reservation, Mont.;

H. R. 11479. An act to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians; and

H. R. 11629. An act to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; to the Committee on Indian Affairs.

H. R. 9485. An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.;

H. R. 10643. An act authorizing the Gulf Coast Properties (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near Rouses Point, N. Y.;

H. R. 11203. An act granting the consent of Congress to the counties of Telfair and Coffee to construct, maintain, and operate a free highway bridge across the Ocmulgee River at or near the present Jacksonville ferry in Telfair and Coffee Counties, Ga.;

H. R. 11212. An act authorizing Paul Leupp, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Stanton, N. Dak.;

H. R. 11265. An act authorizing the Cabin Creek Kanawha Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Cabin Creek, W. Va.;

H. R. 11266. An act authorizing the St. Albans Nitro Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.;

H. R. 11267. An act granting the consent of Congress to the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the road between the villages of Cohasset and Deer River, Minn.;

H. R. 11356. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind.;

H. R. 11473. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North at Fargo, N. Dak.;

H. R. 11578. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Weslaco, Tex.;

H. R. 11583. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at Cotter, Ark.; and

H. R. 11625. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and Garfield County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.; to the Committee on Commerce.

H. J. Res. 26. Joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes; to the Committee on Agriculture and Forestry.

SALE OF LANDS IN LOUISIANA AND MISSISSIPPI

Mr. STEPHENS. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 6993) authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi. The bill authorizes the Secretary of the Interior, in his judgment and discretion, to sell certain lands, which are described in the bill, located in the two States named. A similar bill on the subject passed both Houses at the last session, but failed to reach the President in time for his signature, I believe; at any rate, it did not become a law.

I introduced a somewhat similar bill at this session and the matter was referred to the Department of the Interior. The Secretary drafted a new bill and the bill for which I now ask consideration is the bill prepared in the Department of the Interior and has the indorsement of that department. I ask unanimous consent for its immediate consideration.

Mr. CURTIS. There is no objection to it so far as I know.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands which he has found or shall hereafter find are public lands of the United States that have accreted to section 14 of township 5 north, range 4 west, Washington meridian, in the State of Mississippi, and to sections 65, 66, 67, and 68, of township 5 north, range 9 east, Louisiana meridian, in the State of Louisiana, and which are not lawfully appropriated by a qualified settler or entryman or other adverse claimant claiming under the public land laws.

SEC. 2. That the owners of said above-described lots or sections shall have a preferred right to file in the office of the register of the United States Land Office of the district in which the lands are situated an application to purchase the public lands thus formed by accretion at any time within 90 days from the filing of plats of such accreted area in the United States Land Office. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right by virtue of the ownership of said above described lots or sections and that the lands which he applies to purchase are not in the legal possession of any adverse claimant.

SEC. 3. That upon the filing of any application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, including the timber thereon and the stumpage value of any timber cut or removed by the applicant or his predecessors in interest. Such appraisement shall be exclusive of any increased value resulting from the development or improvement of the land for agricultural purposes by the applicant or his predecessors in interest.

SEC. 4. That an applicant who applies to purchase land under the provisions of this act, in order to be entitled to receive a patent must, within 30 days from receipt of notice of appraisal by the Secretary of the Interior, pay to the register of the United States Land Office of the district in which the lands are situated the appraised value of the lands, and thereupon patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 5. If, at the date of the approval of this act, any of the lots or sections or parts of lots or sections above described are covered by a pending entry on which satisfactory final proof in support thereof has not been submitted, patent based on any application to purchase land subject to the provisions of this act shall be withheld to await the completion of the pending entry. If, upon completion of the pending entry, it shall then be found that applicant has shown due compliance with the law under the said pending unperfected entry and his application to purchase is otherwise satisfactory patent on said application to purchase shall then be issued.

SEC. 6. That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEMOCRATIC PRESIDENTIAL CAMPAIGN

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD certain newspaper articles which I send to the desk, relating to the Democratic national campaign.

The VICE PRESIDENT. Without objection, it is so ordered. The articles are as follows:

[From the Columbia Record, Columbia, S. C., Monday, March 26, 1928]

THREATENS TO BOLT HOUSTON CONVENTION IF SMITH NOMINATED—DOMINANT SOUTH CAROLINA FACTION DETERMINED TO SUPPORT ONLY A DRY, NON-CATHOLIC CANDIDATE—DEMOCRATS EXPECT NATIONAL DEFEAT, BUT STATE WILL SUPPORT PARTY AT ELECTION EVEN THOUGH VOTES HAVE TO BE SHUFFLED—CRY OF "NIGGER" ENOUGH TO ROUSE ANTI-REPUBLICAN PREJUDICES

[EDITOR'S NOTE: This letter, under a Columbia date of March 22, was written to the Boston Transcript by Theodore G. Joslin, Washington correspondent of that newspaper. It should be of interest to voters of South Carolina.]

The dominant faction of the Democratic Party in South Carolina is doing its utmost to select a delegation to the Houston convention that will vote from the first to the last ballot against the nomination of Gov. Al Smith, and that will join, if necessary, with delegations from other Southern States to bolt the convention if the New York executive proves to be the two-thirds choice of the gathering. This faction, comprising voters who are politically dry or who are opposed to Smith because of his race and religion, are depending upon the leadership of Senator COLEMAN L. BLEASE, for years the political firebrand of the Jessamine State, and Gov. John G. Richards, his intimate friend, to "preserve the highest of southern traditions."

Not all the party leaders, however, are antagonistic to the northern candidate, who, if nominated and elected, would be the first Roman Catholic to enter the White House. On the contrary, various of these leaders, who insist that they could defeat Senator BLEASE if they should consolidate their forces, are willing to support Smith or are openly espousing his candidacy. Among them is former Congressman A. F. Lever, author of the war-time food control act, who has announced for Smith and whose declaration has resulted in his being boomed for the governorship two years hence, when the term of Governor Richards will expire. They assert that the time has come "to end all this hypocrisy," predicting that the State convention, which will be held 60 days hence to select the delegates, will be the most exciting in many years.

READY TO BOLT THE CONVENTION

On the basis of present conditions, the Blease-Richards faction can not but control the convention, in which event the delegation, while not necessarily instructed against Smith, will be pledged to vote first, last, and all the time for a dry candidate, thus premising their opposition to the New York governor on his wetness rather than on his religion. The pro-Smith faction does not intend, for the present at least, to ask for a Smith delegation. Rather, it intends to seek an unpledged delegation, believing that, if successful, the delegation can be induced to swing to Smith some time during the balloting. Feeling among Protestants in the State is so strong that the chances momentarily are against the Smith forces winning, even though they have the support of some of the most influential newspapers in the State. The sentiment of the present majority is expressed concisely in the following interview which Governor Richards granted to me:

"We will give our support to a dry, but we will not support any candidate who is a wet. The Smith supporters already have started a band-wagon movement for him, but it has had no effect. If Smith is nominated he will be defeated overwhelmingly. That is a foregone conclusion, in my opinion. The same fate would await any other wet. With Smith as the nominee, the Democratic vote in South Carolina would be the smallest in its history. It is not at all improbable that the South Carolina delegation would join in a rump convention if Smith should prove to be the two-thirds choice of the convention.

PARTY CAN NOT SQUARE ITSELF

"I am hopeful, however, that some outstanding Democrat who is a dry will be nominated, and I believe he will be. I think that Owen D. Young, of New York, former Secretary of War Newton D. Baker, Gov. Vic Donahey, of Ohio, Senator WALTER F. GEORGE, of Georgia, and many others are available. Here's my position. I can not understand how the Democratic Party can square itself by nominating a man who is sworn, if elected, to support the Constitution and who openly violates the eighteenth amendment. I don't believe the Democratic Party will be so foolish as to nominate that type of man."

Governor Richards spoke with all sincerity. He is a dry, politically and personally. Other leaders who are as opposed to Smith as he is, giving prohibition as their reason for opposing him, are as wet as Smith ever was, availing themselves of "the mountain dew" which is made in the hills surrounding the State capital and sold in this city at about any price one wants to pay for it. The truth is that much of the antagonism to Smith is due to religious intolerance, more so, in fact, than in Virginia and North Carolina, which I have surveyed already. Until now the Baptists and Methodists have controlled the Democratic Party. Whether they can be ousted will be determined by the May convention.

RECONCILED ALREADY TO DEFEAT

A most significant fact is that the rank and file of the party is giving comparatively little attention to national politics. All the talking is being done by the leaders of the rival factions, the "ins" and the "outs." The average man on the streets and the "hill billies," as the country folk hereabouts are referred to, are not even thinking about the coming campaign. I tried to talk politics with the farmers—"red necks"—who boarded the local train on the tedious ride from Raleigh to Columbia. They said that "this Smith rumpus" didn't "consarn" them. Clerks in the stores here said they were not interested. Attempts to draw them out produced only the supplementary information that they did not believe the Democratic Party had any chance of winning the election, regardless of whether Smith or anyone else was nominated; in fact, gave the impression that they would be contented if the Republicans won the election this year, even though adherence to the Democratic Party has been born and bred in them.

This brings up an interesting point. The party chieftains seem to be agreed in only one particular, namely, that defeat will be the portion of Democracy again. The anti-Smith leaders asserted that they were convinced the New York governor would be defeated if he should be nominated, saying that while he might capture some Northern States, these gains would be offset by losses in the border land and even in the South, mentioning most often Tennessee, Kentucky, and Oklahoma, and occasionally referring to Alabama and Florida. One of these leaders said he had no doubt that if Smith received the nomination Florida would go to the Republican nominee, asserting he had first-hand information in that particular. His statement was surprising enough to hear in the one section of the country that always has turned thumbs down on the Republican Party, but it wasn't half as startling as to hear another leader, whose business has prospered in recent years, assert: "I never thought I would ever say it, but the truth is I am convinced that the welfare of the country for the next four years depends on the election of a Republican President. I know that the election of a Democratic President would mean business depression for a year at least, and I don't want that to happen."

WANT TO GET RID OF BLEASE

The anti-Smith leaders do not go half as far as do the friends of Smith. The latter declare that Smith is the one and only Democrat who can hope to be elected. They accept all reports from the North at their face value. They admit that Smith might lose a few of the border States because of religious intolerance, but they insist that such losses would be more than offset by gains in the North and East. They really believe that Smith can carry New York, New Jersey, Massachusetts, Ohio, and Illinois and ask anyone to name any other candidate who can begin to command such support as they believe is at the disposal of their favorite. They are trying to interest the apathetic public in the arguments which they are making, believing that if they can arouse sufficient enthusiasm they not only will get support for Smith by the State's delegation, but can rid themselves of Senator BLEASE, whom they cordially hate and whose contribution to the campaign to date has been to say he favored "BILL" BORAH. One motive is almost as important as the other, for they have convinced themselves that BLEASE is unhappy in the Senate and is preparing to exchange places two years hence with Governor Richards, sending the governor to the Senate in his place and assuming the governorship again for himself, thus becoming "a big toad in a small puddle" again.

If there is any other agreement among the contending factions, it is that whatever the Houston convention may do, South Carolina will remain in the Democratic column. They say that under no circumstances will the State go Republican, even though the Democratic majority may be reduced to next to nothing. Even if a rump convention should be held and the State should give its support to the dry nominated by that gathering, the State would regard that nominee as much, if not more, of a Democrat than the choice of the regular convention. There are some Republicans here, of course, but they are in a minority and no matter how strong Democratic feeling may run the staunch party leaders need only shout "nigger" for 10 days before the election to assure at least a fractional Democratic majority, and even if it wasn't polled honestly the ballots would be juggled sufficiently to permit announcement of the desired result. This may not be pleasant reading in a Northern city, particularly as it refers to the negro, but the survey I am making will be futile if I do not report facts as I find them.

HOOVER OR DAWES WOULD SATISFY

Intense as is the feeling regarding the negro when his voting equality is considered if not respected, and notwithstanding that the members of this race personify the Republican Party from the point of view of most Southern gentlemen, it is a fact that such Republicans as President Coolidge, Secretary Hoover, and Vice President Dawes are praised here in the South as they are in the North, not to the same extent, but sincerely. Most white folks in the South want a Democrat for President, but if their wishes can not be gratified they will not be broken hearted if either Hoover or Dawes should be elected and they would be

quite happy under four more years of Coolidge. Presumably the South Carolina delegation to the Republican convention will turn eventually to Dawes after it has supported former Governor Lowden, its moves being determined by Joseph W. Tolbert, the Republican national committeeman, who will dominate it. This is the situation in South Carolina as revealed by the survey I have made, with as merry a fight in prospect during the next two months as the State has seen in "lo, these many years."

[From the Anderson Independent, Anderson, S. C., Sunday morning, April 1, 1928]

OPPOSES ANY CHANGE IN RULES IN DEMOCRATIC PARTY

By John K. Aull

COLUMBIA, March 31.—"In the first place, I have never thought of even attempting to exchange positions with Governor Richards," United States Senator COLE L. BLEASE writes the Anderson Independent's Columbia correspondent in reply to certain questions asked by this writer in view of a recent article in the Boston Transcript, reprinted here by the afternoon daily paper, the article being written by the Boston paper's Washington correspondent, who visited Columbia in his tour of the country, writing articles on the national political situation. While here he, however, dipped into State affairs also. "As far as I can see ahead now," writes Senator BLEASE, "I shall be a candidate to succeed myself in the Senate."

The Senator reiterates the position which he has heretofore made plain, and nails the rumor, again given circulation by the Boston Transcript and the Columbia Record, which reprinted the article, that what the Boston paper's correspondent termed the "Blease-Richards" faction was threatening a bolt if Smith should be nominated. "Both Governor Richards and myself have time and time again said," says Senator BLEASE, "that we would support Mr. Smith if he were the nominee of the Democratic Party, and I have never heard of any man of what they call the 'reform faction' in South Carolina saying he would not do so, unless the Smith people, with their money, whisky, and bought-and-paid-for newspapers should be able to abolish the two-thirds rule in the Democratic convention, refuse to listen to any appeal from the South, and nominate Smith on his wet platform," in which event the Senator would advocate the same course which he advocated in his Bishopville speech, and which is reiterated in his letter here published. But "if the delegates from South Carolina in that convention participate in the nomination of a candidate for President and a candidate for Vice President, I shall not only vote for him or them but shall take the platform for them at such time and such places as the National Democratic Committee may request."

Senator BLEASE'S opposition to Smith for the nomination is well known, but in discussing the agitation to change the rules of the Democratic Party in this State so as to permit a voter to participate in the Democratic primary and then support the presidential ticket of some other party, the Senator says that when one votes "in the primary that he should pledge himself to support the nominees of the party."

The Senator's letter is clear, concise, and a complete and definite statement of his position, which, he says, "I shall reiterate if I live to be in Columbia on the 16th of May." Senator BLEASE'S letter speaks for itself, and nothing could be plainer or easier to understand than his words, and from this time on there should be no occasion for question by anyone as to where Senator BLEASE stands. He comes square out, as he always does.

His letter follows:

UNITED STATES SENATE,
Washington, D. C., March 28, 1928.

Hon. JOHN K. AULL,
Columbia, S. C.

MY DEAR JOHN: Yours of March 27, in which you ask certain questions and inclose an article headed "Threatens to bolt Houston convention if Smith nominated," received.

I had already read this article and was very much amused at most of its contents.

In the first place, I have never thought of even attempting to exchange positions with Governor Richards. I will frankly state, however, that I would rather be Governor of South Carolina than to hold any other position in the world. But the majority of the people of South Carolina were kind enough to elect me to the United States Senate when I asked them to do so in 1924, and I have no intention of hereafter becoming a candidate for the governorship.

However, if such an emergency should arise that a majority of my people think that I should make the campaign in order to be of some special service to them, I would not hesitate a moment to do so, but I can not now even conceive of any such emergency arising; therefore I shall remain in the Senate, if God spares me health and life, until the end of my present term, March 4, 1931.

In the meantime I shall endeavor to do as I have been doing, advocate and vote for what I believe to be for the best interests of the people of my State and this Nation, and render such service as I think would be acceptable to my people and to their and my God. If my services are satisfactory to a majority of my people, I care very little for the criticisms of "a bitter small minority," who can not get over their jealous rage at my having been elected to this exalted position. Neither shall I give any heed to the "small minority" who "want to get rid of BLEASE," "whom they cordially hate." As far as I can see ahead now, I shall be a candidate to succeed myself in the Senate.

That, of course, will be left in the hands of a majority of our people. If they indorse my course, all is well and good. If they have a man in the State who they think can be of greater service to them here, or who can accomplish more for them than I can, I want them to elect him, for they are entitled to the best, and no one would go further than I would to see that they get the best; and if some emergency should arise, some great question come before this country, and there was a man in South Carolina who could represent our State with greater ability or accomplish more for our State in this emergency I would not hesitate to do as Mr. Hayne did on one occasion, and step aside, he stepping aside to allow Mr. Calhoun to return to the Senate on such occasion as I mention.

As to the Democratic rules: I think that when a man goes to his club meeting and helps to elect delegates to his county convention, and the delegates so elected help elect delegates to a State convention, and the State convention elects delegates to the national convention, who participate in the nomination of candidates for President and Vice President, he, having participated in his club meeting, is just as much bound to support the action of the delegates elected by the State convention to the national convention as he is to support candidates for the United States Senate, Congress, State, and county offices when he votes in the primary at which they are nominated.

Therefore, I think when he votes in the primary that he should pledge himself to support the nominees of the party. If you don't do this, we will have confusion confounded. Why? Because men will vote in the primary, their candidate will be defeated, they will have no oath to bind them to support the nominee, and therefore would have no hesitancy in voting for their candidate in the general election against him who had been nominated by the party in the primary, and I know of no quicker way to ruin the united democracy of our State than to invite such a split and appeal to the negro for the balance of power as was done in 1890 and on other occasions.

It is strange to me how some people who bolted the party in 1890 and who again bolted in 1896 and 1900, when Mr. Bryan was the nominee, have all at once become so solicitous about the rules of the party to-day.

Now, as to a bolt as mentioned by this man in his newspaper article which you inclosed me, I will simply state that he is just another common Yankee liar, because both Governor Richards and myself have time and again said that we would support Mr. Smith if he were the nominee of the Democratic Party, and I have never heard of any man of what they call the "reform faction" in South Carolina saying that he would not do so, unless the Smith people with their money, whisky, and bought-and-paid-for newspapers should be able to abolish the two-thirds rule in the Democratic convention, refuse to listen to any appeal from the South, and nominate Smith on his wet platform; then, as I said in my Bishopville speech, "I favor the southern delegates to the next Democratic National Convention standing up in that convention and demanding to be represented and demanding that what they favor be written in the platforms of the party, and if the two-thirds rule be abolished and their demands are not agreed to, that they withdraw from that convention and hold a simon-pure Democratic convention and invite all of the citizens of the United States of America to joint them in the election of their nominees and not allow mugwamps and camouflaged so-called Democrats to control the Democratic convention—men who do not want the Democrats to succeed but want both Democratic and Republican candidates from their own crowd, so it matters not which gets in, they win and the people lose. As I suggest, if anyone is to bolt, let it be them and not us. Why let delegates from States that never have and never will give the Democrats an electoral vote name whom we shall vote for and what issues we shall advocate?"

Now, this is not a bolt. If the delegates from South Carolina in that convention participate in the nomination of a candidate for President and a candidate for Vice President, I shall not only vote for him or them but shall take the platform for them at such time and such places as the Democratic National Committee may request.

As to your next question, I don't care to have much to say about it; it is so amusing. Any man has a right to announce for governor who pleases, and if I wanted to be governor, I would not want any easier campaign than to be opposed in South Carolina by a man who is in favor of Al Smith for President and a whisky platform.

I shall be at the May convention if I am living, not with any intention of dictating to anybody or of even attempting to influence anybody, but merely to be of such service as I may be able to render to my people and to my party.

I want South Carolina to adopt a good strong platform, a State-rights platform, for the enforcement of all laws, against the repeal or modification of the eighteenth amendment or the Volstead law, denouncing corruption and extravagance in government, and making plain that she wants what she has always stood for—white supremacy, home rule, a belief in the doctrine of Jesus Christ and in His divinity.

I hope that the delegates, whoever they may be, will not be instructed to vote for any candidate but instructed to vote against any man who stands for or advocates the repeal of or the modification of the eighteenth amendment or the Volstead and kindred acts, and that they will choose a clean, able, honorable, outstanding American citizen as their nominee for President and a like one as their nominee for Vice President, and vote as a unit and work for such candidates and such platform.

Speaking of a bolt, will Smith and those who are advocating his nomination support whole-heartedly the candidate nominated if it be not Smith?

I have spoken plainly, possibly a little too plainly, but that has been one of the rules of my life, let the consequences be what they may, and what I have written you here you may publish in any newspaper you please, for I shall reiterate it if I live to be in Columbia on the 16th of May.

Very respectfully,

COLE L. BLEASE.

[From the Anderson Independent (the paper the people read), Tuesday morning, March 27, 1928]

BLEASE BROUGHT US PESTILENCE, WEEVILS, AND ALL; NOW LOOK!

Mr. EDITOR: I have just read a remarkable article in the Greenville News from the distinguished capitalistic newspaper, the Charlotte News, in which it says "Bleasism in saddle." In this article the woefully ignorant Tar Heel editor blames Bleasism for driving Dr. S. C. Mitchell away from the University of South Carolina years ago; now, says the North Carolinian, Dr. D. M. Douglas is threatened with Bleasism. These are the implied statements in the brilliant article copied in the Greenville News, which is opposed to anything BLEASE has, will, or may do, has zealously copied in its columns.

Now, of course, to be perfectly frank, we South Carolinians all know that COLE BLEASE brought the Jim Crow law, lynchings, high-priced guano, low-priced cotton, the hookworm, bollworm, corn borer, spinal meningitis, side pleurisy, antagonism, factionalism, disease, pestilence, floods, and famines to this State. This is general knowledge as spread around by the partisan press. If BLEASE had never been born this State would never have had tornadoes and floods, etc., and the two dry years, 1925 and 1926, were providential measures against the régime of Bleasism in this State.

Everything bad this State has ever had was caused by BLEASE. Too bad, too bad.

It's an awful situation: Christ was born in a stable, COLE BLEASE worked in one when he was a boy, and Carolina is hell bent because of the latter. Of course, BLEASE has never been accused of stealing or robbing or thievery while in office; and if he hadn't put the curry-comb on the backs of some of the plutocratic jackasses in this State he would be classified as a "statesman." Any man who wants to be called a statesman in South Carolina can be one if he will let the Columbia State, Columbia Record, Greenville News, and News and Courier tell him how to run the State for the benefit of the respective classes they represent; if he tries to represent the masses, then he is a rank failure and a rotter in the sight of God.

The newspapers frequently tell us how BLEASE "is tolerated," or how the State has put up with him, and what a disgrace he is to the State; but the outstanding question is, Who the hell are the newspapers? What prior claim on the standards of weights and measures of morals, public leadership, and ability can the newspapers produce? Because a man happens to own a newspaper is no sign he isn't a fool, and the official who tries to please the press of this State may expect ruin and disaster. BLEASE has ignored the press and has enjoyed almost entirely an undivided antagonism among the papers, yet he has been elected to more public offices than any South Carolinian.

So far as the North Carolina tumblebug is concerned, I advise to back up and get another load; he ought to be a good hauler judging from his experience!

Z. V. MENSLEY.

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. MAYFIELD obtained the floor.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. GOODING in the chair). Does the Senator from Texas yield to the Senator from Arizona?

Mr. MAYFIELD. I yield.

Mr. ASHURST. The able Senator from Texas is about to deliver a speech on one of the most important subjects that can come before the Congress. The Senator's service here has demonstrated that he has a grasp of this question that is not equaled by that of any other person in the Congress. I ask for order.

The PRESIDING OFFICER. Senators will take their seats, and the Senate will be in order. The Senator from Texas will proceed.

Mr. MAYFIELD. Mr. President, no Senator can longer doubt that a new determination of the Nation's policy toward agriculture is the most important task that has confronted the country in the past decade. The men and women who produce the raw materials on which our industrial existence and, indeed, the very life of the Nation depend, are operating at a great disadvantage compared with the more closely knit economic groups in industry, commerce, and finance. We can neither avoid nor efface the evidences of this disparity.

The greatest problem before the American people to-day is the restoration of agriculture to a permanent, remunerative basis.

The industrial conference board of New York city, composed of the best economists that the country affords, reveals to us the seriousness of our national farm problem when it states that for the last 40 years the wholesale prices received for agricultural products have not even covered the cost of production. This simply means that since 1887 our farmers have been producing at a loss. In 1910 the farm indebtedness of the United States was $4,000,000,000, but had increased to $12,000,000,000 in 1920, and has been steadily increasing since that time. An investigation into the bank failures of our country shows that since 1920 more than 2,000 bank failures have occurred in agricultural States. On April 21 last year the Department of Agriculture announced that the farm population of our country decreased 649,000 persons in 1926, which is the largest decrease in any year since 1920. During the last seven years farm values in the United States have decreased $23,000,000,000, while other property values have increased over $50,000,000,000. In the face of these facts it passes my understanding how anyone can minimize the seriousness of agricultural conditions that exist in our country to-day, or seriously contend that there is no agricultural problem to be solved.

The presidents of our banks, the managers of our automobile concerns, the presidents of our railway companies, the stockholders of our mercantile establishments, and the managers of all our industrial and manufacturing enterprises have long since realized that the prosperity of their business depends very largely upon the prosperity of the producers of the Nation. As the financial barometer of the farmers goes down, so goes the financial barometer of the cities and towns that are dependent on agricultural areas.

It has been truly said that our cities may burn to ashes, but if the agricultural areas surrounding them remain prosperous the cities will be rebuilded more beautiful than before, but leave the cities prosperous and reduce to penury the agricultural areas surrounding the cities, and it will not be long until weeds will grow in the streets of the cities. The agricultural problem is, therefore, a national one and affects all our people alike. This being true, I have not felt that I was supporting class legislation when I have given enthusiastic support to every measure coming before the Senate that I concluded would bring even the remotest relief to the farmers of our country.

The most painstaking and unprejudiced economic surveys that have been made in any field for a generation confirm the stories of decreasing farm values and increasing farm debts that come to us who are privileged to represent agricultural States. With my distinguished colleague, I have the honor of representing in this body a State which is probably more widely concerned in securing an abatement of the difficulties that surround the business of farming than any other State in the Union, because Texas is preeminently an agricultural State with an area of land in farms more than double that of any other State. The total value of crops produced in Texas, according to the last agricultural census, is nearly twice that of any other State, while within its borders the number of farms exceeds by more than 50 per cent the number of farms in the second ranking State.

Each of the 465,000 farms in Texas is a distinct economic unit, independent in its productive operation from the others; these are all part of a grand total of more than six and a third millions such economic units in our country. Because of the vast number and wide diffusion of the farms in this country the farm problem can not be solved by trusts or tariffs or other forms of self-help or subsidy which industry has evolved for its own stabilization and protection. Many

phases of the problem are peculiar to agriculture and in our consideration of a remedy we must seek for that which is adequate and lasting.

Consideration of the agricultural problem naturally falls into three steps or stages: First, what is the condition of agriculture? Second, what are the causes? And, finally, what are the remedies?

Agriculture is a varied and diverse industry. It may languish in one section and prosper in another in the same season. That which causes loss and disintegration in one branch of farming may not be the cause which is resulting in ruin to another. The remedy that is proposed for one form of agriculture may not be equally effective as applied to another form. Then, too, remedies may be negative as well as positive. It is important that we discontinue or modify national policies that work to the disadvantage of farmers, but that in itself is not sufficient. We must attempt to develop a new policy that will assist farmers to enhance and stabilize agricultural prices.

For eight years the farmers of this country have been crucified by a 10 to 30 per cent disadvantage, compared with their pre-war position, in prices at which their products are exchanged for goods and services of others. This disadvantage is not a temporary passing phenomenon. It persists to-day. It is a disadvantage that will continue as long as farmers remain without effective bargaining power in the sale of their goods and as long as agriculture continues to be the outstanding example of an unorganized industry in an organized world. The fact and the extent of agriculture's disadvantage are now generally recognized. The first question—what is the condition of agriculture—requires no further reference. I could draw from the experiences of the sturdy and self-reliant farm men and women of my own State to make an appeal to sentiment or passion more moving, perhaps, than any economic discussion can be. I might dwell on social and political aspects that are inevitable companions of farm distress. I might draw from the pages of history the references necessary to fasten your attention on the significance that exists in the fact of a disintegrating agriculture in a rapidly industrializing state, but such is not the purpose of this discussion. I seek to explain to-day at least in part the purpose and meaning of the McNary agricultural surplus control bill, which the Committee on Agriculture and Forestry has reported favorably to the Senate, and which had my support in the Sixty-eighth and the Sixty-ninth Congresses.

Facts and figures have been presented within the last two years by the business men's joint committee, representing the United States Chamber of Commerce, and the National Industrial Conference Board, and also by the Association of Land-Grant Colleges and Universities of the United States, that prove beyond question the fact, the nature, and the extent of agricultural depression.

The causes of this admitted depression are varied, but out of eight years of debate and study of this question, extending throughout the country and consuming months of time in the Congress of the United States, a few major propositions have emerged on which there is general accord:

(a) Agricultural production can not and should not be centralized in gigantic corporations in order that production may be measurably regulated and the industry stabilized. Even if it were economically practical to thus reorganize the nature of our agriculture, the social consequences of reducing farmers to the status of hired laborers would be too widespread and unpleasant to contemplate with composure.

(b) Weather and other factors uncontrollable by man determine the aggregate volume of output from farms to a far greater extent than does acreage, which in a measure at least might be controlled by cooperative action of the farmers themselves.

(c) It is the actual or potential presence of crop surpluses in their several forms that renders ineffective the various devices that have been brought forward as aids to agriculture during the period of depression. Tariffs have failed to assist farmers materially because they are practically inoperative on surplus crops. Cooperative marketing is not effective as a means to stabilize markets because the risk and cost of handling surpluses bear down too heavily upon members in comparison with nonmembers.

(d) We have pursued and are pursuing national policies that increase the farmer's operating costs, that in turn add to his financial burdens.

(e) It is a national responsibility to help farmers to so control the marketing of their products that agriculture may, as far as possible, be freed from ruinous fluctuations and heartbreaking slumps.

It is in the consideration of remedies that opinions differ most widely, though it is only fair to say that the differences are more marked on the outside than the inside of farm circles. The organized farmers, particularly those whose business organizations have had some experience in attempting to handle crop surpluses, show a remarkably united front on this question.

Mr. President, I am in favor of action by the Senate along two general lines for the permanent betterment of the condition that surrounds the business of farming in the United States.

In one direction we must modify or amend our national policies which operate to the disadvantage of the farmers. This country should stop subsidizing increased production at least until we have helped farmers to a position to save themselves from the loss and ruin that are inevitable consequences of this increased competition within their industry. We should recast the provisions of the tariff with a definite view to improve the relative position of agriculture and livestock in comparison with other groups. There should be no discrimination between raw materials and finished products in the raising of revenue. A competitive tariff would give our farmers and livestock men a tariff on their raw products sufficiently high to equalize the difference in the cost of production of raw products in foreign countries that employ pauper labor. Without such a tariff our farmers and ranchmen will never be able to make a profit on the farm products and livestock that they produce. The farmer's share of the national freight bill is disproportionately heavy and should be reduced at the earliest possible moment. Manipulation of the prices of farm products through future exchanges should be prohibited at once. Our cotton farmers and wheat growers will never receive the real value of their cotton and grain as long as the prices of these products are controlled and dominated by gamblers through future exchanges. But when these and other reforms have been accomplished, the great task is still to be done. That task is to provide a method whereby the producers of our staple agricultural crops can secure for themselves benefits and advantages that are commensurate with the benefits and advantages which business and industry are securing for themselves through trusts, incorporated combinations, and trade associations. This can only be accomplished for agriculture by helping the farmers to handle their crop surpluses for their own stability and benefit, rather than to continue a system in which the surpluses enrich others at the farmers' expense.

It is of this last form of farm relief—the development of an effective system of surplus control in agriculture—that I speak more particularly at this time. I want to see the farmer in Texas get every cent of advantage that is economically obtainable in the price of his cotton, or wheat, or beef. I realize that he can not meet in one room or sit around a table with all of his fellow producers from other parts of the land. I realize that national surpluses can not be handled effectively in the interests of the producers by the voluntary action of local cooperatives, unless all who benefit from such voluntary action contribute in fair proportion to the costs involved in such an undertaking.

Before the farmers of my State can secure every cent of advantage which is economically obtainable in the prices of their products they must be brought into position where, if there is a tariff, they will receive its benefits just as industry does; they must be helped into position to demand for their cotton and other crops prices that cover the cost of producing those crops, plus a reasonable profit on their investment, just as industry would receive if the American cotton crop were the product of an organized industry. I want to see the Texas farmers placed in such a position that a surplus of any staple crop one year will not be allowed to smash down the price of that crop to a ruinous level, regardless of the fact that the entire crop will be needed before another 12 months goes by.

We are wasting time here if the legislation we enact is merely a temporary makeshift or sop thrown to the farmers just before election, which will soon demonstrate its uselessness or which later will be taken away. If we are to have permanent agricultural relief it must be based on principles that provide a firm and lasting foundation upon which farmers can develop their great cooperative and marketing associations, secure in the faith that they possess a bargaining power to match the power of those groups with which they now trade at such tremendous disadvantages.

The McNary measure contains a provision which in my judgment is necessary to place the farmers of this country in a position that will make them secure in their bargaining power and not dependent upon Treasury subsidies. It will not destroy private business. It will not compel farmers to join

cooperatives or sell their crops to a Government board. Under its operations farmers who are members of cooperatives can continue to sell through them, while farmers who are not can continue to sell when they please, where they please, and to whom they please. It will bring about orderly marketing, with the result that peak prices will not be so high nor depressed prices so low. It will produce a moderate level of prices that would cover cost of production, plus a reasonable profit on the farmers' labor and investment. It will finance, but not subsidize, their business organizations through loans and advances. Finally the measure opens a way for effective action on behalf of each commodity whose surplus problem demands united action, if periodical disaster is to be averted. American farmers have never been consulted about the prices they have received for their cotton and grain, but have been forced to sell on markets made by speculators and gamblers through futures exchanges. They have never been consulted about the prices of the things they purchased, but have paid whatever was demanded. Therefore, under this system, our farmers receive less for what they sell and pay more for what they purchase than any other farmers on the face of the earth. I have supported the McNary bill, because it will change the system under which our farmers have been made "hewers of wood and drawers of water."

It has been repeatedly declared that under the provisions of the McNary bill the Government itself will go into business and purchase crop surpluses. The statement is not only untrue but perfectly ridiculous. The measure merely provides that the Government shall loan the farmers $250,000,000 with which they may retire the surplus of a crop from the market, and thereby secure a fair price for the remainder of the crop.

Since the war the Government has made outright gifts of $30,000,000 for the relief of people in foreign nations.

After the war the Government gave the railroads, as provided for in the Esch-Cummins law, a straight-out subsidy of $529,000,000, to enable them to earn war-time profits for the first six months following the return of the railroads to the owners.

After the war the Government loaned to foreign nations over two and one-half billion dollars.

And yet, Mr. President, when we ask that the Government loan our farmers not quite one-half as much as it actually gave the railroads, we encounter the severest criticism from the men who voted for the law that gave the railroads this subsidy of $529,000,000.

It seems to me that if the Government can afford to give $30,000,000 for the relief of people in foreign nations, and a little over one-half a billion dollars to the railroads, and then is generous enough to loan over two and one-half billion dollars to foreign nations, it certainly can afford to loan our farmers $250,000,000, by which they hope to free themselves from industrial slavery.

The opponents of the McNary measure have centered their fire upon the equalization fee, and they have not hesitated to misrepresent it completely, both as to its nature and its effects. If all the misrepresentations about the equalization fee were made into iron links an inch long and welded together, they would constitute a chain that would belt the globe nine hundred and forty-seven times. The attack on the equalization fee has not come from the farmers but from those who do not want to see them possessed of an effective bargaining power, and who realize that the equalization fee is the one essential feature of the McNary bill that will give them such a power.

What is this proposed equalization fee in fact? A fund is required to finance marketing operations that may be necessary in acquiring, storing, and disposing of crop surpluses to protect the market for the remaining bulk of the crop. The equalization fee is merely the proportionate share which each bushel of wheat, for example, or bale of cotton that moves in commerce would contribute to this common fund.

In one form or another the practical counterpart of the equalization fee is in daily use in industrial operations and in State and local projects. When the steel corporation makes its foreign sales on one price level and its domestic sales on a higher level, its profits are necessarily less than they would be were it possible to sell the output, surplus and all, at the higher domestic price level. When an implement manufacturer stores his surplus goods in a warehouse until they can be sold at a price he thinks fair, he charges his business with the storage cost. It is worth the cost; in fact, it is necessary if the manufacturer is to keep his current market from being demoralized. The export sales of the steel corporation may show no profit in themselves, but they contribute to the profitable operation of the corporation as a whole. The entire business of the steel corporation absorbs the cost of maintaining the foreign market for its surplus. The entire business of the implement manufacturer also absorbs the cost of storing and withholding any seasonal surplus that occurs. The cost and losses thus absorbed in industry are the practical equivalent of the equalization fee which the McNary measure proposes to make available for agriculture.

The 1925 agricultural census reports that there were 1,931,307 individual farmers who produced cotton in the United States. The problem and its remedy would be totally different if all the cotton in the United States were grown by 15 or 20 big planters or corporations. Such is the nature of agricultural production that these few planters or corporations could not control weather or pests any more than the individual farmers now do, but surely they would not dump all their cotton on the market in a big year of production regardless of the price.

Does anyone doubt that in some way or another each of these 15 or 20 producers would finally withhold from the market his proportionate share of any surplus which, uncontrolled, would impair the market for the entire crop and pay the costs incident to the operation in proportion to his interests, or that these few growers would accomplish the same purpose by arranging the marketing of their cotton through a single agency? There would be costs attached to withholding the surplus from the market and disposing of it under such a system, to be sure, but the costs on a small portion of a crop would be cheerfully incurred in order that the remaining portion of the crop could be disposed of in a sound and stable market and at prices fairly related to the producer's cost of production. The cost of handling the surplus in the case of the 15 or 20 growers would be the practical equivalent of the equalization fee proposed in the McNary bill for nearly 2,000,000 cotton producers.

There is nothing particularly difficult in the buying, storing, and selling operations which would be necessary in any program of the organized surplus control of agricultural products. Farmers with the assistance of the proposed Federal farm board have or can create cooperative marketing associations and business corporations capable of doing all the marketing involved in the program contained in the measure under discussion.

The question which we have to meet and which the McNary measure meets in a practical way is determining the source of the money with which to finance such surplus control operations as will be undertaken for the benefits of the whole crop. No one has yet attacked the equity of the provision of the bill which says that the funds to be used for the benefit of all the producers of a crop should be drawn proportionately from all the marketed units of the crop itself. Since the proposed legislation has been before the country and the Congress for discussion no one has proposed any substitute source of funds, if we except the vague suggestions heard from time to time that Federal funds should be used for this purpose, excusing the facts in the case with the argument that there will be no loss but rather only profits upon the surplus portions of the crop.

Conceding, therefore, the equity of the proposed method of financing farm stabilization through the equalization fee, then the only practical matters which remain for settlement are two—first, the determination of the amount of the fee to be collected during operations in any season upon a particular commodity, and, second, the selection of the most practical and least expensive method of collecting the fee. Some of the uncompromising opponents of the McNary measure have been so reckless in their statements to charge that in the case of cotton the equalization fee might amount to $10 or $15 a bale and that it would be collected from the farmer when he carries his cotton to the gin. Such statements are utterly preposterous and absurd. This is, indeed, a strange argument to be made by men who, at the same time, contend that in the case of cotton satisfactory results could be secured without any net loss whatever on the surplus operations.

The fee on cotton need be only enough to finance the storage and carrying costs of withholding the surplus from the market until the market is ready to take the surplus at a fair and reasonable price. The equalization fee of $1 a bale on the cotton crop, collected as provided in the McNary bill, not from the farmer when he takes his cotton to the gin, but by the agent of the railroads when the cotton merchant ships his cotton, would raise $15,000,000 a year, and according to the best authorities that amount would be ample and sufficient. The fee would be reflected in the price paid to the farmer for his cotton exactly as in the case of freight charges. It is true that the fee would be heavier in the years of a large surplus than in years when the surplus was small and easily handled, but if prices were held

reasonably stable in the face of a large surplus there would be no complaints against the collection of the fee. And if the fee in any season proved by experience to be either too large or too small, the subsequent fee would correct the margin of variation.

Unfair critics of the McNary measure have deliberately and intentionally endeavored to create the impression that the equalization fee is a tax levied on the farmers of the country for which they would receive no benefits whatever. This measure is called a farm-relief measure, and certainly it would not give relief to the cotton farmers of the South by collecting an equalization fee of even $1 a bale from them without giving them something larger in return. And that is exactly what the McNary bill will do. Cotton farmers, if this measure were enacted into law, would receive ten times more in the way of an increased price for their cotton than the amount that would be deducted from the price to cover the equalization fee. Let me illustrate. Suppose there is a temporary surplus of cotton produced and the price declines to 15 cents per pound. Do you suppose there could be found a cotton farmer in the entire South who for a moment would object to the collection of an equalization fee of $1 or $2 a bale on cotton if the collection of such a fee would assist in raising the price of cotton to 20 cents per pound? Where is the farmer who would object to the collection of an equalization fee of $1 or $2 a bale on cotton if this would assist him in getting $100 per bale for his cotton instead of $50 a bale?

While the equalization fee would be collected, as I have pointed out, yet in the end it would not actually be paid by the farmers themselves, because it would be passed on to the consuming public. Senators representing the great consuming centers of the North and the East have known all the while that the enactment of the McNary bill into law would increase the price of cotton, wheat, corn, and hogs, and, no doubt, this fact has influenced them to a large extent in their opposition to the measure.

Many of the ablest students of agricultural problems seriously doubt that an equalization fee would ever be levied on cotton, because the mere fact that the Federal farm board was prepared to retire a temporary surplus of cotton from the market, if necessary, would in itself be sufficient to stabilize the market and give our farmers a fair and reasonable price for their cotton. The McNary measure simply sets up the machinery that will enable the farmers to control their own business. If the farmers themselves do not object to the collection of the equalization fee, which is necessary in order for them to get control of and manage their own affairs and to assist them in securing a fair price for their products, why should demagogic politicians object to giving the farmers what they want? Legislation of this character, as we know, is largely experimental. I do not claim that the McNary farm measure is a panacea for all our agricultural ills, but I do know that it points in the right direction and that is enough for me. I am willing to give it a trial. Surely we can lose nothing by doing that. If the McNary farm measure proves worthless, as its opponents claim it will, we can repeal it and will have lost nothing by having given it a trial. If, however, on the other hand it brings real, substantial relief to the farmers of the country, then we will have stabilized agriculture and will have brought a blessing to our farmers. Surely, Mr. President, the Congress can enact no legislation that will hurt the farmer, because he must now look up to see the bottom.

Well do we remember that in the early part of the fall of 1926 the price of cotton declined from 20 cents to 10 cents a pound within 30 to 60 days because it was reported that the South had produced 3,000,000 bales too much cotton. Most of the 1926 cotton crop sold below cost of production, and many thousands of industrious and hard-working farmers lost their farms and the savings of a lifetime. And why? Simply because nature had been kind to growing crops and brought forth a yield not greater than the world needed but greater than it was thought the world could consume in one year. Verily, the farmer's business is in such turmoil it seems that the more he produces the less he has.

Investigation has shown that there is no such thing as maintaining a surplus of cotton over a period of five years. One year there is a surplus but the next year it is wiped out by droughts, floods, or by the boll weevil and the bollworm. So it has been demonstrated that in a period of five years supply and demand are equalized. While occasionally we produce more cotton in one year than the world can consume in one year, yet we have never produced over a period of five years more cotton than the world needed and could consume during that time. The "carry-over" from year to year is not a true surplus; it is merely that part of the crop not temporarily needed, but which will be needed to supply a deficiency in the years of smaller production.

If the McNary measure had been in effect in September, 1926, the cotton farmers of the South would have been saved not less than $600,000,000, and the truth of the statement is easily established. When the farmers began marketing their cotton in the early part of September, 1926, the price of middling cotton was around 20 cents per pound. About that time it was reported that there would be a surplus of about 3,000,000 bales of cotton, and down went the price to 10 cents per pound within 30 to 60 days. If the McNary farm measure had been in effect at that time, the Federal farm board would have come to the rescue of the cotton farmers of the South and retired about 2,000,000 bales of the purported surplus from the market and our farmers would, undoubtedly have received 20 cents a pound for their cotton. Why? Because that was the price of cotton about June 1, 1927, and we had not produced one single bale of cotton in addition to the 1926 crop. While the cotton crop of 1926 was in the hands of the farmers it was a purported surplus that sent the price down to 10 cents per pound, but as soon as the farmers had sold their cotton and it had become the property of others the surplus disappeared and the price steadily advanced until it reached 20 cents per pound by June 1, 1927. Just here it will be well to remind the uncompromising opponents of the McNary measure that the cotton farmers of the South paid an equalization fee in 1926 of something like $40 to $50 a bale in the loss they sustained in the decline in the price of cotton because they had no machinery with which to handle the temporary surplus.

The only country that produces a surplus of cotton is the United States, and whenever there is a world surplus it is produced by our country. The surplus therefore determines the price. If we could withdraw from the market the temporary surplus of cotton raised in the United States, we would then regulate the supply with the demand and thereby stabilize the price of cotton upon the basis of the supply not exceeding the demand. It is therefore apparent that the one thing needed in the South to-day is the establishment of the machinery by which we can retire a temporary surplus of cotton from the market and hold that surplus until it is needed. This is the aim and purpose of the McNary measure, for which I voted twice in this body and which passed the last Congress, but was vetoed by President Coolidge. The Federal Government has spent multiplied millions of dollars encouraging our farmers to a greater production; from its Treasury has flowed untold millions for reclaiming swamp lands, for irrigating arid lands, for destroying agricultural pests and insects, all of which have resulted in increased production; and yet the Government has left our farmers without the machinery by which at least a moderate surplus can be carried forward until it is needed.

When we who want to help our farmers propose that the Government should assist them in setting up the necessary marketing machinery we are instantly met with the statement from representatives of certain selfish interests that the farmers should help themselves and that Government aid to the farmers would be the rankest kind of paternalism. That statement, Mr. President, would be more persuasive had the Federal Government not helped, assisted, and protected every other industry in the country.

Through the Interstate Commerce Commission the Government establishes freight rates that will yield the railroads of our country a reasonable profit on their investment, and the farmer must pay the same freight rates on 10-cent cotton as on 25-cent cotton. Through the Federal courts the Government says that gas companies, telephone and telegraph companies, water and light companies, and public utilities of every character are entitled to rates that will yield them 7 per cent profit on the value of their investments. Through the Adamson law, the transportation act of 1920, and the immigration law of 1924, the Government has given protection to organized labor of the country. The tariff law gives protection to the manufacturing interests and forces the farmer to pay tribute on everything he buys from a file to a threshing machine.

Over one-third of a century ago Congressman Kelly, of Pennsylvania, known as "Pig-Iron" Kelly on account of his steadfast devotion to a protective tariff on pig iron, after visiting several sections of the South, said:

> It is the most glorious country upon which my feet or eyes have ever rested. It is to be the coming El Dorado of American adventure. The States south of the Ohio and east of the Mississippi, with their half-million square miles of area, contain in them wealth great enough for a continent, and wealth so vast, so varied in its elements and

character, so advantageously placed for development, that these States alone can sustain a population far greater than the population of the United States to-day.

The South produces a world necessity and should be the richest spot on the face of the globe, and yet our farms are plastered with mortgages and our people are impoverished and discouraged. Why? Because our farmers have not received governmental aid and protection. If cotton were produced in the New England States, the ingenuity of northern statesmanship would make the South pay 50 cents a pound for it. The railroads are prosperous. The public utilities are prosperous. Manufacturing is prosperous, and so is organized labor. Why? Because they have been given governmental aid, supervision, and protection. If it is sound public policy for the Government to protect the railroads that haul the farmers' cotton and the manufacturers that spin and weave it, I submit, Mr. President, that it is a sounder public policy for the Government to also protect the farmers that produce the cotton for the protected railways to haul and the protected manufacturers to weave.

A bale of cotton on a farmer's wagon represents just so much of the farmer's labor, and the efforts of the Government to help the farmer get a profitable price for his cotton is nothing more than the efforts of the Government to help him get a little better price for his labor. If it be paternalism for the Government to help the farmer secure a better price for his labor, then why is it not paternalism for the Government, through its commissions and courts, to guarantee a profit to public-service corporations of the country, and through its railway and immigration laws to give protection and help to organized labor in every other industry? England helps her rubber producers, Brazil her coffee producers, and Cuba her sugar producers, but we are told that it would be paternalism for America, the richest country on the face of the globe, to help her farmers, who have been producing at a loss for the last 40 years.

In studying the question of "carry-over" cotton, I concluded that it had much to do with depressing the price of cotton, and it occurred to me that legislation dealing with this question was of the greatest importance. Our cotton year runs from July 31 to August 1, and when it is estimated that there will be 5,000,000 bales of "carry-over" cotton on August 1, the general impression is that all of that cotton is tenderable on contracts of sale under the cotton futures act. This impression is quite misleading because under the cotton futures act only 10 grades of cotton can be tendered on future sales of contract, and most of the "carry-over" is low grade, dog-tail cotton, and does not fall within the 10 grades designated as tenderable cotton under the cotton futures act. And yet, a very large amount of low-grade, dog-tail, untenderable cotton has through the years acted as a lever to pull down the price of high-grade, commercial, tenderable cotton. It has had this effect and has exerted this influence because there has been no classification of the "carry-over" cotton by the Government.

The conclusion is therefore inescapable that it is of the greatest importance to the cotton growers of our country to know exactly the character of the "carry-over" cotton that is on hand in the mills, warehouses, and other establishments in the country on August 1 of each year.

When Congress convened in December, 1926, I introduced in the Senate a measure that authorized and directed the Secretary of Agriculture to make a general survey of all the "carry-over" cotton in the United States on the 1st day of August of each year, and to publish annually statistics concerning the grades and staple length of stocks of the cotton known as the "carry-over" or surplus. In the statistics, to be published by the Secretary of Agriculture, cotton which is tenderable on contracts of sale for future delivery under the law is to be reported separately from that which is untenderable under the law. I am glad to be able to say that I was successful in passing the measure through the last Congress and it received the approval and signature of the President. When the provisions of this law have been complied with, we will know exactly the character of the "carry-over."

When I introduced the cotton classification bill in the Senate in December, 1926, the price of cotton had reached the lowest level since 1921. Cotton farmers, bankers, and merchants throughout the entire South were clamoring for relief. At that time good cotton was selling for 10 cents per pound, but when the Committee on Agriculture of the Senate reported my bill favorably to the Senate, and it had been placed on the Senate calendar, the price of cotton began to advance, and by the time the bill had been enacted into law the price of cotton had advanced 3 cents per pound, or $15 per bale. Far be it from me to say what effect the measure had upon the price of cotton, but Mr. Theodore Price, editor of Commerce and Finance of New York City, one of the greatest experts and authorities on cotton in the world, directed attention to my cotton classification bill at the time it was introduced in the Senate, and is reported to have stated that the reaction to the downward trend of the cotton market was due to that measure.

Since under the provisions of the cotton classification act we are to know the number of bales of low-grade dog-tail cotton in the "carry over" that can not be tendered on contract of future sales under the law, it occurred to me that we should put forth our very best efforts to find new markets for this grade of cotton. I submit that one of the best ways to deal with the overproduction or surplus of any commodity is to bring about an increased consumption of that commodity. Therefore, when the Agricultural appropriation bill came before the Senate last year I secured the adoption of an amendment to it that authorized and directed the Secretary of Agriculture to make a scientific investigation into the potential uses of cotton with the view of bringing about an increased consumption of that great commodity.

Under the provisions of my amendment, the Department of Agriculture has for several months been conducting the investigation, Dr. B. Youngblood, of our own agricultural and mechanics college, having been called to Washington by Secretary Jardine, of the Department of Agriculture, to superintend the investigation.

The investigation shows clearly that bagging made of low-grade cotton is in every respect preferable to the jute bagging. In the first place, the jute bagging does not protect the cotton as well as bagging made of low-grade cotton, because the meshes of the jute bagging are three-fourths of an inch and that much of the cotton is exposed to the weather. Cotton bagging is very closely woven and covers the cotton entirely, and yet it is porous enough to dry if it should become wet. Bagging made of low-grade cotton can be used several times as bagging by being rewoven into new bagging, but not so with jute bagging. As junk, bagging made of low-grade cotton can be used to make towels, laundry bags, rugs, carpets, and so forth, but the value of jute bagging as junk is almost negligible.

The expert authorities of the Department of Agriculture tell us that if we were to wrap the entire cotton crop of the South with bagging made of low-grade cotton instead of jute bagging, and if we would ship our rice, sugar, salt, corn, bran, oats, cement, potatoes, meats, and all other such commodities in sacks made of low-grade cotton instead of burlap sacks made of jute, and substitute the use of cotton manufactured fabrics for jute-manufactured fabrics we would create new markets for 2,000,000 bales of low-grade cotton. Doctor Youngblood and other authorities say that the creation of new markets for the consumption of an additional 2,000,000 bales of low-grade cotton would undoubtedly bring about an increase of 4 cents per pound in the price of cotton, or $20 a bale, above that which our farmers would receive were the new markets for this additional amount of cotton not created.

If these statements are true, why, some one asks, has this situation been permitted to exist? There are several answers to that question. In the first place, our farmers have been led to believe that since they sold their cotton on gross weight and the jute bagging and ties were included in the weight of the cotton, they were therefore being paid for the bagging and ties at the price they received for their cotton; but, as a matter of fact, they have never received one cent pay for the bagging and ties with which their cotton is wrapped. Every farmer who carries a bale of cotton to the gin pays the ginner for the bagging and ties that go around his cotton. Nobody gives the farmer anything. The cost of the bagging and ties enters into the cost of producing cotton just like the cost of chopping, picking, and other necessary items of expense.

On cotton shipped to foreign countries the mills deduct 30 pounds from the gross weight of every bale of cotton, which by trade agreements is called the "tare," and is supposed to represent the weight of the bagging and ties around a bale of cotton. While the cotton merchant pays the farmer for the gross weight of his cotton, which includes the weight of the bagging and ties, the merchant knows that this tare of 30 pounds will be deducted from every bale of cotton that he sells to foreign mills, and therefore he protects himself accordingly and deducts from the price which he pays the farmer for the gross weight of the cotton a sufficient amount to cover this deduction of 30 pounds for tare. Therefore it is clearly evident that the farmer who produces the cotton does not receive one cent pay for the jute bagging and ties that cover his cotton, as is the general impression, but, on the other hand, he actually pays the cost of the bagging and ties.

In the next place, cotton bagging and cotton fabrics can not compete with jute bagging and jute fabrics, because jute is raised in far-away India by pauper labor and is manufactured into burlap and other fabrics by pauper labor. The jute-bagging trust has moved its mills to India in order to take advantage of the cheap labor of that country. The jute mills of India pay their carders 15 cents a day and their weavers, the highest-priced laborers, about 50 cents a day. There is not a bootblack in the United States who does not make more every day than the most skillful weaver makes a week in the jute mills of India. We can not bring about the substitution of cotton bagging and cotton fabrics for the use of jute bagging and jute fabrics unless we raise the tariff to such a point as will exclude jute bagging and jute fabrics from the United States, and we Democrats in the South have been opposed to such a course.

The present tariff law was written by the Republicans; it gives protection to the manufacturing interests of the East and leaves the agricultural industry of the South wholly unprotected. Our farmers are forced to buy in a protected market and to sell in a world-wide competitive market. In other words, the present tariff law places all the burdens of a high protective tariff upon the bending backs of our farmers, while it gives them none of the benefits of protection.

If it were within my power I would revise some of the schedules of the present tariff law downward until relief was given to the farmers of our country, but I do not possess that power. The Republican Party is in control of the legislative and executive branches of the Government, and as long as it continues in power a tariff law can not be written from a Democratic standpoint. If, however, the present high protective tariff law is to remain the fixed policy of our country, I think its provisions should be recast so that the cotton producers of the South will receive some of the benefits of the law and not be compelled to bear all of its burdens.

Mr. President, I am familiar with the agricultural conditions that exist in our country to-day. As a member of the Committee on Agriculture of the Senate I have heard representatives of the farmers describe conditions in the Corn and Wheat Belts of the Nation. I have heard representative farmers tell of the conditions that exist in the cotton States of the South. I have first-hand knowledge of conditions in the rural sections of Texas, because I have been among our farmers and am familiar with the hardships they endure. Over 20 years ago, as an organizer of the Farmers' Union, I visited the remotest rural communities of our State and became thoroughly convinced of the dire necessity of a change in the conditions of our rural life. The impressions made upon my mind have abided with me through the years.

I have seen the farmer's wife place her youngest child on a quilt beneath the shade of a tree and take her place by the side of her husband, plowing in the new ground that was thick with roots and stumps. I have seen her pulling the cotton sack down the long cotton rows early in the morning when the sun had not yet driven the dew from the leaves of the cotton, ruining her health, when she should have been in the home. I have seen the farmer's boys and girls under 10 years of age in the fields chopping corn and cotton when they should have been in school.

Why do such conditions exist in the cotton-producing States of the South to-day? Is it because the white farmers of the South prefer that their wives and children should work in the cotton fields? Ah, no. It is because conditions actually demand it. When the head of the family, together with his wife and children, work in the fields through the scorching rays of the sun and the wintry winds of winter, month in and month out, he then finds it difficult to make "tongue and buckle meet" and too often is compelled to borrow money in the fall with which to pay his taxes. I would be untrue, Mr. President, to the people of Texas, who have honored me with public office for more than 20 years, and I would be false to the very instincts of my nature did I not do everything within my power to bring about a change in these conditions.

When agricultural prices have been stabilized and agriculture itself has been placed upon a remunerative basis by the enactment of the McNary measure into law, our farmers will be happy and contented, because home ownership will have been made possible. Nothing contributes more to the security of the Republic than its homes and the sturdy, patriotic, God-fearing people that constitute its rural population. They are the base and foundation of our country's freedom, the bulwark of its prosperity, the source of its patriotism, and the citadel of its virtues.

Mr. President, behold the strength and glory of the Republic! Not its cities and towns that deck the land like jewels; not its railroads that span the continent from ocean to ocean; not its commerce that floats upon the broad bosom of the seas; not the untouched stores of its virgin wealth that beckon the industry of man—not these—but her six and a third million farmers and ranchmen whose lands spread out in countless valleys and whose cattle range on unnumbered hills—these, sir, constitute the strength and glory of the Republic.

Our farmers and ranchmen are the strong pillars of the Government; they are the men who lighted the fires of liberty and who have kept them burning through the years; they found this land naked and clothed it; they found it hungry and gave it meat; they found it imprisoned in cities and invited it to the freedom of husbandry.

What calling or profession among men can point with such pride to sons who have sprung from such an environment? What nursery has nurtured men of such Spartan mold? From America's rural homes has come the fiber from which the loom of destiny has woven our greatest characters. Would we bring forth in the future sons and daughters worthy to inherit the glorious legends of the past—rear them in the pure air and simple habits of rural life "far from the madding crowd's ignoble strife"? Would we rear a race of patriots? In the short history of our country, the men who have lead the van of freedom's battles have left a plow standing in the field. Would we nourish the principles of religion and virtue? There is not under the shadow of the flag a more consecrated spot than the fireside of the farmer's humble home.

God grant that the time may soon come when the shackles that bind our farmers to industrial slavery will be broken—when the men and women who feed and clothe the people of the United States will walk out into the sunshine of blue heaven, as independent as our Government, as free as the air we breathe, as joyous as the springtime. To this beneficent consummation I consecrate myself to the end of my service in the United States Senate, whether that service be short or long, for I fully realize that—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay;
> Princes and lords may flourish, or may fade—
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

Mr. MAYFIELD subsequently said: I ask unanimous consent to have the colloquies during my address published at the close of the address.

The VICE PRESIDENT. Without objection, it is so ordered.

During Mr. MAYFIELD'S speech—

Mr. HEFLIN. Mr. President, will the Senator yield right there?

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Texas yield to the Senator from Alabama?

Mr. MAYFIELD. I yield.

Mr. HEFLIN. The Senator is talking about the farmer's cotton being manipulated and the price of it fixed by the future exchanges, and he suggests that this ought not to be permitted. I heartily agree with him. Does the Senator know that you can not speculate upon the stock exchange in Pennsylvania Railroad stock unless that company agrees for you to speculate in it? You can not speculate in General Motors stock unless that company agrees for people to speculate in it; but they take the farmer's cotton and speculate in it when he is holding it off the market, hoping to get a profitable price, and he is not consulted at all; and they sell ten times the amount of the crop every season without the farmer ever having any say in it at all.

Mr. MAYFIFELD. That is true. I am hoping that this Congress will pass legislation that will prohibit the manipulation of the prices of farm products in future exchanges. But we must do more than that.

Mr. HEFLIN. Mr. President, will the Senator permit me to suggest at this point that the price of cotton goods to-day would justify the farmer in receiving from 40 to 50 cents a pound for his cotton?

Mr. FLETCHER. Mr. President, may I ask the Senator from Texas a question? He said he would be willing to yield at the close of his speech.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Florida?

Mr. MAYFIELD. I yield.

Mr. FLETCHER. After congratulating the Senator on his splendid address, of which I very strongly approve, getting back

to the bill itself, I desire to ask as to his view regarding the time when the equalization fee is to be paid. When is it to be levied and who is to levy it? Who fixes it, who determines it, and when and how is it to be paid? That seems to be a very important matter for consideration in connection with the bill.

Mr. MAYFIELD. Mr. President, my understanding is that the amount of the fee would be determined by the board, and in the case of cotton that it would be collected by the agent of the railroad.

Mr. FLETCHER. For the use of the board, I take it?

Mr. MAYFIELD. Yes.

Mr. FLETCHER. And the board is to determine the time when the surplus that is protected by the equalization fee is to be disposed of and the price at which it is to be sold?

Mr. MAYFIELD. That is correct.

Mr. FLETCHER. Mr. President, I wish to offer for the RECORD some communications which I have received on the subject of the pending measure. I shall not ask to have them read, but merely to have them inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The communications are as follows:

ILLINOIS BANKERS ASSOCIATION,
Chicago, February 20, 1928.

To the Members of Congress:

Being firmly convinced that the agricultural situation is one that ought to have definite action at this session of Congress, the executive council of the Illinois Bankers Association passed a resolution indorsing the McNary-Haugen bill, as approved by the American Farm Bureau Federation.

Illinois is an agricultural State. Seventy-five per cent of its banks are in daily contact with those who operate farms. The bankers, therefore, feel that they have an intimate knowledge of the situation and that there is a disparity between agriculture and industry because of an artificial stimulation to the latter by prior Federal legislation. We can not hope for continued prosperity with agriculture being obliged to sell its products on a world basis, coming in competition with foreign markets, and to buy in the home markets benefited by a protective tariff.

We respectfully ask you to help enact the McNary-Haugen bill.

M. A. GRAETTINGER, *Secretary.*

AMERICAN FRUIT GROWERS (INC.),
SANFORD DIVISION,
Miami, Fla., March 29, 1928.

HON. DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

M'NARY-HAUGEN FARM RELIEF BILLS

DEAR SIR: Referring to Senate bill 1176 (McNary bill), House bill 7940 (Haugen bill), creating a Federal farm board, advisory council, revolving fund, etc., as well as a clearing house and terminal marketing association for cooperative associations' product.

We feel that this bill or any similar one would be a terrific mistake, and that the bill in question is not only basically wrong in principle but practically impossible to satisfactorily be placed in operation on a practical scale. In writing this we express not only our own feelings but that of a large group of growers who market their tomato crop in this territory through us.

We are speaking in particular as far as the bill refers to fresh fruits and vegetables. Our reasons are, we feel, well founded on a considerable number of years' marketing experience, and should you so desire we will be pleased to outline them in some detail; but unless you care to go further into the matter we will not burden you with these details.

Sincerely trust, however, that you will see your way clear to not only vote against this bill but to use your personal influence against it.

Very truly yours,

E. W. LINS, *Sales Manager.*

THE ARNOLD FRUIT CO. (INC.),
Jacksonville, Fla., March 21, 1928.

HON. D. U. FLETCHER,
Senate Office Building, Washington, D. C.

DEAR SIR: One of the associations to which we belong called to our attention the fact that apples are included in the products to be regulated by the bill known as the McNary-Haugen bill. The secretary of this association writes that recently, while in Washington, several Senators and Representatives expressed a real desire to hear from their constituents with their opinions in regard to this bill. I am taking the liberty of writing to you to express mine.

My objections to the bill in regards apples are:

First. Apples sold in export market are neither the size nor varieties which are wanted by the domestic trade.

Second. The bill is not wanted by successful apple growers who raise quality fruit and usually get satisfactory prices.

Third. Dumping on foreign markets a surplus bought by a Government board, which would probably know little, if anything, of apple handling, would disrupt the present export business in apples which it has taken years to build. It would prevent foreign buyers from coming here, as they now do, with their money, purchasing a large percentage of the apple crop. They would not purchase when prospects were that their market would be glutted with improperly graded and undesirable fruit bought by the equalization board.

Fourth. The law would tend to increase the production of poor, off-grade fruit, especially by persons with political influence, who could sell their poor production at good prices to buyers for a political board.

Fifth. All attempts to interfere with natural laws of economics have proved a failure. If the farmers did not have to buy tariff-protected goods, they would not need help. If the farm-loan banks did not provide cheap money for a lot of nonfarmers to grow crops for domestic consumption (tomatoes on our east coast, for instance) those farmers who were capable could make a very successful living without protection or help.

Sixth. If Congress really wants to help those farmers, the price of whose products depends on world markets, why not put a bonus on exports? This would directly increase the farmers' price the amount of the bonus, as domestic users would have to pay the foreign price plus the bonus or not get the goods. This, domestic users, protected by tariff, should be able to afford if the contentions of high protectionists are true.

Very truly yours,

H. V. ARNOLD.

FLORIDA CITRUS EXCHANGE,
Tampa, Fla., March 19, 1928.

HON. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: This organization is very much interested in the Haugen bill (H. R. 7940), particularly the provisions thereof in regard to loans to cooperative organizations. We think it vital that something should be done along these lines and the provisions of the bill should be such that there would be no question of our being able to avail ourselves of them.

We would, therefore, ask that you kindly keep us advised of the situation as it concerns the passage of this legislation, with suggestions as to anything we might do to assist. If you think it advisable at any time for a member of our organization to come to Washington, we should be very glad to have someone go there.

* * * * * * *

Yours very truly,

FLORIDA CITRUS EXCHANGE,
A. H. BLANDING,
Production Manager.

AMERICAN FRUIT GROWERS (INC.),
SANFORD DIVISION,
Sanford, Fla., March 31, 1928.

Senator DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: Referring to Senate bill No. 1176 and House bill No. 7940, known as the McNary-Haugen farm relief bills, we are of the opinion that it would be impossible to apply the provisions of those bills to perishable products, such as fresh fruits and vegetables. Owing to their perishable nature, these products can not be classed with staple crops like wheat, corn, and cotton and should be treated separately.

There is not only a multiplicity of fruit and vegetable crops, but there is a multiplicity of varieties, grades, and sizes within each crop. Some varieties and grades may be suitable for temporary storage, while others must go into immediate consumption, and some may be suitable for export while others (in fact, the bulk of the crops) would not. The enforcement of the provisions of these bills would be very difficult, if not impossible, without working a hardship on fruit and vegetable growers.

The tax which these bills would impose can not, in our opinion, be applied equitably. The best varieties and grades would bear the burden which might even result in the encouragement of undesirable production. Furthermore, the apple growers of New York State, for example, can largely market their crops within the State and avoid the tax, while the Virginia growers must necessarily ship the bulk of their crops in interstate and foreign commerce, and therefore be subject to taxation.

We respectfully request that in the interest of the fruit and vegetable growers of the South you endeavor to have these bills so amended as to exclude fresh fruits and vegetables. We shall greatly appreciate whatever you can do in this connection.

Yours very truly,

AMERICAN FRUIT GROWERS (INC.),
W. M. SCOTT, *Division Manager.*

(Care of Mr. W. H. Baggs, Pittsburgh, Pa.)

Mr. BROOKHART obtained the floor.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. BROOKHART. I do.

Mr. BLAINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Kendrick	Shortridge
Barkley	Edwards	Keyes	Simmons
Bayard	Fletcher	King	Smith
Bingham	Frazier	McMaster	Steck
Black	George	McNary	Steiwer
Blaine	Gerry	Mayfield	Stephens
Blease	Gillett	Neely	Swanson
Borah	Glass	Oddie	Tydings
Bratton	Goff	Overman	Tyson
Brookhart	Gooding	Phipps	Wagner
Broussard	Gould	Pittman	Walsh, Mass.
Bruce	Hale	Ransdell	Walsh, Mont.
Capper	Harris	Reed, Pa.	Warren
Caraway	Harrison	Robinson, Ark.	Waterman
Copeland	Hawes	Sackett	Wheeler
Couzens	Hayden	Sheppard	
Curtis	Heflin	Shipstead	

The PRESIDING OFFICER (Mr. COUZENS in the chair). Sixty-six Senators having answered to their names, a quorum is present. The Senator from Iowa [Mr. BROOKHART] is recognized.

Mr. BARKLEY. Mr. President, will the Senator from Iowa yield to me to present a unanimous-consent request?

Mr. BROOKHART. I yield.

CHILD HEALTH DAY

Mr. BARKLEY. I ask unanimous consent for the present consideration of Senate Joint Resolution 89, which is on the calendar.

Mr. REED of Pennsylvania. May the joint resolution be reported?

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 89) designating May 1 as child health day was read.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. BORAH. Mr. President, reserving the right to object, may I ask if the joint resolution has been reported from a committee?

Mr. BARKLEY. Yes, sir; it has been reported favorably from the Committee on Education and Labor.

Mr. BORAH. Is the effect of the joint resolution to make May 1 a legal holiday?

Mr. BARKLEY. No, sir; it is not. There is no appropriation and no effort to make any legal holiday. It simply calls attention to that day as a suitable day in the year to promote child health.

I will say that this joint resolution is backed and requested by practically all the civic organizations of the United States, including the Federation of Women's Clubs, the Red Cross, the Boy Scouts, the American Federation of Labor, and some 25 or 30 similar organizations throughout the country.

Mr. BORAH. Mr. President, I have no desire to object to a joint resolution which merely results in displaying the American flag upon a particular day, if that is what it is; but I do object if it has, or is intended to have, the effect of creating a legal holiday.

Mr. BARKLEY. It does not do that; and I will say to the Senator that I would not be for it myself if that were the effect of it.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. BRUCE. Mr. President, as I understand, this is not one of those measures which call for "the old flag and an appropriation."

Mr. BARKLEY. No, sir.

Mr. BRUCE. I should like to ask the Senator what is the constitutional authority of Congress with regard to the matter?

Mr. BARKLEY. The same constitutional authority that it has to adopt a joint resolution setting apart a certain Sunday to be known as Mother's Day by proclamation of the governors of the States. There is no inhibition in the Constitution against it.

Mr. BRUCE. No, there is not; that is undoubtedly the fact; but I can not see that Congress has any constitutional power to pass such a joint resolution, and I thought possibly the Senator could point to some such power.

Mr. BARKLEY. It has adopted similar resolutions with reference to other matters. This is not going to do any harm to the Government. It is simply a recognition of that one day in the year which all the patriotic associations desire to devote to the promotion of child health.

Mr. BRUCE. What attracted my attention was the fact that the joint resolution proposes to have Congress set aside a day for this purpose, and thereby interferes with the domestic life of the States.

Mr. BARKLEY. No; the State health authorities and many of the governors of the States have written me urging that this joint resolution be passed as an encouragement to their efforts in the States.

Mr. BRUCE. I must admit that it is not a very violent interference with the States.

Mr. KING. Mr. President, if the Senator will yield, I should like to know what authority the President of the United States has to go into the States and recommend to the people of the States that they shall display the flag. If the governors of the States or the legislatures of the States want to set aside a child-health day, there can be no objection; I would be quite in favor of it.

Mr. BARKLEY. There is no specific constitutional provision that authorizes anything of the sort, but certainly there is no constitutional objection to it. The President issues a proclamation with reference to Thanksgiving, which is made a legal holiday; he issues proclamations about other days that are observed; and I can think of no worthier object for a national day of observance, not as a holiday but simply to call the attention of the whole people to the desire for cooperative and patriotic efforts along this line.

Mr. KING. Undoubtedly the States and the people within the States have plenary power over those matters. I agree entirely with the Senator from Maryland that this is merely one of those movements in the interest of this irresistible plan to have the Federal Government——

Mr. BROOKHART. Mr. President, if this matter is going to lead to debate I must ask that it be withdrawn.

Mr. BARKLEY. I hope the Senator will not object, because the States are doing this now; but they are asking that it be recognized all over the country as a universal day, so that all the States may cooperate in its observance.

Mr. KING. I think it is a very improper thing for the governors of the States to importune Congress to help them set apart a particular day for observance within their own States.

Mr. BARKLEY. This merely contributes to the uniformity of observance.

Mr. KING. Uniformity is not what is desired. There is too much uniformity. There is too much of the stereotyped in our educational system and everything else. If we had a little more differentiation and less uniformity in this country, it would be far better for us.

The PRESIDING OFFICER. Does the Senator from Utah object?

Mr. KING. I do not object, but I shall vote against the joint resolution.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. BROOKHART. I yield if it does not lead to debate.

Mr. BLEASE. It will lead to debate, because I am going to speak against the joint resolution.

The PRESIDING OFFICER. Does the Senator object to the immediate consideration of the joint resolution?

Mr. BLEASE. If the Senator from Iowa objects to taking up his time, I object to its immediate consideration.

Mr. BARKLEY. Mr. President, I did not desire to take the Senator off his feet for a long discussion of this matter; and for the present I will withdraw the request.

Mr. BARKLEY subsequently said: Mr. President, I renew my request for the consideration of Senate Joint Resolution 89, designating May 1 as child health day.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Education and Labor with an amendment, in section 2, page 2, line 10, before the words "child health day," to strike out "May day," so as to make the joint resolution read:

Whereas the quality of the adult citizenry of a country depends upon the opportunities for wholesome development provided in childhood; and

Whereas in order to secure such well-rounded development it is essential that provision be made for a year-round child-health program; and

Whereas the concentration of the public mind on the necessity of such a year-round program can be effectively achieved by setting aside one day for this purpose as "child-health day": Therefore be it

Resolved, etc., That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag at their homes or other suitable places on May 1 of each year, in order to awaken the people of our country to the fundamental necessity of a year-round program looking toward the protection and the development of the physical and the mental health of our children.

SEC. 2. That May 1 shall hereafter be designated and known as child-health day and that it shall be the duty of the President to request its observance as provided in this resolution.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Iowa yield to the Senator from Idaho?

Mr. BROOKHART. I yield.

Mr. BORAH. I wanted to ask the Senator in charge of the bill a question which he can answer by a simple yes or no, perhaps; I do not want to take the time of the Senator from Iowa if it can not be answered in a word. As I read the bill, and as I understand it, so far as the legal propositions relative to the equalization fee are concerned, there is no change in the pending bill from the former measure.

Mr. McNARY. Mr. President, I said yesterday in discussing the bill that there had been some amplification in the declaration of policy, which, in my opinion, strengthened it, so far as its basis being the commerce clause of the Constitution was concerned, to that extent, and to that extent only.

Mr. BORAH. Very well.

Mr. BROOKHART. Mr. President, at this time I desire to discuss briefly only the matters that will be in issue between the bill as offered by the Senator from Oregon [Mr. McNARY] and the substitute which I have offered myself.

First, I want to describe something of the size and the magnitude of this proposition. I think we are all agreed that, so far as marketing farm products is concerned, the control of the surplus in the United States is the important proposition. That is not all of the farmer's troubles, by any means. That is only a fraction of the cause of the present agricultural situation. But I will confine my discussion to that proposition, and that alone.

First, I look upon that proposition as if it were one big American farm. As far as Congress is concerned it is our farm, and we are producing a surplus, and that surplus is depressing our domestic market. The problem for us is to control that surplus, so that we can get our cost of production plus a reasonable margin of profit, to which all business is entitled. I hold that that is fundamental in this question.

What is the size of this surplus, to begin with? We are exporting, on an average, about $2,000,000,000 worth of farm products every year. Those products are not altogether in the condition in which they left the farm. A considerable portion has been processed. Perhaps it was about $1,200,000,000 in value, according to the present price, as it left the farm. The other $800,000,000 was added by the processes of manufacture in one way and another. The biggest addition in value is to livestock products, through the packing companies.

We as a Congress have this $2,000,000,000 surplus to handle, to dispose of, to remove from the domestic market if it is not going to depress the domestic market. I think we are all agreed that if prosperity returns to the farm, it must return by giving the farmer a better price in the domestic market than he has in the world market, upon the same basis that manufacturers, by the protective tariff, are given a higher price level in the United States.

That being true, the first question we will have to determine is as to how much finance will be necessary to handle this surplus. I think in handling that surplus, too, we must consider the effect of our method of handling it upon the world market itself. I think it would be disastrous, for instance, to take cotton and dump it into the world market for any sort of price we might receive at the dumping time. The same is true of wheat, and, in fact, of all farm products.

I think it will be conceded by anyone who has studied the world market in wheat that the Canadian pool has not only stabilized but has advanced and raised the world market for wheat. Yet the percentage of wheat placed in the world market by Canada is far below the percentage of cotton placed in the world market by the United States. However, the percentages would not be far apart if the Americans had a pool, and would join their surplus wheat, cooperate, as it were, with the Canadian pool, and seek the same means of improving the world market for wheat.

Therefore I have proceeded to figure out my substitute on the theory, not that we would dump these surplus products into the world market as our manufacturers sometimes have done with their surplus, but that we would hold the surplus to improve the world market itself.

Let us see about cotton. We are exporting over half of the cotton we produce in the United States. I am not sure as to the proportion that is in the world market, but I think it is over 60 per cent. The Senator from Idaho [Mr. GOODING] says it is 65 per cent. If that be true—and it is substantially true, I have no doubt—then it is apparent to Congress, as the big farmer producing 65 per cent of the world's exportable cotton, that the moment we collect that cotton together under one agency, properly financed, that moment we will be in substantial control of the world market.

Of course, if we advance the price unduly and unreasonably, the world will look for substitutes, and we will fail; but if we ask merely our fair cost of production, or average cost of production, and add to it, as I have done in this substitute, a demand for a 5 per cent return on the farmer's capital investment, the world will pay that price, and there will be no occasion for one dollar's loss upon the handling of the cotton surplus of the United States.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. BROOKHART. I yield gladly.

Mr. KING. The Senator indicated that with 65 per cent production of cotton in the United States, if that were controlled by one agency in the United States, it would control the world price. Does the Senator think it a wise thing for a corporation to have such tremendous power? I recall a few months ago when it was charged that Great Britain controlled the rubber output, and we announced it as a great crime, and there was tremendous agitation in the United States against the monopoly of Great Britain, and the evils which it was alleged resulted.

What I want to ask is this: Does the Senator believe it is wise—and I am asking for information, to get the Senator's view—to aid in the creation of a world monopoly, or of a monopoly in the United States, that could fix the price, particularly of a commodity that is so essential to the life and the welfare of the people as cotton or wheat or corn or pork is?

Mr. BROOKHART. Mr. President, I think the Senator's question is a very proper one, and a very important question. I am glad to point out the way I have treated that in my substitute.

Unless that power is defined and controlled, it should not be granted to any board, and I have defined it and controlled it in this way, by holding that price down to a level where it will yield only a 5 per cent return on the investment in the cotton farms of the United States. That is the strongest, the surest, the easiest, and the most successful regulation that can be written into any law. That is the cooperative limit. It is the cooperative idea that controls capital earnings wherever cooperation is practiced in the world.

A great argument is made here against any bill that contains a provision for Government price fixing. I want no Government price fixing, but I do want price fixing according to

the honest and fair cost of production, and every business in the United States, every successful business in the world, fixes its prices in that way.

I want to say, further, to the Senator that the principle was unanimously approved by the Corn Belt committee in its session when I was present, but the leaders who have formulated the pending bill have refused to stand for that idea, which the farm organizations back home have ordered them by their resolutions to put into the bill. So, instead of price fixing, according to the cost of production, as all business fixes its prices, the McNary bill provides for the fixing of a price according to competitive conditions as they exist at the time.

I did not think anybody could write a farm bill that I would ever vote against, but unless we can get rid of that idea in the McNary bill, I think I shall have to vote against it.

On page 12 the wording is this:

> The price at which a surplus or any part thereof is to be purchased or disposed of under any marketing agreement shall not be fixed in such agreement, but all such purchases and disposals shall be made subject to the prevailing competitive conditions of the markets in which they occur.

That is exactly what we have now. Those are the conditions that have stricken down agriculture, and driven it into bankruptcy.

To illustrate, I hold in my hand a Sheaffer pen. Everybody in these times knows the Sheaffer fountain pen. Walter A. Sheaffer was a schoolmate of mine, and I have known him all my life. I saw him in August of last year, and he held up one of these pens and said to me:

> I am now the biggest manufacturer of pens in the United States. I am producing 20 per cent of all the fountain pens used in the United States. I have a plant and a force of people here at Fort Madison, Iowa, producing these pens. I put on a steady stream of production the year around each year in order to keep my plant and my force efficient, and I produce each year about 10 to 15 per cent more pens than I can sell in the United States. I do not let that surplus affect my market in the United States, because I have certain tariff protection on the ingredients used in these pens, and I have more patent protection against all the world. Therefore I box up my surplus and send it abroad. I sell most of it in Canada, without profit, at a lower price level than I am able to get in the United States.

Steel is doing the same thing, aluminum is doing the same thing, and on yesterday even the Senator from Indiana quoted President Gary, of the United States Steel Corporation, to that effect in reference to steel products.

Mr. Sheaffer said to me:

> The American farmer is the one big producing manufacturer in the United States producing a surplus of only about 10 per cent, not more than I do of my pens, but that little surplus in the main is going abroad, is sold in the competitive markets of the world, its price is fixed by that sale, and the price is cabled back to the cotton exchange or the board of trade, and fixes the price of the whole product in the United States, the same less the expense of reaching the foreign market.

Mr. Sheaffer said, and I think fairly, and I think the manufacturers of the United States ought to see this farm problem in the same way, that agriculture can never again have prosperity in the United States, until agriculture, like the manufacturing industries, can have an American price level independent of and above the world price level.

I agree with that analysis of this situation, and I have formulated my substitute with some idea of the size of the proposition to bring about that result.

Let us take cotton. That is the biggest item of export. The President said in his veto message on the other bill that $250,000,000 was not enough to handle cotton alone, and he was right. At the time of the big surplus I estimated that it would take $500,000,000 to handle that surplus alone.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. BROOKHART. I yield.

Mr. HARRIS. I would like to know how much would be provided under the bill of the Senator from Oregon? The way some of us understand it, there will only be $25,000,000 provided, and the President in his veto message said, as the Senator has just remarked, that $250,000,000 was not enough for cotton alone.

Mr. BROOKHART. I would prefer that the Senator from Oregon [Mr. MCNARY] should answer that question, if he will.

Mr. MCNARY. The bill provides for a revolving fund of $250,000,000. How much would be used for cotton alone would be controlled by the judgment of the board. The sum of $25,000,000 is permitted for the purpose of furnishing and establishing facilities to be used by all cooperative organizations producing any of the basic agricultural products. I do not know what amount would be used, but it is in the nature of a revolving fund, and the turnover would be very quick some years, and some years not so rapidly, but the board would use enough money to take care of the cotton proposition.

Mr. BROOKHART. What is the $25,000,000 for?

Mr. MCNARY. For the purpose of acquiring facilities in connection with the cooperatives.

Mr. BROOKHART. And not for marketing itself?

Mr. MCNARY. No.

Mr. BROOKHART. Is $250,000,000 enough? I say it is not. There is plenty of evidence to prove it is not enough to handle the proposition. It took $500,000,000 to handle wheat alone during the war. I have on my desk now Mr. Hoover's report of the amount of capital used. It will not take more than one-third that much for wheat in peace times, but on that basis it would take $500,000,000 to properly handle cotton in peace times.

How would the cotton proposition be handled? According to the provisions of my proposed substitute, the Department of Agriculture will ascertain, as it does now, the average cost of production of cotton for five years. I have provided some additional rules that they shall follow in their figuring of the cost of production. Their present methods are not adequate because, first, they allow no adequate compensation to the farmer for his work. They take simply the prices given him, which are very small indeed. Second, they allow no depreciation of his soil and they allow no depreciation of his buildings, of his work animals, and his breeding animals. By my bill I would provide that they should allow those elements in fixing the cost of production and shall allow him a capital return of only 5 per cent.

Let us suppose we had had this $500,000,000 and had gone out to buy the big surplus of cotton two years ago. We would have bid directly to the farmers themselves that cost of production and capital return price. That would have taken up the surplus and would have raised the domestic price to that level, 24 or 26 cents, or whatever it might figure out. We would have left on hand in the corporation that surplus to be disposed of in the world market.

But the Senator from Idaho [Mr. GOODING] has said that we are producing 65 per cent of the world's cotton. I think we are exporting something over 60 per cent of the exportable cotton of the world. Having this cotton on hand in the hands of a single agency, what would be the situation? There are about 50 agencies now exporting cotton, competing with each other in selling cotton in the world market, naturally beating down the price of cotton, which is the effect competition has on the selling side of cotton. But here is one agency, and it is financed how? It is like Mr. Ford in that it is its own banker. It does not have to borrow any money and it does not have to sell to pay any back. It then says to the world, "The cost of producing this cotton was so much, and we want a 5 per cent capital return."

The world will pay it. I agree with the Senator from South Carolina [Mr. SMITH] in his statement on yesterday that there would be no dollar of loss on cotton if it were handled in that way in the United States. There would be no equalization fee required to take that up. The Senator from South Carolina thought that cotton stood alone in this regard.

Mr. BORAH. Mr. President——

Mr. BROOKHART. I yield to the Senator from Idaho.

Mr. BORAH. As I understand the Senator's proposition, it is to hold the cotton which we are going to control until the price represents 5 per cent upon the investment?

Mr. BROOKHART. That is substantially the situation.

Mr. BORAH. I am interested to know how we would determine the amount of investment in producing the entire cotton crop.

Mr. BROOKHART. I have provided in my substitute bill that the Department of Agriculture shall determine the average cost of production for the preceding five-year period. I do not want it based on any one seasonal situation, because the seasons vary so much, but a five-year average is a good basis. They are doing that now, but they are not allowing the farmer any greater compensation than his price gets him, which since 1920 has been considerably less than $700 a year for the work of himself and his family. I have provided in the bill that they shall figure in enough additional to give him a reasonable compensation for his work and his management of the farm. I think no one will dispute that right. They have not

allowed a depletion of the soil which occurs. They have not allowed depreciation of the buildings, fences, breeding animals, and work animals on the farm, and that occurs.

I have directed in my substitute bill that the Department of Agriculture add in these elements and determine from them the average cost of production. They take from the census figures the capital investment. That is not Government price fixing. That is price fixing by the facts of the situation. Then this institution, which I have authorized from Government funds up to $1,500,000,000, goes and bids to the farmer that average price, making due allowance, of course, for the difference in freight charges to the world market at Liverpool, exactly as was done in that proposition by the Grain Corporation during the war. That being bid to the farmer, everybody knows it will benefit the farmer. It will not benefit cotton exchanges or any other middleman anywhere else. It will benefit the cotton farmer.

Since 60 per cent of the cotton which the world buys comes from the United States, there is no place else to get it. Unless that price is made unreasonable, they will pay this cost of production and 5 per cent return, and we need to have no dollar of loss, no equalization fee, nor anything else in it to make up losses in that operation.

The Senator from South Carolina [Mr. SMITH] said that cotton stood alone in this regard, and I want to comment briefly on that suggestion. Cotton does not stand alone. Let us take wheat and get the size of the wheat proposition. There is not much difference. I have only the figures for five years, 1918 to 1923, the latest I could get. The United States furnished 36 per cent of the exportable wheat of the world during the average of those five years, and Canada furnished enough more to make 55 per cent of all the exportable wheat of the world.

Mr. BORAH. That was since the war?

Mr. BROOKHART. Yes; since the war.

Mr. BORAH. Prior to the war we were shipping abroad only about 90,000,000 bushels of wheat a year.

Mr. BROOKHART. The amount of exportable wheat of the world is not so very great. In those days it was something like 225,000,000 bushels, as I recollect. I can give the Senator the exact figures if he desires them.

Mr. BORAH. What I was thinking about was that when we come back to the conditions which prevailed prior to the war with reference to production in foreign countries, we will not be exporting 200,000,000 bushels of wheat, as we are now.

Mr. BROOKHART. That is true. The point I was bringing out, in order to make a comparison of wheat with cotton, was that the United States and Canada together are furnishing 55 per cent of the exportable wheat of the world. That is more than half of all the wheat that all the countries export. Argentina, Australia, New Zealand, Russia, and all of them together only export about 45 per cent. The United States and Canada export 55 per cent.

Canada has already organized a very efficient wheat pool and, as I have said, if we study the world market of wheat before and since that pool, even the small percentage that Canada has been able to handle by withholding and not dumping in the world market at unseasonable times, has actually stabilized and improved the world market for wheat. As soon as we are in condition in the United States to join with Canada in that pool, and it is to our interest to cooperate in it, the two of us together can have as much influence and naturally will have as much influence on the world market for wheat as the United States alone could for cotton, and could have complete control of the world market for both wheat and cotton within reasonable limits.

I am not able at this time to give the exact figures and percentages of the other farm crops. Cotton and wheat are the two largest export items, the two big propositions on which we might have a loss in the operation of this surplus corporation, but there should be no loss as we have seen.

Livestock products and pork products come next, and then the others are smaller on down the line.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROOKHART. Certainly.

Mr. KING. I would like to ask the Senator what machinery is set up under the provisions of his bill to prevent the increased production of those commodities taken over by the Government? It would seem to me that if we start out with the premise—and that seems to be the principal characteristic of the Senator's bill—that there must be a 5 per cent return upon the capital invested by the farmer; and if it be true that they are not making, as the Senator contends, anywhere near that amount now upon their investment, there will be a great encouragement in agriculture. There will be a large increase in exports in these agricultural products. How are we going to restrain production?

The bill offered by the Senator from Oregon [Mr. MCNARY] has a provision by which that is largely limited, but if I understand the Senator from Iowa, and I am asking for information, his scheme does not contemplate a restriction in production. It seems to me that if we guarantee a return upon the capital investment, and that means, of course, allowing the farmer and those who work with him a reasonable wage, there would be a great encouragement for increased agricultural production and, therefore, a large exportable product. How does the Senator deal with that question?

Mr. BROOKHART. The Senator has asked another very vital question. I think oftener than any other we have heard the argument that a plan of this kind would stimulate overproduction. I believe even the President in his veto message said that in the end it would damage the farmers because of the overproduction. Again I want to get the facts surrounding the question of production, and when we get them I think it will show that overproduction would be the least of our troubles and the least of our dangers. So far as the provision in the bill of the Senator from Oregon is concerned as it relates to production, it simply provides that the board, when it finds farmers producing too much, can stop operations. They will never find it, so far as that is concerned.

But there is no danger of overproduction. I will say to the Senator from Utah that if we applied this bill of mine to wheat alone or to cotton alone or to livestock products alone there would be, while it was applied to wheat, an overproduction of wheat, while it was applied to cotton there would be an overproduction of cotton, and while it was applied to livestock there would be an overproduction of livestock, because wheat growers would quit wheat and go over to cotton, they would quit livestock and go over to cotton or over to wheat, one from the other. That is what happened to some extent as a result of the stimulated price of wheat during the war. But if we take care of all these products on the same basis, then they will go ahead exactly as they are now; there will be no advantage in changing from wheat to corn or to oats or to cotton or to livestock or to any other product, because the same protection, the same situation will apply to all. The only overproduction then will be a general overproduction, if it shall occur.

Now, I wish to read a statement as to the facts surrounding production, and I take them from the National Industrial Conference Board report. To begin with, that board is certainly not a farmer's board. I will give it credit, however, for making a fair statement of facts, even if it never has suggested any remedy for the facts it has discovered. On page 78 of its report of 1926——

Mr. KING. Is that the Nagel report?

Mr. BROOKHART. It is the National Industrial Conference Board report. Mr. Nagel represented this board in conjunction with the United States Chamber of Commerce in a report on this subject, but for some mysterious reason or other he forgot the facts this board had dug up and found in its original report, although those facts were just as true then as they now are. They have been true all the time. I now proceed to read them:

> These considerations are emphasized in the case of the United States. The increase in agricultural production during the war period and the "surplus" in the postwar years were in large part only apparent. The marked growth of cereal exports during the decade 1913–1922 was not the result of a sudden expansion of the per capita area of land in crops. From 1900 to 1925 the trend of crop acreage per capita was downward, and in the period 1919–1922 the per capita acreage in 12 principal crops was 10 per cent less than for the period 1899–1903.
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> The "surplus," which has in large part been the source of agricultural depression since the war, was partly the result of an increase in the acreage of cereals, especially wheat, at the expense of other crops, and partly due to the falling off in domestic demand in 1920–1922. The average in the five cereals in 1919–1922 exceeded that of the pre-war period, 1909–1913, by about 23,000,000 acres, of which wheat accounted for more than 18,000,000 acres. This increased acreage was made possible by a reduction in that used in producing for domestic uses, especially for feeding livestock. From the pre-war period, 1909–1913 to 1919–1922, the per capita acreage employed in producing for domestic consumption declined nearly 6 per cent.
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> Most of the acreage thus economized was diverted to increasing the production of wheat under the stimulus of high prices and of patriotic appeal during the war period. But even during that time the per capita production of the major crops taken together was not markedly higher than pre-war. The average for the five-year period 1915–1919 was 0.4 per cent lower, and that for 1920–1924 was 4.8 per cent lower

than the average of the pre-war period 1910–1913. The apparent surplus was due partly to the shifting of the balance of production and partly, as will be seen later, to the decline of effective domestic and foreign demand in 1920–1922.

The acreage in wheat, however, has been rapidly returning to normal. Although in 1923 it was still 27 per cent larger than the average of the five years before the war, and in 1924–25 it was about 11 per cent higher than pre-war, in view of the population increase in the past decade, this indicates a definite tendency toward readjustment of supply and demand.

This readjustment, however, has been accompanied by disturbance and distress which illustrate both the importance and difficulty of control of production.

That is why the bill of a year ago would have been a very bad thing, because it included only a part of the farm products. These bills include them all, and the readjustment or shifting back and forth of production will not occur under them.

After new land, some of it range, was broken up and put into wheat, houses built, livestock and implements purchased, and debts incurred, it was not easy to let the land go back to pasture or to shift it to other uses.

I saw some very pitiable conditions of that kind in Wyoming and other Western States.

In large areas of the Northwest the process has simply meant abandonment of land and equipment. Moreover, as has already been pointed out, the transference of a relatively small proportion of the acreage in one of the major crops to a minor crop is likely to result in overproduction of the latter, while the output of the farmer is relatively little affected. The subtraction of 10,000,000 acres from the corn area, for instance, and its transfer to potatoes or other small crops, might easily double the production of some of these. Thus, even though the total acreage in crops is kept under control, the shifting of acreage as between the various branches of production under the influence of price changes may upset the equilibrium of agricultural income.

One of the greatest evils of all is the presence of conditions that do upset that equilibrium.

All evidence points to the fact that the apparent surplus of cereal products, due to reduction in the per capita acreage of land employed for producing livestock for domestic consumption, and to the overexpansion in the per capita acreage of wheat and rye at the expense of other crops, has merely obscured temporarily the increasing scarcity of land in the United States in relation to domestic demand. Under the gradual operation of economic forces some degree of adjustment of production, at least in respect to acreage put into the major crops, has undoubtedly taken place in the United States. Data given in the preceding chapter show that the acreage in farms in proportion to total population—

And I especially invite the attention of the Senate to these figures—

has declined almost steadily since 1860 from 13 acres per capita to 9 in 1920. The per capita acreage of improved land has declined steadily since 1890 and is now about the same it was in 1850. The per capita acreage of land in crops has declined since 1900 and is now below the point at which it was in 1880. These declines in acreage were offset up to about 1900 by an increase in yield per acre of the nine principal crops, but since that time the yield per acre has shown no increase, and in consequence the per capita production of the principal crops, as charts 3 and 4 indicate, has shown a tendency to decline almost steadily since 1900. The number of livestock per capita has declined to about 30 per cent since 1893. The wheat acreage has undergone a great reduction since 1920.

In general, therefore, as to the outlook in respect to production in the United States there appears to be progressively less likelihood of overexpansion in the future than there has been in the past. Practically all the readily available land for crop production and pasture is now in use. Extensions of acreage are likely to be largely at the expense of pasture and otherwise only at increasing cost. As has been seen in comparison with other lines of activity, agriculture by and large is not so profitable under normal condition that there is any great incentive to extend the margin of cultivation, extensively or intensively, much beyond the requirements to be determined by demand. The average farmer and his family under present conditions are working so hard, and the overhead charges for interest and taxes are so high, that stabilization or even moderate increases in prices would hardly be likely to stimulate any considerable general overexpansion of acreage or production.

I think that is the best statement of facts that has ever been promulgated upon the question of production, and I think the facts are indisputable.

Mr. President, the new McNary-Haugen bill is different from the old McNary-Haugen bill, the one with which I first became acquainted. That first bill provided an appropriation of $200,000,000 and a thousand million dollars additional by bond issues to handle the exportable surplus. That was the McNary-Haugen bill that I learned to love and that the farmers learned to love. But now, where has that $1,200,000,000 of Government capital gone? It has been pared down to $250,000,000 with which to handle a $2,000,000,000 a year exportable surplus. It can not be done.

The Senator from Oregon in his explanation says we will start out by lending the $250,000,000 to cooperatives. I wish to review the history of loans to cooperatives. We established a War Finance Corporation which was to lend money to cooperatives. I talked to-day with Mr. Meyer, who managed that corporation, and he told me that there was no limitation on the amount that could be loaned, that the War Finance Corporation could have loaned all the cooperatives asked for, that it did loan in one year about $120,000,000, and the amount loaned could just as well have gone to a billion if the cooperatives had been organized and had asked for the loans. That project failed. What effect did the lending of money through the War Finance Corporation have upon the agricultural situation? What did it do to the farmers who were losing their homes? It sent them right on into bankruptcy; it did not succeed.

Then there was devised another money-lending plan. We created the intermediate credit-bank system. Under that system, already established, Mr. Meyer also pointed out to me to-day that we can lend the farmers $600,000,000. So this thing of lending money to cooperatives has failed twice and failed when it had a wider margin and a bigger backing. Now it is proposed to have it succeed with a paltry $250,000,000 behind a $2,000,000,000-a-year surplus crop.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. KING. I hope I understand the Senator correctly; and if I do so understand him, it is his view that progressively the production for export will decrease. He read a statement to that effect from a book and pronounced the statement one of the soundest that has been promulgated, and stated that he indorsed it. If the amount produced for export is to be progressively less, then why will not the amount provided in the McNary-Haugen bill be sufficient? Why would it not be adequate if the Senator's bill, which provides nothing, as I understand, directly for the handling of exportable surplus, meets the situation?

Mr. BROOKHART. The Senator has not read my bill; he has not stated its provisions correctly. My bill provides fifteen hundred million dollars directly for handling the surplus crops.

Mr. KING. By the issuance of bonds?

Mr. BROOKHART. Yes.

Mr. KING. But the original appropriation——

Mr. BROOKHART. The original appropriation is only $250,000,000. It is the purpose of the bill to employ the additional money only as it may be needed. I do not want it appropriated at one time. I want to follow the original McNary-Haugen idea, and so my bill provides a sum only a little bit greater than that bill provided in the beginning. In my bill I have increased the amount which would be available, while the proponents of the old McNary-Haugen bill have decreased the amount.

Mr. KING. But if the organization that is to be created, whether under the Senator's bill or under McNary-Haugen bill, is to handle only the surplus, and the surplus is to be progressively less and less each year, it does seem to me that the amount required to handle that surplus would not be as great as contended by the Senator and would be met by the provisions of the McNary-Haugen bill.

Mr. BROOKHART. The trouble with that proposition is that in spite of all this declining that I have read to you, the surplus still remains about $2,000,000,000 a year. It runs, I think, from $1,800,000,000 to about $2,200,000,000. We will have to start with the proposition of handling a $2,000,000,000 surplus on an average, and it will decline in the next 10 or 20 years, and perhaps by the end of 30 years it will be gone and we will have no surplus problem; but 30 years is a long time to stay in bankruptcy.

Mr. President, I want to congratulate the Senator from Oregon on the fairness with which he has presented his bill. He made no extravagant claims. He admitted that this money-lending proposition, which has already failed twice, might not succeed.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. MCMASTER in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. BROOKHART. I yield.

Mr. SHIPSTEAD. In regard to this loaning of money to cooperatives, the intermediate credit banks were organized for the purpose of loaning money to farm cooperatives and farmers through banks, all owned by the Federal farm land bank.

Mr. BROOKHART. Yes.

Mr. SHIPSTEAD. A great deal of money was loaned, and now I—and I take it for granted other Senators—am being solicited to support a proposition to relieve these banks of their liability for guaranteeing to the Federal land bank the principal of the money advanced by the Federal land bank to these country banks to loan to farmers. This paper is now frozen paper, I am informed by people who write to me, and unless the Federal land bank assumes the liability or the Federal Government assumes the liability the banks that hold this paper will have to be closed. The various State departments of banking will close the State banks, which are loaded up with this frozen paper originally covered by loans through the intermediate credit-bank system. Now, as a matter of fact, if the liability of the local bank is removed by legislation, some one else will have to pay. Either the stockholders of the Federal land bank will have to pay or the Federal Government will have to appropriate money to reimburse the land bank for the money that is lost in these loans. That will be a form of subsidy.

I wanted to call that to the Senator's attention.

Mr. BROOKHART. I think the Senator is right on that; and I also think that this argument that the McNary bill is not a subsidy and that my substitute is a subsidy is without foundation. The McNary bill itself is a subsidy. It is based on a subsidy principle, because $250,000,000 of Government money is handed over for use. That revolving fund, so far as its use is concerned, is a subsidy and it is on the subsidy principle.

I am not frightened, however, by this subsidy argument. We have had some experience with subsidies in the United States before. This is not the first time that we have had talks of subsidy. I remember a railroad bill in 1920—the transportation act. There are a number of Senators here who voted for that bill. That bill provided that for the first six months we should guarantee out of the Treasury of the United States the operating expenses and the war-time return, as the railroads had received that return during Government operation. Yesterday I asked the Interstate Commerce Commission for the figures as to how much subsidy we had paid to the railroads on that guaranty, and I have it here. It is $529,278,911.51, and we still owe them $250,000.

By the terms of the transportation act we went into the Treasury of the United States and paid that subsidy to the railroads to guarantee the war-time profits of those roads the first six months after they were turned back. We not only did that but in order to make sure that there would be a deficit under that guaranty those roads increased their operating expenses the first year after we turned them back by $1,485,000,000, nearly a billion and a half of dollars. They only claim $600,000,000 of that to be increase in wages, and the other is increase for reasons that I can not state this afternoon; and because of that situation we paid this subsidy.

I listened to the Senator from Indiana [Mr. WATSON] saying that this bill of the Senator from Oregon is not a subsidy, and that he is opposed to subsidies; but the Senator from Indiana was the principal promoter and supporter of this railroad bill that paid more than half a billion dollars of subsidy to the railroads of the United States. He had no scruples against subsidies when it came to the railroads.

Some one says, "But the Government took over the railroads, and it did not take over the farms." The Government did take over the wheat, however; and the Government surrounded cotton and all of the other staple products with such conditions of price fixing that it virtually fixed the price and took over all of the farm products during the war. I think no one will dispute that. I have here Mr. Hoover's report on the operations of the wheat corporation during the war. I just got that yesterday, fresh up to date. In the Government operation of this wheat corporation they had a profit of $59,000,000, and that is safely tucked away in the Treasury of the United States. So it is wrong, it would appear, to pay subsidies to the farmers; the Government must collect profits from them; but it is all right for the Government to pay subsidies to the railroads, because they are controlled by the big Wall Street financial crowd.

As a measure of comparative justice, at least, I have provided in my substitute that the Government shall pay the losses of this export corporation up to $600,000,000. That is just a little over the sum total of what the Government did for the railroads and took from the farmers.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. I yield.

Mr. KING. Does the Senator anticipate that there will be a loss of $600,000,000 under his bill which will be a charge upon the Treasury of the United States?

Mr. BROOKHART. Not in any one year. I do not anticipate a loss of $100,000,000 in any one year.

Mr. KING. Is that loss to be indefinite; that is to say, are we to have an annual deficit, which is to be met by resort to the Treasury of the United States?

Mr. BROOKHART. It stops when the $600,000,000 is reached.. If it takes 10 years to reach that amount, it will take 10 years to reach the stopping point.

Mr. KING. Having reached the momentum which it will reach in 10 years and the absorption of $600,000,000 of loss, does the Senator think we will be able to resist that momentum and stop the subsidy from being continued indefinitely?

Mr. BROOKHART. I assume that we will be able to do our duty, whatever it is.

Mr. KING. If it is our duty to pay $100,000,000 a year deficit now for 10 years, will not the duty be increasingly greater after that period, because the people will have been accustomed to it, and we will have encouraged them to believe that they are going to get that subsidy every year?

Mr. BROOKHART. We have found that this surplus is declining every year, and perhaps in 10 years it will be reduced until the loss will be small. The senior Senator from Utah [Mr. SMOOT] has indicated to me that there need be no loss in the operation of this corporation if it is properly financed and properly managed, which it ought to be.

However, I will not stop there. I want to make this comparison complete..

We gave $500,000,000 to the railroads. There are only one-seventh as many people interested in the railroads as there are in the farms; and, valued as the farms are, there is considerably less than one-third as much capital in the railroads as there is in the farms. If we would do proportionately as much for agriculture as we have done for the railroads since they were turned back in 1920 we would pay $3,000,000,000 out of the Treasury of the United States, and I know that would run this export surplus corporation until we had no surplus.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. BROOKHART. I yield.

Mr. BARKLEY. Without attempting to draw invidious comparisons between the railroads and agriculture, because I think whatever duty the Government owes to either should be performed impartially, is it not true that in the last six years it has been estimated that the loss in the value of property by the farmers of the country and the loss in the value of their products has amounted to more than the estimated value of all the railroads in the United States?

Mr. BROOKHART. I think the Senator is correct. The Manufacturers Record puts the total farm deflation at $32,000,000,000, and that is about as much as the railroads even claim in value. It puts the loss of other business at $18,000,000,000. That is the Manufacturers Record, a high authority and a fair authority, I think. That means that the farmers are deflated about six times as much in proportion as the other business of the country; and the deflation of that $18,000,000,000 was on little business and not on big business. The deflation was also timed so as to hit agriculture in October, when the crops were matured, when the whole year's crop was ready for market; and therefore it hit agriculture harder than it did the other lines of business.

Mr. President, without going into the details of the working out of these two bills—I do not care so much about that; I will not debate about details, except to get them efficient—I think I have stated the big propositions that are at issue.

First, the McNary bill is wholly inadequate. Two hundred and fifty million dollars will not under any conditions handle this proposition, and it is worse than useless to go out to finance this surplus with an inadequate supply of funds. We will be defeated, and it will be lost as surely as we try it. In the next place, if that is not enough, we will try that out and squander that $250,000,000, and then we will go to an equalization fee. I want to ask the Senators from the South how their cotton farmers will be able to pay an equalization fee before their price is raised. This lending did not raise the price before, and it will not do it again, and they are not going into this equali-

zation fee until after the $250,000,000 is used up in lending to cooperatives. Then they come along the first thing with an equalization fee, and the farmer does not then know what price he will get for his cotton. I say it is unsafe and unsound. It is just as unsafe and unsound for the wheat farmers of the North.

If we are going to handle this proposition, I want to handle it as any business man would handle it if it were his single proposition. The United States is the big farm of this Congress. This big $2,000,000,000-a-year surplus is the big surplus the Congress should handle, and since it has given this advantage to the railroads by law, by enactment of Congress; since it has given an advantage to every protected manufacturer in the United States by law, by tariff enactment; since it has given an advantage to the banking industry of the United States by creating a governmental reserve bank, controlled and operated by the Government, a board appointed by the President and confirmed by the Senate; since it protects the patented industries of the United States by law; since it fixes the value of every public utility by law, and fixes a return of at least 7 per cent, and that when the American people are producing only 5½ per cent; I say, since the Government has done these things for all these industries, it owes it to agriculture to go into the Treasury of the United States for that whole three thousand million dollars to make right the wrongs it has done.

Mr. PHIPPS. Mr. President, I would like to inquire of the Senator from Oregon if it is proposed to continue debate on the pending measure this afternoon. Are any other Senators ready to speak?

Mr. McNARY. Mr. President, I shall very gladly yield to the Senator from Colorado, the unfinished business being temporarily laid aside for the consideration of the District appropriation bill.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PHIPPS. I yield.

FATE OF POSTMASTER AT DOUGLAS, GA.

Mr. GEORGE. Mr. President, I send to the desk an article appearing in this morning's Washington Post, and ask that it be read by the clerk.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

POSTMASTER LAID DEATH TO FORCED G. O. P. GIFTS—HAD TO PAY $2,000 TO KEEP JOB, SUICIDE'S LETTER DECLARES—COMMITTEEMAN IS NAMED

DOUGLAS, GA., April 2.—Charges that the Republican Party exacted donations from him that had driven him into debt and that "they are still claiming more" were made by L. S. Peterson, Democratic postmaster here for more than 12 years, in a letter written shortly before he shot and killed one of his clerks and committed suicide yesterday. The shooting took place just after Peterson had been relieved of the post by a recently appointed successor.

Peterson, who received an annual salary of $2,700, said that these contributions amounted to more than $2,000 over five years and indicated they had been demanded in return for patronage under which he was permitted to retain his position.

His letter, addressed to his brother, J. H. Peterson and read at the coroner's inquest, also charged he had been "framed" by two employees of the post office, one of whom, J. E. Kirkland, was his victim.

"The Republican Party has pulled me for over $2,000 in the last five years," he wrote, "and they are still claiming more now. Thomas W. Overstreet, the inspector, and Elton Kirkland, money-order clerk, are to blame for it all. They have framed me. These donations are responsible for my financial condition. What they have taken away from me is why I am in debt to-day."

Authorities made public a letter found in Peterson's pocket, in which he was directed to send money to R. H. Johnson, postmaster at Ocilla, Ga., to be sent in turn to Ben J. Davis, negro Republican national committeeman for Georgia in Atlanta. It was dated September 27, 1927, but bore no signature.

Peterson, who was first appointed by President Wilson, did not elaborate on his charges against Kirkland and Overstreet. Friends said he and the former had been in disagreement for some time.

Mr. GEORGE. Mr. President, other than the press report, the details in this case I do not know. I do know that some few days ago a shortage was reported by a post-office inspector in the Douglas, Ga., office. The shortage was alleged to be $214, I believe, to be exact. The Postmaster General issued an order removing Mr. Peterson, and I am not disposed at all to criticize the Postmaster General. I talked with him, and in the circumstances he was quite within the discharge of his duty in issuing the order of removal and in the appointment of an acting postmaster. It is not about that matter that I wish to speak.

Mr. Peterson was an honorable man, and held office during three separate administrations. He was personally known to me. I am prepared to accept the statement made by him, and contained in a letter to his brother, referred to in this press dispatch. But beyond that, it is known in my State, and has been known for several years, that the Federal employees not only are required to make contributions, under the guise of campaign contributions, in order to obtain Federal office, but that month by month and year by year during their continuance in office they are compelled to continue those contributions.

In this particular case Mr. Peterson says that over the five-year period last past he has contributed a total of $2,000 to the Republican organization in Georgia, though his salary as postmaster was but $2,700 a year.

My colleague the senior Senator from Georgia [Mr. HARRIS] and myself many months ago specifically directed the attention of the Postmaster General and of the Attorney General to conditions which were undoubtedly known to exist in my State. There was an investigation, through the regular channels, by these two departments of the Government, but beyond deterring for the time being those responsible for this condition of affairs, nothing came of it.

Incidents like this bring very forcibly to the attention of the country and to the Senate of the United States conditions that exist at least in certain of the Southern States.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. BRUCE. Was this man a third-class postmaster?

Mr. GEORGE. I am not sure whether the office is second or third class. It is on the border line between third and second class; I think it is second class.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. BARKLEY. Were these contributions made during the postmaster-generalship of Mr. Will Hays?

Mr. GEORGE. I was not then in the Senate, and I am not familiar with what went on then.

Mr. BARKLEY. If it turns out that that was true, in view of the fact that he seemed to have had an elastic supply from another source, does not the Senator think he ought to have let this poor fellow off?

Mr. GEORGE. This particular postmaster, I will say to the Senator, held office during the administration of former Postmaster General Will Hays.

Mr. BRUCE. Mr. President, I will say that we have at the present time pending in the Senate a bill to subject fourth-class postmasters to competitive examination. The idea of that bill is to place them within the classified service.

Mr. GEORGE. Yes; I am familiar with that.

Mr. BRUCE. A very fair test as to how successful the Senator will be in arousing indignation in the Senate against the abuse he has mentioned would be the extent to which Senators may be disposed to vote for legislation of that kind.

Mr. GEORGE. I fully agree with the Senator's observation. Mr. President, this condition is not a new one. It has been brought to the attention of the Senate many times before, but it is a condition that should not exist in the United States. It is a sad commentary upon free institutions when important public offices are thus peddled about, and when the very tenure of office itself is dependent upon continuous and enforced contributions to a State committee, a party committee, whether that party committee be Democratic or Republican or what not.

It is, of course, most difficult to prove the exact state of affairs existing in any particular State at any particular time with reference to Federal patronage. But incidents of this kind serve to confirm what all informed men and women within the State believe to be true, and serve to confirm the conviction that public offices are, in effect, sold and that many are compelled to make contributions after they get in office in order to retain office.

Some time ago I was at pains to find out exactly the number of postal employees in my State who had been reported short in their accounts. The percentage was alarming, and the condition is due to but one fact and that is the exaction made of the appointee before or at the time of appointment, and the continuous exaction thereafter as long as the appointee remains in office. The matter is of tremendous importance. It is vastly more important than much legislation which we consider here on the floor of the Senate, because it involves the very integrity of our Federal system within the States, certainly in the South, so far as I am informed.

Mr. President, my colleague and myself have again renewed our request for and will insist upon a thorough investigation by the Post Office Department and the Department of Justice. We would like to proceed in the regular and orderly way because the Government ought to be able to rid itself of these reprehensible and disgraceful practices and conditions. But if we can not obtain through those channels results to which we are entitled, we shall certainly come to the Senate and ask for a most searching investigation by some committee of the Senate.

Whether the money goes to any political party, whether all of it actually reaches the hands of the Republican committee in the State, or whether all of it actually reaches the hands of any particular Republican Party official in the State, if the sum of the exactions made of Federal officeholders in my State alone was known that total would be fairly staggering to all decent men and women in the country.

Mr. BRUCE. Mr. President, may I ask the Senator whether I am correct in thinking that it is a criminal offense for one Federal officeholder to collect money for political purposes from another? My recollection is that the civil service laws make it so. Of course, it is not so easy to discover such a fact.

Mr. GEORGE. It is a criminal offense, as I understand, for anyone, Federal officeholder or not, to demand of a Federal officer in or about his place of business the payment of money for campaign purposes or for other purposes political. Partly as the result of an investigation which was carried on upon the demands of my colleague and myself some two or three years ago, an additional statute was enacted which requires an appointee to a Federal office, before taking office, to make affidavit that he has not paid any money to procure the indorsement of any person or for the appointment itself. But the Senator realizes how difficult it is to find the facts and submit them to the department in each case.

Mr. BRUCE. We would have to have the investigation the Senator mentions in order to get at those facts.

Mr. GEORGE. Of course, the Senator realizes that a Senator can not himself occupy the position of a private detective. If he should undertake it his entire time would be consumed in that process.

Mr. HARRIS. Mr. President, I merely wish to say that I agree with all that my colleague has said about the sale of Federal offices in Georgia. From my knowledge of conditions I would say that instead of this case being an exception it is the rule. Ninety per cent of the post-office appointments, I believe, are sold in my State, and I do not believe the money ever goes to the Republican National Committee. I know something about expenditures of the men in charge who handle the money, and I feel sure that they are handling it for their own personal use.

My colleague and I, as he stated, for several years have brought this condition to the attention of the Attorney General and the Postmaster General. I have the very highest regard for the Postmaster General, as all of us have who were associated with him here in the Senate. I wish he would go into the matter as well as the Attorney General, whom we are both asking now to investigate the conditions which are just as bad as they can be. Such conditions are a disgrace to the Republican Party, but the negro national committeeman who controls these appointments cares nothing about that.

As my colleague stated, I introduced a resolution a year and a half ago to investigate the sale of offices down there. The charges can be proven without any doubt, but the investigation was held up in the Judiciary Committee because of the opposition of former Senator Ernst, of Kentucky, who was then a member of that committee. Something must be done to prevent such methods being used in these appointments and my colleague and I will leave nothing undone in remedying matters.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. PHIPPS. Mr. President, I ask that the pending unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 11133, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER. Is there objection to laying temporarily aside the unfinished business? The Chair hears none.

Mr. KING. Mr. President, I would like to inquire of the Senator if he will be willing, in the event the bill, other than the item of which I am about to refer, shall have been concluded before the usual time for adjournment, to postpone until to-morrow the consideration of the 60-40 provision. There are a number of Senators absent.

Mr. PHIPPS. Mr. President, I would be quite willing to do so. I feel that, perhaps, it would be the proper procedure, in view of the fact that there are many Senators absent to-day. Yet it is desired to go ahead in the regular manner with the ordinary provisions of the bill, and this appeared to have been a rather favorable time to get the bill up for consideration.

Mr. KING. I share the views of my friend from Colorado, and am very glad to join with him in asking that we proceed with the consideration of the bill, other than the item to which I have referred; but if we shall conclude all the other items in the bill by 4 o'clock or half past 4, I shall ask that the consideration of that item go over until to-morrow.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. PHIPPS. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, after line 2, to strike out "That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1929, any revenue—not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years—now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1928, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923, namely," and in lieu thereof to insert:

That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1929, 40 per cent of each of the following sums, except those herein directed to be paid otherwise, is appropriated out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia, and the tax rate in effect in the fiscal year 1928 on real estate and tangible personal property subject to taxation in the District of Columbia shall be continued for the fiscal year 1929, namely:

Mr. PHIPPS. Mr. President, that is the matter which it has been suggested shall go over for consideration to-morrow.

The VICE PRESIDENT. The amendment will be passed over, without objection.

The next amendment was, under the subhead "License bureau," on page 5, line 5, after the name "District of Columbia," to strike out "without paying the license tax named in paragraph 32, section 7, of the District of Columbia appropriation act approved July 1, 1902, subject to the proviso contained in said paragraph," so as to read:

For personal services in accordance with the classification act of 1923, $17,820; temporary clerk hire, $1,500; in all, $19,320: *Provided*, That hereafter no person shall practice phrenology in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Office of corporation counsel," on page 5, line 24, after the figures "1923," to strike out "$50,840" and insert "$53,420"; and in the same line, after the words "in all," to strike out "$58,340" and insert "$60,920," so as to read:

Corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, $7,500, and other personal services in accordance with the classification act of 1923, $53,420; in all, $60,920.

Mr. KING. Mr. President, I should like to inquire of the Senator in charge of the bill the reason for the increase in this item.

Mr. PHIPPS. Mr. President, there has been a transfer from this department to another department which gives an increase on the face of the item, but it is compensated for by the displacement of three policemen, as will be seen when we come to another section of the bill. It means a better organization and a better allocation of the duties, and in cases where work is

now being done by three policemen it will hereafter be performed by three civilian clerks at lower rates of pay.

Mr. KING. I hope I have not in view the item that the Senator does. I was calling attention to the item relating to the corporation counsel's office and am now wondering what policemen would have to do with that office.

Mr. PHIPPS. This item comes under the head of "Information department and stenographic service."

Mr. KING. In the corporation counsel's office?

Mr. PHIPPS. Yes; that is correct.

The amendment was agreed to.

The next amendment was, under the subhead "Office of superintendent of weights, measures, and markets," on page 6, line 15, after the figures "1923," to strike out "$41,045" and insert "$43,685," so as to read:

For personal services in accordance with the classification act of 1923, $45,685.

The amendment was agreed to.

The next amendment was, on page 6, line 19, to increase the appropriation for maintenance and repairs to markets from $6,000 to $7,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 19, to insert:

For repairs, alterations, additions, and purchase and installation of equipment, Western Market, $50,000.

Mr. KING. Mr. President, with respect to the item just stated, and items on pages 20 and 21, I would like to ask the Senator to make an explanation in view of the fact that the District of Columbia Committee two or three days ago recommended, as I recall, a bill carrying an appropriation of $35,000 for sheds and for a temporary market. Do they relate to the same thing?

Mr. PHIPPS. No; that related to the produce market, which item would not be properly taken into this bill. That is an authorization which has not yet reached the stage of the Budget estimate. However, the items we are caring for in this item are those relating to the Western Market in the neighborhood of F and Twentieth Streets. The roof is absolutely gone beyond repair, the brick walls need pointing up, and the refrigerators are in a disgraceful condition. They need a proper refrigerating system there. The market should be maintained. We have added $1,500 in one item and $50,000 to provide a new iron roof and a refrigerating system.

The market has been a little more than self-supporting, and with the installation of modern refrigerators the rentals or receipts from those having their use will be increased so that it will prove a real investment.

Mr. KING. I would like to ask the Senator whether, in view of the fact that we have an acute controversy here with reference to the southwest and the mid-city or Patterson tract for the location of the market, the ground for which may cost from $300,000 to $600,000, and perhaps more, for the building, the District ought to continue appropriations for these other smaller markets in various parts of the city? Is it the idea of the Senator and of the Committee on Appropriations that that should be done?

Mr. PHIPPS. It is. I think if the Senator had been with the committee when we visited the Western Market he would have been convinced that it is necessary to maintain the market. It is well patronized. It is attractive in appearance. It is well kept, and the only thing about it at the present time is that the buildings are so old that the roof has failed, and the old refrigerators, which are really nothing but wooden ice boxes, should be replaced with modern appliances.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Office of the director of traffic," on page 9, line 12, after the figures "1923," to strike out "$25,940" and insert "$31,280," so as to read:

For personal services, in accordance with the classification act of 1923, $31,280.

The amendment was agreed to.

The next amendment was, under the subhead "Recorder of deeds," on page 11, line 13, after the figures "1923," to strike out "$92,500" and insert "$96,000," so as to read:

For personal services, in accordance with the classification act of 1923, $96,000.

The amendment was agreed to.

The next amendment was, on page 11, line 19, after the word "postage," to insert "rest room for sick and injured employees and the equipment of and medical supplies of said rest room"; and in line 21, after the word "expenses," to strike out "$14,500" and insert "$15,000," so as to make the paragraph read:

For miscellaneous and contingent expenses, including telephone service, printing, binding, rebinding, repairing, and preservation of records; typewriters, towels, towel service, furniture and equipment and repairs thereto; books of reference, law books and periodicals, streetcar tokens, postage, rest room for sick and injured employees and the equipment of and medical supplies for said rest room, and all other necessary incidental expenses, $15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Gasoline tax, road and street fund," on page 19, after line 8, to insert:

Northwest: Sixteenth Street, Alaska Avenue to the District line, $132,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 22, to strike out:

Northwest: Garfield Street, Wisconsin Avenue to Bellevue Terrace, $9,500.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out:

Northwest: Bellevue Terrace, Fulton Street to Cathedral Avenue, $13,100.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to insert:

Northwest: Reno Road, Quebec Street to Rodman Street, $4,800.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to strike out:

Northwest: Allison Street, New Hampshire Avenue to Illinois Avenue, $7,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to strike out:

Northwest: Thirty-eighth Street, S Street to T Street, $5,100.

The amendment was agreed to.

The next amendment was, at the top of page 22, to strike out:

Northwest: Forty-second Street, Jenifer Street to Military Road, $8,600.

The amendment was agreed to.

The next amendment was, on page 26, after line 9, to strike out:

Southeast: B Street, Fifteenth Street to Eighteenth Street, $16,300.

The amendment was agreed to.

The next amendment was, on page 27, after line 22, to insert:

Northwest: Hurst Terrace, Fulton Street northward, $8,400.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to strike out:

Northeast: New York Avenue, Florida Avenue to West Virginia Avenue, $36,900.

The amendment was agreed to.

The next amendment was, on page 28, after line 17, to strike out "Northwest: For widening and repaving the roadway of Connecticut Avenue by 7 feet on the west side from M Street to Eighteenth Street, adjacent to United States reservation No. 150; by 3 feet on the east side from Eighteenth Street to N Street, adjacent to United States reservation No. 150A; by 15 feet on the west side from Eighteenth Street to N Street; and by 15 feet on each side from N Street to Dupont Circle, $60,000," and in lieu thereof to insert:

Northwest: For widening and repaving the roadway of Connecticut Avenue by 7 feet on the west side from M Street to Eighteenth Street, adjacent to United States reservation No. 150; by 15 feet on the east side from Eighteenth Street to N Street, adjacent to United States reservation No. 150A, including the necessary adjustment in line and grade of the statue occupying this reservation; by 15 feet on the west side from Eighteenth Street to N Street; and by 15 feet on each side from N Street to Dupont Circle, $65,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 7, to insert:

Northwest: For widening to 50 feet and repaving the roadway of H Street from Seventeenth Street to Pennsylvania Avenue, $30,000, and those portions of Public Act No. 688, Sixty-ninth Congress, making appropriations for the government of the District of Columbia for the fiscal year 1928, approved March 2, 1927, which appropriated $10,000 for widening and repaving this street from Seventeenth Street to Eighteenth Street, together with the provisions therein in respect to the assessments of the cost of said work are hereby repealed.

Mr. KING. Mr. President, in view of the amendment on page 29 for widening and repaving the roadway of Connecticut Avenue, and so forth, I would be glad to have the Senator in charge of the bill state what his understanding is that the future program is to be with respect to the widening of streets and the uprooting of trees which have added so much to the beauty of the city.

I suppose I have received a hundred letters within the past three weeks and I have had visits from a large number of residents of the city protesting against what they call the vandalism of the destruction of the trees along the city streets and the widening of those streets. They claim that the beauty of the city is being greatly marred and that it looks as though an attempt were being made to make Washington a commercial city rather than a capital. Many such criticisms come from residents of Washington as well as from those who visit the Capital City. I should like to ask the chairman of the committee whether it is the plan to widen many more streets; and if so, whether it is the purpose to continue the destruction of the trees upon some of the choicest avenues and streets of the city?

Mr. PHIPPS. Mr. President, the particular item providing for an expenditure of $65,000, and another small item in the bill, will practically complete the widening of Connecticut Avenue, which is a main thoroughfare and which has been changed from a residence street to a business street. Fortunately, that avenue was wide enough to admit of narrowing the sidewalks and adding to the main roadway.

The street-widening operations in Washington, I think, are nearing an end. It is my opinion that the widening should not be further encouraged, and that it should only be resorted to in business sections in the case of business streets, where it is necessary to have greater width of roadway in order to accommodate the traffic. Traffic is increasing right along. That condition naturally comes with the increase in population, and I assume with a further increase in the number of automobiles, even without an increase in population, we shall still have more and more of a congested situation, which is largely brought about by the practice that has grown up of parking automobiles along the public highways. Perhaps it would be impossible to find sufficient covered space in the city in all the buildings that could be made available to house the automobiles now in use, but it does seem a pity that the main thoroughfares and the beautiful residential streets of this city should be used as all-day and all-night garages. It detracts from the beauty and the appearance of the city. It is too bad that it has been found necessary to widen some of the streets and sacrifice the old trees that were on them, in order that automobiles might still park along the sidewalk and allow the traffic to move in the center of the street.

I am in accord with the Senator from Utah in feeling that we should restrict the operation of further widening streets and avenues in so far as possible. While I have not had a thorough discussion of the matter recently with the Commissioners of the District or the authorities having the streets and highways in charge, it is my impression that we are about at an end of that kind of activity. I certainly trust that we are.

Mr. KING. Mr. President, I am very glad to receive the assurance of the Senator from Colorado. I know he has given more attention to the condition of the streets, and, indeed, to the general condition of the District of Columbia, than has any Senator on the committee, and his judgment upon these matters I regard as very important.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 31, at the end of line 12, to strike out "$200,000" and insert "$290,000," so as to read:

For construction of curbs and gutters, or concrete shoulders in connection with all forms of macadam roadways and adjustment of roadways thereto, together with resurfacing of such roadways where necessary, $290,000.

The amendment was agreed to.

The next amendment was, on page 31, line 14, after the words "In all," to strike out "$1,675,300" and insert "$1,848,500," so as to read:

In all, $1,848,500; to be disbursed and accounted for as "Gasoline tax, road and street improvements," and for that purpose shall constitute one fund and be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "Street repair, grading, and extension," on page 33, line 3, after the word "resurfacing," to insert "or replacement"; in the same line, after the word "other," to strike out "not inferior" and insert "approved"; and in line 6, after the word "appropriation," to strike out "$1,475,000, of which $90,000 shall be paid from the 'gasoline tax, road and street fund'" and insert "$1,675,000,' so as to read:

Repairs: For current work of repairs to streets, avenues, roads, and alleys, including purchase, exchange, maintenance, and operation of nonpassenger-carrying motor vehicles used in this work, and the rental of necessary garage space therefor; and including the surfacing and resurfacing, or replacement with the same or other approved materials, of such asphalt or concrete pavements as may be done within the funds available under this appropriation, $1,675,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bridges," on page 35, after line 11, to insert:

For the preparation of plans and specifications for the elimination of the Michigan Avenue grade crossing in the District of Columbia in accordance with the provisions of the act approved March 3, 1927, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Trees and parkings," on page 35, at the end of line 23, to strike out "$100,000" and insert "$125,000," so as to make the paragraph read:

For contingent expenses, including laborers, trimmers, nurserymen, repairmen, teamsters, hire of carts, wagons, or motor trucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, purchase and maintenance of nonpassenger-carrying motor vehicles, and miscellaneous items, $125,000.

The amendment was agreed to.

The next amendment was, under the heading "Public playgrounds," on page 39, line 6, before the word "and," to strike out "exchange," so as to read:

For general maintenance, improvement, equipment, supplies, incidental and contingent expenses of playgrounds, including labor, purchase and exchange at not exceeding $675, and maintenance of one motor truck, under the direction and supervision of the commissioners, $51,500.

The amendment was agreed to.

The next amendment was, under the heading "Electrical department," on page 40, line 12, to strike out "$31,050" and insert "$33,000," so as to make the paragraph read:

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, telephone service charges, wire and cable for extension of telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, livery, purchase and repair of bicycles, blacksmithing, extra labor, new boxes, maintenance of motor trucks, and other necessary items, $33,000.

The amendment was agreed to.

The next amendment was, on page 40, line 25, after the word "spaces," to insert "part cost of maintenance of lights at Bolling Field necessary for operation of the air mail," so as to read:

Lighting: For purchase, installation, and maintenance of public lamps, lamp-posts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost of maintenance of lights at Bolling Field necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of stables and storerooms, livery and extra labor, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia appropriation act for the fiscal year 1912, and with the provisions of the District of Columbia appropriation act for the fiscal year 1913, and other laws applicable thereto, including not to exceed $950 for purchase of two light nonpassenger-carrying motor vehicles and including not to exceed $20,000 for the purchase, installation, and maintenance of electric traffic lights, signals, and controls, $949,450.

The amendment was agreed to.

The next amendment was, under the heading "Public schools," on page 42, at the end of line 19, to strike out "$127,540" and insert "$134,680," so as to make the paragraph read:

For personal services of clerks and other employees in accordance with the classification act of 1923, $134,680.

The amendment was agreed to.

The next amendment was, on page 48, after line 12, to strike out "No part of the appropriations herein made for the public schools of the District of Columbia shall be used for the instruction of pupils who dwell outside the District of Columbia: *Provided*, That this limitation shall not apply to pupils who are enrolled in the schools of the District of Columbia on the date of the approval of this act," and in lieu thereof to insert:

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

The amendment was agreed to.

The next amendment was, on page 49, line 8, after the word "years," to insert "such work to be performed by day labor or otherwise in the discretion of the Commissioners of the District of Columbia," so as to make the paragraph read:

Not to exceed $100,000 of the unexpended balances of appropriations for buildings and grounds, public schools, contained in the second deficiency act fiscal year 1925, the District of Columbia appropriation act fiscal year 1926, the first deficiency act fiscal year 1926, and the District of Columbia appropriation act fiscal year 1927, is hereby made available until June 30, 1929, for the improvement of grounds surrounding public-school buildings, constructed under appropriation for the fiscal year 1927 and prior fiscal years, such work to be performed by day labor or otherwise in the discretion of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 52, line 24, after the figures "$250,000," to insert "to be immediately available," so as to read:

For proper grading, seeding, and sodding; for the construction of roads, walks, and steps; for seating; for running track, baseball diamond, tennis courts, and other athletic facilities; for fencing and other necessary work to fit up for athletic purposes the ground purchased as a joint site for the Langley Junior High School and the McKinley High School, $250,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the heading, "Metropolitan police, salaries," on page 56, line 5, to strike out "$2,694,727.08" and insert "$2,740,700," so as to read:

For the pay and allowances of officers and members of the Metropolitan police force, in accordance with the act entitled "An act to fix the salaries of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," including compensation at the rate of $1,860 per annum for the present assistant property clerk of the police department, $2,740,700.

The amendment was agreed to.

The next amendment was, on page 56, line 7, after the figures "1923," to strike out "$148,536.92" and insert "$99,770," so as to read:

For personal services in accordance with the classification act of 1923, $99,770.

The amendment was agreed to.

The next amendment was, on page 57, line 19, after the word "police," to strike out "$64,225" and insert "$67,075," so as to read:

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the Metropolitan police, $67,075.

The amendment was agreed to.

The next amendment was, under the subhead "House of detention," on page 58, line 7, after the word "detention," to strike out "of children under 17 years of age and, in the discretion of the commissioners."

Mr. CURTIS. Mr. President, I ask the Senator from Colorado to allow that amendment to go over until the amendment on page 73 shall be disposed of. I really should like to have it go over until to-morrow if the 40-60 amendment shall go over. I do not want to raise a point of order against the amendment on page 73, but if that amendment is to be acted on to-night, I should be inclined to make a point of order against it.

Mr. PHIPPS. Mr. President, I should have no objection to having both items, that is, the amendment on page 58, line 7, and the amendment on page 73, beginning in line 21, in reference, respectively, to the house of detention and a reception home, or whatever it may be called, for children, passed over. I ask that those items may go over.

The VICE PRESIDENT. Without objection, the amendments indicated will be passed over.

Mr. CURTIS. Mr. President, may I ask the Senator in charge of the bill if he intends to insist on a vote on the amendment on page 73? Several Senators have spoken to me about it. I have not as yet received the information I should like to obtain in reference to the item, but there is considerable opposition to it.

Mr. PHIPPS. It is my intention to secure further information on the subject. I had thought that the two items as they now appear in the bill modifying the House language would open the way for the entire question to be taken up and considered in conference. It is rather a long story, I will say to the Senator.

Mr. CURTIS. Then let the amendment be passed over to-night.

Mr. PHIPPS. It may be passed over to-night, and I will be glad to talk it over with the Senator.

Mr. CURTIS. I thank the Senator from Colorado.

Mr. PHIPPS. Some of the information I have asked for, I regret to say, has not as yet reached me, although it was promised by noon to-day.

Mr. KING. Mr. President, may I inquire of the Senator from Kansas if he objects to the disposition of children who may have been arrested in a different manner from that obtaining in the past? The Senator knows that the Board of Public Welfare was created after years of earnest study by persons who were deeply concerned in social welfare and the care of children. A great many have felt, as I have felt, that it is wholly improper to let policemen and policewomen have charge of little children, but that they ought to be cared for in a suitable place.

Mr. CURTIS. I agree with the Senator that they should be cared for in a proper and safe place and not be kept with criminals.

Mr. KING. They should not be kept under police surveillance.

Mr. CURTIS. I happened to be in charge of the bill when the original provision was made for taking care of children who might be arrested and for segregating them from criminals. I am advised that they are not now detained in places where they can come in contact with criminals, but are otherwise taken care of; that if this amendment goes in the bill, the situation will not be relieved, but that by the end of the year perhaps a change can be made that will be beneficial. I have not all the facts; I should like to gather them. I am just as anxious to see children properly taken care of as is the Senator from Utah, and, having proposed the original provision relating to the subject, and having had put in the bill the item to remodel the old building that was used for the purpose of providing for children who might be detained, I was asked to look into this item.

Mr. KING. Mr. President, my position is that while children may be arrested by policemen or policewomen, after their arrest, if they are to be held in custody for any considerable length of time, they ought not to be under the control of policemen or policewomen, but there ought to be a suitable home or place for them.

Mr. CURTIS. Under the charge of a matron.

Mr. KING. Under charge of a suitable matron.

Mr. CURTIS. I agree with the Senator as to that.

Mr. KING. They ought not to be under the influence of policemen or policewomen or be regarded as being under such control. I have favored the establishment of a suitable home or place for children who may have been taken into custody by policemen or by policewomen.

Mr. SACKETT. The Senator understands that the amendment proposed by the committee would do that?

Mr. KING. Exactly; and I am in favor of it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, in line 16, after the word "expenses," to strike out "$14,000" and insert "$8,000"; and in line 17, after the figures "1923," to strike out "$15,780; in all, $29,780," and insert "$6,480; in all, $14,480."

Mr. PHIPPS. All the amendments on page 58, from line 6 to line 22, inclusive, relate to the subject which has just been discussed, and should be passed over. The amendment beginning in line 23, however, should be acted upon, because it has to do with quarters for the health department clinics. The item is eliminated at this point in the bill, but is reinserted at another point.

The VICE PRESIDENT. The amendments referred to by the Senator from Colorado will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, after line 22, to strike out:

For rental, repair, and alteration of quarters for health department clinics, including installation of necessary equipment, $8,000.

The amendment was agreed to.

The next amendment was, under the heading "Fire department, miscellaneous," at the top of page 61, to insert:

The Commissioners of the District of Columbia are authorized to dispose of, by public or private sale in their discretion, the site acquired for an engine house at Sixteenth and Webster Street NW., and the proceeds thereof shall be deposited in the Treasury of the United States to the credit of the District of Columbia, and the said commissioners are authorized to acquire another site in the vicinity of Sixteenth Street and Piney Branch Road NW., and the sum of $35,000 is hereby appropriated for this purpose: *Provided*, That the commissioners are authorized in their discretion, to locate the said engine house on land now owned by the District of Columbia, in lieu of purchasing another site therefor: *Provided further*, That the unexpended balances of appropriations made in previous acts for house, site, furniture, and furnishing, etc., for a new engine company in the vicinity of Sixteenth Street and Piney Branch Road NW., are hereby continued and made available for expenditure for such purposes during the fiscal year 1929.

The amendment was agreed to.

The next amendment was, under the heading "Health department, prevention of contagious diseases," on page 63, after line 18, to insert:

For rental, repair, and alteration of quarters for health department clinics, including installation of necessary equipment, $8,000.

The amendment was agreed to.

The next amendment was, under the heading "Courts and prisons, juvenile court," on page 66, line 23, to strike out "$53,050" and insert "$56,770," so as to read:

Salaries: For personal services in accordance with the classification act of 1923, $56,770.

The amendment was agreed to.

The next amendment was, under the subhead "Supreme Court, District of Columbia," on page 69, line 14, after the word "justice," to strike out "$11,520; in all, $72,020," and insert "$14,400; in all, $74,900," so as to read:

Salaries: Chief justice, $10,500; five associate justices, at $10,000 each; six stenographers, one for the chief justice and one for each associate justice, $14,400; in all, $74,900.

The amendment was agreed to.

The next amendment was, on page 70, line 3, after the word "commissioners," to strike out "$41,660" and insert "$41,903," so as to read:

Pay of bailiffs: For not exceeding one crier in each court, of office deputy marshals who act as bailiffs or criers, and for expenses of meals and lodging for jurors in United States cases and of bailiffs in attendance upon same when ordered by the court, clerk of jury commisisoners, and per diems of jury commissioners, $41,903.

The amendment was agreed to.

The next amendment was, on page 70, line 6, after the word "services," to strike out "$8,720" and insert "$8,920"; and in line 7, after the words "in all," to strike out "$9,220" and insert "$9,420," so as to read:

Probation system: For personal services, $8,920; contingent expenses, $500; in all, $9,420.

The amendment was agreed to.

The next amendment was, on page 70, at the end of line 10, to strike out "$29,300" and insert "$29,704," so as to read:

Courthouse: For personal services for care and protection of the courthouse, under the direction of the United States marshal of the District of Columbia, $29,704, to be expended under the direction of the Attorney General.

The amendment was agreed to.

The next amendment was, under the subhead "Court of appeals," on page 70, line 20, after the word "service," to strike out "$23,710" and insert "$24,190"; and at the beginning of line 22, to strike out "$62,160" and insert "$62,640," so as to read:

Salaries: Chief justice and two associate justices, at $12,500 each; all other officers and employees of the court, including reporting service, $24,190; necessary expenditures in the conduct of the clerk's office, $950; in all, $62,640.

The amendment was agreed to.

The next amendment was, on page 73, after line 20, to insert:

For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place for the reception and detention of children under 17 years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the board, or held as witnesses, or held temporarily, or pending hearing, or otherwise, including transportation, purchase of one passenger-carrying motor vehicle at a cost not to exceed $750, operation and maintenance of motor vehicles, food, clothing, medicine and medical supplies, rental and repair and upkeep of buildings, fuel, gas, electricity, ice, supplies and equipment, and other necessary expenses, including personal services in accordance with the classification act of 1923, $25,000, to be immediately available: *Provided*, That such portion as the Commissioners of the District of Columbia may determine of the appropriation of $25,000 for rent, under the heading "Contingent and miscellaneous expenses, District of Columbia," contained in the first deficiency act, fiscal year 1928, shall be available for the purposes of this paragraph.

Mr. PHIPPS. This is the amendment which it has been agreed shall be passed over.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Reformatory," on page 78, after line 5, to insert:

Working capital: To provide working capital for industrial enterprises at the workhouse and the reformatory, the commissioners shall transfer to a fund, to be known as the working-capital fund, such amounts appropriated herein for the workhouse and reformatory, not to exceed $50,000 as are available for industrial work at these institutions. The various departments and institutions of the District of Columbia and the Federal Government may purchase, at fair market prices, as determined by the commissioners, such industrial or farm products as meet their requirements. Receipts from the sale of such products shall be deposited to the credit of said working-capital fund, and the said fund, including all receipts credited thereto, may be used as a revolving fund during the fiscal year 1929. This fund shall be available for the purchase and repair of machinery and equipment, for the purchase of raw materials and manufacturing supplies, for personal services in accordance with the classification act of 1923, and for the payment to the inmates or their dependents of such pecuniary earnings as the commissioners may deem proper. The commissioners shall include in their annual report to Congress a detailed report of the receipts and expenditures on account of said working-capital fund.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 80, line 7, to increase the appropriation for care and treatment of indigent patients at the Columbia Hospital for Women and Lying-in Asylum from "$15,300" to "$17,000."

The amendment was agreed to.

The next amendment was, on page 80, line 8, to increase the appropriation for care and treatment of indigent patients at the Children's Hospital from "$27,000" to "$30,000."

The amendment was agreed to.

The next amendment was, on page 80, line 9, to increase the appropriation for care and treatment of indigent patients at Providence Hospital from "$15,300" to "$17,000."

The amendment was agreed to.

The next amendment was, on page 80, line 10, to increase the appropriation for care and treatment of indigent patients at Garfield Memorial Hospital from "$15,300" to "$17,000."

The amendment was agreed to.

The next amendment was, on page 80, line 14, to increase the appropriation for care and treatment of indigent patients at Georgetown University Hospital from "$7,200" to "$8,000."

The amendment was agreed to.

The next amendment was, on page 80, line 15, to increase the appropriation for care and treatment of indigent patients at the George Washington University Hospital from "$7,200" to "$8,000."

The amendment was agreed to.

The next amendment was, under the subhead "District Training School," on page 82, after line 22, to strike out "For artesian well, pump, and necessary water lines for farm buildings, $9,000," and insert:

For artesian wells, pumps, and necessary water lines, $9,000.

The amendment was agreed to.

The next amendment was, under the subhead "Industrial Home School," on page 84, line 6, to reduce the appropriation

for maintenance, including care of horses, purchase and care of wagon and harness, from "$24,600" to "$21,600."

The amendment was agreed to.

The next amendment was, under the subhead "Home for Aged and Infirm," on page 84, line 20, after the word "commissioners," to strike out "$12,000" and insert "$15,000, of which $3,000 shall be immediately available," so as to read:

For repairs and improvements to buildings and grounds, such work to be performed by day labor or otherwise in the discretion of the commissioners, $15,000, of which $3,000 shall be immediately available.

Mr. PHIPPS. Mr. President, this will be tied up with the other amendment, the one on page 84, lines 20 and 21. There is an increase of $3,000 that will have to be passed over for later consideration.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Temporary home for Union ex-soldiers and sailors (Department of the Potomac, G. A. R.)," on page 85, line 4, after the figures "1923," to strike out "$3,240" and insert "$3,360"; and in line 5, after the words "in all," strike out "$12,740" and insert "$12,860," so as to read:

For personal services in accordance with the classification act of 1923, $3,360, maintenance and repairs to building, $9,500; in all, $12,860, to be expended under the direction of the commissioners; and Union ex-soldiers, sailors, or marines of the Civil War, ex-soldiers, sailors, or marines of the Spanish War, Philippine insurrection, or China relief expedition, and soldiers, sailors, or marines of the World War or who served prior to July 2, 1921, shall be admitted to the home, all under the supervision of a board of management.

The amendment was agreed to.

The next amendment was, under the subhead "Relief of the poor," on page 87, line 2, before the word "medical," to insert "relief of the poor, including," so as to read:

For relief of the poor, including medical and surgical supplies, artificial limbs, and for pay of physicians to the poor, to be expended under the direction of the Board of Public Welfare, $8,000.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries, public parks, District of Columbia," on page 89, line 22, to increase the appropriation for personal services in accordance with the classification act of 1923, from "$355,460" to "$368,200."

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, public parks," on page 90, line 23, after the word "vehicle," to strike out "$386,975" and insert "$523,975," so as to read:

General expenses: For general expenses in connection with the maintenance, care, improvement, furnishing of heat, light, and power of public parks, grounds, fountains, and reservations, propagating gardens and greenhouses under the jurisdiction of the Office of Public Buildings and Public Parks of the National Capital, including $5,000 for the maintenance of the tourists' camp on its present site in East Potomac Park, and including personal services of seasonal or intermittent employees at per diem rates of pay approved by the director, not exceeding current rates of pay for similar employment in the District of Columbia; the hire of draft animals with or without drivers at local rates approved by the director; the purchase and maintenance of draft animals, harness, and wagons; contingent expenses; city directories; communication service; car fare; traveling expenses; professional, scientific, technical, and law books; periodicals and reference books; blank books and forms; photographs; dictionaries and maps; leather and rubber articles for the protection of employees and property; the maintenance, repair, exchange, and operation of not to exceed four motor-propelled passenger-carrying vehicles and all necessary bicycles, motor cycles, and self-propelled machinery; the purchase, maintenance, and repair of equipment and fixtures, etc.; and not to exceed $475 for the purchase and exchange of a motor-propelled passenger-carrying vehicle, $523,975.

Mr. KING. Mr. President, I invite the attention of the Senator to that amendment.

Mr. PHIPPS. I shall be glad to explain it.

The large increase here is detailed on the following page. This increase includes $100,000 for the improvement of the Meridian Hill Park, which was entirely omitted from the estimates, although it had been recommended by the commissioners. It also includes an increase of $32,000 for the improvement of the Rock Creek and Potomac Parkway, which raises that to the estimate, and $5,000 for a comfort station at Seventeenth Street and Pennsylvania Avenue.

Mr. KING. Mr. President, with respect to the Meridian Hill Park, I think there has been too much delay in the completion of that splendid part of our city. If we had completed it several years ago, instead of doing the work by piecemeal and by sections, it would have cost less and we would have had the benefit of the park long before this.

Mr. PHIPPS. I regret to say that even at the rate of $100,000 a year it will take three years more to complete the work.

Mr. KING. In view of that statement, I should favor a larger appropriation to complete it, if that could be used.

Mr. PHIPPS. They could not use more than that. We have given them all that they feel they can use to advantage, because some public-spirited people are going to put about $100,000 of their own into the park in the way of a monument.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 91, line 5, after the word "exceeding," to strike out "$93,000" and insert "$125,000," so as to read:

Provided, That not exceeding $35,000 of the amount herein appropriated may be expended for placing and maintaining portions of the parks in condition for outdoor sports and for expenses incident to the conducting of band concerts in the parks; not exceeding $25,000 for the improvement and maintenance as recreation parks of sections C and D, Anacostia Park; not exceeding $125,000 for the improvement of the Rock Creek and Potomac connecting parkway and the continuation of construction of sea wall.

The amendment was agreed to.

The next amendment was, on page 91, line 8, after the words "sea wall" and the semicolon, to insert the following item: "not exceeding $100,000 for the improvement of Meridian Hill Park."

The amendment was agreed to.

The next amendment was, on page 91, line 9, after the word "exceeding," to strike out "$5,000" and insert "$10,000," so as to read:

and not exceeding $10,000 for the erection of minor auxiliary structures.

The amendment was agreed to.

The next amendment was, on page 91, line 10, after the word "structures," to insert a comma and the following:

of which amount not to exceed $5,000 shall be available toward the erection of a public comfort station and shelter on public land at Seventeenth Street and Pennsylvania Avenue SE., subject to contribution being made by a local street railway company in an amount of not less than $2,500 for expenditure by the Director of Public Buildings and Public Parks to meet part of the cost of this project.

The amendment was agreed to.

The next amendment was, on page 91, after line 21, to insert:

Not exceeding $2,000 of the appropriation contained in Public Act No. 688, Sixty-ninth Congress, making appropriation for the government of the District of Columbia for the fiscal year 1928 for general expenses, public parks, is hereby made available for the necessary alteration to the Franklin Park comfort station and storage yard, to permit the widening of Thirteenth Street NW. provided for in the District of Columbia appropriation act for the fiscal year 1928.

The amendment was agreed to.

The next amendment was, under the heading "National Capital Park and Planning Commission," on page 93, line 4, after the word "binding," to strike out "$600,000" and insert "$1,000,000"; and in line 6, after the word "than," to strike out "$150,000" and insert "$400,000," so as to make the paragraph read:

For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924, as amended, including not to exceed $100 for technical books and periodicals, not to exceed $40,530 for personal services in the District of Columbia in accordance with the classification act of 1923, and the act approved April 30, 1926 (44 Stat. L. 374), and not to exceed $3,500 for printing and binding, $1,000,000, to be immediately available and to remain available until expended: *Provided*, That not more than $400,000 of this appropriation shall be available for the purchase of sites without limitation as to price based on assessed value and that the purchase price to be paid for any site out of the remainder of the appropriation shall not exceed

the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value.

The amendment was agreed to.

The next amendment was, under the heading "National Zoological Park," on page 94, line 4, after the word "periodicals," to strike out "$180,250" and insert "$182,050," so as to make the paragraph read:

For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds, erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals; necessary employees; traveling and incidental expenses not otherwise provided for, including maintenance and operation of one motor-propelled passenger-carrying vehicle required for official purposes; not exceeding $2,500 for purchasing and supplying uniforms to park police, keepers, and assistant keepers; not exceeding $100 for the purchase of necessary books and periodicals, $182,050, no part of which sum shall be available for architect's fees or compensation.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments, except those passed over.

The reading of the bill was concluded.

COL. CARL L. ESTES—OUACHITA NATIONAL PARK

Mr. MAYFIELD. I ask unanimous consent to have published in the RECORD a telegram from Col. Carl L. Estes to the Senator from Arkansas [Mr. CARAWAY].

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

TYLER, TEX., *April 2, 1928.*

UNITED STATES SENATOR T. H. CARAWAY (ARKANSAS),
United States Senate, Washington, D. C.:

The presidents of the three Tyler banks and following ministers of the gospel in my home town sign this statement to-day: "We the undersigned ministers of the gospel in Tyler, Tex., unhesitantly state that Col. Carl Estes, newspaper man of this city, is a truthful, upright citizen and that you may depend upon what he says as being the absolute truth": Rev. C. M. Raby Marvin, Methodist Church; Rev. James Ulmer, First Christian Church; Rev. Robert Hill, First Presbyterian Church; Rev. J. T. McNew, First Baptist Church; Rev. W. N. Claybrook, Episcopal Church; Rev. Floyd Aten Bostick, Baptist Church; Rev. M. Faber, rabbi Temple Bethel; (Joseph M. Haddad, grand knight of the Knights of Columbus, signed this statement in the absence of Father Sampari, rector of the Catholic church) Gus F. Taylor, president Citizens' National Bank; Sam R. Greer, president Peoples' National Bank; C. J. Brogan, president Tyler State Bank & Trust Co., signed statements vouching for my truth and veracity. Please have this read into the RECORD, as the Associated Press in the Southwest leaves me branded as a liar. Please show to Senator MAYFIELD. Original statements with signatures mailed to you to-night. Man named Clark Greer was not in Secretary Work's office during the interview, as stated in press dispatches to-day. Remember, I stand ready to return at any moment. By all means hold on to that copy I gave you of the letter which Capt. J. F. Lucey, Hoover's campaign leader in Texas, wrote to Lawrence Richey, one of Mr. Hoover's aides there in Washington. We are going to need that thing very badly, unless I miss my guess.

COL. CARL L. ESTES.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE JAMES A. GALLIVAN

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, communicated to the Senate the intelligence of the death of Hon. JAMES A. GALLIVAN, late a Representative from the State of Massachusetts, and transmitted the resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The resolutions (H. Res. 157) were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 3, 1928.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES A. GALLIVAN, a Representative from the State of Massachusetts.

Resolved, That a committee of 22 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy hereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. WALSH of Massachusetts. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 187) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES A. GALLIVAN, late a Representative from the State of Massachusetts.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolution the Vice President appointed as the committee on the part of the Senate the senior Senator from Massachusetts [Mr. GILLETT], the junior Senator from Massachusetts [Mr. WALSH], the junior Senator from Vermont [Mr. DALE], the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Maryland [Mr. TYDINGS], and the junior Senator from Kentucky [Mr. BARKLEY].

Mr. WALSH of Massachusetts. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 4, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3 (legislative day of April 2), 1928

POSTMASTERS

CALIFORNIA

Jesse D. Myers, Arlington.
Nettie Fausel, Independence.
Belle B. Jenks, Willowbrook.

COLORADO

Frances Lessley, Granby.

IOWA

Eugene Owen, Allison.
George W. Goss, Blairstown.
James T. Bevan, Cascade.
Icea B. Wilcox, Dumont.
Chester A. Baker, Farley.
Roscoe I. Short, Hazleton.
George R. Hughes, Shellrock.
Wynema Bower, State Center.
Thompson C. Moffit, Tipton.

MAINE

Phoebe Stevens, Portage.

NEW MEXICO

Aurelia M. Gutierrez, Old Albuquerque.

NORTH CAROLINA

Walter W. Redman, Pilot Mountain.

NORTH DAKOTA

Edith M. Ericson, Underwood.

VIRGINIA

A. Ewing McMichael, Nokesville.

WYOMING

Richard M. Turner, Frontier.

HOUSE OF REPRESENTATIVES

TUESDAY, *April 3, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. TILSON.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, who wert and art and evermore shall be, bless us with all fullness of grace, might, and redemption. We are weak and full of doubts. Do Thou defend, guard, and be between them and our need. Never allow our steadfastness and confidence to abate. Overcome our fears, our tendencies, and our compromises, lest we be judged unfaithful to our sacred vows. Let no harsh or unwise word mar the good we might do here. In spite of old sins, old failures, and old sorrows, may all of us take new heart with this new day and begin again. We breathe our prayer of praise and gratitude to the God of our fathers.

We wonder what day of the week, we wonder what night of the year when the messenger shall call. He has come and one has answered the summons. He has fallen in the strength of his years. O God, we beseech Thee to bestow the blessings of peace and consolation upon all the sorrowing ones. So teach us to number the days that we may apply our hearts unto wisdom. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 359. An act authorizing the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park; and

H. R. 5721. An act authorizing E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at Augusta, Ky.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Laurence Hazard; and

H. R. 4117. An act for the relief of Harriet K. Carey.

The message further announced that the Senate had passed a joint resolution, a concurrent resolution, and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 97. Joint resolution authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress;

S. Con. Res. 13. Concurrent resolution to pay the necessary expenses of the joint committee appointed to represent Congress at the unveiling of the Stone Mountain Monument at Atlanta, Ga., on April 9, 1928;

S. 805. An act donating Revolutionary cannon to the New York State conservation department;

S. 2542. An act for the construction of a private conduit across Lincoln Road NE., in the District of Columbia; and

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928.

FILING OF CERTAIN REPORTS AND MINORITY VIEWS

Mr. COLE of Iowa. Mr. Speaker, I am under instructions from the Committee on Foreign Affairs to report out House Joint Resolution 259 this afternoon. I ask unanimous consent to be permitted to file the report up to midnight to-day.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to have until midnight to-day within which to file a report upon House Joint Resolution 259, from the Committee on Foreign Affairs. Is there objection?

There was no objection.

Mr. MORTON D. HULL. Mr. Speaker, I make a similar request with reference to filing the report upon House Joint Resolution 262.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CLARKE. Mr. Speaker, it is my understanding that the majority report upon the Haugen bill—H. R. 7940—was to be filed yesterday or will be filed to-day. I expect to be absent for a few days, and I ask unanimous consent to have five legislative days after the filing of the majority report in which to file my own personal minority views.

The SPEAKER pro tempore. Is there objection to the gentleman from New York?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, may I ask the gentleman from New York [Mr. SNELL] whether it is the purpose not to consider this legislation within the next five legislative days?

Mr. SNELL. Mr. Speaker, as a matter of fact, we do not know just when it will be considered, because the report has not yet been filed.

Mr. GARNER of Texas. And the gentleman would not want to grant five legislative days within which to file minority views if he were going to call up the legislation before that time? That is the reason I am asking now whether the gentleman expects to call it up within five legislative days.

Mr. SNELL. No arrangement has been made as yet, because the bill has not been reported. I do not know what they want to do. We expect to take the legislation up within a reasonable time.

Mr. GARNER of Texas. Then the gentleman would not let this unanimous request, if it be granted, stand in the way of considering the legislation if he saw proper to do so.

Mr. SNELL. I do not think it would be possible to take it up within five days, anyway.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Louisiana [Mr. ASWELL] spoke to me yesterday about this measure and the filing of minority views upon it. I do not see him in the Chamber at the moment, but while this consent is being granted I think it might be well to prefer a request that if he so desires he may have five legislative days within which to file minority views, including others who wish to join with him.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that if the gentleman from Louisiana [Mr. ASWELL] so desires, he and others who may wish to join with him may have five legislative days within which to file minority views. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I ask unanimous consent that the special orders in order to-day, and other business that would have been in order to-day, be in order on Thursday next. I make that request because of an announcement which will shortly be made.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the special orders and other business in order to-day may go over until Thursday next and be in order at that time. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, does that carry over Calendar Wednesday business?

Mr. SNELL. It has nothing to do with Calendar Wednesday business. That will come up to-morrow regularly.

Mr. CELLER. Mr. Speaker, reserving the right to object, I ask the gentleman whether or not the rule on the Newton bill provides under those circumstances that debate will continue on to Friday?

Mr. SNELL. It will be a continuing debate, of course.

DEATH OF REPRESENTATIVE JAMES A. GALLIVAN, OF MASSACHUSETTS

Mr. TREADWAY. Mr. Speaker, I send to the desk a resolution and ask for its immediate consideration.

The SPEAKER pro tempore. The gentleman from Massachusetts submits a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 157

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES A. GALLIVAN, a Representative of the State of Massachusetts.

Resolved, That a committee of 22 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of this resolution, and that the necessary expenses connected therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER pro tempore. The committee to attend the funeral will be selected and announced by the Speaker to-morrow.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now adjourn.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

ADJOURNMENT

The SPEAKER pro tempore. The House stands adjourned until to-morrow at 12 o'clock.

Thereupon (at 12 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 4, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, April 4, 1928, as reported to the floor leader by clerks of the several committees:

THE COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PARKS AND PLAYGROUNDS

(7 p. m., room 277)

To consider the bills on the committee calendar.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act," approved June 3, 1924 (H. R. 10710).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass. (H. R. 11922).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

Authorizing the paving of the Federal strip known as International Street, adjacent to Nogales, Ariz. (S. 2004).

Authorizing custodians and acting custodians of Federal buildings to administer oaths of office to employees in the custodian service (H. R. 12408).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the eradication of pink bollworm and authorizing an appropriation therefor (H. J. Res. 237).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To prohibit the sending and receipt of stolen property through interstate and foreign commerce (H. R. 10287).

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To amend section 127a, national defense act, as amended and approved June 4, 1920 (H. R. 11273).

EXECUTIVE COMMUNICATIONS, ETC.

425. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce, transmitting draft of a bill for the relief of A. Ogden Pierrot, a special temporary disbursing agent of the Department of Commerce, was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PORTER: Committee on Foreign Affairs. H. R. 12178. A bill to repeal Revised Statutes 1683 and part of title 22, section 32, of the United States Code; without amendment (Rept. No. 1122). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORTON D. HULL: Committee on Foreign Affairs. H. J. Res. 262. A joint resolution requesting the President to extend to the Republics of America an invitation to attend a Conference of Conciliation and Arbitration to be held at Washington during 1928 or 1929; without amendment (Rept. No. 1123). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. H. J. Res. 259. A joint resolution authorizing assistance in the construction of an inter-American highway on the Western Hemisphere; without amendment (Rept. 1124). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HUDSPETH: Committee on Claims. H. R. 2474. A bill for the relief of the San Francisco, Napa & Calistoga Railway; with amendment (Rept. No. 1120). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 11429. A bill granting six months' pay to Marjory Virginia Watson; without amendment (Rept. No. 1121). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOWARD of Oklahoma: A bill (H. R. 12660) authorizing an appropriation to reimburse the State of Oklahoma for moneys paid by it for the education of restricted Indian children in the public schools of said State; to the Committee on Indian Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12661) authorizing the President of the United States to present in the name of Congress a Congressional Medal of Honor to Capt. Edward V. Rickenbacker; to the Committee on Military Affairs.

By Mr. TARVER: A bill (H. R. 12662) to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park; to the Committee on Military Affairs.

By Mr. WILLIAMSON: A bill (H. R. 12663) to create a commission to investigate the issuance of fee-simple patents to Indians not applying therefor, and for other purposes; to the Committee on Indian Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12664) granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emery River at Suddaths Ferry, in Roane County, Tenn.; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 12665) granting a pension to Simon E. Riggleman; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 12666) for the relief of William S. Shacklette; to the Committee on Claims.

Also, a bill (H. R. 12667) for the relief of John W. Disney and Bertha A. B. Disney; to the Committee on Claims.

By Mr. MERRITT: A bill (H. R. 12668) for the relief of the State of Connecticut; to the Committee on War Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12669) granting an increase of pension to Samuel Inklebarger; to the Committee on Pensions.

Also, a bill (H. R. 12670) granting a pension to Ebb Hundley; to the Committee on Pensions.

Also, a bill (H. R. 12671) granting a pension to John L. Lawson; to the Committee on Pensions.

Also, a bill (H. R. 12672) granting a pension to Peter L. Turpin; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 12673) granting a pension to Lorena Bartle; to the Committee on Invalid Pensions.

By Mr. WINTER: Resolution (H. Res. 156) to pay George Hand, jr., son of George R. Hand, late clerk to Hon. CHARLES E. WINTER, a sum equal to six months' salary and $250 for funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6353. By Mr. AYRES: Petitions of citizens of El Dorado, Kans., in behalf of pension legislation favorable to Civil War veterans and widows; to the Committee on Invalid Pensions.

6354. By Mr. BROWNING: Petition from voters of Benton County, Tenn., urging that immediate steps be taken for the relief of Civil War widows and veterans; to the Committee on Invalid Pensions.

6355. By Mr. BOYLAN: Resolution adopted by New York State Federation of Women's Clubs, at the midwinter board meeting, favoring the passage of the Hawes-Cooper bill; to the Committee on Labor.

6356. By Mr. DRIVER: Petition signed by citizens of Clay County, Ark., urging the Congress to pass legislation for the relief of the Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6357. By Mr. HARDY: Petition by Dr. M. L. Rice, president Colorado Conference Seventh Day Adventists, containing 409 signatures, protesting passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

6358. By Mr. O'BRIEN: Petition of the citizens of Clarksburg, W. Va., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6359. Also, petition of the citizens of Buckhannon, W. Va., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

6360. By Mr. O'CONNELL: Petition of the New York State Federation of Women's Clubs, favoring the passage of the Cooper-Hawes bill; to the Committee on Labor.

6361. By Mr. MORROW: Petition of American Legion, Roswell, N. Mex., by William McCullough, State vice chairman, indorsing Tyson-Fitzgerald bill for retirement of disabled emergency officers of World War; to the Committee on World War Veterans' Legislation.

6362. By Mr. ROWBOTTOM: Petition of C. M. Partridge and practically every citizen in Rockport, Ind., that the bill increasing Civil War widows' pensions be enacted into a law at this session of Congress; to the Committee on Invalid Pensions.

6363. Also, petition of Theresa Elsassen and others, of Vanderburgh County, Ind., that the bill increasing Civil War widows' pensions be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

6364. By Mr. VINCENT of Michigan: Petition of sundry citizens of Saginaw County, Mich., in opposition to pending Sunday legislation; to the Committee on the District of Columbia.